

2.4.10 Gruene Lake Village Special District

COMMENTARY

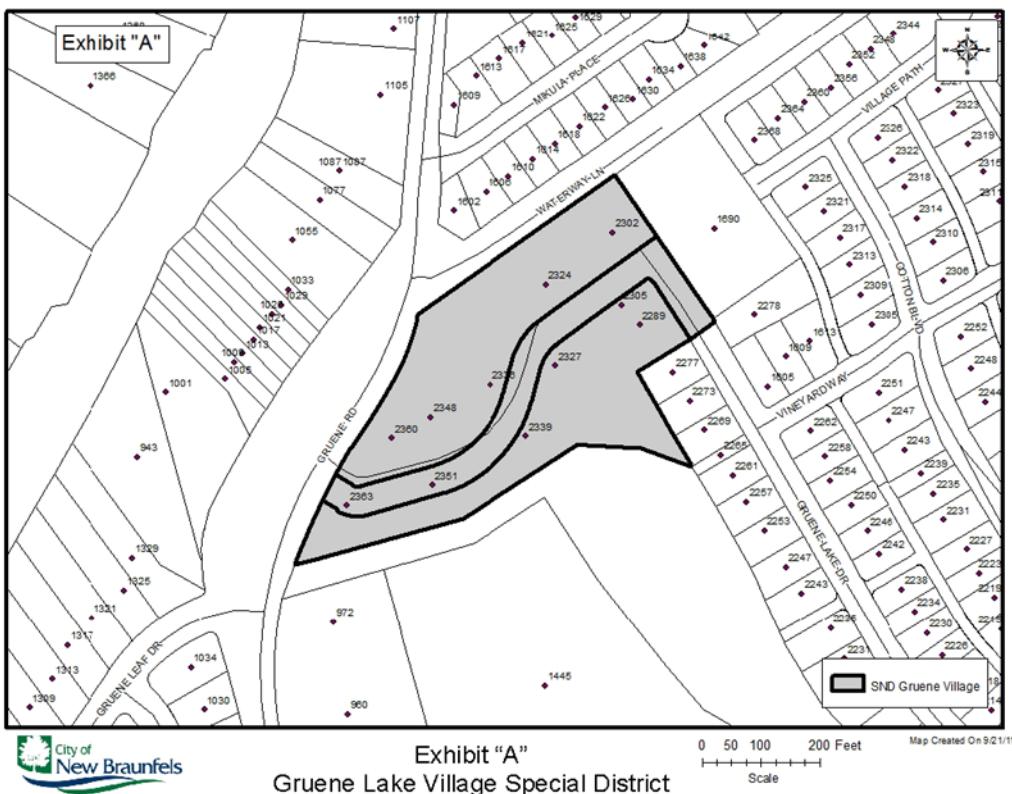
This district has been carried forward, but similar to Advantage Drive Special District, it appears from Google Maps that the district has largely been built out. In reviewing which Special/Restricted Districts could be converted to standard zoning, is it worth including this one as a possibility?

A. Purpose

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

B. Area

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



C. Allowed Uses

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

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

D. Dimensional Standards

Table 2-29: Gruene Lake Village Dimensional Standards

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

2.4.11 Sophienburg Hill Neighborhood Special District

COMMENTARY

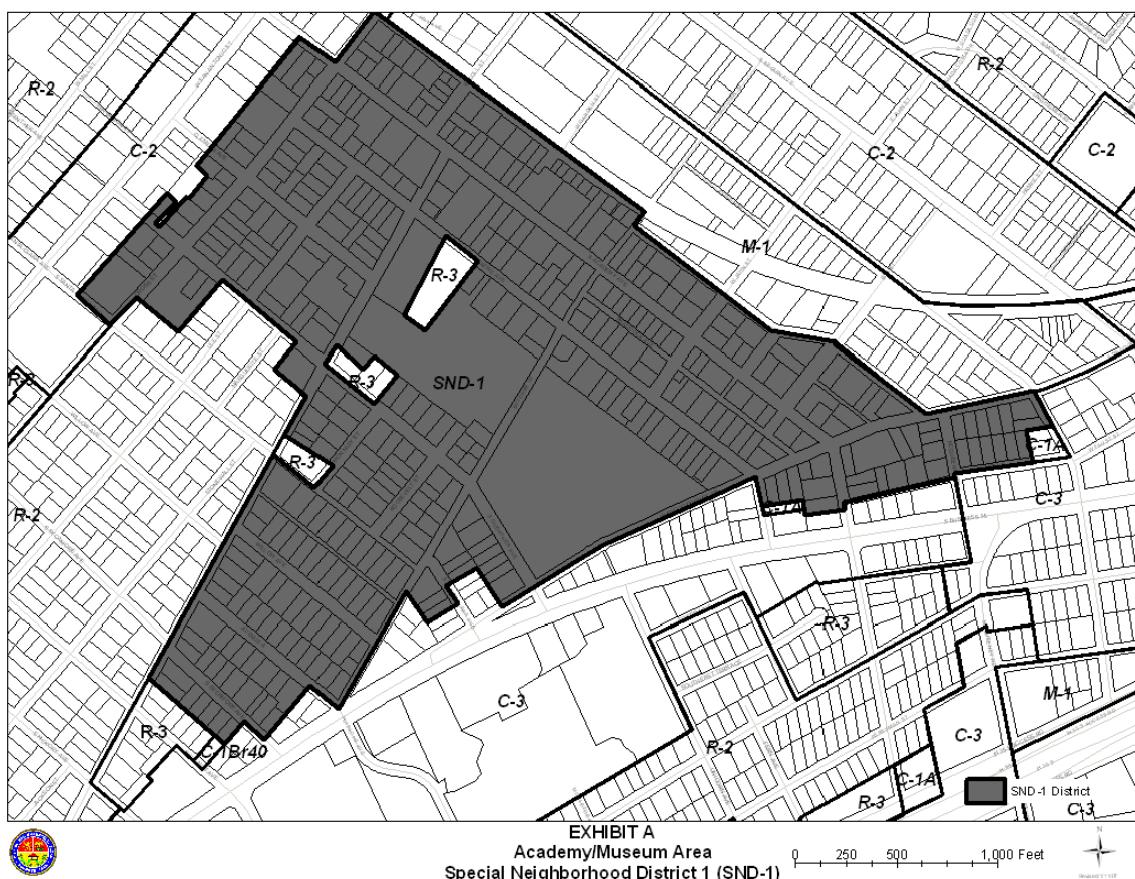
This district has been carried forward from 3.8-4, and renamed at to be more descriptive of the area that is included in the district.

A. Purpose

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

B. Area

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



Article 2: Zoning Districts

2.4 Non-Residential Zoning Districts

2.4.11 Sophienburg Hill Neighborhood Special District

C. Allowed Uses

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

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

D. Dimensional Standards

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

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

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

2.4.12 South Castell Avenue Special District

COMMENTARY

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

A. Purpose

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

B. Area

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

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



C. Development Standards¹⁶

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

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

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

1. Build-To Line

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

2. Building Height

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

3. Massing

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

a. Roof Forms

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

b. Building Form**i. Vertical Articulation**

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

ii. Horizontal Articulation

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

4. Exterior Building Materials¹⁸

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

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

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

Article 2: Zoning Districts

2.4 Non-Residential Zoning Districts

2.4.12 South Castell Avenue Special District

5. Facades and Fenestration

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

6. Parking

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

a. Surface Parking

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

b. Structured Parking

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

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

D. Allowed Uses

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

2.4.13 Walnut Neighborhood Special District

COMMENTARY

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

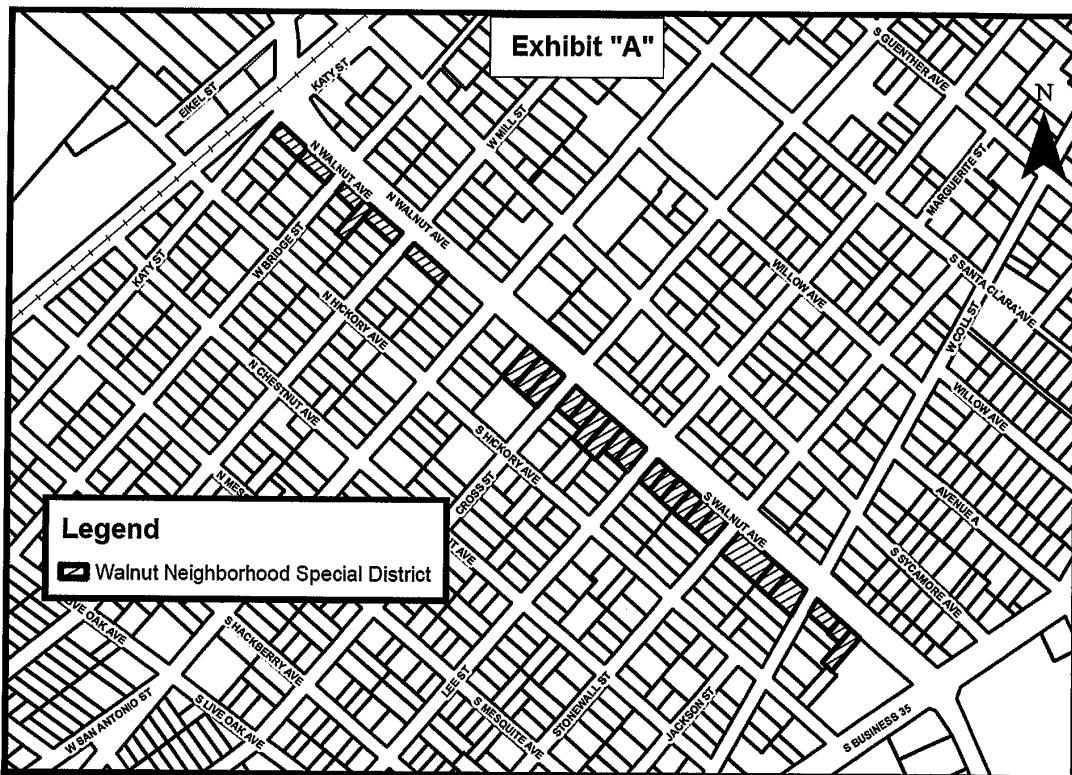
A. Purpose

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

B. Area

1. District Boundary

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



2. Subdistricts

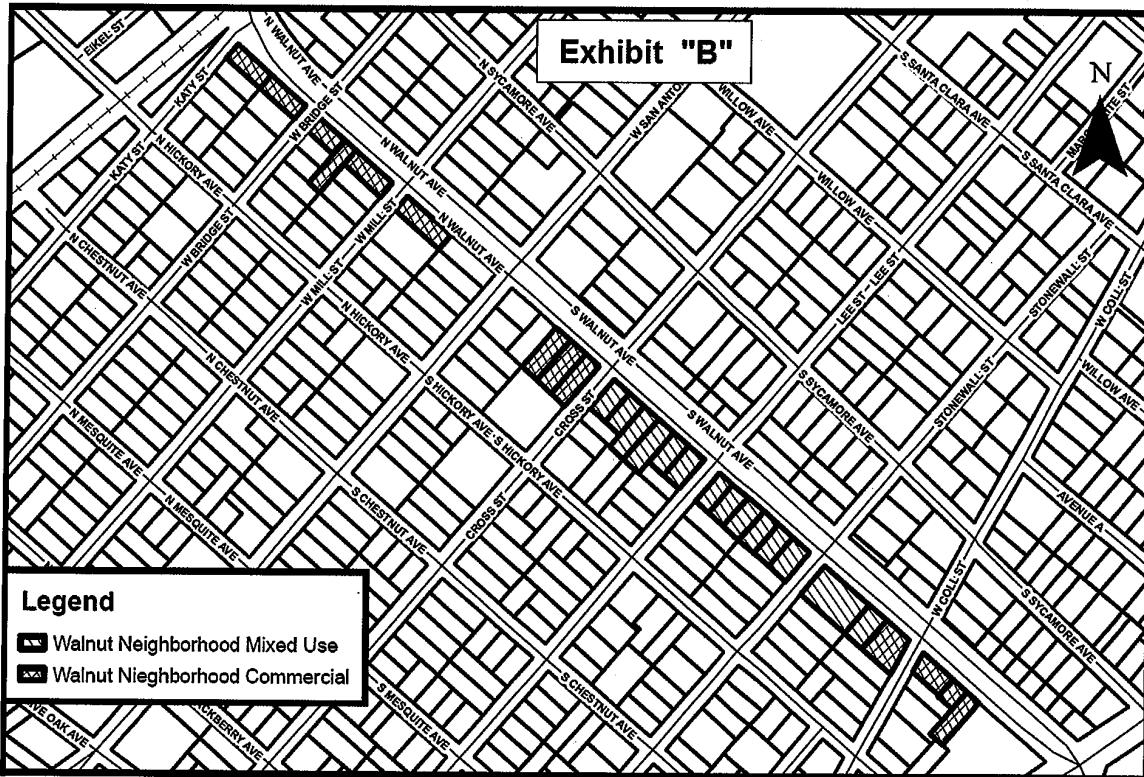
To better achieve neighborhood goals the WNSD includes the following subdistricts:

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

Article 2: Zoning Districts

2.4 Non-Residential Zoning Districts

2.4.13 Walnut Neighborhood Special District



C. Allowed Uses

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

COMMENTARY

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

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

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

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

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

Article 2: Zoning Districts

2.4 Non-Residential Zoning Districts

2.4.13 Walnut Neighborhood Special District

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

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

NOTES

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

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

D. Dimensional Standards

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

Table 2-33: Walnut Neighborhood Special District Dimensional Standards

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

E. Access and Parking

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

Article 2: Zoning Districts

2.4 Non-Residential Zoning Districts

2.4.13 Walnut Neighborhood Special District

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

F. Building Design Standards

The intent is to keep the existing building to maintain the traditional neighborhood streetscape setting. Additions or new structures for residential, mixed-use, or non-residential uses must maintain and enhance the residential feel by complying with the following standards.

1. Architectural Features

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

2. Buffering

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

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

Article 2: Zoning Districts

2.4 Non-Residential Zoning Districts

2.4.13 Walnut Neighborhood Special District

- ii. A minimum of one 24-inch tall native Texas bush/shrub per five linear feet. Plantings may be clustered in the buffer area.
- c. All fences and walls require building permits.
- d. See §X.X, *Fences and Walls*, for additional regulations. When there is conflict, this section applies.

3. Additional Landscaping

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

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

G. Lighting and Glare Standards

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

H. Signage

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

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

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

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

Article 2: Zoning Districts

2.4 Non-Residential Zoning Districts

2.4.13 Walnut Neighborhood Special District

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

I. Hours of Operation

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

J. Hours for Deliveries

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

K. Additional Prohibitions

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

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

2.4.14 Wurstfest Special District

COMMENTARY

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

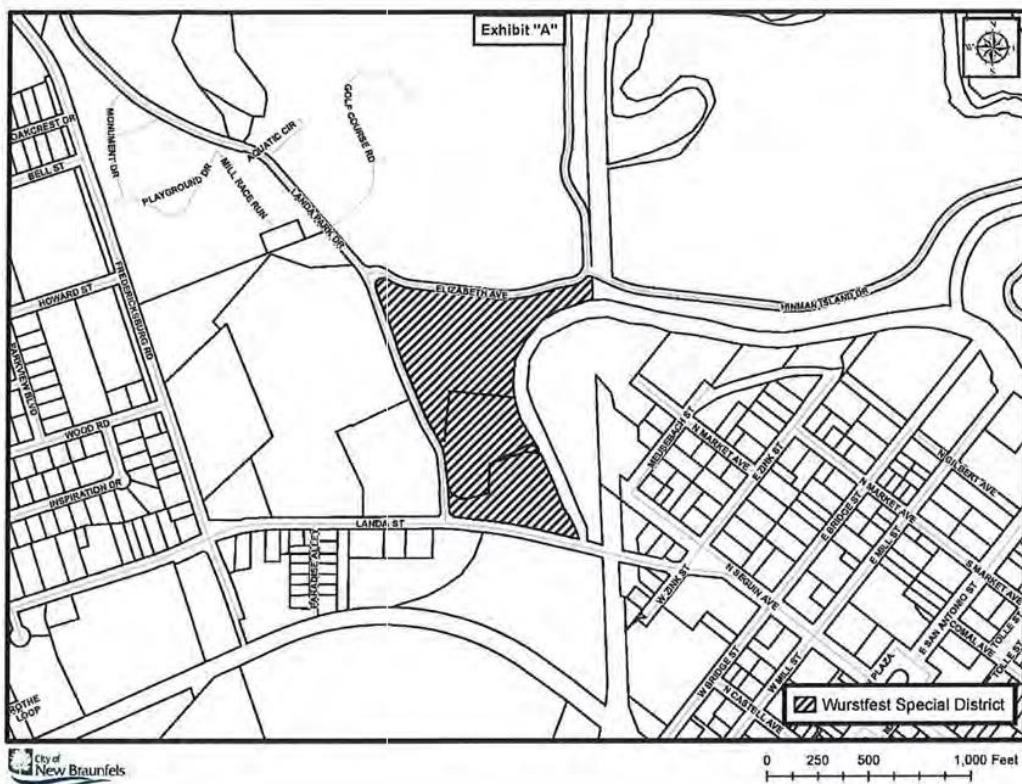
A. Purpose

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

B. Area

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

C. Allowed Uses



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

Table 2-35: Allowed Uses in Wurstfest Special District

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

Table 2-35: Allowed Uses in Wurstfest Special District

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

NOTES

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

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

D. Dimensional Standards**1. Maximum Height**

75 feet.

2. Public Street Building Setback

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

3. River Building Setback

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

4. Side Building Setback

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

E. Parking

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

F. Signage

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

2.5 Overlay Zoning Districts

2.5.1 AHO – Airport Hazard Overlay District¹⁹

COMMENTARY

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

A. Purpose

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

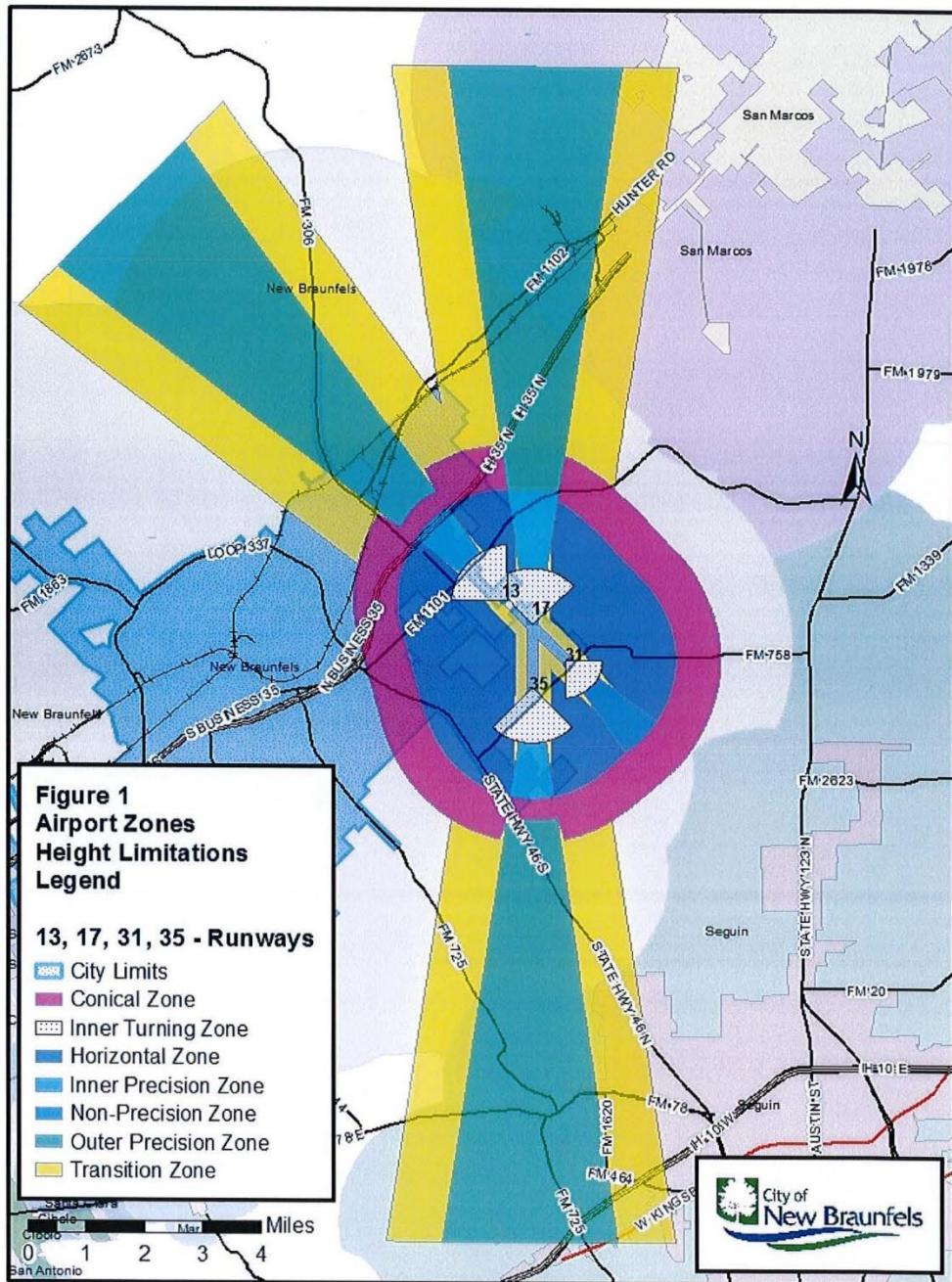
B. Compliance

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

C. Zones Established

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

¹⁹ 144-5.20.



The various zones are hereby established and defined as follows:

1. Approach Zones

