



San Marcos Development Code Amendments, 2026

Receive a Staff presentation for or against Ordinance 2026-08, amending the City's Development Code and associated design manual to, among other things, update applicability and processes for certain development permits; update provisions concerning parkland dedication requirements; establish an optional Development Overlay Regulating Plan to accompany zoning change requests; provide standards for new and emerging development types within the Land Use Matrix such as Data Centers; update and clarify landscaping and tree mitigation requirements for new development; correct typos and inconsistencies, and update the code to reflect recent changes to state law; providing a savings clause; providing for the repeal of any conflicting provisions; and declaring an effective date; and consider approval of Ordinance 2026-08 on the first of two readings.

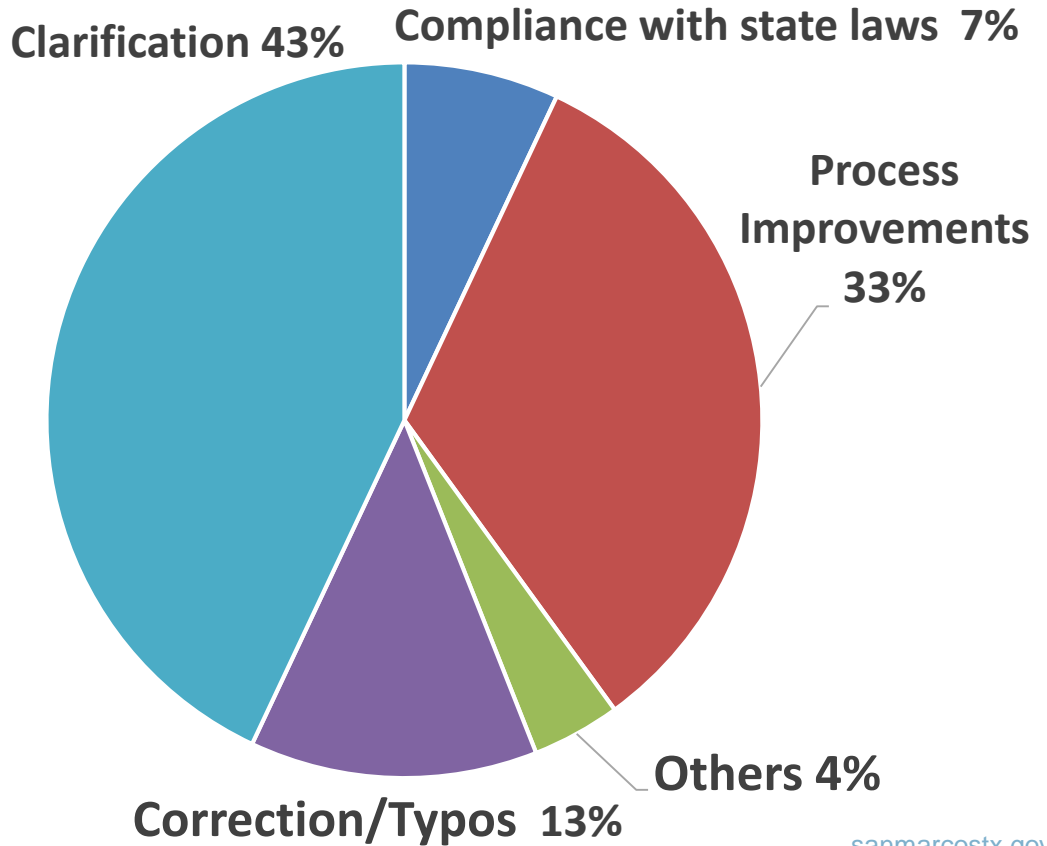


Overview

In August 2025, the San Marcos City Council authorized updates to the Development Code and Design Manual.

325 Total Edits: 5 Key Categories

- Compliance with State Laws
- Process Improvements
- Clarification
- Corrections/ Typos
- Others





Code Consideration Timeline

City Council Initial Authorization (August 19, 2025)

Public Comments

- Open House: October 9
- Comment Period: September 29 – October 26
- Development Stakeholder Survey: September 29– October 14

Updates to Boards/Commissions

- Historic Preservation Commission: October 2
- Planning & Zoning Commission: October 14
- Parks & Recreation Advisory Board: October 23
- Neighborhood Commission: November 19

Adoption Process

- Planning and Zoning Consideration and Recommendation: February 10
- City Council Public Hearing: March 3 (Action was postponed to April 21)
- City Council Public Hearing: April 21 (Action was postponed to May 5)
- **City Council 1st Reading: May 5**
- City Council 2nd Reading: May 19

Planning and Zoning Commission Recommendation



On February 10, 2026 the Planning and Zoning Commission voted 6-0 to **recommend approval** of the Development Code with 5 amendments as indicated in the packet.

***Note:** All P&Z Amendments have been incorporated into the mark-up of the Draft Development Code in the packet and are highlighted in yellow in the Justification Table*

Staff Recommendation



Staff recommends approval of the Development Code & Design Manual as presented in the Council Packet with the addition of five proposed amendments:

Staff Recommendation #1



- Staff Amendment #1: Revise Section 5.1.5.5.B.7 as follows:
- ***“The business shall be responsible for maintaining the subject property and the abutting right-of-way, excluding the public street or alley pavement, sidewalk, gutters, parking lot, all areas within 100 50 feet of any exit and entrance, 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”***

Justification: This amendment was discussed and recommended by the Joint Planning and Zoning Commission / City Council Conditional Use Permit Committee at their April 1, 2026 meeting.

