



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Agenda - Final Planning and Zoning Commission

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Tuesday, June 9, 2020

6:00 PM

Virtual Meeting

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**Due to COVID-19, this will be a virtual meeting. To view the meeting please go to <http://www.sanmarcostx.gov/541/PZ-Video-Archives> 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](mailto: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.*

### CONSENT AGENDA

1. PC-20-16 (Cottonwood Creek Phase 3 Unit 8) Consider a request by Pape Dawson Engineers, on behalf of Continental Homes of Texas, LP to approve the Final Plat consisting of approximately 21.471 acres, more or less, out of the Farnham Frye and John F. Geister Surveys. (T. Carpenter)

### NON-CONSENT

2. 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

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**File #:** PC-20-16, **Version:** 1

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**AGENDA CAPTION:**

PC-20-16 (Cottonwood Creek Phase 3 Unit 8) Consider a request by Pape Dawson Engineers, on behalf of Continental Homes of Texas, LP to approve the Final Plat consisting of approximately 21.471 acres, more or less, out of the Farnham Frye and John F. Geister Surveys. (T. Carpenter)

**Meeting date:** June 9, 2020

**Department:** Planning & Development Services

**Amount & Source of Funding**

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

**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:**

Click or tap here to enter text.

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Staff recommends approval of the request.

<b>Plat - Final</b>	<b>Cottonwood Creek Phase 3, Unit 8</b>
<b>PC-20-16</b>	



**Summary**

<b>Request:</b>	Consideration of a Final Plat with 116 residential lots		
<b>Applicant:</b>	Pape-Dawson Engineers 2000 NW Loop 410 San Antonio, TX 78213	<b>Property Owner:</b>	Continental Homes of Texas LP 210 W Hutchison St San Marcos, TX 78666
<b>Parkland Required:</b>	Provided in previous phases	<b>Utility Capacity:</b>	By Developer
<b>Accessed from:</b>	Rattler Road	<b>New Street Names:</b>	Birdsong Lane Calgary Lane Roanwood Drive Skipping Stone Lane Snapdragon Lane

**Notification**

<b>Application:</b>	N/A	<b>Neighborhood Meeting:</b>	N/A
<b>Published:</b>	N/A	<b># of Participants:</b>	N/A
<b>Posted:</b>	N/A	<b>Personal:</b>	N/A
<b>Response:</b>	None as of the date of this report		

**Property Description**

<b>Location:</b>	Rattler Road and Adler Way		
<b>Acreage:</b>	21.471	<b>Master Plan:</b>	Cottonwood Creek Master Plan
<b>Existing Zoning:</b>	PH-ZL	<b>Preferred Scenario:</b>	Low Intensity
<b>Proposed Use:</b>	Single Family		
<b>CONA Neighborhood:</b>	N/A	<b>Sector:</b>	6

**Surrounding Area**

	Zoning	Existing Land Use	Preferred Scenario
<b>North of Property:</b>	P	Parkland	Low Intensity
<b>South of Property:</b>	SF-6	Single Family	Low Intensity
<b>East of Property:</b>	SF-6	Single Family	Low Intensity
<b>West of Property:</b>	SF-6	Single Family	Low Intensity

**Staff Recommendation**

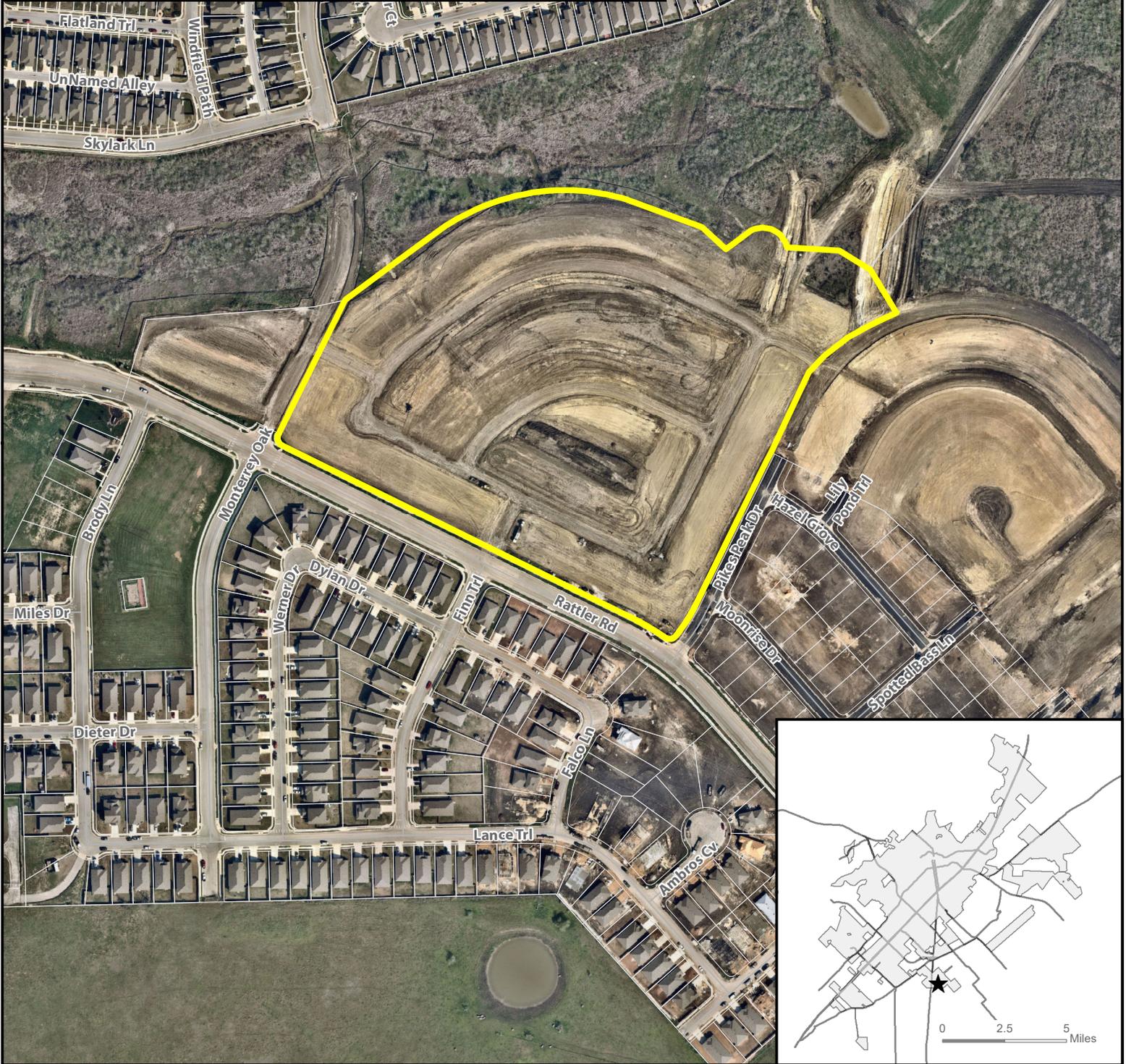
<input checked="" type="checkbox"/> Approval as Submitted	<input type="checkbox"/> Approval with Conditions / Alternate	<input type="checkbox"/> Denial
<b>Staff:</b> Tory Carpenter, AICP, CNU-A	<b>Title :</b> Planner	<b>Date:</b> June 1, 2020

<b>Plat - Final</b>	<b>Cottonwood Creek Phase 3, Unit 8</b>
<b>PC-20-16</b>	

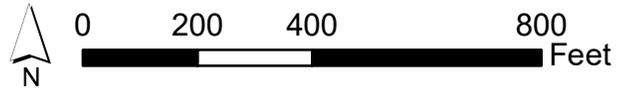


Evaluation			Criteria for Approval (Sec.3.2.3.4)
Consistent	Inconsistent	Neutral	
		<u><b>N/A</b></u>	If no preliminary subdivision or development plat has been approved the criteria in Section 3.2.2.4 shall apply;
<u><b>X</b></u>			The final subdivision plat or final development plat, as applicable, conforms to the approved preliminary subdivision plat or preliminary development plat, except for minor changes authorized under Section 3.2.3.5;
<u><b>X</b></u>			Where public improvements have been installed, the improvements conform to the approved public improvement construction plans and have been approved for acceptance by the Responsible Official;
		<u><b>N/A</b></u>	Where the Planning and Zoning Commission has authorized public improvements to be deferred, the subdivision improvement agreement and surety have been executed and submitted by the property owner in accordance with Section 3.4.2.1;
<u><b>X</b></u>			The final layout of the subdivision or development meets all standards for adequacy of public facilities in accordance with Section 3.5.1.1; and
		<u><b>X</b></u>	The plat meets any County standards to be applied under an interlocal agreement between the City and a County under Tex. Loc. Gov't Code Ch. 242, where the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and in the county.

# PC-20-16 Aerial View Cottonwood Creek Phase 3 Unit 8 Final Plat



-  **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: 5/21/2020

FINAL PLAT  
OF  
**COTTONWOOD CREEK**  
**PHASE 3 UNIT 8**

A 21.471 ACRE TRACT OF LAND, OUT OF A 21.952 ACRE TRACT OF LAND RECORDED IN INSTRUMENT #19037259, OUT OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, OUT OF THE FARNAM FRYE SURVEY NO. 17, ABSTRACT 183 AND THE JOHN F. GEISTER SURVEY NO. 7, ABSTRACT 203 OF HAYS COUNTY, TEXAS.

STATE OF TEXAS §  
COUNTY OF TRAVIS §

THAT CONTINENTAL HOMES OF TEXAS, L.P. IS THE OWNER OF A CALLED 21.471 ACRE TRACT OF LAND OUT OF A 272.24 ACRE TRACT OF LAND RECORDED IN INSTRUMENT # 04012507, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, OUT OF THE FARNAM FRYE SURVEY NO. 17, ABSTRACT 183 AND J.F. GEISTER SURVEY NO.7, ABSTRACT 203 OF HAYS COUNTY, TEXAS, PURSUANT TO PUBLIC NOTIFICATION AND HEARING PROVISIONS OF CHAPTER 212 OF THE TEXAS LOCAL GOVERNMENT CODE, IN ACCORDANCE WITH THIS PLAT, TO BE KNOWN AS COTTONWOOD CREEK, PHASE 3 UNIT 8, AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE EASEMENTS SHOWN HEREON SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED.

ADIB KHOURY, ASSISTANT SECRETARY  
BY: CHTEX OF TEXAS, INC.  
A DELAWARE CORPORATION  
SOLE GENERAL PARTNER OF  
CONTINENTAL HOMES OF TEXAS, LP  
10700 PECAN PARK BLVD., SUITE 400  
AUSTIN, TEXAS 78750-1227

THE STATE OF TEXAS §  
COUNTY OF TRAVIS §

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED \_\_\_\_\_, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND HE/SHE ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_.

NOTARY PUBLIC, STATE OF TEXAS

PRINTED NOTARY'S NAME  
MY COMMISSION EXPIRES: \_\_\_\_\_

**SURVEYOR'S NOTES:**

- PROPERTY CORNERS ARE MONUMENTED WITH A CAP OR DISK MARKED "PAPE-DAWSON" UNLESS NOTED OTHERWISE.
- COORDINATES SHOWN ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 NAD83 (NA2011) EPOCH2010.00 FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE DISPLAYED IN GRID VALUES DERIVED FROM THE NGS COOPERATIVE CORS NETWORK.
- DIMENSIONS SHOWN ARE SURFACE WITH A COMBINED SCALE FACTOR OF 1.00013.
- BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 NAD83 (NA2011) EPOCH2010.00, FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE.
- THE EASEMENTS CREATED BY SEPARATE INSTRUMENT AND THEIR LOCATIONS ARE GOVERNED BY THE TERMS, PROVISIONS AND CONDITIONS OF SUCH SEPARATE INSTRUMENTS.

**SUBDIVISION NOTES:**

- EASEMENTS NOT WITHIN THE LIMITS OF THE PLAT WILL BE PROVIDED BY SEPARATE INSTRUMENT.
- A 10 FOOT WIDE PUBLIC UTILITY EASEMENT IS HEREBY DEDICATED ADJACENT TO ALL RIGHTS-OF-WAY.

**GENERAL NOTES:**

- SIDEWALKS NOT ADJACENT TO A RESIDENTIAL LOT, ARE REQUIRED AT THE TIME OF SITE DEVELOPMENT.
- THIS SUBDIVISION IS NOT LOCATED WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.
- THIS SUBDIVISION IS WITHIN THE BOUNDARIES OF THE SAN MARCOS INDEPENDENT SCHOOL DISTRICT.
- WATERSHED PROTECTION PLAN PHASE 2 PERMIT APPROVED. PERMIT # 2017-21790.
- THE PUBLIC IMPROVEMENT CONSTRUCTION PLANS ARE REQUIRED TO BE APPROVED BEFORE THE PLAT APPROVAL AND EITHER THE IMPROVEMENTS CONSTRUCTED OR SURVEY POSTED FOR THE FILING OF THE PLAT.
- ANY PRIVATE IMPROVEMENTS WITHIN THE RIGHT-OF-WAY, INCLUDING LANDSCAPE IRRIGATION, REQUIRES APPROVAL OF A LICENSE AGREEMENT.
- LOTS 900-901, BLOCK AG SHALL BE DESIGNATED AS GREENBELT LOTS AND DRAINAGE EASEMENTS. LOT 900, BLOCK AG SHALL BE DESIGNATED AS A GREENBELT LOT. THESE LOTS WILL BE MAINTAINED BY THE COTTONWOOD CREEK HOMEOWNERS ASSOCIATION OR OTHER SUCCESSORS.

THE FOLLOWING CORNER LOTS HAVE DESIGNATED SIDE FRONTAGE AS SHOWN IN THE TABLE BELOW.

BLOCK	LOT	SIDE-CORNER FRONTAGE
AC	1	CALGARY LN
AC	28	CALGARY LN
AD	1	SNAPDRAGON LN
AD	23	SKIPPING STONE LN
AE	1	SKIPPING STONE LN
AE	13	CALGARY LN
AF	1	CALGARY LN
AF	22	CALGARY LN
AF	23	ROANWOOD DR
AF	39	ROANWOOD DR
AG	1	SNAPDRAGON LN
AG	13	SKIPPING STONE LN

THE STATE OF TEXAS §  
COUNTY OF PLANO §

I, JON W. COOPER, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING, AND HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION AND THAT THE MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

JON W. COOPER  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6716  
PAPE-DAWSON ENGINEERS, INC.  
TBPE, FIRM REGISTRATION NO. 470  
TBPLS, FIRM REGISTRATION NO. 10194390  
5810 TENNYSON PARKWAY, SUITE 425,  
PLANO, TEXAS, 75024

THE STATE OF TEXAS §  
COUNTY OF COMAL §

THAT I, TODD BLACKMON, DO HEREBY CERTIFY THAT PROPER ENGINEERING HAS BEEN GIVEN THIS PLAT TO THE MATTERS OF STREETS, LOTS AND DRAINAGE LAYOUT. TO THE BEST OF MY KNOWLEDGE THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE DEVELOPMENT CODE.

TODD BLACKMON  
REGISTERED PROFESSIONAL ENGINEER NO. 89208  
PAPE-DAWSON ENGINEERS, INC.  
TBPE, FIRM REGISTRATION NO. 470  
TBPLS, FIRM REGISTRATION NO. 10028800  
1672 INDEPENDENCE DRIVE, STUIRE 102  
NEW BRAUNFELS, TEXAS, 78132

**FLOOD ZONE NOTE:**

NO PORTION OF ANY LOT ON THIS PLAT IS WITHIN A SPECIAL FLOOD HAZARD ZONE AS DEFINED BY FEMA FLOOD INSURANCE RATE MAP, HAYS COUNTY, TEXAS. COMMUNITY PANEL NUMBER 48209C0479F, DATED SEPTEMBER 2, 2005.

**UTILITY PROVIDER NOTE:**

THE PROPERTY WILL BE SERVED BY THE FOLLOWING:  
CENTURYLINK (PHONE)  
BLUE BONNET ELECTRIC COOPERATIVE, INC. (ELECTRIC)  
CHARTER (CABLE TELEVISION)  
CITY OF SAN MARCOS (SEWER & WATER)  
CENTERPOINT ENERGY (GAS)

**DRAINAGE EASEMENT NOTES:**

- "DRAINAGE EASEMENTS SHALL REMAIN FREE OF ALL OBSTRUCTIONS."
- MAINTENANCE OF DRAINAGE EASEMENT SHOWN OUTSIDE OF LOT LINES SHALL BE THE SOLE RESPONSIBILITY OF THE COTTONWOOD CREEK SUBDIVISION HOMEOWNER'S ASSOCIATION.
- NO STRUCTURES, WALLS OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED WITHIN THE LIMITS OF DRAINAGE EASEMENTS SHOWN ON THIS PLAT. NO LANDSCAPING, FENCES, OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS SECTIONS OF THE DRAINAGE EASEMENTS OR DECREASES THE HYDRAULIC CAPACITY OF THE EASEMENT, AS APPROVED, SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE CITY ENGINEER. THE CITY OF SAN MARCOS SHALL HAVE THE RIGHT OF INGRESS AND EGRESS OVER GRANTORS ADJACENT PROPERTY TO REMOVE ANY OBSTRUCTIONS PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS AND TO MAKE ANY MODIFICATIONS OR IMPROVEMENTS WITHIN SAID DRAINAGE EASEMENTS.
- MAINTENANCE OF DRAINAGE EASEMENTS DESIGNATED WITHIN A LOT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.

CITY OF SAN MARCOS  
CERTIFICATE OF APPROVAL

APPROVED AND AUTHORIZED TO BE RECORDED ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SAN MARCOS, TEXAS.

\_\_\_\_\_  
CHAIRMAN, PLANNING AND ZONING COMMISSION DATE

SHANNON MATTINGLY  
DIRECTOR OF DEVELOPMENT SERVICES DATE

CESLY BURRELL  
RECORDING SECRETARY DATE

\_\_\_\_\_  
CIP AND ENGINEERING DATE

THE STATE OF TEXAS §  
COUNTY OF HAYS §

I, LIZ GONZALEZ, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING, WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D., AT \_\_\_\_ O'CLOCK \_\_\_\_ M. AND DULY RECORDED ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D., AT \_\_\_\_ O'CLOCK \_\_\_\_ M. IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN CFN: \_\_\_\_\_

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK OF SAID COUNTY THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D.

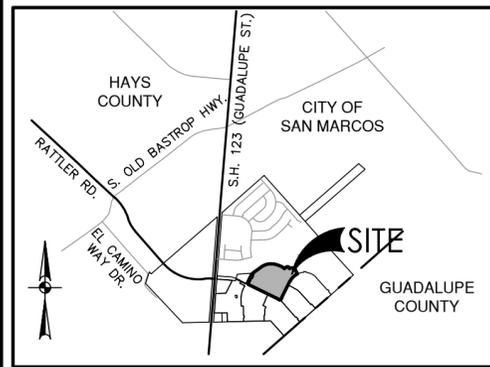
ELAINE H. CARDENAS, COUNTY CLERK  
HAYS COUNTY, TEXAS



SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS  
5810 TENNYSON PARKWAY, STE 425 | PLANO, TX 75024 | 214.420.8494  
TBPE FIRM REGISTRATION #470 | TBPLS FIRM REGISTRATION #10194390  
DATE OF PREPARATION: May 4, 2020

PLAT NOTES APPLY TO ALL SHEETS OF THIS PLAT

SHEET 1 OF 2



LOCATION MAP  
NOT-TO-SCALE  
LEGEND

- |     |  |     |  |
|-----|--|-----|--|
| AC  | ACRE(S)  | VOL | VOLUME                                       |
| BLK | BLOCK  | PG  | PAGE(S)                                      |
| DOC | DOCUMENT NUMBER  | ROW | RIGHT-OF-WAY                                 |
| OPR | OFFICIAL PUBLIC RECORDS (OFFICIAL PUBLIC RECORDS OF REAL PROPERTY) OF HAYS COUNTY, TEXAS | ●   | FOUND 1/2" IRON ROD (UNLESS NOTED OTHERWISE) |
|     |  | ○   | SET 1/2" IRON ROD (PD)                       |
|     |  | ○   | SET 1/2" IRON ROD (PD)-ROW                   |
|     |  | (*) | BAKER-AICKLEN                                |
- 
- |     |   |   |  |
|-----|---|---|--|
| --- | 1% ANNUAL CHANCE (100-YR) FUTURE CONDITIONS FLOODPLAIN CENTERLINE           | 1 | COTTONWOOD CREEK PHASE 3, UNIT 2 (CONCURRENT PLATTING) (INSTRUMENT # 18034771, PR)             |
| 11  | 10' PUBLIC UTILITY  | 2 | COTTONWOOD CREEK PHASE 3, UNIT 3 (CONCURRENT PLATTING) (INSTRUMENT # 19029834, PR)             |
| 12  | 33' DRAINAGE EASEMENT   | 3 | CONTINENTAL HOMES OF TEXAS, L.P. (CALLED 45.298 ACRES) (INSTRUMENT # 201899018570, PR)         |
| 13  | 20' WASTEWATER EASEMENT (INSTRUMENT # 18004166, OPR)                        | 4 | COTTONWOOD CREEK MONTERREY OAK (CONCURRENT PLATTING) (INSTRUMENT # _____, PR)                  |
| 14  | 10' PUBLIC UTILITY EASEMENT (INSTRUMENT # 18034771, PR)                     | 5 | CITY OF SAN MARCOS A TEXAS MUNICIPAL CORPORATION (CALLED 38.04 ACRES) (VOL. 3657, PG. 44, OPR) |
| 15  | 10' PUBLIC UTILITY EASEMENT (INSTRUMENT # 19029834, PR)                     | 6 | COTTONWOOD CREEK PHASE 3, UNIT 1 (INSTRUMENT # 18007116, PR)                                   |
| 16  | 10' PUBLIC UTILITY EASEMENT (INSTRUMENT # _____, PR)                        |   |  |
| 17  | 20' WASTEWATER EASEMENT (INSTRUMENT # 19029834, PR)                         |   |  |
| 18  | 0.595 AC. RIGHT OF WAY (IMPROVEMENTS TO BE BUILT BY THE DEVELOPER)          |   |  |
| 19  | 1" VEHICULAR NON-ACCESS EASEMENT (NOT-TO-SCALE) (INSTRUMENT # 18034771, PR) |   |  |
| 20  | 1" VEHICULAR NON-ACCESS EASEMENT (NOT-TO-SCALE) (INSTRUMENT # 19029834, PR) |   |  |

CURVE TABLE				
CURVE #	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	60.00'	115°26'11"	S69°58'52"E	101.45'
C2	475.00'	37°51'46"	S45°11'38"W	308.21'
C3	370.00'	113°7'06"	S32°04'18"W	74.90'
C4	20.00'	86°13'40"	S80°59'42"W	27.34'
C5	740.00'	7°50'47"	N59°48'52"W	101.26'
C6	20.00'	90°05'35"	N18°41'27"W	28.31'
C7	15.00'	89°54'25"	N71°18'33"E	21.20'
C8	15.00'	90°05'35"	N18°41'27"W	21.23'
C9	480.00'	3°44'57"	N24°28'51"E	31.40'
C10	525.00'	3°41'42"	S61°53'24"E	33.85'
C11	15.00'	82°35'11"	N78°39'51"E	19.80'
C12	295.00'	16°29'04"	N45°36'48"E	84.58'
C13	475.00'	62°24'25"	N85°03'32"E	492.18'
C14	325.00'	13°04'48"	S57°11'51"E	74.03'
C15	20.00'	84°23'04"	N87°09'01"E	26.86'
C16	20.00'	85°19'28"	N8°08'10"W	27.11'
C17	275.00'	12°56'21"	N57°16'05"W	61.97'
C18	15.00'	90°00'00"	S71°15'45"W	21.21'
C19	15.00'	38°52'15"	S6°49'38"W	9.98'
C20	50.00'	167°44'30"	S71°15'45"W	99.43'
C21	15.00'	38°52'15"	N44°18'08"W	9.98'
C22	15.00'	90°00'00"	S71°15'45"W	21.21'
C23	20.00'	90°00'00"	S18°44'15"E	28.28'
C24	20.00'	90°00'00"	N71°15'45"E	28.28'
C25	15.00'	90°00'00"	N18°44'15"W	21.21'

CURVE TABLE				
CURVE #	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C26	15.00'	38°52'15"	N83°10'22"W	9.98'
C27	50.00'	167°44'30"	N18°44'15"W	99.43'
C28	15.00'	38°52'15"	N45°41'52"E	9.98'
C29	15.00'	86°18'18"	N16°53'24"W	20.52'
C30	475.00'	3°41'42"	N61°53'24"W	30.63'
C31	245.00'	27°35'35"	S40°03'32"W	116.85'
C32	425.00'	62°24'25"	S85°03'32"W	440.37'
C33	15.00'	90°00'00"	N18°44'15"W	21.21'
C34	15.00'	90°00'00"	N71°15'45"E	21.21'
C35	295.00'	62°24'25"	N85°03'32"E	305.67'
C36	295.00'	23°52'18"	N41°55'11"E	122.02'
C37	15.00'	86°16'44"	N73°07'23"E	20.51'
C38	25.00'	90°00'00"	S18°44'15"E	35.36'
C39	245.00'	62°24'25"	S85°03'32"W	253.86'
C40	15.00'	90°00'00"	N18°44'15"W	21.21'
C41	25.00'	90°00'00"	N71°15'45"E	35.36'
C42	15.00'	95°01'06"	S16°13'42"E	22.12'
C43	245.00'	22°34'28"	S42°34'06"W	95.91'
C44	590.00'	62°24'25"	S85°03'32"W	611.33'

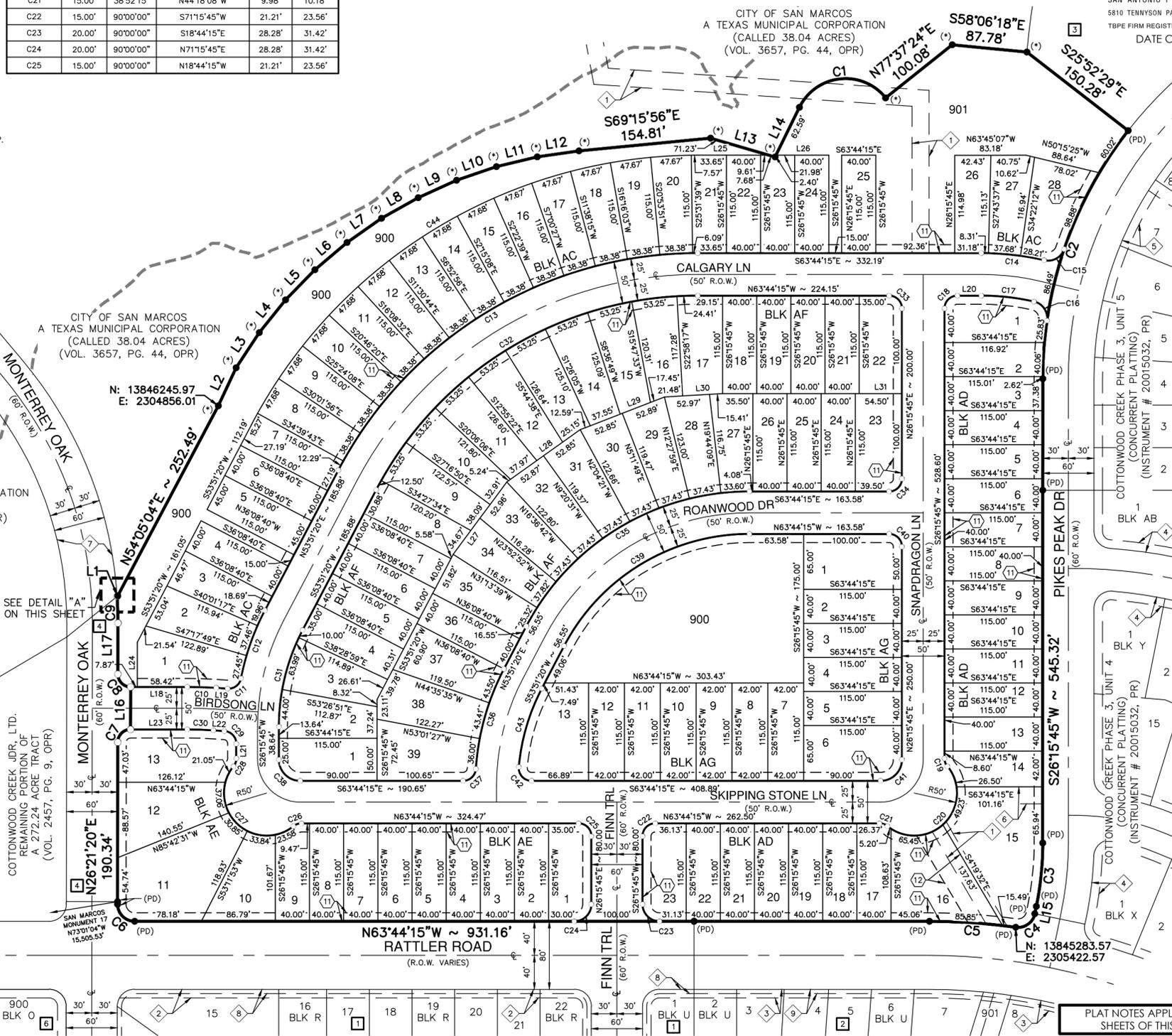
FINAL PLAT  
OF  
COTTONWOOD CREEK  
PHASE 3 UNIT 8

A 21.471 ACRE TRACT OF LAND, OUT OF A 21.952 ACRE TRACT OF LAND RECORDED IN INSTRUMENT # 19037259, OUT OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, OUT OF THE FARNAM FRYE SURVEY NO. 17, ABSTRACT 183 AND THE JOHN F. GEISTER SURVEY NO. 7, ABSTRACT 203 OF HAYS COUNTY, TEXAS.

