

## **Article XXII-A. Special Permits**

### **Sec. 1. Required for location in specified districts.**

- (a) The city council of the City of Richardson, Texas, may, after public hearing and proper notice to all parties affected, and after recommendation from the city plan commission containing such requirements and safeguards as are necessary to protect adjoining property, as well as the public health, safety, morals and general welfare, authorize the location of special permit uses in specified districts.
- (b) Every special permit granted under the provisions of this article shall be considered as an amendment to the zoning ordinance as applicable to such property. In granting such permit, the city council may impose such conditions as may be necessary to promote and protect the public health, safety, order, morals, convenience, prosperity and general welfare. Said conditions shall be complied with by the grantee before a certificate of occupancy may be issued.

(Ord. No. 1093-A, § 4(1), 10-31-77)

### **Sec. 2. Use regulations.**

- (a) Any use which is not contrary to city, county, state, or federal laws and which is not listed as an allowed use in the comprehensive zoning ordinance shall hereby be deemed a special permit use in any district and subject to the provisions of this article.
- (b) The following uses may be authorized by special permit in the specified districts upon compliance with all of the requirements of this article and other applicable city codes and ordinances:
  - (1) Ambulance service, in any industrial district.
  - (2) Amusement arcade, in any LR-M(2) or C-M District.
  - (3) Antenna-freestanding, in any LR-M(2), C-M, TO-M or O-M District, subject to the supplemental regulations of article XXII-E.
  - (4) Antenna-commercial and/or antenna equipment buildings, in excess of three commercial antennas or equipment buildings on a single lot in any industrial district, subject to the provisions of the I-M (1) District and the supplemental regulations of article XXII-E.
  - (5) Assisted living facility, in any district.
  - (6) Beer and wine package sales establishments that derive more than 75 percent of their gross revenue from the sale of beer and/or wine in any LR-M(1), LR-M(2), C-M District or PD District with the following conditions:
    - a) Shall not be located closer than 1,500 feet from another beer and wine package sales establishment that derives more than 75 percent of its gross revenue from the sale of beer and/or wine, measured building-to-building (or outer wall of the lease space) in a straight line;
    - b) Shall not be located closer than 800 feet from the building to the property line of a residential zoning district; and

- c) Shall not be located closer than 1,500 feet from the property line of a city park, or the property line of a property occupied by a religious institution, public hospital, public or private school, public or private college/university, rehabilitation-care institution, or child or adult day care, measured in a straight line from front door of the establishment to the nearest property line of a residential zoning district, city park, religious institution, public or private hospital, public or private school, public or private college/university, rehabilitation center or child or adult day care.
- (7) Boarding kennel, in any C-M or any industrial district.
- (8) Carwash, in any LR-M(2) or C-M District, provided all washing operations take place within a building.
- (9) Check cashing business, payday advance/loan business or car title loan business, in the C-M District.
- (10) Childcare center, in any district, subject to the supplemental regulations of article XXII-E.
- (11—15) Reserved.
- (16) Church parking lot, in any residential district where the parking lot is abutting the lot upon which the church is located, but is separated from that lot by a dedicated public street or alley, subject to the supplemental regulations of article XXII-E and the requirements of chapter 16 of the Code of Ordinances, as amended.
- (17) Commercial amusement center, in any LR-M(2), C-M or industrial district.
- (18) Controlled substance paraphernalia shop, in any C-M District and subject to the laws of the State of Texas.
- (19) Country club, in any district.
- (20) Electronic-cigarette establishments in any LR-M(1), LR-M(2) or C-M District.
- (21) Fine arts studio, in any industrial district.
- (22) Fortune-teller, psychic reader, or spiritual advisor in any C-M District.
- (23) Fraternal organization, in any O-M or TO-M District.
- (24) Golf course, except miniature golf course, in any district.
- (25) Helipad, in any C-M, O-M, TO-M, PD or any industrial district.
- (26—29) Reserved.
- (30) Hospital, in any district.
- (31) Hotel-full service, in any industrial district.
- (32) Hotel-limited service, in any C-M, PD or any industrial district, or in the TO-M District on a minimum site of five contiguous acres.
- (33) Hotel-suite, in any C-M, PD, or any industrial district, or in any TO-M District on a minimum site of five contiguous acres.
- (34) Independent living facility, in any district.
- (35) Large scale retail store in any LR-M(1), LR-M(2) or C-M District.
- (36—37) Reserved.
- (38) Manufacturing facility - heavy, in any industrial district.

