



## Legislation Details (With Text)

**File #:** Ord. 2019-45 **Version:** 1 **Name:**  
**Type:** Ordinance **Status:** Individual Consideration  
**File created:** 11/14/2019 **In control:** City Council  
**On agenda:** 12/3/2019 **Final action:**  
**Title:** Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2019-45, amending various sections of the City's Land Development Code to, among other things, address typographical and technical errors, implement recommendations of the Historic Preservation Commission to restrict the painting of masonry in the downtown historic district, and to implement changes in response to new laws enacted during the 2019 Legislative Session; amending Section 86.188 of the San Marcos City Code to require new development to have underground electric utilities, to require overhead electric service installations to be on steel poles, and to establish certain standards for electric easements; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date; and Consider approval of Ordinance 2019-45, on the first of two readings.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Code Amendments Phase 1 Presentation, 2. Ordinance, 3. Staff Memo, 4. Exhibit A-Recommendations Table, 5. Exhibit B-Redlined Code, 6. Exhibit C-Zoning District and Building Standards Pages, House Bill 2439, 7. Exhibit D-Historic Preservation Commission Resolution & Research, 8. Exhibit E-House Bill 2439, House Bill 3167

Date	Ver.	Action By	Action	Result
12/3/2019	1	City Council		

### AGENDA CAPTION:

Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2019-45, amending various sections of the City's Land Development Code to, among other things, address typographical and technical errors, implement recommendations of the Historic Preservation Commission to restrict the painting of masonry in the downtown historic district, and to implement changes in response to new laws enacted during the 2019 Legislative Session; amending Section 86.188 of the San Marcos City Code to require new development to have underground electric utilities, to require overhead electric service installations to be on steel poles, and to establish certain standards for electric easements; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date; and **Consider approval of Ordinance 2019-45, on the first of two readings.**

**Meeting date:** December 3, 2019

**Department:** Planning & Development Services

### Amount & Source of Funding

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

**Fiscal Note:**

**Prior Council Action:** N/A

**City Council Strategic Initiative:** [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu below]

- ☐ Economic Development - Choose an item.
- ☐ Environment & Resource Protection - Choose an item.
- ☐ Land Use - Choose an item.
- ☐ Neighborhoods & Housing - Choose an item.
- ☐ Parks, Public Spaces & Facilities - Choose an item.
- ☐ Transportation - Choose an item.
- ☐ Not Applicable

**Master Plan:** [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

**Background Information:**

In April 2018 the City of San Marcos adopted the San Marcos Development Code, which was developed through the multi-year CODE SMTX process. Between March and May 2019, staff conducted public outreach in support of the annual Land Development Code update.

A joint workshop between the Planning and Zoning Commission and City Council was held in June 2019. The purpose of the workshop was to allow City Council and the Planning and Zoning Commission the opportunity to review the proposed amendments and provide direction to staff. This Phase 1 of the annual code update includes the typographical / technical errors, Historic Preservation recommendations, and amendments related to the 2019 Legislative Session.

**Council Committee, Board/Commission Action:**

At their regular meeting on November 12, 2019 the Planning and Zoning Commission unanimously recommended approval of the proposed amendments with the following conditions:

- 1) Staff provide more information on the effects of paint on brick and stone, as well as the effect of the amendment on murals in downtown
- 2) Removal of item #16 which would remove the 3:1 lot depth-to-width ratio for Townhome and Zero Lot Line homes
- 3) Removal of item "C" under #25 which would establish paint palettes for administrative approval in the Downtown Historic District

### **Alternatives:**

Staff reviewed the Planning and Zoning Commission recommendations and has prepared the following alternate recommendations:

- 1) Research indicates that sealing or painting historically unpainted brick creates performance issues with the material by trapping moisture. The brick's color and texture are an important part of its appearance and historical significance. Other communities in Texas do not allow murals on previously unpainted brick surfaces.

#### **Staff recommends retaining the Code amendments as initially proposed.**

- 2) Townhome and Zero Lot Line lots are allowed by right in certain Neighborhood Density (ND) and Character (CD) Districts and are permitted to have a lot frontage of 25 feet. Compliance with the 3:1 ratio is achievable, but the majority of these lots would require an additional application for Alternative Compliance to be processed with the plat. Staff has researched typical townhome lots and finds that a 6:1 lot depth-to-width ratio

#### **Staff recommends alternate language which would allow townhome and zero lot line lots to have a standard depth-to-width of 6:1.**

- 3) Generally, cities chose one of the following processes for a change in paint color in historic districts: 1) no review by staff or HPC, 2) administrative approval with guidelines, 3) HPC approval with guidelines. The Code amendment proposed by staff would allow an applicant to choose from any major paint manufacturer. The paint palettes would provide the guideline for administratively approved changes in paint color.

**Staff recommends retaining the Code amendments as initially proposed and alternatively the addition of Historic Preservation Commission approval of colors not specified on the Historic Paint Palettes.**

### **Recommendation:**

Staff recommended **approval** of the proposed Land Development Code text amendments as presented.