

**ORDINANCE NO.2025-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 5 ACRES, BEING THE FRANK REAL SUBDIVISION, BLOCK 1, LOT 1, CURRENTLY ADDRESSED AT 850 EWELLING LANE, FROM R-2 (SINGLE-FAMILY AND TWO-FAMILY DISTRICT) TO R-3L SUP (MULTIFAMILY LOW-DENSITY DISTRICT WITH A TYPE 1 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.**

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**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 R-3L SUP (Multifamily Low-Density District with a Type 1 Special Use Permit to allow 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 Type 1 Special Use Permit at 850 Ewelling Lane, 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 adding the following tract of land as a

“Special Use Permit” for the uses, conditions and allowances herein described:

Being the Frank Real Subdivision, Block 1, Lot 1, as depicted on Exhibit “A” attached.

## SECTION 2

**THAT** the Type 1 Special Use Permit be subject to the following conditions and allowances:

1. No more than twenty-one (21) dwelling units shall be permitted on the property.
2. A walking path and picnic areas shall be installed around the pond for the private use of the property's residents.
3. 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.
4. 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.
5. At least 50 percent of the required parking spaces shall be covered or in a garage.
6. Minimum building setbacks - 6 feet abutting a light industrial or commercial use and 10 feet abutting property with a single-family residential use.
7. Buildings shall be limited to no more than two (2) stories with a minimum building setback of ten (10) feet from the property line of a single-family residential use and no more than three (3) stories with a minimum building setback of twenty (20) feet from any property line. This condition replaces Sec. 144-3.4-4(b)(1)(vi).
8. No more than four (4) dwelling units shall be attached or within a single structure.
9. 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.
10. 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.
11. 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.
12. 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).
13. 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.

14. 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 24<sup>th</sup> day of February, 2025.

**PASSED AND APPROVED:** Second reading this 10<sup>th</sup> day of March, 2025.

**CITY OF NEW BRAUNFELS**

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**NEAL LINNARTZ**, Mayor

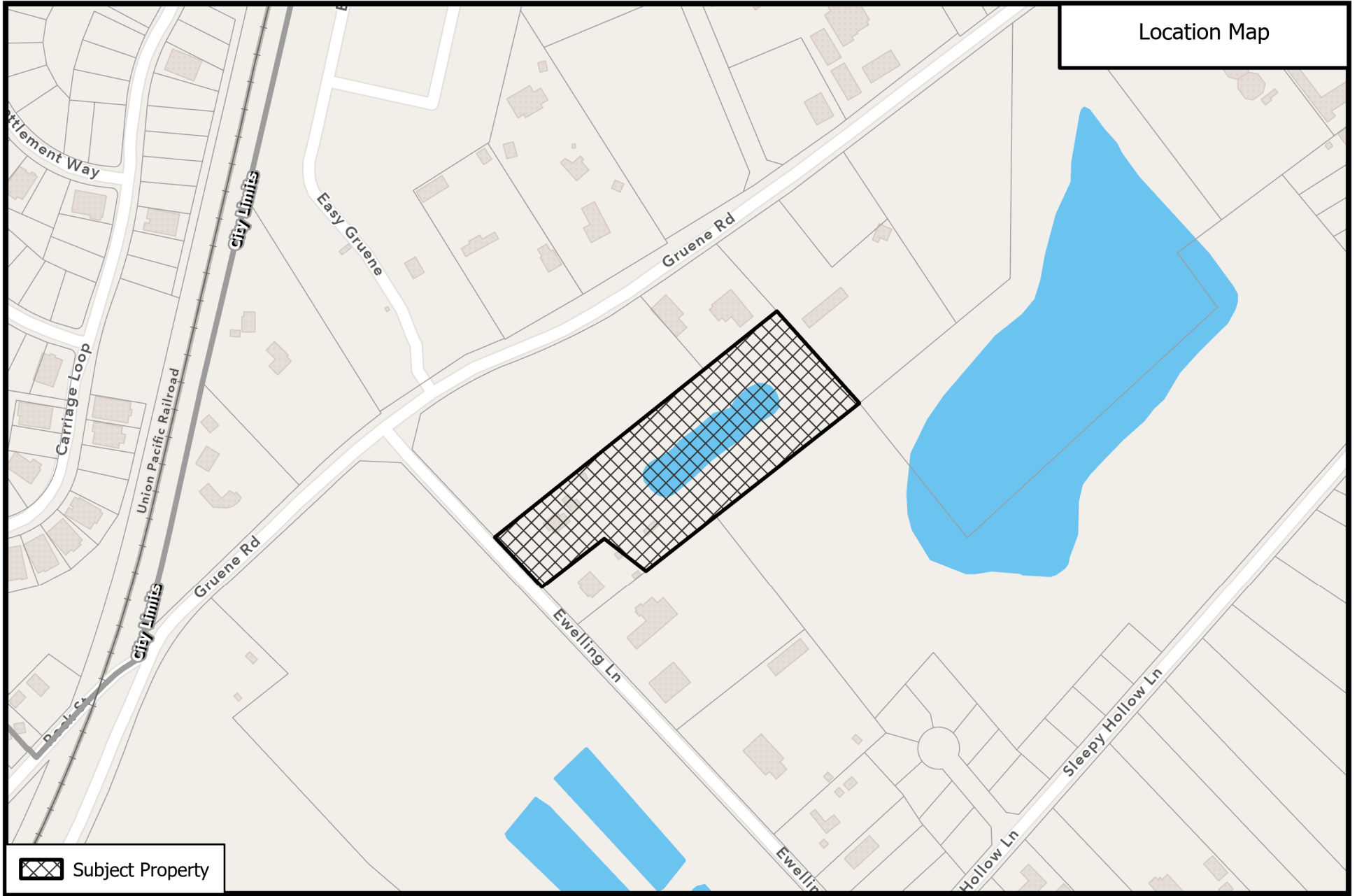
**ATTEST:**

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**GAYLE WILKINSON**, City Secretary

**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO**, City Attorney

EXHIBIT "A"



Location Map

Subject Property



**SUP24-429**  
**R-2 to R-3L SUP**