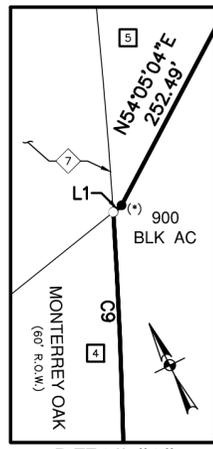
SCALE: 1" = 100'



SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS  
5810 TENNYSON PARKWAY, STE 425 | PLANO, TX 75024 | 214.420.8494  
TBP# FIRM REGISTRATION #470 | TBP# FIRM REGISTRATION #10194380  
DATE OF PREPARATION: May 4, 2020



LINE TABLE		
LINE #	BEARING	LENGTH
L1	N77°19'40"E	0.90'
L2	N51°07'55"E	49.38'
L3	N59°40'41"E	49.34'
L4	N64°52'22"E	49.31'
L5	N70°29'01"E	49.39'
L6	N75°49'18"E	49.36'
L7	N81°11'30"E	49.44'
L8	N86°49'20"E	49.25'
L9	S88°10'43"E	49.39'
L10	S82°40'38"E	49.35'
L11	S77°16'58"E	49.24'
L12	S71°56'07"E	49.34'
L13	S47°24'28"E	78.90'
L14	N52°16'24"E	64.99'
L15	S37°52'51"W	8.87'
L16	N26°24'41"E	50.00'
L17	N26°21'20"E	59.91'
L18	S63°44'15"E	66.30'
L19	S60°02'33"E	13.39'
L20	N63°44'15"W	28.04'
L21	N26°15'45"E	17.17'
L22	N60°02'33"W	12.74'
L23	N63°44'15"W	66.43'
L24	N26°15'45"E	52.47'
L25	N63°44'15"E	83.26'
L26	N63°44'15"W	61.98'
L27	S62°41'56"W	52.71'
L28	S80°43'53"W	37.36'
L29	N84°59'05"W	38.15'
L30	N67°08'27"W	46.90'
L31	N63°44'15"W	50.00'



DETAIL "A"  
1" = 10'

PLAT NOTES APPLY TO ALL SHEETS OF THIS PLAT

COTTONWOOD CREEK PHASE 3 UNIT 8  
Civil Job No. 11173-13; Survey Job No. 11173-13

# FINAL SUBDIVISION / DEVELOPMENT PLAT APPLICATION

Updated: October, 2019



## CONTACT INFORMATION

Applicant's Name	Todd Blackmon, P.E.	Property Owner	Adib Khoury
Company	Pape-Dawson Engineers, Inc.	Company	Continental Homes of Texas LP
Mailing Address	1672 Independence Drive, Suite 102, New Braunfels, TX 78132	Mailing Address	10700 Pecan Park Blvd., Suite 400 Austin, Texas 78750
Phone #	(830) 632-5633	Phone #	(512) 345-4663
Email	Jperez@Pape-Dawson.com	Email	RLGray@drhorton.com

## PROPERTY INFORMATION

Proposed Subdivision Name: Cottonwood Creek Phase 3 Unit 8

Subject Property Address or General Location: SE corner of Rattler Rd & Hwy 123

Acres: 21.471 Tax ID #: R 14310

Located in:  City Limits  Extraterritorial Jurisdiction (County)

## DESCRIPTION OF REQUEST

Type of Plat:  Final Subdivision Plat  Final Development Plat

Current Number of Lots: 1 Current Land Use: Undeveloped

Proposed Number of Lots: 116 Proposed Land Use: Single-family residential

## AUTHORIZATION

*I certify that the information on this application is 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.*

Filing Fee \$1,321 plus \$100 per acre Technology Fee \$13 **MAXIMUM COST \$2,513**

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

**APPLY ONLINE – [WWW.MYGOVERNMENTONLINE.ORG/](http://WWW.MYGOVERNMENTONLINE.ORG/)**

## SUBDIVISION IMPROVEMENT AGREEMENT ACKNOWLEDGEMENT

I understand, whenever public improvements to serve the development are deferred until after Final Subdivision or Development Plat approval, the property owner shall enter into a Subdivision Improvement Agreement by which the owner covenants to complete all required public improvements no later than two (2) years following the date upon which the Final Plat is approved.

- All required public improvements will be completed prior to approval of the Final Subdivision or Development Plat
- I wish to defer installation of public improvements until after approval of the Final Subdivision or Development Plat and have attached a Subdivision Improvement Agreement to be considered along with this Plat application
- The attached Minor / Amending / Preliminary Plat Application does not require a Subdivision Improvement Agreement

Signature of Applicant: \_\_\_\_\_

Date: 2-6-2020

## NOTICE OF COMPLETENESS DETERMINATION & STATUTORY REVIEW TIMEFRAMES

I understand that the City of San Marcos requires online submittal of all applications through the Customer Portal at [www.mygovernmentonline.org](http://www.mygovernmentonline.org) and that the Responsible Official will review this application for completeness within 10 business days of online submittal. I understand that this application is not considered "filed" until all required documentation is received and reviewed for completeness. *Upon determination of completeness the City will send written correspondence stating that the application has been filed and will provide a date, in accordance with the Texas Local Government Code, when the Planning and Zoning Commission will meet to hear the request.*

- By checking this box I am requesting cursory review of this application prior to determination that the application is complete and filed. Cursory review comments shall not constitute a determination of completeness.

I also understand that as the applicant I may request, in writing, an extension to the statutory review timeframes.

Signature of Applicant: \_\_\_\_\_

Date: 2-6-2020

## RECORDATION REQUIREMENTS\*\*\*

The following are required for recordation, following approval of a Plat application:

- Two (2) mylars of the subdivision plat (*Comal Co. requires White 20# Bond Paper*)
- Recording Fee: \$ \_\_\_\_\_
- Tax Certificate, printed within 30 days of recordation date (paid prior to January 31<sup>st</sup> of current year)

Other possible recording requirements:

- If public improvements were deferred, Subdivision Improvement Agreement
- Subdivision Improvement Agreement recording fee: \$ \_\_\_\_\_
- Other legal documents referenced on the plat (i.e. easement dedication by separate instrument, HOA documents)
- Other recording fee: \$ \_\_\_\_\_

\*\*\*Recordation fees, mylars, and other requirements are not due at the time of submittal. Fees will depend on the number of pages needed for recordation and the County in which they are recorded. The total will be calculated upon approval.

PROPERTY OWNER AUTHORIZATION

I, Adib Khoury (owner name) on behalf of  
Continental Homes of Texas LP (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
SE corner of Rattler Rd and Highway 123 (address).

I hereby authorize Todd Blackmon, P.E. (agent name) on behalf of  
Pape-Dawson Engineers, Inc. (agent company) to file this application for  
Final Plat (application type), and, if necessary, to work with  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  Date: 2-6-20

Printed Name, Title: Adib Khoury, Vice President

Signature of Agent:  Date: 2-6-2020

Printed Name, Title: Todd Blackmon, P.E., Managing Vice President

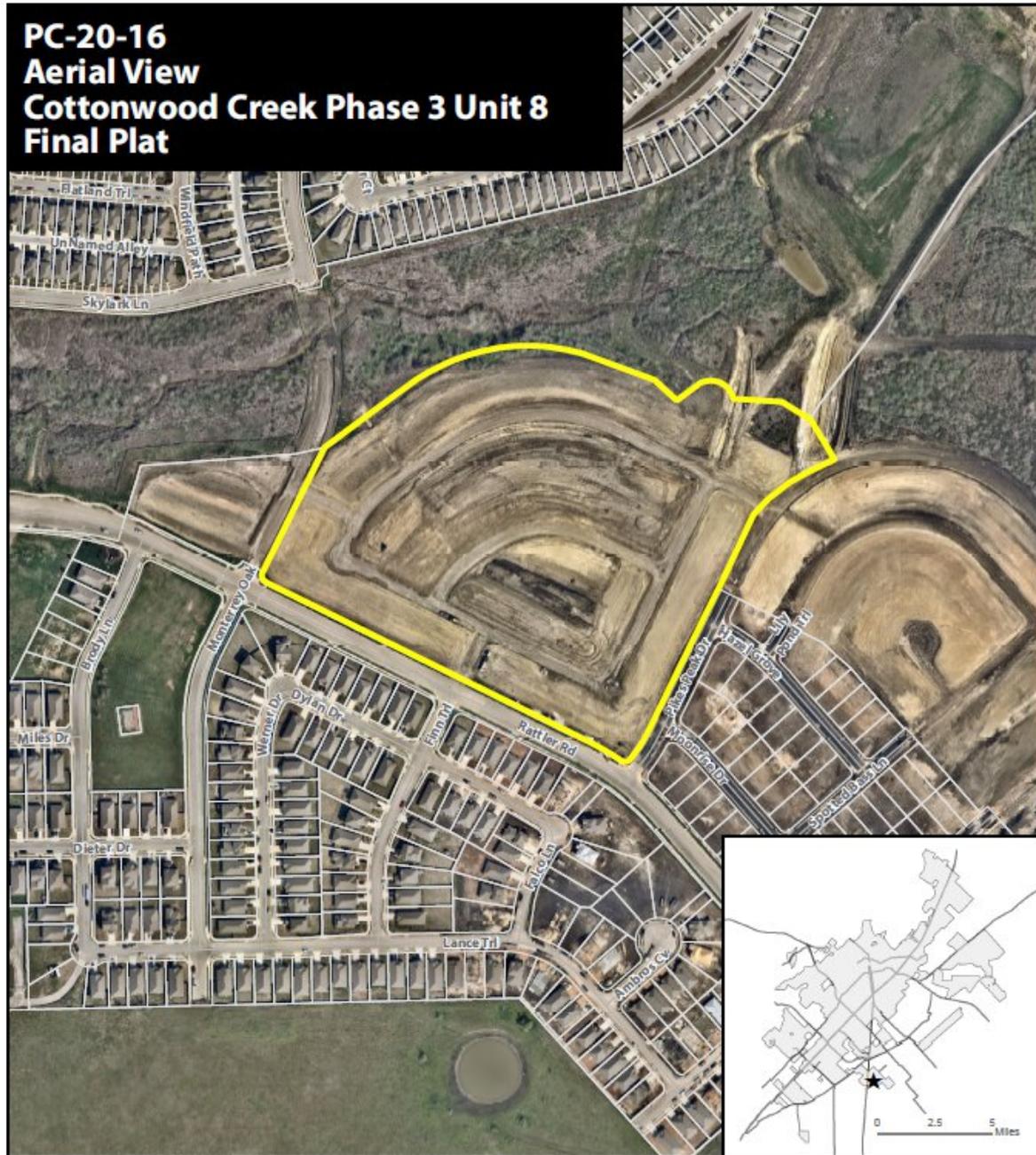
Form Updated October, 2019

PC-20-16 (Cottonwood Creek Phase 3 Unit 8)

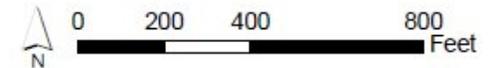
Consider a request by Pape Dawson Engineers, on behalf of Continental Homes of Texas, LP to approve the Final Plat consisting of approximately 21.471 acres, more or less, out of the Farnham Frye and John F. Geister Surveys. (T. Carpenter)

- +/- 21.471 Acres
- 116 single-family lots
- Cottonwood Creek Master Plan

**PC-20-16  
Aerial View  
Cottonwood Creek Phase 3 Unit 8  
Final Plat**



- Subject Property
- Parcel
- City Limit

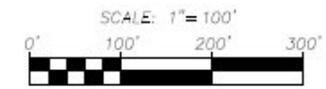


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Imagery from 2017.

Map Date: 5/21/2020

# FINAL PLAT OF COTTONWOOD CREEK PHASE 3 UNIT 8

A 21.471 ACRE TRACT OF LAND, OUT OF A 21.952 ACRE TRACT OF LAND RECORDED IN INSTRUMENT #1903795, OUT OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, OUT OF THE FAIRMAR FIVE SURVEY NO. 17, ABSTRACT 183 AND THE JOHN F. DEESTER SURVEY NO. 7, ABSTRACT 263 OF HAYS COUNTY, TEXAS.