Staff Recommendation #2



- **Staff Amendment #2:** Revise Section 5.1.5.5.E.2.c as follows:
- ***“The business shall be responsible for maintaining the subject property and the abutting right-of-way, excluding the public street or alley pavement, sidewalk, gutters, parking lot, all areas within 100 ~~50~~ feet of any exit and entrance, 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”***

Justification: This amendment was recommended by the Joint Planning and Zoning Commission / City Council Conditional Use Permit Committee at their April 1, 2026 meeting.

Staff Recommendation #3



- **Staff Amendment #4:** 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).

Justification: This amendment was recommended by the Joint Planning and Zoning Commission / City Council Conditional Use Permit Committee at their April 1, 2026 meeting.



Staff Recommendation #4

- **Staff Amendment #5:** 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).

Justification: This amendment was recommended by the Joint Planning and Zoning Commission / City Council Conditional Use Permit Committee at their April 1, 2026 meeting.



Staff Recommendation #5

- **Staff Amendment #6:** 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.

Justification: 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.



Overview of Typographical Edits



Formatting, Grammar, and Typographical Edits

The following edits have been incorporated into the most recent version of the Land Development Code included in the Council packet.

- **#2-3** – Remove this edit. Staff identified that this edit should not be included and was made in error. A Zoning Map Amendment and a City-Initiated Zoning Map Amendment are two separate processes and should not be combined in Table 2.1.
- **#4-58** – Revise from “Building location and height” to “Location and heights of buildings”.
- **#5-3** – Rename “Community Home / Sober Living” to “Community Home, including Sober Living” in the Land Use Matrix.



Formatting, Grammar, and Typographical Edits

- **#7-20** – ND-3.2 was identified as missing from the Transitional Protective Yard Table. To fix this, add ND-3.2 zoning to this Table and match the requirements for CD-2.5.
- **#3-66** – Remove “general” from the description where it was left in the description twice.
- **#4-40** – Add horizontal lines (bars) to the table to help improve readability of percentage allocations and repeat the column headers on the second page of the table.
- **#4-56** – Move the new section on “Airport Hazard Zoning and Surrounding Land Use” to the end of Division 3 to improve readability.
- **#5-5** – Repeat the Land Use Matrix column header at the bottom of each page to improve readability.



Formatting, Grammar, and Typographical Edits

- **#5-14** – In section 5.1.4.12.A., remove the “/” between Community Homes and Sober Living Homes and replace with “and”.
- **#5-21** – Revise “Day Care” to two words throughout the Code.
- **#7-2** – Change “caliper” to “diameter” within this section.
- page to improve readability
- **#7-2** – Correct misspelling of “Parking” in subsection 4.
- **#5-28** – Updated the Land Use Matrix “Civic” use category to include the name “Church”.
- **#9-1** – Removed references to Occupancy Restricts from Chapter 9 to be consistent with edits throughout the Code.
- Fix a number formatting error in Section 5.1.5.5.B.2.



Planning and Zoning Commission Amendments

P&Z Amendment #1



Item #0-2 - to keep the word “Density” in the name of all Neighborhood “Density” Zoning Districts

Justification Table: The edit to remove the term “Density” from the name of these zoning districts was proposed by the public (citizen comments received)



Excerpt from page 4:64

P&Z Amendment #2



Item #3-26 - Remove “if applicable” and replace with “at the option of the applicant”

Justification Table: This edit was initially directed by City Council to request the applicant to include a summary of the significance of any street names in their application.

- 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, if applicable, a summary of the significance of the requested street names.

“at the option of the applicant”

Excerpt from page 3:23

P&Z Amendment #3



Item #5-15 - Delete "non-consecutive" from third line.

Justification Table: This edit was proposed by the Joint PZ / City Council Conditional Use Permit Committee

3. The business must serve meals to customers ~~during at least two meal periods~~ at least 8 non-consecutive hours each day 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 ~~meal period~~ meal service. ~~A meal period means a period of at least four hours.~~

Excerpt from page 5:23

P&Z Amendment #4



C. Accessory Dwelling Units

1. **Defined.** A secondary living space which shares ownership and utility connections, and which is on-site with a primary living space and that may be contained within the same structure as is the primary living space, or may be contained in a separate structure.
2. **Use Standards.** Where a new accessory dwelling unit is allowed as a limited use it is subject to the following standards:

~~a. An accessory dwelling unit is considered an independent unit for the purposes of occupancy restrictions.~~

~~a. Where a new accessory dwelling unit is allowed as a limited use it is subject to the following standards:~~

~~1. The owner of the lot or parcel of land must maintain his or her primary residence on the lot;~~

- a. No more than one accessory dwelling unit may exist on a lot or parcel of land; and
- b. The habitable area of the accessory dwelling unit must not exceed the lesser of 1000 square feet or one-half the number of square feet of habitable area of the principal dwelling on the lot or parcel of land.

Item #5-15 – Reorganize the text

FIGURE 5.4 ACCESSORY DWELLING UNITS



*Excerpt from
page 5:11*

P&Z Amendment #5



Item #2-25 – Revise Section 2.8.3.4.A as follows.

***Note:** This amendment was discussed and received consensus at the February 4, 2026 Planning and Zoning Commission / City Council Joint CUP Committee meeting*

8. The proposed use meets the standards for the applicable district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood;
9. Any other factors which shall substantially affect public safety; and
10. Any other factors which shall substantially affect public health.

C

#2-25

Excerpt from page 2:56