

ORDINANCE NO. 2019- 78

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, DEFINITIONS, 2.4, ENFORCEMENT AND ADMINISTRATION, AND ADDING SECTION 144-5.1-4, PARKING AND STORAGE OF CERTAIN VEHICLES, 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 has deemed it necessary and desirable to adopt zoning regulations to provide for the orderly development of property within the City in order to promote the public health, safety, morals and general welfare of the residents of the City, and

WHEREAS, the Planning Commission and the City Council have determined that a need exists to regulate the parking and storage of certain vehicles within residentially zoned districts; 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 City of New Braunfels' Planning Commission held a public hearing on October 2, 2019, and recommended approval of the proposed amendment regarding the parking and storage of certain vehicles in residentially zoned districts; and

WHEREAS, the City Council held a public hearing on said amendment regarding the parking and storage of certain vehicles in residentially zoned districts on October 28, 2019; and

WHEREAS, the City Council hereby finds and determines that it is against public policy to allow parking and storage of certain vehicles in residentially zoned districts; and

WHEREAS, the City Council hereby finds and determines that allowing the parking and storage of certain vehicles in residentially zoned districts adversely affects the property values of neighboring residential properties; and

WHEREAS, the City Council hereby finds and determines that the parking and storage of certain vehicles is more appropriately restricted to commercial districts; and

WHEREAS, the City Council has determined it to be in the public interest to adopt to the regulations as presented to the City's Planning Commission, and which promotes the health, safety, morals, and general welfare and protects the use and



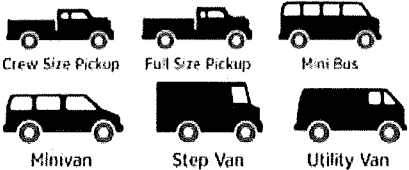
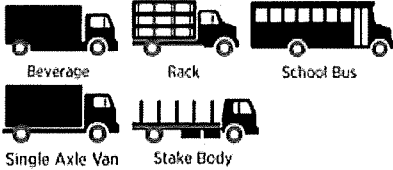

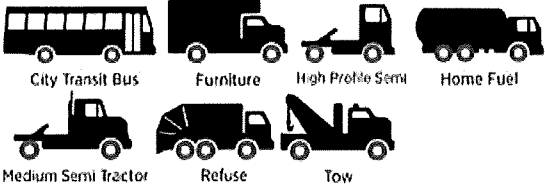
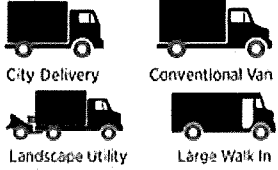
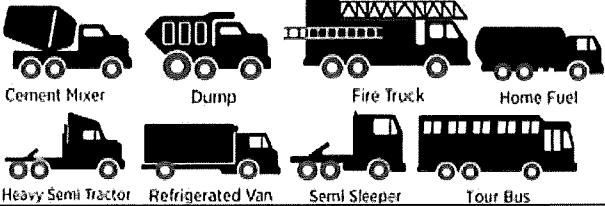
enjoyment of property throughout the City, which is in the best interest of the citizens of New Braunfels, Texas.

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 as follows:

Oversized Vehicle means any vehicle designated as Class 6, Class 7 or Class 8 vehicles as illustrated herein, including but not limited to the following designated vehicles: dump trucks, truck-tractors, tractor-trailers, semi-trailers, 18-wheelers, concrete mixing trucks, buses, or other similar vehicles. The weights referenced in the table are a vehicle's maximum gross weight or maximum load carrying capacity as set forth in the vehicle's registration or as designated by the vehicle manufacturer, whichever amount is greater. Oversized Vehicle shall include the aforementioned vehicles that can be used or modified for sleeping. The term shall exclude recreational vehicles as defined in Chapter 144.

Class 1: 6,000 pounds or less 	Class 5: 16,001 to 19,500 pounds 
Class 2: 6,001 to 10,000 pounds 	Class 6: 19,501 to 26,000 pounds 
Class 3: 10,001 to 14,000 pounds 	Class 7: 26,001 to 33,000 pounds 
Class 4: 14,001 to 16,000 pounds 	Class 8: 33,001 pounds and over 

Park, parking or store, when prohibited, means the standing of an Oversized Vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in the loading or unloading of merchandise or passengers.

Planning director means the Director of the Planning and Community Development Department or his/her designee.

Planning and community development director means the Director of the Planning and Community Development Department or his/her designee.

SECTION 2.

THAT, Chapter 144, Zoning, Section 2.4, Enforcement and Administration, is hereby amended as follows:

- 2.4-1. ~~Planning director.~~ Except as otherwise provided in this chapter, ~~t~~The planning director or his/her designee shall administer and enforce this chapter, including the receiving of applications, the inspection of premises and the issuing of building permits and certificates of occupancy. No building permit or certificate of occupancy shall be issued except if the provisions of this chapter, and other pertinent adopted codes and ordinances, have been complied with.

SECTION 3.

THAT, Chapter 144, Zoning, Section 5.1-4, Parking and Storage of Certain Vehicles, is hereby added as follows:

Sec. 5.1-4. Parking and Storage of Certain Vehicles.

(a) Parking, standing or storing of vehicles as described below in Residential Districts.

(1) It shall be unlawful for any person or owner to allow to park, stand or store any Oversized Vehicle upon any private premises, private street, private alley, private parkway, vacant or undeveloped lot/land, or public place within a Residential District of the City of New Braunfels.

(2) This section shall not prevent the parking or standing of the above described vehicles in such areas for the purpose of expeditiously loading and unloading of passengers, freight, merchandise or property; nor prevent the parking of any such vehicles owned and operated for the normal course of business operations in any permitted non-residential use, such as farms, churches, daycare centers and school district facilities.

(3) Provided further, that this subsection shall not apply to street construction, maintenance and repair equipment trucks, rollers and implements, or to trucks, equipment, trailers and vehicles used by any public service utility companies, the

city or its contractors engaged in repairing or extending public service utilities, providing city services or as engaged in an active permitted construction project.

SECTION 4

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 5

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 6

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

SECTION 7

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 8

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 the 28th day of October, 2019.

PASSED AND APPROVED: Second reading this the 11th day of November, 2019.

CITY OF NEW BRAUNFELS, TEXAS

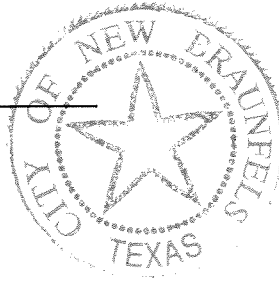
BY: _____


BARRON CASTEEL, Mayor

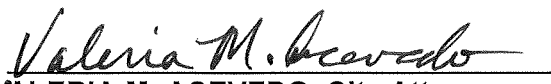
ATTEST:



PATRICK D. ATEN, City Secretary



APPROVED AS TO FORM:



VALERIA M. ACEVEDO, City Attorney