

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 144 ZONING, SECTIONS 1.4 DEFINITIONS AND 5.21, GENERAL PROVISIONS AND EXCEPTIONS; USE, HEIGHT AND AREA REGULATIONS, TO INCLUDE STANDARDS FOR TRUCK STOPS; 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, includes action items supporting establishing standards for truck stops, including Action 1.3: Encourage balanced and fiscally responsible land use patterns. Action 1.8: Concentrate future investment in industrial and employment centers near existing and emerging hubs, such as the airport; and along existing high capacity transportation networks, such as Interstate Highway 35. Action 1.11: Update policies and codes to achieve development patterns that implement the goals of this plan. Action 3.2: Consider multiple factors for guiding community growth, such as our downtown and the natural environment. Action 3.3: Balance commercial centers with stable neighborhoods. Action 3.6: Pro-actively provide a regulatory environment that remains business and resident friendly. Action 3.17: Enact policies that dis-incentivize incompatible commercial encroachment into neighborhoods that whittle away at the edges, while still allowing for neighborhood scale commercial within walking distance of homes. Action 5.18: Work with local businesses to reduce exhaust pollutants from large transport and other commercial vehicles. Action 7.52: Identify, designate and enforce preferred truck routes, non-peak hour truck delivery times, and hazardous cargo routes to improve safety. Action 8.16: Create an environment that increases employment opportunities at all education and skill levels;

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 November 4, 2020 and recommended approval of the proposed ordinance amendments; and

WHEREAS, the City Council held a public hearing on said amendments on November 23, 2020; and

WHEREAS, the City Council hereby finds and determines that updating the provisions regulating truck stops is in the best interest of the citizens of New Braunfels, Texas.

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

SECTION 1

THAT Chapter 144, Zoning, Section 1.4 Definitions, is hereby amended with additions as underlined and deletions as strikeouts as follows:

Article I. - General Provisions.

Section 144-1.4. – Definitions

Buffer. An area of land used to physically and/or visually separate one use or lot from another.

Idling. The operation of an engine in the operating mode where the engine is not engaged in gear, where the engine operates at a speed at the revolutions per minute specified by the engine or vehicle manufacturer for when the accelerator is fully released, and there is no load on the engine.

Truck stop means an establishment engaged primarily in the fueling, servicing, repair, or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers, or restaurant facilities primarily for the use of truck crews. ~~Truck stops may only be located outside a two-mile radius of another truck stop.~~

SECTION 2

residential use including single-family, two-family, multifamily or a manufactured home park use.

2. Buffering.
 - i. A truck stop is not eligible for a residential buffer wall exemption adjacent land used or zoned for single-family and two-family development.
 - ii. The masonry wall requirement in subsection 144-533-2(h) is required adjacent all residential development, including multifamily and manufactured home park.
 - iii. In addition to the masonry wall requirement in subsection 144-5.3-2(h), the following landscape materials are required in lieu of other residential landscape buffer standards.
 1. A minimum of one shade tree, 3-inches in caliper, per 15 linear feet of the property line shared with the residential property is required and trees must be planted evenly spaced. The trees shall be any of the shade species described in Appendix A.
 2. A minimum of one 24-inch-tall shrub for every linear 5 linear feet of the property line shared with the residential property is required and shrub plantings must be evenly spaced. The shrubs shall be any of the shrub species described in Appendix A.
3. Idling.
 - iv. Overnight truck idling is prohibited within the city limits. No person shall allow the primary propulsion engine of a motor vehicle to idle for more than five (5) consecutive minutes when the motor vehicle is not in motion.
 - v. If a truck stop is to provide overnight parking facilities, signage indicating overnight idling is prohibited must be submitted at the time of building permit for approval.
 1. Signage must be located at the entrance of overnight parking lots in a visible manner to truck drivers.
4. Property within 300 feet of water as defined in the Texas Water Code may not be used for a truck stop.
5. Truck stops shall not be allowed over an aquifer recharge zone or contributing zone.

SECTION 4

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 5

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 6

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

SECTION 7

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 8

THAT this Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office.

PASSED AND APPROVED: First reading this the 23rd day of November, 2020.

PASSED AND APPROVED: Second reading this the 14th day of December, 2020.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney