630 E. Hopkins - Code SMTX Amendments Review Workshop

I. Call To Order

II. Roll Call

PUBLIC HEARINGS - 5:30 PM

1. Hold a public hearing and receive a Staff presentation regarding the proposed amendments to be included in the final draft of Code SMTX, and provide direction to Staff.

VI. Question and Answer Session with Press and Public.

VII. Adjournment.

POSTED ON TUESDAY, JULY 11, 2017 AT 1:30PM

JAMIE LEE CASE, 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
AGENDA CAPTION:
Hold a public hearing and receive a Staff presentation regarding the proposed amendments to be included in the final draft of Code SMTX, and provide direction to Staff.
Meeting date: July 17, 2017

Department: Planning and Development Services Department

Funds Required: N/A
Account Number: N/A
Funds Available: N/A
Account Name: N/A

CITY COUNCIL GOAL: Beautify and Enhance the Quality of Place

COMPREHENSIVE PLAN ELEMENT(s): Land Use Goal 1 Objective #4: Replace the Land Development Code with an updated document to support the preferred scenario.

BACKGROUND:
The Revised Draft Code was released in January of 2017. This Revised Draft Code represents three years of public input and a robust, iterative conversation between the City and the community on how to realize the goals of Vision San Marcos. During the revisions period of the project, policy level issues were identified and framed for consideration by policy makers during this two-step adoption process.

Step 1: Amendments
Two facilitated public workshops were held on January 30, 2017 and February 8, 2017 to begin exploring amendments for incorporation in the Final Draft. Additionally eleven informational work sessions were held to further explore the proposed code. Staff prepared an amendments report compiling the comments received into several proposed amendments for consideration and formal direction. The attached amendment report represents the suggestions, analysis, discussion and input received during this time and proposes amendments to the Revised Draft Code to reflect these discussions.

On June 13 and June 27, the Planning and Zoning Commission provided direction on the following topics in the amendment report including:
- Expanding Notification to existing residents;
- Zoning changes in Existing Neighborhoods;
• Parking Standards; and
• Miscellaneous Standards including:
  o Affordable Housing
  o Masonry Standards
  o Parkland Dedication

The Commission recommended approval of the amendments as proposed in the report with the addition of the following recommendations:

1. Increase the time for personal notice from eleven (11) days before the public hearing to fifteen (15) days before the public hearing.
2. Expand rental registration to all rented properties regardless of housing type or zoning district.
3. Require child play structures or equipment in the community area of all cottage court style building types. Play structures and equipment should be owned maintained and operated by the Home Owners Association.
4. Increase the minimum parking requirements for purpose built student housing to 1.5 spaces per bedroom.
5. Masonry standards should be more flexible and should consider alternatives to the currently adopted standards.
6. Parkland dedication should be dedicated at a larger amount for multi-family development now in Code SMTX and should be analyzed further during the upcoming parks master plan.
7. Staff should provide more information in the form of a presentation on what Code SMTX is proposing for transitions and buffers between the downtown and adjoining existing neighborhoods.
8. Dedication of a blank wall to the mural arts program can satisfy the requirements of the blank wall area standard.
9. Decrease the spacing of trees along the cross sections from 35’ on center to 25’ on center.

**Step 2: Final Draft**

After formal direction regarding the proposed amendments is received from City Council, a Final Draft incorporating these changes will be released August 15, 2017 for consideration and final adoption. **All policy level changes between the revised draft and final draft will be directed by City Council. All technical and typographical changes will be tracked and highlighted in the final draft.**
Code SMTX
Policy Discussion

Monday, July 17, 2017
Today’s Agenda

1. Project Overview
2. Adoption Process
3. Policy Decision Topics
The Task

Comprehensive Plan

Preferred Scenario

Refinement of ideas

Land Development Code
sanmarcostx.gov
What have we heard?
Process
Where are we now?

Phase 1: Public Review
May – Oct 2016

• Deliverable: What We Heard Report

Phase 2: Revisions Period
Oct – Dec 2016

• Deliverables:
  Revised Draft Code*
  Comment Response Log
  Financial Model
  Hack the Code

Phase 3: Approval Process
Jan – Oct 2017

• Deliverable Final Draft Code**

*No changes have been made to the Revised Draft released on January 6, 2017. (The January Draft)

**A redline Final Draft will be provided for consideration and adoption which will include amendments resulting from this discussion as well as grammatical edits and edits which are required for legal purposes.
Phase 1: Public Review Period
Completed October 2016

Comments entered directly on the draft

Think Tank

Open House

E-Newsletters and Presentations

Council Workshop
Housing and Affordability
Phase 2: Revisions Period
Completed December 2016

Financial and Comparative Modeling

Testing the Code

Addressed Comments Received

Revised Draft Released Jan 6, 2017
Phase 3: Approval Process
Commenced January 2017

Revised Draft on City Website and Printed. January 6, 2017

E-Newsletters and Presentations

Joint City Council & P&Z Workshops & Work Sessions

Amendment Report & Policy Decision Discussions
Major Topics for Policy Direction

- Development Process
- Existing Neighborhood Character
- Parking Requirements
- Drainage
- Water Quality

- Miscellaneous Topics
  - Material Standards
  - Parkland Dedication
  - Affordable Housing
Adoption Schedule

*No changes have been made to the Revised Draft released on January 6, 2017. (The January Draft)

**A redline Final Draft will be provided for consideration and adoption which will include amendments resulting from this discussion as well as grammatical edits and edits which are required for legal purposes.

Amendments

- June 13, 2017
  - P&Z
  - Discussion and Direction
- June 27, 2017
  - P&Z
  - Finalize Recommendations
- July 17, 2017
  - CC
  - Public Hearing and Direction
- July 31, 2017
  - CC
  - Final Direction

Final Draft

- August 22, 2017
  - P&Z
  - Public Hearing and Recommendation
- September 19, 2017
  - CC
  - Public Hearing on Final Draft
- October 3, 2017
  - CC
  - First Reading on Final Draft
- October 17, 2017
  - CC
  - Second Reading on Final Draft
Development Process

What We Heard:

• Personal notification Buffer should be expanded
• Community notification of a project should be earlier
• Neighborhood Meetings need more structure
Expanding Personal Notification Buffer – Staff Analysis

<table>
<thead>
<tr>
<th>CASE NUMBER</th>
<th>200’</th>
<th>400’</th>
</tr>
</thead>
<tbody>
<tr>
<td>HPC-16-32</td>
<td>13</td>
<td>44</td>
</tr>
<tr>
<td>HPC-17-07</td>
<td>27</td>
<td>59</td>
</tr>
<tr>
<td>HPC-17-08</td>
<td>15</td>
<td>34</td>
</tr>
<tr>
<td>HPC-17-09</td>
<td>22</td>
<td>51</td>
</tr>
<tr>
<td>ZC-17-03</td>
<td>7</td>
<td>10</td>
</tr>
<tr>
<td>PC-17-01_04</td>
<td>13</td>
<td>22</td>
</tr>
<tr>
<td>PC-17-20_04</td>
<td>8</td>
<td>14</td>
</tr>
<tr>
<td>SCW-17-01</td>
<td>17</td>
<td>40</td>
</tr>
<tr>
<td>PC-17-21_04</td>
<td>6</td>
<td>8</td>
</tr>
<tr>
<td>CUP-17-10</td>
<td>11</td>
<td>18</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>139</strong></td>
<td><strong>300</strong></td>
</tr>
</tbody>
</table>
Earlier Community Notification – Staff Analysis

**Completeness Check (10 Days)**
- Applications are accepted and analyzed for completeness and accuracy
- A case manager is assigned

**Staff Analysis (20 Days)**
- During this time staff asks for additional clarifying information or modifications to the request.
- Staff Report is drafted

**Preparing for Public Hearing (10 Days)**
- Notices are sent
- Staff Reports and presentations are finalized
## Policy Decision #1: Personal Notification Buffer

<table>
<thead>
<tr>
<th>January Draft Language</th>
<th>Amendment for consideration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Page 2:11 – Personal Notice Each owner ... located within two hundred (200) feet</td>
<td>Amend Sec. 2.3.2.1(B)(a) to increase the personal notification buffer to 400 feet of a subject property</td>
</tr>
</tbody>
</table>

Planning and Zoning Commission
Recommended this amendment with an additional amendment to change the timing of a personal notice from 11 days to 15 days.
### Policy Decision #2: Notice of Application Received

<table>
<thead>
<tr>
<th>January Draft Language</th>
<th>Amendment for consideration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Page 2:12 – Web Notice</td>
<td>Amend Sec. 2.3.2.1(D) title to “Notice of Application”</td>
</tr>
<tr>
<td>Page 2:12 – Web Notice</td>
<td>Amend Sec. 2.3.2.1(D) to require notice of application within 12 days of the application being received</td>
</tr>
<tr>
<td>Required 30 days prior to a public hearing</td>
<td></td>
</tr>
<tr>
<td>Page 2:12 – Web Notice</td>
<td>Amend Sec. 2.3.2.1(D) to state that any person may sign up to receive notice of application.</td>
</tr>
<tr>
<td>No statement included</td>
<td></td>
</tr>
</tbody>
</table>

Planning and Zoning Commission
Recommended approval as presented.
## Policy Decision #3: Neighborhood Presentation Meeting

<table>
<thead>
<tr>
<th>January Draft Language</th>
<th>Amendment for consideration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Page 2:10 – Neighborhood Presentation Meeting No Requirement</td>
<td>Amend Sec. 2.3.1.1(E) to require City staff be present to take notes</td>
</tr>
<tr>
<td>Page 2:10 – Neighborhood Presentation Meeting Notification list provided to applicant</td>
<td>Amend Sec. 2.3.1.1(E) to require the City to send notification to anyone who signed up for Notice of Application</td>
</tr>
<tr>
<td>Page 2:10 – Neighborhood Presentation Meeting Requires applicant’s participation</td>
<td>Amend Sec. 2.3.1.1(E) to require the applicant to be present at and facilitate the meeting</td>
</tr>
</tbody>
</table>

Planning and Zoning Commission
Recommended approval as presented.
Existing Neighborhood Character

What We Heard:

• Traditional Single Family Neighborhoods should be Preserved.
• Need new tools to ensure that zoning requests are compatible and gradually transition to surroundings.
• Need new tools to weed out requests that are not compatible with the Comprehensive Plan
• Accessory Dwelling Units need to be compliant with Occupancy restrictions.
Existing Neighborhood Character

**Staff Analysis**

**Median Family Income**
- San Marcos: $45,926
- Texas: $62,717

**Owner Occupied Housing**
- San Marcos: 28%
- Texas: 62%

**Distribution of Housing Types**
- Detached SF: San Marcos: 31.4%, Texas: 65.3%
- Attached SF and Duplex: San Marcos: 8.3%, Texas: 4.6%
- 3 units or more: San Marcos: 55.3%, Texas: 22.4%

**Median Age**
- Texas: 34.1
- San Marcos: 23.5
Preservation of Single Family Zoning – Staff Analysis

- Neighborhood District 3 (ND-3) provides opportunities for smaller housing types on irregularly shaped or deep lots within existing neighborhoods.
Preservation of Single Family Zoning – Staff Analysis

- Preservation Area Buffer is an area where rezoning requests are limited to:
  - Conventional single family districts
  - Neighborhood District 3 (ND-3)
Zoning Request Compatibility with Surrounding Property – Staff Analysis

- Initial Authorization may be used to determine when a Regulating Plan is needed.
- A regulating plan ensures compatibility through community input without waiving or modifying development standards.
- A regulating plan can establish allowable percentages of building types and location of building types within a zoning district.
Policy Decision #1:
Single Family Preservation Area Buffer

<table>
<thead>
<tr>
<th>January Draft Language</th>
<th>Amendment for consideration</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>Create a new section establishing a metric to be applied to all zoning change requests which states:</td>
</tr>
<tr>
<td></td>
<td>• If the area, within a 200 ft. radius of the subject property, consists of more than 50% conventional residential or ND-3 districts, no other zoning district may be requested.</td>
</tr>
</tbody>
</table>

Planning and Zoning Commission:
Recommended this amendment with additional amendments
• Rental Registration is expanded to all include all rental properties regardless of housing type
  • Play Equipment is included in any cottage court style development
Policy Decision #2
Existing Neighborhood Regulating Plan

<table>
<thead>
<tr>
<th>January Draft Language</th>
<th>Amendment for consideration</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>Create a new section which would allow the use of a Regulating Plan as a tool in existing neighborhoods</td>
</tr>
</tbody>
</table>

Planning and Zoning Commission: Recommended approval as presented
Policy Decision #3
Zoning Transitions

<table>
<thead>
<tr>
<th>January Draft Language</th>
<th>Amendment for consideration</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>Create a new section to provide further guidance for new zoning requests ensuring a gradual transition in zoning districts and a mixture of building types</td>
</tr>
</tbody>
</table>

Planning and Zoning Commission:
Recommended approval as presented
Policy Decision #4
Initial Authorization for NP Zoning (not preferred)

<table>
<thead>
<tr>
<th>January Draft Language</th>
<th>Amendment for consideration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Page 4:5 Where a zoning map amendment is not preferred (NP) further scrutiny to determine consistency based on the merits of the specific request should be made.</td>
<td>Amend Sec. 4.1.1.6(B) to require Initial Authorization for zoning change requests which are Not Preferred (NP) on the Translation Table. This will require a determination of the request’s consistency with the Comprehensive Plan prior to processing the zoning change request.</td>
</tr>
</tbody>
</table>

Planning and Zoning Commission:
Recommended approval as presented
## Policy Decision #5: Initial Authorization in Existing Neighborhoods

Planning and Zoning Commission: Recommended approval as presented

<table>
<thead>
<tr>
<th>January Draft Language</th>
<th>Amendment for consideration</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>Create a new section to establish a process and require Initial Authorization for zoning change requests which are for properties greater than 1 acre in an Existing Neighborhood on the Preferred Scenario Map. During this process the City Council can determine whether a Regulating Plan will be necessary prior to processing the application.</td>
</tr>
</tbody>
</table>
### Policy Decision #6: Accessory Dwelling Units

**Existing Neighborhood Character**

<table>
<thead>
<tr>
<th>January Draft Language</th>
<th>Amendment for consideration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Page 5:9 Occupancy is not applied to Accessory Dwelling Units. (it is, however, applicable to various housing types)</td>
<td>Amend Sec. 5.1.3.1(c)(2) to apply occupancy restrictions to the main structure and the accessory dwelling.</td>
</tr>
</tbody>
</table>

**Planning and Zoning Commission:**
Recommended approval as presented
What We Heard:

- Minimum parking requirements should be higher for student housing.
- If any parking reductions are offered in the downtown or other mixed use areas they should be off-set by strategies to minimize demand on parking and a fee-in-lieu.
- Include a cap on the number of spaces that can be reduced through a fee-in-lieu or other reductions.
Parking Demand – Staff Analysis

Increasing the supply of parking can be achieved by:

- Increasing the number of parking spaces or
- Decreasing the demand for parking

Parking strategies need to balance parking supply and parking management in line with broader goals.
Parking Demand – Staff Analysis

Red Oak Village Shopping - 65 Acres

2016 Total Assessed Value: $34.5 Million

Downtown - 65 Acres

2016 Total Assessed Value: $113 Million
Minimum Parking Standards Comparative – Staff Analysis

- San Marcos’s current 1.05 parking spaces per multifamily bedroom is very similar to surrounding jurisdictions.
  - Minimum parking standards are slightly higher than comparison Cities for units with 3 bedrooms and up and slightly lower for 1 and 2 bedroom units.

- Most surrounding Jurisdictions offer reductions in Downtown or other mixed use areas based on broader goals for the area.
## Parking Ratios for projects with Structured Parking in San Marcos – Staff Analysis

<table>
<thead>
<tr>
<th>COMPLEX</th>
<th>BEDROOMS</th>
<th>RATIO</th>
<th>MANAGEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sanctuary Lofts</td>
<td>490</td>
<td>1.11</td>
<td>$15 one-time charge for sticker</td>
</tr>
<tr>
<td>Vistas</td>
<td>532</td>
<td>.87</td>
<td>$45/ month; $30/ Month @ Sanctuary</td>
</tr>
<tr>
<td>The Pointe**</td>
<td>344</td>
<td>.77</td>
<td>$50/ month</td>
</tr>
<tr>
<td>Concho*</td>
<td>673</td>
<td>.77</td>
<td></td>
</tr>
<tr>
<td>Ella**</td>
<td>230</td>
<td>1.05</td>
<td>$30/ month</td>
</tr>
<tr>
<td>The Local</td>
<td>304</td>
<td>.76</td>
<td>$40/ month</td>
</tr>
<tr>
<td>Cheatham Street*</td>
<td>245</td>
<td>.8</td>
<td></td>
</tr>
</tbody>
</table>

*Subject to change during permitting

**Offer Double Occupancy rooms
## Policy Decision #1: Mixed Use and Downtown Parking

<table>
<thead>
<tr>
<th>January Draft Language</th>
<th>Amendment for consideration</th>
</tr>
</thead>
</table>
| Page 7:5  
Mixed use parking requirements in Character Districts 4, 5 & 5 Downtown (CD-4, CD-5 & CD-5D) | Delete the table in Sec. 7.1.2.2 so that standards will be the same City wide.  
Exceptions include:  
• Non-residential in the Central Business Area  
• Residential lots with less than 15 units where the requirement is 1 space per unit. |

Planning and Zoning Commission:  
Recommended approval as presented
## Policy Decision #2: Student Housing

### January Draft Language

| Page 7:3 | Student housing is considered Multifamily with 1.05 spaces per bedroom required. |

### Amendment for consideration

- Amend the table in Sec. 7.1.2.1(B) to add purpose built student housing to the minimum parking table.
- Minimum parking requirement will be 1.25 per bedroom

---

Planning and Zoning Commission:
Recommended approval with an increase to 1.5 spaces per bedroom
## Policy Decision #3: Fee-in-Lieu for Parking Downtown

### January Draft Language

| Page 7:5 – 7:6 Fee-in-lieu is fixed by resolution adopted by City Council and should equal the cost to the City to provide parking |

### Amendment for consideration

Amend Sec. 7.1.2.2(A)(2)(b) to limit the fee-in-lieu of parking to 30% of the minimum parking required.

---

Planning and Zoning Commission: Recommended approval as presented
Policy Decision #4: Vehicle Parking Reductions

<table>
<thead>
<tr>
<th>January Draft Language</th>
<th>Amendment for consideration</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>Create a new section which caps the combined vehicle parking reductions at 20% of the total minimum parking required.</td>
</tr>
</tbody>
</table>

Planning and Zoning Commission: Recommended approval as presented
### Parking Requirements

**Policy Decision #5:**

**Transit Stops & Vehicle Parking Reductions**

<table>
<thead>
<tr>
<th>January Draft Language</th>
<th>Amendment for consideration</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>Create a new section to allow:</td>
</tr>
<tr>
<td></td>
<td>• A 5% reduction to minimum parking requirements when a development is located adjacent to a sheltered transit stop.</td>
</tr>
<tr>
<td></td>
<td>• A 10% reduction to minimum parking requirements when a development constructs a sheltered transit stop.</td>
</tr>
</tbody>
</table>

**Planning and Zoning Commission:**

Recommended approval as presented
Miscellaneous Topics

What We Heard:

• Affordable Housing – More study and conversations are needed before including development incentives in the Code.
• Masonry Standards – Adopt the current standards; possibly include more flexibility in standards
• Parkland Dedication- Increase the dedication amount for Multi-Family development
Affordable Housing Policy – Staff Analysis

Current Policy

The City’s current affordable housing policy focuses primarily on supporting the market in creating more opportunities for housing that is affordable. The policy does not address subsidized affordable housing.

Subsidized Housing Supply
Utilizing incentives to supply an inventory of permanently affordable homes

Increase Market Rate Supply
Utilizing Development Codes to increase the supply of market rate affordable housing

Policy Focus

Homebuyer
Utilize City subsidies to support local home ownership for residents of major employers.

