City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Work Session - Final-Amended

City Council

Tuesday, March 3, 2020 | **3:00 PM** | **City Council Chambers**

630 E. Hopkins - Work Session

I. Call To Order

II. Roll Call

PRESENTATIONS

1. Receive a Staff presentation and hold a discussion on the San Marcos Development Code amendments and Strategic Housing Action Plan, and provide direction to the City Manager.

EXECUTIVE SESSION

2. Executive Session in accordance with Section § 551.089 - Security Devices: to discuss Security Measures and Deployment of Information Resources Technology.

III. Adjournment.

POSTED ON FRIDAY, FEBRUARY 21, 2020 @ 11:00AM

TAMMY K. COOK, INTERIM CITY CLERK

VIII. ADDENDUM

The following item was removed after the agenda was posted on Friday, February 21, 2020:
2. A. Section § 551.072 - Real Property: to receive a staff briefing and deliberation regarding possible land acquisition related to Capital Improvement Projects (CIP).

ADDENDUM POSTED ON WEDNESDAY, FEBRUARY 26, 2020 @ 10:00AM

TAMMY K. COOK, INTERIM CITY CLERK

Notice of Assistance at the Public Meetings

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 855-461-6674 or sent by e-mail to ADArequest@sanmarcostx.gov

City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Legislation Text

File #: ID#19-952, **Version:** 1

AGENDA CAPTION:
Receive a Staff presentation and hold a discussion on the San Marcos Development Code amendments and Strategic Housing Action Plan, and provide direction to the City Manager.
Meeting date: March 3, 2020

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: Click or tap here to enter text.

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.

☐ Core Services

☐ 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 Council adopted Code SMTX, the new San Marcos Development Code and directed staff to perform an annual update in 2019. Comments for updating the code were solicited in March - May of 2019. On June 5, 2019 a Joint Workshop was held with City Council and the Planning & Zoning Commission. At that meeting staff received direction on amendments to expedite (typos & technical errors), amendments to analyze further, and amendments which were not recommended for additional analysis.

In December, 2019 City Council approved Phase 1 of the Code amendments, addressing typos, technical errors, Historic Preservation Commission resolutions, and amendments to address the 2019 Legislative Session. The remainder of the amendments have been categorized as:

- Phase 2 - amendments requiring analysis, but no policy major decisions;
- Phase 3 - amendments requiring major policy decisions which would benefit from the Comprehensive Plan update and updated visions and goals established during that process;
- Amendments not recommended for additional analysis.

(See attached table. phase 2: yellow, not recommended: grey, phase 3: blue, phase 1: green)

In addition to the proposed amendments, staff analyzed the Actions outlined in the Strategic Housing Action Plan (attached: purple). Four of these action may result in amendments to the Development Code, however, almost all of the actions were identified as items which should be considered following the Comprehensive Plan Update.

At this time, staff is recommending amendments for Phase 2 which require initial authorization. Staff would also like to receive direction on the amendments not recommended for additional analysis on June 5, 2019 and on the approval process for the Housing Action Plan.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Two action items will be considered by the City Council during the regular meeting on March 3, 2020. 1) Initial Authorization of Phase 2 and 2) removal of the items not recommended for additional analysis.

During the worksession, staff is seeking direction on the approval process for the Housing Action Plan.

Work Session:

Development Code Amendments

Housing Action Plan

Discussion & Direction

March 3, 2020

Purpose

- *Presentation:* Receive a presentation from staff on proposed Phase 2 San Marcos Development Code (SMDC) amendments, amendments not recommended for additional analysis, and the Housing Action Plan.

- *Action Item:* Provide initial authorization for Phase 2 SMDC amendments.

- *Action Item:* Provide direction on amendments not recommended for additional analysis at the June, 2019 joint workshop.

- *Provide Direction:* Housing Action Plan approval process.

Code Background and Summary

- April 2018 — SMDC Adoption
- March – May 2019 — Solicitation of comments for annual update
- June 2019 — Joint workshop
  - Identified items to expedite – Typos, Technical Errors, etc. (Phase 1)
  - Identified amendments requiring additional analysis (Phase 2 & 3)
  - Identified amendments not recommended for additional analysis
- December 2019 — Adoption of Phase 1 amendments and discussion on Phase 2 & 3 amendments.
- ***March 3, 2020*** — ***Initial authorization for Phase 2 amendments and direction on amendments not recommended for additional analysis.***

Next Steps for Phase 2

1. March 24, 2020 — Planning & Zoning Commission Public Hearing & Recommendation

2. April 21, 2020 — City Council Public Hearing & First Reading

3. May 5, 2020 — City Council Reconsideration Second Reading

*Staff recommends analysis of Phase 3 items following the Comprehensive Plan Update.

Engineering Department Recommendations Summary

- Increase protection zone around sensitive geologic features.
- Incorporate natural channel design for water quality zone reclamations.
- Clarify delineation of Water Quality and Buffer Zones.
- Waiver for geological assessment within Transition Zone and Contributing Zone within Transition Zone.
- Fee-in-Lieu / Exception for detention / water quality for 4 or less residential lots.
- Fee-in-Lieu of detention outside of the Urban Stormwater Management District.
- Expand administrative approval for Qualified Watershed Protection Plans.

