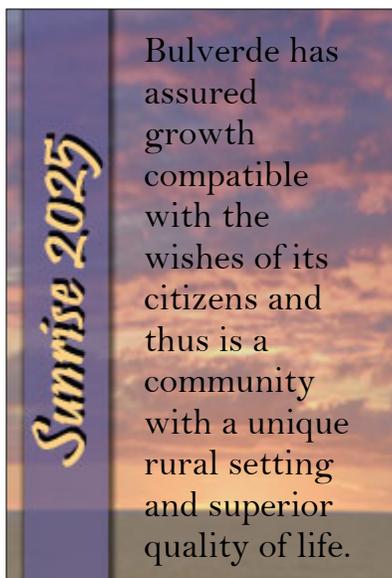


Land Use/Development & Growth Management

3

3.1 Preserving Bulverde's Character

The Comprehensive Plan Survey identified living in a rural or country atmosphere as one of Bulverde's most cherished and unique qualities. People enjoy living in Bulverde because of the open spaces, scenery, privacy and relative proximity to work, shopping, and school. Many survey respondents described their neighbors as friendly and family-oriented. They felt that Bulverde is a place where people care for each other, and where the pace of life is not as hectic as it is in bigger cities. The way Bulverde grows, or how land is developed in the future, will to a great extent determine whether these qualities are to be nurtured or whether they will be lost.



Bulverde has assured growth compatible with the wishes of its citizens and thus is a community with a unique rural setting and superior quality of life.

As a new town, Bulverde does not have a long history of land use planning and growth management. However, thanks to the foresight and hard work of the founding fathers, in a very short time the city has implemented subdivision and zoning regulations, as well as other ordinances addressing signage, animal control, public safety, emergency management and exterior lighting. These ordinances address specific land development issues, and are an excellent beginning, but to achieve the vision of the citizens more tools will be needed, specifically those related to open space, design and location of more intense types of land uses. Currently, the city lacks water and wastewater infrastructure, but over time this will change. The Guadalupe Blanco River Authority (GBRA) is extending a water pipeline from Canyon Lake to the Bulverde area and the Bexar Met Water District is also installing water supply infrastructure

in the area. In the near future the provision of water and wastewater infrastructure can help effectively manage the direction of growth, and thus the city can be well-served with a Capital Improvements Plan (CIP).

Based on hours of Land Use/Development and Growth Management Subcommittee discussion and input received from the Comprehensive Plan Survey, there are real concerns about the consequences of unmanaged growth. The Steering Committee and subcommittee discussed the question of protecting and enhancing the assets and desirable qualities that draw people to the Bulverde area in the first place, and committee members noted the need to consider any and all land use tools that can be used in this quest. There is a strong desire to maintain Bulverde's feel and appearance and strengthen its sense of community. Both zoning and subdivision regulations can be used to manage growth, but for Bulverde subdivision

regulations may be more important because of the city's large extra territorial jurisdiction (ETJ). Regardless, all types of zoning such as cluster, overlay and performance zoning as well as innovative subdivision regulations should be investigated to supplement and add flexibility to the large lot approach that is already in place. These include low-impact development, mixed use, new urbanism or traditional neighborhood development (TND), subdivision open space requirements, and alternative site development as outlined by GBRA's *Sustainable Solutions* workshop in 2001 and Kendall County's *Resource Stewardship Project*.

This plan identifies methods to establish desirable land uses and development patterns without inhibiting citizens' rights to seek the "highest and best use" of their property. It seeks to preserve existing residential neighborhoods and the landscape while accommodating and encouraging new development that has open spaces, environmentally friendly and aesthetically pleasing design, and infrastructure of the highest quality. This plan recognizes that market forces are the primary driving force that determines future land uses, but requiring high quality development of the type that enhances our community's natural qualities also improves the market value of our property.

The Land Use/Development and Growth Management chapter offers ideas and suggestions to help determine the future form and character of the community, and will seek to achieve the vision of community with a unique rural setting and an exceptionally high quality of life. This chapter is intended to be a resource guide that identifies current patterns of land development in Bulverde, and indicates areas best suited for future growth. It is here that citizens articulate what they want the city to look like, how and where it will develop and how it will function in the future. The land development vision and the plan outlined in this chapter to help achieve that vision are unique, chosen specifically for Bulverde. For our city to look, feel and function as we want it to, it is very important that Bulverde has the ability to implement its land development goals, objectives and actions.

3.2 Coming Together

It is also important to identify how this new city came together, and the land uses present in each of the components of the present day city. We also need to consider the limiting physical characteristics that have shaped or may shape the city in terms of type, scale, density and location of land uses. These can include topography, floodplains, soil conditions, and water availability. By identifying existing patterns together with constraints and proposed infrastructure improvements, we can more effectively assure desirable patterns of future land development.

A Short History of the Formation of Bulverde and Its Land Use Patterns

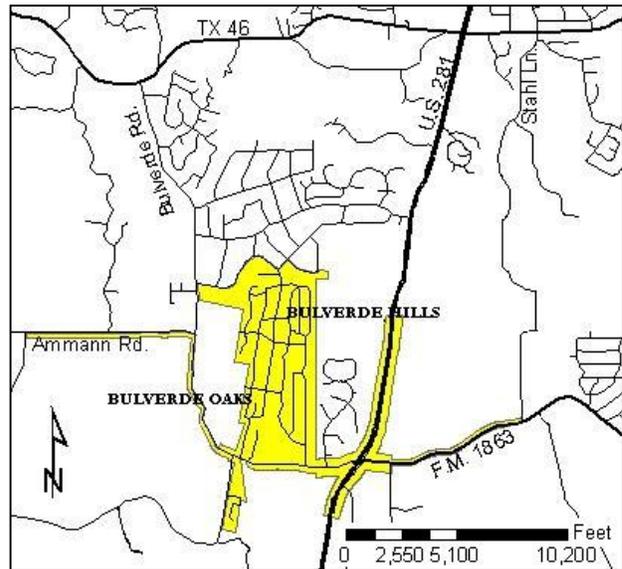
The present day city was formed from five separate incorporated cities requiring twenty-two elections beginning in 1997 to become one united city. Volunteers studied the Texas Local Government Code and learned on the job. To incorporate

you must have at least 200 people in an area no larger than two square miles. The purpose of this grass-roots effort was to block the City of San Antonio from annexing any further north into Comal and Kendall counties and swallowing-up existing subdivisions as well as undeveloped land. In 1998, Bulverde North and Bulverde West requested consolidation with Bulverde South. In 1999, Bulverde East and in 2000 Bulverde Northwest followed suit. On May 11, 1999, the Board of Alderman of Bulverde South changed the name of the new entity to the City of Bulverde.

Bulverde South

Present day Bulverde developed in the area of US Highway 281, State Highway 46, Farm/Market Road 1863, and Cibolo Creek, and began with the incorporation of Bulverde South in 1996. The mayor was Stan Blaylock. As early as 1983 there had been efforts to incorporate Bulverde Hills subdivision, a single family residential development which consisted of platted lots with an average size of three quarters of an acre. All lots are serviced by a central water system and individual septic systems. Bulverde Oaks, a smaller single family residential subdivision, joined with Bulverde Hills to incorporate as Bulverde South in 1996. Included in the new city were strips along Bulverde Road, Amman Road and Farm/Market 1863. The purpose of these strips was to form part of a barrier that would keep the City of San Antonio from annexing further north into Comal County. Also included in the new city were areas along U.S. Highway 281, the purpose being to take advantage of potential sales tax revenue as commercial land uses developed along the highway.

