

# Clarification

#3.10

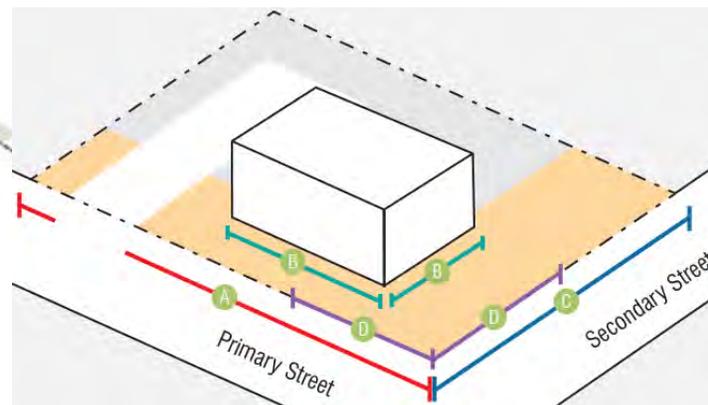
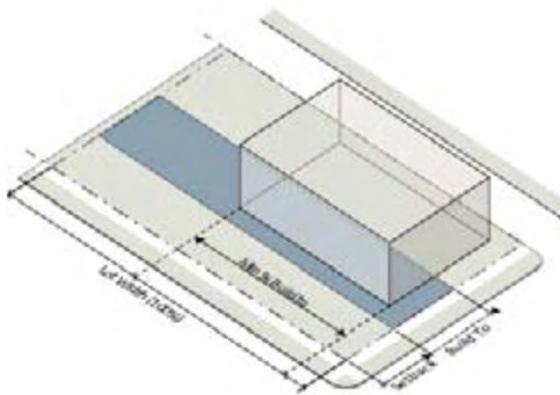


- Section 4.3.3.3 Build-To Zone
  - Added easement as point of measurement
  - Remove requirement to include access drive & update graphic

## Section 4.3.3.3 Build-To Zone

- A. The build-to is the area on the lot where a certain percentage of the front principal building facade must be located, measured as a minimum and maximum setback range from the edge of the proposed or existing right-of-way, or easement, whichever is greater.

1. The measurement of the width of the site or lot shall not include the area occupied by the approved access drive.



# Clarification

#3.11



- Section 4.4.3.6 CD-5 Zoning District
  - Allow setback to be measured from easement line if easement is existing
- **Citizen Comment:**
  - A similar standard exists in the Character District 4 (CD-4) Zoning District, this change should be considered for CD-4 as well.
- ***Staff supports the addition of a similar provision for CD-4 which states the maximum setback may be measured from an easement.***

SETBACKS - PRINCIPAL BUILDING		
Primary Street*	0 ft. min./ 12 ft. max.	B
Secondary Street*	0 ft. min./ 12 ft. max.	C
Side	0 ft. min.	D
Rear	0 ft. min.	E
Rear, abutting alley	3 ft. min.	E

*\*Where there is an existing easement on the property, the setback shall be measured from the easement instead of the right-of-way line.*

# Clarification

#3.12



- Chapter 6, Article 1, Division 4 Stormwater Quality & Stream Protection
  - Add applicability section & address typographical errors

## Section 6.1.4.1 ~~Stream Protection and~~ Stormwater Quality and Stream Protection

A. Applicability. Stream Protection Volume capture and Stormwater Quality Treatment are required for developments within the locations listed in Section 6.1.4.1(D). Both requirements must be met and may be achieved with a single or separate stormwater control measure.

B. **Stream Protection Volume (SPV).** Stream Protection Volume is based on the amount of runoff produced over the developed area from the listed rainfall amount identified in Section 6.1.4.1(~~DE~~).

1. ~~WQSPV~~ shall be retained or detained on-site. Drawdown time shall be 48-hours.

# Clarification



- Section 6.2.3.2 Impervious Cover on Slopes
  - Add clarification regarding maximum impervious cover on slopes
  - **Table 6.2 will be modified to include only 2 columns**

## Section 6.2.3.2 Water Quality and Buffer Zones outside the Edwards Aquifer Recharge Zone

- A. **Water Quality Zone.** No impervious cover is allowed in a water quality zone except for those cases listed in Section 6.2.3.5(B).
- B. **San Marcos River Corridor (SMRC).** The maximum impervious cover within the SMRC is 30%. Impervious cover cannot be increased with mitigation in the SMRC.
- C. **Buffer Zones.** The maximum impervious cover in buffer zones is 30%. Impervious cover may be increased to 50% with mitigation based on the slope table below.
- D. **Steep Slopes.** The maximum impervious cover in buffer zones and the San Marcos River Corridor is further restricted when steep slopes are present in accordance with the table below.

