

**ORDINANCE NO. 2024-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 144 ZONING, SECTION 3.3; SECTION 3.4; SECTION 4.2; SECTION 5.1; AND SECTION 5.17; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

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**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 1.11: Update policies and codes to achieve development patterns that implement the goals of this plan; Action 2.1: Sustain community livability for all ages and economic backgrounds; Action Item 3.6: Pro-actively provide a regulatory environment that remains business and resident friendly, Action 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, Action 3.15: Incentivize home development that is affordable and close to schools, jobs and transportation, Action 3.16: Review and revise regulations that inadvertently inhibit creative housing options or workforce housing alternatives and Action 3.31: Adopt policies and ordinances supportive of workforce housing creating opportunities that make investment in workforce housing more feasible for private and nonprofit developers.

**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 is engaged in a project to update the development-related ordinances known as the Land Development Ordinance (LDO), in accordance with the Comprehensive Plan, Envision New Braunfels; and

**WHEREAS**, several topics of these amendments have been discussed by the LDO Citizens Advisory Committee, Technical Advisory Committee, and the City's Workforce Housing Advisory Committee; and

**WHEREAS**, the City Council heard a briefing at their regular meeting on November 28, 2022 and directed staff to proceed with amendments ahead of the LDO project; and

**WHEREAS**, the Planning Commission held a public hearing on November 7, 2023, and recommended approval of the proposed amendments; and

**WHEREAS**, the City Council held a public hearing on said amendments on February 12, 2024; 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 III Zoning Districts, Section 3.3 Zoning districts and regulations for property zoned prior to June 22, 1987, is hereby amended with additions as underlines and deletions as strikeouts as follows:

**Sec. 144-3.3. Zoning districts and regulations for property zoned prior to June 22, 1987.**

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3.3-2. *"R-2" single-family and two-family district.* The following regulations shall apply in all "R-2" districts:

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(b) *Maximum height, minimum area and setback requirements.*

(1) *One-family and duplex dwellings.*

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- (vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet., ~~provided that where a lot has less width than herein required, and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling.~~ The purpose of the width and depth requirements is to provide guidance and standards for the development of new duplex lots and shall not be used as a factor to determine if existing lots that otherwise meet the minimum lot size herein shall allow the construction of a duplex.
- (vii) *Lot area.* Minimum 6,600 square feet for interior lots, and 7,000 square feet for corner lots. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall not prohibit the erection of a one-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one-half acre or one acre on the Edwards Aquifer Recharge Zone.
- (viii) *Lot depth.* Minimum of 100 feet. The purpose of the width and depth requirements is to provide guidance and standards for the development of new duplex lots and shall not be used as a factor to determine if existing lots that otherwise meet the minimum lot size herein shall allow the construction of a duplex.

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3.3-3. "R-3" multifamily district. The following regulations shall apply in all "R-3" districts:

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(b) *Maximum height, minimum area and setback requirements.*

(1) *One-family and duplex dwellings.*

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- (vi) *Width of lot.* Interior lots 60 feet. Corner lots 70 feet. ~~Where a lot has less width than herein required, and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling.~~ The purpose of the width and depth requirements is to provide guidance and standards for the development of new duplex lots and shall not be used as a factor to determine if existing lots that otherwise meet the minimum lot size herein shall allow the construction of a duplex.
- (vii) *Lot area.* Minimum 6,600 square feet for interior lots, and 7,000 square feet for corner lots, provided that where a lot has less area than herein required and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling. Where public or community sewer is not available and in use, for the disposal of all sanitary sewage, each lot shall provide not less than one-half acre and one acre on the Edwards Aquifer Recharge Zone.
- (viii) *Lot depth.* Minimum of 100 feet. The purpose of the width and depth requirements is to provide guidance and standards for the development of

new duplex lots and shall not be used as a factor to determine if existing lots that otherwise meet the minimum lot size herein shall allow the construction of a duplex.

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3.3-4. "B-1" conventional and mobile home district. The following regulations shall apply in all "B-1" districts:

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(b) *Maximum height, minimum area and setback requirements.*

~~(1) One-family dwelling.~~

~~(i) Height. 35 feet.~~

~~(ii) Front building setback. 25 feet.~~

~~(iii) Side building setback. There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.~~

~~(iv) Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in section 144-5.1-1.)~~

~~(v) Rear building setback. 20 feet.~~

~~(vi) Width of lot. Interior lots 60 feet. Corner lots 70 feet. Where a lot has less width than herein required, and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling.~~

~~(vii) Lot area per family. Every single-family dwelling hereafter erected or altered shall provide a lot area of not less than 6,600 square feet per dwelling for interior lots, and 7,000 square feet per dwelling for corner lots, provided that where a lot has less area than herein required and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling. Where public or community sewer is not available and in use, for the disposal of all sanitary sewage, each lot shall provide not less than one-half acre and one acre on the Edwards Aquifer Recharge Zone.~~

~~(viii) Lot depth. 100 feet.~~

~~(ix) *Parking.* Two off-street parking spaces shall be provided for each one-family detached dwelling. See section 144-5.1 for other permitted uses' parking.~~

~~(2) *Duplexes.*~~

~~(i) *Height.* 35 feet.~~

~~(ii) *Front building setback.* 25 feet.~~

~~(iii) *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.~~

~~(iv) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Section 144-5.1-1.)~~

~~(v) *Rear building setback.* 20 feet.~~

~~(vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet, provided that where a lot has less width than herein required, and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling.~~

~~(vii) *Lot area per family.* Two-family dwellings (duplexes) hereafter erected or altered shall have a lot area of not less than 8,000 square feet for an interior lot and 8,500 square feet for a corner lot. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall prohibit the erection of a two-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one acre and approved by the city sanitarian.~~

~~(viii) *Lot depth.* 100 feet.~~

~~(ix) *Parking.* Two off-street parking spaces shall be provided for each two-family dwelling unit. See section 144-5.1 for other permitted uses' parking.~~

(1) *One-family and duplex dwellings.*

(i) *Height.* 35 feet.

(ii) *Front building setback.* 25 feet.

(iii) *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines

of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.

(iv) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in section 144-5.1-1.)

(v) *Rear building setback.* 20 feet.

(vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet. The purpose of the lot width and depth requirements is to provide guidance and standards for the development of new duplex lots and shall not be used as a factor in determining if existing lots that otherwise meet the minimum lot size herein shall allow construction of a duplex.

(vii) *Lot area.* Minimum 6,600 square feet for interior lots, and 7,000 square feet for corner lots. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall not prohibit the erection of a one-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one-half acre or one acre on the Edwards Aquifer Recharge Zone.

(viii) *Lot depth.* Minimum of 100 feet. The purpose of the lot width and depth requirements is to provide guidance and standards for the development of new duplex lots and shall not be used as a factor in determining if existing lots that otherwise meet the minimum lot size herein shall allow construction of a duplex.

(ix) *Parking.* See section 144-5.1.

~~(3-2)~~ *Multifamily dwellings.*

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3.3-7. "C-1" local business district. The following regulations shall apply in all "C-1" districts:

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(b) *Maximum height, minimum area and setback requirements.*

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~~(2) *One-family dwellings.*~~

~~(i) *Height. 35 feet.*~~

~~(ii) *Front building setback. 25 feet.*~~

- ~~(iii) *Rear building setback.* 20 feet.~~
- ~~(iv) *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.~~
- ~~(v) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in section 144-5.1-1.)~~
- ~~(vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet, provided that where a lot has less width than herein required, and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling.~~
- ~~(vii) *Lot area.* 6,600 square feet per family for interior lots, and 7,000 square feet per family for corner lots. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall not prohibit the erection of a one-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one-half acre and one acre on the Edwards Aquifer Recharge Zone.~~
- ~~(viii) *Lot depth.* 100 feet.~~
- ~~(ix) *Parking.* Two off-street parking spaces shall be provided for each one-family detached dwelling. See section 144-5.1 for other permitted uses' parking.~~
- ~~(3) *Duplexes.*~~
  - ~~(i) *Height.* 35 feet.~~
  - ~~(ii) *Front building setback.* 25 feet.~~
  - ~~(iii) *Rear building setback.* 20 feet.~~
  - ~~(iv) *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.~~

- ~~(v) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in section 144-5.1-1.)~~
- ~~(vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet.~~
- ~~(vii) *Lot area.* Duplexes hereafter erected or altered shall have a lot area of not less than 8,000 square feet for an interior lot and 8,500 square feet for a corner lot. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall prohibit the erection of a two-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one acre and approved by the city sanitarian.~~
- ~~(viii) *Lot depth.* 100 feet.~~
- ~~(ix) *Parking.* Two off-street parking spaces shall be provided for each two-family dwelling unit. See section 144-5.1 for other permitted uses' parking.~~
- (2) *One-family and duplex dwellings.*
  - (i) *Height.* 35 feet.
  - (ii) *Front building setback.* 25 feet.
  - (iii) *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.
  - (iv) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in section 144-5.1-1.)
  - (v) *Rear building setback.* 20 feet.
  - (vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet. The purpose of the lot width and depth requirements is to provide guidance and standards for the development of new duplex lots and shall not be used as a factor in determining if existing lots that otherwise meet the minimum lot size herein shall allow construction of a duplex.



(vii) Lot area. Minimum 6,600 square feet for interior lots, and 7,000 square feet for corner lots. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall not prohibit the erection of a one-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one-half acre or one acre on the Edwards Aquifer Recharge Zone.

(viii) Lot depth. Minimum of 100 feet. The purpose of the lot width and depth requirements is to provide guidance and standards for the development of new duplex lots and shall not be used as a factor in determining if existing lots that otherwise meet the minimum lot size herein shall allow the construction of a duplex.

(ix) Parking. See section 144-5.1.

(43) Multifamily dwellings.

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3.3-8. "C-2" general business district. The following regulations shall apply in all "C-2" district

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(b) Maximum height, minimum area and setback requirements.

\*\*\*\*\*

~~(2) One-family dwellings:~~

~~(i) Height. 45 feet.~~

~~(ii) Front building setback. 25 feet.~~

~~(iii) Rear building setback. 20 feet.~~

~~(iv) Side building setback. There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.~~

~~(v) Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in section 144-5.1-1.)~~

- ~~(vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet, provided that where a lot has less width than herein required, and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling.~~
- ~~(vii) *Lot area.* Every single-family dwelling hereafter erected or altered shall have a lot area of not less than 6,600 square feet for interior lots, and 7,000 square feet for corner lots. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall not prohibit the erection of a one-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less one-half acre and one acre on the Edwards Aquifer Recharge Zone.~~
- ~~(viii) *Lot depth.* 100 feet.~~
- ~~(ix) *Parking.* Two off-street parking spaces shall be provided for each one-family detached dwelling. See section 144-5.1 for other permitted uses' parking.~~
- ~~(3) *Duplexes.*~~
  - ~~(i) *Height.* 45 feet.~~
  - ~~(ii) *Front building setback.* 25 feet.~~
  - ~~(iii) *Rear building setback.* 20 feet.~~
  - ~~(iv) *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.~~
  - ~~(v) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in section 144-5.1-1.)~~
  - ~~(vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet, provided that where a lot has less width than herein required, and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling.~~
  - ~~(vii) *Lot area.* Duplexes hereafter erected or altered shall have a lot area of not less than 8,000 square feet for an interior lot and 8,500 square feet for a corner lot. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this~~

~~provision, this regulation shall prohibit the erection of a two-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one acre and approved by the city sanitarian.~~

~~(viii) Lot depth. 100 feet.~~

~~(ix) Parking. Two off-street parking spaces shall be provided for each two-family dwelling unit. See section 144-5.1 for other permitted uses' parking.~~

(2) One-family and duplex dwellings.

(i) Height. 45 feet.

(ii) Front building setback. 25 feet.

(iii) Side building setback. There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.

(iv) Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in section 144-5.1-1.)

(v) Rear building setback. 20 feet.

(vi) Width of lot. The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet. The purpose of the lot width and depth requirements is to provide guidance and standards for the development of new duplex lots and shall not be used as a factor in determining if existing lots that otherwise meet the minimum lot size herein shall allow construction of a duplex.

(vii) Lot area. Minimum 6,600 square feet for interior lots, and 7,000 square feet for corner lots. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall not prohibit the erection of a one-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one-half acre or one acre on the Edwards Aquifer Recharge Zone.

(viii) Lot depth. Minimum of 100 feet. The purpose of the lot width and depth requirements is to provide guidance and standards for the development of new duplex lots and shall not be used as a factor in determining if existing lots that otherwise meet the minimum lot size herein shall allow construction of a duplex.

(ix) *Parking.* See section 144-5.1.

~~(4)~~(3) *Multifamily dwellings.*

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3.3-9. "C-3" commercial district. The following regulations shall apply in all "C-3" districts:

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(b) *Maximum height, minimum area, and set back requirements*

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~~(2) *One-family dwellings.*~~

~~(i) *Height.* 45 feet.~~

~~(ii) *Front building setback.* 25 feet.~~

~~(iii) *Rear building setback.* 20 feet.~~

~~(iv) *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.~~

~~(v) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in section 144-5.1-1.)~~

~~(vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet, provided that where a lot has less width than herein required, and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling.~~

~~(vii) *Lot area.* Every single-family dwelling hereafter erected or altered shall have a lot area of not less than 6,600 square feet per family for interior lots, and 7,000 square feet per family for corner lots. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall not prohibit the erection of a one-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one-half acre and one acre on the Edwards Aquifer Recharge Zone.~~

~~(viii) *Lot depth.* 100 feet.~~

~~(ix) *Parking.* Two off-street parking spaces shall be provided for each one-family detached dwelling. See section 144-5.1 for other permitted uses' parking.~~

~~(3) *Duplexes.*~~

~~(i) *Height.* 45 feet.~~

~~(ii) *Front building setback.* 25 feet.~~

~~(iii) *Rear building setback.* 20 feet.~~

~~(iv) *Side building setbacks.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.~~

~~(v) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in section 144-5.1-1.)~~

~~(vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet.~~

~~(vii) *Lot area.* Duplexes hereafter erected or altered shall have a lot area of not less than 8,000 square feet for an interior lot and 8,500 square feet for a corner lot. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall prohibit the erection of a two-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one acre and approved by the city sanitarian.~~

~~(viii) *Lot depth.* 100 feet.~~

~~(ix) *Parking.* Two off-street parking spaces shall be provided for each two-family dwelling unit. See section 144-5.1 for other permitted uses' parking.~~

(2) *One-family and duplex dwellings.*

(i) *Height.* 45 feet.

(ii) *Front building setback.* 25 feet.

(iii) *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to

the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.

(iv) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in section 144-5.1-1.)

(v) *Rear building setback.* 20 feet.

(vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet. The purpose of the lot width and depth requirements is to provide guidance and standards for the development of new duplex lots and shall not be used as a factor in determining if existing lots that otherwise meet the minimum lot size herein shall allow the construction of a duplex.

(vii) *Lot area.* Minimum 6,600 square feet for interior lots, and 7,000 square feet for corner lots. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall not prohibit the erection of a one-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one-half acre or one acre on the Edwards Aquifer Recharge Zone.

(viii) *Lot depth.* Minimum of 100 feet. The purpose of the lot width and depth requirements is to provide guidance and standards for the development of new duplex lots and shall not be used as a factor in determining if existing lots that otherwise meet the minimum lot size herein shall allow the construction of a duplex.

(ix) *Parking.* See section 144-5.1.

#### ~~(4)~~(3) *Multifamily dwellings.*

\*\*\*\*\*

3.3-10. "C-4" *resort commercial district.* The following regulations shall apply in all "C-4" districts:

\*\*\*\*\*

(b) *Maximum height, minimum area and setback requirements.*

\*\*\*\*\*

(3) *Non-commercial rental living units (not short term).* Buildings hereinafter erected, constructed, reconstructed or altered in district "C-4," that are not for commercial or commercial-residential use but are for private residences, duplexes, or apartments, or for any use also permitted in the "R" districts, shall be subject to the following:

~~(a) One-family dwellings.~~

~~(i) Height. 45 feet.~~

~~(ii) Front building setback. 25 feet.~~

~~(iii) Rear building setback. 20 feet.~~

~~(iv) Side building setback. There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.~~

~~(v) Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in section 144-5.1-1.)~~

~~(vi) Residential setback. Effective November 8, 2006, where a multifamily dwelling abuts a one- or two-family use or zoning district, the setback from the one- or two-family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.~~

~~(vii) Width of lot. The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet, provided that where a lot has less width than herein required, and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling.~~

~~(viii) Lot area. Every one-family dwelling hereafter erected or altered shall have a lot area of not less than 6,600 square feet per family for interior lots, and 7,000 square feet per family for corner lots. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall not prohibit the erection of a one-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one-half acre and one acre on the Edwards Aquifer Recharge Zone.~~

~~(ix) Lot depth. 100 feet.~~

~~(x) Parking. Two off-street parking spaces shall be provided for each one-family detached dwelling. See section 144-5.1 for other permitted uses' parking.~~

~~(b) Duplexes.~~

- ~~(i) Height. 45 feet.~~
- ~~(ii) Front building setback. 25 feet.~~
- ~~(iii) Rear building setback. 20 feet.~~
- ~~(iv) Side building setbacks. There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.~~
- ~~(v) Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in section 144-5.1-1.)~~
- ~~(vi) Width of lot. The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet.~~
- ~~(vii) Lot area. Duplexes hereafter erected or altered shall have a lot area of not less than 8,000 square feet for an interior lot and 8,500 square feet for a corner lot. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall prohibit the erection of a two-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one acre and approved by the city sanitarian.~~
- ~~(viii) Lot depth. 100 feet.~~
- ~~(ix) Parking. Two off-street parking spaces shall be provided for each two-family dwelling unit. See section 144-5.1 for other permitted uses' parking.~~

(a) One-family and duplex dwellings.

- (i) Height. 45 feet.
- (ii) Front building setback. 25 feet.
- (iii) Side building setback. There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to



the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.

(iv) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in section 144-5.1-1.)

(v) *Rear building setback.* 20 feet.

(vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet. The purpose of the lot width and depth requirements is to provide guidance and standards for the development of new duplex lots and shall not be used as a factor in determining if existing lots that otherwise meet the minimum lot size herein shall allow the construction of a duplex.

(vii) *Lot area.* Minimum 6,600 square feet for interior lots, and 7,000 square feet for corner lots. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall not prohibit the erection of a one-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one-half acre or one acre on the Edwards Aquifer Recharge Zone.

(viii) *Lot depth.* Minimum of 100 feet. The purpose of the lot width and depth requirements is to provide guidance and standards for the development of new duplex lots and shall not be used as a factor in determining if existing lots that otherwise meet the minimum lot size herein shall allow the construction of a duplex.

(ix) *Parking.* See section 144-5.1.

(e)(b) *Multifamily dwellings.*

\*\*\*\*\*

## **SECTION 2**

**THAT** Chapter 144, Zoning, Article III Zoning Districts, Section 3.4 Zoning districts and regulations for property zoned subsequent to June 22, 1987, is hereby amended with additions as underlines and deletions as strikeouts as follows:

**Sec. 144-3.4. Zoning districts and regulations for property zoned subsequent to June 22, 1987**

\*\*\*\*\*

### 3.4-3. "R-2A" single-family and two-family district

\*\*\*\*\*

#### (b) Maximum height, minimum area and setback requirements.

##### (1) One-family and duplex dwellings.

\*\*\*\*\*

- (vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet. The purpose of the lot width and depth requirements is to provide guidance and standards for the development of new duplex lots and shall not be used as a factor in determining if existing lots that otherwise meet the minimum lot size herein shall allow construction of a duplex.
- (vii) *Lot area.* Minimum 6,600 square feet for interior lots, and 7,000 square feet for corner lots, provided that where a lot has less area than herein required and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one-half acre and one acre on the Edwards Aquifer Recharge Zone.
- (viii) *Lot depth.* Minimum of 100 feet. The purpose of the lot width and depth requirements is to provide guidance and standards for the development of new duplex lots and shall not be used as a factor in determining if existing lots that otherwise meet the minimum lot size herein shall allow the construction of a duplex.

\*\*\*\*\*

### 3.4-6. "B-1A" conventional and manufactured home district.

\*\*\*\*\*

#### (b) Maximum height, minimum area and setback requirements.

\*\*\*\*\*

- (6) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet. The purpose of the lot width and depth requirements is to provide guidance and standards for the development of new duplex lots and shall not be used as a factor in determining if existing lots that otherwise meet the minimum lot size herein shall allow construction of a duplex.
- (7) *Lot area per family.* Every single-family and duplex dwelling hereafter erected or altered shall have a lot area of not less than 6,600 square feet per family for interior lots, and 7,000 square feet per family for corner lots. ~~Two-family dwellings (duplexes) hereafter erected or altered shall have a lot area of not less than 8,000 square feet for an interior lot and 8,500 square feet for a corner lot.~~ provided that where a lot has less area than herein required and such lot was in

separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one-half acre and one acre on the Edwards Aquifer Recharge Zone.

\*\*\*\*\*

3.4-10. *"MU-A" low intensity mixed use district.*

*Purpose.* The MU-A low intensity mixed use district is intended to provide for a mixture of retail, office, and residential uses in close proximity to enable people to live, work and shop in a single location. Bed-and-breakfast establishments could also be located in this district. Pedestrian walkways and open areas are desired in order to promote a pedestrian-friendly environment.

\*\*\*\*\*

(b) *Maximum height, minimum area and setback requirements.*

\*\*\*\*\*

~~(2) One-family dwellings.~~

~~(i) Height. 35 feet.~~

~~(ii) Front building setback. 25 feet.~~

~~(iii) Side building setback. There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.~~

~~(iv) Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in section 144-5.1-1.)~~

~~(v) Rear building setback. 20 feet.~~

~~(vi) Width of lot. Interior lots 60 feet. Corner lots 70 feet. Where a lot has less width than herein required, and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling.~~

~~(vii) Lot area per family. Every single-family dwelling hereafter erected or altered shall provide a lot area of not less than 6,600 square feet per dwelling for interior lots, and 7,000 square feet per dwelling for corner lots, provided that where a lot has less area than herein required and such lot was in separate~~

~~ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling. Where public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one-half acre and one acre on the Edwards Aquifer Recharge Zone.~~

~~(viii) Lot depth. 100 feet.~~

~~(ix) Parking. Two off-street parking spaces shall be provided for each one-family detached dwelling. See section 144-5.1 for other permitted uses' parking.~~

~~(3) Duplexes:~~

~~(i) Height. 35 feet.~~

~~(ii) Front building setback. 25 feet.~~

~~(iii) Side building setback. There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.~~

~~(iv) Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in section 144-5.1-1.)~~

~~(v) Rear building setback. 20 feet.~~

~~(vi) Width of lot. The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet, provided that where a lot has less width than herein required, and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling.~~

~~(vii) Lot area per family. Two-family dwellings (duplexes) hereafter erected or altered shall have a lot area of not less than 8,000 square feet for an interior lot and 8,500 square feet for a corner lot. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall not prohibit the erection of a one-family residence, but shall prohibit the erection of a two-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one acre and approved by the city sanitarian.~~

~~(viii) Lot depth. 100 feet.~~

~~(ix) Parking. Two off-street parking spaces shall be provided for each two-family dwelling unit. See section 144-5.1 for other permitted uses' parking.~~

(2) One-family and duplex dwellings.

(i) Height. 35 feet.

(ii) Front building setback. 25 feet.

(iii) Side building setback. There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.

(iv) Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in section 144-5.1-1.)

(v) Rear building setback. 20 feet.

(vi) Width of lot. The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet. The purpose of the lot width and depth requirements is to provide guidance and standards for the development of new duplex lots and shall not be used as a factor in determining if existing lots that otherwise meet the minimum lot size herein shall allow the construction of a duplex.

(vii) Lot area. Minimum 6,600 square feet for interior lots, and 7,000 square feet for corner lots. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall not prohibit the erection of a one-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one-half acre or one acre on the Edwards Aquifer Recharge Zone.

(viii) Lot depth. Minimum of 100 feet. The purpose of the lot width and depth requirements is to provide guidance and standards for the development of new duplex lots and shall not be used as a factor in determining if existing lots that otherwise meet the minimum lot size herein shall allow the construction of a duplex.

(ix) Parking. See section 144-5.1.

~~(4)~~(3) Multifamily dwelling.

\*\*\*\*\*

~~(5)~~(4) Townhouses.

\*\*\*\*\*

(6)(5) Zero lot line/patio homes.

\*\*\*\*\*

3.4-14. "C-2A" central business district.

\*\*\*\*\*

(b) Maximum height, minimum area and setback requirements.

\*\*\*\*\*

(2) Duplexes.

- (i) Height. 35 feet.
- (ii) Front building setback. 25 feet.
- (iii) Side building setback. There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lines of the corner lots coincide with the side lot lines of the adjacent lots.
- (iv) Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in section 144-5.1-1.)
- (v) Rear building setback. 20 feet.
- (vi) Width of lot. The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet. The purpose of the lot width and depth requirements is to provide guidance and standards for the development of new duplex lots and shall not be used as a factor in determining if existing lots that otherwise meet the minimum lot size herein shall allow the construction of a duplex.
- (vii) Lot area per family. ~~Duplexes hereafter erected or altered shall have a~~ Minimum 6,600 square feet for interior lots, and 7,000 square feet for corner lots. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall not prohibit the erection of a one-family residence. a lot area of not less than 8,000 square feet for an interior lot and 8,500 square feet for a corner lot. Where public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one acre and approved by the city sanitarian.
- (viii) Lot depth. Minimum of 100 feet. The purpose of the lot width and depth requirements is to provide guidance and standards for the development of new duplex lots and shall not be used as a factor in determining if existing

lots that otherwise meet the minimum lot size herein shall allow the construction of a duplex.

- (ix) *Parking.* Two off-street parking spaces shall be provided for each two-family dwelling unit. See section 144-5.1 for other permitted uses' parking.

(3) *Multifamily dwellings.*

\*\*\*\*\*

3.4-17. "C-O" commercial office district.

*Purpose.* The commercial office district is established to create a mixed-use district of professional offices and residential use. The regulations set forth in this article are intended to encourage adaptive reuse of buildings or new office developments of the highest character in areas that are compatible and sensitive to the surroundings and ensure historic integrity. Such uses should not generate excess additional traffic or access problems.

\*\*\*\*\*

(b) *Maximum height, minimum area and setback requirements.*

\*\*\*\*\*

~~(2) One-family dwellings.~~

~~(i) Height. 35 feet.~~

~~(ii) Front building setback. 25 feet.~~

~~(iii) Side building setback. There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lines of the corner lots coincide with the side lot lines of the adjacent lots.~~

~~(iv) Rear building setback. 20 feet.~~

~~(v) Width of lot. The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet.~~

~~(vi) Lot area per family. Every single-family dwelling hereafter erected or altered shall provide a lot area of not less than 6,600 square feet per dwelling for interior lots, and 7,000 square feet per dwelling for corner lots, provided that where a lot has less area than herein required and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling. Where public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one-half acre not located over the recharge zone and one acre located over the recharge zone.~~

~~(vii) Parking. Two off-street parking spaces shall be provided for each one-family detached dwelling. See section 144-5.1 for other permitted uses' parking.~~

~~(3) Duplexes.~~

~~(i) Height. 35 feet.~~

~~(ii) Front yards. 25 feet.~~

~~(iii) Side building setback. There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lines of the corner lots coincide with the side lot lines of the adjacent lots.~~

~~(iv) Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in section 144-5.1-1.)~~

~~(v) Rear building setback. 20 feet.~~

~~(vi) Width of lot. The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet.~~

~~(vii) Lot area per family. Duplexes hereafter erected or altered shall have a lot area of not less than 8,000 square feet for an interior lot and 8,500 square feet for a corner lot. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one acre and approved by the city sanitarian.~~

~~(viii) Parking. Two off-street parking spaces shall be provided for each two-family dwelling unit. See section 144-5.1 for other permitted uses' parking.~~

(2) One-family and duplex dwellings.

(i) Height. 35 feet.

(ii) Front building setback. 25 feet.

(iii) Side building setback. There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.

(iv) Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in section 144-5.1-1.)



(v) *Rear building setback.* 20 feet.

(vi) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet. The purpose of the lot width and depth requirements is to provide guidance and standards for the development of new duplex lots and shall not be used as a factor in determining if existing lots that otherwise meet the minimum lot size herein shall allow the construction of a duplex.

(vii) *Lot area.* Minimum 6,600 square feet for interior lots, and 7,000 square feet for corner lots. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall not prohibit the erection of a one-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one-half acre or one acre on the Edwards Aquifer Recharge Zone.

(viii) *Lot depth.* Minimum of 100 feet. The purpose of the lot width and depth requirements is to provide guidance and standards for the development of new duplex lots and shall not be used as a factor in determining if existing lots that otherwise meet the minimum lot size herein shall allow the construction of a duplex.

(ix) *Parking.* See section 144-5.1.

~~(4)~~(3) *Multifamily dwellings.*

\*\*\*\*\*

~~(5)~~(4) *Townhouses.*

\*\*\*\*\*

~~(6)~~(5) *Zero lot line/patio homes.*

\*\*\*\*\*

### SECTION 3

**THAT** Chapter 144, Zoning, Article IV Use Regulations, Section 4.2, Land Use Matrix, is hereby amended with additions as underlines and deletions as strikeouts as follows:

## 4.2 Land Use Matrix.

[illegible]

## SECTION 4

**THAT** Chapter 144, Zoning, Article V, Development Standards, Section 5.1, Parking, loading, stacking and Vehicular Circulation, is hereby amended with additions as underlines and deletions as strikeouts as follows:

### **Sec. 144-5.1. Parking, loading, stacking and vehicular circulation.**

#### *5.1-1. General provisions.*

\*\*\*\*\*

(b) *Exception to application for existing uses and changes in uses.* Buildings existing in the area defined by the boundary shown on Figure 3 are exempt from having the number of off-street parking spaces required by this section when:

- (1) The use of the building is being changed, but the building is not being enlarged;
- (2) The building is being reconstructed or renovated, but not enlarged; or
- (3) The building is being brought back into use after being vacant.
- (4) Where an existing building is being enlarged or reconstructed and enlarged by more than ten percent, the parking shall be required for the expanded area only.

