

ORDINANCE NO. 2016-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING SECTIONS 1.4.1.2, 1.4.1.4 AND 1.5.1.2 OF THE LAND DEVELOPMENT CODE TO REQUIRE THAT ANY REQUEST FOR AN AMENDMENT TO THE PREFERRED SCENARIO MAP OF THE CITY'S COMPREHENSIVE PLAN BE ACCOMPANIED BY AN APPLICATION FOR A CONSISTENT ZONING MAP AMENDMENT AND THAT TWO PUBLIC HEARINGS BE CONDUCTED BY THE CITY COUNCIL BEFORE CONSIDERATION OF AN AMENDMENT TO THE PREFERRED SCENARIO MAP; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

1. City staff proposed and the Planning and Zoning Commission has considered and recommended approval of revisions and amendments to the Land Development Code.
2. The City Council hereby finds and determines that the adoption of the following ordinance incorporating such revisions and amendments 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 Land Development Code is amended as set forth below. Added text is indicated by underlining. Deleted text is indicated by strikethroughs.

SECTION 2. Section 1.4.1.2(c) is amended as follows:

Section 1.4.1.2 Application Requirements

(a) *Responsible Official.* The Director shall be the responsible official for a petition for a Comprehensive Plan amendment submitted by a property owner.

(b) *Contents—Map Amendment.* An amendment to the Comprehensive Plan shall be accompanied by an application prepared in accordance with Chapter 1 of the Technical Manual.

(c) *Accompanying Applications.* A request for amendment of the Preferred Scenario Map submitted by a property owner must be ~~approved prior to~~ accompanied by an application for a consistent zoning amendment for land within the City limits, or by a Subdivision Concept Plat, for land within the

extraterritorial jurisdiction. After approval of a Preferred Scenario Map amendment, any accompanying applications shall be consistent with the amendments. In the case of a request to amend a facility master plan map, the application may be accompanied by a request to extend utilities. Thereafter, any accompanying applications shall be consistent with the amendments.

SECTION 3. Section 1.4.1.4(e) is amended as follows:

Section 1.4.1.4 Processing of Application and Decision

(a) *Submittal.* A petition for amendment of the Comprehensive Plan shall be submitted to the Director. Public hearing for the request will be held in accordance with the schedule established under Section 1.4.1.1(b)

(b) *Notice.* The Director shall cause personal notice of the hearing to be mailed in accordance with Article 3, Division 2 of this Chapter 1. In addition, for Preferred Scenario Map amendments, the Director may post supplemental documentation on the City's website and hold a public informational meeting with, members of the Neighborhood Commission and the Council of Neighborhood Associations (CONA) prior to the public hearing.

(c) *Hearing.* The Planning and Zoning Commission shall hold a public hearing on the petition in accordance with Article 3, Division 3 of this Chapter 1 after receiving the report and recommendation of the Director.

(d) *Commission Recommendation.* The Planning and Zoning Commission shall make a recommendation regarding the proposed Comprehensive Plan amendment(s) to the City Council. The Planning and Zoning Commission may recommend approval, approval with conditions, or denial of the petition for a Comprehensive Plan amendment.

(e) *Decision by Council.* Following receipt of the recommendation of the Planning and Zoning Commission, the City Clerk shall schedule ~~a~~ two public hearings to determine whether to approve and adopt the amendment(s). The City Clerk shall cause notice of ~~the~~ each hearing to be published in accordance with Article 3, Division 2 of this Chapter 1. After the public hearings ~~is~~ are closed, the Council may approve, reject or modify the requested amendments by adoption of an ordinance. The maps of the Comprehensive Plan shall be amended to reflect the Council's decision as needed.

SECTION 4. Section 1.5.1.2(a) is amended as follows:

Section 1.5.1.2 Sequence of Approvals

(a) *Prior Applications.* A petition for a zoning map amendment shall not be ~~accepted~~ approved unless the following petitions, where applicable, have been approved and remain in effect:

- (1) Any petition for amendment of the City's Comprehensive Plan upon which the petition for zoning map amendment is dependent; and
- (2) Any petition for amendment of the regulations in Chapter 4 of this Land Development Code required to authorize the use in the zoning district requested in the petition.

(b) *Subsequent Approvals.* No application for a quasi-judicial or administrative development application shall be approved until a petition for a zoning map amendment has been approved authorizing the use or standards proposed in the development application.

SECTION 5. 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.

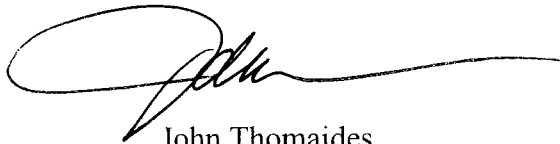
SECTION 6. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 7. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 8. This ordinance will take effect after its passage, approval and adoption on second reading.

PASSED AND APPROVED on first reading on August 16, 2016.

PASSED, APPROVED AND ADOPTED on second reading on September 6, 2016.




John Thomaides
Mayor Pro Tem

Attest:



Jamie Lee Case
City Clerk

Approved:



Michael J. Cosentino
City Attorney