Maintain Existing Housing
Utilize development codes and support non-profit organizations in maintaining and re-habilitating existing housing.
Affordable Housing Policy – Staff Analysis

Policy Decision
Current Policy focuses on enabling and supporting the market in creating housing that is affordable. This is being implemented through Code SMTX. Is this policy still relevant today?
# Policy Decision #1: Affordable Housing

<table>
<thead>
<tr>
<th>January Draft Language</th>
<th>Amendments for consideration</th>
</tr>
</thead>
</table>
| Page 4:16 – Affordable Housing Purpose, Definitions, Applicability, Standards, Enforcement | 1. Remove the affordable housing section of the Code and rely on the separate affordable housing policy and program to be updated first prior to inclusion of development incentives in the code.  
2. Remove the incentives and keep the definition and standards so that we will be able to enforce and regulate if affordable housing is approved through a separate agreement.  
3. Keep the section as is. |

Planning and Zoning Commission:  
Recommended Option #1 – removing the affordable housing section in the code and relying on a separate policy update and program
Policy Decision #2: Masonry Standards

<table>
<thead>
<tr>
<th>January Draft Language</th>
<th>Amendments for consideration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Page 4:32-4:33 – Durable Building Materials</td>
<td>1. Remove the material standards and include prohibited materials only instead of required materials.</td>
</tr>
<tr>
<td>Applicability, Classification as Primary or Secondary, General Standards &amp; Alternative Compliance.</td>
<td>2. Amend the material standards so that they are applicable for buildings 3 stories and taller or greater than a certain number of square feet.</td>
</tr>
<tr>
<td></td>
<td>3. Keep the section as is.</td>
</tr>
</tbody>
</table>

Planning and Zoning Commission:
Recommended that masonry standards be more flexible and to consider alternatives to the currently adopted standards.
## Policy Decision #3: Parkland Dedication

### January Draft Language

| Page 3:58 – Parkland Dedication Calculation of Required Land is 5.7 acres per 1,000 residents for all types of residential |

### Amendments for consideration

1. Modify Sec. 3.10.1.2(A) to require a greater acreage per 1,000 residents for multifamily development.
2. Keep the standard as recommended in the 2010 Parks Master Plan and analyze the impact of different development types on the park system through the upcoming parks master plan.

### Planning and Zoning Commission:

Recommended Option #1 – requiring additional acreage per 1,000 multifamily residents and analyze the requirement through the upcoming parks master plan.
Code SMTX
Amendments

*Environmental and Drainage Sections*

Monday, July 17, 2017
# Edwards Aquifer Recharge Zone

<table>
<thead>
<tr>
<th>Description</th>
<th>What We Heard</th>
<th>Current Code SMTX Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stream Protection Volume</td>
<td>1.6-inches (90th Percentile Storm)</td>
<td>1.25-inches (85th Percentile Storm)</td>
</tr>
<tr>
<td>TSS Removal</td>
<td>89%</td>
<td>85%</td>
</tr>
</tbody>
</table>

- Requirements are for new and redevelopment
Edwards Aquifer Recharge Zone
Proposed Amendments:

• No amendments proposed

### Bioretention Pond Cost Based on Current Code SMTX Proposal

<table>
<thead>
<tr>
<th>Description</th>
<th>Commercial (20% IC)</th>
<th>Multi-Family Res. (20% IC)</th>
<th>Single Family Res. (20% IC)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Bioretention Pond Cost for 1.25-in and 85% Removal</td>
<td>$499,130</td>
<td>$410,719</td>
<td>$266,700</td>
</tr>
<tr>
<td>Base Bioretention Pond Percentage of Total Project Cost</td>
<td>7%</td>
<td>4%</td>
<td>11%</td>
</tr>
<tr>
<td>Increase in Bioretention Cost from 1.25-in and 85% TSS Removal</td>
<td>39%</td>
<td>51%</td>
<td>34%</td>
</tr>
<tr>
<td>1.6-in and 85% TSS Removal</td>
<td>0%</td>
<td>5%</td>
<td>28%</td>
</tr>
<tr>
<td>1.6-in and 89% TSS Removal</td>
<td>39%</td>
<td>51%</td>
<td>34%</td>
</tr>
</tbody>
</table>

### Planning & Zoning Recommendation

Revised Bioretention Pond Cost

<table>
<thead>
<tr>
<th>Description</th>
<th>Commercial (20% IC)</th>
<th>Multi-Family Res. (20% IC)</th>
<th>Single Family Res. (20% IC)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Bioretention Pond Cost for 1.65-in and 89% Removal</td>
<td>$693,791</td>
<td>$621,673</td>
<td>$357,545</td>
</tr>
<tr>
<td>Base Bioretention Pond Percentage of Total Project Cost</td>
<td>9%</td>
<td>6%</td>
<td>15%</td>
</tr>
</tbody>
</table>
## Transition Zone and Contributing Zone Within Transition Zone

<table>
<thead>
<tr>
<th>Description</th>
<th>What We Heard</th>
<th>Current Code SMTX Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stream Protection Volume</td>
<td>1.6-inches (90th Percentile Storm)</td>
<td>1.25-inches (85th Percentile Storm)</td>
</tr>
<tr>
<td>TSS Removal</td>
<td>85% and 89%</td>
<td>80%</td>
</tr>
</tbody>
</table>

- Requirements are for new and redevelopment
Transition Zone and Contributing Zone Within Transition Zone

Proposed Amendments:

- No amendments proposed

Bioretention Pond Cost Based on Current Code SMTX Proposal

<table>
<thead>
<tr>
<th>Description</th>
<th>Commercial (80% IC)</th>
<th>Multi-Family Res. (75% IC)</th>
<th>Single Family Res. (50% IC)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Bioretention Pond Cost for 1.25-in and 80% Removal</td>
<td>$350,044</td>
<td>$337,539</td>
<td>$266,700</td>
</tr>
<tr>
<td>Base Bioretention Pond Percentage of Total Project Cost</td>
<td>6%</td>
<td>4%</td>
<td>20%</td>
</tr>
<tr>
<td>Increase in Bioretention Cost from 1.25-in and 80% TSS Removal</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.25-in and 85% TSS Removal</td>
<td>43%</td>
<td>22%</td>
<td>0%</td>
</tr>
<tr>
<td>1.25-in and 89% TSS Removal</td>
<td>98%</td>
<td>84%</td>
<td>34%</td>
</tr>
<tr>
<td>1.6-in and 80% TSS Removal</td>
<td>28%</td>
<td>28%</td>
<td>28%</td>
</tr>
<tr>
<td>1.6-in and 85% TSS Removal</td>
<td>43%</td>
<td>28%</td>
<td>28%</td>
</tr>
<tr>
<td>1.6-in and 89% TSS Removal</td>
<td>98%</td>
<td>84%</td>
<td>34%</td>
</tr>
</tbody>
</table>

Planning & Zoning Recommendation

Revised Bioretention Pond Cost

<table>
<thead>
<tr>
<th>Description</th>
<th>Commercial (80% IC)</th>
<th>Multi-Family Res. (75% IC)</th>
<th>Single Family Res. (50% IC)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Bioretention Pond Cost for 1.6-in and 85% Removal</td>
<td>$499,130</td>
<td>$432,057</td>
<td>$341,381</td>
</tr>
<tr>
<td>Base Bioretention Pond Percentage of Total Project Cost</td>
<td>9%</td>
<td>5%</td>
<td>25%</td>
</tr>
</tbody>
</table>
## San Marcos River Protection Zone

<table>
<thead>
<tr>
<th>Description</th>
<th>What We Heard</th>
<th>Current Code SMTX Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stream Protection Volume</td>
<td>1.6-inches (90th Percentile Storm)</td>
<td>1.25-inches (85th Percentile Storm)</td>
</tr>
<tr>
<td>TSS Removal</td>
<td>85% and 89%</td>
<td>80%</td>
</tr>
</tbody>
</table>

- Requirements are for new and redevelopment
Proposed Amendments:
• No amendments proposed

### Bioretention Pond Cost Based on Current Code SMTX Proposal

<table>
<thead>
<tr>
<th>Description</th>
<th>Inside SMR Buffer Zone (30% IC)</th>
<th>Outside SMR Buffer Zone</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Base Bioretention Pond Cost for 1.25-in and 80% Removal</strong></td>
<td>$208,367</td>
<td>$350,044</td>
<td>$337,539</td>
</tr>
<tr>
<td><strong>Base Bioretention Pond Percentage of Total Project Cost</strong></td>
<td>9%</td>
<td>6%</td>
<td>4%</td>
</tr>
</tbody>
</table>

#### Increase in Bioretention Cost from 1.25-in and 80% TSS Removal

<table>
<thead>
<tr>
<th>TSS Removal</th>
<th>Inside SMR Buffer Zone</th>
<th>Outside SMR Buffer Zone</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.25-in and 85% TSS Removal</td>
<td>0%</td>
<td>43%</td>
<td>22%</td>
</tr>
<tr>
<td>1.25-in and 89% TSS Removal</td>
<td>7%</td>
<td>98%</td>
<td>84%</td>
</tr>
<tr>
<td>1.6-in and 80% TSS Removal</td>
<td>28%</td>
<td>28%</td>
<td>28%</td>
</tr>
<tr>
<td>1.6-in and 85% TSS Removal</td>
<td>28%</td>
<td>43%</td>
<td>28%</td>
</tr>
<tr>
<td>1.6-in and 89% TSS Removal</td>
<td>28%</td>
<td>98%</td>
<td>84%</td>
</tr>
</tbody>
</table>

### Planning & Zoning Recommendation

<table>
<thead>
<tr>
<th>Description</th>
<th>Inside SMR Buffer Zone (30% IC)</th>
<th>Outside SMR Buffer Zone</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Base Bioretention Pond Cost for 1.25-in and 80% Removal</strong></td>
<td>$266,700</td>
<td>$499,130</td>
<td>$432,057</td>
</tr>
<tr>
<td><strong>Base Bioretention Pond Percentage of Total Project Cost</strong></td>
<td>12%</td>
<td>9%</td>
<td>5%</td>
</tr>
</tbody>
</table>
Water Quality and Buffer Zones

What We Heard and Proposed Amendments:

• No administrative adjustment should be allowed for cut and fill standards in water quality and buffer zones
• The code should not allow waterways to be filled in
• Encourage developers to keep waterways natural even if they are small
• The proposed code should help incentivize preserving natural waterways
  – No amendments proposed since:
    • Cut/fill not allowed in WQZ in EARZ
    • Reclamation of WQZ within a 100-year floodplain outside EARZ requires QWPP (environmental mitigation and P&Z approval) and compliance with Flood Damage Prevention Ordinance
Water Quality and Buffer Zones

What We Heard and Proposed Amendments:

• Allow the combined width of water quality and buffer zones to exceed the width of the 100-year floodplain
  – No amendment proposed since:
    • Buffer zone can extend beyond floodplain in EARZ
    • Outside the EARZ, allowing additional regulation beyond the stringently regulated floodplain could render some properties adjacent to floodplains undevelopable

• “Sub-Minor” waterway designation should be added to the Transition Zone and Contributing Zone within the Transition Zone
  – Amend code to include “Sub-Minor” waterway designation within the Transition Zone and Contributing Zone within the Transition Zone

Planning and Zoning Commission recommends approval as presented
Water Quality and Buffer Zones

Current Code SMTX Proposal:
- Inside Edwards Aquifer Recharge Zone
  - Offset Method

<table>
<thead>
<tr>
<th>Waterway Type</th>
<th>Defining Drainage Area</th>
<th>Water Quality Zone Width Offset from Stream Centerline</th>
<th>Buffer Zone Width Offset from WQZ</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sub-Minor Waterways</td>
<td>5 ≤ DA &lt; 50 acres</td>
<td>25 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>Minor Waterways</td>
<td>50 ≤ DA &lt; 250 acres</td>
<td>50 feet</td>
<td>100 feet</td>
</tr>
<tr>
<td>Intermediate Waterways</td>
<td>250 ≤ DA &lt; 1000 acres</td>
<td>100 feet</td>
<td>100 feet</td>
</tr>
<tr>
<td>Major Waterways</td>
<td>1000 acres ≤ DA</td>
<td>200 feet</td>
<td>100 feet</td>
</tr>
</tbody>
</table>

- no cut or fill is allowed within a water quality zone
- buffer zones can extend past the 100-year floodplain
Water Quality and Buffer Zones
Current Code SMTX Proposal:

- Outside Edwards Aquifer Recharge Zone

  Offset Method

<table>
<thead>
<tr>
<th>Waterway Type</th>
<th>Defining Drainage Area</th>
<th>Water Quality Zone Width Offset from Stream Centerline</th>
<th>Buffer Zone Width Offset from WQZ</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minor Waterways</td>
<td>$50 \leq DA &lt; 120$ acres</td>
<td>50 feet</td>
<td>50 feet</td>
</tr>
<tr>
<td>Minor Waterways</td>
<td>$120 \leq DA &lt; 250$ acres</td>
<td>50 feet</td>
<td>50 feet</td>
</tr>
<tr>
<td>Intermediate Waterways</td>
<td>$250 \leq DA &lt; 1000$ acres</td>
<td>100 feet</td>
<td>100 feet</td>
</tr>
<tr>
<td>Major Waterways</td>
<td>$1000$ acres $\leq DA$</td>
<td>200 feet</td>
<td>100 feet</td>
</tr>
</tbody>
</table>

- Reclamation of a water quality zone within a 100-year floodplain requires a Qualified Watershed Protection Plan which stipulates environmental mitigation and P&Z Commission approval
- Any improvements within the 100-year floodplain requires compliance with the Flood Damage Prevention Ordinance which requires “no-rise” analysis and no decrease in floodplain storage
Facilitate Low Impact Development

What We Heard:
- Require or give credit for rain gardens

Current Code SMTX Proposal:
- Stormwater quality standard set for:
  - EARZ, Transition Zone and Contributing Zone within the Transition Zone, and San Marcos River Protection Zone
- Code barriers removed
  - Landscaping and vegetation installed as part of a stormwater management feature may be counted towards the landscaping requirement
- Develop Stormwater Technical Manual
  - Will include more detailed and up-to-date design criteria to meet stormwater quantity and quality requirements
  - LID will be integrated and rain garden/bioretention will be specified in detail
  - Complete by November

Proposed Amendments:
- No amendments proposed

Planning and Zoning Commission recommends approval as presented
Stormwater Management Fund

What We Heard:

• Assess fees sufficient to pay the true cost of getting water downstream safely

• How will the COSM charge the developer to create the stormwater management fund?

• Will the COSM need to pay for regional stormwater management and then recover fees from future developers at a later date?

• Ensure adequate funding for the drainage utility

• If the City will need to fund a portion of the regional stormwater management – where will those initial funds be generated from?
Stormwater Management Fund

Proposed Amendments:

• No amendments are proposed
• Staff is working with a consultant to determine adequate strategies and fees for developing
  – Retrofit and regional water quality BMPs
  – Regional detention and floodplain storage
  – Projects to increase flow conveyance

Planning and Zoning Commission recommends approval as presented
Stormwater Management Fund

Current Code SMTX Proposal:
Stormwater Management District

Properties are eligible for waivers if:
• No adverse impacts
• Payment is made

Stormwater Management Fund

Funds will be used for the purchase of land or the construction of:
• Retrofit and regional water quality BMPs
• Regional detention and floodplain storage
• Projects to increase flow conveyance
A public draft of Code SMTX was released on May 27, 2016. Over 1,000 comments on the public draft were received, analyzed, and responded to resulting in the release of a revised draft in January of 2017. This amendment report represents the analysis and input received from the Planning and Zoning Commission and City Council during two Joint Workshops and eleven Work Sessions held over the last several months. Direction on these amendments will lead to the production of a final draft of Code SMTX, the City’s new land development code.
### Contents

**Expanding Notification to Residents** .................................................................................................................. 2
- Current Code SMTX Proposal ................................................................................................................................. 2
- Amendments suggested during the work sessions ........................................................................................................ 2
- Related Comprehensive Plan Goals .......................................................................................................................... 2
- Related Public Feedback Received on Public Draft ................................................................................................... 3
- Staff Analysis and Consideration ............................................................................................................................. 3
- Proposed Amendments ............................................................................................................................................. 5

**New Housing Types in Existing Neighborhoods** ................................................................................................ 6
- Current Code SMTX Proposal ................................................................................................................................. 6
- Amendments suggested during the work sessions ........................................................................................................ 6
- Related Comprehensive Plan Goals .......................................................................................................................... 7
- Feedback Received on Public Draft .......................................................................................................................... 8
- Staff Analysis and Consideration ............................................................................................................................. 9
- Proposed Amendments to code smtx revised draft ..................................................................................................... 11

**Parking Requirements** .................................................................................................................................... 13
- Current Code SMTX Proposal (Sec. 7.1.1.1) .............................................................................................................. 13
- Amendments suggested during the work sessions ........................................................................................................ 13
- Related Comprehensive Plan Goals .......................................................................................................................... 14
- Related Public Feedback Received on Public Draft ................................................................................................... 15
- Staff Analysis and Consideration ............................................................................................................................. 16
- Proposed Amendments ............................................................................................................................................. 18

**Miscellaneous Code Amendments** .................................................................................................................. 19
- Amendments suggested during the work sessions ........................................................................................................ 19
- Amendments discussed During TT meetings and with the public ............................................................................. 20
- Staff Analysis and Consideration ............................................................................................................................. 22
- Proposed Amendments ............................................................................................................................................. 23

**Appendix:**
- Expanded Notification Redlines ............................................................................................................................... 24
- Existing Neighborhood Redlines ............................................................................................................................... 31
- Parking Requirement Redlines .................................................................................................................................. 42
EXPANDING NOTIFICATION TO RESIDENTS

CURRENT CODE SMTX PROPOSAL

<table>
<thead>
<tr>
<th>SUMMARY OF NOTICE REQUIREMENTS (SEC. 2.3.1.1)</th>
<th>AREA</th>
<th>DAYS BEFORE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Published Notice:</strong> Requires that notice is published in the Newspaper</td>
<td>--</td>
<td>16</td>
</tr>
<tr>
<td><strong>Personal Notice:</strong> Requires a mailed letter be sent to 1) surrounding property owners, 2) CONA Rep 3) Neighborhood Commission Rep 4) Any other registered Rep 5) Applicant</td>
<td>200’</td>
<td>11</td>
</tr>
<tr>
<td><strong>Posted Notice:</strong> Requires that a minimum of one Notification Sign be posted on each street frontage of the subject property</td>
<td>--</td>
<td>11</td>
</tr>
<tr>
<td><strong>Web Notice:</strong> Requires that notice of a submitted application is posted on the City’s website</td>
<td>--</td>
<td>30</td>
</tr>
<tr>
<td><strong>Neighborhood Presentation Meeting:</strong> Requires that an applicant hold a meeting to present a proposed development plan and must notify from the list of participants provided by the department and must track the number of participants.</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>

AMENDMENTS SUGGESTED DURING THE WORK SESSIONS

AMENDMENTS

- Include an Opt-In Email Notification for any Citizen
- Include a time frame for when the neighborhood presentation meeting should be held
- Include staff participation and facilitation at neighborhood meetings
- Increase the published notice to 30 days
- Expand the notification area to 400’ or 500’
- Allow Stakeholder Input during Neighborhood Presentation Meetings
- Email Notice to anyone in the Neighborhood

RELATED COMPREHENSIVE PLAN GOALS

<table>
<thead>
<tr>
<th>ELEMENT</th>
<th>GOAL OR OBJECTIVE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Update and Improve Notice Requirements for zoning changes</td>
</tr>
</tbody>
</table>
Amendments Report
May 11, 2017

RELATED PUBLIC FEEDBACK RECEIVED ON PUBLIC DRAFT

<table>
<thead>
<tr>
<th>SOURCE</th>
<th>#</th>
<th>COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residents</td>
<td>14</td>
<td>Extend the personal notice buffer to 400’</td>
</tr>
<tr>
<td>Residents</td>
<td>12</td>
<td>Require a Neighborhood Meeting and make sure that CONA is invited</td>
</tr>
<tr>
<td>Residents</td>
<td>16</td>
<td>Notice should be required at least 30 days prior to the hearing</td>
</tr>
<tr>
<td>Think Tank</td>
<td></td>
<td>Neighborhoods don’t receive notification of a zoning or development case until two weeks before the public hearing. Suggestion that neighborhoods be involved in the process earlier.</td>
</tr>
<tr>
<td>Think Tank</td>
<td></td>
<td>Requiring that neighborhoods be a part of the pre-development process can slow things down and does not streamline the development process.</td>
</tr>
<tr>
<td>Think Tank</td>
<td></td>
<td>Discussed increasing the notification timeframe from 11 days to 15 days and to consider increasing the notification buffer to 400 feet for certain projects.</td>
</tr>
</tbody>
</table>

STAFF ANALYSIS AND CONSIDERATION

Number of Notices Required (last 10 Cases)

<table>
<thead>
<tr>
<th>CASE NUMBER</th>
<th>200’</th>
<th>400’</th>
</tr>
</thead>
<tbody>
<tr>
<td>HPC-16-32</td>
<td>13</td>
<td>44</td>
</tr>
<tr>
<td>HPC-17-07</td>
<td>27</td>
<td>59</td>
</tr>
<tr>
<td>HPC-17-08</td>
<td>15</td>
<td>34</td>
</tr>
<tr>
<td>HPC-17-09</td>
<td>22</td>
<td>51</td>
</tr>
<tr>
<td>ZC-17-03</td>
<td>7</td>
<td>10</td>
</tr>
<tr>
<td>PC-17-01_04</td>
<td>13</td>
<td>22</td>
</tr>
<tr>
<td>PC-17-20_04</td>
<td>8</td>
<td>14</td>
</tr>
<tr>
<td>SCW-17-01</td>
<td>17</td>
<td>40</td>
</tr>
<tr>
<td>PC-17-21_04</td>
<td>6</td>
<td>8</td>
</tr>
<tr>
<td>CUP-17-10</td>
<td>11</td>
<td>18</td>
</tr>
<tr>
<td>Total</td>
<td>139</td>
<td>300</td>
</tr>
</tbody>
</table>
Proposed Application Processing Flow Chart for a Typical Request

There are two different opportunities to notify the public of a pending development request; 1) at public hearing and 2) at Application Submittal. Currently we only notify at the public hearing stage. This notification is required by State Law and constitutes legal notice of a public hearing.

