

ORDINANCE NO. _____

AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL AMENDING CHAPTER 17, ZONING, OF THE LEWISVILLE CITY CODE, BY AMENDING SECTION 17-3, DEFINITIONS AND ADDITIONAL USE REGULATIONS, TO ADD A DEFINITION FOR PROFESSIONAL OFFICES; SECTION 17-22.6, OLD TOWN CENTER BUSINESS DISTRICT REGULATIONS, TO CREATE A SUBDISTRICT WITHIN THE DISTRICT WITH ADDITIONAL RESTRICTIONS ON HEIGHT AND A SUBAREA WITHIN THE SUBDISTRICT WITH ADDITIONAL RESTRICTIONS ON USES; AND SECTION 17-29.5, "SUP" SPECIAL USE PERMIT, TO CLARIFY THE TRANSFERABILITY OF AN SUP; 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 the Lewisville City Code of Ordinances, Chapter 17, Zoning, are necessary.

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

SECTION 1. Chapter 17, Section 17-3, Definitions and Additional Use Regulations, is hereby amended by adding the following new definition:

Professional offices shall mean any offices maintained and used as a place of business in which the primary purpose is not to sell or exchange goods or merchandise.

SECTION 2. Chapter 17, Section 17-22.6, Old Town Center Business District Regulations, is hereby amended by deleting the current language and in its place inserting the following new language:

Sec. 17-22.6 - "OTC" Old Town Center Business District regulations.

- (a) *Use.* A building or premise shall be used only for office, retail and service uses which are primarily retail in nature including, but not limited to:
- (1) Retail establishments including but not limited to: bakeries; book, card, gift and stationary stores; building material sales; clothing; florists; grocery stores; and pet shops or others of a similar nature and subject to the following condition:
 - a. Temporary, portable outside display of merchandise is allowed on a daily basis but is limited to the area directly adjacent to the building occupied by the business and no more than five (5) feet from the building. A clear aisle shall be maintained for pedestrian access. Otherwise, no outside display or storage is permitted.
 - (2) Barber and beauty shops.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Business or commercial schools. (See Main Street Corridor Subarea for additional SUP requirements)
 - (5) Church worship facilities.
 - (6) Clinic, medical and dental, and related professional offices. (See Main Street Corridor Subarea for additional SUP requirements)
 - (7) Communication towers, accessory to the primary use, shall be located on a building and may extend a maximum of 15 feet above the building, but must be screened from view.
 - (8) Day nurseries. (See Main Street Corridor Subarea for additional SUP requirements)
 - (9) Dry cleaning and laundry services.
 - (10) Hotels, motels and inns.
 - (11) Professional offices. (See Main Street Corridor Subarea for additional SUP requirements)
 - (12) Restaurants.
 - (13) Video rental stores and movie theaters.
 - (14) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor,

smoke, noise, vibration or similar nuisance. Dwelling units of 850 square foot minimum size shall be allowed as an accessory use to retail businesses.

- (15) Non-accessory dwelling units of 650 square foot minimum size when located over a retail, restaurant or similar use on the first floor.
 - (16) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (17) Uses similar to the above mentioned permitted uses; provided activities conducted observe the requirements of all city ordinances.
 - (18) Bed and breakfast establishments (SUP required).
 - (19) Bar (SUP required).
 - (20) Hotels, motels and inns with rooms containing a cooktop or oven (SUP required).
- (b) *Height.* No building shall exceed a maximum height of seventy-five (75) feet excluding parapet walls except as outlined in the Plaza Subdistrict. Parapet walls shall have a maximum height of eight (8) feet.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* The front facades of buildings shall be set at the front property line. However, a portion of the façade may be set back further in order to create a special entry court or restaurant seating.
 - b. *Side yard.* The façade of a building located on a lot that adjoins a side street shall be located at the property line.
- (d) *Plaza Subdistrict.*
- (1) *Boundaries.* The Plaza Subdistrict shall be comprised of the properties with frontage on West Main Street between North Mill Street and North Charles Street; properties fronting the south side of West Church Street between North Mill Street and North Charles Street; and properties fronting the west side of North Mill Street between West Main Street and West Church Street.
 - (2) *Height requirements.* The unique character of this subdistrict requires the following height requirements in addition to all requirements for the underlying district as outlined herein. Where there is a conflict, these provisions shall control.

- a. Buildings within the subdistrict shall not exceed a maximum height of three (3) stories or 45 feet, excluding parapet walls, which shall have a maximum height of eight (8) feet.

(3) *Main Street Corridor Subarea.*

- a. *Boundaries.* The Main Street Corridor Subarea shall be comprised of the properties with frontage on West Main Street between North Mill Street and North Charles Street.
- b. *Use requirements.* The unique character of this subarea requires the following specific requirements in addition to the height requirements of the Plaza Subdistrict and all requirements for the underlying district as outlined herein. Where there is a conflict, these provisions shall control.
 - 1. *SUP required.* A special use permit shall be required for the following uses on the first floor of a building within the subarea:
 - i. Business or commercial schools;
 - ii. Clinic, medical and dental, and related professional offices;
 - iii. Day nurseries; or
 - iv. Professional offices.

SECTION 3. Chapter 17, Section 17-29.5, “SUP” Special Use Permit, subsection (f)(2)

is hereby amended by deleting the current language and in its place inserting the following new language:

- (2) Unless otherwise expressly stated in an ordinance granting a special use permit, a special use permit shall be transferable from one owner or occupant of the subject property to a new owner or occupant of the subject property; provided that, upon transfer, all regulations and conditions of the SUP shall remain in effect and shall be applicable to the new owner or occupant of the property.

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.

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**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
LEWISVILLE, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE ____ DAY OF
_____, 2019.**

APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Worster, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY