

ORDINANCE _____

AN ORDINANCE OF THE CITY OF UNIVERSITY PARK, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE BY AMENDING SECTION 5.1.1 THE ZONING DISTRICT USE TABLE 5.1 TO AUTHORIZE “SMOKE SHOP” BY SPECIFIC USE PERMIT; PROVIDING DEFINITIONS AND CONDITIONS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and City Council of the City of University Park, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes to the Comprehensive Zoning Ordinance, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally, and the City Council of University Park is of the opinion and finds that the Comprehensive Zoning Ordinance of the City of University Park should be amended, **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PARK, TEXAS:

SECTION 1. That Article 5 of the “Zoning Ordinance”, Section 14.02.001 of the Code of Ordinances of the City of University Park, is amended in part by amending Section 5.1.1 “Table of Uses Allowed” in part to permit “Smoke Shop” by Specific Use Permit” in the GR, RC, SC, and C Districts as follows:

“Sec. 5.1 Principal Uses.

5.1.1 Table of Allowed Uses. Principal uses are allowed in accordance with Table 5-1.

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USE CATEGORY

Use Subcategory

Specific Use Type	GR	RC	SC	C
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....

Retail Sales (except as below)

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Smoke Shop	S	S	S	S	"
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SECTION 2. That Article 5 of the “Zoning Ordinance”, Section 14.02.001 of the Code of Ordinances of the City of University Park, is amended in part by amending Section 11.22 “Terms Beginning with “S” to add a definition and conditions for granting a Specific Use Permit in the GR, RC, SC, and C Districts for a Smoke Shop, as follows:

“11.22. Terms Beginning with “S”.

Setback:

Smoke Shop: A retail or wholesale business that sells or offers for sale, for any kind of consideration, tobacco, tobacco products, electronic smoking devices or paraphernalia and has ten percent (10%) or more of its square feet in the establishment used for the sale or display of tobacco, tobacco products, electronic smoking devices or paraphernalia. An amendatory zoning ordinance granting an SUP for a Smoke Shop shall be conditioned on the following: 1. An application for an SUP must be submitted to the Director of Community Development or his designee, including the required filing fee and a site plan drawn to scale showing the location and size of the use; 2. Compliance with all applicable requirements of Chapter 161 of the Texas Health & Safety Code, as amended, or any other applicable state law or City code or ordinance, provided that any word or term used but not defined in this section shall be defined as stated in Chapter 161; 3. That the location is at least _____ feet from any public or private school, public library, church, public park, or any other smoke shop; 4. That sales to any person under 18 years of age are prohibited; Comply with the City sign ordinance, provided no signage advertising tobacco, tobacco products, electronic smoking devices, or paraphernalia visible outside the premises shall be permitted; 5. Written approval from the property owner authorizing the use.”

SECTION 3. All provisions of the ordinances of the City of University Park in

conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of the Comprehensive Zoning Ordinance of the City of University Park shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

DULY PASSED by the City Council of the City of University Park, Texas, on the ____ day of _____ 2023.

APPROVED:

TOMMY STEWART, MAYOR

ATTEST:

CHRISTINE GREEN, CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY
(rld; 6/13/2023; 135364)

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DULY PASSED by the City Council of the City of University Park, Texas, on the _____ day of _____ 2023.

APPROVED:

TOMMY STEWART, MAYOR

ATTEST:

CHRISTINE GREEN, CITY SECRETARY

ORDINANCE _____

AN ORDINANCE OF THE CITY OF UNIVERSITY PARK, TEXAS, AMENDING THE CODE OF ORDINANCES, ARTICLE 14.02, BY AMENDING VARIOUS SECTIONS OF THE COMPREHENSIVE ZONING ORDINANCE; CORRECTING TYPOGRAPHICAL ERRORS; REVISING THE ZONING DISTRICT USE TABLE; ADDING LANGUAGE CLARIFYING REGULATIONS TO STATE EXISTING APPLICATIONS FOR EACH ZONING DISTRICT TO PRESERVE ITS INTENT; RECOGNIZING NONCONFORMING USES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

Duly passed by the City Council of the City of University Park, Texas, on the ____ day of _____ 2020.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY