

## **ARTICLE 30. S OR SUP, SPECIAL USE PERMITS**

### **Sec. 12-30-1. Special uses.**

The city council by an affirmative vote may after public hearing and proper notice to all parties affected, and after recommendations from the planning and zoning commission that the use is in general conformance with the master plan of the city and containing such requirements and safe guards as are necessary to protect adjoining property, grant a special use permit zoning classification as an additional use in addition to the sue allowed under the basic zoning classification of the property. The application shall be accompanied by a site plan (see article 27) drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets, the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of 200 feet. The planning commission or city council may require information, operating data and expert evaluation concerning the location and function and characteristics of any building or use proposed.

(Ord. No. 91500)

### **Sec. 12-30-2. Special use permit regulations.**

1. In recommending that a special use permit for the premises under consideration be granted, the planning and zoning commission shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, protective screening and open space landscaping, heights of structures, and compatibility of buildings; ~~and such other reasonable regulations concerning the operation of such uses.-~~
2. Every special use permit granted under these provisions shall be considered as an amendment to the zoning ordinance as applicable to such property under consideration, but shall not be considered as a permanent change in zoning ~~subject to the amendment or revocation as deemed appropriate~~. In the event the building, premises, or land uses under the special use permit is voluntarily vacated or if the ownership is voluntarily transferred, or if such buildings, premise, or land is more than 50 percent destroyed by fire or other cause, the use of the same shall thereafter conform to the regulations of the original zoning district of such property unless a new and separate special use permit is granted for continuation of the use.
3. In granting a special use permit, the city council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the building inspector for use of the building on such property pursuant to such special use permit; and such conditions precedent to the granting of the certificate of occupancy.
4. At the time of application, a site plan and architectural rendering will be required unless waived by the director of planning.
5. A building permit shall be applied for and secured within six months from the time of granting the special use permit provided; however, the city council may authorize an extension of this time upon recommendation by the planning and zoning commission.

- 
6. No building, premise, or land used under a special use permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless a separate special use permit is granted for such enlargement, modification, structural alteration, or change.

(Ord. No. 91500)

#### **Sec. 12-30-3. Use regulations.**

A building or premise used for any of the following purposes shall be permitted by special use permit only.

#### **Sec. 12-30-4. "A" agricultural district.**

1. Sand or gravel extraction or storage and other mining activities, except oil and gas extraction or drilling.
2. Country clubs or golf courses and related uses such as driving ranges.
3. University, college or parochial school and related facilities.
4. Sewage treatment plant. (Private operated.)
5. Broadcasting facilities including towers.
6. Camp grounds.
7. Carnival. (By resolution of city council for specific time period.)
8. Construction office. (By authority of the building official for specific time periods.
9. Cemetery.
10. Charitable organizations other than churches.
11. Temporary batching plant for any period in excess of 180 days.
12. Day nursery or camp.
13. Dirt storage or sales.
14. Electric substation, transmission line or other public utilities.
15. Florist, retail.
16. Garden or farm equipment sales.
17. Gun club or shooting range.
18. Heliport or helistop.
19. Hospital.
20. Ice manufacturer.
21. Kennel inside or outside.
22. Parking lot.
23. Rodeo arena.
24. Stadium public or private.
25. Public zoo.
26. Airport public or private.

---

(Supp. No. 49)

Created: 2023-02-10 10:10:00 [EST]

27. Amateur radio operation or other receiving device for vocal or visual communications.

28. Outdoor commercial amusement.

(Ord. No. 91500; Ord. No. 500-A-91; Ord. No. 91500-A-421, § 1, 10-11-05; Ord. No. 91500-A-451, § 1, 2-13-07)

#### **Sec. 12-30-5. "SF-ED" single family estate district.**

1. Airport. (private)

2. Cemetery.

3. Charitable organizations.

4. Lodges and similar public organizations.

5. Lodging houses.

~~56.~~ University, college or parochial school and related facilities. (public or private)

~~67.~~ Country club or golf course and related uses such as driving ranges but not including similar forms of commercial amusement such as miniature golf.

~~78.~~ Day nursery or day care.

~~89.~~ Public utilities such as electric substation and transmission line.

~~910.~~ Hospital and related uses.

~~1011.~~ Post Office.

~~1112.~~ Riding academy or other equestrian related facilities.

~~1213.~~ Sewage treatment plant. (private)

~~1314.~~ Stadium.

~~1415.~~ Stucco type construction.

~~1516.~~ Temporary batching plant for any period in excess of 180 days.

(Ord. No. 91500; Ord. No. 91500-A-123; Ord. No. 91500-A-421, § 1, 10-11-05)

#### **Sec. 12-30-6. Single family-18 (SF-18), ~~sSingle-Ffamily-12 (SF-12), sSingle-fFamily-9 (SF-9), and sSingle-Ffamily-7 (SF-7), two family 9 (2F 9), town house 1 (THE 1), town house 2 (THE 2), multi-family 1 (MF 1), multi-family 2 (MF 2) and manufactured home (MH).~~**

1. Cemetery.

2. Charitable organizations.

3. Lodges and similar public organizations.

4. Lodging Houses.

~~45.~~ University, college or parochial school and related facilities. (public or private)

~~65.~~ Country club or golf course and related uses such as driving ranges but not including similar forms of commercial amusement such as miniature golf.

~~76.~~ Day nursery or day care.

(Supp. No. 49)

Created: 2023-02-10 10:10:00 [EST]

~~87.~~ Public utilities such as electric substation and transmission line.

~~98.~~ Hospital and related uses.

~~109.~~ Post Office.

~~1110.~~ Sewage treatment plant. (private)

~~1244.~~ Stadium.

~~1342.~~ Stucco type construction.

(Ord. No. 91500)

**Sec. 12-30-6a. Two-Family-9 (2F-9), Townhouse 1 (TH-1), Townhouse 2 (TH-2), Multi-Family 1 (MF-1), Multi-Family 2 (MF-2) and Manufactured Home (MH).**

1. Cemetery.

2. Charitable organizations.

3. Lodges and similar public organizations.

4. University, college or parochial school and related facilities. (public or private)

5. Country club or golf course and related uses such as driving ranges but not including similar forms of commercial amusement such as miniature golf.

6. Day nursery or day care.

7. Public utilities such as electric substation and transmission line.

8. Hospital and related uses.

9. Post Office.

10. Sewage treatment plant. (private)

11. Stadium.

12. Stucco type construction.

**Sec. 12-30-7. "O" office.**

1. Airport, (public or private).

2. Broadcasting facilities, radio, television or micro-wave tower.

3. Cemetery.

4. University, college or parochial school and related facilities. (public or private)

5. Electric substation, transmission line or other public use utilities.

6. Exhibition hall.

7. Carnival. (By resolution of city council for specific time period)

8. Fair grounds.

- 
9. Nursing home or home for the aged.
  10. Instrument testing.
  11. Janitor service.
  12. Jeweler, retail.
  13. Laboratory.
  14. Movie theater.
  15. Night club.
  16. Photography studio.
  17. Rodeo arena.
  18. Service or gas station.
  19. Stadium.
  20. Television studio.
  21. Zoo. (public)
  22. Incidental retail and service uses.
  23. Mortuary or funeral parlor.
  24. Institution for care of alcoholic, narcotic or psychiatric patients.
  25. Restaurant, or private club.

(Ord. No. 91500; Ord. No. 91500-A-434, § 1, 6-13-06)

**Sec. 12-30-8. "R" retail.**

1. Airport, (public or private).
2. Automobile repair garage.
3. Broadcasting facilities, radio, television or micro-wave tower.
4. Cemetery.
5. University, college or parochial school and related facilities. (public or private)
6. Candle manufacturing.
7. Candy manufacturing.
8. Carnival. (By resolution of city council for specific time periods.)
9. Electric substation, transmission line or other public use utilities.
10. Fair grounds.
11. Fur goods manufacturing.
12. Grocery and convenience stores.
13. Heliport or helistop.
14. Instrument manufacturing or testing.

- 
15. Pawn shops.
  16. Nursing home or home for the aged.
  17. Movie theater.
  18. Night club.
  19. Rodeo or other sports arena.
  20. Telegraph office.
  21. Zoo. (public)
  22. Indoor amusement. (video games)
  23. Gasoline service stations, provided that the activities permitted do not include major automobile repairs, storage or dismantling of motor vehicles for sale.
  24. Bowling alley.
  25. Restaurant, or private club.
  26. Any permitted uses allowed within the "O" office special use permit section.
- (Ord. No. 91500; Ord. No. 91500-A-434, § 1, 6-13-06)

**Sec. 12-30-9. "HC" highway commercial.**

1. Assembly and manufacturing (limited)—Not exceeding 50 percent of the gross floor area.
2. Bowling alley.
3. Broadcasting facilities, radio, television or micro-wave tower.
4. Bus terminal.
5. Cemetery.
6. Day nursery or day care centers.
7. Electric substation, telephone exchange, transmission line or other public use utilities.
8. Equipment sales.
9. Fair grounds.
10. Gasoline service stations, provided that the activities permitted do not include automobile repairs, storage or dismantling of motor vehicles for sale.
11. Golf course or country club.
12. Grocery and convenience stores.
13. Heliport or helistop.
14. Indoor amusement (Video games).
15. Instrument manufacturing or testing.
16. Janitor service.
17. Mortuary or funeral parlor.
18. Hotel or residence hotel. (Refer to section 12-30-18 for specific regulations.)

- 
19. Motorcycle sales and service.
  20. Movie theater.
  21. Night club.
  22. Office/warehouse (warehouse exceeding 20 percent of the gross floor area).
  23. Private school and related facilities.
  24. Private club.
  25. Restaurant.
  26. Rodeo or other sports arena.
  27. Sports, recreation and entertainment (Indoor or outdoor).
  28. Stadium.
  29. Television studio.
  30. Trailer rental.

(Ord. No. 91500; Ord. No. 91500-A-375, § 2, 5-11-01; Ord. No. 91500-A-434, § 2, 6-13-06; Ord. No. 2016-1433, § 2, 4-12-16)

**Sec. 12-30-10. "C" commercial.**

1. Airport, (Public or private).
2. Automobile repair garage.
3. Boat storage.
4. Butane storage and sales.
5. Candle manufacturing.
6. Candy manufacturing.
7. Cemetery.
8. Electronic manufacturing.
9. Grocery and convenience stores.
10. Electric substation, transmission line or other public use utilities.
11. Fur goods manufacturing.
12. Grocery and convenience stores.
13. Heliport or helistop.
14. Instrument manufacturing or testing.
15. Pawn shops.
16. Nursing home or home for the aged.
17. Movie theater.
18. Night club.

- 
19. Rodeo or other sports arena.
  20. Telegraph office.
  21. Zoo (Public).
  22. Indoor amusement (Video games).
  23. Gasoline service stations.
  24. Bowling alley.
  25. Restaurant, or private club. Restaurant (drive-in type).
  26. Kennels (Outside).
  27. Motor freight terminal.
  28. Moving and storage company.
  29. Pawn shop.
  30. Motion picture theater (Outdoor).
  31. Auto laundries or car wash.
  32. Automobile, truck or mobile home display or sales.
  33. Indoor sports, recreation and entertainment.
  34. Commercial amusement (Indoor or outdoor).
  35. Convenience warehouse ("Mini-warehouse").
  36. Any permitted uses allowed within the "O" office, "R" retail or C" commercial special use permit district (see sections 12-30-7, 12-30-8, 12-30-10 and 12-30-11).

(Ord. No. 91500; Ord. No. 91500-A-333, § 1, 8-13-02; Ord. No. 91500-A-434, § 1, 6-13-06)

**Sec. 12-30-11. "TC" town center.**

1. Cemetery.
2. College, university, or parochial school and related facilities.
3. Electric substation, transmission line or other public use utility.

(Ord. No. 91500)

**Sec. 12-30-12. "LI" light industrial.**

1. Airport, (Public or private).
2. Arsenal.
3. Cemetery.
4. Electric substation, transmission line and other public use utility.
5. Sand or gravel extraction or storage and other mining activities, except oil and gas extraction or drilling.
6. Gun club or shooting range.



- 
7. Lumber mill.
  8. Other mining activities.
  9. Petroleum products storage.
  10. Planing mill.
  11. Printing plant.
  12. Rooming house.
  13. Coal, coke or wood yard.
  14. Concrete or asphalt batching plant on temporary basis for any period in excess of 180 days.
  15. Drive-in theater (Outdoor).
  16. Adult uses. (Adult bookstores, adult motion pictures, massage parlors and nude modeling or photography studios).
  17. Gasoline service stations.
  18. Convenience storage or "mini-warehouse".

(Ord. No. 91500; Ord. No. 91500-A-123; Ord. No. 91500-A-56; Ord. No. 91500-A-331, § 1, 8-13-02; Ord. No. 91500-A-421, § 1, 10-11-05; Ord. No. 91500-A-451, § 1, 2-13-07)

#### **Sec. 12-30-13. Reserved.**

Editor's note(s)—Ord. No. 91500-A-419, § 1, adopted Oct. 11, 2005, repealed § 12-30-13 in its entirety. Formerly, said section pertained to the "HI" heavy industrial district as enacted by Ord. No. 91500.

#### **Sec. 12-30-13A. "H" Historic.**

1. Auto parking lot.
2. Auto parts sales (new).
3. Broadcasting facilities, radio or television {for towers see section 12-32A - Telecom. Ordinance}.
4. Building footprint exceeding 5,000 square feet.
5. Carpentry, painting or, plumbing shops.
- ~~6~~5. Cemetery.
- ~~7~~6. College, university, or parochial school, private school and related facilities.
- ~~8~~7. Day nursery or day care centers (children or adult).
- ~~9~~8. Drive-in theater (outdoor).
- ~~10~~9. Electric substation, transmission line or other public utilities.
- ~~11~~10. Grocery and convenience stores.
- ~~12~~11. Hospital.
- ~~13~~12. Lodging House when part of a single-family residential development or mixed-use development and shall not include live/work units.

~~14.~~ Limited warehousing and distribution shall be limited to a maximum of 20 percent of the floor area of the building.

~~15~~~~13.~~ Mortuary or funeral services.

~~16~~~~14.~~ Motel, hotel, residence hotel (refer to section 12-30-18 for specific regulations).

~~17.~~ Multi-story garage (commercial).

~~18~~~~15.~~ Nursing home, convalescent home, home for the aged, assisted living, etc.

~~19.~~ Office, retail, or commercial with residential on second floor.

~~20~~~~16.~~ Office warehouse with less than 20 percent of the floor area being devoted to warehousing.

~~21~~~~17.~~ Radio broadcasting towers.

~~22~~~~18.~~ Radio, television or microwave receiving dish (subject to screening regulations; see section 12-33-1).

~~23~~~~19.~~ Residential development in general conformance with Old Coppel Concept Plan.

~~24.~~ Sports, recreation and entertainment (indoor or outdoor).

~~20.~~ Office, retail, or commercial with residential on second floor.

~~21.~~ Residential development in general conformance with Old Coppel Concept Plan.

~~22.~~ Building footprint exceeding 5,000 square feet.

~~23.~~ Motel, hotel, residence hotel (refer to section 12-30-18 for specific regulations).

~~24.~~ Bed and breakfast.

(Ord. No. 91500-A-409, § 2, 5-11-05; Ord. No. 91500-A-434, § 2, 6-13-06)

#### **Sec. 12-30-14. Business use within residential structures.**

1. The term "business use with residential structure" as used herein shall mean any tract or property which is "zoned for a business use" on which there exists a residential structure which was in existence at the time the property was zoned for business use.
2. The term "zoned for business use" as that term is used in the definition of "business use with residential structure" shall mean any zoning classification of the comprehensive zoning ordinance which permits a business or commercial use including the O, R, C, or LI or any business classification within any PD district.
3. Residential structures deemed conforming. Any residential structure located on property defined as "business use with residential structure" shall be considered a conforming structure as opposed to a nonconforming use. Such conforming status shall continue so long as the residential structure is used for residential purposes, and during such period of residential use, the property shall be governed by the regulations of the residential zoning classification, as amended, that existed at the time such property was zoned for its business use.
4. Where structure is used only as a residence. Any residential structure located on property defined as "business use with residential structure" being used only as a residence will not be required to obtain a special use permit to continue such residential use but will not be permitted to start using the residential structure for a business use without first obtaining a special use permit.
5. Where structure is used only for specific business. Any residential structure located on property defined as "business use with residential structure" which on the effective date of this ordinance is being used for a

---

specific business purpose and not a residential use must hereinafter obtain a special use permit under this section for the specific use being conducted in such a structure. Upon proper proof of the existence of such a business use may not be changed or the structure converted to a combined residence with the specific use without a new special use permit.

6. Where structure is a combined residential and business use. Any residential structure located on the property defined as "business use with residential structure" which as of the effective date of this ordinance is used both as a residence and for a specific business use must obtain a special use permit for such combined residential and specific business use. Upon proper proof of the existence of such a combined business and residential use as of the effective date of this ordinance, the special use permit shall be granted, but once granted the specific business use may not be changed without first obtaining a new special use permit.
7. The residential structure located on property defined as "business use with residential structure" may in any case be taken down or removed and replaced with a conforming commercial structure without the necessity of obtaining a special use permit and thereafter such property shall be governed by the regulations of the business zoning classification of such property.
8. A use which would be a "home occupation" under the comprehensive zoning ordinance shall not be considered a business use which will have to obtain a special use permit unless otherwise required to do so by the specific regulations.
9. The owner of any property who is required to obtain a special use permit pursuant to the provisions of this section and who files application for such special use permit on or before January 16, 1987, will not be required to pay the usual zoning change filing fee. Any applicant applying for such a special use permit after January 16, 1987 shall pay the application fee.

(Ord. No. 91500; Ord. No. 91500-A-318, § 7, 3-19-02; Ord. No. 91500-A-409, § 7, 5-11-05; Ord. No. 91500-A-419, § 1, 10-11-05)

#### **Sec. 12-30-15. Churches in any district.**

1. Churches. A church may not be excluded from any zoning district within the city, therefore the special use permit required by this chapter may not be denied. In the issuance of such special use permit, there shall be imposed only those reasonable special conditions or regulations necessary to protect the health, safety and general welfare of the community. Off-street parking shall be regulated by subsection 12-31-6(4) of this chapter. A site plan may be required as a part of the application for this special use permit and unless modified by approval of a site plan adopted as a part of the ordinance granting the special use permit, set back and other such requirements shall be governed by the regulations of the basic zoning district, and the structural requirements shall be governed by the existing ordinance of the city.

All churches in existence at the time of the adoption of this amendment shall be considered as conforming uses under special use permit in regard to all church facilities in place of the effective date of this amendment.

Once a church has received a special use permit it will not have to obtain another special use permit to expand church facilities within the church property.

Church use shall be permitted in any nonresidential zoning district without a special use permit.

(Ord. No. 91500; Ord. No. 91500-A-318, § 8, 3-19-02)

---

## Sec. 12-30-16. Restaurant.

- (1) Restaurant shall only require a special use permit in the "O" office, "R" retail, "H" historic, "HC" highway commercial, "C" commercial, "TC" town center, or "LI" light industrial districts, or "PD" planned development district, when either of the following conditions exist:
  - (a) The restaurant will be located within a structure, either free-standing or within an existing retail building whose property line abuts a residential zoning district; or
  - (b) The restaurant will have drive-in/through service.
  - (c) A restaurant as an accessory use, may be allowed by special use permit on property zoned single family residential or multi-family in association with a special use permit for a golf course and clubhouse.
- (2) In the event that a special use permit is required, then a public hearing process shall be required, as provided in this chapter.
  - (a) *Special conditions.* A special use permit for a restaurant under this section, if granted, shall be subject to such reasonable special conditions in order to protect the health, safety, and welfare of the general public and adjacent land uses.
  - (b) *Time limit.*
    - (i) In the event an application for a building permit for a restaurant is not made and secured within six months from the granting of the special use permit for the restaurant, the Special Use Permit shall be revoked unless the owner/operator of the restaurant is granted an extension by the city council.
    - (ii) In the event the owner or operator of a property having a zoning classification of a special use permit for a restaurant, ceases to operate the restaurant business use for a period in excess of 90 days, the planning and zoning commission or the city council may initiate a zoning change to consider changing the zoning classification to such other classification as may be appropriate for the property. Each applicant for a special use permit for a restaurant shall be advised of this condition which shall be noted in the ordinance granting the zoning classification.
  - (c) *Submission requirements.* The following shall be required at the time of an application for a special use permit for a restaurant:
    - (i) A proximity map or plat showing the zoning classification of adjacent property and the location and use of any structures on all properties within 300 feet of the restaurants, lots, or tract measured from the nearest property line of such lot or tract.
    - (ii) Adequate copies of floor plans for the restaurant shall be submitted showing the dimensions of the following floor areas:
      1. Eating areas;
      2. Kitchen and food preparation area;
      3. Waiting area;
      4. Area of all other proposed uses within the restaurant;
      5. All combined air-conditioned areas.
    - (iii) Site Plan of the entire shopping center/retail building indicating:
      1. Lease space of the proposed restaurant with square footage and dimension of frontage(s).
      2. Parking analysis to assure that adequate parking exists to accommodate restaurant.

