

**ORDINANCE NO. 2021-16**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING CHAPTERS 3 AND 4 OF THE SAN MARCOS DEVELOPMENT CODE AND APPENDIX A, ARTICLE 1 OF THE DESIGN MANUAL, BY, AMONG OTHER THINGS, UPDATING PROVISIONS CONCERNING NONCONFORMING STREETSAPES, THE CHARACTER DISTRICT 5 DOWNTOWN DESCRIPTION, THE MINIMUM TWO STORY BUILDING HEIGHT IN DOWNTOWN, AND THE DOWNTOWN ARCHITECTURAL DESIGN STANDARDS AND GUIDELINES RELATED TO VARIED MASSING, TRANSPARENCY, BLANK WALL AREA, EXPRESSION ELEMENTS, BUILDING ELEMENTS, AND CONTEXTUAL HEIGHT STEPDOWN; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.**

**RECITALS:**

1. The City Council hereby finds and determines that the adoption of the following ordinance 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.** Chapters 3 and 4 of the San Marcos Development Code, Subpart B of the San Marcos City Code and Appendix A, Article 1 of the Design Manual, are amended as set forth in Exhibit A, attached hereto and made a part hereof for all purposes. Added text, tables and illustrations are indicated by underlining. Deleted text, tables and illustrations are indicated by strikethroughs.

**SECTION 2.** 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 3.** 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**SECTION 4.** All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

**SECTION 6.** This ordinance will take effect after its passage, approval and adoption on second reading.

**PASSED AND APPROVED** on first reading on March 2, 2021.

**PASSED, APPROVED AND ADOPTED** on second reading on March 16, 2021.

Jane Hughson  
Mayor

Attest:

Approved:

Tammy K. Cook  
Interim City Clerk

Michael J. Cosentino  
City Attorney

**EXHIBIT A**  
[ATTACH DEVELOPMENT CODE AMENDMENTS]