

ORDINANCE NO. 2025-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING 0.22 ACRES, BEING OUT OF THE PARKVIEW ESTATES 1 SUBDIVISION, BLOCK 1, LOT 8, CURRENTLY ADDRESSED AT 443 LOCKENER AVE, FROM C-1 (LOCAL BUSINESS DISTRICT) TO C-1 SUP (LOCAL BUSINESS DISTRICT WITH A SPECIAL USE PERMIT FOR A SHORT TERM RENTAL OF A RESIDENCE); 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 short term rental use; and

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

WHEREAS, the City Council desires to grant a Special Use Permit at 443 Lockener Ave, to allow short term rental of a residence in C-1 (Local Business 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 and conditions herein described:

Being out of the Parkview Estates 1 Subdivision, Block 1, Lot 8, being as depicted on Exhibit "A" attached.

SECTION 2

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

1. The residential character of the property must be maintained.
2. The property will remain in compliance with the approved site plan Exhibit “B” and floor plan Exhibit “C”. Any significant changes to the site plan will require a revision to the SUP.
3. A paved driveway with two paved 9ft by 18ft parking spaces must be available for use prior to the issuance of a Short-Term Rental Permit.

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 January 2025.

PASSED AND APPROVED: Second reading this 27th day of January 2025.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

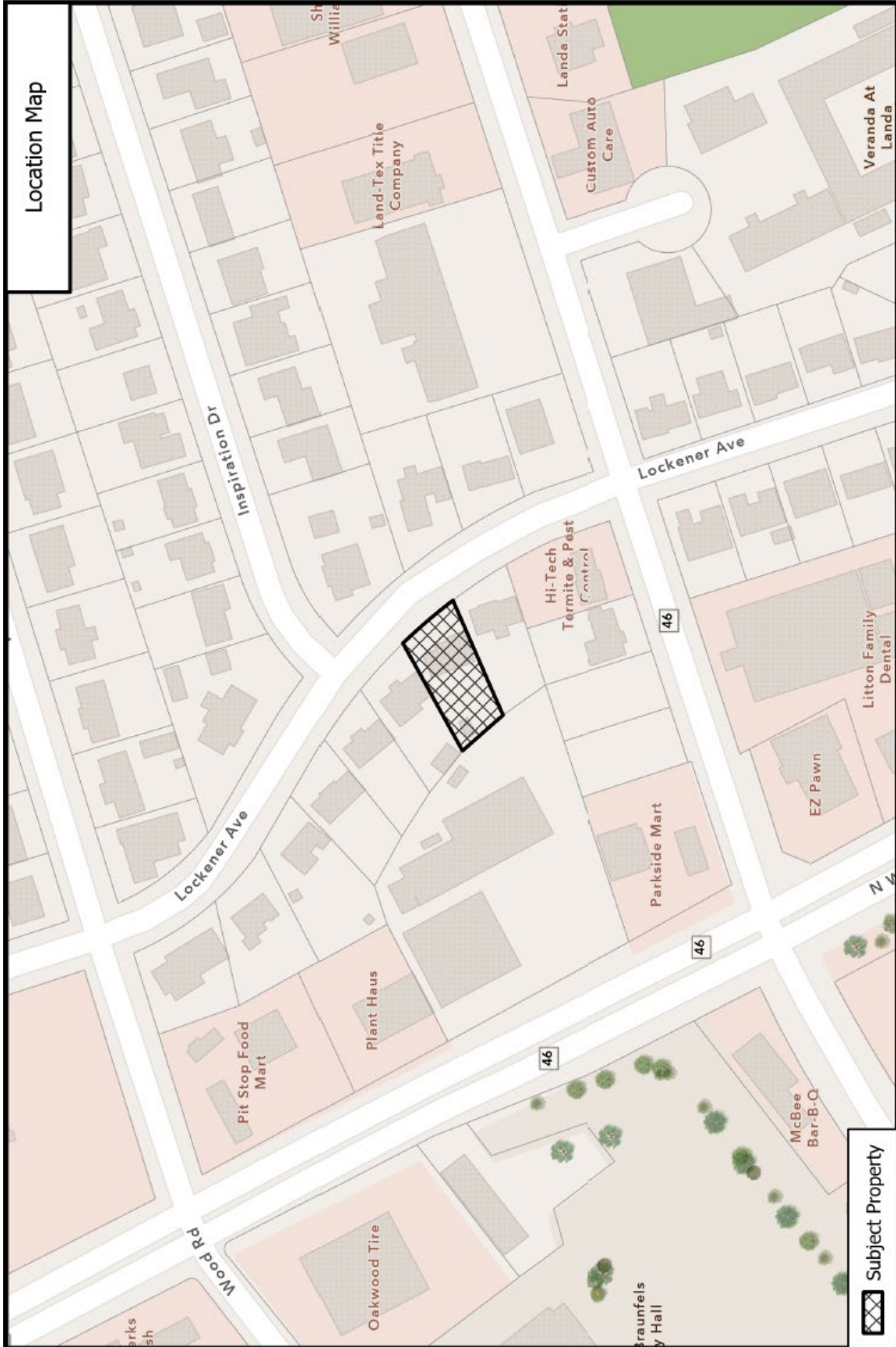
ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"



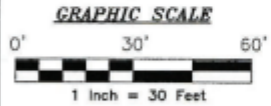
Location Map

Subject Property

EXHIBIT "B"

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	--	73.85'	--	--	--
C2	513.00'	73.78'	73.72'	S 41°03'43" E	08°14'25"

I Jerald Fragoso, the property owner, acknowledge that this site plan submitted for the purpose of rezoning this property is in accordance with all applicable provisions of the Zoning Ordinance. Additionally, I understand that the 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.



2 parking spaces

LEGEND

- These standard symbols will be found in the drawing.
- BOUNDARY LINE
 - - - EASEMENT LINE
 - · - · BUILDING SETBACK LINE
 - · - · CHAINLINK FENCE
 - · - · OVERHEAD ELECTRIC
 - ⊙ SET IRON ROD
 - FOUND IRON ROD
 - ⊠ TELEPHONE PEDESTAL
 - ⊕ WATER METER
 - ⊖ ELECTRIC METER
 - ⊗ GAS METER
 - ⊙ POWER POLE
 - (PLAT) RECORDED ON PLAT
 - (F.M.) FIELD MEASURED

SURVEYOR'S NOTES:
 BASIS OF BEARING, TEXAS SOUTH CENTRAL ZONE, MAG 83.
 THE ORIGINAL PLAT IS WITHOUT CURVE DATA. THE CURVE DATA SHOWN ON THIS SURVEY IS CONSTRUCTED BASED ON FIELD MEASURED STREET CENTERLINE CONTROL OFFSETS.
 At date of this survey, the property is in FEMA designated ZONE SLICED X, Areas of 0.2% Annual Chance Flood, as verified by FEMA map Panel No. 48501C 0435 F effective date of SEPTEMBER 02, 2009.
 Elevation designations can only be determined by a Elevation Certificate. This information is subject to change as a result of future FEMA map revisions and/or amendments.

The survey is hereby accepted with the discrepancies, omissions, or shortages in area or boundary lines, encroachments, provisions, or other pertinent improvements shown.

I, **ROBERT W. JOHNSTON**, a Registered Professional Land Surveyor in the State of Texas, do hereby certify to **AGARD TITLE COMPANY** and that the above map is true and correct according to an actual field survey, made by me on the ground or under my supervision, of the property shown hereon. I further certify that all easements and rights-of-way of which I have been advised are shown hereon and that, except as shown, there are no visible encroachments, no visible overlapping of improvements and no apparent discrepancies or conflicts in the boundary lines, and no visible physical evidence of easements or rights-of-way as of the date of the field survey. I further certify that this survey meets or exceeds the minimum standards established by the Texas Board of Professional Engineers and Land Surveyors (Section 128.89).
 Borrower/Owner: **B. CLERMONS LLC**
 Address: **442 LOCKENER AVE.** OF No. **567-44-400042468229-10**
 Effective Date: **March 19, 2024**, Issued Date: **March 27, 2024**
Legal Description of the Land:
 Lot 8, Block 1, PARKVIEW ESTATES, UNIT 1, in the City of New Braunfels, Comal County, Texas, according to plat thereof recorded in Volume 1, Page 57, Map and Plat Records of Comal County, Texas.

SUBJECT TO RESTRICTIVE COVENANTS AND/OR EASEMENTS RECORDED IN:
 VOLUME 1, PAGE 57, MAP AND PLAT RECORDS, COMAL COUNTY, TEXAS
 VOLUME 131, PAGE 285, DEED RECORDS, COMAL COUNTY, TEXAS
 VOLUME 144, PAGE 481, DEED RECORDS, COMAL COUNTY, TEXAS
 VOLUME 164, PAGE 86, DEED RECORDS, COMAL COUNTY, TEXAS
 VOLUME 602, PAGE 711, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS

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 EXCELLENCE IN LAND SURVEYING
 P.O. BOX 160368
 SAN ANTONIO, TEXAS 78216
 PHONE: 410-512-1805
 WEB: WWW.AMERISURVEYORS.COM



FINAL "AS-BUILT" SURVEY

JOB NO.:	NO.	REVISION	DATE
2403096280			
DATE:	03/29/24		
DRAWN BY:	JG/K/MM		
APPROVED BY:	RWJ		



Robert W. Johnston
 R.P.L.S.
 Registered Professional Land Surveyor
 Registration No. 5579

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EXHIBIT "C"

