

ORDINANCE NO. 2025-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 0.6 ACRES, BEING OUT OF THE FRANK REAL SUBDIVISION, BLOCK 1, LOT 2, ADDRESSED AT 846 EWELLING LN, FROM R-2 SUP (SINGLE FAMILY AND TWO-FAMILY DISTRICT WITH A SPECIAL USE PERMIT TO ALLOW SHORT TERM RENTAL) TO R-3L SUP (MULTIFAMILY LOW-DENSITY DISTRICT WITH A SPECIAL USE PERMIT TO ALLOW MULTIPLE DWELLING UNITS WITH ALTERNATIVE DESIGN STANDARDS); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of New Braunfels; and

WHEREAS, in keeping with the spirit and objectives of the R-3L (Multifamily Low-Density District), the City Council has given due consideration to all components of said district; and

WHEREAS, the rezoning is in compliance with the Future Land Use Plan; and

WHEREAS, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

WHEREAS, the City Council desires to amend the Zoning Map by changing the zoning of approximately 0.6 acres being out of the Frank Real Subdivision, Block 1, Lot 2, addressed at 846 Ewelling Ln from from R-2 SUP (Single Family and Two-Family District with a Special Use Permit to allow Short Term Rental) to R-3L SUP (Multifamily Low-Density District with a Special Use permit to allow multiple dwelling units with alternative design standards); and

WHEREAS, in keeping with the spirit and objectives of a Special Use Permit, the City Council has given due consideration to all components of said permit; and

WHEREAS, the City recognizes that granting such a permit is possible while promoting the health, safety and general welfare of the public, by providing harmony between existing zoning districts and land uses; and

WHEREAS, it is the intent of the City to ensure for the health, safety and general welfare of the public by providing compatible and orderly development, which may be suitable only in certain locations in a zoning district through the implementation of a Special Use Permit meeting those requirements cited in Sections 3.6-2 and 3.6-3, Chapter 144 of the New Braunfels Code of Ordinances; and

WHEREAS, the property is located in an area suitable for multiple dwelling units with alternative design standards; and

WHEREAS, the requested rezoning is in accordance with Envision New Braunfels, the City's Comprehensive Plan; and

WHEREAS, the requested rezoning is in accordance with the City's Strategic Plan; and

WHEREAS, the City Council desires to grant a Special Use Permit at 846 Ewelling Ln, to allow multiple dwelling units with alternative design standards in the R-3L (Multifamily Low-Density District); **now, therefore**;

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

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by rezoning the following tract of land from R-2 SUP (Single Family and Two-Family District with a Special Use Permit to allow Short Term Rental) to R-3L SUP (Multifamily Low-Density District with a Special Use permit to allow multiple dwelling units with alternative design standards) with conditions herein described:

Approximately 0.6 acres, being out of the Frank Real Subdivision, Block 1, Lot 2, as depicted on Exhibit "A" and delineated in Exhibit "B", attached.

SECTION 2

THAT the Special Use Permit be subject to the following additional conditions:

1. No more than ten (10) dwelling units shall be permitted on the property.
2. Minimum four-foot-wide sidewalks shall be constructed along Ewelling Lane and shall be separated from the curb or edge of pavement by at least 3 feet.
3. Minimum four-foot-wide sidewalks shall be required on the subject property to connect any parking lot(s) and or parking spaces to the dwelling units.
4. At least 50 percent of the required parking spaces shall be covered or in a garage.
5. Minimum building setbacks - 6 feet abutting a light industrial or commercial use and 10 feet abutting property with a single-family residential use.
6. Buildings shall be limited to no more than three (3) stories.
7. No more than four (4) dwelling units shall be attached or within a single structure.
8. Along the side property line of any abutting one- or two-family residential use or zoning district, 2-inch caliper trees shall be planted every 20 feet to provide adequate shade and screening. Trees shall be selected from the City's approved plant list.
9. Eight 2-inch caliper trees shall be planted within a 10-foot-wide landscape strip along the front property line. Trees shall be selected from the City's approved plant list.
10. One 1.5-inch caliper tree shall be planted for every dwelling unit. The trees shall be located no more than thirty (30) feet from each applicable dwelling unit. Trees shall be selected from the City's approved plant list.
11. The minimum distance between structures shall follow the minimums required by the currently adopted International Building Code (IBC) and International Residential Code (IRC). This allows for a cluster-style development while maintaining open space within the property. This condition replaces Section 144-3.4-4(b)(1)(xii).
12. A minimum 6 ft. tall to a maximum 8 ft. tall fence shall be required along the perimeter of the property, however, fencing shall not be required where an abutting property is under common

ownership. A residential masonry buffer wall per Section 144-5.3- 2(h) shall not be required to lend respect to the rural and residential character of the area.

13. Development of the site shall be in compliance with the above-listed conditions and allowances, as well as all codes that are in effect at the time of development, such as drainage, landscaping, tree preservation, and irrigation. Any significant alterations to the approved conditions and allowances outlined here will require an amendment to the SUP with a recommendation from the Planning Commission and consideration by the City Council.

SECTION 3

THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 4

THAT if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

SECTION 5

THIS ordinance will take effect upon the second and final reading in accordance with the provisions of the Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this 8th day of September 2025.

PASSED AND APPROVED: Second reading this 22nd day of September 2025.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"

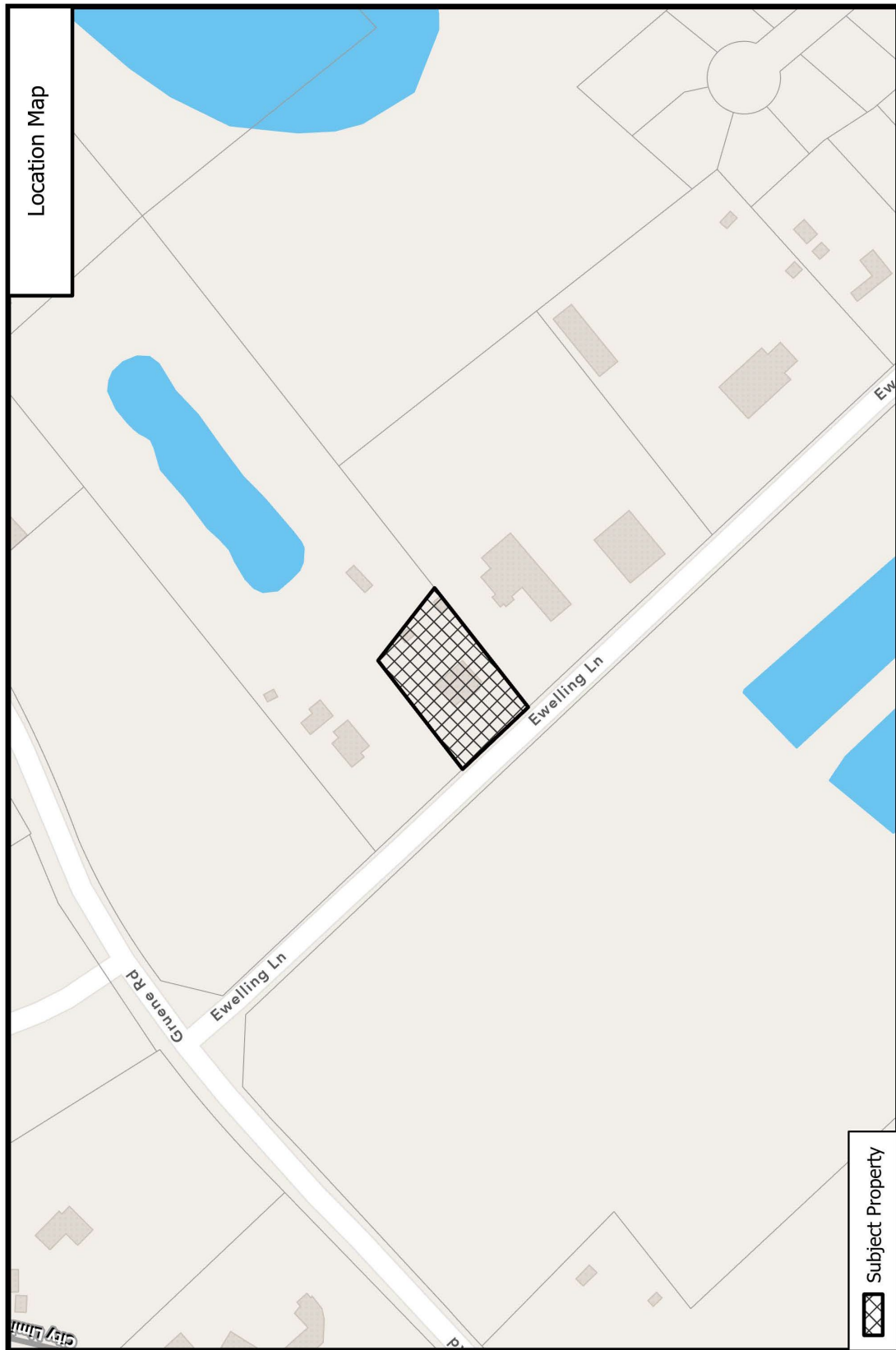


EXHIBIT "B"

PLAT SHOWING

FRANK REAL SUBDIVISION BLOCK 1, LOT 1 & 2

BEING 4.964 ACRES LOT 1 AND 0.528 OF AN ACRE LOT 2 OUT OF THE J. M. VERAMENDI TWO LEAGUE SURVEY NO. 1, CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, AND BEING A SUBDIVISION OF THAT CERTAIN TRACT CALLED 5.5 ACRE TRACT CONVEYED BY WALDIE RUST AND WIFE, ET AL TO FRANKLIN CONPOD REAL AND WIFE, ANNIE REAL, BY DEED DATED JANUARY 17, 1969 AND RECORDED IN VOLUME 167 ON PAGE 496 OF THE DEED RECORDS OF COMAL COUNTY, TEXAS.

STATE OF TEXAS
COUNTY OF COMAL

THE COMRADES OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAMES ARE SUBSCRIBED HEREON, DO HEREBY CERTIFY THAT THE COMRADES OF THE LAND SHOWN ON THIS PLAT ARE UNDEVELOPED AND ARE NOT BEING USED FOR ANY OTHER PURPOSE THAN THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

Carrie Real
Carrie Real
2500 E. ENDING LANE
NEW BRAUNFELS, TEXAS 78130
603-528-3010

STATE OF TEXAS
COUNTY OF COMAL

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED FRANKLIN CONPOD REAL AND ANNIE REAL, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING PLAT, AND I HAVE EXAMINED THE PLAT AND THE DEED RECORDS OF COMAL COUNTY, TEXAS, AND I HAVE BEEN SATISFIED THAT THE SAME HAVE BEEN CORRECTLY EXECUTED FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN ACCORDANCE WITH THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 10 DAY OF MAY, A.D. 1999.

Margaret S. Tuck
Margaret S. Tuck
NOTARY PUBLIC STATE OF TEXAS
MAILED 05/11/99
(PRINTED NAME)

STATE OF TEXAS
COUNTY OF COMAL

I, JOY STREATER, COUNTY CLERK OF SAID COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE 11th DAY OF MAY, 1999 AT 11:57 A.M. AND DULY RECORDED ON THE 12th DAY OF MAY, 1999 AT 11:57 A.M. IN VOLUME 167 ON PAGE 496 OF THE DEED RECORDS OF COMAL COUNTY, TEXAS.

Charles H. Bland
Charles H. Bland
COUNTY CLERK, COMAL COUNTY, TEXAS

APPROVED THIS 9th DAY OF September, A.D. 1998 BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF NEW BRAUNFELS, TEXAS

John D. Mulholland
John D. Mulholland
CITY ENGINEER

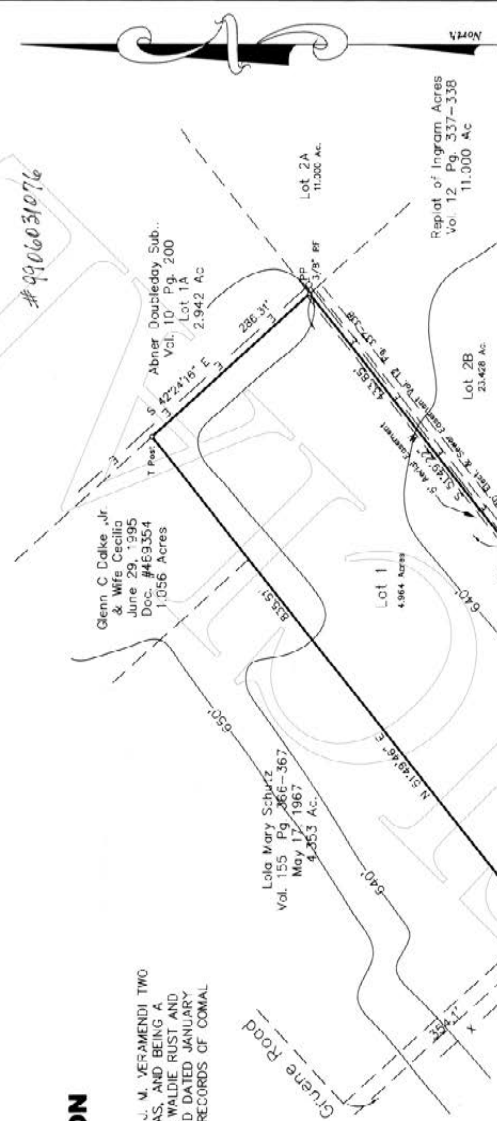
John D. Mulholland
John D. Mulholland
CITY ENGINEER

John D. Mulholland
John D. Mulholland
CITY ENGINEER

John D. Mulholland
John D. Mulholland
CITY ENGINEER

John D. Mulholland
John D. Mulholland
CITY ENGINEER

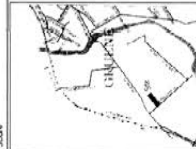
John D. Mulholland
John D. Mulholland
CITY ENGINEER



Scale: 1" = 100'

LINE	BEARING	DISTANCE
L1	N52°06'47"E	182.45
L2	S45°40'42"E	57.90
L3	S44°09'27"E	65.43

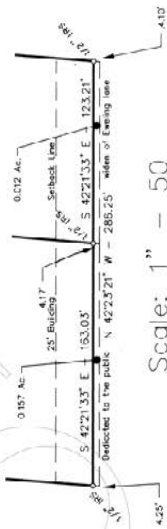
Locality map Ref. To State



PLAT - SHOWING
Frank Real Subdivision
Block 1, Lots 1 & 2
Comal County, Texas

WILLIAM J. KOLDOZE SURVEYING CO.
157 East 1st Street
New Braunfels, Texas 78130-5045
Phone (830) 526-5444
Fax (830) 526-5444

Scale: 1" = 50'



SURVEYOR'S NOTES:

- (1) THE LOCATED AND THIS FOUND, OR SET, EXCEPT AS NOTED.
- (2) THIS PROPERTY DOES NOT LIE OVER THE REDUCED ZONE OF THE EDWARDS ADJUTER.
- (3) ACCORDING TO F.E.A. FLOOD INSURANCE RATE MAP, NEW BRAUNFELS, TEXAS DOES NOT LIE IN A DESIGNATED 100 YEAR FLOOD ZONE.
- (4) THIS PROPERTY LIES IN THE NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT.
- (5) THIS PROPERTY LIES WITHIN THE CORPORATE LIMITS OF THE CITY OF NEW BRAUNFELS, TEXAS.
- (6) ELECTRIC, WATER AND SEWER SERVICES ARE PROVIDED BY NEW BRAUNFELS.
- (7) TELEPHONE SERVICE IS PROVIDED BY SOUTHERN BELL TELEPHONE COMPANY.
- (8) NEAREST ELEVATION BENCHMARK, CONTROL ELEVATIONS, COMAL COUNTY FLOOD INSURANCE RATE MAP, NEW BRAUNFELS, TEXAS, IS 11.196 AT 11.196 FEET M.S.L. NEAREST ELEVATION BENCHMARK, CONTROL ELEVATIONS, COMAL COUNTY FLOOD INSURANCE RATE MAP, NEW BRAUNFELS, TEXAS, IS 11.196 AT 11.196 FEET M.S.L.
- (9) CONTINUED LINES ARE TAKEN FROM U.S.C.S. QUADRANGLE MAP "NEW BRAUNFELS EAST".