

Legislation Text

File #: 17-104, **Version:** 1

Presenter

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SUBJECT:

Approval of the second and final reading of an ordinance regarding amendments to the Code of Ordinances, Chapter 118 Platting, Section 46(x) Private Streets.

BACKGROUND / RATIONALE:

Case No.: CS-16-019

Council District: All

Applicant: City of New Braunfels
550 Landa Street
New Braunfels, TX 78130

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City Council held a public hearing on January 23, 2017 and unanimously approved the first reading of this proposed ordinance.

Section 46(x) of the Platting Ordinance indicates subdivisions may be designed with private streets if approved with a subdivision master plan or final plat. Subdivisions with private streets are subject to the following:

- Structural standards for private streets must meet those standards for public streets.
- Dimensional standards for private streets do not have to meet the Ordinance standards for public streets if a waiver is approved by the Planning Commission.
- An HOA or property owners' association is required to maintain private streets. The City shall not pay for any portion of the cost of constructing or maintaining a private street.
- Entrances to all private streets shall be clearly marked with a sign stating the streets are private and that they are not maintained nor regularly patrolled by the City. All restricted access entrances shall provide a reliable means of ensuring access by the City, emergency service providers, and other utility or service providers.
- Certain City services may not be provided for private street subdivision, including routine law enforcement patrols, enforcement of traffic and parking regulations, and preparation of accident reports. Depending upon the characteristics of development and access limitations, other services such as sanitation may not be provided as well.

Section x.2 allows a developer of a Homeowners Association (HOA) to restrict access (i.e. gated entrance) but does not require access to private streets to be restricted. The New Braunfels Code of Ordinances currently has no specific design standards for gate entry design. These proposed amendments to the Platting Ordinance include design standards to ensure adequate queuing length, turn around space, and emergency access. In addition, if restricted access is intended, the proposed amendment clarifies the gate improvements must be installed prior to acceptance of required subdivision improvements (streets, drainage, water/wastewater lines, etc.).

The proposed amendments were shared with the development community for review, and revisions/improvements were incorporated based on comments received.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

Yes	City Plan/Council Priority: 2006 Comprehensive Plan <i>Pros and Cons Based on Policies Plan</i>	Pros: <i>Objective 20E Periodically review and revise as needed the zoning ordinance, platting regulations, the Thoroughfare Plan and the Future Land Use Plan to incorporate contemporary standards and requirements.</i>
		Cons: None

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on January 3, 2017 and recommended approval of the proposed amendments (9-0-0).

STAFF RECOMMENDATION:

Staff believes that adopting design standards for gated entrances to private streets is in the general interest of the public health, safety and welfare, and recommends approval of the proposed code amendments.

ATTACHMENTS:

1. Proposed Amendments
2. Private Street Location Map
3. Sec. 118-46(x) Private Streets
4. Ordinance