



Exhibit B - Redlined Code

To:	Shannon Mattingly – Planning and Development Services Director
From:	Planning & Development Services – Shavon Caldwell, Planner
Date:	October 15, 2019
Re:	Proposed Changes to the San Marcos Land Development Code-Typos and Technical Errors, Expedited Policy Items, 2019 Legislative Session House Bills

CHAPTER 2. DEVELOPMENT PROCEDURES

ARTICLE 3: UNIVERSAL PROCEDURES

DIVISION 1: APPLICATION PROCEDURES

Section 2.3.1.1 Application Processing

- C. Completeness Determination. Every application accepted by the Responsible Official for filing shall be subject to a determination of completeness by the Responsible Official no later than the tenth (10) business day after the application is submitted. If no official determination is made the application is deemed complete and the review period begins on the date the application is submitted.
1. The Responsible Official is not required to review an application unless it is complete.
 2. The presumption is that an application is complete if all of the information required in this development code, technical manuals or the city’s application forms is provided. However, it is recognized that each application is unique, and more or less information may be required according to the specifics of a particular case. The applicant may rely on the Responsible Official to determine whether more or less information has to be submitted.
 3. The charging or collection of fees and the processing of an application shall not constitute a determination of completeness.
 - 1 4. The application shall not be considered filed until the Responsible Official has determined it complete.

DIVISION 2: NOTICE REQUIREMENTS

Section 2.3.2.1 General Notice Requirements

- G. Notice of Application. Whenever notice of an application is required by this development code under Table 2.1, the Responsible Official shall send electronic notification:
1. To all parties requesting notification of an application submitted within the region;
 2. Before the 12th day after an application is ~~received~~determined complete.

DIVISION 5: EXPIRATION AND EXTENSION

Section 2.3.5.1 Expiration and Extension of Approvals

- D. Extension of Approval Period. The Responsible Official or the approving body for the development permit may grant a single extension of an approval period for a period of time as set forth in Section 2.3.5.3, ~~or the conditions of the specific approval unless otherwise specified in this Development~~

~~Code.~~ An extension shall be granted by the final decision maker provided all of the following are met:

1. All requests for extensions shall be submitted to the Responsible Official in writing prior to the expiration period;
2. Unconstructed portions of the approved permit conform to all ordinances, laws, City policies and provisions of the Comprehensive Plan and other City Council adopted plans in effect at the time of the requested extension.

4 DIVISION 5: EXPIRATION AND EXTENSION
Section 2.3.5.3 Expiration and Extension Times

Permit expirations and extensions

Permit or Application Type	Sec.	Expiration	Extension
Concept Plat	Section 3.2.1.1	5YR	2YR
Preliminary Plat	Section 3.2.2.1	2YR	2YR
<u>All Other Plats</u>	<u>Section 3.2.2.1, 3.2.3.1, 3.2.4.1, 3.3.1.1, 3.3.2.1, 3.3.4.1</u>	<u>2YR</u>	<u>2YR</u>
<u>Administrative Certificate of Appropriateness</u>	<u>Section 2.5.6.1</u>	<u>1YR/2YR</u>	<u>1YR/2YR</u>

Article 4: GENERAL LEGISLATIVE PROCEDURES

DIVISION 2: COMPREHENSIVE PLAN MAP AMENDMENTS

5 Section 2.4.2.3 Approval Process

- A. Responsible Official Action
 2. The Responsible Official shall provide ~~web notice of the application~~ notice of the application in accordance with Section 2.3.2.1.

DIVISION 3: APPLICATION FOR AN EXISTING NEIGHBORHOOD REGULATING PLAN

6 Section 2.5.3.2 Application Requirements

- A. An application for approval of an existing neighborhood regulating plan shall be submitted in accordance with the universal application procedures in Section 2.3.1.1 except as otherwise provided in this Division. ~~5.~~

Article 5: ZONING PROCEDURES

7 DIVISION 5: CERTIFICATE OF APPROPRIATENESS

Section 2.5.5.1 Purpose, Applicability, Exceptions and Effect

C. **Exceptions.** A certificate of appropriateness is not required for the following activities:

1. Changes in color to a structure's exterior, however, masonry surfaces of properties located in the Downtown Historic District that have not been previously painted shall not be painted.
2. Interior arrangements for structures in a local Historic District or at a local Historic Landmark;
3. Ordinary maintenance or repair of any exterior feature that does not involve a change in:
 - a. Design,
 - b. Material, or
 - c. Outer appearance.
4. With the written approval of the Responsible Official, construction, reconstruction, alteration, restoration or demolition of any feature which the Building Official or other city department director shall certify is required for the public safety because of an unsafe or dangerous condition.

7 DIVISION 6: ADMINISTRATIVE CERTIFICATES OF APPROVAL

Section 2.5.6.1 Purpose, Applicability, and Effect.

- A. **Purpose.** The purpose of an administrative certificate of appropriateness is to allow the Responsible Official to administratively approve certain applications for the painting of a building located within the Downtown Historic District. Furthermore, the purpose of an administrative certificate of appropriateness is to make certain these buildings are preserved and protected.
- B. **Applicability.** An administrative certificate of appropriateness is required for the painting of buildings located within the Downtown Historic District.
- C. **Effect.** Approval of an administrative certificate of appropriateness authorizes the applicant to paint a building located within the Downtown Historic District.

Section 2.5.6.2 Application Requirements

- A. An application for approval of an administrative certificate of appropriateness shall be submitted in accordance with the universal application procedures in Section 2.3.1.1, except as otherwise provided in this Division 6.
- B. An administrative certificate of appropriateness must be approved prior to the painting of buildings located within the Downtown Historic District.

Section 2.5.6.3 Approval Process

A. **Responsible Official Action.**

1. The Responsible Official shall approve, approve with conditions, or deny an administrative certificate of appropriateness based on the criteria in Section 2.5.6.4.
2. Should the Responsible Official be unable to approve the request, the Responsible Official may forward the request to the Historic Preservation Commission for review and final action at the next available meeting in accordance with Section 2.5.5.1.

7 Section 2.5.6.4 Criteria for Approval

The following shall be used to determine whether the application for an administrative certificate of appropriateness shall be approved, conditionally approved, or denied.

- A. Consideration of the effect of the paint on the material of the building; and
- B. The painting of buildings in the Downtown Historic District standards cited in Section 4.5.2.1(J).

Section 2.5.6.5 Expiration and Extension

- A. Time of Expiration. An administrative certificate of appropriateness shall expire one year from the date it is issued if the proposed activity has not commenced, or two years from the date the certificate is issued, if the proposed activity has not been completed.
- B. Extension. An administrative certificate of appropriateness may be extended by the Responsible Official for a period not to exceed one year from the date required for commencement and two years from the date required for completion of the activity authorized by the certificate.

8 **Article 6: WATERSHED PROTECTION PLANS**

DIVISION 1: APPROVAL AND APPLICATION PROCESS

Section 2.6.1.2 Application Requirements

- A. Phased Plans.** An application for a watershed protection plan may be prepared and acted upon by the City in two phases.
 - 2.** A watershed protection plan (phase 2) shall be prepared prior to approval of the first development application that portrays a specific plan of development but at no time later than a development application or permit authorizing land disturbance including:
 - a.** Final subdivision or development plat;
 - b.** Minor subdivision plat or replat, if the land is located in any of the following areas:
 - 1.** Edwards Aquifer Recharge Zone, Transition Zone, and Contributing Zone within the Transition Zone;
 - 2.** A floodplain, water quality, or buffer zone;
 - 3.** The San Marcos river protection zone; or
 - 4.** San Marcos river corridor.
 - c.** Public improvement construction plan; or
 - d.** Site development plan.

Article 7: SITE PLAN

9 **DIVISION 1: APPROVAL AND APPLICATION PROCESS**

Section 2.7.1.1 Purpose, Applicability, Exceptions and Effect

- C.** A site plan permit is required for all development meeting any of the criteria listed below.
 - 3.** All non-residential and multi-family development located partially or completely on a lot within any of the following sensitive environmental regions:
 - a.** Over the Edwards Aquifer ~~recharge or contributing zones~~ Recharge Zone, Transition Zone, and Contributing Zone within the Transition Zone;
 - b.** An identified floodplain, water quality or buffer zone;
 - c.** The San Marcos river protection zone;
 - d.** The San Marcos river corridor; or
 - e.** Wetlands or other jurisdictional water.

10 Section 2.7.1.1 Purpose, Applicability, Exceptions and Effect

- F. Exemptions. The requirement to have a site plan permit does not apply in whole or in part to the following activities or land uses:
 - 1. Clearing that is necessary only for surveying purposes.
 - 2. Agricultural uses. Documentation is required.
 - 3. Other activities which are exempted from site plan permit requirements pursuant to this Development Code.

11 Section 2.7.1.4 Criteria for Approval

- A. Criteria. The following criteria shall be used to determine whether the site plan permit application shall be approved, approved with conditions, or denied:
 - 1. The site plan is consistent with all prior approvals;
 - 2. All standards of this Development Code, as applicable, have been and remain satisfied including:
 - a. All standards applicable to the district in which the property is located;
 - b. Standards applicable to a water quality protection plan;
 - c. Special dimensional and design standards applicable within an overlay district to which the use is subject;
 - d. Conditional use permit (CUP) requirements;~~and~~
 - e. Any standards imposed as conditions for approval of a variance or alternative compliance;~~;~~
and-
 - f. Must be served adequately by essential public facilities and services per Chapter 3, Article 5.

CHAPTER 3. SUBDIVISIONS

12 Article 1: Provisions Applicable to all Platting Procedures

DIVISION 1: GENERAL PLATTING PROCEDURES

Section 3.1.1.1 Authority, Purpose, Applicability, Exemptions

- D. Exceptions. A recorded subdivision or development plat is required prior to the issuance of a construction permit with the following exceptions:
 - 1. Permits for accessory buildings not connected to wastewater service.
 - 2. Permits for repair or remodeling of an existing structure which involves no increase in square footage.
 - 3. Demolition permits, or permits for removal of a structure from a parcel or tract.
 - 4. Permits for new construction or expansion, if all the following criteria are met:
 - a. The current boundaries of the property existed in the same configuration on March 10, 1975; and
 - b. The Responsible Officials, or their designees, have determined there is no need for additional easements or right-of-way dedication.
 - 5. Exceptions for Infill Development. For the purposes of this Chapter, infill development is property located in an Existing Neighborhood, Downtown, or Midtown Comprehensive Planning area. Exceptions to platting in these areas are for:
 - a. Construction of a single-family dwelling and related accessory structures and development activities if:
 - 1. The current boundaries of the property existed in the same configuration since April 17, 2018.

- b. Permits for the expansion of existing buildings up to a maximum of 50% of the original floor area if:
 - 1. The Responsible Officials, or their designees, have determined there is no need for additional easements or right-of-way dedication.

13 Section 3.1.1.7 Easements

- A. Platted easements and easements by separate instrument shall be provided in the locations and dimensions required by the City in order to:
 - 1. Allow for adequate storm drainage facilities;
 - 2. Allow for proper installation of water, electric, and sewer lines, whether immediately proposed or necessary for adequate service in the future;
 - 3. Allow for cross-access between properties;
 - 4. Allow for adequate transit facilities and access;
 - 5. Allow for adequate pedestrian and bicycle access;
 - 6. Allow for adequate right-of way for street types;
 - 7. Allow for adequate public access; and
 - 8. Allow for adequate slope for roadway construction
- B. Easement widths shall be specified by the City as necessary to accommodate existing and future needs as well as construction, inspection and maintenance, and repair of facilities. For drainage easements, the widths should be sufficient to accommodate areas anticipated to be inundated by stormwater. Electric overhead and underground easements shall be designed based on San Marcos Utilities (SMEU) Service Standards manual.

14 Article 2: Plat Applications

DIVISION 4: MINOR SUBDIVISION OR DEVELOPMENT PLAT

Section 3.2.4.4 Criteria for Approval

- A. The Responsible Official, or the Planning and Zoning Commission on appeal, shall decide whether to approve, conditionally approve or statutorily deny the minor subdivision plat application based upon the following criteria:
 - 1. The minor subdivision plat is consistent with all zoning requirements for the property, all other requirements of this Development Code that apply to the plat, and any approved development agreement;
 - 2. The minor subdivision plat conforms to the approved watershed protection plan (phase 2);
 - 3. All lots to be created by the plat are already adequately served by all required city utilities and services; and
 - 4. The plat does not require the extension of any municipal facilities to serve any lot within the subdivision.

Section 3.2.4.5 Expiration and Extension

- A. Expiration. Approval of a minor subdivision or development plat shall expire if the plat is not submitted for recordation within two (2) years of the date of approval or conditional approval by the Responsible Official or Planning and Zoning Commission on appeal.
- B. Extension. A minor subdivision or development plat may be extended in accordance with Section 2.3.5.1.

14 Article 3: REVISIONS TO RECORDED PLATS

DIVISION 2: REPLATS WITHOUT VACATION

Section 3.3.2.5 Effect

Upon approval of the application, the replat may be recorded and is controlling over the previously recorded plat for the portion related.

Section 3.3.2.6 Expiration and Extension

- A. Expiration. Approval of replat without vacation shall expire if the plat is not submitted for recordation within two (2) years of the date of approval or conditional approval by the Planning and Zoning Commission.
- B. Extension. A replat without vacation may be extended in accordance with Section 2.3.5.1.

DIVISION 4: AMENDING PLATS

Section 3.3.4.5 Expiration and Extension

- A. ~~A. Approval~~ Expiration. Approval of an amending plat shall expire if the plat is not submitted for recordation within two (2) years of the date of approval or conditional approval.
- B. Extension. An amending plat may be extended in accordance with Section 2.3.5.1.

DIVISION 5: WAIVER TO ALLOW BUILDING ACROSS LOT LINE

Section 3.3.5.5 Expiration and Extension

- A. Expiration. A waiver to allow building across a lot line shall expire automatically if:
 1. Development of the lot does not occur within two years of the recordation of the waiver.
 2. The structure built under the waiver is either demolished or destroyed.
- B. Recording. Upon expiration of the waiver, an instrument evidencing such expiration and rescinding the waiver shall be filed at the county of record. However, failure to file such instrument shall not extend the term of the waiver and the City may take any action available at law or in equity to enforce its ordinances or applicable laws, rules or standards that would apply to the Lots in the absence of the waiver under this Division 5.
- C. Extension. A waiver to allow building across a lot line may be extended in accordance with Section 2.3.5.1.

15 Article 5: Adequate Public Facilities

DIVISION 2: DETERMINATION OF ADEQUATE PUBLIC FACILITIES

Section 3.5.2.8 **Vehicular Impact on Existing Streets.**

- A. The vehicular impact of proposed development on existing streets shall be measured by AM and PM peak trips based on the methodology of the Highway Capacity Manual.
- B. A traffic impact analyses shall be required under the following conditions for non residential streets:
 1. The creation of 200 or more dwelling units;
 2. A development generating 2,000 or more trips per day; and/or
 3. A development involving streets-avenues, boulevards, and commercial streets not appearing on the City's adopted Thoroughfare Plan.

16 Article 6: Blocks, Lots, Access

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, ~~severely elongated (in excess of a three to one length to width ratio) or~~ tapered, or flag lots shall be not be permitted except for use as dedicated parkland lots.
 - b) Severely elongated (in excess of a three to one 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.
 - c) Exceptions to the irregularly shaped lot requirements fall under the alternative compliance process in accordance with Section 2.8.4.1.

17 Article 10: Parks and open space

DIVISION 1: IN GENERAL

Section 3.10.1.2 Parkland Dedication

- B. Land Required in the Downtown and Midtown Intensity Zones. Residential or mixed-use developments with 30 or more dwelling units shall provide a minimum of five percent (5%) of the site or lot ~~in civic spaces as plazas~~ that are either privately held and open to the public or dedicated as parkland.

CHAPTER 4. ZONING REGULATIONS

Article 3: General To All

DIVISION 3: PLACEMENT OF BUILDINGS

Section 4.3.3.2 Building Setbacks

A. Building Setbacks. There are four (4) types of setback - primary street setback, secondary street setback, side setback and rear setback. Double frontage lots are considered to have two (2) primary street setbacks.

1. Primary and secondary street setbacks are measured perpendicular from the edge of the right-of-way.
2. Side setbacks are measured perpendicular from the interior lot line.
3. Rear setbacks are measured perpendicular from the rear lot line, or where there is an alley, from the edge of the right-of-way.

18 B. A multiple street frontage lot must designate at least one (1) primary street. A lot may have more than one (1) primary street. The primary street will be determined based on the following criteria:

1. The street with the highest street classification;
2. The established orientation of the block;
3. The street abutting the longest face of the block;
4. The street parallel to an alley within the block; ~~and~~ or
5. The street from which the lot takes its address.

19 c. A multiple street frontage lot must designate at least one (1) principal frontage. A lot may have more than one (1) principal frontage. The principal frontage is the extent of the lot or building facade abutting the designated primary street(s).

D. Setback Encroachments. All buildings and structures must be located at or behind required setbacks, except as listed below. Underground structures covered by the ground may encroach into a required setback.

20 DIVISION 5. ACTIVATION

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.~~ **1.** Primary and secondary durable building material standards apply to:

- a. A program established by a state agency that requires particular standards, incentives, or financing arrangements in order to comply with requirements of a state or federal funding source or housing program;
- b. A requirement for a building necessary to consider the building eligible for windstorm and hail insurance coverage;
- c. An ordinance or other regulation that:
 - i. regulates outdoor lighting for the purpose of reducing light pollution; and
 - ii. Is adopted by a city that is certified as a Dark Sky Community by the International Dark-Sky Association as part of the International Dark Sky Places Program;
- d. An ordinance or order that:
 - i. Regulates outdoor lighting; and
 - ii. Is adopted under the authority of state law; or

- e. A building located in a place or area designated for its historical, cultural, or architectural importance and significance that a city may regulate through zoning, if the city:
 - i. Is a certified local government under the National Historic Preservation Act; or
 - ii. Has an applicable landmark ordinance that meets the requirements under the certified local government program as determined by the Texas Historical Commission
 - f. A building located in a place or area designated for its historical, cultural, or architectural importance and significance by a city, if designated before April 1, 2019;
 - g. A building located in an area designated as a historic district on the National Register of Historic Places;
 - h. A building designated as a Recorded Texas Historic Landmark;
 - i. A building designated as a State Archeological Landmark or State Antiquities Landmark;
 - j. A building listed on the National Register of Historic Places or designated as a landmark by a city;
 - k. A building located in a World Heritage Buffer Zone; or
 - l. A building located in an area designated for development, restoration, or preservation in a main street city under the main street program
- 2.** Where applicable, primary and secondary materials are applied by district and building type.
- 2.3.** Where applicable, 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.

21 Section 4.3.5.17 Durable Building Material Area

D. Classification of Materials.

1. Durable building materials are classified as primary materials, secondary materials, or prohibited materials and include the following:
 - a. Primary materials include: brick; stone; stucco; rock; marble; granite; concrete tilt wall; a combination of glass and steel framework-; architectural terra cotta, glazed ceramic architectural siding, adobe, concrete, cast stone, and reinforced concrete.
 - b. Secondary materials include: wood; architectural metal; tile; glass block.
 - c. Prohibited materials include: eifs; sheet metal covering more than 60% of a building.

22 Article 4: Zoning Districts

DIVISION 2: NEIGHBORHOOD DENSITY DISTRICTS

Section 4.4.2.5 Residential Infill Compatibility

- B.** Applicability. The standards in this section apply to any building in a conventional residential district or Neighborhood Density District ~~that meet the following criteria:~~ where the lot is located within an existing neighborhood area on the comprehensive plan.
- ~~1. The lot must be located within an existing neighborhood area on the comprehensive plan; and~~
 - ~~2. The lot must have been in its current configuration for at least 20 years.~~

23 Article 5: OVERLAY DISTRICTS

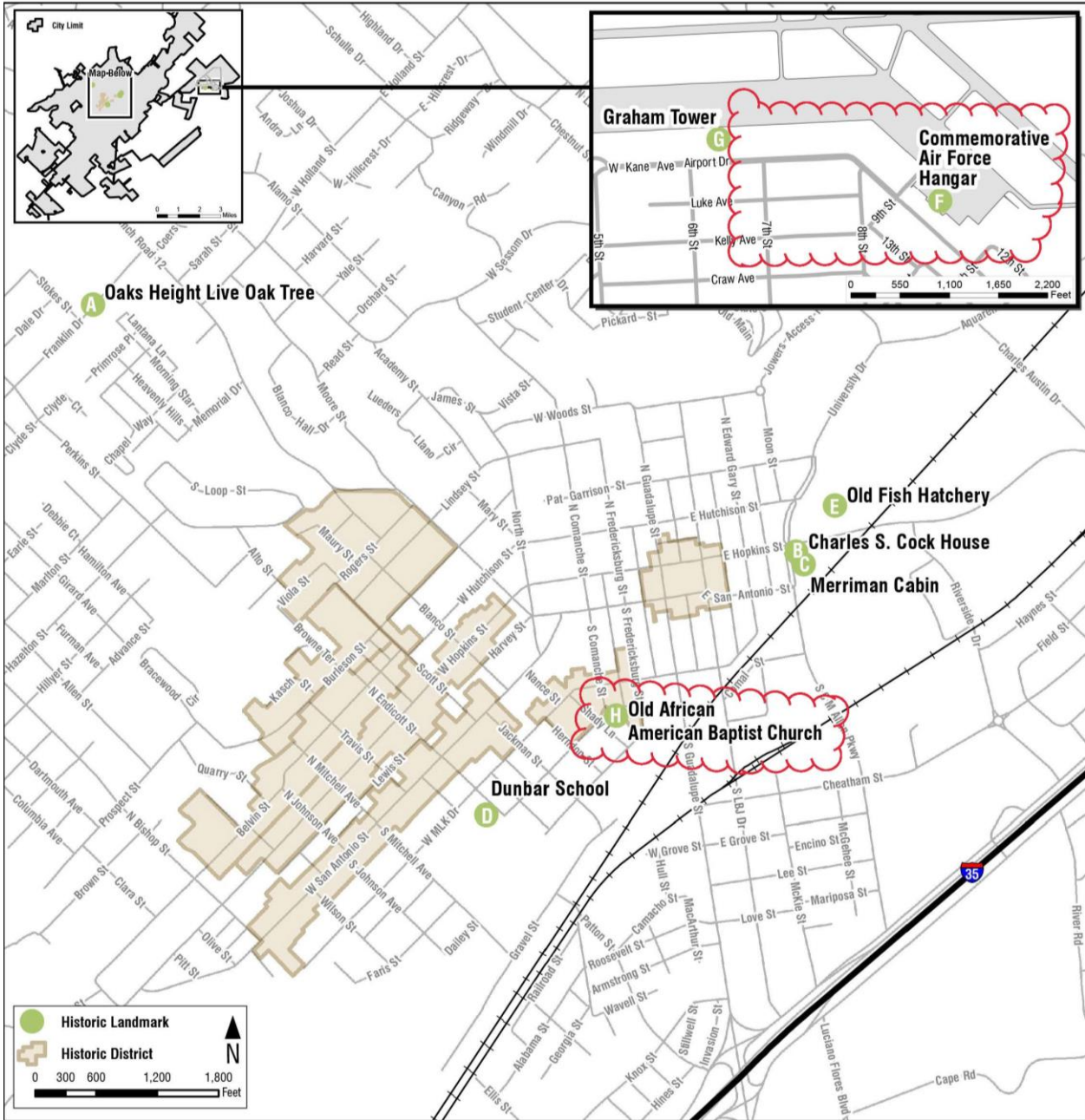
DIVISION 2: HISTORIC DISTRICTS

Section 4.5.2.1 Historic District

B. Historic Districts and Historic Landmarks.

2. The following local Historic landmarks are established within the City limits:

- a. The Oaks Heights Live Oak Tree located in the 500 Block of Franklin Drive- (1986)
- b. The Charles S. Cock House located at 400 E. Hopkins Street- (2004)
- c. The Merriman Cabin located at 150 C. M. Allen Parkway- (2004)
- d. The Dunbar School located at 801 Endicott Street- (2004)
- e. The Old Fish Hatchery located at 204 C. M. Allen Parkway- (2004)
- f. The Commemorative Air Force Hangar located at 2249 Airport Drive- (2007)
- ~~g. The Civil Air Patrol Building A located at 1945 Airport Drive.~~
- gh. Graham Tower located at 1921 Airport Drive- (2007)
- h. Old African American Baptist Church at 219 West Martin Luther King Drive (2018)



23

Commemorative Air Force Hangar added to map and Civil Air Patrol Building A removed from map

24**Section 4.5.2.1 Historic District****I. Construction and Repair Standards.**

1. New construction and existing buildings and structures and appurtenances thereof within local Historic Districts that are moved, reconstructed, materially altered or repaired shall be visually compatible with other buildings to which they are visually related generally in terms of the following factors; provided, however, these guidelines shall apply only to those exterior portions of buildings and sites visible from adjacent public streets:
 - a. Height. The height of a proposed building shall be visually compatible with adjacent buildings.
 - b. Proportion of Building's front Facade. The relationship of the width of a building to the height of the front elevation shall be visually compatible to the other buildings to which it is visually related.
 - c. Proportion of openings within the facility. The relationship of the width of the windows in a building shall be visually compatible with the other buildings to which it is visually related.
 - d. Rhythm of solids to voids in front Facades. The relationship of solids to voids in the front facade of a building shall be visually compatible with the other buildings to which it is visually related.
 - e. Rhythm of spacing of Buildings on Streets. The relationship of a building to the open area between it and adjoining buildings shall be visually compatible to the other buildings to which it is visually related.
 - f. Rhythm of entrance and/or porch projection. The relationship of entrances and porch projections to sidewalks of a building shall be visually compatible to the other buildings to which it is visually related.
 - g. Relationship of materials, texture and color. The relationship of the materials, and texture of the exterior of a building including its windows and doors, shall be visually compatible with the predominant materials used in the other buildings to which it is visually related.
 - h. Roof shapes. The roof shape of a building shall be visually compatible with the other buildings to which it is visually related.
 - ~~1.i.~~ Walls of continuity. Appurtenances of a building including walls, fences, and building facades shall, if necessary, form cohesive walls of enclosure along a street, to ensure visual compatibility of the building to the other buildings to which it is visually related.
 - ~~2.j.~~ Scale of a Building. The size of a building, the mass of a building in relation to open areas, the windows, door openings, porches and balconies shall be visually compatible with the other buildings to which it is visually related.
2. The Historic Preservation Commission may use as general guidelines, in addition to the specific guidelines contained in this section, the Historic District Guidelines located in Appendix C of the San Marcos Design Manual, and the current Standards for Historic Preservation Projects issued by the United States Secretary of the Interior.

25**Section 4.5.2.1 Historic District**

J. Painting of Buildings in the Downtown Historic District. Sealing or painting historically unpainted brick creates performance issues with the material. The paint traps moisture, which compromises

the face and structural integrity of the masonry. This can lead to failure of the wall. Painting of buildings located in the Downtown Historic District shall be subject to the following:

- A. An administrative certificate of appropriateness is required in accordance with Section 2.5.6.1;
- B. Masonry that has not been previously painted shall not be painted in accordance with Section 2.5.5.1(C); and
- C. Historic paint palettes from all major paint manufacturers are allowed.

26 CHAPTER 6. ENVIRONMENTAL REGULATIONS

Article 1: Stormwater Management

DIVISION 1: GENERAL

Section 6.1.1.1 Applicability, Exceptions, Authority and Findings

A. Applicability

1. The standards of this Article apply to the Development of all land within the City limits and within the City's Extraterritorial Jurisdiction (ETJ) and are intended to apply with uniformity throughout the City's ETJ Development including clearing or rough cutting of vegetation or grading or scarifying of the top soil.
2. New Development & Redevelopment. Any new ~~building or site improvement impervious cover~~ must comply with the environmental standards of this ~~Development Code~~code. For redeveloped sites, this includes new impervious cover that replaces existing impervious cover. New impervious cover must comply regardless of whether the same amount or more existing impervious cover is removed.
3. Renovations or Repairs. An existing building or site may be repaired, maintained or modernized without providing additional environmental protections, provided there is no increase in ~~gross floor area or improved site area~~impervious cover.
4. ~~Additions and Increases in Floor Area~~Increases in Impervious Cover
 - a. When an existing building, ~~or site is increased in gross floor area or improved site area by up to~~ has an increase in new impervious cover area, up to 25% cumulatively, these environmental standards shall apply to the ~~additional floor or site area~~new impervious cover only.
 - b. When an existing ~~building, or site is increased in gross floor area or improved site area by~~ has an increase in new impervious cover more than 25% cumulatively, both the existing ~~building, or site and the additional floor or site area~~impervious cover and new impervious cover must conform to the environmental standards of this code.

27 DIVISION 2: SITE PLANNING

Section 6.1.2.3 Relief from Cut and Fill Standards

- A. Administrative Adjustment. The Responsible Official may approve an administrative adjustment to a requirement of Section 6.1.2.2 for a water quality control or stormwater ~~detention~~ facility~~facilities~~, or for a cut or fill of not more than eight feet in accordance with Section 2.8.5.1 subject to the criteria below.

Article 4: Tree and habitat protection

DIVISION 1: GENERAL

Section 6.4.2.2 Tree Measurement.

- 28** A. Existing Tree Size and Measurement. Tree size shall be stated in inches of “Diameter at Breast Height (DBH)”. Both single-trunk and multi-trunk trees shall be measured at “breast height” which is defined as four-and-one-half feet, i.e. 54 inches, above natural grade.
- B. Measurement of a Multi-Trunk Tree. The DBH of a multi-trunk tree shall be calculated by the following equation: The DBH of the largest tree trunk, plus one-half the DBH of all other tree trunks. For example, a tree that has three trunks with DBHs of 7”, 6”, and 4” would be equivalent to a 12” DBH tree.

$$7" + (0.5 \times 6") + (0.5 \times 4") = 12" \text{ DBH}$$

- 29** C. Measurement of Nursery Stock. The size of small or young trees to be planted (i.e., those with diameters of four inches or less) shall be measured at six inches above the root ball in “caliper” inches.

30 DIVISION 2: TREE PRESERVATION AND PROTECTION DURING DEVELOPMENT

Section 6.4.2.4 Tree Protection Standards

- A. Protection of Existing Trees During Development.
1. No more than 25% of the root protection zone of trees to be preserved shall be disturbed. The root protection zone is measured as 1 foot in radius for every 1 inch in DBH of the tree. This area may overlap with a grouping of trees.
 2. All preserved trees on a demolition or construction site shall be provided protection for a minimum of 75% of their root protection zone in accordance with City of San Marcos standard design and technical specifications.
 3. Tree protection ~~barriers~~ fences shall be shown on submitted plans and shall be in place for City inspection before any demolition, site clearance or other site-disturbing activity commences.
 4. All building materials, dirt, excavation or fill materials, chemicals, construction vehicles or equipment, debris, ~~and other materials~~, and vehicle parking shall be kept outside tree protection ~~barriers~~ fences.
 5. Tree protection ~~barriers~~ fences shall remain in place until the final building and site inspections are approved and the certificate of acceptance or certificate of occupancy is issued.

31 Section 6.4.2.5 Tree Mitigation Requirements

- A. All required mitigation trees shall be provided as shade trees meeting the planting, installation, and maintenance requirements of Section 4.3.2.2.
- B. Off-Site Mitigation. The primary goal is to replant trees on a development site. With the express, written approval of the Responsible Official, however, some or all of the required mitigation trees that cannot feasibly be planted in any area of the development site can be planted in a park or other city right-of-way located within the same sector quadrant of the City as the development site.
- C. Tree Fee-in-lieu. While the primary goal is to replant trees on a development site, when some or all of the required mitigation trees cannot feasibly be planted in any area of the development site or in a nearby park or other public property, the Responsible Official may allow the applicant to pay a fee-in-lieu of planting mitigation trees. Payment per caliper inch as set by City Council resolution for required mitigation trees shall be paid into the tree fund. The funds in this account shall be

dedicated solely to tree planting and care and other tree preservation activities within the same quadrant of the City as the development site. Refer to the fee schedule on the City’s website for the current rates.

32 Section 6.4.2.6 Tree Credits

- A. Incentives to Retain Existing Trees. In order to encourage the preservation of trees that are already established and growing, particularly heritage trees, additional credit as outlined in the table below shall be given for healthy existing trees. To receive credit, the existing tree must be of a species included on the preferred list in the technical manual and located within the limits of construction (LOC) of the development site. Tree credits for preserving existing trees can be used to meet either the landscaping requirements for trees or the mitigation requirements for other removed trees. **(See below for proposed amendments to preferred plant list in design manual)**

SAN MARCOS DESIGN MANUAL

APPENDIX D: PLANTING GUIDELINES

ARTICLE 2: PREFERRED PLANT LIST

DIVISION 1: LANDSCAPING/MITIGATION TREES

medium / shade trees							
Species	Scientific name	Growth	Water	Soil	Light	Planting area	vulnerable
Eastern Red Cedar	Juniperus virginiana	fast		moist, well-draining		median strip planting, parking lot planting	minor

large / shade trees							
Species	Scientific name	Growth	Water	Soil	Light	Planting area	vulnerable
Huisache	Acacia farnesiana	fast		well drained, alkaline, variety of soils		N/A	minor

CHAPTER 7. SUPPLEMENTAL DEVELOPMENT STANDARDS

33 Article 1: Parking

DIVISION 2: MINIMUM PARKING REQUIREMENTS

Section 7.1.2.1 Minimum Requirements and Standards

- A. On-street public parking that is located directly adjacent to the property and meets all requirements for on-street parking in accordance with a street type containing dedicated and striped parking in Section 3.7.2.1 may be counted towards the minimum parking requirements in Section 7.1.2.1 or Section 7.1.2.2.
- B. The table below includes minimum parking requirements for any proposed uses except those in the N-CM, CD-4, CD-5, or CD-5D zoning districts.

Section 7.1.2.2 Mixed Use Parking Requirements

- A. Minimum Parking Requirements. The table below includes the minimum parking requirements for uses within the N-CM, CD4, CD5 and CD5D zoning districts.

Minimum Mixed Use parking requirements				
Use	<u>N-CM</u> /CD-4	CD-5	CD-5D	Bicycle Parking*
Residential	1 per Unit	1 per Unit	1 per Unit	1 space per 15 bedrooms
Purpose Built Student Housing	1 per Unit	1per Unit	1.05 per Bedroom	1 space per 15 bedrooms
Lodging	1 per Bedroom	1 per Bedroom	1 per Bedroom	None
Office	3 per 1,000 sq. ft.	2 per 1,000 sq. ft.	2 per 1,000 sq. ft.	1 per 3,000 sq. ft.
Retail	4 per 1,000 sq. ft.	3 per 1,000 sq. ft.	3 per 1,000 sq. ft.	1 per 3,000 sq. ft.
Civic	1.0 per 5 seats assembly use or;	1.0 per 5 seats assembly use or;	1.0 per 5 seats assembly use or;	1.0 per 5 seats assembly use or;
	1.0 per 1,000 sf GFA exhibition or recreation area	1.0 per 1,000 sf GFA exhibition or recreation area	1.0 per 1,000 sf GFA exhibition or recreation area	1.0 per 5,000 sf GFA exhibition or recreation area

34 DIVISION 2: MINIMUM PARKING REQUIREMENTS

Section 7.1.4.3 Parking Lot Landscaping

C. Interior Islands

1. A landscaped interior island must be provided every 10 parking spaces. Interior islands must be distributed evenly throughout the parking area. ~~Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees.~~
2. An interior island abutting a single row of parking spaces must be a minimum of 9 feet in width and 150 square feet in area. Each island must include one shade tree.
3. An interior island abutting a double row of parking spaces must be a minimum of 9 feet in width and 300 square feet in area. Each island must include 2 shade trees.
4. All rows of parking must terminate with a landscaped interior terminal island. No more than 30 parking spaces may be located between terminal islands.
5. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees.
6. Interior islands must be installed below the level of the parking lot surface to allow for runoff capture and be designed to infiltrate runoff water within 24 hours.

35 Article 2: Landscaping and Screening

DIVISION 2: TRANSITIONAL PROTECTIVE YARDS

Section 7.2.2.1 Intent

A transitional protective yard is intended to minimize conflicts between potentially incompatible, but otherwise permitted land uses on abutting property. A transitional protective yard may be located within a required setback.

Section 7.2.2.2 Applicability

Transitional protective yards shall be required for all new development along interior side lot lines and rear lot lines. A required transitional protective yard is required as specified in the table below:

~~Section 7.2.2.2 Protective Yards~~

Section 7.2.2.3 Use Protective Yard.

A use protective yard may also be required along perimeter lot lines for specific uses in accordance with Chapter 5.

Section 7.2.2.4 Protective Yard Installation Requirements

B. Location

1. A required protective yard must be located within the outer perimeter of the lot, parallel to and extending to the property boundary line. A required protective yard must be provided along the entire frontage immediately abutting the property line. Landscaping must be planted on the inside of the required protective yard.
2. A required protective yard may not be located ~~on~~ within any portion of an existing, dedicated or reserved public right-of-way.
3. Breaks for pedestrian, bicycle, and vehicle access are allowed. Driveways or walkways must cross a protective yard at as near a perpendicular angle as practical.
4. The width of a required protective yard is calculated on the average width per 100 feet or portion of protective yard. The minimum width of the protective yard at any one point cannot be less than one-half the required width of the protective yard.

36 DIVISION 6: WALLS AND FENCES

Section 7.2.6.2 General Requirements

G. Fences and Walls Adjacent to a Street, Park or Greenway

1. A fence or wall located within the first layer along a primary frontage shall be 48 inches or less in height and 50% open.
2. A fence or wall located within ~~the first layer~~ 20 feet from the curb along a secondary frontage shall be 48 inches or less in height and 50% open.
3. A fence or wall adjacent to a public park or greenway shall be 6 feet or less in height and 50% open.

37 Article 3: Sign Permits

DIVISION 1: GENERAL STANDARDS AND REQUIREMENTS

Section 7.3.1.8 Nonconforming Signs

- B. Legal, Nonconforming Off-Premise Signs. An off-premise sign existing on July 24, 2003 that violates a spacing or location restriction in Section ~~7.3.1.67.3.3.3~~ 7.3.1.67.3.3.3 Location and spacing restrictions and an existing off-premise sign that thereafter becomes in violation of a spacing or location restriction in Section ~~7.3.1.67.3.3.3~~ 7.3.1.67.3.3.3 Location and spacing restrictions, is a legal nonconforming sign and may be continued, repaired and maintained in good condition, but may not be otherwise altered. A nonconforming off-premise sign shall have its legal nonconforming status terminated if the sign, or a substantial part of it, is blown down or otherwise destroyed, or dismantled for any purpose other than routine maintenance or for changing the letters, symbols, or other matter on the sign. For purposes of this Section 7.3.1.8), a sign is considered to have been destroyed only if the cost of repairing the sign is more than 50 percent of the cost of erecting a new sign of the same type, material, and dimensions at the same location.

CHAPTER 9: LEGACY DISTRICTS

Article 1: Development Standards

39 DIVISION 1: GENERAL

All projects or development shall comply with all of the applicable dimensional and development standards in this Chapter 9. Additional standards and requirements may also apply as required in Chapters 1, 2, 3, 6, 7, 8, or 9 of this Land Development Code.

40 Article 4: Supplemental Standards

DIVISION 2: EXTERIOR CONSTRUCTION AND DESIGN REQUIREMENTS

Section 9.4.2.2 Exterior Design Requirements for Buildings

- A. Applicability. The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all exterior building walls of all new construction and to all new additions to existing buildings. Where alterations, remodeling or repairs result in an expansion of over 50 percent of the gross floor area of the existing structure, the standards and criteria within this section shall apply to the entire structure. These standards shall apply to all nonresidential and industrial buildings within Legacy Districts.
- B. Exemptions. The following properties are exempt from standards applied to exterior building design:
 - 1. Property located within the airport;
 - 2. Residential uses other than multi-family.

C. Exterior design of buildings. Three of the following standards shall apply to all nonresidential and industrial buildings:

- 1. Use one of the following methods for horizontal offsets in exterior building walls:**
 - a. Provide façade articulation of at least three feet (3') in depth for every fifty feet (50') in horizontal surface length that is visible from an adjacent public street; or residential property; or,
 - b. Provide, for any building façade with horizontal length over three times its average height, articulation of at least 15 percent of the façade's height. Such articulation shall extend lateral for a distance equal to at least 25 percent of the maximum length of either adjacent wall; or,
 - c. Provide, subject to the approval of the Director of Planning and Development Services, a combination of varied facades, roof lines, and fenestration by utilizing a combination of offsets, set back heights, window and roof designs with varied dimensions and surface treatments.
- 2. Use one of the following methods for vertical offsets in exterior building walls:**
 - a. Provide façade articulation of at least three feet (3') in depth for every fifty feet (50') in height of façade; or,
 - b. Provide, for facades that extend laterally for a distance of greater than three times its average height, a façade height change of at least 15 percent of the height of either adjacent wall. This change of height shall extend for a distance equal to at least 25 percent of the maximum length of the adjacent walls;
 - c. Provide, subject to the approval of the Director of Planning and Development Services, a combination of varied facades, roof lines and fenestration by utilizing a combination of offsets, set back heights, window and roof designs with varied dimensions and surface treatments.

3. Incorporate at least one of the following pedestrian scale architectural features on at least three facades:
 - a. Use ground level arcades and covered areas along the majority of a façade; or,
 - b. Use protected or recessed entryways to shop or interior walkways; or,
 - c. Include windows on at least 15 percent of walls facing streets, walkways and primary entries.
4. Utilize at least one of the following features on any facades without windows or doors:
 - a. Place smaller retail spaces (linear buildings) along the blank elevation of the larger building; or,
 - b. Place landscape beds a minimum of 15 feet wide capable of providing 75 percent screening (at maturity) of a minimum of 2/3 of the façade’s height
 - c. Provide, subject to the approval of the Director of Planning and Development Services, landscaped public pedestrian spaces (courtyards, plazas, or trail heads) along the blank façade.
5. Utilize a minimum of two of the following elements, repeated at appropriate intervals either horizontally or vertically, on any façade greater than 50 feet in length:
 - a. Material change; or
 - b. Punched windows with recessed doorways; or,
 - c. Balconies, turrets or towers; or
 - d. Architectural details that create interest, shade and cast shadows such as offsets, molding, eaves, cornices, pillars, archways, or other appurtenances.

41 GENERAL/FIND AND REPLACE THROUGHOUT CODE

Replace references of “site plan” to “site permit”

Section 2.1.1.1 Classification of Applications & Decisions; Rules Governing Decision Making

Table 2.1 Development Applications, Decision Authority, and Notice Requirements Table

Site ~~Plan~~Permit

Section 2.3.5.3 Expiration and Extension Timelines

Permit expirations and extensions

Permit or Application Type	Sec.	Expiration	Extension
Site Plan Permit	Section 2.7.1.1	2YR	90D

Section 2.5.1.2 Application Requirements

- D. A watershed protection plan or a qualified watershed protection plan shall include all land contiguous to and in the same ownership with the land subject to the plat application or site ~~plan~~ permit.

- E. An application for a watershed protection plan phase 2 may be applied for and approved as an element of a comprehensive site ~~plan-permit~~ or public improvement construction plan when the land is not located in any of the following zones:
 - 1. Edwards Aquifer Recharge Zone;
 - 2. A floodplain, water quality, or buffer zone;
 - 3. The San Marcos river protection zone; or
 - 4. San Marcos river corridor.

Article 6: SITE ~~PLAN~~PERMIT

Section 2.6.1.1 Purpose, Applicability, Exceptions and Effect

- A. Purpose. The purpose of a site ~~plan~~-permit shall be to apply the standards contained in this Development Code to a specific development. A site ~~plan~~-permit assures that preparatory development and construction activities on the development site shall meet city standards prior to soil disturbance, development, construction, demolition or placement of a structure on the tract, parcel or lot.
- B. Applicability. Approval of a site ~~plan~~-permit is required prior to any non-exempt development of land within the city limits or within the city's extraterritorial jurisdiction.
- C. A site ~~plan~~-permit is required for all development meeting any of the criteria listed below.
 - 1. Existing non-residential and multifamily uses that are proposing to add greater than five thousand (5,000) square feet of impervious cover.
 - 2. Existing non-residential and multifamily uses that expand more than fifty (50) percent of the building's originally constructed floor area.
 - 3. All non-residential and multi-family development located partially or completely on a lot within any of the following sensitive environmental regions:
 - a. Over the Edwards Aquifer recharge or contributing zones;
 - b. An identified floodplain, water quality or buffer zone;
 - c. The San Marcos river protection zone;
 - d. The San Marcos river corridor; or
 - e. Wetlands or other jurisdictional water.
- D. All other development shall require submission of a small site ~~plan-permit~~ with the applicable construction permit application demonstrating compliance with the requirements of this Development Code.
- E. Non-exempt development activities that do not meet the criteria above and do not require a construction permit shall require submission of a small site ~~plan-permit~~ permit demonstrating compliance with any applicable standards.
- F. Exemptions. The requirement to have a site ~~plan~~-permit does not apply in whole or in part to the following activities or land uses:
 - 1. Clearing that is necessary only for surveying purposes.
 - 2. Agricultural uses.
 - 3. Other activities which are exempted from site ~~plan~~-permit requirements pursuant to this Development Code.
- G. Effect. Approval of a site ~~plan~~-permit authorizes site preparatory activities other than construction or placement of a structure on the land, subject to the terms of the permit and for the duration of the permit. Approval of a site ~~plan~~-permit also authorizes the issuance of a construction permit.

Section 2.6.1.2 Application Requirements

- A. An application for a site ~~plan-permit~~ shall be submitted in accordance with the universal application procedures in Section 2.3.1.1 except as otherwise provided in this Article 7.

- B. A site ~~plan~~-permit required under Section 2.7.1.1 shall be sealed by an engineer licensed in the State of Texas.
- C. A small site ~~plan~~-permit shall be prepared in accordance with the universal application procedures in Section 2.3.1.1 but shall not require a licensed engineer.
- D. Fiscal Security. Fiscal security shall be applicable for all sites where no building permit is associated with the project.
 - 1. Prior to the site ~~plan~~-permit being issued, the City shall collect from the property owner sufficient fiscal security to provide for the permanent stabilization of areas of soil disturbance associated with the development and construction activities to be permitted. The required security shall be in the amount of 125% of the permanent stabilization cost estimate approved by the Engineering Director. The security shall be in the form of one of the following:
 - a. A cash escrow with the City;
 - b. An irrevocable letter of credit drawn upon a state or national bank that has a regular business office in the State of Texas that authorizes the City to draw upon the letter of credit by presenting to the issuer only a sight draft and a certificate signed by an authorized representative of the City attesting to the City's right to draw funds under the letter of credit;
 - 2. Provision of this security in no way relieves the permittee from responsibility for completing permanent stabilization measures in accordance with the approved site plan. The security will be returned to the permittee following site final inspection approval and issuance of the certificate of occupancy or certificate of acceptance. In the event the permittee fails to complete required site-wide permanent stabilization, the security will be utilized to accomplish permanent stabilization of the site.

Section 2.6.1.3 Processing of Application and Decision

- A. Responsible Official Action. The Responsible Official shall approve, approve with conditions, or deny a site ~~plan~~-permit subject to appeal as provided in Section 2.8.1.1.

Section 2.6.1.4 Criteria for Approval

- A. Criteria. The following criteria shall be used to determine whether the site ~~plan~~-permit application shall be approved, approved with conditions, or denied:
 - 1. The site ~~plan-permit~~ is consistent with all prior approvals;
 - 2. All standards of this Development Code, as applicable, have been and remain satisfied including:
 - a. All standards applicable to the district in which the property is located;
 - b. Standards applicable to a water quality protection plan;
 - c. Special dimensional and design standards applicable within an overlay district to which the use is subject;
 - d. Conditional use permit (CUP) requirements; and
 - e. Any standards imposed as conditions for approval of a variance or alternative compliance.

Section 2.6.1.5 Appeals and Relief Procedures

- A. Appeal. The applicant for a site ~~plan~~-permit may appeal the decision of the initial decision-makers to the Planning and Zoning Commission in accordance with Section 2.8.1.1.

Section 2.6.1.6 Expiration and Extension

- A. A site ~~plan~~-permit is subject to the expiration and extension requirements in Section 2.3.5.1.

Section 2.6.1.7 Completion and Acceptance

- A. Prior to Occupancy. All improvements required by the site ~~plan~~-permit must be completed in accordance with applicable regulations and standards prior to the issuance of a certificate of occupancy for the last building on the site.

- B. If the construction of any improvement is to be deferred until after the issuance of a temporary certificate of occupancy, the property owner shall first provide sufficient security to the City in the form of a cash escrow to ensure completion of the improvements.
- C. Prior to Final Acceptance. The property owner shall submit an engineer's letter of concurrence certifying that all stormwater detention and water quality management facilities are in conformance with the approved plans and specifications before the City may finally accept such facilities.

Section 3.4.1.1 Purpose, Applicability and Effect

- C. Effect. Approval of public improvement construction plans authorizes the property owner to install public improvements in existing or proposed rights-of-way and easements offered for dedication to the public under an approved preliminary or final subdivision or development plat, or under an approved site ~~plan~~-permit.

Section 3.5.2.8 Vehicular Impact on Existing Streets.

- D. Where a traffic impact analysis demonstrates a degradation of overall intersection level of service below the existing intersection operating level or where the existing intersection is operating at a level of service F, the proposed site ~~plan~~-permit or subdivision may be approved provided that a traffic mitigation plan is submitted.

Section 3.7.1.1 Intent and Applicability

- B. Applicability
 1. When a preliminary plat, final plat or site ~~plan~~-permit proposes the construction of a new street, the requirements of this Article apply.
 2. Sidewalks, streets and street trees must be installed and constructed in accordance with this Article.
 3. Existing streets may remain serving existing development in their current configuration; however, they shall not be extended or substantially rebuilt except in conformance with this Article (see also Section 3.8.1.5 Existing Streets)

Section 3.9.1.1 Flood Control Requirements

- J. Permit Required. No person, individual, partnership, firm or corporation shall deepen, widen, fill, reclaim, reroute or change the course or location of any existing ditch, channel, stream or drainage without first obtaining a site ~~plan~~-permit and permits from applicable agencies (such as FEMA or the U.S. Army Corps of Engineers) having jurisdiction. The Responsible Official may, at his or her discretion, require preparation and submission of a FEMA or flood study for a proposed development if there are concerns regarding storm drainage on the subject property or upstream or downstream from the subject property. The costs of such study, if required, shall be borne by the developer.

Section 3.10.1.2 Parkland Dedication

- A. General Calculation of Required Land. The calculation of required parkland in accordance with the findings in Section 3.10.1.1A is calculated based on the number of units added through approval of a subdivision or site ~~plan~~-permit under Sec. Section 3.1.1.1 or Section 2.7.1.1 and is calculated according to the table and formula below:

Section 6.2.1.1 Purpose, Applicability and Exceptions

- D. Designation required. The water quality zones and buffer zones required by this Article shall be designated when a plat is required for a development, and shall be shown on all associated watershed protection plans, plats, site ~~plan~~-permits, and building plans. Unless required by the Responsible Official to be dedicated as a flowage easement and dedicated for public maintenance, water quality zones and buffer zones shall be privately held and maintained.

Section 6.3.2.1 Duties in Undertaking Development Over Aquifer

- A. Excavations in Recharge Zone or Transition Zone.

1. When a development in the recharge zone or transition zone includes any excavation, the person performing the development must either engage a qualified geologist to inspect the excavation, or notify the Engineering Director to arrange for inspection of the excavation by city personnel. The inspection will be for the purpose of determining whether the excavation has uncovered any geologic or man-made feature that presents a possible avenue for recharge to the aquifer. The inspection will be made either upon completion of the excavation, if it is in a single, defined area, or in segments, if the excavation is linear, or is in multiple locations, or is accomplished over an extended period of time. The excavation may be temporarily backfilled before inspection, but inspection must occur with the full excavation uncovered before permanent backfilling is performed. If an inspection reveals that one or more such features has been uncovered, the person performing the development must:
 - a. Immediately notify the Engineering Director;
 - b. Utilize temporary BMPs to prevent pollution from entering the aquifer through the features; and
 - c. Not perform any further work in the excavation until an application for an amendment to the approved watershed protection plan (phase 1, phase 2, or qualified, as applicable), for a development in the recharge zone, or an application for approval of a site ~~preparation~~ permit, for a development in the transition zone, is submitted to and approved by the Engineering Director.

Section 6.4.2.1 General Tree Preservation Requirements

D. Tree Survey

2. The tree survey required with an application for a Watershed Protection Plan, Phase 2 or a Site ~~Plan~~-Permit under Section 2.6.1.1 or Section 2.7.1.1 shall include a drawing showing the species, size, location and scaled root protection zone of all protected and heritage tree(s), with an indication of those to be preserved or removed. The “Tree Preservation and Mitigation Table”, located on the City’s website, shall also be included.

Section 7.5.1.3 Review Procedure

- A. Proof of Compliance Required. Detailed drawing(s) verifying compliance with the requirements of this Article shall be submitted, in detail sufficient to show compliance, at both the time of site ~~plan~~ permit and building permit application submittal. The compliance shall be illustrated, along with calculations or specifications of how areas shown on the site ~~plan-permit~~ and building permit applications shall meet the requirements for lighting and design.

Chapter 8, Definitions

218. Site ~~Plan~~-Permit: a permit that is issued under Chapter 2, Article 7 of this Development Code that authorizes Site preparatory activities, other than Construction or placement of a Structure on the land, under one or more Site Plans and that, upon approval, authorizes the property owner to apply for a Construction Permit.
275. Watershed Protection Plan: a plan that is submitted that establishes terms and conditions for approval of applications for Plats and Site ~~Plan~~-Permits relating to environmental standards in Chapter 6 of this Development Code, and that is reviewed and decided in phases under Chapter 2, Article 7 of this Development Code.

42 Replace references of “4.3.2.2” (for landscaping installation and maintenance requirements) to reference 7.2.4.1, 7.2.4.2 and Appendix D of the Design Manual

Section 3.7.1.4 Standards

- A. Tree Planting. All trees planted in accordance with this Article must be shade trees that meet the design, type and installation requirements of Sections 4.3.2.2-7.2.4.1, 7.2.4.2, and Appendix D of the San Marcos Design Manual.
- B. Stormwater. Whenever funding is available and site conditions allow, rights-of-way may be designed to infiltrate stormwater, either through porous pavement treatments, curb cuts, or by directing stormwater into bioretention cells. Plants used in a bioretention cell must be comprised of species that require low maintenance and can tolerate frequent inundation as well as periods of drought.
- C. Street Lighting. Street lights are required at all intersections and must meet IESNA Standards.

Section 3.8.1.2 Standards

- A. Tree Planting
 - 1. Unless otherwise noted below, all trees planted in accordance with this Article must be shade trees.
 - 2. Where overhead utilities exist, one (1) understory tree shall be planted every twenty (20) feet on center, on average.
 - 3. All required street trees must meet the design, type, and installation requirements of Sections 4.3.2.2-7.2.4.1, 7.2.4.2, and Appendix D of the San Marcos Design Manual.

Section 6.4.2.5 Tree Mitigation Requirements

- A. All required mitigation trees shall be provided as shade trees meeting the planting, installation, and maintenance requirements of Sections 4.3.2.2-7.2.4.1, 7.2.4.2, and Appendix D of the San Marcos Design Manual.

Section 7.1.4.3 Parking Lot Landscaping

- B. Parking lot landscaping shall be consistent with the species type and installation requirements in Section 4.3.2.2-7.2.4.1, 7.2.4.2, and Appendix D of the San Marcos Design Manual.
- C. Interior Islands
 - 1. A landscaped interior island must be provided every 10 parking spaces. Interior islands must be distributed evenly throughout the parking area. ~~Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees.~~
 - 2. An interior island abutting a single row of parking spaces must be a minimum of 9 feet in width and 150 square feet in area. Each island must include one shade tree.
 - 3. An interior island abutting a double row of parking spaces must be a minimum of 9 feet in width and 300 square feet in area. Each island must include 2 shade trees.
 - 4. All rows of parking must terminate with a landscaped interior terminal island. No more than 30 parking spaces may be located between terminal islands.
 - 5. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees.
 - 6. Interior islands must be installed below the level of the parking lot surface to allow for runoff capture and be designed to infiltrate runoff water within 24 hours.

Section 7.1.4.4 Parking Lot Screening

- A. Applicability. All off-street vehicle parking areas (of any size) abutting a public street (not including an alley) must be screened as specified below.

- B. Parking lot screening shall be consistent with the species type and installation requirements in Sections ~~4.3.2.2~~7.2.4.1, 7.2.4.2, and Appendix D of the San Marcos Design Manual.

Section 7.2.1.2 Applicability

- F. Landscaping and screening installed under the requirements of this article shall be consistent with the species type and installation requirements in ~~Section 4.3.2.2~~Sections 7.2.4.1, 7.2.4.2, and Appendix D of the San Marcos Design Manual.

43 Replace “ND-4M” with correct zoning designation name of “N-CM”

Building Type Standards, Pages 4:84-4:110

Accessory Dwelling Unit, Townhouse, Small Multi-Family, Apartment, Live/Work, Neighborhood Shopfront, Mixed Use Shopfront	ND-4M <u>N-CM</u>
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Sign Permits, Page 7:33-7:44

Section 7.3.4.2 Illumination

- B. Specific to zones CD-4, CD-5, ND-4, ~~ND-4M~~N-CM

Awning or Canopy Sign, Wall Sign, Monument Sign, Pole Sign, Projecting Sign	
Dimensions	ND-4M <u>N-CM</u>

44 Replace “Engineering Director” with “Responsible Official”

Section 2.6.1.3 Approval Process

- C. Planning and Zoning Commission Action
 - 4. The Planning and Zoning Commission may attach such conditions to approval of a qualified watershed protection plan as are necessary to assure that the plan meets water quality standards, based on the recommendation of the ~~Engineering Director~~Responsible Official, a qualified geologist, or a Texas-licensed professional engineer.

Section 2.6.1.5 Appeals and Expiration

- A. Appeal
 - 1. The applicant for either phase of a watershed protection plan or any interested person within the notification area may appeal the decision of the ~~Engineering Director~~Responsible Official to the Planning and Zoning Commission.

Section 2.7.1.2 Application Requirements

- 1. Prior to the site plan permit being issued, the City shall collect from the property owner sufficient fiscal security to provide for the permanent stabilization of areas of soil disturbance associated with the development and construction activities to be permitted. The required security shall be in the amount of 125% of the permanent stabilization cost estimate approved by the ~~Engineering Director~~Responsible Official. The security shall be in the form of one of the following:

Section 6.2.2.3 Sensitive Feature Protection Zones

- B. Enhanced Geologic Assessments. If an applicant obtains the ~~Engineering Director's~~ Responsible Official's approval of an enhanced geologic assessment for a feature in accordance with Section 6.3.2.1(D), the area of the sensitive feature protection zone for a feature shall be the area identified by the assessment as contributing significantly to recharge through the feature.

Section 6.3.2.1 Duties in Undertaking Development Over Aquifer

- A. Excavations in Recharge Zone or Transition Zone.
1. When a development in the recharge zone or transition zone includes any excavation, the person performing the development must either engage a qualified geologist to inspect the excavation, or notify the ~~Engineering Director~~ Responsible Official to arrange for inspection of the excavation by city personnel. The inspection will be for the purpose of determining whether the excavation has uncovered any geologic or man made feature that presents a possible avenue for recharge to the aquifer. The inspection will be made either upon completion of the excavation, if it is in a single, defined area, or in segments, if the excavation is linear, or is in multiple locations, or is accomplished over an extended period of time. The excavation may be temporarily backfilled before inspection, but inspection must occur with the full excavation uncovered before permanent backfilling is performed. If an inspection reveals that one or more such features has been uncovered, the person performing the development must:
 - a. Immediately notify the ~~Engineering Director~~ Responsible Official;
 - b. Utilize temporary BMPs to prevent pollution from entering the aquifer through the features; and
 - c. Not perform any further work in the excavation until an application for an amendment to the approved watershed protection plan (phase 1, phase 2, or qualified, as applicable), for a development in the recharge zone, or an application for approval of a site preparation permit, for a development in the transition zone, is submitted to and approved by the ~~Engineering Director~~ Responsible Official.
 - B. Discovery of Sensitive Feature in Recharge Zone or Transition Zone.
 1. If a new sensitive feature, or any solution opening, cave, sinkhole, or similar feature, is encountered on a site in the recharge zone or transition zone during the construction process for a development, or if a previously known sensitive feature is found in the course of construction to be larger or more extensive than previously noted in the geologic assessment of the site, the holder or the holder's designated representative must:
 - a. Immediately suspend all excavation and construction activities within 50 feet of the feature, measured horizontally;
 - b. Immediately notify the ~~Engineering Director~~ Responsible Official of the discovery; and
 - c. Retain a qualified geologist to inspect the feature and make a recommendation to the ~~Engineering Director~~ Responsible Official based on the relative sensitivity of the feature.
 2. The ~~Engineering Director~~ Responsible Official may require, for a development in the recharge or transition zone, that the holder submit an application to amend the approved watershed protection plan or site preparation permit to adequately protect a feature encountered or found under subsection (b)(1) above. For development with an approved watershed protection plan including a geological assessment, the ~~Engineering Director~~ Responsible Official will review the available information and within two working days of notification of the feature, will decide whether to allow construction activities to resume near the feature pending the amendment, and if so, at what locations. The ~~Engineering Director~~ Responsible Official will review and approve or deny a requested amendment to watershed protection plan or site preparation permit within five working days of submission of a geologic assessment if not included with the

original application. The holder may appeal a denial in accordance with Chapter 2, Article 6, Division 1.

- 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.
- D. Enhanced Geologic Assessment. A watershed protection plan (phase 2) for a development in the recharge zone may be accompanied by an enhanced geologic assessment of the site prepared by a qualified geologist. The enhanced assessment is subject to review and approval by the ~~Engineering Director~~ **Responsible Official** as part of the approval process for the watershed protection plan (phase 2). The enhanced assessment must meet the requirements for assessments under (c) above, and in addition, must meet the following:

45 Replace “Traffic Impact Analysis”, “Transportation Impact Analysis”, or “Traffic Impact Assessment” to “Transportation Impact Assessment”

Page 2:4, Table 2.1

Table 2.1 Development Applications, Decision Authority, and Notice Requirements Table													
ADMINISTRATIVE													
Traffic Impact Analyses Traffic Impact Assessment Transportation Impact Assessment	Section 3.5.2.7	E	D					A			N	N	N

Section 3.2.2.2 Application Requirements

- A. An application for a preliminary subdivision or development plat shall be submitted in accordance with the universal application procedures in Section 2.3.1.1. except as otherwise provided in this Chapter 3.
- B. An application for a preliminary subdivision or development plat shall not be approved unless the following applications and development permits, where applicable, have been approved and remain in effect for the land included in the preliminary subdivision or development plat:
 1. All legislative approvals needed to authorize the proposed uses for the land.
 2. A concept plat.
 3. A regulating plan.
 4. A watershed protection plan (phase 1 or 2).
 5. A ~~traffic impact assessment~~ **transportation impact assessment**.

Section 3.2.4.2 Application Requirements

- A. An application for a minor subdivision or development plat shall be submitted in accordance with the universal application procedures in Section 2.3.1.1 except as otherwise provided in this Chapter 3.
- B. An application for a minor subdivision or development plat shall not be approved unless the following applications and development permits, where applicable, have been approved.
 - 1. All legislative approvals needed to authorize the proposed uses for the land.
 - 2. A watershed protection plan (phase2).
 - 3. A ~~traffic impact analysis~~transportation impact assessment.

Section 3.5.2.7 New streets

- A. Required street capacity shall be measured based on the methodology of the Highway Capacity Manual.
- B. The adequacy of the road network shall be demonstrated by preparation and submission of a transportation plan, transportation impact assessment or ~~traffic impact analysis~~transportation impact assessment when applicable as determined by this Chapter 3 and the Responsible Official.

Section 3.5.2.8 Vehicular Impact on Existing Streets.

- A. The vehicular impact of proposed development on existing streets shall be measured by AM and PM peak trips based on the methodology of the Highway Capacity Manual.
- B. A traffic impact analyses shall be required under the following conditions for non-residential streets:
 - 1. The creation of 200 or more dwelling units;
 - 2. A development generating 2,000 or more trips per day; and/or
 - 3. A development involving streets not appearing on the City's adopted Thoroughfare Plan.
- C. The vehicular impact of a proposed development on existing residential streets shall be demonstrated by a ~~traffic impact analysis~~transportation impact assessment prepared in accordance with Section 2.3.1.1 under the following conditions:
 - 1. The proposed addition of more than 300 vehicle trips per day to the existing traffic volumes.
- D. Where a ~~traffic impact analysis~~transportation impact assessment demonstrates a degradation of overall intersection level of service below the existing intersection operating level or where the existing intersection is operating at a level of service F, the proposed site plan or subdivision may be approved provided that a traffic mitigation plan is submitted.
- E. The traffic mitigation plan shall identify capital projects and phasing strategies that would bring the development impact to within a reasonable and adequate level as determined by the Responsible Official. This plan may identify improvements undertaken by the private sector, the public sector or both. Factors to be considered by the Responsible Official include whether:
 - 1. The cost of the mitigation measures exceeds the value of the proposed development;
 - 2. Transportation demand strategies including multi-modal improvements are included; and
 - 3. Alternative access strategies are evaluated and considered such as new street connections.
- F. Pedestrian, and Streetscape Improvements.
 - 1. Pedestrian and streetscape Improvements are required and determined adequate when the proposed development meets the requirements of the new streets under Section 3.7.1.1 or existing streets under Section 3.8.1.1.

Section 3.5.2.11 City Facilities Participation

- B. Escrow Policies and Procedures
 - 1. Request for Escrow. Whenever this Development Code requires a property owner to construct a street, road or thoroughfare, or other type of public improvement, the property owner may petition the City to construct the improvement at a later time, in exchange for deposit of escrow as established below, if unusual circumstances exist, such as a timing issue due to pending

improvements by another agency such as TXDOT or the county, that would present undue hardships or that would impede public infrastructure coordination or timing. If more than one street, road or thoroughfare must be constructed in order to meet adequacy requirements for roadways, the Responsible Official may prioritize roadways for which escrow is to be accepted and require the deposit of all funds attributable to the development in escrow accounts for one or more of the affected roadways. The Responsible Official shall review the particular circumstances involved and may require a ~~traffic impact analysis~~transportation impact assessment. The Responsible Official shall determine whether or not provision of escrow deposits will be acceptable in lieu of the property owner's obligation to construct the street or thoroughfare.

SAN MARCOS DESIGN MANUAL

APPENDIX C: HISTORIC DISTRICT GUIDELINES

ARTICLE 5: STANDARDS FOR GUIDELINES FOR SUSTAINABILITY

Section C.5.1.6 Solar Panels

- A. General. Prior to installing solar technology on-site, try improving the energy efficiency of the structure through other passive methods such as awnings, and screens. When placing solar panels on-site, consider the impact that the technology will have on the historic character and fabric of the site. Consider the following locations prior to requesting the installation of solar technology on historic structures:
 - 1. Pole mounted below the fence line
 - 2. Non-historic structure on the site
- B. If the desired energy efficiency cannot be achieved in the above locations then consider the following location:
 - 1. Historic Accessory Structures
- C. If the desired energy efficiency cannot be achieved by placing solar technology in the above three areas, and the technology must be place on the historic structure, then the following locations should be considered in the order listed below.
 - 1. Non-visible roof slope
 - 2. Rear roof slope
 - 3. Rear portion of side or secondary roof slope
 - 4. Side or secondary roof slopes
 - 5. Front or primary roof slope
- 46** D. ~~In addition, s~~Solar panels installed on the main structure should conform to the slope of the roof and not extend past the ridge line or eave line of the roof. ~~Note, that solar panels may be permissible if visible only along an alley.~~

San Marcos City Code of Ordinances

Chapter 86-Utilities, Article 4-Electricity, Division 4-Underground Electric Utilities, Sec. 86.188. - Standards for development.

-(a)Any new development in the City Limits shall have underground electric utilities.

~~(b)or Any~~ redevelopment that encroaches upon existing overhead electric infrastructure will be required to convert to underground electric infrastructure along the entire frontage of the property or development adjacent to the easement or public right-of-way in which the infrastructure is in, and located to a point at which extensions and connections to future subdivisions or developments can be made. If the property or development is not adjacent to an easement or public right-of-way, the extension of electric lines shall be accomplished in such a manner as to allow future extensions and connections to new subdivisions or developments. If new subdivisions or developments cannot be constructed beyond the applicant's property due to physical or legal constraints, the director or his or her designee may waive this requirement.

~~(c)~~In order to maintain electric system reliabilitycapacity, the developer shall pay all costs associated with upgrading any electric utility infrastructure necessary to serve new or increased electric load resulting from any new development or redevelopment within the San Marcos Electric Utility service area.

~~(d)~~Design and construction standards for overhead and underground electric utility infrastructure are available from the San Marcos Electric Utility (SMEU), a division of the City of San Marcos Public Services Department, in the City limits are available from the Engineering Department from the Service Provider in the area.

~~(e)~~All overhead service installations in the City Limits shall be on steel poles (45' Class 3).

~~(f)~~ Allowances for electric overhead and underground utilities easements shall be designed based on San Marcos Utilities (SMEU) Service Standards manual.