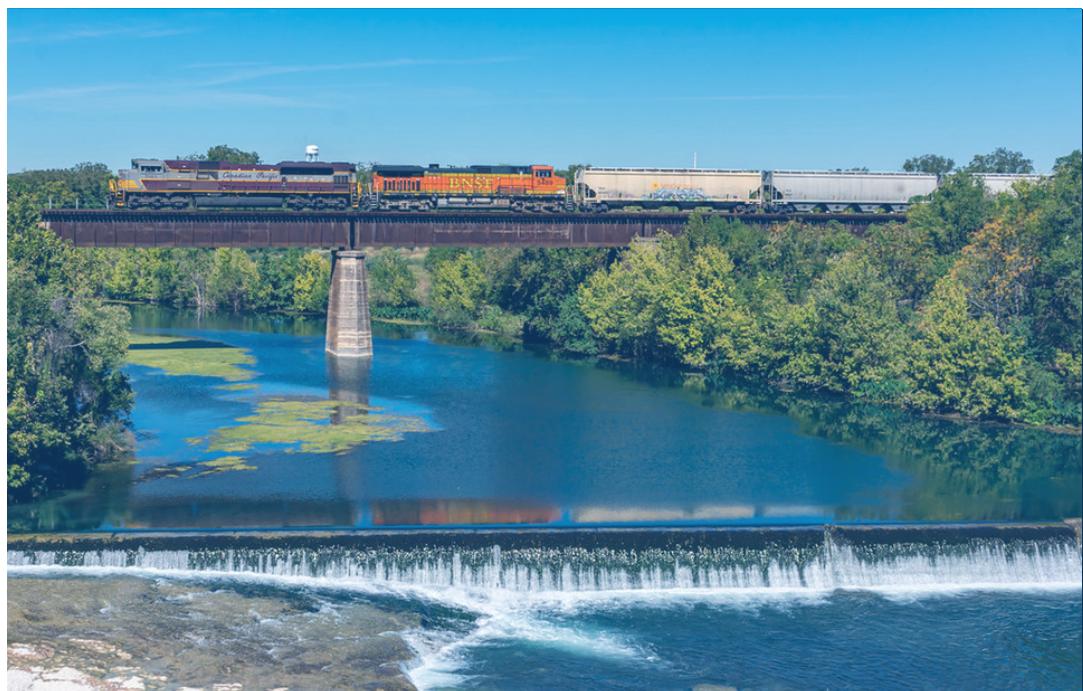
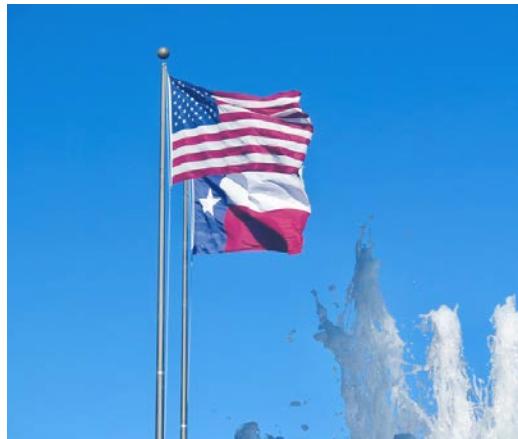


# Land Development Ordinance

## New Braunfels, Texas

### Development Regulations Assessment



March 2022  
**CLARION**

 City of  
**New Braunfels**  
Land Development Ordinance

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# Project Overview and Summary

## THE LDO PROJECT

The City of New Braunfels has initiated a review and update of the current zoning, subdivision, signs, and historic preservation ordinances, which are now separate chapters in the overall municipal Code of Ordinances. This project will update and consolidate these ordinances into a new, unified Land Development Ordinance (LDO). Although the separate ordinances have been amended many times over the years, they have never been comprehensively evaluated or revised, as is proposed in this LDO rewrite project.

The new LDO will play an integral role in shaping the form and location of growth of the built environment in New Braunfels over the next generation.

The new LDO will establish an updated list of zoning districts and land uses, set clear quality standards for new development, strengthen the protections for established historic areas, and establish efficient procedures under which proposed development applications are considered, all to implement the community's comprehensive plan, *Envision New Braunfels*.

***A new Land Development Ordinance will be an important tool to help better manage New Braunfels' rapid growth, while protecting the unique character, heritage, and natural environment that have drawn residents and visitors to New Braunfels for generations.***

## A UNIQUE, HISTORIC CITY IN TRANSITION

While the code rewrite project will focus on regulating future development, it must also take into account the City's unique past and setting. First established as a German settlement in 1845, New Braunfels has embraced and maintained its heritage, which today is reflected in the well-preserved architecture of historic neighborhoods like Sophienburg Hill and Mill Street, as well as downtown's bustling German-inspired restaurants and biergartens.



The City's unique environmental setting and natural beauty are other important assets that distinguish New Braunfels from other Texas communities, with the Guadalupe and Comal rivers joining in the City's northeast side, and the Balcones escarpment leading into the Texas Hill Country to the northwest. Over many decades, the unique cultural background and abundant recreational opportunities have drawn generations of both residents and visitors to New Braunfels, supporting a thriving mid-sized community.

In the more recent past, as Texas and the neighboring cities of San Antonio and Austin have grown, growth has also accelerated dramatically in New Braunfels, making it one of the fastest-growing places in the nation. While much of the growth has occurred on the periphery of the city, the increasing population, traffic, and rising home prices have, to some residents, impacted the character of the City. There are concerns that the pace of growth--combined with regulations insufficient to manage it--may threaten the unique character and historic assets of New Braunfels, which are central features that draw people to the community in the first place.

It is against this background of rapid growth and change that New Braunfels is undertaking the first comprehensive rewrite of the ordinances that regulate and protect the appearance of the community, livability, fiscal productivity, economic mobility, environmental stewardship, and the public health: zoning, subdivisions, signs, and historic preservation.



## PROJECT GOALS

The New Braunfels LDO project is intended to result in development regulations that will meet the current and future needs of the City. The project is intended to accomplish several important goals, including:

- Simplifying and improving the user-friendliness of the development regulations;
- Integrating best zoning practices and current trends from Texas and around the nation;
- Modernizing regulations to maintain a high level of quality and private investment;
- Preserving and protecting existing neighborhood and historic assets;
- Promoting housing affordability and high-quality non-residential development that is sensitive to surrounding neighborhoods; and
- Improving the efficiency and predictability of development review procedures.

Importantly, rewriting the New Braunfels development regulations will also be a major step forward in implementing the *Envision New Braunfels* plan. Hundreds of community members contributed to the plan to help establish and refine a vision for the kind of place they want New Braunfels to be. A new unified land development ordinance will provide the tools necessary to achieve the plan's vision.

## PROJECT TEAM AND KICK-OFF

To assist with the creation of a new LDO, New Braunfels is working with Clarion Associates, a Denver-based land use consulting firm. Clarion brings over 25 years of experience and perspective from working on code update projects with communities throughout Texas and the nation.

The New Braunfels LDO project began in November 2021, when a series of meetings were held with local residents and stakeholder groups. A Special Project Committee was established by the City to provide focused community input from stakeholders with experience in zoning issues and specifically the New Braunfels code. The group includes residents, attorneys, developers, and development professionals (architects and engineers) and will provide focused feedback at key stages throughout the project.

Other stakeholders that were interviewed included elected and appointed officials; City staff who administer, work with, and enforce the development regulations; human service organizations; local homeowners association groups; chamber of commerce and economic development staff; and other stakeholders who participate in the development process (e.g., developers, business owners, and development professionals such as engineers, architects, and planners).

These meetings were intended to solicit feedback from a large cross-section of individuals to analyze the existing development regulations, and to specifically determine:

- How the current development regulations work well;
- How the current development regulations are ineffective or difficult to use;
- Areas of consistency and inconsistency between existing local policies and practices, the adopted plans, and the existing regulatory language; and
- Modifications necessary to streamline the development review process.

In addition to feedback gathered during in-person interviews, community residents gave their opinions—again, by the hundreds—by responding to a recent survey on the current development regulations. The survey sought input on how well or poorly the regulations shape development quality in New Braunfels, covering topics including whether there are too many or too large signs, whether there is too little or not enough parking, whether the amount of green space in new developments is adequate, and if the City's historic assets are adequately protected. Highlights and excerpts from the 761 responses are interspersed throughout this report, and have been used to inform the recommendations it makes.

Finally, the consulting team also reviewed relevant background documents including the current *Code of Ordinances*, the recently adopted *Envision New Braunfels* comprehensive plan, the *New Braunfels Regional Transportation Plan*, the *Parks & Recreation Master Plan*, the *Economic Development Strategic Plan*, the *Workforce Housing Study*, and the *South Castell Avenue Visioning Plan*. The team also toured some areas of the City with staff members to observe examples of a variety of development issues first-hand.



DESIGNWORKSHOP

## **ORGANIZATION OF THIS REPORT**

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This report discusses the strengths and weaknesses of the current development regulations and is intended to help achieve consensus on the issues to be addressed in the drafting of the new LDO. Recognizing that there are no one-size-fits-all solutions for any community, the recommendations are tailored to New Braunfels' goals. In our experience, having a clear roadmap ensures that the remainder of the process proceeds smoothly and effectively. This report will be presented and discussed with elected and appointed officials, staff, and stakeholders at meetings in April 2022.

Following this introduction, this report includes the following main sections:

### **Key Areas to Improve the Development Regulations**

This section identifies major themes that emerged from Clarion's review of the current development regulations and stakeholder feedback. The discussion includes recommendations for how the development regulations should be improved to best address identified concerns. The recommendations are organized into the following categories:

- Create a More User-Friendly Code
- Fine-Tune the Zoning Districts
- Modernize the Use Regulations
- Improve and Tailor Development Standards
- Achieve More Sustainable Development
- Streamline Development Review Procedures
- Rewrite the Sign Regulations
- Strengthen Historic Preservation
- Update Subdivision Regulations

### **Annotated Outline of a New LDO**

This section presents an outline showing what a new LDO would look like if the City elects to move forward with the recommended actions in this report. It also provides a general framework for the new unified code structure and describes the scope and content of each article.

### **Detailed Review of Code Sections**

Accompanying this report, a separate document includes a table with additional detailed comments and suggestions for updates to each section of the current regulations.

## SUMMARY OF RECOMMENDATIONS

The table below summarizes the major recommendations included in the Key Themes to Improve the Development Regulations.

Key Themes to Improve the Development Regulations	
Theme	Recommendation
<b>Create a More User-Friendly Code</b>	
Consolidate Multiple Ordinances	<ul style="list-style-type: none"> <li>• Consolidate the development regulations into a single, unified Land Development Ordinance (LDO) with a logical structure of chapters, headings, and subheadings to organize information.</li> <li>• Group similar information to reduce repetition and eliminate any internal inconsistencies.</li> </ul>
Add Tables, Illustrations, and Other Graphics	<ul style="list-style-type: none"> <li>• Include illustrations and other graphics (summary tables, flowcharts, etc.) throughout new LDO.</li> </ul>
Improve the Page Layout	<ul style="list-style-type: none"> <li>• Establish a more attractive and user-friendly page format with dynamic headers, consistent formatting, hierarchy of heading titles, and consistent indentation and nested text.</li> </ul>
Use Clear Language and Define Key Terms	<ul style="list-style-type: none"> <li>• Rewrite code with clear and simple language.</li> <li>• Update standards to eliminate vague, subjective language.</li> <li>• Consolidate, expand, and update all definitions; eliminate duplication, resolve inconsistencies, and remove standards or regulations from definitions, relocating them to the relevant sections of the LDO.</li> </ul>
<b>Fine-Tune the Zoning Districts</b>	
General Recommendations for All Districts	<ul style="list-style-type: none"> <li>• Combine districts that have identical or near-identical purposes and standards.</li> <li>• Retain districts that are working well and consider applying them more broadly.</li> <li>• Eliminate obsolete or unused districts.</li> <li>• Add new districts where existing ones have not produced or do not allow the community's desired forms of development.</li> <li>• Update district purpose statements, add purpose statements to those districts that currently have none; update district names to reflect purpose, where possible.</li> <li>• Remove the list of allowed uses from each district, instead using cross-references to link to the consolidated Table of Allowed Uses.</li> </ul>
Residential Districts	<ul style="list-style-type: none"> <li>• Reconsider minimum lot sizes and other dimensional standards such as setbacks.</li> <li>• Expand the diversity of housing types allowed in residential districts.</li> <li>• Develop a residential conservation district overlay as an additional tool to help preserve existing neighborhood character in some areas.</li> </ul>
Mixed-Use Districts	<ul style="list-style-type: none"> <li>• Create new mixed-use districts with tailored, district-specific standards and requirements.</li> <li>• Consider form-based approaches for new mixed-use districts to help ensure high-quality design while allowing a wide range of uses.</li> </ul>

## Key Themes to Improve the Development Regulations

Theme	Recommendation
Non-Residential Districts	<ul style="list-style-type: none"> <li>Evaluate creation of a mixed-use transit-oriented development district.</li> <li>Review industrially zoned land to determine an updated list of permitted uses, including R&amp;D and other campus-style light industrial uses.</li> <li>Assess if adequate industrial land remains to accommodate the City's economic goals.</li> <li>Evaluate whether location of industrially zoned land is appropriate for industrial development</li> <li>Review existing commercial districts; combine identical districts; add new commercial or mixed-use districts if current ones do not allow the kind of commercial development the community desires.</li> <li>Determine appropriate districts in which to permit live-work units.</li> </ul>
Special Districts, Planned Developments, Overlays, and the APD district	<ul style="list-style-type: none"> <li>Carry forward existing overlay and special districts.</li> <li>Consider where new overlays may be beneficial, possibly to include the central plaza and other Downtown areas.</li> <li>Revise and streamline the planned development district process.</li> <li>Ensure all overlays (such as historic districts and the airport hazard zone) are included in this section of the LDO, along with their respective standards and regulations.</li> <li>Clarify differences in the purpose, applicability, and desired outcomes of overlays, planned development, and special districts.</li> <li>Require concurrent zoning upon annexation to accompany any annexation request.</li> </ul>
Mapping the New Districts	<ul style="list-style-type: none"> <li>Plan for rezoning as the preferred means of implementing new and consolidated districts, and eliminating obsolete districts, on the City's zoning map.</li> </ul>

## Modernize the Use Regulations

Restructure the Land Use Matrix	<ul style="list-style-type: none"> <li>Restructure the Land Use Matrix into categories and subcategories to break up the long undifferentiated list of alphabetized uses.</li> </ul>
Define, Categorize, and Consolidate Use Types	<ul style="list-style-type: none"> <li>Define and categorize all land uses.</li> <li>Refine the listed uses to eliminate antiquated uses, consolidate like uses, and include new uses.</li> <li>Clarify how accessory and incidental uses are allowed.</li> </ul>
Revise Use Permissions	<ul style="list-style-type: none"> <li>Replace Special Use review with a conditional use review.</li> <li>Review uses to identify opportunities to allow some uses more widely, subject to use-specific or performance standards, to lessen reliance on Council reviews.</li> <li>Consolidate all use-specific standards in a new Use Regulations chapter.</li> <li>Add use-specific standards where they can enhance uniform development of certain uses, mitigating impacts, and allowing consistency and efficiency in the development review process.</li> </ul>
Diversify Housing Types	<ul style="list-style-type: none"> <li>Remove barriers to workforce housing by allowing a greater diversity of housing types in more locations throughout the community.</li> <li>Consider introducing incentives to encourage workforce housing.</li> </ul>

## Key Themes to Improve the Development Regulations

Theme	Recommendation
Revise Approach to Special Events and Temporary Uses	<ul style="list-style-type: none"> <li>• Add special event and other temporary uses to Table of Allowed Uses.</li> <li>• Ensure each use has a definition.</li> <li>• Review and simplify use-specific standards, possibly dividing into Major/Minor categories for review.</li> <li>• Investigate ways to simplify approval procedure, possibly through one permit type that is applicable to all temporary use requests.</li> </ul>

## Improve and Tailor Development Standards

Focus on Infill and Redevelopment	<ul style="list-style-type: none"> <li>• Review dimensional and development standards, and platting requirements, to ensure they encourage infill and redevelopment projects.</li> <li>• Introduce additional flexibility by adding optional approaches and menus wherever possible.</li> </ul>
Access and Connectivity	<ul style="list-style-type: none"> <li>• Consolidate and enhance access, circulation, and connectivity standards.</li> <li>• Coordinate standards with other site development standards (parking, landscaping, grading and drainage, etc.).</li> </ul>
Parking	<ul style="list-style-type: none"> <li>• Evaluate parking ratios against national and Texas standards; consider maximum requirements in some areas.</li> <li>• Clarify procedures for requesting alternative parking allowances.</li> <li>• Revise valet parking requirements to be less restrictive.</li> <li>• Update Schedule of Required Spaces.</li> <li>• Correct conflicts in parking standards related to uses versus buildings.</li> <li>• Enhance and coordinate parking area design standards, including improvements to pedestrian pathway and shading requirements.</li> <li>• Consider parking location requirements.</li> </ul>
Landscaping, Buffering, Screening, and Tree Protection	<ul style="list-style-type: none"> <li>• Evaluate minimum landscape requirements.</li> <li>• Consolidate landscaping requirements.</li> <li>• Consider revising buffering standards to be more flexible and effective.</li> <li>• Update tree protection and tree removal standards, and include standards for trees in utility areas (both overhead and underground).</li> <li>• Relocate and consolidate fencing standards to include more graphics and illustrations.</li> <li>• Establish more flexible standards</li> <li>• Integrate environmentally friendly standards that help conserve water and energy, improve stormwater quality and protect the Edwards Aquifer recharge zone.</li> </ul>
Building and Site Design	<ul style="list-style-type: none"> <li>• Improve standards for building design to enhance development quality.</li> <li>• Introduce site design standards along boundaries and transitions where lower intensity uses are adjacent to higher intensity development.</li> </ul>
Exterior Lighting	<ul style="list-style-type: none"> <li>• Enhance City-wide exterior lighting design standard to ensure safety for residents and reduce light spillover.</li> <li>• Consider inclusion of “dark sky” standards for outdoor lighting and fixtures.</li> </ul>

## Achieve More Sustainable Development

## Key Themes to Improve the Development Regulations

Theme	Recommendation
Codify Sustainability Measures	<ul style="list-style-type: none"> <li>Codify sustainability requirements and incentives in the new LDO either in a standalone section or woven throughout the ordinance.</li> </ul>
Build on Recent New Braunfels' Experiences	<ul style="list-style-type: none"> <li>Review recent city projects and development and design control documents for potential citywide standards.</li> <li>Include incentives in the LDO to encourage sustainable development that exceeds minimum requirements.</li> </ul>
Incentivize Sustainability, Remove Obstacles, and Allow Flexibility	<ul style="list-style-type: none"> <li>Identify and remove obstacles to sustainable development throughout the new LDO.</li> <li>Allow flexibility and creativity to help foster more sustainable development.</li> </ul>

## Streamline Development Review Procedures

Create a New Procedures Section	<ul style="list-style-type: none"> <li>Include a consolidated procedures article, written in a uniform format and with a consistent level of detail.</li> <li>Prepare a summary table outlining review authority and public noticing requirements.</li> </ul>
Establish Common Review Procedures	<ul style="list-style-type: none"> <li>Establish common review procedures.</li> <li>Draft application-specific review procedures that reference the new standard procedures; note any variations and additions particular to that type of application.</li> </ul>
Refine Review Criteria	<ul style="list-style-type: none"> <li>Ensure that every application type has updated review criteria that do not rely on vague and subjective language.</li> <li>Consider an expedited review process for projects that meet certain criteria or policy goals of City Council (e.g., affordable housing, compliance with redevelopment plans, economic development projects).</li> </ul>
Delegate More Decision-Making Authority to Staff, Boards, and Commission	<ul style="list-style-type: none"> <li>Delegate greater decision-making authority to professional planning staff, Boards, and Commissions.</li> <li>Draft call-up and referral procedures to allow Council to maintain a role in complex and significant land use requests.</li> </ul>
Establish Process to Allow Minor Modifications	<ul style="list-style-type: none"> <li>Establish a Minor Modification procedure to allow approval of minor deviations from certain standards, based on clear criteria.</li> </ul>
Refine Public Hearing Process	<ul style="list-style-type: none"> <li>Establish formal procedures for applicants to request postponements, continuances, or withdrawals of their agenda items, dependent on where the application is in the public hearing process, and determine if any fees, such as charges for re-notification, are required.</li> </ul>
Relocate Supporting Information Outside the Code	<ul style="list-style-type: none"> <li>Remove technical and application materials from the Code, locating them instead on the City's website or in an administrative manual, with clear instructions to users on where to find the materials.</li> </ul>

## Rewrite the Sign Regulations

Reorganize, Simplify, and Update Sign Regulations	<ul style="list-style-type: none"> <li>Formalize and update the sign review procedures, including variances and appeals.</li> <li>Revise and consolidate the standards for Nonconforming Signs and Abandoned Signs and Sign Structures and including amortization provisions.</li> <li>Consider regulating signs on buildings, including wall signs, canopy/</li> </ul>
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## Key Themes to Improve the Development Regulations

Theme	Recommendation
	<p>awning signs, projecting signs and window signs.</p> <ul style="list-style-type: none"> <li>• Consider establishing sign districts.</li> <li>• Update sign lighting and digital sign standards.</li> </ul>
Remove Content-Based Regulation	<ul style="list-style-type: none"> <li>• Review all sign regulations and remove content-based standards.</li> </ul>
Strengthen Historic Preservation	
Tailor Historic District Preservation Standards	<ul style="list-style-type: none"> <li>• Draft standards for the existing historic districts to provide a more defined basis for decision-making regarding appropriateness of alterations and new construction in the districts.</li> </ul>
Allow Additional Administrative Decisions	<ul style="list-style-type: none"> <li>• Allow additional administrative approvals for minor certificate of alteration requests, or those that are determined to pose no significant impacts to the historic district in which they are located.</li> </ul>
Update Subdivision Regulations	
Reorganize, Simplify, and Streamline Subdivision Regulations	<ul style="list-style-type: none"> <li>• Reorganize and simplify subdivision regulations to clearly delineate authority and procedural steps required.</li> </ul>
Draft Clear and Objective Standards and Requirements	<ul style="list-style-type: none"> <li>• Update subdivision standards to include objective criteria and reduce subjectivity</li> </ul>
Allow for Platting Exceptions in Defined Circumstances	<ul style="list-style-type: none"> <li>• Allow for platting exceptions in defined circumstances.</li> </ul>
Clarify When Non-Vehicular Infrastructure Must Be Installed	<ul style="list-style-type: none"> <li>• Clarify requirements for non-vehicular infrastructure, such as sidewalks, trails, and bike lanes.</li> </ul>

# Key Themes for Improving the Development Regulations

Recommendations for improving New Braunfels' current development regulations are organized into the following major areas of improvement, or "themes." These themes present an organized way to discuss the strengths and weaknesses of the current regulations. They include:

- Create a More User-Friendly Code
- Fine-Tune the Zoning Districts
- Modernize the Use Regulations
- Improve and Tailor the Development Standards
- Achieve More Sustainable Development
- Streamline Development Review Procedures
- Rewrite the Sign Regulations
- Strengthen Historic Preservation
- Update Subdivision Regulations

Each of these themes is discussed below. Additional detailed comments appear in a supplemental document that contains a section-by-section review.

## CREATE A MORE USER-FRIENDLY CODE

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The first theme involves the format and organization of the development regulations, beyond the substantive issues discussed later in this report. Many stakeholders said they find the New Braunfels development regulations difficult to understand and use. Frequent comments noted an unclear organization, redundant information, lack of definitions, and lack of graphics. Piecemeal amendments over time have made it hard to find key information. These challenges are not unusual. Many communities find that, as zoning rules are modified and updated over time, they become increasingly complicated and more difficult to navigate and understand. It has been 35 years since the last comprehensive update of the New Braunfels zoning regulations.

This project provides an opportunity to step back and develop a well-organized, well-illustrated, user-friendly set of regulations for New Braunfels that should help improve the efficiency of review processes and help clarify the rules for land development.

### Consolidate Multiple Ordinances

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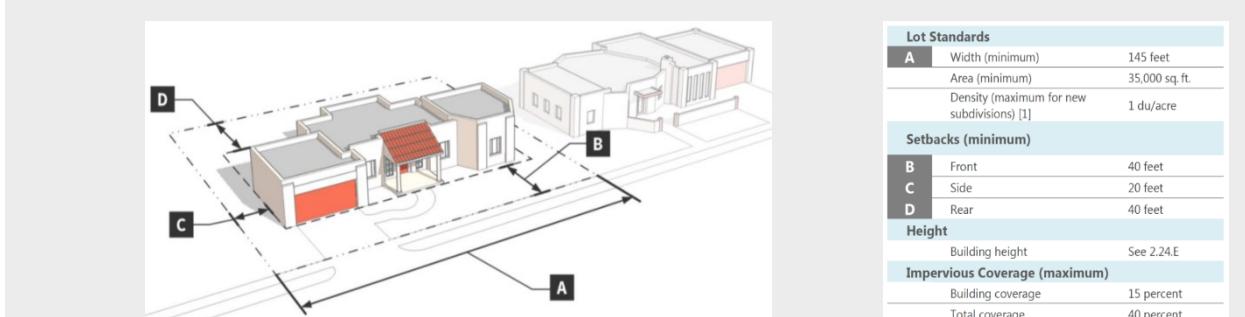
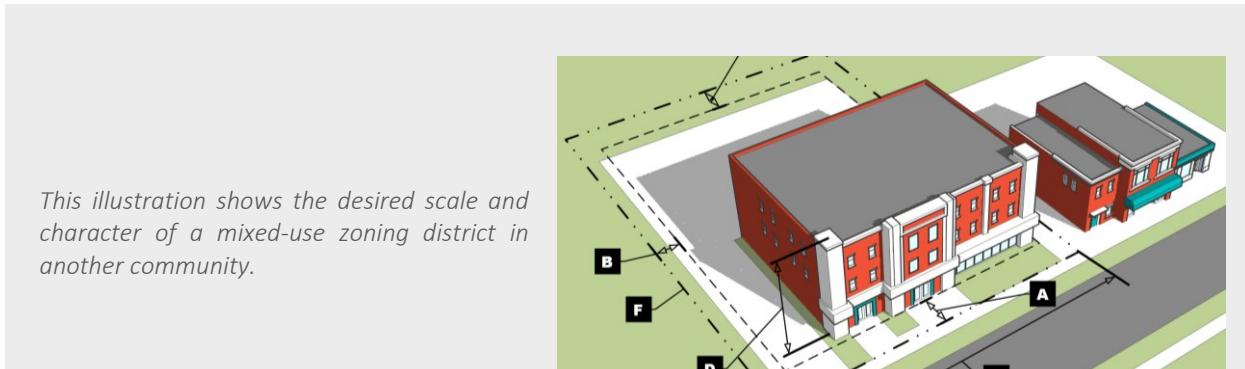
As part of this project, New Braunfels' four separate zoning, subdivision, historic preservation, and sign ordinances will be integrated into one unified ordinance, the LDO. The consolidation will group similar information in a centralized location, making it easier for users to find all relevant information on a topic in one chapter or section. Grouping similar information reduces repetition and highlights any internal inconsistencies that need to be resolved. The proposed new LDO organization is discussed in detail in the Annotated Outline later in this report.

#### Recommendation

- Consolidate the development regulations into a single, unified Land Development Ordinance (LDO) with a logical structure of chapters, headings, and subheadings to organize information.
- Group similar information to reduce repetition and eliminate any internal inconsistencies.

## Add Tables, Illustrations, and Other Graphics

Illustrations, flowcharts, and tables should be used frequently throughout the new LDO to explain standards and to summarize detailed information. Sample graphics from other codes prepared by Clarion are shown below. They are from other communities and included here to illustrate a small range of possible formats. Each community is unique in how extensively they choose to illustrate a code, and the extent of detail that is included in the tables and illustrations. We will work with staff during the drafting process to select a consistent style that works best for New Braunfels.



*These graphics from another community illustrate some of the basic dimensional requirements for a single-family zoning district in another community. Labels (A through D) correlate to a dimensional table that identifies setbacks, height, and lot requirements.*



### Recommendation

Include illustrations and other graphics (summary tables, flowcharts, etc.) throughout new LDO.

## Improve the Page Layout

The current development regulations are available via the online platform Municode. While it is common for communities to contract with an online publishing service, the constraints of the online platform can sometimes make it difficult to identify how a specific provision fits in with the overall document hierarchy. These platforms often overly simplify formatting and may also degrade graphic quality.

In addition to an online version of the code, most planning offices also maintain an editable and formatted digital version, usually as a Microsoft Word or PDF file, accessible via the City's website. The digital version allows for enhanced formatting and presents information in a more user-friendly format, enhancing the reader's ability to understand the context for specific provisions. The Word/PDF version also allows staff to keep an internal record of any proposed edits and revisions to the document.

The new LDO will feature a new document layout with dynamic headers (that automatically update) showing section references for that page, footers, page numbers, and illustrations with captions. The following graphic compares the current Code of Ordinances to an improved layout from another code Clarion has drafted.

**Sec. 144-3.3. Zoning districts and regulations for property zoned prior to June 22, 1987.**

3.3.1. "R-1" single-family district. The following regulations shall apply in all "R-1" districts:

(a) Authorized uses. Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:

(1) *Uses permitted by right.*

*Residential uses:*

- Accessory building/structure.
- Accessory dwelling (one accessory dwelling per lot, no kitchen).
- Community home (see definition).
- Family home adult care.
- Family home child care.
- Home occupation (see section 144-5.5).
- One-family dwelling, detached.
- Single-family industrialized home (see section 144-5.8).

*Non-residential uses:*

- Barns and farm equipment storage (related to agricultural uses).
- Cemetery and/or mausoleum.
- Church/place of religious assembly.
- Community building (associated with residential uses).
- Contractor's temporary on-site construction office (only with permit from building official; see section 144-5.10).
- Country club (private).
- Farms, general (crops) (see chapter 6 and section 144-5.9).
- Farms, general (livestock/ranch) (see chapter 6 and section 144-5.9). [
- Golf courses, public and private.
- Governmental building or use with no outside storage.
- Park and/or playground (private and public).
- Plant nursery (growing for commercial purposes but no retail sales on site).
- Public recreation/services building for public park/playground areas.
- Recreation buildings (public).
- School, K-12 (public or private).
- Stables (as a business) (see chapter 6).
- Stables (private, accessory use) (see chapter 6).

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**2.4. RS-18: Single-Family Residential**

**A. Purpose**

The RS-18 district is intended to accommodate and preserve lower-density to medium-density single-family residential uses with limited community and educational uses and incidental or accessory uses. This district can also serve as a transition between low- and medium-density residential to higher-density residential zoning districts.

**B. RS-18 Lot and Building Standards**

Lot Standards	
<b>A</b> Width (minimum)	100 feet
Area (minimum)	18,000 sq. ft.
Building footprint for new subdivisions [1]	2 du/acre
Setbacks (minimum)	
<b>B</b> Front	25 feet
<b>C</b> Side	10 feet
Side, abutting street	15 feet
<b>D</b> Rear	25 feet
Height	
Building height	See 2.24.E
Impervious Coverage (maximum)	
Building coverage	35 percent
Total coverage	60 percent

**C. Other Standards**

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.24
User-Specific Standards	Section 3.3
Off-Street Parking	Section 5.5
Landscaping, Buffering, and Screening	Section 5.6

[1] For lot planning in new subdivisions, see Section 7.3.C

**Illustration:** A 3D perspective drawing of a single-family residential lot. The lot is rectangular with dimensions labeled: Front (B) is 25 feet, Side (C) is 10 feet, and Rear (D) is 25 feet. The lot is bounded by a dashed line. A house is shown on the lot, and a detached garage is shown to the right. The drawing also shows a street and a sidewalk.

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A typical page from the New Braunfels Zoning Ordinances (when downloaded from the online version) is shown on the left. Compare this to the sample page layout at the right, which illustrates how headers, text, graphics, and use of page numbers help to modernize a code and make it more user-friendly.

## Recommendations:

Establish a more attractive and user-friendly page format with:

- Dynamic headers, showing article, section, and subsection on each page;
- Consistent formatting and location of tables and graphics;

- Clear and prominent hierarchy of heading titles (using color and/or bold fonts); and
- Consistent indentation and nested text.

### Use Clear Language and Define Key Terms

The use of clear and precise language is just as important as document organization and format. As part of the rewrite, all content will be reviewed to eliminate unnecessarily complicated and legalistic language. Text will also be reviewed and rewritten as necessary to provide greater clarity. During this review, we noted many instances of vague or subjective language in the current ordinances, including in review criteria, which often rely on qualifiers such as “adequate,” “compatible,” and “appropriate.” These words are not uncommon in codes, but they tend to create uncertainty and time delay by requiring negotiation with applicants on what constitutes meeting the standard, since staff, decision makers, developers, and community members could all interpret the terms differently. Generally, the code should provide greater certainty by avoiding the use of purely subjective language, disconnected from any measurable criteria. The new LDO, and particularly the new review criteria, should use clear, objective language, and measurable standards where possible.

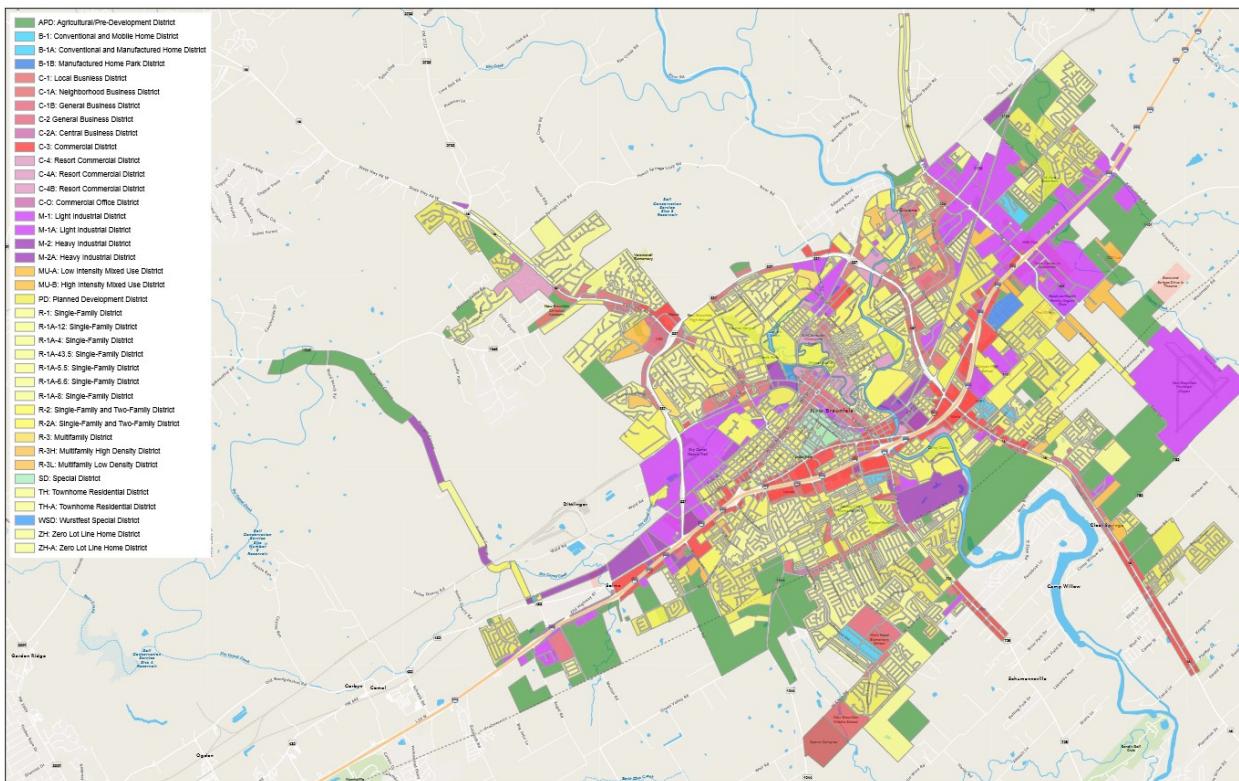
The rewrite also will eliminate duplicated information and reconcile any internal inconsistencies. This applies particularly to the definitions, which currently are in multiple locations in New Braunfels’ regulations. Many key terms, particularly those describing allowed land uses, are undefined. In the new LDO, all key terms should be defined, while inconsistent or obsolete definitions should be removed. Definitions for terms limited by state or federal law should also be reviewed (e.g., housing for disabled persons, school facilities, manufactured housing). Any standards that are included in the definitions should be relocated into the relevant sections in the main body of the LDO.

### Recommendations:

- Rewrite code with clear and simple language.
- Update standards to eliminate vague, subjective language.
- Consolidate, expand, and update all definitions; eliminate duplication, resolve inconsistencies, and remove standards or regulations from definitions, relocating them to the relevant sections of the LDO.

## FINE-TUNE THE ZONING DISTRICTS

The current New Braunfels zoning ordinance establishes 39 zoning districts, including Special and Planned Development Districts. These include 19 residential districts, two mixed-use districts, ten commercial districts, four industrial districts, and four other districts, including Planned Development, the APD “holding zone” district, and special districts. Additionally, over the course of several decades of administration, 86 “restricted districts” were also adopted as Special Districts (73 of which are still in effect). Although this is a relatively large number of districts for a community the size of New Braunfels, many of the districts are not actually used much. Twenty-four of the existing districts comprise less than one percent of zoned area in the city, while just seven districts account for over 75 percent of zoned area.



New Braunfels' Current Zoning Map

There is no “right” number of districts for any community, and indeed there is great variation in the number of zoning districts established across Texas and the country. An effective ordinance simply must have sufficient districts to accommodate the variety of places that are both existing and desired in the future. This section looks at New Braunfels’ districts by category: residential, mixed-use, non-residential, and other districts.

In evaluating and updating these districts for the new LDO, it will be important to ensure that the revised lineup of districts is appropriate to meet the needs of New Braunfels now and in the future. The goal of these recommendations is to broaden New Braunfels’ zoning toolbox, in support of implementing the goals and objectives in the City’s *Envision New Braunfels* plan. New Braunfels’ updated districts should also encourage high-quality infill and redevelopment while protecting the community’s stable neighborhoods.

An additional complication for New Braunfels is the split between districts adopted prior to 1987 and those adopted afterward. This came about because, when the post-1987 districts were implemented, the City

chose to adopt the new districts without replacing the previous ones, to avoid the step of rezoning all the properties in the pre-1987 districts. Because of the provision that “rezoning of property shall be to one of the zoning districts created subsequent to ... 1987” (except C-4B), this essentially created a slate of “legacy” districts, existing alongside the post-1987 ones, which could be applied to the map. Where pre- and post-1987 districts are comparable (e.g., R-1 and R-1A-6.6, R-2 and R-2A, M-1 and M-1A, etc.), the districts’ standards are in most cases identical, or nearly so, meaning the difference lay on the map, rather than in the district regulations. This project offers an opportunity to clean up this bifurcated system, and several of the recommendations in this section—including the proposal to combine identical districts and the recommendation to undertake a comprehensive remapping of districts as part of this effort—focus on that objective.

The following sections discuss New Braunfels’ current zoning districts in light of the following questions:

- Is the intent of each district clear and does the district name give an indication of the intent?
- Is the district currently used? If not, is it unnecessary or obsolete?
- Can districts that are identical or nearly so in purpose and standards be consolidated?
- Are the districts reflective of the existing built environment?
- Are new districts needed to accommodate development patterns that are hard to achieve with existing districts?
- Are the districts and the corresponding dimensional standards (setbacks, density, and height) appropriately tailored to produce desired outcomes in the built environment and to different development contexts as permitted by the district?

Within each district, the detailed standards should be reviewed and updated if necessary to reflect City goals and policies. Based on these considerations, the team proposes several changes to the current lineup of zoning districts as summarized in this section.

## **General Recommendations for All Districts**

The following general recommendations apply to all the zoning districts.

### **Recommendations:**

- Combine districts that have identical or near-identical purposes and standards.
- Retain districts that are working well and consider applying them more broadly.
- Eliminate obsolete or unused districts.
- Add new districts where existing ones have not produced or do not allow the community’s desired forms of development.
- Update district purpose statements, add purpose statements to those districts that currently have none; update district names to reflect purpose, where possible.
- Remove the list of allowed uses from each district, instead using cross-references to link to the consolidated Table of Allowed Uses.

## Residential Districts

Residential districts account for approximately 39 percent of zoned land in New Braunfels. The following table shows the breakdown of New Braunfels current residential districts. Rows highlighted grey indicate a pre-1987 zoning district.

District Abbreviation	District Name	Percent of Land Zoned in City
R-1	Single-Family District	5.97
R-1A-43.5	Single-Family District	0.0
R-1A-12	Single-Family District	0.0
R-1A-8	Single-Family District	0.04
R-1A-6.6	Single-Family District	9.36
R-1A-5.5	Single-Family District	0.20
R-1A-4	Single-Family District	0.77
R-2	Single-Family and Two-Family District	15.75
R-2A	Single-Family and Two-Family District	1.44
R-3	Multi-Family District	1.07
R-3L	Multi-Family Low Density District	0.37
R-3H	Multi-Family High Density District	0.10
TH	Townhouse Residential District	0.02
TH-A	Townhouse Residential District	0.05
ZH	Zero Lot Line Home District	0.18
ZH-A	Zero Lot Line Home District	2.98
B1	Conventional and Mobile Home District	0.17
B1-A	Conventional and Manufactured Home District	0.62
B1-B	Manufactured Home Park District	0.35
<b>TOTAL</b>		<b>39.44</b>

## Reevaluate Lot/Setback Standards to Promote Affordability

Based on stakeholder interviews and survey responses, housing affordability is a growing concern in New Braunfels. The City's rapid growth has contributed to a rise in housing prices. Residential districts in any city can function to promote or prevent housing affordability. The current residential districts (and allowed housing types, discussed in the next section of this report) may be hindering rather than helping the City to confront the affordability problem. The LDO project provides an opportunity to look at possible revisions to the residential districts to promote greater housing affordability.

**Single-Family Districts.** Nine of the 17 residential zones in New Braunfels only allow for single-family dwellings on relatively large lots, subject to fairly large setbacks. The standard lot size for a single dwelling is 6,600 square feet, or 7,000 square feet for corner lots. Setbacks for single-family districts are mostly uniform: 25 feet in front, 20 rear, 5 feet for side interior (6 feet in the SND-1 District), and 15-25 feet for corner lots. (The R1A-5.5 and R1A-4 districts allow for smaller lots and setbacks, but they account for less than one percent of zoned land in New Braunfels.)

These standards produce suburban-style development, which was wholly in character for New Braunfels

over several decades of development. However, recent growth pressures, coupled with changing housing preferences across generations, may be changing the demand for housing in New Braunfels. Single detached dwellings are the most expensive form of housing to construct, purchase, and maintain; and the larger the required lot size, the higher the price for such development. Suburban-style, detached dwellings on large lots are not sufficient, on their own, to serve a community with rising housing costs and changing demographics. The low density and sprawling nature of such developments drains fiscal resources, particularly related to the cost of installing and maintaining transportation infrastructure, such that they are not fiscally sustainable. They also may not accommodate middle-income professionals, young families, aging residents, and small or single-person households—all groups that might benefit from smaller lots, smaller houses, smaller setbacks, and the less expensive housing these reductions can produce. These groups and others are demonstrating growing preferences that create corresponding market demand for housing in walkable neighborhoods, close to commercial/entertainment and business districts, while New Braunfels' current ordinance requirements drive an opposite development pattern.

As part of the rewrite, we recommend reevaluating the minimum lot and setback standards particularly in the single-family districts, but in other residential districts as well, to see if reductions may be possible to help address affordability concerns. Any proposed amendments to setbacks will be considered with an eye to avoiding potential unintended design consequences, such as the “concrete tunnel effect” on residential streets. Corresponding design alternatives such as rear-entry garages, planting strips between the curbs and sidewalks, and façade articulation, among others, are just some of the tools that can help mitigate undesirable design outcomes.

**Two-Family Districts.** New Braunfels' two-family districts occupy more zoned area than all the single-family districts combined (17.2 percent for R-2 and R2-A, versus 16.3 percent for all single-family districts). The fact that duplex dwellings are permitted in these districts, however, does not mean that is what has been built: just less than one percent of housing in the City has two units, while single dwellings account for almost 29 percent of all development. This is likely due to the building envelope barriers built into the two-family districts when they were written decades ago, coupled with the fact they allow single-family housing by right as well.

Many communities facing affordability challenges similar to those in New Braunfels recognize that part of the solution is to allow forms of less expensive housing, such as duplexes, townhomes, and small multi-family construction, but few already have the zoning in place to allow such development across large areas of the City. New Braunfels does already have this zoning in place, and the next step to take in encouraging the construction of duplexes in districts that allow them is to reduce the lot size requirements, lot width and depth minimums, and rear and side setbacks for duplexes. While it is likely that the original intention of the regulations may have been to accommodate two full size single-family units on one lot, currently, at 8,000 square feet of required lot area for a two-unit building, the lot size minimum is excessively high. Communities in Texas vary widely regarding the minimum lot size for duplexes, but both neighboring San Antonio and San Marcos allow duplexes on 4,000-square foot lots. If the community wants to consider reduced minimum lot sizes, part of this project can be determining the appropriate size -- whether 4,000 square feet, or some other size – that fits in New Braunfels. Even with reduced minimum lot sizes, the option would still remain to have larger lots to accommodate different types of duplex styles.

Though they account for a small percentage of zoned land at just over three percent, the City's four districts for zero-lot-line homes and townhome development are also dedicated to single-family dwellings. There may be a need to maintain these districts separately if the community has determined designated areas where this type of construction is desired. However, these housing types perhaps could be allowed in a variety of districts and may not need standalone districts on their own.

Where these districts and development styles continue to exist, we can revisit the present allowance that

permits a building the wall right on the lot line, with an abutting property easement for maintenance. This permission allows eaves and gutters to overhang onto abutting property, and poses a conflict with the International Residential Code (IRC), and can be revised to require a minimum two-foot setback from the side property line, so there are no projections or overhanging eaves onto a neighboring property.

**Multi-Family Districts.** In multi-family districts, the required minimum lot size for the low-density R-3L is 15,000 square feet, while the minimum lot size in the high-density R-3H is 20,000 square feet. Both of these are relatively large. Perhaps owing in part to the need for economy of scale to balance rising land costs in New Braunfels, recent multi-family construction in New Braunfels has tended to be as part of larger developments, such as Creekside. In stakeholder discussions about these new projects, many respondents appreciated the new commercial elements that these developments have brought to New Braunfels. However, a consistent theme was concern about the scale of the apartments, citing as one issue the traffic generated by these dwellings spilling onto farm roads that are not readily able to accommodate the increase.



Large concentrations of multi-family dwellings generate similar issues in many communities, which is why many communities look for ways to incorporate smaller, neighborhood-scale infill for new multi-family projects. In terms of zoning district regulations, the 15,000 square foot minimum lot size likely functions to discourage smaller-scale multi-family development. Smaller scale development of three and four units might fit into established neighborhoods, offering less expensive housing options with less of a need to rely on car travel to meet all of residents' daily needs. But, in the absence of greater flexibility to make smaller multi-family development more financially feasible, the result is likely to be more of the larger scale developments on the periphery, with their attendant secondary impacts like limited accessibility and increased traffic.

One recommendation to facilitate smaller-scale multi-family that might fit more seamlessly into the City is to reduce the required lot size for any multi-family development. Another equally important recommendation is to change the definition of "multi-family" from the current three units and above to five units and above, and to allow those smaller three- and four-unit structures in more districts in the City.

**Manufactured Home Districts.** As the quality of manufactured housing has improved over the past decades owing to federal HUD requirements, many communities have moved from restricting such housing to dedicated zoning districts to allowing them in all districts where single-family homes are permitted. This eliminates the potential for lawsuits on the basis that restrictions are a form of socioeconomic discrimination. Manufactured homes are expected to meet the same requirements as stick-built homes, usually subject to the additional requirement that manufactured housing be placed upon a permanent foundation. There are numerous ways to expand the permissions for manufactured housing, from designating certain districts where they are a permitted use, to allowing them in any residential district, subject to conditional use approval. We recommend that New Braunfels discuss what approach could fit in the community, and in particular, consider removing the valuation requirement that currently applies.

While manufactured housing should be permitted more broadly, communities often do retain mobile or manufactured home park zoning designations, mainly for existing developments, as a measure of protection against redevelopment pressures. Existing mobile home parks often provide some of the most affordable housing in any community, and eliminating the restricted districts where they are located often leads to redevelopment proposals that focus on land uses that offer higher returns. Maintaining restricted

zoning designations for these parks offers a small measure of protection against speculative redevelopment proposals.

### Residential Conservation Districts

Many communities around the country, including Dallas and San Antonio, have adopted conservation districts, which would be new in New Braunfels. These are areas where there is a particular style or character that is intended to be preserved, but where formal designation is not desired or appropriate for a variety of reasons. Sometimes called “historic district light,” these are alternative ways to protect areas with cohesive characteristics. The designation of a conservation district often mirrors that for historic districts, and modifications to properties are reviewed according to design guidelines, though typically with a more streamlined process. Conservation districts are more typically owner-initiated and enforced by the neighborhood itself. For these reasons, conservation districts are often more efficient, require less staff resources, and can overall be easier for a city to administer.

#### Recommendations:

- Reconsider minimum lot sizes and other dimensional standards such as setbacks, particularly to promote housing affordability.
- Expand the diversity of housing types allowed in residential districts.
- Develop a residential conservation district overlay as an additional tool to help preserve existing neighborhood character in some areas.

### Mixed-Use Districts

New Braunfels currently has two mixed-use districts that together account for under two percent of zoned land within the city.

District Abbreviation	District Name	Percent of Land Zoned
MU-A	Low-intensity mixed use district	1.75
MU-B	High-intensity mixed use district	0.02
<b>TOTAL</b>		<b>1.77</b>

This small percentage of land zoned as mixed use, along with feedback from staff, indicates that the existing mixed-use districts have not been working to produce mixed-use development, despite the community’s stated desire for such development. Instead, the recent mixed-use developments that have been built in New Braunfels used planned developments instead of the standard mixed-use districts. Despite a permissive list of allowed uses in the City’s mixed-use districts, they have instead been used to create single-purpose developments, often multi-family.

There are several issues with the district standards as written that may be discouraging them from being used to develop actual mixed-use projects:

- Likely the most significant impediment to these districts producing mixed-use development is the fact that the districts



*“I believe we should have more mixed-use development especially in the downtown area.”*

*“Mixed-use zoning and increased greenspace and walking/biking infrastructure would be major improvements.”*

function as “umbrellas” where the underlying standards are those of the existing districts. So any single dwellings proposed as part of a development in the MU-A district, for example, would have to meet the same requirements as single dwellings in R-1 (at least 6,600 square feet of lot area, same setbacks). Multi-family structures (even three units) would still require a minimum lot of 15,000 square feet. The same underlying standards apply for townhouses, duplex dwellings, and non-residential structures. MU-B, while allowing greater height and density, still uses the standard districts’ dimensional requirements.

- The districts as written do not easily accommodate more than one use in a single building. The mix of uses would be by proximity, rather than by integration in a single structure, with limitations as described above by the large lot sizes and suburban dimensional standards.
- A requirement for an actual mix of uses for any development in one of these districts could help prevent the districts being used for single-purpose development. However, the requirement should not be too specific (e.g., specifying required percentages of residential and non-residential square footage in a single building), or they risk a failure to reflect evolving market conditions.

To make mixed use work in New Braunfels (without a Planned Development request), the City should consider establishing new districts that explicitly allow and encourage pedestrian-friendly mixed-use development in a range of different contexts. The idea of higher- and lower-intensity districts can be carried forward, but in both cases, the new districts need to offer more flexibility in the form of smaller minimum lots and setbacks, and permit a genuine mix of uses, including in the same building. When considering where such new districts might apply, areas identified on the Future Land Use Map as mixed-use centers and corridors may be good initial candidates for rezoning to the new mixed-use districts, once the desired extent of such centers and corridors is more well-defined.

### Recommendation:

- Create new mixed-use districts with tailored, district-specific standards and requirements.
- Consider form-based approaches for new mixed-use districts to help ensure high-quality design while allowing a wide range of uses.
- Evaluate creation of a mixed-use transit-oriented development district.

## Non-Residential Districts

Currently there are 14 commercial and industrial districts in New Braunfels, summarized below. Ten commercial districts account for approximately 14 percent of zoned land, while four industrial districts are another 16 percent of zoned land.

District Abbreviation	District Name	Percent of Land Zoned
C-1	Local business district	2.66
C-1A	Neighborhood business district	0.61
C-1B	General business district	2.82
C-2	General business district	0.75
C-2A	Central business district	0.01
C-3	Commercial district	5.29
C-4	Resort commercial district	0.94
C-4A	Resort commercial district	0.12

District Abbreviation	District Name	Percent of Land Zoned
C-4B	Resort facilities district	0.58
C-O	Commercial office district	0.16
M-1	Light industrial district	11.15
M-1A	Light industrial district	1.95
M-2	Heavy industrial district	2.84
M-2A	Heavy industrial district	0.24
		<b>TOTAL 30.12</b>

### Industrial Districts

While maintaining a certain amount of land zoned for industry is important in supporting the Economic Competitiveness goals in the *Envision New Braunfels* plan, New Braunfels has over 16 percent of industrially zoned land, which is a relatively high amount. The largest portion of the City's industrial land is in the pre-1987 M-1 light industrial district. Given the pyramidal nature of New Braunfels' zoning, what this has meant in practice is that, due to widely permissive use regulations, industrially zoned land is occupied by a variety of non-industrial uses. The LDO rewrite can look at several aspects related to this, including:

- Has the use of industrial land for non-industrial purposes occupied all available industrially zoned land? If so, should additional truly industrial zoning be added?
- Of the 16% of industrially zoned land, how much is viable for industrial development, given its close proximity to existing or forthcoming residential development?
- A re-assessment of allowed uses within industrial and other commercial zones can help to ensure this land is "reserved" for the non-residential uses New Braunfels needs to achieve its economic goals.
- Any rezoning of industrial land to more closely reflect actual land use should be done with a view to avoiding the creation of nonconformities.

### Commercial Districts

New Braunfels has ten commercial districts, most of which have very similar standards. The resort-related and office-focused districts do serve distinct purposes, but account for very little zoned land in the City. Differentiation among the other commercial districts is less straightforward.

The rewrite offers an opportunity to review the districts for continued applicability, combine those that serve the same purpose, eliminate any that are obsolete, and create new districts to facilitate desired development, including reinvestment and redevelopment. The following summary table of proposed zoning districts offers some initial recommendations on whether to combine or carry forward some of these districts, but several will require further discussion before a final recommendation can be offered.

Among those:

- **Resort Commercial Districts** – Tourism and resort communities often have dedicated zoning districts to support these industries. However, the three existing districts in New Braunfels have not been widely used, with all three together accounting for under two percent of zoned land in the city. The C-4 and C-4A districts are very similar. If carried forward, they should be combined, applying the more permissive of differing standards to avoid creating nonconformities.

While the C-4B district is distinguished by its purpose statement and, to a certain extent, by the allowed uses in the district, there are only two C-4B properties in the City. The limited extent of use for this district may have been intentional, a result of the minimum 10-acre requirement, and the location limitations described in the purpose statement. Given these limitations, does the City see a need for this particular district in the future?

Generally, we propose replacing these three separate resort-focused districts with a single mixed-use resort district. However, this is an item on which further discussion with staff would be helpful to define solutions for using New Braunfels' zoning regulations to best support one of its defining industries.

- **Commercial Office District** – The purpose of the Commercial Office district is to permit a mix of office and residential uses. It is a small amount of the City's zoned land (0.16 percent), but has land with this zoning actually been used for the desired mix of residential and professional uses? As with the City's other mixed-use districts, this one draws its standards from the existing residential districts, and the C-1A district (though without the 50,000 square foot lot size limitation), thus limiting the flexibility of how development in the district can be mixed. On that account, we would be likely to recommend the elimination of this district, and its replacement with a more flexible, small-scale mixed-use district.

### Recommendations:

- Review industrially zoned land to determine a new, updated list of permitted uses, and consider the addition of R&D and other light, campus-style industrial uses.
- Assess if adequate industrial land remains to accommodate the community's economic goals.
- Review existing commercial districts; combine identical districts; add new commercial or mixed-use districts if current ones do not allow the kind of commercial development the City desires.
- Evaluate where live-work units should be allowed.

## Other Districts

The remaining district composition in New Braunfels is comprised of planned development districts, special districts, and the agricultural/pre-development district. Together, these districts account for nearly 27 percent of zoned land.

District Abbreviation	District Name	Percent of Land Zoned
APD	Agricultural/pre-development district	17.52
PD	Planned development districts	10.48
SD/WSD	Special districts	0.64
<b>TOTAL</b>		<b>28.64</b>

## Special Districts and Overlays

Stakeholder interviews did not surface any issues with the existing Special Districts, and some participants specified they believe the Walnut Neighborhood Special District is working well at retaining residential character. The original plan to implement Phase 2, from Katy Street to the Loop, should be considered. Most existing Special Districts should be carried forward with no major changes proposed; however, the Special Neighborhood District-1 can be re-examined for minor edits to address nonconformities, particularly with setbacks. The overlay district for the City's Main Plaza was created for a specific purpose and will also be carried forward. Downtown stakeholders have expressed interest in additional overlays for

the other corners of the plaza, and the possibility of a form-based code (or regulations that produce a similar outcome) for Downtown overall.

The City's four existing historic districts are overlays, as is the Airport Hazard Zoning District (currently located in the Development Standards article). These too should be included in the Overlay section of the zoning ordinance, along with the accompanying standards and regulations. As is the case with the Main Plaza overlay and the Special Districts, each overlay and special district should be accompanied by a map or graphic that shows the boundaries of the area in which the standards apply.

A general recommendation with all special districts and overlays is that the new code should specify how these tools are to be used, what they are intended to accomplish, and how they relate to base districts. In the current regulations, there is considerable overlap in the use of terminology, with special districts described as overlays, causing confusion as to what is the difference, and when one would be used instead of the other. Most communities use overlay districts to add standards on top of a base district, while special districts replace the base zoning district with a tailored set of standards that apply within district boundaries. We can work with staff to establish clarifications on purpose, applicability, and terminology for these zoning tools.

### Planned Development Districts

Like many communities working with dated zoning regulations and overly prescriptive zoning districts, New Braunfels has come to rely on planned development district requests (PDs) as a tool to allow for flexibility and innovation with development proposals. Two recent examples of large projects that used PDs are Solms Landing, and Towne Creek, neither of which could have been accomplished using the standard commercial and residential districts, or even the existing mixed-use districts.

PDs are intended to foster flexibility and innovation. A criterion for their consideration should be to demonstrate superior development elements (design, public amenities) over what would be produced with conventional zoning. However, the process to apply them in New Braunfels includes more steps than in other cities: a Concept Plan that must be considered by the Planning Commission and City Council, then a subsequent Detail Plan that must be separately considered by only the Planning Commission.

Over time, communities that come to rely on PDs find that they create issues with time-consuming negotiations on standards, and lack of predictability in the approvals process. Community residents can also become frustrated, as PDs make it seem like there is no predictability in what uses or developments might be approved next door to them.

Feedback indicates that this is increasingly becoming the case in New Braunfels. So, while the City should maintain the PD option to accommodate particularly large developments or unusual proposals, our general emphasis in this code update will be to allow greater flexibility in base districts and allowed uses to reduce the need for them.



*Towne Creek Planned Development*

### Agricultural/Pre-Development District

This district accounts for the largest percentage of zoned land in New Braunfels and, while some of the land area may be dedicated to agricultural uses, the district has generally been used as a “holding zone” for annexed land that is not ready for immediate development. While stakeholder interviews did not mention any specific issues with this district, other communities using “holding zone” districts have encountered difficulty with the public expectations the holding zone creates. In New Braunfels, an agricultural zoning may create an expectation that the land will actually be used for low-density agricultural uses. Then, when a rezoning request appears for higher-intensity use, it generates opposition from the public based on the false expectation of agricultural use because of the zoning.

If this is an issue New Braunfels has encountered, our recommendation is to require the City to apply appropriate zoning to all lands upon annexation, with no holding zone or agricultural designation unless agricultural uses are specifically contemplated. When there is a request for land annexation, it could be considered concurrently with a request for zoning upon annexation. This is a standard practice in many communities and has the benefit of enabling the public to know with increased certainty what future land uses they may expect to see on annexed land.

#### Recommendations:

- Carry forward existing overlay and special districts.
- Consider where new overlays may be beneficial, possibly to include the central plaza and other Downtown areas.
- Revise and streamline the planned development district process.
- Ensure all overlays (such as historic districts and the airport hazard zone) are included in this section of the LDO, along with their respective standards and regulations.
- Clarify differences in the purpose, applicability, and desired outcomes of overlays, planned development, and special districts.
- Require concurrent zoning upon annexation to accompany any annexation request.

### Mapping the New Districts

When new zoning districts were added to the New Braunfels code in 1987, the City chose to maintain the old districts separately alongside the new. Over time, this resulted in a long list of available districts, many of which are similar, if not identical, and some of which do not appear on the City’s zoning map. Such a system is challenging for the City to administer and confusing to the public.

This project will recommend additional changes to the district list, potentially making the list even longer. While the City could continue with the strategy of allowing old and new districts to co-exist, we recommend a more ambitious option: large-scale rezoning to eliminate the old districts, updating the map so only new and retained districts appear on the map. This does not mean every property in the City would need rezoning as part of this project, since a number of existing districts will be carried forward. But if new districts are to be applied to the map, or existing districts are amended or consolidated, rezoning would be required. This strategy would also enable review and reclassification of the existing Restricted Zoning special districts, possibly converting these to the closest applicable standard district.

This is a significant strategic decision for the City to consider. But, to avoid a confusing proliferation of ever more zoning districts, and to realize the full benefits that a once in a generation zoning code rewrite offers, we propose this as the primary option for the City’s consideration. If rezoning is not a feasible option at the current time, we will investigate other options for how new and consolidated districts can best be reflected on the City’s zoning map.

**Recommendation:**

- Plan for rezoning as the preferred means of implementing new and consolidated districts, and eliminating obsolete districts, on the City's zoning map.

**Revise Special Use Permit Procedure**

Staff have indicated a desire to revise the way the Special Use Permit procedure is used, including renaming the procedure to "conditional use." The current name is misleading since, rather than a permit review, this is a zoning procedure that results in a zoning overlay upon approval. However, misleading nomenclature is not the only reason to make this change. The current procedure is, effectively, a use variance, which most communities do not allow. Use variances are not a best practice, as they involve a tenuous legal basis, and add complications when a use changes, as staff have discovered.

A new conditional use procedure could provide more predictability by specifying in the new use table where certain uses may be allowed as conditional uses – as opposed the open-ended, unpredictable nature of the current special use permit where any prohibited use can be allowed in any district. Further, each conditional use request can be accompanied by a site plan review, demonstrating how the use can be made compatible with the district in which it is proposed. This will provide better defined information on which the City Council can base its decision. For further discussion on this topic, see the "Modernize Use Regulations" section of this report.

**Recommendations:**

- Rename Special Use Permit to Conditional Use, review when it may be requested, and revise procedure to include provision of site plan accompanying any such request.

**Summary Table of Proposed Zoning Districts**

The following table shows how each of the current zoning districts would translate to the new lineup of zoning districts if all the recommendations are implemented. The far-right column indicates the required mapping needs to convert the current lineup of zoning districts into the proposed lineup.

## Summary Table of Proposed Zoning Districts

Current District	Proposed District	Comments	Mapping Change
<b>Residential Districts</b>			
R-1 – Single-Family	R-6 – Single-Family	The dimensional standards for residences in these two districts are identical; they should be combined. Consider reducing minimum lot size from 6,600 to 6,000 sq ft.	Remap to reflect name change.
R-1A 6.6 – Single-Family			
R1A-43.5 – Single-Family		These districts do not appear on the map, indicating there is no current demand for a district that specifically requires lots of this size. Nevertheless, consider retaining for use in areas without wastewater service or in the aquifer recharge zone. Larger lots can still be accommodated in districts that require smaller minimum lot sizes.	TBD
R1A-12 – Single-Family	R-12 – Single-Family		
R1A-8 – Single-Family	R-8 – Single-Family	A nominal amount of City land bears this zoning (0.04%). The district could be retained to allow 2-5 unit projects, in addition to single-family development. Alternately, existing lots could be rezoned to R-6, and the district eliminated, again taking into account that larger lots can still be accommodated in districts that require smaller minimum lot sizes.	TBD
R1A-5.5 – Single-Family	R-5 – Single-Family	Allowing smaller lots within the City is a good strategy for allowing growth, reducing housing costs, and adding density. Consider reducing the 5,500 sq ft lot size requirement to 5,000 sq ft.	Remap to reflect name change if lot size is amended.
R1A-4 – Single-Family	R-4 – Single-Family	Allowing smaller lots within the City is a good strategy for allowing growth, reducing housing costs, and adding density. Carry forward.	No change.
	R-2.5 – Single-Family	In keeping with the strategy to allow smaller lots that accommodate growth and density while reducing housing costs, this proposed new district that would allow single-family dwellings on lots of 2,500 square feet or larger.	No immediate change – district to be applied through rezoning requests.

## Summary Table of Proposed Zoning Districts

Current District	Proposed District	Comments	Mapping Change
R-2 – Single-Family and Two-Family	R-2 – Duplex	The dimensional standards for residences in these two districts are identical; they should be combined.	Remap R-2A to R-2.
R-2A – Single-Family and Two-Family			
R-3 – Multi-Family	R-M – Mixed	The dimensional standards for these two districts are very similar; they should be combined using the more permissive of the existing standards to avoid creating nonconformities. Consider revising the district to encourage infill and small projects, limiting it to 5 units.	Remap existing zones to new designation.
R-3L – Multi-Family Low Density			
	R-MFM – Medium-Density Multifamily	Consider the addition of a multifamily district that can accommodate medium-size multifamily projects, possibly 6-25 units.	No immediate change – district to be applied through rezoning requests.
R-3H – Multi-Family High Density	R-MFH – High-Density Multifamily	A district for higher-density multi-family should be maintained, starting with large projects of 25+ units; update standards (lot size, height, lot coverage, maximum density).	Remap existing zones to new designation.
B-1 – Conventional and Mobile Home	N/A	Eliminate districts and allow manufactured housing in some additional districts.	Remap existing zones to most closely corresponding residential district.
B-1A – Conventional and Mobile Home	N/A		
B-1B – Mobile Home Park	R-MH – Manufactured Home Park	Carry forward, with standards in Appendix B reviewed for quality; incorporate revised standards into the appropriate section of the LDO.	Remap to reflect name change.
TH – Townhouse	N/A	Eliminate districts and allow townhouse development in other residential districts (to be determined), subject to appropriate development standards.	Remap existing zones to most closely corresponding residential district.
TH-A – Townhouse	N/A		
ZH – Zero Lot Line Home	ZH – Zero Lot Line Home	The dimensional standards for residences in these two districts are identical; they should be combined and updated to comply with building code.	Remap existing ZH-A zones to ZH zoning district.
ZH-A – Zero Lot Line Home			

## Summary Table of Proposed Zoning Districts

Current District	Proposed District	Comments	Mapping Change
<b>Mixed-Use Districts</b>			
MU-A – Low-Intensity Mixed-Use	MX-D – Mixed-Use (number and intensity to be determined)	Classification of mixed-use into low or high intensity districts may still be a valid framework, but the underlying standards for newly proposed mixed-use districts would change.	Remap properties from the existing district to the new mixed-use district that most closely corresponds to the current standards.
MU-B – High-Intensity Mixed-use			
<b>Non-Residential Districts</b>			
C-1 – Local Business			
C-1A – Neighborhood Business	C1 – Neighborhood Business	The dimensional standards for these two districts are very similar; combine using the more permissive of the existing standards to avoid creating nonconformities. Purpose statement should better differentiate the smaller scale of businesses in this district, and the lesser need for transportation route access. Consider new standards or incentives for parking to be located in the rear, as well as street-facing fenestration requirements.	Remap to reflect name change.
C-1B – General Business			
C2 – General Business	C2 – General Business	The dimensional standards for these two districts are very similar; they should be combined using the more permissive of the existing standards to avoid creating nonconformities. Purpose statement should emphasize the desired scale of businesses in this in this district, and the need for transportation route access.	Remap to reflect name change.
C-2A – Central Business	CBD – Central Business	District to be carried forward with amended underlying standards.	Remap to reflect name change.
C-3 – Commercial	C3 – Corridor Commercial	Carry forward with added purpose statement indicating the district is intended to accommodate high-intensity, large lot commercial that requires good access to the City's major transportation thoroughfares.	Remap to reflect name change.

## Summary Table of Proposed Zoning Districts

Current District	Proposed District	Comments	Mapping Change
C-4 – Resort Commercial			
C-4A – Resort Commercial			
C-4B – Resort Facilities	CR – Commercial Resort	Further discussion on these districts is needed. They could be replaced by a mixed-use resort district. If there is reason to carry them forward, C-4 and C-4A should be combined using the more permissive of the existing standards to avoid creating nonconformities. C-4B can also be combined, or kept separate if there is still a need for it to accommodate 10+ acre resort development requests.	TBD.
C-O – Commercial Office	MX-D – Mixed-Use (number and intensity to be determined)	Replace this district with a mixed-use district with more flexible standards.	Remap properties from the existing district to the new mixed-use district that most closely corresponds to the current standards.
M-1 – Light Industrial	I1 – Light Industrial	The dimensional standards for these two districts are identical; they should be combined.	Remap to reflect name change.
M-1A – Light Industrial			
M-2 – Heavy Industrial	I2 – Heavy Industrial	The dimensional standards for these two districts are identical; they should be combined.	Remap to reflect name change.
M-2A – Heavy Industrial			
Other Districts			
APD – Agricultural/Pre-development	AG – Agricultural	Establish an agricultural district to accommodate genuinely agricultural uses (distinct from lands currently classified as ag as “holding zone” lands).	Remap agricultural properties into the newly named district.
	PO – Parks and Open Space	New district intended to accommodate the City’s parks and open spaces, and publicly owned floodplain/floodway.	Remap to reflect name change.
PD – Planned Development	PD – Planned Development	Carry forward.	Revise process to streamline steps.
SD – Special Districts	SD – Special Districts	Carry forward existing Special Districts, with possible revisions to SND-1 dimensional standards.	Incorporate all existing Special Districts into map and ordinance. No change to existing Special Districts.

## Summary Table of Proposed Zoning Districts

Current District	Proposed District	Comments	Mapping Change
Overlay Districts	Overlay Districts	Carry forward.	No map change. (Create new section in LDO to accommodate current and future overlays.)
	TOD – Transit-Oriented Development	New district intended to accommodate development patterns desired by the community surrounding transit hubs.	TOD overlay to be applied through rezoning requests.

## MODERNIZE THE USE REGULATIONS

The New Braunfels LDO project provides an opportunity to revisit the way New Braunfels defines, categories, and regulates the various land uses allowed in the zoning districts. Sample land uses in the current zoning ordinance include “one-family dwelling detached,” “retail store and shopping center,” and “consignment shop.” This section recommends several improvements for the City’s consideration.



### Restructure the Land Use Matrix

The current zoning ordinance itemizes each allowable use in numbered lists for every district in Article III, Zoning Districts, stretching the article to dozens of pages in length. The uses are listed alphabetically and not grouped by type, so unrelated uses appear one after another. There also is a separate Land Use Matrix (Sec. 144-4.2) that repeats much of the same information, but there are inconsistencies.

Modern zoning ordinances typically include a table of allowed uses, with rows representing land use categories and specific use types, and columns representing the zoning districts. This format allows quick comparison of the allowable uses in each zoning district, and eliminates the potential for inconsistencies over time as uses are updated. A sample use table (excerpt) from another community is shown below.

Table 3.1

#### Table of Allowed Uses

P = permitted C = conditional use permit required A = accessory Blank Cell = use prohibited

	Residential						Non-Residential				Other			Use-Specific Standards				
	RS-70	RS-35	RS-18	RS-10	RS-6	RMH	RM-1	RM-2	RM-3	M1	M2	M3	CO	IN	L	CF	OS	OC
<b>RESIDENTIAL</b>																		
<b>Household Living</b>																		
Dwelling, Co-Housing							P	P	C	P						P		3.3.A(1)
Dwelling, Duplex							P	P	C	P	P					P		
Dwelling, Live/Work								P	C	P	C	C	C			P		3.3.A(2)
Dwelling, Multifamily							P	P	P	P	P	P	P	P		P		3.3.A(3)
Dwelling, Single-Family Attached							P	P	C	P	P		C	C		P		3.3.A(4)
Dwelling, Single-Family Detached	P	P	P	P	P	P	P	P	C	C						P		3.3.A(5)
Manufactured Home					P	P	C	C	C									3.3.A(6)
<b>Group Living</b>																		
Assisted Living Facility								P	P	P	P			P	P			
Dormitory							C	C	C	C	P	P	C					

*This excerpt from another Clarion code represents an improvement over the current New Braunfels Land Use Matrix. Designations represent uses allowed by right, or by conditional use, and/or whether use-specific standards apply, which are referenced in the far-right column.*

In addition to links to use-specific standards, some communities add links to use definitions. With the consolidation of uses into categories (recommended below), this could help in New Braunfels if a user wants to make sure a specific no longer listed separately (e.g., bowling) fits within a category (indoor recreation).

The new table can be a helpful resource for consolidating key information. Beyond the uses themselves, a table can identify:

- **Accessory and temporary uses.** The table should include sections for accessory and temporary uses at the end of the table, identifying the appropriate districts for each of these types of uses. This helps the user understand the difference between primary and accessory or temporary uses. Accessory uses are incidental and subordinate to a primary use on the same lot. Temporary uses are allowed in a zoning district for a limited and fixed period of time.
- **Use-specific standards.** A column includes cross-references to use-specific standards, which are additional requirements that are specific to a use type. Cross-referencing those standards in the use table communicates to the reader that, although the use may be allowed by right, there are additional standards that must be addressed.
- **Parking standards.** Some communities integrate the minimum and maximum required parking spaces for each specific use type in the table of allowed uses, rather than having a separate parking requirements table elsewhere in the document. The advantage of doing so is that, as the types of uses change over time, this method prevents inconsistencies between the two tables. The disadvantages are that it can make the table lengthy and more complex, and that including parking requirements outside of the parking standards section of the LDO may not be intuitive to all code users.

#### Recommendation:

- Restructure the Land Use Matrix into categories and subcategories to break up the long undifferentiated list of alphabetized uses.

### Define, Categorize, and Consolidate Use Types

The current zoning ordinance is more specific than needed when describing allowable land uses. For example, there are 91 separate industrial uses in the current matrix, in a largely built-out community. Some of these uses, such as “Frozen food storage for individual or family use,” are likely obsolete, while many others could be encompassed by broader categories of use, such as Manufacturing, Warehousing, or Storage. The same holds true for the proliferation of individual retail and office uses.

The new Table of Allowed Uses will focus on streamlining similar uses into consolidated categories and subcategories. Each use category and specific use type will be defined, with examples. For example, a definition for “retail” may include many of the current uses listed separately in the development regulations, such as “needlework shop,” “pet store,” “bookstore,” “photographic supply,” and others that are encompassed by retail. This kind of consolidation works because the land-use impacts of a retail establishment, whether a “needlework shop” or a “bookstore,” are similar: customers arrive with the intent of browsing or purchasing goods. The important difference among retail establishments is generally their size, and how many customers they draw. To address this aspect of the use, the Retail category can be broken up into small, medium, and large size establishments, as well as a category for Retail with outdoor display, which has its own set of impacts.

The same logic can be applied to offices, where there usually are few differences between a brokerage office and an office for securities, commodity brokers, dealers, exchanges, and financial services; and personal service uses such as travel agencies and tailor shops, where again the impacts of the uses are similar. On the other hand, medical offices and outpatient clinics often have more employees and customers than other office types and so are subject to different parking requirements.

Part of this exercise to define and consolidate uses also includes a review and removal of unnecessary or

antiquated use types, like “Distillation of bones,” “Answering and message service,” and “Frozen food storage for individual or family use.” While the intent is to modernize and consolidate where possible, some similar uses will be maintained as separate entries, as in the case of “hospital” and “medical office,” where the impacts of the use differ.

Finally, the review of allowed uses permits the inclusion of new uses. Many communities are seeing the need to add entries for new uses such as data centers or server farms; doggie day care; ghost kitchens, artisanal manufacturing; and microbreweries, distilleries, cideries, and wineries. We can work with staff to determine which of these new uses, if any or if others, should be added to the updated Table of Allowed Uses, as well as devising a nimble means to accommodate periodic updates in the future as new and innovative uses continue to be invented and evolve.

### **Recommendations:**

- Define and categorize all land uses.
- Refine the list uses by eliminating antiquated uses, consolidating like uses, and including new uses.
- Devise simple process to allow incorporation of new uses into the LDO, as well as adjustments to existing ones.
- Clarify how accessory and incidental uses are allowed.

## **Revise Use Permissions**

New Braunfels is unusual in having only two classifications for land uses: either a use is permitted (P) or it is not. If it is not, an applicant can ask for a Special Use Permit for any use in any district. The code update offers an opportunity to consider additional options for how uses may be considered and approved.

### **Consider a New Conditional Use Procedure**

First, introduce a new conditional use procedure to replace the current Special Use. A conditional use would still be subject to consideration and approval by the City Council at a public hearing, with the use allowed subject to any conditions imposed by the Council through a site plan review. But the potential zoning districts where conditional uses would be allowed and identified in the new use table, and thus more predictable than the Special Use.

Conditional use approval can be revoked by City Council for failure to maintain on-going compliance with the terms or conditions of approval. So, for instance, a conditional use approval for a day care would not allow any changes, such as physical expansion of the premises, or any change in hours or number of attendees, or any new use proposed for the site if the day care closes, without additional Council review. As it is zoning and “runs with the land,” conditional use approval is transferable, so if the day care has a new owner, the conditional use would continue to be valid as long as the new owner operates the facility exactly according to the original terms of approval, but no other change is allowed without additional review and approval.

### **Review Use Permissions and Expand Use-Specific Standards**

The second recommendation is to conduct a use-by-use review to determine where current use permissions continue to be appropriate or where adjustments are required. Not all uses must go through a time-consuming Council review. Some uses could show a “C” in the use table, indicating a conditional use review requirement, as noted above.

Also, some uses could be potentially allowed without Council review if better use-specific standards are introduced. Use-specific standards are an important way to mitigate impacts of certain uses, regardless of where they are located. Such standards typically address how certain uses must operate, (e.g., size limitations, specific location or separation requirements, additional buffering standards, operational

standards). The approach also helps ensure consistency, in that standards are uniformly applied rather than negotiated anew for each application and streamlines the development review process.

In New Braunfels' regulations, some of these already are found in the Development Standards section of the Code. Adding additional use-specific standards could help increase predictability and allow more uses to be approved without Council review and hearing. An example is outside storage. Currently, this use is only permitted in New Braunfels' industrial districts. With the limitation of certain additional standards (e.g., the use must be screened from view of all public rights-of-way, may not be adjacent to residential, may not be larger than a specified size) this use could likely be allowed in higher-intensity commercial zones, subject to administrative review rather than Council decision.

**Recommendation:**

- Replace Special Use review with a conditional use review.
- Review uses to identify opportunities to allow some uses more widely, subject to use-specific or performance standards, to lessen reliance on Council reviews.
- Consolidate all use-specific standards in a new Use Regulations chapter.
- Add use-specific standards where they can enhance uniform development of certain uses, mitigating impacts, and allowing consistency and efficiency in the development review process.

**Diversify Housing Types**

The housing in New Braunfels is dominated by detached, single-family structures, perhaps reflecting in part the current suburban zoning regulations. As vacant land becomes scarce, single dwellings have become more expensive, and new construction of both single- and multi-family housing has been pushed to the periphery of the community, creating traffic and accessibility issues.

The need for both more housing and a variety of housing types came up in many stakeholder meetings. The community's recent creation of the Workforce Housing Advisory Committee is another reflection of the struggles of rapid growth, where sharp increases in both price and demand threaten to push middle- and lower-income groups further from the center of the community. This problem may not be unique to New Braunfels, as the cost of housing has risen nationwide, but it is particularly acute given the rapid rate of growth of the City over the past decade.

In many cases, it is the very residents a community hopes to attract—emerging young professionals, young families, skilled workers, service industry workers, teachers, police officers, and retired individuals—who experience the greatest difficulty in obtaining suitable housing in a growing community. This is especially important for New Braunfels because of its reliance on the tourism industry, which offers many jobs with moderate salaries. Providing housing options for these individuals in New Braunfels would help reduce traffic congestion and commute times.

Some communities address workforce housing demands by removing barriers that prevent the creation of a wider variety of housing types that may be more affordable to broader groups of residents. These barriers are often the result of rules adopted decades ago that, over time, have unintentionally limited the creation of housing types other than single-family. One obstacle to developing these housing products in New Braunfels is the Code's heavy emphasis on single-family dwellings. The majority of residential districts in the City permit only detached, single-family dwellings on relatively large lots. The Code is also dated in classifying anything larger than a duplex—so, three- and four-family structures—as multi-family. Where multi-family can be constructed is limited both by district, and by the relatively large lot size requirements (15,000 square feet) for any such structure. The result, at least with recent multi-family construction, has been a concentration of large developments on the periphery of town, which have generated opposition among many residents, in part because of the traffic generated when large projects are built in locations

that must rely on car trips to meet the residents' daily needs.

Reclassifying multi-family to building of five units or larger, and reducing the minimum lot size for smaller developments of three and four units, can help to integrate these smaller developments into existing neighborhoods.

Expanding the types of allowed housing can help as well. For many communities, this includes:

### **Accessory Dwelling Units (ADUs)**

ADUs have proven a popular "gentle density" option in many communities. New Braunfels can encourage their creation by:

- Eliminating the prohibition against kitchens in ADUs.
- Eliminating the provision that "no compensation may be paid for occupying the accessory dwelling."
- Allowing both attached and detached ADUs on any single-family lot that meets the applicable district standards.
- Not applying overly prescriptive standards for building design, unit size, parking and owner-residency requirements.

This project can focus on identifying the right regulations for allowing the expansion of ADUs as an affordable housing source in New Braunfels, possibly including a set of pre-approved ADU plans that owners could use when deciding to construct an ADU on their lot.

### **Duplexes, Townhomes, and Three-and Four-Unit Buildings**

Duplexes and townhomes are permitted in New Braunfels, but they are limited by district, and for duplexes, by large lot size requirements. These two housing types, along with three- to four-unit apartment buildings, can often be integrated into existing neighborhoods without disruption to neighborhood character, as is typically seen in older sections of cities, where this kind of housing mix occurred frequently. Many communities also allow for the internal partitioning of single-family homes to create a certain number of additional units in the existing structure, as long as no changes are externally visible. This creates additional housing without disrupting existing neighborhood fabric, and also offers the possibility for owners to earn additional income from their home. While the general recommendation is to allow these housing types more widely throughout New Braunfels, an important focus of the rewrite will be fine-tuning the locations and lot sizes where such development is appropriate.

### **Manufactured Housing**

Because of recent improvements in the quality and appearance of manufactured housing, combined with the growing need for a greater number of affordable workforce housing options, the trend in many communities is to reduce or eliminate restrictions on where such housing can be located. Localities may maintain limited additional standards for manufactured homes, such as a requirement for them to be affixed to permanent foundations, but otherwise regulate them in largely the same manner as conventional development. With the creation of a new set of residential zoning districts in New Braunfels, we can work to determine if there are any areas where manufactured housing on individual lots should be more widely allowed.

### **Other Emerging Housing Types**

Tiny homes, microhomes, live/work units, and co-housing structures have recently become more frequent and popular housing types in communities throughout the country. There are impediments to allowing any of these more recent housing types in New Braunfels, owing to the dated nature of the existing regulations. Tiny homes, for example, are not covered in the code, and so they are regulated as RVs, thus severely limiting where and how they can be used within city limits. We can

work with the City to determine whether tiny homes or any other among these particular housing types are appropriate in New Braunfels, and how best to regulate them. More generally, a defined means for assessing and allowing new housing types quickly can help expand the supply in New Braunfels.

### **Multi-Family Buildings**

In addition to a recommended change in the definition for multi-family from 3 units to 5 or more, a reassessment of the required minimum lot size of 15,000 square feet is also recommended as part of the rewrite process.

Providing a variety of housing options that are attainable at all income levels is important to ensure an inclusive and economically resilient community. Removing barriers such as the limited forms of housing a community allows, may increase the supply of workforce housing, thereby reducing demand and overall pricing. Expanding what kind of housing is permitted where in New Braunfels is likely the best initial step for New Braunfels at this time, and should be done as part of the creation of the new LDO. The project can also include a determination of whether to offer defined incentives to encourage (or even require) workforce housing in targeted areas.

#### **Recommendations:**

- Remove barriers to workforce housing by allowing a greater diversity of housing types in more locations throughout the community.
- Consider introducing incentives to encourage work force housing.

### **Clarify Approach to Special Events and Temporary Uses**

Over time, the community's regulations related to special events and temporary uses (such as temporary vendors) have grown increasingly complex. This rewrite can help reset, clarify, and potentially simplify the community's approach to these uses in several ways. First, uses such as Special Event, Temporary Vending, and Mobile Food Courts all should be included in the Table of Allowed Uses, and identified where they can be a primary use, an accessory use, or both. Each must also have a clear definition (e.g., to distinguish "Special Event" from "Event Center").

Use-specific standards also should be reviewed and simplified. Special Events, for example, could be divided into Major Events and Minor Events, where small, brief events can be reviewed and approved in an abbreviated review process and bigger events would have more standards and receive more scrutiny.

Beyond special events, the process for all types of temporary uses should be reviewed and perhaps simplified, perhaps with a single permit type (Temporary Use Permit), though permits and approvals required by other entities, such as the Health Department, would still be required.

#### **Recommendations:**

- Add special event and other temporary uses to Table of Allowed Uses.
- Ensure each use has a definition.
- Review and simplify use-specific standards, possibly dividing into Major/Minor categories for review.
- Investigate ways to simplify approval procedure, possibly through one permit type that is applicable to all temporary use requests.

## IMPROVE AND TAILOR DEVELOPMENT STANDARDS

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As the pace of growth has accelerated in New Braunfels, so have concerns over the quality of development that is being produced. Community residents are also concerned that growth pressures increasingly threaten the historic assets that are a major part of the City's appeal, particularly around the downtown. Growth has also pushed development out from the historic core of the City, and the ordinances that regulate the expansion have struggled to keep up with the pace and extent of this sharply increasing demand.

While there are standards in the current regulations that relate to development quality, this section proposes several areas where existing standards can be supplemented, improved, and tailored to reflect the different types of neighborhoods in New Braunfels.

### Focus on Infill and Redevelopment

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Much of the future development opportunity in New Braunfels will come in the way of infill or redevelopment, and the new LDO should be calibrated accordingly. Infill and redevelopment parcels can often present specific challenges ranging from unusual or smaller-than-required lot sizes (as in Landa Estates), the need for environmental cleanup prior to redevelopment, and issues of compatibility with surrounding properties. For redevelopment parcels in particular, many current development standards were adopted long after the original development of the property, and requiring compliance with those standards can deter redevelopment.

In New Braunfels, an example of where this occurs is in the area behind the River Mill. Though zoned industrial, the area has long narrow lots and residential-style buildings. The current requirements for industrial setbacks on these parcels make actual industrial uses, in compliance with the zoning, infeasible in this area. Vacant or underused lots can be overlooked when a quick read of the development regulations renders an investment infeasible.

