

ORDINANCE NO. _____

AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL, AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR AN ACCESSORY STRUCTURE ON APPROXIMATELY 0.4132 ACRES, LEGALLY DESCRIBED AS HIVUE ADDITION, BLOCK A, LOT 7, LOCATED AT 528 DEGAN AVENUE, AND ZONED SINGLE-FAMILY RESIDENTIAL (R-7.5) DISTRICT; PROVIDING FOR A SAVINGS CLAUSE, REPEALER, SEVERABILITY, PENALTY, AND AN EFFECTIVE DATE.

WHEREAS, the Accessory Structure use described herein does not meet the supplemental use regulations for Accessory Buildings/Accessory Structures in Section VII.3.2 of the Unified Development Code (UDC), having the number and area of allowed accessory structures exceed the maximum allowed, and having the structure not be architecturally designed to be compatible with the principal building; and

WHEREAS, a Special Use Permit to modify the supplemental use regulations for the materials and number of Accessory Structures is therefore required by the UDC in this instance based on the supplemental use regulations for Accessory Buildings/Structures; and

WHEREAS, applications were made requesting approval of a Special Use Permit to modify the supplemental use regulations for an Accessory Structure 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 0.4132-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, Section VII.3 of the UDC allows the City Council to modify any supplemental use standards that cannot be met through the Special Use Permit process; and

WHEREAS, the City Council has determined that allowing the requested modifications to the applicable supplemental use regulations as outlined in this Special Use Permit to permit the use at this location, specifically, allowing three accessory structures totaling no more than 1264 square feet and having the structure not be architecturally designed to be compatible with the principal building, 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, the applicant is granted a Special Use Permit to allow an Accessory Structure as set forth in the recitals hereto on the Property, which is zoned Single-Family Residential (R7.5) 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. 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.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 18th DAY OF MAY, 2026.

APPROVED:

ORDINANCE NO. _____

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TJ Gilmore, MAYOR

ATTEST:

Jennifer Malone-Ippolito, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

Exhibit A
Property Description

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Exhibit B
Zoning Plan