1. **Application Stage:** This would be a notification that an application has been submitted. At this point no analysis would have been done and a public hearing date is only tentative and has not been set.

2. **Public Hearing Stage:** This would be a notification that a request has been analyzed and is ready for public hearing. At this point the staff analysis and any negotiations are complete and the case is ready to be considered during a public hearing.

---

**Completeness Check (10 Days)**
- Applications are accepted and analyzed for completeness and accuracy
- A case manager is assigned

**Staff Analysis (20 Days)**
- During this time staff asks for additional clarifying information or modifications to the request.
- Staff Report is drafted

**Preparing for Public Hearing (10 Days)**
- Notices are sent
- Staff Reports and presentations are finalized
The following amendments are based on the suggested amendments submitted during the work sessions with Planning Commission and City Council. These amendments have been analyzed for consistency with State Law and other code provisions, processes and practices.

<table>
<thead>
<tr>
<th>#</th>
<th>TITLE</th>
<th>SUMMARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>#1</td>
<td>Notification Buffer</td>
<td><strong>Personal Notice:</strong> Amend Sec 2.3.2.1 to increase notification buffer for Public Hearing Notice from 200’ to 400’</td>
</tr>
<tr>
<td>#2</td>
<td>Notice of Application</td>
<td><strong>Web Notice:</strong> Amend Sec. 2.3.2.1 to: Change the title of this to Notice of Application Require that notice be provided before the 12th day after an application is received Include language that any person or organization can sign up to receive E-Notice of a submitted application.</td>
</tr>
<tr>
<td>#3</td>
<td>Neighborhood Meeting</td>
<td><strong>Neighborhood Presentation Meeting:</strong> Require City staff be present to take notes Require that notification of the neighborhood presentation meeting be sent to any party registered for notice of application Require that the applicant be present and facilitate the meeting.</td>
</tr>
</tbody>
</table>

Planning and Zoning Commission recommends approval as presented
NEW HOUSING TYPES IN EXISTING NEIGHBORHOODS

CURRENT CODE SMTX PROPOSAL

SUMMARY OF CODE REQUIREMENTS

Zoning Requests in Existing Neighborhoods: Code SMTX has provided new zoning districts specific to existing neighborhoods that meet the goals of the Comprehensive Plan. Code SMTX is also not allowing the request of non-compatible districts. No rezoning is proposed with Code SMTX. (Sec. 4.1.1.1 – Sec. 4.2.1.2)

Accessory Dwelling Units: Code SMTX is proposing that where ADU’s are currently Conditional Uses they become Limited Uses with the following restrictions (Sec. 5.1.1.2 and 5.1.3.1):

- Property Owner must be registered with the City under the Nuisance Abatement Program.
- Property Owner must maintain his or her primary residence on the lot.
- No more than one ADU per lot.
- Limited to 1,000 Sq. Ft or ½ the size of the main building.
- One additional parking space is required behind the front façade of the main structure; the lot must be large enough to provide room for the additional space and access to the space.

Student Housing/ Maintenance/ Enforcement: Code SMTX is proposing rental registration for all new and diverse house types (Sec. 5.1.4.1)

Transition and Buffer Areas: Code SMTX is proposing buffers and transitions in decreasing severity for:

- Transitions from high intensity zones (Sec. 4.4.3.7)
- Transitions between zoning districts (Sec. 7.2.2.1)
- Transitions between different sized buildings within a zoning district (Sec. 4.4.2.5)

AMENDMENTS SUGGESTED DURING THE WORK SESSIONS

AMENDMENTS

Zoning Requests

- Make Neighborhood Districts not preferred on the Translation Table in Existing Neighborhoods
- Require initial authorization by Council prior to a zoning request being analyzed or requested where it is not preferred
- Prevent SF-11 and SF-6 from being converted to a Neighborhood District
- Provide a cap on proximity of multifamily units in areas of stability
- Do not allow multifamily housing or commercial in residential neighborhoods
- Consider including a requirement that a certain percentage of properties within a predetermined radius be mixed residential prior to an application for a Neighborhood District being accepted
- Stronger guidance and direction is needed about where Neighborhood Districts would be allowed to be requested
- Don’t allow large acreages of the same zoning district in Existing Neighborhoods
- Require larger acreage zoning requests to transition the zoning districts to match existing developments
Accessory Dwelling Units

- Accessory dwelling units should require a CUP
- Occupancy Restrictions should apply to the main house and the ADU
- An ADU should not have separate meters

Student Housing / Maintenance / Enforcement

- Maximize rental registration opportunities
- Consider more strategies to promote families and home ownership within existing neighborhood areas through design such as child friendly amenities
- Consider more strategies to discourage students within existing neighborhood areas such as length of credit history or job requirements
- Consider where and how rental registration applies

Transition and Buffer Areas

- Limit uses in transition and buffer areas
- Require long/ wide transition and buffer areas
- Building step down is not enough of a transition of buffer
- Appropriate transitions and buffers to adjacent single family along S. LBJ and Guadalupe

RELATED COMPREHENSIVE PLAN GOALS

<table>
<thead>
<tr>
<th>ELEMENT</th>
<th>GOAL OR OBJECTIVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighborhoods and Housing</td>
<td>Update the current process for Land Use Amendments to provide more holistic review</td>
</tr>
<tr>
<td></td>
<td>Revise zoning code to allow for more diverse housing types and mixed-use development</td>
</tr>
<tr>
<td></td>
<td>Update infill housing program</td>
</tr>
<tr>
<td></td>
<td>Develop an affordable housing program</td>
</tr>
<tr>
<td></td>
<td>Review and update city ordinances regarding maintenance of property</td>
</tr>
<tr>
<td></td>
<td>Develop a process to enforce City Codes related to property maintenance</td>
</tr>
</tbody>
</table>
## FEEDBACK RECEIVED ON PUBLIC DRAFT

<table>
<thead>
<tr>
<th>SOURCE</th>
<th>#</th>
<th>COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open House</td>
<td>2</td>
<td>ADU is OK as long as owner lives on property</td>
</tr>
<tr>
<td>Open House</td>
<td>1</td>
<td>ADUs are good because they provide options for affordability</td>
</tr>
<tr>
<td>Open House</td>
<td>1</td>
<td>Wish we could have stronger protection for current neighborhoods from developments like Bowie or Lindsey Hill</td>
</tr>
<tr>
<td>Open House</td>
<td>3</td>
<td>Concerned about diverse housing types</td>
</tr>
<tr>
<td>Open House</td>
<td>1</td>
<td>Proposed Buffers and transitions are very good</td>
</tr>
<tr>
<td>Open House</td>
<td>3</td>
<td>ND districts are good because they create more options for housing</td>
</tr>
<tr>
<td>Draft Code</td>
<td>1</td>
<td>Neighborhood Character should be residential only not mixed use</td>
</tr>
<tr>
<td>Draft Code</td>
<td>2</td>
<td>Do not allow existing neighborhoods to be converted to Neighborhood Districts because Neighborhood Districts include undesirable elements such as Cottage Courts, Mansion Houses, and Accessory Buildings</td>
</tr>
<tr>
<td>Draft Code</td>
<td>2</td>
<td>Cottage Courts are a good way to increase housing density and retain residential character</td>
</tr>
<tr>
<td>Draft Code</td>
<td>1</td>
<td>Explain what would prevent these from being bought by investors and turned into another Sagewood in the middle of a neighborhood. For that reason I am opposed to these in existing neighborhoods.</td>
</tr>
<tr>
<td>Draft Code</td>
<td>2</td>
<td>Building height adjoining existing neighborhoods  Three stories before set back should be changed to two stories before set back  Set back should be increased from 12 ft to 25 ft and 25 ft to 50 ft</td>
</tr>
<tr>
<td>Draft Code</td>
<td>1</td>
<td>Land Use Matrix should be carefully reviewed for conformance with the overall Neighborhood &amp; Housing goals of the San Marcos Comprehensive Plan and the 2014 adopted Affordable/Workforce Housing Policy, including creating diverse housing types and mixed-use development. The code should take care not to take on discriminatory attitudes for missing middle housing typologies, multi-family housing, and student housing, which is antithetical to both of these documents, but is currently an issue in the Character Districts, namely CD3 and CD4.</td>
</tr>
<tr>
<td>Draft Code</td>
<td>1</td>
<td>This requirement is completely contradictory to the rental registration ordinance. Rental registration was intended to be for the &quot;bad guys&quot; where registration was only required if cited in violation of any code standards. The City will have a record of any new ADU through building permitting. Existing ADUs should be grandfathered.</td>
</tr>
<tr>
<td>Think Tank</td>
<td>--</td>
<td>Accessory Dwelling Units (ADUs) are a privilege and should include restrictions such as requiring owner occupation of the main structure. Mixed use development can be located in residential areas, but needs to be restricted.</td>
</tr>
<tr>
<td>Think Tank</td>
<td>--</td>
<td>The requirement for automatic rental registration is not appropriate for situations where you have a family member in an ADU.</td>
</tr>
<tr>
<td>Think Tank</td>
<td>--</td>
<td>ADUs should require owner occupancy, but the rental registration ordinance should only focus on bad properties and shouldn’t automatically be required for an ADU.</td>
</tr>
</tbody>
</table>
The City of San Marcos is statistically unique from other Texas Cities in four areas that affect the supply and demand for housing including:

- Median Family Income,
- Amount of Owner Occupied Housing,
- Distribution of Housing Types; and
- Median Age.

**Median Family Income**

- **San Marcos:** $45,926
- **Texas:** $62,717

**Owner Occupied Housing**

- **San Marcos:** 28%
- **Texas:** 62%

**Distribution of Housing Types**

- **Detached SF**
  - **San Marcos:** 31.4%
  - **Texas:** 65.3%

- **Attached SF and Duplex**
  - **San Marcos:** 8.3%
  - **Texas:** 4.6%

- **3 units or more**
  - **San Marcos:** 55.3%
  - **Texas:** 22.4%

**Median Age**

- **San Marcos:** 23.5
- **Texas:** 34.1

Based on these factors the goal for housing in Code SMTX is to:

- Preserve existing single family lots,
- Create more opportunities for home ownership,
- Encourage diverse housing, and
- Keep housing costs low.
Amendments Report
May 11, 2017

Preservation of Single Family:
In areas of predominantly single family development, zoning change options should be limited to building types that can provide lower-cost opportunities for home ownership without changing the existing residential character of the surrounding area.

The ND-3 zoning district was crafted to allow flexibility in the lot layout for single family infill development in Existing Neighborhood Areas. The ND-3 district allows for Cottage Court and Attached Homes in addition to traditional smaller lot single family. Both of these housing types provide flexibility for existing small, narrow, deep or oddly shaped lots while ensuring that each structure has the opportunity to be owner occupied.

Zoning Compatibility in Existing Neighborhoods
Existing Neighborhoods are diverse places that can change in character from block to block. In complex areas like this regulatory mechanisms that allow for more predictability in design are important for ensuring compatibility with the surrounding area. Regulating Plans offer the ability for more predictability in design than straight zoning without varying from the requirements of the Development Code.

Regulating Plan: A plan or map of the regulated area designating where different building form standards apply.
Planned Development District (PDD): An overlay district including a concept plan, zoning regulations, and development standards which may vary the regulations applicable in the base zoning district.

<table>
<thead>
<tr>
<th>PDD</th>
<th>REGULATING PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Standards</td>
<td>Development standards may not be waived through the regulating plan process.</td>
</tr>
<tr>
<td>Zoning Standards</td>
<td>Zoning standards may not be waived through the regulating plan process.</td>
</tr>
<tr>
<td>Predictability</td>
<td>Higher degree of predictability due to consistent standards</td>
</tr>
<tr>
<td>Negotiation</td>
<td>Negotiation is limited to the placement of different building types and the guidance and criteria in the code.</td>
</tr>
</tbody>
</table>
Zoning Compatibility with the Comprehensive Plan

The Comprehensive Plan guides where certain development types should go based on factors such as environmental sensitivity, availability of transportation and utility infrastructure, and existing land uses. In areas where a development type is either not preferred or represents a large re-development in an Existing Neighborhood area an initial high level review to establish consistency with the Comprehensive Plan may be warranted.

PROPOSED AMENDMENTS TO CODE SMTX REVISED DRAFT

The following amendments are based on the suggested amendments submitted during the work sessions with Planning Commission and City Council. These amendments have been analyzed for consistency with State Law and other code provisions, processes and practices.

<table>
<thead>
<tr>
<th>#</th>
<th>TITLE</th>
<th>SUMMARY</th>
</tr>
</thead>
</table>
| #1 | Buffer | Add Sec. 4.1.5.1 A-B providing for the preservation of both large and small lot single family homes in Existing Neighborhoods by adding the following requirements:  
  - **Single Family Preservation**: Setting a threshold requiring that more than 50% of the area within a 200’ buffer be zoned other than Single Family in order to request any zoning other than a Conventional Residential Zoning District or ND-3 district. |

**Planning and Zoning Commission recommends approval as presented**

| #2 | Existing Neighborhood Regulating Plan | Add Sec. 2.5.3.1 to create a process for a regulating plan to be approved as an overlay zoning district that demonstrates compatibility and gradual transitions to existing neighborhood areas through the allocation of building types within a district. No waiver of standards is permitted through an Existing Neighborhood Regulating Plan. |

**Planning and Zoning Commission recommends approval as presented**

| #3 | Zoning Transitions | Add Sec. 4.1.5.1 D- E to provide further guidance for new zoning requests of 1 or more acres in Existing Neighborhood Areas. The purpose of this is to ensure a gradual transition in zoning districts and a mixture of building types. |

**Planning and Zoning Commission recommends approval as presented**

| #4 | Initial Authorization (NP) | Modify Sec. 4.1.1.6 B and Sec. 2.5.1.1 to build a process for initial authorization and to specify that any request that is indicated with a Not Preferred (NP) in the Comprehensive Plan / District Translation Table requires Initial Authorization by City Council prior to processing a zoning map amendment. |

**Planning and Zoning Commission recommends approval as presented**

| #5 | Initial Authorization (EN) | Modify Sec. 4.1.1.6 B and Sec. 2.5.1.1 to build a process for initial authorization by City Council to specify whether a zoning district request in an Existing Neighborhood requires an Existing Neighborhood Regulating Plan. |

**Planning and Zoning Commission recommends approval as presented**

Accessory Dwelling Unit
<table>
<thead>
<tr>
<th>#6</th>
<th>Accessory Dwelling Units</th>
<th>Modify Sec. 5.1.3.1 to ensure that occupancy restrictions apply to both the main building and accessory.</th>
</tr>
</thead>
</table>

**Planning and Zoning Commission recommends that rental registration be expanded to all rented properties regardless of housing type or zoning district.**

**Planning and Zoning Commission recommends that play equipment be included for any cottage court.**
PARKING REQUIREMENTS

CURRENT CODE SMTX PROPOSAL (SEC. 7.1.1.1)

GENERAL PARKING AREAS

Minimum Parking Requirements: Vehicular parking requirements have remained the same. Bicycle parking is now required for most uses.

Mixed Use and Downtown Parking Requirements for Intensity Zones

Minimum Parking Requirements: Vehicular parking requirements are the same as current standards in the Smartcode, including the existing exemption for commercial uses in the CBA and the 30% TOD reduction.

Fee-in-lieu: An option for a fee-in-lieu has been included for the downtown CD-5D zoned properties.

Parking Reductions

Alternate Parking Requirements: The following alternate parking requirements are available to all developments regardless of location or zoning district:

- Shared parking which allows reductions when there are multiple uses on one lot that have differing hours of operation.
- Reduction for affordable housing units and senior housing units to 1 space per unit
- Reductions when a private car sharing program is provided for the exclusive use of the residents in a residential development
- Remote or Off-Site Parking which allows a permanent agreement to provide parking spaces off site within a certain distance from the primary entrance to the building.

AMENDMENTS SUGGESTED DURING THE WORK SESSIONS

GENERAL PARKING AREA SUGGESTED AMENDMENTS

- City needs to provide parking if city is going to reduce parking requirements.
- Add purpose built student housing to 7.1.2.1B table at 1.1 at least
- Rent by bed now renting two students to a bedroom need to increase parking if they do it
- Require 1.5 spaces per bedroom for multifamily
- Increase parking on apartments to 1.5 from 1.05
- Require 1.5 spaces per bedroom for fraternity & sorority houses
- In rent by the room it should be 1 person per room. If not, then parking must be increased
- Why max in character districts? Or anywhere?
- Parking requirements are too low

Mixed Use and Downtown Parking Requirements for Intensity Zones

- Fraternities are allowed downtown by right and only 1.2 parking spaces per bed
- Do not reduce parking requirement for downtown apartments
Amendments Report
May 11, 2017

- Downtown parking only .75 per bed other apartments 1.05 per bed no parking for guests
- In CD5D increase parking in residential from .75 to 1 per bedroom
- Increase residential parking in CD5D to 1 per bedroom
- Do not allow parking fee in lieu of parking, though off-site parking could substitute
- Provide a maximum % of fee in lieu of parking that can be approved administratively and when it needs approval by council
- Do not lower parking requirements downtown

Parking Reductions
- Do not reduce parking for affordable housing – will diminish quality of property and crowd street parking
- Division 3 alternate parking requirement 7.1.3.1 civic – need more % 6p – midnight if event center in dunbar or rec hall
- School parking requirements should be different for students and staff.
- Requiring development to mitigate impervious cover if it chooses to exceed minimum parking standards is worded to suggest that any parking over the minimum required is excessive
- Reduce parking requirement for any establishment within ¼ mile of public transportation
- Parking study in lieu of code standards

RELATED COMPREHENSIVE PLAN GOALS

<table>
<thead>
<tr>
<th>ELEMENT</th>
<th>GOAL OR OBJECTIVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use</td>
<td>• Develop a parking plan downtown, and other activity nodes, that supports the preferred scenario and implement incentives such as parking reductions for mixed-use development near transit or employment centers.</td>
</tr>
<tr>
<td></td>
<td>• Intensity Zone are identified as places to accommodate the City’s future growth. They are envisioned as well-planned areas where people can meet their daily needs within a short walk, bike, transit trip, or drive.</td>
</tr>
<tr>
<td>Neighborhoods and Housing</td>
<td>• Develop a plan to reduce congestion and parking issues caused near campus and in dense housing areas including community transit options that integrate with existing university systems.</td>
</tr>
<tr>
<td></td>
<td>• Develop a plan to manage parking demand</td>
</tr>
<tr>
<td></td>
<td>• Make San Marcos more walkable and bikeable</td>
</tr>
</tbody>
</table>
## RELATED PUBLIC FEEDBACK RECEIVED ON PUBLIC DRAFT

