

ORDINANCE NO.2026-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 2.112 ACRES OUT OF CITY BLOCKS 2004, 2007, AND 2014, CURRENTLY ADDRESSED AT 342, 352, & 353 EAST BRIDGE STREET, 343 & 353 EAST MILL STREET, 218, 232, 266, & 288 NORTH MARKET AVENUE, AND 309 & 351 EAST SAN ANTONIO STREET, FROM C-2 (GENERAL BUSINESS DISTRICT), M-1 (LIGHT INDUSTRIAL DISTRICT), AND M-1 SUP (LIGHT INDUSTRIAL DISTRICT WITH A SPECIAL USE PERMIT FOR STR) TO MU-B SUP (HIGH INTENSITY MIXED USE DISTRICT WITH A SPECIAL USE PERMIT); 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 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 MU-B SUP (High Intensity Mixed Use District with a Special Use Permit); 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 requested rezoning is in alignment with the recommendations and strategies of the Land Use Fiscal Analysis; and

WHEREAS, the City Council desires to grant a Special Use Permit at 342, 352, & 353 East Bridge Street, 343 & 353 East Mill Street, 218, 232, 266, & 288 North Market Avenue, and 309 & 351 East San Antonio Street to allow development in the MU-B SUP (High Intensity Mixed Use District with a Special Use Permit); **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 adding the following tract of land as a “Special Use Permit” for the uses and conditions herein described:

Being approximately 2.112 acres out of City Blocks 2004, 2007, and 2014, as delineated on Exhibit “B” and depicted on Exhibit “C” attached.

SECTION 2

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

1. Uses listed in Exhibit “A” shall not be allowed on the Property.
2. Definition of Permitted Uses: Golf course (miniature) shall include par 3 and putt-putt courses. Tennis courts shall include pickle ball courts.
3. A Parking Demand Study, per Sec. 144-5.1-3 (d), shall be submitted and approved prior to building permit issuance to determine the number of parking spaces required.
4. Parking structures shall include active uses (such as retail, food service, lobbies, civic entries, live/work units, residential entries, café seating, pedestrian furniture, public art), enhanced landscaping, or liner buildings along any frontage facing public streets, pedestrian ways, or civic spaces.
5. Surface Parking Lot(s) landscaping shall provide native shade trees within 50 feet of all parking spaces and shall meet or exceed all parking lot landscape code requirements.
6. Building Setbacks:
 - a. Minimum Front, Side, and Rear Building Setback: 0 ft.
 - b. Build to Line: The first floor of buildings shall be built to the property line along San Antonio Street and shall include one or more public entrances along San Antonio Street.
 - c. Buildings facing all other public rights-of-way must be built to the property line, unless a public space, such as a sidewalk, outdoor seating area, linear park, or other pedestrian-oriented area is located between the right-of-way and building, in which case the building may be set back from the property line to accommodate such use.
7. Compatibility Setbacks:
 - a. Where the MU-B District abuts a one-, two-, three- or four-family use, the building setback from the one-, two-, three- or four-family property line shall be at least 20 feet.
 - b. To achieve a stairstep approach to reach the maximum building height:
 - i. The allowed building height shall be 36 feet for any building or portion of a building

- between 20 and 35 feet from the one-, two-, three-, or four-family property line.
- ii. The allowed building height shall be 72 feet for any building or portion of a building between 35 and 50 feet from the one-, two-, three-, or four-family property line.
 - iii. The allowed building height for any building or portion of a building that is greater than 50 feet from the one-, two-, three-, or four-family property line shall be 120 feet.
8. Residential Buffer Wall: The residential buffer wall requirement as described in Section 144-5.3-2 (h) shall not apply.
9. Loading docks, trash receptacles, recycling compactors, mechanical and electrical equipment, and any other equipment that generates odor, smoke, or noise, shall not be constructed or located within 20 feet of any abutting one-, two-, three- or four-family use.
10. Residential Screening:
Landscaping or fencing shall screen loading docks, trash receptacles, recycling compactors, and mechanical and electrical equipment to limit or prevent their visibility from any one-, two-, three- or four-family use.
11. Multi-Family Lot Coverage: The multi-family lot coverage standard per Section 144-3.4-11 (b)(2)(x) shall not apply.
12. Development of the site shall be in compliance with the above-listed development standards. Any significant alterations to the approved development standards 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 13th day of April, 2026.

PASSED AND APPROVED: Second reading this 27th day of April, 2026.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"

The following uses are not allowed:

Residential uses:

- Community home (see definition).
- Dormitory (in which individual rooms are for rental).
- Hospice.

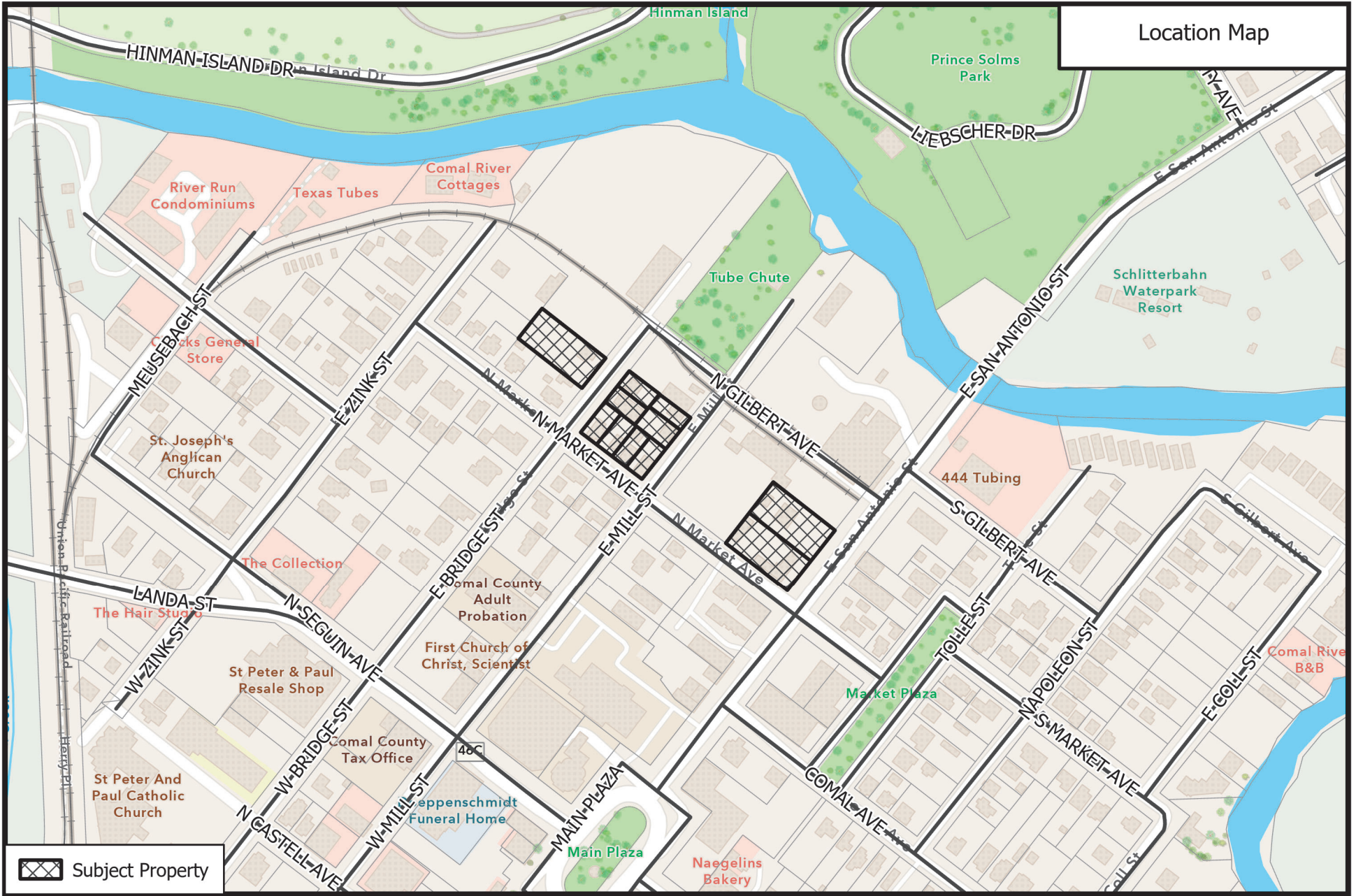
Non-residential uses:

- Adult day care (no overnight stay).
- Adult day care (with overnight stay).
- Aircraft support and related services.
- Airport.
- Ambulance service (private).
- Archery range.
- Athletic fields.
- Auto body repair, garages (see section 144-5.11).
- Auto glass repair/tinting (see section 144-5.11).
- Auto interior shop/upholstery (see section 144-5.11).
- Auto leasing.
- Auto muffler shop (see section 144-5.11).
- Auto paint shop.
- Auto repair garage (general) (see section 144-5.11).
- Automobile driving school (including defensive driving).
- Barns and farm equipment storage (related to agricultural uses).
- Blacksmith or wagon shops.
- Book binding.
- Bottling or distribution plants (milk).
- Bottling works.
- Bowling alley/center (see section 144-5.13).
- Bus barns or lots.
- Cemetery and/or mausoleum.
- Check cashing service.
- Cleaning, pressing and dyeing (non-explosive fluids used).
- Cold storage plant.
- Communication equipment—Installation and/or repair.
- Contractor's office/sales, with outside storage including vehicles.

- Convenience store with or without fuel sales.
- Credit agency.
- Curio shops.
- Dance hall/dancing facility (see section 144-5.13).
- Day camp.
- Exterminator service.
- Fair ground.
- Farms, general (crops) (see chapter 6 and section 144-5.9).
- Farms, general (livestock/ranch) (see chapter 6 and section 144-5.9).
- Filling station (fuel tanks must be below the ground).
- Food processing (no outside public consumption).
- Forge (hand).
- Forge (power).
- Freight terminal, rail/truck (when any storage of freight is outside an enclosed building).
- Freight terminal, truck (all storage of freight in an enclosed building).
- Frozen food storage for individual or family use.
- Funeral home/mortuary.
- Furniture manufacture.
- Galvanizing works.
- Golf course (public or private).
- Heavy load (farm) vehicle sales/repair (see section 144-5.14).
- Ice plants.
- Industrial laundries.
- Laboratory equipment manufacturing.
- Laundry, commercial (without self serve).
- Leather products manufacturing.
- Light manufacturing.
- Limousine/taxi service.
- Lumberyard (see section 144-5.15).
- Lumberyard or building material sales (see section 144-5.15).
- Machine shop.
- Manufactured home sales.
- Manufacturing and processes.
- Metal fabrication shop.
- Moving, transfer, or storage plant.
- Non-bulk storage of fuel, petroleum products and liquefied petroleum.
- Nursing/convalescent home/sanitarium.

- Outside storage (as primary use).
- Plastic products molding/reshaping.
- Plumbing shop.
- Portable building sales.
- Propane sales (retail).
- Quick lube/oil change/minor inspection.
- Retirement home/home for the aged.
- Rodeo grounds.
- RV park.
- RV/travel trailer sales.
- Sheet metal shop.
- Shooting gallery—Indoor (see section 144-5.13).
- Sign manufacturing/painting plant.
- Storage—Exterior storage for boats and recreational vehicles.
- Storage in bulk.
- Taxidermist.
- Telemarketing agency.
- Telephone exchange (office and other structures).
- Tire sales (outdoors).
- Tool rental.
- Transfer station (refuse/pick-up).
- Welding shop.

EXHIBIT "B"



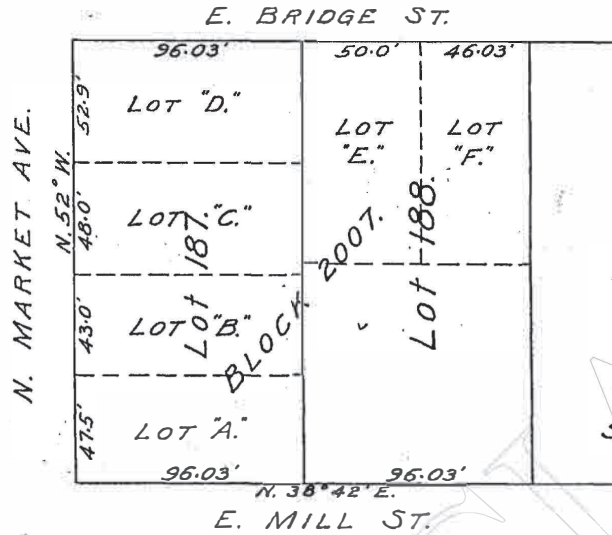
SUP26-028
C-2, M-1, M-1 SUP to MU-B SUP



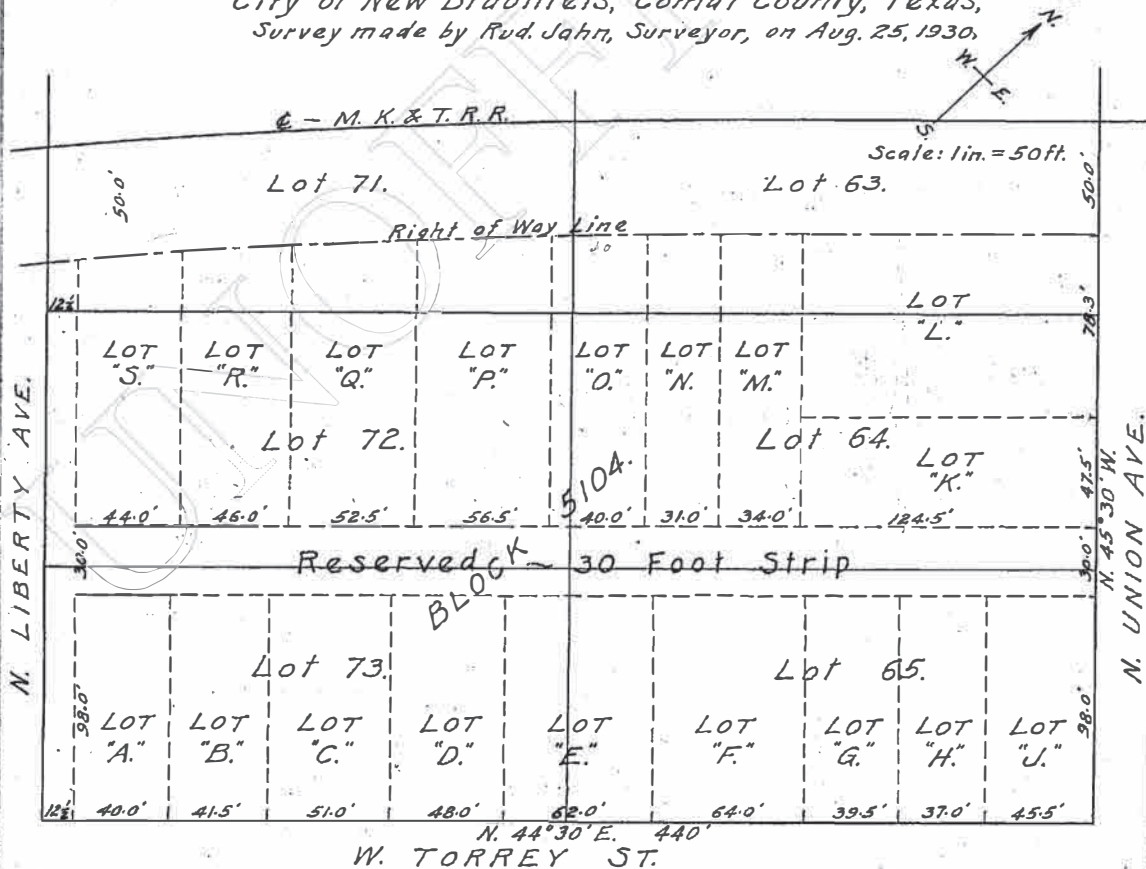
EXHIBIT "C"

No. 292. -

Resubdivision of the Southwestern Part of New City Block No. 2007, of the City of New Braunfels, Comal County, Texas, Surveyed by Rud. Jahn, on Aug. 25-1930.



Resubdivision of the Southeastern Part of New City Block No. 5104, in Comaltown, a part of the City of New Braunfels, Comal County, Texas, Survey made by Rud. Jahn, Surveyor, on Aug. 25, 1930.



