

## ORDINANCE NO. 2016-25

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING CHAPTER 4, ARTICLE 4, DIVISION 2 AND ASSOCIATED DEFINITIONS IN CHAPTER 8 OF THE LAND DEVELOPMENT CODE TO MODIFY THE STANDARDS FOR EXTERIOR BUILDING MATERIALS APPLICABLE TO NON-RESIDENTIAL BUILDINGS IN COMMERCIAL, PUBLIC AND INDUSTRIAL ZONING DISTRICTS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.**

### **RECITALS:**

1. City staff has proposed and the Planning and Zoning Commission has considered amendments to the Land Development Code regarding standards for exterior building materials for non-residential buildings in commercial, public and industrial zoning districts.

3. The City Council hereby finds and determines that modifications to such existing exterior building material standards is in the interest of the public health, welfare and safety.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:**

**SECTION 1.** The Land Development Code is amended as set forth below. Added text is indicated by underlining. Deleted text is indicated by strikethroughs.

**SECTION 2.** Chapter 4, Article 4, Division 2, Exterior Construction and Design Requirements, is amended as follows:

### **DIVISION 2: EXTERIOR CONSTRUCTION AND DESIGN REQUIREMENTS**

#### **Section 4.4.2.1 Exterior Material Requirements for Buildings**

(a) *Applicability.* The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all exterior building walls of all new construction and to all new additions to existing buildings. Where alterations, remodeling or repairs result in an expansion of over 50% of the gross floor area of the existing structure, the standards and criteria within this section shall apply to the entire structure. These standards apply to all nonresidential and Industrial buildings within the City, as defined by Chapter 4, Article 2 of the Land Development Code, and to all buildings located within the T5 Zoning District as defined in Subpart C, San Marcos SmartCode.

(b) *Exemption.* The following properties are exempt from standards applied to exterior materials:

- (1) Property located within the municipal airport; and
  - (2) Residential uses other than multi-family (multi-family design standards are found in Division 3 of this Article);
- (c) *Exterior material standards.* The following standards shall apply to all nonresidential and Industrial building walls:
- (1) In commercial and public zoning districts, a minimum of 80% of each building wall shall be of Primary Materials and up to 20% of each building wall may be of Secondary Materials.
    - a. A request for an additional 10% of Secondary Materials or 10% Alternative Materials may be considered by the Director.
    - b. *Primary Materials:* Brick, Stone, Stucco, Rock, Marble, Granite, Decorative Concrete Masonry Units, **Decorative Concrete Tilt wall** a Combination of Glass and Steel Framework, however when glass is mirrored, only less than 20% reflectivity is permitted.
    - c. *Secondary Materials:* Wood, Architectural Metal, Glass Block, Tile.
    - d. *Other Materials:* Cementitious Fiber Board may only be used for covered balconies, porches, patios, fascia, soffits, interior portions of covered stairways, breezeways, hallways, corridors, walkways with a roof covering, window accents. Use of any other material shall be approved through the 10% Director approved additional material request or a conditional use permit as detailed in Section 4.4.2.4
  - 2) In industrial districts, a minimum of 70% of each building wall shall be of Primary Materials and up to 30% of each building wall may be of Secondary Materials.
    - a. A request for an additional 10% of Secondary Materials or 10% Alternative Materials may be considered by the Director.

- b. *Primary Materials:* Brick, Stone, Stucco, Rock, Marble, Granite, Concrete Tiltwall, a Combination of Glass and Steel Framework.
- c. *Secondary Materials:* Wood, Architectural Metal, Glass Block, Tile.
- d. *Other Materials:* Cementitious Fiber Board may only be used for covered balconies, porches, patios, fascia, soffits, interior portions of covered stairways, breezeways, hallways, corridors, walkways with a roof covering, window accents. Use of any other material shall be approved through the 10% Director approved additional material request or a conditional use permit as detailed in Section 4.4.2.4.

#### **Section 4.4.2.2 Exterior Design Requirements for Buildings**

(a) *Applicability.* The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all exterior building walls of all new construction and to all new additions to existing buildings. Where alterations, remodeling or repairs result in an expansion of over 50% of the gross floor area of the existing structure, the standards and criteria within this section shall apply to the entire structure. These standards apply to all nonresidential and Industrial buildings within the City, as defined by Chapter 4, Article 2 of the Land Development Code and to all buildings located within the T5 Zoning District as defined in Subpart C, San Marcos SmartCode.

(b) *Exemptions.* The following properties are exempt from standards applied to exterior building design:

- (1) Property located within the airport; and
- (2) Residential uses other than multi-family;

(c) *General Design Standards.* The design of all applicable properties shall utilize at least three of the five listed design elements found in the Technical Manual. Each design element includes multiple techniques for achieving compliance. The Director shall have all plans reviewed to assure the adequacy and application of these design elements to meet the purposes of this Land Development Code.

(d) *Design Requirements for Specific Types of Structures.*

- (1) *Temporary Construction Buildings.* Temporary buildings and temporary building material storage areas to be used for construction purposes may be permitted for a specific period of time in accordance with a permit issued by the Building Official and subject to periodic renewal by the Building Official for cause shown. Upon completion or abandonment of construction or expiration of a permit, the field offices or buildings and material storage areas shall be removed to the satisfaction of the Building Official.

#### **Section 4.4.2.3 Procedure for Review of Exterior Design and Materials**

(a) Drawing(s) depicting the exterior design and materials of buildings, in sufficient detail to verify compliance with the requirements of this Division, shall be submitted at the time the Site Preparation Permit application is submitted, and again at the time the Building Permit application is submitted. These requirements shall be illustrated, along with calculations and/or specifications of how building envelopes shown on Site Preparation Permits will meet the requirements for materials and design.

(b) If requested by the City, a sample(s) of the proposed exterior finish material(s) may be required to be submitted with the Site Preparation Permit application.

(c) If the Director cannot determine compliance with design or materials requirements through the variety of mechanisms and alternatives provided in this Land Development Code, the Site Preparation Permit shall not be approved until the applicant either revises the proposed design or materials to comply with the requirements, or the applicant obtains a Conditional Use Permit for alternative design or materials under Section 4.4.2.4.

#### **Section 4.4.2.4 Procedure for Approving Alternative Exterior Designs or Materials**

(a) All requests for alternative exterior design or materials shall be clearly written, specifically noted, and described on the Site Preparation Permit application.

(b) Requests for use of additional Secondary or Alternative Materials, as described in section 4.4.2.1 above, shall be decided by the Director.

(c) Relief from a decision of the Director may be appealed to the City Council through application for a Conditional Use Permit. The CUP will be decided based on the following criteria:

- (1) The approved alternative meets the intent of the Exterior Design and Materials Standards to an equivalent or better degree than the minimum standards required;
- (2) The request conforms to the Comprehensive Plan and adopted City Plans;
- (3) The request is based on a unique character of the property or proposed use;
- (4) Financial hardship is not the basis for the request; and
- (5) The request is offset by additional architectural treatments and increased vertical landscaping.

**SECTION 3.** Chapter 8, Article 1, Definitions, is amended to modify the definition for “Exterior Features” as shown in Exhibit “A,” attached hereto and made a part hereof for all purposes.

**SECTION 4.** In codifying the changes authorized by this ordinance, paragraphs, sections and subsections may be renumbered and reformatted as appropriate consistent with the numbering and formatting of the San Marcos City Code.

**SECTION 5.** If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

**SECTION 6.** All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

**SECTION 7.** This ordinance will take effect after its passage, approval and adoption on second reading.

**PASSED AND APPROVED** on first reading on August 16, 2016.

**PASSED, APPROVED AND ADOPTED** on second reading on September 20, 2016.

Daniel Guerrero  
Mayor

Attest:

Approved:

Jamie Lee Case  
City Clerk

Michael J. Cosentino  
City Attorney

**EXHIBIT A**  
Chapter 8 Definition  
*[Following Pages]*