



# MEMO

**TO:** City Council  
**FROM:** Planning and Development Services Department  
**DATE:** May 1, 2026  
**RE:** Latest amendments from the April 21, 2026 City Council on Proposed San Marcos Land Development Code Amendments.

## AMENDMENTS PROPOSED BY CITY COUNCIL ON APRIL 21

The following 13 amendments proposed by City Council at the April 21, 2026 City Council meeting.

### Amendments:

Topic	Amendments																																																																																																				
Chapter 2: Waiting Periods	<p><b>2.5.1.2.F Waiting Periods for Certain Amendments</b></p> <p>1. A request to change the zoning district designation for a tract of land shall not be considered by the Planning and Zoning Commission or the City Council within one year of any of the following:</p> <p>a. <del>Passage by A the</del> City Council <del>of a motion to deny vote to deny</del> the same requested change for all or any portion of the parcel;</p>																																																																																																				
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Chapter 3: Street Names	<p><b>Section 3.5.2.7 New Streets</b></p> <p>C. All new streets shall be named at the time of platting. Street names shall be subject to City and County approval when located within the City limits, and County approval when located within the ETJ. The applicant shall include a list of proposed street names with the plat application including, <del>at the option of the applicant,</del> a summary of the significance of the requested street names <u>if the names have historical significance.</u></p>																																																																																																				
Chapter 5: Data Centers	<p><b>Table 5.1 Land Use Matrix</b></p> <table border="1"> <thead> <tr> <th rowspan="2">Types of Land Uses</th> <th colspan="5">Conventional Residential</th> <th colspan="5">Neighborhood Density Districts</th> <th colspan="5">Character Districts</th> <th colspan="5">Special Districts</th> <th rowspan="2">Definition Use Standards</th> </tr> <tr> <th>FD</th> <th>MH</th> <th>SF-R</th> <th>SF-6</th> <th>SF-4.5</th> <th>ND-3</th> <th>ND-3.2</th> <th>ND-3.5</th> <th>ND-4</th> <th>N-CM</th> <th>CD-1</th> <th>CD-2</th> <th>CD-2.5</th> <th>CD-3</th> <th>CD-4</th> <th>CD-5</th> <th>CD-5D</th> <th>BP</th> <th>HC</th> <th>LI</th> <th>HI</th> <th>MH</th> <th>CM</th> </tr> </thead> <tbody> <tr> <td>Industrial</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> <tr> <td>Data Center</td> <td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>C*</td><td>-</td><td>-</td><td>Section 5.1.7.10</td> </tr> </tbody> </table> <p><b>Legend – Add C* Conditional Use Permit - Council Approved</b> to the legend.</p> <table border="1"> <tr> <td>P Permitted Use</td> <td>L Limited Use</td> <td>C Conditional Use</td> <td>C* Conditional Use Permit - Council Approved</td> <td>-- Uses Not Permitted</td> </tr> </table>	Types of Land Uses	Conventional Residential					Neighborhood Density Districts					Character Districts					Special Districts					Definition Use Standards	FD	MH	SF-R	SF-6	SF-4.5	ND-3	ND-3.2	ND-3.5	ND-4	N-CM	CD-1	CD-2	CD-2.5	CD-3	CD-4	CD-5	CD-5D	BP	HC	LI	HI	MH	CM	Industrial																									Data Center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C*	-	-	Section 5.1.7.10	P Permitted Use	L Limited Use	C Conditional Use	C* Conditional Use Permit - Council Approved	-- Uses Not Permitted
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	Purpose Built Student Housing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C*	C*	-	-	-	-	-	-	Section 5.14.9
<b>Chapter 5: Restaurant/Bar</b>	<p><b>Section 5.1.5.5.B.4.b.3 Restaurant/Bar</b>  The business must <del>serve meals</del> <u>have meals available</u> to customers <del>during at least two meal periods at least 8 hours each day during the hours that</del> the business is open. A meal must consist of at least one entree, such as a meat serving, a pasta dish, pizza, a sandwich or similar food in a serving that serves as a main course for a meal. At least three entrees must be available during each <del>meal period</del> meal service. <del>A meal period means a period of at least four hours.</del></p>																									
<b>Chapter 5: Data Centers</b>	<p><b>Section 5.1.7.10 Data Center</b>  <u>On-site generators serving as a backup power source shall be designed, installed, and operated to meet the United States Environmental Protection Agency Tier 4 emission standards and certification requirements</u></p>																									
<b>Chapter 5: Data Centers</b>	<p><b>Section 5.1.7.10 Data Center</b>  Defined. A facility, or group of facilities, housing a collection of computer servers and associated components, such as telecommunication, storage and backup systems, that supply information to single or multiple end users off-site, <u>including, but not limited to, cryptocurrency mining and facilities.</u> May also be referred to as a server farm. The use of on-site gas/coal power generation for the data center shall be considered the use of a Major Utility and shall require a Conditional Use Permit.</p>																									
<b>Chapter 5: Data Centers</b>	<p><b>Section 5.1.7.10 Data Center</b>  All structures shall be setback 200 feet from the property line, <u>and 1,000 feet from a property with any of the following: (i) a residential use; (ii) a zoning category which permits residential use; (iii) hospital or health facility with overnight patients; (iv) hotel; (v) agricultural use; (v) school; and (v) day care facility</u></p>																									
<b>Chapter 5: Data Centers</b>	<p><b>Section 5.1.7.10 Data Center</b>  <u>No data center may use a potable water source for cooling purposes. All cooling systems for data centers must use non-potable water sources, such as reclaimed water, or employ alternative cooling technologies that do not require potable water.</u></p>																									
<b>Chapter 5: Data Centers</b>	<p><b>Section 5.1.7.10 Data Center</b>  <u>The location and operation of any power generation on the property shall be subject to conditions as part of the conditional use permit process.</u></p>																									
<b>Chapter 5: Data Centers</b>	<p><b>Section 5.1.7.10 Data Center</b>  <u>The site shall be designed to minimize noise impact on neighboring residential, hotel, hospitals, and other uses where people sleep overnight, and activity on the property shall not produce sound in excess of 60 decibels in accordance with Section 7.4.2.1 (B). As part of the conditional use permit process, conditions may be placed on the property to regulate noise.</u></p>																									
<b>Chapter 2: CUP Criteria for Approval</b>	<p><b>Section 2.8.3.4 Criteria for Approval</b></p> <ul style="list-style-type: none"> <li><u>The proposed use may contribute to strain on natural resources, such as water," or similar.</u></li> <li><u>The proposed use may contribute to strain on public services or utilities, such as electricity, water, and wastewater," or similar.</u></li> </ul>																									

