



Code SMTX Think Tank Meeting
Wednesday, January 27, 2016
6:00 pm
Old Fish Hatchery Community Bldg,
206 N. C M Allen Pkwy
AGENDA

1. **Call to Order**
2. **Roll Call**
3. **30 Minute Citizen Comment Period.** The Think Tank welcomes citizen comments. Anyone wishing to speak must sign in with the secretary before the meeting and observe a three-minute time limit.
4. **Approval of Minutes from January 6, 2016**
5. **Review and Discuss Think Tank Response to January 6 Issue Exploration Items**
 - a. **Relief Procedures and Special Zoning Requests**
 - b. **Approval Processes for Planning Areas**
6. **Review and Discuss Issue Exploration Summary Report**
7. **Review and Discuss Project Completion Schedule and Think Tank Role**
8. **Next Steps**
9. **Questions from the Press and Public.**
10. **Adjourn.**

Review and Discuss Think Tank Response to December 16 Issue Exploration Items

The Think Tank provided the following modifications to the December 16 Issue Exploration Items:

Edwards Aquifer and River Corridor:

1. Revise second sentence of “met interest” statement to read “*the new proposal takes political boundaries into consideration.*”
2. Revise the third “unmet interest” bullet to read “Need further details, maps, *WQPP recommendations*, and more defined proposals for increased water quality and corridor standards.”

Tree Protection:

1. Revise the unmet interest by changing “developable window” to read “*developable footprint*”.
2. Revise the second brainstormed solution to read “Provide an option for tree plantings to be placed in other areas of the lot *or in an area adjacent to or in proximity of the site.*”
3. Add “*define limitation on use of fee-in-lieu of*” to the list of brainstormed solutions.
4. Add “*leave exemption for building footprint as is*” to the list of brainstormed solutions.

Landscaping:

1. Add “*consider giving credit for undisturbed areas*” as a brainstormed solution
2. Add “*consider giving credit for rainwater collection and irrigation systems*” as a brainstormed solution.
3. Add “*consider giving credit for planted street screens*” as a brainstormed solution.
4. Add “*consider expanding spacing of street trees*” as a brainstormed solution.

Issue Exploration – Relief Procedures and Special Zoning Requests

Abby Gillfillan provided an overview of the proposed relief procedures: Administrative Adjustments, Alternative Compliance, Conditional Use Permits, and Variances.

The Think Tank provided the following met interests:

1. Provides more flexibility within a set of criteria in furtherance of the Comprehensive Plan; and
2. Like the idea of putting intent language into the code.

The Think Tank provided the following unmet interests:

1. Need a more defined process for administrative adjustments;
2. Need some ability for qualitative flexibility and discretion about what is an administrative adjustment; and

- 1 3. Alternative compliance process may not be flexible enough to accommodate
2 unforeseen requests.
3

4 The Think Tank provided the following Brainstormed Ideas:

- 5 1. There should be flexibility in sequence of approval processes;
6 2. Administration and staff should have more discretion for administrative
7 adjustments;
8 3. Alternative compliance process could perhaps use another review body for
9 approval;
10 4. Director could have discretion to put something on the Alternative Compliance
11 process, provided that it's not explicitly prohibited; and
12 5. Review what standards and uses require a Conditional Use Permit and see what
13 can be done by right.
14

15 **Issue Exploration – Approval Processes for Planning Area Zoning Districts**

16
17 Abby Gillfillan provided an overview of the approvals and administration of the following
18 proposed CodeSMTX Planning Areas: Neighborhood Planning Areas, Character Planning Areas,
19 Employment Planning Areas, and Conservation Planning Areas.
20

21 The Think Tank provided the following Met Interests:

- 22 1. The ability early in the process to identify issues that require alternative
23 compliance review.
24

25 The Think Tank provided the following Unmet Interests:

- 26 1. Lack of surety for new owner about what will be built around them.
27

28 The Think Tank provided the following Brainstormed Ideas:

- 29 1. Once you obtain a Building Permit you are then locked into that set of
30 development standards and allocations.
31

32 **Next Steps**

33 34 **a. Future Agenda Items and Meetings**

35
36 The Think Tank approved to move the next Think Tank Meeting to Wednesday, January
37 27, 2016 instead of January 20, 2016.
38

39 **b. Virtual Open House**

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41 Abby encouraged the Think Tank to view the Virtual Open House and online survey.
42

43 **Questions from the press and public**

44
45 There were no questions from the press or public.
46

1 **Adjourn**

2

3 **THERE BEING NO FURTHER BUSINESS, THE MEETING ADJOURNED AT 8:30**
4 **P.M.**

5

6

7 _____
John David Carson, Chair

Betsy Robertson, Vice-Chair

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9

10 _____
Shawn DuPont

Diann McCabe

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13 _____
Tom Wassenich

David Singleton

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16 _____
Chris Wood

Monica McNabb

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19 _____
Brenda Jenkins

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21 **ATTEST:**

22

23

24 _____
Andrea Villalobos, Planning Technician

Development Process

January 1, 2016; ISSUE EXPLORATION

Relief Procedures

Vision San Marcos Comprehensive Plan:

Goals: Direct Growth Compatible with Surrounding Uses.

Current Code Provisions

SmartCode Zoning District:

- Deviations that meet the intent of the code are called warrants and may be approved by the P&Z.
- Deviations from standards that do not meet intent are variances and are heard by the ZBOA and must meet hardship criteria.

Land Development Code:

- **Administrative Adjustment:** A standard can be waived by the director for up to 10%
- **Conditional Use Permit:** A special use permit requested through planning commission and specifically authorized through the code
- **Variance:** Relief from a requirement of the code and must meet some hardship criteria.

Initial Proposed CodeSMTX Strategy:

CodeSMTX is proposing stronger design and form based standards. A process for alternative compliance has been created in order to account for alternative methods of achieving the intent of the standard.

CodeSMTX is proposing the following forms of relief procedures:

| | Administrative Adjustment | Alternative Compliance Process | Variance | Conditional Use Permit |
|----------------------------|--|---|---|---|
| General Description | A minor adjustment to a standard in the Development Code that can be approved administratively | A request for Alternative Compliance is made by an applicant when there is an alternative design approach to meeting the requirement. | A request for relief from a provision of the code | Allows a use that may be suitable only in certain locations or under certain compatibility standards |
| Applicability | Applicable except where otherwise stated in the Code | Applicable when identified in the Code | Any Standard or Provision of the Code | Applicable when Planning Commission |
| Deciding Body | Planning or Engineering Director | Planning Commission | Zoning Board of Adjustments | Planning Commission |
| Criteria | A minor Adjustment may not materially affect or change the standards by more than 10%. If the director finds that the request does materially affect the standard then it can be referred for alternative compliance or a variance | General Criteria for these decisions is included in the process chapter. Intent statements specific to each section where Alternative Compliance is permitted are included at the beginning of each chapter. These are typically related to design and form elements of the code. | Based on Hardship | Criteria is based on the impact of the proposed use on the surrounding properties and compliance with general policies and intent of the provisions |
| Approval | Approved or Denied | Approved, Approved with conditions, or Denied | Approved, Approved with Conditions, or Denied | Approved, Approved with Conditions, or Denied |

Think Tank Response

Met Interests:

- Provides more flexibility within a set of criteria in furtherance of the comprehensive plan

Brainstormed Solutions

There should be flexibility in sequence of approval processes.

Administration and staff should have more discretion for administrative adjustments.

Alternative compliance process could perhaps use another body to go to for review.

The director should have discretion to put something on the alternative compliance process provided it is not explicitly prohibited.

Review what falls under conditional use permit and see what can be done by right.

- Like the idea of putting intent language into the Code

Unmet Interests

- Lack of surety for the new owner about what will be built around them

Planning Area Approvals and Administration

Vision San Marcos Comprehensive Plan:

Goals:

Neighborhoods and Housing Goal #2: “Revise development codes in Intensity Zones to allow and streamline the process for appropriate uses and densities”

Current Code Provisions

The SmartCode Zoning regulates the development of larger tracts of land through an administrative Regulating Plan Process.

Under the Land Development Code a vast majority of larger development are approved under the Planned Development District Process. A Planned Development District is an overlay zoning district that is adopted as an ordinance. Any standards within the code can be varied through the Planned Development District Process.

CodeSMTX is proposing to replace Planned Development Districts with Planning Areas. These Planning Areas will be regulated differently according to the Comprehensive Plan Area that they are located within. The process is designed to be streamlined in preferred development areas and to include more information in Existing Neighborhoods, Stability Areas, and Environmentally Sensitive Areas. The Table below represents the proposed process in CodeSMTX:

| | Neighborhood Planning Area | Character Planning Area | Employment Planning Area | Conservation Planning Area |
|-------------------------------------|--|--|---|--|
| Applicable Comp Plan Area | Existing Neighborhoods | Intensity Zones/ Major Corridors/ Areas of Stability | Employment Districts/ Major Corridors/ Areas of Stability | Areas of Stability (Typically on the West) |
| Minimum Acreage Requirements | 5 acres or 1/2 Block | - IZ = 10ac - Stability = 20ac | - EC = 10ac - Corridor = 10 ac - Stability =20 ac | 40 acres |
| Application Requirements | - Regulating Plan - Approved Alternative Compliance - Watershed I (if applicable) - Traffic Study (if applicable) | Special District Requests | Special District Requests | - Regulating Plan - Approved Alternative Compliance - Watershed I (if applicable) - Traffic Study (if applicable) |
| Previous Approvals | - Alternative Compliance - Watershed - Traffic Study | None | None | - Alternative Compliance - Watershed - Traffic Study |
| Recommending Body | Planning Commission | Planning Commission | Planning Commission | Planning Commission |
| Final Decision | City Council | City Council | City Council | City Council |

Proposed CodeSMTX Strategy

Think Tank Response

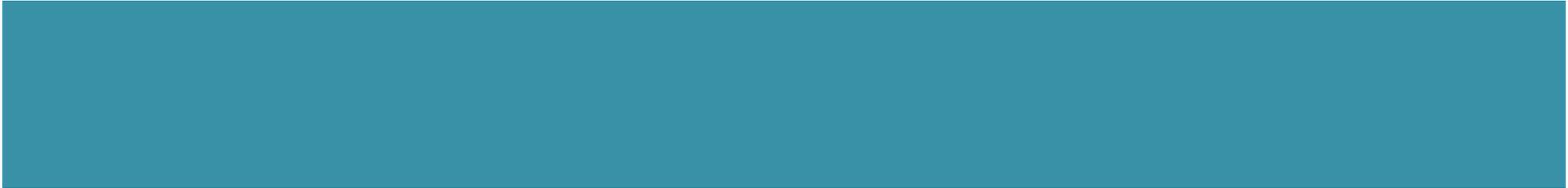
Met Interests:

Once you have a building permit on something then you should be locked into that set of development standards and allocation.

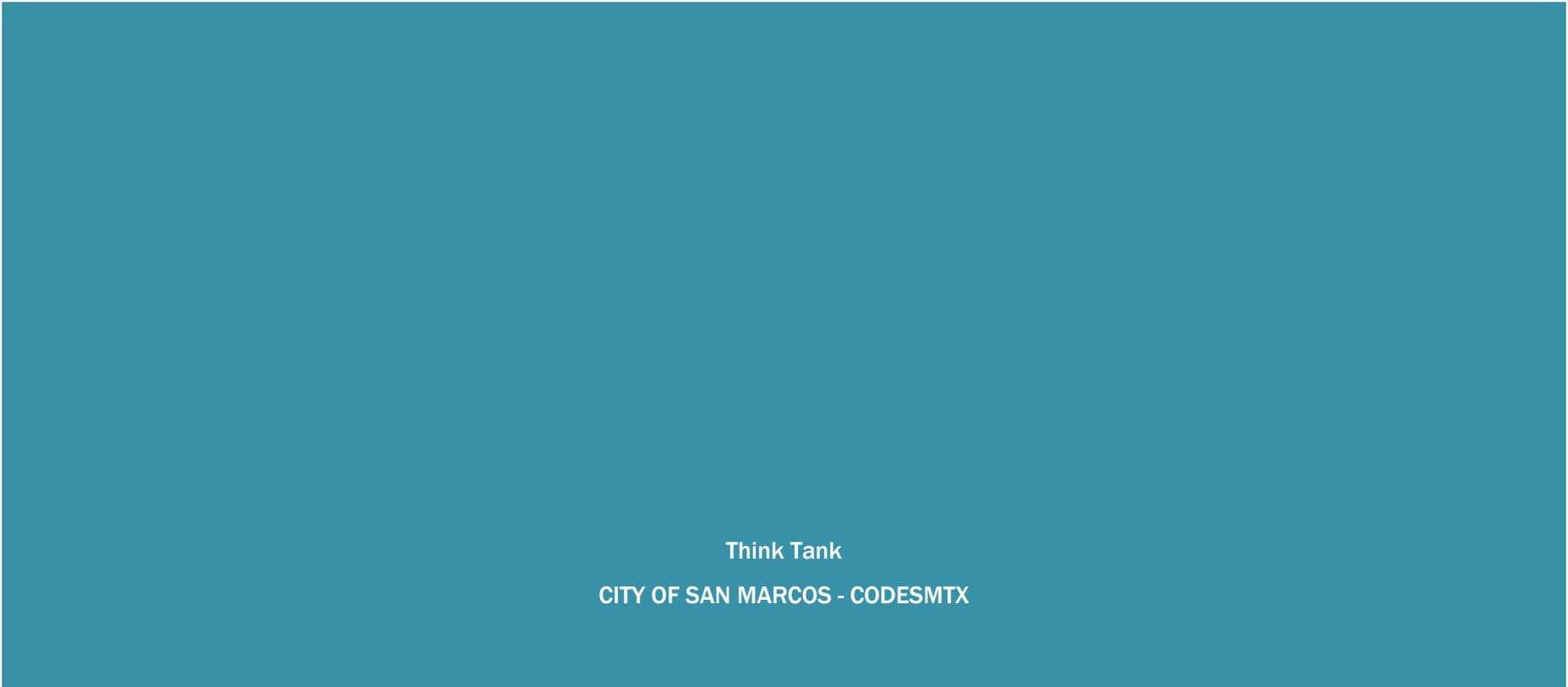
- Ability to resolve issues that require alternative compliance review early in the process

Unmet Interests:

- Lack of surety for new owner about what will be built around them



ISSUE EXPLORATION SUMMARY REPORT DRAFT DATE- JANUARY 20, 2016



Think Tank
CITY OF SAN MARCOS - CODESMTX

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Introduction

The working draft of CodeSMTX was completed and available for review on September 2015. This working draft of the code provides a solid framework and format to explore and revise the overall strategies being proposed for CodeSMTX. These overall strategies were reviewed through the following events and meetings:

- Joint City Council and Planning Commission Workshop
- 13 different Speakers Bureau Presentation
- CodeSMTX Open House
- Virtual Open House
- 9 separate E- Newsletters posted to Social Media

In addition to the review of the overall strategies the Think Tank explored 19 different topics in more detail over the course of 5 months and 8 Issue Exploration Meetings. This Summary documents the 3 step process to arrive at the Final Proposed Strategies for CodeSMTX.

Elements of the 3 Step Issue Exploration Process

The Issue Exploration process involved the following three steps; Step 1 –Existing situation and initial strategy, Step 2 – Think Tank Response, Step 3 – Final Strategy Proposal

Step 1: Existing Conditions and Initial Strategy

Vision San Marcos Comprehensive Plan

The starting point for all issue exploration topics was a review of the vision, goals, and objectives identified in Vision San Marcos Comprehensive Plan. The Comprehensive Plan set the policy for implementation through CodeSMTX. This policy was a central consideration in all issue exploration topics.

Current Land Development Code Provisions

Next, the Think Tank reviewed how the existing code addressed the selected topic.

Initial Proposed CodeSMTX Strategy

The initial proposed CodeSMTX strategy represents the initial strategy that was proposed for amending the Land Development Code. This strategy was based on

- The working draft provided by the consultant team
- Public Input received throughout the course of the CodeSMTX process
- City Staff Recommendations
- Think Tank meetings and discussions

Step 2: Think Tank Response

The Think Tank responded to the initial proposed strategy as a committee identifying the:

- Met interests of the Comprehensive Plan and the stakeholder groups represented
- Unmet interests of the Comprehensive Plan and stakeholder groups

In addition to commenting on the interests the Think Tank brainstormed and proposed solutions based on experience with Development Codes and the needs of the San Marcos community.

Step 3: Final Strategy Proposal

Problem Identification

Review and exploration of the CodeSMTX working draft and the initial proposed strategies for CodeSMTX over the last 5 months has included:

- Eight Issue Exploration Think Tank meetings
- Joint City Council/ Planning Commission Workshop
- CodeSMTX Open House and Survey
- Virtual Open House
- 13 Speakers Bureau and Code Presentations

This period of review, presentation and discussion has helped to further define the problems and issues that San Marcos is facing with our current code. Accurately defining the problems are a key step to developing the appropriate strategies for CodeSMTX.

Final Proposed CodeSMTX Strategy

The final proposed strategy represents the direction and strategy that will be reflected in the revised draft of CodeSMTX scheduled for release in April of 2016. This will be a full and complete document issued for review and comment during the months of April and May. The document is scheduled to go to policy makers for consideration and adoption during the summer and fall of 2016.

ZONING TRANSLATION TABLE

The Zoning Translation Table is a key implementation tool for Vision San Marcos Comprehensive Plan. The purpose of the Table is to translate the guiding principles for growth and development established through the Preferred Scenario Map into Zoning.

Step 1: Existing Conditions and Initial Strategy

Vision San Marcos Comprehensive Plan:

“The preferred scenario map does not explicitly address zoning. Land in the preferred scenario is divided into two broad categories. The first category includes intensity zones where change is anticipated by the plan. The second category includes areas of relative stability where changes in use are not recommended by the plan.” ... “Zoning is conservative in nature and has a bias towards maintaining the status quo. Growing cities, though, are not static; new residents move in, new businesses are established and new technologies change the way people live. The purpose of planning is to anticipate and shape this change in a way that provides opportunities for new development and redevelopment while preserving the community’s cultural and environmental heritage.”

| | |
|--|--|
| <p>Current Land Development Code Provisions</p> | <p>See LDC Section 4.1.5.2</p> <p>The existing zoning translation table was implemented after the adoption of the Comprehensive Plan as an implementation tool. The table provides a direct translation from the preferred scenario to allowable zoning districts.</p> |
| <p>Initial Proposed CodeSMTX Strategy September 9, 2015</p> | <p>See CodeSMTX Section 5.1.1.5</p> <p>Zoning Translation Table Amendments include:</p> <ul style="list-style-type: none"> • An Intensity Classification System that allows for more flexibility in zoning requests • The addition of Corridors and their allowable zoning districts • A general policy statement that “Zoning requests may be made in the same or lower Intensity Classification” • The addition of Character Based Districts that enable change in Intensity Areas • The addition of more zoning options for Employment Centers |
| <p>Step 2: Think Tank Response</p> | |

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|--|---|
| <p>TT Discussion/ Response</p> | <p>Does the Proposed CodeSMTX Strategy meet the Comprehensive Plan goals and the interests of stakeholder groups?</p> <p><u>Meets Interest</u></p> <p>The zoning translation table and 6 month waiting period upholds the integrity of the Comprehensive Plan.</p> |
| <p>Brainstormed Solutions</p> <p>Zoning requests that are employment generators in Low Intensity Areas can skip the 6 month waiting period.</p> | <p><u>Unmet Interest</u></p> <p>The Waiting period for a Comprehensive Plan Amendment could be a barrier to providing jobs in Low Intensity Areas.</p> |
| <p>Step 3: Final Strategy Approach</p> | |
| <p>Problem Identification</p> | <p>The adoption of the Preferred Scenario Map moved the City from a Land Use based Comprehensive Plan to an intensity based Comprehensive Plan that focuses on areas of change and areas of stability. The current zoning translation table does not adequately take existing conditions into account for areas of stability. Existing conditions such as land use, environmental constraints and current and future major transportation infrastructure are key in determining whether a request for an alternative zoning district is a significant change that warrants an amendment to the City's Comprehensive Plan.</p> |

Final Proposed CodeSMTX Strategy

Proposed modifications based on Think Tank Response are highlighted in Yellow.

CodeSMTX is proposing amendments to the zoning translation table specific to each Comprehensive Plan Area as follows:

- Existing Neighborhood Areas:
 - Inclusion of an Intensity Classification System to accounts for existing zoning and Land Use
 - Inclusion of new neighborhood appropriate zoning districts
- Low Intensity Areas:
 - Limits on zoning options over Environmentally Sensitive Land based on the Land Use Suitability Map.
 - Added Flexibility for Zoning Options along major corridors identified on the Transportation Master Plan
 - Preferred Scenario Amendments to Employment Center can be requested at any time without a waiting period
- Intensity Zones
 - Inclusion of High Intensity, Pedestrian Oriented Zoning Districts
- Employment Centers
 - Inclusion of new zoning options

New Zoning Options in Stability Areas

Step 1: Existing Conditions And Initial Strategy

Vision San Marcos Comprehensive Plan:

“Being located in an area of stability does not mean that these areas should not or will not change. It means that any changes, whether new developments, zoning requests, or public improvements, should be carefully planned and implemented so that the character of the area remains.”

Neighborhoods and Housing Goal 3

- Revise zoning code to allow for more diverse housing types and mixed-use development
- Update infill housing program
- Develop an affordable housing program

Current Land Development Code Provisions

Existing Neighborhood Areas (Infill):

The Existing Land Development Code does not currently have a zoning tool that provides for diversified housing types within Existing Neighborhood Areas. The mechanism that is used for this type of a development is a Planned Development District (PDD)

See Smartcode Section 3.3.1

Areas of Stability (New Development):

Smartcode zoning is available in areas of stability as an option for providing diverse and complete neighborhoods for properties greater than 40 acres.

| | |
|---|---|
| <p>Initial Proposed CodeSMTX Strategy September 9, 2016</p> | <p>Existing Neighborhood Areas (Infill):</p> <p>Development or redevelopment on parcels that are greater than either ½ of a block or 5 acres within Existing Neighborhoods have the option of requesting a re-zoning to Character District 4 (CD-4). Character District 4 provides the flexibility needed for a larger development parcel while retaining compatibility with existing neighborhood scale. CD-4 includes:</p> <ul style="list-style-type: none"> • Primarily residential incorporating single family, duplex, rowhouses, small multifamily, live/work, and small commercial. Buildings are 2 to 3 stories <p>Low Intensity Areas (New Development):</p> <p>Development on parcels greater than 20 acres has the option to request a Character Based Planning Area (CBPA) Zoning District.</p> <ul style="list-style-type: none"> • The CBPA zoning consists of a complete community with a range of development types and streets. CBPA zoning allows the owner to submit a Regulating Plan to assign certain percentages of CD-3, CD-4, and CD-5. |
| <p>Step 2: Think Tank Response</p> | |
| <p>TT Discussion/ Response</p> | <p>Does the Proposed CodeSMTX Strategy meet the Comprehensive Plan goals and the interests of the stakeholder groups?</p> |
| <p>Brainstormed Solutions</p> <p>Establish Criteria for transitions of Character Districts to require compatibility with any adjacent uses</p> <p>Consider modifications of size limitations</p> | <p>Meets Interests If new zoning districts are written properly they could provide an option for diverse housing types that match the scale and character of the surrounding Existing Neighborhood Areas.</p> <p>Unmet Interest If not written properly, existing neighborhood areas could be negatively affected by development that doesn't fit with the character of existing neighborhood areas.</p> |
| <p>Step 3: Final Strategy Approach</p> | |

Problem Identification

Existing Neighborhoods

There is a need for affordable and diverse housing options within existing neighborhoods to serve families, young professionals, or seniors in a walkable environment. Current zoning tools in the Land Development Code have not achieved compatible development in existing neighborhoods. Existing conventional zoning districts do not effectively regulate the size, scale, or design of new development and rely too heavily on use alone. This has led to development that is out of scale with the surrounding neighborhoods and that is not designed to fit in with existing development. Incompatible zoning tools have also led to an over reliance on Planned Development Districts where a new code is negotiated for each development resulting in a lack of predictability for neighborhoods and the development community.