- E. **Reclamation.** Reclamation of a water quality and/or buffer zone shall require mitigation to replace lost water quality benefits and be accomplished in a way that preserves natural channel function and aesthetics.

(Ord. No. 2020-60, 9-1-2020)

**TABLE 6.2 IMPERVIOUS COVER ON STEEP SLOPES OUTSIDE THE EDWARDS AQUIFER**

SLOPES	IMPERVIOUS COVER (MAX)		
	SMRC	BUFFER ZONE No-MITIGATION	BUFFER ZONE-WITH MITIGATION
< 15%	<del>30%</del>	<del>30%</del>	50%
15% - 25%	20%	20%	--
> 25%	10%	10%	--

# Corrections

#4.1



- Watershed Protection Plan Process Approved in 2021
  - Table 2.1: Updated to appropriately represent new process
  - Sections 2.6.1.4 & Section 2.6.1.5: P&Z no longer “approves” QWPP therefore no City Council appeal is necessary.
  - Section 3.2.4.2: added “where applicable” for Watershed Protection Plan associated with Minor Plats

## Section 2.6.1.5 ~~Appeals and~~ Expiration

### A. ~~Appeal~~

- ~~1. The applicant for either phase of a watershed protection plan or any interested person within the notification area may appeal the decision of the Responsible Official to the Planning and Zoning Commission.~~
- ~~2. For a qualified watershed protection plan, the decision of the Planning and Zoning Commission may be appealed to the City Council, in accordance with Section 2.8.1.1.~~

B. An application for a minor subdivision or development plat shall not be approved unless the following applications and development permits, where applicable, have been approved.

1. All legislative approvals needed to authorize the proposed uses for the land.
2. A watershed protection plan (phase2), as applicable in Chapter 2, Article 6.

# Corrections

#4.2



- Section 6.2.1.1 Enhanced Protection Zones
  - Remove exceptions

## ARTICLE 2: ENHANCED PROTECTION ZONES

### DIVISION 1: GENERAL

#### Section 6.2.1.1 Purpose, Applicability and Exceptions

- A. Purpose.** The purpose of the standards in this Division are to protect water quality in more sensitive areas and to prevent flood damage throughout the City and its Extraterritorial Jurisdiction.
- B. Applicability.** This Article applies to development affecting any waterway including the Blanco and San Marcos Rivers located within the City or its Extraterritorial Jurisdiction unless otherwise stated in this Development Code ~~and except as follows:-~~
- C. Exceptions.** ~~This Article does not apply to the following:-~~
- ~~1. Any waterway having a drainage basin of less than 50 acres outside the EARZ, Transition Zone, and Contributing Zone within the Transition Zone and 5 acres within the EARZ, Transition Zone, and Contributing Zone within the Transition Zone measured upstream from the proposed development;-~~
  - ~~2. The construction of barns or other accessory structures related to agricultural uses-~~

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# Corrections

#4.3



- Update Table 2.1 to:
  - Accurately reflect Administrative Certificate of Appropriateness Process – Appeal of Administrative Certificate of Appropriateness are to Historic Preservation Commission, not Planning & Zoning Commission

TABLE 2.1 DEVELOPMENT APPLICATIONS, DECISION AUTHORITY, AND NOTICE REQUIREMENTS TABLE												
APPROVAL PROCESS			REVIEW AND APPROVAL AUTHORITY						NOTICE			
	CITATION	RESPONSIBLE OFFICIAL	STAFF	HISTORIC PRESERVATION COMMISSION	NEIGHBORHOOD PRESENTATION	ZONING BOARD OF ADJUSTMENTS	PLANNING COMMISSION	CITY COUNCIL	APPLICATION NOTICE	PUBLISHED NOTICE	PERSONAL NOTICE	POSTED NOTICE
Administrative Certificate of Appropriateness	Section 2.5.6.1	P	D	A			A			N	N	N

# Corrections



#4.4

- Update Table 2.2 to:
  - Accurately reflect Certificate of Appropriateness Expiration/Extension

**TABLE 2.2 PERMIT EXPIRATIONS AND EXTENSIONS**

PERMIT OR APPLICATION TYPE	SEC.	EXPIRATION	EXTENSION
Certificate of Appropriateness	Section 2.5.5.1	1YR	1YR/ <u>2YR</u>

#4.5

- Section 2.7.4.3 Notification requirements for Demolition Review of Historic Age Resources
  - Change “Neighborhood Commission” in one instance to “City Council”

- e. ~~Neighborhood Commission~~ City Council (E-Notice);
- f. President of the Heritage Association of San Marcos (E- Notice);
- g. Hays County Historical Commission (E- Notice);
- h. Neighborhood Commission (E- Notice);

# Corrections



- Table 4.4 & Table 4.6 Translation Tables
  - Add all districts not currently listed

#4.6

EXISTING ZONING DISTRICTS			
FD, AR, SF-R, MR, SF-6, SF-4.5, P, <u>ND-3, ND-3.2, CD-1, CD-2</u>	DR, D, PH-ZL, TH, MF-12, P, <u>ND-3.5, CD-3</u>	MU, MF-18, MF-24, P, <u>ND-4, N-CM, CD-4</u>	OP, NC, CC, GC, <u>BP, HC, LI, HI, MH,</u> <u>VMU, P, CD-5, CD-5D</u>

#4.7

- Update Table 4.19 Special Districts Summary
  - HC was not listed on this table

TABLE 4.19 SPECIAL DISTRICTS SUMMARY

ABBREVIATED DESIGNATION	DISTRICT NAME
CM	Commercial District
<u>BP</u>	<u>Business Park District</u>
<u>HC</u>	<u>Heavy Commercial</u>
LI	Light Industrial District
HI	Heavy Industrial District
MH	Manufactured Home District

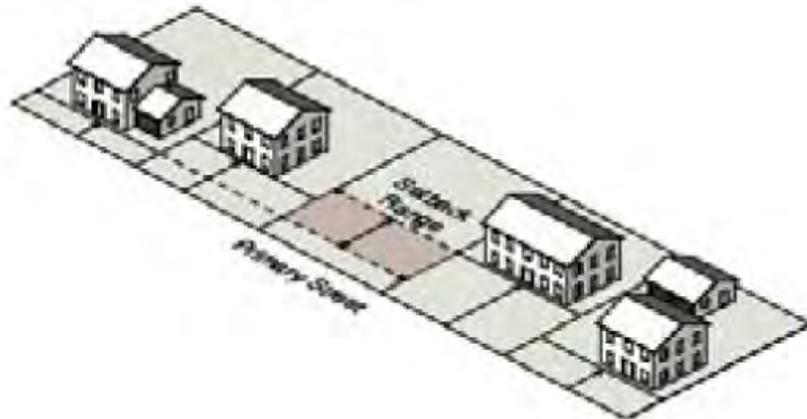
# Corrections

#4.8



- Chapter 4, Residential Zoning Districts
  - Added cross reference to Residential Infill Compatibility Section 4.4.2.6 which was added to the Code in 2019
    - SF-R, SF-6, SF-4.5, ND-3, ND-3.2, ND-3.5

FIGURE 4.28 SETBACK AVERAGING INTERIOR LOT



# Corrections

#4.9



- Section 4.4.5.12 General Commercial Building Type
  - Remove “light” from building type general description

## Section 4.4.5.12 General Commercial HC: LI: HI: CM: BP



### GENERAL DESCRIPTION

A building type that typically accommodates commercial, office or ~~light~~ industrial uses serving the surrounding community or region.



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LOT	
Area	Set by District <span style="float: right;">A</span>
Width	Set by District
BUILDING ELEMENTS ALLOWED	
Awning/ Canopy	Section 4.3.5.6
Forecourt	Section 4.3.5.6
Gallery	Section 4.3.5.6

HEIGHT AND MASSING	
Principle Structure Height	Set by District <span style="float: right;">B</span>
Accessory Structure Height	Set by District
Ground Story Height	10 ft min <span style="float: right;">C</span>
BUILDING SETBACKS	
Principal Building	Set by District
Accessory Building	Set by District
VEHICLE ACCESS AND PARKING	
Parking Location	Set by District
ACTIVATION	
Durable Building Material	Set by District
Blank Wall Area	Set by District

# Corrections



#4.10

- Table 5.1 Land Use Matrix
  - Allow Single Family / Tiny Homes in Manufactured Home District