Figure 3.1. Bulverde South

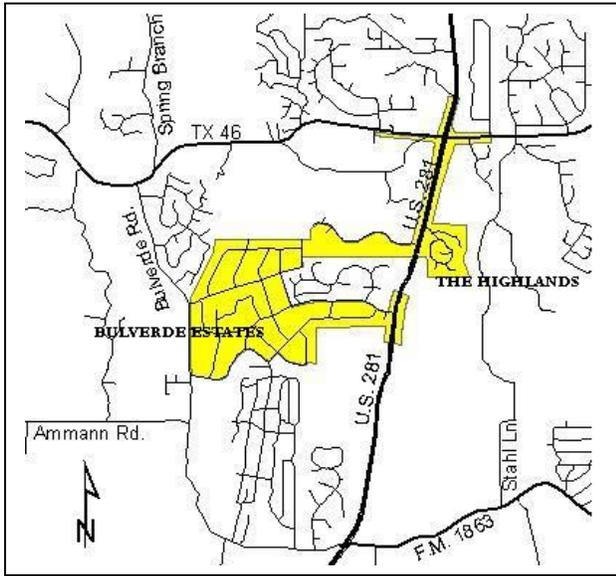


Source: City of Bulverde



Entrance to Bulverde Hills

Figure 3.2. Bulverde North



Source: City of Bulverde

Bulverde North

Bulverde North consisted primarily of Bulverde Estates, a large lot (two to three acres on average) residential development with lots utilizing individual wells for water supply and individual septic systems for sewerage. Bob Barton was the mayor of Bulverde North. While residents of Bulverde Hills were incorporating and forming a government, so too were the residents of Bulverde Estates. They were joined by residents of the Highlands, Bulverde Ranchettes and Licata Ranch, also large-lot, single-family residential subdivisions,

incorporated as Bulverde North in 1996. Also included in the new city were strips of land along U.S. Highway 281 and State Highway 46, again another potential location for commercial land uses and sales tax revenues. In Texas, cities can consolidate by the smaller town voting to join the larger one, and the larger one voting to accept the smaller one. In this case, Bulverde North had a smaller population than Bulverde South, and in 1998 joined the larger city. At this point Bulverde North ceased to exist and there was a new, larger Bulverde South.



Entrance to Bulverde Estates
(Above)

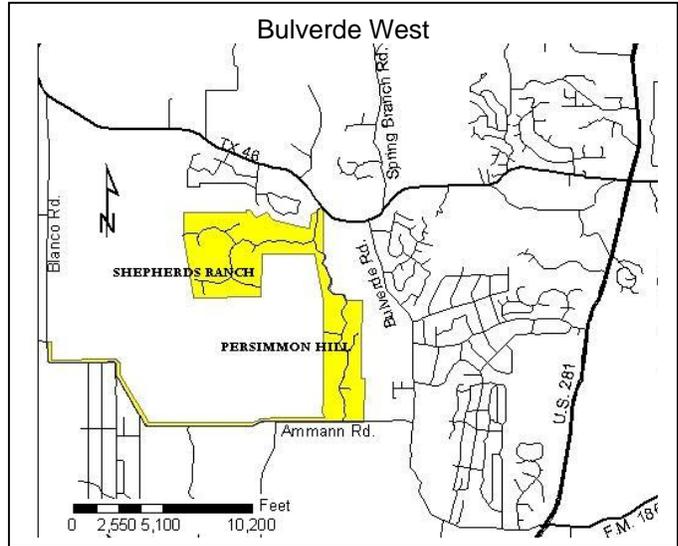


Multi-family housing in Bulverde North

Bulverde West

In 1996, residents of Shepherds Ranch and Persimmon Hill incorporated as Bulverde West. Robert Hieronymous was the mayor. Both of these subdivisions are large-lot, single-family residential developments with each lot having its own water well and septic system. The new city included strips of land along Amman Road, picking up where Bulverde South stopped and continuing west to Blanco Road. This extended the 'blockade' approximately four miles to the west. In 1998 Bulverde West joined the larger Bulverde South.

Figure 3.3. Bulverde West



Source: City of Bulverde

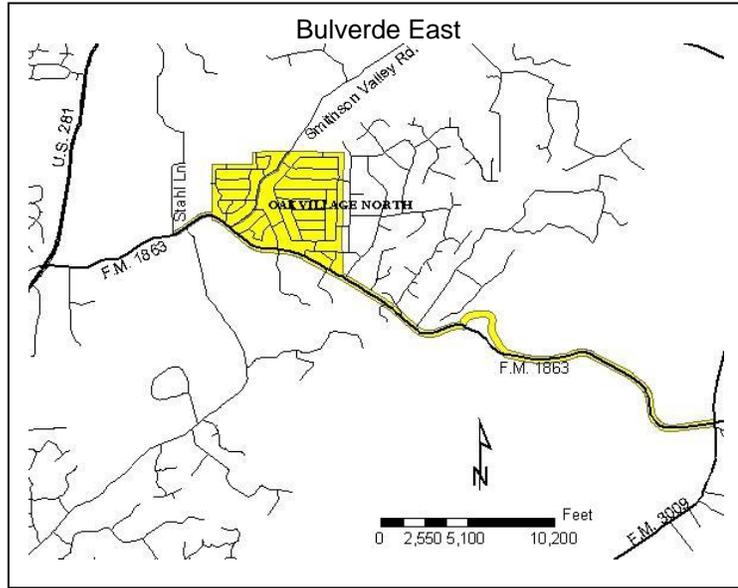


Scenes in Shepherds Ranch and Persimmon Hills

Bulverde East

Bulverde East consisted of Oak Village North, a large-lot, single-family residential development with lots of approximately one acre average size, a central water system, and individual septic systems. The mayor was Warren Alston. Oak Village North, along with Bulverde Estates which is situated in Bulverde North, were two of the first developments in the area. Bulverde East

Figure 3.4. Bulverde East



Source: City of Bulverde

also included a 600 foot wide strip out Farm/Market 1863 and along parts of Cibolo Creek west all the way to Farm/Market 3009 and the extra-territorial jurisdiction of New Braunfels. Along with a strip east along Farm/Market 1863 to the city limits of Bulverde South, this completed the blockade all the way from Blanco Road in far west Comal County to territory under the control of New Braunfels in east central Comal County. In 1999, after some debate about which city was larger, Bulverde East joined with Bulverde South and the name of the combined cities was changed to the City of Bulverde.

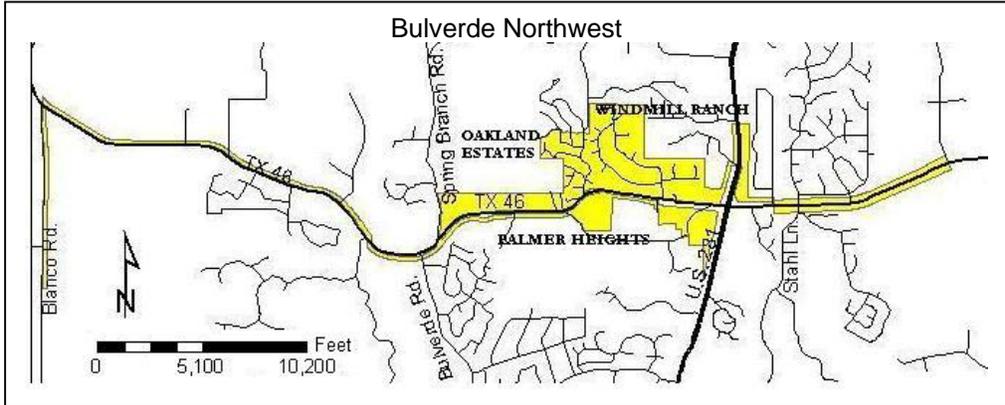


Entrance to Oak Village North



Bulverde city limits at FM 1863 and FM 3009 intersection

Figure 3.5. Bulverde Northwest



Source: City of Bulverde

Bulverde Northwest

In 2000, Oakland Estates, Windmill Ranch, Bracken Christian School, Palmer Heights and Brooks subdivision joined together to form Bulverde Northwest. The mayor was Mal MacClinchie. Oakland Estates is a single-family residential subdivision that includes both site-built and manufactured homes. Windmill Ranch is a large-lot single-family residential development with lots averaging five acres. Both of these subdivisions have central water systems with each lot having its own septic system. Included in this city were strips of land to the east on State Highway 46 and to the west to Blanco Road and then south on Blanco Road to the city limits of Bulverde.



