



## PLANNING AND DEVELOPMENT SERVICES

**TO:** San Marcos City Council  
**FROM:** Abby Gillfillan, AICP, Planning Manager  
**THROUGH:** Shannon Mattingly, AICP, Director of Planning and Development Services  
**DATE:** April 11, 2018  
**RE:** Final Draft - Code SMTX

On November 14, 2017 the San Marcos Planning and Zoning Commission recommended approval of the Code SMTX project including three separate documents with certain amendments as detailed below:

### PLANNING AND ZONING COMMISSION RECOMMENDATION:

DOCUMENT	AMENDMENTS
Preferred Scenario Map	Request for the expansion of an employment center boundary by 500' for a property located between Trace and Las Colinas on the Preferred Scenario Map.
Comprehensive Plan Text	None
San Marcos Development Code ("Code SMTX")	<ol style="list-style-type: none"><li>1. Remove all neighborhood districts from the code until the neighborhood character studies have been conducted.</li><li>2. Increase personal notice to 17 days for all types of requests</li><li>3. Increase posted notice to 17 days for all types of requests</li><li>4. Include an expiration date on applications if they have not progressed within one year, unless otherwise specified in the code.</li><li>5. The Character District-4 (CD-4) zoning districts requires parking at a rate of 1.05 per bedroom.</li><li>6. Legacy districts are added back into the code until the Neighborhood Character Studies have been completed</li></ol>

Since November 14, the San Marcos City Council has held six public meetings to consider the Code SMTX project including:

- December 19 - Work Session and Public Hearing
- January 19 - Work Session
- February 6 - Public Hearing
- February 20 - First Reading
- March 6 - Work Session
- March 26 - Special Meeting

As a result of these six meetings nearly 40 different amendments have been analyzed, deliberated and considered for incorporation into the final draft of the San Marcos Land Development Code and associated documents for second reading on April 17, 2018.

### ATTACHED:

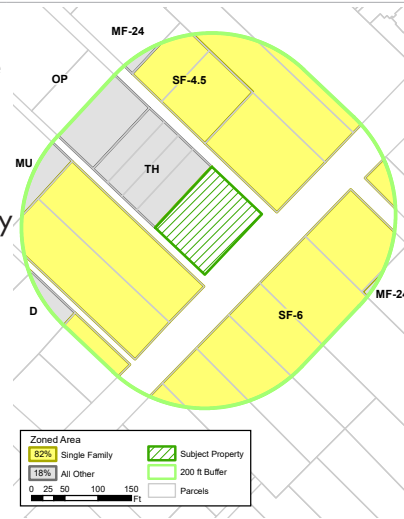
- Summary of City Council Amendments - Summarizes the substantive amendments to the October 13, 2017 draft of the San Marcos Development Code.
- Amendment Log - Detailed list of all amendments submitted since the Planning and Zoning Commission recommendation.

# SUMMARY OF CITY COUNCIL AMENDMENTS

## SINGLE FAMILY PRESERVATION BUFFER ANALYSIS

### FINAL AMENDMENT SUMMARY

Include a single family preservation buffer analysis for all zoning cases to a Neighborhood Density District. The single family preservation buffer serves as one of the criteria for any zoning change to a neighborhood density district. The single family preservation buffer analysis includes a map showing the percent of the area within close proximity to the subject property that was zoned single family as of May 1, 2018. A completed small area plan or neighborhood character study supersedes the single family preservation buffer.



### CODE CITATIONS

Sec. 4.1.2.4  
Table 4.3  
Sec. 4.1.2.5  
Figure 4.2  
Table 4.4  
Table 4.5

## NEIGHBORHOOD DENSITY DISTRICT / EXISTING ZONING TRANSLATION TABLE

### FINAL AMENDMENT SUMMARY

Include a translation between the existing zoning designations in our current Land Development Code and the new Neighborhood Density Districts with a chart providing guidance about how and where the new neighborhood density districts should be implemented. The highest level of scrutiny in the chart leads to the requirement of 6 affirmative votes from the Planning and Zoning Commission for a recommendation of approval and 5 affirmative votes from the City council for final approval of a zoning change when more than 50% of the area in close proximity to the subject property is zoned single family. The neighborhood density district / existing zoning translation table is superseded by any adopted small area plan or neighborhood character study for the area.

