



# **San Marcos Development Code Amendments, 2023**

## **Initial Authorization**

Receive a staff presentation and consider, by motion, the initial authorization of text amendments to the San Marcos Development Code to, among other things, address changes made in the 2023 Legislative Session, create a new business park zoning district, improve development processes, incorporate City Council direction for Code amendments, add clarity, and correct discrepancies within the Code.



# Amendment Highlights

- Compliance with State Laws
- New Business Park Zoning District
- Process Improvements
- City Council Direction\*
- Add Clarity
- Corrections

\*Some amendments already received initial authorization



# 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.”
  - 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.

## Section 3.2.3.3 Approval Process

- A. **Responsible Official Action.** The Responsible Official shall review the application for a final subdivision or development plat in accordance with the criteria in Section 3.2.3.4 ~~and provide a report and recommendation to the Planning and Zoning Commission.~~
- B. ~~Planning and Zoning Commission Action.~~ ~~The Planning and Zoning Commission Responsible Official~~ shall decide whether to approve, approve with conditions, or statutorily deny the final subdivision or development plat application.
- C. ~~The action of the Commission shall be noted and the reasons for the action shall be entered in the minutes of the Commission.~~



# Compliance with State Laws

- Section 2.2.4.3 Appeal Authority – City Council **#1.2**
  - 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.
- Table 9.1 Land Use Matrix – Legacy Districts **#1.3**
  - Removed Private School and allow Public or Private School in any zoning district

<del>School, K through 12 (Private)</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>
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



# Compliance with State Laws

#1.4

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

## C. Appellate Body Action

1. 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~~ with the Responsible Official, unless a different time
2. **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.



# Create New Zoning District

#2.1

- New Zoning District: Business Park
  - Purpose: commercial & lightest industrial uses.
  - Lower building height than other commercial / industrial districts (3 stories).
  - Increased setbacks if near residential.
  - Refer to Land Use Matrix for permitted uses.
    - Limited uses : Outdoor Recreation, Warehouse & Distribution, Wholesale Trade.
  - Included as a Special District where zoning districts are referenced as groups.
  - Update all tables, graphics, etc. to include “BP” Business Park District.



# Process Improvements

#3.1

- 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
  - 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	<del>N</del> <u>Y</u>	N



# Process Improvements

- 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.
- 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.

## #3.2

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.

## #3.3

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

#3.4

- Chapter 3, Article 10, Parks and Open Space
  - Revert to prior Parkland Dedication approval process with modifications
    - Approved with Plat if all criteria are met
    - Reduces potential conflicts with “Shot Clock Bill”
  - Remove requirement for City maintenance of all / most parkland
  - Include exception for small projects – 4 units or less
  - Appeals Process:
    - Administrative Decision -> Parks & Recreation Board -> City Council
- Resolution 2023-01RR recommended by Parks & Recreation Board in May, 2023, for discussion by City Council on August 1, 2023
  - Require signage for publicly accessible, privately maintained parks
  - Update Fee-In-Lieu Calculation



# City Council Direction

#4.1

- Historic Preservation Commission Recommendation Resolution 2022-01RR recommended by HPC in January 2022 approved by City Council for inclusion on March 23, 2022
  - Section 2.5.4.5 Designation Criteria for Historic Districts & Landmarks – include additional criteria.
  - Modified definitions

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~~



# City Council Direction

#4.2

- 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

#4.3

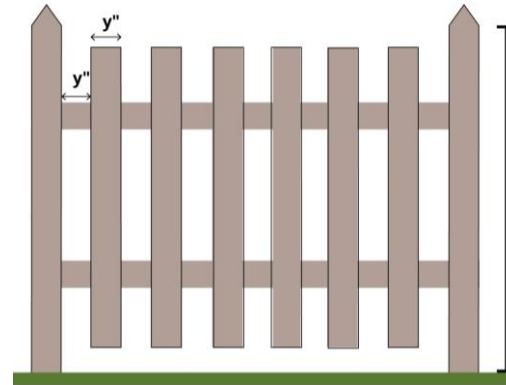
- Table 5.1 Land Use Matrix
  - Waste Related Services – Conditional or Not Permitted in every district – includes process provision in Section 5.1.7.5

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

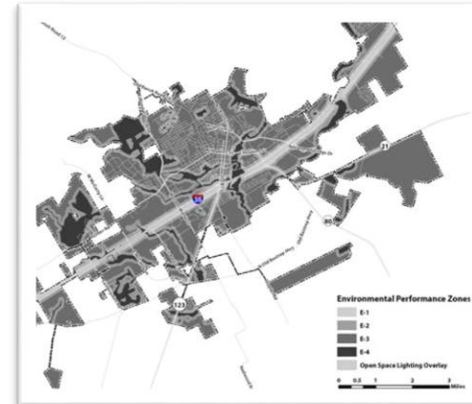


# Clarification

- Section 7.2.6.2 General Requirements
  - Walls and Fences
    - Insert graphic to clarify what “50% open” means for front yard fences
- Section 7.5.2.4 Universal Luminary Standards
  - Address newly annexed areas
  - Remove restriction on what uses can ask for Alternative Compliance



#5.1



#5.2



# Clarification

#5.3

- 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.

#5.4

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

## ction 7.1.2.2 **Mixed-Use Parking Requirements**

C. Minimum Parking Requirements. The table 7.2 below includes the minimum parking requirements for CD-5 and CD-5D zoning districts.

### **TABLE 7.2 MINIMUM MIXED-USE PARKING REQUIREMENTS FOR SPECIFIC ZONING DISTRICTS**

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# Clarification

- Section 2.8.3.7 – Conditional Use Permit Renewal **#5.5**
  - Provided clarity regarding Restaurants vs. All CUP for administrative approval Section 3.6.2.1
- Block Perimeter – Block Standards **#5.6**
  - Add clarification to block perimeter requirement at the edge of a subdivision where adjacent to vacant land.
  - Add requirement for greenway and easements where lots are intended to be “double fronting” or backing onto a major thoroughfare
  - Include “MH” on Table 3.1 Block Perimeter
  - Allow ETJ properties to use Internal Drives, similar to Special Districts



# Clarification

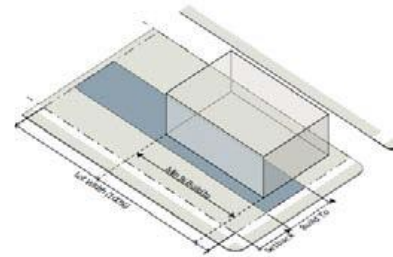
- Section 3.6.3.1 Lot Standards
  - Allow open space or drainage lots to be irregularly shaped
- Section 3.4.2.3 Security for Completion of Improvements
  - Allow other forms of security besides those already listed
- Table 3.2 Driveway Dimensions
  - Add Minimum Radius
- Section 4.3.3.3 Build-To Zone
  - Added easement as point of measurement
  - Remove requirement to include access drive & update graphic

#5.7

#5.8

#5.9

#5.10





# Clarification

- Section 4.4.3.6 CD-5 Zoning District
  - Allow setback to be measured from easement line if easement is existing
- Chapter 6, Article 1, Division 4 Stormwater Quality & Stream Protection
  - Add applicability section & address typographical errors
  - (add something about what this is)
- Table 6.2 Impervious Cover on Slopes
  - Add note clarifying maximum impervious cover on slopes

**#5.11**

**#5.12**

**#5.13**





# Corrections

## #6.1

- 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
  - To better align with approved 2021 amendments to process

## #6.2

- Section 6.2.1.1 Enhanced Protection Zones
  - Remove exceptions



# Corrections

**#6.3**

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

**#6.4**

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

**#6.5**

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

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# Corrections

- Table 4.4 & Table 4.6 Translation Tables **#6.6**
  - Add Neighborhood Density and Character District
- Update Table 4.19 Special Districts Summary **#6.7**
  - HC was not listed on this table
- Chapter 4, Residential Zoning Districts **#6.8**
  - Added cross reference to Residential Infill Compatibility Section 4.4.2.6 which was added to the Code in 2019



# 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

**#6.9**

**#6.10**

**#6.11**



# Recommendation

- Staff recommends **approval** of the initial authorization of the presented Development Code amendments.

## Next Steps

- August – present Parks & Open Space amendments to Parks and Recreation Board for feedback
- August / September – Public Hearing on amendments at Planning & Zoning Commission
- September / October – Public Hearing and Action on amendments by City Council