ORDINANCE NO. 2017-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING CHAPTER 118, PLATTING, ARTICLE IV, DESIGN STANDARDS, SECTION 118-46, STREETS RELATING TO MEDIANS AND TRAFFIC CALMING; PAVEMENT AND RIGHT-OF-WAY WIDTHS; TRAFFIC IMPACT ANALYSIS; STREET SIGNS; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the State of Texas has enacted legislation empowering municipalities to exercise authority relating to subdivision regulation; and

WHEREAS, the Planning Commission unanimously recommends to the City Council adoption of amendments; and

WHEREAS, the City Council has determined that it is in the best interest of the citizens of New Braunfels to amend Chapter 118, Section 118-46;

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

SECTION 1.

THAT, Section 118-46, Streets, is amended by deleting paragraphs (a), (b), (l), (s), (t), (y) subsection (1) and (z), and adding new paragraphs (a), (b), (l), (s), (t), (y) subsection (1) and (z) as follows:

(a) *Street layout*. Adequate streets shall be provided by the subdivider and the arrangement, character, extent, width, grade and location of each shall be considered in their relation to existing and planned streets, topographical conditions, public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served by such streets. Local residential streets should be laid out so as to discourage their use by through traffic. A waiver may be considered for local residential streets as defined in subsection (s) that may curve, meander, and otherwise deviate from the radius and tangent requirements set forth in subsection (s) when:

(1) The developer's engineer designs streets that meet recognized standards, and

(2) The planning commission determines that such design is not contrary to the best interest of the city and the users of its street system.

(b) *Streets on city comprehensive plan or thoroughfare plan*.

(1) With regard to the comprehensive plan, the city council has adopted the city comprehensive plan as a guide for growth and development of the entire city and its extraterritorial jurisdiction. In particular the future land use plan, shall not be nor be considered a zoning map, nor constitute zoning regulations or establish zoning boundaries and shall not be site nor parcel specific and shall be used to illustrate generalized locations. The thoroughfare plan shall depict generalized locations of new alignments which are subject to modification to fit local conditions and are subject to refinement as development occurs.

(2) Whenever a tract to be platted borders on or embraces any part of any street shown on the thoroughfare plan, such part of such proposed street shall be shown on the master plan or the plat. All arterial and collector street locations, alignments, right-of-way widths, pavement widths, and cross sections shall be determined by the planning commission and city council in accordance with its adopted thoroughfare plan.

(l) *Medians and traffic calming*. A median is the portion of the roadway separating opposing directions of the traveled way. Medians are desirable on collectors and arterials carrying four or more lanes of traffic for operations, access management and safety. Other uses of a median are that it may offer an open green space, may provide a refuge area for pedestrians and may control the location of intersection traffic conflicts. Median design shall meet recognized engineering design standards. Landscaping, vegetation and other natural features in medians may constitute roadside obstacles and shall meet recognized roadside and sight distance standards. Traffic calming is the use of physical devices to influence vehicle operations in order to reduce anticipated speeds and through traffic, and increase driver awareness in residential areas. Traffic calming may be placed on local and residential collector streets adjacent to one and two family residential lots. Traffic calming measures may include road narrowing, midblock medians, cul-de-sac islands, curb extensions, traffic circles and roundabouts. Traffic calming measures shall meet recognized engineering design standards.

(s) *Pavement and rights-of-way widths, street grades and horizontal curves for public streets*. Pavement widths shall be measured from the face of one curb to the face of the other curb. Pavement and rights-of-way widths, street grades, horizontal curves and sidewalks shall be in accordance with the adopted regional transportation plan and as follows, unless an exception is granted by the city council after review and recommendation by planning commission and the city engineer:

(1) *Interstate*.
   a. Right-of-way (min.): 300-450’
(2) *Expressway*.

a. Right-of-way (min.): 200-300’

(3) *Parkway*.

a. Right-of-way (min.): 200’

(4) *Principal Arterial*.

a. Right-of-way (min.): 150’
b. Pavement width (min.): 72’
c. Centerline radius (min.): 1,200’
d. Tangent between reverse curves (min.): 375’
e. Minimum grade: 0.5%
f. Maximum grade: 5%
g. Design speed: 50 mph
h. Sidewalks: Yes
i. Parking allowed: No

(5) *Minor Arterial*.

a. Right-of-way (min.): 120’
b. Pavement width (min.): 48’
c. Centerline radius (min.): 1,200’
d. Tangent between reverse curves (min.): 375’
e. Minimum grade: 0.5%
f. Maximum grade: 5%
g. Design speed: 45 mph
h. Sidewalks: Yes
i. Parking allowed: No

(6) *Major Collector*.

a. Right-of-way (min.): 90’
b. Pavement width (min.): 48’
c. Centerline radius (min.): 770’
d. Tangent between reverse curves (min.): 250’
e. Minimum grade: 0.5%
f. Maximum grade: 6%
g. Design speed: 40 mph
h. Sidewalks: Yes
i. Parking allowed: Varies depending on lane configuration

(7) *Minor Collector*.

a. Right-of-way (min.): 60’
b. Pavement width (min.): 40’
c. Centerline radius (min.): 510’
d. Tangent between reverse curves (min.): 100’
e. Minimum grade: 0.5%
f. Maximum grade: 8%
g. Design speed: 35 mph
h. Sidewalks: Yes
i. Parking allowed: Varies depending on lane configuration

(8) *Residential Collector*.

a. Right-of-way (min.): 60’
b. Pavement width (min.): 36’

c. Centerline radius (min.): 340’
d. Tangent between reverse curves (min.): 100’
e. Minimum grade: 0.5%
f. Maximum grade: 10%
g. Design speed: 30 mph
h. Sidewalks: Yes
i. Parking allowed: Yes
j. Average daily traffic: Less than 5,000

(9) *Local Street, Multifamily, Industrial and Commercial*.
a. Right-of-way (min.): 60’
b. Pavement width (min.): 40’
c. Centerline radius (min.): 340’
d. Tangent between reverse curves (min.): 50’
e. Minimum grade: 0.5%
f. Maximum grade: 10%
g. Design speed: 30 mph
h. Sidewalks: Yes
i. Parking allowed: Yes
j. Average daily traffic: Less than 1,000

(10) *Local Street, One- and Two-Family Residential*.
a. Right-of-way (min.): 50’
b. Pavement width (min.): 30’
c. Centerline radius (min.): 125’
d. Tangent between reverse curves (min.): 50’
e. Minimum grade: 0.5%
f. Maximum grade: 12%
g. Design speed: 20 mph
h. Sidewalks: Yes
i. Parking allowed: Yes
j. Average daily traffic: Less than 1,000

(11) *Local Street, One-Family Large Lot Residential (Minimum 100 feet lot frontage)*.
a. Right-of-way (min.): 60’
b. Pavement width (min.): 24’
c. Centerline radius (min.): 125’
d. Tangent between reverse curves (min.): 50’
e. Minimum grade: 0.5%
f. Maximum grade: 12%
g. Design speed: 20 mph
h. Sidewalks: No
i. Parking allowed: No
j. Average daily traffic: Less than 1,000

Design standards not specified in this section shall conform to the latest edition of the American Association of State Highway and Transportation Officials A Policy on Geometric Design of Highways and Streets. Design

standards on state highways shall conform to the requirements of the Texas Department of Transportation.

(t) *Responsibility for right-of-way dedication and public street construction*.

(1) Internal streets.

a. The developer shall be responsible for the dedication and construction of all local and collector streets within his subdivision at his own expense. The developer may also be required to construct at least 2 lanes of an arterial street, if such is supported by a traffic impact analysis (TIA), and if such construction does not impose a disproportionate burden on the property owner or his property.

b. The developer may be required to dedicate additional ROW and construct additional lanes of an arterial street or TxDOT road based on the planning commission's review of a traffic impact analysis (TIA), and if such construction does not impose a disproportionate burden on the property owner or his property.

c. The planning commission may allow in lieu of construction an escrow be deposited for a period no longer than ten years equal to the developer's roughly proportionate share of the cost of constructing streets, the value of which shall be approved by the city engineer.

d. Streets shall be constructed in accordance with this chapter.

(2) Perimeter streets.

a. The developer shall, at his own cost, dedicate or reserve such right-of-way for approach and perimeter streets, if such dedication or reservation does not impose a disproportionate burden on the property owner or his property.

b. The city may at the city's sole option pay for street right-of-way acquisition or street construction that is in excess of the demand caused by the subdivision or development.

c. Adequate access.

1. All subdivisions shall have access to an adequate perimeter or approach street. An adequate perimeter or approach street is a dedicated public street that has an average pavement width of at least 24 feet adjacent to the area being platted, even though such pavement is not to city standards at the time of platting. If the approach or perimeter street is adequate, the developer shall not be required to build additional approach or perimeter streets, but shall be required to dedicate or reserve right-of-way according to this section. If a subdivision does not have access to an adequate perimeter or approach street, as defined above, the planning commission may deny the

plat, the developer may construct an adequate street as determined by the commission, or the developer may offer to enter into a development agreement with the city for sharing in the cost of constructing an adequate street. Such development agreement may be approved by the city council.

2. If there is more than one perimeter or approach street adjacent to the area being platted, at least one of those streets must be adequate, or be constructed to be adequate, and improvement of the other(s) perimeter or approach street(s) is (are) not required to be adequate. However, right-of-way shall be dedicated or reserved according to this section for all perimeter or approach roads.
3. If the area being platted has adequate access but is adjacent to other inadequate perimeter or approach street(s), the developer may either improve the inadequate street(s) to city specifications in the area adjacent to the area being platted or not take access to the inadequate street(s). The planning commission may require a "stub out" of an internal street to the inadequate perimeter or approach street and the developer may be required to provide a temporary turn around for a dead end street in accordance with this chapter.
4. The construction of an adequate access shall be according to the standards of this chapter and chapter 114.

d. Based on a traffic impact analysis, the commission may require a developer to dedicate or reserve right-of-way and/or construct street improvements to mitigate adverse traffic impacts shown by the analysis which the commission deems appropriate and roughly proportionate to the development's impact.

(y) *Traffic impact analysis*.

(1) Requirements. No master plan, plat, building permit or driveway access shall be approved unless a traffic impact analysis (TIA) worksheet or TIA, as provided for in this section, is completed by the developer and approved by the city engineer. A TIA may also be required by the planning director, the commission or the city council as part of a zoning change application.

TIA Table Submittal Type

Peak Hour Trips	Submittal Type

100 or less	TIA Worksheet
101-500	Level 1 TIA
501-1,000	Level 2 TIA
1,001 or more	Level 3 TIA

When an activity on, or change occurs that varies from the activity on which a previous TIA was submitted and accepted, and the new activity places the project into a level different from that of the previous TIA or generates an increase of at least 100 PHT (or ten percent for a level 3 TIA) relative to the previous TIA, the property owner or its agent shall perform and submit to the city an amended TIA under the format described in this section.

(z) *Street signs*. Street signs shall be installed, at the cost of the developer and at no cost to the city, in accordance with approved construction plans.

SECTION 2.

This Ordinance shall be and is hereby declared to be cumulative to all other ordinances of the City of New Braunfels relating to parking within the City of New Braunfels, and same shall not operate to repeal or affect any such ordinance or ordinances except insofar as the provisions of such ordinance or ordinances are inconsistent or in conflict with the provisions of this Ordinance, in which instance or instances those provisions shall be and they are hereby repealed.

SECTION 3.

That if any provisions of this Ordinance shall be held void, illegal, or unconstitutional, it is hereby provided that all other parts of the same which are not held void, illegal or unconstitutional shall remain in full force and effect.

SECTION 4.

This Ordinance shall take effect upon the second and final reading of the same.

PASSED AND APPROVED: First reading this the _____ day of _____, 2017.

PASSED AND APPROVED: Second reading this the _____ day of _____, 2017.

CITY OF NEW BRAUNFELS, TEXAS

BARRON CASTEEL, MAYOR

ATTEST:

PATRICK D. ATEN, CITY SECRETARY

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY