



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final Planning and Zoning Commission

Tuesday, May 12, 2020

6:00 PM

Virtual Meeting

Due to COVID-19, this will be a virtual meeting. To view the meeting please go to <http://sanmarcostx.gov/541/PZ-Video-Archives> to watch the live stream, or watch on Grande Channel 16 or Spectrum Channel 10.

I. Call To Order

II. Roll Call

III. Chairperson's Opening Remarks

EXECUTIVE SESSION

NOTE: The Planning and Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session.

IV. 30 Minute Citizen Comment Period

Persons wishing to comment during the citizen comment period must submit their written comments to planninginfo@sanmarcostx.gov no later than 12:00 p.m. on the day of the meeting. Timely submitted comments will be read aloud during the citizen comment portion of the meeting. Comments shall have a time limit of three minutes each. Any threatening, defamatory or other similar comments prohibited by Chapter 2 of the San Marcos City Code will not be read.

PUBLIC HEARINGS

Interested persons may join and participate in any of the Public Hearing items (1-4) by:

- 1) Sending written comments, to be read aloud*; or*
- 2) Requesting a link to speak during the public hearing portion of the virtual meeting, including which item you wish to speak on*.*

**Written comments or requests to join in a public hearing must be sent to planninginfo@sanmarcostx.gov no later than 12:00 p.m. on the day of the hearing. Comments shall have a time limit of three minutes each. Any threatening, defamatory or other similar comments prohibited by Chapter 2 of the San Marcos City Code will not be read. To view the meeting please go to <http://sanmarcostx.gov/541/PZ-Video-Archives> to view the live stream, or watch on Grande Channel 16 or Spectrum Channel 10. For additional information on making comments during the Public Hearings please visit <http://www.sanmarcostx.gov/3103/18805/Citizen-Comments-Virtual-Meetings>*

1. AC-20-05 (Maximum Block Perimeter) Hold a Public Hearing and consider a request from Jermi Henry for an Alternative Compliance to the maximum block perimeter requirements in Section 3.6.6.1 of the San Marcos Development Code related to the proposed City of San Marcos Public Services Facility near the intersection of FM 110 and Hwy 123, Hays

County, Texas. (W. Parrish)

- 2. CUP-20-10 (Xian Sushi & Noodle) Hold a Public Hearing and consider a request by Ye Lin for a new Conditional Use Permit for the purpose of selling beer and wine for on-premise consumption at 200 Springtown Way, Suite 138. (W. Parrish)
- 3. Hold a Public Hearing, have a discussion, and provide a recommendation to the City Council on the 2021-2030 Capital Improvement Program (CIP).
- 4. Hold a public hearing and consider a recommendation to the City Council regarding text amendments to the San Marcos Development Code to address recommendations from the Alcohol Conditional Use Permit Committee, the Housing Task Force, the Historic Preservation Commission, and recommendations from City staff concerning application processing and requirements, block perimeter standards, Certificate of Appropriateness appeals, Concept Plat applicability, right-of-way dimensional standards, building type definitions, Neighborhood Density District zoning regulations, Character District zoning regulations, a new Special Events Facility use, multifamily parking standards, accessory dwelling units, neighborhood transitions, durable building materials, detention and water quality requirements for plats of four residential lots or less, detention requirements outside the Urban Stormwater Management District, delineation of water quality and buffer zones, channel design for water quality zone reclamation, sensitive geologic feature protection zones, geological assessment waivers, and Qualified Watershed Protection Plan applicability, and adoption of Appendix Q of the International Residential Code (S. Caldwell)

V. Question and Answer Session with Press and Public.

This is an opportunity for the Press and Public to ask questions related to items on this agenda.

VI. Adjournment

Notice of Assistance at the Public Meetings

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov

I certify that the attached notice and agenda of items to be considered by the Planning and Zoning Commission was removed by me from the City Hall bulletin board on the _____ day of _____

Title:



Legislation Text

File #: AC-20-05, **Version:** 1

AGENDA CAPTION:

AC-20-05 (Maximum Block Perimeter) Hold a Public Hearing and consider a request from Jermi Henry for an Alternative Compliance to the maximum block perimeter requirements in Section 3.6.6.1 of the San Marcos Development Code related to the proposed City of San Marcos Public Services Facility near the intersection of FM 110 and Hwy 123, Hays County, Texas. (W. Parrish)

Meeting date: May 12, 2020

Department: Planning and Development Services

Amount & Source of Funding

Funds Required: [Click or tap here to enter text.](#)

Account Number: [Click or tap here to enter text.](#)

Funds Available: [Click or tap here to enter text.](#)

Account Name: [Click or tap here to enter text.](#)

Fiscal Note:

Prior Council Action: [Click or tap here to enter text.](#)

City Council Strategic Initiative: [Please select from the dropdown menu below]

[Choose an item.](#)

[Choose an item.](#)

[Choose an item.](#)

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

Economic Development - [Choose an item.](#)

Environment & Resource Protection - [Choose an item.](#)

Land Use - [Choose an item.](#)

Neighborhoods & Housing - [Choose an item.](#)

Parks, Public Spaces & Facilities - [Choose an item.](#)

Transportation - [Choose an item.](#)

Core Services

Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

The applicant is requesting an Alternative Compliance to deviate from the maximum block perimeter standards that apply within the Light Industrial zoning district.

The maximum block perimeter for Light Industrial zoning is 5,000 feet. If approved, this request would extend the block perimeter to approximately 7,400 feet, based on the Transportation Master Plan.

Based on potential block perimeter measurements, in order to maintain the 5,000 lineal foot block perimeter, the applicant would be required to place a street adjacent to the Hays Detention Center along the longest face of the lot.

Adding an additional road frontage adjacent to the detention center has the potential to hamper security measures associated with a secured correctional facility.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Staff has reviewed the request and is recommending **approval** with the following condition:

1. The Alternative Compliance shall not expire.

Alternative Compliance	Public Services
AC-20-05	Block Perimeter



Summary

Request:	An Alternative Compliance to the maximum block perimeter standards for Light Industrial zoning district, Section 3.6.1.1 of the San Marcos Development Code.		
Applicant:	Jerimi Henry 812 San Antonio St Ste. 300 Austin, TX 78701	Property Owner:	City of San Marcos 630 E Hopkins Street San Marcos TX, 78666
Alternative Compliance Expiration:	The Alternative Compliance shall not expire.		

Notification

Posted:	May 1, 2020	Personal:	May 1, 2020
Response:	None as of date of Staff Report		

Property Description

Legal Description:	Approximately 20.5 acres, more or less, out of the Cyrus Wickson Survey, Hays County		
Location:	Between FM-110 and Clovis Barker, near the intersection of FM-110 and Hwy 123		
Acreage:	20.5 +/-	Central Business Area:	No
Existing Zoning:	"LI" Light Industrial	Preferred Scenario:	Employment Area
Existing Use:	Vacant	Proposed Use:	Public Services facility
CONA Neighborhood:	Cottonwood Creek	Sector:	5
Utility Capacity:	Adequate		

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	ETJ	Industrial	Employment Area
South of Property:	LI / ETJ	Vacant	Medium Intensity
East of Property:	LI	Juvenile Detention facility	Employment Area
West of Property:	LI/ETJ	Industrial / Vacant	Employment Area / Medium Intensity

Alternative Compliance**Public Services****AC-20-05****Block Perimeter****History**

The applicant is requesting an Alternative Compliance to deviate from the maximum block perimeter standards that apply within the Light Industrial zoning district.

This property is intended to house the City of San Marcos Public Facilities Department, which will consist of offices, material storage, fleet vehicles, and vehicle maintenance facilities. The maximum block perimeter for Light Industrial zoning is 5,000 feet. If approved, this request would extend the potential block perimeter to approximately 7,400 feet, based on the Transportation Master Plan (TMP).

Additional Analysis

This property is currently undeveloped, and is adjacent to the Hays County Juvenile Detention Center, which is a secured correctional facility. Based on potential block perimeter measurements, in order to maintain the 5,000 lineal foot block perimeter, the applicant would be required to place a street adjacent to the detention center along the longest face of the lot. Currently, the detention center has frontage on two streets, Clovis Barker in the front and FM 110 in the rear. However, FM-110 is grade separated from the detention center.

Adding an additional road frontage adjacent to the detention center has the potential to hamper security measures associated with a secured correctional facility. The detainees at this facility are supposed to be confidential, as they are juveniles, a road in this location would potentially expose the identities of the detainees, as the exercise yard would be visible from the road at this location. Additionally, the Detention Center is concerned that a road in this area may encourage family members to camp out and wait for their relatives to come into the exercise yard. I have included a letter from the Hays County Juvenile Detention Facility in the backup.

Near the opposite boundary of this site, the TMP identifies a future road that will connect FM-110 to Clovis Barker. This would create a block perimeter of approximately 7,400 feet, which is 2,400 feet larger than the maximum block perimeter requirement. This road is not anticipated in the near future as it will require redevelopment of adjoining lots.

Comments from Other Departments

Police	No Concerns
Fire	No Concerns
Public Services	No Concerns
Engineering	No Concerns

Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/>	Approval with Conditions	<input type="checkbox"/>	Denial
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Staff recommends that the request be approved with the following conditions:

General:

1. This Alternative Compliance shall not expire.

Staff: Will Parrish AICP, CNU-A	Title : Planner	Date: May 5, 2020
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Alternative Compliance

Public Services

AC-20-05

Block Perimeter



valuation			Criteria for Approval (2.8.4.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p>The request is consistent with the policies embodied in the adopted Comprehensive Plan; <i>This property is located within an Employment Area of the Comprehensive Plan. The request is generally consistent with the Comprehensive Plan.</i></p>
<u>X</u>			<p>The request is consistent with the general purpose, intent and character of the development regulations applicable to the property; <i>The request is consistent with the general purpose and character of the development regulations. The presence of a secured correctional facility adjacent to this property is a factor that the code could not anticipate.</i></p>
	<u>X</u>		<p>There are special circumstances or conditions arising from the physical surroundings, shape, topography or other features affecting the subject property; <i>While there are no physical conditions creating a special circumstance, the presence of a secured correctional facility is a special circumstance.</i></p>
<u>X</u>			<p>The request is detrimental to the public health, safety or welfare, or injurious to other property within the area; <i>The request is not detrimental to the public health, safety or welfare.</i></p>
<u>X</u>			<p>The request either:</p> <ul style="list-style-type: none"> a. Does not have an adverse impact upon adjacent property or neighborhoods, including but not limited to, parking, traffic, noise, odors, visual nuisances, and drainage; or <i>No adverse impacts are anticipated</i> b. Includes Improvements either on-site or within the public rights-of-way to mitigate any such adverse impacts.
<u>X</u>			<p>The request shall not have the effect of preventing the orderly use and enjoyment of other property within the area in accordance with the provisions of this Development Code, or adversely affect the rights of owners or residents of adjacent property or neighborhoods; <i>No adverse effects on surrounding properties or neighborhoods are noted.</i></p>
<u>X</u>			<p>The request shall not result in any incompatibility of the development to which it relates with, or the character and integrity of, adjacent property or neighborhoods; and <i>No incompatibles based on this request are anticipated.</i></p>
<u>X</u>			<p>The request meets the standards for the applicable zoning district, or to the extent deviations from such standards have been requested, that such deviations are necessary to render the subject development or Improvement compatible with adjacent development or the neighborhood. <i>The request would extend the maximum block perimeter by approximately 2,400 feet, which is less than half of the 5,000 foot maximum.</i></p>

Alternative Compliance	Public Services
AC-20-05	Block Perimeter



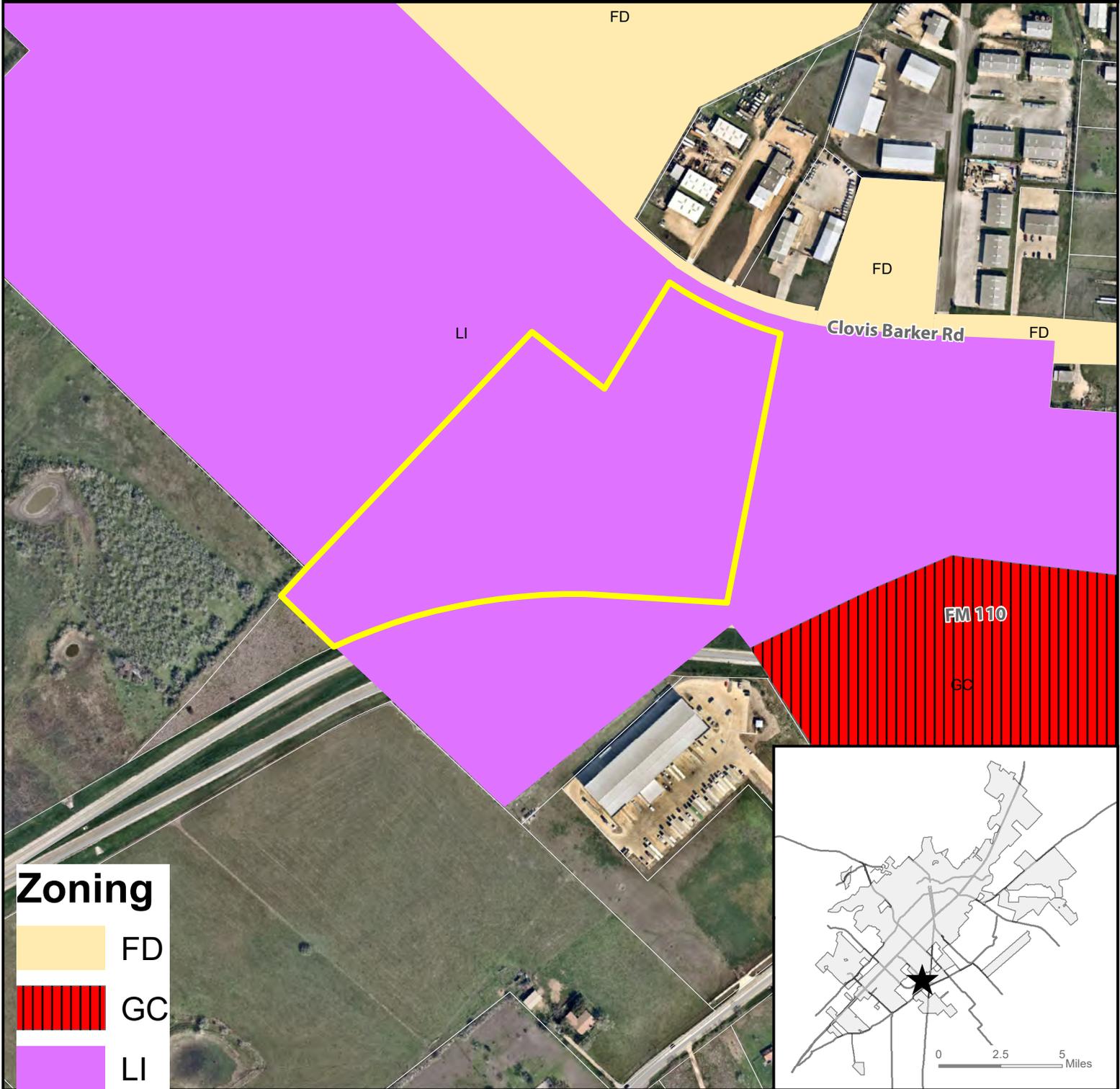
Evaluation			Maximum Block Length Alternative Compliance Findings (Section 3.6.5.1)
Consistent	Inconsistent	Neutral	
		<u>X</u>	<p>The approved alternate meets the intent of Section 3.6.1.1</p> <p>A. The intent of the maximum block perimeter and connectivity regulations is to provide a well-connected street network. <i>The request does modify the block perimeter and connectivity regulations. However, staff feels that it is appropriate in this case due to the security concerns associated with the adjacency to a secured correctional facility.</i></p> <p>B. Large blocks with limited connectivity discourages walking, contributes to street congestion and adds driving distance that can negatively impact emergency services. <i>The Transportation Master Plan has planned for connectivity from FM-110 to Clovis Barker near this site, so there will still be a connection in close proximity.</i></p> <p>C. New streets should be designed to consider future development. <i>The request is to waive a new street.</i></p> <p>D. The access regulations are intended to provide safe and convenient vehicular and pedestrian access within developments and between adjacent developments to lessen traffic congestion. Pedestrian, bike, and vehicular access should be safe, direct and convenient. <i>If approved, the applicant's request will reduce connectivity. However, due to the proximity to the secured correctional facility Staff feels that this reduction in connectivity is appropriate. The applicant will be installing a shared use path along FM-110 as well as sidewalks along Clovis Barker.</i></p>
<u>X</u>			<p>The approved alternate conforms with the Comprehensive Plan and adopted City plans; <i>This request conforms with the Comprehensive Plan and adopted City plans.</i></p>
		<u>X</u>	<p>The approved alternate does not increase congestion or compromise safety; <i>This request may have an impact on congestion, as it removes a connection point from FM-110 that could provide relief from congestion at FM-110 and Hwy 123. However, if constructed, the potential connection could compromise safety at the Hays County Juvenile Detention Facility.</i></p>
<u>X</u>			<p>The approved adjustment does not create any lots without direct street frontage; <i>All lots will have direct street frontage.</i></p>

Alternative Compliance	Public Services
AC-20-05	Block Perimeter



Evaluation			Maximum Block Length Alternative Compliance Findings (Section 3.6.5.1)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p>The design adjustment is deemed reasonable due to one or more of the following:</p> <ul style="list-style-type: none"> a. Topographic changes are too steep; b. The presence of existing buildings, stream and other natural features; c. Site layout of developed properties d. Adjoining uses or the vehicles are incompatible; e. Strict compliance would propose a safety hazard; or f. The design adjustment does not conflict with an approved or built roadway construction project adjacent to or in the vicinity of the site. <p><i>Staff believes that the request is reasonable due to the adjacent Hays County Juvenile Detention Facility.</i></p>

AC-20-05 Aerial View City of San Marcos Utilities — 2240 Clovis Barker Rd

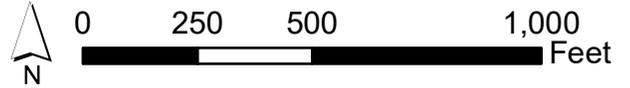


Zoning

- FD
- GC
- LI



- Site Location**
- Subject Property**
- Parcel**
- City Limit**



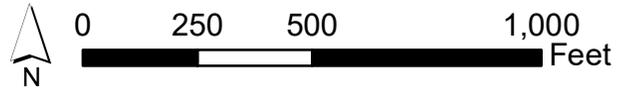
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Imagery from 2017.

Map Date: 4/24/2020

AC-20-05 Aerial View City of San Marcos Utilities — 2240 Clovis Barker Rd



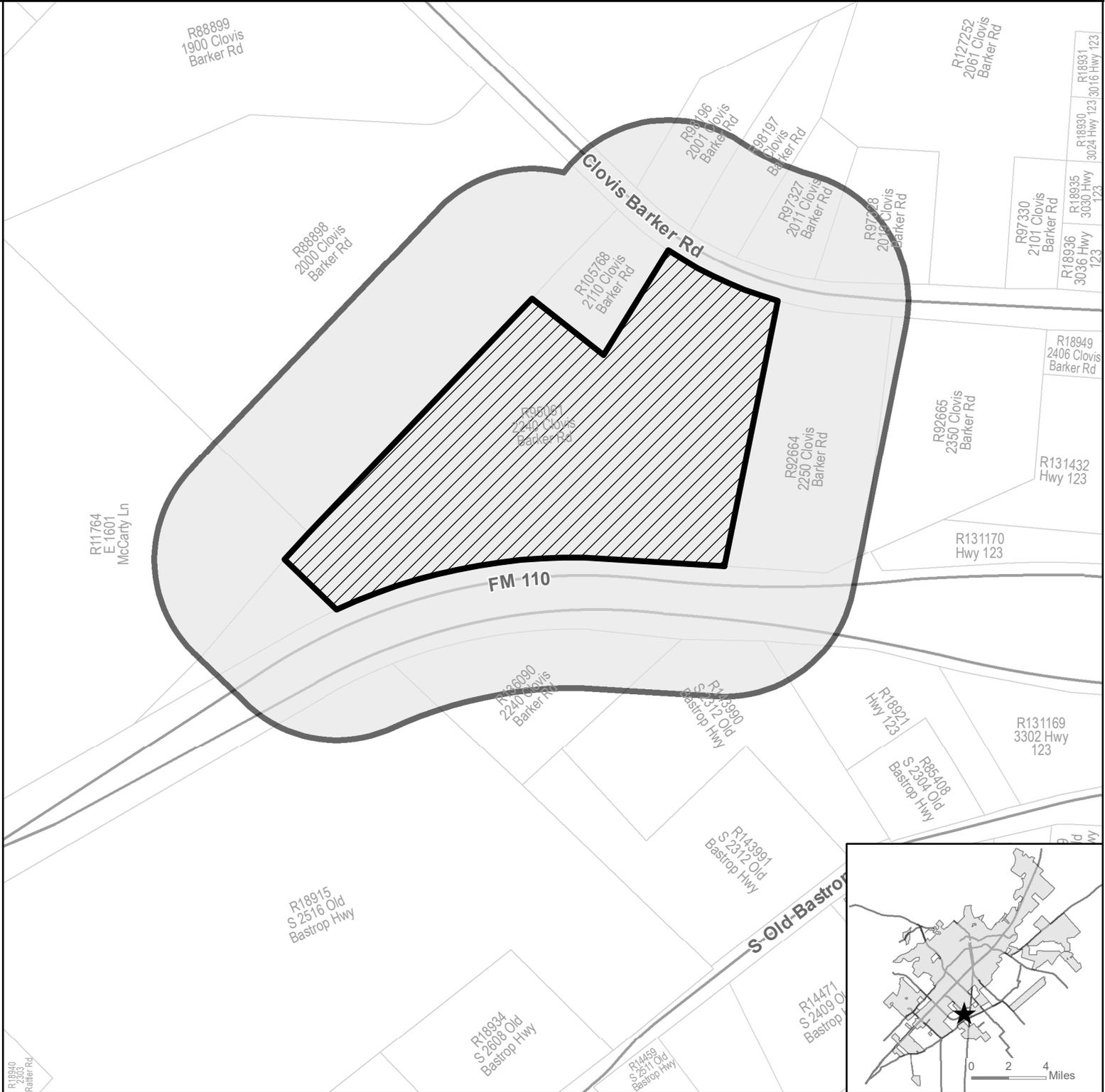
- ★ Site Location
- ▭ Subject Property
- ▭ Parcel
- ▭ City Limit



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Imagery from 2017.

Map Date: 4/24/2020

AC-20-05 400' Notification Buffer City of San Marcos Utilities — 2240 Clovis Barker Rd



- ★ Site Location
-  Subject Property
-  400' Buffer
-  Parcel
-  City Limit



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Map Date: 4/24/2020

Property ID	Property Address	Owner	Mailing Address	City	Owner State	Owner Zip
18916	OLD BASTROP	CARR REED & PATRICIA REVOCABLE TRUST	Attn: REED & PATRICIA M CARR TRUSTEES 2516 S OLD BASTROP HWY	SAN MARCOS	TX	78666-8995
18927	MCCARTY	JASTER EDMUND HAYS COUNTY PARTNERSHIP	% GEORGE JASTER P O BOX 481	MADISONVILLE	TX	77864-0481
15912	CLOVIS BARKER	MCCOY FAMILY PARTNERSHIP ONE	P O BOX 1028	SAN MARCOS	TX	78667-1028
143990	2312 OLD BASTROP	OBTX LLC	% WILLIAM MCARDLE 5608 EASTGATE DR	SAN DIEGO	CA	92121
98196	2190 CLOVIS BARKER	PAP CO INC	A TEXAS CORP 103 W MIMOSA CIR	SAN MARCOS	TX	78666
92665	2350 CLOVIS BARKER	PINECREST DEVELOPMENT CO LLC	P O BOX 2342	WILSON	NC	27894-2342
97327	2011 CLOVIS BARKER	RAINS, DONALD P	2011 CLOVIS BARKER RD	SAN MARCOS	TX	78666
97328	2019 CLOVIS BARKER	SM, LEASING INC	2019 CLOVIS BARKER RD	SAN MARCOS	TX	78666
98197	2001 CLOVIS BARKER	STE OIL COMPANY INC	2001 CLOVIS BARKER RD	SAN MARCOS	TX	78666
105768	2110 CLOVIS R BARKER	WEST TEXAS COMMERCIAL PROPERTIES LTD	6021 43RD ST	LUBBOCK	TX	79407-3712
18921	Property Address	WISE JAMES K REAL ESTATE INC	% JAMES K WISE 6325 REDWOOD RD	SAN MARCOS	TX	78666

CONDITIONAL USE PERMIT / ALTERNATIVE COMPLIANCE (GENERAL) APPLICATION

Updated: October, 2019



CONTACT INFORMATION

Applicant's Name		Property Owner	
Company		Company	
Applicant's Mailing Address		Owner's Mailing Address	
Applicant's Phone #		Owner's Phone #	
Applicant's Email		Owner's Email	

PROPERTY INFORMATION

Subject Property Address: _____

Zoning District: _____ **Tax ID #: R** _____

Legal Description: Lot _____ **Block** _____ **Subdivision** _____

DESCRIPTION OF REQUEST

Please use this space to describe the proposal. Attach additional pages as needed.

AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Initial Filing Fee \$793* **Technology Fee \$13** **TOTAL COST \$806**

Renewal/Amendment Filing Fee \$423* **Technology Fee \$13** **TOTAL COST \$436**

**Nonprofit Organization fees are 50% of the adopted fee listed for Conditional Use Permits*

Submittal of this digital Application shall constitute as acknowledgement and authorization to process this request.

PROPERTY OWNER AUTHORIZATION

I, _____ (owner name) on behalf of
_____ (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
_____ (address).

I hereby authorize _____ (agent name) on behalf of
_____ (agent company) to file this application for
_____ (application type), and, if necessary, to work with
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: _____ Date: _____

Printed Name, Title: _____

Signature of Agent: _____ Date: _____

Printed Name, Title: _____

Form Updated October, 2019

**AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS
AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS**

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***
- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be \$91 plus a \$13 technology fee.***
- Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be \$91 plus a \$13 technology fee.***

I have read the above statements and agree to the required public notification, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of notification and public hearing and hereby submit the attached application for review by the City.

Signature: _____

Date: _____

Print Name: _____

ATTACHMENT A – LDC 3.6.1.1 (Block Measurement)

Alternative Compliance Description

The existing site is approximately 20.61-acres, with a perimeter of approximately 4,415-feet, and is zoned entirely as Light Industrial (LI). Per LDC 3.6.2.1.C, a block is bounded by a public right-of-way. The site, shown on the attached site plan exhibit, is bounded by existing right-of-way on two sides and is bounded by existing developments on the remaining two sides. The site has approximately 375-feet of frontage along Clovis Barker Road, and approximately 1,235-feet of frontage along FM 110. The Hays County Juvenile Detention Center is adjacent to the property along the east boundary. Two industrial sites are adjacent to the property along the west boundary. The proposed use of the property encompasses critical utility infrastructure as defined by the Department of Homeland Security, which has mandatory security requirements. Based on the Industrial Uses in this area, and proximity to SH 123 / Guadalupe Street, there is no added benefit to additional connections between FM 110 and Clovis Barker at this location. In addition, there are no existing or planned public roads north of Clovis Barker Road and south of FM 110 for providing connectivity.

LDC 3.6.5.1 Blocks, Lots, Access Alternative Compliance

1. *The approved design adjustment meets the intent of this Article.*

Agree. Based on the Industrial Uses in this area, and proximity to SH 123 / Guadalupe Street, there is no added benefit to additional connections between FM 110 and Clovis Barker at this location. In addition, there are no existing or planned public roads north of Clovis Barker Road and south of FM 110 for providing connectivity.

2. *The approved design adjustment conforms with the Comprehensive Plan and adopted City plans.*

Agree. Based on the Industrial Uses in this area, and proximity to SH 123 / Guadalupe Street, there is no added benefit to additional connections between FM 110 and Clovis Barker at this location. In addition, there are no existing or planned public roads north of Clovis Barker Road and south of FM 110 for providing connectivity.

3. *The approved design adjustment does not increase congestion or compromise safety.*

Agree. The site has access to both Clovis Barker Road and FM 110, and is in close proximity to SH 123 / Guadalupe Street; therefore, no increased congestion is anticipated. The site has to meet security requirements determined by the Department of Homeland Security; therefore, the proposed improvements will not compromise safety.

4. *The approved adjustment does not create any lots without direct street frontage.*

Agree. The site is a proposed 1-lot subdivision. There is existing street frontage on two sides – Clovis Barker Rd and FM 110.

5. *The design adjustment is deemed reasonable due to one or more of the following:*

- a. *Topographic changes are too steep;*
- b. *The presence of existing buildings, stream and other natural features;*
- c. ***Site layout of developed properties;***
- d. *Adjoining uses or their vehicles are incompatible;*
- e. *Strict compliance would pose a safety hazard; or*
- f. *The design adjustment does not conflict with an approved or built roadway construction project adjacent to or in the vicinity of the site.*

The existing developed site near the northwest corner of the property prevents a direct connection between FM 110 and Clovis Barker Road along the west side of the property. In addition, the existing developed sites north of Clovis Barker do not include public roads, so there are no connections needed in order to provide connectivity to the larger network.

LDC 2.8.4.4 Alternative Compliance Criteria for Approval

1. *The request is consistent with the policies embodied in the adopted Comprehensive Plan.*

Agree. The site is in the LI Zoning District and the proposed use is compatible and consistent with the character and intent of the zoning district.

2. *The request is consistent with the general purpose, intent and character of the development regulations applicable to the property.*

Agree. The spirit of the LDC will be achieved by the current design. The site is in the LI Zoning District and the proposed use is compatible and consistent with the character and intent of the zoning district. Furthermore, the site is bounded on two sides by Clovis Barker Road and FM 110, The Hays County Juvenile Detention Center is adjacent to the property along the east boundary and two industrial sites are adjacent to the property along the west boundary. There is no added benefit to additional connections between FM 110 and Clovis Barker at this location.

3. *There are special circumstances or conditions arising from the physical surroundings, shape, topography or other features affecting the subject property.*

The required program elements for the Public Works Departments fit on the 20-acre property. Deducting area along the east and west property lines in order to provide public right-of-way would impact the ability of the Public Works Departments to provide the required programs and associated required parking. In addition, the unique

operations of the site require additional security measures that do not allow for an internal road through the site that is public right-of-way.

4. *The request is detrimental to the public health, safety or welfare, or injurious to other property within the area.*

Disagree. The purpose for the design is to maintain the operation serviceability of the facility and limit the risk of property damage and/or personal injury to the City of San Marcos because of the unique operation of this facility.

5. *The request either:*

- a. ***Does not have an adverse impact upon adjacent property or neighborhoods, including but not limited to, parking, traffic, noise, odors, visual nuisances, and drainage; or***
- b. *Includes improvement either on-site or within the public rights-of-way to mitigate any such adverse impacts.*

Request for this project meets Option (a). The adjacent properties are in the Light Industrial zoning district as well and only consist of manufacturing and juvenile justice facilities.

6. *The request shall not have the effect of preventing the orderly use and enjoyment of other property within the area in accordance with the provisions of this Development Code, or adversely affect the rights of owners or residents of adjacent property or neighborhoods.*

Agree. All adjacent sites have direct access to either Clovis Barker Road or FM 110.

7. *The request shall not result in any incompatibility of the development to which it relates with, or the character and integrity of, adjacent property or neighborhoods.*

The adjacent properties are in the Light Industrial zoning district.

8. *The request meets the standards for the applicable zoning district, or to the extent deviations from such standards have been requested, such that deviations are necessary to render the subject development or improvement compatible with adjacent development or the neighborhood.*

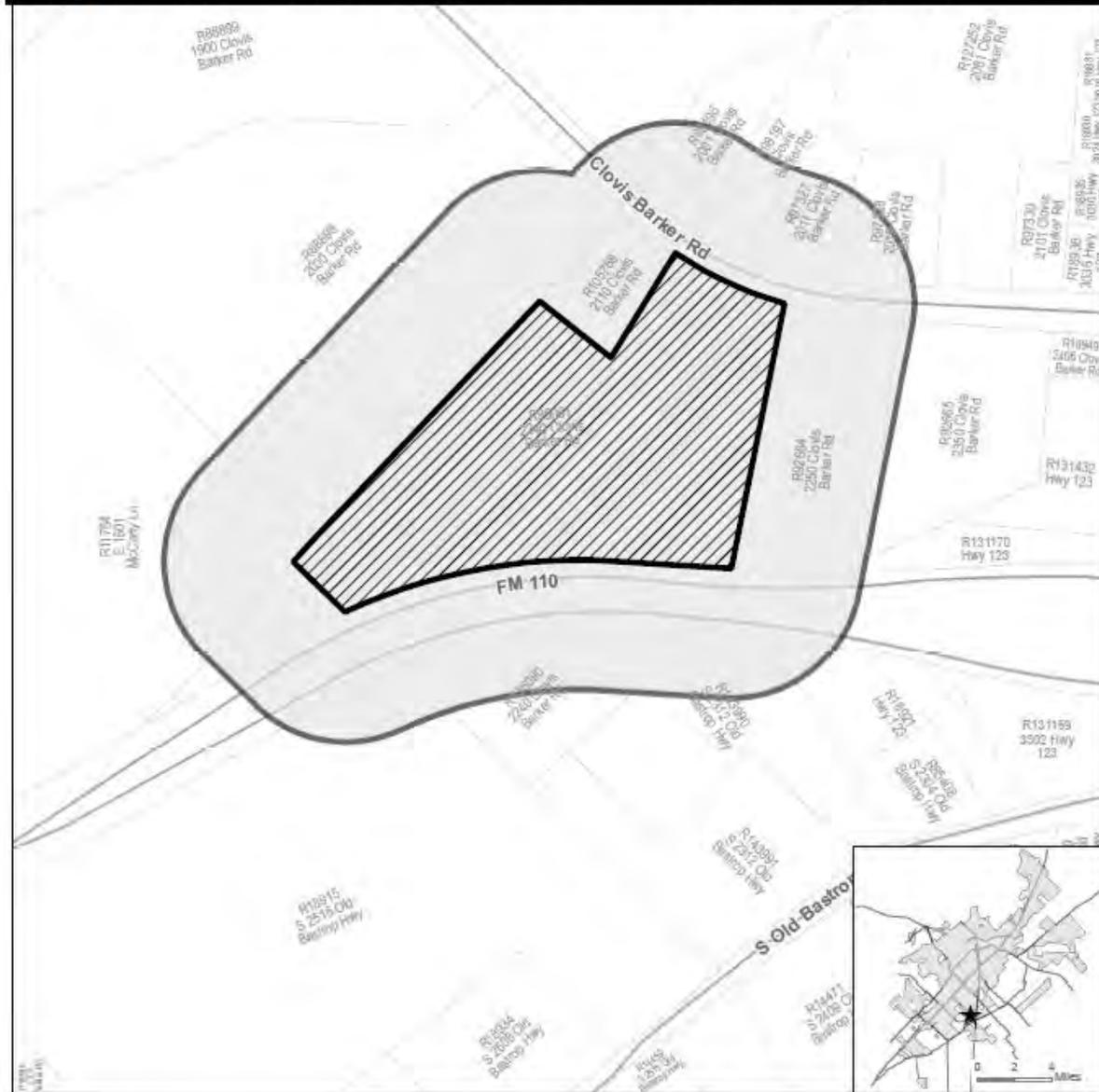
The property meets applicable standards for the Light Industrial zoning district.

AC-20-05 (Maximum Block Perimeter)

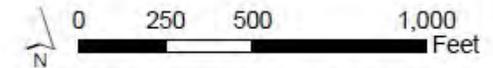
AC-20-05 (Maximum Block Perimeter) Hold a Public Hearing and consider a request from Jermi Henry for an Alternative Compliance to the maximum block perimeter requirements in Section 3.6.6.1 of the San Marcos Development Code related to the proposed City of San Marcos Public Services Facility near the intersection of FM 110 and Hwy 123, Hays County, Texas. (W. Parrish)

Location:

- Approximately 20.5 acres near the intersection of FM 110 and Hwy 123
- **Zoning:** Light Industrial (LI)
- **Current Configuration:** Vacant
- **Surrounding uses include:**
 - Light industrial uses
 - Hays County Juvenile Detention Center



- ★ Site Location
- Subject Property
- 400' Buffer
- Parcel
- City Limit



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Map Date: 4/24/2020

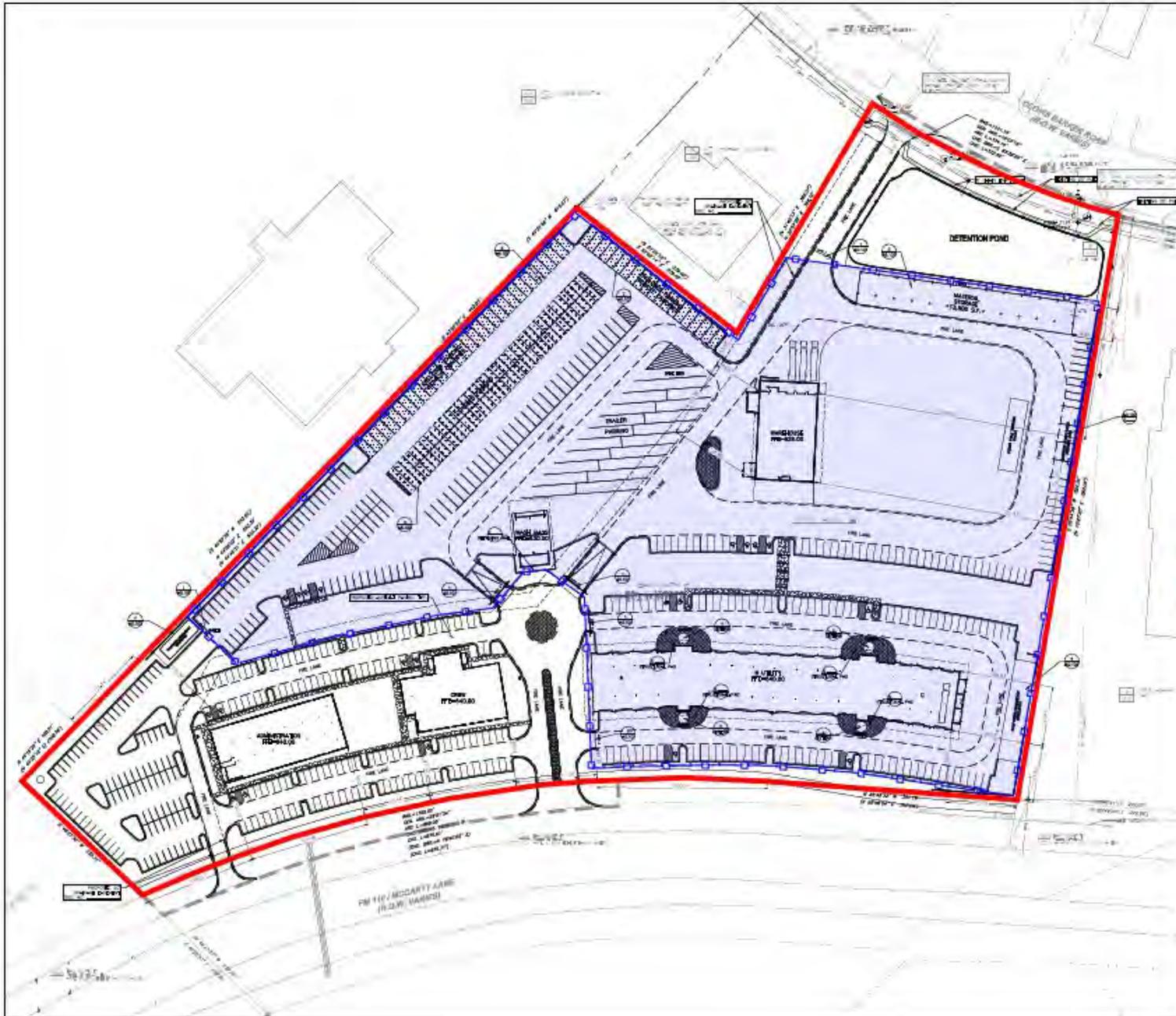
Context & History

- **Alternative Compliance:**
 Maximum Block Perimeter
- The maximum block perimeter for LI zoning is 5,000 linear feet.
- The applicant is requesting to waive this requirement.
- Approval would result in a block perimeter of approximately 7,400 lineal feet.



<ul style="list-style-type: none"> ★ Site Location ▭ Subject Property ▭ Parcel ▭ City Limit 	<p>0 250 500 1,000 Feet</p> <p>This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Imagery from 2017.</p> <p>Map Date: 4/24/2020</p>
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Site Plan



LAWRENCE GROUP

DATE: 08/14/2018
 DRAWN BY: J. HARRIS
 CHECKED BY: J. HARRIS
 PROJECT: CITY OF SAN MARCOS PUBLIC SERVICES COMPLEX

Sheet: 1 of 1

Scale: 1" = 40'

North Arrow

SECURED AREA FENCE PERIMETER

PROPERTY BOUNDARY

LEGEND

[Blue outline] SECURED AREA FENCE PERIMETER
 [Red outline] PROPERTY BOUNDARY

PROPERTY BOUNDARY

SECURED AREA FENCE PERIMETER

LEGEND

[Blue outline] SECURED AREA FENCE PERIMETER
 [Red outline] PROPERTY BOUNDARY

SITE DEVELOPMENT PERMIT SUBMITTAL

CITY OF SAN MARCOS

PUBLIC SERVICES COMPLEX

SITE PLAN EXHIBIT

CO.200

Alternative Compliance Request

Section 4.4.3.4 Maximum Lot Width

Code Requirement: Light Industrial Zoning Districts have a 5000 block perimeter.

Applicant Request: Applicant is requesting to waive the maximum block perimeter standard.

TABLE 3.1 BLOCK PERIMETERS

ZONING DISTRICT	BLOCK PERIMETER (MAX)	DEAD-END STREET (MAX)
FD, CD-1, CD-2	N/A	500 Ft.
SF-6, ND-3, SF-R, SF-4.5	3,000 Ft.	300 Ft.
ND-3.5, ND-4, CD-3	2,800 Ft.	250 Ft.
CD-4	2,400 Ft.	200 Ft.
CD-5, CD-5B	2,000 Ft.	NOT ALLOWED
EC, HC, HI, LI	5,000 Ft.	400 Ft.
LEGACY DISTRICTS AND ETJ	3,000 Ft.	300 Ft.

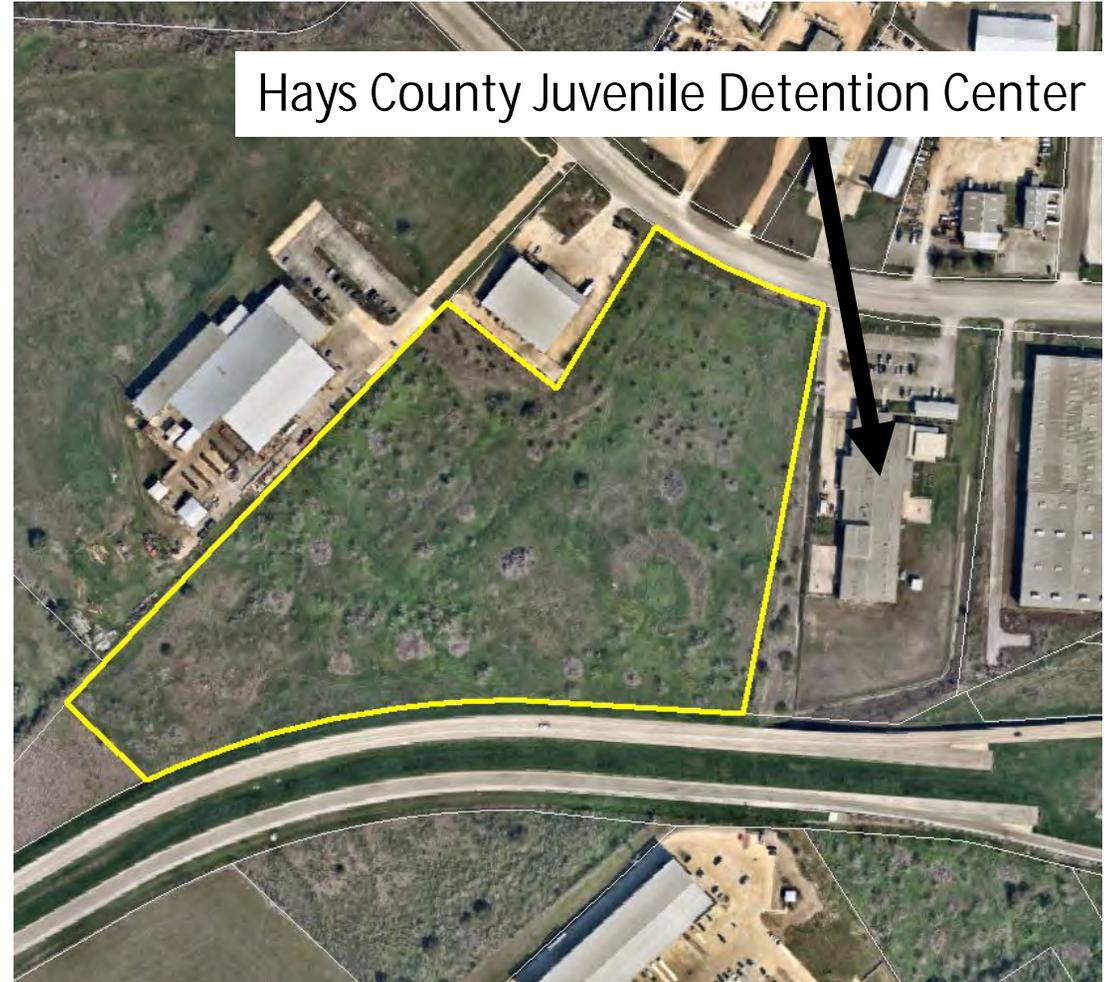
Analysis

Purpose of the Maximum Block Length

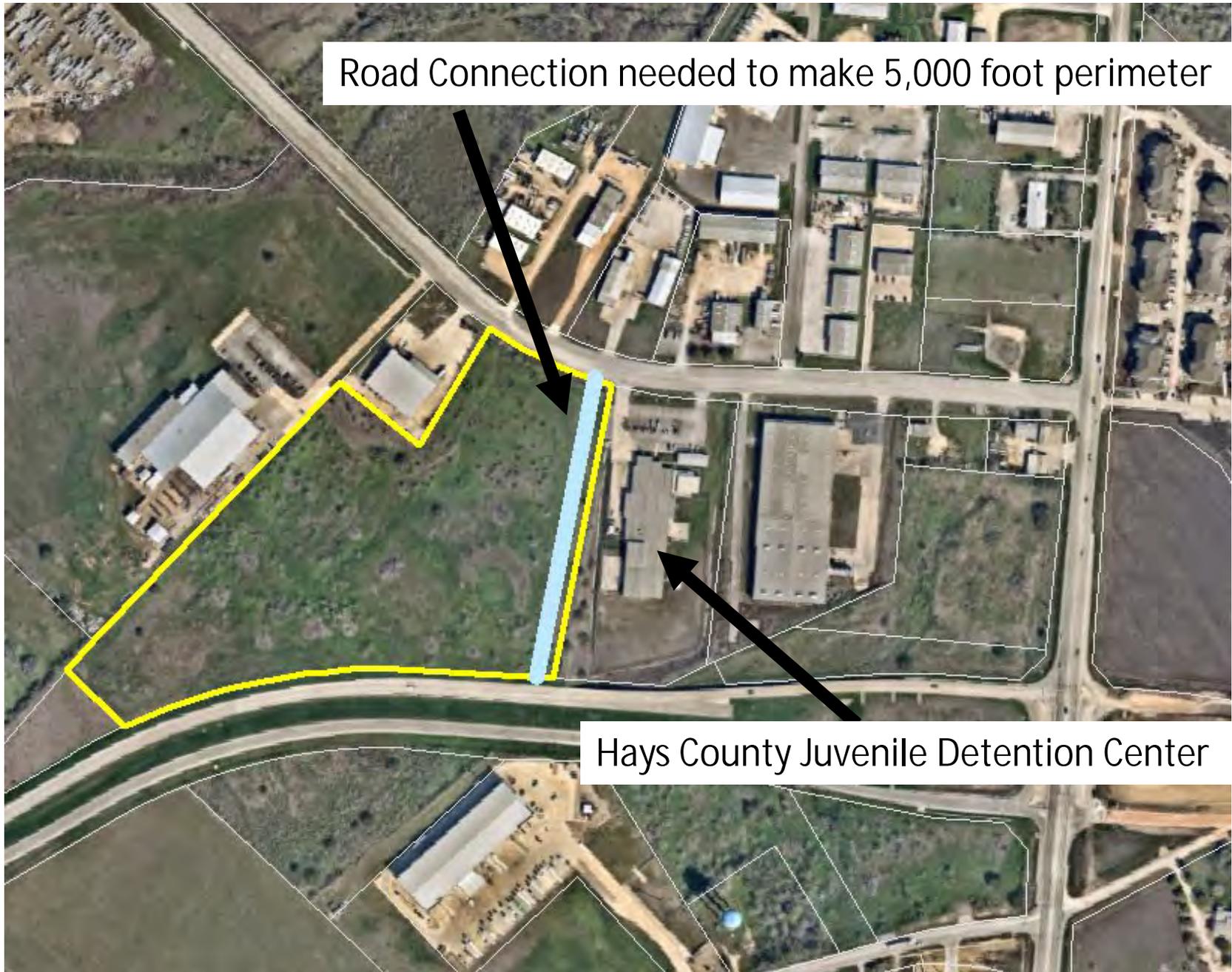
- Ensures connectivity.
- Reduces congestion.
- Reduces driving distance, which can increase response times for emergency services.

Proximity to Hays County Juvenile Detention Facility

- Secure detention facility
- 5,000 foot block perimeter would place roadway adjacent to longest side of the facility
- Potential to impact security of facility.



Block Break Required by Code

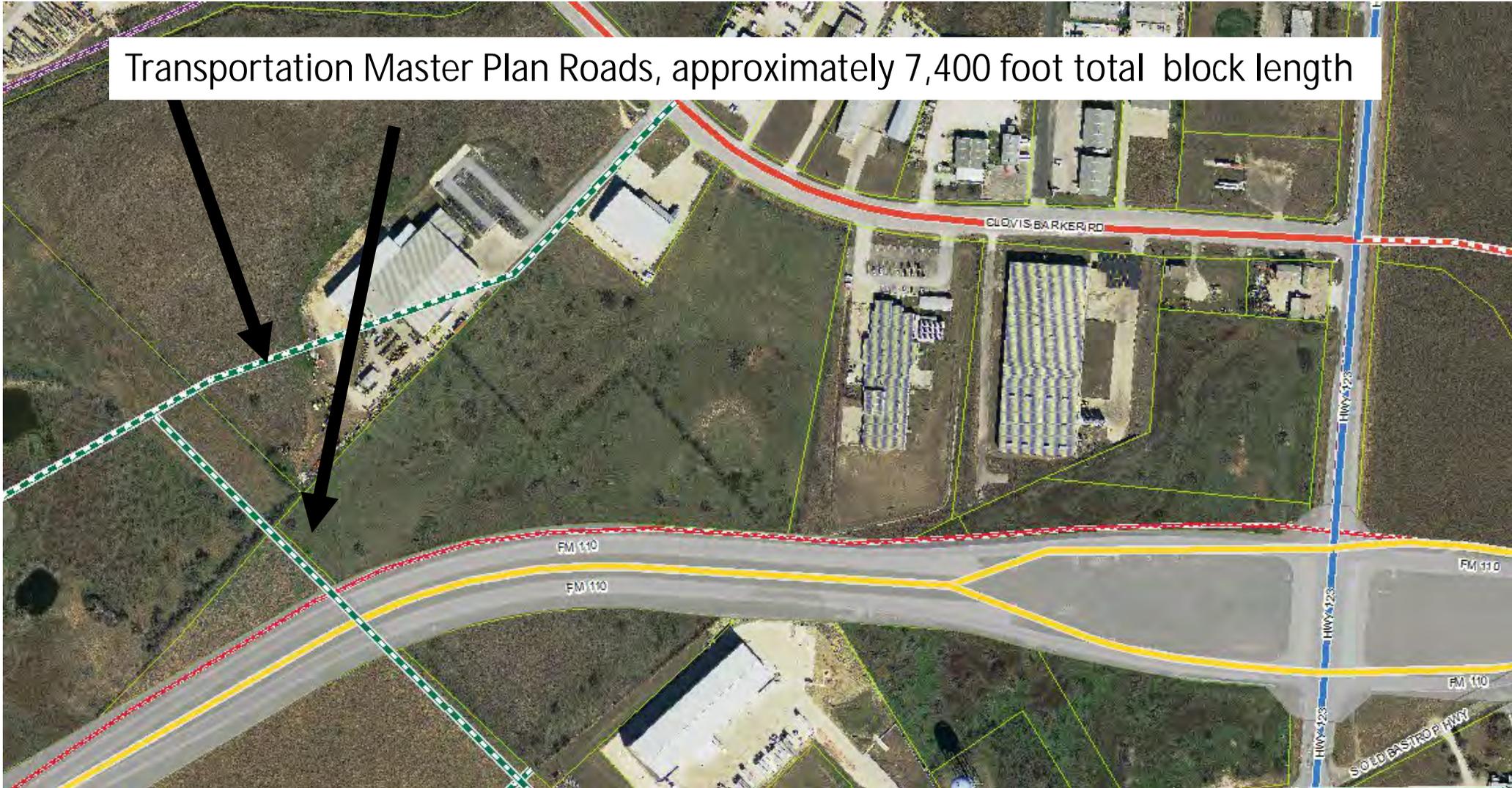


Road Connection needed to make 5,000 foot perimeter

Hays County Juvenile Detention Center

Transportation Master Plan

Transportation Master Plan Roads, approximately 7,400 foot total block length



Staff Recommendation

Staff recommends that the request be approved with the following condition:

1. This Alternative Compliance shall not expire.

From: [Brett Littlejohn](#)
To: [Parrish, Will](#)
Cc: [Joel Ware](#); [Burlon Parsons](#)
Subject: [EXTERNAL] City of San Marcos Project
Date: Tuesday, April 28, 2020 1:50:15 PM

Mr. Parrish,

This email is a follow-up to the discussion we had earlier today in regards to the property adjacent to the Hays County Juvenile Center and more specifically the requirement of a road between the two properties. As mentioned in our conversation I have several concerns with a road fronting a major portion our property; namely safety and security, confidentiality of our youthful residents and the possibility to introduce contraband into the facility with easy access away from the facility. We already have a major road immediately behind our facility that raises operational concerns, especially since from one of the lanes you can see directly into our out recreation yard. Adding another road beside the facility would only heighten my concerns for our residents and staff.

I would suggest if at all possible not to place a road beside the facility and I am willing to talk to anyone else about my concerns. Please do not hesitate to contact me in regards to this matter.

Brett Littlejohn, Administrator
(512) 393-5220 x11202

CAUTION: This email is from an EXTERNAL source. Links or attachments may be dangerous. Click the Phish Alert button above if you think this email is malicious



Legislation Text

File #: CUP-20-10, Version: 1

AGENDA CAPTION:

CUP-20-10 (Xian Sushi & Noodle) Hold a Public Hearing and consider a request by Ye Lin for a new Conditional Use Permit for the purpose of selling beer and wine for on-premise consumption at 200 Springtown Way, Suite 138. (W. Parrish)

Meeting date: May 12, 2020

Department: Planning and Development Services

Amount & Source of Funding

Funds Required: NA
Account Number: NA
Funds Available: NA
Account Name: NA

Fiscal Note:

Prior Council Action: [Click or tap here to enter text.](#)

City Council Strategic Initiative: [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Choose an item.
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Core Services

Not Applicable

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

Background Information:

Xian Sushi & Noodle is located near the intersection of Springtown Way and Thorpe Lane. It is on the ground floor of the Lyndon, a mixed-use apartment building. The restaurant is approximately 2,651 square feet, and is requesting a CUP for beer and wine.

The restaurant is proposing 80 indoor seats, with 30 outdoor seats. At this time the applicant does not intend to have outdoor speakers on the patio. The building is located within the Springtown Shopping Center and does not front on a public street.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Staff has reviewed the request and recommends **approval** with the following conditions:

1. Permit shall be valid for one (1) year, provided standards are met;
2. There shall be no outdoor amplified music;
3. The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within 100 feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times;
4. The permit shall be effective upon the issuance of a Certificate of Occupancy; and
5. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

Conditional Use Permit	200 Springtown Way Suite 138
CUP-20-10	Xain Sushi & Noodle



Summary

Request:	A Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 200 Springtown Way, Suite 138		
Applicant:	Ye Lin 205 Southern Carina Drive Round Rock, TX 78681	Property Owner:	Springtown VMU LTD 500 West 5 th Street Ste 700 Austin, TX 78701
Square Feet:	1,651 square feet	Type of CUP:	Beer and Wine
Interior seating:	80	Outdoor seating:	30
Parking Required:	28	Parking Provided:	Shared
Days & Hours of Operation:	Monday - Saturday: 11 a.m. – 10 p.m. Sunday: 12 p.m. – 10 p.m.		

Notification

Posted:	April 25, 2020	Personal:	April 25, 2020
Response:	None as of the date of this report		

Property Description

Legal Description:	Lot 5A Springtown V Subdivision		
Location:	Near the intersection of Thorpe Lane and Springtown Way		
Acreage:	6.5 acres +/-	Central Business Area:	No
Existing Zoning:	Vertical Mixed Use (VMU)	Preferred Scenario:	Midtown High Intensity Zone
Existing Use:	Vacant	Proposed Use:	Restaurant
CONA Neighborhood:	Millview West	Sector:	7
Utility Capacity:	Adequate		

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	GC	Retail/Restaurants	High Intensity
South of Property:	GC	Retail/Restaurants	High Intensity
East of Property:	GC	Restaurants	High Intensity
West of Property:	GC	Restaurants	High Intensity

Conditional Use Permit	200 Springtown Way Suite 138
CUP-20-10	Xain Sushi & Noodle



History

Xian Sushi & Noodle is located near the intersection of Springtown Way and Thorpe Lane. It is on the ground floor of the Lyndon, a mixed-use apartment building. The restaurant is approximately 2,651 square feet, and is requesting a CUP for beer and wine.

Additional Analysis

The restaurant is proposing 80 indoor seats, with 30 outdoor seats. At this time the applicant does not intend to have outdoor speakers on the patio. The building is located within the Springtown Shopping Center and does not front on a public street.

Comments from Other Departments

Police	No Concerns
Fire	No Concerns
Public Services	No Concerns
Engineering	No Concerns

Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/>	Approval with Conditions / Alternate	<input type="checkbox"/>	Denial	<input type="checkbox"/>
<ol style="list-style-type: none"> 1. Permit shall be valid for one (1) year, provided standards are met; 2. There shall be no outdoor amplified music; 3. The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within 100 feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times; 4. The permit shall be effective upon the issuance of a Certificate of Occupancy; and 5. The permit shall be posted in the same area and manner as the Certificate of Occupancy. 					
Staff: Will Parrish	Title : Planner		Date: April 29, 2020		

Conditional Use Permit	200 Springtown Way Suite 138
CUP-20-10	Xain Sushi & Noodle

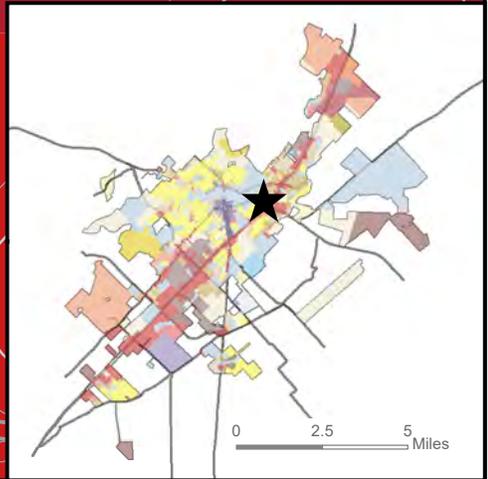
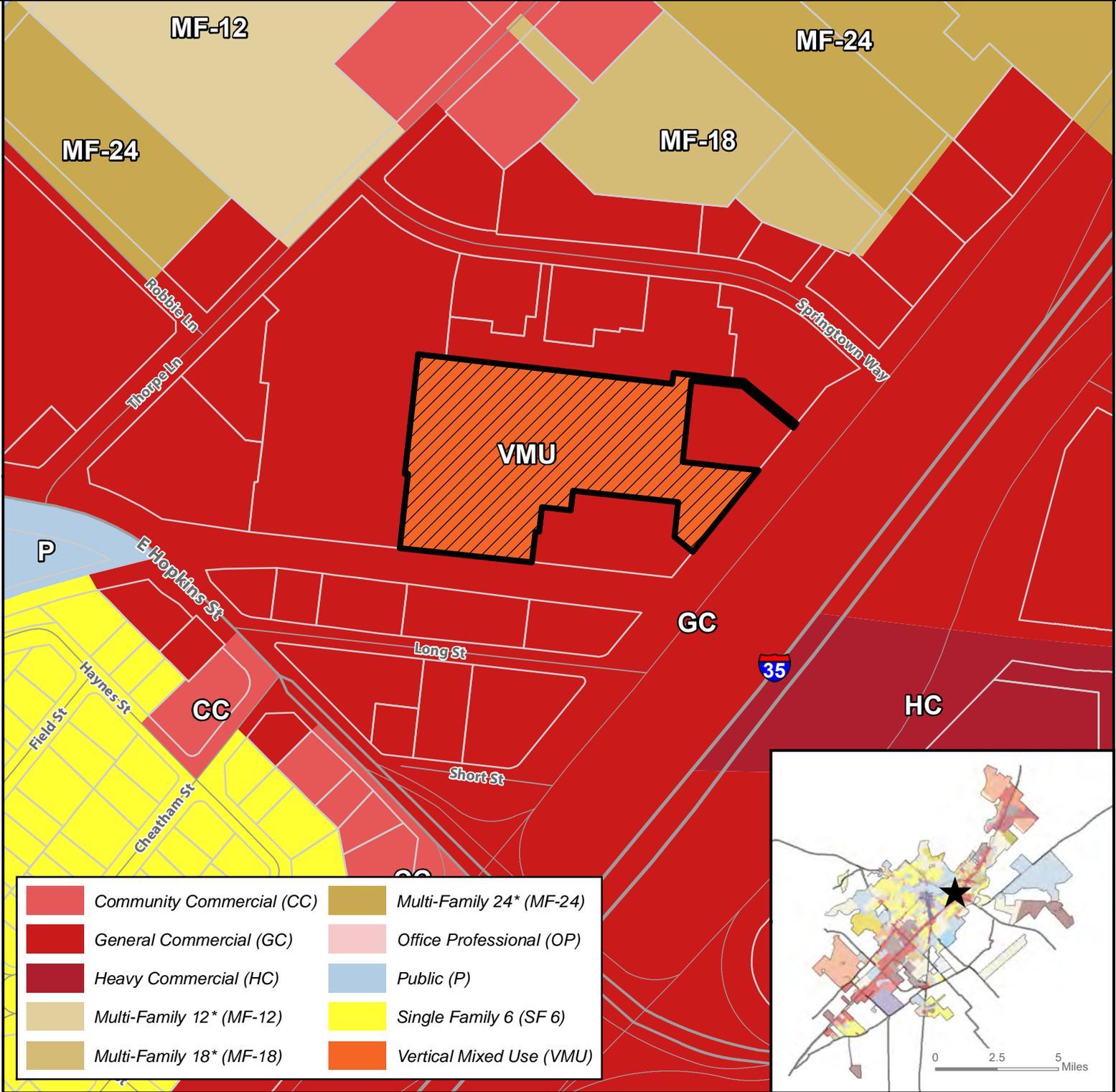


Evaluation			Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)
Consistent	Inconsistent	Neutral	
		<u>X</u>	The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.
		<u>N/A</u>	The proposed use is consistent with any adopted neighborhood character study for the area. Studies were not complete at the time of this request
<u>X</u>			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
<u>X</u>			The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods.
<u>X</u>			The proposed use does not generate pedestrian and vehicular traffic which shall be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
		<u>X</u>	The proposed use incorporates roadway adjustments, traffic control devices or mechanisms and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets.
		<u>X</u>	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.
<u>X</u>			The proposed use meets the standards for the applicable district, or to the extent variations from such standards have been requested that such variations are necessary to render the use compatible with adjoining development and the neighborhood.
<u>X</u>			The proposed use is not within 300 ft. of a detached single family residence located in a zoning district that only permits detached single family residences.
<u>X</u>			The proposed use is not within 300 ft. of a church, public or private school, or public hospital as outlined in section 5.1.5.5.
<u>X</u>			The proposed use is not within 1,000 ft. of a public or private school as outlined within section 5.1.5.5(E)(3).

CUP-20-10

Existing Zoning

Xian Sushi & Noodle — 200 Springtown Way, Suite 138



	Community Commercial (CC)		Multi-Family 24* (MF-24)
	General Commercial (GC)		Office Professional (OP)
	Heavy Commercial (HC)		Public (P)
	Multi-Family 12* (MF-12)		Single Family 6 (SF 6)
	Multi-Family 18* (MF-18)		Vertical Mixed Use (VMU)

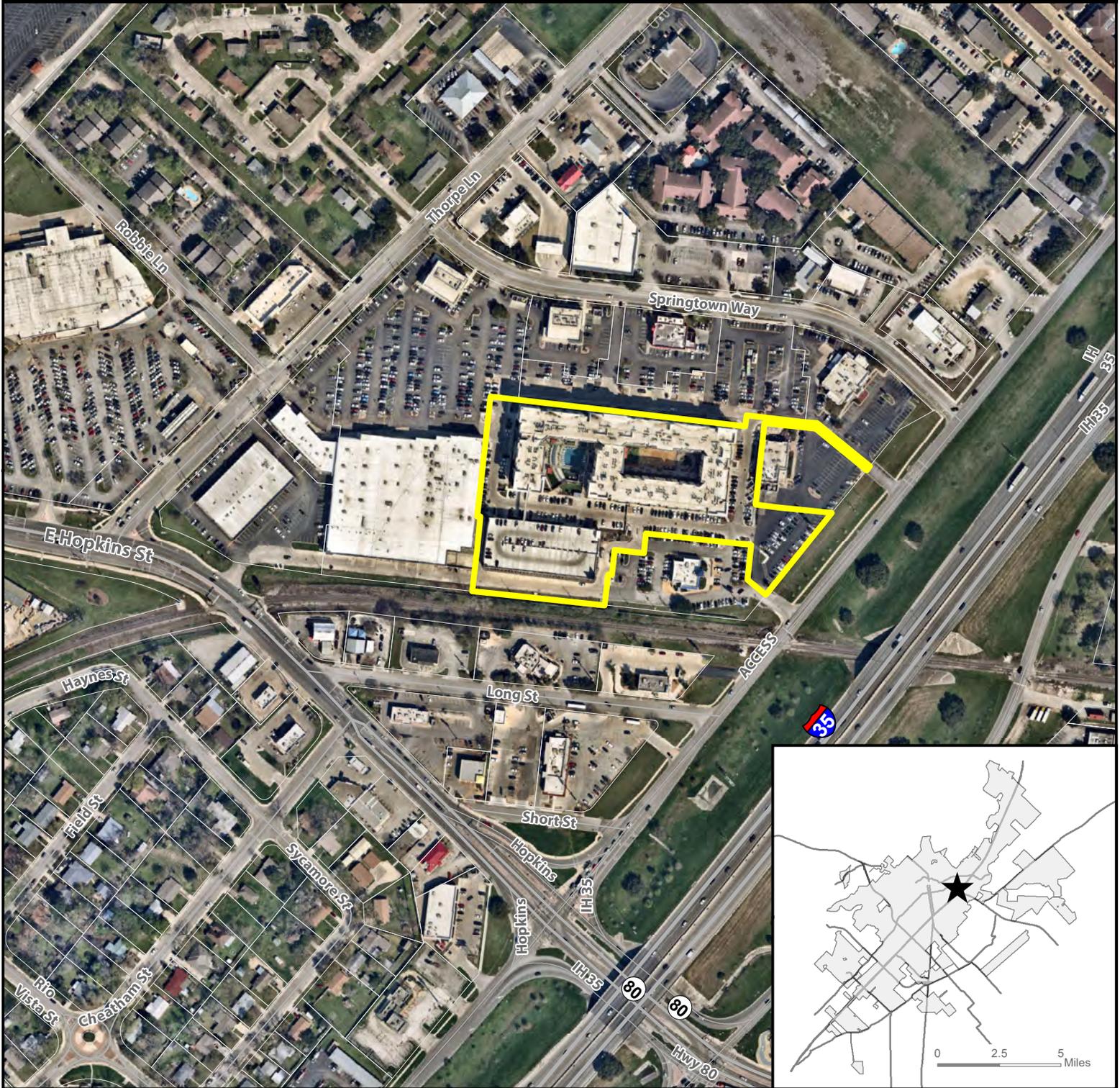
- Site Location**
- Subject Property**
- Parcels**
- City Limit**



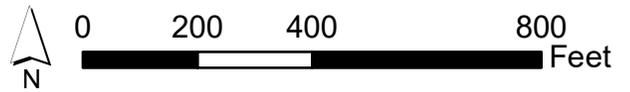
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Map Date: 4/23/2020

CUP-20-10 Aerial View Xian Sushi & Noodle — 200 Springtown Way, Suite 138



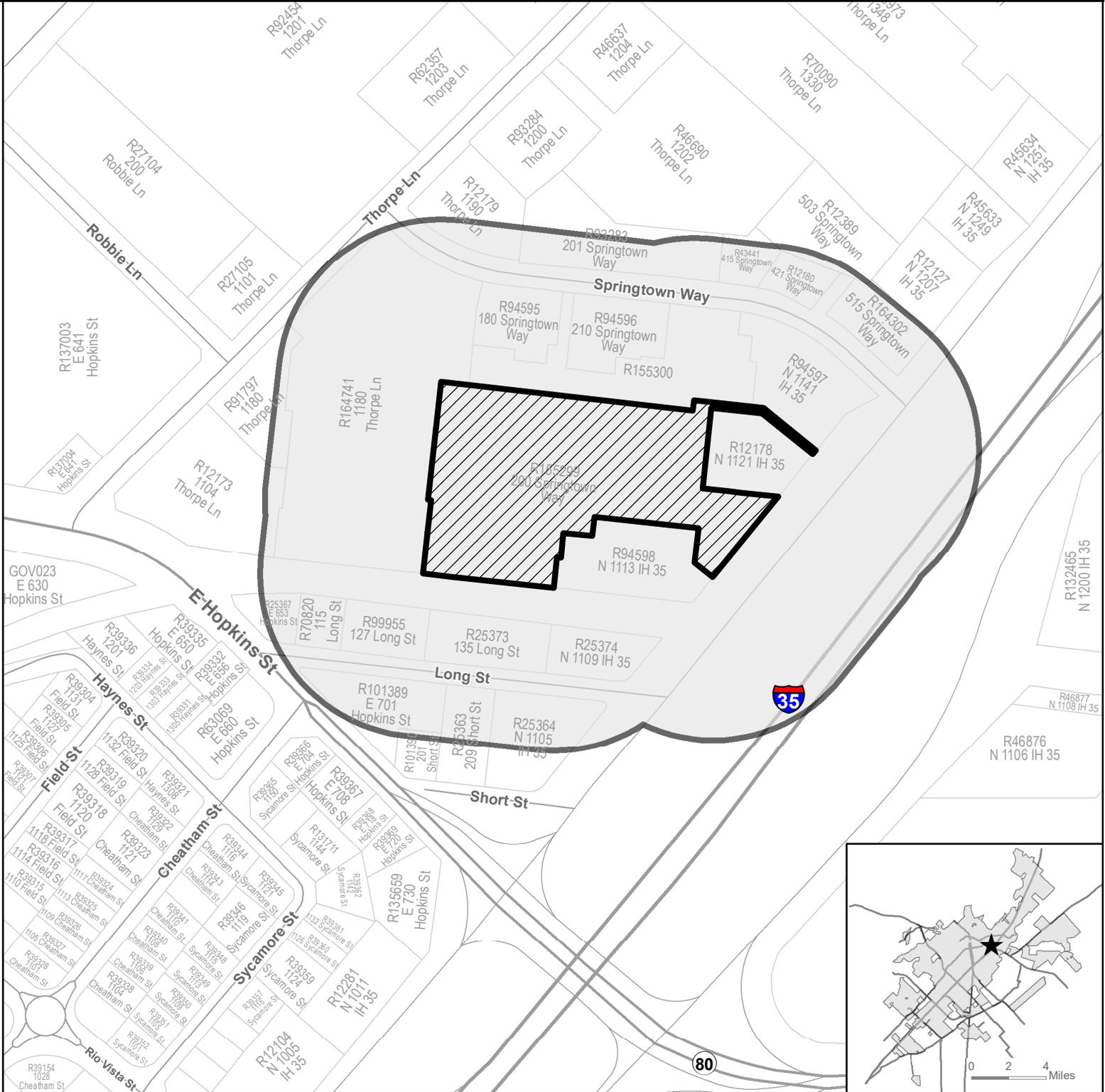
- ★ Site Location
- ▭ Subject Property
- ▭ Parcel
- ▭ City Limit



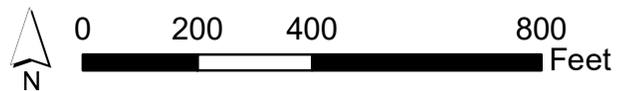
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Map Date: 4/23/2020

CUP-20-10 400' Notification Buffer Xian Sushi & Noodle — 200 Springtown Way, Suite 138



- ★ Site Location
-  Subject Property
-  400' Buffer
-  Parcel
-  City Limit



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Map Date: 4/23/2020

Property ID	Owner Name	Property Address	Owner Address	Owner City	Owner State	Owner Zip
164302	35 SPRINGTOWN WR LP	515 SPRINGTOWN	12050 VANCE JACKSON STE 102	SAN ANTONIO	TX	78230
94596	BWB2 LP	210 SPRINGTOWN	4311 TEXAS WILDLIFE TRL	AUSTIN	TX	78735-1751
99955	CARLTON FAMILY SURVIVOR'S TRUST Attn: CARLTON ROBBIE LEE TRUSTEE	127 LONG	620 BENOWE SCOTIA RD	GLENDALE	CA	91207-1018
12180	CHRIST COMMUNITY CHURCH OF SAN MARCOS	421 SPRINGTOWN	421 SPRING TOWN WAY	SAN MARCOS	TX	78666
101389	COLE WY PORTFOLIO TX LLC C/O WENDY'S PROPERTIES, LLC	701 HOPKINS	4288 W DUBLIN GRANVILLE RD	DUBLIN	OH	43017-2093
94598	CWH SAN MARCOS LTD	1113 IH 35	2161 NW MILITARY HWY STE 300	SAN ANTONIO	CA	78213
25373	CWH TACO CABANA LTD Attn: FIESTA RESTAURANT GROUP INC	135 LONG	14800 LANDMARK BLVD	DALLAS	TX	75254
25374	ENC FOOD GROUP LLC	1109 IH 35	7700 CRACKLING CREEK DR	AUSTIN	TX	78736
25363	HALJOHN SAN ANTONIO INC	209 SHORT	7300 BLANCO RD STE 302	SAN ANTONIO	TX	78216
70820	HAOLE II LLC	115 LONG	8705 WHITE CLIFF DR	AUSTIN	TX	78759-7725
12389	HOUSING AUTHORITY OF SAN MARCOS	503 SPRINGTOWN	503 SPRINGTOWN WAY	SAN MARCOS	TX	78666
164741	HUMPTY DUMPTY SSM LTD	1180 THORPE	500 W 5TH ST STE 700	AUSTIN	TX	78701
154869	MCDONALD'S REAL ESTATE CO DBA (DELAWARE) MCDONALD'D REAL ESTATE CO	1105 N IH 35	P O BOX 182571	COLUMBUS	OH	43218
94595	MONTEREY ROAD INVESTMENT GROUP LLC	180 SPRINGTOWN	430 FIRST ST UNIT A	GILROY	CA	95020
25367	MOTHERS WINDOW TINT & ALARMS	651 HOPKINS	109 W GRAYSON	SAN ANTONIO	TX	78212
94597	NATIONAL RETAIL PROPERTIES LP	1141 IH 35	450 S ORANGE AVE STE 900	ORLANDO	FL	32801

43441	NOWLAND, DANIEL	415 SPRINGTOWN	415 SPRINGTOWN WAY	SAN MARCOS	TX	78666
101390	PEVETO, JOHN, JR	201 SHORT	320 E NAKOMA	SAN ANTONIO	TX	78216
93283	ROBINSON CAROLINE J LLP Attn: MARIJA DOSEN, OFFICE DEPOT, INC.	201 SPRINGTOWN	6600 N Military TRL	Boca Raton	FL	33496-2434
164742	SAN MARCOS PLAZA LLC		1626 NORTH WILCOX AVE, STE 275	LOS ANGELES	CA	90028
146741	SPRINGTOWN SM LTD	1190 THORPE	PO BOX 9190	AUSTIN	TX	78766-9190
151289	T.A. COX TRUST % TURNER A WINGO & DEAN K WINGO & TERRY W HURST CO-TRUSTEES	1121 IH 35	3060 DEVONSHIRE WAY	GERMANTOWN	TN	38139
	Shane Scott		301 Second St	SAN MARCOS	TX	78666

CONDITIONAL USE PERMIT APPLICATION (ALCOHOL OUTSIDE CBA)



Updated: October, 2019

CONTACT INFORMATION

Applicant's Name	Ye Lin	Property Owner	Springtown VMU, Ltd
Company	Xian@San Marcos	Company	Endeavor Real Estate Group, Ltd
Applicant's Mailing Address	205 Southern Carina Dr. Round Rock TX 78681	Owner's Mailing Address	500 West 5th Street, Suite 700 Austin 78701
Applicant's Phone #	646-512-8223	Owner's Phone #	512-682-5517
Applicant's Email	xiansanmarcos@gmail.com	Owner's Email	ndavies@endeavor-re.com

PROPERTY INFORMATION

Subject Property Address: 200 Springtown Way, San Marcos TX78666

Zoning District: _____ Tax ID #: R 82-0743330

Legal Description: Lot _____ Block _____ Subdivision _____

Number of Parking Spaces: _____

Is property more than 300' from church, school, hospital, or residential district? Y N

DESCRIPTION OF REQUEST

Business Name: Xian Sushi & Noodle Restaurant Bar Other: _____

NEW RENEWAL/AMENDMENT Mixed Beverage Beer & Wine Late Hours

Hours of Operation(ex. Mon 12pm-1am): Mon 11AM-10PM Tue 11AM-10PM Wed 11AM-10PM

Thurs 11AM-10PM Fri 11AM-10PM Sat 11AM-10PM Sun 12PM-10PM

Indoor Seating Capacity: 80 Outdoor Seating Capacity: 30 Gross Floor Area: _____

AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Initial Filing Fee 793*

Technology Fee \$13

TOTAL COST \$806

Renewal/Amendment Filing Fee \$423*

Technology Fee \$13

TOTAL COST \$436

*Nonprofit Organization fees are 50% of the adopted fee listed for Conditional Use Permits

Submittal of this digital Application shall constitute as acknowledgement and authorization to process this request.

PROPERTY OWNER AUTHORIZATION

I, Springtown VMU, Ltd (owner name) on behalf of
Endeavor Real.Estate Group, Ltd (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
200 Springtown Way, San Marcos, TX 78666 (address).

I hereby authorize _____ (agent name) on behalf of
_____ (agent company) to file this application for
_____ (application type), and, if necessary, to work with
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: *Natalie Davies* Date: 2/10/2020
Printed Name, Title: Natalie Davies, Assistant Property Manager

Signature of Agent: _____ Date: _____
Printed Name, Title: _____

Form Updated October, 2019



**AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS
AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS**

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***
- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be \$91 plus a \$13 technology fee.***
- Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be \$91 plus a \$13 technology fee.***

I have read the above statements and agree to the required public notification, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of notification and public hearing and hereby submit the attached application for review by the City.

Signature: 

Date: 02/10/2020

Print Name: Ye Lin

CUP-20-10 (Xian Sushi & Noodle)

Hold a Public Hearing and consider a request by Ye Lin for a new Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 200 Springtown Way, Suite 138. (W. Parrish).

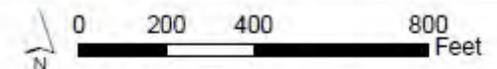
Location:

- Property is located within the Springtown shopping center at the intersection of Thorpe Lane and Springtown Way.
- Located within the Midtown High Intensity Zone as designated on the Preferred Scenario Map.

CUP-20-10
Aerial View
Xian Sushi & Noodle — 200 Springtown Way, Suite 138



- ★ Site Location
- ▭ Subject Property
- ▭ Parcel
- ▭ City Limit



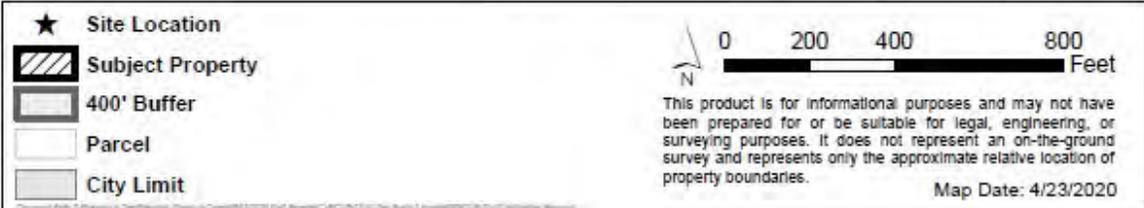
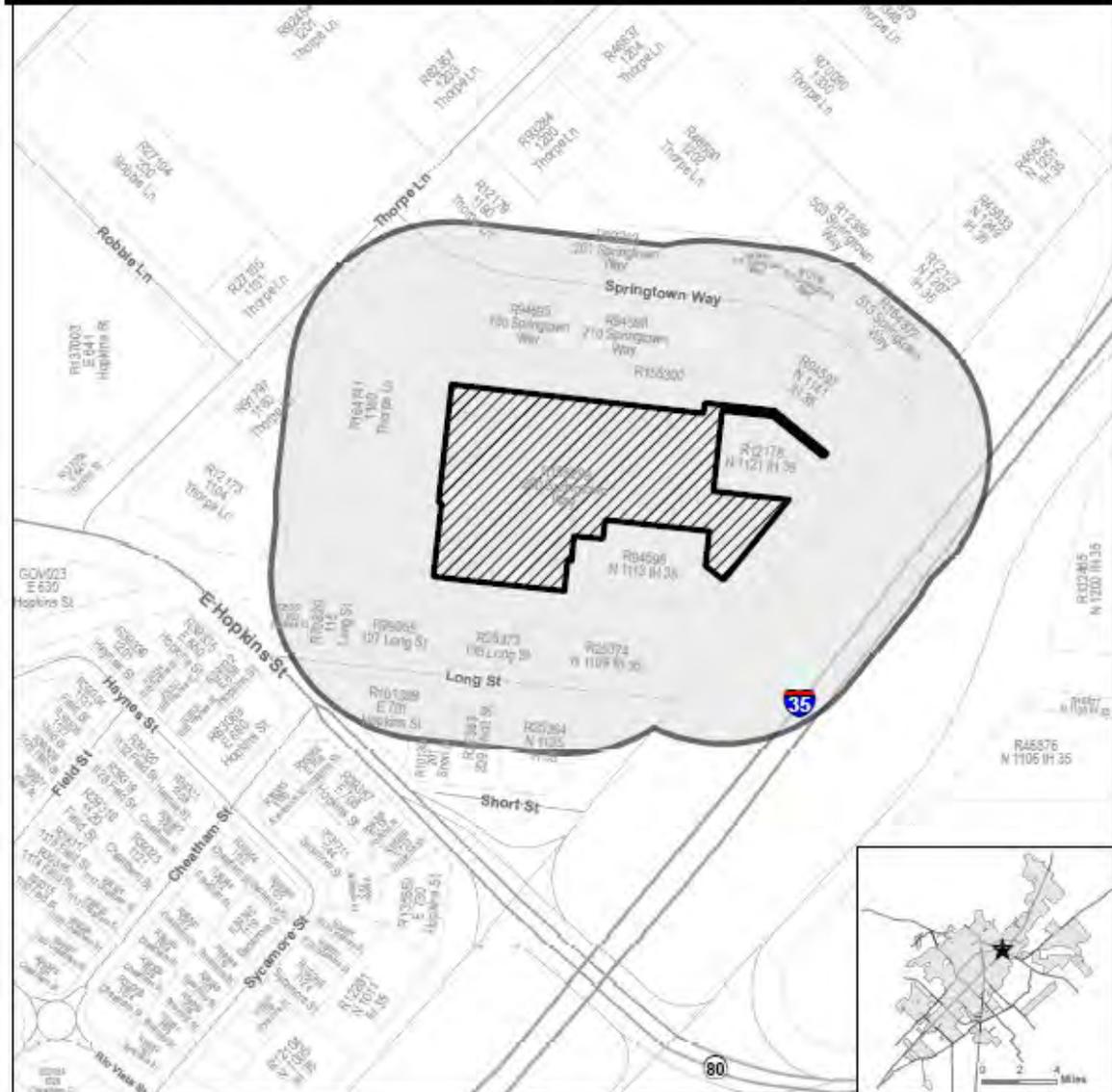
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Map Date: 4/23/2020

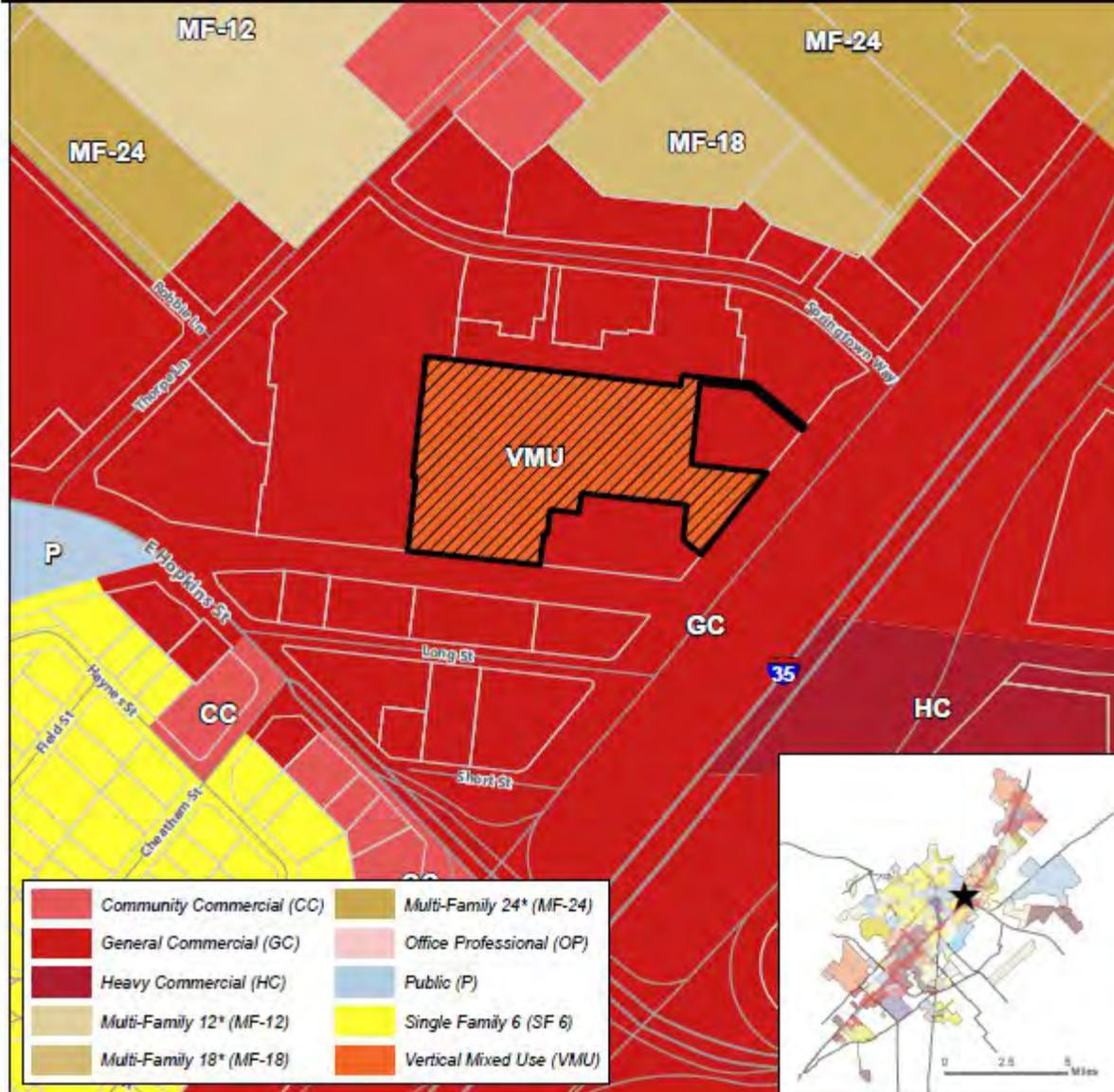
Context & History:

- 2,651 square feet restaurant
- Hours
 - Monday to Saturday 11 a.m. – 10 p.m.
 - Sunday 12 p.m. – 10 p.m.
- Seating:
 - 80 Indoor
 - 30 Outdoor

CUP-20-10 400' Notification Buffer Xian Sushi & Noodle — 200 Springtown Way, Suite 138



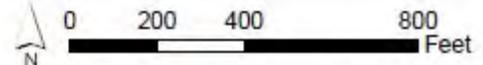
CUP-20-10
Existing Zoning
Xian Sushi & Noodle — 200 Springtown Way, Suite 138



	Community Commercial (CC)		Multi-Family 24* (MF-24)
	General Commercial (GC)		Office Professional (OP)
	Heavy Commercial (HC)		Public (P)
	Multi-Family 12* (MF-12)		Single Family 6 (SF 6)
	Multi-Family 18* (MF-18)		Vertical Mixed Use (VMU)



- Site Location
- Subject Property
- Parcels
- City Limit



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Map Date: 4/23/2020

Recommendations:

Staff provides this request to the Commission for your consideration and recommends **approval** of the Conditional Use Permit with the following conditions:

1. The permit shall be valid for one (1) year, provided standards are met;
2. There shall be no outdoor amplified music;
3. The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within 100 feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times;
4. The permit shall be effective upon issuance of the Certificate of Occupancy; and
5. The permit shall be posted in the same area and manner as the Certificate of Occupancy.



Legislation Text

File #: ID#20-117, **Version:** 1

AGENDA CAPTION:

Hold a Public Hearing, have a discussion, and consider a recommendation to the City Council on the 2021-2030 Capital Improvement Program (CIP).

Meeting date: May 12, 2020

Department: CIP/Engineering

Amount & Source of Funding

Funds Required: Click or tap here to enter text.

Account Number: Click or tap here to enter text.

Funds Available: Click or tap here to enter text.

Account Name: Click or tap here to enter text.

Fiscal Note:

Prior Council Action: Click or tap here to enter text.

City Council Strategic Initiative: [Please select from the dropdown menu below]

Workforce Housing

Multi Modal Transportation

City Facilities

Workforce Development

Downtown Vitality

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Choose an item.
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Core Services
- Not Applicable

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

Background Information:

After responding to any questions regarding the 2021 - 2030 CIP, staff will be requesting a motion and approval to forward to City Council.

Council Committee, Board/Commission Action:

May 12 - Public Hearing, Discussion and Recommendation to City Council

Alternatives:

Click or tap here to enter text.

Recommendation:

Click or tap here to enter text.



Legislation Text

File #: ID#20-265, Version: 1

AGENDA CAPTION:

Hold a public hearing and consider a recommendation to the City Council regarding text amendments to the San Marcos Development Code to address recommendations from the Alcohol Conditional Use Permit Committee, the Housing Task Force, the Historic Preservation Commission, and recommendations from City staff concerning application processing and requirements, block perimeter standards, Certificate of Appropriateness appeals, Concept Plat applicability, right-of-way dimensional standards, building type definitions, Neighborhood Density District zoning regulations, Character District zoning regulations, a new Special Events Facility use, multifamily parking standards, accessory dwelling units, neighborhood transitions, durable building materials, detention and water quality requirements for plats of four residential lots or less, detention requirements outside the Urban Stormwater Management District, delineation of water quality and buffer zones, channel design for water quality zone reclamation, sensitive geologic feature protection zones, geological assessment waivers, and Qualified Watershed Protection Plan applicability, and adoption of Appendix Q of the International Residential Code (S. Caldwell)

Meeting date: May 12, 2020

Department: [Click or tap here to enter text.](#)

Amount & Source of Funding

Funds Required: [Click or tap here to enter text.](#)

Account Number: [Click or tap here to enter text.](#)

Funds Available: [Click or tap here to enter text.](#)

Account Name: [Click or tap here to enter text.](#)

Fiscal Note:

Prior Council Action: [Click or tap here to enter text.](#)

City Council Strategic Initiative: [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

Economic Development - Choose an item.

- Environment & Resource Protection - Choose an item.
- Land Use - Choose an item.
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Core Services
- Not Applicable

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

Background Information:

A joint workshop between the Planning and Zoning Commission and City Council was held in June 2019. The purpose of the workshop was to allow City Council and the Planning and Zoning Commission the opportunity to review the proposed changes and provide staff direction on which requests should be reviewed and brought back with a recommendation. At that time, the Commission and Council identified items that they would like staff to analyze and bring back for further discussion and items that would not be considered as part of this annual update. For specific amendments, the Commission and Council also provided additional direction and items that should be considered in staff's analysis.

In November 2019, the Planning and Zoning Commission reviewed and provided a recommendation on proposed Phase 1 amendments which consisted of typos and technical errors, policy items that the joint committee directed be expedited at the June 2019 workshop, and amendments related to House Bills approved during the 2019 Legislative Session. These amendments were reviewed at the December 3rd City Council meeting and approved upon second reading at the December 17th City Council meeting.

At this time, City staff is presenting amendments proposed by City Engineering staff and several City Boards and Commissions. These amendments and their timing are in alignment with staff's recommendation at the June 2019 workshop the proposed next steps discussed during the Commission's review and action on Phase 1 amendments. In addition to these amendments already discussed at the workshop and during Phase 1, staff is presenting amendments related to policy items that have been expedited at the request of the City Council, additional needed amendments identified by Planning & Development staff since Phase 1, and amendments in response to a developer request.

Section 2.4.1.3 of the San Marcos Development Code requires the Planning & Zoning Commission to make a recommendation regarding the text amendment(s) to the City Council. Below is a summary of the process and key dates.

Development Code Amendments Process Summary

- City Council provides initial authorization to further consider or alternatively, rejects the proposal (3/3)
- Planning & Zoning Commission considers the amendments and recommends approval, approval with conditions, or denial of the text amendments (5/12)
- City Council holds a public hearing and first reading of ordinance (6/2)
- City Council holds second reading of ordinance (6/16)

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Recommendation:

Staff recommends ***approval*** of the proposed Land Development Code text amendments as presented.



Cover Memo

To:	Planning & Zoning Commission
From:	Planning & Development Services-Shavon Caldwell, Planner
Date:	April 24 th , 2020
Re:	Proposed Amendments to the San Marcos Land Development Code: <ol style="list-style-type: none">1. City Engineering Staff Recommendations2. Alcohol Conditional Use Permit Committee, Housing Task Force, and Historic Preservation Commission Recommendations3. Additional Amendments Identified by Staff Since June 2019 Workshop4. Developer Request for Special Events Facility Use5. Policy Items Expedited at the Request of Council

Summary and Background

In April 2018, the City of San Marcos adopted the San Marcos Development Code, which was developed through the multi-year CODE SMTX process. Beginning in March 2019, Planning & Development staff began conducting public outreach in support of the annual Land Development Code update. Staff provided a request form on the City's website where interested parties could submit their proposed change and the purpose behind their request. Staff shared the online request form and code update schedule via an initial e-mail notification and also in person at the regular meetings of the Downtown Association, Historic Preservation Commission, Neighborhood Commission, Parks Board, and Planning and Zoning Commission. After an additional reminder e-mail to those on the City's notification list, the request form was closed on May 7th.

A joint workshop between the Planning and Zoning Commission and City Council was held in June 2019. The purpose of the workshop was to allow City Council and the Planning and Zoning Commission the opportunity to review the proposed changes and provide staff direction on which requests should be reviewed and brought back with a recommendation. At that time, the Commission and Council identified items that they would like staff to analyze and bring back for further discussion and items that would not be considered as part of this annual update. For specific amendments, the Commission and Council also provided additional direction and items that should be considered in staff's analysis.

In November 2019, the Planning and Zoning Commission reviewed and provided a recommendation on proposed Phase 1 amendments which consisted of typos and technical errors, policy items that the joint committee directed be expedited at the June 2019 workshop, and amendments related to House Bills approved during the 2019 Legislative Session. These amendments were reviewed at the December 3rd City Council meeting and approved upon second reading at the December 17th City Council meeting.

At this time, City staff is presenting amendments proposed by City Engineering staff and several City Boards and Commissions. These amendments and their timing are in alignment with staff's recommendation at the June 2019 workshop where the proposed next steps were discussed. In

addition to these amendments already discussed at the workshop and during Phase 1, staff is presenting amendments related to policy items that have been expedited at the request of City Council, additional needed amendments identified by Planning & Development staff since Phase 1, and amendments in response to a developer request.

Criteria for Approval

Section 2.4.1.4 Criteria for Approval states that review and recommendations on text amendments to the Development Code should consider the below criteria. The following list is not all-inclusive.

Evaluation			Criteria for Approval (Sec. 2.4.1.4)
Consistent	Inconsistent	Neutral	
X			The proposed text amendment corrects an error or meets the challenge of some changing condition, trend or fact.
		X	The proposed text amendment is in response to changes in state law.
X			The proposed text amendment is generally consistent with the Comprehensive Plan and other adopted plans
X			The proposed text amendment does not conflict with any specific policy or action item of the Comprehensive Plan
X			The proposed text amendment is generally consistent with the stated purpose and intent of this Development Code.
X			The proposed text amendment constitutes a benefit to the City as a whole and is not solely for the good or benefit of a particular landowner or owners at a particular point in time
X			The proposed text amendment is not tied solely to a particular tract or development proposal
X			The proposed text amendment significantly impacts the natural environment, including air, water, noise, stormwater management, and wildlife vegetation.
		X	The proposed text amendment significantly impacts existing conforming development patterns, standards, or zoning regulations

Attachments

Exhibit A – Recommendations Table

Exhibit B – Redlined Code

Exhibit C – Windemere Ranch Request Letter

Exhibit D – Resolution 2019-03RR

Exhibit E – Appendix Q of the International Residential Code

Exhibit A - Recommendation Table

Item #	Amendment Type	Code Section	Proposed Amendment	Staff Notes & Recommendation
1	Engineering Department Recommendation	2.6.1.1.D , - 2.6.1.4	Make Qualified Watershed Protection Plans administrative	This recommendation from the Engineering Department was reviewed at the June 5, 2019 workshop. Staff recommends the edits as presented to include administrative approval capability for Qualified Watershed Protection Plans.
2	Engineering Department Recommendation	3.9.1.1.G	Add exception to detention/retention requirement for residential plats of 4 lots or less. Require approved drainage analysis and payment-in-lieu to stormwater management fund.	This recommendation from the Engineering Department was reviewed at the June 5, 2019 workshop. Staff recommends the edits as presented to include fee-in-lieu option for minor plats demonstrating no adverse impacts.
3	Engineering Department Recommendation	6.1.1.2.B	Add exception to detention and/or water quality requirements for significantly constrained sites outside the Urban Stormwater Management District.	This recommendation from the Engineering Department was reviewed at the June 5, 2019 workshop. Staff recommends the edits as presented to include waiver option when payment into stormwater management fund is made, and no adverse impacts have been demonstrated through a drainage analysis.
4	Engineering Department Recommendation	6.1.1.1.D	Add exception to water quality requirements for residential plats of 4 lots or less.	This recommendation from the Engineering Department was reviewed at the June 5, 2019 workshop. Staff recommends the edits as presented to waive water quality requirements for residential plats of four lots are less that are served by an existing street.
5	Engineering Department Recommendation	6.2.2.1 - 6.2.2.2	Clarify how WQZ and Buffer Zones are delineated now that entire floodplain is considered floodway	This recommendation from the Engineering Department was reviewed at the June 5, 2019 workshop. Staff recommends the edits as presented to clarify how the water quality zone and buffer zone are determined.
6	Engineering Department Recommendation	6.2.2.3.C	Modify sensitive feature protection zone to include 25 ft buffer around feature and additional buffer in upstream direction.	This recommendation from the Engineering Department was reviewed at the June 5, 2019 workshop. Staff recommends the edits as presented to include a buffer around the feature and additional buffer in upstream direction.
7	Engineering Department Recommendation	6.2.3.2	Require reclamation of water quality zones to incorporate natural channel design and shape.	This recommendation from the Engineering Department was reviewed at the June 5, 2019 workshop. Staff recommends the edits as presented to require the incorporation of natural channel function, aesthetics, and design.

Exhibit A - Recommendation Table

Item #	Amendment Type	Code Section	Proposed Amendment	Staff Notes & Recommendation
8	Engineering Department Recommendation	6.3.2.1.C	Add waiver of geological assessment requirement for sites that do not warrant assessment	<p>This recommendation from the Engineering Department was reviewed at the June 5, 2019 workshop.</p> <p>Staff recommends the edits as presented to allow waivers from the Responsible Official for sites that do not warrant assessment.</p>
9	Engineering Department Recommendation	6.2.3.5	Clarify mitigation requirements within water quality and buffer zones	<p>This recommendation from the Engineering Department was reviewed at the June 5, 2019 workshop.</p> <p>Staff recommends the edits as presented to clarify mitigation requirements within water quality and buffer zones.</p>
10	Alcohol Conditional Use Permit Committee Recommendation	2.8.3.5	Expire conditional use permits after 3 years. (no longer allow lifetime approvals)	<p>This recommendation from the Alcohol Coniditonal Use Permit Committee was reviewed at the June 5, 2019 workshop.</p> <p>Staff recommends the edits as presented which would require all Alcohol CUP holders to renew their permit, at a minimum, every three years.</p>
11	Alcohol Conditional Use Permit Committee Recommendation	2.8.3.6	Limit appeal eligibility to applicant only. (does not remove citizen appeal eligibility)	<p>This recommendation from the Alcohol Coniditonal Use Permit Committee was reviewed at the June 5, 2019 workshop.</p> <p>Staff recommends the edits as presented which would limit appeal eligibility of those within the 400' buffer zone to decisions of approval only.</p>
12	Alcohol Conditional Use Permit Committee Recommendation	5.1.5.5	Require all permit holders to keep site in clean and sanitary condition.	<p>This recommendation from the Alcohol Coniditonal Use Permit Committee was reviewed at the June 5, 2019 workshop.</p> <p>Staff recommends consideration of the edits as presented which would require all Alchol CUP holders to keep their site in a clean and sanitary condition.</p>
13	Alcohol Conditional Use Permit Committee Recommendation	7.4.2.1	Update noise ordinance to include enforcement details and procedure.	<p>This recommendation from the Alcohol Coniditonal Use Permit Committee was reviewed at the June 5, 2019 workshop.</p> <p>Staff recommends the edits as presented which would clarify applicability, measurement protocols, the hours max decibils are allowed, the max decibels allowed from single-family residential zoning or uses, and provide specific instances where exemptions are allowed.</p>

Exhibit A - Recommendation Table

Item #	Amendment Type	Code Section	Proposed Amendment	Staff Notes & Recommendation
14	Housing Task Force Recommendation	2.5.1.4	Add "meets affordability needs as defined in the Strategic Housing Action Plan" as rezone evaluation criteria.	<p>This recommendation from the Housing Task Force was reviewed at the June 5, 2019 workshop.</p> <p>Staff recommends the edits as presented which would require staff and decision makers to consider alignment with <u>all</u> applicable City Council adopted plans as a criteria for approval when considering rezones.</p>
15	Housing Task Force Recommendation	3.6.3.1	Exempt smaller lot and infill development from the Lot Width to Depth requirements	<p>This recommendation from the Housing Task Force was reviewed at the June 5, 2019 workshop.</p> <p>Staff recommends consideration of the edits as presented. This amendment would exempt infill development only (not small lot development) from the 3:1 lot width to depth requirement. The amendment as proposed would not allow these lots to exceed a 6:1 width to depth ratio.</p>
16	Housing Task Force Recommendation	4.4.6.1	Allow ADU parking in second layer of lot.	<p>This recommendation from the Housing Task Force was reviewed at the June 5, 2019 workshop.</p> <p>Staff recommends the edits as presented which would allow the additional parking required for Accessory Dwelling Units in the second, as well as third layer of the lot.</p>
17	Housing Task Force Recommendation	Chapter 7, Article 6 San Marcos Code of Ordinances, Chapter 14, Buildings and Building Regulations	Modify definition of RV and manufactured home parks to include tiny homes. Adopt Appendix Q of 2018 building code	<p>This recommendation from the Housing Task Force was reviewed at the June 5, 2019 workshop.</p> <p>Staff recommends the edits as presented which would clarify that 1) tiny homes (built to building code) are allowed in Manufactured Home zoning districts and should follow Manufacture Home park standards, and 2) that tiny home construction and inspections shall meet requirements in Appendix Q of the International Residential Code.</p> <p>Staff recommends consideration of tiny home specific standards and policy decisions following the update and adoption of the San Marcos Comprehensive Plan.</p>
18	Predevelopment Meetings	2.3.1.1 (D)	Make predevelopment meetings mandatory. Provide Responsible Official with authority to waive if application does not warrant a meeting.	<p>This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments.</p> <p>Staff recommends the amendment as presented to require predevelopment meetings unless waived by the Responsible Official.</p>

Exhibit A - Recommendation Table

Item #	Amendment Type	Code Section	Proposed Amendment	Staff Notes & Recommendation
19	Text Amendments	2.4.1.2 (B)	Remove requirement for initial authorization from City Council for amendments initiated, requested, or directed by City Council.	<p>This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments.</p> <p>Staff recommends the amendment as presented to remove requirement for initial authorization from City Council when analysis and recommendation on amendment is requested or directed by Council.</p>
20	Zoning Procedures	2.5.1.2-2.5.1.3	Allow Planning & Zoning Commission to recommend approval of a less intense zoning district classification. Allow City Council to approve a less intense zoning district classification.	<p>This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments.</p> <p>Staff recommends the amendment as presented to allow Planning and Zoning Commission and City Council to recommend and approve a less intense zoning district classification.</p>
21	Certificates of Appropriateness	2.5.5.5	Make City Council (not ZBOA) the appellate body for City owned properties.	<p>This amendment was reviewed by City Council and Planning & Zoning Commission at June 5, 2019 Workshop with the recommendation to staff to bring forward.</p> <p>Staff recommends consideration of the amendment as presented. This amendment would designate City Council as the appellate body for City owned properties.</p>
22	Concept Plats	3.2.1.1	Exempt applicant from requirement for Concept Plat when applicant is ready to submit a Preliminary Plat	<p>This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments.</p> <p>Staff recommends the amendment as presented to remove requirement for a Concept Plat when the applicant is prepared to submit a preliminary plat.</p>
23	Block Perimeter	3.6.2.1	Increase maximum block perimeter in ETJ from 3,000 feet to 5,000 feet.	<p>This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments.</p> <p>Staff recommends the amendment as increase the maximum block perimeter in the ETJ from 3,000 feet to 5,000 feet.</p>
24	Block Perimeter	3.6.2.1	Add waiver/exception to block perimeter requirement in Heavy Industrial districts.	<p>This amendment was reviewed by City Council and Planning & Zoning Commission at June 5, 2019 Workshop with the recommendation to staff to bring forward.</p> <p>Staff recommends consideration of the amendment as presented to allow for an increased block perimeter in HI districts in order to accomodate facilities that by their nature, are larger than general commercial facilities. Staff recommends not allowing the perimeter to exceed any more than what is needed for the individual structure and the required parking and landscaping.</p>

Exhibit A - Recommendation Table

Item #	Amendment Type	Code Section	Proposed Amendment	Staff Notes & Recommendation
25	Streets	3.7.2.2- 3.7.2.6	Align right-of-way standards in Development Code to recommendations appendix of Transportation Master Plan.	<p>This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments.</p> <p>Staff recommends the amendments as presented to ensure the dimensional standards for ROW in the Development Code match the Transportation Master Plan.</p>
26	Zoning	4.4.3.3.	Include occupancy restrictions in CD-3 zoning.	<p>This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments.</p> <p>Staff recommends the amendment as presented to apply occupancy restrictions in CD-3 zoning districts which are intended for low density residential.</p>
27	Building Types	4.2.1.1 (Update 4.4.1.1-4.4.3.7 to reflect updated definition)	Provide better definition for "house" and "cottage."	<p>This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments.</p> <p>Staff recommends the amendments as presented to clarify that since a "house" and "cottage" building type are identical and the base standards of the zoning district determine the structure size and scale, only one building type is necessary.</p>
28	Historic Preservation Commission Recommendation	San Marcos Design Manual, Section C.5.1.1	Add sustainability purpose section to Historic Design Guidelines Standards for Sustainability	<p>Resolution 2019-03RR was approved by Council in December 2019. In February 2020, Council directed staff to bring forward amendments during the current update rather than as a separate agenda item.</p> <p>Staff recommends consideration of the edits as presented in order to include a purpose statement in the Sustainability Guidelines in Historic Districts section of the Design Manual.</p>
29	Event Center Use	5.5.5.9	Add new "Special Events Facility" use	<p>This amendment was requested by a developer in January 2020.</p> <p>Staff recommends consideration of the amendments as presented in order to facilitate this new use city-wide.</p>
30	Neighborhood Density District	4.4.2.2	Add an ND-3.2 zoning district which allows more moderate increase in density, setbacks, and allowed housing types from conventional residential districts	<p>City Council request to expedite this amendment at the January 7, 2020 work session.</p> <p>Staff recommends consideration of the amendment as presented.</p>
31	Comprehensive Plan Map Amendments	2.4.2.3	Require majority-plus-one vote from Planning & Zoning and City Council for all comprehensive plan map amendments	<p>City Council request to expedite this amendment at the January 7, 2020 work session.</p> <p>Staff recommends consideration of the amendment as presented.</p>

Exhibit A - Recommendation Table

Item #	Amendment Type	Code Section	Proposed Amendment	Staff Notes & Recommendation
32	Application Processing- Informational Meetings	4.1.1.6	Require Comprehensive Plan Map Amendment any time a higher intensity zoning designation is requested Remove "Corridor" column from table.	City Council request to expedite this amendment at the January 7, 2020 work session. Staff recommends consideration of the amendment as presented which would require additional votes and additional meetings for requests in existing neighborhoods.
33	Neighborhood Transitions	4.3.4.5	Replace current standards with requirement that Commercial use across the street from established residential use be limited to 1 story.	The addition of this amendment was requested by City Council at the March 3rd work session. Staff recommends consideration of the amendment as presented to limit height within a certain distance of a single family zoning district.
34	Durable Building Materials	4.3.5.1.7	Include a statement that the City prefers the use of Durable Building Materials	The addition of this amendment was requested by City Council at the March 3rd work session. Staff recommends consideration of the amendment as presented.
35	Accessory Dwelling Units	5.1.1.2 5.1.3.1	Change from by-right to conditional use in all districts	The addition of this amendment was requested by City Council at the March 3rd work session. Staff recommends consideration of the amendment as presented which would require a CUP in low density, single-family districts.
36	Parking	7.1.2.1	On street parking should not count towards Multifamily parking requirement in CD-5D districts	The addition of this amendment was requested by City Council at the March 3rd work session. Staff recommends consideration of the amendment as presented.
37	Parking	7.1.2.2.B.1	Remove exemption for projects of 10 or fewer units in CD-5 and CD-5D zones	The addition of this amendment was requested by City Council at the March 3rd work session. Staff recommends consideration of the amendment as presented which would allow an applicant to seek approval from City Council.
38	Character District	4.4.3.3	Add a Character District (CD) between 2 and 3 that allows single family with occupancy restrictions compatible with other CDs. Add maximum lot width to CD-5D.	The addition of this amendment was requested by City Council at the March 17th regular meeting. Staff recommends consideration of the amendment as presented.

Exhibit B - Redlined Code



To:	Planning & Zoning Commission
From:	Planning & Development Services-Shavon Caldwell, Planner
Date:	April 24 th , 2020
Re:	Proposed Amendments to the San Marcos Land Development Code: <ol style="list-style-type: none">1. City Engineering Staff Recommendations2. Alcohol Conditional Use Permit Committee, Housing Task Force3. Additional Amendments Identified by Staff Since June 2019 Workshop4. Developer Request for Special Events Facility Use5. Additional Amendments Expedited at the Request of Council

Engineering Department Recommendations

CHAPTER 2. DEVELOPMENT PROCEDURES

ARTICLE 6: WATERSHED PROTECTION PLANS

DIVISION 1: APPROVAL AND APPLICATION PROCESS

1

Section 2.6.1.1 Purpose, Applicability, Exceptions and Effect

D. Applicability of a Qualified Watershed Protection Plan 1 or 2. A qualified watershed protection plan is required when [mitigation plans to replace water quality benefits lost due to increases in impervious cover within the buffer zone and reclamation of water quality and/or buffer zones vary from the requirements established in Chapter 6 or as determined by the responsible official.](#) ~~any of the following requests are made:~~

- ~~1. A request for an increase in impervious cover requiring a mitigation plan;~~
- ~~2. A request for reclamation of land in the 100-year floodplain or within a water quality zone or buffer zone; or~~
- ~~3. The development of twenty (20) acres or more of land within the 100-year floodplain.~~

Section 2.6.1.4 Criteria for Approval

The following criteria shall be used to determine whether the application for a watershed protection plan or a qualified watershed protection plan shall be approved, approved with conditions, or denied.

- A. Edwards Aquifer Zones - Factors. Where land subject to the plan lies in whole or in part within the Edwards Aquifer recharge or transition zones:
1. Whether the plan is consistent with approved legislative applications for the land subject to the plan;
 2. Whether the plan meets the standards in Chapter 6 [\(except as to the components of a mitigation plan for a qualified watershed protection plan that vary from Chapter 6\) and Chapter 3, Article 9;](#)
 3. Whether any proposed mitigation plan or enhanced geological assessment offsets the impacts to water quality resulting from increased development within a buffer zone;
 4. Whether any proposed increase of impervious cover is warranted beyond that otherwise allowed by right for the land within the plan area; and
 5. Whether the plan is consistent with any proposed clustering or development transfers outside the plan area.
- B. Other Water Quality Zones - Factors. Where land subject to the plan lies in whole or in part within a floodplain, water quality, or buffer zone located outside the Edwards Aquifer recharge or transition zones:
1. Whether the plan is consistent with approved legislative applications for the land subject to the plan;
 2. Whether the plan meets the standards in Chapter 6 [\(except as to the components of a mitigation plan for a qualified watershed protection plan that vary from Chapter 6\) and Chapter 3 Article 9](#) ~~and/or the specific criteria in Chapter 6;~~
 3. Whether any proposed mitigation plan offsets the impacts to water quality resulting from increased development within a buffer zone [or reclamation of water quality and/or buffer zone;](#) and

4. Whether the plan is consistent with any proposed clustering or development transfers outside the plan area.
- C. Reclaimed Land [From Floodplain](#) - Factors. For developments where reclamation of land within the 100-year floodplain is proposed:
 1. Whether the reclamation concept plat (which is an element of watershed protection plans and qualified watershed protection plans when reclamation is proposed) is consistent with approved legislative applications for the land subject to the plan, including expressly any master drainage plan elements applicable to the land;
 2. Whether the reclamation concept plat meets the general standards in Chapter 6 [\(except as to the components of a mitigation plans for a qualified watershed protection plan that vary from Chapter 6\); Chapter 3, Article 9; and the City's Flood Damage Prevention Ordinance, and the specific criteria in Chapter 6, and;](#)
 3. Whether any adverse impacts have been appropriately mitigated.

CHAPTER 3. SUBDIVISIONS

2 ARTICLE 9: STORMWATER COLLECTION AND DRAINAGE SYSTEMS

DIVISION 1: IN GENERAL

Section 3.9.1.1 Flood Control Requirements

- G. Waiver of Detention/Retention.
 1. Detention/retention may be waived for [the following non-residential small site permits](#) if no adverse impacts are demonstrated through drainage analysis and a payment-in-lieu is made into the stormwater management fund in accordance with Section 6.1.1.3.
 - [a. non-residential small site permits,](#)
 - [b. developments within High Intensity Zones, and](#)
 - [c. plats of 4 lots or less in single family residential zoning districts where lots front and are served by an existing street.](#)

CHAPTER 6. ENVIRONMENTAL REGULATIONS

3 ARTICLE 1: STORMWATER MANAGEMENT

DIVISION 1: GENERAL

Section 6.1.1.2 Urban Stormwater Management District

- B. Standards. Properties located within the urban stormwater management district established on the map above are eligible for waivers from requirements under Section 3.9.1.1(F) and Section 6.1.4.1 when the following standards are met:
 - a. No adverse impacts are demonstrated through drainage analysis; and
 - b. A payment is made into the stormwater management fund in accordance with Section 6.1.1.3.
- C. [Waiver for Property Outside of the District. Properties located outside the urban stormwater management district that are significantly constrained may be eligible for waivers from requirements under Section 3.9.1.1\(F\) and Section 6.1.4.1 with the approval of the Responsible Official and when the standards under Section 6.1.1.2\(B\) are met.](#)

4 DIVISION 1: POST CONSTRUCTION STORMWATER PERFORMANCE STANDARDS

Section 6.1.4.1 Stormwater Quality and Stream Protection

- D. Exceptions to stormwater quality and stream protection [volume](#) requirements [include are allowed under the following conditions provided that disconnected impervious cover and treatment through vegetative filter strips or similar means is included:](#)
 1. Development applications proposing solely the construction or expansion of a single-family home ~~as long as the development includes disconnected impervious cover and provides treatment through vegetative filter strips or similar means, and~~
 - [2. Plats of 4 lots or less in single family residential zoning districts where lots front and are served by an existing street. An exemption is not allowed for the submittal of a series of plats of 4 lots or less with the intention of producing a tract that is greater than 4 lots.](#)

ARTICLE 2: ENHANCED PROTECTION ZONES

5 DIVISION 2: ZONE DESIGNATION

Section 6.2.2.1 Water Quality Zones

- A. A water quality zone shall be established for each waterway. ~~The area of the~~ Water quality zone have been predetermined by the City for certain waterways. A map of such predetermined water quality zones is on file with the City's Planning and Development Services Department and is available upon request. For waterways not associated with a predetermined water quality zone by the City, the following options are available ~~shall be determined as follows:~~
- FEMA-mapped Option.** For any waterway with a FEMA-defined floodway, a water quality zone shall be established 100 feet in width, measured from the boundary of the defined floodway on each side of the waterway if located outside the EARZ, or as all land within a distance of 100 feet from a bank of the San Marcos River or a side channel that returns to the main channel, whichever is greater, but shall not exceed the width of the 100-year floodplain. For any waterway with a FEMA-mapped detailed study floodplain, the area of the 100-year floodplain shall be the water quality zone if located within the EARZ.
 - Waterway Centerline Offset Option** ~~Non-FEMA-mapped Option 1~~
 - Sub-minor Waterways. Waterways draining five or more acres but less than 50 acres but, excluding roadside swales, shall have a minimum Water Quality Zone width of 25 feet on each side of the Waterway centerline. These are established within the EARZ, Transition Zone, and Contributing Zone within the Transition Zone only.
 - Minor Waterways. Waterways draining 50 or more acres but less than 250 acres shall have a minimum water quality zone width of 50 feet on each side of the waterway centerline.
 - Intermediate Waterways. Waterways draining 250 or more acres but less than 1000 acres shall have a minimum water quality zone width of 100 feet on each side of the waterway centerline.
 - Major Waterways. Waterways draining more than 1000 acres shall have a minimum water quality zone width of 200 feet on each side of the waterway centerline.
 - Floodplain Study Option** ~~Non-FEMA-mapped or floodway defined Option 2~~
 - The water quality zone shall be defined as the 100-year floodplain boundary based on fully developed watershed paralleling each side of the waterway. The 100-year floodplain shall be based on modeling approaches as approved by the Responsible Official.

Section 6.2.2.2 Buffer Zones

- A. A buffer zone shall be established for each waterway. Buffer zones have been predetermined by the City for certain waterways. A map of such buffer zones is on file with the City's Planning and Development Services Department and is available upon request. For waterways not associated with a predetermined buffer zone by the City, the following options are available: ~~as follows:~~
- FEMA Mapped Option.** For any waterway with a FEMA-defined floodway outside the EARZ or FEMA-mapped detailed study floodplain inside the EARZ, a buffer zone shall be established 100 feet in width, measured from the outer boundary of the water quality zone established in Section 6.2.2.1, on each side of the waterway. The combined width of the water quality zone and the buffer zone shall not exceed the width of the 100-year floodplain if located outside the EARZ.
 - Non FEMA Mapped Option.** For applicable waterways that do not have floodways officially mapped by FEMA, a buffer zone shall be established 25 feet in width for sub-minor waterways, 50 feet in width for a minor waterway and 100 feet in width for intermediate and major waterways, measured from the outer boundary of the water quality zone established in Section 6.2.2.1, on each side of the waterway. The combined width of the water quality zone and buffer zone shall not exceed the width of the 100-year floodplain based on a detailed study if located outside of the EARZ.

6 Section 6.2.2.3 Sensitive Feature Protection Zones

- C. Enhanced topographic information. If an applicant submits enhanced topographic information for a site, with contour intervals of two feet or less, the sensitive feature protection zone shall extend 25 feet around the perimeter of the sensitive feature and include ~~be~~ the area within the following distance from the perimeter of a sensitive feature ~~that is identified on the enhanced topographic survey as draining towards the~~ feature perimeter around the feature:
- For a minor recharge feature, 50 ~~75~~ feet.
 - For a moderate recharge feature, 125 ~~150~~ feet.
 - For a major recharge feature, 275 ~~300~~ feet.

DIVISION 3: IMPERVIOUS COVER AND DEVELOPMENT LIMITATIONS WITHIN WATER QUALITY AND BUFFER ZONES

7

Section 6.2.3.2 Water Quality and Buffer Zones outside the Edwards Aquifer Recharge Zone

- A. Water Quality Zone. No impervious cover is allowed in a water quality zone except for those cases listed in Section 6.2.3.5(B).
- B. San Marcos River Corridor (SMRC). The maximum impervious cover within the SMRC is 30%. Impervious cover cannot be increased with mitigation in the SMRC.
- C. Buffer Zones. The maximum impervious cover in buffer zones is 30%. Impervious cover may be increased with mitigation based on the slope table below.
- D. Steep Slopes. The maximum impervious cover in buffer zones and the San Marcos River Corridor is further restricted when steep slopes are present in accordance with the table below.
- E. Reclamation. Reclamation of a water quality and/or buffer zone shall require mitigation to replace lost water quality benefits and be accomplished in a way that preserves natural channel function and aesthetics.

ARTICLE 3: DEVELOPMENT RELATED TO THE EDWARDS AQUIFER

8

DIVISION 2: DEVELOPMENT DUTIES

Section 6.3.2.1 Duties in Undertaking Development Over Aquifer

- C. Geological Assessments. All watershed protection plans (Phase 1) for developments in the recharge zone, transition zone, and contributing zone within the transition zone and site preparation permit for uses must be accompanied by a geologic assessment of the entire site prepared by a qualified geologist. The assessment must be based on 50-foot Transects across the Site, and must contain all information required for Geologic Assessments under the TCEQ Edwards Aquifer rules. The assessment must identify all sensitive features on the site, and for each sensitive feature, must state whether it is a major recharge feature, moderate recharge feature, or minor recharge feature. A waiver for a geological assessment for sites that do not warrant an assessment within the transition zone may be obtained from the Responsible Official if the property is located within the Geologic Assessment Exemption Zone. A map of such area is on file with the City's Planning and Development Services Department and is available upon request.

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Section 6.2.3.5 Mitigation and Exceptions

- A. ~~Mitigation-Plan. Impervious cover limitations may be exceeded in a buffer zone only for land with a gradient of less than 15 percent based upon approval of a mitigation plan demonstrating that the water quality benefits of the impervious cover within the buffer zone can be achieved through utilization of water pollution abatement control facilities that incorporate best management practices for the entire development site. No impervious cover may be transferred to a buffer zone that exceeds the requirements of this Section.~~ The following is permissible with adequate mitigation that replaces lost water quality benefits:
 1. Impervious cover limitations may be exceeded in a buffer zone for land with a gradient of less than 15 percent outside the Edwards Aquifer Recharge Zone and 20 percent within the Edwards Aquifer Recharge Zone; and
 2. Water quality and/or buffer zones may be reclaimed. Mitigation shall consist of meeting a Total Suspended Solid (TSS) removal requirement or increase in TSS removal requirement for the site or portion of the site as determined adequate by the Responsible Official. Mitigation plans not able to achieve TSS removal requirements must follow the qualified watershed protection plan process.

Alcohol Conditional Use Permit Committee

Recommendations

CHAPTER 2. DEVELOPMENT PROCEDURES

ARTICLE 8: RELIEF PROCEDURES

10 DIVISION 3: CONDITIONAL USE PERMIT

Section 2.8.3.5 Duration; Expiration; Suspension; Violation; Revocation

A. Duration.

1. A conditional use permit shall remain in effect until it expires, is suspended, or is revoked in accordance with Section 2.3.7.5A(1 - 4) as supplemented by Section 2.8.3.5.
2. Conditional Use Permits granted for on-premises consumption of alcoholic ~~beverages, unless otherwise specified by the Planning and Zoning Commission,~~ shall remain in effect ~~for the duration of the State TABC (Texas Alcoholic Beverage Commission) license or permit~~ no longer than three years, or until the license or permit is canceled, revoked, or allowed to expire, or until one of the following conditions occurs, after which the dispensing of alcoholic beverages for on-premises consumption requires issuance of a new Conditional Use Permit:
 - a. The State TABC license or permit is reissued under a different [license or] permit holder's name.
 - b. The Conditional Use Permit is forfeited, suspended, or revoked in accordance with Section 2.3.7.1.
 - c. There is a significant change in the name of the establishment, or any physical or operational change in the business that increases off-site impacts to surrounding properties.

11 Section 2.8.3.6 Appeals

- A. The applicant ~~or other person within the personal notification area~~ may appeal the decision of the Planning and Zoning Commission to grant or deny a permit ~~to the City Council~~ in accordance with Section 2.8.1.1.
- B. Any tenant or property owner within the personal notification area may appeal the decision of the Planning and Zoning Commission to grant a permit in accordance with Section 2.8.1.1
- C. The Council shall apply the criteria in Section 2.8.3.4 in deciding whether the Planning and Zoning Commission's action should be upheld, modified or reversed.
- D. A super-majority vote in accordance with Section 2.2.4.2 shall be required to reverse a decision of the Planning and Zoning Commission.

CHAPTER 5. USE REGULATIONS

ARTICLE 1: ALLOWABLE USES

12

DIVISION 5: COMMERCIAL

Section 5.1.5.5.B.2.b Restaurant/ Bar, Use Standards, Downtown CBA Boundary

- b. Downtown CBA Boundary. Where an eating establishment including the sale of alcohol is located in the downtown CBA boundary the following additional standards apply:
 1. Permits for an eating establishment including alcohol sales in the downtown CBA boundary are valid for three years from date of issuance. A renewal permit for a current permit holder may be administratively issued under Sec.2.8.3.7.
 2. The business must have a kitchen and food storage facilities of sufficient size to enable food preparation. The kitchen must be equipped with, and must utilize, a commercial grill, griddle, fryer, oven, or similar heavy food preparation equipment.
 3. The business must serve meals to customers during at least two meal periods each day the business is open. A meal must consist of at least one entree, such as a meat serving, a pasta dish, pizza, a sandwich or similar food in a serving that serves as a main course for a meal. At least three entrees must be available during each meal period. A meal period means a period of at least four hours.
 4. The business must be used, maintained, advertised and held out to the public as a place where meals are prepared and served.
 5. The number of active restaurant permits in the central business area zoning district shall not exceed 25. If there are 25 active restaurant permits, any further applications for restaurant permits in the district shall be placed on a waiting list and individually referred to the commission for consideration within 45 days, in the same order as submitted, when the number of restaurant permits is less than 25.
 6. [The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within 50 feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times.](#)

Section 5.1.5.5.E. Restaurant/ Bar, On Premise Consumption of Alcohol, Use Standards

- E. On Premise Consumption of Alcohol
 1. Defined. An establishment that serves alcohol for on premise consumption.
 2. Use Standards. Where on-premise consumption of alcohol is a conditional use the following standards apply:
 - a. Permit. The establishment must hold for the premises a valid conditional use permit issued and effective under Section 2.8.3.1 and must be in compliance with all conditions of such permit.
 - b. Noise. The activities of the establishment selling alcoholic beverages for on-premises consumption shall not produce noise levels in excess of those described in Section 7.4.2.1 so as to not interfere with the reasonable use and enjoyment of adjacent property or public areas.
 - c. Protective Yard. The establishment shall be screened with a type A/B protective yard under Section 7.2.2.1.
 - d. [Cleanliness. The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within 100 feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times.](#)

CHAPTER 7. SUPPLEMENTAL DEVELOPMENT STANDARDS

ARTICLE 4: PUBLIC HEALTH RELATED PERFORMANCE STANDARDS

DIVISION 2: STANDARDS

13 Section 7.4.2.1 Noise

- A. Noise Level Maximums. ~~Sound equipment at a business shall not be operated so that it produces sound:~~ The property shall not produce sound:
1. In excess of 85 decibels ~~for a period exceeding one minute~~ between the hours of ~~11:00~~ 10:00 a.m. and 10:00 p.m., ~~as measured at the property line of the business or beyond.~~
 2. In excess of 75 decibels ~~for a period exceeding one minute~~ between the hours of 10:00 p.m. and ~~11:00~~ 10:00 a.m. ~~as measured at the property line of the business or beyond.~~
 3. In excess of 63 decibels at any time as measured from within the property line of any single-family residential zoning or use.
- B. Noise Measurements. Measurement of noise shall be made with a sound level meter using the "A" weighting network as specified by the American National Standards Institute.
1. A police officer taking a noise measurement may take the measurement from either the closest public right-of-way to the offending residence or business, or with the consent of a complainant, may take the measurement from the property line of the complainant.
 2. Any sound that when measured at the nearest public right-of-way to the offending residence or business exceeds the dB(a) levels set forth in this section shall be prima facie evidence of sound nuisance which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of the others within the limits of the city in violation.
 3. Method of sound measurement. Whenever portions of this chapter prohibit noise over a certain decibel limit, measurement of said noise shall be made with a decibel meter chosen by the chief of police which meets the standards prescribed by the American National Standards Institute at the time the device was purchased. The instruments shall be maintained in calibration and good working order. Calibration corrections shall be employed in meeting the response specifications prior to every sampling of noise. Measurements recorded shall be taken so as to provide an accurate representation of the noise being measured. Noise measurements shall be a minimum of 30 seconds in duration. The microphone shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used. Violations will be determined based on the highest registered reading in the measurement period. All measurement levels will be inclusive of any ambient noise that exists at the time of the measurement.
- C. Exemptions. The following uses and activities shall be exempt from the noise level regulations herein specified.
- ~~1. Noises not directly under control of the property user.~~
1. Noises emanating from construction, development and maintenance activities between the hours of 7:00 a.m. and 9:00 p.m. (daytime hours).
 2. The sound produced by operating or permitting the operation of any mechanically powered saw, drill, sander, router, grinder, lawn or garden tool, lawnmower, or any other similar device used between the hours of 7:00 a.m. and 9:00 p.m. and which device did not produce a sound of 85 dB(A) or greater when measured from the nearest residential property where the sound is being received and was used for the maintenance or upkeep of the property on which it was used.
 3. The emission of any sound was for the purpose of alerting persons to the existence of an emergency, danger or attempted crime.
 4. Sound produced by an authorized emergency vehicle
 5. Sound produced by emergency work necessary to restore public utilities, or to restore property to a safe condition, or to protect persons or property from imminent danger, following a fire, accident or natural disaster.
 6. Sound produced by aircraft in flight or in operation at an airport, or railroad equipment in operation on railroad rights-of-way.
 7. Sound produced by the operation of any air conditioning unit which did not produce a sound of 85 dB(A) or greater on residential property or 85 dB(A) on nonresidential property, when measured at or near 15 feet from the air conditioning unit producing the sound being measured.
 8. ~~3. Noises of safety signals, warning devices and emergency pressure relief valves.~~
 9. ~~4. Transient noise of moving sources, such as automobiles, trucks, and airplanes (see other City ordinances for regulation of transient noise).~~

Housing Task Force Recommendations

CHAPTER 2. DEVELOPMENT PROCEDURES

ARTICLE 5: ZONING PROCEDURES

DIVISION 1: APPLICATION FOR ZONING MAP AMENDMENT

14

Section 2.5.1.4 Criteria for Approval

- A. In making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council may consider the following factors:
1. Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map;
 2. Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area;
 3. [Whether the proposed zoning map amendment implements the policies of any applicable plan adopted by City Council;](#)
 4. Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect; ...

CHAPTER 3. SUBDIVISIONS

ARTICLE 6: BLOCKS, LOTS, ACCESS

15

DIVISION 3: LOTS

Section 3.6.3.1 Lot Standards

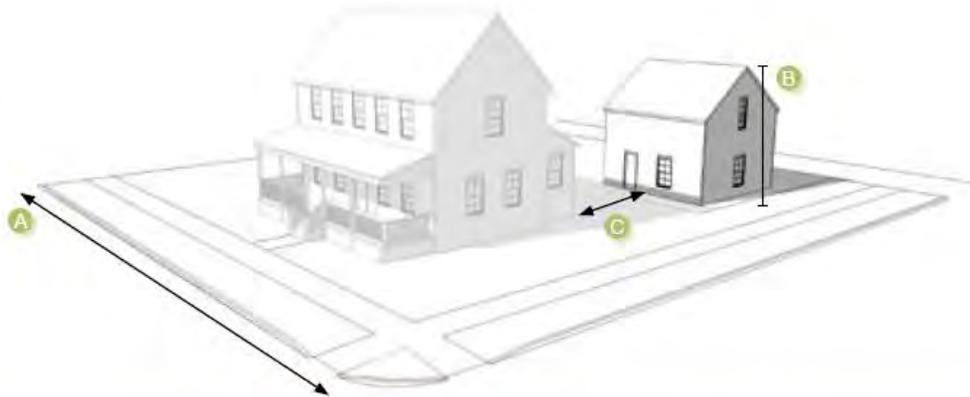
- A. Lot Frontage. Every lot shall have frontage on a public street except as allowed under the courtyard or cottage court building types in Section 4.4.6.9 or Section 4.4.6.4.
- B. Lot Arrangement.
1. Lots shall be subdivided to permit conformance with all laws and ordinances and to ensure orderly urban growth, proper building arrangement and to provide city services and facilities.
 2. Lot dimensions shall provide for the potential development of all lots and future compliance with the development standards of this Development Code.
 3. Irregularly-Shaped Lots. Irregularly-shaped lots shall have sufficient width at the front setback line to meet lot width requirements in Chapter 4.
 - a) Triangular, tapered, or flag lots shall be not be permitted except for use as dedicated parkland lots.
 - b) Severely elongated (in excess of three to one (3:1) length to width ratio) lots shall not be permitted except for use as dedicated parkland lots, ~~or for use as~~ townhomes or zero lot line building type lots, [or for infill development](#).
 - c) Townhome ~~and~~ lots, Zero Lot Line lots, [and infill development lots](#) may not exceed a six to one (6:1) length to width ratio
 - d) Exceptions to the irregularly shaped lot requirements fall under the alternative compliance process in accordance with Section 2.8.4.1.

CHAPTER 4. ZONING REGULATIONS

ARTICLE 2: ZONING DISTRICTS

16 DIVISION 6: BUILDING TYPE STANDARDS

Section 4.4.6.1 Accessory Dwelling Unit



LOT	
Width	Set by District A
Area	Set by District
Lot coverage	Set by District
BUILDING ELEMENTS ALLOWED	
Front Porch	Section 4.3.5.11
Stoop	Section 4.3.5.12
Balcony	Section 4.3.5.13

HEIGHT AND MASSING	
Principle Structure Height	Set by District
Accessory Structure Height	Set by District B
Building Footprint	1/2 the principle building (1,000 sq ft. max.)
BUILDING SETBACKS	
Principle Building Setbacks	Set by District C
Accessory Structure Setbacks	Set by District
VEHICLE ACCESS AND PARKING	
Parking Requirements	1 Additional Space
Parking Location	Third Layer

Second Layer, Third Layer

CHAPTER 7. SUPPLEMENTAL DEVELOPMENT STANDARDS

ARTICLE 6: MANUFACTURED HOME AND TINY HOME VILLAGE

17 DIVISION 1: REGULATIONS AND REQUIREMENTS

Section 7.6.1.1 Jurisdiction

This Article is applicable to the City limits and the Extraterritorial Jurisdiction of the City.

