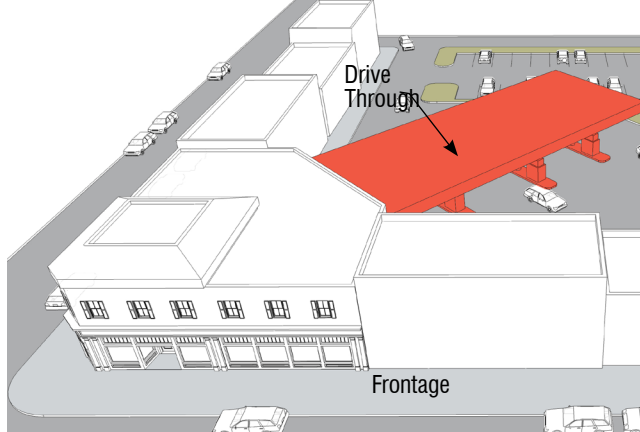


- a. Drive-thru windows and lanes may not be placed between the right-of-way of the street and the associated building. Drive-thru windows and lanes associated with buildings must be placed to the side or rear of the building;

FIGURE 5.2 DRIVE-THRU LOCATION



- b. Where drive-thru windows and lanes are placed to the side of a building adjacent to a secondary street the entire length of the drive-thru lane, located between the drive-thru lane and the adjacent right-of-way (not including an alley), must be screened;
- c. Screening must be a continuous compact evergreen hedge. At the time of installation, such screening must be at least 36 inches in height and reach a height of 48 inches within 3 years of planting;
- d. In lieu of compact evergreen hedge, a screening wall with a minimum height of 48 inches may be installed. The wall must be compatible with the principal building in terms of texture, quality, material and color; and
- e. No drive-thru window is permitted on the side of a building facing any residential district and any speakers shall face away from a property line adjacent to a residential district.

(This Section Approved by Ord. No. 2021-47 on 8-3-21)

Section 5.1.3.3 Temporary Uses.

- A. **Defined.** Buildings, structures, and other associated appurtenances that are temporary in nature and shall be

removed upon the earlier of the cessation of the temporary use or 6 months. Surface parking shall not be considered a temporary use.

Section 5.1.3.4 Home Occupations

- A. **Purpose.** Standards for controlling home occupations are set forth to minimize annoyance and inconvenience to neighboring property owners within residential areas. These standards are intended to allow reasonable and comfortable enjoyment of adjacent and nearby property by their owners and by occupants of neighboring residential dwellings, while providing opportunities for the pursuit of home-based businesses.

- B. **Definition Defined.** ~~An occupation carried on by a resident of the premises, which occupation is clearly incidental and secondary to the residential purposes and does not change the character thereof.~~

1. **Home-based business:** A business that is operating from a residential property, by the owner or tenant of the property, and for the purpose of manufacturing, providing or selling a lawful good; or providing a lawful service.
2. **No-impact home-based business:**
 - a. Has at any time on the property where the business is operated a total number of employees and clients or patrons of the business that does not exceed the municipal occupancy limit for the property;
 - b. Does not generate on-street parking or a substantial increase in traffic through the area;
 - c. Operates in a manner in which none of its activities are visible from a street; and
 - d. Does not substantially increase noise in the area or violate a municipal noise ordinance, regulation, or rule.

- C. **Use Standards: Applicability.** Standards shall apply to both Home-based business and No-Impact home-based business.

1. The occupation shall produce no alteration or change in the character or exterior appearance of the principal building from that of a residential dwelling, and performance of the occupation activity shall not be visible from the Street;

2. Such use shall be incidental and secondary to the use of the premises for residential purposes, and shall not utilize floor area exceeding 20 percent of the combined gross floor area of dwelling unit and any accessory building(s) that are used for the home occupation (in no case shall the combined floor area utilized for a home occupation exceed 600 square feet);
 3. The occupation shall not employ more than one person who is not a member of the household in which the home occupation occurs;
 4. Not more than one business-related vehicle shall be present at one time, and the proprietor shall provide adequate off-street parking on the property where the Use is located;
 5. The operation of such an occupation shall be between the hours of 8:00 a.m. and 6:00 p.m. for outdoor activities, and between 8:00 a.m. and 10:00 p.m. for indoor activities;
 6. One commercial vehicle, having a gross vehicle weight capacity of one ton or less, according to the manufacturer's classification, may be used, or parked behind the front building line on the property, in connection with the home occupation, but the vehicle may not be parked in the street;
 7. The occupation activity shall not increase vehicular traffic flow beyond what normally occurs within a residential district, and shall not require regular and frequent deliveries (more than twice per day) by large delivery trucks or vehicles with a rated capacity in excess of one and one-half tons, according to the manufacturer's classification;
 8. The home occupation use/activity shall take place primarily within the dwelling, and there shall be no outside storage, including trailers, or outside display related to the home occupation use;
 9. No mechanical or electrical equipment shall be employed on the premises other than that which is customarily found in a home office environment, and that which is customarily associated with a hobby or avocation which is conducted solely for pleasure and not for profit or financial gain;
 10. The home occupation shall not generate noise, vibration, glare, fumes or odors, heat or electrical interference beyond what normally occurs within a residential district;
 11. The occupation shall not require the use of chemicals on the property that are obnoxious or hazardous to the welfare of the neighborhood;
 12. The home occupation shall be permitted one advertising sign for the home occupation that is a maximum of two square foot in size and is attached to the front facade such that it is flush with the facade;
 13. The occupation shall not offer any commodity for sale on the premises unless the commodity is made or assembled on-site, including arts and crafts items, handmade clothing; and
 14. The occupation shall not be harmful or detrimental to the health, welfare and safety of the neighborhood, nor shall it interfere with the comfortable enjoyment of life, property, and recreation by residents of the area.
- D. Applicability of Other Regulations.** Home occupations shall also be subject to any and all other provisions of local, state, and federal regulations and laws that govern such uses.
- E. Allowed Home Occupations.** Subject to the provisions of this division, allowed home occupations are the following:
1. Office facility of an accountant, architect, landscape architect, attorney, engineer, consultant, insurance agent, realtor, broker, or similar profession;
 2. Author, artist, artisan, or sculptor;
 3. Dressmaker, seamstress or tailor;
 4. Music or dance teacher, or similar types of instruction, provided that instruction shall be limited to no more than two pupils at a time;
 5. Individual tutoring and home schooling;
 6. Office facility of a minister, rabbi, priest or other cleric;
 7. Home crafts, such as rug weaving, model making, etc.;

8. Office facility of a salesman, sales or manufacturer's representative, provided that no retail or wholesale transactions or provision of services are personally and physically made on the premises;
9. Repair shop for small electrical appliances, cameras, watches and clocks, and other small items, provided that the items can be carried by one person without using special equipment, and provided that the items are not equipped with an internal combustion engine;
10. Food preparation establishments such as cake making, decorating or catering, provided that there is no on-premises consumption by customers, and provided that all aspects of the business comply with all state and local health regulations;
11. Registered family homes, in compliance with applicable state laws, which are incorporated herein by reference, with no more than six children or adults;
12. Barber shop or beauty salon or manicure studio, provided that no more than one customer is served on the premises at any one time;
13. Swimming lessons and water safety instruction, provided that such instruction involves no more than two pupils at any one time; and
14. Any other use which is not prohibited under Section 5.1.3.4(F) and is approved by Administrative Adjustment.

F. Prohibited Home Occupations. Home occupations shall not, in any event, be deemed to include the following uses, unless they meet the definition of a no-impact home-based business as defined in Section 5.1.3.4.B.2:

1. Animal hospitals or clinics, commercial stables having more than two horses per acre or kennels;
2. Restaurants or on-premises food or beverage, including private clubs, consumption of any kind, except for limited food or meal consumption associated with the operation of a licensed registered family home or a bed and breakfast facility;
3. Automobile, boat or trailer paint or repair shop; small engine or motorcycle repair shop; welding shop; large

household appliance repair shop; or other similar type of business;

4. On-premises retail or wholesale sales of any kind where multiple customers patronize the sales business on-site, except for items that are produced entirely on the premises in conformance with this development code, and except for occasional garage sales (no more than three per calendar year);
5. Commercial clothing laundering or cleaning;
6. Mortuaries or funeral homes;
7. Trailer, vehicle, tool, or equipment rentals;
8. Repair shops for any items having internal combustion engines; and
9. Any use that would be defined by the building code as an assembly, factory or industrial, hazardous, institutional or mercantile occupancy.

Section 5.1.3.5 Family Home Care

- A. Family Home (Adult Care in Place of Residence).** A facility that regularly provides care in the caretaker's own residence for not more than six adults at any given time. No outside employment is allowed at the facility. This facility shall conform to Chapter 42 of the Human Resources Code of the State of Texas, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Human Resources.
- B. Family Home (Child Care in Place Of Residence).** A facility that regularly provides care in the caretaker's own residence for not more than six children under 14 years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six additional elementary school siblings of the other children given care. However, the number of children, including the caretaker's own, provided care at such facility shall not exceed 12 at any given time. No outside employment is allowed at the facility. This facility shall conform to Chapter 42 of the Texas Human Resources Code, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Human Resources.

color, at intervals no greater than 40 feet along street-facing elevations.

- b.** A minimum of two different façade materials or design treatments shall be used on all publicly visible sides of the structure.

DIVISION 6: PUBLIC AND INSTITUTIONAL USES

Section 5.1.6.1 Civic

A. Civic Use Category. Places of public assembly that provide ongoing governmental, life safety, educational, and cultural services to the general public, as well as meeting areas for religious practice. Civic includes but is not limited to the following uses:

1. Cemetery.
2. College, community college, university.
3. Civic club non-profit.
4. Museum, library.
5. Public Use.
6. Places of worship including church, mosque, synagogue, temple.
7. Police, fire, EMS station.
8. School, public or private (K-12).

B. Use Standards. Where a civic use is limited the property shall be subject to a transitional protective yard A/B in compliance with Section 7.2.2.3.

Section 5.1.6.2 Day Care Center.

- A. Defined.** A facility providing care, protection, and supervision of more than seven children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day.
- B. General Use Standards.** To ensure the safe and compatible operation of day care facilities, all Day Care uses shall comply with the following standards:

1. All day care facilities must obtain and maintain a valid license from the appropriate state regulatory agency.
2. Proposed outdoor play areas shall be visually screened from adjacent properties.
3. A dedicated drop-off/pick-up area shall be provided on-site to prevent traffic congestion and ensure safe access. The area must be clearly signed and located to avoid conflicts with pedestrian circulation and parking areas. On-site circulation must allow for forward entry and exit to the public street and queuing space sufficient to prevent backups into the right-of-way.

C. Use Standards. Where a day care facility is limited the following standards apply:

1. Supervision of no more than twelve (12) children or adults is permitted without a conditional use permit; and
2. A transitional yard A/B subject to the standards in Section 7.2.2.3 is required.

Section 5.1.6.3 Parks, Open Space and Greenways

A. Parks, Open Space and Greenways Use Category. Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas and having few structures. Parks, open space, and greenways include but are not limited to the following uses.

1. Botanical garden, nature preserve, recreational trail, greenway.
2. Game preserve, wildlife management area, refuge, animal sanctuary.
3. Park, recreation field. A public park may contain civic uses such as a community center, museum, or library.
4. Reservoir, control structure, water supply, water well.

Section 5.1.6.4 Utilities

A. Minor Utilities Use Category. Public or private infrastructure serving a limited area with no on-site personnel. Minor utilities include but are not limited to the following uses.

1. On-site stormwater retention or detention facility.

2. Renewable energy systems.
 3. Neighborhood-serving cable, telephone, gas or electric facility.
 4. Water and wastewater pump station or lift station.
 5. Electrical substation.
 6. Utility service.
 7. **Back-up Generators.** A device or system, including associated fuel storage and accessory equipment, designed to provide temporary electrical power to a principal use during utility service interruptions, emergencies, grid instability, peak demand events, maintenance activities, or other interruptions in normal electrical service. A Back-Up Generator may include a single generator or multiple operating collectively on a site or development. This term includes emergency generators and standby power systems as an accessory use. Back-up generators shall be reviewed by San Marcos Electric Utility during permitting. Distributed generation that runs in parallel with the City of San Marcos electric system as defined by the Distributed Generation Guidelines Manual.
- B. Major Utilities Use Category.** Public or private infrastructure serving the general community and possibly having on-site personnel. Major utilities includes but is not limited to the following uses.
1. ~~Electric or gas generation plant.~~
 2. Communications antennas and support structures/towers.
 3. Water or sanitary sewer treatment plant.
 4. **Electric or Gas On-Site Generation.** A structure or facility, or portion of a structure or facility, used primarily for the generation of electrical power or thermal energy for on-site use, through the combustion, conversion, or utilization of natural gas, coal, diesel, fuel oil, hydrogen, nuclear material, biomass, renewable natural gas, or similar fuel sources., including associated on-site systems such as: substations, switching facilities, cooling systems, battery storage systems, transmission support infrastructure, and accessory maintenance or operational structures. This term includes those on-site systems (fossil fuel and nuclear thermal plants, peaker plants, combined-
cycle generation facilities, cogeneration or combined heat and power facilities, behind-the-meter generating facilities, utility-scale battery storage systems accessory to power generation, on-site backup generating facilities, and on-site generation systems) co-located and serving data centers, artificial intelligence computing campuses, and cryptocurrency mining facilities. This term does not include emergency backup generators accessory to residential uses, hospitals, schools, public facilities, public safety facilities and other facilities and uses not specifically outlined in this definition. It does not include Distributed Generation as defined by City of San Marcos Distributed Generation Interconnection Guidelines Manual. The use and location provisions related to this definition shall not be deemed to supersede any conflicting State or Federal regulations.
- C. Large Electric Generation Facility.** A facility or installation used primarily to generate electricity for transmission to the public electric grid. This term includes utility-scale power generation facilities regulated by the Public Utility Commission of Texas and Electric Reliability Council of Texas, and other applicable state or federal utility agencies. The use and location provision related to this definition shall not be deemed to supersede any conflicting State or Federal regulations.
- D. Communications Antennas and Support Structures/Towers**
1. ~~Use Standards.—~~
 2. ~~These regulations apply to all commercial and amateur antennas and antenna support structures, unless exempted.~~
 3. ~~Exempt. Direct broadcast antennas or satellite dish antennas, multi-channel multi-point distribution (as defined by the FCC) antennas, television reception antennas, and amateur radio antennas meeting the following requirements do not require a permit unless mounted on a pole or mast that is 20 feet or more in height:

 - a. ~~Antennas that are three feet or less in diameter;~~
 - b. ~~Antennas designed to only receive television broadcasts;~~
 - c. ~~Antennas that are mounted on a building;~~
 - d. ~~Antennas that are mounted on a building;~~
 - e. ~~Amateur radio antennas concealed behind or located upon or within Attics, eaves, gutters or roofing components of a building; and~~~~

~~d. Amateur radio ground-mounted whips and wire antennas, mounted on a pole or mast less than 20 feet in height.~~

~~e. Antennas and antenna support structures operated by public safety or other emergency service providers.~~

~~4. Support structures or antennas legally installed before the effective date of this Development Code are not required to comply with this Development Code, but must meet all applicable State, Federal and local requirements, building codes and safety standards.~~

~~5. Support structures or antennas legally installed before the effective date of this Development Code are not required to comply with this Development Code, but must meet all applicable State, Federal and local requirements, building codes and safety standards.~~

~~6. Unused or abandoned antennas or antenna support structures must be removed at the owner's expense upon notification by the City.~~

~~D. General Requirements:~~

~~1. Antennas and antenna support structures may be considered either as a principal use or as an accessory use.~~

~~2. No commercial antenna support structure shall be closer to any residential district or existing residential dwelling than a distance equal to twice the height of the support structure.~~

~~a. Such setback/distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of the district boundary line or existing residential dwelling. Setbacks from residentially zoned property do not apply to antennas placed wholly within or mounted upon a building.~~

~~3. No amateur or commercial antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires or appurtenances shall be located within any required setback area.~~

~~4. A building permit is required to erect or install an antenna.~~

~~5. Temporary antennas shall only be allowed in the following instances:~~

~~a. In conjunction with a festival, carnival, rodeo or other special event/activity;~~

~~b. In case of an emergency (e.g., severe weather, etc.) or a news coverage event;~~

~~c. When needed to restore service on a temporary basis after failure of an antenna installation. The City must be notified within 72 hours of the placement of a temporary antenna. If the temporary antenna is to be needed for more than seven days, then the owner/user must apply for and acquire a permit for the temporary installation on or before the eighth day following initial placement of the antenna.~~

~~6. Co-location is greatly encouraged by the City.~~

~~a. All new antenna support structures over 50 feet in height shall be constructed to support antennas for at least two carriers, unless the structure is an alternative or stealth design, or the support structure is replacing an existing utility structure or light standard. Sufficient area for associated structures and equipment shall also be provided.~~

~~b. An antenna support structure which is modified or reconstructed in order to accommodate co-location shall be of the same type, design and height as the existing structure, and it may be moved on the same property within 50 feet of its original location if it is not moved any closer to property in any Conventional Residential Zoning District or any Neighborhood Density District (if the structure was allowed by conditional use permit, then its new location shall be within the physical/land boundaries of the conditional use permit). The original (i.e., former) support structure shall be removed from the property within 90 days following completion of the new structure.~~

~~c. Where an additional antenna is to be attached to an existing antenna support structure that already has an antenna mounted upon it, the new antenna shall comply with and be compatible with the design of the existing antenna on the collocated structure.~~

~~7. Antenna support buildings and equipment storage areas/buildings shall be screened from public view, shall meet all applicable front, side and rear yard setback requirements, and shall be of a neutral color and use exterior finish colors~~

and materials that are compatible with nearby Structures. They shall be screened from public view by a dense, opaque evergreen landscaped screen with an initial planting height of at least three feet, and which shall attain an ultimate height of at least six feet at maturity. A six-foot solid wall or fence may be used in lieu of the landscaped screen provided exterior finish colors and materials are compatible with nearby structures. The use of chain-link for screening is prohibited, except that wrought iron, chain link, or similar screening may be used in conjunction with a landscaped screen as specified above.

8. All commercial signs, flags, lights and attachments other than those required for emergency identification, communications operations, structural stability, or as required for flight visibility by the FAA and/or FCC shall be prohibited on any antenna or antenna support Structure.

9. In Special Districts other than MH, commercial antennas and antenna support structures are allowed as follows:

a. Commercial antenna support structures are allowed by right if they do not exceed the maximum building height allowed for the zoning district in which they are located. Structures in excess of the height allowed in the zoning district may be allowed by conditional use permit provided the structure conforms in all other aspects of the base zoning district regulations, and provided that all applicable setback requirements are satisfied. In all non-residential zoning districts, antenna support structures must meet all setback requirements, particularly from residential zoning districts.

b. A commercial antenna may be attached to a utility structure (e.g., electrical transmission/ distribution tower, elevated water storage tank, etc.) Provided that the utility structure exceeds 50 feet in height, and provided that the antenna does not extend more than ten feet above the height of the utility structure.

c. A commercial antenna may be placed wholly within any building permitted in the zoning district. A commercial antenna may also be mounted flush to the exterior of a building/structure if it is painted and/or disguised to integrate into the overall architectural design in accordance with established technology, and it is not readily visible/ identifiable as an antenna from public roadways or from neighboring residential properties.

1. **Applicability.** These regulations apply to all commercial and amateur antennas and antenna support structures in Public and Institutional, General Commercial, and Special Districts.
2. **Exempt.** Direct broadcast antennas or satellite dish antennas, multi-channel multi-point distribution (as defined by the FCC) antennas, television reception antennas, and amateur radio antennas meeting the following requirements do not require a permit unless mounted on a pole or mast that is 20 feet or more in height:
 - a. Antennas that are three feet or less in diameter;
 - b. Antennas designed to only receive television broadcasts;
 - c. Amateur radio antennas concealed behind or located upon or within attics, eaves, gutters ,or roofing components of a building; and
 - d. Amateur radio ground-mounted whips and wire antennas, mounted on a pole or mast less than 20 feet in height.
 - e. Antennas and antenna support structures operated by public safety or other emergency service providers.
 - f. Support structures or antennas legally installed before the effective date of this Development Code are not required to comply with this Development Code, but must meet all applicable State, Federal and local requirements, building codes, and safety standards.
3. **General Requirements:**
 - a. Antennas and antenna support structures may be considered either as a principal use or as an accessory use.
 - b. **Height Standards:** No commercial antenna support structure shall be closer to any residential district or existing residential dwelling than a distance equal to twice the height of the support structure.
 1. Such setback/distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of the district boundary line or existing residential dwelling.

Setbacks from residentially zoned property do not apply to antennas placed wholly within or mounted upon a building.

2. Commercial antenna support structures are allowed by right if they do not exceed the maximum building height allowed for the zoning district in which they are located. Structures in excess of the height allowed in the zoning district may be allowed by conditional use permit provided the structure conforms in all other aspects of the base zoning district regulations, and provided that all applicable setback requirements are satisfied. In all nonresidential zoning districts, antenna support structures must meet all setback requirements, particularly from residential zoning districts.
 - c. No amateur or commercial antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires or appurtenances shall be located within any required setback area.
 - d. A building permit is required to erect or install an antenna.
 1. A commercial antenna may be placed wholly within any building permitted in the zoning district. A commercial antenna may also be mounted flush to the exterior of a building/structure if it is painted and/or disguised to integrate into the overall architectural design in accordance with established technology, and it is not readily visible/identifiable as an antenna from public roadways or from neighboring residential properties.
 - e. Temporary antennas shall only be allowed in the following instances:
 1. In conjunction with a festival, carnival, rodeo, or other special event/activity;
 2. In case of an emergency (e.g., severe weather, etc.) or a news coverage event;
 3. When needed to restore service on a temporary basis after failure of an antenna installation.
- The City must be notified within 72 hours of the placement of a temporary antenna. If the temporary antenna is to be needed for more than seven days, the owner/user must apply for and acquire a permit for the temporary installation on or before the eighth day following initial placement of the antenna.
- f. Co-location is greatly encouraged by the City.
 1. All new antenna support structures over 50 feet in height shall be constructed to support antennas for at least two carriers, unless the structure is an alternative or stealth design, or the support structure is replacing an existing utility structure or light standard. Sufficient area for associated structures and equipment shall also be provided.
 2. An antenna support structure which is modified or reconstructed in order to accommodate co-location shall be of the same type, design, and height as the existing structure, and it may be moved on the same property within 50 feet of its original location if it is not moved any closer to property in any Conventional Residential Zoning District or any Neighborhood District (if the structure was allowed by conditional use permit, then its new location shall be within the physical/land boundaries of the conditional use permit). The original (i.e., former) support structure shall be removed from the property within 90 days following completion of the new structure.
 3. Where an additional antenna is to be attached to an existing antenna support structure that already has an antenna mounted upon it, the new antenna shall comply with and be compatible with the design of the existing antenna on the collocated structure.
 4. A commercial antenna may be attached to a utility structure (e.g., electrical transmission/distribution tower, elevated water storage tank, etc.) provided that the utility structure exceeds 50 feet in height, and provided that the antenna

