

## VILLAGE OF RUIDOSO

### ORDINANCE 2021- 05

#### AN ORDINANCE AMENDING CHAPTER 54, ARTICLE II, DIVISIONS 1 & 3; DEFINITIONS AND DISTRICT REGULATIONS

**AMENDING THE VILLAGE OF RUIDOSO LAND USE CODE OF ORDINANCES CHAPTER 54, TO ENACT COMPREHENSIVE ZONING AND OTHER REGULATIONS FOR CANNABIS; INCLUDING CANNABIS ESTABLISHMENTS, OTHER CANNABIS BUSINESSES, PRODUCTION OF CANNABIS AND CANNABIS PRODUCTS, AND AMENDING §54-31, DEFINITIONS TO ADD AND DELETE CANNABIS RELATED DEFINITIONS.**

**WHEREAS;** Chapter 4, Laws of New Mexico 2021 enacted the Cannabis Regulation Act (CRA) thereby setting limitations on sales and purchases of cannabis to a person of twenty-one years old or older; and

**WHEREAS;** CRA provides the Village with limited authority to regulate activities governed by the CRA, including reasonable time, place, and manner rules, such as rules that limit the density of licensed establishments and operating times; and

**WHEREAS;** the Village of Ruidoso Planning & Zoning Commission has reviewed and recommended this amendment.

**NOW THEREFORE BE IT ORDAINED,** by the Village of Ruidoso Council that the following amendments to Chapter 54, Articles II be adopted.

**Bold Underline** is text that is proposed for adoption. ~~Strike out~~ is language deleted

#### **Sec. 54-31. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Except as specifically defined in this article, all words used in this article shall have their customary dictionary definitions.

*General definitions and rules of construction.* Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular. The word "shall" is always mandatory. The word "person" includes a firm, association, organization, partnership, trust, corporation, or company, as well as an individual. The word "lot" includes the words "plot" and "parcel." The word "building" includes the word "structure." The words "used" and "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied." The words "map" and "zoning map" mean the official zoning map of the village that delineates the area to be governed by this article.

*Accessory building or use* means a subordinate building, or portion of the principal building, located on the same lot as the principal building, or a subordinate use of land, either of which is customarily

incidental to the principal building or to the principal use of land. Where part of an accessory building is connected to part of the principal building in a substantial manner, as by a roof, such accessory building shall be counted as part of the principal building.

**Adult or Child Day Care Facility A facility other than an occupied residence that provides care for more than 12 individual adults or children during the day. [This use includes pre-schools]. This use does not include overnight care. See also see Group Home.**

*Advanced infestation* means any insect, pest, fungal growth, parasite or other infestation which threatens the life of a tree according to United States Forest Service standards.

*Agricultural/ranching* means the cultivation of the soil or the raising of livestock and all activities incidental thereto. The terms "farming" and "ranching" shall be interchangeable for purposes of this article.

*Alley* means a permanent public thoroughfare providing a secondary means of access to abutting lands.

*Apartment building* means a building other than a hotel or motel containing five or more dwelling units which have primary entrances from common hallways.

*Area of shallow flooding* means a designated AO zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet, a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident.

*Auto reduction yard* means a lot or yard where three or more unlicensed motor vehicles, or the remains thereof, are kept for the purpose of dismantling, sale of parts, sale as scrap, storage or abandonment.

*Automobile service station* means an establishment with the primary business function of the retail sale of gasoline for passenger car use and the minor service and repair work incidental to the operation of passenger automobiles.

*Automobile washing establishment* means a building which has as its primary purpose washing automobiles. Such facilities shall be considered incidental to automobile service stations if no more than one auto may be washed at one time and if the service station is clearly the principal use.

*Banner* means a sign of temporary construction of lightweight, flexible materials such as cloth, canvas, plastic or paper on which letters, numbers, symbols, or pictures are printed or painted, with or without a frame.

*Basal area* means the cross-sectional area in square feet of each tree in a stand of timber as measured at breast height (4.5 feet). The equation for basal area per tree is:

$$\text{Basal Area} = 0.005454 \times \text{DBH} \times \text{DBH}$$

*Base flood* means the flood having a one percent chance of being equaled or exceeded in any given year.

*Basement* means a portion of a building located partly underground but having not less than half its floor-to-ceiling height below the average grade of the adjoining ground.

*Bed and breakfast homestay* means a private, owner-occupied residence with one to five guest rooms that have a separate bathroom for each guest room and separate bathroom for owner/manager,

where lodging and morning meal is provided for compensation on a daily rate basis with length of stay not to exceed 14 consecutive days.

*Block frontage* means all of the property of a given lot or any portion thereof lying adjacent to a public street or highway.

*Boardinghouse* means an establishment in a private dwelling in which more than one guestroom is used to provide or offer overnight accommodations and meals for transient guests.

*Building* means any structure having enclosed space and a roof for the housing and/or enclosure of persons, animals, or chattels, except mobile homes and mobile offices.

*Building area* means the maximum horizontal projected area of the principal and accessory buildings, excluding open steps, terraces, unenclosed porches of one story, and architectural appurtenances projecting not more than two feet. Building area, as that portion of a lot upon which construction is permitted, is as follows: that area of a lot that lies within the boundaries of the front, side and rear yard setback requirements measured from the actual lot line.

*Building, attached* means a building having one or more party walls in common with another building when the principal use of each building is independent of the other and when no interior access exists from one building to another.

*Building, detached* means a building having no party wall in common or structural connection with another building.

*Building envelope* means that area of a lot lying between the front, rear and side yard setback lines and between ground level and the maximum allowable building height.

*Building, front line of* means the line of the face of a building nearest the front line.

*Building, height of* means the vertical distance from the average contact ground level of the front and rear walls of the building to the highest point of the coping of a flat roof, or to the deck of a mansard roof, or to the mean height level between eaves and ridges for gable and hip or gambrel roofs.

*Building line, front* means the line nearest to the front across a lot establishing the minimum open space to be provided between the front line of a building and the front lot line.

*Building line, rear* means the line nearest to the rear across a lot establishing the minimum open space to be provided between the rear line of a building and the rear lot line.

*Building, nonconforming* means a legally existing building which fails to comply with the regulations set forth in this article applicable to the zone in which the building is located.

*Building, principal* means a building in which is conducted the main or principal use of the lot on which the building is situated.

*Building, public* means a building, supported by government funds, to be used in an official capacity on the behalf of the entire community.

*Business* means the engaging in or the purchase, sale, barter or exchange of goods, wares, merchandise or service, or the maintenance or operation of offices or recreational or amusement enterprises.

*Campground* means any area of land used to temporarily accommodate two or more camping parties, including cabins, tents, house trailers or other camping outfits.

**Cannabis means all parts of the plant genus Cannabis containing a delta-9-tetrahydrocannabinol concentration of more than three-tenths percent on a dry weight manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin; and does not include:**

**(a) the mature stalks of the plant; basis, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, fiber produced from the stalks; oil or cake made from the seeds of the plant; any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake; or the sterilized seed of the plant that is incapable of germination; or**

**(b) the weight of any other ingredient combined with cannabis products to prepare topical or oral administrations, food, drink or another product;**

## **Cannabis**

**Cannabis consumption area means an area where cannabis products may be served and consumed.**

**Cannabis manufacturer means a person that: (1) manufactures cannabis products; (2) packages cannabis products; (3) has cannabis products tested by a cannabis testing laboratory; or (4) purchases, acquires, sells or transports wholesale cannabis products to other cannabis establishments.**

**Cannabis producer microbusiness means a cannabis producer at a single licensed premises that possesses no more than two hundred total mature cannabis plants at any one time.**

**Cannabis producer means a person that: (1) cultivates cannabis plants; (2) has unprocessed cannabis products tested by a cannabis testing laboratory; (3) transports unprocessed cannabis products only to other cannabis establishments; or (4) sells cannabis products wholesale.**

