

**ORDINANCE NO. 2019- 01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 144, ZONING, AMENDING SECTION 4.2 USE MATRIX; AND AMENDING SECTION 5 TO ADD SECTION 5.27 BULK STORAGE; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

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**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 administration thereof; and

**WHEREAS**, the Planning Commission held a public hearing on December 4, 2018 and recommends approval of amendments to the use matrix and bulk storage requirements; and

**WHEREAS**, the City Council finds that adopting updated regulations for bulk storage are required to be consistent with state statute, which 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 4.2 Use Matrix, is hereby amended as shown below:



## SECTION 2

THAT Chapter 144, Zoning, Section 5 Development Standards, is hereby amended by adding Section 5.27 Bulk storage as shown below:

### Sec. 5. Development Standards.

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#### 5.27 Bulk storage

5.27-1 Applicability. Bulk storage of fuel and flammable liquids is as defined in Sec. 1.3.

5.27-2 Retail Sales. Pursuant to Chapter 753 of the State of Texas Health and Safety Code, flammable liquids may not be stored at a retail service station in a tank that has a gross capacity of more than 60 gallons above the surface of the ground. The individual or combined capacity or size of an underground flammable liquid tank at a retail service station may not be limited, however other state and local regulations concerning the location and construction of underground storage of flammable liquids or fuels still governs.

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## 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 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. 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.

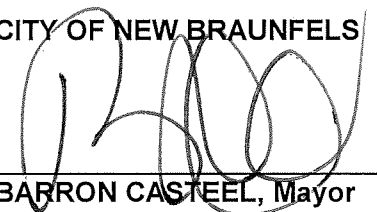
**SECTION 8**

**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 10<sup>th</sup> day of December, 2018.

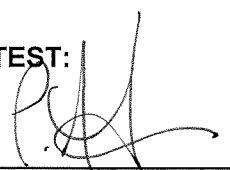
**PASSED AND APPROVED:** Second and Final Reading this the 14<sup>th</sup> day of January, 2019.

**CITY OF NEW BRAUNFELS**



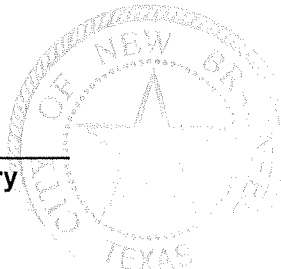
**BARRON CASTEEL, Mayor**

**ATTEST:**

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**PATRICK D. ATEN, City Secretary**



**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO, City Attorney**