

**ORDINANCE NO. 2017-**

**AN ORDINANCE OF THE CITY COUNCIL CITY OF NEW BRAUNFELS, TEXAS,  
AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 144,  
ZONING, SECTION 3.3-8 "C-2" CENTRAL BUSINESS DISTRICT, NON-RESIDENTIAL  
REAR SETBACK; REPEALING ALL ORDINANCES IN CONFLICT; 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 October 4, 2017 and recommends approval of changing the non-residential rear setback; and

**WHEREAS**, the City Council finds that adopting new regulations for the non-residential rear setback in C-2 enhances the ability of property owners to develop their land; **now therefore**,

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

**SECTION 1**

**THAT** Chapter 144, Zoning, Section 3.3-8 "C-2" Central Business District, (b) Maximum Height, Minimum Area and Setback Requirements, (1) Non-Residential Uses, (vi) Rear Building Setback, is hereby amended as follows:

*Rear building setback. ~~20 feet~~ No building setback is required.*

**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**THAT**, all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.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**THAT** all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.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**

**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 9<sup>th</sup> day of October, 2017.

**PASSED AND APPROVED:** Second and Final Reading this the 23<sup>rd</sup> 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**