

ORDINANCE NO. 0736-25-ORD

AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL AMENDING ARTICLE VII, “USES, PARKING REQUIREMENTS, SUPPLEMENTAL USE REGULATIONS AND CERTAIN DISTANCE REQUIREMENTS OF VOLUME II OF THE LEWISVILLE CITY CODE, KNOWN AS THE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER VII.3; “SUPPLEMENTAL USE REGULATIONS”, SECTION VII.3.24, MANUFACTURING, LIGHT INTENSITY; MANUFACTURING, MEDIUM INTENSITY; MANUFACTURING, HEAVY INTENSITY; AND WAREHOUSE DISTRIBUTION FACILITY, TO PROHIBIT SUCH USES FROM LOCATING ON A PROPERTY WITHIN 500 FEET OF PROPERTIES CONTAINING CERTAIN OTHER USES WITHOUT A SPECIAL USE PERMIT, SUBJECT TO CERTAIN EXCEPTIONS, AND AMENDING EXHIBIT VII.2.3-4, NON-RESIDENTIAL ZONING DISTRICTS, TO CLARIFY APPLICABILITY OF SPECIAL USE PERMIT REQUIREMENTS FOR SUCH USES IN CERTAIN ZONING DISTRICTS; PROVIDING FOR A SAVINGS CLAUSE, 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 VII, “Uses, Parking Requirements, Supplemental Use Regulations and Certain Distance Requirements”, 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 facility and light, medium, and heavy intensity

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 facility and light, medium, and heavy intensity 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 facility and light, medium, and heavy intensity 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 facility and light, medium, and heavy intensity manufacturing uses are allowed by right; and

WHEREAS, to mitigate the impacts outlined above, heightened supplemental use regulations for warehouse distribution facility and light, medium, and heavy intensity manufacturing uses were enacted by the City Council of the City of Lewisville on December 9, 2024 in an effort to lessen negative impacts on and ensure compatibility with adjacent developed properties; and

WHEREAS, the City Council has determined that additional supplemental use regulations prohibiting a warehouse distribution facility or light, medium, and heavy intensity manufacturing use from locating on a property which is within 500 feet of a property containing certain other uses without a special use permit, subject to certain exceptions, are needed 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 VII, “Uses, Parking Requirements, Supplemental Use Regulations and Certain Distance Regulations,” Chapter 3 “Supplemental Use Regulations,” Section VII.3.24, “Manufacturing, Light Intensity; Manufacturing, Medium Intensity; Manufacturing, High Intensity; and Warehouse Distribution Facility” is hereby repealed in its entirety and replaced with a new Section VII.3.24 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:

- A. No portion of a property containing a Manufacturing, Light Intensity; Manufacturing, Medium Intensity; Manufacturing, Heavy Intensity; or Warehouse Distribution Facility use may be located within 500 feet (500’) of a property line of any property containing any use listed in Section VII.2.4.
 1. This regulation shall not apply when:
 - a. Every property within 500’ contains one of the following uses:
 - i. Any use in the Manufacturing and Industrial Uses category as set forth in Section VII.2.4;

- ii. Any use in the Temporary Uses category as set forth in Section VII.2.4;
 - iii. Any use in the Transportation, Utility and Communications Uses category as set forth in Section VII.2.4;
 - iv. Any use in the Warehouse and Storage Uses category as set forth in Section VII.2.4;
 - v. Landfill Operation and Accessory Use;
 - vi. Automobile Salvage;
 - vii. Junk Yard;
 - viii. Motor Freight Terminal; or
 - ix. Truck Parking Lot; or
- b. The use is locating in:
- i. a building or structure in use as a Manufacturing, Light Intensity; Manufacturing, Medium Intensity; Manufacturing, Heavy Intensity; or Warehouse Distribution Facility use on March 3, 2025 as evidenced by a certificate of occupancy which was current and valid on that date; or
 - ii. if no certificate of occupancy exists for the building or structure, a building or structure which the Planning Director has determined, following review of any documentation he may deem relevant or helpful, to have been in use as a Manufacturing, Light Intensity; Manufacturing, Medium Intensity; Manufacturing, Heavy Intensity; or Warehouse Distribution Facility use on March 3, 2025; or
 - iii. a building or structure within a planned development district that authorizes the use or states that the purpose of the planned development district is to allow light industrial and manufacturing uses; or
 - iv. a building or structure designed for a Manufacturing, Light Intensity; Manufacturing, Medium Intensity; Manufacturing, Heavy Intensity; or Warehouse Distribution Facility use as designated on an Engineering Site Plan in effect on March 3, 2025; or

- v. 'a building or structure: (1) designed for a Manufacturing, Light Intensity; Manufacturing, Medium Intensity; Manufacturing, Heavy Intensity; or Warehouse Distribution Facility use as designated on a Concept Plan or Engineering Site Plan for which a complete development application had been submitted to and accepted by the City and was under review by City staff on March 3, 2025; and (2) which was subsequently built in accordance with said Concept Plan or Engineering Site Plan as finally approved, so long as such finally approved Concept Plan or Engineering Site Plan designates the building or structure as designed for one of the above listed uses; or
 - vi. a building or structure which is less than 25,000 square feet.
 - 2. When a change is proposed to a building or structure described in Subsections VII.3.24.A.1.b.i, ii, and iv through vi that would require the submission of a new Engineering Site Plan as outlined in Section III.4.3, the exceptions set forth in those subsections shall no longer apply to that building or structure.
 - 3. Nothing in this subsection A shall be construed to remove or alter any other regulation in this UDC, including but not limited to abrogating a requirement to obtain a special use permit or altering the legal nonconforming status of an existing use, building lot, building structure, or site improvement which is based on any other regulation in this UDC.
- B. In addition to the landscape strip requirements in Sections VIII.3.4.A and VIII.3.4.B and in lieu of the screening requirements in Section VIII.5.3, a 50-foot landscape strip is required along all public or private streets and any property line adjoining all uses listed in Section VII.2.4 except for the uses listed in Subsections VII.3.24.A.1.a.i through ix above. In cases where a landscape strip is required along a public or private street under this Subsection A and the regulations set forth in this Section 24 conflict with the requirements of Sections VIII.3.4.A and VIII.3.4.B, the regulations set forth herein shall prevail. This standard may be modified or waived by an alternative standard.

1. The turf and groundcover requirements of Section VIII.3.4.A.4 shall apply to the landscape strip. The landscape strip shall contain the following elements:
 - a. A landscape berm which must be a minimum of five feet above the average grade of the nearest back-of-curb/pavement edge elevation or property line elevation, whichever is applicable, and the finished floor elevation of the building;
 - b. A row of evergreen understory trees a minimum of 6 feet tall at planting spaced 20 feet on center;
 - c. A double row of shade trees staggered and spaced 30 feet on center; and
 - d. An eight (8)-foot-tall masonry screening wall along the property line adjacent to any property occupied by any use in the Residential Uses category as set forth in Section VII.2.4 or designated as a residential zoning district listed in Exhibit VII.2.3-2, Residential Zoning Districts.
 - e. This standard may be modified or waived by an alternative standard.
- C. Truck docks shall not face any: public or private street; open space, including a public park and playground; or property occupied by any use in the Residential Uses category as set forth in Section VII.2.4 or designated as a residential zoning district listed in Exhibit VII.2.3-2, Residential Zoning Districts. This standard may be modified or waived by an alternative standard.
- D. 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 uses listed in Subsections VII.3.24.A.1.a.i through ix above are exempt from this screening standard. This standard may be modified or waived by an alternative standard.
- E. These supplemental use regulations shall be in addition to the requirements of Section VI.8.1, IH-35E Corridor Overlay District. In cases where these supplemental use regulations conflict with the requirements of Section VI.8.1, IH-35E Corridor Overlay District, these supplemental use regulations shall prevail.

SECTION 2. 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.2-3-4, “Non-Residential Zoning Districts” by deleting the rows for “Manufacturing, Light Intensity”, “Manufacturing, Medium 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/S	A/S	A/S			Article VII.3.24
Manufacturing, Medium Intensity						S	A/S	A/S			Article VII.3.24
WAREHOUSE AND STORAGE USES											
Warehouse Distribution Facility						A/S	S	A/S			Article VII.3.24

SECTION 3. SAVINGS CLAUSE. Nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

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 every day such offense is continued shall constitute a 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 6 TO 0, ON THIS THE 17TH DAY OF FEBRUARY, 2025.

APPROVED:



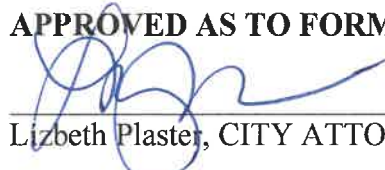
TJ Gilmore, MAYOR

ATTEST:



Jennifer Malone, ACTING CITY SECRETARY

APPROVED AS TO FORM:



Lizbeth Plaster, CITY ATTORNEY

