

Legislation Details (With Text)

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Title: Presentation on proposed amendments to the Code of Ordinances, Chapter 144, Zoning.
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Attachments: 1. Crematoriums, 2. Special Events, 3. C-2 setbacks, 4. Off-site Parking

Date	Ver.	Action By	Action	Result
9/25/2017	1	City Council		

Presenter
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SUBJECT:

Presentation on proposed amendments to the Code of Ordinances, Chapter 144, Zoning.

BACKGROUND / RATIONALE:

City Council directed staff to bring forward Code amendments as issues arise to improve processes or clarify confusing or frequently misinterpreted regulations.

Crematoriums

Crematoriums are not currently allowed by right in any of New Braunfels' zoning districts. An applicant recently sought a Special Use Permit (SUP) to construct a crematorium in conjunction with an existing funeral home in a C-3 Commercial District. At that time, it became apparent that the City needed to identify appropriate zoning districts for this use.

All funeral homes in Texas are annually inspected and licensed by the Texas Funeral Service Commission (TFSC). The Texas Commission on Environmental Quality (TCEQ) also regulates air quality for crematoriums. Additionally, the local Fire Marshal reviews for International Fire Code compliance.

Due to the potential impacts of this use, and in consideration of the State-level regulations, the proposal is to allow crematoriums in all industrial zoning districts: "M-1" Light Industrial District, "M-2" Heavy Industrial District, "M-1A" Light Industrial District, and "M-2A" Heavy Industrial District. Crematoriums accessory to a funeral home in a less intense zoning district would still require an SUP.

Special Events

Businesses, not-for-profits and other groups periodically hold events for a variety of reasons. These

events sometimes include activities that may require adjustments to be compatible with surrounding uses. It recently came to the City's attention that New Braunfels has few if any procedures for allowing these types of activities. In order to appropriately accommodate them, staff is proposing a process to allow special events and ensure applicants address any impacts.

C-2 District

The C-2 General Business District is one of the pre-1987 zoning districts. In 1987, new zoning districts were created, but all existing zoning at the time remained in place, with the stipulation that these old districts were no longer available for new requests.

The C-2 District was intended to be the "Downtown" zoning district. Areas in the Downtown core, along West San Antonio Street, and Gruene are the only properties zoned C-2. The C-2 District includes building envelope requirements, such as maximum heights, minimum lot widths and lot area based on the use.

Since downtowns often develop with higher densities, cities often adopt downtown zoning districts with zero setback requirements, different height limitations, etc. New Braunfels' C-2 District includes zero front and side setbacks for commercial uses, but includes a 20-foot rear setback. Rear yard areas can be useful for fire lanes, garbage collection, utility easements and other access. However, if such rear yard space is necessary, other codes (Fire, Solid Waste, etc.) require what is needed without an additional layer of a "zoning setback". Therefore, in order to alleviate unnecessary rules, additional plan review steps, as well as provide development flexibility, elimination of the 20-foot commercial rear setback in the C-2 District is proposed.

Off-site Parking

Pursuant to Council direction, staff has been developing an overall update to the City's parking requirements. In the mean time, some issues have surfaced that require more immediate attention. For example, earlier this year staff brought forward improvements to event center and nightclub parking. Another parking tool that would benefit from more immediate attention is off-site parking.

Presently, the Zoning Ordinance includes objective criteria for off-site parking. The code requires off-site parking requests to be considered by the Zoning Board of Adjustment. Generally, if requests include objective criteria, they are best approved administratively. Whereas, discretionary decisions should be taken to Boards or Commissions.

In the case of off-site parking, administrative approval would eliminate unnecessary additional time spent scheduling an item for the Zoning Board of Adjustment, thereby streamlining the process. If an applicant requests off-site parking, but does not meet the objective criteria, those could still be heard by the Zoning Board of Adjustment.

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

X	Yes	2006 Comprehensive Plan - Land Use and Zoning Element	Pros: Goal 6: Refine or add zoning requirements to be compatible with the community's overall intentions and the best interests of the community as a whole. Objective A: Review existing zoning ordinance and subdivision regulations and make appropriate and timely recommendations Goal 16: Update and streamline regulations to reduce regulatory complexity, to encourage both economic development and quality of life, and to control administrative and development costs. <u>Cons:</u> None
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FISCAL IMPACT:

None

COMMITTEE RECOMMENDATION:

N/A - Presentation

STAFF RECOMMENDATION:

N/A - Presentation

ATTACHMENTS:

Draft code amendment language