

## ARTICLE XIII

### SPECIAL USES

The City Council may, after public hearing and proper notice to all parties affected, and after recommendation from the Planning and Zoning Commission, containing such requirements and safeguards as are necessary to protect adjoining property, authorize by ordinance the location of any of the following special uses in the district(s) specified:

- (1) Any public building to be erected or used by the city, county, state or federal government in any nonresidential district.
- (2) Private schools and/or kindergartens in any district, provided the building or buildings are set back from all required yard lines of the district in which they are located.
- (3) Institutions of a religious, educational or philanthropic nature in any district provided such institution is situated on a lot of not less than fifty thousand (50,000) square feet in area.
- (4) Day care centers (child or adult) keeping more than four (4) persons at any one time during a twenty-four hour period, but with no overnight stay, in any district.
- (5) Commercial radio and television broadcasting and receiving towers and stations in any "C-1" Light Commercial, "C-2" Heavy Commercial, "I-1" Light Industrial, or "I-2" Heavy Industrial district.
- (6) Any water supply reservoir, water pumping plant, water tower, artesian wells, or sewage lift station in any nonresidential district.
- (7) Gas, electrical, or wind powered utility generating, regulating, or distribution stations, either publicly or privately owned, in any district.
- (8) Convalescent homes in any district.
- (9) Group foster homes in any district.
- (10) Fraternal organizations, lodges and community buildings in any nonresidential district.
- (11) Cemeteries in any district.
- (12) Bingo Halls in any nonresidential district.

- (13) Tattoo and body piercing establishments in any nonresidential district.
- (14) Drive-in theaters in nonresidential districts on sites of fifteen (15) acres or more.
- (15) Hotels and motels in any nonresidential district which fail to meet any one or more of the following criteria:
  - (A) Less than one hundred twenty (120) rooms.
  - (B) Less than 3 stories in height or more than 6 stories in height.
  - (C) No full service kitchen and/or seating for less than sixty (60) in the dining area.
  - (D) Less than 5,000 square feet of meeting rooms or no provision for meeting rooms.
  - (E) Less than 200 square feet of Board meeting rooms or no provision for Board meeting rooms.
  - (F) Interior corridors only. (i.e., has exterior corridors)
- (16) Residence Hotels and Extended Stay Hotels.
- (17) Railway right-of-way and tracks, railway passenger stations, railroad yards, team tracks or storage yards in any district.
- (18) Establishments that derive seventy-five percent (75%) or more of their income from the sale of alcoholic beverages for on-premise consumption, in "LR-2" Local Retail-2, "GR" General Retail, "C-1" Light Commercial, and "C-2" Heavy Commercial zoning districts.
- (19) Auto Dealers, New Cars Only with Incidental Used Car Sales, in the "LR-2" Local Retail-2, "GR" General Retail, and "I-2" Heavy Industrial Districts.
- (20) Auto Dealers, Used Cars Only, in the "LR-2" Local Retail-2, "GR" General Retail, "C-1" Light Commercial, and "I-2" Heavy Industrial Districts.
- (21) Every special use permit granted under the provisions of this article shall be considered an amendment to the zoning district applicable to such property and shall authorize the special use in addition to the uses permitted by right in the district. In granting such permit the City Council may impose conditions which shall be complied with by the grantee before certificate of occupancy may be issued by the building official for the use of the buildings on such property pursuant to said special use permit; and such conditions shall not be construed as conditions precedent to the granting of special use permit for the change in

zoning of such property, but shall be construed as conditions precedent to the granting of the certificate of occupancy. The following are regulating measures which can be included in the consideration of a special use permit:

- (A) Off street parking.
- (B) Site plan required for all special uses.
- (C) Approval of means of ingress and egress.
- (D) Approval of building size and location.
- (E) Control of outside lighting and screening.
- (F) Special setbacks and/or building lines.
- (G) Surfacing of parking areas and drives.
- (H) Installation of curbs and drainage structures.
- (I) Approval of use or uses permitted.
- (J) Time or period within said special use permit shall terminate.

(Ord. No. 646, § 17(l)-(19), 11-3-75; Ord. No. 703, § 1, 12-5-77; Ord. No. 801, § 1, 7-7-80; Ord. No. 848, § 1, 10-19-81; Ord. No. 912, § 1 (5), (6), 9-6-83; Ord. No. 1122, § 1, 7-6-87; Ord. No. 1525; § 7, 11-10-97; Ord. No. 1599, § 1, 11-16-99; Ord. No. 1816, § 1-3, 11-5-02; Ord. No. 1897, § 1, 8.3.04; Ord. No. 2008, § 1, 1.16.07, Ord. No. 2111, § 1, 4.20.10; Ord. No. 2144, § 1, 8.2.11)