---

3. Proposed hours of operation.

- (iv) Elevation(s) of the building, indicating the lease space with dimensions and all proposed signage.
- (3) New restaurant in a lease space/building with an existing Special Use Permit for a restaurant. In the event that another restaurant occupies the same building/lease space, a new or revised special use permit is not required; so long as the occupants comply with the applicable city ordinances and building code requirements.
  - (a) The director of planning or designee may administratively approve a minor amendment to the existing Special Use Permit for the establishment of a new restaurant, subject to the following process:
    - (i) Submission of an application accompanied by the appropriate fee for administrative site plan approval, the revised floor plan, sign plan, hours of operation and/or other pertinent information to the planning department for review.
    - (ii) That applicant is in compliance with all other applicable code of ordinance requirements or special conditions of the special use permit for such premise.
    - (iii) The director will update the special use permit file to reflect the new restaurant.
    - (iv) The director will issue a letter of approval, approval with conditions or denial. In the event of a denial, or conditions that are contested by the applicant, a public hearing process will be required with payment of appropriate fee.
    - (v) Once the new restaurant occupies the building, the building official, or his designee, shall provide the planning department an official copy of the certificate of occupancy.
- (4) Expansion of existing restaurant. In the event that an existing restaurant expands in the same building a revised special use permit is not required.
  - (a) The director of planning or designee may approve an administrative amendment to an existing Special Use Permit to allow for expansion of an existing restaurant, subject to the following process:
    - (i) Submission of an application accompanied by the appropriate fee for administrative site plan approval to include the revised floor plan, sign plan, hours of operation.
    - (ii) Site Plan of the entire shopping center/retail building indicating the lease space of the proposed restaurant expansion with square footage and dimension of frontage(s).
    - (iii) The owner/occupant apply and receive appropriate building permits and comply with applicable ordinances.
    - (iv) A parking analysis to assure adequate parking exists.
  - (b) The director shall review such application to ensure that the expanded use does not adversely affect the surrounding uses and to protect the general health, safety and welfare.
  - (c) The director will update the special use permit file to reflect the restaurant expansion.
  - (d) The director will issue a letter of approval, approval with conditions or denial. In the event of a denial or conditions that are contested by the applicant, a public hearing process as provided in this Chapter. will be required.
  - (e) In the event that an applicant is not satisfied with the determination of the director, it may submit a formal request to amend the Special Use Permit as provided in this Chapter.
- (5) Each application for a special use permit for a restaurant must be made by the property owner or the tenant with the written permission of the property owner. The planning and zoning commission and the city council

---

may consider any relevant matter pertaining to the applicant or application which might affect the health, safety, and welfare of the community.

- (6) Signs. Exterior signs, other than established trade names, located on the outside of the building or premises of a restaurant, shall not advertise or refer to the sale or consumption of alcoholic beverages by words or symbols.
- (7) Existing uses. Any restaurant in operation or which has been granted a special use permit for a restaurant at the time of the adoption of this ordinance shall be considered as a conforming use.

(Ord. No. 91500; Ord. No. 91500-A-328, § 2, 7-9-02; Ord. No. 91500-A-419, § 1, 10-11-05; Ord. No. 91500-A-445, § 2, 12-12-06; Ord. No. 91500-A-469, § 1, 7-10-07; Ord. No. 91500-A-619, § 1, 4-9-13 )

#### **Sec. 12-30-17. Special use ordinances continued.**

Prior to adoption of this ordinance, the city council had established various special use zoning districts each containing, as a part of its adoptive ordinance and/or plan, certain conditions, restrictions, regulations and requirements applicable to the respective special use district. The special use districts shown (as of the date of this ordinance) on the zoning map adopted as a part of this ordinance, shall be continued in full force and effect and the ordinances granting such special use district classification shall not be repealed. Provided, however, any reference in such adoptive ordinance to the basic zoning district shall be a reference to that basic zoning district as such is provided for in this ordinance.

(Ord. No. 91500)

#### **Sec. 12-30-18. Hotel and residence hotel.**

A special use permit for a hotel or residence hotel use may be approved only when there is a finding and determination by the city council, that the type of hotel or residence hotel proposed is compatible and consistent with and will have no adverse effect on existing uses in the area, that the proposed use is equal to or exceeds development standards of other uses and that the proposed use will not adversely affect the ability to locate, in the future, additional uses that are allowed within the zoning district of the area.

- (1) Hotel developments shall be subject to the following development standards:
  - a. A minimum lot size for a hotel development shall be no less than two acres.
  - b. There shall be a minimum of 125 guest rooms.
  - c. Shall provide staff on-site 24-hours a day.
  - d. All units shall be accessed from a common interior corridor, which shall be climate controlled, except for first floor units which may have direct access from an interior courtyard or swimming pool area in addition to hallway access.
  - e. Each guestroom shall be a minimum of 285 square feet.
  - f. Shall provide a lobby waiting/atrium area with a minimum of 750 square feet; or five square feet per guest room, whichever is greater. Other open space areas may be counted towards fulfilling this requirement if seating is provided.
  - g. Conference room/meeting space a minimum of 1,200 square feet.
  - h. Limited (such as breakfast bar and/ or light snacks, not open to the public) or full service restaurant.

- 
- i. A porte-cochere or other covered area shall be provided immediately adjacent to the building entrance nearest the registration desk with an area for temporary parking of at least two vehicles underneath the covered area for the guests checking in or out.
  - j. In addition to the above, there shall be provided a minimum of three amenities from the list below:
    - 1. Meeting space 5,000 square feet or more.
    - 2. Indoor/outdoor pool (minimum 600 square feet of water surface area).
    - 3. Equipped weight room/fitness center (minimum 600 square feet).
    - 4. Playground.
    - 5. Sports court.
    - 6. Jogging trail (minimum ¼ mile in length).
    - 7. Gift/pantry/snack shop (minimum 300 square feet).
    - 8. Outdoor plaza area (minimum of 1,000 square feet, exclusive of pool) containing such items as fire pit, covered patio, outdoor TV, outdoor kitchen, etc.
    - 9. Full service restaurant (minimum seating capacity of 35) open to the general public serving breakfast, lunch and dinner.
- (2) Residence hotel developments, as defined in section 12-42-1 of this chapter, shall be subject to the following development standards:
- a. A minimum lot size for a hotel development shall be no less than two acres.
  - b. There shall be a minimum of 125 guest rooms.
  - c. Not more than 22 room units per acre.
  - d. Each guestroom shall be a minimum of 285 square feet.
  - e. Shall provide a lobby/waiting/atrium areas with a minimum of 750 square feet or five square feet per guest room, whichever is greater. Lobbies/waiting/atrium areas and/or other open space area may be counted towards fulfilling these requirements if seating is provided.
  - f. Shall maintain laundry facilities on-site for guest use.
  - g. Shall provide staff on-site 24-hours a day.
  - h. All units shall be accessed from a common interior corridor, which shall be climate controlled, except for first floor units which may have direct access from an interior courtyard or swimming pool area in addition to hallway access.
  - i. Conference room/meeting space a minimum of 1,200 square feet.
  - j. Limited (such as breakfast bar and/or light snacks, not open to the public) or full service restaurant.
  - k. A porte-cochere or other covered area shall be provided immediately adjacent to the building entrance nearest the registration desk with an area for temporary parking of at least two vehicles underneath the covered area for the guests.
  - l. Shall maintain a minimum separation of 1,500 feet measured linearly from property line to property line from any other residence hotel property.

- m. All of the room units shall contain kitchen facilities, which are defined as containing a stove top, oven and microwave and full size refrigerator.
- n. Shall provide a minimum of four amenities from the list below:
1. Meeting space 5,000 square feet or more.
  2. Indoor/outdoor pool (minimum 600 square feet of water surface area).
  3. Equipped weight room/fitness center (minimum 600 square feet).
  4. Playground.
  5. Sports court.
  6. Jogging trail (minimum ¼ mile in length).
  7. Gift/pantry/snack shop (minimum 400 square feet).
  8. Outdoor plaza area (minimum of 1,000 square feet, exclusive of pool) containing such items as fire pit, covered patio, outdoor TV, outdoor kitchen, etc.
  9. Full service restaurant (minimum seating capacity of 35) open to the general public serving breakfast, lunch and dinner.

(Ord. No. 2016-1433 , § 1, 4-12-16)

Editor's note(s)—Ord. No. 2016-1433 , § 1, adopted April 12, 2016, repealed the former § 12-30-18, and enacted a new § 12-30-18 as set out herein. The former § 12-30-18 pertained to hotel, motel and residence hotel and derived from Ord. No. 91500-A-434, § 3, adopted June 13, 2006.

#### Sec. 12-30-19. – Lodging Houses,

No person shall advertise, offer to rent, lease, sublease, license or sublicense or offer the same, a single-family residential property within the city as a lodging house unless a special use permit is approved and in accordance with this article. A Lodging House is required to pay Hotel Occupancy Taxes to the City. A special use permit for a lodging house may be approved only when there is a finding and determination by the City Council, that the lodging house use proposed is compatible and consistent with and will have no adverse effect on existing uses in the area in compliance with special conditions approved by City Council. If a lodging house is approved, a lodging house rental permit must be obtained and the lodging house rental requirements held therein adhered to. Such special condition shall include and is not limited to:

- a) Subletting;
- b) Signage;
- c) Parking;
- d) Outdoor usage;
- e) Adjacency of housing;
- f) Hours of operation;
- g) No events or parties;
- h) No commercial activity;

1. Lodging House. A Lodging house shall only be allowed in the following zoning districts: SF-ED, SF-18, SF-12, SF-9, SF-7 and the H district where there is a PD for single-family residential or mixed -use.

**Formatted:** Font: (Default) +Body (Calibri), 10 pt, Not Highlight

**Formatted:** Font: (Default) +Body (Calibri), 10 pt

**Formatted:** Font: (Default) +Body (Calibri), Not Highlight

**Formatted:** Font: (Default) +Body (Calibri), Not Highlight

**Formatted:** Font: (Default) +Body (Calibri)

**Formatted:** Font: (Default) +Body (Calibri), 10 pt, Not Highlight

**Formatted:** Font: (Default) +Body (Calibri), 10 pt, Not Highlight

**Formatted:** Font: (Default) +Body (Calibri), 10 pt, Not Highlight

**Formatted:** Font: (Default) +Body (Calibri), 10 pt, Not Highlight



Lodging House is defined as "the rental of any single-family residence or its residential structure, or a portion of a single-family residence or residential structure including but not limited to pools, garages, and outdoor accessory structures for a period of less than 30 days". This term includes but not limited to:

- 1) bed and breakfast;
- 2) boarding home or hostel;
- 3) vacation home;
- 4) short-term rentals (STR); or
- 5) corporate housing.

The term does not include;

- (1) A unit that is used for a nonresidential purpose, including an educational, retail, restaurant, banquet space, or event center purpose or other commercial purposes another similar use;
- (2) A hotel/residence hotel;
- (3) A place for residence or use as a licensed health care or assisted living facility licensed by the State; or
- (4) Parsonage on the premise of a church, mosque or synagogue.
- (5) A commercial storage facility

**Formatted:** Font: (Default) +Body (Calibri)

**Formatted:** Font: (Default) +Body (Calibri)

**Formatted:** Font: (Default) +Body (Calibri)

**Formatted:** Font: (Default) +Body (Calibri)

**Formatted:** Font: (Default) +Body (Calibri)

**Formatted:** Font: (Default) +Body (Calibri)

**Formatted:** Font: (Default) +Body (Calibri), Not Highlight

**Formatted:** Font: (Default) +Body (Calibri)

**Formatted:** Font: (Default) +Body (Calibri)

**Formatted:** Font: (Default) +Body (Calibri)