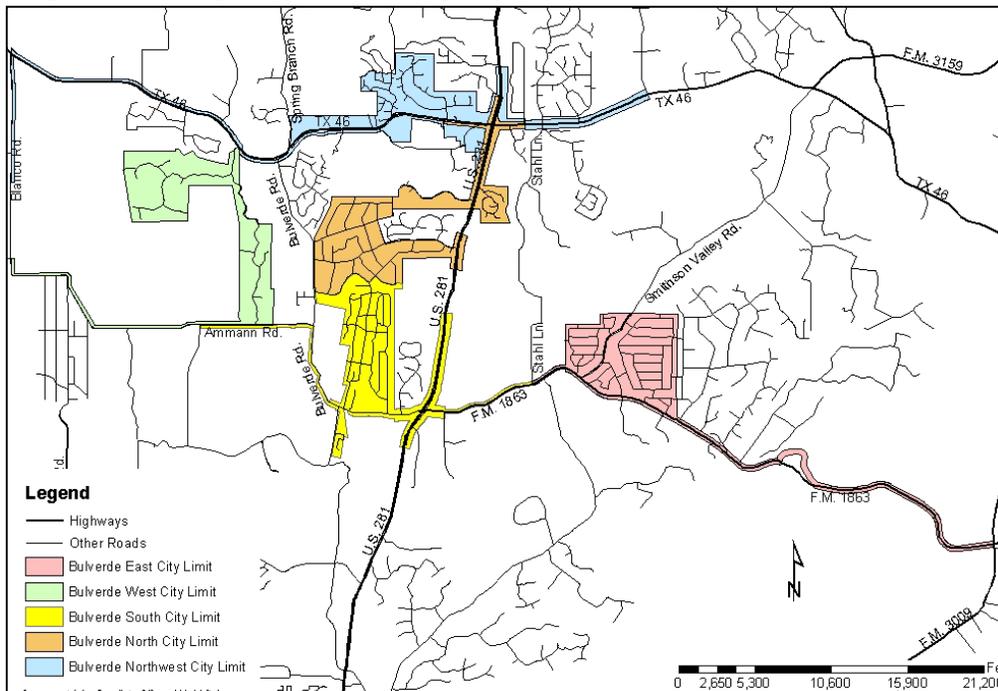
Entrance to Windmill Ranch



Shopping center on highway 46

Bulverde Northwest included the highest percentage of commercial land uses in the area with the HEB shopping center, three banks and many other retail establishments. Shortly after its incorporation, Bulverde Northwest joined with Bulverde and the city limits of the present day City of Bulverde became complete.

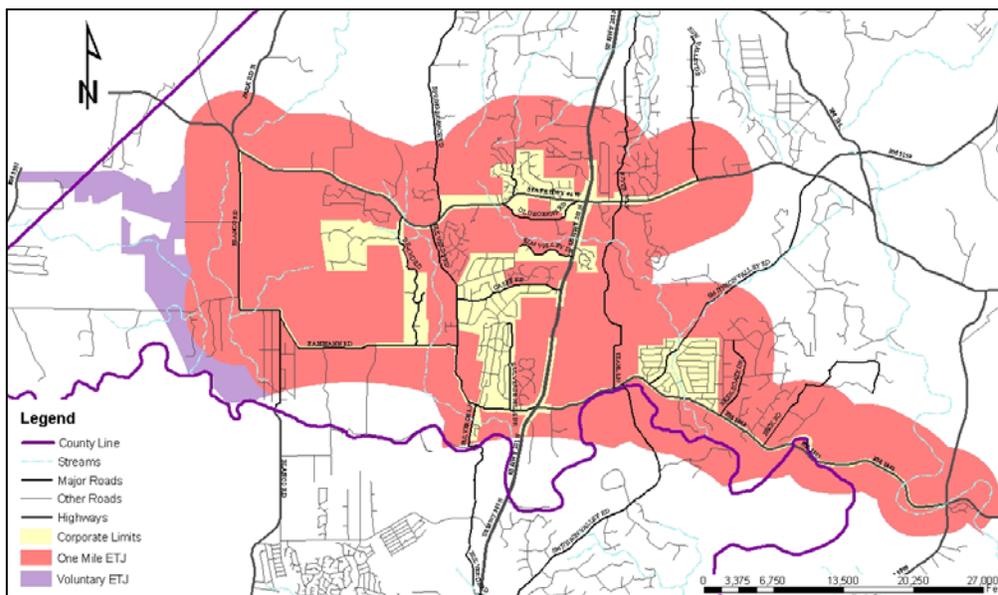
Figure 3.6: City of Bulverde City Limits, 2004



Source: City of Bulverde

After the final consolidation, the city’s extra territorial jurisdiction (ETJ) was extended further eastward past Farm/Market 3009 and further westward into Kendall County to Ralph Fair Road with voluntary agreements. In Texas, an owner of land contiguous to the ETJ of a city can ask to voluntarily be included in the ETJ of that city. Landowners concerned about the expanding ETJ of San Antonio did just that.

Figure 3.7. Map of Bulverde’s City Limits and One Mile ETJ as of May 2004 (includes 2004 voluntary annexations)



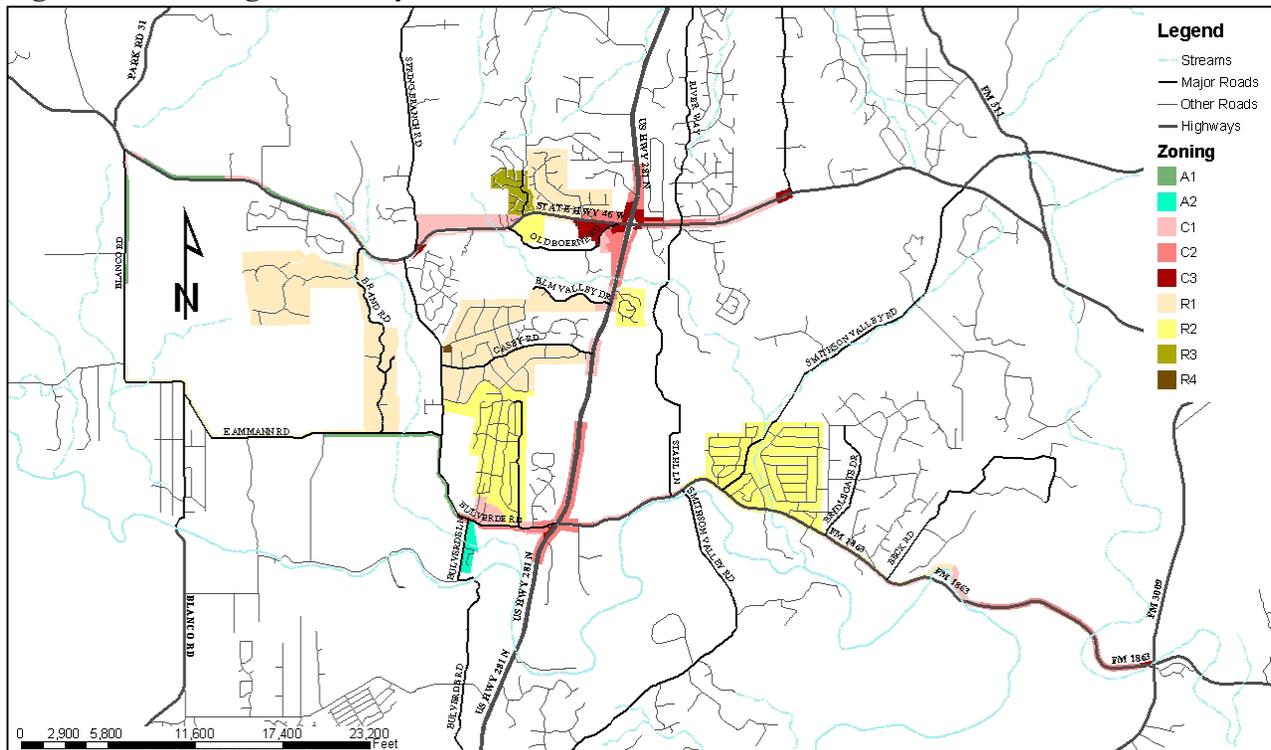
Source: City of Bulverde

3.3 Existing Land Uses

Zoning

The zoning map of Bulverde illustrates, to a certain extent, existing land uses and planned land uses in the future. When the city was zoned, city officials attempted to follow existing land uses and allowed land uses consistent with each subdivision's deed restrictions. Obviously, the highest percentage of developed and platted acreage is devoted to single family residential uses, mostly on large lots. There is one small area on Bulverde Road on the western edge of Bulverde Estates that is zoned R4, or multi-family residential. Properties in Oakland Estates are a mix of manufactured homes and other residences built on-site. The zoning ordinance also addresses tree preservation, building exteriors, off-street parking, buffering of business districts abutting residential lots, and other land use compatibility issues. Table 3.1 outlines the existing zoning categories of the City of Bulverde.

Figure 3.8: Zoning in the City of Bulverde



Source: City of Bulverde

Table 3.1. Existing Zoning Categories for the City of Bulverde

District	Min. Lot Area	Min. Frontage	Front Setback	Rear Setback	Side Setback	Max Height	
R-1	4.0 ac	s/d regs	100	25	25	3/35	Single family
R-2	1.5 ac	s/d regs	50	25	25	3/35	Single family
R-3	1.5 ac	s/d regs	100	25	25	3/35	Manufactured
R-4	5.0: avg. 2 units/ac	300 feet	100	25	25	3/35	Multi-family
C-1	1.0 ac	120 feet	50	25	15	3/35	Light Commercial
C-2	1.0 ac	120 feet	50	25	15	3/35	Moderate Commercial
C-3	5.0 ac	300 feet	100	50 ^a ,25 ^b	25	3/35	Light Industrial
A-1		N/A	N/A	N/A	N/A	N/A	Agricultural
A-2	13.0 ac	N/A	100	25	25	3/35	Airport

Source: City of Bulverde. a: if adjoining property to rear is any zoning district other than C-3; b: of adjoining property to rear is zoned C-3.

Subdivision Regulations

Bulverde’s subdivision regulations define density in terms of EDUs, or equivalent dwelling units. An EDU is equivalent to the demand for services of a single family residence. Density is classified into three categories as follows:

- Low density: less than 0.17 EDUs per acre with minimum lot size of 5 acres
- Medium density: 0.17 or more but not more than 0.4 EDUs per acre with minimum lot size of 2 acres
- High density: more than 0.4 EDUs per acre with minimum lot size of 20,000 square feet for single family residential lots with an average of no more than one residence per 30,000 square feet and a minimum of 30,000 square feet for all other lots.

The subdivision regulations also address open space and public use dedication by requiring that subdivisions with at least 25 residential lots shall dedicate an area equal to or greater than 1.0 acres per one hundred single family lots. In an R-1 district, that would equal one acre of open space, parkland or public use area for 400 acres of developable lots, or a mere 0.25 percent of the subdivision’s area exclusive of road right-of-way. For an R-2 district, that percentage is 0.67 of the total area.

With the requirement for residential lots of either 1.5 or 4 acres, residential development in Bulverde consumes land at a greater rate than most other cities with rapidly growing suburbs in Texas and the U.S. To a great extent, the large lot requirements have been necessitated by the lack of a central source of surface water, and centralized sewerage systems necessitating the use of on-site wastewater disposal or septic systems. County health regulations require a minimum lot size of one acre for lots without a central water system, and the requirement is even higher over the Edwards Recharge Zone. However, this will change as surface water supply and possibly sewerage infrastructure become available over the coming years.

There has been a tremendous increase in commercial land uses that can be attributed to Bulverde’s rapid growth and favorable demographics. Currently, there are four



HEB shopping center on state highway 46

banks serving the city's residents, six restaurants and an HEB grocery store whereas ten years ago there was only one bank, two restaurants and no large grocery stores. Most of this growth has occurred in the U.S. Highway 281 and State Highway 46 area.

3.4 The Impacts of Growth on Bulverde's Land Use Patterns

As discussed in the introduction, Bulverde has developed and is developing without a comprehensive approach to manage and direct growth. Now that the city has come together and put in place zoning and subdivision ordinances, the city must focus on the pattern, direction and type of growth. Already, several issues and concerns have arisen that negatively impact its citizens, the local economy, and the suburban/rural environment. Based on survey findings, public input, and discussion, the Comprehensive Plan Steering Committee identified the following list of land development issues and concerns:

1. Bulverde is facing a transition from rural to urban.
2. Rapid population growth is or will have an impact on the lifestyle we enjoy.
3. Rapid population growth is also impacting the community's infrastructure (roads and water) and schools.
4. Residential development is increasing and commercial development is being introduced to the area.
5. We want to retain the charm/reasons that attracted us to the area.
6. Bulverde is a special place facing rapid growth. If we don't manage this growth there will be negative consequences.
7. We don't want to look like a continuation of San Antonio.
8. We need to maintain Bulverde's open, rural atmosphere and ensure that the natural beauty central to the community's identity is not lost.
9. Bulverde's neighborhoods need to be protected from encroachment by incompatible land uses.
10. We can use our large ETJ to manage surrounding growth.
11. Lot size is on the minds of many citizens and is viewed as a tool to manage growth and shape how land is developed.
12. We should consider alternative site development standards such as smart growth, new urbanism, mixed use, and 'rural by design' conservation developments.
13. Buffers and density/use gradients need to be considered as growth management tools.

14. We need to achieve the proper balance between private property rights and a level of land development tools that is acceptable to the citizens of Bulverde.

These issues and concerns are expanded upon in the following sections.

The Threat of Unstructured Growth

In the face of rapid population growth and fear of being overwhelmed by the City of San Antonio, the citizens of Bulverde are taking a proactive approach. They want to have at their disposal the best available tools for planning land use and managing growth. Much will depend on design and this will be addressed in Chapter 9 “Community Development”. Undoubtedly, unstructured growth such as strip commercial development and sprawl affects the look, feel and efficiency of any community. Commercial strips in most cities are considered ugly and without any personality or “sense of place.” Being a new city, Bulverde has the opportunity to structure commercial growth in nodes or areas that afford convenience for shoppers and workers and have a minimal impact on existing residential uses and the appearance of the city. Will the U.S. Highway 281 corridor look like a pleasant parkway or will it have access roads with mile after mile of strip retail and commercial development that obliterates the hill-country landscape?



View along Interstate 35 North of New Braunfels

The costs of unstructured growth can be measured in real dollars. Taxes and fees must cover the costs of an expanding infrastructure such as longer water lines and roadways. Limited city resources must be stretched to maintain fire, police and emergency medical services that cost more in an unplanned community. Street and other infrastructure maintenance dollars must be spread out over more area. Once the initial construction of expanded infrastructure is completed with limited city resources, the community is then faced with the long-term maintenance of such facilities. The cost/benefit question will always remain. One strategy to address these costs is the implementation of development impact fees, or “up-front” fees charged to the developer for the impacts of their developments on a community’s infrastructure (water supply, sewerage, drainage, roads and/or parks).

Strip development and sprawl also bring about increased traffic congestion and decreased air quality, which are two issues that have become increasingly significant in the San Antonio region. Over the past few years there has been considerable coverage in the press and on the televised news of the numbers of times the area has failed ozone counts. The implementation of regulations required by the Clean Air Act seems imminent.

The Need to Guide the Pattern, Look and Direction of Future Land Development

If the city wants to guide the pattern, look and direction of future development, rather than reacting to development trends, it must proactively participate in guiding those trends. Zoning and subdivision ordinances must be able to accommodate and encourage desirable types of development, and, as the city grows, capital investments in infrastructure (streets, water, sewer, drainage, etc.) can be coordinated to encourage the development of preferred growth areas, especially for commercial land uses. Overlay districts, design guidelines and innovative planning tools discussed below should be considered to lessen the negative impacts of commercial development on major transportation corridors such as Highway 281 and State Highway 46, Farm/Market 1863 and Bulverde Road to the west of Highway 281. (These concepts are also discussed in Chapter 10, “Community Development”).

The Need to Protect the Integrity of Residential Neighborhoods

The building blocks of vibrant communities are healthy neighborhoods. The Comprehensive Plan Survey revealed that most people in Bulverde appreciate their neighborhoods, and have strong feelings of “being at home” and neighborliness. A home is the largest single expenditure and investment made by the typical family.



