



## Legislation Details (With Text)

**File #:** Ord. 2021-47 **Version:** 1 **Name:**  
**Type:** Ordinance **Status:** Individual Consideration  
**File created:** 6/1/2021 **In control:** City Council  
**On agenda:** 7/6/2021 **Final action:**  
**Title:** Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-47, amending various sections of the City's development code, to among other things, address typographical and technical errors, and implement changes related to site permit requirements, detention, stormwater quality and stream protection, residential garage and pedestrian access requirements, building activation, the use of self-storage and outdoor storage, the Employment Center Zoning District, allowable uses in CD-2.5, ND-3.2, and the Land Use Matrix, providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date; and consider approval Ordinance 2021-47, on the first of two readings.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Draft Redlined Code, 3. Presentation, 4. Memo - PZ Recommendations, 5. Justification Table

Date	Ver.	Action By	Action	Result
7/6/2021	1	City Council		
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**AGENDA CAPTION:**

Receive a staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2021-47, amending various sections of the City's development code, to among other things, address typographical and technical errors, and implement changes related to site permit requirements, detention, stormwater quality and stream protection, residential garage and pedestrian access requirements, building activation, the use of self-storage and outdoor storage, the Employment Center Zoning District, allowable uses in CD-2.5, ND-3.2, and the Land Use Matrix, providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date; and consider approval Ordinance 2021-47, on the first of two readings.

**Meeting date:** July 6, 2021

**Department:** City Council

**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:** City Council provided initial authorization of these amendments at their May 4, 2021 City Council meeting.

**City Council Strategic Initiative:**

N/A

**Comprehensive Plan Element (s):**

- ☐ 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.
- ☐ Core Services
- ☒ Not Applicable

**Master Plan:**

Vision San Marcos - A River Runs Through Us

**Background Information:**

At prior City Council meetings, staff was provided direction to update standards related to residential garage and access requirements and the use of self-storage. During staff's analysis of these topics, additional areas of the Development Code were identified as needing amendments. A redline of the Development Code reflecting the proposed changes along with a table with details on the reason for each change is included in the packet. A summary of revisions is as follows:

- **City Engineering staff recommendations:** Amendments related to site permits, detention, and stormwater quality and stream protection.
- **Residential garage / access standards:** Amendments related to residential garage parking, pedestrian access, front porches, and residential front door requirements.
- **Use of self storage and outdoor storage:** Amendments related to the use of self storage, outdoor storage, changes to the Land Use Matrix, and a renaming of the Employment Center zoning district.
- **Allowable uses in CD-2.5 and ND-3.2:** Amendment to the Land Use Matrix to include CD-2.5 and ND-

3.2 zoning districts.

- **Typographical errors:** Amendments related to misspellings, the inclusion of missing text, and other miscellaneous errors related to typographical or technical errors.

Development Code Process Summary:

- City Council provided initial authorization to further consider the proposed amendments (*Approved on May 4, 2021*)
- Planning & Zoning Commission consideration (*Planning Commission recommended approval with amendments on May 25, 2021*)
- City Council holds a public hearing and first reading of ordinance (*July 6, 2021*)
- City Council holds second reading of ordinance (*August 3, 2021*)

Council Committee, Board/Commission Action:

At their May 25, 2021 meeting, the Planning and Zoning Commission recommended approval of the Development Code update with the following amendments. A full summary of the Planning Commission discussion and recommendations can be found in the packet:

Amendment #1:

**Chair Garber made a motion for an amendment that staff and City Council look into bringing Planned Development Districts back into the Development Code. Per the Development Code, the amendment will require formal authorization by City Council as it was not originally authorized during the May 4th City Council meeting in which the Council provided Initial Authorization of the Development Code amendments. The motion was seconded by Commission Rand and carried 8-1 with the following vote:**

- For: (8) Vice-Chair Kelsey, Commissioner Costilla, Commissioner Sambrano, Commissioner Agnew, Chair Garber, Commissioner McCarty, Commissioner Rand, Commissioner Spell,
- Against: (1) Commissioner Moore

**Discussion:**

- The Commission asked why they were removed in the past and discussed that they were being abused and that there were issues with enforcement. The Commission also discussed that PDDs do not always create a level playing field with those involved and liked the concept of clear rules for everyone involved.
- The Commission discussed whether PDDs would help resolve the problem with there being a menu of

uses in certain zoning districts. The Commission discussed that with a PDD there will be a base level of zoning but you can then be very specific about what you will and won't allow.

- The Commission discussed that with PDDs we would rewrite the code for every new project and enforcement of each item was difficult. They also discussed the need for more flexibility to ensure that we make them build what they are going to build and withholding the occupancy permit
- Staff stated that the item would need to be presented at City Council and receive initial authorization.

### **Amendment #2**

**Commissioner Agnew made a motion on Amendment #5 to revise Section 7.1.4.1.C.1.b. Semi-Flush, to increase the allowable percentage that garage doors can extend on the width of the house from 40% to 55%. The motion was seconded by Commissioner McCarty and passed 8-1 with the following vote:**

- For: (8) Commissioner Costilla, Commissioner Rand, Commissioner Sambrano, Commissioner Agnew, Chair Garber, Commissioner McCarty, Commissioner Spell, Vice-Chair Kelsey
- Against: (1) Commissioner Moore

### **Discussion:**

- The Commission discussed whether or not there is a need for specific percentages for flush and semi-flush garages or if they could work with the same percentages.
- Staff discussed that the lot width percentage of 55% proposed for the flush garage design was determined during conversations with homebuilders during the Alternative Compliance requests and was a percentage that met their needs.

### **Alternatives:**

Section 2.4.1.3(D) The City Council shall hold a public hearing on the text amendment in accordance with Section 2.3.3.1. The City Council shall approve, approve as revised, deny, send the proposed text amendments back to an advisory body or the Responsible Official for additional consideration.

### **Recommendation:**

Staff recommends **approval** of the proposed Development Code text update with the inclusion of the Planning and Zoning Commission recommended amendment #2 regarding revising Section 7.1.4.1.C.1.b. Semi-Flush, to increase the allowable percentage that garage doors can extend on the width of the house from 40% to 55%.

Per the Development Code, the Commission's recommended amendment #1 that staff and City Council look

into bringing Planned Development Districts back into the Development Code will require formal authorization by City Council as it was not originally authorized during the May 4th City Council meeting.