



Melissa Municipal Center  
3411 Barker Avenue  
Melissa, Texas 75454  
Phone: (972) 838-2036

## Specific Use Permit Zoning Application

### I. Applicant Information

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Contact: \_\_\_\_\_ E-mail: \_\_\_\_\_

### II. Land Use Information

#### ***Zoning Ordinance Section 7***

*All land, buildings, structures or appurtenances thereon located within the City of Melissa, Texas which are hereafter occupied, used, erected, altered, removed, placed, demolished or converted, shall be occupied, used, erected, altered, removed, placed, demolished or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as hereinafter provided.*

**Note:** Applicant should reference the Zoning Ordinance Sections 8 thru 19 to properly identify existing and proposed zoning, as well as all permitted uses and setbacks.

Project Name & Location: \_\_\_\_\_ Acres: \_\_\_\_\_

Existing Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_  
(Ref. Zoning Ordinance) (Ref. Zoning Ordinance)



I hereby request that this zoning application be placed on the agenda for action at the first available Planning & Zoning Commission meeting even if staff comments have not been addressed and the zoning is not in compliance with City code. I realize this will likely result in a disapproval of my application and I will be required to pay new filing fees.

I HEREBY CERTIFY THAT I AM THE SOLE CURRENT OWNER OF RECORD OF THE PROPERTY DESCRIBED ABOVE. THAT THIS APPLICATION IS BEING SUBMITTED WITH MY CONSENT AND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT. IF I AM NOT THE SOLE CURRENT OWNER OF RECORD OF THE REAL PROPERTY INVOLVED, I HAVE ATTACHED NOTARIZED WRITTEN EVIDENCE OF AUTHORIZATION FROM THE CURRENT OWNER(S) OF RECORD. I ACKNOWLEDGE THAT ANY INVALID INFORMATION MAY BE CAUSE FOR DENIAL OF THIS APPLICATION. I AM THE OWNER OR AGENT AUTHORIZED TO MAKE THE STATEMENTS AND REPRESENTATIONS HEREIN ON THE BEHALF OF THE OWNER.

Printed Name:

Title:

Signature:

### **Zoning Ordinance Section 33.5.a**

*Every proposal that is recommended favorably by the Planning and Zoning Commission shall be forwarded to the Council for a public hearing thereon. No ordinance change shall become effective until after the adoption of the ordinance and its publication as required by law.*

- Provide written comments from the applicable public school district making any recommendations to the City Council.
- Provide written comments from private utilities making any recommendations to the City Council.

## **III. Specific Use Permit ("SUP") – CZO Section 18 (B)**

### **18.1 General Provisions:**

- 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 that the uses are in general conformance with the Comprehensive Plan and general objectives of the City and containing such requirements and safe guards as are necessary to protect adjoining property, authorize application and shall be accompanied by a site plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials, and locations of buildings and the uses to be permitted; location and instruction 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 (200) feet. The Planning and Zoning Commission or City Council may require additional information or drawings (such as, among other things, building floor plans), operating data and expert evaluation or testimony concerning the location, function and characteristics of any building or use proposed.

### **18.2 Specific Use Permit Regulations:**

- In recommending that a Specific Use Permit ("SUP") for the premises under consideration be granted, the Planning and Zoning Commission shall determine 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, among other things, requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, area or security lighting, heights of structures, and compatibility of buildings. The Planning and Zoning Commission and City Council shall consider the following criteria in determining the validity of the SUP request:
  - ( ) The use shall be harmonious and compatible with its surrounding existing uses or proposed uses;
  - ( ) The activities requested by the applicant shall be normally associated

with the requested use;

- ( ) The nature of the use shall be reasonable; and
- ( ) Any negative impact on the surrounding area shall be mitigated.

- In granting a SUP, the 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 City's Building Official, or his designated representative, for use of the building on such property pursuant to such SUP and such conditions precedent to the granting of the Certificate of Occupancy. Any special conditions shall be set forth in writing by the City Council prior to issuance of the Certificate of Occupancy.
- No SUP shall be granted unless the applicant, owner and grantee of the SUP shall be willing to accept and agree to be bound by and comply with the written requirements of the SUP, as attached to the site plan drawing (or drawings) and approved by the Planning and Zoning Commission and City Council.
- A building, premise, or land used under a SUP may be enlarged, modified, structurally altered or otherwise changed provided the changes do not:
  - ( ) Increase the height of structures, including, without limitation, antenna support structures.
  - ( ) Increase building square footage from its size at the time the original SUP was granted by greater than ten (10) percent;
  - ( ) Reduce the distance between a building or noise-generating activity on the property and an adjacent, off-site residential use. This provision shall not apply should the property and the residential use be separated by a Major Thoroughfare, as defined in the City's Subdivision Regulations, as amended; and/or
  - ( ) Reduce the amount of open space as indicated on the previously approved zoning exhibit.

All other enlargements, modifications, structural alterations, or changes shall require the approval of a new SUP. Antennas may be placed on a tower with an existing SUP without approval of a separate SUP subject to approval of a final plat and site plan for the property.

- The Board of Adjustment shall not have jurisdiction to hear, review, reverse or modify any decision, determination or ruling with respect to the specific land use designated by any SUP.
- When the City Council authorizes the granting of a SUP, except in cases where a SUP is granted for a temporary building in accordance with this Ordinance, the Zoning District 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 "S" or "SUP" designation. SUPs granted shall be indicated by numerical designation on the Zoning District Map.
- Upon holding a properly notified public hearing, the City Council may amend, change or rescind a SUP if:
  - ( ) There is a violation and conviction of any of the provisions of this

- Ordinance or any ordinance of the City that occurs on the property for which the SUP is granted.
- ( ) The building, premise, or land used under a SUP is enlarged, modified, structurally altered or otherwise significantly changed without approval of a separate SUP for such enlargement, modification, structural alteration or change.
  - ( ) Violation of any provision of the terms or conditions of a SUP.
  - ( ) Ad valorem taxes on the property are delinquent by more than six (6) months.
  - ( ) The SUP was obtained by fraud or with deception.

### **18.3 Specific Use Permit for Temporary Buildings:**

- Temporary buildings are permitted by right for houses of worship, public schools (kindergarten through twelfth grade only) and other government agencies and/or political subdivisions of the State of Texas, subject to the conditions below. Temporary buildings are also permitted by SUP for private enterprises subject to the conditions below.
- A permit to erect a temporary building may be issued for an initial period of up to three (3) years provided the applicant submits:
  - ( ) An application with documented evidence of an immediate need for space to the City's Development Services Department:
    - Capacity of the existing permanent building(s), which is located or planned to be located on the same property for which the temporary building permit is being sought, compared to the enrollment, employment and/or number of people attending the existing permanent building(s) at one (1) time;
    - Total enrollment, employment and/or membership size;
    - Documentation of growth records depicting the number of people in the congregation, school and/or office;
    - Whether the facility is a start-up or new facility;
    - Indication of alternative options that were explored before a temporary building application was considered;
    - Acts of nature; and/or
    - Any other evidence which is reasonably related to the immediate need for additional space.
  - ( ) A preliminary site plan to the City's Development Services Department, providing for a permanent solution to the immediate need for a new temporary building(s) showing the permanent building(s), the temporary building(s) and the required parking, which is subject to the review and approval of the Planning and Zoning Commission; and
  - ( ) A site plan for the temporary building(s) to the City's Development Services Department, which is subject to the review and approval of the Planning and Zoning Commission.
- The temporary building(s) shall be removed within thirty (30) days of the date:
  - ( ) A Certificate of Occupancy is issued for the permanent building; or
  - ( ) The permit for the temporary building expires, whichever occurs first.
- A request for a single extension, not to exceed twelve (12) months, ("Single

Extension") of the temporary building permit may be granted by the Planning and Zoning Commission provided the applicant:

- ( ) Has an approved and valid preliminary site plan for the permanent building(s) and an approved and valid site plan for the temporary building(s);
- ( ) Has a specific plan of how an additional year would allow the applicant to construct the permanent building(s) by providing:
  - Evidence of numeric growth, beyond that which was specifically anticipated by the applicant;
  - Membership, enrollment and/or employment growth records;
  - Evidence that alternative options were explored before an extension of the temporary building permit was requested; and
  - Any other criteria reasonably deemed appropriate by the Planning and Zoning Commission.

- The applicant may appeal a decision of the Planning and Zoning Commission, in writing, to the City Council within fourteen (14) days of a decision of the Planning and Zoning Commission. The City Council's decision is final.
- Three (3) or more members of the City Council may appeal the decision of the Planning and Zoning Commission by submitting a written notice of appeal to the City's Development Services Department. The City Council shall consider and act on whether it will appeal the Commission's decision no later than fourteen (14) days from the date of such decision or at its first regular meeting (for which there is time to post an agenda as required by law) that occurs after the Commission meeting at which the decision was made, whichever is later. Written notice of the City Council's vote to appeal shall be submitted to the City's Development Services Department within seven (7) days of the City Council's vote. The City Council shall consider the appeal at a public meeting no later than forty-five (45) days after the date on which the notice of appeal is submitted to the City's Development Services Department. The City Council may affirm, modify or reverse the decision of the Planning and Zoning Commission.
- If the applicant desires an extension after being granted the Single Extension, the applicant may request the City Council to grant such an extension provided the applicant submits to the City Council:
  - ( ) The information required under Subsection 18(B)(3)(d)(2).
  - ( ) A detailed financial summary, including without limitation, the reasons for not complying with the terms of the Single Extension; and
  - ( ) Any other criteria that the City Council deems necessary to ensure that any further extension granted:
    - Is not contrary to the public interest; and
    - Does not impair the City's ability to carry out the administration of all applicable ordinances, rules and regulations of the City, as they exist, may be amended or in the future arising.

**IV. Submittal Checklist** (To be completed by City of Melissa)

- Complete Zoning Application
- Complete Review Application
- Exhibit "A" (Metes & Bounds Description)
- Exhibit "B" Drawing including adjacent property owners within ±200 feet of site
- List of adjacent property owners' mailing addresses as noted in most recent tax records in mailing label format. (Ex. Avery 5136 three column label template 1" x 2 5/8" labels)
- Zoning application fee check made payable to "City of Melissa" (\$300.00 plus \$15.00 per acre)

**Zoning sign(s) will be placed on the property by City Staff once the application is deemed to be administratively complete and the dates of the public hearings have been established.**

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**This application with the attached material has been fully and properly processed in accordance with the provisions of the ordinances of the City of Melissa.**

City of Melissa Representative: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_