

## Subchapter 6 - Specific Uses

### 35.6.1. - General.

Certain uses are permitted in each zoning district only by Specific Use Permit. This Subchapter provides standards by which applications for a Specific Use Permit are to be evaluated. No Specific Permitted Use may be established, enlarged or altered unless the City Council first issues a Specific Use Permit under the Zoning Amendment Procedure detailed in Subchapter 3.

### 35.6.2. - Procedure.

Specific Use Permits are to utilize the procedure as referenced in Subchapter 35.3.4. of this code.

### 35.6.3. - Plan Requirements.

- A. A plan is required to be submitted for all Specific Use Permit applications in accordance with the Application Criteria Manual.
- B. An application for a Specific Use Permit may, but need not be, made concurrently with any required application for site design review under Subchapter 13.

### 35.6.4. - Approval Criteria.

A Specific Use Permit may be granted if the City Council finds that the proposed use conforms, or can be made to conform through the imposition of conditions, with the following approval criteria.

- A. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with The Denton Plan and federal, state, or local law.
- B. A Specific Use Permit shall be issued only if all of the following conditions have been met:
  - 1. That the specific use will be compatible with and not injurious to the use and enjoyment of other property nor significantly diminish or impair property values within 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 nuisance prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;
  - 6. That directional lighting will be provided so as not to disturb or adversely affect neighboring properties; and
  - 7. That there is sufficient landscaping and screening to ensure harmony and compatibility with adjacent property.
- C. That adequate capacity of infrastructure can and will be provided to and through the subject property.

- D. That the Special Use is compatible with and will not have an adverse impact on the surrounding area. When evaluating the effect of the proposed use on the surrounding area, the following factors shall be considered in relation to the target use of the zone:
1. Similarity in scale, bulk, and coverage.
  2. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
  3. Architectural compatibility with the impact area.
  4. Air quality, including the generation of dust, odors, or other environmental pollutants.
  5. Generation of noise, light, and glare.
  6. The development of adjacent properties as envisioned in The Denton Plan.
  7. Other factors found to be relevant to satisfy the requirements of this Chapter.

#### 35.6.5. - Conditions.

The conditions which the approval authority may impose include, but are not limited to the following. These conditions are in addition to the standards required in this Subchapter.

- A. Regulation and limitation of uses.
- B. Regulation of setbacks and spacing.
- C. Regulation of fences and walls.
- D. Requirement to submit a Development Plat, to insure the proper dedications and public improvements are made.
- E. Regulation limiting the magnitude of traffic generated.
- F. Regulation of points of vehicular and pedestrian ingress and egress.
- G. Regulation of signs.
- H. Regulation of building materials, textures, colors and architectural features.
- I. Regulation of landscaping, including screening and buffering where necessary to increase compatibility with adjoining uses.
- J. Regulation of noise, vibration, dust, odors or similar nuisances.
- K. Regulation of hours of operation and the conduct of certain activities.
- L. Regulation of the period of time within which the proposed use shall be developed.
- M. Regulation of the duration of use.
- N. Regulation of any environmentally sensitive areas as allowed under Subchapter 17.
- O. Regulation of any site development condition permitted by Subchapter 13.
- P. Such other conditions as will make possible the development of the City in an orderly and efficient manner and in accordance with the provisions of this Subchapter that are reasonable.

#### 35.6.6. - Revocation; Abandonment.

- A. A Specific Use Permit shall expire if all required City permits for development are not obtained and construction, if applicable, has not commenced within twenty-four (24) months from date of approval.
- B. A Specific Use Permit may be revoked or modified, after notice to the property owner and a hearing before the City Council, for either of the following reasons:
  1. The Specific Use Permit was obtained or extended by fraud or deception; or

2. That one or more of the conditions imposed by the Permit has not been met or has been violated.

(Ord. No. 2009-148, § 2(exh. A), 6-16-2009)