

**§ 155.045 AR-I AGRICULTURAL/
RESIDENTIAL DISTRICT.**

(A) *Purpose.* The purpose of the AR-I district is to allow agricultural uses such as farming and ranching and single-family detached dwellings and related complementary uses. The district is intended to be rural in character. No livestock except horses. Up to two horses per acre are permitted. No Confined Animal Feeding Operations are permitted. Nanny goats are permitted in conjunction with horses.

(B) *Principal permitted uses.* Principal permitted uses in the AR-I district are:

- (1) Farms and ranches.
- (2) Single-family residences.

(C) *Conditional uses.* Conditional uses in the AR-I district are:

- (1) Churches and schools.
- (2) Electrical substations, gas regulatory stations, water pump stations, water towers and lift stations.
- (3) Public buildings.
- (4) Radio, television or microwave transmitting towers, not to exceed 35 feet in height.
- (5) Cannabis Microbusiness
- (6) Cannabis Producer
- (7) Nonconforming uses subject to § 155.078.

(D) *Permitted accessory buildings.* Permitted accessory buildings in the AR-I district are:

- (1) All structures accessory to farming and ranching.

(2) Private garages.

(3) Tool houses, sheds and other similar buildings for storage of domestic supplies.

(4) Private or jointly owned swimming pools and tennis courts for the use and convenience of residents.

(5) Television and radio signal receiving facilities.

(3) Private Stables

(E) *Development requirements.* All primary and accessory uses shall conform to the following minimum standards:

(1) Farming and Ranching operations, and Residential single-family uses:

- (a.) Minimum lot area: Two acres.
- (b) Minimum setbacks: 20 feet from all property lines.
- (c) Maximum height: 35 feet.

(2) Churches, schools and public buildings:

- (a) Minimum lot area: One acre.
- (b) Minimum setbacks: 50 feet, all sides.
- (c) Maximum height: 35 feet.

(F) *Encroachments into yards.* No encroachments shall be permitted into any yard.

(G) *Landscaping.* Landscaping shall not be required in the AR-I district except for churches, schools and public buildings.

(H) *Relationship to overlay zones.*

(1) *Comply with overlay zoning and flood hazard requirements.* Any property located in the AR-I district must comply with regulations of any overlay zone and flood hazard requirements.

(2) *Hillside and forest protection.* Property located in the AR-I district shall comply with the hillside protection standards and forest protection standards set forth in §155.066 and §155.068. (1988 Code, § 9-10-66) (Ord. 2014-03, passed 9-8-2014)

§ 155.049 C-1 NEIGHBORHOOD COMMERCIAL DISTRICT.

(A) *Purpose.* The purpose of the C-1 neighborhood commercial district is to provide for establishment of local centers for convenient retail outlets which deal directly with the consumer for whom the goods or services are intended. These centers are located in predominately residential areas and are limited to a type of use compatible with the surrounding residential character of the area. No livestock are permitted.

(B) *Principal permitted uses.* Principal permitted uses in the C-1 district are:

- (1) Antique stores and arts and craft stores.
- (2) Art studios or galleries.
- (3) Retail bakeries.
- (4) Barbershops.
- (5) Beauty parlors.

(6) Candy and ice cream stores.

(7) Convenience food stores not to exceed 2,000 square feet.

(8) Branch libraries.

(9) Drugstores, variety stores, and notion and soft goods stores of not more than 2,000 square feet.

(10) Professional offices of not more than 2,000 square feet.

(11) Public buildings.

(12) Self-service laundries and cleaning pickup stations.

(13) Resale shops.

(14) Restaurants or prepared foods, including alcoholic beverages served in conjunction with food service.

(C) *Conditional uses.* Conditional uses in the C-1 district are:

(1) Principal and conditional uses permitted in R-1, R-2, R-3 and R-4 districts.

(2) *Day care centers.* A minimum of 35 square feet per child shall be provided within the day care facility for indoor activity and at least 50 square feet of fenced-in outdoor play space per child shall be provided on-site. Fenced-in outdoor play space shall not include driveways, parking areas or land unsuited for children's play space by virtue of the usage or natural features. A state license shall be obtained prior to commencement of operation for a day care facility.

(3) Convenience food stores with not more than four gas pumps.

(a) Pump stands shall be set back not less than 25 feet from any street right-of-way, not less than 40 feet from any non-street property line and not less than 100 feet from any residential district boundary.

(b) Interior curbs of not less than six inches in height shall be constructed to separate driving surfaces from sidewalks, landscaped areas and street rights-of-way.

(4) Resident health care facilities, including nursing homes.

(5) Restaurants or prepared foods, including alcoholic beverages served in conjunction with food service.

(6) Hotels and motels, and cabin rentals, detached or semi-detached, in excess of 50 rental units and including incidental rental offices, pools, spas and related recreational facilities for use of guests only.

(7) Mini-

warehouses.

(a) Minimum site area. Minimum site size shall be one acre.

(b) One-site circulation. On-site circulation, drives and driveways.

1. Each mini-warehouse shall provide a minimum of two exits.

2. All one-way driveways shall provide for one ten-foot-wide parking lane and one 15-

foot-wide travel lane. Traffic direction and parking shall be designated by painting or signs.

3. All two-way driveways shall provide for one ten-foot-wide parking lane and two 12-foot-wide travel lanes.

4. The parking lanes may be eliminated when the driveway does not serve storage cubicles.

5. At least one parking space for each ten storage cubicles, equally distributed throughout the storage area, shall be provided, in addition to those in the parking lanes.

6. All driveways and parking, loading and circulation areas shall be paved with concrete, asphalt or asphaltic concrete.

(8) Cannabis Research Laboratory

(9) Cannabis Retailer

(10) Cannabis Testing Laboratory

(11) On-site Cannabis Consumption Premise

(c) *Fencing and screening.*

1. Fencing shall be required around the perimeter of the project at a minimum of six feet in height and constructed of decorative concrete block, as approved by the Commission.

2. All outdoor storage shall be limited to recreational vehicles and shall be screened from view from surrounding properties.

(d) *Setbacks.* Any side of a building providing doorways to storage areas shall be set back from the property line with not less than 25-foot side and rear yard setbacks; otherwise, sides of a building not providing doorways to storage areas may have a zero side or rear lot line provided the building is of the same material as the fencing. If not of the same material, the rear yard setback shall be at least 15 feet.

(e) *Trash enclosures.* Masonry trash enclosures shall be installed subject to the approval of the Commission.

(f) *Prohibited uses.* No auctions, commercial sales, garage sales or similar activities shall be conducted on the premises.

(8) Commercial stables and outfitters.

(9) Mobile home parks.

(D) *Permitted accessory uses.* Permitted accessory uses in the C-1 district are:

(1) Business signs consistent with §§155.095 *et seq.*

(2) Trash enclosures consistent with § 155.079(D).

(3) Parking consistent with § 155.076.

(E) *Access.*

(1) Access to commercial activities shall be allowed only from arterial or collector streets or a street specifically designed for such

development, provided, the Commission may grant a variance from this provision upon a showing of good cause, if said commercial activity is located on U.S. Highway 70.

(2) Access points shall be located at least 150 feet from any street intersection.

(3) Access points on the same street shall not be spaced closer than 100 feet as measured from the center-lines. Commercial developments of a small scale shall be encouraged to develop common access drives and parking facilities.

(4) (a) Commercial developments which may not be able to meet the requirements of divisions (E)(2) and (3) of this section and which are requesting deviations from such standards shall submit an engineer's report certified by a professional engineer addressing the following site conditions, both present and future:

1. Traffic volumes.
2. Turning movements.
3. Traffic controls.
4. Site design.
5. Site distances.
6. Location and alignment of other access points..

(b) Based upon this data, the Commission shall determine whether a deviation from the required standards is justified and, if so, what alternative requirements will be necessary.

(F) *Setbacks and height.* Setback and height requirements for the C-1 district are as follows:

(1) *Setback from property lines.* The minimum building

setback from property lines shall be as follows:

(a) Building setbacks:

1. Front: 25 feet.
2. Interior side and rear: Ten feet.
3. Corner side: Ten feet.
4. Residential district boundary: Same as adjoining residential district.

(b) Parking lots:

1. Front: Four feet.
2. Interior side and rear: Three feet.
3. Corner side: Four feet.
4. Residential district boundary: Three feet.

(c) Under certain conditions, the Commission may reduce the required standard yard setbacks and parking requirements as set out in division (F)(1)(a) of this section and § 155.076. It must be shown that, because of shared parking facilities and/or shared access and drives, the standard requirements for yard setbacks and parking would not be necessary or in the best interest of the citizens of the City.

(2) *Maximum height.* Maximum height of structures shall be 35 feet.

(G) *Lot width and lot area.*

(1) The minimum lot width shall be 100 feet.

(2) Minimum lot area shall be determined by building area, parking requirements and required setbacks.

(H) *Screening.* All principal and accessory uses shall be screened from adjacent residential districts as described in § 155.069.

(I) *Landscaping.* All areas not designated for buildings, circulation, parking or storage shall be landscaped as described in § 155.070.

(J) *Signs.* Signs are allowed according to §§ 155.095 *et seq.*

(K) *Relationship to overlay zones.* Any property located in the C-1 district must comply with the regulations of any overlay zone and satisfy any flood hazard requirements.

(L) *Hillside and forest protection.* Property located in the C-1 district shall comply with the hillside protection standards and the forest protection standards set

forth in §§ 155.066 and § 155.068. (1988 Code, § 9-10-70) (Ord. 2004-05, passed 8-9-2004; Ord. 2017-07, passed 1-8-2018)

§ 155.050 C-2 COMMUNITY COMMERCIAL DISTRICT.

(A) *Purpose.* The purpose of the C-2 community commercial district is to provide for low-intensity retail or service outlets, which deal directly with the consumer for whom the goods or services are intended. The uses allowed in this district are to provide goods and services on a community market scale and should be located in areas which are served by arterial street facilities.

(B) *Additional districts.* There are created additional sub-districts within the C-2 district, identified as C-2a through C-2f, as may be designated on the official zoning map after notice and hearing, and which are subject to the C-2 provisions herein, provided that additions or exceptions to the C-2 provisions may be made by ordinance from time to time for specific sub-districts.

(C) *Principal permitted uses.* Principal permitted uses in the C-2 district are:

(1) Any principal permitted uses of the C-1 neighborhood commercial district.

(2) Any of the following uses, subject to the provisions of division (D) of this section (conditional uses) :

(a) Automobile, boat and recreational vehicle sales, supplies and services.

(b) Automotive upholster shops.

(c) Banks, savings and loans and other financial institutions.

(d) Churches, religious establishments, clubs and meeting facilities.

(e) Entertainment, recreational, health and exercise facilities.

(f) Essential public services and utility installations.

(g) Hospitals and medical clinics.

(h) Hotels, motels, cabin rentals, bed and breakfasts and other such lodging establishments.

(i) Metalwork and machine shops.

(j) Offices.

(k) Radio and television studios, printing and publishing houses and other such media production facilities.

(l) Rental stores.

(m) Restaurants, bars and package liquor sales.

(n) Retail sales and services.

(o) Schools and instructional centers.

(p) Service establishments.

(q) Small engine repair.

(r) Tire sale, service and repair.

(s) Engraving shops.

(t) Pawn Shops

(D) *Conditional uses.* Conditional uses in the C-2 district are:

(1) Principal and conditional uses. Principal and conditional uses permitted in R-1, R-2, R-3, R-4 and C-1 districts.

(2) Automobile service stations.

(a) Automobile service station site improvements such as buildings or structures (permanent or temporary) shall be separated from any residential district by at least 50 feet. Parking areas shall be separated from any residential district by at least 15 feet.

(b) The total site area shall be at least 12,000 square feet.

(c) Pump islands shall be set back at least 25 feet from any street right-of-way line, not less than 40 feet from any non-street line, and not less than 75 feet from any residential district boundary.

(d) Hydraulic hoists, pits and all lubrication, greasing, washing, repair and diagnostic equipment shall be used and enclosed within a building.

(e) Interior curbs of not less than six inches in height shall be constructed to separate driving surfaces from sidewalks, landscaped areas and street rights-of-way.

(f) No automobile service station on a site contiguous to any residential district shall be operated between the hours of 10:00 p.m. and 7:00 a.m. of the following day.

(3) Body shops and paint shops provided the building is located 100 feet from any residential boundary and are screened from ordinary public view.

