

ARTICLE XIII-B

“SU” SPECIFIC USE PERMIT REGULATIONS

Section 1 SPECIFIC USES:

The purpose of this district is to allow certain uses in districts that under most circumstances would not be compatible or have not been allowed with other permitted uses, but with certain conditions and development restrictions may be allowed. If a particular use is not listed or defined in any other specific zoning category, a Specific Use Permit may be granted for such use.

The City Council by an affirmative vote may, after public hearing and proper notice to all parties affected, and after recommendations from the Planning and Zoning Commission and containing such requirements and safeguards as are necessary to protect adjoining property, grant a Specific Use Permit by ordinance.

Application shall be accompanied by a site plan (see Article XIV-H) drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, residential proximity slope, construction materials, landscaping, and locations of buildings and the uses to be permitted, location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences, and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred feet (200 feet). The City Development Review Committee, Planning and Zoning Commission or City Council may require additional information, traffic impact study, or drawings (such as building floor plans), operating data and expert evaluation or testimony concerning the location, function and characteristics of any building or use proposed as deemed necessary to arrive at a decision.

Section 2 SPECIFIC USE PERMIT REGULATIONS:

A. In considering an application for a Specific Use Permit, the City Plan Commission and the City Council shall consider the following:

- The proposed use is consistent and compatible with the adjacent land use and zoning.
- The proposed use is consistent with the architecture and characteristics of the adjacent properties.
- The proposed use may promote innovative use of modern development concepts, without having an adverse impact on adjacent properties.
- The proposed use is consistent with the goals and objectives of the City of Duncanville.
- The proposed use is an enhancement or improvement beyond the minimum standards set forth by the City of Duncanville Comprehensive Zoning Ordinance.
- The proposed use will not be detrimental to the general health, safety, and welfare of the community.

- The proposed use would stabilize and improve property values within the City of Duncanville.
- The proposed use would protect and enhance the city's attractiveness to residents, businesses, tourists, and visitors.
- The proposed use would strengthen and help diversify the economy of the City of Duncanville.

In recommending that a Specific Use Permit for the premises under consideration be granted, the City Plan Commission and the City Council shall consider that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving (material/structure) of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, screening, landscaping and open space, heights of structures, residential proximity slopes, special setbacks, and compatibility of buildings.

B. In granting a Specific Use Permit, the Planning and Zoning Commission may recommend and City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the building official for use of the building on such property pursuant to such Specific Use Permit and such conditions precedent to the granting of the certificate of occupancy. Said special conditions shall be set forth in the amending ordinance granting the Specific Use Permit.

C. A building permit or certificate of occupancy shall be applied for and secured within six months from the time of granting the Specific Use Permit. If an applicant for a building permit or a certificate of occupancy has not been applied for and secured after six months from the date of approval, the City Council may direct the Planning and Zoning Commission to call a public hearing to consider a change of zoning on the subject property.

D. No building, premise, or land used under a Specific Use Permit may be enlarged, modified, structurally altered, or otherwise significantly changed from the approved site plan unless an amended Specific Use Permit is granted for such enlargement, modification, structural alteration, or change.

Minor changes or alterations may be approved by the Director of Public Works.

E. The Board of Adjustment shall not have jurisdiction to grant exceptions to the conditions contained in the Specific Use Permit.

F. The Specific Use Permit may be issued for an unlimited or limited period of time. Prior to the expiration of a Special Use Permit with a limited time period, the owner may apply for an extension as provided below.

1. As part of an SUP Ordinance or amendment, the City Council may declare that an SUP is eligible for automatic renewal pursuant to this section. Automatic renewal is an alternative to the standard method of renewing an SUP by amending the SUP Ordinance. In order for automatic renewal to occur, the property owner or his representative must file a complete application for automatic renewal with the Director after the one hundred eightieth (180) day but before the one hundred twentieth (120) day before the expiration of the current SUP time period. The applicant shall pay such fee as may be fixed by City Council resolution. The renewal, if granted, shall be for a five-year (5-year)

extension of the SUP. The SUP may be extended in the same manner for three (3) consecutive five-year (5-year) periods.

2. Automatic renewal does not result in an amendment to the SUP Ordinance. An applicant seeking to change the SUP conditions or to otherwise amend the SUP Ordinance must go through the procedure for obtaining a new specific use permit.
3. An application for automatic renewal must be filed with the Director on a form furnished by the City for that purpose. The applicant or its representative shall state that all existing SUP conditions have been complied with, and that no changes to the conditions or other SUP Ordinance provisions are being requested.
4. Failure to timely file a complete application required under paragraph (1) renders the SUP ineligible for automatic renewal. The City Council may, however, reinstate an SUP's eligibility for future automatic renewals as part of a new SUP Ordinance or Ordinance amendment.
5. Upon the filing of a complete application for automatic renewal, the Director shall send written notice to owners of real property lying within two hundred (200') feet of the area governed by the SUP. The notice must state that the SUP is eligible for automatic renewal and may be automatically renewed without further notice.
6. If the owners of twenty (20%) percent or more of the land within two hundred (200') feet of the area governed by the SUP file a written protest against the automatic renewal in accordance with this paragraph, the Director shall forward the application to the City Planning Commission and City Council for further action. Written protest against an automatic renewal must be filed with the Director before 5:00 p.m. of the twenty-first (21) calendar day after the date the notice is mailed. A protest sent through the mail must be received by the Director before the deadline. If the deadline falls on a Saturday, Sunday, or official City holiday, then the protest must be filed before noon of the following working day. To the extent that they do not conflict with this subsection.
7. After the deadline for filing written protest has passed, the Director shall review the condition of the SUP and determine whether the conditions have been met. If the Director determines that the conditions have not been met, he shall forward the application to the City Planning Commission and City Council for further action. If the conditions have been met, the Director shall notify the applicant in writing that the permit has been renewed.
8. "Further action" as that term is used in paragraphs (6) and (7) means that the Director shall schedule the application for public hearings before both the City Planning Commission and the City Council. Notice of the public hearings must be given as would be required by law for a change in zoning district classification. The City Planning Commission shall make a recommendation to the City Council regarding the proposed renewal based on staff reports, field inspections, and the evidence presented at its public hearing.
9. In connection with an application that has been forwarded to it by the Director pursuant to paragraph (6) or (7), the City Council may:

- a. Pass an amending ordinance to repeal the SUP's eligibility for automatic renewal, or to supplement, remove, or amend any of the conditions or other provisions in the SUP Ordinance; or
 - b. Take no action and thereby allow the SUP to automatically renew as of a matter of law.
- 10. No renewal or expiration of an SUP may occur while the application is pending before the City Planning Commission or City Council. If the application is pending at the end of the current time period stated in the SUP Ordinance, the time period shall be extended as a matter of law.
 - a. The day following the next succeeding official agenda meeting of the City Council after the City Council makes its final decision on the application; or
 - b. If the Council votes to pass an amending ordinance, until the effective date of the amending ordinance.
- 11. The renewal of an SUP that is eligible for automatic renewal occurs as a matter of law at the end of the current time period as stated in the SUP Ordinance, or as extended pursuant to paragraph (10). Unless otherwise specified in the SUP Ordinance, an automatic renewal is for a period of five (5) years.
- 12. An SUP that is automatically renewed pursuant to this subsection may continue to be automatically renewed for not more than three (3) five-year (5-year) renewal periods so long as the owner or its representative continues to timely file the application for automatic renewal required under paragraph (1). Failure to timely file this application during any renewal period renders the SUP ineligible for further automatic renewal. The City Council may, however, reinstate the SUP's eligibility for future automatic renewals as part of a new SUP Ordinance or ordinance amendment.
- 13. Should an applicant desire to continue a Specific Use after the initial time period and all available extensions expire, a new application, complete with filing fees, site plan, drawings, background data, etc., must be filed. The City Council by an affirmative vote may, after public hearing and proper notice to all parties affected and after recommendations from the Planning and Zoning Commission, grant the Specific Use Permit.
- G. When the City Council authorizes granting a Specific Use Permit, the zoning map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, and said amendment is to indicate the appropriate zoning district for the approved use and prefixed by an "SU" designation.

Uses not listed or defined in any other specific zoning category contained in the City of Duncanville Comprehensive Zoning Ordinance shall be authorized by a Specific Use Permit by ordinance.

Section 4 **DEVELOPMENT:**

Following the issuance of a Specific Use Permit, the Building Official shall insure that if the development is undertaken, it is completed in compliance with said permit. If the development has not been completed in accordance with the approved site plan within twelve (12) months after the issuance of the building permit, the City Council may direct the Planning and Zoning Commission to call a public hearing to consider a change of zoning on the subject property.