

ORDINANCE NO. _____

AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL AMENDING ORDINANCE NO. 0712-24-SUP IN ORDER TO EXPAND THE SPECIAL USE PERMIT GRANTED THEREBY TO ALLOW TWO AUTOMOBILE REPAIR (MINOR) USES ON PORTIONS OF AN APPROXIMATELY 1.5871-ACRE TRACT, LEGALLY DESCRIBED AS FAIRWAY BUSINESS PARK ADDITION, LOT 9, BLOCK A, LOCATED AT 1504 EAGLE COURT, SAVE FOR THE PORTION OF THE TRACT SPECIFIED BY AND SUBJECT TO ORDINANCE 0317-21-SUP, AND ZONED LIGHT INDUSTRIAL (LI) DISTRICT; PROVIDING FOR A REPEALER, SEVERABILITY, A PENALTY, AND AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Lewisville has determined that for the health, welfare and safety of its citizens certain amendments to Ordinance No. 0712-24-SUP and the Special Use Permit granted thereby are necessary; and

WHEREAS, an applicant wishes to have the ability to open a second Automobile Repair (Minor) use on a portion of an approximately 1.5871-acre tract, legally described as Fairway Business Park Addition, Lot 9, Block A, located at 1504 Eagle Court, Lewisville, Texas; and

WHEREAS, a Special Use Permit for Automobile Repair (Minor) is required by the Unified Development Code in this instance based on the supplemental use regulations for Vehicle and Related Uses in Section VII.3.20, specifically not having the required 40-foot landscape buffer and being located within 1,000 feet of an existing vehicle and related use; and

WHEREAS, applications were made requesting approval of a Special Use Permit for Automobile Repair (Minor) 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 to allow an additional Automobile Repair (Minor) use on a portion of the approximately 1.5871-acre tract described in the attached Exhibit “A”, be **approved**; and

WHEREAS, there are two existing Special Use Permits, granted by Ordinance 0317-21-SUP (for a specific area of the tract) and Ordinance 0712-24-SUP (for a portion of the tract not to exceed 1,800 contiguous square feet) for Automobile Repair (Minor) on this tract; and

WHEREAS, it is therefore necessary to amend Ordinance 0712-24-SUP and the Special Use Permit granted thereby to allow an additional contiguous area to be used for Automobile Repair (Minor) on portions of the approximately 1.5871-acre tract described in the attached Exhibit “A,” save for the portion of the tract specified by and subject to Ordinance 0317-21-SUP (the “Property”); and

WHEREAS, this application for a Special Use Permit, to be granted as an expansion of an existing 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 the amended conditions outlined in the amended Special Use Permit granted by this amendment to Ordinance No. 0712-24-SUP are

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. AMENDMENTS TO ORDINANCE NO. 0712-24-SUP. Except as specifically amended herein, all other provisions of Ordinance No. 0712-24-SUP and the Special Use Permit granted thereby shall remain in full force and effect.

A. The caption of Ordinance No. 0712-24-SUP is hereby deleted in its entirety and with the following caption:

“AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL, AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR AUTOMOBILE REPAIR (MINOR) ON PORTIONS OF AN APPROXIMATELY 1.5871-ACRE TRACT, LEGALLY DESCRIBED AS FAIRWAY BUSINESS PARK ADDITION, LOT 9, BLOCK A, LOCATED AT 1504 EAGLE COURT, SAVE FOR THE PORTION OF THE TRACT SPECIFIED BY AND SUBJECT TO ORDINANCE 0317-21-SUP, AND ZONED LIGHT INDUSTRIAL (LI) DISTRICT; PROVIDING FOR A REPEALER, SEVERABILITY, PENALTY, AND AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.”

B. Section 2 of Ordinance No. 0712-24-SUP is hereby deleted in its entirety and replaced with the following new Section 2:

“SECTION 2. SPECIAL USE GRANTED. Subject to the conditions provided for herein, applicant is granted a Special Use Permit to allow two

Automobile Repair (Minor) uses on portions of the Property, each Automobile Repair (Minor) use not to exceed 1,800 contiguous square feet, which Property is zoned Light Industrial (LI) District.”

C. Section 3 of Ordinance No. 0712-24-SUP is hereby deleted in its entirety and replaced with the following new Section 3:

“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 prohibiting any outside display, outside storage, or repair of vehicles outside any building; and
4. with the condition limiting the use of Automobile Repair (Minor) to two areas on the Property, each not to exceed 1,800 contiguous square feet, each initially located as shown in Exhibit “B”.”

D. Exhibit “B” to Ordinance No. 0712-24-SUP is hereby deleted in its entirety and replaced with a new Exhibit “B”, attached hereto as Attachment “1”.

SECTION 3. 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 amendment to the Special Use Permit granted by Ordinance 0712-24-SUP.

SECTION 4. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are here by repealed.

SECTION 5. 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 6. 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 7. 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.

SECTION 8. EMERGENCY. It being for the public welfare that this Ordinance be passed creates an emergency and public necessity and the rule requiring this Ordinance be read on three separate occasions be, and the same is hereby, waived and this Ordinance shall be in full force and effect from and after its passage and approval and publication, as the law in such cases provides.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 16th DAY OF DECEMBER, 2024.

APPROVED:

TJ Gilmore, MAYOR

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ATTEST:

Thomas Harris III, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

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Exhibit A
Property Description

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Attachment 1
Zoning Plan