

**ORDINANCE NO. 2023-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 144 ZONING SECTION 5.3-4; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

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**WHEREAS**, Chapter 211 of the Texas Local Government Code empowers a city to enact zoning regulations and provide for their administration, enforcement and amendment; and

**WHEREAS**, the City Council of the City of New Braunfels, Texas, deems it necessary and desirable to establish zoning regulations to provide for the orderly development of property within the City by governing the use of land in order to promote the public health, safety, morals and general welfare of the residents of the City; and

**WHEREAS**, the Comprehensive Plan, Envision New Braunfels, has multiple action items supporting updates that improve regulations, including Action Item 1.11: Update policies and codes to achieve development patterns that implement the goals of this plan; and Action Item 3.6: Pro-actively provide a regulatory environment that remains business and resident friendly.

**WHEREAS**, the City Council has directed that regulations dealing with the use and development of land be reviewed by the Planning Commission to make recommendations concerning improving those regulations; and

**WHEREAS**, the Planning Commission held a public hearing on September 6, 2023 and recommended approval of the proposed amendments; and

**WHEREAS**, the City Council held a public hearing on said amendments on October 9, 2023; and

**WHEREAS**, the City Council hereby finds and determines that regularly updating the code for clarification provides improved customer service and is in the best interest of the citizens of New Braunfels.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:**

## SECTION 1

THAT Chapter 144, Zoning, Section 5.3-4, Additional residential buffering requirements, is hereby amended with additions as underlined and deletions as stricken:

### 5.3-4. *Additional residential buffering requirements.*

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- (a) Residential setback. Where a non-residential building or a multifamily development of more than three units abuts a one- or two-family use or zoning district, the setback from the one- or two-family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.
- ~~(b) Where a non-residential building or a multifamily development is adjacent to residential uses or residential zoning outdoor audio or speakers are prohibited unless being used to provide ADA access at fuel pumps.~~
- ~~(c) Where a non-residential building or a multifamily development is adjacent to residential uses or residential zoning outside music is prohibited.~~
- ~~(d)~~ (b) Where a non-residential building or a multifamily development is adjacent to residential uses or residential zoning an additional 30-foot setback buffer will be required as separation between the residential property and any fuel pumps or fuel tanks.

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(Ord. No. 2012-49, § 1(Exh. A), 9-10-12; Ord. No. 2014-24, § 1, 3-24-14; Ord. No. 2015-53, §§ 1, 2, 10-26-15; Ord. No. 2015-56, §§ 1, 2, 10-26-15; Ord. No. 2018-21, § 2, 3-26-18; Ord. No. 2018-76, § 2, 11-12-18; Ord. No. 2020-19, § 1, 3-9-20; Ord. No. 2020-33, § 1, 4-27-20; Ord. No. 2023-06, § 7, 2-27-23)

## SECTION 2

it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

## SECTION 3

**THAT** all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

#### **SECTION 4**

**THAT** all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

#### **SECTION 5**

**THAT** in accordance with the provisions of the City Charter, this Ordinance may be read and published by descriptive caption only. This Ordinance has been publicly available in the office of the City Secretary prior to its adoption.

#### **SECTION 6**

**THIS** ordinance will take effect upon the second and final reading in accordance with the provisions of the Charter of the City of New Braunfels.

**PASSED AND APPROVED:** First reading this 9<sup>th</sup> day of October, 2023.

**PASSED AND APPROVED:** Second reading this 23<sup>rd</sup> day of October, 2023.

**CITY OF NEW BRAUNFELS**

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**NEIL LINNARTZ**, Mayor

**ATTEST:**

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**GAYLE WILKINSON**, City Secretary

**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO**, City Attorney