**Cannabis research laboratory means a facility that produces or possesses cannabis products and all parts of the plant genus Cannabis for the purpose of studying cannabis cultivation, characteristics or uses.**

**Cannabis retailer means a person that sells cannabis products to qualified patients, primary caregivers, reciprocal participants, or directly to consumers.**

**Cannabis testing laboratory means a person that samples, collects, and tests cannabis products and transports cannabis products for the purpose of testing.**

**Vertically integrated cannabis establishment means a person that is authorized to act as any of the following: (1) a cannabis courier; (2) a cannabis manufacturer; (3) a cannabis producer; and (4) a cannabis retailer.**

**Cannabis Courier a person that transports cannabis products to qualified patients, primary caregivers or reciprocal participants or directly to consumers.**

**Integrated Cannabis Microbusiness:**

**a person that is authorized to conduct one or more of the following:**

**(1) production of cannabis at a single licensed premises; provided that the person shall not possess more than two hundred total mature cannabis plants at any one time;**

**(2) manufacture of cannabis products at a single licensed premises;**

**(3) sales and transportation of only cannabis products produced or manufactured by that person;**

**(4) operation of only one retail establishment; and**

**(5) couriering of cannabis products to qualified patients, primary caregivers or reciprocal participants or directly to consumers.**

*Carport* means a structure consisting of a roof and either walls or columns and is open to the exterior at two full length walls minimum for the purpose of housing automotive vehicles and other chattels. The structure shall be considered as an accessory building when detached from the principal building or as a part of the principal building when attached to the principal building along one or more sides of the carport or principal building.

*Cemetery* means land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

*Church* means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained, and controlled by a religious body organized to sustain public worship.

*Clinic and medical center* mean an establishment where patients are admitted for special study and treatment by one or more licensed physicians and/or dentists and their professional associates, as distinguished from a professional office for general consultation purposes.

*Club, private (nonprofit)* means a nonprofit association of persons who are bona fide members paying annual dues which owns, hires or leases a building or a portion thereof, the use of such premises being restricted to members and their guests.

*Code enforcement officer* means village staff designated by the village manager to enforce provisions of the ordinances of the village.

**Commercial cannabis activity means the cultivation, production, possession, manufacture, storage, testing, researching, labeling, transportation, couriering, purchase for resale, sale or**

**consignment of cannabis products; and does not include activities related only to the medical cannabis program, to cannabis training and education programs or to the personal cultivation or use of cannabis.**

*Conditional use permit* means legal authorization to undertake a conditional use as defined by this article.

*Condominium* means a building or group of buildings in which units are owned individually and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis. Condominiums may be residential, commercial or industrial in nature.

*Condominium hotel (timeshare condominium)* means a condominium set up like a hotel in which each room is individually owned and in which some or all rooms are available to transients for rent.

*Convenience food restaurant* means an establishment whose principal business is the sale of foods, frozen desserts or beverages to the consumer in a ready-to-eat state for consumption either within the premises or for carryout with consumption either on or off the premises and whose design or principal method of operation includes both of the following characteristics:

- (1) Foods, frozen desserts or beverages are usually served in edible containers or in paper, plastic or other disposable containers.
- (2) The customer is not served food at his table by an employee but receives it at a counter, window or similar facility for carrying to another location for consumption either on or off the premises.

*Corporation counsel* means the village attorney or any assistant or special counsel of the village.

~~*Day care center* means a use where care is provided for pay for five or more unrelated children subject to the requirements of the state.~~

*Defensible space* means an area, either natural or manmade, where materials capable of allowing a fire to spread unchecked have been treated, cleared or modified to slow the rate and intensity of advancing wildfire and create an area for fire suppression operations to occur.

*Density, gross residential* means the number of dwelling units per unit of land calculated with no exclusion.

*Density, net residential* means the number of dwelling units per unit of land, excluding streets and publicly owned property.

*Development* means any manmade change to improve or alter real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or cutting of trees whose circumference is greater than 60 inches.

*Diseased tree* means a tree that shows signs of severe damage, structural unsoundness, or advanced infestation.

*Drive-in business* means any business in which people are provided a service or a product where a sale is made without the customer being required to leave the vehicle. Such businesses include but are not limited to the following: drive-in theater, drive-in bank, drive-in laundry or dry-cleaning pickup station, drive-in restaurant, and any business offering take-home food services.

*Dwelling* means a building, or portion thereof, used primarily for residential occupancy, including single-family, two-family, and multiple-family dwellings, and dwelling rentals, but not including hotels, motels or tourist homes.

*Dwelling, multifamily* means a building, or portion thereof, used for occupancy by three or more families living independently of each other.

*Dwelling, rental* means dwelling units that may be rented on a nightly, weekly, monthly, or long-term basis, provided there is no onsite advertisement; density may not exceed district regulations.

*Dwelling, single-family* means a building used for residential occupancy by one family.

*Dwelling, two-family* means a building, or portion thereof, used for occupancy by two families living independently of each other, also referred to as a "duplex."

*Dwelling unit* means a dwelling, or portion of a dwelling, used by one family for cooking, living and sleeping purposes.

*Family* means one or more persons related by blood, marriage, or adoption, or not more than three unrelated persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, motel, club, fraternity, sorority or lodging house.

*Farm* means an area which is used for growing, raising, producing and storage of agricultural products on a commercial basis, such as timber, livestock, poultry and foodstuffs, including the residence of those conducting and engaged in the operation. A farm shall not include commercial feedlots or sanitary landfills.

*Fence* means a barrier constructed of materials erected for the purpose of protection, confinement, enclosure or privacy.

*Flood insurance rate map (FIRM)* means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and risk premium zones applicable to the community.

*Flood insurance study* means the official report in which the Federal Emergency Management Agency has provided flood profiles, as well as the flood boundary-floodway map and the water surface elevation of the base flood.

*Floodplain, 100-year* means that area encompassing the floodway area and the floodway fringe.

*Floodproofing* means any combination of structural and nonstructural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage or potential flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

*Floodway, 100-year* means the channel of a river or other watercourse and the adjacent land areas which must be kept free of encroachment in order to carry and discharge a flood of 100-year magnitude without substantial increases in flood height.

*Floodway encroachment lines* means the lines marking the limits of floodways on the zoning map.

*Floodway fringe, 100-year* means the area between the floodway and the 100-year flood boundary.

*Forest/urban interface* means an area where development and forested area meet at a well-defined boundary.

*Forest/urban intermix* means an area where development and forested area meet with no well-defined boundary.

*Fuel break* means, generally, a wide strip of land on which native vegetation has been permanently modified so that fires burning into it can be more readily controlled. Some fuel breaks contain narrow fire breaks, which may be roads or narrow hand-constructed lines. During fires these line breaks can quickly be widened either with hand tools or firing out.

*Fuel modification* means a method of modifying fuel load by reducing the amount of non-fire-resistive vegetation to reduce the fuel loads.

*Garage, private* means a detached accessory building, or portion of a main building, used for the storage of self-propelled vehicles, where the capacity does not exceed three vehicles per family housed in the building to which such garage is accessory. Not more than one-third of the total number of vehicles stored in such garage shall be commercial vehicles.

*Garage, public* means any building or premises, except a private garage, used for the storage or care of motor vehicles, or where such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

*Ground floor area* means the square foot area of a building within its largest outside dimension computed on a horizontal plane at the ground floor level, exclusive of open porches, breezeways, terraces, garages, exterior stairways, and secondary stairways.

*Group home* means a single residential structure having common kitchen facilities occupied by persons having physical, mental, emotional, or social problems and living together for the purpose of training, observation and/or common support.

*Habitable floor* means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof.

*Healthy tree* means a tree that shows no signs of severe damage, structural unsoundness, or advanced infestation.

*Home occupation or profession* means any use conducted entirely within a dwelling and carried on solely by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes, and which meets the requirements of this article.

*Hospital* includes a sanitarium, preventorium, or clinic, provided such institution is operated by or treatment is given under the direct supervision of a physician licensed to practice by the state.

*Hotel and motel* mean a building or portion thereof, or a group of buildings, in which lodging is provided and offered to transient guests for compensation; this shall not include a lodging house.

*Industry, heavy* means those industries whose processing of products results in the emission of any atmospheric pollutant, light flashes, or glare, odor, noise, or vibration which may be heard and/or felt off the premises, and those industries which constitute a fire or explosion hazard.

*Industry, light* means those industries whose processing of products results in none of the conditions described for heavy industry.



*Junkyard* means any place at which personal property is or may be salvaged for reuse, resale or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled or sorted, including but not limited to use of salvaged base metals or their compounds or combinations; and used or salvaged rope, bags, rags, glass, rubber, lumber, millwork, brick, automobiles and similar property which is used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

*Kennel* means any lot or premises on which are kept ten or more dogs, cats or small animals over eight weeks of age, for any purpose, or on which there is commercial boarding or breeding of dogs or cats. The term does not include premises for the boarding of animals by a nonprofit organization which is dedicated to permit the humane care and treatment of animals.

*Ladder fuels* means fuels which provide vertical continuity between strata. Fire is able to carry from surface fuels into the crown of trees or shrubs with relative ease and ensure initiation and continuity of crowning.

*Loading and unloading berth* means the off-street area required for the receipt of or distribution by vehicles of material or merchandise.

*Lodging house* means a building with more than two but not more than ten guestrooms where lodging with or without meals is provided for compensation.

*Lot* means a piece, parcel, plot, tract or area of land occupied or capable of being occupied by one or more principal buildings, and the accessory buildings or uses customarily incidental to them, and including the open spaces required under this article, and having its principal lot frontage on a street.

*Lot, corner* means a lot at a junction of and fronting on two or more intersecting streets.

*Lot coverage* means the percentage of the lot area covered by buildings.

*Lot depth* means the horizontal distance of a line measured at a right angle to the front lot line and running between the front lot line and rear lot line of a lot.

*Lot, interior* means a lot other than a corner or through lot.

*Lot line, front*, in the case of an interior lot, means a line separating the lot from the street, and in the case of a corner lot means a line separating the narrowest street frontage of the lot from the street, except that, where the lot is square or nearly so, the owner may choose which of the two street frontages is to be considered the front lot line.

*Lot line, rear* means a lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

*Lot line, side* means any lot boundary line not a front lot line or a rear lot line.

*Lot, through* means a lot having frontage on two parallel or approximately parallel streets.

*Lot width* means the distance, measured in a straight line, between side lot lines at the points of intersection with the setback line.

*Manufactured housing* means a manufactured home or modular home that is a single-family dwelling with a heated area of at least 36 by 24 feet and at least 864 square feet, constructed in a factory to the standards of the United States Department of Housing and Urban Development, the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC 5401 et seq.)

and the Housing and Urban Development Zone Code II or the requirements in section 22-31 (a) of the Ruidoso code, and installed consistent with the Manufactured Housing Act (NMSA 1978, § 60-14-1 et seq.) and with the regulations made pursuant thereto relating to ground level installation and ground anchors.

*Manufacturing* means the creation of products either with machinery or by hand according to an organized plan and with the division of labor.

*Mature tree* means a tree measuring ten inches or more in diameter at 4.5 feet above ground level.

*Minimum* means not less than the requirement indicated, but may be greater, if necessary, to meet the development standards of this article.

*Mining* means the extraction of sand, gravel, or other material from the land in the amount of 400 cubic yards or more, and the removal from the site without processing.

*Mobile home* means a factory-assembled structure exceeding eight feet in width, originally equipped with the necessary service connections, and originally made so as to be readily movable as a unit on its own running gear and designed to be used as dwelling unit without a permanent foundation, whether or not the running gear has been removed. Mobile homes may also be referred to as manufactured homes.

*Mobile home park* means any plot of ground upon which two or more mobile homes, occupied or intended to be occupied for dwelling or sleeping purposes, are located.

*Mobile home space* means a plot of ground within a mobile home park designed for the accommodation of one mobile home.

*Mobile home stand* means that portion of an individual mobile home space which has been reserved for the placement of a mobile home and structures or additions appurtenant to the mobile home.

*Mobile home subdivision* means a subdivision designed for the express purpose of placing mobile homes on the individual lots.

*Mobile office* means a factory-assembled structure exceeding eight feet in width, originally equipped with the necessary service connections, and originally made so as to be readily movable as a unit on its own running gear and designed to be used as an office without a permanent foundation, whether or not the running gear has been removed.

*New construction* means structures for which the start of construction commenced on or after the effective date of the ordinance from which this article is derived.

*Noxious matter or material* means material capable of causing injury to living organisms by chemical reaction or capable of causing detrimental effects on the physical or economic well-being of individuals.

*Offices* means structures, or portions of structures, in which commercial activities take place but where goods are not produced, sold or repaired. These include banks, general and professional offices, governmental offices, insurance offices, real estate offices, taxicab offices (but not taxi stands), travel agency or transportation ticket offices, telephone exchanges, utility offices, radio broadcasting and similar uses.

*100-year flood* means the highest level of flooding that, on the average, is likely to occur once every 100 years (i.e., that has a one percent chance of occurring each year).

*On-site Cannabis Consumption Premise* means on-site consumption of cannabis includes the smoking, vaporizing, and ingesting of cannabis or cannabis products on a licensed premise.

*Open sales (or rental) lot* means any land used or occupied for the purpose of buying, selling, or renting, for use away from the premises, any goods, materials or merchandise, and for the exterior storing of such goods, materials or merchandise prior to sale or rental.

*Overlay zone* means a zone superimposed upon an underlying zone, which establishes special requirements in addition to those of the underlying zone. Development or use of land or structures must conform to the requirements of both zones or the more restrictive of the two, if in conflict.

*Parking area, public* means an open area, other than a street or alley, designated for use or used as temporary parking for four or more vehicles, when available for public use, whether free or for compensation or as an accommodation for clients or customers.

*Parking space, off-street* means a space designated for the temporary parking of a motor vehicle not on the right-of-way or alley but accessible from a street or alley.

*Party wall* means any wall of a building or structure which is common to two or more buildings.

*Paved parking space or surface* means an area covered by an impervious dust free surface of asphalt or concrete designed to specifications of the village engineer.

*Person* includes any individual or group of individuals, corporations, partnerships, associations, or any other organized group of persons, including state and local governments and agencies thereof.

*Personal and convenience services* means businesses offering services, such as barbershops, beauty shops, laundromats, laundry and dry-cleaning pickup and delivery stations (but excluding actual laundry operations), and similar uses.

*Planning administrator* means village staff designated by the village manager or assistant village manager to be responsible for the administration of this article.

*Portable or mobile vending stand or booth* means a structure or assembly intended or designed for vending of food, beverages or general retail merchandise which is without permanent foundation and without connection to approved water and sewer systems and other required utilities and not meeting the requirements in section 22-31(a) of the Ruidoso Code for construction.

*Property, personal* means property other than real property, consisting of things temporary and movable.

*Property, real* means property in buildings and land.

*Public hearing* means a meeting announced and advertised in advance and open to the public where the public has the right, within prescribed rules, to participate and be heard.

*Public meeting* means a meeting open to the public where the public has the right to attend and listen to the proceedings. Participation by the public shall be at the discretion of the public body.

*Ranch* means an area utilized for the primary purpose of raising and producing livestock, including the residence of those conducting and engaged in the operation.

*Recreational vehicle (RV).* The following shall be known as recreational vehicles:

- (1) Travel trailers, camping trailers, fifth-wheel trailers and all other vehicles that are constructed to include a chassis, integral wheels, and a towing hitch, and are primarily designed or constructed to provide temporary, readily moveable living quarters for recreation, camping or travel uses. For purposes of this subsection, readily movable shall mean movable within 24 hours.
- (2) Pickup campers, either mounted or nonmounted, or any structure designed to be mounted in the bed of a truck and providing living quarters for recreation, camping or travel uses.
- (3) Chassis mount, motor home, mini-motor home or other recreational structures or vehicles constructed integrally with a truck or motor van chassis and incapable of being separated therefrom and designed to be used for moveable living quarters for recreational, camping or travel uses.
- (4) Recreational vans or converted and chopped vans or other vehicles which are either initially constructed or converted to contain living quarters for recreational, camping or travel uses.

*Recreational vehicle park (RVP)* means a tract of land at least two acres in size, on which individual recreational vehicles are parked temporarily in rental spaces for periods not exceeding 150 days during any 12-month period. Recreational vehicles may not be stored in recreational vehicle parks.

*Restaurant* means any restaurant (except a drive-in restaurant or a convenience food restaurant), coffee shop, cafeteria, short-order cafe, luncheonette, tavern, sandwich stand, drugstore or soda fountain serving food, and all other eating or drinking establishments provided that at least one-half of the total sales are derived from the sale of food.

*Sales lot for automobiles, boats or recreational vehicles* means a lot or area used for commercial display and sales only of three or more automobiles, boats or recreational vehicles or any combination thereof, with or without a sales office on-site and without service facilities.

*School* means any pre-primary, primary or grammar, public, parochial or private school, high school, preparatory school or academy, public or founded, owned or conducted by or under the sponsorship of a religious or charitable organization; any private preparatory school or academy furnishing courses of instruction substantially equivalent to the courses offered by public high schools for preparation of admission to college or universities which award B.A. or B.S. degrees; any junior college or university, public or founded or conducted by or under the sponsorship of a religious or charitable organization; or any private school when not conducted as a commercial enterprise for the profit of individual owners or stockholders.

*Screening* means a solid or nearly solid barrier (i.e., wall, fence, or plantings) constructed or installed for the purpose of visual separation.

*Setback* means the minimum horizontal distance between a building and the street or lot line.

*Shopping center* means any grouping of four or more principal retail uses, whether on a single lot or on abutting lots, under multiple or single ownership, and whether contained in one building or multiple buildings.

*Sign* means any board, device or structure or part thereof used for advertising, display or publicity purposes. Signs placed or erected by governmental agencies for the purposes of showing street names or traffic directions or regulations for other governmental purposes shall not be included in this definition.

*Sign, billboard* means any non-accessory sign, whether freestanding, wall-mounted or roof-mounted.

*Sign, non-accessory* means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

*Sign, wall* means a sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign, and which does not project more than 18 inches from such building or structure.

*Site plan* means a drawing to a scale not less than one-inch equals 100 feet showing the accurate location of all structures, streets, alleys and parking areas existing and proposed on subject property, or any other information as may be required by this article.

*Sketch plan approval* means an approval of a proposed development by a property owner prior to the preparation of a final site plan. The purpose of this approval is to provide relief for the property owner or developer from the expense of the required professionally prepared documents prior to reaching general agreement with the planning commission and the affected property owners of the proposed development.

*Slash* means the debris created from cutting trees and forest growth.

*Special exceptions.* Special exceptions to this article shall be limited to variances, conditional uses and expansion of nonconforming uses, and shall not be granted except as prescribed in this article.

*Spot zoning* means rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive plan.

*Stable, private* means any building located on a lot which is designed, arranged, used or intended to be used for not more than four horses for the private use of the owner of the lot, but shall not exceed 6,000 square feet in area.

*Stable, public* means a stable where horses are kept for remuneration, hire or sale.

**Standalone Building a building whose heating, air conditioning and ventilation system services only that building.**

*Start of construction* means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the state of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not a part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home

park or mobile home subdivision, the start of construction is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

*Street* means a right-of-way, other than an alley, dedicated or otherwise legally established for public use, usually affording the principal means of access to abutting property.

*Street, arterial* means a major street of exceptional continuity that is intended to carry the greater portion of through traffic from one area of the village to another.

*Street, collector* means a street designed to accommodate traffic within residential neighborhoods with the primary purpose of collecting and distributing traffic to and from the arterial streets.

*Street frontage* means any property line separating a lot from a street.

*Street, public* means any street which has been dedicated or is otherwise publicly owned by the village.

*Strip development* means commercial or retail development, usually one store deep, that fronts on a major street.

*Structural alteration* means any change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders, or any change in the exterior walls or the roof.

*Structure* means anything constructed or erected which requires location on the ground.

*Substantial improvement* means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or, if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not, however, include either:

- (1) Any project for improvement of a structure to comply with existing or local health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions; or
- (2) Any alteration of a structure listed on the National Register of Historic Places.

*Temporary or portable carport* means those which are designed to be portable, are prefabricated off-site for assembly and/or installation on-site, having exterior finish of fabric, fiberglass, plastic, thin metal or like materials, whether or not carport is set on permanent foundation.

*Ten-foot zone* means the area within ten feet of a structure, as measured from a line drawn perpendicular from the roofline of the structure to the ground.

*Tourist home* means an establishment in a private dwelling that supplies a building in which more than one but not more than five guestrooms are used to provide or offer overnight accommodations for transient guests for compensation.

*Townhouse* means a single-family dwelling constructed as part of a series of dwellings, all of which are either attached to the adjacent buildings by party walls or are located immediately adjacent thereto

with no visible separation between walls or roof, all of which dwellings may be located on individual and separate lots if individually owned, or upon a single lot if under common ownership.

*Townhouse cluster* means a building consisting of three or more noncommunicating, attached one-family units, placed side by side and having a common wall between each two adjacent dwelling units.

*Travel trailer* means any vehicular or similar portable structure designed as a temporary dwelling for travel, recreational and vacation uses and having maximum size of eight feet in width and 27 feet in overall length.

*Travel trailer park* means a parcel of land designed and intended principally for short term occupancy for periods of less than 30 days by travel trailers, tents, automobiles, trucks or buses that have been adapted for vacation use and where lots are rented.

*Tree manipulation activity* means cutting or thinning of mature trees.

*Tree protective zone* means the portion of any lot or parcel covered by the front, rear and side yard requirements of this article.

*Tree removal* means any act which causes a tree to die within a period of two years, including but not limited to damage inflicted upon the root system by machinery, storage of materials and soil compaction; changing the natural grade above the root system or around the trunk; damage inflicted on the tree permitting infection or pest infestation; excessive pruning; or paving with concrete, asphalt, or other impervious material within such proximity as to be harmful to the tree.

*Unobstructed utility easement.* No utility easement shall have trees or shrubbery growing into, around, or over, or have branches that with a snow or ice load threaten, any above ground utility line.

*Use* means the employment or occupation of a building, structure or land for a person's service, benefit, or enjoyment.

*Use, conditional* means either a public or private use as listed in this article which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district. After consideration in each case of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, a permit for such conditional use may or may not be granted pursuant to the requirements of this article. A conditional use may be a principal use or an accessory use.

*Use, nonconforming* means an existing use of land or buildings which was legal prior to the effective date of the ordinance from which this article is derived but which fails to comply with the requirements set forth in this article applicable to the zone in which such use is located.

*Use, permitted* means a use which is lawfully established in a particular district and which conforms with all requirements, regulations and performance standards of such district. A permitted use may be a principal use or an accessory use.

*Use, principal* means a use or structure which determines the predominant or major use of the lot on which it is located. A principal use may be either a permitted or a conditional use.

*Variance* means a modification or variation of the provisions of this article as applied to a specific piece of property. Dimensional variances only may be allowed, and only as prescribed by section 54-61(e)(8). No variance regarding use of property shall be permitted. No variances decreasing lot area requirements shall be allowed.

*Variance, dimensional* means departure from the terms of this article pertaining to height or width of structures and size of yards and open spaces where such departure will not be contrary to the public interest and where, owing to conditions peculiar to the property because of its size, shape or topography, and not as a result of the action of the applicant, the literal enforcement of this article would result in unnecessary and undue hardship.

*Warehouse* means an enclosed building designed and used primarily for the storage of goods and materials.

*Warehouse, residential storage* and *miniwarehouse* mean a building or group of buildings in a controlled-access and fenced or screened compound that contains relatively small storage spaces of varying sizes, having individual, compartmentalized and controlled access for the storage of excess personal property of an individual or family generally stored in residential accessory structures, when such building or group of buildings is not located on the lot of the residence.

*Yard* means a space on the same lot with a principal building, which is open and unoccupied other than by steps, walks, terraces, driveways, lampposts and similar structures, and unobstructed by structures, except as otherwise provided in this article.

*Yard, corner side* means a yard on a corner lot, the area of which is bounded by a line extending from the front of the principal building (the front building line) to a point intersecting the side street right-of-way line (side lot line), then along the side lot line to a point intersecting the line formed by extending the wall of the nearest principal building paralleling the side lot line.

*Yard, front* means a yard extending across the full width of the lot between two side lot lines, the depth of which is the least distance between the street right-of-way and the building line.

*Yard, rear* means a yard extending across the full width of the lot between the two side lot lines and between the rear line and a parallel line tangent to the rear of the principal building, the depth of which is the least distance between the rear lot line and the parallel line.

*Yard, side* means a yard extending between the front building line and the rear building line, the width of which is the least distance between the side lot line and the nearest part of the principal building.

*Zoning authority* means the village council.

#### **Sec. 54-96. AR-1 agricultural/residential district.**

- (a) *Purpose.* The purpose of the AR-1 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.
- (b) *Principal permitted uses.* Principal permitted uses in the AR-1 district are:
  - (1) Farms and ranches.
  - (2) Plant nurseries, truck gardening and greenhouses.
  - (3) Stables.
  - (4) Single-family residences.
  - (5) Parks, playgrounds, golf courses and related recreational uses.



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**(6) Cannabis Producer**

**(7) Cannabis Microbusiness**

- (c) *Conditional uses.* Conditional uses in the AR-1 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.
- (d) *Permitted accessory buildings.* Permitted accessory buildings in the AR-1 district are: See section 54-137.
- (1) All structures accessory to farming and ranching.
  - (2) Private garages.
  - (3) Tool houses, sheds, playhouses and other similar buildings for domestic use.
  - (4) Private or jointly owned swimming pools and tennis courts for the use and convenience of residents.
  - (5) Television and radio signal receiving facilities.
- (e) *Development requirements.* There shall be no development requirements for farming and ranching operations. All other uses shall conform to the following minimum standards:
- (1) Residential single-family uses:
    - a. Minimum lot area: 2 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: 1 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-1 district except for churches, schools and public buildings.
- (h) *Relationship to overlay zones.* Any property located in the AR-1 district must comply with regulations of any overlay zone and flood hazard requirements.
- (i) *Hillside and forest protection.* Property located in the AR-1 district shall comply with the hillside protection standards and forest protection standards set forth in sections 54-132 and 54-133.

(Code 1985, § 10-4-15; Ord. No. 2019-02 , 3-12-19)

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**Sec. 54-99. 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 predominantly residential areas and are limited to a type of use compatible with the surrounding residential character of the area. Except as specified below, merchandise which is offered for sale in the C-1 district must be housed completely within the building footprint, which includes the roof overhang. Unless a conditional use is granted by the planning commission for outdoor sales, outdoor sales are restricted as follows:
- (1) Outdoor sales shall be limited to three consecutive days in duration with no more than two events scheduled per year.
  - (2) Merchandise shall not be displayed within any public right-of-way, impede vehicular or pedestrian traffic or obstruct any clear sight triangle required by this chapter.
  - (3) The display area shall not reduce the parking on the premises below that required by this chapter.
  - (4) Where the merchandise is displayed in connection with a permanent building:
    - a. The distance from the display area to the closest permanent building shall not be greater than 20 percent of the front width of the primary building of that business.
    - b. The area of the display shall not be greater than five percent of the lot area of the business.
  - (5) An outdoor sales special use permit shall be obtained from the planning department prior to each event. The planning department may require submittal of a site plan and event schedule with the application. The planning department may ask for comments by other village departments prior to issuing the special use permit and may impose restrictions on the event when issuing the permit.
  - (6) All materials, supplies, merchandise or other similar matter not on display for direct sale, rental or lease to the ultimate consumer or user shall be stored within the confines of a fully enclosed structure.
- (b) *Principal permitted uses.* Principal permitted uses in the C-1 district, not to exceed 2,000 square feet in area, are:
- (1) Antique stores and arts and craft stores.
  - (2) Art studios or galleries.
  - (3) Retail bakeries.
  - (4) Barbershops.
  - (5) Beauty parlors.
  - (6) Hotels and motels, and cabin rental, detached or semidetached, not to exceed 50 rental units, and including incidental rental offices, pools, spas and related recreational facilities for use of guests only, and also including recreational equipment rental and

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sales available primarily for guests, which activity shall be under the same proprietorship.

- (7) Candy and ice cream stores.
- (8) Convenience food stores (no gas sales).
- (9) Branch libraries.
- (10) Drugstores, variety stores, and notion and soft goods stores.
- (11) Professional offices.
- (12) Public buildings.
- (13) Self-service laundries and cleaning pickup stations.
- (14) Restaurants or prepared foods, including alcoholic beverages served in conjunction with food service.

**(15) Cannabis Retailer**

**(16) Cannabis Testing Laboratory**

**(17) Cannabis Research Laboratory**

**(18) On-site Cannabis Consumption Premise**

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

- (1) Residential uses as follows:
  - a. Single-family and two-family dwellings.
  - b. Multifamily dwellings (townhomes and apartments) not to exceed six units or 135 linear feet, whichever is less.
  - c. Multiple-family structures containing four or more dwelling units.
  - d. Townhouse clusters of at least four units but not more than 170 feet in length.
- (2) 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.
- (3) Resident health care facilities, including nursing homes and group homes.
- (4) 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.
- (5) Miniwarehouses.

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- a. *Minimum site area.* Minimum site size shall be one acre.
  - b. *On-site circulation, drives and driveways.*
    - 1. Each miniwarehouse 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.
  - 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 planning 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 planning commission.
  - f. *Prohibited uses.* No auctions, commercial sales, garage sales or similar activities shall be conducted on the premises.
- (6) Commercial stables and outfitters.
  - (7) Public parks.
  - (8) 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

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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 of a day care facility.

- (9) Electrical substations, gas regulating stations, water pump stations, water towers and lift stations.
- (10) Churches.
- (11) Schools.
- (12) Radio, television or microwave transmitting towers, except as otherwise allowed herein as accessory uses.

(d) *Permitted accessory uses.* Permitted accessory uses in the C-1 district are: See section 54-137.

- (1) Business signs consistent with division 5 of this article.
- (2) Trash enclosures consistent with section 54-144(d).
- (3) Parking consistent with section 54-141.
- (4) Storage structures.
- (5) Accessory structures common to the primary and conditional uses approved for this district.

(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 planning commission may grant a variance from this provision upon a showing of good cause, if said commercial activity is located on either U.S. Highway 70 or State Highway 48.
- (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 centerlines. Commercial developments of a small scale shall be encouraged to develop common access drives and parking facilities.
- (4) Commercial developments which may not be able to meet the requirements of subsections (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:
  - a. Traffic volumes.
  - b. Turning movements.
  - c. Traffic controls.
  - d. Site design.
  - e. Site distances.
  - f. Location and alignment of other access points.

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Based upon this data, the planning 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: 10 feet.
3. Corner side: 10 feet.
4. Residential district boundary: Same as adjoining residential district.

b. Parking lots:

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

c. Under certain conditions, the planning commission may reduce the required standard yard setbacks and parking requirements as set out in subsection (f)(1)a of this section and section 54-141. 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 village.

(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 section 54-134.

(i) *Landscaping.* All areas not designated for buildings, circulation, parking or storage shall be landscaped as described in section 54-135.

(j) *Signs.* Signs are allowed according to division 5 of this article.

(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 sections 54-132 and 54-133.

