



Public Hearing

San Marcos Development Code Amendments, 2023

Receive a staff presentation and hold a public hearing to receive comments for or against Ordinance 2023-XX, amending the San Marcos Development Code to, among other things, address changes made in the 2023 Legislative Session, improve development processes related to development agreements, certificates of appropriateness, demolition by neglect, and parks and open space dedication, add clarity, correct discrepancies within the Code, and incorporate City Council direction for Code amendments including improved Historic District & Landmark Designation Criteria, increasing the Occupancy Restriction limit from two to three unrelated persons, creating a new business park zoning district, and making Waste Related Services a conditional use in all instances, including procedural provisions, and providing an effective date, and consider approval of Ordinance 2023-XX on the first of two readings.



Amendment Highlights

- Compliance with State Laws
 - Process Improvements
 - Add Clarity
 - Corrections
 - City Council Direction
-
- Updates since the public hearing at Planning and Zoning Commission are highlighted with blue text

Compliance with State Laws

#1.1



- Chapter 3, Article 2, Plat Applications
 - Delegate plat approval to the Responsible Official to ensure compliance with the “Shot Clock Bill.”
 - Require plats be posted online within 45 days of approval
 - Provide an option to appeal to Planning & Zoning Commission.

Section 3.2.3.7 Appeals

The applicant may appeal the decision of the Responsible Official to deny a plat application to the Planning & Zoning Commission in accordance with Section 2.8.1.1. The Planning & Zoning Commission shall apply the criteria Section 3.2.3.4 in deciding whether the Responsible Official's action should be upheld, modified or reversed.

A. Responsible Official Action.

1. The Responsible Official shall review the application for a concept plat in accordance with the criteria in Section 3.2.1.4 ~~and provide a report and recommendation to the Planning and Zoning Commission.~~

B. ~~Planning and Zoning Commission Action:~~

1. The ~~Planning and Zoning Commission Responsible Official~~ shall decide whether to approve, approve with conditions, or statutorily deny the subdivision concept plat application.
2. The conditions may relate to, among other matters, compliance with the Comprehensive Plan, and the availability and capacity of public improvements.
3. The ~~Planning and Zoning Commission Responsible Official~~ may condition approval on exclusion of land from the subdivision concept plat or adjustments in the proposed sequence or timing in the proposed phases of the development.
4. The responsible official shall, within 45 days of the date of Concept Plat approval, cause the approved plat to be posted to the City's website.

Compliance with State Laws

#1.2



- Section 2.2.4.3 Appeal Authority – City Council
 - Added an overarching appeal statement for any applications which do not have an appeal process spelled out in the Code.
 - Also allow City Council to act as the final decision maker, upon appeal, on any application.

Section 2.2.4.3 Appeal Authority

- A. Where a development application does not include a provision for appeal, or where City Council is not the final appeal body, an applicant may appeal to City Council in accordance with Section 2.8.1.1.

- Change Approved by P&Z

- Remove “in accordance with Section 2.8.1.1.”
- Add “Any final appeal to City Council made under this Section 2.2.4.3 must be filed no later than the 15th day after the day the decision being appealed is made. City Council will make a decision on such an appeal on or before the 60th day after the day on which the appeal is filed. No hearing shall be required for this appeal.”

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Compliance with State Laws



#1.3

- Table 9.1 Land Use Matrix – Legacy Districts
 - Removed Private School and allow Public or Private School in any zoning district

School, K through 12 (Private)	G	G	G	G	G	G	G	G	G	G	G	G	G	P	P	P	P
School, K through 12 (Public <u>or Private</u>)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

- Section 2.8.1.3 Approval Process – Appeals
 - Update appeal process to better align with state laws

#1.4

C. Appellate Body Action

- The ~~initial~~ public hearing on the appeal shall be held at the next regularly scheduled meeting of the appellate body for which notice can be provided and not later than the 60th calendar day after the date the appeal is filed. within twenty-five (25) working days after the filing of the appeal with the Responsible Official, unless a different time is

- Decision on Appeal.** ~~The appellate body shall decide the appeal within thirty (30) working days of the close of the public hearing.~~ The appellate body shall affirm, reverse or modify the decision from which the appeal was taken.

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Process Improvements

#2.1



- Section 2.4.3.5 Approval Process – Development Agreements
 - Require an informational meeting at Planning & Zoning Commission.
 - Include requirement for personal notice of the required City Council public hearing
 - **Note:** notices will be sent to property owners in accordance with Section 2.3.2.1 General Notice Requirements
 - General Process & Timing Improvements

TABLE 2.1 DEVELOPMENT APPLICATIONS, DECISION AUTHORITY, AND NOTICE REQUIREMENTS TABLE

APPROVAL PROCESS			REVIEW AND APPROVAL AUTHORITY						NOTICE			
	CITATION	RESPONSIBLE OFFICIAL	STAFF	HISTORIC PRESERVATION COMMISSION	NEIGHBORHOOD PRESENTATION	ZONING BOARD IF ADJUSTMENTS	PLANNING COMMISSION	CITY COUNCIL	APPLICATION NOTICE	PUBLISHED NOTICE	PERSONAL NOTICE	POSTED NOTICE
Development Agreement	Section 2.4.3.1	P	R				<u>PM</u>	D/PH/PM		Y	N <u>Y</u>	N

Process Improvements



#2.2

- Section 2.5.5.3 Approval Process –
Certificates of Appropriateness
 - Change decision date from 45 to 60 days.
 - Add language to clearly allow HPC the ability to postpone items in order to request additional information.

The Historic Preservation Commission shall render its decision on the request within ~~forty-five (45)~~ sixty (60) days of the date the application is deemed complete and adequate for review, unless a later date is approved by the Historic Preservation Commission or requested by the Applicant in writing, subject to the supplemental options available under Section 2.5.5.5.

#2.3

- Section 4.5.2.1.N Demolition by Neglect
 - Change reporting requirement from 30 days to 45 days to better align with the regular meeting schedule of the Historic Preservation Commission.

and complete the work. The Responsible Official shall update the Historic Preservation Commission on the status of the property not less than every ~~fourty-five (45)~~ thirty (30) days once work begins on the property.

Process Improvements

#2.4



- Chapter 3, Article 10, Parks and Open Space
 - First review by Director of Parks & Recreation
 - Determination of Ownership
 - Include exception for small projects – 4 units or less**
 - **See Parks and Recreation Board Summary on Slide 12

Parkland and Open Space Dedication. Land proposed for dedication as public parkland or open space shall first be reviewed by the Responsible Official. Provisions for ownership and maintenance of new parks shall be determined by the Responsible Official, and may be accepted by the parks board based on the findings in Sec. Section 3.10.1.1A and the criteria identified in Section 3.10.1.2D.

1. **Exemptions.** New development, consisting of four units or less, shall be exempt from Parkland Dedication and Development fees.

Process Improvements

#2.4



D. Criteria for Acceptance of Parkland and Open Space. Where all criteria for acceptance are met, Parkland and Open Space Dedication shall be approved at the time of plat approval.

~~The Parks Board should consider the following criteria when accepting land for parks or open space:~~

1. ~~A minimum of fifty percent (50%) of the proposed land is determined by the parks board as acceptable for use as an area of active recreation. Active recreation sites do~~ land for dedication does not typically include the following:
 - a. Drainage ditches;
 - b. Detention ponds;
 - c. Power lines easements;
 - d. Slopes greater than fifteen percent (15%); or
 - e. Floodway; and
 - f. ~~All other areas that are determined by the Parks Board as insufficient for active recreation based on the nature or size of the land proposed for dedication.~~

- Chapter 3, Article 10, Parks and Open Space

- Proposed Administrative Approval

- Approved with Plat if criteria are met
 - Reduces potential conflicts with “Shot Clock Bill”
 - 2. The dedicated parkland conforms with the intent, specifications, typical features, and parking, and access requirements of one of the identified park types in Section 3.10.2.1.
 - 3. Appropriate plat notes describing the ownership and maintenance of all proposed parks are provided on the plat. ~~A minimum of 50% of the parkland required~~

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Process Improvements

#2.4



- Chapter 3, Article 10, Parks and Open Space
 - Remove requirement for City maintenance of all / most parkland
 - Appeals Process:
 - Administrative Decision -> Parks & Recreation Board -> City Council

~~the plat. A minimum of 50% of the parkland required under this ordinance shall be dedicated to the City of San Marcos as a neighborhood or regional park under Section 3.10.2.1. The remaining 50% may be owned and managed by one of the entities under Section 3.10.1.6.~~

Parkland and Open Space Dedication Appeal Process. An applicant may appeal the decision for acceptance of parkland made by the Responsible Official to the Parks and Recreation Board.

1. The Board may consider the above criteria for acceptance as well as whether the proposed dedication is consistent with the goals of the City's adopted parks plan (as amended).
2. Any appeal of a decision of the Parks and Recreation Board shall be presented to the City Council for acceptance, acceptance with conditions, or denial.

Process Improvements

#2.4



- Chapter 3, Article 10, Parks and Open Space: Resolution 2023-01RR recommended by Parks & Recreation Board in May, 2023
 - Require signage for publicly accessible, privately maintained parks
 - Update Fee-In-Lieu Calculation
 - Change Approved by P&Z: Fee-In-Lieu under \$100,000 approved by Responsible Official

Notification of public access to privately owned and maintained parkland shall be provided by the installation of city approved signage located near the public access and visible from the public street.

