

ORDINANCE NO. 2017-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE SAN MARCOS SMARTCODE BY AMENDING SECTION 1.5.2 AND TABLE 5.7 TO PROVIDE THAT PURPOSE BUILT STUDENT HOUSING IS ALLOWED AS A USE IN T4 AND T5 TRANSECT ZONES ONLY BY A WARRANT FINALLY DECIDED BY THE CITY COUNCIL FOLLOWING A RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

1. The adoption of this Ordinance is in the interest of the public health, safety and welfare.

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

SECTION 1. The following provisions of the San Marcos SmartCode, Subpart C of the San Marcos City Code, are hereby amended as shown in Exhibit A, attached hereto and made a part hereof for all purposes. Amendments in Exhibit A are indicated by red font and underlining.

a. Section 1.5.2 is amended to provide that the City Council shall finally decide warrants for Purpose Built Student Housing following a recommendation from the Planning and Zoning Commission.

b. Table 5.7 is amended to add Purpose Built Student Housing as a type of residential use allowed in T4 and T5 Transect Zones only by a warrant finally decided by the City Council.

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 All ordinances and resolutions or parts of ordinances or resolutions in conflict with this Ordinance are repealed.

SECTION 4. This Ordinance will take effect after its adoption on second reading.

PASSED AND APPROVED on first reading on February 21, 2017.

PASSED, APPROVED AND ADOPTED on second reading on March 7, 2017.

John Thomaides
Mayor

Attest:

Approved:

Jamie Lee Case
City Clerk

Michael J. Cosentino
City Attorney

EXHIBIT “A”
Amendments to San Marcos SmartCode-Section 1.5.2 and Table 5.7
[Attached on following pages]