



## REGULAR MEETING OF THE SAN MARCOS PLANNING AND ZONING COMMISSION

Tuesday, December 11, 2012, 6:00 p.m.  
City Council Chambers  
630 E. Hopkins Street

*Bill Taylor, Chair*  
*Curtis Seebeck, Vice-Chair*  
*Randy Bryan, Commissioner*  
*Chris Wood, Commissioner*  
*Travis Kelsey, Commissioner*  
*Kenneth Ehlers, Commissioner*  
*Carter Morris, Commissioner*  
*Bucky Couch, Commissioner*  
*Corey Carothers, Commissioner*

### AGENDA

1. **Call to Order.**
2. **Roll Call.**
3. **Chairperson's Opening Remarks.**
4. ***NOTE:*** *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session.*

5. **30 Minute Citizen Comment Period.**

### **CONSENT AGENDA:**

6. **Consider the approval of the minutes from the Regular Meeting on November 27, 2012.**
7. **PC-12-28(04) (Parkway Falls Apartments) and Associated Subdivision Improvement Agreement.** Consider a request by F.M. Forrest, Inc., on behalf of San Marcos SHK, Ltd., for approval of a Final Plat for approximately 10.05 acres, more or less, out of the J.M. Veramendi Survey No.1, located at the intersection of Leah Drive and Medical Parkway, as well as the Subdivision Improvement Agreement related to the Del Sol Drive extension.

### **PUBLIC HEARING:**

8. **CUP-12-41 (Black Rabbit Saloon)** Hold a public hearing and consider a request by FSW Ventures, on behalf of Black Rabbit Saloon, for renewal of an existing Unrestricted Conditional Use Permit to allow the continued sale of mixed beverages for on-premise consumption at 127 E. Hopkins.

9. **CUP-12-42 (Zelicks)** Hold a public hearing and consider a request by Seth Katz, on behalf of Zelicks Inc., for renewal of an existing Conditional Use Permit to allow the continued sale of mixed beverages for on-premise consumption at 336 W. Hopkins.
10. **LDC-12-14 (SmartCode Revisions)** Hold a public hearing and consider revisions to Subpart B, the San Marcos SmartCode Articles 1, 3, 5 and 8 to make minor corrections and clarifications, add an option for fee-in-lieu of tree mitigation and add definitions for Downtown San Marcos and Downtown Tree Fund.

**NON CONSENT:**

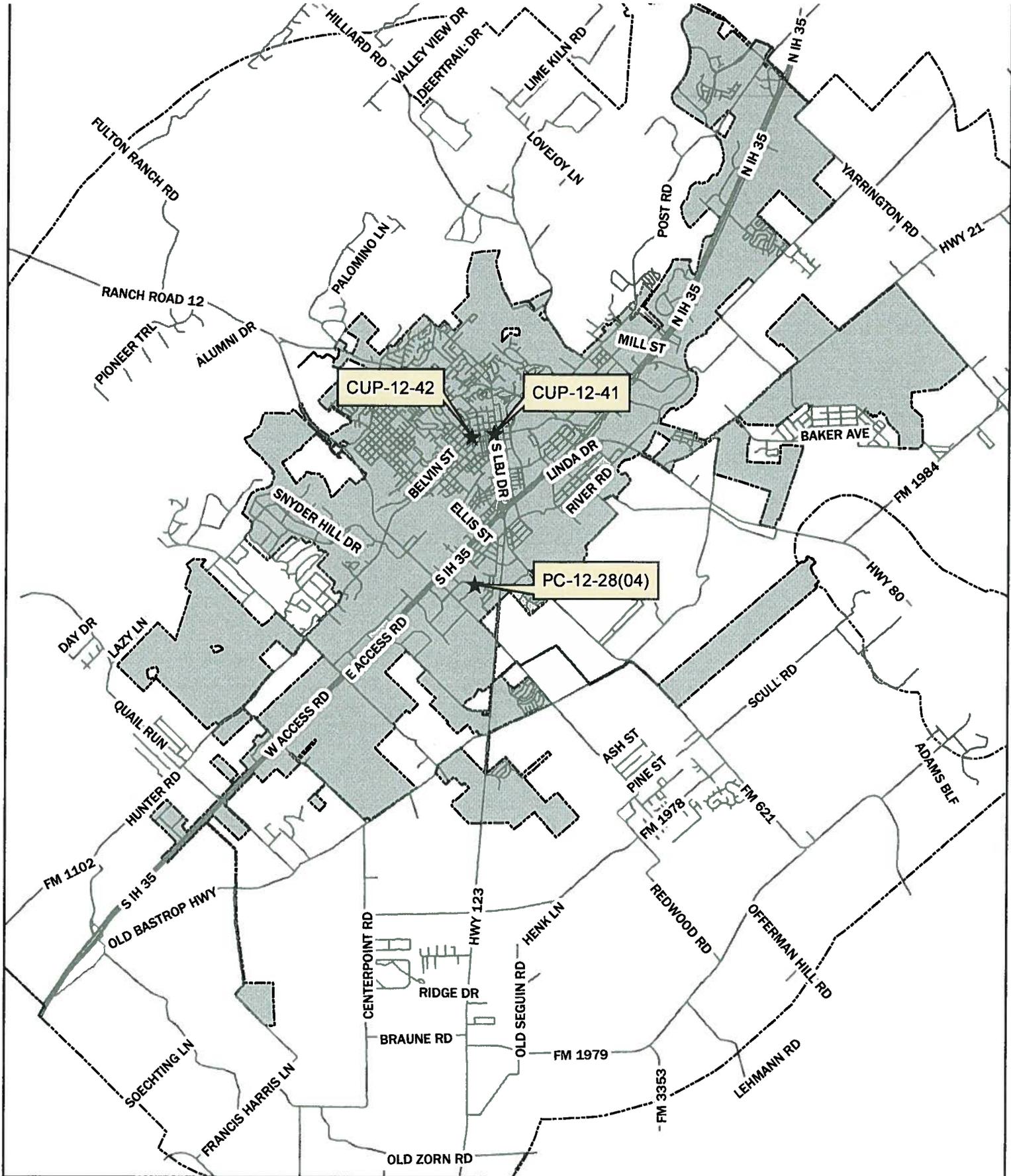
11. **Development Services Report**

- a) Update from staff on the Comprehensive Plan

12. **Question and Answer Session with Press and Public.** *This is an opportunity for the Press and Public to ask questions related to items on this agenda.*

13. Adjourn.

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**Planning and Zoning  
Commission Meeting  
December 11, 2012  
Location Map**

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**MINUTES OF THE REGULAR MEETING OF THE  
SAN MARCOS PLANNING AND ZONING COMMISSION  
COUNCIL CHAMBERS, CITY HALL  
November 27, 2012**

**1. Present**

**Commissioners:**

Bill Taylor, Chair  
Curtis Seebeck, Vice Chair  
Chris Wood  
Carter Morris  
Kenneth Ehlers  
Randy Bryan  
Travis Kelsey  
Bucky Couch  
Corey Carothers

**City Staff:**

Matthew Lewis, Development Services Director  
Sam Aguirre, Assistant City Attorney  
Francis Serna, Recording Secretary  
Alison Brake, Planner  
John Foreman, Planning Manager  
Tory Carpenter, Planning Technician

**2. Call to Order and a Quorum is Present.**

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Taylor at 6:00 p.m. on Tuesday November 27, 2012, in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

**3. Chairperson's Opening Remarks.**

Chair Taylor welcomed the audience and viewers. Chair Taylor advised that Item 17 & 18 will be postponed to the January 8, 2013 Planning & Zoning Commission meeting.

**4. NOTE:** *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session.*

**5. 30 Minute Citizen Comment Period**

Jaimy Breihan, 134 E. Hillcrest pointed out that he met the Commissioners a year ago regarding a proposed development in the Sessom Canyon Watershed Area, 430 & 440 Holland Street. Mr. Breihan stated that there are thirty seven percent of neighbors in protest for the rezoning 142 & 148 Holland Street. He said no matter what you call the development it is going to be student housing. Mr. Breihan explained that the development is at the top of the watershed. He said people have bought homes and have been there for years and do not want to see the area transition to apartments, townhomes, or high density housing. Mr. Breihan pointed out that the two cases brought before the Commission a year ago were denied. He added that they want to go back living in their home and have faith that their city government will protect their investment.

Melissa Derrick, 109 Kathryn Cove stated she was present to speak on Capes Camp. She said the land that was gifted is useless and is located in the floodplain. She pointed out that nothing can be built on it and it will have to be maintained. Ms. Derrick stated that the Parks Board said the property is not sufficient for the one thousand students that would be living in the apartments. The park will be an amenity to the apartment and not a public park. Ms. Derrick pointed out that there are a lot of dangers to the adjacent neighborhoods with college student residing in apartment complexes. She explained that the property is in a floodplain therefore the developer would have to raise the land. She felt that raising the land would create a dam and endanger the residents. She said the propositions that didn't pass should have a bearing on their decision. Ms. Derrick stated that the City has the right to raise taxes, sell land or get grants; however they see fit to pay for the land. She said she hope that they vote against Capes Camp project and Holland Street rezoning requests.

Diane Wassenich, 11 Tanglewood stated she is representing the San Marcos River Foundation and pointed out their concerns regarding the request by Windemere. She pointed out that the request is not compatible with the existing uses in the area. The existing Master Plan calls for very low density and the request does not comply with the ordinance. Ms. Wassenich pointed out that the property only has one entrance and can only have a total of seventy-four homes which was covered in Phase I. She stated that they cannot have two phases with one entrance. She explained that the land is on the bank of Sink Creek below two large flood control dams. Ms. Wassenich told the Commission that they cannot ignore the danger that homes would be in located below the dams on the Sink Creek River bank. She pointed out that FEMA regulations are for the whole U.S. Ms. Wassenich explained that the City has had special computer modeling done by consultants of the Blanco River and some other creeks and rivers. She stated that it is important for the Commissioners to understand the results of the computer models. She felt the Commissioners should have training on information that the city has had for years. Ms. Wassenich asked the Commission to deny the rezoning for Windemere.

David Wendel, 118 E. Holland, referred to Capes Camp and Holland Street projects and asked the Commission to please not sign on for more rezoning. He pointed out that Cape Camp is in the 100 year flood plain. He said everyone knows that many more floods have occurred and Capes Camp is in a 500 year flood plain. Mr. Wendel stated that Holland lots are way too close to single family neighborhoods and not designed for single family living. He mentioned that students are not the problem it is the developers that are squeezing development where they do not belong. Mr. Wendel said that they cannot have college style behavior in single family areas. He felt that if Sagewood would not have been created in the location it is, they would not have had the complaints and issues. He added that The Retreat is having the same issues.

Bob Thornton, a longtime resident of San Marcos thanked the Commission for their service. Mr. Thornton stated he currently resides in Georgetown. He said he was present to speak regarding the Capes Camp issue. Mr. Thornton said he thinks the project is a good project for the City. He explained that the City will get the parkland and the connectivity that was important for a long time getting from Spring Lake to Cape Road. In addition, the City will get money to do upgrades on the land. He pointed out that the proposal is a first class development. He added that there is there has been plenty of discussion regarding flooding. Mr. Thornton pointed he has owned the land for over 100 years and has seen floods and has lived them. He said he hopes the Commission looks at the Capes Camp project as a positive development for the City.

Elena Duran, 1133 Lago Vista, spoke in support of Capes Camp. She explained that 76.47% of people voted for the proposition to acquire the land and 64.71% people voted against raising taxes to acquire the land. Ms. Duran pointed out that the city has an opportunity to acquire 20 acres of land and it is a win-win for the city. Ms. Duran added that the University is building parking garages which are nice but there is a traffic problem downtown. She felt that moving students away from campus will be good and move traffic out of downtown. Ms. Duran encouraged the Commission to vote yes for Capes Camp.

Carol Ginsberg, 323 W. Holland, spoke against the Holland Street projects. Ms. Ginsberg provided photos to the Commission. She explained that she lives adjacent to 325 W. Holland and there is a problem with junk, drugs and vehicles. Ms. Ginsberg said she has lived in San Marcos for 7 years and has owned her property for 15 years. She added that she is fed up with hauling junk and complaining to the police. Ms. Ginsberg stated that it's the landlord's job and they should be held accountable for their tenants.

Jay Hiebert, 209 W. Sierra Circle, spoke regarding the turn lane installed for the Retreat. Mr. Hiebert provided a drawing of the intersection. He said he recalls in the PDD that a traffic light was going to be installed. He pointed out that it is impossible to turn left out of Hughson Drive onto Old Ranch Road 12 because of The Retreat. Mr. Hiebert asked why the PDD was changed to put in a left turn lane instead of a traffic light. He added that he hopes in the future the Planning Department will be careful where they place an entrance.

Cori Schwartz, 101 W. Mimosa Circle, spoke regarding Capes Camp. She said she is new to San Marcos and has lived here for 5 years. Ms. Schwartz gave several examples of areas where she has lived. She explained that properties that have flooded were turned into city parks and is undevelopable. Ms. Schwartz asked the Commission to think about the future if they continue to build high density development in the flood plain. She explained that it is devastating to go back home and see the aftermath of a flood. She asked the Commission to not set San Marcos up for that future scenario. Ms. Schwartz told the Commission that they have the opportunity to vote no for the rezoning project.

Ed Kuny 212 Sierra Ridge Drive said he was speaking regarding 142 & 148 Holland Street projects. He pointed out that he and his neighbors are in Sector 3. Mr. Kuny explained that many of them built or bought their homes when they were all single family residential. He mentioned that since his move 10 years ago, they have been invaded twice by zoning change requests and feels that they are being invaded again. Mr. Kuny asked that the Commission to leave single family neighborhoods as single family neighborhoods.

Joan Byrd said she lives on Thorpe Lane and spends a lot of time on Mimosa Circle where her parents reside. She said that the river sets this town apart from other cities. She asked why this town being used in some way to make money. Ms. Byrd pointed out that there are many places to put apartments. In addition, she is not against Texas State and college students. Ms. Byrd pointed out that she is against putting the river in jeopardy.

Diane Coffee 702 Maury, stated that she is a renter graduated from Texas State and had to go back to Houston because there were no jobs in San Marcos. Ms. Coffee explained that she came back to San Marcos with a company from Houston. She said that she is in the process of looking to purchase a home but cannot find a location that is not located near apartments or student housing. She added that she does not feel secure in investing her money in this town. Ms. Coffee said that there has to be a way to keep single family single family and to house students in an affordable fashion. She mentioned that it is very difficult to faith in the city's leaders, in our planners in this town when every time she turns around there has been nothing but conflict with single family neighborhoods being invaded by apartments. She added that the Commission has to learn to respect the values of people living in single family homes, protect the rivers and not allow it to be an amenity for college students.

Brian Dupre, 232 W. Sierra Circle, stated that he feels that the Planning & Zoning is not beneficial to homeowners. He explained that a light has not been installed on RR12 by the Retreat where there have been several accidents. He said it is pathetic that we have a Planning & Zoning Commission and the only things planned are apartment complexes. Mr. Dupre stated that as a taxpayer, he feels they are not being taken care of. He pointed out that larger developments are coming into neighborhoods. In addition, Mr. Dupree expressed concerns regarding the repaving of LBJ Street and they currently don't have sidewalks on N. LBJ. He asked the Commission to take care of pedestrian traffic and infrastructure instead of building apartment complexes. He added that there is a bus stop at the Retreat and the bus drivers are not using it.

#### **Consent Agenda:**

#### **6. Consider the approval of the minutes from the Regular Meeting on November 13, 2012.**

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Morris, the Commission voted all in favor to approve the consent agenda. The motion carried unanimously.

**Public Hearings:**

**7. CUP-12-40 (906 Chestnut Street)** Hold a public hearing and consider a request by Roger Jenkins, on behalf of Becky Jenkins, for a Conditional Use Permit to allow portable food facilities at 906 Chestnut Street.

Tory Carpenter, Staff Planning Technician, gave an overview of the project.

Chair Taylor opened the public hearing. Becky Jenkins, 906 Chestnut, presented the Commission with exhibits of the property. Ms. Jenkins gave an overview of the proposed project. She explained that the neighborhood is in transition and because they are presently zoned mixed use they would like to earn revenue while preserving the integrity of the property. She thanked the Commission for their consideration. There were no additional citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Ehlers, the Commission voted seven (7) for and two (2) against to approve CUP-12-40 with the conditions that the CUP be valid for one year, provided standards are met, subject to the point system; no amplified music be allowed on the property; hours of operation be between 7:00 a.m.- 9:00 p.m. Sunday thru Saturday; the site be screened from 905 N. LBJ Drive; portable toilets be screened from the right-of-way and adjacent properties; no direct hookups to water and/or wastewater be allowed and no permanent foundation be placed on the site. The motion carried. Commissioners Carothers and Bryan dissenting.

**8. PC-12-16(03) (Park at Willow Creek Replat)** Hold a public hearing and consider a request by Vigil & Associates, on behalf of WDG Park, LTD, for approval of a replat of Lot 34 and Lot 35, Park at Willow Creek Subdivision, establishing Park Court at Willow Creek Subdivision, located in the 300 block of Stagecoach Trail, and associated subdivision improvement agreement.

Alison Brake, Staff Planner, gave an overview of the project.

Chair Taylor opened the public hearing. Joel Richardson, Vigil & Associates, stated that the case was presented well by staff. He said the request is in line with the preliminary plat that was approved. Mr. Richardson said he was available for questions. There were no additional citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Morris and a second by Commissioner Bryan, the Commission voted all in favor to approve PC-12-16(03) with the condition that security be posted for the construction of the public improvements prior to the recordation of the plat. The motion carried unanimously. Commissioner Wood recused himself from the dias.

**9. LUA-12-08 (142 & 148 W. Holland Street)** Hold a public hearing and consider a request by Kris Richter, on behalf of the Elvin Lee Anderson Estate, for a Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) for approximately 2.17 acres out of the Thomas J. Chambers Survey, Abstract No. 2, Tracts 6 and 7, located at 142 and 148 W. Holland Street.

**10. ZC-12-13 (142 & 148 W. Holland Street)** Hold a public hearing and consider a request by Kris Richter, on behalf of the Elvin Lee Anderson Estate, for a Zoning Change from Single-Family Residential (SF-6) to Townhouse Residential (TH) for approximately 2.17 acres out of the Thomas J. Chambers Survey, Abstract No. 2, Tracts 6 and 7, located at 142 and 148 W. Holland Street.

Alison Brake, Staff Planner, gave an overview of the project.

Chair Taylor opened the public hearing.

Kenneth Dees, 1412 Alamo Street, CONA Representative for Holland Hills which includes Holland Street, stated that the developer may want to develop high end townhomes but the next person may not. He said there are currently several large properties on Holland Street that could be developed as townhomes. Mr. Dees added the single family area will see an increase in density, a population of most likely college students, increase in traffic and the possibility of decreased property values in the area. He mentioned that many residents have met with the developer and expressed their views. Mr. Dees stated the Mr. Richter

seems to be sincere in wanting to build quality units. However, Mr. Richter is not willing to reduce the density. He pointed out that the majority of properties in the area are single family homes. The neighborhood would like to keep their single family zoning in the area. He encouraged the Commission to not approve the zoning at this time.

Diane Wassenich, 11 Tangelwood spoke regarding the Compatibility Ordinance. She explained that the Holland Street lots are not compatible or appropriate to place townhomes. She said that the neighborhood has made it very clear that they want to preserve the character of their neighborhood. Ms. Wassenich pointed out that this is a goal that is being worked on through the Master Plan. She stated that they had three masonry homes built on N. LBJ by someone who promised that they were being built for elderly people. The three homes have become housing for students where parking is an issue and the students are constantly blocking the sidewalks. Ms. Wassenich stated that they want their neighborhoods to remain with decent property values. She told the Commission they would appreciate it if they would help them maintain their property values.

Kris Richter, the applicant said that Alison did a great job at presenting his request. Mr. Richter gave a brief overview of the surrounding properties. He explained that they will have an HOA with covenants and restrictions to maintain the noise. In addition the single family occupancy restrictions will apply. He pointed out that the development will be very similar to the Tarrod Phillips property located behind the lots. Mr. Richter stated that he has met with the land owners around the property they do not have any issues with the Phillips property. He added that he will build a much nicer development. He stated that he will maintain as many trees as possible. Mr. Richter feels that the traffic will not be an issue and that there is a shuttle that runs through the area. He mentioned that there will not be a swimming pool and that it will not be a party place.

Jim Garber, 104 Canyon Fork, said that on Ridgeway, Hillcrest and Holland there are several single family homes that have been invaded by students that are in violation of occupancy restrictions. He stated that at their neighborhood meeting they turn in approximately 10 violations and maybe 1 gets addressed. He pointed out that the occupancy restrictions are good but are not enforced. Mr. Garber said students are beating the system because they move their cars because they know the system. He said that the city does not have an ordinance that is enforced. He asked the Commission to help protect the integrity of the neighborhoods.

Rachel Vetz, 209 S. Comanche, said she was a student for a long time and actually lived on Chestnut and Walnut. She said the problem is consistent with the City Council & Planning & Zoning against the University. She explained that the students are going to park in the area no matter where they live because they like walking to school and parking is terrible. Ms. Vetz pointed out that students will reside in the townhomes because their parents give them money. She commented that the development is beautiful but it is not in the right area. She felt that students need to move away from the main area of the University because students are going to drive no matter what. Ms. Vetz stated the Holland Street was not a good location for the development.

Patrick Durran, 110 W. Hillcrest Drive, stated he is against the zoning change. He feels his neighborhood is under assault. Mr. Durran pointed out that there seems to be a lot of people that are interested in building in the area. He explained that he built his house 16 years ago and does not want to see his property values decline. He mentioned that he never hears a developer say they are going to build for students, but we all know what happens. Mr. Durran explained that the city has occupancy restrictions that are not being enforced. He asked the Commission to help him protect his property. He pointed out that his neighbors feel the same way and wish to remain a single family neighborhood. Mr. Durran asked the Commission to vote no against the zoning request.

Melissa Derrick, 109 Kathryn Cove stated she was present in opposition to the rezoning at Holland. She said her neighborhood is under attack as well with the Retreat in her neighborhood. She pointed out that no one feels comfortable buying a single family home or living in a single family home. Ms. Derrick explained that when a multi-family house is approved everyone thinks that they can continue to building more multi-family housing in a single family neighborhood. She commented that it is all about money and endangering the neighborhoods and not compatible with what the citizens want in their single family neighborhoods.

She told the Commission she hopes they vote no to the rezoning because they need to preserve the neighborhood.

Derrick Lee, 209 S. Comanche, said he wanted to correct a comment stating that there is no shuttle service than runs by the subdivision. He explained that the routes were revised from last year and currently there is no bus service.

Michael Gonzales, 1425 Highland, a student, said he understands that the development isn't necessarily for students but students don't have to look too far to find new developments in the area. He pointed out when looking for a good Comprehensive Plan it is good to look at the initial picture but also envision what they may look like a few years down the road.

Jay Hiebert, 209 W. Sierra Circle, presented a map of San Marcos. He said he was part of the San Marcos Voice group that filed a lawsuit regarding the Hillside Ranch II because they felt there was a continuance of encroachment of apartments into the single family neighborhoods. He explained that they went into a settlement with Hillside Ranch II. He said they agreed to the settlement because they had negotiated with the city that a triangle of property located from Craddock, N. LBJ, and Holland to RR 12, the property would be excluded from zoning changes. Mr. Hiebert said he understands it is not legally binding, but they had a moral agreement. He felt that the moral agreement stands higher than a legal agreement in this situation. He asked the Commission to protect the neighborhood.

David Wendel, 118 E. Holland spoke in opposition to the request. He pointed out that most people with tuition cost and expenses will have to work their way through school and will need to drive. Mr. Wendel said traffic is an issue. He explained he has driven down Alamo Street during peak hours and it is backed up. Mr. Wendel stated adding 60 beds and cars will increase traffic in the area and we have to put a stop to it.

Diane Coffee, 702 Maury Street, said the Commission needs to take into account that they would not want a multifamily development in their neighborhood. She said it is not right to subject people who have invested in this town within the city limits. Ms. Coffee said people want to make their home a livable place without traffic, noise and parking. She explained that people park in front of your house all day long. She added that the occupancy restrictions ordinance is not enforced and most people that own houses could care less about the condition of the houses.

Greg Folster lives across the street from the request. He said speaking from personal experience if the lease says 2 students that means 4 and if the lease says 4 that means 6. He explained that when he delivers to apartments, they organize by last name, sometimes there are eight names. Mr. Folster explained that when he gets home, he will have students that park in his driveway so I block them in. The students knock on his door and tell him they are blocked in and he has to get up and move his truck so they can get out of his driveway. Mr. Folster said if you build it they will park in our driveways.

There were no additional citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Ehlers and a second by Commissioner Carothers, the Commission voted six (6) in favor and two (2) opposed to deny LUA-12-08 and ZC-12-18. The motion carried. Commissioner Bryan recused himself from the dias. Commissioners Taylor and Wood dissenting.

There was a ten minute recess.

**11. PDD-12-02 (The Woodlands of San Marcos – Capes Camp)** Hold a public hearing and consider a request by ETR Development Consulting, L.L.C. on behalf of Dovetail Development, L.L.C., J.R. Thornton, et al, Clara L. Cape Testamentary Trust, Cape Family Ltd. Partnership, and RAM Consolidated Holdings, for a PDD overlay district, with a base zoning of Multifamily-12 (MF-12) for approximately 45 acres located on the east side of IH-35, south of River Road, west of Cape Road and north of the San Marcos River.

**12. ZC-12-05 (The Woodlands of San Marcos – Capes Camp)** Hold a public hearing and consider a request by ETR Development Consulting, L.L.C. on behalf of Dovetail Development, L.L.C., J.R. Thornton, et al, Clara L. Cape Testamentary Trust, Cape Family Ltd. Partnership, and RAM Consolidated Holdings, for a Zoning Change from Future Development (FD) to Multiple-Family Residential (MF-12) for approximately 22.51 acres out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located along River Road.

**13. ZC-12-06 (The Woodlands of San Marcos –Capes Camp)** Hold a public hearing and consider a request by ETR Development Consulting, L.L.C. on behalf of Dovetail Development, L.L.C., J.R. Thornton, et al, Clara L. Cape Testamentary Trust, Cape Family Ltd. Partnership, and RAM Consolidated Holdings, for a Zoning Change from Community Commercial (CC) to Multiple-Family Residential (MF-12) for approximately 0.651 acres out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located along the frontage road of IH-35.

**14. ZC-12-11 (The Woodlands of San Marcos – Capes Camp)** Hold a public hearing and consider a request by ETR Development Consulting, L.L.C. on behalf of Dovetail Development, L.L.C., J.R. Thornton, et al, Clara L. Cape Testamentary Trust, Cape Family Ltd. Partnership, and RAM Consolidated Holdings, for a Zoning Change from Future Development (FD) to Multiple-Family Residential (MF-12) for approximately 5.64 acres out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located at the intersection of River Road and Cape Road.

**15. LUA 12-04 (The Woodlands of San Marcos – Capes Camp)** Hold a public hearing and consider a request by ETR Development Consulting, L.L.C. on behalf of Dovetail Development, L.L.C., J.R. Thornton, et al, Clara L. Cape Testamentary Trust, Cape Family Ltd. Partnership, and RAM Consolidated Holdings, for a Land Use Amendment from Commercial (C) to Medium Density Residential (MDR) for approximately 4.2 acres out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located at River Road and the frontage road of IH-35.

**16. LUA-12-06 (The Woodland o San Marcos – Capes Camp)** Hold a public hearing and consider a request by ETR Development Consulting, L.L.C. on behalf of Dovetail Development, L.L.C., J.R. Thornton, et al, Clara L. Cape Testamentary Trust, Cape Family Ltd. Partnership, and RAM Consolidated Holdings, for a Land Use Amendment from Very Low Density Residential (VLDR) to Medium Density Residential (MDR) for approximately 5.64 acres out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located at the intersection of River Road and Cape Road.

Chair Taylor opened the public hearing.

Ruben Becerra, 328 N. LBJ Drive, spoke in support of the request. He said the truth is San Marcos has always been a college town. Mr. Becerra commented that the project is good for San Marcos because it is out of the way, off to the side and easy access to the highway. Mr. Becerra mentioned that he is on the Parks Board, but not representing the Board. He added that even though the Board was not in support of the project, he has seen nothing but support and cooperation from the developers. He explained that he had permission to walk the property and see the beauty of the land. In addition, the project is a great connectivity project, housing project and he feels that the project will benefit the City of San Marcos. He encouraged the Commission to do the right thing and support the request.

Fred Bost, 1029 Tate Trail, said he is part of the Stokes family that owns the corner lot on Cape Road and River Road. He said he thinks it's a great project which includes a 20 acre parkland dedication. Mr. Bost explained that prior to selling the property they had several conversations with Mr. Mulkey and realized it is a great project. He pointed out that the property has good access to IH 35 and River Road. Mr. Bost said we need to get the request passed to get the revenue for the school district and the city.

Diane Wassenich, 11 Tangelwood presented a floodplain map from the city's website to the Commission. She gave a brief location description of the map. Ms. Wassenich said if the property is developed, the area will flood. She explained that the Planning Department should show the Commission maps of flood plain when they are required to make critical decisions in floodplains. She pointed out that the area where the small river parks are is where 50 years ago people were moved out of the area so they would not be in danger of flooding. Ms. Wassenich added that the land where they want to build is lower than the property where they moved people out to create our river park. She suggested that instead of endangering lives with

rezoning the Commission should be pointing out great locations that the Master Plan has identified. He asked the Commission to wait until the Master Plan is complete.

Gina Flemming, 1013 Dartmouth, said that they are not only concerned with suspended solids, but hydrocarbons and trash. Ms. Flemming stated that she is also has safety concerns about having parkland behind an apartment development. She said from experience of being a monitor for Ringtail Ridge she has observed blow gun dart practice, archery practice and gun fire. She pointed out that the apartments will become a party place for students. Ms. Flemming explained there is a security risk with having 1000 people converging along the river and being so close to IH 35. She added that her main concern is what the development will do to the river. Ms. Flemming stated that people speaking against the project are speaking for the interest of the public and not for public gain.

Rachel Vetz, 209 S. Comanche, said that the dedicated parkland will not be used by the community but will be used by the students. She said she is worried about pesticides making their way into the river run from the development. She added that she is also worried that it is a flood plain and doesn't feel that having trails along the river is enough. She felt that if we lose our green spaces the city will also lose tax payers that will stay in the city. Ms. Vetz said is the river continues to be threatened people will leave. She mentioned Dream San Marcos and felt the Commission should consider what they are developing. Ms. Vetz said if the Commission approves the request, they will lose the faith of the community.

Douglas Beckett, 1714 Barbara Drive, stated he has been through three floods and pointed out that there is not only water but debris. He said he was please that Proposition 1 passed. Mr. Beckett provided the Commission with photos of Capes Camp during sunset. He pointed out that the Blanco River runoff will go directly to the Capes Camp property to the San Marcos River. Mr. Beckett provided a superimposed photo of the apartments on Capes Camp and pointed out limitations of the sunset view of Capes Camp. Mr. Beckett expressed concerns with flooding.

Stephen Occhialini, 521 Stagecoach Trail, said he has lived in San Marcos for over 20 years and plans to retire in San Marcos. He stated that the Capes Camp project seems reasonable to him. He explained that there is 20 acres of parkland, an increased tax base, more housing to meet demand and all from an experienced developer. Mr. Occhialini said he is not alone if he considers the results of the recent non binding referendum. He asked the Commission to approve the Capes Camp PDD and zoning changes. He thanked Commission for their service.

Michael Gonzales, 1425 Highland, spoke in opposition to the request. He felt that would give Dovetail time to clean up some discrepancies. He mentioned he is working on a comp plan for a class for the University on the Capes Camp property. Mr. Gonzales made suggestions to the proposed development.

Jay Hiebert, 209 W Sierra Circle, stated he had two major concerns in his opposition to the request. He reiterated the presentation by Diane Wassenich regarding the flood plain. He stated he is very concerned with what is going to happen to the neighborhood to the east of the development. He pointed out that Landa Park is 200 acres and the total San Marcos River park is 70 acres. Mr. Hiebert said there was a great deal of discussion on how to purchase the property besides eminent domain or raising taxes. He pointed out that City Council mentioned that they could purchase the property with city funds or possibly grant funds.

David Wendel, 118 E. Holland, said he was impressed with the picture presented of development. He felt that the development will be for students and there will be a high density of people on the river. Mr. Wendel said the location is not the right place for the development.

Angie Ramirez, 612 Barbara Drive, spoke regarding the development being consistent with our current master plan. She pointed out that we have issues today that our current master plan does not address. She said that the proposed apartment complexes did not exist when the currently master plan was drafted. Ms. Ramirez explained that the new Master Plan identifies suitable locations for this type of development. She stated that the completion of the master plan is near. She added that citizens need to stop being defensive against things that want to be built and be more pro active about what we want. Ms. Ramirez commented that the city should benefit from development but there is a better spot for this type of development.

Kenneth Smith, 1101 Leah Avenue, said there is a need for more apartments. Mr. Smith expressed his concerns regarding flooding and traffic. He asked the Commission to oppose the request.

Nancy Moore, 15 Tanglewood, said we need to protect the heritage of San Marcos. Ms. Moore pointed out that the city is currently at 85% apartments. She added that the river can be a continuous river. She asked the Commission to listen to the people that did vote and give them a chance to find a way to purchase the property in a good way.

Lisa Prewitt, 619 Maury said that there is one misconception of the non binding referendum. She read the referendum to the Commission. She pointed out that the referendum did not say 20 or 25 acres behind the student apartment complex. Ms. Prewitt explained that there was City Meeting last year where people requested that zoning changes be put on hold until the Comp Plan was complete. She explained that people voted no to pay taxes because they do not know what the increase in taxes would be. Ms. Prewitt said the development will pollute the river and asked the Commission to preserve the river. She pointed out that the property will be a party area for the students where she would not bring her children.

Derrick Lee, 209 S. Comanche, pointed out that grass doesn't grow green in Texas. He explained that it will take many chemicals to keep the grass green, which will run into the river. He expressed concerns about the endangered species in the river. Mr. Lee also pointed out that traffic is currently congested and inviting more people in the area that is already stressed. He added that there are currently issues with buses being full in the area.

Patrick Montgomery 626 Centre Street, spoke in opposition to the request. He pointed out that student housing should not be the City's responsibility. Texas State is growing out of control and they should be the ones to address student housing. He said he keeps hearing about increasing the tax base. He felt that developers should develop in areas zoned multifamily and why try to force the Commission to change the zoning. Mr. Montgomery added that it should be noted that the seller said he is not going to sell. He felt that the seller will sell to whoever brings him a check. He stated that spot zoning an issue in this city. Mr. Montgomery added that city officials should represent the citizens best interest.

Camille Phillips, lives on Franklin mentioned Texas State Law and stated that all zoning changes are discretionary. She told the Commission that they can deny the request because it is not a taking. She commented that the Commission should be careful of giving the city away to student apartments. Ms. Phillips said she lives on Franklin Drive and are the victims of The Retreat built by developers from Georgia and is a mess. She pointed out that The Retreat has been sold. In addition, she stated that many issues have arisen by the Retreat. She asked the Commission to deny request.

Jaimy Breihen, 134 Hillcrest, said he was torn apart about the project. He said that he feels that many will not agree with his opinion about an open field with road infrastructure on two sides is more acceptable than a location that lacks these assets. Mr. Breihen stated his concerns are that the project is adjacent to a single family neighborhood and the serious flood issues. He added that the positives of the development is that it is located on IH-35, there is minimal wildlife, it is adjacent to MF-24 zoning and it could possible bring up the neighborhood. In addition he said the City gets free parkland. Mr. Breihen said that the developer could possibly assist with drainage problems. He pointed out that he is not saying the development is good thing or a bad thing. He said in addition to the parkland the developer could offer a security agreement.

Diane Coffee, 702 Maury Street said she has been to Capes Camp and has enjoyed it. She said Capes Camp is a jewel and we have a moral obligation to protect the jewel. Ms. Coffee stated that it should not be a place blocked off by a 3 story building that blocks the view for everyone. The development should not be a detriment to the existing neighborhood. She mentioned that the river is this town and people are here and have come back because of the river. She told the Commission that we have a moral opportunity to rise above because we value the river and it is our duty to be good stewards of the land.

Ron Hart, 1660 W. McCarty Lane, a licensed real estate broker, said he has had the privilege to represent Dave Mulkey and Dovetail Company for approximately fourteen months. He pointed out that they took what Mr. Bryan suggested and came back with a PDD as requested. He assured the Commission that what they have before them is a well thought out PDD. Mr. Hart felt that there can be a common ground that can be found and feels that is what is in front of them today.

There were no citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Kelsey and no second to deny the request the motion failed.

**MOTION:** Upon a motion made by Commissioner Carter and a second by Commissioner Couch, the Commission voted eight (8) in favor and one (1) opposed to approve PDD-12-02, ZC-12-05, ZC-12-06, ZC-12-11, LUA-12-04, LUA-12-06 with the conditions that the landscape islands in the proposed parking areas be designed following Low Impact Development (LID) practices, the project will be subject to the Architectural Renderings and Elevations as shown in Exhibit "E," all park improvements will need to be engineered and constructed or will need to be paid for prior to the recordation of the plat, itemization of the structural and non-structural LID practices that will be focused on on-site, distributed, at the source controls, per the City of San Marcos Green Infrastructure-LID Practices Manual, Itemization of the end of network of structural and non-structural LID BMPs, previous material will be used for the pool area in the Buffer Zone, a right-turn lane will be constructed along the IH35 northbound frontage road from the bridge over the San Marcos River to the proposed main entrance and on River Road, the on-site apartment management company participate in the ACT Program and the wording of the pedestrian access easement from IH 35 to the trail is changed from "a minimum of 10-foot" to "a minimum of 24-foot". The motion carried. Commissioner Kelsey dissenting.

**17. LUA-12-09 (Windemere)** Hold a public hearing and consider a request by Vigil and Associates, on behalf of Robert Haug and Vinson Wood, for a Land Use Amendment from Very Low Density Residential (VLDR) to Low Density Residential (LDR) for approximately 22.5 acres out of the Thomas J. Chambers Survey, Abstract No. 2, located at 200 Lime Kiln Road.

**18. ZC-12-14 (Windemere)** Hold a public hearing and consider a request by Vigil and Associates, on behalf of Robert Haug and Vinson Wood, for a Zoning Change from Single-Family Rural (SF-R) to Single-Family Residential (SF-6) for approximately 22.5 acres out of the Thomas J. Chambers Survey, Abstract No. 2, located at 200 Lime Kiln Road.

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Kelsey, the Commission voted all in favor to postpone LUA-12-09 and ZC-12-14 to the January 8, 2013 Planning and Zoning Commission meeting. Motion carried unanimously.

### **Non-Consent Agenda**

**19. Receive a presentation from staff on possible amendments to the San Marcos SmartCode, and provide direction to staff.**

John Foreman, Planning Manager gave a presentation and asked the Commission for direction.

### **20. Development Services Report**

- a. Update from staff on Comprehensive Plan

Matthew Lewis announced the November 28th Comp Plan Meeting.

**21. Question and Answer Session with Press and Public.** *This is an opportunity for the Press and Public to ask questions related to items on this agenda.*

There were no questions from the press and public.

**22. Adjourn.**

Chair Taylor adjourned the Planning and Zoning Commission at 10:36 p.m. on Tuesday, November 27, 2012.

\_\_\_\_\_  
Bill Taylor, Chair

\_\_\_\_\_  
Curtis Seebeck, Vice Chair

\_\_\_\_\_  
Chris Wood, Commissioner

\_\_\_\_\_  
Kenneth Ehlers, Commissioner

\_\_\_\_\_  
Carter Morris, Commissioner

\_\_\_\_\_  
Randy Bryan, Commissioner

\_\_\_\_\_  
Corey Carothers, Commissioner

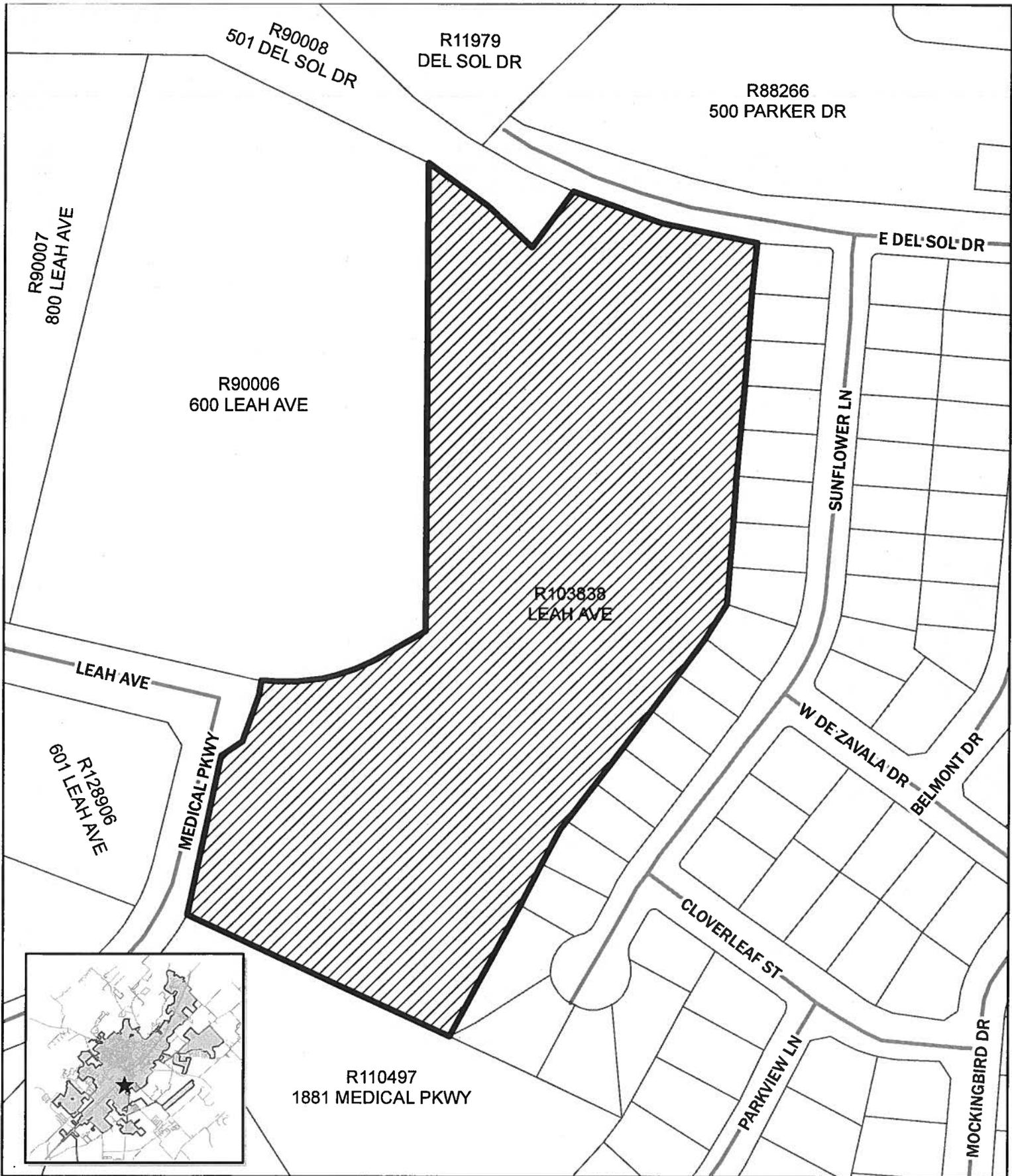
\_\_\_\_\_  
Bucky Couch, Commissioner

\_\_\_\_\_  
Travis Kelsey, Commissioner

ATTES:

\_\_\_\_\_  
Francis Serna, Recording Secretary

DRAFT



**PC-12-28(04)**  
**Parkway Falls**  
**Map Date: 12/7/2012**

 Site Location



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

# PC-12-28(04) Final Plat Parkway Falls Apartments



**Applicant Information:**

**Applicant:** FM Forrest, Inc.  
4801 Woodway Drive, Ste. 306W  
Houston, Texas 77056

**Property Owner:** San Marcos SHK, Ltd.  
19230 Stone Oak Pkwy., Ste. 301  
San Antonio, Texas 78258

**Notification:** Notification not required

**Type & Name of Subdivision:** Final Plat, Parkway Falls Apartments

**Subject Property:**

**Summary:** This is the Final Plat of Parkway Falls Apartments. The proposed subdivision will create one lot which is 10.05 acres.

**Traffic / Transportation:** The property reflected within this Final Plat fronts Medical Parkway where it intersects with Leah Avenue. A TIA worksheet was submitted and it has been determined that a Traffic Impact Analysis is not necessary. Del Sol Road (an undeveloped ROW) is located on the perimeter of the lot. The applicant is obligated to improve their fair share of this adjacent perimeter ROW. The applicant is requesting to provide money in escrow to satisfy this obligation.

**Utility Capacity:** Internal easements for the purpose of electrical utilities have been arranged. The property currently has access to all other utilities.

**Parks proposal:** The developer has chosen to pay the fee-in-lieu amount of \$51,072, which is appropriate for a development of this size.

**Zoning:** The property is zoned MF-18

**Surrounding Zoning and Land use:**

	Current Zoning	Existing Land Use
N of Property	MF-12	Sunrise Village Retirement Home
W of Property	MF-12	The Wellington Retirement Apartments
S of Property	OP	Undeveloped land, Doctors Office
E of Property	SF-4.5	Single Family Neighborhood along Sunflower Lane

**Planning Department Analysis:**

This final plat is proposing one lot out of 10.05 acres of land. The lot is to be developed as an apartment complex.

The plat is dedicating 25 feet of ROW along the northern portion of the property where East Del Sol is to be extended. The developer is requesting to provide escrow for the construction of their share of East Del Sol Drive. The engineers estimate has been approved. According to section 7.1.4.1 of the LDC (Improvement of Adjacent (Perimeter) Roads and Utilities):

"The Planning and Zoning Commission may, at its option, accept escrow funds in lieu of immediate roadway construction if the subdivision derives principal access from another improved roadway, and if delaying construction and improvement of the road will not harm or otherwise inconvenience neighboring property owners or the general public."

The escrow check will be handled though a Subdivision Improvement Agreement. Per Section 1.6.6.3 of the LDC, the property owner will enter into a subdivision improvement agreement when public improvements are deferred until after final plat approval. This agreement includes, but is not limited to, provisions to complete the improvements, covenants to warranty the improvements, and provisions for securing the obligations of the agreement. Section 1.6.6.3 also states that the Planning and Zoning Commission is the governing body to approve the agreement. It has been reviewed for consistency with Section 1.6.6.3 and meets the criteria. As the intent of the developer is to pay for their fair portion of the road instead of building it, the Subdivision Improvement Agreement will be set to expire immediately, allowing for the immediate transfer of funds to the City of San Marcos.

This property does have sufficient access to Medical Parkway. However the construction of the remaining portion of Del Sol is an important connection which will help alleviate traffic congestion as this area continues to develop. Due to the minimal nature of the developers "fair share" of the roadway staff determined money in escrow would be appropriate.

No portion of this site is located within the floodplain based on FEMA maps.

Staff has determined that the Parkway Falls Apartment Final Plat will meet all City requirements upon acceptance of the escrow funds for the purpose of building East Del Sol

**Staff has reviewed the request and determined that all criteria have been met and recommends approval of the Final Plat and Subdivision Improvement Agreement.**

<b>Planning Department Recommendation</b>	
<b>x</b>	Approve as submitted
	Approve with conditions or revisions as noted
	Alternative
	Denial

**The Commission's Responsibility:**

The Commission is charged with making the final decision regarding this proposed Subdivision Preliminary Plat. The City charter delegates all subdivision platting authority to the Planning and Zoning Commission. The Commission's decision on platting matters is final and may not be appealed to the City Council. Your options are to approve, disapprove, or to statutorily deny (an action that keeps the applicant "in process") the plat.

**Prepared By:**

Will Parrish	Planning Tech	December 4, 2012
<b>Name</b>	<b>Title</b>	<b>Date</b>

**City of San Marcos  
Subdivision Improvement Agreement**

Subdivision Name: Parkway Falls Apartments  
Developer Name: \_\_\_\_\_  
Developer Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Planning Dept. Case No.: PC-12-28

**Recitals:**

- A. The Developer owns the land included in the proposed final plat of the Subdivision, and more particularly described on the attached **Exhibit A** (the "Property").
- B. The Developer desires to develop the Property, and City ordinances and State laws require the Developer to complete all on-site and off-site public improvements (the "Public Improvements") associated with the Subdivision.
- C. This Agreement is authorized by Section 1.6.6.3 of the City Land Development Code (the "LDC"), and is executed to memorialize the Developer's responsibilities regarding the Public Improvements.

**Agreement:**

**In consideration of the mutual covenants set forth in this Agreement, the City and the Developer agree as follows:**

1. **Recitals Incorporated.** The Recitals are incorporated in this Agreement for all purposes.
2. **Parties.** The parties to this Agreement are the Developer and the City of San Marcos.
3. **Effective Date.** This Agreement is effective on the date the Developer signs it (the "Effective Date").
4. **Construction of Improvements.** Through this agreement the developer agrees to satisfy its obligation for the provision of Public Improvements adjacent to this lot by providing Security as defined below.
5. **Security for Completion of Improvements.** The Developer agrees to provide a cash escrow account with the City as security (the "Security") for the completion of the Public Improvements in an amount approved by the City Director of Engineering.
6. **Lien Search Certificate.** The Developer agrees to provide, at the time this Agreement is executed, a Lien Search Certificate prepared and signed by a title company acceptable to the City Attorney. The Lien Search Certificate must identify the property, must name all owners of the Property, must name all lienholders having liens against the Property, and must be dated no more than 10 days prior to the Effective Date. The Lien Search Certificate must be accompanied by a Consent of Lienholder signed by an authorized representative of each lienholder identified in the Lien Search Certificate. This Agreement will not be accepted without the Lien Search Certificate and the executed Consent of Lienholder, if applicable.
7. **Acquisition of Property Interests.** The Developer agrees to acquire at its expense all rights-of-way, easements and other real property interests needed for the construction of the Public Improvements, including all off-site improvements, in a manner suitable for dedication of the real property interests to the City. The form of all documents under which real property interests are acquired is subject to approval by the City Attorney. The Developer agrees to record each such document in the official public records of the county in which the Property is located, and to provide a copy of each such recorded document to the City Attorney.

**8. Recording of Plat.** Upon completion of all of the following, the City agrees to record the final plat of the Subdivision in the official public records of the county in which the Property is located:

- A. Approval of this Agreement by the City Planning and Zoning Commission.
- B. Approval of the final plat of the Subdivision by the City Planning and Zoning Commission.
- C. Submission to City of Lien Search Certificate, and executed Consent of Lienholder for each lienholder on the Property.
- D. Approval of the Security by the City Attorney.
- E. Approval by the City Attorney of all conveyance documents for rights-of-way, easements and other real property interests needed for the construction of the Public Improvements.

**9. Use of Security.** If the Public Improvements are not completed by December 12, 2012, the City shall retain the Security and may draw upon the Security for the completion of the Public Improvements. The City agrees to restrict its use of the Security to purposes associated with the construction, maintenance or repair of the Public Improvements. The Security may be refunded to the Developer, subject to applicable ordinances and procedures: a) after ten years from the date hereof if the City has not authorized the preparation of plans and specifications for construction of the Public Improvements; or b) if the Public Improvements are constructed by a party other than the City at no cost or a reduced cost (refund in proportion to the reduced cost) to the City.

**10. Right of Entry.** The Developer grants to the City and its successors, assigns, agents, contractors, and employees, a nonexclusive right and easement to enter the Property to inspect the construction of the Public Improvements, and to construct, inspect, maintain, and repair any public improvements made on the Property by the City.

**11. Remedies.** The remedies available to the City in the event of noncompliance by the Developer with this Agreement are cumulative in nature. These remedies include, but are not limited to, the following:

- A. Refusal to approve or record any plat associated with the Subdivision.
- B. Refusal to provide or allow utility services to all or any part of the Property.
- C. Injunction against further sale of tracts of land within the Subdivision.

**13. No Third Party Rights.** No person or entity who or which is not a party to this Agreement has any right of action under this Agreement. Nor does any such person or entity, other than the City (including without limitation a trustee in bankruptcy) have any interest in or claim to any funds drawn by the City on the Security in accordance with this Agreement.

**14. Indemnification.** The Developer covenants to indemnify, save, and hold harmless the City and its their respective officers, employees, and agents from, and against, all claims, demands, actions, damages, losses, costs, liabilities, expenses and judgments recovered from or asserted on account of injury or damage to persons or property loss or damage arising in connection with construction performed by or on behalf of the Developer on the Property.

**15. Miscellaneous.** A. The Developer may assign its rights and obligations under this Agreement to a purchaser of all or part of the Property, if the Developer delivers written notice of the assignment to the City accompanied by an assignment agreement under which the assignee accepts all of the Developer's obligations under this Agreement. Any other assignment by a Party of rights or obligations under this Agreement will require the written approval of the other Party.

B. This Agreement, including appendices and referenced attachments, constitutes the entire agreement between the City and the Developer on this subject and supersedes all other proposals, presentations, representations, and communications, whether oral or written, between the parties. This Agreement may be amended only by a written document that is duly approved and executed by all parties.

C. In the event any section, subsection, paragraph, sentence, phrase or word is held invalid for any reason, the balance of this Agreement will remain in effect and will be read as if the parties

intended at all times not to include the invalid section, subsection, paragraph, sentence, phrase or word.

**D.** This Agreement shall be governed by the laws of the State of Texas. Exclusive venue for any legal dispute arising under this agreement shall be in Hays County, Texas. The City's execution of and performance under this Agreement will not act as a waiver of any immunity of the City to suit or liability under applicable law. The parties acknowledge that the City, in executing and performing this Agreement, is a governmental entity acting in a governmental capacity.

**E.** Notices required by this Agreement will be provided by the parties to one another by certified mail, return receipt requested, or by confirmed facsimile transmission, to the following addresses:

To the City:  
City Manager  
City of San Marcos  
630 E. Hopkins  
San Marcos, TX 78666  
Fax: 512/396-4656

To the Developer:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Fax: \_\_\_\_\_

If a party changes its address or facsimile number for notice purposes, it will provide written notice of the new address to the other party within 10 days of the change.

**F.** In the event that the performance by either party of any of its obligations under this contract is interrupted or delayed by events outside of their control such as acts of God, war, riot, or civil commotion, then the party is excused from such performance for the period of time reasonably necessary to remedy the effects of the events.

**G.** This Agreement constitutes a covenant running with the title to the Property, and the provisions of this Agreement are binding on the Developer and on all successors and assigns of the Developer.

**Executed** by the parties to be Effective on \_\_\_\_\_

[signatures on following page]

City of San Marcos, Texas

By: \_\_\_\_\_  
James R. Nuse, P.E., City Manager

This instrument was acknowledged before me on \_\_\_\_\_, 201\_\_ by James R. Nuse, P.E., known personally by me to be the City Manager of the City of San Marcos, on behalf of the City of San Marcos.

Notary seal: \_\_\_\_\_  
Notary Public, State of Texas

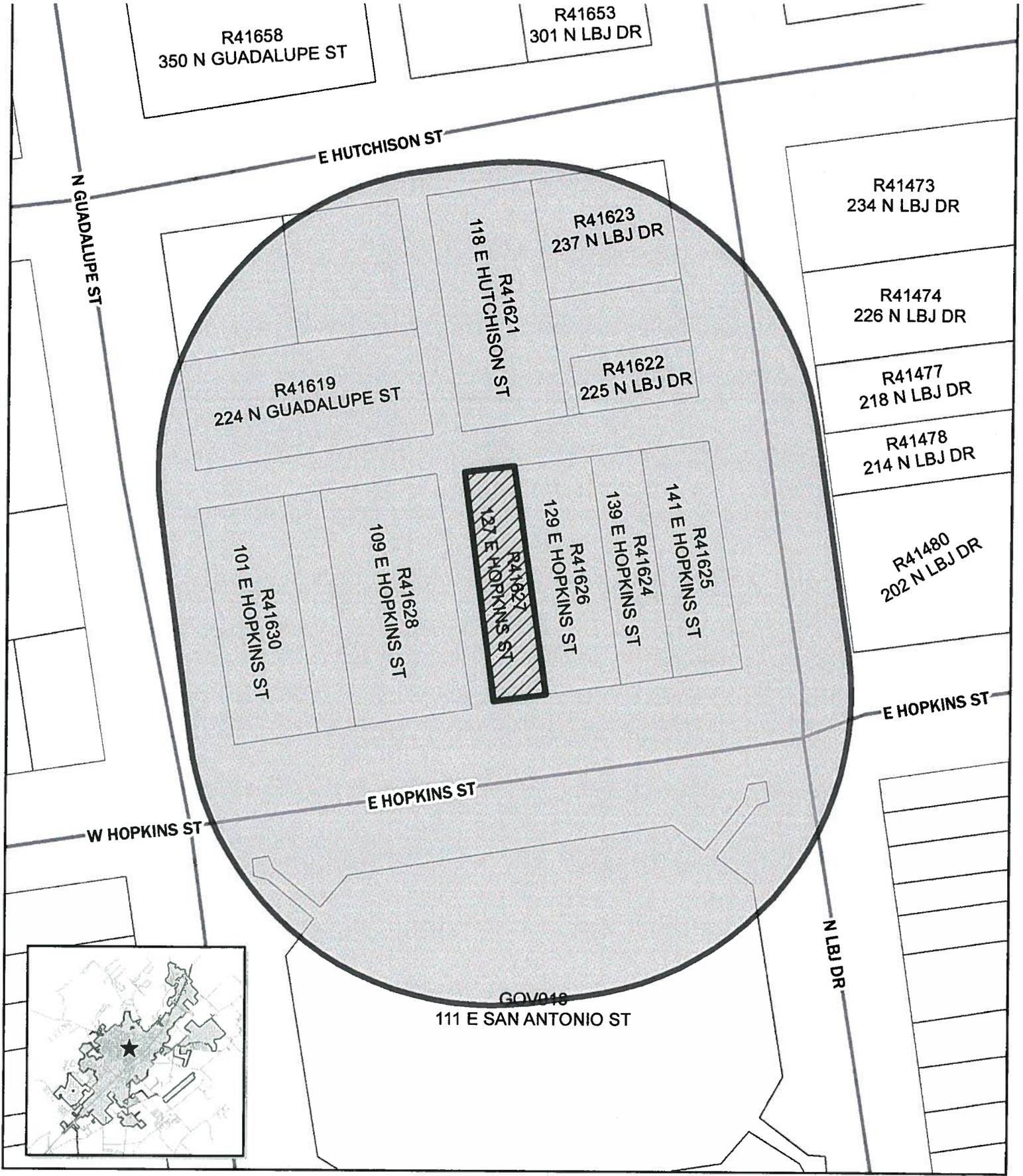
Developer:  
\_\_\_\_\_

By: \_\_\_\_\_  
Signature

Printed name, title  
\_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_ by \_\_\_\_\_, known personally by me to be the \_\_\_\_\_ of \_\_\_\_\_.

Notary Seal: \_\_\_\_\_  
Notary Public, State of \_\_\_\_\_



**CUP-12-41**  
**Black Rabbit Saloon**  
**127 E Hopkins Street**  
**Date: 11/27/2012**

-  Site Location
-  200 ft Buffer



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

# CUP-12-41

## Unrestricted Conditional Use Permit

### Black Rabbit Saloon

### 127 E. Hopkins



**Applicant Information:**

**Applicant:** FSW Ventures LLC  
**Mailing Address:** 1012 B Harwood Place  
 Austin TX 78704

**Property Owner:** WC Williams Estate  
 PO Box 825  
 San Marcos TX 78666

**Applicant Request:** Renewal of an Unrestricted Conditional Use Permit (CUP) to allow the sale of mixed beverages for on-premise consumption in a T5- Urban Center zoning district.

**Public Hearing Notice:** Public hearing notification was mailed on November 30, 2012.

**Response:** None as of December 6, 2012

**Subject Property:**

**Location:** 127 E. Hopkins  
**Legal Description:** Part of Lot 6, Block 20, Original Town of San Marcos  
**Frontage On:** Hopkins  
**Neighborhood:** Downtown  
**Existing Zoning:** T5- Urban Center  
**Sector:** Sector 8  
**Utilities:** Sufficient  
**Existing Use of Property:** Bar

**Zoning and Land Use Pattern:**

	<b>Current Zoning</b>	<b>Existing Land Use</b>
<b>N of property</b>	<b>T5- Urban Center</b>	<b>Commercial</b>
<b>S of property</b>	<b>T5- Urban Center</b>	<b>Commercial</b>
<b>E of property</b>	<b>T5- Urban Center</b>	<b>Commercial</b>
<b>W of property</b>	<b>T5- Urban Center</b>	<b>Commercial</b>

### **Code Requirements:**

A Conditional Use Permit (CUP) allows the establishment of uses which may be suitable only in certain locations or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are generally compatible with permitted uses, but require individual review and imposition of conditions in order to ensure the appropriateness of the use at a particular location.

A business applying for on-premise consumption of alcohol must not be within 300 feet of a church, school, hospital, or a residence located in a low density residential zoning district. This location **does** meet the distance requirements.

CUPs issued for on-premise consumption of alcohol make the business subject to the code standards and the penalty point system for violations (Section 4.3.4.2).

There is a limit of 14 unrestricted CUPs in the CBA at any time. An unrestricted CUP does not require food sales as a condition. If a CUP is restricted, the business must comply at all time with the standards for "bona fide restaurants." This location currently owns one of the unrestricted permits within the CBA. The CUP may be renewed without regard for any waiting list for new permits (4.3.4.2.b (8)).

### **Case Summary**

The subject property is located on East Hopkins Street north of the courthouse. A CUP for on-premise consumption of alcohol has been in place at this location since the 1980s. In 2011 the same applicant filed for an Unrestricted CUP in order to change ownerships and remodel the establishment. The approval was granted for one year and at this time the applicant wishes to renew the CUP. The application indicates hours from 5 p.m. to 2 a.m. seven days a week and no live music has been proposed.

### **Comments from Other Departments:**

Staff received no comments from other departments.

### **Planning Department Analysis:**

There are no major changes being proposed. In order to monitor new permits for on-premise consumption of alcohol, the Planning Department's standard recommendation is that they be approved initially for a limited time period. This establishment has completed the initial approval period of one (1) year. Other new conditional use permits have been approved for three (3) years following their initial approval, however since the TABC license for this establishment expires on March 26, 2014, the CUP may remain in effect only for the duration of this license

Staff provides this request to the Commission for your consideration and recommends approval of the Conditional Use Permit with the following conditions:

1. The permit shall be valid until the expiration of the TABC license on March 26, 2014, provided standards are met, subject to the point system;

Planning Department Recommendation:	
	Approve as submitted
<b>X</b>	Approve with conditions or revisions as noted
	Alternative
	Denial

**Prepared by:**

Amanda Hernandez, AICP	Senior Planner	12/4/12
<b>Name</b>	<b>Title</b>	<b>Date</b>

**Commission's Responsibility:**

The Commission is required to hold a public hearing and receive comments regarding the proposed Conditional Use Permit. After considering public input, the Commission is charged with making a decision on the Permit. Commission approval is discretionary. The applicant, or any other aggrieved person, may submit a written appeal of the decision to the Planning Department within 10 working days of notification of the Commission's action, and the appeal shall be heard by the City Council.

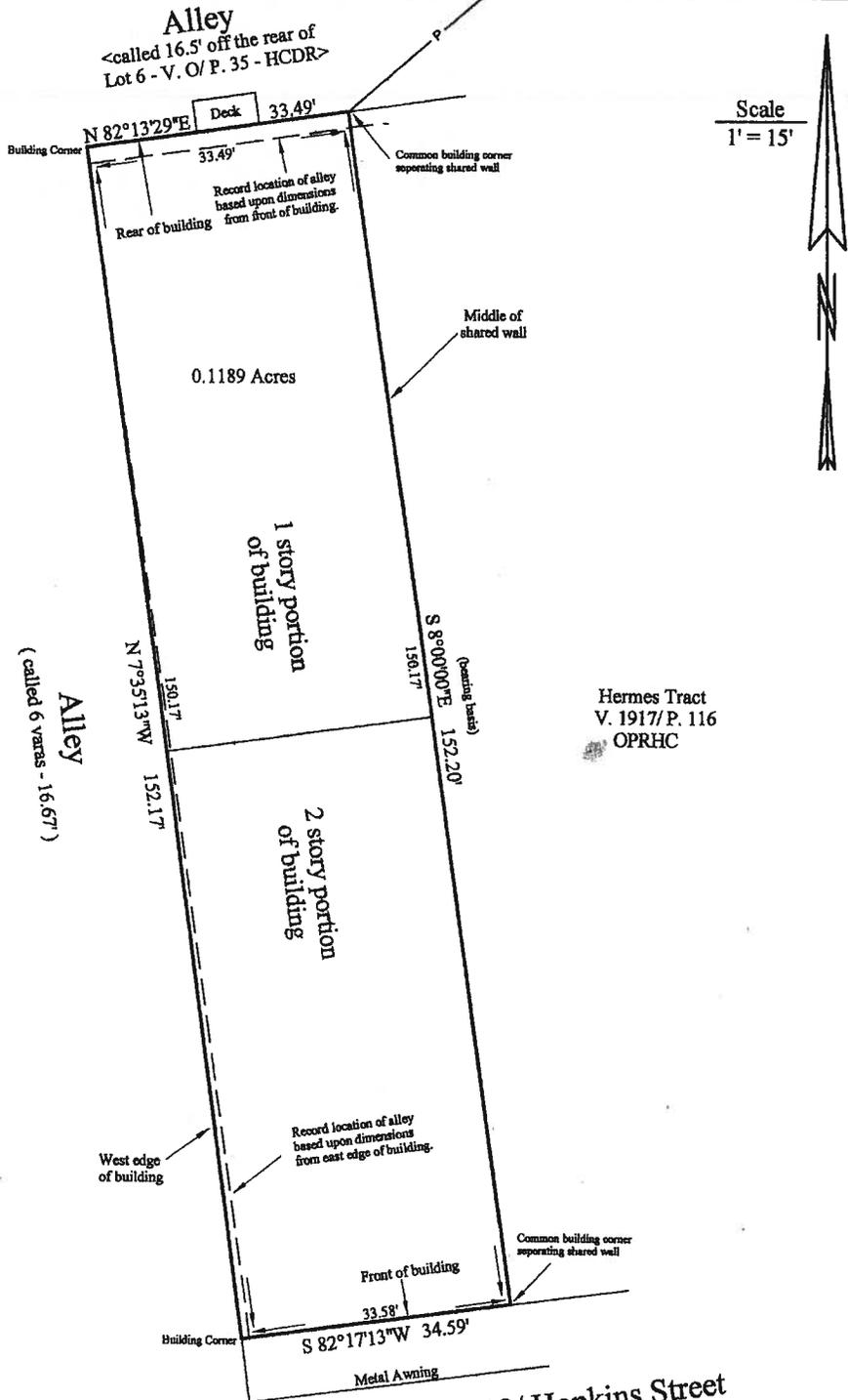
The Commission's decision is discretionary. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission should consider the extent to which the use:

- is consistent with the policies of the Master Plan and the general intent of the zoning district;
- is compatible with the character and integrity of adjacent developments and neighborhoods;
- includes improvements to mitigate development-related adverse impacts; and
- does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic in the neighborhood.

Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

# Exhibit B

Reference attached metes and bounds description marked Exhibit A



### Legend

<> Data from recorded documents

( ) Data from recorded subdivision plat V. 46/ P. 448 - HCDR

Overhead Powerline - P -

PLAT SHOWING SURVEY OF 0.1189 ACRES (5,180 sq. ft.), OUT OF AND PART OF LOT SIX (6), BLOCK TWENTY (20), ORIGINAL TOWN OF SAN MARCOS, HAYS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 46, PAGE 448, DEED RECORDS OF HAYS COUNTY, BEING CALLED THE "WEST 33' 7" OF LOT 6 IN VOLUME 71, PAGE 431, DEED RECORDS OF HAYS COUNTY.

FOR: Ed Tarbutton

DATE: February 8, 2004

The undersigned does hereby certify that this survey and was made on the ground of the property legally described hereon and is essentially correct. Only those plats with a red surveyors seal and red signature shall be deemed reliable and authentic. This survey was done without the use of a title commitment. There may be additional encumbrances not shown on this plat.