The cash fee in lieu of parkland dedication shall be based on the fair market value determined by an appraisal of one acre of land within the tract being developed, multiplied by the number of acres required for dedication the following formula:

~~PARKLAND COST FACTOR X NUMBER OF PARKLAND ACRES~~

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Process Improvements

#2.4



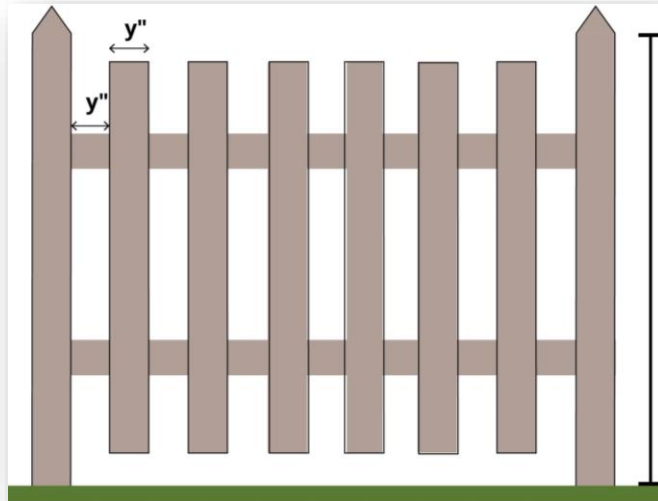
- Chapter 3, Article 10, Parks and Open Space
- At their regular meeting on August 24, 2023 the Parks and Recreation Board received a presentation on the Parks and Open Space Amendments.
 - The Board indicated general consensus in support of the proposed amendments.
 - The Board indicated they would like to see the exemption changed from 4 units to 8 units.
- ***Staff supports the Parks and Recreation Board's proposal to increase the exemption from 4 units to 8 units.***

Clarification

#3.1



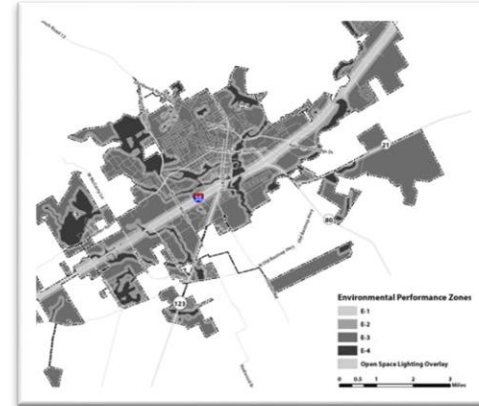
- Section 7.2.6.2 General Requirements – Walls and Fences
 - Insert graphic to clarify what “50% open” means for front yard fences
 - **Note:** Fence may be vertical or horizontal, graphic is for illustrative purposes only



Clarification

- Section 7.5.2.4 Universal Luminary Standards
 - Address newly annexed areas
 - Remove restriction on what uses can ask for Alternative Compliance

Environmental Performance Zone Upon Annexation. Upon annexation, land shall be designated as an E-3 Environmental Performance Zone. An owner may appeal this designation to the Responsible Official and may request E-1 or E-2 where the above descriptions apply to the subject property.



#3.2



SPECIFIC USE

ATM

Bank or Service
Window Drive-Thru

Gas Station
Canopies and
Approaches

Auto Dealerships

Outdoor Display
Areas

Athletic Facilities

The adjustment is based on a specific use identified in Section 7.5.2.4.

Clarification

#3.3



- Definitions
 - Added definition for Loft Apartment which was not carried over from pre-2018 Codes

Loft Apartment/Residential Loft: A residential living space that is located on the second floor (or above) of a structure that has a nonresidential use, such as an office or retail shop, operating on the first floor. This definition includes a similarly located space (but may include the first floor) within a structure that has been converted into a residential living area from some other originally intended use.

Clarification



#3.4

- Section 7.1.2.1 Minimum Parking Requirements
 - Include language to clarify which parking table applies in which zoning district.

B. ~~The~~ Table 7.1 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. ~~C. Minimum Parking Requirements.~~ The table 7.2 below includes the minimum parking requirements for uses within the N-CM, CD-4, CD-5 and CD-5D zoning districts.

TABLE 7.2 MINIMUM MIXED USE PARKING REQUIREMENTS FOR SPECIFIC ZONING DISTRICTS

USE	N-CM/CD-4	CD-5	CD-5D	BICYCLE PARKING*
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Clarification

#3.5



- Section 2.8.3.7 – Conditional Use Permit Renewal
 - Provided clarity regarding Restaurants vs. All CUP for administrative approval
 - **Note:** 'good standing' would include compliance with conditions of approval

- A. **Administrative Approval.** The Responsible Official may administratively approve a renewal or modification of an existing conditional use permit under the conditions below. Otherwise the application shall be considered by the Planning and Zoning Commission in accordance with this section.
1. Where a new State TABC license or permit is required for a currently licensed or permitted establishment due to a change in the name of the permit holder, the name of the business, or the ownership of the business.
 2. Where remodeling occurs which does not involve the expansion of the existing business.
 3. For renewal of a restaurant conditional use permit where the applicant demonstrates that they are in good standing with all requirements under this Development Code and any other statute and has not been assessed any violation values under this section.

Clarification

#3.6



- Section 3.6.2.1 – Block Perimeter – Block Standards
 - Add clarification to block perimeter requirement at the edge of a subdivision where adjacent to vacant land.
 - Add allowance for greenway and easements where lots are intended to be “double fronting” or backing onto a major thoroughfare

1. Residential blocks must ~~have sufficient width to~~ provide ~~for~~ two (2) tiers of residential lots, except:
 - a. Where across from a public park or open space;
 - b. To allow for unusual topographical conditions; ~~or~~
 - c. When adjacent to the outer perimeter of a subdivision, as illustrated in Section 3.6.4.1, where the second tier of lots can be accommodated on the adjacent property; or
 - d. When adjacent to an existing or proposed thoroughfare to which lot access is prohibited, provided a Multi Use Greenway shall be provided adjacent to the thoroughfare including a 12 ft. wide multi use path within a minimum 32 ft. public access easement.

Clarification

#3.6



- Section 3.6.2.1 – Block Perimeter – Block Standards
 - Include “MH” on Table 3.1 Block Perimeter
 - Allow ETJ properties to use Internal Drives, similar to Special Districts

TABLE 3.1 BLOCK PERIMETERS

ZONING DISTRICT	BLOCK PERIMETER (MAX)	DEAD-END STREET (MAX)
FD, CD-1, CD-2	N/A	500 Ft.
SF-6, ND-3, SF-R, SF-4.5	3,000 Ft.	300 Ft.
ND-3.2, ND-3.5, ND-4, CD-2.5, CD-3	2,800 Ft.	250 Ft.
CD-4	2,400 Ft.	200 Ft.
CD-5, CD-5D	2000 Ft.	NOT ALLOWED
CM, <u>BP</u> , HC, HI, LI, <u>MH</u> , ETJ	5,000 Ft.	400 Ft.
LEGACY DISTRICTS	3,000 Ft.	300 Ft.

3. An Internal Drive in accordance with Section 3.7.2.6 may be used to satisfy the maximum block perimeter in the following circumstances:
 - a. Re-development in a CD-5 or CD-5D district where the existing transportation network does not meet the block requirements of this section.
 - b. In an CM, BP, HC, HI, or LI District.
 - c. In the City's Extraterritorial Jurisdiction (ETJ)

Clarification



- Section 3.6.3.1 Lot Standards
 - Allow open space or drainage lots to be irregularly shaped

#3.7

- a. Triangular, tapered, or flag lots shall be not be permitted except for use as dedicated parkland, open space, or drainage lots.

- Section 3.4.2.3 Security for Completion of Improvements
 - Allow other forms of security besides those already listed

#3.8

Section 3.4.2.3 Security For Completion of Improvements

Whenever the obligation to install public improvements to serve a subdivision or development is deferred until after recordation of the final subdivision plat or final development plat, the property owner shall provide sufficient security to ensure completion of the required public improvements. The security shall be in the form of one of the following:

- F. Other forms of security may be considered by the City.

Clarification

#3.9



- Table 3.2 Driveway Dimensions
 - Add Minimum Radius

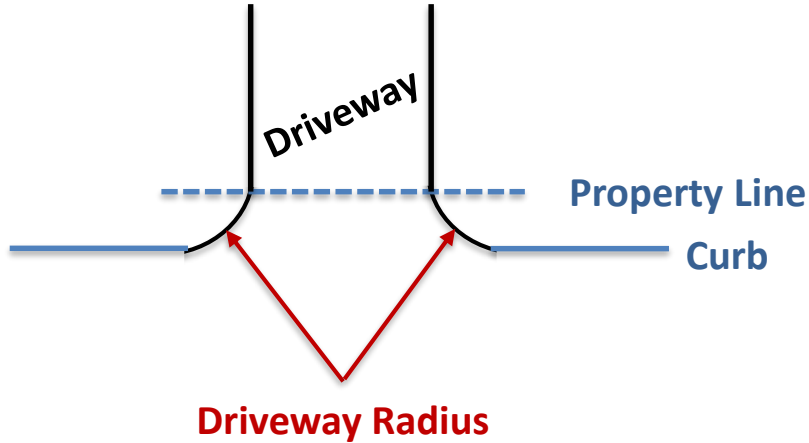


TABLE 3.2 DRIVEWAY DIMENSIONS

	WIDTH		RADIUS	
	MIN	MAX	MIN	MAX
Residential up to 6 off-street parking spaces	10'	18'	<u>5'</u>	5'
Residential 7+ off-street parking spaces (one-way)	12'	16'	<u>5'</u>	10'
Residential 7+ off-street parking spaces (two-way)	20'	24'	<u>5'</u>	10'
Mixed Use/ Commercial (one-way)	12'	18'	<u>5'</u>	10'
Mixed Use/ Commercial (two-way)	20'	32'	<u>10'</u>	15'
Industrial/ Service	30'	40'	<u>10'</u>	30'

Clarification

#3.10

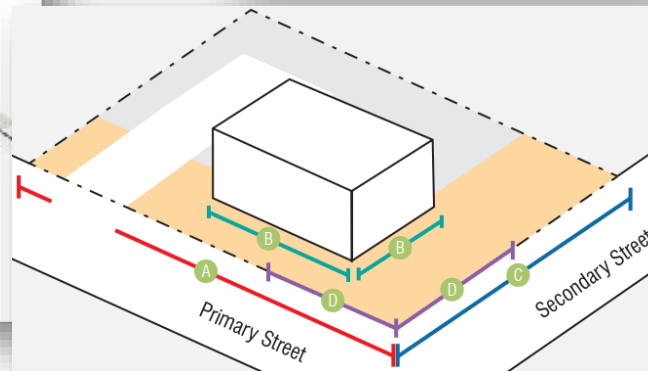
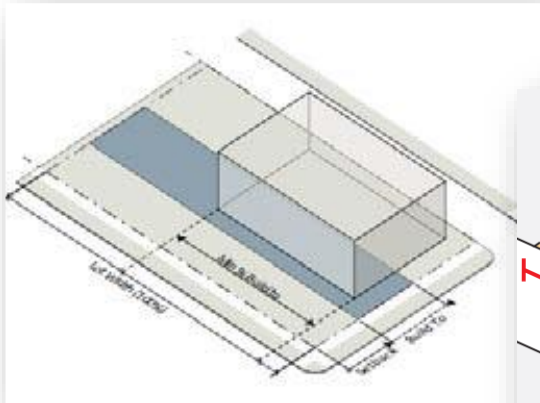


- Section 4.3.3.3 Build-To Zone
 - Added easement as point of measurement
 - Remove requirement to include access drive & update graphic

Section 4.3.3.3 Build-To Zone

- A. The build-to is the area on the lot where a certain percentage of the front principal building facade must be located, measured as a minimum and maximum setback range from the edge of the proposed or existing right-of-way, or easement, whichever is greater.

1. The measurement of the width of the site or lot shall not include the area occupied by the approved access drive.



Clarification

#3.11



- Section 4.4.3.6 CD-5 Zoning District
 - Allow setback to be measured from easement line if easement is existing
- **Citizen Comment:**
 - A similar standard exists in the Character District 4 (CD-4) Zoning District, this change should be considered for CD-4 as well.
- *Staff supports the addition of a similar provision for CD-4 which states the maximum setback may be measured from an easement.*

SETBACKS - PRINCIPAL BUILDING

Primary Street*	0 ft. min./ 12 ft. max.	B
Secondary Street*	0 ft. min./ 12 ft. max.	C
Side	0 ft. min.	D
Rear	0 ft. min.	E
Rear, abutting alley	3 ft. min.	E

*Where there is an existing easement on the property, the setback shall be measured from the easement instead of the right-of-way line.

Clarification

#3.12



- Chapter 6, Article 1, Division 4 Stormwater Quality & Stream Protection
 - Add applicability section & address typographical errors

Section 6.1.4.1 ~~Stream Protection and~~ Stormwater Quality and Stream Protection

A. **Applicability.** Stream Protection Volume capture and Stormwater Quality Treatment are required for developments within the locations listed in Section 6.1.4.1(D). Both requirements must be met and may be achieved with a single or separate stormwater control measure.

B. **Stream Protection Volume (SPV).** Stream Protection Volume is based on the amount of runoff produced over the developed area from the listed rainfall amount identified in Section 6.1.4.1(~~DE~~).

1. ~~WQSPV~~ shall be retained or detained on-site. Drawdown time shall be 48-hours.

Clarification

#3.13



- Section 6.2.3.2 Impervious Cover on Slopes
 - Add clarification regarding maximum impervious cover on slopes
 - **Table 6.2 will be modified to include only 2 columns**

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

- A. Water Quality Zone.** No impervious cover is allowed in a water quality zone except for those cases listed in Section 6.2.3.5(B).
- B. San Marcos River Corridor (SMRC).** The maximum impervious cover within the SMRC is 30%. Impervious cover cannot be increased with mitigation in the SMRC.
- C. Buffer Zones.** The maximum impervious cover in buffer zones is 30%. Impervious cover may be increased to 50% with mitigation ~~based on the slope table below.~~
- D. Steep Slopes.** The maximum impervious cover in buffer zones and the San Marcos River Corridor is further restricted when steep slopes are present in accordance with the table below.

- E. Reclamation.** Reclamation of a water quality and/or buffer zone shall require mitigation to replace lost water quality benefits and be accomplished in a way that preserves natural channel function and aesthetics.

(Ord. No. 2020-60, 9-1-2020)

TABLE 6.2 IMPERVIOUS COVER ON STEEP SLOPES OUTSIDE THE EDWARDS AQUIFER

SLOPES	IMPERVIOUS COVER (Max)		
	SMRC	BUFFER ZONE NO MITIGATION	BUFFER ZONE WITH MITIGATION
<15%	30%	30%	50%
15% - 25%	20%	20%	--
> 25%	10%	10%	--

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Corrections

#4.1



- Watershed Protection Plan Process Approved in 2021
 - Table 2.1: Updated to appropriately represent new process
 - Sections 2.6.1.4 & Section 2.6.1.5: P&Z no longer “approves” QWPP therefore no City Council appeal is necessary.
 - Section 3.2.4.2: added “where applicable” for Watershed Protection Plan associated with Minor Plats

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 Responsible Official to the Planning and Zoning Commission.~~
- ~~2. For a qualified watershed protection plan, the decision of the Planning and Zoning Commission may be appealed to the City Council, in accordance with Section 2.8.1.1.~~

- 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), as applicable in Chapter 2, Article 6.

Corrections

#4.2



- Section 6.2.1.1 Enhanced Protection Zones
 - Remove exceptions

ARTICLE 2: ENHANCED PROTECTION ZONES

DIVISION 1: GENERAL

Section 6.2.1.1 Purpose, Applicability and Exceptions

- A. Purpose.** The purpose of the standards in this Division are to protect water quality in more sensitive areas and to prevent flood damage throughout the City and its Extraterritorial Jurisdiction.
- B. Applicability.** This Article applies to development affecting any waterway including the Blanco and San Marcos Rivers located within the City or its Extraterritorial Jurisdiction unless otherwise stated in this Development Code ~~and except as follows:-~~

C. ~~Exceptions.~~ This Article does not apply to the following:-

- ~~1. Any waterway having a drainage basin of less than 50 acres outside the EARZ, Transition Zone, and Contributing Zone within the Transition Zone and 5 acres within the EARZ, Transition Zone, and Contributing Zone within the Transition Zone measured upstream from the proposed development;-~~
- ~~2. The construction of barns or other accessory structures related to agricultural uses.~~

Corrections

#4.3



- Update Table 2.1 to:
 - Accurately reflect Administrative Certificate of Appropriateness Process – Appeal of Administrative Certificate of Appropriateness are to Historic Preservation Commission, not Planning & Zoning Commission

TABLE 2.1 DEVELOPMENT APPLICATIONS, DECISION AUTHORITY, AND NOTICE REQUIREMENTS TABLE

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Administrative Certificate of Appropriateness	Section 2.5.6.1	P	D	A			A			N	N	N

Corrections



#4.4

- Update Table 2.2 to:
 - Accurately reflect Certificate of Appropriateness Expiration/Extension

TABLE 2.2 PERMIT EXPIRATIONS AND EXTENSIONS

PERMIT OR APPLICATION TYPE	SEC.	EXPIRATION	EXTENSION
Certificate of Appropriateness	Section 2.5.5.1	1YR	1YR/ <u>2YR</u>

#4.5

- Section 2.7.4.3 Notification requirements for Demolition Review of Historic Age Resources
 - Change “Neighborhood Commission” in one instance to “City Council”

- e. ~~Neighborhood Commission~~City Council (E-Notice);
- f. President of the Heritage Association of San Marcos (E- Notice);
- g. Hays County Historical Commission (E- Notice);
- h. Neighborhood Commission (E- Notice);

Corrections



- Table 4.4 & Table 4.6 Translation Tables
 - Add all districts not currently listed

#4.6

EXISTING ZONING DISTRICTS

FD, AR, SF-R, MR, SF-6, SF-4.5,
P, ND-3, ND-3.2, CD-1, CD-2

DR, D, PH-ZL, TH, MF-12, P,
ND-3.5, CD-3

MU, MF-18, MF-24, P,
ND-4, N-CM, CD-4

OP, NC, CC, GC, BP, HC, LI, HI, MH,
VMU, P, CD-5, CD-5D

- Update Table 4.19 Special Districts Summary
 - HC was not listed on this table

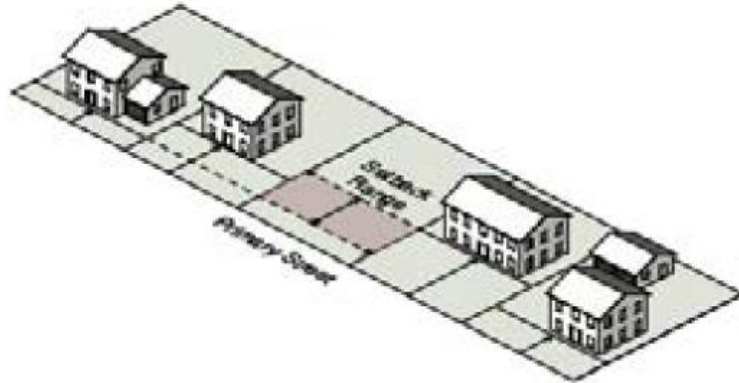
#4.7

TABLE 4.19 SPECIAL DISTRICTS SUMMARY

ABBREVIATED DESIGNATION	DISTRICT NAME
CM	Commercial District
<u>BP</u>	<u>Business Park District</u>
<u>HC</u>	<u>Heavy Commercial</u>
LI	Light Industrial District
HI	Heavy Industrial District
MH	Manufactured Home District

- Chapter 4, Residential Zoning Districts
 - Added cross reference to Residential Infill Compatibility Section 4.4.2.6 which was added to the Code in 2019
 - SF-R, SF-6, SF-4.5, ND-3, ND-3.2, ND-3.5

FIGURE 4.28 SETBACK AVERAGING INTERIOR LOT



Corrections



- Section 4.4.5.12 General Commercial Building Type
 - Remove “light” from building type general description
- Table 5.1 Land Use Matrix
 - Allow Single Family / Tiny Homes in Manufactured Home District
- Table 9.1 Land Use Matrix – Legacy Districts
 - Corrected section reference for Antenna and Towers

#4.9

GENERAL DESCRIPTION

A building type that typically accommodates commercial, office or ~~light~~ industrial uses serving the surrounding community or region.

#4.10

RESIDENTIAL USES

Single Family Detached / Tiny Home

MH

P

#4.11

Antenna (Non-Commercial)	See Section 5. 51 .6.3
Antenna (Commercial)	See Section 5. 51 .6.3

City Council Direction

#5.1



- Historic Preservation Commission Recommendation Resolution 2022-01RR
 - Section 2.5.4.5 Designation Criteria for Historic Districts & Landmarks – include additional criteria.
 - Modified definitions
 - **Planning & Zoning Commission asked staff to consider a new name for Historic Structure since the definition now includes site features**

113. **Historic Landmark:** a site having historical, architectural, or cultural significance which is suitable for preservation or Restoration, has educational value and satisfies the criteria established for inclusion in the National Register of Historic Places, Any individual site, building, structure, object, cultural landscape, historic landscape, or historic resources which has historic architectural, or cultural significance, as determined in accordance with Chapter 2, Article 5, Division 4.
114. **Historic Structure:** Any individual site, building, structure, object, cultural landscape, or historic landscape which is potentially eligible for local, state, or National Register of Historic Places designation, any Structure that is:-
 - a. Listed individually in the National Register of Historical Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; and/or
 - b. Certified or preliminarily determined by the Secretary of

Staff recommends “Historic Structure and Site” – Building Sites are referenced in the Secretary of the Interior’s Standards

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City Council Direction



#5.2

- Section 5.1.4.1 & Section 9.3.4.4 Proof of Occupancy
 - Update Occupancy Restrictions to allow three unrelated persons

Proof of Occupancy. Prima facie proof of occupancy of a dwelling unit by more than ~~two~~ three unrelated persons is established in any prosecution for violation of this section if it is

- **Planning and Zoning Commission discussed this topic.**
 - Four (4) members were in favor of the change to three (3) unrelated persons.
 - Four (4) members desired to maintain the two (2) unrelated persons.
 - One member indicated the desire to enforce Occupancy Restrictions on the property owner and not the residents living on the property.

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City Council Direction

#5.3



- Table 5.1 Land Use Matrix
 - Waste Related Services – Conditional or Not Permitted in every district – includes process provision in Section 5.1.7.5

	FD	SF-	SF-	SF-	ND-	ND-	ND-	ND-	N-C	CD-	CD-	CD-	CD-	CD-	CD-	CD-	BP	HC	LI	HI	MH	CM	DEI	STA
INDUSTRIAL																								
Waste-Related service	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	==	P C	P C	P C	--	--		5.1.7.5

City Council Direction

#5.4



- New Zoning District: Business Park
 - Purpose: commercial & lightest industrial uses.

ABBREVIATED DESIGNATION	DISTRICT NAME	DISTRICT INTENT
<u>BP</u>	<u>Business Park</u>	<u>BP is intended to accommodate commercial and the lightest industrial uses which by nature are relatively compatible with other less intense zoning categories. Development should be operated in a clean and quiet manner, and should not cause excess light, odor, noise, or otherwise be obnoxious to nearby residential or commercial uses</u>

- Planning and Zoning Commission voted 8-0 to add ‘traffic’ to the Business Park intent statement.
- Staff supports the addition.

City Council Direction

#5.4



- New Zoning District: Business Park
 - Lower building height than other commercial / industrial districts (3 stories).

BUILDING TYPES ALLOWED		
<u>General Commercial</u>	<u>Section 4.4.6.12</u>	
<u>Civic Building</u>	<u>Section 4.4.6.14</u>	
BUILDING STANDARDS		
<u>Principle Building Height (max)*</u>	<u>3 stories</u>	<u>35 ft.</u>
<u>Accessory Structure Height (max)</u>	<u>N/A</u>	<u>24 ft.</u>
<u>*Alternative Compliance available (see Section 4.3.4.6)</u>		

- Planning and Zoning Commission voted 8-0 to modify the maximum height to 36 feet.
- Staff supports the change.



- New Zoning District: Business Park
 - Increased setbacks if near residential.
 - Update all tables, graphics, etc. to include “BP” Business Park District.

SETBACKS - PRINCIPAL BUILDING

<u>Primary Street</u>	<u>20 ft min.</u>
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<u>Secondary Street</u>	<u>20 ft min.</u>
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<u>Side</u>	<u>15 ft min.*</u>
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<u>Rear</u>	<u>20 ft min.*</u>
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*When a BP zoning district property line is adjacent to a residentially zoned or used property, the minimum side and / or rear setbacks shall be 50 ft.

City Council Direction

#5.4



- New Zoning District: Business Park
 - Refer to Land Use Matrix for permitted uses.
 - Limited uses : Outdoor Recreation.

	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.2	ND-3.5	ND-4	N-CM	CD-1	CD-2	CD-2.5	CD-3	CD-4	CD-5	CD-50	BP
INDUSTRIAL																	
Light Industrial	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--
Light Manufacturing	--	--	--	--	--	--	--	--	C	--	--	--	--	--	P	P	P
Vehicle Service, as listed below:																	
Car Wash	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Vehicle repair (minor)	--	--	--	--	--	--	--	--	C	--	--	--	--	--	P	P	--
Vehicle repair (major)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Warehouse & Distribution	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	C
Waste-Related service	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--
Wholesale trade	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C
Self Storage	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Research and Development	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	P
Wrecking/Junk Yard	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

- Outdoor commercial activity such as batting cage, golf driving range, amusement park, miniature golf facility, water park.
- Outdoor theater.
- Outdoor sports or entertainment facility.
- Shooting range.
- Sports academy for active recreational or competitive sports.
- Where Outdoor Recreation is a limited use only the following shall be permitted: Day Camp, Extreme Sports Facility, Outdoor Commercial Activity noted above in #6, and Outdoor Sports or Entertainment Facility

City Council Direction

#5.5



- Table 4.13 & Section 4.3.5.6 Awning / Canopy Dimensions
 - Decrease clear height from 9 ft. to 7 ft.
 - Decrease depth from 6 ft. to 5 ft.

General Requirements:

- An awning/canopy must be a minimum of ~~9~~7 feet clear height above the sidewalk and must have a minimum depth of ~~6~~5 feet.



- Section 4.3.4.1 Measuring Building Height
 - Added a section for rooftop amenities or usable floor area on the roof of a building.
- **Planning and Zoning Commission indicated the language initially proposed by staff was confusing. Staff recommends the following alternate language:**

F. Rooftop amenities or usable floor area on or above the finished roofline.

1. If equal to, or greater than, 25% of the area of the first floor of the structure, rooftop amenities or usable floor area shall be counted as an additional story.

Recommendation



- On August 22, 2023 Planning and Zoning Commission voted 8-0 to recommend **approval** of the Development Code amendments with the direction and modifications noted in the presentation.
- Staff recommends **approval** of the Development Code amendments as presented with all modifications noted in the presentation, including P&Z modifications, the Parks and Recreation Board recommendation, and the citizen comment recommendation.