

ORDINANCE NO. 11645-2024

AN ORDINANCE OF THE CITY OF GRAND PRAIRIE, TEXAS AMENDING THE ZONING ORDINANCE AND MAP BY AMENDING SPECIFIC USE PERMIT NO. 1125C TO CHANGE THE AUTHORIZED USE TO SMOKING LOUNGE: BEING SUITE 250 OF 906 W PIONEER PKWY, LEGALLY DESCRIBED AS LOT 2, BLOCK 1, GIBSON ADDITION, CITY OF GRAND PRAIRIE, DALLAS COUNTY, TEXAS; SAID ZONING MAP AND ORDINANCE BEING NUMBERED ORDINANCE NUMBER 4779 AND PASSED ON NOVEMBER 20, 1990; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION

WHEREAS, on February 15, 2022, hookah lounges and other smoking lounges were only allowed under the Amusement Services Use;

WHEREAS the City Council of the City of Grand Prairie approved Specific Use Permit No. 1125 for Amusement Services, authorizing the use and operation of a Hookah Lounge, said ordinance being numbered 11164-2022 and passed February 15, 2022; and

WHEREAS, SUP No. 1125 states that City Council shall conduct a public hearing six months after City Council adoption of the SUP ordinance to confirm compliance with all applicable codes; and

WHEREAS, Staff initiated the process to review SUP No. 1125 for compliance with SUP conditions, and modify, renew, or revoke if deemed appropriate based upon the review; and

WHEREAS, the City Council of the City of Grand Prairie approved Specific Use Permit No. 1125A for Amusement Services, authorizing the continued use and operation of a Hookah Lounge, said ordinance being numbered 11322- 2022 and passed December 13, 2022; and

WHEREAS, SUP No. 1125A states that City Council shall conduct a public hearing six months after City Council adoption of the SUP ordinance to confirm compliance with all applicable codes; and

WHEREAS, staff initiated the process to review SUP No. 1125A for compliance with SUP conditions, and modify, renew, or revoke if deemed appropriate based upon the review; and

WHEREAS, the City Council of the City of Grand Prairie approved Specific Use Permit No. 1125B for Amusement Services, authorizing the continued use and operation of a Hookah Lounge, said ordinance being numbered 11395-2023 and passed July 11, 2023; and

WHEREAS, SUP No. 1125B states that City Council shall conduct a public hearing one year after City Council adoption of the SUP ordinance to confirm compliance with all applicable codes; and

WHEREAS, staff initiated the process to review SUP No. 1125B for compliance with SUP conditions, and modify, renew, or revoke if deemed appropriate based upon the review; and

WHEREAS, the City Council of the City of Grand Prairie approved Specific Use Permit No. 1125C for Amusement Services, authorizing the continued use and operation of a Hookah Lounge, said ordinance being numbered 11625-2024 and passed September 17, 2024; and

WHEREAS, the Grand Prairie City Council created a new use category in the Unified Development Code of the City of Grand Prairie (UDC) for smoking lounges; and

WHEREAS, the City Council of the City of Grand Prairie, with the consent of the owner, desires to amend the SUP to change the use from Amusement Services for Hookah Lounge to the use of Smoking Lounge; and

WHEREAS, the Planning and Zoning Commission of Grand Prairie, Texas, held a public hearing on said SUP amendment on October 14, 2024, after written notice of such public hearing before the Planning and Zoning Commission on the Specific Use Permit had been sent to owners of real property lying within 300 feet of the property on which the review of a Specific Use Permit for Amusement Services is proposed, said Notice having been given not less than ten (10) days before the date set for hearing to all such owners who rendered their said property for City taxes as the ownership appears on the last approved City Tax Roll, and such Notice being served by depositing the same, properly addressed and postage paid, in the City Post Office; and

WHEREAS, after consideration of said SUP review, the Planning and Zoning Commission of the City of Grand Prairie, Texas voted 6 to 0 to recommend an amendment of Specific Use Permit No. 1125C to update the authorized use to reflect the current language of the Grand Prairie for Amusement Services, authorizing the continued use and operation of a Hookah Lounge to the City Council of Grand Prairie, Texas; and

WHEREAS, Notice was given of a further public hearing to be held by the City Council of the City of Grand Prairie, Texas, in the City Hall Plaza Building at 6:30 o'clock P.M. on November 5, 2024, to consider the advisability of amending the Zoning Ordinance and Map as recommended by the Planning and Zoning Commission, and all citizens and parties at interest were notified that they would have an opportunity to be heard, such Notice of the time and place of such hearing having been given at least fifteen (15) days prior to such hearing by publication in the, Fort Worth Star Telegram, Fort Worth, Texas, a newspaper of general circulation in such municipality; and

WHEREAS, all citizens and parties at interest have been given an opportunity to be heard on all the matter of the Specific Use Permit and the City Council of the City of Grand Prairie, Texas, being informed as to the location and nature of the specific use proposed on said property, as well as the nature and usability of surrounding property, have found and determined that the property in question, as well as other property within the city limits of the City of Grand Prairie, Texas, has changed in character since the enactment of the original Zoning Ordinance to the extent that a specific use may be made of said property as herein provided and by reason of changed conditions, does consider and find that this amendatory Ordinance should be enacted since its provisions are in the public interest and will promote the health, safety and welfare of the community.