Section 7.6.1.2 Site Design Requirements

- A. Site Requirements. Any Manufactured Home Park or Tiny Home Village Constructed or Developed after the effective date of this development Code and for any extension or Addition to any existing or Manufactured Home Park shall comply with the following Site requirements:
1. Location. A Manufactured Home Park or Tiny Home Village within the City limits shall be located only on a site within the Manufactured Home (MH) District.
 2. Minimum Requirements. Each Manufactured Home Park or Tiny Home Village within the City limits shall comply with all applicable standards and requirements of the MH Zoning District. Each Manufactured Home Park or Tiny Home Village within the City's Extraterritorial Jurisdiction shall comply with all standards and requirements as if it were within the City limits and zoned within the MH District.
 - a. Soil and Ground Cover. Exposed ground surfaces in all parts of every Manufactured Home Park shall be paved, covered with stone or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating dust.
 - b. Drainage. The ground surface in all parts of a Manufactured Home Park shall be graded and equipped to drain all surface water away from pad sites.

Section 7.6.1.3 Access and Traffic Circulation and Parking

- A. Block Perimeter. Manufactured home parks, ~~and~~ recreational vehicle parks, and Tiny Home Villages shall meet the block perimeter requirements in Section 3.6.2.1.
- B. Internal Streets and Signage. Internal Streets, no-parking-area Signs, and Thoroughfare name Signs in a Manufactured Home Park or Tiny Home Village shall be privately owned, built and maintained. Streets shall be designed for safe and convenient access to all spaces and to facilities for common use of the park's residents. Internal Streets shall be kept open and free of obstruction in order that police and fire vehicles may have access to any areas of the Manufactured Home Park or Tiny Home Village.
- C. Signs Prohibiting Parking Required. On all sections of Internal Streets on which parking is prohibited under this Article, the owner or agent shall Erect metal "no parking" Signs; type, size, height and location shall be approved by the Director of Public Services prior to installation.
- D. Internal Street Construction and Maintenance. All Internal Streets shall be constructed and maintained by the owner or agent. All Internal Streets shall be free of cracks, holes and other hazards. Internal Streets shall be constructed on hard-surfaced, all-weather material and shall be approved by the Director of Public Services.
- E. Access to Each Home or Space. An Internal Street or Common Access Route shall be provided to each Mobile Home, ~~or~~ Manufactured Home, or Tiny Home space. This Internal Street or Common Access Route shall have a minimum width of 30 feet if off-street parking is provided in the ratio of two parking spaces for each Manufactured Home Park or Tiny Home Village space. The Internal Street shall be continuous and connect with other Internal Streets or with a public Thoroughfare or shall be provided with a cul-de-sac having a minimum diameter of 95 feet.
- F. Minimum Parking Requirement. Two spaces are required for each manufactured home site or Tiny Home site in accordance with the requirements for residential single family dwellings under Section 7.1.2.1.
- G. Parking Space Construction. Parking Spaces shall be hard-surfaced with all-weather material, located to eliminate interference with access to Parking Lots and Parking Areas provided for other Mobile Homes, ~~or~~ Manufactured Homes, or Tiny Homes and for public parking in the Manufactured Home Park or Tiny Home Village.
- H. Unobstructed Access. Internal Streets shall permit unobstructed access to within at least 200 feet of any portion of each Mobile Home, ~~or~~ Manufactured Home or Tiny Home. Speed bumps constructed to maintain safe speed of vehicles moving within the Manufactured Home Park or Tiny Home Village shall not be considered as obstructions. Speed bumps are to be constructed at four to one inclination, not to exceed four inches in height. Speed bumps shall be painted with fluorescent paint.
- I. Intersections with Public Thoroughfares. Interior Streets shall intersect Adjoining public Thoroughfares at approximately 90 degrees with a curb line radius of 20 feet at a location which shall eliminate or minimize interference with traffic on those public Thoroughfares.

- J. Common Area Parking Area Required. A minimum Parking Area of 150 square feet per Mobile Home ~~or~~ Manufactured Home, or Tiny Home space shall be provided in a common area for storage of boats or vehicles in excess of two per Mobile Home ~~or~~ Manufactured Home, or Tiny Home space and for visitors' vehicles to minimize on-street parking and to facilitate movement of emergency vehicles into and through the park.

Section 7.6.1.4 Section 7.4.1.4 Street Lighting

Street lighting within the Manufactured Home Park or Tiny Home Village shall be provided by the Developer along Internal Streets. Light standards shall have a height and spacing to ensure that an average illumination level of not less than two-tenths foot-candles shall be maintained.

Section 7.6.1.5 Fire Safety Standards

- A. Storage and Handling of Liquefied Petroleum Gases. In Manufactured Home Parks or Tiny Home Villages in which liquefied petroleum gases are stored and dispensed, their handling and storage shall comply with requirements of the City plumbing and fire codes as applicable.
- B. Storage and Handling of Flammable Liquids. In Manufactured Home Parks or Tiny Home Villages in which gasoline, fuel, oil or other flammable liquids are stored or dispensed, their handling and storage shall comply with the City fire code.
- C. Access for Fire Fighting. Approaches to all Mobile Homes ~~and~~ Manufactured Homes, and Tiny Homes shall be kept clear for fire fighting.
- D. Fire Fighting Instruction. The Manufactured Home Park or Tiny Home Village owner or agent shall be responsible for instructing the owner's staff in the use of the park's fire protection equipment and in their specific duties if a fire occurs.
- E. Water Supply Facilities for Fire Department Operation. The Manufactured Home Park or Tiny Home Village owner shall provide standard City fire hydrants located within 500 feet of all Mobile Home ~~or~~ Manufactured Home, or Tiny Home spaces, measured along the driveways or Internal Streets.
- F. Rubbish Disposal. The Manufactured Home Park or Tiny Home Village owner or agent shall provide an adequate system of collection and safe disposal of rubbish, approved by the Planning Director.
- G. Removal of Dry Brush, Leaves and Weeds. The Manufactured Home Park owner or agent shall be responsible for maintaining the entire area of the Manufactured Home Park free of dry brush, leaves and weeds.

Section 7.6.1.6 Recreational Area

All Manufactured Home Parks and Tiny Home Villages shall have a recreational area amounting to five percent total area of the Manufactured Home Park or Tiny Home Village.

Section 7.6.1.7 Water Supply

- A. Required. An accessible, adequate, safe and potable supply of water shall be provided in each Manufactured Home Park or Tiny Home Village. Connection shall be made to the public supply of water. The public supply shall be adequate both for domestic requirements and for fire fighting requirements established by the City.
- B. Water Distribution System.
 - 1. The water supply system of the Manufactured Home Park or Tiny Home Village shall be connected by pipes to all Mobile Homes, Manufactured Homes, Tiny Homes, Buildings and other facilities requiring water.
 - 2. All water piping, fixtures and other equipment shall be constructed and maintained in accordance with State and City regulations and requirements.
- C. Individual Connections. Individual connections shall be in accordance with requirements of the City Plumbing Code, as applicable.

Section 7.6.1.8 Sewage Disposal

- A. Requirements. For sewage disposal in a Manufactured Home Park or Tiny Home Village, the following shall apply:
 - 1. Approval required. Prior to Construction or development, all proposed sewage disposal facilities shall be approved by the Environmental Health Department and Director of Water and Wastewater. The use of septic tanks for the disposal of sewage shall not be approved except when City Wastewater Facilities are not available.
 - 2. Wastewater Lines. All Wastewater lines shall be in accordance with the City Plumbing Code, as applicable.
 - 3. Individual Wastewater and Water Connections.
 - a. All materials used for Wastewater connections shall be in accordance with City Plumbing Code, as applicable.
 - b. Provision shall be made for plugging the Wastewater riser when no Mobile Home or Manufactured Home occupies the space. Surface Drainage shall be diverted away from the riser.

Section 7.6.1.9 Electrical and Telephone Distribution System

All electrical wiring in the Manufactured Home Park or Tiny Home Village shall be in accordance with the electrical code as amended and the requirements of the electric utility provider. All telephone lines in a Manufactured Home Park or Tiny Home Village shall be installed underground.

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cont.

Section 7.6.1.10 Service Buildings and Other Community Service Facilities

- A. Applicability. This Division 1 shall apply additionally to service Buildings, recreation Buildings and other community service facilities in a Manufactured Home Park [or Tiny Home Village](#), including without limitation:
 1. Management Offices, Repair shops and storage areas;
 2. Sanitary facilities;
 3. Laundry facilities;
 4. Indoor recreation areas; and
 5. Commercial Uses supplying essential goods or services for the benefit and convenience of park occupants.
- B. Barbecue Pits, Fireplaces, Stoves and Incinerators. Cooking shelters, barbecue pits, fireplaces, wood-burning stoves and incinerators shall be located, constructed, maintained and used so as to minimize fire hazards and smoke nuisance, both on the property on which it is used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

Section 7.6.1.11 Fuel Supply and Storage

Liquefied petroleum gas systems shall be installed only if an available natural gas system is more than 1,000 feet from the Manufactured Home Park [or Tiny Home Village](#). The liquefied petroleum gas systems shall be maintained in accordance with applicable codes of the City governing these systems and regulations of the State Railroad Commission pertaining thereto.

Section 7.6.1.12 Register of Occupancy

- A. Maintenance of a Register. The owner or agent of a Manufactured Home Park [or Tiny Home Village](#) shall maintain a register of park occupancy which shall contain the following information:
 1. Name and park address of Manufactured Home Park [or Tiny Home Village](#) residents.
 2. Dates of arrival and departure.

Section 7.6.1.13 Skirting Required; Maintenance of Additions

Skirting shall be required for each Mobile Home or Manufactured Home in a Manufactured Home Park. Skirting and other Additions, when installed, shall be maintained in good repair.

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cont.

CHAPTER 7. DEFINITIONS

ARTICLE 1: DEFINED TERMS

Tiny Home: [a dwelling unit that is 400 square feet or less in floor area excluding lofts. Tiny Home and Tiny House shall have the same meaning.](#)

Tiny Home Village: [a lot where multiple tiny homes are situated on individual spaces in accordance with Section 7.6.1.](#)

Section 5.1.1.2 Land Use Matrix

Types of Land Use	Conventional Residential				Neighborhood Density Districts					Character districts					Special Districts					Use Standards	
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.2	ND-3.5	ND-4	N-CM	CD-1	CD-2	CD-3	CD-4	CD-5	CD-5D	HC	LI	HI	MH		EC
Manufactured Home / Tiny Home	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	Section 5.1.4.1
Mobile Home Community / Manufactured Home Park / Tiny Home Village	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	Section 5.1.4.1

Additional Amendments Identified by Staff

CHAPTER 2. DEVELOPMENT PROCEDURES

ARTICLE 3: UNIVERSAL PROCEDURES

18 DIVISION 1: APPLICATION PROCESSING

Section 2.3.1.1 Application Processing

This Article 3 is applicable to all applications required or submitted pursuant to this development code. Applications, petitions and requests initiated by the City Council, any city board or commission or city staff, however, are exempt from the requirements below except for the requirements pertaining to neighborhood presentations under subsections E, F and G of Division 1.

- E. Pre-Development Meeting. An applicant is ~~encouraged~~ required to request a pre-development meeting with the Responsible Official prior to filing an application. The Responsible Official shall have the authority to waive the pre-development meeting, if such application does not warrant a meeting, or if alternative measures have been taken to address concerns and/or questions that may arise out of the application. No application shall be accepted for filing at a pre-development meeting. A pre-development meeting ~~is voluntary, and thus doesn't~~ does not trigger any grandfathering or vested rights or commence a review period.

ARTICLE 4: GENERAL LEGISLATIVE PROCEDURES

19 DIVISION 1: DEVELOPMENT CODE TEXT AMENDMENTS

Section 2.4.1.2 Application Requirements

- A. An application for a text amendment to the Development Code shall be submitted in accordance with the universal application procedures in Section 2.3.1.1.
- B. An application for a text amendment requires initial authorization by the City Council.
- ~~C.~~ C. Text amendments initiated, requested, or directed by City Council do not require initial authorization.
- ~~D.~~ D. The City Council shall consider the initial authorization of a text amendment and may reject the petition or direct further consideration of the application for text amendment in accordance with Section 2.4.1.3.
- ~~E.~~ E. Except for amendments initiated on behalf of the City Council, the application to amend the text of this Development Code shall state with particularity the nature of the amendment and the reason for the amendment.
- ~~F.~~ F. The City Council may establish rules governing times for submission and consideration of text amendments.

ARTICLE 5: ZONING PROCEDURES

20 DIVISION 1: APPLICATION FOR ZONING MAP AMENDMENT

Section 2.5.1.3 Approval Process

- B. Planning and Zoning Commission Action.
 - 1. The Planning and Zoning Commission shall hold a public hearing on the application in accordance with Section 2.3.3.1.
 - 2. The Planning and Zoning Commission shall make a recommendation regarding the application for a zoning map amendment to the City Council.
 - 3. The Planning and Zoning Commission may recommend approval or denial of the application for a zoning map amendment or such other less intense zoning district classification.
- C. City Council Action
 - 1. The City Council shall consider an application for a zoning map amendment at its public hearing no sooner than seven days after the date of the Planning and Zoning Commission's recommendation.
 - 2. The City Council should consider the criteria in Section 2.5.1.4 and may vote to approve or deny the specific proposed zoning map amendment or such other less intense zoning district classification.

21 DIVISION 5: CERTIFICATES OF APPROPRIATENESS

Section 2.5.5.5 Appeals

- A. General Procedure. An applicant or other interested person within the four-hundred foot (400') personal notification area may appeal a final decision of the Historic Preservation Commission on an application for a certificate of appropriateness to the

Zoning Board of Adjustments within ten days of the Historic Preservation Commission's action on the application, except for appeals pertaining to property owned by the City of San Marcos. Appeals pertaining to property owned by the City of San Marcos shall be made to the City Council within ten days of the Historic Preservation Commission's action on the application.

The ~~Zoning Board of Adjustments~~ appellate body shall decide the appeal in accordance with Section 2.8.1.1.

- B.** Supplemental Procedure. In considering the appeal, the ~~Zoning Board of Adjustments~~ appellate body shall:
1. Review the record of the proceeding from which an appeal is sought;
 2. Receive an overview of the case from the Responsible Official, including previous recommendations from city staff and the decision of the Historic Preservation Commission;
 3. Hear arguments from the party appealing the decision of the Historic Preservation Commission; and
 4. Remand the matter back to the Historic Preservation Commission when relevant testimony and newly-acquired evidence is presented that was not previously presented at the time of the hearing before the Historic Preservation Commission.
- C.** Criteria on Appeal.
1. The ~~Zoning Board of Adjustments~~ appellate body shall apply the substantial evidence test as established under Texas law to the decision of the Historic Preservation Commission;
 2. The burden of proof before the ~~Zoning Board of Adjustments~~ appellate body shall be on the appealing party, who must establish that the record reflects the lack of substantial evidence in support of the decision of the Historic Preservation Commission;
 3. The ~~Zoning Board of Adjustments~~ appellate body may not substitute its judgment for the judgment of the Historic Preservation Commission on the weight of the evidence ~~on issues committed to the Planning and Zoning Commission's discretion.~~

CHAPTER 3. SUBDIVISIONS

ARTICLE 2: PLAT APPLICATIONS

22 DIVISION 1: SUBDIVISION CONCEPT PLAT

Section 3.2.1.1 Purpose, Applicability, and Effect

- A.** Purpose. The purpose of a subdivision concept plat shall be to delineate the sequence and timing of development within a proposed subdivision, where the tract to be developed is part of a larger parcel of land owned or controlled by the applicant, in order to determine compliance with the Comprehensive Plan and the availability and capacity of public improvements needed for the subdivision and the larger parcel.
- B.** Applicability. Approval of a subdivision concept plat must be obtained for any division of land where:
1. The proposed development is to occur in phases and
 2. The tract to be subdivided is twenty (20) or more acres
- C.** Exceptions. A Concept Plat is not required where the subdivider elects to submit a Preliminary Subdivision Plat.
- D.** If the land subject to the subdivision concept plat is part of a larger parcel, the remaining land shall be shown as a remainder tract, but shall not be included within the official boundaries of the subdivision concept plat.
- E.** A subdivision concept plat application may be approved concurrently under the administrative regulating plan process for a Planning Area district in accordance with Section 4.4.3.7.
- F.** Effect. Approval of a subdivision concept plat authorizes:
1. Subsequent subdivision applications.
 2. That all plats approved thereafter for the same land shall be consistent with the subdivision concept plat for so long as the subdivision concept plat remains in effect.

ARTICLE 6: BLOCKS, LOTS, ACCESS

DIVISION 2: BLOCKS

Section 3.6.2.1. Block Perimeter

Block Perimeters		
Zoning District	Block Perimeter (max)	Dead-End Street (Max)
FD, CD-1, CD-2	N/A	500 Ft.
SF-6, ND-3, SF-R, SF-4.5	3,000 Ft.	300 Ft.
ND-3.5, ND-4, CD-3	2,800 Ft.	250 Ft.
CD-4	2,400 Ft.	200 Ft.
CD-5, CD-5D	2000 Ft.	Not Allowed
EC, HC, HI, LI, <u>ETJ</u>	5,000 Ft.	400 Ft.
Legacy Districts and ETJ	3,000 Ft.	300 Ft.

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C. Block Measurement

1. A block is bounded by a public right-of-way, not including an alley. All public rights-of-way proposed in order to meet the block standards must be improved with a street.
2. Block perimeter is measured along the edge of the property adjoining the public right-of-way, except for the measurement of dead-end streets, which are measured from intersecting centerlines.
3. The maximum block perimeter may be extended by fifty (50%) percent where the block includes a pedestrian passage, shared street, or an alley in accordance with Section 3.7.2.6 that connects the two (2) streets on opposing block faces. Pedestrian passages and alleys may connect dead-end streets.
4. A block may be broken by a civic building or open lot, provided the lot is at least fifty (50) feet wide and deep and provides a pedestrian passage meeting the requirements of Section 3.7.2.6 that directly connects the two (2) streets on each block face.
5. Within a single phase of any subdivision or development, individual block perimeters may exceed the maximum by twenty five (25%) percent provided that the average of all block perimeters in the phase does not exceed the maximum.
6. The Responsible Official may waive the block perimeter requirements or maximum dead-end street length consistent with Section 3.6.2.1 when steep slopes in excess of twenty five (25%) percent, freeways, waterways, railroad lines, preexisting development, tree conservation areas, stream buffers, cemeteries, open space or easements would make the provision of a complete block infeasible or does not advance the intent of this Article.
7. Where the block pattern is interrupted by a natural obstruction or public parkland, including greenways, that is open and accessible to the public, pedestrian access points shall be provided with a minimum spacing equal to one half (½) of the maximum block perimeter.
8. A larger block perimeter may be permitted for HI zoned lots with a building that exceeds 200,000 square feet. The block perimeter shall not exceed the lot area required to meet parking and landscaping provisions for the individual structure.

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25 **ARTICLE 7: NEW STREETS**
DIVISION 2: STREET TYPES

B. Neighborhood Street: Limited Parking

DESCRIPTION	
A local thoroughfare of low speed and capacity.	
GENERAL	
Right of Way	54' min A
Design Speed	20-25 mph
Walkway	Sidewalk
Bikeway	Shared Travel Lane
Parking	Parallel
Planting	Tree Lawn

TRAVELWAY	
Pavement Width	28' 30' B
Travel Lane	10' C
Parking Lane	8' D
STREETSCAPE	
Planter	7' min E
Tree Spacing	35' o.c. avg
Sidewalk	5' min F

Interior Travel Lane	10'
Curb Lane Width	12'

B. Shared Street

DESCRIPTION	
Very low traffic volume street used as a mid-block crossing in certain circumstances where the block length may be extended and characterized by 1-3 story mixed use buildings.	
GENERAL	
Right of Way	30' min, 53' max A
Motorist Operating Speed	10 mph
Walkway	Shared Right of Way
Bikeway	Shared Right of Way
Parking	Parallel (alternating)
Planting	Planters (alternating)

TRAVELWAY	
Pavement Width	30' B
Travel Lane	10' C
Parking Lane	10' D
STREETSCAPE	
Optional Streetscape	6' 11.5' E

E. Rear Alley and Lane

DESCRIPTION	
A vehicular drive located to the rear of lots providing access to service areas, parking, or accessory structures, and containing utility easements.	
GENERAL	RESIDENTIAL
Right of Way	20' min A
Walkway	Shared Alley
Bikeway	Shared Alley
Parking	N/A
Planting	N/A
Pavement Width	16' min 15' min B

DESCRIPTION	
A vehicular drive located to the rear of lots providing access to service areas, parking, or accessory structures, and containing utility easements.	
GENERAL	COMMERCIAL
Right of Way	24' min A
Walkway	Shared Alley
Bikeway	Shared Alley
Parking	N/A
Planting	N/A
Pavement Width	24' min B

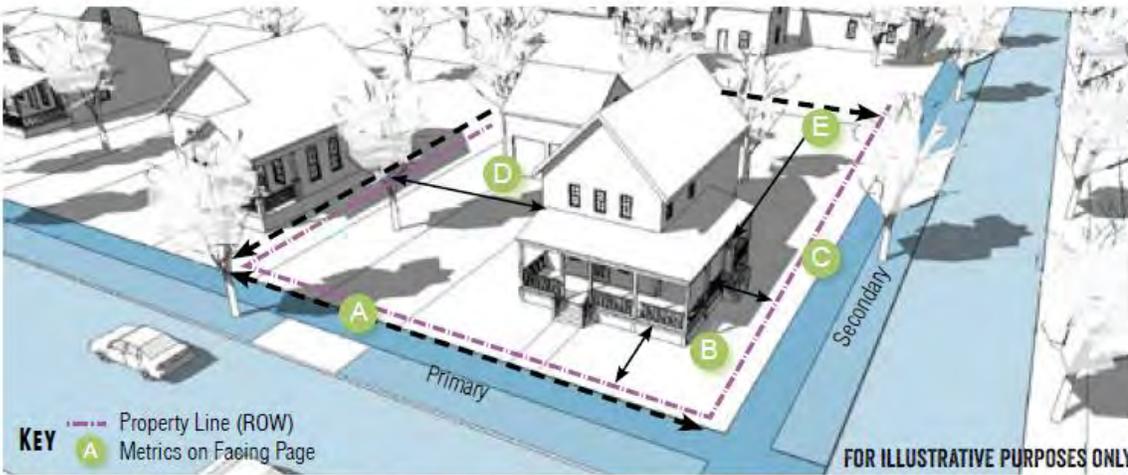
CHAPTER 4. ZONING REGULATIONS

ARTICLE 4: ZONING DISTRICTS

26 DIVISION 3: CHARACTER DISTRICTS Section 4.4.3.3 Character District-3

CD-3

SECTION 4.4.3.3 CHARACTER DISTRICT - 3



GENERAL DESCRIPTION

The CD-3 district is primarily intended to accommodate one and two family houses. Uses that would substantially interfere with the residential nature of the district are not allowed.

DENSITY

Impervious Cover	60% max.
Units Per Gross Acre	10 max.

Occupancy Restrictions Section 5.1.4.1

TRANSPORTATION

Block Perimeter	2,800 ft. max.	Section 3.6.2.1
Streetscape Type	Residential	Section 3.8.1.10

BUILDING TYPES ALLOWED

Accessory Dwelling	Section 4.4.6.1
House	Section 4.4.6.2
Cottage	Section 4.4.6.3
Cottage Court	Section 4.4.6.4
Duplex	Section 4.4.6.5
Zero Lot Line House	Section 4.4.6.6
Civic Building	Section 4.4.6.15

26 CHAPTER 5. USE REGULATIONS

cont. ARTICLE 1: ALLOWABLE USES

DIVISION 1: INTERPRETIVE RULES AND LAND USE MATRIX

Section 5.1.1.2 Land Use Matrix

TYPES OF LAND USES	CONVENTIONAL RESIDENTIAL				NEIGHBORHOOD DENSITY DISTRICTS				CHARACTER DISTRICTS						SPECIAL DISTRICTS					DEFINITION USE STANDARDS
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.5	ND-4	N-MS	CD-1	CD-2	CD-3	CD-4	CD-5	CD-5D	HC	LI	HI	MH	EC	
AGRICULTURAL USES																				
Barns or agricultural buildings	P	L	--	--	--	--	--	--	P	P	L	--	--	--	P	--	--	--	--	Section 5.1.2.1
Stables	P	L	--	--	--	--	--	--	--	P	L	--	--	--	P	--	--	--	--	Section 5.1.2.2
Community Garden	P	P	L	L	L	L	L	--	P	P	L	L	L	L	P	P	P	P	P	Section 5.1.2.3
Urban Farm	P	C	C	C	C	L	L	C	P	P	L	L	C	C	P	P	--	P	C	Section 5.1.2.4
Plant Nursery	L	--	--	--	--	--	--	P	--	L	--	--	P	P	P	P	P	--	P	Section 5.1.2.5
ACCESSORY USES AND STRUCTURES																				
Accessory Building/Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.3.1
Accessory Dwelling Unit	L	L	L	L	L	L	P	P	--	P	L	P	P	P	--	--	--	--	--	Section 5.1.3.1
Accessory Use, except as listed below:	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.3.2
Outdoor Storage	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	L	P	--	L	Section 5.1.3.2
Outdoor Display	--	--	--	--	--	--	--	L	--	--	--	--	L	L	P	--	--	--	L	Section 5.1.3.2
Food Truck	--	--	--	--	--	--	--	P	--	--	--	--	P	P	P	P	P	--	P	Section 5.1.3.1
Drive-thru or Drive-in	--	--	--	--	--	--	--	C	--	--	--	--	C	C	P	--	--	--	P	Section 5.1.3.2
Home Occupation	L	L	L	L	L	L	L	--	--	L	L	L	--	--	--	--	--	--	--	Section 5.1.3.4
Family Home Care	P	P	P	P	P	P	P	--	--	P	P	P	--	--	--	--	--	--	--	Section 5.1.3.5
Short Term Rental	L	L	L	L	L	L	L	P	--	L	L	P	P	P	--	--	--	L	P	Section 5.1.3.6
RESIDENTIAL USES																				
Single Family Detached	P	L	L	L	L	L	L	--	--	P	L	P	--	--	--	--	--	--	--	Section 5.1.4.1
Cottage Court	--	--	--	--	--	L	L	--	--	--	L	P	--	--	--	--	--	--	--	Section 5.1.4.1
Two Family	--	--	--	--	--	L	L	--	--	--	L	P	--	--	--	--	--	--	--	Section 5.1.4.1
Single Family Attached	--	--	--	--	L	L	L	L	--	--	L	P	P	P	--	--	--	--	--	Section 5.1.4.1
Small Multi-Family (up to 9 units)	--	--	--	--	--	L	L	L	--	--	--	P	P	P	--	--	--	--	--	Section 5.1.4.1
Courtyard Housing (up to 24 units)	--	--	--	--	--	L	L	--	--	--	--	P	P	P	--	--	--	--	--	Section 5.1.4.1
Multi-family (10 or more units)	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	--	--	Section 5.1.4.1
Purpose Built Student Housing	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	--	--	--	Section 5.1.4.1
Manufactured Home	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	Section 5.1.4.1
Mobile Home Community	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	Section 5.1.4.1

CHAPTER 4. ZONING REGULATIONS

ARTICLE 2: BUILDING TYPES

27 DIVISION 1: BUILDING TYPES

Section 4.2.1.1 Building Types Established

The following building types have been established to allow for detailed regulation of the form within each zoning district.

House:

A ~~medium-to-large~~ detached ~~single-family~~ structure ~~that incorporates one unit~~. Typically located within a primarily single-family residential neighborhood ~~in a more rural or suburban setting. If located within a walkable neighborhood, this building type is typically located at the edge of the neighborhood, providing a transition to the more rural areas.~~

~~Cottage:~~

~~A medium to small sized detached structure that incorporates one unit. Typically located within a primarily residential neighborhood in a walkable urban setting, potentially near a neighborhood main street. In its smaller size, this type can enable appropriately scaled, well-designed affordable housing at higher densities and is important for providing a broad choice of housing types and promoting walkability.~~

Section 4.4.1.3 Single Family-6

Lot		
BUILDING TYPE	LOT AREA	LOT WIDTH
House	6,000 sq. ft. min.	50 ft min.
Cottage	6,000 sq. ft. min.	50 ft min.
Civic	6,000 sq. ft. min.	50 ft. min.

Section 4.4.3.3 Character District-3

LOT		
BUILDING TYPE	LOT AREA	LOT WIDTH
House	5,000 sq. ft. min.	50 ft. min.
Cottage House	4,000 sq. ft. min.	40 ft. min.
Cottage Court	1,200 sq. ft. min.	20 ft. min.
Duplex	4,000 sq. ft. min.	40 ft. min.
Zero Lot Line House	3,500 sq. ft. min.	30 ft. min.
Civic Building	5,000 sq. ft. min.	50 ft. min.

San Marcos Design Manual

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APPENDIX C-HISTORIC DISTRICT GUIDELINES

ARTICLE 5: STANDARDS FOR GUIDELINES FOR SUSTAINABILITY

Section C.5.1.1 Purpose

A. Before implementing any energy conservation measures to enhance the sustainability of a historic building, the existing energy-efficient characteristics of the building should be assessed. The key to a successful rehabilitation project is to identify and understand any lost original and existing energy-efficient aspects of the historic building, as well as to identify and understand its character-defining features to ensure they are preserved. The most sustainable building may be one that already exists. Thus, good preservation practice is often synonymous with sustainability. There are numerous treatments—traditional as well as new technological innovations—that may be used to upgrade a historic building to help it operate even more efficiently. Whether a historic building is rehabilitated for a new or a continuing use, it is important to utilize the building’s inherently-sustainable qualities as they were intended. It is equally important that they function effectively together with any new measures undertaken to further improve energy efficiency. The following guidelines offer specific guidance on how to make historic buildings more sustainable in a manner that will preserve their historic character.

Section C.5.1.2~~1~~ Introduction

Developer Request

CHAPTER 5. USE REGULATIONS

ARTICLE 1: ALLOWABLE USES

29 DIVISION 5: COMMERCIAL

Section 5.1.5.9 Special Event Facility

- A. **Defined.** A facility or hall available for special events with indoor and outdoor space that accommodates private functions such as weddings, quinceanera, and similar celebrations.
- B. **Use Standards.** Where a special event facility is allowed as a conditional use, it may be permitted by the Planning and Zoning Commission subject to Section 2.8.3.1, and the standards below.
 1. Minimum parcel size. No event center shall be located on a site of less than five acres.
 2. Transitional Protective Yard. A type D transitional protective yard as per Table 7.8 of the Development Code is required in all instances, along the entire perimeter of the property.
 3. The permit holder shall not be permitted to hold a TABC license.
 4. A site plan illustrating, where appropriate: location, square footage and height of existing and proposed structures, landscaping or fencing, setbacks, parking, ingress & egress, signs, etc., shall be required and approved at the time of the Conditional Use Permit
 5. A floor plan(s) illustrating fire exits, doors, rooms, indoor & outdoor seating, kitchen, bar, restrooms, fire exits, etc., shall be required and approved at the time of the Conditional Use Permit.
 6. All uses of property shall comply with Section 7.4.2.1 of this Development Code.
 7. A parking buffer in accordance with Section 7.1.4.4 shall be required in all instances.
 8. The single-family preservation buffer shall be calculated in accordance with Section 4.1.2.5.D. An affirmative vote of six members of the Planning and Zoning Commission and five members of the City Council will be required to approve the request in instances where the single-family preservation buffer calculated in accordance with Section 4.1.2.5.D results in 50% or more single family zoning.

Section 5.1.1.2 Land Use Matrix

Types of Land Use	Conventional Residential				Neighborhood Density Districts					Character districts					Special Districts					Use Standards	
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.2	ND-3.5	ND-4	N-CM	CD-1	CD-2	CD-3	CD-4	CD-5	CD-5D	HC	LI	HI	MH		EC
Special Event Facility	C	C	I	I	I	I	I	I	I	I	C	I	I	I	I	I	I	I	I	I	Section 5.1.5.9

Section 9.3.1.2 Land Use Matrix

Amusement and Recreational Uses	AR	SF-11	D	DR	TH	PHZL	MF12	MF18	MF24	MR	MU	VMU	P	NC	OP	CC	GC
Special Event Facility																	C

TABLE 7.1 GENERAL MINIMUM PARKING REQUIREMENTS

Use	Minimum Parking	Bicycle Parking
Commercial		
Special Event Facility	1 space per 200 sf indoor and outdoor space	None

Expedited Policy Amendments

CHAPTER 4. ZONING REGULATIONS

ARTICLE 4: ZONING DISTRICTS

30 DIVISION 2: NEIGHBORHOOD DENSITY DISTRICTS

SECTION 4.4.2.2 NEIGHBORHOOD DENSITY-3.2

GENERAL DESCRIPTION The ND-3.2 district is proposed to accommodate single-family detached houses and encourage opportunities for home ownership. Additional building types and relatively smaller lot sizes are allowed that accommodate affordable alternatives for home ownership. ND-3.2 could be applied in areas where the land use pattern is single-family or two-family with some mixture in housing types. Uses that would interfere with the residential nature of the district are not allowed.

DENSITY

<u>Units per Gross Acre</u>	<u>12 max</u>
<u>Impervious cover</u>	<u>65% max</u>
<u>Occupancy Restrictions</u>	<u>5.1.4.1</u>

TRANSPORTATION

<u>Block Perimeter</u>	<u>2,800 ft. max</u>	<u>Section 3.6.2.1</u>
<u>Streetscape Style</u>	<u>Residential</u> <u>Conventional</u>	<u>Section 3.8.1.10</u> <u>Section 3.8.1.7</u>

BUILDING TYPES ALLOWED

<u>Building Type</u>	
<u>House</u>	<u>Section 4.4.6.2</u>
<u>Zero Lot Line House- (Detached Only)</u>	<u>Section 4.4.6.6</u>
<u>Civic</u>	<u>Section 4.4.6.15</u>

BUILDING STANDARDS

<u>Principal Building Height</u>	<u>2 stories max.</u>	<u>35 ft. max</u>
<u>Accessory Structure Height</u>	<u>N/A</u>	<u>24 ft max</u>
<u>Building Width</u>	<u>60 ft max</u>	

SETBACKS-PRINCIPAL BUILDING

<u>Principal Street</u>	<u>15 ft. min or Avg front setback (Section 4.4.2.5)</u>
<u>Secondary Street</u>	<u>15 ft. min.</u>
<u>Side</u>	<u>5 ft. min.</u>
<u>Rear</u>	<u>15 ft. min</u>
<u>Rear, abutting alley</u>	<u>5 ft. min</u>

LOT

<u>BUILDING TYPE</u>	<u>LOT AREA</u>	<u>LOT WIDTH</u>
<u>House</u>	<u>3,500 sq. ft min</u>	<u>40 ft. min.</u>
<u>Zero Lot Line House</u>	<u>2,500 sq. ft. min</u>	<u>25 ft. min.</u>
<u>Civic</u>	<u>4,500 sq. ft. min</u>	<u>50 ft. min.</u>

SETBACKS-ACCESSORY STRUCTURE

<u>Primary Street</u>	<u>20 ft. min.</u>
<u>Secondary Street</u>	<u>15 ft. min.</u>
<u>Side</u>	<u>5 ft. min.</u>
<u>Rear</u>	<u>3 ft. min.</u>

PARKING LOCATION

<u>LAYER (SECTION 4.3.3.1)</u>	<u>SURFACE</u>	<u>GARAGE</u>
<u>First Layer</u>	<u>Not Allowed</u>	<u>Not Allowed</u>
<u>Second Layer</u>	<u>Allowed</u>	<u>Section 7.1.4.1</u>
<u>Third Layer</u>	<u>Allowed</u>	<u>Section 7.1.4.1</u>

CHAPTER 2. DEVELOPMENT PROCEDURES

ARTICLE 4: GENERAL LEGISLATIVE PROCEDURES

31 DIVISION 2: COMPREHENSIVE PLAN MAP AMENDMENTS

Section 2.4.2.3 Approval Process

- B. Planning and Zoning Commission Action.
 1. The Planning and Zoning Commission shall hold a public hearing on the application in accordance Section 2.3.3.1.
 2. The Planning and Zoning Commission shall make a recommendation regarding the proposed Comprehensive Plan amendment(s) to the City Council. The Planning and Zoning Commission may recommend approval, approval with conditions, or denial of the application for a Comprehensive Plan amendment.
 3. [A recommendation for approval from the Planning and Zoning Commission requires an affirmative vote of six members of the Planning and Zoning Commission.](#)
- C. City Council Action.
 1. Before taking final action on a proposed Comprehensive Plan amendment, the City Council shall hold two (2) public hearings where they may consider the recommendations of the Planning Commission, Responsible Official and any comments made during the public hearings.
 2. The Council may review the application in light of the criteria in Section 2.4.2.4.
 3. An application for a Comprehensive Plan amendment is subject to a super majority vote of the City Council when applicable in accordance with Section 2.2.4.2.
 4. [The approval of a Comprehensive Plan amendment requires an affirmative vote of five members of the City Council.](#)
 5. After the public hearing is closed, the Council may approve, reject or modify the requested amendments by adoption of an ordinance.

CHAPTER 4. ZONING REGULATIONS

ARTICLE 1: GENERAL PROVISIONS AND ESTABLISHMENT OF DISTRICTS

32 DIVISION 1: PURPOSE AND INTENT

Section 4.1.1.6 Comprehensive Plan Preferred Scenario

Table 4.1 Comprehensive Plan/District Translation

District Classification	Comprehensive Plan Designation					
	Open Space/Ag	Low Intensity	Existing Neighborhood	Medium or High Intensity	Employment Center	Corridor
Conventional Residential	NP	NP	C	PSA	PSA	—
Neighborhood Density Districts	NP	NP	See Section 4.1.2.4-4.1.2.5	NP	NP	€
Character Districts	NP	C	PSA	C	NP	€
Special Districts	PSA	NP	NP PSA	NP	C	€

CHAPTER 2. DEVELOPMENT PROCEDURES

ARTICLE 3: UNIVERSAL PROCEDURES

DIVISION 1: APPLICATION PROCESSING

Section 2.3.1.1 Application Processing

H. Informational Meetings. The purpose of an informational meeting is to begin the discussion about the proposal with City Commissions and Councilmembers. These meetings are not a forum for final decisions or the acceptance of formal comments concerning Commissioner or Councilmember support or opposition.

1. Applicability. Informational meetings are required for Comprehensive Plan Map amendments and for zoning map amendment requests to a Neighborhood Density District when located in an Existing Neighborhood.
2. When informational meetings are required the Responsible Official shall schedule the following meetings upon submission:
 - a. An informational meeting with members of the Neighborhood Commission;
 - b. An informational meeting with members of the Planning and Zoning Commission, and;
 - c. An informational meeting with the City Council prior to the first City Council public hearing.

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cont.

ARTICLE 5: ZONING PROCEDURES

DIVISION 1: APPLICATION FOR ZONING MAP AMENDMENT

The property owner or the owner's authorized agent, the Planning and Development Services Director, the Planning and Zoning Commission, or the City Council on its own motion, may initiate an application for a zoning map amendment.

Section 2.5.1.3 Approval Process

A. Responsible Official Action

1. Upon acceptance of an application for a zoning map amendment, the Responsible Official shall schedule a neighborhood presentation meeting in accordance with Section 2.3.1.1.
2. Upon acceptance of an application for a zoning map amendment, the Responsible Official shall schedule informational meetings in accordance with Section 2.3.1.1.H.

CHAPTER 4. ZONING REGULATIONS

ARTICLE 1: GENERAL PROVISIONS AND ESTABLISHMENT OF DISTRICTS

DIVISION 2: DISTRICTS ESTABLISHED

Section 4.1.2.5 Compatibility of Uses and Density (Neighborhood Density Districts)

A. Policy. It is the policy of the City Council, through exercising its zoning authority, to:

1. Help prevent the impacts of high density uses on low density areas;
2. Limit changes in neighborhood density categories unless directed by a small area plan or neighborhood character study;
3. Encourage more opportunities for home ownership; and
4. Ensure a diversity of housing to serve citizens with varying needs and interests.

B. Small Area Plan. If there is an adopted small area plan or neighborhood character study for the area surrounding a subject property it is required in addition to ~~supersedes~~ the analysis in Table 4.45 and the single family preservation buffer in this Section 4.1.2.5.

C. Existing Neighborhood Regulating Plan. An existing neighborhood regulating plan is required to accompany any property owner requested zoning change to a Neighborhood Density District.

D. Single Family Preservation Buffer. The purpose of the single family preservation buffer is to preserve SF-R, SF-6, and SF4.5 zoning districts in existing neighborhood areas on the comprehensive plan map where these zoning districts make up the predominant land use pattern for an area in close proximity.

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cont.

~~F. Neighborhood Density Categories.~~ Neighborhood density categories are described in the table below.

~~Table 4.4 NEIGHBORHOOD DENSITY CATEGORIES~~

Neighborhood Density-categories	Neighborhood Density-Districts	Conventional, special, and legacy districts
Low Density	ND3	FD, AR, SF-R, MR, SF-6, SF4.5, DR, D, PH-ZL, P
Medium Density	ND3.5	TH, MF-12, P
High-Density	ND4	MU, MF-18, MF-24, P
Commercial / Mixed Use	N-MS	OP, NC, CC, GC, HC, LI, HI, MH, VMU, P

~~1. A neighborhood density category is determined based on the existing zoning of the subject property.~~

GF. Neighborhood Density District/Existing Zoning Translation Table. Zoning map amendments to a neighborhood density district shall be consistent with the Comprehensive Plan and the policy and criteria established in this development code.

1. Consider (C). Where the table indicates Consider (C), the request shall be considered based on:
 - a. Zoning criteria in Section 2.5.1.4 and compatibility of uses and density in this Section 4.1.2.5.
 - b. [Surrounding zoning districts illustrated in the single family protection buffer analysis described in this Section 4.1.2.5](#)
2. Not Preferred (NP). Where the table indicates that a request is Not Preferred (NP) the request is seeking to change the density category and is subject to additional scrutiny based on:
 - a. Zoning criteria in Section 2.5.1.4 and compatibility of uses and density in this Section 4.1.2.5.
 - b. Surrounding zoning districts illustrated in the single family protection buffer analysis described in this Section 4.1.2.5;
 - c. Existing use of the subject property; and
 - d. Surrounding land use pattern.
3. Not Preferred* (NP*). Where the table indicates a is not preferred with an asterisk the request is subject to both the criteria for a request that is not preferred and the following:
 - a. An affirmative vote of six members of the Planning and Zoning Commission to recommend a zoning change request and five members of the City Council to approve the same request are required when the single family preservation buffer calculated in accordance with Section 4.1.2.5 results in 50% or more single family zoning; or

32
cont.

Table 4.5 NEIGHBORHOOD DENSITY DISTRICT/EXISTING ZONING TRANSLATION TABLE

	Neighborhood Density Categories Existing Zoning			
	Low-Density FD, AR, SF-R, MR, SF-6, SF4.5, P DR, D, PHZL	Medium-Density DR, D, PH-ZL, TH, MF-12, P	High-density MU, MF-18, MF-24, P	Commercial/ Mixed Use OP, NC, CC, GC, HC, LI, HI, MH, VMU, P
ND-3	C	€ NP	NP*	NP*
ND-3.2	NP	C	NP*	NP*
ND-3.5	NP*	C	C	NP*
ND-4	NP*	NP	C	NP
N-CM	NP*	NP*	€ NP	C
Legend:				
C =	Consider			
NP =	Not Preferred			
* =	50% or more single family requires additional votes of Planning Commission and City Council in accordance with Sec. 4.1.2.5(G)3a. above.			

ARTICLE 3: GENERAL TO ALL

DIVISION 5: ACTIVATION

33 Section 4.3.4.5 Residential Height Compatibility Standards

A. Height Stepback. A maximum building height of thirty-five (35) feet shall apply to portions of a structure within seventy (70) feet of a single-family zoning designation (measured from the property line).

Section 4.3.4.6 Additional Stories or Height

34 **Section 4.3.5.17 Durable Building Material Area**

- A. Defined. Durable building material area means any portion of the exterior facade of the building that does not include windows, doors or other void areas.
- B. Applicability.
 1. Primary and secondary durable building material standards are applied by district and building type.
 2. Prohibited materials are prohibited in any district or for any building type.
 3. Buildings in the municipal airport are exempted from durable building material standards.
- C. Intent. The intent of the durable building material area requirement is to promote quality design, aesthetic value, visual appeal and the use of durable materials. The City prefers the use of durable building materials identified in this Section.

CHAPTER 5. USE REGULATIONS

35 **ARTICLE 1: ALLOWABLE USES**

DIVISION 1: INTERPRETIVE RULES AND LAND USE MATRIX

Section 5.1.1.2 Land Use Matrix

TYPES OF LAND USES	CONVENTIONAL RESIDENTIAL				NEIGHBORHOOD DENSITY DISTRICTS				CHARACTER DISTRICTS						SPECIAL DISTRICTS					DEFINITION USE STANDARDS
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.5	ND-4	N-MS	CD-1	CD-2	CD-3	CD-4	CD-5	CD-5D	HC	LI	HI	MH	EC	
AGRICULTURAL USES																				
Barns or agricultural buildings	P	L	--	--	--	--	--	--	P	P	L	--	--	--	P	--	--	--	--	Section 5.1.2.1
Stables	P	L	--	--	--	--	--	--	--	P	L	--	--	--	P	--	--	--	--	Section 5.1.2.2
Community Garden	P	P	L	L	L	L	L	--	P	P	L	L	L	L	P	P	P	P	P	Section 5.1.2.3
Urban Farm	P	C	C	C	C	L	L	C	P	P	L	L	C	C	P	P	--	P	C	Section 5.1.2.4
Plant Nursery	L	--	--	--	--	--	--	P	--	L	--	--	P	P	P	P	P	--	P	Section 5.1.2.5
ACCESSORY USES AND STRUCTURES																				
Accessory Building/Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.3.1
Accessory Dwelling Unit	L	L	C	C	C	L	P	P	--	L	L	P	P	P	--	--	--	--	--	Section 5.1.3.1
Accessory Use, except as listed below:	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.3.2
Outdoor Storage	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	L	P	--	L	Section 5.1.3.2
Outdoor Display	--	--	--	--	--	--	--	L	--	--	--	--	L	L	P	--	--	--	L	Section 5.1.3.2
Food Truck	--	--	--	--	--	--	--	P	--	--	--	--	P	P	P	P	P	--	P	Section 5.1.3.1
Drive-thru or Drive-in	--	--	--	--	--	--	--	C	--	--	--	--	C	C	P	--	--	--	P	Section 5.1.3.2
Home Occupation	L	L	L	L	L	L	L	--	--	L	L	L	--	--	--	--	--	--	--	Section 5.1.3.4
Family Home Care	P	P	P	P	P	P	P	--	--	P	P	P	--	--	--	--	--	--	--	Section 5.1.3.5
Short Term Rental	L	L	L	L	L	L	L	P	--	L	L	P	P	P	--	--	--	L	P	Section 5.1.3.6

DIVISION 3: ACCESSORY AND TEMPORARY STRUCTURES AND USES

Section 5.1.3.1 Accessory Buildings/Structures

- A. Defined.** A structure enclosing or covering usable space where the use of such structure is incidental and subordinate to one or more principal buildings. Accessory structures include but are not limited to the following:
1. Kiosk
 2. Food Truck
 3. Shed
 4. Accessory Dwelling Unit
- B. Use Standards**
1. Setback, minimum parking, parking location, and height requirements for all accessory structures are established and set forth in Chapter 4 district descriptions and building type standards and Chapter 7 minimum parking.
 2. No accessory structure may be located closer than 10 feet to any other building or structure on the same lot.
- C. Accessory Dwelling Units**
1. Defined. A secondary living space which shares ownership and utility connections, and which is on-site with a primary living space and that may be contained within the same structure as is the primary living space, or may be contained in a separate structure.
 2. **Use Standards**
 - a. An accessory dwelling unit is considered an independent unit for the purposes of occupancy restrictions.
 - b. Where a new accessory dwelling unit is allowed as a limited use it is subject to the following standards:
 1. The owner of the lot or parcel of land must maintain his or her primary residence on the lot;
 2. No more than one accessory dwelling unit may exist on a lot or parcel of land;
 3. [A separate utility connection is not allowed;](#)
 4. [A separate trash receptacle and recycle bin is required;](#)
 5. The habitable area of the accessory dwelling unit must not exceed the lesser of 1000 square feet or one-half the number of square feet of habitable area of the principal dwelling on the lot or parcel of land

35
cont.

CHAPTER 7. SUPPLEMENTAL DEVELOPMENT STANDARDS

ARTICLE 1: PARKING

DIVISION 2: MINIMUM PARKING REQUIREMENTS

Section 7.1.2.1 Minimum Requirements and Standards

- A.** On-street public parking that is located directly adjacent to the property and meets all requirements for on-street parking in accordance with a street type containing dedicated and striped parking in Section 3.7.2.1 may be counted towards the minimum parking requirements in Section 7.1.2.1 or Section 7.1.2.2.
1. [Exceptions. On-street public parking shall not be counted towards the minimum parking requirements for multifamily uses in Section 7.1.2.1 or Section 7.1.2.2 in CD-5D zoning districts.](#)
- B.** The table below includes minimum parking requirements for any proposed uses except those in the CD-4, CD-5, or CD-5D zoning districts.

Section 7.1.2.2 Mixed Use Parking Requirements

B. Specific to CD-5 and CD-5D

1. The minimum parking requirements for properties with ~~10~~ 4 or fewer units are exempt from the minimum parking requirements for residential.
2. [The minimum parking requirements for properties with 5-10 units may be exempt from minimum parking requirements in Section 7.1.2.1 with the approval of a Conditional Use Permit by City Council upon recommendation by the Planning & Zoning Commission, in accordance with Section 2.8.3.1](#)

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CHAPTER 4. ZONING REGULATIONS

ARTICLE 4: ZONING DISTRICTS

38

DIVISION 3: CHARACTER DISTRICTS

SECTION 4.4.3.3 CHARACTER DISTRICT-2.5

GENERAL DESCRIPTION The CD-2.5 district is proposed to accommodate single-family detached houses and encourage opportunities for home ownership. CD-2.5 could be applied in areas where the land use pattern is single-family or two-family with some mixture in housing types. Uses that would interfere with the residential nature of the district are not allowed.

DENSITY

Units per Gross Acre	8 max
Impervious cover	60% max
Occupancy Restrictions	5.1.4.1

TRANSPORTATION

Block Perimeter	2,800 ft. max	Section 3.6.2.1
Streetscape Style	Residential Conventional	Section 3.8.1.10 Section 3.8.1.7

BUILDING TYPES ALLOWED

Building Type	
Accessory Dwelling Unit	Section 4.4.6.1
House	Section 4.4.6.2
Civic	Section 4.4.6.15

BUILDING STANDARDS

Principal Building Height	2 stories max.	35 ft. max
Accessory Structure Height	N/A	24 ft max

SETBACKS-PRINCIPAL BUILDING

Principal Street	15 ft. min.
Secondary Street	10 ft. min.
Side	5 ft. min.
Rear	15 ft. min
Rear, abutting alley	5 ft. min

LOT

BUILDING TYPE	LOT AREA	LOT WIDTH
House	4,500 sq. ft min	40 ft. min.
Civic	4,500 sq. ft. min	50 ft. min.

SETBACKS-ACCESSORY STRUCTURE

Primary Street	15 ft. min.
Secondary Street	10 ft. min.
Side	5 ft. min.
Rear	3 ft. min.

PARKING LOCATION

LAYER (SECTION 4.3.3.1)	SURFACE	GARAGE
First Layer	Not Allowed	Not Allowed
Second Layer	Allowed	Section 7.1.4.1
Third Layer	Allowed	Section 7.1.4.1

SECTION 4.4.3.6 CHARACTER DISTRICT-5 DOWNTOWN

LOT

BUILDING TYPE	LOT AREA	LOT WIDTH
Townhouse	1,500 sq. ft. min.	15 ft. min.
Apartment	2,000 sq. ft. min.	20 ft. min. 340 ft. max.
Live/Work	1,100 sq. ft. min.	15 ft. min.
Mixed Use Shopfront	2,000 sq. ft. min.	20 ft. min. 340 ft. max.
Civic Building	2,000 sq. ft. min.	20 ft. min.

Exhibit C- Windemere Ranch Request Letter



January 16, 2020

Andrea Villalobos
Senior Planner
Planning & Development Services
City of San Marcos
630 E. Hopkins
San Marcos, Texas 78666
E: AVillalobos@sanmarcostx.gov

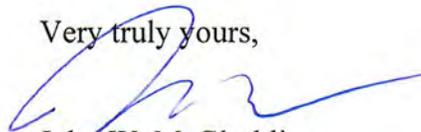
Via Email

Re: Windemere Ranch

Dear Ms. Villalobos:

I hereby request on behalf of my clients, Jason and Ashley Roberts, that the City of San Marcos establish a new use for an "Event Center". We discussed this potential new use and the efficacy thereof for my clients' property known as the Windemere Ranch on Post Road. Please let me know any manner in which I might expedite your work in establishing this new use and let me know if there are any additional documents either myself or clients need to sign or any meetings at which we would be helpful in shaping the use category to fit my clients' expressed plans for the property.

Very truly yours,



John W. McGlothlin

JWM/rr

CC: Bert Lumbreras *via email to* blumbreras@sanmarcostx.gov

Exhibit D- Resolution 2019-03RR



RECOMMENDATION RESOLUTION

Historic Preservation Commission

Recommendation Number: (2019-03RR): Recommending that a sustainability purpose section be added to Article 5, Standard Guidelines for Sustainability, of the Historic Design Guidelines.

WHEREAS, the City's Comprehensive Plan, "Vision San Marcos: A River Runs Through Us," recognizes that the citizens of San Marcos "are conscious of preserving our rich historical past and will pursue future cultural enrichment"; and

WHEREAS, toward that end, the City boasts seven locally designated historic districts and eight locally designated landmarks while other structures and sites have been recognized at the national and state levels for their historical or cultural significance;

WHEREAS, the City Council has created a Sustainability Committee to provide focus for the City on implementing more sustainable practices;

WHEREAS, the Historic Preservation Commission established sustainability guidelines within the Historic Design Guidelines in 2014 (Resolution 2014-92R) to assist property owners in more sustainable practices in maintaining historic properties; and

WHEREAS, to uphold the goals of the Comprehensive Plan, the goals of the City Council's Sustainability Committee, and to preserve the City's historical and cultural resources for future generations, the Historic Preservation Commission has explored including a purpose statement within Article 5 of the Historic Design Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the Historic Preservation Commission recommends that the San Marcos City Council consider the initial authorization of a text amendment, per Section 2.4.1.2 of the San Marcos Development Code, to Article 5 of the Historic Design Guidelines to include a purpose statement regarding sustainability substantially in the form attached.

Date of Approval: December 5, 2019

Record of the vote:

Attest:

A handwritten signature in cursive script, appearing to read "Griffin Spell".

Griffin Spell, Chair, Historic Preservation Commission



Proposed Amendment

Article 5: standards for guidelines for sustainability

Section C.5.1.1 Purpose

A. Before implementing any energy conservation measures to enhance the sustainability of a historic building, the existing energy-efficient characteristics of the building should be assessed. The key to a successful rehabilitation project is to identify and understand any lost original and existing energy-efficient aspects of the historic building, as well as to identify and understand its character-defining features to ensure they are preserved. The most sustainable building may be one that already exists. Thus, good preservation practice is often synonymous with sustainability. There are numerous treatments—traditional as well as new technological innovations—that may be used to upgrade a historic building to help it operate even more efficiently. Whether a historic building is rehabilitated for a new or a continuing use, it is important to utilize the building’s inherently-sustainable qualities as they were intended. It is equally important that they function effectively together with any new measures undertaken to further improve energy efficiency. The following guidelines offer specific guidance on how to make historic buildings more sustainable in a manner that will preserve their historic character.



Exhibit E – Appendix Q of IRC

Appendix Q Tiny Houses

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance

About this appendix: Appendix Q relaxes various requirements in the body of the code as they apply to houses that are 400 square feet in area or less. Attention is specifically paid to features such as compact stairs, including stair handrails and headroom, ladders, reduced ceiling heights in lofts and guard and emergency escape and rescue opening requirements at lofts.

Section AQ101 General

AQ101.1 Scope

This appendix shall be applicable to tiny houses used as single dwelling units. Tiny houses shall comply with this code except as otherwise stated in this appendix.

Section AQ102 Definitions

AQ102.1 General.

The following words and terms shall, for the purposes of this appendix, have the meaning shown herein. Refer to Chapter 2 of this code for general definitions.

Egress Roof Access Window. A skylight or roof window designed and installed to satisfy the emergency escape and rescue opening requirements of Section R310.2

Landing Platform. A landing provided as the top step of a stairway accessing a loft.

Loft. A floor level located more than 30 inches (762 mm) above the main floor, open to the main floor on one or more sides with a ceiling height of less than 6 feet 8 inches (2032 mm) and used as a living or sleeping space.

Tiny House. A dwelling that is 400 square feet (37 m²) or less in floor area excluding lofts.

Section AQ103 Ceiling Height

AQ103.1 Minimum ceiling height

Habitable space and hallways in tiny houses shall have a ceiling height of not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms and kitchens shall have a ceiling height of not less than 6 feet 4 inches (1930 mm). Obstructions including, but not limited to, beams, girders, ducts and lighting, shall not extend below these minimum ceiling heights.

Exceptions: Ceiling heights in lofts are permitted to be less than 6 feet 8 inches (2032 mm).

Section AQ104

Lofts

AQ104.1 Minimum loft area and dimensions.

Lofts used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections AQ104.1.1 through AQ104.1.3

AQ104.1.1 Minimum area.

Lofts shall have a floor area of not less than 35 square feet (3.25 m²)

AQ104.1.2 Minimum dimensions

Lofts shall not be less than 5 feet (1524 mm) in any horizontal dimension.

AQ104.1.3 Height effect on loft area.

Portions of a loft with a sloped ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

Exception: Under gable roofs with a minimum slope of 6 units vertical in 12 units horizontal (50% slope), portions of a loft with a sloped ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

AQ104.2 Loft access.

The access to and primary egress from lofts shall be of any type described in Sections AQ104.2.1 through AQ104.2.4

AQ104.2.1 Stairways

Stairways accessing lofts shall comply with this code or with Sections AQ104.2.1.1 through AQ104.2.1.5

AQ104.2.1.1 Width

Stairways accessing a loft shall not be less than 17 inches (432 mm) in clear width at or above the handrail. The width below the handrail shall be not less than 20 inches (508 mm).

AQ104.2.1.2 Headroom

The headroom in stairways accessing a loft shall not be less than 6 feet 2 inches (1880 mm), as measured vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width.

AQ104.2.1.3 Treads and risers

Risers for stairs accessing a loft shall be not less than 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas:

1. The tread depth shall be 20 inches (508 mm) minus four-thirds of the riser height.
2. The riser height shall be 15 inches (381 mm) minus three-fourths of the tread depth.

AQ104.2.1.4 Landing platforms

The top tread and riser of stairways accessing lofts shall be constructed as a landing platform where the loft ceiling height is less than 6 feet 2 inches (1880 mm) where the stairway meets the loft. The landing platform shall be 18 inches to 22 inches (457 to 559 mm) in depth measured from the nosing of the landing platform to the edge of the loft, and 16 to 18 inches (406 to 457 mm) in height measured from the landing platform to the loft floor.

AQ104.2.1.5 Handrails

Handrails shall comply with Section R311.7.8

AQ104.2.1.6 Stairway guards

Guards at open sides of stairways shall comply with Section R312.1

AQ104.2.2 Ladders

Ladders accessing lofts shall comply with Sections AQ104.2.1 and AQ104.2.2

AQ104.2.2.1 Size and capacity

Ladders accessing lofts shall have a rung width of not less than 12 inches (305 mm), and 10-inch (254 mm) to 14-inch (356 mm) spacing between rungs. Ladders shall be capable of supporting a 200-pound (75 kg) load on any rung. Rung spacing shall be uniform within 3/8 inch (9.5 mm).

AQ104.2.2.2 Incline

Ladders shall be installed at 70 to 80 degrees from horizontal.

AQ104.2.3 Alternating tread devices.

Alternating tread devices accessing lofts shall comply with Sections R311.7.11.1 and R311.7.11.2. The clear width at and below the handrails shall not be less than 20 inches (508 mm).

AQ104.2.4 Ships ladders.

Ships ladders accessing lofts shall comply with Sections R311.7.12.1 and R311.7.12.2. The clear width at and below handrails shall be not less than 20 inches (508 mm).

AQ104.2.5 Loft Guards

Loft guards shall be located along the open side of lofts. Loft guards shall be not less than 36 inches (914 mm) in height or one-half of the clear height to the ceiling, whichever is less.

Section AQ105

Emergency Escape and Rescue Openings

AQ105.1 General

Tiny houses shall meet the requirements of Section R310 for emergency escape and rescue openings. Exception: Egress roof access windows in lofts used as sleeping rooms shall be deemed to meet the requirements of Section R310 where installed such that the bottom of the opening is not more than 44 inches (1118 mm) above the loft floor, provided the egress roof access window complies with the minimum opening area requirements of Section R310.2.1.

Phase 2 Code Amendments

Hold a public hearing and consider a recommendation to the City Council regarding text amendments to the San Marcos Development Code to address recommendations from the Alcohol Conditional Use Permit Committee, the Housing Task Force, The Historic Preservation Commission, a new Special Event Facility use, and recommendations from City staff. (S. Caldwell)

Expand Administrative Approval Ability For Qualified Watershed Protection Plans

What is a Qualified Watershed Protection Plan (QWPP)?

- QWPP's are required for developments that
 - Reclaim floodplain, water quality, and/or buffer zones
 - Request to increase impervious cover requiring mitigation
 - Development of 20 acres or more of land within the floodplain
- QWPP's must comply with environmental chapter and Flood Damage Prevention Ordinance and include mitigation measures.
- P&Z approves QWPP's

Expand Administrative Approval Ability For Qualified Watershed Protection Plans

Reason for Change:

- Criteria for approval is a technical assessment that allows limited discretionary direction by P&Z. Need for additional P&Z approval has been questioned.

Proposed Revision: Previous mitigation measures as part of QWPP are now required in code.

- Reclamation must be accomplished in a way that preserves the natural function and aesthetic of original waterway.
- TSS removal requirement for increase in impervious cover or water quality and buffer zone reclamation.
- QWPP's come before P&Z when mitigation proposed varies from code requirements.

Fee-in-Lieu of Detention & Exemption to Water Quality Treatment Requirement

For Platting 4 or Less Lots in Single Family
Residential Zoning Districts

Reason for Change: Reduce cost of single family home development meeting minor plat requirements.

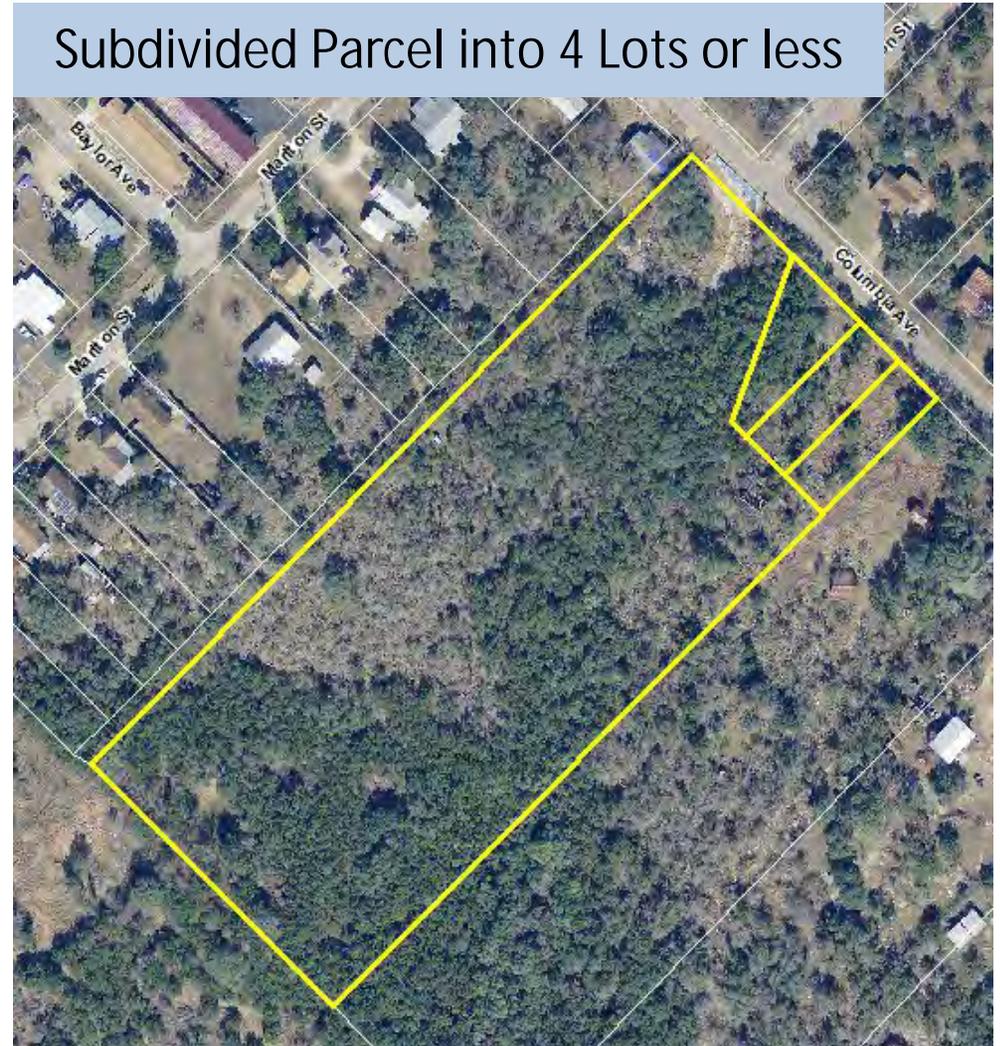
Proposed Revision: Required to pay fee-in lieu of detention and incorporate disconnected impervious cover and vegetated filter strips (TCEQ approved stormwater treatment method). Must show no impacts downstream.

