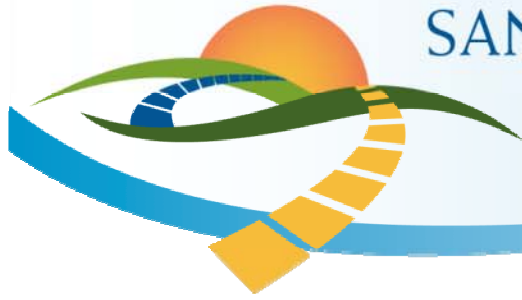




General Plan Advisory Committee Meeting # 13

January 4, 2011



SAN MARCOS GENERAL PLAN

Our City, Our Future

Agenda

1. Welcome
2. Discuss Recommended Non-Conforming Uses and Structure Regulations
3. Public Comment/Input
4. Wrap Up and Adjournment
5. Next Meeting: **(Only If Needed)** January 6, 2010, 6:00 PM –
To be determined at Adjournment

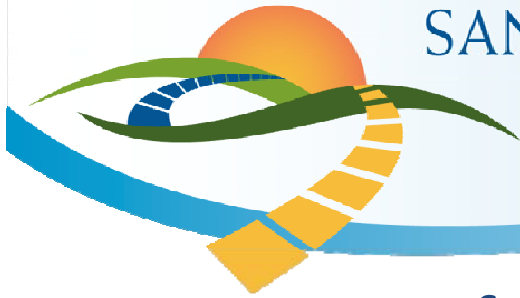


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Existing Code

- Allows for continuation of a nonconforming use
- Allows for maintenance of non conforming structures
- If nonconforming use discontinued for 12 continuous months, new zone standards apply
- If nonconforming building removed, new zone standards apply



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Existing Code

- Non-conforming Uses:
 - Non-residential can be expanded throughout bldg provided no structural alterations
 - Residential use may be expanded to the max. setback/height standards of previous zone
- Existing code does not allow for expansion of nonconforming structures except in cases where the building does not conform to setbacks
 - Cannot change horizontal dimensions of bldg;
 - Alteration causes bldg to conform to setbacks;
 - Alteration does not project into required yard



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Existing Code

- Allows for reconstruction of nonconforming structure if partially destroyed (75% of assessed value) by fire, explosion or other act of God, or public enemy

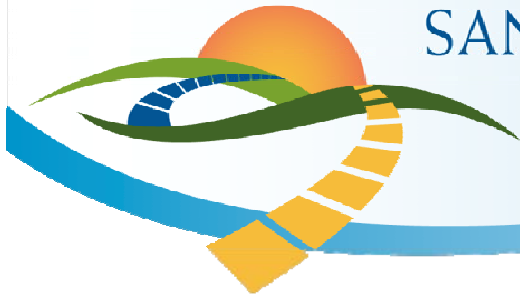


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Proposed Code

- City reviewed nonconforming regulations in response to public input at the GPAC meetings to allow flexibility for future expansion of nonconforming structures
- Process included researching other cities' codes
- Majority of cities do not allow for expansion of nonresidential nonconforming structures



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Proposed Code-Same as Existing Standards

- Allows continuation of nonconforming use and nonconforming structure
- Allows maintenance, repair, aesthetic improvements to nonconforming structure
- Allows reconstruction of partially destroyed nonconforming structure (75% of assessed value) by fire, explosion or other act of God, or public enemy

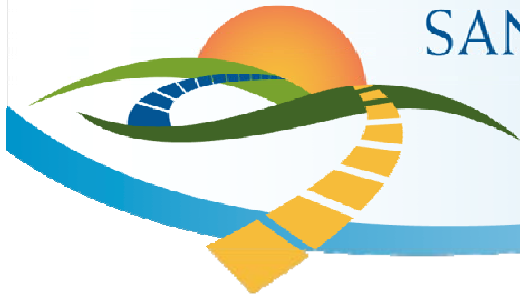


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Proposed Code - Abandonment

- Discontinued or abandoned use of structure for 12 continuous months (same as existing code);
- Intent of owner to discontinue must be apparent
- Equipment/furnishings, etc removed/not replaced;
- If vacancy due to tenant improvements (active bldg permit) this is conclusive evidence of continuation of nonconforming use (i.e., no abandonment of use);
- Planning Division Director has ability to extend period six months due to demonstrated, overriding, economic hardship during periods of regional economic distress



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Proposed Code- Expansion

- Code has been modified to allow flexibility
- Non-conforming Residential can be expanded:
 - No more than 10% of gross habitable square footage of structure; to max. setback of previous zone
 - Expansion does not increase number of stories in a dwelling unit



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Proposed Code- Expansion

- Non-conforming Non-Residential structure can be expanded:
 - Planning Director may permit expansion/alteration up to 5% of floor area
 - Expansion/alteration of up to 15% of floor area can allowed through Minor Conditional Use Permit based on findings
 - Planning Director to weigh potential of eliminating/reducing nonconformities through expansion
 - Expansion shall comply with zone standards



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Proposed Code- Expansion Findings

- Non-conforming Non-Residential structure can be expanded through CUP based on findings:
 - Is of incidental character
 - Enhances architecture/site
 - Improves structure's ability to better achieve purpose & intent of zone
 - Conforming in use
 - Zoning Ordinance and applicable City codes complied with
 - Benefits of allowing expansion outweigh detriments



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