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(Code 1985, § 10-4-8; Ord. No. 2000-12, 9-12-00; Ord. No. 2011-02, § I, 1-25-11; Ord. No. 2011-08, 3-29-11; Ord. No. 2011-11, 6-12-11; Ord. No. 2019-02, 3-12-19)

**Sec. 54-100. 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.
- (1) Merchandise which is offered for sale may be displayed beyond the confines of a building in any C-2 district, but the area occupied by such outdoor display shall not constitute a greater number of square feet than ten percent of the ground floor area of the building housing the principal use, unless such merchandise is a type customarily displayed outdoors such as automobiles and garden supplies.
  - (2) All materials, supplies, merchandise or other similar matter not on display for direct sale, rental or lease to the ultimate consumer or user shall be stored within the confines of a 100 percent opaque wall or fence not less than six feet tall. No storage of any type shall be permitted within the one-half of the required front or side street setback nearest the street, or within any required interior side or rear setback.
- (a.1) *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.
- (b) *Principal permitted uses.* Principal permitted uses in the C-2 district are as follows, subject to the provisions of subsection (c) of this section (conditional uses):
- (1) Antique stores and arts and craft stores.
  - (2) Art studios or galleries.
  - (3) Retail bakeries.
  - (4) Barbershops.
  - (5) Beauty parlors.
  - (6) Hotels and motels, and cabin rental, detached or semi detached, and including incidental rental offices, pools, spas and related recreational facilities for use of guests only, and also including recreational equipment rental and sales available primarily for guests, which activity shall be under the same proprietorship.
  - (7) Candy and ice cream stores.
  - (8) Cannabis Retailer**
  - (9) Cannabis Testing and Research Laboratory**
  - (10) Drugstores, variety stores, and notion and soft goods stores.
  - (11) Professional offices.

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- (12) Public buildings.
  - (13) Self-service laundries and cleaning pickup stations.
  - (14) Restaurants or prepared foods, including alcoholic beverages served in conjunction with food service.
  - (15) Banks, savings and loans and other financial institutions.
  - (16) Clubs and meeting facilities.
  - (17) Entertainment, recreational, health and exercise facilities.
  - (18) Essential public services and utility installations.
  - (19) Hospitals and medical clinics.
  - (20) Hotels, motels, cabin rentals, bed and breakfasts and other such lodging establishments.
  - (21) Professional offices.
  - (22) Radio and television studios, printing and publishing houses and other such media production facilities.
  - (23) Rental stores.
  - (24) Restaurants, bars and package liquor sales.
  - (25) Retail sales and services.
  - (26) Schools and instructional centers.
  - (27) Service establishments.
  - (28) Animal hospitals, clinics and kennels, provided the establishment and animal runs are completely enclosed in a building.

**(29) On-site Cannabis Consumption Premise**

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

- (1) Multiple-family structures containing four or more dwelling units.
  - a. Within the C-2 zoning district, multiple-family structures shall also include individual minimal dwelling units, as defined, and governed by the regulations contained elsewhere in this Code in chapter 22, providing that there are a minimum of four per lot.
  - b. Minimal dwelling units shall comply with all other applicable utilities, zoning and building regulations within this Code.
  - c. The maximum number of minimal dwelling units shall be determined by the planning commission upon reviewing a site development plan. Upon making this determination, the commission shall take into account the adequacy of utilities, infrastructure—including street and parking capacity, safety, and the potential impacts to the neighborhood.
  - d. Minimal dwelling units' development shall further be held as a tenants-in-common with a bona fide copy of such arrangement and corresponding



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agreements, including any covenants to be submitted to the planning administrator for his approval prior to any building permits are issued by the village.

(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 not be less than 12,000 square feet.
- c. Pump islands shall be set back not less than 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) Automobile washing establishments.

- a. Automobile washing establishments shall be subject to the same limitations and conditions as automobile service stations as set out in subsections (c)(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 wash water disposal facilities, including sludge and grit removal and disposal equipment, shall be subject to the approval of the village engineer, and shall conform with all village ordinances regarding sewage and health, and shall be designed so as not to detrimentally affect the village water or sewer system.

(4) Automotive, boats or recreational vehicles or any combination thereof of two or less.

(5) Convenience food restaurants. Convenience food restaurants shall be subject to the same limitations and conditions as automobile service stations as set out in subsections (c)(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.

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- b. Light, glare and noise shall not impact nearby residential developments.
- (7) Overnight campgrounds, which shall be developed in accord with section 54-148.
  - (8) Miniwarehouses, as subject to the provisions of section 54-99(c)(5).
  - (9) Auditoriums.
  - (10) Billiard or pool rooms.
  - (11) Boxing or wrestling arenas.
  - (12) Dancehalls or nightclubs.
  - (13) Games of skill.
  - (14) Theaters, 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.
  - (15) Penny arcades or game rooms.
  - (16) Shooting galleries.
  - (17) Swimming pools (private).
  - (18) Health studios and Turkish bath, massage or hot tub parlors, all oriented to the promotion of good health.
  - (19) Head shops, so-called, for selling paraphernalia for the use of drugs, directly or indirectly.
  - (20) Any business selling lewd or sexually oriented materials, including magazines, photographs or pictures, moving or otherwise, or any business subject to the provisions of the New Mexico Liquor Control Act and providing exotic dancing.
  - (21) 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

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- area shall be protected from the vehicular area by suitable fencing, bumpers or other protective devices.
- e. KiddieLand, including 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.
- (22) Lumberyards, provided that all goods and materials are screened from adjacent properties.
- (23) Commercial stables and outfitters.
- (24) 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 in subsection 22-31(a) of the Ruidoso Code.
- 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 planning commission approves site development plans for the uses which demonstrate adequate parking, vehicular circulation, site grading and drainage and conformance to setback requirements.
- (26) Assembly, testing and processing of goods and products which conform to performance standards set forth in section 54-145.
- (27) **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 enclosed portions of a building unless a**
- 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 Village Building Official and New Mexico Environment Department is required.**
- (28) Animal hospitals, clinics and kennels with open animal runs.
- (29) Custom dressmaking, furrier, millinery or tailor shops employing five persons or more.
- (30) Firewood sale with more than ten cords stored on-site. Wood shall be neatly stacked but shall not exceed eight feet in height.
- (31) Group and nursing homes.
- (32) 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

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- 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 of a day care facility.
- (33) Churches.
- (34) Schools.
- (35) Radio, television, or microwave transmitting towers, except as otherwise allowed herein as accessory uses.
- (d) *Permitted accessory uses.* Permitted accessory uses in the C-2 district are: See section 54-137.
- (1) Business signs consistent with division 5 of this article.
  - (2) Trash enclosures consistent with section 54-144.
  - (3) Parking consistent with section 54-141.
  - (4) Storage structures.
  - (5) Accessory structures common to the primary and conditional uses approved for this district.
- (e) *Access.* Access shall comply with the requirements of section 54-99(e).
- (f) *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: 10 feet.
      3. Corner side: 15 feet. Street side(s)
      4. Residential district boundary: Same as the adjoining residential district.
    - b. Parking lots:
      1. Front: 4 feet.
      2. Interior side and rear: 3 feet.
      3. Corner side: 4 feet.
      4. Residential district boundary: 3 feet.
  - (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, except that corner lots shall have a minimum width of 150 feet.

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- (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 section 54-134.
  - (i) *Landscaping.* All areas not designated for buildings, circulation, parking or storage shall be landscaped as described in section 54-135.
  - (j) *Signs.* Signs are allowed according to division 5 of this article.
  - (k) *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.
  - (l) *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 sections 54-132 and 54-133.
- (Code 1985, § 10-4-9; Ord. No. 97-12, § 1, 7-29-97; Ord. No. 99-14, 9-14-99; Ord. No. 2000-02, 3-14-00; Ord. No. 2003-08, 10-14-03; Ord. No. 2011-02, §§ II, III, 1-25-11; Ord. No. 2011-08, 3-29-11; Ord. No. 2011-11, 6-12-11; Ord. No. 2016-03, § 2, 2-9-16; Ord. No. 2017-07, § 3, 6-13-17; Ord. No. 2019-02, 3-12-19)

**Sec. 54-101. 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 village. 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. Merchandise which is offered for sale in the C-3 district may be displayed as follows:
  - (1) Merchandise may be displayed within the building footprint which includes the area up to and including the edge of the roof overhang.
  - (2) No display shall occur outside the area of the building footprint (outdoor sales) except as authorized below.
  - (3) The planning commission may grant a conditional use to authorize outdoor display of merchandise due to a unique configuration of the property or the type of merchandise offered for sale. Application, review and approval shall follow the conditional use procedures set forth in this chapter.
  - (4) Outdoor sales may be conducted as part of a special event sanctioned by the Midtown Merchants Association.
  - (5) A merchant may conduct an individual outdoor sales event twice a year as follows:
    - a. Each event shall be limited to three consecutive days in duration.
    - b. Only items of normal inventory of the business may be sold or displayed outdoors during the event.

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- c. Merchandise shall not be displayed within any public right-of-way, impede vehicular or pedestrian traffic or obstruct any clear sight triangle required by this chapter.
  - d. An outdoor sales special use permit shall be obtained from the planning department prior to each event. The planning department may require submittal of a site plan and event schedule with the application. The planning department may ask for comments by other village departments prior to issuing the special use permit and may impose restrictions on the event when issuing the permit.
- (6) All materials, supplies, merchandise, or other similar matter not on display for direct sale, rental or lease to the ultimate consumer or user shall be stored within the confines of a fully enclosed structure.
- (b) *Principal permitted uses.* Principal permitted uses in the C-3 district are as follows:
- (1) Antique stores and arts and craft stores.
  - (2) Art studios or galleries.
  - (3) Retail bakeries.
  - (4) Barbershops.
  - (5) Beauty parlors.
  - (6) Hotels and motels, and cabin rental, detached or semi detached, not to exceed 50 rental units, and including incidental rental offices, pools, spas and related recreational facilities for use of guests only, and also including recreational equipment rental and sales available primarily for guests, which activity shall be under the same proprietorship.
  - (7) Candy and ice cream stores.
  - (8) Convenience food stores not to exceed 2,000 square feet.
  - (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) Restaurants or prepared foods, including alcoholic beverages served in conjunction with food service.
  - (14) Banks, savings and loans and other financial institutions.
  - (15) Clubs and meeting facilities.
  - (16) Entertainment, recreational, health and exercise facilities.
  - (17) Essential public services and utility installations.

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- (18) Hospitals and medical clinics.
  - (19) Single residential apartment located within a commercial structure.
  - (20) Radio and television studios, printing and publishing houses and other such media production facilities.
  - (21) Rental stores.
  - (22) Restaurants, bars and package liquor sales.
  - (23) Retail sales and services.
  - (24) Schools and instructional centers.
  - (25) Service establishments.

**(26) Cannabis Retailer**

**(27) On-site Cannabis Consumption Premise**

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

- (1) Convenience food restaurants, subject to section 54-100(c)(4).
- (2) Day care centers, subject to section 54-99(c)(1).
- (3) Multiple-family structures containing four or more dwelling units as part of a mixed commercial/residential use structure where the residential use cannot be located on the ground floor.
- (4) Radio, television or microwave transmitting towers.
- (5) Attached one-bedroom 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) Reserved.
- (7) Churches.
- (8) Hotels and motels, and cabin rental, detached or semidetached, and including incidental rental offices, pools, spas and related recreational facilities for use of guests only, and also including recreational equipment rental and sales available primarily for guests, which activity shall be under the same proprietorship.
- (9) Any permitted use in the C-3 district greater than 2,000 square feet of floor area.

(d) *Permitted accessory uses.* Permitted accessory uses in the C-3 district are: See section 54-137.

- (1) Business signs consistent with division 5 of this article.
- (2) Trash enclosures consistent with section 54-144.
- (3) Parking consistent with section 54-141.
- (4) Storage structures.

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- (5) Accessory structures common to the primary and conditional uses approved for this district.
- (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 section 54-95(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: 4 feet.
  - b. Interior side and rear: 3 feet.
  - c. Corner side: 4 feet.
  - d. Residential district boundary: 3 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 section 54-134.
- (h) *Landscaping.* All areas not designated for buildings, circulation, parking or storage shall be landscaped as described in section 54-135.
- (i) *Signs.* Signs are allowed according to division 5 of this article.
- (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 sections 54-132 and 54-133.
- (l) *Parking.* Property located in the C-3 midtown commercial district is not subject to parking requirements set forth under subsection 54-141(e), number of spaces required. Parking provided on a voluntary basis must comply with development standards set forth under subsections 54-141(a), (b), (c), (d) and (f).

(Code 1985, § 10-4-10; Ord. No. 96-16, 11-26-96; Ord. No. 97-09, § 1, 7-29-97; Ord. No. 97-12, § 2, 7-29-97; Ord. No. 2000-07, 5-30-00; Ord. No. 2003-08, 10-14-03; Ord. No. 2011-02, §§ IV, V, 1-25-11; Ord. No. 2011-08, 3-29-11; Ord. No. 2011-11, 6-12-11; Ord. No. 2019-02, 3-12-19)

**Sec. 54-102. C-4 heavy commercial district.**



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- (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 village and in a manner consistent with the resort character of the village. Uses allowed in this district shall be located in areas which are served by arterial street facilities. There are no restrictions on outdoor sales or storage of materials, supplies, merchandise or other similar matter in this zone.
- (b) *Principal permitted uses.* Principal permitted uses in the C-4 district are:
- (1) Contractors' offices, shops and yards.
  - (2) Fuel sale and storage.
  - (3) Feed, grain and related sale and storage.
  - (4) Building materials sale and storage.
  - (5) 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.
  - (6) Automobile service stations, subject to section 54-100(c)(2).
  - (7) Automobile washing establishments, subject to section 54-100(c)(3).
  - (8) Heavy equipment sale or service or repair.
  - (9) Warehousing, storage and distribution of bulk goods.
  - (10) Body shops and paint shops provided the building is located 100 feet from any residential district boundary.
  - (11) Welding shops for repair of vehicles or equipment, provided the yard area is enclosed and screened from adjacent properties.
  - (12) Heavy equipment service and repair provided the yard area is enclosed and screened from adjacent properties.
  - (13) Ministorage units, subject to the conditions of section 54-99(c)(5).
  - (14) Tire sale, service and repair.
  - (15) Firewood sale, splitting and storage yard.
  - (16) Freight houses or truck terminals.
  - (17) Metalwork and machine shops.
  - (18) Glass cutting and finishing.
  - (19) Engraving shops.
  - (20) Automotive upholstery shops.
  - (21) Automobile, boat, motorcycle or recreational vehicle sales and service.
  - (22) Assembly, testing and processing of goods and products which conform to the performance standards set forth in section 54-145.
  - (23) Cannabis Producer**

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**(24) Cannabis Manufacturer**

**(25) Cannabis Testing Laboratory**

**(26) Cannabis Research Laboratory**

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

- (1) Kennels, commercial.
- (2) Stables, commercial.
- (3) Recreational vehicle parks.
- (4) Amusement parks or enterprises.
- (5) Wrecker service provided the vehicle storage area is enclosed by a solid wall fence at least six feet high.
- (6) Recycling purchase centers, not including processing and storage, provided the yard area is enclosed with a solid wall fence at least six feet high.
- (7) Antique stores and arts and craft stores.
- (8) Art studios or galleries.
- (9) Retail bakeries.
- (10) Barbershops.
- (11) Beauty parlors.
- (12) Hotels and motels, and cabin rental, detached or semidetached, and including incidental rental offices, pools, spas, and related recreational facilities for use of guests only, and also including recreational equipment rental and sales available primarily for guests, which activity shall be under the same proprietorship.
- (13) Candy and ice cream stores.
- (14) Convenience food stores.
- (15) Drugstores, variety stores, and notion and soft goods stores.
- (16) Professional offices.
- (17) Public buildings.
- (18) Self-service laundries and cleaning pickup stations.
- (19) Restaurants or prepared foods, including alcoholic beverages served in conjunction with food service.
- (20) Banks, savings and loans and other financial institutions.
- (21) Clubs and meeting facilities.
- (22) Entertainment, recreational, health and exercise facilities.
- (23) Essential public services and utility installations.
- (24) Hospitals and medical clinics.

