

ORDINANCE NO. _____

AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL AMENDING ARTICLE II, “DEFINITIONS”, ARTICLE VII, “USES, PARKING REQUIREMENTS, SUPPLEMENTAL USE REGULATIONS AND CERTAIN DISTANCE REQUIREMENTS”, AND ARTICLE VIII, CHAPTER 3, “LANDSCAPING STANDARDS” OF VOLUME II OF THE LEWISVILLE CITY CODE, KNOWN AS THE UNIFIED DEVELOPMENT CODE, BY ADDING NEW DEFINED TERMS TO SECTION II.2.1 AS REQUIRED BY THE REGULATIONS SET FORTH HEREIN, BY ADDING A NEW SECTION VII.3.24, ESTABLISHING SUPPLEMENTAL USE REGULATIONS FOR MANUFACTURING, LIGHT INTENSITY; MANUFACTURING, MEDIUM INTENSITY; MANUFACTURING, HEAVY INTENSITY; AND WAREHOUSE DISTRIBUTION FACILITY USES, AMENDING EXHIBIT VII.2.3-4, NON-RESIDENTIAL ZONING DISTRICTS, TO ADD REFERENCES TO THE NEW SUPPLEMENTAL USE REGULATIONS, AND AMENDING EXHIBIT VIII.3.3-3, APPROVED UNDERSTORY TREES, TO IDENTIFY CERTAIN UNDERSTORY TREES LISTED THEREIN AS EVERGREEN; 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 Article II, “Definitions”, Article VII, “Uses, Parking Requirements, Supplemental Use Regulations and Certain Distance Requirements”, and Article VIII, Chapter 3, “Landscaping Standards”, of Volume II of the Lewisville City Code, known as the Unified Development Code, are necessary; and

WHEREAS, the City of Lewisville’s (the “City’s”) zoning districts were, until late 2022, cumulative, allowing any use allowed in a lower-intensity zoning district to locate in a higher-intensity zoning district; and

WHEREAS, due to these cumulative zoning regulations, a large percentage of the area of the City where warehouse distribution center and light, medium, and heavy manufacturing uses are allowed by right have developed with lower-intensity uses such as office, retail, and service uses; and

WHEREAS, the City is nearing buildout with very few undeveloped properties remaining for the development of new warehouse distribution and manufacturing uses, leading to the heightened potential of redevelopment of developed properties for use as warehouse distribution center and light, medium, and heavy manufacturing uses in zoning districts where such uses are allowed by right, but which were originally developed as lower-intensity uses such as office, retail and service use; and

WHEREAS, warehouse distribution center and light, medium, and heavy manufacturing uses introduce impacts to the surrounding properties such as increased noise, truck traffic and fumes and odors; and

WHEREAS, these impacts can negatively affect and, without mitigation, would not be compatible with lower-intensity adjacent uses, which, due to the City's historic development under cumulative zoning regulations, are often the majority of uses even in areas where higher-intensity uses like warehouse distribution center and light, medium, and heavy manufacturing uses are allowed by right; and

WHEREAS, to mitigate the impacts outlined above, additional supplemental use regulations are needed for warehouse distribution center and light, medium, and heavy

manufacturing uses to lessen negative impacts on and ensure compatibility with adjacent developed properties.

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

SECTION 1. Article II, “Definitions”, is hereby amended to add definitions for “Access Aisle”, “Truck Court”, and Truck Dock” to read as follows:

Access Aisle – A paved surface to allow vehicular movement through a property, between properties, or to parking spaces.

Truck Court – the area next to or near a truck dock which includes loading spaces, truck maneuvering zones, and truck and/or trailer parking areas.

Truck Dock – an area that may or may not be raised, containing an opening to a building and that is used for loading and unloading of trucks.

SECTION 2. Article VII, “Uses, Parking Requirements, Supplemental Use Regulations and Certain Distance Regulations,” Chapter 3 “Supplemental Use Regulations,” is hereby amended by adding a new Section VII.3.24, “Manufacturing, Light Intensity; Manufacturing, Medium Intensity; Manufacturing, High Intensity; and Warehouse Distribution Facility” to read as follows:

Section 24. Manufacturing, Light Intensity; Manufacturing, Medium Intensity; Manufacturing, Heavy Intensity; and Warehouse Distribution Facility

Manufacturing, Light Intensity; Manufacturing, Medium Intensity; Manufacturing, Heavy Intensity; and Warehouse Distribution Facility uses are subject to the following standards. These standards may be modified or waived by an alternative standard.