<table>
<thead>
<tr>
<th>SOURCE</th>
<th>#</th>
<th>COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Draft</td>
<td>1</td>
<td>Photos utilized to depict desired building typologies throughout Division 5 neglect to show the large quantity of parking that will be required to meet the parking minimums required in Chapter 7, Article 1 and are misleading in their portrayal of neighborhood character. The character of most buildings depicted in photos is not going to be achievable if combined with current parking minimums. Strongly suggest revising parking requirements to remove required minimums and ensure that they support the desired development outcome and work to support the goals of the San Marcos Comprehensive plan as they pertain to walkability, diversity of transportation, housing affordability and environmental resilience.</td>
</tr>
<tr>
<td>Draft</td>
<td></td>
<td>Inflated parking minimums do not support the goals of the San Marcos Comprehensive Plan, particularly within character districts. Parking minimums are also antithetical to creating affordable housing and low-transit-cost neighborhoods, or Location Efficient Areas, as put forth by the 2014-adopted Affordable/Workforce Housing Policy, embedding increased costs for housing creation.</td>
</tr>
<tr>
<td>Draft</td>
<td></td>
<td>Generally Parking minimums look reasonable. There are options for reductions, shared use parking reductions, fee-in-lieu in residential downtown projects, etc.</td>
</tr>
<tr>
<td>Draft</td>
<td></td>
<td>I agree with other two comments. There is already a glut of land use dedicated to underutilized private parking. I would like to see code for the downtown especially that encourages shared parking. Private lots that are rarely used such as churches and banks. Current property owners need to be incentivized to participate in a City run shared parking program for at least a percentage of their spaces.</td>
</tr>
<tr>
<td>Draft</td>
<td>2</td>
<td>Need 1.50 parking spaces per bedroom on large student-oriented apartments to accommodate visitors.</td>
</tr>
<tr>
<td>Draft</td>
<td></td>
<td>High multi-family parking ratio outstrips intent of integrating character districts with transit and makes the feasibility of building support for an integrated multi-modal transit system impossible. To still support walkability and the extension of local public transit, maintain current Smart Code ratio of 1 parking space per dwelling unit as base ratio and require creation of on-site car share programs (working with companies like zipcar) with size of fleet proportional to number of bedrooms.</td>
</tr>
<tr>
<td>Think Tank</td>
<td></td>
<td>Current, unnecessarily large parking requirements at retail and office are creating a waste of space and are a poor use of resources.</td>
</tr>
<tr>
<td>Think Tank</td>
<td></td>
<td>Downtown parking requirement not satisfying goal to make a more walkable downtown.</td>
</tr>
<tr>
<td>Think Tank</td>
<td></td>
<td>In conventional districts next to existing neighborhood areas, even the current 1.05/bed parking requirements are creating overflow parking in neighborhoods.</td>
</tr>
<tr>
<td>Think Tank</td>
<td></td>
<td>If there is going to be reduced parking standards, the surrounding area should be analyzed through a parking study.</td>
</tr>
<tr>
<td>Think Tank</td>
<td></td>
<td>Reduced parking standards meet the goals of walkability outlined in the Comprehensive Plan, primarily in CD4 and CD5 districts.</td>
</tr>
<tr>
<td>Think Tank</td>
<td></td>
<td>The City is in a transition period and that if we do not require adequate parking now, we will not have options for parking in the future.</td>
</tr>
</tbody>
</table>
Why Parking is Important
Parking supply and management is the difference between walkable mixed use environments and sprawl:

- Parking consumes land
- Parking is expensive and impacts affordability
- Parking impacts vehicle miles traveled and emissions

Parking strategies need to balance supply and management in line with broader goals.
Increasing the supply of parking can be achieved by 1) increasing the number of parking spaces or 2) decreasing the demand for parking. Option # 2 is referred to as parking demand management.

Land Consumption
Red Oak Village Shopping - 65 Acres
Downtown - 65 Acres

2016 Total Assessed Value: $34.5 Million
2016 Total Assessed Value: $113 Million

Parking Demand
Parking demand may be adjusted based on factors such as geographic location, residential density, employment density, land use mix, transit accessibility, carsharing, walkability and bikeability, demographics, income, housing tenure (whether housing is owned or rented), and pricing (unbundled pricing for parking).
For example, National Census Data indicates that:

- The lowest income quintile households own on average 0.9 vehicles, compared with 2.7 for the highest income households.
- Renter households own on average 1.2 vehicles, compared with 2.3 for homeowners.
- Central city households own on average 1.5 vehicles, compared with 2.4 in rural areas.

Incorporating parking management factors into required parking requirements is one way to influence the demand on parking facilities.
Minimum Parking Standards Comparative for Multifamily

<table>
<thead>
<tr>
<th>CITY</th>
<th>EFFICIENCY</th>
<th>1 BED UNIT</th>
<th>2 BED UNIT</th>
<th>3 BED UNIT</th>
<th>4+ BED</th>
<th>DOWNTOWN</th>
<th>VISITORS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austin</td>
<td>1</td>
<td>1.5</td>
<td>2</td>
<td>2.5</td>
<td>.5 /added bed</td>
<td>40% reduction</td>
<td>--</td>
</tr>
<tr>
<td>Round Rock</td>
<td>--</td>
<td>1.5</td>
<td>2</td>
<td>2.5</td>
<td>--</td>
<td>1/ bed; 2 max</td>
<td>.05</td>
</tr>
<tr>
<td>Georgetown</td>
<td>--</td>
<td>1.5</td>
<td>2</td>
<td>2.5</td>
<td>--</td>
<td>--</td>
<td>.05</td>
</tr>
<tr>
<td>McKinney</td>
<td>1</td>
<td>1.5</td>
<td>2</td>
<td>2.5</td>
<td>.5 /added bed</td>
<td>1/ unit</td>
<td>--</td>
</tr>
<tr>
<td>Denton</td>
<td>1.25</td>
<td>1.5</td>
<td>1.75</td>
<td>2.0</td>
<td>1/ added bed</td>
<td>10 or fewer units exempt</td>
<td>--</td>
</tr>
<tr>
<td>San Marcos</td>
<td>--</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>1/ added bed</td>
<td>30% reduction</td>
<td>.05</td>
</tr>
</tbody>
</table>

Structured Parking San Marcos

<table>
<thead>
<tr>
<th>COMPLEX</th>
<th>BEDROOMS</th>
<th>RATIO</th>
<th>MANAGEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sanctuary Lofts</td>
<td>490</td>
<td>1.11</td>
<td>$15 one-time charge for sticker</td>
</tr>
<tr>
<td>Vistas</td>
<td>532</td>
<td>.87</td>
<td>$45/ month; $30/ Month @ Sanctuary</td>
</tr>
<tr>
<td>The Pointe**</td>
<td>344</td>
<td>.77</td>
<td>$50/ month</td>
</tr>
<tr>
<td>Concho*</td>
<td>673</td>
<td>.77</td>
<td></td>
</tr>
<tr>
<td>Ella**</td>
<td>230</td>
<td>1.05</td>
<td>$30/ month</td>
</tr>
<tr>
<td>The Local</td>
<td>304</td>
<td>.76</td>
<td>$40/ month</td>
</tr>
<tr>
<td>Cheatham Street*</td>
<td>245</td>
<td>.8</td>
<td></td>
</tr>
</tbody>
</table>

*Subject to change during permitting
**Offer Double Occupancy rooms
The following amendments are based on the suggested amendments submitted during the work sessions with Planning Commission and City Council. These amendments have been analyzed for consistency with State Law and other code provisions, processes and practices.

## PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>#</th>
<th>TITLE</th>
<th>SUMMARY</th>
</tr>
</thead>
</table>
| 1 | Mixed Use and Downtown Parking Standards | Delete the table in Sec. 7.1.2.2; Minimum parking standards will be the same everywhere with the exception of:  
- Non-residential in the CBA  
- The minimum parking requirement for residential lots with a max of 15 units is 1 space/unit. |
| 2 | Student Housing | Add purpose built student housing to the minimum parking table in the row with Residence Halls, fraternity or sorority buildings and increase the number to 1.25 per bedroom |
| 3 | Cap on FILO | Cap the total amount of Fee-in-lieu of parking in the Downtown to 30% of minimum parking required. |
| 4 | Vehicle Parking Reductions | Cap combined vehicle parking reductions at 20% of the total minimum parking required. |
| 5 | Transit Stops | Add an additional option for a 5% reduction when located adjacent to a sheltered transit stop and 10% when a sheltered transit stop is constructed with the development. |

**Planning and Zoning Commission recommends approval as proposed.**
# MISCELLANEOUS CODE AMENDMENTS

## AMENDMENTS SUGGESTED DURING THE WORK SESSIONS

<table>
<thead>
<tr>
<th>CITATION</th>
<th>SUGGESTED AMENDMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affordable Housing</td>
<td>• Need to review the bonus incentives. These are too much for too little return. &lt;br&gt;• How will we enforce affordability provisions? &lt;br&gt;• How will we encourage buy-in by developers to make affordable housing attractive? &lt;br&gt;• If incentives like parking are given, ensure that it fits with larger parking plan. &lt;br&gt;• Find a strategy to building missing middle homes for owner occupied use. &lt;br&gt;• Allow for smaller square foot housing without driveways increase affordability and infill options. &lt;br&gt;• Find a strategy to encourage townhome style development that’s affordable &amp; owner occupied. &lt;br&gt;• Focus on a single family or smaller scale affordable housing types rather than big MF projects. &lt;br&gt;• Bus routes should be located within ¼ mile to be considered a location efficient area.</td>
</tr>
<tr>
<td>Masonry</td>
<td>• P&amp;Z &amp; Council has recently passed a commercial material ordinance why not incorporate in code SMTX. &lt;br&gt;• Multifamily already have material standards that are in place. &lt;br&gt;• Define and develop style standards for character districts. &lt;br&gt;• Define size of smaller commercial developments that could have an alternative material standard. &lt;br&gt;• Barrier for local business owners &amp; favors national chains (supporting changes proposed). &lt;br&gt;• Fully agree with complaints – prevents creativity and doesn’t correlate with charm. &lt;br&gt;• Must protect heritage areas allow wood or wood type products.</td>
</tr>
<tr>
<td>Parkland Dedication</td>
<td>• All parkland dedication should be based upon 2.7 per persons per unit whether single family or apartment. &lt;br&gt;• Increase population count to 2.7 persons/unit for multifamily and PB student housing</td>
</tr>
<tr>
<td>Other</td>
<td>• Make street tree spacing 25’ o.c. instead of 35’ o.c. on larger streets. &lt;br&gt;• Allow the designation of a space under the mural arts program satisfy the blank wall requirement. &lt;br&gt;• Add environmental violations to fines &amp; penalties &lt;br&gt;• Make fines and penalties proportional to the cost for the city to fix the violation &lt;br&gt;• Need to include a fiscal note to any new development plan that considers the fiscal impact of annexation / police / fire / and coordination with schools. &lt;br&gt;• Occupancy Restrictions should apply to purpose built student housing as a condition of a CUP &lt;br&gt;• Make certain compatibility includes the occupants not just intensity or scale of building (ex. Students vs SF). &lt;br&gt;• Create a purpose built owner occupied deed restriction for infill housing. &lt;br&gt;• Maximize rental registration opportunities &lt;br&gt;• Clear definition for enforcement (how/when/why)</td>
</tr>
</tbody>
</table>
• City should be a party to the HOAs for enforcement
• Need a full review of alcohol CUP process
• Alcohol CUP restrictions in transition zones (ie. The Gumbys level of CUP would be allowed as a max)
• Commercial alcohol use in appropriate locations as identified in transition areas as well as hours of operation
• Local Ownership should be a consideration for CUPs and other requests
• Incorporate Demolition Regulations when tearing down old buildings.
• Consider where and how Rental Registration Applies
• Consider more strategies to promote families and home ownership within Existing Neighborhood Areas through design such as child friendly amenities.
• Consider more strategies to discourage students within Existing Neighborhood Areas such as length of credit history or job requirements.
• Must increase by a lot purpose built student housing in appropriate zones, to take pressure off other zones

AMENDMENTS DISCUSSED DURING TT MEETINGS AND WITH THE PUBLIC

<table>
<thead>
<tr>
<th>SOURCE</th>
<th>SUGGESTED AMENDMENT</th>
</tr>
</thead>
</table>
| Affordable Housing | • Disappoints for no mention of affordable housing requirements for new [illegible] for new neighborhoods. Also, mixed use is good for some areas (like urban areas or maybe far more isolated future developments like down Thorpe Lane), but it does not make sense in some neighborhoods, like the heritage neighborhood. We already have a grocery; we have struggling coffee shops and restaurants and local clothing stores nearby already. They don’t need more competition. Plus downtown master plan was to bring business downtown!  
  • Land Use Matrix should be carefully reviewed for conformance with the overall Neighborhood & Housing goals of the San Marcos Comprehensive Plan and the 2014 adopted Affordable/Workforce Housing Policy, including creating diverse housing types and mixed-use development. The code should take care not to take on discriminatory attitudes for missing middle housing typologies, multi-family housing, and student housing, which is antithetical to both of these documents, but is currently an issue in the Character Districts, namely CD3 and CD4. |
| Masonry      | • Standards in the masonry ordinance should apply to taller buildings only; and experts should be reviewing and weighing in on the standards so that we do not code for a homogenous city.  
  • Focus just on the new, much more effective form and architecture standards (such as blank wall) and omit material standards altogether. Except possibly in buildings greater than 3 – 4 stories.                                                                                   |
| Think Tank   | • Hardi-plank/cement fiber board, when appropriately applied, can be both architecturally pleasing and is as durable as other materials without additional costs.  
  • Strongly recommend eliminating differentiation between primary and secondary materials to avoid unfair bias and unnecessary regulation where it is not needed, thus eliminating prescribed percentages between primary and secondary materials.  
  • Fiber-cement board is a very durable product and should be permissible. In addition, this section makes no distinction between common “hardieboard” lap siding and very high-end fiber cement cladding systems such as Nichiha and Swiss Pearl. |
| Public       |                                                                                                                                                                                                                          |
• Hardi-plank/cement fiber board, when appropriately applied, can be both architecturally pleasing and is as durable as other materials without additional costs.
• Strongly recommend eliminating differentiation between primary and secondary materials to avoid unfair bias and unnecessary regulation where it is not needed, thus eliminating prescribed percentages between primary and secondary materials.
• Fiber-cement board is a very durable product and should be permissible. In addition, this section makes no distinction between common “hardieboard” lap siding and very high-end fiber cement cladding systems such as Nichiha and Swiss Pearl.
• Comment regarding the Intent is that the only thing these standards will deliver is a homogenized material palette consisting primarily of stucco.
• To add, form-based regulations - such as build-to lines, expression tools, building elements, etc. should be trusted to achieve a desired urban baseline. Arbitrary material percentages are overkill and are more likely to lead to monotony than vibrant diversity.

### Economic Development Incentives

#### Think Tank
- Criteria for economic development waivers increases clarity for all parties. Including public hearings as a requirement for the waiver improves transparency.
- Requiring that economic development waivers exceed standards may put up barriers for job creation.

#### Public
- How is "significant economic development" defined?
- No environmental standards may be waived. They shall not be modified unless they are determined to improve the natural environment, protect watersheds and groundwater to an extent greater than current regulations.
- A waiver may be granted only at or after a public hearing.
- All deviations shall be made public no less than 14 days prior to the public hearing.
- All incentives should open for public perusal for a period of time before CC approval.

#### 3.10.1.1 Parkland Development

#### Think Tank
- Parkland needs to be granulated into two objectives. 1) providing residents with proximity to functioning recreational and social spaces and 2) conservation.
- Increasing the cost for multi-family goes against the goals for affordable housing.
- Credit should be provided for proximity to existing parkland.

#### Public
- Increase the population for multi-family per unit to 2.7. SF homes in effect have their own park around the house, apartment dwellers do not, and thus have greater need of using the park. This can be seen in the amount of dog poop in parks close to apartment complexes.
- Park development fee is a good idea. Taken from the Parks Master Plan, it recognizes that when the city receives parkland from a developer, it receives no funds to develop it, as is common in most other cities. Having a fee to help with park development would benefit the development, too, by insuring parkland is ready to use and enhances the look of the development much earlier than is presently the case.
Affordable Housing:

**Current Policy**

The City's current affordable housing policy focuses on supporting the market in creating more opportunities for housing that is affordable.

**Policy Focus**

- 65% Increase Supply: Utilizing Development Codes to increase the supply of market rate affordable housing.
- 25% Maintain Existing: Utilize development codes and support non-profit organizations in maintaining and re-habilitating existing housing.
- 10% Homebuyer: Utilize City subsidies to support local home ownership for residents of major employers.

**Barriers to Affordable Housing**

**Existing Lot Configuration:**

**Barrier** - Many lots within existing neighborhoods are not regularly shaped and do not conform with current zoning standards for lot depth, width or shape.

**Solution** - Code SMTX is creating alternative lot and building types that can be more easily accommodated on irregularly shaped lots.

**Platting:**

**Barrier** - Pieces of lots within existing neighborhoods have been bought, sold and traded countless times since the original plat date. Current platting requirements can present significant obstacles to re-development.

**Solution** - Code SMTX is including exemptions to platting for infill development.

**Zoning:**

**Barrier** - Alternative lot and building types require different zoning districts. Zoning requests represent a challenging public process with a high degree of uncertainty that most property owners choose to avoid.

**Solution** - The preferred scenario map provides clear direction about preferred growth areas where new zoning districts and alternative building types are encouraged. Code SMTX is implementing the Comprehensive Plan by creating zoning districts with opportunities for diverse and more affordable housing types and clearing some of the barriers and uncertainty for re-zonings in preferred growth areas on the Comprehensive Plan Map.

Housing created through the reduction in barriers is market driven. If overall housing costs go up housing built under these new requirements will go up with the market. Based on public input and discussions during the affordable housing workshop, Staff drafted an affordable housing section in Code SMTX to define and provide standards for the creation of City subsidized affordable housing. The Code identified development incentives that would act as the subsidy including:

- Bonus Density
- Additional Stories; and
- Reduced Parking

**Parkland Dedication:**

Section 3.10.1.2 Parkland Dedication: This section includes the requirement of 5.7 Acres/ 1000 people and the methodology for calculating the number of people.

<table>
<thead>
<tr>
<th>DEVELOPMENT TYPE</th>
<th>POPULATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Detached, Attached, Duplex, or Manufactured Home</td>
<td>2.7 persons/ unit</td>
</tr>
<tr>
<td>Multi-Family</td>
<td>2.1 persons/ unit</td>
</tr>
<tr>
<td>Purpose Built Student Housing</td>
<td>1/ bed or 2.1 persons/ unit; whichever is greater.</td>
</tr>
</tbody>
</table>
This table is based on the calculation of population. If the Council desires to require multi-family development to dedicate a higher percentage of parkland per resident, staff would recommend that the number of acres required per 1,000 residents be modified instead of the population calculation. Parkland Dedication is based on impact. The Parks Master Plan process identified the impact as 5.7 acres per 1000 additional residents in the 2010 approved plan.

### PROPOSED AMENDMENTS

The following amendment options represent topics that were raised by the public during the review of the draft code or were only briefly discussed during work sessions. Further policy level direction is needed prior to drafting code redlines for consideration. These options have been analyzed for consistency with State Law and other code provisions, processes and practices.

<table>
<thead>
<tr>
<th>#</th>
<th>TITLE</th>
<th>SUMMARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>#1</td>
<td>Affordable Housing</td>
<td><strong>Two Options:</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1. Remove the affordable housing section of the Code and rely on the separate affordable housing policy and program to be updated first prior to inclusion of development incentives in the code.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Keep the section as is.</td>
</tr>
</tbody>
</table>

**Planning and Zoning Commission recommends removing the affordable housing section in the code and relying on a separate policy update and program**

<table>
<thead>
<tr>
<th>#2</th>
<th>Masonry</th>
<th><strong>Two Options:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>1. Amend the material standards so that they are applicable for buildings 3 stories and taller or greater than a certain number of square feet.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Keep material standards as is.</td>
</tr>
</tbody>
</table>

**Planning and Zoning Commission recommends that masonry standards should be more flexible and should consider alternatives to the currently adopted standards**

<table>
<thead>
<tr>
<th>#3</th>
<th>Parkland Dedication</th>
<th><strong>Two Options:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>1. Modify Sec. 3.10.12 to require a greater acreage per 1000 residents for multifamily development.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Keep the standard as recommended in the 2010 Parks Master Plan and analyze the impact of different development types on the park system through the upcoming parks master plan.</td>
</tr>
</tbody>
</table>

**Planning and Zoning Commission recommends that parkland dedication should be dedicated at a larger amount for multi-family development now in Code SMTX and should be analyzed further during the upcoming parks master plan.**

**Additional miscellaneous recommendations include:**

- **Dedication of a blank wall to the mural arts program can satisfy the requirements of the blank wall area standard.**
- **Decrease the spacing of trees along the cross sections from 35’ on center to 25’ on center.**
- **Staff should provide more information in the form of a presentation on what Code SMTX is proposing for transitions and buffers between the downtown and adjoining existing neighborhoods.**
Expanded Notification Redlines
### Section 2.1.1.2 Development Applications, Decision Authority, and Notice Requirements

<table>
<thead>
<tr>
<th>APPROVAL PROCESS</th>
<th>REVIEW AND APPROVAL AUTHORITY</th>
<th>NOTICE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LEGISLATIVE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comprehensive Plan Text Amendment</td>
<td>P R PM</td>
<td>R/PH/PM D/PH/PM</td>
</tr>
<tr>
<td>Comprehensive Plan Map Amendment</td>
<td>P R PM</td>
<td>R/PH/PM D/PH/PM</td>
</tr>
<tr>
<td>LDC Text Amendment</td>
<td>P R PM</td>
<td>R/PH D/PH/PM</td>
</tr>
<tr>
<td>City Initiated Zoning Map Amendment</td>
<td>P R PM</td>
<td>R/PH D/PH/PM</td>
</tr>
<tr>
<td>Zoning Map Amendment (Rezoning)</td>
<td>P R PM</td>
<td>R/PH D/PH/PM</td>
</tr>
<tr>
<td>Existing Neighborhood Regulating Plan</td>
<td>P R PM</td>
<td>R/PH D/PH/PM</td>
</tr>
<tr>
<td>Development Agreement</td>
<td>P R</td>
<td></td>
</tr>
<tr>
<td>Establishment of Historic Landmarks and Districts</td>
<td>P R R/PH PM</td>
<td>R/PH D/PH/PM</td>
</tr>
<tr>
<td><strong>QUASI-JUDICIAL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conditional Use Permit</td>
<td>P R</td>
<td></td>
</tr>
<tr>
<td>Conditional Use Permit - Council Approved</td>
<td>P R</td>
<td>R/PH D/PH</td>
</tr>
<tr>
<td>Subdivision Concept Plat</td>
<td>P R</td>
<td>D/PM</td>
</tr>
<tr>
<td>Preliminary Subdivision or Development Plat</td>
<td>P R</td>
<td>D/PM</td>
</tr>
<tr>
<td>Final Subdivision or Development Plat</td>
<td>P R</td>
<td>D/PM</td>
</tr>
<tr>
<td>Replat without Vacation</td>
<td>P R</td>
<td>D/PH</td>
</tr>
<tr>
<td>Certificate of Appropriateness</td>
<td>P R D/PH</td>
<td></td>
</tr>
<tr>
<td>Qualified Watershed Protection Plan</td>
<td>E R</td>
<td>D/PH</td>
</tr>
</tbody>
</table>

### LEGEND

| R | Review/Recommend |
| PM | Public Meeting |
| Y | Required |
| D | Final Decision |
| PH | Public Hearing |
| N | Not Required |
| A | Appeal |
| B | Building Official |
| E | Engineering Director |
DIVISION 2: SEQUENCE OF DEVELOPMENT APPLICATIONS

Section 2.1.2.1 General Rules for Priority

Where more than one development application is required by this development code in order to initiate or continue development of land, the requests or applications shall be decided in the following general sequence:

A. Applications classified as legislative shall be first decided and determined prior to all other applications.

B. Applications classified as quasi-judicial shall be decided prior to applications classified as administrative.

C. Applications within a class which are assigned priority under this Development Code shall be decided prior to subordinate applications.

Section 2.1.2.2 Specific Rules of Priority

A. Applications of Mixed Classification. A property owner may submit development applications of different priority classifications simultaneously unless otherwise written in this development code. Action on accompanying applications shall be as follows:

1. Denial of a legislative application shall be deemed a denial of any pending quasi-judicial or administrative applications, or subordinate applications for the same land, on the date the legislative application is denied.

2. Denial of a quasi-judicial application shall be deemed a denial of any pending administrative or subordinate quasi-judicial applications for the same land on the date the quasi-judicial application is denied.
DIVISION 3: PLANNING AND ZONING COMMISSION

Section 2.2.3.1 Structure of Commission

The members of the planning and zoning commission are appointed by the council in accordance with Section 2.091 of the city’s code of general ordinances.

Section 2.2.3.2 Review Authority

A. The planning and zoning commission shall act as an advisory body, final or initial decision maker, and as an authority for deciding appellate and relief applications as indicated in Section 2.1.1.2.

B. Advisory Board. The planning commission shall act as an advisory body to the city council and, in that capacity, shall review, prepare reports upon and make recommendations concerning approval, conditional approval or denial of legislative decisions as authorized by this development code regarding:

1. The city’s capital improvements program;
2. All matters related to the physical growth and development of the city as assigned by city council; and
3. The types of development applications summarized in Section 2.1.1.2.

C. Quasi-Judicial Applications. The planning and zoning commission shall finally decide or initially decide, subject to appeal to the city council, the types of applications identified in Section 2.1.1.2 in accordance with the procedures and standards that apply to the petition or development application.

D. Appellate Authority. The planning and zoning commission shall finally decide appeals and applications for relief on the development applications and relief applications identified in Section 2.1.1.2.

DIVISION 4: CITY COUNCIL

Section 2.2.4.1 Authority for Amendments to Development Code

The city council may from time to time amend, supplement or change by ordinance the text of this development code on its own initiative or upon application for a text amendment.

Section 2.2.4.2 Review Authority

The city council shall finally decide all types of development applications, appeals, or petitions for relief authorized under this development code Section 2.1.1.2.

A. Super-Majority Vote. Development applications where a super majority vote is required by this development code shall not become effective except by the favorable vote of three-fourths of all members of the City Council under the following circumstances:

1. When the planning and zoning commission recommends denial of the application.
2. When a written protest against the application is signed by the owners of 20 percent or more of either the area of the subject property, or of the land adjoining or within 400 feet of the subject property. In computing the percentage of land area, the area of streets and alleys shall be included in the computation. For purposes of this subsection, the following shall apply:

   a. The written protest of any one owner of land owned by two or more persons shall be presumed to be the protest of all such owners;
   b. The written protest must be submitted to the city clerk at least five business days before the date of the meeting at which the proposed change is to be considered;
   c. A person who wishes to withdraw a signature from a written protest must submit a signed, written request for the withdrawal to the city clerk by the deadline for submitting a written protest. A signature may not be otherwise withdrawn; and
   d. An application may not be modified to change the boundaries of the subject property after a written protest application requiring a super-majority vote of the city council has been submitted.

B. Effect on Planning and Zoning Commission Decisions. The authority of the city council to hear appeals and applications for relief in specific instances described in this Section shall not be construed to divest the planning and zoning commission of its
ARTICLE 3: UNIVERSAL PROCEDURES

DIVISION 1: APPLICATION PROCEDURES

Section 2.3.1.1 Application Processing

This Article 3 is applicable to all applications required or submitted pursuant to this development code.

A. Who May Initiate Application

1. The City Council, the Planning and Zoning Commission or the Responsible Official may initiate an application for legislative review.

2. Any person, firm, corporation or agency may initiate any legislative decision or any development application provided they are the owner or the owner’s designated agent of the subject property. If the applicant is a designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on the owner’s behalf.

3. The historic preservation commission may initiate applications for the establishment or amendment of historic districts or historic landmarks.

B. Sufficiency of Application for Filing. The responsible official shall accept for filing every application that is deemed complete and gives the responsible official fair notice of the project and the nature of the decision, permit or approval sought.

C. Completeness Determination. Every application accepted by the responsible official for filing shall be subject to a determination of completeness by the responsible official no later than the tenth (10) business day after the application is submitted. If no official determination is made the application is deemed complete and the review period begins on the date the application is submitted.

1. The responsible official is not required to review an application unless it is complete.

2. The presumption is that an application is complete if all of the information required in this development code, technical manuals or the city’s application forms is provided. However, it is recognized that each application is unique, and more or less information may be required according to the specifics of a particular case. The applicant may rely on the responsible official to determine whether more or less information has to be submitted.

3. The charging or collection of fees and the processing of an application shall not constitute a determination of completeness.

D. Pre-Development Meeting. An applicant is encouraged to request a pre-development meeting with the Responsible Official prior to filing an application. No application shall be accepted for filing at a pre-development meeting. A pre-development meeting is voluntary, and thus doesn’t trigger any grandfathering rights or commence a review period.

E. Neighborhood Presentation Meeting. The purpose of a neighborhood presentation meeting is to begin the discussion about the proposal and is not a forum for final decisions or for accepting comments concerning public support or opposition. Whenever a neighborhood presentation meeting is required by Section 2.1.1.2 of this development code:

1. An applicant or authorized representative must schedule and facilitate a minimum of one neighborhood presentation meeting to discuss the proposed application.

2. The Responsible Official shall send electronic notification of the meeting to all parties requesting notification of a submitted application within that region and post the meeting on the City’s website.

3. The Responsible Official shall be present to take notes and report the number of participants included in the neighborhood presentation meeting.

F. Application Fees. Filing fees have been established to help defray the cost of processing applications. The current fee schedule is prepared and adopted as an appendix to this development code and is available on-line on the city’s website.

1. An application is not considered complete until all fees are paid in full.

2. The fee schedule may be amended from time to time by resolution of the city council.

3. The following entities shall be exempt from all fees prescribed under this development code except that no exemption from or waiver of impact fees shall be
permitted except as provided under section 86.309 of this development code:

a. Non-profit organizations receiving funds from the city through the city’s community development block grant or human services program;

b. The city when using city employees on a construction project of the city;

c. Contractors hired by the city to work on construction projects of the city;

d. San Marcos Reinvestment Corporation and San Marcos Habitat for Humanity when building new affordable single-family residential dwellings;

e. The Housing Authority of the City of San Marcos, for construction projects on property it owns, for low-income housing or administrative offices; and

f. Any taxing unit as defined under Section 1.04(11) of the Texas Tax Code for construction projects having a permitted value of $1,000.00 or less.

G. Modification of Applications. The applicant may modify any application following its filing and prior to the expiration of the period during which the city is required to act on the application.

1. Submittal of a modified application shall extend the time for deciding the application for a period equal to the time specified in this Development Code to decide the original application.

H. Application Review

Following the determination that an application is complete, the responsible official shall:

1. Circulate the application for review by city departments or external agencies as applicable and compile the comments and recommendations;

2. Forward the application for review to any advisory body and the final decision-maker, and prepare a report to such body; and

3. Prepare required notices and schedule the application for decision within the time and in the manner required by this Development Code.

I. Action by Advisory Body. In the absence of a recommendation from an advisory body by a majority vote on a proposed application, the advisory body shall be presumed conclusively to have recommended that the application be considered by the city council with no recommendation from the advisory body.

J. Decision. The decision-maker for the application shall approve, approve with conditions or deny the application.

K. Conditions. Where applicable the initial or final decision-maker may attach such conditions to the approval of an application as are reasonably necessary to assure compliance with this Development Code.

DIVISION 2: NOTICE REQUIREMENTS

Section 2.3.2.1 General Notice Requirements

For public notice and hearing requirements see Section 2.1.1.2

A. Published Notice. Whenever published notice is required under state law, the City Charter, or this Development Code, the Responsible Official shall cause notice to be published in a newspaper of general circulation in the City at least 16 days before the date set for the required hearing.

1. The notice shall set forth the:

   a. Date, time, and location of the hearing;

   b. Purpose of the hearing; and

   c. Identification of the subject property if the decision concerns an individual tract or parcel of land.

B. Personal Notice. Whenever personal notice of a public hearing is required by state law, the City Charter, or this Development Code, the responsible official shall cause notice to be sent by regular mail at least 11 days prior to the hearing date to:

   a. Each owner of real property located within four hundred (400) feet of the exterior boundary of the property in question and any other persons deemed by the responsible official or decision-maker to be affected by the application;
b. Council of Neighborhood Associations (CONA) or other registered neighborhood representative;

c. Neighborhood Commission representative;

d. Any other registered neighborhood organization representing the area in which the subject property is located;

e. The applicant and/or property owner; and

f. The appellant if an appeal.

1. The notice shall set forth the

a. Name of the applicant;

b. Date, time, and location of the hearing;

c. Purpose of the hearing;

d. Identification of the subject property; and

e. The name of the appellant if an appeal.

2. Notice shall be sent to each owner indicated on the most recently approved municipal tax roll for land inside the city limits, and, when required by state law, land in the extraterritorial jurisdiction.

3. For recently annexed land that is not included on the most recently approved municipal or county tax roll, notice may be given by published notice.

4. Notice may be served by depositing the notice, properly addressed and first class postage prepaid, in the United States mail.

C. Posted Notice. Whenever this Development Code requires that notice of a public hearing be posted on land, the responsible official shall cause notification signs stating the purpose of the hearing to be placed on the subject property at least 11 days before the first public hearing.

1. A minimum of one sign shall be placed on each street frontage. Property with multiple street frontages shall have the requisite sign on each street. Signs shall be placed in a visible, unobstructed location near the front property line.

2. The notification signs shall be left in place until final action is taken or the request is withdrawn.

3. It shall be the responsibility of the applicant to periodically check sign locations to verify that signs remain in place and have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs.

4. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.

D. Notice of Application. Whenever notice of an application is required by this development code under Section 2.1.1.2, the Responsible Official shall send electronic notification:

1. To all parties requesting notification of an application submitted within the region;

2. Before the 12th day after an application is received

DI. Notification Following Decision. Within ten (10) business days of determination on a development application, written notification of the action shall be sent to the applicant, stating the action taken and including any conditions imposed or basis for denial if applicable.

DII. Notification of Appeal or Revocation. If no public hearing was held prior to approval of the development application, personal notice of revocation or appeal shall be given only to the holder of the permit.

DIII. Special Notice. Whenever this Development Code requires, or the City Council prescribes, that notice of a public hearing be given that differs from the requirements of this Section, the Responsible Official shall cause such notice to be given in the manner otherwise required or prescribed.

DIVISION 3: PUBLIC HEARINGS

Section 2.3.3.1 Public Hearings

A. Setting of the Hearing. When the responsible official determines that a development application is complete and that a public hearing is required by this Development Code, the official shall consult with the secretary of the body required to conduct the hearing and shall select a place and a time certain for the hearing, and shall cause notice of such hearing to be
Existing Neighborhood Redlines
ARTICLE 5: ZONING PROCEDURES

DIVISION 1: APPLICATION FOR ZONING MAP AMENDMENT

The property owner or the owner’s authorized agent, the Planning and Development Services Director, the Planning and Zoning Commission, or the City Council on its own motion, may initiate an application for a zoning map amendment.

Section 2.5.1.1 Purpose, Applicability and Effect

A. Purpose. The purpose of an application for a zoning map amendment is to establish the initial zoning district classification of land, or to authorize a use of land, or to change the zoning district classification of land.

B. Applicability. The requirements of this division do not apply to land outside of the city limits. The requirements of this division do apply to land annexed to the City upon the effective date of the annexation.

C. Effect. Enactment of an ordinance approving an application for a zoning map amendment results in a change in zoning district classification for the property, and the use of the land thereafter is subject to all requirements of the new zoning district. Approval of an application for a zoning map amendment authorizes the property owner to establish any use authorized in the new zoning district, subject to the standards and requirements applicable within the zoning district, upon obtaining approval of all development applications required by this Development Code.

Section 2.5.1.2 Application Requirements

A. An application for a zoning map amendment shall be submitted in accordance with the universal application procedures in Section 2.3.1.1 except as otherwise provided in this Article 5.

B. An application for a zoning map amendment that is Not Preferred (NP) on the Comprehensive Plan/ District Translation Table in Section 4.1.1.6 requires initial authorization by the City Council prior to processing the application.

C. An application that is greater than 1 acre in an existing neighborhood area as identified on the Comprehensive Plan/ District Translation Table in Section 4.1.1.6 requires initial authorization by the City Council prior to processing the application.

D. The City Council shall consider the initial authorization of a qualifying zoning map amendment and may reject the application or direct further consideration of the application for zoning map amendment in accordance with Section 2.5.1.3.

E. A landowner or agent seeking approval of an application for a zoning map amendment shall pay or otherwise satisfy all delinquent taxes, paving assessments, impact fees, or any other delinquent debts or obligations for the property to be re-zoned at the time the application is submitted.

F. An application for a zoning map amendment shall include without limitation a statement of the preferred scenario map area of the property proposed to be re-zoned and that the requested zoning map amendment is consistent with the comprehensive plan as contemplated in Section 4.1.1.6.

G. An application for a zoning map amendment shall not be approved unless the following petitions, where applicable, have been approved and remain in effect:

1. Any petition for a comprehensive plan amendment
2. Any petition for a text amendment to this Development Code.

H. Waiting Periods for Certain Amendments

1. A request to change the zoning district designation for a tract of land shall not be considered by the Planning and Zoning Commission or the City Council within one year of any of the following:
   a. A City Council vote to deny the same requested change for all or any portion of the parcel;
   b. Withdrawal of the same requested change by the applicant after the City Council meeting at which the change is to be considered has been called to order; or
   c. A modification to the boundary of the same requested change by the applicant after the Planning and Zoning Commission has voted on the matter.
2. The one-year waiting period may be waived if the Planning and Zoning Commission and City Council each determine that there has been a substantial change in conditions surrounding the parcel since the initial request, and agree to reconsider the change by a three-fourths vote of the members present and voting.

Section 2.5.1.3 Approval Process

A. Responsible Official Action

1. The Responsible Official shall provide a report to City Council when initial authorization of a zoning map amendment is required under Section 4.1.1.6.

2. Upon acceptance or authorization of an application for a zoning map amendment, the Responsible Official shall schedule a neighborhood presentation meeting in accordance with Section 2.3.1.1.

3. Upon acceptance or authorization of an application for a zoning map amendment the Responsible Official shall post web notice in accordance with Section 2.3.2.1.

4. The Responsible Official shall provide posted notice and personal notice in accordance with Section 2.3.2.1 for a public hearing before the Planning and Zoning Commission.

5. The Responsible Official shall also provide published notice and posted notice of a public hearing before the City Council in accordance with Section 2.3.2.1.

6. The Responsible Official shall review an application for zoning map amendment in accordance with the criteria in Section 2.5.1.4 and provide a report and recommendation to the Planning and Zoning Commission.

7. The Responsible Official shall also provide a report and any recommendations from the Planning and Zoning Commission to the City Council when the City Council considers the proposed zoning map amendment.

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.

4. The Planning and Zoning Commission may, on its own motion, or at the applicant’s request, defer its recommendation or decision and table the request to a date certain that is not more than ninety (90) calendar days from the date of the public hearing, to consider other information or proposed modifications to the request which may have a direct bearing on the recommendation or decision.

5. If the Planning and Zoning Commission elects to table the request, the tabling shall specifically state the meeting date at which the request shall reappear on the Planning and Zoning Commission agenda, and further notice in the newspaper, to the property owner, and to surrounding property owners shall not be required.

C. City Council Action

1. During the initial authorization of a zoning map amendment that is at least 1 acre in an Existing Neighborhood Area the City Council should determine whether the application is consistent with the Comprehensive Plan and may require an existing neighborhood regulating plan in accordance with Section 2.5.3.1 in order to ensure compatibility of the request with the surrounding properties under Section 4.1.5.1.

2. During the initial authorization of a zoning map amendment that is Not Preferred (NP) on the Comprehensive Plan/District Translation Table in Section 4.1.1.6, the City Council shall determine whether the application is consistent with the City’s adopted Comprehensive Plan.

3. 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.

4. The City Council may vote to approve or deny the specific proposed zoning map amendment.
5. A decision of the Council reclassifying land to a different zoning district shall be in the form of an ordinance that amends the City’s official zoning map.

6. A zoning map amendment is subject to a super majority vote of the City Council when applicable in accordance with Section 2.2.4.2.

7. The City Council may, on its own motion, or at the applicant’s request, defer its recommendation or decision and table the request for not more than ninety (90) calendar days from the date of the public hearing, to consider other information or proposed modifications to the request which may have a direct bearing on the recommendation or decision.

8. If the City Council elects to table the request, the tabling shall specifically state the meeting date at which the request shall reappear on the City Council agenda, and further notice in the newspaper, to the property owner, and to surrounding property owners shall not be required.

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 applicable development agreement in effect;

3. Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses shall be appropriate in the immediate area of the land to be reclassified;

4. Whether the proposed zoning will reinforce the existing or planned character of the area;

5. Whether the site is appropriate for the development allowed in the proposed district;

6. Whether there are substantial reasons why the property cannot be used according to the existing zoning;

7. Whether there is a need for the proposed use at the proposed location;

8. Whether the City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, and emergency services, while maintaining sufficient levels of service to existing development;

9. Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property;

10. The impact the proposed amendment has with regard to the natural environment, including the quality and quantity of water and other natural resources, flooding, and wildlife management; and

11. Any other factors which shall substantially affect the public health, safety, morals, or general welfare.

DIVISION 2: APPLICATION FOR OVERLAY DISTRICT

Section 2.5.2.1 Purposes and Effect

A. Purpose. An overlay district is a district for which there are established regulations that combine with the regulations of an underlying base district. The purposes of an overlay district shall be to prohibit uses otherwise allowed in the base district, to establish additional or different conditions for uses, or to authorize special uses, together with standards for such uses, not otherwise allowed in the base district.

B. Effect. Adoption of an overlay district does not repeal the base district, and all regulations in the base district shall remain applicable to the uses allowed in the overlay district, except as expressly modified by the regulations for the overlay district. In addition, any special standards set forth in the adopting ordinance shall apply to all development within the overlay district.

Section 2.5.2.2 Establishment of Overlay Districts

A. Creation. An overlay district, other than an existing neighborhood regulating plan, shall be established as an amendment to the text of the zoning regulations in Chapter 4 and Chapter 5 of this Land Development Code in accordance
with procedures in Section 2.4.1.1. Overlay zoning districts shall also be established on the Zoning Map in accordance with the procedures governing petitions for zoning map amendments in Section 2.5.1.1.

B. **Enacting Ordinance.** In creating an overlay district, the City Council shall specify the following standards:

    1. The intent and purpose of the district;
    2. The types of base districts with which the overlay district may be combined;
    3. Uses allowed by the overlay district which are not allowed in the base district and standards and conditions applicable to such uses;
    4. Uses otherwise permitted within the base district, which are prohibited, limited or restricted within the overlay district, and the standards and conditions constituting such limitations or restriction;
    5. Standards to be applied in the overlay which are intended to supersede conflicting standards in the base district; and
    6. Special standards to be applied in the overlay district.

**DIVISION 3: APPLICATION FOR AN EXISTING NEIGHBORHOOD REGULATING PLAN**

**Section 2.5.3.1 Purpose, Applicability and Effect**

A. **Purpose.** The purpose of an existing neighborhood regulating plan shall be to authorize a special overlay zoning district to ensure compatibility of the development with the surrounding neighborhood.

B. **Applicability.** An approved existing neighborhood regulating plan shall be required when directed by City Council during the initial authorization of a zoning map amendment under Section 2.5.1.3.

C. **Effect.** Approval of an existing neighborhood regulating plan authorizes the approval or issuance of subsequent requests and permits for the property subject to the regulating plan.

**Section 2.5.3.2 Application Requirements**

A. An application for approval of an existing neighborhood regulating plan shall be submitted in accordance with the universal application procedures in Section 2.3.1.1 except as otherwise provided in this Division 5.

B. Existing neighborhood regulating plans shall consist of one or more maps showing the following, in compliance with the standards described in Section 4.1.5.1:

    1. Base Zoning Districts;
    2. Building Types;
    3. Protective Yards;
    4. Street Network; and
    5. Parkland.

**Section 2.5.3.3 Approval Process**

A. The approval process for an existing neighborhood regulating plan follows the procedures established for approval of a zoning map amendment under Section 2.5.1.3.

**Section 2.5.3.4 Criteria for Approval**

A. The following criteria shall be used to determine whether the application for an existing neighborhood regulating plan shall be approved, conditionally approved or denied:

    1. The existing neighborhood regulating plan is consistent with all applicable standards and requirements of the base zoning district and this development code;
    2. The proposed provision and configuration of roads, electric, water, wastewater, drainage and park facilities conform to the Comprehensive Plan and any approved City Master Plans or Capital Improvement Plans;
    3. The distribution of building types and densities conforms with the compatibility standards in Section 4.1.5.1.

**Section 2.5.3.5 Amendments**

A. The Responsible Official may permit the applicant to make minor amendments to the existing neighborhood regulating plan without the necessity of amending the ordinance that established the existing neighborhood regulating plan.
B. If the Director determines that proposed amendments substantially impact the nature of the approval, whether individually or cumulatively, the Director will deny the request for approval of the modifications and provide the applicant with the opportunity to revise the proposed amendments to bring them into compliance with the existing neighborhood regulating plan.

C. If an applicant wishes to make any amendments other than minor amendments approved by the Responsible Official, the amendments will be submitted for review and approval as a revised existing neighborhood regulating plan.

D. Minor amendments shall be as follows:
   1. Corrections in spelling, distances and other labeling that do not affect the overall development concept;
   2. Changes in building position or layout that are less than ten feet or ten percent of the total building project or area;
   3. Changes in proposed property lines as long as the original total project acreage is not exceeded, and the area of any base zoning district is not changed by more than five percent; and
   4. Changes in parking layouts as long as the number of required spaces and general original design are maintained.

DIVISION 4: APPLICATION FOR HISTORIC DISTRICT OR HISTORIC LANDMARK

Section 2.5.4.1 Establishment and Expansion of Local Historic Districts or Historic Landmarks

A. General Procedures for Local Historic District. Except as provided in this Section, an application to establish or expand a Historic District (HD) shall be processed and decided in accordance with the procedures governing an application for an overlay district under Section 2.5.2.1.

B. General Procedures for Historic Landmarks. Except as provided in this Section, an application to establish a Historic Landmark shall be processed and decided in accordance with the procedures governing an application for a Zoning Map amendment under Section 5.1.1.1.

Section 2.5.4.2 Historic Preservation Commission Action.

Before the establishment of a Historic District or Landmark, the Historic Preservation Commission shall carry out the following activities:

A. The Historic Preservation Commission shall cause a report to be prepared that:
   1. Identifies the historic significance of the exteriors of buildings, structures, features, sites, objects and surroundings in the area of the proposed district;
   2. Reflects the current characteristics of the area of the proposed new Historic District or Landmark;
   3. Recommends the area to be included in the proposed Historic District(s) or Landmark.

B. The Historic Preservation Commission shall hold a public hearing on the establishment of the proposed Historic District or Landmark.

C. Personal notice and published notice of the public hearing shall be given in accordance with Section 2.3.2.1.

D. After the public hearing the Historic Preservation Commission shall forward the recommendation and report to the Planning and Zoning Commission for consideration.

Section 2.5.4.3 Planning and Zoning Commission Action

A. The Planning and Zoning Commission shall schedule a public hearing on the establishment of a Historic District or Landmark upon receiving the final report and recommendations of the Historic Preservation Commission.

B. The Planning and Zoning Commission shall take into consideration the report and recommendations of the Historic Preservation Commission at a public hearing.

C. The Planning and Zoning Commission shall recommend approval, approval with conditions, or denial of the establishment or expansion of a Historic District or Landmark.

D. Subsequent to the Planning and Zoning Commission’s action, the final report, including the proposed ordinance and the recommendations of both commissions, shall be forwarded to the City Council for action.
4. **Medium or High Intensity Zone.** An area of change intended to accommodate the City’s future growth and expansion where people can meet their daily needs within a short walk, bike, transit trip or drive.

5. **Employment Center.** An area intended to accommodate economic growth and the recruitment of major employers.

6. **Corridors.** An area along a major transportation corridor where development should be consistent with and complement the preferred scenario designation and the corridor type from the Transportation Master Plan.

B. **Comprehensive Plan / District Translation Table.** Zoning map amendments shall be consistent with the intent and character of the preferred scenario designations on the Preferred Scenario Map.

1. **Preferred (P).** Where a zoning map amendment is Preferred on the table below, the amendment is a preferred type of development based on the Comprehensive Plan and should be considered based on the criteria in Section 2.5.1.4 and the district intent under Division 4 of this Chapter 4 Article 1.

2. **Preferred*(P*).** Where a zoning map amendment that is at least 1 acre is requested in an Existing Neighborhood:
   a. Further scrutiny may be required to determine consistency with the compatibility requirements in Sec. Section 4.1.5.1.
   b. Initial authorization by City Council under Section 2.5.1.1 is required.

3. **Not Preferred (NP).** Where a zoning map amendment is Not Preferred (NP) on the table below:
   a. Further scrutiny is required to determine consistency with the Comprehensive Plan based on the criteria in Section 2.5.1.4 and the district intent under Division 4 of this Chapter 4 Article 1; and
   b. Initial authorization by City Council under Section 2.5.1.1 is required.

4. **Not Allowed (--).** Where a zoning map amendment is not allowed on the table below, no zoning map amendment may be requested without an accompanying request for an amendment to the Preferred Scenario Map under Section 2.4.2.1.

<table>
<thead>
<tr>
<th>District Classification</th>
<th>Open Space/Agricultural</th>
<th>Low Intensity</th>
<th>Existing Neighborhood</th>
<th>Medium or High Intensity Zone</th>
<th>Employment Center</th>
<th>Corridor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conventional Residential</td>
<td>NP</td>
<td>NP</td>
<td>P*</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Neighborhood Districts</td>
<td>NP</td>
<td>NP</td>
<td>P*</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
</tr>
<tr>
<td>Character Districts</td>
<td>NP</td>
<td>P</td>
<td>_ _</td>
<td>P</td>
<td>NP</td>
<td>P</td>
</tr>
<tr>
<td>Special Districts</td>
<td>--</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

Legend: -- = Not Allowed, NP = Not Preferred, P = Preferred

* Initial Authorization required when request is at least 1 Acre in size
CHAPTER 4

ZONING REGULATIONS

PREFERRED SCENARIO MAP

Neighborhood districts are intended for infill or re-development in mixed residential or commercial areas within existing neighborhood areas on the preferred scenario map.

Special Districts
Intended for primarily single-use commercial and industrial development.

Conventional Residential Districts
Conventional residential zoning districts are intended for low-density single family residential development in existing residential neighborhoods.

Character Districts
Intended for new mixed-use development in high intensity zones and new communities in medium and low intensity zones.
A. Designation within Former SC Smartcode Districts. From and after the effective date of this Development Code, each of the T-Zones designated within the SC - Smartcode Downtown area and any other smartcode area shall be renamed and converted to the Character District indicated in the table below, and shall be subject to the applicable standards and requirements of this Development Code as if they had originally been zoned to the applicable listed Character Districts.

<table>
<thead>
<tr>
<th>IN FORMER DOWNTOWN SMARTCODE</th>
<th>CHARACTER DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transect Zone</td>
<td>Character District</td>
</tr>
<tr>
<td>T4</td>
<td>CD-4</td>
</tr>
<tr>
<td>T5</td>
<td>CD-5D</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>IN FORMER OTHER SC - SMARTCODE AREA</th>
<th>CHARACTER DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transect Zone</td>
<td>Character District</td>
</tr>
<tr>
<td>T3</td>
<td>CD-3</td>
</tr>
<tr>
<td>T4</td>
<td>CD-4</td>
</tr>
<tr>
<td>T5</td>
<td>CD-5</td>
</tr>
</tbody>
</table>

DIVISION 5: COMPATIBILITY OF USES AND DENSITY

Section 4.1.5.1 Purpose and Intent

A. It is the policy of the City Council, through exercising its zoning authority, to:

1. Gradually transition high intensity uses and densities;
2. Help prevent the impacts of high density uses on low density areas;
3. Limit inconsistent uses or densities being located in close proximity;
4. Encourage more opportunities for home ownership; and
5. Ensure a mix of zoning districts and building types consistent with properties in close proximity to the request.

Section 4.1.5.2 Applicability

A. Compatibility standards apply to all zoning map amendments in Existing Neighborhood Areas on the Preferred Scenario Map.

Section 4.1.5.3 Zoning Compatibility Standards

A. Properties in Close Proximity. Properties in close proximity include those properties within a 200 foot buffer of the subject property.

B. Single Family Preservation. A property where at least 50% of the area in close proximity to the subject property is zoned FD, AR, SF-R, SF-11, SF-6, SF-4.5, ND-3, or MR may not request any zoning district other than a conventional residential zoning district or ND-3.

C. Zoning Transitions. Zoning Map Amendments greater than 5 acres should gradually transition zoning districts and building types from lower intensity areas.

D. Mixed Residential. Zoning Map Amendments greater than 5 acres in size should incorporate no more than 60% of one building type.
Section 5.1.2.4 Urban Farm

A. Defined. The raising and harvesting of crops, livestock and non-food ornamental crops for commercial use. An urban farm may be owned by an individual, group or organization and may include larger-scale farm equipment.

B. Use Standards. Where an urban farm 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. Where an urban farm is allowed as a limited use, it is subject to the following:

1. Detached accessory structures such as storage or utility buildings, gazebos, trellises, or greenhouses are permitted, subject to compliance with the requirements of the zoning district;

2. On-site sales may be permitted upon approval of a conditional use permit under Section 2.8.3.1;

3. Where security fencing is installed, the fencing may exceed height requirements in Section 7.2.6.1 but must be of an open design and must be in compliance with the requirements of the district; and

4. Where lighting is installed, only motion detecting fixtures are permitted. All-night lighting is prohibited.

Section 5.1.2.5 Plant Nursery

A. Defined. A facility where horticultural and agricultural products produced on the premises are sold.

B. Use Standards. Where a plant nursery is allowed as a limited use the following standards shall apply:

1. Sales shall be limited to agricultural products produced on the premises, hand-held garden tools, bags of fertilizer, mulch, and similar items normally associated with nursery or gardening operations; and

2. Sales offices shall be limited to 200 square feet of gross floor area per acre of land area, but in no case can the sales office exceed 1,000 square feet of gross floor area.

DIVISION 3: ACCESSORY AND TEMPORARY STRUCTURES AND USES

Section 5.1.3.1 Accessory Buildings/Structures

A. Defined. A structure enclosing or covering usable space where the use of such structure is incidental and subordinate to one or more principal buildings. Accessory structures include but are not limited to the following:

1. Kiosk
2. Food Truck
3. Shed
4. Accessory Dwelling Unit

B. Use Standards

1. Setback and height requirements for all accessory structures are established and set forth in Chapter 4 district descriptions.

2. No accessory structure may be located closer than 10 feet to any other building or structure on the same lot.

C. Accessory Dwelling Units

1. Defined. A secondary living space which shares ownership and utility connections, and which is on-site with a primary living space and that may be contained within the same structure as is the primary living space, or may be contained in a separate structure.
2. **Use Standards**

   a. All accessory dwelling units within the City, irrespective of whether they existed and constituted permitted non-conforming uses immediately prior to the effective date of this development code, must be registered with the City pursuant to Chapter 34 Article 7 of the City Code.

   b. An accessory dwelling unit is not considered an independent unit for the purposes of occupancy restrictions. The same occupancy restrictions that apply to the main structure are extended to the accessory structure as well.

   c. Where a new accessory dwelling unit is allowed as a limited use it is subject to the following standards:

      1. The owner of the lot or parcel of land must maintain his or her primary residence on the lot;
      2. No more than one accessory dwelling unit may exist on a lot or parcel of land;
      3. The habitable area of the accessory dwelling unit must not exceed the lesser of 1000 square feet or one-half the number of square feet of habitable area of the principal dwelling on the lot or parcel of land;
      4. There must be provided for each accessory dwelling unit one (1) on-site parking space in addition to all other parking required for the lot or parcel of land by Section 7.1.2.1; and
      5. The parking for such accessory dwelling shall be located in the second or third lot layer.

2. **Outdoor Display.**

3. **Drive-Thru.**

4. **Temporary Uses.**

5. **Home Occupations.**

6. An accessory use not specifically listed is prohibited unless the Responsible Official determines the accessory use:

   a. Is clearly incidental to and customarily found in connection with an allowed principal use;
   b. Is subordinate to and serving an allowed principal use;
   c. Is subordinate in area, extent and purpose to the principal use served;
   d. Contributes to the comfort, convenience or needs of occupants, business or industry in the principal use served; and
   e. Is located on the same lot as the principal use served.

**B. Outdoor Storage**

1. **Defined.** The keeping, displaying or storing, outside a building, of any goods, materials, merchandise or equipment on a lot or tract for more than 24 hours.

2. **Use Standards.** Where outdoor storage is limited the following standards apply:

   a. All outdoor storage shall be located at least 15 feet from the public right-of-way;
   b. All outdoor storage shall not be more than 12 feet in height;
   c. All outdoor storage shall be fully screened from view from the public right-of-way, public parking areas and abutting properties by a wall constructed in accordance with Section 7.2.6.4 or by the parking lot screening requirements as set forth in Section 7.1.4.4; and

**Section 5.1.3.2 Accessory Uses**

**A. Defined.** A use that is customarily incidental, appropriate and subordinate to the principal use of land or building(s) and that is located upon the same lot therewith. Accessory uses are allowed, subject to compliance with all applicable standards and requirements of this development code. Accessory uses include but are not limited to the following:

1. **Outdoor Storage.**
Parking Requirement Redlines
ARTICLE 1: PARKING

DIVISION 1: GENERAL PROVISIONS

Section 7.1.1.1  Applicability

A. Purpose

1. To regulate and ensure the provision of parking spaces and access drives are designed for motor vehicles, bicycles and pedestrians.

2. These parking standards help to ensure that parking needs of new land uses and development are met, while ensuring parking spaces and access drives are designed and located in a manner consistent with the desired character and development patterns of the Comprehensive Plan.

B. New Development & Redevelopment. Any new building must comply with the parking requirements of this Development Code.

C. Renovations or Repairs. An existing building or site may be repaired, maintained or modernized without providing additional parking, provided there is no increase in gross floor area or improved site area.

D. Additions and Increases in Floor Area

1. When an existing building, use or site is increased in gross floor area or improved site area by up to 25% cumulatively, additional parking is required for the additional floor or site area only.

2. When an existing building, use or site is increased in gross floor area or improved site area by more than 25% cumulatively, both the existing building, use or site and the additional floor or site area must conform to the parking requirements.

E. Change in Use

1. A change in use based on the parking tables in this section must comply with the parking requirements unless the use has the same or a lesser parking demand than the previous use.

2. Where the required number of parking spaces for a new use according to the appropriate parking table in this section is 125% or less of the parking spaces required for the existing use, no additional parking spaces are required.

3. Where required parking spaces for the new use exceed 125% of the required parking spaces for the existing use, additional parking is only required for the difference between the current parking spaces required and the parking spaces required for the new use.

Section 7.1.1.2  Required Parking

A. Calculation of Required Parking

1. Parking shall be provided in accordance with Section 7.1.2.1 and Section 7.1.2.2 Where a use is not specifically listed or only a broad use category is shown, the Responsible Official shall categorize the use in accordance with Section 5.1.1.1(D).

2. When a lot is used for a combination of uses, the parking requirements are the sum of the requirements for each use and no parking space for one use can be included in the calculation of parking requirements for any other use, except as allowed as in Section 7.1.3.1.

3. In determining the required number of parking spaces, fractional spaces are rounded to the nearest whole number, with one-half or more counted as an additional space.

Section 7.1.1.3  Maximum Parking

Except for single- and two-unit living or for uses providing 10 or fewer surface parking spaces, when the surface parking provided to serve a use exceeds 150% of the required parking ratios as specified in Section 7.1.2.1, or Section 7.1.2.2 one of the following measures to mitigate the additional impervious surface must be utilized.

A. Provide elevated solar powered arrays in lieu of required landscaping plantings for the parking area above the maximum. The solar arrays shall be installed above a minimum of 50% of the parking area above the maximum.

B. All required interior landscaped islands as required in Section 7.1.4.4 must have an average width of 20 feet, with no dimension less than 8 feet in size. Required trees must be
installed every 50 feet on center, with minimum of 300 square feet of landscaped area per tree.

C. All parking spaces excluding drive aisles shall utilize a permeable paving system meeting the performance standards for infiltration rates and storage included in the city’s stormwater technical manual.

### 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 may be counted towards the minimum parking requirements.

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Parking</th>
<th>Bicycle Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-Family Detached or attached</td>
<td>2 spaces per dwelling unit</td>
<td>None</td>
</tr>
<tr>
<td>Accessory Dwelling Unit</td>
<td>1 space per dwelling</td>
<td>None</td>
</tr>
<tr>
<td>Two-Family</td>
<td>2 spaces per dwelling unit</td>
<td>None</td>
</tr>
<tr>
<td>Multifamily</td>
<td>1.05 spaces per bedroom</td>
<td>1 space/ 20 units, minimum 4</td>
</tr>
<tr>
<td>Community Home</td>
<td>4 spaces</td>
<td>None</td>
</tr>
<tr>
<td>Purpose Built Student Housing, Residence halls, fraternity or sorority buildings</td>
<td>1.25 space per bedroom</td>
<td>1 space/ 10 bedrooms, minimum 4</td>
</tr>
<tr>
<td><strong>Public and Institutional</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High Schools and Vocational Schools*</td>
<td>1 space per 3 students, faculty, and staff, based on maximum design capacity</td>
<td>3 spaces per classroom, minimum 4</td>
</tr>
<tr>
<td>All Other Schools*</td>
<td>1 space per classroom plus 1 for each 15 students</td>
<td>3 spaces per classroom, minimum 4</td>
</tr>
<tr>
<td>Day Care Center</td>
<td>1 space per 300 sf GFA</td>
<td>None</td>
</tr>
<tr>
<td>Libraries, laboratories, and student centers*</td>
<td>1 space per 300 sf GFA</td>
<td>1 space per 5,000 sf GFA, minimum 4</td>
</tr>
</tbody>
</table>

* Shall not apply to private schools which do not permit students to bring motor vehicles to the institution; however, the educational institution shall be required to provide adequate off-street parking for faculty, administrative personnel, and athletic events including visiting of parents or other personnel. Requirement will be calculated based on the ordinance requirements for the individual uses.

| **Commercial**                      |                                  |                               |
| Indoor Recreation                   | 1 space per 200 sf GFA           | 1 space per 5,000 sf GFA, minimum 4 |
| Theaters, auditoriums, churches, assembly halls, sports arena, stadiums | 1 space per 4 seats of capacity in the main auditorium, sanctuary, or other area containing fixed seating | 1 space per 500 seats, minimum 4 |
## Supplemental Development Standards

### Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Parking</th>
<th>Bicycle Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conference center/Convention center</td>
<td>1 space per 4 seats or 1 space per 100 sf GFA, based on maximum design capacity whichever is less.</td>
<td>None</td>
</tr>
<tr>
<td>Bowling alley</td>
<td>3 spaces per lane</td>
<td>1 space per 5 lanes</td>
</tr>
<tr>
<td>Professional office, and personal services</td>
<td>1 space per 300 sf GFA</td>
<td>1 space per 5,000 sf GFA, minimum 4</td>
</tr>
<tr>
<td>Retail and Medical Office</td>
<td>1 space per 250 sf GFA</td>
<td>1 space per 5,000 sf GFA, minimum 4</td>
</tr>
<tr>
<td>Mortuary or funeral home</td>
<td>1 space per 50 sf of floor space in slumber room parlors or individual funeral service rooms.</td>
<td>None</td>
</tr>
<tr>
<td>Restaurant/ Bar</td>
<td>1 per 100 sf GFA, or 1 space for each 4 seats, whichever is less. Where permanent outdoor seating areas including decks, patios, or other unenclosed spaces are provided, those areas shall be included in the calculation of gross floor area and total number of seats.</td>
<td>1 space per 5,000 sf GFA, minimum 4</td>
</tr>
<tr>
<td>Overnight Lodging</td>
<td>1 space per room or bedroom</td>
<td>None</td>
</tr>
<tr>
<td>Hospital</td>
<td>1 space per bed.</td>
<td>1 space per 50,000 sf GFA, minimum 4</td>
</tr>
<tr>
<td>Nursing/ Retirement Home</td>
<td>1 space per 2 beds.</td>
<td>None</td>
</tr>
</tbody>
</table>

### Heavy Commercial and Industrial

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Parking</th>
<th>Bicycle Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacturing</td>
<td>1 for each 1.5 employees in the maximum work shift.</td>
<td>None</td>
</tr>
<tr>
<td>Warehouse and Distribution</td>
<td>1 space for each 2,000 SF GFA excluding office space, which shall be determined in accordance with the requirements for office and professional uses as set forth in this table.</td>
<td>None</td>
</tr>
<tr>
<td>Vehicle sales or rental dealer</td>
<td>1 space per 3,000 sf of open sales lot and enclosed floor area devoted to the sale, display, or rental of motor vehicles, mobile homes, or trailers.</td>
<td>None</td>
</tr>
<tr>
<td>Vehicle repair facilities</td>
<td>1 space per 200 sf of floor area devoted to vehicle repair, excluding office space, which shall be determined in accordance with the requirements for office and professional uses as set forth in this table</td>
<td>None</td>
</tr>
<tr>
<td>Bus depot</td>
<td>1 space per 100 sf GFA</td>
<td>None</td>
</tr>
<tr>
<td>Lumberyard and building material sales and service facility</td>
<td>1 space per 300 sf GFA</td>
<td>None</td>
</tr>
</tbody>
</table>

### Outdoor Recreation

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Parking</th>
<th>Bicycle Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outdoor Recreation, except as listed below</td>
<td>1 space per 300 sf GFA of indoor facilities, plus 1 space per 1,000 sf of outdoor use area</td>
<td>None</td>
</tr>
<tr>
<td>Sport fields, swimming pool, private parks and playgrounds</td>
<td>1 space per 100 sf GFA of indoor facilities plus 1 space per 4 persons design capacity of outdoor facilities, including both participants and spectators as applicable.</td>
<td>None</td>
</tr>
<tr>
<td>Golf Course</td>
<td>1 space per 300 sf GFA of indoor facilities, plus 4 spaces per hole</td>
<td>None</td>
</tr>
</tbody>
</table>
### SUPPLEMENTAL DEVELOPMENT STANDARDS

#### CHAPTER 7

**Supplemental Development Standards**

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Parking</th>
<th>Bicycle Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driving/archery/shooting range</td>
<td>1 space per 200 sf GFA of indoor facilities, plus 1 space per tee or target</td>
<td>None</td>
</tr>
<tr>
<td>Rodeo, circus, auto/motorcycle racing</td>
<td>1 space per 3 spectator seats</td>
<td>None</td>
</tr>
<tr>
<td>Fairground, exhibition, carnival</td>
<td>1 space per 500 sf of outside site area, plus 1 space per 4 fixed spectator seats</td>
<td>None</td>
</tr>
</tbody>
</table>

#### DIVISION 3: ALTERNATE PARKING REQUIREMENTS

**Section 7.1.3.1 Shared Parking.**

A. An applicant may request shared parking to meet the minimum vehicle parking requirements for mixed use projects or for multiple uses that are located near one another share a parking lot and which have different peak parking demands or operating hours.

<table>
<thead>
<tr>
<th>Use</th>
<th>M - F</th>
<th>M - F</th>
<th>M - F</th>
<th>SAT - SUN</th>
<th>SAT - SUN</th>
<th>SAT - SUN</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>8AM TO 6PM</td>
<td>6PM TO 12AM</td>
<td>12AM TO 8AM</td>
<td>8AM TO 6PM</td>
<td>6PM TO 12AM</td>
<td>12AM TO 8AM</td>
</tr>
<tr>
<td>Residential</td>
<td>60%</td>
<td>100%</td>
<td>100%</td>
<td>80%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Office</td>
<td>100%</td>
<td>20%</td>
<td>5%</td>
<td>5%</td>
<td>5%</td>
<td>5%</td>
</tr>
<tr>
<td>Retail</td>
<td>90%</td>
<td>80%</td>
<td>5%</td>
<td>100%</td>
<td>70%</td>
<td>5%</td>
</tr>
<tr>
<td>Lodging</td>
<td>70%</td>
<td>100%</td>
<td>100%</td>
<td>70%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Restaurant</td>
<td>70%</td>
<td>100%</td>
<td>100%</td>
<td>70%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Movie Theater</td>
<td>40%</td>
<td>80%</td>
<td>10%</td>
<td>80%</td>
<td>100%</td>
<td>10%</td>
</tr>
<tr>
<td>Entertainment</td>
<td>40%</td>
<td>100%</td>
<td>10%</td>
<td>80%</td>
<td>100%</td>
<td>50%</td>
</tr>
<tr>
<td>Conference</td>
<td>100%</td>
<td>100%</td>
<td>5%</td>
<td>100%</td>
<td>100%</td>
<td>5%</td>
</tr>
<tr>
<td>Civic (Non-Church)</td>
<td>100%</td>
<td>20%</td>
<td>5%</td>
<td>100%</td>
<td>50%</td>
<td>5%</td>
</tr>
<tr>
<td>Civic (Church)</td>
<td>20%</td>
<td>20%</td>
<td>5%</td>
<td>100%</td>
<td>50%</td>
<td>5%</td>
</tr>
</tbody>
</table>

**Section 7.1.3.2 Mixed Use Parking Requirements**

**A. Specific to CD-4 and CD-5**

1. The minimum parking requirements for properties with up to 15 residential units is 1 space per unit.

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

1. **CBA.** Properties within the Central Business Area are exempt from parking requirements with the exception of new multi-family development.

2. **Parking Fee in Lieu**

   a. A fee may be paid in lieu of up to 30% of the minimum parking requirements. The total reduction in minimum parking requirements including this fee-in-lieu and any applicable reductions under Section 7.1.3.3 is 30%.

b. The amount of payment for each required parking space is fixed by resolution adopted by the City Council, and should equal the current cost to the City of providing required parking spaces.

c. Payments collected by the City shall be kept separate from other revenue of the City. Funds can only be used for the purchase of land or for the construction of new parking facilities within the CD5-D District.

d. Any parking requirement satisfied in this manner shall run with the land and any subsequent change of use.
that requires more parking shall require subsequent action to satisfy the additional parking requirement.

Section 7.1.3.3 Vehicle Parking Reductions

Combined vehicle parking reductions may not exceed 20% of the minimum parking requirements.

A. Affordable Housing

1. Required parking for an affordable housing development may be reduced to a rate of 1 parking space for each unit.

2. The affordable housing reduction applies only to required spaces for dwelling units. If required, visitor spaces must be provided at the standard rate.

B. Senior Housing

1. Senior housing is only required to provide 1 space per dwelling or rooming unit.

2. The senior housing reduction applies only to required spaces for dwelling or rooming units. If required, visitor spaces must be provided at the standard rate.

C. Private Car Sharing Program

1. A reduction in the number of required parking spaces for residential units is allowed where an active on-site car-sharing program is made available for the exclusive use of residents.

2. The parking requirements for all dwelling units may be reduced by 5 spaces for each car-share vehicle provided. If required, visitor spaces cannot be substituted.

D. Transit Stops

1. A 5% reduction in the number of required parking spaces is allowed where a sheltered transit stop is located within 200’ or the use measured along an accessible route from the property line.

2. A 10% reduction in the number of required parking spaces is allowed where a sheltered transit stop is constructed to the specification of the Responsible Official within public ROW and located adjacent or within 200’ of the use measured along an accessible route from the property line.

Section 7.1.3.4 Remote Parking or Off Site Parking

A. Required parking spaces may be permitted on a separate site from the site on which the principal use is located if the remote parking complies with the following.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Parking Lot Must Be Within</th>
</tr>
</thead>
<tbody>
<tr>
<td>CD-5, CD-5D, CD-4, ND-4M</td>
<td>2,500 feet</td>
</tr>
<tr>
<td>All other districts</td>
<td>1,500 feet</td>
</tr>
</tbody>
</table>

B. The distance to a remote parking area is measured in walking distance from the nearest point of the remote parking lot to the primary entrance of the use served.

C. Where remote or off-site parking spaces are under separate ownership from the principal lot a parking agreement shall be submitted on a form acceptable to the City.

DIVISION 4: PARKING LOCATION AND DESIGN

Section 7.1.4.1 Single-Family and Two-Family

A. Intent

1. The intent of the private residential parking requirements is to minimize the visual impact of street-facing garage doors.

2. Where garage doors can be seen from the street, measures should be taken to reduce the visual impact of the doors.

3. Measures include garage doors set back from the front wall plane, architectural treatments, translucent garage doors, single doors, projecting elements over the garage doors (such as bay windows) and limits on the total number of doors that face the street.

4. Private Residential Parking requirements enhance pedestrian circulation and safety in higher density developments or along high traffic streets.

B. Alternative Compliance Findings. The Planning and Zoning Commission may in accordance with Section 2.8.4.1 approve a modification to the private residential garage parking requirements, subject to all of the following findings:
A public draft of Code SMTX was released on May 27, 2016. Over 1,000 comments on the public draft were received, analyzed, and responded to resulting in the release of a revised draft in January of 2017. This amendment report represents the analysis and input received from the Planning and Zoning Commission and City Council during two Joint Workshops and eleven Work Sessions held over the last several months. Direction on these amendments will lead to the production of a final draft of Code SMTX, the City’s new land development code.

Amendment Report
July 3, 2017

Environmental and Drainage Sections
Contents

Edwards Aquifer Recharge Zone..................................................................................................................................................... 2
Transition Zone And Contributing Zone Within the Transition Zone......................................................................................... 4
San Marcos River Protection Zone.................................................................................................................................................. 7
Expand Stream Water Quality and Buffer Zones ..................................................................................................................... 10
Facilitate Low Impact Development.......................................................................................................................................... 144
Stormwater Management Fund.................................................................................................................................................. 166
EDWARDS AQUIFER RECHARGE ZONE
STORMWATER QUALITY AND STREAM PROTECTION

CURRENT CODE SMTX PROPOSAL

SUMMARY OF CODE REQUIREMENTS (SEC. 6.1.1.1 (A) (4); 6.1.4.1)

TSS Removal: Changes from limiting Total Suspended Solids (TSS) increase to no more than 20% above that which would occur naturally to requiring an 85% reduction in increased TSS.

Stream Protection Volume: Change from no standard to capture the runoff from developed area from 1.25-inches of rainfall (85th percentile storm rainfall depth) and infiltrate into ground or detain for a period of 48 hours.

Applicability: New development and redevelopment. Redevelopment that increases gross floor area or improved site area by 25% or less cumulatively, the environmental standards shall apply to the additional floor or site area only. For redevelopment that increases gross floor area or site area by more than 25% cumulatively, both the existing building, or site and the additional floor or site area must conform to the environmental standards.

AMENDMENTS SUGGESTED DURING THE WORK SESSIONS

AMENDMENTS

• Increase the Stream Protection Volume to capture the runoff from 1.6-inches of rainfall (90th percentile storm rainfall depth)
• Increase the TSS requirement to be 89% reduction

RELATED COMPREHENSIVE PLAN GOALS

<table>
<thead>
<tr>
<th>ELEMENT</th>
<th>GOAL OR OBJECTIVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environment and Resource Protection</td>
<td>Adopt watershed specific regulations based on scientific understanding of water quality impacts</td>
</tr>
<tr>
<td>Land Use</td>
<td>Implement rain water retention and storm water Best Management Practices Adopt scientific standards for development in environmentally sensitive areas</td>
</tr>
</tbody>
</table>
RELATD PUBLIC FEEDBACK RECEIVED ON PUBLIC DRAFT

<table>
<thead>
<tr>
<th>SOURCE</th>
<th>#</th>
<th>COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residents</td>
<td>32</td>
<td>Increase Stream Protection Volume to 90th percentile</td>
</tr>
</tbody>
</table>

STAFF ANALYSIS AND CONSIDERATION

Bioretention Pond Cost Increase Based on Requirement Level

<table>
<thead>
<tr>
<th>Description</th>
<th>Commercial (20% IC)</th>
<th>Multi-Family Res. (20% IC)</th>
<th>Single Family Res. (20% IC)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Bioretention Pond Cost for 1.25-in and 85% Removal</td>
<td>$499,130</td>
<td>$410,719</td>
<td>$266,700</td>
</tr>
<tr>
<td>Base Bioretention Pond Percentage of Total Project Cost</td>
<td>7%</td>
<td>4%</td>
<td>11%</td>
</tr>
</tbody>
</table>

Increase in Bioretention Cost from 1.25-in and 85% TSS Removal

<table>
<thead>
<tr>
<th>Description</th>
<th>Commercial (20% IC)</th>
<th>Multi-Family Res. (20% IC)</th>
<th>Single Family Res. (20% IC)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.25-in and 89% TSS Removal</td>
<td>39%</td>
<td>51%</td>
<td>34%</td>
</tr>
<tr>
<td>1.6-in and 85% TSS Removal</td>
<td>0%</td>
<td>5%</td>
<td>28%</td>
</tr>
<tr>
<td>1.6-in and 89% TSS Removal</td>
<td>39%</td>
<td>51%</td>
<td>34%</td>
</tr>
</tbody>
</table>

Notes:
1) Based on 20, 18.8, and 12.5 acre developments for commercial, multi-family residential, and single family residential respectively.
2) IC = Impervious Cover
3) Costs are approximate
4) Bioretention is one BMP of many that can meet the 1.25-in and 85% removal requirement
5) The cost to construct homes was not included in the total project cost for Single Family Residential which is the basis for the base bioretention pond percentage of total project cost.

PROPOSED AMENDMENTS

Staff does not propose any amendments and has provided cost analysis as guidance for Planning and Zoning and Council to determine requirement levels.

Planning and Zoning Commission recommends:
- Increasing the Stream Protection Volume to capture the runoff from 1.6-inches of rainfall (90th percentile storm rainfall depth).
- Increasing the TSS requirement to 89% reduction
TRANSITION ZONE AND CONTRIBUTING ZONE
WITHIN THE TRANSITION ZONE
STORMWATER QUALITY AND STREAM PROTECTION

CURRENT CODE SMTX PROPOSAL

SUMMARY OF CODE REQUIREMENTS (SEC. 6.1.1.1 (A) (4); 6.1.4.1)

TSS Removal: Change from no standard to requiring an 80% reduction in increased TSS.

Stream Protection Volume: Change from no standard to capturing the runoff from developed area from 1.25-inches of rainfall (85th percentile storm rainfall depth) and infiltrate into ground or detain for a period of 48 hours.

Applicability: New development and redevelopment. Redevelopment that increases gross floor area or improved site area by 25% or less cumulatively, the environmental standards shall apply to the additional floor or site area only. For redevelopment that increases gross floor area or site area by more than 25% cumulatively, both the existing building, or site and the additional floor or site area must conform to the environmental standards.

AMENDMENTS SUGGESTED DURING THE WORK SESSIONS

AMENDMENTS

- Increase the Stream Protection Volume to capture the runoff from 1.6-inches of rainfall (90th percentile storm rainfall depth)
- Increase the TSS requirement to be 85% reduction
- Increase the TSS requirement to be 89% reduction

RELATED COMPREHENSIVE PLAN GOALS

<table>
<thead>
<tr>
<th>ELEMENT</th>
<th>GOAL OR OBJECTIVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environment and Resource Protection</td>
<td>Adopt watershed specific regulations based on scientific understanding of water quality impacts</td>
</tr>
<tr>
<td>Land Use</td>
<td>implement rain water retention and storm water Best Management Practices</td>
</tr>
<tr>
<td></td>
<td>Adopt scientific standards for development in environmentally sensitive areas</td>
</tr>
</tbody>
</table>
RELATED PUBLIC FEEDBACK RECEIVED ON PUBLIC DRAFT

<table>
<thead>
<tr>
<th>SOURCE</th>
<th>#</th>
<th>COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resident</td>
<td>32</td>
<td>Increase Stream Protection Volume to 90th percentile</td>
</tr>
<tr>
<td>Resident</td>
<td>7</td>
<td>Expand water quality standards including removal of 85% TSS to all watersheds in city...</td>
</tr>
<tr>
<td>Resident/Developer</td>
<td>*</td>
<td>These requirements will make it too expensive for small local business owners to develop in this area</td>
</tr>
<tr>
<td>Engineer</td>
<td>*</td>
<td>These standards are nothing new as Austin has similar water quality requirements</td>
</tr>
</tbody>
</table>

* Engineering and Development Community Open House

STAFF ANALYSIS AND CONSIDERATION

**Bioretention Pond Cost Increase Based on Requirement Level**

<table>
<thead>
<tr>
<th>Description</th>
<th>Commercial (80% IC)</th>
<th>Multi-Family Res. (75% IC)</th>
<th>Single Family Res. (50% IC)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Bioretention Pond Cost for 1.25-in and 80% Removal</td>
<td>$350,044</td>
<td>$337,539</td>
<td>$266,700</td>
</tr>
<tr>
<td>Base Bioretention Pond Percentage of Total Project Cost</td>
<td>6%</td>
<td>4%</td>
<td>20%</td>
</tr>
<tr>
<td>Increase in Bioretention Cost from 1.25-in and 80% TSS Removal</td>
<td>43%</td>
<td>22%</td>
<td>0%</td>
</tr>
<tr>
<td>1.25-in and 85% TSS Removal</td>
<td>98%</td>
<td>84%</td>
<td>34%</td>
</tr>
<tr>
<td>1.6-in and 80% TSS Removal</td>
<td>28%</td>
<td>28%</td>
<td>28%</td>
</tr>
<tr>
<td>1.6-in and 85% TSS Removal</td>
<td>43%</td>
<td>28%</td>
<td>28%</td>
</tr>
<tr>
<td>1.6-in and 89% TSS Removal</td>
<td>98%</td>
<td>84%</td>
<td>34%</td>
</tr>
</tbody>
</table>

Notes:
1) Based on a 5-acre development
2) IC = Impervious Cover
3) Costs are approximate
4) Bioretention is one BMP of many that can meet the 1.25-in and 80% removal requirement
5) The cost to construct homes was not included in the total project cost for Single Family Residential which is the basis for the base bioretention pond percentage of total project cost
PROPOSED AMENDMENTS

Staff does not propose any amendments and has provided cost analysis as guidance for Planning and Zoning and Council to determine requirement levels.

