

## Legislation Details (With Text)

**File #:** 18-600 **Name:**  
**Type:** Ordinance **Status:** Individual Item Ready  
**File created:** 10/3/2018 **In control:** City Council  
**On agenda:** 10/22/2018 **Final action:**  
**Title:** Public hearing and first reading of an ordinance regarding amendments to the Code of Ordinances, Chapter 144, Zoning, Section 1.4 Definitions; and Section 5.3-2 Fences and Walls.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Residential Buffer wall amendments, 2. Sec. 1.4 Definitions, 3. Sec. 5.3-2 Fences, 4. Draft ordinance

Date	Ver.	Action By	Action	Result
10/22/2018	1	City Council		

Presenter

*Christopher J. Looney, Planning and Community Development Director  
clooney@nbtexas.org*

**SUBJECT:**

Public hearing and first reading of an ordinance regarding amendments to the Code of Ordinances, Chapter 144, Zoning, Section 1.4 Definitions; and Section 5.3-2 Fences and Walls.

**BACKGROUND / RATIONALE:**

**Case No.:** CS-18-030

**Council District:** All

**Applicant:** City of New Braunfels

**Staff Contact:** Matthew Simmont  
msimmont@nbtexas.org  
(830) 221-4058

**Background:**

New Braunfels' Zoning Ordinance currently includes the following provision:

- Where a multifamily or non-residential development is adjacent to land used or zoned only for single-family or two-family development, a six-foot tall (minimum) to eight-foot tall (maximum) masonry wall must be installed and maintained by the commercial/multifamily property owner/developer as a buffer between the properties and must be consistent with any pre-existing masonry wall.

In 2012, the Zoning Ordinance was modified to require that a buffer between residential and either multi-family or non-residential uses be provided to include shade trees and a wall constructed of

masonry materials. This was required for all parts of town with an intent to protect the residential use from potential negative impacts of the non-residential/multi-family uses.

At the time of adoption, fiber cement was considered an accepted “masonry” product. This was due to the fact that a separate section of the Zoning Ordinance that addresses non-residential design standards allowed it as a masonry material. Therefore, fiber cement has been considered an accepted finish material for residential buffer walls (fences) and some commercial projects have built residential buffer walls with fiber cement board and/or panel finish over the years.

Concern has since arisen from residential property owners who do not feel fiber cement provides the quality and durability that was originally intended with the residential buffer wall regulations. Their concerns include appearance, sound transmission, overall durability, and quality of construction. In light of these concerns, City Council directed staff to bring forward clarifying amendments. The subject proposal is to provide a specified list of construction materials that may be used for a residential buffer wall, excluding fiber cement.

In 2015, this section of the Zoning Ordinance was amended to provide an “opt-out” option for abutting residential property owners who preferred to not have a buffer wall. The opt-out option is simple when there are single abutting lots. However, when there are multiple residential lots abutting a single linear commercial/multi-family property line, the ordinance allows a simple majority of abutting residential lots to exercise the opt-out on the single line. The subject proposal would increase that to a two-thirds (2/3) majority.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

<b>City Plan/Council Priority:</b> Envision New Braunfels	<b>Action 2.8:</b> <i>Establish or expand architectural standards for quality of design across the city.</i> The proposed ordinance seeks to improve the quality and aesthetics of new construction within the City while maintaining standards that protect the health and safety of the citizenry, and flexibility for a variety of types and costs of materials. <b>Action 3.6:</b> <i>Pro-actively provide a regulatory environment that remains business and resident friendly.</i> The proposed amendments to the current regulations also include corrections and clarification that will improve administration of the code.
--	--

**FISCAL IMPACT:**

N/A

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on October 3, 2018 and recommended approval of the proposed amendments (9-0-0).

**STAFF RECOMMENDATION:**

Staff recommends approval. The proposed changes will set a higher standard for residential buffers in the City, improve clarity of intent, fairness of the process, and will help staff process permits more efficiently.

**ATTACHMENTS:**

1. Draft amendments to Sections 1.4 Definitions, and 5.3-2 Fences and Walls with strikeouts (deletions) and underlines (additions).
2. Chapter 144, Section 1.4
3. Chapter 144, Section 5.3-2
4. Draft ordinance