

Land Development Ordinance

New Braunfels, Texas

Installment 1: Districts and Uses

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CLARION

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Article 1: General Provisions

[To be included in Installment 3]

Article 2: Zoning Districts

COMMENTARY

A major focus in this draft has been to **simplify and reduce repetition** in carrying forward the district sections from the current code. Some ways in which that has been done include:

- Lists of allowed uses are not carried forward for each individual district. Instead, each district dimensional table has a link to the new Table of Allowed Uses in Article 3.
- Distinct dimensional standards for each building type allowed in a district (residential, duplex, non-residential) have been removed. Instead, all buildings permitted in a district shall meet the general dimensional standards for that district.
- The requirement for larger lots on corners is not carried forward, nor is the specification for different setbacks depending on the orientation of shared lot lines. ("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.") See Commentary in §2.7.3D.
- Lot depth requirements are not carried forward. Also, garage setback requirements have not been carried forward in this article (though the requirement will be addressed in the Access, Connectivity and Circulation section as part of Installment 2).
- Parking requirements are not carried forward. Each district dimensional table has a placeholder for a link to Parking and Loading requirements, which will also be part of Installment 2.
- Most provisions related to residential adjacency (for example, "Any multi-family, mixed-use, or non-residential building abutting a one- or two-family use or zoning district shall be set back from the residential property at least 20 feet.") have not been carried forward in this draft. Instead, this topic will be covered in a section of Installment 2 devoted to Residential Adjacency. This draft includes placeholders in each district dimensional table that will link to those Residential Adjacency requirements.

2.1 General

2.1.1 Zoning Districts Established¹

COMMENTARY

This table shows both current districts (left) and proposed new districts (right), which will help for review purposes during the drafting process. The final adopted code will show only the new contents in the right column.

The zoning districts shown in Table 2-1: Summary Table of Zoning Districts are hereby established.

Table 2-1: Summary Table of Zoning Districts	
Current District Name	Proposed New District Name
Agricultural and Residential Districts	
APD – Agricultural/Pre-Development	AG – Agricultural/Residential District
R-1A-12 – Single-Family District	R12 – Residential District
R-1A-8 – Single-Family District	R8 – Residential District
R-1 – Single-Family District	R6.6 – Residential District

¹ The following current districts have not been carried forward: TH and TH-A for townhouses; R-1A-43.5; B-1 and B-1A for conventional and mobile homes; and C-O commercial office. See ensuing Commentary for further explanation.

Table 2-1: Summary Table of Zoning Districts

Current District Name	Proposed New District Name
R-1A-6.6 – Single-Family District	
R-1A-5.5 – Single-Family District	R5.5 – Residential District
R-1A-4 – Single-Family District	R4 – Residential District
	R2.5 – Small Lot Residential District
R-2 – Single-Family and Two-Family District R-2A – Single-Family and Two-Family District	RMX – Mixed Residential District
R-3 – Multi-Family District R-3L – Multi-Family Low Density District	RMF1 – Small-Scale Multi-Family District
	RMF2 – Medium-Scale Multi-Family District
R-3H – Multi-Family High Density District	RMF3 – Large-Scale Multi-Family District
B-1B – Mobile Home Park District	RMH – Manufactured Home
Mixed-Use Districts	
MU-A – Low-Intensity Mixed-Use C-O – Commercial Office	MXT – Traditional Neighborhood
C-O – Commercial Office	MXC – Mixed-Use Corridor
MU-B – High-Intensity Mixed-Use	MXR – Mixed Use Regional
Non-Residential Districts	
C-2 – General Business	CBD – Central Business District
C-1 – Local Business C-1A – Neighborhood Business	CN – Neighborhood Commercial
C-1B – General Business C-2A – Central Business	CG – General Commercial
C-3 – Corridor Commercial	CR – Regional Commercial
C-4 – Resort Commercial C-4A – Resort Commercial C-4B – Resort Facilities	RC – Resort Commercial
M-1 – Light Industrial M-1A – Light Industrial	LI – Light Industrial ²
M-2 – Heavy Industrial M-2A – Heavy Industrial	HI – Heavy Industrial
	PO – Parks and Open Space
Special-Purpose Base Districts	
GLV – Gruene Lake Village	GLV – Gruene Lake Village
SND-1 – Special Neighborhood District-1	SHND-1 – Sophienburg Hill Neighborhood
	SCSD – South Castell Avenue
WNSD – Walnut Neighborhood	WNSD – Walnut Neighborhood
WRST – Wursthof	WRST – Wursthof
Overlay Districts	
APO – Airport Overlay	AHO – Airport Hazard Overlay

² In keeping with the observation that using letters is more descriptive than numbers, the industrial districts have been changed to LI and HI in this draft.

Table 2-1: Summary Table of Zoning Districts	
Current District Name	Proposed New District Name
	HSD – Historic District
	HLM – Historic Landmark
MP-1 – Main Plaza Overlay	MP – Main Plaza Overlay – MP-1
	NPO – Neighborhood Protection Overlay

2.1.2 Official Zoning Map³

A. Incorporation of Zoning Map

The location and boundaries of the zoning districts established in this LDO are shown on the Official Zoning Map of the City of New Braunfels, which has been adopted by the City Council and is incorporated as part of this Code. The Official Zoning Map is maintained by the Planning and Development Services Department.

B. Zoning District Boundaries

Zoning district boundaries on the Official Zoning Map shall be interpreted as follows:

1. Zoning district boundaries shown within or parallel to the lines of roads, easements, and transportation rights-of-way shall be deemed to follow the centerline of the affected road, easement, or right-of-way.
2. Zoning district boundaries indicated as following or being parallel to section or fractional sectional lines, lot lines, or corporate boundary lines of the City shall be construed as following or paralleling such lines.
3. Zoning district boundaries indicated as approximately following the centerline of streams, rivers, or other bodies of water shall be construed to follow such centerlines.
4. Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the zoning districts adjoining each side of vacated areas shall be extended automatically to the center of the vacated area. All areas included in the vacation shall after the vacation be subject to all regulations of the extended zoning districts. In the event of a partial vacation, the adjoining zoning district, or zoning district nearest the portion vacated, shall be extended automatically to include all the vacated area.
5. A lot that is fully covered (bounded) by an overlay district shall be subject to the applicable overlay district standards found in §2.5, *Overlay Zoning Districts*.
6. A lot that is partially covered (transected) by an overlay district shall be subject to the applicable overlay district standards to the extent the lot area is covered by the overlay district.

C. Zoning District Boundary Clarification⁴

1. If a zoning district boundary is unclear or is disputed, the Planning and Development Services Department shall determine the location of the zoning district boundary.⁵
2. Any appeal of the determination by the Planning and Development Services Department of the zoning district boundary shall be heard by the Zoning Board of Adjustment pursuant to §X.X, *Appeals of Administrative Decisions*.

³ New.

⁴ The Administration and Procedures installment generally includes a section on officials' duties and responsibilities. For the Director, that section often specifies responsibility for use, code text, and zoning boundary interpretations. When Installment 3 is prepared, this section will include a cross reference to Director Interpretations.

⁵ This draft replaces the term "Director" with the Planning and Development Services Department. The definition for this term explains it indicates the Planning and Development Services Director or any person to whom the Director delegates authority.

D. Amendments to the Official Zoning Map

Changes in the boundaries of any zoning district shall require an amendment to the Official Zoning Map pursuant to §X.X, *Rezoning*. All changes in district boundaries shall be noted on the Official Zoning Map following approval by the City Council.

E. Annexations⁶

1. All requests for territory to be annexed into the City shall be accompanied by a request for zoning upon annexation to one of the base zoning districts described in §§2.2 through 2.4 below, or the Planned Development District, as described in §2.6.
2. Requested zoning upon annexation shall comply with the Future Land Use Plan in the Comprehensive Plan.

2.1.3 Organization of this Article**A. Base Zoning Districts**

1. Sections 2.2 through 2.4 follow a common structure for describing the purpose and intent for each base zoning district, the applicable dimensional standards, and any district-specific standards.
2. Each base zoning district includes an illustration demonstrating the dimensional requirements for that district. The illustrations are not intended to represent a specific location, but rather reflect the general character of the district.
3. Each base zoning district includes a table of dimensional standards summarizing the most pertinent dimensional standards applicable to each district. The labels in the table correspond to the applicable illustration. These tables are illustrative only and do not identify all standards that may apply to a particular development.
4. Each base zoning district also contains a table cross-referencing other applicable key standards such as uses allowed in the district and the general and specific standards applicable to all development. These tables are illustrative only and do not identify all standards that may apply to a particular development.

B. Overlay Districts

1. Section 2.5, *Overlay Zoning Districts*, identifies the overlay zoning districts and sets forth each district's purpose and the standards that modify those of underlying districts.
2. Overlay zoning districts are established by an amendment to the Official Zoning Map (see §X.X). They are superimposed over one or more underlying base or planned development zoning districts. If the standards for an overlay district expressly conflict with those for an underlying base zoning district, planned development district, or another applicable overlay district, the more restrictive standards as determined by the Planning and Development Services Department shall apply.

C. Planned Development

Section 2.6 describes the Planned Development District and applicable standards for that district. Establishment of a Planned Development shall follow the procedures in §X.X, *Rezoning to PD*.

⁶ New. This draft implements the proposal that annexed land be zoned upon annexation, rather than having the APD "holding zone" applied.

2.2 Residential Zoning Districts

COMMENTARY

This draft implements the recommendations of the assessment report and includes the following changes and amendments to New Braunfels' lineup of residential districts:

Pre- and Post-1987 Districts. This draft combines pre- and post-1987 districts that are identical or nearly so, including those districts that currently account for the majority of "on the ground" residential zoning in New Braunfels: R-1 and R-1A-6.6; R-2 and R-2A.

Carried Forward. R12, R8, R5.5, R4, and RMH (renamed from B-1).

For existing districts that are carried forward, but such districts are not actually used in practice today in New Braunfels, we propose revised dimensional standards and expanding the allowed building types to provide more options and promote affordability. With districts that are used extensively today, such as R6.6 and R-2, the proposed changes are more conservative, since these districts account for much of the actual zoned area in the City.

Not Carried Forward.

- The ZH and ZH-A, TH and TH-A districts are not carried forward, following the suggestion to regulate zero lot line homes and townhouses as a building type allowed in various districts, rather than restricted to their own districts.

- The same logic applies to the elimination of B-1A: permissions for manufactured homes on individual lots are proposed to be expanded to be allowed more widely, in support of affordability.

- APD: Rather than a combined agricultural/holding zone district for newly annexed property, this draft proposes two changes. The first is to maintain a true agricultural district, while the second eliminates the need for a "holding zone" by requiring zoning upon annexation.

New. The R2.5 is a proposed new district to broaden the range of allowed minimum lot sizes.

Multi-family districts. Three multi-family districts are proposed: R-3 and R-3L have been combined into RMF1, intended to promote small multi-family projects as compatible infill in established areas. RMF2 is new, and RMF3 replaces R-3H to accommodate large-scale multi-family development.

In all these districts (and elsewhere as appropriate in the LDO, as noted), density limits have been replaced with regulations based on the size of potential development. Generally, project size is a more readily comprehensible qualifier for the public to understand, and the replacement is also in alignment with professional planning trends of moving away from density limitations as being somewhat arbitrary.

2.2.1 AG – Agricultural/Residential District

COMMENTARY

The AG district is proposed to replace the APD, but focuses on actual agricultural use, rather than being a holding zone for newly annexed, unzoned property. To add predictability for neighbors regarding potential future development of annexed lands, §2.1.2E, *Annexations*, of this LDO now specifies that zoning must be requested and approved upon annexation. The dimensional standards for the AG district differ only in the proposal of a reduced rear setback (from 30 to 20 feet).

A. Purpose

The AG district is intended to allow the commercial cultivation and growth of agricultural products, including livestock, fowl, and produce, on lots of at least 15,000 square feet in area, along with residential and compatible accessory uses permitted on the same lot. The district may also allow uses that require large land area. It is rural in character, with large lots.

B. Dimensional Standards

Table 2-2: AG Dimensional Standards

Lot Dimensions (minimum)			Other Key Standards	
	Lot area (sq ft)	15,000	Measurements and Exceptions	§2.7
A	Lot width (ft)	100	Table of Allowed Uses	§3.2
Building Setbacks (minimum)			Use-Specific Standards	§3.3
B	Front (ft)	25	Landscaping and Screening	
C	Rear (ft)	20	Vehicle Parking and Loading	
D	Side (ft)	10	Residential Adjacency	
Height (maximum)				
E	Building height (ft)	50		
	Accessory structure	None		

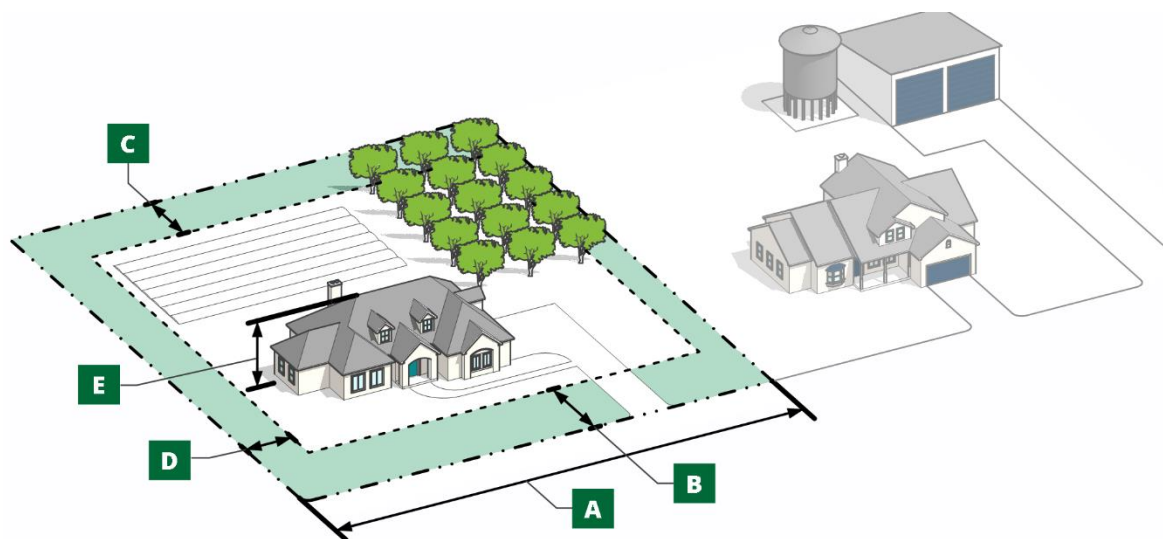


Figure 2.2.1A: AG District Dimensional Standards Illustration

2.2.2 R12 – Residential District

COMMENTARY

This section carries forward the current R-1A-12 district with a new name. Because of the relatively large lot size, this draft proposes that residences with up to four units be allowed in this district.

A. Purpose

The R12 residential district is intended for development of single, duplex, and three- and four-unit residences, and customary accessory uses on lots of at least 12,000 square feet in area. The district is suburban in character, with large residential lots.

B. Dimensional Standards

Table 2-3: R12 Dimensional Standards

Lot Dimensions (minimum)			Other Key Standards	
	Lot area (sq ft)	12,000	Measurements and Exceptions	§2.7
A	Lot width (ft)	80	Table of Allowed Uses	§3.2
Building Setbacks (minimum)			Use-Specific Standards	§3.3
B	Front (ft)	25	Landscaping and Screening	
C	Rear (ft)	20	Vehicle Parking and Loading	
D	Side (ft)	10	Residential Adjacency	
Height (maximum)				
E	Building height (ft)	35		

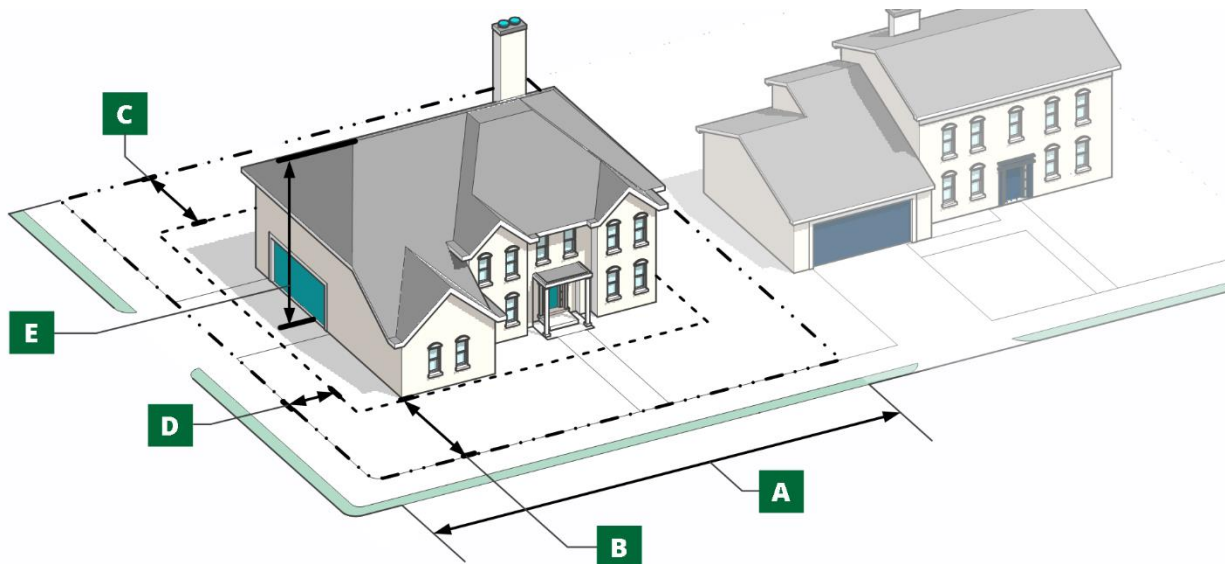


Figure 2.2.2B: R12 District Dimensional Standards Illustration

2.2.3 R8 – Residential District

COMMENTARY

This section carries forward the current R-1A-8 district with a new name. Because of the relatively large lot size, this draft proposes that residences with up to three units be allowed in this district.

A. Purpose

The R8 residential district is intended for development of single, duplex, and three-unit residences, and customary accessory uses on lots of at least 8,000 square feet in area. The district is suburban in character, with large residential lots.

B. Dimensional Standards

Table 2-4: R8 Dimensional Standards

Lot Dimensions (minimum)			Other Key Standards	
	Lot area (sq ft)	8,000	Measurements and Exceptions	§2.7
A	Lot width (ft)	60 ⁷	Table of Allowed Uses	§3.2
Building Setbacks (minimum)			Use-Specific Standards	§3.3
B	Front (ft)	20	Landscaping and Screening	
C	Rear (ft)	20	Vehicle Parking and Loading	
D	Side (ft)	7.5 ⁸	Residential Adjacency	
Height (maximum)				
E	Building height (ft)	35		

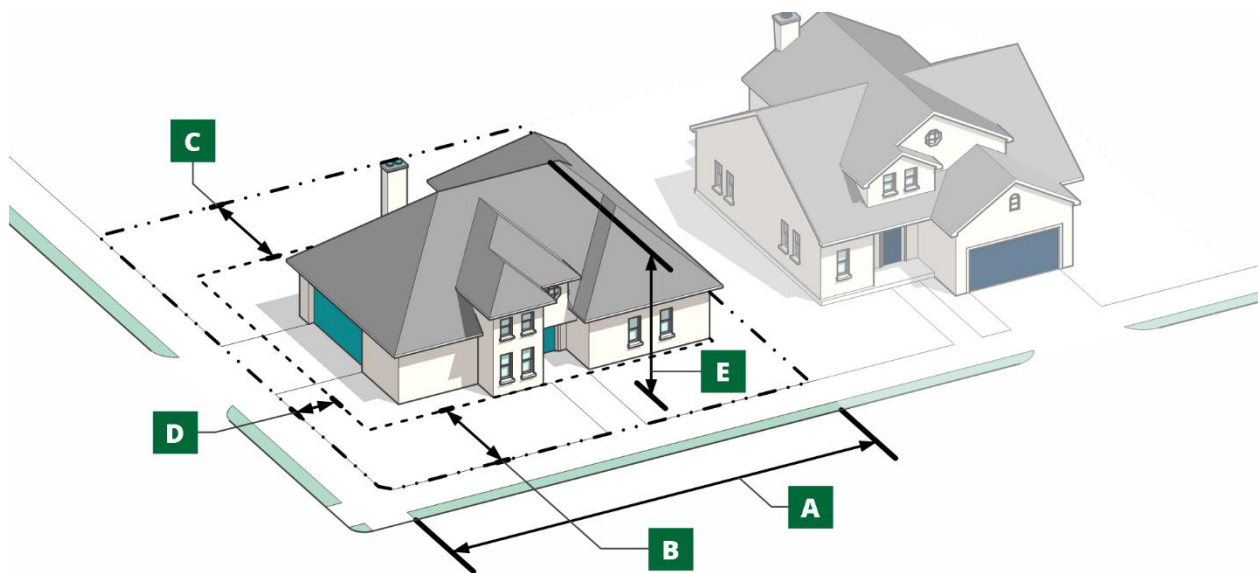


Figure 2.2.3C: R8 District Dimensional Standards Illustration

⁷ Lot width reduced from 80 to 60 feet.

⁸ Reduced from 10 feet.

2.2.4 R6.6 – Residential District

COMMENTARY

This section carries forward and merges the current R-1 and R-1A-6.6 single-family districts with a new name.

A. Purpose

The R6.6 residential district is intended for development of detached, single-family residences and customary accessory uses on lots of at least 6,600 square feet in area. The district includes areas of both suburban and urban character, with a focus on incorporation of basic pedestrian infrastructure. This district also provides opportunities for redevelopment and compatible infill development in established areas.

B. Dimensional Standards

Table 2-5: R6.6 Dimensional Standards

Lot Dimensions (minimum)			Other Key Standards	
	Lot area (sq ft)	6,600	Measurements and Exceptions	§2.7
A	Lot width (ft)	60	Table of Allowed Uses	§3.2
Building Setbacks (minimum)			Use-Specific Standards	§3.3
B	Front (ft)	20 ¹⁰	Landscaping and Screening	
C	Rear (ft)	20	Vehicle Parking and Loading	
D	Side (ft)	5	Residential Adjacency	
Height (maximum)				
E	Building height (ft)	35		

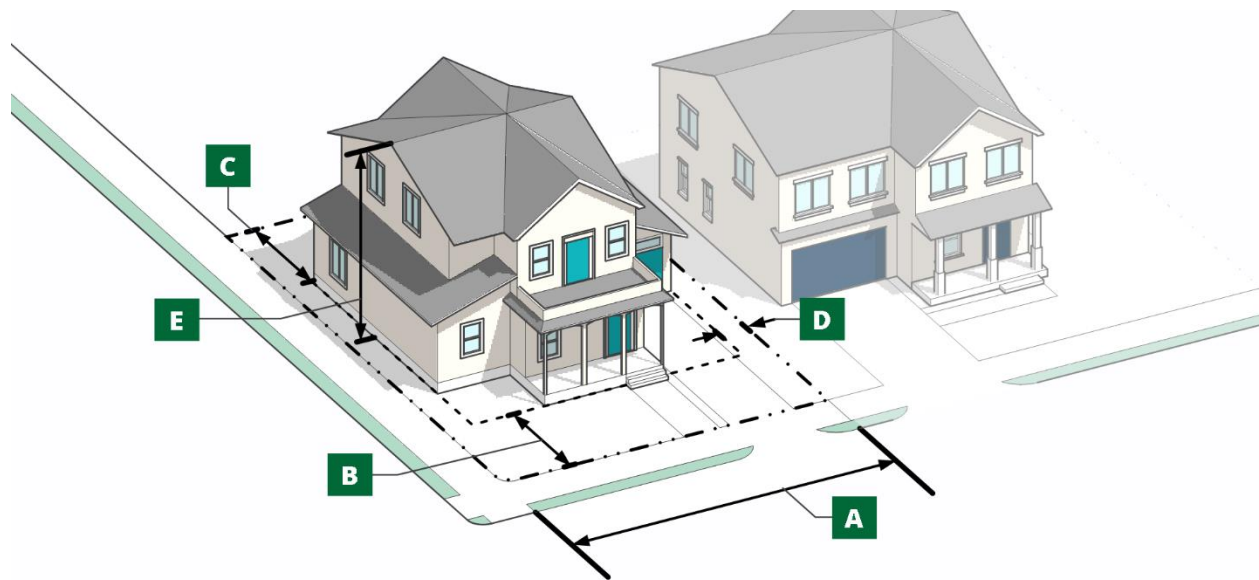


Figure 2.2.4D: R6.6 District Dimensional Standards Illustration

¹⁰ Proposed reduction from the current requirement of 25-foot front setback in R-1 and R-1A-6.6.

2.2.5 R5.5 – Residential District

COMMENTARY

This section carries forward the current R-1A-5.5 district with a new name.

A. Purpose

The R5.5 residential zoning district is intended for the development of a variety of housing types and customary accessory uses on lots of at least 5,500 square feet in area. The district is urban in character, placing a greater emphasis on interconnected pedestrian infrastructure. This district can serve as a transitional zone between traditional, suburban-style development, and more compact residential neighborhoods.

B. Dimensional Standards

Table 2-6: R5.5 Dimensional Standards

Lot Dimensions (minimum)			Other Key Standards	
	Lot area (sq ft)	5,500	Measurements and Exceptions	§2.7
A	Lot width (ft)	50	Table of Allowed Uses	§3.2
Building Setbacks (minimum)			Use-Specific Standards	§3.3
B	Front (ft)	15 ¹¹	Landscaping and Screening	
C	Rear (ft)	15	Vehicle Parking and Loading	
D	Side (ft)	5	Residential Adjacency	
Height (maximum)				
E	Building height (ft)	35		

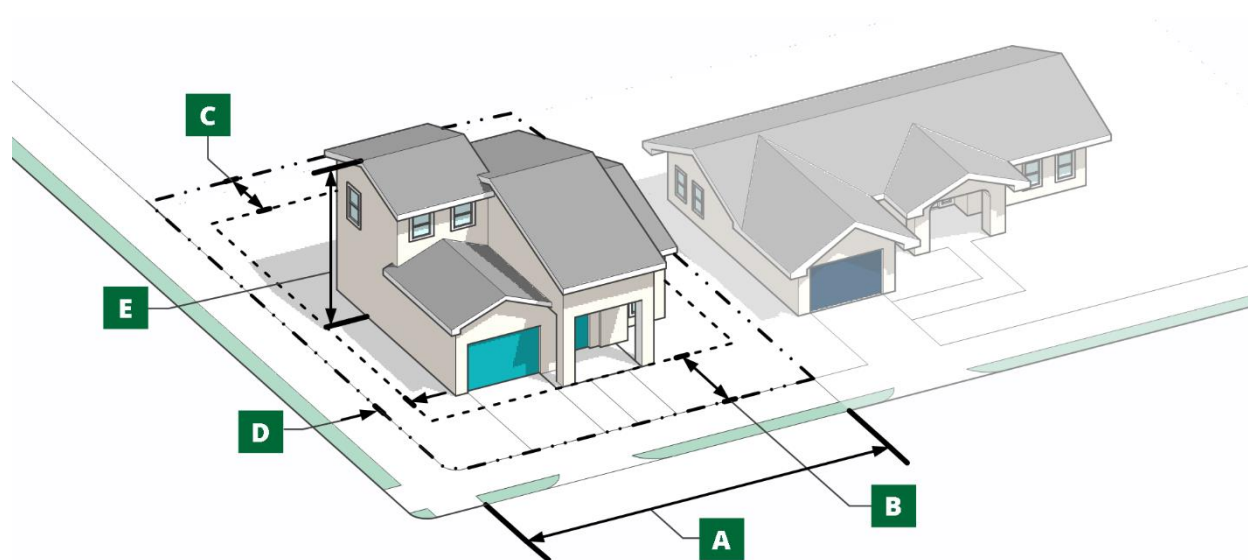


Figure 2.2.5E: R5.5 District Dimensional Standards Illustration

¹¹ This is a reduction from the current requirement of 25-foot front setback.

2.2.6 R4 – Residential District

COMMENTARY

This section carries forward the current R-1A-4 district with a new name. Where there is alley access, the current R-1A-4 district allows for smaller lot width (40 versus 45 ft) and front/rear setbacks (10 versus 15 ft). This draft district carries forward the smaller allowed lot width and setbacks regardless of access.

A. Purpose

The R4 residential zoning district is intended for the development of a variety of housing types and customary accessory uses on lots of at least 4,000 square feet in area. The district is urban in character, with a focus on highly connected pedestrian infrastructure. This district also allows for smaller-scale, neighborhood-serving commercial uses.

B. Dimensional Standards

Table 2-7: R4 Dimensional Standards

Lot Dimensions (minimum)			Other Key Standards	
	Lot area (sq ft)	4,000	Measurements and Exceptions	§2.7
A	Lot width (ft)	40	Table of Allowed Uses	§3.2
Building Setbacks (minimum)			Use-Specific Standards	§3.3
B	Front (ft)	10	Landscaping and Screening	
C	Rear (ft)	10	Vehicle Parking and Loading	
D	Side (ft)	5	Residential Adjacency	
Height (maximum)				
E	Building height (ft)	35		

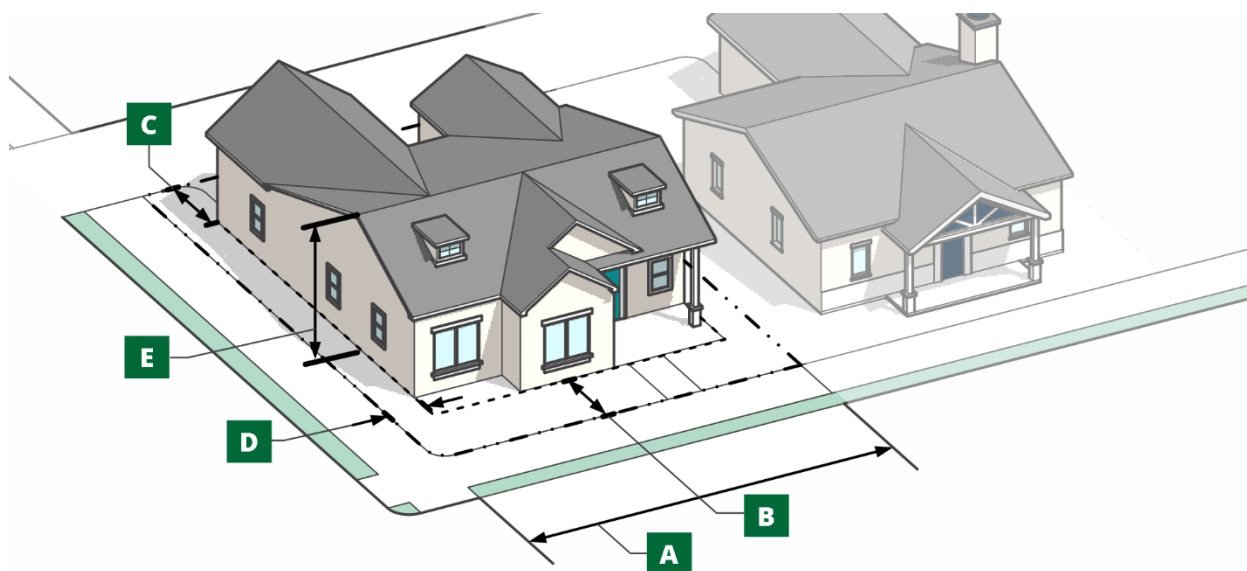


Figure 2.2.6F: R4 District Dimensional Standards Illustration

2.2.7 R2.5 – Small-Lot Residential District

COMMENTARY

New district intended to broaden the range of allowable minimum lot sizes and allow for more small-lot development.

A. Purpose

The R2.5 residential zoning district is intended for the development of a variety of housing types and customary accessory uses on lots of at least 2,500 square feet in area. The district is urban in character, with a focus on highly connected pedestrian infrastructure. This district also allows for smaller-scale, neighborhood-serving commercial uses.

B. Dimensional Standards

Table 2-8: R2.5 Dimensional Standards

Lot Dimensions (minimum)			Other Key Standards	
	Lot area (sq ft)	2,500	Measurements and Exceptions	§2.7
A	Lot width (ft)	25, 18 for townhouses	Table of Allowed Uses	§3.2
Building Setbacks (minimum)			Use-Specific Standards	§3.3
B	Front (ft)	10	Landscaping and Screening	
C	Rear (ft)	10	Vehicle Parking and Loading	
D	Side (ft)	5	Residential Adjacency	
Height (maximum)				
E	Building height (ft)	35		

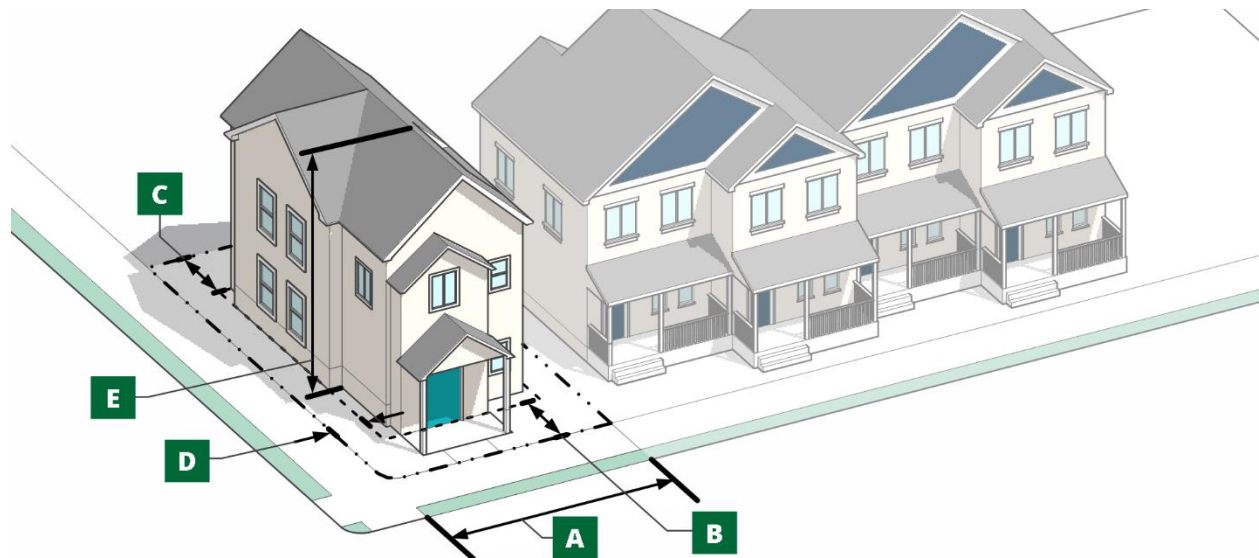


Figure 2.2.7G: R2.5 District Dimensional Standards Illustration

2.2.8 RMX – Mixed Residential District

COMMENTARY

This district is based on the current "R-2" and "R-2A" single-family and two-family district, but as proposed in this draft, allows up to four-unit structures, rather than being limited to duplexes, as in the current ordinance. Relatively few duplexes have actually been built in the existing R-2 and R-2A districts, though the districts encompass a large amount of land area spread throughout the city. Over time, allowing up to four units on lots in this district could have important implications for "missing middle" infill that the city hopes to see.

The minimum lot size of 6,600 is carried forward to avoid creating nonconformities; however, the larger minimum lot size for duplexes – or triplexes and fourplexes in the future -- is not carried forward.

A. Purpose

The RMX residential district is intended for development of single- up to four-family residences and customary accessory uses on lots of at least 6,600 square feet in area. The district includes areas of both suburban and urban character, and depending on the context, either basic or more highly interconnected pedestrian infrastructure. This district also provides opportunities for redevelopment and compatible in-fill development in established areas.

B. Dimensional Standards

Table 2-9: RMX Dimensional Standards

Lot Dimensions (minimum)			Other Key Standards	
	Lot area (sq ft)	6,600	Measurements and Exceptions	§2.7
A	Lot width (ft)	60	Table of Allowed Uses	§3.2
Building Setbacks (minimum)			Use-Specific Standards	§3.3
B	Front (ft)	20	Landscaping and Screening	
C	Rear (ft)	20	Vehicle Parking and Loading	
D	Side (ft)	5	Residential Adjacency	
Height (maximum)				
E	Building height (ft)	35		

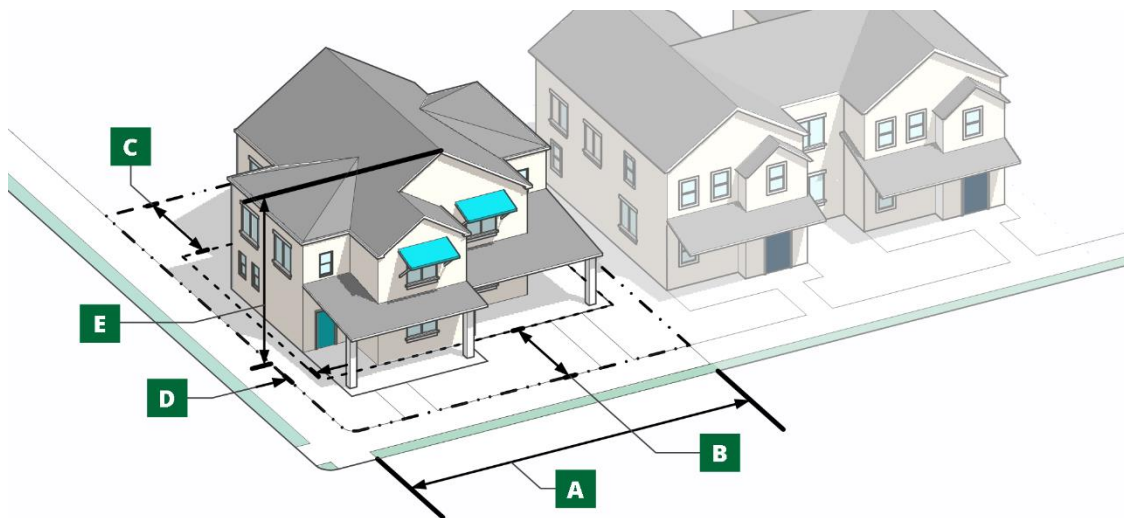


Figure 2.2.8H: RMX District Dimensional Standards Illustration

2.2.9 RMF1 – Small-Scale Multi-Family District

COMMENTARY

Most of the content here is new, but the district serves a similar purpose to R-3L.

A. Purpose

The RMF1 multi-family district is intended for small-scale multi-family development, containing up to nine units per building, on lots of at least 5,000 square feet in area. Development at this scale can be accommodated as infill in existing neighborhoods, or on small parcels, since it generates a low traffic volume. It should be located along local and collector roads, and at the intersections of local and collector roads.

B. Dimensional Standards

Table 2-10: RMF1 Dimensional Standards

Lot Dimensions (minimum)			Other Key Standards	
	Lot area (sq ft)	5,000	Measurements and Exceptions	§2.7
	Lot area per unit (sq ft)	850	Table of Allowed Uses	§3.2
A	Lot width (ft)	60	Use-Specific Standards	§3.3
Building Setbacks (minimum)			Landscaping and Screening	
B	Front (ft)	15	Vehicle Parking and Loading	
C	Rear (ft)	15	Residential Adjacency	
D	Side (ft) ¹²	6		
Height (maximum)				
E	Building height (ft)	35		

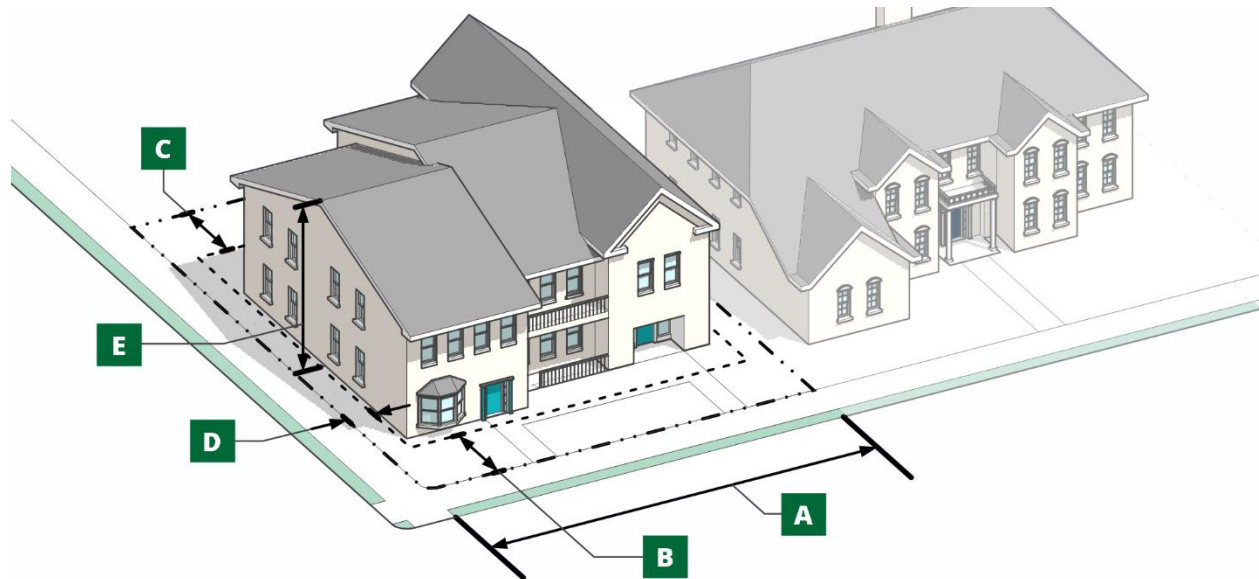


Figure 2.2.9I: RMF1 District Dimensional Standards Illustration

¹² This carries forward the six foot setback requirement from R-3L rather than the five foot requirement from R-3, in order to avoid creation of nonconformities.

2.2.10 RMF2 – Medium-Scale Multi-Family District

COMMENTARY

New district intended to broaden the options for multi-family development types.

A. Purpose

The RMF2 multi-family district is intended for medium-scale multi-family development, containing between 10 and 19 units per building, on lots of at least 10,000 square feet in area. Development in this district requires good access to transportation routes, because of the moderate amount of traffic volumes it generates, and should be located along collectors, arterials, and state roads. Development in this district may not take access from local streets.

B. Dimensional Standards

Table 2-11: RMF2 Dimensional Standards

Lot Dimensions (minimum)			Other Key Standards	
	Lot area (sq ft)	10,000	Measurements and Exceptions	§2.7
	Lot area per unit (sq ft)	1,000	Table of Allowed Uses	§3.2
A	Lot width (ft)	80	Use-Specific Standards	§3.3
Building Setbacks (minimum)			Landscaping and Screening	
B	Front (ft)	20	Vehicle Parking and Loading	
C	Rear (ft)	20	Residential Adjacency	
D	Side (ft)	7.5		
Height (maximum)				
E	Building height (ft)	55		

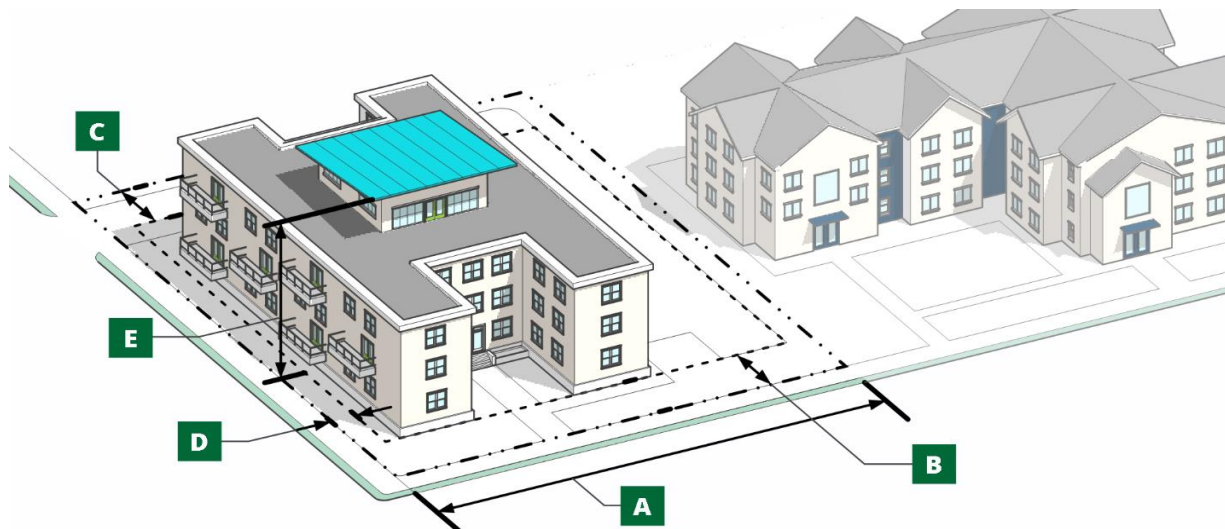


Figure 2.2.10j: RMF2 District Dimensional Standards Illustration

2.2.11 RMF3 – Large-Scale Multi-Family District

COMMENTARY

Most of the content here is new, but the district serves a similar purpose to R-3H.

A. Purpose

The RMF3 multi-family district is intended for large-scale multi-family development, containing 20 or more units per building, on lots of at least 25,000 square feet in area. Development in this district requires good access to transportation routes, because of the high amount of traffic volumes it generates, and should be located at intersections of arterials, or along state roads, and major highways. Development in this district may not take access from local or collector roads.

B. Dimensional Standards

Table 2-12: RMF3 Dimensional Standards

Lot Dimensions (minimum)			Other Key Standards	
	Lot area (sq ft)	25,000	Measurements and Exceptions	§2.7
	Lot area per unit (sq ft)	1,000	Table of Allowed Uses	§3.2
A	Lot width (ft)	100	Use-Specific Standards	§3.3
Building Setbacks (minimum)			Landscaping and Screening	
B	Front (ft)	25	Vehicle Parking and Loading	
C	Rear (ft)	20	Residential Adjacency	
D	Side (ft)	10		
Height (maximum)				
E	Building height (ft)	75		

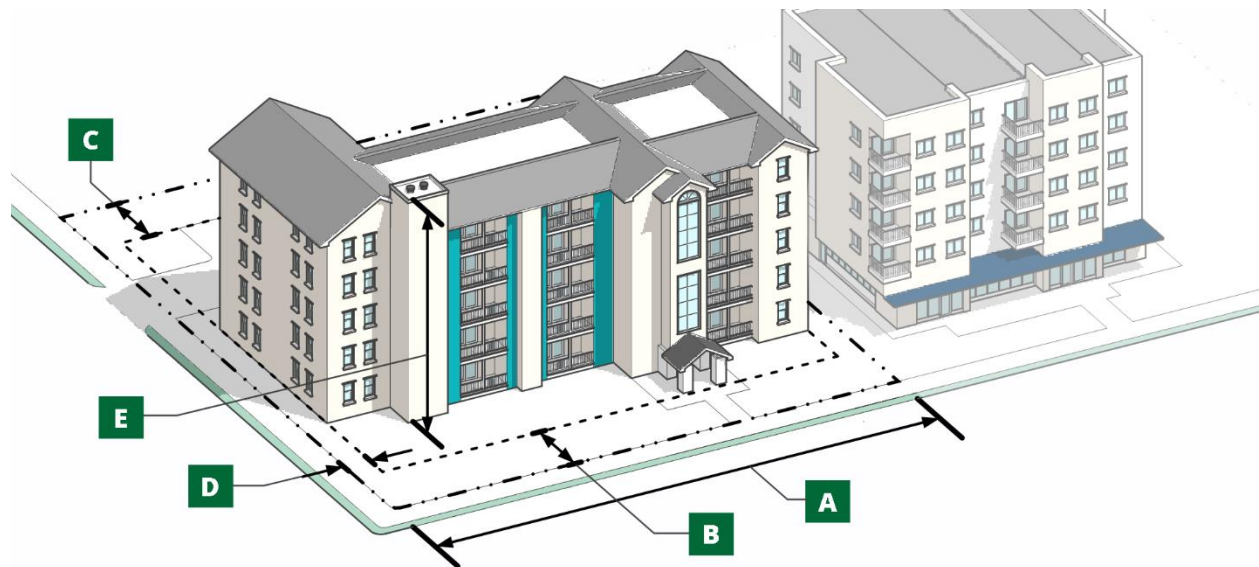


Figure 2.2.11K: RMF3 District Dimensional Standards Illustration

2.2.12 RMH – Manufactured Home District

COMMENTARY

Generally

Renamed from B-1B, the RMH district is carried forward primarily to provide some measure of protection against redevelopment of existing manufactured home parks. This section incorporates some of the current standards from Appendix B, without significant change or updates. If land values don't preclude creation of new parks, future drafts can include further changes to required lot area (reducing from 4 acres), and the permitted dwelling units per acre, in alignment with the intent to move away from density specifications.

Terminology. Mobile home, manufactured home, and industrialized housing: this draft eliminates reference to mobile homes which, by definition, date to 1976 or before, few of which are likely to still exist. Instead, the draft uses the term “manufactured home” to indicate factory-built housing that complies with HUD standards, while industrialized or modular housing refers to factory-built housing that meets building code.

Appendix B. Additional content from Appendix B may be incorporated into future drafts, once staff have completed their review of this Appendix.

Manufactured Homes on Individual Lots. Allowing manufactured homes on individual lots, rather than in a park, is permitted in two ways in this draft. First, single manufactured homes are permitted on individual lots as shown in Table 3-1: Table of Allowed Uses. Second, if it is a development where many individual manufactured homes are to be placed on individual lots, that can be accomplished either through subdivision with RMH zoning applied, or subdivision where the only permitted housing type is “Dwelling, manufactured home.”

A. Purpose

The RMH district is intended to accommodate manufactured housing located on a single tract of land of at least 4 acres in area, under one ownership, where spaces are leased for the placement of manufactured homes, which may be under management ownership, or individual ownership. The district also accommodates the associated on-site resident amenities, including areas for community management facilities, recreation and open space, vehicle parking, and resident storage areas.

B. Dimensional Standards

Setbacks in overall lot dimensional standards are from the external lot boundaries. Setbacks and building separation requirements for individual units are also shown.

Table 2-13: RMH – Dimensional Standards

Lot Dimensions (minimum)			Other Key Standards	
A	Lot area (sq ft)	4 acres	Common open space	6% area
Building Setbacks (minimum) [1]			Measurements and Exceptions	§2.7
B	Front, overall lot (ft)	25	Table of Allowed Uses	§3.2
	Front, individual structures (ft) [2]	10	Use-Specific Standards	§3.3
C	Rear (ft)	25	Landscaping and Screening	
D	Side (ft)	25	Vehicle Parking and Loading	
	Building separation	15 primary, 5 accessory	Residential Adjacency	

NOTES

[1] The 25-foot front, side, and rear setbacks apply to primary structures adjoining a public street. If the community property line is not adjoining a public street, the required setback distance may be reduced to 10 feet.

[2] Adjacent to an external lot line adjoining a public street, the setback for a primary structure is 25 feet, and for an accessory structure is 10 feet.

Article 2: Zoning Districts

2.2 Residential Zoning Districts

2.2.12 RMH – Manufactured Home District

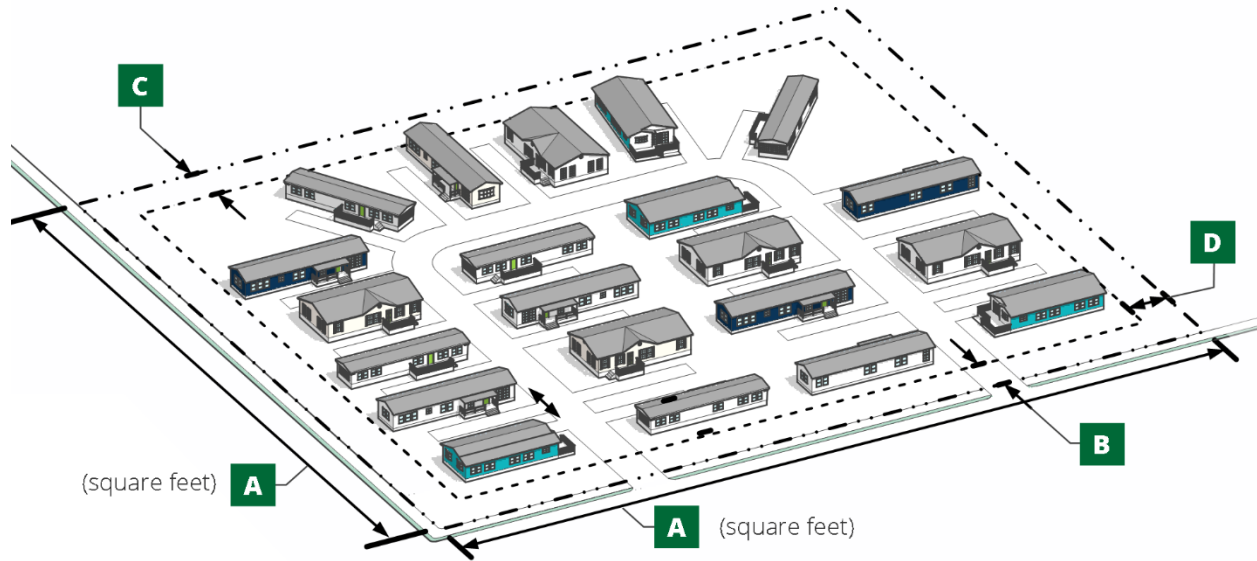


Figure 2.2.12L: RMH District Dimensional Standards Illustration

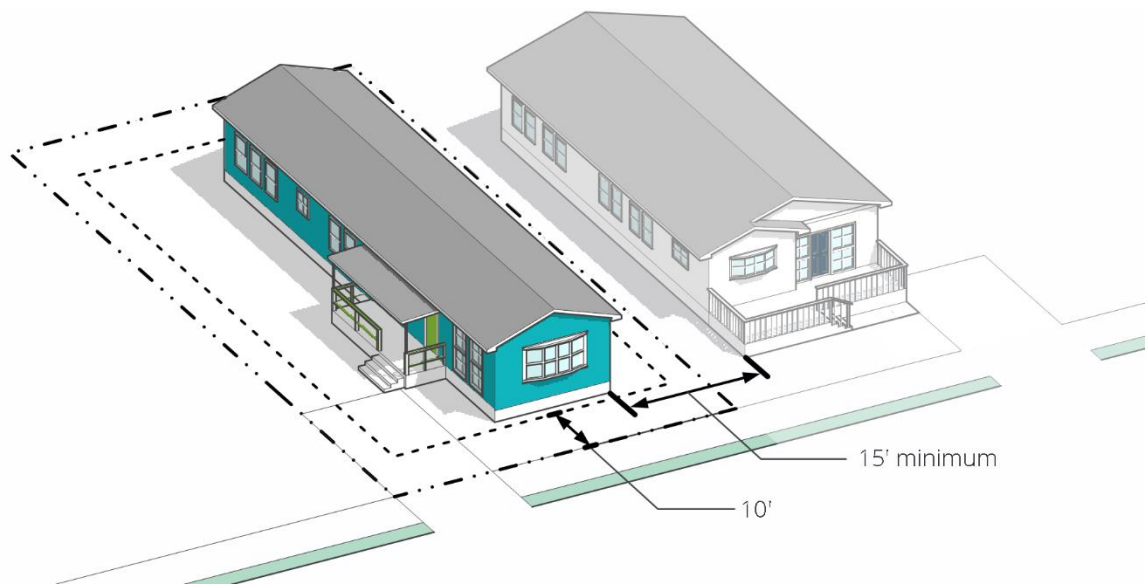


Figure 2.2.12M: RMH District Dimensional Standards Illustration

2.2.13 Summary Table of Residential District Dimensional Standards

Table 2-14: Residential District Dimensional Standards

Current Districts

	APD	R-1A-12	R-1A-8	R-1 and R-1A-6.6	R-1A-5.5	R-1A-4		R-2 and R-2A	R-3 and R-3L		R-3H	B-1B
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Proposed Districts

	AG	R12	R8	R6.6	R5.5	R4	R2.5	RMX	RMF1	RMF2	RMF3	RMH
Dwelling Type Allowed by Right ¹³	Single, ADU, live-work, manufactured home, zero lot line, tiny home	Single, TH, 2-4 unit bldgs., ADU, mfd. home, zero lot line, tiny home	Single, TH, 2-3 unit bldgs., ADU, zero lot line, tiny home	Single, ADU, zero lot line, tiny home	Single, TH, 2-4 unit bldgs., ADU, zero lot line, tiny home	Single, TH, 2-3 unit bldgs., zero lot line, tiny home	TH, 2-unit (duplex)	Single, TH, 2-4 unit bldgs., ADU, zero lot line, tiny home	Multi-family, 5-9 units, 2-4 unit bldgs., TH, mfd. home, ADU	Multi-family, 10-19 units, TH, 2-4 unit bldgs., ADU, mfd. home	Multi-family, 20+ units, TH, 2-4 unit bldgs., ADU, mfd. home	Manufactured home, ADU, tiny home

LOT DIMENSIONS (MINIMUM)

Lot area (sq ft)	15,000	12,000	8,000	6,600	5,500	4,000	2,500	6,600	5,000	10,000	25,000	4 acres
Lot area per unit (sq ft)									850	1,000	1,000	
Lot width (ft)	100	80	60	60	50	40	25, 18 for TH	60	60	80	100	

SETBACKS (MINIMUM)

Front	25	25	20	20	15	10	10	20	15	20	25	25
Rear	20	20	20	20	15	10	10	20	15	20	20	25
Side	10	10	7.5	5	5	5	5	5	6	7.5	10	25
Building height	50	35	35	35	35	35	35	35	35	55	75	35

¹³ This row included for internal drafting purposes to help summarize the types of dwellings allowed per district. Is there interest in keeping it in the actual code?

2.3 Mixed-Use Districts

2.3.1 MXT – Traditional Neighborhood District

COMMENTARY

This new smaller-scale mixed-use district, similar to MU-A in intent, could be appropriate in a variety of locations, such as along some of San Antonio Street, depending on parcel size. The MXT district also could be used as a replacement for some parts of the C-O district, at small scale.

Rather than a maximum front setback, this draft proposes a new **build-to** requirement for several districts, which is set as a range of 0 to 10 feet for the MXT. As with setbacks, build-to requirements help establish consistent street frontages, but are designed to pull buildings toward streets, where pedestrian activity is important. Small build-to allowances can also prevent parking from being placed between the building and the street. Additional sidewalk and pedestrian-friendly development standards will be proposed in the new draft development standards (installment 2).

A. Purpose

The MXT district is intended to allow a mix of small- to medium-scale mixed-use development in transitional areas surrounding the downtown, and in areas between established neighborhoods and the more-intense land uses near and along commercial corridors, on lots of at least 5,000 square feet in area. Development in this district prioritizes compact development, walkability, good pedestrian connectivity, and pedestrian-scale urban design, with less emphasis on vehicle access and proximity to high-traffic vehicular routes.

B. Dimensional Standards

Table 2-15: MXT – Traditional Neighborhood Dimensional Standards

Lot Dimensions (minimum)			Other Key Standards	
	Lot area (sq ft)	5,000	Measurements and Exceptions	§2.7
A	Lot width (ft)	60	Table of Allowed Uses	§3.2
Building Setbacks (minimum)			Use-Specific Standards	§3.3
B	Front (ft)	0-10	Landscaping and Screening	
C	Rear (ft)	20	Vehicle Parking and Loading	
D	Side (ft) ¹⁴	5	Residential Adjacency	
Height (maximum)				
E	Building height (ft)	35		

¹⁴ Reflects C-O requirement rather than MU-A, where no setback is required. Could this be changed to zero side setback, or 0-5 feet, without creating nonconformities?

Article 2: Zoning Districts

2.3 Mixed-Use Districts

2.3.1 MXT – Traditional Neighborhood District

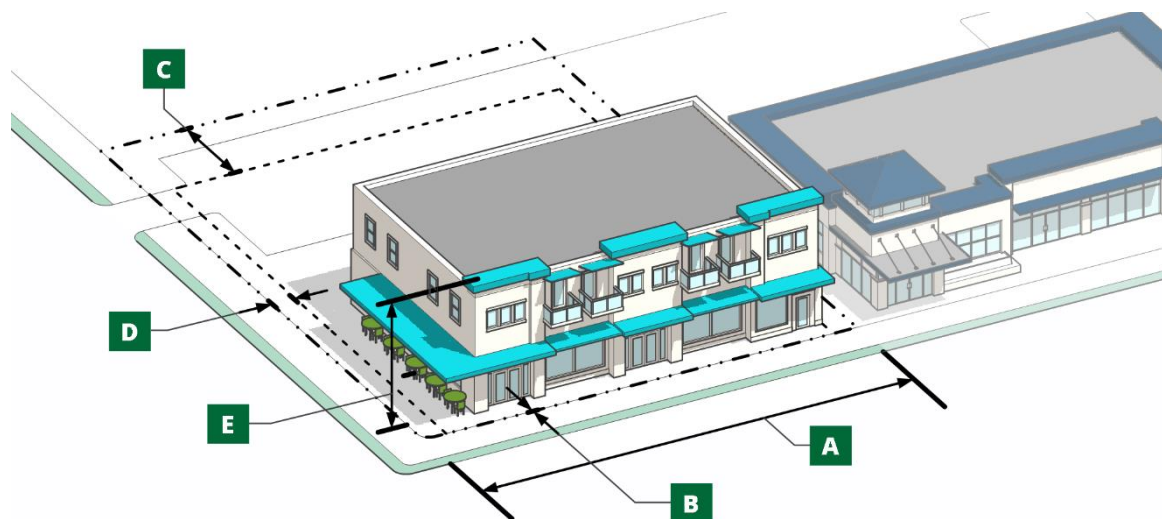


Figure 2.3.1N: MXT District Dimensional Standards Illustration

2.3.2 MXC – Corridor Mixed-Use

COMMENTARY

This new district could be appropriate along a variety of corridors, including larger development sites along San Antonio Street. The MXC district also could be used as a replacement for some parts of the C-O district, at medium scale. As currently proposed, this district focuses on auto accessibility, but these corridors and associated density of development would also be conducive to supporting future transit routes.

A. Purpose

The MXC district is intended to accommodate medium- to large-scale mixed-use development or redevelopment centered along major transportation corridors, on lots of at least 15,000 square feet in area. The district allows uses that support a mix of employment, larger commercial and retail activities and services, along with residential uses. Because of their scale, Corridor mixed-use developments require adequate automobile access and circulation, while continuing to maintain an emphasis on pedestrian-friendly development and good access to public amenities.

B. Dimensional Standards

Table 2-16: MXC – Mixed-Use Corridor Dimensional Standards

Lot Dimensions (minimum)			Other Key Standards	
	Lot area (sq ft)	15,000	Measurements and Exceptions	§2.7
A	Lot width (ft)	80	Table of Allowed Uses	§3.2
Building Setbacks (minimum)			Use-Specific Standards	§3.3
B	Front (ft)	0-15	Landscaping and Screening	
C	Rear (ft)	20	Vehicle Parking and Loading	
D	Side (ft)	10	Residential Adjacency	
Height (maximum)				
E	Building height (ft)	75		

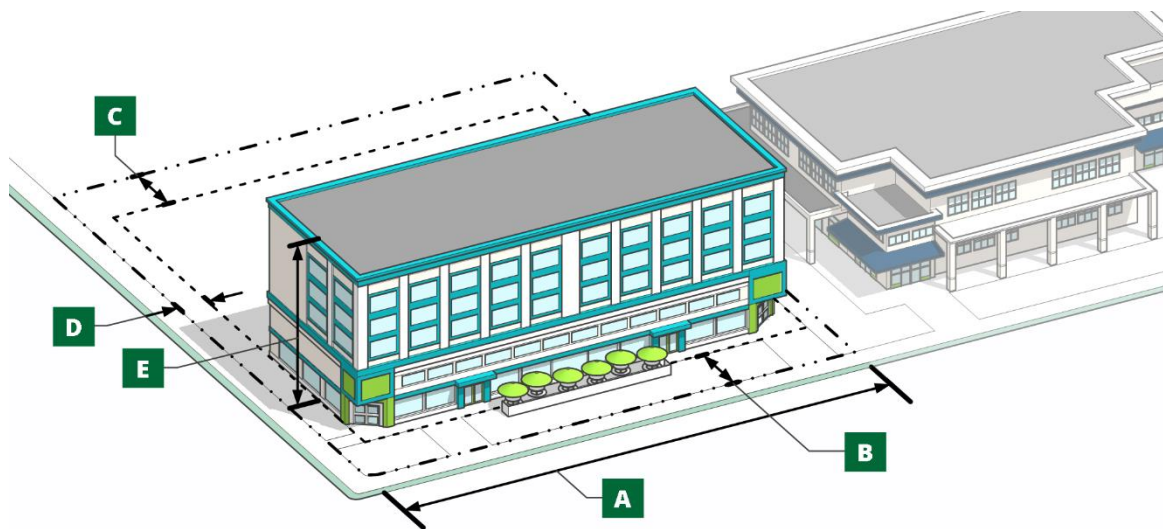


Figure 2.3.20: MXC District Dimensional Standards Illustration

2.3.3 MXR -- Mixed-Use Regional

COMMENTARY

New district. The largest of the three mixed-use districts might be appropriate for a scale of development similar to Creekside or Towne Creek.

A. Purpose

The MXR district is intended to accommodate large-scale mixed-use development or redevelopment on parcels along major transportation routes in New Braunfels, on lots of at least 1 acre in area. The district allows uses that support a mix of regional-scale employment, big-box commercial and retail activities and services, along with larger multi-family residential uses. Because of the scale of such developments and the high volume of traffic generated by the mix of large uses, they require large land area and close proximity to arterials, state roads, and major highways or interstates. Emphasis on pedestrian circulation is limited to the interior of the sites, rather than the perimeter.

B. Dimensional Standards

Table 2-17: MXR – Mixed-Use Regional Dimensional Standards

Lot Dimensions (minimum)		Other Key Standards	
	Lot area (sq ft)	1 acre	Measurements and Exceptions §2.7
A	Lot width (ft)	100	Table of Allowed Uses §3.2
Building Setbacks (minimum)		Use-Specific Standards §3.3	
B	Front (ft)	0-20	Landscaping and Screening
C	Rear (ft)	20	Vehicle Parking and Loading
D	Side (ft)	10	Residential Adjacency
Height (maximum)			
E	Building height (ft)	120	

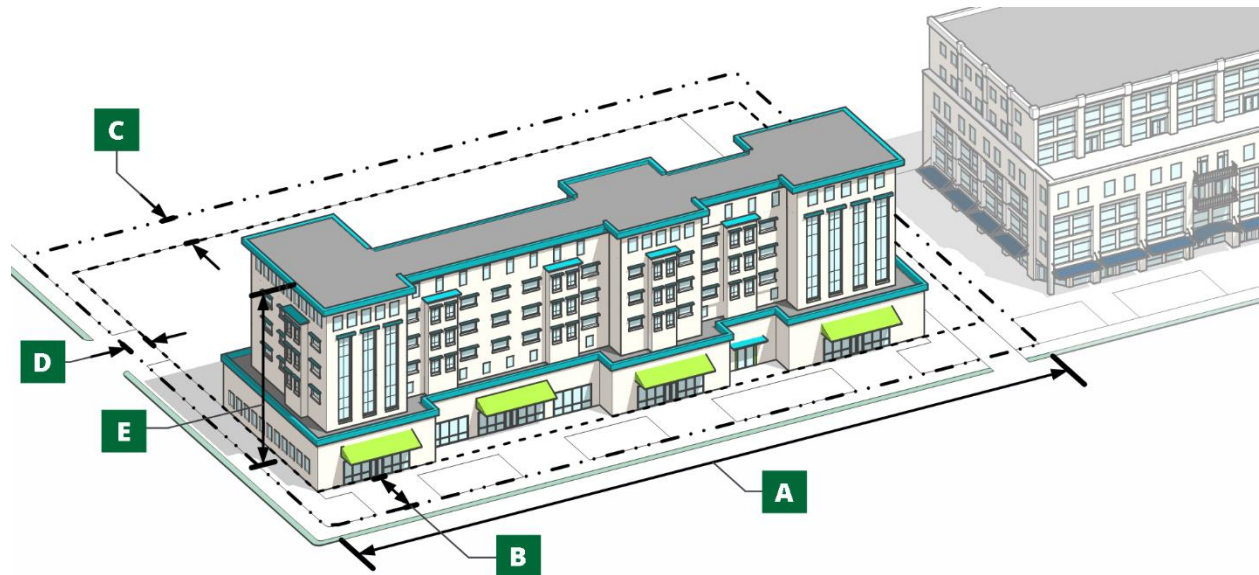


Figure 2.3.3P: MXR District Dimensional Standards Illustration

2.3.4 Summary Table of Mixed-Use District Dimensional Standards

Table 2-18: Mixed-Use District Dimensional Standards			
District	MXT	MXC	MXR
LOT DIMENSIONS (MINIMUM)			
Lot size (sq ft)	5,000	15,000	1 acre
Lot width (ft)	60	80	100
SETBACKS (MINIMUM)			
Front	0-10	0-15	0-20
Rear	20	20	20
Side	5	10	10
HEIGHT (MAXIMUM)			
Building height	35	75	120

2.4 Non-Residential Zoning Districts

2.4.1 CBD – Central Business District

COMMENTARY

The CBD district is a proposed new name for the current C-2 district. This draft carries forward the allowance for no minimum lot size but proposes to eliminate both minimum lot width and lot depth requirements (as has been implemented throughout the districts), to allow the greatest possible flexibility for lot development. The allowance for zero-foot front and side setbacks is carried forward, and also applied to the rear, all subject to a limitation for residential adjacency. This draft proposes maximum setbacks, to prevent parking between buildings and the street, bring buildings up to the front of the lot, and create a pedestrian friendly street frontage. Finally, this draft proposes the 75-foot height limit apply in this area, without regard to whether a structure is commercial or multi-family residential.

Form-Based Standards. Beyond the dimensional standards below, feedback has indicated that building form is more important than allowed uses in the downtown. The next installment of the draft code (Development Standards) will propose form-based standards for this area, in support of maintaining the distinctive and historic character of downtown. Standards will address issues that are important to maintain vibrant and active streetfronts, including sidewalk and building location standards, as well as standards to protect adjacent neighborhoods.

A. Purpose

The CBD Central Business District is a mixed-use district that encompasses the downtown area of New Braunfels and immediately adjacent areas. The district has no minimum lot area requirement. It is intended to provide for high-intensity commercial, residential, and institutional development, resulting in a mix of uses that contribute to a vibrant downtown area, while maintaining its historic character.

B. Dimensional Standards

Table 2-19: CBD – Central Business District Dimensional Standards

Lot Dimensions (minimum)			Other Key Standards	
	Lot area (sq ft)	N/A	Measurements and Exceptions	§2.7
Building Setbacks			Table of Allowed Uses	§3.2
A	Front (ft)	0-5	Use-Specific Standards	§3.3
B	Rear (ft), min	0	Landscaping and Screening	
C	Side (ft), min	0	Vehicle Parking and Loading	
Height (maximum)			Residential Adjacency	
D	Building height (ft)	75		

Article 2: Zoning Districts

2.4 Non-Residential Zoning Districts

2.4.1 CBD – Central Business District

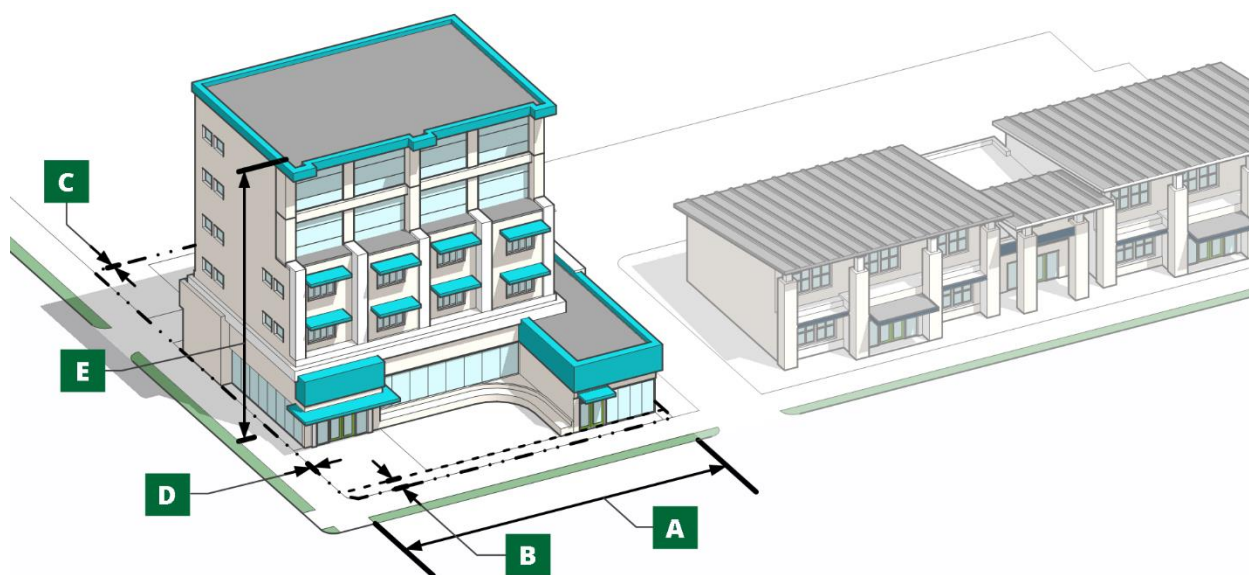


Figure 2.4.1Q: CBD District Dimensional Standards Illustration

2.4.2 CN – Neighborhood Commercial District

COMMENTARY

The CN district carries forward and combines C-1 and C-1A. However, in contrast to the existing districts, CN proposes a minimum lot size of 10,000 square feet, to help delineate the desired size of the uses that are allowed in the district. It also proposes a range for setbacks, with the smallest being zero, to prevent parking between buildings and the street, bring buildings up to the front of the lot, and create a pedestrian-friendly area.

A. Purpose

The CN Neighborhood Commercial district is established to accommodate a mix of low-intensity office and professional establishments, alongside small retail and service uses focused on serving local, adjacent residential neighborhoods, on lots of at least 10,000 square feet in area. The small-scale, neighborhood-focused nature of these areas means they do not need access to major transportation routes, though they may be located along collector streets. Neighborhood commercial areas should support pedestrian-friendly uses and design, ensuring access by walking, biking, and transit.

B. Dimensional Standards

Table 2-20: CN – Local Business District Dimensional Standards

Lot Dimensions (minimum)			Other Key Standards	
	Lot area (sq ft)	10,000	Measurements and Exceptions	§2.7
A	Lot width	80	Table of Allowed Uses	§3.2
Building Setbacks			Use-Specific Standards	§3.3
B	Front (ft)	0-15	Landscaping and Screening	
C	Rear (ft), min	5	Vehicle Parking and Loading	
D	Side (ft), min	5	Residential Adjacency	
Height (maximum)				
E	Building height (ft)	35		

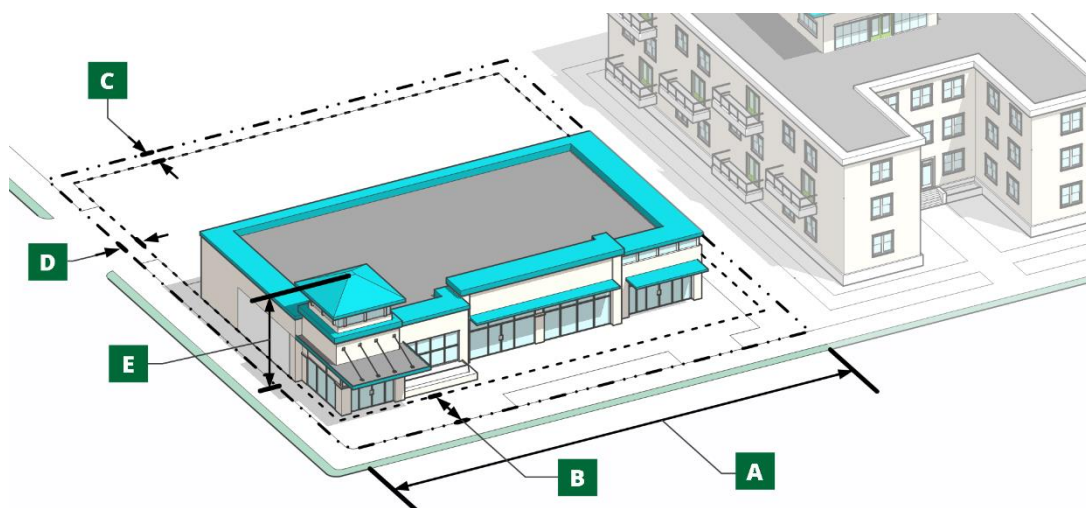


Figure 2.4.2R: CN District Dimensional Standards Illustration

2.4.3 CG – General Commercial District

COMMENTARY

The CG district carries forward and combines the C-1B and C-2 districts, with amendments to some standards to promote desired scale of development in the district. The district proposes a maximum 25,000 square foot lot size, to preclude big box retail, and a 55-foot height limit, distinct from CN Neighborhood, which is lower, and CBD and CR, both of which are higher.

A. Purpose

The CG General Commercial district is intended to provide for areas with a wide range of medium-intensity non-residential uses such as lodging, offices, retail, civic and community, and accessory uses, on lots of at least 25,000 square feet in area. Development in this district requires good access to transportation routes, because of the moderate amount of traffic volumes it generates, and should be located at intersections of collectors, or along arterials, and other major highways or routes.

B. Dimensional Standards

Table 2-21: CG – General Business District Dimensional Standards

Lot Dimensions (minimum)			Other Key Standards	
	Lot area (sq ft)	25,000	Measurements and Exceptions	§2.7
A	Lot width (ft)	100	Table of Allowed Uses	§3.2
Building Setbacks (minimum)			Use-Specific Standards	§3.3
B	Front (ft)	0-20	Landscaping and Screening	
C	Rear (ft)	0	Vehicle Parking and Loading	
D	Side (ft)	0	Residential Adjacency	
Height (maximum)				
E	Building height (ft)	75		

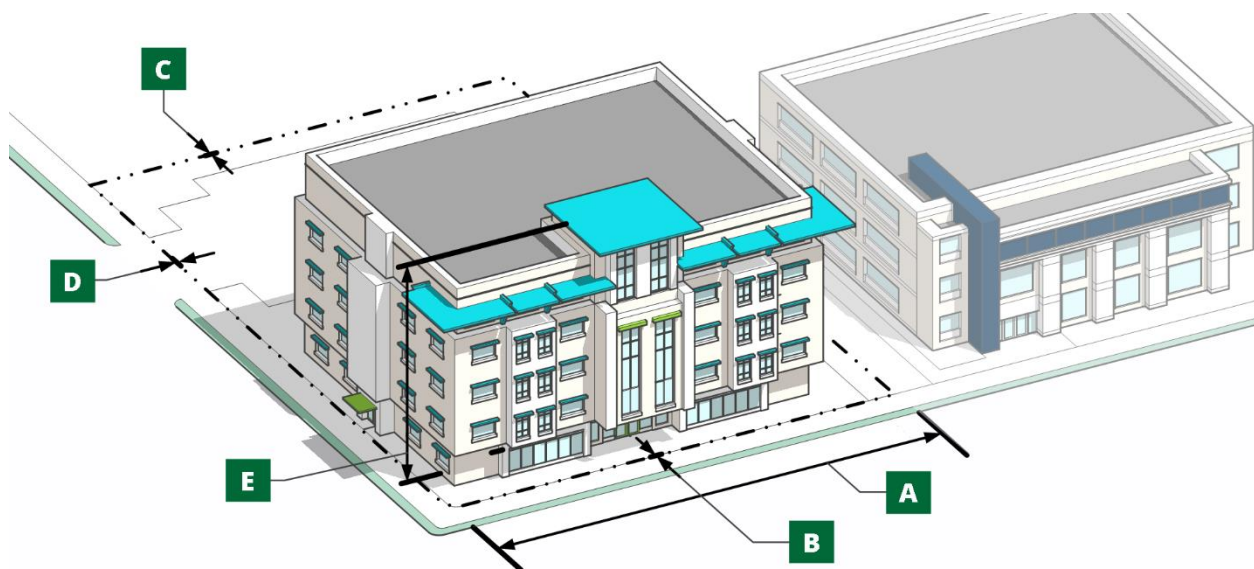


Figure 2.4.3S: CG District Dimensional Standards Illustration

2.4.4 CR – Regional Commercial District

COMMENTARY

This section carries forward the C3 district with a new name.

A. Purpose

The CR Regional Commercial district is intended to provide for areas of concentrated high-intensity commercial development, located along and oriented toward major roadways, on lots of at least 50,000 square feet in area. Development in this district requires good access to transportation routes, because of the moderate amount of traffic volumes it generates, and should be located at intersections of arterials, and/or along major highways, and interstate frontages. Uses in the district are generally sized and intended to serve a large number of residents from the surrounding region.

B. Dimensional Standards

Table 2-22: CR – Corridor Commercial District Dimensional Standards

Lot Dimensions (minimum)			Other Key Standards	
	Lot area (sq ft)	50,000	Measurements and Exceptions	§2.7
A	Lot width (ft)	150	Table of Allowed Uses	§3.2
Building Setbacks (minimum)			Use-Specific Standards	§3.3
B	Front (ft)	0	Landscaping and Screening	
C	Rear (ft)	20	Vehicle Parking and Loading	
D	Side (ft)	0	Residential Adjacency	
Height (maximum)				
E	Building height (ft)	120		

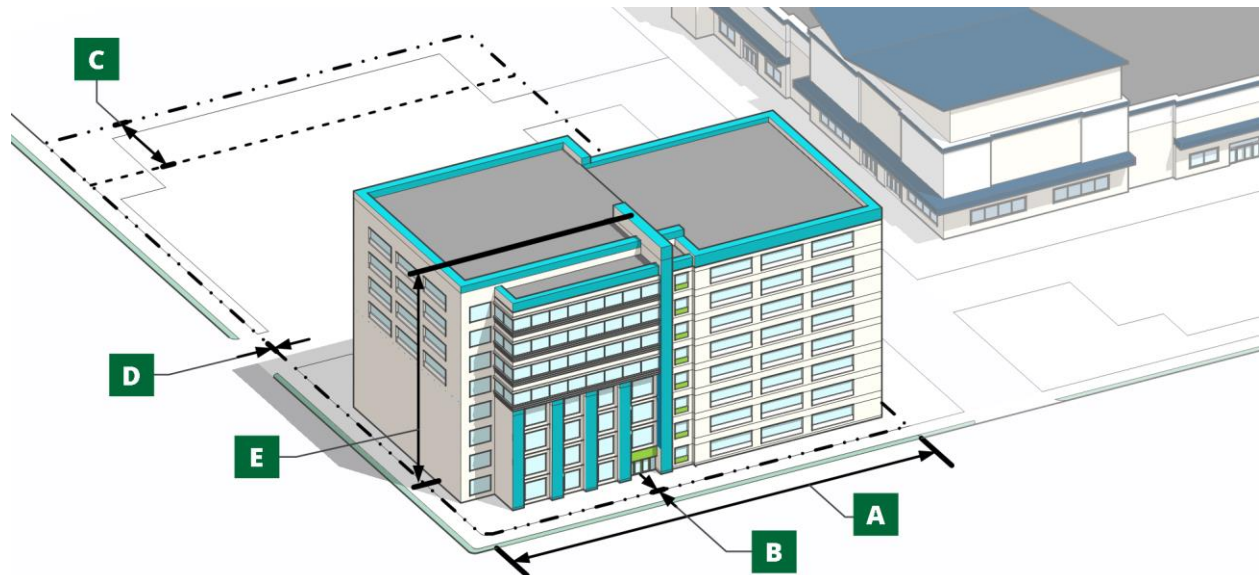


Figure 2.4.4T: CR District Dimensional Standards Illustration

2.4.5 RC – Resort Commercial District

COMMENTARY

The RC district carries forward and combines the C-4, C-4A, and C-4B districts. The objective of the district remains to support tourism- and resort-focused activity in New Braunfels, but it is intended to offer more flexibility in doing so, by not carrying forward the C-4B limitations on location or large (10 acre) lot area requirements, or the C-4A differentiation of building types.

In this draft, the proposed lot size for the district is small, at 5,000 square feet, with height limited to 75 feet. This is done with the idea of fostering small, independent businesses in the district. However, if this is not the character of development occurring in the resort areas, please advise, and the standards can be revisited in ensuing drafts.

Finally, it may be helpful to have **larger setbacks** for enterprises that have direct river frontage, to protect sensitive river frontages. This will be included in Installment 2, as part of a section deals with regulations and protections for sensitive lands.

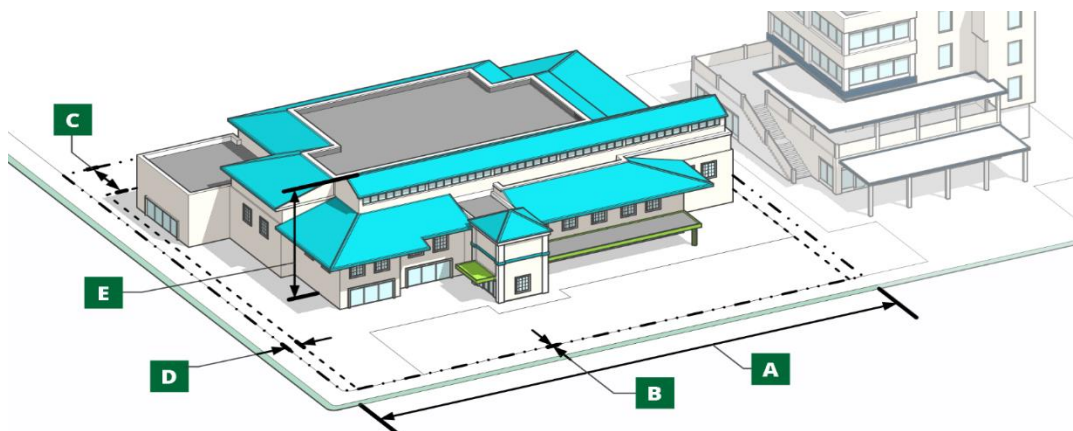
A. Purpose

The RC Resort Commercial district is intended to provide for areas of development focused on supporting New Braunfels' tourism and resort economy, on lots of at least 5,000 square feet in area. Development in this district is focused on serving tourists, by allowing a combination of lodging, recreational, retail, entertainment, food and beverage, and service uses. The district classifies these uses separately from standard commercial uses to recognize their particular characteristics and emphasize their importance to the economic base of the community.

B. Dimensional Standards

Table 2-23: RC – Resort Commercial District Dimensional Standards

Lot Dimensions (minimum)			Other Key Standards	
	Lot area (sq ft)	10,000	Measurements and Exceptions	§2.7
A	Lot width (ft)	60	Table of Allowed Uses	§3.2
Building Setbacks (minimum)			Use-Specific Standards	§3.3
B	Front (ft)	0	Landscaping and Screening	
C	Rear (ft)	20	Vehicle Parking and Loading	
D	Side (ft)	5	Residential Adjacency	
Height (maximum)				
E	Building height (ft)	75		



2.4.6 LI – Light Industrial District

COMMENTARY

This district consolidates the current M-1 and M-1A districts.

A. Purpose

The LI -- Light industrial district is intended for light manufacturing operations, conducted entirely within enclosed structures. Activities in this district may include assembling and fabrication activities, distribution, warehousing and storage, research and development, and wholesaling and service operations that do not typically depend upon frequent customer or client visits. There is no minimum lot area for this district. Such uses generally require accessibility to major thoroughfares, major highways, and/or other means of transportation.

B. Dimensional Standards

Table 2-24: LI – Light Industrial District Dimensional Standards

Lot Dimensions (minimum)			Other Key Standards	
	Lot area (sq ft)	N/A	Measurements and Exceptions	§2.7
A	Lot width (ft)	60	Table of Allowed Uses	§3.2
Building Setbacks (minimum)			Use-Specific Standards	§3.3
B	Front (ft)	25	Landscaping and Screening	
C	Rear (ft)	20	Vehicle Parking and Loading	
D	Side (ft)	0	Residential Adjacency	
Height (maximum)				
E	Building height (ft)	120		

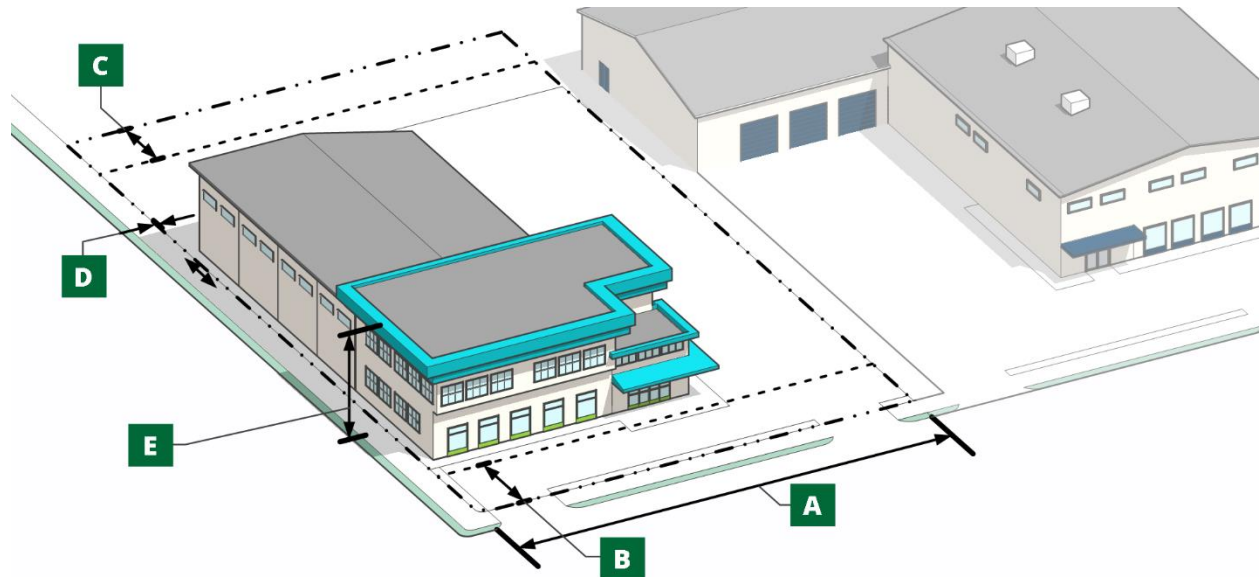


Figure 2.4.6V: LI District Dimensional Standards Illustration

2.4.7 HI – Heavy Industrial District

COMMENTARY

This district consolidates the current M-2 and M-2A districts.

A. Purpose

The HI – Heavy industrial district is intended for heavy manufacturing, assembling and fabrication activities that do not typically depend upon frequent customer or client visits. The district can accommodate heavier industrial uses including those that generate noise, fumes, odors, or emissions, and/or require outside storage of materials or heavy equipment. There is no minimum lot area for this district. Such uses generally require accessibility to major thoroughfares, major highways, and/or other means of transportation such as the railroad.

B. Dimensional Standards

Table 2-25: HI – Heavy Industrial District Dimensional Standards

Lot Dimensions (minimum)			Other Key Standards	
	Lot area (sq ft)	N/A	Measurements and Exceptions	§2.7
A	Lot width (ft)	60	Table of Allowed Uses	§3.2
Building Setbacks (minimum)			Use-Specific Standards	§3.3
B	Front (ft)	25	Landscaping and Screening	
C	Rear (ft)	20	Vehicle Parking and Loading	
D	Side (ft)	0	Residential Adjacency	
Height (maximum)				
E	Building height (ft)	120		

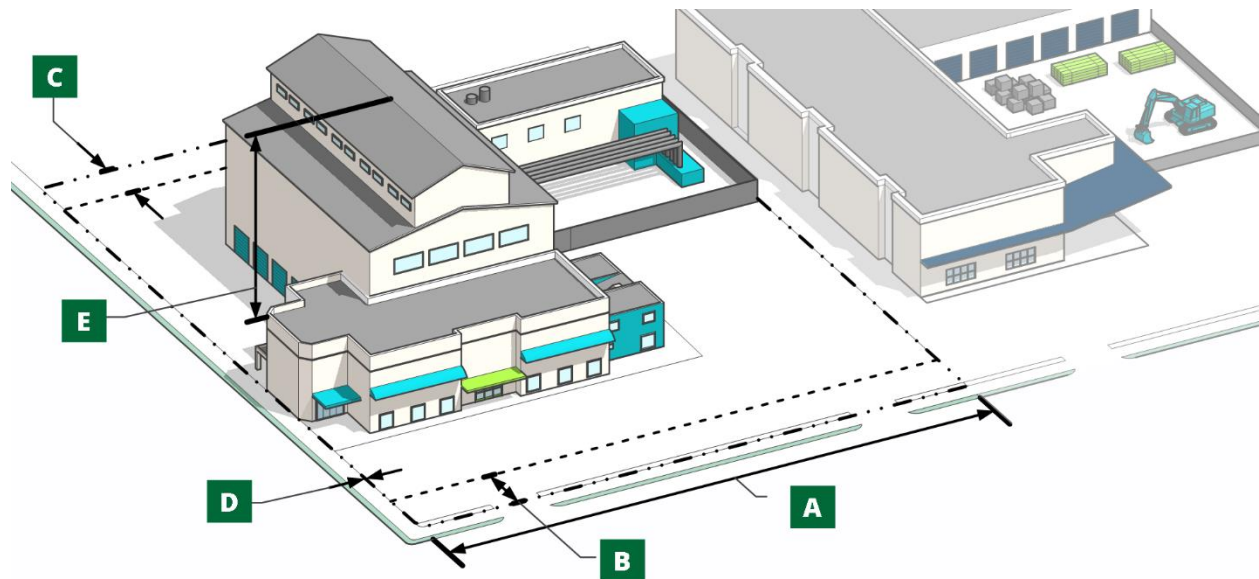


Figure 2.4.7W: HI District Dimensional Standards Illustration

2.4.8 PO – Parks and Open Space District

COMMENTARY

This is a proposed new district.

A. Purpose

The PO district is intended to provide adequate lands for recreational use and the preservation of natural and/or open spaces. There is no minimum lot area for this district. This district allows public and quasi-public uses, active and passive recreation uses, and accessory or support facilities customarily associated with parkland and open space, including lodges, pavilions, parking, and restrooms.

B. Dimensional Standards

Table 2-26: PO – Parks and Open Space District Dimensional Standards

Lot Dimensions (minimum)			Other Key Standards	
	Lot area (sq ft)	N/A	Measurements and Exceptions	§2.7
A	Lot width (ft)	N/A	Table of Allowed Uses	§3.2
Building Setbacks (minimum)			Use-Specific Standards	§3.3
B	Front (ft)	25	Landscaping and Screening	
C	Rear (ft)	25	Vehicle Parking and Loading	
D	Side (ft)	10	Residential Adjacency	
Height (maximum)				
E	Building height (ft)	None		

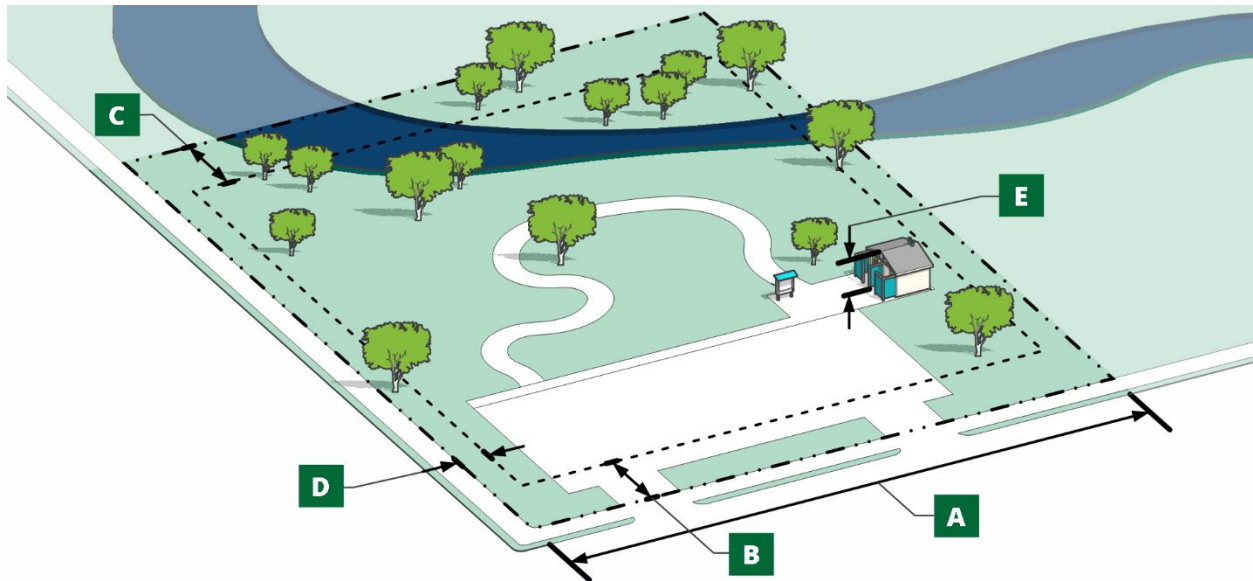


Figure 2.4.8X: PO District Dimensional Standards Illustration

2.4.9 Summary Table of Non-Residential District Dimensional Standards

Table 2-27: Non-Residential District Dimensional Standards								
Current District								
	C-2 and C-2A	C-1 and C-1A	C-1B	C-3	C-4, C-4A, and C-4B	M-1 and M-1A	M-2 and M-2A	
Proposed District								
	CBD	CN	CG	CR	RC	LI	HI	PO
LOT DIMENSIONS (MINIMUM)								
Lot area (sq. ft.)	N/A	10,000	25,000	50,000	5,000	N/A	N/A	N/A
Lot width (ft)	N/A	N/A	100	150	60	60	60	N/A
SETBACKS (MINIMUM)								
Front	0-5	0-15	0-20	0	0	25	25	25
Rear	0-20	0-20	0	20	20	20	20	25
Side	0	0-5	0	0	5	0	0	10
HEIGHT (MAXIMUM)								
Building height	75	35	75	120	75	120	120	None

2.4.10 Gruene Lake Village Special District

COMMENTARY

This district has been carried forward, but similar to Advantage Drive Special District, it appears from Google Maps that the district has largely been built out. In reviewing which Special/Restricted Districts could be converted to standard zoning, is it worth including this one as a possibility?

A. Purpose

The Gruene Lake Village Special District is intended for a broad range of office and retail uses for development of Lots 1, 2 and 3, Block 1, Cotton Crossing Subdivision, Unit 10.

B. Area

The boundaries of the Gruene Lake Village Special District are shown on the following map.



Exhibit "A"
Gruene Lake Village Special District

0 50 100 200 Feet
Scale

Map Created On 9/21/11

C. Allowed Uses**Table 2-28: Allowed Uses in Gruene Lake Village Special District**

Allowed Uses [1]	Use-Specific Standards
Residential	
Residential use is permitted in buildings with the following non-residential uses.	
Non-Residential	
Arcade	
Bank or financial institution	
Bed and breakfast	§3.3.6C
Beverage stand	§3.3.6D
Catering	
Check cashing	
Clinic, medical or dental	
Coffee shop	
Day care center	§3.3.5B
Golf course	
Governmental or municipal facility	
Hotel	§3.3.6G
Laundry, drop-off and self-service	
Manufacturing, artisanal	§3.3.6I
Museum	
Neighborhood food and service	
Office	
Park	
Personal services	
Religious assembly	
Restaurant	§3.3.6F
Retail	
Temporary on-site contractor's office	§3.3.8C
Utility, Minor	
Water storage	

D. Dimensional Standards**Table 2-29: Gruene Lake Village Dimensional Standards**

Lot Dimensions (minimum)		Other Key Standards	
Lot width (ft)	45	Measurements and Exceptions	§2.7
Lot depth (ft)	None	Landscaping and Screening	§X.X
Building Setbacks (minimum)		Vehicle Parking and Loading	§X.X
Front (ft)	0	Residential Adjacency	§X.X
Rear (ft)	15% of lot depth, or 20 feet, whichever is less		
Side (ft)	0, or 6 feet abutting residential zone		
Height (maximum)			
Building height (ft)	75		

2.4.11 Sophienburg Hill Neighborhood Special District

COMMENTARY

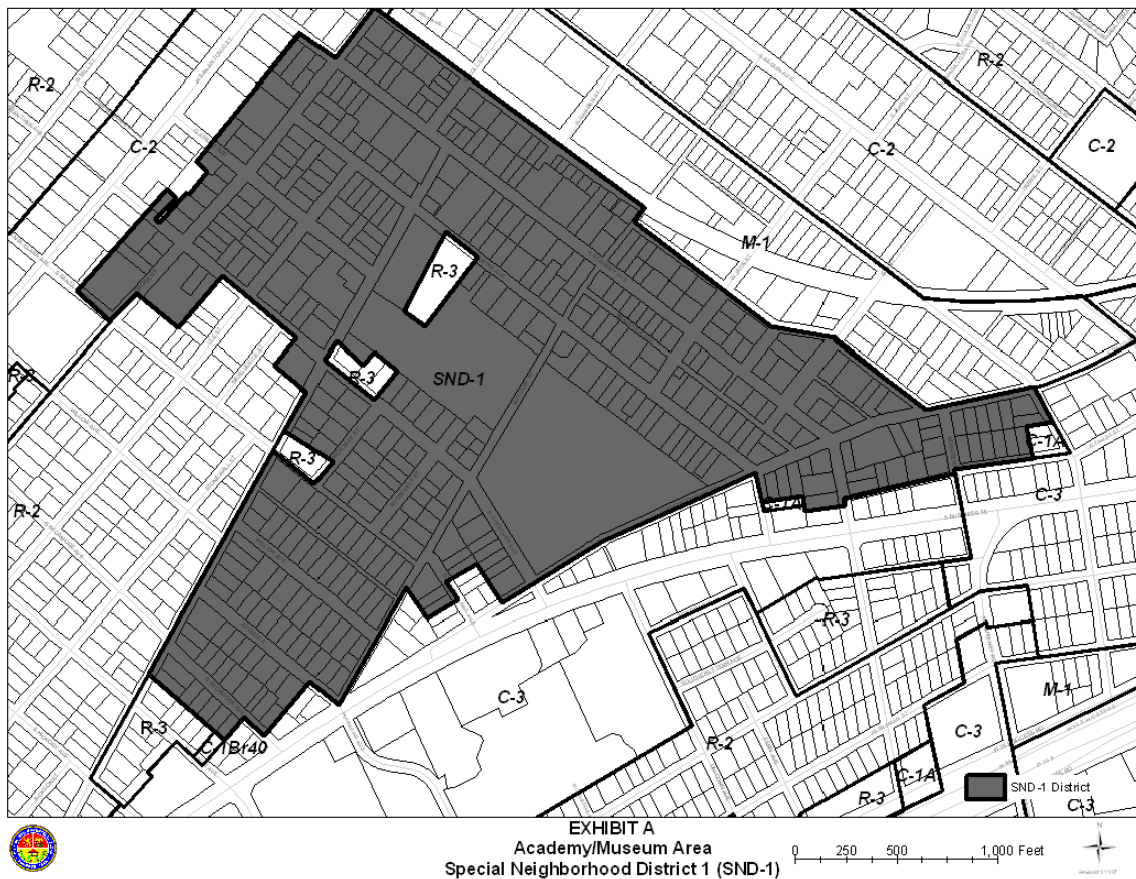
This district has been carried forward from 3.8-4, and renamed at to be more descriptive of the area that is included in the district.

A. Purpose

The Sophienburg Hill Neighborhood Special District is intended for development and protection of existing detached, single-dwelling residences, customary accessory uses, and accessory dwellings such as garage apartments.

B. Area

The boundaries of the Sophienburg Hill Neighborhood Special District are shown on the following map.



C. Allowed Uses**Table 2-30: Allowed Uses in Sophienburg Hill Neighborhood Special District**

Allowed Uses	Use-Specific Standards
Residential	
Accessory building or structure	§3.3.4A
Accessory dwelling unit ¹⁵	§3.3.4B
Day care home	§3.3.4E
Dwelling, manufactured home	
Dwelling, single-family detached	§3.3.4I
Group home, FHAA small or large	§3.3.4K
Home occupation	§3.3.4L
Non-Residential	
Community building	
Farm	§3.3.3A
Golf course	
Governmental or municipal facility	
Museum	
Park	
Religious assembly	
School, K-12	
Temporary on-site contractor's office	§3.3.8C
Water storage	

D. Dimensional Standards**Table 2-31: Sophienburg Hill Neighborhood Special District Dimensional Standards**

Lot Dimensions (minimum)		Other Key Standards	
Lot area (sq ft)	6,600	Term of Occupancy	Less than 30 days not permitted
Lot width (ft)	60	Measurements and Exceptions	§2.7
Lot depth (ft)	100	Landscaping and Screening	§X.X
Building Setbacks (minimum)		Vehicle Parking and Loading	§X.X
Front (ft)	25	Residential Adjacency	§X.X
Rear (ft)	20, main dwelling 6, accessory building		
Side (ft)	5		
Height (maximum)			
Main dwelling (ft)	35		
Accessory building	Not taller than the main dwelling		

¹⁵ The changes to accessory dwelling unit standards in this district have been made so that the same standards for ADUs should apply throughout the city, and not on a district-by-district basis.

2.4.12 South Castell Avenue Special District

COMMENTARY

This new special district is proposed in this draft to support implementation of the redevelopment goals described in the South Castell Avenue Visioning Plan. The standards are proposed as a starting point for discussion with on how best to achieve the kind of development that is envisioned in this area.

A. Purpose

The South Castell Avenue Special District (SCSD) is intended to foster redevelopment of the district area in alignment with the vision expressed by the South Castell Avenue Visioning Plan. The area is intended for mixed-use development, with enhanced streetscaping, and building forms compatible with the existing scale and character of the nearby historic downtown.

B. Area

The boundaries of the SCSD are W Coll Street to the west; a stair stepping boundary running from W Garden street nearly to Jahn Street to the east; portions of S. Castell Avenue, S. Seguin Avenue adjacent to the Convention Center, and W. Garden Street, which bisects the site at the current public parking lot, to the north; and the Union Pacific railroad tracks to the south. The boundaries are shown on the following map.

[This image is a placeholder, to be replaced by a map in future installments]



C. Development Standards¹⁶

These standards apply to any new construction that is proposed in the SCSD. On sites where 50 percent or more of an existing primary structure is to be retained during redevelopment, these standards shall not apply.¹⁷

¹⁶ These standards are modeled on those applicable in the MP-1 Overlay, and are intended as a starting point for discussion of standards that would produce the desired development in this area. These standards can be adjusted in ensuing drafts, based upon any requirements or standards contained within public-private partnership proposals applicable to sites within this boundary, particularly as they relate to streetscape improvements.

¹⁷ Are there any existing structures within this boundary that could offer good adaptive reuse possibilities? Should standards be added for these or any other building that are retained as part of redevelopment? The standards below apply when sites are redeveloped with new construction.

1. Build-To Line

- a. The first floor of buildings shall be built to within five feet of the front property line adjacent to any public rights-of-way.
- b. Parking shall not be located between the front façade of a structure and the front property line, but on corner parcels, may be located along the corner side frontage, subject to screening and landscaping standards as described in §X.X, *Parking Lot Landscaping*.

2. Building Height

- a. In accordance with the base zoning district of CBD, maximum height for any structure shall be 75 feet, unless it is a structured parking facility, which shall be limited to 55 feet.
- b. Parapet walls above 75 feet shall be exempt from the maximum building height, consistent with §2.7.4, Building Height, and in order to meet the articulation requirements and ensure rooftop equipment is screened in accordance with subsection 3.a, Roof Form.
- c. In no instance shall any portion of the structures, including parapets and rooftop equipment, elevator housings, etc. exceed the height of the Comal County Courthouse.

3. Massing

Buildings should be broken into smaller subsets with varied parapet heights to blend into the scale and context of the neighborhood:

a. Roof Forms

Roofs shall be flat or low-pitched (1/12 maximum) with parapet walls to screen roof pitch/mechanical equipment. Rooftop equipment (air conditioners, cell towers, antennas, elevators housing, etc.) shall be screened so as not to be visible from street level. Rooftop patios or bars are not required to be screened. Flagpoles are allowed on the roof.

b. Building Form

i. Vertical Articulation

Buildings shall be vertically articulated into segments measuring between 25 feet and 100 feet on facades fronting onto public rights-of-way to break up the appearance of large buildings. This articulation can be achieved via offsets, breaks in fenestration patterns, change in material or material color, pilasters or engaged columns, and variety in parapet height and design or other architectural detail.

ii. Horizontal Articulation

Buildings shall be horizontally articulated to reflect the traditional base, middle, and cap facade arrangement on facades fronting public rights-of-way. The base shall include the ground-level floor, the cap the top floor, and the middle the intervening floors. This articulation can be achieved via the use of canopies, coping, transom window courses, changes in material or material colors, offsets and projections, or other architectural details.

4. Exterior Building Materials¹⁸

Traditional building materials that complement the types, textures, and colors of materials in the downtown historic district are encouraged. These materials include:

- a. Primary facades (excluding windows) clad in brick or stone consistent with other masonry materials in the downtown historic district.
- b. Secondary facades may be clad in other materials, however mirrored glass, dark tinted glass, reflective or opaque glazing, rolled asphalt, polished stone, and cinder block/concrete masonry unit (cmu) are discouraged.
- c. Primary exterior materials should be of earth tones (tan, ochre, cream, deep red) with contrasting colors used for trim and architectural details/decorative elements.

¹⁸ Since this area is outside the designated downtown historic district, and specific building materials cannot be required, this section encourages the use of desired materials and colors, without requiring them.

5. Facades and Fenestration

- a. Primary entrances shall be clearly defined with awnings, porches, recessions, or other architectural features and shall be located on primary facades with access from the public sidewalk.
- b. Additional public entrances are permitted on secondary facades and shall have architectural features that are subordinate to the primary entrance in scale and detail.
- c. Balconies may be used on all facades, provided there is a minimum of 14-foot clearance between overhanging balconies and sidewalk level.
- d. Primary facades shall maintain a minimum of 50 percent transparency. Transparency can be achieved through glass windows or glass partitions that open onto the public sidewalk to engage pedestrians.
- e. Windows above street level shall be vertical, rectangularly proportioned, punched openings in masonry walls. The rectangular windows may have arched tops. Windows visible from street level shall have a minimum two inches exterior reveal.
- f. Backlit awnings are prohibited.

6. Parking

Shared parking, off-site parking agreements, and valet parking, as authorized in §§X.X and X.X are encouraged.

a. Surface Parking

Surface parking as a primary use shall not be permitted in the SCSD. This prohibition does not apply to continued use of existing surface parking lots within the SCSD boundary.

b. Structured Parking

Parking garages shall maintain pedestrian friendly frontages that blend with the existing block face. This may be achieved through inclusion of one or more of the following features:

- i. Liner retail, restaurant, or office on the first floor.
- ii. Awnings or canopies that delineate pedestrian entrances to the structure. Awnings and canopies must maintain a minimum two foot clear zone from the adjacent curb face.
- iii. Low-level screening along street facing facades that block views of parked vehicles, exhaust pipes, and headlights within the structure. Solid walls taller than 36 inches along public right-of-way that have no openings and “wall-off” views and overshadow the adjacent street frontage are not allowed.
- iv. Street level landscaping. Plant materials used for screening shall comply with spacing and quantity of plantings as required in §X.X, *Parking Lot Landscaping*.
- v. Street-facing facades above the level of required screening shall include treatments to soften massing, and reduce light reflection and heat reflectivity. Exterior garage lighting shall comply with the requirements of §X.X, *Exterior Lighting*.
- vi. Building materials that are compatible with those in the downtown historic district are encouraged.

D. Allowed Uses

- 1. Permitted uses include multi-family residential, retail, restaurant, bar, office, hotel and/or any combination thereof, and structured parking.
- 2. Other uses that contribute to a pedestrian-friendly, active area, particularly through redevelopment and infill, may be permitted with approval of a special use request, as described in §X.X.

2.4.13 Walnut Neighborhood Special District

COMMENTARY

This district has been carried forward from 3.8-7. The major proposed change is to the district's use table, discussed further below.

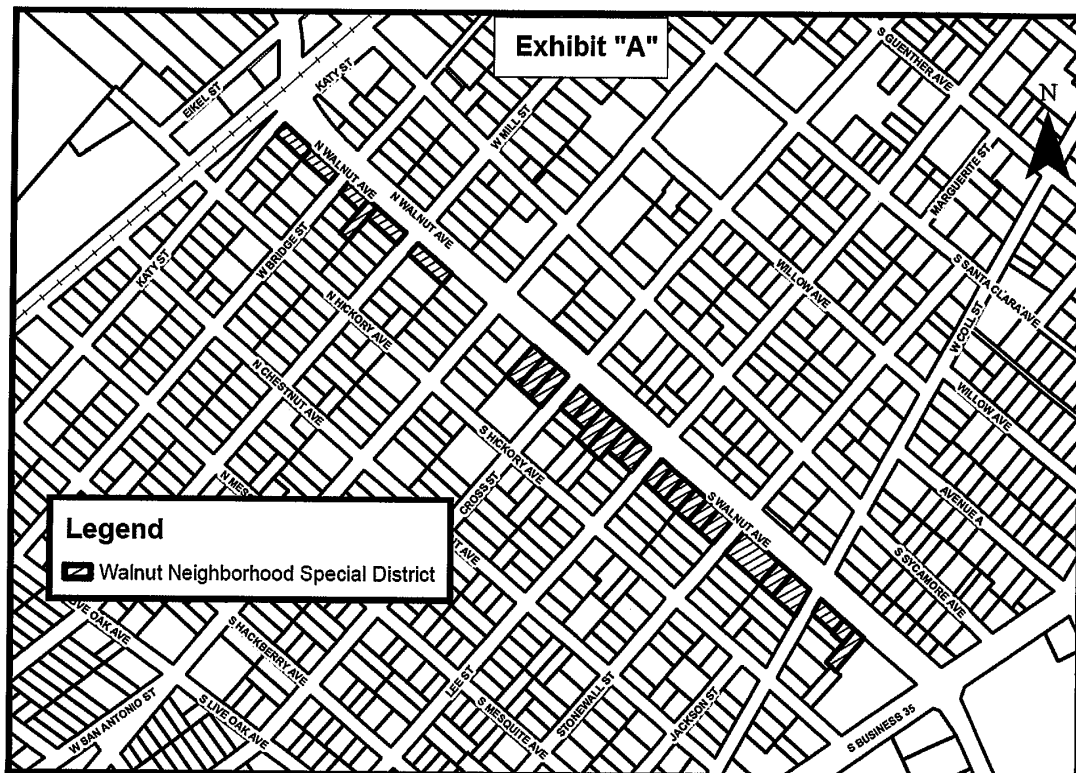
A. Purpose

The Walnut Neighborhood Special District (WNSD) is intended to provide opportunities for a mix of land uses, to maintain a traditional residential neighborhood streetscape, and provide a transition area between a major transportation roadway and a residential district.

B. Area

1. District Boundary

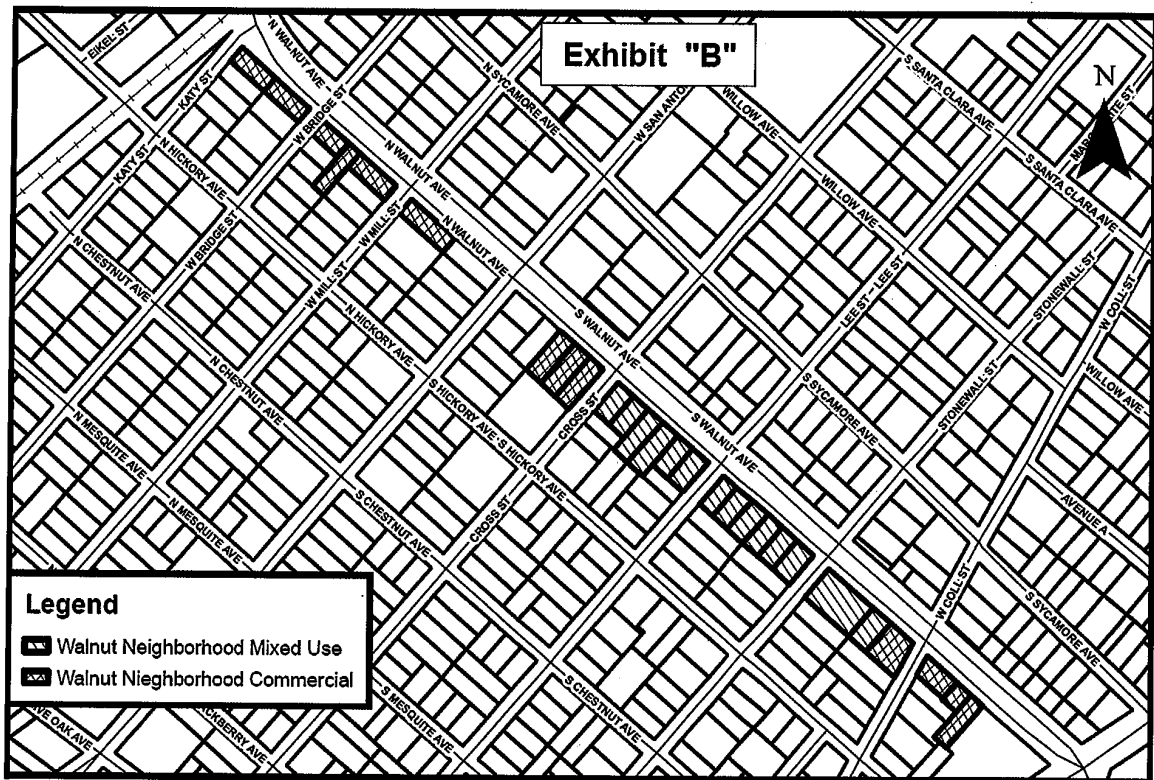
The Walnut Neighborhood Special District (WNSD) includes those properties immediately adjacent to Walnut Avenue along the west side between Katy Street and approximately 250 feet south of Coll Street, excluding approximately 188 linear feet north and south of West San Antonio Street. The boundaries are shown on the following map.



2. Subdistricts

To better achieve neighborhood goals the WNSD includes the following subdistricts:

- a. Walnut Neighborhood Commercial; and
- b. Walnut Neighborhood Mixed Use.



C. Allowed Uses

Any use not specifically listed in Table 2-32 is not permitted within the WNSD.

COMMENTARY

With a view to simplifying the Use Table for the WNSD, this draft includes the following changes.

-The use permissions for both of the subdistricts are identical, with the only difference that, in the Mixed-Use subdistrict, a "P" for non-residential uses is only permitted in a Mixed Use structure. Rather than repeat the column, it has been condensed, and added a Table Note [2] explaining this limitation.

-To align with other Special District use tables, the rows with uses that are NOT permitted have not been carried forward, with an added note [3] that if a use isn't listed, it isn't permitted.

Table 2-32: Allowed Uses in Walnut Neighborhood Special District

Allowed Uses [1]	Use-Specific Standards
Residential	
Accessory building or structure	§3.3.4A
Accessory dwelling unit	§3.3.4B
Day care home	§3.3.4E
Dwelling, single-family detached	§3.3.4I
Dwelling, two-family (duplex)	
Group home, FHAA small or large	§3.3.4K
Home occupation	§3.3.4L
Non-Residential [2]	
Bed and breakfast	§3.3.6C
Coffee shop	
Community building	

Table 2-32: Allowed Uses in Walnut Neighborhood Special District

Allowed Uses [1]	Use-Specific Standards
Governmental or municipal facility	
Museum	
Office	
Park	
Personal service	
Religious assembly	
Retail	
Temporary on-site contractor's office	§3.3.8C
Wireless communication facility	§3.3.5I

NOTES

[1] In the event of conflict between the uses listed in Table 3-1, Table of Allowed Uses, and those listed in this Table 2-32, the uses listed in Table 2-32 shall be deemed those authorized in the district.

[2] In both subdistricts, the Allowed Uses reflect the activities that could occur when adaptively reusing a single family house or a new structure that resembles a single family house. However, in the Walnut Neighborhood Mixed Use subdistrict, a "P" for non-residential uses is only permitted in a Mixed Use structure.

D. Dimensional Standards

The standards in Table 2-33 apply in both Walnut Neighborhood subdistricts.

Table 2-33: Walnut Neighborhood Special District Dimensional Standards

LOT WIDTH	
Minimum	55 feet
Maximum	140 feet
LOT DEPTH	
Minimum	100 feet
Maximum	195 feet
SETBACKS	
Front	<ul style="list-style-type: none"> i. A minimum of 15 feet for a maximum of 50 percent of the width of a building and a minimum of 20 feet for the remaining 50 percent. ii. Thirty feet maximum. iii. Front porches are encouraged and are considered part of the front façade setback and may encroach up to 6 feet.
Rear	<ul style="list-style-type: none"> iv. 20 feet, including accessory buildings, adjacent a single family residential district. v. 5 feet, including accessory buildings, adjacent a non-residential district including the WNSD.
Side	A minimum of 5 feet for interior lot lines.
HEIGHT	
	<ul style="list-style-type: none"> vi. One story or 24 feet to the roof's ridge line, whichever is less. vii. A mixed-use structure may include a second story residential unit at a maximum height of 35 feet with the following additional requirements: <ul style="list-style-type: none"> a. Maximum square footage of residential unit is 50% of the main floor, b. No windows may face the abutting residential district.

E. Access and Parking

1. Parking lots must interconnect with adjacent parking lots where not physically impeded by an existing main structure or a protected or heritage tree.

2. Shared access from Walnut is required for mixed-use or non-residential uses unless impeded by existing an existing main structure or a protected or heritage tree.
3. Four foot wide sidewalks shall be constructed along the side street the length of the property when a property is converted to mixed-use or non-residential.
4. Minimum required spaces:
 - a. Two off-street parking spaces shall be provided for each dwelling unit.
 - b. One off-street parking space for an accessory dwelling unit.
 - c. In a mixed-use structure, one parking space shall be provided for a studio or one bedroom dwelling unit and two parking spaces shall be provided for a two or more bedroom dwelling unit in addition to other permitted uses' parking requirements specified in §X.X, *Parking and Loading*.
 - d. A minimum of one bike rack for two bikes for a mixed-use or non-residential use.
5. No circular drives.
6. Parking must be located behind the primary building. Parking may be provided to the side of a structure if an existing structure is being reused and prohibits access to the rear.
7. Wheel stops are required in all parking spaces to prevent the encroachment of vehicles beyond the specified parking space.
8. See §X.X, *Parking and Loading*, for other permitted uses' parking requirements and standards.
9. Combined/shared parking lots can reduce the number of required parking spaces by ten percent.

F. Building Design Standards

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. Architectural Features

- a. Structures shall have horizontal (depth) articulation adjacent Walnut Avenue typical of single family residences. One offset at a minimum depth equal to 15 percent of the building's width is required.
- b. No flat roofs. Gable, hip, pyramid or shed roofs are allowed.
- c. No roof terraces.
- d. No towers.

2. Buffering

When a mixed-use or non-residential development is adjacent to land used or zoned for single-family or two-family development a combination of fencing and plantings help disperse sound waves.

- a. Along the side or rear property line that mirrors the boundary of the Walnut Neighborhood Special District boundary a six-foot tall rear yard fence/wall shall be constructed of solid masonry such as precast concrete fences or rock walls. The style of the wall or fence shall be complementary to the main building.
- b. Along all common property lines where both lots are within the Walnut Neighborhood Special District, no masonry wall or fencing is allowed, but a minimum five-foot wide landscape buffer is required. The buffer shall include:
 - i. A minimum two-inch diameter tree per 20 linear feet shall be planted along the common property line of the single-family or two-family property. A variety of native tree species shall be used. Shade trees must be used, unless near utility lines where ornamental trees must be used. (see Appendix A, Approved Plant List). All new trees shall be provided with a permeable surface of 60 square feet per tree under the drip line.

- ii. A minimum of one 24-inch tall native Texas bush/shrub per five linear feet. Plantings may be clustered in the buffer area.

- c. All fences and walls require building permits.
- d. See **SX.X**, *Fences and Walls*, for additional regulations. When there is conflict, this section applies.

3. Additional Landscaping

The following standards apply to mixed-use or non-residential uses.

- a. Yards adjacent public street right-of-way shall consist of 80 percent permeable surface, not including the driveway, and must contain a minimum of 50 percent vegetative cover.
- b. Vegetative cover must consist of a minimum of two types of plantings such as ground cover and shrubs.
- c. One shade tree per 25 linear feet of street frontage. Existing trees that are included on the city's approved plant list (Appendix A) may be credited toward this requirement.
- d. All planting areas shall be a minimum of five feet in width.
- e. All landscaping shall be maintained in compliance with **SX.X**, *Landscaping Maintenance*.
- f. Parking areas visible from the public street must be screened by hedges or shrubs which will be a minimum of 36 inches tall within three years of planting.

G. Lighting and Glare Standards

See **SX.X**, *Exterior Lighting*, for requirements.

H. Signage

- 1. Non-residential uses with signs shall comply with the standards in Table 2-34.

Table 2-34: Sign Standards in Walnut Neighborhood Special District

Sign Type	Sign Area (maximum)	Height/Width (maximum)	Setback (minimum)	Max. Number per Lot	Location
Freestanding Monument Sign	32 sq ft	4 feet tall NA width	6 feet	1	Frontage on Walnut Ave or San Antonio
Wall Signage	20 sq ft	Must be located on wall below eave.	N/A	1	Façade of building facing Walnut Ave or San Antonio
Temporary A-Frame or T-Frame Sign	8 sq ft	4 feet tall 3 feet wide	Zero	1	On private property/frontage of Walnut Ave or San Antonio See 7. below.
Flag/Flag pole	40 sq ft	25 feet	5 feet	1	Frontage of Walnut Ave or San Antonio

- 2. Additionally, signs shall comply with all applicable provisions in Article 7: Signs, of this LDO.
- 3. If there is a discrepancy between this section and Article 7, the most restrictive rule prevails.
- 4. Illumination of monument and wall signage shall be restricted to internal illumination where only the lettering or the logo is illuminated. Logos where more than 50 percent of the image is white or light in color shall be restricted to 25 percent of the sign face.
- 5. Flashing or chasing lights are prohibited.

6. Electronic message boards are prohibited.
7. Temporary A-Frame or T-Frame sign must be stored indoors when business is closed.
8. All other forms of temporary signage are prohibited including, but not limited to, banners, streamers, pennants, yard flags and inflatable signs.

I. Hours of Operation

Regular business hours for any business shall be between 7:00 a.m. and 7:00 p.m.

J. Hours for Deliveries

Deliveries may occur business days, Monday through Friday, from 8:00 a.m. to 6:00 p.m., excluding U.S. Mail, Fed Ex, UPS, or other similar services.

K. Additional Prohibitions

The following uses and/or activities are prohibited in the Walnut Neighborhood Special District.

1. Outdoor seating, display of products or storage of products. All business related activities must be conducted indoors.
2. Outdoor speakers, speaker box or live music.
3. Short term rental.
4. Tube rental.
5. Retail liquor stores or retail package store (defined by Texas Alcohol Beverage Commission definition).
6. Any use with a drive-through.
7. Dumpsters.
8. Parking lots as primary use.
9. Outside vending.

2.4.14 Wurstfest Special District

COMMENTARY

This district has been carried forward from 3.8-8 without proposed changes, apart from the general use table edits noted similar to the other special districts.

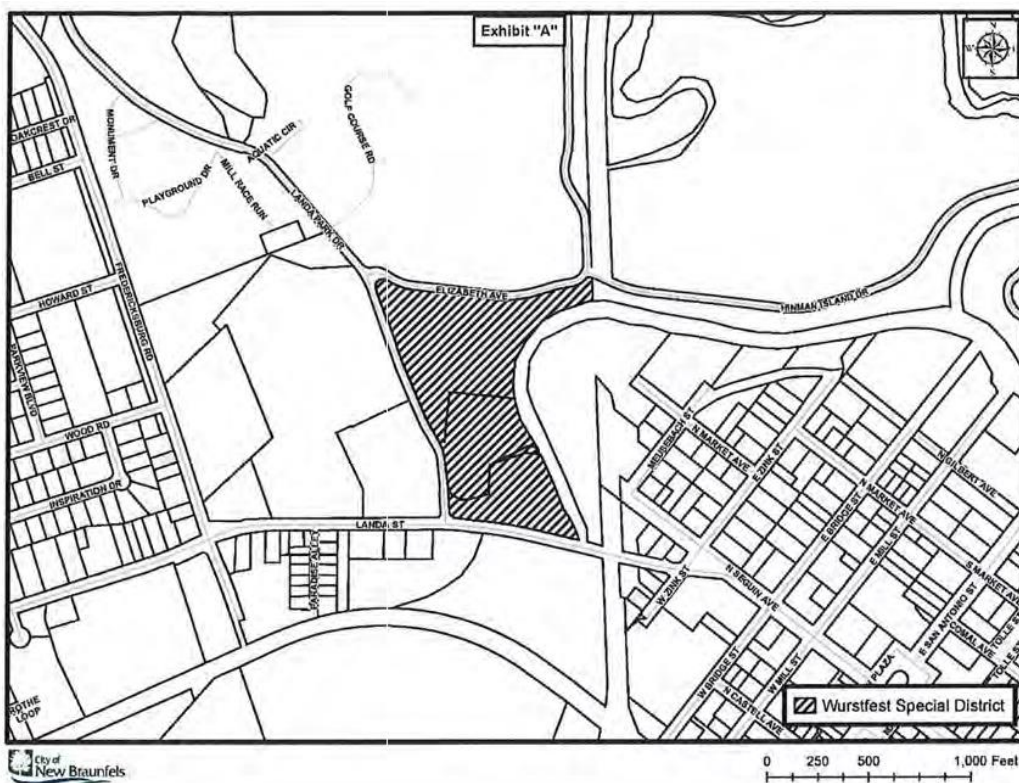
A. Purpose

The Wurstfest Special District is intended to serve tourists and the vacationing public, and support entertainment facilities including dance halls, performance and amusement venues, specialty shops, and food sales.

B. Area

The boundaries of the Wurstfest Special District are shown on the following map.

C. Allowed Uses



The uses in Table 2-35 are allowed by right in the Wurstfest Special District.

Table 2-35: Allowed Uses in Wurstfest Special District

Allowed Uses [1]	Use-Specific Standards
Amphitheater	
Bar or tavern	§3.3.6B
Beverage stand	§3.3.6D
Civic club	
Conference or convention center	
Dance hall or dancing facility	
Fairground	
Governmental or municipal facility	
Itinerant merchant operation	§3.3.8B

Table 2-35: Allowed Uses in Wurstfest Special District

Allowed Uses [1]	Use-Specific Standards
Music, live or recorded	§3.3.6K
Museum	
Office	
Park	
Parking lot, structured	
Parking lot, surface	
Recreation, indoor	§3.3.6N
Recreation, outdoor	§3.3.6N.1
Restaurant	§3.3.6F
Retail	
River outfitter	§3.3.6U
Theater	
Waterfront recreation	

NOTES

[1] In the event of conflict between the uses listed in Table 3-1, Table of Allowed Uses, and those listed in this Table 2-35 the uses listed in Table 2-35 shall be deemed those authorized in the district.

[2] Any use not specifically listed in Table 2-35 is not permitted within the Wurstfest Special District.

D. Dimensional Standards

1. Maximum Height

75 feet.

2. Public Street Building Setback

No setback except no more than 50 percent of the linear length of the property line adjacent to the street may accommodate structures with no setback. All remaining structures must be setback a minimum of 15 feet.

3. River Building Setback

A building setback of 20 feet is required along a property line adjacent to the Comal River.

4. Side Building Setback

No side building setback is required except that where a side line of a lot in this district abuts upon the side line of a lot in any residential zoning district, a side building setback of not less than six feet shall be provided.

E. Parking

Any required parking is allowed to be located off-site.

F. Signage

Signage shall comply with the standards as set forth in Article 7: Signs, for the RC zoning district.

2.5 Overlay Zoning Districts

2.5.1 AHO – Airport Hazard Overlay District¹⁹

COMMENTARY

This section has been carried forward without significant changes. It has been copy-edited and cross-references have been updated, but more significant changes are anticipated to be incorporated in future drafts.

A. Purpose

The purpose of this section is to provide compatible land use regulations for the airport by establishing development standards to protect property and occupants of land in the vicinity of the airport from airport hazards, and to protect the airport from incompatible development. The regulations and districts herein have been established in accordance with V.T.C.A., Local Government Code chs. 241 (Airport Zoning Act) and 211.

B. Compliance

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this Section and any other applicable regulations.

C. Zones Established

In order to carry out the provisions of this section, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surface, and conical surface as they apply to airport. Such zones for height limitations are shown on **Figure 1** and will be reflected on the city's zoning map.

¹⁹ 144-5.20.

extended runway centerline. The inner edge of the precision approach zone shall have a width of 1,000 feet at a distance of 200 feet beyond each end of the runways, widening thereafter uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet beyond the end of the primary surface of each runway. The centerline of the precision approach surface is the continuation of the centerline of the runway.

b. Non-Precision Approach Zone (Runway 31)

The inner non-precision approach zone is established as the area beneath the non-precision approach surface, and is horizontally centered on the extended runway centerline. The inner edge of the non-precision approach zone shall have a width of 500 feet at a distance of 200 feet beyond the end of the runways, widening thereafter uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet beyond the end of the primary surface of each runway. The centerline of the non-precision approach surface is the continuation of the centerline of the runway.

2. Transition Zones

Transition zones are hereby established beneath the transitional surface adjacent to each runway and approach surface as indicated on **Figure 1**. Transitional surfaces, symmetrically located on either side of runways, have variable widths as shown on the zoning map. Transitional surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extends at a slope of seven to one (7:1) from the sides of the primary surface and from the sides of approach surfaces.

3. Horizontal Zone

A horizontal zone is established as the area beneath a horizontal surface 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of Runway(s) 13/31 and 17/35 and connecting the adjacent arcs by lines tangent to those arcs.

4. Conical Zone

A conical zone is established as the area beneath the conical surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one (20:1) for a horizontal distance of 4,000 feet.

5. Inner Turning Zone

The inner turning zone is an area located on each side of the transitional zone. The inner turning zone reflects the special impacts on areas that lay underneath the varying paths that aircraft take in the pattern on final approach and/or departure. The outer limits of the inner turning zone are defined as beginning at 200 feet from the runway end, and extending outward on each side of the runway at 45 degrees from the runway centerline, for a length determined by the applicable approach zone. The outer limits of each inner turning zone is constructed by a swinging arc, which connects the point determined by the airport's approach zone (as described above), to the 45-degree line extending outward from each runway end.

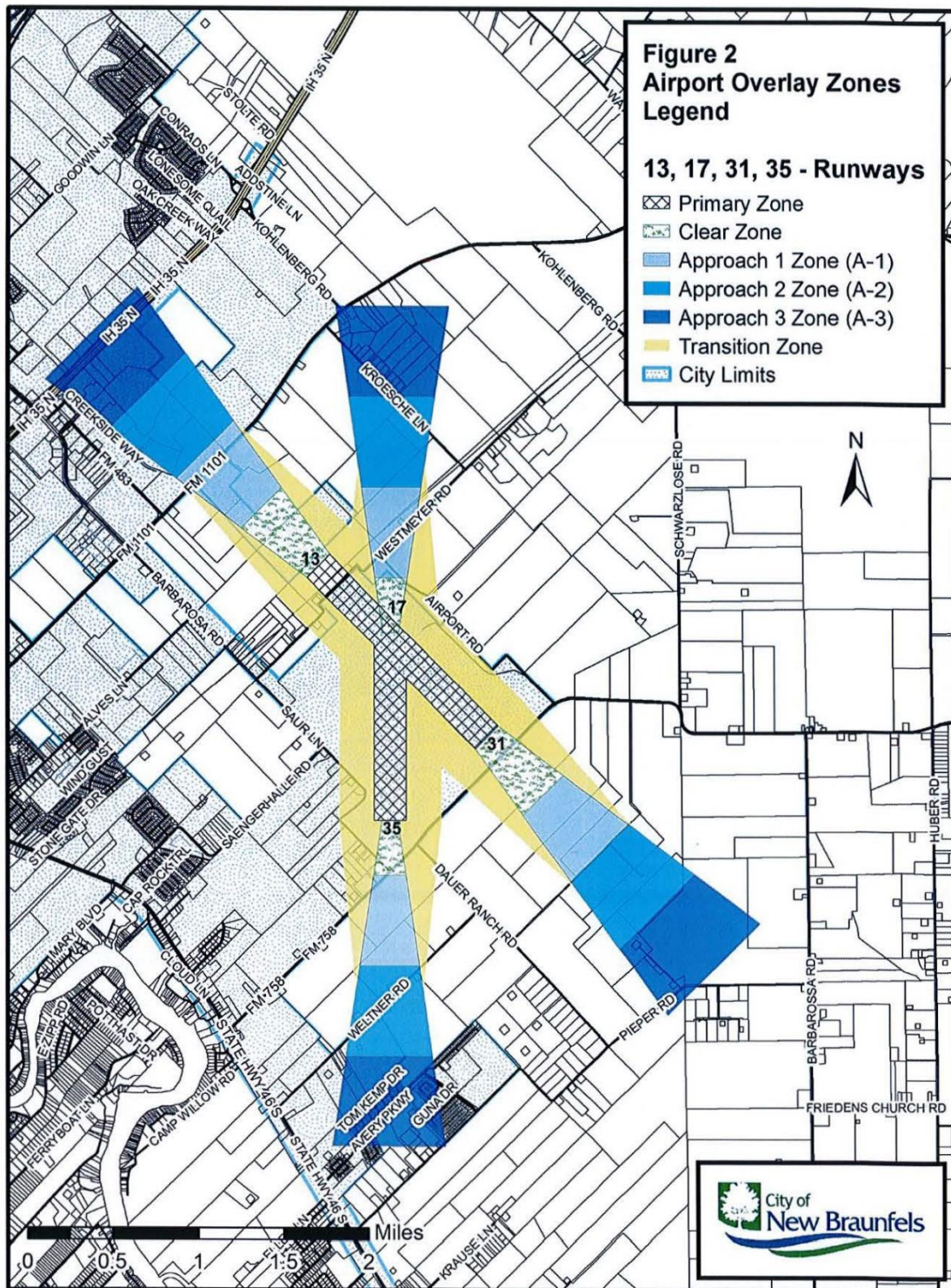
6. Overlay Zones

Overlay zones are hereby established as described below and depicted on **Figure 2** to implement land use restrictions as specified in §2.5.1G, Conforming and Nonconforming Land Uses by Overlay Zone.

Article 2: Zoning Districts

2.5 Overlay Zoning Districts

2.5.1 AHO – Airport Hazard Overlay District



a. Primary Zone

A primary zone is established on the ground directly beneath and following the boundaries of the primary surface.

b. Clear Zone

A clear zone is established on the ground directly beneath and following the boundaries of a runway protection zone (RPZ).

- i. The RPZ for runways 13 and 31 have a width of 1,000 feet at a distance of 200 feet beyond the end of each runway, widening thereafter uniformly to a width of 1,750 feet at a horizontal distance of 2,500 feet.
- ii. The RPZ for runways 17 and 35 have a width of 500 feet at a distance of 200 feet beyond the end of each runway, widening thereafter uniformly to a width of 1,010 feet at a horizontal distance of 1,700 feet.

c. Approach 1 (A-1) Zone

An A-1 zone is established on the ground directly beneath and following the boundaries of the first third of an inner and outer precision approach zone extending outward from the clear zone.

d. Approach 2 (A-2) Zone

An A-2 zone is established on the ground directly beneath and following the boundaries of the middle third of an inner and outer precision approach zone.

e. Approach 3 (A-3) Zone

An A-3 zone is established on the ground directly beneath and following the boundaries of the outer third of an inner and outer precision approach zone.

f. Transition Zone

A transition zone is established on the ground symmetrically located on either side of the primary, clear, A-1, and A-2 zones described above, has a variable width as shown on the zoning map. The width of the transition zone is determined in the same manner as transitional surfaces, extends outward and upward at right angles to the centerline of the primary, clear, A-1 and A-2 zones extended at a slope of seven to one (7:1) from the sides of the primary, clear, A-1, and A-2 zones to where they intersect with the horizontal surface.

D. Height Limitations

Except as otherwise provided in this section, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow, in any zone created by this section to a height in excess of the applicable height limit established in this subsection for that zone. Height limitations are hereby established for each of the zones as described below. An area located in more than one of the following zones shall be subject to the more restrictive height limitation of the zones that apply.

1. Approach Zones

Horizontal distance beginning at the end of and at the elevation of the primary surface and sloping upward from the end of the primary surface.

a. Inner Precision Approach Zone (Runways 13, 17 and 35):

It is horizontally centered on the extended runway centerline, extending 50 feet outward for each one foot upward (50:1) from the end of the primary surface and for a distance of 10,000 feet.

b. Outer Precision Approach Zone (Runways 13, 17 and 35):

It is horizontally centered on the extended runway centerline, extending 40 feet outward for each one foot upward (40:1) from the end of the inner precision approach zone (10,000 feet) to a distance 50,000 feet beyond the end of the primary surface of each runway.

c. Non-Precision Approach Zone (Runway 31):

It is horizontally centered on the extended runway centerline, extending 34 feet outward for each one foot upward (34:1) from the end of the primary surface and for a distance of 10,000 feet.

2. Transition Zones

Slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation, which is 651 feet above mean sea level, adjacent the primary surface or for 5,000 feet adjacent an approach surface.

3. Horizontal Zone

Established at 150 feet above the airport elevation, or a height of 801 feet above mean sea level,²⁰

4. Conical Zone

Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

5. Inner Turning Zone

Based on the most demanding approach published for each runway end, the following height controls are established:

a. Precision Approach

The 50:1 slope for a precision approach places the outer limit of the inner turning zone at 5,000 feet from a point 200 feet from the runway end, along the runway centerline.

b. Non-Precision Approach

The 34:1 slope for a non-precision approach places the outer limit of the inner turning zone at 3,400 feet from a point 200 feet from the runway end, along the runway centerline.

E. Interference Prohibited

Notwithstanding any other provisions of this Section, no use may be made of land or water within any zone established by this Section in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the airport.

F. Nonconforming Uses

1. The regulations prescribed by this section are not retroactive and shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this section, or to otherwise interfere with the continuance of any nonconforming use. Nothing contained in this section shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the passing of the ordinance from which this section derives and which is diligently prosecuted.
2. Notwithstanding provision 1. of this subsection, the owner of any nonconforming structure or tree is hereby required to give permission for the installation, operation, and maintenance of markers and lights that are deemed necessary by the City Manager to indicate to the

²⁰ This is specifying the same height limit, but phrasing it differently from the preceding provision. This should be consistent. Is there a preference for which description to use?

operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the city.

G. Conforming and Nonconforming Land Uses by Overlay Zone

1. Table 2-36 specifies land uses that are allowed (conforming) and those that are not allowed (nonconforming) in the various overlay zones, unless the use was established prior to the effective date of this section. The overlay zones depicted in Figure 2 are in addition to the underlying zoning standards when located within the city limits. The following restrictions do not eliminate an allowable use or reduce the allowable residential density as specified in the zoning district, approved permit, or development agreement on the affected property at the passing of the ordinance.
2. A plat note shall be added to all subdivision plats located within the overlay zones indicating that the subdivision is subject to the AHO – Airport Hazard Overlay District standards and regulations.

Table 2-36: Conforming and Nonconforming Land Uses by Overlay Zone

	Nonconforming Land Use	Conforming Land Use
Primary Zone		
	Any use not included in the approved Airport Layout Plan	Any use included in the approved Airport Layout Plan
Clear Zone		
	<ul style="list-style-type: none"> Residential Commercial Industrial 	<ul style="list-style-type: none"> Undeveloped land Agriculture Surface parking (see X.X for Lighting)
Approach 1 Zone (A-1)		
	Residential	<ul style="list-style-type: none"> Undeveloped land Agriculture Commercial Industrial
Approach 2 Zone (A-2)		
	Residential - density above 3 dwelling units per acre	<ul style="list-style-type: none"> Undeveloped land Agriculture Residential - density up to 3 dwelling units per acre Commercial Industrial
Approach 3 Zone (A-3)		
	Residential - density above 6 dwelling units per acre	<ul style="list-style-type: none"> Undeveloped land Agriculture Residential - density up to 6 dwelling units per acre Commercial
Transition Zone		

Table 2-36: Conforming and Nonconforming Land Uses by Overlay Zone

	Nonconforming Land Use	Conforming Land Use
	Residential exceeding the density of the adjacent Airport Zoning District	<ul style="list-style-type: none"> • Undeveloped land • Agriculture • Residential – same density as adjacent zone • Commercial • Industrial

H. Construction Methods and Materials

The type of all newly constructed occupied structures within the overlay zones constructed after the effective date of the ordinance from which this section derives are to be constructed to achieve a minimum 25 decibel sound level reduction from the exterior to the interior of the structure. Compliance with the following construction standards is intended to achieve that result. Structures excluded from these standards include hangars, warehouses, barns, and other similar structures and additions to existing occupied structures.

a. General

- i. Brick veneer, masonry blocks, or stucco exterior walls shall be grouted or caulked airtight.
- ii. At the penetration of exterior walls by pipes, ducts, or conduits, the space between the wall and pipes, ducts or conduits shall be caulked or filled with mortar.
- iii. Window and/or through-the-wall ventilation units shall not be used.

b. Exterior Walls

- i. Exterior walls other than as described in this section shall have a laboratory sound transmission class rating of at least STC-39.
- ii. Masonry walls having a surface weight of at least 25 pounds per square foot do not require a furred (stud) interior wall. At least one surface of concrete block walls shall be plastered or painted with heavy "bridging" paint.
- iii. Stud walls shall be at least four inches in nominal depth and shall be finished on the outside with siding-on-sheathing, stucco, or brick veneer.
 - a. Interior surface of the exterior walls shall be gypsum board or plaster at least one-half-inch thick, installed on the studs.
 - b. Continuous composition board, plywood, or gypsum board sheathing at least one-half-inch thick shall cover the exterior side of the wall studs behind wood or metal siding. Asphalt or wood shake shingles are acceptable in lieu of siding; however, multi-family and non-residential structures located within the city limits must also comply with non-residential and multi-family design standards.
 - c. Sheathing panels shall be butted tightly and covered on the exterior with overlapping building paper. The top and bottom edges of the sheathing shall be sealed.

c. Windows

- i. Windows other than as described in this section shall have a laboratory sound transmission class rating of at least STC-28.
- ii. Glass shall be at least three-sixteenths-inch thick.
- iii. All operable windows shall be weather stripped and airtight when closed so as to conform to an air infiltration test not to exceed one-half cubic foot per minute per foot of crack length in accordance with ASTM E-283-65-T.

- iv. Glass of fixed-sash windows shall be sealed in an airtight manner with a non-hardening sealant, or a soft elastomer gasket or glazing tape.
 - v. The perimeter of window frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following Federal Specifications: TT-S-00227.
 - vi. The total area of glass in both windows and doors in sleeping spaces shall not exceed 20 percent of the floor area.
- d. Doors**
- i. Doors, other than as described in this section shall have a laboratory sound transmission class rating of at least STC-28.
 - ii. All exterior side-hinged doors shall be solid-core wood or insulated hollow metal at least one and three-fourths-inch thick and shall be fully weather stripped.
 - iii. Exterior sliding doors shall be weather stripped with an efficient airtight gasket system with performance as specified in **Section 1-4C.²¹** The glass in the sliding doors shall be at least three-sixteenths-inch thick.
 - iv. Glass in doors shall be sealed in airtight non-hardening sealant or in soft elastomer gasket or glazing tape.
 - v. The perimeter of door frames shall be sealed airtight to the exterior wall construction as described in provision iii. above.
- e. Roofs**
- i. Combined roof and ceiling construction other than described in this section and subsection f shall have a laboratory sound transmission class rating of at least STC-39.
 - ii. With an attic or rafter space at least six inches deep, and with a ceiling below, the roof shall consist of closely butted one-half-inch composition board, plywood, or gypsum board sheathing topped by roofing as required.
 - iii. If the underside of the roof is exposed, or if the attic or rafter spacing is less than six inches, the roof construction shall have a surface weight of at least 25 pounds per square foot. Rafters, joists, or other framing may not be included in the surface weight calculation.
 - iv. Windows or dome skylights shall have laboratory sound transmission class rating of at least STC-28.
- f. Ceilings**
- i. Gypsum board or plaster ceilings at least one-half-inch thick shall be provided where required by provision e.ii above. Ceilings shall be substantially airtight, with a minimum number of penetrations.
 - ii. Glass fiber or mineral wool insulation at least two inches thick shall be provided above the ceiling between joists.
- g. Floors**
- Openings to any crawl spaces below the floor of the lowest occupied rooms shall not exceed two percent of the floor area of the occupied rooms.
- h. Ventilation**
- i. A mechanical ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for various uses in occupied rooms without the need to open any windows, doors, or other openings to the exterior.
 - ii. Gravity vent openings in attic shall not exceed code minimum in number and size.
 - iii. If a fan is used for forced ventilation, the attic inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least 20 gauge steel, which shall be lined

²¹ This is the original section reference. It is unclear what it refers to.

with one-inch thick coated glass fiber, and shall be at least five feet long with one 90-degree bend.