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- (25) Radio and television studios, printing and publishing houses and other such media production facilities.
  - (26) Rental stores.
  - (27) Restaurants, bars and package liquor sales.
  - (28) Retail sales and services.
  - (29) Schools and instructional centers.
  - (30) Service establishments.
  - (31) Radio, television or microwave transmitting towers.

**(32) Cannabis Retailer**

**(33) On-site Cannabis Consumption Premise**

(d) *Permitted accessory uses.* Permitted accessory uses in the C-4 district are: See section 54-137.

- (1) Business signs consistent with division 5 of this article.
- (2) Personnel service facilities providing personal services, recreation, food and convenience goods for employees.
- (3) Parking consistent with section 54-141.
- (4) Storage structures.
- (5) Accessory structures common to the primary and conditional uses approved for this district.

(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: 4 feet.
- 2. Interior side and rear: 3 feet.

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3. Corner side: 4 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 section 54-134.
- (i) *Landscaping.* All areas not designated for buildings, circulation, parking or storage shall be landscaped as described in section 54-135.
- (j) *Signs.* Signs are allowed according to division 5 of this article.
- (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 sections 54-132 and 54-133.
- (Code 1985, § 10-4-16; Ord. No. 2011-02, § VI, 1-25-11; Ord. No. 2011-08, 3-29-11; Ord. No. 2011-11, 6-12-11; Ord. No. 2019-02, 3-12-19)

**Sec. 54-103. I-1 industrial district.**

- (a) *Purpose.* The purpose of the I-1 industrial district is to provide for the development of storage, warehousing, industrial and office facilities that are necessary to complement the economy of the village in a manner which is not detrimental to the overall resort character of the village and does not cause adverse off-site environmental impacts. Uses allowed in the I-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-1 district are:
- (1) Fuel sale and storage.
- (2) 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.
- (3) Heavy equipment sale or service or repair.
- (4) Warehousing, storage and distribution of bulk goods.
- (5) Body shops and paint shops, provided the building is located 100 feet from any residential district boundary.
- (6) Welding shops for repair of vehicles or equipment, provided the yard area is enclosed and screened from adjacent properties.

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- (7) Heavy equipment service and repair, provided the yard area is enclosed and screened from adjacent properties.
  - (8) Ministorage units, subject to the conditions of section 54-99(c)(5).
  - (9) Tire sale, service and repair.
  - (10) Firewood sale, splitting and storage yard.
  - (11) Freight houses or truck terminals.
  - (12) Metalwork and machine shops.
  - (13) Glass cutting and finishing.
  - (14) Engraving shops.
  - (15) Automotive upholstery shops.
  - (16) Automobile, boat, motorcycle or recreational vehicle sales and service.
  - (17) Any production, testing, processing, goods or products which conform to the performance standards set forth in section 54-145 for the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious materials, odors, glare or heat. Those uses involving the storage, utilization or manufacture of volatile or explosive materials or products are not allowed in the I-1 district.
  - (18) Automobile washing establishments.
  - (19) Automobile and motor vehicle service and repair facilities.
  - (20) Building material sales and storage.
  - (21) Bulk storage of nonexplosive liquids.
  - (22) Contractors' offices, shops and yards.
  - (23) Dog kennels.
  - (24) Fuel and ice sales.
  - (25) Railroad tracks and railroad passenger stations, but not railroad switching yards.
  - (26) Restaurants, including the sale of liquor, and convenience food restaurants.
  - (27) Stadiums, auditoriums and arenas.
  - (28) Television and radio towers and studios.
  - (29) Trade schools.
  - (30) Feed, grain and fertilizer retail sales.
  - (31) Exterior storage of goods and materials, provided that all goods and materials are totally screened from adjacent properties.
  - (32) Sales or rental lots.
  - (33) Cannabis Manufacturer**
  - (34) Cannabis Testing Laboratory**
  - (35) Cannabis Research Laboratory**

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**(36) Cannabis Courier**

**(37) Cannabis Producer**

**(38) Cannabis Producer Microbusiness**

(c) *Conditional uses.* Conditional uses in the I-1 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 section 54-100(c)(5).
- (4) Campgrounds, subject to section 54-100(c)(6).
- (5) Other uses deemed appropriate, under special conditions, by the council.
- (6) On-site Cannabis Consumption Premise
- (7) Antique stores and arts and craft stores.
- (8) Art studios or galleries.
- (9) Retail bakeries.
- (10) Barbershops.
- (11) Beauty parlors.
- (12) Hotels and motels, and cabin rental, detached or semidetached, and including incidental rental offices, pools, spas and related recreational facilities for use of guests only, and also including recreational equipment rental and sales available primarily for guests, which activity shall be under the same proprietorship.
- (13) Candy and ice cream stores.
- (14) Drugstores, variety stores, and notion and soft goods stores.
- (15) Professional offices.
- (16) Public buildings.
- (17) Self-service laundries and cleaning pickup stations.
- (18) Restaurants or prepared foods, including alcoholic beverages served in conjunction with food service not to exceed 2,000 square feet.
- (19) Banks, savings and loans and other financial institutions.
- (20) Clubs and meeting facilities.
- (21) Entertainment, recreational, health and exercise facilities.
- (22) Essential public services and utility installations.
- (23) Hospitals and medical clinics.
- (24) Hotels, motels, cabin rentals, bed and breakfasts and other such lodging establishments.
- (25) Professional offices.
- (26) Radio and television studios, printing and publishing houses and other such media production facilities.

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- (27) Rental stores.
  - (28) Restaurants, bars and package liquor sales.
  - (29) Retail sales and services.
  - (30) Schools and instructional centers.
  - (31) Service establishments.
  - (32) Animal hospitals, clinics and kennels, provided the establishment and animal runs are completely enclosed in a building.
- (d) *Permitted accessory uses.* Permitted accessory uses in the I-1 district are: See section 54-137.
- (1) Business signs consistent with division 5 of this article.
  - (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 section 54-144.
  - (4) Parking consistent with section 54-141.
  - (5) Storage structures.
  - (6) Accessory structures common to the primary and conditional uses approved for this district.
- (e) *Access.* Access shall comply with the requirements of section 54-99(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. Street side(s)
      - 4. Residential district boundary: 60 feet.
    - b. Parking lots:
      - 1. Front: 4 feet.
      - 2. Interior side and rear: 3 feet.
      - 3. Corner side: 4 feet.
      - 4. Residential district boundary: 3 feet.
  - (2) Maximum height of structures shall be 55 feet, except that buildings over 35 feet in height must be approved by the fire chief and the planning commission and shall be subject to additional fire protection precautions as determined by the fire chief.
- (g) *Lot width and lot area.*
- (1) The minimum lot width shall be 100 feet.

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- (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 section 54-134.
- (i) *Landscaping.* All areas not designated for buildings, circulation, parking or storage shall be landscaped as described in section 54-135.
- (j) *Signs.* Signs are allowed according to division 5 of this article.
- (k) *Relationship to overlay zones.* Any property located in the I-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 I-1 district shall comply with the hillside protection standards and the forest protection standards set forth in sections 54-132 and 54-133.

(Code 1985, § 10-4-12; Ord. No. 2011-08, 3-29-11; Ord. No. 2019-02, 3-12-19)

PASSED, ADOPTED, AND APPROVED ON THE 9<sup>TH</sup> DAY OF NOVEMBER 2021.

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Lynn D. Crawford, Mayor

(SEAL)

Attest:

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Ronald L. Sena, Village Clerk