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

SECTION 1. Ordinance Number 4779, being the Unified Development Code of the City of Grand Prairie, Texas, showing the locations and boundaries of certain districts, and said Zoning Ordinance and Map having been made a part of an Ordinance entitled:

"THE UNIFIED DEVELOPMENT CODE OF THE CITY OF GRAND PRAIRIE,

TEXAS, AS PASSED AND APPROVED BY THE CITY COUNCIL ON THE 20TH DAY OF NOVEMBER, 1990, TOGETHER WITH ALL AMENDMENTS THERETO AND ENACTING A REVISED ORDINANCE ESTABLISHING AND PROVIDING FOR ZONING REGULATIONS; CREATING USE DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN..."

passed and approved November 20, 1990, as amended, is hereby further amended so as to amend Specific Use Permit No. 1125C to change from Amusement Services authorizing a Hookah Lounge to a Smoking Lounge and amend certain conditions to align with changes in law, being Suite 250 of 906 W Pioneer Pkwy, legally described as Lot 2, Block 1, Gibson Addition, City of Grand Prairie, Dallas County, Texas, as depicted in Exhibit A – Location Map, attached hereto.

SECTION 2. The purpose of this Ordinance is to provide the appropriate restrictions and development controls that ensure this Specific Use Permit is compatible with the surrounding development and zoning and to also ensure that the development complies with the City's Comprehensive Plan and Unified Development Code.

SECTION 3. For development and operations for Amusement Services, the following standards and conditions are hereby established as part of this ordinance:

1. The development and operations shall adhere to the City Council approved Exhibit B - Site Plan and Exhibit C- Operations Plan.
2. Eight Liners shall not be allowed on the premises.
3. Operating hours shall limited to daily from 10am until 12am.
4. Individuals under the age of 18 will not be allowed inthe establishment.
5. Individuals under the age of 21 will not be allowed to smoke, possess, or purchase tobacco products, including e-cigarettes or vape devices.
6. Identification of all patrons shall be checked by staff prior to patrons entering the establishment to confirm the patron is at least 18 years of age.
7. Staff shall issue a wristband to patrons that are at least 21 years of age to indicate that they are allowed to smoke.
8. At the time of purchase, staff shall check identification for all individuals purchasing tobacco products or other items which require the purchaser to be of a certain age.
9. The business shall be operated in compliance with all state, federal, and local laws and regulations including those prohibiting or related to gambling, smoking, tobacco, and product packaging.
10. A "Food Establishment" as defined by Section 13-131 of the Grand Prairie Code of Ordinances, as amended, shall not be operated in conjunction with the Hookah Lounge.
11. The operator shall remove any and all signage referencing hours beyond what is authorized in the SUP from Zaza Hookah Lounge and shall post signage reflecting the hours of operation as required by the SUP conditions. The operator shall post hours of operation as required by the SUP conditions on the business website.

SECTION 4. The operations shall comply with the following:

1. By this Ordinance, this Specific Use Permit shall automatically terminate in accordance with Section 5.4.1 of the Unified Development Code if a Certificate of Occupancy is not issued for said use within one (1) year after City Council adoption of this Ordinance, or upon cessation of said use for a period of six (6) months or more.

2. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Grand Prairie. Violation of this provision may be punishable in accordance with Section 1-8 of the Code of Ordinances of the City.
3. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner; however, each new owner shall obtain a new Certificate of Occupancy.
4. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.
5. The operation of the facility shall be in strict compliance with all requirements of the Environmental Services Department, Building Inspections, Police Department and Fire Administration.
6. Any unsafe or unauthorized operations or activities may be determined as grounds for revocation of the Specific Use Permit by the City Council.

SECTION 5. It is further provided that in the case a section, clause, sentence or part of this Ordinance shall be deemed or adjudicated by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION 6. A violation of this Ordinance is a misdemeanor punishable in accordance with Section 1-8 of the Code of Ordinances of the City of Grand Prairie, Texas. The penalty provided herein shall be cumulative of other remedies provided by State law, and the power of injunction as provided in Texas Local Government Code Section 54.016, as amended, may be exercised in enforcing this ordinance whether or not there has been a complaint filed.

SECTION 7. The Unified Development Code of the City of Grand Prairie, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

SECTION 8. The terms and provisions of this Ordinance are severable and are governed by Section 1-4 of the Code of Ordinances of the City of Grand Prairie, Texas.

SECTION 9. That the Unified Development Code of the City of Grand Prairie, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

SECTION 10. This Ordinance shall be in full force and effect from and after its passage, approval, and publication.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS, ON THIS THE 5TH DAY OF NOVEMBER 2024.

**SPECIFIC USE PERMIT NO. 1125D
CASE NO. SUP-24-09-0042**

APPROVED:

A handwritten signature in black ink, appearing to read 'Ron Jensen', is written over a horizontal line.

Ron Jensen, Mayor

ATTEST:

APPROVED AS TO FORM:

City Secretary

City Attorney