

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, with the exception of requests for purpose built student housing or additional height. The City Council shall hold a public hearing and finally decide all Warrant requests as a negotiated agreement for purpose built student housing or heights of 6 or 7 stories after review and a recommendation has been made by the P&Z. 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:

- a. The maximum dimensions for traffic lanes.
- b. The required provision of Rear Alleys.
- c. 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:

- a. 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
- b. Applications under this code shall be processed with priority over those under the LDC, including those with prior filling dates.
- c. The City shall waive the traffic impact analysis for all projects filled under this code.
- d. Reserved for additional Incentives.

ARTICLE 5. LOT AND BUILDING REGULATIONS

San Marcos, Texas

TABLE 5.7. SPECIFIC FUNCTION & USE

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

	T1	T2	T3	T4	T5	SD
a. RESIDENTIAL						
Mixed Use Block					▪	
Flex Building				▪	▪	
Apartment Building				▪	▪	
<u>Purpose Built Student Housing</u>			□*	□*		
Live/Work Unit		▪	▪	▪		□
Rowhouse				▪	▪	
Duplex			▪	▪	▪	
Courtyard House				▪	▪	
Sideyard House			▪	▪	▪	
Cottage			▪	▪		
House	▪	▪	▪	▪		
Villa	▪					
Accessory Unit	▪	▪	▪	▪	▪	
b. LODGING						
Hotel (no room limit)					▪	□
Inn (up to 12 rooms)		□		▪	▪	
Bed & Breakfast (up to 5 rooms)		□	□	▪	▪	
S.R.O. hostel			□	□	□	□
School Dormitory				▪	▪	▪
c. OFFICE						
Office Building				▪	▪	□
Live-Work Unit			▪	▪	▪	□
d. RETAIL						
Open-Market Building	▪	▪	▪	▪	▪	▪
Retail Building				▪	▪	□
Display Gallery				▪	▪	□
Restaurant				▪	▪	
Kiosk				▪	▪	□
Push Cart					□	□
*Liquor Selling Establishment						
*Adult Entertainment						
e. CIVIC						
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	▪	▪	▪	▪	▪	▪

	T1	T2	T3	T4	T5	SD
f. OTHER: AGRICULTURE						
Grain Storage	▪	▪				□
Livestock Pen	□	□				□
Greenhouse	▪	▪	□			□
Stable	▪	▪	□			□
Kenel	▪	▪			□	□
f. OTHER: AUTOMOTIVE						
Gasoline		□			□	▪
Automobile Service					□	▪
Truck Maintenance						▪
Drive -Through Facility					□	▪
Rest Stop	▪	▪				□
Roadside Stand	▪	▪				□
Shopping Center						□
Shopping Mall						□
f. OTHER: CIVIL SUPPORT						
Fire Station			▪	▪	▪	▪
Police Station				▪	▪	▪
Cemetery		▪	□	□		▪
Funeral Home				▪	▪	▪
Hospital					□	▪
Medical Clinic					□	▪
f. OTHER: EDUCATION						
College					□	▪
High School				□	□	▪
Trade School					□	▪
Elementary School			□	▪	▪	▪
Childcare Center		▪	▪	▪	▪	□
f. OTHER: INDUSTRIAL						
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
- * By Warrant finally decided by City Council

* Refer to the LDC for standards