



# San Marcos Development Code Amendments, 2026 Public Hearing

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.

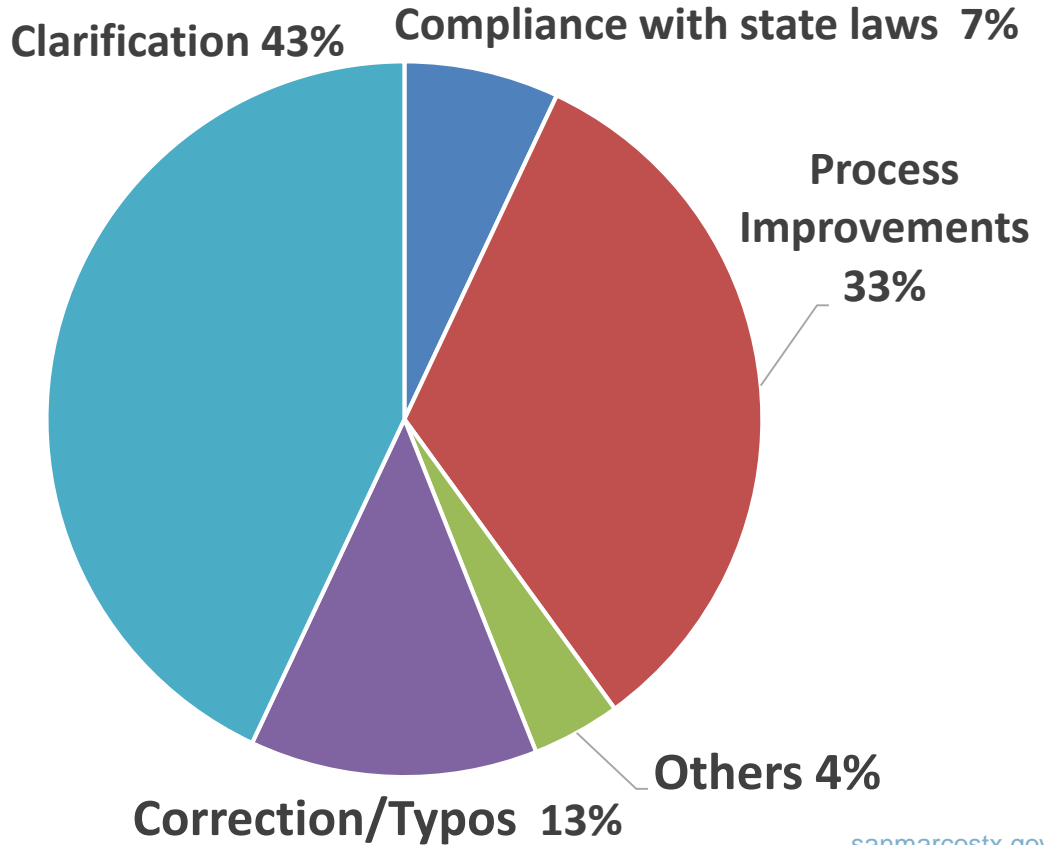


# Overview

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





- Chapter X
  - Justification

- G. **Notice of Application.** Whenever notice of an application is required by this development code under Table 2.1, the Responsible Official shall ~~send electronic notification~~ provide notice of the time and place of the public hearing in accordance with the following:
1. To all parties requesting notification of an application submitted within the region;
  2. On the City's internet website;
  3. Before the 12th day after an application is determined complete. In no case shall notice of an application be sent less than 16 days before the required public hearing.

# Protest Procedures

#2-8



This edit implements State House Bill 24 which did the following:

1. Changes how many neighbors need to sign a petition to official protest a zoning change; and
2. Changes the number of Council votes required to approve a zoning change if a valid protest is submitted.

**D. Protest Procedures for Certain Proposed Changes. This section applies only to a proposed change to a zoning regulation or district boundary that is not a proposed comprehensive zoning change.**

1. A protest of a proposed change to a zoning regulation or district boundary must be written and signed by the owners of:
  - a. At least 20 percent of the area of the lots or land covered by the proposed change;
  - b. Except as provided in Section 2.2.4.2.D.1.c, at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area; or

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

***Markup can be found on page 2:9 of the Land Development Code***

# Protest Procedures

#2-8



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:

- **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.

For All Other Rezoning Requests or Citywide Plan Updates:

- **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.



#2-10

# Posted Notices

This purpose of this edit is to comply with state law and to enhance operational efficiency of posted notice requirements.

