

Legislation Details (With Text)

| | | | |
|-----------------------|---|----------------------|--------------------|
| File #: | 24-767 | Name: | |
| Type: | Ordinance | Status: | Consent Item Ready |
| File created: | 5/30/2024 | In control: | City Council |
| On agenda: | 6/10/2024 | Final action: | |
| Title: | Approval of the second and final reading of an ordinance to amend the City's Code of Ordinances Chapter 144 Zoning, Section 5.12, Automobile or trailer sales rooms or yards or sales of outdoor merchandise. | | |
| Sponsors: | | | |
| Indexes: | | | |
| Code sections: | | | |
| Attachments: | 1. Draft Ordinance Section 5.12 | | |

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

PRESENTER:

Jean Drew, AICP, Planning and Development Services Assistant Director

SUBJECT:

Approval of the second and final reading of an ordinance to amend the City's Code of Ordinances Chapter 144 Zoning, Section 5.12, Automobile or trailer sales rooms or yards or sales of outdoor merchandise.

DEPARTMENT: Planning & Development Services

COUNCIL DISTRICTS IMPACTED: All

BACKGROUND INFORMATION:

Staff Contact: Mary Lovell, CNU-A, Sr. Planner
(830) 221-4051
mlovell@newbraunfels.gov

The City Council held a public hearing on May 28, 2024, and unanimously approved the first reading of the ordinance (7-0-0).

The City has received complaints from concerned residents about commercial moving companies parking and storing their trucks, vans, and trailers on the streets in front of homes. The negative impacts include, but are not limited to, detracting from the residential character and tranquility of neighborhoods, and reducing available on-street parking within neighborhoods. At their meeting on January 16, 2024, City Council directed staff to bring forward modifications to the City's Code of Ordinances to address the issues and concerns. Staff has identified two different chapters of the city code that would require edits.

ISSUE:

New Braunfels Code of Ordinances Chapter 144 Zoning requires that vehicles or trailer *sales* shall be contained within the respective business' property. The purpose of this section is to provide for the safe display, parking, and storage of vehicle inventory and to minimize negative impacts on pedestrians using sidewalks, on drivers

utilizing adjacent roadways, and on nearby uses. However, this section of code does not include vehicle or trailer *rentals* in the standards. This has resulted in no requirements for commercial vehicle rental uses to contain all their inventory on private property, allowing for “spill-over” into the public street, impacting pedestrian and motorist safety and negatively impacting any nearby residences or other conflicting uses.

(Additionally, Chapter 126 Traffic & Vehicles, which will be covered in a separate agenda item/report/ordinance, includes a provision that disallows the parking of certain sized commercial vehicles on any public street *that is zoned residential*. While the intent of this ordinance was to protect residences, it does not take into account homes that exist in commercial or industrial zoning districts, or when property across the street from homes might be zoned commercial or industrial; resulting in the parking of commercial motor vehicles in close proximity to residences in certain areas. This wording needs to be revised for clarity 1) since streets are not zoned, 2) to ensure protection of both sides of streets in residential neighborhoods, and 3) to address instances where cumulative zoning has resulted in houses within commercial and industrial zoning districts.)

Envision New Braunfels:

This ordinance amendment would be consistent with the following actions from Envision New Braunfels:

- **Action 1.3:** Encourage balanced and fiscally responsible land use patterns.
- **Action 1.11:** Update policies and codes to achieve development patterns that implement the goals of this plan.
- **Action 3.6:** Proactively 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 7.8:** Enhance pedestrian quality of the City by limiting the realm of the automobile.

STRATEGIC PLAN REFERENCE:

☐Economic Mobility ☒Enhanced Connectivity ☐Community Identity
☐Organizational Excellence ☒Community Well-Being ☐N/A

Enhanced Connectivity: Collaborate with governmental partners to improve transportation access and connections throughout the region.

Community Well-Being: Look for opportunities to reconnect the community by mitigating highways, waterways and other transportation facilities that create barriers to community connectivity.

FISCAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends amending Section 144-5.12 so that the requirement for containing all vehicle inventory applies to vehicle rental-type uses as well as vehicle sales uses. Staff also recommends providing a direct reference to the sight distance and visibility requirements for safety at intersections of streets, alleys and driveways currently located in Section 144-5.3-1(b)(8).

Concurrent revisions to the aforementioned Chapter 126 are part of a separate agenda item.

The Planning Commission held a public hearing on May 7, 2024, and unanimously recommended approval (6-0-0).

Resource links:

Chapter 144-5.12 Automobile or trailer sales rooms or yards or sales of outdoor merchandise.
[https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?
nodeId=PTIICOR_CH144ZO_ARTVDEST_S144-5.12AUTRSAROYASAOUME](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH144ZO_ARTVDEST_S144-5.12AUTRSAROYASAOUME)