An approach zone is established beneath the approach surface at the end of all existing and proposed runways of the airport for precision and non-precision instrument landings and takeoffs. The limit of approach zones' largest overall dimensions is the location at which they intersect with the horizontal surface. These zones have been divided into inner and outer areas in §§2.5.1D.1.a and 2.5.1D.1.b.

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

The precision approach zone for precision instrument landings and takeoffs is established as the area beneath the precision approach surface, and is horizontally centered on the

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

b. Non-Precision Approach Zone (Runway 31)

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

2. Transition Zones

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

3. Horizontal Zone

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

4. Conical Zone

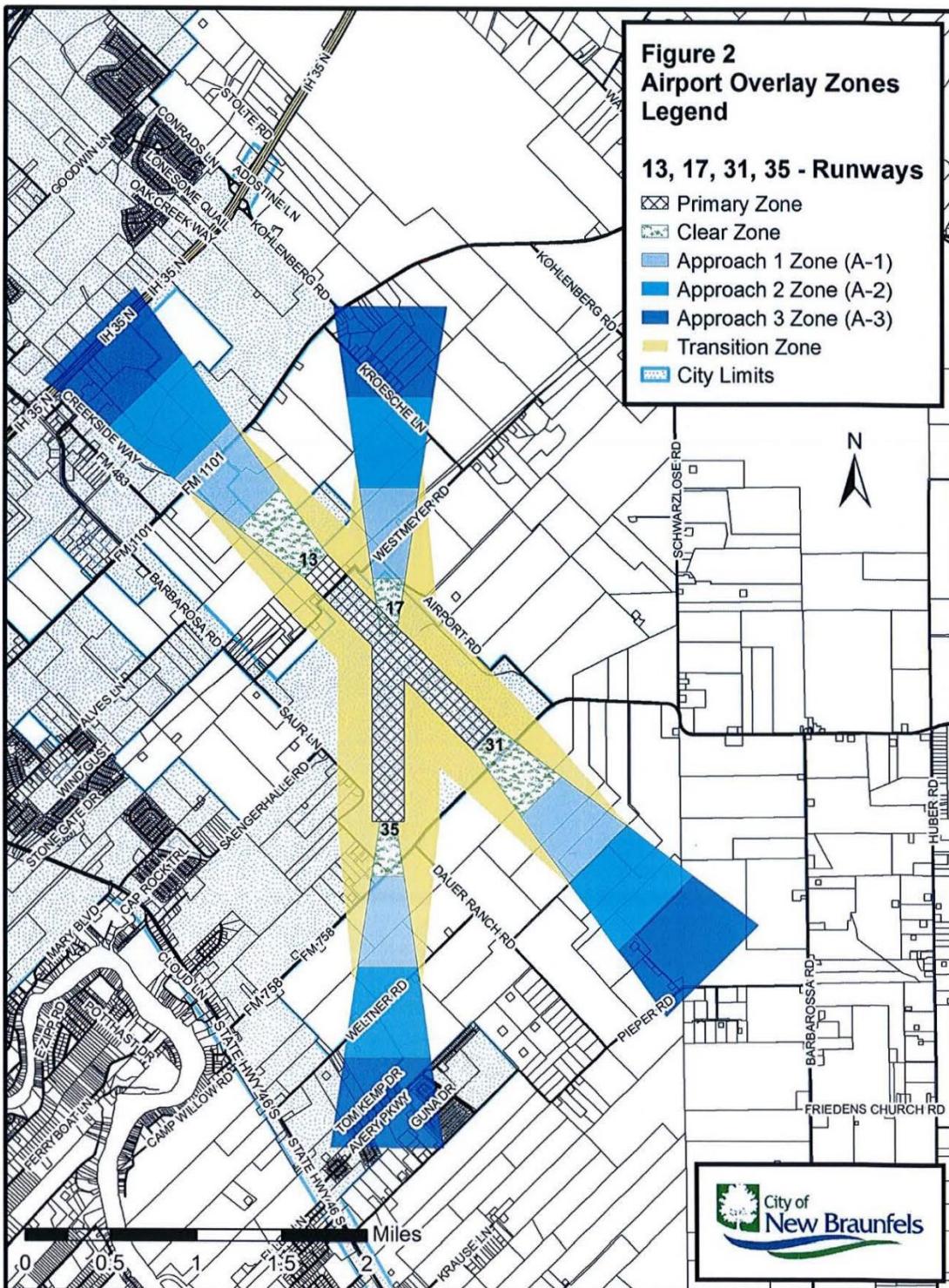
A conical zone is established as the area beneath the conical surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one (20:1) for a horizontal distance of 4,000 feet.

