

## ARTICLE 14-17 SPECIAL USES

### 14-17-1 SPECIAL USES

A. The Council may, by special permit after public hearing, authorize the location of any of the following buildings, structures or uses in a district from which they are prohibited by this Ordinance when found to be in the interest of the public health, safety and general welfare of the community:

1. Adult Uses

a. Having considered the findings of the Detroit Common Council set forth in the decision of the United States Supreme Court in *Young V. American Mini Theaters*, 427 U.S. 50 (1976) concerning the experience of the City of Detroit that adult uses in certain locations contribute to neighborhood deterioration through an increase in crime and a diminution of property values, among other adverse consequences; the findings contained in a study made in 1977 by the Los Angeles Department of City Planning entitled *Study of the Effects of the Concentration of Adult Entertainment Establishments in the City of Los Angeles* concerning the similar experience of Los Angeles; the adult business study dated May 25, 1979, prepared by the Planning Department of the City of Phoenix, Arizona reaching similar findings and conclusions; the findings in the *Young* decision that important and substantial government constitutional basis for reasonable regulation of the location of adult uses; the *City of Renton V Playtime Theaters* decision in which the United States Supreme Court held that

1) regulation of the location of adult uses is a valid governmental response to the serious problems created by adult uses provided that

2) said regulations are not under inclusive, and

3.) that reasonable alternative avenues of communication have been provided, and

4) that in assessing the impact of adult uses, data and evidence collected and generated by other cities may be relevant; the Mammoth Town Council has determined that persons seeking to operate adult uses shall be required to observe specific locational requirements and obtain use permits before they commence business, as provided for in this section.

b. No Special Use Permit shall be granted for any adult use unless all of the following conditions are complied with in their entirety:

1) Adult uses shall be located only in the Commercial Zoning District.

2) No adult use shall be located within 1,000 feet of any other adult use.

3) No adult use shall be located within 500 feet of any establishment which sells or serves alcohol or alcoholic beverages.

4) No adult use shall be located within 1,000 feet of a public school accredited by the State of Arizona, a private school, a church or public park.

5) No adult use shall be located on property abutting or immediately adjacent to any Zoning District other than C, and the under roof area occupied by said use shall be at least 500' distant from any of the following Zoning Districts: MHP. This requirement may be waived by the Town Council if a petition requesting such

waiver and signed by 75% of those persons residing within a 1,000' radius is received and verified by the Zoning Administrator.

6) Prior to approval of a Special Use Permit and based upon information provided by the applicant, the Town Council shall make the following findings:

(a) The proposed use is found to be in the interest of the public health, safety, and general welfare of the citizens of Mammoth; and

(b) That the proposed use will not adversely affect any adjacent and/or nearby uses.

10. Aircraft parking provided if it is located on land contiguous to an approved airport or landing strip.

11. Airport, heliport or landing fields.

12. Amusement park or outdoor theater

13. Cemetery or mausoleum.

14. Church, synagogue or other house of worship.

15. Circus or carnival grounds.

16. Community building or recreation field.

17. Hospital, clinic or institution.

10. Kennels

11. Lockers and mini-warehouses for the storage of frozen foods, household goods and general storage.

12. Mobile home and RV parks on sites containing a gross area of not less than five (5) acres and subject to all the regulations applicable to mobile home parks as specified in Article 14-5 Mobile Home Park Residence Zoning.

13. Parking lots adjacent to or across the street or alley from the use for which off-street parking is required.

14. Privately and commercially operated recreational lake, swimming pool, tennis court, or golf course.

15. . Public or government buildings

16. Public utilities or public service uses, buildings, structures or appurtenances thereto.

17. Racetrack

18. Resort hotel, provided that the building site contains at least fifteen (15) acres, provided that the building coverage does not exceed twenty (20) percent of the gross site area exclusive of any

18. perimeter streets, provided that there are no outside entrances for appurtenant business purposes, provided that there is not more than one (1) identification sign which shall not exceed thirty two (32) square feet in area and provided further that the resort hotel is under unified ownership and management. No resort hotel special use permit shall be granted unless the proposed building site is adjacent to property already used or zoned for purposes other than single-family residences.

19. Signs

20. Sports arena.

21. Stable.

22. Swap Meets for the sale of hand Grafted items, antiques, collectibles, and used merchandise, subject to the following minimum standards and additional requirements as may be imposed by the Town Council. The sale of new merchandise is prohibited.

a. Minimum Site Area: Two (2) acres

b. Parking: As required for use located in the C-Zoning District (Off Street Parking and Loading Regulations), Section 14-8-2.

c. Setbacks: As required in Article 14-6-3, C-Zoning District (Major Street Commercial); however, additional setback requirements may be imposed by the Town Council depending upon the particular site and situation.

d. Screening: That portion of the site which is occupied by vendors shall be screened from public view by a six foot (6') masonry or wood wall , or fifteen gallon screening trees spaced fifteen feet (15') on center, or other appropriate screening as approved by the Town Council.

e. Development Review: All proposed swap meets shall be reviewed and approved by the Development Review Board pursuant to Article 14 - 20 of this Ordinance prior to issuance of any required license or permit

10. Television and radio transmitter towers and stations, subject to first obtaining approval from the Federal Aviation Agency.

11. Zoo, public or private.

B. Before issuance of any special permit for any of the above buildings, structures, or uses; or before any change of use of the premises existing at the time of the effective date of this Ordinance or as permitted herein provided, is made, preliminary plans in sufficient detail and a statement to the proposed use of the buildings, structures and premises shall be submitted to the Council. These plans and statement shall be referred to the Planning and Zoning Commission for study and report and the Commission shall review such plans and statement and shall, after a careful study thereof and the effect that such buildings, structures or uses will have upon the surrounding territory, recommend such buildings, structures or uses where requested be permitted, provided the public health, safety, morals and general welfare will not be adversely affected, that ample off-street parking facilities will be provided and that necessary safeguards will be provided for the protection of surrounding residents and neighborhood values.

C. The recommendation of the Commission may include reasonable requirements as deemed

necessary to promote the purpose of this Section including but not limited to the following:

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1. Yards and open spaces
  2. Fences and walls, or other screening
  - 3.. Surfacing of parking areas and specifications thereof.
  4. Street improvements, including provision of service roads or alleys when practical and necessary.
  5. Regulation of points of vehicular ingress and egress.
  6. Regulation of signs.
  7. Landscaping and maintenance thereof.
  8. Maintenance of grounds.
  9. Control of noise, vibration, odor and other potentially dangerous or objectionable elements.
  10. A time limit within which the proposed use shall be developed.
  11. A performance bond or bonds may be required.
- D. Any use that may have been permitted as a special exception of conditional use and that is in existence at the time this Ordinance or amendments thereto become effective, shall be considered a non-conforming use unless such use has been established as a special use as herein provided.
- E. Amendments shall be processed in the same manner as the initial plans and supporting statement of proposed use.

