

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 144 ZONING SECTION 1.4; SECTION 3.3; SECTION 3.4; SECTION 3.8; SECTION 4.2; SECTION 5.1, SECTION 5.4; AND SECTION 5.21; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Chapter 211 of the Texas Local Government Code empowers a city to enact zoning regulations and provide for their administration, enforcement and amendment; and

WHEREAS, the City Council 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; and Action Item 3.6: Pro-actively provide a regulatory environment that remains business and resident friendly.

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 Planning Commission held a public hearing on December 1, 2020 and recommended approval of the proposed amendments; and

WHEREAS, the City Council held a public hearing on said amendments on January 25, 2021; 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, Section 1.4 Definitions, is hereby amended with additions as underlined and deletions as stricken:

Sec. 144-1.4. - Definitions.

For the purpose of this chapter, certain words and terms as used herein are defined as follows:

Words used in the present tense include the future; words in the singular number include the plural, and vice versa; the word "building" includes the word "structure;" the word "shall" is mandatory and not directory; the term "used for" includes the meaning "designed for" or "Intended for"

Accessory structure or use means a subordinate structure or building having a use customarily incident to and located on the lot occupied by the main residential building; or a use customarily incident to the main residential use of the property. This term is not applicable for Commercial property, as multiple buildings are allowed on commercial lots where each is considered a main structure and is subject to the restrictions of the zoning district.

Active/Independent senior living facility means a facility that contains dwelling units, accessory uses, and support services specifically designed for occupancy by persons 55 years of age or older who are fully ambulatory or who require no medical or personal assistance or supervision, as well as accommodations for people who require only limited or intermittent medical or personal assistance.

Amphitheatre means an open-air venue used for entertainment, performance, ceremonies, or sports. Amphitheaters may or may not have fixed or designated seating, partial or temporary roof, or be under tents.

Assisted Living Facility – A special combination of housing, support services, personalized assistance, and health care designed to respond to the individual needs of those who require help with activities of daily living. A facility with a central or private kitchen, dining, recreational and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential.

Corporation includes any officer, employee or agent of a corporation.

Department means the department, division or personnel otherwise designated by

the city manager to administer or enforce any or all of the provisions of this Chapter.

Dripline means a vertical line extending from the outermost portion of the tree canopy to the ground.

Government agency means any department, agent, or employee of the City of New Braunfels, County of Comal, County of Guadalupe, State of Texas, United States Government as well as any public utility, school district or other political subdivision of the State of Texas.

Height means the vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure. The average finished grade is calculated by averaging the midpoints of the four finished exterior walls of the building.

Landscaped Area means the area of a lot which is devoted to and consists of plant material adaptable to this region, including but not limited to trees, shrubs, grass, vines, ground cover, and other plant materials, along with planters, brick, stone walkways, natural forms, water forms, and other landscape features, but not including any paved area of smooth concrete or asphalt.

Lot, double frontage means any lot, not a corner lot, with frontage on two streets that are parallel to each other or within 45 degrees of being parallel to each other. When there is a non-access easement along a property line adjacent one of the streets of a platted double frontage lot, the property line with said easement it is to be considered the rear lot line for purposes of this ordinance and is subject to the rear building setback.

Microbrewery means a facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year. The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

Microdistillery means an establishment that produces up to 100,000 gallons of distilled alcohol, such as whiskey, rum, gin, vodka, and other spirits.

Oak wilt means a disease caused by the fungus *Ophiostoma fagacearum* (*Ceratocystis fagacearum*).

Owner means the person or entity having legal title to the property or a lessee, agent, employee or other person acting on behalf of the title holder with authorization to do so.

Parking lot means a paved surface designed and ordinarily used for parking of employee and customer passenger vehicles. The term does not include parking garages, or any area used for the sale, display or storage of motor vehicles or areas where vehicle dealerships park their inventory.

Personal services mean establishments providing individual services related to non-medical personal care needs, including a beauty salon (with or without cosmetics and permanent cosmetics), barber shop, tanning salon, day spa, and massage services by masseurs and masseuses, and related incidental retail sales.

Planning director means the director of the planning and ~~community~~ development services department or his/her designee.

Planning and ~~community~~ development services director means the director of the planning and ~~community~~ development services department or his/her designee.

Public property means all parks, esplanades, traffic islands, municipal and utility easements and rights-of-way, and miscellaneous property owned by the city.

Public trees mean all trees and shrubs having 50% or more of its diameter, measured at existing grade, resting on public property.

Retail Establishment, Large Scale means a development comprised of multiple business establishments designed as a large-scale commercial center with a cumulative area in business is 100,000 square feet or more offering a shopping environment and providing services or entertainment for the general public. The multiple businesses may be housed in one or more buildings and located on one or more lots; however, the lots involved must be contiguous with one another, and constitute a single cohesive development. If more than one lot is involved, an off-site parking agreement to guarantee use of the available parking must be approved by the City.

Removal as applied to trees means uprooting, severing the main trunk of the tree or any act which causes, or may reasonably be expected to cause the tree to die, including but not limited to, damage inflicted upon the root system by machinery, storage of materials, or soil compaction; substantially changing the natural grade above the root system or around the trunk; excessive pruning; or paving with concrete, asphalt, or other impervious materials in a manner which may reasonably be expected to kill the tree.

Residential district means the following zoning districts: R-1, R-1A-43.5, R-1A-12, R-1A-8, R-1A-6.6, [R-1A-5.5, R-1A-4](#), R1AR-2, R-2A, B-1, B-1A, TH, TH-A, ZH, ZH-A, SND-1, ADSD and WNSD. This includes all special and planned development districts identified as residential unless otherwise specified within the special district.

[Street yard](#) is the area of a lot that lies between the street right-of-way line and the actual front wall line of a building, as such building wall line extends from the outward corners of the building, parallel to the street, until such imaginary extensions of such front building wall intersect the side property lines.

[Temporary housing](#) means housing for a time period of 6-24 months for individuals/families who do not have current accommodations.

[Transient housing](#) – short term accommodations for visitors or travelers, such as a hotel or motel.

[Tree](#) is a woody plant having a well-defined stem, trunk, or multi-trunk and a more or less definitely formed crown, usually attaining a mature height of at least eight feet. For purposes of this article, the following publications may be used as a reference in defining which plants may be classified as trees:

- (1) [Texas Trees, A Friendly Guide](#), by Paul W. Cox and Patty Leslie, Corona Publishing.
- (2) [A Field Guide to Texas Trees](#), by Benny J. Simpson, Texas Monthly Press.
- (3) [Trees of Central Texas](#), by Robert A. Vines, University of Texas Press, Austin, 1984.
- (4) [Landa Park Arboretum, Harry Landa Self-Guiding Tree Trail and Growing Guide](#), published by Landa Park, New Braunfels, Texas.

[Tree canopy coverage](#) includes the percentage of the parking lot area covered by the tree canopy. The area of the tree canopy is the sum of the drip-line areas of all trees within the lot plus the portion of the drip-line area that lies within the lot for trees on the perimeter of the lot.

[Xeriscape](#) is a set of garden design and landscape maintenance principles that promote good horticultural practices, efficient use of water, and means water-conserving drought-tolerant landscaping.

(Ord. No. 2012-49, § 1(Exh. A), 9-10-12; Ord. No. 2016-75, § 1, 12-12-16; Ord. No. 2017-06, § 1, 1-9-17; Ord. No. 2017-77, § 1, 10-23-17; Ord. No. 2017-78, § 1, 10-23-17; Ord. No. 2018-21, § 2, 3-26-18; Ord. No. 2018-76, § 1, 11-12-18; Ord. No. 2019-78, § 1, 11-11-19; Ord. No. 2020-20, § 1, 3-9-20)

Editor's note— Ord. No. 2018-21, § 2, adopted March 26, 2018, redesignated the former section 144-1.3 as section 144-1.4. The historical notation has been preserved for reference purposes.

SECTION 2

THAT Chapter 144, Zoning, Sections 3.3-7, C, -1, Local business district, 3.3-8, C-2, General business district, 3.3-9, C-3 Commercial district, 3.3-10, C-4 Resort Commercial District, 3.3-11 M-1 Light Industrial District, and 3.3-12, M-2, Heavy Industrial District are hereby amended with additions as underlined and deletions as stricken:

3.3-7. "C-1" local business district.

The following regulations shall apply in all "C-1" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. 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.*

~~Barber/beauty shop, haircutting (non-college).~~

Personal Services

3.3-8. "C-2" general business district.

The following regulations shall apply in all "C-2" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. 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.*

- (1) *Uses permitted by right.*

~~Barber/beauty shop, haircutting (non-college).~~

Personal Services

3.3-9. "C-3" commercial district.

The following regulations shall apply in all "C-3" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. 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.*

~~Barber/beauty shop, haircutting (non-college).~~

Micro brewery (onsite manufacturing and/or sales).

Micro distillery (onsite manufacturing and/or sales).

Personal Services

3.3-10. "C-4" resort commercial district.

The following regulations shall apply in all "C-4" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. 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.*

Micro brewery (onsite manufacturing and/or sales).

Micro distillery (onsite manufacturing and/or sales)

3.3-11. "M-1" light industrial district.

The following regulations shall apply in all "M-1" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. 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.*

~~-Barber/beauty shop, haircutting (non-college)-~~

Micro brewery (onsite manufacturing and/or sales).

Micro distillery (onsite manufacturing and/or sales)

Personal Services

3.3-12. "M-2" heavy industrial district.

The following regulations shall apply in all "M-2" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. 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.*

~~-Barber/beauty shop, haircutting (non-college)-~~

Micro brewery (onsite manufacturing and/or sales).

Micro distillery (onsite manufacturing and/or sales)

Personal Services

SECTION 3

THAT Chapter 144, Zoning, Sections 3.4-10, MU-A, Low Intensity Mixed Use District, 3.4-11 MU-B High Intensity Mixed Use District, 3.4-12, C1-A, Neighborhood Business District, 3.4-13, C-1B, General Business District, 3.3-14, C-2A Central Business District, 3.4-15, C4-A, Resort Commercial District, 3.3-16, C-4B Resort Facilities District, 3.4-17, CO, Commercial Office District, 3.4-18, M-1A, Light Industrial District, and 3.4-

19, M-2A, Heavy Industrial District are hereby amended with additions as underlined and deletions as stricken:

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.

Authorized uses. Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. 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.*

~~Barber/beauty shop, haircutting (non-college).~~

Personal Services

3.4-11. "MU-B" high intensity mixed use district.

Purpose. The MU-B high intensity mixed use district is intended to provide for a mixture of more intense retail, office, and industrial 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.

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. 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.*

~~Barber/beauty shop, haircutting (non-college).~~

Micro brewery (onsite manufacturing and sales).

Micro distillery (onsite manufacturing and/or sales)

Personal Services

3.4-12. "C-1A" neighborhood business district.

Purpose. This district is established to provide office, business and professional services, and light retail and commercial uses to serve adjacent neighborhoods. The uses found in the neighborhood business district are generally clustered at major intersections of collector streets near the perimeters of residential neighborhoods. No major shopping or office centers are included in this district. No use that is noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas shall be included in this district. The following regulations shall apply in all "C-1A" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. 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.*

~~Barber/beauty shop, haircutting (non-college).~~

Personal Services

3.4-13. "C-1B" general business district.

Purpose. The general business district is established to provide areas for a broad range of office and retail uses. This district should generally consist of retail nodes located along or at the intersection of major collectors or thoroughfares to accommodate high traffic volumes generated by general retail uses. The following regulations shall apply in all "C-1B" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. 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.*

~~Barber/beauty shop, haircutting (non-college).~~

Micro brewery (onsite manufacturing and/or sales).

[Micro distillery \(onsite manufacturing and/or sales\)](#)

[Personal Services](#)

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

Purpose. This high density mixed use district is intended for central business district (CBD) uses. Any expansion of the existing "C-2" zoning would be limited to those changing areas that abut the core CBD. The following regulations shall apply in all "C-2A" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. 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*

~~Barber/beauty shop, haircutting (non-college).~~

Micro brewery (onsite manufacturing and/or sales).

[Micro distillery \(onsite manufacturing and/or sales\)](#)

[Personal Services](#)

3.4-15. "C-4A" resort commercial district.

Purpose. This zoning classification is intended to be developed as resort commercial property with the purpose to serve tourists, vacationing public, conference center attendees, sports related programs and support service facilities including garden office, retail and specialty shops. The following regulations shall apply in all "C-4A" districts:

- (a) *Authorized uses.* Uses permitted by right and by special use permit shall be those set forth in the land use matrix in section 144-4.2. 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.*

~~Barber/beauty shop, haircutting (non-college).~~

Micro brewery (onsite manufacturing and/or sales).

