

Conditions Matrix for Conditional Use Permits for Sale of Alcohol for on-premise consumption

The guidance below will be used by staff when considering conditions for Conditional Use Permits for On-Premise Consumption of Alcohol. Not all conditions may be applicable to each business in the noted location, and additional conditions may be deemed appropriate. The City of San Marcos Planning and Zoning Commission shall have discretion in determining which conditions are appropriate for each business.

	CBA BAR	CBA RESTAURANT	300 FEET OF SF USE	ALL REQUESTS
Term	This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.	This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.	This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.	This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.
Amplified Sound (Sunday – Thursday)	No outdoor Amplified Sound shall be permitted after __ pm Sunday – Thursday.	No outdoor Amplified Sound shall be permitted after __ pm Sunday – Thursday.	No outdoor Amplified Sound shall be permitted Sunday – Thursday.	No outdoor Amplified Sound shall be permitted after __ pm Sunday – Thursday.
Amplified Sound (Friday – Saturday)	No outdoor Amplified Sound shall be permitted after __ pm Friday – Saturday.	No outdoor Amplified Sound shall be permitted after __ pm Friday – Saturday.	No outdoor Amplified Sound shall be permitted after __ pm Friday – Saturday.	No outdoor Amplified Sound shall be permitted after __ pm Friday – Saturday.
Background Sound (Sunday – Thursday)	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after __ pm Sunday – Thursday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after __ pm Sunday – Thursday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after __ pm Sunday – Thursday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after __ pm Sunday – Thursday.
Background Sound (Friday – Saturday)	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after __ pm Friday – Saturday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line Friday – Saturday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line Friday – Saturday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after __ pm Friday – Saturday.

	CBA BAR	CBA RESTAURANT	300 FEET OF SF USE	ALL REQUESTS
Cleanliness	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.B.7)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)
Food	N/A	Staff will copy and paste all text under Section 5.1.5.5.B.4.b Eating Establishment within Downtown CBA Boundary as a condition.	N/A	N/A
Hours	The business shall not pursue or hold a TABC Late Hours permit. <i>(Note: For new CUP requests only)</i>	The business shall not pursue or hold a TABC Late Hours permit. <i>(Note: For new CUP requests only)</i>	The business shall not pursue or hold a TABC Late Hours permit. <i>(Note: For new CUP requests only)</i>	N/A
Occupancy (Fire)	The occupancy is required to remain compliant with the fire code, to include ensuring that occupant loads stay below posted levels.	The occupancy is required to remain compliant with the fire code, to include ensuring that occupant loads stay below posted levels.	The occupancy is required to remain compliant with the fire code, to include ensuring that occupant loads stay below posted levels.	The occupancy is required to remain compliant with the fire code, to include ensuring that occupant loads stay below posted levels.
Posting	This permit shall be posted in the same area and manner as the Certificate of Occupancy.	This permit shall be posted in the same area and manner as the Certificate of Occupancy.	This permit shall be posted in the same area and manner as the Certificate of Occupancy.	This permit shall be posted in the same area and manner as the Certificate of Occupancy.

The following definitions will be used when interpreting the above conditions:

CBA Bar: “A facility that primarily sells alcoholic beverages for on premise consumption and may include the sale for food” (LDC Section 5.1.5.5.C) and is located in the Downtown Central Business Area (CBA) boundary.

CBA Restaurant: “A facility that prepares and sells food and drink that may or may not include the sale of alcohol for on premise consumption” (LDC Section 5.1.5.5.B) and is located in the Downtown Central Business Area (CBA) boundary.

300 feet of SF Use: A property whether zoned or used as a single-family residence, whether for sale or for rent, which is located within 300 feet from the nearest entrance, including staff entrances, of the business measured in a straight line from the business entrance to the residence’s structure. This measurement is provided as guidance only; staff may use discretion given circumstances such as:

- Businesses with entrances which may be permanently open during operating hours, such as open-air businesses with garage style doors.
- The types of buildings between the business and residence which may block sound.

Sound Amplifying Equipment: any electronically powered, operated, or assisted device used for the enhancement or amplification of the human voice, music, or any other sound including, but not limited to, amplifiers (amps), microphones, speakers, sound systems, or other similar devices.

Amplified Sound: instrumental, digital, or vocal sounds which are made louder using sound amplifying equipment, in accordance with Section 7.4.2.1 at the property line of the associated business.

Acoustic Sound: instrumental or vocal sounds which are not amplified using sound amplifying equipment.

Background Sound: amplified sound intended to enhance the ambiance of the business in which it is being played, and which should not be plainly audible at the property line of the associated business.

Plainly Audible: any amplified or acoustic sound which can be detected by the average person without the aid of hearing devices.

Outdoor: any unconditioned areas of the business such as a patio or rooftop.

Entrée: a meat serving, pasta dish, pizza, sandwich, or similar food that serves as the main course for a meal.