



Planning & Development Services Department
 550 Landa Street
 New Braunfels, Texas 78130
 (830) 221-4050 www.nbtexas.org

CC/Cash/Check No.: _____
 Amount Recd. \$ _____
 Receipt No.: _____
 Case No.: _____ - _____

Submittal date – office use only

Off-Site Parking Agreement Application

FEE: \$206
 (\$200 application fee + \$6 technology fee (3%))

Name of Applicant/Agent*: _____

Subject Property Address: _____

Mailing Address: _____

Contact information:

Phone: _____

E-Mail: _____

Legal Description: Lot #: _____ Block: _____ Subdivision: _____

(NOTE: If property is not platted, attach a copy of the metes and bounds description and survey/drawing.)

Present Use of Subject Property: _____

Name of Off-site Parking Property Owner: _____

Off-site Parking Property Address: _____

Mailing Address: _____

Contact information:

Phone: _____

E-Mail: _____

Legal Description: Lot #: _____ Block: _____ Subdivision: _____

(NOTE: If property is not platted, attach a copy of the metes and bounds description and survey/drawing.)

Present Uses on the Off-site Parking Property: _____

SUBMITTAL CHECKLIST:

(Additional information may be deemed necessary by staff for processing the request.)

- Site plan of the subject property indicating the location of all on-site proposed parking.
 - Parking calculation for subject property, to be provided on site plan.
(See Section 144-5.1-3 for parking requirements)
- Site plan of the off-site parking property indicating the location of all proposed parking.
 - Parking calculation for all uses on the off-site parking property, to be provided on site plan.
(See Section 144-5.1-3 for parking requirements)
- An access plan demonstrating continuous access from the off-site parking property to the subject property.
- Proposed directional signage. (see requirements on page 3)
 - Site plan indicating signage location.
 - Renderings/dimensions of signage.
- Draft agreement – sample is attached
- Fee of \$206

The Planning and Community Development Department shall approve or deny any completed application based on the criteria outlined in Sec.144-5.1-1(i) (provided with this application) and any additional information deemed necessary for a thorough review. If approved, an 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.

Any application that is missing information will be considered incomplete and will not be processed.

I hereby certify that the information provided is true and correct to the best of my knowledge.

Signed: _____ **Print Name:** _____
Applicant/Agent*

* If signed by an agent, a letter of authorization must be furnished by the subject property's owner.

Date: _____

I hereby certify that the information provided is true and correct to the best of my knowledge.

Signed: _____ **Print Name:** _____
Off-site Property Owner

Date: _____

FOR OFFICE USE ONLY

Application Received By: _____ Receipt No: _____ Date: _____

Sec. 144-5.1 Parking, Loading, Stacking and Vehicular Circulation.

5.1-1 General provisions:

(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.

(9) Appeal Procedures. Aggrieved parties may appeal an off-site parking administrative decision. Appeals are considered by the City Council.

(a) An appeal must be made with an application form available in the Planning and Community Development Department.

(b) The appeal shall be scheduled for consideration on the regular agenda of the City Council.

(c) The City Council shall determine final approval or disapproval of all off-site parking appeals.

(Should you have any questions please contact the Planning Division at (830) 221-4050, or at planning@nbtexas.org.)

STATE OF TEXAS §
COUNTY OF COMAL §

OFFSITE PARKING AGREEMENT

This Off-Site Parking Agreement ("Agreement") is entered into and effective _____ by and between _____ as owner of the property known as _____, New Braunfels, Texas, and _____ as owner of the property known as _____, New Braunfels, Texas.

WHEREAS, pursuant to Section 144.5.1-1(i) of the Code of Ordinances, the City of New Braunfels specifies criteria which must be met in order to utilize off-site parking agreements to satisfy the on-site parking requirements,

NOW, THEREFORE, in consideration of satisfying the recitals and mutual obligations of the parties herein expressed, we hereby bind ourselves as follows:

- 1. _____ as the owner of the property located at _____, agrees to provide _____, the owner of the property located at _____, with the right to use _____ spaces as shown on Exhibit _____ to this Agreement on property located at _____. The _____ parking spaces are not required parking for any other premise.
2. The provisions and conditions of this Agreement shall be for a term of no less than ten (10) years from the date of this Agreement, unless otherwise replaced pursuant to Section 144.5.1-1(i)(5), and shall be enforceable against successors in interest and future owners and assigns.
3. The property or portion thereof on which the parking spaces are located will not be made subject to any other covenant or contract for use which interferes with the parking use, without prior written consent of the City.
4. This Agreement is in perpetuity and can only be terminated with the approval of the City of New Braunfels, if replaced with on-site parking to meet Code, or replaced with another off-site parking agreement.
5. If for any reason the Agreement is not followed, the owner of the premise using the off-site parking acknowledges that the premise is in violation of Chapter 144 of the City of New Braunfels Code of Ordinances, and that the Certificate of Occupancy may be voided by the City.
6. This Agreement shall be kept on file with the City of New Braunfels and shall be recorded in the real property records of (Name) County, Texas.

Owner of Subject Property:

Signature

Date

Printed Name

State of Texas §
County of Comal §

ACKNOWLEDGED AND SIGNED BEFORE ME, the undersigned authority, on the _____ day of _____, _____, by _____ (Name of property owner) _____.

Notary Public, State of Texas

Owner of Parking:

Signature

Date

Printed Name

State of Texas §

County of **Comal** §

ACKNOWLEDGED AND SIGNED BEFORE ME, the undersigned authority, on the _____ day of _____, _____, by _____ (Name of property owner) _____.

Notary Public, State of Texas

APPROVED AS TO FORM:

City Attorney
City of New Braunfels, Texas

By: _____

Date: _____

This Agreement satisfies section 144.5.1-1(i) **subsection (5) only** of the City of New Braunfels Code of Ordinances. The off-site parking agreement request is still subject to all remaining subsections of 144.5.1-1(i) before a certificate of occupancy may be issued.

Planning and Community Development Director

Date: _____

INSTRUCTIONS FOR SUBMITTING THIS APPLICATION

This application can be submitted online using the City of New Braunfels permit portal. For instructions on how to submit this permit application, please read below.

1. Access the online permit portal at <https://nbpermits.nbtexas.org/publicaccess>. Once you arrive at the Portal Login Page you will need to create a username and password.
 - a. The username will need to be a valid email address and you will be informed of the status of your application via email.
 - b. Password Requirements are: Minimum of 8 characters and must include at least one uppercase, one lowercase, and a number. Passwords cannot match your email address, first, or last name.
2. Select the Create Application button at the top center of the page and click on the Planning/Zoning folder.
3. Navigate to the desired application on the following pages. The application will be titled the same as it is on page 1 of this document.
4. Once you have found the correct application type, click on it once and select the Begin Application button.
5. Enter the application information:
 - a. Main: Subject property location (if applicable) and description of the request.
 - b. People: Your contact information. The email address provided will receive status updates on the application as it proceeds through the review process. You can add additional email addresses to receive status updates, but the provided email addresses must have a permit portal account.
 - c. App Form: Questions relating to the application.
 - d. Attachments: Upload a digital copy of this application and all required documents listed on page (2). Attachments must be .pdf format and named as they are listed on this application. **ALL REQUIRED DOCUMENTS LISTED ON THE APPLICATION MUST BE ATTACHED OR THE APPLICATION IS CONSIDERED INCOMPLETE.**
 - e. Payment: The required fee to submit. Please note: all credit/debit card transactions will incur a 2.75% processing fee. We encourage you to utilize one of our free options which include cash, check or e-Check.

You will receive a confirmation email once the application is submitted. If the application is incomplete or requires corrections, you will be emailed by a staff member requesting the information that is necessary to continue review. **AN INCOMPLETE APPLICATION WILL NOT CONTINUE TO BE REVIEWED AND CAN DELAY THE PROCESS.** Communication from the portal system will originate from cwmessenger@nbtexas.org.

If you have any questions, please contact Development Planning Division Staff at planning@nbtexas.org or (830) 221-4050.