Low Intensity Areas

The requirement to amend the Comprehensive Plan in order to develop in non-environmentally sensitive Low Intensity Areas is too restrictive. Larger developments should have the option of a lower intensity community with a variety of housing and some commercial options in Low Intensity Areas.

Final Proposed CodeSMTX Strategy

Proposed modifications based on Think Tank Response are highlighted in Yellow.

Existing Neighborhoods

CodeSMTX is proposing 4 main changes for development in Existing Neighborhoods:

- 1) Creation of 3 new Neighborhood Districts to accommodate compatible new development in Existing Neighborhoods including:
 - Neighborhood District 3 – Consists of attached and detached single family residential. Buildings located behind medium to small setbacks along tree lined streets in a walkable environment
 - Neighborhood District 3.5 – Consists of a variety of residential uses located in small to medium sized building footprints from one to three family housing choices. A single main building with up to one accessory unit is located close to tree lined walkable streets supporting adjacent neighborhood services
 - Neighborhood District 4 – Consists of a mixture of uses and typically located along neighborhood corridors with higher traffic volumes. Includes a variety of building types on small to large lots and ranging from small multifamily to neighborhood commercial uses.
- 2) Enhancement of the development standards for medium density conventional districts and the neighborhood commercial zoning district in order to address walkability, project scale, design, and density.
- 3) Retirement of non-compatible districts including conventional High and Medium Density Zoning Districts
- 4) Replacement of PDD overlay's with Neighborhood Planning Areas. Neighborhood Planning Areas apply in larger infill developments and consist of a mixture of Neighborhood Districts where all standards of the Neighborhood Districts apply. Neighborhood Planning Areas provide the City Council a chance to address transitions from existing development to proposed development through the provision of zoning.

Low Intensity Areas

CodeSMTX is proposing that development on parcels greater than 20 acres has the option to request a Character Based Planning Area (CBPA) Zoning District in Low Intensity Zones. The CBPA zoning consists of a complete community with a range of development types and streets. The CBPA zoning district allows the owner to submit an administratively approved Regulating Plan to assign certain percentages of CD-3, CD-4, and CD-5. Criteria for approval of the CBPA zoning district by City Council includes an analysis of the environmental sensitivity of the property as defined on the City's Land Use Suitability Map. Standards for compatibility and transitions to adjacent development will be required during the assignment of Character Districts through the regulating plan approval process.

Planned Development Districts

Planned Development Districts are an overlay district with the purpose of providing an option for larger properties to develop as an integral unit for single or mixed uses that may include uses and standards that vary from the provision of other zoning districts.

Step 1: Existing Conditions and Initial Strategy

Vision San Marcos Comprehensive Plan:

Land Use Goal1: Direct growth, compatible with surrounding uses

Other CodeSMTX Re-write Goals:

Streamlining Development Process: PDD's frequently consist of drafting and negotiating an entirely new document that can take between 9 months and 2 years for approval.

Current Land Development Code Provisions

See Section 4.2.6.1 LDC

The current Land Development Code utilizes PDDs as a tool to achieve mixed use or larger scale development that doesn't fit within the existing San Marcos zoning categories. Currently PDD's

- Have the following minimum district size
 - Single Family/ Duplex/ Mixed Uses: 2 acres
 - Multi-family and Non-Residential: 1 acre
- Are required to achieve diversified housing and mixed use developments
- Are required to achieve a dense Multi-Family development
- May vary from any use or development standard within the LDC

| | |
|---|---|
| <p>Initial Proposed CodeSMTX Strategy September 9, 2015</p> | <p>CodeSMTX endeavors to draft zoning districts and standards that provide a balanced degree of flexibility and predictability so that long negotiated entitlement processes can be minimized. Character Based Planning provides the flexibility to accommodate a changing market and larger tracts of land while preserving development standards. The establishment of CD-4 within Existing Neighborhood Areas is proposed to :</p> <ul style="list-style-type: none"> • Have the following minimum district size: <ul style="list-style-type: none"> ○ Greater than 5 acres ○ Greater than ½ block • Require a regulating plan to be included with the zoning change request. • Follow all standards for a CD-4 district |
| <p>Step 2: Think Tank Response</p> | |
| <p>TT Discussion/ Response</p> | <p>Does the Proposed CodeSMTX Strategy meet the Comprehensive Plan goals and the interests of the stakeholder groups?</p> <p>Meets Interests Removal of negotiated PDD's provides a simpler and more predictable process that can be less divisive for the community.</p> |
| <p>Brainstormed Solutions</p> | <p>Unmet Interests Removing PDD's limits flexibility and the ability for development to respond to the market. If a project puts too much pressure on the code without providing enough relief then people might try to change the code.</p> |
| <p>Step 3: Final Strategy Approach</p> | |

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| <p>Problem Identification</p> | <p>Planned Development Districts are intended to provide a better product for the community but have frequently fallen short of this goal in San Marcos. Frequent use of Planned Development Districts is a sign that the current zoning options in the Development Code are not sufficient to meeting the demand for housing types. Planned Development Districts can result in development that has little resemblance to the base zoning district providing a lack of predictability for surrounding property owners. They frequently consist of drafting and negotiating an entirely new document that can take between 9 months and 2 years for approval. This leads to a lack of predictability for the development community and a very large investment with high risk prior to approval.</p> <p>Successful development processes achieve the correct balance between flexibility and predictability. Planned Development Districts in San Marcos are too flexible and therefore provide very little predictability for the community or the developer.</p> |
| <p>Final Proposed CodeSMTX Strategy</p> <p>Proposed modifications based on Think Tank Response are highlighted in Yellow.</p> | <p>CodeSMTX is proposing to replace Planned Development Districts with the following standards and processes:</p> <ul style="list-style-type: none">• New zoning districts that provide opportunities for a wider variety of housing and employment related developments.• A new Character Planning Area zoning district as an option in Intensity Zones, Employment Centers, and non-environmentally sensitive Low Intensity Areas that provides the flexibility needed for a large multi-year project without compromising the standards written in each zoning district.• A new Neighborhood Planning Area process that limits flexibility and provides more predictability for neighborhoods and the development community.• A new Conservation Planning Area process for development in environmentally sensitive areas that provides protection and preservation of the most environmentally sensitive lands.• A new Alternative Compliance process that allows a project to present an alternative way to meet individual requirements identified in the code. Each request is analyzed individually based on the intent of the provision and decided by the Planning Commission. |

Accessory Dwelling Units

Step 1: Existing Conditions and Initial Strategy

Vision San Marcos Comprehensive Plan:

Neighborhoods and Housing Goal 3

- Revise zoning code to allow for more diverse housing types and mixed-use development
- Update infill housing program
- Develop an affordable housing program

Neighborhoods and Housing Goal 2: Housing opportunities for students of Texas State University in Appropriate Areas

- Revise development codes in Intensity Zones to allow and streamline the process for appropriate uses and densities
- Develop a plan to reduce congestion and parking issues caused near campus and in dense housing areas including options that integrate with existing university systems

Current Land Development Code Provisions

See Section 4.3.2.1 and 4.3.1.2

The Existing Land Development Code permits Accessory Dwelling Units under the following conditions:

- Accessory Dwelling Units are permitted in FD, AR, SF-R and Conditional in SF-11 and SF 6
- Accessory Dwelling Units are limited to 50% of the total floor area of the primary structure
- No additional parking space is required
- Accessory Dwelling Units must be located behind the Primary Structure

Initial Proposed CodeSMTX Strategy September 9, 2016

The Proposed Code Strategy permits Accessory Dwelling Units under the following conditions:

- Accessory Dwelling Units are permitted in FD, AR, SF-R, SF-6 and Conditional in SF 4.5, DR, and TH.
- Accessory Dwelling Units are limited to 625 Square Feet
- Require one additional parking space in the 3rd lot layer
- Accessory Dwelling Units must be located in the 3rd lot layer

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| <p>Step 2: Think Tank Response</p> | |
| <p>TT Discussion/ Response</p> | <p>Does the Proposed CodeSMTX Strategy meet the Comprehensive Plan goals and the interests of the stakeholder groups?</p> <p>Meets Interests Expands options for diverse and affordable housing</p> |
| <p>Brainstormed Solutions</p> <p>Make Definition of Accessory Dwelling Apply to attached or detached Unit</p> <p>Regulation of the size of an ADU should be proportional to the main structure</p> <p>Require Owner Occupancy of either the main building or the ADU</p> <p>Count existing spaces toward ADU requirement</p> | <p>Unmet Interests Adding Density in the form of Accessory Dwelling Units to existing neighborhoods can negatively affect the character of those places</p> |
| <p>Step 3: Final Strategy Approach</p> | |

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| <p>Problem Identification</p> | <p>Currently Accessory Dwelling Units are regulated on a case by case basis through a conditional use permit process in several zoning districts. This process can create challenges for enforcement due to case specific conditions. Accessory Dwelling Units have been identified as a great tool for property owners to maintain the affordability of their property as values increase. They also create alternative options for affordable housing. There is concern that Accessory Dwelling Units without adequate oversight can lead to poor maintenance of properties and nuisances to adjacent property owners. ADUs, while offering another housing option, add density. They can be viewed by some homeowners as a potential threat to the stability and character of existing single-family neighborhoods.</p> |
| <p>Final Proposed CodeSMTX Strategy</p> <p>Proposed modifications based on Think Tank Response are highlighted in Yellow.</p> | <p>The Proposed Code Strategy permits Accessory Dwelling Units under the following conditions:</p> <ul style="list-style-type: none">• Accessory Dwelling Units are permitted in all zoning districts with an administrative permit that can be revoked and that transfers with the property owner and requires owner occupancy or either the main or accessory dwelling.• Accessory Dwelling Units are limited to 1/2 the size of the main dwelling or structure on the lot up to a maximum size of 1,000 sq ft.• Requires adequate parking to serve both the main structure and the accessory structure• Located behind the main structure |

Conventional District Changes

Step 1: Current Conditions and Initial Strategy

Vision San Marcos Comprehensive Plan:

Land Use Goal 2: High-Density Mixed-Use development and infrastructure in the Activity Nodes and Intensity Zones, including the downtown area supporting walkability and integrated transit corridors

Neighborhoods and Housing Goal 4: Well maintained, stable neighborhoods protected from blight or the encroachment on incompatible land uses

Transportation Goal 1

- Determine appropriate modes of transportation in and around new developments, subdivisions, site plans, the University and high density residential areas

Current Land Development Code Provisions

Currently all conventional zoning districts are primarily use based and suburban auto-oriented including Medium and High Density residential districts

Initial Proposed CodeSMTX Strategy September 9, 2015

CodeSMTX is proposing to modify those zoning districts that require more parking, are higher density, and are typically located in transitional areas. Changes to Conventional districts include

- Updated standards in DR, TH, and NC districts that include the following:
 - Parking in the 2nd layer for NC and 3rd layer for DR, and TH districts
 - Limitation of Driveway size and location
 - Frontage Type specifications
 - Modifications to setbacks and landscaping standards to accommodate parking location
- The retirement of the MF-12, MF-18, and MF-24 districts. New High Density Multi-Family development is required to locate in Character District-5 within Intensity Zones.

Step 2: Think Tank Response

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| <p>TT Discussion/ Response</p> | <p>Does the Proposed CodeSMTX Strategy meet the Comprehensive Plan goals and the interests of the stakeholder groups?</p> <p><u>Met Interests:</u> Makes existing categories more functional and usable and increases predictability of product, which is important to neighbors and property owners.</p> <p><u>Unmet Interests</u> Addition of architectural/ design standards in Conventional Districts unduly limits creativity of architects and limits potential energy efficiency through solar orientation. Accommodations need to be made for existing conditions, especially when making modifications to existing zoning districts.</p> |
| <p>Step 3: Final Strategy Approach</p> | |
| <p>Problem Identification</p> | <p>Current standards in the Land Development Code for medium density residential and neighborhood commercial districts do not result in buildings that are compatible with existing neighborhoods. Standards that address the design of the buildings, location of parking and other aspects of walkability are needed in order to introduce more variety in housing with access to walkable retail and commercial services.</p> |
| <p>Final Proposed CodeSMTX Strategy</p> <p>Proposed modifications based on Think Tank Response are highlighted in Yellow.</p> | <p>CodeSMTX is proposing to modify the standards for medium density residential and neighborhood commercial zoning districts as follows:</p> <ul style="list-style-type: none"> ○ Parking is located adjacent or behind the main building ○ Limitations on Driveway size and location ○ Frontage Type Requirements ○ Reduced Setbacks ○ Modification to landscape requirements <p>CodeSMTX will make specific allowances to limit the creation of non-conforming lots and building types applicable on infill lots.</p> |

First Development Process Discussion

Vision San Marcos Comprehensive Plan:

Neighborhoods and Housing Goal #2: “Revise development codes in Intensity Zones to allow and streamline the process for appropriate uses and densities”

Step 1: Existing Conditions and Initial Strategy

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| <p>Current Code Provisions</p> | <p>Smartcode (SC) zoning is achieved for properties greater than 40 acres. If no deviations are proposed the request is heard as a straight zoning change with no negotiations.</p> <ul style="list-style-type: none"> • Deviations that meet the intent of the code are called warrants and may be approved by the P&Z. • Deviations from standards that do not meet intent are variances and are heard by the ZBOA and must meet hardship criteria. |
| <p>Initial Proposed CodeSMTX Strategy September 16, 2015</p> | <p>Character Districts greater than 20 acres are Character Based Planning Areas. Character districts between 5 acres or ½ block and 20 acres are individual districts. Both are achieved through straight zoning.</p> <ul style="list-style-type: none"> • Deviations from standards are specific adjustments. Specific Adjustments: <ul style="list-style-type: none"> ○ Are identified specifically as an option in the code ○ Approved by the Planning Commission ○ Have criteria for review included in the code • Deviations from uses are Conditional Use Permits. Conditional Use Permits: <ul style="list-style-type: none"> ○ Are identified as conditional on the Land Use Matrix in each zoning district ○ Approved by the Planning Commission |
| <p>Step 2: Think Tank Response</p> | |
| <p>TT Discussion/ Response</p> | <p>Does the Proposed CodeSMTX Strategy meet the Comprehensive Plan goals and the interests of stakeholder groups?</p> |

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| <p>Brainstormed Solutions</p> <p>Specify deviations that are not permissible in lieu of itemizing those that are available</p> <p>Alternatively, allow for other deviations to be proposed through a more rigorous adjustment process.</p> | <p>Met Interests: Separate out process for asking for a deviation for use and a deviation for standards.</p> <p>Unmet Interests: Not adversely impacting possible points of deviation</p> |
| <p>Step 3: Final Strategy Approach</p> | <p>Development Process was covered again in two separate Issue Explorations on January 6, 2016. See those Issue Exploration sheets for the final Proposed Strategy</p> |

Employment and Light Industrial

Vision San Marcos Comprehensive Plan:

The Land Use Intensity Matrix indicates that light industrial would be permitted through a CUP process for New Development in Intensity Zones and not recommended in Downtown or Midtown.

Step 1: Existing Conditions and Initial Strategy

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| Current Code Provisions | Manufacturing on the ground floor is permitted by Warrant in T5 |
| Initial Proposed CodeSMTX Strategy September 16, 2015 | <ul style="list-style-type: none"> • Light Industrial is a Conditional Use in Character District 5 • Special Districts are available within a Character Based Planning Area and require approval through City Council following a zoning change process |
| Step 2: Think Tank Response | |
| TT Discussion/ Response | <p>Does the Proposed CodeSMTX Strategy meet the Comprehensive Plan goals and the interests of the stakeholder groups?</p> <p>Met Interest:</p> |
| Brainstormed Solutions | <p>Provides an additional filter to identify if there are any noxious uses</p> <p>Unmet Interest:</p> <p>Would like to see a few things that could be done “by right” as long as they fit within certain constraints.</p> |
| Step 3: Final Strategy Approach | |

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| <p>Problem Identification</p> | <p>Intensity Zones are intended in the Comprehensive Plan as places that are primarily designed for residential uses and commercial services that support those uses. Industrial and Light industrial uses have traditionally been seen as incompatible with residential. Some of our Intensity Zones are located along major transportation corridors where industrial and employment based uses may want to locate. As technology continues to advance some typically industrial type uses have less of an impact on surrounding residential.</p> |
| <p>Final Proposed CodeSMTX Strategy</p> <p>Proposed modifications based on Think Tank Response are highlighted in Yellow.</p> | <p>CodeSMTX is proposing the following in order to incorporate light industrial or employment centered uses within an Intensity Zone.</p> <ul style="list-style-type: none">• Light Industrial is offered as a Conditional Use in Character District 5 and must follow all development standards of the district• A Special District is available within a Character Planning Area and requires specific approval through City Council following a zoning change process• The Employment Center District will be available for request within an Intensity Zone or as a percentage of a Character Planning Area and will be appropriate along major Transportation Corridors. Employment Center Districts within an Intensity Zone will be subject to standards that ensure a compatible transition to adjacent character districts. |

Architectural Standards

Vision San Marcos Comprehensive Plan:

Neighborhoods and Housing Goal #2: "Revise development codes in Intensity Zones to allow and streamline the process for appropriate uses and densities"

Step 1: Existing Conditions and Initial Strategy Approach

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| <p>Current Code Provisions</p> | <p>Currently the following Architectural and Design Standards are in place Downtown:</p> <ul style="list-style-type: none"> • Full masonry on all Multi-Family projects • Contextual Height Step-Downs • Expression Requirements • Upper Floor Window Design • Varied Upper Floor Massing • Ground floor residential is required to be elevated 2' above the sidewalk • 70% min clear glazing is required for all shop front frontages • 30% min clear glazing required for all other frontage types |
| <p>Initial Proposed CodeSMTX Strategy September 16, 2015</p> | <p>CodeSMTX is proposing to continue all of these requirements in Downtown</p> <p>CodeSMTX is proposing to expand the following standards to other CD-4 and CD-5 Districts:</p> <ul style="list-style-type: none"> • Contextual Height Step-Downs • Expression Requirements • Varied Upper Floor Massing • Ground floor residential is required to be elevated 2' above the sidewalk in CD-5 • 70% min clear glazing is required for all shop front frontages • 30% min clear glazing required for all other frontage types |
| <p>Step 2: Think Tank Response</p> | |

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| <p>TT Discussion/ Response</p> | <p>Does the Proposed CodeSMTX Strategy meet the Comprehensive Plan goals and the interests of the stakeholder groups?</p> <p>Met Interest:</p> <ul style="list-style-type: none"> • Prevent overly massive building and can foster pedestrian character |
| <p>Brainstormed Solutions</p> <ul style="list-style-type: none"> • Adjust intervals for articulations and make sure there is some flexibility • Step back over five stories rather than three • If economically unfeasible to do step back, need an alternative approach | <p>Unmet Interest:</p> <ul style="list-style-type: none"> • Concern over articulation requirements that create homogeneous environments • Varied upper floor massing can have significant economic implications • We may be putting things in the code that are not necessarily issues we have right now in San Marcos • We need to avoid arbitrary requirements that have unintended consequences |
| <p>Step 3: Final Strategy Approach</p> | |
| <p>Problem Identification</p> | <p>Conventional use based zoning districts do not typically address the design of buildings or how those buildings interact with the public. This can lead to buildings that have a short life span and that can only be use for one type of use before becoming obsolete. Architectural requirements can be subjective in nature and can limit creativity in design. Architectural standards can also lead to additional cost for design and construction.</p> |

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| <p>Final Proposed CodeSMTX Strategy</p> <p>Proposed modifications based on Think Tank Response are highlighted in Yellow.</p> | <p>CodeSMTX is proposing new building and site design requirements for the following new districts:</p> <p>Downtown CD-4D and CD-5D –</p> <ul style="list-style-type: none">• All existing building and site design requirements remain. <p>Character Districts 4, and 5 -</p> <ul style="list-style-type: none">• Contextual Height Step-Downs• Moderate Expression/ Articulation Requirements• Ground floor residential is required to be elevated 2’ above the sidewalk in CD-5• Minimum Glazing Requirements• Frontage Type Requirements• Parking Location Requirements• No Varied Upper Floor Massing Requirements <p>Employment Center District –</p> <ul style="list-style-type: none">• Moderate Expression/ Articulation Requirements• Ground floor residential is required to be elevated 2’ above the sidewalk in CD-5• Minimum Glazing Requirements• Frontage Type Requirements• Parking Location Requirements• Material Standards <p>Neighborhood Districts –</p> <ul style="list-style-type: none">• Contextual Height Step Downs• Buffering/ transitional requirements between conventional and Neighborhood Districts where appropriate• Frontage Type Requirements• Parking location Requirements |
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Employment Centers

Step 1: Existing Conditions and Initial Strategy

Vision San Marcos Comprehensive Plan:

“Employment Centers are appropriate for industrial, large office park and intensive commercial uses. Typically these uses are located on large sites with excellent road and rail access and access to water and sewer infrastructure.”

Goals:

- “Expedite the entitlement process for high performance local or preferred industry employers locating in Employment Centers or Preferred Scenario”
- “Develop Industrial Settings that provide shovel ready opportunities for prospective companies”
- “Increase the amount of Class A office and industrial space that is attractive to target industries”

Current Code Provisions

The Land Development Code currently has several commercial districts with relatively similar standards utilized to regulate development in commercial and industrial settings including the following zoning districts and standards:

Zoning Districts

- General Commercial (GC); Heavy Commercial (HC); Light Industrial (LI); Heavy Industrial (HI)

Standards

- Lot Dimensions: 50’ minimum width
- Use Standards: No Residential
- Setbacks: 5’ to 10’ minimum side and 20’ – 25’ minimum front
- 80 – 85% impervious cover
- 10% Landscaped Area
- Horizontal and Vertical Articulation every 50’ in HC and GC
- Material requirements in HC and GC

Initial Proposed CodeSMTX Strategy
October 21, 2015

CodeSMTX is proposing standards that are flexible enough to accommodate Intensive or Specialized Uses while supporting an attractive environment for target industries. CodeSMTX is proposing three separate districts with distinct standards and regulations to support Regional Retail, Office, and Industrial Employment Districts. Below is a breakdown of the proposed standards in these districts:

ED - Regional Retail – Intended for Big Box Stores and accessory retail services

- Lot Dimensions: 50' Minimum Frontage on Public Street or Platted Internal Accessway;
- Use Standards: No Residential
- Setbacks: 5' to 10' Min; Front 15' Min
- Parking Location: Any Layer
- Internal Circulation System Required - with parking/ sidewalks/ Trees/ limited drives (See attached Illustration)
- Individual Parking Pods: 70,000 Sq Ft Max (See illustration)
- Landscape or wall at frontage to screen parking areas
- Articulation Standards
- Material Standards

ED – Office - Intended for Large or smaller format office parks

- Lot Dimensions: 50' Minimum Frontage on Public Street;
- Use Standards: No Residential
- Setbacks: 5' to 10' Min; Front 15' Min
- Parking Location: 2nd Layer
- Internal Circulation System Required – with parking/ sidewalks/ Trees/ limited drives
- Individual Parking Pods: 60,000 Sq Ft Max (See illustration)
- Landscape or wall at frontage to screen parking areas
- Articulation Standards
- Material Standards
- Glazing Requirements

ED – Industrial – Intended for large format Industrial Development and Employment Centers

- Lot Dimensions: 50' Min Frontage on Public Street
- Use Standards: No Residential
- 10' minimum side and 20' – 25' minimum front
- Parking Location: Any Layer
- Landscaping to screen parking at frontage

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| <p>Step 2: Think Tank Response</p> | |
| <p>TT Discussion/ Response</p> | <p>Does the Proposed CodeSMTX Strategy meet the Comprehensive Plan goals and the interests of stakeholder groups?</p> <p>Met Interests: Parking pods make redevelopment easier Eliminates requirement to go through rezoning based on use</p> |
| <p>Brainstormed Solutions</p> <ul style="list-style-type: none"> • Combine Retail and Office and allow people to just choose between 2 categories • Don't have utilities running through parking pods and it may be better not to plant large trees (however, trees provide shade) | <p>Unmet Interests: Have not made process much easier for employers Potential increased cost could negate attractiveness (higher standards)</p> |
| <p>Step 2: Final Strategy Approach</p> | |
| <p>Problem Identification</p> | <p>The Land Development Code currently has several commercial and industrial districts with relatively similar standards regulating development in commercial and industrial settings. These districts are mainly concerned with allowable uses and do not address site or building design in any meaningful way. Conventional districts provide little control over the design of commercial buildings along our gateways and major transportation networks.</p> <p>The number of districts can result in frequent zoning requests or Conditional Use Permits in order to transition to different employment based uses.</p> |

Final Proposed CodeSMTX Strategy

Proposed modifications based on Think Tank Responses are highlighted in Yellow.

CodeSMTX is proposing to consolidate elements of several different commercial, office, and industrial zoning districts into two different districts; an employment district and an industrial district.

- Industrial Districts contain large format buildings intended for manufacturing, assembling, and fabrication activities that do not depend upon frequent customer or client visits. Typically located adjacent to major Rail or Highway transportation networks
- Employment Corridor Districts contain a wide range of employment opportunities including light industrial, manufacturing, office parks and regional retail or commercial uses. This district is intended to be located along highway and other gateway corridors and includes development standards that facilitate high quality and attractive development. This district fosters a more walkable environment through the inclusion of parking pods and an internal network of pedestrian paths and drives.

In addition to these new districts CodeSMTX is also incorporating standards for an employment planning area on larger parcels of land that allow some pedestrian oriented residential development to foster a “live, work, play environment where a majority of the land is devoted to employment related uses. This district will include standards to transition from larger scale employment uses to medium to high density residential.

Parking Requirements

Vision San Marcos Comprehensive Plan:

Develop a plan to reduce congestion and parking issues caused near campus and in dense housing areas.

Step 1: Existing Conditions and Initial Strategy

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| <p>Current Code Provisions</p> | <p>Current Parking requirements are attached here for both the LDC and the Smart Code.</p> |
| <p>Initial Proposed CodeSMTX Strategy October 21, 2015</p> | <p>CodeSMTX is proposing the following updates to the parking standards in CodeSMTX:</p> <ul style="list-style-type: none"> • Two sets of parking requirements one for Conventional Districts and one for Character Based Districts. • No changes to the existing parking requirements in the Downtown. • Simplification of the parking table in Conventional Districts • Better options for shared parking in conventional and character districts • Encourage shared access parking lots in the code |
| <p>Step 2: Think Tank Response</p> | |

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| <p>TT Discussion/ Response</p> | <p>Does the Proposed CodeSMTX Strategy meet the Comprehensive Plan goals and the interests of the stakeholder groups?</p> <p>Met Interests:</p> <ul style="list-style-type: none"> • Current, unnecessarily large parking requirements at retail and office are creating a waste of space and are a poor use of resources |
| <p>Brainstormed Solutions</p> <p>Create strategies to charge for parking for multi-family occupants</p> <p>Create a Fee-in-lieu of for projects that don't meet parking requirements</p> <p>Return to standard urban parking requirement of 1 parking space per dwelling unit and use a scaling factor for dwelling units to bedrooms when a unit has more than two bedrooms – Example: The current LDC has an existing scaling factor for scaling dwelling units in calculating allowable density in MF-12/18/24.</p> | <p>Unmet Interests:</p> <ul style="list-style-type: none"> • Downtown parking requirement not satisfying goal to make a more walkable downtown • In conventional districts next to existing neighborhood areas, even the current 1.05/ bed parking requirements are creating overflow parking in neighborhoods • Create an atmosphere that will support transit downtown (i.e., transit as a more convenient alternative to personal auto use for some/ most trips) • Create affordable housing options downtown – High parking requirements inhibit this goal by requiring the addition of more high-cost structured parking into unit cost than is necessary in a dense, walkable environment. • Reduce requests for taller structures driven by high parking ratios that make low-rise and mid-rise urban development unfeasible – Low-rise and mid-rise residential developments are rendered impractical as 1 parking space to 1 bed parking ratios effectively require 1 story of parking for every 1 story of units. The cost cannot be justified when, for example, a four story building delivers only two stories of units as this results in high per unit parking costs and effective “vertical” land loss. Hence, residential projects are not developed or developers request more stories to try and get unit scale to offset the inefficiency of parking costs. |
| <p>Step 3: Final Strategy Approach</p> | |
| <p>Problem Identification</p> | <p>Current parking standards do not account for a walkable and pedestrian centered environment. Many of the areas envisioned on the Comprehensive Plan as dense, walkable environments do not currently function that way now. New Student oriented multi-family developments need adequate parking to serve visitors or parking will over flow into adjacent neighborhoods.</p> |

Final Proposed CodeSMTX Strategy

Proposed modifications based on Think Tank Response are highlighted in Yellow.

Code SMTX is proposing the following updates to the parking standards in Code SMTX:

1. Two sets of parking requirements, one for Conventional Districts and one for Intensity Zones or Character Districts.
2. Existing multi-Family parking requirements in the Downtown will be adjusted to .60 parking spaces per bedroom.
3. Elimination of the 30% reduction for Transit Oriented Development(TOD) until the Lone Star Rail is completed.
4. Better options for shared parking in conventional and character districts
5. Encourage shared access parking lots in the code
6. Provide the option for a fee-in-lieu of parking in Downtown and Midtown. This fee-in-lieu would be utilized for parking management within the same district.
7. Organize parking into PODs and internal drives in Employment Districts.

Environmental Standards Intensity Zones

Step 1: Existing Conditions and Initial Strategy

Vision San Marcos Comprehensive Plan:

Goals:

- “Develop a regional detention and water quality strategy (including fee-in-lieu) to improve land efficiency, affordability, and efficacy of systems.”
- “Incentivize dense development within the activity centers by lifting the regulatory environment, streamlining the development process and proactively building the infrastructure and regional detention facilities to support this growth”
- “Incorporate Low Impact Development practices and other best practices early on and throughout the development process.”

Current Code Provisions

Currently, Environmental Standards in the Land Development Code for areas that are not over the Edwards Aquifer Recharge Zone are uniform and do not recognize the Comprehensive Plan Areas as criteria for environmental standards.

The SmartCode in Downtown exempts the highest intensity zoning district (T5) from on-site detention requirements and Cut and Fill requirements.

- “Within T5 onsite stormwater retention/ detention is not required”

Initial Proposed CodeSMTX Strategy December 2, 2015

CodeSMTX is proposing the following Environmental Standards in Intensity Zones to facilitate Compact Character Based Development patterns.

- Character Based Planning Areas require regional detention facilities to be designed and utilized within Character Based Planning Areas
- Green Infrastructure, Low Impact Development and other best practices are prioritized and encouraged within Character Based Planning Areas.
- Exemptions for Onsite Stormwater retention/ detention are expanded to all CD-5 zoned properties.
- Exemptions for Cut and Fill requirements are expanded to all CD-5 zoned properties

Step 2: Think Tank Response

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| <p>TT Discussion/ Response</p> | <p>Does the Proposed CodeSMTX Strategy meet the Comprehensive Plan goals and the interests of stakeholder groups?</p> <p>Met Interests:</p> <ul style="list-style-type: none"> • Regional detention is more efficient and can enhance area by providing opportunities for public space and making the area more attractive. • Valuable on-site land area in a dense environment is not taken up with less efficient individualized detention facilities. • Retrofitting regional detention ponds is easier than retrofitting on site ponds. • Providing green infrastructure options and manuals will help developers do projects this way more easily. <p>Unmet Interests:</p> <ul style="list-style-type: none"> • Long term maintenance of water quality areas must be addressed • Lack of definition and plan for financing these facilities i.e. fee-in-lieu /drainage fee • “Prioritizing and Encouraging” Green Infrastructure may not be enough. May need to incentivize |
| <p>Brainstormed Solutions</p> <p>Funds set up around geographic areas to support regional detention facilities. Use drainage fee as a template.</p> <p>Establish Green Infrastructure as the standard and Gray Infrastructure as an option.</p> <p>Capture the percentage of public infrastructure and use as a baseline for drainage costs that the public at large is responsible for.</p> | |
| <p>Step 3: Final Strategy Approach</p> | |
| <p>Problem Identification</p> | <p>Portions of our Downtown and Midtown High Intensity Zones drain to the San Marcos River. Appropriate solutions that manage storm water in an urban environment need to be developed and implemented. These solutions typically include more regional solutions and treatments within the public Rights of Way that require maintenance. Funding from a variety of sources including property owners, developers, grants, City, and other users are needed in order to support dense development of these high intensity zones while preserving water quality in the San Marcos River.</p> |

Final Proposed CodeSMTX Strategy

Proposed modifications based on Think Tank Response are highlighted in Yellow.

CodeSMTX is proposing the following Environmental Standards in Intensity Zones to facilitate Compact Character Based Development patterns.

- Character Based Planning Areas require regional detention facilities to be designed and utilized within Character Based Planning Areas
- Green Infrastructure, Low Impact Development and other best practices are prioritized and encouraged within Character Based Planning Areas.
- Exemptions for Onsite Stormwater retention/ detention are expanded to all CD-5 zoned properties.
- Exemptions for Cut and Fill requirements are expanded to all CD-5 zoned properties
- **Establish a Fee-in-lieu of for detention in the Downtown and Mid-Town Intensity Zones. The fee will contribute to the installation and maintenance of regional detention and water quality features.**

Erosion Control

Vision San Marcos Comprehensive Plan:

Goals:

- “Audit the effectiveness of Environmental Code Compliance and use this information to recommend staffing levels, training, and code changes.”

Step 1: Existing Conditions and Initial Strategy

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| <p>Current Code Provisions</p> | <p>The Land Development Code requirements are vague and difficult to enforce. We currently rely on state standards.</p> |
| <p>Initial Proposed CodeSMTX Strategy December 2, 2015</p> | <p>CodeSMTX is proposing the following updates to the Erosion Control Standards</p> <ul style="list-style-type: none"> • In response to the expanded requirements under the MS4 program CodeSMTX and the City is adopting a Comprehensive MS4 Ordinance that is in accordance with the State Requirements. • An enhancement of the State Regs is a requirement for Qualified Personnel designing, inspecting, and monitoring the effectiveness of the controls on any Construction Site where a SWPPP is required. • The City of San Marcos is now an authority for enforcing these requirements in addition to the TCEQ and EPA. • Adopting specific enforcement measures including Fines for Violations. |
| <h2>Step 2: Think Tank Response</h2> | |
| <p>TT Discussion/ Response</p> | <p>Does the Proposed CodeSMTX Strategy meet the Comprehensive Plan goals and the interests of the stakeholder groups?</p> |
| <p>Brainstormed Solutions</p> <p>Increase awareness about the SMTX Connect app so that people can easily report issues with erosion controls on construction sites.</p> | <p>Met Interests: Localizing Enforcement and Standards rather than relying on State Ordinance Putting weight on enforcement of these controls with the establishment of fines</p> <p>Unmet Interests: Requirement for separate inspections by Qualified Personnel on site every 7 days can be a significant financial concern, especially on small projects.</p> |

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| <p>Step 3: Final Strategy Approach</p> | |
| <p>Problem Identification</p> | <p>The temporary erosion control requirements for construction sites in the current LDC are vague and difficult to enforce. We currently rely on state standards. By its very nature, development involves land disturbance which creates a high potential for pollution, especially from erosion. Bare soil exposed to rain and wind for an extended period of time will find its way offsite unless properly controlled. And, dirt and sand that reach creeks, rivers, or the City's storm sewer system fill up channels, pipes and other conveyance structures, decreasing the amount of water that can move through them, and often exacerbating flooding during rain events.</p> |
| <p>Final Proposed CodeSMTX Strategy</p> <p>Proposed modifications based on Think Tank Response are highlighted in Yellow.</p> | <p>CodeSMTX is proposing the following updates to the Erosion Control Standards</p> <ul style="list-style-type: none"> • In response to the expanded requirements under the MS4 program CodeSMTX and the City is adopting a Comprehensive MS4 Ordinance that is in accordance with the State Requirements. • An enhancement of the State Regs is a requirement for Qualified Personnel designing, inspecting, and monitoring the effectiveness of the controls on any Construction Site where a SWPPP is required. • The City of San Marcos is now an authority for enforcing these requirements in addition to the TCEQ and EPA. • Adopting specific enforcement measures including Fines for Violations. • Consolidating all erosion control standards to one location within CodeSMTX • Single Family Residential parcels are exempted from the additional requirement for Qualified Personnel |

Edwards Aquifer and SM River Corridor

Step 1: Existing Conditions and Initial Strategy

Vision San Marcos Comprehensive Plan:

Goals:

Public and Private Sectors Working together to protect water quality and facilitating appropriate development in the San Marcos and Blanco Rivers Watersheds, and over the Edwards Aquifer using measurable and scientific methods.

Current Code Provisions

Key Environmental Standards over the Edwards Aquifer

- Requirement for a Geologic Assessment
- Impervious Cover limitations:
 - Up to and Including three acres: 40%
 - More than three acres; less than 5: 30%
 - Five acres or more: 20%
- Water Quality Requirements
 - BMPs required must limit the increase in TSS to no more than 20% above natural drainage conditions
 - BMPs must be constructed, operated and maintained in accordance with TCEQ Edwards Rules
 - Enhanced Temporary Erosion Controls that meet the standards in TCEQ Edwards Rules

Key Environmental Standards within the San Marcos River Corridor

- The Boundaries of the River Corridor are set by Metes and Bounds within the Code and are based on topographic, hydrologic and biological data.
- Water Quality, and Buffer Zone in SMRC may extend past the 100 year floodplain
- Impervious Cover is Limited as Follows:
 - <15% Slope; 30% Max Impervious
 - 15% - 25% Slope; 20% Max Impervious
 - > 25% Slope; 10% Max Impervious
- Water Quality BMPs

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| <p>Initial Proposed CodeSMTX Strategy December 16, 2015</p> | <p><u>Edwards Aquifer Recharge Requirements</u> CodeSMTX is proposing to maintain the following environmental standards over the Edwards Aquifer:</p> <ul style="list-style-type: none"> • Geologic Assessments Requirements • Impervious cover limitations <p>CodeSMTX is proposing to improve the environmental standards over the Recharge Zone by adopting the Optional Enhanced Measures from TCEQ pertaining to:</p> <ul style="list-style-type: none"> • Water Quality Requirements • Temporary Erosion Controls <p><u>San Marcos River Corridor Requirements</u> CodeSMTX is proposing to maintain the same level of standards within the San Marcos River Corridor CodeSMTX is proposing to redefine the boundary of the San Marcos River Corridor to:</p> <ul style="list-style-type: none"> • Correspond with the Land Use Suitability Map adopted in the Comprehensive Plan • Require the boundary to be amended and republished on a regular basis with the update of the environmental criteria contained in the Land Use Suitability Map or political boundaries. |
| <p>Step 2: Think Tank Response</p> | |
| <p>TT Discussion/ Response</p> | <p>Does the Proposed CodeSMTX Strategy meet the Comprehensive Plan goals and the interests of the stakeholder groups?</p> <p>Met Interests</p> <ul style="list-style-type: none"> • The proposed CodeSMTX standards create a topographically defined river corridor as opposed to a corridor defined by metes and bounds. Additionally, the corridor revision takes political boundaries into consideration. |
| <p>Brainstormed Solutions</p> <p>None identified.</p> | <p>Unmet Interests</p> <ul style="list-style-type: none"> • Consider applying higher standards to the Blanco River; • Need a public notice and adoption process for annual modifications; and • Need further details, maps, and more defined proposals for increased water quality and corridor standards. |
| <p>Step 3: Final Strategy Approach</p> | |

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| <p>Problem Identification</p> | <p>The Comprehensive Plan directs growth to Intensity Zones in order to limit sprawling developments over the most environmentally sensitive areas. Environmental Standards in the Land Development Code should move away from a one size fits all approach and reflect the preferred development types in each of the comprehensive plan areas. Two of the most environmentally sensitive areas in San Marcos are lands over the recharge zone and the San Marcos River. Standards should be enhanced in these areas to protect those resources.</p> |
| <p>Final Proposed CodeSMTX Strategy</p> <p>Proposed modifications based on Think Tank Response are highlighted in Yellow.</p> | <p>Edwards Aquifer Recharge Requirements CodeSMTX is proposing to maintain the following environmental standards over the Edwards Aquifer:</p> <ul style="list-style-type: none"> • Geologic Assessments Requirements • Impervious cover limitations • Water Quality requirements when > 15% impervious cover <p>CodeSMTX is proposing to improve the environmental standards over the Recharge Zone by adopting some of the Optional Enhanced Measures from TCEQ and recommended by the WQPP report including:</p> <ul style="list-style-type: none"> • Enhanced Water Quality Requirements • Enhanced Stream Buffers • Enhanced Temporary Erosion Controls <p>San Marcos River Corridor Requirements CodeSMTX is proposing to maintain the same level of standards within the San Marcos River Corridor CodeSMTX is proposing to redefine the boundary of the San Marcos River Corridor to:</p> <ul style="list-style-type: none"> • Correspond with the Land Use Suitability Map adopted in the Comprehensive Plan and to • Require the boundary to be amended through a public notice and adoption process for modifications when conditions change. <p>CodeSMTX is proposing to analyze increasing the buffer around the Blanco River.</p> |

Conservation Development

Step 1: Existing Conditions

Vision San Marcos Comprehensive Plan:

Goals:

Public and Private Sectors Working together to protect water quality and facilitating appropriate development in the San Marcos and Blanco Rivers Watersheds, and over the Edwards Aquifer using measurable and scientific methods.

Current Code Provisions

Cluster Development Ordinance:

Currently allows deviations to minimum lot size requirements. Anticipated to be done with a PDD

Process:

- Approval of PD District and Concept Plan – City Council
- Approval of Cluster Development – Planning Commission
- Approval of Watershed I
- Approval of Plat

Density is calculated by the allowable zoning density measured with Gross Acreage X 1.25

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| <p>Initial Proposed CodeSMTX Strategy December 16,2015</p> | <p>CodeSMTX is proposing to create a new zoning district called a Conservation Planning Area with the following requirements and standards:</p> <p>Process:</p> <ul style="list-style-type: none"> • Zoning Change Request before City Council • Administrative approval of a regulating plan based on allowable percentages of CD1, CD2, CD3 and CD4. • All Environmental standards for development over the Edwards would still apply including impervious cover limitations. • CD1 and CD2 would be the land highest with the greatest environmental constraint on the Land Use Suitability Map <p>Percentage Allocation:</p> <ul style="list-style-type: none"> • CD1, CD2 – Min 50% (1unit/ 20Ac) • CD3 – 20 – 40% • CD4 – 10 – 30% |
| <p>Step 2: Think Tank Response</p> | |
| <p>TT Discussion/ Response</p> | <p>Does the Proposed CodeSMTX Strategy meet the Comprehensive Plan goals and the interests of the stakeholder groups?</p> |
| <p>Brainstormed Solutions</p> <p>Run the numbers to ensure there is a density bonus with Cluster Developments; and</p> <p>If CD-5 zoning is proposed within a Cluster Development, the percentage of allowed CD-5 be limited to 5 percent of the total area.</p> | <p>Met Interest:</p> <ul style="list-style-type: none"> • Cluster development reduces disturbed area. <p>Unmet Interests:</p> <ul style="list-style-type: none"> • Consider allowing a service center within Cluster Developments |
| <p>Step 3: Final Strategy Approach</p> | |

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| <p>Problem Identification</p> | <p>The LDC currently allows Conservation development in the form of Cluster Developments however the City has not seen any cluster development proposals due to the complicated process laid out in the code. Alternative housing and development standards are needed in order to meet environmental criteria and still have a viable development project.</p> |
| <p>Final Proposed CodeSMTX Strategy</p> <p>Proposed modifications based on Think Tank Response are highlighted in Yellow.</p> | <p>CodeSMTX is proposing to create a new zoning district called a Conservation Planning Area with the following requirements and standards:</p> <p>Process:</p> <ul style="list-style-type: none">• Watershed Protection Plan Phase I demonstrating compliance with environmental standards• Zoning Change Request and regulating plan approval before City Council• 40 acre minimum acreage requirement• All Environmental standards for development over the Edwards would still apply including overall impervious cover limitations.• CD1 and CD2 would be the land highest with the greatest environmental constraint on the Land Use Suitability Map <p>Percentage Allocation:</p> <ul style="list-style-type: none">• CD1, CD2 - Min 50% (1unit/ 20Ac)• CD3 - 10 - 30%• CD4 - 20 - 40%• CD5 or Employment Center - up to 5% |

Tree Preservation

Vision San Marcos Comprehensive Plan:

Goals:

Develop a Coordinated Tree Preservation and Planting Program

Step 1: Existing Conditions and Initial Strategy

Current Code Provisions

Tree Protection Requirements:

- Protected Trees = 9" – 23" caliper trees not located in Building Footprint, Necessary Site Access, or areas designated for Public Infrastructure
- Heritage Trees – Trees \geq 24" in Caliper
- May not disturb > 25% of the Drip Line Zone if the tree is considered preserved

Tree Mitigation Requirements:

- Protected Trees: 2 ½ Trees per tree Removed
- Heritage Trees: 1to1 Caliper inch replacement