- iv. All vent ducts connecting the interior space to the outdoors, excepting domestic range exhaust ducts, shall contain at least a five-foot length of internal sound absorbing duct lining. Each duct shall be provided with a bend in the duct such that there is no direct line of sight through the duct from the venting cross section to the room-opening cross section.
- v. Duct lining shall be coated glass fiber duct liner at least one inch thick.
- vi. Domestic range exhaust ducts connecting the interior space to the outdoors shall contain a baffle plate across the exterior termination which allows proper ventilation. The dimensions of the baffle plate should extend at least one diameter beyond the line of sight into the vent duct. The baffle plate shall be of the same material and thickness as the bent duct material.
- vii. Fireplaces shall be provided with well-fitted dampers.

I. Permits and Variances

1. Establishment of Development Permit

An AHO – Airport Hazard Overlay District development permit shall be required to ensure conformance with the provisions of this section.

2. Abrogation and Greater Restrictions

This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3. Future Uses

- a. Except as specifically provided in provisions 1. and 2. of this subsection, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone created by this Section unless a permit has been applied for and granted.
- b. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient detail to determine whether the resulting use, structure, or tree would conform to the regulations prescribed in this section.
- c. If the determination of conformance is in the affirmative, the permit shall be granted.
- d. No permit for a use inconsistent with the provisions of this Section shall be granted unless a variance has been approved in accordance with §2.5.11.6.
 - i. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, the tree or structure would extend above the height limits prescribed for such zones.
 - ii. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when the tree or structure would extend above the height limit prescribed for such approach zones.
 - iii. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure, or growth of any tree, in excess of any height limits established by this Section.

4. Permit Procedures²²

- a. Application for an AHO development permit shall be presented to the building division on forms furnished by the department, and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and maximum elevation of proposed landscape alterations all existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of the Airport Overlay. Additional information to assist in determining compliance with this section may be required.
- b. The applicant should understand that an AHO development permit is only a permit to complete the proposed development. It is not a permit to, for example, build a house, construct a baseball field, install a drainage ditch or septic system, or grade a parcel of land; a building permit must be obtained for the actual construction for those properties located within the city limits.
- c. When filed separately prior to application for building permit, three complete sets of plans, sealed by a Texas registered engineer, architect, or land surveyor, are required.
- d. Applicants applying for an AHO development permit in the ETJ shall submit to the city a letter of construction compliance for §2.5.1H, Construction Methods and Materials, from a qualified engineer, architect, or new construction inspection firm licensed and insured in the state of Texas, prior to occupancy.
- e. The AHO development permit application shall include the following information:
 - i. Completed AHO development permit application form.
 - ii. Applicable permit fees in city limits or in the ETJ shall be per **appendix D** of this Code.
 - iii. When applicable, the AHO development permit application may be filed with the application for building permit, or separately, prior to application for building permit.
- f. Where there is conflict between this Section and any city, state, or federal law, the more restrictive requirements shall govern, unless the less restrictive requirements are preemptive under state or federal law.
- g. The AHO development permit shall include a checklist of other possible state or federal agency approvals needed in addition to those required by the City.

5. Existing Uses

No permit shall be granted that would allow the establishment or creation of any airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the date of the ordinance adoption, or any amendments to this Section, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

6. Variance

- a. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, in violation of the regulations prescribed in this Section may apply to the Zoning Board of Adjustment for a variance from the applicable regulations.
- b. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.
- c. The variance shall be allowed where it is duly found that a literal application or enforcement of the applicable regulations would result in unnecessary hardship and the relief granted would not be contrary to the public interest, but would do substantial justice and be in accordance with the spirit of this Section.
- d. Additionally, no application for variance to the requirements of this Section may be considered by the Zoning Board of Adjustment unless a copy of the application has been furnished to the Airport Advisory Board of the city for advice as to the aeronautical effects

²² As a general recommendation, all application-specific information be removed from the LDO, and posted on the website.

of the variance. If the Airport Advisory Board does not respond to the application within 15 days after receipt, the Zoning Board of Adjustment may act on its own to grant or deny the variance application.

7. Obstruction Marking and Lighting

If the City Manager or the Zoning Board of Adjustment determine that it is advisable to effectuate the purpose of this Section and reasonable in the circumstances, any approved permit or variance may be conditioned to require the owner of the structure or tree in question to allow the City Manager to install, operate, and maintain, at the expense of the city, such markings and lights as may be necessary.

J. Abatement of Violations

The City Council may institute in any court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of this Section or of any order or ruling made in connection with the administration or enforcement of this Section, including, but not limited to, an action for injunctive relief as provided by the Airport Zoning Act, as amended, V.T.C.A., Local Government Code §241.044.

2.5.2 HSD – Historic District

A. Downtown Historic District

[reserved]

B. Mill Street Historic District

[reserved]

C. Sophienburg Hill Historic District²³

[reserved]

D. Stock Historic District

[reserved]

2.5.3 HLM – Historic Landmark

[reserved]

2.5.4 MP-1 – Main Plaza Overlay District

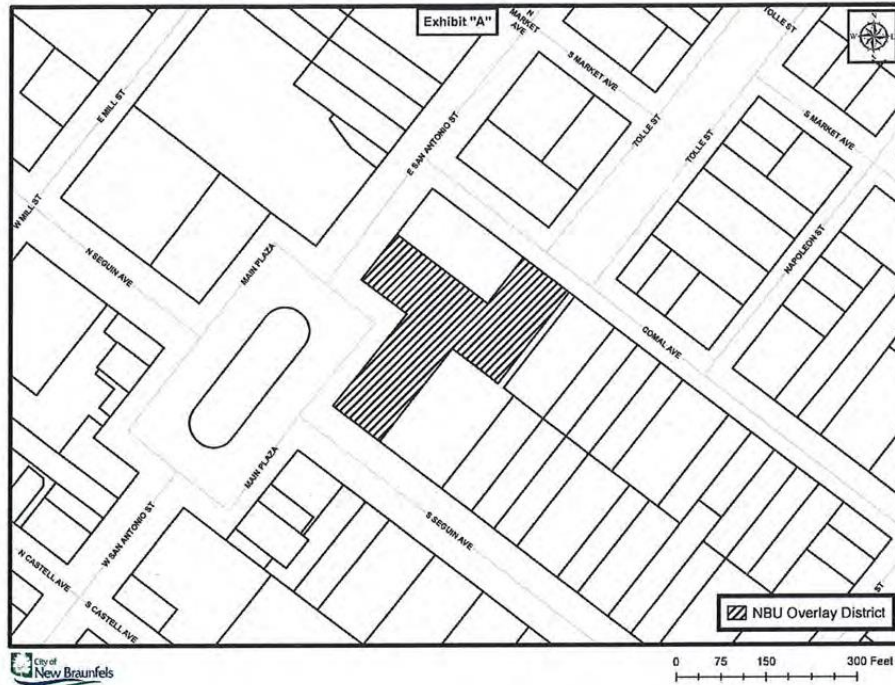
A. Purpose

The Main Plaza Overlay District (MP-1) is established to protect the character and integrity of the northeast corner of Main Plaza, and to honor the legacy of this important historic downtown focal point by ensuring appropriate uses for the site, and that any future development or redevelopment is compatible for its unique location in the city in accordance with the comprehensive plan.

²³ If the name of SND-1 is changed to Sophienburg Hill Special Neighborhood District, it could be confusing to differentiate between the special purpose base district, and the historic district overlay.

B. Area

MP-1 shall apply to property legally described as Lots 36, 40, 41 and 42, City Block 1005, New Braunfels, Comal County, Texas. This irregular shaped tract comprises 1.274 acres with approximately 97 feet of frontage along the east side of Seguin Avenue, 285 feet along Main Plaza, 97 feet along the south side of East San Antonio Street, and 96 feet along the west side of Comal Avenue. This is generally the northeast corner of Main Plaza and is illustrated in Exhibit A below.



C. Development Standards

The standards below are in addition to or in lieu of the requirements of the base zoning district.

1. Setbacks

Minimum: zero feet.

2. Build-To Line

The first floor of buildings shall be built to the front property lines along San Antonio Street, Seguin Avenue and Main Plaza. Public assembly areas in the form of patios, gardens, outdoor dining, courtyards, or similar settings are allowed when incorporated with complementary building design and public access to the street or public sidewalk.

3. Building Height

- a. In accordance with the base zoning district of CBD, maximum heights for the mixed use buildings shall be 75 feet. Parapet walls above 75 feet shall be exempt from the maximum building height, consistent with §2.7.4, Building Height, and in order to meet the articulation requirements and ensure rooftop equipment is screened in accordance with subsection 4.a, Roof Form.
- b. In no instance shall any portion of the structures, including parapets and rooftop equipment, elevator housings, etc. exceed the height of the Comal County Courthouse.

4. Massing

Buildings should be broken into smaller subsets with varied parapet heights to blend into the scale and context of the neighborhood:

a. Roof Forms

Roofs shall be flat or low-pitched (1/12 maximum) with parapet walls to screen roof pitch/mechanical equipment. Rooftop equipment (air conditioners, antennas, elevators, etc.) shall be screened so as not to be visible from street level. Rooftop patios or bars are not required to be screened. Flagpoles are allowed on the roof.

b. Building Form

Rectilinear forms shall blend with existing buildings downtown to maintain the character and integrity of the historic district and time within which the existing buildings were built.

i. Vertical Articulation

Buildings fronting onto East San Antonio Street, Main Plaza, and Seguin Avenue shall be vertically articulated into segments measuring between 25 feet and 100 feet on facades fronting onto public right-of-way to break up the appearance of large buildings. This articulation can be achieved via offsets, breaks in fenestration patterns, change in material or material color, pilasters or engaged columns, and variety in parapet height and design or other architectural detail.

ii. Horizontal Articulation

Buildings fronting onto East San Antonio Street, Main Plaza, and Seguin Avenue shall be horizontally articulated to reflect the traditional base, middle, and cap facade arrangement on facades fronting the public right-of-way. The base shall include the ground-level floor, the cap the top floor, and the middle the intervening floors. This articulation can be achieved via the use of canopies, coping, transom window courses, changes in material or material colors, offsets and projections, or other architectural details.

iii. Floor-to-Floor Height

Ground-level floor shall have a floor-to-floor height between 16 and 22 feet.

c. Structured Parking

Parking garages shall maintain pedestrian friendly frontages that blend with the existing block face. Low-level screening is required along street frontages to block views of parked vehicles, exhaust pipes, and headlights. Facades shall include various treatments to soften massing, and reduce light reflection and heat reflectivity. Solid walls with no penetrations that "wall-off" views and overshadow the surrounding neighborhood are prohibited. Interior garage lighting shall not produce glaring sources toward adjacent residential uses. To achieve the above requirements, one or more of the following shall be included:

- i.** Ground floor level fronting onto Comal Avenue shall be clad in brick, stone, patterned concrete, or other masonry product and be articulated as to separate the ground level from upper levels. This articulation can be achieved via the use of canopies, coping, transom window courses, changes in material or material colors, offsets and projections, or other architectural details. Upper levels fronting onto Comal Avenue shall be clad in brick, stone, or masonry or use decorative trellises, artwork, or plantings to screen exposed concrete. If planted materials are used for screening, they must be planted and maintained with live plantings that cover a minimum of 50 percent of upper level exterior wall surfaces.
- ii.** Street level landscaping.
- iii.** Liner retail on the first floor.
- iv.** Awnings or canopies over the first floor. Awnings and canopies must maintain a minimum two foot clear zone from the adjacent curb face.
- v.** Varied building materials that blend with existing surrounding Downtown buildings.

5. Exterior Building Materials

Traditional building materials that complement the types, textures, and colors of materials in the downtown historic district shall be used.

- a. A minimum of 80 percent of primary facades (excluding windows) shall be clad in brick or stone consistent with other masonry materials in the downtown historic district.
- b. The remaining 20 percent of primary facades, and all secondary facades may be clad in other materials, however mirrored glass, dark tinted glass, reflective or opaque glazing, rolled asphalt, polished stone, and cinder block/concrete masonry unit (cmu) are prohibited.
- c. Primary exterior materials shall be earth tones (tan, ochre, cream, deep red). Contrasting colors shall be used for trim and architectural details/decorative elements.

6. Facades and Fenestration

- a. Primary entrances shall be clearly defined with awnings, porches, recessions, or other architectural features and shall be located on primary facades with access from the public sidewalk. Secondary public entrances may be located on secondary facades and shall have architectural features that are subordinate to the primary entrance in scale and detail.
- b. Horizontal elements such as but not limited to bulkheads/kickplates, window sills, canopies, and roof wall junctions shall maintain alignment and division with Building A (see Exhibit B below) as well as with buildings on the adjacent block faces.
- c. Balconies may be used on all facades.
- d. Primary facades shall maintain a minimum of 75 percent transparency. Transparency can be achieved through glass windows or glass partitions that open onto the public sidewalk to engage pedestrians.
- e. Windows above street level shall be vertical, rectangularly proportioned, punched openings in masonry walls. The rectangular windows may have arched tops. Windows visible from street level shall have a minimum two inches exterior reveal.
- f. Windows shall be trimmed in wood or painted metal or anodized aluminum, and dimensioned similar to historic windows in the adjacent block faces.
- g. Backlit awnings are prohibited.

7. Parking

- a. A parking structure may be located at the northeast corner of the zoned area.
- b. The parking structure may be a maximum of 55 feet in height.
- c. Minimum parking ratios for land uses shall be cumulative and in accordance with the parking requirements described in **§X.X.**
- d. Shared parking and off-site parking agreements as authorized in **§X.X.** are allowed.
- e. Any on-street public parking eliminated by redevelopment shall be incorporated into the parking garage.

8. Signage

Signs shall be reflective of each building's facade and shall not obscure or harm architectural elements or features. Signage not addressed below shall be governed by Article 7: Signs, and Chapter 114, Streets, Sidewalks, and Other Public Places, of the New Braunfels Code of Ordinances.

a. Materials

- i. Signs shall be constructed of wood, metal, or of material similar to the facade.
- ii. Plastic, nylon, reflective, and canvas materials are prohibited.

b. Illumination

Lighting shall be ambient, subdued, and warm in color.

- i. Internally lit signage is prohibited.
- ii. Lighting shall not produce a glare into the public right-of-way.
- iii. Sources for externally lit signage shall point downward toward the sign rather than upward.

c. Allowed Sign Types

- i. Attached, awning, parapet, window, blade, and projecting signs are permitted. Painted windows are permitted on a 60-day temporary basis.

d. Prohibited Signs

- i. Roof, electronic message, and inflatable signs.
- ii. Other than a mural, any sign that covers more than 20 percent of the building façade.

e. Sign Area

- i. Attached/blade/projecting signs: Eight square feet.
- ii. Window signs: Eight square feet.
- iii. Awning/parapet signs: Eight square feet.

f. Clearance

Signs overhanging the sidewalk or public right-of-way shall have a minimum clearance of nine feet from the bottom of the sign to the sidewalk, and shall maintain a two foot clear zone from the adjacent curb face.

g. Murals

Murals are allowed and encouraged, and must be reviewed by the historic preservation officer and downtown coordinator.

h. Sidewalk Signs

Signs along the sidewalk shall follow the rules and permitting process outlined in Chapter 114, Streets, Sidewalks, and Other Public Places, of the New Braunfels Code of Ordinances.

D. Uses

1. Permitted uses include retail, restaurant, bar, office, multi-family residential, hotel and/or any combination thereof.
2. Office and bar uses are to be accessory and incidental to a primary use.
3. Ground floors shall be designed for and accommodate active pedestrian friendly uses, such as retail or restaurant. Tenant spaces shall be oriented to the street with storefronts and entries along the sidewalks to sustain street level interest and promote pedestrian traffic. A minimum 50 percent of street level uses shall be retail. A lobby bar and lounge area incidental to a hotel can qualify as retail area assignment.
4. A parking structure is permitted and may only be located on the northeast portion of the zoned area.
5. Rooftop garden, bar, restaurant, and/or other public assembly is permitted.
6. No other uses are permitted as primary uses in this overlay district.

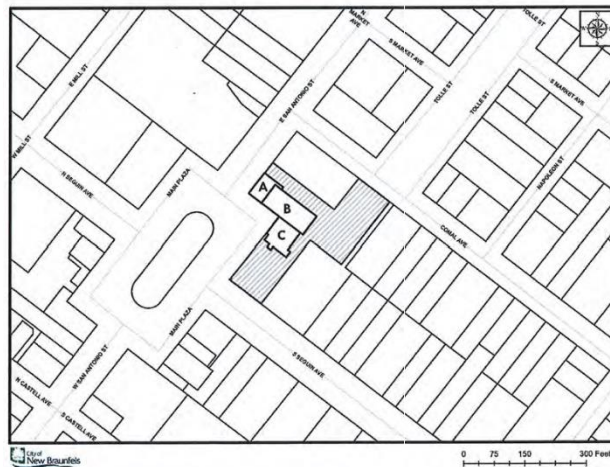
E. Special Requirements

Reference Exhibit B below.

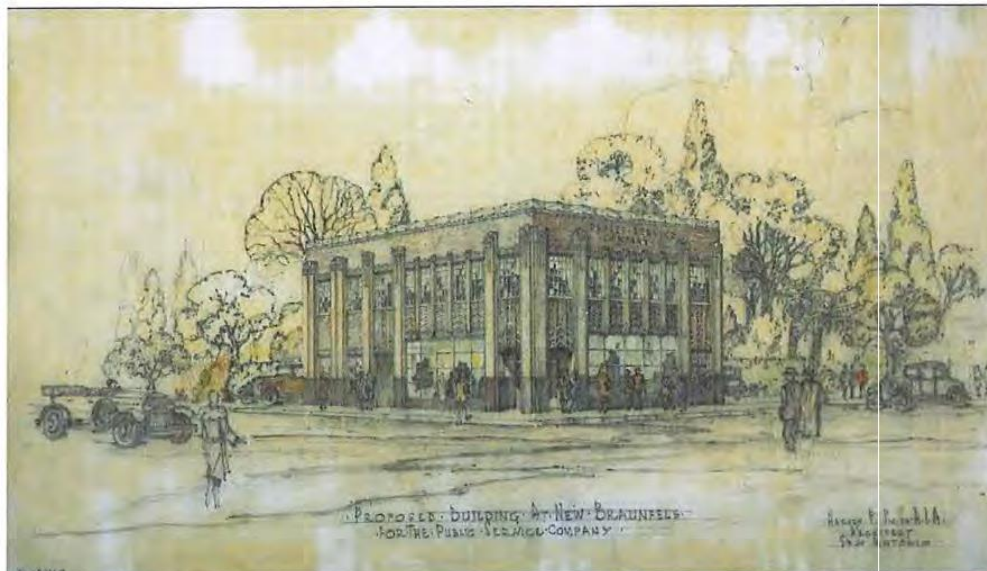
Article 2: Zoning Districts

2.5 Overlay Zoning Districts

2.5.4 MP-1 – Main Plaza Overlay District



1. Building A shall be retained and refurbished. It shall be permissible to use the rooftop of Building A for open-air activity, provided the additions of any requisite railings, furnishings, or other appurtenances are set back from the building edges and scales so as not to be obstructively perceptible from the street frontage. A second story may be added to Building A, but only if designed and constructed so that the exterior appears as originally planned by the original architect/designer as depicted in Exhibit C below.



2. Facades of Building C must be incorporated into any proposed development plan.
3. Existing trees may be removed; replacement trees in compliance with the city's tree ordinance in §X.X of this LDO may be planted within the overlay district or within the public right-of-way anywhere downtown. Street trees must meet species, spacing, and planting standards of §X.X, and maintain distances to accommodate the opening of car doors, facilitate bench placement for shade provision, and include tree wells that protect the tree roots while also meeting ADA standards.

4. To reduce glare, building and landscape lighting shall be placed so that the source of the light is not visible and shall be directed toward the building facade or landscape intended to be illuminated.
5. Electrical transformers, meters, mechanical equipment and other equipment shall not be located along the ground floor street wall. All utility lines, including pre-existing utilities, shall be placed underground.
6. Any redevelopment must include improvements to the public realm such as improved safety, pedestrian lighting, and pedestrian linkage to the plaza.
7. Vehicular access from Seguin Avenue shall be entering the subject property only. Exiting the subject property to Seguin Avenue is unsafe.
8. Vehicular access from San Antonio Street shall be exiting the subject property only. Entering the subject property from San Antonio Street is unsafe.
9. No demolition can occur without proof of financing and completed building and demolition permit documents in accordance with the city's code of ordinances.

F. Review Process

1. In addition to standard permit and plan review application requirements, permit application documents shall include a three dimensional building information modeling (BIM) style perspective view denoting building materials and detailing.
2. The historic preservation officer shall review building permit applications and plan submissions and issue design clearance for those projects that clearly demonstrate objective conformance with the standards of this overlay district. Said review will satisfy the requirements of sections 58 and 59 of (chapter 66) Article 6: Historic Preservation standards.
3. An application which does not clearly demonstrate objective conformance with these standards will be forwarded to the historic landmark commission for review and consideration.

4. Appeals

Any decision made by the historic preservation officer may be appealed to the historic landmark commission. Any decision made by the historic landmark commission may be appealed to City Council.

5. Variances

As this is a zoning overlay district, variance requests shall be heard and considered by the Zoning Board of Adjustment in accordance with §X.X²⁴ and V.T.C.A., Local Government Code ch. 211.

²⁴ Section 144-3.7-5. The Main Plaza Overlay has been reformatted, with minor copy edits included, but otherwise carried forward substantially as it appears in Chapter 144.

2.5.5 NPO – Neighborhood Protection Overlay

COMMENTARY

This new overlay is proposed to implement the idea of “character districts” that would address neighborhood concerns to conserve established neighborhoods with distinctive characteristics. It also is intended to provide an alternative to historic designation. More flexible than designation of a historic district, the NPO is a zoning tool that could be applied in numerous instances, to preserve areas with distinguishing, shared characteristics.

This section provides an outline of the general standards, criteria, and process for establishing a new NPO area. The section essentially establishes a general framework, and in the future specific standards would be developed on a case-by-case basis for different neighborhoods that pursue this approach.

A. Purpose

The Neighborhood Protection Overlay (NPO) district provides a mechanism to conserve established neighborhoods with distinctive characteristics. This designation provides a more flexible alternative to designation of a historic district, while still protecting the distinctive architectural, cultural, historical, and/or environmental character of defined neighborhoods, areas, sites, and structures by:

1. Protecting the physical attributes of a neighborhood, area, site, or structure;
2. Promoting development or redevelopment compatible with that neighborhood, area, site, or structure; and
3. Encouraging harmonious, orderly, and efficient growth.

B. Applicability

1. An NPO district may be established following the recommendation of the creation of an NPO district in an area, neighborhood, or community plan adopted by the City Council where the subject area meets the requirements of this subsection, or by the direction of the City Council.
2. An NPO district may also be established pursuant to a proposal from area residents, with the written concurrence of a majority of property owners within the area to be so designated.²⁵
3. An approved NPO district is an overlay and does not replace the underlying zoning of the area. Any approved NPO district may further limit, but not expand, the uses and development allowed in the base zoning district.
4. All new development, additions, changes, and expansions to existing structures and uses shall comply with the regulations associated with the NPO district.
5. Uses and structures legally existing at the time of adoption of an NPO district shall not become nonconforming with the adoption of the district. However, any proposed changes or additions to uses or structures in the district after the Overlay adoption date shall comply with the provisions of the adopted NPO district.
6. The NPO district is distinguished from the Local Landmark Districts in the City, described in §X.X, but a property may be categorized under both the NPO district and in a Landmark District.

C. Establishment of NPO Districts

1. Designation Criteria

To be considered for designation as an NPO district, an area shall meet the following criteria:

- a. The boundaries of the NPO district are within an area with an area, neighborhood, or community plan that has been adopted by the City Council and with the plan

²⁵ Alternatives to consider are: whether a simple majority of property owners is sufficient, or if it should be a greater majority, such as two-thirds; whether tenants and/or renters can propose the NPO, and if they may be counted towards the majority; if there should be any sort of check on the validity of signatories in support of a proposed NPO?

recommendation of an NPO district, or the City Council has directed the Planning and Development Services Department to explore the possibility of an NPO district.

- b. If initiated by area residents in the absence of an adopted plan, a majority of property owners within the area to be designated within the NPO have indicated in writing their support of the area being designated an NPO.
- c. The area contains a minimum of twenty lots of similar character that are bound by logical physical or man-made features that clearly define a neighborhood.
- d. The area possesses one or more of the following distinctive features that create a cohesive, identifiable setting, character, or association:
 - i. Scale, size, type of construction, or distinctive building materials;
 - ii. Spatial relationships between buildings;
 - iii. Lot layouts, setbacks, street layouts, alleys, or sidewalks;
 - iv. Unique natural or streetscape characteristics such as waterways, parks, greenbelts, gardens, or street landscaping; and/or
 - v. Land use patterns, including mixed or unique uses or activities; and/or
 - vi. Contain, abut, or link historic designations and/or districts.

2. Procedures

[Reserved: to be included in Installment 3, Administration & Procedures]

D. NPO District Ordinance

1. Contents

Each NPO district shall be established by a separate ordinance that includes a map showing the boundaries of the proposed NPO district; graphic and written materials describing the physical attributes of the proposed NPO district; and regulations for development and architectural standards.

2. Development Standards

Development standards for each NPO district are intended to reflect and maintain the unique characteristics of each NPO area, and may include the following:

a. Site and Building Standards

- i. Accessory structures;
- ii. Building and structure height;
- iii. Fences and walls;
- iv. Floor area ratio;
- v. Lot coverage;
- vi. Lot size;
- vii. Off-street parking and loading;
- viii. Permitted uses; and/or
- ix. Setbacks.

b. Architectural Standards

- i. Architectural styles;
- ii. Building elevations;
- iii. Building materials;²⁶
- iv. Architectural features (like chimneys, porches, and windows); and/or
- v. Roof form, pitch, and/or materials.

c. Other Elements

NPO district regulations may also address, but are not limited to: building relocation; building width; lot size; demolition; driveways, curbs, and sidewalks; foundations; garage location and entrance; impervious surfaces; landscaping or other natural features;

²⁶ The Texas statute limiting regulation of building materials has an exception for designated historic districts. This NPO could potentially fall within that exception.

building massing; exterior paint colors; and renewable energy systems and the components.

E. Amendment of NPO District

The City Council may amend the standards or boundaries of an established NPO district per §X.X, Code Text Amendment. The Council shall not grant a request to amend the standards or to add or remove property from an established NPO district without making specific findings in the approval motion that the amendment will not:

1. Alter the character of the established NPO district as described in the NPO district ordinance; or
2. Be detrimental to the overall purpose of the established NPO district as described in the NPO district ordinance.

2.6 Planned Development Districts

COMMENTARY

This section carries forward parts of the current 144-3.5, but differs significantly from the current ordinance by defining more narrowly the instances in which the city will consider a PD. An applicant may benefit from the flexibility such a negotiated district allows in exchange for benefits to the city that advance the goals of the comprehensive plan, including affordable housing, historic preservation, or enhanced sustainability in development. This section describes eligibility to apply for a PD; additional detail on the process of rezoning to PD districts will be in the third draft code installment dealing with procedures.

2.6.1 Purpose

The intent of the planned development (PD) zoning district is to allow applicants flexibility in meeting the standards of this code in exchange for defined benefits that advance the goals of the comprehensive plan of the city. PD districts ensure compliance with good zoning and planning practices, while allowing certain desirable departures from the strict provisions of specific zoning districts.

2.6.2 Eligibility to Apply for Rezoning to PD

A. General Eligibility

An application for rezoning to a PD district may only be accepted for review if the application complies with the following general criteria, along with the PUD type-specific criteria in §X.X:

1. All property included in the proposed PUD must be under common ownership or control or must be the subject of an application filed jointly by the property owners of all the property to be included.
2. The proposed PD could not be developed using a combination of the base zone districts listed in §§2.2 through 2.4.

B. Compliance with the eligibility criteria allows the applicant to begin negotiations with the City regarding the specific uses, structures, layout, and design that will be used to satisfy the eligibility criteria.

C. Compliance with the eligibility criteria does not indicate that the PD will be approved by the city. Approval by the city will require a City Council finding that the criteria for approval in section §X.X have been met.

D. Specific PD Eligibility Requirements²⁷

The proposed PD district shall include at least one of the following defined benefits:

1. Affordable housing;
2. Preservation of historic site or structure; or
3. Sustainable design.

2.6.3 PD District Standards**A. Base Zoning District**

The applicant shall specify a base zoning district in their application for a PD. The regulations in the base zoning district shall control unless specifically requested otherwise in the PD application.

B. Deviations from Base District Standards

1. The applicant shall include a list of allowed uses and a set of development standards in the PD rezoning application. The application shall specify and/or illustrate the uses and development standards that are deviations from the base zoning district standards. Unless otherwise prohibited, applicants may request deviations from any non-procedural provision in this LDO as part of the proposed PD development standards.
2. Development standards that deviate from the base district standards that are approved as part of a PD district shall be listed or shown as part of the ordinance that adopts the PD district.

C. General Standards

1. The total required area for any PD that is new development shall not be less than five acres; sites that involve redevelopment or infill may permit PD proposals on parcels of any size.²⁸
2. Fences shall comply with all applicable standards as described in §X.X.
3. Clear vision areas at the intersections of streets, alleys, and driveways shall be maintained in accordance with §2.7.4.

2.6.4 Affordable Housing PD

An affordable housing PD application must include residential dwelling units and include at least one of the following options:

- A. All parcels on which single-household detached dwelling units will be constructed shall not be prevented, through restrictive covenants or other regulatory restrictions, from constructing an accessory dwelling unit either within the primary building or in a freestanding accessory building, and 15 percent of the units constructed as part of the development have already-built ADUs included on the parcel;
- B. At least 10 percent of all rental dwelling units, whether multi-family or detached or attached single-dwellings, are income-restricted for a period of at least 20 years to be affordable to households earning no more than 80 percent of the applicable Area Median Income;
- C. At least 10 percent of all for-sale dwelling units, whether multi-family or attached single dwellings, are income-restricted for a period of at least 20 years to be affordable to households earning no more than 100 percent of the applicable Area Median Income; and

²⁷ Does the city want to retain an option for innovative design?

²⁸ Because there is little vacant land within city limits that can be used for brand new, greenfield development, this draft suggests an exception to allow PDs to be proposed on smaller parcels. If the decision is to move forward with the defined benefit PDs, do you want to consider removing the size limit altogether?

- D. At least 10 percent of all detached for-sale dwelling units are income-restricted for a period of at least 20 years to households earning more than 120 percent of the Area Median Income.

E. Flexibility Allowed

Eligible affordable housing PDs may request an adjustment or waiver of any non-procedural provisions of this LDO if that adjustment causes no adverse health and safety impacts to the general public, and the waiver contributes to the production of housing at a lower cost than would otherwise be possible in a base zoning district subject to standard regulations.

2.6.5 Preservation of Historic Site or Structure

A historic site or structure PD application must propose:

- A. Inclusion of an existing structure or site that is currently designated or is documented as eligible for designation on a city or state list of historic structures; or on the National Register of Historic Places within a contiguous area included in the PD application, and must either:
 - 1. In the case of an existing designated historic structure or site, the PUD application must include a written commitment to preserve the structure or site in compliance with all applicable historic preservation standards for a period of at least 20 years; or
 - 2. In the case of an undesignated historic structure or site, the PUD application must include a written commitment to complete the designation of the structure or site as historic prior to development of any portion of the PD, and to preserve the designated structure or site in compliance with all applicable historic preservation standards for a period of at least 20 years.
- B. The PD application may include additional lands contiguous with the lot or parcel containing the historic structure.

C. Flexibility Allowed

Eligible preservation PD applications may include a request to:

- 1. Calculate any unused development potential from the lot or parcel containing the historic structure or site under the property's current zoning; and
- 2. Apply any unused development potential on other portions of the same lot or parcel, or on contiguous lands included in the PD application, and to request adjustment or waiver of any non-procedural provisions in this LDO if that adjustment causes no adverse health and safety impacts to the general public, the waiver contributes to achieving the preservation of a historic site or structure.

2.6.6 Sustainable Design PD²⁹

A sustainable design PD application must propose project, site, or building design features demonstrated to achieve two or more of the following reductions in resource consumption or trip generation when compared to those levels anticipated for developments of a similar type under the standard base district:

- A. A reduction in water consumption of at least 25 percent; or
- B. A reduction in non-renewable energy use of at least 25 percent; or
- C. A reduction in average daily motor vehicle trip generation of at least 25 percent; or

²⁹ This type of PD could be expanded to include development that protects the underlying aquifer, in areas where that applies. Either through diminished runoff, or improvement of water quality prior to infiltration.

- D. A combination of reductions in water consumption, non-renewable energy use, or average daily motor vehicle trip generation providing at least an equivalent sustainable development benefit to the city.

E. Flexibility Allowed

Eligible sustainable design PD applications may request an adjustment or waiver of any non-procedural provisions of this LDO if that adjustment causes no adverse health and safety impacts to the general public, and the waiver contributes to achieving reductions in water consumption, non-renewable energy consumption, or traffic generation when compared to development of a similar type under a standard base zoning district.

2.6.7 District Site Plan and Requirements

- A. The PD application shall include a site plan that is prepared to scale, including dimensions. The site plan shall identify, at a minimum, the project boundary, land use types, development standards, and illustrate setbacks and roadway locations.
- B. If the PD is associated with a separate master plan, the PD site plan shall also illustrate integration of the above elements into that master plan. The site plan shall become an exhibit of the approval ordinance.
- C. The PD application shall also be accompanied by a statement from the applicant that explains in detail how their proposed development meets the eligibility criteria for one of the types of PD defined in § 2.6.4 through 2.6.6 above.

2.6.8 Application

An application for a planned development district shall be processed in accordance with S---. [reserved; the PD procedure will be drafted as part of installment 3].

COMMENTARY

The following two subsections, Evaluation Criteria and Approval of District, are located in this section of the current ordinance. They are maintained in this draft as an example, but in subsequent drafts, they will be addressed in the Administration and Procedures installment of the updated LDO. Further edits and refinements to this content will be included as part of that installment, as well as evaluation criteria for the specific PD types proposed above, if the determination is to move forward with that proposal.

2.6.9 Evaluation Criteria

In reviewing a proposed PD rezoning, the Planning Commission and City Council shall consider whether and to what extent the proposed PD:

- A. Meets the general approval criteria for rezonings in §X.X, *Approval Criteria for Rezonings*;
- B. Addresses a unique situation, provides substantial benefit to the City, or incorporates innovative design, layout, or configuration resulting in quality over what could have been accomplished through strict application of a base zoning district or other standards of this Code;
- C. Meets all applicable standards of this Code not expressly modified by the PD application, including the specific criteria applicable to affordable housing, historic preservation, or sustainability PDs set forth above.

2.6.10 Approval of District

- A. The City Council may, after holding a public hearing and receiving a report from the Planning Commission, approve by ordinance the creation of a PD. The approved site 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.

- B.** 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 PD 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 types of 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 Section, and will not adversely affect nearby properties.

2.7 Measurements and Exceptions

COMMENTARY

This content generally is new and is intended to help provide supporting information for the dimensional standards tables earlier in this article. It is included in this draft Article 2 since it relates to those dimensional standards tables in this article. However, an alternate location for this material would be the final article containing definitions and other reference material.

2.7.1 Purpose

The purpose of this section is to provide uniform methods of measurement for interpretation and enforcement of the lot and building standards in this LDO.

2.7.2 Lot and Space Requirements

A. Minimum Lot Dimensions

1. Any lot that is created, developed, used, or occupied shall meet the minimum lot dimensional requirements established in this LDO for the zoning district in which it is located, except as otherwise established in this LDO for particular uses. New lots shall also meet the applicable development standards established in [Article 4: Development Standards](#), and Article 5: Subdivision Standards.
2. Any lot area needed to meet the dimensional standards, on-site parking, or other requirements of this LDO for a lot or building may not be sold or leased separately from such lot or building.
3. No parcel of land that has less than the minimum lot width or lot area requirements for the zoning district in which it is located may be divided from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.

B. Number of Principal Buildings per Lot

1. Any lot may have more than one principal building, provided there is sufficient lot area for each principal structure, and all buildings on a lot conform to all applicable requirements of this LDO.
2. Provision 1. does not apply to §3.3.4A, Cottage Home Development, or manufactured home parks, where multiple primary buildings may be permitted on a single lot, without requiring the lot to contain adequate lot area per unit for each individual principal structure.
3. No lot or parcel shall be divided to contain more dwelling units than are permitted by the regulations of the zoning district in which they are located.

2.7.3 Setback and Build-To Requirements

A. Measurement

Setback and build-to requirements referred to in this LDO shall be measured as stated in Article 9: Definitions, under the terms "setback" and "build-to."

B. Multiple Buildings on One Lot

1. Multiple buildings on one lot shall be construed as one structure for purposes of measuring setbacks.
2. For purposes of setback calculations for side-by-side multi-family, mixed-use, commercial, or industrial buildings, only those buildings that do not share a common wall with an adjacent unit need observe the required side setback for the district.

C. Setback Requirements

Every part of a required setback shall be unobstructed from ground level to the sky, except as follows:

1. The setback and build-to exceptions established in this section shall not authorize the encroachment of any development across property lines, into a public right-of-way, or into or over a recorded easement.
2. On lots that abut a public alley, railroad right-of-way, or a utility/drainage right-of-way or easement that is not part of a platted lot, one-half of the width of the alley, right-of-way, or easement, up to a maximum of 15 feet, may be considered as part of the minimum required rear or side yard.
3. Setback requirements do not apply to slabs, uncovered patios, walks, steps, fences, landscaping and/or hedges, or freestanding walls; however, such features are subject to the requirements of §2.7.4, *Clear Vision Area*.
4. Certain architectural features and improvements may encroach into required setbacks and extend beyond required build-to areas as follows:

Table 2-37: Exceptions to Setback and Build-To Requirements

Type of Exception	Extent of Exception
Balconies, canopies, and awnings	No limit, provided that they do not substantially interfere with pedestrian movement and street tree growth.
Decks	Up to 6 feet into the side or rear setback provided that no deck is closer than 2 feet to a side property line.
Front porches and stoops	Up to 8 feet into required front yard, provided such porch or stoop is open on the front and each side and is no closer than 10 feet from the front property line.
Ground-mounted mechanical equipment	Up to 5 feet into required side and rear yards, provided no element is located closer than 2 feet from any property line and the equipment complies with screening standards in SX.X .
Incidental architectural features	Up to 5 feet, provided that pedestrian flow will not be impeded. Examples of incidental architectural features include, but are not limited to exterior steps, chimneys, fireplaces, bay windows, eaves, planters, and light wells for a below-grade floor.
Mobility access ramps and lifts	As necessary upon written request to the Planning and Development Services Department.
Swimming pools	No limit, provided the swimming pool is no closer than 5 feet from any property line and is not located within the front yard.

Table 2-37: Exceptions to Setback and Build-To Requirements

Type of Exception	Extent of Exception
Flag poles	No limit, provided the flag is not used for commercial signage, in accordance with §XX, and is in compliance with the clear vision standards, as described in §2.7.4.

D. Corner Lots**COMMENTARY**

Throughout this draft, the requirement for side corner lots to maintain a larger setback than side interior lots has been maintained, though less than required for front setbacks. This draft does not carry forward the requirement for corner lots to be larger – though this is a typical requirement in older codes, it is not widespread in new ones, as the requirement contributes to cost and consumption of land, without yielding any other benefit that can't be obtained by setbacks. The draft also eliminates the requirement for larger corner side setbacks. Though provision 1. has been carried forward in this draft, we recommend against maintaining it, again relying on a single setback instead. However, as this provision is repeated so frequently in the current code, we have carried it forward in this draft for consideration as to whether to keep or eliminate it. If it is to remain, it can be listed here, once, and cross-referenced, rather than repeated numerous times in various sections of the code.

Corner lots shall comply with the clear vision area standards established in §2.7.4. (See Figure X.X)

E. Double-Frontage Lots

Lots with multiple street frontages, except for corner lots, shall be required to comply with the required front setback and build-to requirements, as applicable, along each lot line abutting a street. (See Figure ---.)

F. Irregularly Shaped Lots

1. Lots with multiple side and/or rear lot lines not abutting a street shall comply with side setback requirements for all lot lines except that any lot line abutting a street shall comply with the front setback. (See Figure ---.)
2. The Planning and Development Services Department may permit properties with irregularly shaped lots based on unique site and/or lot conditions to meet side setbacks on all lot lines except the front.

2.7.4 Clear Vision Area³⁰

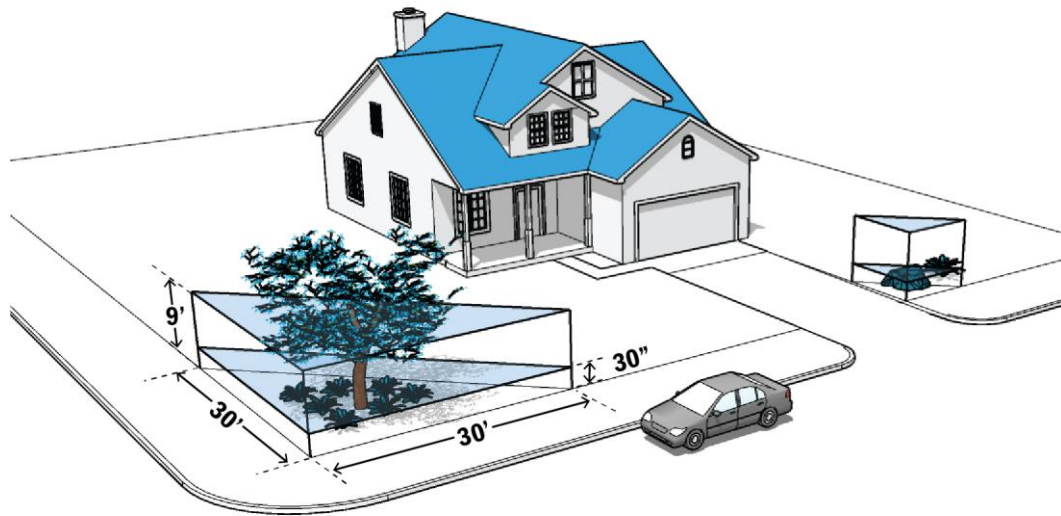
- A. A clear vision area, or sight visibility triangle, shall be maintained free of any encroachments, obstructions, or impediments to sight lines that could create a hazard for drivers or pedestrians. This area shall be maintained free of visual impediments for the distance between the height of two and one-half feet and seven feet above the ground at the intersection of:
 1. Streets with other streets;
 2. Streets and alleys; or
 3. Streets and driveways.
- B. The required clear vision distance from the intersection is shown in Table 2-38 below, where a controlled street is one that has a traffic control device, such as a stop sign or traffic signal, at the intersection, and an uncontrolled street is one that does not have any traffic control device at the intersection.

³⁰ Because visibility triangles are usually Public Works' regulation, this draft makes no change in terminology or dimensions. If it is possible to revisit this, many communities base the required distance from intersection on the type of street (local, collector, etc.).

Table 2-38: Clear Vision Required Distance from Intersection

Type of Street		Distance from Intersection
Controlled	2 or fewer lanes in one direction	15 feet
	Intersection with alley	15 feet
	Intersection with driveway	15 feet
Uncontrolled	Two or fewer lanes in one direction	25 feet
	Three or more lanes in one direction	40 feet

C. Figure X.X shows how clear vision areas are measured.



NOTE: This graphic will be updated with proper dimensions, in the style of this document, but it is included as an example of the kind of graphic typically created to illustrate this concept.

2.7.5 Building Height

A. Measurement

Heights referred to in this LDO shall be measured as stated in Article 9: Definitions, under the term "building height."

B. Exceptions to Height Requirements

1. The height exceptions established in this section shall not authorize the encroachment of any development into any zones or areas identified in §2.5.1, AHO – Airport Hazard Overlay.
2. Certain architectural features and improvements may encroach into required setbacks, extend beyond required build-to areas, and exceed maximum building heights as follows:

Table 2-39: Exceptions to Height Requirements

Type of Exception	Extent of Exception
Chimneys and other ornamental architectural features	Up to 10 feet above the maximum height limit.
Parapet walls	Up to 36 inches.
Rooftop mechanical equipment	Up to 5 feet beyond the maximum height limit, provided the equipment complies with screening requirements set forth in §X.X. Examples of rooftop mechanical equipment include, but are not limited to, chimney ventilators, skylights, water tanks, elevator overrides, solar collection equipment, air conditioners, and similar mechanical equipment.

Table 2-39: Exceptions to Height Requirements

Type of Exception	Extent of Exception
Turret, spire, cupola, or tower	Up to 15 feet, provided that such turret, spire, cupola, or tower has a floorplate 10 percent or less than the ground floor area of the building of which it is a part.
Flag poles	Unlimited, provided the flag is not used for commercial signage, in accordance with §X.X.

2.7.6 Impervious Coverage³¹

A. Total Impervious Coverage Calculation

The area of the lot or parcel covered by the following shall be included in the calculation of total impervious coverage in all zoning districts:

1. Principal buildings;
2. Accessory buildings, parking garages, carports, pools, and utility and storage sheds;
3. Porches, stairways, elevated walkways, paved areas, or areas otherwise covered with materials impervious to water; and
4. Parking areas and driveways, unless using an alternative pervious paving system, as authorized in §X.X..

B. Building Coverage Calculation

The area of the lot or parcel covered by the following shall be included in the calculation of building impervious coverage in all zoning districts:

1. Principal buildings; and
2. Accessory buildings, parking garages, carports, covered porches, covered exterior stairways, and utility and storage sheds.

2.7.7 Minor Modification³²

Minor modifications to some of the dimensional standards in this section may be available through the minor modification process established in §X.X.

³¹ New.

³² This is a placeholder for a concept that will require further discussion later in the drafting process as part of Installment 3, Administration and Procedures. There may be overarching tools developed that would allow some flexibility, or “minor modifications” to the dimensional standards.

Article 3: Land Uses

3.1 Purpose

This article identifies the principal, accessory, and temporary land uses allowed in the New Braunfels zoning districts and establishes the standards that apply to certain uses (use-specific standards).

3.2 Table of Allowed Uses

Table 3-1: Table of Allowed Uses, establishes the allowed uses within each zoning district. Each use is defined in §9.2, *Definitions*.

3.2.1 Explanation of Table and Abbreviations

For each listed use in Table 3-1: Table of Allowed Uses, the first column of each row identifies the name of the use type. The entries in the cells formed by the intersection of a zoning district column and a use type row indicate whether a use is permitted in a particular zoning district, as follows:

A. Principal Uses Permitted By-Right

1. "P" in a cell indicates that the use is a principal use allowed by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of the Code, including any applicable use-specific standards.
2. A principal use is the primary use on a lot. A development may include multiple principal uses.

B. Principal Uses Requiring Special Use Approval

"S" in a cell indicates that the use is allowed in the respective zoning district only if a special use is approved pursuant to the procedure described in §X.X. Approved special uses are subject to all other applicable regulations of the Code, including any use-specific standards.

C. Accessory Uses

"A" in a cell indicates that the use is allowed as an accessory use only in support of a permitted or approved special use on the site. Accessory uses are subject to all other applicable regulations of the Code, including any standards in §3.3.2, *Accessory Use General Standards*.

D. Temporary Uses

"T" in a cell indicates that the use is allowed as a temporary use. A temporary use or structure is a use or structure intended for limited duration and permitted in the applicable zoning district. Temporary uses are subject to all other applicable regulations of the Code, including any standards in §3.3.8A, *General Standards*.

E. Prohibited Uses

A blank cell indicates that the use is not allowed in the respective zoning district.

F. Use-Specific Standards

"*" in a cell next to a "P" or "S" indicates that additional standards may be applicable to that use, regardless of whether the use is allowed by right or with approval of a special use. The use may not be allowed by-right at all times in the respective zoning district. Where there are no asterisks and the final column in the table is blank, there are no use-specific standards that accompany that use.

3.2.2 Table Organization

In Table 3-1: Table of Allowed Uses, land uses and activities are classified into general use categories and specific use types based on common functional, product, or physical characteristics such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. For example, the use category "Residential" contains two use subcategories, "Household Living" and "Group Living." Certain uses may be listed in one category when they may reasonably have been listed in one or more other categories. This classification does not list every use or activity that may appropriately exist within each use category.

3.2.3 Review and Approval of Unlisted Uses³³

A. General

New types of land uses not specifically listed in Table 3-1: Table of Allowed Uses will develop over time and such uses may seek to locate within the City. The following procedure shall apply if an application is submitted for a use type that is not specifically listed in Table 3-1. Submission and approval of such an application shall be required prior to approval of any other permit or development approval associated with the use.

B. Procedure

1. The Planning and Development Services Department shall review the new and unlisted use to determine if it is materially similar to a listed use type by considering characteristics including the following: whether it includes dwellings, sales, processing, or storage; employment and operational characteristics; potential nuisances; requirements for public utilities; transportation requirements; and other elements of the use that might impact surrounding uses.
2. If the Planning and Development Services Department determines that the new and unlisted use is materially similar to a listed use type, the new and unlisted use type shall be treated as being the same as the listed use type to which it is materially similar.
3. If the Planning and Development Services Department determines that the new and unlisted use is not materially similar to any listed use type, the Department shall, at the request of the applicant, forward the application **<administrative procedure>** as a request to amend the Code. The referral from the Department shall include recommendations regarding the classification of the use within the three-tiered categorization system, and the following:
 - a. In which zoning district(s) the use type should be allowed;
 - b. What parking ratio, existing or new, should be applied to the use type;
 - c. How the use type should be defined; and
 - d. Any other conditions or standards that should be adopted to ensure the proper development of the use type.

3.2.4 Use for Other Purposes Prohibited

The use of land and buildings shall be in accordance with the uses listed in this Article 3. All uses not specifically listed are not allowed and shall be unlawful unless the Planning and Development Services Department has determined an appropriate use type for the unlisted use pursuant to the procedure in §3.2.3 or this Code has been amended to allow the use.

³³ This builds on the regulations in Sec. 144-4.1-2 of the Code of Ordinances. The criteria used to determine whether a use is adequately similar to be permitted is simplified, and the detail regarding the procedural steps for submitting a proposed amendment to the text of the Code have been removed; the standard procedures applicable to an amendment to the Code will apply.

3.2.5 Table of Allowed Uses

COMMENTARY

The Table of Allowed Uses has been reorganized and includes numerous proposed changes to the allowed uses. The Table is arranged into categories and sub-categories, with related uses listed alphabetically by category/sub-category, rather than the current table's strictly alphabetized list. Some uses have been carried forward, though often with changes to the use name, and many uses have been consolidated. Consolidation is proposed where there are numerous individual uses, all of a certain type, such as retail and office uses, with very similar land use impacts.

For further information on consolidations and changes to current use names, see the accompanying file on changes to uses.

Other changes include:

- Reduce reliance on pyramidal allowances. In particular, this effort involves allowing far fewer uses in New Braunfels' two industrial zoning districts. This should help to preserve lands zoned for industry for actual industrial uses.
- Changing the permissions in the AG (formerly APD) district to focus on actual agricultural uses, along with limited permissions for uses that require large land areas.
- Allowing diverse housing types in more districts, to encourage provision of other types of housing besides detached single-family dwellings.
- The addition of "S" for uses that would require Council approval through a Special Use.
- The use of * to indicate that that use is subject to specific standards to be permitted in a given district. These standards apply for both uses permitted by right (P*) and those that require use (S*).

During drafting and review, the columns that demonstrate correspondence between existing districts and proposed ones will remain in the drafts. In the Adoption draft, these rows will be eliminated, as will highlighting that shows newly added uses.

Table 3-1: Table of Allowed Uses

P = Permitted use S = Special use Blank Cell = Prohibited use
 A = Accessory use T = Temporary use * = Special conditions apply, see use-specific standard
 New uses = Yellow Highlight

Article 3: Land Uses

3.2 Table of Allowed Uses

3.2.5 Table of Allowed Uses

Current Districts

APD	R1A-12	R1A-8	R-1, R-1A-6.6	R1A-5.5	R1-a4	R-2, R-2A	R-3, R-3L	R-3H	B-1B	MU-A, C-O	C-O	MU-B	C-2	C-1, C-1A	C-1B, C-2A	C-3	C-4, C-4A, C-4B	M-1, M-1A	M-2, M-2A	
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Proposed Districts

AG	R12	R8	R6.6	R5.5	R4	R2.5	RMX	RMF1	RMF2	RMF3	RMH	MXT	MXC	MXR	CBD	CN	CG	CR	RC	LI	HI	PO	Use-Specific Standards
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Agriculture

Auction sales, livestock	P																				P		
Community garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Farm	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			\$3.3.3A
Farmers market	P											P	P	P	P	P	P	P	P				
Grain elevator	P																			P	P		
Plant nursery	P																			P	P		
Stable, commercial	P																						
Wholesale farm sales	P																						

Residential

Household Living

Accessory building or structure	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	\$3.3.4A
Accessory dwelling unit	A	A	A	A	A	S	S	A	A	A	A	A	A	A	A	A	A	A	A				\$3.3.4B
Carport	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			A				\$3.3.4C
Cottage home development		S	S	S	S	S	S	S	S	P	P	P	S	P	P	S	S		S				\$3.3.4D
Day care home	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A				\$3.3.4E
Dwelling, live-work	P												P	P	P	P	P	P	P				\$3.3.4F
Dwelling, manufactured home ³⁴	P	P	S						P	P	P	P	S	P	P				S				

³⁴ Based on discussions regarding the difference between manufactured homes and industrialized homes, this draft updates permissions for manufactured homes.

Article 3: Land Uses

3.2 Table of Allowed Uses

3.2.5 Table of Allowed Uses

Current Districts

APD	R1A-12	R1A-8	R-1, R-1A-6.6	R1A-5.5	R1-a4		R-2, R-2A	R-3, R-3L		R-3H	B-1B	MU-A, C-O	C-O	MU-B	C-2	C-1, C-1A	C-1B, C-2A	C-3	C-4, C-4A, C-4B	M-1, M-1A	M-2, M-2A	
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Proposed Districts

	AG	R12	R8	R6.6	R5.5	R4	R2.5	RMX	RMF1	RMF2	RMF3	RMH	MXT	MXC	MXR	CBD	CN	CG	CR	RC	LI	HI	PO	Use-Specific Standards
Dwelling, multi-family									P	P	P		P	P	P	P	P			P				§3.3.4G
Dwelling, single-family attached (townhouse)		P					P	P	P	P	P		P	P	P	P	P							§3.3.4H
Dwelling, single-family detached	P	P	P	P	P	P		P					P			P	P			P				§3.3.4I
Dwelling, two-family (duplex)		P	P		P	P		P	P	P	P		P	P	P	P	P	P	P	P				
Dwelling, three-family (triplex)		P	P					P	P	P	P		P	P	P	P								
Dwelling, four-family (fourplex)		P						P	P	P	P		P	P	P	P	P							
Dwelling, zero lot line	P	P	P	P	P	P		P					P			P	P			P				§3.3.4J
Home occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A				§3.3.4L
Stable, accessory	A	A	A	A				A																
Swimming pool	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			P	
Tiny home, individual lot installation	P	P	P	P	P	P	P	P	S	S	S	P	P	P		P	P							§3.3.4M
Tiny home, pocket neighborhood development		S	S	S	S	S	S	S	S	P	P	P	S	P	P	S	S			S				§3.3.4N

Group Living

Active/independent senior living facility									P	P	P	P	P	P	P	P	P	P	P				
Assisted living facility									P	P	P		P	P	P		P	P					
Boarding house									P	P	P		P	P	P	P	P	P	P				

Article 3: Land Uses

3.2 Table of Allowed Uses

3.2.5 Table of Allowed Uses

Current Districts

	APD	R1A-12	R1A-8	R-1, R-1A-6.6	R1A-5.5	R1-a4		R-2, R-2A	R-3, R-3L		R-3H	B-1B	MU-A, C-O	C-O	MU-B	C-2	C-1, C-1A	C-1B, C-2A	C-3	C-4, C-4A, C-4B	M-1, M-1A	M-2, M-2A	
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Proposed Districts

	AG	R12	R8	R6.6	R5.5	R4	R2.5	RMX	RMF1	RMF2	RMF3	RMH	MXT	MXC	MXR	CBD	CN	CG	CR	RC	LI	HI	PO	Use-Specific Standards
Group home, FHAA small ³⁵	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				\$3.3.4K
Group homes, FHAA large	P	P	P	P				P	P	P	P			P	P	S	S	P	P					\$3.3.4K
Residence hall									P	P	P		P	P	P	P				P				
Supportive housing, small													P	P	P	P	P	P	P	P	P			
Supportive housing, large														P	P	S	S	P	P	P	P			

Institutional and Civic

Community and Cultural Uses

Audio or video studio	S												P	P	P	P	P	P	P		P	P		
Cemetery	P								P	P	P		P	P	P	P	P	P	P					
Civic club								P	P				P	P	P	P	P	P	P	P				
Community building		P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P				
Conference or convention center														P	P	P		P	P	P				
Day care center									S*	S*	S*	S*	S*	P	P	P*	P	P	P					\$3.3.5B
Event or reception center													S*	S	P	P	S*	P	P	S				\$3.3.5C
Fairground	P																			P	P	P	P	
Government or municipal facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Museum	S	S	S	S	S	S	S	S	P	P	P		P	P	P	P	P	P	P	P			S	

³⁵This use has been renamed from "Community home" to reference the same type of shared living arrangements commonly included in the term group home, including group living that is subject to the federal Fair Housing Act.

Article 3: Land Uses

3.2 Table of Allowed Uses

3.2.5 Table of Allowed Uses

Current Districts

APD	R1A-12	R1A-8	R-1, R-1A-6.6	R1A-5.5	R1-a4		R-2, R-2A	R-3, R-3L		R-3H	B-1B	MU-A, C-O	C-O	MU-B	C-2	C-1, C-1A	C-1B, C-2A	C-3	C-4, C-4A, C-4B	M-1, M-1A	M-2, M-2A	
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Proposed Districts

	AG	R12	R8	R6.6	R5.5	R4	R2.5	RMX	RMF1	RMF2	RMF3	RMH	MXT	MXC	MXR	CBD	CN	CG	CR	RC	LI	HI	PO	Use-Specific Standards
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	S	P	P	
Religious assembly	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

Educational Facilities

School, college, or university									S	S	S		S	P	P	S	P	P	P					
School, K-12	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	S				
School, vocational													P	P	P	P	P	P	P					

Funeral Services

Crematorium															S				S		P	P		
Funeral home													P	P	P	P	P	P	P		S	S		

Health Care Services

Clinic, medical or dental									S	S	S		P	P	P	P	P	P	P					
Hospice									S	S	S		P	P	P	P	P	P	P					
Hospital														P	P	P		P	P					\$3.3.5E

Article 3: Land Uses

3.2 Table of Allowed Uses

3.2.5 Table of Allowed Uses

Current Districts

APD	R1A-12	R1A-8	R-1, R-1A-6.6	R1A-5.5	R1-a4	R-2, R-2A	R-3, R-3L	R-3H	B-1B	MU-A, C-O	C-O	MU-B	C-2	C-1, C-1A	C-1B, C-2A	C-3	C-4, C-4A, C-4B	M-1, M-1A	M-2, M-2A
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Proposed Districts

AG	R12	R8	R6.6	R5.5	R4	R2.5	RMX	RMF1	RMF2	RMF3	RMH	MXT	MXC	MXR	CBD	CN	CG	CR	RC	LI	HI	PO	Use-Specific Standards
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Transportation and Utility Facilities

Airport ³⁶														P				S		P	P		
Airstrip or landing field	S													S						S	S		\$3.3.5A
Antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
Bus barn														S			P	P		P	P		
Bus station													P	P	S		P	P					
EV charging station, level 1 or 2	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
EV charging station, level 3	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
Heliport													A	A	A		A	A		P	P		\$3.3.5D
Parking lot, structured												P	P		P	P	P	P	P	P	P		
Parking lot, surface	A											S	P	P	S	P	P	P	P	P	P		
Railroad facilities																					P		
Solar energy system, small-scale	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		\$3.3.5F
Solar farm, large-scale	S													S				S		P	P		\$3.3.5G
Utility, major	S													S			S	P		P	P		
Utility, minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		

³⁶ These are the uses in the current code, but perhaps we want to just limit P to the location where the airport currently exists and allow as S in other districts.

Article 3: Land Uses

3.2 Table of Allowed Uses

3.2.5 Table of Allowed Uses

Current Districts

APD	R1A-12	R1A-8	R-1, R-1A-6.6	R1A-5.5	R1-a4		R-2, R-2A	R-3, R-3L		R-3H	B-1B	MU-A, C-O	C-O	MU-B	C-2	C-1, C-1A	C-1B, C-2A	C-3	C-4, C-4A, C-4B	M-1, M-1A	M-2, M-2A	
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Proposed Districts

	AG	R12	R8	R6.6	R5.5	R4	R2.5	RMX	RMF1	RMF2	RMF3	RMH	MXT	MXC	MXR	CBD	CN	CG	CR	RC	LI	HI	PO	Use-Specific Standards
Water storage ³⁷	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Wind energy system, large	S														S				S		P	P		\$3.3.5H
Wind energy system, small	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		\$3.3.5H
Wireless communication facility	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	S	S	P	P	S	P	P		\$3.3.5I

Commercial

Animal Uses

Animal boarding	S													P*	P	P*	P*	P	P		P	P		\$3.3.6A
Animal grooming														P	P	P	P	P	P		P			
Pet day care														P	P	P	P	P	P		P			
Veterinary clinic														P*	P*	P	P*	P*	P	P		P		\$3.3.6X

Food and Beverage Uses

Bar or tavern														P*	P*	P	P	P*	P	P	P			\$3.3.6B
Beverage stand				S	S	S	S	S	P	P	P			P	P	P	P	P	P	P	P			\$3.3.6D
Catering														S	P	P	S	S	P	P	P	P		
Coffee shop										S	S			P	P	P	P	P	P	P	P			
Micro-brewery or micro-distillery														P	P	P	P	P	P	P	P			
Mobile food court														S	S	P	P	S	P	P	P			\$3.3.6J

³⁷ This part of the use description from Chapter 144 '(surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system' has been incorporated into the definition from this use.

Article 3: Land Uses

3.2 Table of Allowed Uses

3.2.5 Table of Allowed Uses

Current Districts

APD	R1A-12	R1A-8	R-1, R-1A-6.6	R1A-5.5	R1-a4	R-2, R-2A	R-3, R-3L	R-3H	B-1B	MU-A, C-O	C-O	MU-B	C-2	C-1, C-1A	C-1B, C-2A	C-3	C-4, C-4A, C-4B	M-1, M-1A	M-2, M-2A
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Proposed Districts

	AG	R12	R8	R6.6	R5.5	R4	R2.5	RMX	RMF1	RMF2	RMF3	RMH	MXT	MXC	MXR	CBD	CN	CG	CR	RC	LI	HI	PO	Use-Specific Standards
Neighborhood food and service					S	S	S	S	S	P	P		P	P	P	P	P	P	P					
Private club													S	S	P	P	S	P	P					
Restaurant										S	S		P	P	P	P	P	P	P	P				\$3.3.6F

Lodging Uses

Bed & breakfast	P	S	S	S					P	P	P		P	P	P	P	P	P	P	P				\$3.3.6C
Campground	S																			P				
Hotel													P*	P	P	P	P*	P	P	P				\$3.3.6G
RV park	S														P			P	P	P				
Short-term rental	S*								P*	P*	P*		P*	P*	P*	P*	P*	P*	P*	P*				\$3.3.6S

Office and Services

Automated teller machine (ATM)													A	A	A	A	A	A	A	A	A	A		
Bank or financial institution													P	P	P	P	P	P	P	P				
Check cashing														P	P			P	P	P				
Donation collection container														A	A			A	A	A	A	A		\$3.3.6E
Drive-through facility														A	A		A	A	A		A	A		\$3.3.6F
Laundry, commercial														P	P			P	P		P	P		
Laundry, drop-off and self-service													P	P	P	P	P	P	P	P				
Manufacturing, artisan														P*	P*			P*	P*	P*	P			\$3.3.6I
Office													P	P	P	P	P	P	P	P	P	P		

Article 3: Land Uses

3.2 Table of Allowed Uses

3.2.5 Table of Allowed Uses

Current Districts

APD	R1A-12	R1A-8	R-1, R-1A-6.6	R1A-5.5	R1-a4	R-2, R-2A	R-3, R-3L	R-3H	B-1B	MU-A, C-O	C-O	MU-B	C-2	C-1, C-1A	C-1B, C-2A	C-3	C-4, C-4A, C-4B	M-1, M-1A	M-2, M-2A
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Proposed Districts

	AG	R12	R8	R6.6	R5.5	R4	R2.5	RMX	RMF1	RMF2	RMF3	RMH	MXT	MXC	MXR	CBD	CN	CG	CR	RC	LI	HI	PO	Use-Specific Standards
Office, contractor's													P	P	P*	P	P	P*	P*	P	P*	P*		\$3.3.6L
Personal instruction facility													P	P	P	P	P	P	P	P				
Personal services													P	P	P	P	P	P	P	P	P			
Research and development													P	P	P	P	P	P	P		P			
Service and repair shop													P	P	P	P	P	P	P	P	P	P		

Recreation and Entertainment

Amphitheater	S												P	P	P	P		P	P	P				
Arcade													P	P	P	P	P	P	P	P				
Country club, private	S	S	S	S			S								P				P	P				
Dance hall or dancing facility ³⁸														P	P	P		P	P	P				
Day camp	S														P			P	P	P				
Golf course	S	S	S	S			S								P			P	P	P				
Music, live or recorded													A*	P*	P	P	A*	P	P	P				\$3.3.6K
Recreation, indoor													P	P	P	P	P	P	P	P				\$3.3.6N
Recreation, outdoor													P*	P	P	P*	P*	P	P	P				\$3.3.6O
River entrance/exit																				S				
River outfitter													S	S	P		S	P	P	P				\$3.3.6U

³⁸ This use has been restored in the public draft. It is not combined with Recreation, indoor, to allow different district permissions. In the current code, dance halls are permitted in industrial zones; that permission has not been carried forward.

Article 3: Land Uses

3.2 Table of Allowed Uses

3.2.5 Table of Allowed Uses

Current Districts

	APD	R1A-12	R1A-8	R-1, R-1A-6.6	R1A-5.5	R1-a4		R-2, R-2A	R-3, R-3L		R-3H	B-1B	MU-A, C-O	C-O	MU-B	C-2	C-1, C-1A	C-1B, C-2A	C-3	C-4, C-4A, C-4B	M-1, M-1A	M-2, M-2A	
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Proposed Districts

	AG	R12	R8	R6.6	R5.5	R4	R2.5	RMX	RMF1	RMF2	RMF3	RMH	MXT	MXC	MXR	CBD	CN	CG	CR	RC	LI	HI	PO	Use-Specific Standards
Shooting range, indoor	S														S				S		P	P		§3.3.6Q
Shooting range, outdoor	S																				S	S		§3.3.6R
Theater													P	P	P	P	P	P	P	P				
Theater, drive-in	S														P				P	P				
Waterfront recreation													S	S	P		S	S	P	P				

Retail Sales Uses

Lumberyard or building supply store														P	P			P	P					§3.3.6H
Outdoor display of merchandise	S												A	A	A	A	A	A	A	A				§3.3.6M
Pawn shop														P	P			P	P	P				
Retail sales, small													P	P	P	P	P	P	P	P				
Retail sales, medium													P	P	P	P	P	P	P	P				
Retail sales, large														P	P			P	P					
Sexually-oriented business																			S		S	S		§3.3.6P

Vehicle-Related Uses

Fleet services														C	P			P	P		P	P		
Truck stop															S				S		C	C		§3.3.6T
Vehicle fuel sales														P	P		C	P	P	P	P	P		
Vehicle repair, major														C	P			P	P		P	P		§3.3.6V
Vehicle repair, minor														P	P		C	P	P		P	P		§3.3.6V

Article 3: Land Uses

3.2 Table of Allowed Uses

3.2.5 Table of Allowed Uses

Current Districts

APD	R1A-12	R1A-8	R-1, R-1A-6.6	R1A-5.5	R1-a4	R-2, R-2A	R-3, R-3L	R-3H	B-1B	MU-A, C-O	C-O	MU-B	C-2	C-1, C-1A	C-1B, C-2A	C-3	C-4, C-4A, C-4B	M-1, M-1A	M-2, M-2A	
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Proposed Districts

	AG	R12	R8	R6.6	R5.5	R4	R2.5	RMX	RMF1	RMF2	RMF3	RMH	MXT	MXC	MXR	CBD	CN	CG	CR	RC	LI	HI	PO	Use-Specific Standards
Vehicle repair, paint and body shop																			S		P	P		
Vehicle sales and rental														P	P			P	P					\$3.3.6W
Vehicle wash														P	P			P	P		P			

Industrial

Extraction Uses

Resource or mineral extraction																					S		
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Manufacturing and Processing Uses

Food processing														P					P		P	P		
Lumber mill																					P			
Manufacturing, heavy																					P			
Manufacturing, light																					P	P		
Printing plant														P			P	P			P	P		

Storage and Warehousing Uses

Distribution center																		P		P	P			
Freight terminal																		P		P	P			
Hazardous materials storage														A				A	A	P	P			\$3.3.7A

Article 3: Land Uses

3.2 Table of Allowed Uses

3.2.5 Table of Allowed Uses

Current Districts

	APD	R1A-12	R1A-8	R-1, R-1A-6.6	R1A-5.5	R1-a4		R-2, R-2A	R-3, R-3L		R-3H	B-1B	MU-A, C-O	C-O	MU-B	C-2	C-1, C-1A	C-1B, C-2A	C-3	C-4, C-4A, C-4B	M-1, M-1A	M-2, M-2A	
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Proposed Districts

	AG	R12	R8	R6.6	R5.5	R4	R2.5	RMX	RMF1	RMF2	RMF3	RMH	MXT	MXC	MXR	CBD	CN	CG	CR	RC	LI	HI	PO	Use-Specific Standards
Junkyard																						P		
Outside storage	A													A	A			A	A		P	P		\$3.3.7B
Self-storage																		S*	P*		P	P		\$3.3.7D
Vehicle storage facility																			P		P	P		
Warehouse and storage																		P	P		P	P		

Waste-Related Uses

Landfill																						P		
Recycling center																			P*		P	P		\$3.3.7C
Waste transfer station																					P	P		

Wholesale Uses

Wholesale sales	P																		P		P	P		
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Temporary Uses

Itinerant merchant													T	T	T	T	T	T	T	T	T	T	T	\$
Mobile storage unit	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	\$
Seasonal sales													T	T	T	T	T	T	T					
Temporary on-site contractor's office	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	\$3.3.8C
Temporary real estate office	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	\$3.3.8E
Temporary roll-off dumpster	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	\$3.3.8F

3.3 Use-Specific Standards

COMMENTARY

This content contains existing standards carried forward unchanged, existing standards with proposed edits, and also suggested new standards.

In several instances, feedback has indicated that the main issues associated with certain uses (river outfitter, event or reception center) are provision of parking, and residential adjacency. Both of these topics will be addressed in Installment 2, Development Standards.

In addition to distance separation requirements that will be part of residential adjacency, hours of operation are often useful in mitigating issues caused by proximity of certain uses. These are included in limited instances (drive-through facilities, animal boarding, veterinary clinic), but could be adopted more widely. Specified hours of operation can be especially useful for any use with an outdoor component, such as restaurants or bars with outdoor seating and or music, event or reception centers with outdoor components, outdoor recreation uses, both indoor and outdoor shooting ranges.

3.3.1 Generally

The use-specific standards listed in the following subsections shall apply to those uses listed on the same line of Table 3-1: Table of Allowed Uses. These use-specific standards cannot be modified through the special use process, but relief may be granted through the Variance procedure established in [§X.X](#). In case of a conflict between these use-specific standards and the standards in [Article 4](#): Development Standards, these use-specific standards shall apply unless otherwise noted.

3.3.2 Accessory Use General Standards³⁹

An accessory use or structure is a use or structure that is customarily incidental, appropriate, and subordinate to the principal uses on a site and located on the same lot. Permitted accessory uses and structures include those specifically identified in Table 3-1: Table of Allowed Uses, as well as those accessory uses, structures, and activities typically associated with the principal use on the site, as identified in §9.2, *Definitions*, unless specifically prohibited in this section.⁴⁰

- A. Unless otherwise specified by standards associated with a particular accessory use or structure, all accessory uses and structures shall:⁴¹
 - 1. Be customarily accessory and clearly incidental and subordinate to the principal use(s) on a site;
 - 2. Be located on the same lot as the principal use(s), or on a contiguous lot in the same ownership;
 - 3. Not be established prior to the establishment of the principal use or structure on the site.
- B. Accessory structures, except for equipment such as air conditioning compressors and swimming pool pumps, may be located within three feet of the side or rear property line provided any

³⁹ These general standards incorporate the standards in Sec. 144-5.4 of the Code of Ordinances, with changes as noted below, except that the limit on the maximum number of buildings per lot has not been carried forward. References to building code requirements has not been carried forward, including the building spacing requirements in subsection (g), and the minimum interior side building setback and rear building setback of three feet in subsection (i).

⁴⁰ Among other things, this paragraph includes a provision that even those accessory uses not listed in the table are permitted if they are customarily accessory to a use; e.g. a swing set in the backyard of a single-family residential dwelling. Definition adapted from Sec. 144-1.4 of the Code of Ordinances.

⁴¹ These are new, general requirements for accessory uses that incorporate the intention in Sec. 144-5.4(a) of the Code of Ordinances.

structure within the minimum required setback is no taller than 12 feet in height and no greater than 120 square feet in floor area.⁴²

- C. No more than 30 percent of the rear yard of properties over the aquifer recharge zone may have accessory structures.⁴³

3.3.3 Agricultural Uses

COMMENTARY

This public draft eliminates Urban Agriculture as a use, since limited animal husbandry is covered in Chapter 6 of the Code of Ordinances, and does not appear to cause any issues, and farm stands to sell produce can be accommodated under Seasonal Sales.

The draft carries forward the standard from Sec. 144-5.9; however, further discussion on whether additional standards are needed for farms can occur as part of the public outreach on this installment. As part of this discussion, we propose for consideration a standard specifying that, if the existence of a farm pre-dates establishment of non-farm residential use on adjacent lots, the farm retains the right to conduct ordinary operations, without risk of enforcement action from the later-established residential use.

A. Farm

Farms and ranches are permitted in residential and commercial districts provided that no obnoxious fertilizer is stored upon the premises and no obnoxious soil or fertilizer renovation is conducted thereon.⁴⁴

3.3.4 Residential Uses

COMMENTARY

This public draft expands on requirements for common open space, including the requirement for a percentage of lot area to be provided as common open space for any development of five or more units. It does not carry forward the open space requirement applicable to townhouses in the current code (unless the townhouse group has 5 or more units).

A. Accessory Building or Structure

Accessory buildings and structures are subject to the standards described in §3.3.2, *Accessory Use General Standards*, as well as the requirements of this section.

1. Size

- a. Accessory structures shall not exceed 25 feet in height.
- b. The floor area of any detached accessory structure shall not exceed the floor area of the principal structure on the site.

2. Location and Setbacks

- a. In residential districts, no accessory structure is permitted between the front property line, and the front building line of the primary structure on the lot.
- b. If an accessory structure, such as a garage, is attached to the main structure, it shall meet the same setbacks as the primary structure.
- c. Accessory structures shall observe a minimum ten-foot setback from the rear lot line when the lot line abuts an alley.
- d. Accessory structures shall observe a minimum five-foot setback from side lot lines.

⁴² These are new standards that minimize potential impact of accessory uses on nearby properties. Minimum side setback reduced from 5 feet. Required 60 foot front setback for accessory structures in front of the principal use on the site has not been carried forward.

⁴³ This provision may be changed as the definitions of "setback" and "yard" are refined.

⁴⁴ Carried forward from Sec. 144-5.9 of the Code of Ordinances.

- e. If the accessory structure is greater than 120 square feet in area and 12 feet in height, it shall comply with the standard side and rear setbacks of the zoning district in which it is located.
- f. No part of an accessory structure shall be located within a recorded easement or over any known underground utilities.

3. Exceptions

The standards of this section do not apply:

- a. To accessory structures in the AG zoning district.
- b. To lots large enough to have two primary structures.

B. Accessory Dwelling Unit⁴⁵

Accessory dwelling units (ADUs) are permitted in accordance with the following standards:

1. ADUs are permitted on any lot where there is a principal use.
2. ADUs may be contained within the principal structure or they may be a separate structure. A detached guest house, converted basement, or a garage apartment are examples of accessory dwelling units.
3. One on-site parking space is required for an ADU.⁴⁶
4. An ADU shall comply with design requirements that apply to a principal structure in the zoning district where it is located.
5. An ADU may have a floor area up to 70 percent as large as the principal structure on the lot, or 1,000 square feet, whichever is less. Structures that exceed this size limit shall be deemed a second principal structure, and may still be allowed pursuant to the requirements of the applicable zoning district.
6. ADUs may be accessed from the front of the lot, or from the rear of the lot if an alley exists, or both.
7. ADUs may not be located within the front setback of the primary structure, but may encroach into the rear setback.
8. ADUs shall be a minimum of five feet from any side or rear property line, unless the rear lot abuts an alley, when the required minimum setback shall be ten feet.

C. Carport⁴⁷

A carport shall:

1. Be permitted within the minimum front setback but shall be set back at least 10 feet from the front property line and at least five feet from the near edge of the adjacent sidewalk.
2. Not have side panels or screens in the area between existing grade and 60 inches above existing grade on three sides. The fourth side closest to the principal structure may be enclosed.
3. Not be clad in non-durable or flexible materials such as canvas, plastic, polyester, or other tentlike materials.

⁴⁵ These are new standards intended to expand opportunities for building ADUs within the city. These standards eliminate the restriction on separate kitchen facilities and the payment of compensation for occupying the accessory dwelling. They are intended to apply citywide, in all zoning districts, including overlay and special purpose districts.

⁴⁶ Does the City want to consider allowing on-street parking to count as the required space?

⁴⁷ These are new basic standards to govern the placement and appearance of carports.

D. Cottage Home Development⁴⁸**1. Setbacks and Building Separation**

- a. Setbacks shall apply to the boundaries of the project site, rather than individual units, and comply with the setback requirements of the underlying zoning district.
- b. Internally, there shall be a minimum of 10 feet between dwelling units, measured by the shortest distance between any parts of the two Tiny Homes.
- c. The parking lot for the development shall be a minimum of 20 feet from the right-of-way.

2. Common Open Space

- a. Each cottage development shall include at least one shared open space area equal to at least 15 percent of the total site area. Parking areas and drainage easements shall not be counted toward the common open space requirement.
- b. The design and location of common open space shall meet the standards described in §X.X.

3. Parking and Access

- a. Parking shall be designed to limit curb cuts and most efficiently park vehicles.
- b. Parking may take place on a shared, paved parking lot or in shared driveways.
- c. Shared driveways may access individual garages.
- d. Project perimeter sidewalks are required, and internal walkways shall connect each cottage unit to the project perimeter sidewalks.
- e. Efficient internal circulation shall be provided; private streets, gates, and accommodation for solid waste pickup and emergency access shall conform to the requirements specified in §§X.X of this Chapter.

4. Architecture

- a. All structures shall meet the design standards applicable to dwellings in the zoning district where the property is located.
- b. Dwelling units shall have a maximum 1:3 width to depth ratio for the first floor.

E. Day Care Home⁴⁹

- 1. Only residents of the home may be employed by this use.
- 2. A day care home that cares for children shall comply with Ch. 42, Human Resources Code, of the Texas state statute, and any standards promulgated by the Texas Department of Human Resources.

F. Dwelling, Live-Work⁵⁰**1. Purpose**

This purpose of this section is to establish standards to for developing live-work units that function primarily as a work space, but also integrate living facilities in the same structure as a secondary use. This section aligns the live-work unit requirements with the International Building Code (IBC) and International Fire Code (IFC) as adopted by the City of New Braunfels. This section does not apply to a mix of uses, as separately regulated in the IBC and IFC.

2. Standards**a. Allowed Uses**

The uses allowed in a non-residential component of a live-work unit are those permitted in the applicable zoning district where the building is located, subject to limited exceptions excluded for live-work units in the IBC section 419, and listed in subsection b. below.

⁴⁸ New standards for the new cottage home development use. These are general standards which are intended for discussion purposes.

⁴⁹ Incorporates the standards in the definition at Sec. 144-1.4 of the Code of Ordinances. This Public Draft reconsiders this use, reclassifying it in a manner similar to Home Occupations.

⁵⁰ This content is new for the Public Draft, and comes from proposed changes to Live-Work and Home Occupation regulations.

b. Prohibited Uses

A live-work unit shall not contain any of the following uses:

- i. Vehicle maintenance or repair, vehicle detailing, painting, and upholstery;
- ii. Storage of flammable liquids or hazardous materials beyond that normally associated with a commercial use;
- iii. Outdoor storage of materials;
- iv. Any other use listed in the IBC as a group H or group S occupancy is not allowed in a live-work unit, with the exception that storage may be permitted in the live-work unit provided that the aggregate area of storage in the non-residential portion of the live-work unit shall be limited to ten percent of the space dedicated to non-residential activities.

c. Limitations

- i. Total area for the live-work unit is limited to 3,000 square feet.
- ii. The non-residential work area may not be greater than 50% of the total area of the live-work unit, and shall be located on the first or main floor only of the live-work unit.⁵¹
- iii. The business may have more than five employees; however, no more than five non-resident workers or employees are allowed to occupy the non-residential work area at any one time.
- iv. The residential space within a live-work unit must be occupied by at least one individual who is employed by the business that is conducted within the non-residential component.

d. Parking

- i. Parking is required for the commercial or work use in the non-residential portion of the unit, as required by Table X.X, *Off-Street Parking Requirements*.
- ii. No additional parking is required for the residential component of the dwelling.

e. Landscaping

Landscaping shall be provided as required for the commercial or work use in the live-work dwelling, as described in §X.X.

f. Signs

Signage for the associated commercial or work use shall comply with all applicable regulations as described in Article 7: Signs. Additionally:

- i. Illumination of monument and wall signage shall be restricted to internal illumination where only the lettering or the logo is illuminated. Logos where more than 50 percent of the image is white or light in color shall be restricted to 25 percent of the sign face.
- ii. Flashing or chasing lights are prohibited.
- iii. Electronic message boards are prohibited.
- iv. Temporary A-Frame or T-Frame sign shall be stored indoors when the business is closed.
- v. All other forms of temporary signage are prohibited including, but not limited to, banners, streamers, pennants, yard flags and inflatable signs.

g. Fire Safety

Fire alarm and suppression systems shall be provided in accordance with the International Building Code sections 419.5 and the International Fire Code sections 907.29 and 903.2.8.

⁵¹ This allowance means that the living area is not really secondary, as stated in the purpose. Is that important?

G. Dwelling, Multifamily

1. Common Open Space

- a. Multifamily developments of five units or greater shall provide a common open space area equal to at least 15 percent of the total site area.
- b. Mixed-use development with residential units shall provide a common open space area equal to at least ten percent of the total site area.
- c. In no case shall parking areas and drainage easements be counted toward the common open space requirement.
- d. The design and location of common open space shall meet the standards described in **SX.X.**

H. Dwelling, Single-Family Attached (Townhouse)

1. Townhouse developments may contain up to eight individual attached dwelling units.
2. Since units are attached, setbacks are only required at the end of a building row. The minimum distance between two building groups shall be 20 feet and the minimum distance between a building group and any abutting subdivision boundary or zoning district boundary line shall be 20 feet.⁵²
3. **Common Open Space**
 - a. Each townhouse development five or more units shall include at least one shared open space area equal to at least ten percent of the total site area.
 - b. Multiple building groups may share a common open space, provided it meets the dimensional requirement for all the units it serves.
 - c. Parking areas and drainage easements shall not be counted toward the open space requirement.
 - d. The design and location of common open space shall meet the standards described in **SX.X.**
4. **Lot Width and Access**
 - a. Townhouse lots may have a minimum width of 18 feet.
 - b. Any townhouse lot with a width of less than 25 feet shall locate parking at the rear of the lot, to be accessed by alleys.
5. **Accessory Structures**
 - a. No accessory structures, including carports, shall be located in the front yard of townhouse developments.
 - b. Carports in the rear yard of townhouse structures shall be a minimum of three feet from the side property line, and five feet from the rear property line.
 - c. The carport shall have no side panels or screens in the area between existing grade and 60 inches above existing grade on three sides. The fourth side closest to the principal structure may be enclosed.
 - d. The carport shall not be clad in non-durable or flexible materials such as canvas, plastic, polyester, or other tentlike materials.

I. Dwelling, Single-Family Detached⁵³

In all districts except RMH, when a tiny home or industrialized or modular housing is located on a single lot, the dwelling unit shall:

1. Comply with all applicable requirements of the International Residential Code (IRC).

⁵² Carries forward portion of 3.4-8(b)(3) with edits.

⁵³ Carries forward the standards in Sec. 144-5.8 of the Code of Ordinances, updated to reflect new zoning district organization. The "taxable value" standards for industrialized housing have not been included.

2. Comply with building setbacks, lot area square footage requirements, applicable subdivision controls, parking, landscaping, and other site requirements applicable to single-family dwellings, unless otherwise excepted by this code; and
3. Be securely fixed to a permanent foundation, with skirting as applicable.

J. Dwelling, Zero Lot Line

1. Minimum Off-set

The minimum permitted off-set from the property line on the zero-lot-line side of the property is two feet.⁵⁴

2. Screening Wall Required

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.⁵⁵

3. Eave and Gutter Overhang

Eaves and gutters may overhang the zero lot line side of the lot by no more than 18 inches, but shall not extend over the lot line to overhang onto adjoining property.⁵⁶

K. Group Home, FHAA Small or Large⁵⁷

Group care homes for the exclusive use of citizens protected by the provisions of the federal Fair Housing Act Amendments of 1988 (FHAA), as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Texas, including Chapter 123, Human Resources Code, of the Texas state statutes, may be established in any base zoning district or PD district that allows residential dwellings, provided that they meet the definition of “small” and “large” facilities, as described in §9.2.7, *Definitions*, and subject to the licensing requirements of the state of Texas.

L. Home Occupation⁵⁸

1. Purpose

The purpose of this section is to allow residents to engage in business activities in their home while establishing standards to minimize negative impacts such as noise, traffic, and odors on neighboring properties.

2. Standards

- a. The home occupation shall be incidental and secondary to the use of the premises for residential purposes.
- b. No more than two individuals who are not members of the household in which the home occupation takes place may be working on-site in the home occupation at the same time.⁵⁹

⁵⁴ The offset distance has been increased from one foot to two feet, at staff recommendation. If the existing districts are not carried forward, this increase could create nonconformities.

⁵⁵ Carried forward from 3.4-9(c)(2). Should this provision be retained? An eight foot high wall seems excessive; many communities simply say the windows facing this lot line must be frosted glass, glass block, or other partially opaque material.

⁵⁶ Carried forward from 3.4-9(c)(3), with edits. The original provision allowed for overhang onto neighboring property, which would occur if the structure was only one foot off the property line. If the change to a minimum of two feet off the property line is implemented, 18 inch eaves would not overhang, so this draft changes the provision to “shall not” overhang.

⁵⁷ New.

⁵⁸ This carries forward the regulations in Sec. 144-5.5 of the Code of Ordinances with changes to reduce the regulatory burden on home occupations, in accordance with nationwide trends. Key changes include: 1) Eliminating the restriction on floor area which may be devoted to the home occupation, something that is difficult and intrusive to measure; 2) Allowing up to two nonresident employees on-site; 3) Removing the list of permitted home occupation uses, as the list of standards will regulate the impact of the home occupation on neighboring properties; and 4) updating the list of prohibited uses. The prohibition on any home occupation that is “not expressly allowed or expressly prohibited” has been eliminated as well, to provide additional flexibility for residents who wish to open home occupations that meet the performance standards of this section.

⁵⁹ A comment asked about removing this provision, as it is difficult to enforce, and other standards may limit intensity. We would suggest keeping it, just in case there is a complaint. Without it, there is no basis for enforcement.

- c. The home occupation shall primarily take place within the dwelling, and any outdoor activity shall not be visible from the street. The home occupation may take place in a garage provided the site continues to provide adequate space for parking in accordance with §X.X, *Parking and Loading*.
- d. No outdoor activities related to the home occupation shall occur between 9:00 p.m. and 8:00 a.m.
- e. No more than one business-related commercial vehicle shall be parked on the site at one time, and the vehicle shall not be parked on the street. No oversized vehicles, as defined in §9.2.15, are allowed to be parked overnight at the residence.⁶⁰
- f. The home occupation shall not increase vehicular traffic flow beyond what normally occurs within a residential district.⁶¹
- g. No noise, vibration, glare, fumes or odors, heat, or electrical interference beyond what normally occurs within a residential district shall be generated by the home occupation, and no chemicals shall be used that are noxious or hazardous to the welfare of the neighborhood.
- h. Outside storage or display related to the home occupation is not allowed; however, a storage building utilized for the home occupation shall be allowed, subject to all applicable accessory structure standards as described in §X.X.
- i. Each residence with a home occupation is permitted to display one non-illuminated identification sign that is physically attached to the structure and has a sign area no larger than four square feet.

3. Uses Not Allowed

The following specific uses are not allowed as home occupations:

- a. Veterinary clinics or animal boarding;
- b. Stables with more than two horses per acre;
- c. Food and beverage uses (except as part of a bed and breakfast use);
- d. Vehicle-related uses;
- e. Repair for any item with an internal combustion engine;
- f. On-premises retail or wholesale sales, except for:
 - i. Items produced entirely on the premises in the home occupation; and
 - ii. During garage sales, which may occur no more than two times per calendar year with at least six months separation between each sale.
- g. Laundry services;
- h. Funeral home uses;
- i. Rental of trailers, vehicles, tools, kayaks, tubes, or other equipment;
- j. Paid parking;
- k. Any industrial use.

M. Tiny Home, Individual Lot Installation

- 1. Individual tiny homes may be installed on any lot in any zoning district that permits single-family dwellings.
- 2. Tiny homes may be used as an accessory dwelling unit on any lot where an ADU is permitted, subject to the standards for ADUs described in §3.3.4B.
- 3. Any tiny home that is to be occupied for more than 30 consecutive days shall:
 - a. Meet all applicable requirements of the International Residential Code for detached dwellings;
 - b. Be installed on a permanent foundation, and

⁶⁰ This is a change from the prior one-ton limit. Should this provision only prohibit oversized vehicles, or should the limit be lower than that?

⁶¹ The limitation on number of deliveries has been removed. If any kind of regulation regarding limits on deliveries should be restored, please advise.

- c. Connect to City water, sewer, and electric utilities before occupancy.

N. Tiny Home, Pocket Neighborhood Development⁶²

1. Lot Area per Dwelling Unit

- a. The Tiny Home development shall contain a defined area for the use of each dwelling unit.
- b. The defined area for each Tiny Home shall contain at least 1,000 square feet of land area, or one-and-one half times the gross floor area of the Tiny Home, whichever is less, exclusive of vehicle circulation routes.
- c. None of the defined area for any Tiny Home in the development shall be within a mapped flood hazard area.

2. Setbacks and Building Separation

- a. Setbacks shall apply to the boundaries of the project site, rather than individual Tiny Homes, and comply with the setback requirements of the underlying zoning district.
- b. Internally, there shall be a minimum of 10 feet between dwelling units, measured by the shortest distance between any parts of the two Tiny Homes.
- c. The parking lot for the development shall be a minimum of 20 feet from the right-of-way.

3. Maximum Building Height

- a. The maximum height for a Tiny Home is 20 feet.
- b. The maximum height for a structure in the common area is the same as permitted in the underlying zoning district.

4. Common Open Space

- a. A common open space containing a minimum of 10 percent of the project area shall be provided.
- b. Parking areas and drainage easements shall not be counted toward the open space requirement.
- c. The design and location of common open space shall meet the standards described in §X.X.

5. Parking

- a. One on-site parking space is required per Tiny Home dwelling site.
- b. Parking for the development may be centralized in a single lot, and need not be provided within the defined lot area per dwelling unit, as defined above in subsection 1.

6. Access and Circulation

- a. A five-foot wide sidewalk shall connect each Tiny Home to the parking area, if shared, and to at least external site perimeter that abuts a public right-of-way.
- b. Tiny Home developments of more than five units that abut more than one public right-of-way shall provide sidewalk connections to each abutting public right-of-way.
- c. All public and private streets shall be designed and constructed to the City's adopted street standards and specifications, unless the Director of Transportation and Capital Improvements determines that due to low levels of expected use, a lesser standard will provide equivalent connectivity and safety.
- d. Each Tiny Home development shall comply with all adopted standards for fire and emergency access.

7. Landscaping and Buffering

- a. Tiny Home developments of five units or greater are subject to the landscaping standards applicable to multifamily development, as described in §X.X.
- b. Regardless of development size, a shared parking lot is subject to parking lot landscaping standards, as described in §X.X.

⁶² Should there be a minimum/maximum project size for this kind of development, e.g., 5,000 square foot minimum, but no larger than 1 acre?

3.3.5 Civic and Institutional Uses

A. Airstrip or Landing Field

- Both temporary and permanent airstrips and landing fields are subject to special use approval, as described in §X.X.

B. Day Care Center⁶³

- In residential, MXT, and CBD zoning districts, day care center hours of operations are limited to 6 a.m. to 8 p.m.
- A day care center that cares for children shall comply with Ch. 42, Human Resources Code, of the Texas state statute, and any standards promulgated by the Texas Department of Human Resources.

C. Event or Reception Center⁶⁴

- In the MXT and CN districts, event or reception centers shall not be permitted outdoor areas.
- In all other zoning districts, event or reception centers with outdoor areas shall be subject to the residential adjacency standards described in §X.X.

D. Heliport⁶⁵

The following standards apply to heliports and helistops.

- Heliports and helistops shall conform to all FAA rules governing such uses.
- A heliport shall not take up existing parking spaces allocated to another use, and adequate parking spaces shall be available for the heliport/helistop use.
- No heliport or helistop shall be located within 1,000 feet from a residential zoning district or a public or private school, or within 500 feet from a park, measured in a straight line, unless intended for emergency use only. Temporary landing sites may be permitted as a special use.
- A heliport at a hospital shall have a standard landing area marked with the words "emergency only." The heliport shall be limited to touchdown and liftoff only, and shall have no maintenance, storage, or refueling facilities. A heliport may be located at ground or rooftop level and shall be paved and maintained.
- Except for a helistop intended for emergency use only, such as a helistop at a hospital, a heliport and helistop shall be separated from all other heliports and helistops by at least one and one-half (1.5) miles.
- The greater of the required setbacks of the underlying zoning district or overlay district, or the following apply:
 - For the takeoff and landing area, 100 feet;
 - For helicopter maintenance facilities, at least 35 feet; and
 - For an administration or operations building, at least 15 feet.
- Helicopter approach and departure patterns shall be routed over non-residential uses to the maximum extent practicable.
- The takeoff and landing area shall be paved and free of gravel, dirt, dust, structures, and debris.

⁶³ This carries forward the distinction between "Adult day care (no overnight stay) and Adult day care (with overnight stay) in the current ordinance and adds a reference to Ch. 42, Human Resources Code, which applies to these uses.

⁶⁴ Does the City want to consider an additional standard that limits the hours of operation of these facilities, if they have outdoor areas, and/or if they are within a certain proximity to residential uses or zones?

⁶⁵ This carries forward the standards for helipads at Sec. 144-5.25 of the Code of Ordinances, with revisions for clarity, except the application procedures (decision by Planning and Development Services Department, appeal to City Council) and penalty/revocation provisions in Secs. 144-5.25-13 through -15 will be relocated to Article 8: Administration and Procedures.

9. All lighting shall be directed away from adjacent properties and public rights-of-way, and shall be in accordance with all applicable standards as described in §X.X, *Exterior Lighting*.

E. Hospital⁶⁶

A helistop at a hospital shall have a standard landing area marked with the words "emergency only." The helistop shall be limited to touchdown and liftoff only, and shall have no maintenance, storage, or refueling facilities. A helistop may be located at ground or rooftop level and shall be paved and maintained.

F. Solar Energy System, Small-Scale⁶⁷

1. Solar energy equipment may be located on the roof of a principal or accessory structure, on the side of such structures, on a pole, or on the ground in accordance with the regulations in this code that apply to all accessory uses. Building-mounted photovoltaic systems are permitted in all districts subject to all necessary permit and building code requirements.
2. A roof-mounted system may exceed the height standards of the district in which it is located by up to five feet, or, in the case of an existing structure that exceeds the maximum height standards of the district in which it is located, the system may extend up to five feet above the roof surface.
3. Solar energy equipment shall be oriented so as to avoid casting glare onto adjacent lots, to the maximum extent practicable.

G. Solar Farm, Large-Scale⁶⁸

1. The lot coverage of the solar energy conversion system and any associated equipment shall not exceed 80 percent.
2. No components of the use shall exceed a height of 20 feet.
3. Except for transmission lines and collector utility structures, all utilities associated with the solar energy conversion system shall be located underground.
4. The application for a special use shall include a decommissioning plan that describes the timeline and manner in which the solar energy conversion system will be decommissioned and the site restored to a condition similar to its condition prior to the establishment of the facility.
5. If the solar energy conversion system ceases operating for a period of 18 consecutive months, the City shall deem it abandoned and will provide a written notice of abandonment to the owner. Within 180 days after notice of abandonment is provided, the owner is required to either complete all decommissioning activities and site restoration in accordance with the decommissioning plan or resume regular operation of the solar energy conversion system.

H. Wind Energy System, Large and Small⁶⁹

1. A wind energy system may exceed the maximum building height in the underlying zoning district in accordance with the following.

Districts	Allowed maximum height
Residential districts	10 feet in excess of maximum building height in the district
MXT	
CBD	
CN	
RC	

⁶⁶ Relocates the existing standards in the development standards for helipads at Sec. 144-5.25-12 of the Code of Ordinances but changes the reference to "helistop" to increase accuracy.

⁶⁷ These are new standards to facilitate the installation of solar energy equipment.

⁶⁸ New. Basic standards for this new use.

⁶⁹ New standards.

Districts	Allowed maximum height
AG	20 feet in excess of maximum building
MXC	height in the district
MXR	
CG	
CR	
Industrial districts	

2. Wind energy systems shall be set back from all property lines at least a distance equal to the height of the tower and blade with the blade in its highest vertical position.

I. Wireless Communication Facilities (WCF)

COMMENTARY

This draft proposes a completely new set of standards for regulating wireless communication facilities (formerly telecommunication towers/antennas in Chapter 144-5.7). The draft incorporates current terminology, reference to current federal regulations on this topic, and includes definition of related terms in the Definitions section.

The draft eliminates many of the elements from a code example that would have relied on the Director's discretionary authority. It also proposes a streamlined review procedure, eliminating the specified timeframes for reviewing applications. Procedurally, this draft proposes:

-Eligible facilities requests that do not entail substantial changes are processed as an administrative review.

-Substantial changes, and requests that seek to deviate from the standards in Table 3-2: Standards for WCF by Facility Type and Zoning District, are processed as special use approvals.

-UNRESOLVED: Should requests for new facilities that comply with the standards in Table 3-2 be processed through administrative review, or always as a special use? The Table of Allowed Uses does have some districts where a new facility that complies with standards is "P". This can be changed if the inclination is to have all new requests reviewed as special uses. This draft does not specify the decision-making authority for any request that is a special use, simply referencing "approval authority." Who should be the decision-making authority for this? The reference can be updated to be more specific in ensuing drafts.