Micro distillery (onsite manufacturing and/or sales)

Personal Services

3.4-16. "C-4B" resort facilities district.

Purpose. This zoning classification is applicable to land not fronting on, or having access to, rivers and streams such as the Comal River, Comal Springs, and Guadalupe River. It applies to land, ten acres and greater, developed as resort commercial property with the purpose to serve tourists, vacationing public, conference center attendees, sports related programs and support service facilities including garden office, retail and specialty shops. The primary reason for classification of these uses separately from standard commercial uses is to allow recognition of their individual characteristics and to call attention to their influence on the economic base of the community. The following regulations shall apply in all "C-4B" districts:

Rezoning to this district shall not be allowed after November 8, 2006.

- (a) *Authorized uses.* Uses permitted are as follows:

Uses permitted by right:

~~Barber/beauty shop, haircutting (non-college).~~

Micro brewery (onsite manufacturing and/or sales).

Micro distillery (onsite manufacturing and/or sales)

Personal Services

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.

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. 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.*

~~Barber/beauty shop, haircutting (non-college).~~

Personal Services

3.4-18. "M-1A" light industrial district.

Purpose. The M-1A light industrial district is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, distribution, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses generally require accessibility to major thoroughfares, major highways, and/or other means of transportation. The following regulations shall apply in all "M-1A" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. 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.*

~~Barber/beauty shop, haircutting (non-college).~~

Micro brewery (onsite manufacturing and/or sales).

Micro distillery (onsite manufacturing and/or sales)

Personal Services

3.4-19. "M-2A" heavy industrial district.

Purpose. The M-2A heavy industrial district is intended primarily for the conduct of heavy manufacturing, assembling and fabrication activities that do not typically depend upon frequent customer or client visits. Such uses generally require accessibility to major thoroughfares, major highways, and/or other means of transportation such as the railroad. The following regulations shall apply in all "M-2A" districts:

- (a) *Authorized uses.* Uses permitted by right and by special use permit shall be those set forth in the land use matrix in section 144-4.2. 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.*

~~-Barber/beauty shop, haircutting (non-college)-~~

Micro brewery (onsite manufacturing and/or sales).

Micro distillery (onsite manufacturing and/or sales)

Personal Services

SECTION 4

THAT Chapter 144, Zoning, Section 3.8 Special Districts, is hereby amended with additions as underlined and deletions as stricken:

Section 144-3.8. - Special districts.

3.8-7. *Special District—Walnut Neighborhood.*

- e) *Building design standards.* This section below ((1) regarding building materials is suspended until authorized by a change in state law or case law.
The intent is to keep the existing building to maintain the traditional neighborhood streetscape setting. Additions or new structures for residential, mixed-use or non-residential uses must maintain and enhance the residential feel by complying with the following standards.

(1) *Material.*

- (A) The same, similar or complimentary material shall be used on additions to existing structures.
- (B) The existing housing stock along Walnut is an eclectic mix of building types and materials which is encouraged to continue. Styles include Minimal Traditional, Craftsman, Neo Classical Revival, Ranch, Tudor Revival, and Vernacular.

Materials include stucco, rock, brick, and wood siding with various roof materials such as standing metal seam, composition shingle and Spanish tile. New construction shall utilize materials that are complimentary to the other structures within the block. Cementous fiber board planks (i.e. hardi-plank) may be utilized in lieu of wood siding.

SECTION 5

THAT Chapter 144, Zoning, Section 4.2, Land Use Matrix,
are hereby amended with additions as underlined and deletions as stricken:

Sec. 144-4.2. - Land use matrix.