does not extend more than ten feet above the height of the utility structure.

- g. Antenna support buildings and equipment storage areas/buildings shall be screened from public view, shall meet all applicable front, side and rear yard setback requirements, and shall be of a neutral color and use exterior finish colors and materials that are compatible with nearby Structures. They shall be screened from public view by a dense, opaque evergreen landscaped screen with an initial planting height of at least three feet, and which shall attain an ultimate height of at least six feet at maturity. A six-foot solid wall or fence may be used in lieu of the landscaped screen provided exterior finish colors and materials are compatible with nearby structures. The use of chain-link for screening is prohibited, except that wrought iron, chain link, or similar screening may be used in conjunction with a landscaped screen as specified above.
- h. All commercial signs, flags, lights, and attachments other than those required for emergency identification, communications operations, structural stability, or as required for flight visibility by the FAA and/or FCC shall be prohibited on any antenna or antenna support Structure.
- i. Unused or abandoned antennas or antenna support structures must be removed at the owner's expense upon notification by the City.

DIVISION 7: INDUSTRIAL USES

Section 5.1.7.1 Light Industrial

A. Light Industrial Use Category. Manufacturing, assembly, repair, or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractor and building maintenance services and similar uses that perform services off-site. Light industrial includes the following uses.

1. Bottling.
2. Brewery, winery.

3. Bus or rail transit vehicle maintenance or storage facility.
4. Contractors storage including janitorial and building maintenance service, exterminator, or other maintenance yard or facility, building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site.
5. Food and beverage products except animal slaughter, stockyards.
6. Lawn, tree or garden service.
7. Laundry, dry-cleaning, and carpet cleaning plants.
8. Leather and leather products except tanning and finishing.
9. Sheet metal, welding, machine, tool repair shop or studio.
10. Stone, clay, glass, plastic, and concrete products.
11. Woodworking, including cabinet makers and furniture manufacturing.

B. Microbrewery.

1. **Defined.** A facility licensed by the Texas Alcoholic Beverage Commission (TABC) that is primarily engaged in the production and packaging of malt beverages, including beer and ale, for distribution, retail, or on-site consumption. A microbrewery typically produces no more than 15,000 barrels (465,000 gallons) of beer annually. Accessory uses may include a taproom, restaurant, retail sales, and tours, provided they remain subordinate to the primary brewing use. Allowance of On-Premise Consumption of Alcohol will require a Conditional Use Permit in accordance with Section 2.8.3.7.

Section 5.1.7.2 Light Manufacturing

A. Light Manufacturing Use Category. A facility conducting light manufacturing operations within a fully-enclosed building. Light manufacturing includes the following uses.

1. Clothing, textile apparel manufacturing.
2. Facilities engaged in the assembly, design, repair, or testing of: analyzing or scientific measuring instruments; semiconductor and related solid state devices, including

but not limited to clocks, integrated microcircuits; jewelry, medical, musical instruments, photographic, or optical instruments; and timing instruments.

3. Office showroom/warehouse.
4. Printing, publishing, and lithography.
5. Production of artwork and toys, graphic design sign-making, movie production facility, photo-finishing laboratory.
6. Repair of scientific or professional instruments and electric motors.

Section 5.1.7.3 Vehicle Service

A. Vehicle Service Use Category. Repair and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. Vehicle service includes the following uses.

1. Car Wash.
2. Vehicle repair (minor).
3. Vehicle repair (major).

B. Car Wash

1. **Defined.** Facility with mechanical or hand-operated equipment used for cleaning, washing, polishing, or waxing of motor vehicles.
2. **Use Standards.** Car wash facilities located within 200 feet of a Residential District (determined by a straight line from the property line to the district boundary line) shall meet the following requirements.
 - a. All washing, waxing, machine drying, and related activities and operations shall be conducted entirely within an enclosed building (except for vehicular openings a maximum of 12 feet in width) with the exception of vacuuming, hand washing, hand drying, and hand waxing of vehicles, the sale of items from vending machines, and refuse storage and disposal.
 - b. No vehicular openings providing access to the enclosed building shall face the residential district. For

purposes of this section, the building wall providing access shall be at an angle greater than 60 degrees from the residential district line.

- c. All vacuuming and compression machines located outside of the enclosed building shall meet the noise standards of Section 7.4.2.1.
- d. Operation of the establishment shall be prohibited prior to 6 AM or after 8 PM on all days of the week. The hours of operation shall be required to be posted on site at a conspicuous location and all of the establishment's car wash equipment shall be rendered inoperable at all times other than during its hours of operation.

C. Vehicle Repair Minor

1. **Defined.** A facility where minor vehicle repair and service is conducted. Includes audio and alarm installation, custom accessories, quick lubrication facilities, minor scratch and dent repair, bed-liner installation and glass repair or replacement.
2. **Use Standards**
 - a. A type A/B transitional protective yard in accordance with Section 7.2.2.3 must be established along all property lines abutting a residential use.
 - b. The outdoor overnight storage of vehicles may be permitted in accordance with Section 5.1.3.2.B.
 - c. **Outdoor display and Storage.** Operable vehicles may be parked on-site during business hours.
 - d. There shall be no dismantling of vehicles for salvage.
 - e. The storage of impounded vehicles is not permitted.

D. Vehicle Repair Major

1. **Defined.** A facility where general vehicle repair and service is conducted, including transmission, brake, muffler and tire shops, along with body and paint shops. Major vehicle repair does not include any use meeting the definition for minor vehicle repair.
2. **Use Standards**

- a. A type A/B transitional protective yard in accordance with Section 7.2.2.3 must be established along all property lines abutting a residential use.
- b. The outdoor overnight storage of vehicles may be permitted in accordance with Section 5.1.3.2.B.
- c. **Outdoor Display and Storage.** Operable vehicles may be parked on-site during business hours.
- d. There shall be no dismantling of vehicles for salvage.
- e. The storage of impounded vehicles is not permitted.

Section 5.1.7.4 Warehouse and Distribution

- A. Warehouse and Distribution Use Category.** Facilities involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers. Warehouse and distribution includes the following uses.
1. Bulk storage, including nonflammable liquids, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store.
 2. Bus barn.
 3. Commercial packing for fruits and vegetables.
 4. Distribution facility, central postal facility.
 5. Freight, service facility.
 6. Parcel services.
 7. Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred.
 8. Trailer storage, drop off lot.
 9. Truck or motor freight terminal, service facility.
 10. Trucking operation.
 11. Warehouse.

B. Use Standards

1. A Type A/B transitional protective yard in accordance with Section 7.2.2.3 must be established along all shared property lines, except for an adjacent warehouse and distribution use, heavy industrial use, or waste-related service.

Section 5.1.7.5 Waste Related Services

- A. Waste-Related Service Use Category.** Characterized by uses that receive solid or liquid wastes from others for transfer to another location and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material. Waste related service includes the following uses.

1. Animal waste processing.
2. Landfill.
3. Manufacture and production of goods from composting organic material.
4. Outdoor collection and storage of recyclable material.
5. Scrap Materials (indoor storage).
6. Solid or liquid waste transfer station, waste incineration.

Where Waste-Related Service Use is allowed as a conditional use it may be permitted by the Planning and Zoning Commission in accordance with Section 2.8.3.1.

(Ord. No. 2023-72, 10-17-2023)

Section 5.1.7.6 Wholesale Trade

- A. Wholesale Trade Use Category.** Facilities involved in the sale, lease, or rent of products to industrial, institutional or commercial businesses only. The use emphasizes on-site sales or order-taking and often includes display areas. Businesses may or may not be open to the general public, but sales to the general public are not permitted. Products may be picked up on-site or delivered to the customer. Wholesale trade includes the following uses.

1. Sale or rental of machinery, equipment, heavy equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, plumbing supplies,

janitorial supplies, restaurant equipment, and store fixtures.

2. Wholesale sales of food, clothing, auto parts, building hardware, and similar products.

Section 5.1.7.7 Self Storage

A. Defined.

1. **Self Storage, Indoor.** A building or group of buildings, with controlled access, containing individual storage units that are leased for the storage of business and household goods.
2. **Self Storage, Outdoor.** Individual storage spaces, not within a fully enclosed structure, that are leased for the storage of motor vehicles, trailers, boats, and similar items.

B. Use Standards.

1. The conduct of sales, business or any other activity other than storage and the associated leasing office of the self storage business, shall be prohibited.
2. Inoperable vehicles shall be prohibited unless all fluids have been drained from the vehicle.
3. No outdoor self storage shall be permitted within a required setback.
4. All self storage adjacent to any district other than HI or HC shall be subject to a transitional protective yard Type A/B in compliance with Section 7.2.2.3.
5. The City Council may in accordance with Section 2.8.3.1 approve a Conditional Use Permit for the use of self storage.

(This Section Approved by Ord. No. 2021-47 on 8-3-21)

Section 5.1.7.8 Research and Development

A. Research & Development Use Category. A facility focused primarily on the research and development of new products. Research and development includes the following uses.

1. Laboratories, offices and other facilities used for research and development by or for any individual, organization, or concern, whether public or private.

2. Prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product.
3. Pilot plants used to test manufacturing processes planned for use in production elsewhere.

Section 5.1.7.9 Wrecking/ Junk Yard

A. Defined. Any lot upon which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of obtaining parts for recycling or resale.

Section 5.1.7.10 Data Center

A. Defined. This definition is intended for a Data Center that is the principal and primary use of the lot or building. A facility housing a collection of computer servers and associated components, such as telecommunication, storage and backup systems, that supply information to single or multiple end users off-site, including, but not limited to, cryptocurrency mining and facilities. May also be referred to as a server farm. The use of on-site gas/coal power generation for the data center shall be considered the use of a Major Utility and shall require a Conditional Use Permit. A Data Center shall provide services primarily to off-site users. Facilities providing services on-site are not considered a Data Center if the use occupies less than 10 percent of the development's total gross floor area.

B. Use Standards. Where a data center is being proposed, it is subject to the following:

1. When adjacent to a residential use, all structures shall be setback 200 feet from the property line, and 1,000 feet from a property with any of the following:
 - a. a residential use;
 - b. a zoning category which permits residential use;
 - c. hospital or health facility with overnight patients;
 - d. hotel;
 - e. agricultural use;
 - f. school; and
 - g. day care facility.

2. A Transitional Protective Yard Type C/D per Section 7.2.2.4 shall be installed.
3. On-site electrical equipment and any associated outdoor storage shall be opaquely screened from view of the public right-of-way and any adjacent residential use or zoning district, following Section 7.2.5.2.C.
4. On-site generators serving as a backup power source shall be designed, installed, and operated to meet the United States Environmental Protection Agency Tier 4 emission standards and certification requirements.
5. No data center may use a potable water source for cooling purposes. All cooling systems for data centers must use non-potable water sources, such as reclaimed water, or employ alternative cooling technologies that do not require potable water.
6. The site shall be designed to minimize noise impact on neighboring residential, hotel, hospitals, and other uses where people sleep overnight, and activity on the property shall not produce sound in excess of 60 decibels in accordance with Section 7.4.2.1 (B). As part of the conditional use permit process, conditions may be placed on the property to regulate noise.
7. The location and operation of any power generation on the property shall be subject to conditions as part of the conditional use permit process.

DIVISION 8: UNDERGROUND UTILITIES

Section 5.1.8.1 Underground Utility Area

A. Purpose. The City makes the following findings and determinations:-

1. Downtown San Marcos is known throughout Texas for its attractive courthouse square and vibrant commercial activity that enhances tourism and improves the quality of life for all citizens of the city.
2. The city wishes to beautify these areas and encourage redevelopment to the surroundings in a form that shall not adversely affect the downtown area of the City.
3. The adoption of this Ordinance is in the interest of the public health, safety and welfare.

B. Establishment of Underground Utility Area. The “Underground Utility Area” is depicted below.

C. Standards for Development. The following standards establish provisions that apply to the underground utility area. The standards of this Section supplement the standards for the underlying district.

1. **Underground Utilities.** All development in the Area described in this Section shall have underground utilities from the Building to the property line. All utilities extended from off-site to serve development must also be underground or within an easement along the rear of the property, to the extent practicable, to eliminate the amount of overhead utilities within the area described in this Section. The developer shall not be required to retrofit existing utilities.
2. Utilities within the underground utility area shall be subject to the standards, rules and regulations in Chapter 74, Article 4, Chapter 86, Article 4, the City’s utility extension policies, and any other applicable codes and ordinances.

