



Lewisville City Council

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A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
MAY 2, 2016**

**LEWISVILLE CITY HALL
151 WEST CHURCH STREET
LEWISVILLE, TEXAS 75057**

**WORKSHOP SESSION - 6:00 P.M.
REGULAR SESSION - 7:00 P.M.**

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION - 6:00 P.M.

- A. Presentation of Proposed Design for Replacement Gateway Monument Signs
- B. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Deputy Mayor Pro Tem Tierney
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Mayor Pro Tem Ferguson
- C. **GRADUATION:** 2015/2016 Lewisville Citizen's University Members
- D. **PROCLAMATION:**
 - 1. Declaring May 5, 2016, as "Denton County Children's Mental Health Awareness Day"
 - 2. Declaring the Week of May 15-21, 2016, as "National Police Week"; and May 15, 2016, as "Police Memorial Day"
 - 3. Declaring the Month of May, 2016, as "Building Safety Month"
 - 4. Declaring the Week of May 1-7, 2016, as "National Drinking Water Week"; and May 15-21, 2016, as "National Public Works Week"

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5. Declaring the Week of May 1-7, 2016, as “Texas Travel & Tourism Week”

E. PUBLIC HEARINGS:

1. **Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From General Business District (GB) to Old Town Mixed Use 2 District (OTMU2) on Two Tracts of Land Totaling Approximately 0.6323-Acres; Located on the East Side of Charles Street Between Elm Street and Houston Street; Legally Described as Lot 2, Block A, Lewisville Center Addition and a Portion of the J.W. King Survey, Abstract No. 696, as Requested by HAT Group LLC, the Property Owner (Case No. PZ-2016-04-11).**

ADMINISTRATIVE COMMENTS:

The current zoning of the property is General Business (GB), which allows for a multitude of neighborhood services and offices primarily retail in nature. The applicant is requesting Old Town Mixed Use Two (OTMU2) zoning to allow for a mixed use of commercial and residential that would be part of the larger South Village development. The zone change to OTMU2 complies with the Old Town Master Plan for the area and allows for greater flexibility in developing the site. The Planning and Zoning Commission recommended unanimous approval (5-0) of the zone change request at their meeting of April 19, 2016.

RECOMMENDATION:

That the City Council approves the proposed ordinance as set forth in the caption above.

AVAILABLE FOR QUESTIONS:

- Nika Reinecke, Director of Economic Development and Planning
- Henry Rahmani, Hat Group, LLC

2. **Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From Old Town Mixed Use 2 District (OTMU2) to Parking District (PK); on an Approximately 0.264-Acre Tract of Land, Located on the North Side of East Main Street, West of Railroad Street, at 541 East Main Street; Legally Described as a Portion of Lot 9R, Block 22, Kealy Addition, as Requested by Alex Paint and Body, LLC, the Property Owner (Case No. PZ-2016-04-12).**

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ADMINISTRATIVE COMMENTS:

The current zoning of the property is Old Town Mixed Use Two (OTMU2), which allows for a mixed use of commercial and residential uses. The applicant is requesting Parking District (PK) zoning at the rear of the property to resolve employee and customer parking issues for his adjacent property – Alex Paint & Body, while still maintaining OTMU2 at the front of the property to allow for future building construction. The Planning and Zoning Commission recommended approval (5-0) of the zone change request at their meeting of April 19, 2016.

RECOMMENDATION:

That the City Council approves the proposed ordinance as set forth in the caption above.

PRESENTATION: - Richard E. Luedke, Planning Manager

AVAILABLE FOR QUESTIONS: - Alex Salguero, Property Owner

- F. **VISITORS/CITIZENS FORUM:** At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting.
- G. **CONSENT AGENDA:** All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member or citizen so request. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary.
3. **APPROVAL OF MINUTES:** City Council Minutes of the April 18, 2016 Workshop Session and Regular Session.
4. **Approval of Amendment No. 1 to the May 6, 1996 Contract for Sale of Treated Wastewater Effluent and Participation in Non-Potable Water Project Between the City of Lewisville and Upper Trinity Regional Water District.**

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ADMINISTRATIVE COMMENTS:

On April 7, 2016 the Upper Trinity Regional Water District (UTRWD) Board of Directors approved Amendment No. 1 to the existing contract with the City of Lewisville for Sale of Treated Wastewater Effluent from the City's wastewater treatment plant to UTRWD. The amendment extends the contract term for ten (10) years and modifies certain items related to the charges for effluent purchased by UTRWD over this period.

RECOMMENDATION:

That the City Council approves Amendment No. 1 as set forth in the caption above.

- 5. Approval of a Resolution Affirming Support for the Lewisville Independent School District in Seeking Fair and Appropriate Methods for Educating Local Students. (Requested by Councilman Gilmore)**

ADMINISTRATIVE COMMENTS:

Councilman Gilmore has requested that the City Council consider supporting LISD in its efforts to promote fairness and consistency in the state testing system and to seek restitution for the expenses incurred attempting to correct grading errors made on the state standardized tests.

RECOMMENDATION:

That the City Council consider approving the resolution as stated in the above caption.

H. REGULAR HEARINGS:

- 6. Tabled Item: Consideration of an Ordinance Granting a Special Use Permit (SUP) for Minor Automobile Services Consisting of a Free-Standing Goodyear Auto Care Facility; and Consideration of Four Associated Variances on an Approximately 1.212-Acre Lot, Legally Described as Lot 1, Block G, Carrington Village Addition Phase II, Located at the Northwest Corner of FM 3040 and SH 121 Business, as Requested by Steve Meier of Hummel Investments, LLC. on Behalf of Drexel Realty Lewisville LP, the Property Owner (Case No. SUP-2016-02-01).**

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ADMINISTRATIVE COMMENTS:

The public hearing for the proposed SUP was continued from the February 15, 2016 and March 7, 2016 City Council meetings and held at the March 21, 2016 City Council meeting. This item was tabled at the March 21, 2016; April 4, 2016 and April 18, 2016, City Council meetings. Goodyear currently operates out of the retail center adjacent to this property. They have outgrown the facility and are looking to build a new 7,800 square-foot facility with 12 service bays. Staff recommends the following conditions if this SUP is approved: 1) overnight outside storage of vehicles shall not be allowed; 2) the outside storage of tires or other material shall not be allowed on the site; and 3) the hours of operation shall be limited to 7:30 a.m. to 7:00 p.m. Monday-Friday; 8:00 a.m. to 5:00 p.m. on Saturday and closed on Sunday, 4) an eight-foot, stained, board-on-board cedar fence with a top rail shall be installed on top of a minimum three-foot berm as shown on the fencing illustrations. This fence shall be kept in good repair for the life of the project. Four variances are requested: a) to waive the deceleration requirement; b) to waive the 250-foot control of access from the intersection of SH 121 Business; c) to waive the 230-foot driveway spacing requirement from an existing driveway on a separate lot; and d) to reduce the required 10-foot setback to 5 feet from the existing water and sanitary sewer easement. The Planning and Zoning Commission recommended approval of the SUP by a vote of 5-1 at their meeting on February 2, 2016.

RECOMMENDATION:

That the City Council approves the ordinance and variances as set forth in the caption above.

AVAILABLE FOR QUESTIONS:

- Nika Reinecke, Director of Economic Development and Planning
- Steve Meier, Hummel Investments, LLC.

7. **Consideration of a Variance to the 1996 Castle Hills Agreement Section VIII(2)(27) Regarding the Elimination of the Ten-Foot Parallel Loading and Unloading Lanes Around the Facility Located at 4900 Sam Rayburn Tollway in the Lewisville E.T.J, as Requested by PS Lpt Properties Investors.**

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ADMINISTRATIVE COMMENTS:

The subject property has been developed as a climate controlled self-storage facility located within Castle Hills in the City of Lewisville's Extraterritorial Jurisdiction (ETJ) and, therefore, must be developed in accordance with the 1996 Castle Hills Agreement. Under the 1996 Castle Hills Agreement, self-storage facilities must provide a ten-foot parallel loading and unloading lane around the facility. The applicant requests a variance to allow the use of 37 head-in, 9' x 18' parking stalls (28 reserved for customers and 9 reserved for the caretaker's suite and office) instead of the required ten-foot parallel loading and unloading lane.

RECOMMENDATION:

That the City Council approves the requested variance as set forth in the caption above with no conditions.

AVAILABLE FOR QUESTIONS: - Cleve Joiner, Director of Neighborhood Services

- 8. Consideration of Ordinances Amending the Lewisville City Code, Chapter 4, Adopting the 2015 International Construction Codes With Local Amendments and Standards, Including the Building Code; Residential Building Code; Plumbing Code; Fuel Gas Code; Mechanical Code; Energy Code; Existing Building Code; Chapter 9, Property Maintenance Code; and Chapter 5, Fire Code.**

ADMINISTRATIVE COMMENTS:

Staff is submitting the 2015 edition of the International Codes with NCTCOG amendments to the City Council for adoption. The new codes are necessary to ensure that the City keeps pace with state laws, changing technology and practices of the construction industry. Staff is requesting City Council approval of the ordinances adopting the referenced codes and standards.

RECOMMENDATION:

That the City Council adopt the 2015 Edition of the International Construction Codes with local amendments and standards as set forth in the caption above.

AVAILABLE FOR QUESTIONS: - Cleve Joiner, Director of Neighborhood Services

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- 9. Consideration of a Resolution Nominating a Representative and an Alternate Representative to the North Central Texas Council of Government's Regional Transportation Council.**

ADMINISTRATIVE COMMENTS:

The Regional Transportation Council of the North Central Texas Council of Governments allocates seats on the council by region and city population. Lewisville is in a cluster region along with Highland Village and Flower Mound. This cluster's current representative to the Regional Transportation Committee is Mayor Durham, who has indicated his willingness to serve again. The current alternate representative to the Regional Transportation Council is Charlotte Wilcox, the Mayor from Highland Village, who has also indicated her interest to continue serving.

RECOMMENDATION:

That the City Council consider a resolution nominating a representative and an alternate representative to the North Central Texas Council of Government's Regional Transportation Council.

- 10. Consideration of Acceptance of Resignation of Brandon Jones From Place No. 2 on the Planning and Zoning Commission (P&Z) and Place No. 4 on the Tax Increment Reinvestment Zone #2 (TIRZ #2); Declare Vacancies Exists on P&Z and the TIRZ #2; and Consideration of Appointments to Place No. 2 on the P&Z and Place No. 4 on the TIRZ #2.**

ADMINISTRATIVE COMMENTS:

Brandon Jones will be sworn into Place No. 4 of the Lewisville City Council on May 16, 2016; therefore, he has submitted notice of his resignations from Place No. 2 on the P&Z and Place No. 4 on the TIRZ #2. The City Council will need to declare the vacancies and consider new appointments to fill both vacancies.

RECOMMENDATION:

That the City Council accept the resignations, declare vacancies, and consider appointments as set forth in the caption above.

- 11. Consideration of Appointments to the Denton County Homelessness Leadership Team.**

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ADMINISTRATIVE COMMENTS:

The Denton County United Way sponsored the creation of the Denton County Behavioral Health Leadership Team made up of mostly community leaders. Councilman T.J. Gilmore and Assistant City Manager Melinda Galler were appointed to serve on the team in July 2015. The Behavioral Health Leadership Team has workgroups that look at the issue of homelessness from a mental health standpoint, but it does not address the overall issue of the homeless population in Denton County. The Denton County United Way joined the City of Denton to launch a county-wide leadership team focused on the growing homelessness issues impacting all communities in Denton County and has requested the appointment of one representative from the Lewisville City Council and one representative from staff or from the community to serve on the team. Councilman Gilmore has expressed an interest in serving on the DCHLT since he is already serving on the Denton County Behavioral Leadership Team and the two have similar goals and will be coordinating work groups. ACM Claire Swann has also agreed to serve as the staff representative.

RECOMMENDATION:

That the City Council appoint Assistant City Manager Claire Swann and consider appointing Councilman TJ Gilmore to the Denton County Homelessness Leadership Team.

- I. **REPORTS:** Reports about items of community interest regarding which no action will be taken.
- J. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D,
 1. Section 551.071 (Consultation with Attorney): Legal issues related to oil and gas operations.
 2. Section 551.072 (Real Estate): Property Acquisition
 3. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations

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- K. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.

- L. **ADJOURNMENT**

The City Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

Gateway Signs

- Current signage
- Proposal development
- Budget allocation
- Proposed design
- Other cities' signs
- Cost estimate and possible locations

Current signage

- ❖ Current gateway monument signs are a simple molded polyester sign with a stucco shroud and were installed in the early- and mid-1990s displaying the city logo used at that time (still in use into 2009)
- ❖ Current locations:
 - ✓ Garden Ridge Boulevard, west of 35E
 - ✓ Valley Ridge Boulevard, west of 35E
 - ✓ Valley Ridge Boulevard, east of 35E
 - ✓ Mill Street at SH 121 Business
 - ✓ Edmonds Lane, north of SH 121 Business
 - ✓ Denton Tap at Highland Drive
 - ✓ MacArthur Boulevard, north of Vista Ridge Mall Drive
 - ✓ Hebron Parkway, west of the Trinity River



Proposal development

- ❖ New logo (adopted 2009) is not reflected on current signs
- ❖ Lewisville 2025 vision plan addresses the inconsistent branding represented by the current signs

Lewisville 2025 vision plan, page 68: “Several logos within the city exist both old and new and dilute the overall brand. The current branding plan needs to be fully implemented or otherwise reworked for continuity in City logo placement and rollout.” (July 2014)

- ❖ Brand Assessment by Cooksey Communications recommends replacement of the monument signs

Strategic Communications & Marketing Plan and Brand Assessment, page 32: “Replace outdated/old gateway signs that aren’t nicely or clearly marked with the City’s current branding and/or logo. Other cities with distinctive logos often include those logos on their gateway signage, and given Lewisville’s long-term plan (2025) with a green centerpiece that works well with the current brand, we would recommend including that distinctive logo/brand on the signage, as an indicator of the City’s commitment to that vision plan.” (July 2015)

Budget allocation

- ❖ Cost of replacing all current signs at once was seen by staff as prohibitively expensive, so a phased approach was chosen
- ❖ Based on an estimate of \$40,000 per sign, staff requested money in the 2015-16 budget to replace three current signs
- ❖ Council approved a General Fund allocation of \$124,864 as part of the 2015-16 budget

Proposed design

- ❖ Intent is to have gateway signs that feature a more contemporary design while using traditional materials and colors that will be more likely to remain current
- ❖ Current branding is to be incorporated
- ❖ GoGo Creative was retained to develop design concepts (same company that developed the current branding concept and logo design)
- ❖ Senior staff reviewed more than a dozen concepts, revising the preferred concept multiple times before agreeing on the proposed design
- ❖ Proposed design is “block” presentation, which means it can fit in most current or future locations. Vertical and horizontal alternates are still being discussed but will not be needed until FY 2016-17 at the earliest.



Austin Stone: Solid Cut Slab and Austin Stone Stacked; or lightweight simulated stone

Lewisville: Steel / Powder Coated Metal – Copper Color / Mounted on rods

Purple Martin: Bird Cut out of Powder Coated Metal – Copper Color

Texas: Perforated in shape of Texas out of Powder Coated Metal – Copper Color

Scale:

8 ft tall Stacked Stone Column

7 ft wide slab base

1 ft tall Lewisville letters

3 ft x 3.5 ft logo area

Material Detail:







Highland Village Sign - Northern City Limit at FM 2499
\$54,000 - was constructed as a portion of a \$1M Project





Coppell Sign - Freeport Parkway and SH 121
\$31,000 - was constructed as a portion of a \$5M Project
(landscaping & lighting were additional cost)



Possible Lewisville Locations

No.	Street Name	Average Daily Traffic	Year Data Collected
1	* FM 407 (east of Garden Ridge - both directions)	26,554	2013
2	* Denton Tap Rd.	23,665	2008
3	Hebron Parkway (near Carrollton boundary)	21,890	2012
4	MacArthur Blvd. (near Coppell boundary)	21,802	2009
5	Valley Ridge Blvd. (west side of I-35E - both directions)	21,573	2013
6	* Round Grove Rd. (near Flower Mound)	15,279	2008
7	Valley Pkwy. (north of Business 121)	11,427	2014
8	Mill Street (north of Business 121)	11,162	2013
9	Edmonds Ln. (north of Business 121)	8,416	2009

* Requires TxDOT approval

Cost estimate

- ❖ Staff obtained preliminary/conceptual pricing of the proposed sign (mid-range product/scope) - \$50,000 per location
- ❖ In addition to the budget allocation for gateway monument signs, there is undesignated money in the Lewisville 2025 fund that can be used

Staff Direction

A. Provide direction on sign design

B. Provide direction on sign locations

PROCLAMATION

WHEREAS, addressing the complex mental health needs of children, youth, and families today is fundamental to the future of Denton County; and

WHEREAS, the need for comprehensive, coordinated mental health services for children, youth, and families places upon our community a critical responsibility; and

WHEREAS, it is appropriate that a day should be set apart each year for the direction of our thoughts toward our children's mental health and well-being; and

WHEREAS, the Denton County Behavioral Health Leadership Team, Denton County MHMR Center, United Way of Denton County and the Wellness Alliance for Total Children's Health of Denton County led by Cook Children's, through their prevention-based approaches to serving children and adolescents, are effectively addressing the mental health needs of children, youth, and families in our community; and

NOW, THEREFORE, I, Rudy Durham, Mayor of the City of Lewisville, Texas, and on behalf of the Lewisville City Council, do hereby proclaim May 5, 2016, as:

“Denton County Children's Mental Health Awareness Day”

PROCLAIMED this 2nd day of May, 2016.

Rudy Durham, Mayor
City of Lewisville

PROCLAMATION

Whereas, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Lewisville Police Department; and

Whereas, since the first recorded death in 1791, more than 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty; and

Whereas, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.; and

Whereas, 252 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 123 officers killed in 2015 and 129 officers killed in previous years; and

Whereas, more officers were killed in the line of duty in Texas (12) than any other state in 2015; and

Whereas, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff.

Now, therefore, I, Rudy Durham, Mayor of the City of Lewisville, Texas, and on behalf of the Lewisville City Council, do hereby proclaim the week of May 15-21, 2016, as:

“NATIONAL POLICE WEEK”

and May 15, 2016, as:

“POLICE MEMORIAL DAY”

in the City of Lewisville and urge all citizens to make every effort to express heartfelt appreciation to the men and women who have sacrificed their lives to guard us and our loved ones against all who would violate the law.

PROCLAIMED this the 2nd day of May, 2016.

Rudy Durham, Mayor
City of Lewisville



PROCLAMATION

INTERNATIONAL CODE COUNCIL

***WHEREAS,** our City's efforts to address the issues of safety, energy efficiency and water conservation, give us confidence that our structures are safe; and,*

***WHEREAS,** our confidence is achieved through the devotion of the dedicated members of the International Code Council; and*

***WHEREAS,** Building Safety Month, sponsored by the International Code Council, encourages all Americans to raise awareness of the importance of building safe construction; fire prevention; disaster mitigation, water safety and conservation; energy efficiency and new technologies in the construction industry, and recognizes that countless lives have been saved due to the implementation of safety codes by local and state agencies; and,*

***WHEREAS,** each year, in observance of Building Safety Month, Americans are asked to consider projects to improve building safety and sustainability at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.*

***NOW, THEREFORE,** I, Rudy Durham, Mayor of the City of Lewisville, along with the members of the City Council, do hereby proclaim the month of May 2016 as:*

"Building Safety Month"

PROCLAIMED this the 2nd day of May, 2016.

Rudy Durham, Mayor
City of Lewisville

PROCLAMATION

WHEREAS , water is a basic and essential need of all humankind and all living things to sustain life; and

WHEREAS , water is a limited resource that should be used wisely and the water supply protected by preventing pollution and conserving water; and

WHEREAS , public works and utilities provide essential services needed for the protection of health and welfare of our community as part of their everyday lives; and,

WHEREAS , the support of a satisfied and informed citizenry is vital to the professional operation of the public works, utility system and essential programs such as water production and distribution, wastewater treatment and collection, environmental services, streets and storm drainage, traffic and fleet operations and public buildings and facilities; and

WHEREAS , the quality and capability of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skill of public services employees;

WHEREAS , the efficiency of the qualified and committed personnel who staff the Public Services Department is significantly influenced by citizen attitudes and appreciation of the important work they perform;

NOW, THEREFORE , I, Rudy Durham, Mayor of the City of Lewisville, and on behalf of the Lewisville City Council, do hereby proclaim the week of May 1-7, 2016, as

"NATIONAL DRINKING WATER WEEK"

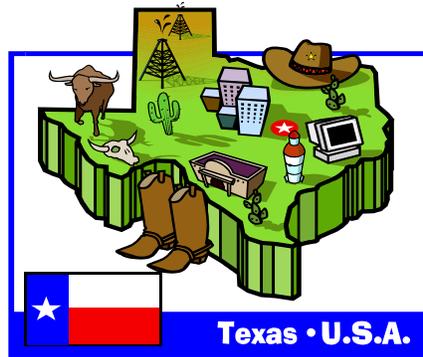
and May 15-21, 2016, as

"NATIONAL PUBLIC WORKS WEEK"

and urge all citizens and civic organizations to understand and recognize the contributions of the Public Services Department in providing for our daily utility needs and protecting the health, safety, and well-being of our community.

PROCLAIMED this the 2nd day of May, 2016.

Rudy Durham, Mayor
City of Lewisville, Texas



PROCLAMATION

WHEREAS, travel spending in Texas totaled \$69 billion in 2015, directly supporting 653,000 jobs statewide and generating \$6.2 billion in state and local taxes; and,

WHEREAS, the Dallas-Fort Worth area is the second-ranked tourism destination in Texas with more than 35.8 million visitors in 2014, generating more than \$1.1 billion in 2014 in state and local tax revenue; and,

WHEREAS, Lewisville is rapidly increasing its profile within the region to attracting leisure visitors that support the city's more than 2,400 hotel rooms, 250 restaurants and hundreds of retail businesses; and,

WHEREAS, the Governors Office of Economic Development & Tourism has declared the first week of May to be Texas Travel & Tourism Week as a way to recognize the contributions of the travel industry and the vast economic potential of tourism;

NOW, THEREFORE, I, Rudy Durham, Mayor of the City of Lewisville, along with the members of the City Council, do hereby proclaim the week of May 1-7, 2016, as

"TEXAS TRAVEL & TOURISM WEEK"

PROCLAIMED this the 2nd day of May, 2016.

Rudy Durham, Mayor
City of Lewisville

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Nika Reinecke, Director of Economic Development and Planning

DATE: May 2, 2016

SUBJECT: **Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From General Business District (GB) to Old Town Mixed Use 2 District (OTMU2) on two Tracts of Land Totaling Approximately 0.6323-Acres; Located on the East Side of Charles Street Between Elm Street and Houston Street; Legally Described as Lot 2, Block A, Lewisville Center Addition and a Portion of the J.W. King Survey, Abstract No. 696, as Requested by HAT Group LLC, the Property Owner (Case No. PZ-2016-04-11).**

BACKGROUND

The 0.6323-acres is made up of two individual properties that front on Charles Street, between Elm Street and Houston Street. Both properties are vacant and are part of the South Village concept plan approved by City Council in 2014. The remainder of the South Village plan area has already been rezoned to OTMU2.

ANALYSIS

The current zoning of the property is General Business (GB), which allows for a multitude of neighborhood services and offices primarily retail in nature. The applicant is requesting Old Town Mixed Use Two (OTMU2) zoning to allow for a mixed use of commercial and residential that would be part of the larger South Village development. The zone change to OTMU2 complies with the Old Town Master Plan for the area and allows for greater flexibility in developing the site. The Planning and Zoning Commission recommended unanimous approval (5-0) of the zone change request at their meeting of April 19, 2016.

The Final Plat and associated variances were approved by the City Council on April 18, 2016 subject to this zone change request being approved. Early grading at the site can begin ahead of construction of streets, drainage and utilities. The developer is also preparing Old Town Design Review Committee applications for the approval of the exterior design and materials for the residential units and the mixed use building proposed for the South Village development.

RECOMMENDATION

It is City staff's recommendation that the City Council approves the proposed ordinance as set forth in the caption above.

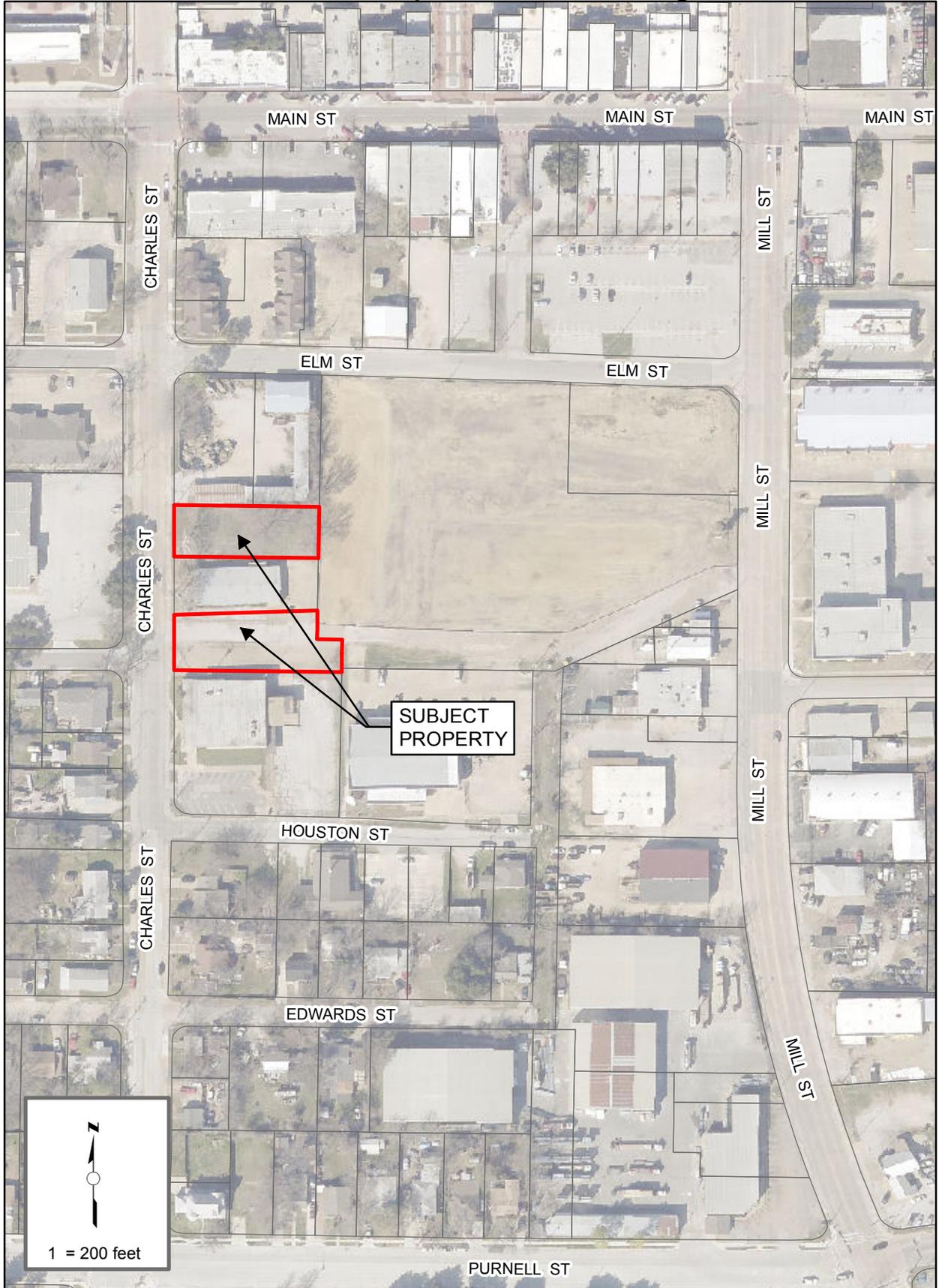
Location Map - South Village



ZONING CASE NO. PZ-2016-04-11

- PROPERTY OWNER:** HAT GROUP, LLC
- PROPERTY LOCATION:** EAST SIDE OF CHARLES ST BETWEEN ELM ST AND HOUSTON ST (0.6323-ACRES)
- CURRENT ZONING:** GENERAL BUSINESS (GB)
- REQUESTED ZONING:** OLD TOWN MIXED USE 2 (OTMU2)

Aerial Map - South Village




1 = 200 feet

MINUTES
PLANNING AND ZONING COMMISSION
APRIL 19, 2016

Item 4:

Public Hearings for Zoning and Special Use Permits were next on the agenda. There were three items for consideration:

- A. **Public Hearing:** Consideration of a Zone Change Request From General Business District (GB) to Old Town Mixed Use 2 District (OTMU2) on two Tracts of Land Totaling Approximately 0.6323-Acres; Located on the East Side of Charles Street Between Elm Street and Houston Street; Legally Described as Lot 2, Block A, Lewisville Center Addition and a Portion of the J.W. King Survey, Abstract No. 696; as Requested by HAT Group LLC, the Property Owner. (Case No. PZ-2016-04-11).

Staff gave a brief presentation on this property which is part of the larger South Village project that will be developed in compliance with the Old Town Master Plan. The public hearing was then opened. There being no one present to speak on the item, the public hearing was then closed. *A motion was made by Steve Byars to recommend approval of the zone change request, seconded by Brandon Jones. The motion passed unanimously (5-0).*

SECTION 17-22. - "GB" GENERAL 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) Any use permitted in district "LC" as regulated in said district.
 - (2) Auto, boat, motorcycle, recreational vehicle or mobile home display, sales (outdoor) and/or repair (SUP required)
 - (3) Bakeries.
 - (4) Building material sales with outside storage or display, including lumber yards (SUP required).
 - (5) Business or commercial schools.
 - (6) Clinic, medical and dental, and professional offices.
 - (7) Carpentry, painting, plumbing or tinsmithing shop fully enclosed within a building.
 - (8) Cleaning, laundry and dyeing plants fully enclosed within a building.
 - (9) Creamery, ice cream manufacturing and dairy operations fully enclosed within a building.
 - (10) Farm implement display and sales room. (outdoor) (SUP required).
 - (11) Hotels, motels and inns.
 - (12) Mortuaries with or without crematoriums. (SUP required).
 - (13) Office buildings.
 - (14) Pet shops, retail, fully enclosed within a building.
 - (15) Printing, engraving and newspaper plants, fully enclosed within a building.
 - (16) Radio or television broadcasting station or studio with broadcasting towers (SUP required).
 - (17) Retail stores, fully enclosed within a building.
 - (18) Veterinarian or animal hospital with outdoor kennel or exercise runs (SUP required).
 - (19) Bowling alley and other commercial amusement (indoor) uses, fully enclosed within a building.
 - (20) Church worship facilities.
 - (21) Uses similar to the above mentioned permitted uses, provided activities conducted wholly inside a building and observe the requirements of all city ordinances.
 - (22) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (23) 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. Open storage shall be considered an accessory use but no more than ten percent (10%) of the platted lot may be used for outside storage, including access and maneuvering areas for moving the stored items.
 - (24) Dwelling units of 850 square foot minimum size when located over a retail, restaurant or similar use on the first floor (SUP required).
 - (25) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (27) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (28) Commercial amusement, outdoor (SUP required).
 - (29) Drive-in theater (SUP required).
 - (30) Flea market, outdoor (SUP required).
 - (31) Helipad, helistop or landing strip (SUP required).
 - (32) Kennels with outdoor runs (SUP required).
 - (33) Nightclub, bar. (SUP required).
 - (34) Brewery, distillery, or winery.
- (b) *Height.* No building shall exceed in height the width of the street on which it faces plus the depth of the front yard. On a lot adjoining a residential district, no building shall exceed forty-five (45) feet in height, except that this height may be increased up to the maximum of twelve (12) stories or one hundred eighty (180) feet at the rate of two (2) feet of additional height for each one (1) foot of additional setback from required yard lines. In no event, however, shall the portion of a building located within one hundred fifty (150) feet of any property zoned for residential purposes exceed the height allowed in that residential zoning district.
- (c) *Area.*

(1) *Size of yards.*

- a. *Front yard.* There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in district "GB", except that automobile parking (including automobile dealer display parking) will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.
- b. *Side yard.* A side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in width shall be provided on the side of a lot adjoining a residential district. The required side yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device. No parking, storage or similar use shall be allowed in any required side yard or in any side street yard adjoining a residential district.
- c. *Rear yard.* No rear yard is required, except that a rear yard of not less than twenty-five (25) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street. The required rear yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device.

(2) Reserved.

- (d) *Outside Storage Regulations.* In all zoning districts where outside storage yards are allowed, such storage yards shall be screened from view in accordance with the standards outlined in the city's general development ordinance. This provision applies to all outside storage which began after the original date of passage of this provision (April 4, 1994). Any variance request involving the requirements or standards relating to such required screening devices shall be considered by the city council in accordance with the city's general development ordinance. Areas which are used for infrequent and temporary storage for a period of thirty (30) days or less per year shall not be deemed as storage yards.

SECTION 17-22.7. - "OTMU2" OLD TOWN MIXED USE 2 DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Single-family attached dwellings, provided that no more than nine (9) dwelling units are attached in one continuous row or group, and provided that no dwelling unit is constructed above another dwelling unit.
 - (3) Two-family dwellings (duplexes).
 - (4) Multi-family dwellings. Projects shall be a minimum of one (1) acre in land area. More than one lot may be utilized to meet the one-acre requirement as long as the lots are contiguous or directly across street rights-of-way. A minimum of twenty (20) units must be built in the first phase of construction.
 - (5) 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.
 - (6) Barber and beauty shops.
 - (7) Buildings and uses owned or operated by public governmental agencies.
 - (8) Business or commercial schools.
 - (9) Church worship facilities.
 - (10) Clinic, medical and dental, and related professional offices.
 - (11) Communication towers (SUP required). Towers, antennas and communication dishes located on a building may be extend a maximum of 15 feet above the building, but must be screened from view.
 - (12) Day nurseries.
 - (13) Dry cleaning and laundry services.
 - (14) Gasoline service stations, excluding major motor or transmission repair services (SUP required).
 - (15) Hotels, motels and inns.
 - (16) Mortuaries (SUP required).
 - (17) Professional offices.
 - (18) Restaurants.
 - (19) Veterinarian or animal clinic provided that no kennel or exercise runway shall be located outside the building.
 - (20) Video rental stores and movie theaters.
 - (21) 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.
 - (22) Non-accessory dwelling units of 650 square foot minimum size when located over a retail, restaurant or similar use on the first floor.
 - (23) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (24) Bed and breakfast (SUP required).
 - (25) Uses similar to the above mentioned permitted uses; provided activities conducted observe the requirements of all city ordinances.
 - (26) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (27) Gas and oil drilling accessory uses (SUP required).
 - (28) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (29) Brewery, distillery, or winery.
 - (30) Bar (SUP required).
- (b) *Single-family detached and two-family requirements.*

- (1) *Maximum height.* No building shall exceed forty-five (45) feet or three and one-half (3-1/2) stories in height.
- (2) *Minimum dwelling size.* The minimum floor area of any single-family dwelling shall be one thousand seven hundred (1,700) square feet, exclusive of garages, breezeways and porches.
- (3) *Front yard.* No front setback is required.
- (4) *Side yard.* There shall be a side yard on each side of the lot having a width of not less than five (5) feet.
- (5) *Rear yard.* There shall be a rear yard having a depth of not less than twenty (20) feet. If a residential garage directly adjoins a rear alley, then the rear yard may be four (4) feet.

(c) *Single-family attached requirements.*

- (1) *Maximum height.* No building shall exceed seventy-five (75) feet in height.
- (2) *Minimum dwelling size.* The minimum floor area of any single-family attached dwelling shall be one thousand two hundred (1,200) square feet.
- (3) *Front yard.* No front setback is required.
- (4) *Side yard.* There shall be a side yard on each side of the lot having a width of not less than five (5) feet.
- (5) *Rear yard.* There shall be a rear yard having a depth of not less than six and one half (6.5) feet except if a residential garage directly adjoins a rear alley, then the rear yard may be four (4) feet.

(d) *Multi-family requirements.*

- (1) *Maximum height.* No building shall exceed seventy-five (75) feet in height excluding parapet walls. Parapet walls shall have a maximum height of eight (8) feet.
- (2) *Minimum dwelling size.* The minimum floor area of any multi-family dwelling shall be six hundred fifty (650) square feet, exclusive of garages, breezeways and porches.
- (3) *Front yard.* No front setback is required.
- (4) *Side yard.* There shall be a side yard on each side of the lot having a width of not less than five (5) feet.
- (5) *Rear yard.* There shall be a rear yard having a depth of not less than six and one half (6.5) feet except if a residential garage directly adjoins a rear alley, then the rear yard may be zero (0) feet.

(e) *Commercial and institutional building requirements.*

- (1) *Maximum height.* No building shall exceed seventy-five (75) feet in height excluding parapet walls. Parapet walls shall have a maximum height of eight (8) feet.
- (2) *Front yard.* No front setback is required.
- (3) *Side yard.* No side yard is required.
- (4) *Rear yard.* A rear yard of not less than ten (10) feet in depth shall be provided.

(f) *Other setbacks.*

- (1) The old town mixed use 2 district shall not be subject to the following provisions contained elsewhere in this ordinance:
 - a. "On a corner lot, the width of the yard along the side street shall not be less than any required front yard on the same side of such street between intersecting streets".
 - b. "...no accessory building shall be...closer than five feet to any rear or side lot line, and, in the case of corner lots, not less than the distance required for buildings from side streets".
 - c. "In any residential or MF district where 25 percent or more of the frontage upon the same side of a street between intersecting streets is occupied or partially occupied by a building or buildings having front yards of greater depth than is required by this chapter, no other lot upon the same side of such street between

such intersecting streets shall be occupied by a building with a front yard of less than the least depth of any such existing front yards.”

- (2) There shall be a minimum ten (10) foot setback on the driveway side of a lot when there is not sufficient maneuvering space on site to allow vehicles to exit the lot without backing onto a street identified as a thoroughfare on the Thoroughfare Plan.

PZ Meeting: _____
 CC Meeting: _____
 Case # _____



DO NOT WRITE ABOVE THIS LINE

**ECONOMIC DEVELOPMENT & PLANNING DIVISION
 APPLICATION FOR ZONE CHANGE**

OWNER/APPLICANT/AGENT INFORMATION SECTION (OWNER(S) MUST SIGN OR SUBMIT LETTER(S) OF AUTHORIZATION)

NAME OF **PROPERTY OWNER**: HAT GROUP, LLC
 MAILING ADDRESS: 1800 VALLEY VIEW LN, STE 300, FARMERS BRANCH, TX. 75234
 PHONE NUMBER: 972 533 8353 FAX NO.: _____ E-MAIL: HENRY@RCDCGROUPS.COM
 OWNER SIGNATURE: [Signature] DATE: 3/31/2016
 PRINTED NAME & TITLE (IF ANY): MEHRDAD MOYEDI

NAME OF **APPLICANT** (FILL IN ONLY IF OTHER THAN OWNER): MARDY BROWN
 MAILING ADDRESS: 1800 VALLEY VIEW LN. STE 40, FARMERS BRANCH TX 75234
 PHONE NUMBER: 469 853 6539 FAX NO.: _____ E-MAIL: MBROWN@TXDEV.BIZ
 APPLICANT SIGNATURE: [Signature] DATE: 3/31/2016
 PRINTED NAME & TITLE (IF ANY): CEO MARDY BROWN

NAME OF **REPRESENTING AGENT** (IF ANY): _____
 MAILING ADDRESS: _____
 PHONE NUMBER: _____ FAX NO.: _____ E-MAIL: _____
 AGENT SIGNATURE: _____ DATE: _____
 PRINTED NAME & TITLE (IF ANY): _____

(Required to be completely filled out before submitting application)
 PRESENT ZONING: GB REQUESTED ZONING: OTMUZ TOTAL LAND AREA (ACRES) 27,545 S.F. OR 0.6323 AC.

PROPERTY IDENTIFICATION (LOTS, BLOCKS, TRACTS, ABSTRACTS)
LOT 2 LEWISVILLE CENTER ADDITION COB B PG 340 AND DCR 2003 164213
 ADDRESS AND LOCATION OF THE PARCEL(S): EAST SIDE OF CHARLES ST, SOUTH OF ELM STREET, NORTH OF SAMUEL,

APPLICATION & SIGN FEES (Please fill in appropriate blanks and enter total amount due)

<input type="checkbox"/> Less than 1/2 acre	\$ 150.00	<input type="checkbox"/> 25 acres up to 49.99 acres	\$ 750.00
<input checked="" type="checkbox"/> 1/2 acre up to 4.99 acres	\$ 250.00	<input type="checkbox"/> 50 acres up to 99.99 acres	\$1,000.00
<input type="checkbox"/> 5 acres up to 24.99 acres	\$ 400.00	<input type="checkbox"/> 100 acres and more	\$1,500.00

of Zone Change Signs at \$35 per sign
 (1 sign required for each 5 acres (maximum of 5 signs per site)) \$ _____

TOTAL AMOUNT DUE \$ 250.00



LEWISVILLE
Deep Roots. Broad Wings. Bright Future.

PROPOSED USE (Required to be filled out before submitting application)

Fully describe the proposed use(s) and plans for the property:

Re-develop 0.6323 acres as a portion
of an overall project referred to
as South Village. Specifically said
property will contain (12) twelve
single family attached units.

NOTE:

Items submitted by the submittal date does not guarantee placement on an agenda.

Items must be deemed complete before they will be placed on an agenda.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF LEWISVILLE, TEXAS BY REZONING TWO TRACTS OF LAND TOTALING APPROXIMATELY 0.6323-ACRES; LEGALLY DESCRIBED AS LOT 2, BLOCK A, LEWISVILLE CENTER ADDITION AND A PORTION OF THE J.W. KING SURVEY, ABSTRACT NO. 696, LOCATED ON THE EAST SIDE OF CHARLES STREET BETWEEN ELM STREET AND HOUSTON STREET; FROM GENERAL BUSINESS DISTRICT (GB) ZONING TO OLD TOWN MIXED USE 2 DISTRICT (OTMU2) ZONING; CORRECTING THE OFFICIAL ZONING MAP; PRESERVING ALL OTHER PORTIONS OF THE ZONING ORDINANCE; PROVIDING A CLAUSE RELATING TO SEVERABILITY; DETERMINING THAT THE PUBLIC INTERESTS AND GENERAL WELFARE DEMAND THIS ZONING CHANGE AND AMENDMENT THEREIN MADE; PROVIDING A PENALTY; 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 Ordinances of the City of Lewisville, Texas, said Planning and Zoning Commission has recommended that rezoning of the approximately 0.6323-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: effect on the

congestion of the streets; the fire hazards, panics and other dangers possibly present in the securing of safety from same; the effect on the promotion of health and the general welfare; effect on adequate light and air; the effect on the overcrowding of the land; the effect of the concentration on population; the effect on the transportation, water, sewerage, schools, parks and other public facilities; 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 lessens the congestion in the streets; helps secure safety from fire, panic and other dangers; promotes health and the general welfare; provides adequate light and air; prevents the overcrowding of land; avoids undue concentration of population; facilitates the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements; 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 **OLD TOWN MIXED USE 2 DISTRICT (OTMU2) ZONING.**

SECTION 2. The City Manager, or her designee, is hereby directed to correct the official zoning map of the City of Lewisville, Texas, to reflect this change in zoning.

SECTION 3. That 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. That 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, to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; provide adequate light and air; to prevent overcrowding of land, to avoid undue concentration of population; facilitate the adequate provisions of transportation, water, sewage, parks and other public requirements, and to make adequate provisions for the normal business, commercial needs and development of the community. They have been made with reasonable consideration, among other things of the character of the district, and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

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. That 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 and every day such offense is continued shall constitute a new and separate offense.

SECTION 8. 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 final passage, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF _____ TO _____, ON THIS THE 2ND DAY OF MAY, 2016.

ORDINANCE NO. _____

Page 5

APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

Exhibit A
Legal Description

EXHIBIT A

LEGAL DESCRIPTION

STATE OF TEXAS §
COUNTY OF DENTON §

WHEREAS, CADG MILL STREET, LLC are the owners of a tract of land located in the J. W. King Survey, Abstract Number 696, Lewisville, Denton County, Texas, and being all of Lot 2 Block A, South Village Addition, an addition to the City of Lewisville, according to the plat thereof recorded in Document Number 2014-293, Plat Records, Denton County, Texas, all of Lot 2, Lewisville Center Addition an addition to the City of Lewisville according to the plat thereof recorded in Cabinet B, Page 340, Plat Records, Denton County, Texas, same being a portion of a tract of land to CADG Mill Street, LLC as recorded in Document Number 2013-138401, Deed Records Denton County, Texas, and being more particularly described as follows:

COMMENCING at 1/2 inch iron rod with cap stamped "BRITTAIN-CRAWFORD" found for the northwest corner of said Lot 2, Block A, South Village Addition, same point lying on the south line of Elm Street (50' public right-of-way), and also being the northeast corner of a tract of land described in a deed to Eric G. Schweitzer & Sharon Schweitzer, Document Number 2002-78606, Deed Records of Denton County, Texas;

THENCE South 00 degrees 41 minutes 30 seconds East along the east line of said Eric Schweitzer tract, southerly a distance of 171.07 feet to a 1 inch iron pipe found for corner at the northeast corner of said Area 1 said point being the **POINT OF BEGINNING** of Area 1,

THENCE South 00 degrees 31 minutes 00 seconds West departing the south line of said Eric Schweitzer tract a distance of 74.90 feet to a 1/2 inch iron rod found at the south eastern corner of Area 1, said point also being the northeast corner of a tract described in a deed to Kenneth Neil, et al, Document Number 2010-73480, Deed Records of Denton County, Texas;

THENCE South 87 degrees 01 minutes 40 seconds West, along the common line of said CADG tract and the Kenneth Neil tract, a distance of 164.84 feet to a 1 inch iron pipe found for corner lying on the east line of said Charles Street, same being the northwest corner of said Kenneth Neil tract

THENCE North 00 degrees 26 minutes 20 seconds East along the east line of said Charles Street, a distance of 75.38 feet to a 1/2 inch iron pipe found for corner in the northwest corner of the CADG tract and the southwest corner of said Eric Schweitzer tract;

THENCE North 87 degrees 11 minutes 50 seconds East departing the east line of said Charles Street, along said common line between the CADG tract and the Eric Schweitzer tract, a distance of 164.91 feet to **POINT OF BEGINNING** of Area 1, containing 12,367 square feet or 0.2839 acres, more or less;

THENCE COMMENCING at the southeast corner of said CADG tract and the northeast corner of the Kenneth Neil tract to the Northeast corner of Area 2;

THENCE South 01 degrees 16 minutes 20 seconds East continuing southerly along the common line of said Lot 2 and the eastern line of a tract described to Kenneth Neil et al, a distance of 75.28 feet to an "x" cut found for corner of said Lot 2 and the southeast corner of said Kenneth Neil tract, said point being the **POINT OF BEGINNING** at the northeast corner of Area 2,

THENCE South 01 degrees 00 minutes 40 seconds East departing the south line of said Kenneth Neil tract et al, in a southerly direction, a distance of 39.96 feet to a point for corner;

THENCE North 89 degrees 07 minutes 30 seconds East, in an easterly direction, a distance of 34.20 feet to a point for corner;

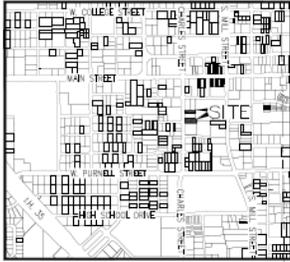
THENCE South 00 degrees 26 minutes 14 seconds East, in a southerly direction, to an "X" cut in the southerly line of Lot 2, a distance of 37.24 feet to a point for corner, said point being the northwest corner of Lot 1, of the Lewisville Center Additoin, as recorded in Cab , Page 340 of the Plat Records of Denton County, Texas;

THENCE South 01 degrees 15 minutes 31 seconds East, in a southerly direction, along the east line of said Area 2 a distance of 7.72' to an to an "X" cut, said point also being the north east corner of a lot described to the Lynne Cloonbeck Support Trust, Document Number 1995-63473, Deed Records of Denton County, Texas;

THENCE South 89 degrees 04 minutes 16 seconds West along the common line of said south line of the CADG tract north line of said Cloobek tract, a distance of 200.13 feet to an "X" cut found, for the northwest corner of the Cloobek tract, said point also being in the east line of Charles Street;

THENCE North 00 degrees 35 minutes 00 seconds West along the east line of said Charles Street, a distance of 79.54 feet to a 1/2 inch iron rod found for corner, said point being the southwest corner of said Kenneth Neil tract and the northwest corner of Area 2;

THENCE North 87 degrees 12 minutes 00 seconds East, departing the east line of said Charles Street, along said north line of Area 2 and the south line of said Kenneth Neil tract, a distance of 165.76 feet to the **POINT OF BEGINNING** of said Area 2, containing 15,178 square feet or 0.3484 acres, more or less, in all bothe Area 1 and Ara 2 containing 27,545 square Feet, or 0.6323 acres of land, more or less.

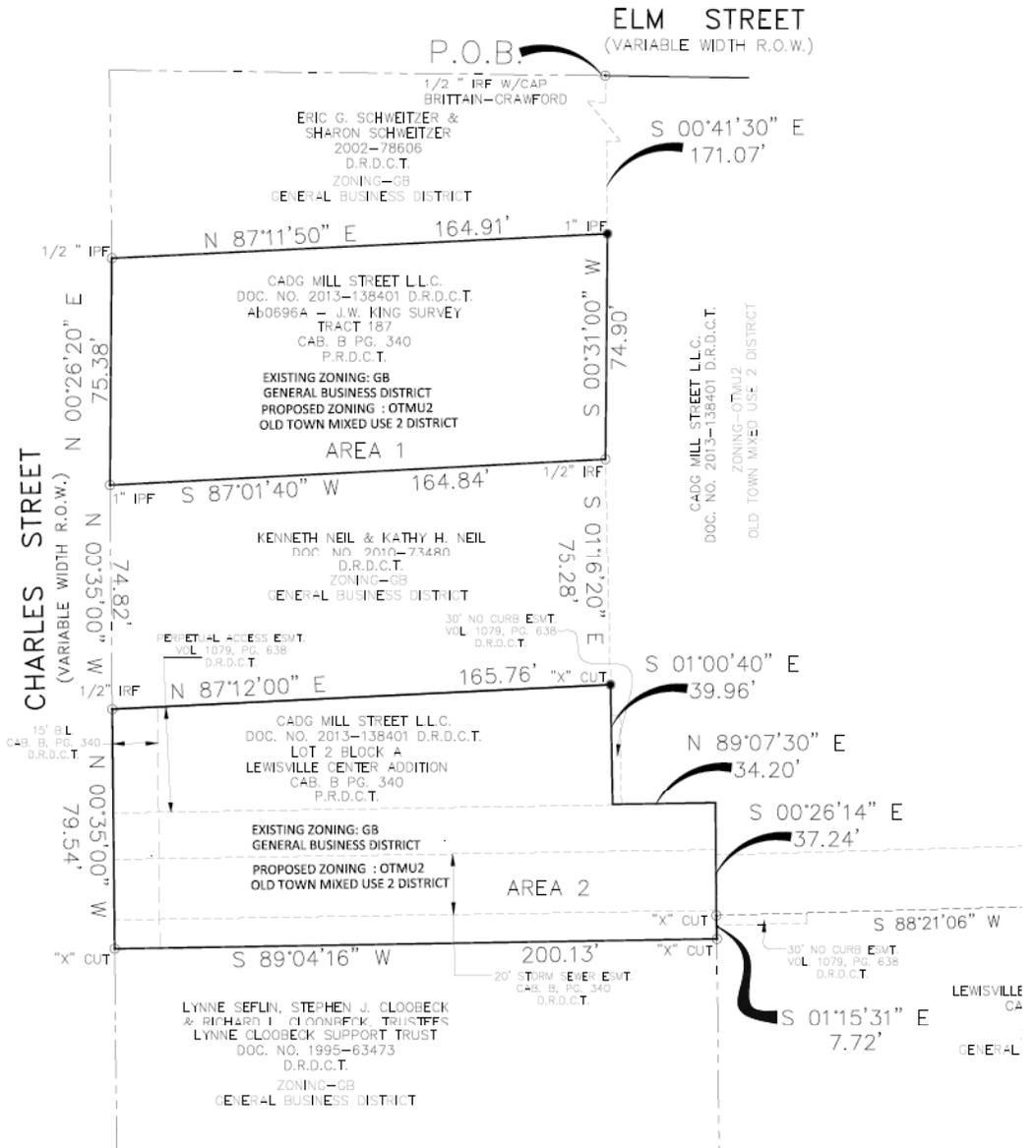


VICINITY MAP
1"=1000'

QUENTIN D WITHERSPOON DISTILLERY LLC
PIGGLY WIGGLY ADDITION
LOT 1 BLOCK 1
ZONING-CB
GENERAL BUSINESS DISTRICT

SAMUEL ST.
(50' WIDTH R.O.W.)

KAMY REAL PROPERTY TRUST
L.M. KEALY SURVEY
LOT 4 BLOCK A
ZONING-R7.5
GENERAL BUSINESS DISTRICT



Location Map - South Village



ZONING CASE NO. PZ-2016-04-11

PROPERTY OWNER: HAT GROUP, LLC

PROPERTY LOCATION: EAST SIDE OF CHARLES ST BETWEEN ELM ST AND HOUSTON ST (0.6323-ACRES)

CURRENT ZONING: GENERAL BUSINESS (GB)

REQUESTED ZONING: OLD TOWN MIXED USE 2 (OTMU2)

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Nika Reinecke, Director of Economic Development and Planning

DATE: May 2, 2016

SUBJECT: **Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From Old Town Mixed Use 2 District (OTMU2) to Parking District (PK); on an Approximately 0.264-Acre Tract of Land, Located on the North Side of East Main Street, West of Railroad Street, at 541 East Main Street; Legally Described as a Portion of Lot 9R, Block 22, Kealy Addition, as Requested by Alex Paint and Body, LLC, the Property Owner (Case No. PZ-2016-04-12).**

BACKGROUND

The subject property has been zoned OTMU2 (Old Town Mixed Use 2) since 2005. The OTMU2 District, which allows a mixture of residential, retail, restaurant and office uses with flexible development standards, was established to provide an incentive for Old Town property owners to rezone their GB (General Business) and LI (Light Industrial) properties to OTMU1 or OTMU2 in order to achieve the vision established in the Old Town Master Plan. The applicant owns and operates a paint and body shop on the adjacent property to the east, which is zoned LI. The applicant started the development process for the paint and body shop in 2013 prior to the adoption of the Special Use Permit process in the Zoning Ordinance. The building that houses the paint and body shop was built in compliance with all Old Town architectural design standards. The applicant purchased the subject property with plans to expand the paint and body shop westward onto this property; however, the OTMU2 District does not allow any automotive uses; therefore, an expansion of the paint and body shop cannot be considered through the SUP process on the subject property. The applicant's most pressing need at this time is additional customer and employee parking. On June 16, 2015, the Planning and Zoning Commission recommended denial of the previous zone change application from OTMU2 to PK by a vote of 4-2. The applicant withdrew the previous request before it went to City Council in order to make major revisions to his proposal before resubmitting a new zone change application in October of 2015. The Planning and Zoning Commission at that time also recommended denial of the zone change request by a vote of 4-2. The item went before the City Council November 16, 2015, at which time the Council discussed limiting the boundary of the request to allow the PK district in the back portion of the lot while maintaining the OTMU2 in the front of the property for future building construction. Mr. Salguero withdrew his request and is now resubmitting to request zoning that reflects the options discussed at the City Council meeting.

Subject: Alex Paint & Body Parking

May 2, 2016

Page 2 of 2

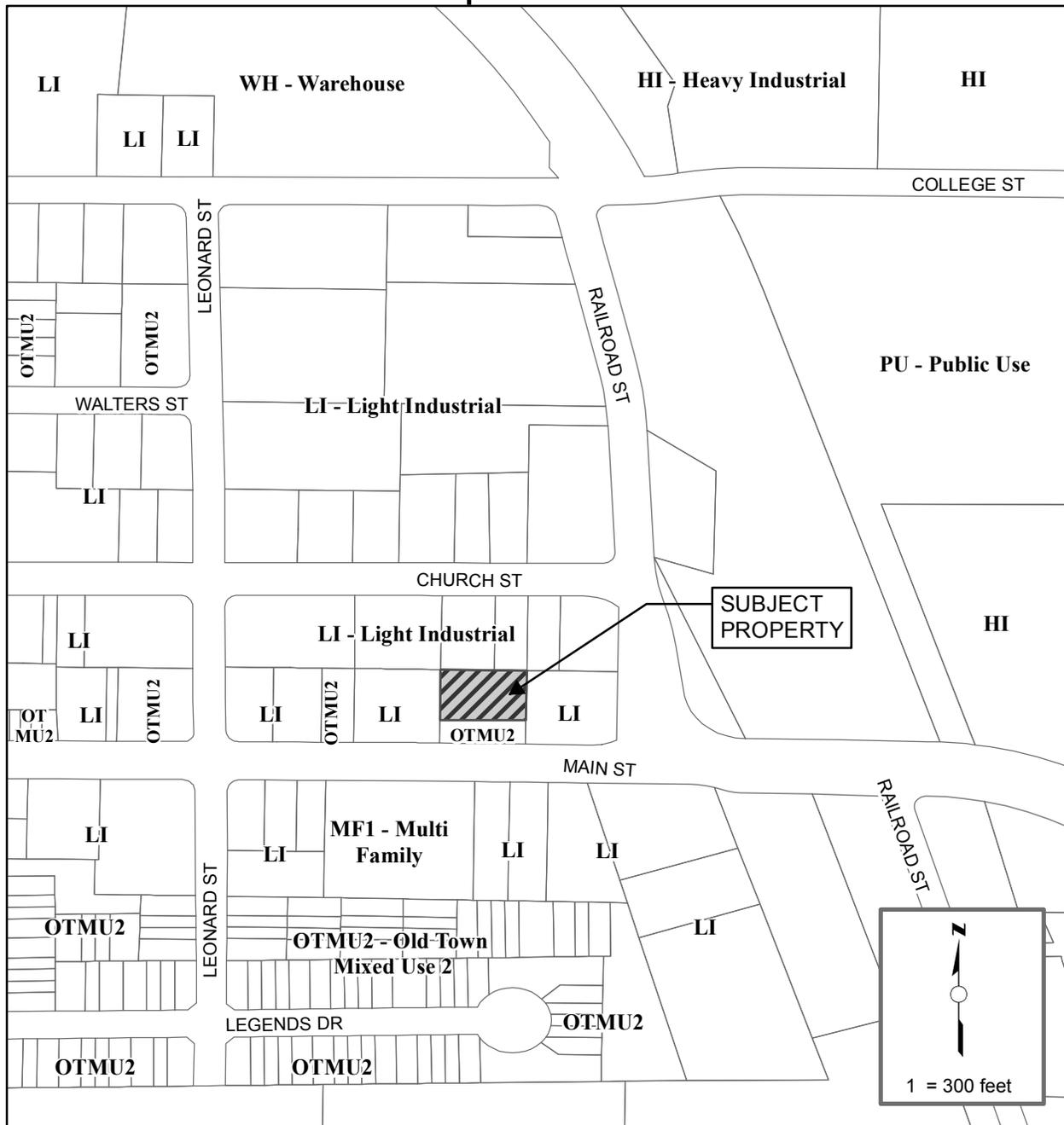
ANALYSIS

The applicant is requesting the zoning change from OTMU2 to PK to allow the construction of a parking lot for customer and employee parking associated with his paint and body shop business. The PK District is intended for parking uses behind, across the street from, or adjacent and incidental to properties zoned MF, LC, OD, MD, GB, WH, LI and HI, where the provision of off-street parking is essential to protection of existing development and conducive to the most appropriate use of land. While the loss of the OTMU2 zoning on the entire property could be seen as contrary to vision and goals of the Old Town Master Plan, this revised request seeks to limit the boundary of the PK zoning to the rear portion of the lot, allowing for development to occur closer to the street. The applicant is working to preserve the front portion for a future building while providing additional parking for his existing employees and customers. The PK District only allows parking lots and parking structures. Staff is comfortable with the proposed zoning change since no other uses or buildings can be developed within this district. While the previous request would have required the future rezoning to OTMU2 to construct a building on the site, the current request limits the parking to the rear while still allowing development up front. The subject site and the paint and body shop building to the east would be conducive for redevelopment with residential, office, retail or restaurant uses in the future with the addition of the proposed parking lot. Please note that the proposed zoning does not allow the storage of any wrecked or damaged vehicles associated with the neighboring business. Only employee, customer or visitor parking is allowed on parking lots within the Parking District. The applicant has provided some renderings showing the different phases of development proposed. The first phase would involve building a parking lot with approximately 20 parking spaces which would be screened with a decorative fence with brick columns creating privacy and security. The rendering shows the parking located at the rear of the property. Phase two development of this site proposes the construction of two two-story buildings, roughly 3,600 square feet each that would be situated at the front of the lot and served by the parking at the rear. The Planning and Zoning Commission recommended unanimous approval (5-0) of the zone change request at their meeting of April 19, 2016.

RECOMMENDATION

It is City staff's recommendation that the City Council approves the proposed ordinance as set forth in the caption above.

Location Map - 541 E. Main St.



ZONING CASE NO. PZ-2016-04-12

COMPANY NAME: ALEX PAINT AND BODY LLC

PROPERTY LOCATION: NORTH SIDE OF E. MAIN STREET WEST OF RAILROAD STREET AT 541 EAST MAIN STREET (0.264 ACRES)

CURRENT ZONING: OLD TOWN MIXED USE 2 (OTMU2)

REQUESTED ZONING: PARKING DISTRICT (PK)

Location Map - 541 E. Main St.



MINUTES
PLANNING AND ZONING COMMISSION
APRIL 19, 2016

Item 4:

Public Hearings for Zoning and Special Use Permits were next on the agenda. There were three items for consideration:

- B. **Public Hearing:** Consideration of a Zone Change Request From Old Town Mixed Use 2 District (OTMU2) to Parking District (PK); on an Approximately 0.264-Acre Tract of Land, Located on the North Side of East Main Street, West of Railroad Street, at 541 East Main Street; Legally Described as a Portion of Lot 9R, Block 22, Kealy Addition; as Requested by Alex Paint and Body, LLC, the Property Owner. (Case No. PZ-2016-04-12).

Staff gave a brief presentation on the history of this site and the proposed use. A prior request proposed PK zoning for the entire lot, but when the case was presented at City Council, it was suggested that only the portion proposed to be used for parking be rezoned versus the entire lot which would require another zone change at a future date for buildings to be constructed. The current request represents that discussion where only the portion of the site to be used for parking is being requested, allowing OTMU2 to remain along the Main Street frontage for a future building(s). Brandon Jones asked about the size of the buildings shown in the concept plan. Staff indicated that the concept showed a two story building with approximately 1,800 square feet per floor. The public hearing was opened. Alex Salguero, the property owner, spoke in favor of the request indicating he was trying to provide additional parking for his employees and customers and that this request would still allow for construction at the front of the property in the future. Eric Cortez, the architect who provided the renderings, also spoke in favor of the zone change request indicating that Mr. Salguero has made efforts to contribute to the improvement of the community. There being no one else present to speak, the public hearing was then closed. Brandon Jones indicated he had mixed feelings related to the proposal. Steve Byars indicated he was in support of the request. A motion was made by Brandon Jones to recommend approval of the zone change request, seconded by Alvin Turner. The motion passed unanimously (5-0).

SECTION 17-27. - "PK" PARKING DISTRICT REGULATIONS

- (a) *Use.* A building or area shall be used only for the following purposes:
- (1) Parking, commercial or private lot (not to include parking for trucks) intended for use behind, across the street from, or adjacent and incidental to "MF", "LC", "OD", "MD", "GB", "WH", "LI", and "HI", where the provision of off-street parking is essential to protection of existing development and conducive to most appropriate use of land.
 - (2) Parking structures.
 - (3) Buildings accessory to the primary parking uses.
 - (4) Church worship facilities.
 - (5) Buildings and uses owned or operated by public governmental agencies.
 - (6) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
- (b) *Height.* The maximum height shall be four (4) standard stories but shall not exceed fifty (50) feet in height, provided that any building or portion of a building may be erected above said limit if set back from all street lines and required yard lines one (1) foot for each one (1) foot of its height above such limit. In no event, however, shall any building exceed two (2) standard stories when located within one hundred fifty (150) feet of any property zoned for residential purposes.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a required depth of not less than twenty-five (25) feet. Furthermore, required parking shall not be allowed within the required front yard.
 - b. *Side yard.* There shall be a side yard on each side of the lot having a width of not less than twenty-five (25) feet.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than twenty-five (25) feet.
 - (2) *Reserved.*

SECTION 17-22.7. - "OTMU2" OLD TOWN MIXED USE 2 DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Single-family attached dwellings, provided that no more than nine (9) dwelling units are attached in one continuous row or group, and provided that no dwelling unit is constructed above another dwelling unit.
 - (3) Two-family dwellings (duplexes).
 - (4) Multi-family dwellings. Projects shall be a minimum of one (1) acre in land area. More than one lot may be utilized to meet the one-acre requirement as long as the lots are contiguous or directly across street rights-of-way. A minimum of twenty (20) units must be built in the first phase of construction.
 - (5) 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.
 - (6) Barber and beauty shops.
 - (7) Buildings and uses owned or operated by public governmental agencies.
 - (8) Business or commercial schools.
 - (9) Church worship facilities.
 - (10) Clinic, medical and dental, and related professional offices.
 - (11) Communication towers (SUP required). Towers, antennas and communication dishes located on a building may be extend a maximum of 15 feet above the building, but must be screened from view.
 - (12) Day nurseries.
 - (13) Dry cleaning and laundry services.
 - (14) Gasoline service stations, excluding major motor or transmission repair services (SUP required).
 - (15) Hotels, motels and inns.
 - (16) Mortuaries (SUP required).
 - (17) Professional offices.
 - (18) Restaurants.
 - (19) Veterinarian or animal clinic provided that no kennel or exercise runway shall be located outside the building.
 - (20) Video rental stores and movie theaters.
 - (21) 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.
 - (22) Non-accessory dwelling units of 650 square foot minimum size when located over a retail, restaurant or similar use on the first floor.
 - (23) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (24) Bed and breakfast (SUP required).
 - (25) Uses similar to the above mentioned permitted uses; provided activities conducted observe the requirements of all city ordinances.
 - (26) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (27) Gas and oil drilling accessory uses (SUP required).
 - (28) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (29) Brewery, distillery, or winery.
 - (30) Bar (SUP required).
- (b) *Single-family detached and two-family requirements.*

- (1) *Maximum height.* No building shall exceed forty-five (45) feet or three and one-half (3-1/2) stories in height.
- (2) *Minimum dwelling size.* The minimum floor area of any single-family dwelling shall be one thousand seven hundred (1,700) square feet, exclusive of garages, breezeways and porches.
- (3) *Front yard.* No front setback is required.
- (4) *Side yard.* There shall be a side yard on each side of the lot having a width of not less than five (5) feet.
- (5) *Rear yard.* There shall be a rear yard having a depth of not less than twenty (20) feet. If a residential garage directly adjoins a rear alley, then the rear yard may be four (4) feet.

(c) *Single-family attached requirements.*

- (1) *Maximum height.* No building shall exceed seventy-five (75) feet in height.
- (2) *Minimum dwelling size.* The minimum floor area of any single-family attached dwelling shall be one thousand two hundred (1,200) square feet.
- (3) *Front yard.* No front setback is required.
- (4) *Side yard.* There shall be a side yard on each side of the lot having a width of not less than five (5) feet.
- (5) *Rear yard.* There shall be a rear yard having a depth of not less than six and one half (6.5) feet except if a residential garage directly adjoins a rear alley, then the rear yard may be four (4) feet.

(d) *Multi-family requirements.*

- (1) *Maximum height.* No building shall exceed seventy-five (75) feet in height excluding parapet walls. Parapet walls shall have a maximum height of eight (8) feet.
- (2) *Minimum dwelling size.* The minimum floor area of any multi-family dwelling shall be six hundred fifty (650) square feet, exclusive of garages, breezeways and porches.
- (3) *Front yard.* No front setback is required.
- (4) *Side yard.* There shall be a side yard on each side of the lot having a width of not less than five (5) feet.
- (5) *Rear yard.* There shall be a rear yard having a depth of not less than six and one half (6.5) feet except if a residential garage directly adjoins a rear alley, then the rear yard may be zero (0) feet.

(e) *Commercial and institutional building requirements.*

- (1) *Maximum height.* No building shall exceed seventy-five (75) feet in height excluding parapet walls. Parapet walls shall have a maximum height of eight (8) feet.
- (2) *Front yard.* No front setback is required.
- (3) *Side yard.* No side yard is required.
- (4) *Rear yard.* A rear yard of not less than ten (10) feet in depth shall be provided.

(f) *Other setbacks.*

- (1) The old town mixed use 2 district shall not be subject to the following provisions contained elsewhere in this ordinance:
 - a. "On a corner lot, the width of the yard along the side street shall not be less than any required front yard on the same side of such street between intersecting streets".
 - b. "...no accessory building shall be...closer than five feet to any rear or side lot line, and, in the case of corner lots, not less than the distance required for buildings from side streets".
 - c. "In any residential or MF district where 25 percent or more of the frontage upon the same side of a street between intersecting streets is occupied or partially occupied by a building or buildings having front yards of greater depth than is required by this chapter, no other lot upon the same side of such street between

such intersecting streets shall be occupied by a building with a front yard of less than the least depth of any such existing front yards.”

- (2) There shall be a minimum ten (10) foot setback on the driveway side of a lot when there is not sufficient maneuvering space on site to allow vehicles to exit the lot without backing onto a street identified as a thoroughfare on the Thoroughfare Plan.

This Section (Office Use Only)	
Case:	
PZ:	CC:
Sign/s Picked Up By:	



LEWISVILLE
Deep Roots. Broad Wings. Bright Future.

ZONE CHANGE APPLICATION

Owner/s (name): Alex Salguero	
Company Name: Alex Paint & Body LLC	
Mailing Address: 545 E. Main St. Lewisville TX 75057	
Work #: 214-222-3141	Cell #: 972 880 5024
E-Mail: Alex@Alexbodyshop.com	
Owner Signature (Owner/s Must Sign or Submit Letter of Authorization):	Date: 3-22-2016
Printed Name: Alex Salguero	

Applicant/Agent (name): Doug Crow	
Company Name: Mercury Concrete Inc.	
Mailing Address: 321 Main St. Lake Dallas TX 75065	
Work #: 214-546-2758	Cell #: Same
E-Mail: Dougcrow@hotmail.com	
Applicant/Agent Signature	Date: 3-22-16
Printed Name: Doug Crow	

Current Zoning: OTM02	Requested Zoning: P.K.	Acres: 0.403
Legal Description (Lot/Block/Tract/Abstract): Kealy Addition Lot 9R Block 22 Cabinet K 248		
Address/Location: North side E. Main St. just west of Rail Road St.		

Application and Sign Fees:

Less than 1/2 acre	\$ 150.00
1/2 acre up to 4.99 acres	\$ 250.00
5 acres up to 24.99 acres	\$ 400.00

25 acres up to 49.99 acres	\$ 750.00
50 acres up to 99.99 acres	\$1,000.00
100 acres and more	\$1,500.00

Qty: _____	Zone Change Signs - \$35 each. 1 sign required for each .5 acres (max. 5 per site)	\$ _____
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Sign(s) must be posted a minimum of ten (10) days prior to the Planning & Zoning hearing date.

Amount Due (application & sign fee)	\$ _____
---	----------



REQUIRED:

Fully describe the plans for the property

Empty lot to be paved (per engineers plans) and landscaped.

USE - parking for customers, vendors, employees and others as needed.

No wrecked or damaged cars to use this lot

Lot is currently vacant. These changes would greatly improve curb appeal to the area and provide useful parking.

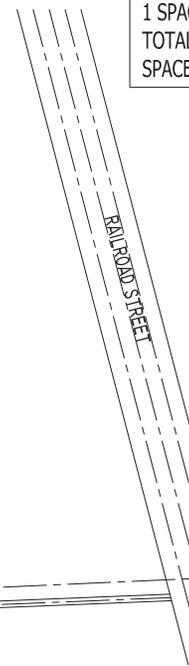
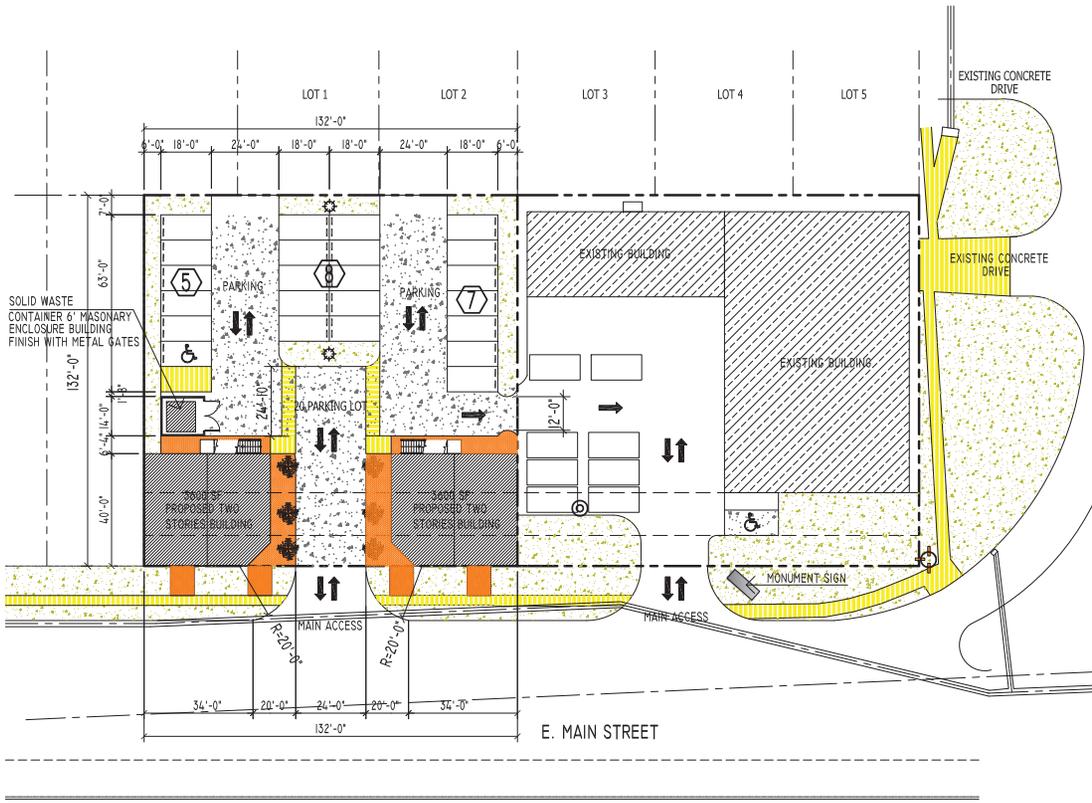
NOTE:

Items must be staff approved and deemed complete before they will be placed on an agenda.



LEGEND	
	PROPOSED PARKING
	PROPOSED FIRELANE
	EXISTING FIRE HYDRANT
	PROPOSED LIGHT POLES
	EXISTING STORM INLET
	GREEN AREA

SITE DATA SUMMARY CHART	
PROPOSED USE: BUSINESS PROFESSIONAL OFFICES	
LOT AREA: 0.40 ACRES (17,424 SF)	
ZONING PLAN: OTMUZ/REGULATIONS COMMERCIAL	
PROPOSED BUILDING:	
FIRST BUILDING:	3,600 SF (1,800 SF. EACH STORY)
SECOND BUILDING:	3,600 SF (1,800 SF. EACH STORY)
BUILDING TOTAL AREA: 7,200 SF	
PARKING REQUIREMENTS	
TOTAL BUILDING AREA:	7,200 SF (PARKING BASED ON T.B.A.)
1 SPACE PER 500 SF L.A.:	
TOTAL PARKING	
SPACE REQUIRED:	15 PARKING SPACES



CONCEPT SITE PLAN

ESC: 1" = 40'

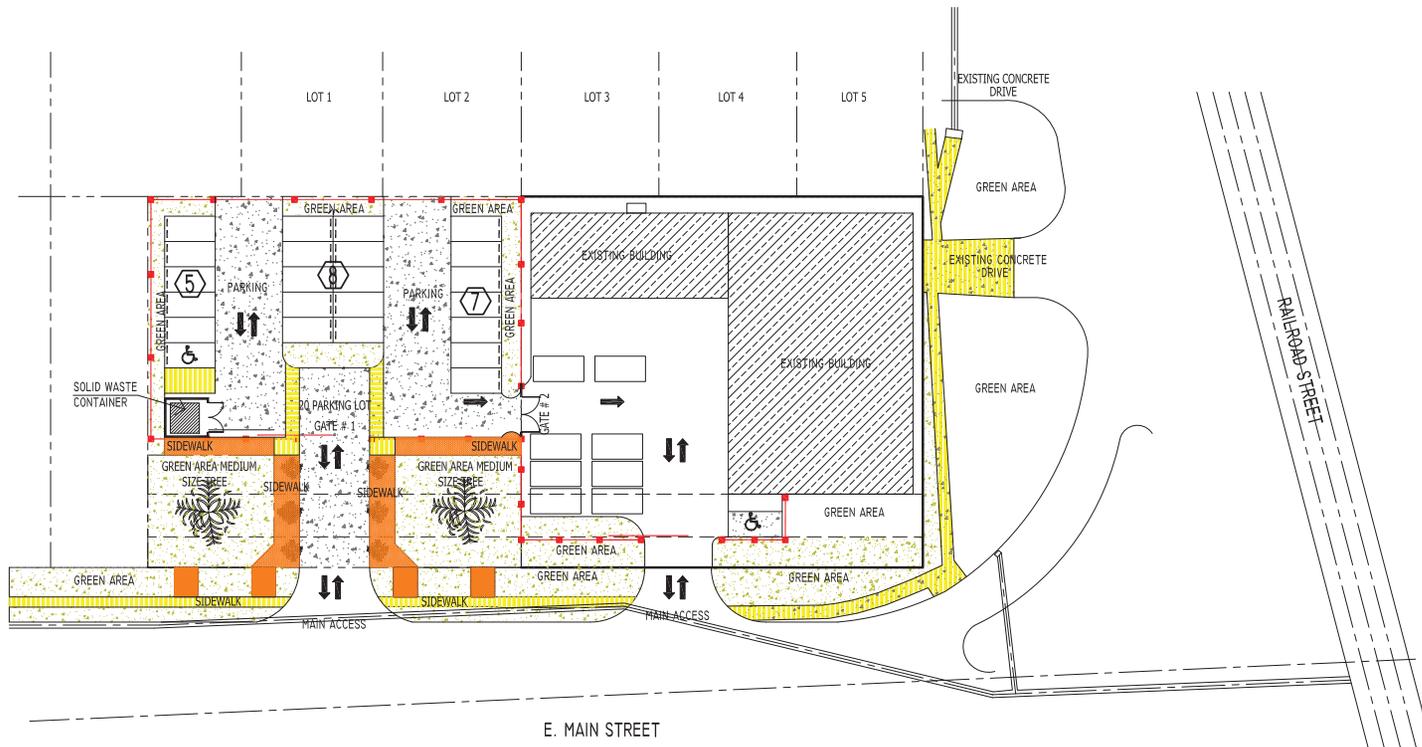
VICINITY MAP

ESC: 1 1/2" = 1000'

PROFESSIONAL OFFICES
 541 MAIN STREET, LOT 9R, BLOCK 22
 LEWISVILLE, DENTON COUNTY, TEXAS



PROJECT MGR:	ERICK CORTEZ
DRAWN BY:	CEASAR TESTO
SCALE:	INDICATE
CHECKED BY:	_____
REVISIONS	
9/18/15	
A1	
SITE PLAN	
DATE: SEPTEMBER 2015	



- PHASE 1**
- PARKING LOT
 - DRIVEWAY
 - SIDEWALK

FENCE PLAN / PHASE 1

ESC: 1" = 40'