## CITY COUNCIL DIRECTION

City Council directed staff to look into definition on regarding the data center and requiring a super majority and time delay for Preferred scenario amendments

Defined. This definition is intended for a Data Center that is the principal and primary use of the lot or building. A facility, or group of facilities, housing a collection of computer servers and associated components, such as telecommunication, storage and backup systems, that supply information to single or multiple end users off-site, including but not limited to, cryptocurrency mining and facilities. May also be referred to as a server farm. The use of on-site gas/coal power generation for the data center shall be considered the use of a Major Utility and shall require a Conditional Use Permit. A Data Center shall provide services primarily to off-site users. Facilities providing services on-site are not considered a Data Center if the use occupies less than 10 percent of the development's total gross floor area.

The approval of a Comprehensive Plan amendment requires a super majority vote of six (6) members of the City Council.

### 2.4.2.3 Waiting Periods for Comprehensive Plan Map Amendments

A request to change the Comprehensive Plan Map Amendment shall not be considered by the Planning and Zoning Commission or the City Council within one year of any of the following:

- a. Passage by the City Council of a motion to deny the same requested change for all or any portion of the parcel;
- b. Withdrawal of the same requested change by the applicant at any time after the first City Council meeting at which the change is to be considered has been called to order.

## ADDITIONAL STAFF AMENDMENTS

The following five amendments were proposed by staff at the April 21, City Council Meeting. Staff has included them here for Council's review.

**Proposed Amendment #1:** Revise Section 5.1.5.5.B.7 "The business shall be responsible for maintaining the subject property and the abutting right-of-way, excluding the public street or alley pavement, within 100 feet of any entrance and exit, in a clean and sanitary conditions, free from litter and refuse at all times. The maintenance responsibilities shall not overlap another alcohol CUP holder's maintenance area" This amendment was discussed and recommended by the Joint Planning and Zoning Commission / City Council Conditional Use Permit Committee at their April 4, 2026 meeting.

**Proposed Amendment #2:** Revise Section 5.1.5.5.E.2.c "The business shall be responsible for maintaining the subject property and the abutting right-of-way, excluding the public street or alley pavement, within 100 feet of any entrance and exit, in a clean and sanitary conditions, free from litter and refuse at all times. The maintenance responsibilities shall not overlap another alcohol CUP holder's maintenance area" This amendment was discussed and recommended by the Joint Planning and Zoning Commission / City Council Conditional Use Permit Committee at their April 4, 2026 meeting.

**Proposed Amendment #3:** Revise the Development Code to prohibit a food truck from being used to meet the definition of a "Restaurant". within the Downtown Central Business Area (CBA). This amendment was discussed and recommended by the Joint Planning and Zoning Commission / City Council Conditional Use Permit Committee at their April 4, 2026 meeting.

**Proposed Amendment #4:** Revise the Development Code to prohibit a food truck from being used to meet the definition of a "Bar" within the Downtown Central Business Area (CBA). This amendment was discussed and recommended by the Joint Planning and Zoning Commission / City Council Conditional Use Permit Committee at their April 4, 2026 meeting.

**Proposed Amendment #5:** Revise Section 2.2.4.2, Review Authority to align with recent State Legislative changes per Section 211.0061 of the Texas Local Government Code. This proposed amendment does not change the substance of the original Draft Development Code language and seeks to rearrange text to provide clarity and avoid duplication. A copy of the revised text is included in the packet as a separate attachment.