

ORDINANCE NO. _____

AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL, AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR SMOKING ESTABLISHMENT ON A PORTION OF AN APPROXIMATELY 1.828-ACRE TRACT LEGALLY DESCRIBED AS HIGHPOINT OAKS ADDITION, LOT 3R1 AND BLOCK C, LOCATED AT 2680 DENTON TAP ROAD, AND ZONED LIGHT INDUSTRIAL (LI) DISTRICT; PROVIDING FOR A SAVINGS CLAUSE, REPEALER, SEVERABILITY, PENALTY, AND AN EFFECTIVE DATE.

WHEREAS, applications were made requesting approval of a Special Use Permit for Smoking Establishment 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 a portion of the approximately 1.828-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 the use of Smoking Establishment on a portion of the Property not to exceed 1,765 contiguous square feet, 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”;
2. in accordance with all federal, state, and local laws and regulations;
3. with the condition limiting the use of Smoking Establishment to 1,765 contiguous square feet on the Property (the “Premises”), initially located as shown in Exhibit “B”;
4. with the condition that any use of Smoking Establishment on the Property will verify customers’ ages and prohibit the sale or provision of shisha to anyone under the age of 21;

5. with the condition that any use of Smoking Establishment on the Property will install and maintain a commercial-grade ventilation and air-filtration system covering the entirety of the Premises that meets or exceeds all applicable health, building, and fire code requirements;
6. with the condition that any use of Smoking Establishment on the Property will implement sound-management measures on the Premises to minimize impacts on neighboring properties and residents, including but not limited to maintaining music and television volumes on the Premises at a level that allows patrons to hold conversations without raising their voices;
7. with the condition that any use of Smoking Establishment on the Property will not have a DJ booth or dance floor;
8. with the condition that no alcohol may be sold, served, possessed, or consumed on the Premises, including alcohol brought onto the Premises by patrons under a BYOB arrangement;
9. with the condition that hours of operation of any use of Smoking Establishment on the Property will be limited to Sunday through Thursday 11:00 a.m. to midnight and Friday and Saturday 11:00 a.m. to 2:00 a.m.;
10. with the condition that any change in ownership, tenancy, or operational control will terminate this Special Use Permit and
11. with the condition that the Special Use Permit will remain conditioned upon continued compliance with all applicable federal, state, and local laws, ordinances, regulations,

and permit requirements, and repeated or material violations occurring on the Premises constitute a failure to comply with this condition.

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 17th DAY OF AUGUST, 2026.

APPROVED:

TJ Gilmore, MAYOR

ATTEST:

Jennifer Ippolito, CITY SECRETARY

ORDINANCE NO. _____

Page 6

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

ORDINANCE NO. _____

Page 7

Exhibit A
Property Description

ORDINANCE NO. _____

Page 8

Exhibit B
Zoning Plan