

ORDINANCE NO. 2026-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 66 HISTORIC PRESERVATION, SECTION 66-57.1 INCENTIVES; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Comprehensive Plan, Envision New Braunfels, has multiple action items supporting updates that improve regulations, including Action Items 1.11: Update policies and codes to achieve development patterns that implement the goals of this plan, 2.5: Encourage diversification of commercial activity Downtown to build on and sustain existing historic resources and maximize structure utilization for economic expansion.

WHEREAS, the City of New Braunfels Strategic Plan has multiple objectives in the Community Identity Priority encouraging the preservation and rehabilitation of our historic resources.

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 Historic Landmark Commission held a regular meeting on January 13, 2026, and recommended approval of the proposed amendments; 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 66, Historic Preservation, Article III, Historic Landmark Preservation, Section 66-57.1 - Incentives, is hereby amended with additions as underlines and deletions as strikeouts as follows:

Sec.57.1. Incentives

(a) *Purpose.* To promote and protect the rich heritage of the city, and to encourage the designation of structures as historic landmarks, and the designation of historic districts this section of the city's historic preservation ordinance provides a tax relief for the stabilization, rehabilitation, and renovation of property(s) that are designated by the city as historic landmarks or located within a local historic district.

~~(b) *Rehabilitation tax relief.* From the date of passage of this section, the owner of property (structure and land) having historic, architectural, and cultural significance, and so designated by the city's historic landmark commission, planning commission, and city council, as a historical landmark or located within a local historic district shall be eligible to apply for relief in property taxes for a period of five years. Said property, whether owned by the same individual or not, shall be eligible for such relief an additional five years. The total period of time that any one property shall be eligible to receive such tax relief shall be ten years, whether such relief is granted for two consecutive five-year periods or separate terms. For a property to be considered for a consecutive five-year period, an application shall be made during the fourth year of the original request. Whether the application is for consecutive or future periods each request shall be considered separately and must qualify as outlined below. Upon the expiration of a relief period, the property shall be placed on the tax rolls at the new appraised value and taxed accordingly. Provided, however, that should an application be received and approved during the fourth year of the first request no new appraised value will be assessed or taxed. In accordance with the provisions of this section, a building that is individually designated as a local historic landmark or located within the boundaries of a locally designated historic district and that is substantially rehabilitated and is approved by the chief appraiser of the Comal or Guadalupe Appraisal District, shall have an assessed value for ad valorem taxation as follows:~~

(1) Properties shall have the assessed value for the city's portion of the ad valorem taxation for a period of ten (10) tax years equal to the assessed value at the time of certification.

(2) This exemption shall begin on the first day of the first tax year following final approval by City Council.

(3) As noted in subsection (1) above, the exemption will be in place for a period of 10 years. Following the expiration of the rehabilitation tax relief incentive, the exemption noted below in section (e) for locally designated historic properties both in a district or an individual landmark will continue to apply.

(c) Application Process.

(1) *Certification.* An application for tax relief pursuant to this section shall be submitted to the city's historic preservation officer prior to the rehabilitation work taking place. The historic preservation officer shall request action from the historic landmark commission. Each application for certification shall be signed and sworn to by the owner of the property and shall:

A. Include current pictures of the interior and the exterior of the structure, as applicable to the scope of work that is proposed.

B. Include a written scope of work and, where applicable, a complete set of plans for the structure's restoration.

C. Include an itemized statement of estimated costs for the scope of work.

(2) *Verification.* Once rehabilitation work is complete, the property owner shall submit an application to the city's historic preservation officer to complete the request for tax relief. The request shall be presented to the Historic Landmark Commission and they will make a recommendation to City Council. Each application for verification shall be signed and sworn to by the owner of the property and shall:

A. Include current color pictures of the interior and exterior of the structure, as applicable to work that was performed, showing the completed rehabilitation work.

B. Include an itemized statement or itemized list of final costs for the restoration work that was completed.

C. Include copies of all associated building permits and certificates of alteration that may have been required for the rehabilitation work.

(3) *City Council Approval.* Final approval of the rehabilitation tax relief shall be granted by City Council and requires two separate readings.

(4) Retroactive Certification and Verification. In cases where rehabilitation work is completed prior to requesting the incentive, applicants may still apply, provided that the work was completed no more than three (3) years from the time a completed application for certification and verification are submitted to the historic preservation officer. The process outlined in subsection (1) and (2) of this section shall be followed. Once the complete applications for certification and verification are received, the historic preservation officer will schedule them to be heard by the historic landmark commission at the earliest available meeting. It is at the discretion of the Commission to recommend approval or denial of the incentive to city council.

~~An application for tax relief pursuant to this section shall be made prior to the first of July of the tax year in which the relief would be granted. Application shall be made to the city's historic landmark commission with a recommendation to the city council for final action. If requested, the historic preservation officer may assist the owner in filing for such relief. A structure must be designated as a historic landmark as provided for in section 66-54 or located within a local historic district as provided for in section 66-55.~~

~~(1) Qualification for tax relief. The owner of a property, applying for tax relief, shall be entitled to such, provided that the improvement(s), renovation(s), or restoration(s) to the structure is at least ten percent of the value of the property value reflected on the tax rolls of the Comal or Guadalupe Appraisal District office. The tax relief shall commence after the first of January in the tax year immediately following the year in which the work is completed.~~

~~The tax relief shall be determined in the following manner. The Comal or Guadalupe Appraisal District shall cause said improvement(s), renovation(s), or restoration(s) to the structure to be appraised on or before December 31 the year the work was completed. This new appraised value less the present property value shall be shown on the tax rolls of the Comal or Guadalupe Appraisal District as the new property value. However, said improvement(s), renovation(s), or restoration(s) shall not cause the value of the property to be less than the present value prior to completion of the work.~~

(d) Qualification for rehabilitation tax relief. The owner of a property, applying for tax relief, shall be entitled to such, provided that the cost of the improvement(s), renovation(s), or restoration(s) to the structure is at least ten (10) percent of the improvements value reflected on the tax rolls of the Comal or Guadalupe Appraisal District office of the tax year in which the property was certified by the historic landmark commission and approved by City Council.

1. Eligible costs. Eligible costs shall may include the following items: ~~exterior and interior improvements to the frame, walls, floor, ceiling, plumbing, electrical wiring and mechanical items, such as heating and air conditioning systems. Fixtures, decorative items, and/or fencing shall not be eligible for consideration unless such items were original fixtures and/or decorative items of the structure. Materials and labor for repairing, replacing or adding any of the following shall be eligible:~~

- ~~a. Structural walls;~~
- ~~b. Structural subfloors;~~
- ~~c. Structural ceilings;~~
- ~~d. Exterior doors;~~
- ~~e. Exterior paint (consistent with those colors available during the time period the structure was built);~~
- ~~f. Mechanical equipment;~~
- ~~g. Windows;~~
- ~~h. Exterior brick veneers or treatments;~~
- ~~i. Plumbing;~~
- ~~j. Electrical wiring;~~
- ~~k. Roof and gutter where necessary for structural integrity;~~
- ~~l. Facade items;~~
- ~~m. Elevators;~~
- ~~n. Foundations;~~
- ~~o. Termite damage and treatment;~~
- ~~p. Security and/or fire protection systems;~~
- ~~q. Architectural and engineering services if directly related to the eligible costs described above;~~
- ~~r. Plumbing and electrical fixtures documented as historic fixtures; and~~
- ~~s. Limited demolition, not more than 15 percent of the original structure, and cleanup related to the eligible costs described above.~~

a. Expenditures associated with the components of the structure/building including foundation, roofing, walls, partitions, floors, ceilings, windows and doors, stairs, elevators,

escalators, sprinkler systems, fire escapes, components of central air conditioning, heating, plumbing, and electrical systems, and other components related to the operation or maintenance of the building.

b. Expenditures associated with site work that is deemed necessary to prevent future damage to the structure, such as grading and drainage work. Additionally, site elements that are original or found to be contributing to the historic significance of the property may also be considered eligible and are at the discretion of the historic landmark commission.

c. Architectural, design, consulting, engineering, and similar services directly related to the successful completion of the project.

d. Construction management and labor, materials, and reasonable overhead.

e. Subcontracted services.

f. Development fees including those related to local permitting and plan review outlined in Appendix D of the City's Code of Ordinances.

g. Construction period interest and taxes.

2. Ineligible costs. Ineligible costs include the following:

~~a. Overhead;~~

~~b. Taxes;~~

~~c. Supervisor payroll;~~

~~d. Repairs of construction equipment;~~

~~e. Tools; and~~

~~f. Any other items not directly related to the exterior appearance or the structural integrity or viability of the structure.~~

a. The cost of acquiring any interest in the property;

b. The personal labor by the applicant/owner;

c. Any cost associated with the enlargement of an existing building on site;

d. Any cost associated with the rehabilitation of an outbuilding or ancillary structure unless it is certified by the Commission to contribute to the historical significance of the property.

(e) Tax exemption for local historic districts and local historic landmarks. For properties located within a city designated historic district or for properties that are designated as local historic landmarks, property owners ~~in the historic district~~ will qualify for an ad valorem tax exemption of 20 percent of the assessed city ad valorem property tax. This tax exemption shall begin on the first day of the first tax year after designation of the local historic district or local historic landmark. A separate form provided by the Comal and Guadalupe Comal Appraisal District must be submitted annually by the property owner to the Appraisal District in which the property is located.

(f) Building permit fees waived. Upon approval of a certificate of alteration, the property owner will present said certificate to the ~~building department~~ City, and a All building permit fees will be waived with the exception of the permit application fee and all related inspection fees.

SECTION 2: **Repealer.**

All provisions of the New Braunfels Code of Ordinances, or other ordinances, whether codified or uncoded, in conflict with the provisions of this ordinance are hereby repealed, and all other provisions of the Code of Ordinances or other ordinances, codified or uncoded, not in conflict with the provisions of the ordinance shall remain in full force and effect.

SECTION 3: **Severability**

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 or section of this ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence paragraph or section of this ordinance.

SECTION 4: Savings Clause.

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

SECTION 5: Effective Date.

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 9th day of February 2026.

PASSED AND APPROVED: Second reading this 23rd day of February 2026.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney