

3.4. Zoning Districts and Regulations for Property Zoned Subsequent to June 22, 1987.

3.4-1. "APD" agricultural/pre-development district.

Purpose. This district is designed for newly annexed areas, agricultural uses, and for areas where development is premature because of a lack of utilities, capacity, or service, or where the ultimate use has not been determined. The following regulations shall apply in all "APD" districts:

(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)
- Cemetery and/or mausoleum
- Church/place of religious assembly
- Contractor's temporary on-site construction office (only with permit from Building Official; see Sec. 5.10)
- Country club (private)
- Farmers market (produce market - wholesale)
- Farms, general (crops) (see Chapter 6, Municipal Code) (Sec. 5.9 is not applicable)
- Farms, general (livestock/ranch) (see Chapter 6, Municipal Code) (Sec. 5.9 is not applicable)
- Flour mills, feed mills, and grain processing
- Golf course, public or private
- Governmental building or use with no outside storage Grain elevator
- Hay, grain, and/or feed sales (wholesale)
- Livestock sales/auction
- Park and/or playground (public)
- Plant nursery (growing for commercial purposes but no retail sales on site)
- Recreation buildings (public)
- Rodeo grounds
- School, K-12 (public or private)
- Stables (as a business) (see Chapter 6, Municipal Code)
- Stables (private, accessory use) (see Chapter 6, Municipal Code)
- Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system

Any comparable use not included in or excluded from any other district described herein.

(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) *Maximum height, minimum area and setback requirements:*

(1) *Height.* 35 feet.

(2) *Front yards.* 25 feet.

(3) *Side building setbacks.* There shall be a side building setback on each side of a building not less than ten 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.

(4) *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)

(5) *Rear building setbacks.* 30 feet.

(6) *Width of lot.* 100 feet.

(7) *Lot area per family.* Every single-family dwelling hereafter erected or altered shall provide a lot area of not less than 15,000 square feet per dwelling, 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.

(8) *Lot depth.* 100 feet.

(9) *Parking.* See Section 5.1 for other permitted uses' parking.

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.

ORDINANCE NO. 2007-84

AN ORDINANCE REZONING 53.74 ACRES LOCATED ON W. ZIPP RD. FROM "APD AGRICULTURAL/PRE-DEVELOPMENT DISTRICT" TO "R-1A-6.6 SINGLE FAMILY DISTRICT" AND "PDD PLANNED DEVELOPMENT DISTRICT", AND ADOPTING A DETAIL PLAN.

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 "R-1A-6.6 Single Family District" and "PDD Planned Development District", the City Council has given due consideration to all components of said districts; 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 Zoning Map by changing the zoning of 53.74 acres located on W. Zipp Rd., from "APD Agricultural/Pre-Development District" to "R-1A-6.6 Single Family District" and "PDD Planned Development District", **now, therefore;**

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

SECTION 1

THAT Sections 4.1 and 4.2, Appendix "A" of the New Braunfels Code of Ordinances and particularly the Zoning Map of the City of New Braunfels, are amended by changing a 12.864 acre tract of land from "APD Agricultural/Pre-Development District" to "PDD Planned Development District" and changing a 40.880 acre tract of land from "APD Agricultural/Pre-Development District" to "R-1A-6.6 Single Family District", as delineated in Exhibit "A", and described in Exhibit "B" with Development Standards.

SECTION 2

THAT Exhibit "B" is adopted as the Concept Plan and Development Standards for this Planned Development.

SECTION 3

THAT the Zoning Maps of the City of New Braunfels be amended to indicate the previously described change.

SECTION 4

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

SECTION 5

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

SECTION 6

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 7

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

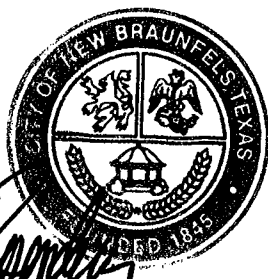
PASSED AND APPROVED: First Reading this the 22nd day of October, 2007.

PASSED AND APPROVED: Second and Final Reading this the 12th day of November, 2007.

