

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL AMENDING ARTICLE III, CHAPTER 6 “ZONING PETITIONS AND PROCEDURES” OF VOLUME II OF THE LEWISVILLE CITY CODE, KNOWN AS THE UNIFIED DEVELOPMENT CODE, BY AMENDING SECTION III.6.6 TO REMOVE LIMITATIONS ON RESUBMISSION OF ZONING PETITIONS FOLLOWING CITY COUNCIL DENIAL; 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 III, Chapter 6 “Zoning Petitions and Procedures” of Volume II of the Lewisville City Code, known as the Unified Development Code, are necessary; and

**WHEREAS**, the Unified Development Code currently prohibits an applicant from resubmitting a zoning petition for approval for a period of one year following denial of such petition by the City Council, even if the applicant believes there is a reasonable chance the petition may be approved with some minor changes; and

**WHEREAS**, the City Council desires to grant all applicants the ability to present their zoning petitions again without unnecessary delays; and

**WHEREAS**, resubmission does not guarantee approval, as the City Council may choose to approve or again deny the request and is not required to approve any zoning petition; and

**WHEREAS**, the City Council of the City of Lewisville, Texas, has determined that there is a necessity and need for this zoning regulation amendment, and that said amendment is in the

best interest of the public at large and 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:**

**SECTION 1.** Section III.6.6 is hereby amended and replaced to read as follows:

- A. Public Hearing Required - After report and recommendation by the Planning and Zoning Commission on the zoning petition, the City Secretary shall schedule a public hearing to be held before the City Council, giving notice as required above.
- B. Request to Withdraw or Table - At any time, the applicant may request withdrawal of the zoning petition or tabling of the zoning petition to a specified future City Council meeting. City Council may approve the request to withdraw or table or 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, in whole or in part, of a zoning petition.
2. Protests - If a protest has been submitted as outlined in Section 211.006 of the Texas Local Government Code, as 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 person(s) whose signature(s) appear on the protest are valid.
  - c. Withdrawal of Protest - A withdrawal of a protest must be in writing. In the event that multiple protests and withdrawals are filed on behalf of the same owner(s), the instrument with the latest date and time of execution controls.

**SECTION 2. REPEALER.** Every ordinance or parts of ordinances found to be in conflict herewith are here by repealed.

**SECTION 3. 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 4. 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 5. 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 6. 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 6<sup>TH</sup> DAY OF JANUARY, 2025.**

**APPROVED:**

\_\_\_\_\_  
TJ Gilmore, MAYOR

**ATTEST:**

\_\_\_\_\_  
Thomas Harris III, CITY SECRETARY

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**APPROVED AS TO FORM:**

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Lizbeth Plaster, CITY ATTORNEY