

This Section (Office Use Only)	
Case:	
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Sign/s Picked Up By:	



LEWISVILLE
 Deep Roots. Broad Wings. Bright Future.

**SPECIAL USE PERMIT (SUP)
 APPLICATION**

Owner/s (name):	
Company Name:	
Mailing Address:	
Work #:	Cell #:
E-Mail:	
Owner Signature (Owner/s Must Sign or Submit Letter of Authorization):	Date:
Printed Name:	

Applicant/Agent (name):	
Company Name:	
Mailing Address:	
Work #:	Cell #:
E-Mail:	
Applicant/Agent Signature	Date:
Printed Name:	

Current Zoning: _____	Requested Zoning: _____	Acres: _____
Legal Description (Lot/ Block/Tract/Abstract): _____		

Address/Location: _____		

Application and Sign Fees:

	Less than 1/2 acre	\$ 150.00
	1/2 acre up to 4.99 acres	\$ 250.00
	5 acres up to 24.99 acres	\$ 400.00

	25 acres up to 49.99 acres	\$ 750.00
	50 acres up to 99.99 acres	\$1,000.00
	100 acres and more	\$1,500.00

Qty: _____	SUP Signs - \$35 each. 1 sign required for each 5 acres (max. 5 per site)	\$ _____
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Sign(s) must be posted a minimum of ten (10) days prior to the Planning & Zoning hearing date.

Amount Due (application & sign fee)	\$ _____
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ZONING AND SPECIAL USE PERMIT (SUP) INSTRUCTIONS

PERSONS FILING PROPOSALS TO AMEND THE ZONING ORDINANCE MUST BE FULLY PREPARED TO PRESENT THEIR PROPOSALS AT THE SCHEDULED PUBLIC HEARING. FAILURE TO BE PREPARED WILL BE SUFFICIENT GROUNDS FOR DENIAL OR DISMISSAL.

A PROPOSAL DENIED BY THE CITY COUNCIL CANNOT BE ACCEPTED AS A NEW REQUEST UNTIL ONE (1) YEAR AFTER THE ORIGINAL PROPOSAL WAS DENIED.

1. **WHO MAY PROPOSE A ZONING DISTRICT CHANGE OR SUP?** A change of zoning district or SUP may be proposed only by the owner of the property involved, his or her attorney, or by a person having written authorization.

2. **WHAT IS MY FILING DEADLINE?** Zone Change Proposals should be filed, checked for completeness and accepted by the Planning Department no later than fifteen (15) days prior to the hearing date. If required information is missing or in error, the proposal will be returned for completion and will need to be re-submitted. Planned Development (PD) zone change and SUP applications must be submitted through the City's online permitting and electronic plan review portal on the City's website: www.cityoflewisville.com. PD and SUP applications will be scheduled for a public hearing before the Planning and Zoning Commission once all staff comments are addressed.

3. **HOW DO I SUBMIT MY PROPOSAL?** The City of Lewisville will supply you with the application form. When there are several owners involved, one person may take the form to the other owners for their signatures.
 - Application for Zone Change or SUP.
 - A Letter of authorization from the owner is needed if the property owner is not signing the application.
 - One 8-1/2" x 11" metes & bounds description - one for each tract and/or proposed zoning classification (an example is attached).
 - One 8-1/2" x 11" or one 11" x 17" zoning exhibit map, plat, or survey showing the property location, the acreage, the current zoning, the proposed zoning, and the surrounding zoning (an example is attached).
 - PD and SUP applications must include additional information as required in Section 17-26 - Planned Development District and Section 17-29.5 - Special Use Permit of the Zoning Ordinance.
 - Filing fee and sign fee.

4. **WHAT FILING FEE IS REQUIRED?** The application and filing fee must be submitted at the same time. In addition to the application fee there is a \$35.00 fee for each zone change and SUP sign (see Sign Posting Information).