Filed for record August 26th 1930 at 2.45 o'clock P. M., and recorded August 27th 1930 at 5.00 o'clock P. M.

Richard H. Ludwig
Co. Clk. Comal County, Texas.

Exhibit "A"

Being a 0.119 acre tract of land, more or less, situated in the City of New Braunfels, Comal County, Texas, being the same tract called the South part of Lot No. 188, New City Block 2007 described in Doc# 9806016432 of the Official Public Records of Comal County, Texas, and all bearings referred to in this description are referenced to a bearing of S 38° 42' W along the Northwest right-of-way line of E. Mill Street, said 0.119 acre tract of land surveyed under the supervision of Richard A. Goodwin, RPLS #4069, S. Craig Hollmig, Inc., and being more particularly described as follows:

BEGINNING: At a 1/2" iron pin set in the Northwest line of E. Mill Street, said point being N 38° 42' E 96.30 feet from a 3/8" iron pin found at the intersection of the North-east line of N. Market Avenue, with the Northwest line of E. Mill Street, for the East corner of Lot A of the Resubdivision of the Southwestern part of New City Block 2007, recorded in Volume 58, Page 371 of the Deed Records of Comal County, Texas, for the South corner of the above referenced tract, for the South corner and Point of Beginning of this tract;

THENCE: Leaving said E. Mill Street, along the Northeast line of Lots A and B of said Resubdivision and partially along the Northeast line of Lot C, N 52° 08' 58" W 96.0 feet to a 1/2" iron pin set in the Northeast line of said Lot C, for the South corner of Lot E of said Resubdivision, for the West corner of this tract;

THENCE: Along the Southeast line of said Lot E, partially along the Southeast line of Lot F of said Resubdivision, N 38° 42' 00" E 53.23 feet to a 4" x 4" fence corner found in the Southeast line of said Lot F, for the West corner of a tract of land described in Doc#200106031998 of the Official Public Records of Comal County, Texas, for the North corner of this tract;

THENCE: Along the Southwest line of said tract recorded in Doc# 200106031998, the Northeast line of the above referenced tract, S 53° 12' 11" E 96.04 feet to a 1/2" iron pin found and re-set in the Northwest line of E. Mill Street, for the South corner of said tract recorded in Doc# 200106031998, for the East corner of the above referenced tract, for the East corner of this tract;

THENCE: Along the Northwest line of E. Mill Street, S 38° 42' 00" W 55.00 feet to the Point of Beginning and containing 0.119 acres of land, more or less.

Filed and Recorded
Official Public Records
Bobbie Koepf, County Clerk
Comal County, Texas
05/16/2019 04:31:17 PM
JESSICA 3 Pages(s)
201906016795



Bobbie Koepf

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

BEING A 0.093 ACRE TRACT OF LAND, MORE OR LESS, SITUATED IN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, BEING THE SAME TRACT CALLED THE SOUTHEAST PART OF LOT 188, NEW CITY BLOCK 2007 DESCRIBED IN DOC NO. 200106031998 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, AND ALL BEARINGS REFERRED TO IN THIS DESCRIPTION ARE REFERENCED TO A BEARING OF S 38° 42' W ALONG THE NORTHWEST RIGHT-OF-WAY LINE OF E. MILL STREET, SAID 0.093 ACRE TRACT OF LAND SURVEYED UNDER THE SUPERVISION OF RICHARD A. GOODWIN RPLS #4069, S. CRAIG HOLLMIG, INC., AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING: AT A 1/2" IRON PIN FOUND AND RE-SET IN THE NORTHWEST LINE OF E. MILL STREET SAID POINT BEING N 38° 42' E 151.30 FEET FROM A 3/8" IRON PIN FOUND AT THE INTERSECTION OF THE NORTHEAST LINE OF N. MARKET AVENUE WITH THE NORTHWEST LINE OF E. MILL STREET, FOR THE EAST CORNER OF A TRACT OF LAND DESCRIBED IN DOC NO. 9806016432 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY TEXAS, FOR THE SOUTH CORNER OF THE ABOVE REFERENCED TRACT, FOR THE SOUTH CORNER AND POINT OF BEGINNING OF THIS TRACT;

THENCE: LEAVING SAID E. MILL STREET ALONG THE NORTHEAST LINE OF SAID TRACT RECORDED IN DOC NO. 9806016432 THE SOUTHWEST LINE OF THE ABOVE REFERENCED TRACT N 53° 12' 11" W 96.04 FEET TO A 4" X 4" FENCE CORNER FOUND IN THE SOUTHEAST LINE OF LOT F OF THE RESUBDIVISION OF THE SOUTHWESTERN PART OF NEW CITY BLOCK 2007 RECORDED IN VOLUME 58 PAGE 371 OF THE DEED RECORDS OF COMAL COUNTY, TEXAS, FOR THE WEST CORNER OF THE ABOVE REFERENCED TRACT;

THENCE: ALONG THE SOUTHEAST LINE OF SAID LOT F, THE NORTHWEST LINE OF THE ABOVE REFERENCED TRACT N 38° 42' 00" E 43.20 FEET TO A 1/2" IRON PIN FOUND FOR THE EAST CORNER OF SAID LOT F, SAID POINT LYING IN THE SOUTHWEST LINE OF LOT 189 OF NEW CITY BLOCK 2007 FOR THE NORTH CORNER OF THE ABOVE REFERENCED TRACT, FOR THE NORTH CORNER OF THIS TRACT;

THENCE: ALONG THE SOUTHWEST LINE OF SAID LOT 189 THE NORTHEAST LINE OF THE ABOVE REFERENCED TRACT S 52° 04' 05" E 96.00 FEET TO A 3/8" IRON PIN FOUND IN THE NORTHWEST LINE OF E. MILL STREET FOR THE SOUTH CORNER OF SAID LOT 189, THE EAST CORNER OF THE ABOVE REFERENCED TRACT, FOR THE EAST CORNER OF THIS TRACT;

THENCE: ALONG THE NORTHWEST LINE OF E. MILL STREET THE SOUTHEAST LINE OF THE ABOVE REFERENCED TRACT S 38° 42' 00" W 41.30 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.093 ACRES OF LAND, MORE OR LESS.



Deed Record G Page 127 (zoomed in)

I hereby certify that the Plot in the reverse hereof, is a correct map of the City of New Brunswick, part of the Corporation of New Brunswick as surveyed by me, in accordance with a contract entered into between me & the City Council of said Corporation of New Brunswick on the 25th Day of October A.D. 1858. Given under my hand at the City of New Brunswick this 24th of April A.D. 1860.

J. J. Groves.

Suppl. paper in the City of New Brunswick, New Brunswick, N.B. 23rd May 1860.

"I hereby certify that the above mentioned Plan of the City of New Brunswick, as surveyed by J. J. Groves in 1858 and enclosed and transmitted to the City Council of New Brunswick, New Brunswick, N.B. on the 25th of October 1858, and which was published in the City of New Brunswick, N.B. on the 24th of April 1860, is a correct map of the City of New Brunswick, as surveyed by me, in accordance with a contract entered into between me & the City Council of said Corporation of New Brunswick on the 25th Day of October A.D. 1858. Given under my hand at the City of New Brunswick this 24th of April A.D. 1860.



New Brunswick, June 23rd May 1860.
J. J. Groves Mayor

The State of Texas
County of Comal. Before me, Albert Davis Clerk of the Co. Court of said County, personally appeared J. J. Groves County Surveyor of Comal County and J. J. Groves Mayor of the City of New Brunswick, both to me well known, who separately acknowledged their resp. signatures to the above Certificate or Writings, and declared that they had resp. done so for the considerations, uses and purposes therein contained. In Testimony whereof I hereunto set my hand and official seal at New Brunswick June the 18th 1860.



Albert Davis Clerk of the Co. Court of Comal County
The State of Texas, Co. Court of Comal County
I, Albert Davis Clerk of the Co. Court of Comal County, do hereby certify, that the Map and Writings hereto annexed, were filed in my office for record at 10 o'clock A.M. June the 18th 1860 and duly registered at 3 o'clock P.M. June the 23rd 1860 in Book No. 105 Deeds on pages 127 & 128. Witness my hand and official seal at New Brunswick June the 20th 1860.
Albert Davis Clerk
Co. Court of Comal County.

Miss (Groves) & S...
no date...
26.44.
75.
50.
75.