### CODE CITATIONS

Sec. 4.1.2.4  
Table 4.3  
Sec. 4.1.2.5  
Figure 4.2  
Table 4.4  
Table 4.5

TABLE 4.4 NEIGHBORHOOD DENSITY CATEGORIES

NEIGHBORHOOD DENSITY CATEGORIES	NEIGHBORHOOD DENSITY DISTRICTS	CONVENTIONAL, SPECIAL, AND LEGACY DISTRICTS
Low Density	ND3	FD, AR, SF-R, MR, SF-6, SF4.5, DR, D, PH-ZL, P
Medium Density	ND3.5	TH, MF-12, P
High Density	ND4	MU, MF-18, MF-24, P
Commercial / Mixed Use	N-MS	OP, NC, CC, GC, HC, LI, HI, MH, VMU, P

TABLE 4.5 NEIGHBORHOOD DENSITY DISTRICT / EXISTING ZONING TRANSLATION TABLE

	NEIGHBORHOOD DENSITY CATEGORIES			
	LOW DENSITY	MEDIUM DENSITY	HIGH DENSITY	COMMERCIAL / MIXED USE
ND-3	C	C	NP	***
ND-3.5	***	C	C	***
ND-4	***	NP	C	NP
N-MS	***	***	C	C
<b>LEGEND:</b>				
C = Consider				
NP = Not Preferred				
*** = 50% or more single family requires additional votes of Planning Commission and City Council				

# SUMMARY OF CITY COUNCIL AMENDMENTS

## EXISTING NEIGHBORHOOD REGULATING PLANS

### FINAL AMENDMENT SUMMARY

### CODE CITATIONS

An existing neighborhood regulating plan is required for all zoning changes to a Neighborhood Density District. The purpose of the plan is to place requirements on the project stipulating the location, type and number of buildings and units allowed. An existing neighborhood regulating plan can be more restrictive than the base zoning requirements but does not allow any exemptions or waivers of the base zoning requirements.

Sec. 2.5.3.1  
Sec. 4.1.2.5(C)

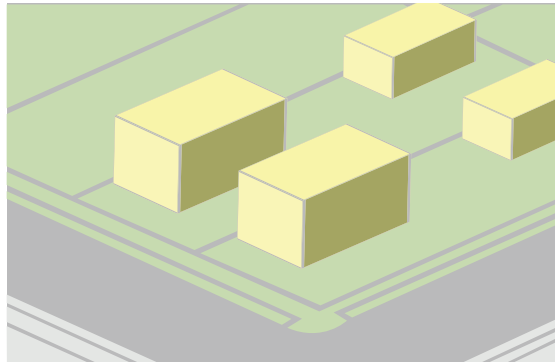
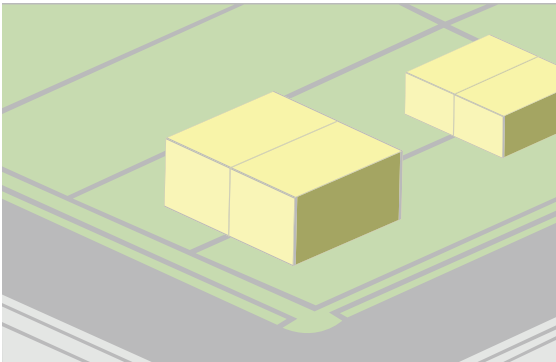
## MODIFY AND RENAME THE ATTACHED HOUSE BUILDING TYPE TO ZERO LOT LINE HOUSE

### FINAL AMENDMENT SUMMARY

### CODE CITATIONS

This amendment includes renaming the attached house building type to the zero lot line building type in order to accommodate more flexibility in siting a home on a lot. This modification allows two different configurations under this one building type; one configuration has an attached single family house and the other configuration is a detached single family house. Both configurations are good options for narrow lots and lead to a 10' side yard on one side and a 0' side yard on the opposite side.

Sec. 4.4.6.6



## MODIFY THE ALLOWABLE BUILDING TYPES WITHIN DISTRICTS

### FINAL AMENDMENT SUMMARY

### CODE CITATIONS

There are two modifications to the allowable building types within Neighborhood Density Districts including:

- Cottage Courts are removed from the Neighborhood Density - 3 (ND-3) zoning district
- Zero Lot Line Houses are included in the Neighborhood Density - 3.5 (ND-3.5) zoning district

Table 4.10  
Table 5.1

## EXPIRATION DATE FOR DEVELOPMENT APPLICATIONS WITH A RECOMMENDATION FROM THE PLANNING COMMISSION

### FINAL AMENDMENT SUMMARY

### CODE CITATIONS

Any development application with either a positive or negative recommendation from the planning and zoning commission will expire after two years if not acted on by the City Council unless the delay is caused by the City.

Sec. 2.3.5.2

# SUMMARY OF CITY COUNCIL AMENDMENTS

## POSTED NOTICE SIGNS

### FINAL AMENDMENT SUMMARY

1. Require notification signs to be posted on a property 17 days before a public hearing when a Conditional Use Permit for Alcohol or a Conditional Use Permit for Purpose Built Student Housing is requested.
2. The time period for personal notices (mailed) and posted notices (signs) are the same in all instances.
3. The size of the posted notice is required to be a minimum of 24" x 24" square with a minimum of 6" lettering.

Public Hearing Notice Case: **PSA-20-20**  
 Current Zone: **MF-24** Requested Change: **NDMS**  
 P&Z Public Hearing Date:  
**10/20/20**  
 CC Public Hearing Date:  
**10/20/20**  
 For More Information Contact:  
 (512)393-8230  
[planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov)

### CODE CITATIONS

Table 2.1  
 Sec. 2.3.1.1  
 Sec. 2.3.2.1 (F)  
 Sec. 2.8.3.3A2  
 Sec. 2.8.3.5(E)

## NEIGHBORHOOD PRESENTATION MEETINGS

### FINAL AMENDMENT SUMMARY

Require neighborhood presentation meetings for city initiated zoning and PSA cases.

### CODE CITATIONS

Table 2.1  
 Sec. 2.3.1.1

## CHANGE THE NAME OF NEIGHBORHOOD DISTRICTS TO NEIGHBORHOOD DENSITY DISTRICTS

### FINAL AMENDMENT SUMMARY

Zoning District names and labels have been changed as follows:

- Neighborhood Districts = Neighborhood Density Districts
- Neighborhood District - 3 (ND-3) = Neighborhood Density - 3 (ND-3)
- Neighborhood District - 3.5 (ND-3.5) = Neighborhood Density - 3.5 (ND-3.5)
- Neighborhood District - 4 (ND-4) = Neighborhood Density - 4 (ND-4)
- Neighborhood District - 4 Main Street (ND-4MS) = Neighborhood - Main Street (N-MS)

*The neighborhood main street (N-MS) district is a predominantly commercial district.*

### CODE CITATIONS

Throughout

## OWNER OCCUPANCY FOR ACCESSORY DWELLING UNITS

### FINAL AMENDMENT SUMMARY

Expand the requirements for owner occupancy to three additional zoning districts including: Future Development (FD); Single Family - Rural (SF-R) and Character District - 3 (CD-3)

### CODE CITATIONS

Table 5.1

## ALLOWANCES FOR VALET PARKING

### FINAL AMENDMENT SUMMARY

Allow off-site or shared parking when valet services are provided for a lodging use.

### CODE CITATIONS

Table 7.4

**TABLE 7.4 REMOTE PARKING DISTANCE REQUIREMENTS**

ZONING DISTRICT	PARKING LOT MUST BE WITHIN
CD-5, CD-5D, CD-4, ND-4M	2,500 feet
Valet Service for Lodging Use	No Distance Requirement
All other districts	1,500 feet

# CODE SMTX AMENDMENTS

Legend	
	Will not be incorporated
	Will be incorporated in the Draft for Second Reading

	MEMBER	ACTION	AMENDMENT	Sections
#1	Work Session	Approved 5-0-2	Regulating Plan - A regulating plan is required for all property owner requested zoning changes to ND3, ND3.5, ND4, or ND4M.	Sec 2.5.3.1
#2	Work Session	<del>Approved 5-0-2</del> Amended (See #13)	Single Family Preservation Buffer - Single Family Zoning Districts may not request a rezoning to ND3.5, ND4, or ND4M unless located on a major arterial when surrounded by more than 50% Single Family Zoning Districts.	Sec. 4.1.2.5
#3	Work Session	<del>Approved 5-0-2</del> Rescinded	Neighborhood District -2: An additional neighborhood zoning district restricted to the following building types: Accessory Dwelling Unit, House, Cottage, and Attached House	
An Amendment was made and approved during the March 26 Meeting to eliminate the ND2 Zoning District and keep the ND3 district without Cottage Courts: <b>Approved 5 - 1 - 1</b>				
#4	Work Session	Approved 5-0-2	Modify the Attached Home Building Type - Rename the building type to zero lot line home and allow detached or attached single family homes where one side setback is 0 feet.	Sec. 4.4.6.6; name changes throughout
#5	PREWITT	APPROVED 7 - 0	Rename Home Share Rentals to Short Term Rentals	Both LDC and City Code
#6	PREWITT	APPROVED 7 - 0	Create an exception from required long term rental registration for a unit where at least one of the occupants is an owner of record unless there are violations	Ch. 34 City Code
#7	PREWITT	APPROVED 7 - 0	Include conservation land, green space and hike and bike trails for fee in lieu.	Sec. 3.10.2.1; Table 3.4

	MEMBER	ACTION	AMENDMENT	Sections
#8	PREWITT	APPROVED 7 - 0	<p>A. on-street public parking that is located directly adjacent to the property may be counted towards the minimum requirements in section 7.1.2.1 or section 7.1.2.2</p> <p>1. There should be a minimum width of street to be taken into consideration,</p> <p>2. There needs to be a discussion of how to treat residential parking permits in areas that may use this parking minimum requirement</p> <p>3. If the city is to allow street parking which the city is to maintain, then there should be a fee in lieu of for sidewalk construction so our streets are more walkable.</p> <p>4. If the street has parking on both sides without a minimum, then how will bikes be accommodated on certain streets...take into account the transportation master plan?</p> <p>5. TOD exemption (at a later date)</p>	Sec. 7.1.2.1A
#9	MIHALKANIN	APPROVED 7 - 0	Add Attached Homes as an allowed Housing Type in ND3.5	Table 4.10
#10	MIHALKANIN	APPROVED 6 - 1	Remove Cottage Courts as an allowed Housing Type in ND3	Table 4.10 Table 5.1
#11	PREWITT	APPROVED 7 - 0	Lodging:can there be an exception if the CD5-D has offsite valet parking to fulfill the parking requirements? COSM will have to have metered parking in order for this to be applicable.We may be able to incentivize a hotel DT in one of our historic buildings if the applicant can provide valet parking in alternative location.	Sec. 7.1.3.3
#12	PREWITT	APPROVED 5 - 0 - 2	Include a new chart identifying further criteria and direction concerning where neighborhood districts are most appropriate and where and how additional scrutiny should be applied within Existing Neighborhoods and including several amendments to the main motion as detailed below.	Sec. 4.1.1.6; Sec. 4.1.2.4; Sec. 4.1.2.5;
<p>Discussion:</p> <ul style="list-style-type: none"> <li>- Existing Neighborhoods should be categorized into Low, Medium, and High Density.</li> <li>- The Single Family Preservation Buffer is required for a zoning change from the Low Density Category to (ND3.5, ND4, ND4M) Or from the Medium Density Category to ND4M.</li> <li>- The Data and analysis including additional scrutiny for a zoning change request should be utilized to complete a small area plan.</li> <li>- This amendment should be sent early if possible for review prior to the Second Reading</li> </ul> <p>Amendments to the Main Motion:</p> <ol style="list-style-type: none"> <li>1. Included the following language: An adopted small area plan for the area surrounding a subject property would supersede the analysis provided in the chart: <b>Approved 5 - 0 - 2</b></li> <li>2. Change Preferred to Consider in the chart: <b>Approved 5 - 0 - 1 - 1</b></li> <li>3. Label the table and allow staff to move the table to the zoning page and include a reference on the Comp Plan District Translation Table from page 4:3: <b>Approved 6 - 0 - 1</b></li> <li>4. Accept staff suggested edits from the packet starting with 4.1.1.6 (excluding the color coded chart) through 4.1.2.5: <b>Approved 6 - 0 - 1</b></li> <li>5. Change Land Preservation Area back to Low Intensity Area: <b>Approved 6 - 0 - 1</b></li> <li>6. Ensure that the word small scale is still inserted before multi-family in the district intent statement for the ND3.5 District: <b>Approved 6 - 0 - 1</b></li> </ol>				

	MEMBER	ACTION	AMENDMENT	Sections
#13	DERRICK	APPROVED	Single Family Preservation Buffer: Amended as Follows	Sec. 4.1.1.6; Sec. 4.1.2.4; Sec. 4.1.2.5;
Amendments: 1. Strike "unless located on a major arterial" from the description of the buffer: <b>Approved 5 - 1 - 1</b> 2. Add an effective date of code adoption for the analysis: <b>Approved 4 - 2 - 1</b> 3. A completed small area plan should supersede any requirements of the single family preservation buffer: <b>Approved 5 - 1 - 1</b> 4. Change the effect of the single family preservation buffer in situations where 50% or more of the properties are zoned single family from no request allowed to a requirement of 5 affirmative votes of the City Council and 6 affirmative votes of the Planning and Zoning Commission when required by the chart (***): <b>Approved 4 - 2 - 1</b> 5. Require the single family preservation buffer analysis for all zoning cases from a single family zoning district: <b>Approved 6 - 0 - 1</b>				
#14	HUGHSON DERRICK	APPROVED (See #13)	Strike "unless located on a major arterial" from the Single Family Buffer	Sec. 4.1.1.6; Sec. 4.1.2.4; Sec. 4.1.2.5;
#15	PREWITT	WITHDRAWN (till after code adoption)	Purpose built student housing: CD-4 / CD-5 should be increased to 1.05 parking spaces per bedroom with the same reductions allowed through fee-in-lieu in the downtown area.	
#16	HUGHSON	WITHDRAWN	Restore SF-II as an available zoning district.	
#17	PREWITT	INCORPORATED	Ensure that PSA requests for commercial and employment uses are not limited to 2 times per year.	Sec. 2.4.2.2.B
#18	MIHALKANIN	APPROVED - 0 - 1	6 Development Applications that require a Planning and Zoning recommendation to Council must be acted on within two years or they expire.	Sec. 2.3.5.2
#19	HUGHSON	INCORPORATED	Require a response in the code from police and fire for zoning changes	Sec. 2.5.1.3A4
#20	HUGHSON	INCORPORATED	Rental Registration - Advise of occupancy restrictions I am concerned that someone who is not familiar with our community and our codes may not pick up on the fact that we HAVE occupancy restrictions and there are requirements in some cases just from this one sentence. Amend: Replace "as stated" with "requirements may be found in Chapter 5, Division 4: RESIDENTIAL USES" to read (requirements may be found in Chapter 5, Division 4: RESIDENTIAL USES in the Land Development Code)	Ch. 34 City Code
#21	HUGHSON	INCORPORATED	Rental Registration - Remove exception that ACT properties do not have to comply with rental registration. I do not see that being a member of ACT replaces rental registration in any way. If we don't have all of the student housing complexes registered with the City, I don't see how we will compile accurate statistics on anything.	Ch. 34 City Code
#22	HUGHSON	INCORPORATED	Include parenthesis behind "not allowed" to say that a PSA is required in the Table on Pg. 4:3	Sec. 4.1.1.6

	MEMBER	ACTION	AMENDMENT	Sections
#23	PREWITT	INCORPORATED	Regulating Plans should be an easy process that is clearly defined	Sec. 2.5.3.2
#24	HUGHSON	INCORPORATED	Please advise if this is the same situation that happened at The Woods apartments, during construction, that the contracted engineers found caused some flooding as the dirt berms acted as a dam, causing floodwater to back up into the neighborhood. I thought we had already changed our codes to not allow this to happen again. If so, eight feet is too high. Stating must be removed “as soon as possible” doesn’t solve the potential problem either. Please ask Engineering to advise on possible amendment to address this situation. If this is not the same as The Woods situation, please advise.	Ch. 14 City Code; Sec. 3.9.1.5
#25	HUGHSON	INCORPORATED	Occupancy Use Restrictions included in the zoning district summary tables. Amend: Occupancy Use Restrictions be added to Section 4.4.1.2 SF-R, Section 4.4.1.3 SF-6, Section 4.4.1.4 SF-4.5, Section 4.4.2.1 ND-3, and Section 4.4.2.2 ND 3.5 by including “Occupancy use restrictions apply” and include the corresponding section numbers from Chapter 5. If the amendment to bring back SF-11 passes, then we will need to add SF-11 also.	Sec. 4.4.1.2; Sec. 4.4.1.3; Sec. 4.4.1.4; Sec. 4.4.2.1; Sec. 4.4.2.2; Sec.4.4.2.3; Sec. 4.4.2.4
#26	HUGHSON	INCORPORATED	Sec. 2.111 Neighborhood Commission Map: A map depicting the location of each secto may be viewed at the office of the city clerk <a href="#">and on the City website Neighborhood Commission page.</a>	
#27	HUGHSON	INCORPORATED	Correct Typo in Technical Manual from CD4D to CD5D	
#28	DERRICK	Approved (See #13)	Ensure that new zoning requests don't erode the single family buffer and allow development to creep into core neighborhoods.	Sec. 4.1.1.6; Sec. 4.1.2.4; Sec. 4.1.2.5;



	MEMBER	ACTION	AMENDMENT	Sections
#29	HUGHSON	Approved	Various Amendments to Notification and Procedures described below	Table 2.1; Sec. 2.3.1.1; Sec. 2.3.2.1; Sec. 2.8.3.3; Sec. 2.8.3.5;
Amendments: - Require Posted Notice for Alcohol CUPs 17 days in advance of the Public Hearing: <b>Approved 6 - 0 - 1</b> - Require Posted Notice for Purpose Built Student Housing CUPs 17 days in advance of the public hearing: <b>Approved 6 - 0 - 1</b> - Increase the size of notification signs to 24' x 24' and lettering stating the zoning districts and the public hearing date should be a minimum of 6" tall: <b>Approved 6 - 0 - 1</b> - Require Neighborhood Presentation Meetings for City Initiated zoning and PSA Amendments: <b>Approved 4 - 1 - 2</b> To be brought back after code adoption: - Posted and Personal Notice for PSA Amendments - Posted Notice for zoning map amendments				
#30	HUGHSON	Approved (See #29)	Remove exemption for neighborhood presentations for city-initiated Comp Plan Map Amendments and Rezoning	Table 2.1;
#31	HUGHSON	Approved 5 - 1 - 1	ADUs: Amend the Land Use Matrix for where and how accessory dwelling units are permitted and Change Permitted to Limited for FD, SF-R, and CD-3	Table 5.1
#32	HUGHSON	Approved (See #29)	Various Amendments to Notification and Procedures	Table 2.1; Sec. 2.3.1.1; Sec. 2.3.2.1; Sec. 2.8.3.3; Sec. 2.8.3.5;
#33	HUGHSON	WITHDRAWN	Change occupancy use restrictions for ADU to allow 2 unrelated in the main home and 1 additional unrelated person in the ADU	
#34	HUGHSON	INCORPORATED in Resolution	Resolution on next steps - please add The Wonder World Drive (now Ranch Road 12) Land Use Plan (or Overlay) and all the other items noted as "next steps" or similar in previous presentations by staff.	See Resolution
#35	HUGHSON	INCORPORATED	Change Single Family Protection Buffer to equal to or more than 50%	Sec. 4.1.1.6; Sec. 4.1.2.4; Sec. 4.1.2.5;
#36	HUGHSON	APPROVED 5 - 1 - 1	Rename Neighborhood Districts (ND) to Neighborhood Density (ND).	Throughout

	MEMBER	ACTION	AMENDMENT	Sections
Amendments: Staff is recommending the following changes: - Neighborhood District - 3 (ND3) to Neighborhood Density - 3 (ND3) - Neighborhood District - 3.5 (ND3.5) to Neighborhood Density - 3.5 (ND3.5) - Neighborhood District - 4 (ND4) to Neighborhood Density - 4 (ND4) - Neighborhood District - 4 Main Street (ND4M) to Neighborhood Main Street (NMS) The Neighborhood Main Street District is a primarily commercial district that only allows for a small amount of residential (9 units or less) on upper stories. Density refers to residential uses and does not accurately describe this district.				
#37	HUGHSON	FAILED 1 - 5 - 1	Allow Flag Signs as temporary signs	
#38	HUGHSON	WITHDRAWN	Reinstate the point system for alcohol CUPs	
#39	THOMAIDES	APPROVED	City Council Refrains from additional amendment at the second reading unless requested by staff.	