



# SPECIAL USE PERMIT GUIDELINES

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### **Section 1**                    **General Purpose**

The following guidelines should not be construed as an ordinance. These guidelines are a result of joint discussions between the Town Planning Commission and Town Council to provide a generally-accepted vision of appropriate site, bulk, density, perimeter, parking, sign, lighting, and other related standards during the review of a new or amended Special Use Permit for a non-residential development in the Town of Paradise Valley. The nature of the request, the architecture of the development, the unique characteristics of the site, among other factors; may merit less or more restrictive standards as determined during a complete review of each individual request. It should be noted that meeting all the guidelines listed below does not obligate the Town to grant a Special Use Permit or amendment thereto. These guidelines supplement the regulations as set forth in Article XI, Additional Use Regulations and Special Uses, of the Town Zoning Ordinance.

### **Section 2**                    **Lighting**

The following lighting guidelines shall apply to all non-residential properties requiring a Special Use Permit.

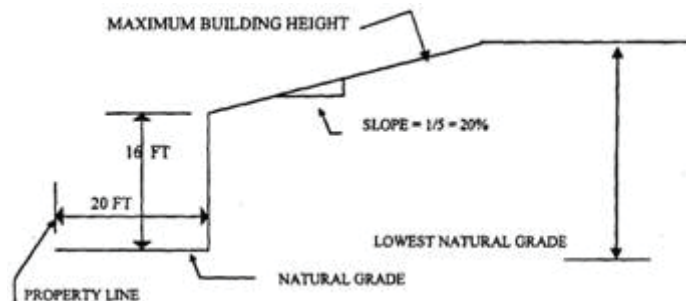
- a. **Outdoor lighting shall be permitted so long as:**
  - i. the light emitting element is shielded so that no beam of light extends above a horizontal plane placed at the lowest level of any exposed portion of the light emitting element; and
  - ii. the light emitting element and reflecting device of all lighting or illumination units is hooded or shielded so that it is not visible from any adjacent lot or real property; and
  - iii. such outdoor lighting or illuminating units do not direct light, either directly or through a reflecting device, upon any adjacent real property.
  - iv. uplighting shall be permitted so long as no light emitting device is greater than 25 watts or emits more than 250 lumens.
- b. Outdoor **pole** lighting shall be permitted **subject to the provisions of subsection A.8.a of this section** so long as:
  - i. the height of such lights or illumination does not exceed **16** feet measured from the natural ground level; and

- ii. Each lighting or illuminating device shall be set back from the nearest property line a distance equal to or greater than the height of the device above natural ground level.
- c. Outdoor light levels, measured in foot candles in accordance with Illuminating Engineering Society of North America (IESNA) standards, shall not exceed the following levels in the locations specified:
- i. parking lots – 1.6.
  - ii. entrance roadways, interior driveways and drop off areas – 5.0.
  - iii. adjacent to service buildings and loading docks – 5.0.
  - iv. in conjunction with architectural lighting adjacent to all other structures – 3.0.
  - v. outdoor pool decks and function areas – 5.0.
  - vi. outdoor dining areas – 10.0.
- d. No outdoor lighting shall be permitted within any setback area adjacent to a residential property unless:
- i. the lighting measured at the property line does not exceed 0.5 foot candles; and
  - ii. all light emitting elements are less than three (3) feet in height.

### Section 3 Open Space Criteria

The following Open Space Criteria shall apply to all non-residential properties requiring a Special Use Permit. To maintain view corridors around the perimeter of a property, building heights shall be limited around property lines. No building shall penetrate an imaginary plane beginning at 16 feet above the natural grade and 20 feet from exterior property lines, which plane slopes upward at a ratio of one foot vertically for each five feet horizontally measured perpendicular to the nearest property line, as illustrated in Figure 3-1. This limitation shall apply until the maximum allowable height is reached. All height measurements shall commence at the ground elevation at the 20-foot beginning line. Building height measurements shall be taken from the high points of the structure to the closest point on the 20-foot beginning line perpendicular to that portion of the structure. Notwithstanding the foregoing, no structure shall be located closer to an exterior property line than as otherwise permitted for that use.

Figure 3-1



## **Section 5      Medical Office**

1. Bulk and Density Standards
  - a. **Maximum building height**
    - i. *Principal Structures – 30 feet*
    - ii. **Accessory structures – 24 feet**
    - iii. **Service structures – 18 feet**
    - iv. **Towers and other architectural features may exceed maximum building heights, subject to special use permit or major amendment approval.**
    - v. **To maintain view corridors around the perimeter of a property, building heights shall be limited around property lines in accordance with the Open Space Criteria per Section 3 of the Special Use Permit Guidelines.**
  - b. **Maximum lot coverage for all buildings - 25%**
  - c. **Minimum lot area - 5 acres**
2. Perimeter Standards
  - a. **Building setback when property is adjoining residentially zoned property – 60 feet**
  - b. **Building setback when property is adjoining a public street - 40 feet**
  - c. **Parking lots and internal driveways shall be set back a minimum of 60 feet from adjoining residential zoned property**
  - d. **Parking lots shall be shielded with a minimum 3 foot high wall or landscaped berm providing equivalent screening or a combination of both so that no vehicle lights shall shine onto adjacent residential property.**
  - e. **Parking lots adjoining public streets shall be screened with a minimum three foot high, solid, decorative wall or a landscaped berm providing equivalent screening or a combination of both.**
  - f. **There shall be a 40 foot wide landscaped area adjacent to an exterior property line where it abuts residentially zoned property.**
  - g. **There shall be a minimum 30 foot wide landscaped area where an exterior property line abuts a public or private local or collector street and a 50 foot wide landscaped area where an exterior property line abuts a Major or Minor Arterial.**
3. **Parking**
  - a. **On-site parking shall be provided as follows:**
    - i. **Medical offices - 1 space for each 200 square feet of interior floor area.**
    - ii. **Outpatient surgical facilities - 1 space for each 2 employees plus 1 space for each surgical room.**

- iii. **Medical laboratories - 1 space for each 2 employees.**
  - iv. **Physical therapy facilities - 1 space for each 1.5 employees.**
  - v. **Pharmacy – 1 space for each 300 square feet of interior area.**
- b. **These requirements may be modified in conjunction with special use permit or major amendment approval based on information documenting overlapping usage of on-site facilities by staff and visitors and as contained in an approved traffic and parking analysis.**

#### **4. Signage**

**In addition to the provisions of Chapter XXV, Signs, of the Town’s Zoning Ordinance, the following regulations shall apply:**

- a. **One ground sign that is no higher than 8 feet and no larger than 40 square feet in area shall be permitted at each principal entrance to the property.**
- b. **No moving or animated signs shall be permitted.**
- c. **Traffic and directional signs within the site shall not exceed 12 square feet in area or five feet in height.**

#### **5. Lighting**

Lighting as per Section 2 of the Special Use Permit Guidelines

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- iv. Restaurants, banquet rooms and food service facilities which may include live music, entertainment and dancing.
- v. Meeting and public assembly facilities.
- vi. Dwelling units.
- vii. Any other resort-related use specifically approved in a Special Use Permit

### 3. Signs

All signs shall comply with Article XXV, Signs, or as may have been previously specified in a particular Special Use Permit.

### B. Medical Office, Kennels and Veterinary Clinics<sup>633 658</sup>

#### 1. Definition

A medical office, including a medical clinic, consists of a building or part of a building used solely for the purpose of consultation, diagnosis, and treatment of patients by one or more legally qualified physicians, dentists, optometrists, chiropodists, chiropractors, osteopaths, and occupational therapists, together with their qualified assistants, and without limiting the generality of the foregoing, the building may include reception areas, administrative offices, waiting rooms, consultation and treatment rooms, minor operating rooms, pharmacies and dispensaries directly associated with the medical office/clinic. A kennel, including a veterinary clinic, consists of a building or a part of a building used for reception areas, administrative offices, waiting rooms, play areas and animal retaining/caging units, consultation and treatment rooms, minor operating rooms, and rooms for the diagnosis and treatment of animals by one or more legal qualified veterinarians, together with their qualified assistants.

#### 2. Allowed uses

- a. Offices for medical practitioners and veterinarians; and kennel uses.
- b. Outpatient surgical facilities where patient stays do not exceed 48 hours.
- c. Medical laboratories.
- d. Physical therapy facilities.
- e. Pharmacies, subject to specific approval of such use by the terms of an approved Special Use Permit, and pursuant to the following restrictions:

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- i. There shall be no external signage for a pharmacy other than a tenant identification sign for the surrounding medical office SUP complex.
  - ii. Addition of a pharmacy use within a Medical Office Special Use Permit Zone shall be permitted only upon the approval of an Intermediate Amendment to the Special Use Permit as provided for in Section 1102.7(C).
  - iii. Hours of operation shall be not earlier than 8:00 a.m. and not later than 6:00 p.m. – Monday through Saturday.
- f. Medical Marijuana Dispensaries, subject to the following restrictions:
- i. The number of medical marijuana dispensaries within the Town of Paradise Valley shall be limited to no more than one within the boundaries of the Town. Said dispensary shall be allowed only in the Medical Office SUP District and only upon the approval of an Intermediate Amendment to a Special Use Permit.
  - ii. The minimum requirements of this section shall apply to all applications for a medical marijuana dispensary use in a SUP Medical Office District as well as proof of compliance with all DHS regulations related to medical marijuana dispensaries.
  - iii. In addition to the foregoing requirements, applicants for a medical marijuana dispensary shall provide the following:
    - (1) Copy of the operating procedures adopted in compliance with A.R.S. § 36-2804(B)(1)(c).
    - (2) Proof of a valid registration certificate and identification number from DHS for the dispensary and its board members and agents.
    - (3) A security plan showing a floor plan, type and description of and specifications for security measures that the medical marijuana dispensary will use to secure, enclose and lock the dispensary as required by State law and DHS regulations.
    - (4) Exterior site and parking plan.
  - iv. Additional Regulations and Standards for Medical Marijuana Dispensaries
    - (1) Prior to Town approval of the occupancy of any tenant or operator of a medical marijuana dispensary, the owner of the medical office complex shall submit for Town Manager review and approval criminal background information and releases regarding the prospective tenant and all employees to be hired by the tenant; audited financial statements evidencing that the entities or persons who will

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own or operate the medical marijuana dispensary have adequate assets, financing, and net worth to appropriately fund a safe and secure medical marijuana; and detailed operations evidencing appropriate policies, protocols and operations procedures to ensure that the medical marijuana dispensary will run and operate in a safe and secure manner.

(2) Medical marijuana dispensaries shall be limited to the use of dispensing medical marijuana products, and shall be prohibited from any other or related use such as a bookstore, spa, restaurant, or coffee shop.

(3) No drive-through service shall be allowed at any medical marijuana dispensary.

(4) No on-site consumption of any product containing medical marijuana shall be allowed at any medical marijuana dispensary.

(5) Medical marijuana dispensaries located within the Town of Paradise Valley shall be prohibited from making any home deliveries of marijuana.

(6) Medical marijuana dispensaries shall be prohibited from offering free or discounted samples of their merchandise.

(7) Means of preventing smoke, odors, debris, dust fluids and other substances from exiting a medical marijuana dispensary shall be provided.

(8) No minors, under 21 years of age, are permitted within a medical marijuana dispensary unless accompanied by a parent or guardian.

(9) No youth activities, including, but not limited to, outdoor basketball hoop structures, playgrounds, and skate parks, shall be permitted on the same medical office complex site that has an approved medical marijuana dispensary use.

(10) If the State prohibits any medical marijuana dispensary within the Town, any Amendment to a Special Use Permit adding a medical marijuana dispensary use shall be deemed immediately revoked by operation of law. The underlying Special Use Permit shall remain.

(11) A medical marijuana dispensary shall be at least 1,500 feet from the following existing uses, as measured within the Paradise Valley municipal limits only: (a) educational institutions (b) places of worship (c) parks and recreational facilities (d) youth centers; and at least 5,280 feet from any other medical marijuana dispensary, as measured within the Paradise Valley municipal limits only.

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Measurements are taken from nearest property lines of the medical office use and each of the uses noted above. The location of the dispensary shall optimize distance from residentially zoned property. Residential spacing shall be the primary consideration for all reviews of intermediate SUP amendment applications for medical marijuana dispensaries.

(12) A medical marijuana dispensary shall have operating hours not earlier than 8:30 a.m. and not later than 2:30 p.m. – Monday through Friday or as prescribed in an intermediate Special Use Permit amendment.

(13) There shall be no external signage including, but not limited to, any special event signage, for a medical marijuana dispensary other than a tenant identification sign for the surrounding medical office SUP complex, and no symbols, representations, or slang for the word “marijuana” or its components shall be used on any external signage.

(14) All activity related to medical marijuana dispensaries shall be conducted in compliance with Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq., DHS rules and regulations and other implementing state statutes and administrative regulations.

(15) An SUP amendment for a medical marijuana dispensary shall not become effective until the owner of a Medical Office SUP District property has completed all DHS requirements and obtained a license.

### C. Religious Facility, Private School, Non-Profit Organization, Public/Quasi Public

1. Definitions. Any of the following that can demonstrate an exclusively non-profit or non-commercial or purely public purpose.
  - a. Religious Facility - an institution primarily used for the gathering of people for the practice of religious faiths.
  - b. Private School - an institution, including private charter schools, for instruction and education of children or adults and that is not operated by a public school district.
  - c. Non-Profit Organization - an organization that provides social, religious, educational, family support or similar services to individuals and which is certified as a not for profit organization by appropriate state or federal agencies.
  - d. Public/Quasi Public: Structures and uses principally of an institutional nature and serving a public need, such as religious institutions, schools, libraries, governmental offices, museums, post offices, police and fire