

ORDINANCE NO. _____

AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL, AMENDING THE ZONING ORDINANCE BY AMENDING ORDINANCE NO. 0428-22-ZON TO REZONE APPROXIMATELY 10.207 ACRES LOCATED ON THE NORTHEAST CORNER OF LADY TESSALA AVENUE AND ESSEX BOULEVARD, LEGALLY DESCRIBED AS 10.207 ACRES OUT OF THE AMOS SINGLETON SURVEY, ABSTRACT 1138 FROM PLANNED DEVELOPMENT MULTI-FAMILY 3 (PD-MF3) DISTRICT TO PLANNED DEVELOPMENT TOWNHOUSE 2 (PD-TH2) DISTRICT; TO AMEND THE PLANNED DEVELOPMENT CONCEPT PLAN SET FORTH IN EXHIBIT 5B (THE REALM SUBDISTRICT CONCEPT PLAN) THERETO BY AMENDING THE CONCEPT PLAN FOR 50.562 ACRES LOCATED NORTH OF LADY TESSALA AVENUE, LEGALLY DESCRIBED AS 50.562 ACRES OUT OF THE AMOS SINGLETON SURVEY, ABSTRACT 1138 AND THE BENJAMIN SCHOONOVER SURVEY, ABSTRACT 1209; CORRECTING THE OFFICIAL ZONING MAP AND LIST OF EXISTING PLANNED DEVELOPMENT DISTRICTS; PRESERVING ALL OTHER PORTIONS OF THE ZONING ORDINANCE; DETERMINING THAT THE ZONING AMENDMENT HEREIN MADE PROMOTES THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE CITY; PROVIDING FOR A REPEALER, SEVERABILITY, A PENALTY, AND AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, applications were made to amend the Official Zoning Map of Lewisville, Texas, the list of existing planned developments set forth in the City’s Unified Development Code, and a certain concept plan set forth in Exhibit 5B (The Realm Subdistrict Concept Plan) to Ordinance No. 0428-22-ZON, 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 Ordinance of the City of Lewisville, Texas, said Planning and Zoning Commission has recommended that the rezoning of the approximately 10.207-acre property described in the attached Exhibit “A” (the “Base Rezoning

Property”) be **approved**, and that the rezoning of the approximately 50.562- acre property described in the attached Exhibit “B” (the Concept Plan Property”) through approval of an amended concept plan be **approved**, and all the legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of the City of Lewisville, Texas, after all legal notices, requirements, conditions and prerequisites having been complied with; and,

WHEREAS, the concept plan amended herein shall be considered a “zoning plan” for the purposes of conformance with the City’s Unified Development Code (“UDC”); and

WHEREAS, any information required by the City’s UDC for a zoning plan which is not included in the concept plan herein amended has been waived by the Planning Director in accordance with UDC Section III.8.7; and

WHEREAS, the City Council of the City of Lewisville, Texas, at a public hearing called by the City Council of the City of Lewisville, Texas, did consider the following factors in making a determination as to whether this requested change should be granted or denied: the sufficiency of space provided in appropriate areas for a variety of uses and open space; securing safety from fire, flood, panic and other natural and human-initiated disasters; promotes health and the general welfare; provision of adequate light, air and open spaces; promotion of a desirable visual environment; the establishment of appropriate population densities and concentrations; the appropriate sensible and effective expenditure of public funds; the conservation of open space and valuable natural resources and prevention of urban sprawl and degradation of the environment through improper use of land; the promotion of free flow of traffic and prevention of congestion or blight; the efficiency of the

land development process; and the protection and preservation of areas of environmental, historical, cultural, and architectural significance within the city and,

WHEREAS, the City Council further considered among other things the character of the district and its peculiar suitability for particular uses and with the view to conserve the value of buildings, encourage the most appropriate use of land throughout this City; and,

WHEREAS, the City Council of the City of Lewisville, Texas, does find that there is a public necessity for the zoning change, that the public interest clearly requires the amendment, that the zoning changes do not unreasonably invade the rights of adjacent property owners; and,

WHEREAS, the City Council of the City of Lewisville, Texas, does find that the change in zoning promotes the health, safety, morals and general welfare of the City by providing sufficient space in appropriate areas; securing safety from fire, flood, panic and other natural and human-initiated dangers; providing adequate light, air and open spaces; promoting a desirable visual environment; promoting the establishment of appropriate population densities and concentrations; encouraging the appropriate and efficient expenditure of public funds; promoting the conservation of open space and valuable natural resources and preventing urban sprawl and degradation of the environment; encouraging the location and design of transportation to promote the free flow of traffic and prevent congestion and blight; encouraging more effective land development; and protecting and preserving areas of environmental, historical, cultural and architectural significance within the City; and,

WHEREAS, the City Council of the City of Lewisville, Texas, has determined that there is a necessity and need for this change in zoning and has also found and determined that there has been

a change in the conditions of the property surrounding and in close proximity to the Property since it was originally classified and the original concept plan was approved and, therefore, feels that a change in zoning classification for the Base Rezoning Property and in zoning for the Concept Plan Property in the form of the amended concept plan herein outlined is needed, is called for, and is in the best interest of the public at large, the citizens of the City of Lewisville, Texas, and helps promote the general health, safety, and welfare of this community.

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

SECTION 1. Ordinance No. 0428-22-ZON, as amended, and the Zoning Ordinance of the City of Lewisville, Texas, be, and the same are hereby amended and changed in that the zoning of the Base Rezoning Property is hereby changed to **PLANNED DEVELOPMENT TOWNHOUSE 2 (PD-TH2) DISTRICT ZONING.**

SECTION 2. Ordinance No. 0428-22-ZON, as amended, and the Zoning Ordinance of the City of Lewisville, Texas, be, and the same are hereby amended and changed in that the concept plan for The Concept Plan Property labeled as Exhibit 5B (The Realm Subdistrict Concept Plan) in Ordinance No. 0428-22-ZON, as amended, is hereby deleted in its entirety and replaced with the Concept Plan Amendment attached hereto as Exhibit "C".

SECTION 3. The Planning Director, or designee, is hereby directed to correct the Official Zoning Map of the City of Lewisville, Texas, and the List of Existing Planned Development Districts in Article VI, Chapter 7 of the Unified Development Code to reflect the changes set forth herein.

SECTION 4. In all other respects the use of the tract or tracts of land hereinabove described shall be subject to all the applicable regulations contained in the City of Lewisville Zoning Ordinance, Ordinance No. 0428-22-ZON, as amended, and all other applicable and pertinent ordinances of the City of Lewisville, Texas.

SECTION 5. The zoning regulations and districts as herein established have been made in accordance with the comprehensive plan for the purpose of promoting health, safety, and the general welfare of the community. They have been designed with respect to both present conditions and the conditions reasonably anticipated to exist in the foreseeable future in order to provide sufficient space in appropriate areas; to secure safety from fire, panic, flood and other natural and human-initiated dangers; to provide adequate light, air and open spaces; to promote a desirable visual environment; to promote the establishment of appropriate population densities and concentrations; to encourage the appropriate and efficient expenditure of public funds; to encourage the location and design of transportation to promote the free flow of traffic and discourage congestion and blight; to encourage more effective land development, and to protect and preserve areas of environmental, historical, cultural, and architectural significance within the City.

SECTION 6. This Ordinance shall be cumulative of all other ordinances of the City of Lewisville, Texas, affecting zoning and shall not repeal any of the provisions of said ordinances, except in those instances where provisions of those ordinances which are in direct conflict with the provisions of this Ordinance. They have been made with reasonable consideration of, among other things, the character of the district and its distinct suitability for the particular uses.

SECTION 7. The terms and provisions of this Ordinance shall be deemed to be severable and that if the validity of the zoning affecting any portion of the Property shall be declared to be invalid, the same shall not affect the validity of the zoning of the balance of the tract or tracts of land described herein.

SECTION 8. Any person, firm or corporation who violates any provision 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 day a violation continues shall constitute a separate offense.

SECTION 9. 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 10. The fact that the present Zoning Ordinance and regulations of the City of Lewisville, Texas are inadequate to properly safeguard the health, safety, peace and general welfare of the inhabitants of the City of Lewisville, Texas, creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which requires that this Ordinance shall become effective from and after the date of its passage and approval and publication, as the law in such cases provides, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 21ST DAY OF OCTOBER 2024.

APPROVED:

ORDINANCE NO. _____

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TJ Gilmore, MAYOR

ATTEST:

Thomas Harris III, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

Exhibit A
Base Rezoning Property

Exhibit B
Concept Plan Property

Exhibit C
Concept Plan Amendment