



MEMO

TO: City Council
FROM: Planning and Development Services Department
DATE: April 9, 2026
RE: Public responses at the March 3, 2026 City Council Public Hearing on Proposed San Marcos Land Development Code Amendments.

BACKGROUND

The City of San Marcos is updating its Land Development Code (LDC) and Design Manual—the set of rules that guides how the city grows and develops. On August 19, 2025, City Council provided initial authorization to update the LDC. This update will help implement the Vision SMTX Comprehensive Plan (approved on October 15, 2024), improve development processes, align with state law, and address new types of development.

Staff have proposed approximately 325 edits to the Land Development Code. These proposed changes were compiled from a variety of sources, including public comments, open house feedback, discussions with the City Council/Planning & Zoning (P&Z) Joint Committee, and adjustments necessitated by state law. A public hearing concerning the amendments took place on March 3rd, 2026, during which the following public comments were received. Staff have provided the responses below.

PUBLIC COMMENTS AND STAFF RESPONSES:

Public Comment	Staff Response
<p>Additional information on Parkland Dedication amendments</p>	<p>Parkland dedication is a requirement for developers who build new residential units, such as homes and apartment units, in the city. When a new residential project is built, it brings new residents who will need access to local parks and green spaces. To make sure the community keeps up with this demand, the city requires the developer to do one of two things:</p> <ul style="list-style-type: none"> • Dedicate Land: Set aside a certain amount of land within their development to be used for a publicly accessible park. • Pay a Fee in Lieu: If dedicating land is not practical (for instance, on a small, dense lot), the developer may request to pay a fee to the city instead. This money is then used by the city to acquire land or improve existing parks in the City to serve the new population. <p>This edit adds a cap to the percentage of the site used to calculate parkland because the current Code calculations for parkland are creating challenges for some development types. Current resident-based parkland calculations within the Development Code in dense areas can demand more land than a site contains. Fee-in-lieu</p>

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<i>(continued from above)</i>	<p>costs based on high downtown land values are disproportionately expensive compared to other areas in the city. The proposed cap provides a more balanced land dedication requirement while still maintaining an adequate amount of land dedication to meet the intent of parkland dedication overall.</p> <p><i>(This comment refers to edits #3-56, 3-57, #3-58, and #3-59.)</i></p>
What is the process if an applicant does not install Posted Notice signs on time or correctly?	<p>To help customers adhere to the proposed requirements for posted notices, staff have created a resource guide and established an internal procedure. Ensuring that these notices are properly installed is a priority; therefore, staff will conduct site visits to verify postings by the established deadline. If an applicant fails to comply, the application will not be placed on the agenda for the Planning Commission or City Council, if applicable. Instead, it will be deferred to a later meeting once the necessary posted notices have been confirmed.</p> <p><i>(This comment refers to edit #2-10)</i></p>
When was the use of a Data Center added to the Land Development Code?	<p>The use of a “data center” was included in the City Council packet during Initial Authorization of the Development Code on August 19, 2025.</p> <p><i>(This comment refers to edits #5-7 & 5-24)</i></p>
Why is a “Data Center” use proposed to be Conditional in “Business Park” (BP) zoning?	<p>Staff received a question from Mayor Hughson asking why a data center use is not proposed to be “Conditional” in Business Park (BP). Staff analyzed the Business Park zoning district and land use matrix and incorporated this change into the Draft Code for public review.</p> <p><i>(This comment refers to edit #5-5)</i></p>
Can Data Centers be conditionally approved under the three specific zoning districts (Business Park, Light Industrial, and Heaving Industrial)?	<p>Yes, this can be proposed as an amendment by City Council. As currently proposed in the Draft Development Code, the use of a data center is permitted, by right, in Heavy Industrial (HI) zoning, with standards, and will require a Conditional Use Permit when proposed in the Business Park (BP) zoning district and Light Industrial (LI) zoning district. This Conditional Use Permit would be considered by the Planning & Zoning Commission, similar to the process of other uses within the Land Use Matrix.</p> <p><i>(This comment refers to edits #5-21 and #5-24.)</i></p>

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<p>What is the legal authority to ban/limit Data Centers via Land Development Code amendments?</p>	<p>The City Council has the authority to amend Table 5.1, Land Use Matrix, within the Development Code to “Not Permit” the use of a data center within any zoning district.</p> <p><i>(This comment refers to edit #5-7)</i></p>
<p>Explain House Bill 24, specifically the 20% to 60% protest procedures.</p>	<p>The State of Texas has changed the rules for how residents can protest proposed zoning changes, effective September 1, 2025, due to House Bill 24 (HB 24).</p> <p>This update changes two key things, 1) how many neighbors need to sign a petition to officially protest a zoning change, and 2) the number of City Council votes required to pass that change if a valid protest is filed under certain specific provisions as outlined by the State.</p> <p>1. For Zoning Changes that Increase Residential Density (more housing units) or a zoning change that allows additional commercial or industrial uses on the first floor, provided it occupies no more than 35% of the total development:</p> <ul style="list-style-type: none"> • Who Must Protest: Owners of at least 60% of the affected property or property within 200 feet must sign the petition to file a valid protest. • City Council Vote: If the protest meets the 60% threshold, the City Council needs a three-fourths supermajority to approve the zoning change. <p>2. For All Other Rezoning Requests or Citywide Plan Updates:</p> <ul style="list-style-type: none"> • Who Must Protest: Owners of at least 20% of the land area involved must sign the petition (this is the same as the prior regulation). • City Council Vote: If the protest meets the 20% threshold, the City Council needs a three-fourths supermajority vote to approve the change. <p><i>(This comment refers to edit #2-8.)</i></p>

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<p>Additional information on amendments related to Watershed Protection Plan requirements.</p>	<p>This amendment removes the "Qualified Watershed Protection Plan" requirement. The only difference between a Qualified Watershed Protection Plan and a Watershed Protection Plan (Phase 1 or 2) is that a Qualified Watershed Protection Plan requires an informational presentation at the Planning and Zoning Commission when a request under Section 2.6.1.1(D) is made. No action is required at Planning and Zoning Commission and approval is administrative in accordance with the standards in the Code.</p> <p>Approval of a Watershed Protection Plan (Phase 1 or Phase 2) is still required including meeting the criteria in Sections 6.2.3.2(E) and 6.2.3.5(A)(2) which requires the following with regard to water quality and buffer zone reclamation:</p> <ul style="list-style-type: none"> • Providing water quality treatment for mitigation along with preserving natural channel aesthetic and function. • Adherence to Total Suspended Solid (TSS) removal standards. <p>The City's floodplain ordinance, and other water quality and environmental protective requirements remain in effect. The purpose of this amendment is to streamline and shorten development timelines in certain circumstances.</p> <p><i>(This comment refers to edits #2-7 and #2-21)</i></p>