

Legislation Text

File #: 18-262, **Version:** 1

Presenter/Contact

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SUBJECT:

Discuss and consider approval of the second and final reading of an ordinance amending Chapter 114 of the City's Code of Ordinances to add regulations regarding the use of public right-of-way in a portion of Downtown New Braunfels for sidewalk cafes, and amending Appendix D to include associated fees.

BACKGROUND / RATIONALE:

Council District: 5 and 6

Owner/Applicant: City of New Braunfels

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City Council held a public hearing for the first reading of this item on April 23, 2018, and recommended to approve the ordinance (5-1-0, Mayor Pro Tem Peters opposed, Councilmember Garcia absent).

The City of New Braunfels is nearing completion of the Downtown Pedestrian Improvement project which will provide a continuous Americans with Disabilities Act (ADA) compliant path through the subject area. Additionally, recent Texas Alcoholic Beverage Commission (TABC) legal interpretations now require any mixed-beverage license holder serving alcohol on the public right-of-way, including the sidewalk, to erect a barrier around their outdoor service area.

To ensure that these businesses can continue to operate sidewalk cafes in a manner consistent with pedestrian access requirements, Federal Law and State Statutes, the City has drafted amendments to Chapter 114 of the City's Code of Ordinances that would add standards and a permitting process for sidewalk cafes in the Downtown area that are enclosed by a barrier.

Proposed changes to the ordinance would include a new section regarding sidewalk cafes in portions of the Downtown area. The ordinance would address the following:

- Location
- Operations, elements and rules
- Minimum clear path of travel and clear visual zone

- Design and materials of barriers, furniture, landscaping, lighting, signage, etc.
- Maintenance
- Inspections, permits, licenses, fees and penalties

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

		2006 Comprehensive Plan Implementation Measure 12	Encourage sidewalk cafes and sidewalk vendors selling street food and drinks.
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FISCAL IMPACT:

It is anticipated that the proposal will result in a minimal amount of revenue totaling less than \$2,000.00 per year based on current demand.

COMMITTEE RECOMMENDATION:

The New Braunfels Downtown Board met on September 19, 2017 and voted to recommend approval of the proposed ordinance amendments (6-0-0, Board members Kneuper and Perez absent). The New Braunfels Downtown Board met on February 20, 2018, to discuss the potential annual license fees and recommended approval. The board also recommends that the license fees be deposited into a special revenue fund to offset costs of Downtown sidewalk maintenance and beautification.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed ordinance amendment.

ATTACHMENTS:

Downtown Board Minutes
Amendments
Draft Ordinance