SIZE OF PROPERTY	ZONING FEES
Less than 1/2 acre	\$ 150.00
1/2 acre up to 4.99 acres	\$ 250.00
5 acres up to 24.99 acres	\$ 400.00
25 acres up to 49.99 acres	\$ 750.00
50 acres up to 99.99 acres	\$1,000.00
100 acres and more	\$1,500.00

5. **WHEN ARE ZONING AND SUP PROPOSALS HEARD?** Planning & Zoning Commission hearings are scheduled when all information is received and the staff review is complete.
6. **WHAT IS THE PURPOSE OF THE PUBLIC HEARING?** Zoning regulations are established to promote and protect the public health, safety, and general welfare of all citizens. The purpose of the hearing is to give the proponent of a change and any others who may be affected by it an opportunity to say how the public would be impacted by the proposal.
7. **WHAT KEY INFORMATION SHOULD I PRESENT?** Your presentation may be short and simple or may include maps, handouts, or whatever is necessary to support your request. Points you may want to touch on include:
 - Present and proposed zoning or use.
 - Compatibility of proposed zoning with surrounding zoning uses.
 - Important physical features such as topography, roadways, etc.
 - Need for your zoning or SUP in the location.
 - Is the request generally consistent with City's Comprehensive Plan?
 - Is there support for your request by your neighbors?
 - Any other facts you feel are worthwhile.

When called upon, give all the facts in your initial presentation. The Commission can consider only the information that is made available to it. Failure to present supporting facts will not be considered as sufficient grounds for rehearing or continuance.

8. **WHO SHOULD PRESENT MY PROPOSAL?** The owner (or applicant, if request is made by someone else with owner's permission) should make the presentation. The property owner should be present at the hearing. In some instances, he may find it helpful to employ the services of professional or technical persons acquainted with zoning regulations or property development to act as a representing agent.
9. **IS ZONING COMMISSION ACTION FINAL?** No. The Planning & Zoning Commission can only make recommendations to the City Council for approval or denial on zoning change and SUP proposals. The City Council must hold a public hearing and adopt an ordinance before new classifications or regulations become effective. If the Planning & Zoning Commission recommends denial, it takes five (5) votes of the Council, rather than a simple majority, to approve the request.
10. **IS A PUBLIC HEARING BEFORE THE CITY COUNCIL SCHEDULED AUTOMATICALLY ON PLANNING AND ZONING COMMISSION RECOMMENDATIONS?** Yes. Whether the Commission recommends approval or denial, the City Council will set a date for the public hearing on the proposed ordinance covering the change. This date is usually scheduled for the first Monday in the month following the date of the Zoning Commission hearing, unless the applicant requests to not be scheduled. The request is also advertised in the City's official newspaper at least fifteen (15) days prior to the hearing before the City Council.
11. **WHEN IS THE EFFECTIVE DATE OF ZONING ORDINANCE AMENDMENT?** The proposed zone change or SUP becomes effective on adoption of the Ordinance by the City Council.



SIGN POSTING INFORMATION

A sign indicating a pending zoning change or Special Use Permit (SUP) is to be placed on the property involved in your application. Signs are to be purchased by the applicant at \$35.00 per sign. The cost of the sign(s) is in addition to the required zoning change or SUP filing fee. Signs may be reused, but only official City signs are deemed to meet this requirement. In posting the signs, the following guidelines must be adhered to:

1. The applicant or a designated representative is responsible for posting a sign or signs referencing a pending zoning change.
2. One (1) sign must be posted for each five (5) acres in the area of requested zoning change or SUP with a minimum of one (1) sign and a maximum of five (5) signs per site. Under certain circumstances, City Staff may authorize a reduction in the number of required signs.
3. The sign(s) must be posted a minimum of ten (10) days prior to the Planning & Zoning Commission hearing date.
4. The sign(s) must be in a conspicuous place on the subject property facing the street bounding the property. If more than one street bounds the property, the sign must be placed at the corner of the intersecting streets or on the street that is most heavily traveled. In cases where sizable acreage is involved, signs must be placed at several locations in public view.
5. If the sign is not displayed on the property on the day of the Planning & Zoning Commission hearing on subject property, it may result in the Commission delaying action on the case until another hearing date after the proper posting of the sign(s).
6. If the sign is removed from the property or is damaged by vandals or the weather, another sign shall be required.
7. If the zoning change or SUP application is withdrawn in writing prior to a notice of City Council Public Hearing on the request being submitted to the City's official newspaper, the sign must be removed within 24 hours of submission of the written notice to the City. If written notice is received after the City has submitted the notice of Public Hearing to the official newspaper, the sign must remain on the property until action is taken by the City Council.
8. If the zoning change or SUP application is forwarded to the City Council, the sign must remain on the property until final action has been taken on the case by the City Council. If the sign is found to be missing at any time before the City Council hearing, it may result in the Council delaying action on the case and setting another hearing date.
9. After the City Council has made a decision on the application, the sign(s) must be removed from the property within 10 days. After 10 days, the City may remove the signs.

Please keep in mind that it is the applicant's responsibility to post the sign(s) and see that it remains posted during the time the application is being processed. Any questions regarding the posting of signs should be directed to the Planning Department of the City of Lewisville.

EXAMPLE – PROPERTY DESCRIPTION (METES & BOUNDS)

TRACT 1

LEGAL DESCRIPTION

BEING a 7.97 acre tract of land situated in the Thomas B. Garvin Survey, Abstract No. 506, in the City of Lewisville, Denton County, Texas, and being a portion of Lot 1, Block H, Final Plat of Vista Ridge, an addition as recorded in Cabinet F, Slide 271 of the plat records of Denton County, Texas;

COMMENCING at the southeast corner of said Lot 1, Block H and being on the north right-of-way of Spur 553 (variable width right-of-way) and the west boundary line of a tract owned by Denton County Levee Improvement District No. 1 (DCLID No. 1);

THENCE northerly along the east boundary of said Lot 1, Block H and the west line of said DCLID No. 1 tract and leaving said Spur 553, N 13° 22' 36", a distance of 237.30 feet to a point for a corner;

THENCE N 08° 42' 39" W, 99.14 feet to a point for corner;

THENCE N 13° 40' 10" W, 148.19 feet;

THENCE N 55° 01' 00" W, 109.86 feet to a point for corner;

THENCE N 18° 26' 37" W, 47.43 feet to a point for corner;

THENCE N 02° 39' 04" W, 8.62 feet to the POINT OF BEGINNING;

THENCE westerly and leaving said east boundary line of said Lot 1, Block H and the west line of said DCLID No. 1 tract, S 78° 42' 58" W, 746.06 feet to a point for corner;

THENCE N 01° 06' 32" E, 540.65 feet to a point for corner on the north boundary line of said Lot 1, Block H and the south line of the tract owned by DCLID No. 1;

THENCE easterly along said north boundary line and the south line of said DCLID No. 1 tract, S 87° 46' 04" E, 211.67 feet to a point for corner;

THENCE N 86° 29' 55" E, 213.40 feet to a point for corner;

THENCE N 88° 32' 28" E, 237.08 feet to a point for corner;

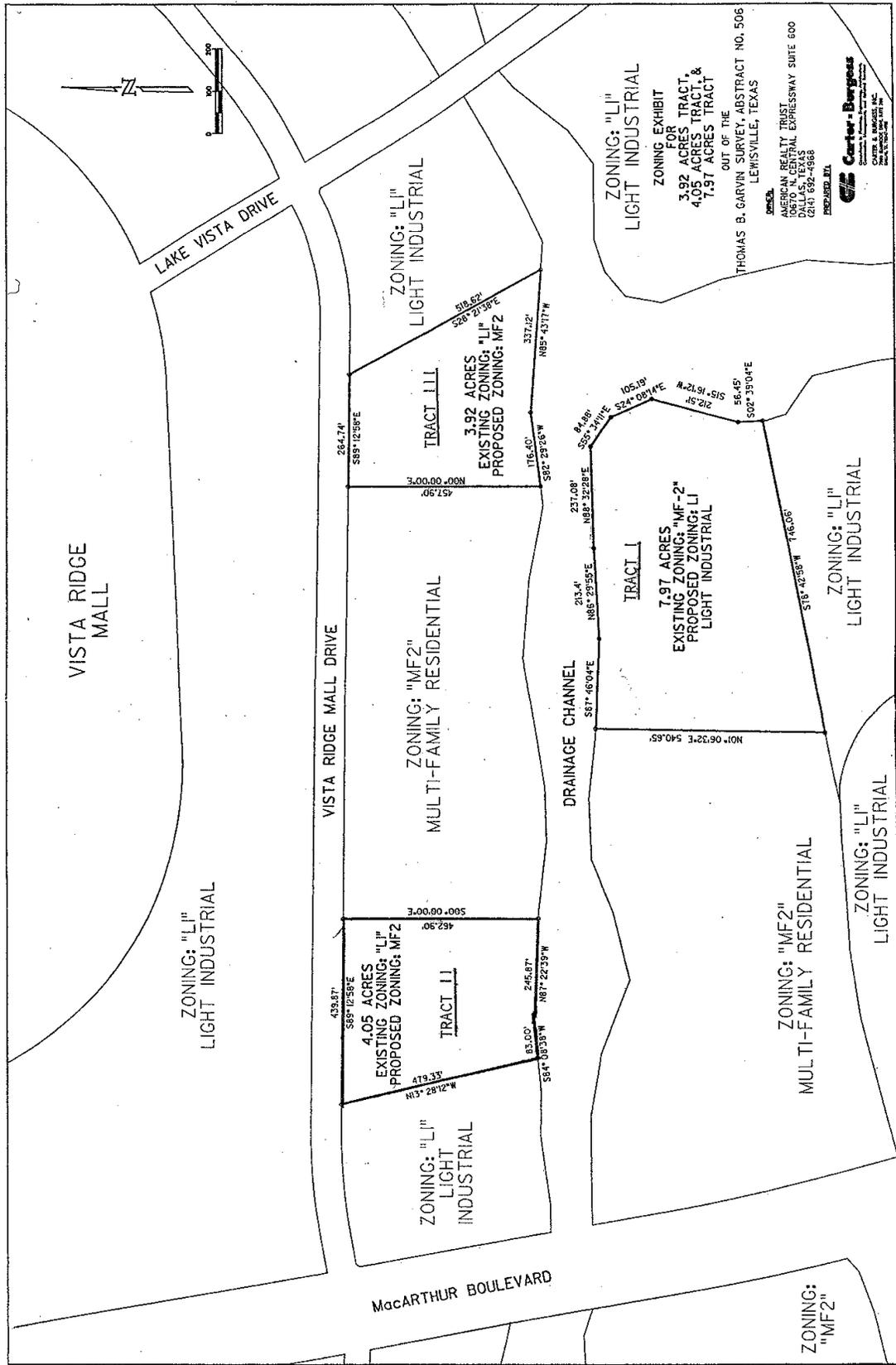
THENCE S 55° 34' 11" E, 84.88 feet to a point for corner on the east boundary line of said Lot 1, Block H and the west line of said DCLID No. 1 tract;

THENCE southerly along said east boundary line, S 24° 08' 14" E, 105.19 feet to a point for corner;

THENCE S 15° 16' 12" W, 212.51 feet to a point for corner;

THENCE S 02° 39' 04" E, 56.45 feet to the POINT OF BEGINNING and containing 7.97 acres of land, more or less.

EXAMPLE - ZONING EXHIBIT



THOMAS B. GARVIN SURVEY, ABSTRACT NO. 506
LEWISVILLE, TEXAS

AMERICAN REALTY TRUST
10670 N. CENTRAL EXPRESSWAY SUITE 600
DALLAS, TEXAS 75243-5988

Carter Burgess
Carter & Burgess, Inc.
10000 North Central Expressway, Suite 600
Dallas, Texas 75243-5988
TEL: 972.382.1000
FAX: 972.382.1001

Sec. 17-29.5 - "SUP" special use permit

- (a) *Purpose.* The special use permit (SUP) provides a means for evaluating land uses identified in this chapter to ensure compatibility with adjacent properties. The intent of the special use permit process is to allow consideration of certain uses that would typically be incompatible or intensely dominate the area in which they are located, but may become compatible with the provision of certain conditions and restrictions.
- (b) *Application submittal and approval process.*
- (1) Application for an SUP shall be processed like an application for rezoning. An application shall not be complete and shall not be scheduled for a public hearing unless the following are submitted along with the application:
- a. A scaled development plan depicting the items listed in subsection 17-29.5(b)(2);
 - b. A metes and bounds description of the property boundary;
 - c. A narrative explaining how the property and use(s) will function;
 - d. Colored elevations of the building and other structures including dimensions and building materials;
 - e. A landscaping plan, meeting the requirements of section 6-124 of the Lewisville Code of Ordinances;
 - f. A tree survey and mitigation plan if required by section 6-125 of the Lewisville Code of Ordinances;
 - g. Detailed elevations and descriptions of proposed signage;
 - h. An exhibit illustrating any requested variances; and
 - i. Any other information, drawings, operating data or expert evaluations that city staff determines are

necessary to evaluate the compatibility criteria for the proposed use and development.

- (2) The development plan submitted along with an SUP application must include the following:
- a. The layout of the site;
 - b. A north arrow;
 - c. A title block including project name, addition, lot, block, acreage, and zoning classification of the subject property;
 - d. Name, address and phone number for applicant, developer, owner, builder, engineer and/or surveyor;
 - e. Building location, property lines and setbacks;
 - f. Summary tables listing building square footage, required parking, and required landscaping;
 - g. Locations of utility easements, if applicable;
 - h. Zoning and ownership of adjacent properties;
 - i. Easements, deed restrictions, or encumbrances that impact the property;
 - j. Median openings, traffic islands, turning lanes, traffic signals, and acceleration and deceleration lanes;
 - k. Streets, alleys and easements adjacent to the site;
 - l. Driveways and sidewalks;
 - m. Parking configuration, including maneuvering lanes and loading areas;
 - n. Location and details of dumpsters and screening devices; and
 - o. Location of all proposed signage.
- (3) An application for an SUP shall be considered to be an amendment to the zoning ordinance, and shall comply with all

provisions of section 17-37 of this Code, except that in no instance shall the provisions of section 17-37 be construed to negate or remove any requirements of this section for an SUP application.

- (4) Variances from the regulations of the city's general development ordinance may be granted at the discretion of the city council as part of the SUP approval. The granting of an SUP has no effect on uses permitted by right and does not waive the regulations of the underlying zoning district.
- (5) The planning and zoning commission or the city council may require additional information or drawings, operating data or expert evaluation or testimony concerning the location and characteristics of any building or uses proposed.
- (6) Completion of a development plan for the SUP does not waive the requirement to provide an engineering site plan in accordance with the general development ordinance.

(c) *Compatibility criteria for approval.* The planning and zoning commission shall not recommend approval of, and the city council shall not grant an SUP for a use except upon a finding that the use will:

- (1) Complement or be compatible with the surrounding uses and community facilities and any adopted comprehensive plans or small area plans;
- (2) Contribute to, enhance or promote the welfare of the area of request and adjacent properties;
- (3) Not be detrimental to the public health, safety or general welfare; and
- (4) Conform in all other respects to all zoning regulations and standards.

(d) *SUP conditions.* The planning and zoning commission may recommend and the city council may adopt reasonable conditions upon the granting

of an SUP consistent with the purpose and compatibility criteria stated in this section. The development plan, however, shall always be attached to and made a condition of the SUP. The other documents submitted with the SUP application may also be made conditions of the SUP.

(e) *Amendments, enlargement, modifications or structural alterations.*

- (1) Except for minor amendments, all amendments, enlargements, modifications or structural alterations or changes to the development plan shall require the approval of a new SUP. The city manager or his designee may authorize minor amendments to the development plan that otherwise comply with the SUP ordinance and the underlying zoning and do not:
 - a. Alter the basic relationship of the proposed development to adjacent property;
 - b. Increase the maximum density or height shown on the original development plan;
 - c. Decrease the number of off-street parking spaces shown on the original development plan; and/or
 - d. Reduce setbacks at the boundary of the site as specified by a building or setback line shown on the original development plan.
- (2) For purposes of this subsection, "original development plan" means the earliest approved development plan that is still in effect, and does not mean a later amended development plan. For example, if a development plan was approved with the specific use permit and then amended through the minor amendment process, the original development plan would be the development plan approved with the specific use permit, not the development plan as amended through the minor amendment process. If, however, the development plan

approved with the specific use permit was replaced through the zoning process, then the replacement development plan becomes the original development plan. The purpose of this definition is to prevent the use of several sequential minor amendments to circumvent the zoning amendment process.

- (3) Although the city manager or his designee has the authority to grant minor amendments to the development plan, they are not obligated to do so. The city manager or his designee shall always maintain the discretion to require city council approval if he feels that it is within the public's interest that city council consider the amendment, enlargement, modifications or structural changes at a public hearing.

(f) *Compliance mandatory with written requirements.*

- (1) No special use permit shall be granted unless the applicant, owner and grantee shall be willing to accept and agree to be bound by and comply with the written requirements attached to the development plan drawings and approved by the city council.
- (2) A special use permit shall be transferable from one owner or owners of the subject property to a new owner or occupant of the subject property, however all regulations and conditions of the SUP shall remain in effect and shall be applicable to the new owner or occupant of the property.

- (g) *Timing.* All development plans submitted for review will be on the city's active list for a period of 90 days from the date of each submittal. After the 90-day period, a project will be considered abandoned and removed from the file. A building permit shall be applied for and secured within 180 days from the time of approval of the special use permit, provided that the city may allow a one-time extension of the SUP for another 180 days. A SUP shall expire six months after its approval or extension date if

no building permits have been issued for the site or if a building permit has been issued but has subsequently lapsed. Work must be completed and operations commenced within 18 months of approval.

- (h) *Zoning map.* When the city council authorizes granting of a special use permit the official zoning district map shall be amended according to its legend to indicate that the affected area has conditions and limited uses, said amendment to indicate the appropriate zoning district for the approved use, and suffixed by an "SUP" designation. A log of all special use permits shall be kept by the city.
- (i) *Rescind and terminate a special use permit.* City council may rescind and terminate an SUP after a public hearing if any of the following occur:
- (1) That one or more of the conditions imposed by the SUP has not been met or has been violated.
 - (2) The SUP was obtained through fraud or deception.
 - (3) Ad valorem taxes on the property are delinquent by six months or more.
 - (4) Disconnection or discontinuance of water and/or electrical services to the property.
 - (5) Abandonment of the structure, lease space, lot or tract of land for 180 days or more. (For the purpose of this section, "abandon" shall mean to surrender occupancy by vacating or ceasing to operate or inhabit such property.)

(Ord. No. 4206-09-2015(Z), § 1, 9-14-15; Ord. No. 4374-05-2017(Z), § 1, 5-1-17)