

City of Aztec
Ordinance 2024-548
An Ordinance Amending Chapter 26 Land Use

WHEREAS, chapter 26 Land Use does not allow for Veterinarian Clinics and/or Animal Hospitals in any Zone designation except for as a Conditional Use under the Agriculture-1 (A-1) zone and as permitted uses under medical clinics in the Light Manufacturing (M-1) zone Designation and;

WHEREAS, the A-1 zoning designation is non-conforming throughout the City and Veterinarian Clinics and/or Animals Hospitals are appropriate in other zone Designation(s) including commercial and some multi-family residential zones and;

WHEREAS, the Community Development Department of the City of Aztec seeks to amend the Land Use Ordinance and update the regulations to allow Conditional Use, for Veterinarian clinics and animal hospitals in zone designation's of Multi-family Residential (R-2), Office and Institutional (O-1), Commercial/limited Retail (C-1), Commercial General (C-2) and;

WHEREAS, there is private business interest in providing a Veterinarian Clinic and/or Animal hospital in the City of Aztec; and

WHEREAS, the City of Aztec does not have any type of animal medical care facilities, Veterinarian Clinics or Animal Hospital within its City Limits.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Aztec, New Mexico, that Ordinance 2024-548 Amending Chapter 26, be adopted as attached.

PASSES, APPROVED, SIGNED, AND ADOPTED this ____ day of _____, 2024. By the Aztec City Commission, City of Aztec, New Mexico.

Michael A. Padilla, Sr., Mayor

ATTEST:

Karla Saylor, City Clerk CMC

APPROVE AS TO FORM:

City Attorney

Advertised Date of Final Adoption:

Effective Date of Ordinance:

Chapter 26
LAND USE REGULATIONS

DIVISION 4. R-2: MULTIPLE-FAMILY DWELLING DISTRICT

Sec. 26-2-41. In General.

This district is regulated to allow most uses permitted in the R-1 district, multi-family dwellings, apartments, condominiums, and town houses.

No building, structure or land use shall be used, altered or created for any purpose other than those designated for this district.

(Code 2007, 26-41)

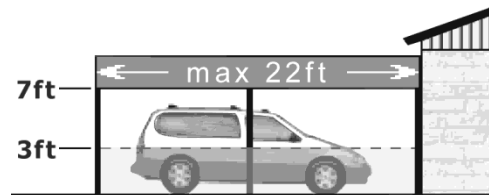
Sec. 26-2-42. Uses Permitted.

The following uses are permitted without prior approval of the Commission.

1. Single Family Dwelling. The dwelling unit must contain at least eight hundred (800) square feet of floor space on a permanent foundation. Trailer houses, mobile homes and motor homes are not permitted unless they comply with the application codes and standards as provided in the [Manufactured Housing Act \(Chapter 60, Article 14, NMSA 1978\)](#), Housing and Urban Development Zone Code II, and the Uniform Building Code.
2. Apartments or Multi-family Dwellings or Dwelling Groups. Apartments, multi-family dwellings or dwelling units are permitted provided that the buildings do not occupy over one-half (1/2) of the total lot area and each contains a minimum of six hundred (600) square feet of floor area.
3. Condominiums or Town Houses. Attached single family dwellings known as Condominiums or Town Houses are permitted provided that each dwelling unit must contain a minimum of eight hundred (800) square feet of floor space of a permanent nature. Trailer houses, mobile homes and motor homes are specifically excluded whether or not the wheels have been removed.
4. Accessory Structure. Accessory structure for garage, storage, recreation, sauna, hobby, greenhouse, bathhouse, or for the keeping or housing of domestic pets, so long as the accessory structure is not being used for commercial use. Antennas (non-commercial) are permitted.
5. Carports.

(1) No carport in the front yard shall exceed twenty-six (26) feet wide by twenty-two (22) feet deep.

(2) In no case shall the roofline of the carport be closer than one (1) foot to any right-of-way line.



(3) Clear views from the carport are required for safety. No obstructions to view shall be located between three (3) feet and seven (7) feet above grade along the carport's exterior.

(4) Carports shall not be used for storing items other than personal or company vehicles, motorcycles, or bicycles.

6. Home Occupation. Home occupations shall be permitted under the following conditions:

(1) All home occupations shall be conducted so as not to be noticeable from the exterior of the dwelling.

(2) Traffic and delivery of goods created by the home occupation shall not exceed that normally created by residential uses.

(3) Parking of clients or customers shall not interfere with traffic or other surrounding residences from ingress and egress or endanger the safety of people in the area.

(4) A business license is obtained from the City Utility Office.

(5) If providing child care services, the child care provider must fulfill all Federal and New Mexico state requirements.

7. Boat, Motor Home, and/or Trailer. Outside storage of a boat, motor home, and/or trailer, not exceeding twelve feet in height, is permitted within the side yard or rear yard setback of a lot containing a dwelling under the following conditions:

(1) The boat, motor home, and/or trailer stored outside in the side yard is placed on the lot behind the front building line of an existing dwelling or behind the front yard setback line, whichever is further from the street, and cannot be placed within a front yard setback area or within public roadway, street, or access.

(2) The boat, motor home, and/or trailer is not used as a dwelling or as accessory living quarters. Exception to this rule is:

(a) A travel trailer or motor home being used as for temporary dwelling purposes for a maximum of fourteen (14) consecutive days.

(b) The trailer may be used as a dwelling with connections to any or all utilities during construction of a dwelling or structure provided use of the trailer is limited to a maximum period of six (6) months. The period commencing with the date of issuance of a building permit for construction of the dwelling.

(3) The boat, motor home, and/or trailer is not connected to utilities, except for temporary electrical connection.

(4) The boat, motor home, and/or trailer is not used for storage of goods, materials, or equipment other than those items considered to be a part of the boat, motor home, and/or trailer or essential for its immediate use.

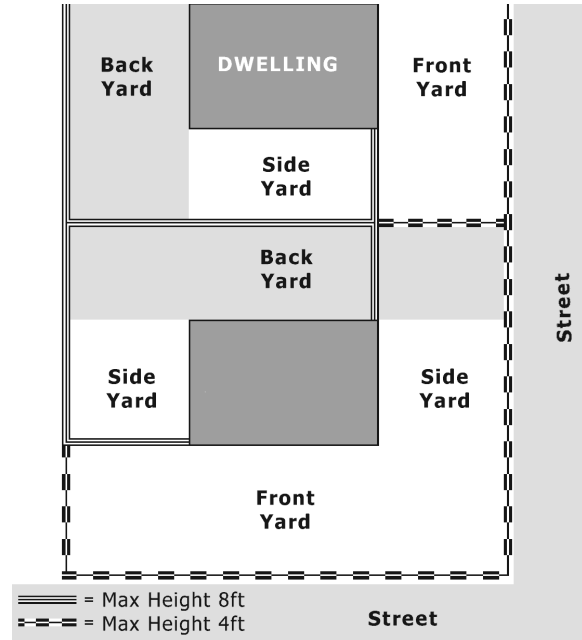
8. Animals.

(1) No animals other than household pets and provided they are confined to private property and not allowed to enter public property except under hand leash.

(2) Chicken hens are permissible where the R-2 resident has their own private back/side yard, but must be couped (not free range, meaning they cannot roam outside of the property), cannot exceed five (5) in quantity, and cannot reside in the front yard.

9. Walls or Fences. Walls or fences are not to exceed eight (8) feet high in the back and side yard areas. Wall or fence heights are limited to a maximum of four (4) feet high in the front yard area. On corner lots, the fence in the back yard of the corner lot will not exceed four (4) feet high in that area where the back property line abuts the front yard area of an adjoining lot.

(Ord. 2023-533, eff. 2023-July-17; Code 2007, 26-42)



Sec. 26-2-43. Height Regulations.

Maximum height of any building or structure excepting a flagpole, antenna, public utility pole or similar element shall be thirty-five (35) feet provided that all buildings or structures over thirty-five (35) feet high shall be located a minimum distance from the nearest property line equal to their height. Maximum height of any antenna, flagpole, public utility pole or similar element shall be sixty-five (65) feet.

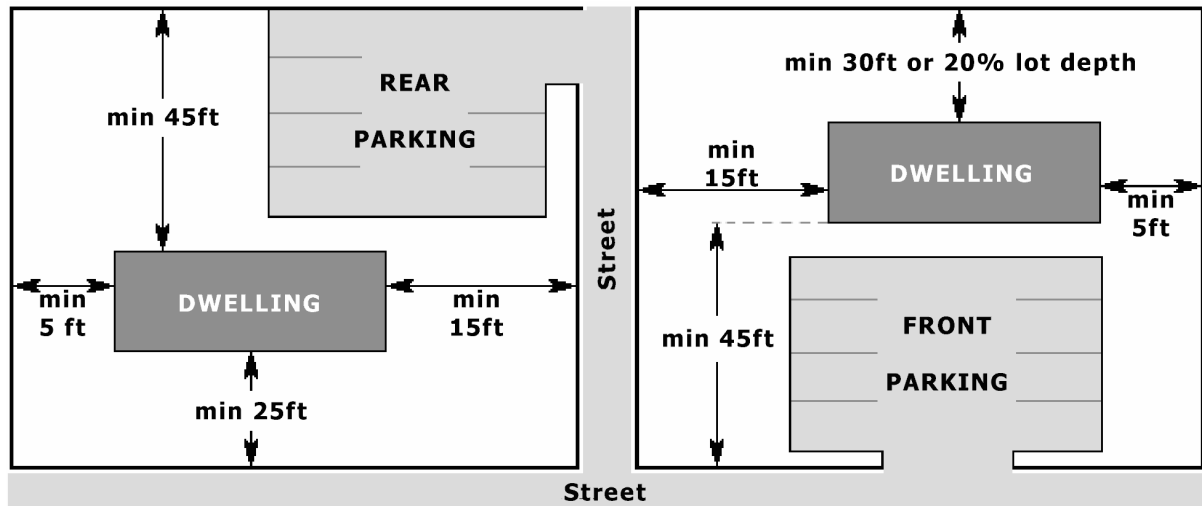
(Code 2007, 26-43)

Sec. 26-2-44. Area Regulations.

1. Minimum lot area shall be five thousand (5,000) square feet.
2. Lot width shall be a minimum of fifty (50) feet measured at the actual building setback.
(Code 2007, 26-44)

Sec. 26-2-45. Setback Regulations.

1. Front Yard. The front yard setback shall be at least twenty-five (25) feet with off-street parking at the side or rear of buildings or at least forty-five (45) feet with parking intended to be located in the front setback area.
2. Side Yard. The minimum side yard setback for single story building functioning as a dwelling shall be five (5) feet on any interior lot. The minimum side setback on a corner shall be five (5) feet for the interior side and fifteen (15) feet for the side abutting a public or private road or street. Side yard setback shall be an additional two and one-half (2-1/2) feet per story in excess of one story. The minimum side yard setback for an accessory structure shall be three (3) feet, however, the setback shall be fifteen (15) feet on the street side of corner lots.
3. Rear Yard. The rear yard setback shall be a minimum of thirty (30) feet or 20% of lot depth whichever is less, except when off-street parking will be located in the rear yard then forty-five



(45) feet minimum setback will be required from an alley, private access easement or rear lot line. The minimum rear yard setback for an accessory structure shall be three (3) feet.

4. **Building Offsets.** All buildings shall be separated by a distance equal to the height of the highest adjoining building or flammable structure, otherwise the group of buildings will be connected by covered walks.

(Code 2007, 26-45)

Sec. 26-2-46. Conditional Uses.

The following conditional uses permitted but only through review and approval by the Governing Body.

1. Nursery school operated within a structure that has the external appearance of a dwelling.
2. Public utility structure such as a transformer, switching, pumping, and similar technical installations essential to the operation of a public utility.
3. Real estate office in connection with a specific development providing it is of a temporary nature and is not to be used as a dwelling unit or living quarters during the time it is used as an office, and further provided that it is limited to a period of one year unless the time is extended by the City Commission.
4. Storage structure or yard for equipment, material, or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed or work on the project has been dormant for a period of six months, and further provided that it is limited to a period of one year.
5. Recreational facility (non-profit), such as community center, swimming pool, tennis club, provided it shall be located on an area of at least one acre.
6. Golf course provided it shall be located on a tract of land suitable in size and that issues of traffic and parking are addressed.
7. Church.

8. Hospital or clinic, ~~but not~~ animal hospital or clinic, ~~or~~ but not mental hospital.
9. Semi-professional or professional office.
10. Boarding or lodging house.
11. Private club or lodge, excepting those the chief activity of which is customarily carried on as a business.
(Code 2007, 26-46)

Secs. 26-2-47 to 26-2-50. Reserved.

DIVISION 5. 0-1 : OFFICE AND INSTITUTIONAL DISTRICT

Sec. 26-2-51. In General.

This district is established to permit most R-1 and R-2 uses (Sections 26-11 and 26-12), plus offices, hotels, institutional, and service uses that are compatible with high-density residential areas.

(Code 2007, 26-51)

Sec. 26-2-52. Uses Permitted.

The following uses are permitted without prior approval of the Commission.

1. Single Family Dwelling. The dwelling unit must contain at least eight hundred (800) feet of floor space on a permanent foundation. Trailer houses, mobile homes and motor homes are not permitted unless they comply with the application codes and standards as provided in the [Manufactured Housing Act \(Chapter 60, Article 14, NMSA 1978\)](#), Housing and Urban Development Zone Code II, and the Uniform Building Code.
2. Accessory Structure. Accessory structure for garage, storage, recreation, sauna, hobby, greenhouse, bathhouse, or for the keeping or housing of domestic pets, so long as the accessory structure is not being used for commercial use. An accessory building of less than twelve (12) feet in height may be located within five (5) feet of any building or structure which does not contain living quarters.
3. Apartments or Multi-family Dwellings or Dwelling Groups. Apartments, multi-family dwellings or dwelling units are permitted provided that the buildings do not occupy over one half of the total lot area and each contains a minimum of six hundred (600) square feet of floor area.
4. Condominiums or Town Houses. Attached single family dwellings known as Condominiums or Town Houses are permitted provided that each dwelling unit must contain a minimum of eight hundred (800) square feet of floor space of a permanent nature. Trailer houses, mobile homes and motor homes are specifically excluded whether or not the wheels have been removed.
5. Offices. Offices including clinics, medical or dental offices, professional offices, office building and office building groups that have compatible uses corresponding to high-density residential areas. Any use incidental to the office building or building group.

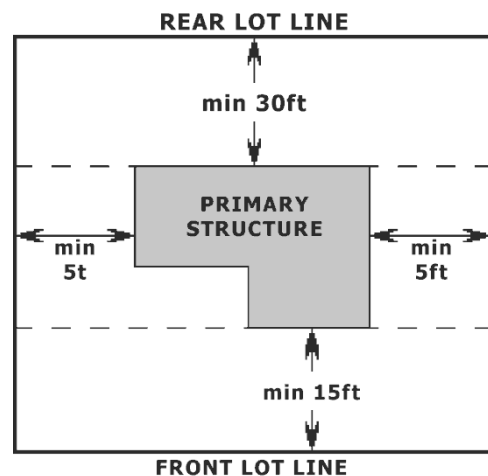
6. Hotel or Motel. Hotel or motel permitting any use incidental to a hotel or motel as regulated for offices in the preceding paragraph and provided further, that off-street parking is furnished at the rate of one (1) parking space for every motel or hotel room.
7. Institutions. This includes for human beings, sanitariums, libraries, museums, schools, orphanages, and homes for the aged and other similar institutional uses except disciplinary or mental institutions.
8. Animals.
 - (1) No animals other than household pets where the primary use of the property is for residential use and provided they are confined to private property and not allowed to enter public property except under hand leash.
 - (2) Chicken hens are permissible where the primary use of the property is for residential use and the resident has their own private back/side yard, but must be couped (not free range, meaning they cannot roam outside of the property), cannot exceed five (5) in quantity, and cannot reside in the front yard.
(Ord. 2023-533, eff. 2023-July-17; Code 2007, 26-52)

Sec. 26-2-53. Height Regulations.

Any building, dwelling or structure shall not exceed a height equal to one and one-half (1-1/2) times the width of the widest street right-of-way upon which the property adjoins; however, where building or portion thereof is setback from the front lot line, said structure or portion thereof may be erected to an additional height equal to three (3) times such setback distances, and provided further, that any walls or fences shall be in compliance with regulations of the R-1 and R-2 Districts.
(Code 2007, 26-53)

Sec. 26-2-54. Area Regulations.

1. Minimum lot area shall be five thousand (5,000) square feet, except that any dwellings, apartment house or dwelling group containing five or more dwelling units shall have not less than one thousand (1000) square feet of lot area for each dwelling unit, and provided further, that any building shall be so located on the lot as to be no closer than fifteen (15) feet or a distance equal to the height of the highest portion of the building proper, whichever is greater, to any other building, apartment house or dwelling group on the parcel or right-of-way.
2. Lot width shall be a minimum of fifty (50) feet measured at the actual building setback.
(Code 2007, 26-54)



Sec. 26-2-55. Setback Regulations.

1. Front Yard. The front yard setback shall be at least fifteen (15) feet from the established or future street right-of-way or property line.

2. Side Yard. The minimum side yard setback for the primary structure shall be five (5) feet; however, the setback shall be fifteen (15) feet on the street side of corner lots. An additional two and one-half (2-1/2) feet shall be added for each story in excess of one. The minimum side yard setback for an accessory structure shall be three (3) feet, however, the setback shall be fifteen (15) feet on the street side of corner lots.
3. Rear Yard. The rear yard setback for the primary structure shall be a minimum of thirty (30) feet on single frontage or corner lots, but shall be a minimum of twenty-five (25) feet on any double frontage lot. The minimum rear yard setback for an accessory structure shall be three (3) feet.
(Code 2007, 26-55)

Sec. 26-2-56. Conditional Uses.

The following uses will be permitted in the O-1 District provided that the use has been reviewed by the Community Development Department and approved by the City Commission:

1. Nursery school operated within a structure that has the external appearance of a dwelling.
2. Public utility structure such as a transformer, switching, pumping, and similar technical installations essential to the operation of a public utility.
3. Real estate office in connection with a specific development providing it is of a temporary nature and is not to be used as a dwelling unit or living quarters during the time it is used as an office, and further provided that it is limited to a period of one year unless the time is extended by the City Commission.
4. Storage structure or yard for equipment, material, or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed or work on the project has been dormant for a period of six (6) months, and further provided that it is limited to a period of one year.
5. Recreational facility (non-profit), such as community center, swimming pool, tennis club, provided it shall be located on an area of at least one acre.
6. Golf course provided it shall be located on a tract of land suitable in size and that issues of traffic and parking are addressed.
7. Church, provided a development plan is submitted and approved as required in the PUD district.
8. Hospital or clinic, ~~but not~~ animal hospital or clinic, ~~or~~ but not mental hospital
9. Boarding or lodging house.
10. Private club or lodge, excepting those the chief activity of which is customarily carried on as a business.
11. Personal services, permitting such services as beauty shops, barber shops, massage parlors, auditors, and other similar activities not normally involving a tangible retail or wholesale product.

12. Mortuary, provided ample off-street parking is included with the facility at the rate of one (1) space for each two hundred (200) square feet of floor area plus one (1) space for each five (5) seats in the auditorium or chapel, and provided further, that access and egress be limited to two (2) driveways in locations approved by the City Manager and that all drives and off-street parking areas shall be surfaced with gravel, oil, or other higher type of paving surfacing. Any illumination or outside lighting shall be so arranged as to reflect away from contiguous R-1 and R-2 lots.
13. Studios, including photography, music or dance of a commercial nature, provided all musical activities are confined within the building or structure.
(Ord. 2018-468, eff. 2018-Mar-07; Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-56)

Secs. 26-2-57 to 26-2-60. Reserved.

DIVISION 6. C-1 : LIMITED RETAIL / NEIGHBORHOOD COMMERCIAL DISTRICT

Sec. 26-2-61. In General.

This district is established as a mixed use neighborhood commercial district. An activity permissive in this district should attempt to locate in or near the City's "Central Business District". This district should contain the major bulk of the shopper's goods, specialty goods and professional services needed to satisfy the day-to-day requirements of the City's population. The district should also encourage in-fill housing, institutional uses, public buildings and spaces.
(Code 2007, 26-61)

Sec. 26-2-62. Uses Permitted.

The following uses are permitted without prior approval of the Commission.

1. Accessory Structures. Accessory structures including accessory living quarters which are units permitted on the same parcel of land or within the principal building with a conforming or non-conforming use, provided that such unit is not used as a commercial or industrial unit, that no other residential dwelling unit is located on the same parcel, and that detached units are located at least fifteen (15) feet from any other structure and is provided with water, sewer, and electrical service. Accessory Living quarters shall be permitted within the C-1 District but limited to the following:
 - (1) Accessory living quarters are secondary in use to the principal structure.
 - (2) No accessory building shall be used unless the principle building is being used.
 - (3) Accessory living quarters may be located within a second or third story of the primary use structure or the rear twenty-five percent (25%) of the primary structure.
 - (4) Accessory living quarters in the rear yard or behind the principle structure must be of a permanent nature, frame built with similar exterior construction materials as the principal structure.
2. Offices. Offices including clinics, medical or dental offices, professional offices, office building and office building groups that have compatible uses corresponding to high-density residential areas. Any use incidental to the office building or building group.

