9.14. SAN MARCOS COMMUNITY DISTRICT OVERLAY.

9.14.1. Purpose and Intent. The provisions of the San Marcos Community District (SMCD) are intended to implement and be consistent with the land use goals, objectives, policies, and strategies of the San Marcos Community Plan and the Sustainable Growth Management Plan (SGMP). Arts and agricultural uses support the history and future vision of the San Marcos District. The SMCD supports and accommodates agricultural and artistic businesses that do not cause a detriment to the rural residential nature of the community. Appropriate uses include artist studios, agriculture and ranching with equestrian uses based on established land use patterns. The San Marcos District defines "Neighborhood Scale" as a quantifier for uses that are small-scale, home-based businesses with low traffic volume, low noise levels, low water use, energy efficient, residential character building heights and signage that would blend with neighborhood character. The SMCD is designed to implement the San Marcos Community Plan to ensure compatibility among various land uses, in the San Marcos community.

9.14.2. Sustainable Design Standards. The development standards of Chapter 7 of this ordinance shall be applicable to all development, except as otherwise specified herein.

9.14.2.1. NM 14 Setbacks. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Parcels bordering NM 14 shall be setback a minimum of 100 feet from the pavement in Commercial Neighborhood. If an existing legal parcel is unable to meet the setback requirements, the third of the parcel furthest away from NM 14 can be built upon.

2. Parcels bordering NM 14 shall be setback a minimum of ~~200~~ 100 feet from the pavement in Rural Residential. If an existing legal parcel is unable to meet the setback requirements, the third of the parcel furthest away from NM 14 can be built upon.

9.14.2.2. Cerrillos Reservoir Setbacks. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Parcels bordering the Cerrillos Reservoir shall setback a minimum of 200 feet.

9.14.2.3. Cerrillos State Park Setbacks. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Parcels bordering the Cerrillos State park shall setback a minimum of 200 feet.

9.14.2.4. County Trails Setbacks. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Parcels bordering County trails identified on Map 5 of the Official Map Series of this Code shall be setback a minimum of 50 feet.

9.14.2.5. Archeological Site Setbacks. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

1. Parcels bordering identified archeological site shall be setback a minimum of ~~100~~ feet.

9.14.2.6. Swimming Pools. The San Marcos Community District prohibits swimming pools for residential properties.

9.14.2.7. ~~Water Harvesting. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:~~

> ~~1. Rainwater catchment systems are required for all new construction whose roof area is 1,500 square feet or greater and for new additions that expand the roof area of the structure to 1,500 square feet or greater. Rainwater catchment systems are also required for any accessory structure whose roof surface is 500 square feet or greater.~~

9.14.3. Establishment of Zoning Districts. The zoning standards of Chapter 8 of this Code shall be applicable to all development, except as otherwise specified herein.

9.14.3.1. Generally. The SMCD modifies the underlying base zoning districts in order to address special siting, use, and compatibility issues requiring regulations that supplement or supplant those found in the underlying zoning districts. If an overlay zone regulation conflicts with any standard of the underlying zone, the standard of the overlay zone shall govern.

9.14.3.2. Base Zoning Districts. Base zoning districts approved for use in the SMCD are listed in Table 9-14-1.

Table 9-14-1: San Marcos Base Zoning Districts.

RUR	Rural
RUR-F	Rural Fringe
RUR-R	Rural Residential
CN	Commercial Neighborhood

1. Use Regulations. Uses shall be permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code, with exceptions identified on the SMCD Use Table.

> **a. Retirement housing, assisted living facility, life care or continuing care facilities, skilled nursing facilities:**
>
> > **i.** This type of permitted use shall be limited to ~~4 units at~~ 5,000 square feet ~~or 50% of lot square footage whichever is smaller~~.
>
> **b. Temporary structures, tents etc. for shelter:**
>
> > ~~i. These uses shall follow the construction code and have sewer and water hook up for a residence.~~
>
> **c. Water treatment and purification facility:**
>
> > **i.** This is a permitted use for private and personal water treatment and purification systems.
> >
> > **ii.** A conditional use permit is required for any other water treatment or purification facility ~~for potable drinking water uses only~~.

2. SMCD Rural (SMCD RUR); Purpose. The purpose of this district is to designate areas suitable for a combination of agricultural, equestrian, residential and other compatible uses. The intent of the SMCD RUR district is to protect

agricultural uses from encroachment by development and to support agricultural, ranch, very large lot residential, ecotourism, ~~and~~ equestrian uses, home-based businesses and arts studios. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

a. Use Regulations. Uses shall be permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code, with exceptions identified on the SMCD Use Table.

i. Water wells, well fields, and bulk water transmission pipelines:

(a) This does not prohibit private wells.

b. Dimensional Standards. As regulated in Chapter 8 of this Code except as prescribed in Dimensional Standards Table 9-14-2.

Table 9-14-2: Dimensional Standards SMCD RUR (Rural).

Zoning District	SMCD RUR
Density (# of acres per dwelling unit)	40
Lot width (minimum, feet)	150
Lot width (maximum, feet)	n/a
Height (maximum, feet) – hay or animal barn, silo	50
Height (maximum, feet) – all other structures	24
~~Lot Coverage (maximum)~~	~~20%~~
Setbacks from front, rear and side property lines	100 feet
* In cases where site conditions constrain ~~setback requirements prohibit~~ development of a parcel, the Administrator may approve setback requirements in accordance with Section 7.3.3.9 of this SLDC.	

3. SMCD Rural Fringe (SMCD RUR-F); Purpose. The purpose of this district is to designate areas suitable for a combination of estate-type residential development, agricultural uses and other compatible uses. This zone also serves to protect agricultural and environmental areas that are inappropriate for more intense development due to their sensitivity. The SMCD RUR-F zone accommodates primarily large lot residential, retreats, ecotourism, equestrian uses and renewable resource-based activities, seeking a balance between conservation, environmental protection and reasonable opportunity for development.

a. Use Regulations. Uses shall be permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code, with exceptions identified on the SMCD Use Table.

i. Commercial greenhouses:

(a) There shall be a minimum 500 foot setback from property lines for commercial greenhouses.

b. Dimensional Standards. As regulated in Chapter 8 of this Code, except as prescribed in Dimensional Standards Table 9-14-3.

Table 9-14-3: Dimensional Standards SMCD RUR-F (Rural Fringe).

Zoning District	SMCD RUR-F
Density (# of acres per dwelling unit)	20
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet) – hay or animal barn, silo	36
Height (maximum, feet) – all other structures	24
~~Lot Coverage (maximum)~~	~~20%~~
Setbacks from front, rear and side property lines	100 feet*

* In cases where site conditions constrain ~~setback requirements prohibit~~ development of a parcel, the Administrator may approve setback requirements in accordance with Section 7.3.3.9 of this SLDC.

4. **SMCD Rural Residential (SMCD RUR-R); Purpose.** The purpose of this district is to provide for the development of single-family homes on large lots, either individually or as part of rural subdivisions; to preserve the scenic and rural character of the County; to provide consolidated open space and agricultural lands; and to recognize the desirability of carrying on compatible agricultural operations and home developments in areas near the fringes of urban development while avoiding unreasonable restrictions on farming or ranching operations. Uses that support rural character of the broader area shall be allowed including agricultural production, Neighborhood~~small~~ Scale renewable energy production, home-based businesses, bed and breakfasts, artist studios, agro-tourism, equestrian and boarding facilities, and farmers markets.

a. **Use Regulations.** Uses shall be permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code, with exceptions identified on the SMCD Use Table.

i. **Water wells, well fields, and bulk water transmission pipelines:**

(a) This does not prohibit private wells.

ii. **Movie Ranch**

(a) This use must be on a parcel over 65 acres in size.

(b) Property must be directly accessed from a County or State Road.

(c) Maximum individual building size of new permanent structures is 5,000 square feet.

(d) Maximum aggregate building size for new permanent structures is 15,000 square feet.

b. **Dimensional Standards.** As regulated in Chapter 8 of this Code, except as prescribed in Dimensional Standards Table 9-14-4.

Table 9-14-4: Dimensional Standards SMCD RUR-R (Rural Residential).

Zoning District	SMCD RUR-R
Density (# of acres per dwelling unit)	10
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
~~Lot Coverage (maximum)~~	~~20%~~
Setbacks from front, rear and side property lines	50 ~~100~~ feet

* In cases where site conditions constrain ~~setback requirements prohibit~~ development of a parcel, the Administrator may approve setback requirements in accordance with Section 7.3.3.9 of this SLDC.

5. SMCD Commercial Neighborhood (CN); Purpose. The purpose of this district is to allow for low-intensity convenience retail and personal services, as well as office uses that are intended to serve the needs of residents ~~and are in close proximity to individual residential neighborhoods~~. Commercial development should be buffered from residential areas. Generally, the desired location of these commercial areas is at the periphery, focal point, or along a major access road ~~entrance to one or more neighborhoods, along a minor or subdivision collector or higher roadway classification, or along a major access road at the entrance to or in a focal point of a neighborhood~~. In San Marcos these properties are in close proximity to NM 14.

a. Use Regulations. Uses shall be permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code, with exceptions identified on the SMCD Use Table.

b. Dimensional Standards. As regulated in Chapter 8 of this Code, except as prescribed in Dimensional Standards Table 9-14-5.

Table 9-14-5: Dimensional Standards SMCD CN (Commercial Neighborhood).

Zoning District	SMCD CN
Density	n/a
Frontage (minimum, feet)	50
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
~~Lot coverage (maximum, percent)~~	~~50%~~
Setback from boundary line of neighboring residential parcel (min, feet)	100
Maximum building size (aggregate)	15,000
Maximum size of individual establishments (sq. ft.)	5,000

c. Lighting. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

i. 24 hour business lighting is prohibited.

d. Architectural Design Standards. As regulated in Chapter 8 of this Code, except as prescribed below:

 i. The architectural style of all structures shall be complementary to that of other structures in the area and to regional architectural styles.

 ii. Incorporate, within all walls over 100 feet in length, at least 4 recesses, off-sets, angular forms, and other features with 100 foot length to provide a visually interesting shape.

9.14.4. Supplemental Zoning Standards. Standards shall be regulated as identified in Chapter 10 of this Code with the following exceptions:

9.14.4.1. Home Occupations; Purpose. The purpose of the Home Occupations in the SMCD is to support economic development opportunities that are not disruptive to the residential character of the area or significantly interfere with the use of adjacent residential properties. Home Occupations shall be as regulated in Chapter 10 of this Code except as prescribed in Table 9-14-6.

Table 9-14-6 SMCD Home Occupations.

	No Impact	Low Impact	Medium Impact
Permit type	Business Registration	Development Permit	Conditional Use Permit ~~Only Permitted in Commercial Neighborhood zone District~~
Non-resident employees	1	4	5
Area used for business (maximum)	25% of heated square footage	50% of heated square footage	50% of heated square footage
Accessory building	100 SF	600 SF	1,500 SF
Appointments/patron visits (average per day)	0	5 ~~4~~	20 ~~12~~
Business traffic	none	see Section 10.6.5	see Section 10.6.5
Signage	Not Permitted	see Section 7.9.4.3	see Section 7.9.4.3
Parking and access	Resident and employee only	see Section 10.6.5	see Section 10.6.5
Heavy Equipment	None	0	3-6

9.14.5. Use Table. Uses permitted in the base zones and planned development zoning districts are shown in the SMCD Use Table 9-14-8. All uses are designated as permitted, accessory, or conditional, as further explained in Table 9-14-7. Accessory uses may be subject to specific regulations as provided in Chapter 9, 10, and conditional uses are subject to the conditional use permit standards provided in Chapter 4. In addition, uses may be subject to modification by the overlay zoning regulations included in this Chapter

Use Table Proposed Changes TBD