

Legislation Text

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Presenter/Contact

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SUBJECT:

Discussion and possible direction to staff regarding industrial zoning protection.

BACKGROUND / RATIONALE:

Zoning first came about in the early 1900s by popular demand. Citizens of various cities grew concerned with height of buildings and intensity of uses impacting their properties and their health. After several cities experimented with zoning, the federal government developed the Standard Zoning Enabling Act in the 1920s through which states could model rules for their cities to enact. The Supreme Court upheld the rights of cities to regulate uses through zoning in 1926.

Early zoning ordinances were pyramidal or cumulative in nature, i.e. uses allowed in the least intense residential district were also allowed in the multi-family district; everything allowed in the multifamily district was allowed in the commercial district; and so on, all the way up to industrial districts allowing everything. In the 1920s and 1930s, before the proliferation of the automobile, this development pattern was effective because it allowed residential to be built in close proximity to factories, allowing Americans easy walking access from their homes to the places they worked.

While an effective pattern in the early 20th century, concerns later emerged from both use types: many residents no longer wanted to live close to intense commercial or industrial uses; and industrial uses were being impacted by concerned residents in close proximity.

Other zoning ordinances that came about at the same time, or soon thereafter, separated uses so that the cumulative effect did not occur, i.e. residential districts allowed only residential; commercial only commercial, etc. in efforts to ensure more compatibility of uses. As time moved on, more innovative zoning concepts emerged such as performance zoning, form-based zoning, and others.

New Braunfels' first zoning districts were cumulative in nature. In 1987, New Braunfels added a new set of zoning districts to their ordinance. The more cumulative "pre-1987 districts" remained but property could not be rezoned to the old districts.

Historically, communities would zone land along their railroad tracks industrial due to the nature of uses that typically developed adjacent to rail (warehousing, factories, etc.) If the community's zoning was cumulative, this did not preclude residential from being built in those industrial districts. Additionally, typical transitions would include rings of commercial zoning surrounding industrial before leading into residentially zoned property. If the commercial districts also allowed residential uses, pockets of homes might lie in close proximity to industrial zoned property.

Remnants of historic zoning and development patterns across the U.S. include a variety of residential home types near commercial uses or near property zoned industrial. Unintended consequences of the historic practices include:

1. Residents buying a home, and industrial or commercial uses later developing adjacent to them.
2. Vacant industrial land that is difficult to develop or attract a job generator to, due to existing adjacent residential uses, or vacant adjacent land zoned to allow residential.
3. The gradual evaporation of available industrial zoned land with no land being newly zoned to industrial.

While current trends in land use planning encourage mixed uses, such intermingling of uses should include necessary mitigation measures to ensure property values, housing affordability, job creation, economic development, and citizen quality of life are all maintained.

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

City Plan/Council Priority: Envision New Braunfels Comprehensive Plan	Action 1.3: Encourage balanced and fiscally responsible land use patterns. Action 1.8: 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. Action 1.11: Update policies and codes to achieve development patterns that implement the goals of Envision New Braunfels. Action 3.3: Balance commercial centers with stable neighborhoods. Action 3.6: 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, and protects property values for all.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

N/A