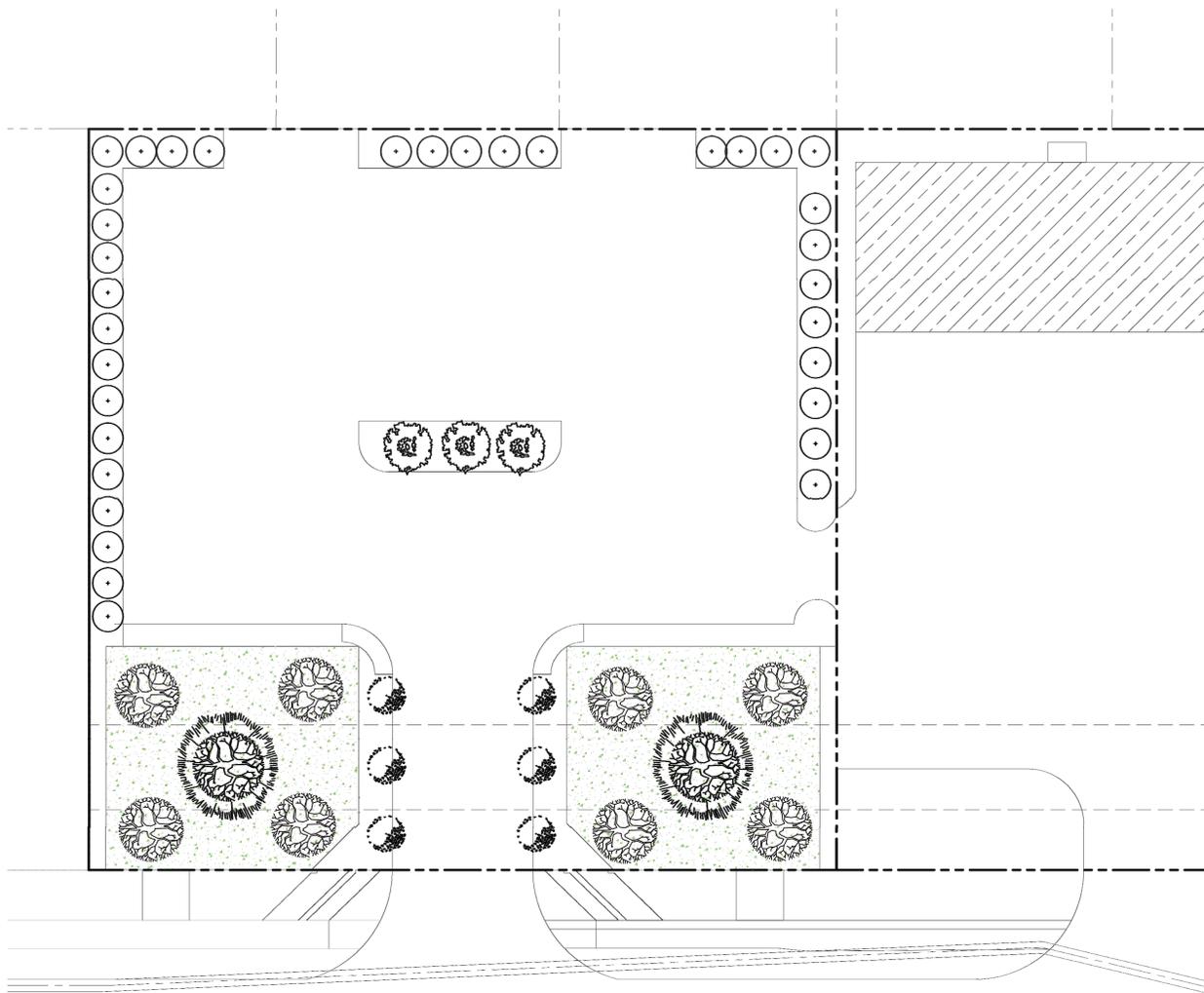
PROFESSIONAL OFFICES
 541 MAIN STREET, LOT 9R, BLOCK 22
 LEWISVILLE, DENTON COUNTY, TEXAS



PROJECT MGR: ERICK CARTER
 DRAWN BY: CESAR TESTO
 SCALE: INDICATE
 CHECKED BY: _____

REVISIONS
 97.187.115

A2
 FENCE PLAN / PHASE 1
 DATE: SEPTEMBER 2015



LEGEND

	ITALIAN CYPRESS
	MIS CANTUS SINENSIS "MAIDEN GRASS"
	THUJA PLICATA "GREEN GIANT"
	ILEX VOMITORIA "SCHELLINGS" DWARF YAUPON HOLLY
	DWARF BURNINF BUSH "COMPACTA" EVONYMUS ALATUS
	SAN AUGUSTIN SOD GRASS

PROFESSIONAL OFFICES
 541 MAIN STREET, LOT 9R, BLOCK 22
 LEWISVILLE, DENTON COUNTY, TEXAS



PROJECT MGR: ERICK CORTEZ
 DRAWN BY: CESAR TESTU
 SCALE: INDICATE
 CHECKED BY: _____

REVISIONS
 9 / 18 / 15

A7
 LANDSCAPE PLAN
 DATE: SEPTEMBER 2015

LANDSCAPE PLAN

ESC: 1" = 20'







ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF LEWISVILLE, TEXAS BY REZONING AN APPROXIMATELY 0.264-ACRE TRACT OF LAND LEGALLY DESCRIBED AS A PORTION OF LOT 9R, BLOCK 22, KEALY ADDITION, LOCATED ON THE NORTH SIDE OF EAST MAIN STREET, WEST OF RAILROAD STREET, AT 541 EAST MAIN STREET; FROM OLD TOWN MIXED USE 2 DISTRICT (OTMU2) ZONING TO PARKING DISTRICT (PK) ZONING; CORRECTING THE OFFICIAL ZONING MAP; PRESERVING ALL OTHER PORTIONS OF THE ZONING ORDINANCE; PROVIDING A CLAUSE RELATING TO SEVERABILITY; DETERMINING THAT THE PUBLIC INTERESTS AND GENERAL WELFARE DEMAND THIS ZONING CHANGE AND AMENDMENT THEREIN MADE; PROVIDING A PENALTY; 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 Ordinances of the City of Lewisville, Texas, said Planning and Zoning Commission has recommended that rezoning of the approximately 0.264-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: effect on the congestion of the streets; the fire hazards, panics and other dangers possibly present in the securing

of safety from same; the effect on the promotion of health and the general welfare; effect on adequate light and air; the effect on the overcrowding of the land; the effect of the concentration on population; the effect on the transportation, water, sewerage, schools, parks and other public facilities; 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 lessens the congestion in the streets; helps secure safety from fire, panic and other dangers; promotes health and the general welfare; provides adequate light and air; prevents the overcrowding of land; avoids undue concentration of population; facilitates the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements; 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 **PARKING DISTRICT (PK) ZONING.**

SECTION 2. The City Manager, or her designee, is hereby directed to correct the official zoning map of the City of Lewisville, Texas, to reflect this change in zoning.

SECTION 3. That 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. That 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, to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; provide adequate light and air; to prevent overcrowding of land, to avoid undue concentration of population; facilitate the adequate provisions of transportation, water, sewage, parks and other public requirements, and to make adequate provisions for the normal business, commercial needs and development of the community. They have been made with reasonable consideration, among other things of the character of the district, and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

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. That 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 and every day such offense is continued shall constitute a new and separate offense.

SECTION 8. 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 final passage, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 2ND DAY OF MAY, 2016.

ORDINANCE NO. _____

Page 5

APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

Exhibit A
Legal Description

EXHIBIT A

This is to certify that I have, this date, made an on the ground survey of the property located on 541 E. Main Street in the City of Lewisville, Texas described as follows:

LEGAL DESCRIPTION

State of Texas ~
County of Denton ~

Being a 0.264 acre tract of land out of A. G. King Survey, Abstract No. 698, City of Lewisville, Denton County, Texas same being a portion of Lot 9R, Block 22, of Replat of Kealy Addition, an addition in the City of Lewisville, Denton County, Texas, according to the plat thereof recorded in Cabinet K, Page 248, Plat Records, Denton County, Texas and being more particularly described as follows.

COMMENCING at a 1/2 inch iron rod found for corner at the southwest corner of Lot 1, Block A, J. A. Salguero Addition an addition to the City of Lewisville, according to the plat thereof recorded in Document No. 201500166142, Official Public Records, Denton County, Texas, same point being the southeast corner of said Lot 9R, Block 22, said point also being at the north right-of-way line of east main street (a 80.0 foot width right-of-way);

THENCE North 00 degrees 35 minutes 36 seconds East, departing the north line of said East Main Street and along the common line of said Lot 9R, Block 22 and Lot Lot 1, Block A, a distance of 45.52 feet to a point for corner, said point being the southeast corner of said 0.264 acre tract of land being described, same point being the POINT of BEGINNING;

THENCE South 89 degrees 44 minutes 41 seconds West, departing the common line of said Lot 9R, Block 22 and said IOT 1, Block A, a distance of 133.00 feet to a point for corner, said point being in the southwest of said 0.264 acre tract of land being described, same point in the west line of corner of said Lot 9R, Block 22, same point being the east line of that certain tract of land conveyed to Brown & McMullen Investments Properties, L.C. by deed as recorded in Document No. 98-R0047322, Official Public Records, Denton County, Texas, said point also being in the east line of Lot 8, Block 19, Kealy Addition, an addition to the City of Lewisville, Denton County, Texas, according to the plat thereof recorded in Volume 1, Page 5, Plat Records, Denton County, Texas;

THENCE North 00 degrees 35 minutes 51 seconds East, along the common line of said Lot 8, Block 19 and said Lot 9R, Block 22, a distance of 86.33 feet to a 1/2 inch iron rod set corner, said point being the northwest corner of said Lot 9R, Block 22, same point being the northeast corner of said Lot 8, Block 19, said point being the southwest corner of that certain tract of land conveyed to Walter L. Allen by deed as recorded in Volume 2769, Page 900, Deed Records, Denton County Texas;

THENCE North 89 degrees 29 minutes 45 seconds East, along the common line of said 9R, Block 22 and said Allen tract, a distance of 133.00 feet to a 1/2 inch iron rod found with cap for corner, said point being the northeast corner of said Lot 9R, Block 22 and the northwest corner of said Lot 1, Block A, J. A. Salguero Addition, same point being the southwest corner of Lot 3, Block 22, Kealy Addition, an addition to the City of Lewisville, Denton county, Texas, according to the plat thereof recorded in Volume 1, Page 5, plat records, Denton County;

THENCE South 00 degrees 35 minutes 36 seconds West, along the common line of said Lot 9R, Block 22 and said Lot 1, Block A, J. A. Salguero Addition, a distance of 86.90 feet to the POINT of BEGINNING and containing 11,518 square feet or 0.264 acres of computed land.

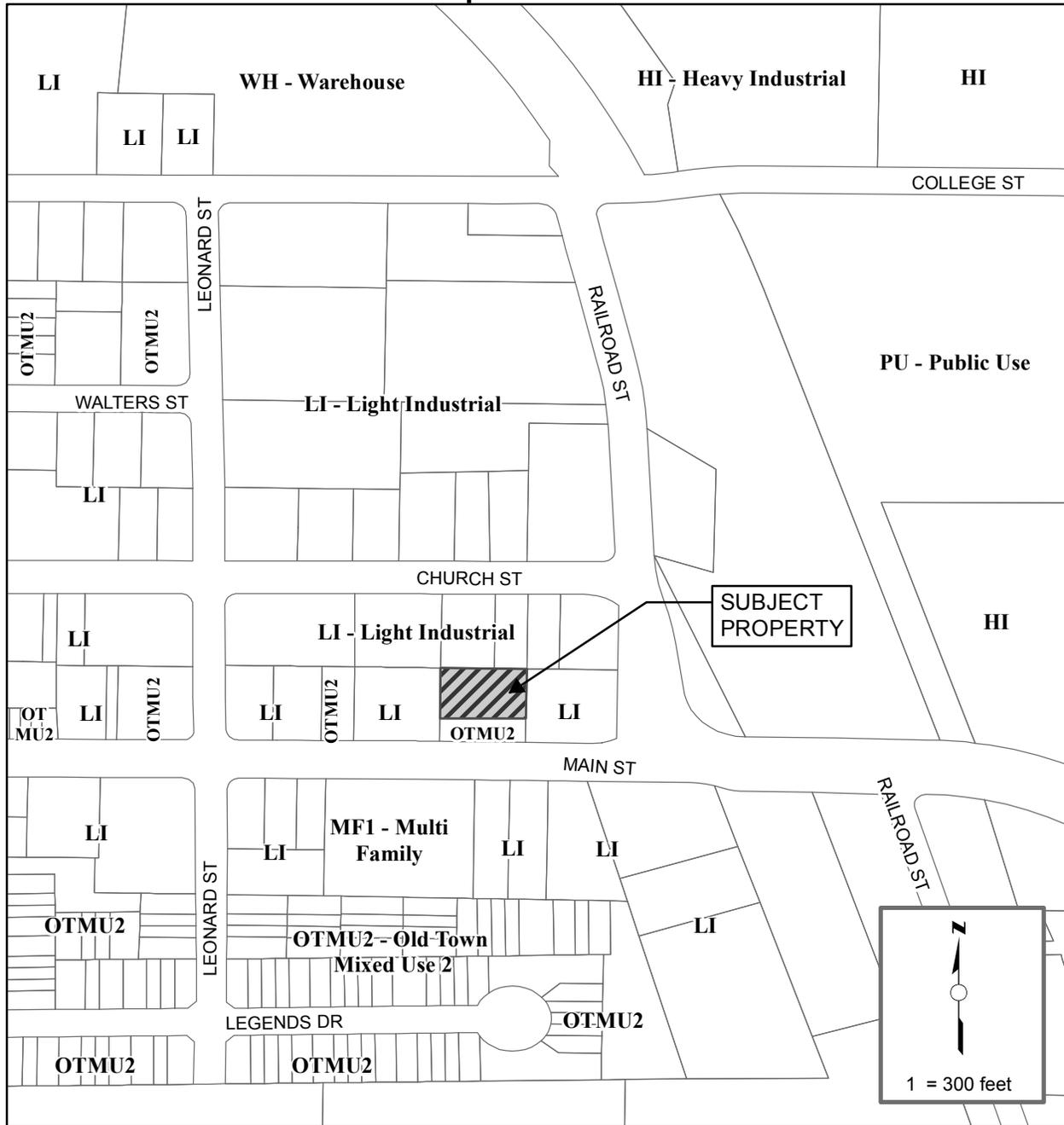


William P. Price

Registered Professional Land Surveyor No. 3047



Location Map - 541 E. Main St.



ZONING CASE NO. PZ-2016-04-12

COMPANY NAME: ALEX PAINT AND BODY LLC

PROPERTY LOCATION: NORTH SIDE OF E. MAIN STREET WEST OF RAILROAD STREET AT 541 EAST MAIN STREET (0.264 ACRES)

CURRENT ZONING: OLD TOWN MIXED USE 2 (OTMU2)

REQUESTED ZONING: PARKING DISTRICT (PK)

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Steven L. Bacchus, Assistant City Manager

DATE: April 20, 2016

SUBJECT: **Approval of Amendment No. 1 to the May 6, 1996 Contract for Sale of Treated Wastewater Effluent and Participation in Non-Potable Water Project Between the City of Lewisville and Upper Trinity Regional Water District.**

BACKGROUND

The City of Lewisville is a member of Upper Trinity Regional Water District (UTRWD). On May 6, 1996, the City and UTRWD entered into a 20-year contract to provide wastewater effluent from City to UTRWD. UTRWD entered into a contract with Denton County Fresh Water Supply District No. 1 (DCFWS District No. 1) on March 8, 1995 to receive non-potable water (untreated lake water and treated wastewater effluent) for irrigation purposes in Castle Hills. The current treated wastewater effluent contract will expire May 6, 2016.

ANALYSIS

On April 7, 2016 the Upper Trinity Regional Water District (UTRWD) Board of Directors approved Amendment No. 1 to the existing contract with the City of Lewisville for Sale of Treated Wastewater Effluent from the City's wastewater treatment plant to UTRWD. The amendment extends the contract term for ten (10) years and modifies certain items related to the charges for effluent purchased by UTRWD over this period. The proposed amendment changes include the maximum daily delivery of treated effluent of 2 million gallons per day (MGD) for years 1-5 and 1 MGD for years 6-10, which may be increased to 2 MGD if available. The reduction in term of the agreement is to allow full usage of treated effluent by the City in the future based on projected direct re-use program in Lewisville after 2025. Additional modifications to the existing agreement relates to the fee per 1,000 gallons of treated effluent delivered from Lewisville to UTRWD. The original fee in 1996 was \$0.10/1,000 gallons and has escalated based on Consumer Price Index (CPI) over the past 20 years to \$0.16/1,000 gallons. The amendment provides that the fee for treated effluent will be established as the posted price for DWU wholesale interruptible raw water rated effective October 1, 2016 and annually adjusted to reflect the annual City of Dallas Water Utilities (DWU) wholesale interruptible raw water rate on October 1 every year thereafter. The current DWU interruptible rate is \$0.4044, which includes a surcharge between City of Dallas and Sabine River Authority. The surcharge amount paid by UTRWD to Lewisville will be placed in an escrow account maintained by Lewisville and upon settlement by City of Dallas and Sabine River Authority lawsuit favorable to Dallas, Lewisville will return the surcharge amount to UTRWD. If the settlement is in favor of Sabine River Authority, Lewisville shall retain the surcharge amount.

Subject: Upper Trinity Regional Water District
April 20, 2016
Page 2 of 2

The amendment of the existing agreement also provides that UTRWD will transport Lewisville treated effluent to LLELA if so desired and approved by TCEQ.

RECOMMENDATION

It is City staff's recommendation that the City Council approve Amendment No. 1 as set forth in the caption above.

AMENDMENT NO. 1

**TO CONTRACT FOR SALE OF TREATED WASTEWATER EFFLUENT AND
PARTICIPATION IN NON-POTABLE WATER PROJECT**

BETWEEN

CITY OF LEWISVILLE, TEXAS

AND

UPPER TRINITY REGIONAL WATER DISTRICT

**THE STATE OF TEXAS §
 §
COUNTY OF DENTON §**

THIS AGREEMENT ("Amendment") is made and entered into as of _____, by and between **UPPER TRINITY REGIONAL WATER DISTRICT**, (the "DISTRICT") and **CITY OF LEWISVILLE, TEXAS**, (herein "LEWISVILLE") to amend the Sale and Participation Contract dated May 6, 1996, (the "Contract"), which Contract provides for the sale of treated wastewater effluent ("Effluent").

WHEREAS, the Contract for sale of Effluent will expire on May 5, 2016 unless renewed; and

WHEREAS, the sale of Effluent by LEWISVILLE to the DISTRICT has benefitted both parties; and

WHEREAS, the reuse of the Effluent is consistent with both LEWISVILLE's and the DISTRICT's water conservation programs; and

WHEREAS, LEWISVILLE desires to continue the sale of Effluent to the DISTRICT; and

WHEREAS, the DISTRICT has provided the Effluent to Denton County Fresh Water Supply District No. 1A (Castle Hills) for irrigation purposes; and

WHEREAS, Denton County Fresh Water Supply District No. 1A desires to continue its irrigation program using the Effluent; and

WHEREAS, LEWISVILLE and the DISTRICT desire to amend and renew this Contract prior to its expiration date.

NOW, THEREFORE, LEWISVILLE and the DISTRICT hereby agree to amend the Contract as follows:

SECTION 1. That Section 2.11, Volume of Effluent is amended to read as follows:

Section 2.11. **Volume of Effluent.** The volume of Effluent to be made available to the DISTRICT by LEWISVILLE during the Term of this Amendment is as follows:

- a) During the initial period (Years 1-5), LEWISVILLE will make available to the DISTRICT maximum of two (2.0) mgd of Effluent.
- b) During the second period (Years 6-10), LEWISVILLE will make available to the DISTRICT, one (1.0) mgd of Effluent and up to two (2.0) mgd upon request by the District if available.

SECTION 2. That Section 2.12, DISTRICT to Give Notice is deleted in its entirety.

SECTION 3. That Section 2.16.f is deleted in its entirety.

SECTION 4. That Section 3.2, Charges For Service – Initial Period is amended to read as follows:

Section 3.2. **Charges For Service.** The DISTRICT agrees to pay for Effluent in the following manner:

The cost of Effluent shall be \$0.16 per 1,000 gallons from date of execution of this amendment until September 30, 2016. On October 1, 2016 the cost charged by Lewisville per 1,000 gallons of Effluent shall be the posted price for wholesale interruptible raw water offered by the City of Dallas effective October 1, 2016, and thereafter as annually adjusted on or about October 1 of each year..

The City of Dallas wholesale interruptible raw water price in effect as of October 1, 2015 is known to include a surcharge related to on-going litigation between the City of Dallas and the Sabine River Authority regarding the price of water charged for raw water from Lake Fork. To properly reflect and prevent potential overpayment by the DISTRICT an escrow account will be established and maintained by Lewisville to hold an amount equal to the surcharge and future surcharge included in the posted City of Dallas wholesale interruptible raw water rates until resolution of the City of Dallas and Sabine River Authority dispute. Upon resolution of the dispute Lewisville will promptly forward payment to DISTRICT, if applicable based upon the Dallas/Sabine River Settlement to insure that the Effluent price paid to LEWISVILLE equals the true and final City of Dallas wholesale interruptible raw water price. If the settlement does not provide for return of the escrow to customer cities, Lewisville shall not return the escrow amount to DISTRICT and Lewisville will utilize said funds as needed for operation purposes. The escrow amount will not accrue interest and, in such event, any return to DISTRICT shall not include accrued interest.

SECTION 5. That Section 3.3, Charges For Services – Remaining Period is deleted in its entirety.

SECTION 6. That Section 5.2, Term is amended to read as follows:

Section 5.2. **Term.** The term of this Amendment shall commence on the Effective Date and shall remain in effect for a period of ten (10) years.

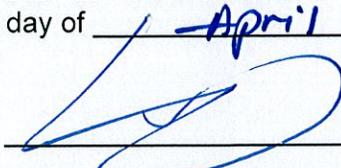
SECTION 7. That Exhibit C, Aerial Map of Delivery Point (Point of Sale) is added as an attachment to this Amendment.

SECTION 8. That all other provisions of the Contract not identified by this Amendment shall remain in effect.

IN WITNESS WHEREOF, the DISTRICT and LEWISVILLE, under authority of their respective governing bodies, have caused this Amendment to be fully executed in several counterparts, each of which shall constitute an original, all as of the day and year first above written, which is the Effective Date of this Amendment.

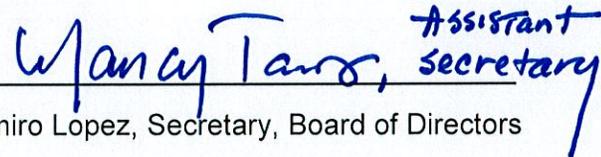
PASSED AND APPROVED BY THE BOARD OF DIRECTORS OF THE UPPER TRINITY
REGIONAL WATER DISTRICT this 7 day of April, A.D. 2016.





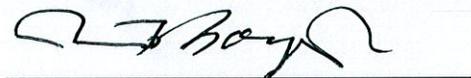
Lance Vanzant, President, Board of Directors

ATTEST:



Assistant Secretary
Ramiro Lopez, Secretary, Board of Directors

APPROVED AS TO FORM AND LEGALITY:



John F. Boyle, Jr., General Counsel

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE,
TEXAS, this _____ day of _____, A.D. 2016.

Rudy Durham, Mayor

ATTEST:

Julie Helnze, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Lizbeth Plaster, City Attorney

EXHIBIT C – Aerial Map of Delivery Point (Point of Sale)



**CONTRACT BETWEEN
CITY OF LEWISVILLE AND
UPPER TRINITY REGIONAL WATER DISTRICT FOR
SALE OF TREATED WASTEWATER EFFLUENT
AND
PARTICIPATION IN NON-POTABLE WATER PROJECT**

**THE STATE OF TEXAS §
 §
THE COUNTY OF DENTON §**

This Agreement made this 6th day of May, 1996, by and between the City of LEWISVILLE, a Municipal Corporation created under the laws of the State of Texas ("LEWISVILLE") and the Upper Trinity Regional Water District a conservation and reclamation district created pursuant to Article XVI, Section 59 of the Constitution of the State of Texas ("DISTRICT");

WHEREAS, DISTRICT was created by the Texas Legislature for the purposes of providing wholesale treated water service and wastewater service to participating cities and utilities of Denton County and adjacent areas; and

WHEREAS, LEWISVILLE, as mandated by the Texas Natural Resource Conservation Commission (TNRCC) requirements for obtaining Texas Wastewater Permit #10662-001, has developed a plan for the use of treated wastewater effluent (reclaimed water) as a substitute for potable water within the City of LEWISVILLE; and

WHEREAS, DISTRICT desires to purchase treated wastewater effluent from LEWISVILLE's Wastewater Treatment Plant for irrigation and other legally permitted uses within the DISTRICT's service area.

Now, therefore, in consideration of the mutual covenants and agreements herein contained, the Parties agree as follows:

ARTICLE I

DEFINITIONS

1.1 **"Bonds"** means all bonds hereafter issued by the DISTRICT, whether in one or more series or issues, and the interest thereon, to acquire, construct and complete its Regional Non-Potable Water Project, and any bonds issued to refund any bonds or to refund any such refunding bonds.

1.2 **"Consumer Price Index"** means the Consumer Price Index For All Urban Consumers, CPI-U, (all items, published by the United States Department of Labor, Bureau of Labor Statistics 1982-1984=100) published by the United States Department of Labor, Bureau of Labor Statistics or any successor to such agency. If publication of the agency is discontinued, CPI-U shall refer to comparable statistics with respect to the cost of living for all urban consumers published by any agency of the United States government and mutually agreed to by DISTRICT and LEWISVILLE.

1.3 **"Effluent"** means the treated non-potable water discharged from LEWISVILLE's wastewater treatment plant which is generally referred to as treated wastewater effluent, which effluent is normally discharged to the Elm Fork of the Trinity River below Lewisville Lake.

1.4 **"Fiscal Year"** means the period of time from October 1 of each calendar year through September 30 of the next following calendar year.

1.5 **"Initial Period"** means the first five (5) - year period of time that DISTRICT will receive Effluent from LEWISVILLE under this Agreement, which period of time shall commence on the effective date of this Agreement.

1.6 **"MGD"** is an abbreviation for "million gallons of water per day".

1.7 **"Peak Day Volume"** means the highest quantity of Effluent which may be used by DISTRICT for any single day.

1.8 **"Point(s) of Delivery"** means the point(s) designated in this Agreement or by subsequent agreement where Effluent will be delivered by DISTRICT to LEWISVILLE and other customers of the DISTRICT's non-potable water system.

1.9 **"Point of Sale"** means the location specified in the Agreement where Effluent will be delivered by LEWISVILLE to DISTRICT, at which point ownership of the Effluent will be transferred to DISTRICT.

1.10 **"Project"** means the Regional Non-Potable Water Project being implemented by DISTRICT to serve Denton County Fresh Water Supply Water District No. 1A, which Project is generally described in report titled Non-Potable Water Supply Study prepared by Halff Associates, Consulting Engineers, and dated December 1994. It is expected that DISTRICT will make extensions to serve additional customers, but such extensions and any bonds associated with such extensions will not be considered to be a part of the Project for purposes of this Agreement.

1.11 **"Take or Pay"** shall mean an obligation for DISTRICT to pay for the minimum quantity Effluent specified in the Agreement, without regard to the amount of Effluent actually used under this Agreement.

1.12 "**Term of Contract**" shall mean the length of time that this Agreement shall be effective.

1.13 "**Variable Costs**" shall mean those costs, if any, incurred by LEWISVILLE that vary according to the quantity of Effluent delivered to District, not including those Costs ordinarily associated with the treatment and discharge of wastewater. Variable costs shall include any fees or charges imposed by a regulatory body or court having jurisdiction concerning such sale of treated effluent and shall include the cost of any analysis by LEWISVILLE of the treated effluent needed for the performance of this Agreement.

ARTICLE II

OPERATIONAL PROVISIONS

2.1 **Point of Sale.** The Effluent is to be taken from the effluent stream of LEWISVILLE's wastewater treatment plant. LEWISVILLE will deliver the Effluent to a specified location indicated in Exhibit A attached hereto, which location will be referred to as the metering station and more specifically as the Point of Sale.

2.2 **Delivery and Metering Facilities.** LEWISVILLE agrees to deliver Effluent to DISTRICT at the Point of Sale. The cost of acquiring, designing, installing and constructing all delivery and metering facilities necessary to receive Effluent under this Agreement, including, but not limited to pumps, pipelines to metering points, meters, meter vaults and associated valves, shall be the sole responsibility of the DISTRICT. All plans and specifications for such delivery and metering shall be submitted to LEWISVILLE for its written approval prior to bidding and construction. All facilities used

for delivery and metering of Effluent shall be constructed by DISTRICT. Upon completion thereof, and acceptance by LEWISVILLE, DISTRICT shall dedicate said facilities to LEWISVILLE which agrees to own, operate and maintain said facilities up to the Point of Sale for the Term of Contract.

2.3 Easements. LEWISVILLE shall provide any and all easements on City property that may be necessary for installation, operation and maintenance of delivery and metering facilities and other facilities needed for the Project.

2.4 Maintenance and Calibration of Meters. All Effluent furnished shall be measured by meters installed at the Point of Sale. LEWISVILLE agrees to maintain said meters and to cause repairs and adjustments to be promptly made. The costs of meter repairs and testing shall be included in the Variable Costs. LEWISVILLE shall test the meter(s) annually. Upon the request of DISTRICT, LEWISVILLE shall test the meter(s) more frequently than annually, but such additional test(s) shall be at DISTRICT's expense, except when an error in metering is found to exceed 5%. If a meter is found to be in error by more than plus or minus five percent (5%), adjustments shall be made without cost to DISTRICT.

If either Party at any time observes an apparent error in meter registration or readings, such Party will promptly notify the other Party. LEWISVILLE shall arrange for a calibration test and joint observation of any adjustment; and, the same meter or meters shall then be adjusted to accuracy. LEWISVILLE shall give DISTRICT at least forty-eight (48) hours notice of the time of all tests of meters required by this Agreement so DISTRICT may have a representative present, if desired.

If for any reason any meters are out of repair so that the amount of Effluent delivered cannot be ascertained or computed from the reading thereof, the Effluent delivered

during the period such meters are out of service or out of repair shall be estimated and agreed upon by the Parties hereto upon the basis of the best data available. For such purposes, the best data available shall be deemed to be the registration of any check meter or meters if the same have been installed and are accurately registering. Otherwise, the amount of Effluent delivered during such period may be estimated **(i)** by correcting the error if the percentage of the error is ascertainable by calibration tests or mathematical calculation, or **(ii)** estimating the quantity of Effluent by deliveries during the preceding periods under similar conditions when the meter or meters were registering accurately.

2.5 Unit of Measure. The unit of measure for Effluent delivered under this Agreement shall be 1,000 gallons, U.S. Standard Liquid Measure.

2.6 Access. Each Party agrees to provide ingress and egress for the employees and agents of the Party that owns the meter to all its premises inside Party's boundaries as required to install, operate, inspect, test and maintain meter facilities.

2.7 Point(s) of Delivery. After receipt of Effluent at the Point of Sale, it shall be DISTRICT's responsibility to deliver the Effluent to its customers at respective Points of Delivery. Along the route of the pipeline to Denton County Fresh Water Supply District No. 1A, DISTRICT agrees to deliver Effluent to not more than two (2) mutually agreeable Points of Delivery for LEWISVILLE. At such Points of Delivery, LEWISVILLE shall be responsible for installation of appropriate facilities to receive and meter the Effluent so delivered to LEWISVILLE. The DISTRICT will be responsible for owning, maintaining and reading such meters, under the same conditions as stated in Section 2.4 of this Agreement.

2.8 Ownership. Title to Effluent shall be vested in LEWISVILLE up to Point of Sale.

After the Point of Sale, title shall be vested in DISTRICT, not including Effluent being transported by DISTRICT to Points of Delivery for LEWISVILLE.

2.9 **Initial Period.** The Initial Period of this agreement shall be for the purposes of fully assessing the cost, benefits, feasibility and general acceptance of the Project. After the Initial Period, the provisions of Section 3.2 of this Agreement are subject to re-opening and to renegotiation. However, unless otherwise specified, the provisions of this Agreement shall apply for the full term.

2.10 **Transmission Services For LEWISVILLE.**

a) **Effluent For Public Use.** DISTRICT agrees to transport Effluent for public use to the Point(s) of Delivery for LEWISVILLE subject to the terms and conditions stated herein. Such public use shall not include enterprise activities such as golf course. The total daily maximum volume that DISTRICT will transport for LEWISVILLE will not exceed two (2.0) mgd, except by mutual agreement in writing. LEWISVILLE will provide such Effluent without cost or charge at the Point of Sale and DISTRICT will transport said Effluent without cost or charge to the Delivery Point(s) for LEWISVILLE. The transportation of such Effluent shall be off-peak on a capacity-available basis as determined by DISTRICT.

b) **Effluent For Resale.** If LEWISVILLE desires for DISTRICT to transport Effluent for LEWISVILLE for resale within the service area of LEWISVILLE, or to transport Effluent for discharge into Lewisville Lake as return flow, the DISTRICT will be willing to do so on a capacity available basis. However, the terms and charges for such transportation service will be subject to mutual agreement and will constitute an amendment to this Agreement. Transportation of Effluent under

this paragraph may be on-peak in full parity with other Project participants, if requested by LEWISVILLE before such peak capacity is contracted to other Project participants or customers of DISTRICT.

c) Total Quantity. The total quantity to be transported under both paragraphs a) and b) above shall not exceed two (2.0) mgd collectively except by mutual agreement in writing.

2.11 Volume of Effluent. The volume of Effluent to be made available to DISTRICT by LEWISVILLE for each Fiscal Year shall be established annually as described in this Article. LEWISVILLE will make available to DISTRICT, up to two (2.0) mgd of Effluent based on an annual average day. Except by mutual agreement in writing, the Peak Day Volume of Effluent to be delivered by LEWISVILLE shall not exceed 3.0 mgd, nor shall it exceed the quantity available from LEWISVILLE's wastewater treatment plant, without impairing the proper operation of the plant.

2.12 DISTRICT to Give Notice. Prior to May 1 of each Fiscal Year, DISTRICT shall give written notice to LEWISVILLE concerning the Peak Day Volume being requested for the current Fiscal Year. If the requested average volume exceeds two (2.0) mgd, LEWISVILLE shall determine the availability of Effluent from its wastewater treatment plant and advise the DISTRICT of the amount of Effluent that LEWISVILLE expects to be able to deliver to District. Prior to and during the first Fiscal Year, DISTRICT and LEWISVILLE shall coordinate on a regular basis the activities necessary to plan for and commence delivery of Effluent. Thereafter, prior to May 1 of each year, DISTRICT shall provide an estimate of the Effluent quantity it expects to request for the succeeding three-year period.

2.13 Minimum Volume. DISTRICT agrees, during each Fiscal Year to pay LEWISVILLE,

on a Take or Pay basis, for a minimum annual daily average Effluent Volume of two hundred fifty thousand gallons (0.25 mgd) or twenty-five percent (25%) of the Volume requested by DISTRICT for each Fiscal Year, whichever quantity is greater.

2.14 Curtailment. LEWISVILLE expressly reserves the right to curtail or to discontinue temporarily, after verbal notice to DISTRICT (with written notice to follow within five (5) working days), the supply of Effluent under this Agreement whenever it is necessary to insure proper operation of the LEWISVILLE wastewater treatment plant. In such instance, no claim for damage for such discontinuance or curtailment shall be made by DISTRICT against LEWISVILLE.

2.15 Compliance. It shall be the responsibility of DISTRICT to obtain any and all necessary permits or approvals from the appropriate state and/or federal agencies for the DISTRICT's use and sale of the Effluent. Copies of such permits and approvals shall be provided to LEWISVILLE. LEWISVILLE shall be responsible for obtaining permits, if necessary, to implement the LEWISVILLE Water Re-Use Plan, including any amendments necessitated by this Agreement. Copies of such permits and amendments shall be provided to DISTRICT. Neither LEWISVILLE nor DISTRICT nor any subsequent user pursuant to this Agreement may discharge Effluent into waters of the State of Texas without approval of the appropriate regulatory agency(s). Neither party shall be held liable for the other party's failure to obtain necessary permits and/or to achieve and maintain compliance under applicable permits or regulations.

2.16 Additional Stipulations.

- a) The use and withdrawal of Effluent shall not cause damage to equipment or interference with the operations of the LEWISVILLE wastewater treatment facility. The DISTRICT shall be liable to LEWISVILLE for any damage to

LEWISVILLE property which is caused by DISTRICT equipment or personnel, including damage to LEWISVILLE equipment, infrastructure, etc.

b) LEWISVILLE does not guarantee the quality of the Effluent above and beyond the minimum discharge limits specified in the Texas Natural Resources Conservation Commission and the Environmental Protection Agency discharge permits. If at any time the Effluent quality should fail to meet permit standards, the supply of Effluent to DISTRICT shall be immediately discontinued and remain so until such conditions have been abated. Due to the delay in analysis and discovery created by the performance of state-mandated testing, LEWISVILLE shall not be responsible for any claims resulting before LEWISVILLE had knowledge of Effluent contamination, provided that all state guidelines for testing were followed; and, if upon discovery of contamination, immediate notification is made to DISTRICT of any effluent quality deficiencies.

c) Any use of the non-potable water provided to DISTRICT by LEWISVILLE must be in compliance with any and all state and federal guidelines for use of treated wastewater effluent.

d) The Effluent will be provided on an interruptible basis to ensure that sufficient flow rates are maintained at the LEWISVILLE wastewater treatment plant so as not to interrupt the electronic chemical feed systems at the plant. The minimum amount provided to DISTRICT will be dependent on the daily Influent and effluent at the LEWISVILLE facility.

e) LEWISVILLE shall retain the right to limit the amount of Effluent sold to DISTRICT in order to utilize treated wastewater effluent for other future public purposes within the City of LEWISVILLE as they so arise, subject to the provisions

of Section 2.11. DISTRICT and LEWISVILLE agree to coordinate plans for any such future uses by LEWISVILLE to maintain feasibility of the Project.

f) Both LEWISVILLE and DISTRICT have contractual rights to divert and use water from Cooper Lake, which rights are independent of rights held by other suppliers of water to the parties hereto. LEWISVILLE may use treated effluent attributed to use of water from Cooper Lake to supply all or a portion of Effluent to be provided under this Agreement. Further, DISTRICT has the option to use treated effluent, or the return flows therefrom, produced by its wastewater treatment plant to augment the supply of Effluent provided under this Agreement, if necessary to meet the needs of DISTRICT customers.

ARTICLE III

FINANCIAL PROVISIONS

3.1 Service During Term of Contract. Neither party contemplates any investment by LEWISVILLE to provide the services to be provided under this Agreement for DISTRICT. LEWISVILLE and DISTRICT agree that existing wastewater treatment and discharge facilities were constructed for the long-term needs of LEWISVILLE customers. Therefore, the payments to be made by DISTRICT to LEWISVILLE are not based on conventional cost of service principles. Rather, the payments are to be based on this Agreement, recognizing that the Effluent has value, the service has value, and that LEWISVILLE is participating in the Project to encourage the use of treated effluent instead of potable water for irrigation and other uses.

3.2 Charges For Service - Initial Period. DISTRICT agrees to pay for Effluent during the Initial Period in the following manner:

a) Variable Costs associated with the delivery of Effluent to the Point of Sale, which Variable Costs are over and above the cost that LEWISVILLE would incur if it otherwise discharged the Effluent in the normal way.

b) A Service Fee of eleven cents (11.0¢) per thousand gallons of Effluent delivered to the Point of Sale for DISTRICT, not including Effluent to be transported by DISTRICT for LEWISVILLE. The service fee shall be subject to an annual adjustment on or about October 1 of each year, commencing October 1, 1997, to reflect increases or decreases in costs according to the Consumer Price Index from the date of this Agreement.

The charges outlined in this paragraph will be expressed as a total unit price per thousand gallons to be effective for each Fiscal Year. Prior to May 1 of each year, LEWISVILLE shall provide to DISTRICT a summary of projected costs based on actual data for the most recent 12-month period for which such data are available; costs shall be projected to the forthcoming Fiscal Year. DISTRICT shall be granted access to LEWISVILLE's books and records at reasonable times upon reasonable notice to review the cost analysis provided. After the Initial Period, the provisions related to rates and charges shall be subject to re-negotiation at five-year (5) intervals by mutual agreement.

3.3 Charges For Services - Remaining Period. After the Initial Period and during the term of this Agreement, the basis for charges may be modified. During the remaining term of this Agreement, the charges will continue to be based on the Variable Cost principles specified herein for the Initial Period. However, the overall level of the service fee and charges shall be subject to renegotiation. Unless renegotiation is requested by

either party in writing one year prior to the end of the Initial Period (and each five years thereafter), the basis for rates and charges specified for the Initial Period shall continue to apply for the Term of Contract.

3.4 Project Participation.

a) LEWISVILLE desires to help develop a market and to encourage suitable uses for reclaimed water (Effluent) as an alternative to the use of treated (potable) water for certain applications. Also, LEWISVILLE expects to have a need for Effluent for irrigation of the City's tree farm, for potential research purposes and for other public uses. For these reasons, LEWISVILLE desires to deliver Effluent to DISTRICT under the terms of this Agreement and to have participation in the Project. LEWISVILLE is aware of the Project participation contract dated March 8, 1995, between DISTRICT and Denton County Fresh Water Supply District No. 1A, a copy of which is attached hereto as Exhibit B.

b) In recognition of the provisions of this Agreement, including the provisions for DISTRICT to transport up to two (2.0) mgd for LEWISVILLE, DISTRICT and LEWISVILLE agree that LEWISVILLE shall be considered a participant for two (2.0) mgd in the Project, and the amount of said participation shall be reflected in the eligible weighted vote of LEWISVILLE. It is specifically agreed that if the two (2.0) mgd referenced in this paragraph is modified by mutual agreement in writing, said eligible weighted vote will be adjusted a corresponding amount according to the rules of the District.

3.5 Secondary Pledge. Pursuant to Section 3.4 and as consideration for the benefits to be derived from this Agreement, LEWISVILLE hereby agrees to provide a secondary pledge for the Bonds to be issued for the Project. The pledge granted hereunder shall

apply solely to the fixed cost portion (Facilities Charge) of the Annual Requirement as provided in Section 4.03 of the Contract attached hereto as Exhibit B. Further, the DISTRICT agrees that it will vigorously enforce all provisions of its contract (Exhibit B) with Denton County Fresh Water Supply District No. 1A (and any future customers of the Project) as to payment of the Annual Requirements, which enforcement will include legal action if necessary. DISTRICT may call on LEWISVILLE to assist with payment of the specified fixed cost portion of said contract related to Bonds only upon default of such payment obligations by Denton County Fresh Water Supply District No. 1A (and other customers, if any). Further, DISTRICT may call on LEWISVILLE for such payments for only the period of time that Denton County Fresh Water Supply District No. 1A (or other customers of the Project) remain in default. Upon such default being cured, DISTRICT will refund to LEWISVILLE all payments made by LEWISVILLE, plus interest at ten percent (10%). This secondary pledge shall not apply to any Bonds issued to expand the Project beyond the initial scope which serves Denton County Fresh Water Supply District No. 1A.

3.6 Bills Rendered. LEWISVILLE shall render bills monthly for charges incurred by DISTRICT under this Agreement by the tenth (10th) day of each month. Bills shall be due and payable upon receipt by DISTRICT.

3.7 Prompt Payment and Disputed Bills. DISTRICT shall make payments to LEWISVILLE within 20 calendar days of the date a bill for service is rendered. If DISTRICT at any time disputes the amount to be paid by it to LEWISVILLE, DISTRICT shall nevertheless promptly make such payment or payments; but, if it is subsequently determined by agreement or court decision that such disputed payments should have been less, or more, the amount shall be promptly adjusted. The charges shall be adjusted in such manner that DISTRICT will recover its overpayment or LEWISVILLE will recover the amount due it. All amounts due and owing to any Party shall, if not paid

when due, bear interest at the rate of ten percent (10%) per annum from the date when due until paid.

ARTICLE IV

GENERAL PROVISIONS

4.1 **Representations of the Parties.** LEWISVILLE and the DISTRICT hereby covenant and agree as follows:

- a) Each Party to this Agreement warrants that its actions in executing and entering into this Agreement have been duly authorized in a manner that follows the laws applicable to it.
- b) Each Party to this Agreement warrants that it shall promptly and with all due diligence, acting jointly or individually as may be appropriate, take all necessary actions and endeavor to obtain all regulatory approvals, licenses, orders and permits necessary to carry out its obligations under this Agreement.

4.2 **Termination and Default.** Should DISTRICT fail, refuse or neglect to pay any bill for Effluent within sixty (60) days of the date due or should it refuse, neglect, or fail to comply with or perform any of the conditions on its part required to be complied with or performed hereunder, the DISTRICT shall be in default. If after such default, LEWISVILLE shall deliver to DISTRICT, addressed to the Executive Director of DISTRICT, a notice in writing of its intent to terminate services under this Agreement on account of such failure, refusal or neglect, LEWISVILLE shall have the right to terminate the delivery of Effluent at the expiration of thirty (30) days after the giving of such notice and to terminate this Agreement, unless within thirty (30) days DISTRICT shall rectify such failure, refusal or

neglect. If DISTRICT pays or performs within the thirty-day (30) period the default shall cease to exist. The termination of this Agreement, as provided herein, shall not release DISTRICT from its obligation to make payments of any amounts due or to become due in accordance with the terms hereof.

4.3 Force Majeure. If, because of flood, drought, fire, explosions, civil disturbance, war, water system failure or malfunction, acts of God, or other causes beyond the control of either Party, either Party is not able to perform any or all of its obligations under this Agreement, then the respective Party's obligations hereunder shall be suspended during such period.

4.4 Liability and Claims. Except for the actions or inactions described and disclaimed in Section 4.5, which are expressly excluded from this indemnity, LEWISVILLE agrees to hold harmless and defend DISTRICT, its officers and employees, from any claim of injuries, damages or losses that arises from any act, omission or negligence of LEWISVILLE, its officers or employees, in the operation of any facilities owned by LEWISVILLE and used under this Agreement, unless said injuries, damages or losses result from the negligence of DISTRICT.

DISTRICT agrees to hold harmless and defend LEWISVILLE, its officers and employees, from any claims for injuries, damages or losses that arises from any act, omission or negligence of DISTRICT, its officers or employees, arising from the performance of this Agreement, unless said injuries, damages or losses result from the negligence of LEWISVILLE.

4.5 Regulations of Other Agencies. LEWISVILLE shall not be liable in any event for the non-availability of Effluent, or related services, hereunder due to the inability of LEWISVILLE to perform any obligation under this Agreement for reasons beyond its

control, including rules or regulations or other governmental agencies. The parties hereto acknowledge that the rules of Texas Natural Resource Conservation Commission regarding reclaimed water as expressed in Chapter 310, 30 TAC as it now exists or may hereafter be amended, may apply to LEWISVILLE and DISTRICT under this Agreement as Producer (and possibly a User) and Provider, respectively.

4.6 **Severability.** Should this Agreement, or any provision thereof be, or found to be, in violation of any applicable law or regulation, either Party, upon reasonable notice to the other, may terminate this Agreement, or upon the mutual consent of each party, this Agreement may be amended so as to be in compliance with such law or regulation.

4.7 **Assignment.** Neither LEWISVILLE nor the DISTRICT shall assign or transfer in whole or in part the rights and privileges granted in this Agreement without first obtaining the written consent of the other Party.

4.8 **Entire Agreement: Modification.** This Agreement embodies the whole agreement of the Parties. There are no promises, terms, conditions, or obligations other than those contained herein. This Agreement shall supersede all previous communications, representations, or agreements, either verbal or written, between the Parties, and all modifications of this Agreement shall be in writing and approved by the governing body of each party.

4.9 **Venue.** All amounts due under this Agreement shall be paid and be due in Denton County, Texas. It is specifically agreed among the Parties that Denton County, Texas, is the place of performance of this Agreement. In the event that any legal proceeding is brought to enforce this Agreement or any provision hereof, the same shall be brought in Denton County, Texas.

4.10 **No Third Party Beneficiaries.** This Agreement is intended solely for the benefit of the Parties hereto and is not intended to and shall not be construed to be for the benefit of any individual or create any duty on behalf of LEWISVILLE or DISTRICT to any third party.

4.11 **Notices.** Any notice, request for information or other document to be given hereunder to any of the parties hereto by the other Party shall be in writing and shall be hand-delivered or sent by certified or registered mail, postage prepaid, requesting evidence of receipt as follows:

a) If to LEWISVILLE, addressed to:

City of Lewisville
Attention: City Manager
P. O. Box 299002
Lewisville, TX 75029-9002

b) If to DISTRICT, addressed to:

Upper Trinity Regional Water District
Attention: Executive Director
P. O. Drawer 305
Lewisville, TX 75067

Either Party may change the address for notice above by certified mail to the other Party at any time.

4.12 **Captions.** The captions of the various sections and paragraphs herein are intended for convenience or reference only and shall not define or limit any of the terms or provisions hereof.

4.13 **Governing Laws.** This Agreement shall in all respects be governed by and construed in accordance with the laws of the State of Texas, including all matters of construction, validity and performance.

4.14 **Governmental Immunity Not Waived.** Neither LEWISVILLE nor DISTRICT waives, nor shall be deemed hereby to waive, any immunity or defense that would otherwise be available to it against claims made or arising from any act or omission resulting from the Agreement.

ARTICLE V

TERM OF CONTRACT

5.1 **Effective Date.** Upon execution by both Parties, this Agreement shall become effective upon the date first written above.

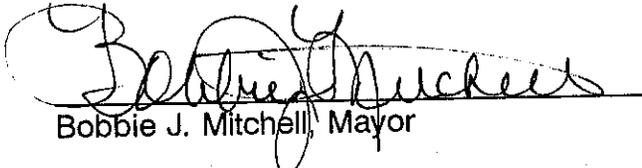
5.2 **Term.** The term of this Agreement shall commence on the effective date and shall remain in effect for a period of twenty (20) years or until LEWISVILLE's right to sell Effluent ceases, whichever date occurs first. In the event LEWISVILLE's right to sell Effluent is challenged by a party, other than DISTRICT, DISTRICT agrees to defend, at DISTRICT's sole expense, LEWISVILLE's right to sell such Effluent to DISTRICT. This Agreement may be renewed for a subsequent twenty (20) year period if mutually agreed in writing.

5.3 **Operational Provisions.** The DISTRICT will endeavor to obtain permanent financing and to construct the necessary facilities to receive and deliver Effluent under this Agreement within three (3) years from date of this Agreement. When said facilities are operationally complete, DISTRICT shall give written notice to LEWISVILLE. The

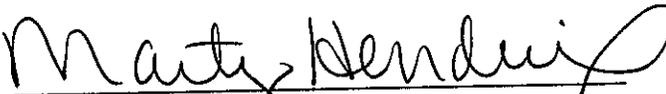
obligation to Take or Pay for an annual minimum volume of Effluent shall begin on the date of said written notice or three (3) years from the date of this Agreement, whichever date occurs first. If said facilities are not operationally complete within three (3) years from date of this Agreement, the DISTRICT may nonetheless maintain this Agreement in full force and effect by paying LEWISVILLE for the annual minimum volume. If DISTRICT does not make said minimum payment on a timely basis after notice from LEWISVILLE, either party may cause this Agreement to be canceled upon 90-day written notice to the other party.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by their respective duly-authorized officers in multiple originals as of the date and year first above written.

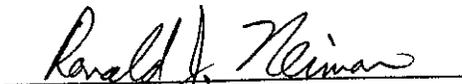
CITY OF LEWISVILLE, TEXAS


Bobbie J. Mitchell, Mayor

ATTEST:


Marty Hendrix, CMC/AE
City Secretary

APPROVED AS TO LEGAL FORM:

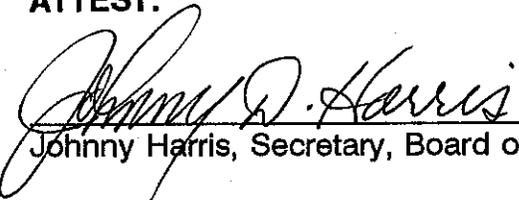

Ronald J. Neiman, City Attorney

UPPER TRINITY REGIONAL WATER DISTRICT



Tom Harpool, President, Board of Directors

ATTEST:



Johnny Harris, Secretary, Board of Directors

APPROVED AS TO FORM AND LEGALITY:



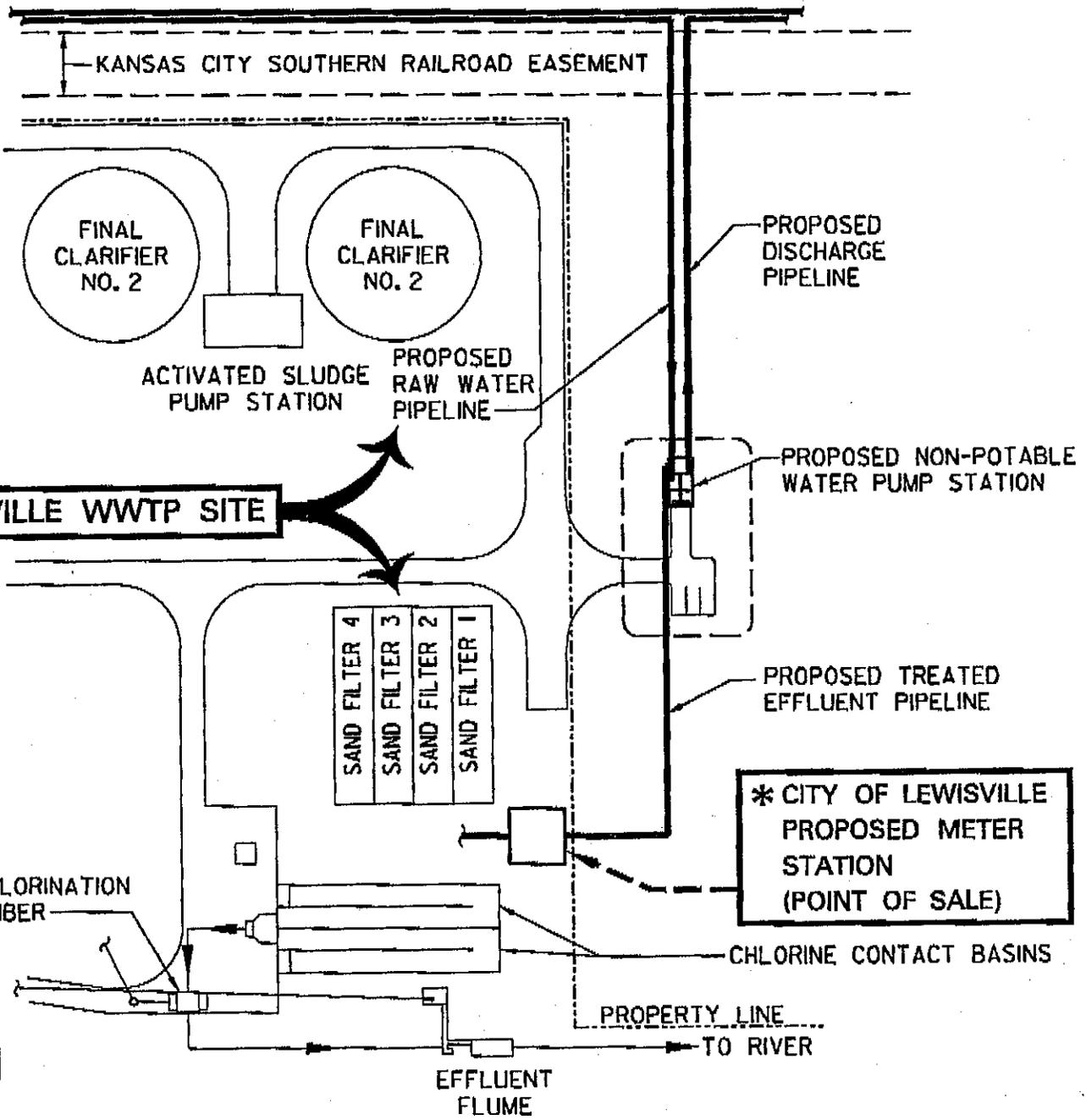
John F. Boyle, Jr., General Counsel

Attachments:

Exhibit A - Map of Delivery Point (Point of Sale)

Exhibit B - Contract with Denton County FWSD No 1A

LEWISVILLE WWTP SITE



NON-POTABLE WATER SYSTEM POINT OF SALE & LOCATION MAP

* LOCATION OF METER STATION FOR SOURCE OF EFFLUENT TO BE DETERMINED DURING THE DESIGN PROCESS.

EXHIBIT A

POINT OF SALE & LOCATION MAP						
NON-POTABLE WATER PUMP STATION						
UPPER TRINITY REGIONAL WATER DISTRICT						
		HALFF ASSOCIATES, INC. ENGINEERS • SCIENTISTS • SURVEYORS				
DESIGN	DRAWN	DATE	SCALE	NOTES	FILE	NO.
B.L.	CADD	MAY 1986	NONE		15411 2515SITE.DGN	

WHEREAS, the District proposes to develop a regional non-potable water system for Participating Members and Customers, which system is planned to include transmission lines, pump stations, and metering facilities; and

WHEREAS, the District proposes to develop the non-potable water system by constructing, owning and operating such facilities, which facilities will be planned and designed to serve additional Customers on a regional basis; and

WHEREAS, FWSD and District agree that future Customers will be required to contribute a share of costs to reimburse FWSD and Texas Water Development Board for funds advanced for Project development as provided herein; and

WHEREAS, District proposes to construct of the non-potable water Project generally in accordance with the engineering report titled "**Non-Potable Water Supply Study**" prepared by Halff Associates, Inc., dated December 1994; and

WHEREAS, the District proposes to provide raw water for the Project pursuant to a contract to be negotiated with City of Denton; and

WHEREAS, the District proposes to provide treated wastewater effluent for the Project pursuant to a contract to be negotiated with City of Lewisville; and

WHEREAS, when available and practical, FWSD desires to use its water from Cooper Lake pursuant to its contract with District, dated June 10, 1991; and

WHEREAS, the District and FWSD are authorized to enter into this Contract pursuant to the District's enabling statute, H.B.3112 (1989 regular session of the Texas Legislature) (the "Act") and Vernon's Ann. Tex. Civ. St. Article 4413 (32c) (the "Interlocal Cooperation Act"), and other applicable laws; and

WHEREAS, the District and FWSD agree that FWSD shall own and operate its internal water pumping, storage and distribution facilities; and

WHEREAS, it is expected by the parties hereto that as soon as practicable after the execution of this Contract, the District will issue an installment of Bonds to provide part of the money to acquire and construct the Project, and thereafter, if necessary, will issue a subsequent installment or installments of Bonds to complete the acquisition and construction of the Project, with all of said Bonds to be payable from and secured by Annual Payments made under this Contract by FWSD and all other future Customers.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the District agrees to provide non-potable water service to the FWSD pursuant to this Contract, and District will use its best efforts to issue its Bonds and to acquire, construct and complete the Project and other System facilities upon and subject to the terms and conditions hereinafter set forth, to-wit:

ARTICLE I

Definitions

Section 1.1. The following terms and expressions as used in this Contract, unless the context clearly shows otherwise, shall have the following meanings:

1. **"Act"** means H. B. 3112 adopted by the Legislature of the State of Texas in the 1989 regular session, which was signed by the Governor and became effective June 16, 1989.
2. **"Additional Participating Member"** means any governmental entity other than FWSD with which the District makes a contract similar to this Contract for supplying non-potable water from the System, provided that after execution of any such contract, such party shall become one of the Participating Members for all purposes of this Contract.
3. **"Administrative Payment"** means the amount of money to be paid to the District by FWSD during each Annual Payment Period as its proportionate share of Administration and Planning Expenses of the District.

4. **"Adjusted Annual Payment"** means the Annual Payment as adjusted by the Board during or after such Annual Payment Period, as provided by this Contract.
5. **"Administrative and Planning Expenses"** means the general overhead cost and expenses of managing the District, but not including expenses related to this Project or other capital projects financed by the District; such expenses shall include the administration of the District's general office, the activities and meetings of the Board and the planning activities of the District, to the extent such programs and activities shall be for the general welfare of the District; activities and programs for the benefit of specific parties and for specific capital projects shall, unless otherwise authorized, be the responsibility of the benefitting parties.
6. **"Annual Payment"** means the amount of money to be paid to the District by FWSD during each Annual Payment Period as its proportionate share of the Annual Requirement.
7. **"Annual Payment Period"** means the District's fiscal year, which currently begins on October 1 of each calendar year and ends on September 30 of the next following calendar year, but which may be any twelve consecutive month period fixed by the District; and the first Annual Payment Period under this Contract is estimated to be the period of October 1, 1994, through September 30, 1995.
8. **"Annual Requirement"** means the total amount of money required for District to pay all Operation and Maintenance Expenses of the System, and to pay the Bond Service Component of the Annual Requirement as described hereinafter including debt service on its Bonds, and any sums required to pay or restore any amounts required to be deposited in any special or reserve funds required to be established and/or maintained by the provisions of the Bond Resolutions.
9. **"Board"** means the governing body of the District.
10. **"Boardmembers"** means a member or members of the Board.
11. **"Bond Resolution"** means any resolution of the District which authorizes any Bonds.

12. **"Bonds"** means all bonds hereafter issued by the District, whether in one or more series or issues, and the interest thereon, to acquire, construct and complete the Project, and/or all bonds issued subsequently to improve, extend, operate or maintain the System, and any bonds issued to refund any bonds or to refund any such refunding bonds.
13. **"Customer"** means any wholesale user of the non-potable water services provided by the District from the System.
14. **"Customer Advisory Council"** or **"Council"** means the committee authorized to be created to consult with and advise the District with respect to the System as provided in this Contract.
15. **"Demand"** means the maximum rate of flow expressed in MGD mutually established by Member and District that is, or may be, taken by Member within a Water Year.
16. **"District"** means the Upper Trinity Regional Water District, a conservation and reclamation district pursuant to Article XVI, Section 59 of the Constitution of the State of Texas created in accordance with the Act.
17. **"Facilities Charge"** means a charge to cover capital costs and other fixed costs of the Project, which charge shall be in lieu of a fee for Demand.
18. **"MGD"** is an abbreviation for "million gallons of water per day".
19. **"Operation and Maintenance Expenses"** means all costs and expenses of operation and maintenance of the System, including (for greater certainty but without limiting the generality of the foregoing) repairs and replacements; operating personnel; the costs of utilities; the amounts required to pay the U. S. Army Corps of Engineers or any other federal, state, or local agency for water storage rights or other interests in water in any reservoir, or for the purchase of water, or for the use or operation of any property or facilities; the costs of supervision, engineering, accounting, auditing, legal services, insurance premiums, supplies, services, administration and equipment necessary for proper operation and maintenance of the System; and payments made by District in satisfaction of judgments

resulting from claims not covered by District's insurance arising in connection with the acquisition, construction, operation, and maintenance of the System. The term also includes the charges of the bank or banks acting as paying agents and/or registrars for any Bonds. The term does not include depreciation expense which is a non-cash expense; nor does it include Administration and Planning Expenses, payment of which is provided for separately.

20. **"Participating Member"** means a governmental entity that provides retail utility service, or that is taking definitive steps to provide retail utility service, to customers within its boundaries that contracts with the District for participation in, and payment for, the Project or System, and specifically includes the FWSD.

21. **"Point of Delivery"** means the point designated in this Contract where water will be delivered to FWSD from the System.

22. **"Project"** means the non-potable water Project, generally as defined in the report titled **"Non-Potable Water Supply Study"** prepared by Halff Associates, Inc., dated December 1994, which is herein referred to as the "Project".

23. **"State"** means the State of Texas.

24. **"System"** means the Project, together with all future improvements, enlargements, extensions, and additions which are deemed necessary and feasible by the District to provide non-potable water service to Participating Members and other Customers and all future new facilities and/or water rights which are acquired or constructed with the proceeds from the sale of any Bonds or revenues from the System, and any water supply or treatment facilities which are deliberately and specifically, at the option of the District, made a part of the System by resolution of the Board, and all repairs to or replacements of the System. Said term does not include any District facilities which provide treated water service, wastewater treatment or disposal services, or solid waste disposal services. Said term does not include any facilities acquired or constructed by the District with the proceeds from the issuance of "Special Facilities Bonds", which are hereby defined as being revenue obligations of the District which are not secured by or payable from payments made under this Contract and similar contracts with Participating Members or Customers, and which are

payable solely from sources other than revenues of the System.

25. "Water Year" means the period of June 1 of each calendar year through May 31 of the next following calendar year.

ARTICLE II

General Provisions

Section 2.01. Board Representation/Weighted Votes. FWSD shall be entitled to representation on the Board according to the provisions of prior contracts with the District. In determination of weighted capital votes pursuant to the Act, the minimum capacity in the Project subscribed by this Contract shall be added to the amount of raw water subscribed in the Raw Water Supply Contract dated June 10, 1991.

Section 2.02. Water Sales. District agrees to deliver to FWSD non-potable water in accordance with the specifications and restrictions of this Article. District agrees to provide non-potable water to meet volume and demand requirements of FWSD as provided herein.

Section 2.03. Water Supply Limitations. Delivery of non-potable water to meet the requirements of FWSD is subject to, and limited by, available System supply and System deliverability, as determined by the District. Such delivery shall not be unreasonably withheld. The District will use its best efforts to furnish and remain in position to furnish water sufficient for all reasonable non-potable water requirements of FWSD; however, the District's obligation shall be limited to the amount of non-potable water available from the System; and, provided further that the maximum rate of delivery shall be consistent with the capacities and abilities of System facilities, and shall not exceed the amounts fixed on an equitable and uniform basis by the Board.

Section 2.04. Quantity. The District agrees to deliver non-potable water under this Contract to FWSD at its Point of Delivery. This contract does not require a minimum quantity of water to be purchased by FWSD. Nonetheless, FWSD does hereby agree to make

sufficient payments to assure adequate funds to the District to fulfill its obligations under this Contract. The District reserves the right to specify a minimum volume if necessary to assure adequate funds and if necessary to maintain equity between FWSD and other Customers, if such other Customers are added to the System.

Section 2.05. Minimum Amounts. For the purpose of calculating the minimum amount of each Annual Requirement for which FWSD is unconditionally liable, without offset or counterclaim, FWSD, during each Annual Payment Period, shall be deemed to have taken and used the minimum capacity (regardless of whether or not such capacity is, or was, actually taken or used) specified for FWSD in Exhibit B.

Section 2.06. Demand. Initially, there will be no minimum Demand requirement. However, in future years, the District hereby retains the right to change to a two-part Volume and Demand type rate if, in the District's sole judgement, such a rate format is required to assure that the sum of all payments will be adequate to support the costs and expenses of the District, or if necessary to maintain equity between FWSD and other Customers, if such other Customers are added to the System.

Section 2.07. Demand Meters. A Demand meter will not be required during initial construction of the Project. However, FWSD and District agree that if the District later determines it is necessary to adopt the Demand/Volume rate form, the District may require the installation of a rate-of-flow controller at the cost and expense of the Member to regulate and measure Demand. Further, the District may require, at its discretion, a future Customer to install a rate-of-flow controller as part of the initial installation.

Section 2.08. Changes in Demand. Customer shall give reasonable notice to District of anticipated changes in peak day requirements, so the District can assure adequate water supply and pumping capacity. Such notice shall be given at least six (6) months in advance

if the requested change, when considered with other pending or contemporaneous requests, does not require construction of additional facilities. The Executive Director of the District

may waive the six (6) month notice requirement for good cause shown. If construction of additional facilities is required, such advance notice as will be necessary to allow for financing, design and construction of the needed facilities shall be given.

Section 2.09. Other Water Supplies. FWSD is not obligated to secure all of its water supply requirements from the District, either initially or in the future. Nonetheless, the District has a desire to promote, achieve and maintain efficient System operation and to promote conservation of limited ground water resources. To that end, FWSD agrees to minimize the installation of new wells to withdraw additional underground water resources. Further, if FWSD develops plans to seek future surface water supplies from an entity other than the District, FWSD agrees to give the District six (6) months written notice of such intention and to give the District an opportunity to address the needs or concerns so noticed. The acquisition of, or use of, water from other sources shall never obviate nor reduce the obligations, duties and responsibilities of FWSD to make payments specified in this Contract and to secure the payment of Bonds issued pursuant to this Contract.

Section 2.10. Resale. Except as provided in Exhibit C hereof, FWSD hereby agrees not to resell water purchased from District except to retail customers within FWSD's boundaries or prescribed service area (as may be adjusted from time to time) unless FWSD has received prior written approval from the District. Approval to make retail sales to individual customers outside such boundaries may be granted by the Executive Director of the District. Approval to make wholesale sales for resale shall require the specific approval of the Board. In granting such authorization, District may establish the terms and conditions of the conveyance of such water including, but not restricted to, the setting of monetary rates for sale of such water. "Convey" means sell, trade, donate, exchange, transfer title, or contract therefor. This provision applies to all water whether initially conveyed to Member under this Contract, obtained from the water wells of Member or from other sources.

Section 2.11. Other Contracts.

a) The District reserves the right to supply non-potable water from the System to additional Customers under contracts similar to this Contract. Each contract with any additional Customer shall comply with the requirements of this Contract, and shall provide

for reimbursement of cost as appropriate to FWSD. Such reimbursement shall be determined pursuant to Article IV of this Contract. After such additional Customers are added to the System, costs of the System will be shared between all Customers on an equitable basis as determined by the District.

b) However, the District shall not obligate itself to sell or deliver non-potable water from the System to an additional Customer if, in the judgment and discretion of the District, such sale would jeopardize the District's ability to meet its obligation to transport and deliver non-potable water from the System to the FWSD.

c) The parties hereto recognize and acknowledge that it is the policy and practice of the District that any other person that desires to receive service from the System shall contract directly with the District to become a Customer or an Additional Participating Member of the District.

Section 2.12. Quality. The water to be delivered by the District and received by FWSD shall be non-potable water from the System. FWSD has satisfied itself that such water will be suitable for its needs.

Section 2.13. Raw Water or Treated Wastewater Effluent. To the extent practicable and as permitted by applicable laws and regulations of the State or federal government, District shall deliver either untreated raw water or treated wastewater effluent as requested by FWSD.

Section 2.14. Points of Delivery.

a) District agrees to deliver water contracted for by FWSD at Point of Delivery as delineated in Exhibit A attached hereto. The initial delivery facilities delineated in Exhibit A hereof shall be constructed by District and shall be included in the cost of the Project.

b) Unless otherwise mutually agreed to, FWSD shall be responsible for the design, contracting, construction and financing of facilities and acquisition of any right-of-way for additional or future Points of Delivery for water from the System. Plans for an Additional

Point of Delivery shall be submitted to District for written approval; and, all designs, materials and specifications shall conform to District requirements. FWSD agrees that District has the right to make periodic inspections during the construction phase of such future or additional delivery facilities. Final acceptance of completed delivery facilities is subject to the written approval of District. FWSD agrees that after final inspection and acceptance of delivery facilities, Member will convey title to such facilities and associated rights-of-way to District. Upon conveyance of title to delivery facilities by appropriate instrument(s), District shall be responsible for operation and maintenance thereof.

Section 2.15. Metering Equipment.

a) The District will furnish, install, operate, and maintain at its expense the necessary equipment and devices of standard type required for measuring the quantity of non-potable water delivered under this Contract from the System to Member through its Point of Delivery. Such meters and other equipment so installed shall remain the property of the District. The District shall inspect, calibrate, and adjust its meters at least annually as necessary to maintain accurate measurements of the quantity of non-potable water being delivered. Member shall have access to the metering equipment at all reasonable times for inspection and examination; however, the reading, calibration, and adjustment thereof shall be done only by employees or agents of the District. If requested, Member may witness such reading, calibration and adjustment of meters. All readings of meters will be entered upon proper books of record maintained by the District. Member may have access to said record books during normal business hours.

b) Member may request, in writing, that the District calibrate any meter or meters in the presence of the Member. The District will make up to two (2) such calibrations in any fiscal year at no charge to the requesting Member. All requested calibrations in excess of two (2) will be made at the expense of the requesting Member, except when the accuracy of the meter is beyond the limits of commercial accuracy in which case the District shall bear such expense. If, for any reason, any meter is out of service or out of repair, or if, upon any test, the percentage of inaccuracy of any meter is found to be in excess of commercial accuracy [which unless otherwise agreed to shall be considered to be plus or minus two

(2% \pm) percent], registration thereof shall be corrected for a period of time extending back to the time when such inaccuracy began, if such time is ascertainable, and if not ascertainable, then for a period extending back one-half ($\frac{1}{2}$) of the time elapsed since the date of the last calibration, but in no event further back than a period of six (6) months.

c) Member may, at its option and at its own expense, install and operate a meter (check meter) to check any meter installed by the District, but the measurement for the purpose of this Contract shall be solely by the District's meters, except as in this Section specifically provided to the contrary. All such check meters shall be of standard make, shall be installed in a location approved by the District, and shall be subject at all reasonable times to inspection and examination by any employee or agent of the District; however, the reading, calibration, and adjustment thereof shall be made only by the Member, except during any period when a check meter may be used under specific written consent by the District for measuring the amount of non-potable water delivered into the System, in which case the reading, calibration, and adjustment thereof shall be made by the District with like effect as if such check meter or meters had been furnished or installed by the District.

d) If either party at any time observes a variation between the delivery meter and the check meter, if any such check meter shall be installed, such party will promptly notify the other party, and the parties hereto shall then cooperate to procure an immediate calibration test and joint observation of any adjustment and the same meter or meters shall then be adjusted to accuracy. Each party shall give the other party forty-eight (48) hours notice of the time of all tests of meters so that the other party may conveniently have a representative present.

e) If for any reason any meters are out of repair so that the amount of water delivered cannot be ascertained or computed from the reading thereof, the water delivered through the period such meters are out of service or out of repair shall be estimated and agreed upon by the parties hereto upon the basis of the best data available. For such purpose, the best data available shall be deemed to be the registration of any check meter or meters if the same have been installed and are accurately registering. Otherwise, the amount of water delivered during such period may be estimated:

(i) by correcting the error if the percentage of the error is ascertainable by calibration tests or mathematical calculation, or

(ii) estimating the quantity of delivery by deliveries during the preceding periods under similar conditions when the meter or meters were registering accurately.

Section 2.16. Unit of Measurement. The unit of measurement for non-potable water delivered from the System hereunder shall be 1,000 gallons, U. S. Standard Liquid Measure.

Section 2.17. Access.

a) FWSD agrees to provide ingress and egress for District employees and agents to all its premises inside or outside FWSD boundaries to install, operate, inspect, test, and maintain facilities owned or maintained by District.

b) District agrees to provide ingress and egress for FWSD employees and agents to all premises under control of the District to install, operate, inspect, test, and maintain facilities, and read meters owned or maintained by Member.

Section 2.18. Reporting Requirements. Approximately sixty days after the end of each fiscal year, FWSD shall furnish in writing to the District the following information:

a) The number of gallons of non-potable raw water used for the following purposes during the fiscal year just ended:

- 1) Irrigation
- 2) Make-up water for lakes and ponds
- 3) Other purposes

b) The number of gallons of non-potable treated wastewater effluent used for the following purposes during the fiscal year just ended:

- 1) Irrigation
- 2) Make-up water for lakes and ponds
- 3) Other purposes

c) An estimate of the projected annual water requirements from the System by FWSD for each of the next five (5) years for non-potable raw water and non-potable treated wastewater effluent, respectively;

d) An estimate of Demand for the next Water Year.

The purpose of this Section is to permit the District to accumulate statistical data which will enable it to plan for adequate service, and to facilitate plans for betterment and future facilities expansion.

Section 2.19. Customer Advisory Council. The provisions of this Section shall become effective when more than one entity is participating in the System.

a) The FWSD and each additional Customer may appoint one representative to the Customer Advisory Council for the System. The Council shall elect such officers as it deems necessary. The Council shall consult with and advise the District with regard to financial matters, budgets, operation and maintenance, contracts for additional Customers, improvements and extensions of the System and other pertinent matters relating to the System. The Council shall have access to and may inspect at reasonable times all physical elements of the System and all records and accounts of the District pertaining to the System.

b) The term of membership on the Council shall be at the pleasure of each Customer represented, respectively, and each member shall serve until replaced by such Customer. All expenses of the Council in discharging its duties under this Section shall be considered as an Operation and Maintenance Expense of the System.

Section 2.20. Water Conservation, Drought Contingency Plan.

a) District expects to purchase on an interruptible basis non-potable raw water and treated wastewater effluent from City of Denton and City of Lewisville, respectively. Accordingly, if either source exercises its right to limit, curtail or interrupt delivery of water to District, the District may make corresponding curtailments to FWSD deliveries. The District will give reasonable notice to FWSD of intent to limit, curtail or interrupt delivery of water and will make reasonable effort to supply substitute water.

b) FWSD agrees that non-potable water supplies or services may be limited or curtailed pursuant to this Section and Section 2.03. District and FWSD agree to coordinate the implementation of any action to limit or curtail water supplies to minimize adverse impact on FWSD and System operation; on adequacy of service; and, to promote public understanding of the need for, and terms of, such limitation or curtailment.

c) It is the policy of the District to prepare, adopt and maintain a regional water conservation plan which incorporates loss reduction measures and demand management practices which insure that the available supply of the System is used in an economically efficient and environmentally sensitive manner. Similarly, it is the policy of the District to prepare, adopt and maintain a drought and emergency contingency plan for water supply to Customers. FWSD agrees to cooperate in the implementation of both plans and to adopt and enforce such or similar plans for use within its jurisdiction. The water conservation plan prepared by FWSD pursuant to the Regional Treated Water Contract between FWSD and District can be adapted to include non-potable water to satisfy the requirement of this Section.

Section 2.21. Standards. Member agrees to protect its storage and distribution system from cross connections under the specifications required by health standards of the State. Member agrees to provide air gaps for any ground storage and backflow preventers for any elevated storage receiving water from the System. Further, Member agrees to specifically protect against cross connections between its non-portable water system and its potable treated water system. Member agrees to provide internal storage sufficient to meet its emergency needs and to maintain a reasonable load factor for deliveries from the System.

Section 2.22. Contracts with Denton and Lewisville. It is the intent of FWSD and the District to allow the District to contract with other entities for non-potable water:

- (i) with the City of Denton to provide for a source of raw water on an interruptible basis out of Lake Lewisville, and
- (ii) with City of Lewisville for a source of treated wastewater effluent from the City's wastewater treatment plant below Lake Lewisville.

Pending final approval of said contracts, or mutually acceptable alternative sources of non-potable water, District will not award a contract for construction of Project, and District will not request FWSD to pay for any such construction cost. Nonetheless, it is agreed that engineering efforts for design and for preparation of construction documents shall proceed pursuant to this Contract in order to expedite the Project.

ARTICLE III

Construction and Issuance of Bonds

Section 3.01. Consulting Engineers. The District and FWSD agree that the District will choose the Consulting Engineers for the System and may change Consulting Engineers at the option of the District.

Section 3.02. Construction of Project and System. The District agrees to use its best efforts to issue its Bonds, payable from and secured by Annual Payments made under this Contract, to acquire and construct the Project and other System facilities when, and as needed, as determined by the District, to supply non-potable water to FWSD, future additional Participating Members and other Customers. Such construction may be in phases and each phase will be financed by the District through the issuance of one or more series or issues of its Bonds; and, the District agrees to use its best efforts to issue its Bonds for such purpose. Also, Bonds may, at the discretion of the District, be issued to refund any Bonds, and be issued to extend, enlarge, repair, renovate, equip, operate, maintain and otherwise improve the System and any System facilities. District agrees that such

improvements will be made in accordance with generally accepted engineering practices. It is anticipated that such improvement will be financed by the District through the issuance of one or more series or issues of its Bonds payable from and secured by Annual Payments made under this Contract.

Section 3.03. Bond Proceeds. The proceeds from the sale and delivery of such Bonds may be used, to the extent deemed advisable by the District, to fund a debt service reserve fund, a contingency fund, and interest on the Bonds during construction; and such proceeds also will be used for the payment of the District's expenses and costs in connection with the Project and System (including all engineering and design costs and expenses, and the cost of the land and interests therein related to the System) and the Bonds, including, without limitation, all financing, legal, printing, and other expenses and costs related to the issuance of such Bonds and the System.

Section 3.04. Bond Resolution. Each Bond Resolution of the District shall specify the exact principal amount of the Bonds to be issued thereunder, which shall mature within the maximum period, and shall bear interest at not to exceed the maximum rates then permitted by law, and each Bond Resolution shall create and provide for the maintenance of a revenue fund, an interest and sinking fund, a debt service reserve fund, and any other funds deemed advisable, all in the manner and amounts as provided in such Bond Resolution. Member agrees that if and when such Bonds are actually issued and delivered to the purchaser thereof, either for the purpose of initially acquiring and constructing the Project, or subsequently for improving and/or extending the System, the Bond Resolution authorizing the Bonds shall for all purposes be deemed to be in compliance with this Contract in all respects, and the Bonds issued thereunder will constitute Bonds as defined in this Contract for all purposes.

ARTICLE IV

Fiscal Provisions

Section 4.01. Annual Requirements. Subject to the terms and provisions of this Contract, the District will provide and pay for the cost of the acquisition, construction and

improvement of the System and all System facilities, by issuing its Bonds in amounts which will be sufficient to accomplish such purposes. It is acknowledged and agreed that payment to be made under this Contract and similar contracts with other Customers, if any, will be the primary source available to the District to provide the Annual Requirement. In compliance with the District's duty to fix and from time to time to revise the rates and charges for services of the System, the Annual Requirement may change from time to time. Each such Annual Requirement shall be the responsibility of FWSD. If other Customers are added, District will allocate costs on a pro rata basis among the Customers as hereinafter provided, and the Annual Requirement for each Annual Payment Period shall be provided for in each Annual Budget and shall at all times be not less than an amount sufficient to pay or provide for the payment of:

- a) An **"Operation and Maintenance Component"** equal to the amount paid or payable for all Operation and Maintenance Expenses of the System; and
- b) A **"Capital Component"** equal to:
 - 1) the principal of, redemption premium, if any, and interest on, its Bonds, as such principal, redemption premium, if any, and interest become due, less interest to be paid out of Bond proceeds or from other sources if permitted by any Bond Resolution, and all amounts required to redeem any Bonds prior to maturity when and as provided in any Bond Resolution, plus the fees, expenses and charges of each paying agent/registrar for paying the principal of and interest on the Bonds, and for authenticating, registering and transferring Bonds on the registration books; and
 - 2) the proportionate amount of any special, contingency or reserve funds required to be accumulated and maintained by the provisions of any Bond Resolution; and
 - 3) an amount in addition thereto sufficient to restore any deficiency in any of such funds required to be accumulated and maintained by the provisions of any Bond Resolution; and

c) An amount deemed appropriate and necessary by the Board to be required as a special reserve for operation and maintenance expenses of the System or for capital improvements. Any such reserve shall be used as operating capital for Operation and Maintenance Expenses, for emergency expenses and a fluctuating reserve for additions to or shortfalls in the annual revenues of the System. The normal level of such reserve shall not exceed 25% of the annual Operation and Maintenance Expenses [estimated to be approximately three (3) months expenses].

Section 4.02. Annual Budget. Each Annual Budget for the System shall always provide for amounts sufficient to pay the Annual Requirement. The Annual Budget for the System for all or any part of the first Annual Payment Period during which the System is placed into operation shall be prepared by the District based on estimates made by the District. On or before June 15 of each year after the System is first placed in operation, the District shall furnish to Member a preliminary estimate of the Annual Payment required from Member for the next following Annual Payment Period. Not less than forty days before the commencement of the Annual Payment Period after the System is first placed into operation, and not less than forty days before the commencement of each Annual Payment Period thereafter, the District shall cause to be prepared as herein provided its preliminary budget for the System for the next ensuing Annual Payment Period. A copy of such preliminary budget shall be filed with Member for review before action by the Board. Member may submit comments about the preliminary budget directly to the Board. The Board may adopt the preliminary budget or make such amendments thereto as the Board may deem proper. The budget thus approved by the Board shall be the Annual Budget for the next ensuing Annual Payment Period. The Annual Budget (including the first Annual Budget) may be amended by the District at any time to transfer funds from one account or fund to another account or fund so long as such transfer will not increase the total budget. The amount for any account or fund, or the amount for any purpose, in the Annual Budget may be increased through formal action by the Board even though such action might cause the total amount of the Annual Budget to be exceeded; provided that such action shall be taken only in the event of an emergency or special circumstances which shall be clearly stated in a resolution at the time such action is taken by the Board.

Section 4.03. Payments

a) For the non-potable water services to be provided to FWSD under this Contract, FWSD agrees to pay, at the time and in the manner hereinafter provided, the Annual Requirement (Annual Payment). FWSD shall pay the Annual Requirement for each Annual Payment Period directly to the District, in installments in accordance with the schedule of payments furnished by the District, as hereinafter provided.

b) FWSD shall pay its Annual Payment, including a Facilities Charge and the charges for actual volume of non-potable water taken. The District shall estimate its cost and shall establish a Facilities Charge and a price per 1,000 gallons of volume for purposes of determining the monthly payment to be made by each Member. Member shall pay a Facilities Charge in quarterly (until changed hereafter by mutual agreement) installments, unless FWSD agrees to pay on an annual basis according to a discount formula specified by District. Such Facilities Charge shall be sufficient to cover the fixed cost portion of the Annual Requirement. Member shall pay a volume charge based on the actual volume of non-potable water delivered to Member monthly. The volume charge shall be sufficient to cover the variable cost portion of the Annual Requirement and specifically the variable costs associated with treating, pumping, transporting and delivering the water.

Section 4.04. Fiscal Policy. It is provided that in estimating costs for services, the District is specifically authorized, in its discretion, to include in such estimate of costs reasonable contributions to reserve funds or to assume that the Annual Payment Period may be a wet year which could cause revenues to be increased if the year is actually normal or dry. This fiscal policy is expressly approved by Member and is deemed by the parties hereto to be beneficial in the fiscal management of the System, and will assure the timely availability of funds even under unexpected circumstances. Upon receipt during any Annual Payment Period of an amount sufficient to meet the then current Annual Budget of the System for the remainder of the then current Annual Payment Period, the District shall deposit subsequent revenues received into appropriate reserve or contingency accounts. If there is a shortfall in revenues, the District may withdraw from the reserves, adjust the Annual Requirement, revise the payment schedule or do any combination thereof.

Section 4.05. Minimum Payment. It is agreed that if, during any Annual Payment Period, the estimated and/or actual metered volume of non-potable water provided by the System to FWSD is, for any reason whatsoever, less than the minimum capacity prescribed by this Contract in Exhibit B, FWSD shall pay its Annual Payment according to such minimum capacity. All contracts with Additional Participating Members or Customers shall provide for equitable minimum capacities, demands or volumes.

Section 4.06. Redetermination of Annual Requirements. Notwithstanding the foregoing, the Annual Requirement, and Member's share thereof (Annual Payment), shall be redetermined, after consultation with Member, at any time during any Annual Payment Period, to the extent deemed necessary or advisable by the District, if:

- (i) The District commences furnishing services of the System to an Additional Participating Member or Customer;
- (ii) Unusual, extraordinary, or unexpected expenditures for operation and maintenance expenses are required which are not provided for in the District's Annual Budget or reserves for the System;
- (iii) Operation and maintenance expenses of the System are substantially less than estimated;
- (iv) District issues Bonds which require an increase in the capital component of the Annual Payment; or
- (v) The District receives either significantly more or significantly less revenues or other amounts than those anticipated.

Section 4.07. Other Revenues. During each Annual Payment Period, all revenue derived from sales of System water, other than sales of water to FWSD, shall be credited to and be used for paying part of the Annual Requirement in the manner determined by the

District, with the result that such credits shall reduce, to the extent of such credits, the amounts which otherwise would be payable by FWSD.

Section 4.08. Prompt Payment / Disputed Bills. FWSD hereby agrees that it will make payments to the District required by this Contract within 20 days of the date a bill for service is rendered. If FWSD, at any time, disputes the amount to be paid by it to the District, FWSD shall nevertheless promptly make such payment or payments; but, if it is subsequently determined by agreement or court decision that such disputed payments should have been less, or more, the District shall promptly revise and reallocate the charges in such manner that FWSD will recover its overpayment or the District will recover the amount due it. All amounts due and owing to the District by FWSD or due and owing to FWSD by the District shall, if not paid when due, bear interest at the rate of ten (10%) percent per annum from the date when due until paid.

Section 4.09. Delinquent Bills . The District shall, to the extent permitted by law, suspend the delivery of water from the System if FWSD remains delinquent in any payments due hereunder for a period of sixty days, and shall not resume delivery of water while FWSD is so delinquent. However, the District shall pursue all legal remedies against Member to enforce and protect the rights of the District and the holders of the Bonds. If FWSD is delinquent, FWSD shall not be relieved of the liability to the District for the payment of all amounts which would have been due hereunder had no default occurred. It is understood that the foregoing provisions are for the benefit of the holders of the Bonds so as to insure that all of the Annual Requirement will be paid. If any amount due and owing the District by Member is placed with an attorney for collection, Member shall pay to the District all attorneys fees, in addition to all other payments provided for herein, including interest.

Section 4.10. Updated Schedule of Payment. If, during any Annual Payment Period, Member's Annual Payment is redetermined in any manner as provided or required in the foregoing Sections, the District will promptly furnish such Member with an updated schedule of monthly payments reflecting such redetermination.

Section 4.11. Reimbursement to FWSD.

(a) Depending on the amount and terms of proposed State participation in the Project, FWSD may be entitled to reimbursement of costs if additional Customers participate in the System in the future. The District will determine whether a reimbursement is warranted, and if so, how much. In conjunction with a proposed contract for an additional Customer, District will determine if FWSD has paid any capital cost (principal and interest) that would have been paid by the additional Customer if said Customer had participated in the Project with FWSD from the initial Contract Date. If so, District agrees that FWSD is entitled to reimbursement of such capital costs with interest. District will determine the amount of such payments by FWSD and will establish the amount of the reimbursement (based on pro rata share of capacity) to be paid by such additional Customer, with interest. The interest rate will be determined by District, which rate will not be less than the interest rate on the District's then most recent long-term bond issue. Also, such additional Customer shall reimburse (with interest) as determined by District, an appropriate share (based on pro rata share of capacity) of the original project development costs (for engineering studies and project management) which were advanced by FWSD. District and FWSD agree that such project development costs paid by FWSD were thirty thousand dollars (\$30,000.00) as of December 31, 1994.

(b) Further, FWSD shall be entitled to a fee for initial development of the Project and for risks taken during such Project development regardless of whether such additional Customer makes payment to District for reimbursement to Texas Water Development Board for State participation or to FWSD for capital cost advanced. Such fee shall be determined by the District and shall be collected from future additional Customers, if any. The amount of said fee shall be equal to fifty (50%) percent of total interest to be paid on capital costs by the additional customers as provided above.

ARTICLE V

Miscellaneous Provisions and Special Conditions

Section 5.01. Future Customers. In anticipation of additional Customers in the future,

certain facilities in the Project will be oversized in excess of capacity requirements currently projected for FWSD. District will manage the Project and the System to provide for a fair distribution (based on pro rata share of capacity) of initial costs and future costs between parties.

Section 5.02. Operation and Maintenance of System. The District will continuously operate and maintain the System in an efficient manner and in accordance with good business and engineering practices, and at reasonable cost and expense. The District recognizes its right and duty to operate the various facilities of the System in the most prudent and economical manner for the benefit of all Customers.

Section 5.03. Project Schedule. It is the intent of the parties that the Project will be placed in operation as soon as practicable, and the District agrees to proceed diligently with the design and construction of the Project to meet such schedule, subject to the other terms and conditions in this Contract.

Section 5.04. Permits, Financing and Applicable Laws. It is understood that any obligations on the part of the District to acquire, construct, and complete the Project and other System facilities and to provide non-potable water from the Project and other System facilities to FWSD, and potentially other Customers, shall be:

- (i) conditioned upon the District's ability to obtain all necessary permits, material, labor, and equipment;
- (ii) conditioned upon the ability of the District to finance the cost of the Project and other System facilities through the actual sale of the District's Bonds; and
- (iii) subject to all present and future valid laws, orders, rules, and regulations of the United States of America, the State of Texas, and any regulatory body having jurisdiction.

Section 5.05. Title to Water; Indemnification. Title to all water supplied to Member shall be in the District up to Point of Delivery, at which point title shall pass to the receiving Member. The District and FWSD agree to save and hold each other harmless from all claims, demands, and causes of action which may be asserted by anyone on account of the transportation and delivery of said water while title remains in such party.

Section 5.06. Payments From Revenues or From Taxes. The District shall have the right to demand payment by FWSD of any obligations assumed by it or imposed on it under and by virtue of this Contract from funds raised or to be raised by utility revenue or by ad valorem taxes. However, the obligations under this Contract shall never be construed to be a debt of such kind as to require FWSD to levy and collect a tax to discharge such obligation unless District determines it necessary to invoke the tax pledge provisions contained in Exhibit C. Member may make payments from its water and wastewater (sewer) system revenues, or from any other lawful source, including ad valorem taxes.

Section 5.07. Operating Expenses. FWSD represents and covenants that all payments to be made by it under this Contract shall constitute reasonable and necessary "operating expenses" of its combined waterworks and sewer system, as defined in Vernon's Ann. Tex. Civ. St. Article 1113, and that all such payments will be made from the revenues of its combined waterworks and sewer system or any other lawful source. FWSD represents and has determined that the non-potable water supply to be obtained from the System, including the Project and other System facilities, is absolutely necessary and essential to the present and future operation of its water system and that the System is the best long-term source of supply of non-potable water therefor, and, accordingly, all payments required by this Contract to be made by FWSD shall constitute reasonable and necessary operating expenses of its system as described above, with the effect that the obligation to make such payments from revenues of such systems shall have priority over any obligation to make any payments from such revenues (whether of principal, interest, or otherwise) with respect to all bonds or other obligations heretofore or hereafter issued by FWSD.

Section 5.08. Rates for Water and Wastewater Services. FWSD agrees throughout the term of this Contract to continuously operate and maintain its waterworks system and its

wastewater (sewer) system, and to fix and collect such rates and charges for water and wastewater services, to be supplied by its systems as will produce revenues in an amount equal to at least:

- (i) all of the expenses of operation and maintenance of such system or systems, including specifically, its payments under this Contract, and
- (ii) all other amounts as required by law and the provisions of the ordinance or resolutions authorizing its revenue bonds or other obligations now or hereafter outstanding, including the amounts required to pay all principal of and interest on such bonds and other obligations.

Section 5.09. Use of Funds and System. The District covenants and agrees that neither the proceeds from the sale of the Bonds, nor the moneys paid it pursuant to this Contract, nor any earnings from the investment of any of the foregoing, will be used for any purposes, except those directly relating to the System, and the Bonds as provided in this Contract; provided that the District may rebate any excess arbitrage earnings from such investment earnings to the United States of America in order to prevent any Bonds from becoming "arbitrage bonds" within the meaning of the Internal Revenue Code of 1986 (the "Code") or any amendments thereto in effect on the date of issue of such Bonds. FWSD covenants and agrees that it will not use, or permit the use of, the System in any manner that would cause the interest on any of the Bonds to be or become subject to federal income taxation under said Code or any amendments thereto in effect on the date of issue of such Bonds.

Section 5.10. Rights-of-Way.

- a) FWSD hereby grants to the District without additional cost to the District, the perpetual use of the streets, easements, and rights-of-way under its control for the construction, operation, and maintenance of the System and the Project.
- b) FWSD agrees that with prior written approval, District may use streets, alleys and public rights-of-way within Member's boundaries for pipeline purposes to provide water to Member or to other Customers without charges or tolls, provided that District makes the

necessary repairs to restore to their original condition the streets, alleys or public rights-of-way so used.

Section 5.11. Use of Customer Facilities. FWSD and District desire to develop and operate the System in the most efficient manner. To that end, the policy of the District is to encourage joint-use of facilities, including existing and future pipelines, storage tanks and pump stations owned by and under the control of Customers wherever feasible and advantageous to the delivery of water from the System. The District agrees that if it proposes the joint use of such facilities and if a Customer agrees, that the Customer whose facilities will be used is entitled to fair and reasonable compensation for the use of facilities and for the service provided by the Customer to District.

Further, it is agreed by all parties to this Contract that such compensation will be considered to be an Operation and Maintenance Expense of the System.

Section 5.12. Unconditional Obligation to Make Payments. Recognizing the fact that FWSD urgently requires the facilities and services of the Project and the System, and that such facilities and services are essential and necessary for actual use and for standby purposes; and, recognizing the fact that the District will use payments received from the FWSD and future Customers, if any, to pay and secure its Bonds, it is hereby agreed that FWSD shall be unconditionally obligated to pay, without offset or counterclaim, the Annual Requirement, as provided and determined in this Contract, regardless of whether or not the District actually acquires, constructs or completes the Project or the System or is actually delivering water from the System to FWSD, or whether or not FWSD actually receives or uses water from the System (whether due to Force Majeure or any other reason whatsoever), regardless of any other provisions of this or any other contract or agreement between any of the parties hereto. This covenant by the FWSD shall be for the benefit of and enforceable by the holders of the Bonds as well as the District.

Section 5.13. Insurance. The District agrees to carry and arrange for fire, casualty, public liability, and/or other insurance, including self insurance, on the System for purposes and in amounts which, as determined by the District, ordinarily would be carried by a privately owned utility company owning and operating such facilities, except that the District shall not be required to provide liability insurance except to insure itself against risk of loss due to claims for which it can, in the opinion of the District's legal counsel, be liable under

the Texas Tort Claims Act or any similar law or judicial decision. Such insurance will provide, to the extent feasible and practicable, for the restoration of damaged or destroyed properties and equipment, to minimize the interruption of the services of such facilities. All premiums for such insurance shall constitute an Operation and Maintenance Expense of the System.

Section 5.14. Future Capacity. The Project will include capacity in pipelines and certain other facilities for future needs of FWSD, Additional Participating Members and other Customers. Member agrees that it is in the best interest of the District and Member, to plan, acquire and construct the Project and System with excess capacity in anticipation of future increases in Member's requirements and in anticipation of future new Customers. Further, FWSD agrees that if the District executes a financial plan for the Project that includes participation by the State in future capacity costs and includes deferral of a portion of the capital costs to a future date, that FWSD will assume its respective share, when due, of such System cost so deferred as if Bonds had been issued during the initial construction of the Project. The District reserves the right to Contract with Additional Participating Members and other Customers for equitable participation (on a pro rata basis) in such future capacity.

Section 5.15. Special Provisions. The parties hereto acknowledge and agree to the Special Provisions which are set forth in Exhibit C hereto which Exhibit is incorporated herein for all purposes.

ARTICLE VI

Section 6.01. Force Majeure. If by reason of force majeure any party hereto shall be rendered unable wholly or in part to carry out its obligations under this Contract, other than the obligation of FWSD to make the payments required under this Contract; then, if such party shall give notice and full particulars of such force majeure in writing to the other parties within a reasonable time after occurrence of the event or cause relied on, the obligation of the party giving such notice, so far as it is affected by such force majeure, shall be suspended during the continuance of the inability then claimed, but for no longer period, and any such party shall endeavor to remove or overcome such inability with all reasonable dispatch. The term "Force Majeure" as employed herein shall mean acts of God, strikes,

lockouts or other industrial disturbances, acts of public enemy, orders of any kind of the Government of the United States of America or the State of Texas, or any Civil or military authority, insurrection, riots, epidemics, landslides, lightning, earthquake, fires, hurricanes, storms, floods, washouts, droughts, arrests, restraint of government and people, civil disturbances, explosions, breakage or accidents to machinery, pipelines or canals, partial or entire failure of water supply, or on account of any other causes not reasonably within the control of the party claiming such inability.

Section 6.02. Limitations and Conditions.

a) To provide the services and to perform the obligations contemplated in this Contract, it is the intent of FWSD and the District to allow the District to contract with other parties for sources of raw water and treated wastewater effluent. Obligation of the District to deliver water under this Contract is expressly subject to the District entering into such contracts. Further, it is expressly understood that such contracts may require the District to compensate such other parties, or for the District to participate with other parties in the construction of certain additional facilities in order for the District to carry out its obligations under this Contract. The District retains the right and option to construct its own facilities rather than to contract with others, if in the District's judgment such facilities, if constructed by the District, would allow the District to provide more dependable or economical service to Member.

b) If the District determines that it will be necessary to participate with other parties in the construction of facilities in order to fulfill its obligations under this Contract, FWSD hereby agrees that such participation is as much a part of the Project as if separate facilities were constructed by the District. Furthermore, any cost, rates, fees or charges applicable to pumping, transportation or treatment of water by others, and charges for other services rendered by other parties at the request of the District for the benefit of the Project and System shall constitute Operation and Maintenance Expense of the System as defined herein.

Section 6.03. Modification. No change, amendment or modification of this Contract shall be made or be effective which will affect adversely the prompt payment when due of all moneys required to be paid by FWSD under this Contract or any similar contract and no

such change, amendment or modification shall be made or be effective which would cause a violation of any provisions of any Bond Resolution.

Section 6.04. Addresses and Notice. Unless otherwise provided herein, any notice, communication, request, reply or advice (herein severally and collectively, for convenience, called "**Notice**") herein provided or permitted to be given, made or accepted by any party to any other party must be in writing, and may be given or be served by depositing the same in the United States mail postpaid and registered or certified and addressed to the party to be notified, with return receipt requested, or by delivering the same to an officer of such party, or by prepaid telegram when appropriate, addressed to the party to be notified. Notice deposited in the mail in the manner hereinabove described shall be conclusively deemed to be effective, unless otherwise stated herein, from and after the expiration of three days after it is so deposited. Notice given in any other manner shall be effective only if and when received by the party to be notified. For the purposes of notice, the addresses of the parties shall, until changed as hereinafter provided, be as follows:

If to the District, to:

Executive Director
Upper Trinity Regional Water District
396 West Main Street, Suite 102
P. O. Drawer 305
Lewisville, Texas 75067

If to Denton County Fresh Water Supply District No. 1, to:

President, Board of Directors
Denton County Fresh Water Supply District No. 1
2001 Bryan Tower, Suite 700
Dallas, Texas 75201

The parties hereto shall have the right from time to time and at any time to change their respective addresses and each shall have the right to specify as its address any other address by at least fifteen (15) days written notice to the other parties hereto.

Section 6.05. State or Federal Laws, Rules, Orders or Regulations. This Contract is subject to all applicable Federal and state laws and any applicable permits, ordinances,

rules, orders and regulations of any local, state or federal governmental authority having or asserting jurisdiction, but nothing contained herein shall be construed as a waiver of any right to question or contest any such law, ordinance, order, rule or regulation in any forum having jurisdiction.

Section 6.06. Remedies Upon Default. It is not intended hereby to specify (and this Contract shall not be considered as specifying) an exclusive remedy for any default, but all such other remedies (other than termination) existing at law or in equity may be availed of by any party hereto and shall be cumulative. Recognizing however, that the District's undertaking to provide and maintain the services of the System is an obligation, failure in the performance of which cannot be adequately compensated in money damages alone, the District agrees, in the event of any default on its part, that FWSD shall have available to it the equitable remedy of mandamus and specific performance in addition to any other legal or equitable remedies (other than termination) which may also be available. Recognizing that failure in the performance of FWSD's obligations hereunder could not be adequately compensated in money damages alone, FWSD agrees in the event of any default on its part that the District shall have available to it the equitable remedy of mandamus and specific performance in addition to any other legal or equitable remedies (other than termination) which may also be available to the District. Notwithstanding anything to the contrary contained in this Contract, any right or remedy or any default hereunder, except the right of the District to receive the Annual Payment which shall never be determined to be waived, shall be deemed to be conclusively waived unless asserted by a proper proceeding at law or in equity within two (2) years plus one (1) day after the occurrence of such default. No waiver or waivers of any breach or default (or any breaches or defaults) by any party hereto or of performance by any other party of any duty or obligation hereunder shall be deemed a waiver thereof in the future, nor shall any such waiver or waivers be deemed or construed to be a waiver of subsequent breaches or defaults of any kind, character or description, under any circumstance.

Section 6.07. Severability. The parties hereto specifically agree that in case any one or more of the sections, subsections, provisions, clauses or words of this Contract or the application of such sections, subsections, provisions, clauses or words to any situation or circumstance should be, or should be held to be, for any reason, invalid or unconstitutional, under the laws or constitutions of the State or the United States of America, or in

contravention of any such laws or constitutions, such invalidity, unconstitutionality or contravention shall not affect any other sections, subsections, provisions, clauses or words of this Contract or the application of such sections, subsections, provisions, clauses or words to any other situation or circumstance, and it is intended that this Contract shall be severable and shall be construed and applied as if any such invalid or unconstitutional section, subsection, provision, clause or word had not been included herein, and the rights and obligations of the parties hereto shall be construed and remain in force accordingly.

Section 6.08. Venue. All amounts due under this Contract, including, but not limited to, payments due under this Contract or damages for the breach of this Contract, shall be paid and be due in Denton County, Texas, which is the County in which the principal administrative offices of the District are located. It is specifically agreed among the parties to this Contract that Denton County, Texas, is the place of performance of this Contract; and in the event that any legal proceeding is brought to enforce this Contract or any provision hereof, the same shall be brought in Denton County, Texas.

Section 6.09. Term of Contract. This Contract shall be effective on, and from, the Contract Date. This Contract shall continue in force and effect for thirty (30) years, or for such additional time that Bonds issued by the District for the System remain outstanding, whichever date is greater. The Contract may be renewed or extended for additional periods by mutual agreement of FWSD and District as to terms and conditions. The District's obligation to provide the contracted for services shall commence from the date that the District, in writing, deems the Project operational and functional to deliver non-potable water to FWSD.

IN WITNESS WHEREOF, the parties hereto acting under authority of their respective governing bodies have caused this Contract to be duly executed in several counterparts, each of which shall constitute an original, all as of the day and year first above written, which date is the Contract Date.

UPPER TRINITY REGIONAL WATER DISTRICT

Bobby D. Meek
Tom Harpod, President, Board of Directors

ATTEST:

Johnny D. Harris
Johnny Harris, Secretary, Board of Directors

APPROVED AS TO FORM AND LEGALITY:

John F. Boyle, Jr.
John F. Boyle, Jr., General Counsel
Upper Trinity Regional Water District

DENTON COUNTY FRESH WATER SUPPLY
DISTRICT NO. 1

Marvin Robert Feagin
~~Michael McAdams, President, Board of Directors~~
Marvin Robert Feagin, Vice President

ATTEST:

C. L. Adams
Asst. Secretary, Board of Directors

APPROVED AS TO FORM:

Jeffery W. Hurt
Jeffery W. Hurt, General Counsel
Denton County Fresh Water Supply District No. 1

EXHIBIT A

UPPER TRINITY REGIONAL WATER DISTRICT and DENTON COUNTY FRESH WATER SUPPLY DISTRICT NO. 1 CONTRACT FOR NON-POTABLE WATER SERVICE

APPROXIMATE DELIVERY POINT

The Point of Delivery shall be the general vicinity of the intersection of Highway 544 and the Texas Utilities Electric transmission Right of Way as shown on the following sketch.

Note
Upon mutual agreement of the District and Customer, an updated Exhibit A may be substituted for this Exhibit A.

