



# 2026 San Marcos Development Code Update – 2<sup>nd</sup> Reading

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.



# Recap of the May 5 City Council meeting

At the May 5 City Council meeting, Council recommended approval of the Development Code with amendments.

## How to view the amendments:

- A separate memo is included in the Council packet outlining all amendments.
- All amendments have been incorporated into the Development Code included in the Council packet and are indicated with a yellow box and a note describing the amendment.
- All amendments have been added to the Justification Table in the Council packet.



# **Qualified Watershed Protection Plan**

# Qualified Watershed Protection Plan (QWPP)

## Recap of Edit #2-7, #2-21



### What is a QWPP, WPP1, & WPP2?

- A permit which identifies drainage, water quality, and mitigation.
- Administratively approved by Staff

### What's the difference between a Qualified WPP and a WPP1 or 2?

- A QWPP requires an informational presentation at Planning & Zoning Commission (P&Z)
- All other standards are reviewed as part of a Watershed Protection Plan Phase 1 or Phase 2.

- **About the Edit:** Proposes to remove the “Qualified Watershed Protection Plan” requirement, which entails an informational presentation at P&Z.
- **Purpose of the Edit:** To streamline and shorten development timelines in certain circumstances
  - Does not remove water quality and environmental protective requirements.
  - A WPP Phase 1 or Phase 2 is still required per Code, and all applicable standards apply.

# Qualified Watershed Protection Plan (QWPP) Internal Improvements following Code Adoption



To promote **transparency and public access** to QWPP information following administrative approval, staff is proposing the following internal changes:

1. Staff will develop a **QWPP Online Map Viewer** allowing the public to spatially locate and find information related to an approved QWPP.
2. Staff will provide a **Report to the Planning and Zoning (P&Z) Commission** following the approval of a QWPP to provide notification to the P&Z and public.

# Learn about Development Projects

<b>Permit Map</b>	Searchable map displays all permits since 2012 with information including permit number, type, status, and application date.
<b>Search Planning Cases</b>	Searchable database for all zoning or subdivision plat cases. To search, create an account online at <a href="http://www.mgoconnect.com">www.mgoconnect.com</a>
<b>Administrative Plat Map</b>	Searchable map displays all approved subdivision plats since October 2023
<b>Historic Interest Map</b>	Searchable map displays local historic districts, designated historic landmarks, and the results from the 2019 Historic Resources Survey.
<b>Public Information Request</b>	Request government information