**PAPE-DAWSON  
ENGINEERS**

SAN ANTONIO | AUSTIN | DALLAS | FORT WORTH | DALLAS  
5820 STEVENSON PARKWAY, SUITE 405 | PLANO, TX 75074 | 214-424-8888  
1996 FIRM REGISTRATION #4751 | TEXAS FIRM REGISTRATION #1024982  
DATE OF PREPARATION: May 4, 2020

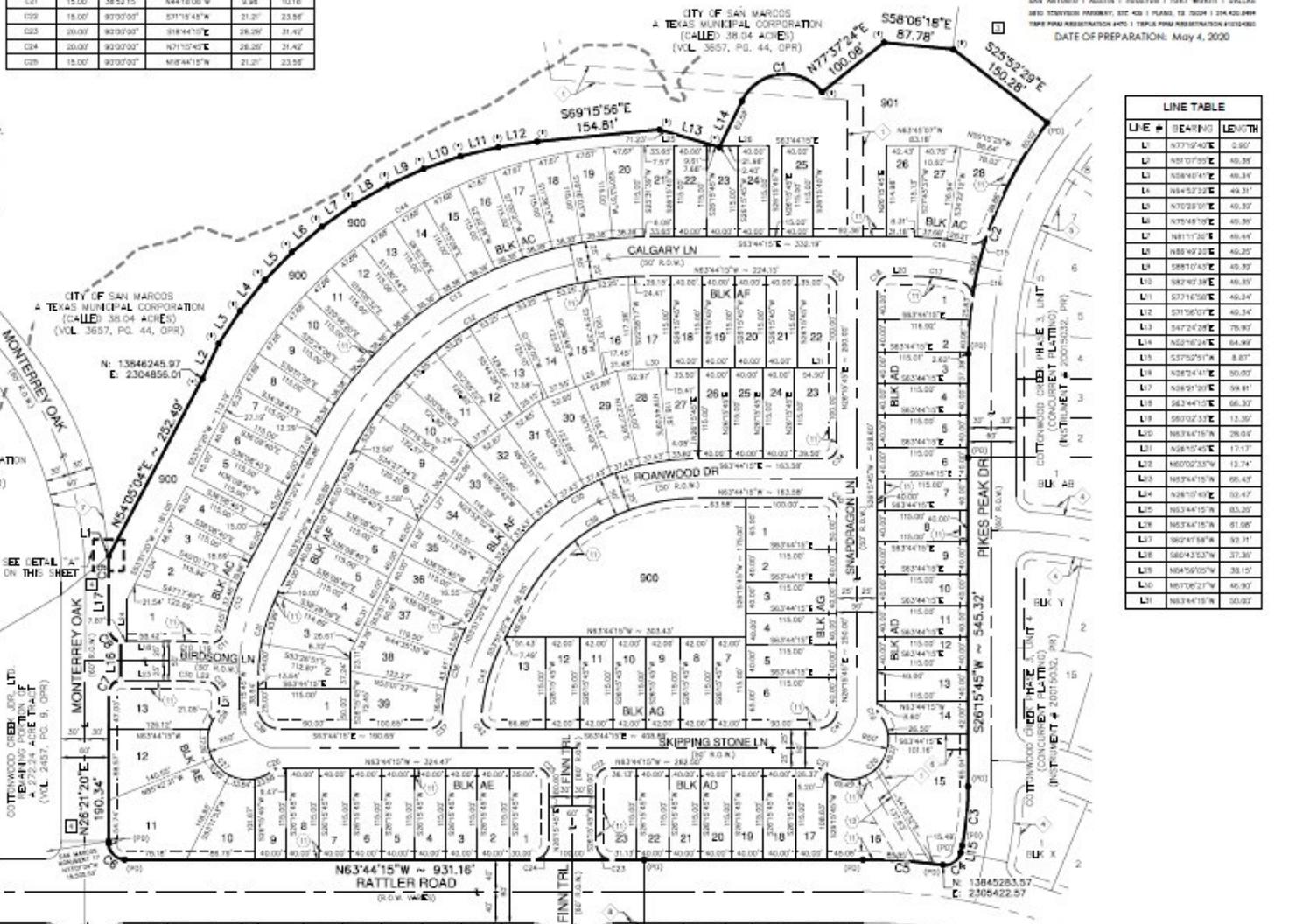
CURVE TABLE					
CURVE #	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH	LC+10TH
C1	60.07	112.871°	S69°52'32"E	101.457	123.887
C2	475.00	37°51'46"	S45°11'38"W	308.371	318.887
C3	373.00	113°37'18"	S32°04'18"W	74.967	75.033
C4	20.07	88°15'40"	S07°00'42"W	21.347	25.107
C5	340.00	175°41'37"	S09°49'52"W	101.381	101.344
C6	30.00	80°23'33"	N08°41'37"E	28.317	31.407
C7	15.00	89°54'23"	N71°03'33"E	21.237	23.547
C8	15.00	80°23'33"	N08°41'37"E	21.237	23.547
C9	480.00	73°43'07"	N49°26'50"E	31.440	31.471
C10	325.00	37°47'42"	S61°53'24"E	33.887	33.887
C11	15.00	62°55'11"	N78°30'51"E	18.807	21.607
C12	293.00	167°20'07"	N45°38'48"E	66.987	66.877
C13	475.00	82°24'23"	N69°12'30"E	494.767	917.377
C14	325.00	130°44'40"	S57°11'51"E	74.037	74.107
C15	20.07	84°23'34"	N67°02'07"E	25.807	29.487
C16	20.07	85°18'26"	N66°01'07"E	22.117	26.787
C17	375.00	125°20'21"	S51°16'26"W	61.877	63.107
C18	15.00	80°23'33"	N07°15'45"W	21.237	23.547
C19	15.00	80°23'33"	N07°15'45"W	21.237	23.547
C20	30.07	81°47'22"	S71°15'45"W	86.857	148.247
C21	15.00	38°21'12"	N44°18'07"W	9.887	10.117
C22	15.00	80°23'33"	S71°15'45"W	21.237	23.547
C23	20.07	80°23'33"	N71°10'40"E	26.207	31.407
C24	15.00	80°23'33"	N08°41'15"W	21.237	23.547

CURVE TABLE					
CURVE #	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH	LC+10TH
C25	15.00	38°21'12"	N44°18'07"W	9.887	10.117
C26	15.00	167°04'30"	N18°44'10"W	99.437	146.387
C27	15.00	38°21'12"	N44°18'07"W	9.887	10.117
C28	15.00	88°18'18"	N18°53'24"E	20.527	23.297
C29	475.00	37°41'42"	N61°53'24"E	308.371	318.887
C30	240.00	27°36'30"	S49°02'30"W	116.837	113.667
C31	425.00	62°24'23"	S65°02'30"W	440.237	463.907
C32	15.00	80°23'33"	N18°44'10"E	21.237	23.547
C33	265.00	62°24'23"	N69°02'30"E	306.607	311.337
C34	15.00	80°23'33"	N18°44'10"E	21.237	23.547
C35	265.00	62°24'23"	N69°02'30"E	306.607	311.337
C36	295.00	27°32'18"	N41°55'11"E	122.027	122.817
C37	15.00	80°18'44"	N73°07'23"E	20.907	22.997
C38	25.00	80°18'44"	N73°07'23"E	25.267	26.217
C39	245.00	62°24'23"	S65°02'30"W	253.987	266.887
C40	15.00	80°23'33"	N18°44'10"E	21.237	23.547
C41	35.00	80°23'33"	N17°15'45"W	35.387	36.217
C42	15.00	80°11'04"	S61°23'40"E	22.107	24.887
C43	240.00	22°24'20"	S42°34'07"W	25.907	26.937
C44	390.00	62°24'23"	S65°02'30"W	411.337	432.637

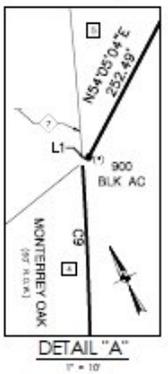


- LEGEND**
- AC ADDRESS  
BLK BLOCK  
DOC DOCUMENT NUMBER  
OPR OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HAYS COUNTY, TEXAS
- VOL VOLUME  
Pg PAGE(S)  
ROW RIGHT-OF-WAY  
FOUND UP-IRON ROD (UNLESS NOTED OTHERWISE)  
SET UP-IRON ROD (PO)  
SET UP-IRON ROD (PO)-ROW  
SINKER-ANCHOR
- 1% ANNUAL CHANCE (100-YR) FUTURE CONDITIONS FLOODPLAIN CENTERLINE

- 10 PUBLIC UTILITY
- 30 DRAINAGE EASEMENT
- 30 WASTEWATER EASEMENT (INSTRUMENT # 1800416, OPR)
- 10 PUBLIC UTILITY EASEMENT (INSTRUMENT # 1804771, PR)
- 10 PUBLIC UTILITY EASEMENT (INSTRUMENT # 1806904, PR)
- 10 PUBLIC UTILITY EASEMENT (INSTRUMENT # 1806904, PR)
- 10 PUBLIC UTILITY EASEMENT (INSTRUMENT # 1806904, PR)
- 30 WASTEWATER EASEMENT (INSTRUMENT # 1806904, PR)
- 0.555 AC. EIGHT-OF-WAY (IMPROVEMENTS TO BE BUILT BY THE DEVELOPER)
- 1 VEHICULAR NON-ACCESS EASEMENT (NOT-TO-SCALE) (INSTRUMENT # 1804771, PR)
- 1 VEHICULAR NON-ACCESS EASEMENT (NOT-TO-SCALE) (INSTRUMENT # 1806904, PR)
- COTTONWOOD CREEK PHASE 3, UNIT 2 (CONCURRENT PLATTING) (INSTRUMENT # 1804771, PR)
- COTTONWOOD CREEK PHASE 3, UNIT 3 (CONCURRENT PLATTING) (INSTRUMENT # 1804771, PR)
- CONTINENTAL HOMES OF TEXAS, L.P. (CALLED 43.06 ACRES) (INSTRUMENT # 201804105, PR)
- COTTONWOOD CREEK MONTEREY OAK (CONCURRENT PLATTING) (INSTRUMENT # 200150332, PR)
- CITY OF SAN MARCOS A TEXAS MUNICIPAL CORPORATION (CALLED 38.04 ACRES) (VOL. 3857, PG. 44, OPR)
- COTTONWOOD CREEK PHASE 3, UNIT 1 (INSTRUMENT # 18007114, PR)



LINE TABLE		
L#	BEARING	LENGTH
L1	N77°16'40"E	0.007
L2	N51°07'30"E	40.358
L3	N58°40'41"E	46.314
L4	N64°52'22"E	49.211
L5	N70°28'00"E	49.327
L6	N75°18'10"E	49.328
L7	N81°11'30"E	49.417
L8	N88°49'20"E	49.257
L9	S88°14'40"E	49.327
L10	S82°40'34"E	46.353
L11	S73°16'50"E	46.244
L12	S71°56'07"E	46.347
L13	S47°24'28"E	76.907
L14	N52°16'24"E	64.969
L15	S37°52'51"E	80.007
L16	N28°24'41"E	39.077
L17	N28°21'30"E	39.811
L18	S23°44'12"E	56.327
L19	S60°22'33"E	12.267
L20	N63°44'15"W	26.037
L21	N48°15'40"E	17.177
L22	N60°22'33"W	12.747
L23	N63°44'15"W	66.437
L24	N48°15'40"E	55.437
L25	N63°44'15"W	83.207
L26	N63°44'15"W	81.987
L27	S62°47'58"E	32.717
L28	S64°43'57"E	37.307
L29	S64°50'52"W	38.157
L30	N67°06'27"W	46.907
L31	N63°44'15"W	50.027



COTTONWOOD CREEK PHASE 3 UNIT 8  
Civil Job No. 11173-13; Survey Job No. 11173-19

## Recommendation:

Staff has reviewed the request and determined the request complies with the San Marcos Development Code and recommends **approval** of PC-20-16 as submitted.



## Legislation Text

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**File #:** ID#20-323, **Version:** 1

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**AGENDA CAPTION:**

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:** June 9, 2020

**Department:** Planning & Development Services

**Amount & Source of Funding**

**Funds Required:** n/a

**Account Number:** n/a

**Funds Available:** n/a

**Account Name:** n/a

**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 3<sup>rd</sup> City Council meeting and approved upon second reading at the December 17<sup>th</sup> 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 (6/9)**
- City Council holds a public hearing and first reading of ordinance (8/4)
- City Council holds second reading of ordinance (8/18)

**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 <sup>th</sup> , 2020
Re:	Proposed Amendments to the San Marcos Land Development Code: <ol style="list-style-type: none"><li>1. City Engineering Staff Recommendations</li><li>2. Alcohol Conditional Use Permit Committee, Housing Task Force, and Historic Preservation Commission Recommendations</li><li>3. Additional Amendments Identified by Staff Since June 2019 Workshop</li><li>4. Developer Request for Special Events Facility Use</li><li>5. Policy Items Expedited at the Request of Council</li></ol>

## 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 7<sup>th</sup>.

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 3<sup>rd</sup> City Council meeting and approved upon second reading at the December 17<sup>th</sup> 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	<a href="#">2.6.1.1.D</a> , - <a href="#">2.6.1.4</a>	Make Qualified Watershed Protection Plans administrative	This recommendation from the Engineering Department was reviewed at the June 5, 2019 workshop.  <b>Staff recommends the edits as presented to include administrative approval capability for Qualified Watershed Protection Plans.</b>
2	Engineering Department Recommendation	<a href="#">3.9.1.1.G</a>	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.  <b>Staff recommends the edits as presented to include fee-in-lieu option for minor plats demonstrating no adverse impacts.</b>
3	Engineering Department Recommendation	<a href="#">6.1.1.2.B</a>	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.  <b>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.</b>
4	Engineering Department Recommendation	<a href="#">6.1.1.1.D</a>	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.  <b>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.</b>
5	Engineering Department Recommendation	<a href="#">6.2.2.1</a> - <a href="#">6.2.2.2</a>	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.  <b>Staff recommends the edits as presented to clarify how the water quality zone and buffer zone are determined.</b>
6	Engineering Department Recommendation	<a href="#">6.2.2.3.C</a>	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.  <b>Staff recommends the edits as presented to include a buffer around the feature and additional buffer in upstream direction.</b>
7	Engineering Department Recommendation	<a href="#">6.2.3.2</a>	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.  <b>Staff recommends the edits as presented to require the incorporation of natural channel function, aesthetics, and design.</b>

## Exhibit A - Recommendation Table

Item #	Amendment Type	Code Section	Proposed Amendment	Staff Notes & Recommendation
8	Engineering Department Recommendation	<a href="#">6.3.2.1.C</a>	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><b>Staff recommends the edits as presented to allow waivers from the Responsible Official for sites that do not warrant assessment.</b></p>
9	Engineering Department Recommendation	<a href="#">6.2.3.5</a>	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><b>Staff recommends the edits as presented to clarify mitigation requirements within water quality and buffer zones.</b></p>
10	Alcohol Conditional Use Permit Committee Recommendation	<a href="#">2.8.3.5</a>	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><b>Staff recommends the edits as presented which would require all Alcohol CUP holders to renew their permit, at a minimum, every three years.</b></p>
11	Alcohol Conditional Use Permit Committee Recommendation	<a href="#">2.8.3.6</a>	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><b>Staff recommends the edits as presented which would limit appeal eligibility of those within the 400' buffer zone to decisions of approval only.</b></p>
12	Alcohol Conditional Use Permit Committee Recommendation	<a href="#">5.1.5.5</a>	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><b>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.</b></p>
13	Alcohol Conditional Use Permit Committee Recommendation	<a href="#">7.4.2.1</a>	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><b>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.</b></p>

## Exhibit A - Recommendation Table

Item #	Amendment Type	Code Section	Proposed Amendment	Staff Notes & Recommendation
14	Housing Task Force Recommendation	<a href="#">2.5.1.4</a>	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><b>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.</b></p>
15	Housing Task Force Recommendation	<a href="#">3.6.3.1</a>	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><b>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.</b></p>
16	Housing Task Force Recommendation	<a href="#">4.4.6.1</a>	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><b>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.</b></p>
17	Housing Task Force Recommendation	<a href="#">Chapter 7, Article 6</a>  <a href="#">San Marcos Code of Ordinances, Chapter 14, Buildings and Building Regulations</a>	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><b>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.</b></p> <p><b>Staff recommends consideration of tiny home specific standards and policy decisions following the update and adoption of the San Marcos Comprehensive Plan.</b></p>
18	Predevelopment Meetings	<a href="#">2.3.1.1 (D)</a>	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><b>Staff recommends the amendment as presented to require predevelopment meetings unless waived by the Responsible Official.</b></p>

