

**ORDINANCE NO. 2026-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 0.7 OF AN ACRE, BEING OUT OF THE A M ESNARIZAR SURVEY, ABSTRACT 1, CURRENTLY ADDRESSED AT 1092 STATE HIGHWAY 46 SOUTH, C-3 AH (COMMERCIAL, AIRPORT HAZARD OVERLAY DISTRICT) TO C-3 AH SUP (COMMERCIAL, AIRPORT HAZARD OVERLAY DISTRICT WITH A SPECIAL USE PERMIT TO ALLOW SHORT TERM RENTAL OF A RESIDENCE); 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 short term rental use; 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 Special Use Permit at 1092 State Highway 46 South, to allow short term rental of a residence in the C-3 AH (Commercial, Airport Hazard Overlay 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 A M Esnaurizar Survey, Abstract 1, being as delineated on Exhibit "A" and described on Exhibit "B" attached.

## **SECTION 2**

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

1. The residential character of the property must be maintained.
2. The property will remain in compliance with the approved site plan Exhibit "C" and floor plan Exhibit "D". Any significant changes to the site plan will require a revision to the SUP.
3. A paved driveway with three paved 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 12<sup>th</sup> day of January 2026.

**PASSED AND APPROVED:** Second reading this 26<sup>th</sup> day of January 2026.

**CITY OF NEW BRAUNFELS**

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**NEAL LINNARTZ**, Mayor

**ATTEST:**

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**GAYLE WILKINSON**, City Secretary

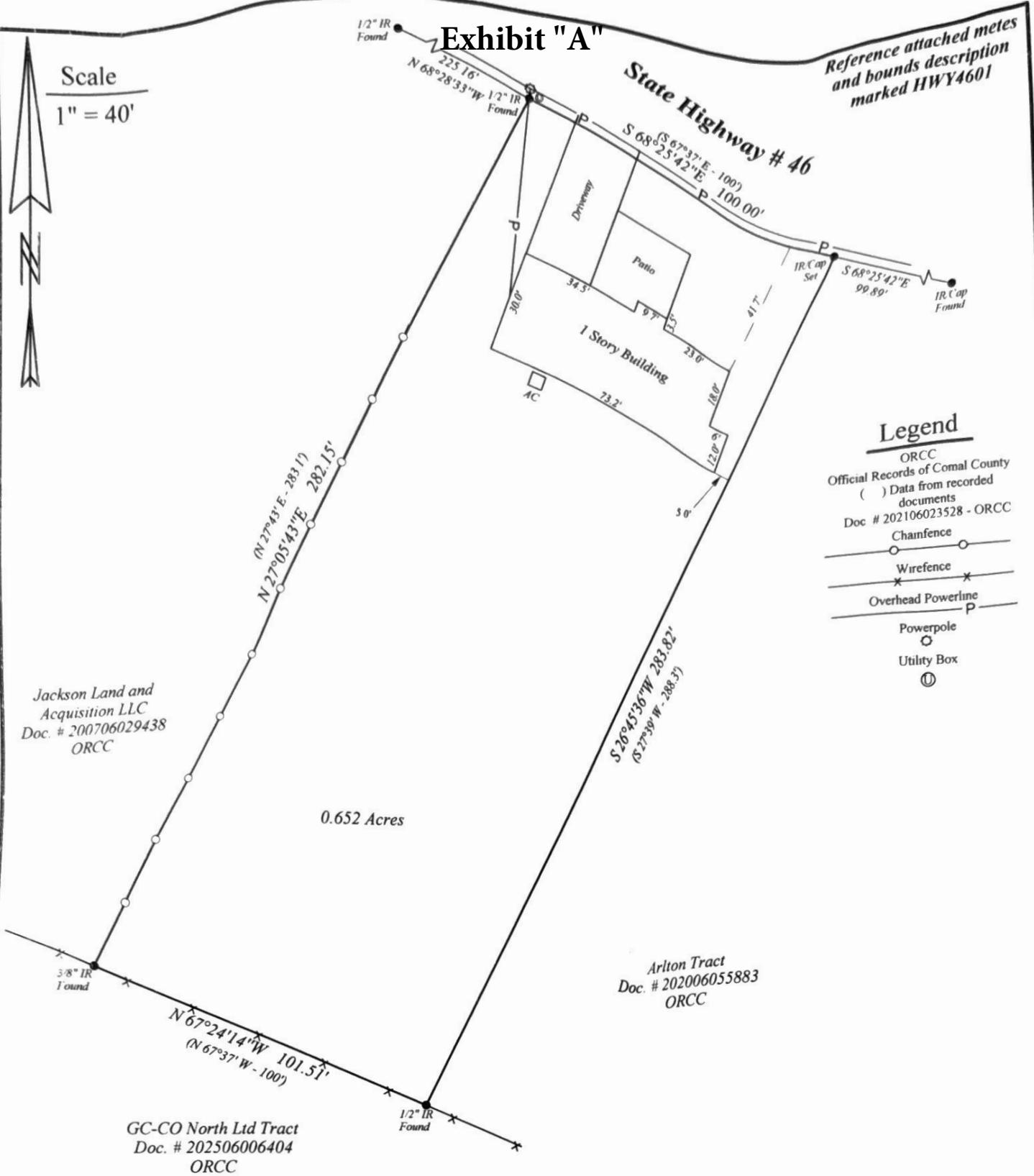
**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO**, City Attorney

# Exhibit "A"

Reference attached metes  
and bounds description  
marked HWY4601



Surveyor's Notes: Fences are shown for graphic purposes and may meander along property lines slightly. All bearings and distances are based upon Texas State Plane Coordinate System, Texas South Central Zone, NAD 1983 datum. This survey was done without the use of a title search. There may be easements/ documents that affect this lot that are not shown.

## PLAT SHOWING SURVEY OF 0.652 ACRES OUT OF AND PART OF THE A. M. ESNAURIZAR ELEVEN LEAGUE GRANT, SUBDIVISION NO. 112, ABSTRACT NO. 98 IN COMAL COUNTY, TEXAS.

FOR: HR SPA Enterprise Inc.

DATE: June 5, 2025

ADDRESS: 1092 State Highway No. 46, New Braunfels, Texas.

The undersigned does hereby certify that this survey was made on the ground of the property legally described hereon and is essentially correct and that said property has access to a public road. Only those plats with a red surveyors seal and red signature shall be deemed reliable and authentic.

Ronald D. Hayes, Registered Professional Land Surveyor, No. 5703

According to the scaling of Map Panel 0455 G of the May 8, 2024 insurance rate map for the County of Comal, Texas, the property described hereon is in the Zone "X" of the flood hazard area and determined to be outside the 100 year flood zone.

HAYES SURVEYING LLC  
202 SUNFLOWER DRIVE  
KYLE, TEXAS 78640  
512-738-0511

# HAYES SURVEYING LLC

## Exhibit "B"

202 SUNFLOWER DRIVE  
KYLE, TEXAS 78640  
512-738-0511

### METES & BOUNDS DESCRIPTION FOR 0.652 ACRES

A tract of land containing 0.652 acres out of and part of the A. M. Esnaurizar Eleven League Grant, Subdivision No. 112, Abstract No. 98 in Comal County, Texas, and being that same tract, called 0.654 acres, as conveyed in April of 2021 to HR SPA ENTERPRISE INC. as recorded and described in Document # 202106023528 of the Official Records of Comal County, said 0.652 acres being surveyed by Hayes Surveying in June of 2025 and being more particularly described as follows;

BEGINNING at a  $\frac{1}{2}$ " iron rod found in the southwest right-of-way of State Highway No. 46 for the most northerly corner of the aforementioned 0.654 acre tract, the most northerly corner of this herein described tract and the most easterly corner of the Jackson Land and Acquisition LLC Tract as conveyed in Document # 200706029438 of the Official Records of Comal County, from which for reference a  $\frac{1}{2}$ " iron rod found for the most northerly corner of the Jackson Land Tract bears N  $68^{\circ} 28' 33''$  W, a distance of 225.16 feet;

THENCE S  $68^{\circ} 25' 42''$  E, along the State Highway # 46 right-of-way, a distance of 100.00 feet to an iron rod with a plastic cap set for the most easterly corner of this herein tract and the most northerly corner of the Arlton Tract as conveyed in Document # 202006055883 of the Official Records of Comal County, from which for reference an iron rod with a plastic cap found for the most easterly corner of the Arlton Tract bears S  $68^{\circ} 25' 42''$  E, a distance of 99.89 feet;

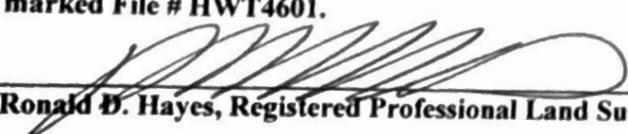
THENCE S  $26^{\circ} 45' 36''$  W, leaving the State Highway No. 46 right-of-way, a distance of 283.82 feet to a  $\frac{1}{2}$ " iron rod found in the northeast property line of the GC-CO North LTD Tract as conveyed in Document # 202506006404 of the Official Records of Comal County, for the most southerly corner of this tract and the most westerly corner of the Arlton Tract;

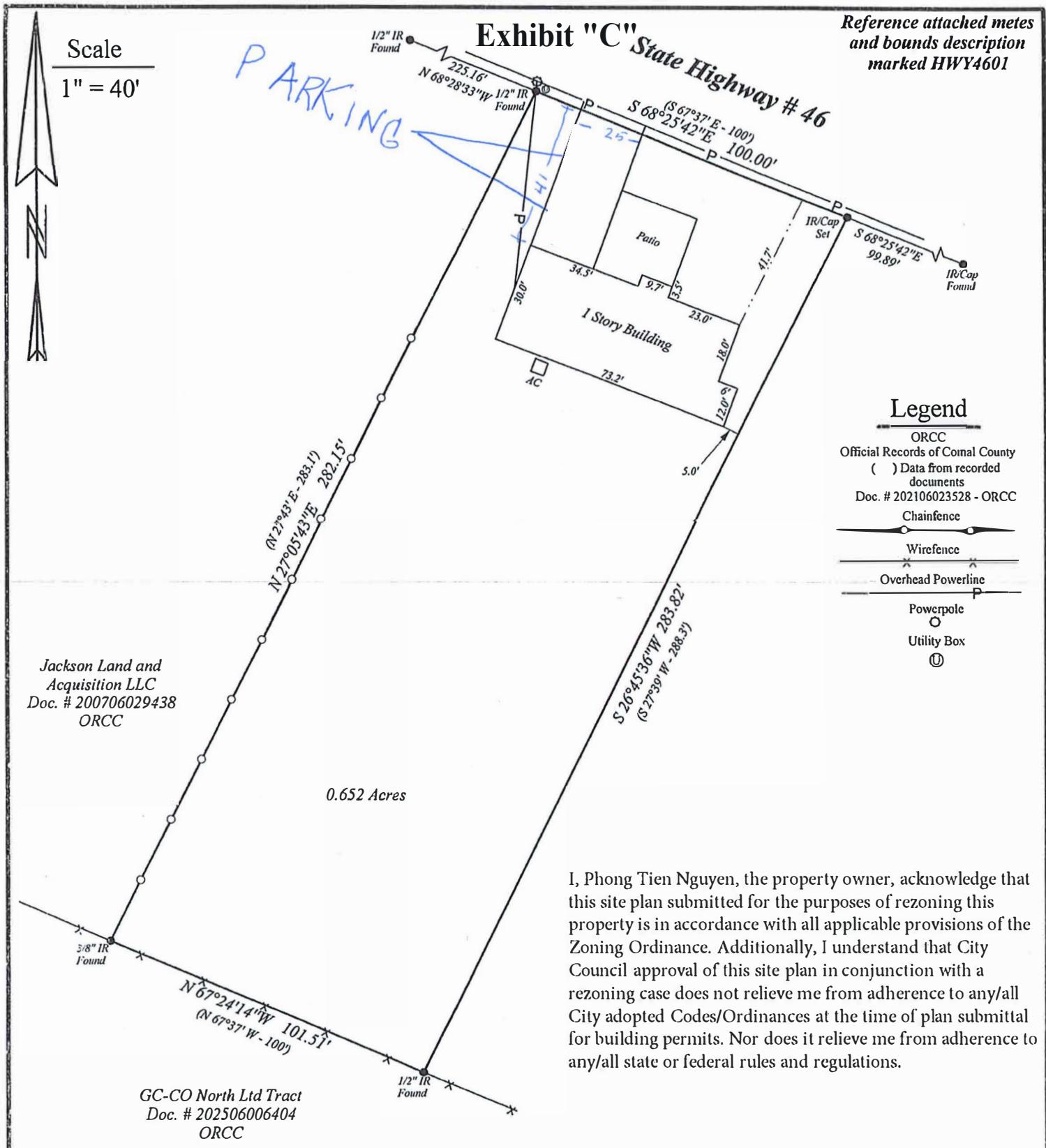
THENCE N  $67^{\circ} 24' 14''$  W, a distance of 101.51 feet to a  $\frac{3}{8}$ " iron rod found for the most westerly corner of this tract and the most southerly corner of the Jackson Land Tract;

THENCE N  $27^{\circ} 05' 43''$  E, a distance of 282.15 feet to the POINT OF BEGINNING, containing 0.652 acres.

All bearings and distances are based upon Texas State Plane Coordinate System, Texas South Central Zone, NAD 1983 datum.

This is to certify that this description of land represents an actual survey made on the ground under my supervision in June of 2025. Only those documents with a red surveyor's signature and an accompanying red surveyor's seal shall be deemed reliable and authentic. Reference the sketch marked File # HWT4601.

  
Ronald D. Hayes, Registered Professional Land Surveyor, No. 5703



I, Phong Tien Nguyen, 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.

# Exhibit "D"