\*\*\*\*\*

(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
---------------	------------------------

\*\*\*\*\*

Convenience store	One for each 200 sq. ft. of gross floor area
<u>Convenience store with fuel sales</u>	<u>One for each 200 sq. ft. of gross floor area minus 50% of the gasoline/diesel fueling spaces; and 100% of EV Charging Station Ports may be counted toward the required parking.</u>
Convention centers	One for each 200 sq. ft. of gross floor area, or One for each four seats, or One for each three persons of total building occupancy, whichever is greater

\*\*\*\*\*

Motel	One and one-tenth for each bedroom
<del>Motor vehicle filling stations</del>	<del>One for each 200 sq. ft. of gross floor area</del>
Motor vehicle sales	One for each 400 sq ft. of gross floor area
Motion picture houses	One for each five seats for patron use

\*\*\*\*\*

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(d) Parking Demand Study

- (1) A parking Demand Study may be provided to demonstrate the need for a lower quantity of off-street parking than required by the above-referenced Schedule of Parking.
- (2) A traffic engineer shall prepare the parking demand study and shall estimate parking demand for the proposed use based on the recommendations of the Institute of Traffic Engineers (ITE), Urban Land Institute, the American Planning Association, or other acceptable source of parking demand data for uses and/or combinations of uses of comparable activities, scale, bulk, area, and location.
- (3) The parking demand study shall be subject to review and approval by the Planning and Development Services Department, confirming that the information and assumptions used in the study are reasonable and that the study accurately reflects anticipated off-street parking demand for the proposed use, development, or combination of uses.
- (4) If an applicant submits a parking demand study demonstrating that anticipated off-street parking demand for the proposed use, development, or combination of uses will be less than that required in the above-referenced Schedule of Parking, and the Planning and Development Services Department determines that the information and assumptions used in the study are reasonable and that the study accurately reflects anticipated off-street parking demand for the proposed use, development, or combination of uses, the Planning and Development Services Department may authorize a reduction in required off-street parking spaces based on that study.

\*\*\*\*\*

## SECTION 5

**THAT** Chapter 144, Zoning, Article 5 Development Standards, Section 5.17 Short term rental or occupancy, is hereby amended with additions as underlines and deletions as strikeouts as follows:

### **Sec. 144-5.17. - Short term rental or occupancy.**

\*\*\*\*\*

#### *5.17-2. Definitions.*

\*\*\*\*\*

*Non-residential district* means the following zoning districts: R-3, R-3L, R-3H, MU-A, MU-B, C-1, C-1A, C-1B, C-2, C-2A, C-3, C-4, C-4A, C-4B, C-O, M-1, M-2, APD, M-1A, and M-2A. This includes all subsequently approved special districts identified as non-residential unless otherwise specified within the special district.

\*\*\*\*\*

*Owner* means the person or entity that holds legal and/or equitable title to the private property.

~~*Resort condominiums* means a form of housing tenure and other real property where a specified part of a piece of real estate (usually of an apartment house) is individually owned and~~

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~~rented out for use of persons for less than 30 days while use of and access to common facilities in the piece such as hallways, heating system, elevators, exterior areas is executed under legal rights associated with the individual ownership and controlled by the association of owners that jointly represent ownership of the whole piece.~~

~~Resort property means a compound of buildings and facilities located together that provides lodging, entertainment and a relaxing environment to people on vacation. This includes 24-hour security and 24-hour front desk personnel. These units comply with all commercial building code standards.~~

*Short term rental* means the rental for compensation of a privately owned dwelling, including but not limited to, a single-family dwelling, two-family dwelling (duplex), tri-plex, quadraplex, multifamily dwelling, apartment house, tiny home, townhome, manufactured home, industrialized home, or garage apartment, rented by the public for consideration and used for dwelling, lodging or sleeping purposes for a period ~~of~~ not less than one night and ~~not more~~ less than 30 days other than ongoing month-to-month tenancy granted to the same renter for the same unit. This term is not applicable to hotels, motels, bed and breakfasts, dormitories, recreational vehicle parks, hospitals, medical clinics, nursing homes, convalescent homes, foster homes, halfway houses, transitional housing facilities, ~~resort properties as defined in this chapter, or resort condominiums or structures in compliance with all commercial building code standards under the International Building Code (IBC).~~

*Short term rental decal* means the decal issued by the city as part of a short term rental permit that identifies the subject property as a short term rental, the short term rental permit number, the owner or rental agent's name and 24-hour emergency contact phone number of either the owner or the rental agent, or via an electronic database available to emergency responders and code enforcement officers as provided by the city.

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## SECTION 6

**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 7

**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 8

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

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## **SECTION 9**

**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 10**

**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, Texas.

**PASSED AND APPROVED:** First reading this the 12<sup>th</sup> day of February, 2024.

**PASSED AND APPROVED:** Second reading this the 26<sup>th</sup> day of February, 2024.

## **CITY OF NEW BRAUNFELS**

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**Neil Linnartz, Mayor**

**ATTEST:**

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**Gayle Wilkinson, City Secretary**

**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO, City Attorney**