



Planning and Development Services Department

Code Interpretation

Subject: Hemp Testing Facility

Date: May 7, 2020

Code Section Impacted:

Chapter 144 Zoning, Section 4.1-2 Interpretive Rules and 4.2 Land Use Matrix

Subsection (a) *Interpreting new and unlisted uses*. A new and unlisted use may be interpreted by the planning director as similar to a listed use. The unlisted use shall possess the majority of characteristics of the listed use, otherwise the unlisted use must be submitted to the planning commission and city council as outlined in these subsections above. If the unlisted use is deemed similar to a listed use, no amendment of the land use matrix is required.

Analysis:

Hemp testing laboratories and facilities are not defined in the zoning ordinance, nor included in the adopted Land Use Matrix. Hemp testing laboratories and facilities are becoming more prevalent in the United States and the City of New Braunfels has received an inquiry of such a facility to potentially open for business in a "C-3" Commercial District. Though "Chemical Laboratories (not producing noxious fumes or odors)" and "Research Labs (non-hazardous)" are specifically listed as permitted uses in Section 3.3-9 "C-3" Commercial District and in Section 4.2 Land Use Matrix, of the Zoning Ordinance, hemp testing laboratory/facility is not an identified use in the Zoning Ordinance.

Interpretation:

Based upon the analysis, the Planning Director has determined a hemp testing laboratory or facility to be a permitted use in the "C-3" Commercial District as it is similar to, and no more intense than, the "Chemical Laboratory (not producing noxious fumes or odors)" and "Research Lab (non-hazardous)" uses that are also permitted in the "C-3" Commercial District.

Recommended Code Amendment:

Revise the permitted uses listing to use groups or categories of uses based upon operating characteristics in lieu of specific uses since new and creative uses are constantly being created.

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