

Dan Davis, Chair
Kristy Wages, Vice-Chair
Greg Lindsey, Commissioner
Adam Armstrong, Commissioner
Jennifer Thomason, Commissioner
Grizelda Castillo, Commissioner
Lillian Hollie, Commissioner

Susan Davis, Planning Tech.



**NOTICE OF MEETING
PLANNING AND ZONING
COMMISSION
November 7, 2024
1:30 p.m.
City Council Chambers
504 N. Queen Street
Palestine, Texas**

Zoom Link:
<https://us02web.zoom.us/j/88185583819?pwd=mAwpmq13lcuasaVYsrhlFugjbNlblc.1>

Meeting ID: 881 8558 3819
Passcode: 606928

One tap mobile
+13462487799,,88185583819# US

*Note: when you are joining a Zoom meeting by phone, you can use your phone's dial pad to enter the commands *6 for toggling mute/unmute and *9 to "raise your hand."* [Learn more here.](#)

Follow us live at: facebook.com/palestinetc/

A. CALL TO ORDER

B. PROPOSED CHANGES OF AGENDA ITEMS

C. PUBLIC COMMENTS

Any citizen wishing to speak during public comments regarding an item on or off the agenda may do so during this section of the agenda. All comments must be no more than five minutes in length. Any comments regarding items, not on the posted agenda may not be discussed or responded to by the Commissioners. Members of the public may join via Zoom or in person.

D. CONFLICT OF INTEREST DISCLOSURES

E. APPROVAL OF MINUTES

1. Consider approval of the Minutes from the October 3, 2024, meeting.

F. PUBLIC HEARINGS / DISCUSSION AND ACTION ITEMS

1. Consider approval of a Preliminary Plat for the Hidden Hills Addition, being 18.63 acres in the Joseph Jordan Survey, Abstract 33.
2. Discussion regarding manufactured homes within the city limits.

G. ADJOURNMENT

I certify that the above Notice of Meeting was posted on the outdoor bulletin board at the main entrance to City Hall, 504 N. Queen Street, Palestine, Texas, in compliance with Chapter 551 of the Texas Government Code on **Monday, November 4, 2024, at 11:30 a.m.**

A handwritten signature in blue ink that reads "April Jackson". The signature is fluid and cursive, with the first name "April" and last name "Jackson" clearly distinguishable.

April Jackson, City Secretary

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA) PERSONS IN NEED OF SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHALL, CONTACT THE CITY SECRETARY'S OFFICE VIA EMAIL AT citysecretary@palestine-tx.org or 903-731-8414.



Agenda Date: 11/07/2024
To: Planning and Zoning Commission
From: Susan Davis, Planning Technician
Agenda Item: Approval of Minutes for the October 3, 2024 Meeting
Date Submitted: 10/31/2024

SUMMARY:

Consider approval of the Minutes from the October 3, 2024, meeting.

RECOMMENDED ACTION:

Staff recommends approval of the minutes.

CITY MANAGER APPROVAL:

Attachments

Minutes

THE STATE OF TEXAS §
COUNTY OF ANDERSON §
CITY OF PALESTINE §

The Planning and Zoning Commission of the City of Palestine convened in a Regular Meeting on Thursday, October 3, 2024, at 1:30 p.m., in the Council Chambers at City Hall, 504 N. Queen Street, Palestine, Texas, with the following people present: Chairman Dan Davis; Commissioners Greg Lindsey, Kristy Wages, Adam Armstrong, and Lillian Hollie.

Staff present: Planning Tech Susan Davis and City Secretary April Jackson.

Commissioners Jennifer Thomason and Grizelda Castillo were absent.

CALL TO ORDER

With a quorum present, Chairman Davis called the meeting to order at 1:32 p.m.

PROPOSED CHANGES OF AGENDA ITEMS

Public Hearing and Action Items 6 and 7 were pulled from the agenda.

PUBLIC COMMENTS

No public comments were made.

CONFLICT OF INTEREST DISCLOSURES

There were none.

APPROVAL OF MINUTES

Commissioner Lindsey made a motion, seconded by Commissioner Armstrong to approve minutes from October 3, 2024, meeting. Upon vote, the motion carried unanimously 4-0 (Commissioner Wages was not present during the vote).

PUBLIC HEARINGS/ DISCUSSION AND ACTION ITEMS

1. Consider the appointments of the Chair and Vice-Chair to the Planning & Zoning Commission.

Commissioner Wages made a motion, seconded by Commissioner Armstrong to appoint Dan Davis as the Chairman and Kristy Wages as the Vice-Chairman. Upon vote, motion carried 5-0.

2. Public hearing and consideration of a Specific Use Permit for placement of a manufactured home at 1120 Bassett Road, Joseph Jordan Survey, A-33, Block 1224, Tract 16A (Middleton Oaks Lot 2), which is zoned Mixed Residential.

Chairman Davis opened the public hearing at 1:39 pm. Betty Middleton and Dina Gallion spoke in favor, stating they believed the manufactured home company would obtain permits, and their desire to rent-to-own the home to assist a family with a special needs child. Larry Coker spoke in opposition. Chairman Davis closed the public hearing at 1:45 pm. Planning Tech Susan Davis provided a summary concerning the placement of the manufactured home prior to receipt of the application for specific use, notices sent to the 200 ft. radius, and comments received. Commissioner Lindsey made a motion, seconded by Commissioner Armstrong to approve the item as presented. Upon vote, motion carried 4-1.

3. Public hearing and consideration of a Specific Use Permit for placement of a full-service car wash at 610 East Market Street, Original, Block 17, Lots 6, 7A, 7B, 8, 9A, 9B, 10, Tract A, which is zoned Central Business District.

Chairman Davis opened the public hearing at 2:01 pm. Berry King spoke in favor and provided information on his businesses. No one spoke in opposition. Chairman Davis closed the public hearing at 2:05 pm. Planning Tech Susan Davis provided a summary concerning the location, requirement for installation of a grease trap and grit trap, notices sent to the 200 ft. radius, and comments received. Commissioner Lindsey made a motion, seconded by Commissioner Armstrong to approve the item as presented. Upon vote, motion carried 5-0.

4. Public hearing and consideration of a Specific Use Permit for equipment storage at 3580 Loop 256, Daniel McKinzie Survey, A-527, Block 1258, Tract 17C, which is zoned Retail Commercial.

Chairman Davis opened the public hearing at 2:14 pm. Matthew Starr spoke in favor and described initial storage use, screening, and plans for a future office. No one spoke in opposition. Chairman Davis closed the public hearing at 2:17 pm. Planning Tech Susan Davis provided a summary concerning the location, notices sent to the 200 ft. radius, and comments received. Commissioner Armstrong made a motion, seconded by Commissioner Lindsey to approve the item as presented. Upon vote, motion carried 5-0.

5. Public hearing and consideration of a Specific Use Permit allowing a private tattoo salon at 310 West Oak Street, Original, Block 164, Lot 19B and 20B; zoned Central Business District and within the Historic Overlay.

Chairman Davis opened the public hearing at 2:27 pm. Tina Gray spoke in favor and provided information on her studio in North Carolina where she partially resides, and leased space in an existing salon. Seth Blood spoke in opposition expressing concerns of maintaining procedures and transfer of the specific use permit. Chairman Davis closed the public hearing at 2:34 pm. Planning Tech Susan Davis provided a summary concerning the location and proximity to an existing tattoo facility, notices sent to the 200 ft. radius, and comments received. Commissioner Lindsey made a motion, seconded by Commissioner Armstrong to approve the item as presented. Upon vote, motion carried 4-1.

6. Public hearing and consideration of an ordinance amending Chapter 39, Section 39.5.3, Use Definitions to amend the proposed definition for Limited-Service Hotel.

Item pulled from the agenda.

7. Public hearing and consideration of an ordinance amending Chapter 39, Section 39.2.4, Supplementary Use Requirements to add use requirements for hotels.

Item pulled from the agenda.

ADJOURN

With no other business to come before the Commission, Commissioner Armstrong made a motion, seconded by Commissioner Lindsey, to adjourn the meeting at 2:48 p.m. Motion carried 5-0.

PASSED AND APPROVED THIS 7th DAY OF NOVEMBER 2024.

Dan Davis, Chairman

ATTEST:

Susan Davis, Planning Tech



Agenda Date: 11/07/2024
To: Planning and Zoning Commission
From: Susan Davis, Planning Technician
Agenda Item: Consider a Preliminary Plat for the Hidden Hills Addition
Date Submitted: 10/31/2024

SUMMARY:

Review and consideration of a Preliminary Plat for the Hidden Hills Addition, consisting of 18.63 acres situated in the Joseph Jordan Survey, Abstract 33, Anderson County, Texas. The applicant, JD Builders & Developers, LLC, has attended a redevelopment meeting with city staff and has submitted an annexation request.

RECOMMENDED ACTION:

For review and consideration.

CITY MANAGER APPROVAL:

Attachments

Plat Application
Preliminary Plat



PRELIMINARY PLAT APPLICATION

PERMIT #:	240634	DATE ISSUED:	9/24/2024
JOB	HIDDEN HILLS ADDITIO	EXPIRES:	10/24/2024
ADDRESS:			
ISSUED TO:	JD BUILDERS AND DEVELOPERS, LL	CONTRACTOR:	JD BUILDERS AND DEVELOPERS, LL
ADDRESS	12941 NORTH FWY STE 800B	ADDRESS:	12941 NORTH FWY STE 800B
CITY, STATE	HOUSTON TX 77060-1240	CITY, STATE	HOUSTON TX 77060-1240
ZIP:		ZIP:	
PHONE:	903-767-9364	PHONE:	
DESC. OF WORK:	PLAT		
CONST. TYPE:		PROJECT SIZE:	0.00
PROJ VALU:	\$ 0	CLASS OF WORK:	PRELIMINARY PLAT
ARCHITECT:		MAX OCC.	
PROPERTY		LOAD:	
USE:		OCCUPANCY:	

WORK DESCRIPTION: PLAT APPLICATION RECEIVED TO ALLOW FOR RESIDENTIAL SINGLE FAMILY HOUSING DEVELOPMENT CONSTRUCTION- RCVD AND REQUESTED BY S. DAVIS 9-24-2024

FEE CODE	DESCRIPTION	AMOUNT
PLC-PRE	PRELIMINARY PLAT RESIDENTIAL/COMMERCIAL	\$ 150.00
PLC-PRE	PRELIMINARY PLAT RESIDENTIAL/COMMERCIAL(\$10 PER LOT)	\$ 720.00
TOTAL		\$ 870.00

NOTICE
THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 6 MONTHS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 6 MONTHS AT ANY TIME AFTER WORK IS STARTED.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provision of any other state or local law regulating construction or the performances of construction and that I make this statement under penalty of perjury.

Signature on Application
(SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT)
Janet Migliaccio
(BUILDING/PLANNING DEPT)

9/24/24
DATE
9/24/24
DATE

FOR INSPECTIONS PLEASE CALL (903)731-8435

#240634

**PLAT APPLICATION****TYPE OF PLAT**

<input type="checkbox"/> Amending Plat	<input checked="" type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Final Plat	<input type="checkbox"/> Minor Plat	<input type="checkbox"/> Replat
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PROPERTY INFORMATION

Address (if available): _____

Legal Description: Tract 17, 17A, 17B, 17C; Block 1226 (18.63 Acres) Joseph Jordan SurveyZoning Classification: Urban ResidentialCurrent Property Use: UndevelopedReason for Plat Application: To allow for residential Single Family housing developmentProposed Subdivision Name: Hidden Hills AdditionExisting Deed Restrictions: ☐ Yes (Attach a copy with the application) ☒ NoProposed Deed Restrictions: ☐ Yes (Attach a copy with the application) ☒ No**APPLICANT INFORMATION**Applicant Name: JD Builders and Developers, LLCAddress: 12941 North Freeway, Suite 800BCity: HoustonState: TXZip: 77060Phone Number: 903-767-9364Email: Diazgeorge720@gmail.com

Fax: _____

OWNER INFORMATIONOwner Name: JD Builders and Developers LLCAddress: 12941 North Freeway, Suite 800DCity: HoustonState: TXZip: 77060Phone Number 903-767-9364 Email: Diazgeorge720@gmail.com

Fax: _____

ENGINEER INFORMATIONFirm Name: The CT Brannon CorporationEngineer Name: Robert A. Breedlove, PECity: TylerState: TXZip: 75701Phone Number: 903-597-2122 Email: Breedlove@brannoncorp.com

Fax: _____



PLAT APPLICATION

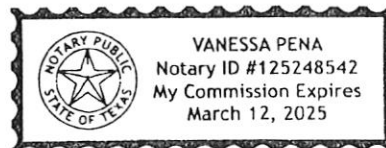
PROPERTY OWNER OR AUTHORIZED APPLICANT ACKNOWLEDGEMENT

I acknowledge under penalty of perjury that I am the legal owner of the property described in the application or, alternatively, that I am authorized to represent all of the owners of the property described in this application.

State of: TX County of: HARRIS

This instrument was acknowledged before me on the 9/4/24
Day/Month/Year

By: VANESSA PENA



Signature of Notary Public

Signature of Applicant

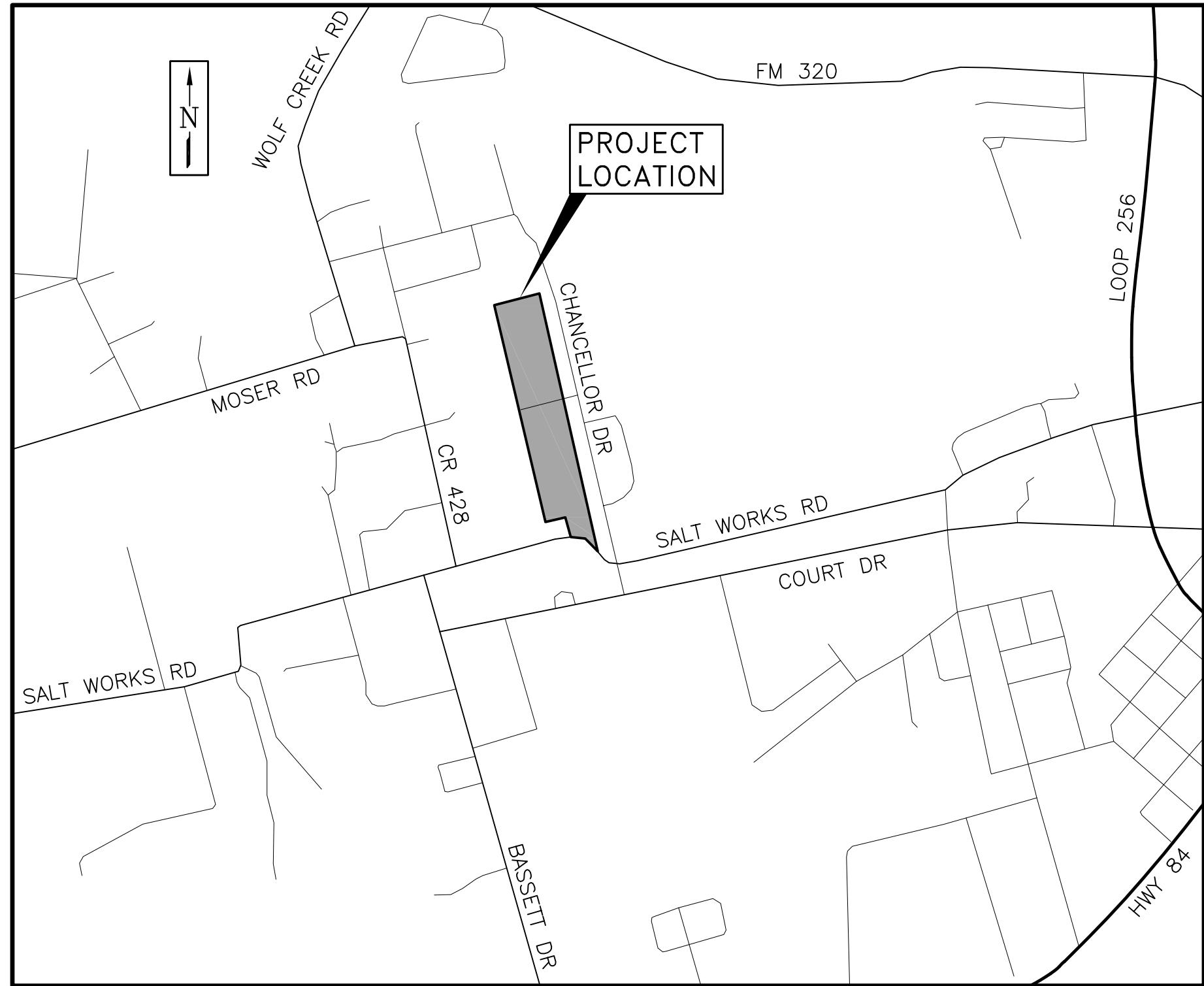
APPROXIMATE LOCATION
OF CITY LIMITS
LION PERRY SURVEY
ABSTRACT NO. 646
(VOL. 2390, P. 434 O.P.R.A.C.T.)

