

ITEM# 2.0

Discussion and Action to Adopt the Special Use Permit

A directive was given to staff to work on an ordinance that would give the City Manager the authority to approve special use permit to help expediate the process on special events. The events that would be considered under this type of permit would be:

- City Sponsored Events
- Pop-up Markets/Tent Sales in an organized manner
- 1 Day Events
- Carnivals
- Parades
- Fun Fairs
- Concerts
- Car shows

The applicants would still need to submit the proposed dates of operation, a site plan showing parking and would need to be in compliance with all City Codes.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10 – AMUSEMENT AND ENTERTAINMENT, ARTICLE 1 – IN GENERAL TO INCLUDE SECTION 10-1 – SPECIAL USE PERMIT, SECTION 10-2 – GENERALLY, SECTION 10-3, PERMIT REQUIRED, SECTION 10-4, DECISION CRITERIA, SECTION 10-5 – PROCEDURES, SECTION 10-6 EFFECT OF DECISION; PROVIDING FOR A SEVERABILITY PROVISION; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE’S APPLICABILITY; PROVIDING INSTRUCTION TO THE CITY SECRETARY TO PUBLISH THESE SPECIAL USE REQUIREMENTS IN THE CITY OF MISSION, TEXAS’ CODE OF ORDINANCES

WHEREAS, The City of Mission, Texas was incorporated to provide for orderly growth and maximum enjoyment to its citizens, patrons, and guests of its general ambience, as established and uniformly enforced laws, statutes, and ordinances; and,

WHEREAS, The City of Mission, Texas desires to establish certain criteria that will regulate the location of special use permits, in the best interest of the overall general public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, COUNTY OF HIDALGO, TEXAS THAT THE FOLLOWING PROVISIONS OF CHAPTER 10 – AMUSEMENTS AND ENTERTAINMENT, ARTICLE I – IN GENERAL, BE HEREBY AMENDED TO INCLUDE SPECIAL USE PERMIT:

Section 10-1 - Generally.

- 1) Purpose. The Special Use Permit (SUP) is to determine if specific uses should be allowed on a property.
- 2) Applicability. In addition to the applicable required procedures of the Planning and Zoning Department. The specific procedural provisions of this section shall apply to all uses and structures denoted as specific use for the relevant zoning district.

Section 10-2 – Permit Required

A Special Use Permit (SUP) is required for the following:

- 1) City Sponsor Events
- 2) Pop out Tent Sales, on an organized manner
- 3) 1 Day events

Section 10-3 Decision Criteria

In determining whether to approve with conditions, or deny a Special Use Permit (SUP), the review bodies shall consider the following:

- 1) *SUP Standards.* All standards of a conditional use permit shall be met for the proposed Special Use Permit (SUP)
- 2) *Harmonious and Orderly Development.* The nature and intensity of the operations involved in or conducted in connection with it and the size of the site in relation to it are such that the proposed special use will be in harmony with the appropriate and orderly development of the neighborhood in which it is located.
- 3) *Nuisances.* Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, or other characteristics than would the operations of any permitted use not requiring special use approval.
- 4) *Parking Areas.* Parking areas will comply with the off-street parking regulations of the City of Mission Code of Ordinances and will adequately and appropriately screened from adjoining

residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.

- 5) *Access.* The road system providing access to the proposed special use is adequate to serve the site for the intended use, and
- 6) *No More Appropriate Sites.* There are not sites zoned for the Special Use by the right that could serve the same purpose. The Planning and Zoning Division may require evidence that there are not more appropriate sites for the proposed special use.

Section 10-4 Procedures.

- 1) *Application.* All SUP applications shall be submitted 30 days prior to the proposed event. All applications must include the following substantive information
 - a) The grounds on which the special use is requested;
 - b) A site plan; and
 - c) A statement regarding how the proposed special use meets all applicable requirements of the Code of Ordinances.
- 2) *Review and Recommendation.* The Planning Director shall review all evidence and make a recommendation to the City Manager.
- 3) *Final Decision.* The City Manager shall approve, approve with conditions, or deny a SUP based on the recommendation of the Planning Director.
- 4) *Conditions of Approval.*
 - a) *Generally.* In addition to the general requirements listed above, uses requiring a SUP shall be subject to the imposition of conditions for each use outlined below:
 - i. Assurance that the special use is developed exactly as presented in drawings, exhibits, and assertions.
 - ii. Limit uses, reduce density, and/or increase open space, landscaped surfaces, or environmental protection to ensure that the special use is consistent with the area's character or adequately protects the use and enjoyment of neighboring property.
 - iii. Limit the length of time a special use may exist, or provide for periodic review of the appropriateness of the use, or provide for eventual elimination of the use.
 - iv. Impose conditions on hours of operations and the use of outdoor lighting.
 - v. Impose any other conditions that ensure the general purposes, goals, and objectives of the Comprehensive Plan and this Code are met
 - vi. Prevent or minimize adverse effects from the proposed special use and development on other properties in the neighborhood and on the public health, safety, and welfare.
- 5) *Acceptance of Conditions.*
 - i) All conditions and restrictions shall be written and mailed to the applicant within 3 days of approval by the City Manager.
 - ii) The applicant shall submit a written statement agreeing to the approval and all conditions within 10 days of the date of the written notice of the conditions and restrictions.
 - iii) If the conditions are accepted, the project is approved. If no agreement is offered or if the conditions are rejected, the application is denied.
- 6) *Amendment of SUP Approval.* No use or activity permitted as a SUP shall be enlarged or extended beyond the limits authorized in the grant or special use approval. All enlargements, extensions, and changes in use shall require a new application for a special use to reflect the change(s).
- 7) *Revocation.*
 - a) The City may revoke a SUP for violation of the conditions of approval or because the permit has expired.
 - b) The City shall provide notice to the landowner and public in the same manner as provided for the establishment of the special use.

- c) Revocation shall be recommended for violations of the special use permit or other regulations of the City.

Section 10- 5 Effect of Decision

- 1) *Authorization.* An approved SUP authorizes a use or structure according to specific standards set out in the Code of Ordinances and conditions of approval.
 - 2) *Transferability.* A SUP is **not** transferable between property owners or between operators or applicants.
2. Should any sentence, clause, phrase, or section of this ordinance be declared invalid by a court of competent jurisdiction, such declaration shall not affect the remaining portions of this ordinance which shall remain in full force and effect.
3. This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, DISCUSSED, CONSIDERED AND PASSED ON THIS THE 13TH DAY OF FEBRUARY, IN THE YEAR OF OUR LORD, 2023.

ATTEST:

Norie Gonzalez-Garza, Mayor

Anna Carrillo, City Secretary