

## Legislation Text

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**File #:** 19-638, **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, 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 for consistency across similar uses. The second reading was originally scheduled for June 10, 2019; City Council postponed it to August 12, 2019 at which time they approved a second postponement to facilitate additional discussion at the August 19<sup>th</sup> City Council Workshop.**

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 was also allowed in the commercial districts, and everything allowed in the commercial districts was also allowed in industrial districts (all uses).

This practice has continued with the current zoning ordinance retaining those old cumulative zoning districts, resulting in single family and multifamily residential 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, 2) existing residences negatively impacted by the intensity of neighboring industrial or heavy commercial activity, and 3) property value impacts.

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 discussed ways to address issues presented by historic cumulative zoning practices. On April 8, 2019, and on August 19, 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. 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 approval and will proceed with the immediate next steps including, but not limited to, use matrix consistency analysis and resulting code updates.