APPROXIMATE LOCATION
OF CITY LIMITS
JOSEPH JORDAN SURVEY
ABSTRACT NO. 33
(VOL. 2390, P. 434 O.P.R.A.C.T.)

APPROXIMATE LOCATION
OF CITY LIMITS
HAPPY ACRES SUBDIVISION
(ENV. 106A M.R.A.C.T.)

APPROXIMATE LOCATION
OF CITY LIMITS
LOT 4, BLOCK 11

APPROXIMATE LOCATION
OF CITY LIMITS
WILLIAM W. WILSON



VICINITY MAP

REMAINDER OF CALLED
194.7 ACRES, PARCEL ONE
TRAVIS DEWAYNE BROOKS
(VOL. 2390, P. 434 O.P.R.A.C.T.)
(REF. VOL. 786, P. 578 D.R.A.C.T.)

REMAINDER OF CALLED
25.985 ACRES, PARCEL ONE
DAVID L. CASTLEBERRY
(VOL. 2603, P. 779
O.P.R.A.C.T.)

REMAINDER OF CALLED 19.36 ACRES
CLARA M. PAGE, TRUSTEE
(VOL. 2237, P. 632 O.P.R.A.C.T.)

GENERAL NOTES

PROPOSED ZONING: URBAN RESIDENTIAL (UR)

OVERALL ACREAGE: 18.63 AC

ACCESS TO SUBDIVISION FROM SALT WORKS ROAD AND PRAIRIE LANE.

PROPOSED SINGLE FAMILY USAGE WITH DENSITY OF 3.86 LOTS PER ACRE.

STREET RIGHT OF WAY:
50' RIGHT OF WAY ON ALL STREETS

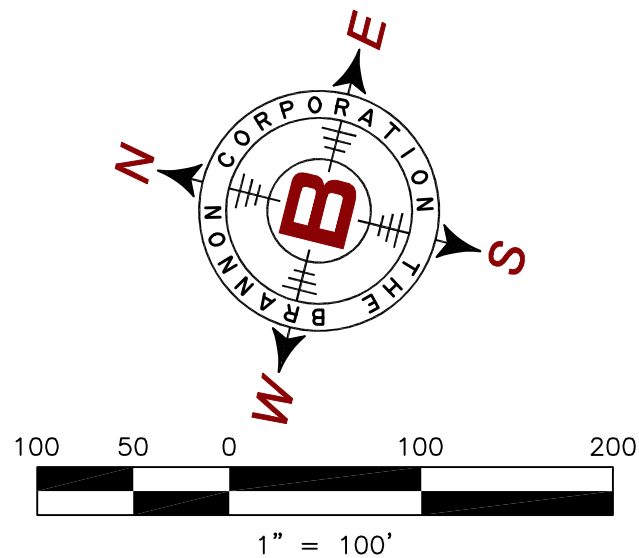
STREET WIDTHS:
ALL STREETS ARE 29' WIDE FROM BACK OF CURB TO BACK OF CURB.

PROPERTY WILL BE DEVELOPED IN 5 PHASES;

UTILITIES:

WATER — CITY OF PALESTINE
SEWER — CITY OF PALESTINE
ELEC. — ONCOR
CABLE — OPTIMUM
GAS — ATMOS
PHONE — AT&T

EXISTING ZONING — NONE (SOUTH EDGE AND EAST EDGE OF PROPERTY BORDERS URBAN RESIDENTIAL ZONING)
LOCATED OUTSIDE THE CITY LIMITS OF PALESTINE, TX.