Scene in Bulverde Hills

This investment needs a high level of protection. Incompatible land uses or shoddy development can easily destroy a neighborhood’s integrity, negatively impacting property values and quality of life, introducing excessive noise, light, or traffic into the area. Examples of incompatibility include placement of commercial or industrial establishments and manufactured homes too near established neighborhoods or in scenic areas.

Deed Restrictions

The protection of residential neighborhoods from encroachment by incompatible land uses is to a great extent currently left up to the enforcement of private covenants and deed restrictions in addition to the city’s zoning and subdivision ordinances. Deed restrictions can be effective in subdivisions that have active homeowners associations; even then they alone are not a very effective growth management tool since they fall short of offering long term, consistent citywide protection needed to promote an attractive, identifiable and unique environment in the rapidly growing Bulverde area. Covenants and restrictions are not comprehensive in nature, generally applying only to limited time periods and only to lots located within a particular subdivision. For those neighborhoods that have active deed restrictions, properties located within the interior of the subdivision are

provided the highest level of protection. Homes located on the fringes of a subdivision have less protection against properties located just outside the subdivision boundaries, especially if they are in the ETJ and not protected by city zoning. Deed restrictions are enforced through private party actions where property owners must file suit against alleged violators to enforce the restrictions. Cities, such as Houston, may act as a “friend-of-the-court” in such litigation, but realistically municipalities have little authority to intervene in this enforcement process. Inconsistent enforcement is another problem. If restrictions are not consistently applied, then they can become unenforceable.

Managing Development in the ETJ

With the city’s current unique configuration and so much land in its ETJ, Bulverde has a unique opportunity to shape its borders, size, look and feel. This already large ETJ will expand even further since the city reached a population of 5,000 in late 2003 and is now able to adopt a charter and become a home-rule type city. The city will be able to exercise subdivision and signage regulations in a very large area and avoid unmanaged development around the city proper. Such growth can result in undesirable or low-quality developments. By exercising higher development standards in the ETJ, Bulverde can promote quality development, enhance property values and avoid costly road upgrades and other infrastructure retrofit expenses when it annexes land.



Johnson Ranch entrance on FM 1863

Preservation of the Hill-country landscape is essential to maintaining Bulverde’s sense of community and identity. Past large-lot development patterns have resulted in a high percentage of private open space. But with the provision of more expensive surface waters, more dense development will inevitably follow, and existing city ordinances are not prepared to require adequate open spaces in these kinds of developments. Denser development patterns do make infrastructure most cost-effective.

3.5 Future Land Development Challenges and Opportunities

Growth Shapers

The direction of the city’s future development will be affected by a number of factors that encourage and facilitate growth, including the availability of adequate transportation access, water and sanitary sewer service, and drainage capacity. These infrastructure improvements must serve developable tracts of land with willing

sellers. In addition, there are other market forces at work that will influence which areas will be most desirable for new development. Some of these factors may include school locations, conveniently located shopping opportunities, medical, recreational, police, fire and other services, as well as proximity to other high quality developments.

While the city cannot, and should not, control market forces, it can affect the pattern, direction, type and timing of growth with appropriate ordinances, incentives, and by working with utility and transportation providers to encourage extension of infrastructure to appropriate locations in an orderly, planned and affordable manner. If the city wants to discourage haphazard growth, combinations of efforts are needed, and, perhaps most importantly, a collaborative attitude with all those involved in the development process needs to be the policy of city officials. This can lead to the type of urban form resulting from managed growth, a city form appreciated and desired by the residents of Bulverde. Everyone can benefit from planned growth.

Growth Barriers

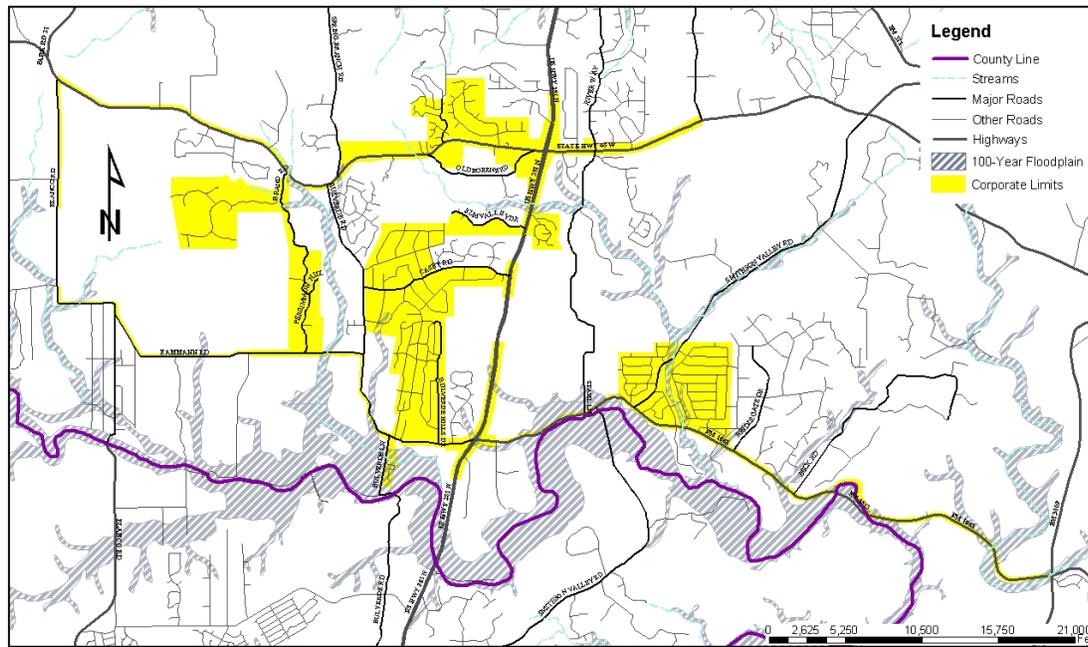
The direction and phasing of future growth will also be influenced by various physical, economic and individual barriers to growth. For example, the floodplains associated with Cibolo Creek and its contributing streams define land development barriers throughout the city. While the limiting aspects of certain creek and drainage outfalls can be mitigated through engineering work, some will always remain. Additionally, Bulverde has hilly terrain that in some areas may not be suitable for commercial, institutional or light industrial development. Much land in Bulverde is taken up by highway rights-of-way. These are realities that the city must grow around. Finally, patterns of land ownership can be an overlooked inhibitor to new development. For example, large tracts of developable land owned by unwilling sellers can result in leap-frog development.



Scene along Cibolo Creek in the 100-year floodplain

Figure 3.9 identifies floodplains in the area, and it is evident that much of the land in Bulverde and its ETJ lies within the 100-year floodplain. Drainage was one of the concerns on the minds of the citizens according to the Comprehensive Plan survey. Development in these areas should be avoided as much as possible, preserving them for use as parks, recreational areas, and open space. Land in the floodplain south of the “old town” area was recently purchased with funds provided by the Federal Emergency Management Agency (FEMA) and is being leased to the city for a nominal fee. This will be Bulverde’s first public park.

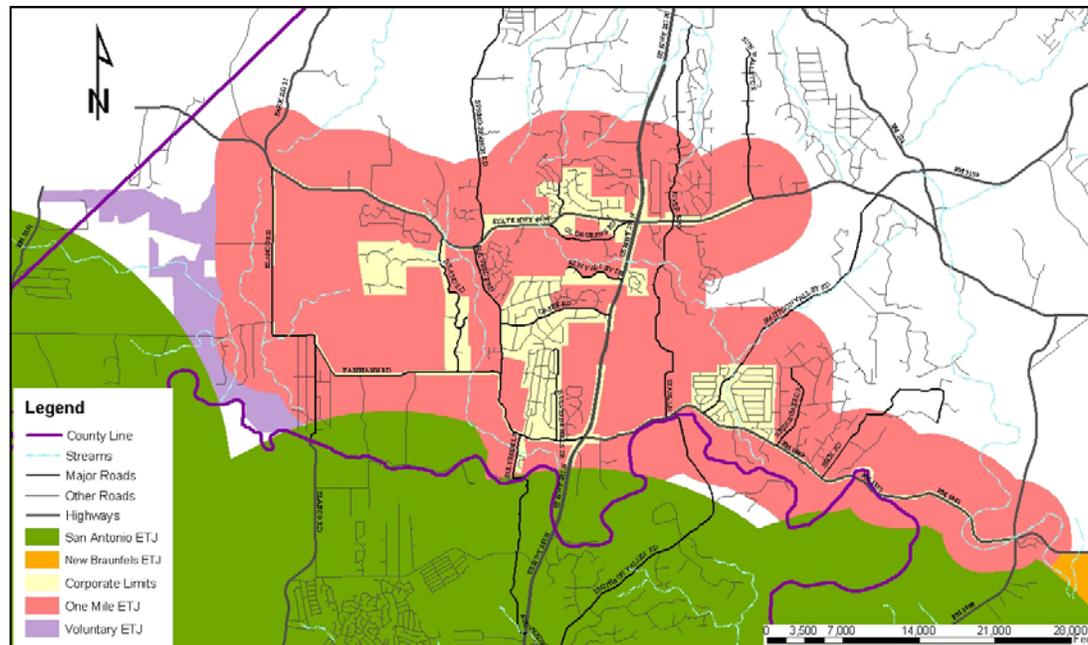
Figure 3.9. Floodplains in the Bulverde Area



Source: City of Bulverde

Obvious constraints to Bulverde’s planning for its own growth are the ETJs of nearby cities; specifically New Braunfels and San Antonio (see Figure 3.10).

Figure 3.10. Planning Constraints for the City of Bulverde



Source: City of Bulverde

Potential Growth Areas - Preferred Commercial, Institutional or Light Industrial Areas

There are many areas for large-lot residential development, but commercial, light industrial, institutional and denser types of residential development must go where water and sewerage become available, and the land is level enough so as to minimize site preparation costs. Current work by GBRA will open up the Johnson Ranch and other areas for development that can be denser than most existing land use patterns in Bulverde. Institutional uses such as medical facilities or educational centers are desirable land uses that will also require surface water and central sewerage. (This will also be discussed in Chapter 5, Infrastructure, and Chapter 8, “Economic Development”.)

Commercial development is already prevalent in the Highway 281/46 area. The Highway 281 corridor can potentially develop with commercial land uses, although the look and pattern of these developments should be carefully managed so as not to spoil the appearance of Bulverde, resulting in the city looking like an extension of San Antonio’s strip commercial sprawl. Consideration should be given to encouraging commercial land uses at nodes and not strung out in strips along

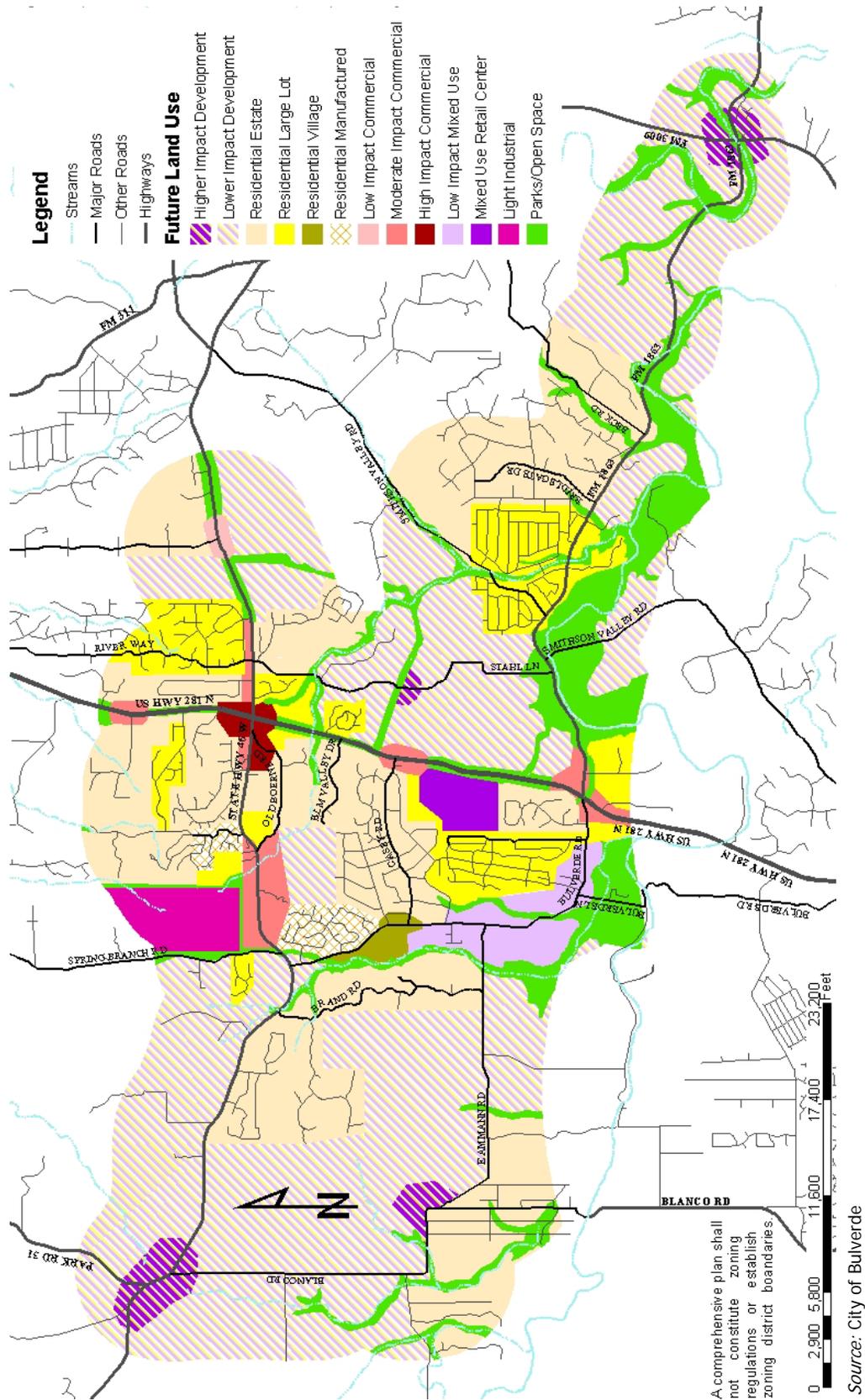


View along Highway 281 in Bulverde

highways as these tend to be ugly. If access roads are installed along Highway 281, strip development will be difficult to avoid. The Steering Committee believes that the area along Highway 46 west of the HEB Shopping Center is appropriate for more commercial development with buffer zones to protect existing less intensive land uses. If TxDOT widens Farm/Market 1863 or State Highway 46 to four or more lanes, growth will be encouraged in the entire area.

Figure 3.11 on the next page identifies potential land uses and areas for future development. There is a significant amount of vacant land in the Bulverde area located in close proximity to highways that is available for all kinds of development. The city should work in partnership with economic development volunteers, the Institute for Economic Development at the University of Texas at San Antonio (UTSA), developers, and concerned citizens to encourage and facilitate preferred commercial, institutional, light industrial and different patterns of residential development in these preferred locations.

Figure 3-11. Land Use Vision/Preferred Growth Patterns



3.6 Land Use/Development and Growth Management Concepts & Tools

Traditional zoning ordinances and subdivision regulations can actually inhibit the ability of communities to encourage projects and implement plans that further desirable land uses and development patterns. The following planning tools have been selected by the Comprehensive Plan Steering Committee as potential ways to address the issues and concerns related to future land use/development and growth management in the Bulverde area. Planned land uses tend to encourage efficient and pleasing patterns of development. This comprehensive plan recognizes the value of certain planning tools that can help achieve the goals and objectives listed at the end of this chapter.

Smart Growth

People across America are concerned about the impacts of unstructured growth on their communities and lifestyle. The type, pattern and quality of development are becoming major concerns, not just the quantity of development or rate of growth. These impacts include increased traffic congestion, air pollution, rising property tax rates to maintain expanding and inefficient infrastructure, unaffordable housing, loss of a sense of community, and destruction of the very amenities that attracted people to an area in the first place. The City of Bulverde is experiencing explosive population growth that threatens its quality of life, and the Comprehensive Plan Steering Committee identified these and other impacts as potential threats to our future quality of life and sense of community.

Many cities are employing “Smart Growth” policies in an effort to retain and strengthen their quality of life. Smart Growth can be a confusing term because each community is different and can have its own definition. Smart Growth is not a slow-growth or no-growth initiative. For Bulverde, Smart Growth must be defined as it applies to our unique set of circumstances. The goal of Smart Growth for Bulverde is to establish orderly land development patterns and to protect the environment and sense of community while facilitating desirable development. Smart Growth includes the efficient use of tax dollars and city resources through timely fiscally responsible infrastructure improvements. It encourages in-fill development and the creation of pedestrian-friendly communities where people can walk to the store, the park, school, and even to work if they want. Smart Growth concepts encourage development that accommodates people as well as the automobile. Smart growth concepts include:

- flexible land development codes that encourage innovative site designs,
- pedestrian-friendly neighborhoods
- partnerships of public, private and not-for-profit sectors
- protection of open space that is ecologically sensitive, economically viable and culturally valuable
- a zoning system that enables and qualifies a variety of desirable development patterns including conservation, cluster, traditional neighborhood development and infill
- architectural, landscape and signage standards that are integrated to the zoning provisions

- a simplified development review system that replaces, whenever possible, the quasi-judicial hearing with an administrative process
- a range of options above and beyond those allowed by conventional suburban codes

Traditional zoning regulates use, which made sense in the early part of the twentieth century to make sure highly noxious and polluting industries did not locate in or near residential areas. Today, separation resulting from traditional zoning results in extreme feeder and collector roads and excessive parking requirements that chew-up greater and greater amounts of valuable land and obliterates the natural landscape. Zoning for Smart Growth can look beyond use and examine the landscape as a natural, rural to urban continuum, or “Transect.” In this scheme, different development forms are appropriate for given areas. Segregation of uses is not completely eliminated, rather it just has a reasonable place along with more emphasis on building heights, street types, building fronts and block perimeters. This approach integrates the scales and ranges of planning, water quality and environmental issues, promotes cooperative regional planning, and can help create development that is attractive, economically sustainable, environmentally sensitive, marketable and profitable. In short, it seems to be a land use planning concept particularly relevant to Bulverde’s growth issues and concerns.

Cluster Zoning and/or “Conservation” Developments

Cluster zoning, also known as open-space development, conservation development, hamlet-style and farm village, allows residential and even commercial development while protecting an area’s environmental features. It allows for more usable open space and can thus protect the character of rural communities. The total number of

homes on a given tract of land can be the same as that allowed by traditional zoning and subdivision regulations, but there is less emphasis on minimum lot size. The same number of houses can be clustered on a smaller portion of the total available land and the



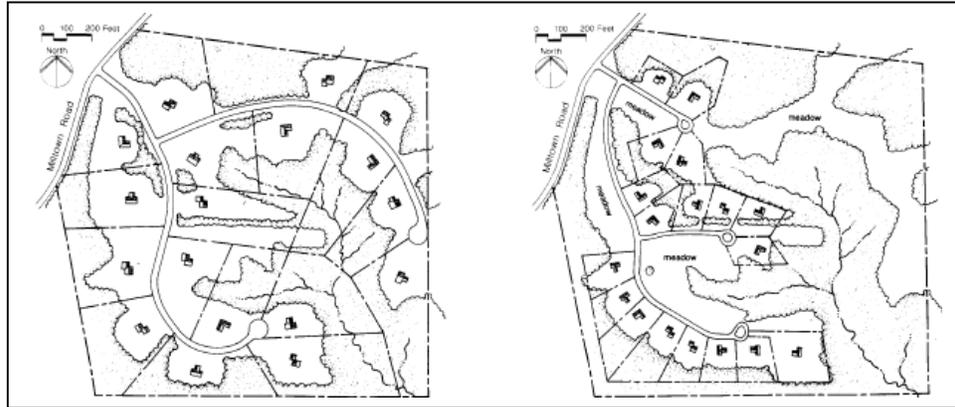
Cluster Development

Source: *Growing Greener, Conservation by Design*, Randall Arendt

remaining land, which would have been allocated to individual home sites, is left as protected open space. As Randall Arendt puts it, “Do it backwards.” First set aside land for conservation, and then subdivide the remaining land into parcels. This allows the developer to pinpoint prime developable areas. Conventional subdivision design divides the entire site into house lots and streets, front, rear and side yards, with the only open space being undevelopable floodplains and storm water management areas. In conservation subdivisions, more than half the buildable area may be designated as undivided, permanent open space. Road frontages, lot size and

setbacks are redefined to permit the preservation of the unique characteristics of the parcel of land being developed (See Figure 3.12).

Figure 3.12. Traditional Large-lot Subdivision and Conservation Subdivision



Source: *Growing Greener, Conservation by Design*, Randall Arendt

Bulverde's existing zoning and subdivisions regulations would have to be updated or supplemented to allow for this type of development pattern. Overall, well-designed cluster developments can benefit the community in terms of storm water management as they generally have less impervious cover and provide more open space for water infiltration, especially important in the Edwards aquifer recharge region. Cluster development can be used in conjunction with low-impact development to address drainage issues without costly engineered infrastructure.

Subdivision regulation is the principle tool for managing growth in the extra territorial jurisdiction areas of Texas communities. It is through the subdivision review process that communities directly assure that residential development is designed in a way that promotes the community's goals such as the preservation of open space, scenery and natural areas. Preserving open space protects streams, water quality and quantity, provides habitat for plants and animals, preserves the rural atmosphere, promotes cleaner air, provides recreational areas, protects home values and reduces costs of municipal services. Over a period of years, a community that enables cluster development can develop, with minimal expenditure, an interconnected network of conservation lands and hike/bike trails with each new subdivision adding another link to an area-wide open space system.

Planned Unit Developments

Planned Unit Developments (or PUDs) are similar to cluster developments but generally contain less open space and more mixed use of residential with certain types of commercial land uses. Within a PUD district, setbacks, minimum lot size and other aspects of a city's zoning ordinance and subdivision regulations need not apply. This gives the developer more freedom in laying out the subdivision, but requires more responsibility and input on the part of the Planning and Zoning Commission. PUDs can be implemented either as zoning districts or within a

community's subdivision regulations. As such, PUDs can become a useful tool for managing growth in Bulverde's ETJ.

Performance Zoning

Performance zoning is another alternative to traditional land use zoning. While traditional zoning specifies allowable land uses in each district, performance zoning specifies standards of land use intensity that are acceptable in each district. The standards often relate to a site's development environment and suitability for different types of development. Performance zoning focuses on how the parcel impacts adjacent lands and public facilities, not on the use of the land, and gives more flexibility both to the municipality and to the developer, allowing more of a range of land uses, as long as their impact is not negative. This allows for more innovation and the incorporation of new technologies that may not be accommodated in more traditional zoning ordinances, and encourages more communication between the public and private sectors. Performance zoning is more effective in the preservation of natural features which is a high priority for the citizens of Bulverde according to the Comprehensive Plan Survey.

A disadvantage of performance zoning is that as a result of its flexibility it is subject to a steeper learning curve. In traditional ordinances, land uses are listed as absolutes - either allowed or not allowed. Under performance zoning uses are determined through sometimes confusing calculations of a variety of factors. This requires planning and zoning commissioners and city staff to be adept at making appropriate and fair determinations based on sometimes subjective criteria, and can lead to more legal challenges.

Low Impact Development

In 2001, the Guadalupe-Blanco River Authority (GBRA) sponsored workshops in Kendall, Comal and Hays counties, all counties experiencing rapid population growth in an environment of limited water resources. County leaders expressed concern with the potentially detrimental impact that this growth can have on water quality and quantity. Out of these meetings, the GBRA implemented the Resource Stewardship Pilot Program to promote sustainable strategies for water resource management. One such strategy is alternative site development standards that provide incentives for developers to reduce impervious cover, utilize natural pollutant removal processes and design into their developments stream buffer systems. The program also recommended consideration of an optional compact form of development that concentrates density on a portion of a site in exchange for reduced density elsewhere. The same number of homes can be built without consuming as much land. Essentially, the GBRA program recommends consideration of cluster zoning and conservation development as discussed above.

New Urbanism or, for Bulverde, "Rural Urbanism"

(This will also be discussed in Chapter 10, Community Development). As expressed by The Congress for the New Urbanism, "The built environment must be diverse in



Kentlands, Maryland – A New Urban Development

Source: Katarxis Academy Forum

landscape as well as building design and arrangement as overarching themes in the layout of subdivisions. This approach combines cluster development with New Urbanism to achieve the rural “village/hamlet” feel.

use and population, must be scaled for the pedestrian, yet capable of accommodating the auto and must have a well-defined public realm supported by an architecture reflecting the ecology and culture of the region.” These principles, at least in part, may appeal to those residents of Bulverde interested in the “ecology and culture” of their community. If we must have denser development, we should consider using new urbanist principles but in a rural context, or “rural urbanism” - focusing on using the existing

Capital Improvements Program (CIP)

A capital improvements program is used to allocate investments in major public facilities and infrastructure deemed necessary to accommodate existing development, as well as new and proposed growth. The scheduling of projects involving major city expenditures is based on studies of fiscal resources available and needed specific improvements to be constructed for a five-year period into the future. It is a balancing of assessed needs with the availability of city resources to meet those needs. A CIP provides decision-makers with a way to set priorities among different projects. It also can be used to encourage phased development in preferred areas and increase property values and tax revenues when and where capital improvements are constructed. A CIP is a “rolling plan” for infrastructure improvements and development. While it is a five-year expenditure plan, each year it is reviewed to insure priorities for spending remain the same. When coupled with a Comprehensive Plan, a CIP is a powerful tool that fits with and reflects the long term goals and objectives for the physical development of a city. It also satisfies one of the legal requirements for implementing impact fees. As such, a CIP should be implemented as one of Bulverde’s primary growth management tools.

Extra-Territorial Jurisdiction (ETJ)

The extra territorial jurisdiction (ETJ) of a city is the contiguous unincorporated land adjacent to its corporate limits that is not within another city's ETJ (see Figure 3.10). The size of a city's ETJ varies according to its population, ranging from one-half mile for communities with less than 5,000 persons, to five miles for cities greater than 100,000 in population. In December 2003, Bulverde declared its population to be at least 5,000 persons and can now have a one mile ETJ. Prior to December the range was one-half mile. Cities are authorized to enforce their subdivision and signage

regulations within their ETJ. This can be used to promote the kind and quality of development that the citizens of Bulverde are used to and protect existing neighborhoods. High quality development in the ETJ can be encouraged by vigorously enforcing the city's subdivision and development ordinance requirements to this area.

Annexation

Annexation is the process by which a city extends its corporate limits together with the city's municipal services, regulations, voting privileges and taxing authority. A city can only annex land within its extra-territorial jurisdiction. Cities must expand their corporate limits to help manage land development in new growth areas, to ensure orderly extension of public infrastructure and services, to expand their tax base and to protect and enhance property values. Annexation is also a means of ensuring that residents and businesses outside a city's corporate limits who benefit from access to the city's facilities and services share the tax burden associated with constructing and maintaining those facilities and services.

Careful annexation is critical to the long-term well being of Bulverde and needs to be carried out in accordance with an established plan and policies, and not on an ad hoc basis. Because of the fiscal implications of annexation, the costs of providing municipal services must be estimated and weighed against the anticipated revenues of areas proposed for annexation. Bulverde should systematically look at areas for possible annexation over the next five years to stay ahead of growth. Annexation should be tied to the city's Capital Improvements Program to coordinate utility improvements with the physical growth of the city.

At a January 2004 meeting, the Comprehensive Plan Steering Committee agreed that priority should be given to encouraging volunteer annexations and filling in "the hole in the donut" and the area along Highway 46 west of the HEB Shopping Center. Priority areas for future annexation are illustrated in Figure 3.13 on the following page.

3.7 Summary

After a year of discussion and introspection, the Comprehensive Plan Steering Committee was firmly committed to helping guide growth and development, to planning for the future of our new city. Committee members have examined different planning tools appropriate for Bulverde and recommend their consideration by the Planning and Zoning Commission and City Council. After the adoption of the comprehensive plan, an ordinance subcommittee should work with the Planning Commission and city staff to choose, adopt, implement and modify/supplement as appropriate what Bulverde needs to grow into the future. Then, these carefully selected tools should be used for decision-making by the Planning Commission, city staff, developers and citizens.

From a land use/development perspective, it is important to have a clear, straightforward approach to planning that protects residents and their investments in homes and property from incompatible land uses. Also, it is essential that the chosen approach not discourage desired new development and economic expansion. A land development management policy that recognizes real estate investment and promotes and accommodates economic development is critical to Bulverde's future. We must have proactive tools to aggressively pursue implementation of the goals and objectives listed below to achieve our vision and keep Bulverde an exceptional and special place to call home.

3.5 Goals and Objectives

Goal 1: Ensure that we have plans and ordinances that support and guide development consistent with the goals and objectives in the Bulverde Comprehensive Plan.

Objective 1.1: Review existing ordinances and modify as necessary.

Objective 1.2: Enforce what we already have.

Objective 1.3: Add new ordinances as necessary to make sure the following core areas are covered:

- Public facilities including recreation
- Parks and open space
- Construction standards
- Roads
- Water and wastewater
- Property rights
- Noise and lighting
- Corridor and/or entrance standards

Objective 1.4: Work closely with the GBRA to take full advantage of the GBRA Master Plan for Water Distribution in the Bulverde Service Area.

Objective 1.5: Consider the use of impact fees as a way to manage land uses and development, generate revenues, and recoup the cost of infrastructure for new developments.

- Objective 1.6: Develop appropriate mechanisms to encourage growth consistent with the city's ability to effectively manage such growth.
- Objective 1.7: Manage growth in the extra-territorial jurisdiction (ETJ).
- Objective 1.8: Achieve a balance between private property rights and a level of land development tools that is acceptable to the citizens of Bulverde.

Goal 2: Manage the future growth of the City to preserve the character and uniqueness that is Bulverde, as well as the integrity, compatibility and value of existing and new neighborhoods.

- Objective 2.1: Regulate the scale and density of new developments, especially commercial, to ensure compatibility with Bulverde's comprehensive plan.
- Objective 2.1: Establish regulations regarding the location, size and type of commercial and light industrial development.
- Objective 2.3: Implement minimum standards for open/green space and buffering that respect the natural features and surroundings of the development site.
- Objective 2.4: Encourage conservation-oriented development.
- Objective 2.5: Develop and/or refine minimum requirements for the provision of essential services and utilities in new developments.
- Objective 2.6: Establish regulations for non-site built housing.
- Objective 2.7: Establish regulations for multi-family housing.
- Objective 2.8: Identify areas and bulk regulations appropriate for more intense commercial and industrial types of land uses.
- Objective 2.9: Protect private property in existing residential neighborhoods from encroachment by incompatible land uses.

Goal 3: Encourage land development that enhances an aesthetically pleasing appearance for the city.

- Objective 3.1: Determine how best to prevent 'hodge-podge' and/or bland development.
- Objective 3.2: Promote flexible land development standards that accommodate innovative land development projects
- Objective 3.3: Investigate whether cluster and non-traditional zoning, low-impact development, new urbanism and/or smart growth principles are applicable and useful tools for shaping the future growth of Bulverde.

Goal 4: Develop an annexation strategy that enables us to manage future growth and protects and enhances Bulverde's quality of life and that adds to the economic viability of the city.

- Objective 4.1: Develop an annexation policy that reflects the wishes of the existing citizens of Bulverde.
- Objective 4.2: Conduct a detailed study to identify those areas that should be annexed and when they should be annexed
- Objective 4.3: Annex areas prior to development to manage the type and quality of new development.
- Objective 4.4: Coordinate annexation with utility providers