(4) Automobile washing establishments.

(a) Automobile washing establishments shall be subject to the same limitations and conditions as automobile service stations as set out in divisions (D)(2)(a) through (f) of this section.

(b) Sufficient off-street area to provide space for not less than ten automobiles waiting to be washed or three waiting spaces per washing stall, whichever is greater, shall be provided. A space 20 feet by nine feet shall be deemed adequate for each such required space.

(c) All washwater disposal facilities, including sludge and grit removal and disposal equipment, shall be subject to the approval of the Public Works Director, and shall conform with all City ordinances regarding sewage and health, and shall be designed so as not to detrimentally affect the City water or sewer system.

(5) Convenience food restaurants. Convenience food restaurants shall be subject to the same limitations and conditions as automobile service stations as set out in divisions (D)(2)(a) through (f) of this section.

(6) Automobile drive-in theaters.

(a) Automobile drive-in theater parking shall be screened from view of any residential development.

(b) Light, glare and noise shall not impact nearby residential developments.

(7) Overnight campgrounds, which shall be developed in accord with § 155.083.

(8) Miniwarehouses, as subject to the provisions of § 155.049(C)(7).

(9) Public utilities structures such as transformer, switching, pumping and similar technical installations essential to the operation of a public utility.

(10) Auditoriums.

(11) Billiard or pool rooms.

(12) Boxing or wrestling arenas.

(13) Dancehalls or nightclubs.

(14) Games of skill.

(15) Theaters, auditoriums, amphitheaters, outdoor, showing moving pictures or dramatic performances, located a minimum of 1,000 feet from any residential area, to be enclosed by an eight-foot wall or fence which is solid and providing facilities for not less than 60 parked automobiles for viewing purposes; and theaters, indoor, showing moving pictures or dramatic performances, restricted to no less than 200 seats for spectators, with automobile parking facilities of not less than one for each three spectators.

(16) Penny arcades or game rooms.

(17) Shooting galleries.

(18) Swimming pools.

(19) Health studios and Turkish bath, massage or hot tub parlors, all oriented to the promotion of good health.

(20) Tattoo parlors. Any of those uses requiring a license under the City of Ruidoso Downs Public Health and Safety Ordinance.

(21) Adult entertainment. Any of those uses requiring a license under the City of Ruidoso Downs Public Health and Safety Ordinance.

(22) Amusement enterprises limited to the following and/or similar uses and provided any lighting shall be so located, screened or shaded as not to reflect off the premises:

(a) Baseball batting or archery range, provided the area shall be fenced or otherwise designed to prevent any balls or arrows from going off the premises.

(b) Circus, carnival or similar enterprise, provided it is located at least 300 feet from any dwelling which is a conforming use, and shall be not more than seven days.

(c) Golf driving range, including incidental commercial uses related to the operation of the use, provided that the site shall contain at least six acres and that fencing shall be provided, or the use so designed as to prevent balls from being driven out of the premises.

(d) Cart track, including go-cart tracks and similar facilities, provided that the site shall contain at least three acres, the track shall be located at least 1,000 feet from any dwelling and at least 100 feet from any public way, and the spectator area shall be protected from the vehicular area by suitable fencing, bumpers or other protective devices.

(e) Children's playlands and amusement parks, provided that amusement devices shall be located at least 300 feet from any dwelling and the site shall be enclosed by a wall or fence at least six feet in height.

(23) Lumberyards, provided that all goods and materials are screened from adjacent properties.

(24) Commercial stables and outfitters. The setbacks for all horse fencing is ten feet from all property lines.

(25) Uses or activities in a fiber or membrane tent, if the user or activities are listed in this section, and provided:

(a) The Fire Chief gives prior approval of the tent and proposed location thereof, as meeting the requirements of article 32 of the Uniform Fire Code, 1994 edition, as amended.

(b) There is sufficient off-street parking available on the premises to meet parking requirements for all uses on the premises, including the activity in the tent.

(c) There are toilet facilities on the premises available to the users of the tent.

(d) The Commission approves site development plans for the uses which demonstrate adequate parking, vehicular circulation, site grading and drainage and conformance to setback requirements.

(26) Sales lots only for three or more automobiles, boats or recreational vehicles or any combination thereof.

(27) Assembly, testing and processing of goods and products which conform to performance standards set forth in § 155.080.

(28) Mobile vending stands are permitted subject to the following conditions:

(a) Vending operation shall be so located as to prevent any pedestrian and vehicle conflicts within parking, driveways and walkways and not interfere with vehicle ingress and egress to the property.

(b) Vending operation shall not create any additional pedestrian congestion on sidewalks within the public right-of-way. All vending and patron service and waiting areas must be entirely on privately property and shall not interfere with pedestrian ingress and egress to any business, building or facility on the premises.

(c) Operators and employees of the vending operation must have access to restroom facilities on the same site as the vending operation during all hours of operation.

(d) Signage for mobile vending stands shall comply with the provisions of §§ 155.095 *et seq.* For purposes of calculating sign size, each mobile vending stand shall be subject to the formula contained in § 155.108(B)(1).

(e) No mobile vending stand shall be operated until business registration is obtained from the City.

(f) Mobile vending stands shall be subject to the parking requirements for drive-in or walk-up food or drink services as found in § 155.076(E)(25).

(29) Animal hospitals, clinics and kennels, provided the establishment and animal runs are completely enclosed in a building.

(30) Custom dressmaking, furrier, millinery or tailor shops employing five persons or more.

(31) Firewood. Wood shall be stacked or screened from view and should not exceed eight feet in height.

(32) Recreation vehicle parks.

(33) Feed, grain and related sale and storage.

(34) Warehousing, storage and distribution of bulk goods.

(35) Glass, cutting and finishing.

(36) Mobile home parks.

(37) Cannabis Manufacturer.

a. Cannabis cultivation is allowed, provided that the

establishment complies with all New Mexico State law requirements, including 300 feet from a school or adult or child daycare center.

- b. Site development plan meets minimum code requirements set forth in Sec. 54-67. - Site plan and concept approval.
- c. All activities in this use shall be conducted within the fully permanent enclosed building, be permanently secured to an established foundation, shall adhere to County building and safety codes, including the Construction Industry Division (CID)
- d. An incidental storage area is allowed outside of the fully enclosed portions of a building but shall be screened from view from each property line.
- e. An air filtration plan approved by the City Building Official and New Mexico Environment Department is required.

(38) Cannabis Retailer.

(39) Cannabis Testing and Research Laboratory.

(39) On-site Cannabis Consumption Premise.

(E) *Permitted accessory uses.* Permitted accessory uses in the C-2 district are:

(1) Business signs consistent with §§ 155.095 *et seq.*

(2) Trash enclosures consistent with § 155.079.

(3) Parking consistent with § 155.076.

(F) *Access.* Access shall comply with the requirements of § 155.049.

(G) *Setbacks and height.* Setback and height requirements for the C-2 district are as follows:

(1) *Minimum setback from property lines.* The minimum building setbacks from property lines shall be as follows:

(a) *Building setbacks:*

- 1. Front: 20 feet.
- 2. Interior side and rear: Ten feet.
- 3. Corner side: 15 feet.
- 4. Residential district boundary: Same as the adjoining residential district.

(b) *Parking lots:*

- 1. Front: Four feet.
- 2. Interior side and rear: Three feet.
- 3. Corner side: Four feet.
- 4. Residential district boundary: Three feet.

(2) *Maximum height.* Maximum height of structures shall be 35 feet.

(H) *Lot width, lot area and parking lots.*

(1) The minimum lot width shall be 100 feet, except that corner lots shall have a minimum width of 150 feet.

(2) Minimum lot area shall be determined by building area, parking requirements and required setbacks.

(I) *Screening.* All principal and accessory uses shall be screened from adjacent residential districts as described in § 155.069.

(J) *Landscaping.* All areas not designated for buildings, circulation, parking or storage shall be landscaped as described in § 155.070.

(K) *Signs.* Signs are allowed according to § 155.095 *et seq.*

(L) *Relationship to overlay zones.* Any property located in the C-2 district must comply with the regulations of any overlay zone and satisfy any flood hazard requirements.

(M) *Hillside and forest protection.* Property located in the C-2 district shall comply with the hillside protection standards and the forest protection standards set forth in §§ 155.066 and § 155.068. (1988 Code, § 9-10-71) (Ord. 2017-07, passed 1-8-2018)

§ 155.051 C-3 MIDTOWN COMMERCIAL DISTRICT.

(A) *Purpose.* The purpose of the C-3 midtown commercial district is to allow the development of commercial retail and service establishments with carefully integrated multiple-family residential, entertainment and public parking facilities in the "Midtown" area of the City. The district encourages development to take place in an intensive fashion to facilitate pedestrian circulation and to maximize the use of valuable locations and existing infrastructure and building stock. No livestock are permitted.

(B) *Principal permitted uses.* Principal permitted uses in the C-3 district are:

Any principal permitted uses of the C-2 community commercial district.

(C) *Conditional uses.* The following conditional uses may be allowed in the C-3 midtown commercial district:

(1) Convenience food restaurants, subject to § 155.050(D)(4).

(2) Day care centers,, subject to § 155.049(C)(1).

(3) Residential uses permitted in R-4 districts.

(4) Radio, television or microwave transmitting towers.

(5) Attached one- and two-bedroom apartment units occupied by the owner of a business on the same premises or by an employee of the business who provides custodial and security services for the business premises.

(6) Mobile vending stands are permitted subject to the following conditions:

(a) No walk-up mobile vending stand shall be permitted in any parking lot.

(b) Vending operation shall be so located as to prevent any pedestrian and vehicle conflicts with parking, driveways and walkways and not interfere with vehicle ingress and egress to the property.

(c) Vending operation shall not create any additional pedestrian congestion on sidewalks within the public right-of-way. All vending and patron service and waiting areas must be entirely on private property and shall not interfere with pedestrian ingress and egress

to any business, building or facility on the premises.

(d) Operators and employees of the vending operation must have access to restroom facilities on the same site as the vending operation during all hours of operation.

(e) Operators of food or beverage mobile vending stands shall provide handicapped accessible restrooms on the site with running water and approved liquid waste disposal. For purposes of § 155.026(F), a food or beverage stand shall not be considered as being in substantial compliance with an existing site plan unless that plan includes food or beverage services.

(f) Signage for mobile vending stands shall comply with the provisions of §§ 155.095 *et seq.* For purposes of calculating sign size, each mobile vending stand shall be subject to the formula contained in § 155.105(B)(1).

(g) No mobile vending stand shall be operated until business registration is obtained from the City.

(7) Cannabis Retailer

(8) On-Site Cannabis Consumption Premise

(D) *Permitted accessory uses.* Permitted accessory uses in the C-3 district are:

(1) Business signs consistent with §§ 155.095 *et seq.*

(2) Trash enclosures consistent with § 155.079.

(3) Parking consistent with § 155.076.

(E) *Setbacks and height.*

(1) There are no setback requirements for buildings or structures, with the exception of the following:

(a) Multiple-family structures shall have interior side and rear lot line setbacks as provided in § 155.044(G)(1).

(b) Building setbacks for residential district boundaries shall be the same as for the adjacent residential district.

(2) Parking lot setbacks are as follows:

(a) Front: Four feet.

(b) Interior side and rear: Three feet.

(c) Corner side: Four feet.

(d) Residential district boundary: Three feet.

(3) The maximum height of any structure shall be 35 feet.

(F) *Lot width and lot area.*

(1) There is no minimum lot width.

(2) Minimum lot area shall be determined by building area, parking requirements and required setbacks, if any.

(G) *Screening.* All principal and accessory uses shall be screened from adjacent residential districts as described in § 155.069.

(H) *Landscaping.* All areas not designated for buildings, circulation, parking or storage shall be landscaped as described in § 155.070.

(I) *Signs.* Signs are allowed according to §§ 155.095 *et seq.*

(J) *Relationship to overlay zones.* Any property located in the C-3 district must comply with the regulations of any overlay zone and satisfy any flood hazard requirements.

(K) *Hillside and forest protection.* Property located in the C-3 district shall comply with the hillside protection standards and the forest protection standards set forth in §§ 155.066 and § 155.068.

(L) *Parking.* Property located in the C-3 midtown commercial district is not subject to parking requirements set forth under § 155.076(E), number of spaces required. Parking provided on a voluntary basis must comply with development standards set forth under § 155.076(A), (B), (D) and (F). (1988 Code, § 9-10-72)

§ 155.052 C-4 HEAVY COMMERCIAL DISTRICT.

(A) *Purpose.* The purpose of the C-4 heavy commercial district is to provide for construction-oriented businesses and service operations that are necessary to complement the economy of the City and in a manner consistent with the resort character of the City. Uses allowed in this district shall be located in areas which are served by arterial street facilities.

(B) *Principal permitted uses.* Principal permitted uses in the C-4 district are:

(1) Any principal permitted uses of the C-1 neighborhood commercial district, C-2 community commercial district and C-3 midtown commercial district.

(2) Contractors' offices, shops and yards.

(3) Those uses involving storage and storage of volatile or explosive fuels are prohibited.

(4) Exterior storage of goods and materials, provided that all goods and materials are totally screened from adjacent properties by solid fence construction a minimum of eight feet high.

(5) Heavy equipment sale or service or repair.

(6) Welding shops for repair of vehicles or equipment, provided the yard area is enclosed and screened from adjacent properties.

(7) Heavy equipment service and repair, provided the yard area is enclosed and screened from adjacent properties.

(8) Assembly, testing and processing of goods and products which conform to the performance standards set forth in § 155.080.

(C) *Conditional uses.* Conditional uses in the C-4 district are:

(1) Conditional uses permitted in the C-1, C-2, and C-3 districts.

(2) Kennels, commercial.

(3) Stables, commercial.

(4) Recreational vehicle parks.

(5) Amusement parks or enterprises.

(6) Wrecker service, provided the vehicle storage area is enclosed by a solid wall fence at least six feet high.

(7) Recycling purchase centers, not including processing and storage, provided the

yard area is enclosed with a solid wall fence at least six feet high.

(8) Any principal permitted use in the C-2 community commercial district, except residential uses.

(9) Radio, television or microwave transmitting towers.

(10) Cannabis Manufacturer.

(11) Cannabis Producer.

(12) Cannabis Research Laboratory

(13) Cannabis Retailer

(14) Cannabis Testing Laboratory.

(15) On-Site Cannabis Consumption

Premise

(D) *Permitted accessor uses.*
Permitted accessory uses in the C-4 district are:

(1) Business signs consistent with §§ 155.095 *et seq.*

(2) Personnel service facilities providing personal services, recreation, food and convenience goods for employees.

(3) Parking consistent with § 155.076.

(E) *Access.*

(1) Access for uses in the C-4 heavy commercial district shall be allowed only from arterial or commercial collector streets.

(2) Access points on arterial streets shall, whenever possible, be located at least 150 feet from any street intersection.

(F) *Setbacks and heights.*

(1) The minimum building setback from property lines shall be as follows:

(a) Building setbacks:

1. Front: 20 feet.
2. Interior side and rear: 15 feet.
3. Corner side: 15 feet.
4. Residential district boundary: The same as the adjoining residential setback.

(b) Parking lots:

1. Front: Four feet.
2. Interior side and rear: Three feet.
3. Corner side: Four feet.

(2) Maximum height of structures shall be 35 feet.

(G) *Lot width and lot area.*

(1) The minimum lot width shall be 100 feet, except the minimum width for corner lots shall be 150 feet.

(2) Minimum lot area shall be determined by building area, parking requirements and required setbacks.

(H) *Screening.* All principal and accessory uses shall be screened from adjacent residential districts as described in § 155.069.

(I) *Landscaping.* All areas not designated for buildings, circulation, parking or storage shall be landscaped as described in § 155.070.

(J) *Signs.* Signs are allowed according to §§ 155.095 *et seq.*

(K) *Relationship to overlay zones.* Any property located in the C-4 district must comply with the regulations of the overlay zone and satisfy any flood hazard requirements.

(L) *Hillside and forest protection.* Property located in the C-4 district shall comply with the hillside protection standards and the forest protection standards set forth in §§ 155.066 and § 155.068. (1988 Code, § 9-10-73) (Ord. 2017-07, passed 1-8-2018)

§ 155.053 1-1 INDUSTRIAL DISTRICT.

(A) *Purpose.* The purpose of the I-I industrial district is to provide for the development of storage, warehousing, industrial and office facilities that are necessary to complement the economy of the City in a manner which is not detrimental to the overall resort character of the City and does not cause adverse off-site environmental impacts. Uses allowed in the 1-1 district are those whose activities, including storage, take place entirely within enclosed buildings or areas not visible off-site, which have little or no emission of noise, smoke, dust, odor, vibration or glare, and which pose little or no danger to the public health and safety.

(B) *Principal permitted uses.* Principal permitted uses in the I-I district are:

(1) Any principal permitted uses of the C-4 heavy commercial district, except residential uses.

(2) Any production, testing, processing, goods or products which conform to the performance standards set forth in § 155.080 for the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious materials, odors, glare or heat.

(3) Automobile washing establishments.

(4) Automobile and motor vehicle service and repair facilities.

(5) Building material sales and storage.

(6) Bulk storage of nonexplosive liquids.

(7) Contractors' offices, shops and yards.

(8) Dog kennels.

(9) Railroad tracks and railroad passenger stations, but not railroad switching yards.

(10) Restaurants, including the sale of liquor, and convenience food restaurants.

(11) Stadiums, auditoriums and arenas.

(12) Television and radio towers and studios.

(13) Trade schools.

(14) Exterior storage of goods and materials, provided that all goods and materials are totally screened from adjacent properties.

(15) Sales or rental lots.

(C) *Conditional uses.* Conditional uses in the I-I district are:

(1) Airports, subject to the limitations of the Federal Aviation Administration.

(2) Sewage treatment plants.

(3) Theaters, and automobile drive-in theaters, subject to § 155.050(D)(5).

(4) Campgrounds, subject to § 155.050(D)(5).

(5) Other uses deemed appropriate, under special conditions, by the Council.

(6) Any principal permitted uses in the C-2 community commercial district, except residential uses.

(7) Feed, grain and fertilizer retail sales, which must meet local and State fire codes as they may be changed from time to time.

(8) Propane or butane in quantities less than 350 gallons (6,125 cu. ft.)

(9) Cannabis Courier

(10) Cannabis Manufacturer

(11) Cannabis Producer

(12) Cannabis Research Laboratory

(13) Cannabis Testing Laboratory

(14) Microbusiness Cannabis Producer

(D) *Permitted accessory uses.*
Permitted accessory uses in the I-I district are:

(1) Business signs consistent with §§ 155.095 *et seq.*

(2) Personnel service facilities providing personal services, education, recreation, entertainment, food and convenience goods primarily for those personnel employed in the principal use.

(3) Trash enclosures consistent with § 155.079.

(4) Parking consistent with § 155.076.

(E) *Access.* Access shall comply with the requirements of § 155.049(E).

(F) *Setbacks and height.*

(1) The minimum building setbacks from property lines shall be as follows:

(a) Building setbacks:

1. Front: 35 feet.

2. Interior side and rear: 15 feet.

3. Corner side: 30 feet.

4. Residential district boundary : 60 feet.

(b) Parking lots:

1. Front: Four feet.

2. Interior side and rear: Three feet.

3. Corner side: Four feet.

4. Residential district boundary: Three feet.

(2) Maximum height of structures shall be 55 feet, except that buildings over 35 feet in height measured from the lowest floor must be approved by the fire chief and the Commission and shall be subject to additional fire protection precautions as determined by the Fire Chief.

(G) Lot width and lot area.

(3) The minimum lot width shall be 100 feet.

(4) Minimum lot area shall be determined by building area, parking requirements and required setbacks.

(H) *Screening*. All principal and accessory uses shall be screened from adjacent residential districts as described in § 155.069.

(I) *Landscaping*. All areas not designated for buildings, circulation, parking or storage shall be landscaped as described in § 155.070.

(J) *Signs*. Signs are allowed according to §§ 155.095 *et seq.*

(K) *Relationship to overlay zones*. Any property located in the I-I district must comply with the regulations of any overlay zone and satisfy any flood hazard requirements.

(L) *Hillside and forest protection*. Property located in the 1-1 district shall comply with the hillside protection standards and the forest protection standards set forth in §§ 155.066 and § 155.068. (1988 Code, § 9-10-74) (Ord. 2017-07, passed 1-8-2018)