3. Hotel or Motel. Hotel or motel permitting any use incidental to a hotel or motel as regulated for offices in the preceding paragraph and provided further, that off-street parking is furnished at the rate of one (1) parking space for every motel or hotel room.
4. Institutions. This includes for human beings, sanitariums, libraries, museums, schools, orphanages, and homes for the aged and other similar institutional uses except disciplinary or mental institutions.
5. Retail and Service Establishments. This includes such facilities as a bank, barber shop, bakery, stationery store, book store, dry goods store, clothing store, tailor shop, millinery shop, drug store, laundry or dry cleaning, prescription store, medical and recreational cannabis dispensaries, gift shop, florist, furniture store, service station, building supplies, hardware, appliance, beauty shop, jewelry, package liquor store, notions or sundry store, photography, art supplies, radio or television shops, and other similar type establishments. Outdoor storage is not permitted in this district unless surrounded by a solid wall or fence between six to eight (6 to 8) feet in height.
6. Temporary Stands. Temporary stands are permitted provided that such stands shall be limited to a maximum period of sixty (60) days and shall be confined to the sale of Christmas trees, fireworks, seasonal fruits and vegetables, and other temporary or seasonal retail sales.
7. Studios. Studios may include photography, music or dance of a commercial nature, provided all musical activities are confined within the building or structure.
8. Mortuary.
(Ord. 2021-517, eff. 2021-Oct-20; Ord. 2018-487, eff. 2019-Feb-19; Code 2007, 26-62)

Sec. 26-2-63. Height Regulations.

Any building, dwelling or structure shall not exceed a height equal to one and one-half (1-1/2) times the width of the widest street right-of-way upon which the property adjoins; however, where building or portion thereof is setback from the front lot line, said structure or portion thereof may be erected to an additional height equal to three (3) times such setback distances, and provided further, that any walls or fences shall be in compliance with regulations of the R-1 and R-2 Districts.

(Code 2007, 26-63)

Sec. 26-2-64. Area Regulations.

There are no lot size or area restrictions placed on C-1 District.

(Code 2007, 26-64)

Sec. 26-2-65. Setbacks Regulations.

1. Front Setback. No front yard required for non-residential buildings.
2. Side Setback. No side yard required for non-residential buildings except that on a lot abutting a residential district, there shall be a side yard of not less than fifteen (15) feet.

3. Rear Setback. No rear yard required except on a lot abutting a residential district, there shall be a rear yard of not less than thirty (30) feet.
(Code 2007, 26-65)

Sec. 26-2-66. Conditional Uses.

The following uses will be permitted in the C-1 District provided that the use has been reviewed by the Community Development Department and approved by the City Commission:

1. Nursery school operated within a structure that has the external appearance of a dwelling.
2. Public utility structure such as a transformer, switching, pumping, and similar technical installations essential to the operation of a public utility.
3. Real estate office in connection with a specific development providing it is of a temporary nature and is not to be used as a dwelling unit or living quarters during the time it is used as an office, and further provided that it is limited to a period of one year unless the time is extended by the City Commission.
4. Storage structure or yard for equipment, material, or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed or work on the project has been dormant for a period of six (6) months, and further provided that it is limited to a period of one year.
5. Recreational facility (non-profit), such as community center, golf course, swimming pool, tennis club, provided it shall be located on an area of at least one acre.
6. Hospital or clinic, ~~but not~~ animal hospital or clinic, ~~or~~ but not mental hospital
7. Boarding or lodging house.
8. Theaters and commercial auditorium.
9. Amusement centers, including dance halls, nightclubs, bowling alleys, billiard halls, boxing arenas, miniature golf course, games of skill and other similar activities.
10. Multiple Family Dwellings designed for two or more family units with the number of families in residence not exceeding the number of dwelling units provided. This may include apartments, duplex, townhouses and condominiums.

(Ord. 2018-468, eff. 2018-Mar-07; Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-66)

Sec. 26-2-67 to 26-2-70. Reserved.

DIVISION 7. C-2 : GENERAL COMMERCIAL AND WHOLESALE DISTRICT

Sec. 26-2-71. In General.

This district is established to permit the uses specified under the C-1 District, plus commercial activities of both retail and wholesale nature, designed to serve the community or tourists. This district includes those uses normally adjacent to a central business district, and of a magnitude not normally compatible with residential areas. Some minor industrial usage not associated with objectionable noise and activities are permitted.

(Code 2007, 26-71)

Sec. 26-2-72. Uses Permitted.

The following uses are permitted without prior approval of the Commission.

1. Accessory Structures. Accessory structures including accessory dwelling units which are units permitted on the same parcel of land or within the principal building with a conforming or non-conforming use, provided that such unit is not used as a commercial or industrial unit, that no other residential dwelling unit is located on the same parcel, and that detached units are located at least fifteen (15) feet from any other structure and is provided with water, sewer, and electrical service. and accessory dwelling units shall be permitted within the C-1 District but limited to the following:
 - (1) Accessory dwelling units are secondary in use to the principal structure.
 - (2) No accessory building shall be used unless the principle building is being used.
 - (3) Accessory dwelling units may be located within a second or third story of the primary use structure or the rear twenty-five percent (25%) of the primary structure.
 - (4) Accessory living quarters in the rear yard or behind the principle structure must be of a permanent nature, frame built with similar exterior construction materials as the principal structure.
2. Offices. Offices including clinics, medical or dental offices, professional offices, office building and office building groups that have compatible uses corresponding to high-density residential areas. Any use incidental to the office building or building group.
3. Hotel or Motel. Hotel or motel permitting any use incidental to a hotel or motel as regulated for offices in the preceding paragraph and provided further, that off-street parking is furnished at the rate of one (1) parking space for every motel or hotel room.
4. Institutions. This includes for human beings, sanitariums, libraries, museums, schools, orphanages, and homes for the aged and other similar institutional uses except disciplinary or mental institutions.
5. Retail and Service Establishments. This includes such facilities as a bank, barber shop, bakery, stationery store, book store, dry goods store, clothing store, tailor shop, millinery shop, drug store, laundry or dry cleaning, prescription store, medical and recreational cannabis dispensaries, gift shop, florist, furniture store, service station, building supplies, hardware, appliance, beauty shop, jewelry, package liquor store, notions or sundry store, photography, art supplies, radio or television shops, and other similar type establishments. Outdoor storage is not permitted in this district unless surrounded by a solid wall or fence between six to eight (6 to 8) feet in height.

6. Retail and Wholesale Stores, Businesses or Shops. These businesses allow for the manufacturing, compounding, processing, assembling or treating of products including such activities as carpentry, plumbing, sheet metal working, upholstering, sign painting, rubber or metal stamp manufacturing, interior decoration, catering, baking, jewelry or curio making, tin smithing, and printing provided such activities shall be conducted within an enclosed building having business, that the number of persons engaging in the manufacturing process or assembling shall not be more than ten (10), not including office, clerical or delivery personnel; and provided further, that any activities or product on such premises shall not be objectionable, due to odor, dust, smoke, noise, vibration or other cause.
7. Wholesale Facilities. Such facilities provided that a wall of at least seven (7) feet in height is surrounding any outdoor storage area shall be required adjacent to any residential area, more restrictive district, motel, tourist court, cafe, restaurant or outdoor recreation area which existed at the time the wholesale business is established.
8. Temporary Stands. Temporary stands are permitted provided that such stands shall be limited to a maximum period of sixty (60) days and shall be confined to the sale of Christmas trees, fireworks, seasonal fruits and vegetables, and other temporary retail sales.
9. Studios. Studios may including photography, music or dance of a commercial nature, provided all musical activities are confined within the building or structure.
10. Mortuary.
11. Amusement Enterprises. This can including such activities as in-door theater, billiard parlor, bowling alley, sports arena, dance hall, auditorium, miniature golf course, commercial swimming pool and other similar facilities, provided any exterior lighting shall be so arranged as not to reflect into any contiguous lower district.
12. Micro Commercial Cannabis Cultivation (up to 200 mature plants at one time). This includes the growing of commercial cannabis with the following setbacks and requirements located Sec. 26-3-203.
13. Automotive, Farm Implement or Trailer Sales. This is permitted provided that any exterior or outdoor area shall be surfaced with gravel, oil or other high type paving, that all repair of automobiles or trailers shall be conducted within a completely enclosed building, and provided further, that a solid fence or wall shall be maintained at a height of six to eight (6 to 8) feet around all outdoor storage areas including those where inoperative motor vehicles are stored, and along contiguous lots having a more restrictive district, or a motel, restaurant, cafe or other tourist oriented business, or a mobile home park.
(Ord. 2021-517, eff. 2021-Oct-20; Ord. 2018-487, eff. 2019-Feb-19; Code 2007, 26-72)

Sec. 26-2-73. Height Regulations.

Any building, dwelling or structure shall not exceed a height equal to one and one-half (1-1/2) times the width of the widest street right-of-way upon which the property adjoins; however, where building or portion thereof is setback from the front lot line, said structure or portion thereof may be erected to an additional height equal to three (3) times such setback distances, and provided further, that any walls or fences shall be in compliance with regulations of the R-1 and R-2 Districts.

(Code 2007, 26-73)

Sec. 26-2-74. Area Regulations.

There are no lot size or area restrictions placed on C-2 District.

(Code 2007, 26-74)

Sec. 26-2-75. Setback Regulations.

1. Front Setback. No front yard required for non-residential buildings.
2. Side Setback. No side yard required for non-residential buildings except that on a lot abutting a residential district, there shall be a side yard of not less than fifteen (15) feet.
3. Rear Setback. No rear yard required except on a lot abutting a residential district, there shall be a rear yard of not less than thirty (30) feet.

(Code 2007, 26-75)

Sec. 26-2-76. Conditional Uses.

The following uses will be permitted in the C-2 District provided that the use has been reviewed by the Community Development Department and approved by the City Commission:

1. Nursery school operated within a structure that has the external appearance of a dwelling.
2. Public utility structure such as a transformer, switching, pumping, and similar technical installations essential to the operation of a public utility.
3. Real estate office in connection with a specific development providing it is of a temporary nature and is not to be used as a dwelling unit or dwelling units during the time it is used as an office, and further provided that it is limited to a period of one year unless the time is extended by the City Commission.
4. Storage structure or yard for equipment, material, or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed or work on the project has been dormant for a period of six (6) months, and further provided that it is limited to a period of one year.
5. Recreational facility (non-profit), such as community center, golf course, swimming pool, tennis club, provided it shall be located on an area of at least one acre.
6. Hospital or clinic, ~~but not~~ animal hospital or clinic, ~~or~~ but not mental hospital
7. Boarding or lodging house.
8. Private club or lodge, excepting those the chief activity of which is customarily carried on as a business.
9. Minor industrial activities including such items as feed or fuel storage and sales, contractors equipment, storage rental or sales, radio or television transmitters, tires recapping or re-treading, lumber yards, cleaning or molding mills, and other similar light manufacturing processes, enclosed within the building and that any objectionable noise or odor shall be confined to the premises and provided further that the same is not contrary to general City and State laws.

10. Automobile wrecking yard, provided all activities are conducted within an enclosed building or within an outdoor area enclosed by a solid fence, wall or hedge at least seven (7) feet in height, and that all wrecked automobile bodies shall be stored on the ground, and provided further, that such yard shall be at least one hundred fifty (150) feet from residential or O-1 District, motel, restaurant or cafe, and provided further, that the same conforms to all City and State regulations.
11. Transportation terminal or trucks stop provided that suitable driveways and access locations are provided which will be acceptable to the Planning Administrator.
12. Commercial Cannabis Cultivation Producers (up to 8,000 mature plants at one time) this includes the growing of commercial cannabis with the following setbacks and requirements located Sec. 26-3-203
13. Manufacturing of Cannabis To compound, blend, extract, infuse, package or otherwise prepare a cannabis product, product using not using volatile solvents.
14. Cannabis Testing Laboratory A person that samples collects and tests cannabis products and transports cannabis products for testing. An establishment used to test cannabis products. This establishment may involve volatile solvents.
15. Printing, publishing, lithographing, blueprinting, photostatting, and similar establishments.
(Ord. 2021-517, eff. 2021-Oct-20; Ord. 2018-468, eff. 2018-Mar-07; Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-76)

Sec. 26-2-77 to 26-2-80. Reserved.