

ORDINANCE NO. _____

AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL AMENDING ARTICLE III “DEVELOPMENT AND ZONING PROCEDURES” OF VOLUME II OF THE LEWISVILLE CITY CODE, KNOWN AS THE UNIFIED DEVELOPMENT CODE, BY AMENDING, CHAPTER III.6, “ZONING PETITIONS AND PROCEDURES” TO CLARIFY AND STREAMLINE THE ZONING PETITION PROCESS, INCLUDING APPEALS, AND ALIGN NOTIFICATION PROCEDURES WITH STATE STATUTES, AMENDING CHAPTER III.10, “ZONING REGULATION TEXT AMENDMENTS AND PROCEDURES” TO BROADEN ITS APPLICATION TO ALL TEXT AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE AND TO CLARIFY AND STREAMLINE THE TEXT AMENDMENT PROCESS, INCLUDING APPEALS, AND ALIGN NOTIFICATION PROCEDURES WITH STATE STATUTES; AND DELETING CHAPTER III.11, “PROCEDURES FOR ALL OTHER TEXT AMENDMENTS”; PROVIDING FOR A SAVINGS CLAUSE, REPEALER, SEVERABILITY, A PENALTY, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lewisville has determined that for the health, welfare and safety of its citizens certain amendments to Article III “Development and Zoning Procedures”, Chapter III.6, “Zoning Petitions and Procedures”, Chapter III.10, “Zoning Regulation Text Amendments and Procedures” and Chapter III.11, “Procedures for All Other Text Amendments”, of Volume II of the Lewisville City Code, known as the Unified Development Code, are necessary; and

WHEREAS, changes to UDC provisions governing notice of certain zoning petitions to owners of recently annexed land, public hearing and notice sign requirements, public hearing and notice website requirements, protest requirements, and notice requirements for comprehensive zoning changes are required to ensure compliance with state statute;

WHEREAS, clarification of the procedure required when an applicant requests to withdraw or reschedule was necessary in order to align the ordinance with current practices, and

WHEREAS, requirements of the Planning and Zoning Commission to offer reasons for denial was removed to prevent the need for repetitive reasons and streamline the meetings, recognizing offering explanation is a best practice but not required by ordinance, and

WHEREAS, language on the timing of publishing public hearing notification has been amended to allow amendments to proceed faster while still maintaining the required notifications, and

WHEREAS, procedures for text amendments to zoning standards and all other text amendments were combined to simplify procedures for application, staff and city council, and

WHEREAS, the state introduced less stringent public hearing notice requirements and protests thresholds for certain types of comprehensive zoning changes that can be reflected in the City's zoning ordinances

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS:

SECTION 1. Article III "Development and Zoning Procedures", is hereby amended by deleting Chapter III.6 in its entirety and replacing it with a new Chapter III.6, as set forth in **Exhibit A** attached hereto and incorporated into this ordinance as though set forth herein.

SECTION 2. Article III “Development and Zoning Procedures”, is hereby amended by deleting Chapter III.10 in its entirety and replacing it with a new Chapter III.10 to be entitled “Text Amendments and Procedures”, as set forth in **Exhibit B** attached hereto and incorporated into this ordinance as though set forth herein.

SECTION 3. Article III “Development and Zoning Procedures”, Chapter III.11 “Procedures for all Other Text Amendments”, is hereby deleted in its entirety and reserved for future use.

SECTION 4. SAVINGS CLAUSE. Nothing in this ordinance shall be construed to affect any suit or proceeding pending in 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 5. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION 6. 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 7. 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 every day such offense is continued shall constitute a separate offense.

SECTION 8. 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 3RD DAY OF AUGUST, 2026.

APPROVED:

TJ Gilmore, MAYOR

ATTEST:

Jennifer Ippolito, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

EXHIBIT A

CHAPTER III.6, Zoning Petitions and Procedures

Section III.6.1. Purpose

This chapter describes the procedures for zoning petitions on property to change to another zoning district as is established in Subpart 2, to adopt a Planned Development Zoning District or to adopt a Special Use Permit, in accordance with the provisions of Chapter 211 of the Texas Local Government Code.

Section III.6.2. Initiation of Zoning Petitions

Zoning Petitions may be initiated as follows:

- A. Any person may initiate a zoning district petition provided they are the property owner or the property owner's designated agent of the subject property. If the applicant is a designated agent, the zoning petition shall include a written letter of authorization from the property owner authorizing the agent to file the application. Such zoning petition shall be made in writing on a form provided by the Planning Department and shall be submitted to the Planning Department accompanied by the appropriate fee set forth in Volume 1, Chapter 2, Article VIII, Section 2-201 of the Code of Ordinances.*

B. City staff or the Planning and Zoning Commission, on its own motion, may initiate proceedings to consider a change in zoning petition on any property.

Section III.6.3. Petition Requirements

To ensure the submission of adequate information, the Planning Department shall maintain, update and distribute a list of specific requirements for each type of zoning petition. In addition, all zoning petitions shall include the following:

- A. Property location and boundaries;
- B. The acreage of the property;
- C. The current and proposed zoning designation;
- D. The zoning designations on adjacent properties; and
- E. A statement reading as follows: "Approval of the zoning case associated with this exhibit shall not imply approval of any associated study, plat or plan, approval of development standards shown hereon, or the initiation of the development process. Planning and Zoning Commission and/ or City Council action on studies, plats or plans relating to the development of this property shall be considered as an action separate from action taken on this zoning case".

Section III.6.4. Public Hearing and Public Notice Requirements

Notice of a public hearing for zoning petitions before the Planning and Zoning Commission and City Council shall meet or exceed the requirements of the Texas Local Government Code, as follows:

*A. **Planning and Zoning Commission Public Hearings** - Not later than the 10th day before the hearing date, written notice of a proposed change in a zoning classification shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property on which the change in classification is proposed. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail. For recently annexed land that is not included on the most recent tax roll, notice shall be given by published notice in a newspaper of general circulation in the City. This notice shall not be required for a proposed comprehensive zoning change as that term is defined in Section 211.0011 of the Texas Local Government Code, as it exists or may be amended.*

*B. **City Council Public Hearings** - For changes in zoning for property, a notice of a public hearing before the City Council hearing shall be published in a newspaper of general circulation in the City and on the City website, stating the time and place of the hearing and the nature of the requested zoning change or amendment to regulations or text of the*

ordinance. The notice shall be published before the 15th day before the date of the public hearing.

*C. **Signs** - The applicant shall place the appropriate zoning change sign(s) or Special Use Permit sign(s) on the subject property, in a form, manner and design approved by the City. The sign(s) shall remain in place until final action has been taken on the request by City Council. The minimum sign size shall be 24 inches long by 48 inches wide. Signs shall be posted not later than the 10th day prior to the public hearing by the Planning and Zoning Commission and remain posted on the property until the City Council public hearing. This requirement shall not apply to a proposed comprehensive zoning change as that term is defined in Section 211.0011 of the Texas Local Government Code, as it exists or may be amended.*

*D. **Notice of Nonconforming Use** - In addition to any other required notice, written notice of each public hearing regarding the adoption of the proposed change in zoning classification shall be sent, in compliance with Section 211.006(a-1) of the Texas Local Government Code, as amended, if the adoption of the proposed change in zoning classification will result in a current conforming use of a property becoming a nonconforming use.*

Section III.6.5. Planning and Zoning Commission Action

A. **Public Hearing Required** - *The Planning and Zoning Commission shall hold a public hearing on any zoning petition for any amendment or changes prior to making its recommendation and report to the City Council. The Commission may establish such regulations and restrictions regarding the presentation of a zoning request at the public hearing as they may deem necessary.*

1. **Request to Withdraw or Reschedule** - *Prior to the issuance of the notice of public hearing required by section III.6.4, the applicant may, by written notice, withdraw the zoning petition or request rescheduling of the public hearing to a later regular meeting of the Planning and Zoning Commission.*

2. *Once public notice is issued, the applicant may request the withdrawal of the zoning petition or the rescheduling of the public hearing only with the approval of the Planning and Zoning Commission.*

3. *The Planning and Zoning Commission may approve or reject a request to withdraw a zoning petition or reschedule the public hearing. If the request to withdraw or reschedule is rejected, the Planning and Zoning Commission shall conduct the public hearing as noticed.*

B. **Planning and Zoning Commission Action** - *Following the public hearing, the Planning and Zoning Commission may vote to make a recommendation to the City Council to approve, approve with*

amendments or deny in whole or in part the zoning petition. The Planning & Zoning Commission may table for study any zoning petition.

Section III.6.6. City Council Action

A. Public Hearing Required – *A public hearing shall be held after report and recommendation by the Planning and Zoning Commission on the zoning petition.*

B. Request to Withdraw or Table –

1. Prior to the publishing of the public notice required by section III.6.4, the applicant may withdraw the zoning petition by written notice or request rescheduling of the public hearing to a future regular meeting of the City Council.

2. Once the public notice is published, the applicant may request the withdrawal of the zoning petition or the rescheduling of the public hearing only with the approval of the City Council.

3. The City Council may approve or reject a request to withdraw a zoning petition or reschedule the public hearing. If the request to withdraw or reschedule is rejected, the council shall conduct the public hearing as noticed.

C. City Council Action - *After a public hearing, the City Council may approve, deny (in whole or in part), table, or refer the zoning designation*

change petition back to the Planning and Zoning Commission for further study.

*D. **Supermajority Vote Requirements** - An affirmative vote of at least three-fourths of all members of the City Council is required to approve a zoning designation change petition in the following circumstances:*

*1. **Recommendation of Denial** - If the Planning and Zoning Commission has recommended denial of a zoning petition. This requirement shall not apply to a recommended partial denial.*

*2. **Protests** - If a protest has been submitted as outlined in Section 211.0061 of the Texas Local Government Code, as amended and the zoning designation change petition in question is not a proposed comprehensive zoning change as that term is defined in Section 211.0011 of the Texas Local Government Code, as it exists or may be amended:*

*a. **Form of Protest** - Such protest must be in writing and must be signed by the owner(s) of the property in question.*

*b. **Presumption of Validity** - In all cases where a protest has been properly signed pursuant to this subsection, the City shall presume that the signature of the person(s) appearing on the protest are valid.*

*c. **Withdrawal of Signature From a Protest** - A withdrawal of a signature included in a protest must be in writing. In the event that multiple signatures for protests and signature withdrawals are filed on behalf of the same owner(s), the instrument with the latest date and time of execution controls.*

Section III.6.7. Recording a Change on the Official Zoning Map

All approved zoning petitions shall be referenced and the associated districts changed as applicable on the Official Zoning Map.

EXHIBIT B

CHAPTER III.10. Text Amendments and Procedures

Section III.10.1. Purpose

This Chapter describes the requirements and procedures for amending the text of the contained within this UDC, in accordance with the Texas Local Government Code.

Section III.10.2. Initiation of Text Amendments

Text amendments this UDC may be initiated by City Staff, the Planning and Zoning Commission or City Council. The Commission may, on its own motion or on request from City Council, propose changes and amendments in the public interest.

Section III.10.3. Public Hearing and Public Notice Requirements

Notice of a public hearing for text amendments before the Planning and Zoning Commission and City Council shall meet or exceed the requirements of the Texas Local Government Code, as follows:

- A. Planning and Zoning Commission Public Hearing*** - *Notice of the public hearing shall be given by publication in a newspaper of general circulation in the City and on the City website. The notice shall state the time and place of the hearing and the nature of the amendment(s) to be considered and shall be published before the 10th day before the hearing date. This notice shall not be required for a proposed comprehensive zoning*

change as that term is defined in Section 211.0011 of the Texas Local Government Code, as it exists or may be amended.

B. City Council Public Hearings – *A notice of the public hearing shall be given by publication in a newspaper of general circulation in the City and on the City website. The notice shall state the time and place of the hearing and the nature of the amendment(s) to be considered and shall be published before the 15th day before the public hearing date.*

C. Notice of Nonconforming Use - *In addition to any other required notice, written notice of each public hearing regarding the adoption of the proposed text amendment shall be sent in compliance with Section 211.006(a-1) of the Texas Local Government Code, as amended, if the adoption of the proposed text amendment will result in a current conforming use of a property becoming a nonconforming use.*

Section III.10.4. Planning and Zoning Commission Action

A. Public Hearing Required - *The Planning and Zoning Commission shall hold a public hearing on any petition for any text amendment or changes prior to making its recommendation and report to the City Council.*

B. Planning and Zoning Commission Action - *Following the public hearing, the Planning and Zoning Commission may vote to approve, approve with amendments and conditions, table, or recommend denial in whole or in part the petition for a text amendment.*

C. **Tabling of a Petition for a Text Amendment** - The Planning & Zoning Commission may table for study any text amendment.

Section III.10.5. City Council Action

A. **Public Hearing Required** - – A public hearing will be held after a report and recommendation by the Planning and Zoning Commission on the petition.

B. After a public hearing is held before the City Council regarding the text amendment petition, the City Council may approve, a change in the text of this ordinance as presented or with modifications as appropriate within the context of the public notice provided. City Council may deny (in whole or in part), table the petition, or refer it back to the Planning and Zoning Commission for further study.

C. **Supermajority Vote Requirements** - An affirmative vote of at least three-fourths of all members of the City Council is required to approve a text amendment petition in the following circumstances:

1. **Recommendation of Denial** - If the Planning and Zoning Commission has recommended denial of a text amendment petition.

This requirement shall not apply to a recommended partial denial.

2. **Protests** - If a protest has been submitted as outlined in Section 211.0061 of the Texas Local Government Code, as amended and the text amendment petition in question is not a proposed comprehensive zoning

change as that term is defined in Section 211.0011 of the Texas Local Government Code, as it exists or may be amended:

- a. **Form of Protest** - Such protest must be in writing and must be signed by the owner(s) of the property in question.*
- b. **Presumption of Validity** - In all cases where a protest has been properly signed pursuant to this subsection, the City shall presume that the signature of the person(s) appearing on the protest are valid.*
- c. **Withdrawal of Signature From a Protest** - A withdrawal of a signature included in a protest must be in writing. In the event that multiple signatures for protests and signature withdrawals are filed on behalf of the same owner(s), the instrument with the latest date and time of execution controls.*