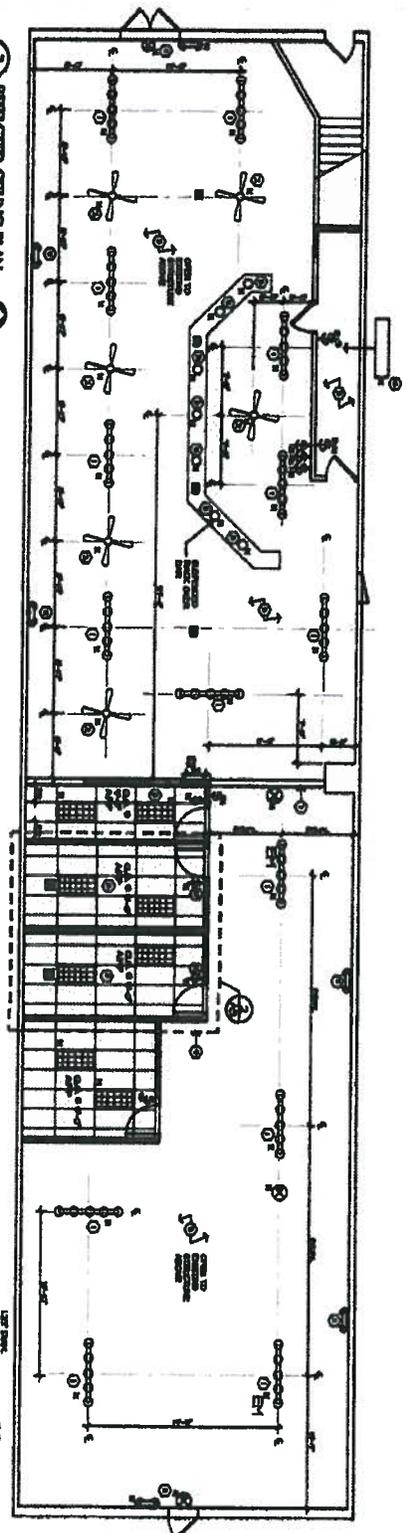
Ronald D. Hayes, Registered Professional Land Surveyor, No. 5703

According to the scaling of Map Panel 0193 E of the February 18, 1998 insurance rate map for the County of Hays, Texas, the property described hereon is in the Zone "X" of the flood hazard area and determined to be outside the 100 year flood zone.



**HAYES SURVEYING**  
 202 SUNFLOWER DRIVE  
 KYLE, TEXAS 78640  
 512-268-4813

File # EASTHLO2  
 Field Book # 41  
 Page # 71



2 REFLECTED CEILING PLAN  
SCALE: 1/8" = 1'-0"

**FLOOR PLAN REFERRED NOTES**

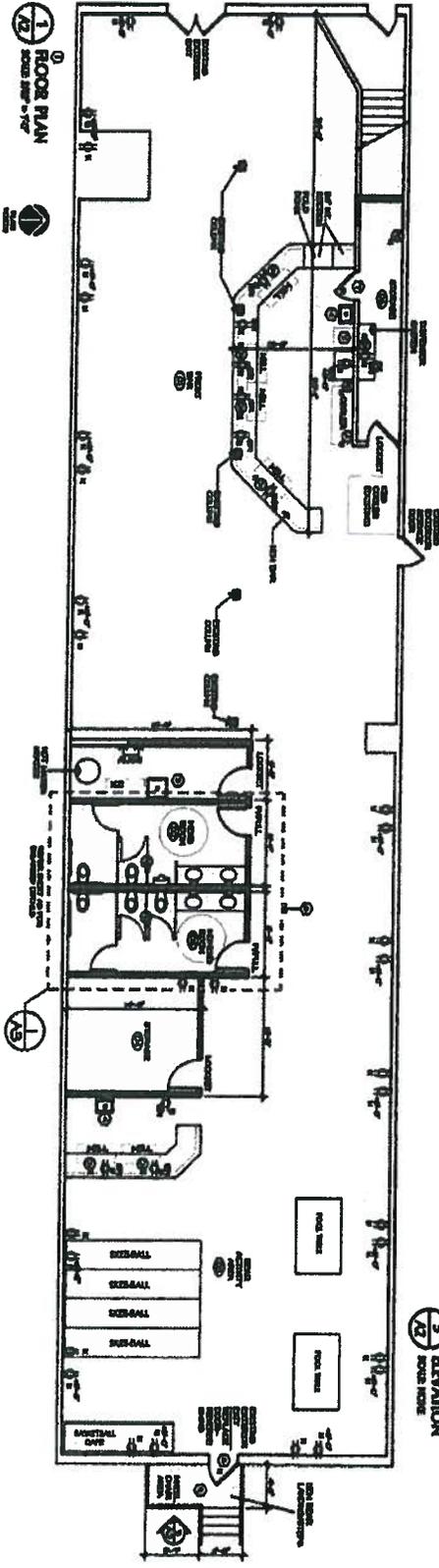
- 1 REFER TO FLOOR PLAN FOR ALL DIMENSIONS AND FINISHES.
- 2 ALL WALLS TO BE FINISHED AS SHOWN.
- 3 ALL FLOORING TO BE AS SHOWN.
- 4 ALL CEILING LIGHTS AND CEILING FANS TO BE AS SHOWN.
- 5 ALL CEILING LIGHTS AND CEILING FANS TO BE AS SHOWN.
- 6 ALL CEILING LIGHTS AND CEILING FANS TO BE AS SHOWN.
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**CEILING PLAN REFERRED NOTES**

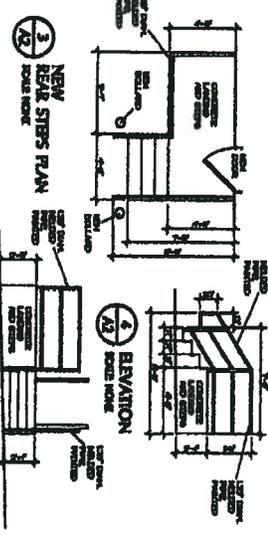
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- 2 FINISH ALL CEILING JOISTS.
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- 8 FINISH ALL CEILING JOISTS.
- 9 FINISH ALL CEILING JOISTS.
- 10 FINISH ALL CEILING JOISTS.

**LIGHT FIXTURE SCHEDULE**

○	4" x 4" TRACK LIGHTING
○	RECESSED CEILING LIGHT
○	4" x 4" TRACK LIGHTING
○	RECESSED CEILING LIGHT
○	4" x 4" TRACK LIGHTING
○	RECESSED CEILING LIGHT
○	4" x 4" TRACK LIGHTING
○	RECESSED CEILING LIGHT
○	4" x 4" TRACK LIGHTING
○	RECESSED CEILING LIGHT



1 FLOOR PLAN  
SCALE: 1/8" = 1'-0"



3 NEW REAR STAIRS PLAN  
SCALE: 1/8" = 1'-0"

4 ELEVATION  
SCALE: 1/8" = 1'-0"

5 ELEVATION  
SCALE: 1/8" = 1'-0"



**CUP-12-42**  
**Conditional Use Permit Renewal**  
**Zelicks**  
**336 W. Hopkins**



**Applicant Information:**

**Applicant:** Seth Katz  
**Mailing Address:** 336 W. Hopkins  
 San Marcos, TX 78666

**Property Owner:** Katz Development LLC - Kevin Katz  
 1205 Pin Oak Drive  
 Dickinson, TX 77539

**Applicant Request:** Renewal of existing Conditional Use Permit (CUP) to allow the sale and on-premise consumption of mixed beverages in a SmartCode T5 - Urban Center district.

**Public Hearing Notice:** Public hearing notification was mailed on November 30, 2012.

**Response:** None

**Subject Property:**

**Location:** 336 W. Hopkins

**Legal Description:** D P Hopkins #1, Block 3, Lot Pt of 1, Acres 0.2678

**Frontage On:** Hopkins St., North St.

**Neighborhood:** Downtown

**Existing Zoning:** T5- Urban Center

**Sector:** Sector 8

**Utilities:** Sufficient

**Existing Use of Property:** Bar

**Zoning and Land Use Pattern:**

	<b>Current Zoning</b>	<b>Existing Land Use</b>
<b>N of property</b>	<b>T5- Urban Center</b>	<b>Commercial</b>
<b>S of property</b>	<b>T5- Urban Center</b>	<b>Commercial</b>
<b>E of property</b>	<b>T5- Urban Center</b>	<b>Crystal River Inn</b>
<b>W of property</b>	<b>T5- Urban Center</b>	<b>Office</b>

### **Code Requirements:**

A conditional use permit allows the establishment of uses which may be suitable only in certain locations or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are generally compatible with permitted uses, but require individual review and imposition of conditions in order to ensure the appropriateness of the use at a particular location.

A business applying for on-premise consumption of alcohol must not be within 300 feet of a church, school, hospital, or a residence located in a low density residential zoning district. This location **does** meet the distance requirements.

### **Case Summary**

The subject property is located on the northeast corner of Hopkins and North Street outside of the Central Business Area. Previously a state motor vehicle inspection facility, gas station, and U-Haul truck rental facility, it was converted into a "Garden Bar" in 2010. Significant improvements have been made to the lot as well as the appearance of the building located on the property. A CUP for mixed beverages was granted on June 22, 2010, and effective for one (1) year. This CUP expired in June of 2011. A renewal application was received by staff on November 16, 2011.

The Planning and Zoning Commission heard the first renewal request at the December 13, 2011, meeting. Concerns were raised by the neighboring Crystal River Inn (Mike and Kathy Dillon) regarding noise produced by Zelicks patrons late at night. Specifically their concerns focused on the horseshoes and other outdoor games, motorcycles which frequent the establishment and loud music played within the bar. The Planning and Zoning Commission approved a 6-month renewal of the CUP and tasked staff, the applicants and Crystal River Inn to work through mediation to find solutions to the noise concerns. Staff included some recommendations from the Dillons for restrictions to the hours of operation, outdoor game hours and live/recorded music, but no conditions were put in place on the CUP outside of the 6-month renewal.

Following the December 13, 2011, hearing, staff contacted Walt Krudop who handles conflict resolution for the Hays County Mediation Coordination Services and introduced him to the Katz and Dillons. In addition to mediation, discussions were held by staff with both parties and their respective legal counsel. No final resolution was reached before the 6-month deadline in June of 2012. The Dillons again requested that additional conditions be placed on the CUP to limit noise. Staff recommended: **a one year renewal, no motorcycle parking along the adjoining property line and no outdoor games or music after midnight Sunday through Thursday.**

At the June 12, 2012, meeting the Planning and Zoning Commission approved a temporary 6-month extension of the existing CUP without conditions. If an agreement was reached prior to the deadline, the applicant could return to the Commission sooner.

The renewal application indicates hours from 3:00 p.m. to 2:00 a.m., no live music and 22 off-street parking spaces. Outdoor games are permitted under the current CUP.

### **Comments from Other Departments:**

At the time of this report there have been no points assessed by City Code Enforcement and the Police Department has not reported any violations. No issues were raised from any other departments.

**Planning Department Analysis:**

The direction from the Commission after the June 12, 2012, meeting was for Zelicks and the Crystal River Inn to reach an agreement over the noise dispute amongst themselves. The applicant has submitted a signed Settlement Agreement that both the Katz and Dillons believe is a fairly negotiated compromise.

The document was drafted by the Dillon's attorney and finalized by Seth Katz as part of the CUP renewal application. The Agreement states the parties have formally mediated their dispute and negotiated several terms to address the noise issue. In summary, the Dillons agree not to oppose the CUP renewal application in favor of the Katz agreeing to direct motorcycle parking to North Street after 11:00 p.m., limit outdoor game hours on the side of the property adjoining the Inn, constantly monitor music levels, meet City code for decibel levels after 11:00 p.m.; and reimburse the Inn for insulation related expenses upon receiving the CUP renewal.

Staff believes the Settlement Agreement is a suitable resolution to the year-long dispute. The terms in the agreement related to games, music and parking (terms 2,3,4 and 5) are appropriate to be placed as conditions on Zelicks' Conditional Use Permit. Term 6 addresses payment for the insulation of the three most affected rooms of the Inn, which staff believes is a civil matter and should remain within the Agreement but not incorporated within the conditions on the CUP.

**Staff recommends the Commission not revise any of the terms drafted in the Settlement Agreement and recommends approval of the CUP with the following conditions:**

- 1. The permit shall be valid for three (3) years, provided standards are met, subject to the point system;**
- 2. The permit shall be subject to terms 2, 3, 4 and 5 in the November 21, 2012 Settlement Agreement.**

Planning Department Recommendation:	
	Approve as submitted
<b>X</b>	Approve with conditions or revisions as noted
	Alternative
	Denial

**Commission's Responsibility:**

The Commission is required to hold a public hearing and receive comments regarding the proposed Conditional Use Permit. After considering public input, the Commission is charged with making a decision on the Permit. Commission approval is discretionary. The applicant, or any other aggrieved person, may submit a written appeal of the decision to the Planning Department within 10 working days of notification of the Commission's action, and the appeal shall be heard by the City Council.

The Commission's decision is discretionary. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission should consider the extent to which the use:

- is consistent with the policies of the Master Plan and the general intent of the zoning district;
- is compatible with the character and integrity of adjacent developments and neighborhoods;
- includes improvements to mitigate development-related adverse impacts; and
- does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic in the neighborhood.

Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

**Prepared by:**

Emily Koller	Planner	12/5/12
<b>Name</b>	<b>Title</b>	<b>Date</b>

Enclosure: November 21, 2012 Settlement Agreement (Zelicks Inc. and Crystal River Inn)

## Settlement Agreement

Thus agreement is entered into between Chase Katz and Seth Katz ("Katz"), as presidents for Zelicks Inc., and Mike and Kathy Dillon (Dillons") (Collectively "the Parties").

### WHEREAS

Katz will apply or have applied for a renewal of a Conditional Use Permit (CUP) in the City of San Marcos (the "Application") which is scheduled for consideration in late 2012. The CUP would permit the sale and on premises consumption of mixed beverages for Zelicks, located at 336 W. Hopkins in San Marcos, Texas.

### WHEREAS

Dillons, are owners of Crystal River Inn, located at 326 West Hopkins in San Marcos, Texas. Dillons oppose the Application on account of noise emanating from Zelicks.

NOW THEREFORE, the Parties have formally mediated their dispute and negotiated towards resolution post mediation, and the Parties agree as follows:

1. The Dillons will not object, either directly or indirectly, to the renewal Application in exchange for the 3 year CUP renewal in favor of Katz incorporating terms 2, 3, 4 and 5(below).
2. Katz agrees to, upon the striping and designation of motorcycle parking on North Street, not permit motorcycle parking in from of the facility on Hopkins Street of in the parking lot of the facility, between the hours of 11:00 p.m. and 3:00 a.m.
3. Katz agrees to direct Zelicks' management to shut down the portion of its outdoor games on the half of Zelicks' property adjacent to the Crystal River Inn, at 12:00 a.m. on Friday and Saturday nights, but will keep games open on half of Zelicks' property adjacent to North St.
4. Katz agrees to direct Zelicks' management to constantly monitor the level of amplified or stereo music at all times in respect for the Crystal River Inn and to shut down all amplified or stereo music at 2:00 a.m.
5. Katz agrees to not operate and sound equipment that produces sound in excess of 75 decibels for a period exceeding one minute between the hours of 11:00 p.m. and 3:00 a.m. as measured from within the property line of the Crystal River Inn.
6. Katz agrees to reimburse Crystal River Inn for expenses actually paid for Plexiglas installation on the three most affected rooms and insulation of the three most affected rooms, upon Zelicks

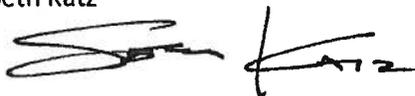
receiving a 3 year CUP renewal, in amount of \$4,530.31.

This Agreement represents the entire agreement of the Parties and cannot be altered unless in writing and signed by all Parties.

This Agreement shall be interpreted in accordance with the laws of the State of Texas, without regard to conflict of laws. Venue for this Agreement lies in the Courts of Hays County, Texas.

Signed and effective this 21<sup>st</sup> day of November 2012.

Seth Katz



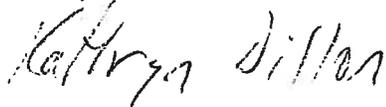
Chase Katz



Michael Dillon



Kathy Dillon





# MEMO

**TO:** PLANNING AND ZONING COMMISSION  
**FROM:** John Foreman, Planning Manager  
**THROUGH:** MATTHEW LEWIS, DIRECTOR OF DEVELOPMENT SERVICES  
**DATE:** December 6, 2012  
**RE:** SmartCode Revisions

---

The SmartCode was adopted in May 2011. At the time, staff indicated that an initial round of revisions would be needed to remove any discrepancies missed during edits and to clarify any processes or other elements discovered during implementation. This set of revisions accomplishes that goal, cleaning up typos, clarifying language, and making editorial changes necessary following the adoption of the Downtown Design Standards.

## **Amendments to the City's SmartCode, Articles 1, 3, 5 and 8 to clarify process and language.**

- **Article 1 (General To All Plans) revisions include:**
  - Updating the Table of Contents (SCiii)
  - Creating consistency between all tables
  - Clarifying the process for changing from one Transect Zone to another (SC03)
  - Clarifying Parkland Dedication Requirements (SC04)
- **Article 3 (New Community Plans) revisions include:**
  - Correcting typos
  - Including two missing cross sections (SC33)
  - Revising tree well requirements (SC24-SC30)
- **Article 5 (Lot and Building Regulations) revisions include:**
  - Correcting typos
  - Clarifying Streetscreen requirements (SC42)
  - Creating consistency between the parking tables and text (SC50)
  - Including an option for Tree Fee In Lieu\* (SC45)
  - Creating consistency between tables in regard to building heights (SC52-SC57)
- **Article 8 (Definition of Terms) revisions include:**
  - Renumbering the Article from 6 to 8 because of the insertion of Downtown Design Standards (Article 6) and Sign Standards (Article 7)
  - Creating consistency between definitions and text
  - Adding required Definitions: *Downtown San Marcos* and *Downtown Tree Fund* (SC64)

**\*Staff recommends fees of \$150 for Protected Trees and \$300 for Heritage Trees respectively. Fees will be used to plant or maintain other trees within Downtown San Marcos. These are in line with the fees from peer communities and reflect the cost of replacing Protected Trees and the impact on the tree canopy.**

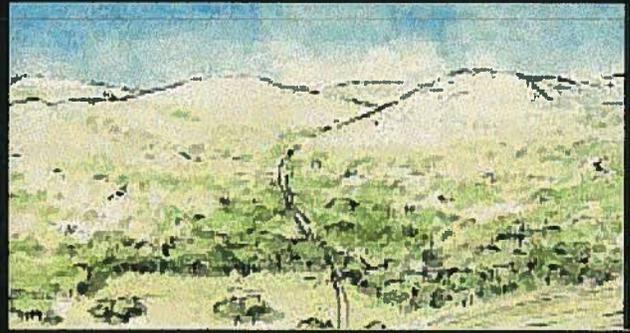
**Comparison of Fees from other Central Texas Cities**

City	Protected Tree Size	Heritage Tree Size	Fee in lieu for Protected Trees	Fee in lieu for Heritage Trees
Georgetown	12" - 25"	26" +	\$150	\$200
Round Rock	8" - 19"	20" +	\$150	\$300
Austin	8" - 23"	24"	\$200	\$600
San Marcos	9" - 23"	24" +	None	None
Pflugerville	8" - 24"	25" +	\$150	\$450
San Antonio	6" - 23"	24" +	\$200	\$600
Leander	8" - 17"	18" +	\$150	\$300
Cedar Park	16" - 25"	26" +	Cost of Nursery Stock and installation	\$200
<i>All information was updated on 6-4-2012</i>				

# SAN MARCOS TX

SMARTCODE

---



J1



J2



J3



J4



J5

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# ARTICLE 1. GENERAL TO ALL PLANS

San Marcos, Texas

## ARTICLE 1. GENERAL TO ALL PLANS

### 1.1. AUTHORITY

- 1.1.1. The adoption of this Code is authorized under Chapters 211 and 212 of the Texas Local Government Code.
- 1.1.2. This Code was adopted as one of the instruments of implementation of the public purposes and objectives of the City's Comprehensive Plan. This Code is declared to be in accord with the City's Downtown Master Plan and Comprehensive Plan.
- 1.1.3. This Code was adopted to promote the health, safety and general welfare of the City and its citizens, including protection of the environment, conservation of land, energy and natural resources, reduction in vehicular traffic congestion, more efficient use of public funds, health benefits of a pedestrian environment, historic preservation, education and recreation, reduction in sprawl development, and improvement of the built environment.
- 1.1.4. Amendments to this Code shall be in accordance with the procedures for amendments to the City's Land Development Code ("LDC").

### 1.2. APPLICABILITY

- 1.2.1. As applied to the interpretation of this Code, the word "shall" is mandatory, the word "should" is recommended; and the word "may" is permissive.
- 1.2.2. Except as otherwise indicated in this Code the provisions of this Code, when in conflict, shall take precedence over and supersede those of the LDC and other City codes, ordinances, regulations and standards. The provisions of the LDC and such other City codes, ordinances, regulations, and standards shall otherwise continue to be applicable to issues not covered by this Code.
- 1.2.3. The following City codes, ordinances, regulations, and standards shall continue to apply to development of land in the City: those mandated by state or federal law; environmental health and safety ordinances and regulations, including the Edwards Aquifer Authority regulations, water quality regulations, building codes under chapter 14 and fire codes under chapter 38 of the City Code; the requirements of any Historic Overlay District under Chapter 4 of the LDC; ordinances and regulations governing the sale or consumption of alcoholic beverages and ordinances and regulations governing the location and operation of adult-oriented business.
- 1.2.4. The existing City of San Marcos, Code of Ordinances shall continue to be applicable to issues not covered by this Code.
- 1.2.5. Capitalized terms used throughout this Code may be defined in Article 8 Definitions of Terms. Article 8 contains regulatory language that is integral to this Code. Those terms not defined in Article 8 shall be accorded their commonly accepted meanings. In the event of conflicts between the definitions in this Code and those of the LDC or other ordinances of the City, those of this Code shall take precedence.
- 1.2.6. The metrics of the Tables are an integral part of this Code. However, the diagrams and illustrations that accompany them should be considered guidelines, with the exception of those on Tables 5.8 through 5.13 Form-Based Code Graphics, which are also legally binding.
- 1.2.7. Where in conflict, numerical metrics shall take precedence over graphic metrics.

### 1.3. INTENT

- 1.3.1. The intent and purpose of this Code is to enable, encourage and qualify the implementation of the following policies:
- 1.3.2. **THE REGION**
  - a. That the region should retain its natural infrastructure and visual character

- derived from topography, woodlands, farmlands, riparian corridors and the river.
- b. That growth strategies should encourage Infill and redevelopment in parity with New Communities.
  - c. That development contiguous to urban areas should be integrated with the existing urban pattern.
  - d. That development non-contiguous to urban areas should be organized in the pattern of Clustered Land Development ("CLD") or Traditional Neighborhood Design ("TND").
  - e. That Affordable Housing should be distributed throughout the region to match job opportunities and to avoid concentrations of poverty.
  - f. That transportation Corridors should be planned and reserved in coordination with land use.
  - g. That green corridors should be used to define and connect the urbanized areas.
  - h. That the region should include a framework of transit, pedestrian, and bicycle systems that provide alternatives to the automobile.

### 1.3.3. THE COMMUNITY

- a. That neighborhoods and Regional Centers should be compact, pedestrian-oriented and Mixed Use.
- b. That neighborhoods and Regional Centers should be the preferred pattern of development and that Districts specializing in a single use should be the exception.
- c. That ordinary activities of daily living should occur within walking distance of most dwellings, allowing independence to those who do not drive.
- d. That interconnected networks of Thoroughfares should be designed to disperse traffic and reduce the length of automobile trips.
- e. That within neighborhoods, a range of housing types and price levels should be provided to accommodate diverse ages and incomes.
- f. That appropriate building Densities and land uses should be provided within walking distance of transit stops.
- g. That Civic, Institutional, and Commercial activities should be embedded downtown, not isolated in remote single-use complexes.
- h. That schools should be sized and located to enable children to walk or bicycle to them.
- i. That a range of Open Space including Parks, Squares, and playgrounds should be distributed within neighborhoods and downtown.

### 1.3.4. THE BLOCK AND THE BUILDING

- a. That buildings and landscaping should contribute to the physical definition of Thoroughfares as Civic places.
- b. That development should adequately accommodate automobiles while respecting the pedestrian and the spatial form of public areas.
- c. That architecture and landscape design should grow from local climate, topography, history, and building practice.
- d. That buildings should provide their inhabitants with a clear sense of geography and climate through energy efficient methods.
- e. That Civic Buildings and public gathering places should be provided as locations that reinforce community identity and support self-government.
- f. That Civic Buildings should be distinctive and appropriate to a role more im-

- portant than the other buildings that constitute the fabric of the city.
- g. That the preservation and renewal of historic buildings should be facilitated, to affirm the continuity and evolution of society.
  - h. That the harmonious and orderly evolution of urban areas should be secured through form-based codes.
- 1.3.5. **THE TRANSECT**
- a. That Communities should provide meaningful choices in living arrangements as manifested by distinct physical environments.
  - b. That the Transect Zone descriptions on Table 1.1 shall constitute the Intent of this Code with regard to the general character of each of these environments.
- 1.4. **PROCESS**
- 1.4.1. Any land to be developed under this code must be zoned as a SmartCode District ("SC"). In addition to the prerequisites of this Code, the processes and procedures under Chapter 1 Articles 3 and 5 of the LDC applicable to zoning map amendments shall apply to a petition or request seeking a zoning classification of SC or a change from one transect to another within the Downtown area. However, the requirement to post notification signs on land under Section 1.3.2.1(c) and 1.5.1.4(a) of the LDC or other section of the LDC shall not apply to land regulated by this code or to land subject to a petition for a zoning classification to which this code applies.
- 1.4.2. Within any area zoned as a SmartCode District subject to an adopted Regulating Plan this Code becomes the exclusive and mandatory regulation. Property owners within the plan area may submit Building Scale Plans under Article 5 in accordance with the provisions of this Code. Building Scale Plans requiring no Warrants or Variances shall be approved administratively by the Development Review Committee (DRC).
- 1.4.3. Within the Growth Divisions as shown on the Regional Scale Plan ("Regional Plan"), the provisions of Article 3 and this Code in general shall be available By Right, upon request by the owner.
- 1.4.4. The City of San Marcos hereby creates a DRC comprised of a member from each regulatory department having jurisdiction over the permitting of a project to process administratively applications and plans for proposed projects.
- 1.4.5. The geographic locations of the Divisions and the standards for the Transect Zones shall be determined as set forth in Article 2, Article 3, and Article 5 through a process of public consultation with approval by City Council. Once these determinations have been incorporated into this Code and its associated plans, then projects that require no Variances or Warrants, shall be processed administratively without further recourse to public consultation.
- 1.4.6. An owner may appeal a decision of the DRC to the Planning and Zoning Commission. A written appeal must be filed with the Development Services Department within ten working days from the date of notification of the final decision on the development application. An owner may appeal a decision of the Planning Commission to City Council. The petition must be filed within ten days after the date the decision is filed with the Development Services Department.
- 1.4.7. Should a violation of an approved Regulating Plan occur during construction, or should any construction, site work, or development be commenced without an approved Regulating Plan or Building Scale Plan, the Director of Development Services has the right to require the owner to stop, remove,

and/or mitigate the violation, or to secure a Variance to address the violation.

- 1.4.8. Parkland Dedication shall not be required within the Downtown area. For New Community Plans meeting the Civic Space requirements will fulfill the Parkland Dedication requirements.

### 1.5. WARRANTS AND VARIANCES

- 1.5.1. There shall be two types of deviation from the requirements of this Code: Warrants and Variances.
- 1.5.2. A Warrant is a ruling that would permit a practice that is not consistent with a specific provision of this Code but is justified by the provisions of Section 1.3 Intent. The Planning and Zoning Commission (P&Z) shall have the authority to approve or disapprove a request for a Warrant pursuant to regulations established. A warrant subject to the review of the P&Z shall require a public hearing and personal notice of the public hearing be sent to property owners within 200 feet of the subject property. Personal notice shall be sent by regular mail before the tenth day before the hearing date.
- 1.5.3. A Variance is any ruling on a deviation other than a Warrant. Variances shall be granted only in accordance with the State of Texas Statutes, Chapter 211 of the Local Government Code, as amended.
- 1.5.4. The request for a Warrant or Variance shall not subject the entire application to public hearing, but only that portion necessary to rule on the specific issue requiring the relief.
- 1.5.5. The following standards shall not be available for Warrants:
- The maximum dimensions for traffic lanes.
  - The required provision of Rear Alleys.
  - The Base Residential Densities.

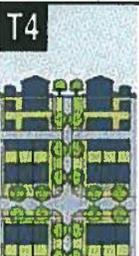
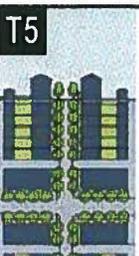
### 1.6. INCENTIVES

- 1.6.1. Applications that are not subject to mandatory provisions of the Code shall be eligible to utilize the following incentives by right:
- Applications under this code shall receive priority review status by the DRC, Planning and Zoning Commission, Zoning Board of Adjustment and the City Council ahead of applications that were eligible to use this code but elected not to do so
  - Applications under this code shall be processed with priority over those under the LDC, including those with prior filling dates.
  - The City shall waive the traffic impact analysis for all projects filled under this code.
  - Reserved for additional Incentives.

San Marcos, Texas

**TABLE 1.1. TRANSECT ZONE DESCRIPTIONS.**

This table provides descriptions of the general character of each T-zone. It is part of Intent Section 1.3.

	<p><b>T-1 NATURAL</b> T-1 Natural Zone consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation.</p>	<p><b>General Character:</b> Natural landscape with some agricultural use <b>Building Placement:</b> Not applicable <b>Frontage Types:</b> Not applicable <b>Typical Building Height:</b> Not applicable <b>Type of Civic Space:</b> Parks, Greenways</p>
	<p><b>T-2 RURAL</b> T-2 Rural Zone consists of sparsely settled lands in open or cultivated states. These include woodland, agricultural land, grassland, and hill country. Typical buildings are farmhouses, agricultural buildings, cabins, and villas.</p>	<p><b>General Character:</b> Primarily agricultural with woodlands &amp; wetland and scattered buildings <b>Building Placement:</b> Variable Setbacks <b>Frontage Types:</b> Not applicable <b>Typical Building Height:</b> 1- to 2-Story <b>Type of Civic Space:</b> Parks, Greenways</p>
	<p><b>T-3 SUB-URBAN</b> T-3 Sub-Urban Zone consists of low density walkable residential areas, adjacent to higher zones that have some mixed use. Home occupations and outbuildings are allowed. Planting is naturalistic and setbacks are relatively deep. Blocks may be large and Thoroughfares irregular to accommodate natural conditions, but designed for slow movement.</p>	<p><b>General Character:</b> Lawns, and landscaped yards surrounding detached single-family houses; pedestrians occasionally <b>Building Placement:</b> Large and variable front and side yard Setbacks <b>Frontage Types:</b> Porches, fences, naturalistic tree planting <b>Typical Building Height:</b> 1- to 2-Story with some 3-Story <b>Type of Civic Space:</b> Parks, Greenways</p>
	<p><b>T-4 GENERAL URBAN</b> T-4 General Urban Zone consists of a mixed use but primarily residential urban fabric. It may have a wide range of building types: single, sideyard, and rowhouses. Setbacks and landscaping are variable. Streets with curbs and sidewalks define medium-sized blocks.</p>	<p><b>General Character:</b> Mix of Houses, Townhouses &amp; small Apartment buildings, with scattered Commercial activity; balance between landscape and buildings; presence of pedestrians <b>Building Placement:</b> Shallow to medium front and side yard Setbacks <b>Frontage Types:</b> Porches, fences, Dooryards <b>Typical Building Height:</b> 2- to 3-Story with a few taller Mixed Use buildings <b>Type of Civic Space:</b> Squares, Greens</p>
	<p><b>T-5 URBAN CENTER</b> T-5 Urban Center Zone consists of higher density mixed use building that accommodate retail, offices, rowhouses and apartments. It has a tight network of streets, with wide sidewalks, regularly spaced street tree planting and buildings set close to the sidewalks.</p>	<p><b>General Character:</b> Shops mixed with Townhouses, larger Apartment houses, Offices, workplace, and Civic buildings; predominantly attached buildings; trees within the public right-of-way; substantial pedestrian activity <b>Building Placement:</b> Shallow Setbacks or none; buildings oriented to street defining a street wall <b>Frontage Types:</b> Stoops, Shopfronts, Galleries <b>Typical Building Height:</b> 2- to 5-Story with some variation <b>Type of Civic Space:</b> Parks, Plazas and Squares, median landscaping</p>

# ARTICLE 1. GENERAL TO ALL PLANS

San Marcos, Texas

## TABLE 1.2. SUMMARY TABLE - DOWNTOWN



a. ALLOCATION OF ZONES - not applicable

b. BASE RESIDENTIAL DENSITY (see Section 5.6)

By Right	18 DUA	by design	by design
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c. BLOCK SIZE - not applicable

d. THOROUGHFARES - not applicable

e. CIVIC SPACES - not applicable

f. LOT OCCUPATION

	T3	T4	T5
Lot Width	160 ft. min 180 ft. max	18 ft. min 120 ft. max	18 ft. min 195 ft. max
Lot Coverage	40% max	60% max	100% max
<b>g. SETBACKS - PRINCIPAL BUILDING (see Table 5.5 - 5.10)</b>			
(g.1) Front Setback (Principal)	24 ft. min	6 ft. min 18 ft. max	0 ft. min 12 ft. max
(g.2) Front Setback (Secondary)	12 ft. min	6 ft. min 18 ft. max	0 ft. min 12 ft. max
(g.3) Side Setback	12 ft. min	0 ft. min	0 ft. min 24 ft. max
(g.4) Rear Setback	12 ft. min	3 ft. min *	3 ft. min *
Frontage Buildout	40% min	70% min	80% min

\* or 15 ft. from centerline of alley

h. SETBACKS - OUTBUILDING (see Table 5.8, 5.10)

	T3	T4	T5
(h.1) Front Setback	20 ft. min +bldg setback	20 ft. min +bldg setback	40 ft. max from rear prop
(h.2) Side Setback	3 ft. or 6 ft. at corner	0 ft. min or 5 ft. at corner	0 ft. min
(h.3) Rear Setback	3 ft. min	3 ft. min	3 ft. max

i. BUILDING DISPOSITION (see Table 5.1)

	T3	T4	T5
Edgeyard	permitted	permitted	by Warrant
Sideyard	not permitted	permitted	permitted
Rearyard	not permitted	permitted	permitted
Courtyard	not permitted	not permitted	permitted

j. PRIVATE FRONTAGES (see Table 5.3)

	T3	T4	T5
Common Yard	permitted	permitted	not permitted
Porch & Fence	permitted	permitted	not permitted
Terrace or Deckyard	not permitted	not permitted	permitted
Ferrocement	not permitted	not permitted	permitted
Stoop	not permitted	permitted	permitted
Showfront	not permitted	permitted	permitted
Gallery	not permitted	permitted	permitted

k. BUILDING CONFIGURATION (see Table 5.2)

	T3	T4	T5
Principal Building Height	not applicable	5 stories*	5 stories*
Outbuilding Height	2 stories max	2 stories max	2 stories max

\* Buildings located in the downtown historic district shall not exceed a building height of 3 stories; 1 story or 2 stories permitted by warrant for buildings located outside the downtown historic district.

l. BUILDING FUNCTION (see Table 5.4 & Table 5.7)

	T3	T4	T5
Residential	restricted use	limited use	open use
Lodging	restricted use	limited use	open use
Office	restricted use	limited use	open use
Retail	restricted use	limited use	open use

ARTICLE 5

# ARTICLE 1. GENERAL TO ALL PLANS

San Marcos, Texas

**TABLE 1.3. SUMMARY TABLE - NEW DEVELOPMENT**



	1 NATURAL ZONE	2 RURAL ZONE	3 SUB-URBAN ZONE	4 GENERAL URBAN ZONE	5 URBAN CENTER ZONE
<b>a. ALLOCATION OF ZONES per Community Unit, applicable to Article 3 only.</b>					
CLD requires	50% min		20 - 40%	10-30%	not permitted
TND requires	no minimum	no minimum	10 - 30%	30 - 60%	10 - 30%
<b>b. BASE RESIDENTIAL DENSITY (see Section 3.8)</b>					
By Right	not applicable	1 unit / 20 ac avg	10 DUA	by Design	by Design
Other Functions	by Variance	by Variance	20% max	10 - 30%	30 - 50%
<b>c. BLOCK SIZE</b>					
Block Perimeter	no maximum	no maximum	2400 ft. max	2000 ft. max	2000 ft. max *
<b>d. THOROUGHFARES (see Table 3.3)</b>					
HW	permitted	permitted	permitted	not permitted	not permitted
BV	not permitted	not permitted	permitted	permitted	permitted
AV	not permitted	not permitted	permitted	permitted	permitted
CB	not permitted	not permitted	not permitted	not permitted	permitted
DR	not permitted	not permitted	permitted	permitted	permitted
BT	not permitted	not permitted	permitted	permitted	permitted
RD	permitted	permitted	permitted	not permitted	not permitted
Rear Lane	not permitted	not permitted	permitted	permitted	not permitted
Rear Alley	not permitted	not permitted	not permitted	permitted	required
Path	permitted	permitted	permitted	not permitted *	not permitted
Passage	not permitted	not permitted	not permitted	permitted	permitted
Bicycle Trail	permitted	permitted	permitted	not permitted *	not permitted
Bicycle Lane	permitted	permitted	permitted	not permitted	not permitted
Bicycle Route	permitted	permitted	permitted	permitted	permitted
<b>e. CIVIC SPACES (see Table 3.4)</b>					
Park	permitted	permitted	permitted	by Warrant	by Warrant
Green	not permitted	not permitted	permitted	permitted	permitted
Square	not permitted	not permitted	not permitted	permitted	permitted
Plaza	not permitted	not permitted	not permitted	not permitted	permitted
Playground	permitted	permitted	permitted	permitted	permitted
Community Garden	permitted	permitted	permitted	permitted	permitted
<b>f. LOT OCCUPATION</b>					
Lot Width	not applicable	by Warrant	60 ft. min 120 ft. max	18 ft. min 120 ft. max	18 ft. min 196 ft. max
Lot Coverage	not applicable	by Warrant	60% max	80% max	100% max
<b>g. SETBACKS - PRINCIPAL BUILDING (see Tables 5.11 - 5.13)</b>					
(g.1) Front Setback (Principal)	not applicable	48 ft. min	24 ft. min	6 ft. min 18 ft. max	0 ft. min 12 ft. max
(g.2) Front Setback (Secondary)	not applicable	48 ft. min	12 ft. min	6 ft. min 18 ft. max	0 ft. min 12 ft. max
(g.3) Side Setback	not applicable	06 ft. min	12 ft. min	0 ft. min or 6 ft. min, total	0 ft. min 24 ft. max
(g.4) Rear Setback	not applicable	06 ft. min	12 ft. min	3 ft. min	3 ft. min
Frontage Buildout	not applicable	not applicable	40% min	80% min	80% min
<b>h. SETBACKS - OUTBUILDING (see Tables 5.11 - 5.13)</b>					
(h.1) Front Setback	not applicable	120 ft. min +bldg setback	20 ft. min +bldg setback	20 ft. min +bldg setback	40 ft. max from rear prop
(h.2) Side Setback	not applicable	3 ft. or 6 ft.	3 ft. or 6 ft.	0 ft. min or 5 ft.	0 ft. min
(h.3) Rear Setback	not applicable	3 ft. min	3 ft. min	3 ft. max	3 ft. max
<b>i. BUILDING DISPOSITION (see Table 5.1)</b>					
Edgeyard	not applicable	permitted	permitted	permitted	by Warrant
Sideyard	not applicable	not permitted	not permitted	permitted	permitted
Rearyard	not applicable	not permitted	not permitted	permitted	permitted
Courtyard	not applicable	not permitted	not permitted	not permitted	permitted
<b>j. PRIVATE FRONTAGES (see Table 5.3)</b>					
Common Yard	not applicable	permitted	permitted	permitted	not permitted
Porch & Fence	not applicable	permitted	permitted	permitted	not permitted
Terrace or Dooryard	not applicable	not permitted	not permitted	permitted	permitted
Forecourt	not applicable	not permitted	not permitted	permitted	permitted
Stoop	not applicable	not permitted	not permitted	permitted	permitted
Shopfront & Awning	not applicable	not permitted	not permitted	permitted	permitted
Gallery	not applicable	not permitted	not permitted	permitted	permitted
<b>k. BUILDING CONFIGURATION (see Table 5.2)</b>					
Principal Building	not applicable	2 Stories max	2 Stories max	3 Stories max	5 Stories max*, 2 min
Outbuilding	not applicable	2 Stories max	2 Stories max	2 Stories max	2 Stories max
<b>l. BUILDING FUNCTION (see Table 5.4 &amp; Table 5.7)</b>					
Residential	not applicable	restricted use	restricted use	limited use	open use
Lodging	not applicable	restricted use	restricted use	limited use	open use
Office	not applicable	restricted use	restricted use	limited use	open use
Retail	not applicable	restricted use	restricted use	limited use	open use

DISPOSITION

CONFIGURATION

FUNCTION

ARTICLE 5  
ARTICLE 2, 3, 4

**ARTICLE 3. NEW COMMUNITY PLANS****3.1. INSTRUCTIONS**

- 3.1.1. Once the City Council approves a SmartCode District, the parcel shall become a **New** Community Plan Area and shall be marked as such on the Zoning Map of City of San Marcos. Within the **New** Community Plan Area, this Code shall be the exclusive and mandatory zoning regulation, and its provisions shall be applied in their entirety.
- 3.1.2. New Community Regulating Plans submitted in accordance with the provisions of this Code, for the appropriate Division of a Regional Plan and requiring no Variances, shall be approved administratively by the DRC.
- 3.1.3. Regulating Plans consisting of one or more maps showing the following for each Community Unit in the plan area, in compliance with the standards described in this Article:
  - a. Transect Zones
  - b. Civic Zones
  - c. Thoroughfare network
  - d. Special Districts, if any
  - e. Special Requirements, if any
  - f. numbers of Warrants or Variances, if any.

**3.2. SEQUENCE OF COMMUNITY DESIGN**

- 3.2.1. The site shall be structured using one or several Pedestrian Sheds applicable to its Community Unit type as required in Section 3.3. The Pedestrian Shed(s) should be located according to existing conditions, such as traffic intersections, adjacent developments, transit stations, and natural features. The site or any Community Unit within it may be smaller or larger than its Pedestrian Shed. The Pedestrian Shed is a planning guide, not a regulatory unit.
- 3.2.2. The Pedestrian Sheds may be adjusted to include land falling between or outside them. Community Unit boundaries are determined by the boundaries of these adjusted Pedestrian Sheds and/or partial Pedestrian Sheds.
- 3.2.3. Areas of Transect Zones (Section 3.4) shall be allocated within the boundaries of each Community Unit as appropriate to its type. See Section 3.3 and Table 1.3a.
- 3.2.4. Civic Zones shall be assigned according to Section 3.5.
- 3.2.5. Special Districts, if any, shall be assigned according to Section 3.6.
- 3.2.6. The Thoroughfare network shall be laid out according to Section 3.7.
- 3.2.7. Density shall be calculated according to Section 3.8.
- 3.2.8. Remnants of the site outside the Community Units shall be assigned to Transect Zones, Civic Space or Special District by the DRC.

**3.3. COMMUNITY UNIT TYPES**

- 3.3.1. **CLUSTERED LAND DEVELOPMENT (CLD)**
  - a. A Clustered Land Development (CLD) shall be permitted within the G-1 Restricted Growth Division.
  - b. A CLD shall be structured by one Standard Pedestrian Shed and shall consist of no fewer than 40 contiguous acres and no more than 80

contiguous acres.

- c. A CLD shall include Transect Zones as allocated on Table 3.1 and Table 1.3a. A minimum of 50% of the Community Unit shall be permanently allocated to a T1 Natural Zone and/or T2 Rural Zone.

**3.3.2. TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)**

- a. A Traditional Neighborhood Development (TND) shall be permitted within the G-3 Intended Growth Division.
- b. A TND shall be structured by one Standard or Linear Pedestrian Shed and shall be no fewer than 40 acres and no more than 160 acres.
- c. A TND shall include Transect Zones as allocated on Table 3.1 and Table 1.3a.
- d. Larger sites shall be designed and developed as multiple Communities, each subject to the individual Transect Zone requirements for its type as allocated on Table 3.1 and Table 1.3a. The simultaneous planning of adjacent parcels is encouraged.

**3.3.3. TRANSIT ORIENTED DEVELOPMENT (TOD)**

- a. Any TND on an existing or projected rail or Bus Rapid Transit (BRT) network may be re-designated in whole or in part as TOD and permitted the higher Density represented by the Effective Parking allowance in Section 5.9.2d.
- b. The use of a TOD overlay requires approval by City Council.

**3.4. TRANSECT ZONES**

3.4.1. Transect Zones shall be assigned and mapped on each Regulating Plan according to the percentages allocated on Tables 3.1 and 1.3a. See Section 3.1.3.

3.4.2. A Transect Zone may include any of the elements indicated for its T-zone number throughout this Code, in accordance with Intent described in Table 1.1 and the metric standards summarized in Table 1.3.

**3.5. CIVIC ZONES**

**3.5.1. GENERAL**

- a. Civic Zones dedicated for public use shall be required for each Community Unit and designated on the New Community Plan as Civic Space (CS) and Civic Building (CB).
- b. A Civic Zone may be permitted if it does not occupy more than 20% of a Pedestrian Shed, otherwise it is subject to the creation of a Special District. See Section 3.6.
- c. Parking requirements for Civic Zones shall be determined by Tables 5.5 and 5.6. For Parking Location standards, see Section 5.10. Civic parking lots may remain unpaved if graded, compacted and landscaped.

**3.5.2. CIVIC ZONES SPECIFIC TO T1 & T2 ZONES**

- a. Civic Buildings within T1 Natural and T2 Rural Zones shall be permitted only by Warrant.
- b. Those portions of the T1 Natural Zone that occur within a development parcel shall be part of the Civic Space allocation and should conform to

the Civic Space types specified in Table 3.4a or 3.4b.

**3.5.3. CIVIC SPACE (CS) SPECIFIC TO T3 – T5 ZONES**

- a. Each Pedestrian Shed shall assign at least 5% of its Urbanized area to Civic Space.
- b. Civic Spaces shall be designed as generally described in Table 3.4, approved by the DRC, and distributed throughout Transect Zones as described in Table 1.3e.
- c. Each Pedestrian Shed shall contain at least one Main Civic Space. The Main Civic Space shall be within 800 feet of the geographic center of each Pedestrian Shed, unless topographic conditions, pre-existing Thoroughfare alignments or other circumstances prevent such location. A Main Civic Space shall conform to one of the types specified in Table 3.4b, 3.4c, or 3.4d.
- d. Within 1,000 feet of every Lot in Residential use, a Civic Space designed and equipped as a playground shall be provided. A playground shall conform to Table 3.4e.
- e. Each Civic Space shall have a minimum of 50% of its perimeter enfronting a Thoroughfare, except for playgrounds.
- f. Civic Spaces smaller than one (1) acre shall not be proportioned narrower than 1:4.
- g. Parks may be permitted in Transect Zones T4 and T5 when approved by the DRC.

**3.5.4. CIVIC BUILDINGS (CB) SPECIFIC TO T3 – T5 ZONES**

- a. The owner shall covenant to construct a Meeting Hall or a Third Place in proximity to the Main Civic Space of each Pedestrian Shed. Its corresponding Public Frontage shall be equipped with a shelter and bench for a transit stop.
- b. Civic Building Lot shall be reserved for an elementary school for up to five years after the sale of the last lot. Its area shall be a minimum of three (3) acres. The school site may be within any Transect Zone. Any playing fields should be outside the Pedestrian Shed.
- c. One Civic Building Lot suitable for a childcare building shall be reserved within each Pedestrian Shed for up to five years after the sale of the last lot. The owner or a homeowners' association or other community council may organize, fund and construct an appropriate building as the need arises.
- d. Civic Building sites shall not occupy more than 20% of the area of each Pedestrian Shed.
- e. Civic Building sites should be located within or adjacent to a Civic Space, or at the axial termination of a significant Thoroughfare.
- f. Civic Buildings shall not be subject to the standards of Article 5. Their design shall require approval by the DRC.

**3.6. SPECIAL DISTRICTS**

- 3.6.1. Special District designations shall be assigned to areas that, by their intrinsic

size, Function, or Configuration, cannot conform to the requirements of any Transect Zone or combination of zones.

3.6.2. Conditions of development for Special Districts shall be determined in a public hearing of City Council and recorded on Table 3.7.

**3.7. THOROUGHFARE STANDARDS**

**3.7.1. GENERAL**

- a. Thoroughfares are intended for use by vehicular and pedestrian traffic and to provide access to Lots and Open Spaces.
- b. Thoroughfares shall generally consist of vehicular lanes and Public Frontages.
- c. Thoroughfares shall be designed in context with the urban form and desired design speed of the Transect Zones through which they pass. The Public Frontages of Thoroughfares that pass from one Transect Zone to another shall be adjusted accordingly or, alternatively, the Transect Zone may follow the alignment of the Thoroughfare to the depth of one Lot, retaining a single Public Frontage throughout its trajectory.
- d. Within the most rural Zones (T1 and T2) pedestrian comfort shall be a secondary consideration of the Thoroughfare. Design conflict between vehicular and pedestrian generally shall be decided in favor of the vehicle. Within the more urban Transect Zones (T3 through T5) pedestrian comfort shall be a primary consideration of the Thoroughfare. Design conflict between vehicular and pedestrian movement generally shall be decided in favor of the pedestrian.
- e. The Thoroughfare network shall be designed to define Blocks not exceeding the size prescribed in Table 1.3c. The perimeter shall be measured as the sum of Lot Frontage Lines. Block perimeter at the edge of the development parcel shall be subject to approval by Warrant.
- f. All Thoroughfares shall terminate at other Thoroughfares, forming a network. Internal Thoroughfares shall connect wherever possible to those on adjacent sites. Cul-de-sacs shall be subject to approval by Warrant to accommodate specific site conditions only, and shall be connected by Paths and/or Bicycle Trails.
- g. Each Lot shall Enfront a vehicular Thoroughfare, except that 20% of the Lots within each Transect Zone may Enfront a Passage.
- h. Thoroughfares along a designated B-Grid may be exempted by the DRC from one or more of the specified Public Frontage or Private Frontage requirements. See Table 5.3.
- i. Paths and Bicycle Trails shall meet AASHTO standards.
- j. The standards for Thoroughfares within Special Districts shall be determined by Warrant.

**3.7.2. VEHICULAR LANES**

- a. Thoroughfares may include vehicular lanes in a variety of widths for parked and for moving vehicles, including bicycles. The standards for vehicular lanes shall be as shown in Table 3.3.

- b. A bicycle network consisting of Bicycle Trails, Bicycle Routes and Bicycle Lanes should be provided throughout as defined in Article 6 Definitions of Terms and allocated as specified in Table 1.3d. Bicycle Routes should be marked with Sharrows. The community bicycle network shall be connected to existing or proposed regional networks wherever possible.

**3.7.3. PUBLIC FRONTAGES**

- a. **GENERAL TO ALL ZONES T1, T2, T3, T4, T5**
  - i. The Public Frontage contributes to the character of the Transect Zone, and includes the types of Sidewalk, Curb, planter, bicycle facility, and street trees.
  - ii. Public Frontages shall be designed as shown in Table 3.2 and Table 3.3 and allocated within Transect Zones as specified in Table 1.3d.
  - iii. Within the Public Frontages, the prescribed types of Public Planting and Public Lighting shall be as shown in Table 3.2, Table 3.3, Table 3.5 and Table 3.6. The spacing may be adjusted by the DRC to accommodate specific site conditions.
- b. **SPECIFIC TO ZONES T1, T2, T3**
  - i. The Public Frontage shall include trees of various species, naturally clustered, as well as shrubs and other low vegetation.
  - ii. The introduced landscape shall consist primarily of native species requiring minimal irrigation, fertilization and maintenance.
- c. **SPECIFIC TO ZONES T4, T5**
  - i. The introduced landscape shall consist primarily of durable species tolerant of soil compaction.
- d. **SPECIFIC TO ZONE T4**
  - i. The Public Frontage shall include trees planted in a regularly-spaced Allee pattern of single or alternated species with shade canopies of a height that, at maturity, clears at least one Story.
- e. **SPECIFIC TO ZONE T5**
  - i. The Public Frontage shall include trees planted in a regularly-spaced Allee pattern of single species with shade canopies of a height that, at maturity, clears at least one Story. At Retail Frontages, the spacing of the trees may be irregular, to avoid visually obscuring the shopfronts.
  - ii. Streets with a Right-of-Way width of 40 feet or less shall be exempt from the tree requirement.

**3.8. DENSITY CALCULATIONS**

- 3.8.1. All areas of the New Community Plan site that are not part of the O-1 Preserved Division shall be considered cumulatively the Net Site Area. The Net Site Area shall be allocated to the various Transect Zones according to the parameters specified in Table 1.3a.
- 3.8.2. Density shall be expressed in terms of dwelling units per acre as specified for the area of each Transect Zone by Table 1.3b. For purposes of Density

calculation, the Transect Zones include the Thoroughfares but not land assigned to Civic Zones. To ensure Mixed Use, the T5 Zone shall be required to provide a minimum 15% Retail and 15% Office.

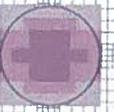
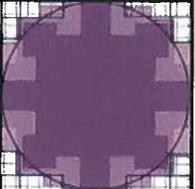
- 3.8.3. The housing and other Functions for each Transect Zone shall be subject to further adjustment at the building scale as limited by Table 5.5, Table 5.6 and Section 5.9.

### **3.9. SPECIAL REQUIREMENTS**

- 3.9.1. A New Community Plan may designate any of the following Special Requirements:
- a. A differentiation of the Thoroughfares as A-Grid and B-Grid. Buildings along the A-Grid shall be held to the highest standard of this Code in support of pedestrian activity. Buildings along the B-Grid may be more readily considered for Warrants allowing automobile-oriented standards. The Frontages assigned to the B-Grid shall not exceed 30% of the total length of Frontages within a Pedestrian Shed.
  - b. Mandatory and/or Recommended Retail Frontage requiring or advising that a building provide a Shopfront at Sidewalk level along the entire length of its Private Frontage.
  - c. Mandatory and/or Recommended Gallery Frontage, requiring or advising that a building provide a permanent cover over the Sidewalk, either cantilevered or supported by columns. The Gallery Frontage designation may be combined with a Retail Frontage designation.
  - d. Mandatory and/or Recommended porch front, requiring or advising that a porch be included in the Private Frontage.
  - e. Build-to Line, requiring the placement of the building Façade along the line.
  - f. Coordinated Frontage, requiring that the Public Frontage (Tables 3.2 and 3.3) and Private Frontage (Table 5.3) be coordinated as a single, coherent landscape and paving design.
  - g. Mandatory and/or Recommended Terminated Vista locations, requiring or advising that the building be provided with architectural articulation of a type and character that responds visually to the location, as approved by the DRC.
  - h. Cross Block Passages, requiring that a minimum 8-foot-wide pedestrian access be reserved between buildings.
  - i. Buildings of Value, requiring that such buildings and structures may be altered or demolished only in accordance with the Land Development Code requirements for historic districts and landmarks.

**TABLE 3.1. COMMUNITY UNITS**

This table illustrates basic Community Units permitted in each Growth Division, and the Transect Zones permitted within each Community Unit. Standard and Long Pedestrian Sheds are shown for scale. Community Unit area may fall anywhere within the acreage range specified in Section 3.3. Transect Zone allocations by area may fall anywhere within the percentage ranges below. For the use of Pedestrian Sheds in planning, see Section 3.2 and Table 6.1.

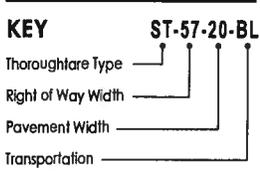
	01 PRESERVED OPEN SECTOR	02 RESERVED OPEN SECTOR	G1 RESTRICTED GROWTH SECTOR	G2 RESERVED	G3 INTENDED GROWTH SECTOR	G4 INFILL GROWTH SECTOR
C L D			 T1/T2 50% MIN T3 20 - 40% T4 10 - 30%			
I N Z					 T1/T2 NO MIN T3 10 - 30% T4 30 - 60% T5 10 - 30%	 VARIABLE VARIABLE VARIABLE
R C R						 T4 VARIABLE T5 VARIABLE

T1/T2   
  T3   
  T4   
  T5



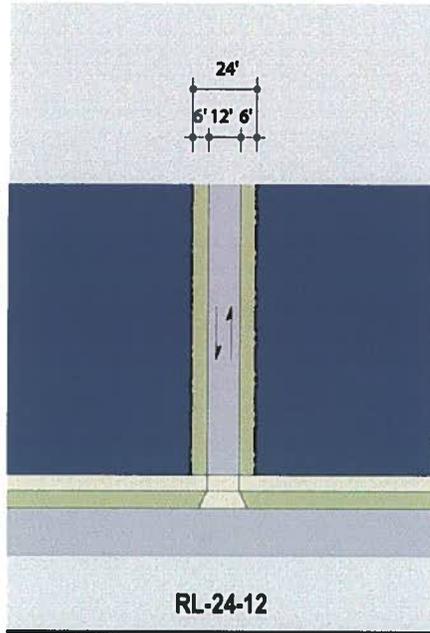
**TABLE 3.3. THOROUGHFARE ASSEMBLIES**

These Thoroughfares are assembled from the elements that appear in Tables 3.2 and incorporate the Public Frontages of Table 3.4. The key gives the Thoroughfare type followed by the right-of-way width, the pavement width, and in some instances by specialized transportation capability.

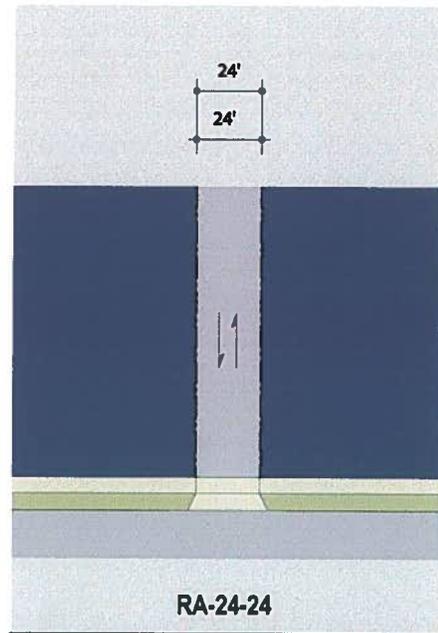


**THOROUGHFARE TYPES**

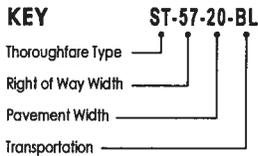
Highway:	HW
Boulevard:	BV
Avenue:	AV
Commercial Street:	CS
Drive:	DR
Street:	ST
Road:	RD
Rear Alley:	RA
Rear Lane:	RL
Bicycle Trail:	BT
Bicycle Lane:	BL
Bicycle Route:	BR
Path:	PT
Transit Route:	TR



Thoroughfare Type	Rear Lane
Transect Zone Assignment	T3, T4
Right-of-Way Width	24 feet
Pavement Width	12 feet
Movement	Yield Movement
Operating Speed	10 MPH
Pedestrian Crossing Time	3.5 seconds
Traffic Lanes	n/a
Parking Lanes	None
Curb Radius	Taper
Public Frontage Type	None
Walkway Type	None
Planter Type	None
Curb Type	Inverted Crown
Landscape Type	Trees at 30' o.c. Avg.
Transportation Provision	None



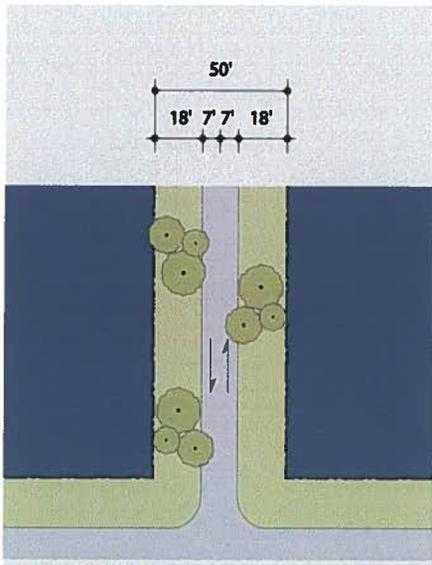
Thoroughfare Type	Rear Alley
Transect Zone Assignment	T5
Right-of-Way Width	24 feet
Pavement Width	24 feet
Movement	Slow Movement
Operating Speed	10 MPH
Pedestrian Crossing Time	7 seconds
Traffic Lanes	n/a
Parking Lanes	None
Curb Radius	Taper
Public Frontage Type	None
Walkway Type	None
Planter Type	None
Curb Type	Inverted Crown
Landscape Type	Trees at 30' o.c. Avg.
Transportation Provision	None



**THOROUGHFARE TYPES**

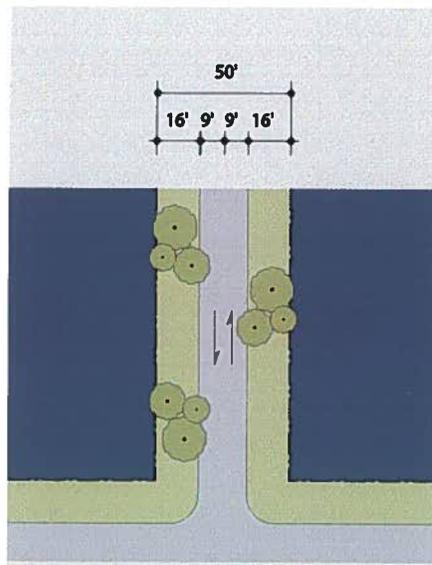
Highway:	HW
Boulevard:	BV
Avenue:	AV
Commercial Street:	CS
Drive:	DR
Street:	ST
Road:	RD
Rear Alley:	RA
Rear Lane:	RL
Bicycle Trail:	BT
Bicycle Lane:	BL
Bicycle Route:	BR
Path:	PT
Transit Route:	TR

Thoroughfare Type
Transect Zone Assignment
Right-of-Way Width
Pavement Width
Movement
Operating Speed
Pedestrian Crossing Time
Traffic Lanes
Parking Lanes
Curb Radius
Public Frontage Type
Walkway Type
Planter Type
Curb Type
Landscape Type
Transportation Provision



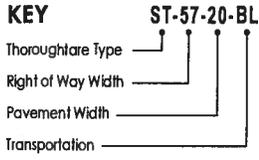
**RD-50-14**

Road
T1, T2, T3
50 feet
14 feet
Yield Movement
15 MPH
4 seconds
2 lanes
None
25 feet
Porch and Fence, Common Lawn
Path optional
Continuous swale
Swale
Trees clustered at 30' o.c. Avg.
BR



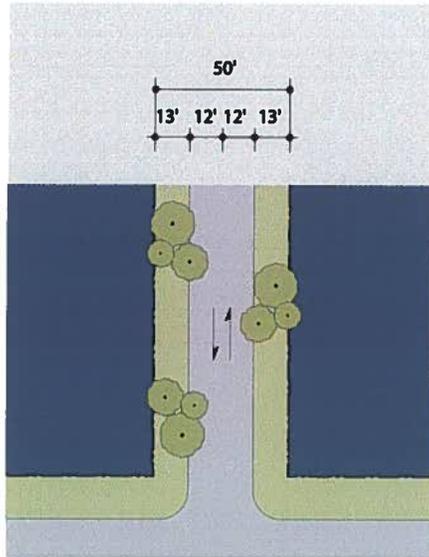
**RD-50-18**

Road
T1, T2, T3
50 feet
18 feet
Slow Movement
15 MPH
5.1 seconds
2 lanes
None
25 feet
Porch and Fence, Common Lawn
Path optional
Continuous swale
Swale
Trees clustered at 30' o.c. Avg.
BR



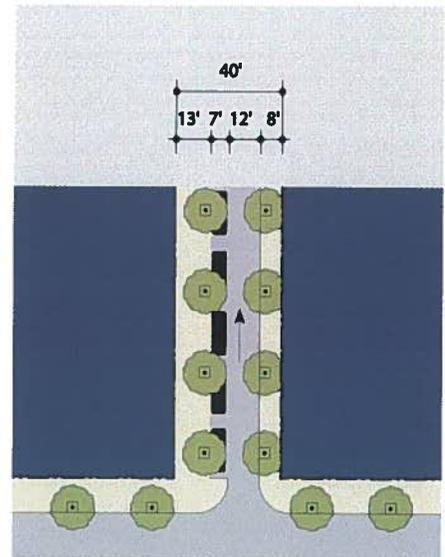
**THOROUGHFARE TYPES**

- Highway: HW
- Boulevard: BV
- Avenue: AV
- Commercial Street: CS
- Drive: DR
- Street: ST
- Road: RD
- Rear Alley: RA
- Rear Lane: RL
- Bicycle Trail: BT
- Bicycle Lane: BL
- Bicycle Route: BR
- Path: PT
- Transit Route: TR



**RD-50-24**

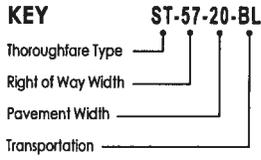
Thoroughfare Type	Road
Transect Zone Assignment	T1, T2, T3
Right-of-Way Width	50 feet
Pavement Width	24 feet
Movement	Slow Movement
Operating Speed	20 MPH
Pedestrian Crossing Time	6.8 seconds
Traffic Lanes	2 lanes
Parking Lanes	None
Curb Radius	25 feet
Public Frontage Type	Porch and Fence, Common Lawn
Walkway Type	Path optional
Planter Type	Continuous swale
Curb Type	Swale
Landscape Type	Trees clustered at 30' o.c. Avg.
Transportation Provision	BR, TR



**ST-40-19**

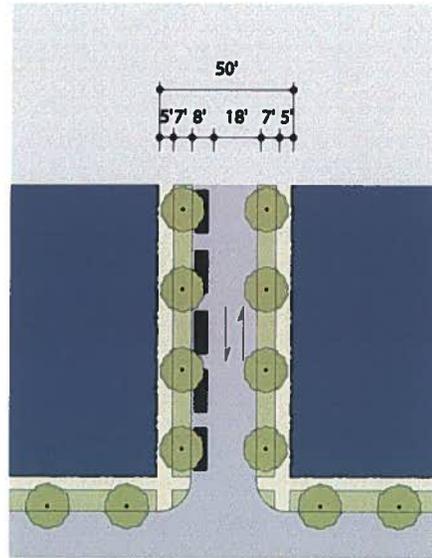
Thoroughfare Type	Street
Transect Zone Assignment	T4, T5
Right-of-Way Width	40 feet
Pavement Width	19 feet
Movement	Slow Movement
Operating Speed	20 MPH
Pedestrian Crossing Time	5.4 seconds
Traffic Lanes	1 lane
Parking Lanes	One Side @ 7 feet marked
Curb Radius	15 feet
Public Frontage Type	A/G, SF/AW, ST, DY/LC
Walkway Type	13/8 foot Sidewalk
Planter Type	4x4" Tree well
Curb Type	Curb
Landscape Type	Trees at 30' o.c. Avg.
Transportation Provision	BR

San Marcos, Texas



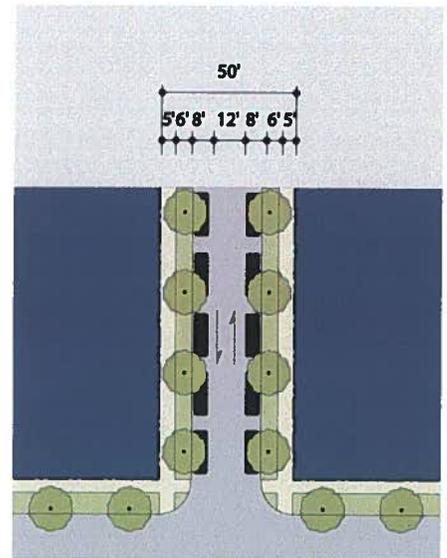
**THOROUGHFARE TYPES**

Highway:	HW
Boulevard:	BV
Avenue:	AV
Commercial Street:	CS
Drive:	DR
Street:	ST
Road:	RD
Rear Alley:	RA
Rear Lane:	RL
Bicycle Trail:	BT
Bicycle Lane:	BL
Bicycle Route:	BR
Path:	PT
Transit Route:	TR



**ST-50-26**

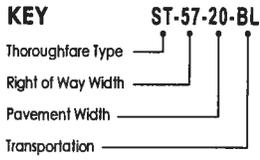
Thoroughfare Type	Street
Transect Zone Assignment	T4, T5, T6
Right-of-Way Width	50 feet
Pavement Width	26 feet
Movement	Free Movement
Operating Speed	20 MPH
Pedestrian Crossing Time	7.4 seconds
Traffic Lanes	2 lanes
Parking Lanes	One Side @ 8 feet marked
Curb Radius	10 feet
Public Frontage Type	ST, FC, DY/LC, PF
Walkway Type	5 foot Sidewalk
Planter Type	7 foot Continuous planter
Curb Type	Curb
Landscape Type	Trees at 30' o.c. Avg.
Transportation Provision	BR, SH



**ST-50-28**

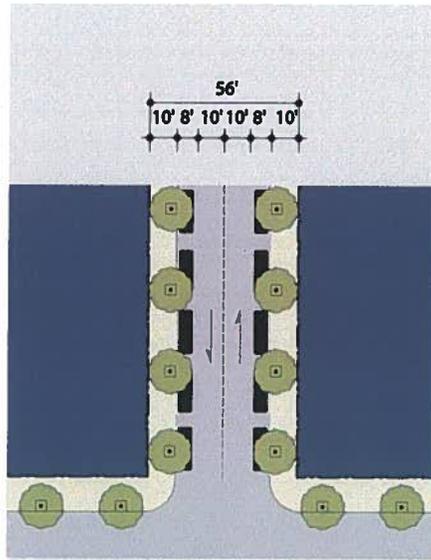
Thoroughfare Type	Street
Transect Zone Assignment	T4, T5, T6
Right-of-Way Width	50 feet
Pavement Width	28 feet
Movement	Yield Movement
Operating Speed	20 MPH
Pedestrian Crossing Time	7.6 seconds
Traffic Lanes	2 lanes
Parking Lanes	Both Sides @ 8 feet unmarked
Curb Radius	10 feet
Public Frontage Type	ST, FC, DY/LC, PF
Walkway Type	5 foot Sidewalk
Planter Type	6 foot Continuous planter
Curb Type	Curb
Landscape Type	Trees at 30' o.c. Avg.
Transportation Provision	BR, SH

Thoroughfare Type	Street
Transect Zone Assignment	T4, T5, T6
Right-of-Way Width	50 feet
Pavement Width	26 feet
Movement	Free Movement
Operating Speed	20 MPH
Pedestrian Crossing Time	7.4 seconds
Traffic Lanes	2 lanes
Parking Lanes	One Side @ 8 feet marked
Curb Radius	10 feet
Public Frontage Type	ST, FC, DY/LC, PF
Walkway Type	5 foot Sidewalk
Planter Type	7 foot Continuous planter
Curb Type	Curb
Landscape Type	Trees at 30' o.c. Avg.
Transportation Provision	BR, SH



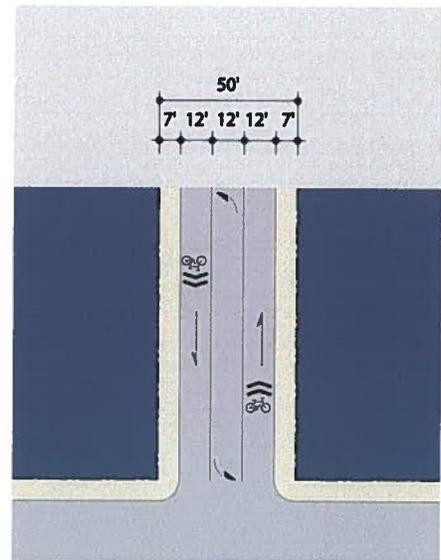
**THOROUGHFARE TYPES**

- Highway: HW
- Boulevard: BV
- Avenue: AV
- Commercial Street: CS
- Drive: DR
- Street: ST
- Road: RD
- Rear Alley: RA
- Rear Lane: RL
- Bicycle Trail: BT
- Bicycle Lane: BL
- Bicycle Route: BR
- Path: PT
- Transit Route: TR



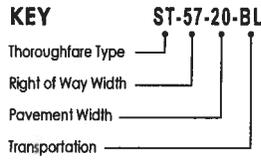
**ST-56-36 (8-10-10-8)**

Thoroughfare Type	Street
Transect Zone Assignment	T4, T5
Right-of-Way Width	56 feet
Pavement Width	36 feet
Movement	Slow Movement
Operating Speed	25 MPH
Pedestrian Crossing Time	10 seconds
Traffic Lanes	2 lanes
Parking Lanes	Both sides @ 8 feet marked
Curb Radius	10 feet
Public Frontage Type	Gallery, Shopfront, Stoop
Walkway Type	10 feet Sidewalk
Planter Type	4' x 4' tree well
Curb Type	Curb
Landscape Type	Trees at 30' o.c. Avg.
Transportation Provision	BR



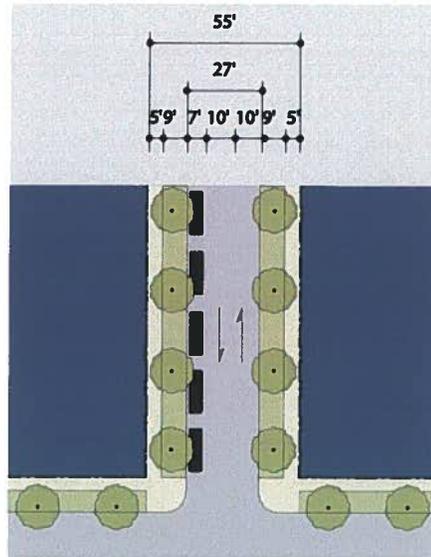
**ST-50-36 (12-12-12)**

Thoroughfare Type	Street
Transect Zone Assignment	T3, T4
Right-of-Way Width	50 feet
Pavement Width	36 feet
Movement	Slow Movement
Operating Speed	30 MPH
Pedestrian Crossing Time	10 seconds
Traffic Lanes	2 lanes, 1 turn lane
Parking Lanes	None
Curb Radius	10 feet
Public Frontage Type	Shopfront, Stoop, Porch and Fence
Walkway Type	7 feet Sidewalk
Planter Type	None
Curb Type	Curb
Landscape Type	None
Transportation Provision	SH, TR



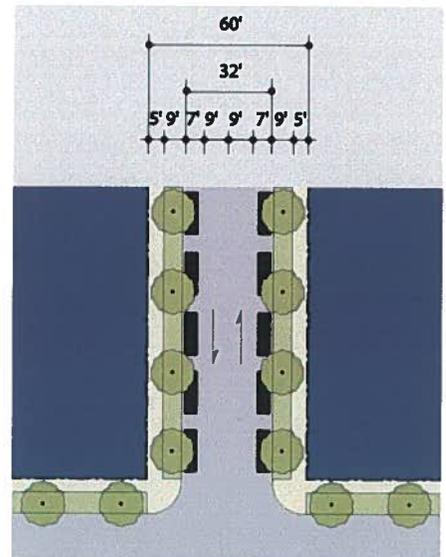
**THOROUGHFARE TYPES**

Highway:	HW
Boulevard:	BV
Avenue:	AV
Commercial Street:	CS
Drive:	DR
Street:	ST
Road:	RD
Rear Alley:	RA
Rear Lane:	RL
Bicycle Trail:	BT
Bicycle Lane:	BL
Bicycle Route:	BR
Path:	PT
Transit Route:	TR



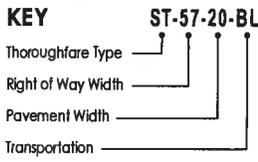
**ST-55-27**

Thoroughfare Type	Street
Transect Zone Assignment	T4, T5
Right-of-Way Width	55 feet
Pavement Width	27 feet
Movement	Slow Movement
Operating Speed	20 MPH
Pedestrian Crossing Time	6.0 seconds
Traffic Lanes	2 lanes
Parking Lanes	One Sides @ 7 feet marked
Curb Radius	10 feet
Public Frontage Type	ST, FC, DY/LC
Walkway Type	5 foot Sidewalk
Planter Type	9 foot Continuous planter
Curb Type	Curb
Landscape Type	Trees at 30' o.c. Avg.
Transportation Provision	BR, SH, TR



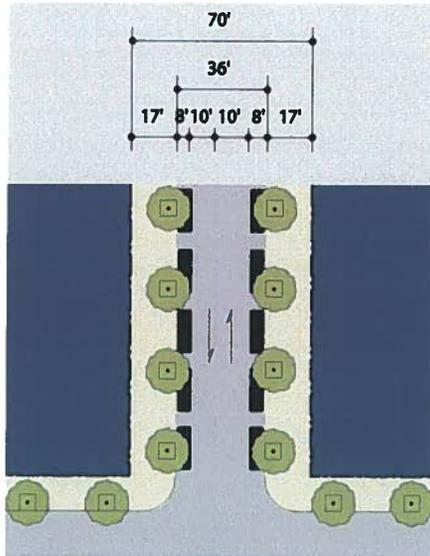
**ST-60-32**

Thoroughfare Type	Street
Transect Zone Assignment	T4
Right-of-Way Width	60 feet
Pavement Width	32 feet
Movement	Slow Movement
Operating Speed	20 MPH
Pedestrian Crossing Time	9.7 seconds
Traffic Lanes	2 lanes
Parking Lanes	Both Sides @ 7 feet marked
Curb Radius	10 feet
Public Frontage Type	ST, FC, DY/LC, PF
Walkway Type	5 foot Sidewalk
Planter Type	9 foot Continuous planter
Curb Type	Curb or Swale
Landscape Type	Trees at 30' o.c. Avg.
Transportation Provision	BR, SH



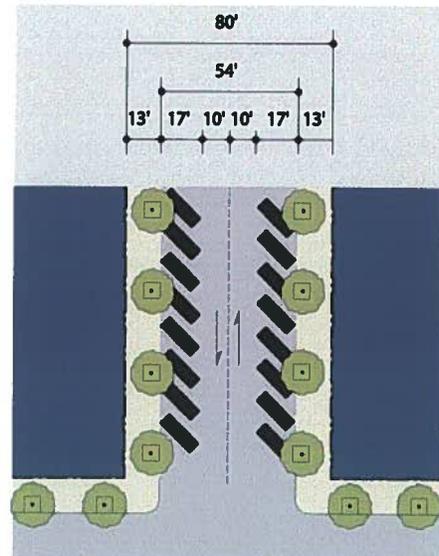
**THOROUGHFARE TYPES**

- Highway: HW
- Boulevard: BV
- Avenue: AV
- Commercial Street: CS
- Drive: DR
- Street: ST
- Road: RD
- Rear Alley: RA
- Rear Lane: RL
- Bicycle Trail: BT
- Bicycle Lane: BL
- Bicycle Route: BR
- Path: PT
- Transit Route: TR



**CS-70-36**

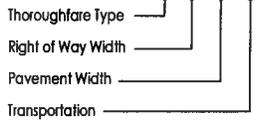
Thoroughfare Type	Commercial Street
Transect Zone Assignment	T5
Right-of-Way Width	70 feet
Pavement Width	36 feet
Movement	Slow Movement
Operating Speed	25 MPH
Pedestrian Crossing Time	10 seconds
Traffic Lanes	2 lanes
Parking Lanes	Both Sides @ 8 feet marked
Curb Radius	10 feet
Public Frontage Type	Gallery/Arcade, Shopfront/Awning
Walkway Type	17 foot Sidewalk
Planter Type	4' x 4' tree well
Curb Type	Curb
Landscape Type	Trees at 30' o.c. Avg.
Transportation Provision	BR, SH, TR



**CS-80-54**

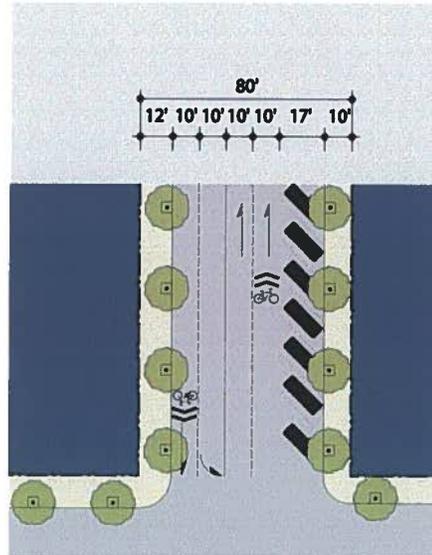
Thoroughfare Type	Commercial Street
Transect Zone Assignment	T5
Right-of-Way Width	80 feet
Pavement Width	54 feet
Movement	Slow Movement
Operating Speed	25 MPH
Pedestrian Crossing Time	5.7 seconds
Traffic Lanes	2 lanes
Parking Lanes	Both Sides @ 17 feet marked reverse angle
Curb Radius	5 feet
Public Frontage Type	Gallery/Arcade, Shopfront/Awning
Walkway Type	17 foot Sidewalk
Planter Type	4' x 4' tree well
Curb Type	Curb
Landscape Type	Trees at 30' o.c. Avg.
Transportation Provision	BR, SH, TR

**KEY** ST-57-20-BL



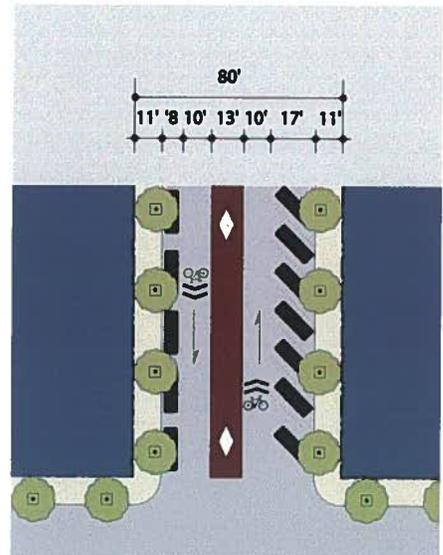
**THOROUGHFARE TYPES**

Highway:	HW
Boulevard:	BV
Avenue:	AV
Commercial Street:	CS
Drive:	DR
Street:	ST
Road:	RD
Rear Alley:	RA
Rear Lane:	RL
Bicycle Trail:	BT
Bicycle Lane:	BL
Bicycle Route:	BR
Path:	PT
Transit Route:	TR



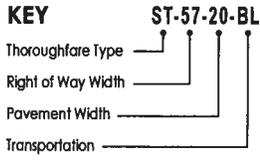
**CS-80-57**

Thoroughfare Type	Commercial Street
Transect Zone Assignment	T5
Right-of-Way Width	80 feet
Pavement Width	57 feet
Movement	Slow Movement
Operating Speed	25 MPH
Pedestrian Crossing Time	8.3 seconds
Traffic Lanes	4 lanes
Parking Lanes	1 side @ 17 feet marked reverse angle
Curb Radius	10 feet
Public Frontage Type	Gallery, Shopfront
Walkway Type	12 / 11 foot Sidewalks
Planter Type	4' x 4' tree well
Curb Type	Curb
Landscape Type	Opportunistic
Transportation Provision	SH, TR



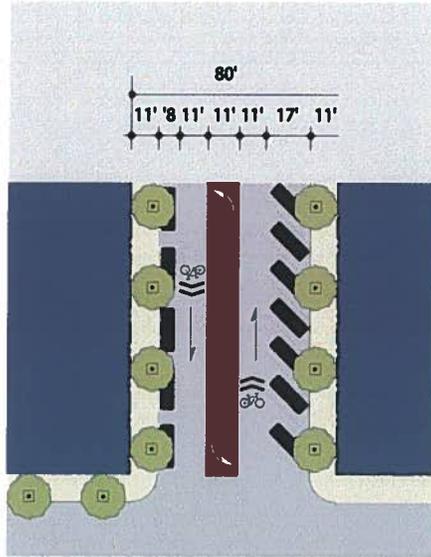
**CS-80-58 (8-10-13-10-17)**

Thoroughfare Type	Commercial Street
Transect Zone Assignment	T5
Right-of-Way Width	80 feet
Pavement Width	58 feet
Movement	Slow Movement
Operating Speed	25 MPH
Pedestrian Crossing Time	8.5 seconds
Traffic Lanes	2 lanes, center transit lane
Parking Lanes	1 side @ 8 feet marked, 1 side @ 17 feet marked reverse angle
Curb Radius	10 feet
Public Frontage Type	Gallery, Shopfront
Walkway Type	11 feet Sidewalk
Planter Type	4' x 4' tree well
Curb Type	Curb
Landscape Type	Opportunistic
Transportation Provision	SH, TR



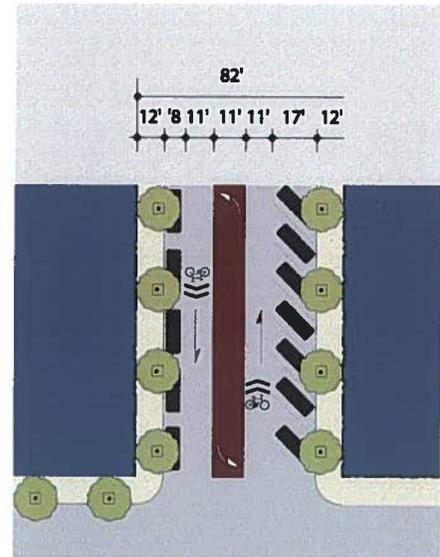
**THOROUGHFARE TYPES**

- Highway: HW
- Boulevard: BV
- Avenue: AV
- Commercial Street: CS
- Drive: DR
- Street: ST
- Road: RD
- Rear Alley: RA
- Rear Lane: RL
- Bicycle Trail: BT
- Bicycle Lane: BL
- Bicycle Route: BR
- Path: PT
- Transit Route: TR



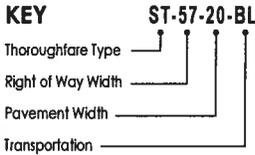
**CS-80-58 (8-11-11-11-17)**

Thoroughfare Type	Commercial Street
Transect Zone Assignment	T5
Right-of-Way Width	80 feet
Pavement Width	58 feet
Movement	Slow Movement
Operating Speed	25 MPH
Pedestrian Crossing Time	8.5 seconds
Traffic Lanes	2 lanes, center transit / turn lane
Parking Lanes	1 side @ 8 feet marked, 1 side @ 17 feet marked reverse angle
Curb Radius	10 feet
Public Frontage Type	Gallery, Shopfront
Walkway Type	11 feet Sidewalk
Planter Type	4' x 4' tree well
Curb Type	Curb
Landscape Type	Opportunistic
Transportation Provision	SH, TR



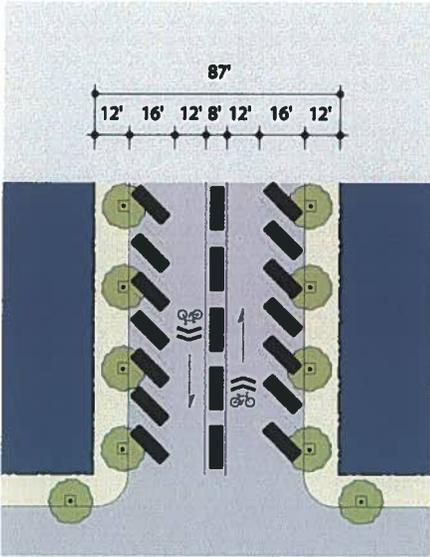
**CS-82-58**

Thoroughfare Type	Commercial Street
Transect Zone Assignment	T5
Right-of-Way Width	82 feet
Pavement Width	58 feet
Movement	Slow Movement
Operating Speed	25 MPH
Pedestrian Crossing Time	8.5 seconds
Traffic Lanes	2 lanes, center transit / turn lane
Parking Lanes	1 side @ 8 feet marked, 1 side @ 17 feet marked reverse angle
Curb Radius	10 feet
Public Frontage Type	Gallery, Shopfront
Walkway Type	12 feet Sidewalk
Planter Type	4' x 4' tree well
Curb Type	Curb
Landscape Type	Opportunistic
Transportation Provision	SH, TR



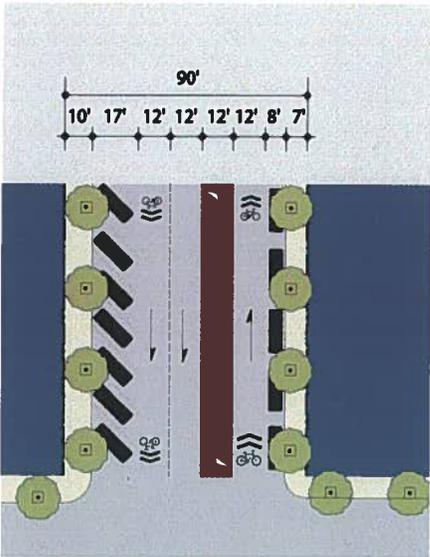
**THOROUGHFARE TYPES**

Highway:	HW
Boulevard:	BV
Avenue:	AV
Commercial Street:	CS
Drive:	DR
Street:	ST
Road:	RD
Rear Alley:	RA
Rear Lane:	RL
Bicycle Trail:	BT
Bicycle Lane:	BL
Bicycle Route:	BR
Path:	PT
Transit Route:	TR



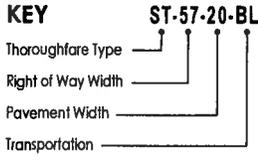
**CS-87-63**

Thoroughfare Type	Commercial Street
Transect Zone Assignment	T5
Right-of-Way Width	87 feet
Pavement Width	63 feet
Movement	Slow Movement
Operating Speed	25 MPH
Pedestrian Crossing Time	9 seconds
Traffic Lanes	2 lanes
Parking Lanes	both sided @ 17 feet marked reverse angle, center @ 8 feet marked
Curb Radius	10 feet
Public Frontage Type	Gallery, Shopfront
Walkway Type	12 feet Sidewalks
Planter Type	4' x 4' tree well
Curb Type	Curb
Landscape Type	Opportunistic
Transportation Provision	SH, TR



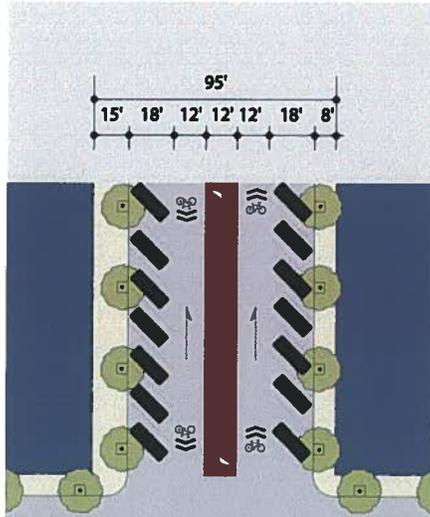
**CS-90-73**

Thoroughfare Type	Commercial Street
Transect Zone Assignment	T5
Right-of-Way Width	90 feet
Pavement Width	73 feet
Movement	Free Movement
Operating Speed	30 MPH
Pedestrian Crossing Time	24 seconds
Traffic Lanes	3 lanes + Safety Strip CTL
Parking Lanes	1 side @ 17 feet marked reverse angle, 1 side @ 8 feet marked
Curb Radius	10 feet
Public Frontage Type	Gallery, Shopfront
Walkway Type	10 / 7 feet Sidewalks
Planter Type	4' x 4' tree well
Curb Type	Vertical
Landscape Type	Opportunistic
Transportation Provision	SH, TR



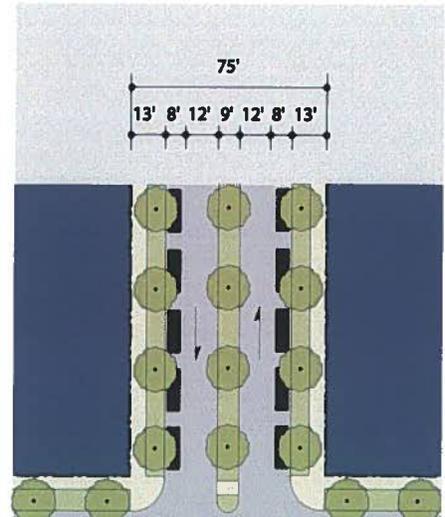
**THOROUGHFARE TYPES**

- Highway: HW
- Boulevard: BV
- Avenue: AV
- Commercial Street: CS
- Drive: DR
- Street: ST
- Road: RD
- Rear Alley: RA
- Rear Lane: RL
- Bicycle Trail: BT
- Bicycle Lane: BL
- Bicycle Route: BR
- Path: PT
- Transit Route: TR



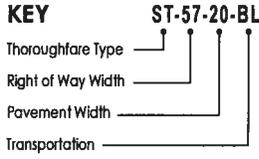
**CS-95-72**

Thoroughfare Type	Commercial Street
Transect Zone Assignment	T5
Right-of-Way Width	95 feet
Pavement Width	72 feet
Movement	Slow Movement
Operating Speed	25 MPH
Pedestrian Crossing Time	24 seconds
Traffic Lanes	2 lanes + Safety Strip CTL
Parking Lanes	both side @ 17 feet marked reverse angle
Curb Radius	10 feet
Public Frontage Type	Gallery, Shopfront
Walkway Type	15 / 8 feet Sidewalks
Planter Type	4' x 4' tree well
Curb Type	Vertical
Landscape Type	Opportunistic
Transportation Provision	SH, TR



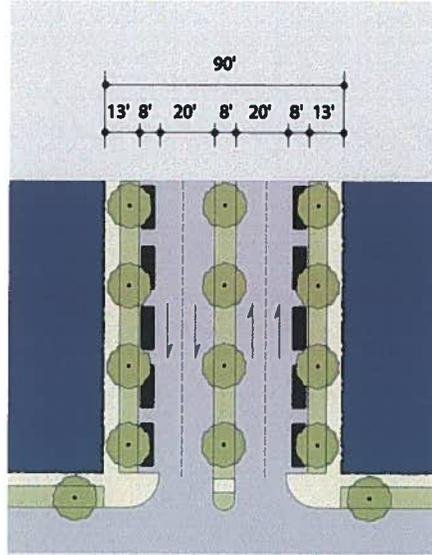
**AV-75-40**

Thoroughfare Type	Avenue
Transect Zone Assignment	T3, T4, T5
Right-of-Way Width	75 feet
Pavement Width	40 feet
Movement	Slow Movement
Operating Speed	25 MPH
Pedestrian Crossing Time	5.7 seconds - 5.7 seconds
Traffic Lanes	2 lanes
Parking Lanes	Both Side @ 8 feet marked
Curb Radius	10 feet
Public Frontage Type	ST, FC, DY/LC, PF
Walkway Type	6 foot Sidewalk
Planter Type	7 foot Continuous planter
Curb Type	Curb or Swale *
Landscape Type	Trees at 30' o.c. Avg.
Transportation Provision	BR, TR

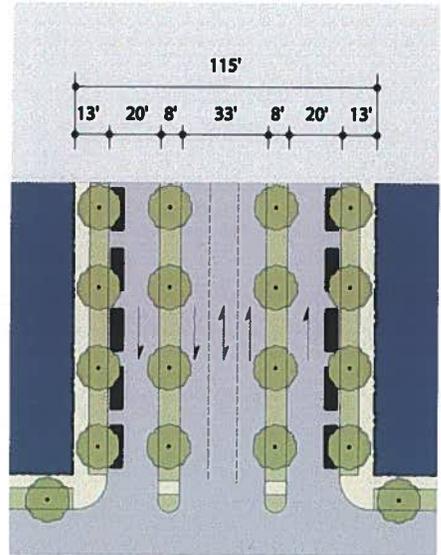


**THOROUGHFARE TYPES**

Highway:	HW
Boulevard:	BV
Avenue:	AV
Commercial Street:	CS
Drive:	DR
Street:	ST
Road:	RD
Rear Alley:	RA
Rear Lane:	RL
Bicycle Trail:	BT
Bicycle Lane:	BL
Bicycle Route:	BR
Path:	PT
Transit Route:	TR



**AV-90-56**

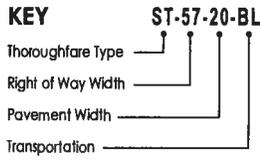


**BV-115-33**

Thoroughfare Type
Transect Zone Assignment
Right-of-Way Width
Pavement Width
Movement
Operating Speed
Pedestrian Crossing Time
Traffic Lanes
Parking Lanes
Curb Radius
Public Frontage Type
Walkway Type
Planter Type
Curb Type
Landscape Type
Transportation Provision

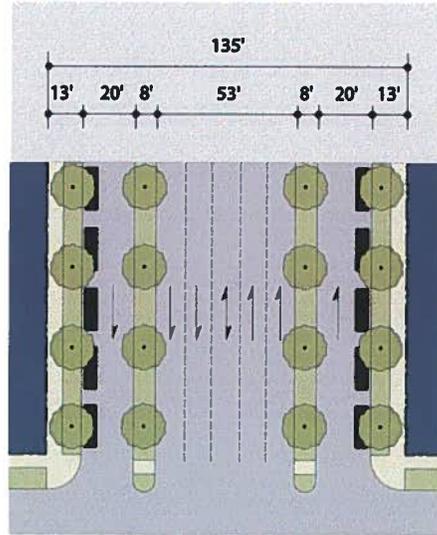
Avenue
T3, T4, T5
90 feet
56 feet
Slow Movement
25 MPH
5.7 seconds - 5.7 seconds at corners
4 lanes
Both Sides @ 8 feet marked
10 feet
ST, FC, DY/LC, PF
6 foot Sidewalk
7 foot Continuous planter
Curb or Swale *
Trees at 30' o.c. Avg.
BR, TR

Boulevard
T5, T6
115 feet
20 feet - 33 feet - 20 feet
Free Movement (Inner lanes)
35 MPH
5.7 seconds - 9.4 seconds - 5.7 seconds
3 lanes, one turning lane & two one-way slip roads
8 feet
10 feet
ST, FC, DY/LC, PF
6 foot Sidewalk
7 foot Continuous planter
Curb
Trees at 30' o.c. Avg.
BR, TR



**THOROUGHFARE TYPES**

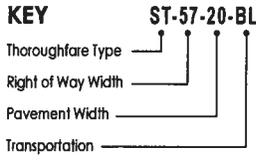
Highway:	HW
Boulevard:	BV
Avenue:	AV
Commercial Street:	CS
Drive:	DR
Street:	ST
Road:	RD
Rear Alley:	RA
Rear Lane:	RL
Bicycle Trail:	BT
Bicycle Lane:	BL
Bicycle Route:	BR
Path:	PT
Transit Route:	TR



**BV-135-53**

Thoroughfare Type	Boulevard
Transect Zone Assignment	T5, T6
Right-of-Way Width	135 feet
Pavement Width	20 feet - 53 feet - 20 feet
Movement	Free Movement (Inner lanes)
Operating Speed	35 MPH
Pedestrian Crossing Time	5.7 seconds - 15.1 seconds - 5.7 seconds
Traffic Lanes	5 lanes, one turning & two one-way slip roads
Parking Lanes	8 feet
Curb Radius	10 feet
Public Frontage Type	ST, FC, DY/LC, PF
Walkway Type	6 foot Sidewalk
Planter Type	7 foot Continuous planter
Curb Type	Curb
Landscape Type	Trees at 30' o.c. Avg.
Transportation Provision	BR, BL, TR

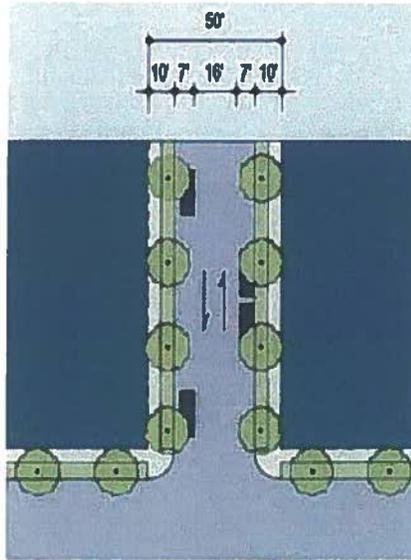
San Marcos, Texas



**THOROUGHFARE TYPES**

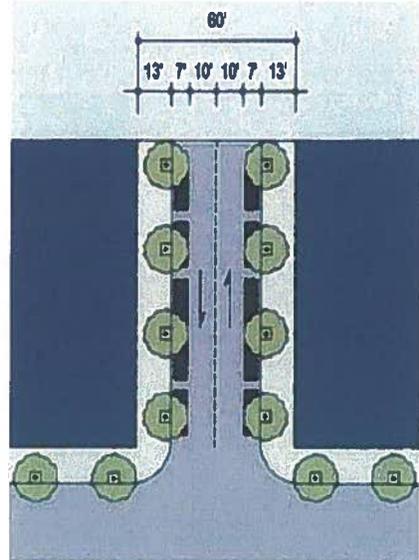
Highway:	HW
Boulevard:	BV
Avenue:	AV
Commercial Street:	CS
Drive:	DR
Street:	ST
Road:	RD
Rear Alley:	RA
Rear Lane:	RL
Bicycle Trail:	BT
Bicycle Lane:	BL
Bicycle Route:	BR
Path:	PT
Transit Route:	TR

Thoroughfare Type
Transect Zone Assignment
Right-of-Way Width
Pavement Width
Movement
Operating Speed
Pedestrian Crossing Time
Traffic Lanes
Parking Lanes
Curb Radius
Public Frontage Type
Walkway Type
Planter Type
Curb Type
Landscape Type
Transportation Provision



**ST-50-30**

Street
T3, T4
60 feet
30 feet
Slow Movement
20 MPH
6.5 seconds
2 lanes
Both sides @ 7 feet unmarked
10 feet
5 foot Sidewalk
5 foot continuous Planter
Curb
Trees at 30' o.c. Avg.

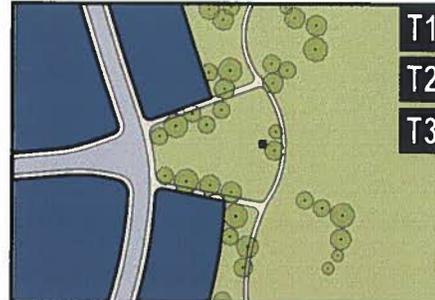


**CS-60-34**

Commercial Street
T5, T6
60 feet
34 feet
Slow Movement
20 MPH
9.7 seconds
2 lanes
Both sides @ 7 feet marked
10 feet
13 foot Sidewalk
4x4" tree well
Curb
Trees at 30' o.c. Avg.

TABLE 3.4. CIVIC SPACE

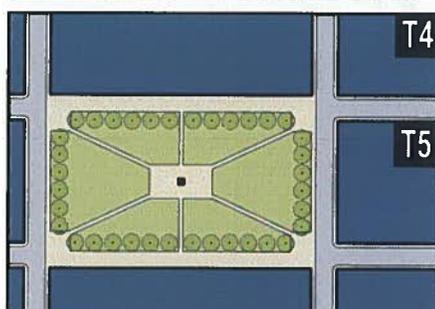
a. **Park:** A natural preserve available for unstructured recreation. A park may be independent of surrounding building Frontages. Its landscape shall consist of Paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Parks may be lineal, following the trajectories of natural corridors. The minimum size shall be 8 acres.



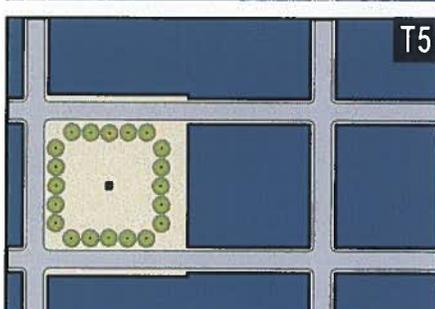
b. **Green:** An Open Space, available for unstructured recreation. A Green may be spatially defined by landscaping rather than building Frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. The minimum size shall be 1/2 acre and the maximum shall be 8 acres.



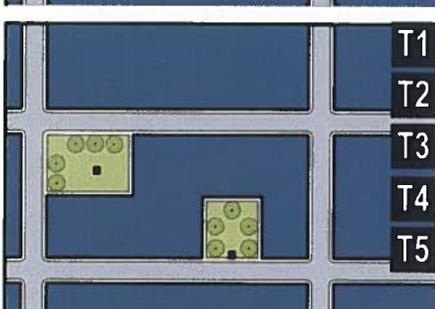
c. **Square:** An Open Space available for unstructured recreation and Civic purposes. A Square is spatially defined by building Frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important Thoroughfares. The minimum size shall be 1/2 acre and the maximum shall be 5 acres.



d. **Plaza:** An Open Space available for Civic purposes and Commercial activities. A Plaza shall be spatially defined by building Frontages. Its landscape shall consist primarily of pavement. Trees are optional. Plazas should be located at the intersection of important streets. The minimum size shall be 1/2 acre and the maximum shall be 2 acres.

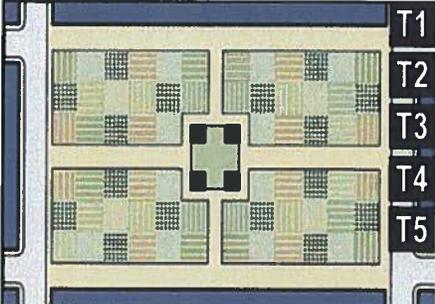


e. **Playground:** An Open Space designed and equipped for the recreation of children. A Playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within Residential areas and may be placed within a Block. Playgrounds may be included within parks and greens. There shall be no minimum or maximum size.



CIVIC SPACE

f. Community Garden: A grouping of garden plots available for small-scale cultivation, generally to residents without private gardens. Community gardens should be fenced and accommodate individual storage sheds. Running water is required. Community Gardens shall be interspersed within Residential areas and may be placed within a Block or included within Parks and Greens. There shall be no minimum or maximum size.



# ARTICLE 3. NEW COMMUNITY PLANS

San Marcos, Texas

**TABLE 3.5. PUBLIC PLANTING**

This table shows several common types of Tree shapes and their appropriateness for Thoroughfare type and Transect Zone.

	HW	RD	ST	ST	DR	DR	AV	AV	CS	BV	BV	Common Name	Botanic Name
	T1	T1	T3	T5	T3	T5	T3	T5	T5	T3	T5		
	T2	T2	T3.5		T3.5		T3.5			T4	T5H		
	T3	T3	T4		T4		T4			T4.5			
	T3.5	T3.5	T4.5		T4.5		T4.5						
<b>Columnar</b> 												Texas Sabal Palm California Fan Palm	<i>Sabal Texana</i> <i>Washingtonia Filifera</i>
<b>Oval</b> 												White Ash Magnolia, Southern Oak, Bur Pecan Sycamore Common Persimmon Caddo maple	<i>Fraxinus Americana</i> <i>Magnolia Grandiflora</i> <i>Quercus Macrocarpa</i> <i>Carya Illinoensis</i> <i>Platanus Occidentalis</i> <i>Diospyros Virginiana</i> <i>Acer Saccharum</i>
<b>Rounded</b> 												Wright acacia Texas Ash Madrone, Texas Mexican Blue Oak Texas Red Oak American Smoketree Texas Walnut	<i>Acacia Greggii var. Wrightii</i> <i>Fraxinus Texensis</i> <i>Arbutus Texana</i> <i>Quercus Dblongifolia</i> <i>Quercus Buckleyi</i> <i>Cotinus Obovatus</i> <i>Juglans Microcarpa</i>
<b>Conical</b> 												Arizona Cypress Remote Pinyon Pine Sweetgum Callery Pear Afgan Pine	<i>Cupressus Arizona</i> <i>Pinus Remota</i> <i>Liquidambar Styraciflua</i> <i>Pyrus Callaryana</i> <i>Pinus Eidaica</i>
<b>Spreading</b> 												Cedar Elm Huisache Jerusalem-Thorn Honey Mesquite Live Oak Mexican Plum Durand Oak	<i>Ulmus Crassifolia</i> <i>Acacia Farnesiana</i> <i>Parkinsonia Aculeate</i> <i>Prosopis Glanulosa</i> <i>Quercus Virginiana</i> <i>Prunus Mexicana</i> <i>Quercus Sinuata</i>
<b>Vase</b> 												Desert-Willow American Elm Leadtree, Goldenball Mexican-Buckeye Texas Persimmon Trident Maple Western Soapberry	<i>Chilopsis Linearis</i> <i>Ulmus Americana</i> <i>Leucaena Retusa</i> <i>Ungnadia Speciosa</i> <i>Diospyros Texana</i> <i>Acer Rubrum var. Tridens</i> <i>Sapindus Drummondii</i>



# ARTICLE 3. NEW COMMUNITY PLANS

## TABLE 3.7. SPECIAL DISTRICT STANDARDS

The metrics for each column of this table (SD1, SD2, etc.) are to be filled in for each Special District as they are permitted. Special Districts that do not have provisions within this Code shall be governed by the standards of the pre-existing zoning

	SD1	SD2	SD3	SD4	SD5	SD6	SD7
<b>a. ALLOCATION OF ZONES</b>							
CLD	X						
TND	X						
TOD	X						
<b>b. BASE RESIDENTIAL DENSITY</b>							
By Right	X						
By TDR	X						
Other Functions	X						
<b>c. BLOCK SIZE</b>							
Block Perimeter	X						
<b>d. THOROUGHFARES</b>							
HW	X						
BV	X						
AV	X						
CS	X						
DR	X						
ST	X						
RD	X						
Rear Lane	X						
Rear Alley	X						
Path	X						
Passage	X						
Bicycle Trail	X						
Bicycle Lane	X						
Bicycle Route	X						
<b>e. CIVIC SPACES</b>							
Park	X						
Green	X						
Square	X						
Plaza	X						
Playground	X						
<b>f. LOT OCCUPATION</b>							
Lot Width	X						
Lot Coverage	X						
<b>g. SETBACKS - PRINCIPAL BUILDING</b>							
Front Setback	X						
Side Setback	X						
Rear Setback	X						
<b>h. BUILDING DISPOSITION</b>							
Edgeward	X						
Sideward	X						
Rearward	X						
<b>i. PRIVATE FRONTAGES</b>							
Common Yard	X						
Porch & Fence	X						
Terrace, Dooryard	X						
Forecourt	X						
Stoop	X						
Shopfront	X						
Gallery	X						
Arcade	X						
Parking Lot							
<b>j. BUILDING CONFIGURATION</b>							
Principal Building	X						
Outbuilding	X						
<b>k. BUILDING FUNCTION</b>							
Residential	X						
Lodging	X						
Office	X						
Retail	X						

DISPOSITION

CONFIGURATION

FUNCTION

**ARTICLE 5. LOT AND BUILDING REGULATIONS**

**5.1. INSTRUCTIONS**

**5.1.1. LOT AND BUILDING REGULATIONS**

**5.1.2. INSTRUCTIONS**

5.1.3. Lots and buildings located within a Regulating Plan governed by this Code, and previously approved by City Council, shall be subject to the requirements of this Article.

5.1.4. Such plans require administrative approval by the DRC.

5.1.5. Building and site plans submitted under this Article shall show the following, in compliance with the standards described in this Article:

a. For preliminary site and building approval:

- i. Building Disposition
- ii. Building Configuration
- iii. Building Function
- iv. Number of dwelling units
- v. Base Residential Density
- vi. Building square footage
- vii. Parking Location Standards
- viii. Lot Lines

b. For final approval, in addition to the above:

- i. Landscape Standards
- ii. Signage Standards
- iii. Special Requirements, if any

5.1.6. Special Districts that do not have provisions within this Code shall be governed by the standards of the LDC pre-existing zoning.

**PRE-EXISTING CONDITIONS**

5.1.7. Existing buildings and appurtenances that do not conform to the provisions of this Code may continue in use as they are until a Substantial Modification is requested, at which time the provisions of this section shall apply.

5.1.8. The modification of existing buildings is permitted By Right if such changes result in greater conformance with the specifications of this Code.

5.1.9. Where buildings exist on adjacent Lots, the DRC may require that a proposed building match one or the other of the adjacent Setbacks and heights rather than the provisions of this Code.

5.1.10. The restoration or rehabilitation of an existing building shall not require the provision of (a) parking in addition to that existing nor (b) on-site stormwater retention/detention in addition to that existing. Existing parking requirements that exceed those for this Code may be reduced as provided by Table 5.5 and Table 5.6.

## **ARTICLE 5. LOT AND BUILDING REGULATIONS**

San Marcos, Texas

5.1.11. Any addition to or modification of a Building of Value that has been designated by the Historic Preservation Commission shall be subject to approval by the Historic Preservation Commission.

### **5.2. SPECIAL REQUIREMENTS**

5.2.1. To the extent that a Regulating Plan for a New Community Plan designates any of the following Special Requirements, standards shall be applied as follows:

- a. Buildings along the A-Grid shall be held to the highest standard of this Code in support of pedestrian activity. Buildings along the B-Grid may be more readily considered for Warrants allowing automobile-oriented standards.
- b. A Mandatory or Recommended Retail Frontage designation requires or advises that a building provide a Shopfront at Sidewalk level along the entire length of its Private Frontage. The Shopfront shall be no less than 70% glazed in clear glass and should be shaded by an awning overlapping the Sidewalk as generally illustrated in Table 5.3. Awnings, if present, shall be a minimum of 3 feet deep. The first floor should be confined to Retail use through the depth of the second Layer. (Table 8.1d.)
- c. A Mandatory or Recommended Gallery Frontage designation requires or advises that a building provide a permanent cover over the Sidewalk, either cantilevered or supported by columns (as generally illustrated in Table 5.3). A Gallery Frontage may be combined with a Retail Frontage.
- d. A Mandatory or Recommended porch front requires or advises that a porch be included in the Private Frontage.
- e. A Build-to Line requires the placement of the building Façade along a line.
- f. A Coordinated Frontage designation requires that the Public Frontage (Tables 3.2 and 3.3) and Private Frontage (Table 5.3) be coordinated as a single, coherent landscape and paving design.
- g. A Mandatory or Recommended Terminated Vista designation requires or advises that the building be provided with architectural articulation of a type and character that responds visually to its axial location, as approved by the DRC.
- h. A Cross Block Passage designation requires that a minimum 8-foot-wide pedestrian access be reserved between buildings.

### **5.3. CIVIC ZONES (CZ)**

#### **5.3.1. GENERAL**

- a. Civic Zones are designated on Community Plans as Civic Space (CS) or Civic Building (CB).
- b. For Parking Location standards, see Section 5.10.

#### **5.3.2. CIVIC SPACES (CS)**

- a. Civic Spaces shall be generally designed as described in Table 3.4.

#### **5.3.3. CIVIC BUILDINGS (CB)**

- a. Civic Buildings shall not be subject to the requirements of this Article.

## ARTICLE 5. LOT AND BUILDING REGULATIONS

San Marcos, Texas

The particulars of their design shall be determined by Warrant.

### 5.4. SPECIFIC TO T1 NATURAL ZONE

- 5.4.1. Buildings in the T1 Natural Zone are permitted only by approval of the DRC. Permission to build in T1 and the standards for Article 5 shall be determined concurrently as Warrants, in public hearing of City Council.

### 5.5. BUILDING DISPOSITION

#### 5.5.1. SPECIFIC TO ZONE T2

- a. Building Disposition shall be determined by Warrant.

#### 5.5.2. SPECIFIC TO ZONES T3, T4, T5

- a. Newly platted Lots shall be dimensioned according to Table 1.3f and Tables 5.8 - 5.13.
- b. Building Disposition types shall be as shown in Table 5.1 and Tables 1.2i and 1.3i.
- c. Buildings shall be disposed in relation to the boundaries of their Lots according to Tables 1.2g and 1.3g, Tables 1.2h and 1.3h, and Tables 5.8 - 5.13.
- d. One Principal Building at the Frontage, and one Outbuilding to the rear of the Principal Building, may be built on each Lot as shown in Table 6.1c.
- e. Lot coverage by building shall not exceed that recorded in Table 1.2f and 1.3f, and Tables 5.8 - 5.13.
- f. Facades shall be built parallel to a rectilinear Principal Frontage Line or to the tangent of a curved Principal Frontage Line, and along a minimum percentage of the Frontage width at the Setback, as specified as Frontage Buildout on Tables 1.2g and 1.3g, and Tables 5.8 - 5.13.
- g. Setbacks for Principal Buildings shall be as shown in Tables 1.2g and 1.3g and Tables 5.8 - 5.13. In the case of an Infill Lot, see Section 5.2.3.
- h. Rear Setbacks for Outbuildings shall be a minimum of 15 feet measured from the centerline of the Rear Alley or Rear Lane easement. In the absence of Rear Alley or Rear Lane, the rear Setback shall be as shown in Table 1.2h and 1.3h, and Tables 5.8 - 5.13.
- i. To accommodate slopes over ten percent, relief from front Setback requirements is available by DRC.
- j. Within T5 onsite site stormwater retention/detention is not required

### 5.6. BUILDING CONFIGURATION

#### 5.6.1. GENERAL TO ZONES T3, T4, T5

- a. The Private Frontage of buildings shall conform to and be allocated in accordance with Table 5.3, and Tables 1.2j and 1.3j.
- b. Buildings on corner Lots shall have two Private Frontages as shown in Table 8.1. Prescriptions for the second and third Layers pertain only to the Principal Frontage. Prescriptions for the first Layer pertain to both Frontages.
- c. All non Shopfront Facades shall be glazed with clear glass no less than 30% of the first Story.
- d. Shopfront Frontages shall be glazed with clear glass no less than 70%

and may be shaded by an awning overlapping the Sidewalk as generally illustrated in Table 5.3. Awnings, if present, shall be a minimum of 3 feet deep.

- e. Building heights shall conform to Table 5.2, and Tables 1.2k and 1.3k.
- f. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial Function, which shall be a minimum of 11 feet with a maximum of 25 feet. A single floor level exceeding 14 feet, or 25 feet at ground level, shall be counted as two (2) stories. Mezzanines extending beyond 33% of the floor area shall be counted as an additional Story.
- g. In a Parking Structure or garage, each above-ground level counts as a single Story regardless of its relationship to habitable Stories.
- h. Height limits do not apply to Attics or raised basements, masts, belfries, clock towers, chimney flues, water tanks, or elevator bulkheads. Attics shall not exceed 14 feet in height.

**5.6.2. SPECIFIC TO ZONES T2, T3,T4,T5**

- a. The habitable area of an Accessory Unit within a Principal Building or an Outbuilding shall not exceed 500 square feet, excluding the parking area.

**5.6.3. SPECIFIC TO ZONE T3**

- a. No portion of the Private Frontage may Encroach the Sidewalk.
- b. Open porches may Encroach the first Layer 50% of its depth. (Table 8.1d)
- c. Balconies and bay windows may Encroach the first Layer 25% of its depth except that balconies on porch roofs may Encroach as does the porch.

**5.6.4. SPECIFIC TO ZONE T4**

- a. Balconies, open porches and bay windows may Encroach the first Layer 50% of its depth. (Table 8.1d)

**5.6.5. SPECIFIC TO ZONE T5**

- a. Awnings and Galleries may Encroach the Sidewalk to within 2 feet of the Curb but must clear the Sidewalk vertically by at least 8 feet.
- b. Stoops, Lightwells, balconies, bay windows, and terraces may Encroach the first Layer 100% of its depth. (Table 8.1d)
- c. Loading docks and service areas shall be permitted on Frontages only by Warrant.
- d. When parking is not screened by a building along any part of a Frontage Line, a Streetscreen shall be built co-planar with the Facade.
- e. Streetscreens should be between 3.5 and 8 feet in height. The Streetscreen may be replaced by a hedge or fence by Warrant. Streetscreens shall have openings no larger than necessary to allow automobile and pedestrian access.
- f. A first level Residential or Lodging Function shall be raised a minimum of 2 feet from average Sidewalk grade.

**5.7. BUILDING FUNCTION**

**5.7.1. GENERAL TO ZONES T2, T3,T4,T5**

- a. Buildings in each Transect Zone shall conform to the Functions on Table 5.4, Table 5.7, and Tables 1.2I and 1.3I. Functions that do not conform shall require approval by Warrant or Variance as specified on Table 5.7.

**5.7.2. SPECIFIC TO ZONES T2, T3,**

- a. Accessory Functions of Restricted Lodging or Restricted Office shall be permitted within an Accessory Building. See Table 5.4.

**5.7.3. SPECIFIC TO ZONES T4, T5**

- a. Accessory Functions of Limited Lodging or Limited Office shall be permitted within an Accessory Building. See Table 5.4.

**5.7.4. SPECIFIC TO ZONE T5**

- a. First Story Commercial Functions shall be permitted.
- b. Manufacturing Functions within the first Story may be permitted by Warrant.

**5.8. PARKING AND DENSITY CALCULATIONS**

**5.8.1. SPECIFIC TO ZONES T2, T3**

- a. Buildable Density on a Lot shall be determined by the actual parking provided within the Lot as applied to the Functions permitted in Table 5.4 and Table 5.5.

**5.8.2. SPECIFIC TO ZONES T4, T5**

- a. Buildable Density on a Lot shall be determined by the sum of the actual parking calculated as that provided (1) within the Lot (2) along the parking lane corresponding to the Lot Frontage, and (3) by purchase or lease from a Parking Reserve within the Pedestrian Shed, if available.
- b. The actual parking may be adjusted upward by using the demand calculations as determined by Table 5.6, Parking Occupancy Rates. The applicant shall submit a parking demand summary sheet showing the process for calculating the reduction as outlined in this section.
  - i. The minimum number of parking spaces that are to be provided and maintained for each use shall be determined based on Table 5.5. **Parking is not required within the Central Business Area with the exception of new multi-family development.**
  - ii. The gross minimum number of parking spaces shall be multiplied by the "occupancy rate" as found in Table 5.6, for each use for the weekday night, daytime and evening periods, and weekend night, daytime and evening periods respectively.
  - iii. The gross minimum numbers of parking spaces for each of the purposes referred to for each time period shall be added to produce the aggregate gross minimum numbers of parking spaces for each time period.
  - iv. The greatest of the aggregative gross minimum numbers of parking spaces for each period shall be determined.
  - v. The Parking Occupancy Rates reduction is available for any Func-

tions within any pair of adjacent Blocks.

- c. Based on the Effective Parking available, the Density of the projected Function may be determined according to Table 5.5.
- d. Within 1/2 mile radius area of a Transit Oriented Development (TOD) the Effective Parking may be further adjusted upward by 30%.
- e. The total Density within each Transect Zone shall not exceed that specified by an approved Regulating Plan based on Article 3 or Article 4.
- f. Accessory Units do not count toward Density calculations.
- g. Liner Buildings less than 30 feet deep and no more than two Stories shall be exempt from parking requirements.

**5.8.3. SPECIFIC TO ZONE T5**

- a. Buildable Density within the CBA is not determined by the actual parking provided. Properties within the CBA shall have no parking requirements **with the exception of new multi-family development.**

**5.9. PARKING LOCATION STANDARDS**

**5.9.1. GENERAL TO ZONES T2, T3, T4, T5**

- a. Parking shall be accessed by Rear Alleys or Rear Lanes, when such are available on the Regulating Plan.
- b. Open parking areas shall be masked from the Frontage by a Building or Streetscreen.

5.9.2. For buildings on B-Grids, open parking areas may be allowed unmasked on the Frontage by approval of the DRC, except for corner lots at intersections with the A-Grid.

**5.9.3. SPECIFIC TO ZONES T2, T3**

- a. Open parking areas shall be located at the second and third Lot Layers, except that Driveways, drop-offs and unpaved parking areas may be located at the first Lot Layer. (Table 8.1d)
- b. Garages shall be located at the third Layer except that side- or rear-entry types may be allowed in the first or second Layer by Warrant.

**5.9.4. SPECIFIC TO ZONES T3, T4**

- a. Driveways at Frontages shall be no wider than 12 feet in the first Layer.

**5.9.5. SPECIFIC TO ZONE T4**

- a. All parking areas and garages shall be located at the second or third Layer. (Table 8.1d)
- b. A minimum of one bicycle rack place shall be provided within **Public** or Private Frontage for every ten vehicular parking spaces

**5.9.6. SPECIFIC TO ZONE T5**

- a. All parking lots, garages, and Parking Structures shall be located at the second or third Layer. (Table 8.1d)
- b. Vehicular entrances to parking lots, garages, and Parking Structures shall be no wider than 24 feet at the Frontage.
- c. Pedestrian exits from all parking lots, garages, and Parking Structures should be directly to a Frontage Line (i.e., not directly into a building) except underground levels that may be exited by pedestrians directly into a building.
- d. Parking Structures on the A-Grid shall have Liner Buildings lining the first and

## ARTICLE 5. LOT AND BUILDING REGULATIONS

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second Stories.

- e. A minimum of one bicycle rack place shall be provided within the Public or Private Frontage for every ten vehicular parking spaces.

### 5.10. LANDSCAPE STANDARDS

#### 5.10.1. GENERAL TO ZONES T2, T3, T4, T5

- a. Impermeable surface shall be confined to the ratio of Lot coverage specified in Table 1.3 and Table 1.2
- b. **Tree Fee in Lieu:** When the replacement of trees on-site, as required by LDC Chapter 5 Article 5, is not feasible within Downtown San Marcos, the DRC may allow an applicant to pay a fee in lieu for all or part of the required replacement. Payment per caliper inch of required replacement fees shall be paid into the Downtown Tree Fund.

#### 5.10.2. SPECIFIC TO ZONES T2, T3, T4,

- a. The first Layer may not be paved, with the exception of Driveways as specified in Section 5.10.4 and Section 5.10.6. (Table 8.1d)

#### 5.10.3. SPECIFIC TO ZONE T3

- a. A minimum of two trees shall be planted within the first Layer for each 30 feet of Frontage Line or portion thereof. (Table 8.1d)
- b. Trees may be of single or multiple species as shown on Table 3.5.
- c. Trees shall be naturalistically clustered.

#### 5.10.4. SPECIFIC TO ZONE T4

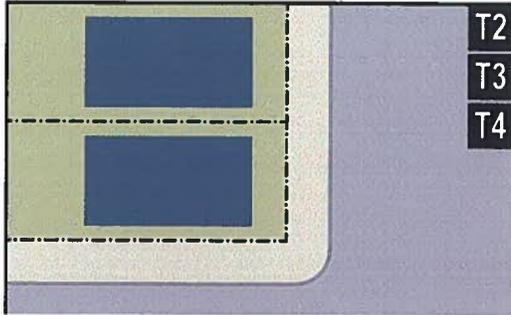
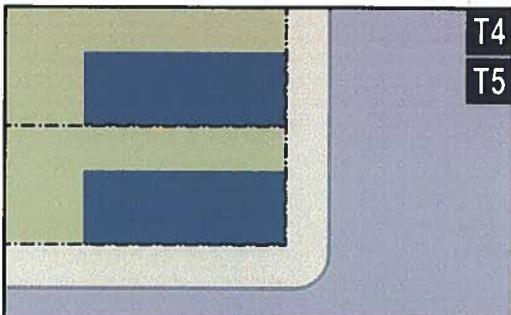
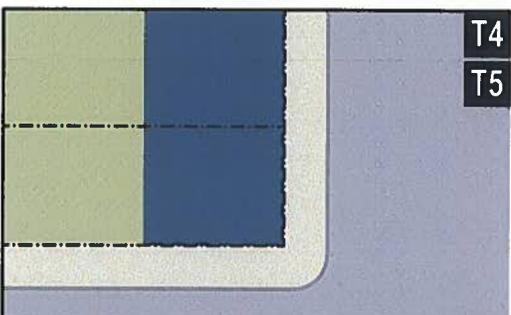
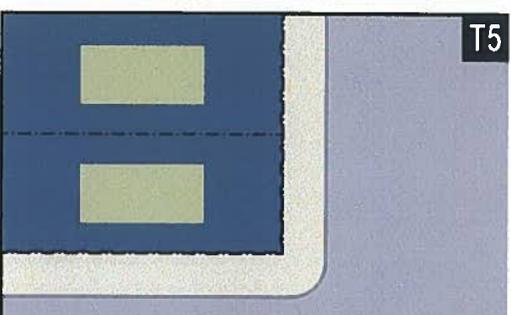
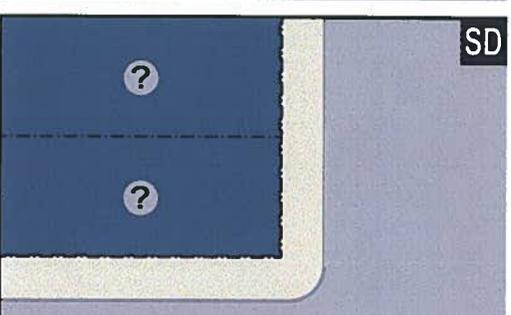
- a. A minimum of one tree shall be planted within the first Layer for each 30 feet of Frontage Line or portion thereof. (Table 8.1d)
- b. Trees shall be a single type to match the type of Street Trees on the Public Frontage, or as shown on Table 3.5.

#### 5.10.5. SPECIFIC TO ZONE T5

- a. Trees shall not be required in the first Layer.
- b. The first Layer may be paved to match the pavement of the Public Frontage.

**TABLE 5.1. BUILDING DISPOSITION**

This table approximates the location of the structure relative to the boundaries of each individual Lot, establishing suitable basic building types for each Transect Zone.

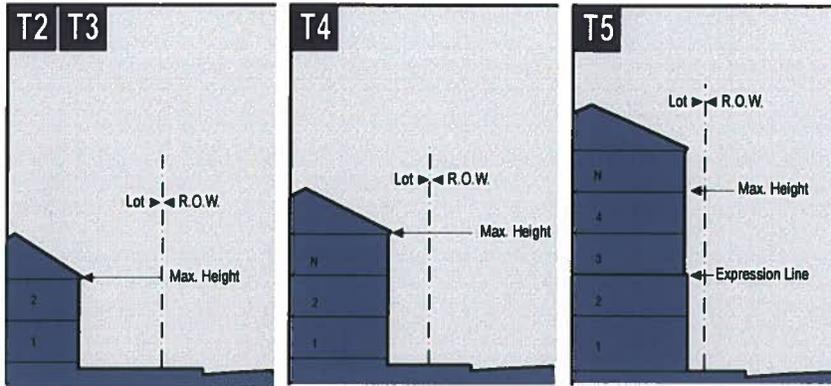
<p><b>a. Edgeyard:</b> Specific Types - single family House, Cottage, villa, Estate House, urban villa. A building that occupies the center of its Lot with Setbacks on all sides. This is the least urban of types as the front yard sets it back from the Frontage, while the side yards weaken the spatial definition of the public Thoroughfare space. The front yard is intended to be visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a well-placed Backbuilding and/or Outbuilding.</p>	 <p>T2 T3 T4</p>
<p><b>b. Sideyard:</b> Specific Types - Charleston single house, double house, zero lot line house, twin. A building that occupies one side of the Lot with the Setback to the other side. A shallow Frontage Setback defines a more urban condition. If the adjacent building is similar with a blank side wall, the yard can be quite private. This type permits systematic climatic orientation in response to the sun or the breeze. If a Sideyard House abuts a neighboring Sideyard House, the type is known as a twin or double House. Energy costs, and sometimes noise, are reduced by sharing a party wall in this Disposition.</p>	 <p>T4 T5</p>
<p><b>c. Rearyard:</b> Specific Types - Townhouse, Rowhouse, Live-Work unit, loft building, Apartment House, Mixed Use Block, Flex Building, perimeter Block. A building that occupies the full Frontage, leaving the rear of the Lot as the sole yard. This is a very urban type as the continuous Facade steadily defines the public Thoroughfare. The rear Elevations may be articulated for functional purposes. In its Residential form, this type is the Rowhouse. For its Commercial form, the rear yard can accommodate substantial parking.</p>	 <p>T4 T5</p>
<p><b>d. Courtyard:</b> Specific Types - patio House. A building that occupies the boundaries of its Lot while internally defining one or more private patios. This is the most urban of types, as it is able to shield the private realm from all sides while strongly defining the public Thoroughfare. Because of its ability to accommodate incompatible activities, masking them from all sides, it is recommended for workshops, Lodging and schools. The high security provided by the continuous enclosure is useful for crime-prone areas.</p>	 <p>T5</p>
<p><b>e. Specialized:</b> A building that is not subject to categorization. Buildings dedicated to manufacturing and transportation are often distorted by the trajectories of machinery. Civic buildings, which may express the aspirations of institutions, may be included.</p>	 <p>SD</p>

# ARTICLE 5. LOT AND BUILDING REGULATIONS

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**TABLE 5.2. BUILDING CONFIGURATION**

This table shows the Configurations for different building heights for each Transect Zone. Expression Lines shall occur on higher buildings as shown. N = maximum height as specified in Tables 1.2k and 1.3k.



\* Buildings located in the downtown historic district shall not exceed a building height of 3 stories.

# ARTICLE 5. LOT AND BUILDING REGULATIONS

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**TABLE 5.3. PRIVATE FRONTAGE**

The Private Frontage is the area between the building Facade and the Lot line.

	SECTION	PLAN
	LOT PRIVATE FRONTAGE   R.O.W. PUBLIC FRONTAGE	LOT PRIVATE FRONTAGE   R.O.W. PUBLIC FRONTAGE
<p><b>a. Common Yard:</b> a planted Frontage wherein the Facade is set back substantially from the Frontage Line. The front yard created remains unfenced and may be visually continuous with adjacent yards, supporting a common landscape. The deep Setback provides a buffer from the higher speed Thoroughfares.</p>		
<p><b>b. Porch &amp; Fence:</b> a planted Frontage wherein the Facade is set back from the Frontage Line with an attached porch permitted to Encroach. A fence may be used at the Frontage Line to maintain street spatial definition. Porches shall be no less than 8 feet deep.</p>		
<p><b>c. Terrace or Lightwell:</b> a Frontage wherein the Facade is set back from the Frontage line by an elevated terrace or a sunken Lightwell. This type buffers Residential use from urban Sidewalks and removes the private yard from public Encroachment. Terraces are suitable for conversion to outdoor cafes. Syn: Dooryard.</p>		
<p><b>d. Forecourt:</b> a Frontage wherein a portion of the Facade is close to the Frontage Line and the central portion is set back. The Forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other Frontage types. Large trees within the Forecourts may overhang the Sidewalks.</p>		
<p><b>e. Stoop:</b> a Frontage wherein the Facade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor Residential use.</p>		
<p><b>f. Shopfront:</b> a Frontage wherein the Facade is aligned close to the Frontage Line with the building entrance at Sidewalk grade. This type is conventional for Retail use. It has a substantial glazing on the Sidewalk level and may have an awning that may overlap the Sidewalk to within 2 feet of the Curb. Syn: Retail Frontage.</p>		
<p><b>g. Gallery:</b> a Frontage wherein the Facade is aligned close to the Frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the Sidewalk. This type is conventional for Retail use. The Gallery shall be no less than 10 feet wide and should overlap the Sidewalk to within 2 feet of the Curb.</p>		

# ARTICLE 5. LOT AND BUILDING REGULATIONS

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**TABLE 5.4. BUILDING FUNCTION**

This table categorizes Building Functions within Transect Zones. Parking requirements on Table 5.5 are correlated to functional intensity. For Specific Function and Use permitted By Right or by Warrant, see Table 5.7.

	T2 T3	T4	T5
<b>a. RESIDENTIAL</b>	<b>Restricted Residential:</b> The number of dwellings on each Lot is restricted to one within a Principal Building and one within an Accessory Building, with 2.0 parking places for the principal building and 1.0 spaces for the accessory building. Both dwellings shall be under single ownership. The habitable area of the Accessory Unit shall not exceed 500 sf, excluding the parking area. Occupancy restrictions per LDC section 4.3.4.5 shall apply	<b>Limited Residential:</b> The number of dwellings on each Lot is limited by the requirement of 1.5 parking places for each dwelling, a ratio which may be reduced according to the shared parking standards (See Table 5.6).	<b>Open Residential</b> number of dwellings on each Lot is limited by the requirement of 1.0 parking place for each dwelling, a ratio which may be reduced according to the shared parking standards (See Table 5.6).
<b>b. LODGING</b>	<b>Restricted Lodging:</b> The number of bedrooms available on each Lot for lodging is limited by the requirement of 1.0 assigned parking place for each bedroom, up to five, in addition to the parking requirement for the dwelling. The Lodging must be owner occupied. Food service may be provided in the a.m. The maximum length of stay shall not exceed fourteen days.	<b>Limited Lodging:</b> The number of bedrooms available on each Lot for lodging is limited by the requirement of 1.0 assigned parking place for each bedroom, up to twelve, in addition to the parking requirement for the dwelling. The Lodging must be owner occupied. Food service may be provided in the a.m. The maximum length of stay shall not exceed fourteen days.	<b>Open Lodging:</b> The number of bedrooms available on each Lot for lodging is limited by the requirement of 1.0 assigned parking place for each bedroom. Food service may be provided at all times. The area allocated for food service shall be calculated and provided with parking according to Retail Function.
<b>c. OFFICE</b>	<b>Restricted Office:</b> The building area available for office use on each Lot is restricted to the first Story of the Principal or the Accessory Building and by the requirement of 3.0 assigned parking places per 1000 square feet of net office space in addition to the parking requirement for each dwelling.	<b>Limited Office:</b> The building area available for office use on each Lot is limited to the first Story of the principal building and/or to the Accessory Building, and by the requirement of 3.0 assigned parking places per 1000 square feet of net office space in addition to the parking requirement for each dwelling.	<b>Open Office:</b> The building area available for office use on each Lot is limited by the requirement of 2.0 assigned parking places per 1000 square feet of net office space.
<b>d. RETAIL</b>	<b>Restricted Retail:</b> The building area available for Retail use is restricted to one Block corner location at the first Story for each 300 dwelling units and by the requirement of 4.0 assigned parking places per 1000 square feet of net Retail space in addition to the parking requirement of each dwelling. The specific use shall be further limited to neighborhood store, or food service seating no more than 20.	<b>Limited Retail:</b> The building area available for Retail use is limited to the first Story of buildings at corner locations, not more than one per Block, and by the requirement of 4.0 assigned parking places per 1000 square feet of net Retail space in addition to the parking requirement of each dwelling. The specific use shall be further limited to neighborhood store, or food service seating no more than 40.	<b>Open Retail:</b> The building area available for Retail use is limited by the requirement of 3.0 assigned parking places per 1000 square feet of net Retail space. Retail spaces under 1500 square feet are exempt from parking requirements. Bars must comply with the CUP process outlined in the LDC.
<b>e. CIVIC</b>	See Tables 5.5- 5.7	See Tables 5.5 -5.7	See Tables 5.5- 5.7
<b>f. OTHER</b>	See Tables 5.5- 5.7	See Tables 5.5- 5.7	See Tables 5.5- 5.7

Properties within the CBA overlay district are exempt from Parking Requirements *with the exception of new multi-family development.*

# ARTICLE 5. LOT AND BUILDING REGULATIONS

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**TABLE 5.5. PARKING CALCULATIONS**

The gross minimum number of parking spaces listed below shall be multiplied by the "occupancy rate" as found in Table 5.6, for each use for the weekday night, daytime and evening periods, and weekend night, daytime and evening periods respectively. The gross minimum numbers of parking spaces for each of the purposes referred to for each time period shall be added to produce the aggregate gross minimum numbers of parking spaces for each time period. **Properties within the Central Business Area are exempt from parking requirements with the exception of new multi-family development.** \* New multi-family development within the Downtown SmartCode District shall adhere to the parking requirements of the Land Development Code.

REQUIRED PARKING (See Table 5.4)				
	T2	T3	T4	T5
RESIDENTIAL	2.0 / dwelling		1.0 / dwelling*	1.0 / dwelling*
LODGING	1.0 / bedroom		1.0 / bedroom	1.0 / bedroom
OFFICE	3.0 / 1000 sq. ft.		3.0 / 1000 sq. ft.	2.0 / 1000 sq. ft.
RETAIL	4.0 / 1000 sq. ft.		4.0 / 1000 sq. ft.	3.0 / 1000 sq. ft.
CIVIC	1.0 / 5 seats assembly use		1.0 / 5 seats assembly use	1.0 / 5 seats assembly use
	1.0 / 1000 s.f. of exhibition or recreation area		1.0 / 1000 s.f. of exhibition or recreation area	1.0 / 1000 s.f. of exhibition or recreation area
GENERAL			Parking requirement may be reduced according to Table 5.6 Parking Occupancy Rate. 1 Bicycle Rack Space / 20 vehicular spaces required.  Parking may be provided off-site within a distance of 1000 ft.	Parking requirement may be reduced according to Table 5.6 Parking Occupancy Rate. 1 Bicycle Rack Space / 10 vehicular spaces required.  Parking ratio may be reduced within 1/2 mile radius of a TOD and within 1/4 mile radius of a Transit Corridor by thirty percent (30%).  Parking may be provided by ownership or lease offsite within 1000 ft.

**TABLE 5.6. PARKING OCCUPANCY RATES**

Development Services shall provide a spreadsheet to perform the parking calculations based on the percentages below.

USES	M - F	M - F	M - F	SAT & SUN	SAT & SUN	SAT & SUN
	8 AM - 6 PM	6 PM - 12 AM	12 AM - 8 AM	8 AM - 6 PM	6 PM - 12 AM	6 PM - 12 AM
RESIDENTIAL	60%	100%	100%	80%	100%	100%
OFFICE	100%	20%	5%	5%	5%	5%
RETAIL	90%	80%	5%	100%	70%	5%
HOTEL	70%	100%	100%	70%	100%	100%
RESTAURANT	70%	100%	100%	70%	100%	100%
MOVIE THEATER	40%	80%	10%	80%	100%	10%
ENTERTAINMENT	40%	100%	10%	80%	100%	50%
CONFERENCE	100%	100%	5%	100%	100%	5%
CMC (NON-CHURCH)	100%	20%	5%	10%	10%	5%
CIVIC (CHURCH)	20%	20%	5%	100%	50%	5%

# ARTICLE 5. LOT AND BUILDING REGULATIONS

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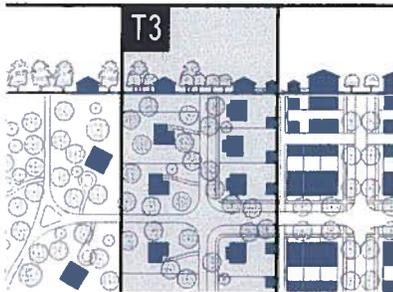
**TABLE 5.7. SPECIFIC FUNCTION & USE**

This table expands the categories of Table 5.4 to delegate specific Functions and uses within Transect Zones.

a. RESIDENTIAL	T1	T2	T3	T4	T5	SD
Mixed Use Block						■
Flex Building				■	■	
Apartment Building				■	■	
Live/Work Unit			■	■	■	□
Rowhouse				■	■	
Duplex			■	■	■	
Courtyard House				■	■	
Sideyard House			■	■	■	
Cottage			■	■		
House	■	■	■	■		
Villa	■					
Accessory Unit	■	■	■	■	■	
<b>b. LODGING</b>						
Hotel (no room limit)					■	□
Inn (up to 12 rooms)	□			■	■	
Bed & Breakfast (up to 5 rooms)	□	□		■	■	
S.R.O. hostel			□	□	□	□
School Dormitory				■	■	■
<b>c. OFFICE</b>						
Office Building				■	■	□
Live-Work Unit			■	■	■	□
<b>d. RETAIL</b>						
Open-Market Building	■	■	■	■	■	■
Retail Building				■	■	□
Display Gallery				■	■	□
Restaurant				■	■	
Kiosk				■	■	□
Push Cart					□	□
*Liquor Selling Establishment						
*Adult Entertainment						
<b>e. CIVIC</b>						
Bus Shelter			■	■	■	■
Convention Center						■
Conference Center					□	■
Exhibition Center						■
Fountain or Public Art	■	■	■	■	■	■
Library				■	■	■
Live Theater					■	■
Movie Theater					■	■
Museum					□	■
Outdoor Auditorium	□	■			■	■
Parking Structure					■	■
Passenger Terminal					□	■
Playground	■	■	■	■	■	■
Sports Stadium						■
Surface Parking Lot				□	□	■
Religious Assembly	■	■	■	■	■	■
<b>f. OTHER: AGRICULTURE</b>	T1	T2	T3	T4	T5	SD
Grain Storage	■	■				□
Livestock Pen	□	□				□
Greenhouse	■	■	□			□
Stable	■	■	□			□
Kennel	■	■			□	□
<b>f. OTHER: AUTOMOTIVE</b>						
Gasoline		□			□	■
Automobile Service					□	■
Truck Maintenance						■
Drive-Through Facility					□	■
Rest Stop	■	■				□
Roadside Stand	■	■				□
Shopping Center						□
Shopping Mall						□
<b>f. OTHER: CIVIL SUPPORT</b>						
Fire Station			■	■	■	■
Police Station				■	■	■
Cemetery	■	□	□			■
Funeral Home				■	■	■
Hospital					□	■
Medical Clinic				□	■	■
<b>f. OTHER: EDUCATION</b>						
College					□	■
High School				□	□	■
Trade School					□	■
Elementary School			□	■	■	■
Childcare Center	■	■	■	■	■	□
<b>f. OTHER: INDUSTRIAL</b>						
Heavy Industrial Facility						■
Light Industrial Facility						■
Truck Depot						■
Laboratory Facility						■
Water Supply Facility						■
Sewer and Waste Facility						■
Electric Substation	□	□	□	□	□	■
Wireless Transmitter	□	□			□	■
Cremation Facility						■
Warehouse						■
Produce Storage						■
Mini-Storage						■

■ BY RIGHT  
 □ BY WARRANT  
 \* Refer to the LDC for standards

TABLE 5.8. FORM-BASED CODE GRAPHICS: DOWNTOWN - T3



(see Table 1.1)

**I. BUILDING FUNCTION** (see Table 5.4 & Table 5.7)

Residential	restricted use
Lodging	restricted use
Office	restricted use
Retail	restricted use

**k. BUILDING CONFIGURATION** (see Table 5.2 & 1.2k)

Principal Building	2
Outbuilding	2 stories max

**f. LOT OCCUPATION** (see Table 1.2f)

Lot Width	60 ft. min 180 ft. max
Lot Coverage	40% max

**I. BUILDING DISPOSITION** (see Table 5.1)

Edgeyard	permitted
Sidyard	not permitted
Rearyard	not permitted
Courtyard	not permitted

**g. SETBACKS - PRINCIPAL BUILDING** (see Table 1.2g)

(g.1) Front Setback Principal	24 ft. min
(g.2) Front Setback Secondary	12 ft. min.
(g.3) Side Setback	12 ft. min.
(g.4) Rear Setback	12 ft. min.*
Frontage Buildout	40% min at setback

**h. SETBACKS - OUTBUILDING** (see Table 1.2h)

(h.1) Front Setback	20 ft. min. + bldg setback
(h.2) Side Setback	3 ft. or 6 ft at corner
(h.3) Rear Setback	3 ft. min.*

**J. PRIVATE FRONTAGES** (see Table 5.3)

Common Yard	permitted
Porch & Fence	permitted
Terrace or L.C.	not permitted
Forecourt	not permitted
Stoop	not permitted
Shopfront & Awning	not permitted
Gallery	not permitted

Refer to Summary Table 1.2

**PARKING PROVISIONS**

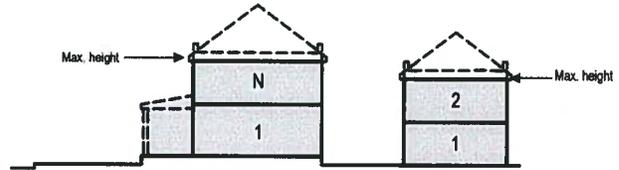
See Tables 5.5 & 5.6

\*or 15 ft. from center line of rear lane or alley

"N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums

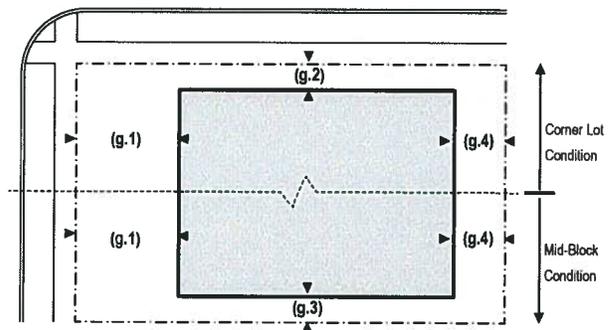
**BUILDING CONFIGURATION**

1. Building height shall be measured in number of Stories, excluding Attics and raised basements.
2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 11 ft with a maximum of 25 feet.
3. Height shall be measured to the eave or roof deck as specified on Table 5.2.



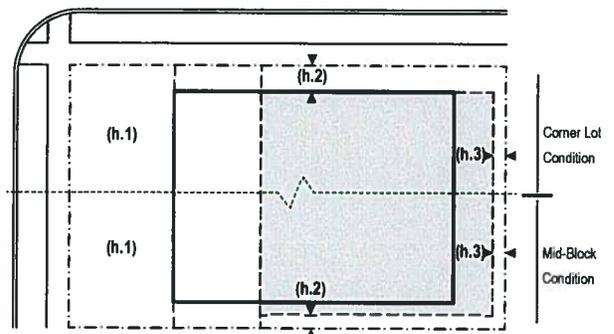
**SETBACKS - PRINCIPAL BLDG**

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.



**SETBACKS - OUTBUILDING**

1. The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.



**PARKING PLACEMENT**

1. Uncovered parking spaces may be provided within the second and third Layer as shown in the diagram (see Table 8.1d).
2. Covered parking shall be provided within the third Layer as shown in the diagram (see Table 8.1d). Side- or rear-entry garages may be allowed in the first or second Layer by Warrant.
3. Trash and recycling containers shall be stored within the third Layer.

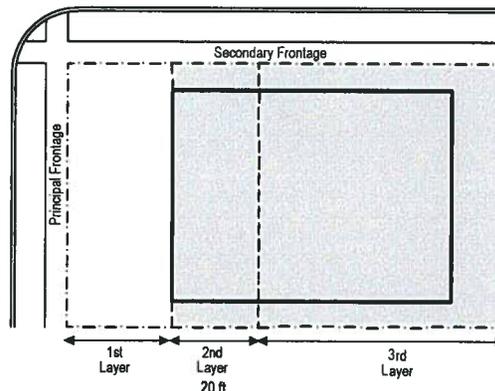
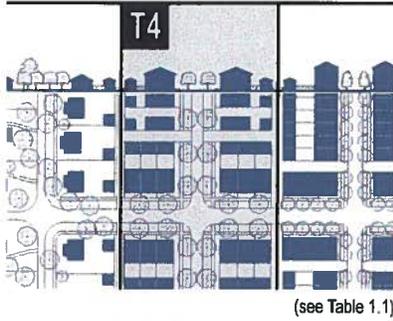


TABLE 5.9. FORM-BASED CODE GRAPHICS: DOWNTOWN - T4



**I. BUILDING FUNCTION** (see Table 5.4 & Table 5.7)

Residential	limited use
Lodging	limited use
Office	limited use
Retail	limited use

**k. BUILDING CONFIGURATION** (see Table 5.2 & 1.2k)

Principal Building	5 stories max, 2 min**
Outbuilding	2 stories max

**f. LOT OCCUPATION** (see Table 1.2f)

Lot Width	18 ft min 120 ft max
Lot Coverage	60% max

**I. BUILDING DISPOSITION** (see Table 5.1)

Edgeyard	permitted
Sidyard	permitted
Rearyard	permitted
Courtyard	not permitted

**g. SETBACKS - PRINCIPAL BUILDING** (see Table 1.2g)

(g.1) Front Setback Principal	6 ft. min. 18 ft. max.
(g.2) Front Setback Secondary	6 ft. min. 18 ft. max.
(g.3) Side Setback	0 ft. min.
(g.4) Rear Setback	3 ft. min.*
Frontage Buildout	70% min at setback

**h. SETBACKS - OUTBUILDING** (see Table 1.2h)

(h.1) Front Setback	20 ft. min. + bldg. setback
(h.2) Side Setback	0 ft. min. or 5 ft. at corner
(h.3) Rear Setback	3 ft. min.*

**j. PRIVATE FRONTAGES** (see Table 5.3)

Common Yard	permitted
Porch & Fence	permitted
Terrace or L.C.	not permitted
Forecourt	not permitted
Stoop	permitted
Shopfront & Awning	permitted
Gallery	permitted

Refer to Summary Table 1.2

**PARKING PROVISIONS**

See Tables 5.5 & 5.6

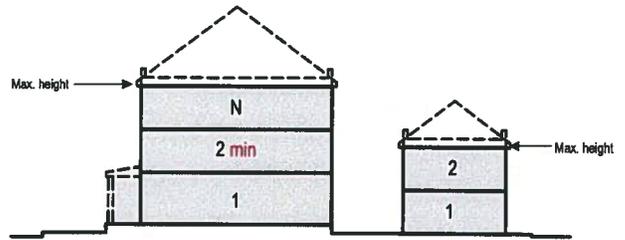
\*or 15 ft. from center line of alley

"N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums

\*\* One-story or 6+ stories may be permitted by warrant

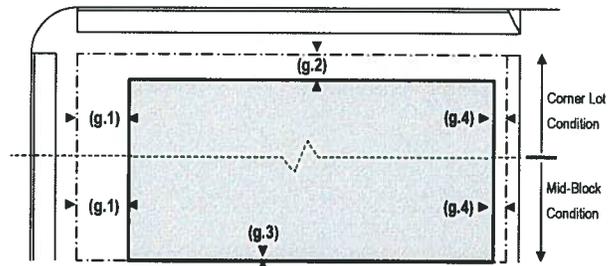
**BUILDING CONFIGURATION**

1. Building height shall be measured in number of Stories, excluding Attics and raised basements.
2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 11 ft with a maximum of 25 ft.
3. Height shall be measured to the eave or roof deck as specified on Table 5.2.



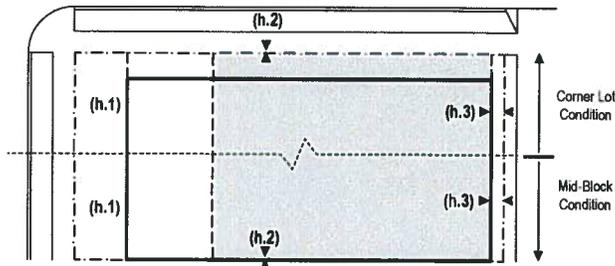
**SETBACKS - PRINCIPAL BLDG**

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.



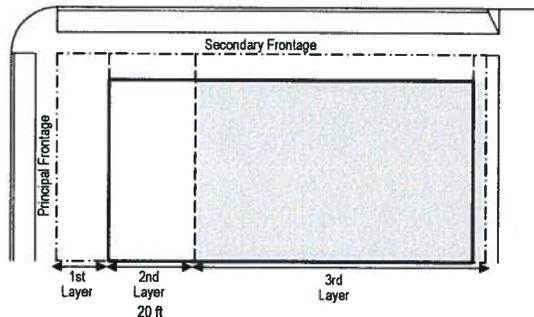
**SETBACKS - OUTBUILDING**

1. The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.

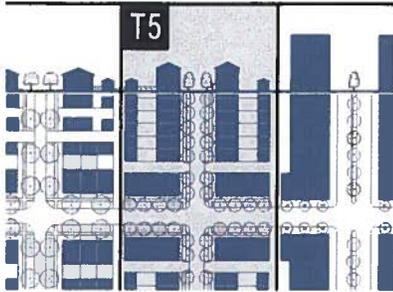


**PARKING PLACEMENT**

1. Uncovered parking spaces may be provided within the third Layer as shown in the diagram (see Table 8.1d).
2. Covered parking shall be provided within the third Layer as shown in the diagram (see Table 8.1d).
3. Trash and recycling containers shall be stored within the third Layer.



**TABLE 5.10. FORM-BASED CODE GRAPHICS: DOWNTOWN - T5**



(see Table 1.1)

**I. BUILDING FUNCTION** (see Table 5.4 & Table 5.7)

Residential	open use
Lodging	open use
Office	open use
Retail	open use

**k. BUILDING CONFIGURATION** (see Tables 5.2 & 1.2k)

Principal Building	5 stories max, 2 min**
Outbuilding	2 stories max.

**f. LOT OCCUPATION** (see Table 1.2f)

Lot Width	18 ft min 196 ft max
Lot Coverage	100% max

**i. BUILDING DISPOSITION** (see Table 5.1)

Edgeyard	by Warrant
Sideyard	permitted
Rearyard	permitted
Courtyard	permitted

**g. SETBACKS - PRINCIPAL BUILDING** (see Table 1.2g)

(g.1) Front Setback Principal	0 ft. min. 12 ft. max.
(g.2) Front Setback Secondary	0 ft. min. 12 ft. max.
(g.3) Side Setback	0 ft. min. 24 ft. max.
(g.4) Rear Setback	3 ft. min.*
Frontage Buildout	80% min at setback

**h. SETBACKS - OUTBUILDING** (see Table 1.2h)

(h.1) Front Setback	40 ft. max. from rear prop.
(h.2) Side Setback	0 ft. min.
(h.3) Rear Setback	3 ft. max.*

**J. PRIVATE FRONTAGES** (see Table 5.3)

Common Yard	not permitted
Porch & Fence	not permitted
Terrace or L.C.	permitted
Forecourt	permitted
Sloop	permitted
Shopfront & Awning	permitted
Gallery	permitted

Refer to Summary Table 1.2

**PARKING PROVISIONS**

See Tables 5.5 & 5.6

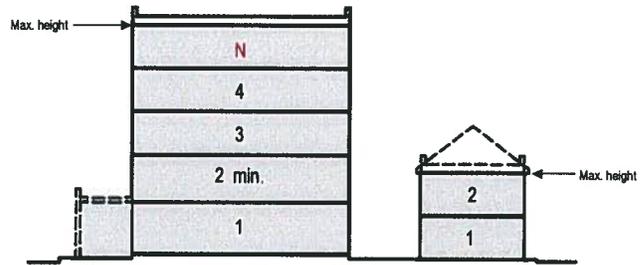
\*or 15 ft. from center line of alley

\*\*N stands for any Stories above those shown, up to the maximum.

\*\* Buildings within the downtown historic district are limited to a maximum building height of 3 stories. 1-story and 6+ stories permitted by warrant for buildings located outside the downtown historic district.

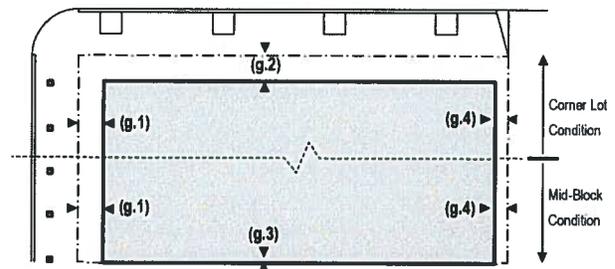
**BUILDING CONFIGURATION**

1. Building height shall be measured in number of Stories, excluding Attics and raised basements.
2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 11 ft with a maximum of 25 ft.
3. Height shall be measured to the eave or roof deck as specified on Table 5.2.
4. Expression Lines shall be as shown on Table 5.2.



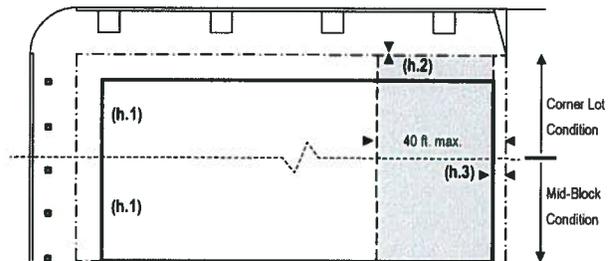
**SETBACKS - PRINCIPAL BLDG**

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.



**SETBACKS - OUTBUILDING**

1. The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.



**PARKING PLACEMENT**

1. Uncovered parking spaces may be provided within the third Layer as shown in the diagram (see Table 8.1).
2. Covered parking shall be provided within the third Layer as shown in the diagram (see Table 8.1).
3. Trash containers shall be stored within the third Layer.

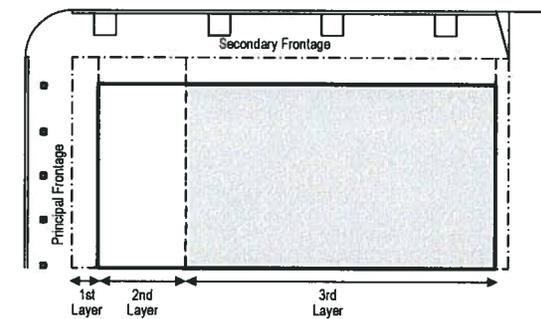
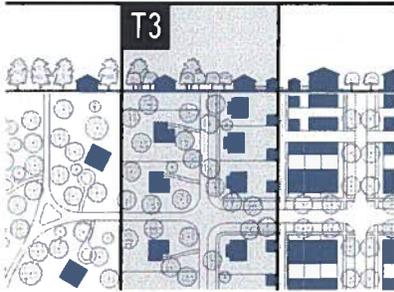


TABLE 5.11. FORM-BASED CODE GRAPHICS: NEW DEVELOPMENT - T3



(see Table 1.1)

**I. BUILDING FUNCTION** (see Table 5.4 & Table 5.7)

Residential	restricted use
Lodging	restricted use
Office	restricted use
Retail	restricted use

**k. BUILDING CONFIGURATION** (see Table 5.2 & 1.3k)

Principal Building	2 stories max.
Outbuilding	2 stories max.

**f. LOT OCCUPATION** (see Table 1.3f)

Lot Width	60 ft. min 120 ft. max
Lot Coverage	60% max

**I. BUILDING DISPOSITION** (see Table 5.1)

Edgeyard	permitted
Sideyard	not permitted
Rearyard	not permitted
Courtyard	not permitted

**g. SETBACKS - PRINCIPAL BUILDING** (see Table 1.3g)

(g.1) Front Setback Principal	24 ft. min
(g.2) Front Setback Secondary	12 ft. min.
(g.3) Side Setback	12 ft. min.
(g.4) Rear Setback	12 ft. min.
Frontage Bulldout	40% min at setback

**h. SETBACKS - OUTBUILDING** (see Table 1.3h)

(h.1) Front Setback	20 ft. min. + bldg setback
(h.2) Side Setback	3 ft. or 6 ft at corner
(h.3) Rear Setback	3 ft. min. *

**J. PRIVATE FRONTAGES** (see Table 5.3)

Common Yard	permitted
Porch & Fence	permitted
Terrace or L.C.	not permitted
Forecourt	not permitted
Stoop	not permitted
Shopfront & Awning	not permitted
Gallery	not permitted

Refer to Summary Table 1.3

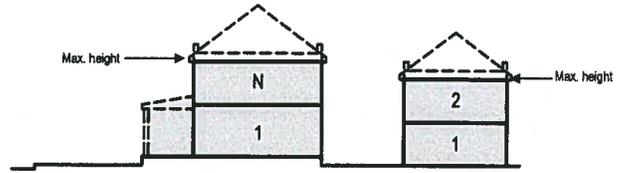
**PARKING PROVISIONS**

See Tables 5.5 & 5.6

\*or 15 ft. from center line of rear lane or alley  
 "N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums

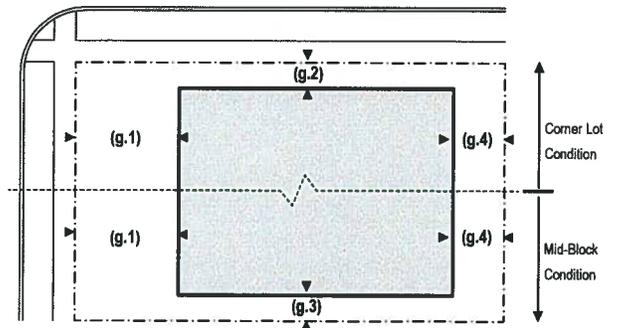
**BUILDING CONFIGURATION**

1. Building height shall be measured in number of Stories, excluding Attics and raised basements.
2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 11 ft with a maximum of 25 feet.
3. Height shall be measured to the eave or roof deck as specified on Table 5.2.



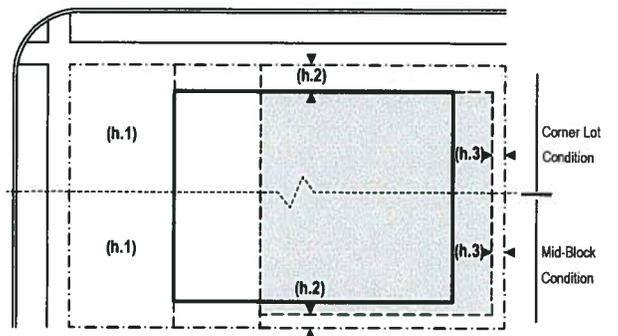
**SETBACKS - PRINCIPAL BLDG**

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.



**SETBACKS - OUTBUILDING**

1. The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.



**PARKING PLACEMENT**

1. Uncovered parking spaces may be provided within the second and third Layer as shown in the diagram (see Table 8.1d).
2. Covered parking shall be provided within the third Layer as shown in the diagram (see Table 8.1d). Side- or rear-entry garages may be allowed in the first or second Layer by Warrant.
3. Trash and recycling containers shall be stored within the third Layer.

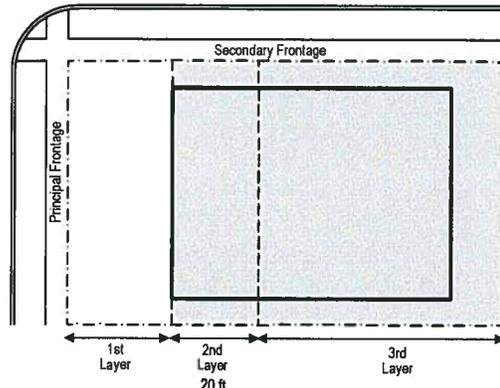
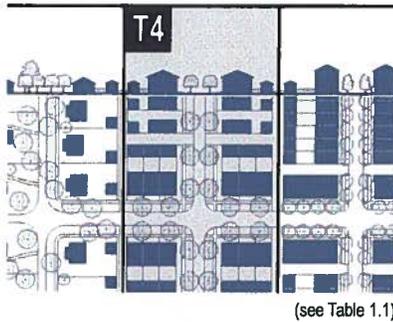


TABLE 5.12. FORM-BASED CODE GRAPHICS: NEW DEVELOPMENT - T4



**I. BUILDING FUNCTION** (see Table 5.4 & Table 5.7)

Residential	limited use
Lodging	limited use
Office	limited use
Retail	limited use

**K. BUILDING CONFIGURATION** (see Table 5.2 & 1.3k)

Principal Building	3 stories max.
Outbuilding	2 stories max.

**f. LOT OCCUPATION** (see Table 1.2f)

Lot Width	18 ft min 120 ft max
Lot Coverage	80% max

**i. BUILDING DISPOSITION** (see Table 5.1)

Edgeyard	permitted
Sidyard	permitted
Rearyard	permitted
Courtyard	not permitted

**g. SETBACKS - PRINCIPAL BUILDING** (see Table 1.3g)

(g.1) Front Setback Principal	6 ft. min. 18 ft. max.
(g.2) Front Setback Secondary	6 ft. min. 18 ft. max.
(g.3) Side Setback	0 ft. min. or 6 ft. min. total
(g.4) Rear Setback	3 ft. min.*
Frontage Buildout	60% min at setback

**h. SETBACKS - OUTBUILDING** (see Table 1.3h)

(h.1) Front Setback	20 ft. min. + bldg. setback
(h.2) Side Setback	0 ft. min. or 5 ft at corner
(h.3) Rear Setback	3 ft. min *

**J. PRIVATE FRONTAGES** (see Table 5.3)

Common Yard	permitted
Porch & Fence	permitted
Terrace or L.C.	permitted
Forecourt	permitted
Scoop	permitted
Shopfront & Awning	permitted
Gallery	permitted

Refer to Summary Table 1.3

**PARKING PROVISIONS**

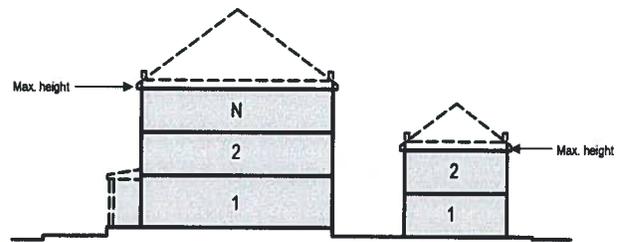
See Tables 5.5 & 5.6

\*or 15 ft. from center line of alley

"N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums

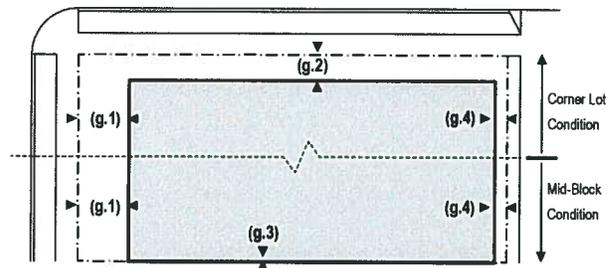
**BUILDING CONFIGURATION**

1. Building height shall be measured in number of Stories, excluding Attics and raised basements.
2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 11 ft with a maximum of 25 ft.
3. Height shall be measured to the eave or roof deck as specified on Table 5.2.



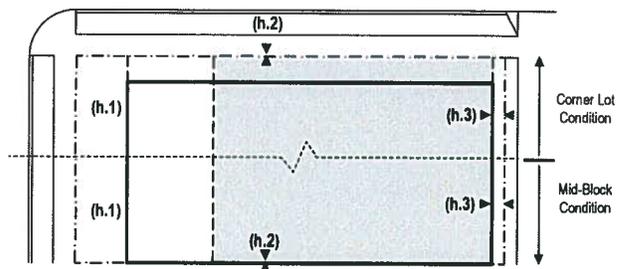
**SETBACKS - PRINCIPAL BLDG**

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.



**SETBACKS - OUTBUILDING**

1. The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.



**PARKING PLACEMENT**

1. Uncovered parking spaces may be provided within the third Layer as shown in the diagram (see Table 8.1d).
2. Covered parking shall be provided within the third Layer as shown in the diagram (see Table 8.1d).
3. Trash containers shall be stored within the third Layer.

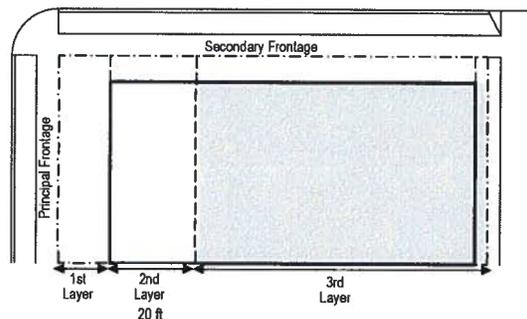
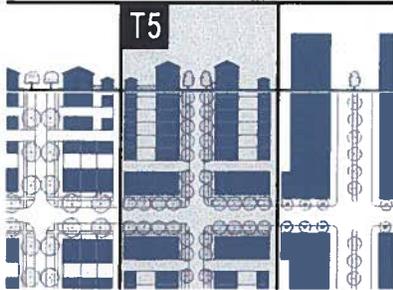


TABLE 5.13. FORM-BASED CODE GRAPHICS: NEW DEVELOPMENT - T5



(see Table 1.1)

**I. BUILDING FUNCTION** (see Table 5.4 & Table 5.7)

Residential	open use
Lodging	open use
Office	open use
Retail	open use

**k. BUILDING CONFIGURATION** (see Table 5.2 & 1.3k)

Principal Building	5 stories max, 2 min**
Outbuilding	2 stories max

**f. LOT OCCUPATION** (see Table 1.3f)

Lot Width	18 ft min 196 ft max
Lot Coverage	100% max

**I. BUILDING DISPOSITION** (see Table 5.1)

Edgeyard	by Warrant
Sidyard	permitted
Rearyard	permitted
Courtyard	permitted

**g. SETBACKS - PRINCIPAL BUILDING** (see Table 1.3g)

(g.1) Front Setback Principal	0 ft. min. 12 ft. max.
(g.2) Front Setback Secondary	0 ft. min. 12 ft. max.
(g.3) Side Setback	0 ft. min. 24 ft. max.
(g.4) Rear Setback	3 ft. min.*
Frontage Bulldout	80% min at setback

**h. SETBACKS - OUTBUILDING** (see Table 1.3h)

(h.1) Front Setback	40 ft. max. from rear prop.
(h.2) Side Setback	0 ft. min.
(h.3) Rear Setback	3 ft. max.*

**J. PRIVATE FRONTAGES** (see Table 5.3)

Common Yard	not permitted
Porch & Fence	not permitted
Terrace or L.C.	permitted
Forecourt	permitted
Stoop	permitted
Shopfront & Awning	permitted
Gallery	permitted

Refer to Summary Table 1.3

**PARKING PROVISIONS**

See Tables 5.5 & 5.6

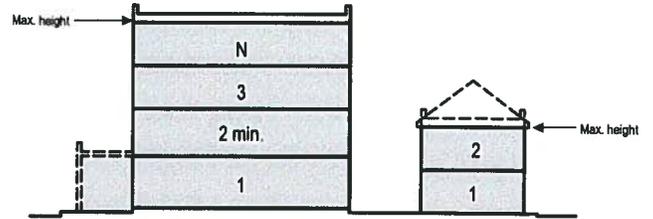
\*or 15 ft. from center line of alley

"N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums.

\*\*One-story or 6+ stories permitted by warrant.

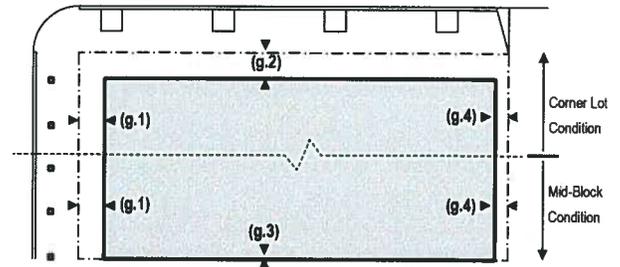
**BUILDING CONFIGURATION**

1. Building height shall be measured in number of Stories, excluding Attics and raised basements.
2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 11 ft with a maximum of 25 ft.
3. Height shall be measured to the eave or roof deck as specified on Table 5.2.
4. Expression Lines shall be as shown on Table 5.2.



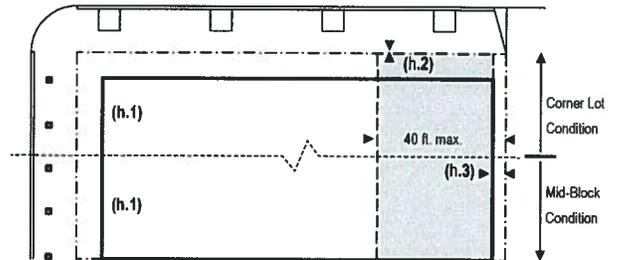
**SETBACKS - PRINCIPAL BLDG**

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.



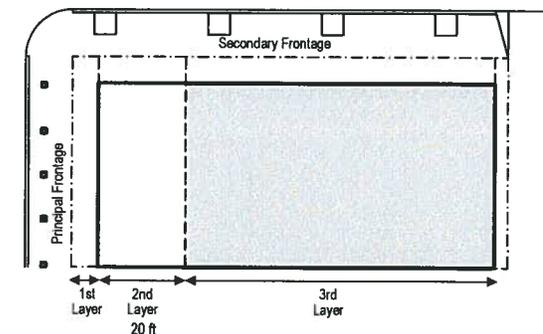
**SETBACKS - OUTBUILDING**

1. The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.



**PARKING PLACEMENT**

1. Uncovered parking spaces may be provided within the third Layer as shown in the diagram (see Table 8.1).
2. Covered parking shall be provided within the third Layer as shown in the diagram (see Table 8.1).
3. Trash containers shall be stored within the third Layer.



**ARTICLE 8. DEFINITIONS OF TERMS**

This Article provides definitions for terms in this Code that are technical in nature or that otherwise may not reflect a common usage of the term. If a term is not defined in this Article, then the DRC shall determine the correct definition. Items in italics refer to *Articles, Sections, or Tables* in the SmartCode.

**A-Grid:** cumulatively, those Thoroughfares that by virtue of their pre-existing pedestrian-supportive qualities, or their future importance to pedestrian connectivity, are held to the highest standards prescribed by this Code. See **B-Grid**. (Syn: primary grid.)

**Access Lane:** an outer vehicular lane or lanes of a Thoroughfare, designed for slow speeds and separated from inner lanes that carry higher speed traffic.

**Accessory Building:** an Outbuilding with an Accessory Unit.

**Accessory Unit:** an Apartment not greater than 500 square feet sharing ownership and utility connections with a Principal Building; it may or may not be within an Outbuilding. See *Table 5.7 and Table 6.1*. (Syn: ancillary unit)

**Adjusted Pedestrian Shed:** a Pedestrian Shed that has been adjusted according to *Section 3.2*, creating the regulatory boundary of a Community Unit.

**Affordable Housing:** dwellings consisting of rental or for-sale units that have a rent (including utilities) or mortgage payment typically no more than 30% of the income of families earning no more than 80% of median incomes by family size for the county. (Alt. definition: rental or for-sale dwellings that are economically within the means of the starting salary of a local elementary school teacher.)

**Allée:** a regularly spaced and aligned row of trees usually planted along a Thoroughfare or Path.

**Apartment:** a Residential unit sharing a building and a Lot with other units and/or uses; may be for rent, or for sale as a condominium.

**Attic:** the interior part of a building contained within a pitched roof structure.

**Avenue (AV):** a Thoroughfare of high vehicular capacity and low to moderate speed, acting as a short distance connector between urban centers, and usually equipped with a landscaped median.

**B-Grid:** cumulatively, those Thoroughfares that by virtue of their use, location, or absence of pre-existing pedestrian-supportive qualities, may meet a standard lower than that of the A-Grid. See **A-Grid**. (Syn: secondary grid.)

**BRT:** see Bus Rapid Transit.

**Backbuilding:** a single-story structure connecting a Principal Building to an Outbuilding. See *Table 6.1*.

**Base Residential Density:** the number of dwelling units per acre. See **Density**.

**Bed and Breakfast:** an owner-occupied Lodging type offering 1 to 5 bedrooms, permitted to serve breakfast in the mornings to guests.

**Bicycle Lane (BL):** a dedicated lane for cycling within a moderate-speed

vehicular Thoroughfare, demarcated by striping.

**Bicycle Route (BR):** a Thoroughfare suitable for the shared use of bicycles and automobiles moving at low speeds.

**Bicycle Trail (BT):** a bicycle way running independently of a vehicular Thoroughfare.

**Block:** the aggregate of private Lots, Passages, Rear Alleys and Rear Lanes, circumscribed by Thoroughfares.

**Block Face:** the aggregate of all the building Facades on one side of a Block.

**Boulevard (BV):** a Thoroughfare designed for high vehicular capacity and moderate speed, traversing an Urbanized area. Boulevards are usually equipped with Slip Roads buffering Sidewalks and buildings.

**Buildings of Value:** Buildings located in a historic district or designated as a historic landmark by the City of San Marcos Historic Preservation Commission.

**Bus Rapid Transit:** a rubber tire system with its own right-of-way or dedicated lane along at least 70% of its route, providing transit service that is faster than a regular bus.

**By Right:** characterizing a proposal or component of a proposal for a Community Plan or Building Scale Plan (Article 3, Article 4, or Article 5) that complies with the SmartCode and is permitted and processed administratively, without public hearing. See Warrant and Variance.

**CLD or Clustered Land Development:** a Community Unit type structured by a Standard Pedestrian Shed oriented toward a Common Destination such as a general store, Meeting Hall, schoolhouse, or church. CLD takes the form of a small settlement standing free in the countryside.

**Civic:** the term defining not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking.

**Civic Building:** a building operated by not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking, or for use approved by the City Council.

**Civic Space:** an outdoor area permanently dedicated for public use. Civic Space types are defined by the combination of certain physical constants including the relationships among their intended use, their size, their landscaping and their Enfronting buildings. See *Table 3.4*.

**Civic Zone:** designation for public sites dedicated for Civic Buildings and Civic Space.

**Commercial:** the term collectively defining workplace, Office, Retail, and Lodging Functions.

**Common Destination:** An area of focused community activity, usually defining the approximate center of a Pedestrian Shed. It may include without limitation one or more of the following: a Civic Space, a Civic Building, a Commercial center, or a transit station, and may act as the social center of

a neighborhood.

**Common Yard:** a planted Private Frontage wherein the Facade is set back from the Frontage line. It is visually continuous with adjacent yards. See *Table 5.3*.

**Community Garden:** A grouping of garden plots available for small-scale cultivation, generally to residents without private gardens. See *Table 3.4*.

**Community Plan Area:** an area marked on a land use map activating the use of this Code.

**Community Unit:** a regulatory category defining the physical form, Density, and extent of a settlement. The four Community Unit types addressed in this Code are CLD, TND, RCD and TOD. The TOD Community Unit type is created by an overlay on TND or RCD. The only RCD in San Marcos is the Downtown.

**Configuration:** the form of a building, based on its massing, Private Frontage, and height.

**Corridor:** a lineal geographic system incorporating transportation and/or Greenway trajectories. A transportation Corridor may be a lineal Transect Zone.

**Cottage:** an Edgeyard building type. A single-family dwelling, on a regular Lot, often shared with an Accessory Building in the back yard.

**Courtyard Building:** a building that occupies the boundaries of its Lot while internally defining one or more private patios. See *Table 5.1*.

**Curb:** the edge of the vehicular pavement that may be raised or flush to a Swale. It usually incorporates the drainage system. See *Table 3.2 and Table 3.3*.

**Density:** the number of dwelling units within a standard measure of land area.

**Developable Areas:** lands other than those in the O-1 Preserved Open Division.

**Development Review Committee (DRC):** A part of Development Services, a DRC is comprised of a representative from each of the various regulatory agencies that have jurisdiction over the permitting of a project. See *Article 1.4.3*.

**Disposition:** the placement of a building on its Lot. See *Table 5.1 and Table 6.1*.

**Division:** a neutral term for a geographic area. In the SmartCode there are five specific Divisions for regional planning that establish the legal boundaries for Open Space and development.

**Dooryard:** a Private Frontage type with a shallow Setback and front garden or patio, usually with a low wall at the Frontage Line. See *Table 5.3*. (Variant: Lightwell, light court.)

**Downtown Design Guidelines:** A supplement to the SmartCode standards to provide advisory information to better understand the intent of the design standards, to aid in the design review for the "administrative

approval" process when alternatives are applied for, and to aid in the design review for the "by warrant" process when alternatives are applied for.

**Downtown San Marcos:** The area within central San Marcos where the SmartCode is mandatory as defined in the Design Context Map.

**Downtown Tree Fund:** A Fund specifically for use by the City for any activity related to trees in a Civic Space, Public Frontage or on other City-owned property in Downtown. This may include the purchase, installation, irrigation, maintenance and/or other similar activities.

**Drive (DR):** a Thoroughfare along the boundary between an Urbanized and a natural condition, usually along a waterfront, Park, or promontory. One side has the urban character of a Thoroughfare, with Sidewalk and building, while the other has the qualities of a Road or parkway, with naturalistic planting and rural details.

**Driveway:** a vehicular lane within a Lot, often leading to a garage. See *Section 5.10*.

**Edgeyard Building:** a building that occupies the center of its Lot with Setbacks on all sides. See *Table 5.1*.

**Effective Parking:** the amount of parking required for Mixed Use after adjustment by the Parking Occupancy Rate. See *Table 5.6*.

**Effective Turning Radius:** the measurement of the inside Turning Radius taking parked cars into account. See *Table 6.1*.

**Elevation:** an exterior wall of a building not along a Frontage Line. See *Table 6.1*. See: **Facade**.

**Encroach:** to break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a Setback, into the Public Frontage, or above a height limit.

**Encroachment:** any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a Setback, into the Public Frontage, or above a height limit.

**Enfront:** to place an element along a Frontage, as in "porches Enfront the street."

**Estate House:** an Edgeyard building type. A single-family dwelling on a very large Lot of rural character, often shared by one or more Accessory Buildings. (Syn: country house, villa)

**Expression Line:** a line prescribed at a certain level of a building for the major part of the width of a Facade, expressed by a variation in material or by a limited projection such as a molding or balcony. See *Table 5.2*. (Syn: transition line.)

**Facade:** the exterior wall of a building that is set along a Frontage Line. See **Elevation**.

**Forecourt:** a Private Frontage wherein a portion of the Facade is close to the Frontage Line and the central portion is set back. See *Table 5.3*.

**Frontage:** the area between a building Facade and the vehicular lanes, inclusive of its built and planted components. Frontage is divided into Private Frontage and Public Frontage. See *Table 3.2* and *Table 5.3*.

**Frontage Buildout:** the percentage of the Lot width that is occupied by the building Facade.

**Frontage Line:** a Lot line bordering a Public Frontage. Facades facing Frontage Lines define the public realm and are therefore more regulated than the Elevations facing other Lot Lines. See *Table 6.1*.

**Function:** the use or uses accommodated by a building and its Lot, categorized as Restricted, Limited, or Open, according to the intensity of the use. See *Table 5.4* and *Table 5.7*.

**Gallery:** a Private Frontage conventional for Retail use wherein the Facade is aligned close to the Frontage Line with an attached cantilevered shed or lightweight colonnade overlapping the Sidewalk. See *Table 5.3*.

**Green:** a Civic Space type for unstructured recreation, spatially defined by landscaping rather than building Frontages. See *Table 3.4*.

**Greenfield:** an area that consists of open or wooded land or farmland that has not been previously developed.

**Greenway:** an Open Space Corridor in largely natural conditions that may include trails for bicycles and pedestrians.

**Growth Division:** one of three Divisions where development is permitted by Right in the SmartCode, two for New Communities and one for Infill. See *Article 2*.

**Hamlet:** See CLD. (Syn: cluster, settlement.)

**Highway:** a rural and suburban Thoroughfare of high vehicular speed and capacity. This type is allocated to the more rural Transect Zones (T-1, T-2, and T-3).

**Home Occupation:** non-Retail Commercial enterprises. The work quarters should be invisible from the Frontage, located either within the house or in an Outbuilding. Permitted activities are defined by the Restricted Office category. See *Table 5.4*.

**House:** an Edgeward building type, usually a single-family dwelling on a large Lot, often shared with an Accessory Building in the back yard. (Syn: single.)

**Infill:** noun - new development on land that had been previously developed, including most greyfield and brownfield sites and cleared land within Urbanized areas. verb- to develop such areas.

**Inn:** a Lodging type, owner-occupied, offering 6 to 12 bedrooms, permitted to serve breakfast in the mornings to guests. See *Table 5.7*.

**Lawn:** ground, as around a house or in a garden or park, that is covered with turfgrass and is kept mowed.

**Layer:** a range of depth of a Lot within which certain elements are permitted. See *Table 6.1*.

**LDC:** San Marcos Land Development Code as Adopted

**Lightwell:** A Private Frontage type that is a below-grade entrance or recess designed to allow light into basements. See *Table 5.3*. (Syn: light court.)

**Linear Pedestrian Shed:** A Pedestrian Shed that is elongated along an important Mixed Use Corridor such as a main street. A Linear Pedestrian Shed extends approximately 1/4 mile from each side of the Corridor for the length of its Mixed Use portion. The resulting area is shaped like a lozenge. (Syn: elongated pedestrian shed.)

**Liner Building:** a building specifically designed to mask a parking lot or a Parking Structure from a Frontage.

**Live-Work:** a Mixed Use unit consisting of a Commercial and Residential Function. The Commercial Function may be anywhere in the unit. It is intended to be occupied by a business operator who lives in the same structure that contains the Commercial activity or industry. See **Work-Live**. (Syn.: flexhouse.)

**Lodging:** premises available for daily and weekly renting of bedrooms. See *Table 5.4* and *Table 5.7*.

**Long Pedestrian Shed:** a Pedestrian Shed that is an average 1/2-mile radius or 2640 feet, used when a transit stop (bus or rail) is present or proposed as the Common Destination. A Long Pedestrian Shed represents approximately a ten-minute walk at a leisurely pace. See **Pedestrian Shed**.

**Lot:** a parcel of land accommodating a building or buildings of unified design. The size of a Lot is controlled by its width in order to determine the grain (i.e., fine grain or coarse grain) of the urban fabric.

**Lot Coverage:** the percentage of a Lot that is covered by buildings and other roofed structures.

**Lot Line:** the boundary that legally and geometrically demarcates a Lot.

**Lot Occupation:** category for the width and coverage metrics of a Lot.

**Lot Width:** the length of the Principal Frontage Line of a Lot.

**Main Civic Space:** the primary outdoor gathering place for a community. The Main Civic Space is often, but not always, associated with an important Civic Building.

**Manufacturing:** premises available for the creation, assemblage and/or repair of artifacts, using table-mounted electrical machinery or artisanal equipment, and including their Retail sale.

**Meeting Hall:** a building available for gatherings, including conferences, that accommodates at least one room equivalent to a minimum of 10 square feet per projected dwelling unit within the Pedestrian Shed in which it is located.

**Mixed Use:** multiple Functions within the same building through superimposition or adjacency, or in multiple buildings by adjacency, or at a proximity determined by Warrant.

**Net Site Area:** all developable land within a site including Thoroughfares

but excluding land allocated as Civic Zones.

**Network Pedestrian Shed:** a Pedestrian Shed adjusted for average walk times along Thoroughfares. See *Table 6.1*.

**New Community:** SmartCode neighborhood with a regulating plan.

**Office:** premises available for the transaction of general business but excluding Retail, artisanal and Manufacturing uses. See *Tables 5.4 and 5.7*.

**Open Space:** land intended to remain undeveloped; it may be for Civic Space.

**Outbuilding:** an Accessory Building, usually located toward the rear of the same Lot as a Principal Building, and sometimes connected to the Principal Building by a Backbuilding. See *Table 6.1*.

**Park:** a Civic Space type that is a natural preserve available for unstructured recreation. See *Table 3.4*.

**Parking Occupancy Rate:** an accounting for parking spaces that are available to more than one Function. See *Table 5.6*.

**Parking Reserve:** Parking Structure or parking lot within a quarter-mile of the site that it serves. See *Section 5.9.2*

**Parking Structure:** a building containing one or more Stories of parking above grade.

**Passage (PS):** a pedestrian connector, open or roofed, that passes between buildings to provide shortcuts through long Blocks and connect rear parking areas to Frontages.

**Path (PT):** a pedestrian way traversing a Park or rural area, with landscape matching the contiguous Open Space, ideally connecting directly with the urban Sidewalk network.

**Pedestrian Shed:** An area that is centered on a Common Destination. Its size is related to average walking distances for the applicable Community Unit type. Pedestrian Sheds are applied to structure Communities. See Standard, Long, Linear or Network Pedestrian Shed. (Syn: walkshed, walkable catchment.)

**Planter:** the element of the Public Frontage that accommodates street trees, whether continuous or individual.

**Playground:** an Open Space designed and equipped for the recreation of children.

**Plaza:** a Civic Space type designed for Civic purposes and Commercial activities in the more urban Transect Zones, generally paved and spatially defined by building Frontages.

**Principal Building:** the main building on a Lot, usually located toward the Frontage. See *Table 6.1*.

**Principal Entrance:** the main point of access for pedestrians into a building.

**Principal Frontage:** On corner Lots, the Private Frontage designated to bear the address and Principal Entrance to the building, and the measure of

minimum Lot width. Prescriptions for the parking Layers pertain only to the Principal Frontage. Prescriptions for the first Layer pertain to both Frontages of a corner Lot. See **Frontage**.

**Private Frontage:** the privately held Layer between the Frontage Line and the Principal Building Facade. See *Table 5.3* and *Table 6.1*.

**Public Frontage:** the area between the Curb of the vehicular lanes and the Frontage Line. See *Table 3.2* and *Table 6.1*.

**Rear Alley (RA):** a vehicular way located to the rear of Lots providing access to service areas, parking, and Outbuildings and containing utility easements. Rear Alleys should be paved from building face to building face, with drainage by inverted crown at the center or with roll Curbs at the edges.

**Rear Lane (RL):** a vehicular way located to the rear of Lots providing access to service areas, parking, and Outbuildings and containing utility easements. Rear Lanes may be paved lightly to Driveway standards. The streetscape consists of gravel or landscaped edges, has no raised Curb, and is drained by percolation.

**Rearyard Building:** a building that occupies the full Frontage Line, leaving the rear of the Lot as the sole yard. See *Table 5.1*. (Var: Rowhouse, Townhouse, Apartment House)

**Regional Center Development:** a Community type structured by a long pedestrian shed or linear shed, which may be adjoined without buffers by one or several standard pedestrian sheds, each with the individual Transect Zone requirements of a TND.

**Regulating Plan:** a Zoning Map or set of maps that shows the Transect Zones, Civic Zones, Special Districts if any, and Special Requirements if any, of areas subject to, or potentially subject to, regulation by the SmartCode.

**Residential:** characterizing premises available for long-term human dwelling.

**Retail:** characterizing premises available for the sale of merchandise and food service. See *Table 5.4* and *Table 5.7*.

**Retail Frontage:** Frontage designated on a Regulating Plan that requires or recommends the provision of a Shopfront, encouraging the ground level to be available for Retail use. See **Special Requirements**.

**Road (RD):** a local, rural and suburban Thoroughfare of low-to-moderate vehicular speed and capacity. This type is allocated to the more rural Transect Zones (T1-T3). See *Table 3.3*.

**Rowhouse:** a single-family dwelling that shares a party wall with another of the same type and occupies the full Frontage Line. See Rearyard Building. (Syn: Townhouse)

**Rural Boundary Line:** the extent of potential urban growth as determined by existing geographical determinants. The Rural Boundary Line is permanent.

**Secondary Frontage:** on corner Lots, the Private Frontage that is not the Principal Frontage. As it affects the public realm, its First Layer is regulated.

See *Table 6.1*.

**Sensitive Site:** The site of a Building of Value or a single-family zoned district.

**Setback:** the area of a Lot measured from the Lot line to a building Facade or Elevation that is maintained clear of permanent structures, with the exception of Encroachments listed in *Section 5.7*. See *Table 1.2g/h* and *Table 1.3g/h*. (Var: build-to-line.)

**Sharrow:** Also known as the Shared Lane Marking in the Manual of Uniform Traffic Control Devices, is a pavement marking indicating that motorists and cyclists share a travel lane. The Sharrow shall be placed so that the centers of the markings are at least 3.4 m (11 ft) from the face of the curb, or from the edge of the pavement where there is no curb.

**Shopfront:** a Private Frontage conventional for Retail use, with substantial glazing and an awning, wherein the Facade is aligned close to the Frontage Line with the building entrance at Sidewalk grade. See *Table 5.3*.

**Sidewalk:** the paved section of the Public Frontage dedicated exclusively to pedestrian activity.

**Sideyard Building:** a building that occupies one side of the Lot with a Setback on the other side. This type can be a Single or Twin depending on whether it abuts the neighboring house. See *Table 5.1*.

**Specialized Building:** a building that is not subject to Residential, Commercial, or Lodging classification. See *Table 5.1*

**Special District (SD):** an area that, by its intrinsic Function, Disposition, or Configuration, cannot or should not conform to one or more of the normative Community Unit types or Transect Zones specified by the SmartCode. Special Districts may be mapped and regulated at the regional scale or the community scale.

**Special Requirements:** provisions of *Section 3.9* and *Section 5.3* of this Code and/or the associated designations on a Regulating Plan or other map for those provisions.

**Square:** a Civic Space type designed for unstructured recreation and Civic purposes, spatially defined by building Frontages and consisting of Paths, lawns and trees, formally disposed. See *Table 3.4*.

**Standard Pedestrian Shed:** a Pedestrian Shed that is an average 1/4 mile radius or 1320 feet, about the distance of a five-minute walk at a leisurely pace. See **Pedestrian Shed**.

**Stoop:** a Private Frontage wherein the Facade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk for privacy, with an exterior stair and landing at the entrance. See *Table 5.3*.

**Story:** a habitable level within a building, excluding an Attic or raised basement. See *Table 5.2*.

**Street (ST):** a local urban Thoroughfare of low speed and capacity. See *Table 3.3*.

**Streetscreen:** a freestanding wall built along the Frontage Line, or coplanar with the Facade. It may mask a parking lot from the Thoroughfare, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm. (Syn: streetwall.) See *Section 5.7.5d & e*.

**Substantial Modification:** alteration to a building that is valued at more than 50% of the replacement cost of the entire building, if new.

**Swale:** a low or slightly depressed natural area for drainage.

**T-zone:** Transect Zone.

**Target Speed:** is the velocity at which a Thoroughfare tends to be driven without the constraints of signage or enforcement. There are four ranges of speed: Very Low: (below 20 MPH); Low: (20-25 MPH); Moderate: (25-35 MPH); High: (above 35 MPH). Lane width is determined by desired Target Speed. See *Table 3.3*.

**Terminated Vista:** a location at the axial conclusion of a Thoroughfare. A building located at a Terminated Vista designated on a Regulating Plan is required or recommended to be designed in response to the axis.

**Third Place:** A location which fulfills a necessary social role between the private and the public realms and is distinct from home and work, such as coffee shops, internet cafes, alfresco dining areas, pubs, bookstores, and the like, which can foster a culture of informal gathering, socializing, conversing and exchanging ideas

**Thoroughfare:** a way for use by vehicular and pedestrian traffic and to provide access to Lots and Open Spaces, consisting of Vehicular Lanes and the Public Frontage. See *Table 3.2, Table 3.3 and Table 6.1a*.

**TND:** Traditional Neighborhood Development, a Community Unit type structured by a Standard Pedestrian Shed oriented toward a Common Destination consisting of a Mixed Use center or Corridor, and in the form of a medium-sized settlement near a transportation route. *Table 3.1*. (Syn: village. Variant: Infill TND, neighborhood.)

**TOD:** Transit Oriented Development. TOD is created by an overlay on all or part of a TND or by designation on a Regional Plan, permitting increased Density to support rail or Bus Rapid Transit (BRT) as set forth in *Section 5.9.2d*.

**Townhouse:** See Rearyard Building. (Syn: Rowhouse)

**Transit Route:** An existing or planned route for public intracity or intraurban transit service in the local or regional transportation plan or the plan of the relevant transit service provider. Does not include temporary routes.

**Transect:** a cross-section of the environment showing a range of different habitats. The rural-urban Transect of the human environment used in the SmartCode template is divided into six Transect Zones. These zones describe the physical form and character of a place, according to the Density and intensity of its land use and Urbanism.

**Transect Zone (T-zone):** One of several areas on a Zoning Map regulated by the SmartCode. Transect Zones are administratively similar to the land use zones in conventional codes, except that in addition to the usual building use, Density, height, and Setback requirements, other elements of the intended habitat are integrated, including those of the private Lot and building and Public Frontage. See *Table 1.1*.

**Turning Radius:** the curved edge of a Thoroughfare at an intersection, measured at the inside edge of the vehicular tracking. The smaller the Turning Radius, the smaller the pedestrian crossing distance and the more slowly the vehicle is forced to make the turn. See *Table 3.2* and *Table 6.1*.

**Urban Boundary Line:** the extent of potential urban growth as determined by the projected demographic needs of a region. The Urban Boundary Line may be adjusted from time to time.

**Urbanism:** collective term for the condition of a compact, Mixed Use settlement, including the physical form of its development and its environmental, functional, economic, and socio-cultural aspects.

**Urbanized:** generally, developed. Specific to the SmartCode, developed at T-3 (Sub-Urban) Density or higher.

**Variance:** a ruling that would permit a practice that is not consistent with either a specific provision or the Intent of this Code (*Section 1.3*). See *Section 1.5*. And 1.10.2.4 of the LDC.

**Warrant:** a ruling that would permit a practice that is not consistent with a specific provision of this Code, but that is justified by its Intent (**Section 1.3 and 1.5**). ~~Warrants are usually granted administratively by the DRG. See Section 1.5.~~

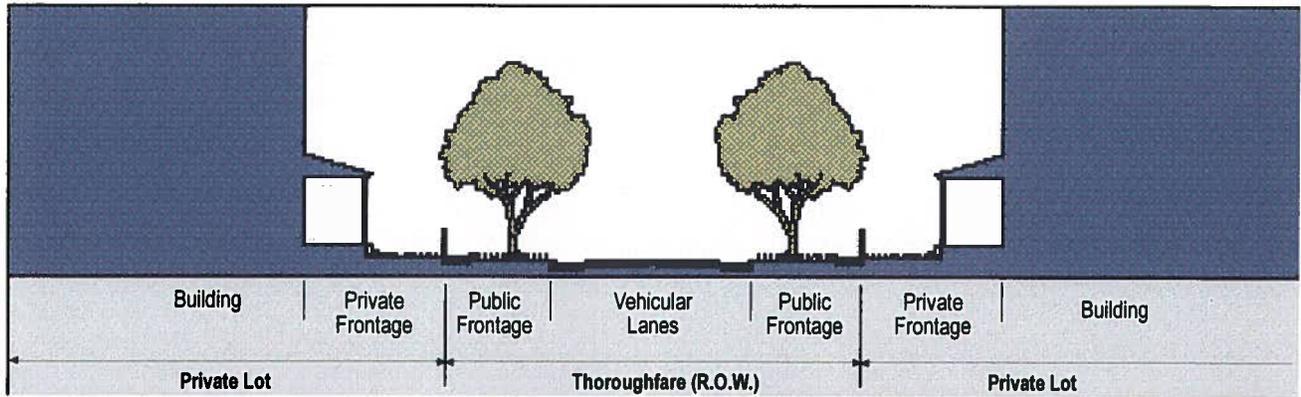
**Work-Live:** a Mixed Use unit consisting of a Commercial and Residential Function. It typically has a substantial Commercial component that may accommodate employees and walk-in trade. The unit is intended to function predominantly as work space with incidental Residential accommodations that meet basic habitability requirements. See **Live-Work**. (Syn: Live-With.)

**Yield:** characterizing a Thoroughfare that has two-way traffic but only one effective travel lane because of parked cars, necessitating slow movement and driver negotiation. Also, characterizing parking on such a Thoroughfare.

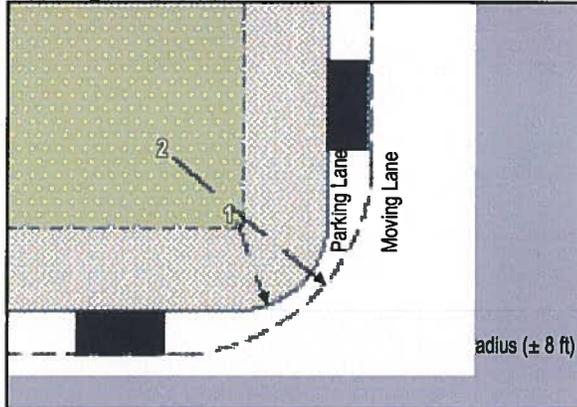
**Zoning Map:** the official map or maps that are part of the zoning ordinance and delineate the boundaries of individual zones and districts. See **Regulating Plan**.

TABLE 8.1 DEFINITIONS ILLUSTRATED

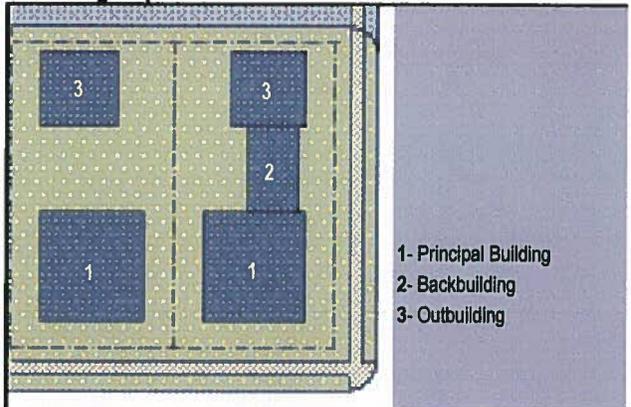
a. Thoroughfare and Frontages



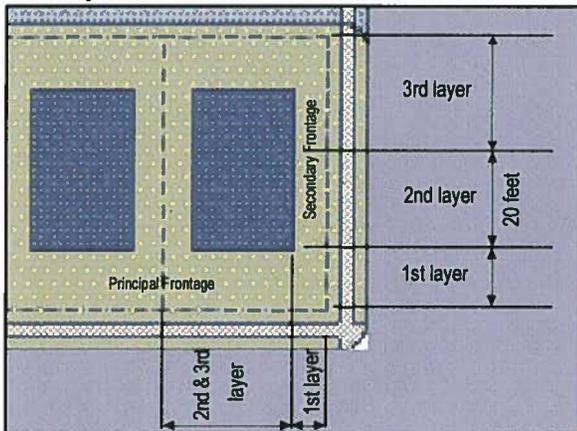
b. Turning Radius



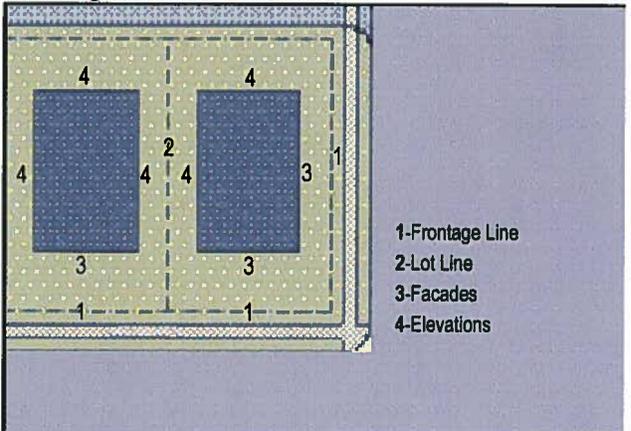
c. Building Disposition



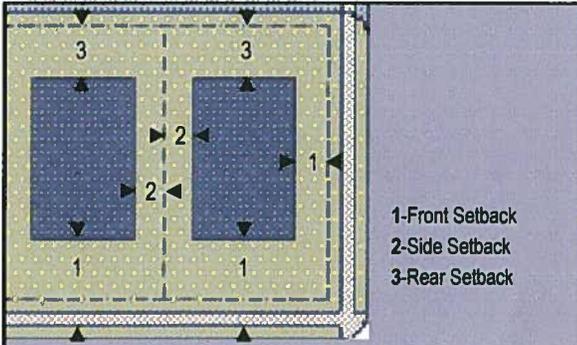
d. Lot Layers



e. Frontages, Lot Lines & Elevations



f. Setbacks



g. Network Based Pedestrian Shed