Alcohol Conditional Use Permit Committee Recommendations Summary

- Expire conditional use permits after three years.
- Limit appeal eligibility to the applicant.
- Require permit holders to keep their site in clean and sanitary condition.
- Update the noise ordinance.

Workforce Housing Task Force Recommendations Summary

- Exempt infill from minimum lot depth-to-width requirement.
- Add Strategic Housing Action Plan as zoning criteria.
- Allow accessory dwelling unit parking in the second layer.
- Modify the definition of RV & manufactured home to include tiny homes.

Additional Amendments Summary

- Block Perimeter waiver for Heavy Industrial districts.
- City Council appellate body for City-owned properties denied by the Historic Preservation Commission.
- Align cross sections with Transportation Master Plan.
- Increase ETJ block perimeter.
- Remove initial authorization for code amendments by City.
- Update Concept Plat applicability.
- Provide definitions for House and Cottage.
- Include occupancy restrictions in CD-3.
- Make pre-development meetings mandatory.
- Include sustainability language per HPC-2019-03RR.*
- Add Event Center as a use.*

Neighborhood Density Districts Amendment Summary

- Create an additional district to allow a moderate increase in density from conventional residential districts.

Neighborhood Density Districts Amendment Summary Cont.

- Require a Comprehensive Plan map amendment any time higher density is requested by amending Table 4.1.

TABLE 4.1 COMPREHENSIVE PLAN / DISTRICT TRANSLATION

DISTRICT CLASSIFICATION	COMPREHENSIVE PLAN DESIGNATIONS					
	OPEN SPACE/ AGRICULTURAL	LOW INTENSITY	EXISTING NEIGHBORHOOD	MEDIUM OR HIGH INTENSITY ZONE	EMPLOYMENT CENTER	CORRIDOR
Conventional Residential	NP	NP	C	--	--	--
Neighborhood Density Districts	NP	NP	See Section 4.1.2.4 - 4.1.2.5	NP	NP	C
Character Districts	NP	C	--	C	NP	C
Special Districts	--	NP	NP	NP	C	C
Legend	-- = Not Allowed (PSA Required)		NP=Not Preferred		C = Consider	

sanmarcostx.gov

Neighborhood Density Districts Amendment Summary Cont.

- Require “majority plus one” votes at the Planning & Zoning Commission and City Council for all Comprehensive Plan map amendments.

- Rename “Neighborhood Density Districts” to “Neighborhood Diversity Districts”

Amendments not recommended for additional analysis

- 24 amendments discussed on June 5, 2019 were not recommended for additional analysis.

- 3 amendments moved to this list following adoption of House Bill 2439, limiting where cities can enforce durable building materials.

- Options for the action item on the regular agenda:
  1) Remove from the list of amendments to consider
  2) Send back to P&Z for recommendation(s)

Strategic Housing Action Plan

- Staff identified four actions which may result amendments to the San Marcos Development Code.

- All actions were identified as items which should be considered following the Comprehensive Plan Update except:
  - Adding Tiny Homes as an allowable use in the Manufactured Home zoning district.

- Staff is seeking direction on the Housing Action Plan approval process.

Provide Direction to Staff

Regular Agenda Action Item: Initial authorization to proceed with the Phase 2 San Marcos Development Code amendments as presented or with modifications to the list.

Regular Agenda Action Item: Take action to remove the items not recommended for additional analysis at the June 5, 2019 joint workshop, or send these items back to the Planning & Zoning Commission for consideration.

Provide direction for the Housing Action Plan to be reviewed by the Workforce Housing Council Committee or to be placed on a future agenda for action.

SAN MARCOS

Next Steps for Phase 2 Code Amendments

1. March 24, 2020 — Planning & Zoning Commission Public Hearing & Recommendation
2. April 21, 2020 — City Council Public Hearing & First Reading
3. May 5, 2020 — City Council Reconsideration Second Reading

*Staff recommends analysis of Phase 3 amendments following the Comprehensive Plan Update.