## Exhibit A - Recommendation Table

Item #	Amendment Type	Code Section	Proposed Amendment	Staff Notes & Recommendation
19	Text Amendments	<a href="#">2.4.1.2 (B)</a>	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><b>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.</b></p>
20	Zoning Procedures	<a href="#">2.5.1.2-2.5.1.3</a>	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><b>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.</b></p>
21	Certificates of Appropriateness	<a href="#">2.5.5.5</a>	Make City Council (not ZBOA) the appellate body for City owned properties.	<p>This amendment was reviewed by City Council and Planning &amp; Zoning Commission at June 5, 2019 Workshop with the recommendation to staff to bring forward.</p> <p><b>Staff recommends consideration of the amendment as presented. This amendment would designate City Council as the appellate body for City owned properties.</b></p>
22	Concept Plats	<a href="#">3.2.1.1</a>	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><b>Staff recommends the amendment as presented to remove requirement for a Concept Plat when the applicant is prepared to submit a preliminary plat.</b></p>
23	Block Perimeter	<a href="#">3.6.2.1</a>	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><b>Staff recommends the amendment as increase the maximum block perimeter in the ETJ from 3,000 feet to 5,000 feet.</b></p>
24	Block Perimeter	<a href="#">3.6.2.1</a>	Add waiver/exception to block perimeter requirement in Heavy Industrial districts.	<p>This amendment was reviewed by City Council and Planning &amp; Zoning Commission at June 5, 2019 Workshop with the recommendation to staff to bring forward.</p> <p><b>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.</b></p>

## Exhibit A - Recommendation Table

Item #	Amendment Type	Code Section	Proposed Amendment	Staff Notes & Recommendation
25	Streets	<a href="#">3.7.2.2- 3.7.2.6</a>	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><b>Staff recommends the amendments as presented to ensure the dimensional standards for ROW in the Development Code match the Transportation Master Plan.</b></p>
26	Zoning	<a href="#">4.4.3.3.</a>	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><b>Staff recommends the amendment as presented to apply occupancy restrictions in CD-3 zoning districts which are intended for low density residential.</b></p>
27	Building Types	<a href="#">4.2.1.1 (Update 4.4.1.1-4.4.3.7 to reflect updated definition)</a>	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><b>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.</b></p>
28	Historic Preservation Commission Recommendation	<a href="#">San Marcos Design Manual, Section C.5.1.1</a>	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><b>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.</b></p>
29	Event Center Use	<a href="#">5.5.5.9</a>	Add new "Special Events Facility" use	<p>This amendment was requested by a developer in January 2020.</p> <p><b>Staff recommends consideration of the amendments as presented in order to facilitate this new use city-wide.</b></p>
30	Neighborhood Density District	<a href="#">4.4.2.2</a>	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><b>Staff recommends consideration of the amendment as presented.</b></p>
31	Comprehensive Plan Map Amendments	<a href="#">2.4.2.3</a>	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><b>Staff recommends consideration of the amendment as presented.</b></p>

## Exhibit A - Recommendation Table

Item #	Amendment Type	Code Section	Proposed Amendment	Staff Notes & Recommendation
32	Application Processing- Informational Meetings	<a href="#">4.1.1.6</a>	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.  <b>Staff recommends consideration of the amendment as presented which would require additional votes and additional meetings for requests in existing neighborhoods.</b>
33	Neighborhood Transitions	<a href="#">4.3.4.5</a>	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.  <b>Staff recommends consideration of the amendment as presented to limit height within a certain distance of a single family zoning district.</b>
34	Durable Building Materials	<a href="#">4.3.5.1.7</a>	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.  <b>Staff recommends consideration of the amendment as presented.</b>
35	Accessory Dwelling Units	<a href="#">5.1.1.2</a> <a href="#">5.1.3.1</a>	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.  <b>Staff recommends consideration of the amendment as presented which would require a CUP in low density, single-family districts.</b>
36	Parking	<a href="#">7.1.2.1</a>	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.  <b>Staff recommends consideration of the amendment as presented.</b>
37	Parking	<a href="#">7.1.2.2.B.1</a>	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.  <b>Staff recommends consideration of the amendment as presented which would allow an applicant to seek approval from City Council.</b>
38	Character District	<a href="#">4.4.3.3</a>	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.  <b>Staff recommends consideration of the amendment as presented.</b>

# Exhibit B - Redlined Code



To:	Planning & Zoning Commission
From:	Planning & Development Services-Shavon Caldwell, Planner
Date:	April 24 <sup>th</sup> , 2020
Re:	Proposed Amendments to the San Marcos Land Development Code: <ol style="list-style-type: none"><li>1. City Engineering Staff Recommendations</li><li>2. Alcohol Conditional Use Permit Committee, Housing Task Force</li><li>3. Additional Amendments Identified by Staff Since June 2019 Workshop</li><li>4. Developer Request for Special Events Facility Use</li><li>5. Additional Amendments Expedited at the Request of Council</li></ol>

## 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.](#)

9

#### 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

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### 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

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##### 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

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#### DIVISION 3: LOTS

##### Section 3.6.3.1 Lot Standards

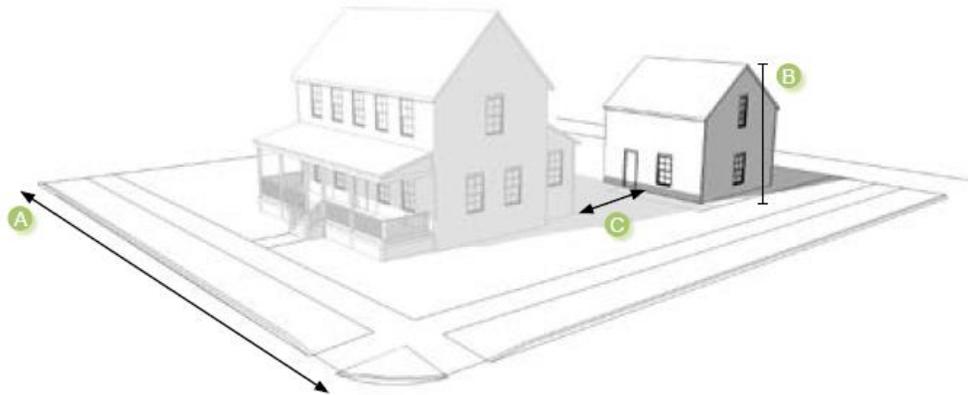
- A. Lot Frontage. Every lot shall have frontage on a public street except as allowed under the courtyard or cottage court building types in Section 4.4.6.9 or Section 4.4.6.4.
- B. Lot Arrangement.
1. Lots shall be subdivided to permit conformance with all laws and ordinances and to ensure orderly urban 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 <span style="float: right;">A</span>
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 <span style="float: right;">B</span>
Building Footprint	1/2 the principle building (1,000 sq ft. max.)
BUILDING SETBACKS	
Principle Building Setbacks	Set by District <span style="float: right;">C</span>
Accessory Structure Setbacks	Set by District
VEHICLE ACCESS AND PARKING	
Parking Requirements	1 Additional Space
Parking Location	<del>Third Layer</del>

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 / <a href="#">Tiny Home</a>	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	Section 5.1.4.1
Mobile Home Community / <a href="#">Manufactured Home Park / Tiny Home Village</a>	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	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, subject to the consent of the owner, 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, subject to the consent of the owner, 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 <del>and ETJ</del>	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 <b>A</b>
Design Speed	20-25 mph
Walkway	Sidewalk
Bikeway	Shared Travel Lane
Parking	Parallel
Planting	Tree Lawn

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

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 <b>A</b>
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>B</b>
Travel Lane	10' <b>C</b>
Parking Lane	10' <b>D</b>
STREETSCAPE	
Optional Streetscape	<del>6'</del> 11.5' <b>E</b>

**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 <b>A</b>
Walkway	Shared Alley
Bikeway	Shared Alley
Parking	N/A
Planting	N/A
Pavement Width	<del>16'</del> min 15' min <b>B</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 <b>A</b>
Walkway	Shared Alley
Bikeway	Shared Alley
Parking	N/A
Planting	N/A
Pavement Width	24' min <b>B</b>

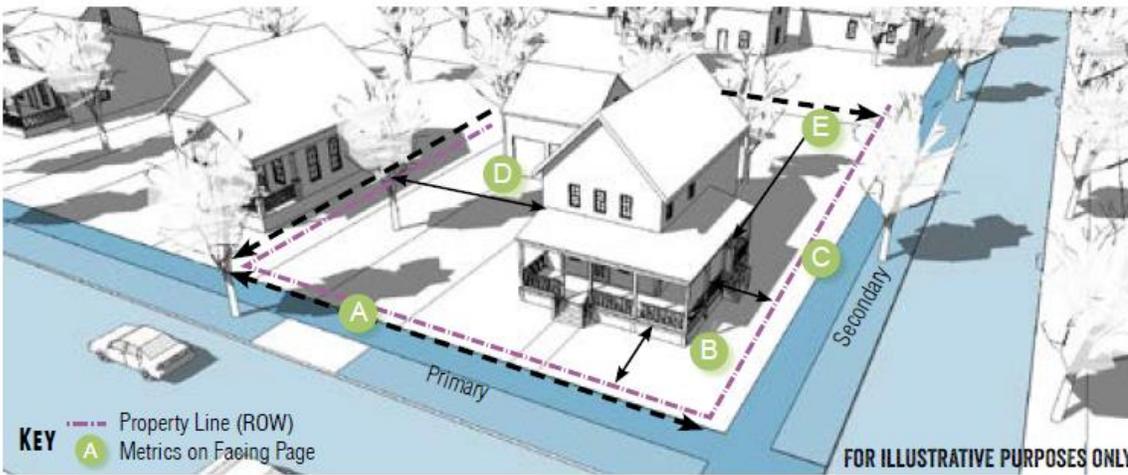
# CHAPTER 4. ZONING REGULATIONS

## 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	
<b>AGRICULTURAL USES</b>																				
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
<b>ACCESSORY USES AND STRUCTURES</b>																				
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
<b>RESIDENTIAL USES</b>																				
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	A
House	6,000 sq. ft. min.	50 ft min.	
<del>Cottage</del>	<del>6,000 sq. ft. min.</del>	<del>50 ft min.</del>	
Civic	6,000 sq. ft. min.	50 ft. min.	

#### Section 4.4.3.3 Character District-3

##### LOT

BUILDING TYPE	LOT AREA	LOT WIDTH	A
<del>House</del>	<del>5,000 sq. ft. min.</del>	<del>50 ft. min.</del>	
<del>Cottage</del> 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
<a href="#">Special Event Facility</a>	C	C	I	I	I	I	I	I	I	I	C	I	I	I	I	I	I	I	I	I	<a href="#">Section 5.1.5.9</a>

##### 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
<a href="#">Special Event Facility</a>																	C

TABLE 7.1 GENERAL MINIMUM PARKING REQUIREMENTS

Use	Minimum Parking	Bicycle Parking
Commercial		
<a href="#">Special Event Facility</a>	<a href="#">1 space per 200 sf indoor and outdoor space</a>	<a href="#">None</a>

# 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	<del>PSA</del>	<del>PSA</del>	—
Neighborhood Density Districts	NP	NP	See Section 4.1.2.4-4.1.2.5	NP	NP	€
Character Districts	NP	C	<del>PSA</del>	C	NP	€
Special Districts	<del>PSA</del>	NP	NP <del>PSA</del>	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

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cont.

**Table 4.5 NEIGHBORHOOD DENSITY DISTRICT/EXISTING ZONING TRANSLATION TABLE**

	Neighborhood Density Categories Existing Zoning			
	Low-Density <a href="#">FD, AR, SF-R, MR, SF-6, SF4.5, P</a> <a href="#">DR, D, PHZL</a>	Medium-Density <a href="#">DR, D, PH-ZL, TH, MF-12, P</a>	High-density <a href="#">MU, MF-18, MF-24, P</a>	Commercial/ Mixed Use <a href="#">OP, NC, CC, GC, HC, LI, HI, MH, VMU, P</a>
ND-3	C	€ NP	NP*	NP*
<a href="#">ND-3.2</a>	<a href="#">NP</a>	<a href="#">C</a>	<a href="#">NP*</a>	<a href="#">NP*</a>
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 ~~5~~ 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	
<b>AGRICULTURAL USES</b>																				
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
<b>ACCESSORY USES AND STRUCTURES</b>																				
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

#### 36 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.

#### 37 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](#)

# 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.	

A

# 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](mailto:AVillalobos@sanmarcostx.gov)

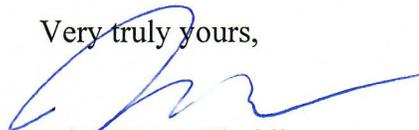
*Via Email*

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](mailto: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 m<sup>2</sup>) 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 m<sup>2</sup>)

##### **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.

*Written Public Hearing Statement for Item 4 Code Updates // 05.12.2020 P&Z Meeting*

To the San Marcos Planning & Zoning Commission:

As you consider recommendations for text amendments to the Land Development Code this evening (Agenda item 4), I urge you to remove and defer any items that have policy implications on housing and transportation in San Marcos to later phases of the code update as associated with the Comprehensive Plan rewrite and the Strategic Housing Action Plan.

As outlined by staff, any code updates to follow after the current Phase 2 items before you this evening are to include "all items which would have a policy implication" and are to be postponed until a new "Comprehensive Plan and city-wide visions and goals are adopted." Policy changes should be determined holistically and by the community any time the comprehensive plan is updated. Addressing them piecemeal and outside of this process undermines the integrity of the comp plan vision and negates collective community input.

Please honor and acknowledge the process outlined by staff - as well as the many years of collective input that went into Vision San Marcos and the resulting land development code that was just recently adopted - and pull the items that will have major impacts on housing affordability and sustainable transportation policy. **In the chart titled Exhibit A, I strongly recommend these to include items 14, 23, 26, 30, 32, 35, 36, 37, and 38 (attached and highlighted on the following pages, as well).**

Please defer these items to the comprehensive plan rewrite or to further action with the strategic housing action plan so that the community and associated focus boards can collectively determine direction on these and maintain the integrity of the current code and comp plan. These items have serious policy implications and will negatively impact housing affordability, sustainable transportation progress, and the holistic environmental vision as laid out in the Vision San Marcos. To include these items in any set of recommendations this evening will undermine the housing committee's work as well as the integrity of past and future comprehensive plans.

Thank you for your review of these and any other items you see to have policy implications.

Sarah Simpson  
407 s. Stagecoach trail  
San Marcos, tx

Please remove highlighted items that have major housing affordability and transportation policy impacts.

## Exhibit A - Recommendation Table

Policy change different from intent of the proposed amendment. Housing task force wanted affordability to be a distinct consideration in approvals but proposed changes do not honor this.

Item #	Amendment Type	Code Section	Proposed Amendment	
14	Housing Task Force Recommendation	<a href="#">2.5.1.4</a>	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><b>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.</b></p>
15	Housing Task Force Recommendation	<a href="#">3.6.3.1</a>	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><b>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.</b></p>
16	Housing Task Force Recommendation	<a href="#">4.4.6.1</a>	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><b>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.</b></p>
17	Housing Task Force Recommendation	<a href="#">Chapter 7, Article 6</a> <a href="#">San Marcos Code of Ordinances, Chapter 14, Buildings and Building Regulations</a>	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><b>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.</b></p> <p><b>Staff recommends consideration of tiny home specific standards and policy decisions following the update and adoption of the San Marcos Comprehensive Plan.</b></p>
18	Predevelopment Meetings	<a href="#">2.3.1.1 (D)</a>	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><b>Staff recommends the amendment as presented to require predevelopment meetings unless waived by the Responsible Official.</b></p>

## Exhibit A - Recommendation Table

Item #	Amendment Type	Code Section	Proposed Amendment	Staff Notes & Recommendation
19	Text Amendments	<a href="#">2.4.1.2 (B)</a>	Remove requirement for initial authorization from City Council for amendments initiated, requested, or directed by City Council.	This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments.  <b>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.</b>
20	Zoning Procedures	<a href="#">2.5.1.2-2.5.1.3</a>	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.	This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments.  <b>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.</b>
21	Certificates of Appropriateness	<a href="#">2.5.5.5</a>	Make City Council (not ZBOA) the appellate body for City owned properties.	This amendment was reviewed by City Council and Planning & Zoning Commission at June 5, 2019 Workshop with the recommendation to staff to bring forward.  <b>Staff recommends consideration of the amendment as presented. This amendment would designate City Council as the appellate body for City owned properties.</b>
22	Concept Plats	<a href="#">3.2.1.1</a>	Exempt applicant from requirement for Concept Plat when applicant is ready to submit a Preliminary Plat	This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments.  <b>Staff recommends the amendment as presented to remove requirement for a Concept Plat when the applicant is prepared to submit a preliminary plat.</b>
23	transportation Block Perimeter	<a href="#">3.6.2.1</a>	Increase maximum block perimeter in ETJ from 3,000 feet to 5,000 feet.	This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments.  <b>Major transportation policy change. ETJ in theory may one day be within city limits proper and should be developed to similar standards.</b>  <b>Staff recommends the amendment as increase the maximum block perimeter in the ETJ from 3,000 feet to 5,000 feet.</b>
24	Block Perimeter	<a href="#">3.6.2.1</a>	Add waiver/exception to block perimeter requirement in Heavy Industrial districts.	This amendment was reviewed by City Council and Planning & Zoning Commission at June 5, 2019 Workshop with the recommendation to staff to bring forward.  <b>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.</b>

## Exhibit A - Recommendation Table

Item #	Amendment Type	Code Section	Proposed Amendment	Staff Notes & Recommendation
25	Streets	<a href="#">3.7.2.2- 3.7.2.6</a>	Align right-of-way standards in Development Code to recommendations appendix of Transportation Master Plan.	This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments.  <b>Staff recommends the amendments as presented to ensure the dimensional standards for ROW in the Development Code match the Transportation Master Plan</b>
26	housing / affordability Zoning	<a href="#">4.4.3.3.</a>	Include occupancy restrictions in CD-3 zoning.	This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments.  <b>Major housing policy change. Occupancy restrictions in new areas of development go against affordable housing measures.</b>  <b>Staff recommends the amendment as presented to apply occupancy restrictions in CD-3 zoning districts which are intended for low density residential.</b>
27	Building Types	<a href="#">4.2.1.1 (Update 4.4.1.1-4.4.3.7 to reflect updated definition)</a>	Provide better definition for "house" and "cottage."	This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments.  <b>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.</b>
28	Historic Preservation Commission Recommendation	<a href="#">San Marcos Design Manual, Section C.5.1.1</a>	Add sustainability purpose section to Historic Design Guidelines Standards for Sustainability	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.  <b>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.</b>
29	Event Center Use	<a href="#">5.5.5.9</a>	Add new "Special Events Facility" use	This amendment was requested by a developer in January 2020.  <b>Staff recommends consideration of the amendments as presented in order to facilitate this new use city-wide</b>
30	housing / affordability Neighborhood Density District	<a href="#">4.4.2.2</a>	Add an ND-3.2 zoning district which allows more moderate increase in density, setbacks, and allowed housing types from conventional residential districts	City Council request to expedite this amendment at the January 7, 2020 work session.  <b>Major housing policy change. Bloats the code and undermines intent to encourage more affordable missing middle housing types.</b>  <b>Staff recommends consideration of the amendment as presented.</b>
31	Comprehensive Plan Map Amendments	<a href="#">2.4.2.3</a>	Require majority-plus-one vote from Planning & Zoning and City Council for all comprehensive plan map amendments	City Council request to expedite this amendment at the January 7, 2020 work session.  <b>Staff recommends consideration of the amendment as presented.</b>

## 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.  <b>Staff would not recommend this amendment as presented which would require additional meetings for requests in existing neighborhoods.</b>  Major policy change. Adds significant time and expense barriers to small scale infill projects in existing neighborhoods. Removing corridor-based language undermines vision san marcos intent.
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.  <b>Staff recommends consideration of the amendment as presented to limit height within a certain distance of a single family zoning district.</b>
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.  <b>Staff recommends consideration of the amendment as presented.</b>
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.  <b>Staff recommends consideration of the amendment as presented which would require a CUP in low density, single-family districts.</b>  Major housing policy change. Eliminating ADUs by right goes against intent of code to allow incremental, small scale development / missing middle housing built by typical home owner. Already have requirement for primary house to be owner-occupied, piling on additional barriers to ADU creation.
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.  <b>Staff recommends consideration of the amendment as presented.</b>  Major transportation (and environmental) policy change. Leads to increased impervious cover and underutilized assets of public on street parking in neighborhoods; barrier to small scale development
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.  <b>Staff recommends consideration of the amendment as presented which would allow an applicant to seek approval from City Council.</b>  Major transportation / parking policy change. Main Street advisory board made a recommendation to keep this in to enable more adaptive reuse of existing buildings downtown for housing vs. bulldozing or letting them sit vacant; and to increase small scale housing projects downtown.
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 session.  <b>Staff recommends consideration of the amendment as presented.</b>  Major housing and transportation policy change. CD2 is rural and CD3 is low density housing. By creating a CD2.5 equivalent to legacy districts, undermines intent of vision san marcos to create improved development patterns that help conserve natural lands.

**From:** Betsy Robertson  
**Sent:** Tuesday, May 12, 2020 11:14 AM  
**To:** Citizen Comment <[CitizenComment@sanmarcostx.gov](mailto:CitizenComment@sanmarcostx.gov)>  
**Subject:** [EXTERNAL] Proposed Changes to the San Marcos Development Code

Good evening,

I served on the committee that helped develop our Land Development Code and I would like to address some of the proposed amendments to that code. I will be brief:

Section	Summary	My comment
3.6.2.1	Increase ETJ max block perim. be	These areas may eventually be annexed and should held to standards that we would want within the city.
4.4.2.2	Add ND-3.2 zoning	This is unnecessary and complicates the Code.
4.3.4.5	C across from established limited to 1-story be	"Established residential" includes multi-story MF so this would not be appropriate. Setbacks would better solution.
5.1.1.2	Change by right to CUP for ADU is oversight	This violates the original intent of the Code. There no reason ADUs should be under different from houses or apartments.
4.4.3.3	Add CD 2.3	This is unnecessary and complicates the Code.

Thank you for your consideration,

*Betsy Robertson*

## Phase 2 Code Amendments

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)

### 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.

2 & 4

## 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



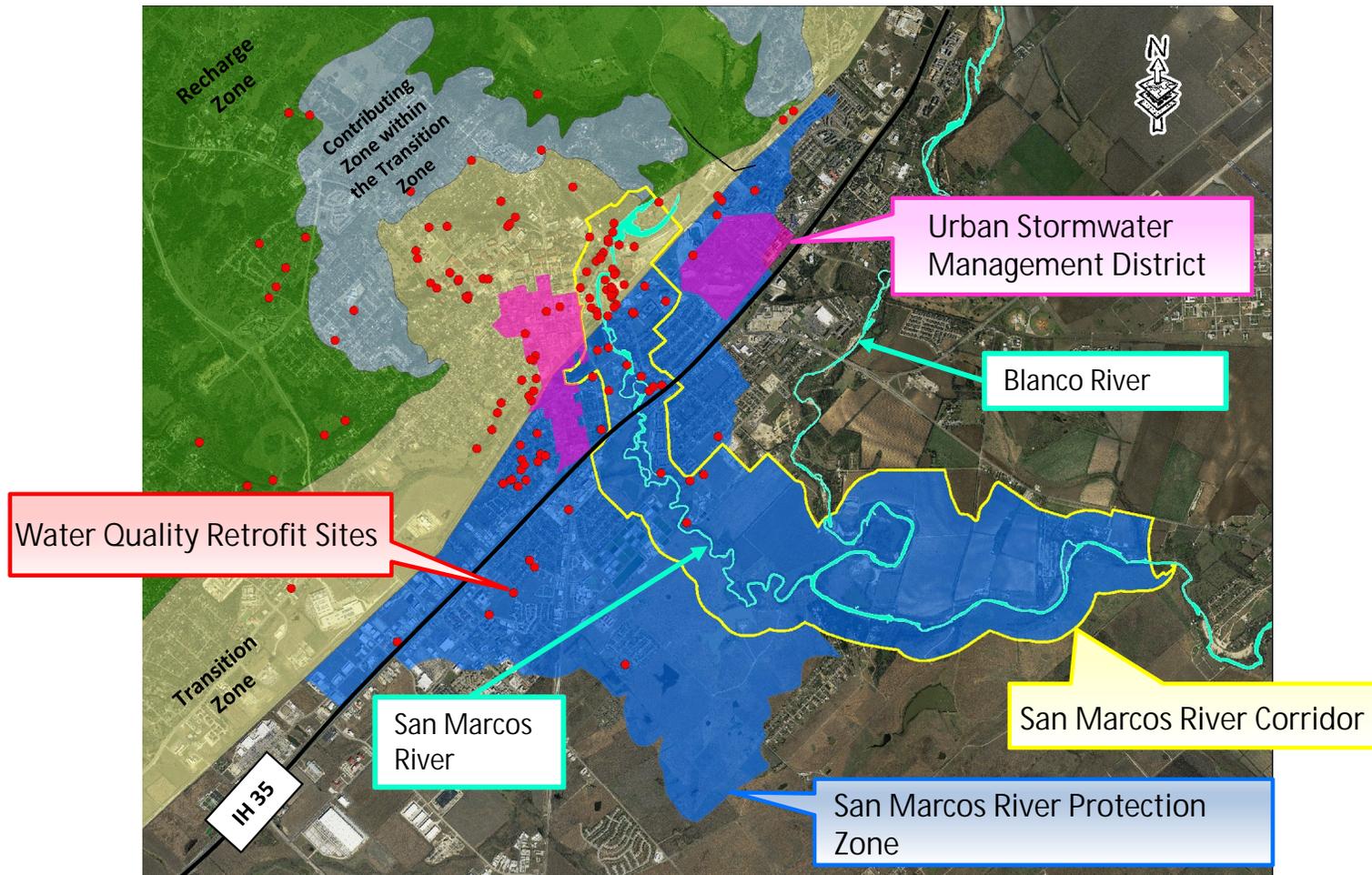
### 3 Fee-in-Lieu of Detention and Water Quality For Significantly Constrained Sites Outside Urban Stormwater Management District

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.



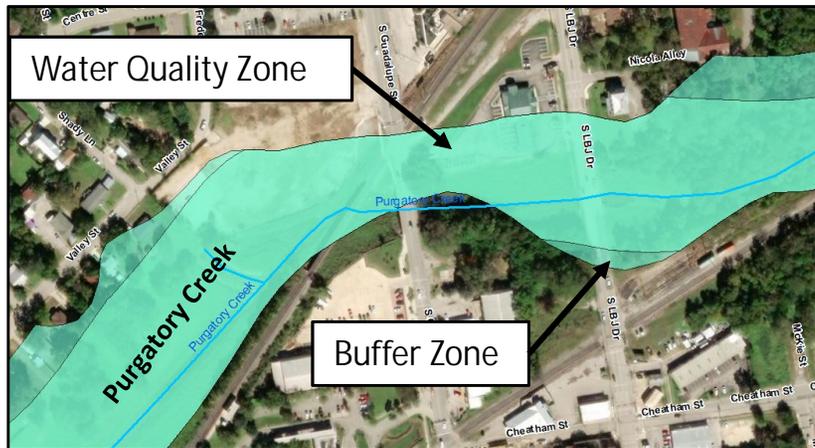
# Fee-in-Lieu of Detention/Water Quality Water Quality Retrofit Sites



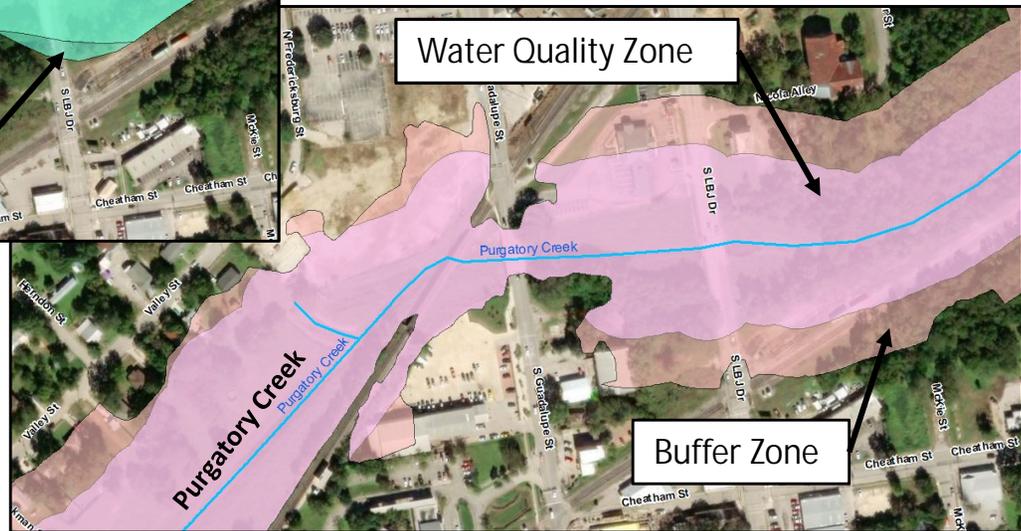
5 Clarify Delineation of Water Quality and Buffer Zones

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



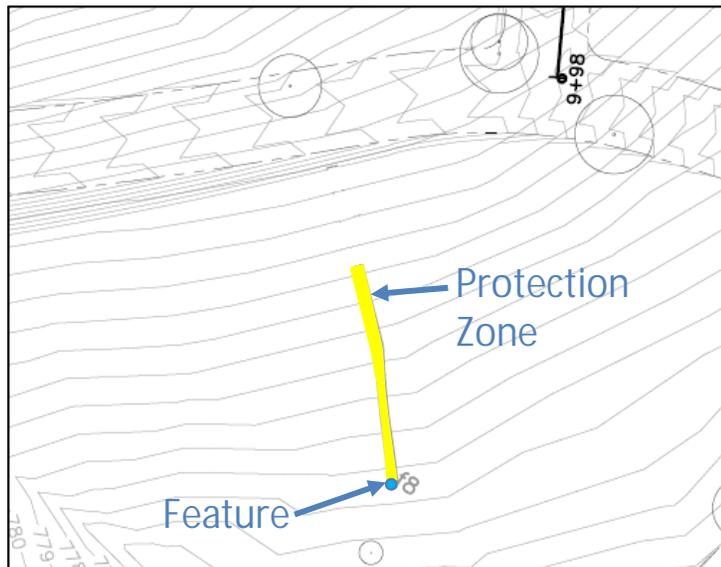
Proposed

## 6 Increase Sensitive Feature Protection Zone

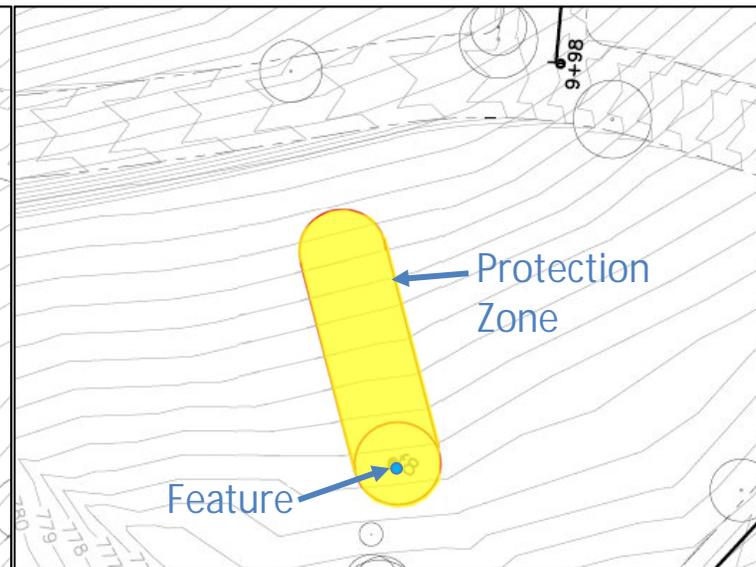
Reason for Change: Code language results in very narrow protection zones on hill sides.

Proposed Revision: Widens protection zone

Existing Code



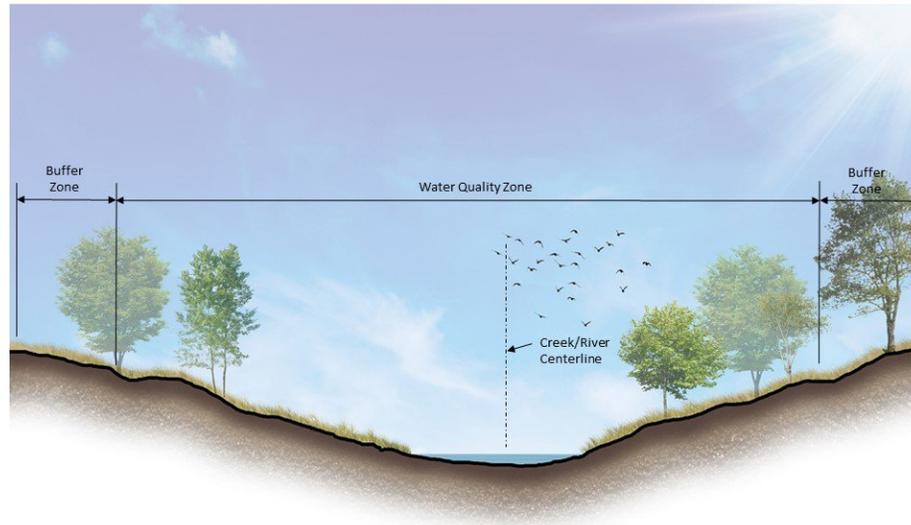
Proposed Code Revision



## 7 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

## 8 Waiver of Geologic Assessment Within Transition Zone

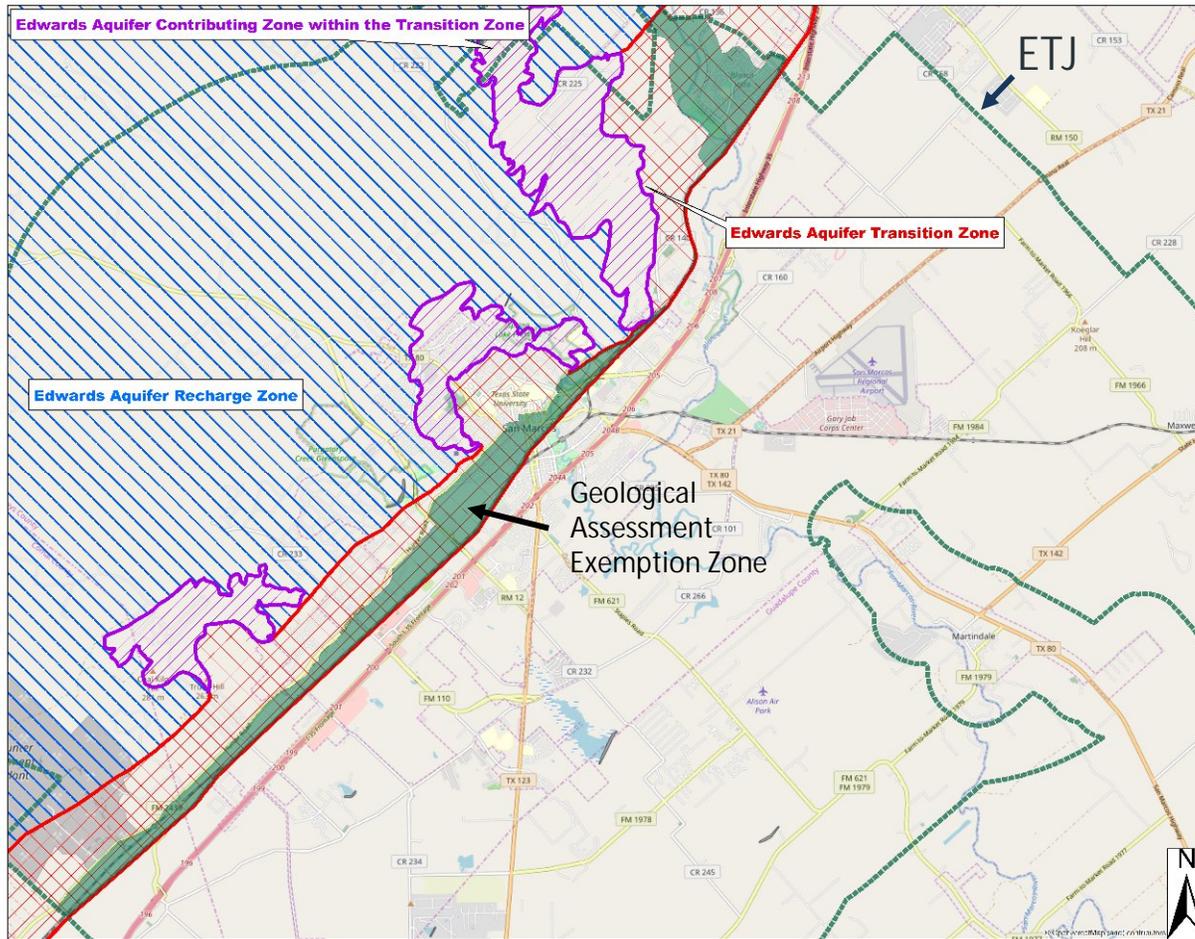
### Reason for Change:

- Geologic Assessments (GA's) in the Transition Zone was a new requirement added in the 2018 code update.
- Some areas within Transition Zone have very low likelihood of having geologic features (Houston Black Clay areas near eastern edge of Transition Zone).

### Proposed Revision:

- Not require GA's in proposed Exemption Area (approximately 36% of Transition Zone) developed through collaboration with registered geologist.
- Code still requires investigation of geologic features discovered during construction in GA Exempted Area and allows for protection if determined to be sensitive.

# Waiver of Geologic Assessment Within Transition Zone



# Alcohol Conditional Use Permit Committee Recommendations

## Expire alcohol conditional use permits after three years

- 10 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.

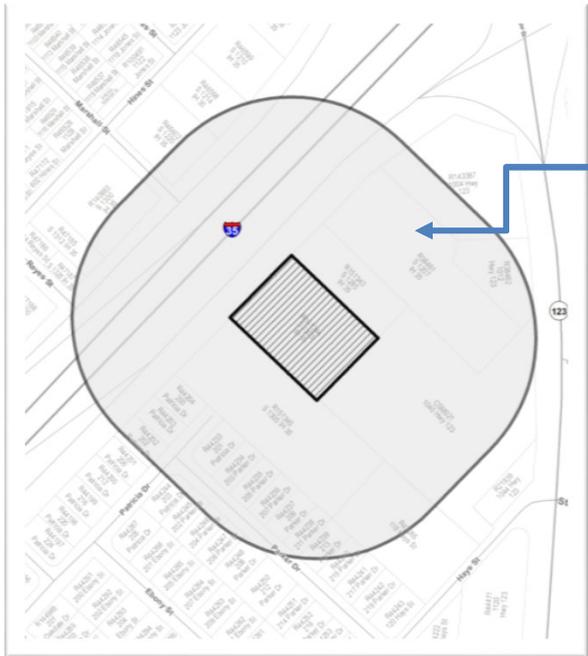
1. A conditional use permit shall remain in effect until it expires, is suspended, or is revoked in accordance with Section 2.3.7.5A(1 - 4) as supplemented by Section 2.8.3.5.
2. Conditional Use Permits granted for on-premises consumption of alcoholic beverages ~~\_, unless otherwise specified by the 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

11

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

- 12 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

13

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

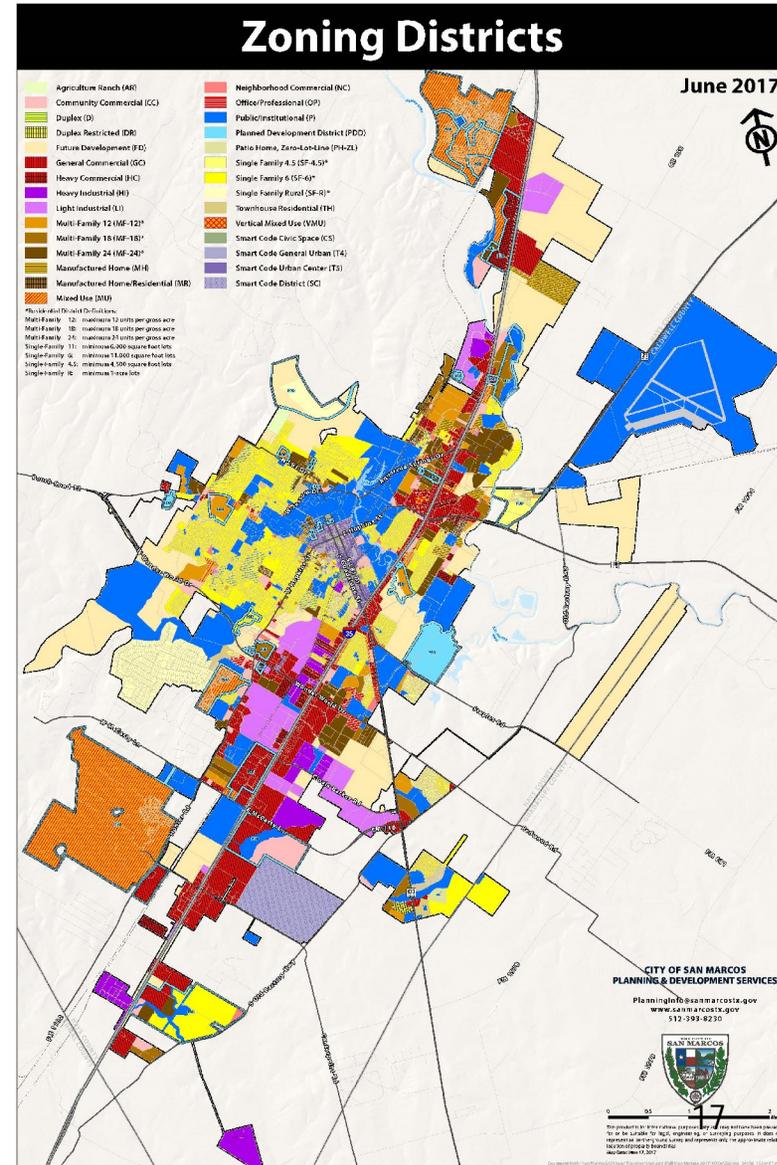
# Housing Task Force Recommendations

14

## 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

15

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

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

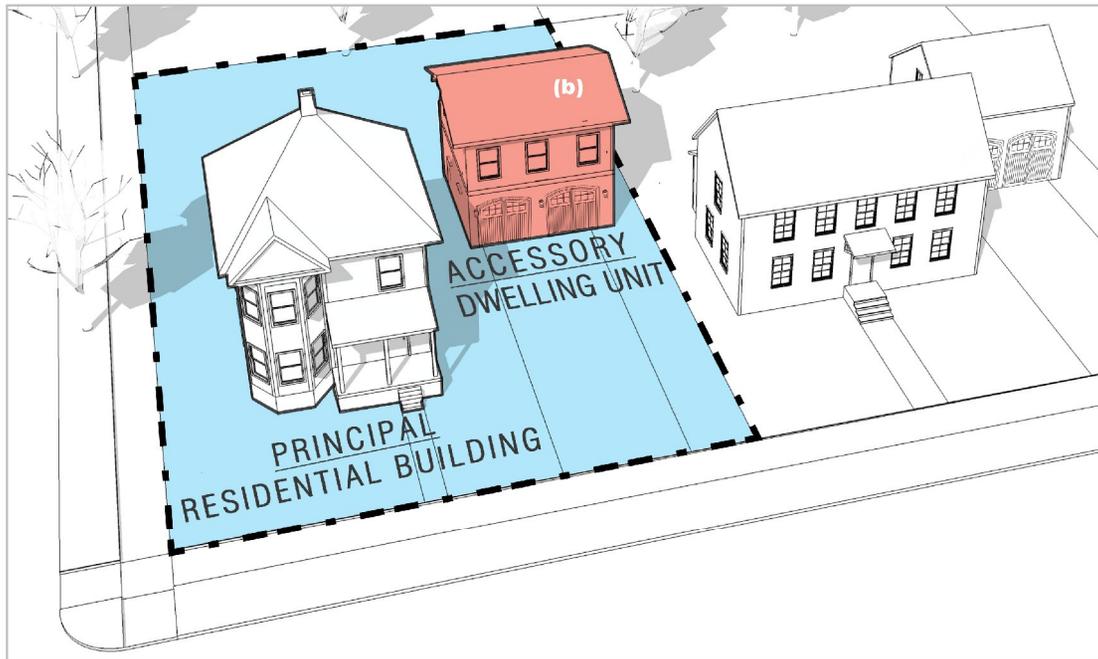


## Allow ADU parking in the second layer

16

Reason for Change: Current requirement that additional parking space be 20' behind home frontage presents an unnecessary obstacle 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

18

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

19

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.

~~**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.**~~ 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.**~~ The City Council may establish rules governing times for submission and consideration of text amendments.

## Allow recommendation and approval of less intense zoning classification

20

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, [subject to the consent of the owner, 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, [subject to the consent of the owner, such other less intense zoning district classification](#).

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

21

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

22

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

23

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 <del>and ETJ</del>	3,000 Ft.	300 Ft.

## Provide alternative block perimeter standards for HI zoned lots

24

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

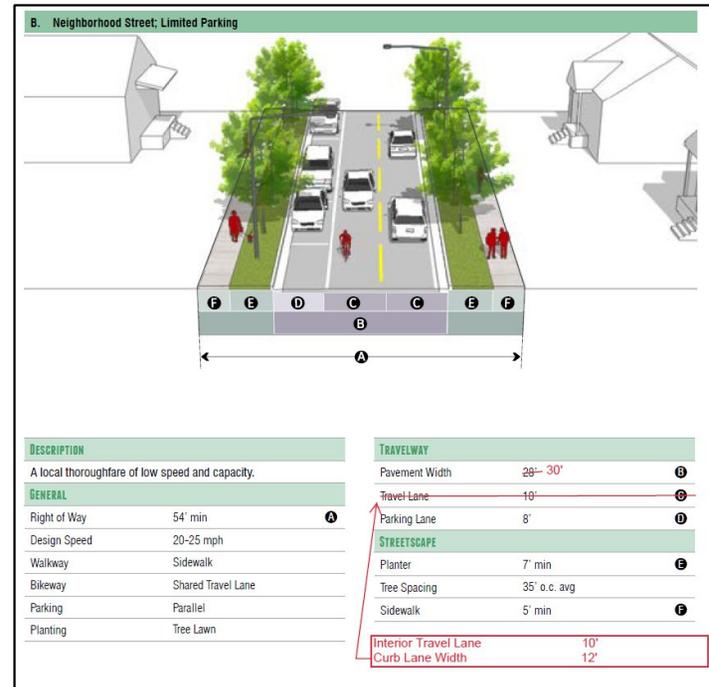
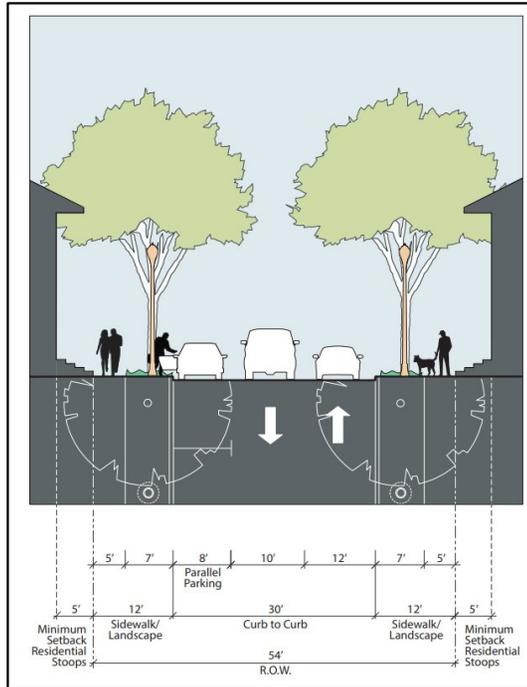
Proposed Revision: Accommodates building size that is typically larger due to its nature as well a required parking and landscaping.



## Align standards in Development Code to TMP

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

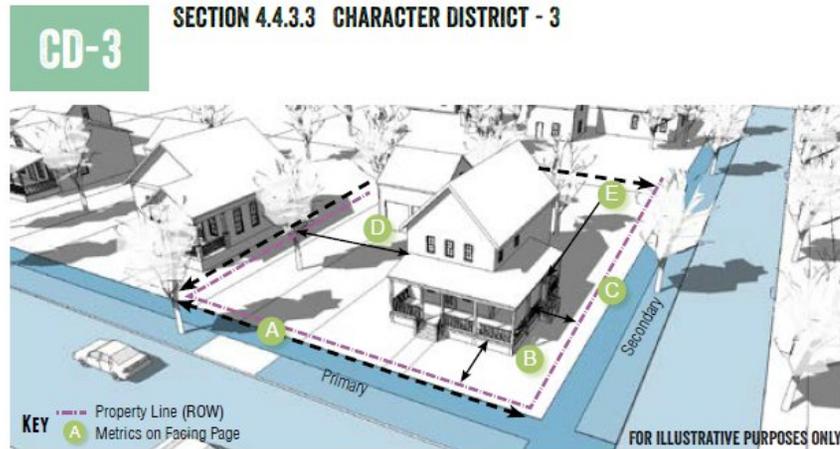
25 Proposed Revision: Updates dimensional standards required by Code to match what we said we wanted in the plan



26 **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



**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” 27

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.
<del>Cottage</del>	<del>6,000 sq. ft. min.</del>	<del>50 ft min.</del>
Civic	6,000 sq. ft. min.	50 ft. min.

### Section 4.4.3.3 Character District-3

LOT		
BUILDING TYPE	LOT AREA	LOT WIDTH
<del>House</del>	<del>5,000 sq. ft. min.</del>	<del>50 ft. min.</del>
<del>Cottage</del> 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

## 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.



30 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.)

31 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...

- 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	<del>CORRIDOR</del>
Conventional Residential	NP	NP	C	<u>PSA</u>	<u>PSA</u>	<del>C</del>
Neighborhood Density Districts	NP	NP	See Section 4.1.2.4 - 4.1.2.5	NP	NP	<del>C</del>
Character Districts	NP	C	<u>PSA</u>	C	NP	<del>C</del>
Special Districts	<u>PSA</u>	NP	NP	NP	C	<del>C</del>
Legend	<u>PSA</u> = <del>Not Allowed</del> (PSA Required)		NP = Not Preferred		C = Consider	

32  
cont.

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 require a PSA in Existing Neighborhoods.

	OPEN SPACE/ AGRICULTURAL	LOW INTENSITY	EXISTING NEIGHBORHOOD	MEDIUM OR HIGH INTENSITY ZONE	EMPLOYMENT CENTER	CORRIDOR
<b>Conventional Residential</b>	NP	NP	C	--	--	--
<b>Neighborhood Density Districts</b>	NP	NP	See Section 4.1.2.4 - 4.1.2.5	NP	NP	C
<b>Character Districts</b>	NP	C	--	C	NP	C
<b>Special Districts</b>	--	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	<del>CORRIDOR</del>
Conventional Residential	NP	NP	C	<u>PSA</u>	<u>PSA</u>	<del>_____</del>
Neighborhood Density Districts	NP	NP	See Section 4.1.2.4 - 4.1.2.5	NP	NP	<del>_____C_____</del>
Character Districts	NP	C	<u>PSA</u>	C	NP	<del>_____C_____</del>
Special Districts	<u>PSA</u>	NP	<u>PSA</u>	NP	C	<del>_____C_____</del>
Legend	<u>PSA</u> = <del>Not Allowed</del> (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 <del>DR, D, PH-ZL, P</del>
Medium Density	TH, MF-12, P	<del>DR, D, PH-ZL,</del> 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

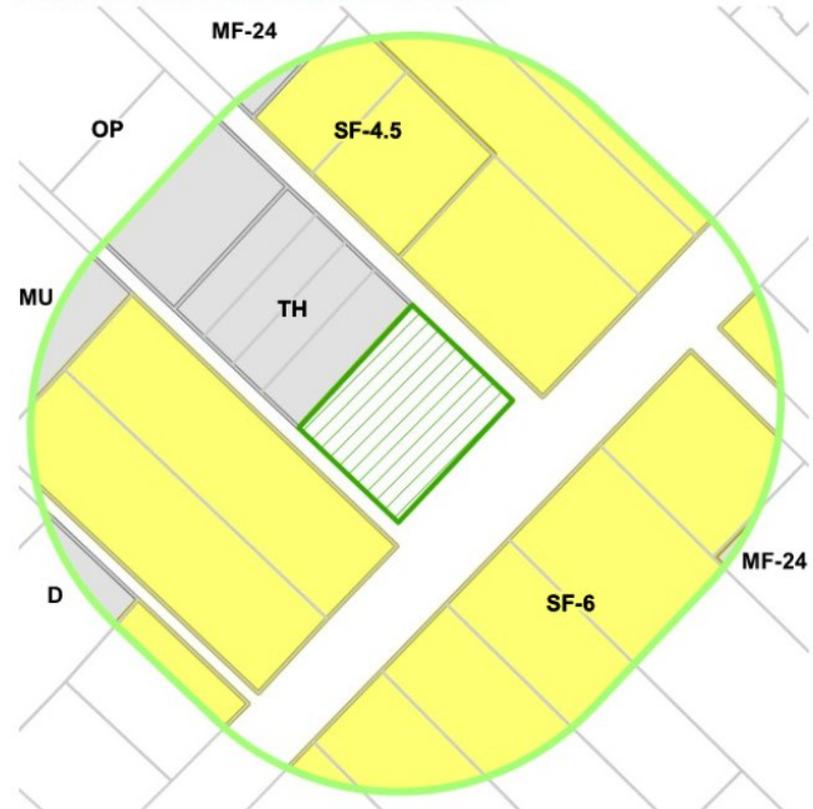
- Staff Proposal #3: Combine Tables 4.4 & 4.5 for a better user experience.
- Staff Proposal #4: Increase the instances where changes are NP or require additional votes of P&Z and City Council (NP\*).

	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	<del>C</del> NP	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*	<del>C</del> NP	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.

FIGURE 4.2 SINGLE FAMILY PRESERVATION BUFFER

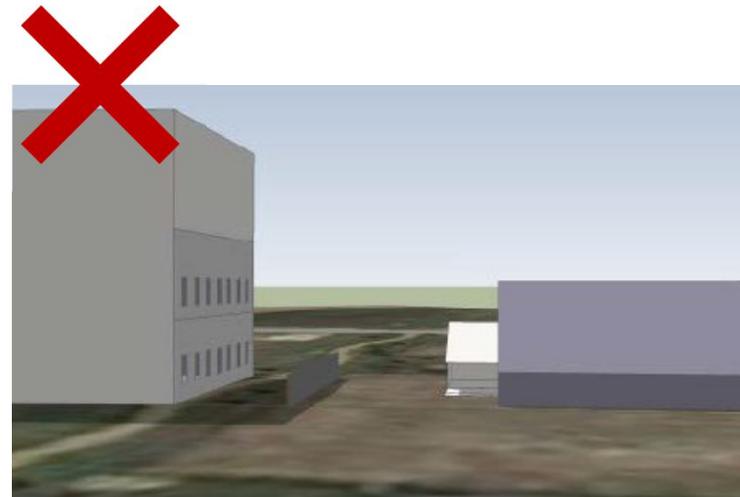
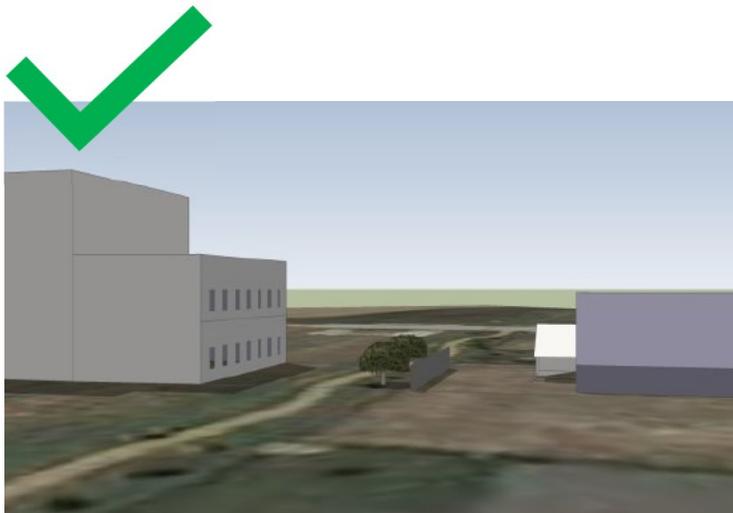


## Require PSA for increase in density Alternate Recommendation from Staff

- 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.

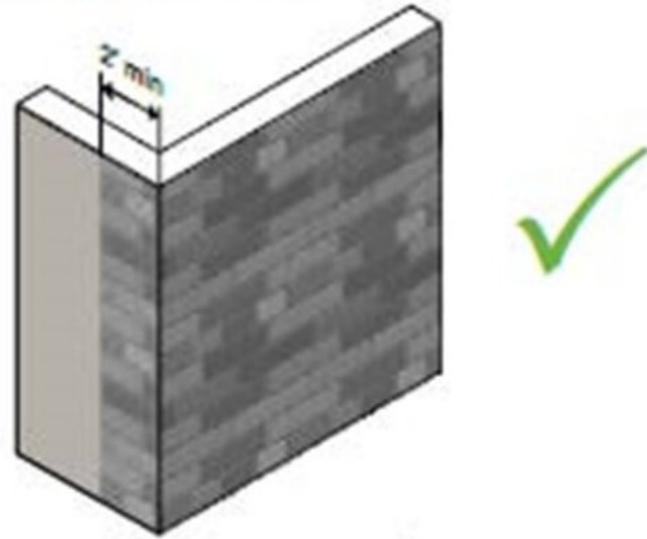
33 Residential Height Compatibility  
Limit height near single family residential

- 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

## Remove Parking Exemptions for Multi-Family Specifically in Downtown

### On Street Parking 36

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

### Parking Exemptions Specific to CD-5 and CD-5D 37

- ... 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

**38** 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. <u>340 ft. max.</u>
Live/Work	1,100 sq. ft. min.	15 ft. min.
Mixed Use Shopfront	2,000 sq. ft. min.	20 ft. min. <u>340 ft. max.</u>
Civic Building	2,000 sq. ft. min.	20 ft. min.



## Recommendation

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