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|-------------------------------|----|----|------|-------|------|-------|---|----|----|-------|-------|-------|-------|----|----|----|-----|---|----|----|----|----|----|-----|----|----|
| Types of Land Uses | FD | AR | SF-R | SF-11 | SF-6 | SF4.5 | D | DR | TH | PH-ZL | MF-12 | MF-18 | MF-24 | MR | MH | MU | VMU | P | NC | OP | CC | GC | HC | CBA | LI | HI |
| Purpose Built Student Housing | | | | | | | | | | | C* | C* | C* | | C* | C* | | | | | | | | | | |

*Conditional Use Permit receives a recommendation by Planning and Zoning Commission and finally approval decided by City Council.

Section 4.3.4.8 – Conditional Use Permits for Purpose Built Student Housing

- (a) Purpose Built Student Housing. The City Council shall hold a public hearing and finally decide all Conditional Use Permit requests as a negotiated agreement for purpose built student housing after review and a recommendation has been made by the P&Z. A Conditional Use Permit request for purpose built student housing shall not become effective except by the favorable vote of three-fourths of all members of the City Council when the P&Z recommends denial of the request.
- (b) Conditions. Conditions for a conditional use permit for purpose built student housing are as follows:
 - (1) Student Leases. Any residential dwelling lease that is executed and effective before the issuance of a certificate of occupancy by the City enabling the tenant to occupy the premises shall include a late delivery provision providing as follows:

“In the event the Leased Premises are unavailable for occupancy on or before the commencement date of this Lease, Landlord shall offer Tenant the choice of: 1) accepting temporary safe, decent, and sanitary housing, provided by Landlord, at an alternate location within the City of San Marcos, or within a seven mile radius of the Leased Premises, with Tenant remaining bound by the terms of the Lease; or 2) terminating the Lease with no financial penalty and with full reimbursement to Tenant of all deposits and pre-paid items within 10 days.”
 - (2) Before execution of any such lease, Applicant or Applicant’s successor or assignee operating the Purpose Built Student Housing allowed by a Conditional Use Permit shall, first, provide a copy of its form lease to the City for review and written approval consistent with this paragraph.
 - (3) In the event of a late delivery, the Applicant or Applicant’s successor or assignee operating the Purpose Built Student Housing allowed by a Conditional Use Permit shall, first, provide a copy of any correspondence communicating information about the late delivery and/or the student’s options for temporary housing to the City for review and written approval.