RESIDENTIAL USES	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.2	ND-3.5	ND-4	N-CM	CD-1	CD-2	CD-2.5	CD-3	CD-4	CD-5	CD-5D	BP	HC	LI	HI	MH	CM
Single Family Detached / Tiny Home	P	L	L	L	L	L	L	L	--	--	P	L	P	P	--	--	--	--	--	--	P	--
Mobile Home Community / Manufactured Home Park / Tiny Home Village	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--



#4.11

- Table 9.1 Land Use Matrix – Legacy Districts
  - Corrected section reference for Antenna and Towers

Antenna (Non-Commercial)	See Section 5.51.6.3
Antenna (Commercial)	See Section 5.51.6.3

# City Council Direction

#5.1



- Historic Preservation Commission Recommendation Resolution 2022-01RR
  - Section 2.5.4.5 Designation Criteria for Historic Districts & Landmarks – include additional criteria.
  - Modified definitions
  - **Planning & Zoning Commission asked staff to consider a new name for Historic Structure since the definition now includes site features**

113. **Historic Landmark:** ~~a site having historical, architectural, or cultural significance which is suitable for preservation or Restoration, has educational value and satisfies the criteria established for inclusion in the National Register of Historic Places, Any individual site, building, structure, object, cultural landscape, historic landscape, or historic resources which has historic architectural, or cultural significance, as determined in accordance with Chapter 2, Article 5, Division 4.~~
114. **Historic Structure:** ~~Any individual site, building, structure, object, cultural landscape, or historic landscape which is potentially eligible for local, state, or National Register of Historic Places designation. any Structure that is:-~~
  - ~~Listed individually in the National Register of Historical Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; and/or~~
  - ~~Certified or preliminarily determined by the Secretary of~~

*Staff recommends “Historic Structure and Site” – Building Sites are referenced in the Secretary of the Interior’s Standards*

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# City Council Direction



#5.2

- Section 5.1.4.1 & Section 9.3.4.4 Proof of Occupancy
  - Update Occupancy Restrictions to allow three unrelated persons

**Proof of Occupancy.** Prima facie proof of occupancy of a dwelling unit by more than ~~two~~ three unrelated persons is established in any prosecution for violation of this section if it is

- **Planning and Zoning Commission discussed this topic.**
  - Four (4) members were in favor of the change to three (3) unrelated persons.
  - Four (4) members desired to maintain the two (2) unrelated persons regulation.
  - One member indicated the desire to enforce Occupancy Restrictions on the property owner and not the residents living on the property.

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# City Council Direction

#5.3



- Table 5.1 Land Use Matrix
  - Waste Related Services – Conditional or Not Permitted in every district – includes process provision in Section 5.1.7.5

	FD	SF-	SF-	SF-	ND-	ND-	ND-	ND-	N-C	CD-	CD-	CD-	CD-	CD-	CD-	BP	HC	LI	HI	MH	CM	DEI	STA
<b>INDUSTRIAL</b>																							
Waste-Related service	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	==	P C	P C	P C	--	--		5.1.7.5

# City Council Direction

#5.4



- New Zoning District: Business Park
  - Purpose: commercial & lightest industrial uses.

ABBREVIATED DESIGNATION	DISTRICT NAME	DISTRICT INTENT
<u>BP</u>	<u>Business Park</u>	<u>BP is intended to accommodate commercial and the lightest industrial uses which by nature are relatively compatible with other less intense zoning categories. Development should be operated in a clean and quiet manner, and should not cause excess light, odor, noise, or otherwise be obnoxious to nearby residential or commercial uses</u>

- **Planning and Zoning Commission voted 8-0 to add ‘traffic’ to the Business Park intent statement.**
- **Staff supports the addition of ‘traffic’ as follows: “... light, odor, noise, traffic, or otherwise...”**

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# City Council Direction

#5.4



- New Zoning District: Business Park
  - Lower building height than other commercial / industrial districts (3 stories).

BUILDING TYPES ALLOWED		
<a href="#">General Commercial</a>		<a href="#">Section 4.4.6.12</a>
<a href="#">Civic Building</a>		<a href="#">Section 4.4.6.14</a>

BUILDING STANDARDS		
<a href="#">Principle Building Height (max)*</a>	<a href="#">3 stories</a>	<a href="#">35 ft.</a>
<a href="#">Accessory Structure Height (max)</a>	<a href="#">N/A</a>	<a href="#">24 ft.</a>

[\\*Alternative Compliance available \(see Section 4.3.4.6\)](#)

- **Planning and Zoning Commission voted 8-0 to modify the maximum height to 36 feet.**
- **Staff supports the change.**

# City Council Direction

#5.4



- New Zoning District: Business Park
  - Increased setbacks if near residential.
  - Update all tables, graphics, etc. to include “BP” Business Park District.

## SETBACKS - PRINCIPAL BUILDING

<u>Primary Street</u>	<u>20 ft min.</u>
-----------------------	-------------------

<u>Secondary Street</u>	<u>20 ft min.</u>
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<u>Side</u>	<u>15 ft min.*</u>
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<u>Rear</u>	<u>20 ft min.*</u>
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\*When a BP zoning district property line is adjacent to a residentially zoned or used property, the minimum side and / or rear setbacks shall be 50 ft.

# City Council Direction

#5.4



- New Zoning District: Business Park
  - Refer to Land Use Matrix for permitted uses.
    - Limited uses : Outdoor Recreation.

	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.2	ND-3.5	ND-4	N-DM	CO-1	CO-2	CO-2.5	CO-3	CO-4	CO-5	CO-5D	BP
<b>INDUSTRIAL</b>																	
Light Industrial	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--
Light Manufacturing	--	--	--	--	--	--	--	--	C	--	--	--	--	--	P	P	<u>P</u>
Vehicle Service, as listed below:																	
Car Wash	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Vehicle repair (minor)	--	--	--	--	--	--	--	--	C	--	--	--	--	--	P	P	--
Vehicle repair (major)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Warehouse & Distribution	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	<u>C</u>
Waste-Related service	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--
Wholesale trade	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	<u>C</u>
Self Storage	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Research and Development	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	<u>P</u>
Wrecking/Junk Yard	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

- Outdoor commercial activity such as batting cage, golf driving range, amusement park, miniature golf facility, water park.
- Outdoor theater.
- Outdoor sports or entertainment facility.
- Shooting range.
- Sports academy for active recreational or competitive sports.
- Where Outdoor Recreation is a limited use only the following shall be permitted: Day Camp, Extreme Sports Facility, Outdoor Commercial Activity noted above in #6, and Outdoor Sports or Entertainment Facility

# City Council Direction

#5.4



- New Zoning District: Business Park
  - **Message board question regarding the limitation on the types of docks / truck bays.**

## Dock High Doors Example Photos



# City Council Direction

#5.4



- New Zoning District: Business Park
  - **Message board question regarding the limitation on the types of docks / truck bays.**

## At Grade Doors Example Photos



# City Council Direction

#5.4



- New Zoning District: Business Park
- **Staff Recommendation:**
  - **Do not limit the type or number of doors permitted – could make new district undesirable for future development and does not guarantee large vehicles will not move about the property.**



# City Council Direction

#5.4



- New Zoning District: Business Park
- **Other considerations:**
  - Consider building orientation requirements such as “truck loading areas shall be oriented away from any residentially zoned or used property or any property which includes sleeping quarters such as a hotel or motel”
  - Consider additional screening requirements such transitional protective yards, masonry screening walls, additional tree plantings, etc.

# City Council Direction

#5.5



- Table 4.13 & Section 4.3.5.6 Awning / Canopy Dimensions
  - Decrease clear height from 9 ft. to 7 ft.
  - Decrease depth from 6 ft. to 5 ft.

## General Requirements:

- An awning/canopy must be a minimum of 9 7 feet clear height above the sidewalk and must have a minimum depth of 6 5 feet.

# City Council Direction

#5.6



- Section 4.3.4.1 Measuring Building Height
  - Added a section for rooftop amenities or usable floor area on the roof of a building.
- **Planning and Zoning Commission indicated the language initially proposed by staff was confusing. Staff recommends the following alternate language:**

- F. Rooftop amenities or usable floor area on or above the finished roofline.
1. If equal to, or greater than, 25% of the area of the first floor of the structure, rooftop amenities or usable floor area shall be counted as an additional story.



# Recommendation

- On August 22, 2023 Planning and Zoning Commission voted 8-0 to recommend **approval** of the Development Code amendments with the direction and modifications noted in the presentation.
- Staff recommends **approval** of the Development Code amendments as presented with all modifications noted in the presentation, including P&Z modifications, the Parks and Recreation Board recommendation, and the citizen comment recommendation.