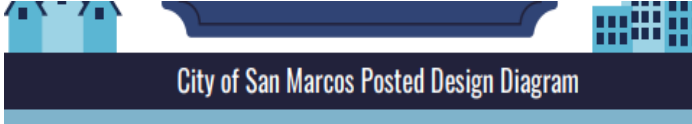
Current Staff Requirements include design, print, assembly, and installation of signage in-house

Proposed amendment would shift printing and installation to applicant with staff oversight of design and compliance.

- E. **Posted Notice.** Whenever this Development Code requires that notice of a public hearing be posted on land, the ~~responsible-official~~ applicant shall cause notification signs stating the purpose and dates of the hearing to be placed on the subject property at least 11 days before the first public hearing unless a longer time period is identified in this development code.
  
- F. Comprehensive plan map amendments or zoning map amendments initiated by a property owner, and a conditional use permit allowing the on premise consumption of alcohol or purpose built student housing require that the ~~responsible-official~~ applicant ~~send~~ post notice at least 17 days prior to the hearing date.



# Posted Notice Handout



## Deadline

Depending on the case type prior to the first public hearing, the property owner or his/her representative must provide verification with a photograph that the sign is in place by **Wednesday at 12pm**. If verification is not provided, City Staff will not notice the property which will result in a delay. The photograph must be provided to the Development Services office via-email to [planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov)

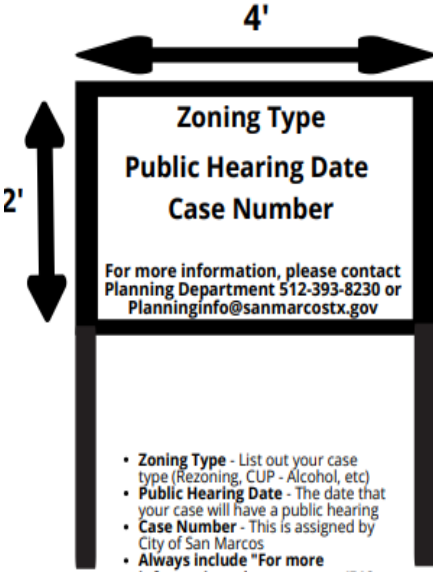
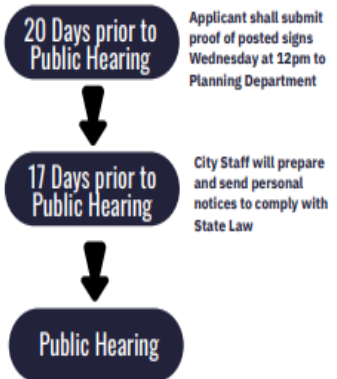
## Development Applications

- Establishment of Historic Landmarks and Districts



## Development Applications

- Comprehensive Plan Map Amendment
- Zoning Map Amendment (Rezoning)
- Conditional Use Permit - Alcohol
- Conditional Use Permit - Purpose Built Student Housing



- A minimum of one 2' x 4' sign shall be placed on each street frontage. Property with multiple street frontages shall have the required sign on each street. Signs shall be placed in a visible, unobstructed location near the front property line.
- Signs shall utilize a minimum of 4" lettering to state the purpose of the request and all public hearing dates.

- **Zoning Type** - List out your case type (Rezoning, CUP - Alcohol, etc)
- **Public Hearing Date** - The date that your case will have a public hearing
- **Case Number** - This is assigned by City of San Marcos
- **Always include "For more information, please contact (512 - 393-8230 or [Planninginfo@sanmarcostx.gov](mailto:Planninginfo@sanmarcostx.gov)"**

For any questions, please contact your case manager or Planning at (512)393-8230

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

# Qualified Watershed Protection Plan



#2-21

- The purpose of this edit is to streamline and shorten development timelines in certain circumstances and does not remove water quality and environmental protective requirements.
- The edit proposes to remove the “Qualified Watershed Protection Plan” requirement, which entails an informational presentation at Planning and Zoning Commission.
- A Watershed Protection Plan Phase 1 or Phase 2) is still required per the Code and all applicable standards apply.

~~D. Applicability of a Qualified Watershed Protection Plan 1 or 2. A qualified watershed protection plan is required when any of the following requests are made for developments greater than forty (40) acres:~~

- ~~1. A request for an increase in impervious cover requiring a mitigation plan;~~
- ~~2. A request for reclamation of land in the 100-year floodplain or within a water quality zone or buffer zone; or~~
- ~~3. The development of twenty (20) acres or more of land within the 100-year floodplain.~~

(Ord. No. 2020-60, 9-1-2020)

D. **Exceptions.** A watershed protection plan ~~or a qualified watershed protection plan~~ is not required for:



#3-56

# Parkland Dedication & Fee-in-lieu

- Parkland dedication is a requirement for new residential units in the City.
- Dedication can be achieved by setting aside a certain amount of land OR requesting to pay a fee-in lieu of land.
- 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 certain development types.
- The cap provides a more balanced dedication requirement while maintaining the intent of the code.

1. The first six (6) residential units, or the first thirty (30) units in the Downtown and Midtown areas as defined in the Design Manual, shall be exempt from parkland dedication.
2. Cap. The total parkland acreage required under Section 3.10.1.2.A shall not exceed 35% of the total site area.

# Land Use Matrix – Data Center



#5-7

- Chapter 5 – Use Regulations
  - Land Use Matrix
  - This edit adds Data Center use to the Land Use Matrix

	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	DEFINITION USE STANDARDS
<u>Data Center</u>	==	==	==	==	==	==	==	==	==	==	==	==	==	==	==	==	==	C	==	C	P	==	==	<u>Section 5.1.7.10</u>

# Definition and Standards – Data Center

- Chapter 5 – Use Regulations
  - Section 5.1.7.10 Data Center
  - This edit adds a definition and use standards for a data center.

## Section 5.1.7.10 Data Center

**A. Defined.** A facility 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. 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.

**B. Use Standards.** Where a data center is being proposed, it is subject to the following:

1. When adjacent to a residential use, all structures shall be setback 200 feet from the property line.
2. A Transitional Protective Yard Type C/D per Section 7.2.2.4 shall be installed.
3. On-site electrical equipment and any associated outdoor storage shall be opaquely screened from view of the public right-of-way and any adjacent residential use or zoning district, following Section 7.2.5.2.C.



# 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 1<sup>st</sup> Reading: April 21**
- City Council 2<sup>nd</sup> Reading: May 5

# 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 #1

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

- **Staff Amendment #1:** Revise Section 5.1.5.5.B.7 to require that restaurants within the CBA be responsible for cleaning the area within 100 feet instead of 50 feet of any exit and entrance and that the maintenance responsibilities shall not overlap another alcohol CUP Holder's maintenance area

**Background:** 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 to require that any establishment that has on premise consumption of alcohol shall be responsible for cleaning the area within 100 feet of any exit and entrance and that the maintenance responsibilities shall not overlap another alcohol CUP Holder's maintenance area

**Background:** 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 #3



- **Staff Amendment #3:** Revise Section 5.1.5.5.B.4.b.3 to clarify that an eating establishment must have meals available to customers during the hours that they are open.

**Background:** 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 #4



- **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).

**Background:** 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 #5

- **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).

**Background:** 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 #6

- **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.

**Background:** 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.



# 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 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 on the following slides.

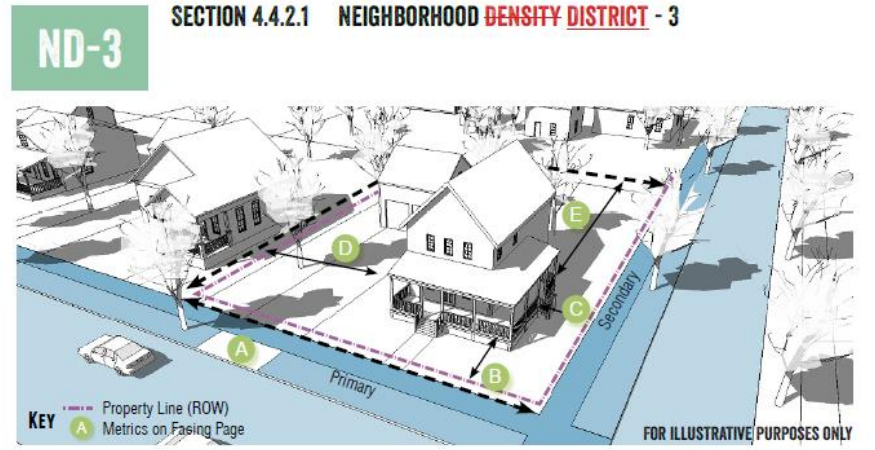
***Note:** All P&Z Amendments have been incorporated into the mark-up of the Draft Development Code in the packet and are highlighted in yellow in the Justification Table*

# 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*