

ORDINANCE NO. 2020-28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 144 ZONING, BY ADDING AN ADDITIONAL SECTION 3.4.2 R-1A-4, AND AMENDING SECTION 4.2 LAND USE MATRIX; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

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

WHEREAS, the City Council of the City of New Braunfels, Texas, deems it necessary and desirable to establish zoning regulations to provide for the orderly development of property within the City by governing the use of land in order to promote the public health, safety, morals and general welfare of the residents of the City; and

WHEREAS, the Comprehensive Plan, Envision New Braunfels, has multiple action items supporting the regulation of single family residential zoning districts, including Action Item 1.11: Update policies and codes to achieve development patterns that implement the goals of Envision New Braunfels, Action Item 2.1 Sustain community livability for all ages and economic backgrounds. Action 3.10: Change zoning/land use and platting rules and create tax and permit fee incentives in underutilized neighborhoods, nodes and corridors to encourage redevelopment. Action 3.13 Cultivate an environment where a healthy mix of different housing products at a range of sizes, affordability, densities, amenities and price points can be provided across the community as well as within individual developments. Action 3.15 Incentivize home development that is affordable and close to schools, jobs and transportation. Action 3.30 Encourage and incentivize affordable/workforce housing to attract new workforce entrants and young families. Action 7.6 Allow for smaller/narrower streets and lot size variety within individual subdivisions.; and

WHEREAS, the City Council and the Planning Commission reviewed these issues at a joint workshop on January 15, 2019; and

WHEREAS, an ad hoc group of 3 City Council Members and 3 Planning Commissioners was formed and convened to study the issue and recommend

amendments; and

WHEREAS, the City Council has directed that regulations dealing with the use and development of land be reviewed by the Planning Commission to make recommendations concerning improving those regulations; and

WHEREAS, the Planning Commission held a public hearing on March 3, 2020 and recommended approval of the proposed amendments; and

WHEREAS, the City Council held a public hearing on said amendments on March 23, 2020; and

WHEREAS, the City Council hereby finds and determines that adopting a new single family residential zoning district enhances standards and opportunities for residential development variety and is in the best interest of the citizens of New Braunfels.

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

SECTION 1

THAT Chapter 144, Zoning, Section 3.4.2, is hereby amended to add a new single family small lot residential zoning district R-1A-4 with additions as underlined:

Section 144-3.4.2

3.4-2. "R-1A-4" single-family small lot residential district.

Purpose. The R-1-A-4 single-family residential zoning district is intended for development of smaller scale primarily detached, single-family residences and customary accessory uses on lots at least 4,000 square feet in size. The following regulations shall apply in the "R-1-A-4" district:

The district called "R-1-A-4" shall be shown on the zoning map as R-1-A-4.

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

(1) Uses permitted by right:

Residential uses:

Accessory building/structure

Accessory dwelling (one accessory dwelling per lot)

Community home (see definition)

Family home adult care

Family home childcare

Home Occupation (See Sec. 5.5)

One family dwelling detached
Single family industrialized home (see Sec. 5.8)

Non-residential uses:

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

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

(b) Height and area requirements:

(1) Residential uses.

(i) Height. 35 feet maximum.

(ii) Front building setback. 15 feet minimum. The front setback can be reduced to a 10 feet minimum where rear loading alleys which provide all access for driveways and garages are utilized (see below for garage setback).

(iii) Side building setbacks. There shall be a five foot minimum side building setback on each side of a building. Buildings on corner lots shall have minimum 10-foot side building setbacks adjacent to the secondary street.

(iv) Garage setback.

(a) Where a driveway is located in front of a garage, the garage shall be setback a minimum of 20 feet from the right-of-way and the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1.)

(b) If rear loading alleys provide all driveway and garage access, then rear access garages on corner lots may be located a minimum of five feet from the side property line, a minimum of 15 feet from the rear property line, and a minimum of 10 feet from the adjacent secondary street right-of-way line (however, the clear vision area at intersections must still be maintained).

(c) Garages must be located a minimum of 15 feet from the rear property line where garage doors face and load from the alley.

(v) Rear building setback. 15 feet minimum. The rear setback may be reduced to 10 feet minimum when rear loading alleys which provide all driveway and garage access are utilized (see above for garage setback).

(vi) Width of lot. The minimum width of an interior lot shall be 45 feet and the minimum width of a corner lot shall be 50 feet. Lot width of an interior lot may be reduced to a minimum of 40 feet when rear loading alleys which provide all driveway and garage access are utilized.

(vii) Minimum depth of lot. There is no minimum depth of lot requirement.

(viii) Lot area. Every single-family dwelling hereafter erected or altered shall provide a lot area of not less than 4,000 square feet. Where a lot has less area than herein required and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling. Where public or community sewer is not available and in use, for the disposal of all sanitary sewage, each lot shall provide not less than one half acre per dwelling unit not located over the Edwards Aquifer Recharge Zone and one acre per dwelling unit located over the recharge zone.

(ix) Parking. Two off-street parking spaces shall be provided for each one-family detached dwelling. See Section 5.1 for other permitted uses' parking.

(2) Non-residential uses.

(i) Height. 35 feet maximum.

(ii) Front building setback. 15 feet minimum.

(iii) Side building setback. There shall be a five foot minimum side building setback on each side of a building. Where any building abuts a property with a one- or two-family use, the setback from the one- or two-family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.

(iv) Corner lots. Buildings on corner lots shall have 15-foot side minimum building setbacks adjacent to the secondary street.

(v) Rear building setback. 15 feet minimum.

(vi) The minimum width of an interior lot shall be 45 feet and the minimum width of a corner lot shall be 50 feet.

(viii) Parking. See Section 5.1 for permitted uses' parking.

SECTION 2

THAT Chapter 144, Zoning, Section 4.2, is hereby amended to add uses allowed in a new R-1A-4 zoning district with additions as underlined:

4.2 Land Use Matrix

Legend																								
P – The land use is permitted by right in the zoning district indicated.																								
– The land use is prohibited in the zoning district indicated (Blank).																								
NOTE: An application for a Special Use Permit may be made for any land use not permitted in any district, except PD.																								
Types of Land Uses	Pre-1987 Zoning Districts	Post-1987 Zoning Districts																						
	R-1 R-2 R-3 B-1 TH ZH C-1 C-2 C-3 C-4 M-1 M-2 APD	R-1A-43.5	R-1A 12	R-1A 8	R-1A 6.6	<u>R-1A-4</u>	R-2A	R-3L	R-3H	B-1A	B-1B	TH-A	ZH-A	MU-A	MU-B	C-1A	C-1B	C-2A	C-4A	C-4B	CO	M-1A	M-2A	
Accessory building/structure (see Sec. 5.4)	P P P P P P P P P P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Accessory dwelling (one accessory dwelling per lot, no kitchen)	P P P					<u>P</u>	P							P	P									

Barns and farm equipment storage (related to agricultural uses)	P P P P P P P P P P P P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Church/place of religious assembly	P P P P P P P P P P P P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Community building (associated with residential uses)	P P P P P P P P P P P P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	P									
Community home (see definition)	P P P P P P P P P P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			

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		R-1	R-2	R-3	B-1	TH	ZH	C-1	C-2	C-3	C-4	M-1	M-2	APD	R-1A-43.5	R-1A 12	R-1A 8	R-1A 6.6	R-1A-4	R-2A	R-3L	R-3H	B-1A	B-1B	TH-A	ZH-A	MU-A	MU-B	C-1A	C-1B	C-2A	C-4A	C-4B	CO	M-1A	M-2A				

Contractor's temporary on-site construction office		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			

Family home adult care		P	P	P	P	P	P	P	P	P				P	P	P	P	P	P	P	P	P			P	P	P													
Family home child care		P	P	P	P	P	P	P	P	P				P	P	P	P	P	P	P	P	P			P	P	P													

Farms, general (crops) (see chapter 6, municipal code & Sec. 5.9)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Farms, general (livestock/ranch) (see chapter 6, municipal code & Sec. 5.9)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			

Golf course (public or private)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Golf course (miniature)								P	P	P	P	P	P															P		P	P	P					P	P		
Governmental building or use with no outside storage		P	P	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

Home occupation (see Sec. 5.5)		P	P	P	P	P	P	P	P	P				P	P	P	P	P	P	P					P	P	P	P												

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One family dwelling, detached	P P P P	P	P	P	P	P	P	P	P	P	P	P	P	P	P							P		

Park and/or playground (private and public)	P P P P P P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Public recreation/services building for public park/playground areas	P P P P	P	P	P	P	P	P	P	P	P		P	P	P	P						P	P	P	P

Recreation buildings (public)	P P P P P P P P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

School, K-12 public or private	P P P P P P P P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Single family industrialized home (see Sec. 5.8)	P P P P P P P P	P	P	P	P	P	P	P	P		P	P	P	P	P							P		

Water storage (surface, underground or overhead), water wells and pumping stations	P P P P P P P P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

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that are part of a public or municipal system		

SECTION 3

THAT, it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 4

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

SECTION 5

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

SECTION 6

THAT in accordance with the provisions of the City Charter, this Ordinance may be read and published by descriptive caption only. This Ordinance has been publicly available in the office of the City Secretary prior to its adoption.

SECTION 7

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

PASSED AND APPROVED: First reading this the 23th day of March, 2020.

PASSED AND APPROVED: Second reading this the 13th day of April, 2020.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney