

ORDINANCE NO. 2016- 36

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS AMENDING THE "AVERY PARK" PLANNED DEVELOPMENT DISTRICT DETAIL PLAN AND RELATED DEVELOPMENT STANDARDS; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of New Braunfels; and

WHEREAS, in keeping with the spirit and objectives of the "PD" Planned Development District, the City Council has given due consideration to all components of said district; and

WHEREAS, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

WHEREAS, the City Council desires to amend the "Avery Park" Planned Development District Detail Plan and related Development Standards; **now, therefore,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1

THAT the Detail Plan and related Development Standards adopted July 11, 2005, Ordinance Number 2005-55, and amended June 22, 2009, Ordinance Number 2009-39, are hereby replaced with the following:

"Avery Park Subdivision Amended Detail Plan, attached as Exhibit 'A' and the Amended Development Standards attached as Exhibit 'B'. The sole purpose of this amendment is to revise the lot dimensional requirements for Unit 11, Block B, Lots 3 through 13 and Block E, Lot 34."

SECTION 2

THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.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 3

THAT all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 4

THAT if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

SECTION 5

THIS ordinance will take effect upon the second and final reading of same.

PASSED AND APPROVED: First Reading this the 27th day of June, 2016.

PASSED AND APPROVED: Second and Final Reading this the 11th day of July, 2016.

CITY OF NEW BRAUNFELS



BARRON CASTEEL, Mayor

ATTEST:



PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:



VALERIA M. ACEVEDO, City Attorney



**Avery Park Subdivision
Planned Development
Development Standards**

April 2016

1. Subdivision Name and Acreage

Avery Park Subdivision, 227.8 acres

2. Proposed Land Use

The proposed use is for Single Family Residential with a density of 3.74 units per acre. Common Areas for Open Space, Greenbelt, Drainage, and/or Ponds have been designated within each unit. A Recreation Center has been provided in Unit 8. A 100 ft. LCRA electric transmission easement crosses the property.

AVERY PARK SUBDIVISION		5/27/2016				
Development Summary Table						
PROPOSED LAND USE	UNIT ACREAGE	SINGLE FAMILY				
		DENSITY UNITS/ACRE	UNIT LOT TOTAL	LOT TYPE A (50')	LOT TYPE B (60')	LOT TYPE C (70')
Single Family Unit 1 (PD)	23.7	3.04	72	65	6	1
Single Family Unit 2 (PD)	19.6	3.21	63	58	5	0
Single Family Unit 3 (PD)	16.9	5.15	87	84	3	0
Single Family Unit 4 (PD)	12.0	4.75	57	57	0	0
Single Family Unit 5 (PD)	14.8	2.91	43	35	8	0
Single Family Unit 6 (PD)	18.2	4.12	75	73	2	0
Single Family Unit 7 (PD)	17.8	5.00	89	87	2	0
Single Family Unit 8 (PD)	30.2	1.62	49	0	38	11
Single Family Unit 9 (PD)	17.2	4.36	75	47	24	4
Single Family Unit 10 (PD)	17.9	4.47	80	69	11	0
Single Family Unit 11 (PD)	19.4	4.74	92	56	31	5
Single Family Unit 12 (PD)	14.2	5.00	71	61	10	0
Commercial Lot - 1	2.3					
Commercial Lot - 2	2.8					
R.O.W. Dedication (Pieper Road)	0.8					
TOTAL	227.8	3.74	853	692	140	21

3. Traffic and Transportation

The proposed streets depicted on the Master Plan are consistent with the City's Thoroughfare Master Plan.

Street B serves as a collector as provided on the Thoroughfare Plan. No residential driveway access will be provided on Streets A and B and no parking will be permitted on Streets A and B.

Median cuts will be provided on Street A for access to commercial properties.

EXHIBIT "B"

4. Residential Development Standards

The general development standards are as follows:

- a) Building Height – The main building shall not exceed 35 feet and shall not exceed 2 ½ stories in height.
- b) Typical Lot Dimensions
 - i) Lot Type A: 50' x 120'
 - ii) Lot Type B: 60' x 120'
 - iii) Lot Type C: 70' x 120'
 - iv) Corner Lot: add 10' to above widths
- c) Minimum Building Setbacks
 - i) Front: 20 Feet
 - ii) Side: 6 Feet
 - iii) Rear: 20 Feet
 - iv) Street Side Yard: 15 feet; 20 Feet if side garage access is desired
- d) Block B, Lots 3 -13 & Block E, Lot 34 located in Unit 11 have minimum lot width of 60' for Type B Lots and 69' for Type C Lots. Block B, Lots 3 -13 & Block E, Lot 34 located in Unit 11 have minimum lot depth of 115'.

5. Open Space

Greenbelt and Open Spaces are shown on the Detail Plan as common Areas or Drainage Easements and will be maintained by the Homeowners Association. The Common Areas will be located, constructed, and maintained to preserve the natural character of the land. The landscaped common area located on Street A will be maintained by the HOA. The Recreation Center and facilities will be maintained by the HOA.

6. Sidewalks

Sidewalks will be constructed in accordance with the lot types as follows:

- a) Lot Type A: 4' sidewalks
- b) Lot Type B: 4' sidewalks
- c) Street A 6' sidewalks required adjacent to commercial tracts on both sides
4' sidewalks required on both side of the street adjacent to residential areas up to the local type B street of Unit 1C
- d) Street B 4' sidewalks on both sides of the street
- e) Sidewalk locations will be coordinated with NBU prior to the approval of the construction plan

7. Fences

Fences shall be constructed no more than eight (8) feet in height.

3.4-2. "R-1A-6.6" single-family district.

Purpose. The R-1A-6.6 single-family district is intended for development of primarily detached, single-family residences and customary accessory uses on lots of at least 6,600 square feet in size. The following regulations shall apply in all "R-1A-6.6" districts:

"R-1A" district. The district called "R-1A" shall be renamed and shown on the zoning map as "R-1A-6.6".

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the Land Use Matrix in Section 4 of this Chapter. The allowed uses in the district, which are intended to be identical with those listed in the Land Use Matrix, are as follows

(1) *Uses permitted by right:*

Residential uses:

- Accessory building/structure
- Accessory dwelling (one accessory dwelling per lot, no kitchen)
- Community home (see definition)
- Family home adult care
- Family home child care
- Home Occupation (See Sec. 5.5)
- One family dwelling, detached
- Single family industrialized home (see Sec. 5.8)

Non-residential uses:

- Barns and farm equipment storage (related to agricultural uses)
- Church/place of religious assembly
- Community building (associated with residential uses)
- Contractor's temporary on-site construction office (with permit from Building Official; Sec 5.10)
- Farms, general (crops) (see Chapter 6, Municipal Code and Sec. 5.9)
- Farms, general (livestock/ranch) (see Chapter 6, Municipal Code and Sec. 5.9)
- Golf course, public or private
- Governmental building or use with no outside storage
- Park and/or playground (public)
- Public recreation/services building for public park/playground areas
- Recreation buildings (public)
- School, K-12 (public or private)
- Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system

- (2) *Conflict.* In the event of conflict between the uses listed in the Land Use Matrix and those listed in Subsection (1), the uses listed in this subsection shall be deemed those authorized in the district.

(b) *Height and area requirements:*

(1) Residential uses.

- (i) *Height.* 35 feet.
- (ii) *Front building setback.* 25 feet.
- (iii) *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 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 Sec. 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.* 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 per dwelling unit not located over the recharge zone and one acre per dwelling unit located over the 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 5.1 for other permitted uses' parking.
- (2) Non-residential uses.
- (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. Where any building abuts a property with a one or two family use, 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.
 - (iv) *Corner lots.* 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. Where a minimum 25-foot setback is required, a canopy at least eight feet in height, attached to the main building, may be built within 15 feet of the property line so long as such construction will not obstruct the vision of vehicular or pedestrian traffic.
 - (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 Sec. 5.1-1)
 - (vi) *Rear building setback.* 20 feet.
 - (vii) *Width of lot.* 60 feet.
 - (viii) *Lot depth.* 100 feet.
 - (ix) *Parking.* See Section 5.1 for permitted uses' parking.

3.5. *Planned Development Districts.*

3.5-1. *Purpose:* The planned development district is a free-standing district designed to provide for the development of land as an integral unit for single or mixed uses in accordance with a plan that may vary from the established regulations of other zoning districts. It is the intent in such a district to insure compliance with good zoning practices while allowing certain desirable departures from the strict provisions of specific zoning classifications.

3.5-2. *Application:* An application for a planned development district shall be processed in accordance with this Chapter. A pre-planning conference is required between the applicant and the Planning Director prior to the actual filing of the application.

3.5-3. *Base District.* A base zoning district shall be specified. The regulations in the base zoning district shall control unless specifically stated otherwise in the PD.

3.5-4. *District plans and requirements:* There are two types of plans that may be used in the planned development process. The general purpose and use of each plan is described as follows:

(a) *Concept plan.* This plan is intended to be used as the first step in the planned development process. It establishes the most general guidelines for the district by identifying the land use types, development standards, approximate road locations and project boundaries and illustrates the integration of these elements into a master plan for the whole district.

(b) *Detail plan.* The detail plan is the final step of the planned development process. It contains the details of development for the property. For smaller tracts or where final development plans are otherwise known, the detail plan may be used to establish the district and be the only required step in the planned development process.

3.5-5. *Concept plan requirements:* Said concept plan shall include the following:

(a) *Relation to the comprehensive plan.* A general statement setting forth how the proposed district will relate to the city's comprehensive plan and the degree to which it is or is not consistent with that plan and the proposed base zoning district.

(b) *Acreage.* The total acreage within the proposed district.

(c) *Survey.* An accurate survey of the boundaries of the district.

(d) *Land uses.* Proposed general land uses and the acreage for each use, including open space. For residential development, the total number of units and the number of units per acre.

(e) *General thoroughfare layout.* Proposed streets, as a minimum to arterial street level. (Showing collector and local streets is optional.)

(f) *Development standards.* Development standards, if different from the base zoning district, for each proposed land use, as follows:

(1) Minimum lot area.

(2) Minimum lot width and depth.

(3) Minimum front, side, and rear building setback areas.

(4) Maximum height of buildings.

(5) Maximum building coverage.

(6) Maximum floor to area ratios for nonresidential uses.

(7) Minimum parking standards for each general land use.

(8) Other standards as deemed appropriate.

(g) *Existing conditions.* On a scaled map sufficient to determine detail, the following shall be shown for the area within the proposed district.

(1) Topographic contours of ten feet or less.

- (2) Existing streets.
- (3) Existing 100-year floodplain, floodway and major drainage ways.
- (4) City limits and E.T.J. boundaries.
- (5) Zoning districts within and adjacent to the proposed district.
- (6) Land use.
- (7) Utilities, including water, wastewater and electric lines.

3.5-6. *Detail plan requirements:* The application for a planned development district shall include a detail plan consistent with the concept plan. Said detail plan shall include the following:

- (a) *Acreage.* The acreage in the plan as shown by a survey, certified by a registered surveyor.
- (b) *Land uses.* Permitted uses, specified in detail, and the acreage for each use.
- (c) *Off-site information.* Adjacent or surrounding land uses, zoning, streets, drainage facilities and other existing or proposed off-site improvements, as specified by the department, sufficient to demonstrate the relationship and compatibility of the district to the surrounding properties, uses, and facilities.
- (d) *Traffic and transportation.* The location and size of all streets, alleys, parking lots and parking spaces, loading areas or other areas to be used for vehicular traffic; the proposed access and connection to existing or proposed streets adjacent to the district; and the traffic generated by the proposed uses.
- (e) *Buildings.* The locations, maximum height, maximum floor area and minimum setbacks for all nonresidential buildings.
- (f) *Residential development.* The numbers, location, and dimensions of the lots, the minimum setbacks, the number of dwelling units, and number of units per acre (density).
- (g) *Water and drainage.* The location of all creeks, ponds, lakes, floodplains or other water retention or major drainage facilities and improvements.
- (h) *Utilities.* The location and route of all major sewer, water, or electrical lines and facilities necessary to serve the district.
- (i) *Open space.* The approximate location and size of greenbelt, open, common, or recreation areas, the proposed use of such areas, and whether they are to be for public or private use.
- (j) *Sidewalks and bike paths.* Sidewalks or other improved ways for pedestrian or bicycle use.
- (k) If multifamily or non-residential development, a landscape plan.

A detailed plan, with all of the information required of a concept plan, may be submitted in lieu of a concept plan.

3.5-7. *Phasing schedule:* PD districts larger than 350 acres shall provide a phasing schedule depicting the different construction phases.

3.5-8. *Approval of district:* The City Council may, after receiving a recommendation from the Planning Commission, approve by Ordinance the creation of a district based upon a concept plan or a detail plan. The approved plan shall be made part of the ordinance establishing the district. Upon approval said change shall be indicated on the zoning maps of the city.

The development standards and requirements including, but not limited to, maximum height, lot width, lot depth, floor area, lot area, setbacks and maximum off-street parking and loading requirements for uses proposed shall be established for each planned development district based upon the particular merits of the development design and layout. Such standards and requirements shall comply with or

be more restrictive than the standards established in the base zoning district for the specific type uses allowed in the district, except that modifications in these regulations may be granted if it shall be found that such modifications are in the public interest, are in harmony with the purposes of this Chapter and will not adversely affect nearby properties.

3.5-9. *Planning Commission approval of detail plan:* The Planning Commission is authorized to approve a detail plan or the amendment of a detail plan for property for which a concept plan has been approved by the City Council. If the City Council initially approved a detail plan in establishing the district, the detail plan may only be amended by the City Council. The approved detail plan shall be permanently filed in the Planning Department. The Planning Commission shall approve the detail plan if it finds that:

- (a) *Compliance.* The plan complies with the concept plan approved for that property and the standards and conditions of the PD district;
- (b) *Compatibility.* The plan provides for a compatible arrangement of buildings and land uses and would not adversely affect adjoining neighborhood or properties outside the plan; and
- (c) *Circulation of vehicular traffic.* The plan provides for the adequate and safe circulation of vehicular traffic.

If no detail plan has been approved for the property within ten years of the date of approval of a concept plan, the detail plan must be approved by the City Council, after receiving a recommendation from the Planning Commission, after notice and hearing.

3.5-10. *Expiration of detail plan:* A detail plan shall be valid for five years from the date of its approval. If a building permit has not been issued or construction begun on the detail plan within the five years, the detail plan shall automatically expire and no longer be valid. The Planning Commission may, prior to expiration of the detail plan, for good cause shown, extend for up to 24 months the time for which the detail plan is valid.

3.5-11. *Appeals from Planning Commission action:* If the Planning Commission disapproves a detail plan over which it has final approval authority, or imposes conditions, or refuses to grant an extension of time for which a detail plan is valid, the applicant may appeal the decision to the City Council by filing a written request with the Planning Director within ten days of the decision.

3.5-12. *Changes in detail plan:* Changes in the detail plan shall be considered the same as changes in the zoning ordinance and shall be processed as required in Section 2.3. Those changes which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, floor area ratio, height, or coverage of the site, or which do not decrease the off-street parking ratio or reduce the yards provided at the boundary of the site, as indicated on the approved detail plan, may be authorized by the Planning Director. Any applicant may appeal the decision of the Planning Director to the Planning Commission for review and decision as to whether an amendment to the Planned Development District ordinance shall be required.

3.5-13. *Minimum development size:* The total initial development of any Planned Development District shall not be less than two acres for nonresidential developments and five acres for residential developments.

3.5-14. *Deviation from code standards:* The City Council may approve a PD concept plan with deviations from any provision in the Code of Ordinances. Such deviations shall be listed or shown as part of the Ordinance that approves the concept plan.