5. Inner Turning Zone

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

6. Overlay Zones

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



a. Primary Zone

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

b. Clear Zone

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

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

c. Approach 1 (A-1) Zone

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

d. Approach 2 (A-2) Zone

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

e. Approach 3 (A-3) Zone

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

f. Transition Zone

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

D. Height Limitations

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

1. Approach Zones

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

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

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

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

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

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

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

2. Transition Zones

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

3. Horizontal Zone

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

4. Conical Zone

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

5. Inner Turning Zone

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

a. Precision Approach

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

b. Non-Precision Approach

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

E. Interference Prohibited

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

F. Nonconforming Uses

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

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

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

G. Conforming and Nonconforming Land Uses by Overlay Zone

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

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

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

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

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

H. Construction Methods and Materials

The type of all newly constructed occupied structures within the overlay zones constructed after the effective date of the ordinance from which this section derives are to be constructed to achieve a minimum 25 decibel sound level reduction from the exterior to the interior of the structure.

Compliance with the following construction standards is intended to achieve that result. Structures excluded from these standards include hangars, warehouses, barns, and other similar structures and additions to existing occupied structures.

a. General

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

b. Exterior Walls

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

c. Windows

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

- iv. Glass of fixed-sash windows shall be sealed in an airtight manner with a non-hardening sealant, or a soft elastomer gasket or glazing tape.
- v. The perimeter of window frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following Federal Specifications: TT-S-00227.
- vi. The total area of glass in both windows and doors in sleeping spaces shall not exceed 20 percent of the floor area.

d. Doors

- i. Doors, other than as described in this section shall have a laboratory sound transmission class rating of at least STC-28.
- ii. All exterior side-hinged doors shall be solid-core wood or insulated hollow metal at least one and three-fourths-inch thick and shall be fully weather stripped.
- iii. Exterior sliding doors shall be weather stripped with an efficient airtight gasket system with performance as specified in **Section 1-4C**.²¹ The glass in the sliding doors shall be at least three-sixteenths-inch thick.
- iv. Glass in doors shall be sealed in airtight non-hardening sealant or in soft elastomer gasket or glazing tape.
- v. The perimeter of door frames shall be sealed airtight to the exterior wall construction as described in provision iii. above.

e. Roofs

- i. Combined roof and ceiling construction other than described in this section and subsection f shall have a laboratory sound transmission class rating of at least STC-39.
- ii. With an attic or rafter space at least six inches deep, and with a ceiling below, the roof shall consist of closely butted one-half-inch composition board, plywood, or gypsum board sheathing topped by roofing as required.
- iii. If the underside of the roof is exposed, or if the attic or rafter spacing is less than six inches, the roof construction shall have a surface weight of at least 25 pounds per square foot. Rafters, joists, or other framing may not be included in the surface weight calculation.
- iv. Windows or dome skylights shall have laboratory sound transmission class rating of at least STC-28.

f. Ceilings

- i. Gypsum board or plaster ceilings at least one-half-inch thick shall be provided where required by provision e.ii above. Ceilings shall be substantially airtight, with a minimum number of penetrations.
- ii. Glass fiber or mineral wool insulation at least two inches thick shall be provided above the ceiling between joists.

g. Floors

Openings to any crawl spaces below the floor of the lowest occupied rooms shall not exceed two percent of the floor area of the occupied rooms.

h. Ventilation

- i. A mechanical ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for various uses in occupied rooms without the need to open any windows, doors, or other openings to the exterior.
- ii. Gravity vent openings in attic shall not exceed code minimum in number and size.
- iii. If a fan is used for forced ventilation, the attic inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least 20 gauge steel, which shall be lined

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

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

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

I. Permits and Variances

1. Establishment of Development Permit

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

2. Abrogation and Greater Restrictions

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

3. Future Uses

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

4. Permit Procedures²²

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

5. Existing Uses

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

6. Variance

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

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

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

7. Obstruction Marking and Lighting

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

J. Abatement of Violations

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

2.5.2 HSD – Historic District**A. Downtown Historic District**

[reserved]

B. Mill Street Historic District

[reserved]

C. Sophienburg Hill Historic District²³

[reserved]

D. Stock Historic District

[reserved]

2.5.3 HLM – Historic Landmark

[reserved]

