

## Legislation Details (With Text)

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<b>File created:</b>	8/8/2019	<b>In control:</b>	City Council - Special
<b>On agenda:</b>	8/19/2019	<b>Final action:</b>	
<b>Title:</b>	Discussion and possible direction regarding amendments to the current Industrial Zoning Districts in the Zoning Ordinance, Chapter 144 of the City's Code of Ordinances.		
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Date	Ver.	Action By	Action	Result
8/19/2019	1	City Council - Special		

Presenter/Contact

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**SUBJECT:**

Discussion and possible direction regarding amendments to the current Industrial Zoning Districts in the Zoning Ordinance, Chapter 144 of the City's Code of Ordinances.

**BACKGROUND:**

On January 15, 2019, the City Council and Planning Commission held a joint workshop. One of the topics of discussion was concern about how the cumulative or pyramidal nature of New Braunfels' industrial zoning districts has been mixing residential with manufacturing and heavy commercial uses. Discussion ensued regarding the resulting impacts:

1. diminishing quality of life and property values of existing residential due to intensity of neighboring industrial or heavy commercial activity, and
2. limiting area available for new job creators who prefer sites without residential or potential for future residential development in close proximity.

City Council directed staff to bring forward some solutions to this concern.

On April 8, 2019, staff presented a list of optional actions that the City could undertake to address incompatible uses resulting from cumulative zoning, in accordance with the Comprehensive Plan. The recommended first step was to amend the Zoning Ordinance to make the industrial zoning districts less cumulative in nature. City Council directed staff to proceed with this code amendment process.

On May 3, 2019, staff sent proposed code changes to development community stakeholders and requested feedback, input, suggestions, etc. Staff received a few questions, but no feedback or suggestions.

On May 7, 2019, the Planning Commission held a public hearing and recommended approval of the proposed code amendments.

On May 28, 2019, City Council held a public hearing and approved the first reading of the proposed code amendments, with requests to ensure the 1960s-era and 1980s-era industrial districts were more consistent in terms of allowed uses (e.g. crematoriums).

On June 10, 2019, after concern was expressed by a property owner with an industrially zoned tract who is seeking an SUP for manufactured housing, City Council postponed action on the second reading to their August 12, 2019 meeting.

In July, staff held individual meetings with City Council Members to discuss the overall plan steps in more detail before requesting a postponement at the August 12<sup>th</sup> meeting to facilitate this workshop.

## **HISTORY**

New Braunfels' first zoning districts were adopted in 1945. While basic, they implemented the model Standard State Zoning Enabling Act and creatively addressed impacts of incompatible uses. In 1967, New Braunfels updated its zoning ordinance introducing cumulative districts, meaning that uses allowed in the least intense residential district were also allowed in the multi-family district; everything allowed in multifamily was also allowed in the commercial districts, and everything allowed in the commercial districts was also allowed in industrial districts (all uses). In 1987, New Braunfels adopted additional zoning districts that are less cumulative in nature, but retained the 1967 zoning districts in the ordinance.

Through application of these various districts via the standard process over the decades, single family and multifamily residential uses have developed within industrial zoned areas. This has triggered the compatibility concerns noted in the first paragraph above for both industrial and residential uses. Cities should preserve their industrial zoning to attract industry and jobs to maintain a healthy and diverse economy. Concurrently, cities should protect residential areas; providing balance to both.

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

<b>City Plan/Council Priority:</b> Envision New Braunfels Comprehensive Plan	<b>Action 1.3:</b> Encourage balanced and fiscally responsible land use patterns. <b>Action 1.8:</b> Concentrate future investment in industrial and employment centers near existing and emerging hubs, such as the airport; and along existing high capacity transportation networks, such as Interstate Highway 35. <b>Action 1.11</b> Update policies and codes to achieve development patterns that implement the goals of Envision New Braunfels. <b>Action 3.3</b> Balance commercial centers with stable neighborhoods. <b>Action 3.6</b> Proactively provide a regulatory environment that remains business and resident friendly.
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## **FISCAL IMPACT:**

Limiting residential encroachment into or near industrial areas protects opportunities for economic development and job expansion, allows growth in our tax base, and protects property values for all. And, limiting industrial impacts on neighborhoods protects residential property owners' safety,

property values, and enjoyment of their personal investments.

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a Public Hearing May 7, 2019 and recommended approval of the proposed ordinance revision.

**STAFF RECOMMENDATION:**

Staff recommends consideration of proceeding with the second reading of the code amendments. As this is a long term, multi-pronged project, staff also recommends consideration of subsequent steps following this initial first action, including:

- Bring forward follow-up amendments to address use consistency between districts.
- Inventory properties zoned industrial and identify existing land uses; rezone in accordance with Envision New Braunfels (Residential, Commercial, Industrial).
- Of the vacant industrial zoned property, evaluate their propensity for industrial. If not viable for industrial based on access, floodplain, size, etc, rezone in accordance with Envision New Braunfels.
- Increase inventory of land zoned for industry:
  - Consider annexation and appropriate zoning of non-annexation agreement land located near or within Future Employment Centers or near existing industrial greenfield.
  - Consider annexing property east of the airport; zone it industrial.
  - Identify areas developed with industrial land use but presently not zoned industrial and rezone accordingly.
  - Rezone properties located within the city limits near Employment Centers to industrial or mixed-use zoning districts.
  - Consider creation of new zoning districts (e.g. BP Business Park) to create options for cohesive, master planned, campus style light industrial development.
- Ensure mixed-use zoning includes impact mitigation measures (e.g. tiered buffers) to avoid incompatible land uses.