

**ORDINANCE NO. 0606-23-ZON**

**AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL, AMENDING THE ZONING ORDINANCE BY REZONING APPROXIMATELY 1.129-ACRES OF LAND, OUT OF THE S.M. HAYDEN SURVEY, ABSTRACT NUMBER 537; LOCATED AT 504 BARFKNECHT LANE; FROM AGRICULTURE – OPEN SPACE (AO) DISTRICT ZONING TO HEAVY INDUSTRIAL (HI) DISTRICT ZONING; CORRECTING THE OFFICIAL ZONING MAP; 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 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 1.129-acre property described in the attached Exhibit “A” (the “Property”), 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 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, therefore, feels that a change in zoning classification for the Property 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.** The Zoning Ordinance of the City of Lewisville, Texas, be, and the same is hereby amended and changed in that the zoning of the Property is hereby changed to **HEAVY INDUSTRIAL (HI) DISTRICT ZONING**.

**SECTION 2.** The Planning Director, or designee, is hereby directed to correct the Official Zoning Map of the City of Lewisville, Texas, to reflect this change in zoning.

**SECTION 3.** 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 said City of Lewisville Zoning Ordinance and all other applicable and pertinent ordinances of the City of Lewisville, Texas.

**SECTION 4.** 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 5.** 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.

**SECTION 6.** 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 7.** 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 8.** 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.** 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 6 TO 0, ON THIS THE 6<sup>th</sup> DAY OF NOVEMBER, 2023.**

**APPROVED:**

  
TJ Gilmore, MAYOR

**ATTEST:**

  
Thomas Harris II, CITY SECRETARY

**APPROVED AS TO FORM:**

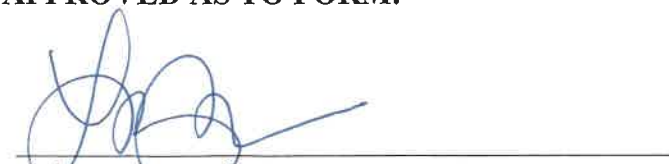
  
Lizbeth Plaster, CITY ATTORNEY

Exhibit A  
Property Description

**LEGAL DESCRIPTION**

**1.129 ACRES**

**BEING** all that certain lot, tract, or parcel of land, situated in the S. M. Hayden Survey, Abstract Number 537, City of Lewisville, Denton County, Texas, being all that certain tract of land, described by deed to ALS Development LLC, recorded in Document Number 2020-37433, Deed Records, Denton County, Texas, and being more particularly described as follows:

**BEGINNING** at a 1/2" rebar found at the northeast corner of said ALS tract, same being the southeast corner of a certain tract of land, described by deed to Jose Martinez, recorded in Document Number 2020-34795, Deed Records, Denton County, Texas, and being in the west line of Barfknecht Lane, and being in the west line of a certain right-of-way dedication to the City of Lewisville, recorded in Volume 4424, Page 8, Real Property Records, Denton County, Texas;

**THENCE** S 00°45'53" E, with the east line of said ALS tract, and the west line of Barfknecht Lane, a distance of 145.24 feet to the southeast corner of said ALS tract, same being the northeast corner of Lot 1, Block A, Skinner Addition, an addition to the City of Lewisville, according to the plat thereof, recorded in Cabinet U, Page 693, Plat Records, Denton County, Texas, same being the southwest corner of said right-of-way dedication, same being the northwest corner of a certain right-of-way dedication to the City of Lewisville, recorded in Volume 4450, Page 585, Real Property Records, Denton County, Texas, and being in the west line of Barfknecht Lane;

**THENCE** S 88°28'35" W, with the south line of said ALS tract, and the easterly north line of said Lot 1, a distance of 291.45 feet to the southwest corner of said ALS tract, same being an inner ell corner of said Lot 1;

**THENCE** N 01°28'38" W, with the west line of said ALS tract, and the westerly north line of said Lot 1, passing the northeast corner thereof, same being the southeast corner of Lot 1, Block A, Henkels & McCoy, an addition to the City of Lewisville, according to the plat thereof, recorded in Cabinet U, Page 114, Plat Records, Denton County, Texas, continuing with the east line thereof a total distance of 202.79 feet to a 1/2" rebar found at the northwest corner of said ALS tract, same being a reentrant corner of said Lot 1 (Henkels);

**THENCE** N 89°21'34" E, with the westerly north line of said ALS tract, the east line of said Lot 1 (Henkels), passing a 1/2" capped rebar found, stamped "ASC" at a salient corner of said Lot 1 (Henkels), same being the westerly southwest corner of said Martinez tract, continuing a total distance of 106.30 feet to a reentrant corner of said ALS tract, same being an inner ell corner of said Martinez tract;

**THENCE** S 04°51'20" E, with the northerly east line of said ALS tract, same being the southerly west line of said Martinez tract, a distance of 49.76 feet to a salient corner of said ALS tract, same being a reentrant corner of said Martinez tract;

**THENCE** S 89°34'42" E, with the easterly north line of said ALS tract, same being the easterly south line of said Martinez tract, a distance of 184.14 feet to the **POINT OF BEGINNING** and containing approximately 1.129 acres of land.