1. Purpose

The purpose of this section is to establish development standards that comply with the requirements of state and federal law for public or private telecommunication service and to:

- a. Protect the public safety and welfare, safeguard community land values, and promote orderly planning and development;
- b. Provide for the managed development, installation, maintenance, modification, and removal of wireless communication infrastructure, allowing the smallest number of WCFs that can complete a network without discriminating against wireless communications providers of functionally equivalent service;
- c. Encourage the joint use and co-location of new and existing WCFs; and
- d. Mitigate adverse, undesirable visual impacts on the community.

2. Applicability

- a. This section shall apply to all WCF applications, and shall not preempt the regulations of the underlying zoning district, unless explicitly stated in this subsection or as explicitly stated in federal and/or state law.
- b. The requirements set forth in this subsection shall not apply to:
 - i. Amateur radio antennas that are owned and operated by a federally licensed amateur radio station operator or are used exclusively for receive-only antennas, provided that the height be no more than the distance from the base of the antenna to the property line.
 - ii. Any WCF for which a permit has been properly issued prior to [Effective Date of this LDO] shall not be required to meet the requirements of this subsection, other than

the operational standards set forth in this subsection. Changes and additions to pre-existing WCFs shall meet applicable operational standards set forth in this subsection.

- iii. Antennas used for reception of television, multi-channel video programming and radio such as over the air reception devices ("OTARD") antennas, television broadcast band antennas, and broadcast radio antennas, provided that the requirement for height to be no more than the distance from the base to the property line is met.
- iv. A WCF installed upon the declaration of a state of emergency by the federal, state, or local government.
- v. A temporary WCF installed for providing coverage of a special event such as a news coverage or sporting event that must be included in a special event permit request.

3. General Provisions

a. Federal Requirements

All WCFs shall meet the current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government with the authority to regulate WCFs. If such standards and regulations are changed, then the owners of the WCF shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency.⁷⁰

b. Radio Frequency Standards

- i. All WCFs shall comply with federal standards for radio frequency emissions. If concerns regarding compliance with radio frequency emissions standards for a WCF have been made to the City, the City may request that the owner or operator of the WCF provide information demonstrating compliance.
- ii. If such information suggests, in the reasonable discretion of the City official reviewing the information, that the WCF may not be in compliance, the City may request and the owner or operator of the WCF shall then submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site, and which compares the results with established federal standards.
- iii. If, upon review, the City finds that the facility does not meet federal standards, the City may require corrective action within a reasonable period of time, and if not corrected, may require removal of the WCF pursuant to this Section.
- iv. Any reasonable costs incurred by the City, including reasonable consulting costs to verify compliance with these requirements, shall be paid by the owner or operator of the WCF.

c. Signal Interference

All WCFs shall be designed and sited, consistent with applicable federal regulations, so as not to cause interference with the normal operation of radio, television, telephone, and other communication services utilized by adjacent residential and non-residential properties; nor shall WCFs interfere with any public safety communications.

d. Operation and Maintenance

- i. To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with standards contained in applicable local building and safety codes.
- ii. If upon inspection, the City concludes that a WCF fails to comply with such codes and constitutes a danger to people or property, then, upon written notice being provided to the owner of the WCF, the owner shall have 30 days from the date of notice to bring such WCF into compliance.

⁷⁰ This is a change from the current standards, which allows six months to achieve compliance.

- iii. Upon good cause shown by the owner, the Director of Transportation and Capital Improvements may extend such compliance period not to exceed 90 days from the date of said notice.⁷¹
- iv. If the owner fails to bring such WCF into compliance within said time period, the City may remove the WCF at the owner's expense.

e. Abandonment and Removal

- i. For any WCF constructed after [Effective Date of this LDO], if the WCF is not used to transmit, receive, or relay voice and data signals to or from wireless communication devices for a period of six months, the WCF shall be considered abandoned and the owner of record shall notify the Director of Transportation and Capital Improvements and apply for a permit to remove the structure.⁷²
- ii. All WCFs shall be restored to service or removed by the person who constructed the facility, by the person who operated the facility, or by the property owner within 18 months from the time the WCF ceased operating.
- iii. If the use of the WCF has not been restored within an 18-month period from the time the WCF have ceased being used to transmit, receive, or relay voice and data signals to or from wireless communication devices, the WCF shall be removed and the WCF site restored to its original or better condition, at the property owner's expense.

4. Standards for Specific Facility Types

All new WCFs or co-locations that do not meet the definition of an eligible facilities request, as defined in §9.2.5, shall be subject to the standards in the table below:

Table 3-2: Standards for WCF by Facility Type and Zoning District			
	Residential	Mixed Use	All Other Districts
Building-Mounted			
Review Required	Conditional Use	Conditional Use	Building Permit
Maximum Height [2]	Same as maximum height permitted in underlying zoning district [1]		
Camouflage and Screening	<ul style="list-style-type: none"> • Structure shall be camouflaged by minimizing the visibility of antennae and transmission equipment. Camouflaging includes locating facilities in bell steeples or clock towers, or on similar alternative design mounting structures. • Structure shall be screened from view by materials that are consistent and compatible with the building design, color, and materials without increasing the apparent height of the building. • Screening of building-mounted WCFs includes the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening may be waived by the approval authority on buildings where the height of the roofline is thirty-five feet or less, and based on evidence provided by the applicant that the roof cannot structurally support the screen. • Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color. 		

⁷¹ Should references to "City" authority in this section be more specific? If so, is the Director of Transportation and Capital Improvements the proper official, or would it be someone else?

⁷² Is a six-month timeframe adequate for this notification?

Table 3-2: Standards for WCF by Facility Type and Zoning District

	Residential	Mixed Use	All Other Districts
Other Design Standards	<ul style="list-style-type: none">Structure shall be mounted on a wall of an existing building in a configuration as flush to the wall as technically possible. The antenna and any associated screening or transmission equipment shall not project above the top of the wall on which is mounted, excluding any conduit that may extend over and behind the roofline or parapet wall.		
Lighting	<ul style="list-style-type: none">WCFs shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the WCF is mounted on a light pole or other similar structure primarily used for lighting purposes.If lighting is required, the Planning and Development Services Department may review and require alternatives to the proposed lighting, and approve the design that would cause the least disturbance to the surrounding views.Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences.		
Noise	Noise generated on the site shall not exceed the standards permitted in Chapter 82, Section 82-9, <i>Noise Regulations</i> , in the Code of Ordinances, except that a WCF owner or operator shall be permitted to exceed Code noise standards for a reasonable period of time during repairs, not to exceed two hours, without prior authorization from the City.		
Roof-Mounted			
Review Required	Conditional Use	Building Permit	Building Permit
Maximum Height [2]	10 feet above existing roofline	15 feet above existing roofline	
Camouflage and Screening	<ul style="list-style-type: none">Structure shall be camouflaged by minimizing the visibility of antennae and transmission equipment. Camouflaging includes locating facilities in bell steeples or clock towers, or on similar alternative design mounting structures.Structure shall be screened from view by materials that are consistent and compatible with the building design, color, and materials without increasing the apparent height of the building.Screening of roof-mounted WCFs includes the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening may be waived by the approval authority on buildings where the height of the roofline is 35 feet or less, and based on evidence provided by the applicant that the roof cannot structurally support the screen.Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.		
Lighting	<ul style="list-style-type: none">WCFs shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the WCF is mounted on a light pole or other similar structure primarily used for lighting purposes.If lighting is required, the approval authority may review and require alternatives to the proposed lighting, and approve the design that would cause the least disturbance to the surrounding views.Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences.		
Noise	Noise generated on the site shall not exceed the standards permitted in Chapter 82, Section 82-9, <i>Noise Regulations</i> , in the Code of Ordinances, except that a WCF owner or operator shall be permitted to exceed Code noise standards for a reasonable period of time during repairs, not to exceed two hours, without prior authorization from the City.		

Table 3-2: Standards for WCF by Facility Type and Zoning District

	Residential	Mixed Use	All Other Districts
Ground-Mounted			
Review Required	Conditional Use	Conditional Use	Conditional Use
Maximum Height [2]	Same as maximum height permitted in underlying zoning district [1]	90 feet	150 feet
Camouflage and Screening	<ul style="list-style-type: none"> Ground-mounted WCFs shall use existing landforms, vegetation, and structures to aid in screening the facility from view or blending in with the surrounding built and natural environment. Camouflaging includes, but is not limited to, making ground-mounted WCFs resemble manmade trees, locating facilities in bell steeples or clock towers, or on similar alternative design mounting structures. Considerations such as architectural designs, adjacent land uses, scale, color, and texture should be reviewed to make facility as compatible as possible to the surrounding area, including views from public areas as well as from private residences. Ground-mounted WCFs shall be enclosed by security fencing or wall and shall also be equipped with an appropriate anti-climbing device. Ground-mounted WCFs shall be compatible with the surrounding tree coverage and foliage. 		
Minimum Setback	25 feet from any abutting property line plus 1 foot for every foot of tower height	15 feet from any abutting property line plus 1 foot for every foot of tower height	15 feet from any abutting property line plus 1 foot for every 3 feet of tower height
Minimum Separation [3]	1760 feet	1320 feet	750 feet
Lighting	<ul style="list-style-type: none"> WCFs shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the WCF is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, the approval authority may review and require alternatives to the proposed lighting, and approve the design that would cause the least disturbance to the surrounding views. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences. 		
Noise	Noise generated on the site shall not exceed the standards permitted in Chapter 82, Section 82-9, Noise Regulations, in the Code of Ordinances, except that a WCF owner or operator shall be permitted to exceed Code noise standards for a reasonable period of time during repairs, not to exceed two hours, without prior authorization from the City.		

NOTES

[1] Height measured to top of steel or antenna, whichever is greater.

[2] Height measured from base of facility to top of steel.

[3] Separation measured from the outermost portion of the base of the existing facility to the outermost portion of the base of the proposed facility.

5. Eligible Facilities Request

All applications for approval of an eligible facilities request that does not propose a substantial change shall be processed according to and meet the requirements of the federal Telecommunications Act and Section 6409 of the Middle Class Tax Relief and Job Creation Act (2012), also known as the "Spectrum Act," as amended by the federal courts.

6. Substantial Change to Existing WCFs

- Substantial changes are any modifications that substantially change the physical dimensions of an eligible support structure that meets any of the following criteria:

- i. For ground-mounted WCFs, an increase in the height of the facility by more than 10 percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for roof- and building-mounted WCFs, it increases the height of the structure by more than 10 percent or more than 10 feet, whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the WCF, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.
 - ii. For ground-mounted WCFs, the change involves adding an appurtenance to the body of the facility that would protrude from the edge of the facility more than 20 feet, or more than the width of the facility at the level of the appurtenance, whichever is greater; for eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet.
 - iii. For any eligible support structure, the change involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure.
 - iv. For any eligible support structure, the change entails any excavation or deployment outside the current site; or would impair the concealment elements of the eligible support structure.
 - v. The change entails any excavation or deployment outside of the current site, except that, for ground-mounted WCFs, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site;
 - vi. The change defeats the camouflaging elements of the eligible support structure.
 - vii. For any eligible support structure, it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or WCF equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in provisions i., ii., and iii. of this subsection.
 - b. WCF applications that entail a substantial change to existing WCFs, as described above in this subsection, or any WCF application that seeks to deviate from the standards described in Table 3-2: Standards for WCF by Facility Type and Zoning District, are subject to special use approval, as described in §X.X.
- 7. Timing⁷³**
- a. The Planning and Development Services Department shall act to approve an application for an eligible facilities request within 60 days from the submission date of that application, unless the Department determines that the application is not an eligible facilities request.
 - b. The 60-day review period begins to run when the application is filed. The applicant and the Planning and Development Services Department may agree to toll the review period.

⁷³ This information related to application procedure and review criteria is included in this draft for review. It will be relocated, with any suggested edits, to the Administration and Procedures installment when that is drafted.

The 60-day review period shall also be tolled when the Planning and Development Services Department Director determines that the application is incomplete. The review period is tolled for incompleteness pursuant to the following standards:

- i. Within 30 days of receipt of the application, the Planning and Development Services Department shall notify the applicant in writing, specifically delineating all missing documents or information required for determination of an eligible facilities request;
- ii. The written incompleteness notice tolls the timeframe for review;
- iii. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the Department's notice of incompleteness;
- iv. Within 10 days of the supplemental submission, the Department shall notify the applicant in writing if the supplemental submission did not sufficiently address the additional information identified in the original incompleteness notice; and
- v. The timeframe is tolled in the case of a second or subsequent incompleteness notice pursuant to the procedures for the first incompleteness notice.
- vi. Second or subsequent incompleteness notices may not specify new or additional missing documents or information that were not delineated in the original incompleteness notice.

8. Failure to Act

- a. In the event that the Planning and Development Services Department fails to act on an eligible facilities request within the timeframe for review, accounting for any tolling, the request shall be deemed granted.
- b. The effective date of a deemed-granted approval shall be the day the Department receives written notice from the applicant, after the review period, accounting for any tolling, has expired, that the application has been deemed granted.

9. Review Criteria

The approval authority shall approve an eligible facilities request if the request:

- a. Is an eligible facilities request for an eligible support structure;
- b. Complies with the originally approved design elements and other conditions of approval, including but not limited to colors, textures, surfaces, scale, character, mounting, projection and siting, or any approved amendments thereto, except where noncompliance with those elements or conditions is solely limited to the thresholds of increase in height, increase in width, addition of cabinets or new excavation or deployment area identified in the definition of substantial change; and
- c. Does not defeat the concealment elements of the eligible support structure. Any design element that places the wireless communications facility out of view, hides it from being noticed, blends it with its surroundings or otherwise minimizes the visual or aesthetic impact of the facility is a concealment element of the eligible support structure.

10. Decision

- a. If the approval authority finds the review criteria are met, the eligible facilities request shall be approved.
- b. If the approval authority finds that the applicant's request does not meet the review criteria, the approval authority may approve with conditions or deny the eligible facilities request, and provide a written explanation of the reasons for approval or denial to the applicant.
- c. The approval authority's decision shall be supported by substantial evidence in the written record.

11. Compliance with Other Laws

Any work done in association with the approved eligible facility request application shall be completed in accordance with all generally applicable laws, ordinances, regulations, or other

rules reasonably related to public health and safety, including but not limited to, building and safety codes, noise ordinances, and lighting regulations.

12. Remedies

The applicants and the City may bring a claim related to §6409 of the Spectrum Act (codified at 47 U.S.C. 1455) to any court of competent jurisdiction.

3.3.6 Commercial Uses

A. Animal Boarding

1. In the MXC, CBD, and CN zoning districts, animal boarding shall not be permitted to have outdoor animal runs.
2. In all other districts, use of outdoor animals runs or kennels is permitted only between the hours of 7:00 a.m. and 9:00 p.m.

B. Bar or Tavern⁷⁴

1. In the MXT, MXC, and CN districts, bar or tavern uses shall not be permitted to have outdoor music.
2. In all other zoning districts, bar or tavern uses with outdoor music shall be subject to the residential adjacency standards described in §X.X.

C. Bed and Breakfast⁷⁵

1. Certificate of Occupancy

If an approval of a special use is required for the use, the owner of the bed and breakfast shall obtain a certificate of occupancy from the city building official after the special use has been approved, and the facility must successfully pass certificate of occupancy inspection.

2. General Standards

- a. The maximum length of stay shall be 30 days or less.
- b. The facility shall be owner-occupied in the residential zoning districts and owner- or manager-occupied in other zoning districts.
- c. Events such as weddings, parties, and other functions are not allowed unless approved by City Council through a Conditional Use as described in §X.X.

3. Service Standards

- a. Only overnight guests may be served meals.
- b. The owner/operator shall follow all local and state food safety rules and obtain all necessary health permits from the City as applicable prior to issuance of a certificate of occupancy.
- c. Cooking in a guest room is prohibited.
- d. The facility shall provide clean linens and towels on a daily basis; provide adequate heating, air conditioning, ventilation, and lighting; provide adequate hot and cold water; provide adequate sewage disposal; maintain the outside area in a clean and sanitary manner; maintain all structures in a suitable state of repair; and properly clean the premises and facilities during the guest's stay and after each guest has departed.

4. Building and Fire Protection Standards⁷⁶

The bed and breakfast shall comply with all relevant health, food safety, and fire safety regulations of the City, including any inspection requirements.

⁷⁴ This carries forward the standard in the definition of the use in the current use table. Do you want to add hours of operation for facilities that do allow outdoor music?

⁷⁵ This carries forward the standards in Sec. 144-5.6 of the Code of Ordinances, with changes as noted below.

⁷⁶ The list of specific requirements, including inspection requirements, has been replaced with a general requirement that the use comply with current health and fire regulations.

D. Beverage Stand

1. Minimum Stacking Requirements

- a. A minimum of three stacking spaces shall be provided at or behind the menu board.
- b. If there is no menu board, a minimum of five stacking spaces shall be provided extending back from the service window.
- c. Drive-through lanes shall be contained entirely on-site, and may not cross a public sidewalk.

2. Speaker Box

No drive-through speaker box shall be oriented to face a residential use or residential zoning district.

3. Hours of Operation

When located in a residential zoning district, or abutting a residential use or residential zoning district, drive-through services shall be limited to the hours of 6 a.m. to 11 p.m.

4. Location

The drive-through lane shall be located at least 30 feet from any abutting residential use.

5. Residential Adjacency

Beverage stand uses shall be subject to the residential adjacency standards described in §X.X.

E. Donation Collection Container⁷⁷

1. Number

One donation collection container per parcel or tract is permitted.

2. Size

Donation collection containers are limited to no more than 175 cubic feet, and a maximum height of seven feet above finished grade.

3. Location

- a. No donation container shall be located in:
 - i. A parking space that is required to meet the on-site parking requirements, as described in §X.X. for the primary use on the site;
 - ii. Any location that impedes the free flow of vehicles within a parking lot, including access to drive aisles, loading areas, and driveways;
 - iii. A required landscaping area;
 - iv. The public right-of-way or any easements; or
 - v. Any location that blocks entrance to or exit from the primary building on site, sidewalks, parking lot pedestrian routes, disabled parking, loading, or access routes.
 - vi. Donation collection containers are subject to residential adjacency standards, as described in §X.X.

4. Construction and Materials

All donation containers shall:

- a. Be fabricated of durable and waterproof materials;
- b. Be placed on a paved surface;
- c. Have a tamper-resistant locking mechanism for all collection openings;
- d. Not be electrically, mechanically, or hydraulically powered or otherwise mechanized.

5. Maintenance and Operation

- a. Containers shall have the following information painted or posted prominently on the container:
 - i. The owner or operator of the container;

⁷⁷ These basic standards are proposed to help address issues that have been identified with the operation of these containers.

- ii. A 24-hour contact telephone number with recording capability for the public to register complaints;
 - iii. The type of goods that may be deposited into the donation container; and
 - iv. Notice stating that material shall not be left outside the container.
- b. Materials shall be picked up as often as necessary so that no overflow materials accumulate outside of the container for longer than 48 hours.
 - c. The container shall be maintained free of graffiti, litter, rust, debris or dumped materials, and all posted notification information shall be kept current and maintained in legible condition.
 - d. Any condition that constitutes a violation of the requirements of this section shall be remedied or abated within 48 hours of being reported to the operator or property owner.

F. Drive-Through Facility⁷⁸

1. Applicability

- a. This section applies to any principal use, such as a bank or fast-food restaurant. That has a drive-through lane as an accessory use, designed to enable customers to remain in their vehicles and transact business with people inside of the principal building.
- b. Drive-through facilities shall be allowed as provided in Table 3-1: Table of Allowed Uses, and shall comply with the development standards of the applicable zoning district, as well as the use-specific standards of this section.
- c. This section does not apply to Beverage Stand uses, standards for which are described in §3.3.6D.

2. Drive-Through Facility Standards⁷⁹

a. Minimum Stacking Requirements

- i. Restaurant and retail establishments, such as drug stores, pharmacies, or fast-food restaurants, shall provide not less than five stacking spaces at or behind the menu board.
- ii. Financial institutions shall provide not less than three stacking spaces at or behind the pneumatic tube or service window for the drive-through.
- iii. Drive-through stacking lanes shall be delineated from other drive aisles and vehicular use areas by means of a raised curb or landscaped divider median.

b. Pedestrian Connections

- i. Drive-through lanes that obstruct the pathway between parking areas and entries into the building shall be designed with a pedestrian crossing that is delineated by landscaping, curbing, raised or decorative pavement, and signage.
- ii. Drive-through lanes shall be entirely contained on-site, and may not cross a public sidewalk.
- iii. Where the exit from a drive-through lane intersects with a public sidewalk, the maximum width of the driveway or exit lane shall be 24 feet. A wider width may be approved where the exit lanes do not cross a sidewalk.

c. Speaker Box

No drive-through speaker box shall be oriented to face a residential use or residential zoning district.

⁷⁸ Carries forward 144-5.2 with edits, including elimination of purpose statement.

⁷⁹ This carries forward 144-5.2, with edits. Pedestrian connections includes the change that a drive-through lane may not cross a public sidewalk. Are there other changes that should be incorporated into these standards? There are some vague or undefined areas (minimum distance of drive lane from residential property line, height of required masonry wall) that can be revisited during updates to landscaping and drafting residential adjacency provisions.

d. Hours of Operation

When the drive-through facility abuts a residential use or residential zoning district, drive-through services shall be prohibited between the 12 a.m. and 6 a.m. on weekdays, and between 1 a.m. and 6 a.m. on Saturday and Sunday.⁸⁰

e. Location

The drive-through lane shall be located to take advantage of the first available alternative in the following prioritized list:

- i. Interior side or rear yard when either yard abuts a non-residential use;
- ii. Street side yard when the interior side and rear yard abut an existing residential use or residential zoning district; or when abutting a non-residential use, the interior side and rear yard are impractical due to the lot's physical constraints or concerns regarding vehicle and pedestrian safety.

f. Landscaping and Buffering⁸¹

The drive-through lane and drive-through facility shall be buffered and visually screened from abutting residential development with a masonry wall and landscaping.

- i. A minimum two-inch diameter tree per 20 linear feet shall be planted along the common property line of the single- to four-family use. A variety of native tree species, as described in §X.X, Approved Plant List, shall be used. Shade trees must be used, unless near utility lines where ornamental trees must be used. All new trees shall be provided with a permeable surface of 60 square feet per tree under the drip line. All planting areas shall be a minimum of five feet in width.
- ii. A minimum of one 24-inch high native Texas bush/shrub per five linear feet. Plantings may be clustered in the buffer area.
- iii. All plant material shall be regularly maintained in conformity with accepted practices for landscape maintenance. Each planting bed shall be served by at least one permanent automatically controlled irrigation line.
- iv. Parking areas visible from the public street must be screened by hedges/shrubberies which will be a minimum of 36 inches high within three years of planting.
- v. Sidewalks of six feet width, abutting the curb, will be installed when no sidewalk exists.
- vi. The front yard setback must maintain a 50-percent permeable surface. Of that area, 50 percent must be living plant material.
- vii. The front yard shall contain a minimum of one shade tree per 25 linear feet of street frontage.
- viii. Trash cans shall be located in the rear yard and screened from view from the public right-of-way.

g. Residential Adjacency

Uses with drive-through shall be subject to the residential adjacency standards described in §X.X.

G. Hotel

In the MXT and CN districts hotels are limited to 10 or fewer guest rooms.

⁸⁰ These hours are slightly different from Beverage Stand, which is 6 a.m. to 11 p.m. Should these be standardized?

⁸¹ Some of the material in this section could be covered in the landscaping section in Installment 2. Development standards normally also include a section on trash enclosure requirements. This public draft keeps this content in place for now, but provisions can be relocated as appropriate in the second installment.

H. Lumberyard or Building Supply Store⁸²

With the exception of points for access and egress, any area used for outside storage of materials shall be completely surrounded by a solid wall or fence no less than eight feet in height. No materials within the fenced enclosure may be stacked higher than the height of the wall or fence.

I. Manufacturing, Artisanal

1. In mixed-use districts, artisanal manufacturing facilities shall be limited to structures of 10,000 square feet or less in gross floor area, and all operations shall be conducted within the primary structure.
2. In commercial districts, artisanal manufacturing may be permitted to conduct some operations outdoors, subject to a special use approval, as described in §X.X.⁸³
3. Any artisanal manufacturing operation with an outdoor component shall be subject to the residential adjacency standards described in §X.X.

J. Mobile Food Court⁸⁴

1. Purpose

The purpose of these standards is to establish standards for outdoor food venues that minimize potential negative impacts on surrounding property while enhancing additional dining experiences within the community.

2. Permits Required

- a. No mobile food court use may operate unless a mobile food court permit has been obtained in accordance with §X.X and remains valid.
- b. A mobile food court shall comply with all relevant health, food safety, and fire safety regulations of the City, including any inspection requirements. The mobile food court shall obtain any required health permits from the City prior to issuance of a certificate of occupancy.

3. Location

- a. Mobile food courts are subject to the residential adjacency standards described in §X.X.
- b. All activity shall occur on private property outside of the public right-of-way unless the City has executed a license agreement authorizing such activity.⁸⁵
- c. Mobile food units may change out as frequently as daily.

4. Development Standards

- a. No mobile food unit, structures associated with the mobile food court, nor any associated seating areas shall be located in a required zoning setback, buffer yard, access easement, drainage easement, floodplain, driveway, utility easement and/or fire lane(s).
- b. There shall be at least ten feet of clearance between all individual mobile food units and all permanent accessory or non-accessory structures.
- c. The wheels of a mobile food unit shall be located on impervious pavers, a concrete pad, or similar materials. The remainder of the site may use permeable materials that are ADA accessible.
- d. Vehicular drive-through service shall not be permitted unless permitted in the underlying zoning district and the use complies with the requirements for drive-through as described in §3.3.6F.

⁸² This carries forward the standards in Sec. 144-5.15 of the Code of Ordinances, and expands the applicability to apply not only to lumberyard, but also to building supply stores. The restriction on the height of materials stacked inside the fence is new.

⁸³ Allowance for outdoor operations may permit a coffee roaster, for example, an outdoor seating area for patrons.

⁸⁴ Carries forward the standards in Sec. 144-5.26 of the Code of Ordinances with revisions as noted below. The application procedures in Sec. 144-5.26-7 have been removed from this section. Parking standards will be addressed as part of the general development standards.

⁸⁵ This provision regarding limits on uses within the public right-of-way is true of all uses, not just mobile food courts. This standard would be covered in Installment 3, Administration and Procedures, under General Provisions. It will be relocated in that future draft.

- e. All mobile food unit related activity, such as seating, must occur within 25 feet from the associated mobile food unit or within a communal arrangement serving all of the mobile food units.
- f. All mobile food units and related activities must be located in compliance with the city's adopted fire code standards regarding the storage or dispensing of flammable combustible liquid or gas.
- g. The placement of the mobile food unit shall not impede traffic nor visually impair any motor vehicle operation within a parking lot, driveway, or street.
- h. A fire lane shall be provided within a mobile food court as required in the city's adopted fire code.
- i. Accessible restroom facilities shall be provided within a permanent structure, and shall not include porta-potties or trailer toilets.
- j. Electrical service may be provided to the mobile food units by a permitted temporary electrical connection (or other permitted connection provided by an electric utility) or on-board generators. The use of on-board generators shall require sound absorbing devices used to contain or deflect noise from any external generator.⁸⁶
- k. A minimum of one 100-gallon garbage receptacle shall be provided for each mobile food unit. However, a sufficient quantity of garbage receptacles shall be provided and maintained so the mobile food court shall be free of trash, debris, and litter at all times. The garbage receptacles shall be maintained in compliance with the Texas Food Code, including:
 - i. The receptacles shall be resistant to rodents. Unprotected plastic bags and paper bags, or baled units that contain materials with food residue may not be stored outside.
 - ii. Refuse, recyclables, and returnables shall be removed from the premises at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

5. Performance Standards

- a. All mobile food units shall be maintained in good repair, in road-ready condition at all times with up-to-date state vehicle registration, and shall be maintained in accordance with local and state health codes.
- b. No outside sound amplifying equipment, or noisemakers, such as bells, horns, or whistles shall be used.
- c. Mobile food units shall be registered, inspected, and have obtained a health permit from the City.
- d. In addition to the regulations in Article 7: Signs, a mobile food court shall be allowed the following:⁸⁷
 - i. Freestanding sign(s) allowed in the underlying zoning district to identify the name of the mobile food court in compliance with the standards in Article 7: Signs.
 - ii. One sandwich board per mobile food unit, which must be placed within ten feet of the mobile food unit.
 - iii. Signs attached to the exterior of the mobile food unit, excluding roof signs, shall be exempt from permitting.
- e. The following sign types are not allowed:
 - i. Temporary signs, including banners.
 - ii. Off-premise signs.
 - iii. Digital display signs.

⁸⁶ In response to feedback, this provision has been retained, while a later one related to noise has been removed. Generally, noise regulations will be covered in Development Standards.

⁸⁷ These provisions will be reviewed and updated as necessary to comply with the overall updated Signs chapter, once it is drafted.

K. Music, Live or Recorded

1. In the MXT, MXC, and CN districts, outdoor music is not allowed.
2. In all other zoning districts, any facility with outdoor music shall be subject to the residential adjacency standards described in §X.X.⁸⁸

L. Office, Contractor's

Outside storage, including of vehicles, is only permitted in the MXR, CG, CR, LI, and HI districts, subject to applicable screening standards, as described in §X.X.

M. Outdoor Display of Merchandise⁸⁹

Except for areas used for display of vehicles, boats, manufactured homes, or trailers for sale, the outside display of merchandise or commodities for sale or storage is subject to the following:

1. All displayed items shall meet the applicable zoning district setback requirements.
2. No merchandise shall be displayed within the clear vision area, as described in §2.7.4.

N. Recreation, Indoor

1. Indoor recreation uses with over 15,000 square feet of gross floor area shall not have vehicle access points from or channel a majority of the traffic generated by the use onto a local residential street.
2. Uses shall comply with noise regulations in section 82-9, Chapter 82, Offenses and Miscellaneous Provisions of the New Braunfels Code of Ordinances.
3. Residential adjacency standards, as described in §X.X, shall apply.

O. Recreation, Outdoor

1. Design Requirements in All Districts

- a. Sound amplification systems shall be designed so that the noise level at the property line does not exceed the maximum decibel level permitted in the zoning district applicable to the adjacent property.
- b. The development shall be designed so that no bulb or light source in a ground level fixture is visible from any public right-of-way or adjacent residential properties.
- c. Incidental commercial facilities, such as refreshment stands or pro shops, are permitted subject to the condition they are operated primarily for the patrons of the facility and no outdoor advertising of business or products is maintained.
- d. Parking areas and other areas of intense activity, such as bleachers or rides, shall be setback at least 30 feet from any other property line, and parking surfaces shall have an all-weather surface.

2. Access Requirements

In the MXT, CBD, and CN districts, uses shall not have vehicle access points from or channel a majority of the traffic generated by the use onto a local residential street.

3. Additional Requirements for Certain Uses

- a. Uses that pose a danger because of flying objects, such as driving ranges, shall provide screening or fencing that contains projectiles on the site of operation.
- b. Uses that create noise or glare, such as amusement parks, go-cart tracks, or raceways, shall employ noise attenuation or light shielding to reduce glare. If such measures are not feasible, these uses shall be located at least 1,320 feet from any property line shared with a residential use or zone.

⁸⁸ This is another use where the addition of hours of operation could be helpful – should they be added?

⁸⁹ This draft removes the requirements for screening and fencing as being too onerous. If some less restrictive standards are needed for some instances, this can be revisited. This carries forward the regulations in Sec. 144-5.21(b)(1) and Sec. 144-5.12 of the Code of Ordinances.

P. Sexually-Oriented Business

A sexually-oriented business is subject to the standards and location criteria in Chapter 18, Article VIII, Sexually Oriented Businesses, of the Code of Ordinances.

Q. Shooting Range, Indoor

1. Ranges shall comply with all applicable state and federal requirements, as well as noise regulations in section 82-9, Chapter 82, Offenses and Miscellaneous Provisions of the New Braunfels Code of Ordinances.
2. Ranges shall be constructed to meet or exceed the minimum safety, design, and maintenance standards described in the most current edition of the National Rifle Association's Range Source Book: A Guide to Planning and Construction.

R. Shooting Range, Outdoor

1. Shooting stations shall be located at least 1,000 feet from property lines, unless the range is designed to provide protection from accidental or stray ammunition discharge for surrounding properties.
2. Sound abatement shields or barriers should be installed when residential uses are within 1,320 feet of the range, unless a significant natural barrier exists.
3. Shooting lanes should be oriented to avoid firing into the sun, oriented to the north or slightly northeast.
4. Ranges shall comply with all applicable state and federal requirements, as well as noise regulations in section 82-9, Chapter 82, Offenses and Miscellaneous Provisions of the New Braunfels Code of Ordinances.
5. Ranges shall be constructed to meet or exceed the minimum safety, design, and maintenance standards described in the most current edition of the National Rifle Association's Range Source Book: A Guide to Planning and Construction.

S. Short Term Rental⁹⁰**COMMENTARY**

Because of a recent judicial ruling regarding short term rentals, the Public Draft restores the existing standards with minimal copy edits.

1. Purpose

This section is intended to provide a procedure to allow the rental of private dwellings to visitors on a short term basis, while ensuring that such rental use does not create adverse impacts to surrounding neighborhoods due to excessive traffic, noise, and density. Additionally, this section is intended to ensure that the number of occupants within such rental units does not exceed the reasonable capacity of the structure to cause health and safety concerns, and that minimum health and safety standards are maintained in such units to protect visitors from unsafe or unsanitary conditions.

2. Applicability

- a. Short term rental within residential districts is prohibited.
- b. Short term rental is prohibited in any floodway located within the city limits, regardless of zoning district.
- c. A short term rental permit, as described in §3.3.6S.4, is required in all zoning districts. An owner shall obtain and maintain a current permit for all short term rentals. Inspections are required as specified in §3.3.6S.5.

⁹⁰ Unresolved issue: "Clarification needed on resort property and resort condominiums. Difference between an apartment house where the units have been sold as condominiums and some owners are STR renting them vs a time share/condominium building where all units are intended to be rented for less than 30 days but each unit may be owned separately. Becoming a common question." Additional information required to address this issue.

- d. In addition to the short term rental permit, a special use, as defined in §X.X, is required in all zoning districts except RC – Resort Commercial where a short term rental is proposed in a single-family dwelling or a duplex only, constructed pursuant to the International Residential Code, where not otherwise prohibited in this LDO.

3. General Standards

All short term rentals are subject to the following requirements.

a. Occupancy

The maximum number of occupants allowed to sleep in a short term rental is two occupants per sleeping room plus an additional two occupants.

b. Bathrooms

- i. Not less than one full bathroom shall be provided for each five occupants of the short term rental, as shown in Table 3-3 below.
- ii. The full bathroom must meet the minimum International Residential Code standards (R306, Sanitation) and include a wash basin, toilet and tub or shower.
- iii. Half bathrooms must contain, at a minimum, a wash basin and toilet for the purposes of this section; a full bathroom may be used in lieu of a half bath.

Table 3-3: Required Bathrooms per Occupant

Number of Occupants	Required Number of Bathrooms/Half Bathrooms (rendered as .5) [1]
Up to 5	1
6 – 9	1.5
10	2
11 – 14	2.5
15	3
[1] The number of required bathrooms and half bathrooms continues increasing at the same rate for every additional five occupants.	

c. Short Term Rental Decal Display

As part of a short term rental permit, the city issued short term rental decal shall be posted on the front of each short term rental in a location that is accessible and legible to an individual at the entry of the short term rental, or via an electronic database available to emergency responders and code enforcement officers as provided by the city.

d. Advertising

The short term rental permit number, maximum occupancy as permitted, and life-safety inspection expiration date must be listed in all advertising for the short term rental.

e. Parking

A minimum of one off-street parking space, not including the garage, per sleeping room shall be provided. No required parking shall be permitted within public right-of-way or access easements as defined by city and state regulations regarding parking.⁹¹

f. Life Safety

- i. All building and fire related construction shall conform to the city's adopted building codes.
- ii. A 2A:10B:C type fire extinguisher (a standard five-pound extinguisher) shall be properly mounted within 75 feet of all portions of the structure on each floor and shall be maintained in accordance with the manufacturer's specifications.

⁹¹ Does the City want to consider allowing on-site garages – provided the garage space is available to short term renters – to count as one of the required parking spaces? If the intent is to ensure two spaces for a rental, this can be changed to specify that. As for parking in the right-of-way, if a short term renter's car is parked in a legal on-street space, it may be difficult to tell and/or to enforce any restrictions.

- iii. Every sleeping room shall have at least one operable emergency escape and rescue opening.
- iv. An evacuation plan shall be posted conspicuously in each sleeping room.

g. Conduct on Premises

- i. Each occupant and visitor to a short term rental shall comply with all applicable provisions of the City Code, including, without limitation: noise and disorderly conduct restrictions from chapter 82, Offenses and miscellaneous provisions; litter prohibition from chapter 50, Environment; and others such as parking, and trespassing provisions. No occupant of or visitor to a short term rental shall cause or permit a public nuisance to be maintained on such property. This information shall be included in the rental agreement and inside the short term rental as specified in §3.3.6S.3.i, *Tenant Indoor Notification*, below.
- ii. All occupants shall be informed in writing of relevant city ordinances including, but not limited to, the city's nuisance, water conservation, noise, and disorderly conduct ordinances by the owner/operator of the short term rental.
- iii. Excessive noise or other disturbance outside the short term rental is prohibited between the hours of 10:00 p.m. and 8:00 a.m. This includes, but is not limited to, decks, portals, porches, balconies, patios, hot tubs, pools, saunas, or spas.
- iv. No sleeping is allowed outdoors.

h. Signage

Signage shall be in compliance with the city's current sign code.

i. Tenant Indoor Notification

The operator shall post in a conspicuous location in the dwelling the following minimum information:

- i. Maximum number of occupants.
- ii. Location of required off-street parking, other available parking and prohibition of parking on landscaped areas.
- iii. Quiet hours and noise restrictions.
- iv. Restrictions of outdoor facilities.
- v. 24-hour contact person and phone number.
- vi. Property cleanliness requirements.
- vii. Trash pick-up requirements, including location of trash cans.
- viii. Flooding hazards and evacuation routes. Including information on the emergency siren system.
- ix. Emergency numbers.
- x. Notice that failure to conform to the occupancy and parking requirements is a violation of the City Code and occupant or visitor can be cited.
- xi. Other useful information about the community.

j. Rental Agreement Notification

The rental agreement between the owner/operator of the short term rental and the occupant shall include by attachment, all of the information provided on the tenant indoor notification signage.

4. Short Term Rental Permit

a. Application

Application for a short term rental permit shall be in writing on an application form available in the Planning and Development Services department, shall be accompanied by a one-time payment of the fee per appendix D of this Code and shall include the following information, at a minimum:

- i. A list of all owners of the short term rental including name(s), address and telephone numbers.

- ii. A sketch or narrative describing the location of the available parking spaces as required by this section.
- iii. A sketch of the floor plan.
- iv. The name, address and 24-hour telephone numbers of a contact person who shall be responsible and authorized to respond to complaints concerning the use of the short term rental.
- v. Proof of hotel occupancy tax compliance with V.T.C.A., Tax Code ch. 351, before permit is granted.
- vi. A statement that the owner of the short term rental has met and will continue to comply with the standards and other requirements of this section.
- vii. Current email address of owner/operator, if applicable.
- viii. If owner/operator has a property manager or agent, owner/operator shall provide property manager or agent phone number, mailing address and email address.

b. Completeness of Application

If the application is incomplete or the full fee has not been paid, the Planning and Development Services Department shall notify the applicant in writing, within ten business days of the date of the application, that the application is incomplete and will not be considered by the city until the application is complete and/or the full fee is paid. If the full fee is not paid or the application is not complete within 45 days of the date of the application, the application shall expire.

c. Insurance

General commercial liability insurance (or its equivalent) coverage of a minimum of \$500,000.00 per occurrence of coverage is required for all short term rentals. The owner must provide a copy of the certificate of insurance which shows the name insured, any additional insureds, the location address, the effective date, the coverage limit and type. The owner must notify the city within 30 days if the insurance status changes and provide the city with updated insurance information. The short term rental permit shall be suspended until proof of updated insurance is provided.

d. Annual Renewal

A short term rental permit may be renewed annually if:

- i. The permittee pays inspection fee and passes inspection to be conducted by the fire marshal in accordance with §3.3.6S.5.
- ii. The permittee provides documentation showing that local hotel occupancy taxes have been paid for the permitted unit as required for the previous year.
- iii. The permittee provides documentation of insurance requirements as described in §3.3.6S.4.c above.
- iv. The property is not subject to outstanding city code or state law violations.
- v. The permittee or operator has no outstanding city fees or fines.
- vi. The permittee or operator does not meet the standards described in §3.3.6S.6, *Enforcement and Penalty*, regarding repeat offenses.
- vii. The city shall deny an application to renew a permit if, on the date the renewal application was submitted, 12 months have not expired since a revocation pursuant to §3.3.6S.7.
- viii. Transferability. A short term rental permit is transferable to a new property owner, if the new property owner submits a short term rental permit application and agrees in writing to comply with the requirements of this section. A new owner must apply for a short term rental permit within 90 days from the closing date of the purchase. The new owner must provide a copy of the closing statement with the short term rental permit application form. Failure of the new property owner to apply for permit within 90 days from the closing date will revoke the short term rental permit.

e. Appeal

If an application for a short term rental permit or renewal is denied, the owner or operator may appeal to the planning commission by written notice delivered within 30 days of denial or revocation.

5. Inspections

To ensure continued compliance with the requirements of this section a short term rental shall be inspected in the following methods:

a. Transfer Inspection

As part of the transfer of a short term rental permit to a new owner, in accordance with §3.3.6S.4.d.viii, *Transferability*, and the issuance of a new short term rental permit the city's fire marshal shall conduct an inspection to verify compliance with this section.

b. Fire Extinguishers

The owner/operator is responsible for obtaining annual independent inspections of the fire extinguishers in compliance with the city's current fire code and is responsible for its maintenance in accordance with the manufacturer's specifications.

c. Immediate Inspection

The city's code enforcement division and fire marshal's office will perform inspections immediately when a violation is suspected.

d. Fire Inspection

The city's fire marshal's office will perform inspections annually for non-sprinklered structures and perform inspections every other year for sprinklered structures for compliance with this section. The fee for fire inspections is per appendix D of this Code.

6. Enforcement and Penalty**a. Emergency Contact**

The owner/operator of the short term rental shall provide the city with a 24-hour contact number. The 24-hour contact is required to be able to travel to the short term rental within 60 minutes under reasonable circumstances. Should a law enforcement officer or code enforcement officer respond to the short term rental and issue a citation/notice of violation for any violation of city ordinances, the owner/operator shall be called by the officer. The owner/operator shall attempt to contact the occupants within one hour of the call to address the occupants about the complaints. Should a second complaint be filed and citation/notice of violation issued to any of the occupants or guests, the owner/operator must take appropriate steps, in accordance with the individual rental agreement, to assure future complaints do not occur. Should three separate citations/notices of violation be issued to an occupant or their guest(s), involving separate occupants under separate rental agreements within a six-month period, the short term rental permit and/or special use permit may be revoked in accordance with the revocation process specified in §3.3.6S.7, *Revocation*.

b. Violations of any subsection of this section may result in revocation of the short term rental permit and/or special use permit in accordance with §3.3.6S.7, *Revocation*.

c. Failure to pay hotel occupancy tax timely is considered a violation of this section and may result in revocation of the short term rental permit and/or special use permit in accordance with §3.3.6S.7, *Revocation*. The owner shall have 30 days from the date the city or state issue a notice of delinquency to submit delinquent hotel occupancy tax to city and state before revocation of the short term rental permit/special use permit begins.

d. Failure to successfully complete the renewal process of a short term rental permit is considered a violation of this section. The owner shall have 45 days from the date city issues notice of denial to gain compliance of noncompliant items before the revocation of the short term rental permit begins.

- e. The provisions of this subsection are in addition to and not in lieu of any criminal prosecution or penalties as provided by city ordinances or county or state law.
- f. Prima facie proof of violation of this section is established if it is shown that visual inspection of more than the posted maximum occupancy was made by a code enforcement officer, building inspector, fire inspector or police officer at a unit.
- g. Establishment of a prima facie level of proof in this subsection does not preclude a showing of illegal "occupancy" of a dwelling by a person in any other manner.
- h. It is an offense for the property owner, any agent of the property owner, or the occupant(s) to directly occupy or indirectly allow, permit, cause, or fail to prohibit an occupancy in violation of this section. Each day that a unit is occupied in violation of this ordinance shall be considered a separate offense, and, upon conviction, shall be subject to a minimum fine of \$500.00 to a maximum fine of \$2,000.00 per violation. Should a property owner operate a short term rental without a permit, a non-compliance fee of \$2,000.00 will be assessed.
- i. Each day of violation of said standards and provisions of this section constitutes a separate offense and is separately punishable, but may be joined in a single prosecution.
- j. **Repeat Offenses**
It shall be deemed a repeat offense:
 - i. If the permittee, operator, owner or person in control of the property fails to comply with any of the provisions of this section more than twice in a 12-month period, and/or
 - ii. If the property is the subject of repeated health or safety violations of city code or state law during a 24-month period prior to applying for a permit or renewing a permit to operate a short term rental.

7. Revocation

If any violations stated in §3.3.6S.6, *Enforcement and Penalty*, of this section have been committed and not corrected within the time specified, the city shall begin the procedures to revoke the special use in accordance with §X.X, and revoke the short term rental permit in accordance with the following:

- a. The city shall give 30-day written notice to the owner/operator regarding the public hearing dates which include a recommendation by the Planning Commission, and public hearing and decision by the City Council.
- b. The city shall provide written notice to property owners within 200 feet of the subject property at least 15 days prior to the public hearings.
- c. If a short term rental permit and/or special use permit is revoked, the owner/operator may not reapply for the same property for a period of 12 months.

8. Abrogation and Greater Restrictions

This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

T. Truck Stop⁹²

1. Purpose

The purpose of this section is to establish standards for truck stops that minimize potential negative impacts on surrounding property.

⁹² This carries forward the standards in Sec. 144-5.28 of the Code of Ordinances, with revisions for clarity. The buffering standards have been carried forward, but the references will be updated, and the standards may be updated, after the development standards are drafted.

2. Conditional Use Application Requirements

In addition to the requirements of §X.X, an application for a special use for a truck stop shall include the following:

- a. A completed traffic impact analysis; and
- b. A feasibility study indicating the anticipated demand for truck fueling and overnight parking.

3. Development Standards

A truck stop shall comply with the following:

a. Location

A truck stop shall not be located within 300 feet of water as defined in the Texas Water Code or over an aquifer recharge zone or contributing zone.

b. Setback

Any buildings or truck parking areas shall be set back at least 300 feet from a property line abutting property used or zoned for a residential use including single- to four-dwellings, multi-family or a manufactured home park use.

c. Buffering⁹³

i. A truck stop is not eligible for a residential buffer wall exemption adjacent to land used or zoned for single- to four-family dwelling development.⁹⁴

ii. A six-to-eight foot tall masonry wall, as described in §X.X, Fences and Walls, is required adjacent to any residential development, including multi-family and manufactured home park.

iii. In addition to the masonry wall requirement in §X.X, Fences and Walls, the following landscape materials are required in lieu of other residential landscape buffer standards:

a. At least one shade tree, a minimum of three inches in caliper at time of planting, per 15 linear feet of the property line shared with the residential property is required, and trees must be planted evenly spaced. The trees shall be any of the shade species described in Appendix A.

b. A minimum of one 24-inch-tall shrub for every five linear feet of the property line shared with the residential property is required, and shrub plantings must be evenly spaced. The shrubs shall be any of the shrub species described in Appendix A.

d. Idling

i. Unless specifically approved by the City Council, truck idling is prohibited within the city limits. No person shall allow the primary propulsion engine of a motor vehicle to idle for more than ten consecutive minutes when the motor vehicle is not in motion.⁹⁵

ii. If a truck stop is to provide overnight parking facilities, signage indicating overnight idling is prohibited must be submitted at the time of building permit for approval. The signage must be located at the entrance of overnight parking lots in a visible manner to truck drivers.

iii. The following constitute affirmative defenses to prosecution under this section:

a. A motor vehicle that has a gross vehicle weight rating of 19,500 pounds or less;

b. The primary propulsion engine of a motor vehicle being used to provide air conditioning or heating necessary for employee health or safety in an armored

⁹³ These standards are carried forward from Sec. 144-5.28-3(b)2 of the Code of Ordinances, and will be revised following the drafting of the development standards.

⁹⁴ This was carried forward from current regulations, but we recommend there be no exemption if the truck stop is adjacent to any residential use, not just single or duplex.

⁹⁵ This draft includes a change to this provision to maintain City Council's prerogative to approve overnight idling, but eliminates the more detailed provision iv. that was included in a prior draft.

vehicle while the employee remains inside the vehicle to guard the contents or while the vehicle is being loaded or unloaded;

- c. A motor vehicle forced to remain motionless because of traffic conditions over which the operator has no control;
- d. A motor vehicle being used by the United States military, national guard, or reserve forces, or as an emergency or law enforcement motor vehicle;
- e. The primary propulsion engine of a motor vehicle providing a power source necessary for maintaining cargo climate control where truck stop electrification technologies are not provided for motor vehicles.
- f. The primary propulsion engine of a motor vehicle being operated for minor maintenance or diagnostic purposes;
- g. The primary propulsion engine of a motor vehicle being operated solely to defrost a windshield;
- h. The primary propulsion engine of a motor vehicle that is being used for commercial or public passenger transportation, or passenger transit operations, in which case idling up to a maximum of 30 minutes is allowed; or
- i. The primary propulsion engine of a motor vehicle being used to perform an essential job function related to roadway construction or maintenance;

U. River Outfitter⁹⁶

COMMENTARY

These standards are added based on comments in the detailed review tables, that indicate tube storage and parking are two main issues with this use. Parking will be addressed in Installment 2, but will require further discussion about the issues, and how best to address them.

1. Storage

- a. Storage of tubes, rafts, kayaks, canoes, paddle boards, etc. shall not be permitted in the front yard.
- b. Storage of tubes, rafts, kayaks, canoes, paddle boards, etc. within a rear or side yard that is adjacent to a residential zoning district or a residential use shall be at least 20 feet from the abutting residential property line.
- c. Tubes, rafts, kayaks, canoes, paddle boards, etc. stored outdoors shall be enclosed by an opaque fence or other screening device with a roof.
- d. Tubes, rafts, kayaks, canoes, paddle boards, etc. may not be stacked higher than the height of the surrounding fence or screening device.
- e. The storage structure shall not be located in the floodway.

V. Vehicle Repair, Major and Minor⁹⁷

- 1. All repair facilities and related activities shall take place inside a building.
- 2. No body, paint, or fender repair activities shall take place on a site that abuts a residential zoning district on its side or rear lot lines.
- 3. No wrecked, junked, or otherwise inoperative vehicle shall be stored or parked on the premises except while awaiting repair, when the vehicles shall be screened behind a permanent fence at least six feet in height, made of masonry or wood.
- 4. Tires shall not be stored outside.

⁹⁶ New. These proposed standards are a starting point for discussion on regulating this use.

⁹⁷ This carries forward the standards in Sec. 144-5.21 of the Code of Ordinances, with revisions for clarity. The restrictions about sales and service of heavy load and farm machinery in Sec. 144-5.14 are also included.

W. Vehicle Sales and Rental⁹⁸

1. All vehicles or other merchandise displayed or parked outside the building shall be located on the property and not in the public right-of-way, and shall meet clear vision standards as described in §2.7.4.
2. No outdoor merchandise more than eight feet tall shall be located within 20 feet of a property line shared with a residential use or residential zoning district.⁹⁹
3. Vehicles or merchandise shall be located on a paved surface.
4. No heavy loading and farm machinery shall be displayed within the front setback.¹⁰⁰
5. Tires shall not be stored outside.

X. Veterinary Clinic¹⁰¹

1. In the MXT, MXC, CBD, and CN districts, no outdoor animal runs are allowed.
2. In all other districts, use of outdoor animals runs or kennels is permitted only between the hours of 7:00 a.m. and 9:00 p.m.

3.3.7 Industrial Uses

A. Hazardous Materials Storage¹⁰²

In accordance with Chapter 753, Health and Safety Code, of the Texas state statutes, bulk storage of fuel and flammable liquids shall not occur at a retail service station in a tank that has a gross capacity of more than 60 gallons above the surface of the ground. The individual or combined capacity or size of an underground flammable liquid tank at a retail service station is not limited, but other state and local regulations concerning the location and construction of underground storage of flammable liquids or fuels may apply.

B. Outside Storage¹⁰³

Where outside storage is permitted as an accessory to a non-residential use, storage of items shall not be permitted within a rear or side yard that is adjacent to a residential zoning district or a residential use.

C. Recycling Center¹⁰⁴

In the CR district, no outside storage of materials is permitted.

D. Self-Storage¹⁰⁵

1. Outside storage of items other than vehicles, boats, trailers, and RVs is prohibited in the CG and CR districts, where any self-storage use shall be entirely within an enclosed building.
2. Boats and RVs stored on site shall be screened from public view with privacy fencing or landscaping, as described in §X.X.
3. Self-storage uses in the CG district are limited to climate-controlled facilities, with no outside storage of vehicles, boats, trailers, and RVs allowed.

⁹⁸ This carries forward the standards in Sec. 144-5.14 of the Code of Ordinances regarding the sale of heavy load and farm machinery and Sec. 144-5.12 regarding automobile or trailer sales.

⁹⁹ The prior draft required five feet from the property line, which came from the current code. This draft increases that setback to 20 feet, which is more in line with other residential adjacency setbacks. If 20 seems too great a change, it can be revised in future drafts.

¹⁰⁰ The prior draft required 30 feet from the front lot line, which came from the current code. This draft proposes keeping display materials out of the front setback instead.

¹⁰¹ This carries forward the standard in the definition of the use in the current use table.

¹⁰² This public draft changes the name of this use from "Bulk Storage."

¹⁰³ New standard.

¹⁰⁴ New.

¹⁰⁵ This carries forward the distinction between the current "Mini-warehouse/self-storage units (no boat and RV storage permitted)" use and the "Mini-warehouse/self-storage units with outside boat and RV storage" use.

3.3.8 Temporary Uses

A. General Standards¹⁰⁶

Unless otherwise specified in this Code, all temporary uses and structures shall comply with the following:

1. The temporary use or structure shall not impose negative impacts to surrounding properties or to the public health, safety, or general welfare;
2. The temporary use or structure shall not include permanent alterations to the site.
3. Temporary signs associated with a temporary use or structure shall be removed when the activity ends or permit expires, whichever occurs first;
4. A temporary use or structure shall not violate any applicable use-specific standards or conditions of approval applicable to a principal use on the site;
5. Temporary uses and structures shall not disturb any sensitive or protected resources, including floodplains, karst, trees, and required landscaping;
6. At the conclusion of a temporary use or structure, all disturbed areas shall be restored to the condition that existed prior to the use, or improved;
7. Temporary uses or structures shall not impede with normal operations of any permanent use located on the lot or parcel; and
8. Off-street parking, whether on-site or shared, shall be sufficient to accommodate the proposed temporary use.

B. Itinerant Merchant¹⁰⁷

1. General¹⁰⁸

- a. No permanent or temporary foundation may be placed or constructed for this use.
- b. All structures (including but not limited to booths, vehicles, trailers, and any ancillary equipment and furnishings such as generators, tables, and decks) used by itinerant merchants shall be removed at the end of the permitted period.
- c. No more than two itinerant merchants may be permitted on a single property.

2. Permit Requirement and Expiration¹⁰⁹

- a. No itinerant merchant use may occur without a valid permit issued by the City.
- b. Itinerant merchant permits are not transferable. A permit at any location is valid for one itinerant merchant operation regardless of any sale, lease, name change or any ownership transfer of the itinerant merchant operation.
- c. A permit is valid for 12 months. The itinerant merchant shall post the permit in a visible location, including the expiration date.
- d. If the itinerant merchant sells food/beverages, the vendor shall renew their health permit with the City annually; if the vending unit is mobile, the owner/operator shall bring the unit to City Hall for the annual inspection.
- e. Itinerant merchant uses exceeding the term of the permit shall void the temporary status; such operations shall comply with all permanent structure regulations.

¹⁰⁶ These are new general standards for temporary uses.

¹⁰⁷ Name changed from Temporary Vending Operation. Carries forward, with revisions, the standards of Sec. 144-5.23 of the Code of Ordinances with changes as noted below.

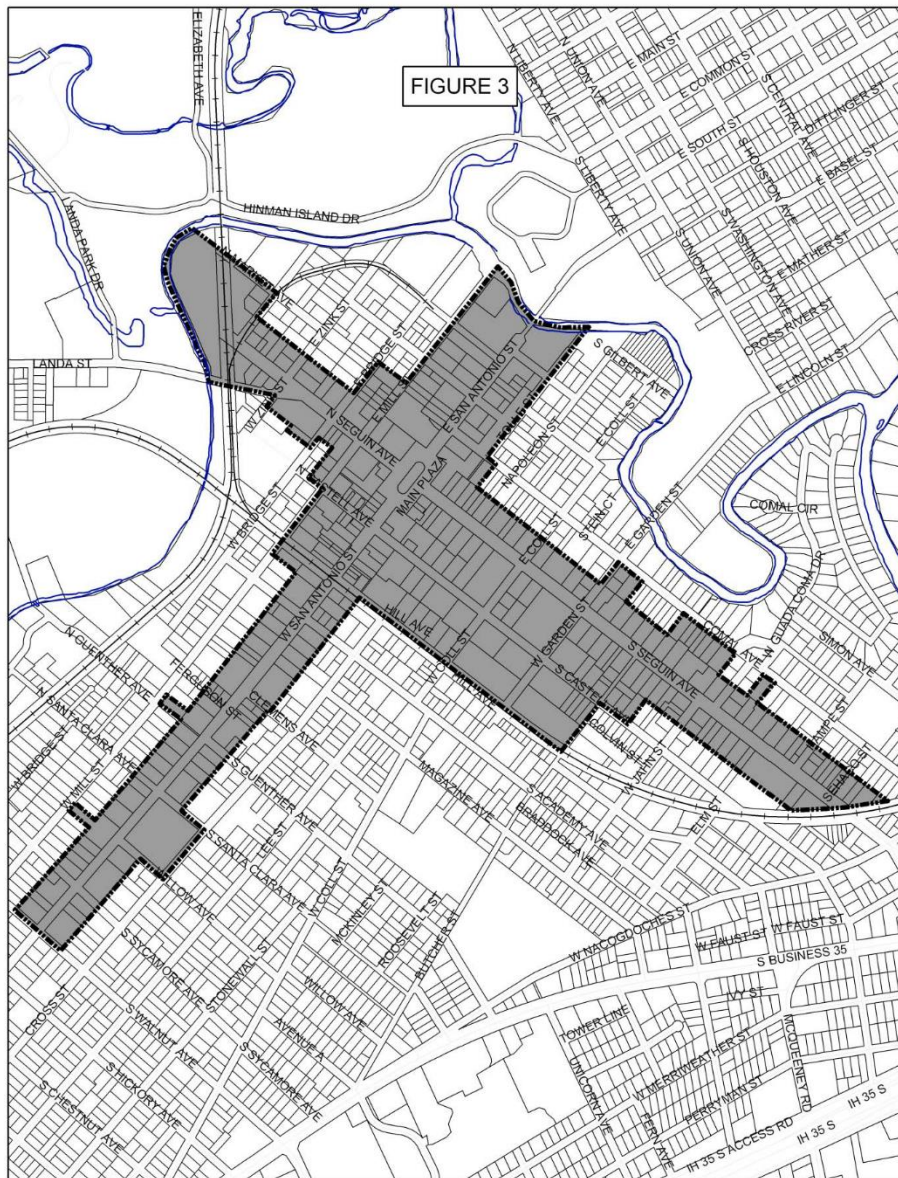
¹⁰⁸ This incorporates the maximum number of vendor standards from Sec. 144-5.23-13 of the Code of Ordinances.

¹⁰⁹ This carries forward the permit requirements in Sec. 144-5.23-2 of the Code of Ordinances, and incorporates a reference to the application requirements which are currently in Sec. 144-5.23-19 and -20 and will be taken out of the code. The requirement to display the permit has been included from Sec. 144-5.23-20.

3. Standards

a. Parking¹¹⁰

- i. Required parking allocated for the patronage of the primary use on a site shall not be utilized for set up or parking of the itinerant merchant unit. Additional parking spaces must be available from the primary business.
- ii. All vehicles (motorized or non-motorized), trailers, tents, structures, and other items associated with the itinerant merchant operation, including those from which vending occurs, shall be located within the parking lot.
- iii. Except in the limited parking area identified in **Figure 3**, at least one parking space is required per itinerant merchant .



¹¹⁰ The current parking standards are carried forward, but will be revised after the city-wide parking standards are drafted.

b. Location

- i. All vending activities shall occur on private property. No activity, parking, or signage may be located on public property or street right-of-way or within the clear vision area, as described in §2.7.4.
- ii. Anyone wishing to sell, take orders for immediate or future delivery, collect money or property, or attempt to do any of the foregoing, in exchange for a good or service, is prohibited from peddling, soliciting, or vending or advertising from any public street or park in the city. This restriction does not apply to mobile catering/itinerant merchants as regulated in the Code of Ordinances.

c. Refuse

Adequate garbage receptacles shall be provided and maintained to keep the permitted sites clean of all debris, trash, and litter.

d. Noise

The use of a sound device such as a bell, horn, or voice to attract attention is prohibited.

e. Setbacks¹¹¹**f. Building setbacks do not apply to itinerant merchant operations, except that clear vision areas shall be maintained, as described in §2.7.4 Restrooms**

- i. Restrooms shall be provided in compliance with all applicable, current health codes.
- ii. Portable restrooms may be used only if they comply with the residential adjunct standards described in §X.X.

g. Utilities

- i. No permanent water, sewer, electric, fuel, or phone facilities may be connected to the vending operation.
- ii. Utility connections shall have a quick disconnect. Any use of extension cords must be no longer than a maximum of 50 feet, including multiple cords. A maximum of two cords may be utilized.
- iii. Extension cords crossing areas of traffic (vehicular, pedestrian, etc.) must be encased in a cable protector rated for the specific traffic. Documentation of this rating must be provided to City staff upon request.

h. Food Vendors

Itinerant merchants that serve food shall be registered with and inspected by the City, and shall meet all state and local health codes.

i. Storage

Any stored materials shall be contained within a building or other container.

j. Signage

In addition to the requirements of Article 7: Signs, sandwich boards, banners attached to a vending structure, and pennants are allowed. No banners that stand independently by means of stakes, t-posts, or are otherwise attached to the ground, may be used.

4. Enforcement and Penalties**a. Permit Revocation**

A permit may be revoked by any City official for any of the following reasons:

- i. Fraud, misrepresentation, or a false statement contained in the application for the permit;
- ii. Fraud, misrepresentation, or a false statement made in the course of conducting business;

¹¹¹ Carries forward Sec. 144-5.23-10 of the Code of Ordinances but removes references to compliance with codes and ordinances, as that is required for all uses under the updated code.

- iii. Any violation of any City code or ordinance that has not been brought into compliance within 24 hours of notification;
- iv. Conviction of any crime or misdemeanor involving moral turpitude; or
- v. Conducting the business in an unlawful manner so as to constitute a breach of the peace or a menace to the health, safety, or general welfare of the public.

b. Penalties for Owner of a Itinerant Merchant Operation

The owner of a permitted itinerant merchant operation that violates this section or any other City code or ordinance shall be penalized as follows:

- i. The first offense shall result in a warning and the owner shall bring the itinerant merchant operation into compliance within 24 hours or the permit shall be revoked, with a penalty of \$500.00 for each offense per day.
- ii. The second offense shall result in the itinerant merchant operation having the permit revoked immediately, and the merchant shall be prohibited from obtaining a permit under this section for one year from the date of the offense, with a penalty of \$1,000.00 for each offense per day.
- iii. The third offense shall result in the itinerant merchant operation having the permit revoked immediately and the merchant shall be prohibited from obtaining a permit under this section indefinitely, with a penalty of \$2,000.00 for each offense per day.

c. Penalties for Owner of Property on Which Itinerant Merchant Is Located

If a property owner has violated this LDO or any other applicable part of the City Code while allowing an itinerant merchant operation to be conducted with or without a permit issued under this section, the property owner shall be penalized as follows:

- i. The first offense shall result in a warning and the host shall correct the violation within 24 hours or the permit shall be revoked, with a penalty of \$500.00 for each offense per day.
- ii. The second offense shall result in the operation having the permits of all the property owner's itinerant merchant operations revoked immediately and the property owner shall be prohibited from hosting mobile vending for one year from the date of the offense, with a penalty of \$1,000.00 for each offense per day.
- iii. The third offense shall result in the operation having the permits of all the property owner's itinerant merchant operations revoked immediately and the property owner shall be prohibited from hosting itinerant merchants indefinitely, with a penalty of \$2,000.00 for each offense per day.

5. Appeals¹¹²

Any enforcement actions under this section may be appealed to the Zoning Board of Adjustment, as follows:

- a. An appeal shall be submitted within 30 days of permit being revoked.
- b. The appeal shall be scheduled for consideration on the next available agenda of the Zoning Board of Adjustment.
- c. The Zoning Board of Adjustment shall review the appeal and may approve, approve subject to certain conditions, or deny the appeal.¹¹³

¹¹² It is unclear what may be appealed. Is it the enforcement action? Or is it the denial of an application? If the latter, these provisions can be consolidated with the general appeal provisions in the updated ordinance. This provision has been revised to indicate appeals go to the ZBA.

¹¹³ Related to the question above, should this standard language be amended to indicate that the ZBA can restore the permit, restore it subject to conditions being met, or deny the appeal?

C. Mobile Storage Unit¹¹⁴

1. Applicability

- a. On private property, a mobile storage unit that is no more than eight feet in width, eight feet in height, and 16 feet in length is permitted for no more than 30 days in a calendar year unless ownership of the property has changed, the property is being remodeled, or there is a change in occupancy of a rental unit on the site.
- b. If site configuration or topography make placement of the mobile storage unit on the site impossible, the mobile storage unit may be placed in the right-of-way against the curb, the same as parking an automobile, and subject to the same time limits.
- c. The temporary mobile storage unit may be placed for a period not to exceed 180 days in the same location. A unit cannot be set up on the same property within 30 days.

2. Standards

a. Parking

Any parking required to be provided for the uses on a non-residential site shall not be utilized for placement of the temporary mobile storage unit.

b. Location

Placement of the mobile storage unit shall not impede the clear vision areas, as described in §2.7.4.

c. Setbacks

All temporary mobile storage units must be located a minimum of 100 feet from flammable combustible liquid or fuel storage and dispensing structures.

d. Utilities

- i. No permanent water, sewer, electric, fuel, or phone facilities may be connected to the temporary mobile storage unit.
- ii. Any use of extension cords must be no longer than a maximum of 50 feet, including multiple cords. A maximum of two cords may be utilized.
- iii. Extension cords may not cross an area designated for vehicular traffic.

e. Signage

No signage may be attached to the storage unit, other than the brand or manufacturer's pre-existing name or logo on the container.

D. Temporary On-Site Contractor's Office¹¹⁵

A temporary building use by a contractor as an office or for storage of tools or other construction items may be placed and used on or adjacent to a site under construction and shall be removed no later than the completion or abandonment of the construction work.

E. Temporary Real Estate Office¹¹⁶

A temporary real estate sales office may be a permanent or portable structure and is permitted in any residential subdivision or residential property with new homes for sale. The sales office shall be removed after all homes in the subdivision or residential property have been sold.

F. Temporary Roll-off Dumpster¹¹⁷

A temporary roll-off dumpster:

1. May be stored on private property for no more than four consecutive months in a calendar year;

¹¹⁴ This carries forward the regulations in Sec. 144-5.21(b)(3) and Sec. 144-5.24 of the Code of Ordinances.

¹¹⁵ Carries forward, with revisions, the standards in Sec. 144-5.10(a) of the Code of Ordinances.

¹¹⁶ Carries forward, with revisions, the standards in Sec. 144-5.10(b) of the Code of Ordinances.

¹¹⁷ This carries forward the regulations in Sec. 144-5.21(b)(4) of the Code of Ordinances.

Article 4: Land Uses

3.3 Use-Specific Standards

3.3.8 Temporary Uses

2. Shall be placed on the driveway or other paved surface; and
3. Shall be emptied at least every two weeks.

Article 4: Development Standards

[To be included in Installment 2.]

Article 5: Subdivision Standards

[To be included in Installment 2.]

Article 6: Historic Preservation

[To be included in Installment 4.]

Article 7: Signs

[To be included in Installment 4.]

Article 8: Administration and Procedures

[To be included in Installment 3.]

Article 9: Definitions

9.1 Rules of Construction

[placeholder]

9.2 Definitions

COMMENTARY

This section contains definitions for terms used in this LDO, including a definition for each use category and each specific use that is included in Table 3-1: Table of Allowed Uses.

- New definitions for uses and general terms are highlighted yellow.
- New definitions for existing uses are footnoted.
- Existing definitions that have been carried forward are only footnoted if the definition has been amended or copy-edited.

The content is partial, and additional definitions will be added in ensuing installments, as new terms are introduced.

This public draft reorganizes the definitions in alphabetical order, rather than in separate subsections. The definitions from Appendix B, related to manufactured home communities, have temporarily been removed from the draft, pending further input from the staff review of this section.

9.2.1 A

Abutting

Lots, buildings, uses, or other features regulated by this LDO share a common lot line for a distance greater than a point. Lots that are separated by a street, right-of-way, platted alley, trail, or railroad track are not abutting.

Accessory Building or Structure

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.

Accessory Dwelling Unit

A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure.

Active/Independent Senior Living Facility¹¹⁸

A development that is planned, designed, and operated to provide a full range of accommodations and services for older adults, including independent living, congregate care housing, and limited or intermittent medical care or personal assistance. Dwellings may include, but are not limited to, attached or detached houses, apartments, or townhomes, offering private or semi-private rooms, and may be either rental or owner-occupied units. This use generally includes a variety of housing types and provides residents with varying levels of assistance and

¹¹⁸ Active/independent senior living facility was listed among definitions in 144-4.1, but was not included in the Land Use Matrix. The use name has been carried forward, while providing a new definition that encompasses a combination of existing uses that were not defined, except for "Sanitarium," which has not been carried forward.

care so that residents may continue to live independently, accessing higher levels of care and service as they age without having to move to another residential care facility.

Adjacent

Lots, buildings, uses, or other features regulated by this LDO that would be bordering or touching except for an intervening street, right-of-way, platted alley, trail, drainage infrastructure, or railroad track, if the lot lines for the properties containing the building, use, or other feature in question were extended across the intervening street, right-of-way, platted alley, trail, or railroad track, until they intersected, unless otherwise stated in this LDO or an adopted City regulation or manual.

Agricultural Uses

Uses characterized by raising, producing, or keeping plants or animals, or cultivation and management of farm products. Accessory uses may include dwellings for proprietors and employees, barns, storage of grain, animal raising, feed preparation, and wholesale sales of products produced on-site.

Airport Definitions¹¹⁹

When used in the context of §2.5.1, *AHO -- Airport Hazard Overlay District*, the following words, terms, and phrases shall have the meanings ascribed to them in these definitions, except where the context clearly indicates a different meaning.

Airport

A landing area, runway, or other facility designed, used, or intended to be used for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars, facilities for the fueling of aircraft, office uses relating to the airport function, associated fixed-base operations (FBO), and other necessary buildings and open spaces. In this code, the airport referenced is the New Braunfels National Airport, formerly known as both the New Braunfels Regional Airport and the New Braunfels Municipal Airport and the Clear Springs Auxiliary Air Force Base.

Airport Elevation

The established elevation of the highest point on the useable landing area measured in feet from mean sea level.

Airport Hazard

A structure or object of natural growth that obstructs the air space required for the taking off, landing, and flight of aircraft or that interferes with visual, radar, radio, or other systems for tracking, acquiring data relating to, monitoring, or controlling aircraft.

Airport Hazard Area

Any area of land or water upon which an airport hazard might be established if not prevented as provided in §2.5.1, *AHO -- Airport Hazard Overlay District*.

Airport Reference Point

The point established as the approximate geographic center of the airport landing area and so designated.

Approach Surface

A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zones height limitation slope set forth in §2.5.1C.1. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

Approach, transitional, horizontal, and conical zones

¹¹⁹ 144-5.20-1.

These zones are set forth in §2.5.1C.1, *Approach Zones*, of this Code.

Conical Surface

A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one for a horizontal distance of 4,000 feet.

Hazard to Air Navigation

An obstruction determined to have a substantially adverse effect on the safe and efficient utilization of the navigable airspace.

Height

For the purpose of determining the height limits in all zones set forth in this section and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Horizontal Surface

A horizontal surface 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

Landing Area

The surface area of the airport used for the landing, takeoff or taxiing of aircraft.

Nonconforming Use

For the purposes of airport-related nonconformities, this term refers to any preexisting structure, object of natural growth, or use of land which is inconsistent with the provisions of §2.5.1 or an amendment thereto.

Non-Precision Instrument Runway

A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

Obstruction

Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in §2.5.1D, *Height Limitations*.

Overlay Zone

In the context of airport-related terms, the defined areas establishing land use restrictions set forth in §2.5.1C.6, *Overlay Zones*.

Precision Instrument Runway

A runway having an existing instrument approach procedure utilizing Instrument Landing System (ILS) or Localizer Precision, Vertical (LPV) air navigation facilities with vertical and horizontal guidance for which a straight-in precision instrument approach procedure has been approved or planned.

Primary Surface

A surface longitudinally centered on a runway. When the runway has a specially prepared or planned hard surface, the primary surface extends 200 feet beyond each end of that hard surface runway; but when the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is 500 feet for the non-precision instrument runway and 1,000 feet for the precision runways having visibility minimums greater than three-fourths statute mile.

Runway

A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Runway Protection Zone (RPZ)

An area off the runway end to enhance the protection of people and property on the ground in a trapezoidal shape established in guidelines published in the Advisory Circular 150/5300-13A by the FAA. Structure means an object, including a mobile object, constructed or installed by man, including, but not limited to, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

Airstrip or Landing Field

A private area of land used for the landing and take-off of personal private aircraft, excluding receiving cargo, picking up passengers, or fueling aircraft.

Alley

A minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting a street.

Amphitheater¹²⁰

An open-air venue used for entertainment, performance, ceremonies, or sports purposes. An amphitheater may or may not have fixed or designated seating, a partial or temporary roof, or be under tents.

Animal Boarding

A commercial establishment that provides boarding, grooming, training, and other non-medical services for domestic pets, primarily dogs and cats, and other small animals (e.g., rabbits). Outdoor facilities, including runs and exercise yards, may or may not be included in this use. This use does not include medical or veterinary treatment and services.

Animal Grooming

An establishment where small animals such as dogs, cats, and other household pets are bathed, clipped, or combed for compensation for hygienic or aesthetic reasons. This use does not include the overnight boarding of animals.

Animal Uses

Uses in this category include the boarding and care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas.

Antenna¹²¹

Any exterior apparatus designed for telephonic, radio, or television communication through the sending and/or receiving of electromagnetic waves, but not including a wireless communication tower (which may include antennas on the structure).

Arcade¹²²

An establishment where more than ten percent of the public floor area is devoted to four or more amusement devices that are operated for a profit, whether the same is operated in conjunction with any other business or not, including but not limited to such amusement devices as coin- or card-operated pinball machines, video games, electronic games, shuffle boards, pool tables or other similar amusement devices. However, the term "amusement device," as used in this definition, shall not include musical devices, billiard tables which are not

¹²⁰ Carries forward the current definition in Sec. 144-1.4 of the Code of Ordinances with minor revisions.

¹²¹ Carries forward the definition in Sec. 144-1.4 of the Code of Ordinances with clarifications to distinguish from the telecommunications tower use.

¹²² Carries forward the current definition in Sec. 144-1.4 of the Code of Ordinances with minor revisions.

coin-operated, machines that are designed exclusively for small children, and devices designed to train people in athletic skills or golf, tennis, baseball, archery, or other similar sports.

Assisted Living Facility¹²³

A facility combining housing, supportive services, personalized assistance, and health care, designed to respond to the individual needs of those who need help with activities of daily living, such as dressing, grooming, bathing, diet, financial management, evacuation of a residence in the event of an emergency, or medication prescribed for self-administration, but who do not require hospitalization.

Attic

The area between roof framing and the ceiling of the rooms below that is not habitable, but may be reached by ladder and used for storage or mechanical equipment. Improvement to habitable status shall make it a story.

Auction Sales, Livestock

An area or building at which livestock are offered for sale through an auction.

Audio or Video Studio¹²⁴

An establishment which is used to record and broadcast music, videos, television, and other oral and visual related media productions.

Automated Teller Machine (ATM)

A mechanized device operated by or on behalf of a bank or financial institution that allows customers to conduct automated banking or financial transactions.

9.2.2 B**Bank or Financial Institution**

An establishment that provides financial and banking services to individuals and businesses. These services may include deposit banking and closely related functions such as making loans, investments, and fiduciary activities. This definition does not include check cashing, title loans, or payday lending uses. Accessory uses may include automated teller machines and, where permitted as an accessory use, drive-through access.

Bar or tavern

A commercial establishment that operates under license from the Texas Alcohol and Beverage Commission which is principally engaged in the retail sale of alcoholic beverages, with food only incidental to the sale of alcohol.

Barrier, Natural or Artificial

Any river, pond, canal, railroad, levee, embankment, or screening fence of masonry or solid wood not less than six feet high.

Base Zoning District

The zoning district, or combination of zoning districts, either under an overlay district or which will be applied to a property zoned PD.

¹²³ Carries forward the current definition in Sec. 144-1.4 of the Code of Ordinances with minor revisions.

¹²⁴ New definition and new name for existing use "Studio for radio or television, without tower."

Basement

A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story where more than one-half of its height is above the average level of the adjoining ground.

Bed & Breakfast¹²⁵

A dwelling or grouping of dwellings that is owner- or manager-occupied, at which breakfast is served and sleeping accommodations are provided/offered in rooms or unattached units (such as cabins) for transient guests for compensation for periods of 30 days or fewer.

Beverage Stand

A small, freestanding structure with a drive-through where customers can purchase coffee, tea, and other beverages, along with pre-made bakery goods or other light, pre-made meals such as sandwiches or burritos.

Block

A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Planning and Development Services Department shall determine the outline of the block.

Boarding House¹²⁶

A facility other than a hotel where lodging or meals are provided for five or fewer people for compensation, pursuant to previous arrangements, with rental or lease periods of no less than one month.

Buffer

An area of land used to physically and/or visually separate one use or lot from another.

Building

A structure enclosed within exterior walls, built, erected, and framed of a combination of materials, whether portable or fixed, having a roof, to form a structure for the shelter of people, animals, or property.

Bus Barn

A facility where buses are stored and maintained.

Bus Station

A facility where patrons wait for and board or depart from buses. This use may include ticket sales, accessory vehicle maintenance facilities, and retail sales.

9.2.3 C**Campground**

An outdoor facility designed for overnight accommodation of human beings in tents, rustic cabins and shelters for recreation, education, naturalist, or vacation purposes. Ancillary services such as a convenience store, restrooms, power, and electric hook-ups may be provided.

Carport

A permanent structure consisting of a roof and supported on posts with three or four open sides used as a minimal shelter for an automobile. It may be freestanding or attached to another structure on one side.

¹²⁵ Carries forward the current definition in Sec. 144-1.4 of the Code of Ordinances with minor revisions and adds time limitation.

¹²⁶ Carries forward the current definition in Sec. 144-1.4 of the Code of Ordinances with minor revisions.

Catering

An establishment that prepares food on-site which is transported and served at another location off-site. On-site sale and consumption of food or beverages to patrons is limited to taste-testing.

Cemetery

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes including columbaria, mausoleums, and funeral establishments, when operated in conjunction with and within the boundary of the cemetery.

Certificate of Occupancy

A certificate, issued by the building official, certifying that all work on any building or project has been inspected by the official, meets all building requirements, and is ready for occupancy.

Check Cashing

An establishment that, for compensation, engages in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This definition shall not include a bank or financial institution use, and does not include retail uses, such as grocery stores, where the cashing of checks or money orders is incidental to the main purpose of the business.

City

The City of New Braunfels, Texas.

City Officials

Includes but is not limited to the following: Building official, local health authority, city sanitarian, fire chief, policeman, Planning and Development Services Department Director, and tax assessor-collector.

Civic Club

A nonprofit membership organization that holds regular meetings and pursues a common interest, usually cultural, civic, religious, or social, and has formal written membership rules along with the requirement for members to pay dues. A "club or lodge" may, subject to other regulations controlling such uses, maintain dining facilities; engage professional entertainment for the enjoyment of members and their guests; or store, sell, possess, or serve any alcoholic beverage permitted by the law of the State of Texas. This definition does not include any form of sleeping accommodations.

Clear Vision Area

An area of unobstructed vision at intersections of streets, alleys, and driveways. Also called a vision triangle, the area is determined by extending the intersection of the two curb lines from their point of intersection, and connecting these points with an imaginary line, thereby making a triangle.

Add graphic.

Clinic, Medical or Dental¹²⁷

A facility that provides medical, dental, psychiatric, or surgical services for sick or injured individuals exclusively on an out-patient basis, including emergency treatment, diagnostic services, training, administration, and services to outpatients, employees, or visitors. This use includes facilities that principally provide emergency treatment.

¹²⁷ Revises the existing definition of "Clinic" in Sec. 144-1.4 of the Code of Ordinances.

Coffee Shop

An establishment that primarily prepares sells and serves coffee, tea and other beverages, and which may sell baked goods and light meals such as soups and sandwiches, but does not serve full meals, and which has a seating area which serves as an informal conversation or lounging place.

Co-location¹²⁸

In the context of wireless communication facilities. the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Common Open Space

Private property under common ownership, designated as recreation area, private park (for use of property owners within the subdivision), play lot area, or ornamental areas open to general view.

Community and Cultural Facilities

Uses including buildings, structures, or facilities to provide a service to the public. Accessory uses may include limited retail, concessions, parking, and maintenance facilities.

Community Building

A place, structure, area, or other facility used for and providing cultural, social, educational, or recreational programs or activities, or swimming pools, tennis courts, and similar facilities, which is owned and operated by a homeowners' association or similar organization and that is intended for use by members of the residential community in which it is located. The use may be open to the general public or a designated part of the public.

Community Garden

A lot or area used for the cultivation of food and/or horticultural crops. Community Garden may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of a group and may include common areas maintained and used by group members. Any crops or produce grown in a community garden are for individual consumption only, and may not be sold to members of the public.

Conditional Use (CU)

An authorization of a use that is not allowed by right in a specific zoning district, but through certain conditions may be found by City Council to be compatible at a specific location in that zoning district. Conditional uses **are not permits, but rather are a zoning overlay**s and, as such, follow the procedures outlined in **SX.X** of this LDO which include a public hearing and report by the Planning Commission, and final public hearing and decision by the City Council.

Condominium

A form of real property with portions of the real property designated for separate ownership or occupancy, and the remainder of the real property designated for common ownership or occupancy solely by the owners of the portions. Real property is a condominium only if one or more of the common elements are directly owned in undivided interests by the unit owners. Real property is not a condominium if all of the common elements are owned by a legal entity separate from the unit owners, such as a corporation, even if the separate legal entity is owned by the unit owners.

¹²⁸ Definition from 47 CFR §1.6100.

Conference or Convention Center

A facility used for service, business, or professional conferences, conventions, seminars, training programs, and similar events. The facility may be either freestanding or incorporated into a hotel or office facility and may include eating and drinking establishments.

Conforming¹²⁹

A conforming use, building, or site feature is one that is in compliance with all applicable regulations of this LDO.

Controlled Street

In the context of the clear vision area, or sight visibility triangle, a controlled street is one with a traffic control device, such as a yield or stop sign, or traffic signal, at the intersection.

Cottage Home Development

A cluster of at least five attached or detached dwellings located within a common development that has shared access, parking, and common spaces. Cottage developments can include homes on individual lots, homes owned as condominiums, or leased homes. This use can include communities of five or more factory-built small detached dwellings, provided that each home meets applicable building codes or is a modular or industrialized home as defined in Chapter 1202, Occupations Code, of the Texas state statutes.

Country Club, Private¹³⁰

Land area and buildings containing facilities such as tennis courts, golf courses, other recreational facilities, a clubhouse, swimming pools, food services, and other customary accessory uses which are open only to members and their guests.

Court or Courtyard

An open, unoccupied space, other than a yard, on the same lot with the building or group of buildings and which is bounded on two or more sides by such building or buildings.

Coverage, Building

The lot area that is covered by all buildings located thereon, including the area covered by all overhanging roofs and canopies.

Coverage, Lot

The combined area of all yards on a given lot.

Crematorium

A facility used for the purification and reduction of bodies by fire.

Cul-de-Sac

A short, minor, private street having but one access to another street and terminated by a vehicular turnaround.

Curb Level

The elevation of the established curb in front of a building measured at the center of such front.

¹²⁹ Carries forward the definition in Sec. 144-1.4 of the Code of Ordinances with minor revisions.

¹³⁰ Carries forward the current definition in Sec. 144-1.4 of the Code of Ordinances with minor revisions.

9.2.4 D

Dance Hall or Dancing Facility¹³¹

An establishment where dancing and musical entertainment are the primary activity. Dance halls may or may not serve alcoholic beverages for on-site consumption.

Day Camp

An establishment including buildings and open land areas that offers supervised recreational and sporting activities for children, especially in summer and during school vacations, but does not include sleeping accommodations for camp attendees.

Day Care Center¹³²

A facility where care, protection, and supervision are provided for children or adults on a regular basis away from their primary residence for less than 24 hours a day, with or without compensation and with or without stated educational purposes. The term includes, but is not limited to, facilities commonly known as day-care centers, day nurseries, nursery schools, preschools, play groups, day camps, summer camps, and centers for mentally disabled children, but specifically excludes any day care home uses or kindergartens.

Day Care Home¹³³

A facility that regularly provides care in the caretaker's own residence for no more than six adults or six children under 14 years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six additional elementary school siblings of the other children given care, provided that at no time shall more than 12 children and adults, including the caretaker's own, be provided care.

Deck

A roofless platform, either freestanding or attached to a building that is supported by pillars or posts.

Density, Residential

The number of dwelling units per gross acre of subdivision, excluding any areas that are non-residential in use.

Department

The department, division or personnel otherwise designated by the city manager to administer or enforce any or all of the provisions of this LDO.

Depth of Rear Yard

The horizontal distance between the rear line of the main building and the rear lot line.

Developer

An individual, partnership, corporation or governmental entity undertaking the subdivision or improvement of land and other activities covered by this LDO, including the preparation of a subdivision plat showing the layout of the land and the public improvements involved therein. The term "developer" is intended to include the term "subdivider," even though personnel in successive stages of a project may vary.

¹³¹ Carries forward the current definition in Sec. 144-1.4 of the Code of Ordinances with minor revisions.

¹³² New definition for a use that consolidates previous separate adult and child day care uses.

¹³³ Carries forward and consolidates the current definition for "Family home (adult care in place of residence)" and "Family home (child care in place of residence)" in Sec. 144-1.4 of the Code of Ordinances with revisions for clarity; some portions of the current definition have been included as use-specific standards.

Development

The laying out of a subdivision through the platting process, construction of one or more new buildings or structures on one or more lots, the moving of an existing building to another lot, or the use of open land for a new use. "To develop" shall mean to create development.

Director

Unless otherwise specified, Director, Planning Director, or Planning and Development Services Director means the Director of the Planning and Development Services Department. This designation also includes any person designated by the Director (their "designee") to carry out their assigned responsibilities and authorities in their stead.

Distance Between Buildings

The shortest horizontal distance between the vertical walls of two structures.

Distribution Center

A specialized warehouse that serves as a hub to store finished goods, streamline the picking and packing process, and ship goods out to other locations or final destinations. Also referred to as a fulfillment center, a distribution center is distinguished from a warehouse by the far more rapid turnover of inventory.

Donation Collection Container

Dripline

A vertical line extending from the outermost portion of the tree canopy to the ground.

Drive-Through Facility¹³⁴

A facility used to provide products or services to customers who remain in their vehicles, whether through a window or door in a building, a machine in a building or detached structure (e.g., Automated Teller Machine), or through a mechanical device (e.g., a pneumatic tube system). In addition to the pick-up window or door, drive-through service facilities also may include remote menu boards and ordering stations.

Driveway

A minor, private way off a common access route within the community to an off-street auto parking area serving one or more mobile homes.

Dwelling¹³⁵

A building or structure, or portion of a building or structure, designed for residential purposes as a single housekeeping unit, but not including a motor home, trailer coach, automobile chassis, tent, or portable building. Examples of dwellings include single-family detached dwellings, single-family attached dwellings (townhouses), two-family (duplex) dwellings, three-family (triplex) dwellings, four-family (fourplex) dwellings, multi-family dwellings, manufactured home dwellings, and cottage home development.

Dwelling, Four-Family (Fourplex)

A building located on its own lot that contains four separate living units, each of which is arranged, intended, or designed for occupancy as a residence by one family.

Dwelling, Live-Work

A dwelling unit containing an integrated living and working space in different areas of the unit.

¹³⁴ This updates the current definition in Sec. 144-1.4 of the Code of Ordinances.

¹³⁵ Carries forward the definition in Sec. 144-1.4 of the Code of Ordinances with references to household living uses in this Code.

Dwelling, Manufactured Home

A structure constructed on or after June 15, 1976, according to the rules of the National Manufactured Home Construction and Safety Standards Act of 1974 and Title of the Housing and Community Development Act of 1974. Generally, manufactured homes are designed and built in a factory, may be transported in pieces, and assembled on site.

Dwelling, Multi-Family¹³⁶

One or more buildings or portions of buildings on a single lot or tract that contains five or more dwelling units, each of which is occupied or intended to be occupied by people living independently of each other and maintaining separate cooking facilities, and where each unit has an individual entrance to the outdoors or a common hallway.

Dwelling, Single-Family Attached (Townhouse)

A single-family dwelling unit on an individual lot which is one of a series of dwelling units having one or two common side walls with the other units in the series.

Dwelling, Single-Family Detached¹³⁷

A building located on its own lot that contains one dwelling unit that is not physically attached to any other principal structure and is arranged, intended, or designed for occupancy by one family. This definition includes a modular or industrialized home as defined in Chapter 1202, Occupations Code, of the Texas statute statutes, but does not include a Manufactured Home or Recreational Vehicle.

Dwelling, Two-Family (Duplex)¹³⁸

A building designed as a single structure that contains two separate living units, each of which is designed to be occupied as a separate permanent residence for one family. This definition includes a modular or industrialized home as defined in Chapter 1202 of the Occupations Code, but does not include a Manufactured Home Dwelling or Recreational Vehicle.

Dwelling, Three-Family (Triplex)

A building located on its own lot that contains three separate living units, each of which is arranged, intended, or designed for occupancy as a residence by one family.

Dwelling, Tiny Home

A single-family detached dwelling that is less than 500 square feet and more than 300 square feet in size. The dwelling is constructed on a frame and capable of being transported on its own wheels, but when used for permanent habitation, the wheels must be removed, and the dwelling installed on a permanent foundation. To be distinguished from a Recreational Vehicle, a tiny home must meet either the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sections 5401 et. seq.) or the international building code.

Dwelling, Zero Lot Line

A single-family dwelling that is built adjacent to one side property line.

¹³⁶ Simplifies the current definition in Sec. 144-1.4 of the Code of Ordinances, and changes the minimum configuration from three or more dwelling units to five or more dwelling units to allow for separate triplex and fourplex uses which may simplify the development of those housing options.

¹³⁷ Updates the current definition of "One-family dwelling" in Sec. 144-1.4 of the Code of Ordinances. The separate definition of a "Single-family industrialized home (also called modular prefabricated structure or modular home) been consolidated into this new definition, and the definition in the current code replaced with a reference to state law. Also incorporates the "Zero lot line/patio homes" use.

¹³⁸ Simplifies the current definition in Sec. 144-1.4 of the Code of Ordinances, renames the use "Duplex/two-family/duplex condominiums)," makes revisions for consistency with the single-family detached dwelling use, and removes the alternative definition of two buildings on a single lot as that is just two single-family detached homes on a single lot, not a duplex.

9.2.5 E

Educational Facilities¹³⁹

Uses in this category include public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or vocational or trade schools. Accessory uses commonly include cafeterias, indoor and outdoor recreational and sport facilities, auditoriums, and day care facilities.

Eligible Facilities Request¹⁴⁰

In the context of wireless communication facilities, this is any request for modification of an existing WCF that involves the co-location of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment.

Eligible Support Structure¹⁴¹

In the context of wireless communication facilities, this is any WCF as defined in this LDO that is in existence at the time an application is filed.

Enforcing Agency

Any officer of the city, or health agency of this state, who is charged by law to enforce the provisions of this Code and other applicable regulations.

EV Charging Station¹⁴²

An electrical component assembly or cluster of component assemblies (battery charging station) designed and intended to transfer electric energy by conductive or inductive means from the electric grid or other off-board electrical source to a battery or other energy storage device within a vehicle that operates partially or exclusively on electric energy. The charging station may include a digital display for control of the charging station. There are three types of electric vehicle charging stations.

- 1) A Level 1 charging station is a slow-charging station that typically operates on a 15- or 20-amp breaker on a 120-volt Alternating Current (AC) circuit.
- 2) A Level 2 charging station is a medium-speed charging station that typically operates on a 40- to 100-amp breaker on a 208- or 240-volt AC circuit.
- 3) A Level 3 charging station is an industrial-grade charging station that operates on a high-voltage circuit to allow for fast charging.

EV Charging Station, Level 1 or 2

A Level 1 or Level 2 EV charging station.

EV Charging Station, Level 3

A Level 3 EV charging station.

Event or Reception Center

A commercial or non-profit facility that may have indoor or outdoor components, or both, that can be rented to accommodate large groups of people for entertainment, wedding receptions, reunions, and similar gatherings.

Existing¹⁴³

¹³⁹ Definition from 47 CFR §1.6100.

¹⁴⁰ Definition from 47 CFR §1.6100.

¹⁴¹ Definition from 47 CFR §1.6100.

¹⁴² This replaces the definition for "Battery charging station" in Sec. 144-1.4 of the Code of Ordinances.

¹⁴³ Definition from 47 CFR §1.6100.

In the context of wireless communication facilities, existing applies to any WCF that has already been constructed, and was reviewed and approved in accordance with all requirements of applicable law as of the time of an eligible facilities request.

Extraction Uses

Uses in this category include the excavation or extraction of raw materials from the earth.

9.2.6 F**FAA**

The Federal Aviation Administration.

Façade

A side of a building or accessory structure which consists of a separate architectural elevation as viewed horizontally from the ground, street or other nearby location. The area of a façade is defined by the outer limits of all of its visible exterior elements. Separate faces of a building oriented in the same direction or within 45 degrees of each other are considered part of the façade.

Fairground

An area where outdoor fairs, rodeos, circuses, or exhibitions are held.

Farm

Land used for the primary purpose of agriculture, horticulture, floriculture, or viticulture.

Farmers Market

An occasional or periodic market held in an open area or structure where multiple individual vendors offer for sale to the public items such as fresh produce, seasonal fruits, prepared foods, fresh flowers, arts and crafts items, and food and beverages dispensed from booths located on-site.

FCC

The Federal Communications Commission.

Fence

A tangible enclosure or barrier generally erected to provide a boundary or separation of properties.

Fleet Services

A central facility for the distribution, storage, loading, and repair of fleet vehicles, with or without associated dispatch services and offices. This use includes limousine services and taxi services.

Floodplain

An area of land that is subject to a one-percent or greater chance of flooding in any given year, based on developed conditions existing as of the date a development application is accepted for filing, and not based on projected or anticipated future build-out for a watershed.

Food and Beverage Uses

Uses in this category are involved in the preparation and service of food or beverages for consumption on or off the premises.

Food Processing

A facility that produces food for human consumption in its final form, including but not limited to candy, baked goods, tortillas, or ice cream, for distribution to retailers or wholesalers for resale on or off the premises. This use does not include the slaughter of small or large livestock, meatpacking, or animal feeding operations.

Freight Terminal

A building or outdoor area used primarily for the temporary parking of trucks of common or contract carriers during loading or unloading and for receiving and dispatch of freight vehicles, including necessary warehouse space for storage of transitory freight. Incidental uses may include, but are not limited to, a truck wash, overnight truck parking, and loading and unloading from rail spurs.

Frontage

The lineal distance measured along all abutting street rights-of-way.

Funeral Home

An establishment for the care, preparation, or disposition of the deceased for burial, and the display of the deceased and rituals connected with and conducted before burial or cremation. This use includes mortuaries, which are facilities in which dead bodies are prepared for burial, but does not include the separate crematorium use. Accessory uses may include:

- 1) Embalming and the performance of other services used in preparation of the dead for burial;
- 2) The performance of autopsies and other similar surgical procedures;
- 3) The storage of caskets, funeral urns, and other related funeral supplies;
- 4) The storage of funeral vehicles; and
- 5) A funeral chapel.

Funeral Services

Uses in this category provide services related to the care and disposition of deceased bodies.

9.2.7 G**Garage, Detached**

A private garage wholly separated and independent of the principal building.

Garage, Public

A building or portion thereof, designed or used for the storage, sale, hiring, care, or repair of motor vehicles, which is operated for commercial purposes, also referred to as structured parking, or a structured parking lot.

Golf Course

A tract of land laid out with a course having nine or more holes for playing the game of golf, including any accessory clubhouse, driving range, office, restaurant, picnic tables, pro shop, maintenance building, restroom facility, or similar accessory use or structure.

Governing Authority

The City Council of the City of New Braunfels, Texas.

Government Agency

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.

Government or Municipal Facility

Any government office or publicly accessible county or municipal facility, including but not limited to libraries, public recreation or community centers, public swimming pools, and athletic fields or sports courts (which may be part of public parks, or may be standalone facilities).

Grain Elevator

A facility or area for the temporary storage of grain for transfer to trucks, train cars, or other forms of transportation.

Gross Floor Area¹⁴⁴

The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Group Home¹⁴⁵

A residential dwelling or facility where people are living, together with staff, as a single housekeeping unit providing care, supervision, and/or treatment, for the exclusive use of citizens protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Texas, including but not limited to facilities providing housing for physically challenged, mentally ill, or developmentally disabled individuals. The limitation on the number of individuals with disabilities applies regardless of the legal relationship of those individuals to one another.

Group Care Home, FHAA Small

A facility designed for and occupied by six or fewer residents living together.

Group Care Home, FHAA Large

A facility designed for and occupied by seven or more residents living together.

Group Living

Uses characterized by residential occupancy of a structure by a group of people who do not meet the definition of "household living." Tenancy is arranged on a monthly or longer basis and the living structures generally have a common eating area for residents. Residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Group living as a category includes but is not synonymous with "group home," which is a specific type of group living.

9.2.8 H**Habitable Space**

The enclosed area of a building used for living area, including but not limited to bedrooms, bathrooms, kitchens, living rooms, family rooms, dining rooms, recreation rooms, utility rooms, and workshops.

Hazardous Materials Storage

Bulk storage of fuel and flammable liquids (except liquefied petroleum gas) shall be any aboveground tank for storage of subject liquids which exceeds 500 gallons water capacity, or any facility for which the total aggregate capacity of belowground storage tanks shall exceed 50,000 gallons. Bulk storage of liquefied petroleum gas shall be any facility for which the total aggregate capacity of storage tanks (including truck and/or trailer tanks) exceeds 2,000 gallons water capacity.

¹⁴⁴ Carries forward the definition in Sec. 144-1.4 of the Code of Ordinances.

¹⁴⁵ Carries forward portions of the current definition of "community home" in Chapter 144-1.4, with revisions to incorporate reference to current federal law. The threshold for small group homes being six or fewer residents and large group homes being seven or more is based on the current definition of community home.