Fee-in-Lieu of Detention & Exemption to Water Quality Treatment Requirement For Platting 4 or Less Lots in Single Family Residential Zoning Districts

Original Parcel



Subdivided Parcel into 4 Lots or less



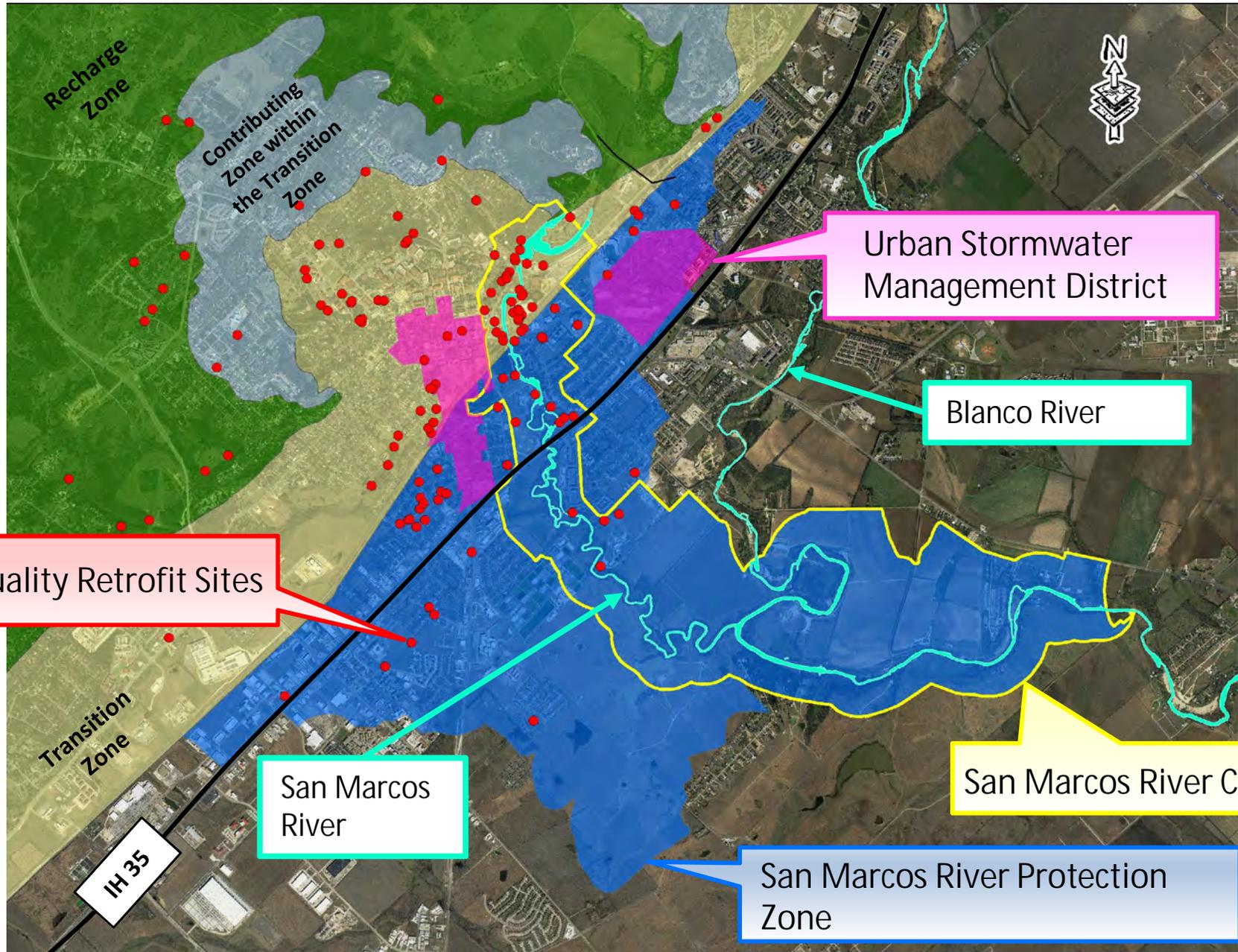
Fee-in-Lieu of Detention and Water Quality For Significantly Constrained Sites Outside Urban Stormwater Management District

Reason for Change: Provide flexibility for sites that have extreme difficulty meeting detention and water quality requirements on-site.

Proposed Revision: Provide Fee-In-Lieu option. Must show no impacts downstream.



Fee-in-Lieu of Detention/Water Quality Water Quality Retrofit Sites



Water Quality Retrofit Sites

Urban Stormwater Management District

Blanco River

San Marcos River

San Marcos River Corridor

San Marcos River Protection Zone

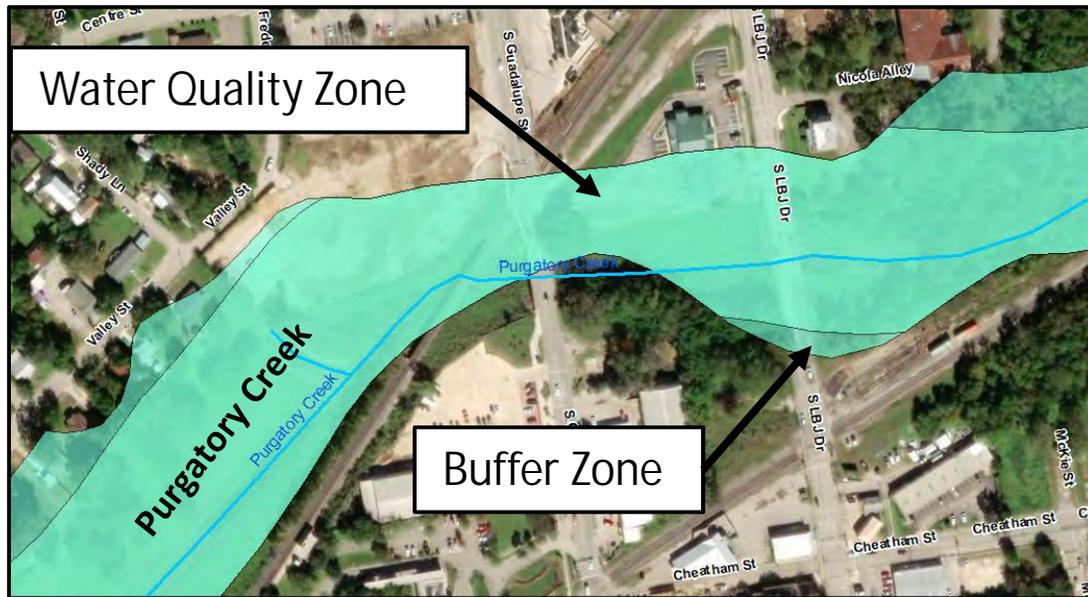
IH 35



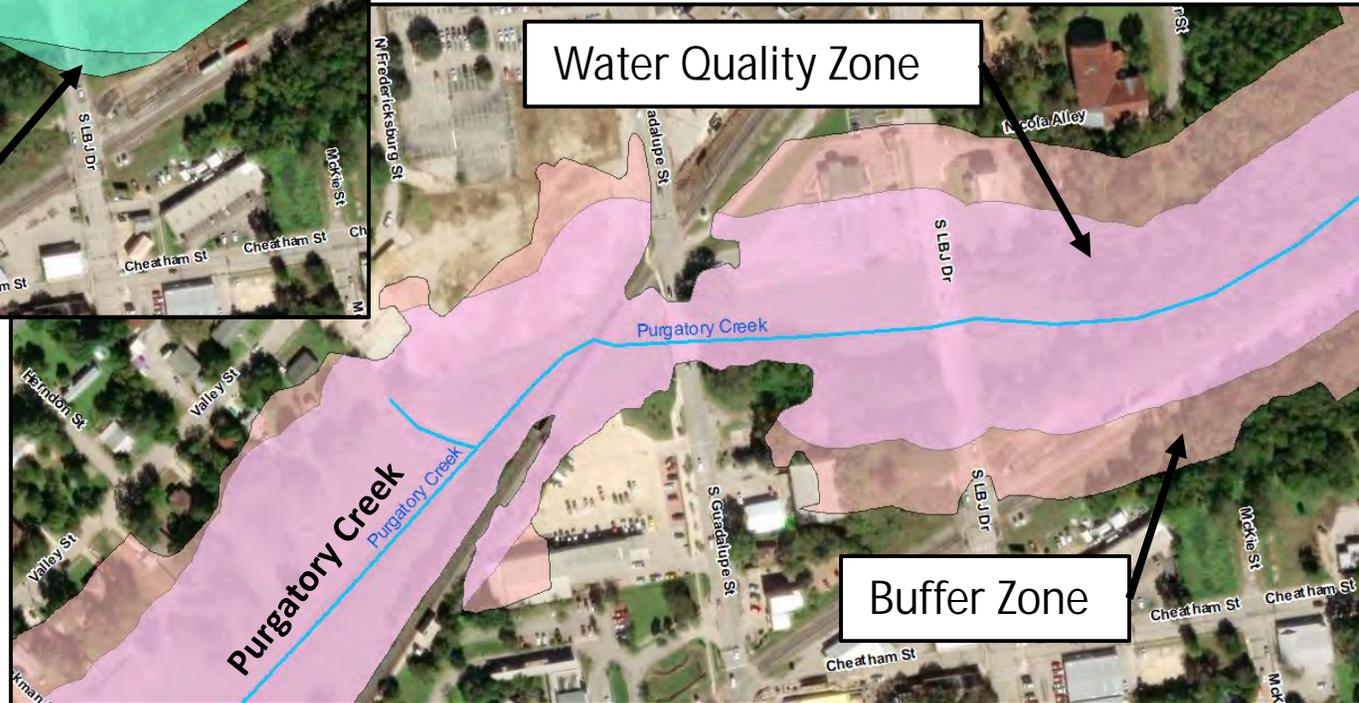
Clarify Delineation of Water Quality and Buffer Zones

Reason for Change: Current measurement based on floodway which is no longer valid with new FEMA maps.

Proposed Revision: Limits based on natural geometry of waterway.



Previous



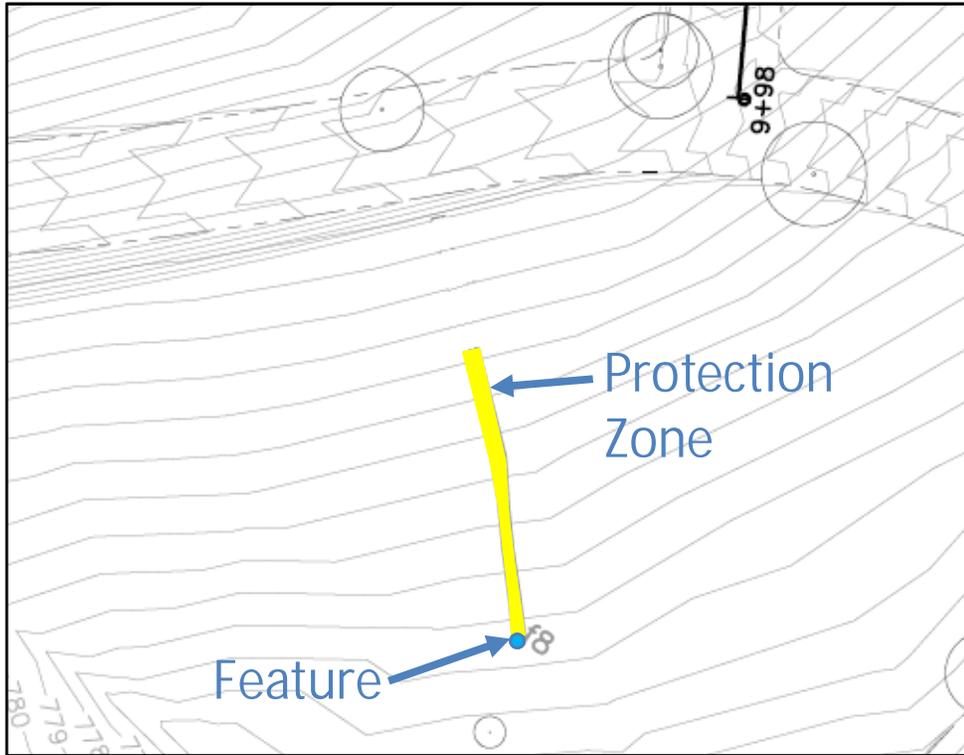
Proposed

Increase Sensitive Feature Protection Zone

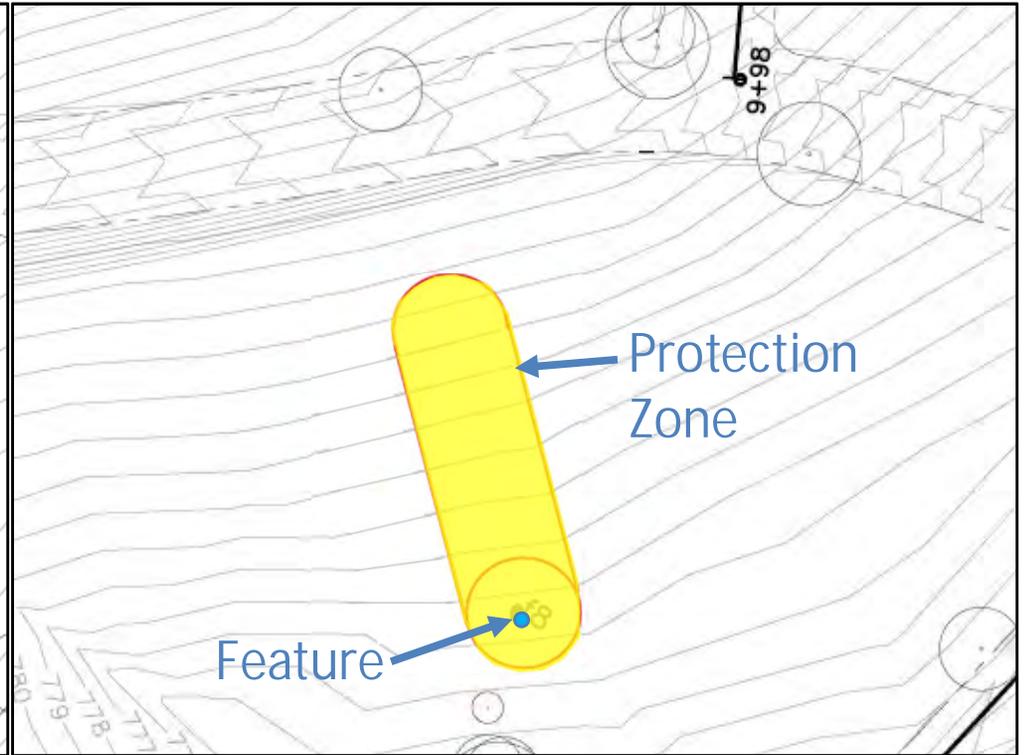
Reason for Change: Code language results in very narrow protection zones on hill sides.

Proposed Revision: Widens protection zone

Existing Code



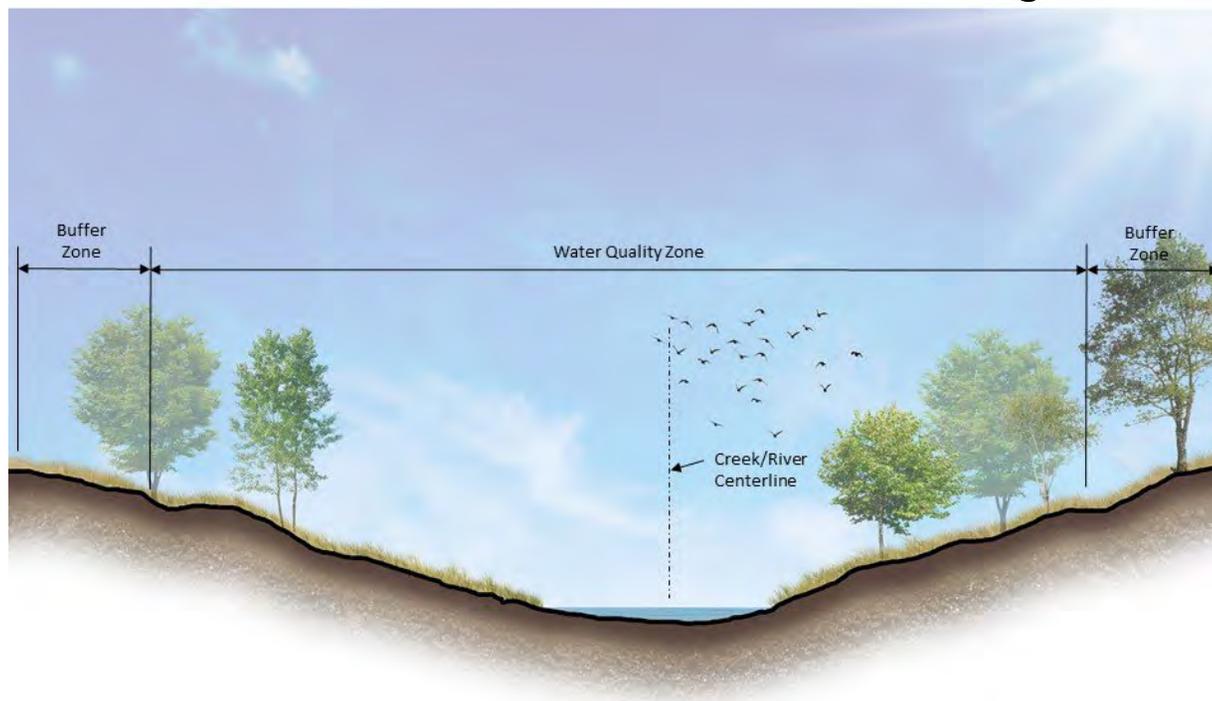
Proposed Code Revision



Incorporate Natural Channel Design for Water Quality Reclamations

Reason for Change: Waterways outside Edwards Aquifer Recharge Zone can be channelized and rerouted to accommodate site development.

Proposed Revision: Reclamation must be accomplished in a way that preserves the natural function and aesthetic of original waterway.



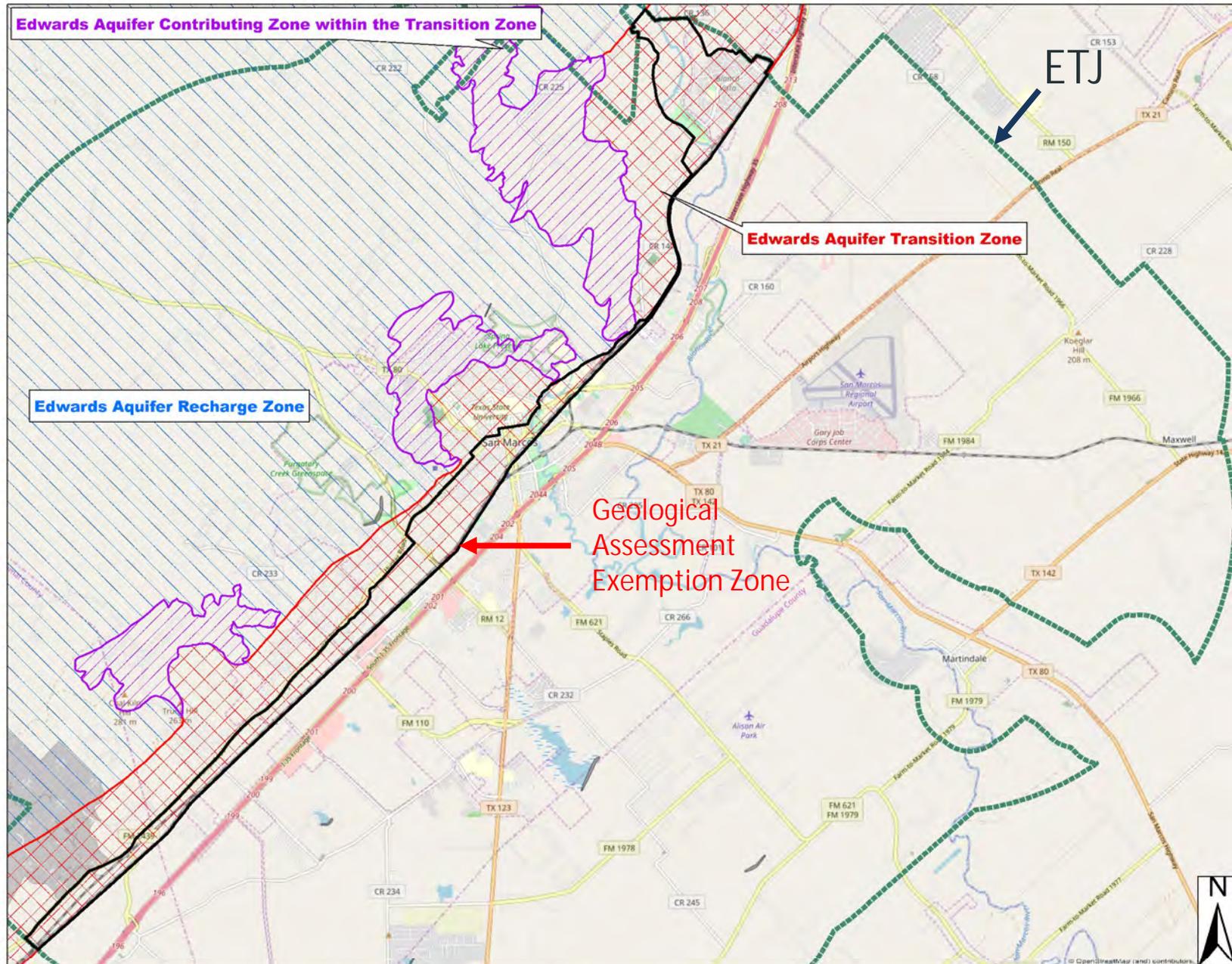
Creek/River Cross Section

Waiver of Geologic Assessment Within Transition Zone

Reason for Change: Some areas within Transition Zone have very low likelihood of having geologic features. Need for full Geologic Assessment (GA) may not be necessary.

Proposed Revision: GA's not required in Exemption Area based on collaboration with registered geologist.

Waiver of Geologic Assessment Within Transition Zone



Alcohol Conditional Use Permit Committee Recommendations

Expire alcohol conditional use permits after three years

Reason for Change: Review and revise conditions as needed on a regular basis

Proposed Revision: Require permit holders to renew every three years

Section 2.8.3.5 Duration; Expiration; Suspension; Violation; Revocation

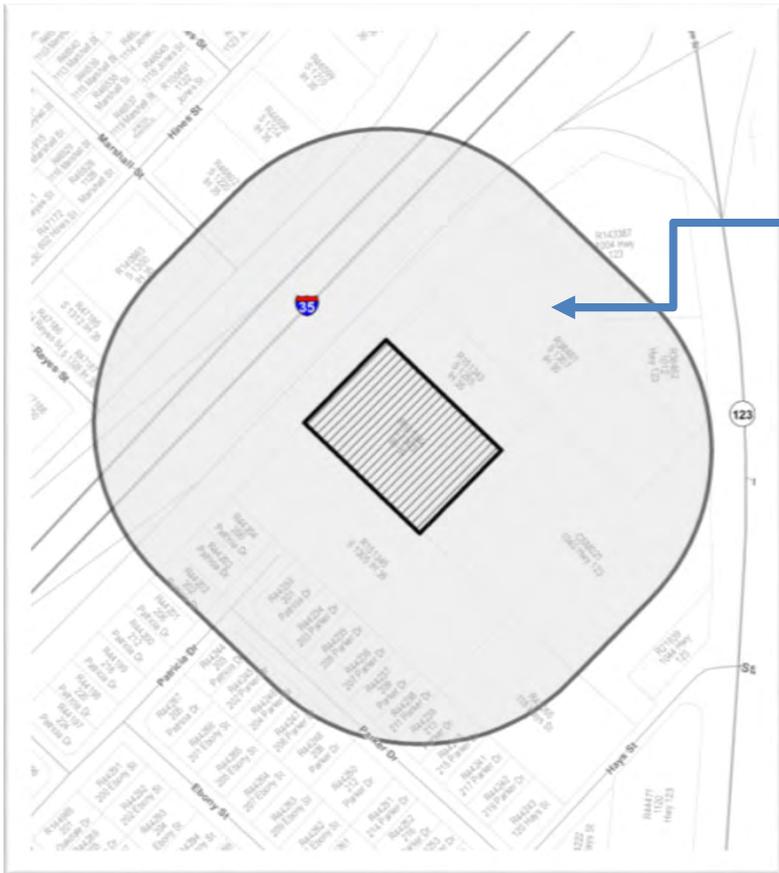
A. Duration.

1. A conditional use permit shall remain in effect until it expires, is suspended, or is revoked in accordance with Section 2.3.7.5A(1 - 4) as supplemented by Section 2.8.3.5.
2. Conditional Use Permits granted for on-premises consumption of alcoholic beverages ~~, unless otherwise specified by the Planning and Zoning Commission,~~ shall remain in effect for ~~the duration of the State TABC (Texas Alcoholic Beverage Commission) license or permit~~ no longer than three years, or until the license or permit is canceled, revoked, or allowed to expire, or until one of the following conditions occurs, after which the dispensing of alcoholic beverages for on-premises consumption requires issuance of a new Conditional Use Permit:

Limit appeal of denial eligibility to the applicant only

Reason for Change: The operator of the establishment should be the ultimate decision maker in whether or not they want to pursue approval

Proposed Revision: Does not allow those in the notification area to appeal a decision of denial



-Any property owner or tenant within notification area can appeal an approval

-Only the applicant can appeal a denial

-Individuals cannot demand a use in their neighborhood if the applicant is not interested in pursuing

Require permit holders to keep site in a clean & sanitary condition

Reason for Change: Require the owner/operator to address the litter, refuse, and waste observed around these establishments

Proposed Revision: Codifies a common condition being placed on these permits as a use standard. It is now the standard required for all permits.



Within the CBA

Maintenance of sidewalk, gutters, parking lot, and all areas within **50 feet** of exits

Outside the CBA

Maintenance of sidewalk, gutters, parking lot, and all areas within **100 feet** of exits

Update noise ordinance

Reason for Change: Clarity, specificity in measurement standards and exemptions

Proposed Revision:

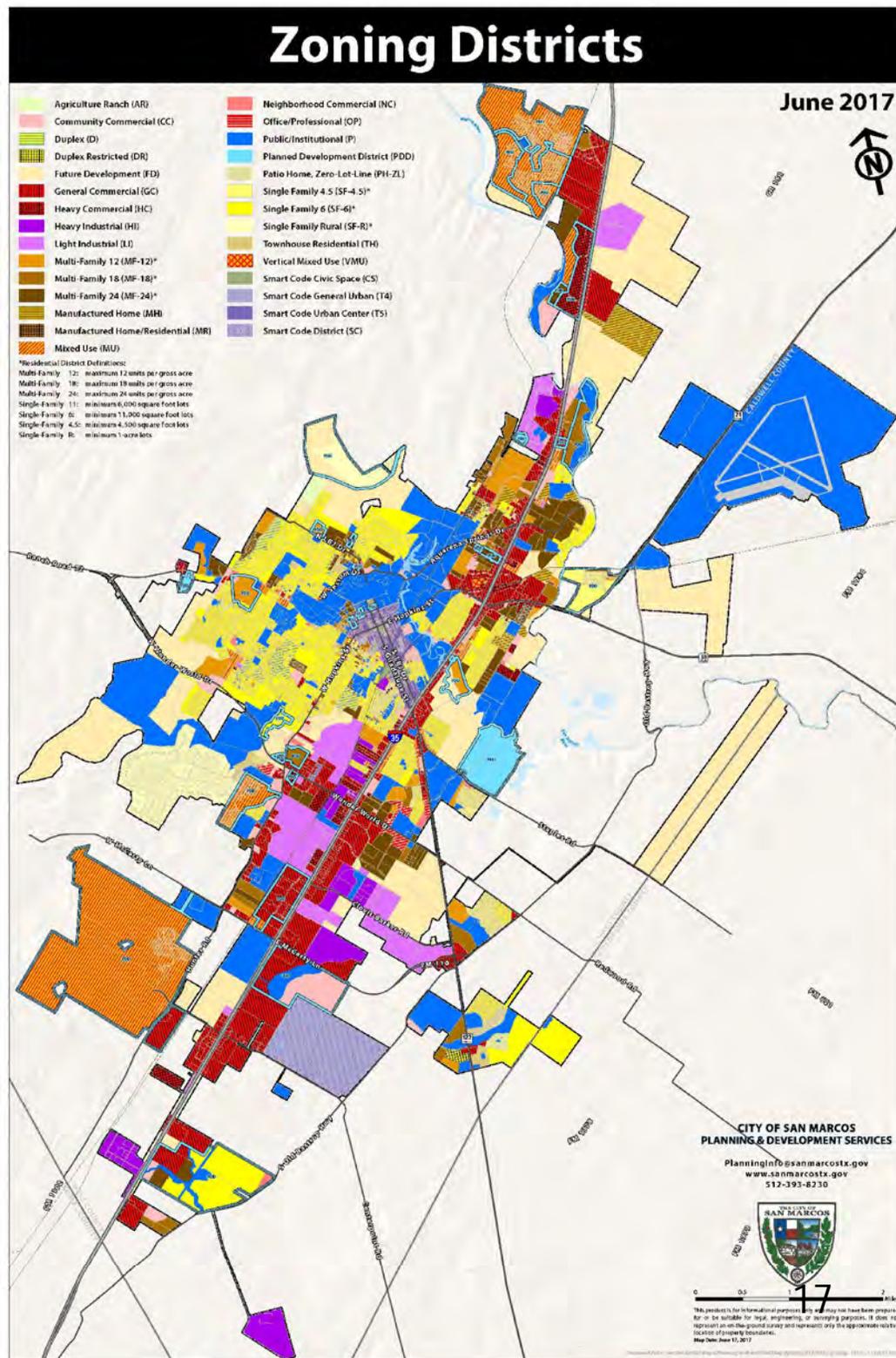
- Noise level maximums now apply to any noise
- Noise in excess of the allowed max decibels does not have to continue for a period exceeding one minute
- Changed hours max decibels are allowed to 10 am-10 pm and 10 pm-10 am
- Max decibels of 63 as measured from single-family residential zoning or use
- Clarified noise measurement protocols
- Provides specific exemptions

Housing Task Force Recommendations

Add Strategic Housing Action Plan as zoning criteria

Reason for Change: Consider whether the proposed development is addressing needs as defined in the plan when considering a zoning change

Proposed Revision: Consider alignment with and addressing of needs in any applicable plan



Exempt small lot and infill development from the maximum lot width to depth requirement

Reason for Change: Requirement presents a barrier in the development process for small scale and infill development. Requirement presents a barrier to diverse housing types.

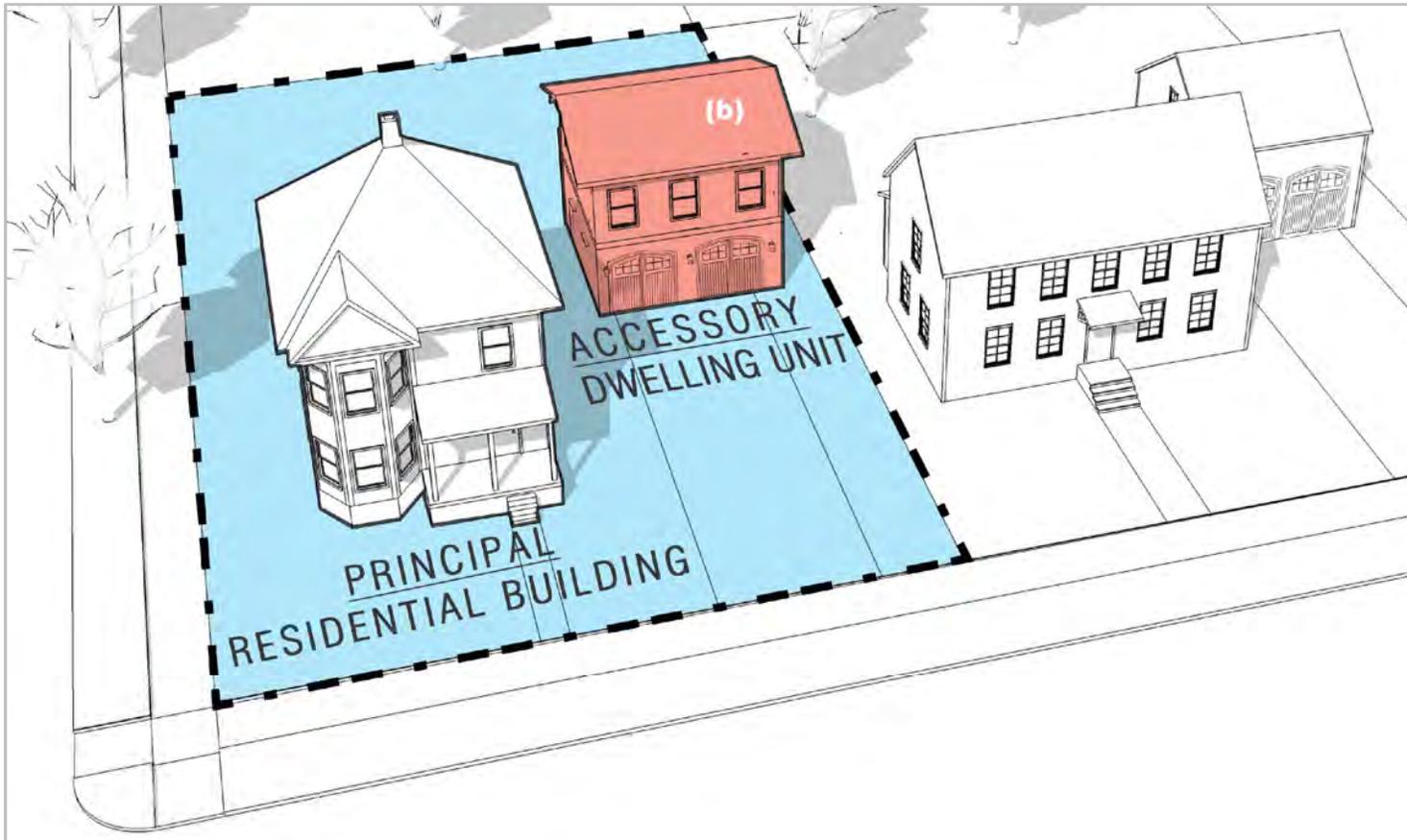
Proposed Revision: Removes barriers to encourage diverse housing types and infill development



Allow ADU parking in the second layer

Reason for Change: Current requirement that additional parking space be 20' behind home frontage presents an unnecessary barrier to accessory dwelling units.

Proposed Revision: Allows the additional required parking space to be in the side yard or in a garage



Modify definition of RV and manufactured home parks to include tiny homes and adopt Appendix Q of the International Residential Code

Reason for Change: Facilitate the construction of Tiny Home Parks in areas that RV or Manufactured Home Parks are already allowed. Facilitate the construction of code compliant tiny homes on permanent foundations within residential lots.

Proposed Revision: Allows tiny homes in areas that RV or manufactured homes are already allowed. Facilitates construction of code compliant tiny homes on residential lots.

Housing Task Force Recommendations

- Modify **definition of RV** and manufactured home parks to include tiny homes and adopt Appendix Q of the International Residential Code

Tiny homes on wheels

- Based on building code, are the same thing as travel trailers/RVs
- Already allowed in the same locations with the same use standards as travel trailers and RVs
- SMDC says for “short term stays”



Housing Task Force Recommendations

- Modify definition of RV and **manufactured home parks** to include tiny homes and adopt Appendix Q of the International Residential Code

Tiny homes built to IBC

- Built to IBC
- On a foundation
- Allowed in manufactured home parks as well as other residential zoning districts as long as standards of the district are met.



Housing Task Force Recommendations

- Modify definition of RV and manufactured home parks to include tiny homes and **adopt Appendix Q of the International Residential Code**



Make pre-development meetings mandatory unless waived by Responsible Official

Reason for Change: Provide developer with all the needed information and processes early on. Creates a clear record of procedural requirements for the applicant and staff.

Proposed Revision: Require pre-development meeting unless application does not warrant one.

Section 2.3.1.1 Application Processing

E. Pre-Development Meeting. An applicant is ~~encouraged~~ required to request a pre-development meeting with the Responsible Official prior to filing an application. The Responsible Official shall have the authority to waive the pre-development meeting, if such application does not warrant a meeting, or if alternative measures have been taken to address concerns and/or questions that may arise out of the application. No application shall be accepted for filing at a pre-development meeting. A pre-development meeting ~~is voluntary, and thus~~ does not trigger any grandfathering rights or commence a review period.

Remove initial authorization for text amendments if already directed by City Council

Reason for Change: No need to request initial authorization from Council if text amendments have been directed or requested by City Council

Proposed Revision: Removes requirement when text amendment is directed by City Council

Section 2.4.1.2 Application Requirements

- A.** An application for a text amendment to the Development Code shall be submitted in accordance with the universal application procedures in Section 2.3.1.1.
- B.** An application for a text amendment requires initial authorization by the City Council.
- C.** Text amendments initiated, requested, or directed by City Council do not require initial authorization.
- CD.** The City Council shall consider the initial authorization of a text amendment and may reject the petition or direct further consideration of the application for text amendment in accordance with Section 2.4.1.3.
- DE.** Except for amendments initiated on behalf of the City Council, the application to amend the text of this Development Code shall state with particularity the nature of the amendment and the reason for the amendment.
- EF.** The City Council may establish rules governing times for submission and consideration of text amendments.

Allow recommendation and approval of less intense zoning classification

Reason for Change: Planning & Zoning and City Council should have ability to recommend and approve a zoning designation that better fits the criteria for approval.

Proposed Revision: Allows Planning & Zoning to recommend a less intense zoning classification. Allows City Council to approve a less intense zoning classification.

Section 2.5.1.3 Approval Process

B. Planning and Zoning Commission

2. The Planning and Zoning Commission shall make a recommendation regarding the application for a zoning map amendment to the City Council
3. The Planning and Zoning Commission may recommend approval or denial of the application for a zoning map amendment **or such other less intense zoning district classification**

C. City Council

1. The City Council shall consider an application for a zoning map amendment at its public hearing no sooner than seven days after the Planning and Zoning Commission's recommendation.
2. The City Council should consider the criteria in Section 2.5.1.4 and may vote to approve or deny the specific proposed zoning map amendment **or such other less intense zoning district classification.**

Make City Council the appellate body for Certificates of Appropriateness on City owned property

Reason for Change: Give City Council final authority on decisions regarding City owned property

Proposed Revision: Final decisions of the Historic Preservation Commission regarding City owned properties appealed to City Council rather than Zoning Board of Adjustment



DIVISION 5: CERTIFICATES OF APPROPRIATENESS

Section 2.5.5.5 Appeals

- A. General Procedure. An applicant or other interested person within the four-hundred foot (400') personal notification area may appeal a final decision of the Historic Preservation Commission on an application for a certificate of appropriateness to the Zoning Board of Adjustments within ten days of the Historic Preservation Commission's action on the application, except for appeals pertaining to property owned by the City of San Marcos. Appeals pertaining to property owned by the City of San Marcos shall be made to the City Council within ten days of the Historic Preservation Commission's action on the application. The ~~Zoning Board of Adjustments~~ appellate body shall decide the appeal in accordance with Section 2.8.1.1.
- B. Supplemental Procedure. In considering the appeal, the ~~Zoning Board of Adjustments~~ appellate body shall:
1. Review the record of the proceeding from which an appeal is sought;
 2. Receive an overview of the case from the Responsible Official, including previous recommendations from city staff and the decision of the Historic Preservation Commission;
 3. Hear arguments from the party appealing the decision of the Historic Preservation Commission; and
 4. Remand the matter back to the Historic Preservation Commission when relevant testimony and newly-acquired evidence is presented that was not previously presented at the time of the hearing before the Historic Preservation Commission.
- C. Criteria on Appeal.
1. The ~~Zoning Board of Adjustments~~ appellate body shall apply the substantial evidence test as established under Texas law to the decision of the Historic Preservation Commission;
 2. The burden of proof before the ~~Zoning Board of Adjustments~~ appellate body shall be on the appealing party, who must establish that the record reflects the lack of substantial evidence in support of the decision of the Historic Preservation Commission;
 3. The ~~Zoning Board of Adjustments~~ appellate body may not substitute its judgment for the judgment of the Historic Preservation Commission on the weight of the evidence ~~on issues committed to the Planning and Zoning Commission's discretion.~~

Exempt applicant from concept plat requirement if they are prepared to submit a preliminary plat

Reason for Change: Removes unnecessary requirement and delay in the process when applicant is prepared to submit the level of detail required in preliminary platting phase

Proposed Revision: Removes requirement for applicants who are ready to submit a preliminary plat.



Increase block perimeter in the ETJ

Reason for Change: Standard can result in requirement that relatively large amount of right of way be constructed for simple, 1-2 lot developments

Proposed Revision: Decreases excessive dedication and construction requirement while still maintaining connectivity

Section 3.6.2.1. Block Perimeter

Block Perimeters		
Zoning District	Block Perimeter (max)	Dead-End Street (Max)
FD, CD-1, CD-2	N/A	500 Ft.
SF-6, ND-3, SF-R, SF-4.5	3,000 Ft.	300 Ft.
ND-3.5, ND-4, CD-3	2,800 Ft.	250 Ft.
CD-4	2,400 Ft.	200 Ft.
CD-5, CD-5D	2000 Ft.	Not Allowed
EC, HC, HI, LI, <u>ETJ</u>	5,000 Ft.	400 Ft.
Legacy Districts and ETJ	3,000 Ft.	300 Ft.

Provide alternative block perimeter standards for HI zoned lots

Reason for Change: Standard that has commonly been identified as problematic and not feasible during economic development incentive negotiations

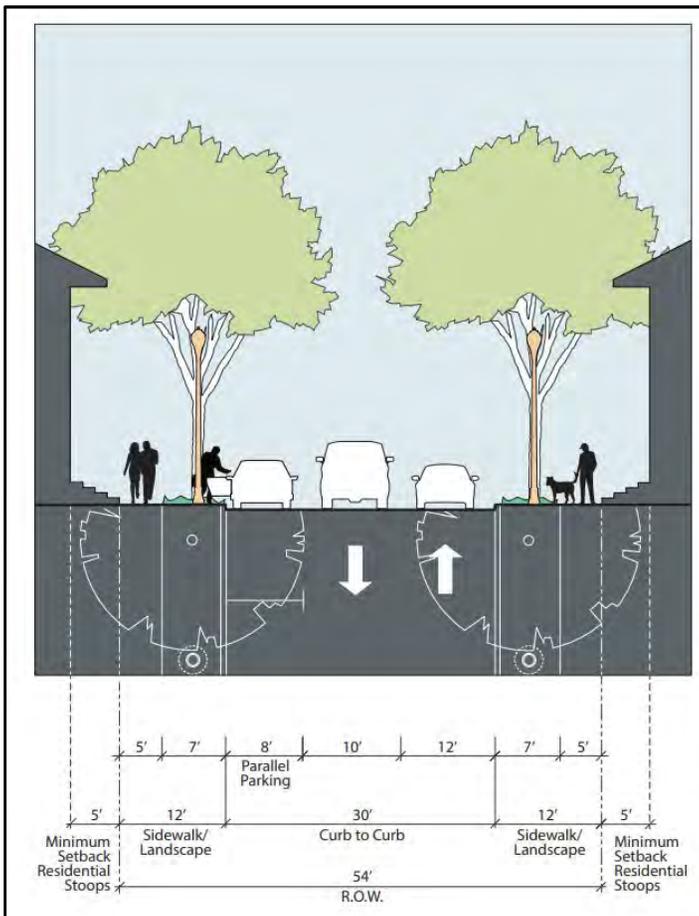
Proposed Revision: Accommodates building size that is typically larger due to its nature as well a required parking and landscaping.



Align standards in Development Code to TMP

Reason for Change: Ensuring the two are the same eliminates confusion and promotes implementation of complete streets

Proposed Revision: Updates dimensional standards required by Code to match what we said we wanted in the plan



B. Neighborhood Street; Limited Parking

DESCRIPTION	
A local thoroughfare of low speed and capacity.	
GENERAL	
Right of Way	54' min A
Design Speed	20-25 mph
Walkway	Sidewalk
Bikeway	Shared Travel Lane
Parking	Parallel
Planting	Tree Lawn

TRAVELWAY	
Pavement Width	28'-30' B
Travel Lane	10' C
Parking Lane	8' D
STREETSCAPE	
Planter	7' min E
Tree Spacing	35' o.c. avg
Sidewalk	5' min F

Interior Travel Lane: 10'
Curb Lane Width: 12'

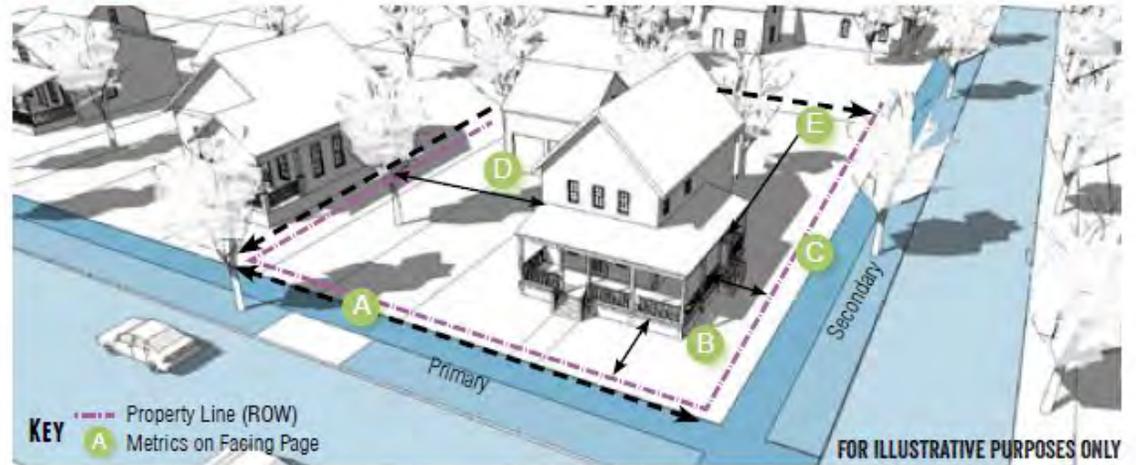
Add occupancy restrictions to CD-3 zoning district

Reason for Change: District intended to accommodate one and two family homes. Item of concern for decision makers in previous rezones.

Proposed Revision: Restricts occupancy of each unit to a family + one not related by blood, adoption, marriage, or conservatorship

CD-3

SECTION 4.4.3.3 CHARACTER DISTRICT - 3



GENERAL DESCRIPTION

The CD-3 district is primarily intended to accommodate one and two family houses. Uses that would substantially interfere with the residential nature of the district are not allowed.

DENSITY

Impervious Cover	60% max.
Units Per Gross Acre	10 max.

Occupancy Restrictions Section 5.1.4.1

TRANSPORTATION

Block Perimeter	2,800 ft. max.	Section 3.6.2.1
Streetscape Type	Residential	Section 3.8.1.10

BUILDING TYPES ALLOWED

Accessory Dwelling	Section 4.4.6.1
House	Section 4.4.6.2
Cottage	Section 4.4.6.3
Cottage Court	Section 4.4.6.4
Duplex	Section 4.4.6.5
Zero Lot Line House	Section 4.4.6.6
Civic Building	Section 4.4.6.15

Provide better definition for “house” and “cottage”

Reason for Change: The building types are the same. Both building types are not needed and overlap in definitions is confusion to the reader.

Proposed Revision: Clarifies that lot dimensional standards and context of surrounding neighborhood, not the building type, will determine the size and scale of the home.

Section 4.4.1.3 Single Family-6

LOT		
BUILDING TYPE	LOT AREA	LOT WIDTH
House	6,000 sq. ft. min.	50 ft min.
Cottage	6,000 sq. ft. min.	50 ft min.
Civic	6,000 sq. ft. min.	50 ft. min.

Section 4.4.3.3 Character District-3

LOT		
BUILDING TYPE	LOT AREA	LOT WIDTH
House	5,000 sq. ft. min.	50 ft. min.
Cottage House	4,000 sq. ft. min.	40 ft. min.
Cottage Court	1,200 sq. ft. min.	20 ft. min.
Duplex	4,000 sq. ft. min.	40 ft. min.
Zero Lot Line House	3,500 sq. ft. min.	30 ft. min.
Civic Building	5,000 sq. ft. min.	50 ft. min.

Historic District Guidelines

Add language as per approved HPC-2019-03RR

San Marcos Design Manual

APPENDIX C-HISTORIC DISTRICT GUIDELINES

ARTICLE 5: STANDARDS FOR GUIDELINES FOR SUSTAINABILITY

Section C.5.1.1 Purpose

A. Before implementing any energy conservation measures to enhance the sustainability of a historic building, the existing energy-efficient characteristics of the building should be assessed. The key to a successful rehabilitation project is to identify and understand any lost original and existing energy-efficient aspects of the historic building, as well as to identify and understand its character-defining features to ensure they are preserved. The most sustainable building may be one that already exists. Thus, good preservation practice is often synonymous with sustainability. There are numerous treatments—traditional as well as new technological innovations—that may be used to upgrade a historic building to help it operate even more efficiently. Whether a historic building is rehabilitated for a new or a continuing use, it is important to utilize the building’s inherently-sustainable qualities as they were intended. It is equally important that they function effectively together with any new measures undertaken to further improve energy efficiency. The following guidelines offer specific guidance on how to make historic buildings more sustainable in a manner that will preserve their historic character.

Section C.5.1.2+ Introduction

Addition of new “Special Events Facility” Use

Reason for Change: Facilitate developer request while considering appropriate standards and potential impacts to adjacent properties

Proposed Revision: New **conditional** use that accommodates indoor/outdoor functions and celebrations. Requires minimum parcel size, protective yard, on site parking, compliance with noise ordinance, and consideration of adjacent single family residential uses. Prohibits a TABC license.



Create a new Neighborhood Density District to allow moderate increase in density

	Neighborhood Density District 3 (ND-3)	Neighborhood Density District 3.2 (ND-3.2)	Neighborhood Density District 3.5 (ND-3.5)
Density (units per acre)	10 max.	12 max.	16 max.
Impervious Cover	60% max.	65% max.	75% max.
Occupancy Restrictions	Apply	Apply	Apply
Building Types Permitted	House, Zero Lot Line, ADU	House, Zero Lot Line, ADU	House, Zero Lot Line, Cottage Court, Duplex, Townhouse, Small Multi-Family
Height Max.	2 Stories (35 ft.)	2 Stories (35 ft.)	2 Stories (35 ft.)

Increase Votes Required for Comprehensive Plan Amendment (PSA)

Approval process will be updated to read:

B. Planning and Zoning Commission Action.

3. A recommendation for approval from the Planning and Zoning Commission requires an affirmative vote of 6 members...

C. City Council Action.

4. The approval of a Comprehensive Plan amendment requires an affirmative vote of five members...

Amend Table 4.1 to provide clarity

- Clearly note where a Preferred Scenario Amendment is required
- Corridors exist on the preferred scenario map, but have not been fully vetted for appropriate zoning change requests – remove Corridor and consider during comprehensive plan update

TABLE 4.1 COMPREHENSIVE PLAN / DISTRICT TRANSLATION

DISTRICT CLASSIFICATION	COMPREHENSIVE PLAN DESIGNATIONS					
	OPEN SPACE/ AGRICULTURAL	LOW INTENSITY	EXISTING NEIGHBORHOOD	MEDIUM OR HIGH INTENSITY ZONE	EMPLOYMENT CENTER	CORRIDOR
Conventional Residential	NP	NP	C	<u>PSA</u>	<u>PSA</u>	_____
Neighborhood Density Districts	NP	NP	See Section 4.1.2.4 - 4.1.2.5	NP	NP	_____C_____
Character Districts	NP	C	<u>PSA</u>	C	NP	_____C_____
Special Districts	<u>PSA</u>	NP	NP	NP	C	_____C_____
Legend	<u>PSA</u> = Not Allowed (PSA Required)		NP = Not Preferred		C = Consider	

Require PSA for increase in density

Alternate Recommendation from Staff

- A request for an increase in density which requires a Preferred Scenario Amendment may not be appropriate if only a moderate increase is being requested.

	OPEN SPACE/ AGRICULTURAL	LOW INTENSITY	EXISTING NEIGHBORHOOD	MEDIUM OR HIGH INTENSITY ZONE	EMPLOYMENT CENTER	CORRIDOR
Conventional Residential	NP	NP	C	--	--	--
Neighborhood Density Districts	NP	NP	See Section 4.1.2.4 - 4.1.2.5	NP	NP	C
Character Districts	NP	C	--	C	NP	C
Special Districts	--	NP	NP	NP	C	C
Legend	-- = Not Allowed (PSA Required)		NP=Not Preferred		C = Consider	

Require PSA for increase in density

Alternate Recommendation from Staff

- A request to change from Existing Neighborhood to Low or Medium / High Intensity would be accompanied by a request for Character Districts, which are currently not permitted in Existing Neighborhoods.



	OPEN SPACE/ AGRICULTURAL	LOW INTENSITY	EXISTING NEIGHBORHOOD	MEDIUM OR HIGH INTENSITY ZONE	EMPLOYMENT CENTER	CORRIDOR
Conventional Residential	NP	NP	C	--	--	--
Neighborhood Density Districts	NP	NP	See Section 4.1.2.4 - 4.1.2.5	NP	NP	C
Character Districts	NP	C	--	C	NP	C
Special Districts	--	NP	NP	NP	C	C
Legend	-- = Not Allowed (PSA Required)		NP=Not Preferred	C = Consider		

Require PSA for increase in density Alternate Recommendation from Staff

- Staff Proposal #1: to remove the “NP” allowance for Special Districts which include Heavy Commercial and Industrial in Existing Neighborhoods, and
- A change to Section 4.1.2.4 – 4.1.2.5 instead.

	OPEN SPACE/ AGRICULTURAL	LOW INTENSITY	EXISTING NEIGHBORHOOD	MEDIUM OR HIGH INTENSITY ZONE	EMPLOYMENT CENTER	CORRIDOR
Conventional Residential	NP	NP	C	<u>PSA</u>	<u>PSA</u>	_____
Neighborhood Density Districts	NP	NP	See Section 4.1.2.4 - 4.1.2.5	NP	NP	_____C_____
Character Districts	NP	C	<u>PSA</u>	C	NP	_____C_____
Special Districts	<u>PSA</u>	NP	<u>PSA</u>	NP	C	_____C_____
Legend	<u>PSA</u> = Not Allowed (PSA Required)		NP = Not Preferred		C = Consider	

Require PSA for increase in density

Alternate Recommendation from Staff

- Table 4.4 Classifies Conventional and Neighborhood Density Districts into Neighborhood Density Categories.
- Table 4.5 indicates how these categories are to be used in a zoning change request.

TABLE 4.4 NEIGHBORHOOD DENSITY CATEGORIES

NEIGHBORHOOD DENSITY CATEGORIES	NEIGHBORHOOD DENSITY DISTRICTS	CONVENTIONAL, SPECIAL, AND LEGACY DISTRICTS
Low Density	ND3	FD, AR, SF-R, MR, SF-6, SF4.5, DR, D, PH-ZL, P
Medium Density	ND3.5	TH, MF-12, P
High Density	ND4	MU, MF-18, MF-24, P
Commercial / Mixed Use	N-MS	OP, NC, CC, GC, HC, LI, HI, MH, VMU, P

TABLE 4.5 NEIGHBORHOOD DENSITY DISTRICT / EXISTING ZONING TRANSLATION TABLE

	NEIGHBORHOOD DENSITY CATEGORIES			
	LOW DENSITY	MEDIUM DENSITY	HIGH DENSITY	COMMERCIAL/ MIXED USE
ND-3	C	C	NP	NP*
ND-3.5	NP*	C	C	NP*
ND-4	NP*	NP	C	NP
N-MS	NP*	NP*	C	C



Require PSA for increase in density

Alternate Recommendation from Staff

- Staff Proposal #2: better define the districts that are within each Density Category

Neighborhood Density Category	CURRENT CODE	PROPOSED CHANGES
Low Density	FD, AR, SF-R MR, SF-6, SF-4.5, DR, D, PH-ZL, P	FD, AR, SF-R MR, SF-6, SF-4.5 DR, D, PH-ZL, P
Medium Density	TH, MF-12, P	DR, D, PH-ZL, TH, MF-12, P
High Density	MU, MF-18, MF-24, P	MU, MF-18, MF-24, P
Commercial / Mixed Use	OP, NC, CC, GC, HC, LI, HI, MH, VMU, P	OP, NC, CC, GC, HC, LI, HI, MH, VMU, P

Require PSA for increase in density

Alternate Recommendation from Staff

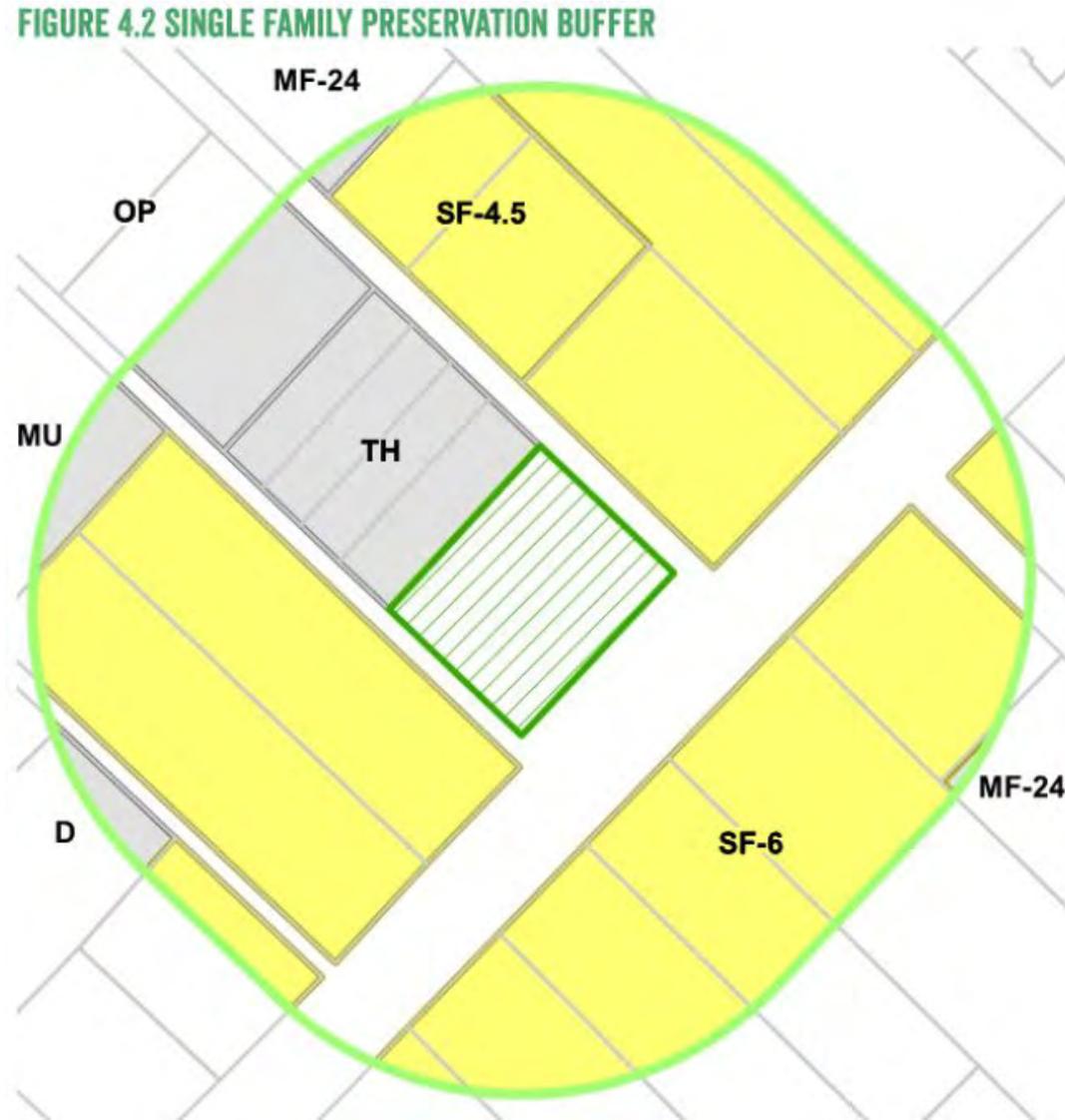
- Staff Proposal #3: Combine Tables 4.4 & 4.5 for a better user experience.
- Staff Proposal #4: Increase the instances where changes are NP or require additional votes of P&Z and City Council (NP*).

	FD, AR, SF-R, MR, SF-6, SF-4.5, P	DR, D, PH-ZL, TH, MF-12, P	MU, MF-18, MF-24, P	OP, NC, CC, GC, HC, LI, HI, MH, VMU, P
ND-3	C	<u>∅ NP</u>	NP*	NP*
<u>ND-3.2</u>	<u>NP</u>	<u>C</u>	<u>NP*</u>	<u>NP*</u>
ND-3.5	NP*	C	C	NP*
ND-4	NP*	NP	C	NP
N-CM	NP*	NP*	<u>∅ NP</u>	C

Require PSA for increase in density

Alternate Recommendation from Staff

- Staff Proposal #5: Require the Single Family Preservation Buffer, even when a zoning change is “Considered”
- Staff Proposal #6: include language that requires the Single Family Preservation Buffer in addition to any Small Area Plan
- Staff Proposal #7: Require additional informational meetings when there is a request for a Neighborhood Density District in and Existing Neighborhood.



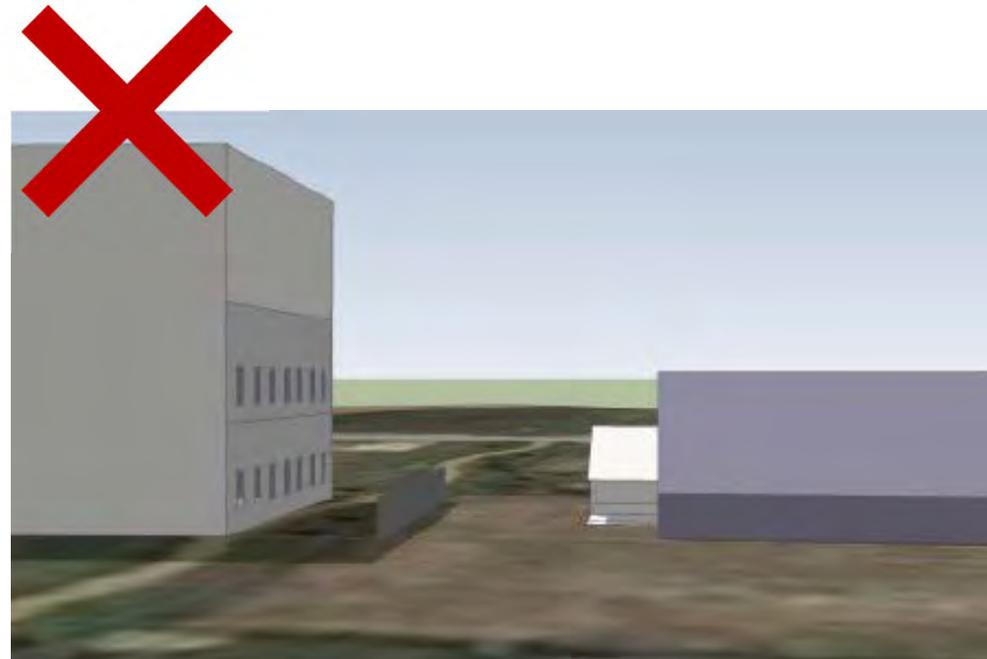
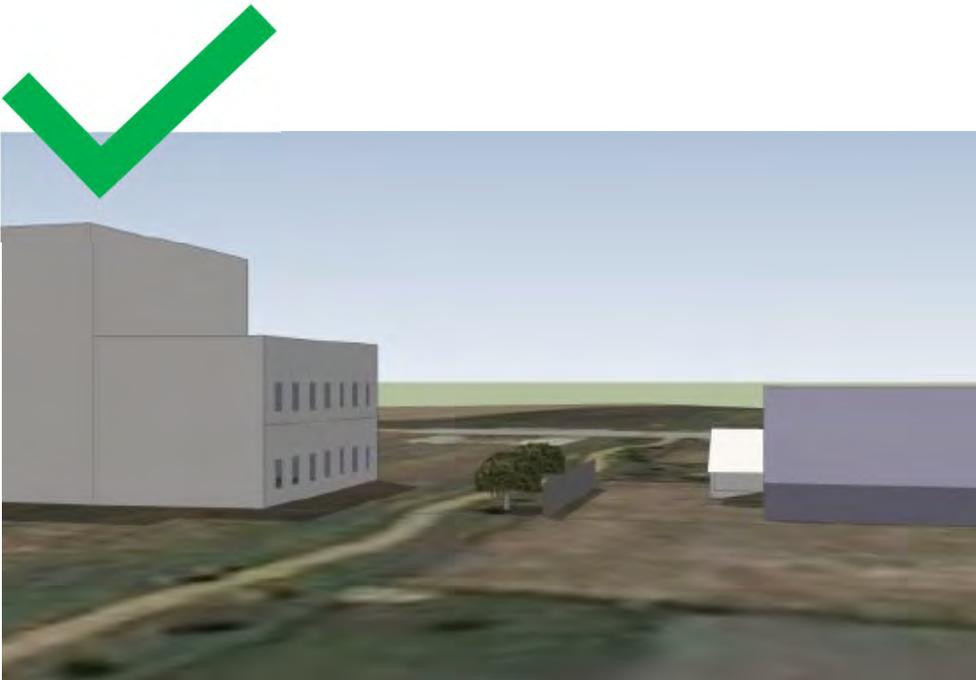
Require PSA for increase in density Alternate Recommendation from Staff

- Staff Proposal Summary:
- Do not allow Special Districts in Existing Neighborhoods,
- Reclassify Duplex and all Townhomes as Medium Density
- Combine Tables 4.4 & 4.5 for ease of use,
- Increase the instances when additional votes are required for approval,
- Require the Single Family Preservation Buffer for every zoning change in Existing Neighborhoods,
- Require the Single Family Preservation Buffer in addition to any Small Area Plan
- Require additional, informational, meetings – this would be in addition to the Neighborhood Presentation Meeting that is currently required.

Residential Height Compatibility

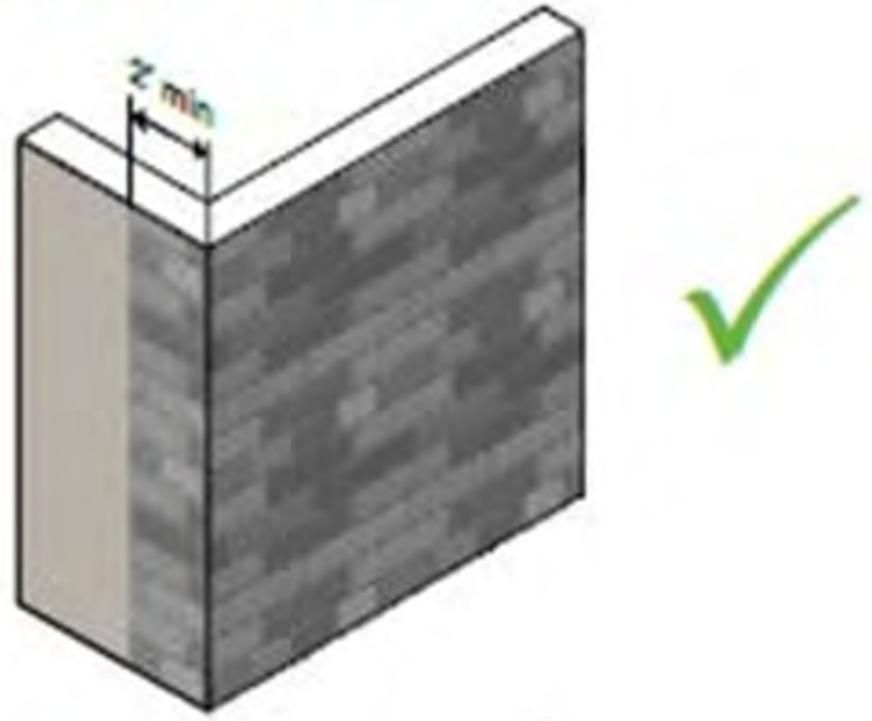
Limit height near single family residential

- Limits building height within 70 feet of single family residential zoning.
- Measured from Property Line.



- Add statement that the City prefers the use of Durable Building Materials.

FIGURE 4.16 PRIMARY MATERIAL CHANGES



- Staff Proposal Summary:
- Maintain “Permitted” status in higher density districts that allow a mixture of housing types:
ND-4, N-CM, CD-4, CD-5, & CD-5D.
- Allow as “Limited” in medium density districts that allow a mixture of housing types and on large lot residential:
FD, SF-R, ND-3.5, CD-2, CD-3
 - Include additional standards when limited to require:
1) A single utility meter, & 2) separate trash & recycle bins
- Change to “Conditional” in low density single family districts:
SF-6, SF-4.5, ND-3, & ND-3.2

On Street Parking

- Shall not be counted toward Multifamily (including Student Housing) in CD-5D.

Parking Exemptions Specific to CD-5 and CD-5D

- ... properties with ~~10~~ 4 or fewer units are exempt from the minimum parking requirements ...
- ... properties with 5 – 10 units may be exempt ... with approval of a Conditional Use Permit by City Council ...

Note: Remote parking with an approved agreement is an available option.

Amend Character Districts to allow single family with occupancy restrictions

	Single Family 4.5 (SF-4.5)	Character District 2.5 (CD-2.5)	Character District 3 (CD-3)
Density (units per acre)	7.5 max.	8 max.	10 max.
Impervious Cover	60% max.	60% max.	60% max.
Occupancy Restrictions	Apply	Apply	Apply
Building Types Permitted	House, ADU	House, ADU	House, ADU, Cottage Court, Duplex, Zero Lot Line
Height Max.	2 Stories (35 ft.)	2 Stories (35 ft.)	2 Stories (35 ft.)

Amend Character Districts to limit lot width for Apartments in CD-5D

SECTION 4.4.3.6 CHARACTER DISTRICT-5 DOWNTOWN

LOT

BUILDING TYPE

LOT AREA

LOT WIDTH



Townhouse

1,500 sq. ft. min.

15 ft. min.

Apartment

2,000 sq. ft. min.

20 ft. min. 340 ft. max.

Live/Work

1,100 sq. ft. min.

15 ft. min.

Mixed Use Shopfront

2,000 sq. ft. min.

20 ft. min. 340 ft. max.

Civic Building

2,000 sq. ft. min.

20 ft. min.

Recommendation

Staff provides these amendments to the Commission and recommends **approval** as presented.