

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 144 ZONING, SECTION 5.12, AUTOMOBILE OR TRAILER SALES ROOMS OR YARDS OR SALES OF OUTDOOR MERCHANDISE; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

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 May 7, 2024 and recommended approval of the proposed amendment; and

WHEREAS, the City Council held a public hearing on said amendment on May 28, 2024; 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 5.12, Automobile or trailer sales rooms or yards or sales of outdoor merchandise, is hereby amended with additions as underlined and deletions as stricken:

Sec. 144-5.12. – Sale or rental of Automobiles, or trailers, and ~~sales rooms or yards or sales of~~ outdoor merchandise.

Vehicles or merchandise displayed or parked ~~outside the building~~ outdoors must be located ~~behind the property line of said~~ on private property and not in the public right-of-way. ~~In the case of a corner lot, n~~No vehicle or merchandise shall be displayed or parked within the ~~area embraced by the radius of the curb and a straight line drawn diagonally between the beginning points of the radius~~ Sight Distance and Visibility area requirement located in Section 144-5.3-1(b)(8). No outdoor merchandise taller than eight feet shall be located within five feet of the property line of a residence or residential district.

Vehicles or merchandise must be located on a paved surface with adequate parking as provided in section 144-5.1.

SECTION 2

THAT 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 28th day of May, 2024.

PASSED AND APPROVED: Second reading this 10th day of June, 2024.

CITY OF NEW BRAUNFELS

NEIL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

