

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 144 ZONING SECTION 1.4 and SECTION 5.1; 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 Item 3.10 Change zoning/land use and platting rules and create permit and tax fee incentives in underutilized neighborhoods, nodes and corridors to encourage redevelopment, 3.13 Cultivate an environment where a healthy mix of different housing products at a range of sizes, affordability, densities, amenities and price points can be provided across the community as well as within individual developments, and 3.16 Review and revise regulations that inadvertently inhibit creative housing options or workforce housing alternatives.

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 June 1, 2021 and recommended approval of the proposed amendments; and

WHEREAS, the City Council held a public hearing on said amendments on June 28, 2021; 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 1.4 Definitions, is hereby amended with additions as underlined and deletions as stricken:

Sec. 144-1.4. - Definitions.

For the purpose of this chapter, certain words and terms as used herein are defined as follows:

Words used in the present tense include the future; words in the singular number include the plural, and vice versa; the word "building" includes the word "structure;" the word "shall" is mandatory and not directory; the term "used for" includes the meaning "designed for" or "Intended for"

Efficiency apartment or unit means a dwelling unit consisting of a single room for cooking, eating, sleeping and living, and a separate room for bath and toilet facilities, also referred to as a studio apartment or unit.

(Ord. No. 2012-49, § 1(Exh. A), 9-10-12; Ord. No. 2016-75, § 1, 12-12-16; Ord No. 2017-06, § 1, 1-9-17; Ord. No. 2017-77, § 1, 10-23-17; Ord. No. 2017-78, § 1, 10-23-17; Ord. No. 2018-21, § 2, 3-26-18; Ord. No. 2018-76, § 1, 11-12-18; Ord. No. 2019-78, § 1, 11-11-19; Ord. No. 2020-20, § 1, 3-9-20; Ord. No. 2020-78, § 1, 12-14-20)

Editor's note— Ord. No. 2018-21, § 2, adopted March 26, 2018, redesignated the former section 144-1.3 as section 144-1.4. The historical notation has been preserved for reference purposes.

SECTION 2

THAT Chapter 144, Zoning, Section 5.1, Parking, loading, stacking and vehicular circulation is hereby amended with additions as underlined and deletions as stricken:

5.1-3. Schedule of required spaces.

- (c) For each structure designed for any of the following uses, or for any like use, no less than the number of parking spaces required shall be provided according to the following schedule:

PERMITTED USE	MINIMUM VEHICLE SPACES
Adult care facility	One for each two employees or staff members, PLUS One space for each five adults for which the facility is licensed by the state
Ambulance service	One for each 400 sq. ft. of gross floor area
Amphitheaters	One for each four persons based on maximum occupancy capacity
Amusement parks	One for each 600 sq. ft. of outdoor recreation area, and 1 for each 400 sq. ft. of indoor recreation area
Amusement services	One for each 200 sq. ft. of gross floor area
Animal grooming shops	One for each 400 sq. ft. of gross floor area
Antique shops	One for each 400 sq. ft. of gross floor area
Apartments	Two-bedroom apartment or unit Two
	One-bedroom apartment or unit One and one-half
	Efficiency/ Studio Apartment or unit One and one-tenth
	Each additional bedroom One-half
	Each dwelling unit provided exclusively for low income elderly occupancy Three-fourths ("Low income elderly" is defined as any person 55 years of age or older with low or moderate income, according to HUD standards)
Archery ranges	One for each 600 sq. ft. of outdoor recreation area, and One for each 400 sq. ft. of indoor recreation area
Arenas	One for each four persons based on maximum occupancy capacity
Art dealer/gallery	One for each 400 sq. ft. of gross floor area
Artist or artisans studio	One for each 400 sq. ft. of gross floor area
Assisted living/retirement homes	One for each four employees, and One for each four patient beds, and One for each staff doctor

(Ord. No. 2012-49, § 1(Exh. A), 9-10-12; Ord. No. 2016-75, § 2, 12-12-16; Ord. No. 2017-80, § 2, 10-23-17; Ord. No. 2018-21, § 2, 3-26-18; Ord. No. 2019-78, § 3, 11-11-19)

SECTION 3

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

SECTION 6

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 7

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,June 28, 2021

PASSED AND APPROVED: Second reading this the.....July 12, 2021

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney