

Code Interpretation

Subject: Micro-brewery and Micro-distillery uses within the C-4Ar66 district

Date: February 25, 2022

Code Sections Impacted:

Chapter 144-4.2 – Interpretive Rules.

Classification of new/unlisted uses. It is recognized that new types of land use will arise in the future and forms of land use not presently anticipated may seek to locate in the city. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use in the land use matrix shall be made in compliance with subsections 4.2 (a) – (c).

Ordinance No. 2006-82, rezoned the subject property to the C-4A district in place as of August 28, 2006, with additional restrictions.

Proposal:

Allow the development of a micro-brewery and/or micro-distillery in the C-4A(r66) district.

Analysis:

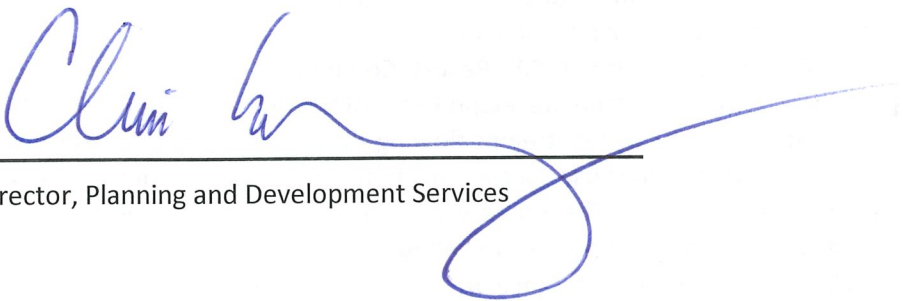
- Micro-distilleries were neither a known nor identified use within the Zoning Ordinance at the time of the adoption of the C-4A(r66) district on August 28, 2006. Micro-breweries were a known use at this time but not included the City's Zoning Ordinance.
- The basis for the C-4A(r66) district is the C-4A, Resort Commercial District. "This zoning classification is applicable to riverfront land development historically characteristic to New Braunfels and the attractions that the natural streams flowing through the city offer to tourists and the vacationing public. . . . It applies to those special uses that, although primarily commercial in nature, take on special characteristics. The primary reason for classification of these uses separately from standard commercial uses is to allow recognition of their individual characteristics and to call attention to their influence on the economic base of the community."
- Restaurants, cafés, and beverage stands are allowed uses within the C-4A(r66) district.
- Restaurant/prepared food sales, cafeteria/café/delicatessen, and refreshment/beverage stands are allowed uses within the following districts currently: C-1, C-2, C-3, C-4, M-1, M-2, MU-A, MU-B, C-1A, C-1B, C-2A, C-4A, C-4B, M-1A, and M-1A.
- Micro-brewery was included as an identified land use in Chapter 144 on September 10, 2012, by Ordinance No. 2012-49. It is an allowed use within the following districts: C-2, C-3, C-4, M-1, M-2, MU-B, C-1B, C-2A, C-4A, C-4B, M-1A, and M-2A.
- Micro-distillery was included as an identified land use in Chapter 144 on February 8, 2021, by Ordinance No. 2021-07. It is an allowed use within the following districts: C-2, C-3, C-4, M-1, M-2, MU-B, C-1B, C-2A, C-4A, C-4B, M-1A, and M-2A.

- Current C-4A, Resort Commercial District, purpose “This zoning classification is intended to be developed as resort commercial property with the purpose to serve tourists, vacationing public, conference center attendees, sports related programs and support service facilities including garden office, retail and specialty shops.”

Interpretation:

The purpose of the C-4A(r66) district was to maintain a tourist-oriented district with additional limitations. The uses of restaurants, cafés, and beverage stands allowed in the C-4A(r66) district are similar in intensity and impact as the new land uses; micro-brewery and micro-distillery. This is evidenced by comparing which districts the five land uses are allowed; they are the same except that restaurants, cafés, and beverage stands are also allowed in three additional neighborhood oriented commercial districts. The purpose of the C-4A district continues to be a district focused on providing goods and services for tourists which currently allows micro-breweries and micro-distilleries. Based upon the analysis, it is clear that micro-brewery and micro-distillery would have been included in the C-4A(r66) District with the other similar food and beverage uses listed had it been a known use.

Therefore, with the authority provided in Chapter 144-4.2, it is the interpretation that micro-brewery and micro-distillery are allowed uses within the C-4A(r66) District.



Director, Planning and Development Services