

Code Interpretation

Subject: The measurement of building height as it is defined and regulated in Chapter 144 - Zoning

Date: March 4, 2025, revised May 8, 2025

Code Sections Impacted: *Sec. 144-1.4 – Definitions.*

Proposal: This interpretation clarifies and will establish consistency in the measurement of the height of buildings when reviewing for compliance with Zoning requirements.

Analysis:

- Section 144-1.4 of the Zoning Ordinance defines *Height* as it pertains to the vertical distance of a building as measured from the average elevation of the finished grade surrounding the structure to the highest point. This method of measurement can prevent the opportunity to construct a building at a height that best meets the preferences of a property owner due to the slope of the building site. Additionally, this method of measurement allows for the height of a building to be changed by modifying the grade surrounding the structure.
- Standards for building height are set within each individual Zoning District under Sections 144-3.3 through Section 14-3.8 of the Code of Ordinances.
- As currently defined, the measurement of building height is difficult to calculate and can come into question when there is a grade differential along multiple sides of the structure.
- The side of a building that will have the most visual impact to the community is that which is typically established as the front of the building.

Interpretation:

Due to:

- The desire for zoning definitions and language that are easy to understand and utilize.
- The current draft version of the New Braunfels Land Development Ordinance (LDO) includes proposed regulations that are intended to be more clearly understandable and user-friendly.
- A key finding and recommendation of the approved Land Use Fiscal Analysis (LUFA), completed in 2024, is to revise standards that allow for development flexibility that includes relaxed height limits.

Recommended Code Amendment:

Amend Sec. 144-1.4 – Definition of *Height* to be revised as follows *Height (Of Buildings)* The vertical distance from the finished ground level at the center of the front of the building or 2 feet above the Federal Emergency Management Agency (FEMA) published base flood elevation (BFE) as applicable (whichever is greater) to the highest point of the roof surface if a flat roof and to the deck line for mansard roofs. For all other sloped roofs, height is measured to the midpoint of the highest and lowest points of the roofs surface.

This interpretation ensures uniform treatment across all zoning districts and facilitates the allowance for building height to be in alignment with city standards and goals.

***Accessory structures:** This interpretation shall not be applicable when calculating the height of a main building or accessory structure to determine the maximum height of a proposed accessory structure as described under Sec. 144-5.4(e). This interpretation is not intended to limit or decrease the allowed height of an accessory structure as set by the current standards.

It is recommended that the code be amended such that accessory structures are allowed to be built to the same maximum height as allowed in the base zoning district.

A handwritten signature in black ink, appearing to read "Matthew J. Smith", is written over a horizontal line.

Planning Manager, Planning & Development Services