

## **ORDINANCE NO. 2025-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 144 ZONING SECTION 3.4-17, C-O (COMMERCIAL OFFICE DISTRICT); SECTION 4.2, LAND USE MATRIX; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

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

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

**WHEREAS**, the Comprehensive Plan, Envision New Braunfels, has multiple action items supporting updates that improve regulations, including Action Items 1.3: Encourage balanced and fiscally responsible land use patterns, 1.11: Update policies and codes to achieve development patterns that implement the goals of this plan, 3.1: Plan for healthy jobs/housing balance, 3.3: Balance commercial centers with stable neighborhoods and 3.27: Provide affordable childcare facilities.

**WHEREAS**, the City of New Braunfels Strategic Plan has multiple objectives in the Economic Mobility Strategic Priority supporting updates that improve regulations, including identifying opportunities to incentivize child development centers to increase the supply of high-quality childcare in the community that supports the local workforce and increase the National Citizen Survey rating of “Availability of affordable quality childcare/preschool.”

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

**WHEREAS**, the City is engaged in a project to update the development-related ordinances known as the Land Development Ordinance (LDO), in accordance with the Comprehensive Plan, Envision New Braunfels; and

**WHEREAS**, the Planning Commission held a public hearing on February 4, 2025, and recommended approval of the proposed amendments; and

**WHEREAS**, the City Council held a public hearing on said amendments on February 10, 2025; and

**WHEREAS**, the City Council hereby finds and determines that regularly updating the code for clarification provides improved customer service and is in the best interest of the citizens of New Braunfels.

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

## **SECTION 1**

**THAT** Chapter 144, Zoning, Article V, Development Standards, Section 3.4, Zoning districts and regulations for property zoned subsequent to June 22, 1987, is hereby amended with additions as underlines and deletions as strikeouts as follows:

### **Sec. 144-3.4. Zoning districts and regulations for property zoned subsequent to June 22, 1987.**

#### *3.4-17. "C-O" commercial office district.*

*Purpose.* The commercial office district is established to create a mixed use district of professional offices and residential use. The regulations set forth in this article are intended to encourage adaptive reuse of buildings or new office developments of the highest character in areas that are compatible and sensitive to the surroundings and ensure historic integrity. Such uses should not generate excess additional traffic or access problems.

(a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-

4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:

(1) *Uses permitted by right.*

*Residential uses:*

Accessory building/structure.

Accessory dwelling (one accessory dwelling per lot, no kitchen).

Bed and breakfast inn (see section 144-5.6).

Boardinghouse/lodging house. Community home (see definition).

Dormitory (in which individual rooms are for rental).

Duplex/two-family/duplex condominiums.

[Family home childcare.](#)

Hospice.

Multifamily (apartments/condominiums).

One-family dwelling, detached.

Residential use in buildings with the following non-residential uses.

Single-family industrialized home (see section 144-5.8).

Townhouse (attached).

Zero lot line/patio homes.

*Non-residential uses:*

Accounting, auditing, bookkeeping, and tax preparations.

Adult day care (no overnight stay).

Answering and message services.

Antique shop (household items).

Armed services recruiting center.

Art dealer/gallery.

Artist or artisan's studio.

Bakery (retail).

Bank, savings and loan, or credit union.

Barns and farm equipment storage (related to agricultural uses).

Book store.

Cemetery and/or mausoleum.

Check cashing service.

Church/place of religious assembly.

[Child day care/children's nursery \(business\).](#)

Clinic (dental).

Clinic (emergency care).

Clinic (medical).

Coffee shop.

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## **SECTION 2**

**THAT** Chapter 144, Zoning, Article V, Development Standards, Section 4.2,

Land use matrix, is hereby amended with additions as underlines and deletions as strikeouts as follows:



### **SECTION 3**

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

### **SECTION 4**

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

### **SECTION 5**

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

### **SECTION 6**

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

## **SECTION 7**

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

**PASSED AND APPROVED:** First reading this 10<sup>th</sup> day of February 2025.

**PASSED AND APPROVED:** Second reading this 24<sup>h</sup> day of February 2025.

**CITY OF NEW BRAUNFELS**

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**NEAL LINNARTZ, Mayor**

**ATTEST:**

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**GAYLE WILKINSON, City Secretary**

**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO, City Attorney**