

ORDINANCE NO. 2025-1568

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, CALIFORNIA, AMENDING TITLE 20 OF THE SAN MARCOS MUNICIPAL CODE TO COMPREHENSIVELY UPDATE THE ZONING ORDINANCE/TITLE 20 OF THE SAN MARCOS MUNICIPAL CODE.

WHEREAS, the Zoning Ordinance is a citywide regulating document that is consistent with the City's General Plan implementing zones and regulates built form and use of all property in the City in order to protect the health, safety and general welfare of the residents of the City; and

WHEREAS, the Zoning Ordinance is an internally consistent statement of the official zoning policy for the City of San Marcos; and

WHEREAS, the City Council of the City of San Marcos previously adopted the Title 20 with errata Zoning Ordinance (TA12-63) on November 13, 2012; and

WHEREAS, on April 30, 2025 the City held a virtual public workshop to provide an informational overview of the proposed Title 20 text amendments to the general public; and

WHEREAS, on September 4, 2025 the City held a subsequent public workshop to provide an informational overview of an addition to the Title 20 text amendments to the general public; and

WHEREAS, Development Services staff has recommended amending Title 20 of the San Marcos Municipal Code to comprehensively update the Zoning Ordinance/Title 20 of the San Marcos Municipal Code.

WHEREAS, on October 6, 2025, the San Marcos Planning Commission held a duly noticed public hearing and recommended approval of amending Title 20 of the San Marcos Municipal Code to comprehensively update the Zoning Ordinance/Title 20 of the San Marcos Municipal Code and the Categorical Exemption pursuant to the California Environmental Quality Act ("CEQA") Section 15378 and 15061(b)(3) to the City Council, by a 7-0 vote, in favor; and

WHEREAS, on November 10, 2025, the City Council held a duly noticed public hearing in the manner prescribed by law to consider said request; and

WHEREAS, the City Council did review and consider a Categorical Exemption (EX 25-030) pursuant to CEQA because said amendments do not constitute a project within the meaning of Section 15378 of the CEQA Guidelines because there is no potential for the changes themselves to result in a physical change in the environment, either directly or indirectly. In the event this proposed Text Amendment is found to be subject to CEQA, it is exempt from CEQA pursuant to the exemption contained in CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility of a significant effect on the environment.

NOW, THEREFORE, the City Council of the City of San Marcos, in accordance with the freedom accorded to charter cities generally, and by the Charter of the City of San Marcos, does ordain as follows:

1. The foregoing recitals are true and correct and are incorporated herein as though fully set forth at this point.
2. Existing San Marcos Municipal Code Title 20 is hereby amended as reflected in the clean and redlined versions attached hereto as Exhibit "A" and Exhibit "B," respectively, and incorporated herein by this reference.
3. The City Council's decision is based on the following findings and determinations:
 - a. The proposed Text Amendments to Title 20 (Zoning Ordinance) of the San Marcos Municipal Code will not adversely affect the implementation of the General Plan in that it does not conflict with any goal, objective, or policy of the General Plan.
 - b. The proposed Text Amendments to Title 20 (Zoning Ordinance) of the San Marcos Municipal Code will not be detrimental to the public health, safety, morals, and welfare because the Text Amendments will address inclusionary housing requirements for residential rental projects, in compliance with new State laws.
 - c. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted the Ordinance, and each section, sentence, clause or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

4. These Text Amendments to Title 20 (Zoning Ordinance) of the San Marcos Municipal Code are exempt from the California Environmental Quality Act (CEQA) because said amendments do not constitute a project within the meaning of Section 15378 of the CEQA Guidelines because there is no potential for the changes themselves to result in a physical change in the environment, either directly or indirectly. In the event this Text Amendment is found to be subject to CEQA, it is exempt from CEQA pursuant to the exemption contained in CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility of a significant effect on the environment.
5. The City Council hereby adopts Notice of Exemption (EX 25-030) stating that these Text Amendments are exempt from CEQA pursuant to Section 15378 of the CEQA Guidelines and/or Section 15061(b)(3).
6. This Ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the City Clerk shall publish this Ordinance or the title hereof as a summary in a newspaper of general circulation in the City as required by law.

INTRODUCED at a regular meeting of the City Council of the City of San Marcos, California, held on the 10th day of November, 2025.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Marcos, California, at a regular meeting thereof, held on this _____ day of _____, by the following roll call vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

APPROVED:

Rebecca D. Jones, Mayor
City of San Marcos

ATTEST:

APPROVED AS TO FORM:

Phillip Scollick, City Clerk
City of San Marcos

Helen Holmes Peak, City Attorney
City of San Marcos

ATTACHMENTS:

Exhibit A: Title 20 Clean

Exhibit B: Title 20 Redlined