**Visit:** [www.sanmarcostx.gov/4746/Interactive-Maps](http://www.sanmarcostx.gov/4746/Interactive-Maps)





# **Overview of On-Premise Consumption of Alcohol Requirements in the Central Business Area (CBA)**

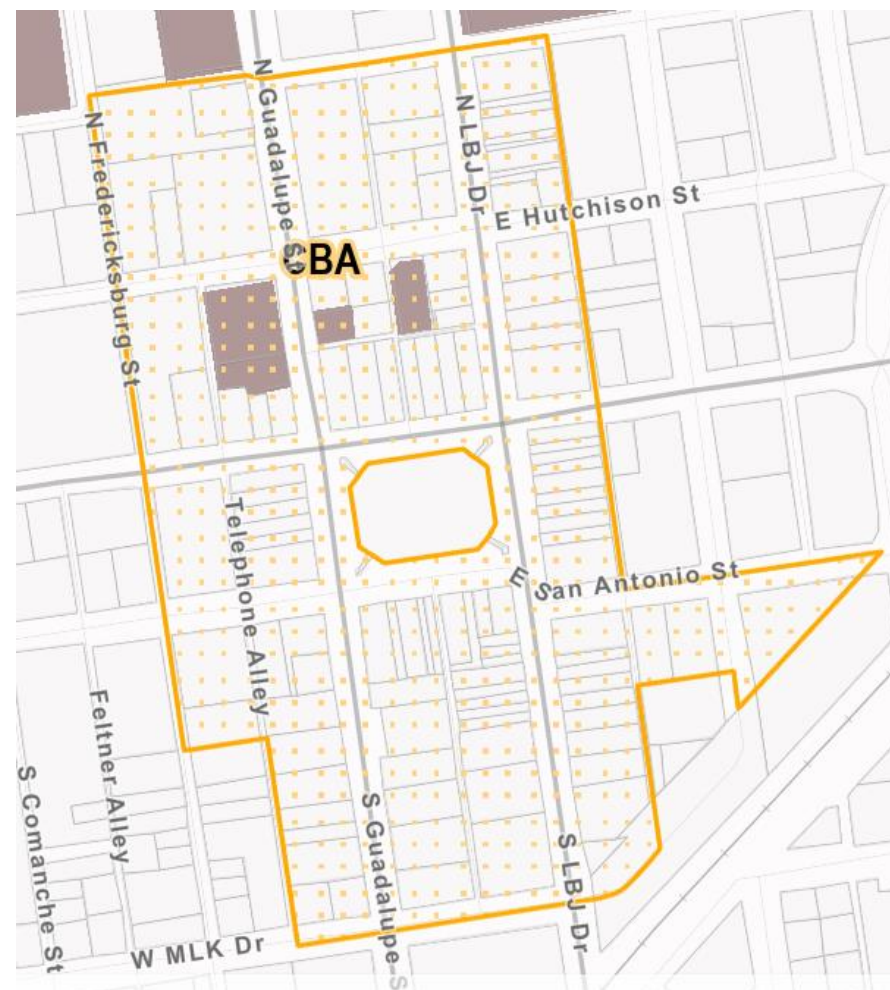


# What is a **Conditional Use Permit (CUP)** for on-premise consumption of alcohol?

- The use of “on-premise consumption of alcohol” requires a **Conditional Use Permit (CUP)** in most commercial zoning districts in the City Limits. The use is not permitted by-right in any zoning district.
- A CUP application is submitted by an applicant and is reviewed in accordance with the **Development Code criteria**.
- The CUP is considered by the **Planning and Zoning Commission** during a public hearing.
- **Conditions** are recommended by staff to assure compatibility with adjoining uses (approval timeframe, noise, site design, etc.) [sanmarcostx.gov](http://sanmarcostx.gov)

# Central Business Area

- The Central Business Area (CBA) is a geographical boundary located in the downtown area.
- Within the CBA, there is a **limit on the number of Conditional Use Permits (CUPs)** that can be approved for on-premise consumption of alcohol.
- There are two categories of limits: 1) Bar, and 2) Eating Establishment (Restaurant).





# Central Business Area (CBA) - Alcohol

## Bar:

- A facility that primarily sells alcoholic beverages for on-premise consumption and **may** include the sale of food.
- The total number of “Bar” CUP Permits in the Downtown CBA is **limited to 14**. **There are currently 14 Bar permit holders (maxed out)**.
- Examples of Bar CUP Permits in the CBA:
  - Davenport (194 S Guadalupe Street)
  - Showdown (207 E Hutchison Street)

## Eating Establishment (Restaurant):

- A facility that primarily sells food and drink and **may** include the on-premise consumption of alcohol
  - CUP needed for on-premise consumption of alcohol
- The total number of “Restaurant” CUP Permits in the Downtown CBA is **limited to 25**. Currently, there are 16 in the CBA.
- Examples of Bar CUP Permits in the CBA:
  - Crafthouse (242 N LBJ Drive)
  - Toma Taco (179 S LBJ Drive)



# Central Business Area (CBA) - Alcohol Eating Establishment (Restaurant) Requirements

1. Permits for an eating establishment including alcohol sales in the downtown CBA boundary are valid for up to three years from date of issuance. A renewal permit for a current permit holder may be administratively issued under Section 2.8.3.7
2. The business must have a kitchen and food storage facilities of sufficient size to enable food preparation. The kitchen must be equipped with, and must utilize, a commercial grill, griddle, fryer, oven, or similar heavy food preparation equipment in accordance with the City's Health Code.
3. The business must ~~serve meals~~ have meals available to customers during at least two meal periods at least 8 hours each day during the hours that 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.
4. The business must be used, maintained, advertised, and held out to the public as a place where meals are prepared and served. An eating establishment shall have a posted menu on their website and any applicable social media platforms.
5. The business must be used, maintained, advertised, and held out to the public as a place where meals are prepared and served.
6. The number of active restaurant permits in the central business area zoning district shall not exceed 25. If there are 25 active restaurant permits, any further applications for restaurant permits in the district shall be placed on a waiting list and individually referred to the commission for consideration within 45 days, in the same order as submitted, when the number of restaurant permits is less than 25.
7. The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas the subject property and the abutting right-of-way, excluding the public street or alley pavement, within 100 50 feet of any entrance and exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times. The maintenance responsibilities shall not overlap another alcohol CUP holder's maintenance area.

# Recap of May 5 City Council Amendment (#5-41)



## Mobile Food Unit as a Bar in the CBA

**Summary:** This amendment prevents a Mobile Food Unit as solely a “Bar” use within the Downtown CBA Boundary.



*Example of a “Bar” within a Mobile Food Unit at the Prime Outlet Malls (Tapville)*

b. **Downtown CBA Boundary.** Where a bar is located in the downtown CBA boundary the following additional standards apply:

1. In the Downtown CBA boundary the total number of bars is limited to 14. If the maximum number of active bars has been met, or may be met if any one or more pending applications are approved, any further applications in the Central Business Area shall be placed on a waiting list and individually referred to the Planning and Zoning Commission for consideration within 45 days, in the same order as submitted, when the number of permits is less than the maximum allowed.
2. A mobile food unit shall not be permitted as a Bar in the Downtown CBA Boundary. A mobile food unit proposing on-premise consumption of alcohol within the Downtown CBA Boundary must be an Eating Establishment in accordance with Section 5.1.5.5.B and following the requirements in the Downtown CBA Boundary outlined in Section 5.1.5.5.B.3.b.

**#5-41**

This amendment was approved on first reading at the May 5th City Council meeting.

# Additional Info (#5-41)



A Mobile Food Unit is still allowed in the Downtown CBA Boundary as a Restaurant use **(with NO alcohol sales)**.



*Example of a Mobile Food Permit that serves as a “Restaurant” use (Café Cortado) – this example is not in the Downtown CBA.*

[sanmarcostx.gov](http://sanmarcostx.gov)

# Additional Info (#5-41)

A Mobile Food Unit may still propose on-premise consumption of alcohol with a Conditional Use Permit in the Downtown CBA **but must meet the requirements of an Eating Establishment.**

*\*\*All alcohol CUPs require approval by the Planning and Zoning Commission*



***Hypothetical Example 1:*** A business owner wants to occupy an existing retail space and propose an Eating Establishment with on-premise consumption of alcohol. A food truck at the rear of the lot can serve as an incremental way to have a restaurant and meet the Eating Establishment Requirements related to on-premise consumption of alcohol.

# Additional Info (#5-41)



A Mobile Food Unit may still propose on-premise consumption of alcohol with a Conditional Use Permit in the Downtown CBA **but must meet the requirements of an Eating Establishment.**

*\*\*All alcohol CUPs require approval by the Planning and Zoning Commission*



***Hypothetical Example 2:*** A property owner with a vacant lot proposes placing a Mobile Food Unit on the property to serve as an Eating Establishment (Restaurant) with on-premise consumption of alcohol.



# **Staff Recommendation:**

## **Clarify the text related to Mobile Food Units**

# Staff Recommendation #1

## Define a Mobile Food Unit within the “Restaurant” use section of the Code.

**Reason for Amendment:** This amendment clarifies that a Mobile Food Unit on a lot is considered an “Eating Establishment”. This is consistent with how staff has interpreted this use historically and memorializes this in the Code.

### Section 5.1.5.5 Restaurant/Bar

#### A. Eating Establishment.

1. **Defined.** A facility that prepares and sells food and drink that may or may not include the sale of alcohol for on premise consumption. Eating establishments include the following uses:
  - a. Brewpub.
  - b. Coffee or tea shop.
  - c. Restaurant, take out or pizza delivery facility.
  - d. Restaurant, fast-food.
  - e. Restaurant, sit down.
  - f. Yogurt or ice cream shop.
  - g. Mobile Food Unit.
    1. Defined. An establishment that is a vehicle-mounted self or otherwise propelled self-contained food or beverage service operation designed to be readily moveable, and used to serve or sell food and/or beverages.
    2. Use Standards. Building types, building standards, and building materials do not apply to mobile food units.



# Staff Recommendation #2



## Reference the definition of a Mobile Food Unit within the “Bar” use section of the Code.

**Reason for Amendment:** This amendment clarifies that a mobile food unit on a lot can be considered a “Bar”, to be consistent with the new definition outlined in Amendment #1. (Example: Tapville)

*\*\*Note, the Council amendment discussed earlier prevents a Mobile Food Unit to be a Bar in the Downtown CBA.*

### Section 5.1.5.5 Restaurant/Bar

#### C. Bar.

1. **Defined.** A facility that primarily sells alcoholic beverages for on premise consumption and may include the sale of food. [A bar includes mobile food units as defined in Section 5.1.5.5.B.](#)

# Staff Recommendation #3

## Update the name of a “Mobile Food Unit” within the “Mobile Food Court” use section of the Code.

**Reason for Amendment:** This amendment updates the terminology in the Mobile Food Court definition to be consistent with the new definition outlined in Amendment #1.

### Section 5.1.5.5 Restaurant/Bar

#### B. Mobile Food Court

1. **Definition.** A parcel of land where one or more mobile food units ~~trailers~~ congregate to offer food or beverages for sale to the public. Mobile food courts are designed as an incremental and temporary use.
2. **Use Standards.** Where a mobile food court is established the following standards shall apply:
  - a. No parking shall be located between the food trailers and the frontage
  - b. Building types, building standards, and building materials do not apply to mobile food units ~~trailers~~.



# Staff Recommendation #4



## Update the name of “Mobile Food Unit” and duplicate primary use standards in the “Accessory” use section of the code.

**Reason for Amendment:** This amendment updates the terminology in the Mobile Food Court definition to be consistent with the new definition outlined in Amendment #1.

### Section 5.1.3.1 Accessory Buildings/ Structures

**A. Defined.** A structure enclosing or covering usable space where the use of such structure is incidental and subordinate to one or more principal buildings. Accessory structures include but are not limited to the following:

1. Kiosk
2. ~~Mobile Food Unit Truck~~
3. Shed
4. Accessory Dwelling Unit

### B. Use Standards

1. Setback, minimum parking, parking location, and height requirements for all accessory structures are established and set forth in Chapter 4 district descriptions and building type standards and Chapter 7 minimum parking.
2. ~~No accessory structure may be located closer than 10 feet to any other building or structure on the same lot.~~
2. ~~Building types, building standards, and building materials do not apply to mobile food units.~~

# Staff Recommendation



Staff recommends approval of the Development Code & Design Manual as presented in the Council Packet with the addition of staff amendments as presented.