DESIGNED BY: RAB

DATE: OCTOBER 2024



THE C.T. BRANNON CORPORATION
TX FIRM REG. #F-242
BRANNONCORP.COM



PRELIMINARY PLAT
FOR
HIDDEN HILLS ADDITION
JD BUILDERS & DEVELOPERS, LLC.
PALESTINE, TEXAS

REVISIONS		NO.	DATE	REMARKS

ISSUED FOR:

PROJECT NO. 24145
SHEET NO. P

PRELIMINARY PLAT

OWNER:
JD BUILDERS & DEVELOPERS, LLC.
12941 NORTH FREEWAY
SUITE 800 B
HOUSTON, TX 77060

ENGINEER:
THE C.T. BRANNON CORPORATION
1321 S. BROADWAY AVE.
TYLER, TX. 75701

SURVEYOR:
BY-LINE SURVEYING, LLC.
P.O. BOX 834
EMORY, TX 75440



Agenda Date: 11/07/2024
To: Planning and Zoning Commission
From: Susan Davis, Planning Technician
Agenda Item: Discussion concerning Manufactured Homes within the City Limits
Date Submitted: 11/01/2024

SUMMARY:

Discussion concerning Chapter 39, Zoning Code, Article II, Section 39.2.2-13, Land Use Chart regarding Manufactured Homes which are currently allowed by right in the Manufactured Home Park District and the Manufactured Home Overlay District; and by Specific Use Permit in the Residential Estate, Mixed Residential, and Industrial Zoning Districts. The Specific Use Permit Process, including the conditions, are stated in Chapter 39, Zoning Code, Article IV, Section 39.4.3-2.

RECOMMENDED ACTION:

For discussion.

CITY MANAGER APPROVAL:

Attachments

Ordinances

Manufactured Home Overlay

Sec. 39.2.2-12. Manufactured home overlay district (MHO).

- (1) *Purpose.* The MHO - Manufactured home overlay district is intended to offer affordable housing option and flexibility in appropriate areas of the city.
 - (2) *Allowed uses.* In addition to the uses allowed in the base district, MHO will allow a manufactured home by right subject to additional regulations as described in section 39.2.4-32, manufactured and mobile homes.
 - (3) *Accessory uses.* All accessory use regulations of the base district shall be allowed.
 - (4) *Other requirements.* Article III, divisions 1—7 of this ordinance [chapter] shall apply.
- (Ord. No. O-20-20, § 2(Exh. A), 9-14-2020; Ord. No. O-18-21, § 4(Att. A), 1-25-2021)

Sec. 39.2.2-6. Manufactured housing and mobile home park (MHP).

- (1) *Purpose.* The MHP - Manufactured home park district is intended to provide for a quality manufactured home park subdivision development containing many of the characteristics and atmosphere of a conventional type single-family residential subdivision on the lot, while adding to the rural, open space character to the city.
- (2) *Allowed uses.* Buildings or land shall not be used, and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance [chapter]. Land and/or buildings in this district may be used as shown in section 39.2.2-13 as denoted by the following abbreviations:
 - (a) *Permitted use (P).* Land and/or buildings in this district may be used by right, subject to all other applicable provisions of this ordinance [chapter].
 - (b) *Specific use (S).* Land and/or buildings are subject to article II, division 4, and will be reviewed and permitted in accordance with article IV, division 3, section 39.4.3-2 of this ordinance [chapter].
 - (c) *Not permitted.* Blank cells indicate that a use is not permitted within the zoning district.
- (3) *Accessory uses.* Accessory use of land shall not exceed five percent of the total land area.
 - (a) Accessory use shall be determined based on the definition of accessory use in article V.
 - (b) Accessory structures shall also be subject to the requirements of section 39.2.4-2.
 - (c) An accessory structure which has a horizontal area exceeding 25 square feet and is attached to a manufactured home or located within ten feet of its window and has an opaque top or roof that is higher than the nearest window, shall, for purposes of all separation requirements, be considered part of the manufactured home.
- (4) *Other requirements.*
 - (a) Parking and loading: See article III, division 3.
 - (b) Landscaping and tree preservation: See article III, division 4.
 - (c) Screening and fencing: See article III, division 5.
 - (d) Signs: Temporary signage for seasonal sale of products will be allowed in accordance with article III, division 6.
 - (e) Outdoor storage: Is not allowed in this district.
 - (f) Principle dwelling and/or accessory use in manufactured home park district may use shipping/cargo containers or tiny house, subject to requirements in article II, division 4.
 - (g) All standards applying to general subdivision developments with regard to all utilities public and private streets, sidewalks (per chapter 40, subdivision ordinance of the Code of Ordinances and article III, division I, of this ordinance [chapter]) and fire per City of Palestine's adopted Fire Code shall apply to the design and development of a manufactured home park.
 - (h) No part of any manufactured home park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park, and those found in section 39.2.2-13 land use chart.
 - (i) Manufactured homes shall be anchored in accordance with standards promulgated by the state department of licensing and regulation.
 - (j) All manufactured homes shall be underpinned.

(5) *Spatial requirements.*

Requirements	Lot	Principal Building	Accessory Building
Manufactured Home Park/Development			
Min. area	3 acre	1,000 sq. ft.	-
Max. density	10/acre (50 DU/5 acre)		
Min. width	40 ft.	-	-
Min. depth	100 ft.	-	-
Min. front yard setback	-	10 ft.	25 ft.
Min. side yard setback	-	6 ft.	6 ft.
Min. side street yard setback	-	10 ft.	10 ft.
Min. rear yard setback	-	10 ft.	10 ft.
Min. setback from other permanent structures	-	20 ft.	20 ft.
Mobile Home			
Min. area	4,000 sq. ft.	-	-
Min. width	40 ft.	-	-
Min. depth	100 ft.	-	-
Min. front yard setback	-	10 ft.	25 ft.
Min. side yard setback	-	6 ft.	6 ft.
Min. side street yard setback	-	10 ft.	10 ft.
Min. rear yard setback	-	10 ft.	10 ft.
Min. setback from other permanent structures	-	20 ft.	20 ft.
Min. setback from common parking area or other common areas	-	5 ft.	5 ft.
Max. height	-	20 ft.	25 ft.

(Ord. No. O-20-20, § 2(Exh. A), 9-14-2020; Ord. No. O-18-21, § 4(Att. A), 1-25-2021)

Sec. 39.4.3-2. Specific use permit (SUP) process.

- (1) *Applicability.* When allowed in section 39.2.2-13 land use chart, a person may petition the city council to approve a special use permit for such use on a property that they have a proprietary interest in accordance with the requirements and procedures set forth in this section.
- (2) *Procedure.* Any property owner wishing to use their property for a land use that is allowed by special use permit may make an application to the city manager or his/her designee in the following manner:
 - (a) All requests for a special use permit shall be submitted together with required fees to the city manager or his/her designee which shall cause public notices to be sent as required per section 39.4.2-7 and subsection 39.4.2-8(6)(a) by law and the application placed on the planning and zoning commission agenda for a public hearing.
 - (b) A recommendation from the planning and zoning commission shall cause public notices to be sent as required per section 39.4.2-7 and subsection 39.4.2-8(6)(a) by law and the application placed on the city council agenda for a public hearing.
 - (c) Before taking any action on a specific use permit (SUP) application, the city council shall receive and review the planning and zoning commission recommendation and final report. All requests for specific use permit (SUP) shall include an application fee for processing the request and hearings before the city planning and zoning commission and the city council. These fees shall be in an amount set forth in the fee schedule adopted by the city council. In addition to the required fee, each application shall contain the following information:
 - i. Accurate legal description of the subject property which is either a lot and block number to a plat of record in the Anderson County deed records or a metes and bounds description which will close and properly identify the property;
 - ii. Location and street address of subject property;
 - iii. Name, address, and telephone number of the present owner(s) of the property, together with proof of ownership. Proof of ownership may be made with the original of a deed or other instrument of conveyance or by certified copy of such instrument or by owner's or mortgagee's policy of title insurance or by the attorney's opinion of title by any attorney licensed to practice law in the State of Texas;
 - iv. Current zoning classification;
 - v. Current status of development of subject property including general statement of its development and description of all existing improvements;
 - vi. Applicant's reasons for desiring specific use permit (SUP);
 - vii. Existing deed restrictions, proposed deed restrictions;
 - viii. Current status of planning and proposed development and time required for proposed development;
 - ix. A site plan as described in subsection 39.4.3-4(2)(d);
 - x. Surveyor's map or plat of the proposed property if deemed necessary by the city manager or his/her designee; and
 - xi. Each application must be signed by the owner(s), or owner(s) agent, giving applicant's mailing address and his proprietary status with reference to the property. In addition, each application shall contain a certificate signed and sworn by the applicant stating that the applicant is the

owner(s) or agent(s) of the owner(s) of the subject property and therefore authorized to make such application.

- (d) The application fee will entitle applicant to have his/her application processed to allow a specific use for a single, contiguous parcel of property. When in the opinion of the city manager or his/her designee, the property requesting the specific use permit (SUP) is so large that the expenses of the city will exceed the application fee, the city manager or his/her designee may require a fee to be paid equal to the city's expense in sending out and publishing the notice required by state law for a specific use permit (SUP).
- (3) *Standards for approval.* The planning and zoning commission and the city council shall consider the following when reviewing an application for a specific use permit (SUP) on a property:
 - (a) Conformance with applicable regulations and standards established by this zoning ordinance;
 - (b) Compatibility with the comprehensive plan;
 - (c) Compatibility with existing or permitted uses on neighboring properties in terms of building height, bulk, scale, setbacks, open spaces, landscaping and site development, and access and circulation capacity; unless the neighboring properties are nonconforming and/or not in compliance with the comprehensive plan and approval of the specific use permit (SUP) will bring the requested property in compliance with this chapter and the city's comprehensive plan;
 - (d) Potentially unfavorable effects or impacts on existing or permitted uses on adjacent sites, to the extent such impacts exceed those that reasonably may result from use of the site by a permitted use, including without limitation:
 - i. Location, lighting and type of signs, and the relation of signs to adjacent properties;
 - ii. Noise producing elements;
 - iii. Glare of vehicular and stationary lights and effect of such lights on the established character of the neighborhood;
 - iv. Safety from fire hazard, and measures for fire control; and
 - v. Protection of adjacent property from drainage, floods, erosion or other water damage.
 - (e) Safety and convenience of vehicular and pedestrian circulation on the premises and in the area immediately surrounding the site, and the effect of traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and proposed land uses in the area and the ability of the city's existing transportation network to handle the traffic.
- (4) *Effect of denial.* "Denial with prejudice" of the specific use permit (SUP) request by the city council will require a two-year wait period before a similar request on that property can be reconsidered by the city. A simple "denial" of the specific use permit (SUP) request by the city council will require a six-month wait period before a similar request on that property can be reconsidered by the city.
- (5) *Validity.* Approval of a specific use request is not owner specific but stays with the property, until such time that the entire process is repeated to amend/repeal the specific use permit (SUP) from the property. A specific use permit (SUP) shall automatically expire in the following cases:
 - (a) Time period specified in the specific use permit (SUP) ordinance has expired;
 - (b) There is a change in use on the property;
 - (c) The use is relocated; or
 - (d) The use ceases for a period of six consecutive months.

(6) *Procedures for the manufactured home specific use permit.*

- (a) Complete and submit a specific use permit application. A site plan, a floor plan, and pictures of the proposed home must be submitted. A permit fee of \$125.00 is paid at the time of submittal.
- (b) The building permits office will send out notifications by certified mail to each taxpayer as ownership appears on the last approved tax roll, located within a 200-foot radius of the proposed property at least ten days prior to the next regularly scheduled planning and zoning commission meeting. The notifications will request a reply of "in favor" or "opposed" from the property owners regarding the placement of the manufactured home.
- (c) Planning and zoning commission and the city council person from that said council district will review the submittal documents and the property owners' reply letters. An approval will be given if at least 50 percent of the reply letters received from each taxpayer as ownership appears on the last approved tax roll, and have an "in favor" reply; along with an approval from a majority of the commission with the council person's approval. At this time, the approval is final, and a building permit is issued by the building official.
- (d) A city council approval is required for the specific use permit when it is not approved by the planning and zoning commission. A public notice is published in the local newspaper at least 15 days prior to the next regularly scheduled city council meeting. The city council may or may not overturn the decision made by the planning and zoning commission.
- (e) Manufactured homes proposed within the manufactured home overlay district do not require the specific use permit.
- (f) The placement of the manufactured home requires the following conditions:
 - i. The front of the mobile home shall face the street. For purposes of this section, the front of the mobile home will always be on one of the longest sides of the mobile home and shall be the side of the home which is more attractive and designed by the manufacturer with the more attractive "front door".
 - ii. The lot shall provide all-weather off-street parking spaces for two vehicles.
 - iii. Only double-wide mobile homes shall be considered for a specific use permit.
 - iv. No mobile home manufactured over five years from the date of filing for the specific use permit shall be allowed.
 - v. Non-combustible and solid underpinning shall be installed prior to a certificate of occupancy being issued.

(Ord. No. O-20-20 , § 2(Exh. A), 9-14-2020; Ord. No. O-18-21 , § 4(Att. A), 1-25-2021)