Tree Credits

- Only apply to Required Landscape Trees
- Trees > 12" Caliper: Credit for 2 required Trees (4 inches)
- Trees 4-12" Caliper 1 ½ required trees (3 inches)

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| <p>Initial Proposed CodeSMTX Strategy December 16, 2015</p> | <p>Tree Protection Requirements:</p> <ul style="list-style-type: none"> • Protected Trees = 9” – 23” caliper trees not located in areas designated for Public Infrastructure • Heritage Trees = Trees \geq 24” in Caliper • May not disturb > 25% of the Drip Line Zone if the tree is considered preserved <p>Tree Mitigation Requirements:</p> <ul style="list-style-type: none"> • Protected Trees: 1to1 Caliper inch replacement • Heritage Trees: 2to1 Caliper inch replacement • Fee-in-lieu is an option at \$150/ caliper inch <p>Tree Credits</p> <ul style="list-style-type: none"> • Can apply to mitigation or landscaping • Protected Trees: 1.5 x caliper inches • Heritage Trees: 2 x caliper inches |
| <p>Step 2: Think Tank Response</p> | |
| <p>TT Discussion/ Response</p> | |

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| <p>Brainstormed Solutions</p> <p>Suggest adding a requirement to plant a variety of tree sizes, instead of just requiring a minimum of 2” in caliper trees at time of planting;</p> <p>Provide an option for tree plantings to be placed in other areas of the lot or in an area adjacent to or in proximity to the site;</p> <p>Consider having a grandfathered plat date; and</p> <p>Limit reclamation amount such as adding a cap on an existing infill lot or a cap on the number of required trees;</p> <p>Leave exemption for building footprint as is; and</p> <p>Define limitation on use of fee-in-lieu.</p> | <p>Does the Proposed CodeSMTX Strategy meet the Comprehensive Plan goals and the interests of the stakeholder groups?</p> <p>Met Interest:</p> <ul style="list-style-type: none"> • The proposed Code SMTX revisions align San Marcos with other cities in the corridor. <p>Unmet Interests:</p> <ul style="list-style-type: none"> • Concerns regarding the “developable window” on infill residential lots. |
| <p>Step 3: Final Strategy Approach</p> | |
| <p>Problem Identification</p> | <p>Current LDC standards for tree protection and replacement are not as strict as surrounding similar sized jurisdictions along the corridor. The existing tree preservation and mitigation standards do not provide flexibility in planting location, offer a fee-in-lieu option, and do not provide standards for tree maintenance within the public right-of-way. As a result, trees planted for mitigation are often planted in undesirable places or in small areas not conducive to the future health of the tree.</p> |

Final Proposed CodeSMTX Strategy

Proposed modifications based on Think Tank Response are highlighted in Yellow.

Tree Protection Requirements:

- Protected Trees = 9" - 23" caliper trees not located in areas designated for Public Infrastructure
- Heritage Trees = Trees \geq 24" in Caliper
- May not disturb > 25% of the Drip Line Zone if the tree is considered preserved

Tree Mitigation Requirements:

- Protected Trees: 1 to 1 Caliper inch replacement
- Heritage Trees: 2 to 1 Caliper inch replacement
- Fee-in-lieu is an option at \$150/ caliper inch

Tree Credits

- Can apply to mitigation or landscaping
- Protected Trees: 1.5 x caliper inches
- Heritage Trees: 2 x caliper inches

Other

- Provide an option for replacement or mitigated trees to be placed in other areas of the lot or in an area adjacent to or in proximity to the site such as a park or within other City ROW.
- Create criteria and limitations on use of fee-in-lieu
- Establish alternative caliper minimums for mitigation trees at planting
- Consolidate all the tree requirements into one place in the LDC

Landscaping

Step 1: Existing Conditions and Initial Strategy

Vision San Marcos Comprehensive Plan:

Goals:

Natural Resources necessary to our community's health, well-being, and prosperity secured for future development.

Current Code Provisions

Current Landscaping standards for Multi-Family and Commercial:

- Required “Landscaped Area” = Area comprised of pervious surface. Undeveloped portions of the lot do not constitute “Landscaped Area”
- Required % of landscaped area is based on the zoning district.
- Required Number of trees and shrubs
 - Trees - 1/ 1,000 sq. ft. landscaped area
 - Shrubs - 3/ 1,000 sq. ft. landscaped area
- Location requirements:
 - Street trees required 1/ 50’ of frontage within 10’ of the property line or PUE
 - Requirements for trees within parking lots
 - Requirements for landscaping in street yard and for screening
- Irrigation is required for all landscaped areas and can be one of the following options:
 - Hose Bib within a certain distance
 - Sprinkler system
 - Drip irrigation
- The code encourages drought tolerant species and indicates that turf “should” be limited to 50% of total required landscaped area
- 90% of landscaping must come from the preferred plant list

Current Landscaping standards for Single Family:

- 2 large shade trees
- Three out of the Four options below:
 - 2 small ornamental trees
 - 4 large evergreen shrubs \geq 5 gallon
 - 8 Small shrubs \geq 3 gallon
 - Solid Ground Cover or Lawn
- New developments encouraged to offer low water use landscape alternatives

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| <p>Initial Proposed CodeSMTX Strategy December 16,2015</p> | <p>CodeSMTX is proposing the following amendments to the Landscaping Standards:</p> <ul style="list-style-type: none">• Establish separate standards for Landscaping Requirements within the Public Frontage (City ROW)<ul style="list-style-type: none">○ Including Installation and Maintenance Requirements for Street Trees• Include new Landscape Standards for Character Districts that are not based on Required Landscape Area• Provide a new Preferred Plant List utilizing drought tolerant and native species and consistent with Austin and San Antonio Plant Lists.• Develop technical standards and details to ensure the viability of street trees and to reduce conflicts between trees and public infrastructure. |
| <p>Step 2: Think Tank Response</p> | |
| <p>TT Discussion/ Response</p> | |

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| <p>Brainstormed Solutions</p> <p>Consider excluding invasive species or including a reference list, such as the Texas Invasive Species List, so that the community can be educated;</p> <p>Include these proposed landscaping standards in conventional zoning districts; and</p> <p>Consider consolidating the tree and landscaping standards into one area within the code.</p> <p>Consider giving credit for undisturbed areas</p> <p>Consider giving credit for rainwater collection and irrigation systems</p> <p>Consider giving credit for planted street screens</p> | <p>Does the Proposed CodeSMTX Strategy meet the Comprehensive Plan goals and the interests of the stakeholder groups?</p> <p>Met Interest:</p> <ul style="list-style-type: none"> • Consider using Austin or San Antonio planting lists. <p>Unmet Interests:</p> <ul style="list-style-type: none"> • None identified |
| <p>Step 3: Final Strategy Approach</p> | |
| <p>Problem Identification</p> | <p>Current Landscape standards are based on required landscape area. Focusing efforts on increasing landscaped area on each individual site can lead to small detached pieces of landscaping that do not provide a meaningful benefit. Landscaping standards based on landscaped area can also lead to more auto centric and sprawling conditions. While these types of standards can be appropriate in conventional zoning they are not appropriate for dense and walkable environments where landscaping and trees within the public ROW are most important to promoting walkability. Existing landscaping standards do not address landscaping within the public right-of-way or installation and maintenance requirements for trees along the street. The Preferred Plant List should align with surrounding Cities and require drought tolerant and native species.</p> |

Final Proposed CodeSMTX Strategy

Proposed modifications based on Think Tank Response are highlighted in Yellow.

CodeSMTX is proposing the following amendments to the Landscaping Standards:

- Establish separate standards for Landscaping Requirements within the Public Frontage (City ROW)
 - Including Installation and Maintenance Requirements for Street Trees
 - Develop technical standards and details to ensure the viability of street trees and to reduce conflicts between trees and public infrastructure.
- Include new Landscape Standards for all districts that are based on the size of the developed parcel, and focus on meaningful locations and types of landscaping that benefit the pedestrian environment.
- Consolidate all landscape and tree standards and include visual tables and diagrams.
- Provide a new Preferred Plant List utilizing drought tolerant and native species consistent with Austin and San Antonio Plant Lists. Ensure invasive species are not included on plant list as identified by the Texas Invasive Species List.
- Include rainwater collection as an allowable form of irrigation.

Relief Procedures

Vision San Marcos Comprehensive Plan:

Goals: Direct Growth Compatible with Surrounding Uses.

Step 1: Existing Conditions and Initial Strategy

Current Code Provisions

SmartCode Zoning District:

- Deviations that meet the intent of the code are called warrants and may be approved by the P&Z.
- Deviations from standards that do not meet intent are variances and are heard by the ZBOA and must meet hardship criteria.

Land Development Code:

- Administrative Adjustment: A standard can be waived by the director for up to 10%
- Conditional Use Permit: A special use permit requested through planning commission and specifically authorized through the code
- Variance: Relief from a requirement of the code and must meet some hardship criteria.

| <p>Initial Proposed CodeSMTX Strategy January 6, 2016</p> | Administrative Adjustment | Alternative Compliance Process | Variance | Conditional Use Permit | |
|---|---------------------------|--|---|---|---|
| | General Description | A minor adjustment to a standard in the Development Code that can be approved administratively | A request for Alternative Compliance is made by an applicant when there is an alternative design approach to meeting the requirement. | A request for relief from a provision of the code | Allows a use that may be suitable only in certain locations or under certain compatibility standards |
| | Applicability | Applicable except where otherwise stated in the Code | Applicable when identified in the Code | Any Standard or Provision of the Code | Applicable when Planning Commission |
| | Deciding Body | Planning or Engineering Director | Planning Commission | Zoning Board of Adjustments | Planning Commission |
| | Criteria | A minor Adjustment may not materially affect or change the standards by more than 10%. If the director finds that the request does materially affect the standard then it can be referred for alternative compliance or a variance | General Criteria for these decisions is included in the process chapter. Intent statements specific to each section where Alternative Compliance is permitted are included at the beginning of each chapter. These are typically related to design and form elements of the code. | Based on Hardship | Criteria is based on the impact of the proposed use on the surrounding properties and compliance with general policies and intent of the provisions |
| | Approval | Approved or Denied | Approved, Approved with conditions, or Denied | Approved, Approved with Conditions, or Denied | Approved, Approved with Conditions, or Denied |
| Step 2: Think Tank Response | | | | | |

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| <p>TT Discussion/ Response</p> | |
| <p>Brainstormed Solutions</p> <p>There should be flexibility in sequence of approval processes.</p> <p>Administration and staff should have more discretion for administrative adjustments.</p> <p>Alternative compliance process could perhaps use another body to go to for review.</p> <p>The director should have discretion to put something on the alternative compliance process provided it is not explicitly prohibited.</p> <p>Review what falls under conditional use permit and see what can be done by right.</p> | <p>Met Interests:</p> <ul style="list-style-type: none"> • Provides more flexibility within a set of criteria in furtherance of the comprehensive plan • Like the idea of putting intent language into the Code <p>Unmet Interests</p> <ul style="list-style-type: none"> • Lack of surety for the new owner about what will be built around them |
| <p>Step 3: Final Strategy Approach</p> | |
| <p>Problem Identification</p> | <p>Current LDC standards provide limited flexibility outside of the PDD process for staff and the development community regarding relief from development standards or alternative compliance. At present, the variance process is generally the only recourse for builders and developers seeking relief from standards. As standards in CodeSMTX are enhanced to include more design related standards such as architectural or material standards new processes must be incorporated into the review process to allow for qualitative discretion on design elements.</p> |

Final Proposed CodeSMTX Strategy

Proposed modifications based on Think Tank Response are highlighted in Yellow.

All The final strategy includes all elements of the proposed strategy with the addition of the following:

- Concurrent reviews are permitted for all submittals. Approvals will be issued in conformance with the sequence of approvals.
- CodeSMTX will include a written application process for administrative adjustments that:
 - Includes a 10% quantitative adjustment
 - May include qualitative adjustments if specifically indicated in the code with associated decision criteria
 - Includes director discretion to have a requested adjustment put on the alternative compliance process for approval by the Planning Commission
- Review and consolidation of the conditional use chart.

Planning Area Approvals and Administration

Step 1: Existing Conditions and Initial Strategy

Vision San Marcos Comprehensive Plan:

Goals:

Neighborhoods and Housing Goal #2: "Revise development codes in Intensity Zones to allow and streamline the process for appropriate uses and densities"

Current Code Provisions

The SmartCode Zoning regulates the development of larger tracts of land through an administrative Regulating Plan Process.

Under the Land Development Code a vast majority of larger development are approved under the Planned Development District Process. A Planned Development District is an overlay zoning district that is adopted as an ordinance. Any standards within the code can be varied through the Planned Development District Process.

Proposed CodeSMTX Strategy

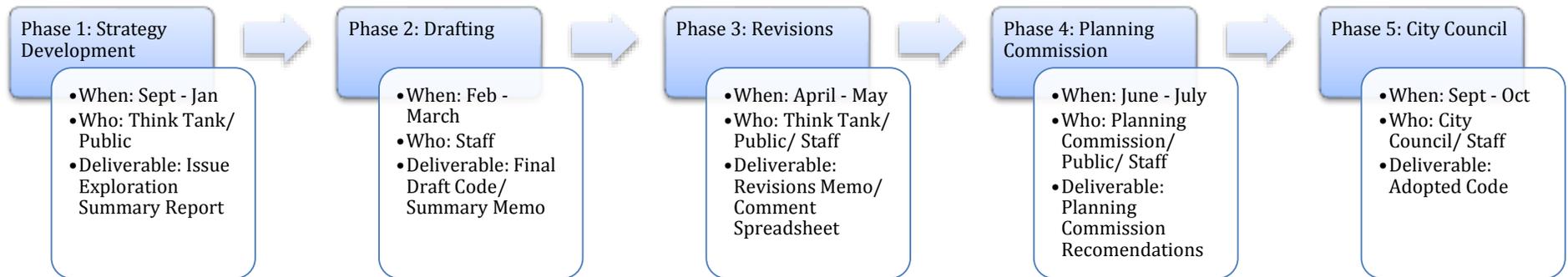
CodeSMTX is proposing to replace Planned Development Districts with Planning Areas. These Planning Areas will be regulated differently according to the Comprehensive Plan Area that they are located within. The process is designed to be streamlined in preferred development areas and to include more information in Existing Neighborhoods, Stability Areas, and Environmentally Sensitive Areas. The Table below represents the proposed process in CodeSMTX:

| | Neighborhood Planning Area | Character Planning Area | Employment Planning Area | Conservation Planning Area |
|-------------------------------------|--|--|---|--|
| Applicable Comp Plan Area | Existing Neighborhoods | Intensity Zones/ Major Corridors/ Areas of Stability | Employment Districts/ Major Corridors/ Areas of Stability | Areas of Stability (Typically on the West) |
| Minimum Acreage Requirements | 5 acres or 1/2 Block | - IZ = 10ac - Stability = 20ac | - EC = 10ac - Corridor = 10 ac - Stability =20 ac | 40 acres |
| Application Requirements | - Regulating Plan - Approved Alternative Compliance - Watershed I (if applicable) - Traffic Study (if applicable) | Special District Requests | Special District Requests | - Regulating Plan - Approved Alternative Compliance - Watershed I (if applicable) - Traffic Study (if applicable) |
| Previous Approvals | - Alternative Compliance - Watershed - Traffic Study | None | None | - Alternative Compliance - Watershed - Traffic Study |
| Recommending Body | Planning Commission | Planning Commission | Planning Commission | Planning Commission |
| Final Decision | City Council | City Council | City Council | City Council |

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| <p>Step 2: Think Tank Response</p> | |
| <p>TT Discussion/ Response</p> | |
| <p>Brainstormed Solutions</p> <p>Once you have a building permit on something then you should be locked into that set of development standards and allocation.</p> | <p>Met Interests:</p> <ul style="list-style-type: none"> • Ability to resolve issues that require alternative compliance review early in the process <p>Unmet Interests:</p> <ul style="list-style-type: none"> • Lack of surety for new owner about what will be built around them |
| <p>Step 3: Final Strategy Approach</p> | |
| <p>Problem Identification</p> | <p>Currently the only process available for approval of large multi-year developments where flexibility is needed to respond to changing market conditions is a PDD. Development within preferred development areas should be provided the flexibility to proceed with an abbreviated entitlement process that provides needed flexibility to the development and certainty in standards for the City.</p> |
| <p>Final Proposed CodeSMTX Strategy</p> <p>Proposed modifications based on Think Tank Response are highlighted in Yellow.</p> | <p>The final proposed strategy includes all elements of the table above with the addition of the following:</p> <ul style="list-style-type: none"> • Developed property within an administratively approved regulating plan will be locked into the applicable standards allocated under the regulating plan when a plat is recorded. Proposed changes after this point will require a zoning change request from Planning Area to the desired Character District. |

Detailed Project Completion Schedule

January 15, 2016



Phase I: Strategy Development

During Phase I the initial strategies for CodeSMTX were presented and explored in detail with the Think Tank. Feedback was received during 8 different issue exploration meetings. The strategies were also presented to the public through the Exploring CodeSMTX open house and subsequent Virtual Open House where feedback was received through survey response and comment. All feedback received during this phase is analyzed and incorporated into the CodeSMTX draft document.

Schedule: Sept -Jan

Review Documents:

- Initial Working Draft and Proposed Strategies

Level of Feedback: Policy Level

Public Outreach Efforts:

| Name | Date | Type | Audience | Participation |
|---|---|---|---|--|
| Joint Council/ Planning Commission Workshop | September 30, 2015 | Presentation; Q/A | Policy Makers; Public | 65 people |
| Issue Exploration Meetings | September 2, 2015 September 16, 2015 October 21, 2015 November 18, 2015 December 2, 2015 December 16, 2015 January 6, 2016 January 27, 2016 | Advisory group meetings | Think Tank; Public | 9 Think Tank Members 0 – 10 Members of the public per meeting |
| Exploring CodeSMTX Open House | December 3, 2015 | Open House with Presentations; Discussion, Comment Cards, Survey Questionnaire | Public | 75 attendees 60 Survey respondents |
| CodeSMTX Virtual Open House | December 5 – February 1 | Informational Videos and Survey Questions | Public | 10 Responses (January 12) |
| Other Presentations | September 14, 2015 September 14, 2015 September 17, 2015 September 25, 2015 October 19, 2015 November 5, 2015 November 5, 2015 December 15, 2015 December 16, 2015 December 16, 2015 January 12, 2015 | Heritage Association Greenbelt Alliance The Voice Intensity Zone Owners Student Urban Planning Kiwanis Club Citizen Civic Academy Contractor Training #1 Contractor Training #2 Bike Friendly SMTX San Marcos Area Realtors | Various Stakeholder Groups and Committees | 10 8 2 4 19 23 7 35 35 24 34 |
| <u>E-Newsletters</u> | | Newsletter; Social Media Posts; | 627 Member CodeSMTX Email List | |
| Directing Growth | September 16, 2015 | | | 469 Opens |
| Implement the Vision | October 12, 2015 | | | 980 Opens |
| Exploring CodeSMTX | October 23, 2015 | | | 504 Opens |
| Exploring CodeSMTX | November 3, 2015 | | | 351 Opens |
| Shaping San Marcos | November 25, 2015 | | | 411 Opens |
| Exploring CodeSMTX | December 2, 2015 | | | 346 Opens |
| Virtual Open House | December 10, 2015 | | | 457 Opens |
| Environmental Standards | December 22, 2015 | | | 422 Opens |

Deliverable:

- Issue Exploration Summary report and Final Proposed Strategies

Phase II: Drafting

During Phase II Staff and the Consultant Team will be working on creating the complete draft code responding in response to the feedback received in Phase I.

Schedule: Feb –March

Public Outreach Efforts:

| Name | Date | Type | Audience | Participation |
|---|--|---|--|---------------|
| Speakers Bureau | January 19, 2016 February 18, 2016 | Blue Bonnet Lions Club Life Long Learning Course | Various Stakeholder Groups and Committees | |
| <u>E-Newsletters</u> Greenways Strategy-Neighborhoods Strategy-Low Intensity Strategy-Employment Strategy- Intensity Zones | January 25, 2016 February 8, 2016 February 22, 2016 March 7, 2016 March 21, 2016 | | Email Group | |

Deliverable:

- Draft Code
- Code Summary Report

Phase III: Revisions

During Phase III, the Think Tank and public will become familiar with the draft code and summary memo. Comments will be received and compiled during this time. Think Tank will act as a conduit for comments from the various stakeholder groups and will review and comment on the Revisions Memo compiled by staff to communicate the requested revisions by the public.

Schedule: April – May

Review Documents:

- Draft Code
- Code Summary Report

Public Outreach Efforts

| Name | Date | Type | Audience | Participation |
|--|----------------|---------------------|---|---------------|
| Public Comments Received | April – August | Online Comment Form | | |
| Think Tank Revisions Meetings | May June | Meetings | Think Tank | |
| Speakers Bureau | | | Various Stakeholder Groups and Committees | |
| <u>E-Newsletters</u> Draft Code Released! Revisions Status | April May | | Email Group | |

Think Tank Role:

The Think Tanks Role during this period shifts to

- Individual Technical Review
- Ambassadors to Public Stakeholder Groups
- Review of Proposed Revisions Memo

Deliverables:

- Code Summary and Revisions Memo
- Comments Spreadsheet with Staff Response

Phase IV: Planning Commission Review and Recommendation

During Phase IV the Draft Code, Summary Memo and Revisions Memo will be presented to the Planning Commission during a series of Workshops and Public Hearings. The Planning Commission will provide a recommendation on which revisions to include and any additional proposed revisions for City Council.

Schedule: June- August

Review Documents:

- Draft Code
- Code Summary and Revisions Memo
- Comments Spreadsheet with Staff Response

Public Outreach Efforts:

| Name | Date | Type | Audience | Participation |
|--------------------------------------|----------------------|--|--|---------------|
| Public Comments | April – August | Online Comment Form | Public | |
| Planning Commission Meetings | June July July | Workshop Public Hearing Recommendation | Planning Commission Public Planning Commission | |
| Speakers Bureau | | | Various Stakeholder Groups and Committees | |
| <u>E-Newsletters</u> June July | | | Email Group | |

Deliverables:

- Draft Code
- Code Summary and Revisions Memo with Staff Response
- Planning Commission Recommendations
- Updated Comments Spreadsheet with Staff Response

Phase V: City Council Review and Approval

During Phase V, the Draft Code and recommended revisions will be presented to City Council during a series of Workshops and Public Hearings. City Council will first make a final determination on which revisions to be incorporated into the document. Next, the document will be revised to reflect this determination. Third the final document will be presented for consideration and approval.

Schedule: September – October

Review Documents:

- Draft Code
- Code Summary and Revisions Memo
- Planning Commission Recommendations
- Updated Comments Spreadsheet with Staff Response

Public Outreach Efforts:

| Name | Date | Type | Audience | Participation |
|--|-----------------------------------|--|--|---------------|
| City Council Meetings | September September October | Workshop Public Hearing Adoption | City Council Public City Council | |
| Speakers Bureau | | | Various Stakeholder Groups and Committees | |
| <u>E-Newsletters</u> September October | | | Email Group | |

Final Deliverable:

- Selection of Revisions and Recommendations during the Workshop
- Final Draft CodeSMTX