

San Marcos District Overlay Draft Amendments Summary:

Note: This summary is not all-inclusive – additional revisions were made to enhance clarity and consistency.

Section 9.14.1. Purpose and Intent

- Section amended to include language from the 2019 San Marcos Community Plan

Section 9.14.2.1. NM 14 Setbacks:

- Recommend removing this section. Section 7.3.3 of SLDC requires 100 feet setback from pavement of a highway. 2019 SMCDP Action 5.2.2: Align the NM setback standards in the District with Highway setback standards in the County to maintain Scenic Byway

9.14.2.5. Archaeological Site Setbacks.

- Recommend deleting this section. This section not enforceable as currently written. Parcels cannot be set back. Section 7.16 **Protection of Historic and Archaeological Resources** identifies protection of archaeological sites and to include protections established in state and federal law and in particular the Cultural Properties Act and the Historic Districts and Landmarks Act.

9.14.2.6. Water Harvesting

- Recommend deleting Section 9.14.2.7. SM If the SMD intent is to protect water resources, the language in the plan conflicts since rainwater harvesting is required for all new residential development.

9.14.2.5. Swimming Pools

- This section is being added to support 2019 SMCDP Action 1.2.6: Prohibit new pools for residential properties

9.14.3.2.1. Use Regulations

- This section revised to clarify that the SMD Use Table replaces the County Use Table for the SMD.
- a. Retirement housing...This section revised to limit the buildings to 5,000 sf and not the number of units. 50% of lot coverage also removed since this is not relevant since 5,000 sf is the maximum and there are not lots that smaller than 10,000 SF.
- b. Temporary Structures, tents etc. for shelter. This section is recommended to be deleted as a temporary structure such as a tent not a dwelling unit and does not follow construction codes.

c. Water treatment and purification facility. This section revised to identify that personal water treatment facility is a permitted use and a Conditional Use Permit is required for any other water treatment or purification facility.

9.14.3.2.2 SMCD Rural Purpose:

- added language from plan to include home-based businesses and arts studios per plan purpose.

Dimensional Standards

- Recommend deleting lot coverage and setback requirement in accordance with 2019 SMCDP Action 5.2.3: Modify lot coverage standards to match County standards. Lot coverage is not currently required in residential zoning districts.
- Setbacks are identified in Section 7.3.3.7 SMD Setbacks significantly greater which restricts the use of property as individual parcels vary in size and buildable area. Removing this section would revert to County standards which are identified below.

Table 7-A: Setback Table				
Zoning District	Front Setback (Min) ft	Front Setback (Max) ft	Side Setback (Min) ft	Rear Setback (Min) ft
Rural (RUR)	25	n/a	25	25
Rural Fringe (RUR-F)	25	n/a	25	25
Rural Residential (RUR-R)	20	n/a	25	25
Commercial Neighborhood (CN)	5	25	0	30

9.14.3.2.5.d. Architectural Design Standards

This section is very subjective. Building and Development Services would need to determine whether the architectural style of all structures shall be complementary to that of other structures in the area and to regional architectural styles. This is for a permitted use which is an administrative process. These standards not supported by plan, i.e. 2019 SMCDP Action 5.3.3: Support people in appropriately using their property to enjoy the privacy and freedom of a rural setting.

Table 9.14.6 Home Occupations

Recommend deleting section which restricts medium impact home business to Commercial Neighborhood. Medium impact home businesses are limited in size. The plan purpose identifies home businesses as being supported.