

ORDINANCE NO. _____

AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL, AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR AN ACCESSORY STRUCTURE SET BACK LESS THAN FIVE FEET FROM THE SIDE LOT LINE ON APPROXIMATELY 0.0578 ACRES, LEGALLY DESCRIBED AS LOT 44, BLOCK A, ROCKBROOK PLACE, LOCATED AT 434 HAMILTON STREET, AND ZONED TOWNHOUSE TWO RESIDENTIAL (TH-2) DISTRICT; PROVIDING FOR A SAVINGS CLAUSE, A REPEALER, SEVERABILITY, PENALTY, AND AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, a Special Use Permit for an Accessory Structure is required by the Unified Development Code in this instance based on the supplemental use regulations for Accessory Buildings/Accessory Structures in Section VII.3.2, specifically having an accessory structure which is set back less than five feet from the side lot line; and

WHEREAS, applications were made requesting approval of a Special Use Permit to allow an accessory structure to be set back less than five feet from the side lot line 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 0.0578-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 an accessory structure to be set back less than five feet from the side lot line of the Property, which is zoned Townhouse Two Residential (TH-2) 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. This 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. SAVINGS CLAUSE. Nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 9. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are here by repealed.

SECTION 10. 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 11. 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 12. 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 13. 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 6th DAY OF JANUARY, 2025.

APPROVED:

TJ Gilmore, MAYOR

ATTEST:

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Thomas Harris III, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

Exhibit A
Property Description

Exhibit B
Zoning Plan