Health Care Services

Uses characterized by activities focusing on medical services, particularly licensed public or private institutions that provide preventative health care, primary health services, and medical or surgical care to individuals suffering from illness, disease, injury, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, or other amenities primarily for the use of patients or employees in the firm or building such as cafeteria and limited retail sales.

Height, Building

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.

Height, Tower

When referring to a tower or other structure, the distance measured from the natural ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

Heliport¹⁴⁶

An area of land or water or a structural surface designed, used, or intended for use for the landing and taking off of helicopters, including all facilities related to the operation of the heliport such as hangers, fueling facilities, and office uses relating to the heliport function.

Home Occupation¹⁴⁷

An occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, and which is clearly incidental and secondary to the use of the premises for residential purposes.

Hospice

An establishment that provides a coordinated program of inpatient care and services including the coordination of nursing care, social services, medical supplies, physician's services, counseling, and bereavement services for patients' families to hospice patients and families, through a medically directed interdisciplinary team using interdisciplinary plans, to meet the physical, psychological, social, spiritual, and other special needs that are experienced during the final stages of illness, dying, and bereavement.

Hospital¹⁴⁸

An institution that provides primary health services and medical or surgical care to individuals, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences. This includes institutions that provide rehabilitation services to individuals who require intensive medical services. A hospital may include a helistop as an accessory use.

Hotel¹⁴⁹

A building providing, for compensation, sleeping accommodations and customary lodging services. Related ancillary uses typically include 24-hour front desk service, housekeeping service, conference and meeting rooms, restaurants, bars, and recreational facilities. Stays are typically for 30 days or less, although an extended stay hotel which permits stays longer than 30 days is included in this definition.

¹⁴⁶ Carries forward the existing definition in Sec. 144-1.4 of the Code of Ordinances with revisions for consistency and clarity.

¹⁴⁷ Carries forward the definition in Sec. 144-1.4 of the Code of Ordinances with minor revisions.

¹⁴⁸ Consolidates the existing definitions of "Hospital, general" and "Hospital, rehabilitation" in Sec. 144-1.4 of the Code of Ordinances.

¹⁴⁹ New definition that replaces the definition in Sec. 144-1.4 of the Code of Ordinances.

Household

An individual or a group of people living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

Household Living

Uses characterized by residential occupancy of a dwelling unit by a person or group of people. Common accessory uses include recreational activities, raising of household pets, personal gardens, personal storage buildings, swing sets, playground equipment, swimming pools, hobbies, and resident parking.

9.2.9 I**Idling¹⁵⁰**

The operation of an engine in the operating mode where the engine is not engaged in gear, where the engine operates at a speed at the revolutions per minute specified by the engine or vehicle manufacturer for when the accelerator is fully released, and there is no load on the engine.

Industrialized Home

Industrialized homes, also called prefab or modular homes, are designed and built in a factory, may be transported in pieces, and assembled on site. This type of housing is distinguished from manufactured housing in that, in the State of Texas, it is constructed to meet the same building codes as site-built housing, and must be installed upon a permanent foundation. According to the Texas Department of Licensing and Regulation, no municipality may differentiate between modular homes built under the Texas Industrialized Housing and Buildings (IHB) program and site built homes.

9.2.10 J**Junkyard¹⁵¹**

A building or outdoor area used for the abandonment, storage, keeping, collecting, or bailing of paper, rags, scrap metals, or other discarded materials, or where three or more non-operative vehicles are stored for the purpose of dismantling or wrecking the vehicles to remove parts for sale or for use in automotive repair or rebuilding.

9.2.11 K**Kitchen**

Any room or portion of a room within a building designed and intended to be used for the cooking or preparation of food.

9.2.12 L**Landfill**

A facility for the collection, source separation, storage, transportation, transfer, processing, treatment or disposal of solid waste. Ancillary facilities may include a waste transfer station or materials recovery operations.

¹⁵⁰ Carries forward the definition in Sec. 144-1.4 of the Code of Ordinances.

¹⁵¹ Carries forward and consolidates the definitions in Sec. 144-1.4 of the Code of Ordinances for "Junkyard or automotive wrecking and salvage yard" and "Wrecking yard (junkyard or auto salvage)" with minor revisions to incorporate broader junkyard uses.

Landscaped Area

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.

Laundry, Commercial

An establishment that performs laundry and linen cleaning services for commercial and industrial customers, including but not limited to hotels and hospitals. Commercial laundries do not serve individuals or the general public.

Laundry, Drop-Off and Self-Service

An establishment where laundry may be dropped off and picked up by customers (wash-and-fold), or where customers may pay to use self-service washing and drying machines on the premises. This use may include tailoring services, but does not include dry-cleaning services.

License

A document issued by the local health authority which will allow a person to operate and maintain a mobile home community under the provisions of this [appendix] and other applicable regulations.

Licensee

Any person who holds a valid license to operate and maintain a mobile home community under the terms of this [appendix] and other applicable regulations.

Living Unit

A residential unit complete with facilities to accommodate one person or family with provisions for eating, sleeping, and sanitation.

Lodging uses

Uses in this category provide lodging services for a defined period of time with incidental food, drink, and other sales and services typically intended for the convenience of guests. Accessory uses may include food preparation areas, offices, and parking.

Lot

A parcel of land occupied or to be occupied by one building, or group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required by this LDO.

Lot, corner

A lot abutting upon two or more streets at their intersection.

Lot Coverage

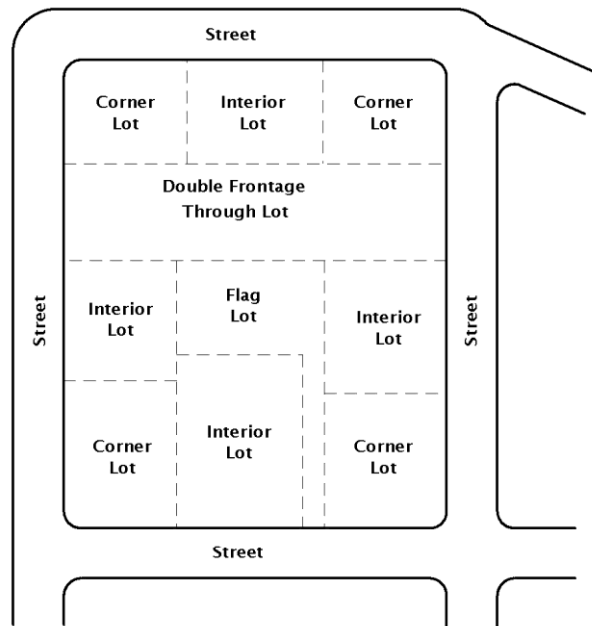
See Coverage, lot.

Lot Depth

The length of a line connecting the midpoints of the front and rear lot lines.

Lot, Double Frontage

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.



Lot Frontage

The length of street frontage between property lines.

Lot, Interior

A lot whose side lines do not abut upon any street.

Lot Lines

The lines bounding a lot as defined herein.

Lot Line, Front

The boundary between a lot and the street on which it fronts.

Lot Line, Rear

The boundary line which is opposite and most distant from front street line; except that in the case of uncertainty the Planning and Development Services Department shall determine the rear line.

Lot Line, Side

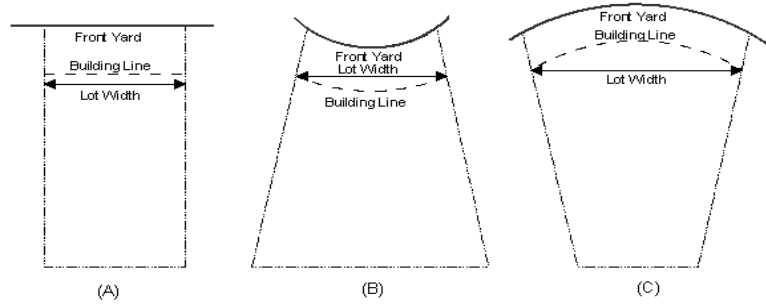
Any lot boundary line not a front or rear line thereof. A side lot line may be a part lot line, a line bordering on an alley or place or a side street line. Lots may have more than two side lot lines.

Lot, Through

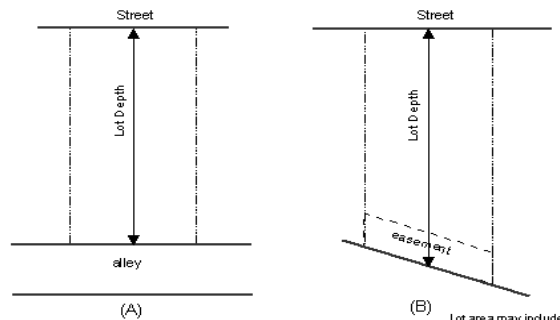
An interior lot having frontage on two streets, also called a double frontage lot.

Lot Width

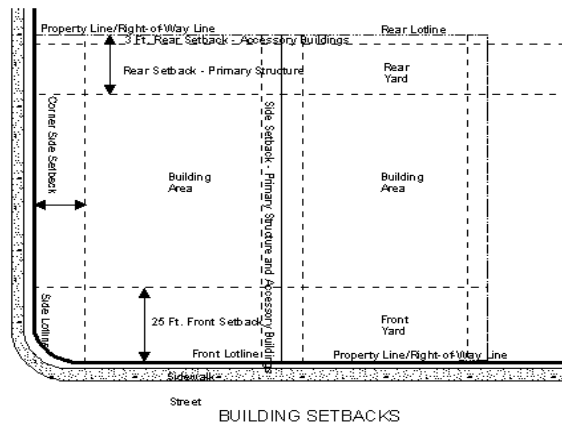
The horizontal distance between side lines, measured at the front building line, as established by the minimum front yard requirement of this LDO.



LOT WIDTH



LOT AREA AND DEPTH



BUILDING SETBACKS

Lumber Mill

An establishment that processes and treats raw logs to create lumber products that can be used for construction and other purposes.

Lumberyard or Building Supply Store¹⁵²

A building or outdoor area used for the storage of lumber and building materials for sale or rental that are commonly used for building construction or home repair purposes. This use may include the outdoor storage and display of merchandise. Incidental uses include the pick-up and shipment of materials to and from the site.

¹⁵²This combination of uses reflects the current "Lumberyard or building material sales" use in 144-4.2. (There is also a separate "Lumberyard" use, not carried forward).

9.2.13 M

Manager or Owner

In the context of a manufactured home park, the person who owns or has charge, care, or control of the mobile home community.

Manufactured Home

A structure constructed on or after June 15, 1976, according to the rules of the National Manufactured Home Construction and Safety Standards Act of 1974 and Title of the Housing and Community Development Act of 1974, and certified as attaining certain safety and construction standards by the Department of Housing and Urban Development. Generally, manufactured homes are designed and built in a factory, may be transported in pieces, and assembled on site. Manufactured homes are distinct from industrialized or modular homes which, while also factory-built, comply with local, state and regional building codes.

Manufactured Home Community

A unified development of manufactured or mobile home spaces restricted to manufactured and mobile home use, with community facilities and permitted permanent buildings; this development being located on a single tract of land under one ownership and meeting the requirements of this ordinance.

Manufacturing and Processing Uses

Uses in this category includes the transporting, manufacture, fabrication, processing, reduction, destruction, or any other treatment of any article, substance, or commodity, in order to change its form, character, or appearance. Accessory uses may include retail sales, offices, storage, cafeterias, employee amenities, parking, warehousing, and repair facilities.

Manufacturing, Artisan

An establishment or business where an artist, artisan, or craftsperson teaches, makes, or fabricates crafts or products by hand or with minimal automation and may include direct sales to consumers. This definition includes but is not limited to small-scale fabrication or manufacturing operations conducted entirely within a building, that have no external impact on adjacent properties. Examples of this use include but are not limited to: artistic production such as sculpting or pottery, handicrafts such as weaving or soap-making, 3-D printing, small-scale food processing such as coffee roasting, and by-hand furniture production. This use does not include alcohol production.

Manufacturing, Heavy¹⁵³

An establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. These uses have the potential to create significant impacts on surrounding areas due to the types of materials used, byproducts created, hours of operations, volumes of truck or rail traffic, or other factors. Typical uses include acid manufacture, concrete or asphalt mixing, blooming or rolling mills, large-scale breweries or distilleries, canning or preserving facilities, cement or concrete manufacture or mixing, chemical manufacture, fertilizer manufacture, iron or steel manufacture, meat or fish packing, chrome plating, paint production, petroleum refining, slaughterhouse, smelting, stockyard, and wood distillation.

¹⁵³ This revises the definition for "Industry, heavy" in Sec. 144-1.4 of the Code of Ordinances and includes references to current uses that have been consolidated into the new Heavy Manufacturing use.

Manufacturing, Light¹⁵⁴

The production, processing, fabrication, assembly, treatment, repair, or packaging of finished products, predominantly from previously prepared or refined materials (or from raw materials that do not need refining), and that do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where the industrial activities take place. Warehousing, wholesaling, and distribution of the finished products produced at the site is allowed as part of this use. Typical uses include bottling, electronics assembly, forging, furniture manufacture, industrial laundries, metal fabrication, plastics molding, poultry dressing, sheet metal, sign fabrication, and stone/clay/glass manufacture.

Micro-Brewery or Micro-Distillery¹⁵⁵

A facility for the production and packaging of alcoholic beverages for distribution, retail, or wholesale, either on- or off-premises. Other uses commonly collocated with this use are a restaurant or bar. The use is permitted to produce either malt beverages of low alcoholic content with a capacity of not more than 15,000 barrels per year, or up to 100,000 gallons per year of distilled alcohol, such as whiskey, rum, gin, vodka, and other spirits.

Mixed-Use Building¹⁵⁶

This refers to the use of a structure for non-residential use in conjunction with a residential dwelling unit.

Mobile Food Court¹⁵⁷

A parcel of land where two or more mobile food establishments congregate to offer food or beverages for sale to the public as the principal use of the land. This definition shall not be interpreted to include a congregation of mobile food establishments as a secondary, accessory use, and/or temporary use on existing commercially developed land, which is an itinerant merchant operation.

Mobile Food Unit¹⁵⁸

A business that serves food or beverages from a self-contained unit, either motorized or in a trailer on wheels, and conducts all or part of its operations on premises other than its own and is readily movable, without disassembling, for transport to another location. This definition does include individual non-motorized vending carts.

Mobile Food Vending, Base of Operation¹⁵⁹

The location where a mobile food vending vehicle originates, and is returned for cleaning, storing or stocking. Food preparation for catering is permitted. This does not include activities associated with the Mobile Food Court use.

Mobile Storage Unit

A container designed and rented or leased for the temporary storage of commercial, industrial, or residential household goods, and does not contain a foundation or wheels for movement. This definition includes facilities such as piggyback containers that can be transported by mounting on a chassis, and "POD" type boxes that can be transported on a flatbed or other truck; but do not include prefabricated sheds that are not designed for transport after erection, or commercial trailers used by construction or other uses in the regular performance of their business.

¹⁵⁴ This revises the definition for "Industry, light" in Sec. 144-1.4 of the Code of Ordinances and includes references to current uses that have been consolidated into the new Light Manufacturing use.

¹⁵⁵ Combines two existing definitions from Sec. 144-1.4 of the Code of Ordinances into a single definition for a combined use.

¹⁵⁶ This definition was part of the Walnut Neighborhood Special District definitions. Carried forward, eliminating the limitation that the dwelling unit has to be occupied by the owner of the non-residential unit.

¹⁵⁷ Carries forward the current definition in Sec. 144-5.26-2 of the Code of Ordinances with minor revisions.

¹⁵⁸ Carries forward the current definition in Sec. 144-5.26-2 of the Code of Ordinances with minor revisions.

¹⁵⁹ Carries forward the current definition in Sec. 144-5.26-2 of the Code of Ordinances with minor revisions.

Itinerant merchant Operation¹⁶⁰

Activity by any person involving the display, sale, offering for sale, offering to give away, or giving away of anything of value including any food, beverage, goods, wares, merchandise, or services including food, which takes place in a temporary structure.

Modular Home

This term is synonymous and interchangeable with Industrialized Home.

Museum

An establishment operated as a repository for a collection of nature, scientific, literary curiosities, or objects of interest or works of art, not including the regular sale or distribution of the objects collected. A museum may also include meeting rooms, offices for museum personnel, supportive visitor uses such as eating establishments, and similar facilities.

Music, Live or Recorded

As a use, any facility or venue that features live or recorded music for the enjoyment of patrons. Music may be an accessory use, as in the case of a bar or tavern, or it may be the primary use of a venue, as in a concert facility.

9.2.14 N**Neighborhood Food and Service**

An establishment containing not more than 2,000 square feet of gross floor area, and intended to serve the local neighborhood, whose primary business is the sale of food and/or non-alcoholic beverages including a restaurant, bakery, coffee shop, ice cream parlor, deli, grocery, or similar use.

Nonconforming Use

A use, building or yard which does not, by reason of design, use, or dimensions conform to the regulations of the district in which it is situated. It is a legal nonconforming use if established prior to passage of [LDO adoption date], and an illegal nonconforming use if established after [LDO adoption date], and not otherwise approved as provided herein.

9.2.15 O**Oak Wilt**

A disease caused by the fungus *Ophiostoma fagacearum* (*Ceratocystis fagacearum*).

Office¹⁶¹

An establishment where services are provided and/or business is conducted including administrative, professional, consulting, governmental, or clerical operations. Typical examples include accounting, bookkeeping, tax preparation, investment, financial, law, computer programming, telemarketing, call centers, insurance, engineering, architecture, design, surveying, legal services, medical security monitoring, government departments or agencies, real estate, political and philanthropic, insurance, property management, investment, financial, employment, travel, and similar offices. This use does not include the contractors' office, personal services, or research and development uses.

¹⁶⁰ Carries forward the definition in Sec. 144-1.4 of the Code of Ordinances with minor revisions.

¹⁶¹ This is a new definition that makes specific reference to most of the current uses in the Code of Ordinances that have been consolidated into the new use "Office."

Office and Services

Uses in this category provide executive, management, administrative, governmental, or professional services, but do not sell merchandise except as incidental to a permitted use, or provide individual services related to personal needs directly to customers at the site of the business, or that receive goods from or return goods to the customer, which have been treated or processed at that location or another location. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

Office, Contractor's¹⁶²

A building used as office space with related outdoor areas used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor.

Outdoor Display of Merchandise

The placement of goods, equipment, or materials for sale, rental or lease in a location not enclosed by a structure consisting of walls and a roof.

Outside Storage¹⁶³

As a primary use, a property or area used for the long term (more than 24 hours) storage of materials, merchandise, products, stock, supplies, machines, operable vehicles, equipment, manufacturing materials, or other items not enclosed within a structure having four walls and a roof. Outdoor sales and display areas shall not be defined as outside storage.

Overlay District








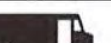


















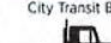









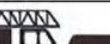

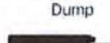


A set of zoning regulations that is applied in a defined area in addition to the standards of the underlying base zoning district. Developments within the overlay zone must conform to the requirements of both the base district and the overlay zone district, or the more restrictive of the two. Overlay districts are created by ordinance to implement policies or objectives in the comprehensive plan.

¹⁶² Carries forward and consolidates the definitions in Sec. 144-1.4 of the Code of Ordinances for "Contractor's office/sales (with outside storage)" and "Contractor's storage yard" with minor revisions.

¹⁶³ This new definition is proposed as a replacement for an existing definition in 144-1.4, to place greater emphasis on the characteristics of Outside storage as a primary use.

Oversized Vehicle

Any vehicle designated as Class 6, Class 7 or Class 8 vehicles as illustrated herein, including but not limited to the following designated vehicles: dump trucks, truck-tractors, tractor-trailers, semi-trailers, 18-wheelers, concrete mixing trucks, buses, or other similar vehicles. The weights referenced in the table are a vehicle's maximum gross weight or maximum load carrying capacity as set forth in the vehicle's registration or as designated by the vehicle manufacturer, whichever amount is greater. Oversized vehicle shall include the aforementioned vehicles that can be used or modified for sleeping. The term shall exclude recreational vehicles as defined in this section.

Class 1: 6,000 pounds or less  Full Size Pickup  Mini Pickup  Minivan  SUV  Utility Van	Class 5: 16,001 to 19,500 pounds  Bucket  City Delivery  Large Walk In
Class 2: 6,001 to 10,000 pounds  Crew Size Pickup  Full Size Pickup  Mini Bus  Minivan  Step Van  Utility Van	Class 6: 19,501 to 26,000 pounds  Beverage  Rack  School Bus  Single Axle Van  Stake Body
Class 3: 10,001 to 14,000 pounds  City Delivery  Mini Bus  Walk In	Class 7: 26,001 to 33,000 pounds  City Transit Bus  Furniture  High Profile Semi  Home Fuel  Medium Semi Tractor  Refuse  Tow
Class 4: 14,001 to 16,000 pounds  City Delivery  Conventional Van  Landscape Utility  Large Walk In	Class 8: 33,001 pounds and over  Cement Mixer  Dump  Fire Truck  Home Fuel  Heavy Semi Tractor  Refrigerated Van  Semi Sleeper  Tour Bus

Owner

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.

9.2.16 P

Park

Land that may be developed or unimproved but that is created, established, designated, maintained, provided, or set aside for purposes of serving the general population's need for rest, enjoyment, play, assembly, and recreation, and all facilities, structures and buildings located on that land. A park may include playgrounds, maintenance facilities, swimming pools, dressing rooms, concessions, community centers, museums, and parking.

Park, Parking or Store

When prohibited, means the standing of an oversized vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in the loading or unloading of merchandise or passengers.

Parking Lot, Structured

A structure designed to accommodate motor vehicle parking spaces that are fully or partially enclosed or located on the deck surface of a building. This use does not include parking lot structures that are accessory to another principal use.

Parking Lot, Surface¹⁶⁴

A paved surface on ground level designed, used, or intended for use for the temporary storage of motor vehicles, paid or non-paid. This use does not include surface parking lots that are accessory to another principal use, or areas used for the sale, display, or storage of motor vehicles for sale.

Parking Space, Off-Street

An area not less than nine feet wide and 18 feet long, having unobstructed access from a street within the community and located on a mobile home lot or in a common parking area, or in a common parking and storage area located within 100 feet of the lot it serves.

Parking Space, Off-Street

Space for the parking or temporary storage of one motor vehicle, not on a public street or alley, having a driveway connecting the parking space with a street or alley permitting free ingress and egress without encroachment on the street or alley.

Pavement, Permeable

A pavement system with traditional strength characteristics, but which allows rainfall to percolate through it rather than running off. A permeable pavement system utilizes either porous asphalt, pervious concrete, pavers interlaid in a running bond pattern and either pinned or interlocked in place, or other permeable technology. Porous asphalt consists of an open graded coarse aggregate held together by asphalt with sufficient interconnected voids to provide a high rate of permeability. Pervious concrete is a discontinuous mixture of Portland cement, coarse aggregate, admixtures, and water which allow for passage of runoff and air.

Pawn Shop¹⁶⁵

An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or special sales of personal property, or the purchase or sale of personal property. The retail sale of primarily used items is also allowed in accordance with local, state, and federal regulations.

Permanent Building

Any building that is not an accessory building.

Permit

A written document issued by the building official permitting the construction, alteration, or expansion of mobile home community facilities.

¹⁶⁴ This heavily modifies the definition of "Parking Lot" in Sec. 144-1.4 of the Code of Ordinances to conform with the goal of this use (previously undefined).

¹⁶⁵ Builds on the current definition in Sec. 144-1.4 of the Code of Ordinances.

Person

For the purposes of this LDO, means every natural person, firm, trust, partnership, public or private association, corporation or society, and the term “person” shall include both singular and plural, and the masculine shall embrace the feminine gender.

Personal Instruction Facility

An establishment that provides teaching or instruction to groups of people on various topics, including but not limited to yoga studio, gyms or health clubs, art instruction, martial arts training, and music lessons. This use is distinguished from personal service by the larger number of individuals accessing the facility at any given time, and distinguished from primary, secondary, or vocational instruction by the non-academic nature of instruction.

Personal Services¹⁶⁶

An establishment that provides individuals with services related to non-medical personal or household care needs. Typical examples include but are not limited to barber shops and hair salons, day spas, massage services, nail salons, tanning salons, tattooing and body piercing, as well as services such as dry cleaners, tailors. Personal services facilities typically do not have large groups of patrons on site at any given time, and may include related incidental retail sales.

Pet Day Care

An establishment where dogs are cared for during the day for compensation. This use may include indoor play areas, outdoor play areas, and ancillary grooming services. This use does not include the overnight boarding of animals.

Place

An open, unoccupied space other than a street or alley permanently established or dedicated as the principal means of access to property abutting thereon.

Plant Nursery

An establishment, including a building or open space, for the growth, display, and/or sale of plants, trees, and other materials to be used in indoor or outdoor planting. This use may conduct wholesale sale of plant materials, but does not include the retail sales of plant products to the public, which are included in the Retail Sales use.

Porch

A one-story, usually covered entrance to a building, with or without a separate roof, that is not used for livable space and extends along the building.

Power Generation

A large-scale facility or area that generates electricity from mechanical power produced by the firing of fossil fuels, or that produces heat or steam for space heating and other similar uses from thermal plants or biomass facilities. This does not include power generation uses that employ renewable sources that have generally lower impact on surrounding areas, such as solar, wind, or geothermal power generation systems.

Premises

A parcel or tract of land or one or more platted lots under the same ownership and use, together with the buildings and structures located thereon.

¹⁶⁶ This builds on the current definition in Sec. 144-1.4 of the Code of Ordinances with specific reference to most of the current uses in the Code of Ordinances that have been consolidated into this use.

Primary Façade

Any building façade oriented toward the street.

Printing Plant

An establishment where printed material is produced, reproduced, or copied using either printing press or other techniques for the production of newspapers, newsletters, books, and other similar media that is printed on paper for sale and general circulation.

Private Club¹⁶⁷

An establishment owned or operated by a corporation, association, person, or group of people, for a social, educational, or recreational purpose, but not primarily for profit, and which provides social and dining facilities only to members and invited guests, and which may include service of alcoholic beverages in accordance with the provisions of Chapter 32, Title 3, Alcoholic Beverage Code, of the Texas state statutes.

Public Property

All parks, esplanades, traffic islands, municipal and utility easements and rights-of-way, and miscellaneous property owned by a governmental entity or the public.

Public Trees

All trees and shrubs having 50 percent or more of its diameter, measured at existing grade, resting on public property.

9.2.17 R**Railroad Facilities**

Land, buildings, and structures used to support railroad operations, including facilities such as tracks, sidings, signal devices and structures, maintenance shops and yards, loading platforms, and passenger and freight terminals and yards.

Reconstruction

The rehabilitation or replacement of a structure which either has been damaged, altered or removed or which is proposed to be altered or removed to an extent exceeding 50 percent of the replacement cost of the structure at the time of the damage, alteration or removal.

Recreation and Entertainment

Uses in this category include indoor and outdoor recreation and entertainment activities. Accessory uses may include limited retail, concessions, parking, and maintenance facilities.

Recreation, Indoor¹⁶⁸

A facility that provides entertainment or recreation activities in an enclosed area for the entertainment of customers or members. Uses may include, but are not limited to bowling alleys, ice skating rinks, racquetball or handball clubs, indoor tennis courts or clubs, indoor swimming pools or scuba diving facilities, indoor rock climbing, and other similar types of uses. Accessory uses may include administrative offices, concessions, and maintenance facilities.

¹⁶⁷ Consolidates the definitions in Sec. 144-1.4 of the Code of Ordinances of "Club, private" and "Private club" with minor revisions.

¹⁶⁸ This makes substantial revisions to the definition for "Amusement services (indoors)" in Sec. 144-1.4 of the Code of Ordinances.

Recreation, Outdoor¹⁶⁹

Recreation and entertainment activities that are mostly outdoors, including picnic areas, archery, outdoor swimming pools, skateboard parks, sports courts and athletic fields, golf driving ranges, miniature golf course, tennis courts, small amphitheaters, arenas, batting cages, go-cart tracks, ziplines, amusement parks, and similar types of activities. This use does not include a river outfitter, although a river outfitter may be included on the same site as an outdoor recreation use provided all outfitter standards are met. Accessory uses may pro shops, offices, concessions, and maintenance facilities.

Recreational Vehicle¹⁷⁰

Any travel trailer, pickup camper, motor home, camping trailer, tent trailer, or mobile home less than eight feet wide and 35 feet long according to the certificate of title, that has its own sink, lavatory, flush toilet, and tub or shower, designed for temporary human habitation and most often used for outdoor recreation.

Recycling Center

A facility used for the collection and temporary storage of empty beverage containers, aluminum, glass, paper, or clothing for recycling purposes. This definition does not include processing except for can banks that crush cans as they are deposited.

Religious Assembly¹⁷¹

An establishment used for religious worship and customary accessory educational, cultural, and social activities. This use may include the place of residence for ministers, priests, nuns, rabbis, or other religious leaders on the premises.

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.

Research and Development

An establishment with facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, and mechanical components in advance of product manufacturing. These facilities are not associated with a manufacturing facility on the same site, except as incidental to the main purpose of the facility. This use includes but is not limited to chemical, biotechnology, pharmaceutical, and medical research and development, software development, and soils and other materials testing laboratories.

Residence Hall¹⁷²

A building used or intended to be used principally for sleeping accommodations where the building is related to an educational or public institution, including religious orders, and typically includes common areas and shared food preparation facilities.

¹⁶⁹ This makes substantial revisions to the definition for "Amusement services (outdoors)" in Sec. 144-1.4 of the Code of Ordinances.

¹⁷⁰ Carries forward the current definition in Sec. 144-5.26-2 of the Code of Ordinances with edits.

¹⁷¹ Simplifies the current definition in Sec. 144-1.4 of the Code of Ordinances of "Church/place of religious assembly" with minor revisions and removes the references to tax-exempt status and exemption of at-home bible study and like activities.

¹⁷² New definition for an existing use.

Resource or Mineral Extraction

The extraction of sand, gravel, soil, rock, minerals, oil, gas, mineral substances or organic substances other than vegetation, from water or on land or underground, whether exposed or submerged. Accessory use may include the transport of extracted resources or minerals away from the site.

Restaurant¹⁷³

An eating establishment where customers are primarily served at tables or are self-served, and where food is consumed on the premises, carried out, picked up "curbside," or delivered. Drive-through service is allowed as an accessory use only in districts which permit the drive-through accessory use.

Retail Sales

An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. These uses are found individually or with other retail sales and/or personal sales uses in shopping centers. Typical examples include auto tire sales, prepared food sellers such as bakeries, bicycle sales, bookstores, computer and electronic sales, consignment shop, department stores, drug stores or pharmacies, furniture sales, grocery stores, hardware stores, major appliance stores, manufactured home sales, pet supply stores, plant nurseries, propane sales, or tool rental or sales. There are three types of retail sales establishments.

Retail Sales, Small¹⁷⁴

A retail sales establishment with up to 5,000 square feet of gross floor area.

Retail Sales, Medium

A retail sales establishment with more than 5,000 and up to 50,000 square feet of gross floor area.

Retail Sales, Large¹⁷⁵

A retail sales establishment with more than 50,000 square feet of gross floor area.

Retail Sales Uses

Uses involving the sale, lease, or rent of new or used products directly to the final consumer for whatever purpose but not specifically or exclusively for the purpose of resale. Accessory uses may include offices, parking, storage of goods, assembly, repackaging, or repair of goods for on-site sale.

River Entrance/Exit

[definition to be added]

River Outfitter

A facility that rents equipment for swimming, boating, or floating, and that may also use private transportation vehicles to drop patrons off at a river entrance as well as pick patrons up downstream at a river exit.

Roof Pitch

The amount of slope of the roof in terms of angle or other numerical measure; one unit of horizontal rise for three units of horizontal run is expressed as "1 in 3" or "4:12."

¹⁷³ Carries forward the current definition from Sec. 144-1.4 of the Code of Ordinances.

¹⁷⁴ These thresholds are offered as a departure point for discussion. Use categories of small, medium, and large for retail operations are common, but the square footage allowed in each of these categories varies by community. What do you think will work in New Braunfels?

¹⁷⁵ Definition for Retail establishment, large scale from 144-1.4 not carried forward. That use definition specifies a threshold of 100,000 sq ft and above. That kind of development would still be in this same use category, with the threshold changed from 50,000 sq ft to 100,000 sq ft.

RV Park

An outdoor facility designed for overnight accommodation of human beings in a recreational vehicle for recreation, education, naturalist, or vacation purposes. Ancillary services such as a convenience store, restrooms, power, and electric hook-ups may be provided.

9.2.18 S**School, College or University**

An institution that provides full-time or part-time education beyond high school that leads towards associates', bachelors', or graduate degrees, not including vocational schools. This use also includes post-high school education facilities for special needs, mentally disabled, or physically challenged individuals.

School, Pre-K-12

An establishment, public or private, that provides educational services in accordance with the standards and requirements of the compulsory education laws of the State of Texas, between the grades of pre-kindergarten and 12th grade. This use includes pre-kindergarten schools, elementary schools (grades K-5), middle schools and junior high schools (grades 6-8), and high schools (grades 9-12).

School, Vocational

A private or public educational facility offering instruction in a skill, trade, industry, or technical field such as construction, cosmetology, data processing, health care, legal services manufacturing, truck driving, or vehicle maintenance.

Seasonal Sales

The temporary display and sale of products outside of a building or structure. Seasonal sales may include but are not limited to temporary farm stands selling produce, pumpkin patches, and Christmas tree sales. Seasonal sales are distinct from outdoor display of merchandise, associated with a retail establishment as an accessory use.

Secondary Facade

Any building façade that is not oriented toward the street.

Self-Storage¹⁷⁶

An establishment that provides individual storage units for rent or lease, restricted solely to the storage of items, which are typically used for the storage of household or business goods, but not including the conduct of sales, business, or any other activity within the individual storage units. This use may include the outdoor storage of large equipment such as boats and RVs.

Service Building

A building housing toilet and sanitary facilities, as required by this ordinance.

Service and Repair Shop

A workshop or studio that provides on-site maintenance and repair service of consumer goods, or offers a service to be performed off-site. Such facilities include but are not limited to computer and cell phone repair, small appliance repair, carpet cleaning, electrical repair, exterminator, locksmith, janitorial service, plumbing service, shoe repair, carpenters, or upholsterers. This use does not include service or maintenance on any item with a combustion engine.

¹⁷⁶ Carries forward the definition in Sec. 144-1.4 of the Code of Ordinances with minor revisions.

Screening

A method of visually shielding or obscuring an abutting or nearby use or structure from another by fencing, walls, berms, or densely planted vegetation.

Setback Line

A line running parallel to a lot line or property line defining the boundary of a setback. Area between the property line and this setback line is the setback, or yard, and is typically required to remain open from the ground to the sky.

Sexually-Oriented Business

See definition in Sec 18-231 of the Code of Ordinances.

Shooting Range, Indoor

An enclosed facility used for firearm target practice, instruction, competitions, or similar activities, including but not limited to skeet, trap, and similar shooting activities. All activity at an indoor shooting range is conducted within an enclosed building.

Shooting Range, Outdoor

An area or facility to be used for firearm target practice, instruction, competitions, or similar activities, including but not limited to skeet, trap, and similar shooting activities. Outdoor shooting ranges may include both indoor and outdoor facilities.

Short Term Rental

The rental for compensation of all or part of a privately owned dwelling, including but not limited to a single-family dwelling, two-family dwelling (duplex), triplex, quadraplex, multi-family dwelling, apartment house, tiny home, townhouse, manufactured home, , or garage apartment/accessory dwelling unit, for dwelling, lodging, or sleeping purposes for a period of not less than one night and not more than 30 days other than ongoing month-to-month tenancy granted to the same renter for the same unit. This term use is distinct from bed and breakfasts, hotels, residence halls, group homes, RV parks, hospitals and other health care facilities, continuing care retirement communities, nursing homes, foster homes, halfway houses, transitional housing facilities, resort properties as defined in this LDO, or resort condominiums. Short-Term Rentals are subject to the regulations described in §3.3.6S.

Site

- 1) A tract of property that is the subject of a development application.
- 2) In the context of wireless communication facilities, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground. The current boundaries of a site are the boundaries that existed as of the date that the original support structure or a modification to that structure was last reviewed and approved by the city, if the approval of the modification occurred prior to the Spectrum Act or otherwise outside of the section 6409(a) process.

Site Plan

A detailed plan showing the roads, parking, footprints of all buildings, existing trees, proposed landscaping, parkland, open space, grading and drainage, and similar features needed to verify compliance with the approved land use plan and development standards.

Solar Energy System, Small-Scale

Equipment for the collection of solar energy or its conversion to electrical energy for use on the same property, or for incidental sale to a public utility, when that equipment is accessory to a principal use of the property.

Components are typically mounted on the roof(s) of principal or accessory structures, but may be mounted on other parts of structures or on the ground.

Solar Farm, Large-Scale

A facility consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, and storage) that collects solar energy and converts it into electricity or transfers it as heat to a carrier fluid for use in hot water heating or space heating and cooling. This use is generally designed to produce electricity to accommodate demands of a neighborhood or larger area and is typically mounted on the ground.

Special-Purpose Base District

Special-Purpose Base Districts, also called special districts, are created to accomplish or preserve certain forms of development and desired uses in defined areas. Special districts replace the underlying base zoning that would have applied in the area within the special district's defined boundary.

Special Event¹⁷⁷

A festival, celebration, or gathering that involves the reservation and temporary use of a portion of a private property that includes activities such as dancing, music, dramatic productions, art or cultural exhibitions, other types of entertainment activities, and the sale of merchandise, food, or beverages. The term does not pertain to buildings or properties that host public events on a regular basis such as the Wurstfest grounds, the Comal County Fairgrounds, the New Braunfels Civic/Convention Center, Heritage Village, Conservation Plaza, school grounds, private event centers, home owners' association amenity centers/property, and similar areas.

Stable, Accessory¹⁷⁸

A building or structure used to keep horses, ponies, or mules owned by occupants of the premises, and not kept for remuneration, hire, or sale.

Stable, Commercial¹⁷⁹

A building or structure in which horses, ponies, or mules are housed, boarded, or kept for hire.

Storage And Warehousing Uses

Uses in this category are engaged in the storage or movement of goods for themselves or other businesses. Goods are generally delivered to other businesses or the final consumer, except for some will-call pickups, and there are typically few customers present. Accessory uses may include offices, truck fleet parking, and maintenance areas.

Story

That part of a building included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. A top story attic is a half story when the main line of the wall plates is not above the middle of the interior height of such story. A basement that is no more than four feet above average grade shall not be considered a story.

Street

A public maintained thoroughfare or privately maintained public access easement which affords principal means of access to property abutting thereon, and normally consists of the road surface, ditch or curbs, and sidewalk or parking areas.

¹⁷⁷ Carries forward the definition in Sec. 144-1.4 of the Code of Ordinances with minor revisions.

¹⁷⁸ Carries forward the definition in Sec. 144-1.4 of the Code of Ordinances with minor revisions.

¹⁷⁹ Carries forward the definition in Sec. 144-1.4 of the Code of Ordinances of "Stable, riding" with revisions to fit this more general use.

Street Line

The dividing line between the street right-of-way and the abutting property, normally to the lot property line.

Street Yard

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.

Structure

Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground; including, but not limited to, advertising signs, billboards, and poster panels, but exclusive of customary fences or boundary or retaining walls.

Structural Alterations

Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Subdivider

Any person or any agent of the person dividing or proposing to divide land so as to constitute a subdivision, as that term is defined in this section. In any event, the term "subdivider" is restricted to include only the owner, equitable owner or authorized agent of the owner or equitable owner of land to be subdivided.

Supportive Housing

A dwelling where people are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of individuals requiring medical, correctional, or other mandated supervision or a protective environment to avoid past or likely future violence or addiction and whose right to live together is not protected by the federal Fair Housing Act Amendments, as amended and as interpreted by the courts. This includes and is not limited to:

- 1) Transitional housing for released offenders or individuals exiting structured rehabilitation programs.
- 2) A shelter for individuals experiencing temporary homelessness.
- 3) A domestic violence shelter, which is a public or private building or structure housing residents for the purpose of the rehabilitation or special care for victims of domestic violence or emotional or mental abuse.
- 4) Sober living facilities for those recovering from substance addiction.

Supportive Housing, Small

A facility designed for and occupied by six or fewer residents living together.

Supportive Housing, Large

A facility designed for and occupied by seven or more residents living together.

Swimming Pool

A self-contained body of water at least 18 inches deep and eight feet in diameter or width and used for recreational purposes. It may be above or below ground level. As an accessory use, a swimming pool is accessory to a principal residential use.

9.2.19 T**Telecommunication Tower**

A structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television

transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and wireless communication facilities.

Temporary Housing

Housing for a time period of six to 24 months for individuals/families who do not have current accommodations.

Temporary On-Site Contractor's Office

A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment.

Temporary Real Estate Office

A structure, including but not limited to a trailer, modular unit, or a model home, which is used a real estate sale office in a new residential development for the sale and promotion of properties within the project and its future sales.

Temporary Roll-off Dumpster

A roll-off style dumpster that is placed on a site for a temporary period to facilitate construction or disposal of items from the site.

Temporary Uses

Temporary uses are activities that take place for a defined period of time, generally from one day to ninety days in duration, and that may be accessory to an established primary use on the site, or may be unrelated to such primary use. Examples include but are not limited to: model homes, temporary storage or waste containers, temporary construction buildings, outdoor fairs, festivals, or other special events, and seasonal sales.

Theater

A facility designed or used primarily for the commercial exhibition of motion pictures to the general public, or for the presentation of plays by actors or live performances by musicians and other artists.

Theater, Drive-In

An establishment including a large outdoor movie screen, a projection booth, and a large parking area for automobiles from which films projected outdoors may be seen.

Tiny Home

A detached structure built for either temporary or permanent habitation, typically with living area of 600 square feet or less.

Transient housing

Short-term accommodations for visitors or travelers, such as a hotel or motel.

Transitional Surfaces

Surfaces that extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal surface.

Transmission Equipment¹⁸⁰

In the context of wireless communication facilities, this is equipment that facilitates transmission for any Federal Communications Commission-licensed or authorized wireless communication service, including, but not limited

¹⁸⁰ Definition from 47 CFR §1.6100.

to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Transportation and Utility Facilities

Uses in this category include a broad range of uses including those primarily associated with train, bus, and aircraft facilities or uses and facilities for utility systems such as water, sewer, gas, power, and broadband. Accessory uses may include incidental repair, storage, and offices.

Tree

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 LDO, 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

The percentage of an 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.

Truck Stop¹⁸¹

An establishment engaged primarily in the fueling, servicing, repair, or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include facilities such as overnight accommodations, showers, a convenience store, or restaurants primarily for the use of truck crews.

9.2.20 U

Uncontrolled Street

In the context of the clear vision area, or sight visibility triangle, an uncontrolled street is one that does not have a traffic control device, such as a yield or stop sign, or traffic signal, at the intersection.

Use

The classification of the purpose or activity for which land or buildings are designated, arranged, intended, occupied or maintained.

Utility, Major

A facility used to convert electric power, natural gas, telephone signals, cable/fiber optic communications, and water services from a form appropriate for transmission over long distances to a form appropriate for residential household or commercial use, or vice versa. Major public utilities are of a size and scale found only in scattered sites within city limits. This use includes but is not limited to electric substations, natural gas regulator stations, telephone switching stations, water pressure control facilities, sewage lift stations, regional stormwater drainage facilities, and water and sewer treatment facilities.

¹⁸¹ Carries forward the current definition in Sec. 144-1.4 of the Code of Ordinances with minor revisions.

Utility, Minor

A facility used to convert electric power, natural gas, telephone signals, cable/fiber optic communications, and water services from a form appropriate for transmission over long distances to a form appropriate for residential household or commercial use, or vice versa. Minor public utilities are of a size and scale commonly found in numerous areas within city limits, including but not limited to electrical distribution lines, poles, or cables; switch boxes; communication facilities; transformers, water towers; transformer boxes; relay and booster devices; and well, water and sewer pump stations.

9.2.21 V**Vehicle Fuel Sales¹⁸²**

An establishment at which gasoline or other motor vehicle fuel is offered for sale to the public. Repair services are not provided. Accessory uses may include a retail sales use such as a convenience store.

Vehicle-Related Uses

Uses in this category relate to the sale, lease, rental, repair, storage, and fueling of motor vehicles, including cars, light trucks, and heavier vehicles. Accessory uses may include incidental retail sales.

Vehicle Repair, Major

An establishment primarily engaged in providing repair services to motor vehicles that may have particular noise or other impacts on nearby properties, such as engine overhauls, welding, and similar activities, or such services to heavy farm vehicles. This use may also engage in the less impactful repair activities that are included in the minor vehicle repair use.

Vehicle Repair, Minor

An establishment primarily engaged in providing motor vehicle repair services that have limited noise or odor impacts on other properties such as lubrication, oil and tire changes, engine tune-ups, brake repair, tire replacement, interior and exterior cleaning and polishing, installation of after-market accessories such as tinting, auto alarms, spoilers, sunroofs, headlight covers, and similar items.

Vehicle Repair, Paint and Body Shop

An establishment primarily engaged in providing motor vehicle repair services that are limited to painting vehicles or body repair.

Vehicle Sales and Rental

An establishment engaged in the sale or lease of new or used motor vehicles, motorcycles, trailers, boats, all-terrain vehicles, and recreational vehicles, along with the rental of motor vehicles. This use may include facilities for motor vehicle servicing and repair, indoor and outdoor storage, and ancillary uses such as offices, display areas, and waiting areas for patrons.

Vehicle Storage Facility

A garage, parking lot, or any facility owned or operated by a person, other than a governmental entity, for storing or parking ten or more vehicles per year, without the consent of the owners of the vehicles, and which is licensed by the Texas Department of Transportation's Motor Carrier Division.

Vehicle Wash

A facility for washing, cleaning, drying, and waxing of passenger vehicles, recreational vehicles, or other light duty equipment, but not including buses or heavy trucks. A car wash may be self-service or full service.

¹⁸² New definition that incorporates the definition of "Convenience store with (or without) fuel sales" in Sec. 144-1.4 of the Code of Ordinances.

Vending¹⁸³

Any activity by any person involving the display, sale, offering for sale, offering to give away, or giving away of anything of value including any food, beverage, goods, wares, merchandise, or services.

Veterinary Clinic¹⁸⁴

An establishment for the care and treatment of animals, including household pets and larger domesticated animals, operated by a licensed veterinarian. A veterinary clinic may include the boarding of household pets and kennels that is incidental to the veterinary care.

9.2.22 W**Wall**

A solid vertical structure of building material allowed by this LDO or other chapters of the City Code as applicable that forms the exterior of buildings, separates portions of buildings or separates properties.

Warehouse and Storage

An establishment engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment. Warehouses may include accessory offices and showrooms, but any retail sales to the general public are incidental to the inventory storage purpose of the establishment.

Waste-Related Uses

Uses in this category are engaged in the receipt of solid or liquid waste and the transfer to other locations for final disposal, or for disposal on site. Accessory uses may include recycling, offices, and parking.

Waste Transfer Station

A solid waste collection or storage facility at which solid waste is transferred from collection vehicles to hauling vehicles for transportation to a separate solid waste management facility.

Water Storage

Any structure or container used for surface, underground, or overhead storage of water, also including water wells and pumping stations that are part of a public or municipal system.

Waterfront Recreation¹⁸⁵

Recreation activities that are located on or near a river, lake, or other body of water, including boat berthing and fuel storage facilities, boat landing piers and launching ramps, swimming and wading facilities, and other types of activities include in the outdoor recreation use.

Wholesale Farm Sales

An establishment, including a building or open space, used for the storage and wholesale sale of products used in agricultural operations such as hay, grain, or feed.

Wholesale Sales

Establishments or places of business primarily engaged in selling merchandise to retail, industrial, commercial, institutional, or professional business users or to other wholesalers, but not to the public at-large.

¹⁸³ Carries forward the current definition in Sec. 144-5.26-2 of the Code of Ordinances.

¹⁸⁴ Consider differentiating between a clinic (which is 9-to-5ish) and Vet Hospital, which is 24 hours. Similarly, important to differentiate between all indoors (clinic), or outdoor areas as well if boarding is allowed.

¹⁸⁵ Unresolved issue: "Clarification needed on resort property and resort condominiums. Differentiate between an apartment house where the units have been sold as condominiums and some owners are STR renting them vs a time share/condominium building where all units are intended to be rented for less than 30 days but each unit may be owned separately."

Wind Energy System, Large

A facility or equipment that converts wind energy into electrical power for the primary purpose of sale, resale, or off-site use and that has an output rating greater than 100 kW.

Wind Energy System, Small

A facility or equipment that converts wind energy into electrical power primarily to support the principal use(s) on the same property, which is mounted to the ground or a rooftop, and that has a rated capacity of 100 kW or less.

Wireless Communication Facility (WCF)

A facility used to provide personal wireless services as defined at 47 U.S.C. Section 332(c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A wireless communications facility includes an antenna or antennas, including without limitation, directional, omni-directional and parabolic antennas, support equipment and permitted supporting structures, but does not include the support structure to which the wireless communications facility or its components are attached if the use of such structure for the wireless communications facility is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand held radios/telephones and their associated transmitting antennas. This LDO defines the following types of WCF:

Building-Mounted

An antenna that is mounted on a building with a primary purpose to be a use other than as an antenna support structure.

Roof-Mounted

An antenna that is mounted on a structure that is located on the roof of a building

Ground-Mounted

An antenna that is mounted on a freestanding support structure, such as a monopole or tower.

9.2.23 X**Xeriscape or Xeriscaping**

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.

9.2.24 Y**Yard**

An open space between a building and the nearest lot line, unoccupied and unobstructed by any portion of a structure from the ground upward. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

Yard, Front

A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

Yard, Rear

A yard between the rear lot line and the rear line of the main building.

Yard, Side

A yard between the main building and the adjacent side line of the lot, and extending entirely from the front yard to the rear yard thereof.