In drafting the new LDO, particular areas of focus to facilitate infill and redevelopment will include:

- **Revising dimensional requirements.** Minimum setbacks and lot areas and maximum height standards can discourage redevelopment or infill on a vacant lot. For example, requiring a 25-foot minimum front yard setback on both street frontages on a small corner lot in the C-1 district may render the parcel unusable. Reducing the front setback to 15 feet would reduce side setback issues, reduce water usage devoted to lawn care, and allow older areas to build additions on smaller, older homes without necessitating a variance. Correspondingly, increasing the garage setback to 25 feet would help avoid vehicles overhanging sidewalks. Other areas of town could benefit from maximum (rather than minimum) setback standards and built-to lines to bring building close to the street. For both residential and non-residential parcels, revising the required setbacks, and eliminating the larger lot size requirements and double setbacks required for corner lots, can help make infill and redevelopment easier.
- **Tailor development standards.** For particularly challenging infill lots, both residential and commercial, every inch of the site matters. Once requirements such as parking, loading, and landscaping standards have been met, many infill sites have difficulty making a project "pencil out." One way to help make development more financially feasible in such situations is to consider tailored standards that differ depending on the development context. This approach would likely entail applying more permissive standards in redevelopment areas than those that apply for greenfield development.
- **Enhance flexibility.** The broad range of New Braunfels' existing development patterns prohibits the

application of a one-size-fits-all approach to infill and redevelopment. The new LDO should allow flexibility to meet unusual circumstances and encourage creativity. We recommend using menus of alternatives where possible and allowing the property owner options in how compliance with the standards is achieved. Although site-specific challenges cannot be eliminated altogether, well-drafted regulations can remove layers of complexity from development of context-sensitive areas.

**Recommendations:**

- Review dimensional and development standards, and platting requirements, to ensure they encourage infill and redevelopment projects.
- Introduce additional flexibility by adding optional approaches and menus wherever possible.

**Access and Connectivity**

The Transportation Element of the *Envision New Braunfels* plan lists several goals and opportunities with regards to adding bicycle amenities, improving and connecting existing sidewalks to promote pedestrian safety and walkability, providing complete streets, and providing more crossings and safer intersections to allow safer travel and a more connected transportation network.

As New Braunfels continues to redevelop, promoting alternate forms of transportation, including walking, biking, and transit, will be increasingly important to help manage parking demand, relieve traffic congestion, and reduce pressure on the automobile transportation network. It will be important to strike a balance between accommodating new development and effectively managing parking, traffic, and congestion. Improving access and connectivity for all modes of travel is a key piece of this puzzle; not only can improved access and connectivity help to reduce traffic and congestion on major roadways by providing additional auto travel routes, but it can reduce the dependence on the automobile overall by making it easier and safer for residents and visitors to travel by foot or by bike.

Some existing regulations address these issues, but they are minimal and could be strengthened. Current regulations governing site access are located primarily in Chapter 114, *Streets, Sidewalks and Other Public Places*, and are focused solely on automobile access on public roadways. In terms of pedestrian access and connectivity, the sidewalk standards found in the Subdivision Design Standards in Chapter 118 are a good starting point but should be strengthened to apply to other development applications and to include additional provisions for connectivity within and between sites. Chapter 144 requires that non-residential and multifamily development provide “pedestrian routes between parking areas and building entrances” but does not include any standards or requirements for such routes and does not address pedestrian access to and from the site or surrounding area. The only other mention of pedestrian routes in the Zoning code is in the use standards for Drive-through uses, which are required to provide a pedestrian crossing only when a drive-through lane crosses a parking area or sidewalk.

The new LDO should include a new distinct section addressing access, circulation, and connectivity, including standards for how multiple buildings will include circulation standards for both automobiles and pedestrians through streets, alleys, pathways through parking lots, and sidewalks between buildings. This new section should also integrate standards from current Chapter 118 and address when sidewalks or bikeways need to be installed, whether they are required on both sides of the street, and whether those standards apply broadly or only within certain zoning districts/ to certain types of development.

**Recommendations:**

- Consolidate and enhance access, circulation, and connectivity standards.
- Coordinate standards with other site development standards (parking, landscaping, grading and drainage, etc.)

## Parking

We recommend a full rewrite of the parking and loading standards for clarity and to allow more flexibility. In addition to consolidating the standards, specific issues to address include:

- **Evaluate parking ratios.** We will review the current parking standards for all uses against national and Texas best practices to determine where the current standards may be requiring too many or too few spaces. The national trend is to move to lower required parking standards since many communities in the past have required an excessive amount of parking. Parking requirements for big-box retail, in particular, should be re-examined, as online shopping has driven the industry to reduce the extent of parking provided; cities, however, have not been as nimble in rapidly following suit, failing to keep up with changing market dynamics by reducing parking requirements.

Also, some pedestrian-friendly areas (such as mixed-use districts) and areas where impervious cover is of environmental concern (Edwards Aquifer Recharge Zone) often have maximum parking standards (typically 125 percent of the minimum requirement) or require increased landscaping or other mitigation when additional parking is provided.

Additional discussion also is needed to evaluate the exceptions for existing uses and changes in the greater Downtown area currently provided for in Subsection 5.1-1(b), including whether the existing area boundary should be modified, whether specific provisions should be edited, and whether additional measures such as in-lieu fees may be appropriate to ensure adequate parking is being provided. This evaluation can also determine if “credits” should be offered to uses that are within a specified distance from an accessible, public garage or lot in the downtown area.

- **Clarify procedures for requesting alternative parking allowances.** Currently, New Braunfels’ parking standards allow for flexibility in how minimum parking requirements are met (e.g., alternate paving, off-site parking, shared parking), but the application, review and approval processes are largely unclear or inconsistent and many of the requirements (e.g., an irrevocable mutual parking agreement for shared parking; a minimum term of 10 years for an off-site parking agreement) are burdensome to the point of being prohibitive. At a minimum, the existing alternative parking provisions should be reorganized and grouped together under a single section to improve usability, and clear application submittal and review procedures should be established. Depending on the extent to which the City wishes to further support or encourage the use of alternative parking provisions, there are numerous ways to expand the “toolbox” available to applicants, including allowing for Transportation or Parking Demand Management Plans to be considered, allowing public or on-street parking to count towards meeting off-street parking requirements in some areas, and/or requiring transit/bike/pedestrian improvements to offset parking demand.

Shared parking is a very common best practice solution across Texas, but does not seem to be broadly utilized in New Braunfels. Where it is used, the process for doing so is overly burdensome and outdated. If this is an option the City wants to investigate expanding, a variety of ideas and tools can be evaluated. One possibility is that be examined is designating certain areas where parking can be shared by right without requiring off-site parking agreements.

Special events are commonplace in New Braunfels, but unnecessarily rigid parking requirements often hinder their success. Flexibility should be introduced through an allowance that applicants who want to use a portion of the event site’s required parking spaces for booths or food trucks may submit a parking plan illustrating how on-street or surrounding shared parking can meet the demand for their event. This would help to avoid a special event permit request being denied solely on the basis of parking requirements.

- **Revise valet parking requirements to be less restrictive.** Currently, New Braunfels’ valet parking

standards are the most detailed standards in the parking section and include a special permit type with unclear submittal and review procedures, robust operational (use) restrictions that may be difficult if not impossible to enforce, and several conflicts with other parking standards. In addition, the valet parking standards essentially preclude the use of valet parking programs to manage parking demand and reduce the amount of on-site parking provided, which is one of the primary functions of valet parking programs in many other municipalities. At a minimum, these standards should be updated to remove unnecessary or unenforceable restrictions, clarify the review and approval procedures, and remove conflicting language. The City should also consider allowing valet parking programs to be incorporated into the alternative parking provisions to be usable to justify reductions in on-site parking.

- **Update Schedule of Required Spaces to remove obsolete or undefined uses and consolidate similar uses to reduce redundancy.** Like the zoning district standards, the current schedule of required spaces contains numerous specific use types which could easily be combined under broader use categories (e.g., antique shops, handicraft shops, upholstery shops are all forms of retail) and contains many use types which are either undefined, obsolete, or no longer accepted terminology (i.e., asylums, sanitariums, orphanages, homes for the aged and infirm). The uses in the parking table should be updated to match the new, more general use categories and subcategories recommended earlier in this report.
- **Correct conflicts in parking standards related to uses versus buildings.** Currently, the parking standards are inconsistent with regard to “uses” versus “buildings” or “structures” being the subject of regulation. While the parking requirements included in this chapter are determined by use, there are also several sections that appear to set forth standards or requirements for buildings exclusive of use (e.g., Section 144-5.1-1(d), *Continuing character of obligation*). Inconsistencies like this are confusing, and may have the effect of hindering adaptive reuse or other infill development from occurring. The parking standards should be revised to ensure consistency regarding regulatory authority and intent and to ensure consistency throughout the section.
- **Enhance and coordinate parking area design.** Where parking lots are required, they should be designed to be attractive and safe, and provide shade during hot Texas summers. While the current development regulations already require parking lots to be landscaped within the interior as well as around the perimeter, those standards can be enhanced and coordinated with other site design features (such as pedestrian accessways and required streetscaping). In addition, pedestrian walkways should be provided within the parking area and from the adjacent roadway/sidewalk through the parking area to the building entrance to encourage pedestrian activity and for safety. Many of the expansive big-box parking lots in New Braunfels have no internal islands or curbing to properly route traffic, leading to motorists cutting across these half-empty lots to reach other destinations, sometimes at high rates of speed. To prevent this, New Braunfels needs appropriate parking lot design standards. By including curbing, landscaping, and trees in internal parking lot islands, development can enhance the public’s safety, reduce expanses of unshaded pavement, and enhance the aesthetic appeal of the development all at once.
- **Consider parking location requirements.** The location of parking relative to the street should also be considered. We recommend establishing objective standards for how much parking (if any) may be located in front of the building in pedestrian-oriented areas, such as the mixed-use districts and the downtown. The standard should vary based on the type and location of development. For example, in retail centers and along major corridors, at least 70 percent of required parking might be required behind or to the sides of a building to bring the building closer to the street and create a more pedestrian-friendly environment. When parking is strategically located on a site to reduce its presence from the street, equally important measures should be taken to ensure sufficient

signage and wayfinding is available for motorists to know where parking is available. Where parking adjacent to the street is permitted, requirements for landscaping and buffering can reduce its visual prominence, and provide a safety buffer between cars and abutting sidewalks.

### Recommendations:

- Evaluate parking ratios against national and Texas standards; consider maximum requirements in some areas.
- Clarify procedures for requesting alternative parking allowances.
- Revise valet parking requirements to be less restrictive.
- Update Schedule of Required Spaces.
- Correct conflicts in parking standards related to uses versus buildings.
- Enhance and coordinate parking area design standards, including improvements to pedestrian pathway and shading requirements.
- Consider parking location requirements.

### Landscaping, Buffering, Screening, and Tree Protection

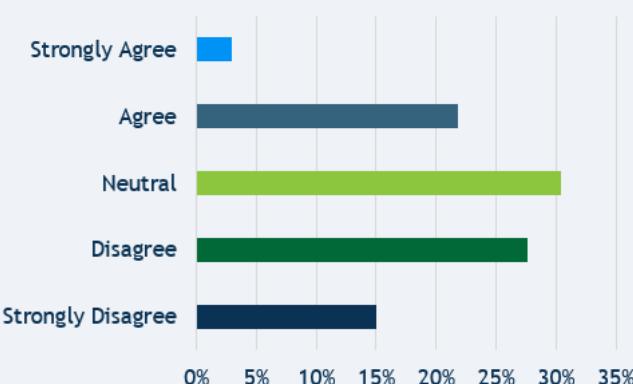
Landscaping is an important element of New Braunfels' character and identity and is also an important overall piece of the City's Natural Resources and Infrastructure goals.

While landscaping is not directly identified as a priority in the *Envision New Braunfels* plan, several goals included in the plan, particularly those promoting high-quality urban design and stormwater best management practices, could be served by improving the landscaping standards. The following improvements should be considered:

- **Evaluate minimum landscape requirements.** The current standards include landscape plan requirements, and alternate landscape plan and appeal procedures. However, the standards themselves are limited in applicability; they apply primarily to new parking lots. Single and two-



#### NEW BRAUNFELS HAS DONE A GOOD JOB REQUIRING SUFFICIENT LANDSCAPING.



"It is not that there is insufficient landscaping, more that the requirements for effective landscaping should be that it is not only attractive but ... low in water usage and beneficial to pollinators."

"We need less concrete and more greenery and trees."

"Tighten the tree ordinance back up! Require Texas native plants in landscapes and require addition of appropriate trees to mitigate the 'heat island' effect."

family residential uses are exempt, and no standards are provided for commercial or multi-family development (except in the use-specific standards, which are not cross-referenced in the landscape requirements and do not include any measurable or specific standards).

Given the focus in *Envision New Braunfels* on implementing stormwater management techniques and improving the overall quality of the urban fabric, the City should consider enhancing the parking lot landscaping standards to incorporate thresholds for bringing noncompliant parking lots into conformance with landscape requirements (i.e., incremental improvements based on cost of project/size of expansion). Additional discussion is also needed to determine whether the community wishes to require landscaping for new development besides parking areas.

- **Consolidate landscaping requirements.** Current landscaping requirements are in different sections across the code with minimal if any cross-referencing, including under Development Standards in Chapter 144, in the Subdivision Design Standards in Chapter 118, and in some of the articles of Chapter 130 on Utilities. There are also use-specific design standards (e.g., drive-through uses, non-residential and multi-family residential) that contain landscaping requirements. The scattered nature of the various requirements makes it difficult to determine what the standards are and to which types of development they apply. All landscaping standards should be consolidated, with appropriate cross-referencing where appropriate. Graphics and tables should also be used to clarify requirements and improve usability.
- **Add flexibility to buffering standards.** Buffering standards play an important role in preserving privacy and quiet enjoyment of property, and the New Braunfels code currently includes buffer standards requiring a solid residential buffer wall between six and eight feet in height to be constructed between commercial or multi-family developments and adjacent low density residential properties. While the intent of these standards is sound, additional flexibility may benefit both developers and neighboring properties.

Specifically, the City should explore whether enhanced landscaping requirements within setbacks adjacent to low-density residential areas may be a desirable alternative to solid screening walls in some cases. Creating specific landscape buffering standards for transition areas between commercial/multi-family and low-density residential uses may accomplish the same goals as the screening wall requirement while improving aesthetics and achieving environmental goals. Additionally, the current definition that classifies three- to five-unit residential dwellings as “multi-family” triggers the masonry buffer fence requirement, adding cost to projects and exacerbating the workforce housing/affordability barrier discussed earlier.

- **Update tree protection and tree removal standards.** The current landscaping standards include detailed measures for the protection of “heritage trees;” however, these are undefined and should be defined in the LDO. The City should also consider whether it wishes to continue to allow single- and two-family residential development to be exempt from heritage tree protection measures, particularly in historic districts, where the removal of mature trees has been cited as an issue. In addition, procedures for tree removal permits should be consolidated with other procedures in the LDO, and submittal requirements should be relocated to an Administrative Manual or online application form.
- **Relocate and consolidate fencing regulations.** Like the landscape standards, fencing regulations are



currently scattered throughout the code, with requirements in Chapters 102 and 114, and in numerous use-specific standards in Chapter 144. The rewrite offers the opportunity to ensure that fence standards in different code sections do not offer conflicting information. Within the LDO, fence standards should be consolidated, and separated from the landscaping section. Finally, the standards will be updated to be more comprehensive, include more graphics, and to provide examples of fencing scenarios to help users better understand the content.

- **Establish more flexible standards.** Currently, the landscape regulations include detailed procedural requirements for landscape plans and “alternate landscape plans,” including plan contents, review criteria, design standards, and appeal/ variance processes. Considering the relatively limited scope of the existing landscape requirements, the landscape plan standards are overly complicated, both to administer and to enforce. Having very rigid standards often leads to frustration for both the developer and the City.

New flexible tools should be introduced to allow creativity without sacrificing development quality. This can include the option for an applicant to submit an alternative landscape plan that meets the intention of the requirements, if not the specific standards. Other effective tools may include menus of options to achieve compliance and allowing one landscape treatment to satisfy multiple requirements where overlap exists. Increased flexibility is especially important for small sites and infill or redevelopment sites (if landscaping standards were expanded to apply to such developments).

Several stakeholders also mentioned a need to update the requirement to replace 50 percent of trees removed with a one-to-one caliper replacement in the tree replacement and protection standards. In addition to the current code requiring only 50 percent replacement, there is no incentive to preserve heritage trees (or a definition of what a heritage tree is). While preserving and protecting established trees is important, it needs to be balanced with practical standards that ensure the health and longevity of the trees. One flexible standard in the current regulations applies if a site cannot physically accommodate the number of required replacement trees, then the property owner may plant those trees in other public locations as an alternative. An additional flexible option is the creation of a tree fund: where onsite tree replacement isn’t feasible, the property owner contributed to a fund which is then used to plant public trees at schools, in parks, along streets or along trails. These are the sorts of flexible tools that can be codified into the LDO as part of the rewrite process.

No requirement for landscaping and tree planting is effective if the plants or trees die shortly after planting. To prevent this, or remedy the issue when it occurs, the LDO should include criteria for ensuring tree and landscaping is established on the site, as well as examining the current plant/tree lists to ensure desired plantings are up-to-date with contemporary knowledge related to native and xeriscape-friendly species.

- **Integrate environmentally sensitive standards.** *Envision New Braunfels* summarizes the City’s commitment to incorporate stormwater best management practices to improve water quality and reduce the demands on engineered stormwater systems; however, few if any of these principles are currently integrated into the LDO. The LDO should integrate and coordinate as many of these principles as possible with other site development standards to maximize site efficiency and sustainability. The City should also explore potential revisions to the code standards to provide additional protection to sensitive lands. In the Edwards Aquifer recharge zone, this should include measures identified in the Low Impact Development (LID) Program, additional restrictions on impervious surface coverage, and/or stream buffering requirements. In floodplains, it should include a careful review of both applied zoning districts and allowed uses, along with any accompanying development standards. The balance to achieve in these areas is to prevent over-

development that would be at risk of costly damages or losses in a flood event, while still allowing for economically viable uses on privately owned land.

Low-impact development (LID) strategies take into account a site's pre-development natural geography and geology, and implement techniques that help lessen the amount of stormwater discharge and improve downstream water quality. LID is not intended to be a flood prevention measure, but it does help to reduce the amount of runoff that goes into streets and drainage infrastructure by providing additional infiltration. An additional side benefit to LID is added landscaping, and more opportunities for calculation of sustainability incentives. Incentives to encourage LID practices and other green infrastructure should be considered for inclusion in the LDO.

### **Recommendations:**

- Evaluate minimum landscape requirements.
- Consolidate landscaping requirements.
- Consider revising buffering standards to be more flexible and effective.
- Update tree protection and tree removal standards, and include standards for trees in utility areas (both overhead and underground).
- Relocate and consolidate fencing standards to include more graphics and illustrations.
- Establish more flexible standards
- Integrate environmentally friendly standards that help conserve water and energy, improve stormwater quality and protect the Edwards Aquifer recharge zone.

## **Building and Site Design**

A shared concern expressed by survey respondents, interviewees, and staff relates to the visual quality of recent development in New Braunfels. New building and site design standards, and form-based coding options, can help to improve the visual quality of new development. Texas communities have adopted a wide range of approaches in this area that could be looked at as models moving forward. If the City wishes to consider adopting such standards, this rewrite can define the right locations, and the right levels of standards, that make sense for New Braunfels.

While the Texas legislature has constrained communities from requiring or prohibiting building materials allowed by building code, there are still many elements of building form that regulations can address with an eye to improving development quality. For example, regulations can address large, unbroken expanses of blank wall with requirements for façade articulation, varying rooflines, and fenestration. While materials will be left up to the builder, variations in material as well as color can be considered. Currently the City has limited provisions dealing with building mass, articulation, and building elements.

Beyond building design, site design requirements can also help ensure quality developments, especially in instances where buildings of different scale or use are located next to one another. Many communities find this particularly important along boundaries and edges, for example, where a residential building or zone is next to a non-residential building or zone. Standards for additional building setbacks along shared property lines, or stepbacks where higher floors of taller buildings are pulled back from the building edge so the larger structure does not "loom over" smaller neighboring ones. These same standards can be applied at a scale greater than individual adjacent lots, smoothing transitions between lower and higher intensity use areas, such as commercial strips next to residential neighborhoods. At this scale, standards might include building stepback requirements, articulation standards, modified height limits, or other measures to function as neighborhood protection standards.

Finally, site design for new development could include the requirement that new utility infrastructure be located underground, an idea that has already arisen for consideration by NBU and City departments. There

are both aesthetic and disaster-resilience advantages to “undergrounding” utilities.

**Recommendations:**

- Improve standards for building design to enhance development quality.
- Introduce site design standards along boundaries and transitions where lower intensity uses are adjacent to higher intensity development.

**Exterior Lighting**

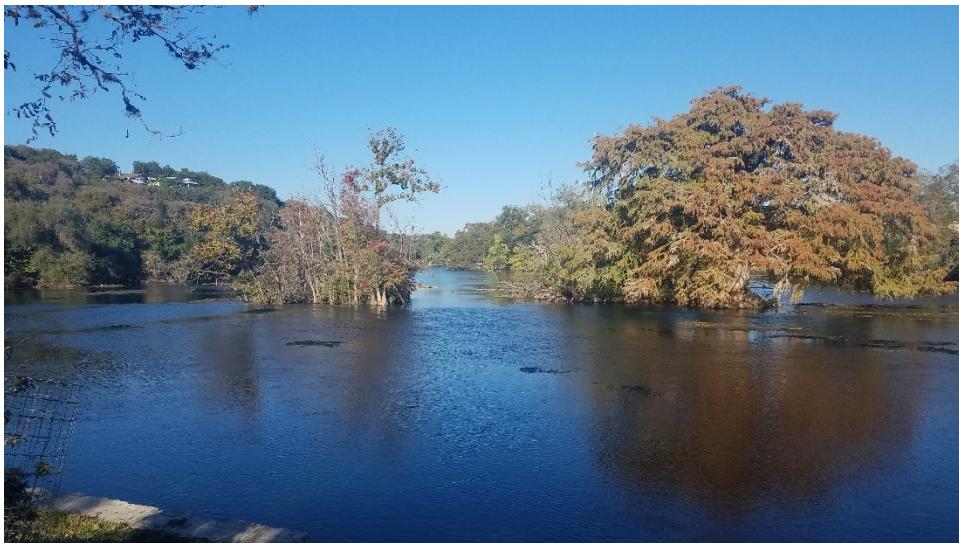
The current development regulations include City-wide exterior lighting standards that differ between non-residential/multi-family uses and one- or two-family development. While offering a certain degree of protection, these lighting standards are generally fairly permissive and do not necessarily prevent impacts associated with spillover lighting. New City-wide lighting standards should be introduced to distinguish standards for types of lighting fixtures, the illuminance levels of lighting (and how it is measured), glare standards, parking lot lighting, building lighting, pedestrian lighting, and street lighting. Additionally, the sign lighting standards should be tied into the exterior lighting regulations and cross-referenced accordingly. Generally, the lighting standards should reinforce CPTED principles (Crime Prevention Through Environmental Design) and ensure safety for owners and users of the property while minimizing negative impacts associated with spillover lighting.

**Recommendation:**

- Enhance City-wide exterior lighting design standards to ensure safety for residents and reduce light spillover.
- Consider dark skies standards for outdoor lighting and fixtures.

## ACHIEVE MORE SUSTAINABLE DEVELOPMENT

To support and implement the Natural Resources and Infrastructure Element of *Envision New Braunfels*, the Code update should explore opportunities to achieve more sustainable development that preserves and protects the community's environmental assets; maintains the economic and cultural benefits of fresh water, tree canopy and a diverse ecosystem; and improves the landscape's natural capacity to handle stormwater and run-off from upstream communities. Incorporating sustainable development measures will also help to improve air quality, reduce transportation-related emissions, support the use of clean energy, decrease energy consumption, conserve water, reduce waste, and improve the natural environment.



Based on our review of *Envision New Braunfels* and discussions with staff, we recommend the following measures as a starting point for enhancing the sustainability measures included in the LDO:

- Strengthen protection of sensitive lands to promote conservation. For example, establishing riparian buffer zones (drafts of which have already been prepared by the City's engineering division). These standards could also be expanded to include habitat protection, scenic areas, open space networks, natural or geologic hazard areas, agricultural activities, or unique historic features on a site.
- Consider alternatives for promoting clustered development (e.g., cluster lot subdivision standards, development agreements) including whether incentives and/or minimum clustering requirements should be applied broadly or within certain zoning districts.
- Provide incentive for development outside of sensitive areas (density bonuses/TDRs).
- Establish Low-Impact Development (LID) standards or incentives and Best Management Practices to address stormwater management (e.g., rain gardens, grass swales, permeable pavement, etc.).

Just as important as establishing the "what" (i.e., what environmental protection measures the code should include) is establishing the "how." How environmental protection measures are codified and implemented will determine the impact that the regulations have on development within the City and should be carefully considered. Below is a list of steps that have proven successful in other communities and should serve as a guide for future discussions regarding how sustainable development measures are integrated into the LDO.

## Codify Sustainability Measures

One important question about how to achieve more sustainable development is the organization of sustainability standards within the LDO. Generally, this can go in one of two directions:

- **Integrated Throughout.** Most sustainability measures are already tied to topics that are addressed by Code (e.g., the current landscaping section greatly impacts water use). Including sustainability-related standards throughout the code can make compliance more straightforward because standards are included alongside similar regulations that an applicant must meet. However, that can also make it harder to build in flexibility, incentives, and a more comprehensive approach to sustainability. Having sustainability-related standards located throughout the Code reduces their emphasis, which can either make them easier to approve or harder to publicize as a “win,” depending on political realities.
- **Independent “Sustainability” Section.** A standalone sustainability section brings sustainability to the forefront, which indicates that it is a community priority. Because many of the topics tied to sustainability are already in dedicated sections of the Code (e.g., landscaping, parking, building design standards, etc.) a separate sustainability section can result in similar topics being addressed in two places. However, this approach can also allow for coordination of all measures that advance sustainability, and allow more flexibility (e.g., point systems) and incentives (e.g., tying standards to bonuses), which allows for more creativity and getting applicants used to what is wanted.
- **Hybrid.** A hybrid approach would depend on the specific standard and where the City wants to use a more regulatory approach (standards integrated within relevant chapters) or incentives and flexibility (standards kept in a standalone chapter where they *may* be used by a developer to meet a score or unlock an incentive).

### Recommendation:

- Codify sustainability requirements and incentives in the new LDO either in a standalone section or woven throughout the ordinance.

## Build on Recent New Braunfels’ Experiences

Regardless of how the City decides to incorporate sustainability measures into the new LDO, there needs to be clarity regarding the objectives these standards are meant to achieve. We heard several times during discussions with staff that the newly approved Mayfair project, as well as elements of the Veramendi project, should be considered as templates for potential sustainable development measures. Below are several objectives included in the Mayfair and Veramendi Development & Design Control Documents that the City may wish to carry forward as the code update progresses:

- Protect the scenic landscape of the Texas Hill Country and essential elements of the community that are valued and enjoyed by residents and visitors.
- Encourage best practices in energy conservation, water cycle management, vegetation and habitat conservation and creation, waste reduction and climate responsive design.
- Implement low impact development techniques and integrated stormwater management measures to reduce the demand on water and drainage infrastructure.
- Develop energy-efficient neighborhoods by utilizing climate responsive subdivision design and lot layouts.
- Work towards implementing green power sources as the economic viability of such technology

becomes readily available to the market.

- Apply best practices to mitigate light pollution.
- Promote building design that encourages sustainable design principles that seek to minimize requirements for cooling, lighting and energy, and are responsive to the climatic conditions and natural geography.
- Promote a built environment that considers public health with better connectivity and walkability.

**Recommendation:**

- Review recent city projects and development and design control documents for potential citywide standards.

### **Incentivize Sustainability, Remove Obstacles, and Allow Flexibility**

Creating incentives for the development that the community wants can be an effective way to achieve many of the goals in *Envision New Braunfels* without increasing development timelines and the cost of development and housing. Incentives can be more direct, like allowing increased density or expedited application review for more sustainable projects, or incentives take the form of reducing barriers to the type of development that is most sustainable. This could mean allowing more walkable, mixed-use development patterns in more places or reducing the level of parking required if developments provide bicycle parking, transit passes, or green stormwater infrastructure.

Zoning codes often unintentionally create obstacles to sustainable developments. For example, most do not allow solar panels in residential areas or only permit them as special uses requiring a public hearing. Small, compact wind turbines that can produce enough power for an entire home in a moderate wind area are usually not allowed because of residential height restrictions. Neither use is described in the current New Braunfels zoning ordinance. We will draft the new LDO with an eye towards identifying potential obstacles to sustainability features such as solar and wind power and water conservation and remove any impediments.

Sustainable development practices can also vary by project and location; for example, transit-oriented development may not be practicable in rural areas while habitat conservation measures may not be effective in the downtown. To address the need for flexibility (based on location, development type, land uses, etc.), Clarion has worked with communities to establish point-system approaches that provide menus of site and building design practices that will support the goals of the *Envision New Braunfels* plan. Such approaches allow applicants to choose from a list of sustainable measures (each with varying levels of value) until they reach a certain number of points. This flexibility can be accompanied by some standards that are required for all development. This approach has been in practice in Henderson, Nevada, since 2010. A portion of the Henderson menu of sustainable design options is included below.

**TABLE 19.7.11-1: MENU OF SITE AND BUILDING DESIGN OPTIONS FOR SUSTAINABILITY**

SITE OR BUILDING DESIGN FEATURE	POINTS	DISTRICTS IN WHICH OPTION IS AVAILABLE		
		NONRES/ MIXED USE	MULTI- FAMILY RESIDTL	OTHER RESIDTL
<b>1. ENERGY</b> Intent: Encourage on-site renewable energy production; promote the design and construction of energy efficient buildings; reduce air, water, and land pollution from energy consumption; and, reduce the heat island effect				
<b>1.1 Renewable Energy Sources</b> Design and incorporate on-site renewable energy generation technologies such as solar, wind, geothermal, or biomass. Two points granted for each 1% of the project's annual electrical energy demand generated up to a maximum of 30 points.	2-30	*	*	*
<b>1.2 District Heating and Cooling</b> Design and incorporate into the project a district heating and/or cooling system for space conditioning and/or water heating of new buildings in the project (at least two buildings total must be connected).	4	*	*	
<b>1.3 Solar Orientation</b> Design and orient the project such that 50% or more of the blocks have one axis within plus or minus 15 degrees of geographical east/west, and the east/west length of those blocks are at least as long, or longer, as the north/south length of the block.  OR  Design and orient the project such that 50% or more of the project total building square footage (excluding existing buildings) such that the longer axis is within 15 degrees of geographical east/west axis.	3	*	*	*
<b>1.4 Shade Structures</b> Where appropriate, provide shade structures over windows/doors to minimize glare and unwanted solar heat gain. Such structures shall provide shading to at least 50% of the south- and west-facing glazing on June 21 at noon with one additional point granted for each additional 25% of the glazing shaded. Structures may include awnings, screens, louvers, architectural features, or similar devices.	2-4	*	*	*

*Sample of Henderson's menu of site and building design options for sustainability*

#### Recommendation:

- Include incentives in the LDO to encourage sustainable development that exceeds minimum requirements.
- Identify and remove obstacles to sustainable development throughout the new LDO.
- Allow flexibility and creativity to help foster more sustainable development.

## **STREAMLINE DEVELOPMENT REVIEW PROCEDURES**

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Development regulations should clearly describe the procedures by which new development applications are accepted, considered, and acted upon by local officials. A well-written code makes it easy for staff, the development community, residents, and local officials to know exactly what is required for project approval and helps ensure consistent administration over time.

During our stakeholder interviews, we received significant feedback about the development review process in New Braunfels. Participants recognized that the City's rapid growth has led to a sharp increase in the number of applications that staff has to consider, lengthening the amount of time applications can take to go through the review process. They were also concerned with unclear procedural requirements contributing to processing delays. They felt that, as the process for securing project approval becomes more time-consuming and costly, it favors larger developers and larger projects, rather than small-scale infill or projects by smaller developers.

Some of the other frequently expressed concerns about the City's development procedures include:

- The current development regulations do not spell out important procedural steps in a clear manner, resulting in a lack of transparency, inconsistencies in processing requests, and occasional applicant confusion.
- Many minor decisions must appear before the Council, packing the Council schedule and slowing down all reviews, while adding time, cost, and uncertainty for applicants. The Council has recognized this issue, and has already approved code amendments for some decisions to be made administratively or by the Zoning Board of Adjustment or the Planning Commission. However, several more remain.
- The review criteria are unclear and subjective, which can contribute to the impression that staff offer inconsistent responses, and frequently can't reply to questions without consulting senior-level staff. This also contributes to the impression that developers can negotiate with staff on criteria that should be objectively enforced.
- Circulating applications to various City agencies and departments takes time, as does outsourcing application review, and sometimes results in competing comments that are challenging for applicants and staff to reconcile.

The sections below discuss recommended steps that could help address these concerns.

### **Create a New Procedures Section**

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Currently the City's procedures are scattered throughout the respective code sections where they apply, whether that is zoning, signs, historic preservation, or subdivisions. The consolidation of the four separate ordinances offers the opportunity to consolidate the procedures, making it easy for users to find any information they would need for a given application type.

Additionally, each procedure should be presented in a uniform format, with a consistent level of detail. In some instances, such as signs procedures, there is very little detail about the processes. The conditional sign permit process is vague regarding when an applicant can apply, and what is the basis for approval.

At a minimum, each procedure should describe:

- **Purpose** -- what the procedure does
- **Applicability** -- when it is required
- **Process** – what are the steps for approval, particularly any that are specific to the given application type

- **Review Criteria** – what requirements must be satisfied for review bodies to approve the application
- **Appeals** – can the decision be appealed, and to what body?
- **Expiration** – is there a time limit on an approval?

This is a simple first step that can improve user-friendliness and efficiency related to how the City's various application types are processed. Another recommended step is to prepare a summary table that defines approval authority and public noticing requirements for each one (an example of such a table can be found in Section 1.8 of the [Mayfair Development Design & Control Document](#)).

#### **Recommendation:**

- Include a consolidated procedures article, written in a uniform format and with a consistent level of detail.
- Prepare a summary table outlining review authority and public noticing requirements.

### **Establish Common Review Procedures**

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New Braunfels' development regulations call for a number of different permits and approvals, such as rezonings, variances, subdivision plats, and special use permits. Some procedural steps are common to many of these different applications, as evidenced by the fact that several application types reference back to the zoning procedures, saying applications will be processed "in the same manner and with the same fees ... as specified in the zoning ordinance." Consolidation of procedures allows an opportunity to eliminate these cross-references, and instead establish a common review procedures section in the LDO.

The common review procedures present information on the steps that are shared or generally applicable to most application types, unless the LDO specifies otherwise. Establishing common procedures—through codification of existing practices, incorporation of procedures located in other City documents, and introduction of professional best practices—helps users better understand the City's basic procedural steps and requirements, avoids unnecessary duplication, ensures consistent application of common procedural steps and requirements, and eliminates the need to amend multiple sections of the code if a process is revised. Specific procedures (e.g., conditional sign permits, appeals, etc.) can refer back to the common review procedures, noting any deviations from the general rules.

We suggest the following common procedural elements:

- **Pre-development meeting.** A meeting of a prospective applicant with City staff that provides an opportunity for the prospective applicant to learn about or confirm application requirements and to present conceptual development plans for preliminary staff input regarding potential code compliance issues (and suggestions on how best to resolve such issues). This meeting need not be a requirement for every potential application. It can be limited to apply to larger or more complex projects (with specific applicability criteria to be determined).
- **Application submittal and acceptance.** Application submittal and staff review of the application to determine whether it is complete (i.e., contains all prescribed plans and information necessary to make an adequately informed decision about the proposal's compliance with applicable development regulations) and thus can be accepted for review.
- **Staff review and action**
  - Distribution of the application to City staff and applicable outside agencies for review and comment as to its compliance with applicable regulations.
  - Collection, consolidation, and finalization of staff review comments.

- Transmittal of staff review comments to the applicant with an invitation to revise the application.
- Applicant preparation and submittal of a revised application.
- Acceptance and staff review of and comments on the revised application.
- Either a final decision by staff or a staff report and recommendation to forward to an advisory board and/or decision-making board.
- **Public hearing scheduling and notice**
  - Scheduling of any required public hearing on the application.
  - The types (published, posted, mailed), content, and timing of hearing notices.
- **Board or Commission review and action**
  - Review of (and hearing on) the application.
  - Either a final decision by the board or commission, or a recommendation forwarded to the decision-making body.
- **Decision-making review and action**
  - Review of (and hearing on) the application.
  - A final decision of approval, approval with conditions, or denial.
- **Post-decision actions and limitations**
  - Notice of the final decision to the applicant (and other interested parties).
  - How the applicant or affected parties may appeal the final decision.
  - Procedures for amending an approved application, ideally distinguishing between minor and major amendments (the latter being required to restart the approval process).
  - Approval expiration—i.e., how long an application approval is valid as authorization to start development or apply for subsequent development permits and approvals, and how that time period might be extended (e.g., approval valid for one year, with up to two one-year extensions).
  - Limitations on subsequent submittal of applications for the same or similar development proposal (to avoid attempts to wear down the City until the proposal is approved).

#### **Recommendations:**

- Establish common review procedures for the procedural steps described above.
- Draft application-specific review procedures that reference the new standard procedures.

#### **Refine Review Criteria**

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Review criteria form the basis on which an application is approved or denied. Specific and objective review criteria are important since they are the basis on which decision-making bodies make their decisions, and enhance predictability and transparency for applicants. Currently in New Braunfels, review criteria are sometimes absent from procedures (conditional sign permit), or they are overly general (certificate of alteration) or vague and subjective (when to require a traffic impact analysis). An important part of the procedural update in the LDO will be to assess the criteria for each procedure and prepare new criteria as necessary that are more detailed and objective.

One example of how this would work comes from the zoning procedure criteria, applicable to zoning, rezoning, text amendments, and Planned Development requests. Though the implications of a large Planned Development can differ significantly from a code text amendment, both decisions are assessed

against the same five criteria. In recognition of these differences, we propose drafting criteria specific to each procedure. Additionally, among the current criteria, the first assesses “whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the city as a whole.” Different users are likely to interpret “appropriate” differently, leading to semantic negotiation, possible processing delays, and perhaps providing the basis for appeal if an applicant disagrees with a denial. On the other hand, if the proposed uses are assessed on the basis of whether they create impacts on adjacent properties within a certain radius owing to noise or odor, or whether the adjacent roadways have the capacity to accommodate anticipated traffic from the proposed uses without degrading level of service, it is more clear to assess impacts, if conditions are possible to mitigate impacts, and if not, demonstrate why there is a solid basis for denial.

This is one example of the way criteria can be refined to be aligned with the particular land use request being decided. As part of the rewrite, each procedure and its accompanying review criteria will be drafted, or assessed and adjusted, in a similar manner.

The rewrite also can evaluate the feasibility of exempting small-scale projects from certain requirements or establishing an expedited review process for small-scale projects, and/or projects that meet certain Council priorities or goals. The City may also investigate offering grants to pay for the drainage studies or other required planning or engineering documentation for qualifying small-scale projects.

#### **Recommendation:**

- Ensure each procedure has specific, objective review criteria to define the basis for the decision.
- Consider an expedited review process for projects that meet certain criteria or policy goals of City Council (e.g., affordable housing, redevelopment plans, economic development projects).

#### **Delegate More Decision-Making Authority to Staff, Boards, and Commissions**

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As New Braunfels has grown, so has awareness that not every land use decision needs to appear before the City Council for decision. The City Council has acknowledged that some technical or minor decisions should be delegated to the City’s professional planning staff, or to the Zoning Board of Adjustment or Planning Commission, and an assessment of which decisions can be administrative is already underway. The LDO rewrite process allows the opportunity to perform this assessment at a large scale, reviewing each land use decision procedure, and making individual determinations on the possibility of reassignment. Once implemented, reassignment provides for an expedited review process and more predictability, particularly for administrative decisions since staff reviews typically do not require a public hearing. Also, by reducing the number of items on the Council’s agenda, delegation can help to speed up decision-making overall.

Reassignment of any decision is subject to Council approval, and typically subject to the caveat that the Council can “call up” any decision they wish to review. However, in general, such delegation does allow the Council to focus more of their attention on larger decisions with City-wide implications, such as rezoning decisions, which inherently involve policy issues and subjective determinations. Council approval of any delegation of authority, combined with adoption of clear, objective standards as described in the preceding section of this report, increases the level of comfort with reassigning decision-making responsibility to professional staff, who can apply those standards fairly and effectively. The more objective the standards, the greater the opportunity for staff-level review. Nevertheless, if an applicant disagrees with a staff decision, they are able to file an appeal to a specified higher-level authority, such as the Board of Adjustment or the Council.

Finally, a thorough review of the proper decision-making authority can improve efficiency by identifying unnecessary steps in the review process. An example is with Planned Development requests. The current process involves the Planning Commission and the City Council, who typically review first a concept plan,

and then a detail plan. Though both the Planning Commission and the Council must remain involved in PD decisions since they are zoning actions, they might be processed in the same manner as a rezoning request, with one round of staff review, Planning Commission review and recommendation, and City Council review and decision. There would be one site plan that accompanies requests through the process, rather than an initial concept followed by a more comprehensive detail plan.

**Recommendation:**

- Delegate greater decision-making authority to professional planning staff, Boards, and Commissions.
- Draft call-up and referral procedures to allow Council to maintain a role in complex and significant land use requests.

### **Establish Process to Allow Minor Modifications**

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The current New Braunfels code offers limited provisions for flexibility and relief for applicants. The City has a variance procedure, typically tied to some kind of hardship not of the applicant's own creation, and the possibility for waivers or minor revisions to subdivision requirements in certain circumstances. Many communities in Texas and around the country are adding the allowance for a Minor Modification request, which permits small adjustment to certain standards. In addition to allowing added flexibility for applicants, minor modifications can reduce the need for major procedural decisions -- variance, waiver, or planned development -- on minor details.

Many communities use a Minor Modification procedure to authorize the final decision-maker the authority to approve minor deviations (usually about 10-20 percent) from certain dimensional or development standards based on specific criteria. Examples of standards that are often subject to minor modifications include: lot width and lot coverage; building setbacks; fence and screening height; and the number or size of required parking spaces. If adopted in New Braunfels, this new minor modification procedure could be available citywide to provide relief where strict application of the standards would otherwise create unnecessary difficulties. Such a procedure could identify standards that are commonly adjusted and would prevent having to file a request for a variance, waiver, or planned development. Criteria for adjustments should be clearly stated, should not undermine the intent of the underlying regulations, and should not impose greater impacts on surrounding properties than strict compliance with the LDO would.

**Recommendation:**

- Establish Minor Modification procedure to allow approval of minor deviations from certain standards, based on clear criteria.

### **Relocate Supporting Information Outside the Code**

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During the drafting process, the consulting team will maintain a separate document including content from the current development regulations that should be considered for relocation to the website or Administrative Manual. This will make the LDO shorter and more user-friendly, while also allowing staff to update the technical and administrative content over time without requiring a formal code amendment by City Council. Most often, such information lives on a City's website, although some communities create separate Administrative Manuals for this information. Whichever method the City chooses to pursue, it will be important for the rewrite to identify information that can be removed to the website or Administrative Manual, and for the resulting LDO to make clear to users where they can find those particulars.

**Recommendations:**

- Remove technical and application materials from the Code, locating them instead on the City's website or in an administrative manual, with clear instructions to users on where to find the materials.

## REWRITE THE SIGN REGULATIONS

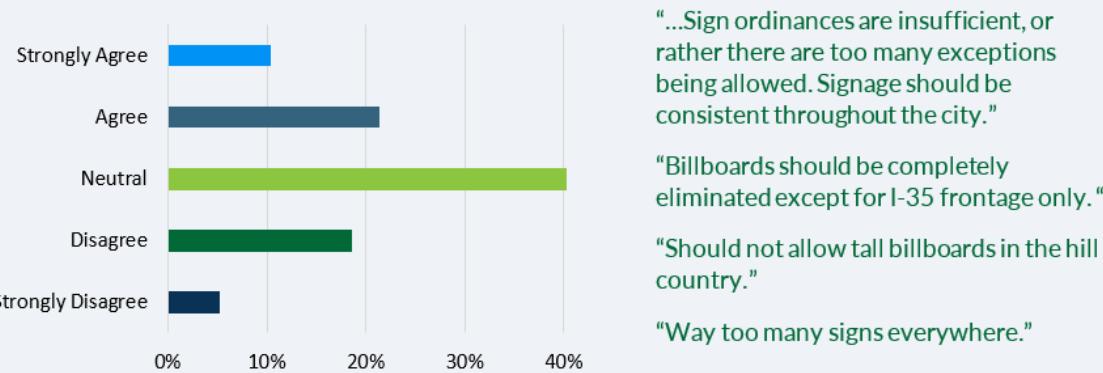
### Reorganize, Simplify, and Update Sign Regulations

A major component of the LDO project is rewriting the City's sign regulations. The current regulations are the result of a 2006 volunteer-led effort, and stakeholders agreed that it is time to revisit these initial regulations. Generally, stakeholders agree that the clarity of the current sign regulations could be improved, and that maintaining a high standard is necessary to preserve the City's historic, architectural, and cultural assets. Participants also identified gaps in the current regulations that should be addressed (for example, regulation of wall signs), as well as areas of the current sign code that are unnecessarily complex or confusing, and should be simplified to achieve better, more predictable outcomes.

One of the online survey questions asked whether the current sign regulations allowed too many signs or ones that were too large. Respondents were split in their views of the current sign code, with roughly 32 percent saying they agreed or strongly agreed and roughly 24 percent of respondents saying they disagreed or strongly disagreed (roughly 44 percent of respondents were neutral or had no opinion on the matter).



#### NEW BRAUNFELS ALLOWS TOO MANY SIGNS OR SIGNS THAT ARE TOO LARGE.



Taking these survey results into consideration as well as information gathered at meetings with advisory committee members, City staff, and other stakeholders, recommended areas of focus for updating the sign regulations include:

- **Formalize and update the sign review procedures.** The current sign regulations do not outline the review procedure for obtaining a sign permit. We recommend that staff verify compliance with sign regulations and that they be the final decision-making body for any sign permit. Additional provisions should also be added for historic signs and signs on designated historic landmarks. A new master sign plan procedure should be established to allow deviations from the standards of the base sign regulations; in exchange for this flexibility, the plan request must propose reduction in the number of signs, or the permitted size. This would replace the existing Conditional Sign Permit process, which is vaguely defined and described in the current regulations. If such a procedure is introduced, the

Zoning Commission could review those requests. Sign variances, on the other hand, which are direct deviations without alternative trade-offs, are currently considered by the Construction Board of Appeals. We recommend that, with the updated ordinance, this responsibility be transferred to the Board of Adjustment as the more appropriate body to decide sign variance requests.

- **Consider revising and consolidating the standards for Nonconforming Signs and Abandoned Signs and Sign Structures and including amortization provisions.** New Braunfels' current nonconforming and abandoned sign regulations are quite detailed in their descriptions of and restrictions on nonconforming/abandoned signs, but do not contain many meaningful measures to reduce or mitigate the impacts of such signs. A key question moving forward is whether the City wishes to continue to allow conformity to be achieved by causing a nonconforming/abandoned sign to have a blank/painted face or whether including an amortization provision requiring removal of such signs after a certain timeframe may be more effective at reducing the negative impacts associated with these signs.
- **Consider regulating signs on buildings, including wall signs, canopy/awning signs, projecting signs and window signs.** Currently, New Braunfels is unusual in that the sign ordinance does not regulate permanent signs affixed to buildings (i.e., wall signs). Further, while many businesses have voluntarily constructed signs in keeping with the character of the building or area, certain businesses have taken advantage of the lack of regulation to install excessively large and/or incongruous signs that detract from the City's overall aesthetic quality. To ensure that future development maintains consistency with the community's desired architectural character and does not create visual clutter, consider establishing clear standards for wall signs and other permanent signs affixed to buildings or building features. These standards can be tailored by zoning district or sign district (as described in more detail below).
- **Consider establishing sign districts.** New Braunfels' current sign ordinance includes general standards applicable to all regulated signage, as well as additional exceptions and allowances for specific sign types along certain major street frontages (Loop 337, SH 46, FM 306, FM 725, Business or IH 35, and Walnut Street and Common Street) and in certain zoning districts. Considering *Envision New Braunfels'* goals related to urban design and cultural, heritage, and historic preservation, the sign code contains surprisingly few additional restrictions or design requirements for the historic and culturally significant areas of the City. Establishing sign districts could allow the City to ensure a higher design standard in these areas while continuing to provide for more flexibility in the more suburban, auto-oriented areas of the City.
- **Update Sign Lighting Standards.** New Braunfels' current sign lighting standards are outdated and do not reflect current industry standards with regard to sign lighting or methods of measurement. In addition, the limitations set forth in this section are quite permissive and allow for relatively high light levels compared to many other municipalities. The current standards seem to anticipate only one type of sign lighting (external illumination), and primarily rely on limited measurement standards (footcandles and wattage) which are difficult to measure and even more so to enforce. In addition, given that wall signs are currently not regulated, the lighting standards currently only apply to freestanding/monument signs, which allows for a variety of potentially undesirable lighting options for wall signs. Given the ever-increasing variety of sign types and sign lighting options, the City's sign lighting standards should be updated to include additional light measurement standards (i.e., lumen ratings) and lighting types (i.e., internally illuminated, halo-lit, back-lit, etc.).

#### Recommendations:

- Formalize and update the sign review procedures, including variances and appeals.
- Consider revising and consolidating the standards for Nonconforming Signs and Abandoned Signs and Sign Structures and including amortization provisions.

- Consider regulating signs on buildings, including wall signs, canopy/ awning signs, projecting signs and window signs.
- Consider establishing sign districts.
- Update sign lighting and digital sign standards.

## **Remove Content-Based Regulation**

Nearly every community in the nation has had to evaluate their sign regulations in light of the 2015 U.S. Supreme Court case of Reed v. City of Gilbert. While one aspect of the sign regulation update will focus on improving the standards for signs, another aspect will be to review for and eliminate content-based regulation that has been rendered illegal by the Reed decision. As the City's sign regulations date to 2006, it is likely there are numerous elements in them that are not in compliance with the Court ruling.

In the Reed case, the Reverend Reed challenged the City of Gilbert's sign regulations, which required that signs for temporary events be small and remain in place for only a short period of time. The Supreme Court agreed with Rev. Reed: The adoption of different size, height, number and other regulations for certain types of signs violate the "content-neutrality" rule. New Braunfels current regulations regarding temporary signs and banners, as written, most likely run afoul of the Supreme Court's ruling. Temporary signs are currently limited in terms of duration, number, and size, while the regulations for temporary banners are heavily content-dependent, allowing "Temporary banners that publicize the local events or continuous fundraisers of qualifying non-profit organizations and government entities." These are two examples of regulations that would need to be reevaluated in light of the ruling.

It is also the case that many of the descriptions for exempt signs rely on content in defining what is permitted. These will need to be reassessed to remove implications of a particular message (for example, legal notices, address signs, gasoline signs, no trespassing signs, real estate signs, political signs, etc.) and replaced with more general sign controls regulating the number, size, and location of the signs.

Although the Reed decision involved temporary non-commercial signs, similar to the examples mentioned above, the text of the decision is not limited to that topic, and many commentators have suggested that later court decisions will apply the same principle to permanent and commercial signs. Observers have suggested that the Reed holding will eventually make it illegal to distinguish between on-site and off-site (billboard) signs, but one Justice's concurring opinion stated that is not the intent.

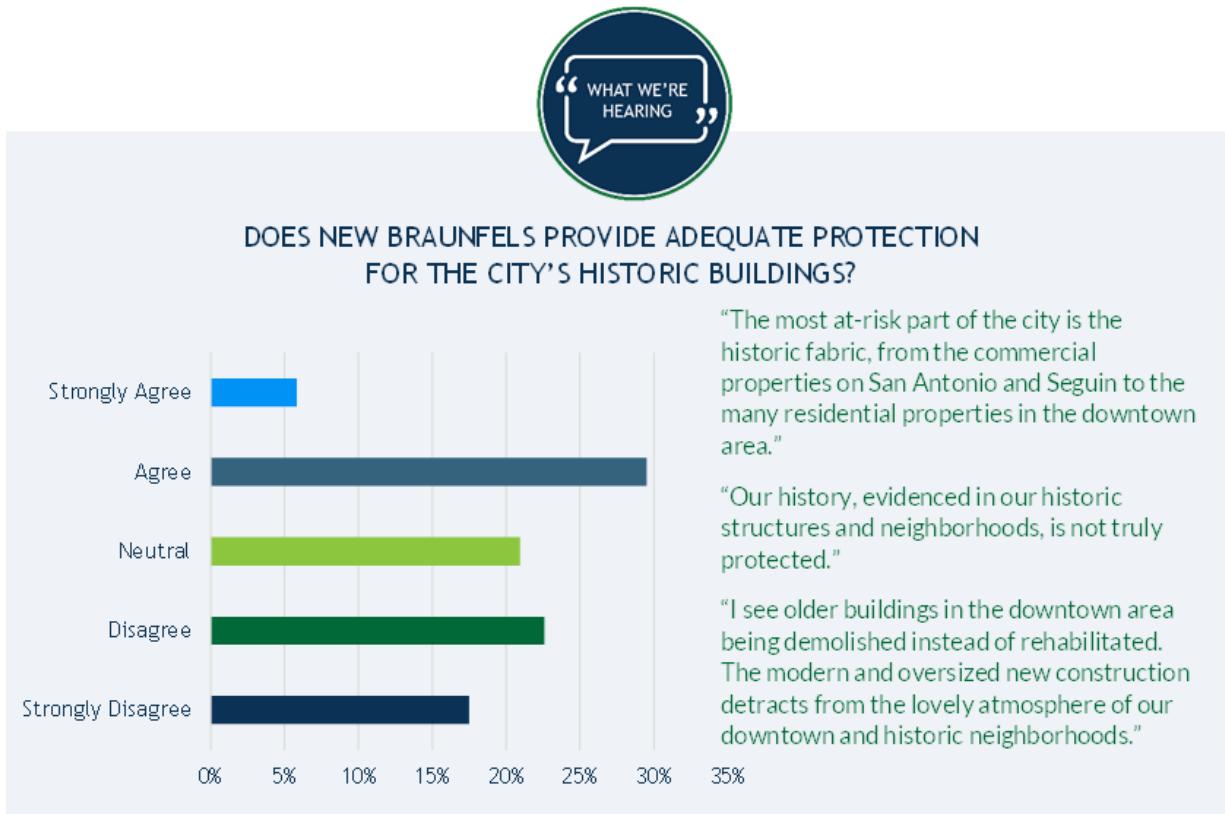
Most communities continue to regulate permanent and commercial signs (both on- and off-premises) without reference to their content, in the absence of further decisions limiting such regulations. This is the strategy our review will follow, but the City may wish to consult its legal department regarding a preferred approach to the issue.

### **Recommendation:**

- Review all sign regulations with the objective of eliminating content-related standards.

## STRENGTHEN HISTORIC PRESERVATION

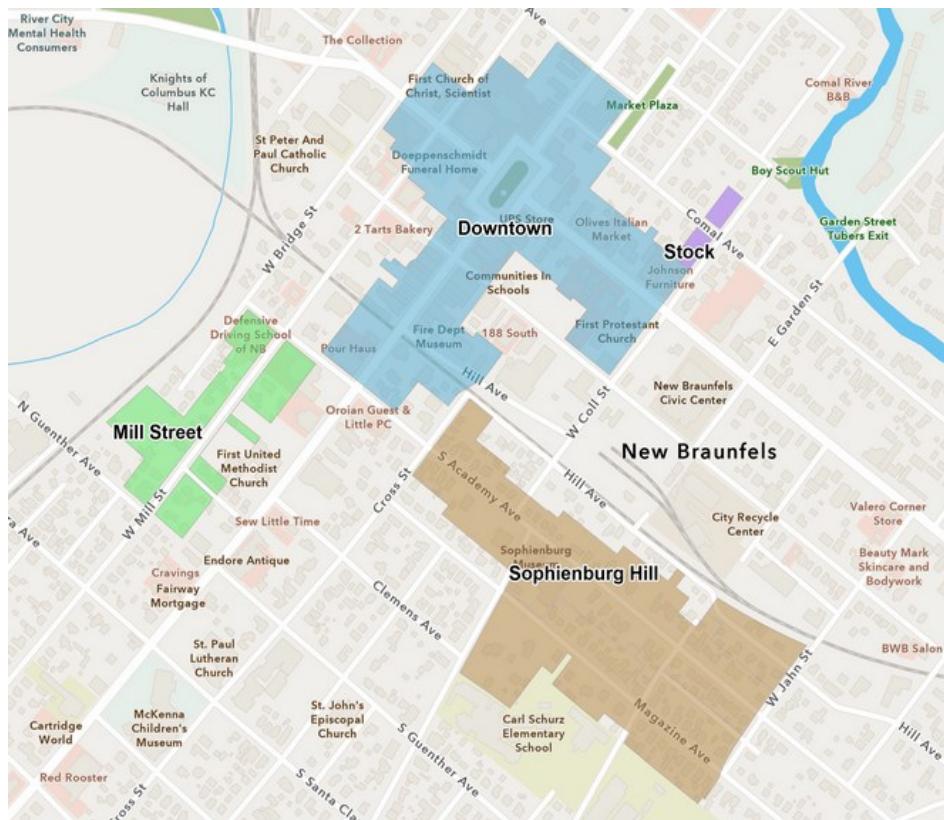
Almost all interviewees noted that a big part of the appeal of New Braunfels – to both existing and new residents – is the distinct historic character of the town. Another point of agreement is the need to protect the historic assets that make New Braunfels unique among Texas communities.



Interviewees recognized the limitations of the current regulations when faced with the pressure for growth and development, particularly in and around downtown. While the pressure for change is pronounced around the downtown area, there was general agreement that all four of the historic districts would benefit from more specific standards. The four existing Local Historic Landmark Districts in the City are the Mill Street Historic District, The Downtown Historic District, The Sophienburg Hill Historic District, and the Stock Historic District.

## Key Themes for Improving the Development Regulations

### Strengthen Historic Preservation



New Braunfels' Current Historic Districts

### Tailor Historic District Preservation Standards

Although the current historic preservation regulations grant the Historic Landmark Commission the power to “prepare specific design guidelines for the review of landmarks and districts,” no design guidelines currently exist for the designated historic districts. When there is a request for a certificate of alteration, the current regulations rely upon the Secretary of the Interior’s standards for rehabilitation in assessing the request. While the standards can suffice to assess an alteration request on a particular historic property, they are general and often prove to be neither adequately specific nor detailed enough to serve the purpose of decision-making criteria for the City.

Because the history and development of New Braunfels is unique, the standards used for decision-making should be too. Historic district standards should be tailored to recognize and preserve the particular historic context of New Braunfels. Better District standards can help not only in defining what happens to an existing historic property, but also, by defining the essential elements that characterize a district, they can establish what parameters new construction or



alterations to non-contributing structures within a district should adhere to.

The rewrite can help to tailor what kinds of standards will work in New Braunfels when protecting historic districts, while also allowing for change. There could be different sets of standards for each of the existing districts, or one set of more tailored standards that applies in them all.

Part of tailoring the standards can involve revisiting the Downtown Historic District, to determine if it might best be split into two districts, with one applicable to the core historic downtown area, and a second “tier” on the periphery with standards that are more permissive of new development. Whatever the direction that best fits in New Braunfels, any design standards should contain a more precise description of the defining characteristics of the district, including distinctive architectural elements, typical scale of properties within the district, and typical dimensional standards in the district (especially if those differ from the underlying zoning district). With such elements defined, it is easier to draft criteria against which to judge if an alteration or new construction matches the established character and standards in the district.



### Consider Additional Administrative Decisions

Most minor preservation-related decisions in New Braunfels involving projects like window replacement are heard by the Historic Landmark Commission. This point should be clarified in the new ordinance, with better definitions of “major” versus “minor” projects. It may be possible to increase the number of minor decisions that can be made at the staff level.

We recommend that administrative approval for minor alteration requests should be standard. For example, the City could adopt a classification system that permits:

- **Routine Maintenance:** defined activities, such as painting, without requiring a certificate of alteration;
- **Minor Alterations:** work that does not constitute a change in design, material, or outward appearance of the historic structure, are decided administratively by professional staff and/or the Historic Landmark Commission; and
- **Major Alterations:** major structural alterations, additions, or demolition continue to require HLC approval, with appeal to City Council.

All requests for landmark designation would continue to require public hearings with the City Council for approval. Further discussion is necessary to determine if the Planning Commission review and recommendation step of the process is still necessary in addition to the HLC.

#### Recommendations:

- Draft standards for the existing historic districts to provide a more defined basis for decision-making regarding appropriateness of alterations and new construction in the districts.
- Allow additional administrative approvals for minor certificate of alteration requests, or those that are determined to pose no significant impacts to the historic district in which they are located.

## UPDATE SUBDIVISION REGULATIONS

Generally, with the exception of confusion about block length standards, we heard fewer comments on subdivision issues than on zoning issues. The City recently updated the subdivision procedures to comply with the new state “shot clock” statute; to give authority for Master Plan approvals to staff instead of the Planning Commission; and to make preliminary plats optional. These changes aim to speed-up processes and eliminate unnecessary steps.

Except where indicated below, we do not propose further significant changes to the subdivision regulations. They will be carried forward, though reorganized into a more logical structure and reformatted consistent with the rest of the new LDO.

### Reorganize, Simplify, and Streamline Subdivision Regulations

The existing Subdivision Regulations found in Chapter 118 are complex and difficult to understand, due in large part to the sheer abundance of information provided and the unclear organizational structure that includes procedural and application requirements, review and approval processes, and other specific information for six different subdivision application types, in addition to general procedural and design requirements applicable to all subdivisions. In addition, the Design Standards include numerous standards regulated elsewhere in the code (e.g., landscaping), often without proper cross-referencing, and there are inconsistencies in approval authority for various types of processes.

As recommended for other code sections, the procedural and application requirements should be relocated to the Administration and Procedures section, and any specific application requirements should be relocated to the Administrative Manual. The chapter itself should be reorganized to follow a clear order based on a typical development schedule, with special subdivision types grouped together in order of complexity. Language should be carefully reviewed and edited to make it clearer and easier to understand, and tables and graphics should be incorporated to help convey complex information. Design standards should be edited to include only requirements that are specific to the subdivision of land, with all other generally applicable standards relocated to the Development Standards section of the LDO. Finally, the City should review all the existing subdivision application types and, with the help of Clarion, determine whether all of them are necessary or whether removal of certain subdivision types may be appropriate (e.g., is it necessary to have a specific type of subdivision for Planned Developments or could PDs be regulated under the existing preliminary and final plat regulations?).

The platting processes (LOCs, application submittals, distribution, technical review, commission hearing and agenda preparation, infrastructure construction/bonding, plat recordation) are spread across multiple departments. While this is unavoidable to some extent given where technical expertise lies within the municipal organizational structure, we did hear that it is confusing for the public and development community. The rewrite offers an opportunity to provide clearer delineation of authority and procedural oversight, particularly in light of newly created departments and adjusted titles/positions.

#### Recommendations:

- Reorganize and simplify subdivision regulations to clearly delineate authority and procedural steps required.

## Draft Clear and Objective Standards and Requirements

As with other section of code, the subdivision platting ordinance also suffers from subjectivity. For example, 118-46(y) states that a traffic impact analysis may be required by the Planning Director, Planning Commission, or City Council as part of a rezoning application. While City Council, and to some extent the Planning Commission, may impose such discretionary requirements, the code fails to outline the objective criteria through which staff may require a TIA at rezoning. Aligned with recommendations already outlined in this Assessment, clarification and establishment of objective procedural criteria will prevent confusion, development delays, perceptions of staff making inconsistent decisions, and unnecessary appeals.

One area where more objective criteria would be helpful is block design. Maximum block length requirements are common in American cities to ensure multimodal connectivity and to reduce vehicular speeds. Block lengths should be based on roadway classification and location, as well as land use. The City did attempt to clarify block length confusion a few years ago by adopting the requirements within the Veramendi DDCD on a city-wide basis (including the ETJ). However, stakeholders have indicated confusion remains, particularly with requirements for stub-outs to adjoining properties. Additionally, the current maximum block lengths in New Braunfels are too long for residential development. One approach to further clarify appropriate block length requirements is implement the creative alternatives adopted as part of the Mayfair DDCD on a broader basis. This development plan includes connectivity ratios and flexible alternatives, such as allowing mid-block trail/park connections to count as “block breaks”, rather than only streets. Such alternatives can address concerns with maximum block length, while still allowing some cul-de-sacs, and simultaneously achieve the goals in the *Envision New Braunfels* plan for multi-modal connectivity, pedestrian safety, and more trails.

### Recommendations:

- Update subdivision standards to include objective criteria and reduce subjectivity.

## Allow for Platting Exceptions in Defined Circumstances

New Braunfels was established in 1845, but did not have a subdivision platting ordinance until the 1990s. This has led to difficulties with redevelopment and infill in older parts of town, as original town lots from the 1800s often do not comply with the 1990s suburban-style lot standards in the subdivision platting ordinance. As part of this process, we can work with the City to determine instances where platting exceptions would be appropriate. Creation of such exceptions offers the added benefit of removing a



barrier to more affordable housing, since platting is one of the most significant costs in preparing a property for construction.

**Recommendations:**

- Allow for platting exceptions in defined circumstances.

**Clarify When Non-Vehicular Infrastructure Must be Installed**

Calls for greater pedestrian safety and community sidewalks are a common theme in *Envision New Braunfels*. The current codes, however, only trigger sidewalk requirements at the time of platting, even though platting is not always required for development. To bridge the gap this creates, we recommend that the City consider additional triggers for installation of sidewalks, such as rezoning requests or building permit applications. Additionally, the timing of when sidewalks must be constructed is unclear. Is it when the public infrastructure is being constructed prior to plat recordation, or when the buildings are being built on the lots. There are advantages and disadvantages to each approach -- for example, if a sidewalk is installed too early, it can be damaged while construction of a house on the lot occurs. We will make a recommendation on timing for installation on the basis of best practices in other communities throughout Texas and the nation.

New Braunfels has adopted a Hike and Bike Trails Plan that is a component of the Regional Transportation Plan. However, the subdivision platting ordinance does not include clear criteria or triggers for installation of trails, multi-use paths, or bike lanes. The inclusion of clear standards for when trails and bike lanes are required will help developers better predict and plan for the necessary and required infrastructure.

**Recommendations:**

- Clarify requirements for non-vehicular infrastructure, such as sidewalks trails, and bike lanes.

# Annotated Outline of a New LDO

This section of the report provides an overview of what the proposed structure and general content of a new LDO for New Braunfels might look like if the recommendations in this report are implemented. This outline is structured as a new chapter in the Municipal Code of Ordinances, incorporating what are now four separate ordinances (Chapter 144, Zoning; Chapter 66, Historic Preservation; Chapter 118, Subdivision; and Chapter 106, Signs). The consolidation of the City's development regulations will minimize cross-referencing, reduce repetition, and eliminate provisions that may conflict across the separate chapters of the current ordinances.

The annotated outline proposed in this section is intended as a starting point for further dialogue and is tailored for New Braunfels, building on our experience with successful code projects throughout Texas and the nation. Each proposed new article below indicates both the current sections that would be incorporated, as well as sections and new content that would be included in the LDO if the recommendations in this report are implemented.

## **ARTICLE 1: GENERAL PROVISIONS**

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Though the existing chapters contain some elements of the information proposed to be included in this article, much of the content will be new, drafted to apply to all the components of the LDO. This article will include:

### **Title, Effective Date, and Zoning Mapping**

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This section will establish the title of the LDO, its effective date, and describe how the official zoning map and district boundaries are maintained.

### **Purpose and Intent**

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This section will describe generally why the LDO is important to the City of New Braunfels and how it regulates land development to protect the public health, safety, and welfare of the City.

### **Authority, Applicability, and Jurisdiction**

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This section will describe the LDO's applicability to development or redevelopment (unless otherwise exempted), the LDO's application to governmental agencies, how internal code conflicts are resolved, and a statement on the LDO's relationship to the extraterritorial areas (ETJ) and private covenants. It can encompass the related statements that are in the separate chapters.

### **Transition from Prior Regulations**

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This section will describe how prior building permits, violations, nonconformities, and development approvals will be accommodated in the new LDO. It can also describe whether pending applications will be reviewed and decided under the current regulations or the new LDO.

### **Nonconformities**

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Building from the current regulations addressing nonconformities, this expanded section will describe how legal nonconformities are administered and enforced. It will include specific standards for nonconforming uses, nonconforming structures, nonconforming lots, nonconforming signs, and nonconforming site features.

## Enforcement and Penalties

This section will describe how New Braunfels enforces the LDO, including standards for violations, penalties and remedies, and authorized enforcement officers. As with many other sections in the LDO, we recommend relocating specific information that may change frequently to an administrative manual, such as dollar amounts for fees and penalties.

## Severability

This section will clarify that any specific standard in the LDO that is invalidated by a court, shall not affect the application or validity of any other standard in the LDO not included by that court's judgment.

## Current Sections

Below is a summary of content from the current development regulations that will be considered for incorporation into this new article:

<i>Chapter 144</i>	<i>Article I. – General Provisions</i>	<i>144-1.1, Purpose</i> <i>144-1.2, Zoning maps</i>
	<i>Article II. – Zoning Procedures and Administration</i>	<i>144-2.3, Nonconforming uses and structures</i> <i>144-2.4, Enforcement and administration</i>
	<i>Article VI. -- Penalty</i>	<i>144-6.1, General</i> <i>144-6.2, Minimum fine</i> <i>144-6.3, Court action or proceedings</i>
<i>Chapter 66</i>	<i>Article III. – Historic Landmark Preservation</i>	<i>66-62, Enforcement</i> <i>66-68, Penalties</i>
<i>Chapter 106</i>		<i>106-19, Penalty for violation of chapter</i>
<i>Chapter 118</i>	<i>Article VI. – Penalty and Enforcement</i>	<i>118-66, City attorney's enforcement authority</i> <i>118-67, Penalty for violation of chapter</i>

## ARTICLE 2: ZONING DISTRICTS

The zoning districts article establishes the base zoning districts, special districts, planned development districts, overlay districts, and describes how the districts relate to one another.

### Zoning Districts Established

This section will summarize the lineup of zoning districts, according to earlier recommendations for consolidation, elimination, and creation of new districts.

### Residential Districts

This section will include zoning district information for all residential districts in the City. Each district will include a purpose statement, a summary table for applicable dimensional standards (height, setbacks, lot area requirements, etc.), and any standards that are applicable to that specific district. It will include graphics that illustrate the dimensional standards for each district. Some communities also supplement their zoning districts with photographs depicting typical development in each district.

### Mixed-Use and Non-Residential Districts

This section will include zoning district information for all mixed-use districts and other non-residential (such as commercial and industrial) districts. The components included in residential districts will also be included for all other districts in the code (purpose, summary of dimensions, district-specific standards, and

graphics).

## Overlay Districts

This section will describe the purpose and applicability of overlay districts. It will carry forward information on the existing Main Plaza Overlay, and include information on any other existing overlays, such as the Airport Hazard District (described below).

### Airport Hazard Zoning District

The Airport Hazard Zoning District information should be removed from its current location among Development Standards in the current Article V., and relocated to the Overlay Districts section of the LDO.

### Historic District Overlays

Information on the four existing historic districts should be incorporated into this section.

## Special Districts

This section will carry forward the five existing special districts, and describe the purpose, applicability, and zoning information for new ones. Further discussion necessary on the 73 active “restricted” districts and how/whether they will be referenced in the new LDO.

## Summary Tables

This section will include tables that summarize the dimensional standards for all zoning districts, so users can compare the applicable standards across districts. Separate summary tables for residential, mixed use, commercial and industrial districts will include the following dimensional standards:

- Lot size (e.g., minimum lot area, lot width and depth, maximum lot coverage)
- Setbacks (e.g., minimum yard requirements, build-to requirements)
- Building standards (e.g., maximum height)

## Measurements and Exceptions

Following the dimensional standards tables for each zoning district, a new section at the end of this chapter will incorporate the information currently contained in Article V., Development Standards, sections 5.21-2 through 5.21-5. These sections cover permitted exceptions to the dimensional standards of the districts, including height exceptions, yard and setback exceptions, lot width and area exceptions, and required lot area for on-site sewage facilities. This will describe what types of structures, building elements, or site features are either exceptions from dimensional standards (such as spires and chimneys) or may encroach into required areas (eaves and porches).

## Current Sections

Below is a summary of content from the current development regulations that will be considered for incorporation into this new article:

Chapter 144	Article III. – Zoning Districts	3.1, <i>Creation of districts</i>
		3.2, <i>Regulations for all districts</i>
		3.3, <i>Zoning districts and regulations for property zoned prior to June 22, 1987</i>
		3.4, <i>Zoning districts and regulations for property zoned subsequent to June 22, 1987</i>
		3.5, <i>Planned development districts</i>

		3.6, Special use permit (convert to conditional use; procedure info relocated to Article 8)
		3.7, Overlay zoning districts
		3.8, Special districts
	Article V. – Development Standards	5.20, Airport hazard zoning district
	Measurements and Exceptions	5.21-1, General provision
		5.21-2, Height exceptions
		5.21-3, Yard and setback exceptions
		5.21-4, Lot width and area exceptions
		5.21-5, Lot area and on-site sewage facilities

## ARTICLE 3: USE REGULATIONS

This article will contain all of the standards applicable to specific land uses. It will include an updated Land Use Matrix and all of the use-specific standards that are currently located in Article V., Development Standards.

### Table of Allowed Uses (Land Use Matrix)

This will be a new summary table of all allowed uses by zoning district, showing the level of approval required (by-right, conditional use ("C"), or not allowed). The table will replace both the current Land Use Matrix and also the lists of uses that currently appear in each zoning district. The new table will be restructured using categories of uses and will include cross-references to additional standards that apply to any particular use. By replacing the separate use lists in the zoning districts, the table will provide a central location to find information related to uses in districts, reduce the overall length of the LDO, and reduce the potential for inconsistencies due to the need to update multiple locations when there is a change to a use or a district.

### Use-Specific Standards

This section will incorporate the existing standards that apply to specific land uses, which are currently located in Article V., Development Standards. There are presently relatively few use-specific standards, covering uses such as telecommunications towers, bed and breakfast facilities, home occupations, auto dealers, and some other uses that have unique impacts or standards associated with them. Any use that has specific standards will be cross-referenced from the Table of Allowed Uses, providing quick access to the additional standards for that use. When the code is drafted, additional use-specific standards may be necessary to address concerns as they come to light, particularly if the City decides to adopt the recommendation to allow certain uses if they comply with standards, rather than having those uses rely on Special Use permits.

### Accessory and Temporary Uses

The current code allows for both accessory and temporary uses, but we recommend adding both as permissions in the Table of Allowed Uses. Accessory uses would be indicated in the Table of Allowed Uses as an "A," or at the end of the table in its own category of uses, while Temporary uses would be noted as a "T." As with primary uses, there will be sections that describe use-specific standards that apply to accessory and temporary uses. The current standards for accessory uses (such as home occupation) and accessory structures (such as ADUs), will be relocated to this section. Temporary uses will include both uses (such as construction offices) and temporary structures (such as produce stands).

## Current Sections

Below is a summary of content from the current development regulations that will be considered for incorporation into this new article:

<i>Chapter 144</i>	<i>Article IV. – Use Regulations</i>	<i>144-4.1, Interpretive rules</i> <i>144-4.2, Land use matrix</i>
	<i>Article V. – Development Standards</i>	<i>5.2, Drive-through facility or use with drive-through service</i> <i>5.4, Accessory uses and structures</i> <i>5.5, Home occupation regulations</i> <i>5.6, Bed and breakfast facilities</i> <i>5.7, Telecommunications towers/antennas</i> <i>5.8, Industrialized housing</i> <i>5.9, Agricultural uses</i> <i>5.10, Temporary uses</i> <i>5.11, Auto body repair and garages (public)</i> <i>5.12, Automobile or trailer sales rooms or yards or sales of outdoor merchandise</i>
	<i>Use-Specific Standards</i>	<i>5.13, Bowling alleys, dance halls, shooting galleries, shooting ranges, skating rinks, commercial or public tuber entrance or take out facilities, and similar commercial recreation buildings or activities</i> <i>5.14, Heavy load and farm machinery sales and service</i> <i>5.15, Lumberyards</i> <i>5.16, Accessory recreation</i> <i>5.17, Short term rental or occupancy</i> <i>5.18, Sale of alcoholic beverages</i> <i>5.21-1b, Open storage containers</i> <i>5.23, Temporary vending operations</i> <i>5.24, Temporary mobile storage units</i> <i>5.25, Heliports and helistops</i> <i>5.26, Mobile food courts</i> <i>5.27, Bulk storage (Gas station)</i> <i>5.28, Truck stops</i>
	<i>Appendix B</i>	<i>Mobile Home Communities</i>

## ARTICLE 4: DEVELOPMENT STANDARDS

While the districts and uses articles focus on what a property owner can do with their property, and where they can do it, the development standards regulate the quality of development through site- and building-specific regulations. The Development Standards article will include both site standards (such as parking requirements and landscaping) and building standards (building design). Because of the extent of information covered in site standards, we recommend splitting up information into smaller subsections, as shown below. This prevents code sections from becoming long and unwieldy, and helps users locate topic-specific information more easily (for example, allowing someone to find info on permitted fence height without sifting through other landscaping information). If the City chooses to move forward with incentivizing sustainability, that section can be incorporated into development standards. Alternately, it could be a separate article in the new LDO, but for the purposes of this outline, we include it here.

## Site Standards

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Each of the components listed below is important to how the physical site is laid out for development, and will be organized in the LDO “from the ground up.” The section will be split into multiple subsections that will describe the standards for site layout features, including:

### **Access, Connectivity, and Circulation**

This new section will describe the requirements for internal circulation within a site, connections between development sites, and both vehicular and pedestrian/bicycle access to and throughout the site. This section will include provisions for when and where sidewalks are required and requirements for driveways and access. Streets, circulation, and sidewalks within subdivisions will also be addressed in Article 6, with cross-references between sections where appropriate.

### **Landscaping and Tree Preservation**

This section will incorporate content from the current standards, with enhancements as described in the Improve and Tailor Development Standards section of this report. Specifically, new content will enhance the current tree preservation standards, and add detail to landscaping standards.

### **Parking, Loading, and Stacking**

This section will build on the current standards for parking, stacking, and parking lot design. It will include a review of existing standards, and possible revision of the parking schedule, and the downtown parking exemption.

### **Screening, Fences, and Buffers**

In the current regulations, screening, fences, and buffering are part of the landscaping standards. To avoid an overly long section that covers numerous topics, and to make it easier for users to locate standards related to this topic, we recommend splitting this topic off into its own section.

### **Sustainable Development Standards and Incentives**

If the City decides to move forward with incentives for sustainable design and development, that new content in the code would be incorporated into this section on Development Standards.

## Building Design

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This section will include the current building design requirements, along with any augmented standards the City decides to pursue. If the City wishes to pursue neighborhood protection standards (outside of designated historic districts and beyond the current residential adjacency provisions) that content would be part of this section as well. The section could also include particular standards for infill and redevelopment areas, to help address these issues in the context of redevelopment near existing low-density residential districts and ensure adequate mitigation of potential impacts. As previously referenced, infill and redevelopment standards could include building “stepbacks,” limitations of light pole height, increased setbacks, additional buffering or screening requirements, and further controls on service areas or drive-throughs.

## Current Sections

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Below is a summary of content from the current development regulations that will be considered for incorporation into this new article:

<i>Chapter 144</i>	<i>Article V. – Development Standards</i>	<i>5.1, Parking, loading, stacking and vehicular circulation</i> <i>5.3, Landscaping, tree preservation, public trees,</i>
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		<i>screening, fences, buffering and lighting</i>
		<i>Appendix A, Approved plant list</i>
		<i>Appendix B, Undesirable trees</i>
		<i>5.21-1d, Sight distance and visibility</i>
		<i>5.22, Non-residential and multifamily design standards</i>

## ARTICLE 5: HISTORIC PRESERVATION

This Article will include the standards that apply to historic properties and districts in the City. Criteria information on designating a landmark or historic district, or obtaining a certificate of appropriateness, will remain in this section, while the procedures themselves will be relocated to Article 8: Administration and Procedures. New content in the article may include:

- Updated criteria for both designation and assessment for certificate of alteration, and
- New standards to enhance protection in the City's existing historic districts.

### Current Sections

Since the Heritage Commission appears to operate separately from Historic Landmark Commission, we recommend that Article II, regarding its duties and powers, be relocated outside the LDO. The rest of the content in Articles I and III in the current ordinance will be carried forward (except information on procedures and HLC composition and duties, relocated to Article 8), with edits and amendments as necessary.

Chapter 66

All sections, exclusive of Article II. – Heritage Commission<sup>6</sup>

## ARTICLE 6: SUBDIVISION

This section will include the standards that apply to landowners seeking to subdivide land for development (any standards that might apply to both subdivision and redevelopment would be located in the Development Standards article). Subdivision procedures will be relocated to the new Administration and Procedures article. Content for this Article may include:

- Lot and block layout;
- Street standards;
- Sensitive area protection;
- Walkability and mobility;
- Requirements for sidewalks and trails;
- Common open space standards;
- Dedication of park lands; and
- Developer agreements for improvements.

### Current Sections

Only necessary articles in the current subdivision ordinance will be carried forward. Procedural info from

<sup>6</sup> STAFF: Where specific sections of the current ordinance would be relocated, such as the procedures and duties of the HPC, it is noted in those respective articles. For the remaining content, would you like the sections to be listed individually by row, as they are in other tables?

Articles I and III will be relocated to Article 8. Edits and amendments will be incorporated as necessary.

Chapter 118

All articles

## ARTICLE 7: SIGNS

Much of the sign content will be new. The existing Chapter 106 will be referenced in the drafting of the new material, as discussed earlier this report. Procedural info will be relocated to Article 8.

Chapter 106

All sections

## ARTICLE 8: ADMINISTRATION AND PROCEDURES

This article will describe the review and decision-making bodies in the City, and the approval procedures for the various types of development applications. Recommended changes and reorganization should help to address some of the concerns related to the unpredictability of procedures, the need to delegate decision-making authority, and the incorporation of more objective review criteria.

### Review and Decision-Making Bodies

This section describes the duties and powers of the Zoning Board of Adjustment, Historic Landmark Commission, Planning Commission, City Council, and staff, usually encompassed by reference to the Planning and Development Services Director (with an explanation regarding delegation of authority included in Rules of Construction and Definitions). It can also include information on board/committee composition, terms, and appointment or removal, though often that information is located on the City website (or the City Charter, for City Council). We can work with staff to determine the right level of detail to include here.

### Summary Table of Development Review Procedures

The summary table centralizes the basic requirements for review and approval of any development application in the LDO. The table will be organized by type of application (e.g., ordinance amendments, flexibility and relief procedures), review authorities (e.g., Planning Commission), and will identify other specific requirements such as which types of approvals require public hearings.

### Common Review Procedures

Common review procedures identify and describe the procedures that apply to most development applications in the City. Proposed common review procedures for New Braunfels are described earlier in this report. Any common procedure from the current chapter of the code, such as application submittal requirements, public noticing procedures, and hearing procedures will be located here rather than repeating the same information for each application type. This will reduce the overall length of the LDO and eliminate the possibility of conflicting provisions as the LDO is updated over time.

### Development Permits and Procedures

This section will include review and approval procedures for permits, including certificates of alteration and sign permits. If the recommendation regarding replacing special use permit with conditional use is adopted, that new procedure would also be part of this section. This section will cross-reference common review procedures, but include application-specific modifications.

## **Subdivision Platting Procedures**

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This section will include review and approval procedures for subdivision platting applications.

## **Ordinance Amendment Procedures**

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This section will include review and approval procedures for applications such as rezonings, text amendments, and planned development districts. It will cross-reference the common review procedures where possible, and will include additional standards that apply to specific application types. For example, the rezoning section might cross-reference the staff review standards from common review procedures, but include an additional provision requiring a traffic impact analysis.

## **Flexibility and Relief Procedures**

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This section will include review and approval procedures for applications such as appeals, variances, and minor modifications.

## **Current Sections**

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Below is a summary of content from the current development regulations that will be considered for incorporation into this new article:

<i>Chapter 144</i>	<i>Article II. – Zoning Procedures and Administration</i>	<i>144-2.1, Changes and zoning amendments</i>
		<i>144-2.2-1, Zoning board of adjustment (ZBA), Power and duties</i>
		<i>144-2.2-1, ZBA procedures</i>
	<i>Article III. -- Zoning Districts</i>	<i>3.5, Planned development districts (partial, procedure info relocated here)</i>
		<i>3.6, Special use permits (conditional use, procedure info relocated here)</i>
<i>Chapter 66</i>		<i>66-52, Historic preservation commission powers and duties</i>
		<i>66-54, Designation of historic landmarks (portions related to designation procedure)</i>
		<i>66-55, Designation of historic districts (portions related to designation procedure)</i>
		<i>66-59, Alteration certificate application procedure (procedure info only, application info to be removed)</i>
		<i>66-61, Economic hardship application procedure</i>
<i>Chapter 106</i>		<i>106-8, Variance and appeal</i>
<i>Chapter 118</i>	<i>Article I. -- In General</i>	<i>118-11, Waiver</i>
		<i>118-12, Appeals of administrative decisions</i>
		<i>118-13, Appeal for relief from apportionment of municipal infrastructure costs</i>
	<i>Article III – General Platting Procedures</i>	<i>All content, sections 118-20 to 118-42 inclusive.</i>

## ARTICLE 9: RULES OF CONSTRUCTION AND DEFINITIONS

### Rules of Construction

This section will describe how specific terms are interpreted throughout the LDO, including lists and examples, computation of time, public officials mentioned in the LDO, mandatory vs. discretionary terms, conjunctions, tenses and plurals, and conflicts between text and illustrations.

### Definitions

Three of the four chapters to be incorporated into the LDO have their own definitions sections. The Definitions section in the consolidated LDO will incorporate the existing definitions from the Signs, Subdivision, and Zoning Ordinances, with a review to determine any necessary updates, and to move any regulations included in the definitions to the relevant Code section. Historic Preservation definitions can be added as warranted, and new terms, including definitions for use categories (e.g., group living, agricultural, manufacturing, utilities) and a definition for each of the specific uses included in the new Table of Allowed Uses, will be included. Definitions for common acronyms, dimensional and terms of measurement, procedural terms, development standards and design terms, can be incorporated as well.

To avoid a long, alphabetized list that can be difficult for users to navigate, we recommend grouping definitions into subsections, to include Uses, Signs, Historic Preservation, Procedures and Officials, and others as warranted by the chapters and sections of the LDO.

### Current Sections

Below is a summary of content from the current development regulations that will be considered for incorporation into this new article:

<i>Chapter 144</i>	<i>Article I. – General Provisions</i>	<i>144-1.4, Definitions</i>
	<i>Article V. – Development Standards</i>	<i>5.1.j.2, Valet parking definitions</i> <i>5.17.2 Short term rental definitions</i>
<i>Chapter 106</i>		<i>106-3, Definitions</i>
<i>Chapter 118</i>	<i>Article I. – In General</i>	<i>118-2, Definitions</i>