Planning and Zoning Commission recommends:

- Increasing the Stream Protection Volume to capture the runoff from 1.6-inches of rainfall (90th percentile storm rainfall depth).
- Increasing the TSS requirement to 85% reduction
SAN MARCOS RIVER PROTECTION ZONE
STORMWATER QUALITY AND STREAM PROTECTION

CURRENT CODE SMTX PROPOSAL

SUMMARY OF CODE REQUIREMENTS (SEC. 6.1.1.1 (A) (4); 6.1.4.1)

TSS Removal:
- **Outside San Marcos River Corridor:** Change from no standard to requiring an 80% reduction in increased TSS.
- **Inside San Marcos River Corridor:** Change from treatment with sand filter (89% reduction efficiency) to 80% reduction in increased TSS.

Stream Protection Volume:
- **Outside San Marcos River Corridor:** Change from no standard to capture the runoff from developed area from 1.25-inches of rainfall (85th percentile storm rainfall depth) and infiltrate into ground or detain for a period of 48 hours.
- **Inside San Marcos River Corridor:** Change from capture 0.5 inch from developed area to 1.25-inches of rainfall (85th percentile storm rainfall depth) and infiltrate into ground or detain for a period of 48 hours.

Applicability: New development and redevelopment. Redevelopment that increases gross floor area or improved site area by 25% or less cumulatively, the environmental standards shall apply to the additional floor or site area only. For redevelopment that increases gross floor area or site area by more than 25% cumulatively, both the existing building, or site and the additional floor or site area must conform to the environmental standards.

AMENDMENTS SUGGESTED DURING THE WORK SESSIONS

AMENDMENTS
- Increase the Stream Protection Volume to capture the runoff from 1.6-inches of rainfall (90th percentile storm rainfall depth)
- Increase the TSS requirement to be 85% reduction
- Increase the TSS requirement to be 89% reduction
- Include segment of the Blanco River that falls in the COSM jurisdiction
- Include TSS removal and Stream Protection Volume city wide
RELATED COMPREHENSIVE PLAN GOALS

<table>
<thead>
<tr>
<th>ELEMENT</th>
<th>GOAL OR OBJECTIVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environment and Resource Protection</td>
<td>Adopt watershed specific regulations based on scientific understanding of water quality impacts</td>
</tr>
<tr>
<td>Land Use</td>
<td>Implement rain water retention and storm water Best Management Practices</td>
</tr>
<tr>
<td></td>
<td>Adopt scientific standards for development in environmentally sensitive areas</td>
</tr>
</tbody>
</table>

RELATED PUBLIC FEEDBACK RECEIVED ON PUBLIC DRAFT

<table>
<thead>
<tr>
<th>SOURCE</th>
<th>#</th>
<th>COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residents</td>
<td>53</td>
<td>Increase Stream Protection Volume to 90th percentile</td>
</tr>
<tr>
<td>Residents</td>
<td>7</td>
<td>Expand water quality standards including removal of 85% TSS to all watersheds in city...</td>
</tr>
<tr>
<td>Resident/Developer</td>
<td>*</td>
<td>These requirements will make it too expensive for small local business owners to develop in this area</td>
</tr>
<tr>
<td>Engineer</td>
<td>*</td>
<td>These standards are nothing new as Austin has similar water quality requirements</td>
</tr>
</tbody>
</table>
* Engineering and Development Community Open House

STAFF ANALYSIS AND CONSIDERATION

**Bioretention Pond Cost Increase Based on Requirement Level**

<table>
<thead>
<tr>
<th>Description</th>
<th>Inside SMR Buffer Zone (30% IC)</th>
<th>Commercial (80% IC)</th>
<th>Multi-Family Res. (75% IC)</th>
<th>Single Family Res. (50% IC)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Bioretention Pond Cost for 1.25-in and 80% Removal</td>
<td>$208,367</td>
<td>$350,044</td>
<td>$337,539</td>
<td>$266,700</td>
</tr>
<tr>
<td>Base Bioretention Pond Percentage of Total Project Cost</td>
<td>9%</td>
<td>6%</td>
<td>4%</td>
<td>20%</td>
</tr>
<tr>
<td>Increase in Bioretention Cost from 1.25-in and 80% TSS Removal</td>
<td>0%</td>
<td>43%</td>
<td>22%</td>
<td>0%</td>
</tr>
<tr>
<td>1.25-in and 85% TSS Removal</td>
<td>7%</td>
<td>98%</td>
<td>84%</td>
<td>34%</td>
</tr>
<tr>
<td>1.6-in and 80% TSS Removal</td>
<td>28%</td>
<td>28%</td>
<td>28%</td>
<td>28%</td>
</tr>
<tr>
<td>1.6-in and 85% TSS Removal</td>
<td>28%</td>
<td>43%</td>
<td>28%</td>
<td>28%</td>
</tr>
<tr>
<td>1.6-in and 89% TSS Removal</td>
<td>28%</td>
<td>98%</td>
<td>84%</td>
<td>34%</td>
</tr>
</tbody>
</table>
Amendments Report
July 3, 2017

Notes:
1) Based on a 5-acre development
2) IC = Impervious Cover
3) Costs are approximate
4) Bioretention is one BMP of many that can meet the 1.25-in and 80% removal requirement
5) The cost to construct homes was not included in the total project cost for Single Family Residential which is the basis for the base bioretention pond percentage of total project cost
6) Inside the San Marcos River Protection Zone, Total Project Cost is based on a Commercial Type Development

PROPOSED AMENDMENTS

Staff does not propose any amendments and has provided cost analysis as guidance for Planning and Zoning and Council to determine requirement levels.

Planning and Zoning Commission recommends:
- Increasing the Stream Protection Volume to capture the runoff from 1.6-inches of rainfall (90th percentile storm rainfall depth).
- Increasing the TSS requirement to 85% reduction
EXPAND STREAM WATER QUALITY AND BUFFER ZONES

CURRENT CODE SMTX PROPOSAL

SUMMARY OF CODE REQUIREMENTS (6.2.2.1; 6.2.2.2)

Stream Water Quality and Buffer Zones:

- **Inside Edwards Aquifer Recharge Zone**: Waterway type “Sub-Minor Waterways” has been added for waterways having a drainage area greater than or equal to 5-acres and less than 50-acres. Sub-Minor Waterway shall have a minimum water quality zone width of 25-feet on each side of the waterway centerline or equal to the limits of the 100-year floodplain based on a fully developed watershed. A buffer zone of 25-feet in width has also been established Sub-Minor Waterways.

<table>
<thead>
<tr>
<th>Waterway Type</th>
<th>Defining Drainage Area</th>
<th>Existing Code</th>
<th>Revised Code</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Water Quality Zone Width Offset from Stream Centerline</td>
<td>Buffer Zone Width Offset from WQZ</td>
</tr>
<tr>
<td>Sub-Minor Waterways</td>
<td>5 ≤ DA &lt; 50 acres</td>
<td>No Requirement</td>
<td>No Requirement</td>
</tr>
<tr>
<td>Minor Waterways</td>
<td>50 ≤ DA &lt; 250 acres</td>
<td>50 feet</td>
<td>100 feet</td>
</tr>
<tr>
<td>Intermediate Waterways</td>
<td>250 ≤ DA &lt; 1000 acres</td>
<td>100 feet</td>
<td>100 feet</td>
</tr>
<tr>
<td>Major Waterways</td>
<td>1000 acres ≤ DA</td>
<td>200 feet</td>
<td>100 feet</td>
</tr>
</tbody>
</table>

- **Outside Edwards Aquifer Recharge Zone**: Waterway type “Minor Waterways” was revised to include waterways having a drainage area greater than or equal to 50-acres and less than 120 acres. Minor Waterways have a minimum water quality zone width of 50-feet on each side of the waterway centerline or equal to the limits of the 100-year floodplain based on a fully developed watershed. The buffer zone is 50-feet in width for a Minor Waterway.
### Water Quality and Buffer Zones Defined by Offset Method - Outside EARZ

<table>
<thead>
<tr>
<th>Waterway Type</th>
<th>Defining Drainage Area</th>
<th>Existing Code</th>
<th>Revised Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minor Waterways</td>
<td>50 ≤ DA &lt; 120 acres</td>
<td>No Requirement</td>
<td>50 feet</td>
</tr>
<tr>
<td>Minor Waterways</td>
<td>120 ≤ DA &lt; 250 acres</td>
<td>50 feet</td>
<td>50 feet</td>
</tr>
<tr>
<td>Intermediate Waterways</td>
<td>250 ≤ DA &lt; 1000 acres</td>
<td>100 feet</td>
<td>100 feet</td>
</tr>
<tr>
<td>Major Waterways</td>
<td>1000 acres ≤ DA</td>
<td>200 feet</td>
<td>100 feet</td>
</tr>
</tbody>
</table>

**AMENDMENTS SUGGESTED DURING THE WORK SESSIONS**

**AMENDMENTS**
- No administrative adjustment should be allowed for cut and fill standards in water quality or buffer zones.
- Allow the combined width of water quality and buffer zones to exceed the width of the 100-year floodplain.
- Have the “Sub-Minor” waterway designation apply to the Transition Zone.
- Encourage developers to keep waterways natural even if they are very small.
- The code should not allow waterways to be filled in.
- The proposed code should help incentivize preserving natural waterways.

**RELATED COMPREHENSIVE PLAN GOALS**

<table>
<thead>
<tr>
<th>ELEMENT</th>
<th>GOAL OR OBJECTIVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environment and Resource Protection</td>
<td>Adopt watershed specific regulations based on scientific understanding of water quality impacts</td>
</tr>
</tbody>
</table>

**FEEDBACK RECEIVED ON PUBLIC DRAFT**

<table>
<thead>
<tr>
<th>SOURCE</th>
<th>#</th>
<th>COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resident</td>
<td>29</td>
<td>No administrative adjustment should be allowed for cut and fill standards in water quality or buffer zones. Water Quality Zones and Buffer Zones begin at the edge of each</td>
</tr>
</tbody>
</table>
Amendments Report
July 3, 2017

waterway, first the WQZ, then the Buffer Zone. They are part of the treatment train to clean water before it reaches creeks and rivers. The vegetation both slows runoff and filters it. To allow cut and fill is to weaken the natural treatment of stormwater. This kind of Administrative Adjustment happens out of sight and undermines the erosion and sedimentation control ordinance.

Resident 30 I concur with comment 29. The purpose of the buffer and water quality zones is nullified by adding cut and fill materials along these areas of the waterways. This goes for all waterways in San Marcos.

Resident 38 This (water quality zone and buffer zone shall not be greater than the 100-year floodplain) should be eliminated. It mixes flood issues with water quality issues. The WQZ and Buffer zone are important water quality features that provide the last feature of filtration before entering the waterway. The floodplain is about flooding. Why should one limit the other?

Resident 38 Agreed the water quality zone and the buffer zone should not be limited by the 100 year flood plain

Resident 36, 37 Have the “Sub-Minor” waterway designation applied city wide

Resident 39 Add a footnote to this table: "No cut and fill allowed in any Water Quality Zone or Buffer Zone"

Think Tank Allowing zero tolerance for cut and fill in water quality zones outside the Edwards Aquifer Recharge Zone is too restrictive. Environmental standards should not be a one size fits all.

STAFF ANALYSIS AND CONSIDERATION

- No additional amendments to the code were made for cut and fill in water quality zones for the following reasons:
  - Inside the Edwards Aquifer Recharge Zone no cut or fill is allowed within a water quality zone.
  - Outside the Edwards Aquifer Recharge Zone allowing cut and fill provides development flexibility. Any reclamation of water quality zone within a 100-year floodplain requires a Qualified Watershed Protection Plan, environmental mitigation, Planning and Zoning Commission approval, and compliance with the City’s Flood Damage Prevention Ordinance.
- Some current code water quality and buffer zone requirements for the Edwards Aquifer Recharge Zone were not included with proposed code and will now be included such as:
  - Water quality zone shall be the 100-year floodplain for FEMA mapped floodplain
  - Buffer zone can extend beyond the 100-year floodplain
- Staff does not see an issue with extending Sub-Minor Waterway designation to include areas within the Transition Zone and Contributing Zone within the Transition Zone.

PROPOSED AMENDMENTS

The following amendments are based on the suggested amendments submitted during the work sessions with Planning Commission and City Council. These amendments have been analyzed for consistency with State Law and other code provisions, processes and practices.
Amendments Report  
July 3, 2017

<table>
<thead>
<tr>
<th>#</th>
<th>TITLE</th>
<th>SUMMARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Enhanced Protection Zones</td>
<td>- Change Section 6.2.1.1 (C) (1) to “Any waterway having a drainage basin of less than 50 acres outside the EARZ, Transition Zone, and Contributing Zone within the Transition Zone and 5 acres within the EARZ, Transition Zone, and Contributing Zone within the Transition Zone measured upstream from the proposed development;”</td>
</tr>
</tbody>
</table>
| 2  | Water Quality Zones          | - Under Section 6.2.2.1 (A) (1) adjust wording to designate 100-year floodplain as water quality zone if located within the EARZ  
- Under Section 6.2.2.1 (2)(a) change text to state: “These are established within the EARZ, Transition Zone, and Contributing Zone within the Transition Zone only”  
- Under Section 6.2.2.1 (2) and (3) change “Non FEMA-mapped” to “Non FEMA Mapped or Floodway Defined” |
| 3  | Buffer Zones                 | - Under Section 6.2.2.2 (A) (1) change wording of last sentence limiting the water quality and buffer zone not exceeding width of the 100-year floodplain to areas outside the EARZ only  
- Under Section 6.2.2.2 (A) (2) add the following sentence: “The combined width of the water quality zone and buffer zone shall not exceed the width of the 100-year floodplain outside of the EARZ.” |

**Planning and Zoning Commission recommends approval of all proposed amendments in this section as presented.**
FACILITATE LOW IMPACT DEVELOPMENT

CURRENT CODE SMTX PROPOSAL

STANDARD PROVIDED (SEC. 6.1.1.1 (A))

EARZ: 85% Reduction in Increased TSS and 1.25-inch Stream Protection Volume

Transition Zone and Contributing Zone within Transition Zone: 80% Reduction in Increased TSS and 1.25-inch Stream Protection Volume

San Marcos River Protection Zone: 80% Reduction in Increased TSS and 1.25-inch Stream Protection Volume

CODE BARRIERS REMOVED

Example: Section 7.2.3.1 (C) (2) was added which states “Landscaping and vegetation installed as part of a stormwater management feature may be counted towards the landscaping requirements.”

DEVELOP STORMWATER TECHNICAL MANUAL

Will include more detailed and up to date design criteria to meet drainage requirements.

Will include more detailed design, material specification, and maintenance requirements for LID features. Will begin development this Summer.

AMENDMENTS SUGGESTED DURING THE WORK SESSIONS

AMENDMENTS

- Require or give credit for rain garden features

RELATED COMPREHENSIVE PLAN GOALS

<table>
<thead>
<tr>
<th>ELEMENT</th>
<th>GOAL OR OBJECTIVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environment and Resource Protection</td>
<td>Incorporate Low Impact Development (LID) practices and other best practices early on and throughout the development process</td>
</tr>
<tr>
<td>Land Use</td>
<td>Create specifications for the use of pervious materials Implement rain water retention and storm water Best Management Practices</td>
</tr>
</tbody>
</table>
RELATED PUBLIC FEEDBACK RECEIVED ON PUBLIC DRAFT

<table>
<thead>
<tr>
<th>SOURCE</th>
<th>#</th>
<th>COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resident</td>
<td>2</td>
<td>Low Impact Development should be incentivized. LID/GI retain rainwater on site....</td>
</tr>
<tr>
<td>Resident</td>
<td>3</td>
<td>Lack of adequate language to make reference to, encourage incentivize or integrate green infrastructure techniques...</td>
</tr>
<tr>
<td>Resident</td>
<td>8</td>
<td>To strongly encourage the inclusion of LID/GI in new development, the City should have in place financial incentives....</td>
</tr>
<tr>
<td>Resident</td>
<td>9</td>
<td>Highlight Green Infrastructure/LID as topic in Stormwater Technical Manual to encourage awareness if its viability and use.</td>
</tr>
<tr>
<td>Resident</td>
<td>10</td>
<td>Add LID design standards</td>
</tr>
<tr>
<td>Resident</td>
<td>18</td>
<td>Require 50% of stormwater to be directed to landscaped areas.</td>
</tr>
</tbody>
</table>

STAFF ANALYSIS AND CONSIDERATION

No additional analysis was performed.

PROPOSED AMENDMENTS

No amendments are proposed.

Planning and Zoning Commission recommends approval of all proposed amendments in this section as presented.
STORMWATER MANAGEMENT FUND

CURRENT CODE SMTX PROPOSAL

SUMMARY OF CODE REQUIREMENTS (SEC. 6.1.1.2 AND 6.1.1.3)

Stormwater Management District: 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.

Stormwater Management Fund:

- The amount of payment into the Stormwater Management Fund is set by Council and is fixed by a resolution adopted by the City Council included in the City’s Development Fee Schedule.
- Payments collected by the City shall be kept separate from other revenue of the City. Funds can only be used within the same watershed where they were collected and shall be dedicated solely to the purchase of land or construction of the following:
  - Retrofit and regional water quality Best Management Practices;
  - Regional detention and floodplain storage; or
  - Projects to increase flow conveyance.
Any development required to implement the stormwater fee or approved alternatives shall run with the land and any subsequent modification of the parcel that requires more site or building area shall require subsequent action to satisfy the stormwater management fee requirement.

QUESTIONS/COMMENTS DURING THE WORK SESSIONS

QUESTIONS/COMMENTS
Assess fees sufficient to pay the true cost of getting water downstream safely
How will the COSM charge the developer to create the stormwater management fund?
Will the COSM need to pay for regional storm water management and then recover fees from future developers at a later date?
Ensure adequate funding for the drainage utility
If the City will need to fund a portion of regional stormwater management – where will those initial funds be generated from?

RELATED COMPREHENSIVE PLAN GOALS

<table>
<thead>
<tr>
<th>ELEMENT</th>
<th>GOAL OR OBJECTIVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environment and Resource Protection</td>
<td>Develop a regional detention and water quality strategy (including fee-in-lieu) to improve land efficiency, affordability, and efficacy of systems</td>
</tr>
</tbody>
</table>

RELATED PUBLIC FEEDBACK RECEIVED ON PUBLIC DRAFT

<table>
<thead>
<tr>
<th>SOURCE</th>
<th>#</th>
<th>COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>None provided</td>
</tr>
</tbody>
</table>

STAFF ANALYSIS AND CONSIDERATION

No additional analysis was performed.
No amendments are proposed. Staff is working with a consultant to determine adequate strategies and fees for developing:

- Retrofit and regional water quality Best Management Practices;
- Regional detention and floodplain storage; or
- Projects to increase flow conveyance.

**Planning and Zoning Commission recommends approval of all proposed amendments in this section as presented.**