- A. In lieu of the landscape requirements in Sections VIII.3.4.A and VIII.3.4.B and the screening requirements in Section VIII.5.3, a 50-foot landscape buffer is required along: all public or private street frontages; any property line adjoining an open space, including a public park and playground; any property line adjoining a public, private, or parochial school use; and any property line adjoining a use listed as a residential use in Section VII.2.4 or a residential zoning district listed in Exhibit VII.2.3-2, Residential Zoning Districts. The landscape buffer shall contain the following elements:
1. A minimum 5-foot-tall berm;
 2. A row of evergreen understory trees a minimum of 6 feet tall at planting spaced 20 feet on center; and
 3. A double row of shade trees staggered and spaced 40 feet on center.
- B. Truck docks shall not face any: public or private street; open space, including a public park and playground; or property occupied by a use listed as a residential use in Section VII.2.4 or designated as a residential zoning district listed in Exhibit VII.2.3-2, Residential Zoning Districts.
- C. The open sides of truck courts shall be screened from any street and adjoining properties with a minimum 12-foot-tall masonry or concrete tilt wall screening wall, which may have openings to accommodate required fire lanes and access aisles. The open sides of truck courts adjoining the following uses are exempt from this screening standard:
1. Manufacturing and Industrial Uses as set forth in Section VII.2.4
 2. Temporary Uses as set forth in Section VII.2.4
 3. Transportation, Utility and Communications Uses as set forth in Section VII.2.4
 4. Warehouse and Storage Uses as set forth in Section VII.2.4
 5. Landfill Operation and Accessory Use
 6. Automobile Salvage
 7. Junk Yard
 8. Motor Freight Terminal
 9. Truck Parking Lot

SECTION 3. Article VII, “Uses, Parking Requirements, Supplemental Use Regulations and Certain Distance Regulations,” Chapter 2 “Allowed Uses by District,” Subsection 4.C. is hereby amended by amending Exhibit VII.2-3-3, “Non-Residential Zoning Districts” by deleting the rows for “Manufacturing, Light Intensity”, “Manufacturing, Medium Intensity”, “Manufacturing, Heavy Intensity”, and “Warehouse Distribution Facility” entries and replacing them with the following:

EXHIBIT VII.2-3-4 NON-RESIDENTIAL ZONING DISTRICTS											
USES	OD	MD	LC	GB	GB-2	LI	WH	HI	PU	SU	USE SPECIFIC STANDARDS
MANUFACTURING AND INDUSTRIAL USES											
Manufacturing, Light Intensity						A	A	A			Article VII.3.24
Manufacturing, Medium Intensity						S	A	A			Article VII.3.24
Manufacturing, Heavy Intensity							S	S			Article VII.3.24
WAREHOUSE AND STORAGE USES											
Warehouse Distribution Facility						A	S	A			Article VII.3.24

SECTION 4. Article VII, “Off-Street Parking and Loading Standards,” Chapter 3 “Landscaping Standards,” Subsection 3.J. is hereby amended by deleting Exhibit VIII.3-3-3, “Approved Understory Trees” in its entirety and replacing it with the following:

UNDERSTORY TREES	
COMMON NAME	SCIENTIFIC NAME
Carolina Buckthorn ¹	<i>Rhamnus caroliana</i>
Chittamwood ^{1 2}	<i>Sideroxylon lanuginosum (aka Burmelia lanuginose)</i>
Crepe Myrtle (tree form)	<i>Lagerstroemia indica</i>
Desert Willow ¹	<i>Chilopsis linearis</i>
Eastern Redbud ¹	<i>Cercis canadensis</i>
Eastern Red Cedar ^{1 2}	<i>Juniperus virginiana</i>
Eve's Necklace ¹	<i>Sophora affinis</i>
Hawthorne ¹	<i>Crataegus spp.</i>
Hollywood Juniper	<i>Juniperus chinensis 'Torulosa'</i>
Little Gem Magnolia	<i>Magnolia grandiflora 'Little Gem'</i>
Mexican Buckeye ¹	<i>Ungnadia speciosa</i>
Mexican Plum ¹	<i>Prunus mexicana</i>
Mexican Redbud ¹	<i>Cercis canadensis var. mexicana</i>
Possumhaw Holly (aka Deciduous Yaupon Holly) ^{1 2}	<i>Ilex decidua</i>
Prairie Flameleaf Sumac ¹	<i>Rhus lanceolata</i>
Red Buckeye ¹	<i>Aesculus pavia</i>
Roughleaf Dogwood ¹	<i>Cornus drummondii</i>
Rusty Blackhaw Viburnum ¹	<i>Viburnum rufidulum</i>
Texas Buckeye ¹	<i>Aesculus arguta/glabra</i>

Texas Mountain Laurel ¹	<i>Sophora secundiflora</i>
Texas Persimmon ¹	<i>Diospyrus texana</i>
Texas Redbud ¹	<i>Cercis canadensis var. texensis</i>
Thornless Common Honeylocust ¹	<i>Gleditsia triacanthos var. inermis</i>
Wax Myrtle ^{1 2}	<i>Myrica cerifera</i>
Western Soapberry ¹	<i>Sapindus drummondii</i>
¹ Native species, which is preferred but not required	
² Considered Evergreen	

SECTION 5. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are here by 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.

SECTION 9. 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 9TH DAY OF DECEMBER, 2024.

APPROVED:

TJ Gilmore, MAYOR

ATTEST:

Thomas Harris III, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY