

**ORDINANCE NO. 2021-88**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE CITY'S DEVELOPMENT CODE AS FOLLOWS: AMENDING TABLE 2.1 AND SECTION 2.5.5.3(A)(1) TO REQUIRE POSTED NOTICE OF A PUBLIC HEARING BEFORE THE HISTORIC PRESERVATION COMMISSION REGARDING A REQUEST FOR A CERTIFICATE OF APPROPRIATENESS; AMENDING SECTION 4.5.2.1(N)(2) TO ELIMINATE THE LIMITATION OF ALLOWING ONLY ONE DEMOLITION BY NEGLECT CASE TO BE CONSIDERED PER QUARTER; AND AMENDING SECTION 4.5.2.1(N)(3) TO REQUIRE NOTICE BY CERTIFIED MAIL TO THE OWNER OF A PROPERTY BEING CITED FOR DEMOLITION BY NEGLECT; 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.** The San Marcos Development Code, Subpart B of the San Marcos City Code, is amended as set forth in Exhibit A, attached hereto and made a part hereof for all purposes. Added text is indicated by underlining. Deleted text is 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**SECTION 4.** All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.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 October 19, 2021.

**PASSED, APPROVED AND ADOPTED** on second reading on November 3, 2021.

Jane Hughson  
Mayor

Attest:

Approved:

Tammy K. Cook  
Interim City Clerk

Michael J. Cosentino  
City Attorney

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## ARTICLE 5: ZONING PROCEDURES

### DIVISION 5: CERTIFICATES OF APPROPRIATENESS

#### Section 2.5.5.3 Approval Process

##### A. Responsible Official Action.

1. The Responsible Official shall review the application for a certificate of appropriateness in accordance with the criteria in Section 2.5.5.4 and provide a report and recommendation to the Historic Preservation Commission.
2. The responsible official shall schedule a public hearing and prepare personal notice [and posted notice](#) before the public hearing in accordance with Section 2.3.2.1.

### DEMOLITION BY NEGLECT

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## CHAPTER 4. ZONING REGULATIONS

### ARTICLE 5: OVERLAY DISTRICTS

#### DIVISION 2: HISTORIC DISTRICTS

##### Section 4.5.2.1(N) Demolition by Neglect

~~2. Due to the time-consuming nature of pursuing enforcement under this section, no more than one property will be under consideration during each of the following quarters (January – March, April – June, July – September and October – December).~~

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3. The procedure for citing a property for Demolition by Neglect shall follow Section.
  - a. Initial identification is made by visual inspection of the area by the Responsible Official or an HPC member or by referral from someone in the area. All referrals shall be made in writing and shall be submitted to the Responsible Official.
  - b. Once the initial identification is made, followed by a preliminary determination by the Responsible Official, the property owner shall be notified by [certified](#) US mail of the defects of the building and informed of various incentive programs that may be available for repair. The property owner shall have thirty (3) days in which to respond to the preliminary determination by submitting a stabilization proposal