



# Special Use (SUP) Overlay Zoning Change Guide & Process

## Need to request to add a special use to your property (SUP)?

A Special Use (SUP) Overlay is a change in zoning request that allows for a special use to be added to the allowed uses of the base zoning on a property. To request a special use you will have to apply for a zoning change in the form of an SUP overlay. The process for this application will take approximately three months and go before Planning Commission once and City Council twice.

The City is required by state statute to send written notice to property owners within 200 feet of the subject property. Other required notification consists of 2 newspaper publication notices and yard signage, fees apply. The SUP applications can be found on the City's [Online Permit Portal](#).

*\*Please note: this allowance is a discretionary decision made by City Council based upon review and consideration of property circumstances and input from neighbors.*

Before you submit your request, it is recommended that you contact the Planning Department in advance to review your request and answer any potential questions you may have or schedule a [Predevelopment meeting](#) to answer more in-depth questions across departments.

You'll need to submit the following with your application on our [Online Permit Portal](#), *if any of the following information is missing the application will be considered incomplete and will not be accepted:*

- **Survey** of the Property
- **Owner's Agent Letter of Authorization** (if applicable: this letter authorizes someone other than the owner to act on their behalf)
- **Photos** showing the property from the street. Photos cannot be taken from online maps such as Google Maps/Earth
- **Traffic Impact Analysis (TIA) Determination Form** (follow the steps [here](#) for more information)
- **TIA Determination Letter** from CoNB Public Works Department
- **Property Map**, a reference map showing property boundaries in relation to the surrounding area
- **Deed**
- **Detailed Project Letter** explaining what the owner/applicant is wanting to do with their zone change and how it will benefit the city and the surrounding area.
- **[Site plan](#) (for a type 2 SUP)** including the following information listed below:
  - **The following statement must be included on the site plan:** "I \_\_\_\_\_, the property owner, acknowledge that this site plan submitted for the purposes of rezoning this property is in accordance with all applicable provisions of the Zoning Ordinance. Additionally, I understand that City Council approval of this site plan in conjunction with a rezoning case does not relieve me from adherence to any/all City adopted Codes/Ordinances

at the time of plan submittal for building permits. Nor does it relieve me from adherence to any/all state or federal rules and regulations.”

- Drawn to scale
- Property lines
- Location of all buildings
- North Arrow
- Adjacent street names
- Driveways/ means of ingress or egress
- Number of parking spaces (parking calculation table required)
- Dimensions of parking space & maneuvering space

*This is not the appropriate application when requesting a Special Use (SUP) Overlay for Short Term Rental use, please reference [Short-Term / Vacation Rental Guide & Process](#) for more information on that process.*

If your application is accepted, you'll be asked to pay the non-refundable fees, starting at **\$1,750** with additional fees based on the acreage of the property, the 3% technology fee, newspaper notices, and other associated costs.

The **rezoning** request will first have a public hearing before **Planning Commission**, where the Commission will make a recommendation to **City Council**.

The request will then go to its first public hearing as an individual item before City Council. If approved, a second and final reading will be scheduled, where City Council will make their final decision on approval or denial of the request.

If the ordinance passes both readings, the zoning change becomes effective immediately upon the second and final reading. The applicant will be sent a copy of the ordinance signed by the Mayor. If the ordinance fails at any of the two readings at City Council, it is considered denied at that point.

Note, if **20%** of the surrounding land area oppose the request, then a super majority vote (¾ of the Council body) is required from **City Council** for approval.

# Defintions

**The Definitions here are simplified version of their true definitions, please see Section 144 for further specification and definitions.**

**Special Use (SUP) Overlay** – also known as a Special Use Permit, is a change in zoning request that allows for a special use to be added to the base zoning of a deeded property. This request goes before Planning Commission and City Council with Council as the deciding body. This is not a permit but a zoning change.

**SUP Type 1** - Regulates land use only; does not require specific site plan or schedule. Construction within a Type 1 special use permit will comply with all of the standard construction requirements for the approved use at the time of construction permit, including drainage plans, TIA, driveway location, and landscaping.

**SUP Type 2** - Requires a site plan drawn to scale and shall show the arrangement of the project in detail, including parking facilities, locations of buildings, uses to be permitted, landscaping, and means of egress and ingress. Type 2 SUPs are tied to the approved site plan, any deviation will require amendment to the SUP or lead to the invalidation of the SUP. Please refer to [Sec. 144-3.6](#) for more information and regulations.

**Base Zoning Change** – a zoning request that changes the zoning of a property from one zoning district to another, adopting all of the allowances and restrictions of the proposed zoning district. The request goes before Planning Commission and City Council with Council as the deciding body.

**Zoning** - The purpose of zoning land in the City of New Braunfels is to promote the health, safety, and general welfare of the public. Zoning districts and regulations are established to maintain land use compatibility, provide fire separation, prevent overcrowding of land, ensure adequate light and air, as well as guarantee sufficient transportation, utilities, parks and other public facilities to accommodate growth.