



Exhibit B - Redlined Code

To:	City Council
From:	Planning & Development Services-Amanda Hernandez, Development Services Manager
Date:	August 24, 2020
Re:	Proposed Amendments to the San Marcos Land Development Code: <ol style="list-style-type: none">1. City Engineering Staff Recommendations2. Alcohol Conditional Use Permit Committee, Housing Task Force3. Additional Amendments Identified by Staff Since June 2019 Workshop4. Developer Request for Special Events Facility Use5. Additional Amendments Expedited at the Request of Council

This memo has been updated to reflect the approval by City Council on first reading on August 18, 2020. Changes made between first and second reading are highlighted with a yellow box.

Engineering Department Recommendations

CHAPTER 2. DEVELOPMENT PROCEDURES

ARTICLE 6: WATERSHED PROTECTION PLANS

DIVISION 1: APPROVAL AND APPLICATION PROCESS

Section 2.6.1.1 Purpose, Applicability, Exceptions and Effect

- #1** D. Applicability of a Qualified Watershed Protection Plan 1 or 2. A qualified watershed protection plan is required when mitigation plans to replace water quality benefits lost due to increases in impervious cover within the buffer zone and reclamation of water quality and/or buffer zones vary from the requirements established in Chapter 6 or as determined by the responsible official. any of the following requests are made for developments greater than forty (40) acres:
1. A request for an increase in impervious cover requiring a mitigation plan;
 2. A request for reclamation of land in the 100-year floodplain or within a water quality zone or buffer zone; or
 3. The development of twenty (20) acres or more of land within the 100-year floodplain.

Section 2.6.1.3 Approval Process

B. Responsible Officials Action with regards to a Qualified Watershed Protection Plan Phase 1 or 2

1. The Responsible Official shall review the application and prepare a recommendation to schedule an informative meeting with the Planning and Zoning Commission prior to providing approval.
2. The Responsible Official shall prepare notice in accordance with Section 2.3.2.1 and schedule a public hearing before the Planning and Zoning Commission on the application.

C. Planning and Zoning Commission Action

1. The Planning and Zoning Commission shall consider the criteria established in Section 2.6.1.4 when considering a request for approval of a qualified watershed protection plan.
2. The Planning and Zoning Commission shall hold a public hearing to consider a request for a qualified watershed protection plan.
3. An application for approval of a qualified watershed protection plan shall be approved, conditionally approved, or denied by the Planning and Zoning Commission, subject to appeal to the City Council pursuant to Section 2.8.1.1.
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, a qualified geologist, or a Texas licensed professional engineer.

Section 2.6.1.4 Criteria for Approval

The following criteria shall be used to determine whether the application for a watershed protection plan or a qualified watershed protection plan shall be approved, approved with conditions, or denied.

- A. Edwards Aquifer Zones - Factors. Where land subject to the plan lies in whole or in part within the Edwards Aquifer recharge or transition zones:
1. Whether the plan is consistent with approved legislative applications for the land subject to the plan;
 2. Whether the plan meets the standards in Chapter 6 ([except as to the components of a mitigation plan for a qualified watershed protection plan that vary from Chapter 6](#)) and Chapter 3, Article 9;
 3. Whether any proposed mitigation plan or enhanced geological assessment offsets the impacts to water quality resulting from increased development within a buffer zone;
 4. Whether any proposed increase of impervious cover is warranted beyond that otherwise allowed by right for the land within the plan area; and
 5. Whether the plan is consistent with any proposed clustering or development transfers outside the plan area.
- B. Other Water Quality Zones - Factors. Where land subject to the plan lies in whole or in part within a floodplain, water quality, or buffer zone located outside the Edwards Aquifer recharge or transition zones:
1. Whether the plan is consistent with approved legislative applications for the land subject to the plan;
 2. Whether the plan meets the standards in Chapter 6 ([except as to the components of a mitigation plan for a qualified watershed protection plan that vary from Chapter 6](#)) and Chapter 3 Article 9 ~~and/or the specific criteria in Chapter 6;~~
 3. Whether any proposed mitigation plan offsets the impacts to water quality resulting from increased development within a buffer zone [or reclamation of water quality and/or buffer zone](#); and
 4. Whether the plan is consistent with any proposed clustering or development transfers outside the plan area.
- C. Reclaimed Land [From Floodplain](#) - Factors. For developments where reclamation of land within the 100-year floodplain is proposed:
1. Whether the reclamation concept plat (which is an element of watershed protection plans and qualified watershed protection plans when reclamation is proposed) is consistent with approved legislative applications for the land subject to the plan, including expressly any master drainage plan elements applicable to the land;
 2. Whether the reclamation concept plat meets the general standards in Chapter 6 ([except as to the components of a mitigation plans for a qualified watershed protection plan that vary from Chapter 6](#)); Chapter 3, Article 9; and the City's [Flood Damage Prevention Ordinance](#), ~~and the specific criteria in Chapter 6, and;~~
 3. Whether any adverse impacts have been appropriately mitigated.

CHAPTER 3. SUBDIVISIONS

#2 ARTICLE 9: STORMWATER COLLECTION AND DRAINAGE SYSTEMS

DIVISION 1: IN GENERAL

Section 3.9.1.1 Flood Control Requirements

G. Waiver of Detention/Retention.

1. Detention/retention may be waived for [the following](#) ~~non-residential small site permits~~ if no adverse impacts are demonstrated through drainage analysis and a payment-in-lieu is made into the stormwater management fund in accordance with Section 6.1.1.3.

[a. non-residential small site permits,](#)

[b. developments within High Intensity Zones, and](#)

[c. plats of 4 lots or less where the lots subdivided from the parent parcel do not exceed 0.5 acres each, are restricted by zoning or deed to 65% impervious cover or less, and are served by an existing street. An exemption is not allowed for the submittal of a series of plats of 4 lots or less with the intention of producing a tract that is greater than 4 lots.](#)

CHAPTER 6. ENVIRONMENTAL REGULATIONS

ARTICLE 1: STORMWATER MANAGEMENT

DIVISION 1: GENERAL

#3 Section 6.1.1.2 Urban Stormwater Management District

- B. Standards. Properties located within the urban stormwater management district established on the map above are eligible for waivers from requirements under Section 3.9.1.1(F) and Section 6.1.4.1 when the following standards are met:
- No adverse impacts are demonstrated through drainage analysis; and
 - A payment is made into the stormwater management fund in accordance with Section 6.1.1.3.
- C. Waiver for Property Outside of the District. Properties located outside the urban stormwater management district that are significantly constrained may be eligible for waivers from requirements under Section 3.9.1.1(F) and Section 6.1.4.1 with the approval of the Responsible Official and when the standards under Section 6.1.1.2(B) are met.

DIVISION 1: POST CONSTRUCTION STORMWATER PERFORMANCE STANDARDS

Section 6.1.4.1 Stormwater Quality and Stream Protection

- #### #4
- D. Exceptions to stormwater quality and stream protection volume requirements ~~include~~ are allowed under the following conditions provided that disconnected impervious cover and treatment through vegetative filter strips or similar means is included:
- Development applications proposing solely the construction or expansion of a single-family home ~~as long as the development includes disconnected impervious cover and provides treatment through vegetative filter strips or similar means, and~~
 - plats of 4 lots or less where the lots subdivided from the parent parcel do not exceed 0.5 acres each, are restricted by zoning or deed to 65% impervious cover or less, and are served by an existing street. An exemption is not allowed for the submittal of a series of plats of 4 lots or less with the intention of producing a tract that is greater than 4 lots.

ARTICLE 2: ENHANCED PROTECTION ZONES

#5

DIVISION 2: ZONE DESIGNATION

Section 6.2.2.1 Water Quality Zones

- A. A water quality zone shall be established for each waterway. ~~The area of the~~ Water quality zone have been predetermined by the City for certain waterways. A map of such predetermined water quality zones is on file with the City's Planning and Development Services Department and is available upon request. For waterways not associated with a predetermined water quality zone by the City, the following options are available ~~shall be determined as follows:~~
1. FEMA-mapped Option. For any waterway with a FEMA-defined floodway, a water quality zone shall be established 100 feet in width, measured from the boundary of the defined floodway on each side of the waterway if located outside the EARZ, or as all land within a distance of 100 feet from a bank of the San Marcos River or a side channel that returns to the main channel, whichever is greater, but shall not exceed the width of the 100-year floodplain. For any waterway with a FEMA-mapped detailed study floodplain, the area of the 100-year floodplain shall be the water quality zone if located within the EARZ.
 2. Waterway Centerline Offset Option ~~Non-FEMA mapped Option 1~~
 - a. Sub-minor Waterways. Waterways draining five or more acres but less than 50 acres but, excluding roadside swales, shall have a minimum Water Quality Zone width of 25 feet on each side of the Waterway centerline. These are established within the EARZ, Transition Zone, and Contributing Zone within the Transition Zone only.
 - b. Minor Waterways. Waterways draining 50 or more acres but less than 250 acres shall have a minimum water quality zone width of 50 feet on each side of the waterway centerline.
 - c. Intermediate Waterways. Waterways draining 250 or more acres but less than 1000 acres shall have a minimum water quality zone width of 100 feet on each side of the waterway centerline.
 - d. Major Waterways. Waterways draining more than 1000 acres shall have a minimum water quality zone width of 200 feet on each side of the waterway centerline.
 3. Floodplain Study Option ~~Non-FEMA mapped or floodway defined Option 2~~
 - a. The water quality zone shall be defined as the 100-year floodplain boundary based on fully developed watershed paralleling each side of the waterway. The 100-year floodplain shall be based on modeling approaches as approved by the Responsible Official.

Section 6.2.2.2 Buffer Zones

- A. A buffer zone shall be established for each waterway. Buffer zones have been predetermined by the City for certain waterways. A map of such buffer zones is on file with the City's Planning and Development Services Department and is available upon request. For waterways not associated with a predetermined buffer zone by the City, the following options are available: ~~as follows:~~
1. FEMA Mapped Option. For any waterway with a FEMA-defined floodway outside the EARZ or FEMA-mapped detailed study floodplain inside the EARZ, a buffer zone shall be established 100 feet in width, measured from the outer boundary of the water quality zone established in Section 6.2.2.1, on each side of the waterway. The combined width of the water quality zone and the buffer zone shall not exceed the width of the 100-year floodplain if located outside the EARZ.
 2. Non FEMA Mapped Option. For applicable waterways that do not have floodways officially mapped by FEMA, a buffer zone shall be established 25 feet in width for sub-minor waterways, 50 feet in width for a minor waterway and 100 feet in width for intermediate and major waterways, measured from the outer boundary of the water quality zone established in Section 6.2.2.1, on each side of the waterway. The combined width of the water quality zone and buffer zone shall not exceed the width of the 100-year floodplain based on a detailed study if located outside of the EARZ.

#6

Section 6.2.2.3 Sensitive Feature Protection Zones

- C. Enhanced topographic information. If an applicant submits enhanced topographic information for a site, with contour intervals of two feet or less, the sensitive feature protection zone shall extend 25 feet around the perimeter of the sensitive feature and include ~~be~~ the area within the following distance from the perimeter of a sensitive feature ~~that is identified on the enhanced topographic survey as draining towards the feature~~ perimeter around the feature:
1. For a minor recharge feature, 50 ~~75~~ feet.
 2. For a moderate recharge feature, 125 ~~150~~ feet.
 3. For a major recharge feature, 275 ~~300~~ feet.

DIVISION 3: IMPERVIOUS COVER AND DEVELOPMENT LIMITATIONS WITHIN WATER QUALITY AND BUFFER ZONES

#7

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 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.

ARTICLE 3: DEVELOPMENT RELATED TO THE EDWARDS AQUIFER

#8

DIVISION 2: DEVELOPMENT DUTIES

Section 6.3.2.1 Duties in Undertaking Development Over Aquifer

- 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. A waiver for a geological assessment for sites that do not warrant an assessment within the transition zone may be obtained from the Responsible Official if the property is located within the Geologic Assessment Exemption Zone. A map of such area is on file with the City's Planning and Development Services Department and is available upon request.

#9

Section 6.2.3.5 Mitigation and Exceptions

- A. Mitigation ~~Plan. Impervious cover limitations may be exceeded in a buffer zone only for land with a gradient of less than 15 percent based upon approval of a mitigation plan demonstrating that the water quality benefits of the impervious cover within the buffer zone can be achieved through utilization of water pollution abatement control facilities that incorporate best management practices for the entire development site. No impervious cover may be transferred to a buffer zone that exceeds the requirements of this Section.~~ The following is permissible with adequate mitigation that replaces lost water quality benefits:
 - 1. Impervious cover limitations may be exceeded in a buffer zone for land with a gradient of less than 15 percent outside the Edwards Aquifer Recharge Zone and 20 percent within the Edwards Aquifer Recharge Zone; and
 - 2. Water quality and/or buffer zones may be reclaimed. Mitigation shall consist of meeting a Total Suspended Solid (TSS) removal requirement or increase in TSS removal requirement for the site or portion of the site as determined adequate by the Responsible Official. ~~Mitigation plans not able to achieve TSS removal requirements must follow the qualified watershed protection plan process.~~

Alcohol Conditional Use Permit Committee

Recommendations

CHAPTER 2. DEVELOPMENT PROCEDURES

ARTICLE 8: RELIEF PROCEDURES

DIVISION 3: CONDITIONAL USE PERMIT

Section 2.8.3.5 Duration; Expiration; Suspension; Violation; Revocation

A. Duration.

#10

1. A conditional use permit shall remain in effect until it expires, is suspended, or is revoked in accordance with Section 2.3.7.5A(1 - 4) as supplemented by Section 2.8.3.5.
2. Conditional Use Permits granted for on-premises consumption of alcoholic beverages, ~~unless otherwise specified by the Planning and Zoning Commission,~~ shall remain in effect ~~for the duration of the State TABC (Texas Alcoholic Beverage Commission) license or permit~~ no longer than three years, or until the license or permit is canceled, revoked, or allowed to expire, or until one of the following conditions occurs, after which the dispensing of alcoholic beverages for on-premises consumption requires issuance of a new Conditional Use Permit:
 - a. The State TABC license or permit is reissued under a different [license or] permit holder's name.
 - b. The Conditional Use Permit is forfeited, suspended, or revoked in accordance with Section 2.3.7.1.
 - c. There is a significant change in the name of the establishment, or any physical or operational change in the business that increases off-site impacts to surrounding properties.

Section 2.8.3.6 Appeals

#11

- A. The applicant ~~or other person within the personal notification area~~ may appeal the decision of the Planning and Zoning Commission to grant or deny a permit ~~to the City Council~~ in accordance with Section 2.8.1.1.
- B. Any tenant or property owner within the personal notification area may appeal the decision of the Planning and Zoning Commission to grant a permit in accordance with Section 2.8.1.1
- C. The Council shall apply the criteria in Section 2.8.3.4 in deciding whether the Planning and Zoning Commission's action should be upheld, modified or reversed.
- D. A super-majority vote in accordance with Section 2.2.4.2 shall be required to reverse a decision of the Planning and Zoning Commission.

Alcohol Conditional Use Permit Committee

Recommendations (cont.)

CHAPTER 5. USE REGULATIONS

ARTICLE 1: ALLOWABLE USES

DIVISION 5: COMMERCIAL

Section 5.1.5.5.B.2.b Restaurant/ Bar, Use Standards, Downtown CBA Boundary

#12

- b. Downtown CBA Boundary. Where an eating establishment including the sale of alcohol is located in the downtown CBA boundary the following additional standards apply:
 - 1. Permits for an eating establishment including alcohol sales in the downtown CBA boundary are valid for three years from date of issuance. A renewal permit for a current permit holder may be administratively issued under Sec.2.8.3.7.
 - 2. The business must have a kitchen and food storage facilities of sufficient size to enable food preparation. The kitchen must be equipped with, and must utilize, a commercial grill, griddle, fryer, oven, or similar heavy food preparation equipment.
 - 3. The business must serve meals to customers during at least two meal periods each day the business is open. A meal must consist of at least one entree, such as a meat serving, a pasta dish, pizza, a sandwich or similar food in a serving that serves as a main course for a meal. At least three entrees must be available during each meal period. A meal period means a period of at least four hours.
 - 4. The business must be used, maintained, advertised and held out to the public as a place where meals are prepared and served.
 - 5. The number of active restaurant permits in the central business area zoning district shall not exceed 25. If there are 25 active restaurant permits, any further applications for restaurant permits in the district shall be placed on a waiting list and individually referred to the commission for consideration within 45 days, in the same order as submitted, when the number of restaurant permits is less than 25.
 - 6. The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within 50 feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times.

Section 5.1.5.5.E. Restaurant/ Bar, On Premise Consumption of Alcohol, Use Standards

E. On Premise Consumption of Alcohol

- 1. Defined. An establishment that serves alcohol for on premise consumption.
- 2. Use Standards. Where on-premise consumption of alcohol is a conditional use the following standards apply:
 - a. Permit. The establishment must hold for the premises a valid conditional use permit issued and effective under Section 2.8.3.1 and must be in compliance with all conditions of such permit.
 - b. Noise. The activities of the establishment selling alcoholic beverages for on-premises consumption shall not produce noise levels in excess of those described in Section 7.4.2.1 so as to not interfere with the reasonable use and enjoyment of adjacent property or public areas.
 - c. Protective Yard. The establishment shall be screened with a type A/B protective yard under Section 7.2.2.1.
 - d. Cleanliness. The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within 100 feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times.

Alcohol Conditional Use Permit Committee

Recommendations (cont.)

CHAPTER 7. SUPPLEMENTAL DEVELOPMENT STANDARDS

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ARTICLE 4: PUBLIC HEALTH RELATED PERFORMANCE STANDARDS

DIVISION 2: STANDARDS

Section 7.4.2.1 Noise

A. Noise Level Maximums. ~~Sound equipment at a business shall not be operated so that it produces sound:~~ No activity on the property shall produce sound:

1. In excess of 85 decibels ~~for a period exceeding one minute~~ between the hours of ~~11:00~~ 10:00 a.m. and 10:00 p.m., ~~as measured at the property line of the business or beyond.~~
2. In excess of 75 decibels ~~for a period exceeding one minute~~ between the hours of 10:00 p.m. and ~~11:00~~ 10:00 a.m. ~~as measured at the property line of the business or beyond.~~

~~3. In excess of 63 decibels at any time as measured from within the property line of any residential zoning or use.~~

B. Noise Measurements. Measurement of noise shall be made with a sound level meter using the "A" weighting network as specified by the American National Standards Institute.

1. A police officer taking a noise measurement may take the measurement from either the closest public right-of-way to the offending residence or business, or with the consent of a complainant, may take the measurement from the property line of the complainant.
2. Any sound that when measured at the nearest public right-of-way to the offending residence or business exceeds the dB(a) levels set forth in this section shall be prima facie evidence of sound nuisance which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of the others within the limits of the city in violation.
3. Method of sound measurement. Whenever portions of this chapter prohibit noise over a certain decibel limit, measurement of said noise shall be made with a decibel meter chosen by the chief of police which meets the standards prescribed by the American National Standards Institute at the time the device was purchased. The instruments shall be maintained in calibration and good working order. Calibration corrections shall be employed in meeting the response specifications prior to every sampling of noise. Measurements recorded shall be taken so as to provide an accurate representation of the noise being measured. Noise measurements shall be a minimum of 30 seconds in duration. The microphone shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used. Violations will be determined based on the highest registered reading in the measurement period. All measurement levels will be inclusive of any ambient noise that exists at the time of the measurement.

C. Exemptions. The following uses and activities shall be exempt from the noise level regulations herein specified.

~~1. Noises not directly under control of the property user.~~

1. Noises emanating from construction, development and maintenance activities between the hours of 7:00 a.m. and 9:00 p.m. (daytime hours).
2. The sound produced by operating or permitting the operation of any mechanically powered saw, drill, sander, router, grinder, lawn or garden tool, lawnmower, or any other similar device used between the hours of 7:00 a.m. and 9:00 p.m. and which device did not produce a sound of 85 dB(A) or greater when measured from the nearest residential property where the sound is being received and was used for the maintenance or upkeep of the property on which it was used.
3. The emission of any sound was for the purpose of alerting persons to the existence of an emergency, danger or attempted crime.
4. Sound produced by an authorized emergency vehicle
5. Sound produced by emergency work necessary to restore public utilities, or to restore property to a safe condition, or to protect persons or property from imminent danger, following a fire, accident or natural disaster.

6. Sound produced by aircraft in flight or in operation at an airport, or railroad equipment in operation on railroad rights-of-way.
7. Sound produced by the operation of any air conditioning unit which did not produce a sound of 85 dB(A) or greater on residential property or 85 dB(A) on nonresidential property, when measured at or near 15 feet from the air conditioning unit producing the sound being measured.
- ~~8. 3. Noises of safety signals, warning devices and emergency pressure relief valves.~~
- ~~9. 4. Transient noise of moving sources, such as automobiles, trucks, and airplanes (see other City ordinances for regulation of transient noise).~~

Housing Task Force Recommendations

CHAPTER 2. DEVELOPMENT PROCEDURES

ARTICLE 5: ZONING PROCEDURES

DIVISION 1: APPLICATION FOR ZONING MAP AMENDMENT

Section 2.5.1.4 Criteria for Approval

- A. In making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council may consider the following factors:
1. Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map;
 2. Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area;
 3. [Whether the proposed zoning map amendment implements the policies of any applicable plan adopted by City Council;](#)
 4. Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect; ...

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#15 AMENDMENT #15 WAS REMOVED

CHAPTER 4. ZONING REGULATIONS

ARTICLE 2: ZONING DISTRICTS

DIVISION 6: BUILDING TYPE STANDARDS

Section 4.4.6.1 Accessory Dwelling Unit

#16

Lot	
Width	Set by District A
Area	Set by District
Lot coverage	Set by District
BUILDING ELEMENTS ALLOWED	
Front Porch	Section 4.3.5.11
Stoop	Section 4.3.5.12
Balcony	Section 4.3.5.13

HEIGHT AND MASSING	
Principle Structure Height	Set by District
Accessory Structure Height	Set by District B
Building Footprint	1/2 the principle building (1,000 sq ft. max.)
BUILDING SETBACKS	
Principle Building Setbacks	Set by District C
Accessory Structure Setbacks	Set by District
VEHICLE ACCESS AND PARKING	
Parking Requirements	1 Additional Space
Parking Location	Third Layer

Second Layer, Third Layer

Housing Task Force Recommendations (cont.)

CHAPTER 7. SUPPLEMENTAL DEVELOPMENT STANDARDS

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ARTICLE 6: MANUFACTURED HOME AND TINY HOME VILLAGE

DIVISION 1: REGULATIONS AND REQUIREMENTS

Section 7.6.1.1 Jurisdiction

This Article is applicable to the City limits and the Extraterritorial Jurisdiction of the City.

Section 7.6.1.2 Site Design Requirements

- A. Site Requirements. Any Manufactured Home Park or Tiny Home Village Constructed or Developed after the effective date of this development Code and for any extension or Addition to any existing or Manufactured Home Park shall comply with the following Site requirements:
1. Location. A Manufactured Home Park or Tiny Home Village within the City limits shall be located only on a site within the Manufactured Home (MH) District.
 2. Minimum Requirements. Each Manufactured Home Park or Tiny Home Village within the City limits shall comply with all applicable standards and requirements of the MH Zoning District. Each Manufactured Home Park or Tiny Home Village within the City's Extraterritorial Jurisdiction shall comply with all standards and requirements as if it were within the City limits and zoned within the MH District.
 - a. Soil and Ground Cover. Exposed ground surfaces in all parts of every Manufactured Home Park shall be paved, covered with stone or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating dust.
 - b. Drainage. The ground surface in all parts of a Manufactured Home Park shall be graded and equipped to drain all surface water away from pad sites.

Section 7.6.1.3 Access and Traffic Circulation and Parking

- A. Block Perimeter. Manufactured home parks, ~~and~~ recreational vehicle parks, and Tiny Home Villages shall meet the block perimeter requirements in Section 3.6.2.1.
- B. Internal Streets and Signage. Internal Streets, no-parking-area Signs, and Thoroughfare name Signs in a Manufactured Home Park or Tiny Home Village shall be privately owned, built and maintained. Streets shall be designed for safe and convenient access to all spaces and to facilities for common use of the park's residents. Internal Streets shall be kept open and free of obstruction in order that police and fire vehicles may have access to any areas of the Manufactured Home Park or Tiny Home Village.
- C. Signs Prohibiting Parking Required. On all sections of Internal Streets on which parking is prohibited under this Article, the owner or agent shall Erect metal "no parking" Signs; type, size, height and location shall be approved by the Director of Public Services prior to installation.
- D. Internal Street Construction and Maintenance. All Internal Streets shall be constructed and maintained by the owner or agent. All Internal Streets shall be free of cracks, holes and other hazards. Internal Streets shall be constructed on hard-surfaced, all-weather material and shall be approved by the Director of Public Services.
- E. Access to Each Home or Space. An Internal Street or Common Access Route shall be provided to each Mobile Home, ~~or~~ Manufactured Home, or Tiny Home space. This Internal Street or Common Access Route shall have a minimum width of 30 feet if off-street parking is provided in the ratio of two parking spaces for each Manufactured Home Park or Tiny Home Village space. The Internal Street shall be continuous and connect with other Internal Streets or with a public Thoroughfare or shall be provided with a cul-de-sac having a minimum diameter of 95 feet.
- F. Minimum Parking Requirement. Two spaces are required for each manufactured home site or Tiny Home site in accordance with the requirements for residential single family dwellings under Section 7.1.2.1.
- G. Parking Space Construction. Parking Spaces shall be hard-surfaced with all-weather material, located to eliminate interference with access to Parking Lots and Parking Areas provided for other Mobile Homes, ~~or~~ Manufactured Homes, or Tiny Homes and for public parking in the Manufactured Home Park or Tiny Home Village.
- H. Unobstructed Access. Internal Streets shall permit unobstructed access to within at least 200 feet of any portion of each Mobile Home ~~or~~, Manufactured Home or Tiny Home. Speed bumps constructed to maintain safe speed of vehicles moving within the Manufactured Home Park or Tiny Home Village shall not be considered as obstructions. Speed bumps are to be constructed at four to one inclination, not to exceed four inches in height. Speed bumps shall be painted with fluorescent paint.

- I. Intersections with Public Thoroughfares. Interior Streets shall intersect Adjoining public Thoroughfares at approximately 90 degrees with a curb line radius of 20 feet at a location which shall eliminate or minimize interference with traffic on those public Thoroughfares.
- J. Common Area Parking Area Required. A minimum Parking Area of 150 square feet per Mobile Home ~~or~~ Manufactured Home, or Tiny Home space shall be provided in a common area for storage of boats or vehicles in excess of two per Mobile Home ~~or~~ Manufactured Home, or Tiny Home space and for visitors' vehicles to minimize on-street parking and to facilitate movement of emergency vehicles into and through the park.

Section 7.6.1.4 Section 7.4.1.4 Street Lighting

Street lighting within the Manufactured Home Park or Tiny Home Village shall be provided by the Developer along Internal Streets. Light standards shall have a height and spacing to ensure that an average illumination level of not less than two-tenths foot-candles shall be maintained.

Section 7.6.1.5 Fire Safety Standards

- A. Storage and Handling of Liquefied Petroleum Gases. In Manufactured Home Parks or Tiny Home Villages in which liquefied petroleum gases are stored and dispensed, their handling and storage shall comply with requirements of the City plumbing and fire codes as applicable.
- B. Storage and Handling of Flammable Liquids. In Manufactured Home Parks or Tiny Home Villages in which gasoline, fuel, oil or other flammable liquids are stored or dispensed, their handling and storage shall comply with the City fire code.
- C. Access for Fire Fighting. Approaches to all Mobile Homes ~~and~~ Manufactured Homes, and Tiny Homes shall be kept clear for fire fighting.
- D. Fire Fighting Instruction. The Manufactured Home Park or Tiny Home Village owner or agent shall be responsible for instructing the owner's staff in the use of the park's fire protection equipment and in their specific duties if a fire occurs.
- E. Water Supply Facilities for Fire Department Operation. The Manufactured Home Park or Tiny Home Village owner shall provide standard City fire hydrants located within 500 feet of all Mobile Home ~~or~~ Manufactured Home, or Tiny Home spaces, measured along the driveways or Internal Streets.
- F. Rubbish Disposal. The Manufactured Home Park or Tiny Home Village owner or agent shall provide an adequate system of collection and safe disposal of rubbish, approved by the Planning Director.
- G. Removal of Dry Brush, Leaves and Weeds. The Manufactured Home Park owner or agent shall be responsible for maintaining the entire area of the Manufactured Home Park free of dry brush, leaves and weeds.

Section 7.6.1.6 Recreational Area

All Manufactured Home Parks and Tiny Home Villages shall have a recreational area amounting to five percent total area of the Manufactured Home Park or Tiny Home Village.

Section 7.6.1.7 Water Supply

- A. Required. An accessible, adequate, safe and potable supply of water shall be provided in each Manufactured Home Park or Tiny Home Village. Connection shall be made to the public supply of water. The public supply shall be adequate both for domestic requirements and for fire fighting requirements established by the City.
- B. Water Distribution System.
 1. The water supply system of the Manufactured Home Park or Tiny Home Village shall be connected by pipes to all Mobile Homes, Manufactured Homes, Tiny Homes, Buildings and other facilities requiring water.
 2. All water piping, fixtures and other equipment shall be constructed and maintained in accordance with State and City regulations and requirements.
- C. Individual Connections. Individual connections shall be in accordance with requirements of the City Plumbing Code, as applicable.

Section 7.6.1.8 Sewage Disposal

- A. Requirements. For sewage disposal in a Manufactured Home Park or Tiny Home Village, the following shall apply:
 1. Approval required. Prior to Construction or development, all proposed sewage disposal facilities shall be approved by the Environmental Health Department and Director of Water and Wastewater. The use of septic tanks for the disposal of sewage shall not be approved except when City Wastewater Facilities are not available.
 2. Wastewater Lines. All Wastewater lines shall be in accordance with the City Plumbing Code, as applicable.
 3. Individual Wastewater and Water Connections.
 - a. All materials used for Wastewater connections shall be in accordance with City Plumbing Code, as applicable.
 - b. Provision shall be made for plugging the Wastewater riser when no Mobile Home or Manufactured Home occupies the space. Surface Drainage shall be diverted away from the riser.

Section 7.6.1.9 Electrical and Telephone Distribution System

All electrical wiring in the Manufactured Home Park or Tiny Home Village shall be in accordance with the electrical code as amended and the requirements of the electric utility provider. All telephone lines in a Manufactured Home Park or Tiny Home Village shall be installed underground.

Section 7.6.1.10 Service Buildings and Other Community Service Facilities

A. Applicability. This Division 1 shall apply additionally to service Buildings, recreation Buildings and other community service facilities in a Manufactured Home Park [or Tiny Home Village](#), including without limitation:

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1. Management Offices, Repair shops and storage areas;
2. Sanitary facilities;
3. Laundry facilities;
4. Indoor recreation areas; and
5. Commercial Uses supplying essential goods or services for the benefit and convenience of park occupants.

B. Barbecue Pits, Fireplaces, Stoves and Incinerators. Cooking shelters, barbecue pits, fireplaces, wood-burning stoves and incinerators shall be located, constructed, maintained and used so as to minimize fire hazards and smoke nuisance, both on the property on which it is used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

Section 7.6.1.11 Fuel Supply and Storage

Liquefied petroleum gas systems shall be installed only if an available natural gas system is more than 1,000 feet from the Manufactured Home Park [or Tiny Home Village](#). The liquefied petroleum gas systems shall be maintained in accordance with applicable codes of the City governing these systems and regulations of the State Railroad Commission pertaining thereto.

Section 7.6.1.12 Register of Occupancy

A. Maintenance of a Register. The owner or agent of a Manufactured Home Park [or Tiny Home Village](#) shall maintain a register of park occupancy which shall contain the following information:

1. Name and park address of Manufactured Home Park [or Tiny Home Village](#) residents.
2. Dates of arrival and departure.

Section 7.6.1.13 Skirting Required; Maintenance of Additions

Skirting shall be required for each Mobile Home or Manufactured Home in a Manufactured Home Park. Skirting and other Additions, when installed, shall be maintained in good repair.

CHAPTER 7. DEFINITIONS

ARTICLE 1: DEFINED TERMS

[Tiny Home: a dwelling unit that is 400 square feet or less in floor area excluding lofts. Tiny Home and Tiny House shall have the same meaning.](#)

[Tiny Home Village: a lot where multiple tiny homes are situated on individual spaces in accordance with Section 7.6.1.](#)

Section 5.1.1.2 Land Use Matrix

Types of Land Use	Conventional Residential				Neighborhood Density Districts					Character districts						Special Districts					Use Standards
	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-3	CD-4	CD-5	CD-5D	HC	LI	HI	MH	EC	
Single Family Detached / Tiny Home	P	L	L	L	L	L	L	L	--	--	P	P	P	--	--	--	--	--	P	--	Section 5.1.4.1
Manufactured Home	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	Section 5.1.4.1
Mobile Home Community / Manufactured Home Park / Tiny Home Village	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	Section 5.1.4.1

Additional Amendments Identified by Staff

CHAPTER 2. DEVELOPMENT PROCEDURES

ARTICLE 3: UNIVERSAL PROCEDURES

DIVISION 1: APPLICATION PROCESSING

Section 2.3.1.1 Application Processing

This Article 3 is applicable to all applications required or submitted pursuant to this development code. Applications, petitions and requests initiated by the City Council, any city board or commission or city staff, however, are exempt from the requirements below except for the requirements pertaining to neighborhood presentations under subsections E, F and G of Division 1.

- E. Pre-Development Meeting. An applicant is ~~encouraged~~ required to request a pre-development meeting with the Responsible Official prior to filing an application. The Responsible Official shall have the authority to waive the pre-development meeting, if such application does not warrant a meeting, or if alternative measures have been taken to address concerns and/or questions that may arise out of the application. No application shall be accepted for filing at a pre-development meeting. A pre-development meeting ~~is voluntary, and thus doesn't~~ does not trigger any grandfathering or vested rights or commence a review period.

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ARTICLE 4: GENERAL LEGISLATIVE PROCEDURES

DIVISION 1: DEVELOPMENT CODE TEXT AMENDMENTS

Section 2.4.1.2 Application Requirements

- A. An application for a text amendment to the Development Code shall be submitted in accordance with the universal application procedures in Section 2.3.1.1.
- B. An application for a text amendment requires initial authorization by the City Council.
- ~~C.~~ C. Text amendments initiated, requested, or directed by City Council do not require initial authorization.
- ~~D.~~ D. The City Council shall consider the initial authorization of a text amendment and may reject the petition or direct further consideration of the application for text amendment in accordance with Section 2.4.1.3.
- ~~E.~~ E. Except for amendments initiated on behalf of the City Council, the application to amend the text of this Development Code shall state with particularity the nature of the amendment and the reason for the amendment.
- ~~F.~~ F. The City Council may establish rules governing times for submission and consideration of text amendments.

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ARTICLE 5: ZONING PROCEDURES

DIVISION 1: APPLICATION FOR ZONING MAP AMENDMENT

Section 2.5.1.3 Approval Process

B. Planning and Zoning Commission Action.

1. The Planning and Zoning Commission shall hold a public hearing on the application in accordance with Section 2.3.3.1.
2. The Planning and Zoning Commission shall make a recommendation regarding the application for a zoning map amendment to the City Council.
3. The Planning and Zoning Commission may recommend approval or denial of the application for a zoning map amendment or, subject to consent of the owner, such other less intense zoning district classification.

C. City Council Action

1. The City Council shall consider an application for a zoning map amendment at its public hearing no sooner than seven days after the date of the Planning and Zoning Commission's recommendation.
2. The City Council should consider the criteria in Section 2.5.1.4 and may vote to approve or deny the specific proposed zoning map amendment or, subject to consent of the owner, such other less intense zoning district classification.

Section 2.5.1.3 Approval Process

D. Determination of Intensity

1. For the purpose of determining a less intense zoning classification under subsections B.3 and C.2, the following Table 2.3 shall determine intensity of zoning districts in the order listed with Character District 1 (CD-1) being the least intense and Heavy Industrial (HI) being the most intense. Future Development (FD) is a default zoning classification available only upon annexation and may not be recommended or approved as a less intense zoning district in connection with an initial request for a more intense zoning district classification.

TABLE 2.3

<u>Character District 1</u>	<u>CD-1</u>
<u>Character District 2</u>	<u>CD-2</u>
<u>Single Family Rural</u>	<u>SF-R</u>
<u>Single Family 6</u>	<u>SF-6</u>
<u>Single Family 4.5</u>	<u>SF-4.5</u>
<u>Character District 2.5</u>	<u>CD-2.5</u>
<u>Manufactured Home</u>	<u>MH</u>
<u>Neighborhood Density 3</u>	<u>ND-3</u>
<u>Character District 3</u>	<u>CD-3</u>
<u>Neighborhood Density 3.2</u>	<u>ND-3.2</u>
<u>Neighborhood Density 3.5</u>	<u>ND-3.5</u>
<u>Neighborhood Density 4</u>	<u>ND-4</u>
<u>Character District 4</u>	<u>CD-4</u>
<u>Neighborhood Commercial</u>	<u>N-CM</u>
<u>Character District 5</u>	<u>CD-5</u>
<u>Character District 5 Downtown</u>	<u>CD-5D</u>
<u>Employment Center</u>	<u>EC</u>
<u>Heavy Commercial</u>	<u>HC</u>
<u>Light Industrial</u>	<u>LI</u>
<u>Heavy Industrial</u>	<u>HI</u>

DIVISION 5: CERTIFICATES OF APPROPRIATENESS

Section 2.5.5.5 Appeals

#21

- A. General Procedure. An applicant or other interested person within the four-hundred foot (400') personal notification area may appeal a final decision of the Historic Preservation Commission on an application for a certificate of appropriateness to the Zoning Board of Adjustments within ten days of the Historic Preservation Commission's action on the application, except for appeals pertaining to property owned by the City of San Marcos. Appeals pertaining to property owned by the City of San Marcos shall be made to the City Council within ten days of the Historic Preservation Commission's action on the application. The ~~Zoning Board of Adjustments~~ appellate body shall decide the appeal in accordance with Section 2.8.1.1.
- B. Supplemental Procedure. In considering the appeal, the ~~Zoning Board of Adjustments~~ appellate body shall:
1. Review the record of the proceeding from which an appeal is sought;
 2. Receive an overview of the case from the Responsible Official, including previous recommendations from city staff and the decision of the Historic Preservation Commission;
 3. Hear arguments from the party appealing the decision of the Historic Preservation Commission; and
 4. Remand the matter back to the Historic Preservation Commission when relevant testimony and newly-acquired evidence is presented that was not previously presented at the time of the hearing before the Historic Preservation Commission.
- C. Criteria on Appeal.
1. The ~~Zoning Board of Adjustments~~ appellate body shall apply the substantial evidence test as established under Texas law to the decision of the Historic Preservation Commission;
 2. The burden of proof before the ~~Zoning Board of Adjustments~~ appellate body shall be on the appealing party, who must establish that the record reflects the lack of substantial evidence in support of the decision of the Historic Preservation Commission;
 3. The ~~Zoning Board of Adjustments~~ appellate body may not substitute its judgment for the judgment of the Historic Preservation Commission on the weight of the evidence ~~on issues committed to the Planning and Zoning Commission's discretion.~~

CHAPTER 3. SUBDIVISIONS

ARTICLE 2: PLAT APPLICATIONS

DIVISION 1: SUBDIVISION CONCEPT PLAT

Section 3.2.1.1 Purpose, Applicability, and Effect

#22

- A. Purpose. The purpose of a subdivision concept plat shall be to delineate the sequence and timing of development within a proposed subdivision, where the tract to be developed is part of a larger parcel of land owned or controlled by the applicant, in order to determine compliance with the Comprehensive Plan and the availability and capacity of public improvements needed for the subdivision and the larger parcel.
- B. Applicability. Approval of a subdivision concept plat must be obtained for any division of land where:
1. The proposed development is to occur in phases and
 2. The tract to be subdivided is twenty (20) or more acres
- C. Exceptions. A Concept Plat is not required where the subdivider elects to submit a Preliminary Subdivision Plat.
- D. If the land subject to the subdivision concept plat is part of a larger parcel, the remaining land shall be shown as a remainder tract, but shall not be included within the official boundaries of the subdivision concept plat.
- E. A subdivision concept plat application may be approved concurrently under the administrative regulating plan process for a Planning Area district in accordance with Section 4.4.3.7.
- F. Effect. Approval of a subdivision concept plat authorizes:
1. Subsequent subdivision applications.
 2. That all plats approved thereafter for the same land shall be consistent with the subdivision concept plat for so long as the subdivision concept plat remains in effect.

ARTICLE 6: BLOCKS, LOTS, ACCESS

DIVISION 2: BLOCKS

Section 3.6.2.1. Block Perimeter

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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-3.5, ND-4, CD-3	2,800 Ft.	250 Ft.
CD-4	2,400 Ft.	200 Ft.
CD-5, CD-5D	2000 Ft.	Not Allowed
EC, HC, HI, LI, <u>ETJ</u>	5,000 Ft.	400 Ft.
Legacy Districts and ETJ	3,000 Ft.	300 Ft.

C. Block Measurement

1. A block is bounded by a public right-of-way, not including an alley. All public rights-of-way proposed in order to meet the block standards must be improved with a street.
2. Block perimeter is measured along the edge of the property adjoining the public right-of-way, except for the measurement of dead-end streets, which are measured from intersecting centerlines.
3. The maximum block perimeter may be extended by fifty (50%) percent where the block includes a pedestrian passage, shared street, or an alley in accordance with Section 3.7.2.6 that connects the two (2) streets on opposing block faces. Pedestrian passages and alleys may connect dead-end streets.
4. A block may be broken by a civic building or open lot, provided the lot is at least fifty (50) feet wide and deep and provides a pedestrian passage meeting the requirements of Section 3.7.2.6 that directly connects the two (2) streets on each block face.
5. Within a single phase of any subdivision or development, individual block perimeters may exceed the maximum by twenty five (25%) percent provided that the average of all block perimeters in the phase does not exceed the maximum.
6. The Responsible Official may waive the block perimeter requirements or maximum dead-end street length consistent with Section 3.6.2.1 when steep slopes in excess of twenty five (25%) percent, freeways, waterways, railroad lines, preexisting development, tree conservation areas, stream buffers, cemeteries, open space or easements would make the provision of a complete block infeasible or does not advance the intent of this Article.
7. Where the block pattern is interrupted by a natural obstruction or public parkland, including greenways, that is open and accessible to the public, pedestrian access points shall be provided with a minimum spacing equal to one half (½) of the maximum block perimeter.

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8. A larger block perimeter may be permitted for HI zoned lots with a building that exceed 200,000 square feet. The block perimeter shall not exceed the lot area required to meet parking and landscaping provisions for the individual structure.

ARTICLE 7: NEW STREETS

DIVISION 2: STREET TYPES

#25

B. Neighborhood Street: Limited Parking

DESCRIPTION

A local thoroughfare of low speed and capacity.

GENERAL

Right of Way	54' min	A
Design Speed	20-25 mph	
Walkway	Sidewalk	
Bikeway	Shared Travel Lane	
Parking	Parallel	
Planting	Tree Lawn	

TRAVELWAY

Pavement Width	28' 30'	B
Travel Lane	10'	C
Parking Lane	8'	D

STREETSCAPE

Planter	7' min	E
Tree Spacing	35' o.c. avg	
Sidewalk	5' min	F

Interior Travel Lane	10'
Curb Lane Width	12'

B. Shared Street

DESCRIPTION

Very low traffic volume street used as a mid-block crossing in certain circumstances where the block length may be extended and characterized by 1-3 story mixed use buildings.

GENERAL

Right of Way	30' min , 53' max	A
Motorist Operating Speed	10 mph	
Walkway	Shared Right of Way	
Bikeway	Shared Right of Way	
Parking	Parallel (alternating)	
Planting	Planters (alternating)	

TRAVELWAY

Pavement Width	30'	B
Travel Lane	10'	C
Parking Lane	10'	D

STREETSCAPE

Optional Streetscape	6' 11.5'	E
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E. Rear Alley and Lane

DESCRIPTION

A vehicular drive located to the rear of lots providing access to service areas, parking, or accessory structures, and containing utility easements.

GENERAL

	RESIDENTIAL	
Right of Way	20' min	A
Walkway	Shared Alley	
Bikeway	Shared Alley	
Parking	N/A	
Planting	N/A	
Pavement Width	16' min 15' min	B

DESCRIPTION

A vehicular drive located to the rear of lots providing access to service areas, parking, or accessory structures, and containing utility easements.

GENERAL

	COMMERCIAL	
Right of Way	24' min	A
Walkway	Shared Alley	
Bikeway	Shared Alley	
Parking	N/A	
Planting	N/A	
Pavement Width	24' min	B

CHAPTER 4. ZONING REGULATIONS

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ARTICLE 2: BUILDING TYPES

DIVISION 1: BUILDING TYPES

Section 4.2.1.1 Building Types Established

The following building types have been established to allow for detailed regulation of the form within each zoning district.

House:

A ~~medium to large~~ detached ~~single family~~ structure ~~that incorporates one unit~~. Typically located within a primarily single-family residential neighborhood ~~in a more rural or suburban setting. If located within a walkable neighborhood, this building type is typically located at the edge of the neighborhood, providing a transition to the more rural areas.~~

Cottage:

A ~~medium to small sized detached structure that incorporates one unit. Typically located within a primarily residential neighborhood in a walkable urban setting, potentially near a neighborhood main street. In its smaller size, this type can enable appropriately scaled, well-designed affordable housing at higher densities and is important for providing a broad choice of housing types and promoting walkability.~~

Section 4.4.1.3 Single Family-6

LOT			A
BUILDING TYPE	LOT AREA	LOT WIDTH	
House	6,000 sq. ft. min.	50 ft min.	
Cottage	6,000 sq. ft. min.	50 ft min.	
Civic	6,000 sq. ft. min.	50 ft. min.	

Section 4.4.3.3 Character District-3

LOT			A
BUILDING TYPE	LOT AREA	LOT WIDTH	
House	5,000 sq. ft. min.	50 ft. min.	
Cottage House	4,000 sq. ft. min.	40 ft. min.	
Cottage Court	1,200 sq. ft. min.	20 ft. min.	
Duplex	4,000 sq. ft. min.	40 ft. min.	
Zero Lot Line House	3,500 sq. ft. min.	30 ft. min.	
Civic Building	5,000 sq. ft. min.	50 ft. min.	

San Marcos Design Manual

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APPENDIX C-HISTORIC DISTRICT GUIDELINES

ARTICLE 5: STANDARDS FOR GUIDELINES FOR SUSTAINABILITY

Section C.5.1.1 Purpose

A. Before implementing any energy conservation measures to enhance the sustainability of a historic building, the existing energy-efficient characteristics of the building should be assessed. The key to a successful rehabilitation project is to identify and understand any lost original and existing energy-efficient aspects of the historic building, as well as to identify and understand its character-defining features to ensure they are preserved. The most sustainable building may be one that already exists. Thus, good preservation practice is often synonymous with sustainability. There are numerous treatments—traditional as well as new technological innovations—that may be used to upgrade a historic building to help it operate even more efficiently. Whether a historic building is rehabilitated for a new or a continuing use, it is important to utilize the building's inherently-sustainable qualities as they were intended. It is equally important that they function effectively together with any new measures undertaken to further improve energy efficiency. The following guidelines offer specific guidance on how to make historic buildings more sustainable in a manner that will preserve their historic character.

Section C.5.1.2~~4~~ Introduction

Developer Request

CHAPTER 5. USE REGULATIONS

ARTICLE 1: ALLOWABLE USES

DIVISION 5: COMMERCIAL

Section 5.1.5.9 Special Event Facility

- A. Defined. A facility or hall available for special events with indoor and outdoor space that accommodates private functions such as weddings, quinceanera, and similar celebrations.
- B. Use Standards. Where a special event facility is allowed as a conditional use, it may be permitted by the Planning and Zoning Commission subject to Section 2.8.3.1, and the standards below.
 1. Minimum parcel size. No event center shall be located on a site of less than five acres.
 2. Transitional Protective Yard. A type D transitional protective yard as per Table 7.8 of the Development Code is required in all instances, along the entire perimeter of the property.
 3. The permit holder shall not be permitted to hold a TABC license.
 4. A site plan illustrating, where appropriate: location, square footage and height of existing and proposed structures, landscaping or fencing, setbacks, parking, ingress & egress, signs, etc., shall be required and approved at the time of the Conditional Use Permit
 5. A floor plan(s) illustrating fire exits, doors, rooms, indoor & outdoor seating, kitchen, bar, restrooms, fire exits, etc., shall be required and approved at the time of the Conditional Use Permit.
 6. All uses of property shall comply with Section 7.4.2.1 of this Development Code.
 7. A parking buffer in accordance with Section 7.1.4.4 shall be required in all instances.
 8. The single-family preservation buffer shall be calculated in accordance with Section 4.1.2.5.D. An affirmative vote of six members of the Planning and Zoning Commission and five members of the City Council will be required to approve the request in instances where the single-family preservation buffer calculated in accordance with Section 4.1.2.5.D results in 50% or more single family zoning.

Section 5.1.1.2 Land Use Matrix

Types of Land Use	Conventional I Residential				Neighborhood Density Districts					Character districts					Special Districts					Use Standards	
	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-3	CD-4	CD-5	CD-5D	HC	LI	HI	MH	EC	
Special Event Facility	C	C	I	I	I	I	I	I	C	I	C	I	I	I	I	I	I	I	I	I	Section 5.1.5.9

Section 9.3.1.2 Land Use Matrix

Amusement and Recreational Uses	AR	SF-11	D	DR	TH	PHZL	MF12	MF18	MF24	MR	MU	VMU	P	NC	OP	CC	GC
<u>Special Event Facility</u>																	C

TABLE 7.1 GENERAL MINIMUM PARKING REQUIREMENTS

Use	Minimum Parking	Bicycle Parking
Commercial		
<u>Special Event Facility</u>	<u>1 space per 200 sf indoor and outdoor space</u>	<u>None</u>

Expedited Policy Amendments

CHAPTER 4. ZONING REGULATIONS

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ARTICLE 4: ZONING DISTRICTS

DIVISION 2: NEIGHBORHOOD DENSITY DISTRICTS

SECTION 4.4.2.2 NEIGHBORHOOD DENSITY-3.2

GENERAL DESCRIPTION The ND-3.2 district is proposed to accommodate single-family detached houses and encourage opportunities for home ownership. Additional building types and relatively smaller lot sizes are allowed that accommodate affordable alternatives for home ownership. ND-3.2 could be applied in areas where the land use pattern is single-family or two-family with some mixture in housing types. Uses that would interfere with the residential nature of the district are not allowed.

DENSITY

<u>Units per Gross Acre</u>	<u>12 max</u>
<u>Impervious cover</u>	<u>65% max</u>
<u>Occupancy Restrictions</u>	<u>5.1.4.1</u>

TRANSPORTATION

<u>Block Perimeter</u>	<u>2,800 ft. max</u>	<u>Section 3.6.2.1</u>
<u>Streetscape Style</u>	<u>Residential</u> <u>Conventional</u>	<u>Section 3.8.1.10</u> <u>Section 3.8.1.7</u>

BUILDING TYPES ALLOWED

<u>Building Type</u>	
<u>Accessory Dwelling</u>	<u>Section 4.4.6.1</u>
<u>House</u>	<u>Section 4.4.6.2</u>
<u>Zero Lot Line House- (Detached Only)</u>	<u>Section 4.4.6.6</u>
<u>Civic</u>	<u>Section 4.4.6.15</u>

BUILDING STANDARDS

<u>Principle Building Height</u>	<u>2 stories max.</u>	<u>35 ft. max</u>
<u>Accessory Structure Height</u>	<u>N/A</u>	<u>24 ft max</u>
<u>Building Width</u>	<u>60 ft max</u>	

SETBACKS-PRINCIPAL BUILDING

<u>Principal Street</u>	<u>15 ft. min or Avg front setback (Section 4.4.2.5</u>
<u>Secondary Street</u>	<u>15 ft. min.</u>
<u>Side</u>	<u>5 ft. min.</u>
<u>Rear</u>	<u>15 ft. min</u>
<u>Rear, abutting alley</u>	<u>5 ft. min</u>

LOT

<u>BUILDING TYPE</u>	<u>LOT AREA</u>	<u>LOT WIDTH</u>
<u>House</u>	<u>4,500 sq. ft min</u>	<u>40 ft. min.</u>
<u>Zero Lot Line House</u>	<u>2,500 sq. ft. min</u>	<u>25 ft. min.</u>
<u>Civic</u>	<u>4,500 sq. ft. min</u>	<u>50 ft. min.</u>

SETBACKS-ACCESSORY STRUCTURE

<u>Primary Street</u>	<u>20 ft. min.</u>
<u>Secondary Street</u>	<u>15 ft. min.</u>
<u>Side</u>	<u>5 ft. min.</u>
<u>Rear</u>	<u>3 ft. min.</u>

PARKING LOCATION

<u>LAYER (SECTION 4.3.3.1)</u>	<u>SURFACE</u>	<u>GARAGE</u>
<u>First Layer</u>	<u>Not Allowed</u>	<u>Not Allowed</u>
<u>Second Layer</u>	<u>Allowed</u>	<u>Section 7.1.4.1</u>
<u>Third Layer</u>	<u>Allowed</u>	<u>Section 7.1.4.1</u>

CHAPTER 2. DEVELOPMENT PROCEDURES

ARTICLE 4: GENERAL LEGISLATIVE PROCEDURES

DIVISION 2: COMPREHENSIVE PLAN MAP AMENDMENTS

Section 2.4.2.3 Approval Process

B. Planning and Zoning Commission Action.

1. The Planning and Zoning Commission shall hold a public hearing on the application in accordance Section 2.3.3.1.
2. The Planning and Zoning Commission shall make a recommendation regarding the proposed Comprehensive Plan amendment(s) to the City Council. The Planning and Zoning Commission may recommend approval, approval with conditions, or denial of the application for a Comprehensive Plan amendment.
3. A recommendation for approval from the Planning and Zoning Commission requires an affirmative vote of six (6) members of the Planning and Zoning Commission.

C. City Council Action.

1. Before taking final action on a proposed Comprehensive Plan amendment, the City Council shall hold two (2) public hearings where they may consider the recommendations of the Planning Commission, Responsible Official and any comments made during the public hearings.
2. The Council may review the application in light of the criteria in Section 2.4.2.4.
3. An application for a Comprehensive Plan amendment is subject to a super majority vote of the City Council when applicable in accordance with Section 2.2.4.2.
4. The approval of a Comprehensive Plan amendment requires an affirmative vote of five (5) members of the City Council.
5. After the public hearing is closed, the Council may approve, reject or modify the requested amendments by adoption of an ordinance.

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CHAPTER 4. ZONING REGULATIONS

ARTICLE 1: GENERAL PROVISIONS AND ESTABLISHMENT OF DISTRICTS

DIVISION 1: PURPOSE AND INTENT

Section 4.1.1.6 Comprehensive Plan Preferred Scenario

Table 4.1 Comprehensive Plan/District Translation

District Classification	Comprehensive Plan Designation					
	Open Space/Ag	Low Intensity	Existing Neighborhood	Medium or High Intensity	Employment Center	Corridor
Conventional Residential	NP	NP	C	PSA	PSA	—
Neighborhood Density Districts	NP	NP	See Section 4.1.2.4-4.1.2.5	NP	NP	€
Character Districts	NP	€ <u>See Section 4.1.2.6</u>	PSA	C	NP	€
Special Districts	PSA	NP	NP PSA	NP	C	€

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CHAPTER 2. DEVELOPMENT PROCEDURES

STAFF PROPOSAL #7 UNDER AMENDMENT #32 WAS REMOVED

CHAPTER 4. ZONING REGULATIONS

ARTICLE 1: GENERAL PROVISIONS AND ESTABLISHMENT OF DISTRICTS

DIVISION 2: DISTRICTS ESTABLISHED

Section 4.1.2.5 Compatibility of Uses and Density (Neighborhood Density Districts)

- A. Policy. It is the policy of the City Council, through exercising its zoning authority, to:
1. Help prevent the impacts of high density uses on low density areas;
 2. Limit changes in neighborhood density categories unless directed by a small area plan or neighborhood character study;
 3. Encourage more opportunities for home ownership; and
 4. Ensure a diversity of housing to serve citizens with varying needs and interests.
- B. Small Area Plan. An adopted small area plan or neighborhood character study for the area surrounding a subject property [is required in addition to](#) ~~supersedes~~ the analysis in Table 4.45 and the single family preservation buffer in this Section 4.1.2.5.
- C. Existing Neighborhood Regulating Plan. An existing neighborhood regulating plan is required to accompany any property owner requested zoning change to a Neighborhood Density District.
- D. Single Family Preservation Buffer. The purpose of the single family preservation buffer is to preserve SF-R, SF-6, and SF4.5 zoning districts in existing neighborhood areas on the comprehensive plan map where these zoning districts make up the predominant land use pattern for an area in close proximity.

~~F. Neighborhood Density Categories. Neighborhood density categories are described in the table below.~~

~~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

~~1. A neighborhood density category is determined based on the existing zoning of the subject property.~~

f. Neighborhood Density District/Existing Zoning Translation Table. Zoning map amendments to a neighborhood density district shall be consistent with the Comprehensive Plan and the policy and criteria established in this development code.

1. Consider (C). Where the table indicates Consider (C), the request shall be considered based on:
 - a. Zoning criteria in Section 2.5.1.4 and compatibility of uses and density in this Section 4.1.2.5.
 - b. [Surrounding zoning districts illustrated in the single family protection buffer analysis described in this Section 4.1.2.5](#)
2. Not Preferred (NP). Where the table indicates that a request is Not Preferred (NP) the request is seeking to change the density category and is subject to additional scrutiny based on:
 - a. Zoning criteria in Section 2.5.1.4 and compatibility of uses and density in this Section 4.1.2.5.
 - b. Surrounding zoning districts illustrated in the single family protection buffer analysis described in this Section 4.1.2.5;
 - c. Existing use of the subject property; and
 - d. Surrounding land use pattern.
3. Not Preferred* (NP*). Where the table indicates a is not preferred with an asterisk the request is subject to both the criteria for a request that is not preferred and the following:
 - a. An affirmative vote of six members of the Planning and Zoning Commission to recommend a zoning change request and five members of the City Council to approve the same request are required when the single family preservation buffer calculated in accordance with Section 4.1.2.5 results in 50% or more single family zoning; or

Table 4.45 NEIGHBORHOOD DENSITY DISTRICT/EXISTING ZONING TRANSLATION TABLE

	Neighborhood Density Categories Existing Zoning Districts			
	Low Density FD, AR, SF-R, MR, SF-6, SF4.5, P DR, D, PHZL	Medium Density DR, D, PH-ZL, TH, MF-12, P	High density MU, MF-18, MF-24, P	Commercial/ Mixed Use OP, NC, CC, GC, HC, LI, HI, MH, VMU, P
ND-3	C	C NP	NP _	NP*
ND-3.2	NP	C	NP*	NP*
ND-3.5	NP*	C	C	NP*
ND-4	NP*	NP	C	NP
N-CM	NP*	NP*	C NP	C
Legend:				
C =	Consider			
NP =	Not Preferred			
* =	50% or more single family requires additional votes of Planning Commission and City Council in accordance with Sec. 4.1.2.5(G)3a. above.			

Section 4.1.2.6 Character Districts

- A. Character districts are intended for infill development and new development in both high and medium intensity zones on the Preferred Scenario Map.
- B. Character districts provide for higher density residential and commercial uses in well planned areas where utilities and infrastructure are designed and constructed to support intense development in a walkable and mixed use environment.

Table 4.56 CHARACTER DISTRICTS

C. Character District/Existing Zoning Translation Table. Zoning map amendments to a character district , in a Low Intensity Area on the Preferred Scenario Map, shall be consistent with the Comprehensive Plan and the policy and criteria established in this development code.

- 1. Consider (C). Where the table indicates Consider (C), the request shall be considered based on:
 - a. Zoning criteria in Section 2.5.1.4.
- 2. Not Preferred (NP). Where the table indicates that a request is Not Preferred (NP) the request is seeking to change the density category and is subject to additional scrutiny based on:
 - a. Zoning criteria in Section 2.5.1.4;
 - c. Existing use of the subject property; and
 - d. Surrounding land use pattern.
- 3. Not Preferred* (NP*). Where the table indicates that a request is not preferred with an asterisk the request is subject to both the criteria for a request that is not preferred and the following:
 - a. An affirmative vote of six members of the Planning and Zoning Commission to recommend a zoning change request and five members of the City Council to approve the same request are required.

Table 4.6 CHARACTER DISTRICT / EXISTING ZONING TRANSLATION TABLE

	Existing Zoning Districts			
	<u>AR, SF-R, MR, SF-6, SF-4.5</u>	<u>FD, DR, D, PH-ZL, TH, MF-12, P</u>	<u>MU, MF-18, MF-24, P</u>	<u>OP, NC, CC, GC, HC, LI, HI, MH, VMU, P</u>
<u>CD-1</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>CD-2</u>	<u>C</u>	<u>NP</u>	<u>NP</u>	<u>NP*</u>
<u>CD-2.5</u>	<u>C</u>	<u>NP</u>	<u>NP</u>	<u>NP*</u>
<u>CD-3</u>	<u>NP</u>	<u>C</u>	<u>C</u>	<u>NP</u>
<u>CD-4</u>	<u>NP*</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>CD-5</u>	<u>PSA</u>	<u>NP*</u>	<u>C</u>	<u>C</u>

ARTICLE 3: GENERAL TO ALL

DIVISION 5: ACTIVATION

Section 4.3.4.5 Residential Height Compatibility Standards

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- A. Height Stepback. A maximum building height of thirty-five (35) feet shall apply to portions of a structure within seventy (70) feet of a single-family zoning designation (measured from the property line).

Section 4.3.4.6 ~~5~~ Additional Stories or Height

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. Primary and secondary durable building material standards are applied by district and building type.
 2. 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.
- C. Intent. The intent of the durable building material area requirement is to promote quality design, aesthetic value, visual appeal and the use of durable materials. The City prefers the use of durable building materials identified in this section.

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AMENDMENT #35 WAS REMOVED

CHAPTER 7. SUPPLEMENTAL DEVELOPMENT STANDARDS

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.

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1. Exceptions. On-street public parking shall not be counted towards the minimum parking requirements in Section 7.1.2.1 or Section 7.1.2.2 in CD-5D zoning districts.

- B. The table below includes minimum parking requirements for any proposed uses except those in the CD-4, CD-5, or CD-5D zoning districts.

Section 7.1.2.2 Mixed Use Parking Requirements

- B. Specific to CD-5 and CD-5D

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- ~~1. The minimum parking requirements for properties with 10 or fewer units are exempt from the minimum parking requirements for residential.~~

1. The minimum parking requirements for properties with 5 units or fewer may be exempt from minimum parking requirements in Section 7.1.2.1 with the approval of a Conditional Use Permit by City Council upon recommendation by the Planning & Zoning Commission, in accordance with Section 2.8.3.1

CHAPTER 4. ZONING REGULATIONS

ARTICLE 4: ZONING DISTRICTS

DIVISION 3: CHARACTER DISTRICTS

SECTION 4.4.3.3 CHARACTER DISTRICT-2.5

GENERAL DESCRIPTION The CD-2.5 district is proposed to accommodate single-family detached houses and encourage opportunities for home ownership. CD-2.5 could be applied in areas where the land use pattern is single-family or two-family with some mixture in housing types. Uses that would interfere with the residential nature of the district are not allowed.

DENSITY

<u>Units per Gross Acre</u>	<u>8 max</u>
<u>Impervious cover</u>	<u>60% max</u>
<u>Occupancy Restrictions</u>	<u>5.1.4.1</u>

TRANSPORTATION

<u>Block Perimeter</u>	<u>2,800 ft. max</u>	<u>Section 3.6.2.1</u>
<u>Streetscape Style</u>	<u>Residential</u> <u>Conventional</u>	<u>Section 3.8.1.10</u> <u>Section 3.8.1.7</u>

BUILDING TYPES ALLOWED

<u>Building Type</u>	
<u>Accessory Dwelling Unit</u>	<u>Section 4.4.6.1</u>
<u>House</u>	<u>Section 4.4.6.2</u>
<u>Civic</u>	<u>Section 4.4.6.15</u>

BUILDING STANDARDS

<u>Principle Building Height</u>	<u>2 stories max.</u>	<u>35 ft. max</u>
<u>Accessory Structure Height</u>	<u>N/A</u>	<u>24 ft max</u>

SETBACKS-PRINCIPAL BUILDING

<u>Principal Street</u>	<u>15 ft. min.</u>
<u>Secondary Street</u>	<u>10 ft. min.</u>
<u>Side</u>	<u>5 ft. min.</u>
<u>Rear</u>	<u>15 ft. min</u>
<u>Rear, abutting alley</u>	<u>5 ft. min</u>

LOT

<u>BUILDING TYPE</u>	<u>LOT AREA</u>	<u>LOT WIDTH</u>
<u>House</u>	<u>4,500 sq. ft min</u>	<u>40 ft. min.</u>
<u>Civic</u>	<u>4,500 sq. ft. min</u>	<u>50 ft. min.</u>

SETBACKS-ACCESSORY STRUCTURE

<u>Primary Street</u>	<u>15 ft. min.</u>
<u>Secondary Street</u>	<u>10 ft. min.</u>
<u>Side</u>	<u>5 ft. min.</u>
<u>Rear</u>	<u>3 ft. min.</u>

PARKING LOCATION

<u>LAYER (SECTION 4.3.3.1)</u>	<u>SURFACE</u>	<u>GARAGE</u>
<u>First Layer</u>	<u>Not Allowed</u>	<u>Not Allowed</u>
<u>Second Layer</u>	<u>Allowed</u>	<u>Section 7.1.4.1</u>
<u>Third Layer</u>	<u>Allowed</u>	<u>Section 7.1.4.1</u>

SECTION 4.4.3.6 CHARACTER DISTRICT-5 DOWNTOWN

LOT

BUILDING TYPE	LOT AREA	LOT WIDTH
Townhouse	1,500 sq. ft. min.	15 ft. min.
Apartment	2,000 sq. ft. min.	20 ft. min. <u>340 ft. max.</u>
Live/Work	1,100 sq. ft. min.	15 ft. min.
Mixed Use Shopfront	2,000 sq. ft. min.	20 ft. min. <u>340 ft. max.</u>
Civic Building	2,000 sq. ft. min.	20 ft. min.