

ORDINANCE NO. 2023-72

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE CITY'S DEVELOPMENT CODE TO, AMONG OTHER THINGS, ADDRESS CHANGES MADE IN THE 2023 LEGISLATIVE SESSION, IMPROVE DEVELOPMENT PROCESSES RELATED TO DEVELOPMENT AGREEMENTS, CERTIFICATES OF APPROPRIATENESS, DEMOLITION BY NEGLECT, AND PARKS AND OPEN SPACE DEDICATION, ADD CLARITY, CORRECT DISCREPANCIES WITHIN THE CODE, AND INCORPORATE CITY COUNCIL DIRECTION FOR CODE AMENDMENTS INCLUDING IMPROVED HISTORIC DISTRICT & LANDMARK DESIGNATION CRITERIA, INCREASING THE OCCUPANCY RESTRICTION LIMIT FROM TWO TO THREE UNRELATED PERSONS, CREATING A NEW BUSINESS PARK ZONING DISTRICT, AND MAKING WASTE RELATED SERVICES A CONDITIONAL USE IN ALL INSTANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

1. On August 25, 2023, the City's Planning and Zoning Commission considered the amendments to the San Marcos Development Code set forth herein and unanimously recommended approval to the City Council.

2. City Council held a public hearing on these amendments on September 19, 2023, and after considering comments and recommendations provided, 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. The San Marcos Development Code, Subpart B of the San Marcos City Code, is amended to read 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 All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.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 5. This ordinance will take effect after its passage, approval and adoption on second reading.

PASSED AND APPROVED on first reading on September 19, 2023.

PASSED, APPROVED AND ADOPTED on second reading on October 2, 2023.

Jane Hughson
Mayor

Attest:

Approved:

Elizabeth Trevino
Interim City Clerk

Samuel J. Aguirre
City Attorney

EXHIBIT A
[ATTACH DEVELOPMENT CODE AMENDMENTS]