

ORDINANCE NO. 2025-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 144 ZONING SECTION 2.1; 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 Items 1.11: Update policies and codes to achieve development patterns that implement the goals of this plan; 3.6: Proactively provide a regulatory environment that remains business and resident-friendly; and

WHEREAS, the City of New Braunfels Strategic Plan has multiple objectives in the Economic Mobility and Organizational Excellence Strategic Priorities supporting updates that improve regulations; and

WHEREAS, the state of Texas enacted HB 24 in 2025 modifying certain rezoning notice and voting procedures requiring the City to update its Zoning Ordinance accordingly; 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 November 5, 2025, and recommended approval of the proposed amendments; and

WHEREAS, the City Council held a public hearing on said amendments on November 24, 2025; 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, Article II, Section 2.1 is hereby amended with additions as underlines and deletions as strikeouts as follows:

Chapter 144 – Zoning

ARTICLE II. – ZONING PROCEDURES AND ADMINISTRATION

Sec. 144-2.1. – Changes and zoning amendments.

2.1-2. *Procedure before the planning commission.*

- (a) *Public hearing and notification.* Public hearing, notification and signage shall be processed in accordance with the provisions of Texas Local Government Code Chapter 211. ~~The planning commission shall hold a public hearing on all proposed zoning changes and text amendments. Written notices of all such public hearings shall be sent by the planning and community development department to all owners of real property within 200 feet of the property on which the change is proposed. Such notices shall be sent not less than ten days before the day set for hearing to all such owners who have rendered their said property for city taxes as the ownership appears on the last approved city tax roll. Such notice may be served by depositing the same properly addressed and first class postage paid in the city post office. If the property lying within 200 feet of the property proposed for a zoning change is located in territory which was annexed to the city and is not included on the most recently approved city tax roll, notice to such owners shall be given by publication once in a newspaper of general circulation in the city at least 15 days prior to the hearing. Notice shall state the time and place of such hearing. In addition to the written and published notification, a zoning pending change sign shall be placed adjacent to each public street or right-of-way abutting the subject property or if the property does not front a public street or right-of-way, adjacent to the closest public street or right-of-way, located in the middle of the frontage, and within three feet of the curb or pavement, or as prescribed by the planning and community development department at the time of application. One sign shall be required for the first 100 feet of frontage of the tract, and, thereafter, one additional sign for every 200 feet of frontage, or fraction thereof, except that not more than three signs shall be required on each roadway frontage. If the tract has less than 200 feet of frontage per roadway, then only one sign is required per road. All signs shall be clearly visible to the public from the adjacent public streets. The applicant shall post the sign(s) at least 15 days prior to the planning commission's meeting and maintain said sign(s) in good condition and in place until final action by city council. If the sign(s) is not posted 15 days prior to the planning commission hearing, the applicant's case shall be withdrawn and rescheduled. In the event that a sign(s) is removed from the property or damaged, the applicant~~

~~shall be responsible for purchasing a replacement sign(s) and installing it immediately.~~ The sign(s) shall be furnished by the city and a fee shall be charged the applicant per appendix D of this Code.

2.1-3. *Procedure before City Council.*

- (b). *Protests.* Protests shall be processed in accordance with the provisions of Texas Local Government Code Chapter 211.~~In accordance with the provisions of W.T.S.A.C., Local Government Code §-211.006 (commonly referred to as the "20 percent rule" if a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three fourths of all members of the governing body (city council). The protest must be written and signed by the owners of at least 20 percent of either: the area of the lots or land covered by the proposed change; or the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.~~

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.

PASSED AND APPROVED: First reading this 24th day of November 2025.

PASSED AND APPROVED: Second reading this 8th day of December 2025.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney