

**ORDINANCE NO. 2017-**

**AN ORDINANCE OF THE CITY COUNCIL CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 144, ZONING, AMENDING SECTION 1.3, DEFINITIONS; AMENDING SECTION 5.10, TEMPORARY USES BY ADDING SECTION (C) SPECIAL EVENTS; AND AMENDING SECTION 5.23, TEMPORARY VENDING OPERATINGS BY DELETING SECTION 18) SPECIAL EVENTS; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

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**WHEREAS**, the City Council of the City of New Braunfels, Texas, finds it necessary to establish rules and regulations governing the use of land in the city limits; and

**WHEREAS**, the City Council has directed that regulations dealing with the use and development of land be reviewed by the Planning Commission to make recommendations concerning improving those regulations; and

**WHEREAS**, the Planning Commission held a public hearing on September 12, 2017 and recommends approval of amendments to the special events requirements; and

**WHEREAS**, the City Council finds that adopting new regulations for special events enhances the ability of business owners to hold events for a limited period of time is in the best interest of the citizens of New Braunfels; **now therefore**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:**

**SECTION 1**

**THAT** Chapter 144, Zoning, Section 1.3, Definitions, is hereby amended by adding the following:

**Special Event** means a festival, celebration, or gathering that involves the reservation and temporary use of a portion of a private property that includes one or more of the following: entertainment; dancing; music; dramatic productions; art or cultural exhibitions; the sale of merchandise, food, or beverages. The term does not pertain to buildings or properties that are available to the general public and/or that host events on a regular basis, such as: the Wurstfest grounds, the Comal County Fairgrounds, the New Braunfels Civic/Convention Center, Heritage Village, Conservation Plaza, school grounds, private event centers, home owners' association amenity centers/property, and any other similar facility or property.

**SECTION 2**

**THAT** Chapter 144, Zoning, Section 5.10, Temporary Uses, is hereby amended by adding the following:

## 5.10 Temporary Uses

### (c) Special Events.

- (1) Purpose. Standards for special events are set forth to minimize adverse effects to the public health, safety, or convenience; to ensure compatibility with nearby uses; to avoid creating traffic hazards or congestion; and to curtail any interruptions or interferences with the normal conduct of uses and activities in the vicinity; while providing opportunities for hosting limited events.
- (2) Criteria for Approval.
  - a. Location.
    - i. There can be no activity on vacant, unimproved property.
    - ii. All special event activities must occur on private property. No activity, parking, or signage may be located on public property or street right-of-way or within 25 feet of a street intersection, measured at the right-of-way line, as to create a visual distraction.
  - b. Hours of Operation. The hours of operation for the special event shall be between 8:00 a.m. and 9:00 p.m. This does not include set up or tear down.
  - c. Length of Special Event. The special event cannot exceed 25 days in a calendar year and cannot be held for more than 4 days consecutively. One permit can include multiple occurrences of the same event utilizing the same site plan within a one year period.
  - d. Parking. Required parking for the host business may not be occupied by special event activities during the host business's hours of operation.
  - e. Music and Sound.
    - i. The special event may not have music (amplified or otherwise) closer than 200 feet to a property zoned or used for single- or two-family residences. While the property hosting the special event and the event space itself can be within 200 feet of a property zoned or used for single- or two-family residences, any music (amplified or otherwise) must be separated by at least 200 feet.
    - ii. All speakers or other sound amplification devices must be directed and oriented away from nearby residences (single-family, two-family and multifamily).
    - iii. All noise/sound must comply with Chapter 82, Offenses and Miscellaneous Provisions, Sec. 82-9, Noise Regulations.
  - f. Lighting.
    - i. All lighting must comply with the requirements in Chapter 144, Zoning.
    - ii. All lighting must be directed away from nearby residences (single-family, two-family and multifamily) and away from public right-of-way.
  - g. Signage. All signage must comply with Chapter 106, Signs.
  - h. Structures. No permanent structures may be erected as part of the special event. The special event must comply with all City ordinances.

- i. Restrooms.
    - i. The special event organizer must provide restrooms for event attendees. Restrooms in the host business can count towards this requirement.
    - ii. Portable restrooms may not be located within 200 feet of any residential (single-family, two-family or multifamily) property.
  - j. Refuse. A sufficient quantity of garbage receptacles shall be provided and maintained so that permitted sites are kept clean of all debris, trash, and litter at all times.
- (3) The application must provide the following:
- a. The application must be submitted no less than 15 business days prior to the proposed special event.
  - b. Name, address and appropriate contact information for the special event.
  - c. List of contacts and phone numbers during the special event.
  - d. Anticipated/estimated attendance.
  - e. A detailed diagram/site plan of the property. This should include all buildings, tents, temporary structures, speakers and amplifiers, restrooms, barricades, fences, and parking spaces. Distances and dimensions are required. Neighboring uses should also be documented on the diagram/site plan.
  - f. A detailed parking and traffic control plan.
  - g. A detailed description of the special event/activity to occur (this should include any programs/schedules/agendas/promotional material).
  - h. A description of any goods/food to be sold/vended.
  - i. Any other additional information required by the Planning and Community Development Department in order to facilitate analysis of the special event.
  - j. All relevant permits must be obtained from the Police Department, Fire Department, Environmental Services Division, Building Division, Engineering Division and Solid Waste Division.
  - k. Applicable fee. See Article VII - Fees.
- (4) Consideration of Application. The Planning and Community Development Department shall approve or deny any completed application based on the above criteria and any additional information deemed necessary for a thorough review. Any application that is missing information will be considered incomplete and will not be processed. If approved, a permit containing the relevant special event information will be issued.

### **SECTION 3**

**THAT** Chapter 144, Zoning, Section 7.1, Fee Schedule, is hereby amended by adding the following:

Special Event Permit - \$150 (\$75 if a nonprofit organization)

#### **SECTION 4**

**THAT** Chapter 144, Zoning, Section 5.23-18, Special Events, is hereby deleted and reserved for future use as shown below:

~~5.23-18 Special Events. Special events may operate for a maximum of 10 days, at which time the Temporary Vending Operations must be removed. The event may recur a maximum of once per month. All temporary facilities (booths, utilities) must be removed between events. A minimum of 10 vendors must be present to be considered a special event. Portable restrooms are permitted with special events. No additional parking is required. For the purposes of this section, Special events do not include the following:~~

- ~~(a) Those events occurring on premises designed for events, such as Wurstfest or the Comal County Fair and Rodeo~~
- ~~(b) Those events held at facilities designed for public assembly, such as the Civic/Convention Center~~

#### **SECTION 5**

**THAT** it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

#### **SECTION 6**

**THAT**, all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

#### **SECTION 7**

**THAT** all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

#### **SECTION 8**

**THAT** in accordance with the provisions of the City Charter, this Ordinance may be read and published by descriptive caption only. This Ordinance has been publicly available in the office of the City Secretary prior to its adoption.

#### **SECTION 9**

**THAT** this Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

**SECTION 10**

**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 the 9<sup>th</sup> day of October, 2017.

**PASSED AND APPROVED:** Second and Final Reading this the 23<sup>rd</sup> day of October, 2017.

**CITY OF NEW BRAUNFELS**

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**BARRON CASTEEL, Mayor**

**ATTEST:**

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**PATRICK D. ATEN, City Secretary**

**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO, City Attorney**

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