CITY OF NEW BRAUNFELS

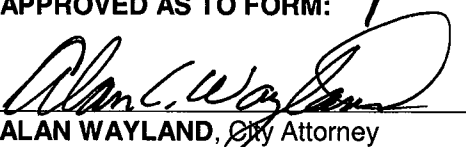
ATTEST:


MICHAEL A. RESENDEZ, City Secretary




R. BRUCE BOYER, Mayor

APPROVED AS TO FORM:


ALAN WAYLAND, City Attorney

METES AND BOUNDS DESCRIPTION
FOR A
12.86 ACRE TRACT OF LAND (PD Zoning)
NOT AN OFFICIAL SURVEY

Beginning at a ½" iron pin found being the most Northerly corner of the original 53.744 acre tract of land,

Thence departing said ½" iron pin along the southwest ROW of Zipp Road with the following calls:

S 52°25'10" E, a distance of 334.83 feet to a ½" iron pin;

S 43°37'44" W, a distance of 2.82 feet to a ½" iron pin;

S 52°41'46" E, a distance of 570.38 feet to a ½" iron pin;

S 02°07'02" E, a distance of 34.46 feet to a ½" iron pin;

Thence along the northwest ROW of Zipp Road with the following calls

S 43°40'55" W, a distance of 476.15 feet to a ½" iron pin;

S 46°22'05" E, a distance of 2.10 feet to a ½" iron pin;

S 44°12'21" W, a distance of 220.51 feet to a calculated point;

Thence departing said calculated point across the original 53.744 acre tract of land, along the proposed unit boundary with the following calls:

N 45°36'29" W, a distance of 93.86 feet to a calculated point;

Thence with curve to the left having a radius of 300.00 feet, a central angle of 9° 23' 57", an arc length of 49.21 feet, and chord bearing and distance of N 50° 18' 28" W, 49.16 feet to a calculated point;

N 55°00'26" W, a distance of 122.46 feet to a calculated point;

Thence with curve to the right having a radius of 300.00 feet, a central angle of 50° 12' 10", an arc length of 262.86 feet, and chord bearing and distance of N 29° 54' 21" W, 254.53 feet to a calculated point;

N 04°48'16" W, a distance of 84.70 feet to a calculated point;

Thence with curve to the left having a radius of 300.00 feet, a central angle of 41° 26' 35", an arc length of 217.00 feet, and chord bearing and distance of N 25° 31' 33" W, 212.30 feet to a calculated point;

N 46°13'40" W, a distance of 156.11 feet to a calculated point;

N 43°45'51" E, a distance of 441.54 to the Point Of Beginning and containing 12.86 acres of land;

METES AND BOUNDS DESCRIPTION
FOR A
40.88 ACRE TRACT OF LAND (R-1A-6.6 Zoning)
NOT AN OFFICIAL SURVEY

Beginning at a calculated point, said point being S 43° 45' 51" W, a distance of 441.54 feet from a ½" iron pipe found being the most Northerly corner of the original 53.744 acre tract of land,

Thence departing said calculated point across the original 53.744 acre tract of land, along the proposed unit boundary with the following calls:

S 46° 13' 40" E, a distance of 156.11 feet to a calculated point;

Thence with curve to the right having a radius of 300.00 feet, a central angle of 41° 26' 35", an arc length of 217.00 feet, and chord bearing and distance of S 25° 31' 33" E, 212.30 feet to a calculated point;

S 04° 48' 16" E, a distance of 84.70 feet to a calculated point;

Thence with curve to the left having a radius of 300.00 feet, a central angle of 50° 12' 10", an arc length of 262.86 feet, and chord bearing and distance of S 29° 54' 21" E, 254.53 feet to a calculated point;

S 55° 00' 26" E, a distance of 122.46 feet to a calculated point;

Thence with curve to the right having a radius of 300.00 feet, a central angle of 9° 23' 57", an arc length of 49.21 feet, and chord bearing and distance of S 50° 18' 28" E, 49.16 feet to a calculated point;

S 45° 36' 29" E, a distance of 93.86 feet to a calculated point on the south-east property line of the original 53.744 acre tract of land;

Thence following the property line of the original 53.744 acre tract of land with the following calls;

S 44° 12' 21" W, a distance of 4.85 feet;

S 22° 19' 03" W, a distance of 27.64 feet;

S 43° 42' 42" W, a distance of 1823.39 feet;

N 45° 02' 44" W, a distance of 927.87 feet;

N 43° 26' 22" E, a distance of 1839.56 feet;

N 43° 45' 51" E, a distance of 176.74 feet to the Point Of Beginning and containing 40.88 acres of land;

UNIT 1 ZONING : PD 50 LOTS

RESIDENTIAL LOTS	=	8.45 ACRES
STREETS AND ROADS.....	=	2.40 ACRES
LENGTH OF STREET AND ROADS	=	APPROXIMATELY 3,050 LF
OPEN SPACE/PARKS/DETENTION	=	2.01 ACRES
TOTAL ACREAGE	=	12.864 ACRES
RESIDENTIAL LOT DENSITY	=	3.89 LOTS PER ACRE
AVERAGE RESIDENTIAL LOT SIZE	=	7,362 SQUARE FEET
EXISTING LAND USE	=	OPEN SPACE
PROPOSED LAND USE	=	SINGLE FAMILY RESIDENTIAL

PROPOSED ZONING STANDARDS

SETBACKS:

- INTERIOR RESIDENTIAL LOTS SHALL HAVE A FRONT BUILDING SETBACK LINE OF 20 FEET, A FRONT UTILITY EASEMENT OF 15 FEET, AND A SIDE YARD SETBACK OF 5 FEET (10 FOOT SIDE YARD SETBACK IF ADJACENT TO ANOTHER ZONE).
- CORNER LOTS SHALL HAVE A 15 FOOT SIDE YARD AND A 15 FOOT UTILITY EASEMENT ADJACENT TO THE SIDE STREET AND SIDE ENTRY GARAGE SHALL BE SET BACK 20 FEET FROM THE SIDE STREET.
- ALL LOTS SHALL HAVE A 10 FOOT BACK YARD SETBACK.

LOT DIMENSIONS:

- LOT WIDTH MINIMUM 50 FEET, CORNER MINIMUM 60 FEET.
- LOT DEPTH 100 FEET MINIMUM

ADDITIONAL REQUIREMENTS:

- NO BUILDING SHALL EXCEED 35 FEET IN HEIGHT.
- MINIMUM LOT SIZE REQUIRED IS 5,000 SQUARE FEET.
- TWO OFF-STREET PARKING SPACES IN THE CARPORT OR GARAGE FOR EACH ONE-FAMILY DWELLING.
- THE ROAD SYSTEM WILL BE PUBLIC.

3.4-9. "ZH-A" zero lot line home district.

Purpose. The ZH-A zero lot line home district is intended for development of detached single-family residences on compact lots having one side building setback reduced to zero feet, also commonly referred to as "zero lot line", and having a minimum lot size of four thousand (4,000) square feet. The following regulations shall apply in all "ZH-A" districts:

(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 (Sec. 5.5)
Single family industrialized housing (Sec. 5.8)
Zero lot line / patio homes

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 or private)
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) *Maximum height, minimum area and setback requirements:*

(1) *Height.* 35 feet.

(2) *Front building setback.* A minimum front yard of 10 feet shall be provided to the front of the house. If front entry garages/carports are provided, a minimum front yard of 20 feet shall be provided to the garage/carport.

(3) *Side building setback.* There shall be no side building setback required on one side of the lot and a minimum of 10 feet in the opposite side yard. If the side of the lot abuts any other residential zoning district, that side building setback shall have a minimum depth of 10 feet. The dwelling on the "no side building setback required" side may be off-set from the property line by no more than one foot. However, a provision can be made for 5 foot setbacks on both sides if it meets all applicable building codes.

(4) *Corner lots.* Buildings on corner lots shall provide a minimum exterior side building setback of ten feet. If entry to a garage/carport is provided on the exterior side a minimum yard of 20 feet shall be provided to the garage/carport.

(5) *Rear building setbacks.* If rear entry garages/carports are provided from an alley, the rear building setback shall have a minimum depth of 20 feet. If no alley is provided and garage/carport entries

are from the front, the rear building setback shall have a minimum depth of 10 feet. If the rear of the lots abuts any other residential zoning district, the rear building setback shall have a minimum depth of 20 feet.

(6) *Width of lot.* 40 feet.

(7) *Lot area.* 4,000 square feet.

(8) *Lot depth.* 100 feet.

(c) *Other requirements:*

- (1) *Minimum area zoned.* Not less than three lots with common side lot lines will be zoned for zero lot line homes. When facing on the same street within the same block, mixing of ZH structures and other residential structures will not be allowed. However, this does not preclude other residential uses on one side of a street with ZH uses on the opposite side of the street within the same block or different blocks.
- (2) *Zero lot line wall.* No door or window openings shall be built into the side wall facing the zero lot line except those that are more than three feet from the property line and screened by a masonry wall at least eight feet in height so that the opening(s) is not visible from the adjoining property. (See Illustration 3, “ZH-A” district)
- (3) *Overhang.* Eaves and gutters may overhang the zero lot line side of the lot by no more than 18 inches. If there is an overhang over the lot line, a gutter is required such that roof runoff shall not be deposited over the lot line onto adjoining property.
- (4) *Maintenance, drainage and overhang easement.* A maintenance, drainage and overhang easement of five feet shall be provided on each lot that is adjacent to a lot with a zero setback allowance. This easement shall be for the purpose of maintaining the wall and foundation that is adjacent to one side property line to provide for proper maintenance and drainage.
- (5) *Parking.* There shall be at least two off-street parking spaces for each zero lot line home. See Section 5.1 for other permitted uses’ parking.

