NOTICE OF JOINT WORKSHOP
PLANNING & ZONING COMMISSION
OF MARBLE FALLS, TEXAS
Tuesday, January 17, 2017 – 7:00 pm

A quorum of the Marble Falls City Council, Economic Development Corporation, and the Zoning Advisory Committee may be present

Steve Reitz, *Chairman*	Mike Hodge, *City Manager*
Fred Zagst, *Vice-Chairman*	Caleb Kraenzel, *Assistant City Manager*
Dee Haddock, *Commissioner*	Elizabeth Yeh, *City Planner*
Thomas E. Barr, *Commissioner*	Jhermaine McVea*, Associate Planner*
Darlene Oostermeyer, *Commissioner*	Chelsea Seiter-Weatherford, *GIS Analyst*
Greg Mills*, Commissioner*	Scarlet Contreras, *Commission Secretary*
Jason Coleman, *Commissioner*	Patty Akers, *City Attorney*

Notice is hereby given that a **Joint Workshop** of the Planning and Zoning Commission, City Council, and Zoning Advisory Committee will be held **January 17, 2017 at 7:00pm** in the Lakeside Pavilion at 307 Buena Vista, Marble Falls, Texas, at which time the following subjects will be discussed:

1. **CALL TO ORDER AND ANNOUNCE PRESENCE OF QUORUM**

2. **JOINT WORKSHOP:** Between the Marble Falls Planning & Zoning Commission, City Council, and Zoning Advisory Committee regarding the Land Use Regulation and Zoning Update, and consideration of the Code Evaluation & Proposed Approach (CEPA) memorandum.

3. **ADJOURNMENT**

"The Planning and Zoning Commission reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code, including but not limited to, Sections: 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) 551.087 (Economic Development), 418.183 (Deliberations about Homeland Security Issues), and as authorized by the Texas Tax Code including but not limited to, Section 321.3022 (Sales Tax Information)."

In compliance with the Americans for Disabilities Act, the City of Marble Falls will provide for reasonable accommodations for persons attending the Commission Meetings. To better serve you, requests should be received 24 hours prior to the meeting, by contacting Ms. Christina McDonald, City Secretary, at 830-693-3615.

Certificate of Posting Agenda Meeting Notice

I, Elizabeth Yeh, City Planner for the City of Marble Falls, Texas, certify this Meeting Notice was posted at the Marble Falls City Hall in a place readily accessible to the general public, on the 11th day of January, 2017, at 5:00 p.m., posted thereafter for at least 72 continuous hours before the scheduled time of said meeting. The agenda is also posted on the City's web site: www.marblefallstx.gov

Elizabeth Yeh, City Planner

P&Z Workshop Cover Memo
January 17, 2017

Presenter: **Halff Associates, Inc, Consultant**
Department: **Development Services**

AGENDA CAPTION

Joint Workshop between the Marble Falls City Council, Planning & Zoning Commission, and Zoning Advisory Committee regarding the Land Use Regulation and Zoning Update, and consideration of the Code Evaluation & Proposed Approach (CEPA) memorandum.

PROJECT SUMMARY

The City executed a contract with Halff Associates on September 6, 2016 to conduct a comprehensive update to the City's existing zoning and land use regulations.

Phase 1 *(Project Initiation - Complete)* of the project involved finalizing project goals, setting a tentative project schedule, assembling all required information, and forming the Zoning Advisory Committee.

Phase 2 *(Initial Engagement - Complete)* of the project involved conducting Key Person Interviews with City Staff, conducting several Stakeholder Focus Group meetings with the public, establishing and meeting with the Staff Development Review Committee (DRC), and conducting a Staff-led introductory meeting with the newly formed ZAC.

> *The DRC is composed of the following Staff members: Mike Hodge, *City Manager*, Caleb Kraenzel, *Assistant City Manager,* Elizabeth Yeh, *City Planner,* Christian Fletcher, *EDC Director*, Eric Belaj, *City Engineer*, Robert Moss, *Parks Director*, Mike Ingalsbe, *Building Official*, Russell Sanders, *Fire Chief*, and Mark Whitacre, *Police Chief.*

Phase 3 *(Evaluation and Approach)* is the current phase of the project. Halff Associates has been conducting an extensive review and evaluation of the existing regulations. A Code Evaluation & Proposed Approach (CEPA) Memorandum has been created to provide a summary of the evaluation and strategic recommendations for moving forward with the text and map amendments.

Phase 4 *(Text Amendments)* will rely on the CEPA Memorandum, meaning that it will guide the work in the subsequent phases. Draft regulations will be submitted and reviewed by the DRC and ZAC in a series of Modules. Several public Development

Forums and public meetings will be held during this Phase in order to obtain community feedback and answer any questions the community may have.

Phase 5 *(Map Amendments)* will provide recommendations regarding the mapping of proposed zoning district and any changes that may be needed.

Phase 6 *(Adoption/Project Close-Out)* will provide final drafts of the text amendments and map amendments, to be heard at Public Hearings before the Planning and Commission and City Council, for adoption. The tentative Project Schedule has the adoption occurring around November/December of 2017.

CEPA BACKGROUND INFORMATION

The purpose of the CEPA Memorandum is to examine the relationship of the existing regulations to the policy directions of the adopted Comprehensive Plan. As such, the CEPA Memorandum document is intended to help to make strategic decisions as to the approach to the new land use regulations.

The CEPA Memorandum includes a summary overview of the policy directions that were identified during the comprehensive planning process, highlighting consistencies (or inconsistencies) with the existing land use regulations, and includes strategies to simplify and streamline regulations to make it a more readable, user-friendly document. The CEPA Memorandum also includes strategic recommendations for moving forward on the text and map amendments based upon the results of the evaluation conducted by the consultants.

Since the CEPA Memorandum will be the basis for the organization and drafting of all text amendments, it is essential that there be “consensus buy-in” by City leadership prior to drafting any of the regulatory improvements. Consequently, Halff is requesting an official endorsement by the City Council, Planning and Zoning Commission, and the ZAC at the end of the joint workshop. In other words, Phase 4 *(Text Amendments)* will not commence until the strategic directions and outline of the CEPA Memorandum are endorsed.

Back Matter Attached:

- Code Evaluation & Proposed Approach (CEPA) Memorandum

MEMORANDUM

Date: January 11, 2017

To: City Council, P&Z, City Manager, City Staff, & Zoning Advisory Committee
via Elizabeth Yeh, City Planner

From: Matt Bucchin, AICP, LEED Green Associate, Senior Planner
Christian F. Lentz, AICP, Senior Planner
Meghan McCarthy, AICP, Planner

Subject: Code Evaluation and Proposed Approach (CEPA) Memorandum for Marble Falls, Texas

Halff Associates, Inc. has completed an initial evaluation of the City of Marble Falls, Texas's zoning and associated land use regulations. The evaluation has been conducted as an implementation action of the firm's previous work on the community's new Comprehensive Plan. This memorandum summarizes our findings, and provides recommendations on how Marble Falls' existing zoning regulations may be enhanced to ensure that the City develops in accordance with the community's vision for the future.

The observations and recommendations herein are preliminary and will be subject to further review and refinement as the process unfolds.

The CEPA Memorandum has been be organized into four parts. These include:

- **Part I – Introduction & Context.** The first part of the CEPA Memorandum summarizes the scope of the project and initial engagement efforts conducted with key leaders, staff, and stakeholders that will frame and specify the policy directions that were identified during the comprehensive planning process.

- **Part II – Relationship to the Comprehensive Plan.** The second part of the memorandum will summarize specific actions and objectives of the City's recently adopted Comprehensive Plan. It will provide cross-references to the preliminary recommendations which are intended to address the specific action.

- **Part III – Preliminary Recommendations.** The third part of the memorandum includes preliminary recommendations for the rewrite of the City's zoning regulations, including:
    - Identification of the land uses and other provisions that will be incorporated into the new regulations.
    - Strategies to simplify and streamline regulations to make it a more readable, user-friendly document.
    - Strategic recommendations for moving forward on the text and map amendments based upon the results of the evaluation. It will also include guidance on the potential establishment of a Zoning Board of Adjustment.

- **Part IV – Preliminary Code Outline.** The fourth part of the memorandum includes a preliminary hierarchical outline of the intended sections of the revised zoning regulations.

- **Part V – Appendices**
    - Appendix A – Future Land Use Plan (from Comprehensive Plan)
    - Appendix B – Future Land Use Classification Descriptions (from Comprehensive Plan)

PART I – INTRODUCTION & CONTEXT

Purpose

The purpose of this CEPA Memorandum is to examine the relationship of the existing regulations to the policy directions of the recently adopted Comprehensive Plan, as well as the practices and preferences of the community and its leadership. As such, the CEPA Memorandum will narrow the gap between the City's policies and practices, and seek to achieve its objectives and preferred development and procedural outcomes. The document will help to make strategic decisions as to the approach to the new zoning regulations, and as such, the redrafting of the City's zoning regulations will rely heavily on this CEPA Memorandum.

The CEPA Memorandum will include identification of the land use and other provisions that will be incorporated into the new regulations. As identified, the new regulations will include a substantive rewrite of Appendix B, *Land Use Regulations*, with some exceptions as described in this memorandum. As discussed during the comprehensive planning process, the new regulations will be organized by functional topic rather than separated into repetitive districts, which will result in a simpler, more streamlined document.

Since the CEPA Memorandum will be the basis for the organization and drafting of all text amendments, it is essential that there be "consensus buy-in" by City leadership prior to drafting any of the regulatory improvements. Consequently, Halff will request an official endorsement by the City Council at the end of the joint meeting scheduled for January 17, 2017. A core objective of that meeting will be to determine the "comfort level" with varying potential degrees of regulation, and where to "set the bar" on various types of zoning regulation improvements. This will include frank and constructive discussion of whether the potential regulatory framework will truly align with and advance expressed community planning goals and priorities.

Engagement Efforts

The scope of services provided by Halff for the zoning regulation update includes a total of 10 on-site visits to collect information, present findings and recommendations, and receive feedback. A variety of engagement efforts will be conducted at specific points during the planning process.

To date, the following engagement efforts have been completed and findings are summarized below. On October 31 and November 1, Halff conducted Staff Kick-off Meetings, Key Person Interviews, and Stakeholder Focus Group meetings as part of Visit #1. A summary of these meetings follows.

Staff Kick-off Meetings
Elizabeth Yeh, Planner with Marble Falls, met with the Halff project team via web conference on October 11, 2016. During this meeting, Halff reviewed and confirmed the project schedule, objectives, process for public input, and major milestones for the planning process.

Key Person Interviews
Completed as part of Halff's Visit #1 on October 31, 2016 with City staff and key City officials. The purpose of these meetings and interviews were to review the project objectives and discuss major milestones, issues with the current development code, and to identify opportunities for changes and improvements from those who are part of the land development review and approval process.

Three staff interviews were conducted with Mike Hodge, City Manager, Caleb Kraenzel, Assistant City Manager, and Christian Fletcher, Director of the Economic Development Corporation. The staff interviews consistently mentioned the following challenges and opportunities:

- **Modernizing the regulations** – Regulations were minimum and resulted in undesirable buildings, specifically recent commercial developments (specifically mentioned Discount Tire and Bealls). Desire to have stronger regulations for building form, materials, landscaping, and parking lots. Stressed that physical development regulations of building form should reflect the character and style of Marble Falls and not be "cookie cutter" regulations.
- **Keeping a simple, streamlined process** – City received positive feedback from property owners and developers on the high level of customer service and the easy, streamlined development review process. City wants to ensure consistency of the entire zoning and land use regulations, maintain ease of implementation for staff, and establish a clear development and review process. Related to this, the City tends to issue many variances or waivers for landscaping regulations and accessory uses. How can development regulations minimize the need to issue variances and waivers?
- **Concern on regulations' impact on development costs** – The geography of Marble Falls already results in a high cost of development, so the City wants to minimize the impact regulations will have on development costs. Incentives from Economic Development Corporation may encourage development that exceed minimum requirements.
- **Need to address nonconforming uses and uses that are in "transition areas"** – Many waivers/variances are issued for excessive regulations on redevelopments of properties since the current development regulations use blanket nonconforming use requirements. Also, the City would like to consider ways the development regulations can be used to help existing (historic) land uses transition to more appropriate uses. Specifically, the Old Township was mentioned and waterfront properties.
- **Need to establish oversight in development review and enforcement** – Since the City does not foresee staff increases, would like to identify alternative methods to strengthen the development review process and code enforcement, such as a Development Review Committee.
- **Downtown** – Issues and opportunities centered on how development regulations can revitalize Downtown, such at attracting the right mix of tenants, installing quality infrastructure, and regulations that result in the "eclectic, evolved look."

Development Review Committee (DRC) Meeting

The DRC meeting was attended by Elizabeth Yeh (Planner), Christian Fletcher (EDC), Russell Sander (Fire), Robert Moss (Parks), Eric Belaj (Engineering), Mike Ingalsbe (Building), Mark Whitacre (Police), Caleb Kraenzel (ACM), Mike Hodge (CM). A summary of the findings of this discussion follows.

- **Need stronger building and site development regulations** – Regulations were minimum and resulted in undesirable buildings, specifically recent commercial developments (specifically mentioned Discount Tire and Bealls). Desire to have stronger regulations for building form, placement, materials, landscaping, and parking lots.
- **Ensuring public safety** – Need to ensure adequate provision of water supply and infrastructure for fire safety in newly developing areas and industrial areas. Also, regulations should consider access of emergency vehicles; specifically, impact that driveway regulations, street widths, and on-street parking might impact access. Note that some of these are related to subdivisions regulations and may not be addressed during this process.

- **Need to address nonconforming uses and uses that are in "transition areas"** – Discussed the original uses that no longer conform to the surrounding land uses, such as the plant and mobile home/manufactured housing on the west side of the Original Township. How can development regulations influence and encourage uses to transition?
- **Stronger manufactured housing regulations** – Existing regulations of manufactured housing are not effective in encouraging transition to modern housing. Also, regulations prevent moving historic structures.
- **Concern over staffing and ability to enforce regulations** – As development regulations change, how will they be enforced? Also, mentioned a need to enforce existing regulations; specifically discussed distinguishing between "outdoor display of merchandise" and "outdoor storage" (especially seasonally).
- **Reduce rezonings and wavier/variance requests** – Most rezonings utilize the Planned Development option because it allows for flexibility; many variances/waivers that the City issues are for redevelopment which does not conform to today's landscaping requirements and for accessory dwelling units which are excessive and dated.
- **Excessive requirements** – Mentioned that requirements for estate residential lots can be excessive, specifically for driveway paving. Need to balance excessive requirement of paving but still allow emergency access that support emergency vehicles. Also felt landscaping requirements can be too rigid for small improvements. Prefer an incremental approach – full landscape upgrade should be limited to full redevelopment of property.
- **Downtown** – Excessive ROW widths from the Original Township plat can hinder redevelopment. Also, discussed creative ways to address parking in Downtown, including fee-in-lieu for off-street parking requirements.
- **Need for lighting and parkland dedication requirements** - Want to minimize light pollution. Currently have no requirements, but concern over cost of installation. Also, no current parkland dedication requirements, but City feels it has an abundance of unimproved parkland

Stakeholder Focus Group Meetings

Completed as part of Halff's Visit #1 on October 31 and November 1, 2016, three 1.5-hour focus group meetings were conducted with key stakeholders who are likely to be impacted by or can influence the rewrite of the zoning regulations. These listening sessions were intended to identify important issues as they relate to the zoning and land development process in Marble Falls. Below is a summary of key findings.

- **Need for stronger building regulations** – Want to make sure the regulations are unique to Marble Falls and reflect area character, but are also flexible. Specifically feel the need to have stronger regulations for building materials, form, building siting / orientation, and landscaping. Also feel there's a need for architectural oversight.
- **Preserving uniqueness of Marble Falls** – Discussed concern about the view corridor of the lake with development and mining operation; building materials and form reflect character of Marble Falls and want to prevent the "chain" / national brand look.
- **Encourage revitalization in redeveloping and transition areas** – Discussed desire to encourage transition of relocated manufactured housing and the plant stifling development on the west side of the Original Township area. Truck routes through Downtown area also a problem.
- **Balancing regulations and enforcement with maintaining simple process and not suppressing economic activity** – Feel the development process is not too difficult, although the City does issue a lot of waivers/variances. Don't want to stifle redevelopment and progress with regulations.

- **Utilize the City's policy documents as part of the drafting process** – There was an expressed point indicating that the revised regulations should be drafted in conformance with the City's adopted policy documents, including the Comprehensive Plan and the Downtown Master Plan.
- **Expressed interest in establishing standards for "big box" shopping centers** – There was an expressed interest in ensuring that large shopping centers were held to an appropriate standard.
- **Need for diversified housing choice** – The need for diversified housing choice, including accommodating the "tiny house" movement was expressed to ensure full life-cycle and workforce housing options for existing and new residents. In particular, there was a general concern that there were no good housing options between the $175k to $225k price range.

Next steps

Memorandum Review and Authorization

The purpose of the joint meeting on January 17th is to review the CEPA Memorandum and authorize moving forward on the strategic directions set out herein. Since the CEPA Memorandum will be the basis for the organization and drafting of all text amendments, it is essential that there be "consensus buy-in" by City leadership prior to drafting any of the regulatory improvements. Halff requests an official endorsement by the City Council at the end of the joint meeting during Visit # 2.

Text Amendments

Following endorsement of the CEPA Memorandum, Halff will proceed with preparing text amendments, which will be drafted, presented, and discussed in three code modules. The modules approach helps to facilitate discussion with the Zoning Advisory Committee (ZAC) and staff in more manageable pieces that are logically grouped and easier to comprehend. The number, content and order of the modules are outlined in Part IV, *Preliminary Code Outline*, based on the issues and existing regulatory provisions identified as needing attention, but generally will be grouped to cover 1) legal status & intent, zoning districts & land uses; 2) general development regulations, and 3) administration & procedures. Halff represents that it is technically competent as any other planning firm to prepare the draft regulations, subject to review and comment by City staff. Halff will rely on the City Attorney to review and comment on the draft regulations to ensure that they comply with the legal requirements of the state of Texas.

As each draft module is prepared by Halff, the review and feedback process is intended to be as follows:

- **Staff Report & Draft Module** – Halff will provide the draft regulations in an Adobe PDF format that can be electronically distributed. An associated staff report will accompany the module that provides supporting commentary, especially regarding the nature of and rationale for proposed changes from or additions to existing regulatory provisions; points out key policy issues and decision items; and, highlights links to and/or implications for other sections of the existing overall land use regulations, or other sections of the City's Code of Ordinances.
- **Staff Development Review Committee (DRC) WebEx Video Conferences** – Halff will facilitate up to two WebEx video conferences with representatives from the DRC to walk through the proposed regulations in each module and to take feedback prior to full dissemination to the ZAC. This should occur within two weeks following the submittal of each module.
- **Zoning Advisory Committee (ZAC) Review and Feedback** – City staff will distribute the module to the ZAC with sufficient time prior to their next on-site meeting. Halff will facilitate an on-site meeting with the ZAC to provide an overview and receive feedback on the draft regulations. It is intended that this

review and feedback process could be completed within six weeks of the original module submittal. Including the time needed to draft the module, each module could take about 2.5 to three months to complete.

Remaining Visits and Meetings

As described above, as these modules are completed, Halff will conduct videoconferences and in-person meetings with the ZAC and DRC to present and receive feedback for refinements. During this process, Halff anticipates five in-person meetings with the ZAC, five pre-visit videoconferences, and five in-person visits with the DRC. Halff will also have a mid-point briefing with City Council and the Planning and Zoning Commission.

Once all modules are finished and a complete draft of the zoning regulations has been prepared, and prior to the adoption process, there will be a final joint meeting with the ZAC, City Council, and Planning and Zoning Commission where Halff will present the draft zoning regulations and zoning map, prior to preparing a public hearing draft.

Once the ZAC, City Council, and Planning and Zoning Commission have reviewed and provided feedback on refinements to the draft land use code, a final public hearing draft will be prepared before beginning the adoption process.