Proposed Phase 2 Code Amendments

Phase & Item #	Topic	Code Section	Proposed Amendment	Staff Notes & Recommendation
Phase 2-1	Neighborhood Density District	4.4.2	Add an N2 zoning district which allows more moderate increase in density, setbacks, and allowed housing types from conventional residential districts	City Council discussed bringing NDD items forward at the January 7, 2020 work session.
Phase 2-2	Neighborhood Density District	Table 4.1	Require Comprehensive Plan Map Amendment any time a higher intensity zoning designation is requested	
Phase 2-3	Neighborhood Density District	2.4.2.3	Require majority-plus-one vote from Planning & Zoning and City Council for all comprehensive plan map amendments	
Phase 2-4	Neighborhood Density District	4.4.2	Rename Neighborhood Density Districts to Neighborhood Diversity Districts	
Phase 2-5	Engineering Department Recommendation	6.2.2.3.C	Modify sensitive feature protection zone to include 25 ft buffer around feature and additional buffer in upstream direction.	Engineering Department recommendations reviewed at June 5, 2019 workshop. City Council and Planning & Zoning recommended bringing these amendments forward in Phase 2.
Phase 2-6	Engineering Department Recommendation	6.2.3.2	Require reclamation of water quality zones to incorporate natural channel design and shape.	
Phase 2-7	Engineering Department Recommendation	3.9.1.1.G	Add waiver of detention/retention option for residential plats of 4 lots or less. Require approved drainage analysis and payment-in-lieu to stormwater management fund.	
Phase 2-8	Engineering Department Recommendation	6.1.1.1.B	Add exception to water quality requirements for residential plats of 4 lots or less.	
Phase 2-9	Engineering Department Recommendation	6.1.1.2.B	Add waiver of detention and/or water quality requirements for significantly constrained sites outside the Urban Stormwater Management District.	
Phase 2-10	Engineering Department Recommendation	6.3.2.1.C	Add waiver of geological assessment requirement for sites that do not warrant assessment	
Phase 2-11	Engineering Department Recommendation	6.2.2.1	Clarify how WQZ and Buffer Zones are delineated now that entire floodplain is considered floodway	
Phase 2-12	Engineering Department Recommendation	Chapter 2	Make Qualified Watershed Protection Plans administrative	

Proposed Phase 2 Code Amendments

Phase & Item #	Topic	Code Section	Proposed Amendment	Staff Notes & Recommendation
Phase 2-13	Alcohol Conditional Use Permit Committee Recommendation	2.8.3.5	Expire conditional use permits after 3 years. (no longer allow lifetime approvals)	Alcohol Conditional Use Permit Committee recommendations reviewed at June 5, 2019 Workshop. City Council and Planning & Zoning recommended bringing these amendments forward in Phase 2.
Phase 2-14	Alcohol Conditional Use Permit Committee Recommendation	2.8.3.6	Limit appeal eligibility to applicant only. (does not remove citizen appeal eligibility)	
Phase 2-15	Alcohol Conditional Use Permit Committee Recommendation	5.1.5.5	Require all permit holders to keep site in clean and sanitary condition.	
Phase 2-16	Alcohol Conditional Use Permit Committee Recommendation	7.4.2.1	Update noise ordinance to include enforcement details and procedure.	
Phase 2-17	Housing Task Force Recommendation	3.6.3.1	Exempt small lots and infill development from minimum lot width and depth requirements. (if in same configuration for a period of time)	Housing Task Force recommendations reviewed at June 5, 2019 Workshop. City Council and Planning & Zoning recommended bringing these amendments forward in Phase 2.
Phase 2-18	Housing Task Force Recommendation	2.5.1.4	Add “meets needs as defined in Housing Action Plan” as rezone evaluation criteria.	
Phase 2-19	Housing Task Force Recommendation	4.4.6.1	Allow ADU parking in second layer of lot.	
Phase 2-20	Housing Task Force Recommendation	5.1.5.7 and 7.6.1.1	Modify definition of RV and manufactured home parks to include tiny homes. Adopt Appendix Q of 2018 building code.	
Phase 2-21	Block Perimeter	3.6.2.1	Add waiver/exception to block perimeter requirement in Heavy Industrial districts.	City Council and Planning & Zoning Commission reviewed at June 5, 2019 Workshop with recommendation to bring forward. Completion in Phase 2 is feasible.
Phase 2-22	Certificates of Appropriateness	2.5.5.5	Make City Council (not ZBOA) the appellate body for City owned properties.	
Phase 2-23	Streets	3.8	Align right-of-way standards in Development Code and Transportation Master Plan.	

Proposed Phase 2 Code Amendments

Phase & Item #	Topic	Code Section	Proposed Amendment	Staff Notes & Recommendation
Phase 2-24	Block Perimeter	3.6.2.1	Increase maximum block perimeter in ETJ from 3,000 feet to 5,000 feet.	Additional amendments identified. Completion in Phase 2 is feasible.
Phase 2-25	Code Amendments	2.4.1.2 (B)	Remove requirement for initial authorization from City Council for amendments initiated, requested, or directed by City Council.	
Phase 2-26	Concept Plats	3.2.1.1	Update Concept Plat applicability.	
Phase 2-27	Definitions	Chapter 8	Provide better definition for "house" and "cottage."	
Phase 2-28	Zoning	4.4.3.3.	Include occupancy restrictions in CD-3 zoning.	
Phase 2-29	Process	Chapter 2	Mandatory Pre-Development Meetings	
Phase 2-30	Historic Preservation		Include language per HPC-2019-03RR	2/4/2020 Council Direction
Phase 2-31	New Use	Chapter 5	Add Event Center Use	Developer Request. Completion in Phase 2 is feasible.

All items *not* recommended for additional analysis at the June 5, 2019 Joint Workshop

Phase & Item #	Topic	Code Section	Proposed Amendment	Staff Notes & Recommendation
Remove-1	Alcohol Conditional Use Permit	2.8.3.5	No renewal of conditional use permit required after 3 years	Proposed amendments reviewed at June 5, 2019 Workshop. City Council and Planning & Zoning Commission recommended no additional analysis. Action to remove proposed with Phase 2.
Remove-2	General Comment	General	Review for typos and inconsistencies on annual basis but perform thorough review and amendments on a three-year basis	
Remove-3	General Comment	General	Keep the Development Code as is and allow time to be implemented. Do not amend at this time.	
Remove-4	General Comment	General	Perform additional analysis and partner with Texas State University to better understand the demand for student housing	
Remove-5	General Comment	General	Protection of trees on private residences	
Remove-6	General Comment	General	Protection of Native American artifacts	
Remove-7	Historic Landmarks	4.5.2.1	Include list of historic sites designated by other	
Remove-8	Infill Development	4.4.6.9	Reduce 3,000 square foot minimum area requirement for courtyard housing	
Remove-9	Infill Development	4.4.6.4	Reduce 3,000 square foot minimum area and 40' setback requirement for cottage court housing	
Remove-10	Occupancy	5.1.4.1.D	Require following disclosure in all real estate contracts: "Property is in a Single Family neighborhood and it is illegal for more than a family plus one other person to occupy the residence"	
Remove-11	Parking	7.1.1.3	Prohibit excessive parking	
Remove-12	Parking	7.1.2.1	Eliminate minimum off-street parking requirements. Allow to be delivered based on demand, cost, and value.	
Remove-13	Parking	7.1.2.1	Eliminate minimum off-street parking requirements for development within ½ mile of transit with frequent service	
Remove-14	Parking	7.1.2.1	Require 1.05 spaces per occupant rather than by bedroom	
Remove-15	Parking	7.1.2.2.B.1	Remove exemption for projects of 10 or fewer units in CD-5 and CD-5D zones	

All items *not* recommended for additional analysis at the June 5, 2019 Joint Workshop

Phase & Item #	Topic	Code Section	Proposed Amendment	Staff Notes & Recommendation
Remove-16	Parking	7.1.3.2	Offer 20% reduction to transit adjacent development that offers transit passes to residents/employees or that unbundles parking cost from housing and employer benefit costs	Proposed amendments reviewed at June 5, 2019 Workshop. City Council and Planning & Zoning Commission recommended no additional analysis. Action to remove proposed with Phase 2.
Remove-17	Rental Registration	5.1.4.1.B	Remove mandatory rental registration	
Remove-18	Stormwater Management and Water Quality	6.1.1.1.4	Credit reduced impervious cover against overall 25% increased area calculation	
Remove-19	Stormwater Management and Water Quality	2.6.1.1.D & 6.1.4.1.D	Reduce/limit Watershed Protection Plan requirement(s) for small commercial and multi-family. Offer toolbox of best practice, off the shelf options for meeting water quality and volume standards	
Remove-20	Stormwater Management and Water Quality	Chapter 6	Add enhanced protections section for re-routed creeks	
Remove-21	Streets	3.1.2.1	Revise street sections to include maximum lane width of 11’ on all City streets and 10’ where 45 mph or less	
Remove-22	Zoning-General	4.1	Convert conventional residential districts to legacy districts. Require neighborhood density or character districts for future rezones	
Remove-23	Zoning-General	4.3	Allow up to 3 dwelling unit by right (subject to compliance with all other lot development standards and preservation of primary structure) in all districts	
Remove-24	Zoning-General	4.5	Maintain Planned Development Districts exclusion from Code	
Remove-25	Durable Building Materials	4.3.5.17	Allow architectural metal panels as a primary durable building material	Removal proposed due to House Bill 2439 prohibiting overarching regulation of building materials.
Remove-26	Durable Building Materials	4.3.5.17	Allow architectural fiber cement wall panel products as a secondary durable material	
Remove-27	Durable Building Materials	4.3.5.17	Waive/exempt free standing columns of shade structures from durable materials requirement	

Proposed Phase 3 Code Amendments

All items recommended for additional analysis at the June 5, 2019 Joint Workshop

Phase & Item #	Topic	Code Section	Proposed Amendment	Staff Notes & Recommendation
Phase 3-1	Neighborhood Density District	4.4.2	Redact/eliminate neighborhood density districts	NDD Policy Items. Staff analysis and recommendation following Comprehensive Plan update
Phase 3-2	Neighborhood Density District	4.4.2.4	Redact/eliminate neighborhood-main street district	
Phase 3-3	Neighborhood Density District	4.4.2	Suspend neighborhood density districts until character studies complete	
Phase 3-4	Neighborhood Density District	4.4.2	Keep neighborhood density districts regardless of status of character studies	
Phase 3-6	Housing Task Force Recommendation	4.3.1.3	Include “Clear Path” permitting process for projects that address affordable housing needs	Housing Task Force Policy Items. Staff analysis and recommendation following Comprehensive Plan update
Phase 3-7	Housing Task Force Recommendation	4.3.1.3	Add waiver of permitting fees option for projects that address affordable housing needs	
Phase 3-8	Parking	7.1.2.2.B.1	Maintain exemption for projects of 10 or fewer units in CD-5 and CD-5D zones	Parking Policy Items. Staff analysis and recommendation following Comprehensive Plan update.
Phase 3-9	Parking	7.1.2.1	Review on-street credit towards minimum off-street requirements	
Phase 3-10	Parking	7.1.2.1	Increase minimum requirements for purpose-built student housing	
Phase 3-11	Parking	7.1.2.2.C	Eliminate or increase parking fee-in-lieu for purpose-built student housing	
Phase 3-12	Parking	Table 7.3	Review shared parking chart for errors. Times that spots are occupied by use appears incorrect	
Phase 3-13	Parking	Table 7.4	Reduce maximum remote parking distance from 2,500 to 1,500	
Phase 3-14	Parking	7.1.2.1	On street parking should not count towards Multifamily parking requirement	

Proposed Phase 3 Code Amendments

All items recommended for additional analysis at the June 5, 2019 Joint Workshop

Phase & Item #	Topic	Code Section	Proposed Amendment	Staff Notes & Recommendation
Phase 3-15	Accessory Dwelling Units	4.2.1.2	Change from by-right to conditional use in all districts	Miscellaneous Policy Items. Staff analysis and recommendation following Comprehensive Plan update. Some items may result in amendments to other ordinances and policies, in addition to the San Marcos Development Code.
Phase 3-16	Affordable Housing	4.3.1.2 and 4.3.4.5	Remove additional stories for 10% affordable units incentive	
Phase 3-17	Affordable Housing	5.1.4.1	Increase allowed occupants or remove occupancy restrictions	
Phase 3-18	Subdivision	Chapter 3	Additional standards and consideration for lot consolidation in existing neighborhoods	
Phase 3-19	Subdivision	Chapter 4	Additional standards and consideration for subdivision in existing neighborhoods	
Phase 3-20	Tiny Homes, Tiny Home Villages	Chapter 7	Provide criteria, standards, and consideration of tiny homes and Tiny Home Villages	
Phase 3-21	Neighborhood Transitions	4.4.4.1	Replace current standards with requirement that Commercial use across the street from established Residential use be limited to 1 story	
Phase 3-22	Occupancy	5.1.4.1.C	Make it easier to enforce (ease burden of proof) Occupancy Restrictions	
Phase 3-23	Parkland Dedication	3.10.1.3.E.3	Require Parks and Recreation Board approval for fee-in-lieu less than $50,000	
Phase 3-24	Personal Notification	2.3.2.1	Increase personal notification area. Base on size of development	
Phase 3-25	Purpose Build Student Housing	5.1.4.7	Prohibit Rent by the Bedroom Purpose-Built Student Housing	
Phase 3-26	Purpose Build Student Housing	5.1.4.7	Need definition for Purpose Built Student Housing that includes “Rent by the Bedroom”	
Phase 3-27	Rental Registration	5.1.4.1.B	Maintain mandatory rental registration	

Proposed Phase 3 Code Amendments

All items recommended for additional analysis at the June 5, 2019 Joint Workshop

Phase & Item #	Topic	Code Section	Proposed Amendment	Staff Notes & Recommendation
Phase 3-28	Solar	7.1.1.3	Develop better incentives for on-site solar	Miscellaneous Policy Items. Staff analysis and recommendation following Comprehensive Plan update. Some items may result in amendments to other ordinances and policies, in addition to the San Marcos Development Code.
Phase 3-29	Streets	3.5.2.8	When Traffic Impact Analysis is required, disallow Level of Service studies in favor of Vehicle Miles Traveled studies	
Phase 3-30	Streets	3.8	Allow visually separated pedestrian lanes on existing conventional and residential streets	
Phase 3-31	Zoning-General	4.4.5.3 and 4.4.5.4	Add Industrial zoning district to accommodate rail service expansion	
Phase 3-32	Zoning-General	4.5	Review possibility of adding Planned Development	

Phase 1 - Typo, Technical, Expedited Policy, and 86th Legislative Session - Complete 12/17/2019

Phase & Item #	Code Section	Amendment
Phase 1-1	2.3.1.1(C)	Add statement clarifying application is not considered "filed" until it is determined complete.
Phase 1-2	2.3.2.1(G)	Change "2. Before the 12th day after an application is received" to ". . . after an application is determined complete."
Phase 1-3	2.3.5.1(D)	". . . as set forth in Section 2.3.5.3 or not to exceed the original expiration time."
Phase 1-4	2.3.5.3	Expand the table to include plats and replats and specify the extension period
Phase 1-5	2.4.2.3(A)(2)	Change "provide web notice" to "provide application notice"
Phase 1-6	2.5.3.2(A)	Change "in this Division 5" to "in this Division"
Phase 1-7	2.5.5&2.5.6	Require administrative Certificate of Appropriateness to paint properties in Downtown Historic District. Prohibit painting of previously unpainted masonry.
Phase 1-8	2.6.1.2(A)(2)(b)(1)	Add "Transition Zone and Contributing Zone within the Transition Zone" after Recharge Zone.
Phase 1-9	2.7.1.1(C)(3)(a)	Revise "recharge or contributing zone" to Recharge Zone, Transition Zone or Contributing Zone within the Transition"
Phase 1-10	2.7.1.1(F)	Tighten up exemptions to site plan permit requirements; maybe just add "Documentation is required" after "2. Agricultural uses."
Phase 1-11	2.7.1.4(A)(2)	Add F – "Must be served by adequately by essential public facilities and services per Chapter 3, Article 5."
Phase 1-12	3.1.1.1(D)(5)	Exemptions for infill development should include "the current boundaries of the property existed in the same configuration since April 17, 2018."
Phase 1-13	3.1.1.7(A)(2)	Add "9. Allowance for Electric Overhead and Underground Utilities easements shall be designed based on San Marcos Utilities (SMEU) Service Standards manual."
Phase 1-14	3.2 & 3.3	Expand to include plats and replats and specify the extension period
Phase 1-15	3.5.2.8(B)(3)	Revise "streets" to "Avenues, Boulevards, and Commercial Streets."
Phase 1-16	3.6.3.1(B)(3)	Need to create an exemption for the 3:1 lot width-to-depth ratio for Townhomes, zero-lot line
Phase 1-17	3.10.1.2(B)	Change "in civic spaces" to "as plazas"
Phase 1-18	4.3.3.2(B)4)	Change "The street parallel to an alley within the block; and . . ." to "The street parallel to an alley within the block; or . . ."
Phase 1-19	4.3.3.2	Add definition of "principal frontage"
Phase 1-20	4.3.5.17(B)	Update applicability to reflect instances where building material standards can apply as per State law.
Phase 1-21	4.3.5.17(D)	Align primary materials definition to align with Secretary of Interior Standards
Phase 1-22	4.4.2.5(B)	Residential Infill Compatibility Applicability Section should not have the second criteria

Phase 1 - Typo, Technical, Expedited Policy, and 86th Legislative Session - Complete 12/17/2019

Phase & Item #	Code Section	Amendment
Phase 1-23	4.5.2.1	1) Remove the "Civil Air Patrol Building A" from landmark list and map. 2) Commemorative Air Force Hanger add to map. 3) Add effective dates of Landmarks and add Old Baptist Church to list.
Phase 1-24	4.5.2.2	Change "1. Walls of continuity." to "i. Walls of continuity." and change "2. Scale of a Building." to "j. Scale of a Building."
Phase 1-25	4.5.2.1	Prohibit the painting of previously unpainted masonry in the Downtown Historic District
Phase 1-26	6.1.1.1	Better clearly identify when water quality is required for redevelopments.
Phase 1-27	6.1.2.3(A)	Revise "stormwater detention facility" to "stormwater facilities"
Phase 1-28	6.4.2.2(A)	Add "(i.e 54 inches)" after "four- and one-half feet"
Phase 1-29	6.4.2.2(B)	½ symbol not recognized in text, math does not compute correctly. Replace with .5.
Phase 1-30	6.4.2.4(A)(3) and 6.4.2.4(A)(4)	Change "barriers" to "fence" / After "debris" add "and vehicle parking"
Phase 1-31	6.4.2.5(B)	Should be clarified, should refer to quadrants, and should also split fee-in-lieu to quadrants
Phase 1-32	6.4.2.6	Remove Red Cedar and Huisache from the Plant List.
Phase 1-33	7.1.2.1	Consider adding parking standard for Live/Work use
Phase 1-34	7.1.4.3(C)	Remove duplicate language "Interior islands may be . . . preserve existing trees" from 7.1.4.3(C)(1)
Phase 1-35	7.2.2.4(B)(2)	Include an applicability section & revise to clarify that transitional protective yards must be on the private property
Phase 1-36	7.2.6.2	Add language to clarify 1st layer along secondary along secondary street is the first 20 feet from the curb (only for fences)
Phase 1-37	7.3.1.8(C)	Change "violation of a spacing or location restriction in Section 7.3.1.6" to ". . . in Section 7.3.3.3 Location and spacing restrictions."
Phase 1-38	7.5.2.1	Figure 7.23 Environmental Performance Map is difficult to read.
Phase 1-39	9.1.1.1	In the "Division 1: General" sentence, add Chapter 1, 2, and 8 (everything except 4 and 5)
Phase 1-40	9.4.2.2	This section needs to reference the design standards
Phase 1-41	Throughout Code	All mentions or references to "site plan" should be changed to "site permit".
Phase 1-42	Throughout Code	All links to 4.3.2.2 need to be changed to 7.2.4.1, 7.2.4.2, and Design Manual for installation and maintenance of landscaping
Phase 1-43	Throughout Code	Change ND-4M to N-MS on all Building type pages and under Abbreviated Designation in list of Neighborhood Density Districts (pg. 4:45). Change should be made throughout code with find/replace.
Phase 1-44	Throughout Code	New code still says "Engineering Director" in a few spots

Phase 1 - Typo, Technical, Expedited Policy, and 86th Legislative Session - Complete 12/17/2019

Phase & Item #	Code Section	Amendment
Phase 1-45	Throughout Code	Replace all references to Traffic Impact Analysis / Transportation Impact Analysis / Traffic Impact Assessment with "Transportation Impact Assessment."
Phase 1-46	Section C.5.1.6 (Design Manual)	Clarify language and figure to clearly define least and most appropriate location(s) for solar panel(s)
Phase 1-47	Chapter 4	Add section number to direct user to applicability section to determine if durable building material apply
Phase 1-48	City Code 86.188	Revise section to read as follows: ...

