

For Council meeting packets

d. Imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this article.

4. Effect of approval. Alternative compliance shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests

Sec. 5.650. - Area development plan (ADP) permitted uses.

A. ADP permitted uses. The following uses are permitted throughout the ADP unless further modified in each "Specific Area" below or listed under "E. ADP Prohibited Uses":

1. CP-2 office and retail uses permitted by right (P) in Table 6-1 of the Unified Development Ordinance.
 2. Loft dwellings.
 3. Multi-family residential apartments, market rate, age restricted and senior.
 4. Drug store including drive-up window.
 5. Financial services, including drive-up window and drive-through facility, as a "C" use such as banks and credit unions.
 6. Bars and taverns as a "C" use.
 7. Hotel.
 8. Massage therapy as a "C" use.
 9. Restaurant, general as a "C" use.
 10. Civic or fraternal organization as a "C" use.
 11. Research, design, marketing and production needs of the general business community.
 12. Other uses specifically approved as part of a Preliminary Development Plan or further modified from the "Specific Area Uses" or "Prohibited Uses".
- Uses shown as "C" uses must comply with the conditions established in UDO Article 6, Division II unless further modified through the approval process.

B. LS Gateway—Specific area uses.

1. Rooftop restaurants.
2. Medical clinic.
3. Fitness center.

C. LS mixed use—Specific area uses.

1. Restaurants/coffee shops including drive-through.
2. Indoor fitness/recreation center.
3. Convenience store (C-Store).
4. Business and vocational schools.
5. Churches.

D. LS arts and entertainment center—Specific area uses.

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1. Rooftop restaurants.
2. Restaurants/coffee shops located within a larger building.
3. Artist studio, video production labs.
4. Performing arts.
5. Hospital, medical clinic prohibited.
6. Restaurant—Drive-up and drive-thru services prohibited.

E. ADP prohibited uses.

1. Automotive/truck related uses.
2. Retail—Big box in excess of 80,000 square feet on one level.
3. Call centers.
4. Industrial uses.
5. Outdoor storage.
6. Indoor storage facility.
7. Office warehouse.
8. Pet and animal hospitals.
9. Adult business, entertainment, personal services, bookstores, novelties and similar uses.
10. Title loan, check cashing and unsecured loan businesses.
11. Appliance repair unless accessory to the primary retail business, i.e., servicing what is being sold on the premises.
12. Construction material sales and service.
13. Car wash indoor or outdoor or automated.
14. Equipment rental/lease.
15. Building or ground maintenance.
16. Bus terminal.
17. Day care except as an accessory use located within a larger building complex for a permitted business use.
18. Exterminating service.
19. Martial arts studio except when associated with a fitness center.
20. Pet grooming/pet motel.
21. Plumbing and heating equipment dealers.
22. Radio and TV repair.
23. Repair services non-automotive.
24. Reupholstery or furniture repair.
25. Tattoo parlor, permanent cosmetic services, body piercing studio.

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26. Used merchandise sales, including thrift stores, second hand sales, refurbished equipment etc.

F. Appeals for Prohibited Uses.

1. Filing with City Clerk. If an applicant seeks relief from the restrictions in part E of this Section (ADP Prohibited Uses), the applicant may file a written appeal with the City Clerk which shall include the following information:
 - a. Date prepared;
 - b. Name, address and telephone number of the applicant and the name, address and telephone number of the landowner if different than the applicant;
 - c. Affidavit testifying to proof of ownership or of authorization of agent pursuant to Section 2.020, if applicable;
 - d. Name, address and telephone number of all persons preparing any technical studies, maps, drawings and documents submitted with the appeal;
 - e. Accurate legal description, accompanied by a legal description closure report for metes and bounds descriptions, of the property for which the application is submitted;
 - f. Description of the proposed use, including size of the propose structure(s), floor area of each use within each structure, a description of the alterations, repairs or improvements that are proposed to existing structures, and any additional information needed to understand the location, extent and character of the proposed development, including whether the proposed development will be one or more new structures or alteration to one or more existing structures;
 - g. a statement setting forth the reasons why relief should be granted and why the prohibited use should be allowed; and
 - h. Any additional information required by City staff in order to evaluate the request.
2. City Council Hearing. The City Clerk shall schedule a hearing before the City Council within thirty (30) days following the date that the appeal is filed, or as soon thereafter as practicable in the normal course of managing Council agendas, at which the applicant shall bear the burden of establishing that the requested relief should be granted.
3. Decision and Standards for Determination. The standard to be applied to the Council's decision on the appeal shall be the same standard that applies to legislative decisions of the City Council. The Council may grant approval to the appeal or deny the appeal by motion, resolution or ordinance. By granting an appeal, such decision will only provide relief from the prohibited use restriction set forth in part E of this Section, in that the proposed use will be considered as a potentially allowable use for the applicant's subject property, but no additional rights shall accrue to the applicant. All other UDO requirements which would apply to development of the property shall be satisfied if an appeal is granted. An appeal granted by the Council shall apply only to the property that is legally described in the written appeal and shall not be transferrable to any other property in the ADP or any other property owned by the applicant.
4. Development Application. If the appeal is granted by the City Council, a subsequent application may be made by the applicant or property owner and such application shall be processed according to all applicable UDO requirements.