- (39) Massage establishments, in any non-residential or non-apartment District.
- (40) Motor freight terminal, in any industrial district.
- (41) Motor vehicle body shop, in any industrial district, subject to the supplemental regulations of article XXII-E.
- (42) Motor vehicle rental, in any C-M District where the business is located in a single-tenant building or offers more than ten motor vehicles for rent.
- (43) Motor vehicle repair shop - minor, in any LR-M(2), C-M or industrial district, subject to the supplemental regulations of article XXII-E.
- (44) Motor vehicle repair shop - major, in any C-M or industrial district, subject to the supplemental regulations of article XXII-E.
- (45) Motor vehicle sales/leasing - used, in any C-M District, subject to the supplemental regulations of article XXII-E.
- (46) Motor vehicle service station, in any LR-M(2) or C-M District, subject to the development standards in chapter 21 of the Code of Ordinances, as amended.
- (47) Motor vehicle storage lot, in any C-M or industrial district.
- (48—50) Reserved.
- (51) Mortuary or funeral home, in any C-M, TO-M or any industrial district.
- (52) Nursery or greenhouse, retail sales only, in any district.
- (53) Nursing/convalescent home, in any district.
- (54) Private amenity center, in any single-family district.
- (55—59) Reserved.
- (60) Private club, in any industrial district.
- (61) Private recreation club, in any industrial district.
- (62) Restaurant without drive-through or curbside service, in any O-M, TO-M or industrial district or any combination of contiguous lots or parcels zoned as such and totaling ten acres or more. Said areas need not be under single ownership and shall be considered contiguous if not separated from each other by a street classified as an arterial, a regional arterial or a freeway/turnpike as defined in the master transportation plan.
- (63) Restaurant with curbside service, in any C-M District.
- (64) Restaurant with drive-through service, in any LR-M(1), LR-M(2) or C-M Districts.
- (65—69) Reserved.
- (70) Retail sales of prepackaged food or beverage for off-premises consumption in a drive-up, drive-through or drive-in facility, in any LR-M(1), LR-M(2), or C-M District.
- (71) Riding academy/public stable, in any district.
- (72) School—Parochial, where the school is not located on the same lot as the church of the sponsoring religious agency, in any district.
- (73) School—Private, in any district.
- (74) Self-service warehouse, in any industrial district.

- (75) "Self-service warehouse (secondary use), in C-M Commercial or any industrial district with the following conditions:
- a. The use shall be located within the rear portion of a building.
  - b. The individual storage units shall not exceed five hundred (500) square feet.
  - c. The storage of any toxic, explosive, corrosive, or hazardous material shall be prohibited.
  - d. The use shall be limited to only one (1) building per lot.
  - e. The hours of operation shall be limited to 7:00 a.m. to 9:00 p.m.
  - f. Controlled access into the facility and its individual units shall be limited to the hours of operation.
  - g. Individual storage units shall be directly accessed from internal hallways. No direct access to the individual storage units shall be provided from the exterior doors of the building. The primary entrance for the use shall not be located in the front of a building.
  - h. Electrical service to individual storage units shall be for lighting and climate control only, with no electrical outlets provided in the individual storage units.
  - i. The following items shall be submitted at the time of application:
    1. A demonstrated means of security and management,
    2. A floor plan depicting the layout of the storage units, internal hallways, and the entrance and the viability of the remaining non self-service warehouse portions of the building, and
    3. Building elevations including proposed signage.
- (76) Sexually oriented business, in any C-M district.
- (77) Smoking establishment in any LR-M(1), LR-M(2) or C-M District.
- (78) Temporary open air market in any LR-M(1), LR-M(2), C-M or portions of a PD Planned Development District which permits LR-M(1), LR-M(2) or C-M uses, subject to Article VIII, Chapter 12 of Code of Ordinances of the City of Richardson, as amended.
- (79) Wrecker service, in any industrial district."

(Ord. No. 1093-A, § 4(2), 10-31-77; Ord. No. 2159-A, § 1, 2-18-80; Ord. No. 2226-A, § 1(2), 12-22-80; Ord. No. 2665-A, § 5, 6-13-88; Ord. No. 2715-A, § 8, 2-13-89; Ord. No. 2872-A, § 11, 2-25-92; Ord. No. 3009-A, § 1H, 2-13-95; Ord. No. 3063-A, § 1, 2-26-96; Ord. No. 3172-A, § 3, 4-13-98; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3581, § 2, 11-13-06; Ord. No. 3692, § 2, 1-14-08; Ord. No. 3715, § 7, 7-14-08; Ord. No. 3730, § 24, 11-10-08; Ord. No. 3766, § 2, 3-22-10; Ord. No. 3848, § 2, 12-19-11; Ord. No. 4013, § 1, 7-22-13; Ord. No. 4033, § 2, 11-25-13; Ord. No. 4039, § 1, 3-24-14; Ord. No. 4084, § 2, 11-10-14; Ord. No. 4150, § 2, 2-8-16)

**Sec. 3. Recommendations of plan commission.**

- (a) Where the city plan commission is considering a special permit, the city plan commission may, at its discretion, make the following recommendations to the city council.
- (1) Recommend approval as requested.
  - (2) Recommend a change in zoning to a more restrictive classification.
  - (3) Recommend that a special permit be granted, subject to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to the public street, provisions for drainage, parking, street layouts, screening and open space and any other requirement or condition deemed necessary by the city plan commission in the interest of promoting public health, safety, order, convenience, prosperity, and general welfare.
  - (4) Recommend denial of the special permit.
- (b) Where the city plan commission recommends approval as in subsections (a)(1), (2) or (3) above, the recommendation will be forwarded automatically to the city council and a date for a public hearing will be set.
- (c) Where the city plan commission recommends denial as in subsection (a)(4) above, the application will not automatically be placed on the city council agenda unless requested in writing by the applicant within ten days after the city plan commission recommendation to deny.

(Ord. No. 1093-A, § 4(3), 10-31-77; Ord. No. 3377-A, § 1, 1-14-02)

**Sec. 4. Property owner protest.**

If an application for a special permit is protested in accordance with Section 211.006 of the Texas Local Government Code as amended, the proposed special permit must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the city council.

(Ord. No. 1093-A, § 4(4), 10-31-77; Ord. No. 2872-A, § 12, 2-25-92; Ord. No. 3377-A, § 1, 1-14-02)

**Sec. 5. Three-fourths vote required to overrule recommendation to deny.**

The affirmative vote of at least three-fourths of all members of the city council is required to overrule a recommendation of the city plan commission that a proposed special permit be denied.

(Ord. No. 3377-A, § 1, 1-14-02)

**Sec. 6. Resubmission of applications.**

A recommendation to deny a request for a special permit by the city plan commission or a denial of the same by the city council may include a provision which imposes a waiting period of up to one year from the date of denial before any similar requests involving the same property may be considered. A substantially different application on a given piece of property may be considered with no waiting period, even where a time limit has been imposed; however, the same or a substantially similar request will not be considered within one year of a denial, if so specified.

(Ord. No. 3377-A, § 1, 1-14-02)

**Sec. 7. Special permit time or operation restrictions.**

- (a) In recommending or granting a special permit, the commission and city council may impose additional conditions, including, but not limited to, time limits and/or issuance of a special permit to a specific owner, operator or business. Any additional conditions shall be made a part of the ordinance granting the special permit. Said special permit shall automatically terminate upon expiration of the time period, change in ownership or operator, or change in the business name unless a new application is made and approved by the city council under the same process as the original application for special permit, including public hearings, notice and recommendation from the city plan commission.
- (b) If new construction is required to comply with a special permit or to be able to use property for the use for which a special permit is granted, a building permit for the property described in the special permit shall be obtained from the City not later than one hundred-eighty (180) calendar days after the effective date of the ordinance granting the special permit unless a different deadline for obtaining such building permit is specified in the granting ordinance. If no deadline for obtaining said building permit is specified in the granting ordinance, the director may authorize one or more extensions not to exceed one (1) year from the original one hundred-eighty (180) day deadline. A special permit and the ordinance granting same shall terminate and be of no further effect if (i) a required building permit has not been issued within the time required by this section, or (ii) if a building permit has been issued but has subsequently expired prior to completion of the required construction.
- (c) If no new construction is required to comply with a special permit or to make the property usable for the use for which a special permit is granted, the special permit and the ordinance granting same shall expire and be of no further effect if a certificate of occupancy is not obtained and use of the property for which the special permit is granted has not commenced on or before the one hundred-eightieth (180<sup>th</sup>) calendar day after the effective date of the ordinance granting the special permit or the date for commencement of such use set forth in the ordinance granting the special permit, whichever is later.
- (d) If for a period in excess of one hundred-eighty (180) calendar days (i) a building or property subject to a special permit is vacated, or (ii) a building or property, though still occupied, is not being used for the purpose for which the special permit was granted, the special permit shall terminate and the use of the building or property described in the special permit shall thereafter conform to the regulations of the original zoning district of such property unless a new and separate special permit is granted for continuation of the use for which the original special permit was granted.

(Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 4290, § 1, 3-18-19)

**Sec. 8. Conditions for reconsideration of a special permit.**

The city plan commission, at the direction of the city council, may, at any time, initiate proceedings to reconsider an existing special permit, provided the conditions of operation or other circumstances surrounding the special permit call into question issues related to the public health, safety, morals, general welfare, or for any other reason.

(Ord. No. 3377-A, § 1, 1-14-02)

**Sec. 9. Conformance regulations.**

Unless the city council specifies otherwise, all special permit uses shall comply with the building, area and height regulations of the underlying zoning district.

(Ord. No. 3377-A, § 1, 1-14-02)

**Editor's note:** Ord. No. 1093-A, § 4, adopted Oct. 31, 1977, amended art. XXII-A to read as herein set out. Former art. XXII-A pertained to similar subject matter and was derived from Ord. No. 21-A, § 1, enacted Nov. 27, 1956; Ord. No. 243-A, enacted Jan. 24, 1961; Ord. No. 750-A, § 1, enacted Jan. 24, 1972; Ord. No. 763-A, § 1, enacted March 6, 1972; Ord. No. 875-A, § 1, enacted Sept. 17, 1973; and Ord. No. 989-A, § 1, enacted Dec. 30, 1975.

***End of Article XXII-A***