

ARTICLE 8: EXISTING STREETS

DIVISION 1: GENERAL PROVISIONS

This Article describes regulations for the construction of street improvements and streetscapes for existing streets throughout the City. It is intended to address when street and streetscape improvements are appropriate through the application of the pre-approved street types in this chapter. The City has an approved Design Manual which provides further details for streetscapes in the downtown and midtown intensity zones.

Section 3.8.1.1 Applicability and Intent

A. Intent

1. The intent of the existing street regulations is to provide the application of the streetscapes to existing streets to reflect the character and context of areas in the City.
2. The existing street regulations provide adequate travel lanes for vehicles, cyclists and pedestrians.
3. Administrative design adjustments approved by the Responsible Official pursuant to Section 3.6.1.1 may be appropriate when an existing building would impede expansion, when transitioning from a different street section or where strict compliance with this Development Code and the Street Design Manual would pose a safety hazard.

B. General Applicability

1. Any new development activity and any addition or repair subject to the requirements of Section 3.1.1.1 and Section 2.7.1.1 must meet street type and streetscape standards of this Article for existing streets abutting the subject property.
2. The streetscape types of Section 3.8.1.5 shall be applied based on the zoning or use of the subject property.
3. Unless otherwise specifically provided, no permit for the construction, reconstruction, extension, repair or alteration of any building, structure or use of land and no building or land or any part of any building or land, may be occupied or used until the streetscape requirements of this Article have been met.

4. Gated public streets shall not be permitted.
5. Administrative design adjustments approved by the Responsible Official pursuant to Section 3.6.1.1 may be appropriate when an existing building would impede roadway expansion; when transitioning from a different street section; or where strict compliance with this Development Code and the Street Design Manual would pose a safety hazard.

C. Applicability for Additions and Repairs

1. A building or site may be renovated or repaired without meeting the streetscape standards, provided there is no increase in gross floor area or improved site area.
2. When a building or site is increased in gross floor area or improved site area cumulatively by more than ten (10%) percent, the streetscape provisions of this Article must be met.

D. Change in Use Exempt. A change in use does not trigger application of the streetscape requirements of this Article.

Section 3.8.1.2 Standards

A. Tree Planting

1. Unless otherwise noted below, all trees planted in accordance with this Article must be shade trees.
2. Where overhead utilities exist, one (1) understory tree shall be planted every twenty (20) feet on center, on average.
3. All required street trees must meet the design, type, and installation requirements of Sections 7.2.4.1, 7.2.4.2, and Appendix D of the San Marcos Design Manual.

B. Fee-in-Lieu

1. A cash fee for the installation of all or part of the sidewalk required under Article 8 may be accepted in lieu of construction by the Responsible Official based on the criteria included in this Section.
2. The fee in lieu shall be set by resolution of the City Council based on the average cost of construction of sidewalks.

3. The Responsible Official shall consider the following criteria when evaluating a request for fee-in-lieu of construction:
 - a. Proximity to the nearest existing sidewalk;
 - b. Proximity to public facilities, such as public or private schools, libraries and other government buildings;
 - c. The percentage of the block face that would be improved with the construction of the streetscape improvements.
 - d. Whether any public sidewalk improvements are planned or contemplated in the area; and
 - e. Any other information deemed appropriate in the professional judgment of the Responsible Official.
4. **Sidewalk Benefit Areas.** The City shall establish a separate sidewalk account. The funds in the account shall be earmarked solely for the development of sidewalks either in the Comprehensive Plan Area in which the lot is located, or for regional sidewalk connectivity that will benefit all of the citizens of San Marcos. The City shall expend cash contributions within ten years of the date any such contribution is made.

Section 3.8.1.3 Nonconforming Streetscapes

- A. Where a streetscape along an existing street is constrained by an existing building, the Responsible Official may adjust the streetscape standards to the minimum extent necessary to accommodate the existing area between the face of the building and back of curb.
- B. The standards shall be modified in the following order:
 1. Reduce or eliminate the planting area [or consider counting a forecourt in a new development towards the required planting area.](#)
 2. If necessary, replace large canopy trees with small trees that are more appropriate for the reduced area. If the planting zone is eliminated, create a bumpout to provide for tree planting.
 3. Reduce the sidewalk to the minimum width necessary to accommodate ADA accessibility.

Section 3.8.1.4 Administrative Adjustment Findings

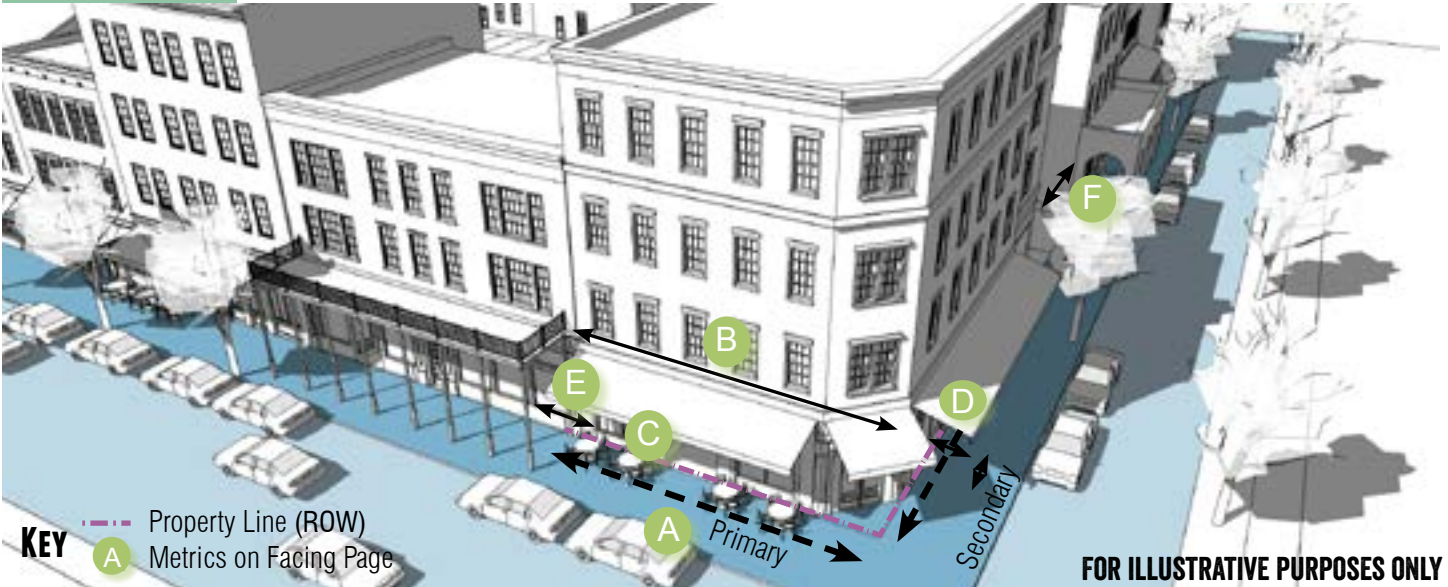
- A. The Responsible Official may in accordance with Section 3.6.1.1 approve an existing street design adjustment, subject to all of the following findings:
 1. The approved adjustment meets the intent of this Article;
 2. The approved adjustment conforms with the Comprehensive Plan and adopted City plans;
 3. The approved adjustment does not increase congestion or compromise safety;
 4. The approved adjustment does not create additional maintenance responsibilities for the City; and
 5. The approved adjustment has been designed and certified by a Professional Engineer.

Section 3.8.1.5 Streetscape Types

The required streetscape type is determined by the zoning district or building type. Additional design specifications for streetscape improvements can be found in the Design Manual.

CD-5D

SECTION 4.4.3.14 CHARACTER DISTRICT - 5 DOWNTOWN



GENERAL DESCRIPTION

The CD-5D district is intended to provide for mixed use, pedestrian oriented development in downtown [and its five design contexts that reflect historical development patterns](#). To promote walkability and to encourage street level retail activity, auto-oriented uses are restricted.

DENSITY

Impervious Cover 100% max.

TRANSPORTATION

Block Perimeter	2,000 ft. max.	Section 3.6.2.1
Streetscape Type	Main Street	Section 3.8.1.6

BUILDING TYPES ALLOWED

Accessory Dwelling	Section 4.4.6.1
Townhouse	Section 4.4.6.7
Apartment	Section 4.4.6.10
Live/ Work	Section 4.4.6.11
Mixed Use Shopfront	Section 4.4.6.14
Civic Building	Section 4.4.6.15

BUILDING STANDARDS

Building Height (Max.)*	5 stories	75 ft.
Building Height (Min.)*	2 stories	24 ft.
Ground Floor Elevation	2' min for ground floor residential	

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

* Alternative Compliance available (see Section 4.3.4.4 or Section 4.3.4.5)

LOT

BUILDING TYPE	LOT AREA	LOT WIDTH	A
Townhouse	1,500 sq. ft. min.	15 ft. min.	
Apartment	2,000 sq. ft. min.	20 ft. min. 340 ft. max.	
Live/Work	1,100 sq. ft. min.	15 ft. min.	
Mixed Use Shopfront	2,000 sq. ft. min.	20 ft. min. 340 ft. max.	
Civic Building	2,000 sq. ft. min.	20 ft. min.	

SETBACKS - PRINCIPAL BUILDING

Principal Street	0 ft min/ 12 ft max.*	B
Secondary Street	0 ft min/ 15 ft max.*	C
Side	0 ft. min.	D
Rear	0 ft. min.	E
Rear, abutting alley	3 ft. min; or 15 ft from centerline of alley	E

* Where a forecourt is incorporated, the maximum 12' setback does not apply to the portion of the building that includes the forecourt.

SETBACKS - ACCESSORY STRUCTURE

Principal Street	20 ft. plus principal structure setback min.
Secondary Street	20 ft. plus principal structure setback min.
Side	0 ft. min.

SETBACKS - ACCESSORY STRUCTURE

Rear	3 ft. min.
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PARKING LOCATION

LAYER (SECTION 4.3.3.1)	SURFACE	GARAGE
First Layer	Not Allowed	Not Allowed
Second Layer	Allowed along secondary street only	Not Allowed
Third Layer	Allowed	Allowed

BUILD-TO ZONE (BTZ)

Building Facade in primary street	80% min.
Building Facade in secondary street	60% min.

DURABLE BUILDING MATERIAL AREA

Primary Material	80% min.
Secondary Material	20% max.
Blank Wall Area	25 ft. max.

Ord. No. 2020-60, 9-1-2020)

Section 4.4.6.14 Mixed Use Shopfront

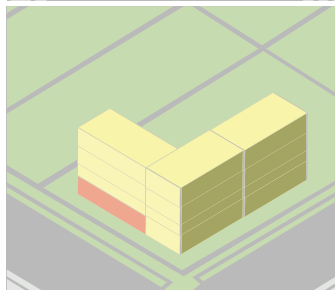
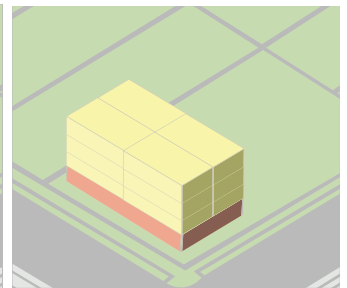
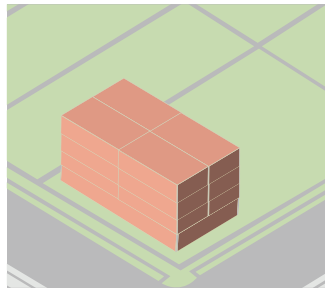
CD-5; CD-5D; N-CM; EC

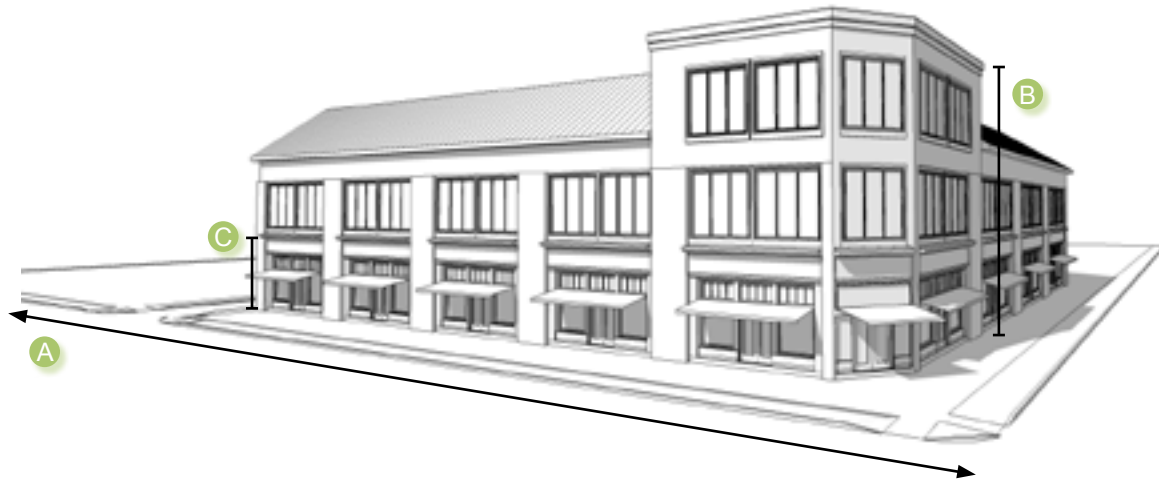


GENERAL DESCRIPTION

A building type that typically accommodates ground floor retail, office or commercial uses with upper-story residential or office uses.

CONFIGURATION OPTION





LOT		
Area	Set by District	A
Width	Set by District	
BUILDING ELEMENTS ALLOWED		
Awning/ Canopy	Section 4.3.5.16	
Gallery	Section 4.3.5.15	
Balcony	Section 4.3.5.13	

HEIGHT AND MASSING		
Principle Structure Height	Set by District	B
Accessory Structure Height	Set by District	
Ground Story Height	10 ft min	C

BUILDING SETBACKS		
Principal Building	Set by District	
Accessory Building	Set by District	

VEHICLE ACCESS AND PARKING		
Parking Location	Third Layer	

ACTIVATION		
Street Facing Entrance	Required	
Ground Story Transparency*	70% commercial; 30% residential (In CD-5D: Commercial - min. 70%; max. 85%; Residential - min. 30%, max. 40%)	
Upper Story Transparency	In CD-5D: min. 20%; max. 45%	
Blank Wall Area	25 ft max.	

DURABLE BUILDING MATERIAL		
Primary Material	80% min	
Secondary Material	20% max	

setback (but not into the sidewalk), including, but not limited to:

- a. Rain barrels or cisterns, six (6) feet or less in height when in the primary or side street setback;
- b. Planter boxes;
- c. Bioretention areas; and
- d. Similar features, as determined by the Responsible Official.

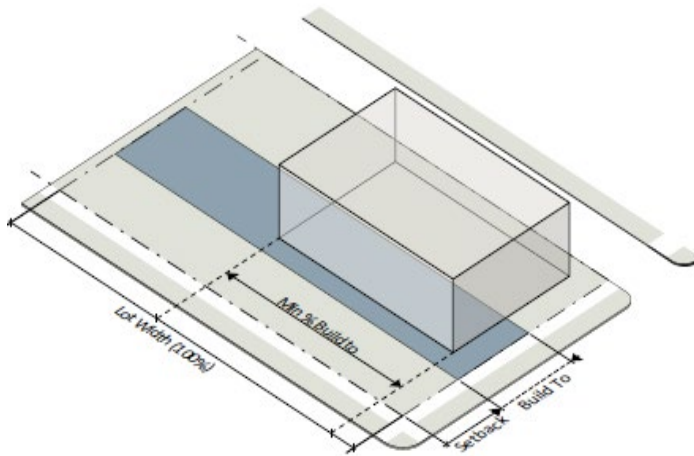
4. Other Setback Encroachments

- a. Fence and walls under Section 7.2.6.1.
- b. Signs under Section 7.3.1.1.
- c. Driveways under Section 3.6.4.2.

Section 4.3.3.3 Build-To Zone

- A. The build-to is the area on the lot where a certain percentage of the front principal building facade must be located, measured as a minimum and maximum setback range from the edge of the proposed or existing right-of-way, whichever is greater.
- B. The required percentage specifies the amount of the front building facade that must be located in the build-to, measured based on the width of the building divided by the width of the site or lot.

FIGURE 4.6 MEASURING BUILD-TO ZONE



C. Intent

- 1. The build-to is intended to provide a range for building placement that strengthens the street edge along the right-of-way, establishing a sense of enclosure by providing spatial definition adjacent to the street.
- 2. The building edge can be supplemented by architectural elements and certain tree plantings aligned in a formal pattern. The harmonious placement of buildings to establish the street edge is a principal means by which the character of an area or district is defined.
- 3. The build-to range is established to accommodate some flexibility in specific site design while maintaining the established street edge.

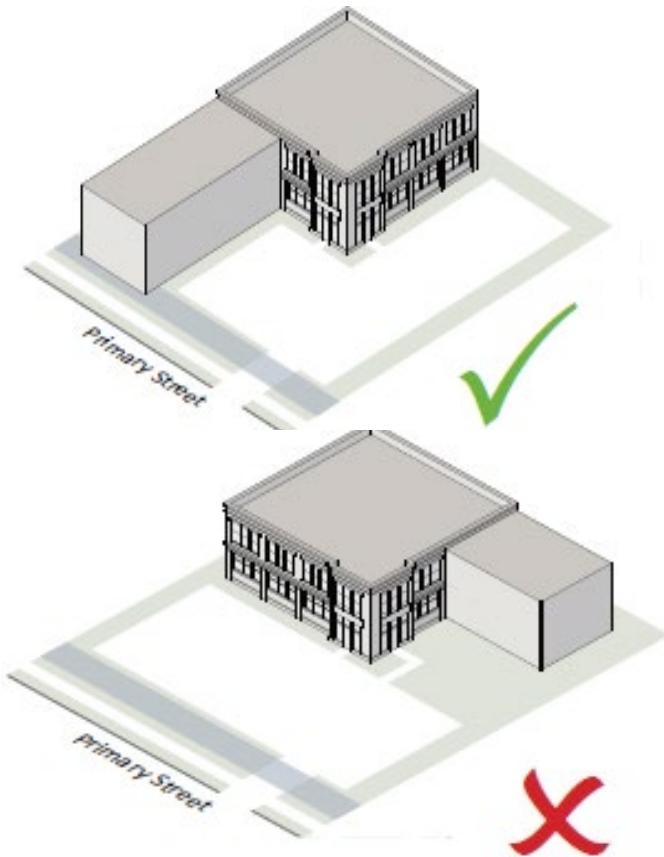
D. General Requirements

- 1. On corner lots, a building facade must be placed within the build-to for the first 30 feet along the street extending from the block corner.
- 2. With the exception of parking areas, all structures and uses customarily allowed on the lot are permitted in the build-to area.

E. Nonconforming Build-to Requirement

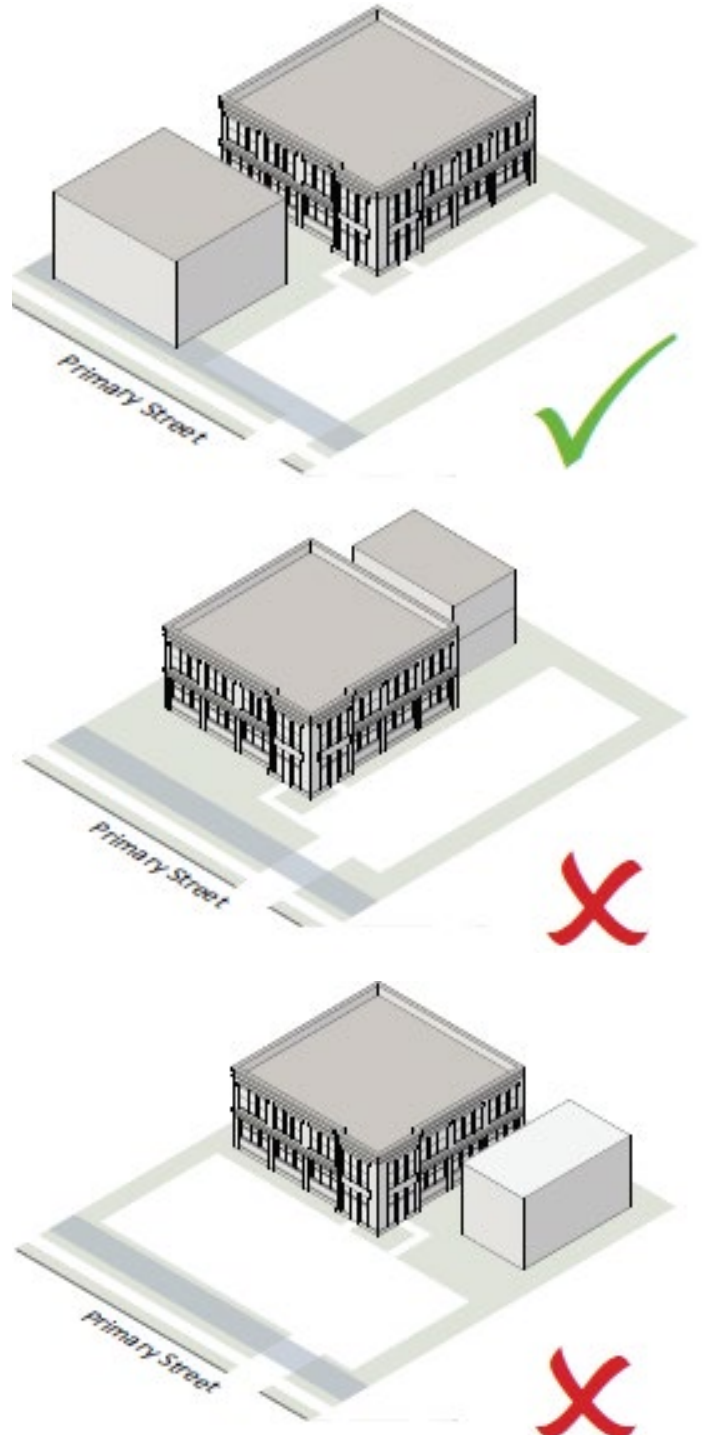
- 1. Additions.** When an existing building is being expanded and the existing building doesn't meet the build-to requirement, the addition must be placed in the build-to zone until the build-to percentage for the lot has been met.

FIGURE 4.7 BUILD-TO ZONE ADDITIONS



- 2. New Buildings.** Where a new building is being constructed on a lot or site with an existing building on it that doesn't meet the build-to requirement, all new buildings and additions must be placed in the build-to zone until the build-to percentage for the lot has been met.

FIGURE 4.8 BUILD-TO ZONE NEW BUILDINGS



F. Alternative Compliance Findings. An application for alternative compliance may be requested in accordance with Section 2.8.4.1 to modify the build-to requirement, subject to the following findings:

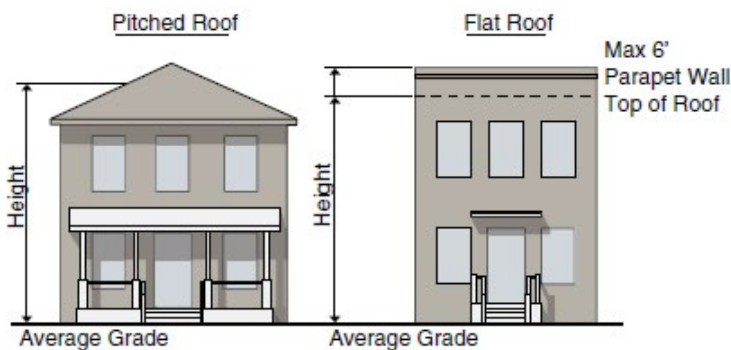
1. The approved alternate meets the intent of the build-to regulations;
2. The approved alternate conforms with the Comprehensive Plan and adopted City plans;
3. The approved alternate does not substantially or negatively alter the build-to pattern that is harmonious with the existing built context;
4. The change in percentage of building that occupies the build-to area or increased setback does not negatively impact pedestrian access, comfort or safety; **and**
5. Site area that would have otherwise been occupied by buildings is not utilized for parking and is converted to an outdoor amenity area; **and**
6. [In CD-5D and the five downtown Design Contexts, the approved alternate conforms to the Downtown Design Guidelines.](#)

DIVISION 4: BUILDING HEIGHT

Section 4.3.4.1 Measuring Height

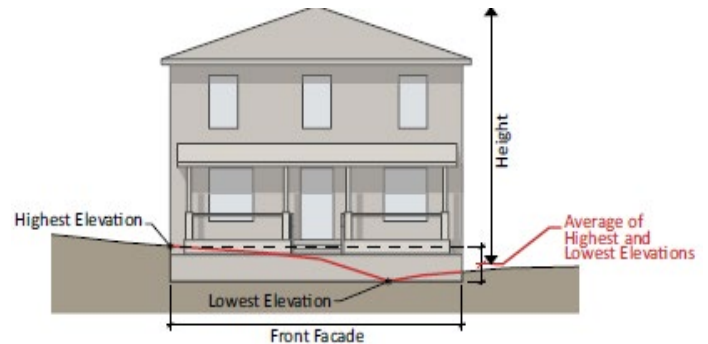
A. Building Height. Building height is regulated in both number of stories and feet and is measured from the average grade to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof or to the highest point of roof surface of a flat roof.

FIGURE 4.9 MEASURING HEIGHT



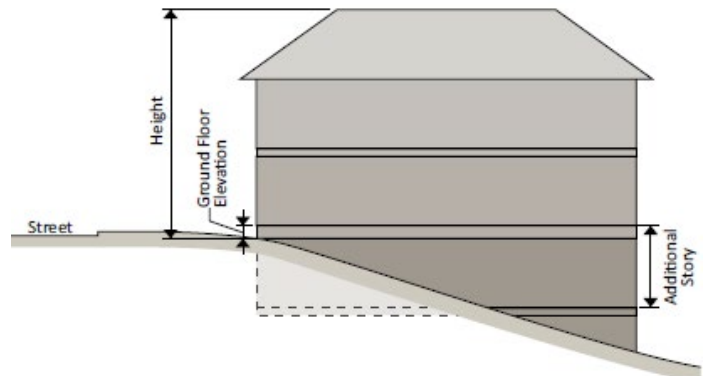
B. Average Grade. Average grade is determined by calculating the average of the highest and lowest elevation along pre-development grade or improved grade (whichever is more restrictive) along the front of the building parallel to the primary street setback. Where mass-grading has been approved by the City, average grade shall be considered the improved grade following such mass grading.

FIGURE 4.10 AVERAGE GRADE



C. Where a lot slopes downward from the front property line, one (1) story that is additional to the specified maximum number of stories may be built on the lower portion of the lot.

FIGURE 4.11 STORIES BELOW GRADE

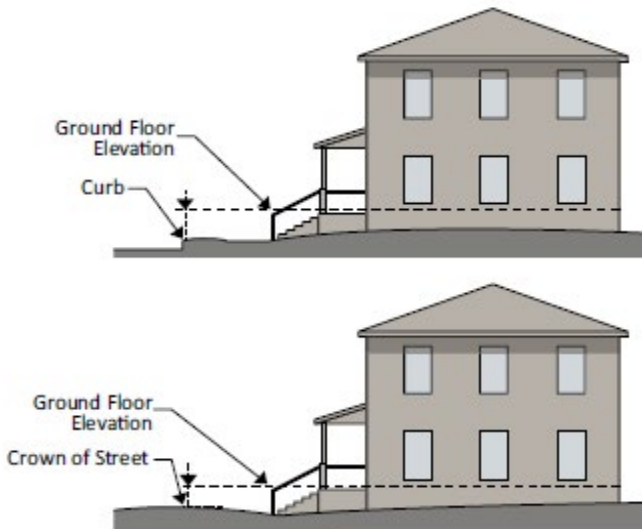


1. Mezzanines extending beyond 33% of the floor area below shall be counted as an additional story.
2. A basement with 50% or more of its perimeter wall area (measured from finished floor elevation) surrounded by finished grade is not considered a story.

Section 4.3.4.2 Ground Floor Elevation

- A. Ground floor elevation is measured from the average curb level of the adjoining street, or if no curb exists, the average level of the center crown of the street to the top of the finished ground floor.

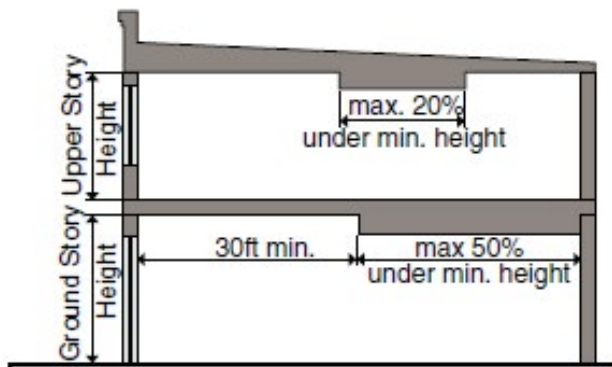
FIGURE 4.12 MEASURING GROUND FLOOR ELEVATION



Section 4.3.4.3 Story Height

- A. Story height is measured from the top of the finished floor to the ceiling above.
- B. Minimum ground story height applies to the first 30 feet of the building measured inward from the street facing facade. At least 50% of the ground story must meet the minimum ground story height provisions.

FIGURE 4.13 MEASURING STORY HEIGHT



Section 4.3.4.4 Minimum Two-Story Requirements

- A. Minimum two-story requirements apply to the first 30 feet of the building and may include a roof top patio where a minimum of 60% of the patio is covered.
- B. A building with a single story measuring a minimum of 25 feet from finished floor to finished ceiling can satisfy the minimum two-story requirement.
- C. **Intent.** The intent of the two-story minimum requirement is to ensure that the building scale is compatible with other structures and the relationship of the building to the public space. A minimum building height also serves to promote a mixture of uses.
- D. **Alternative Compliance Findings.** The Planning and Zoning Commission may in accordance with Section 2.8.4.1 allow an alternative to the minimum two-story requirements, subject to the following findings:
1. The approved alternate meets the intent of the minimum two-story requirements;
 2. The approved alternate conforms with the Comprehensive Plan and other adopted City Plans; and
 3. ~~The approved alternate conforms to the Downtown Design Guidelines. In CD-5D and the five downtown Design Contexts, the approved alternate conforms to the Downtown Design Guidelines.~~
 4. Consider the following:
 - a. Is the applicant proposing a one-story portion to a new building or a new building that is just one-story?
 - b. If the proposal includes a one-story portion, is this portion being used to transition to a neighborhood context? Does the one-story portion have a specific use that is best served by a one-story in height building?
 - c. Does the one-story portion of the building also include a rooftop amenity space that resembles a second story?
 - d. If the proposal is for a one-story building:

1. [Is the location appropriate for just one story? A one-story building proposal may be more appropriate with the Approach design context than the University Edge context \(See Design Guidelines\).](#)
2. [What is the use and how is the rest of the site being developed? For instance, is the proposed building a restaurant and an outdoor dining area will be incorporated? Is the building a community center but a large community garden will be created on site?](#)

6. The additional stories provide an opportunity to include child care within the facility;
7. The additional stories provide an opportunity to add public parking in or adjacent to the downtown;
8. The additional stories provide an opportunity to include on-site publicly accessible open space in excess of the open space required under Section 3.10.1.2.;
9. [In CD-5D and the five downtown Design Contexts, the approved alternate conforms to the Downtown Design Guidelines; and ~~If located in the CD-5D district, the additional stories are located in a preferred area for height in the downtown design guidelines; and~~](#)
10. The project proposes architectural elements that mitigate any effects on adjacent properties or the pedestrian experience from the street level.

Section 4.3.4.5 Residential Height Compatibility Standards

A. Height Stepback. A maximum building height of thirty-five (35) feet shall apply to portions of a structure within seventy (7) feet of a single-family zoning designation (measured from the property line).

(Ord. No. 2020-60, 9-1-2020)

Section 4.3.4.6 Additional Stories or Height

- A. Alternative Compliance Findings.** The City Council may in accordance with Section 2.8.4.1 allow additional stories in the CD-5 or up to two additional stories in CD-5D zoning districts, subject to the following considerations:
1. The project is consistent with the objectives and guidelines from the City’s Comprehensive Plan and Downtown Master Plan where applicable.
 2. For a residential project, the additional stories provide an opportunity to include a minimum of ten (10%) percent of the project as affordable housing under Section 4.3.1.1;
 3. For a residential project, the additional stories provide an opportunity to include a minimum of twenty (20%) percent of the project as workforce housing under Section 4.3.1.1;
 4. The additional stories provide an opportunity for additional professional office or commercial space providing employment opportunities;
 5. The additional stories provide an opportunity to deliver a building that is rated a minimum of a silver in the LEED green building program;

Section 4.3.4.7 Varied ~~Upper-Floor~~ Massing Requirement

- A. Applicability.** The varied ~~upper-floor~~ massing requirements apply to buildings in the CD-5D district that meet the following criteria:
1. The building is over three (3) stories in height; and
 2. The building has a frontage greater than sixty (60) feet in width.
- B. Intent.** The intent of the varied ~~upper-floor~~ massing requirements is to:
1. Encourage and enhance the variety in building heights that exists in downtown San Marcos that help to define the character of the area; ~~and~~
 2. Ensure that new development continues the tradition of height variation, expressing and supporting human scale and architectural diversity in the area;
 3. [Ensure that a traditional scale at the street level is maintained in order to reflect the design of historic buildings downtown; and](#)
 4. [Preserve views to notable buildings throughout downtown including the Courthouse Square, historic landmarks, and churches, and to areas adjacent to downtown. Reference](#)

[Design Guidelines in the Design Manual for additional information regarding views.](#)

C. General Standards. The varied upper-floor-massing requirements can be achieved through the selection of one of the following options-alternatives:

1. **Option 1:** A minimum of forty (40%) percent of the building facade over three (3) stories in height shall be set back a minimum of twenty (20) feet from the front property line. (Figure 4.14) front-building-wall.
2. **Option 2:** A minimum of fifty (50%) percent of the building facade over three (3) stories in height shall be set back a minimum of fifteen (15) feet from the front property line. (Figure 4.15) front-building-wall.
3. **Option 3:** A minimum of forty (40%) percent of the buiding facade over three (3) stories is stepped back a minimum of fifteen (15) feet from the front property line and a forecourt is incorporated (see Forecourt standards in Table 4.14). (Figure 4.16)

FIGURE 4.14 VARIED UPPER-FLOOR-MASSING OPTION 1



FIGURE 4.15 VARIED MASSING OPTION 2



FIGURE 4.16 VARIED MASSING OPTION 3



D. Alternative Compliance Findings. The Planning and Zoning Commission may in accordance with Section 2.8.4.1 allow an alternative to the varied upper-floor massing requirements, subject to the following findings.

1. The approved alternate meets the intent of the varied upper floor massing requirements;
2. The approved alternate conforms with the Comprehensive Plan and other adopted City Plans; and
3. [In CD-5D and the five downtown Design Contexts, the approved alternate conforms to the Downtown Design Guidelines.](#) ~~The approved alternate conforms to the Downtown Design Guidelines.~~

DIVISION 5: ACTIVATION

Activation standards are described here and required based on the properties zoning district or designated building type.

Section 4.3.5.1 Street Facing Entrance**A. Intent**

1. The street-facing entrance regulations are intended to concentrate pedestrian activity along the street edge and provide an easily identifiable and conveniently located entrance for residents, visitors, and patrons accessing a building as pedestrians from the street.
2. Access points should be located or identified in a manner visible to the pedestrian from the street and be accessible via a direct path.

B. General Requirements

1. An entrance installed after the adoption of this code providing both ingress and egress, operable to residents or customers at all times, is required to meet the street facing entrance requirements. Additional entrances from another street, pedestrian area or internal parking area are permitted.
2. The entrance spacing requirements must be met for each building, but are not applicable to adjacent buildings.
3. An angled entrance may be provided at either corner of a building along the street to meet the street-facing entrance requirements.

C. Alternative Compliance Findings. The Planning and Zoning Commission may in accordance with Section 2.8.4.1 allow a non-street-facing entrance, subject to all of the following findings.

1. The approved alternate meets the intent of the street-facing entrance regulations;
2. The approved alternate conforms with the Comprehensive Plan and adopted City plans;
3. The pedestrian access point is easily identifiable by pedestrians, customers and visitors;

4. Recessed or projecting entries or building elements have been incorporated into the design of the building to enhance visibility of the non street-facing entrance; ~~and~~
5. The pedestrian route from the street, sidewalks, bus stops and other modes of transportation to the entrance is safe, convenient and direct; ~~and~~
6. [In CD-5D and the five downtown Design Contexts, the approved alternate conforms to the Downtown Design Guidelines.](#)

Section 4.3.5.2 -~~Ground Story~~ Transparency

A. Intent. ~~Ground story~~ Transparency requirements are intended to lend visual interest to street-facing building facades for both pedestrians and building occupants and minimize blank wall areas. [These requirements aim to ensure sight lines from the sidewalk to the goods and services provided inside the property. This is not applicable to residential uses. Applicability can be found in Division 6, Building Type Standards.](#)

B. General Requirements

1. The minimum percentage of windows and doors that must cover a ground story facade is measured between zero (0) and twelve (12) feet above the adjacent sidewalk.
2. [The minimum percentage of windows that must cover upper story facades is measured between the top of the floor plate of the upper story and the bottom of the ceiling structure.](#)
3. Windows shall not be made opaque by non-operable window treatments (for example curtains, blinds or shades within the conditioned space are considered operable, [whereas stationary shades such as “faux roman” shades that do not move are considered non-operable](#)).
4. Glass shall be considered transparent where it has a transparency higher than eighty (80%) percent and external reflectance of less than fifteen (15%) percent. [Clear glazing must have a visible transmittance rate of 0.5 or greater to count towards the transparency requirement.](#)

FIGURE 4.17 MEASURING TRANSPARENCY



C. Alternative Compliance Findings. The Planning and Zoning Commission may in accordance with Section 2.8.4.1 modify the required transparency, subject to all of the following findings:

1. The approved alternate meets the intent of the transparency requirements;
2. The approved alternate conforms with the Comprehensive Plan and adopted City plans; **and**
3. The street-facing building facade utilizes other architectural treatments to create visual interest to offset the reduction in transparency; **and**
4. [In CD-5D and the five downtown Design Contexts, the approved alternate conforms to the Downtown Design Guidelines and reflects historic precedent.](#)

Section 4.3.5.3 Blank Wall Area

A. Applicability. [Applicability can be found in Division 6, Building Type Standards.](#)

B. Defined

1. Blank wall area means any portion of the exterior facade of the building that does not include a substantial material change; such as windows or doors, or one of the expression tools included in Section 4.3.5.4 or one of the building elements included in Section 4.3.5.10.

2. Substantial material change means a change between exterior building materials such as wood, metal, glass, brick, architectural block, stone or stucco. Substantial material change should occur at an inside corner, where feasible. Paint color is not a substantial material change.
3. [Four-Sided Design: Ensure a pedestrian-oriented environment around all four sides of a building by designing a building to minimize the blank wall space and include architectural detail, although the degree of detail may vary depending on the location of a wall. Reference the Design Guidelines in the Design Manual for additional information regarding four-sided design.](#)

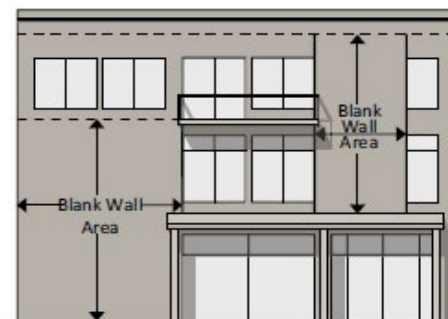
C. Intent

1. The blank wall area regulations are intended to prevent large, monotonous expanses of undifferentiated building mass; and
2. The level of architectural detail should be most intense at the street level, where it is within view of the pedestrians on the sidewalk.

D. General Requirements

1. [The blank wall area standard applies to any portion of an exterior facade.](#)
2. Blank wall area applies in both a vertical and horizontal direction.
3. Blank wall area applies to both ground and upper stories.

FIGURE 4.18 BLANK WALL AREA



E. Alternative Compliance Findings. The Planning and Zoning Commission may in accordance with Section 2.8.4.1 approve

a modification of the blank wall area requirements, subject to all of the following findings:

1. The approved alternate meets the intent of the blank wall area regulations;
2. The approved alternate conforms with the Comprehensive Plan and adopted City plans; ~~and~~
3. The increase in blank wall area is offset by additional architectural treatments or increased vertical landscaping; and
4. The approved alternate meets the guidelines in the Design Manual, especially for Ground Level Design, Varied Massing Requirements, Expression, and Building Materials.

Section 4.3.5.4 Expression **Elements Tools**

A. Intent. The standards in this section are intended to ensure that expression tools utilized to satisfy the blank wall area standards are of sufficient size and design to meet the intent of the blank wall area requirement.

B. General Requirements.

1. In addition to the Blank Wall Area requirements, the following standard must be met:
 - a. For primary building facades greater than 120' in length, a minimum of three (3) expression elements must be applied. One (1) vertical expression element (from Table 4.12) and one (1) horizontal expression element (from Table 4.13) must be used. The third expression element may be selected from either the vertical or horizontal expression elements lists.
 - b. For primary building facades 120' or less in length, a minimum of two (2) expression elements must be applied. One (1) vertical expression element (from Table 4.12) and one (1) horizontal expression element (from Table 4.13) must be used.
 - c. For secondary building facades, a minimum of one (1) expression element must be applied, and can be selected from either the Vertical Expression Elements (Table 4.12) or the Horizontal Expression Elements (Table 4.13).

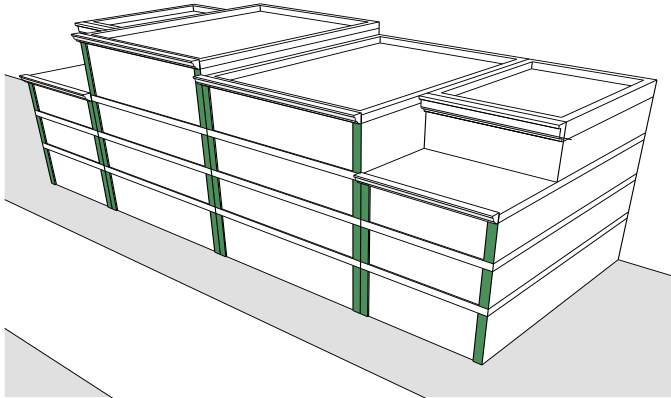
2. Additional information about each of these elements is provided in the Design Guidelines in the Design Manual.

C. Alternative Compliance. The Planning and Zoning Commission may in accordance with Section 2.8.4.1 approve a modification to the required Expression Elements requirement, subject to the following findings:

1. The approved alternate meets the intent of the Expression Elements regulations.
2. The approved alternate conforms with the Comprehensive Plan and adopted City plans.
3. On a primary building facade greater than 120' in length, at least three (3) expression elements total are utilized. At least two of the three must be from the Expression Elements shown in the Development Code (the combination of which are described in 4.3.5.4.B), and the Primary Expression Elements shown in the Design Manual. An applicant may seek to substitute one (1) Secondary Expression Element (shown in the Design Manual) for one (1) of the three (3) required Primary Expression Elements. However, an applicant must still utilize at least one vertical expression element and one horizontal expression element in the minimum three (3) expression elements utilized.
4. On a primary facade 120' or less in length, at least two (2) expression elements total are utilized. At least one of the two must be from the Expression Elements shown in the Development Code (the combination of which are described in 4.3.5.4.B), and the Primary Expression Elements shown in the Design Manual. An applicant may seek to substitute one (1) Secondary Expression Element (shown in the Design Manual) for one (1) of their two (2) required Primary Expression Elements. However, an applicant must still utilize at least one vertical expression element and one horizontal expression element in the minimum two (2) expression elements utilized.
5. On a secondary building facade, an applicant must utilize a Primary Expression Element shown in the Design Manual. The applicant cannot substitute a Secondary Expression Element shown in the Design Manual for the one (1) required Primary Expression Element.

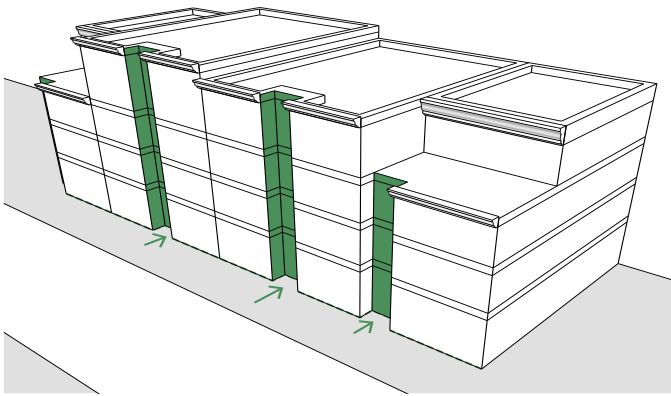
TABLE 4.12 VERTICAL EXPRESSION ELEMENTS

The standards in this table are intended to ensure that vertical expression elements utilized to satisfy the blank wall area standards are of sufficient size and design to meet the intent of the blank wall area requirement.

VERTICAL EXPRESSION LINE**DESCRIPTION. A VERTICAL EXPRESSION LINE CREATED BY MOLDING**

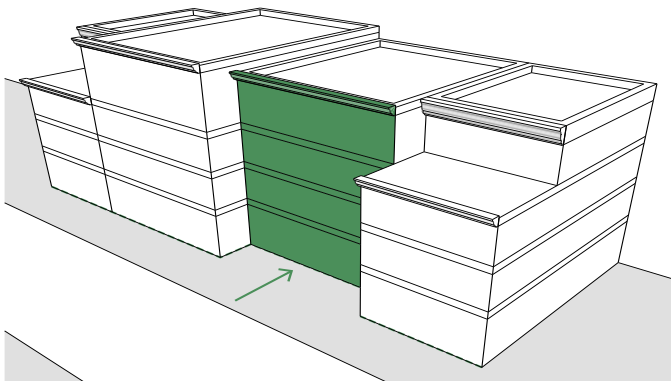
General Requirements:

- A vertical expression line with a minimum size of at least 4 in. in depth and 12 in. in width.
- The vertical expression line must occur at a minimum interval of every 60 ft. across the building frontage and shall reflect historic facade widths.

WALL NOTCH**DESCRIPTION. A FRONT FACADE SETBACK PROVIDING VERTICAL ARTICULATION TO A BUILDING FACADE.**

General Requirements:

- The Each wall notch must provide a front facade setback of a minimum depth of 4 ft. and length of 8 ft.
- Wall notches shall be spaced to reflect historic facade width.

WALL OFFSET**DESCRIPTION. AN OFFSET IN FACADE WALL INTO DIFFERENT MODULES.**

General Requirements:

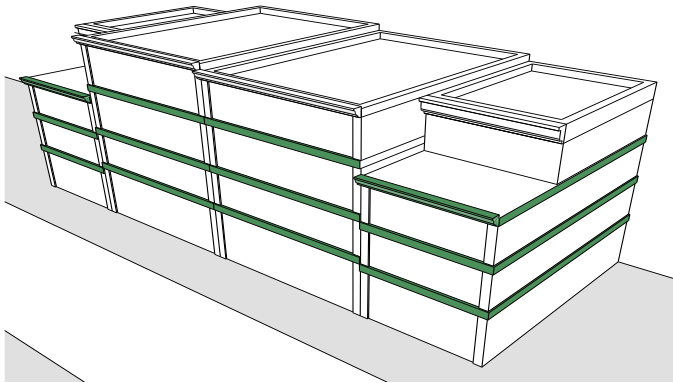
- Facade module must have a minimum ~~4 ft.~~ 10 ft. offset from an adjacent module.
- The wall offset shall be located such that it relates to historic facade widths.

TABLE 4.13 HORIZONTAL EXPRESSION ELEMENTS

The standards in this table are intended to ensure that horizontal expression elements utilized to satisfy the blank wall area standards are of sufficient size and design to meet the intent of the blank wall area requirement.

HORIZONTAL EXPRESSION LINE

DESCRIPTION. A HORIZONTAL EXPRESSION LINE CREATED BY MOLDING

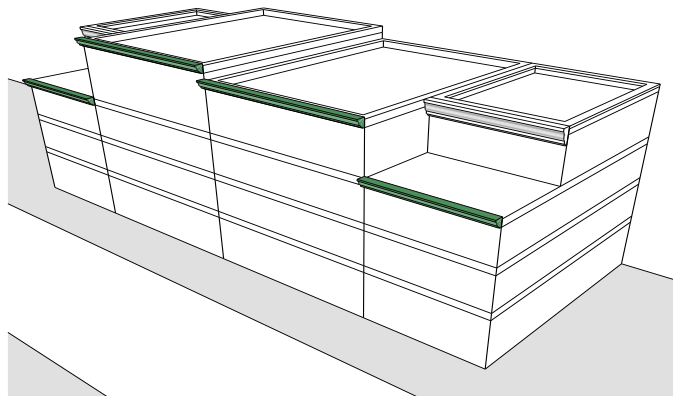


General Requirements:

- [A horizontal expression line must be a minimum of 4 in. in depth and 12 in. in height.](#)
- [Incorporate horizontal expression lines at heights that align with traditional elements of historic buildings such as awnings, transoms, and cornices.](#)
- [The maximum length a horizontal expression line can run without changing height is 120’.](#)

CORNICE

DESCRIPTION. A CORNICE DETAIL PROVIDING A HORIZONTAL ARTICULATION

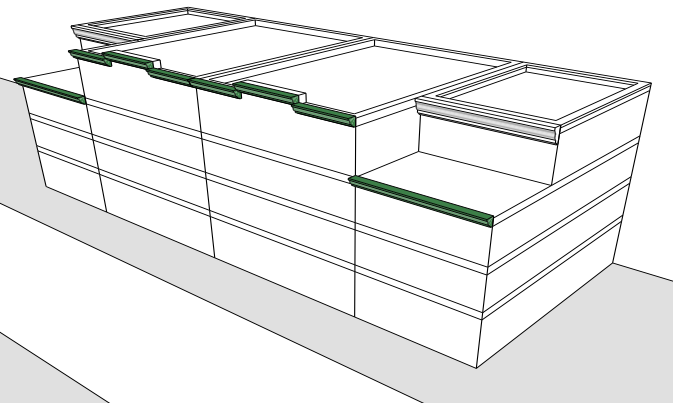


General Requirements:

- The cornice detail must be at least 18 in. in height.
- The cornice detail must be at least 6 in. deep.
- The cornice detail must extend the entire width of the **front** facade.
- [The cornice detail shall vary in height at widths that reflect historic facade modules.](#)

VARIED PARAPET HEIGHT

DESCRIPTION. A CHANGE IN THE HEIGHT OF THE PARAPET ALONG THE LENGTH OF THE BUILDING



General Requirements:

- [The parapet offset should be a minimum of 2’ in height from the adjacent parapet.](#)
- [The parapet offset should occur at a minimum interval of every 60 ft across the building frontage, and shall reflect historic precedent.](#)
- [On the sections of the building that incorporate this horizontal expression element, the awning/canopy height should also be raised a minimum of 2’ in height from the adjacent awning/canopy heights to reflect the change in this facade module.](#)

Section 4.3.5.5 Building Elements

A. Intent.

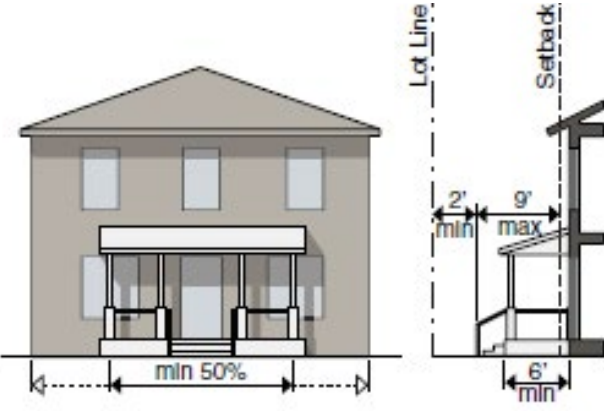
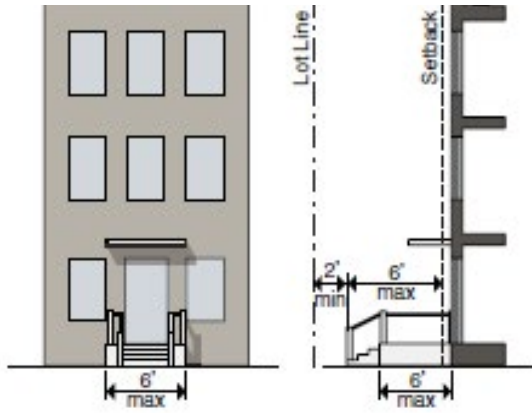
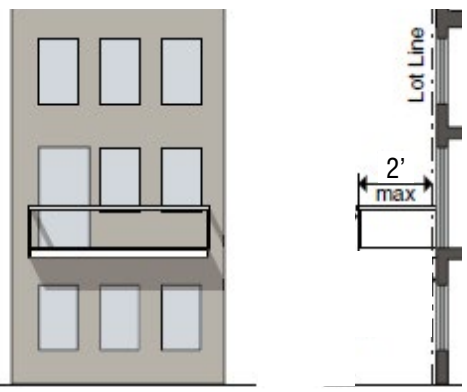
1. The standards in this section [along with Table 4.14](#) are intended to ensure that building elements are of sufficient size and design to meet the intent of the blank wall area requirement in Section 4.3.5.3 and the setback requirement in Section 4.3.3.2.
2. Building elements that do not encroach into a required setback and that are not being used to satisfy the blank wall area requirements do not need to comply with the general requirements in this section.

B. Right-of-Way Encroachment. A building element may encroach into the right-of-way in accordance with Chapter 74 Article 6 of the City Code of Ordinances and the standards of this Section.

C. Alternative Compliance Findings. The Planning and Zoning Commission may in accordance with Section 2.8.4.1 approve a modified building element requirement, subject to all of the following findings:

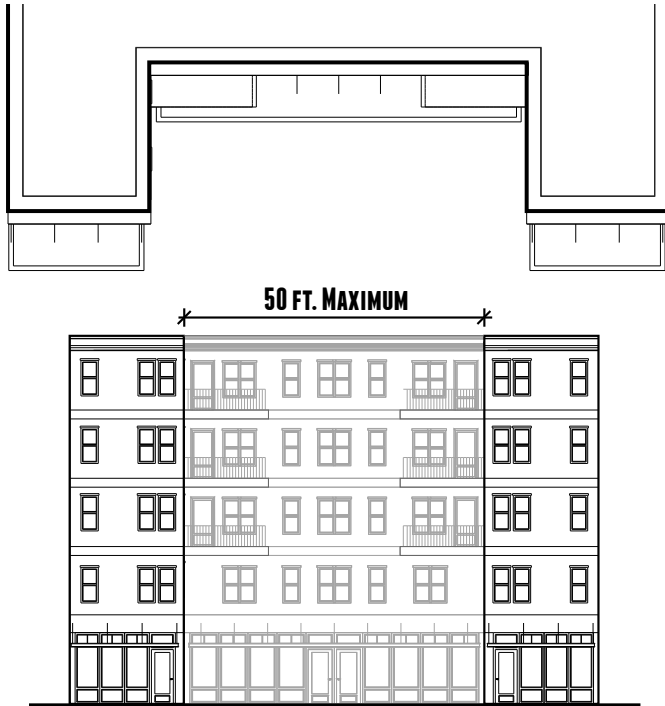
1. The approved alternate meets the intent of the building element regulations;
2. The approved alternate conforms with the Comprehensive Plan and adopted City plans;
3. The alternate building element is of equal or greater area as the required building element or otherwise provides equivalent functionality;
4. The approved alternate does not negatively impact pedestrian circulation in accordance with the adopted streetscape guidelines; and
5. Applicable Building Code regulations are met.
6. [In CD-5D and the five downtown Design Contexts, the approved alternate conforms to the Downtown Design Guidelines in the Design Manual.](#)

TABLE 4.14 BUILDING ELEMENTS TABLE

<p>FRONT PORCH</p>	<p>Description. A raised structure attached to a building that forms a covered entrance to a doorway.</p>
	<p>General Requirements:</p> <ul style="list-style-type: none"> • A front porch must be at least 6 feet deep (excluding the steps). • A front porch must be contiguous with a width not less than 50% of the building facade. • A front porch must be roofed and may be screened but cannot be fully enclosed. • A front porch may extend up to 9 feet, including the steps, into a required front setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.
<p>STOOP</p>	<p>Description. An exterior stair and landing for ground floor residential where the first story is elevated to provide privacy for the windows.</p>
	<p>General Requirements:</p> <ul style="list-style-type: none"> • A stoop must be no more than 6 feet deep (not including the steps) and 6 feet wide. • A stoop may be covered but cannot be fully enclosed. • A stoop may extend up to 6 feet, including the steps, into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line. • A stoop may not encroach into the public right-of-way.
<p>BALCONY</p>	<p>Description. A platform projecting from the wall of an upper-story of a building with a railing along its outer edge, often with access from a door or window.</p>
	<p>General Requirements:</p> <ul style="list-style-type: none"> • A balcony may be covered but cannot be fully enclosed. • A balcony must have a clear height above the sidewalk of at least 9 feet. • A balcony may extend into a primary or side street setback. • A balcony may encroach up to 2 feet into the public right-of-way.

FORECOURT

Description. An open area at grade, or within 30 inches of grade, that serves as an open space, plaza or outdoor dining area. [A forecourt is designed for pedestrian activity that is often related to the operation of the business\(es\) with entrances that open into the forecourt and windows that look into the forecourt. Refer to Table 1.9 in the Design Guidelines for ideas of how to maintain the street wall when utilizing a forecourt, as well as strategies that activate the edge of the forecourt.](#)

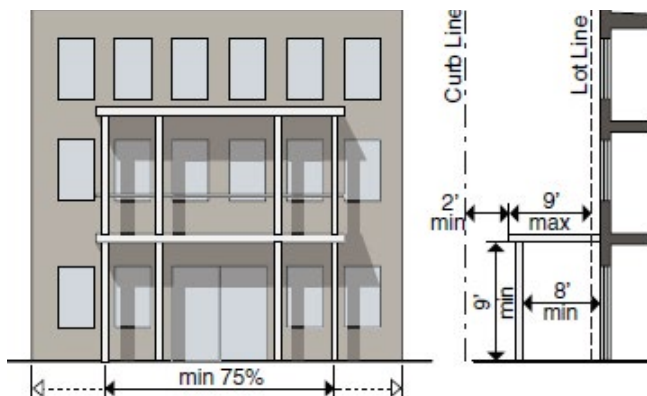


General Requirements:

- A forecourt must be no more than one-third of the length of the building face, and in no case longer than ~~50~~ 35 feet in length.
- [A forecourt must be no less than 10' in depth.](#)
- The depth of the forecourt should not exceed the general width.
- A maximum of one forecourt is permitted per lot.
- A forecourt meeting the above requirements is considered part of the building for the purpose of measuring the build-to zone.
- [The forecourt shall include a landscaping feature \(such as planters\) and features that encourage pedestrian activity \(such as benches or tables\).](#)

GALLERY

Description. A covered passage extending along the outside wall of a building supported by arches or columns that is open on 3 sides.

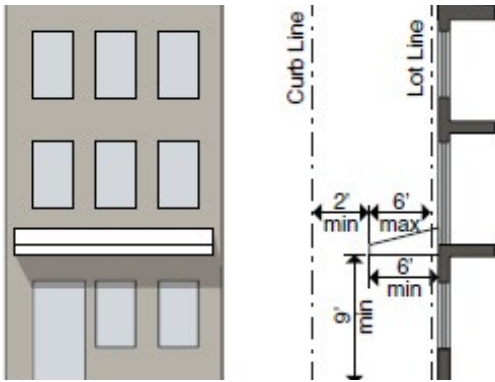


General Requirements:

- A gallery must have a clear depth from the support columns to the building's facade of at least 8 feet and a clear height above the sidewalk of at least 9 feet.
- A gallery must be contiguous and extend over at least 75% of the width of the building facade.
- A gallery may extend into a primary or side street setback.
- A gallery may encroach up 9 feet into the public right-of-way but must be at least 2 feet inside the curb line or edge of pavement, whichever is greater.

AWNING/CANOPY

Description. A wall mounted, cantilevered structure providing shade and cover from the weather for a sidewalk.

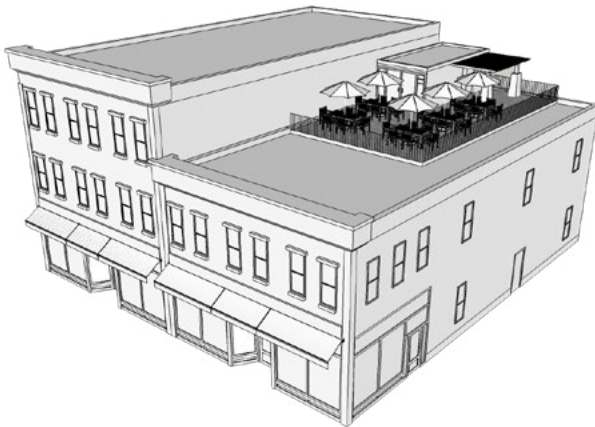


General Requirements:

- An awning/canopy must be a minimum of 9 feet clear height above the sidewalk and must have a minimum depth of 6 feet.
- An awning/canopy may extend into a primary or side street setback.
- An awning/canopy may encroach up to 6 feet into the public right-of-way but must be at least 2 feet inside the curb line or edge of pavement, whichever is greater.

ROOFTOP AMENITY/DECK

Description. An outdoor area located on the roof of a building, although it is not necessarily located on the highest roof plane. For instance, it could be located on the roof of the third story, where the fourth and fifth stories of the building are stepped back from the front façade. A rooftop amenity/deck exists where an applicant chooses to utilize this outdoor space.



General Requirements.

- For safety purposes, the rooftop amenity space must be enclosed by a railing or partial wall. The railing of a rooftop deck must be set back from the street-facing walls of the floor beneath it by a minimum of four (4) feet.
- The railing surrounding the rooftop amenity/deck must be primarily transparent.
- If incorporating an enclosed structure or service area (such as a bar or food prep area) within the rooftop amenity/deck space, it must not be located within the first or second layer of the property. (See Section 4.3.3.1 of the Development Code for more information on layers.) On a secondary frontage, an enclosed structure should be at least 20' set back from the building frontage.
- On both primary and secondary frontages, a rooftop garden must be set back from the building frontage at least 10', and a green roof or rooftop sustainability equipment (such as solar panels) must be set back from the building frontage at least 5' and have a low profile so as not to be seen from the public realm.
- Rooftop additions and other applicable modifications to structures within the Historic Districts are subject to review by the Historic Preservation Commission (HPC) and must receive a Certificate of Appropriateness (CoA) as applicable.

Section 4.3.5.6 Durable Building Material Area

A. Defined. Durable building material area means any portion of the exterior facade of the building that does not include windows, doors or other void areas.

B. Applicability.

1. Primary and secondary durable building material standards apply to:

- a. A program established by a state agency that requires particular standards, incentives, or financing arrangements in order to comply with requirements of a state or federal funding source or housing program;
- b. A requirement for a building necessary to consider the building eligible for windstorm and hail insurance coverage;

c. An ordinance or other regulation that:

- 1. Regulates outdoor lighting for the purpose of reducing light pollution; and
- 2. Is adopted by a city that is certified as a Dark Sky Community by the International Dark-Sky Association as part of the International Dark Sky Places Program;

d. An ordinance or order that:

- 1. Regulates outdoor lighting; and
- 2. Is adopted under the authority of state law; or

e. A building located in a place or area designated for its historical, cultural, or architectural importance and significance that a city may regulate through zoning, if the city:

- 1. Is a certified local government under the National Historic Preservation Act; or
- 2. Has an applicable landmark ordinance that meets the requirements under the certified local government as determined by the Texas Historical Commission;

f. A building located in a place or area designated for its historical, cultural, or architectural importance and significance by a city, if designated before April 1, 2019;

g. A building located in an area designated as a historical district on the National Register of Historic Places;

h. A building designated as a Recorded Texas Historic Landmark;

i. A building designated as a State Archeological Landmark or State Antiques Landmark;

j. A building listed on the National Register of Historic Places or designated as a landmark by a city;

k. A building located in a World Heritage Buffer Zone; or

l. A building located in an area designated for development, restoration, or preservation in a main street city under the main street program.

2. Where applicable, primary and secondary materials are applied by district and building type.

3. Where applicable, prohibited materials are prohibited in any district or for any building type.

4. Buildings in the municipal airport are exempted from durable building material standards.

(Ord. No. 2019-45, 12-17-19)

C. Intent. The intent of the durable building material area requirement is to promote quality design, aesthetic value, visual appeal and the use of durable materials. The City prefers the use of durable building materials identified in this section.

(Ord. No. 2020-60, 9-1-2020)

D. Classification of Materials.

1. Durable building materials are classified as primary materials, secondary materials, or prohibited materials and include the following:

- a. Primary materials include: brick; stone; stucco; rock; marble; granite; concrete tilt wall; ~~a combination of~~

glass and steel framework; architectural terra cotta, glazed ceramic architectural siding, adobe, concrete, cast stone, and reinforced concrete.

- b. Secondary materials include: wood; architectural metal; tile; glass block; and a combination of glass and steel framework.
 - c. Prohibited materials include: eifs; sheet metal covering more than 60% of a building.
2. Cement fiber board and similar products may be used in the following locations:
- a. Covered balconies, porches, and patios;
 - b. Fascia and soffits;
 - c. Interior portions of covered stairways and covered stair towers;
 - d. Breezeways, hallways, corridors and walkways which have a roof covering; and
 - e. Bay windows and box windows that protrude from an exterior wall past the edge of the foundation that do not have a brick ledge.

(Ord. No. 2019-45, 12-17-19)

E. General Standards

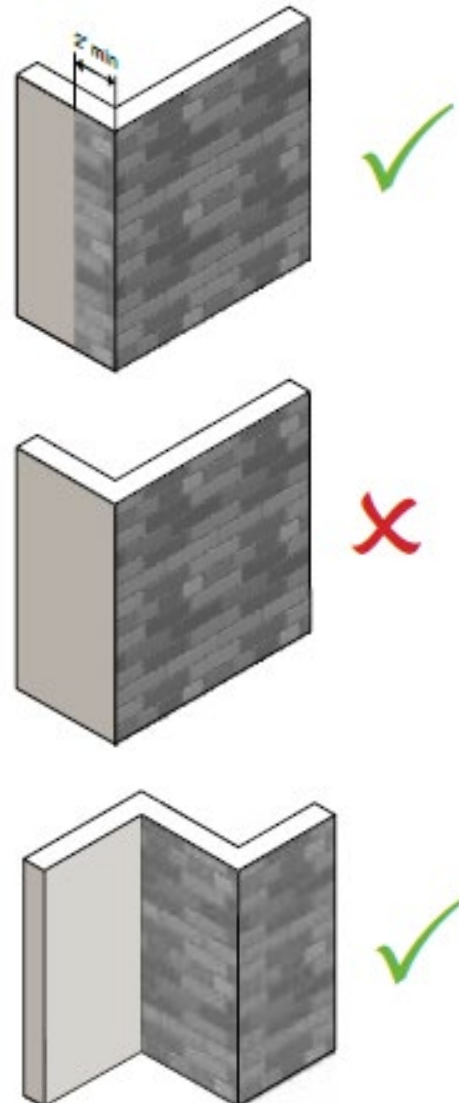
- 1. Durable building material area standards apply to both ground and upper stories.
- 2. Durable building material area standards do not apply to the rear of buildings in the HI and LI zoning districts.
- 3. Primary material changes must occur at inside corners or where they wrap around an outside corner a minimum of two (2) feet.

F. Alternative Compliance Findings. The City Council may in accordance with Section 2.8.4.1 approve a modification of the durable material requirements, subject to the following findings:

- 1. The approved alternate meets the intent of the durable material area regulations to an equivalent or better degree than the minimum standards required;

- 2. The approved alternate conforms with the Comprehensive Plan and adopted City plans;
- 3. The alternative material is based on a unique character of the property, proposed use, or surrounding neighborhood;
- 4. Financial hardship is not the basis for the modification to the durable building material area standards; ~~and~~
- 5. Modification of the area requirements is offset by additional architectural treatments, expression tools and increased vertical landscaping; and
- 6. Building materials utilized consider the materials guidance provided in the Design Manual.

FIGURE 4.19 PRIMARY MATERIAL CHANGES



DIVISION 6: NEIGHBORHOOD TRANSITIONS

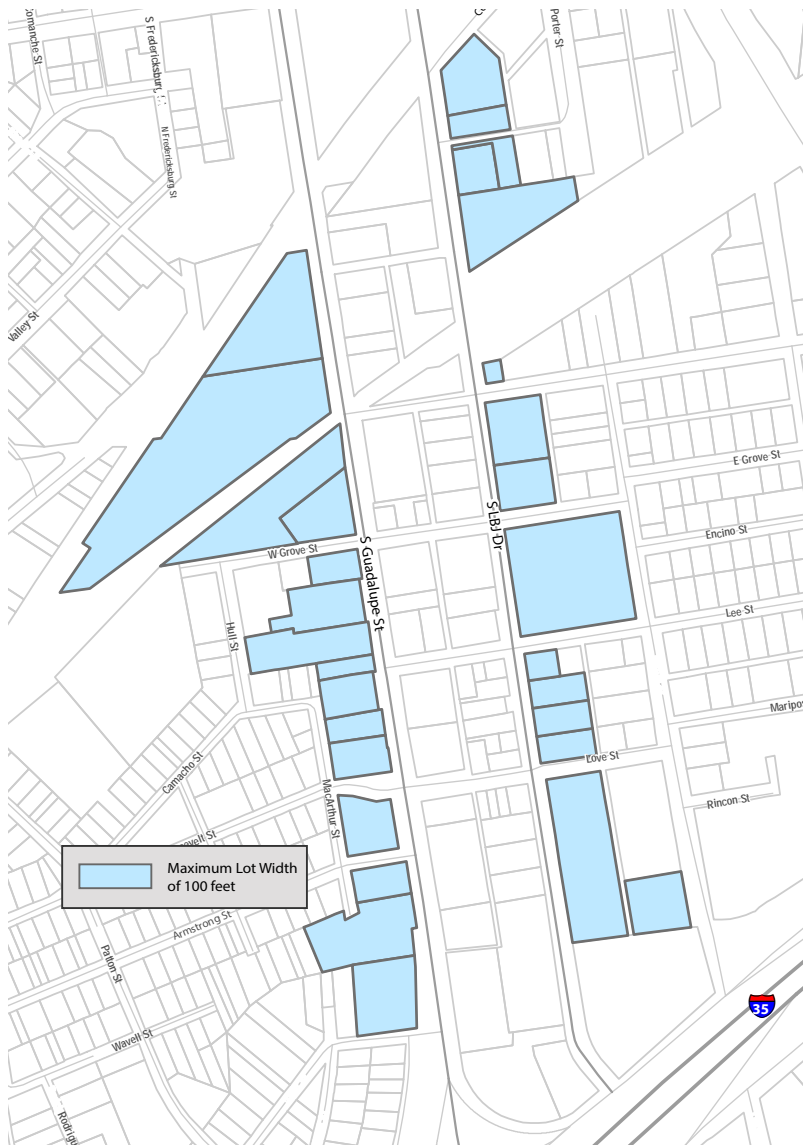
Section 4.3.6.1 Purpose and Applicability

- A. Purpose.** The purpose of the neighborhood transition standards is to accommodate and encourage appropriate transitions between higher intensity new development areas and existing residential properties.
- B. Applicability.** Neighborhood transitions are required for any new development or redevelopment of land in the CD-5 or CD-5D zoning districts.

Section 4.3.6.2 Neighborhood Transition Standards

- A. Transitional Protection Yards.** Transitional protective yards are required in compliance with Section 7.2.2.1.
- B. Maximum Lot Width**
 1. A maximum lot width of 100 ft. is applied on all lots identified in Figure 4.20.
 2. Where a maximum lot width applies a building may not be built across the lot line.

FIGURE 4.20 NEIGHBORHOOD TRANSITION STANDARDS - MAXIMUM LOT WIDTH



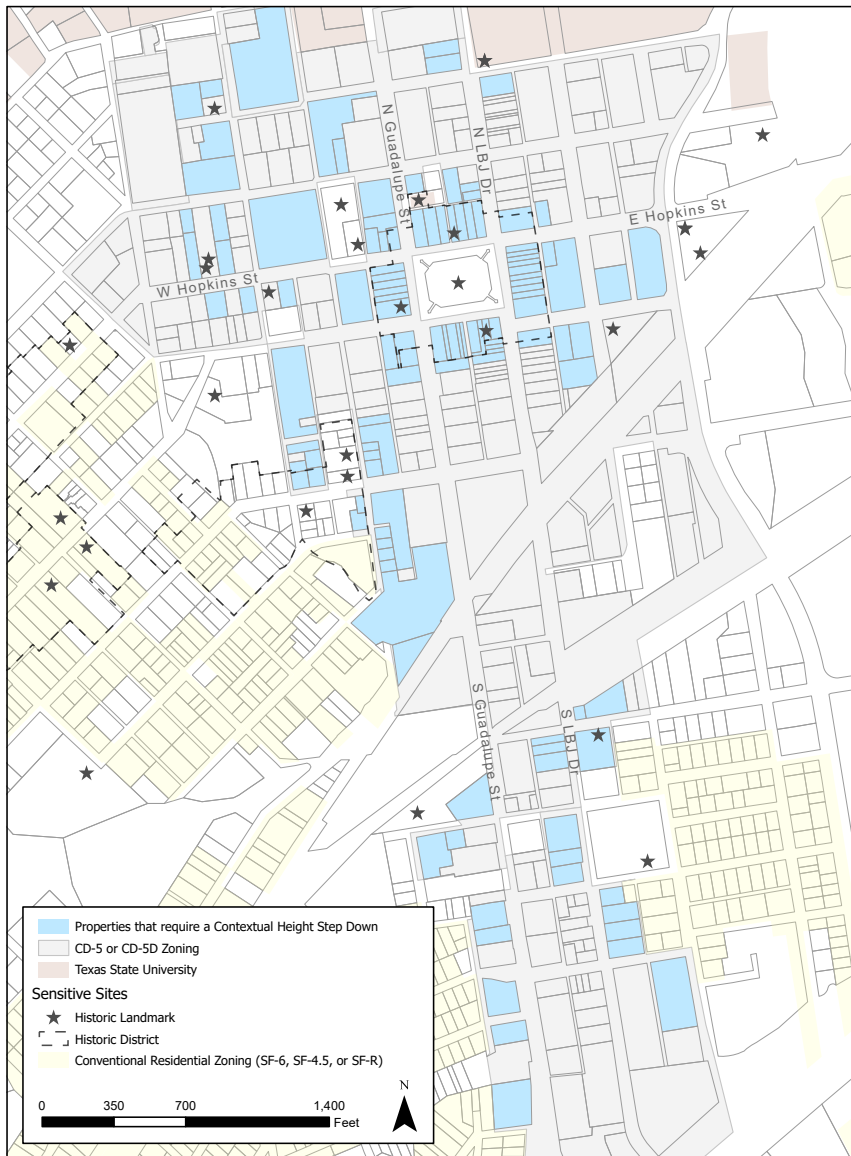
C. Contextual Height Stepdown

1. **Purpose.** The purpose of a contextual height stepdown is to reduce the mass and height of proposed buildings in and around a sensitive site.
2. **Sensitive Site Defined.** A sensitive site is defined as the following: (Figure 4.21 provides a visual of these Sensitive Sites in and around the downtown San Marcos area, however. A map of Sensitive Sites is on file with the City's

Planning and Development Services Department and is available upon request)

- a. A property within a local historic district.
- b. A property containing a building that is designated as a local, state, or national landmark.
- c. A property that is zoned conventional residential, ND-3, or ND-3.5.

FIGURE 4.21 CONTEXTUAL HEIGHT STEPDOWN MAP IN AND AROUND DOWNTOWN SAN MARCOS



3. **General Requirements.** A contextual height step down is required in the following locations:

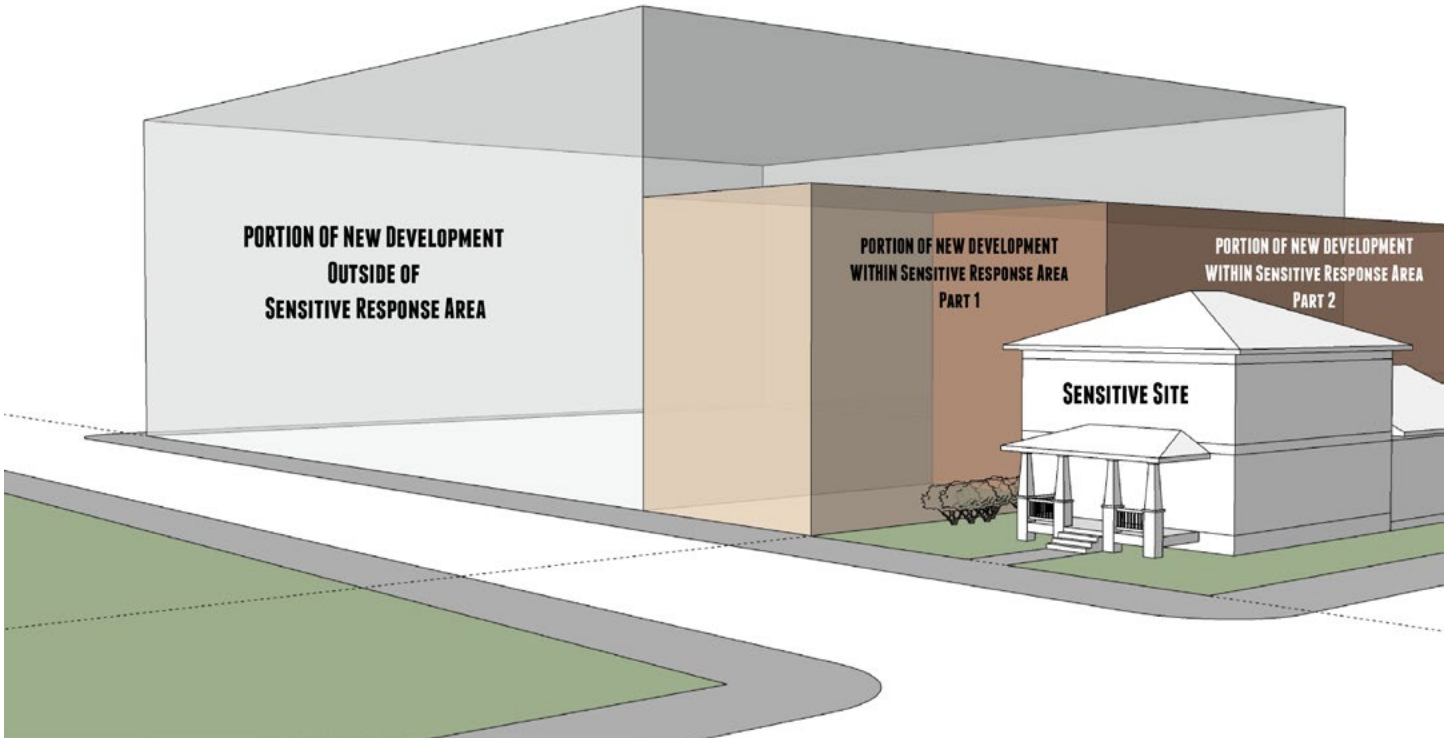
- a. **Property Adjacent to a Sensitive Site.** A property adjacent to a sensitive site must select one (1) of the three options in the Table 4.15.

TABLE 4.15 NEIGHBORHOOD TRANSITIONS STANDARDS: PROPERTY ADJACENT TO A SENSITIVE SITE

	TERM	DEFINED	OPTION 1	OPTION 2	OPTION 3
	Sensitive Response Area (SRA)	<p>The Sensitive Response Area (SRA) is the area of a new development adjacent to a sensitive site that must apply an additional set of requirements to respect the sensitive site. These requirements include reduced permitted heights, set backs and setbacks.</p> <p>Figure 4.22: The SRA consists of two parts, as shown in Figure 4.22. Different building standards apply to each of the two parts in the three options that follow.</p>	=	=	=
A	Depth of Sensitive Response Area (SRA)	<p>The SRA depth is measured from the property line shared with the sensitive site to a specified distance into the property. The depth indicates the area adjacent to a sensitive site within which a new development must incorporate special setbacks and setbacks in order to create a design that respects the sensitive site.</p> <p>Figure 4.22: The “Depth of the SRA” applies to both Parts 1 and 2 of the Portion of New Development within the Sensitive Response Area.</p>	30’	30’	30’
B	Sensitive Frontage Depth	<p>A Sensitive Frontage Depth is the front portion of the Sensitive Response Area and it includes special height limitations. The depth of the Sensitive Frontage Area is measured from the front property line inwards towards the rear property line.</p> <p>Figure 4.22: The “Sensitive Frontage Depth” applies to the Portion of New Development within Sensitive Response Area Part 1.</p>	0’	50’	25’
C	Maximum stories in Sensitive Frontage Depth	<p>The maximum number of stories permitted within the Sensitive Frontage Depth.</p> <p>Figure 4.22: The “maximum stories in Sensitive Frontage Depth” applies to the Portion of New Development within Sensitive Response Area Part 1.</p>	3	2	2
D	Maximum stories within remainder of Sensitive Response Area (SRA)	<p>The maximum number of stories permitted beyond the minimum Sensitive Frontage Depth.</p> <p>Figure 4.22: The “Maximum stories within remainder of Sensitive Response Area (SRA)” applies to the Portion of New Development within Sensitive Response Area Part 2.</p>	3	3	3
E	Minimum setback required from shared property line	<p>The minimum distance from the side property line which is shared with the sensitive site and the new building wall.</p> <p>Figure 4.22: The “Minimum setback required from shared property line” applies to both Parts 1 and 2 of the Portion of New Development within the Sensitive Response Area.</p>	15’	0’	10’

FIGURE 4.22 COMPONENTS OF A SENSITIVE RESPONSE AREA

The figure below illustrates the components of a new development adjacent to a sensitive site. Each component is labeled accordingly, and referenced in Table 4.15. These components also correspond to the three options shown on the following pages.



OPTION 1



OPTION 2



OPTION 3



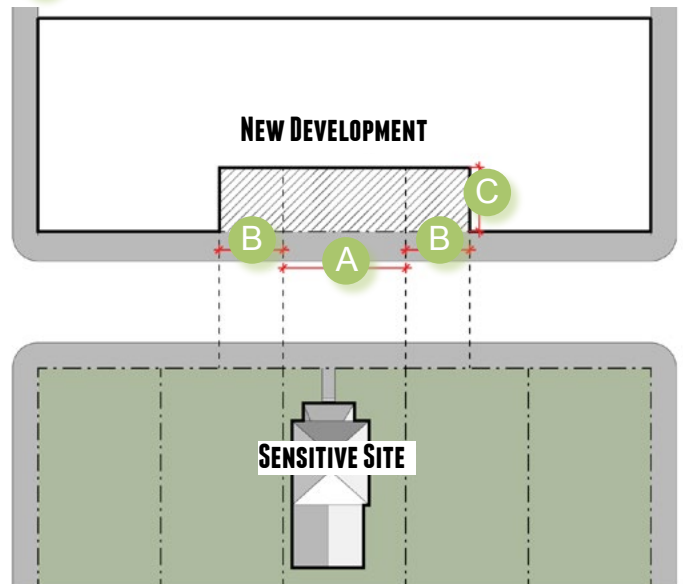
b. Property Across the Street or Alley from a Sensitive Site

1. [A contextual height stepdown is required for a property across the street or alley from a Sensitive Site. The requirements are applied as indicated in Figure 4.23.](#)

[The width of the sensitive site \(“A”\) plus a buffer of 25’ \(“B”\) on either side of the sensitive site width are required. Outside of these measurements, the varied massing requirements in section 4.3.4.7 must be applied. One of the following options is required in order to respond to the sensitive site across the street or alley from the new development:](#)

FIGURE 4.23 AREA OF A NEW DEVELOPMENT SUBJECT TO A SENSITIVE SITE

- A** [Width of a sensitive site property.](#)
- B** [Width of additional area subject to sensitive site requirements.](#)
- C** [Depth of area subject to sensitive site requirements.](#)



- A. Option 1: A maximum height of three stories is permitted within 25' of the property line of the street or alley that faces the sensitive site, and the entire building facade is set back a minimum of 10' from the property line. (Figure 4.24)
- B. Option 2: A maximum height of three stories is permitted within 25' of the property line of the street or alley that faces the sensitive site, and a minimum of twenty-five (25) percent of the building above the second story is stepped back a minimum of twenty-five (25) feet. (Figure 4.25)
- C. Option 3: A maximum height of three stories is permitted within 25' of the property line of the street or alley that faces the sensitive site, and a forecourt is incorporated. Refer to the Forecourt standards in Table 4.13 Building Elements Table. (Figure 4.26)

- 2. Figure 4.24 - 4.26 illustrate three options for how to treat a new development across the street or alley from a sensitive site. In these models, the sensitive site is assumed to be the entire block across the street from a new development. Therefore, the entire length of the new development must incorporate the selected option.

FIGURE 4.24 OPTION 1



FIGURE 4.25 OPTION 2



FIGURE 4.26 OPTION 3



- c. A site that immediately abuts or is directly across a street or alley from the boundary with a historic district or historic landmark.
- d. A site that immediately abuts or is directly across a street or alley from a district boundary of a conventional residential, ND-3, or ND-3.5 district.
- e. A site that immediately abuts or is directly across a street or alley from a site where a building that is listed on the National Register of Historic Places is located.

~~(Deleted Figure): Contextual Height Step Down Map~~

- ~~4. **Measuring a contextual height step down.** A contextual height step down is measured as follows:
 - ~~a. A maximum height of three stories is permitted within 25 feet of the abutting property line or transition zone boundary line where applicable.~~~~

~~(Deleted Figure): Contextual Height Step Down—Abutting Property~~

- ~~b. A maximum height of three stories is permitted within 12 feet of a property line across the street from an applicable district boundary.~~

~~(Deleted Figure): Contextual Height Step Down—across street~~

- D. Neighborhood Transition Access Requirements.** Site access in neighborhood transition areas shall be located to minimize negative impacts to adjoining properties.
 1. A driveway serving any non-residential use or multi-family living shall not be permitted to access neighborhood streets.
- E. Alternative Compliance Findings.** The Planning and Zoning Commission may in accordance with Section 2.8.4.1 approve modifications to the neighborhood transition standards, subject to all of the following findings:
 1. The approved alternate meets the intent of the neighborhood transition regulations;
 2. The approved alternate conforms with the Comprehensive Plan and adopted City plans; and
 3. The approved alternate provides a better transition between districts.
 4. [In CD-5D and the five downtown Design Contexts, the approved alternate conforms to the Downtown Design Guidelines.](#)