

Section 2.5 Specific Use Permits

A. Application of Requirements.

This section applies in the following areas:

Property within City of Seguin City Limits	Property within City of Seguin ETJ
YES	NO

B. General

Specific Use Permits, commonly called “SUP”, allow uses and/or structures that, with special conditions and development restrictions, may be considered compatible in a Zoning District in which they are not allowed by right.

C. Intent

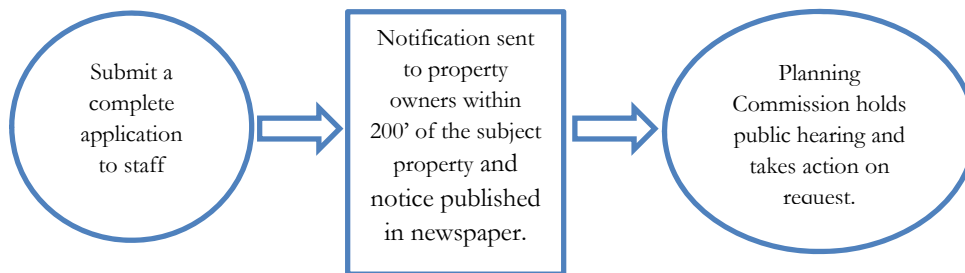
The purpose of this section is to outline the types of specific use permits and the criteria for approval for each.

D. Types of Specific Use Permits

For the purpose of this ordinance there are two types of Specific Use Permits.

1. Use based for uses identified as SUP on chapter 3 land use matrix.
2. Alternative Development Plan for property within an overlay district.

E. General Process for all Specific Use Permits



1. **Application.** An application for a Specific Use Permit shall be filed with the Planning Department on a form provided by that Department. The completed application shall be accompanied by a site plan which, along with the application, will become a part of the Specific Use Permit, if approved. All requirements for application materials can be found on the specific use permit application.

2. Notice.

- Personal Notice. Written notice of all public hearings on specific use permits shall be sent to all owners of property located within two hundred (200) feet of the subject property seeking a change in zoning. All notices shall be mailed via the US Post Office within not less than ten (10) days before any such hearing is held.
- Published Notice. Notice of the Planning and Zoning Commission hearing shall be given by publication one time in a newspaper of general circulation in the City of Seguin, stating the time and place of such hearing, which time shall be not less than fifteen (15) days nor more than twenty (20) days from the date of publication.

3. Decision.

The Planning and Zoning Commission shall review and then approve, deny, or conditionally approve those uses for which Specific Use Permits are required.

4. Time Limit

A Specific Use Permit issued under this section shall become null and void unless construction or use is substantially underway within one-year from the date of approval, or unless an extension of time is approved by the Planning and Zoning Commission. A Specific Use Permit issued by the Planning and Zoning Commission shall become null and void, if the land use for which it was issued has been closed, vacated, abandoned, or changed to a different use for a period of one (1) or more years.

5. Revocation

A Specific Use Permit may be revoked or modified, after notice and hearing, for either of the following reasons:

- The existence of any material error or misrepresentation in the application required in this section of the Ordinance; or
- The Specific Use Permit was obtained or extended through misrepresentation or deception; or
- That one or more of the conditions imposed by the permit has not been met or has been violated.

6. Amendments.

No building, premises, or land used under a Specific Use Permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless an amendment to the original Specific Use Permit has been obtained. The procedure for amendment of a Specific Use Permit shall be the same as for a new application.

7. Appeals for specific use permits.

The applicant may present to the City Council a statement, duly verified, setting forth that such decision made by the Planning and Zoning Commission is unjust, in whole or in part, specifying the ground of injustice. Such statement shall be presented to the Planning Director and then to Council within ten (10) days after the final decision of the Commission, and not thereafter, notification of property owners

shall be in the same manner as the original application, and calling of a public hearing to act on the appeal.

2.5.1. Specific Use Permits- Based on proposed use of the property

A. Intent

The purpose of a Specific Use Permit is to allow the establishment of uses which may be suitable only in certain locations in a zoning district or only when subject to standards and conditions that assure compatibility with adjoining uses.

B. Applicability

A Specific Use Permit is required to use or develop property within the City limits for any use designated as a specific use in the Land Use Matrix in Chapter 3 of this Unified Development Code for the zoning district in which the property is located.

C. Criteria for Approval

A Specific Use Permit shall be issued only if all of the following conditions have been found:

1. That the specific use will be compatible with and not be injurious to property in the immediate vicinity;
2. That the establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
3. That adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;
4. The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;
5. That adequate prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;
6. That any lighting to be provided will be directional so as not to disturb or adversely affect neighboring properties;
7. That sufficient landscaping and screening to insure harmony and compatibility with adjacent property exists or will be provided; and
8. That the proposed use is in accordance with the Comprehensive Plan.