

ORDINANCE NO. 0588-23-SUP

AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL, AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR COMMERCIAL AMUSEMENT (OUTDOOR) ON APPROXIMATELY 3.175 ACRES OUT OF THE S.M. HAYDEN SURVEY, ABSTRACT NUMBER 537, LOCATED EAST OF BARFKNECHT LANE, APPROXIMATELY 1,540 FEET SOUTH OF MIDWAY ROAD, AND ZONED LIGHT INDUSTRIAL (LI) DISTRICT; PROVIDING FOR A REPEALER, SEVERABILITY, PENALTY, AND AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, applications were made requesting approval of a Special Use Permit for Commercial Amusement (Outdoor) by making applications for same with the Planning and Zoning Commission of the City of Lewisville, Texas, as required by state statutes and the Zoning Ordinances of the City of Lewisville, Texas; and said Planning and Zoning Commission has recommended that the Special Use Permit on the approximately 3.175-acre tract, as described in the attached Exhibit “A” (the “Property”), be **approved**; and

WHEREAS, this application for a Special Use Permit comes before the City Council of the City of Lewisville, Texas (the “City Council”) after all legal notices, requirements, conditions and prerequisites have been met; and

WHEREAS, the City Council at a public hearing has determined that the proposed use, subject to the condition(s) stated herein: (1) is compatible with the surrounding uses and community facilities; (2) is compatible with the comprehensive plan and any adopted long-range plans addressing the area; (3) enhances or promotes the welfare of the area; (4) is not detrimental to the

public health, safety, or general welfare; and (5) conforms with all zoning regulations and standards; and

WHEREAS, the City Council has determined that establishing the conditions outlined in this Special Use Permit is in the interest of the public welfare and will minimize the impact of the proposed use on the surrounding properties.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, THAT:

SECTION 1. FINDINGS INCORPORATED. The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

SECTION 2. SPECIAL USE PERMIT GRANTED. Subject to the conditions provided for herein, applicant is granted a Special Use Permit to allow Commercial Amusement (Outdoor) on the Property, which is zoned Light Industrial (LI) District.

SECTION 3. CONDITIONS OF SPECIAL USE PERMIT. The Property shall be developed and maintained:

1. in compliance with the zoning plan attached hereto as Exhibit “B”; and
2. in accordance with all federal, state, and local laws and regulations.

SECTION 4. CORRECTING OFFICIAL ZONING MAP. The Planning Director, or his designee, is hereby directed to correct the official zoning map of the City of Lewisville, Texas, to reflect this Special Use Permit.

SECTION 5. COMPLIANCE WITH ALL OTHER MUNICIPAL REGULATIONS. The Property shall comply with all applicable municipal ordinances, as amended. The granting of

this Special Use Permit has no effect on uses permitted by right and does not waive the regulations of the underlying zoning district. In no way shall this Special Use Permit be interpreted to be a variance to any municipal ordinance.

SECTION 6. TERMINATION. The Special Use Permit shall automatically terminate if the use of the Property requiring the Special Use Permit is ceased for a period of ninety (90) days or longer.

SECTION 7. REPEAL. If the approved conditions outlined herein are not being met, the City Council may call a public hearing, on its own motion, to consider repealing this ordinance.

SECTION 8. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are here by repealed.

SECTION 9. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

SECTION 10. PENALTY. Any person, firm or corporation who violates any provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the Municipal Court, shall be subject to a fine of not more than \$2,000.00 for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 11. EFFECTIVE DATE. This Ordinance shall take effect and be in full force and effect from and after the date of its passage and publication as required by law.

SECTION 12. EMERGENCY. It being for the public welfare that this Ordinance be passed creates an emergency and public necessity and the rule requiring this Ordinance be read on three separate occasions be, and the same is hereby, waived and this Ordinance shall be in full force and effect from and after its passage and approval and publication, as the law in such cases provides.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 11TH DAY OF SEPTEMBER, 2023.

APPROVED:

TJ Gilmore, MAYOR

ATTEST:

Thomas Harris III, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

Exhibit A
Property Description

Exhibit B
Zoning Plan