

Section 1102.3. Creating a Special Use Permit ⁶⁵⁷

- A. Non residential properties that currently do not have a Special Use Permit and residential properties that wish to obtain authorization for a non-residential use are eligible to apply for a Special Use Permit. A general plan amendment may first be required as well as a rezoning of the property prior to or in conjunction with a request for a Special Use Permit.
- B. The following definitions shall be used for all Special Use Permits or amendments thereto:

- 1. Floor Area – As defined in Article II, Section 201, of the Zoning Ordinance.
- 2. Lot Coverage – The square footage of the ground floor of a structure measured to its drip line, including trellises, divided by the size of the lot and expressed as a percentage.
- 3. Special Use Permit - The original document approved by an ordinance adopted by the Paradise Valley Town Council (that may also include an amendment to the Zoning Map as required by Article III), together with all pertinent exhibits thereto, authorizing a primarily non-residential use of the property within those categories identified in Section 1102.2.
- 4. Statement of Direction - A Statement of Direction is a document administered by the Town Council at the beginning of Phase II of the application process. A Statement of Direction is not a final decision of the Town Council and shall create no vested right to the approval of a Special Use Permit, nor shall any applicant for a Special Use Permit be entitled to rely upon the matters addressed in the Statement of Direction being the same as those that may be part of an approved Special Use Permit. It may address, but is not limited to the following items:
 - a. Uses
 - b. Lot coverage/density
 - c. Massing/Scale
 - d. Perimeter setbacks
 - e. Maximum heights
 - f. View Corridors
 - g. Circulation
 - h. Known issues, if any (for intermediate amendments this may includes issues outside of the geographic area)

C. Application and Approval Procedures for Special Use Permits

- 1. Applications for a Special Use Permit may be filed by any person, the Town of Paradise Valley, or by any federal, state, county, school district or municipal or governmental agency owning property subject to the provisions of this ordinance.

2. The applicant for a Special Use Permit must be the real property owner or must provide a letter of authorization filed on the behalf of the property owner.
3. Special Use Permit Application Process:
 - a. The Special Use Permit application process is comprised of two phases. Phase I is the application submittal process, in which the applicant and Town staff work together to create a complete application. Phase II consists of the project review by the Planning Commission and the Town Council. [Please also refer to Figure 1102.4-1 for an overview of the review process.]
 - b. During Phase I the applicant shall contact Town staff to start the application process. The applicant must first complete the pre-application review process in accordance with Section 2-5-2(E) of the Town Code. The Planning Department will review and provide an initial assessment of the pre-application. Thereafter, the applicant shall submit a Special Use Permit application in accordance with Section 307 of Article III of the Zoning Ordinance.
 - c. After the formal application is deemed complete, Phase II begins with the project request being reviewed by the Planning Commission and Town Council. First, staff presents the application to the Town Council. The Town Council then issues a Statement of Direction within forty-five (45) days from the date of staff presentation. The formal application is then reviewed by the Planning Commission at the work study and public hearing sessions. The applicant must also hold a Citizen Review meeting before the Planning Commission holds a public hearing and makes its recommendation to the Town Council. At any time during the review process the Planning Commission may request clarification and/or expansion of the Statement of Direction based on additional information that has evolved. The Planning Commission will vote on the request at the public hearing and will make a recommendation to the Town Council. The Town Council then reviews the project and holds a public hearing. The Town Council votes to approve or deny the request in accordance with Section 308 of Article III the Town Zoning Ordinance. Should the Town Council approve the request, the Council shall also include a statement explaining the public benefit of the project.
4. Public hearings shall be held only after:
 - a. One publication of a notice of the time, place and date of such hearing in a newspaper of general circulation in the Town, at least fifteen (15) days prior to such hearings; and
 - b. The posting of a notice of the time, place, and date of such hearing on the affected property for at least seven (7) days prior to the date of the hearing.

- c. The applicant shall hold a Citizen Review Meeting no less than ten (10) days prior to the Planning Commission hearing in accordance with Article II, Section 2-5-2(F) of the Town Code.

5. Special Use Permit Submittal Requirements; Review Process; and Review/Approval Criteria

- a. An applicant for a Special Use Permit shall submit plans or studies deemed necessary or appropriate by the Town, which may vary depending on the type and extent of any Special Use Permit or amendment to a Special Use Permit being requested. Said plans and studies may include the following; and any other plans or studies deemed necessary and appropriate by the Town:
 - i. A legal description of the parcel, including gross and net acreage. A recent American Land Title Association/American Congress on Surveying & Mapping (ALTA/ACSM) survey may be required if deemed necessary by the Town for a thorough review of the application.
 - ii. A project narrative which shall include statements on: uses proposed on the property; site development phasing; architectural design philosophy; compatibility with adjoining properties; environmental impacts; water flow and pressure impacts, site access, parking and circulation; conformity with the Town's development standards and guidelines and any deviation from such standards or guidelines; and, ownership, maintenance, and management of common facilities and areas including open space.
 - iii. Site plan depicting location and type of all improvements and any additional information as needed, including:
 - 1) Perimeter setbacks
 - 2) On-site parking
 - 3) Points of access
 - 4) Common areas
 - 5) Location of walls
 - 6) Internal circulation
 - 7) Density and intensity of uses and structures
 - 8) Lot coverage
 - 9) Floor Area
 - iv. Building plans including, schematic floor plans, building elevations and heights, an analysis of the Open Space Criteria, architectural style and details, and exterior building materials and colors.

- v. Landscaping Plan.
 - vi. Lighting Plan with photometric study.
 - vii. Signage Plan.
 - viii. Grading plans and drainage study. Grading plans including location and proposed treatment of sloped and retention areas; calculations and maintenance responsibilities, significant topographical features of the site, and areas of the site subject to flooding.
 - ix. Traffic study to address the impact of the project on adjacent properties and roadway system, internal circulation and parking analysis, and any necessary roadway dedication and improvement.
 - x. Noise study to evaluate the compatibility of the proposed project with surrounding areas.
 - xi. Timing and phasing of development.
- b. Within 30 calendar days of the date an application is submitted, the Town shall notify the applicant whether the application is complete. If the Town determines the application is incomplete, the Town shall indicate what additional information or documents the applicant must submit to make the application complete. The Town Manager or his designee may waive the submittal of any information or document listed in this section that he determines is not necessary to properly evaluate an application.
- c. In considering an application for a Special Use Permit, not only shall the nature of the use be considered, but also the special conditions influencing its location, design and operation, the proposed location and design of buildings, parking and other facilities within the site, the amount of traffic likely to be generated and how it will be accommodated, compatibility with the residential character and zoning of the Town, and the influence that such factors and development in accordance with the Special Use Permit application are likely to exert on adjoining properties.
- d. The recommendation by the Planning Commission for approval of an application, or the ultimate approval thereof by the Town Council, may be granted upon such conditions reasonably related to the use of the subject property or impact on appurtenant properties or on the Town as are deemed proper, including but not limited to, the requirement that the applicant post a bond in such amount as may be deemed appropriate to secure and assure the performance of any or all conditions set forth in the

Special Use Permit; the requirement that the proposed buildings and structures be constructed in a prescribed sequence; and the imposition of time limits for commencement or completion of construction.

- e. An applicant for a Special Use Permit who proposes to improve a project in more than one phase may identify the initial phase of development as Phase I and may identify other and subsequent phases for completing remaining improvements. On-site and off-site improvements for Phase I shall be in proportion to the scale of development as deemed appropriate by the Town. The Town may require additional improvements to be completed in conjunction with the initial or subsequent phases. Improvements shown in the final development must comply with all Town of Paradise Valley ordinances, standards and policies for the proposed development unless otherwise approved by the Town Council in conjunction with approval of the Special Use Permit. The applicant's intention to develop the project in phases shall be indicated in the application narrative and shall be depicted on the site plan for the entire project. Amendments to approved phases or the creation of additional phases shall be reviewed according to the procedures set forth in this article for intermediate or major amendments. The Commission shall hold a public hearing on the application, for the purpose of recommending whether the granting of the application would serve the public safety, health, or welfare of the Town. After such public hearings, the Commission shall submit to the Town Council its recommendation of approval or disapproval of the application.
- f. An approved Special Use Permit, shall be assigned an identifying number, shall be adopted by ordinance and shall constitute an amendment to, and be shown on, the Town's Official Zoning Map. An ordinance granting a Special Use Permit shall set forth the terms and conditions of approval for a Special Use Permit. The terms and conditions set forth in the ordinance shall be complied with as a condition to the establishment of any use on the site and shall be maintained as a condition of the continuation of the use. No use shall be made of property that is subject to a Special Use Permit except as allowed by the ordinance granting the Special Use Permit or as allowed by this article.

6. Application fees for Special Use Permits shall be as set forth in the Town's Fee Schedule.