



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Monday, March 26, 2018

5:30 PM

City Council Chambers

630 E. Hopkins - Code SMTX Special Meeting

I. Call To Order

With a quorum present, the special meeting of the San Marcos City Council was called to order by Mayor Pro Tem Prewitt at 5:31 p.m. Monday, March 26, 2018 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

Mayor Thomaides arrived at 6:28 p.m.

Present: 6 - Mayor Pro Tem Lisa Prewitt, Council Member Saul Gonzales, Council Member Melissa Derrick, Council Member Jane Hughson, Mayor John Thomaides and Council Member Ed Mihalkanin

Absent: 1 - Deputy Mayor Pro Tem Scott Gregson

1. Discuss and consider amendments to the proposed San Marcos Development Code (Code SMTX), and provide direction to Staff.

Abigail Gillfillan, City Planner, provided an update on how the topics will be grouped for presentation this evening. Council began discussion and amendments.

A motion was made by Mayor Pro Tem Prewitt, seconded by Council Member Derrick, to approve the proposed Amendment #12, (see Exhibit B attached to these minutes) by replacing the Comprehensive Plan/District Transaction Table on page 4:3 and including a new chart identifying further criteria and direction concerning where neighborhood districts are most appropriate and where and how additional scrutiny should be applied within existing neighborhoods and including several amendments to the main motion as detailed below. The motion carried by the following vote:

For: 5 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Council Member Hughson and Council Member Mihalkanin

Against: 0

Absent: 2 - Deputy Mayor Pro Tem Gregson and Mayor Thomaides

A motion was made by Council Member Hughson, seconded by Council Member Gonzales, to amend by including the following language in Chapter 4, Article 4: An adopted small area plan or neighborhood character study for the area surrounding a subject property supersedes the analysis in Table 4.5 and the single family preservation buffer in this Section 4.1.2.5. The motion carried by the following vote:

For: 5 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Council Member Hughson and Council Member Mihalkanin

Against: 0

Absent: 2 - Deputy Mayor Pro Tem Gregson and Mayor Thomaides

A motion was made by Council Member Hughson, seconded by Council Member Derrick, to amend the chart (as shown on page 2 of Exhibit A) by replacing the word "Preferred" with "Consider". The motion carried by the following vote:

For: 5 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Council Member Hughson and Council Member Mihalkanin

Against: 0

Absent: 1 - Deputy Mayor Pro Tem Gregson

Abstain: 1 - Mayor Thomaides

A motion was made by Council Member Hughson, seconded by Council Member Derrick, to amend Chapter 4, Article 1 by including the title of the Comprehensive Plan / District Translation, and allow staff to move the table to the zoning page and include a reference to section 4.1.2.4-4.1.2.5 on the Comprehensive Plan / District Translation Table on page 4:3. The motion carried by the following vote:

For: 6 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Council Member Hughson, Mayor Thomaides and Council Member Mihalkanin

Against: 0

Absent: 1 - Deputy Mayor Pro Tem Gregson

A motion was made by Council Member Hughson, seconded by Council Member Mihalkanin, to approve the staff suggested edits (Exhibit A attached to these minutes) starting with 4.1.1.6 (excluding the color coded chart) through 4.1.2.5. The motion carried by the following vote:

For: 6 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Council Member Hughson, Mayor Thomaides and Council Member Mihalkanin

Against: 0

Absent: 1 - Deputy Mayor Pro Tem Gregson

A motion was made by Council Member Hughson, seconded by Council Member Mihalkanin, to amend the Staff suggested edits (Exhibit A) on the Preferred Scenario Map by striking the language “Land Preservation Area” and changing it back to “Low Intensity Area”. The motion carried by the following vote:

For: 5 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Council Member Hughson and Council Member Mihalkanin

Against: 1 - Mayor Thomaides

Absent: 1 - Deputy Mayor Pro Tem Gregson

A motion was made by Council Member Hughson, seconded by Mayor Pro Tem Prewitt, to amend the Staff suggested edits (Exhibit A) by ensuring the word “small scale” is inserted before multi-family in the District Intent statement for ND 3.5 District on page 4:6. The motion carried by the following vote:

For: 6 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Council Member Hughson, Mayor Thomaides and Council Member Mihalkanin

Against: 0

Absent: 1 - Deputy Mayor Pro Tem Gregson

A motion was made by Council Member Derrick, seconded by Council Member Mihalkanin, to approve the addition of a transitional buffer as follows: A property zoned Single Family may not request a rezoning to ND3, ND3.5, ND4, or ND4M unless located on a major arterial when surrounded by 50% or more properties zoned single family as of May 1, 2018. The motion carried by the following vote:

For: 4 - Council Member Gonzales, Council Member Derrick, Council Member Hughson and Council Member Mihalkanin

Against: 2 - Mayor Pro Tem Prewitt and Mayor Thomaides

Absent: 1 - Deputy Mayor Pro Tem Gregson

A motion was made by Council Member Mihalkanin, seconded by Council Member Derrick, to amend the previous motion by striking “unless located on a major arterial” from the description of the transitional buffer. The motion carried by the following vote:

For: 5 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Council Member Hughson and Council Member Mihalkanin

Against: 1 - Mayor Thomaides

Absent: 1 - Deputy Mayor Pro Tem Gregson

A motion was made by Council Member Hughson, seconded by Council Member Mihalkanin, to approve the addition of a statement that a completed small area plan should supersede any requirements of the single family preservation buffer. The motion carried by the following vote:

For: 5 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Council Member Hughson and Council Member Mihalkanin

Against: 1 - Mayor Thomaides

Absent: 1 - Deputy Mayor Pro Tem Gregson

A motion was made by Council Member Hughson, seconded by Council Member Mihalkanin, to approve that the single family preservation buffer be included as an exhibit for any single family zoning requests that are not preferred (NP) in the Comprehensive Plan / District Translation Table. The motion carried by the following vote:

For: 6 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Council Member Hughson, Mayor Thomaides and Council Member Mihalkanin

Against: 0

Absent: 1 - Deputy Mayor Pro Tem Gregson

A motion was made by Mayor Thomaides, seconded by Mayor Pro Tem Prewitt, to approve the requirement of 6 affirmative votes of the Planning and Zoning Commission to recommend a zoning change request and 5 affirmative votes of the City Council to approve the same request are required when the single family preservation buffer results in 50% or more single family zoning. The motion carried by the following vote:

For: 4 - Mayor Pro Tem Prewitt, Council Member Derrick, Council Member Hughson and Mayor Thomaides

Against: 2 - Council Member Gonzales and Council Member Mihalkanin

Absent: 1 - Deputy Mayor Pro Tem Gregson

A motion was made by Council Member Hughson, seconded by Council Member Derrick, to amend the units per acre on the Comparative Code Matrix in ND 2 from 10 max to 8.5 max. The motion carried by the following vote:

For: 5 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Council Member Hughson and Council Member Mihalkanin

Against: 1 - Mayor Thomaides

Absent: 1 - Deputy Mayor Pro Tem Gregson

A motion was made by Council Member Hughson, seconded by Council Member Mihalkanin, to approve the renaming of Neighborhood Districts to Neighborhood Density Districts. The motion carried by the following vote:

For: 5 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Council Member Hughson and Council Member Mihalkanin

Against: 1 - Mayor Thomaides

Absent: 1 - Deputy Mayor Pro Tem Gregson

A motion was made by Council Member Mihalkanin, seconded by Mayor Thomaides, to approve all development applications that require a Planning and Zoning recommendation to Council must be acted upon within 24 months or they expire. The motion carried by the following vote:

For: 6 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Council Member Hughson, Mayor Thomaides and Council Member Mihalkanin

Against: 0

Absent: 1 - Deputy Mayor Pro Tem Gregson

A motion was made by Council Member Hughson, seconded by Mayor Pro Tem Prewitt, to approve the requirement to send posted notice at least 17 days in advance of the Public Hearing for a conditional use permit allowing for the on-premise consumption of alcohol. The motion carried by the following vote:

For: 6 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Council Member Hughson, Mayor Thomaides and Council Member Mihalkanin

Against: 0

Absent: 1 - Deputy Mayor Pro Tem Gregson

A motion was made by Council Member Hughson, seconded by Mayor Pro Tem Prewitt, to approve the requirement of posting notice at least 17 days in advance of the Public Hearing for a conditional use permit allowing Purpose Built Student Housing. The motion carried by the following vote:

For: 6 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Council Member Hughson, Mayor Thomaides and Council Member Mihalkanin

Against: 0

Absent: 1 - Deputy Mayor Pro Tem Gregson

A motion was made by Council Member Hughson, seconded by Mayor Pro Tem Prewitt, to amend Section 2.3.2.1 General Notice Requirements E., by increasing the size of notification signs to 24"x24" and text be a minimum of 6 inches tall. The motion carried by the following vote:

For: 6 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Council Member Hughson, Mayor Thomaides and Council Member Mihalkanin

Against: 0

Absent: 1 - Deputy Mayor Pro Tem Gregson

A motion was made by Council Member Hughson, seconded by Council Member Mihalkanin, to amend the notification and procedures for City initiated Comprehensive Plan Amendment and PSA City initiated Zoning Map amendments by requiring Neighborhood Presentation meetings. The motion carried by the following vote:

- For:** 4 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Hughson and Council Member Mihalkanin
- Against:** 1 - Mayor Thomaides
- Absent:** 2 - Deputy Mayor Pro Tem Gregson and Council Member Derrick

A motion was made by Council Member Hughson, seconded by Council Member Mihalkanin, to amend the Land Use Matrix for where and how accessory dwelling units are permitted and to change “Permitted” to “Limited” for FD, SF-R and CD-3. The motion carried by the following vote:

- For:** 5 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Council Member Hughson and Council Member Mihalkanin
- Against:** 1 - Mayor Thomaides
- Absent:** 1 - Deputy Mayor Pro Tem Gregson

A motion was made by Council Member Hughson, seconded by Council Member Mihalkanin, amending Section 5.1.3.1 C 2 a. which currently states “An accessory dwelling unit is considered an independent unit for the purposes of occupancy restrictions.” Adjust the occupancy restrictions to no more than 2 unrelated persons in the main house and no more than 1 additional unrelated in the ADU. The motion died due to lack of majority by the following vote:

- For:** 3 - Council Member Gonzales, Council Member Hughson and Council Member Mihalkanin
- Against:** 3 - Mayor Pro Tem Prewitt, Council Member Derrick and Mayor Thomaides
- Absent:** 1 - Deputy Mayor Pro Tem Gregson

A motion was made by Council Member Hughson, seconded by Council Member Gonzales, to approve flags signs as temporary signs. The motion failed by the following vote:

- For:** 1 - Council Member Hughson
- Against:** 5 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Mayor Thomaides and Council Member Mihalkanin
- Absent:** 1 - Deputy Mayor Pro Tem Gregson

A motion was made by Mayor Thomaides, seconded by Council Member Derrick, to approve the combination of ND2 and ND3 and rename it ND 2.5 with the specifications of ND3 except on the comparative/density table to ND2

in low density where it would be considered. The motion failed by the following vote:

For: 3 - Council Member Gonzales, Council Member Derrick and Mayor Thomaides

Against: 3 - Mayor Pro Tem Prewitt, Council Member Hughson and Council Member Mihalkanin

Absent: 1 - Deputy Mayor Pro Tem Gregson

A motion was made by Mayor Pro Tem Prewitt, seconded by Mayor Thomaides, to approve the removal of ND2. The motion carried by the following vote:

For: 5 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Council Member Hughson and Mayor Thomaides

Against: 1 - Council Member Mihalkanin

Absent: 1 - Deputy Mayor Pro Tem Gregson

A motion was made by Mayor Thomaides, seconded by Council Member Derrick, to approve that City Council will refrain from making additional amendments to the Code, unless requested by staff. The motion carried by the following vote:

For: 6 - Mayor Pro Tem Prewitt, Council Member Gonzales, Council Member Derrick, Council Member Hughson, Mayor Thomaides and Council Member Mihalkanin

Against: 0

Absent: 1 - Deputy Mayor Pro Tem Gregson

III. Adjournment.

Mayor Thomaides adjourned the Special Meeting of the San Marcos City Council at 10:50 p.m.

Jamie Lee Case, TRMC, City Clerk

John Thomaides, Mayor

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 855-461-6674 or sent by e-mail to ADArequest@sanmarcostx.gov

EXHIBIT A

Section 4.1.1.6 Comprehensive Plan Preferred Scenario

- A. Comprehensive Plan Preferred Scenario Designations.** To direct the intensity of, and development within, the various areas of the City, the Comprehensive Plan Preferred Scenario Map establishes the following Preferred Scenario areas:
1. Open Space/Agricultural Zone. An area which is not developed and which is generally suitable for very limited residential or agricultural uses.
 2. Low-Intensity Land Preservation Area. Low-intensity areas Land Preservation Areas are varied and diverse with respect to environmental sensitivity and development suitability of the land. They are generally made up of larger undeveloped tracts of land where the preservation of sensitive environmental areas, flood hazard areas and agricultural lands should be considered as part of any development proposal. Development in these areas should be guided by the Land Use Suitability Map of the Comprehensive Plan.
 3. Existing Neighborhood Area. Established, primarily residential areas intended to maintain their existing character and to follow development and redevelopment patterns that are compatible with the existing character.
 4. Medium or High Intensity Zone. An area of change intended to accommodate the City's future growth and expansion where people can meet their daily needs within a short walk, bike, transit trip or drive.
 5. Employment Center. An area intended to accommodate economic growth and the recruitment of major employers.
 6. Corridors. An area along a major transportation corridor where development should be consistent with and complement the preferred scenario designation and the corridor type from the Transportation Master Plan.
- B. Comprehensive Plan / District Translation Table.** Zoning map amendments shall be consistent with the intent and character of the preferred scenario designations on the Preferred Scenario Map.
1. Preferred (P/Considered (C)). Where a zoning map amendment is Preferred/Considered on the table below, the amendment is/will be considered based on the following:
 - ~~a. preferred type of development based on the~~ Comprehensive Plan ~~and should be considered based on the~~
 - b. Zoning criteria in Section 2.5.1.4 ~~and the~~
 - c. The district intent statements under Division 4 of this Chapter 4 Article 1.
 2. Preferred*(P/Considered*(C*)). Where a property owner requested zoning map amendment that is 1 acre or greater is requested in to an Existing Neighborhood District is requested the amendment will be considered based on the following:
 - ~~a. Further scrutiny may be~~ Compatibility of the existing neighborhood regulating plan required ~~to determine consistency with the compatibility requirements in Sec. Section 4.1.2.2.~~
 - ~~b. Initial authorization by City Council under Section 2.5.1.4 is required~~ 3.1.
 - b. Compatibility of the proposed uses and densities based on the policy established in Section 4.1.2.2.
 - c. Comprehensive Plan
 - d. Zoning criteria in Section 2.5.1.4
 - e. The district intent statements under Division 4 of this Chapter 4 Article 1.

3. Not Preferred (NP). Where a zoning map amendment is Not Preferred (NP) on the table below, further scrutiny is required to determine consistency with the Comprehensive Plan based on the criteria in Section 2.5.1.4 and the district intent under Division 4 of this Chapter 4 Article 1.
4. Not Allowed (--). Where a zoning map amendment is not allowed on the table below, no zoning map amendment may be requested without an accompanying request for an amendment to the Preferred Scenario Map under Section 2.4.2.1.

District Classification	Open Space/ Agricultural	Low Intensity Land Preservation	Existing Neighborhood	Medium or High Intensity Zone	Employment Center	Corridor
Conventional Residential	NP	NP	PC	--	--	--
Neighborhood Districts	NP	NP	PC*	NP	NP	PC
Character Districts	NP	PNP	--	PC	NP	PC
Special Districts	--	NP	NP	NP	PC	PC
Legend	-- = Not Allowed		NP=Not Preferred		P = Preferred C = Considered	
* Initial Authorization required when request is 1 acre or greater.* An Existing Neighborhood Regulating Plan is required for property owner requested zoning changes to a Neighborhood District.						

DIVISION 2: DISTRICTS ESTABLISHED

Section 4.1.2.1 District Classifications

- A. Zoning districts are categorized into four different classifications that relate to the type of development that is anticipated by the Comprehensive Plan in each area designated on the Comprehensive Plan Map.
- B. The zoning district classifications include:
 1. Conventional residential zoning districts;
 2. Neighborhood zoning districts;
 3. Character zoning districts; and

- 4. Special zoning districts.

Section 4.1.2.2 ~~Compatibility of Uses and Density~~

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

- ~~1. Gradually transition high intensity uses and densities;~~
- ~~2. Help prevent the impacts of high density uses on low density areas;~~
- ~~3. Limit inconsistent uses or densities being located in close proximity;~~
- ~~4. Encourage more opportunities for home ownership; and~~
- ~~5. Ensure a mix of zoning districts and building types consistent with properties in close proximity to the request.~~

Section 4.1.2.3 Division of the City into Districts

- A. The City is hereby divided into zones, or districts, and the boundaries of zones and districts set out herein are delineated upon the Zoning District Map of the City, which may also be cited as the “Zoning Map”, which is adopted as a part of this Development Code as fully as if the same were set forth herein in detail. The terms “zone” “zoning” “zoning district” can be used interchangeably.
- B. The following zoning districts are established and applied to property as set forth on the Official Zoning Map. District intent statements are used in addition to the Comprehensive Plan to analyze the appropriateness of different zoning requests.

Section 4.1.2.43 Conventional Residential Zoning Districts

- A. Conventional residential zoning districts are intended for low-density single family residential development.
- B. Conventional residential zoning districts should be applied in existing neighborhood areas that are dominated by single family residential zoning.

FD	Future Development District	The FD district is intended to serve as a temporary zoning district for properties that shall develop in the future, but have been newly annexed and/or are not yet ready to be developed. Characterized by primarily agricultural uses with woodlands, wetlands and scattered buildings.	Section 4.4.1.1
SF-R	Single Family Rural Residential District	The SF-R Rural Residential District is intended for the development of single family uses in larger lot subdivision in a more rural setting.	Section 4.4.1.2
SF-6	Single Family District - 6	The SF-6 district is intended to accommodate single family detached houses with a minimum lot size of 6,000 square feet. Characterized by smaller landscaped areas with moderate setbacks and more frequent pedestrian use. Uses that would substantially interfere with the residential nature of the district are not allowed.	Section 4.4.1.3
SF-4.5	Single Family District - 4.5	The SF-4.5 district is intended to accommodate single family detached houses with a minimum lot size of 4,500 square feet. Characterized by smaller landscaped areas with moderate setbacks and more frequent	Section

		pedestrian use. Uses that would substantially interfere with the residential nature of the district are not allowed.	4.4.1.4

Section 4.1.2.54 Neighborhood Districts

- A. Neighborhood districts are intended for infill or re-development in medium or high density residential or commercial areas within existing neighborhood areas on the preferred scenario map.
- B. Neighborhood Districts should be applied to preserve and enhance the character of existing neighborhood areas while providing options for diverse and affordable housing or limited neighborhood oriented commercial uses.

Section 4.1.2.5 Compatibility of Uses and Density

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 incremental changes within existing neighborhoods unless directed by a small area plan;
3. Encourage more opportunities for home ownership; and
4. Ensure a diversity of housing to serve citizens with varying needs and interests.

B. Development Increments. Each Neighborhood District represents an increment of development. The relationship between each increment of development and existing Conventional Residential, Special, and Legacy Districts is described in the table below:

<u>Increment of Development</u>	<u>Related zoning districts</u>
<u>ND2</u>	<u>FD, AR, SF-R, SF-11, MR, SF-6, SF4.5, DR, P</u>
<u>ND3</u>	<u>D, PH-ZL, P</u>
<u>ND3.5</u>	<u>TH, MF-12, P</u>
<u>ND4</u>	<u>MU, MF-18, MF-24, P</u>
<u>ND4M</u>	<u>OP, NC, CC, GC, HC, LI, HI, MH</u>

1. A development increment is determined based on the existing use and zoning of the subject property and the character of the surrounding land use pattern and in accordance with the Single Family Preservation Buffer in Section

ND-2	Neighborhood District - 2	The ND-2 district is intended to accommodate single-family detached houses and encourage opportunities for home ownership. ND-2 should only be applied in areas where the land use pattern is single-family or two-family with a mixture in lot sizes and in accordance with Section 4.1.2.5. Uses that would interfere with the residential nature of the district are not allowed.	
ND-3	Neighborhood District - 3	The ND-3 district is intended to accommodate single-family detached houses and encourage opportunities for home ownership. Additional building types are allowed that accommodate affordable alternatives for home ownership. ND-3 should only be applied in areas where the land use pattern is single-family or two-family with some mixture in housing types- other than detached single family or two-family and in accordance with Section 4.1.2.5. Uses that would interfere with the residential nature of the district are not allowed.	Section 4.4.2.1
ND-3.5	Neighborhood District - 3.5	The ND-3.5 district is primarily intended for residential living. Additional building types are allowed that provide opportunities for affordable and diverse housing types. ND-3.5 should only be applied in areas where the land use pattern is mixed with various including detached and attached single-family, townhouses , or small scale multi-family and in accordance with Section 4.1.2.5. Uses that would substantially interfere with the residential nature of the district are not allowed.	Section 4.4.2.2
ND-4	Neighborhood District - 4	The ND-4 district is primarily intended for residential living. ND-4 should only be applied in areas where the land use pattern is a mixture of housing types that includes predominantly multi-family or townhouse with some commercial. This district can accommodate small scale multi-family living that fits in with a single-family character and can include some limited neighborhood oriented commercial on corners only.	Section 4.4.2.3
ND-4M	Neighborhood District - 4 Main Street	The ND-4M district is intended to serve as a pedestrian-oriented mixed use corridor located within close proximity to primarily residential areas. ND-4M should only be applied along predominantly commercial corridors within existing neighborhood areas on the Preferred Scenario Map. The ND-4M district creates pedestrian friendly corridors and gateways to predominantly residential areas and provides for appropriate buffers and transitions to adjacent residential land uses.	Section 4.4.2.4

EXHIBIT B - CODE SMTX AMENDMENTS

Legend	
Impact:	The Impact that an amendment has on the intent of the code. A Substantive amendment should include analysis of unintended consequences.
Drafting:	Drafting refers to the complexity of drafting an amendment into the code. Amendments that are complex may need additional time to be included in the Code.
Staff Analysis:	Response and analysis is included where requested by Council Members during the meeting on Feb. 20.
	Amendments highlighted in orange will be incorporated in the final draft for second reading as redlines on March 20.
	Removing Cottage Courts from the ND3 Zoning District makes this district identical to the proposed ND2 District. Staff recommends combining the districts and naming them ND2.5 for incorporation in the final draft. Seeking direction during the March 6 Work Session
	Amendments highlighted in light purple are classified as minor and simple but have not been acted on. If no direction is provided during the March 6 Work Session, staff will draft these amendments as blue lines and number them according to the amendment number for action during the March 20 meeting.
	Amendments highlighted in dark purple need additional time prior to incorporation in the final draft based on either the substantive nature of the comment or the complexity. Staff has provided analysis on these amendments identifying the potential unintended consequences or conflicts with other aspects of the code as currently drafted. We will be requesting direction during the March 6 work session on whether these amendments will be further pursued now or left for monitoring, assessment, and possible consideration during the annual code update.
	Amendments highlighted in green will be incorporated in the final draft.

APPROVED AMENDMENTS

	MEMBER	IMPACT	DRAFTING	ACTION	PROPOSED AMENDMENT
#1	Work Session	SUBSTANTIVE	COMPLEX	Approved 5-0-2	Regulating Plan - A regulating plan is required for all property owner requested zoning changes to ND3, ND3.5, ND4, or ND4M.
#2	Work Session	SUBSTANTIVE	SIMPLE	Approved 5-0-2	Single Family Protection Buffer - Single Family Zoning Districts may not request a rezoning to ND3.5, ND4, or ND4M unless located on a major arterial when surrounded by more than 50% Single Family Zoning Districts.
#3	Work Session	SUBSTANTIVE	COMPLEX	Approved 5-0-2	Neighborhood District 2 - An additional neighborhood zoning district restricted to the following building types: Accessory Dwelling, House, Cottage, and Attached House.
#4	Work Session	SUBSTANTIVE	SIMPLE	Approved 5-0-2	Modify the Attached Home Building Type - Rename the building type to zero lot line home and allow detached or attached single family homes where one side setback is 0 feet.
#5	PREWITT	MINOR	SIMPLE	APPROVED 7 - 0	Rename Home Share Rentals to Short Term Rentals
#6	PREWITT	MINOR	SIMPLE	APPROVED 7 - 0	Create an exception from required long term rental registration for a unit where at least one of the occupants is an owner of record unless there are violations

	MEMBER	IMPACT	DRAFTING	ACTION	PROPOSED AMENDMENT
#7	PREWITT	MINOR	SIMPLE	APPROVED 7 - 0	Include conservation land, green space and hike and bike trails for fee in lieu.
#8	PREWITT	MINOR	SIMPLE	APPROVED 7 - 0	<p>A. on-street public parking that is located directly adjacent to the property may be counted towards the minimum requirements in section 7.1.2.1 or section 7.1.2.2</p> <ol style="list-style-type: none"> 1. There should be a minimum width of street to be taken into consideration, 2. There needs to be a discussion of how to treat residential parking permits in areas that may use this parking minimum requirement 3. If the city is to allow street parking which the city is to maintain, then there should be a fee in lieu of for sidewalk construction so our streets are more walkable. 4. If the street has parking on both sides without a minimum, then how will bikes be accommodated on certain streets...take into account the transportation master plan? 5. TOD exemption (at a later date)
#9	MIHALKANIN	MINOR	SIMPLE	APPROVED 7 - 0	Add Attached Homes as an allowed Housing Type in ND3.5
#10	MIHALKANIN	SUBSTANTIVE	COMPLEX	APPROVED 6 - 1	Remove Cottage Courts as an allowed Housing Type in ND3
<p>Staff Analysis: The Cottage Court Housing Type was designed for existing large and irregularly shaped single family lots as a tool to provide additional opportunities for infill single family development. Without this building type as an option in the ND3 district a property owner wishing to build multiple single family homes on a large irregularly shaped lot will need to apply for a much more intensive zoning district that would not necessarily be appropriate in an area characterized by single family development or they would need to build roads and utilities that may not be cost effective for a few single family homes.</p>					
#11	PREWITT	MINOR	SIMPLE	APPROVED 7 - 0	Lodging:can there be an exception if the CD5-D has offsite valet parking to fulfill the parking requirements? COSM will have to have metered parking in order for this to be applicable.We may be able to incentivize a hotel DT in one of our historic buildings if the applicant can provide valet parking in alternative location.

AMENDMENTS DISCUSSED WITH NO ACTION

#12

PREWITT

SUBSTANTIVE

COMPLEX

POSTPONE 7 - 0

Include a proposed chart and table that identifies where zoning amendments are preferred or not preferred based on the current zoning. Chart attached.

Staff Analysis: Zoning is a discretionary decision where each request should be reviewed based on its own merits. This chart relies heavily on the existing zoning of that specific lot as the most important indicator and criteria for what should be allowed in the future. Zoning decisions should consider all criteria including the surrounding zoning districts, development trends, environmental considerations, infrastructure, existing development and many more. These are complex decisions that deserve a thorough analysis of all the criteria involved. If this concept is pursued there are a number of technical considerations that have not been accounted for like existing or proposed commercial and industrial zoning. This chart will require thorough analysis in order to ensure there aren't unintended consequences or opportunities lost. It is important to note that when zoning options for neighborhood districts are unavailable a property owner still has the ability to seek a change to the Comprehensive Plan which may result in a request that may be even more out of character than the original proposal.

Suggested Edit: Section 4.1.2.2 Compatibility of Uses and Density:

- 1) It is the policy of the City Council, through exercising its zoning authority, to: Gradually transition high intensity uses and densities;
 - 2) Help prevent the impacts of high density uses on low density areas;
 - 3) Limit inconsistent uses or densities being located in close proximity;
 - 4) Encourage more opportunities for home ownership; and
 - 5) Ensure a mix of zoning districts and building types consistent with properties in close proximity to the request.
- 6) Limit any increase in the density or intensity of development to no more than one increment above the current zoning designation.

#13

DERRICK

SUBSTANTIVE

SIMPLE

WITHDRAWN

Single Family Zoning Districts Shall not request a rezoning to ND3, ND3.5, ND4 or ND4M unless located on a major arterial when surrounded by more than 50% single family zoning districts until Small Area Plans or NCS are completed.

Staff Analysis: The cottage court, zero lot line, or attached house products were specifically designed to meet a need for better options for single family development on large, irregular, or narrow lots. These lots may be located in predominantly single family areas. Including ND3 in this list will prohibit a request to any alternative single family housing types. The buffer is a one size fits all tool that is only intended to discourage zoning requests that are significantly out of character with their surroundings. If the intent of this amendment was to prohibit cottage courts then it is not needed based on other amendments made.

Small area plans may not be employed in areas that are predominantly single family which means that this prohibition would never go away in many parts of the City.

	MEMBER	IMPACT	DRAFTING	ACTION	PROPOSED AMENDMENT
#14	HUGHSON	SUBSTANTIVE	SIMPLE	WITHDRAWN	Strike "unless located on a major arterial" from the Single Family Buffer

Staff Analysis:

- There are 1,018 Single Family Lots located on Thoroughfare Plan streets in the Transportation Master Plan. There are a total of 6,468 single family zoned properties in the City.
- The buffer is not designed as a tool for decision making because it can't take into account any specific circumstances that may exist. Being located on a major arterial as a single family zoning district is a specific circumstance that warrants individual consideration during the zoning process. Zoning decisions should consider:
 - surrounding zoning districts,
 - development trends,
 - environmental considerations,
 - infrastructure,
 - existing development and more.
- Allowing the consideration of a zoning request along a thoroughfare plan road does not mean that single family isn't appropriate or that a zoning change request should be approved. Some of our most valuable single family properties and historic districts are located on major roads.



	MEMBER	IMPACT	DRAFTING	ACTION	PROPOSED AMENDMENT
#15	PREWITT	SUBSTANTIVE	SIMPLE	WITHDRAWN	Purpose built student housing: CD-4 / CD-5 should be increased to 1.05 parking spaces per bedroom with the same reductions allowed through fee-in-lieu in the downtown area.
<p>Staff Analysis: Two things are required in order for a fee-in-lieu to be effective:</p> <ul style="list-style-type: none"> • It must be used: The CD4 and CD5 zoning are intended to create a walkable environment. It is challenging to create that environment if there is little incentive to give up parking. Land in these areas may not be as constrained and developers may choose to provide the spaces instead of paying the fee unless the fee is very low. • City must collect enough to make up for fewer parking spaces on-site. Collection and distribution of fees-in-lieu should be focused on specific geographic areas where they can be more effective at reducing the number of cars than if that same amount of money was invested in on-site parking. Staff's concern is that Fee-in-lieu in these areas will not generate enough money to off-set the negative impacts to walkability from high parking requirements or to reduce the number of cars in the area. 					
#16	HUGHSON	SUBSTANTIVE	COMPLEX	PROPOSED	<p>Restore SF-II as an available zoning district. We have SF-4.5, SF-6, SF-R and SF-11 falls in the middle between SF-R and SF-6.</p> <p>I know that staff has said we do not have any SF-11 zoning at this time. Although it may be unlikely that a builder will want to create lots of this size, I don't think we should take that option away from them. We should let them be able to ask for this district.</p> <p>Amend: Amend Section 4.1.2.8 Legacy Districts by REMOVING SF-11 from that list and making all other changes</p>
<p>Staff Analysis: Eliminating this district does not preclude someone from creating lots of this size. SF-6 has a minimum 6,000 square foot lot. The primary reason that this zoning district was not carried forward is that an 11,000 square foot lot is very land intensive since it is typically too small to be left in a rural state. These lots lead to large amounts of lawn that are not sustainable.</p>					
#17	PREWITT	MINOR	SIMPLE	QUESTION / COMMENT	Ensure that PSA requests for commercial and employment uses are not limited to 2 times per year.
<p>Staff Analysis: Section 2.4.2.2 Application Requirements</p> <ol style="list-style-type: none"> A. An application for a Comprehensive Plan map amendment shall be submitted in accordance with the universal application procedures in Section 2.3.1.1. B. Consideration of Preferred Scenario Map amendments that meet either of the conditions below shall be limited to twice per year as determined by the Responsible Official. <ol style="list-style-type: none"> 1. Any modification to the Existing Neighborhood designation on the Preferred Scenario Map. 2. Any request for a medium or high intensity zone designation. 					

	MEMBER	IMPACT	DRAFTING	ACTION	PROPOSED AMENDMENT
#18	MIHALKANIN	MINOR	SIMPLE	WITHDRAWN	Development Applications that require a Planning and Zoning recommendation to Council must be acted on within one year or they expire.
<p>Staff Analysis: Feedback from the development community about expiration dates throughout this process includes:</p> <ul style="list-style-type: none"> • 26 comments related to concerns around expiration dates and permit extensions out of the 66 comments received from the development community relating to the development process in general. • The comments expressed concern about the length of expiration dates for larger projects • The comments expressed concern about a limit on the number of times that a permit can be extended • The comments expressed concern about the 6 month waiting period for cases that are denied by the City Council. 					
#19	HUGHSON	MINOR	SIMPLE	PROPOSED	Require a response in the code from police and fire for zoning changes
If approved this amendment should be located in Sec. 2.5.1.3: Approval Process for Zoning Changes					
#20	HUGHSON	MINOR	SIMPLE	PROPOSED	Rental Registration - Advise of occupancy restrictions I am concerned that someone who is not familiar with our community and our codes may not pick up on the fact that we HAVE occupancy restrictions and there are requirements in some cases just from this one sentence. Amend: Replace "as stated" with "requirements may be found in Chapter 5, Division 4: RESIDENTIAL USES" to read (requirements may be found in Chapter 5, Division 4: RESIDENTIAL USES in the Land Development Code)
#21	HUGHSON	MINOR	SIMPLE	PROPOSED	Rental Registration - Remove exception that ACT properties do not have to comply with rental registration. I do not see that being a member of ACT replaces rental registration in any way. If we don't have all of the student housing complexes registered with the City, I don't see how we will compile accurate statistics on anything.
Staff Analysis: The original intent of this provision was to provide a voluntary program as an incentive to self monitor.					
#22	HUGHSON	MINOR	SIMPLE	PROPOSED	Include parenthesis behind "not allowed" to say that a PSA is required in the Table on Pg. 4:3
#23	PREWITT	MINOR	SIMPLE	QUESTION / COMMENT	Regulating Plans should be an easy process that is clearly defined
<p>Staff Analysis: The Application Requirements for a regulating plan is proposed to include these items as applicable to the request:</p> <p>1) Location of proposed and existing zoning districts; 2) The type, number, and location of all proposed and existing Building Types; 3) Required or Proposed Transitional protective yards; 4) Required or proposed residential infill compatibility standards; 5) Proposed and existing streets and streetscapes; 6) Location of parking; 7) Location of proposed or existing parkland</p> <p>For a small lot where no subdivision is proposed many of these application requirements will not be applicable</p>					

	MEMBER	IMPACT	DRAFTING	ACTION	PROPOSED AMENDMENT
#24	HUGHSON	MINOR	SIMPLE	QUESTION / COMMENT	<p>Please advise if this is the same situation that happened at The Woods apartments, during construction, that the contracted engineers found caused some flooding as the dirt berms acted as a dam, causing floodwater to back up into the neighborhood. I thought we had already changed our codes to not allow this to happen again.</p> <p>If so, eight feet is too high. Stating must be removed “as soon as possible” doesn’t solve the potential problem either. Please ask Engineering to advise on possible amendment to address this situation.</p> <p>If this is not the same as The Woods situation, please advise.</p>
<p>The proposed changes to Chapter 14 regarding spoils piles keep the 3 main points which were adopted in Ord. 2015-21 and provide additional teeth for enforcement.</p> <p>1) Piles shall not exceed 8 ft. in height. Currently this only applies if the piles are within 50’ of the ROW. The proposed amendment applies the 8 ft. height to the entirety of a property</p> <p>2) Volume & Footprint. Currently it says we maintain discretion. The proposed amendment states that they must be minimized – and further states that they must be removed before final inspections are approved.</p> <p>3) Seeding / TCEQ requirements. Currently there is no timeframe on the seeding of piles. The proposed amendment states that if a pile is to remain for 14 days it must be seeded.</p>					
#25	HUGHSON	MINOR	SIMPLE	PROPOSED	<p>Occupancy Use Restrictions included in the zoning district summary tables. Amend: Occupancy Use Restrictions be added to Section 4.4.1.2 SF-R, Section 4.4.1.3 SF-6, Section 4.4.1.4 SF-4.5, Section 4.4.2.1 ND-3, and Section 4.4.2.2 ND 3.5 by including “Occupancy use restrictions apply” and include the corresponding section numbers from Chapter 5.</p> <p>If the amendment to bring back SF-11 passes, then we will need to add SF-11 also.</p>
<p>Suggested Edit: This edit does not change the applicability of the occupancy standards that are currently proposed.</p>					
#26	HUGHSON	MINOR	SIMPLE	PROPOSED	<p>Sec. 2.111 Neighborhood Commission Map: A map depicting the location of each secto may be viewed at the office of the city clerk and on the City website Neighborhood Commission page.</p>
#27	HUGHSON	MINOR	SIMPLE	PROPOSED	<p>Correct Typo in Technical Manual from CD4D to CD5D</p>

AMENDMENTS RECEIVED MARCH 5, 2018

#28	DERRICK	<p>At our last regular CC meeting, I w/drew my preservation buffer amendment, and both Council Woman Prewitt and I gave direction to staff take a look at what I was trying to accomplish with my buffer and what she was trying to accomplish with her chart, as I clearly stated what my goals were, and it was apparent from the chart that we were both trying to accomplish a similar outcome. Now whether or not staff agrees with the goal is neither here nor there, but we were only provided with staff analysis on our suggested amendments, and staff analysis for both was negative - we received no suggestions as to how to propose another amendment that could be voted on at our next meeting.</p> <p>So, I've come up with my own solution and would like to receive staff feedback prior to the meeting on March 6th. I think both the chart and preservation buffer can be used in concert to achieve the intended goal, of directing growth where we as community want to see it.</p> <p>I believe the chart should be adopted and that this SF preservation buffer be used around the periphery of Small Area Plans to ensure that the domino effect doesn't occur. Once we've determined a small area plan - "area", then "substantial changes" will occur. Once a substantial change has occurred, properties near that substantial change would no longer be proposing something "new", the door will be wide open for more substantial changes of the same nature and then some - we've seen this happen again and again, and it's of huge concern to those of us who wish to ensure that too much density isn't crammed into the core of our neighborhood where ND's aren't supposed to be. ND's are intended for areas of mixed housing types and/or mixed use, not the core of single family hoods. Once you have a "substantial change" though, the door is wide opened for more developments like it to creep into the core, b/c that substantial change has now indeed changed the character of that area and can keep on rolling with nothing in place to stop it - the preservation buffer WILL stop it.</p> <p>The preservation buffer must limit development requests to what we now call ND2, in order to stop the domino effect into areas that are more than 50% SF. We were promised that this code would allow us to DIRECT development where we wanted it and there will be PLENTY of areas that can request above ND2 once the small area plans are in the works. We should direct growth TO those small areas where we want it and not allow it where it currently isn't desired. Under this scenario, developers can breathe easy knowing they can build their MU and other high density projects w/in the small plan areas, without their proposals erupting into more battles with neighborhoods. These hotly contested zoning requests ARE the reason SMTX is perceived as a city that is hard to develop in. It's not hard to develop here if WE guide the growth as we promised to do. This is a living document that will be reviewed, tweaked and outright changed after year one and will continue to be changed as our city evolves. For now just tell developers where they will get a YES and no neighborhood and CC battle, so they can do what they need to do and the neighbors can stay home w/ their families instead of coming to Citizen Comment with every zoning request for the next year. As for investors who have gambled and are playing the waiting game after purchasing lots in Blanco and Victory gardens, that's a risk they took and they can continue to rent those affordable homes and make money off their investments - and if they can't up-zone right now and thus increase their property value, then we might not see a quick flip on the gentrification front. The preservation buffer protects both wealthy and poor hoods in SMTX.</p>
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	MEMBER	IMPACT	DRAFTING	ACTION	PROPOSED AMENDMENT
#29	HUGHSON				<p>Amendment: General Notice Requirements Unread post by JHughson » Mon Mar 05, 2018 12:06 am In the Section 2.1.1.2 table, General Notice Requirements</p> <ul style="list-style-type: none"> - At the intersection of "City Initiated Comprehensive Plan Map Amendment" AND "Neighborhood Presentation" INSERT "PM" (currently blank). - At the intersection of "City Initiated Comprehensive Plan Map Amendment" AND "Personal Notice" STRIKE "N" and INSERT "Y*". - At the intersection of "City Initiated Comprehensive Plan Map Amendment" AND "Posted Notice" STRIKE "N" and INSERT "Y*". - At the intersection of "Comprehensive Plan Map Amendment" AND "Posted Notice" STRIKE "Y" and INSERT "Y*". <ul style="list-style-type: none"> - At the intersection of "City Initiated Zoning Map Amendment" AND "Neighborhood Presentation" INSERT "PM" (currently blank). - At the intersection of "City Initiated Zoning Map Amendment" AND "Posted Notice" STRIKE "N" and INSERT "Y*". <ul style="list-style-type: none"> - At the intersection of "Zoning Map Amendment (Rezoning)" AND "Posted Notice" STRIKE "Y" and INSERT "Y*". <ul style="list-style-type: none"> - At the intersection of "Establishment of Historic Landmarks and Districts" AND "Posted Notice" STRIKE "N" and INSERT "Y". <ul style="list-style-type: none"> - At the intersection of "Conditional Use Permit" AND "Personal Notice" STRIKE "Y" and INSERT "Y#". - At the intersection of "Conditional Use Permit" AND "Posted Notice" STRIKE "N" and INSERT "Y#". - At the intersection of "Conditional Use Permit - Council Approved" AND "Personal Notice" STRIKE "Y" and INSERT "Y#". <p>At the intersection of "Conditional Use Permit - Council Approved" AND "Posted Notice" STRIKE "N" and INSERT "Y#".</p> <p>In the Legend, add Y# - CUP for alcohol use and student housing.</p>
Staff Analysis: Redline of table will be provided to City Council for discussion.					
#30	HUGHSON				<p>Amendment: Remove exemption for neighborhood presentations for city-initiated Comp Plan Map Amendments and Rezoning</p> <p>It is stated in Chapter 2, Article 3: UNIVERSAL PROCEDURES, Division 2: NOTICE REQUIREMENTS 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 pertaining to neighborhood presentations under subsections E, F and G of Division 1.</p> <p>AMEND second sentence by adding the words "EXCEPT FOR COMPREHENSIVE PLAN MAP AMENDMENTS AND REZONING" to the end of the second sentence, to read. "Applications, petitions and requests initiated by the City Council, any city board or commission or city staff, however, are exempt from the requirements pertaining to neighborhood presentations under subsections E, F and G of Division 1 EXCEPT FOR COMPREHENSIVE PLAN MAP AMENDMENTS AND REZONING"</p> <p>As stated in the proposed code, this process is not transparent and not the direction that council has generally given - that we want notice to the neighborhood of up-coming proposed changes. Just because it is city-initiated should not mean we don't do the neighborhood presentations.</p> <p>See also proposed amendment to Section 2.1.1.2 table, General Notice Requirements.</p>

MEMBER	IMPACT	DRAFTING	ACTION	PROPOSED AMENDMENT
Staff Analysis: Will updated based on amendment #29 outcome.				
#31	HUGHSON			<p>Amendment: ADUs - Change Permitted to Limited for FD, SF-R, and CD-3</p> <p>Amend Section 5.1.1.2 Land Use Matrix At the intersection of Accessory Dwelling Unit and FD strike each "P" and insert "L". At the intersection of Accessory Dwelling Unit and SF-R strike each "P" and insert "L". At the intersection of Accessory Dwelling Unit and CD-3 strike each "P" and insert "L".</p>
#32	HUGHSON			<p>Amendment: Posted Notices</p> <p>Section 2.3.2.1 General Notice Requirements E. Posted Notice. Strike "11" and insert "17" to read Whenever this Development Code requires that notice of a public hearing be posted on land, the responsible official shall cause notification signs stating the purpose of the hearing to be placed on the subject property at least 17 days before the first public hearing.</p> <p>This makes this consistent with the table in Section 2.1.1.2</p> <p>Amend Section 2.3.2.1 General Notice Requirements E. Posted Notice. By adding a new number item 2. Sign shall be at least 24 inches by 24 inches. The type of change and the date of the hearing shall be in text at least 6 inches tall. And renumber items 2-4 to 3-5.</p>
#33	HUGHSON			<p>Amendment: ADUs - Change occupancy use restrictions.</p> <p>In Section 5.1.3.1 C 2, Use Standards strike "a. An accessory dwelling unit is considered an independent unit for the purposes of occupancy restrictions." and insert "a. On lots with accessory dwelling units, occupancy is restricted to a family and up to two other persons who is not related to any of the other family members by blood, legal adoption, marriage, or conservatorship."</p>
#34	HUGHSON			<p>Resolution on next steps - please add</p> <p>The Wonder World Drive (now Ranch Road 12) Land Use Plan (or Overlay) and all the other items noted as "next steps" or similar in previous presentations by staff.</p>
#35	HUGHSON			<p>Change Single Family Protection Buffer to equal to or more than 50%</p> <p>CHANGE the Work Session proposed amendment Single Family Zoning Districts may not request a rezoning to ND3.5, ND4, or ND4M unless located on a major arterial when surrounded by more than 50% Single Family Zoning Districts. Amend Insert "equal to or" in front of "50%" to read Single Family Zoning Districts may not request a rezoning to ND3.5, ND4, or ND4M unless located on a major arterial when surrounded by EQUAL TO OR more than 50% Single Family Zoning Districts.</p>
#36	HUGHSON			<p>Amendment: Rename ND to RDD</p> <p>Rename all Neighborhood Districts (ND) to Residential Density Districts (RDD).</p>

	MEMBER	IMPACT	DRAFTING	ACTION	PROPOSED AMENDMENT
#37	HUGHSON	Allow Flag Signs as a permanent sign Staff Analysis: Will require specific design criteria added to Code.			
#38	HUGHSON	Allow flag signs as a temporary sign Staff Analysis: Currently, time durations for temporary signs are no longer than 90 days per calendar year.			