

ORDINANCE NO. 2017-

AN ORDINANCE OF THE CITY COUNCIL CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 144, ZONING, TO INCLUDE CREMATORIUM AS AN ALLOWABLE USE IN THE “M-1A” LIGHT INDUSTRIAL, AND “M-2A” HEAVY INDUSTRIAL DISTRICTS, AND RELATED DEFINITIONS; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels, Texas, finds it necessary to establish rules and regulations governing the use of land in the city limits; and

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 12, 2017 and recommends approval of including “crematorium” as an allowable use and of including a related definition; and

WHEREAS, the City Council finds that adopting new regulations for crematorium enhances the ability of the funeral and death care industry to meet the needs 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 1.3, Definitions, is hereby amended as follows:

Cemetery means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes including columbarium's, ~~crematoriums~~, mausoleums, and funeral establishments, when operated in conjunction with and within the boundary of such cemetery.

Crematorium (also known as a crematory) means a facility used for the purification and reduction of bodies by fire.

SECTION 2

THAT Chapter 144, Zoning, is hereby amended by adding “Crematorium” to the following zoning districts and Sec. 4.2, Land Use Matrix:

Section 3.4-18, “M-1A” Light Industrial District;
Section 3.4-19, “M-2A” Heavy Industrial District;

and included in Section 4.2, Land Use Matrix, for the above districts

SECTION 3

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 4

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 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

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. This Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

SECTION 7

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 the 9th day of October, 2017.

PASSED AND APPROVED: Second and Final Reading this the 23rd day of October, 2017.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney