

## Legislation Text

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**File #:** 19-372, **Version:** 1

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Presenter

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**SUBJECT:**

Approval of the second and final reading of an ordinance regarding amendments to Chapter 144, Zoning, Section 3.3-11, M-1 Light Industrial, Section 3.3-12, M-2 Heavy Industrial, Section 3.4-18, M-1A Light Industrial, Section 3.4-19, M-2A Heavy Industrial, and Section 4.2, Land Use Matrix.

**BACKGROUND / RATIONALE:**

**Case No.:** ORD-19-111

**Council District:** All

**Applicant:** City of New Braunfels

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**City Council held a public hearing May 28, 2019 and unanimously approved the first reading, and gave directions for follow up steps including but not limited to rezoning industrial zoned tracts that are developed with residential uses, and amending the land use matrix further for consistency.**

New Braunfels first zoning districts (1945) were cumulative in nature, meaning that uses allowed in the least intense residential district were also allowed in the multi-family district; everything allowed in multifamily is also allowed in the commercial districts, and everything allowed in the commercial districts is also allowed in industrial districts (all uses).

This practice has continued, and the current zoning ordinance still includes cumulative industrial districts, resulting in single family and multifamily uses within industrial zoned areas. This triggers compatibility concerns for both industrial and residential use, resulting in 1) a very limited amount of remaining industrial zoned property not impacted by residential land use or potential future residential development, and 2) existing residences negatively impacted by the intensity of neighboring industrial or heavy commercial activity.

New Braunfels must preserve its industrial zoning to attract industry and jobs, and to maintain a healthy and diverse tax base. Concurrently, New Braunfels must protect residential areas, providing balance to both. At the January 2019 City Council/Planning Commission Joint Workshop, staff received direction to address issues presented by historic cumulative zoning practices. And on April

8, 2019 City Council directed staff to proceed with the various steps recommended in accordance with the Comprehensive Plan.

**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.

**COMMITTEE RECOMMENDATION:**

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

**STAFF RECOMMENDATION:**

Staff recommends approval to protect both industrial and residential land uses by approving the attached ordinance amendments to the industrial zoning districts removing residential as an allowed use.

Potential subsequent follow-up action on future dates, given approval of this ordinance amendment include:

1. Identify existing residential areas made nonconforming by the rezoning action referenced above:
  - If the Comprehensive Plan calls for those areas to be residential, rezone them to residential.
  - If the Comprehensive Plan calls for those areas to be future Employment Centers, rezone them to mixed use.
2. 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 a new zoning district: BP Business Park for cohesive, master planned, campus style light industrial development.
3. Ensure mixed-use zoning includes impact mitigation measures (e.g. tiered buffers) to avoid incompatible land uses.

**ATTACHMENTS:**

1. April 8 Staff Presentation Report to City Council on Industrial Zoning
2. Draft amendments to Sections 3.3-11, M-1, Light Industrial
3. Draft amendments to Sections 3.3-12, M-2, Heavy Industrial
4. Draft amendments to Sections 3.4-18, M-1A, Light Industrial
5. Draft amendments to Sections 3.4-19, M-2A, Light Industrial
6. Draft Amendments to Section 4.2, Land Use Matrix
7. Draft Planning Commission Minutes
8. Ordinance