2.5.4 MP-1 – Main Plaza Overlay District**A. Purpose**

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

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

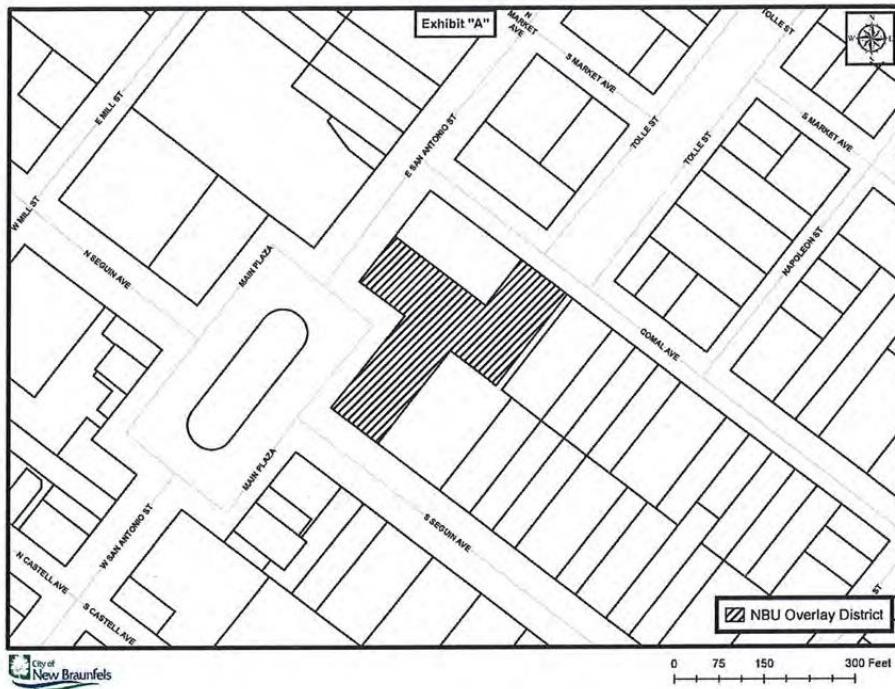
Article 2: Zoning Districts

2.5 Overlay Zoning Districts

2.5.4 MP-1 – Main Plaza Overlay District

B. Area

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



C. Development Standards

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

1. Setbacks

Minimum: zero feet.

2. Build-To Line

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

3. Building Height

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

4. Massing

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

a. Roof Forms

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

b. Building Form

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

i. Vertical Articulation

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

ii. Horizontal Articulation

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

iii. Floor-to-Floor Height

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

c. Structured Parking

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

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

5. Exterior Building Materials

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

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

6. Facades and Fenestration

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

7. Parking

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

8. Signage

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

a. Materials

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

b. Illumination

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

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

c. Allowed Sign Types

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

d. Prohibited Signs

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

e. Sign Area

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

f. Clearance

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

g. Murals

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

h. Sidewalk Signs

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

D. Uses

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

E. Special Requirements

Reference Exhibit B below.

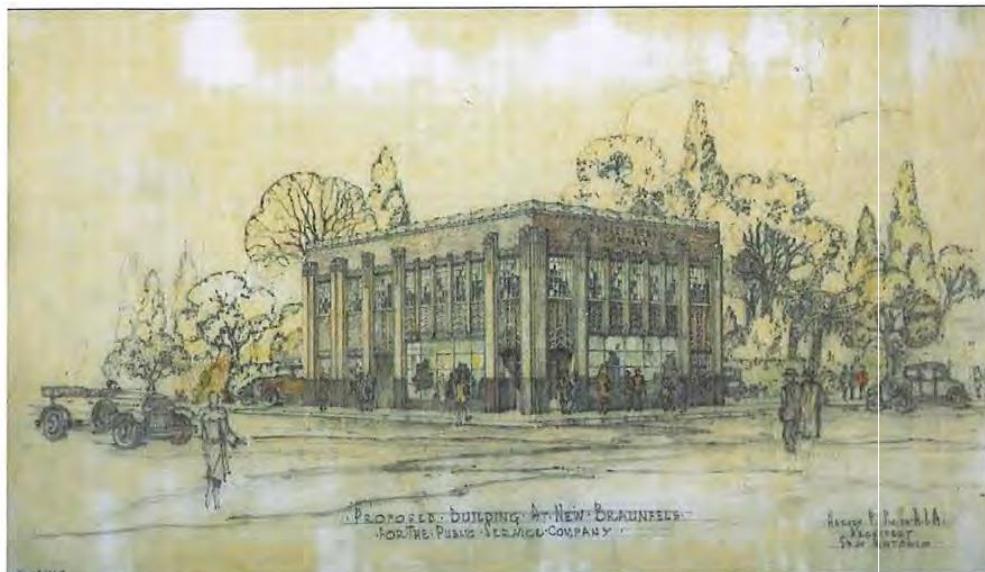
Article 2: Zoning Districts

2.5 Overlay Zoning Districts

2.5.4 MP-1 – Main Plaza Overlay District



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



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

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

F. Review Process

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

4. Appeals

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

5. Variances

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

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

2.5.5 NPO – Neighborhood Protection Overlay

COMMENTARY

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

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

A. Purpose

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

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

B. Applicability

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

C. Establishment of NPO Districts

1. Designation Criteria

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

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

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

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

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

2. Procedures

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

D. NPO District Ordinance

1. Contents

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

2. Development Standards

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

a. Site and Building Standards

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

b. Architectural Standards

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

c. Other Elements

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

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

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

E. Amendment of NPO District

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

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

2.6 Planned Development Districts

COMMENTARY

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

2.6.1 Purpose

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

2.6.2 Eligibility to Apply for Rezoning to PD

A. General Eligibility

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

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

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

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

D. Specific PD Eligibility Requirements²⁷

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

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

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

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

B. Deviations from Base District Standards

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

C. General Standards

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

2.6.4 Affordable Housing PD

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

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

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

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

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

E. Flexibility Allowed

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

2.6.5 Preservation of Historic Site or Structure

A historic site or structure PD application must propose:

A. Inclusion of an existing structure or site that is currently designated or is documented as eligible for designation on a city or state list of historic structures; or on the National Register of Historic Places within a contiguous area included in the PD application, and must either:

1. In the case of an existing designated historic structure or site, the PUD application must include a written commitment to preserve the structure or site in compliance with all applicable historic preservation standards for a period of at least 20 years; or
2. In the case of an undesignated historic structure or site, the PUD application must include a written commitment to complete the designation of the structure or site as historic prior to development of any portion of the PD, and to preserve the designated structure or site in compliance with all applicable historic preservation standards for a period of at least 20 years.

B. The PD application may include additional lands contiguous with the lot or parcel containing the historic structure.

C. Flexibility Allowed

Eligible preservation PD applications may include a request to:

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

2.6.6 Sustainable Design PD²⁹

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

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

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

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

E. Flexibility Allowed

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

2.6.7 District Site Plan and Requirements

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

2.6.8 Application

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

COMMENTARY

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

2.6.9 Evaluation Criteria

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

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

2.6.10 Approval of District

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

part of the ordinance establishing the district. Upon approval said change shall be indicated on the zoning maps of the city.

B. The development standards and requirements including, but not limited to, maximum height, lot width, lot depth, floor area, lot area, setbacks and maximum off-street parking and loading requirements for uses proposed shall be established for each PD based upon the particular merits of the development design and layout. Such standards and requirements shall comply with or be more restrictive than the standards established in the base zoning district for the specific types of uses allowed in the district, except that modifications in these regulations may be granted if it shall be found that such modifications are in the public interest, are in harmony with the purposes of this Section, and will not adversely affect nearby properties.

2.7 Measurements and Exceptions

COMMENTARY

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

2.7.1 Purpose

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

2.7.2 Lot and Space Requirements

A. Minimum Lot Dimensions

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

B. Number of Principal Buildings per Lot

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

2.7.3 Setback and Build-To Requirements

A. Measurement

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

B. Multiple Buildings on One Lot

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

C. Setback Requirements

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

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

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

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

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

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

D. Corner Lots**COMMENTARY**

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

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

E. Double-Frontage Lots

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

F. Irregularly Shaped Lots

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

2.7.4 Clear Vision Area³⁰

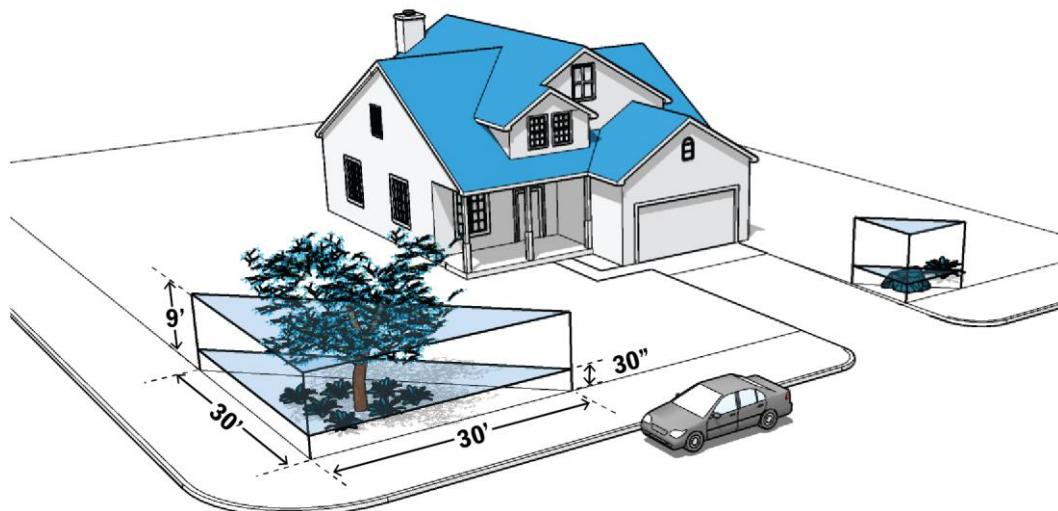
- A clear vision area, or sight visibility triangle, shall be maintained free of any encroachments, obstructions, or impediments to sight lines that could create a hazard for drivers or pedestrians. This area shall be maintained free of visual impediments for the distance between the height of two and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

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

Table 2-38: Clear Vision Required Distance from Intersection

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

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



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

2.7.5 Building Height

A. Measurement

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

B. Exceptions to Height Requirements

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

Table 2-39: Exceptions to Height Requirements

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

Table 2-39: Exceptions to Height Requirements

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

2.7.6 Impervious Coverage³¹

A. Total Impervious Coverage Calculation

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

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

B. Building Coverage Calculation

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

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

2.7.7 Minor Modification³²

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

³¹ New.

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