LEGEND																																				
P - The land use is permitted by right in the zoning district indicated.																																				
- The land use is prohibited in the zoning district indicated (Blank).																																				
NOTE: Unless otherwise noted in this chapter, an application for a special use permit may be made for any land use not permitted in any district, except PD.																																				
Types of Land Uses	Pre-1987 Zoning Districts												Post-1987 Zoning Districts																							
	R-1	R-2	R-3	B-1	TH	ZH	C-1	C-2	C-3	C-4	M-1	M-2	APD	R-1A-43.5	R-1A-12	R-1A-8	R-1A-6.6	R-2A	R-3L	R-3H	B-1A	B-1B	TH-A	ZH-A	MU-A	MU-B	C-1A	C-1B	C-2A	C-4A	C-4B	CO	M-1A	M-2A		

Barber/beauty shop, haircutting (non-college)							P	P	P		P	P														P	P	P	P	P	P	P	P	P	P	P

Manufactured home—HUD Code compliant (see Texas Occupations Code ch. 1201)				P			P	P	P												P	P											P			
Manufactured home park—HUD Code compliant (see Texas Occupations Code ch. 1201)																					P															
Manufactured home subdivision—HUD Code compliant (Texas Occupations Code ch 1201)																					P													P		

Micro brewery (onsite mfg. and/or sales)																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
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(Ord. No. 2012-49, § 1(Exh. A), 9-10-12; Ord. No. 2017-78, § 2, 10-23-17; Ord. No. 2019-01, § 1, 1-14-19; Ord. No. 2019-55, § 5, 8-26-19; Ord. No. 2019-69, § 1, 10-14-19; Ord. No. 2019-76, § 5, 11-11-19)

SECTION 6

THAT Chapter 144, Zoning, Section 5.1, Parking, loading, stacking and vehicular circulation is hereby amended with additions as underlined and deletions as stricken:

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

5.1-1. General provisions.

- (e) *Construction and maintenance.* Off-street parking facilities shall be constructed, maintained and operated in accord with the following specifications:

(12) Curbside pickup, ADA parking, and all other specially designated or reserved parking shall count toward the total minimum required parking for a specific use.

- (j) *Valet parking.*

- (5) *Valet parking operations.*

- (viii) Valet parking operations may only be conducted in areas shown on an approved valet parking plan. In an event that all of the parking spaces available in that parking plan are in use, the valet parking operations may use other available spaces in the subject parking lot. Under no circumstances will these parking spaces outside the approved valet parking plan be reserved at any time. Valet parking operations outside the approved plan area shall cease when vacancies occur within the approved plan area. Valet parking located on a separate parcel cannot count toward commercial off-street parking requirements unless an off-site parking agreement is approved allowing cars to be parked on a separate lot.

5.1-3. Schedule of required spaces.

- (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
<u>Active/Independent Senior Living Facility</u>	<u>1.33 per unit</u>
Adult care facility	One for each two employees or staff members, PLUS One space for each five adults for which the facility is licensed by the state

<u>Electronic Assembly-High Tech over 100,000 SF</u>	<u>1 for each 3000 sq. ft. of gross floor area</u>
Electrical repair shop	One for each 400 sq. ft. of gross floor area

Office and service uses	One for each 300 sq. ft. of gross floor area
<u>Office (HQ with no customer traffic)</u>	<u>One for each 400 sq. ft. gross floor area</u>

<u>Temporary Housing</u>	<u>One space per 1 bedroom unit/studio; 1.5 spaces per 2 bedroom unit; 2 spaces per 3 bedroom unit</u>

(Ord. No. 2012-49, § 1(Exh. A), 9-10-12; Ord. No. 2016-75, § 2, 12-12-16; Ord. No. 2017-80, § 2, 10-23-17; Ord. No. 2018-21, § 2, 3-26-18; Ord. No. 2019-78, § 3, 11-11-19)

SECTION 7

THAT Chapter 144, Zoning, Section 5.4 Accessory uses and structures, is hereby amended with additions as underlined and deletions as stricken:

Section 5.4 Accessory uses and structures

- (a) *General.* Accessory buildings are subordinate buildings detached from the main building, the use of which is incidental to and used only in conjunction with the main building. Accessory buildings include, but are not limited to, an automobile storage garage, storage building (for storage belonging to the owner or tenant), greenhouse

or home workshop, and shall not be utilized for human habitation. Residential outdoor fireplaces must also meet the minimum accessory structure setbacks.

- (b) *Front yard/location requirement.* Any accessory building hereafter constructed or placed on any lot shall provide a front yard of 60 feet or shall be located behind the main building, whichever is less.
- (c) *Side building setback requirement.* Except for townhouses, there shall be a side building setback on each side of an accessory building not less than five feet. In the case of a corner lot, the exterior side setbacks for the particular zoning district shall govern. Townhouse accessory building setback is a minimum of three feet.
- (d) *Rear building setback requirement.* The depth of the rear yard shall be at least three feet. The building(s) shall not occupy more than 30 percent of the rear yard. In the case of a through lot, the depth of the rear yard shall be 25 feet.
- (e) *Height.* The height of the accessory building shall not exceed the height of the main building.
- (f) *Maximum number of buildings per lot.* In no instance shall more than two detached accessory buildings be allowed on one lot. Outdoor fireplaces and covered patios (with roof but no side walls) are considered structures subject to setbacks but are not considered accessory buildings for the purpose of determining the maximum number of accessory buildings in the yard.
- (g) *Building spacing.* As per adopted building codes.
- (h) *Accessory dwellings.* A secondary living space that is on-site with a primary living space is allowed and may be contained within the same structure as the primary dwelling or may be contained in a separate structure. A guest house and a garage loft are examples of accessory dwellings. No compensation may be paid for occupying the accessory dwelling. Separate kitchen facilities such as a stove, oven or dishwasher are not allowed in accessory dwelling.
- (i) *Accessory equipment requirements.* Air conditioning compressors, swimming pool pumps and similar accessory structures shall observe all front and exterior side yard setbacks specified for the particular zoning district in which the property is located. A minimum interior side building setback and rear building setback of three feet shall be observed, unless otherwise approved by the building official in accordance with the city adopted building codes.

(Ord. No. 2012-49, § 1(Exh. A), 9-10-12)

SECTION 8

THAT Chapter 144, Zoning, Section 5.21, General provisions and exceptions; use, height and area regulations.is hereby amended with additions as underlined and deletions as stricken:

Section 5.21 General provisions and exceptions; use, height and area regulations

5.21-3. Yard and setback exceptions.

- (a) *Front setback determination.* In any zoning district where lots on the same side of the street between two intersecting streets are developed with varying front yard depths and no plat has been filed showing a setback line, the front setback shall be determined by the planning director.
- (b) *Official line and measurement.* Where an official line has been established for future widening or opening of a street upon which a lot abuts, then the depth or width of such yard shall be measured from such official line to the nearest line of the building.
- (c) *Open yard.* Every part of a required yard shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, chimneys, buttresses, ornamental features and eaves, provided that none of the above projections shall extend into a required yard more than 24 inches. In residential districts, canopies or open porches having a roof area not exceeding ~~60~~ 120 square feet may project a maximum of six feet into the required front or side yard. In zero lot line districts canopies or open porches having a roof area not exceeding 120 square feet may project a maximum of five feet into the required side building setback, except in the case of a corner lot, where the required side yard is adjacent to the street, no encroachment may be allowed.
- (d) *Exterior stairway.* Any exterior stairway, open or enclosed, may project not more than four feet into a required rear building setback.
- (e) *Commercially or industrially zoned lots.* No rear building setback shall be required on any lot commercially or industrially zoned, the rear line of which adjoins a railway right-of-way or which has a rear railway tract connection, provided the lot is not utilized for residential purposes.
- (f) *Computing the depth of a rear yard.* In computing the depth of a rear yard for any building where such yard abuts a dedicated alley or a drainage easement which is open-space and cannot be built upon, one-half of the width of such alley or easement may be assumed to be a portion of the rear yard.

5.21-4. Lot width and area exceptions.

- (a) A lot or parcel has less than the required width or area prescribed for the particular zoning district and the lot or parcel was in separate ownership or platted prior to September 25, 1967, the lot area or width requirement will not prohibit erection of a one-family dwelling.
- (b) Non-habitable residential or commercial lots (e.g. utility infrastructure lots, drainage lots, landscape lots, etc.) are not required to meet the minimal

dimensional standards of the zoning ordinance but must provide for adequate access for maintenance of the lot.

(Ord. No. 2012-49, § 1(Exh. A), 9-10-12; Ord. No. 2013-6, § II, 1-28-1

SECTION 9

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 10

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 11

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

SECTION 12

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 13

THAT this Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office.

PASSED AND APPROVED: First reading this the 25th day of January, 2021.

PASSED AND APPROVED: Second reading this the 8th day of February, 2021

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney