



**NOTICE OF MEETING
PLANNING & ZONING COMMISSION
OF MARBLE FALLS, TEXAS
Thursday, May 2, 2019 – 6:00 PM**

A quorum of the Marble Falls City Council and the Economic Development Corporation may be present.

Fred Zagst, Chairman	Mike Hodge, <i>City Manager</i>
Darlene Oostermeyer, <i>Vice-Chairman</i>	Caleb Kraenzel, <i>Assistant City Manager</i>
Angela Taylor, <i>Commissioner</i>	Valerie Kreger, <i>Development Svs Director</i>
Greg Mills, <i>Commissioner</i>	Chelsea Seiter-Weatherford, <i>GIS Analyst</i>
Jason Coleman, <i>Commissioner</i>	Scarlet Moreno, <i>Planner</i>
Rene Rosales, <i>Commissioner</i>	Patty Akers, <i>City Attorney</i>
Tom Martin, <i>Commissioner</i>	

The City of Marble Falls Planning & Zoning Commission will meet on **Thursday, May 2, 2019**, in **regular session at 6:00 p.m.** in the City Council Chambers at 800 Third Street, Marble Falls, Texas.

The agenda listed below is distributed to the Chair, Commission members, and the Marble Falls Public Library no later than the Monday preceding the Commission meeting. The agenda is also posted on the City's website: www.marblefallstx.gov.

1. **CALL TO ORDER AND ANNOUNCE PRESENCE OF QUORUM**
2. **CITIZEN/VISITOR COMMENTS:** This is an opportunity for citizens to address the Planning and Zoning Commission concerning an issue of community interest that is not on the agenda. Comments on a specific agenda item must be made when the agenda item comes before the Commission. The Chair may place a time limit on all comments. Any deliberation of an issue raised during Citizen Comments is limited to a proposal to place it on the agenda for a later meeting.
3. **REGULAR AGENDA:** The Commission will individually consider and possibly take action on any or all of the following items:
 - A. **Approval of Minutes:** Minutes from the regular meeting on April 4, 2019 (*Commission Secretary*)
 - B. **Public Hearing, Discussion and Recommendation:** Regarding zoning text amendments to Appendix B, Development Code, City of Marble Falls Code of Ordinances, amending Article 3, Land Use, regarding unlisted uses and clarification of use requirements; Division 4.2, New Residential Development Design, regarding clarification of minimum residential lot requirements; Division 4.3, Nonresidential, Mixed-Use, and Apartment Development Design, regarding the General Commercial District rear setback, nonresidential, mixed-use, and apartment building design standards, and special design standards for the Neighborhood Commercial (NC), Downtown (DN), and Downtown Transition (DT) districts; Division 4.5, Lot and Building Interpretations and Exceptions, regarding permitted setback encroachments; Division



4.6, Supplemental Development Standards, regarding fences; Article 6, Subdivision Design and Land Development, regarding reference to the sidewalk fee-in-lieu; Article 7, Access and Circulation, regarding clarification of the maximum commercial driveway width and residential driveway paving; Article 8, Parking, Loading, Stacking and Lighting, regarding head-in parking on alleys and parking the NC district; Article 9, Trees, Landscaping, and Buffering, regarding tree planting requirements, street yard planting requirements, and clarification of measurement requirements; Article 11, Administration, correcting decision-making authority; Table 12.5.4, Standards of Expansion of Nonconforming Sites, correcting approval authority; and Division 14.3, Definitions, adding, clarifying and correcting definitions. (City Staff)

4. UPDATES, ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

A. Presentation and Discussion: Updates regarding previous Planning and Zoning Commission items and City Council disposition.

B. Presentation and Discussion: Development Services Department Updates

- 1. Monthly Building Report and Construction Update

5. ADJOURNMENT

“The Planning & 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. Catherine Bell, Committee Secretary, at 830-798-7095.

Certificate of Posting Agenda Meeting Notice

I, Valerie Kreger, Development Services Director 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 26th day of April, 2019, by 5:00 p.m., posted thereafter for at least 72 continuous hours before the scheduled time of said meeting.

Valerie Kreger, AICP, Development Services Director



**City of Marble Falls
Planning and Zoning Commission Agenda Cover Memo
May 2, 2019**

To: Chairman and Planning & Zoning Commission
Item 4. B. Approval of Minutes
Requested by: Commission Secretary

SYNOPSIS

The Commission will consider approval of the minutes from the April 4, 2019 meeting.

(Minute attachments following this page)

**STATE OF TEXAS
COUNTY OF BURNET
CITY OF MARBLE FALLS**

On this 4th day of April, 2019 the Planning and Zoning Commission convened at the regular meeting place having been posted as prescribed by law, with the following members present in accordance to-wit:

- MEMBERS PRESENT:**
- | | |
|---------------------|---------------|
| Fred Zagst | Chairman |
| Darlene Oostermeyer | Vice-Chairman |
| Greg Mills | Commissioner |
| Angela Taylor | Commissioner |
| Tom Martin | Commissioner |
| Jason Coleman | Commissioner |
| Rene Rosales | Commissioner |
- MEMBERS ABSENT:** None
- STAFF PRESENT:**
- | | |
|----------------------|----------------------------------|
| Valerie Kreger, AICP | Director of Development Services |
| Tommy Crane | Fire Marshal |
| Scarlet Moreno | Planner |
| Catherine Bell | Commission Secretary |
- VISITORS:** Jake Taylor

1. CALL TO ORDER AND ANNOUNCE PRESENCE OF QUORUM: Chairperson Zagst called the meeting to order at 6:02 pm and declared a quorum of the Commission is present to conduct the meeting. The meeting was called to recess at 6:02 pm. The meeting resumed at 6:15 pm.

2. Citizens/Visitors comments to be heard for items not on the agenda: This is an opportunity for citizens to address the Planning and Zoning Commission concerning an issue of community interest that is not on the agenda. Comments on a specific agenda item must be made when the agenda item comes before the Commission. The Chair may place a time limit on all comments. Any deliberation of an issue raised during Citizen Comments is limited to a proposal to place it on the agenda for a later meeting. There were no citizen/visitor comments.

3. REGULAR AGENDA: The Commission will individually consider and possibly take action on any or all of the following items:

A. Approval of Minutes: Minutes from the regular meeting on March 7, 2019. Committee Member Martin made a motion to approve the March 7, 2019 minutes. Commissioner Rosales seconded the motion. The motion carried by a vote of 7 – 0.

B. Discussion: Regarding the implementation of the Development Code since it became effective on January 1st and identification of potential amendments. Valerie Kreger, Director of Development Services addressed the Commission. The Commission discussed and provided feedback regarding land uses, building material requirements, paving of estate lot driveways, tree requirements, and the creation of the Zoning Board of Adjustments.

4. UPDATES, ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

A. Presentation and Discussion: Previous Planning and Zoning Commission items, City Council Disposition. (*Commission*). Valerie Kreger, Director of Development Services addressed the Commission.

B. Presentation and Discussion: Monthly Building Permit Summary; Construction Update. (*City Staff*). Valerie Kreger, Director of Development Services, addressed the Commission.

5. ADJOURNMENT: There being no further items to discuss, Commissioner Mills made a motion to adjourn the meeting. Commissioner Taylor seconded the motion. The motion carried by a vote of 7 - 0 and the meeting was adjourned at 7:29 pm.

Fred Zagst - Chairman to the Commission

Scarlet Moreno - Planner



**City of Marble Falls
Planning and Zoning Commission Agenda Cover Memo
May 2, 2019**

To: Chairman and Planning & Zoning Commission
Item 4. C. Regarding zoning text amendments to Appendix B, Development Code, City of Marble Falls Code of Ordinances, amending Article 3, Land Use, regarding unlisted uses and clarification of use requirements; Division 4.2, New Residential Development Design, regarding clarification of minimum residential lot requirements; Division 4.3, Nonresidential, Mixed-Use, and Apartment Development Design, regarding the General Commercial District rear setback, nonresidential, mixed-use, and apartment building design standards, and special design standards for the Neighborhood Commercial (NC), Downtown (DN), and Downtown Transition (DT) districts; Division 4.5, Lot and Building Interpretations and Exceptions, regarding permitted setback encroachments; Division 4.6, Supplemental Development Standards, regarding fences; Article 6, Subdivision Design and Land Development, regarding reference to the sidewalk fee-in-lieu; Article 7, Access and Circulation, regarding clarification of the maximum commercial driveway width and residential driveway paving; Article 8, Parking, Loading, Stacking and Lighting, regarding head-in parking on alleys and parking the NC district; Article 9, Trees, Landscaping, and Buffering, regarding tree planting requirements, street yard planting requirements, and clarification of measurement requirements; Article 11, Administration, correcting decision-making authority; Table 12.5.4, Standards of Expansion of Nonconforming Sites, correcting approval authority; and Division 14.3, Definitions, adding, clarifying and correcting definitions.

Requested by: City Staff

SUMMARY

This item is for the consideration of proposed amendments to the Development Code. The Code was adopted in November of 2018 and went into effect on January 1 of 2019. At time of adoption, it was understood and encouraged that staff acknowledge any issues that may be discovered once the document was in use and be prepared to bring amendments back to City Council as soon as possible rather than waiting a specific time period. Staff has discovered not only mistakes or unintended consequences as expected, but also various items that were not considered or not considered in the contexts that have arisen.

A summary of the proposed amendments is listed below and the redline of the code edits is attached for review.

Article 3, Land Uses

- Add single-family zero lot-line product
- Add cottage use to TR
- Add CUP for duplex in ENZ.2
- Add group homes to use chart
- Add provisional housing use



- Maximum number of apartment units per acre for certain districts
- 3-acre hotel minimum in NC district

Article 4, General Development Regulations

- DR requirements should be more dense than other residential districts
- Include minimum unit size in DR and ENZ
- Maximum Impervious Coverage allowance for apartments in DR
- Reduce 25' rear setback in GC
- Articulation and architectural elements - DT, building sides in BP and IN, interior buildings
- Material requirements – applicability to each wall, Class 3 trigger, BP & IN
- Administrative Exception allowance for alternative
- NC Design - Parking in front yard, building size
- Replace overhangs into the setbacks as allowed encroachment
- Address BP fencing

Article 6, Subdivision Design and Land Development

- Add reference to sidewalk fee-in-lieu and fund

Article 7, Access and Circulation

- Allow longer residential driveways to pave first 200 feet
- Change trigger for commercial driveways to have median to 30 feet to match TCSS

Article 8, Parking, Loading, Stacking, and Lighting

- Allow head-in parking directly off alley when available

Article 9, Trees, Landscaping, and Buffering

- Shade tree requirement spacing conflicts with the 30' planting requirement
- Caliper versus diameter at breast height
- Administrative Exception allowance for alternative landscaping

Article 11, Administration

- Change Special Exception to ZBA
- Update Administrative Exception section to include building design and landscaping

Article 12, Nonconformities

- Correct Special Exception references to ZBA

Article 14, Definitions and Interpretations

- Add Special Exception definition
- Add Substantial Improvement definition

RECOMMENDATION

Memo Contents:

- Redline of Proposed Code Changes Pages 6-31

Article 3, Land Use

DIVISION 3.1 LAND USES BY ZONING DISTRICT

Section 3.1.3 Residential and Neighborhood Uses

The residential and neighborhood uses allowed in each zoning district are set out in Table 3.1.3, *Residential and Neighborhood Uses by Zoning District*.

Table 3.1.3 Residential and Neighborhood Uses by Zoning District																		
Land Use	ZONING DISTRICTS P=Permitted R=Restricted E=Existing C=Conditional MP=Master Planned Community --=Prohibited																Reference to Supplemental Use Standards	
	Ag	Residential					ENZ Subdistrict					Nonresidential						
	FR	RE	NR	TR	DR	MR	ENZ. 1	ENZ. 2	ENZ. 3	ENZ. 4	ENZ. 5	NC	GC	DN	DT	BP		IN
Cottage	--	--	MP	P	P	MP	--	--	--	--	--	--	--	--	--	--	--	N/A
Single-Family Detached	P	P	P	P	P	MP	P	P	P	P	P	C	--	--	--	--	--	Table 3.2.1.B
Single-Family Attached	--	--	MP	P	P	MP	--	--	P	P	P	--	--	--	--	--	--	N/A
Single-Family Zero Lot Line	--	--	R	R	R	MP	--	R	R	R	R	--	--	--	--	--	--	Table 3.2.1.B
Industrialized Housing	R	R	R	R	R	MP	R	R	R	R	R	--	--	--	--	--	--	
Manufactured Home	R	--	C	--	--	C	--	--	--	--	P	--	--	--	--	--	--	
Manufactured Home Park	C	--	C	--	--	C	--	--	--	--	R	--	--	--	--	--	--	
Tiny House Development	C	--	C	--	C	C	--	--	--	--	R	--	--	--	--	--	--	N/A
Duplex	--	--	MP	P	P	MP	--	C	P	P	P	--	--	--	--	--	--	N/A
Townhouse	--	--	MP	P	P	P	--	--	P	P	--	--	--	R	R	--	--	Table 3.2.1.B
Triplex	--	--	MP	P	C	P	--	--	P	P	--	--	--	--	--	--	--	
Quadplex	--	--	MP	P	C	P	--	--	P	P	--	--	--	--	--	--	--	
Apartment	--	--	--	MP	C	P	--	--	--	P	--	C	--	R	R	--	--	
Live-Work Unit	--	--	--	--	--	--	--	--	--	--	--	P	--	R	R	--	--	
Loft Apartment	--	--	MP	MP	--	MP	--	--	--	--	--	C	--	P	P	--	--	
Group Home	R	R	R	R	R	R	R	R	R	R	R	C	C	--	C	--	--	

Section 3.1.4 Civic Uses

The civic uses allowed in each zoning district are set out in Table 3.1.4, *Civic Uses by Zoning District*.

Table 3.1.4 Civic Uses by Zoning District																		
Land Use	ZONING DISTRICTS P=Permitted R=Restricted E=Existing C=Conditional MP=Master Planned Community --=Prohibited																Reference to Supplemental Use Standards	
	Ag	Residential					ENZ Subdistrict					Nonresidential						
	FR	RE	NR	TR	DR	MR	ENZ. 1	ENZ. 2	ENZ. 3	ENZ. 4	ENZ. 5	NC	GC	DN	DT	BP		IN
Aviation Uses, Fixed Wing	C	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Table 3.2.1.C
Aviation Uses, Rotary Wing	C	--	--	--	--	--	--	--	--	--	--	--	C	C	C	C	C	
Cemetery	P	R	C	--	--	--	E	E	E	E	E	R	R	--	--	--	--	

**Table 3.1.4
Civic Uses by Zoning District**

Land Use	ZONING DISTRICTS																	Reference to Supplemental Use Standards
	P=Permitted R=Restricted E=Existing C=Conditional MP=Master Planned Community --=Prohibited																	
	Ag	Residential					ENZ Subdistrict					Nonresidential						
FR	RE	NR	TR	DR	MR	ENZ. 1	ENZ. 2	ENZ. 3	ENZ. 4	ENZ. 5	NC	GC	DN	DT	BP	IN		
Child-care Facility, Day-Care Center	R	--	MP	MP	C	R	C	C	C	--	C	R	R	C	C	C	--	
Child-care Facility, Residential	--	--	R	R	R	C	R	R	R	--	R	C	--	--	--	--	--	
College / University	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	N/A	
Community Assembly / Amenity	C	C	C	C	C	C	C	C	C	C	C	R	P	P	P	C	--	Table 3.2.1.C
Education	R	R	R	R	R	R	--	--	--	--	--	R	R	R	R	--	--	
Government	P	P	R	R	R	P	C	C	C	C	C	P	P	P	P	P	P	
Housing & Services for the Aging	--	C	C	C	C	C	E	E	E	C	C	C	C	--	--	--	--	
Hospital	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	N/A
Neighborhood Amenity	R	R	R	R	R	R	R	R	R	R	R	--	--	--	--	--	--	Table 3.2.1.C
Passive Outdoor Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N/A
<u>Provisional Housing</u>	--	--	--	--	--	C	--	--	--	--	--	C	C	--	--	--	--	Table 3.2.1.C
Religious Assembly	P	P	R	R	R	R	R	R	R	R	R	P	P	R	R	P	P	
Social Service Institution	--	--	--	--	C	--	--	--	--	--	--	--	P	P	P	P	--	
Transportation Facilities	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	C	P	
Utilities, Local / Neighborhood	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N/A
Utilities, Major	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	
Wireless Transmission Facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Table 3.2.1.C

DIVISION 3.2 SUPPLEMENTAL USE REGULATIONS

Section 3.2.1 Restricted and Conditional Uses

A. **Standards for Specific Restricted and Conditional Uses.** The following additional development and operational standards shall apply to Restricted Uses and Conditional Uses as identified in Division 3.1, *Land Uses by Zoning District*, of this Article.

**Table 3.2.1.B
Residential and Neighborhood Restricted and Conditional Use Standards**

Land Use	District	Development Standards	Operational/Other Standards
<u>Single-Family Zero Lot Line</u>	<u>NR</u> <u>TR</u> <u>DR</u> <u>ENZ.2</u> <u>ENZ.3</u> <u>ENZ.4</u> <u>ENZ.5</u>	<u>Single-Family Zero Lot Line development shall only be allowed when included in a plat designating the lots for Zero Lot Line development. All Single-Family Zero Lot Line development must follow the development standards specified in Subsection 4.2.3, <i>Single-Family Zero Lot Line Development</i>.</u>	<u>N/A</u>
<u>Duplex</u>	<u>ENZ.2</u>	<u>There are no specific restrictions applicable to the Conditional Use Permit requirement.</u>	

Table 3.2.1.B Residential and Neighborhood Restricted and Conditional Use Standards			
Land Use	District	Development Standards	Operational/Other Standards
Apartment	DR	Limited to a maximum of 14 <u>20</u> units per acre.	N/A
	NC	Limited to a maximum of 14 units per acre.	
	DN DT	<u>Limited to a maximum of 44 units per acre.</u> Buildings must be designed to create an urban character, required parking is accessed via an alley and accommodated in a parking structure or a parking lot which uses the building to screen it from the public right-of-way. In the DN district, the first floor of the building shall be dedicated to nonresidential uses permitted within the district – no apartment units shall be located on the first floor <u>in the DN district.</u>	
<u>Group Home</u>	<u>FR</u> <u>RE</u> <u>NR</u> <u>TR</u> <u>DR</u> <u>ENZ.1</u> <u>ENZ.2</u> <u>ENZ.3</u> <u>ENZ.5</u>	<u>Must be licensed by the State of Texas. Limited to a maximum of six residents and two supervisors.</u>	<u>N/A</u>
	<u>MR</u> <u>ENZ.4</u>	<u>Must be licensed by the State of Texas.</u>	<u>N/A</u>
	<u>NC</u> <u>GC</u> <u>DT</u>	<u>In addition to the requirement for approval of a Conditional Use Permit, the facility must be licensed by the State of Texas and set up to house seven or more residents.</u>	<u>N/A</u>
Table Notes: N/A means Not Applicable.			

Table 3.2.1.C Civic Restricted and Conditional Use Standards			
Land Use	District	Development Standards	Operational and Other Standards
<u>Provisional Housing</u>	<u>MR</u> <u>NC</u> <u>GC</u>	<u>In addition to the requirement for approval of a Conditional Use Permit, a provisional housing facility may not be located within 1,000 feet of a residentially zoned property, a primary or secondary school, a public park, or a religious assembly facility.</u>	<u>N/A</u>
Table Notes: N/A means Not Applicable.			

Table 3.2.1.D Commercial Restricted and Conditional Use Standards			
Land Use	District	Development Standards	Operational/Other Standards
Hotel / Lodging, Limited Service	NC	In addition to the requirement for approval of a Conditional Use Permit, the parcel proposed for development shall be at least three acres in size, the building may be no more than two stories in height, and <u>direct access to</u> all rooms shall be accessed from an interior hallway. In addition, all hotel operations, including parking, shall be setback at least 100 feet and physically separated from any residentially used or zoned property and screened by a wall or fence.	N/A
	DT	There are no specific restrictions applicable to the Conditional Use Permit requirement.	
Table Notes: N/A means Not Applicable.			

Article 4, General Development Regulations

DIVISION 4.2 NEW RESIDENTIAL DEVELOPMENT DESIGN

Section 4.2.1 New Residential Development Options and Yield

D. New Residential Development Options.

1. *Development Options.* The development options and yield for new residential development are set out in Table 4.2.1, *Development Options and Yield for New Residential Development.*
2. *Lot and Building Standards.* The development options per district set out in Table 4.2.1, *Development Options and Yield for New Residential Development,* are intended to be used in conjunction with the corresponding lot and building standards set out in Table 4.2.2, *Lot and Building Standards for New Residential Development,* to determine the appropriate density yield and required standards.

Table 4.2.1 Development Options and Yield for New Residential Development					
Development Option	Min. Area of Development	Min. Lot Size/ Area Per Dwelling Unit	Max. Gross Density per Acre	Min. Open Space Area	Min. Dwelling Unit Size
Farm and Ranch (FR) District					
Farm and Ranch (Single-Family Detached)	5.0 ac.	5.0 ac.	0.20	0%	N/A
Farm and Ranch Cluster (Single-Family Detached)	16.0 ac.	2.5 ac.	0.35	13%	900 sf
Conservation (Single-Family Detached)	12.0 ac.	1.5 ac.	0.45	30%	900 sf
Manufactured Home Subdivision ¹	12.0 ac.	1.5 ac.	0.45	30%	900 sf
Manufactured Home Park ^{1,4}	10.0 ac.	6,000 sf	2.80	60%	900 sf
Tiny House Development ^{2,4}	10.0 ac.	5,000 sf	3.00	60%	140 sf ⁷
Rural Estate (RE) District					
Estate (Single-Family Detached)	6.0 ac.	32,670 sf	1.10	15%	1,400 sf
Estate Cluster (Single-Family Detached)	5.0 ac.	21,780 sf	1.50	25%	1,400 sf
Neighborhood Residential (NR) District					
Suburban (Single-Family Detached)	10.0 ac.	12,000 sf	3.00	10%	900 sf
Neighborhood (Single-Family Detached)	5.0 ac.	5,000 sf	6.25	11%	900 sf
Neighborhood (Rear-Loaded) (Single-Family Detached)	6.0 ac.	4,200 sf	6.30	18%	800 sf
<u>Single-Family Zero Lot Line⁸</u>	<u>5.0 ac.</u>	<u>5,000 sf</u>	<u>6.25</u>	<u>11%</u>	<u>900 sf</u>
Cottage ³	3.0 ac.	3,600 sf	7.25	20%	600 sf ⁵
Manufactured Home Subdivision ^{1,4}	5.0 ac.	4,600 sf	7.25	25%	900 sf
Manufactured Home Park ^{1,4}	5.0 ac.	3,600 sf	5.25	40%	900 sf
Tiny House Development ^{2,4}	5.0 ac.	3,600 sf	5.25	40%	140 sf ⁷
Transitional Residential (TR) District					
Neighborhood (Single-family Detached)	5.0 ac.	5,000 sf	6.25	11%	900 sf
Neighborhood (Rear-Loaded) (Single-family Detached)	6.0 ac.	4,200 sf	6.30	18%	800 sf
<u>Single-Family Zero Lot Line⁸</u>	<u>5.0 ac.</u>	<u>5,000 sf</u>	<u>6.25</u>	<u>11%</u>	<u>900 sf</u>
Single-Family Attached	5.0 ac.	5,000 sf	6.25	11%	900 sf
Single-Family Attached (Rear-Loaded)	6.0 ac.	4,200 sf	6.30	18%	800 sf

**Table 4.2.1
Development Options and Yield for New Residential Development**

Development Option	Min. Area of Development	Min. Lot Size/ Area Per Dwelling Unit	Max. Gross Density per Acre	Min. Open Space Area	Min. Dwelling Unit Size
<u>Cottage</u>	<u>3.0 ac.</u>	<u>3,600 sf</u>	<u>7.25</u>	<u>20%</u>	<u>600 sf⁵</u>
Duplex	5.0 ac.	6,000 sf	10.00	14%	800 sf
Townhouse (Front-Loaded Single-Entry)	2.0 ac.	2,000 sf	11.00	25%	N/A
Townhouse (Rear-Loaded)	2.0 ac.	2,000 sf	11.30	15%	N/A
Triplex ⁴	10,500 sf	10,500 sf	12.00	25%	N/A
Quadplex ⁴	14,500 sf	14,500 sf	12.00	25%	N/A
Apartment ^{4,6}	5.0 ac.	N/A	14.00	25%	N/A
Multifamily Residential (MR) District					
Manufactured Home Subdivision ^{1,4}	5.0 ac.	4,600 sf	7.25	25%	900 sf
Manufactured Home Park ^{1,4}	5.0 ac.	3,600 sf	5.25	40%	900 sf
Tiny House Development ^{2,4}	5.0 ac.	3,600 sf	5.25	40%	140 sf ⁷
Townhouse (Front-Loaded Single-Entry)	2.0 ac.	2,000 sf	11.00	25%	N/A
Townhouse (Rear-Loaded)	2.0 ac.	2,000 sf	11.30	15%	N/A
Triplex	10,500 sf	10,500 sf	12.00	25%	N/A
Quadplex	14,500 sf	14,500 sf	12.00	25%	N/A
Apartment ⁶	7.5 ac.	N/A	24.00	30%	N/A
Downtown Residential (DR) District					
Cottage ⁵	Residential development in the Downtown Residential (DR) district is subject to the standards set out in Section 4.2.6, <i>Special Design Standards for Downtown Residential (DR) District</i> .				
Single-Family Detached					
<u>Single-Family Zero Lot Line⁸</u>					
Single-Family Attached					
Duplex					
Townhouse					
Triplex ⁴					
Quadplex ⁴					
Apartment ^{4,6}					
Tiny House Development ^{2,4}					
Downtown (DN) and Downtown Transition (DT) Districts					
Apartment ⁶	N/A	N/A	40.00	N/A	N/A
Loft Apartment ⁶	N/A	N/A	40.00	N/A	N/A

Table Notes:

- ¹ Manufactured Home Subdivisions and Parks must also comply with Section 4.2.3, *Manufactured Homes*.
- ² Tiny House Developments must also comply with the standards of Section 4.2.4, *Tiny House Development*.
- ³ Allowed only in conjunction with a Master Planned Community as set out in Section 4.4.2, *Master Planned Communities*.
- ⁴ Allowed only with approval of a Conditional Use Permit as set out in Section 3.2.1, *Restricted and Conditional Uses*, and 11.3.4, *Conditional Use Permits*.
- ⁵ Maximum Cottage unit size is 899 square feet.
- ⁶ Apartments and lofts are subject to the standards set out in Section 4.3.1, *Nonresidential and Mixed-Use Lot and Building Standards*, Section 4.3.2, *Nonresidential, Mixed-Use and Apartment Design Standards*, and Section 4.3.4, *Special Design Standards for Downtown (DN) and Downtown Transition (DT) Districts*, as may be applicable.
- ⁷ Maximum Tiny House size is 599 square feet.
- ⁸ Single-Family Zero Lot Line developments must also comply with the standards of Subsection 4.2.3, *Single-Family Zero Lot Line Development*.

Section 4.2.2 New Residential Lot and Building Standards

B. **New Residential Lot and Building Standards.** The lot and building standards of this Section are intended to be used in conjunction with the development options and yield for new residential development as set out in Table 4.2.1, *Development Options and Yield for New Residential Development*.

Table 4.2.2 Lot and Building Standards for New Residential Development										
Development Option	Min. Lot Size/ Area Per Unit	Min. Lot Width	Min. Lot Frontage	Min. Setbacks					Max. Height Building/ Structure	Max. Lot Coverage
				Front	Interior Side	Street Side	Rear	Garage		
Farm and Ranch (FR) District										
Farm and Ranch (Single-Family Detached)	5 ac.	275'	200'	90'	50'	75'	150'	N/A	35'	10%
Farm and Ranch Cluster (Single-Family Detached)	2.5 ac.	200'	175'	90'	45'	55'	125'	N/A	35'	15%
Conservation (Single-Family Detached)	1.5 ac.	160'	120'	75'	35'	35'	90'	N/A	35'	20%
Manufactured Home Subdivision ⁵	1.5 ac.	160'	120'	75'	35'	35'	90'	N/A	35'	20%
Manufactured Home Park ^{5,8}	6,000 sf	50'	20'	15'	5'	10'	15'	N/A	25'	40%
Tiny House Development ^{6,8}	5,000 sf	50'	20'	15'	5'	10'	15'	N/A	25'	40%
Rural Estate (RE) District										
Estate (Single-Family Detached)	32,670 sf	110'	75'	50'	25'	35'	75'	N/A	35'	30%
Estate Cluster (Single-Family Detached)	21,780 sf	90'	45'	45'	20'	30'	50'	N/A	35'	35%
Neighborhood Residential (NR) District										
Suburban (Single-Family Detached)	12,000 sf	65'	25'	30'	10'	20'	20'	25'/7.5' ²	35'	45%
Neighborhood (Single-Family Detached)	5,000 sf	50'/60' ¹	20'	25'	5'	15'	15'	25'/7.5' ²	35'	50%
Neighborhood (Rear-Loaded) (Single-Family Detached) ³	4,200 sf	42'/52' ¹	20'	15'	5'	15'	15'	7.5' ²	35'	60%
<u>Single-Family Zero Lot Line¹⁰</u>	<u>5,000 sf</u>	<u>50'/65'¹</u>	<u>20'</u>	<u>25'</u>	<u>0'/10'¹¹</u>	<u>15'</u>	<u>15'</u>	<u>25'/7.5'²</u>	<u>35'</u>	<u>50%</u>
Cottage ⁷	3,600 sf	30'/40' ¹	20'	10'	5'	10'	10'	25'/7.5' ²	25'	60%
Manufactured Home Subdivision ^{5,8}	4,600 sf	46'/56' ¹	20'	15'	5'	15'	15'	N/A	25'	50%
Manufactured Home Park ^{5,8}	3,600 sf	40'	20'	15'	5'	10'	15'	N/A	25'	50%
Tiny House Development ^{6,8}	3,600 sf	40'	20'	15'	5'	10'	15'	N/A	25'	50%
Transitional Residential (TR) District										
Neighborhood (Single-family Detached)	5,000 sf	50'/60' ¹	20'	25'	5'	15'	15'	25'/7.5' ²	35'	50%
Neighborhood (Rear-Loaded) (Single-family Detached) ³	4,200 sf	42'/52' ¹	20'	15'	5'	15'	15'	7.5' ²	35'	60%
<u>Single-Family Zero Lot Line¹⁰</u>	<u>5,000 sf</u>	<u>50'/65'¹</u>	<u>20'</u>	<u>25'</u>	<u>0'/10'¹¹</u>	<u>15'</u>	<u>15'</u>	<u>25'/7.5'²</u>	<u>35'</u>	<u>50%</u>
Single-Family Attached	5,000 sf	50'/60' ¹	20'	25'	5'/0' ⁴	15'	15'	25'/7.5' ²	35'	50%
Single-Family Attached (Rear-Loaded) ³	4,200 sf	42'/52' ¹	20'	15'	5'/0' ⁴	15'	15'	7.5' ²	35'	60%
Duplex	6,000 sf	50'/60' ¹	20'	25'	5'	15'	15'	25'	35'	50%

**Table 4.2.2
Lot and Building Standards for New Residential Development**

Development Option	Min. Lot Size/ Area Per Unit	Min. Lot Width	Min. Lot Frontage	Min. Setbacks					Max. Height Building/ Structure	Max. Lot Coverage
				Front	Interior Side	Street Side	Rear	Garage		
Townhouse (Front-Loaded Single-Entry)	2,000 sf	24'/ 34' ¹	20'	20'	5'/ 0' ⁴	10'	15'	25'	40'	65%
Townhouse (Rear-Loaded) ³	2,000 sf	24'/ 34' ¹	20'	10'	5'/ 0' ⁴	10'	15'	7.5' ²	40'	70%
Triplex ⁸	12,000 sf	50'	50'	25'	10'	15'	15'	25'	40'	70%
Quadplex ⁸	14,500 sf	50'	50'	25'	10'	15'	15'	25'	40'	70%
Apartment ⁸	N/A	60'	60'	25'	15'	20'	15'	N/A	40'	70%
Multifamily Residential (MR) District										
Manufactured Home Subdivision ^{5,8}	4,600 sf	46'/ 56' ¹	20'	15'	5'	15'	15'	N/A	25'	50%
Manufactured Home Park ^{5,8}	3,600 sf	40'	20'	15'	5'	10'	15'	N/A	25'	50%
Tiny House Development ^{6,8}	3,600 sf	40'	20'	15'	5'	10'	15'	N/A	25'	50%
Townhouse (Front-Loaded Single-Entry)	2,000 sf	24'/ 34' ¹	20'	20'	5'/ 0' ⁴	10'	15'	25'	40'	65%
Townhouse (Rear-Loaded) ³	2,000 sf	24'/ 34' ¹	20'	10'	5'/ 0' ⁴	10'	15'	7.5' ²	40'	70%
Triplex	12,000 sf	50'	50'	25'	10'	15'	15'	25'	40'	70%
Quadplex	14,500 sf	50'	50'	25'	10'	15'	15'	25'	40'	70%
Apartment (5-14 units/ac.)	N/A	60'	60'	25'	15'	20'	15'	N/A	40'	70%
Apartment (15-24 units/ac.)	N/A	60'	60'	25'	15'	25'	25'	N/A	45'	70%
Downtown Residential (DR) District										
Cottage	Residential development in the Downtown Residential (DR) district is subject to the standards set out in Section 4.2.6, <i>Special Design Standards for Downtown Residential (DR) District</i> .									
Single-Family Detached										
<u>Single-Family Zero Lot Line¹⁰</u>										
Single-Family Attached										
Duplex										
Townhouse										
Triplex ⁸										
Quadplex ⁸										
Apartment ^{8,9}										
Tiny House Development ^{6,8}										
Downtown (DN) and Downtown Transition Districts										
Apartment ⁹	Apartments and lofts are subject to the standards set out in Section 4.3.1, <i>Nonresidential and Mixed-Use Lot and Building Standards</i> , Section 4.3.2, <i>Nonresidential, Mixed-Use and Apartment Design Standards</i> , and Section 4.3.4, <i>Special Design Standards for Downtown (DN) and Downtown Transition (DT) Districts</i> , as may be applicable.									
Loft Apartment ⁹										
Table Notes:										
¹ The second number is the lot width for corner lots.										
² The second number is the garage setback for lots taking direct access from a rear alley.										
³ Rear-loaded means that parking must be located at the rear of the site and access must be taken from an alleyway at the rear of the property. Does not require an enclosed or covered garage.										
⁴ The second number is the side setback for the side attached to an adjacent unit.										
⁵ Manufactured Home Subdivisions and Parks must also comply with Section 4.2.3, <i>Manufactured Homes</i> .										
⁶ Tiny House Developments must also comply with the standards of Section 4.2.4, <i>Tiny House Development</i> .										
⁷ Allowed only in conjunction with a Master Planned Community.										
⁸ Allowed only with approval of a Conditional Use Permit.										
⁹ Apartments and lofts are subject to the standards set out in Section 4.3.1, <i>Nonresidential and Mixed-Use Lot and Building Standards</i> , Section 4.3.2, <i>Nonresidential, Mixed-Use and Apartment Design Standards</i> , and Section 4.3.4, <i>Special Design Standards for Downtown (DN) and Downtown Transition (DT) Districts</i> , as may be applicable.										

Table 4.2.2 Lot and Building Standards for New Residential Development										
Development Option	Min. Lot Size/ Area Per Unit	Min. Lot Width	Min. Lot Frontage	Min. Setbacks					Max. Height Building/ Structure	Max. Lot Coverage
				Front	Interior Side	Street Side	Rear	Garage		
¹⁰ Single-Family Zero Lot Line developments must also comply with the standards of Subsection 4.2.3, <i>Single-Family Zero Lot Line Development</i> .										
¹¹ For Single-Family Zero Lot Line development, one interior side lot line minimum setback may be 0' and the opposite interior side lot line must be a minimum of 10' in conformance with the approved subdivision plat for the development.										

Section 4.2.3 Single-Family Zero Lot Line Development

A. Generally.

1. This Section provides design standards for Single-Family Zero Lot Line developments in addition to the minimum standards of the zoning district in which it is located.
2. Single-Family Zero Lot Line development must be included in a plat designating the lots for Zero Lot Line development.

B. Single-Family Zero Lot Line Development Additional Design Standards.

1. The lot line with the zero-setback requirement shall not be a lot line adjacent to a lot not within the platted development or not otherwise containing or planned for zero-lot line dwellings.
2. At time of subdivision platting, a perpetual easement, a minimum of five feet in width, is required to be established on any lot line in which the adjacent lot is allowed a zero-setback for the purposes of structural overhang and to allow the adjacent property owner access for maintenance of the structure.
3. There shall be a minimum separation of ten feet between dwellings.
4. A masonry wall at least six feet in height shall be constructed on the zero-setback side from the front building line to a point within six feet of the rear property line. Said wall shall be required for any structure which has a setback of less than five feet on the designated zero setback side. This wall may include the main structural wall of the building.
5. The side of the structure located at or within 3 feet of the property line shall contain no windows or other openings.
6. The roof eaves on the side of the house with no side setback may project no more than 18 inches over the adjacent property line. The roof eaves on the side of the house with the ten-foot side setback may extend into the required ten-foot side setback on the opposite side of the house a maximum of two feet.
7. A gutter and down spout shall be required along the zero-setback side to ensure drainage is handled on the owner's property. Rain gutters must be positioned to drain only onto the

lot of the house to which they are attached. The gutter system is not included in the calculation of the eave encroachment.

8. A fireplace, windowsill, box or bay window, or other architectural features not more than ten feet in width may extend a maximum of two feet into the required ten-foot side setback.
9. No setback shall be required from an interior side lot line for air conditioning or swimming pool equipment or for an uncovered porch or patio.
10. No structure may extend into a public easement.

Section 4.2.34 Manufactured Homes

Section 4.2.45 Tiny House Development

Section 4.2.56 Industrialized Housing Building Unit Standards

Section 4.2.67 Special Design Standards for Downtown Residential (DR) District

B. **General Development Standards.** Set out in Table 4.2.6.A, *Downtown Residential Lot and Building Standards*, are the lot and building standards for new residential development in the Downtown Residential District.

Table 4.2.6.A Downtown Residential Lot and Building Standards										
Land Use	Min. Lot Width	Min. Lot Size/ Area per Unit	Max. Lot Coverage	Min. Setbacks					Max. Building/ Structure Height	Minimum Dwelling Unit Size
				Front	Interior Side	Street Side	Rear	Garage Access		
Cottage	30' [±]	4,200 sf	60%	15' 10'	5'	7.5'	15'	7.5' ⁵	25'	600 sf ⁸
	<u>40'¹¹</u>	<u>5,600 sf</u>	<u>60%</u>	<u>10'</u>	<u>5'</u>	<u>10'</u>	<u>15'</u>	<u>15'¹²</u>	<u>25'</u>	<u>600 sf⁸</u>
	50'	7,000 sf	60%	15'	5'	10'	15'	7.5' 15' ¹⁴	35'	600 sf ⁸
Single-Family Detached	<u>30'¹</u>	<u>4,200 sf</u>	<u>60%</u>	<u>15'</u>	<u>5'</u>	<u>7.5'</u>	<u>15'</u>	<u>7.5'⁵</u>	<u>35'</u>	<u>900 sf</u>
	<u>40'¹¹</u>	<u>5,600 sf</u>	<u>60%</u>	<u>15'</u>	<u>5'</u>	<u>7.5'</u>	<u>15'</u>	<u>15'¹²</u>	<u>35'</u>	<u>900 sf</u>
	50'	7,000 sf	60%	15'	5'	10'	15'	7.5' 15' ¹²	35'	900 sf
<u>Single-Family Zero Lot Line⁹</u>	<u>30'¹</u>	<u>4,200 sf</u>	<u>60%</u>	<u>15'</u>	<u>0'/10'¹⁰</u>	<u>7.5'</u>	<u>15'</u>	<u>7.5'⁵</u>	<u>35'</u>	<u>900 sf</u>
	<u>40'¹¹</u>	<u>5,600 sf</u>	<u>60%</u>	<u>15'</u>	<u>0'/10'¹⁰</u>	<u>7.5'</u>	<u>15'</u>	<u>15'¹²</u>	<u>35'</u>	<u>900 sf</u>
	<u>50'</u>	<u>7,000 sf</u>	<u>60%</u>	<u>15'</u>	<u>0'/10'¹⁰</u>	<u>10'</u>	<u>15'</u>	<u>15'¹²</u>	<u>35'</u>	<u>900 sf</u>
Single-Family Attached	30' ¹	4,200 sf	60%	15'	0' ⁴ /5'	7.5'	15'	7.5' ⁵	25' 35'	800 sf
	<u>40'¹¹</u>	<u>5,600 sf</u>	<u>60%</u>	<u>15'</u>	<u>5'</u>	<u>7.5'</u>	<u>15'</u>	<u>15'¹²</u>	<u>35'</u>	<u>900 sf</u>
	50'	7,000 sf	60%	15'	0' ⁴ /5'	10'	15'	7.5' 15' ¹²	35'	900 sf
Duplex	50'	7,000 sf	60%	15'	5'	10'	15'	7.5' 15' ¹⁴	35'	800 sf
Townhouse	22' ² / 32' ³	2,400 sf	60%	5'	0' ⁴ /5'	10'	15'	7.5' ⁵	35'	N/A
Triplex ⁶	50'	7,000 sf	60%	15'	10'	10'	15'	7.5' ¹³	40'	N/A
Quadplex ⁶	50'	7,000 sf	60%	15'	10'	10'	15'	7.5' ¹³	40'	N/A
Apartment ^{6,7}	100'	14,000 sf	60 70%	25'	10'	15'	15'	N/A 7.5' ¹	40'	N/A

Table 4.2.6.A Downtown Residential Lot and Building Standards										
Land Use	Min. Lot Width	Min. Lot Size/ Area per Unit	Max. Lot Coverage	Min. Setbacks					Max. Building/ Structure Height	Minimum Dwelling Unit Size
				Front	Interior Side	Street Side	Rear	Garage Access		
Table Notes:										
¹ <u>New cottage</u> <u>Single-family detached, single-family zero lot line</u> or single-family attached development on 30-foot lots is only allowed on 30-foot lots that existed on the effective date of these regulations.										
² New townhouse development on a minimum of 22 foot lots is only allowed as rear-loaded units as set out in Table 4.3.6.C, <i>Downtown Residential Illustrative Lot Configurations</i> .										
³ The second number is the lot width for corner lots.										
⁴ The first number is the side setback for the side attached to an adjacent unit.										
⁵ Garage access must be taken from a rear alley.										
⁶ Allowed only with approval of a Conditional Use Permit as set out in Section 11.3.4, <i>Conditional Use Permits</i> .										
⁷ Apartments are subject to the standards set out in Section 4.3.1, <i>Nonresidential and Mixed-Use Lot and Building Standards</i> , and Section 4.3.2, <i>Nonresidential, Mixed-Use and Apartment Design Standards</i> , as may be applicable.										
⁸ <u>Maximum Cottage unit size is 899 square feet.</u>										
⁹ <u>Single-Family Zero Lot Line developments must also comply with the standards of Subsection 4.2.3, Single-Family Zero Lot Line Development.</u>										
¹⁰ <u>For Single-Family Zero Lot Line development, one interior side lot line minimum setback may be 0' and the opposite interior side lot line must be a minimum of 10' in conformance with the approved subdivision plat for the development.</u>										
¹¹ <u>Corner lots must be at least 50' wide.</u>										
¹² <u>Garage access may be reduced to 7.5' when accessed from an alley.</u>										
¹³ <u>Triplex, Quadplex, and apartment parking, including garages, must be direct accessed from within the site, not the street, except that when an alley is present, direct access may be taken from the alley.</u>										

- E. **Design Standards.** All new development and redevelopment in the Downtown Residential District shall comply with the following minimum design standards.
1. *Front Porches.* Front porches are required with all new development and redevelopment. The porch may be enclosed with a screened enclosure but shall not be fully enclosed with walls and windows.
 2. *Parking.* Set out in Table 4.2.6.D, *Downtown Residential Illustrative Parking Configurations*, are illustrative parking configurations depicting the various means of parking in the Downtown Residential district. New parking spaces are required as part of new development and redevelopment as set out in this subsection and Article 8, *Parking, Loading, Stacking, and Lighting*. Parking spaces shall be set out as follows:
 - a. *Cottages.* Parking for new cottages may be accommodated in the street if the existing street pavement width can accommodate on-street parallel parking or if the existing right-of-way width can accommodate the applicant constructing paved parallel parking spaces adjacent the existing street. The Director shall determine the adequacy of existing street pavement or right-of-way widths. If on-street parallel parking cannot be accommodated, the standard on-site parking and associated driveway shall be required in accordance with Article 8, *Parking, Loading, Stacking, and Lighting*, and Article 7, *Access, Driveways and Circulation*.
 - b. *Single-Family Detached, Single-Family Zero Lot Line, Single-Family Attached or Duplex Units.* Parking for new single-family detached, single-family zero lot line, single-family attached or duplex units must be set back at least 25 feet from the public sidewalk and meet the pavement and dimensional standards of Article 8, *Parking, Loading, Stacking, and Lighting*.
 - c. *Townhouse Units.* Parking for new townhouse units shall be provided in the rear-yard in accordance with Article 8, *Parking, Loading, Stacking, and Lighting*, with paved alley access.
 - d. *Triplex, Quadplex, and Apartment Development.* Parking for new triplex, quadplex, or apartment development may be located in the front yard provided that the parking area is set back at least 25 feet from the public sidewalk and meets pavement and dimensional standards of Article 8, *Parking,*

Loading, Stacking, and Lighting. Parking may be in the side or rear yard with access taken from a side street or paved alley.

Section 4.2.7.8 Special Design Standards for Existing Neighborhood Zone (ENZ) District

C. **General Development Standards.** The general development standards for each sub-district are set out in Table 4.2.7.A, *Existing Neighborhood Zones General Lot and Building Standards*.

ENZ Sub-district	Development Type	Min. Lot Width	Lot Area & Coverage		Min. Setbacks				Max. Building/ Structure Height	Min. Dwelling Unit Size
			Minimum Area per Lot / Unit	Max. Lot Coverage	Front	Interior Side	Street Side	Rear		
ENZ.1	N/A	100'	1 ac.	30%	50'	15'	25'	25'	35'	<u>1,500 sf</u>
ENZ.2	<u>Single-Family Detached, Single-Family Zero Lot Line⁶, Duplex⁵</u> N/A	50'	6,000 sf	50%	25'	5' ²	15'	10'	35'	<u>900 sf</u>
ENZ.3	Single-Family Detached, <u>Single-Family Zero Lot Line⁶</u> , Single-Family Attached, Duplex	50'	6,000 sf	75%	25'	5' ^{2,7} / _{0'}	15'	10'	35'	<u>900 sf</u>
	Townhouse	20'	2,400 sf	75%	20'/ 15' ¹	5' ² / 0'	15'	5'	35'	<u>800 sf</u>
	Tri-plex, Quadplex	50'	6,000 sf	75%	25'	5'	15'	15'	35'	<u>600 sf</u>
ENZ.4	Single-Family Detached, <u>Single-Family Zero Lot Line⁶</u> , Single-Family Attached, Duplex	50'	6,000 sf	75%	25'	10' ² / _{5'^{2,7}} / _{0'}	15'	15'	35'	<u>800 sf</u>
	Townhouse	20'	2,600 sf	75%	25'/ 20' ¹	10' ² / 0'	15'	5'	35'	<u>800 sf</u>
	Tri-plex, Quadplex, Apartment ⁴	100'	12,000 sf	75%	25'	10'	15'	15'	50'/ 35' ³	<u>600 sf</u>
ENZ.5	Manufactured Home, Single-Family Detached, Single-Family Attached, Duplex	50'	5,000 sf	60%	25'	5'	15'	15'	25'	<u>600 sf</u>

Table Notes:

¹ When the garage faces onto the street, the setback for the garage and the second story shall increase to 25 feet.

² For single-family attached units and townhouses, there is a zero-foot interior setback between attached units, but minimum 10-foot separation between buildings.

³ Maximum height shall be limited to 35 feet on any portion of a site within 100 feet of property zoned ENZ.2, Downtown Residential (DR), or Neighborhood Residential (NR).

⁴ Apartments are subject to the standards set out in Section 4.3.1, *Nonresidential and Mixed-Use Lot and Building Standards* and Section 4.3.2, *Nonresidential, Mixed-Use and Apartment Design Standards*, as may be applicable.

⁵ Allowed only with approval of a Conditional Use Permit as set out in Section 3.2.1, *Restricted and Conditional Uses*, and 11.3.4, *Conditional Use Permits*.

⁶ Single-Family Zero Lot Line developments must also comply with the standards of Subsection 4.2.3, *Single-Family Zero Lot Line Development*.

⁷ For Single-Family Zero Lot Line development, one interior side lot line minimum setback may be 0' and the opposite interior side lot line must be a minimum of 10' in conformance with the approved subdivision plat for the development.

Section 4.2.89 Common Area Amenities

Section 4.2.910 Accessory Dwelling Units (ADUs)

DIVISION 4.3 NONRESIDENTIAL, MIXED-USE, AND APARTMENT DEVELOPMENT DESIGN

Section 4.3.1 Nonresidential and Mixed-Use Lot and Building Standards

B. Nonresidential and Mixed-Use Development Lot and Building Standards.

**Table 4.3.1
Nonresidential and Mixed-Use Development Lot and Building Standards**

Zoning District	Minimum Area of Development	Minimum Lot Size	Minimum Lot Width	Maximum Lot Coverage	Build-to Line	Minimum Setbacks				Maximum Building Height
						Front	Interior Side	Street Side	Rear	
Nonresidential Districts										
NC ³	N/A	6,000 sf	50'	70%	N/A	25'	5'/ 10' ¹	25'	15'/ 10' ¹	35'
GC	N/A	N/A	50'	75%	N/A	25'	5'/ 10' ¹	25'	25' 15'/	45'
DN ²	N/A	N/A	25'	N/A	0' ²	0' ⁵	0'/ 10' ¹	0'	0'/ 10' ¹	60' ⁴
DT ²	N/A	N/A	25'	N/A	10' ²	0' ⁶	0'/ 10' ¹	10'	10' ¹	60' ⁴
BP	2.5 ac.	21,780 sf	150'	80%	N/A	35'	15'	25'	30'	60'
IN	5 ac.	1 ac.	250'	85%	N/A	35'	20'	25'	40'	60'
Nonresidential Development in other Districts										
FR, RE	N/A	32,670 sf	125'	25%	N/A	55'	35'	35'	60'	35'
NR, TR, DR, MR	N/A	32,670 sf	80'	70% ⁷	N/A	30'	15'	25'	20'	35'

Table Notes:

¹ All properties in the NC, GC, DN, and DT districts adjacent to Lake Marble Falls shall provide a minimum 10-foot boardwalk and public access easement along the water's edge. Side and rear setbacks adjacent to the lake shall be increased to 10 feet (or the edge of the boardwalk) in the DN and DT districts to accommodate the boardwalk and public access easement. Side and rear setbacks adjacent to the lake may/must be decreased/increased to 10 feet (or the edge of the boardwalk) in the NC and GC districts to allow construction up to the boardwalk and public access easement.

² See Section 4.3.4, *Special Design Standards for Downtown (DN) and Downtown Transition (DT) Districts*.

³ See Section 4.3.3, *Special Design Standards for Neighborhood Commercial (NC) District*.

⁴ Rooftop amenities are not counted towards the maximum building height provided the amenity does not occupy more than 50% of the roof area and is set back from the parapet edge or building façade on at least three sides.

⁵ Buildings in the DN district are required to be built to front and side property lines abutting a street, except as provided in Subsection 4.3.4.B, *Special Setbacks in the Downtown (DN) and Downtown Transition (DT) Districts*.

⁶ Buildings in the DT district are required to be built within 10 feet of the front property line, except as provided in Subsection 4.3.4.B, *Special Setbacks in the Downtown (DN) and Downtown Transition (DT) Districts*. The setback line may be averaged along the entire block.

⁷ Maximum lot coverage may be increased by 10% if additional landscaping is provided on the adjacent right-of-way(s).

Section 4.3.2 Nonresidential, Mixed-Use, and Apartment Design Standards

C. **Building Articulation.** The design of new buildings shall be subject to the following vertical and horizontal building articulation standards to promote a more interesting and human-scaled façade appearance.

3. Exemptions.

- a. This Section does not apply to Articulation is not required on buildings in the IN district, except where a building façade faces an arterial-level street and is located within 200 feet of the street.

- b. In the BP district, articulation requirements only apply to the front street facing façade of the principal building.
- c. Articulation is not required in the DN district on side building façades built to the property line where another building does or will abut. Articulation is required when the side building façade faces a public street, residential property, or public park, plaza, or open space.
- d. In all other districts, where there are multiple buildings on one lot, a building façade that is screened from view from the property lines by other buildings may be exempt from providing articulation.

D. **Architectural Elements.** All front and side building façades and all rear facades which face a public right-of-way, a shared drive aisle or parking lot in a multi-lot unified development or shopping center, a park, or a residentially zoned property or use shall incorporate architectural elements that visually divide the façade plane. Long, uninterrupted vertical or horizontal wall sections are prohibited. In addition to the building articulation standards set out in this Section, building façades shall not include a blank wall area larger than generally 14 feet tall by 24 feet wide or 300 square feet in area.

1. Complying with this requirement can be accomplished through the use of:
 - a. Repeating distinctive window patterns at intervals less than the articulation interval;
 - b. Window(s);
 - c. Door(s);
 - d. Balconies;
 - e. A porch, patio, deck, or covered entry;
 - f. A change in the roofline by alternating parapet heights;
 - g. A change in building materials that corresponds to a change in building plane; or
 - h. Lighting fixtures, trellises, trees, or other landscape features.
 - i. An awning or canopy; or
 - j. Vines or other plantings on wall trellises that cover at least 60 percent of the façade elevation.

2. Exemptions.

- a. This Section does not apply to buildings in the IN district, except where a building façade faces an arterial-level street and is located within 200 feet of the street.
- b. In the BP district, architectural element requirements only apply to street facing façades.
- c. Architectural elements are not required in the DN district on side building façades built to the property line where another building does or will abut. Architectural elements are required when the side building façade faces a public street, residential property, or public park, plaza, or open space.

E. **Building Materials.** The exterior façades of all buildings, excluding doors and windows, shall be finished in one or more of the following exterior finish materials, in accordance with Table 4.3.2.B, *Building Material Standards*.

1. *Types of Exterior Finish Materials:*
 - a. *Class 1 Materials.* Exterior finish materials considered Class 1 are comprised of the following:
 - i. Brick;
 - ii. Natural stone;
 - iii. Granite;
 - iv. Marble; and
 - v. Masonry Veneer (thin brick and engineered stone) placed a minimum of ~~10~~4 feet above finished grade of the building and above another Class 1 Masonry product.

- b. *Class 2 Materials*. Exterior finish materials considered Class 2 are comprised of the following:
 - i. Architectural concrete masonry units in the following styles:
 - a) Split face;
 - b) Weathered face;
 - c) Sandblasted face; or
 - d) Ground face; and
 - ii. Portland cement stucco, installed with a weather barrier and wall drainage system.
 - c. *Class 3 Materials*. Exterior finish materials considered Class 3 are comprised of the following:
 - i. Exterior Insulation and Finish Systems ("EIFS"), installed with a weather barrier, wall drainage system, and prohibited for the first 10 feet above finished grade of the building;
 - ii. Smooth-faced, finished concrete masonry units;
 - iii. Fiber cement siding ("Hardie Board"), installed as horizontal lapped siding, in a board-and-batten style vertical installation, or as shingles;
 - iv. Synthetic wood material that has the architectural appearance of real wood; and
 - v. Embossed or prefinished architectural metal panel (26+ gauge), which has an appearance of masonry or stucco. (applicable only to buildings with a gross floor area greater than 16,000 square feet).
 - d. *Glass*. Windows and doors are excluded from the percentage of materials required. However, a maximum of 60 percent of the ground floor façades and a maximum of 40 percent of the upper floor façades shall be glass, whether window, glass curtain wall, or glass block. Glass shall have a maximum reflectivity of less than 20%.
 - e. *Tilt-wall*. Tilt-wall construction is not restricted as a construction method; however, an exterior finish shall be required in the form of a Class 1, Class 2, or Class 3 material.
 - f. *Other Materials*. Other materials such as wood, prefab metal panels, metal siding, etc. may be used for the remainder of the building façade that is not subject to the material standards, according to Table 4.3.2.B, *Building Material Standards*.
2. *Building Material Standards*. As set out in Table 4.3.2.B., *Building Material Standards*, each zoning district includes a minimum percentage of the overall building that shall be finished with a masonry product and the amount of the overall building that shall meet the criteria of a Class 1 material. Additionally, the table specifies the limitation of the amount of Class 2 and Class 3 materials that can be used on the building for each zoning district. Each façade subject to the building material requirements shall independently meet the minimum requirements unless otherwise approved by the Director.

Table 4.3.2.B Building Material Standards					
Zoning District		Minimum Percentage Required		Maximum Percentage Allowed	
		Overall Approved Building Material Requirement	Class 1 Materials	Class 2 Materials	Class 3 Materials
NC	All floors	75%	30%	50 70%	10%
GC	1 st – 3 rd floors	95%	50%	30 40%	20%
	4 th floor and up		20%	80%	20%
DN	All floors	95%	75%	25%	10%
DT	1 st – 3 rd floors	95%	75%	25%	10%
	4 th floor and up		30%	60 70%	10%
BP ¹	1 st – 3 rd floors	75%	30%	50 70%	50%
	4 th floor and up		10%	80 90%	50%
IN ¹	1 st – 3 rd floors	50%	10%	75 90%	75%
	4 th floor and up		10%	90%	75%
Nonresidential Development in all other districts		75%	30%	50 70%	10%
Apartment in all districts	1 st floor	75%	30%	50 70%	10%
	Other floors		-	100%	60%

Table Notes:
¹ In the IN and BP districts, rear walls building façades not facing a public street, residential district or use, or public park are exempt from the building material requirement. Side building façades in the IN and BP districts are required to address the articulation requirements on the first 50-feet or first 50% of the façade, whichever is less, provided an opaque wall or fence is installed that screens the remaining façade from street view and provided the property is not adjacent an arterial level street.

Section 4.3.3 Special Design Standards for Neighborhood Commercial (NC) District

B. **Building Scale in the Neighborhood Commercial (NC) District.** Buildings in the Neighborhood Commercial (NC) district shall be limited to the maximum gross floor area set out in Table 4.3.3, *Maximum Building Scale in Neighborhood Commercial (NC) District*, depending on the street classification they front.

Table 4.3.3 Maximum Building Scale in Neighborhood Commercial (NC) District	
Street Classification	Maximum First Floor Building Size
Arterial Street	16,000 sf
Collector Street	9,000 sf ¹
Local Street	5,000 sf ¹

Table Notes:
¹ When properties on both sides of the subject property are developed, the maximum size may be increased to the average of the adjacent building sizes.

C. **Parking in the Neighborhood Commercial (NC) District.** Required parking spaces shall be placed in the side or rear yard and not between the principal building and the street, except that up to two rows of parking may be placed between the building and the street when located on a collector or an arterial level street or when properties on both sides are developed commercially with parking between the building and street. The Director may approve parking between the principal building and the street when the property is adjacent to Lake Marble Falls.

Section 4.3.4 Alternative Building Design

A. **Purpose.** To provide flexibility in the attainment of harmonious building design, an applicant may request an Alternative Building Design using the Administrative Exception process detailed in Section 11.5.4, Administrative Exception. An Alternative Building Design may address requirements within Subsection

4.3.2.C, Building Articulation, Subsection 4.3.2.D, Architectural Elements, and Subsection 4.3.2.E, Building Materials.

B. Review Criteria. The Director shall consider the following criteria and standards in determining whether to grant an Administrative Exception for an Alternative Building Design:

- a. Whether the design meets the intent of the design standards set forth in these regulations;
- b. Whether the design will produce an aesthetically pleasing building(s) that is comparable to buildings meeting the minimum design standards of these regulations;
- c. The use of alternative materials such as wood, metal, and glass if they are incorporated into an overall architectural design in an appropriate manner;
- d. The locations of building walls in relation to streets;
- e. Whether building walls are significantly screened from view by other buildings on site, natural features, or fencing; and
- f. The successful use of a variety of building elements or design techniques, additional screening or landscaping or other site design features to achieve the same result.

DIVISION 4.5 LOT AND BUILDING INTERPRETATIONS AND EXCEPTIONS

Section 4.5.1 Lot and Setback Interpretations and Exceptions

C. Setback Encroachments. No permanent or temporary building, structure, or other constructed element may encroach into a required setback of this Section, except as set out in Table 4.5.1, *Permitted Setback Encroachments*.

Table 4.5.1 Permitted Setback Encroachments		
Permitted Encroachment	Permitted Location	Restrictions
All permitted encroachments in any setback shall not be located within a public utility easement without approval of a license to encroach by the City.		
Architectural feature projections	Any setback	Architectural features, <u>including roof eaves or overhang</u> , are allowed in all setbacks provided the encroachment is limited to 48 <u>24</u> ".
Driveways, residential	Front setback	Driveways are allowed in the front setback provided that they do not run parallel to a public street unless a circular driveway.
	Side setback	Driveways are allowed only when providing direct access to a side-loaded garage, detached rear garage, or other designated parking area provided that they are located a minimum of three feet from the property line.
	Rear setback	Driveways are allowed only when providing direct access to a designated parking area from a rear alley or public street.
Fences/Walls	Any setback	Fences and walls are allowed per the standards set out in Section 4.6.4, <i>Fences and Walls</i> .
Landscape features	Any setback	Landscape features shall not impede the sight visibility triangle.
Mechanical equipment	Side and rear setback	Mechanical equipment is allowed in the side and rear setbacks if set back a minimum of three feet from any property line.
Public utility features (e.g., transformers, gas meters, etc.)	Any setback	No restrictions.
Patios/decks/terraces/outdoor kitchens (uncovered)	Side and rear setback	These features are allowed provided that they are located behind the principal building and set back a minimum of three feet from the side and rear property lines.
Pergolas/arbors (unenclosed)	Side and rear setback	These features are allowed provided that they are located behind the principal building and set back a minimum of five feet from the side and rear property lines.
		These features shall not exceed 10 feet in height.
Playground/swing set	Side and rear setback	No restrictions.

Table 4.5.1 Permitted Setback Encroachments		
Permitted Encroachment	Permitted Location	Restrictions
Pools	Side and rear setback	Pools are allowed provided that they are located behind the principal building and set back a minimum of five feet from the side and rear property lines.
Porches, covered (unenclosed)	Any setback	An unenclosed, covered porch may extend up to six feet into any required setback but not closer than 10 feet to a side or rear property line and 15 feet to a front property line, unless otherwise permitted by the zoning district.
Sidewalks	Any setback	No restrictions.
Steps/stairs (uncovered)	Any setback	A maximum of six steps may encroach in any setback.
Storage shed	Side and rear setback	Storage sheds are allowed provided that they are located behind a principal building and set back a minimum of five feet from the side and rear property lines if not exceeding eight feet in height or set back at least 10 feet from the side and rear property lines if not exceeding 15 feet in height.
Stormwater ponds	Any setback	Stormwater ponds are allowed in any setback provided that they are designed with a vegetated slope not to exceed 3:1 and do not include any structural walls. Stormwater ponds within a street setback or adjacent to a residential lot shall be set back a minimum of 10 feet.

DIVISION 4.6 SUPPLEMENTAL DEVELOPMENT STANDARDS

Section 4.6.4 Fences and Walls

D.C. General Standards for all Fences and Walls. All fences and walls within the City limits shall comply with the following, unless otherwise exempted herein.

1. *Permit Required.* The construction of a fence or wall shall require a permit.
2. *Street Visibility.* Fences and walls shall not be located within the sight visibility triangle.
3. *Easements.* Fences and walls authorized by the City to be located within drainage easements shall be designed in a manner to avoid limiting or obstructing the flow of water.
4. *Location, Height, and Setback Requirements.* All fences and walls shall comply with the height and setback requirements set out in Table 4.6.4, *Location, Fence, and Wall Height and Setback Requirements*.
5. *Materials.*
 - a. *Generally.* Materials shall be durable and in character for the use of development it is serving (i.e., residential fencing shall be of a material commonly made and sold for residential fencing or wall construction uses).
 - b. *Materials Allowed.* Permitted materials include weather resistant wood species, split rail, PVC/vinyl, wood treated with U.S. Environmental Protection Agency approved preservatives, painted wood, ornamental iron or powder-coated aluminum, brick, stone, or masonry.
 - c. *Materials Allowed with Limitations.*
 - i. Barbed-wire fences and electric fences are prohibited in residential districts, except for public utility buildings or wherever the Director finds that such are necessary to address a security interest.
 - ii. Chain link fences are prohibited in the front yards in all districts but are permitted in interior side and rear yards that do not abut or directly face a public street. A parcel proposed for

development in the IN and BP Districts shall have no limitations on the use of chain link material for fences.

- d. *Prohibited Materials.* Prohibited fence and wall materials include scrap lumber, plywood, tree branches, tree trunks, sheet metal, plastic, fiberglass sheets, and spikes, nails, or other injurious sharp points on the tops or sides of the fence.

Article 6, Subdivision Design and Land Development

DIVISION 6.2 SUBDIVISION DESIGN STANDARDS

Section 6.2.5 Sidewalks

- A. **On Residential and Collector Streets.** Pedestrian concrete walkways (sidewalks) not less than ~~four~~five (4~~5~~) feet wide shall be required within a residential subdivision on both sides of residential and collector streets, and sidewalks not less than ~~five~~six (5~~6~~) feet wide shall be provided within all nonresidential developments and along all perimeter arterials, for both residential and nonresidential developments, as set forth in the City of Marble Falls TCSS. Root barriers will be required underneath, and along with the construction of, all public sidewalks per the City's TCSS, particularly in locations where trees are (or will be) in close proximity to the sidewalk. Barrier-free ramps shall be constructed at all street intersections and at any other locations deemed appropriate by the City due to anticipated pedestrian travel patterns. Sidewalks shall be constructed within the street right-of-way, one (1) foot away from the right-of-way line, and at least five (5) feet away from the street curb. In certain instances, the City Council may, at its sole discretion, approve placement of the sidewalk adjacent or closer than five (5) feet to the curb provided that such placement benefits the general public by allowing more space for landscaping, such as for street trees, screening shrubs, and decorative walls and fences, and provided that the width is increased to a minimum of five (5) feet of sidewalk pavement or to such a width as may be needed in the interest of public safety.
- B. **On Perimeter Roadways or Arterials to Development.** All sidewalks along a perimeter roadway or arterial are considered part of the overall development's required public improvements and shall be installed prior to acceptance of the subdivision by the City and prior to Final Plat approval, unless surety is provided, per Division 6.4, *Requirements for Acceptance of Subdivisions*, of these regulations. In any event, a Certificate of Occupancy will not be issued for any lot within the subdivision until the required sidewalks are in place or appropriate surety is provided. The cost and provision of any perimeter sidewalks, such as along major thoroughfares, may be escrowed as a part of a developer's agreement, if approved by the City Council. The City has the right, but not the obligation, to refuse escrow and to require paving of the sidewalks if, in its sole opinion, immediate provision of the sidewalks is necessary for safe pedestrian circulation or if it would otherwise protect the public health, safety, convenience or welfare.
- C. **Fee in Lieu of Construction.** When the subdivision requirements are waived in accordance with Section 11.4.8, Subdivision Waiver and Suspension, the Planning and Zoning Commission may recommend and the City Council may require the payment of a fee-in-lieu of construction of the sidewalk(s) to the City of Marble Falls Sidewalk Fund. Payments to will be calculated based on the linear feet of sidewalk waived as set out in Appendix C, Master Fee Schedule, of the City Code of Ordinances and be used for the sole purpose of equipping public streets within the City with sidewalks The fee in lieu of sidewalks shall be paid in full to the City prior to the recording of the Final Plat.

Article 7, Access, Driveways and Circulation

DIVISION 7.1 ACCESS MANAGEMENT AND DRIVEWAYS

Section 7.1.2 Street Access and Driveway Standards

A. Driveway Width.

1. *Single-family Detached and Duplex Residential Uses.*
 - a. For front-loaded lots 65 feet or smaller in width, driveway width at the right-of-way line shall not exceed 40 percent of the lot width, measured in linear feet at front building line.
 - b. For front-loaded lots over 65 feet wide, driveway width at the right-of-way line shall not exceed 26 feet.
 - c. For lots over 90 feet wide, circular driveways are permitted; provided however, the combined width of the two access points shall not exceed 30 feet.
 - d. Rear-loaded lots have no maximum driveway width.
 - e. Driveways shall be constructed of surface materials as set out in Section 8.2.4, *Parking Dimensions and Parking Lot Design*. However, when a residential driveway exceeds 200 feet in length, only the first 200 feet shall be required to meet the surface material requirements, provided the remaining driveway access to the residence can withstand the minimum fire truck access requirements.
2. *All Other Uses.*
 - a. Driveways shall be a minimum of 25 feet in width at the right-of-way line. Driveways in the DN or DT districts may be reduced to 20 feet if the Director determines the narrower width will benefit downtown pedestrian access and/or character and adequate access can be maintained.
 - b. Driveways exceeding ~~35~~ 30 feet in width at the right-of-way line shall require a center median clearly designating a separation of ingress and egress lanes. Such median shall be constructed with a mountable curb and located within the apron.
 - c. Driveways shall not exceed 45 feet in width at the right-of-way line.
 - d. Driveways shall be constructed of surface materials as set out in Section 8.2.4, *Parking Dimensions and Parking Lot Design*.

Article 8, Parking, Loading, Stacking, and Lighting

DIVISION 8.2 OFF-STREET PARKING

Section 8.2.3 Alternative Parking Arrangements

- A. **Generally.** The Director may consider alternative parking arrangements which account for unique circumstances pertaining to the proposed land use or parcel proposed for development. These flexible alternative parking arrangements include:
1. *Shared parking.* Shared parking should be encouraged where complimentary uses have varying peak parking demands and adequate facilities are available. A parking agreement shall be enforced through a written agreement among owners of record to be for periods of five years before renewal. The agreement shall address the size and type of developments, tenants, rate of parking turnover, anticipated peak parking loads, and pedestrian safety. The agreement shall also address maintenance responsibilities.

2. *Off-site parking.* Nonresidential, multifamily, or mixed-use parking spaces may be proposed on a separate lot from the principal use if located within 600 feet from the site and demonstrates adequate pedestrian access ways and lighting. Off-site parking shall require a parking agreement which delineates the dedicated spaces in an off-site public or private parking lot or garage. Off-site parking is not permitted if located across an arterial roadway.
3. *Reduction in parking spaces.* To consider reduced parking, a parking study shall be completed that justifies the reduction. The parking study shall be prepared by a qualified transportation planner or traffic engineer at the applicant’s sole expense and shall include ITE-based recommendations on traffic demand.
4. *On-street parking.* In unique circumstances, the Director may consider the allowance and construction of on-street parking spaces if it is determined that there is little or no negative impact on surrounding properties or the function of the public street.
5. *Alley access.* Where alley access is available, parking spaces may be arranged to be directly accessed from the alley without maneuvering space on-site.

B. **Approval.** Approval of alternative parking arrangements shall be concurrent with review and approval of the Site Development Plan.

Article 9, Trees, Landscaping, and Buffering

DIVISION 9.1 TREE PRESERVATION

Section 9.1.2 Tree Protection and Mitigation

D. **Tree Protection and Mitigation Standards.** Protected and heritage trees meeting the minimum size requirements set out in Table 9.1.2, *Tree Protection and Mitigation Standards*, shall be protected.

Protected Tree Type	Minimum Diameter Breast Height (DBH) ¹	Min. % Preserved of Combined Total Diameter Inches ²	Mitigation Replacement Ratio
Protected Tree	12" or greater	20%	1:1 caliper inch replacement ratio for 50% of the total diameter inches removed <u>(replaced in caliper inches)</u>
Heritage Tree	24" or greater	20%	2:1 caliper inch replacement ratio for 100% of the total diameter inches removed <u>(replaced in caliper inches)</u>

Table Notes:
¹ A tree connected at ground level with multiple trunks at DBH shall be measured by aggregating the total of the three largest trunks that each measure ≥8 inches at DBH.
² This applies to trees located within the limits of construction of the site or subdivision boundary.

DIVISION 9.2 LANDSCAPING

Section 9.2.1 Generally

A. **Purpose and Intent.** The purpose of this Division is to establish landscaping standards that protect and preserve the appearance and character of the City, improve the compatibility of abutting uses, protect the

health and quality of life of the residents through the benefits of trees and landscaping, and conserve scarce water resources by promoting the planting of native and drought-resistant trees and shrubs.

B. **Applicability of Standards.** This Division applies to all new development, redevelopment, and substantial improvements in the City limits, and where specifically indicated, to existing trees and landscaping. The application of this Division may be limited by Article 12, *Nonconformities*.

C. **Alternative Landscape Standards.** Alternative landscape standards may be proposed and submitted to the Director for approval of an Administrative Exception per Section 11.5.4, Administrative Exception, provided the aesthetic, buffering and environmental intent of the requirements of this Chapter are met. The Director may approve alternatives including but not limited to site design, spacing, locations, numbers and species. The use of above ground architectural planters may contribute toward up to 10% of the fulfillment of landscape requirements, as approved by the Director.

Section 9.2.3 General Landscaping Requirements

A. **Generally.** The selection of plant species and materials shall comply with the following:

1. *Approved Landscape Plants.* Only approved plant materials, as set out in the City-published Approved Plant List, shall count towards the landscape requirements of this Section. The City shall make this list available to the public and may make periodic updates to the list as necessary.
2. *Quality of New Plantings.* All landscape material shall be in compliance with the standards of the American Nursery and Landscape Association.
3. *Minimum Size and Spacing of Plants at Installation.* Plant material shall be of the sizes set out in Table 9.2.3, *Minimum Size and Spacing of Plants at Installation*.

Type of Plant Material	Minimum Size at Installation <i>(measured 6" above the ground)</i>	Minimum Permeable Planting Area (unless otherwise specified in this Division) ¹	Min. Spacing between Plantings
Shade Tree	3 in. caliper	64 sf	30'
Ornamental Tree	1.5 in. caliper	32 sf	15'
Large Shrub	5-gallon container	N/A	N/A
Table Notes:			
¹ The minimum permeable planting area is intended to allow for mature tree growth, to prevent damage from vehicles, and to avoid unnecessary maintenance to structures, walks, drives, and parking areas.			

4. *Landscape Berms.* The slope of either side of a landscape berm shall not exceed 50% or 1:2.

Section 9.2.5 Nonresidential, Mixed-Use, and Apartment Landscaping

B. **Shade Trees.** Two shade trees, or one shade tree and three ornamental trees, shall be installed for every 50 linear feet of street frontage, or fraction thereof. The shade tree(s) shall be located within the front or street side setback. In the DN and DT districts subject to build-to requirements, the shade tree(s) shall be spaced every 30 linear feet and placed in tree wells located within the street furniture/landscape zone of the public right-of-way adjacent to the street edge and meeting the standards for tree wells per the City's TCSS, provided a 6-foot minimum unimpeded pedestrian way is maintained.

Article 11, Administration

DIVISION 11.2, GENERAL ADMINISTRATION

Section 11.2.2 Public Hearings

- A. **Generally.** This Section establishes general procedures for applications for permits or approvals that require a public hearing by the City Council or a City board or commission established in Division 11.1, *Review and Decision-Making Authority*. Procedures for each type of application requiring a public hearing are set out in the following sections of this Article.
- B. **Public Hearings.**
1. *Required Public Hearings.* Applications that require a public hearing in accordance with state law or these regulations are identified in Table 11.2.2, *Required Public Hearings*, below.

Table 11.2.2 Required Public Hearings			
Application Procedure	Meeting Body		
	City Council	Planning and Zoning Commission	Zoning Board of Adjustment
Annexation (Voluntary)	X		
Appeal	X		
Conditional Use Permit	X	X	
Floodplain Development Variance	X		
Planned Development District	X	X	
Special Exception	X		X
Subdivision - Replat	X ¹	X ¹	
Text Amendment	X	X	
Zoning Variance			X
Zoning Map Amendment (Rezoning)	X	X	

Table Notes:
¹ If required by state law.

DIVISION 11.3 PERMITS AND APPROVALS

Section 11.3.7 Special Exception

- A. **Generally.** The ~~Zoning Board of Adjustment~~ **City Council** shall have the authority to hear and grant requests for a Special Exception from certain provisions of nonconformities in accordance with the procedures established in this Section and in Article 12, *Nonconformities*.
- B. **Applicability.** Special Exceptions shall not be contrary to the public interest and the spirit of these regulations. No Special Exception shall be granted unless the ~~Zoning Board of Adjustment~~ **City Council** finds the specific criteria identified in these regulations are met. The only Special Exception that may be granted by the ~~Zoning Board of Adjustment~~ **City Council** are the following:
1. Extension of the time period for determining abandonment of a nonconforming situation (Subsection 12.1.5.C).
 2. Expansion or enlargement of a legally nonconforming use (Section 12.2.3).

3. The right to continue to operate a legally nonconforming use if the value of damage or destruction is 50 percent or more of the market value of the structure on the date of the damage (Section 12.2.4).
 4. The right to operate, occupy or maintain a legally nonconforming structure if the value of damage or destruction is 50 percent or more of the market value of the structure on the date of the damage (Section 12.3.3).
 5. Expansion of enlargement of nonconforming building or structures (Section 12.3.5).
 6. Expansion of nonconforming sites (Section 12.5.4).
 7. Continuation of nonconforming setbacks of site improvements (Section 12.5.5).
- C. **Initiation of Application.** An application for a Special Exception may be filed by the property owner(s), or a person having a contractual interest in the subject property, or their authorized representative.
- D. **Application Requirements.** The Director shall ensure that a completed application has been submitted by the applicant pursuant to Section 11.2.1, *General Application Procedures*, and includes the information and materials necessary for ~~Zoning Board of Adjustment~~ the City Council to render an informed decision.
- E. **Procedures.**
1. *Staff Review.* For each Special Exception request, the Director shall review the application considering the approval criteria established in Subsection 11.3.7.F, *Review Criteria*, below, and may refer the application to other departments as deemed necessary. The Director shall prepare a findings report, which shall be presented to the ~~Zoning Board of Adjustment~~ City Council at the same public meeting as the public hearing and may also provide a recommendation.
 2. ~~Zoning Board of Adjustment~~ City Council *Review.*
 - a. The City Council ~~Zoning Board of Adjustment~~ shall hold a public hearing, pursuant to the requirements set out in Section 11.2.2, *Public Hearings*, and Section 11.2.3, *Public Notice*, on an application for a Special Exception prior to making its decision.
 - b. After reviewing the Special Exception application and following a public hearing, the City Council ~~Zoning Board of Adjustment~~ shall take final action by an affirmative vote of a three-fourths majority of the appointed body to:
 - i. Approve the Special Exception;
 - ii. Approve the Special Exception with conditions; or
 - iii. Deny the Special Exception.
 - c. The City Council ~~Zoning Board of Adjustment~~ may table its recommendation to continue a public hearing; to obtain additional information; or for further consideration. Such postponement of the final decision of a Special Exception by ~~Zoning Board of Adjustment~~ the City Council may not exceed 40 days following the closing of a public hearing on a Special Exception.
 - d. Failure of the City Council ~~Zoning Board of Adjustment~~ to make a decision shall deem the Special Exception denied.
- F. **Review Criteria.** The City Council ~~Zoning Board of Approval~~ shall review the application pursuant to the criteria for the applicable Special Exception established in Article 12, *Nonconformities*.
- G. **Conditions of Approval.** The City Council ~~Zoning Board of Adjustment~~ may establish conditions of approval as deemed necessary to ensure compatibility with abutting uses and to preserve the public health, safety and welfare, and to promote compliance with these regulations.
- H. **Effect of Approval.**
1. A decision of the City Council ~~Zoning Board of Adjustment~~ on a Special Exception shall become effective immediately.

2. An affirmative decision on a Special Exception shall run with the land and shall continue to be valid upon a change of ownership of the site or structure to which it applies.
3. In the case where a Special Exception is submitted in conjunction with another application, approval of the other application may be a condition of approval of the Special Exception.

I. **Expiration of Special Exception.**

1. *Expiration.* An approved Special Exception shall expire if construction has not commenced or a Site Development Plan, building permit, or Certificate of Occupancy, as required, is not issued and construction begun within one year of the approval of the Special Exception or submittal date of the most recently dated application for permit or approval.
2. *Extension.* A Special Exception subject to expire may be extended by the ~~City Council~~Zoning Board of Adjustment for a period not to exceed 90 days, provided that the extension is requested prior to the expiration date.

J. **Revocation of Special Exception Approval.** Upon violation of any applicable provision of the Special Exception approval, or if granted subject to conditions, upon failure to comply with conditions, the ~~City Council~~Zoning Board of Adjustment may suspend or revoke a Special Exception upon notification to the applicant of the use of property subject to the Special Exception.

DIVISION 11.5 ADMINISTRATIVE PERMITS AND APPROVALS

Section 11.5.4 Administrative Exception

- A. **Generally.** In order to provide a method, to correct human error, allow for minor numerical adjustments, or consider alternative design schemes for particular development standards of these regulations, specified deviations from the applicable development standards may be permitted through an Administrative Exception.
- B. **Permitted Administrative Exceptions.** The Director shall have the authority to determine an Administrative Exception for the following situations:
1. That the language of a particular standard in these regulations is incorrect, unclear, or in error and to authorize an adjustment or interpretation to correct such error.
 2. Adjustments of up to 10 percent of any numerical standard set forth in these regulations, except for the following:
 - a. A request for an increase in the number of units permitted on a lot or parcel;
 - b. Any numerical standard established by other processes, including Conditional Use Permit, Variance, Planned Development District, a previous Administrative Exception adjustment, other similar process, or by action of City Council, Planning and Zoning Commission, or Zoning Board of Adjustment.
 - c. Any numerical adjustment greater than 10 percent shall require a request for a Zoning Variance, per the requirements set out in Section 11.3.6, *Zoning Variance*.
 3. Alternative design or compliance plan(s) for the following situations:
 - a. Alternative Building Design (per Section 4.3.4); and
 - b. Alternative Landscaping (per Subsection 9.2.1.C.

Article 12, Nonconformities

DIVISION 12.5 NONCONFORMING SITES

Section 12.5.4 Expansion of Nonconforming Sites

- A. **Generally.** A legally nonconforming site or a use, building or structure on a legally nonconforming site may be expanded or enlarged pursuant to the provisions of this Section.
- B. **Considerations for Determination.**
1. The following shall be considered an expansion or enlargement of a legally nonconforming site:
 - a. Occupying a greater portion of the tract;
 - b. Construction of additional buildings; or
 - c. Construction of any additional improvements on a portion of the tract that was not previously developed.
 2. For the purposes of identifying the expansion or enlargement of a nonconforming site, the square footage of all previous expansions under this subsection shall be cumulative and the square footage of the original site shall be the initial size for purposes of the calculation.
- C. **Standards of Expansion of Nonconforming Sites.** Table 12.5.4, *Standards of Expansion of Nonconforming Sites*, establishes the standards and conditions for expansions or enlargements of nonconforming sites.

Table 12.5.4 Standards of Expansion of Nonconforming Sites		
Extent of Expansion or Enlargement	ZBA City Council Approval Required	Exceptions and Conditions of Approval
Up to 25 percent of the initial size	None	All areas of expansion or enlargement shall be in compliance with all applicable provisions of these regulations. Modification to existing nonconforming site elements that are incidental in the expansion or enlargement shall conform to the current site development standards.
In excess of 25 percent of the initial size, but not more than 50 percent of the initial size	Special Exception	<ol style="list-style-type: none"> 1. All areas of expansion or enlargement shall be in compliance with all applicable provisions of these regulations. Modification to existing nonconforming site elements that are incidental in the expansion or enlargement shall conform to the current site development standards. 2. The City Council may condition the approval of a Special Exception for expansion or enlargement on bringing existing legally nonconforming site elements under conformance with existing regulations.
In excess of 50 percent of the initial size	Special Exception	The expanded or enlarged site area as well as the existing nonconforming site area shall be brought into compliance with all provisions of these regulations. Where it is determined that all provisions of these regulations cannot be reasonably met, or conformance with all requirements of these regulations will cause the expansion or creation of another nonconformity, the applicant may request approval of a Special Exception by the City Council.

Article 14, Definitions and Interpretations

DIVISION 14.3 DEFINITIONS

H

Halfway House means, pursuant to Texas Human Resources Code Section 42.002, a licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently. Such placement is pursuant to the authority of the State Department of Corrections.

P

Provisional Housing means a facility providing housing and/or overnight accommodations for groups of people whom will stay for a temporary, intermittent, or transitional period of time. This term includes facilities such as post incarceration facilities, halfway houses, and homeless shelters.

S

Single-Family Detached means a dwelling unit located on an individual lot or tract. Single-family detached buildings are separated from other principal dwelling units and are separate and distinct from single-family attached, duplexes or townhouses.

Single-Family Zero Lot Line means a single-family detached dwelling unit, located on an individual lot, that is set on or relatively close to one interior side lot line to create additional side yard area on the opposite side of the unit.

Special Exception means an exception to certain provisions of these regulations, granted by the ~~Zoning Board of Adjustment (ZBA)~~ City Council, for specifically defined situations and standards, pursuant to Section 11.3.7, *Special Exception*. Such exception does not constitute a Variance or Waiver, as those terms are defined in these regulations.

Substantial Improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.



**City of Marble Falls
Planning and Zoning Commission Agenda Cover Memo
May 2, 2019**

To: Chairman and Planning & Zoning Commission
Item 5. A. Presentation and discussion regarding previous Planning and Zoning Commission items and City Council disposition.
Requested by: Planning and Zoning Commission

SYNOPSIS

This item is to update the Commission regarding previous Planning and Zoning Commission items and City Council disposition.



**City of Marble Falls
Planning and Zoning Commission Agenda Cover Memo
May 2, 2019**

To: Chairman and Planning & Zoning Commission
Item 5. B. Presentation and discussion regarding Development Services Department Updates
Requested by: City Staff

SYNOPSIS

1. Update the Commission about the building permits issued in the past month and other ongoing projects.
 - a. For a quick reference to some of the major permitted development projects in Marble Falls, you can refer to the 'Development Buzz' portion of our website:

<http://marblefallstx.gov/541/Development-BUZZ>

Item 6. ADJOURNMENT