

**ORDINANCE NO. 2017-**

**AN ORDINANCE OF THE CITY COUNCIL CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 144, ZONING, SECTION 2.2. ZONING BOARD OF ADJUSTMENT (ZBA); SECTION 5.1, PARKING, LOADING, STACKING AND VEHICULAR CIRCULATION; AND SECTION 7.1, FEE SCHEDULE; 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 October 4, 2017 and recommends approval of amendments to the parking requirements; and

**WHEREAS**, the City Council finds that adopting new regulations for parking enhances the ability of business owners meet off-site parking requirements 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 2.2. Zoning Board of Adjustment (ZBA), is hereby amended as shown below:

Sec. 144-2.2. - Zoning board of adjustment (ZBA).

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2.2-4. *Special exceptions.*

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~~(b) *Off-site parking.* The ZBA may grant a special exception to requiring that all required parking must be on the same lot or parcel as the structures they are intended to serve if it finds all of the following:~~

~~(1) The applicant has submitted an access plan which shows that the off-site parking spaces area is reasonably and safely accessible by the public by foot;~~

- ~~(2) The nearest edge of the first parking space of the off-site parking area is no further than 400 feet from the lot or parcel of the premise using the off-site parking;~~
- ~~(3) The off-site parking spaces are not shared with any other off-premise use and are not required parking for any other premise;~~
- ~~(4) The off-site parking spaces shall be paved and striped to city code prior to a certificate of occupancy being granted to the premise using the off-site parking, unless a variance is granted by the ZBA;~~
- ~~(5) An off-site parking agreement between the off-site parking property owner and the property owner of the premise using the off-site parking, on a form approved by the city attorney, is approved by the board. The term of the agreement shall be no less than ten years. The agreement shall bind future owners or assigns. The agreement shall state that, if for any reason the agreement is not followed, the owner of the premise using the off-site parking shall acknowledge that the premise is in violation of this chapter and that the certificate of occupancy may be voided by the city. The agreement shall state that it cannot be done away with unless by written agreement from the city, is replaced with on-site parking to code, or is replaced with another off-site parking agreement.  
~~— If the ZBA approves the off-site parking agreement, the city shall cause such agreement to be recorded in the appropriate county deed records.~~  
~~— If any of the above conditions or other conditions of the special exception approved by the ZBA are not followed, the special exception shall become void; and~~~~
- ~~(6) Directional signage shall be provided as follows:
 
  - ~~(a) At the entrance to the off-site parking. There shall be no more than one such directional sign, it shall be no larger than four square feet per face, and state parking for the establishment using the off-site parking.~~
  - ~~(b) In the on-site parking area of the establishment using the off-site parking, stating and/or showing where the off-site parking is located. There shall be no more than one such sign that shall be no larger than four square feet per face.~~~~

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## SECTION 2

THAT Chapter 144, Zoning, Section 5.1. Parking, Loading, Stacking and Vehicular Circulation, is hereby amended as shown below:

### 5.1. *Parking, Loading, Stacking and Vehicular Circulation.*

#### 5.1-1. *General provisions:*

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- ~~(c) *Location.* The off-street parking facilities required for the uses mentioned in this regulation and for other similar uses shall be on the same lot or parcel of land as the structures they are intended to serve, unless a special exception is granted by the Zoning Board of Adjustment (ZBA) an off-site parking application is approved, in accordance with this Chapter.~~

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(g) *Shared parking.*

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- (3) Shared parking must be on the same parking lot, unless ~~a special exception to on-site parking is granted~~ an off-site parking application is approved.

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(i) Off-site parking. As a means of satisfying off-street parking requirements, off-site parking shall be permitted with the approval of an application for off-site parking. Off-site parking is subject to the following:

- (1) The applicant has submitted an application for off-site parking that includes an access plan demonstrating that access to the off-site parking is reasonably and safely accessible by the public by foot;

- (2) The nearest edge of the closest parking space of the off-site parking is no further than 800 feet from the lot or parcel of the premise using the off-site parking (subject property);

- (3) The off-site parking spaces are not shared with any other off-premise use and are not required parking for any other premise;

- (4) The off-site parking spaces shall be paved and striped to city code prior to a certificate of occupancy being granted to the premise using the off-site parking;

- (5) An off-site parking agreement between the off-site parking area property owner and the property owner of the subject property on a form approved by the City Attorney. The term of the agreement shall be no less than 10 years. The agreement shall bind future owners or assigns. The agreement shall state that, if for any reason the agreement is not followed, the owner of the subject property shall acknowledge that the property is in violation of this chapter and that the certificate of occupancy may be voided by the city. The agreement shall state that it cannot be cancelled or amended unless by written agreement from the city, is replaced with on-site parking in accordance with code, or is replaced with another off-site parking agreement;

- (6) Failure to renew or maintain an off-site parking agreement for required parking may result in loss of compliance with off-street parking requirements resulting in the revocation of the certificate of occupancy; and,

- (7) Directional signage shall be provided as follows:

- (a) At the entrance to the off-site parking. There shall be no more than one such directional sign, it shall be no larger than four square feet per face, and state parking is allowed for the establishment using the off-site parking.

- (b) In the on-site parking area of the subject property, stating and/or showing where the off-site parking is located. There shall be no more than one such sign that shall be no larger than four square feet per face.

- (8) 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, the off-

site parking agreement shall be recorded in the appropriate county deed records and a copy shall be provided to the Planning and Community Development Department. If denied, the applicant may appeal to the Zoning Board of Adjustment in accordance with this chapter.

~~(i)~~ Valet parking.

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### **SECTION 3**

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

Off-site parking - \$250

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### **SECTION 4**

**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 5**

**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 6**

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

### **SECTION 7**

**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 8**

**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 9**

**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**