PART II – RELATIONSHIP TO THE COMPREHENSIVE PLAN

As part of the initial evaluation of the existing land use regulations, Halff conducted a review of the policy directions given by the Comprehensive Plan and identified components of the existing land use regulations that either support or are inconsistent with this direction. The tables below summarize action items from the Comprehensive Plan and cross-references to the recommendation in Part III, *Preliminary Recommendations*, of this memorandum.

Figure 1, Comprehensive Plan to Regulations Cross-Reference	
Comprehensive Plan Action Item	Memorandum Recommendation Cross-Reference (page)
Develop policies and incentives that encourage and promote infill development. (Action 3.1.4)	Pg. 24
Utilize growth management strategies to protect surrounding areas from poorly timed or low quality development. (Action 3.1.5)	Pp. 13-14, 24, 28
Promote green building practices and low impact development as part of private development. (Action 3.1.6)	Pg. 26
Consider a comprehensive update to the City's zoning regulations to implement the quality and character ***recommendations*** identified in each future land use classification. (Action 4.1.3)	Pp. 10-15, 22-25, 29
Consider restructuring the zoning regulations to improve readability and usability. (Action 4.1.4)	Pp. 12, 16, 36-38
Consider establishing a housing palette to direct the quality and design of new residential housing choice. (Action 4.3.1)	Pg. 22
Consider improved neighborhood design for Planned Developments. (Action 4.4.1)	Pp. 22-23

Figure 1, Comprehensive Plan to Regulations Cross-Reference	
Comprehensive Plan Action Item	Memorandum Recommendation Cross-Reference (page)
Consider improving the City's existing zoning and development regulations to implement the location and development qualifiers set out in the Neighborhood and Transitional Residential and Downtown future land use classifications. (Action 4.4.2)	Pp. 11-12, Appendix B
Develop corridor improvement standards for U.S. 281, FM 1431, and State Highway 71 to enhance the appearance of properties adjacent to these principal arterial corridors. (Action 4.5.6)	Pp. 23-24
Enhance the City's Downtown district to create a strong identity in the heart of the City. (Action 4.5.7)	Pp. 10-11, 14, 24-25
Consider establishing a dark sky ordinance to protect nighttime skies. (Action 4.5.10)	Pg. 28
Utilize the Thoroughfare Plan as a prerequisite to decision-making regarding development proposals. (Action 5.3.1)	Pg. 27
Ensure implementation of the major collector thoroughfare system concurrent with new development. (Action 5.3.5)	Pg. 27
Adopt criteria to determine an objective approach regarding which street cross-section is appropriate for each functional classification as set out on the Thoroughfare Plan. (Action 5.3.8)	Part of an update to the subdivision regulations
Establish new regulatory provisions identifying a potential truck route in and near Downtown Marble Falls. (Action 5.4.2)	--
Implement sidewalk improvements as part of street improvement or redevelopment projects. (Action 5.5.5)	Part of an update to the subdivision regulations
Consider amending the subdivision regulations to improve the design, safety, and usability of new sidewalks within the City. (Action 5.5.6)	Part of an update to the subdivision regulations
Consider adopting new regulations for airports and heliports within the City. (Action 5.6.3)	Pg. 21, as part of limited and conditional uses
Consider supporting and regulating the installation of plug-in electric vehicle (PEV) charging stations within the City. (Action 5.6.4)	--
Develop a parkland dedication ordinance and other subdivision design ordinances as necessary to ensure that adequate green space and parkland remain available as the City continues to develop. (Action 6.1.2)	Part of an update to the subdivision regulations
Preserve open space assets throughout Marble Falls. (Action 6.1.7)	Pg. 22 (as part of new neighborhood development provisions)
Work with developers and property owners to develop multi-use trails on greenways and other linear open spaces. (Action 6.1.6)	--
Explore low impact development solutions for commercial, residential, or public infrastructure projects. (Action 8.2.5)	Pg. 26
Promote green building and energy efficiency as part of public development. (Action 8.3.2)	--
Consider modifying the City's zoning and development regulations to improve water conservation efforts for landscaping. (Action 8.3.4)	Pg. 26

PART III – PRELIMINARY RECOMMENDATIONS

Halff Associates, Inc. (Halff) has been retained by the City of Marble Falls to provide services related to a comprehensive update of the City's existing zoning regulations. *Appendix B, Land Use Regulations*, of the City's Code of Ordinances will be used as a starting point for this planning effort. The updated regulations will be prepared as a direct implementation action of the Comprehensive Plan.

Zoning Authority

Texas state law requires municipalities that adopt zoning regulations to do so "in accordance with a comprehensive plan" (Texas Local Government Code (LGC) § 211.004). The zoning regulations are a legal tool used to implement the goals of the Comprehensive Plan by regulating the development of each parcel within the City limits. The zoning regulations divides the City into various districts and establishes provisions for the use of land and construction of buildings within each district.

Subdivision Authority

Chapter 212 of the Texas LGC regulates the subdivision process for cities, which have the exclusive right to regulate the land subdivision process within their corporate limits. For land located within the ETJ, the City may or may not impose their subdivision regulations under the provisions contained in Chapter 242 of the Texas LGC. As part of State of Texas House Bill 1445 (77th Legislative Session), a state mandate required cities and counties to adopt an interlocal agreement to clearly define who has subdivision authority in the ETJ. In the most basic sense, the land subdivision process broadly governs and sets restrictions on how property may be developed in terms of the layout of streets, utilities, drainage infrastructure, and other public improvements. With minor exceptions, the process of land subdivision does not govern the specific use or density of the land being subdivided.

Extraterritorial Jurisdiction (ETJ)

The State of Texas established the concept of ETJ to "designate certain areas as the ETJ of municipalities to promote and protect the general health, safety, and welfare of persons residing in and adjacent to the municipalities (Texas LGC § 42.001). In essence, it provided cities power to have some control of development in their growth path. According to the Texas LGC, the ETJ of a municipality is the unincorporated area contiguous to the City's corporate boundaries and is based off of the city's population. For a city the size of Marble Falls (i.e., a population between 5,000 and 24,999 persons), the size of the ETJ is one mile radius from the City limits.

The following powers may be applied throughout the ETJ:

- Plat approvals, pursuant to §§ 212.002, 212.003, and 242.001, Texas LGC and related authorizations;
- Access management, pursuant to § 212.003, Texas LGC;
- Regulation of groundwater, pursuant to § 212.003, Texas LGC;
- Negotiation and execution of development agreements, pursuant to § 212.172, Texas LGC;
- Regulations of signs, including installation, amortization, and removal, pursuant to §§ 216.001 et seq. and 216.902, Texas LGC;
- Regulation of parking, landscaping, and architecture, pursuant to § 212.044, Texas LGC;
- Regulations of unincorporated areas in airport hazard areas, pursuant to § 241.013, et seq., Texas LGC;
- Regulation of equipment and operation of rendering plants within the City and within one mile of the City limits, pursuant to § 215.003, Texas LGC; and
- The definition and prohibition of nuisances, including the power to summarily abate and remove nuisances, in the area within 5,000 feet of the City limits, pursuant to § 217.042, Texas LGC.

1.0 Enactment and Legal Status

Enactment

Generally, the opening sections of zoning regulations can be largely overlooked as not as important as the district, land use, and other regulations which follow. To the contrary, they are extremely important if and when the City needs to go to court. As just previously mentioned, Texas state law requires municipalities to adopt zoning regulations "in accordance with a comprehensive plan." As such, this opening section provides the legal nexus between the expressed community vision for the future (i.e., the Comprehensive Plan and other adopted plans) and the regulations which are intended to implement that vision. In addition, this section should clearly detail the powers conferred to cities by state law, connections to the City's Home Rule Charter, and the extent of powers the City's intends to exercise within the extraterritorial jurisdiction (ETJ). In addition, purpose statements should provide a more specific connection to the various types of regulations to follow; rather than just calling out the purpose of protecting the public health, safety, and general welfare.

Recommended Approach

- Develop comprehensive language to detail the connection between plan and regulations, specific purpose statements.
- Detail the full extent of legal authorities conferred by the state.
- Detail the intended extent of regulations to be applied to the City's ETJ.

Legal Status

The legal status sections of the zoning regulations are also extremely important to the City, particularly if and when a City needs to go court. In general, they detail the relationship between the new regulations and previous regulations; submitted, pending, and/or approved development applications, private restrictions, and other agreements that may have predated the new regulations. In addition, the legal status sections include language on severability (which provides the courts guidance on what happens when one portion of the code is declared invalid or unconstitutional), the repealing of previous ordinances or regulations which are replaced by this code, amendments which may have subsequently occurred, and sometimes codification.

These sections are oftentimes evaluated in conjunction with nonconforming provisions to determine whether something is grandfathered or vested under Chapter 245 of the Texas Local Government Code.

Recommended Approach

- To ensure maximum protection for the City, this section will be drafted in conjunction with the City Attorney.

2.0 Zoning Districts

Existing Zoning Districts

Marble Falls' current zoning framework is primarily a use-based zoning system (also known as a Euclidean system). In this zoning framework, uses can be arranged into a hierarchy from least to most restrictive, where single-family detached residential is the "highest and best" use, and heavy industrial is oftentimes the "lowest and worst." Although, not in every case, this type of system is comprised of zoning districts which are cumulative. This means that oftentimes "less intensive" uses are allowed to be built in proximity to "more intensive" development; although not vice versa.

One of the greatest advantages of a hierarchical Euclidean system is that it is easy to administer. Consequently, this has been the default type of zoning for almost every city for at least the last half century. Probably one of its greatest disadvantages is that it has evolved into a system used to separate "everything from everything." By way of example, many residential zoning districts are simply mechanisms to separate housing types. They oftentimes have the same lot sizes, setbacks and other performance standards. In many cities, even single-family detached housing is separated into individual districts (e.g., 6,000; 8,000; and 10,000 square-foot lots). In these cases, the difference in the actual built environment (i.e., how it's perceived from the street) is negligible. But, it can increase the cost of the development and significantly reduced flexibility of the development community to respond to changes in market demand. It also places almost all priority on larger single-family detached housing over all other residential uses. Over time, this has increased the cost of housing throughout the country while at the same time removing opportunities for other housing types which are necessary for people in all stages of their lives, whether it is a new graduate or young professional in a starter home, a young family, or seniors looking for downsizing options.

For nonresidential zoning, individual districts are predominantly used to separate uses from each other, however, the resulting character of development is the same. This approach has had a significant detrimental effect on our downtowns, as large auto-oriented parking lots have replaced walkable, pedestrian-scale, urban environments. It also caused most development to look the same no matter where you were in the country (i.e., "Anytown U.S.A").

Today, more and more communities are realizing that use-based, or Euclidean-based systems, are inherently not perfect. Fortunately, over the past several decades additional zoning systems have started to work themselves back into many communities. Some of these include designed-based (i.e., Form-Based Codes) zoning, performance zoning, and character-based zoning. Inherently, each of these have advantages and disadvantages in and of themselves when used solely. That is why many communities have adopted zoning frameworks that are a hybrid of multiple types of zoning.

Moving forward, one of the priorities of the community was to protect Marble Falls' "small town character," while at the same time striving to become a destination city. As identified in the Comprehensive Plan (page 66), this will require both public sector actions and the assistance of private development. It will also take a proactive approach to zoning to protect and enhance differing areas of unique character in the City. In other words, the City's zoning regulations will have to be calibrated to force new development / redevelopment to result in the intended character of development (see Figure 4.4, *Understanding Differences in Character*, on page 67 of the adopted Comprehensive Plan). This means that district and design regulations will create differing areas of rural, suburban, auto-oriented, and urban character of development. For example, along many of the City's major thoroughfares, new nonresidential development will result in an auto-oriented character of development. New commercial development in and around neighborhoods, will take on a suburban (or residential) character of development. New nonresidential development in Downtown will result in an urban or walkable character of development.

Consequently, the proposed changes to the zoning regulations will use a hybrid of zoning approaches, but primarily a character-based approach, to guide new development and redevelopment. This will shift the focus away from keeping land uses insulated from each other, but will protect differing areas of character. It will allow Marble Falls to focus on its greater goal of achieving improved development outcomes. This occurs through flexibility in design and creativity by focusing on the positive characteristics of a particular area rather than establishing rigid regulations or those based solely on minimum standards that commonly mandate monotony. This approach will help Marble Falls achieve its community vision for the future, one that reinforces

and preserves Marble Falls' unique small town character of Downtown while accentuating a quality Highland Lakes character of development all throughout the community.

> *"Marble Falls is a great place to live, work, and play – a welcoming and inviting community with safe and family-friendly neighborhoods, where people of all ages can afford quality life-cycle housing surrounded by good neighbors.*
> *We value our unique, small town character; yet understand that our economic success is dependent on being the economic hub for the Highland Lakes region; and due to our precious natural assets (e.g., Lake Marble Falls) – a tourist destination. In this regard, we proactively strive to balance being a livable and destination city.*
>
> *Come join us in Marble Falls – It is a memorable place to visit and an even better place to live!"*

For this reason, the City's Future Land Use Plan (see Part V, Appendix A, *Future Land Use Map*, of this memorandum), was developed in a manner that provided guidance to the physical future of the City. The Future Land Use Map was supported by 20 pages of guidance covering 10 future land use districts, from Parks and Open Space to Neighborhood Residential, to Downtown Plan (see Part V, Appendix B, *Future Land Use Classification Descriptions*, of this memorandum). The 10 future land use districts further described by detailing the Intent and Characteristics, Proposed Primary and Secondary Uses, applicable Zoning Districts, and most importantly Location & Development Qualifiers.

It is these 20 pages of guidance which will be strongly relied upon to develop the City's revised zoning districts. As mentioned in the opening of this section, Texas state law requires municipalities that adopt zoning regulations to do so "in accordance with a comprehensive plan" (Texas Local Government Code (LGC) §211.004).

Recommended Approach

- Remove the hierarchical, cumulative framework from the zoning regulations. The purpose of zoning is not just to protect existing development from new non-compatible development. It is to implement the community vision for the future – one that requires creating differing area of unique character. To effectively achieve this, it means that even the least intense uses are not appropriate, and cannot have a blank check, to be developed everywhere. It does mean that the regulations should be predictable in the envisioned outcomes. Moving forward, existing and proposed districts, land uses, and design standards, will be calibrated to achieve these differing areas of unique character.
- Reformat the existing framework of the Land Use Regulations to have a single matrix of zoning districts to allowable land uses (see Figure 2, *Zoning District / Land Use Matrix*, on the next page) for improved usability and readability.

Figure 2, Zoning District / Land Use Matrix

Existing

C-1 NEIGHBORHOOD COMMERCIAL BASE DISTRICT (§§ 710-719)

711. - Purposes.

The C-1 Neighborhood Commercial District is intended for neighborhood shopping facilities which provide limited business service and office facilities predominantly for the convenience of residents of the neighborhood. Site development regulations and performance standards are intended to ensure that uses will be compatible and complementary in scale and appearance with a residential environment.

712. - Permitted uses.

The following use types are permitted:

A. *Commercial:*
Administrative and business offices.
Food sales.
Food and beverage store with gasoline sales (convenience store).
General retail sales.
Health care offices (building area requirement eliminated).
Personal services.
Restaurant (convenience).
Restaurant (general).

Scroll to Top

Proposed

P = Permitted Use; L = Limited Use; C = Conditional Use; X = Prohibited Use

Land Use	Limited and Conditional Use Standards	Zoning Districts								
		Agriculture	Residential				Nonresidential			
		AG	R-1	R-2	NC	NT	C-1	C-2	I-1	PR
Residential Uses										
Single-Family Detached										
- Cottage	Sec. 2.202	X	X	X	X	L	X	X	X	X
- Industrialized Housing	Sec. 2.202	L	L	L	L	L	X	X	X	X
- Single-Family Detached	Sec. 2.202	P	P	P	P	P	L	L	X	X
- Manufactured Home	Sec. 2.202	L	L	L	L	L	X	X	X	X
Single-Family Attached										
- Duplex	Sec. 2.202	X	X	L	L	L	X	X	X	X
- Triplex	Sec. 2.202	X	X	L	X	L	X	X	X	X
- Townhouse	Sec. 2.202	X	X	L	X	L	X	X	X	X
- Live-Work Unit	Sec. 2.202	X	X	X	X	X	X	L	X	X
Multi-family										
- Apartment	Sec. 2.202	X	X	X	X	X	L	C	X	X
Residential Neighborhood Types										
Standard Residential Neighborhood	N/A	P	P	P	P	P	X	X	X	X
Planned Cluster	N/A	P	P	P	X	X	X	X	X	X
Mixed-Use	N/A	X	X	X	X	X	X	L	X	X
Manufactured Home Park or Subdivision	N/A	C	X	C	L	L	X	X	X	X
Recreational Vehicle (RV) Park	N/A	C	X	C	L	L	X	X	X	X

- Recalibrate the district performance standards to implement the adopted community vision for the future (as captured in the Future Land Use Plan). See also, *Recommended Zoning Districts*, *District Strategic Directions*, and *General Development Provisions*, over the next several sections.

Recommended Zoning Districts

As stated throughout the Comprehensive Plan process, private sector developers have and will continue to be responsible for a majority of the built environment. As such, it is paramount that the zoning, subdivision, and other development related regulations are calibrated in a manner that truly achieve community envisioned for the future.

Recommended Approach

- A series of location and development qualifiers were set out in the Future Land Use Classifications in the Comprehensive Plan (see Part V, Appendix B, *Future Land Use Classification Descriptions*, of this memorandum). These were intended to be recommendations for improvements to the land use regulations to improve the quality and character of development in conformance with the community vision for the future. The proposed recommendations were intended to restructure, and in some cases, consolidate or remove, zoning districts to lay the foundation and framework for achieving this vision. The framework below is proposed as starting point for the restructuring of existing regulations and development of new regulations (see Figure 3, *Existing and Proposed Zoning Districts*). The actual performance standards of the zoning districts (e.g., allowed uses, lot frontage requirements, setbacks, coverages, design standards) will be calibrated to result in predictable and intended areas of character (as set out on the Future Land Use Plan), while providing flexibility to the development community to respond to market conditions. It is in this regard that certain existing districts (e.g., duplex and townhouses) can be handled as development options, rather than disparate districts.

Figure 3, Existing and Proposed Zoning Districts		
District Type	Existing	Proposed
Agriculture	AG – Agriculture district	AG – Agriculture District
Residential	RE-1 – Single-family estates district	RE – Rural Estate District
	R-1 – Single-family district	RN – Neighborhood Residential District
	RA-1 – Single-family attached district	RT – Neighborhood Transition District
	R-2 – Duplex district	
	R-3 – Condo-Townhouse district	
	RT-3 – Residential Townhouse district	
	R-4 – Medium density apartment district	RM – Multifamily District
	R-5 – High density apartment district	
	MH-1 – Manufactured home subdivision	MH – Manufactured home park and subdivision district
	MH-2 – Manufactured home park	
	MH-3 – Mobile Home Base district	Delete; make mobile homes a prohibited use
Commercial	C-1 – Neighborhood commercial district	CN – Neighborhood Commercial District
	C-3 – General retail district	CG – General Retail District
	MSD – Main Street District	DN – Downtown District
Industrial	I-1 – Industrial park district	BP – Business/Industrial Park District
	I-2 – Limited industrial district	
	BI-1 – Business/Industrial Park district	
	I-3 – General industrial services district	IN – General Industry District
Mixed-Use	MU-1 – Mixed Use	Incorporated into the development options of other districts; rather than its own district
Overlay	PD or PDD – Planned Development	PD or PDD – Planned Development

District Strategic Directions

Based on the community's vision for the future (as captured in the Comprehensive Plan and associated Future Land Use Plan), the following district strategic directions are recommended.

Recommended Approach

- **Agriculture District (AG).** Generally, the agriculture district regulations would remain relatively the same except maybe an increase in lot size and setbacks. It is the default zoning upon the annexation of unincorporated land into the City and is intended to remain rural in character. Besides farming and ranching, its purpose is to protect the urban fringe from incompatible develop (i.e., sprawl) prior to the necessary public utilities being available and prior to the time that growth should reach this area (i.e., protecting against leapfrog development patterns). As the City grows over time, this land is intended to transition in accordance with the community vision set out in on the Future Land Use Plan. To protect these areas from unplanned sprawl development, it is recommended that the minimum lot size for development be increased from three to five acres. These areas would be developed with a rural roadway cross-section.

- **Rural Estate District (RE).** The rural estate district is intended to provide the opportunity to develop a large lot subdivision prior to public utilities being available. Despite development, it is intended to remain rural in character. As the City continues to mature and increase its professional employment base (stemming from the recent addition of the Baylor Scott and White Medical Center and associated jobs), areas developed under this district could be suited for larger lot, higher end housing for executives and managers. To remain rural in character, the lot width and setbacks will have to be increased. In addition, since this area is intended for large-lot subdivisions, a minimum area 10 acres would be required to rezone to this district. These areas would be developed with a rural roadway cross-section.
- **Neighborhood Residential District (RN).** The neighborhood residential district is intended to be default single-family detached district and suburban in character. It will include various flexible lot size configurations, but be tied to an overall development density. Although it will be comprised of predominantly single-family detached housing, different development options (developed as a planned development) could allow a small percentage of new development to be single-family attached housing types. These areas would be developed with an urban roadway cross-section.
- **Neighborhood Transition District (RT).** The neighborhood transition district is intended to provide areas of higher density and different housing types than in the neighborhood residential district. It will be tied to an overall development density and is intended to provide an area of transition between the lower density neighborhood residential district and higher density districts (e.g., neighborhood multifamily, commercial, etc.). Minimum lot sizes per housing type would be established in the General Development Provisions of the code. These areas would be developed with an urban roadway cross-section.
- **Neighborhood Multifamily District (RM).** The neighborhood multifamily district is intended to provide areas of even higher density than in the neighborhood transitional district. It will be tied to an overall development density and is intended to provide an area of transition between the lower density neighborhood transitional district and higher density districts (e.g., commercial). Minimum lot sizes per housing type would be established in the General Development Provisions of the code. These areas would be developed with an urban roadway cross-section.
- **Manufactured Home Park and Subdivision District (MH).** The manufactured home park and subdivision district is intended to be a combined district with different development options. The first would identify development standards for a new manufactured home subdivision comprised manufactured home lots in fee simple ownership by individual owners. The second development type would be for a manufactured home park where multiple manufactured homes are owned and leased by a landlord. A MHP requires on-site amenities such as an office.
- **Neighborhood Commercial District (CN).** The neighborhood commercial district is intended for nonresidential development that is of an appropriate use, scale, and design that is compatible with abutting or nearby development. As such, these areas are intended to take on the semi-residential appearance of their abutting residential areas. These developments typically occupy smaller footprints, have pitches roofs, higher levels of landscape, lower levels of signage, and de-emphasized parking.
- **General Commercial District (CG).** The general commercial district is primarily intended for nonresidential development along the City's major thoroughfares in accordance with the vision set out in the Future Land Use Plan. These areas are intended to be developed with an auto-oriented character, which means that the view of the automobile will be the predominant view from roadways. However, since the community expressed improved development outcomes as part of the Comprehensive Plan process, additional design considerations will include building orientation, form, architecture, and materials; front- and street-side landscaping; parking lot landscaping; and access management.

- **Downtown District (DN).** The Downtown district is intended to serve the general area identified as Downtown on the Future Land Use Plan, except for the lots immediately abutting U.S. Highway 281. It is envisioned that this area will be developed with a higher intensity urban character, which means large lot coverages, build-to lines, low to no landscaping, and on-street parking. It is also intended to include a mix of both residential (e.g., apartments, lofts, etc.) and nonresidential uses.
- **Business/Industrial Park District (BP).** The business/industrial park district is intended to support various employment opportunities predominantly related to light manufacturing or industrial, or warehousing. It is intended that these uses will be undertaken entirely within an enclosed building. Additional landscaping and screening requirements will help to protect areas of outdoor storage from public rights-of-way and abutting properties.
- **General Industrial Services District (IN).** The general services district is intended for areas of greater intensity than the business/industrial park district. These areas are to provide a range of development opportunities including such uses as manufacturing, fabrication, and/or warehousing. These areas have the potential to require heavy truck traffic, as such they require direct access to a principal arterial. Additional, since the operations of these uses could occur both indoors and outdoors, these areas require large buffers against abutting development and
- **Planned Development District (PD or PDD).** Similar to the current configuration of the PD or PDD district, this overlay district will be used for higher density or intensity development options within other development districts. It will be used to promote cluster, conservation, and in some cases, Traditional Neighborhood Development (TND) options rather than traditional cookie-cutter developments.

Zoning Map

Modification of the Zoning Map requires identifying both the restructured zoning districts and their intended performance standards (e.g., lot size, lot width, setbacks, density/intensity, etc.). As the district regulations are drafted, Halff will be identifying necessary modifications to the proposed Zoning Map. As set out in the scope of services, Halff will provide strategic recommendations regarding the mapping of the proposed zoning districts by describing the circumstances in which each zone is applied, and by providing a general framework through Halff's analysis of existing development character. City staff will use the strategic recommendations and general framework to revise and refine the zoning map, which will be considered concurrently with the second and third modules of this rewrite process. Development of this map will be based on the adopted future land use plan and the established, restructured zoning districts. Generally, the zoning map will align three primary influences:

1. The existing nature of development in terms of use and physical character;
2. The desired pattern, character, and use of future development as identified in adopted policy documents; and
3. The specific regulations and allowances for the various zoning districts drafted during this rewrite process.

It is understood that rezoning property is never taken lightly, especially when it is not being requested by a citizen-initiated rezoning. However, larger-scale City-initiated rezonings do occur all throughout Texas and the country as cities move forward with comprehensive improvements to their regulations. Accordingly, restructured regulations will respond to the community's objective of improving the quality and character of development, but where feasible and possible, will be calibrated in a manner to make development and redevelopment more predictable and flexible then what is allowed today.

Recommended Approach

- Develop complete GIS and aerial mapping review, which will be done by Halff in the development of preliminary recommendations for the Zoning Map update.
- Analyze the closeness of fit between the existing zoning districts, existing development character, and the proposed restructured districts, to develop strategic directions for proposed Zoning Map changes.
- Develop the draft Zoning Map in GIS (by the City's Development Services Department) using the City's conventions and standards and to facilitate ongoing code and Zoning Map administration.
- Vet proposed modifications with the general public to get feedback while the regulations and map are being prepared.

3.0 Land Uses

Land Use Consolidation

The original intent of zoning was to separate dangerous and noxious uses from other uses. Over time, zoning and land use planning evolved into, as previously mentioned, separating "everything from everything." This resulted in long, highly specific use lists where many of the same types of uses were all regulated the same. This further resulted in over separation and difficult to read and understand zoning regulations.

Today, while zoning and land use separation is still important (e.g., separating heavy industry from residential housing), it makes sense to consolidate individual land uses into broader categories where the location, design, and operations can be inherently regulated the same way. By way of example, an office which involves engineering, architectural and design services will be in a building, on a site, and parked no differently than an office that includes financial services. As such, there is no reason to separate these two uses into separate categories in the regulations.

Recommended Approach

- Consolidate the City's existing land use categories into functionally similar use types to streamline code readability and usability. To ensure clarity, the specificity of all the individual uses types are consolidated and listed in the definitions of each general use type (e.g., Retail Sales and Services).
- Categorize the streamlined use types into functionally similar group types. In some instances, subsequent design regulations can specify entire group types for improved readability. The proposed Use Types include Agricultural, Residential, Civic, Commercial, Industrial, and Home Enterprise & Occupation Uses (see Figure 4, *Consolidating and Streamlining Land Uses*). Additional tables may be included for accessory and temporary uses.

Figure 4, Consolidating and Streamlining Land Uses	
Proposed Use	Existing Uses In Current Code
AGRICULTURAL USES	
Animal raising or production (ranching, poultry farm, fish farm, bee-keeping, dairy farm)	Dairy, and other related uses
	Ranching
	Stock and poultry raising

Figure 4, Consolidating and Streamlining Land Uses	
Proposed Use	Existing Uses In Current Code
Commercial stables	Riding academy or other equestrian related activities
	Stables
Crop Production and Sales	Crop production
	Farming
	Orchard, greenhouse, green nursery and general gardening activities
Game Ranch	Leasing of land for recreational purposes for the purpose of animal harvesting (originally under "Recreation")
Horticulture	Horticulture
RESIDENTIAL USES	
Single-Family Detached	Single-family residential
Single-Family Attached (duplex, triplex, quadriplex, townhouse)	Duplex residential
	Townhouse residential
Multifamily (apartment, condominium)	Condominium residential
	Apartment
Manufactured Housing	Manufactured housing
Group residential	Group residential
Manufactured Home Subdivision	Manufactured home park or subdivision
Manufactured Home Park	
Modular/Industrial Housing (see Texas OCC Code, Title 7 - differentiates between manufactured housing and industrial (modular) housing)	--
Live/Work Unit	--
Small Lot Housing	--
Accessory Dwelling Unit	--
CIVIC USES	
Aviation Facilities	Aviation facilities
Cemetery	Cemetery
Community Assembly / Amenity	Club or lodge
	Community recreation
	Cultural services
	Park and recreation services
	Public assembly

Figure 4, Consolidating and Streamlining Land Uses	
Proposed Use	Existing Uses In Current Code
	Religious assembly
	Residential convenience services
College / University	College and university facilities
Day Care Services, General	Day care services (general)
Day Care Services, Limited	Day care services (limited)
Education	Primary education facilities
	Secondary education facilities
Government	Administrative services
	Detention facilities
	Maintenance and service facilities
	Postal facilities
	Safety services
Housing & Services for the Aging	Life care housing or facilities
	Life care services
	Convalescent services
Hospital	Hospital services
Social Service Institution	Guidance services
Transportation	Transportation terminals
Utilities, Local / Neighborhood	Local utility services
Utilities, Major	Major utility facilities
COMMERCIAL	
Animal clinic or services	Kennels
	Veterinary services
Bar or Night Club	Cocktail lounge
	Mixed beverage alcohol sales
Business or Trade School	Business or trade school
	Vocational, trade, technical or industrial schools
	Scientific or engineering school facilities or institutions
Food and Drink Establishment (convenience)	Restaurant (convenience)
Food and Drink Establishment (general)	Restaurant (general)
	Restaurants with inside dining
Food and Drink Establishment (neighborhood)	Restaurant (neighborhood)
Hotel / Lodging, Full Service	Hotel, full service
Hotel / Lodging, Limited Service	Hotel, limited-service/motel (site plan review required)
Hotel / Lodging, Resort	Hotel resort
Office	Administrative and business offices

Figure 4, Consolidating and Streamlining Land Uses	
Proposed Use	Existing Uses In Current Code
	Business support services
	Communications services
	Conference/convention centers
	Data processing
	Drafting services or quick reproduction services
	Engineering, architectural and design services
	Financial services
	Professional offices
Office, Medical	Health care offices
	Health care offices (building area requirement eliminated)
	Medical offices
Office, Showroom	Offices/showrooms
Parking, Commercial	Commercial off-street parking
	Commercial parking garages
	Off-street parking
Recreation, Indoor	Indoor entertainment
	Indoor sports and recreation
Recreation, Outdoor	Campground (subject to site plan review)
	Outdoor entertainment (subject site plan review)
	Outdoor sports and recreation
Retail Sales and Services	Agricultural sales and services
	Alcohol package store
	Artisan sales
	Computer programming and other software services
	Consumer repair services
	Convenience store
	Food and beverage store with gasoline sales (convenience store)
	Food sales
	Funeral services
	General retail sales
	Health spas and physical fitness centers
	Laundry services
	Local convenience store
	Mixed beverage alcohol sales

Figure 4, Consolidating and Streamlining Land Uses	
Proposed Use	Existing Uses In Current Code
	Package store
	Personal improvement services
	Personal services
	Pet services
	Residential convenience services
Retail, Large-Scale / Shopping Center	
Vehicle Gas or Fueling Stations	Service Station
Vehicle Sales and Rentals	Automotive rentals
	Automotive sales
Vehicle Services	Automotive repair services
	Automotive washing
INDUSTRIAL	
Heavy Industrial Sales and Services	Construction sales
	Construction sales and services
	Equipment repair services
	Equipment sales
Light Industrial Services	Building maintenance services
	Candle
	Contractor services
	Custom manufacturing.
	Light manufacturing
	Manufacturing and assembling of electronic components, precision instruments and devices
	Manufacturing, assembling or packaging of products from previously prepared materials, such as cloth, plastic, paper, leather, precious or semiprecious metals or stones
	Printing, lithography, publishing or similar establishments
	Processing or compounding of drugs and other medical and pharmaceutical products
Research & Development	Laboratories
	Research services
Resource Extraction	Resource extraction
Scrap and Salvage Yard	Scrap and salvage (subject to site plan review)
Storage, Self	Convenience storage
Storage Yard	Recreational Vehicle Storage

Figure 4, Consolidating and Streamlining Land Uses	
Proposed Use	Existing Uses In Current Code
	Vehicle Storage
Warehouse	General warehousing and distribution
	Limited warehousing and distribution
	Warehousing completely within an enclosed building, but specifically excluding mini-storage warehouses
Home Enterprises and Occupations	
Bed and Breakfast Lodging	Bed and Breakfast Lodging
Child-Care Facility, Family Home	--
Child-Care Facility, Group Home	--
Child-Care Facility, Residential (foster home / agency home)	--
Child-Care Facility, Residential (other)	--
Home-based business	--

Limited and Conditional Uses

The current use structure in the zoning regulations identifies uses as by-right (i.e., permitted), by special exception (i.e., conditional) after a public hearing, or prohibited. For conditional uses, additional provisions are sometimes included in the code as part of their approval process (e.g., recreational vehicle or off-street parking); in many cases there are not additional provisions. The intent is that these specific uses require some consideration of compatibility compared to the abutting uses. On a case-by-case basis, this determination is made after a public hearing following a fairly lengthy application process and review and approval duration. This can be a highly protective process when there are significant compatibility issues between the proposed use and existing abutting uses. However, it can be an extremely onerous process when the compatibility differences are slight, or when the needed location, design, and/or operational improvements are already known. For example, bed and breakfasts uses are established all across the U.S., and it is easy to pre-identify the needed improvements or protective stipulations in the code so that the applicant can avoid going through a lengthy and potentially expense public hearing. To the contrary, a new Limited Use category could be introduced which would allow an applicant to apply for a use and, if the plan meets specific pre-set compatibility standards, then the use could be "administratively" approved / permitted by the Director.

Recommended Approach

- Consider introducing a new Limited Use category which includes pre-determined compatibility standards, which if in compliance, can be reviewed and approved administratively by the Director. This will allow many conditional uses to be transitioned to limited uses, which will help streamline approvals for these common types of development where the compatibility improvements are already know. In some cases, certain uses may be limited in one zoning district and conditional in another.
- Consider adding pre-determined compatibility standards for many uses listed as conditional. In this instance, the pre-determined standards will need to be met for those compatibility improvements which are already known. For those that are not known, the required public hearing provides the opportunity for adding additional protections for design, construction, and operation.

Religious Assembly

The land use provisions of the Religious Land Use and Institutionalized Persons Act (RLUIPA) stipulate that no government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution. While there are a few exceptions, the key to complying with RLUIPA is that it requires that no government shall impose or implement a land use regulation in a manner treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution. Similarly, the enactment of RFRA and TRFRA (the Religious Freedom Restoration Act and the Texas Religious Freedom Restoration Act) in 1997 and 1999, respectively, significantly reduced the ability of municipalities to limit or prohibit where religious uses can be located.

Recommended Approach

- To accommodate these federal and state requirements, religious assembly uses will be classified as a civic use and consolidated into an overarching umbrella category of Community Assembly / Amenities. This allows all subsequent location, design and development stipulations to treat these religious and nonreligious uses on equal terms.
- To ensure compatibility of new Community Assembly / Amenity Uses with abutting development, these uses could be all classified as a limited use up to an established threshold, and then a conditional use if that threshold is exceeded. This could allow for minimum location, design, and other provisions to ensure compatibility.

4.0 General Development Provisions

Residential Housing

While Marble Falls has not seen a lot of new residential subdivisions being constructed, it has processed several large-scale development approvals over the past few years, including Flatrock, Gregg Ranch, Windcliff, etc. Most of these, however, were approved as part of the negotiated Planned Development process. This is not surprising since the other residential zoning districts do not accurately reflect today's development framework, in that buyers want integrated, complete communities. Today, the City is poised for growth. Accordingly, the City could start to see additional development pressure for additional residential neighborhoods. Moving forward, it is intended to establish a residential regulatory framework that responds the flexibility desired by developers and demands of the market. This will be accomplished by calibrating residential zoning districts to achieve predictable development outcomes.

Recommended Approach

- *Housing Types*. Currently, lot standards per housing type are identified in each district across 32 pages of text. As part of the rewrite, lot sizes and other performance standards per housing type will be consolidated in a single section of the regulations.
- *Neighborhood Types*. As part of the development of residential zoning districts, several development options will be established. A standard form of development will be created allowing a developer to propose a development of a single housing type (i.e., single-family detached houses). Using the planned development option for a new neighborhood, some flexibility will be provided to allow more than one housing type and integrated neighborhood commercial.

- *Manufactured Homes, Parks and Subdivisions*. A manufactured home (also known as a HUD-code manufactured home) means a structure constructed on or after June 15, 1976 meeting the requirements of the U.S. Department of Housing and Urban Development. The existing manufactured home parks and subdivision standards will be reviewed to determine that new parks or subdivisions contribute to the quality and character of the overall community. New manufactured homes will not be allowed as a stand-alone dwelling outside of a manufactured home park or subdivision.
- *Mobile Homes*. Mobile homes are not allowed by state law. They will be made a prohibited use within the City, which means that existing mobile homes (if any are still in the City) will be a grandfathered use and building. New mobile homes will not be permitted in the City.
- *Industrialized Housing*. Industrialized housing is basically a residential structure that is built as modules at an off-site location and then brought to the site to be permanently affixed to a foundation. It is different than a manufactured home. Industrialized housing is protected by Section 1202.253, *Municipal Regulations of Single-Family and Duplex Housing* of state law. Basically, it stipulates that municipalities must allow industrialized housing in the same areas that they allow single-family housing. However, state law also provides cities with the ability to adopt standards regarding the value of industrialized housing relative to its neighbors, standards for exterior appearance (siding, roofing, roofing pitch, foundation fascia, and fenestration), and other development standards (building setbacks, landscaping square footage). To ensure conformance with these provisions, industrialized housing will be allowed as a limited use in all areas that single-family detached and duplexes are allowed.
- *Small Lot Housing*. Small lot housing will be included as a housing type and allowed as part of a planned development option.

Condominiums

Condominiums are a form of ownership; not a housing type. In fact, any housing or development type, from single-family detached residential, to duplexes, to an office complex, to multi-family, can be developed and built in a condominium form of ownership in accordance with state law.

Recommended Approach

- Remove the existing R-3, *Condo – Townhouse District*, as a separate zoning district. Include a separate section that allows the condominium form of ownership to be allowed for any development type provided that the performance standards (with respect to lot area, lot width, setbacks, and other standards) could be approved under fee-simple ownership arrangements. This means that the developer will need to prepare site plans to show how the condominium development meets the same performance requirements as an exact same development under fee-simple ownership. Once compliance is determined as part of the City's approval process, the developer would proceed through the remainder of the approval process to establish a condominium in accordance with state law.

Civic, Commercial, and Industrial Development

The quality and character of nonresidential development can have a significant positive or negative influence on the growth and economic prosperity of a community. Indeed, this is particularly true for Marble Falls for two reasons. First is that a majority of the City's nonresidential development is located along the City's key arterials, including U.S. Highway 281 and FM 1431. This means that the only picture gets of Marble Falls is what one sees driving through the City. Second, is that the City is moving forward with economic development efforts to revitalize and grow Downtown to make Marble Falls both a livable and destination city. In both of these instances, the quality and appearance of corridors can have a lasting impression on both residents and visitors to the City. If a City has a quality built environment, it can further set itself apart as a place to live and repeatedly visit.

Indeed, improving the quality and appearance of the City was also important to existing residents. As documented in the Comprehensive Plan and stakeholder meetings of this process, improved development standards for nonresidential development was requested by the community. Feedback was given regarding examples of existing and new development they felt was reflective of the City they envisioned.

Recommended Approach

- *Performance Standards*. The lot size and setbacks for nonresidential development will be calibrated for each zoning district to achieve a particular character of development. Along arterials and other thoroughfares (i.e., the CG*, General Commercial District*), lot sizes, coverages, setbacks, and other performance standards will be calibrated to result in an auto-oriented character of development. In the CN, *Neighborhood Commercial District*, nonresidential development will be appropriately scaled and take on a more residential appearance.
- *Orientation*. New provisions will be added stipulating that the front setback and principal entrance shall be oriented towards the arterial or collector street in which the property takes its address. In shopping centers, this does not apply to buildings that are screened from the principal street by an outparcel.
- *Building Form and Architecture*. While no particular architectural style is mandated, new provisions will stipulate that the architectural style of the front façade shall be required on all sides of the building. This allows the developer to determine how best to respond to the market. There could be greater requirements depending on the scale of the building.
- *Materials*. Currently, commercial development has a 75 percent requirement for brick, stone, stucco, wood veneer, and/or glass for any portion of the structure that faces or abuts a street. The intent of the new provisions would be to stipulate percentages of primary and secondary building materials and an expanded palette of materials. In addition, a list of prohibited materials would be developed. At this point, the color of materials will not be a consideration.
- *Blank Walls*. New provisions for the prohibition of blank walls will be developed providing developers with various options for breaking up large expanses of blank walls.

Downtown and Mixed Use Development Design

The purpose of the DN, *Downtown District*, is to create a high-quality, pedestrian-friendly urban character environment within the City's Downtown area. This includes requiring well designed buildings which contribute to the quality and historical character of the City. To accomplish this, design standards will be appropriately calibrated to create the form and character expressed in several of the recent buildings constructed in Downtown. Guidance for determining appropriate standards for Downtown will come from the City's adopted Downtown Master Plan (2011), the City's adopted Comprehensive Plan (2016), and recent development.

Recommended Approach

- Beyond the standards that apply to other nonresidential and/or mixed-use development in the City, Downtown will have additional provisions that create an urban character and Main Street environment. These include build-to lines and corner off-sets; no or reduced off-street parking requirements; permitted encroachments for awnings, balconies, and covered entries; greater percentages of fenestration (particularly on the ground floor); stricter requirements for blank walls, vertical articulation, and roofline modulation; among other provisions.

Infill and Existing Development Design

The City has an almost unlimited amount of undeveloped land south of Lake Marble Falls. Almost all of the nonresidential development will be subject to the new development standards developed during this rewrite process. To the north of the Lake Marble Falls, the City's major thoroughfares are lined with largely older existing development and a few vacant lots. For the most part, the vacant lots will develop to the new development standards. These standards may also apply to the substantial improvement and redevelopment

of already existing nonresidential sites and buildings. However, it is recognized that the lot sizes and configurations of some existing development may not be able to redevelop in conformance with the new standards. Many cities simply designate these areas as nonconforming and provide no flexibility to improve existing development. This can hinder long-term tax growth of these properties, increase blight, and sometimes lead to area economic stagnation.

Recommended Approach

- It is recommended to include some pre-determined administratively approved variations of improvements that can be applied to a site or building to allow the general improvement of property that otherwise could not be improved.

Supplemental Development

Oftentimes in every code, there are additional regulations that typically do not fit anywhere else. These "supplemental regulations" can apply to residential or nonresidential development, or both.

Recommended Approach

- At a minimum, develop (or incorporate existing) supplemental regulation language for wind energy systems, fences and walls, and solid waste collection.

5.0 Environmental Protection

General Nuisances

One of the purposes of zoning regulations is to minimize the negative impact of one person's actions on another person, whether intentional or by accident. As such, many regulations make periodic mention of protecting against nuisances. By way of example, one of the stated purposes of the City's regulations governing industrial districts is to "protect residential, commercial and nuisance free, non-hazardous industrial zones from noise, odor, dust, smoke, truck traffic, and other objectionable influences and from fire, explosion, radiation and other hazardous incidental to certain uses." There are other such similar references in various parts of the code. While Chapter 13, *Nuisances*, of the Marble Falls Code of Ordinances does regulate "nuisances," it does not include reference to many of the most common nuisances regulated by cities, nor does it identify minimum thresholds which, when needed, can be used to objectively measure and enforce the abatement of nuisances.

Recommended Approach

- Consider establishing a section in the code which provides the City with adequate tools to abate a nuisance. This could include maximum noise levels in various districts; exemptions against vibrations during certain hours of a 24-hour period (e.g., during nighttime); protections against smoke, dust, or debris, etc. This section could be as minimal or extensive as needed or warranted; but at a minimum, it should provide a base level of provisions which can be enforceable upon public complaint.

Flood Damage Prevention

Flood protection is currently regulated by Chapter 11, *Flood Damage Prevention*, of the Marble Falls Code of Ordinances. It was recently updated in 2012 and was not identified as part of this rewrite process. While flooding is and will continue to be a concern, the City's floodplain regulations reflect the latest standard common to most jurisdictions, which generally reflect state and federal minimums.

Recommended Approach

- It is recommended that the flood damage prevention regulations be integrated into the overall framework of the Land Use Regulations. This will require non-substantive organizational and wording changes as part of the integration (e.g., consolidating all definitions, changing cross-references, etc.).

Nonpoint Source Pollution

Non-point source pollution is currently regulated by Chapter 28, *Nonpoint Source Pollution*, of the Marble Falls Code of Ordinances. It was most recently updated in 2007 and was not identified as part of this rewrite process. It was also not generally a topic that seemed to be a major point of contention during early kick-off activities or during the comprehensive planning process. As such, the following approach is recommended.

Recommended Approach

- It is recommended that the nonpoint source pollution regulations be integrated into the overall framework of the Land Use Regulations. This will require non-substantive organizational and wording changes as part of the integration (e.g., consolidating all definitions, changing cross-references, etc.).
- However, there are several sections of the NPS regulations that overlap with corresponding provisions in the zoning regulations. By way of example, impervious cover limits set out in *Ch. 28, § 28-37*, conflict with the site development regulations tables in the zoning regulations (i.e., *App. B, §§ 635, 642, 652, 662, 715, and 783).* Each of these conflicting provisions will be evaluated as part of integrating these regulations into the overall framework of the zoning regulations. Accordingly, improvements will be made in the NPS section or other sections of the regulations which are being substantially rewritten.

Low Impact Development

Protecting Lake Marble Falls and the City's other natural resources was a high priority identified by the community during the Comprehensive Plan process. As such, it is intended that the revised zoning regulations will be developed in a manner that both allows, and where possible, incentivizes the use of low impact development.

Recommended Approach

- Consider including further allowances for low impact development to offset requirements for pervious cover and stormwater control. This could include water gardens, rain barrels and cisterns, pervious pavements, vegetated swales, green and blue roofs, etc.

6.0 Subdivision and Land Development

Subdivision and Land Development

Subdivision and land development is currently regulated by Appendix B, *§* 801-899, *Subdivision Regulations*, of the Marble Falls Code of Ordinances. It was recently updated in 2005 and was not identified as part of this rewrite process. The prepared provisions are comprehensive and reflect contemporary standards for regulating the subdivision of property and land development. Like several of sections of the City's Land Use Regulations, this section was originally developed as a stand-alone ordinance. Although it was later codified into the Land Use Regulations, it is not integrated. As such, the following approach is recommended.

Recommended Approach

- It is recommended that the subdivision and land development regulations be integrated into the overall framework of the Land Use Regulations. This will require non-substantive organizational and wording changes as part of the integration (e.g., consolidating all definitions, changing cross-references, etc.).

7.0 Access and Circulation

Access

Access management is important to promote safety, improve mobility and access, and to improve travel conditions by minimizing conflicts between through vehicles and turning vehicles. Currently, access (i.e., driveways and curb cuts) is primarily regulated by *§* 1007, *Access development*, of the Marble Falls Code of Ordinances. It contains an outdated reference to "[the] designation of street function established by plate 13, comprehensive plan of the City."

Recommended Approach

- Re-orient and reconfigure this section to match the terminology and provisions set out in the City's recently adopted Thoroughfare Plan.
- Evaluate the spacing standards to ensure adequacy per street type. Require for all new development.
- Develop standards to trigger compliance with existing development (e.g., redevelopment which requires a site plan approval) to improve access management.
- Move construction specifications (e.g., reinforced with #3 dia bar at 24 inch o.c. or 6-6-6 mesh …) to the City's Technical Construction Standards and Specifications (TCSS) Manual.
- Improve standards for inter-parcel connectivity.

Circulation

Ensuring efficient and adequate circulation is another important component of mobility. While access is related to the physical interaction or connection between the thoroughfare and private property, circulation is related to movement once on the property. This could involve stub-outs to abutting properties (to reduce unnecessary traffic movement from property to property (especially left-hand turning movements), appropriately designed stacking requirements for drive-throughs, etc.

Recommended Approach

- Improve standards for requiring and developing interparcel connectivity between abutting similar uses along arterial and collector streets. This includes requiring stub-outs for all new development and recordation of a cross-access agreement to allow for future connection.
- Consider developing minimum stacking space requirements for certain uses such as drive-throughs, vehicle gas and fuel facilities, gated entrances and parking lots, etc.

8.0 Parking, Loading, and Lighting

Parking

The regulation of parking is a critical component of any code. Too little of it, or poorly designed, and it reduces economic growth and competitiveness. Too much of it, it increases the cost of development and wastes land which could be put to better use. Indeed, it is often said that contemporary development since WWII has been designed around the accommodation of our vehicles. Currently, parking is regulated by *§* 1000-1009 of the Marble Falls Code of Ordinances. It is currently delineated first by zoning district, then by land use.

Recommended Approach

- To ensure one-to-one comparability, the parking space requirements will be organized to match the same use tables found in the Land Use section of the land use regulations, including Agricultural, Residential, Civic, Commercial, Industrial, and Home Enterprise & Occupation Uses.
- Minimum parking space requirements will be evaluated against the latest version of the Institute of

Transportation Engineers (ITE) Parking Generation Manual (4th Edition), contemporary codes and studies, and local feedback to ensure parking is adequate.

- Additional specifications will be included for parking location, design, surfacing, and the use of parking.
- Additional specifications will be included to objectively evaluate a request to reduce minimum parking due to lesser demand and requests for shared parking (e.g., as part of mixed use or shopping centers).

Loading

The existing regulations do not include a lot of specificity related to the requirement or design of loading spaces, except a single mention that "[no] loading docks shall take direct access to a public street." Beyond that, there are references to the screening of loading areas and multiple references to it as part of application requirements.

Recommended Approach

- While regulating loading spaces is not as high of a priority as parking lots and circulation, the absence of dedicated loading areas, or poorly designed loading areas, can have a significant impact on circulation and in some cases, thoroughfares. As such, it is recommended to include minimum provisions for the number of loading spaces (e.g., one loading space for buildings up to 20,000 square feet in gross floor area) and design criteria.

Lighting

Minimizing outdoor light pollution is one of those subjects which is increasingly gaining attention as many of our metropolitan areas lose access to night sky views. It is also a subject which research shows is increasingly having an impact on our environment, disrupting natural day-night patterns, the ecosystem, and wildlife. Light pollution exists where artificial light overpowers the area's natural darkness. In the U.S., it is estimated that over 99 percent of the public cannot experience a natural night or be able to see the Milky Way. Addressing increasing light pollution was a topic that also came up during the public engagement process during the Comprehensive Plan and during early engagement activities as part of this process.

Currently, there is minimal reference to outdoor lighting, except for parking areas against residentially zoned or used property (i.e., the illumination is not to exceed one footcandle at ground level and shall distribute not more than two-tenths of one footcandle of light upon any adjacent residential building), street lighting, and several additional references as part of application requirements. However, there are no other standards identified.

Recommended Approach

- Consider establishing minimum outdoor lighting standards to reduce light pollution. This generally includes requiring "full cut-off fixtures" that limit lighting downward and limit light trespass across property lines. This also generally includes establishing maximum illumination thresholds. To ensure compliance, an exterior lighting plan is required for all civic, commercial, industrial, mixed use, and multifamily development.

9.0 Tree Preservation, Landscaping, and Screening

Tree Preservation

Halff is aware that previous attempts to adopt tree preservation and replacement regulations were unsuccessful. This does not mean that tree preservation and protection is not important to the long-term future of the community. As such, the City could consider implementing some basic tree preservation standards which incentivize saving existing trees on site as a means to reduce new planting requirements. This

is often for nonresidential and multifamily new development; although some jurisdictions also require it, in some capacity, for new residential developments.

Recommended Approach

- Consider implementing some basic tree protections regarding new development. This could include listing exempted development, a tree removal permit (which could be integrated into the normal development process), requirement of a tree survey, standards for removal of protected trees (protected trees are already established in Sec. 1035, of the Marble Falls Code of Ordinances), and moderate replacement standards which are in addition to other planting requirements on site.

Landscaping

Landscaping is currently regulated by the Landscape Ordinance (App. B, *§§* 1030 – 1099). While it is a good starting point, the community identified improved development outcomes as part of new development. One of the ways to achieve this is through enhanced landscaping requirements. This goes beyond identification of a landscape edge along road frontages and a minimum requirement for one shade tree for every 12 parking spaces. Also, since the character of development varies in different areas of city, some standards may need to be calibrated to individual districts. The minimum landscape area per district will be set out in the civic, commercial, and industrial intensity, lot, and scale standards.

Recommended Approach

- To improve general development landscaping in the City, additional specificity will be needed for plantings in parking lots and in front, side, street yards, and rear yards. For yard landscaping, this can be accomplished by a minimum per linear foot (e.g., one shade tree and five shrubs per each linear foot of frontage). For parking lot landscaping, this can be accomplished by minimum requirements for shade tree plantings at the corners of parking lots, at the ends of parking rows, and after a minimum specified number of parking spaces in each row (e.g., one landscape island every 12 parking spaces). Reductions can be included for large parking lots (e.g., shopping centers).
- Since indiscriminate water use can have a long-term impact on water demand and supply, it is recommended that a minimum threshold of all plantings be native or low water.
- Consider modifying the requirement for all landscape planting to be protected by a raised, monolithic curb to allow for water infiltration during rain events (e.g., bioswales).
- Currently, the City requires a minimum 1.5 inch caliper for all newly planted trees. This is generally smaller than many cities in Texas. As such the City could consider establishing a larger diameter tree for shade trees (e.g., 2.5 inch caliper) while maintaining a 1.5 inch caliper for small trees). In addition, minimum shrub size is generally set at a five gallon container. These minimums are intended to create a minimum established look at planting. Over time, these plants will mature to their full size.
- While many cities do not require landscaping as part of residential development, many do. Over the long-term, the difference between new development which requires some tree planting and the ones that do not, is significant. As such, the City could consider requiring the planting of one or two shade trees per residential lot. For example, a provision could be included to require new residential lots to plant one shade tree in the front yard prior to the certificate of occupancy. Alternately, in certain neighborhood configurations, tree plantings could be accommodated as part of street trees in the right-of-way. Residential trees could be exempted from the irrigation requirement.
- Upgrade cut and fill provisions to incorporate standards regarding mitigation, screening, stabilization, and planting. Provisions should provide the City with bonding authority to ensure that required on-site improvements (including mitigation measures) are installed and maintained. Similar bonding authority should be provided for the maintenance of other general landscaping and planting materials required by ordinance.

Screening

Screening is another component of landscaping where the intent is to minimize the impact of the development on abutting uses or thoroughfares. In most cases within the existing regulations, screening is defined as a "six-foot privacy fence … along all R-1 and R-2 District common property lines." In one of the more recently adopted districts standards (i.e., the MU-1 district), the breadth of screening requirements more accurately reflect contemporary standards. However, even in this district, it still requires just a six-foot fence. To the contrary, jurisdictions with more contemporary regulations oftentimes accommodate screening using just landscaping, or a combination of landscaping, berming, walls and/or fencing. In this regard, flexible screening requirements can be established depending on the space available.

Recommended Approach

- Consider establishing landscaping screening requirements between different districts (with greater screening requirements as district incompatibility increases), mixed uses, and along arterial or collector streets. This could be accomplished through landscaping or through a combination of landscaping, walls and/or fencing.
- Consider establishing a minimum screening requirement for parking area along thoroughfares. This typically involves establishing a three-foot hedge along public rights-of-way.

10.0 Reserved

Signs

Signs are currently regulated by Chapter 20, *Signs*, of the Marble Falls Code of Ordinances. During the comprehensive planning process and the early engagement activities of this process, signs were not generally a topic that seemed to be a major point of contention. This may be attributed to the fact that the sign regulations were recently updated in 2013. As such, updating the sign provisions were not identified to be part of this rewrite process.

It is worth mentioning that during the 2013 update process, the sign regulations were separated from the land use regulations and reestablished in Chapter 20, *Signs*, of the Marble Falls Code of Ordinances. One would assume that the separation of the sign regulations is at least partly related to the fact that sign provisions are the most controversial regulations in the land development process, and as such, are the most often challenged in court. Sometimes, depending on the individual specifics of the case and content of the sign regulations, courts have declared entire sign ordinances (and, by extension, sometimes other parts of the code) as invalid or unconstitutional. Because of this, some jurisdictions choose to separate them from other integrated parts of the land use regulations.

With that being said, signs are an integral part of the land development process. Oftentimes, decisions about sign location and design are made at the same time as planning and design for the entire site. In addition, integration helps to prevent redundancy and discrepancies between similar sections of the code (e.g., having separate, but similar definitions, additional sections for processes, enforcement, nonconformities, etc.). As such, there is benefit to having the sign regulations integrated with all the other provisions related to the land development process. In this case, some jurisdictions include additional "sign-related severability clauses" as protections against courts striking down provisions unrelated to sign regulation at hand.

In addition to the location of the sign regulations, there was a general concern about the substantive provisions of the sign regulations which are worth mentioning. To move forward, the following approach is recommended.

Recommended Approach

- Unless otherwise requested, Halff will intend to move forward assuming that the sign regulations will remain outside of the overall Appendix A, *Land Use Regulations*. To facilitate ease of integration, if and when the City decides it is warranted and/or necessary to include them, the framework for the entire land use regulations will be drafted in a way which "reserves" a spot for the sign regulations.
- Consider removing the application requirement for "message" from the regulations, as there could be some general concern about how the provision interacts with the free speech protections found in the First Amendment to the U.S. Constitution. While this is not intended to be comprehensive evaluation of the highly nuanced and oftentimes unpredictable law of signage, constitutional and case law from across the country has shown that any approach to sign regulation should be strictly based on regulating sign types, dimensions, location, design, materials, and number, rather than the sign content (i.e., what the sign says). As such, a general rule should be that those who are responsible for reviewing and approving sign applications should not need to "read the sign" in order to approve it. In other words, an amendment to the sign regulations should be considered to make the requirements "content neutral."

11.0 Administration

Although amendments to the Marble Falls zoning regulations are principally intended to implement the community design vision that was established by the Marble Falls Comprehensive Plan, the amendment process offers the City a unique opportunity to streamline administrative and enforcement processes. As with most communities, the gradual evolution of Marble Falls' land use regulations (and corresponding growth of municipal functions) results in a piecemeal approach to establishing regulatory roles, responsibilities, and procedures.

Inherited and often inconsistent administrative provisions can cause greater public opposition to local land use regulations than a community's actual land use, building, and site development standards. The wholesale evaluation and enhancement of the City's zoning administration and enforcement provisions proposed as part of this project can offset potential concerns about enhanced development standards by offering coherent and streamlined processes.

Administrative Bodies

Administrative provisions of the Land Use Regulations describe the step-by-step processes for a variety of land development and zoning actions including site plan review, conditional uses, variances, rezoning, and appeals. The roles of City Council, boards, commissions, and City staff which relate to a specific process are distributed among the applicable sections of the existing regulations. Overall, the existing regulations lack a centralized section that clearly defines the cumulative roles and responsibilities of each administrative body that may be involved in one or more administrative or quasi-judicial land development process. The lack of a consolidated section on administrative roles and responsibilities makes it difficult for code users (and even code administrators) to clearly understand the authority exercised by each City entity in the land development process.

Recommended Approach

- A section should be added to the Land Use Regulations that clearly defines the roles of City Council, Planning and Zoning Commission, and Zoning Board of Adjustment related to the administration and enforcement of the regulations. The section should be written to sufficiently cross-reference authorizing provisions of state law, as well as the City Charter and other applicable provisions of the City's Code of

Ordinances. In the case of the Planning and Zoning Commission, corresponding adjustments to Chapter 4, *Administrative Services*; and, Chapter 17, *Planning*, of City Code of Ordinances may be required. The section should be structured to allow for the potential addition of other boards and commissions in the future.

- A section should be added to the Land Use Regulations that lists and clearly defines the roles of key City staff members involved in the administration and enforcement of the regulations (i.e., Director, City Engineer, Building Official, etc.). The definitions of specific staff positions may be altered to provide more flexibility to the City Manager in designating staff to fill specific functions. For instance, the current definition of "Director" limits the City's ability to assign an alternative staff member to fill the positon's assigned roles in cases of vacancy. This section should also include reference to the Floodplain Administrator to correspond with prior recommendations to incorporate Chapter 11, *Flood Damage Prevention*, into the Land Use Regulations.
- Establish a Development Review Committee (DRC) that is administered by the Director and composed of other City staff typically involved in the land development and zoning process (i.e., City Engineer, Fire Marshal, etc.). The DRC will be responsible for the technical review of development applications submitted to the City. By creating a statutory role for a DRC, the City is committing itself to staff-level coordination when handling building, land development, or zoning applications. An associated benefit of a DRC is that developers receive consolidated City staff feedback all at the same time. This oftentimes helps to streamline the development process since reviews are all conducted at the same time and conflicting comments can be addressed during development review meetings.

Permits and Procedures (Generally)

The Land Use Regulations' current administrative procedures establish distinct submittal, review, and determination processes for many land use activities that require consideration by the Planning and Zoning Commission, and City Council. Although an applicant's purpose for applying for a conceptual plan or site plan review, zoning map amendment, conditional use, or variance will be distinct, the steps the City must take to process each application should be consistent. Nonetheless, many of the administrative sections of the Marble Falls' Land Use Regulations duplicate common steps in the zoning review process including application contents, report by the Planning and Zoning Commission, action by City Council, and more. During the rewriting of the zoning regulations, efforts will be made to consolidate duplicative administrative provisions into a common land use procedures section of the regulations.

In contrast to the recurring provisions embedded within the Land Use Regulations regarding Planning and Zoning Commission and City Council review, the regulations are largely silent on common staff-level activities related to the acceptance, filing, review, and dispersal of land development and zoning applications. It is not uncommon for local land development and zoning regulations in small communities to remain silent on many of the common "in-house" activities conducted by staff. Absence of a staff procedure dictated by code is viewed as a way to make land development and zoning processes flexible and friendly for code users (i.e., removing the red-tape from the process). Unfortunately, lack of clarity on topics such as required submittal materials, pre-application conferences, application completeness review, referrals, etc. may subject the review process to retro-active criticism should a code user be dissatisfied with the outcome of a case. The absence from the Land Use Regulations of detailed procedural steps related to submittal deadlines, incomplete applications, internal staff review periods, etc. can also create pressure on staff to deviate from a standard operating procedure that is not overtly supported by code. These administrative loopholes should be closed as part of this update process.

Recommended Approach

- A procedural standards section should begin with comprehensive lists of activities that require compliance with the provisions of the Land Use Regulations prior to the issuance of a City permit (preferably in tabular form). The lists should also include those additional actions that require the hearing of an appointed or elected body (e.g., variances and appeals). The lists should distinguish between permitting actions that can be taken by City staff versus those that require the action of City Council, a commission, or board.
- The procedural standards section should include standard application preparation, submittal, and review steps that are necessary for the issuance of multiple types of permits. These standard application procedures should address detailed administrative steps including authority to create and adopt permitting schedules, application completeness, withdrawal and resubmittal, review and referral process, public hearing and meeting schedules and process, permit issuance, etc.
- The Land Use Regulations' existing public notice procedure (App. B, § 1170-1179) should be relocated to a position adjacent to the procedural standards section and preceding sections on each type of activity requiring the issuance of a permit or decision of an appointed or elected body. Appropriate revisions should be made to the text of the public notice procedures to ensure consistency with other sections.
- In conjunction with a new procedural standards section, review and streamline language regarding the concept plan and site plan submittal and review process (App. B, § 1101-1119). Limit concept plan submittal requirements to planned developments and conditional uses.
- Following the procedural standards section (recommended in the preceding bulletpoint), group land development, land use, and zoning activities that require the issuance of a permit and/or decision of an appointed or elected body into one of three separate sections. The sections will incorporate the following: A) Building, (minor) land development, or land use actions that require staff approval for the issuance of a permit; B) Zoning actions that require the determination of an appointed or elected body following a public hearing; and, C) Subdivision and (major) land development activities. The latter section includes activities of both staff and City Council/board/commission actions.

Zoning Board of Adjustment

A principal objective of the zoning regulation update project is to establish a Zoning Board of Adjustment (ZBA) to assume a quasi-judicial role in interpreting and applying the Land Use Regulations. These types of decisions – including appeals, interpretations, and variances – are currently levied by the City Council. Substituting an appointed ZBA for the City Council as the arbiter of requests for relief from a specific provision (or interpretation) of the regulations can mitigate public perceptions of bias or politically-motivated rulings.

Recommended Approach

- As with most appointed City bodies, the Zoning Board of Adjustment (ZBA) should be established through an ordinance amending Article V (Boards and Commissions) of the City's Code of Ordinances. The ordinance should establish the composition and structure of the ZBA, as well as general duties and rules of conduct. Specific zoning processes in which the ZBA has a role however, should be retained in the Land Use Regulations. The ZBA's roles and responsibilities related to the Land Use Regulations should be added to the proposed sections on administrative bodies.

Variances

Variance provisions in the Marble Falls' Land Use Regulations are procedurally vague. There is little clarification on the types of provisions which may be subject to variance requests, nor clear criteria on which to base a decision. The former issue may allow for applicants to request land use variances – a potential request contrary to the intent of municipal zoning regulations and for which other remedies exist such as rezoning, text amendments, and conditional uses (as well as special exceptions). The lack of clear decision making criteria can

create the impression of an arbitrary decision-making process and subject the City to the appeal of decisions. Further, the potential incorporation of other chapters of City's Code of Ordinances into the Land Use Regulations will require the incorporation of additional topic-specific decision making criteria.

Recommended Approach

- The Land Use Regulations should clearly state the types of provisions for which variances may be considered. These provisions will typically be spatial and numerical in nature (i.e., setbacks, heights, impervious surface area, etc.), and oftentimes include other physical considerations such as planting materials, parking and loading areas, etc. Likewise, the section must also clarify which provisions will not be eligible for consideration as a variance – most notably land uses. Adjustments to land uses should be confined to conditional use permits, zoning map amendments (rezoning), and zoning text amendments.
- Although a standardized set of variance procedures is recommended for this project, other chapters of the City's Code of Ordinances that are proposed to be relocated to the Land Use Regulations (e.g., Chapter 11, *Flood Damage Prevention*; Chapter 20, *Signs*) include independent variance provisions. These provisions include unique decision making criteria that relate to the topic-specific nature of both codes. Applicable portions of these variance processes should be incorporated into the section on standardized variance procedures. Separate sections should be maintained however, that establish the unique decision criteria that relate to these specific topics.
- Assign the authority to consider variance applications to the proposed ZBA. Both the Planning and Zoning Commission and City Council should be removed from the variance process, reducing the time involved to process variance applications. Administrative authority to accept and process variance applications should be granted to the Director as opposed to the Building Official.
- Because variances will run with the land, the City should consider the adoption of an annotation provision that requires approved variance case numbers to be denoted on the Official Zoning Map, or some other tracking mechanism.

Recommended Approach

- As the Land Use Regulations are updated, provisions may be identified where City staff could authorize variances from the ordinance rather than requiring an interested party to undergo a public hearing process. These administrative variances, or "waivers," would be largely limited to spatial provisions of the code (i.e., build-to-lines, setbacks, height, etc.) and would be subject to strict conditions. The inclusion of administrative variances in an updated zoning code is viewed as an optional element of this project – to be determined as the code is being drafted.

Nonconformities

Local government adoption of zoning and land development regulations results in standards and rules to which some existing land uses, buildings, structures, and lots do not conform. Nonconforming use provisions – such as those currently found in Sections 980-999 of the Marble Falls' Land Use Regulations – provide parameters under which these nonconforming situations may be permitted to remain (i.e., to be "grandfathered"). These provisions also present the conditions upon which such uses must be discontinued.

The Marble Falls' Land Use Regulations address most of the key topics that must be considered for the regulation of nonconformities including standards for nonconforming land uses, buildings, and lots; repair of nonconformities; discontinuance; etc. Recommended changes to these standards will principally be incidental in nature – resulting from the overall reorganization of the regulations, including the consolidation of other chapters of the City's Code of Ordinances. Care will be taken to minimize changes to zoning district text, or the official zoning map, that will significantly increase the number of nonconforming situations citywide. In

addition, nonconforming use provisions should be amended to offer a clear path for some nonconforming conditions to be brought into compliance with adopted regulations through the conditional use process.

Recommended Approach

- Although addressed in general terms within the proposed section on legal status provisions, language should be included in the nonconformities section of the Land Use Regulations that affirms existing development entitlements (previously issued and active permits).
- Distinctions may be made between nonconforming land uses that may be permitted (under specific conditions) to become conforming, and those that are considered a public nuisance and should not be subject to reconstruction or conversion provisions if damaged, destroyed, or discontinued. Conversion of certain nonconforming uses to conditional uses eliminates long-term hardships for the property owner in making future improvements to the property. Eligible land uses should meet specific criteria such as illustrating long-term compliance with City nuisance codes, popular support by residents as a place of business or recreation, etc.
- Sections should be added addressing nonconforming signage, parking, and landscaping.
- The revision of zoning districts, and subsequent adjustments to the official zoning map, must consider the impact on existing land uses. Care will be taken to minimize the creation of new nonconformities, while concurrent efforts will be made to provide avenues by which existing nonconformities may be brought into compliance with the Land Use Regulations.

Appeals

Provisions regarding the appeal of decisions made pursuant to the Marble Falls' Land Use Regulations are included in Sections 1180-1189 (*Administrative Appeals*) of the regulations. The regulations establish an appeals process related only to administrative action, but do not establish clear procedures for the appeal of decisions taken by City boards and commissions. Existing provisions related to the appeals process are also vague and may result in appeals being handled in an arbitrary or inconsistent manner. For instance, Section 1182 suggests that appeals may be taken "within a reasonable time frame" rather than establishing a specific schedule. The current appeals process also does not account for the role of the proposed Zoning Board of Adjustment (ZBA).

Recommended Approach

- Revised appeals provisions should include clear procedural requirements of both the appellant and the City. These requirements will include a specific time frame within which an appeal must be taken, and application process, and procedure for the review of the application. Criteria must be established that clarify the evidence that may be considered by the ZBA in each case, and how their decision shall be rendered.
- A revised appeals section of the Marble Falls' Land Use Regulations must consider the appeal of decisions rendered by boards or commissions. Although the establishment of a ZBA is intended to reduce the City Council's role in quasi-judicial decision-making, state statute limits the ZBA's authority to the appeal of actions taken, "by an administrative official." (Tex. Local Government Code § 211.009(1)) Procedures may be established which formalize a City Council's role in hearing appeals of Planning and Zoning Commission decisions. Whether an "administrative appeal" to the ZBA, or a "board/commission" appeal to City Council, maintaining these parallel processes may mitigate the need of an aggrieved party to petition for further judicial review.

12.0 Violations and Enforcement

Violations and Enforcement

The Marble Falls' Land Use Regulations contain two sections related to violations, penalties, and enforcement procedures (Sec. 230 and Sec. 862) – the latter section applicable only to violations of the City's subdivision regulations. Neither section outlines methods for processing complaints; nor, offers an expansive list of administrative or judicial remedies available to the City. There also exists between the two sections discrepancies in penalties and other abatement measures, and in defining the authority and responsibilities of the City's designated agents in enforcing the provisions of the Land Use Regulations. The potential consolidation of other chapters of Marble Fall's Code of Ordinances with the Land Use Regulations would result in further discrepancies. This project must integrate topic-specific enforcement actions and remedies into a singular and blended section of the Land Use Regulations.

Recommended Approach

- Draft introductory provisions regarding the receipt of complaints and filing of an alleged violation of the Land Use Regulations. These provisions should affirm the right of the authorized City agent to file apparent violations of the regulations, and explain how third parties may file complaints.
- The Land Use Regulations should identify all methods at the City's disposal to remedy violations of the regulations. Distinctions should be made between available administrative remedies (i.e., notices of violation, holding or suspending permits, stop work orders, etc.) and judicial remedies. The section must clarify where a remedy is only applicable to a specific type of violation.
- A section must be drafted that identifies each step of the code violation abatement process – including contingencies that result from action by the alleged violator following the initiation of abatement procedures, or as the result of court action.
- The maximum allowable fine per day should be $2,000.00. This rate is consistent with current state statutes (Tex. Local Government Code § 54.001) and with existing fines that may be levied on violations of the subdivision regulations (but not with other violations of the Land Use Regulations). A more flexible range of potential fines is particularly useful in pursuing remedies for repeat violations of the regulations.
- Provisions on fines and charges should distinguish between those levied as a result of apparent violations, and those charges that have been accrued by the City when the expenditure of public funds is necessary to abate a violation that poses an immediate threat to the public. As with provisions regarding possible remedies, provisions regarding abatement, fines, and charges must distinguish between measures that may apply only to specific types of violations.

13.0 Interpretation and Definitions

Consolidation of Definitions

Multiple sections of the Marble Falls' Land Use Regulations contain their own lists of unique terms and definitions. While the title of Section 300 – 399, *Definitions*, implies a singular source of definitions for the Land Use Regulations, additional terminology can be found in Sections 400 – 599, *Use Classifications*; Section 920 – 929, *Accessory Use Regulations*; and Section 1030 – 1099, *Landscape Ordinance*. Other sections of the Marble Falls' Code of Ordinances proposed in this memorandum to be incorporated into the Land Use Regulations also include corresponding lists of definitions. The current distribution of these definitions increases the chances that the City could further adopt definitions in the future that may duplicate, overlap, or conflict with one another. Merging definitions into a single section improves document readability for the public, and efficiency for staff when interpreting and modifying the regulations in the future.

Recommended Approach

- All definitions should be reviewed for consistency and consolidated into a singular section of the Land Use Regulations. Because it is expected that the zoning rewrite process will alter land use categories, the consolidation process is also expected to require the amendment of many individual terms, as well as the addition or removal of others. A consolidated list of definitions should be relocated to the end of the Land Use Regulations so that code users can quickly access the regulatory provisions of the code.

Rules of Construction

Existing provisions regarding the interpretation of the Land Use Regulations are embedded within Section 300 – 399, *Definitions*. Their inclusion of these "rules of construction" within the definitions section makes it difficult to locate provisions that are intended to aid the reader in general code interpretation. As these provisions are intended to assist code users in understanding elements of the code beyond terminology (i.e., figures, tables, captions, illustrations, regulatory provisions) their availability in the code should be apparent.

Recommended Approach

- Establish a "Rules of Construction" section within the Land Use Regulations that precedes and is independent of a definitions section. Subsections should further distinguish between provisions that aid in understanding how "words" should be interpreted (e.g., tense, gender, exclusivity, etc.) versus those that define how "provisions" should be interpreted. For instance, the code must distinguish between the use of purpose statements as opposed to regulatory statements.

PART IV – PRELIMINARY CODE OUTLINE

The following preliminary code outline reflects a proposed structure for the organization and development of the City's revised zoning regulations. As identified in the Comprehensive Plan (Action 4.1.4) and as an identified objective of this rewrite process, it is important that the revisions improve the consistency, readability, and user-friendliness of the Marble Falls' Land Use Regulations. As such, this preliminary proposed code outline aims to join all development regulations into a cohesive, consistent, and user-friendly document. To accomplish this, it reflects an organizational structure that separates code provisions into functionally related parts (e.g., zoning districts, design standards, definitions). This "unified" format allows the development community's technical specialists, elected and appointed officials, staff, and even casual users (e.g., residents) to quickly and easily find and understand necessary code provisions.

Benefits of a "Unified" Framework

Over the past quarter century, cities from across the country have migrated towards drafting regulations by functional topic to achieve a more coordinated set of development regulations, standards, and procedures. In return, this framework offers the following benefits:

- Improved procedural consistency through the consolidation of procedures, roles, and responsibilities;
- Improved readability and usability by organizing by functional topic;
- Increased user-friendliness through consolidation of definitions, internal cross-referencing, etc.;
- Simplified amendment process and tractability; and
- May expand applicability.

Code Provisions Included / Not Included

Included

The following regulatory provisions from the City's Code of Ordinances will be assessed and substantially rewritten to implement the Comprehensive Plan and community vision for the future. Existing language, regulatory intent, and specific provisions will be used in conjunction with new language, intent, and provisions to best develop a strong and consistent framework for reviewing and approving new development/redevelopment within the City and extraterritorial jurisdiction.

- Appendix B – Land Use Regulations
    - Excluding Sec. 801 – 899, Subdivision regulations.
    - Excluding Sec. 1036, Approved plants and trees

Substantively Not Included / Integrated

The following regulatory provisions from the City's Code of Ordinances will be integrated into the proposed structure of the Land Development Regulations to create a user-friendly and streamlined code. This involves separating specific provisions into their respective functionally related parts (e.g., enforcement, procedures, and definitions). It may involve minor word changes for consistency. It does <u>not</u> involve changing the substantive regulatory intent of the provisions.

- Ch. 5, Amusements Entertainment and Temporary Uses (last updated 2014)
- Ch. 11, Flood Damage Prevention (last updated 2012)
- Ch. 12, Mobile Homes and Trailers (last updated 1972)
- Ch. 13, Nuisances (last updated 1990)
- Ch. 15, Parks and Recreation (last updated 1994)
- Ch. 17, Planning (including incorporating both Planning and Zoning Commission and Historic District)
- Ch. 19, Secondhand Goods (last updated 1981)
- Ch. 26, Utilities
- Ch. 28, Nonpoint Source Pollution
- Appendix B – Land Use Regulations
    - Including Sec. 801 – 899, Subdivision regulations.
    - Including Sec. 1036, Approved plants and trees

Not Integrated

- Ch. 20, Signs

Intent and Framework for the Preliminary Code Outline

Intent

The preliminary proposed code outline reflects Halff's current understanding of the needs of the City regarding this rewrite process of the City's zoning regulations. One of the primary purposes of developing a hierarchical section-by-section outline is to set the framework for the subsequent drafting and placing of key provisions in functionally related places as the provisions are being drafted.

It is understood that there will be some changes to the organizational framework once drafting begins. This is normal as the regulatory provisions start to unfold and further feedback and refinement occurs. However, the assumption is that it will be minimal.

Framework
As detailed in the scope of services and project schedule, the actual regulatory provisions will be organized, drafted, and presented in three code modules. In some cases, the drafting will occur simultaneously in sections found in all three modules (e.g., the consolidated definition list will grow with the completion of each code module).

As set out below, the proposed framework of the Preliminary Code Outline organizes the regulatory provisions into 13 Articles with corresponding Divisions and Sections. It is important to note that all of the regulatory provisions will occur at the Section level. In other words, the Article and Division titles are for creating the organizational structure and to improve readability.

Preliminary Code Outline

Module 1

Article 1, Enactment and Legal Status Provisions

- **Division 1.1, Enactment**
  - Sec. 1.1.1, Title
  - Sec. 1.1.2, Purpose
  - Sec. 1.1.3, Authority
  - Sec. 1.1.4, Jurisdiction

- **Division 1.2, Legal Status**
  - Sec. 1.2.1, Effective Date
  - Sec. 1.2.2, Validity and Severability
  - Sec. 1.2.3, Relationship to Existing Applications and Development
  - Sec. 1.2.4, Repealer of Conflicting Ordinances
  - Sec. 1.2.5, Codification

Article 2, Zoning Districts

- **Division 2.1, Zoning Districts**
  - Sec. 2.1.1, Zoning Districts Established
    - AG, Agriculture District
    - RE, Rural Estate District
    - RN, Neighborhood Residential District
    - RT, Neighborhood Transition District
    - RM, Neighborhood Multifamily District
    - MH, Manufactured Home Park and Subdivision District
    - CN, Neighborhood Commercial District
    - CG, General Commercial District
    - DN, Downtown District
    - BP, Business/Industrial District
    - IN, General Industrial District

- Sec. 2.1.2, Overlay Districts Established
  - PD, Planned Development District
- Sec. 2.1.3, Official Zoning Map

Article 3, Land Use

- **Division 3.1, Land Use Per District**
  - Sec. 3.1.1, General Parameters for Determining Land Use
  - Sec. 3.1.2, Agricultural and Ranch Uses
  - Sec. 3.1.3, Residential and Neighborhood Uses
  - Sec. 3.1.4, Civic Uses
  - Sec. 3.1.5, Commercial Uses
  - Sec. 3.1.6, Industrial Uses
  - Sec. 3.1.7, Accessory Uses
  - Sec. 3.1.8, Home Enterprises and Occupations
  - Sec. 3.1.9, Temporary Uses *(w/ cross-reference to Ch. 5, Article IV, Temporary Uses, and Ch. 19, Secondhand Goods, of the MF Code of Ordinances)*
  - Sec. 3.1.10, Prohibited Uses
  - Sec. 3.1.11, Use Interpretation

- **Division 3.2, Supplemental Use Regulations**
  - Sec. 3.2.1, Limited and Conditional Uses
  - Sec. 3.2.2, Accessory Uses and Structures *(Incorporates App. B, §§ 921 – 926)*
  - Sec. 3.2.3, Temporary Uses and Structures
  - Sec. 3.2.4, Miscellaneous Uses and Activities

Module 2

Article 4, General Development Regulations

- **Division 4.1, General Use Provisions**
  - Sec. 4.1.1, Use of Land or Water, Generally
  - Sec. 4.1.2, Lot of Record
  - Sec. 4.1.3, One Single-Family Detached Dwelling Per Lot of Record
  - Sec. 4.1.4, Condominiums and Alternative Forms of Development

- **Division 4.2, Residential Development Design**
  - Sec. 4.2.1, Residential Density, Lot, and Scale Standards
  - Sec. 4.2.2, Single-Family Detached Development Design
  - Sec. 4.2.3, Single-Family Attached Development Design
  - Sec. 4.2.4, Multifamily Development Design
  - Sec. 4.2.5, Manufactured Home Subdivisions
  - Sec. 4.2.6, Manufactured Home Parks
  - Sec. 4.2.7, Industrialized Housing
  - Sec. 4.2.8, Small Lot Housing
  - Sec. 4.2.9, Accessory Dwelling Units (ADUs)

- **Division 4.3, Civic, Commercial, and Industrial Development Design**
  - Sec. 4.3.1, Civic, Commercial, and Industrial Density, Lot, and Scale Standards
  - Sec. 4.3.2, Civic, Commercial, and Industrial Development Design
    - Building form and architecture, orientation, roofs, and materials
    - Blank walls and fenestration
    - Screening of equipment
  - Sec. 4.3.3, Special Design Standards for CN, Neighborhood Commercial
  - Sec. 4.3.4, Multifamily Development Design

- **Division 4.4, Downtown and Mixed Use Development Design**
  - Sec. 4.4.1, Mixed Use Density, Lot, and Scale Standards
  - Sec. 4.4.2, Residential Mixed Use / Lofts Development Design
  - Sec. 4.4.3, Nonresidential Mixed Use Development Design
  - Sec. 4.4.4, Special Design Standards for DN, Downtown

- **Division 4.5, Infill and Existing Development Design**
  - Sec. 4.5.1, Infill Development and Redevelopment
  - Sec. 4.5.2, Existing Neighborhoods

- **Division 4.6, Supplemental Development Design**
  - Sec. 4.6.1, Fences and Walls
  - Sec. 4.6.2, Outdoor Display of Merchandise
  - Sec. 4.6.3, Outdoor Storage
  - Sec. 4.6.4, Wind Energy

Article 5, Environmental Protection

- **Division 5.1, General Nuisance Standards**
  - Sec. 5.1.1, General Nuisance Standards

- **Division 5.2, Flood Damage Prevention**
  - Sec. 5.2.1, Authority, Findings of Fact, Purpose, Interpretation, and Methods *(Ch. 11, §§ 11-1, 11-2, 11-3, 11-4, 11-11,)*
  - Sec. 5.2.2, General Provisions *(Ch. 11, §§ 11-6, 11-7, 11-8, 11-9, 11-10, 11-12)*
  - Sec. 5.2.3, Standards for Flood Hazard Reduction *(Ch. 11, §§ 11-31, 11-32, 11-33, 11-35, 11-35)*

- **Division 5.3, Nonpoint Source Pollution (NPS)**
  - Sec. 5.3.1, Authority, Jurisdiction, Findings of Fact, Purpose, and Technical Requirements *(Ch. 28, §§ 28-3, 28-5, 28-7, 28-9, 28-11)*
  - Sec. 5.3.2, NPS Control Measures *(Ch. 28, §§ 28-31, 28-33, 28-35, 28-37)*
  - Sec. 5.3.3, Required Plans *(Ch. 28, § 28-57)*
  - Sec. 5.3.4, Maintenance Requirements *(Ch. 28, § 28-59)*
  - Sec. 5.3.5, TPDES Notice of Intent and Stormwater Pollution Prevention Plan *(Ch. 28, § 28-61)*
  - Sec. 5.3.6, NPS Pollution Control and BMP Performance Standards and Design Requirements *(Ch. 28, § 28-63)*
  - Sec. 5.3.7, Water Quality Buffer Zones *(Ch. 28, § 28-67)*

- Sec. 5.3.8, Release Reporting and Cleanup *(Ch. 28, § 28-105)*
- Sec. 5.3.9, Access for Maintenance and Monitoring *(Ch. 28, § 28-107)*
- Sec. 5.3.10, Fiscal Security *(Ch. 28, § 28-111)*

- **Division 5.4, Low Impact Development**
  - Sec. 5.4.1, Low Impact Development

Article 6, Subdivision Design and Land Development

- **Division 6.1, General Subdivision Regulations**
  - Sec. 6.1.1, Subdivision of Property

- **Division 6.2, Subdivision Design Standards**
  - Sec. 6.2.1, Streets
  - Sec. 6.2.2, Alleys
  - Sec. 6.2.3, Easements
  - Sec. 6.2.4, Blocks
  - Sec. 6.2.5, Sidewalks (cross-reference)
  - Sec. 6.2.6, Lots
  - Sec. 6.2.7, Building Lines
  - Sec. 6.2.8, Utility Services
  - Sec. 6.2.9, Water and Wastewater Facility Design
  - Sec. 6.2.10, Stormwater collection and conveyance systems
  - Sec. 6.2.11, Areas for Public Use
  - Sec. 6.2.12, Protection of Drainage and Creek Areas

- **Division 6.3, Improvements Required by the City**
  - Sec. 6.3.1, Improvements, Generally
  - Sec. 6.3.2, Monuments
  - Sec. 6.3.3, Street Lights
  - Sec. 6.3.4, Street Names and Signs
  - Sec. 6.3.5, Street and Alley Improvements
  - Sec. 6.3.6, Retaining Wall Requirements, Construction Regulations, and Design Criteria
  - Sec. 6.3.7, Screening and Landscaping Construction Regulations, Requirements, and Design Criteria (also includes Entryway Features)
  - Sec. 6.3.8, Water and Wastewater Requirements
  - Sec. 6.3.9, Improvement to Adjacent (perimeter) Streets and Utilities
  - Sec. 6.3.10, Stormwater and Water Quality Controls

- **Division 6.4, Requirements for Acceptance of Subdivisions by the City of Marble Falls**
  - Sec. 6.4.1, Withholding City Services and Improvements Until Acceptance
  - Sec. 6.4.2, Guarantee of Public Improvements
  - Sec. 6.4.3, Temporary Improvements
  - Sec. 6.4.4, Government Units
  - Sec. 6.4.5, Failure to Complete Improvements
  - Sec. 6.4.6, Acceptance of Dedication Offers
  - Sec. 6.4.7, Maintenance and Guarantee of Public Improvements

- Sec. 6.4.8, Construction Procedures
- Sec. 6.4.9, Inspection and Acceptance of Public Improvements
- Sec. 6.4.10, Deferral of Required Improvements
- Sec. 6.4.11, Issuance of Building Permits and Certificates of Occupancy
- Sec. 6.4.12, Schedule of Fees and Resubmission Requirements

Article 7, Access and Circulation

- **Division 7.1, Access**
  - Sec. 7.1.1, Access Development *(App. B, § 1007)*
  - Sec. 7.1.2, Inter-Parcel Connectivity
  - Sec. 7.1.3, Off-Street Stacking Requirements for Drive-Throughs

- **Division 7.2, Alternate Transportation & Connectivity**
  - Sec. 7.2.1, Thoroughfare Plan
  - Sec. 7.2.2, Sidewalk, Trail, and On-Street Bike Lane Connectivity
  - Sec. 7.2.3, Sidewalk, Trail, and On-Street Bike Lane Development

Article 8, Parking, Loading, and Lighting

- **Division 8.1, Parking**
  - Sec. 8.1.1, Required Parking
    - Agricultural and Ranch Use Parking
    - Residential and Neighborhood Use Parking
    - Civic Use Parking
    - Commercial Use Parking
    - Industrial Use Parking
    - Accessory Use Parking
  - Sec. 8.1.2, Location and Use of Parking
  - Sec. 8.1.3, Size, Composition, and Construction of Parking Spaces
  - Sec. 8.1.4, Modifications to Required Parking
    - Special Studies
    - Shared Parking
  - Sec. 8.1.5, Parking Structures

- **Division 8.2, Loading**
  - Sec. 8.2.1, Required Loading
  - Sec. 8.2.2, Location and Use of Loading Spaces
  - Sec. 8.2.3, Design of Loading Spaces

- **Division 8.3, Outdoor Lighting**
  - Sec. 8.3.1, Outdoor Lighting

Article 9, Tree Preservation, Landscaping, and Screening

- **Division 9.1, Tree Preservation**
  - Sec. 9.1.1, Protected Trees

- **Division 9.2, Landscaping**
  - Sec. 9.2.1, Purpose and Applicability
  - Sec. 9.2.2, Landscaping and Landscape Plan Required
  - Sec. 9.2.3, General Landscape Requirements
  - Sec. 9.2.4, Residential Landscaping
  - Sec. 9.2.5, Civic, Commercial, Industrial Landscaping
  - Sec. 9.2.6, Mixed Use Landscaping

- **Division 9.3, Screening**
  - Sec. 9.3.1, Purpose and Applicability
  - Sec. 9.3.2, District Screening
  - Sec. 9.3.3, Parking Lot Screening

- **Division 9.4, Approved Plant List** *(App. B, § 1036)*
  - Sec. 9.4.1, Purpose and Applicability
  - Sec. 9.4.2, Shade Trees
  - Sec. 9.4.3, Small Trees/Large Shrubs
  - Sec. 9.4.4, Shrubs
  - Sec. 9.4.5, Ground Covers
  - Sec. 9.4.6, Vines
  - Sec. 9.4.7, Ornamental Grasses
  - Sec. 9.4.8, Succulents/Cacti
  - Sec. 9.4.9, Perennials
  - Sec. 9.4.10, Turf

Article 10, Reserved

- **Division 10.1, Purpose, Jurisdiction, and Applicability**
  - Sec. 10.1.1, Purpose *(Ch. 20, § 20-2)*
  - Sec. 10.1.2, Jurisdiction *(Ch. 20, § 20-1)*
  - Sec. 10.1.3, Types of Signs Not Requiring a Permit *(Ch. 20, § 20-6)*

- **Division 10.1, Sign Design Standards**
  - Sec. 10.2.1, Detached Signs *(Ch. 20, § 20-7)*
  - Sec. 10.2.2, Electronic Signs *(Ch. 20, § 20-8)*
  - Sec. 10.2.3, Attached Signs *(Ch. 20, § 20-9)*
  - Sec. 10.2.4, Temporary Signs *(Ch. 20, § 20-10)*
  - Sec. 10.2.5, Miscellaneous Sign Form Requirements *(Ch. 20, § 20-11)*
  - Sec. 10.2.6, Prohibited Signs *(Ch. 20, § 20-12)*
  - Sec. 10.2.7, Landmark Signs *(Ch. 20, § 20-13)*

Module 3

Article 11, Administration

- **Division 11.1, City Council, Boards, and Commissions**
  - Sec. 11.1.1, City Council
  - Sec. 11.1.2, Planning and Zoning Commission
  - Sec. 11.1.3, Zoning Board of Adjustment
  - Sec. 11.1.4, *(Reserved)*

- **Division 11.2, Administrative Authority**
  - Sec. 11.2.1, Director
  - Sec. 11.2.2, City Engineer
  - Sec. 11.2.3, Building Official
  - Sec. 11.2.4, Floodplain Administrator *(Ch. 11, §§ 11-21, 11-22)*
  - Sec. 11.2.5, *(Reserved)*
  - Sec. 11.2.6, Development Review Committee (DRC)

- **Division 11.3, General Administrative Procedures**
  - Sec. 11.3.1, Required Permits and Approvals
  - Sec. 11.3.2, Fees *(Cross-reference to separate consolidated fee schedule. Considers provisions at: Ch. 19.5, § 19.5-26; Ch. 20, § 20-14; Ch. 28, § 28-101; App. B, § 861)*
  - Sec. 11.3.3, Application Procedures
  - Sec. 11.3.4, Public Notice, Meetings, and Hearings

- **Division 11.4, Administrative Permits and Approvals**
  - Sec. 11.4.1, Site Plans
  - Sec. 11.4.2, Temporary Use Permit
  - Sec. 11.4.3, Floodplain Development Permit
  - Sec. 11.4.4, *(Reserved)* (Sign Permit)
  - Sec. 11.4.5, Land Disturbance Permit *(Cut and Fill (App. B, §§ 1020-1029))*
  - Sec. 11.4.6, Certificate of Occupancy and Compliance *(App. B, §§ 1010-1019))*
  - Sec. 11.4.7, Administrative Variances

- **Division 11.5, Public Hearing and Meeting Permits and Approvals**
  - Sec. 11.5.1, Text Amendments
  - Sec. 11.5.2, Map Amendments *(Rezonings)*
  - Sec. 11.5.3, Conditional Use Permits
  - Sec. 11.5.4, Annexations *(Prezoning (App. B, § 1169))*
  - Sec. 11.5.5, Variances *(Incorporating subsections for floodplain variances (Ch. 11, § 11-24-16), Signs (Ch. 20, § 20-16), and NPS variances (Ch. 28, § 28-103))*

- **Division 11.6, Land Development and Subdivision Approvals**
  - Sec. 11.6.1, Conceptual Development Plans
  - Sec. 11.6.2, Site Plans
  - Sec. 11.6.3, Landscape Plan *(App. B, §§ 1030-1099)*
  - Sec. 11.6.4, Nonpoint Source Control Authorizations *(Ch. 28, §§ 28-51, 28-53, 28-55, 28-57, 28-59, 28-61)*

- Sec. 11.6.5, Preliminary Plats
- Sec. 11.6.6, Final Plats
- Sec. 11.6.7, Development Plats
- Sec. 11.6.8, Replatting
- Sec. 11.6.9, Amending Plats
- Sec. 11.6.10, Plat Vacation
- Sec. 11.6.11, Minor Plats

- **Division 11.7, Non-conformities**
  - Sec. 11.7.1, Nonconforming Uses
  - Sec. 11.7.2, Nonconforming Buildings and Structures
  - Sec. 11.7.3, Nonconforming Lots
  - Sec. 11.7.4, Nonconforming Parking and Landscaping
  - Sec. 11.7.5, *(Reserved)* (Nonconforming Signs *(Ch. 20, § 20-15))*
  - Sec. 11.7.6, Conversion of Nonconformities

- **Division 11.8, Appeals**
  - Sec. 11.8.1, Appeal of Administrative Actions
  - Sec. 11.8.2, Effect of Determination
  - Sec. 11.8.3, Appeal of City Council Action

Article 12, Violations and Enforcement

- **Division 12.1, Complaints and Violations**
  - Sec. 12.1.1, Complaints and Violations

- **Division 12.2, Enforcement Powers and Remedies** *(Incorporating provisions for signs (Ch. 20, § 20-18), NPS (Ch. 28, Ch. 20, § 28-109) and subdivisions (App. B, § 862))*
  - Sec. 12.2.1, Administrative Powers
  - Sec. 12.2.2, Judicial Remedies

- **Division 12.3, Enforcement Procedures (***Incorporating subsections for signs (Ch. 20, § 20-18), NPS (Ch. 28, §§ 28-113, 28-115, 28-117, 28-119), and subdivisions (App. B, § 862)*

- **Division 12.4, Fines and Abatement** *(Incorporating provisions for signs (Ch. 20, § 20-18) and NPS (Ch. 28, § 28-121))*

Article 13, Interpretations and Definitions

- **Division 13.1, Rules of Construction**
  - Sec. 13.1.1, Interpretation of Words
  - Sec. 13.1.2, Interpretation of Provisions

- **Division 13.2, Definitions** (Note that definitions will be compiled concurrent with each module)
  - Sec. 13.2.1, Consolidated list of all definitions for entire Land Use Regulations in alphabetical order, including:
    - *Ch. 11, § 11-5, Flood definitions*
    - *Ch. 19.5, § 19.5.2, SOB definitions*
    - *Ch. 20, § 20-3, Sign definitions*
    - *Ch. 28, § 28-21, Non-point Source Pollution definitions*
    - *App. B, § 813, Subdivision definitions*
    - *App. B, § 1031, Landscaping definitions*

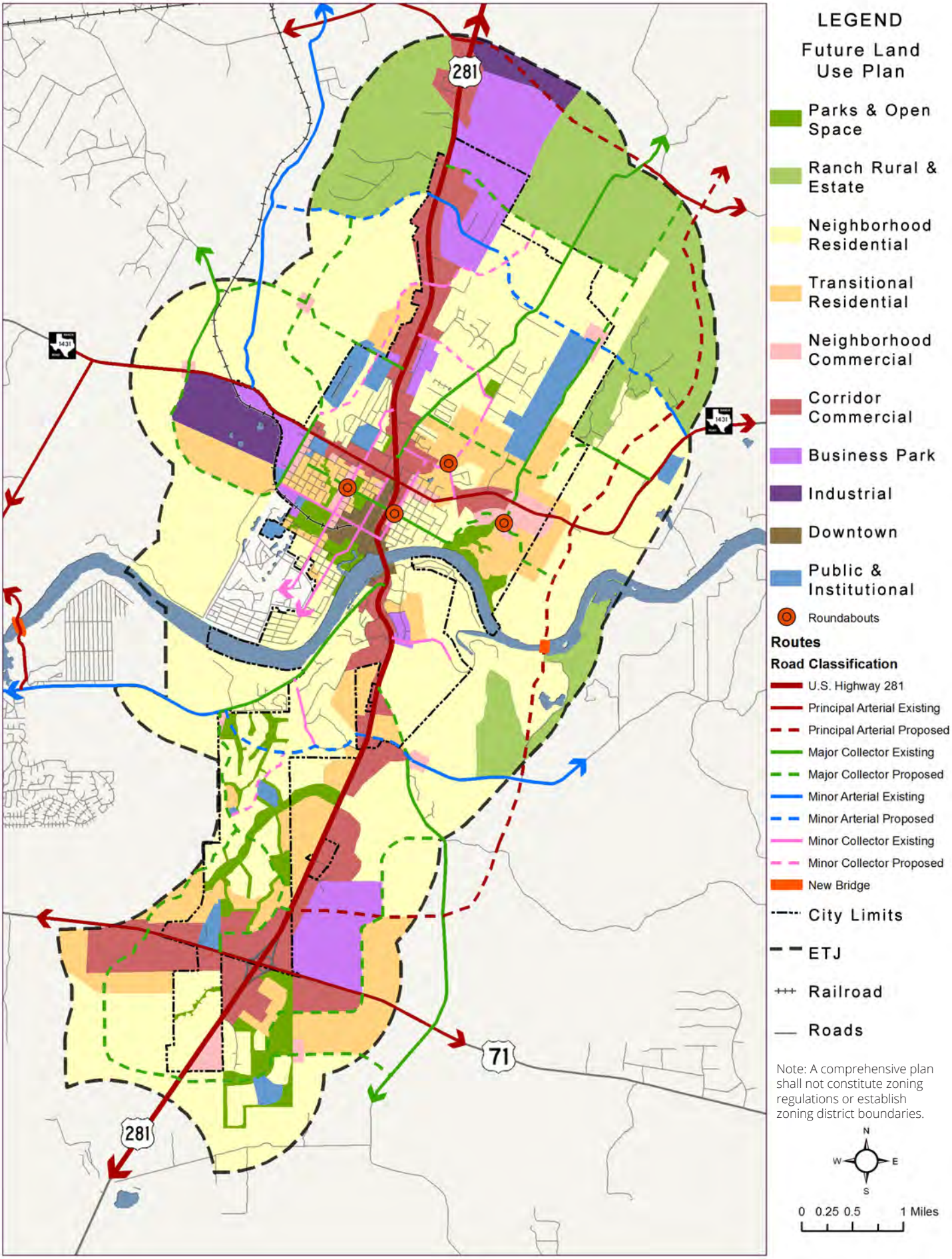
PART V – APPENDICES

The following pages contain the Future Land Use (FLU) Plan map and FLU Classification descriptions adopted as part of the Comprehensive Plan. These pages provide essential guidance in the establishment of the intended district structure and other design and performance standards that will be incorporated into the revised zoning regulations.

Appendix A – Future Land Use Plan (pg. 72 of the Comprehensive Plan)

Appendix B – Future Land Use Classification Descriptions (pp. 73-92 of the Comprehensive Plan)

Map 4.1, Future Land Use Plan



Aerial Image courtesy Bing Maps

Parks and Open Space (PO)

Intent & Characteristics

Parks and open spaces are an essential part of any community. They include public park land, trails, and open space areas that have been committed to public enjoyment and recreational pursuits. They also include privately owned areas that have been set aside for protection of natural resources or the common use and enjoyment of their users. These areas are often comprised of active (e.g., sports courts and fields) and passive recreation (e.g., trails) areas and natural or open space areas (e.g., floodplains or floodways).

Active Recreation

Proposed Primary & Secondary Uses

Areas designated as parks and open space are predominantly comprised of existing public and private property that is designated as public and/or common open space. Consequently, these areas should be predominantly comprised of solely primary uses such as public parks and recreation areas, public and/or private golf courses, trails, and public and private lands within floodplains, or as part of stormwater management systems that are generally unsuitable for other types of development. Secondary uses, except special events (e.g. festivals, races, etc.), should generally not be allowed in areas designated as parks and open space. In some instances, new public parkland may be acquired and designed to serve multiple public uses (e.g., recreation and a fire station).

Zoning Districts

The parks and open space future land use classification is not intended to be implemented using specific zoning districts. Rather, the zoning regulations should specify minimum amounts of common areas and/or protected open space that should be required for new residential neighborhoods. In addition, greater protections (e.g., tree preservation, stream buffers, floodplain protections) should be improved in the City's Code of Ordinances and apply to all development as applicable.

Active Recreation

Location & Development Qualifiers

The following location and development qualifiers should be considered as part of any rezoning or development proposal.

- Public parkland (including trails and associated access easements) should remain in public ownership and be designated on the Future Land Use Plan as such.
- During subsequent map amendments, private parkland should be designated on the Future Land Use Plan as parks and open space in instances where areas are designated as park, greenbelt, trail, or other publicly accessible common areas.
- Due to the potential higher traffic volumes associated with active parks (particularly those with associated sport courts and fields used for team play), active parks should be located on a collector roadway or greater functional classification.
- In instances where a public park has a publicly related secondary use (e.g., a fire station), the built environment of the secondary use should be designed in a way to not detract from the primary use as a park.
- Outside of the need for active sport courts and fields, priority should be given to acquiring and developing parkland that provides access to Lake Marble Falls or its tributaries, thereby creating a park/trail/open space network throughout the City.
- Park design, intensity of development, and the proposed uses/activities should be compatible with the character of development it is intended to serve. By way of example, public squares or plazas are more appropriate in a downtown area with urban character than sport courts or fields. In rural character areas of the community, parks should have minimal built environment and maximize open space. In instances where the proposed park use is not fully compatible, design elements should be used to mitigate the incompatibility (e.g., planting buffers around the exterior of active areas in parks in rural areas of the City).
- New neighborhood parks should be developed concurrent with new residential development. Set asides of parkland, trails (and/or connectivity to on- and off-site trails), greenbelts, and sidewalks, should be required as part of development approvals.
- Areas designated on the Trails Plan (see Map 6.2, *Sidewalk and Trail Corridor Opportunities* in Chapter 6) should be set aside as common areas (whether donated as public parkland or protected with a public access easement) and developed as part of new development approvals so that a community-wide trail system is created over time. Land within or adjacent to floodplains provides ideal opportunities for drainage and a community-wide linear trail system, and thus should be considered as high priority areas protected for the common good.
- Since parks and trails are typically associated with high levels of pedestrian and/or bicycle mobility, enhanced accommodations should be considered including traffic calming techniques (for new parks in neighborhoods), crosswalks, and larger width sidewalks/trails in the vicinity.

Passive Recreation

Natural and/or Open Spaces

Natural and/or Open Spaces

Aerial Image courtesy Bing Maps

Ranch Rural and Estate (RR)

Intent & Characteristics

The Ranch Rural and Estate future land use classification is intended for lands that are, and will continue to be, sparsely populated and largely undeveloped. It is characterized by vast areas of land devoted to agriculture, ranching, large-lot rural residential, and the natural landscape. To maintain this rural character of development, developed areas should be subject to large lot-size minimums and setbacks. These areas are primarily found on the City's periphery, predominantly within the City's ETJ, although some areas are within the City limits. These areas would be served by roadways using rural cross-sections.

Ranching or Farming

Proposed Primary & Secondary Uses

The primary uses allowed in the Ranch Rural and Estate future land use classification include farming, ranching, stables and equestrian facilities, stock and poultry raising, dairy production, greenhouses and nurseries. These uses are intended to fit within the rural character of the area. In other words, these uses (e.g., stock and poultry raising, dairy production) are not intended to include commercial grade feedlots or agribusiness processing capabilities which may be more suitable in areas outside of the City's planning area. Individual residential lots (minimum 5 acres per lot) and large-lot single-family detached residential neighborhoods (minimum 4 acres per lot) without public utilities are also allowed.

The secondary uses of passive park or trail, institutional, and bed and breakfasts should be considered on a limited basis. The leasing of land for recreational purposes (e.g., campgrounds, animal harvesting, etc.) and conservation subdivisions (if surrounded by large amounts of open space) should be considered on a conditional use basis. In some cases, other commercial establishments could be considered on a conditional use basis if they are predominantly associated with serving rural uses or lifestyles.

Large-Lot Rural "Estate" Residential

Zoning Districts

The current zoning districts that may be appropriate to implement the Ranch Rural and Estate future land use classification include AG, a modified RE-1, or PD for conservation subdivision developments.

Passive Recreation

Location & Development Qualifiers

The following location and development qualifiers should be considered as part of any rezoning or development proposal.

- Since some of these lands will be working lands supporting farming, ranching, or other operations, there may be nuisances (e.g., noise, dust, the smell of fertilizer, etc.) associated within or nearby to areas in this future land use classification. In these instances, built structures (e.g., barns, pens, sheds, and feed storage) should be developed as far away from property lines as possible.
- For new large-lot residential "estate" neighborhoods, a minimum of four acres per lot should be considered using a large lot width (e.g., 300 feet) and front setback (e.g., 50 feet) to create the proper open space needed in a rural character environment. This will naturally provide for the large open space needed and will result in a low percentage of lot cover.
- New large-lot residential "estate" neighborhoods should contain some language on the plat or deed that indicates that there may be associated nuisances in the area. An associated property owners' association would not be required in a new large lot "estate" neighborhood unless common areas were proposed as part of the new development.
- New large-lot residential "estate" subdivisions would also not require the installation of sidewalks or stormwater systems. However, property would need to be dedicated in areas identified for thoroughfares and trails on the Thoroughfare Plan and Trails Plan.
- New nonresidential uses (e.g., institutional, park, or commercial) should be designed with a rural character, meaning that they too should be designed with large setbacks (to create a "feel" of open space), with more emphasis on the open areas and less on the built environment. In this regard, higher intensity development should be screened from the public right-of-way.
- New roadways should be designed with a rural cross-section with open ditches rather than with curb and gutter.
- Dead-end streets and cul-de-sacs should be minimized.

Natural and/or Open Spaces

Aerial Image courtesy Bing Maps

Neighborhood Residential (NR)

Intent & Characteristics

The Neighborhood Residential future land use classification is intended for lands that will be developed primarily with new single-family detached residential subdivisions and their associated amenities, including park, trail, and open space areas and elementary schools. These areas are intended to be a mix of both suburban and auto-oriented character of development, where some developments may be dominated by the central driveway and garage (i.e., the automobile is the highest priority) while others may include slightly larger lots with a less emphasized rear detached garage and side driveway. In general, lot sizes and architectural styles are fairly uniform in these areas. Different from the Ranch Rural and Estate classification, the roadways within these areas are developed with an urban cross-section and have a much higher emphasis on pedestrian and bicycle connectivity. In larger developments, strategically placed neighborhood serving parks are necessary. In some instances, an elementary school or other institutional uses may be necessary (e.g., a fire station).

Single-Family Detached

Proposed Primary & Secondary Uses

The primary uses allowed in the Neighborhood Residential future land use classification include single-family detached residential, neighborhood-serving parks, trails, and open spaces.

The secondary uses of neighborhood or community parks (active or passive) intended for residents of the greater Marble Falls community should be considered on a limited basis. Golf courses, primary and secondary schools, institutional uses (e.g., a fire station), places of public assembly (e.g., place of worship or similar secular organization) and neighborhood serving nonresidential (i.e., day care services) should be considered on a conditional use basis. In addition, bed and breakfasts may be considered on a conditional use basis in the Old Township areas of the City.

Single-Family Detached

Zoning Districts

The current zoning district that may be appropriate to implement the Neighborhood Residential future land use classification include R-1, RE-1, and PD. Nonresidential uses would be developed using NC standards.

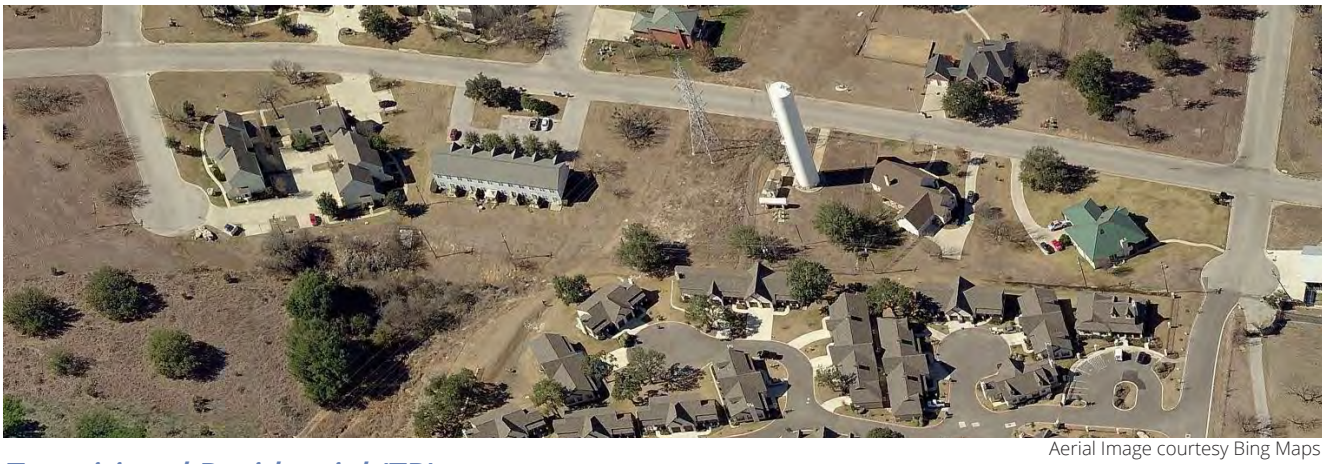
Location & Development Qualifiers

The following location and development qualifiers should be considered as part of any rezoning or development proposal.

Single-Family Detached

- New Neighborhood Residential developments should suggest a property owners' association to maintain all common areas including stormwater management systems, associated parks, trails, and greenbelts, etc. if these common areas are present.
- New Neighborhood Residential developments with a large number of lots (e.g., 250 lots or greater) should be required to have at least two points of access to a collector roadway or greater in functional classification and be served by a neighborhood collector roadway that does not allow driveway access. This neighborhood collector roadway should be developed in accordance with the standards set out for a minor collector cross-section.
- New nonresidential development (e.g., public neighborhood or community parks, golf courses, schools, institutional uses, places of public assembly, and neighborhood serving retail or services) should be located and take access from a collector roadway or greater in functional classification.
- Development approvals for new residential/nonresidential development should include dedication and development of thoroughfares and trails as set out on the Thoroughfare Plan and Trails Plan. This includes making connections between the internal sidewalk/trail system to off-site facilities (existing or proposed) as identified on the Trail Plan.
- New Neighborhood Residential developments designed as part of a planned development that include a mix of proposed uses (e.g. Transitional Residential) should include design considerations which mitigate or buffer less intensive uses (i.e., the single-family detached lots) from the more intensive uses proposed as part of the project.
- Location of dedicated property to serve the public good (e.g., a fire station site) should take into consideration community-wide priorities. For example, a proposed fire station site would need to be located on the periphery of a neighborhood, taking access from a collector or functionally greater roadway in order to maximize the ability to respond to other areas within the community in the shortest time possible.
- New Neighborhood Residential developments should be designed to include vegetative buffers (either natural or planted) between the new development and any abutting less compatible uses (e.g., corridor commercial uses).
- New Neighborhood Residential developments should be designed for both vehicular and pedestrian connectivity as set out in Chapter 5, Action 5.5.6, of this Comprehensive Plan.
- New nonresidential development should be designed in a manner that matches the character of development it is intended to serve. At a minimum, nonresidential development should meet the standards set out in the C-1, *Neighborhood Commercial* district found in the City's Code of Ordinances, as may be improved subsequently to this Comprehensive Plan update.
- New roadways should be designed with an urban cross-section with curb and gutter rather than with open ditches.
- Dead-end streets and cul-de-sacs should be minimized in conformance with the connectivity standards set out later in this chapter.

Places of Public Assembly



Aerial Image courtesy Bing Maps

Transitional Residential (TR)

Intent & Characteristics

The Transitional Residential future land use classification is intended for lands that will be developed to a higher density and different housing types than what is allowed in the Neighborhood Residential classification. These areas are intended to be developed with an auto-oriented character, meaning that the automobile and its associated uses (e.g., roadways, driveways, garages, parking, etc.) are the predominant visual characteristic. In general, these areas are characterized by a variety of different lot sizes and housing types, including single-family attached (i.e., duplexes, triplexes, quadruplexes, townhouses) and multi-family (i.e., apartments), regardless of form of ownership. In some instances, Transitional Residential uses may be included as part of a larger planned development within areas designated as Neighborhood Residential. In these areas, the uses associated with Transitional Residential would constitute only a small part of the overall development with design features as set out below and in conformance with applicable zoning regulations.

Multi-family

Proposed Primary & Secondary Uses

The primary uses allowed in the Transitional Residential future land use classification include single-family attached and multi-family residential, and neighborhood-serving parks, trails, and open spaces.

The secondary uses of neighborhood or community parks (active or passive) intended for residents of the greater Marble Falls community, neighborhood-serving nonresidential (i.e., day care and other residential-related commercial services), and institutional uses should be considered on a limited basis. Small lot single-family detached uses should be allowed as a limited use and a small portion of an overall planned development.

Golf courses, primary and secondary schools, and places of public assembly (e.g., place of worship or similar secular organization) should be considered on a conditional use basis. In addition, bed and breakfasts may be considered on a conditional use basis in the Old Township areas of the City.

Townhouse

Zoning Districts

The current zoning districts that may be appropriate to implement the Transitional Residential future land use classification include R-2, RT-3, R-3, R-4, R-5, and PD. Nonresidential uses would be developed using NC standards.

Duplex

Location & Development Qualifiers

The following location and development qualifiers should be considered as part of any rezoning or development proposal.

- New development should meet all of the location and development qualifiers as set out in the Neighborhood Residential future land use classification and those below.
- New Transitional Residential development should be designed in a manner that matches the character of development it abuts. For example, in an area where the development abuts the urban character of Downtown, the character of development should exhibit an urban character (i.e., a new townhouse project would have a zero or small front setback abutting the sidewalk and be served by parking accessed by alleys in the rear). In areas where the development abuts larger lot suburban or auto-oriented uses, the development should exhibit this character of development (i.e., a new townhouse project would have larger front setbacks and front access garages).
- Small-lot single-family detached houses may be included as part of an overall planned development, provided that these areas do not constitute more than 25 percent of the overall lots. If included, these areas should be served by rear access garages in alleys, leaving the front of the property to serve more pedestrian uses. If allowed as part of the planned development, the rear access garages may include second story granny flats.
- New Transitional Residential uses should be designed in a manner that provides for buffers against abutting property that is of less or more density or intensity. The degree of buffering (opacity) should be determined based on the difference between abutting uses. Buffers of multi-family apartment uses should require a masonry wall around all new developments that abut uses not designed within the same overall development.
- New Transitional Residential uses should be designed in a manner that is durable and does not detract from the property values of abutting land uses. In this regard, new developments should be designed with minimum masonry requirements and high level of landscaping in parking lots and other common areas.
- New development where a majority of the project is comprised of townhouse or multi-family uses should take access from a collector roadway or greater in functional classification.
- Dead-end streets and cul-de-sacs should be minimized. Internal streets should take on a grid-based street pattern with high connectivity.

Small-Lot Single-Family Detached

Aerial Image courtesy Bing Maps

Neighborhood Commercial (NC)

Intent & Characteristics

The Neighborhood Commercial future land use classification is intended for lands that will be developed for nonresidential uses that are of an appropriate use, scale, and design that is compatible with abutting or nearby residential uses. These developments typically occupy much smaller footprints, have pitched roofs and less signage, higher levels of landscaping, and de-emphasize or screen parking in a manner that sets these areas apart from development found in the Corridor Commercial areas. In some instances, Neighborhood Commercial uses may be included as part of a larger planned development within areas designated as Transitional Residential or Neighborhood Residential. In these areas, the uses associated with Neighborhood Commercial would constitute only a small part of the overall development with design features as set out below and in conformance with applicable zoning regulations.

Retail

Proposed Primary & Secondary Uses

The primary uses allowed in the Neighborhood Commercial future land use classification include professional offices, food sales, convenience stores, general retail sales, personal services, medical or healthcare facilities, life care housing or facilities, restaurants, and parks, trails, and open spaces.

Secondary uses such as institutional uses (e.g., a fire station) and day care services should be considered on a limited use basis. Primary and secondary schools and places of public assembly (e.g., place of worship or similar secular organization) should be considered on a conditional use basis.

The primary and secondary uses associated with Neighborhood Commercial land uses have scale limitations based on the functional capacity of the roadway they take primary access from.

Professional Office

Zoning Districts

The current zoning districts that may be appropriate to implement the Neighborhood Commercial future land use classification include C-1 and PD.

Location & Development Qualifiers

The following location and development qualifiers should be considered as part of any rezoning or development proposal.

- New Neighborhood Commercial areas should be located and take access from a collector roadway or greater in functional classification.
- The gross floor area of nonresidential uses (excluding institutional and schools) in an Neighborhood Commercial area should be limited based on the type of street the development takes its primary access from. The maximum gross floor area should be as follows: local street (5,000 sf.); collector street (10,000 sf.); arterial street (25,000 sf.).
- New residential uses should not be allowed unless designed as part of an overall planned development and constituting no more than 25 percent of the land area devoted to the entire development.
- New Neighborhood Commercial uses should be designed in a manner that matches the quality and character of existing or future residential development the use abuts. In this regard, Neighborhood Commercial uses should be designed with no more than two stories and should include pitched roofs similar to residential single-family detached dwellings. These may or may not include dormer projections.
- Parking should be de-emphasized in Neighborhood Commercial developments by locating parking spaces and the front door to the establishment on the side rather than the front of the property. In this regard, it helps to maintain the residential character of the overall area by placing more focus on the residential looking building rather than the parking.
- In areas where residential uses are being transitioned to Neighborhood Commercial uses over time, on-street parking (if adequate room is available) should be allowed. The proposed reconfiguration of Avenue G (*see* Figure 5.10, *Avenue G Proposed Improvements* in Chapter 5) is a good example where off-street parking should be de-emphasized in favor of on-street parking. In these instances, streets and rights-of-way should be redeveloped with sidewalks, curb and gutter, and striped to delineate parking.
- The exterior appearance of Neighborhood Commercial developments should include a minimum of 75 percent brick, stone, stucco or masonry construction along any exterior wall that faces a public right-of-way and 25 percent brick, stone, stucco or masonry construction along all other exterior facades. This is exclusive of doors and windows, which should be designed and oriented in a similar fashion to that found in residential development. In other words, all exterior glass buildings would not be allowed.
- Sidewalks should be constructed along all public and private rights-of-way and include a designated and safe sidewalk connection to the main entrance of the building.
- No drive-throughs should be allowed in areas designated as Neighborhood Commercial unless located along an arterial roadway.
- Signage should be appropriately scaled to reflect neighborhood-serving uses.

Professional Office

General Retail

Transitioned Residential

Aerial Image courtesy Bing Maps

Corridor Commercial (CC)

Intent & Characteristics

The Corridor Commercial future land use classification is intended for lands that will be developed to support local and regional businesses that rely on high traffic volumes and the visibility that is associated with being located along a major roadway. In this regard, Corridor Commercial uses are designated in certain areas along or adjacent to U.S. Highway 281, FM 1431, and State Route 71. These developments are typically comprised of various lot sizes and involve varying development intensities, from smaller locally owned shops to big box retail stores such as Home Depot. In these areas, the predominant character of development is focused on serving the automobile. In other words, the predominant view is comprised of roadways, and large to very large parking lots which either front the building or surround it. While accommodating the automobile will continue to be the predominant focus, improved street-side and parking lot landscaping, buffers, appropriately designed and scaled signage, bicycle and pedestrian accommodations, higher quality building materials, and access management techniques (e.g., limited access points and inter-parcel connectivity) can help to soften the impact and improve overall quality and appearance of the City's main economic spines.

Professional Service and Office

Proposed Primary & Secondary Uses

The primary uses allowed in the Corridor Commercial future land use classification are intended to serve both local and regional commercial needs and include all commercial and civic uses as set out in the C-3, *General Commercial* district in the City's Code of Ordinances. Uses normally associated with a Business Park could also be allowed as long as they were subject to the same standards set out for Corridor Commercial.

Uses such as the primary uses identified in the Transitional Residential future land use classification should only be allowed as a secondary use as part of a larger planned development where the associated residential uses comprise no more than 25 percent of the land area devoted to the overall development.

Big Box Retail

Zoning Districts

The current zoning districts that may be appropriate to implement the Corridor Commercial future land use classification include C-3 and PD.

Location & Development Qualifiers

The following location and development qualifiers should be considered as part of any rezoning or development proposal.

- New Corridor Commercial areas should be located and take access from an arterial roadway.
- New Corridor Commercial development should include improved standards for building form and architecture such as minimum roof line articulation, prohibitions against large expanses of blank walls, screened utilities, etc.
- The exterior appearance of new Corridor Commercial developments should include a minimum of 50 percent brick, stone, stucco or masonry construction along any exterior wall that faces a public right-of-way. An additional 25 percent should be brick, stone, or faux wood products or glass along any exterior wall that faces a public right-of-way. The use of untextured tilt up concrete panels; corrugated metal; smooth-faced concrete blocks; vinyl, composite, or non-decorative metal siding; plywood; and plastic should not be allowed.
- New Corridor Commercial development should have a front setback of 50 feet from the right-of-way, and a 20-foot landscape strip measured from the property line and exclusive of parking. In areas where a new Corridor Commercial redevelopment is being proposed, minimum accommodations should be allowed considering the existing constraints on the property. Rear setbacks or yards should be extended to 15 feet or 25 feet in the absence of an alley or recorded easement.
- New Corridor Commercial uses should be designed in a manner that provides for a minimum percentage of landscaping (i.e., large tree, small trees or shrubs, and ground covers) in required yards and parking lot landscaping. Consideration should be given to requiring or incentivizing native or xeriscape (i.e., low water) landscaping and / or the use of low impact development (LID) best practices to offset stormwater management requirements.
- New Corridor Commercial uses should be designed in a manner that provides for buffers against abutting property that is of less density or intensity. The opacity of the bufferyard should be scaled based on the difference in abutting uses.
- Signage standards should be improved for new development or redevelopment favoring monument signage rather than pole signage.
- Minimum lot sizes should not be required as long as all other minimum requirements (e.g., parking, landscaping, setbacks, etc.) are met without the need for a variance.
- Sidewalks should be constructed along all public and private rights-of-way and include a designated and safe sidewalk connection to the main entrance of the building.

Individual Retail

Individual Retail

Strip Retail

Aerial Image courtesy Bing Maps

Business Park (BP)

Intent & Characteristics

The Business Park future land use classification is intended for lands that will be developed to support various employment opportunities predominantly related to light manufacturing or industrial, warehousing, etc. Similar to the City's existing business park and other areas within the City, development within the Business Park classification does require some minimal design features (e.g., landscaping) that improve the quality and appearance of the public rights-of-way. As the City seeks to attract major employers (not involving retail sales), this type of setting may be an attractive alternative to such things as office space located in strip centers along commercial corridors.

Business & Technology Park

Proposed Primary & Secondary Uses

The primary uses allowed in the Business Park future land use classification include flexible office/warehouse, logistics and distribution centers, data centers, corporate offices and/or campuses, and light manufacturing and industrial uses where operations are conducted within the building, generate little to no perceived off-site nuisances, and areas established for outdoor storage are fully screened from public rights-of-way and abutting non-compatible uses. In addition, certain commercial uses (e.g., indoor recreation such as bounce houses, or the sale of outdoor equipment such a tractors, construction or recreational vehicles, etc.) may also be appropriate.

Secondary uses such as institutional uses (e.g., a fire station) should be considered on a limited use basis. Primary and secondary schools and places of public assembly (e.g., place of worship or similar secular organization) should be considered on a conditional use basis. Retail or wholesale uses should be allowed on a limited basis provided that they are related to selling a product that is manufactured on site or their primary client base is related to supporting others who work in nearby business park areas.

Corporate Office

Zoning Districts

The current zoning districts that may be appropriate to implement the Business Park future land use classification include I-1, I-2, and PD.

Location & Development Qualifiers

The following location and development qualifiers should be considered as part of any rezoning or development proposal.

- New Business Park areas should be located and take access from a collector roadway or greater in functional classification.
- Proposed uses related to outdoor storage, whether as a primary use or a secondary associated use, should be screened from all public rights-of-way by a six to eight foot tall opaque wood or masonry fence (depending on the height of the equipment or materials it is screening) and landscaping visible from the right-of-way.
- New Business Park development should have a front setback of 50 feet from the right-of-way, and a 25-foot landscape strip measured from the property line and exclusive of parking. In areas where a new Business Park redevelopment is being proposed, developments should be required to implement the maximum accommodations possible considering the existing constraints on the property.
- On developments not located within a planned Business Park complex and abutting non-Business Park uses, rear setbacks or yards should be extended to 15 feet or 25 feet in the absence of an alley or recorded easement or tied to height of the Business Park use, whichever is greater. In this regard, one foot of rear or side setback would be added for each foot of height above the minimum use of the adjacent district. In a planned Business Park complex, these provisions would only apply to buildings or structures abutting non-Business Park uses.
- In new Business Park development involving loading docks and bays, the loading areas should be oriented so as to not face the front property line or public right-of-way.

Light Manufacturing

Light Manufacturing

Aerial Image courtesy Bing Maps

Industrial (IN)

Intent & Characteristics

The Industrial future land use classification is intended for lands that will be developed to support light or heavy industrial and/or manufacturing uses that generate nuisances (e.g., noise, dust, light, etc.). These areas, while limited, do provide the City with opportunities for employment and economic growth, particularly when involving the extraction and processing of materials produced locally.

Extraction

Proposed Primary & Secondary Uses

The primary uses allowed in the Industrial future land use classification include those primary uses set out in the Business Park future land use classification. Some uses, such as scrap and salvage operations and stock yards should be a limited use. More intense uses, such as basic industry and resource extraction should be permitted by conditional use.

Secondary uses should be prohibited in areas designated as Industrial.

Zoning Districts

The current zoning districts that may be appropriate to implement the Industrial future land use classification include I-1, I-2, I-3 and PD.

Location & Development Qualifiers

The following location and development qualifiers should be considered as part of any rezoning or development proposal.

- Since these uses oftentimes involve heavy truck traffic and sometimes rail access, new Industrial uses should be located and take access from an arterial roadway.
- New Industrial development involving heavy truck traffic should require the preparation of and compliance with a truck routing plan. In these instances, designated truck routes would be used to ensure there is

Trucking

safe and adequate access to areas outside of Marble Falls and prohibit heavy truck traffic through Neighborhood Residential and Transitional Residential use areas.

- New Industrial development should be designed with large setbacks providing adequate area for buffering and/or screening of nuisances for abutting uses. In areas that front public rights-of-way, fencing and landscaping should be used to screen all outdoor operations and/or storage uses.
- To provide for the public health, safety, and general welfare of the citizens and visitors to Marble Falls, improved environmental regulations should be considered in the City's Code of Ordinances. These could include new provisions for noise, vibration, smoke emission, odors, toxic matter, and other nuisance hazards that could cause harm to abutting uses.
- In instances where existing Industrial operations are located in areas largely developed with non-compatible uses, the City should consider partnering to determine options and an action plan for relocation.

Manufacturing

Aerial Image courtesy Bing Maps

Downtown (DN)

Intent & Characteristics

The Downtown future land use classification is specifically designed to include a mix of uses developed with an urban character in a higher density, walkable environment. The Downtown area of Marble Falls is historically the central business district for the City and still remains both its cultural and economic hub. Today, it is predominantly comprised of commercial uses with minimal scattered civic uses. It is envisioned that this area redevelop with higher intensity commercial uses (e.g., Convention Center) and associated lake-based tourist attractions to improve the local economy and establish this area as a true regional destination attraction. In this regard, higher density residential uses (e.g., Downtown lofts and some uses set out in the Transitional Residential future land use classification) and prominent civic facilities (e.g., a redeveloped City Hall or parks and open spaces) would help create the live-work-play environment envisioned for this area. The features that contribute to the area's "urban character" include taller, larger buildings set at sidewalk edge that occupy a majority of the lot, thus creating a sense of enclosure. Parking is typically accommodated on-street or in public or private off-site parking lots or structures. Vehicular circulation occurs along grid-based streets with wider sidewalks scaled for higher volumes of pedestrians. Walkability is at least an equal, if not greater, priority than vehicle access and circulation.

Institutional

Proposed Primary & Secondary Uses

The primary and secondary uses allowed in the Downtown future land use classification include uses as set out in the MSD, *Main Street District* section of the City's Code of Ordinances as well as convention center, pedestrian plazas, and Downtown lofts.

Secondary uses such as some Transitional Residential uses (e.g., townhouses and apartments) should be considered on a conditional use basis and should be designed as part of a larger mixed-use development with urban character.

Main Street

Zoning Districts

The current zoning districts that may be appropriate to implement the Downtown future land use classification include MS, PD, and in some cases R-3 and R-5.

Location & Development Qualifiers

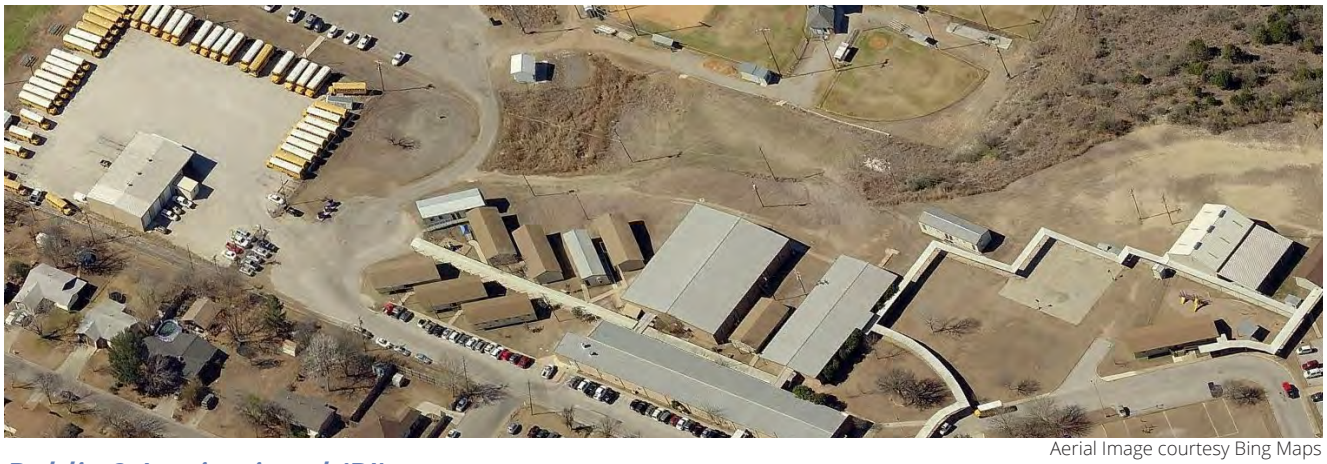
The following location and development qualifiers should be considered as part of any rezoning or development proposal.

- New Downtown development (residential and nonresidential) should be subject to a "build-to" requirement setting the front setbacks at the sidewalk edge and side setbacks along alleys to the pavement edge. This would prevent the typical "auto-oriented" form of development from being constructed and disrupting the otherwise urban environment. Exceptions to this should be made to accommodate proposed development which intends to construct a subset corner entrance, courtyard, or pedestrian plaza or outdoor public seating areas.
- New Downtown development should be designed to a minimum of two stories. The second story combined with minimal setback lines provides a sense of enclosure which creates the "look and feel" of an urban environment.
- New Downtown development should be designed in a manner that allows for appropriately designed awnings and covered porches.
- New Downtown uses should be designed requiring prominent building entrances, adequate façade transparency, and pedestrian-scaled signage (e.g., hanging signs) and other types of hand-crafted and/or unique signage appropriate for Downtown areas.
- New Downtown uses should be required to provide adequate sidewalk width to accommodate both an amenity area (for street trees, benches, trash cans, landscaping, etc.) and a clear walkway area. In some instances, additional width may be included to accommodate store front uses (e.g., streetside outdoor seating, etc.)
- New Downtown development should be incentivized to include vertical mixed-uses, including upper story lofts and offices.
- Decreased setbacks along water bodies and water courses should be considered provided that new Downtown development (residential and nonresidential) is designed to maximize pedestrian accessibility (e.g., trails, boardwalks, etc.) or accommodations (e.g., outdoor restaurant seating or plazas) in these areas.
- Parking should predominantly be accommodated on-street or in public or private off-street parking areas. For uses that require high volumes of traffic (e.g., convention centers and hotels), parking areas should be provided in public garages that are designed with façade treatments that contribute to the character of the Downtown environment. This could include screening the use via an attached liner building (nonresidential or residential) which masks the parking structure.
- In instances where Public & Institutional uses (or other non-Downtown uses) occur in areas designated as a Downtown future land use classification, they should be classified as Downtown to emphasize that the urban character of development is of higher priority than the associated use.

Retail

Downtown Loft

Pedestrian Plaza



Aerial Image courtesy Bing Maps

Public & Institutional (PI)

Intent & Characteristics

The Public & Institutional future land use classification is for lands that are intended for public and semi-public uses such as schools, government facilities, community centers, and hospitals. Activities taking place can draw large numbers of people and require adequate facilities be in place to handle the workers and visitors. These activities can take place during the weekend or during the work week at educational, medical, and government centers. Institutional activities can draw large numbers of people and generate considerable traffic.

Government Facilities

Proposed Primary & Secondary Uses

The primary uses allowed in the Public & Institutional future land use classification include primary and secondary schools, government facilities, community centers, and hospitals.

Secondary uses such as medical offices should be considered on a limited use basis when constructed as part of the Baylor Scott & White hospital complex. In other areas of the City, medical complexes should be considered a commercial use. In addition, the secondary uses of passive park or trail should be allowed as part of other Public or Institutional uses not located within an area designated as Park or Open Space.

Zoning Districts

The Public & Institutional future land use classification is not intended to be implemented using specific zoning districts. Rather, the zoning regulations should specify that public facilities should meet the same (or higher) minimum nonresidential requirements as set out in the zoning district that the new building or use is being constructed within. In this regard, new public facilities should be of the same high level of quality as private development.

Public Safety Services

Location & Development Qualifiers

The following location and development qualifiers should be considered as part of any rezoning or development proposal.

- New Public & Institutional areas should be located and take access from a collector roadway or greater in functional classification depending on the type and intensity of the proposed use. For example, new elementary schools should, at minimum, be located on collector roadways to accommodate heavy bus traffic, as well as traffic generated by staff and parents dropping their children off at school.
- Due to the civic nature of government buildings, new development should demonstrate a high standard in building form, materials, design and landscaping. Materials that reflect Marble Falls' character, such as locally extracted masonry, should be used whenever possible.
- The particular building form or architecture may vary depending on the function of the needs of the particular government facility or institution, but all public uses should be designed to serve vehicular and alternate forms of mobility. This includes complying with "Complete Street" best practices and meeting or exceeding the improved pedestrian standards set out elsewhere in this Plan (*see* Actions 5.5.1 and 5.5.6 in Chapter 5). This also includes providing appropriate facilities (e.g., bike racks) to serve those who wish to travel by bicycle.
- New Public & Institutional uses should be designed in a manner that matches the quality and character of the surrounding area. In particular, new Public & Institutional uses in the Downtown area should be designed with an urban character (i.e., buildings built to the sidewalk, parking either on-street or in off-street public parking lots, high lot coverage, limited landscaping, etc.). In other areas (e.g., rural areas), new Public & Institutional uses should include larger setbacks and buffering to maintain the rural character of the overall area.

Schools

Passive or Active Recreation

Hospital