

CHAPTER 13 - SPECIAL USES

SECECT 13.0 GENERAL:

- A. Special Uses are those uses which are generally compatible with the land uses permitted by right in a zone, but which require individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zone.
- B. Only those uses that are listed as Special Uses in a zone, as set forth in this Ordinance, shall be allowed. A Special Use shall not be established until the associated Special Use and Site Plan have been approved in accordance with the provisions as set forth within this Ordinance.
- C. An approved Special Use shall run with the land unless the Town Council elects to specify a time period after which the Special Use approval shall be voided.
- D. Special Use approval may specify that special conditions or proposed land uses require one or more of the following:
 - 1. Additional building setbacks.
 - 2. Additional landscaping.
 - 3. Additional on-site parking or loading spaces.
 - 4. Height and area limitations of structures.
 - 5. Limited vehicular access, volume or character of the potential traffic.
 - 6. Walls, fences and screening devices.
 - 7. Noise attenuation construction.
 - 8. Off-site improvements in public rights-of-way.
 - 9. Any other restriction necessary to protect and preserve adjacent properties.
 - 10. Or other conditions specific to the subject property.

SECTION 13.1 APPLICATIONS:

- A. All Special Use applications shall be accompanied by a Site Plan and a Project Narrative indicating how the proposed Special Use would meet the Special Use Review Criteria.
- B. All Special Use applications shall comply with the submittal requirements as set forth in this Ordinance and those on the application form.

- C. All Special Use applications shall be processed in accordance with this provisions as set forth within this Ordinance.
- D. Prior to the approval, amending or denial of a Special Use, a public hearing shall be held by the Planning Commission. The Planning Commission's recommendations shall be forwarded to the Town Council for affirmation, amendment or reversal.

SECTION 13.2 REVIEW CRITERIA:

- A. The Town Council has the authority to impose conditions and safeguards necessary to protect and enhance the health, safety and welfare of the surrounding area. The authorization of a Special Use shall be permitted only after review and recommendation by the Planning Commission and review and approval by the Town Council and only if the applicant demonstrates:
 - 1. That the location, size, design and operational characteristics of the proposed Special Use shall not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property.
 - 2. That the associated Site Plan, Circulation Plan and Conceptual Architectural Designs shall be harmonious with the character of the surrounding area relative to scale, height, landscaping, screening, lot coverage and density.
 - 3. That the proposed Special Use shall minimize negative impacts on existing uses in the area and/or in the Town. These impacts include, but are not limited to, the creation of noise, glare, fumes, dust, smoke, vibration, fire hazard or other injurious or noxious impacts. The applicant shall provide adequate mitigation solutions to the above-identified impacts.
 - 4. That the proposed Special Use shall minimize negative impacts on existing public uses in the area and in the Town. These impacts include, but are not limited to, the impacts on public infrastructure such as roads, parking facilities, water and sewer systems, and on public services such as police and fire protection and the ability of existing infrastructure and service agencies to provide necessary services adequately.

5. That the proposed Special Use will be in conformance with the Town of Cave Creek General Plan, Zoning Ordinance and any other statutes, ordinances, codes or policies that may be applicable, and that the Special Use will support rather than interfere with the uses permitted outright in the zone in which it is located.
6. That the proposed Special Use may be required to have additional land area, in excess of the minimum lot area otherwise required by the underlying zone, as necessary to ensure adequate mitigation of impacts on surrounding land uses and the zoning district.

SECTION 13.3 AMENDMENTS AND EXPIRATION:

- A. Special Use approval by the Town Council shall be effective immediately.
- B. The Special Use shall become null and void within twelve (12) months from the date of approval if not exercised. A Special Use is exercised when the use has been established or when a Zoning Clearance and/or Building Permit have been issued and if required a Certificate of Occupancy has been granted.
- C. Notice that the Special Use may expire shall be considered satisfied at the time of the conveyance of the associated Notice of Decision to the applicant.
- D. If a Special Use is abandoned or discontinued for a period of twelve (12) consecutive months, it may only be re-established by the processing of a new Special Use application, processed in the same manner as the original permit.
- E. The granting of a Special Use does not exempt the applicant from compliance with all other relevant provisions of related ordinances and codes. The failure to observe these regulations, or the associated Conditions of Approval of the Special Use, constitutes grounds for the Town Council to revoke the Special Use. Such revocation shall require the Town to provide written notice to the property owner, at least thirty (30) calendar day's prior, advising the property owner of the revocation consideration and providing an opportunity for the owner to appear before the Town Council.

- F. Amendments to Special Use shall be processed in the same manner as the original permit.
- G. Time limits may be imposed for the start of associated construction, the duration of the Special Use, and additional review and action by the Planning Commission and Town Council.
- H. No application for a Special Use, which has been denied wholly or in part, shall be resubmitted for a period of twelve (12) months from the date of denial. An exception to this requirement shall be made if three-fourths (3/4) of the members of the Town Council vote to accept the Special Use resubmittal.