

Sec. 114-94. - Permit required; application.

- (a) Any owner, authorized agent, or contractor who desires to construct, add, alter, enlarge, repair, move or demolish access across public property to abutting private property shall make application to the building official and obtain a building permit and pay all required fees.
- (b) Permit procedure for approval of access to all roadways.
 - (1) Any building permit applications submitted which include or involve driveways shall be referred to the city engineer for approval before a building permit is issued.
 - (2) A written separate driveway permit for a new development shall not be required. Approval of driveway location and design for new properties and other developments on a final plat, building plan or site plan shall be considered the permit for driveway installation.
 - (3) Any property owner desiring a new driveway or an improvement to an existing driveway at an existing residential or other property shall make application for a building permit, designate the contractor who will do the work, and provide a sketch or drawing showing clearly the driveway, parking area, or doorway to be connected and the location of the nearest existing driveways on the same and opposite sides of the roadway. The city engineer will prescribe the construction procedure to be followed.
 - (4) All permits granted for the use of public property under the terms of this section shall be revocable at the will of the city council.
 - (5) The contractor installing the access connection shall have a copy of the permit at the site.
- (c) If access is to a TxDOT road, the application shall include a document showing TxDOT's approval of the access.
- (d) Railroad quiet zones are established throughout the city at designated public highway-rail grade crossings per Title 49 of the Code of Federal Regulations. Supplementary safety measures, including "Gates with Medians or Channelization Devices" were installed for public highway-rail grade crossings in the established quiet zones in the city and should be referenced with all development permits within 100 feet of the gate arm of a crossing. No permit shall be issued that will alter the supplementary safety measures or risk removal of an established quiet zone crossing. New access shall not be granted within 100 feet of an existing or future railroad gate arm in order to maintain and plan for future quiet zones.
- (e) Capital Projects Access Permit: Any owner or authorized agent, who desires to construct, add, alter, enlarge or move access across public property to abutting private property during the course of a project being performed by the City of New Braunfels Capital Programs Division shall make application to the City Engineer and obtain a Capital Projects Access Permit and pay all required fees to include escrowing the amount necessary for the City's Contractor to construct, add, alter, enlarge or move the access across public property. Said escrow funds shall be applied to the Capital Programs Division construction account for the respective project. All applications are subject to approval of the City Engineer or Public Works Director or their designee.

(Ord. No. 2005-75, § 1(Exh. A), 10-24-05; Ord. No. 2017-72, § I, 9-25-17)