

ARTICLE 14-41

SPECIAL USE PERMITS

(Ord No. 03-25)

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14-41-1 INTENT

The Special Use Permits allow for uses, which would otherwise be prohibited in the conventional zoning districts. These special uses usually do not conform to traditional use groupings, and because of their unique characteristics, and nature of operation, require specific safeguards or design constraint to be in place prior to their development. In addition, a special use shall be permitted only when adequate mitigation measures have been provided to eliminate or reduce any potential negative impacts the use may have on surrounding properties. A Special Use Permit is intended to provide a zoning overlay on conventional zoning districts for specific uses.

14-41-2 USES SUBJECT TO A SPECIAL USE PERMIT

The following uses may be permitted as a special use in any zoning districts unless otherwise indicated in this ordinance.

- A. Cemetery, Crematorium, Mausoleum, Funeral Home, Mortuary, and Columbarium. These uses shall be subject to the following additional requirements:
 - 1. Access: Access to the site shall be directly from an arterial street. All access points must be designed to minimize traffic congestion.
 - 2. Screening: When the development site abuts a residentially zoned property or a residential alley, the property boundaries shall be screened with a minimum of an eight-foot (8') high masonry wall.
- B. College or University Campus
- C. Commercial Radio and Television Transmission Tower, excluding wireless communication facilities.
- D. Correction, Detention, Holding and Release Facility. These uses shall be subject to the following additional requirements:

1. Location: All facilities shall be located only in areas designated as 'Industrial' on the Land Use Map of the Peoria General Plan.
2. Access: Access to the site shall be directly from an arterial street. All access points must be designed to minimize traffic congestion.
3. Setback: All facilities shall maintain a minimum setback of two hundred feet (200') from all property lines. A minimum setback of a one-quarter mile (1/4) is required when such facilities abut schools, parks, churches and similar uses and when abut any residentially zoned districts. The City Council may require additional landscaping and screening of the facilities in order to protect the aesthetic character of the area.
4. Building Height: The maximum height for such facilities is fifty feet (50').
5. License requirements: All such facilities are required to be licensed by the State, and shall comply with all Federal, State and local rules, regulations and standards.

E. Marina and Boat Charter

F. Outdoor Recreational/Entertainment, including Commercial Sporting Complex, Concert Facility, Stadium, Drive-in Theater, Amusement Park, Commercial Racetrack, and similar uses. These uses shall be subject to the following additional requirements:

1. Access: All access to the site shall be directly from an arterial street, and all points of ingress and egress shall be designed in order to minimize traffic congestion. Temporary traffic signals may be required as a condition for approval.
2. Queuing Space: When necessary, sufficient off-street vehicular queuing space shall be provided at the entrance to accommodate vehicular traffic as determined by the City Engineer.
3. Building Setbacks: Every building shall maintain a minimum of a fifty feet (50') setback from any street that provides access to the site. When uses abut any residentially zoned and developed properties, a minimum of a two hundred-foot (200') setback is required.
4. Screening: Planning Commission and/or the City Council may require additional landscaping and screening of the facilities in order to protect the nearby properties.
5. For Drive-in Theaters, any movie screen located within five hundred feet (500') from a street shall be placed and/or shielded so that the screen is not visible from such street.

G. Public/Private Airport, Heliport, or Helistop and similar uses shall be subject to the following additional requirements:

1. The applicants shall provide a copy of the Notification of Landing Area Proposal with the Federal Aviation Administration (FAA), and demonstrate compliance with all FAA's requirements.
2. For Heliport proposals, development review will be based on analysis of general conformance with FAA regulations.
3. As part of the Special Use Permit submittal, the applicant shall provide an airport environmental impact assessment to include, at a minimum, the noise, air quality, water, social and cultural impacts, and proposed mitigation measures to minimize such impacts.

H. Religious Retreat Facility.

I. Sand and Gravel, Rock Quarrying, and similar mining uses:

Sand and Gravel, Rock Quarrying, and similar mining uses are exempt from design review and landscaping requirements in the site plan approval process; however such uses shall be subject to the following requirements listed below. If the proposed operation is within the State Trust Land area, the City and the State Land Department may enter into an Intergovernmental Agreement to establish the regulatory requirements in lieu of the provisions of this Article. Such Intergovernmental Agreement shall become effective upon approval by the City Council and State Land Commissioner.

1. Required submittals: The Special Use Permit application shall include an operation plan, a re-use plan, a closure plan, and an accompanying financial guarantee in accordance with the following guidelines:
 - a. Operation plan: An operation plan shall, at a minimum, consist of the following information:
 - 1) Traffic: There shall be safe means of ingress and egress to the site. All access roads from mining operations to public highways, roads or streets, or to adjoining property, shall be paved or otherwise maintained to control dust. Measures shall be taken to ensure no unauthorized public access to the site.
 - 2) Mitigation Measures: All operations shall comply with applicable Federal, State and County air pollution regulations. Mitigation measures shall be taken to control noise, dust, lighting, night operations and other potential nuisances on adjacent properties.
 - 3) Hours of operation: All normal hours of operation shall be established in the Special Use Permit. The Community Development Director or designee may authorize a temporary operation schedule deviating from normal operating hours.
 - b. Re-use plan: The re-use plan shall include a conceptual plan for post-mining land use for excavated areas intended to be established upon abandonment of the site or cessation of the operation. The re-use plan may reflect

alternative post-mining land uses. Each proposed post-mining land use shall be in compliance with existing zoning regulations. The re-use plan shall include a feasibility study for the use(s) proposed to be developed on the property upon abandonment of the site or cessation of the aggregate mining operation.

- c. Closure plan: The closure plan shall indicate the time frame and methods to carry out the closure requirements upon cessation of the operation or the abandonment of the site. The plan shall provide for reclamation measures equivalent to the standards set forth in State Statute ARS 27-953. The closure requirements may be modified by the City Council to provide for site-specific conditions.
 - d. Regulatory Permits: When the proposed operation requires a 404 and/or Stormwater and/or Rivercourse Permits, the applicant shall provide copies of the required submittals to the designated agencies together with their approvals before starting mining operations.
 - e. Financial Guarantee: To ensure that operators abide by the closure plan and the proposed re-use plan, a financial security shall be posted prior to the issuance of the Special Use Permit. The applicant shall provide a financial security satisfactory to the Chief Financial Officer of the City and the City Attorney and in an amount sufficient in the opinion of the Community Development Director, or designee(s), to secure the performance of the closure requirements and the re-use plan.
2. Size: The minimum size for any operation is five acres (5 ac).
 3. Setbacks or mitigation: All operations shall provide detailed narrative and engineering plans illustrating or describing all proposed mitigation measures for any adverse impacts, including but not limited to the considerations of visual, sound, vibration, and traffic. Absent of such mitigation, the minimum setback for equipment directly involved in the production process, except conveyor belts or tubes, shall be no less than three hundred feet (300') from a property line abutting or adjacent to a residential development or district and the prescribed corresponding setback of an adjacent or abutting non-residential district or development.
 4. Setback for Blasting: Blasting or the use of explosives shall be prohibited within one half (1/2) mile of any perimeter property line.
 5. The minimum setback for the haul road, scale house, offices, and other structures shall be one-hundred (100) feet from abutting or adjacent residential developments or districts and the prescribed corresponding setback of an adjacent or abutting non-residential district or development.
 6. The maximum height of any building or structure shall be twenty-eight (28) feet.
 7. The minimum acreage of the operation and applicable setback requirements may be reduced by the City Council in conjunction with the Special Use Permit.

8. Existing Operations: Any operations existing at the time of the adoption of these requirements shall submit an application to register the pre-existing use to the Community Development Department no later than June 30, 2007. Thereafter, any non-registered existing operation shall be subject to the requirements for new operations as outlined in Section 14-41-2.1.
 - a. The application shall contain the following:
 - 1) Information required to be included in an application for a Community Notice pursuant to State Statute §27-442.
 - 2) A legal description of the operation boundaries.
 - b. The Community Development Department shall review the information for completeness and shall notify the applicant within 15 business days when the registration is accepted. Upon acceptance by the City, the information shall be retained on file as a record of non-conformance.
 - c. The boundaries of the registered area shall be consistent with the boundaries as set forth in the Community Notice pursuant to State Statute §27-442. Any expansion of a registered non-conforming use beyond the registered operation area shall be subject to the Special Use Permit process and all requirements set forth in this Special Use Permits article, Section 14-41-2.1 on Sand and Gravel and similar operations.
 - d. Modification within a registered operation area involving a new and significant type of aggregate mining that has never been conducted at the aggregate mining operation site shall be subject to the provisions set forth in this Special Use Permits article, Section 14-41-2.1 on Sand and Gravel and similar operations. Modification to the Community Notice shall not constitute an approval of modification within a registered operation area.

J. Sanitary Landfill

1. No such facility shall be approved without a complete report from the applicant detailing all known and potential impacts and hazards, or without certified compliance with applicable Federal, State and County laws.
2. In addition to the Special Use Permit application, the applicant shall also submit detailed information about the planned reclamation of the site, including proposed grading, drainage patterns, establishment of vegetation, and characteristics of the land upon completion of the reclamation activity. This shall include accurate analysis of the limitations of the completed site for re-use and development, including limitations on future land use which may be caused by physical instability of the disposal site; by the release of gases or seepage of liquid materials from the landfill; or because of any characteristics of any substance disposed of thereon.

K. Swap Meet and similar outdoor sales uses

L. Zoo

14-41-3 SPECIAL USE PERMIT APPLICATION PROCESS**A. Application**

1. An application for a Special Use Permit shall be submitted to the Community Development Department on an official application provided by the Department. Submittal requirements shall be as outlined in the Special Use Permit Process Guide and shall include, but not be limited to, the following:
 - a. A detailed site plan prepared in accordance with the provisions set forth in Article 14-39 Section 14-39-9. "Site Plan Review," of this Ordinance.
 - b. A design review submittal in accordance with Chapter 20 of the Peoria City Code (1992) and the City's Design Review Manual, and any other applicable provisions.
 - c. Identification of off-site impacts and adequate measures proposed to mitigate those impacts including, but not limited to, dust, smoke, noise, odors, lights, or storm water run-off.

B. Application Review

1. The Community Development Department shall review the application in accordance with provisions set forth in the Site Plan & Design Review Process Guide. City staff will provide initial review of the proposal and will identify issues related to the overall project. Staff will then provide the applicant recommendations and comments on the initial concept of the proposal and the applicant shall revise the proposal accordingly prior to formal submittal of the application.
2. After the submittal of the application, the Community Development Department will transmit the application to the applicable City Departments for formal review. The Community Development Department shall transmit all comments in writing to the applicant. The applicant shall then revise and resubmit the application materials that address all of the concerns and issues raised in the comments. Upon final submittal, the Community Development Department shall establish the hearing dates for the proposal and shall provide a written report with a recommendation to both the Planning and Zoning Commission and the City Council.

C. Public notice and hearing

The Special Use Permit serves as a zoning overlay, the public notice and hearing process shall be conducted in the same manner as set forth in Article 14-39 "Administrative Procedures", Section 14-39-6 "Rezoning"

D. Site developments standards

1. The Planning Commission or the City Council may establish additional or more stringent standards to mitigate the negative impacts that the proposed special

use may have on the surrounding areas. These standards may include but not be limited to the following:

- a. Site coverage, structure height and setback requirement;
- b. Screening;
- c. Off-street parking and loading specifications and improvements;
- d. On-site and off-site street and drainage improvements;
- e. Traffic circulation to include point of vehicular ingress and egress;
- f. Landscaping;
- g. Control of noise, vibration, odor, emissions, hazardous materials and other potentially dangerous or objectionable elements;
- h. Hours of operation;
- i. Time limits within which the Special Use Permit shall cease to exist;
- j. Storm run-offs and water conservation measures; and
- k. Hazardous materials handling.

E. Findings

In considering an application for a Special Use Permit or an Appeal of a decision denying a Special Use Permit, the Planning and Zoning Commission and City Council shall base the decision on the following findings:

1. The proposed use is consistent with the goals, policies, objectives and future land use map of the Peoria General Plan and specific elements of the General Plan and any adopted Specific Plan applicable to the site where the proposed special use is located.
2. The proposed use is in compliance with documentation and recommendations provided by reviewing City Departments.
3. The proposed use is in compliance with all applicable City codes, standards and guidelines governing such use.
4. The proposed special use is adequately served by essential public services, such as street, drainage facilities, fire protection, and public water and sewer.
5. The proposed special use is designed and landscaped to preserve the character of the neighborhood and that it will not discourage appropriate development or use of surrounding properties.

6. The proposed special use will not generate adverse impacts on adjoining properties and land uses.
7. The proposed special use will not be injurious to the public health, safety and welfare of the community.
8. The Planning Manager shall not approve or recommend approval of any Special Use Permit unless the Planning Manager has received a Waiver of Proposition 207 from the Owner or Owners of the property that is the subject of the Special Use Permit.

(Section 14-41-3 amended by Ordinance No. 07-14, enacted April 17, 2007 and effective May 17, 2007.)

14-41-4 PERMIT LIMITATIONS**A. Effective Date**

A Special Use Permit shall be in effect upon amendment to the City Zoning Map adopted by the City Council designating the approved use.

B. Expiration

The expiration or termination of the Special Use Permit shall be in effect upon amendment to the City Zoning Map adopted by the City Council designating the approved use.

C. Modification

1. The applicant to whom the Special Use Permit was granted may request a modification of the Permit in writing to the City of Peoria Community Development Department along with appropriate documents and fee.
2. The Community Development Director or designee(s) shall determine whether or not the requested change(s) is a substantial modification or within the scope of the original Special Use Permit and whether or not the requested change(s) is consistent with the requirements set forth in this Ordinance.
3. The Community Development Director or designee(s) may approve the modification if the change(s) is insubstantial, is within the general purview of the original Special Use Permit, and is consistent with the requirements set forth in this Ordinance.
4. If the requested change is substantial and is not within the general purview of the original Special Use Permit, or is not consistent with the requirements set forth in this Ordinance, then the matter shall be decided at a public hearing before both the Planning Commission and City Council. All public noticing procedures shall

be given in the manner specified in Article 14-39 “Administrative Procedure”, Section 14-39-6 “Rezoning”.

D. Termination and Revocation

1. There has been material noncompliance with any conditions prescribed in the Special Use Permit or the approved site plan.
2. The use covered by the permit or the manner of conducting the operation is a safety hazard to nearby residents or anyone working in the vicinity, detrimental to adjacent properties, to the neighborhood, or to the general public welfare.
3. The use is being conducted in violation of any provision of this ordinance, or any Federal, State, City, County and other applicable regulations.