San Marcos Strategic Housing Action Plan Action Items

Plan draft was finalized after the June 5, 2019 Joint Workshop, items were not discussed at that time.

Action ID	Topic	Proposed Action	Staff Notes & Recommendation
A.1	Rental Registry	Establish a rental registry program to promote the safety and well-being of all renters through health and safety standards and tenant-landlord counseling education.	Rental registry program is currently used for "bad actors." This action would be a policy change and not an amendment to the Development Code.
A.2	Owner Occupied Rehabilitation Program	Expand existing housing rehabilitation programs including, but not limited to a revolving loan fund for owner occupied rehabilitation, major repairs and minor repairs.	Funding for programs would require a policy change and a dedicated funding source approved by City Council.
A.3	Community Partnerships	Develop and promote social enterprises... within the community that assist residents with repairs, materials, design and labor on existing homes for low to moderate income residents.	This recommendation is for an entity external to, but working in coordination with, the City.
A.4	Sustainable Funding Source	Create a dedicated and stable funding source for home maintenance and repair programs. This could include TIF fund allocations, small stipend from closing costs for new single-family homes, a fee-in-lieu program from new development requests, etc.	Funding for programs would require a policy change and a dedicated funding source approved by City Council.
A.5	Enhanced Code Enforcement Efforts	If vacant land and/or unoccupied structures are too dilapidated to repair, consider obtaining the parcels and adding them to the land bank. The City should also increase enforcement efforts to address code violations in occupied structures prior to abandonment.	The unsafe structures program addresses dilapidated buildings. This action would require a policy change and funding for a program to purchase properties.
B.1	Development Codes and Zoning	Support diverse and vibrant neighborhoods by expanding the types of zoning districts and building types allowed within existing neighborhoods. Use a community driven process with a focus on accommodating residents through all stages of life.	PLANNING AND ZONING COMMISSION RECOMMENDED REMOVAL OF THIS ACTION ITEM

San Marcos Strategic Housing Action Plan Action Items

Plan draft was finalized after the June 5, 2019 Joint Workshop, items were not discussed at that time.

Action ID	Topic	Proposed Action	Staff Notes & Recommendation
B.2	Public Lands	Leverage publicly owned lands for diverse affordable housing developments by taking a comprehensive inventory of land and its suitability for affordable housing development.	Staff began this process as part of the Disastery Recovery research. No additional action is necessary for this continued effort.
B.3	Infill Housing Assistance	Assist builders with fee waivers, clear-path permitting, and regulatory incentives like reduced parking or additional units in exchange for permanently affordable housing in pre-identified infill sites.	PLANNING AND ZONING COMMISSION RECOMMENDED REMOVAL OF THIS ACTION ITEM
C.1	Community Advisory Group	Create a process by which a Community Advisory Group can be developed along with a detailed outline of their roles & responsibilities. The Advisory Group will be tasked with implementation of and on-going administration of strategies within this plan. This will ensure on-going transparency and community involvement.	Creation of a City Board for this purpose would require action by City Council. Amendments to the City Code of Ordinances (not the Development Code) may be requried.
C.2	Stabilize Households	Implement affordable housing tax and appraisal protection measures and work with partners to enhance awareness and resources around tenant rights and responsibilities.	This recommendation would require a policy change and not an amendment to the Development Code.
C.3	Down Payment Assistance	Expand down payment assistance and home buyer counseling programs by supporting public-private partnerships with financial institutions and major employers. Consider a shared-equity approach for longer-term affordability, where appropriate.	Funding for programs would require a policy change and a dedicated funding source approved by City Council.

San Marcos Strategic Housing Action Plan Action Items

Plan draft was finalized after the June 5, 2019 Joint Workshop, items were not discussed at that time.

Action ID	Topic	Proposed Action	Staff Notes & Recommendation
C.4	Land Banking	Acquire public, vacant, flood prone, or dilapidated structures with the purpose of transitioning properties to a public use such as parkland or open space in flood prone areas and diverse types of affordable housing on suitable properties. This could include partnering with developers to expand affordable housing options in the City of San Marcos.	Funding for programs would require a policy change and a dedicated funding source approved by City Council.
C.5	Shared Equity	Create a Community Land Trust or other forms of Shared Equity Ownership. Transition suitable land bank properties to permanently affordable housing through a public/private partnership with builders and a shared equity model.	Funding for programs would require a policy change and a dedicated funding source approved by City Council.
C.6	Legislative Adjustments	Continue to work with partners to amend the State Law governing Land Bank and Land Trust Legislation. We need to ensure that the law is compatible and flexible to meet our local needs.	The Council Legislative Committee could review this action for consideration during the next legislative session.
D.1	Opt-In Zoning Overlay Districts	Create Opt-In zoning districts in High and Medium Intensity Zones that offer an option for increased density and fast tracked permitting in exchange for affordable housing and other community benefits important to those strategic locations.	The creation of new Zoning Districts would require an amendment to the Development Code. Staff recommends considering this action following adoption of the Comprehensive Plan Update.
D.2	Accommodate Growth through Appropriate Zoning	The City should pro-actively zone both undeveloped and infill areas in accordance with the Comprehensive Plan to ensure that the capacity for residential growth is in excess of the anticipated population growth instead of relying on each individual project to request zoning.	PLANNING AND ZONING COMMISSION RECOMMENDED REMOVAL OF THIS ACTION ITEM
D.3	Tax Increment Financing	Utilize Tax Increment Financing mechanisms in strategic growth areas from the Comprehensive Plan to ensure that affordability is included in growth areas.	Funding for programs would require a policy change and a dedicated funding source approved by City Council.

San Marcos Strategic Housing Action Plan Action Items

Plan draft was finalized after the June 5, 2019 Joint Workshop, items were not discussed at that time.

Action ID	Topic	Proposed Action	Staff Notes & Recommendation
E.1	Manufactured Homes	Manufactured homes provide an opportunity to enter the housing market at a lower cost than conventional home. The City should look for additional opportunities to include or allow manufactured homes.	The Development Code currently includes a Manufactured Home Zoning District. Amendments may be necessary to allow this type of construction in other areas, or to change the regulations. Staff recommends considering this action following adoption of the Comprehensive Plan Update.
E.2	Tiny Homes	The City should review and modify land-use and zoning regulations to encourage tiny home ownership and community development, as they provide opportunities for affordable home ownership. Additionally, tiny homes used as Accessory Dwelling Units can increase the number of affordable rentals in the community while allowingfor residents to stay in their homes by providing opportunities for	This recommendation has multiple parts:
			Defining Tiny Homes and adopting the building code appendix Q is Phase 2-19
			Accessory Dwelling Units are discussed in Phase 3, see Phase 3-15.
E.3	Clear Path Permitting	Minimize the time it takes to build mixed income or affordable communities with a clear path permitting process. This includes a dedicated case manager, pre review prior to formal submittal, priority in the review queue and priority inspections.	Clear path permitting was an element of item B.3 above which was recommended for removal by the Planning and Zoning Commission.
			Operationally, the adjustments noted to internal processes can easily be achieved following direction from the City Council or City Manager.

San Marcos Strategic Housing Action Plan Action Items

Plan draft was finalized after the June 5, 2019 Joint Workshop, items were not discussed at that time.

Action ID	Topic	Proposed Action	Staff Notes & Recommendation
E.4	Remove Regulatory Barriers to Affordable Housing	Remove regulatory barriers to affordable housing when developments include a percentage of affordability. Barriers may include: Impact fees; parking requirements; height requirements; maximum density; requiring full site plan review for properties with 12 units or less; material requirements; permit fees	This action item may result in amendments to the Development Code. Note: Planning and Zoning Commission recommended removal of parking requirements, height requirements, and maximum density and the Texas Legislature removed the authority for the City to regulate building materials in most instances. Staff recommends considering this action following adoption of the Comprehensive Plan Update.
F.1	Direct Marketing	Market affordable housing and benefits to the community. Market affordable housing and San Marcos to the development community, especially residential and affordable housing developers. Demonstrate the need and the support provided by the city and other partners. Market affordable housing to current and prospective major employers including Texas State University.	This recommendation would require a policy change and not an amendment to the Development Code.
F.2	Education	Fund proactive outreach and counseling on opportunities for affordability to low- and moderate-income households experiencing housing vulnerability.	Funding for programs would require a policy change and a dedicated funding source approved by City Council.

File #: ID#19-977, **Version:** 1

AGENDA CAPTION:

Executive Session in accordance with the following Government Code Sections:

A. Section § 551.072 - Real Property: to receive a staff briefing and deliberation regarding possible land acquisition related to Capital Improvement Projects (CIP).

B. Section § 551.089 - Security Devices: to discuss Security Measures and Deployment of Information Resources Technology.

Meeting date: 3/3/2020

Department: City Clerk's Office on behalf of the City Council

Amount & Source of Funding

Funds Required: Click or tap here to enter text.

Account Number: Click or tap here to enter text.

Funds Available: Click or tap here to enter text.

Account Name: Click or tap here to enter text.

Fiscal Note:

Prior Council Action: Click or tap here to enter text.

City Council Goal: [Please select goal from 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:

Click or tap here to enter text.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Click or tap here to enter text.