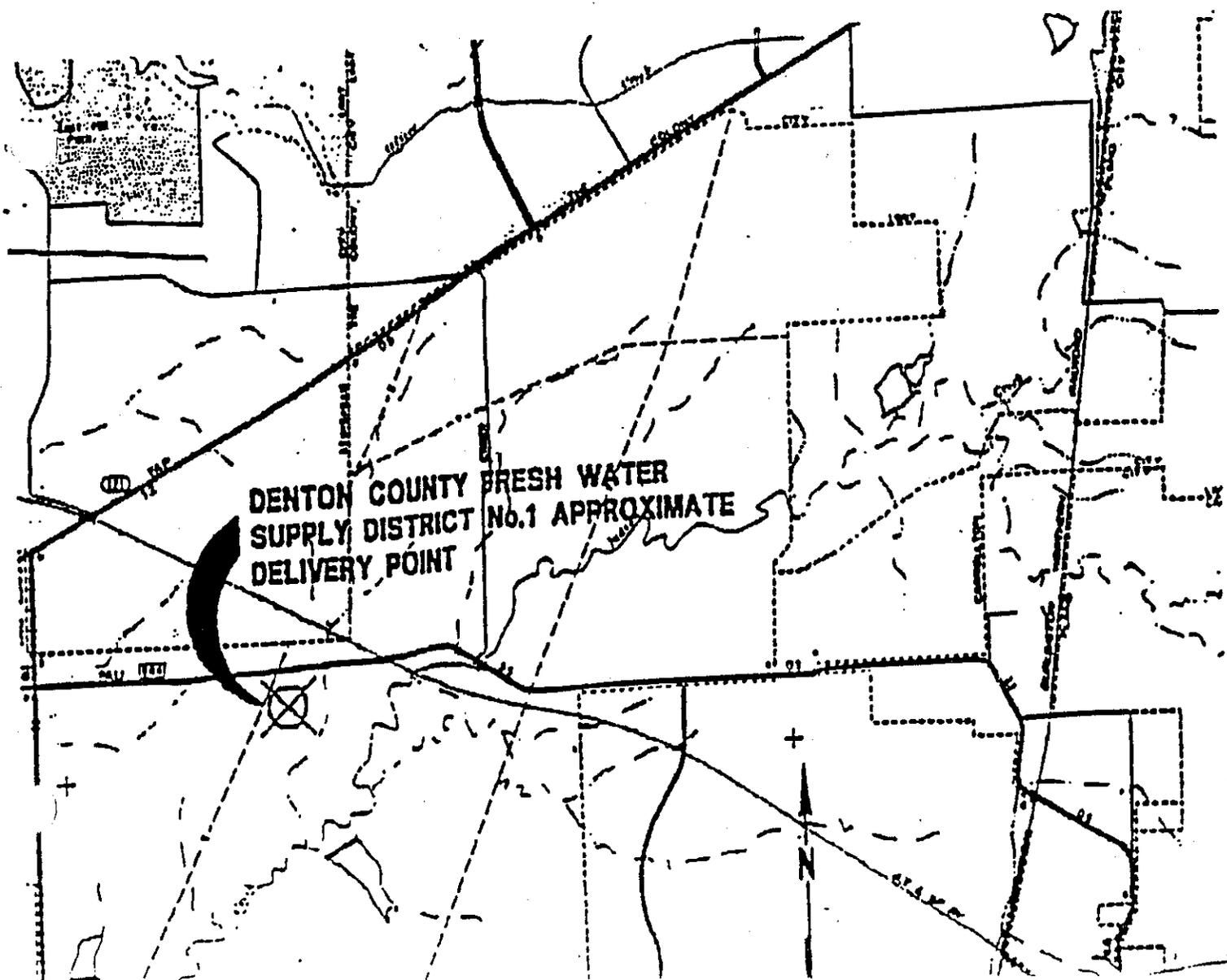


EXHIBIT B

UPPER TRINITY REGIONAL WATER DISTRICT and DENTON COUNTY FRESH WATER SUPPLY DISTRICT NO. 1 CONTRACT FOR NON-POTABLE WATER SERVICE

MINIMUM AMOUNT OF SYSTEM CAPACITY BEING COMMITTED FOR DENTON COUNTY FRESH WATER SUPPLY DISTRICT NO 1.

The provisions of this Exhibit B form a part of the Contract and are applicable to the District and to FWSD as if set forth in its entirety in the body of the Contract.

Minimum Capacity Reserved for FWSD: 3.35 mgd

The following quantities are estimates of usage for planning purposes and shall be used by District until superseded by annual projections developed pursuant to Section 2.18 of this Contract.

<u>Non-Potable Water</u>	<u>Estimated Quantities (gallons per year)</u>	
	<u>First Year</u>	<u>Fifth Year</u>
Raw Water	0	89,000,000
Treated Wastewater Effluent	158,000,000	86,000,000

To support the separate facilities to make both raw water and treated wastewater effluent available, reasonable quantities of each shall be purchased by FWSD.

EXHIBIT C

UPPER TRINITY REGIONAL WATER DISTRICT and DENTON COUNTY FRESH WATER SUPPLY DISTRICT NO. 1 CONTRACT FOR NON-POTABLE WATER SERVICE

SPECIAL PROVISIONS FOR DENTON COUNTY FRESH WATER SUPPLY DISTRICT NO. 1

The provisions of this Exhibit C form a part of the Contract and are applicable to the Upper Trinity Regional Water District (the "District") and to Denton County Fresh Water Supply District No. 1 ("FWSD") as if set forth in their entirety in the body of the Contract.

1. An election held on January 15, 1983 and ordered by the Commissioners Court of Denton County, Texas pursuant to Chapter 53, Texas Water Code, created the FWSD to conserve, transport and distribute fresh water from any sources for domestic and commercial purposes. Section 53.198, Texas Water Code, empowers a fresh water supply district to hold an election therein to authorize a maintenance tax and, if such tax be voted, to thereafter levy an ad valorem tax to pay costs of district improvements and other lawful expenses of the district. FWSD hereby pledges, covenants and promises to hold a maintenance tax election for an unlimited maintenance tax on the date of its next general election and at subsequent general elections if same be necessary. If such tax be voted and in the event the FWSD is unable to pay its obligations under this Agreement from its revenues or other legally available funds, the FWSD further pledges, covenants and promises to levy an ad valorem tax in an amount sufficient to accomplish the payment of such obligations, and such obligations shall be and constitute lawful expenses of the FWSD.
2. Section 53.029, Texas Water Code, authorizes a fresh water supply district under certain circumstances to subdivide into two new districts. Nothing contained in this Agreement shall preclude such subdivision, provided the District is notified in writing at least sixty (60) days in advance of such subdivision and provided the obligations under this Agreement are assumed by the two new districts in a manner that is approved in writing by the District. The review by the District shall be limited to fiscal responsibility and operational compatibility. The District agrees not to unreasonably withhold its approval or disapprove such proposal within forty-five (45) days of receipt of notice.

3. The FWSD, or any district created therefrom pursuant to Section 53.029 of the Texas Water Code, retains the right to transfer, assign and convey its rights, titles, interests and responsibilities under this Agreement to any city, town or village that annexes FWSD in its entirety and assumes said responsibilities as a matter of law or agrees to assume said rights, titles, interests and responsibilities in their entirety. Any other transfer, assignment and conveyance must be submitted to the District in writing for its approval. The District shall approve or disapprove said request within 120 days of receipt of written request and such approval shall not be unreasonably withheld.
4. During the interim period until the Project becomes operational, FWSD is obligated to pay all costs required to administer, develop and operate the Project.
5. In recognition of FWSD's participation with District in the Raw Water Contract for water from Cooper Reservoir in Sulphur River Basin, District agrees to provide a raw water credit to FWSD for the appropriate raw water component of the cost of non-potable water service actually being provided to FWSD if and when such water from Cooper Reservoir is available to District for use in the System, whether such water from Cooper Reservoir is actually delivered directly to the District or whether other raw water is made available by substitution to District as a result of an agreement to exchange water from Cooper Reservoir with water otherwise available in local Denton County water reservoirs from City of Dallas or other entities holding water rights.
6. Other provisions of this Contract notwithstanding, District agrees to first use FWSD's water from Cooper Lake, when available, to fulfill obligations of this Contract to deliver raw water to FWSD, unless otherwise requested by FWSD. Further, if any of FWSD's water from Cooper Lake is temporarily surplus to FWSD's needs, District agrees to sell such water on FWSD's behalf to other Customers, if any, of the System.
7. If FWSD desires that the District construct delivery facilities to a Point of Entry other than the one planned by the District, the District will design and construct such facility upon mutual approval by the District and FWSD of the engineering plans and upon FWSD depositing with the District funds to cover the estimated actual increase in cost.
8. In conjunction with the non-potable water service to be provided by the District to FWSD, there may be an opportunity to construct storage tanks or other facilities jointly with the District or others. If the District and FWSD agree that such joint facilities are mutually beneficial, a separate agreement will be executed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, AFFIRMING ITS SUPPORT FOR THE LEWISVILLE INDEPENDENT SCHOOL DISTRICT IN SEEKING FAIR AND APPROPRIATE METHODS FOR EDUCATING LOCAL STUDENTS.

WHEREAS, for more than a century, Lewisville public schools have been providing a quality education for local students; and

WHEREAS, the City of Lewisville tremendously values its strong relationship with the Lewisville Independent School District as a partner in building high quality of life and a thriving and prosperous community; and

WHEREAS, it has recently come to the City’s attention that Lewisville ISD – at its own expense, costing the taxpayers of Lewisville ISD – has uncovered serious grading errors in a significant sample of state standardized tests administered to local students during the 2015-16 academic year; and

WHEREAS, these standardized test scores are the primary means of state-assigned “grades” for public school campuses, and a pattern of errors in grading raises doubts about the validity of any campus designations that are based on those test scores; and

WHEREAS, final accountability for local public schools should rest with local school boards and the local taxpayers who elect them.

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

SECTION 1. The City of Lewisville declares its unwavering support for the educational efforts of the Lewisville Independent School District and proudly affirms its valued partnership with Lewisville ISD in building a better community.

SECTION 2. The City of Lewisville expresses its sincere concern raised by the grading errors recently uncovered by the Lewisville Independent School District, and the resulting doubts it creates as to the lack of validity for any individual campus assessments that might be assigned based on those tests.

SECTION 3. The City of Lewisville supports the Lewisville Independent School District in its efforts to promote fairness and consistency in the state testing system and to seek restitution for the expenses it incurred attempting to correct grading errors made on the state standardized tests.

SECTION 4. This Resolution shall become effective from and after its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, ON THIS THE 2ND DAY OF MAY, 2016.

APPROVED:

Rudy Durham, Mayor

ATTEST:

Julie Heinze, City Secretary

APPROVED AS TO FORM:

Lizbeth Plaster, City Attorney

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Nika Reinecke, Director of Economic Development and Planning

DATE: May 2, 2016

SUBJECT: **Tabled Item: Consideration of an Ordinance Granting a Special Use Permit (SUP) for Minor Automobile Services Consisting of a Free-Standing Goodyear Auto Care Facility; and Consideration of Four Associated Variances on an Approximately 1.212-Acre lot, Legally Described as Lot 1, Block G, Carrington Village Addition Phase II, Located at the Northwest Corner of FM 3040 and SH 121 Business, as Requested by Steve Meier of Hummel Investments, LLC. on Behalf of Drexel Realty Lewisville LP, the Property Owner (Case No. SUP-2016-02-01).**

BACKGROUND

The public hearing for the proposed SUP was continued from the February 15, 2016 and March 7, 2016 City Council meetings and held on the March 21, 2016 City Council meeting. This item was tabled at the March 21, 2016; April 4, 2016 and April 18, 2016 City Council meetings. This 1.212-acre property is located at the northwest corner of FM 3040 and SH 121 Business. The vacant property abuts a retail center zoned Local Commercial on the western boundary; the single-family residential development of Carrington Village on the northern boundary and State Highway 121 Business on the eastern boundary. This property was platted as part of the Carrington Village plat but has never been developed. Currently, the Goodyear Auto Care facility operates out of the end of the adjacent retail center to the west of the proposed site.

This site and the area that is now Carrington Village was rezoned from AO (Agriculture-Open Space) to GB in 1980. The site containing the adjacent retail center to the west was rezoned from AO to LC in 1984. The retail center was constructed in 1986. Carrington Village was rezoned from GB to ETH (Estate Townhouse) in 2005.

Staff has received two phone calls from neighboring residents concerned over the hours of operation and noise. Four letters from adjacent property owners were also submitted with concerns over noise, air quality, mosquitos and screening wall damage. Three of these residents have withdrawn their letters of opposition and have expressed their support for the project. The remaining property owner, who owns the retail center to the west, represents approximately 41% of the 200-foot notification area; therefore, a three-fourths (3/4) vote of all members of the City Council will be required to approve the SUP. A three-fourths (3/4) vote equates to a vote of 5-0. Two tenants from the retail center have also submitted letters of opposition.

Subject: SUP Goodyear Auto Care Facility

May 2, 2016

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After receiving the concerns related to noise, staff requested police reports at this location from the last year. Two noise complaints were received, one on October 2, 2015 and the other on October 19, 2015. In both instances, individuals were found behind the retail center working on a vehicle. The individual in the first instance was in the process of leaving the site while the individual in the second instance was given a verbal warning by the police officer. The reports did not indicate that the individuals involved were employees of Goodyear. Copies of both police reports are provided as part of the backup information associated with this item. One concern of staff is the possible re-occupation of the existing facility for an automotive use after the Goodyear relocation to the adjacent site. Another automotive use can resume operation in the current Goodyear facility without approval of an SUP if done so within 90 days after Goodyear ceases operation at that facility.

The applicant has held meetings with adjacent residents to the north within Carrington Village over past few weeks to discuss the residents' concerns. The applicant has also met with the owner of retail center to the west to address his concerns. To address the concerns of the adjacent residents, the applicant proposes to add an 8-foot, stained, board-on-board cedar fence with a top rail on top of a 3-foot berm in the landscape buffer along the north and west property lines to provide additional screening.

Four variance requests are associated with this development that will be considered in conjunction with the SUP. The variances are: a) to waive the deceleration requirement; b) to waive the 250-foot control of access from the intersection of SH 121 Business; to waive the 230-foot driveway spacing requirement from an existing driveway on a separate lot; and d) to reduce the required 10-foot setback to 5 feet from the existing water and sanitary sewer easement. The Planning and Zoning Commission recommended approval of the SUP by a vote of 5-1 at their meeting of February 2, 2016.

ANALYSIS

Building

The applicant has outgrown the current facility and is proposing to build a new 7,800 square-foot building with 12 service bays. The services provided at this facility would include tire sales and installation, wheel alignment, fluid replacement, brake service, routine maintenance, as well as diagnostic and minor auto repairs. The facility will not provide services for body work or painting of vehicles. The proposed hours of operation by Goodyear are 7:30 a.m. to 6:00 p.m. (7:30 a.m. - 7:00 p.m. Summer) Monday-Friday; 8:00 a.m. to 5:00 p.m. on Saturday and closed on Sunday. The original site layout oriented the service bays toward FM 3040 and the residential neighborhood to the north. Staff encouraged the applicant to rotate the building and orient the service bays doors toward SH 121 Business and the existing commercial strip center. This minimizes the exposure of the service bays, customer parking and activity to the residential properties to the north. Brick and stone exterior materials are proposed in compliance with the City of Lewisville brick veneer gateway requirements. The wainscot of synthetic stone will cover the lower five feet of the building with the remainder of the building being constructed of brick. The building will have a blue standing seam metal roof as illustrated in the color elevations. The eastern and western elevations will each have six service bay doors with the ability to service 12

Subject: SUP Goodyear Auto Care Facility

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vehicles at one time. Customers will enter the facility from the western side of the building. The northern elevation facing the residential area has no windows or doors. The southern elevation, which will face FM 3040, will contain windows to the offices and customer waiting area.

Screening

An existing masonry screening wall six feet in height is located at the common property line between the single-family residential and this lot. The applicant is proposing to further screen the single-family residential by offsetting the building approximately 40-feet from the rear property line and creating a 15-foot landscape buffer that will contain 10 live oak trees. The applicant also proposes an 8-foot, stained, board-on-board cedar fence with a top rail on top of a 3-foot berm to provide additional screening.

Landscaping

All four sides of the site contain an enhanced landscape buffer. As indicated in the screening section, the rear portion of the property will have a 15-foot landscape buffer with 10 live oak trees shielding the residential area to the north. The FM 3040 frontage will have a 25-foot landscape buffer that will include trees and shrubs (chinese pistache, live oak, desert willow, cedar elm, silverberry, dwarf burford holly). The SH 121 frontage has a landscape buffer of approximately 30 feet filled with a variety of trees and plantings. The western side of the site abutting the retail center also has a minimum 25-foot landscape buffer that will be lined with a variety of trees. The applicant is providing triple the required number of trees on the site with a total of 37 trees compared to a minimum requirement of 12 trees.

Signage

The applicant is proposing a monument sign that will be constructed of brick and stone to match the building. The monument sign will contain an electronic reader board in compliance with ordinance requirements. No pole sign is proposed for this site. Additional wall signage is proposed for the building façade as depicted on the color elevations. The proposed wall signs must conform to ordinance requirements.

Variances

a) To waive the deceleration requirement

Section 6-103 (f)(3)(a)

All driveways connecting to Major Traffic Carriers such as FM 3040 require a deceleration lane. Per discussions with the Texas Department of Transportation (TxDOT), it was determined that TxDOT will not require a deceleration lane at the existing driveway to the subject property. TxDOT is requiring a 40-foot ingress radius to assist turning movement into the driveway. Staff has no opposition to waive the deceleration lane requirement.

b) To waive the 250-foot control of access from the intersection of SH 121 Business

Section 6-103 (c)(1)

Major Traffic Carriers on the City of Lewisville Thoroughfare Plan including FM 3040 require a 250-foot control of access from any street intersections. Control of access is the distance from a street intersection measured from the intersecting right of way lines to the radius point of the first permitted driveway along the street. The owner has requested a variance to allow an improved driveway to be 118.7 feet from SH 121 Business along FM 3040. The existing driveway to the subject property will be improved by constructing a larger turning radii. The existing driveway was built by TxDOT in the 1990's with the FM 3040 improvement project and aligns with the median opening and left turn lane. Staff has no opposition to the request since the driveway aligns with the existing FM 3040 median opening and since TxDOT will not allow a driveway to the property from the SH 121 Business ramp of the east side of the property. This is the only driveway access to this property.

c) To waive the 230-foot driveway spacing requirement from an existing driveway on a separate lot

Section 6-103 (c)(2)(a)

The City of Lewisville Thoroughfare Plan requires a minimum 230-foot spacing between driveways on adjacent lots along Major Traffic Carriers. The improved driveway onto FM 3040 will be 66.18 feet from the adjacent driveway located west of this property. The variance would allow the improved driveway location access to the existing median opening and left turn lane on FM 3040. Staff is not opposed to the request. This will be the only driveway for the property since TxDOT will not allow a driveway from the SH 121 Business ramp on the east side of the property; and it aligns with the existing FM 3040 median opening.

d) To reduce the required 10-foot setback to 5-feet from the existing water and sanitary sewer easement.

Section 6-95 (b)

Per this section of the Land Development Regulations, a 10-foot building setback is required from all pressured utility line easements. The existing 20-foot water and sanitary sewer easement was dedicated by the Carrington Village Phase II plat to the City in 2007. Currently, there are no City water lines or sanitary sewer improvements in this existing easement. The existing water line along FM 3040 is built in the TxDOT right-of-way and the sanitary sewer serving the property is located at the northwest corner of the lot. In the future, the owner will be replatting the property to abandon the existing water and sanitary sewer easement. Staff is not opposed to this variance request since there are no existing or proposed water or sanitary sewer improvements that would use the existing 20-foot water and sanitary sewer easement.

The first three variance requests listed above are similar to variance requests granted at the Legends Car Wash site on the south side of FM 3040 east of the Walmart Super Center. If the SUP is denied, staff recommends that the City Council approve the four variance requests so that a future permitted use may move forward with development of the property.

SUP Conditions

Staff recommends the following conditions if this SUP is approved:

- 1) Overnight outside storage of vehicles shall not be allowed;
- 2) The outside storage of tires and other materials shall not be allowed on the site; and
- 3) The hours of operation shall be limited to 7:30 a.m. to 7:00 p.m. Monday-Friday; 8:00 a.m. to 5:00 p.m. on Saturday and closed on Sunday.
- 4) An eight-foot (8'), stained, board-on-board cedar fence with a top rail shall be installed on top of a minimum three-foot berm as shown on the fencing illustrations. This fence shall be kept in good repair for the life of the project.
- 5) The area between the existing masonry wall and the eight-foot (8'), stained, board-on-board cedar fence shall be maintained by the property owner.

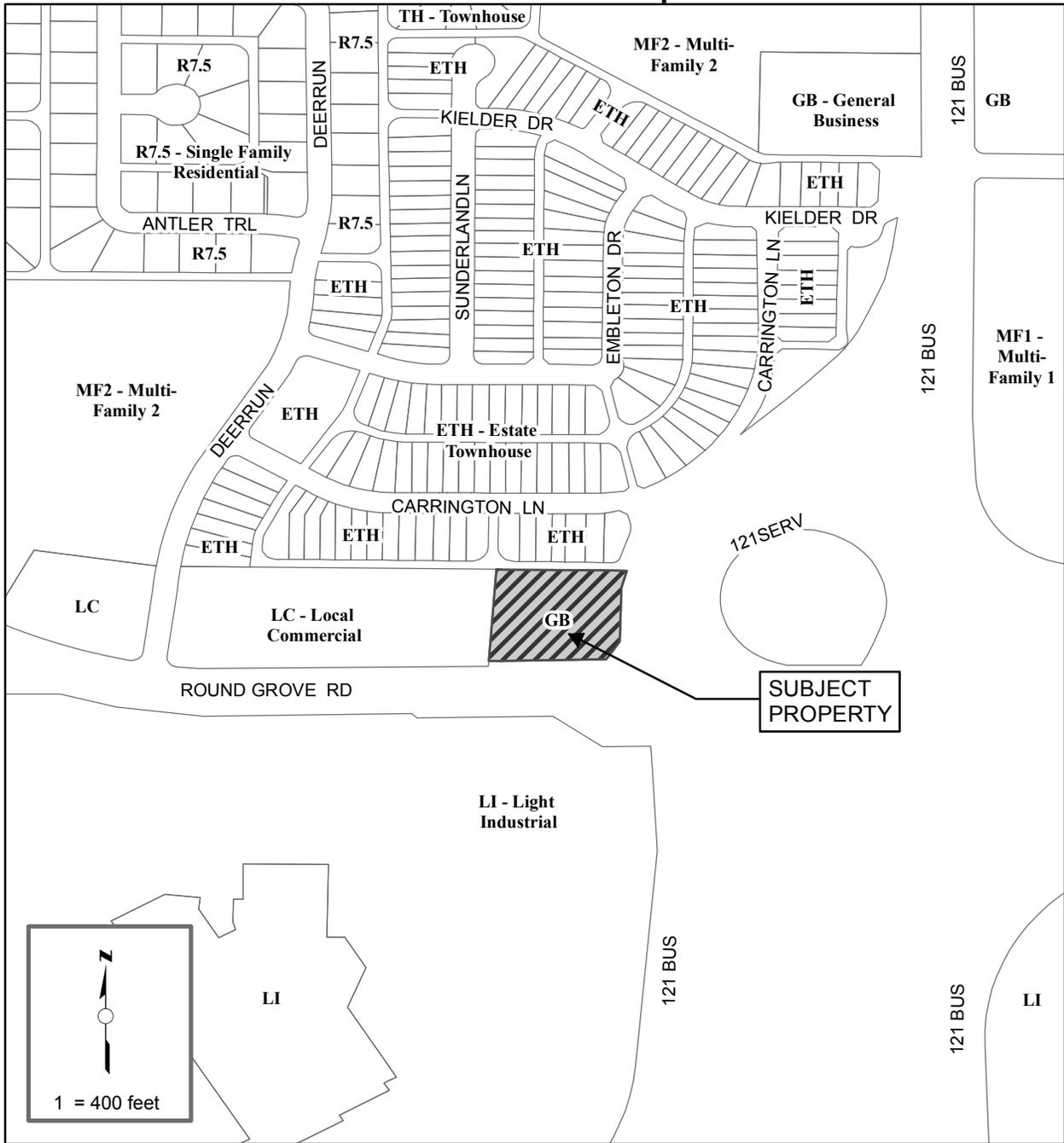
Summary

The applicant has laid out the site to minimize the impacts of the facility on the surrounding area. Enhanced architectural building design and landscaping have also minimized the visual impacts typically associated with an automotive repair facility. Over the past few weeks, the applicant has worked with the residential property owners to the north to address their concerns. These property owners, who were initially opposed to the project, now support the project. The applicant has confirmed that Goodyear will move out of the current facility at the end of the current lease regardless of the outcome of the SUP request. If the SUP is denied, the applicant has expressed a desire to pursue another location along the FM 3040 corridor. There also remains a possibility that a permitted use such a restaurant, office or retail establishment could develop at this site without additional landscape buffers and screening devices and without limited signage and hours of operation. Staff originally took a neutral stance on the SUP request due to the possibility that another automotive repair facility could continue operations in the current Goodyear facility without SUP approval if Goodyear relocates to the new site. Although this still holds true, when considering the factors discussed above, staff is comfortable with the proposal as presented and; therefore, recommends approval of the SUP.

RECOMMENDATION

It is City staff's recommendation that the City Council approves the ordinance and variances as set forth in the caption above.

Location Map



CASE NO. SUP-2016-02-01

COMPANY NAME: HUMMEL INVESTMENTS LLC

PROPERTY LOCATION: NWC OF FM 3040 AND SH 121 BUSINESS (1.212-ACRES)

CURRENT ZONING: GENERAL BUSINESS (GB)

REQUESTED USE: A SPECIAL USE PERMIT (SUP) FOR A GOODYEAR AUTO CARE FACILITY

Aerial Map



ANTLERT RL

DEER RUN

SUNDERLAND LN

KIELDER DR

KIELDER DR

EMBLETON DR

CARRINGTON LN

WALLINGTON WAY

121SERV

DEER RUN

CARRINGTON LN

SUBJECT
PROPERTY

DEER RUN

ROUND GROVE RD

ROUND GROVE RD

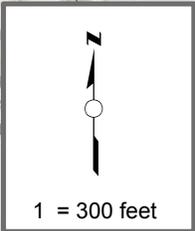
121SERV

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**MINUTES
PLANNING AND ZONING COMMISSION
FEBRUARY 2, 2016**

Item 1:

The Lewisville Planning and Zoning Commission meeting was called to order at 6:30 pm. Members present: James Davis, Sean Kirk, Brandon Jones, Mary Ellen Miksa, Alvin Turner, Steve Byars and Kristin Green. Member Sean Kirk was absent.

Staff members present: Richard Luedke, Planning Manager and June Sin, Planner.

Item 4:

Public Hearings for Zoning and Special Use Permits were next on the agenda. There were two items for consideration:

- B. Consideration of a Special Use Permit (SUP) for Minor Automobile Services Consisting of a Free-Standing Goodyear Auto Care Facility; on an Approximately 1.212-Acre lot, Legally Described as Lot 1, Block G, Carrington Village Addition Phase II, Located at the Northwest Corner of FM 3040 and SH 121 Business, as Requested by Steve Meier of Hummel Investments, LLC. on Behalf of Drexel Realty Lewisville LP, the Property Owner. (Case No. SUP-2016-02-01).

Richard Luedke, Planning Manager, gave an overview of the proposal and provided details related to proposed building orientation and materials, landscaping, screening, buffering, signage and driveway access. Mr. Luedke also briefed the Commission on three letters of opposition that were submitted by adjacent property owners in the Carrington Village residential neighborhood north of the proposed site. The three property owners expressed concerns over potential noise, adequate screening and effects on air quality. Chairman Davis opened the public hearing. Mr. Steve Meier, the applicant, gave a detailed presentation on the history of the business and the plans for the new facility on the subject property. Mr. John Taylor, 222 Kielder Drive, President of the Carrington Village Home Owners Association, confirmed that the neighborhood contains a total of 183 homes. Mr. Terry Ellis, 234 Carrington Lane, spoke in opposition with concerns over cars parked overnight, noise, inadequate wall height and emissions affecting air quality. He also stated that felt that the distance between the SH 121 Business ramp and the proposed driveway was inadequate. Mr. Charles O'Banion, the owner of the current Goodyear facility, confirmed that the vehicles parked overnight and the noise complaints registered in October 2015 were not associated with Goodyear. He stated that all customer vehicles kept overnight are parked inside the building for liability issues. Mr. O'Banion further explained the state and federal requirements involved when disposing of tires, which are picked up from the facility every 7 to 10 days. The Commission asked questions related to the four variance requests associated with the SUP. Mr. Luedke explained each of the variance requests, three of which are related to the driveway location, while the forth request is related to a utility easement setback. Mr. Luedke confirmed that staff has no objections to the requested variances. Chairman Davis closed the public hearing. Alvin Turner expressed concern over the fact that the property has

only one point of access. A motion was made by Brandon Jones to recommend approval of the SUP with the following conditions:

- 1) Overnight outside storage of vehicles shall not be allowed;
- 2) The outside storage of tires and other materials shall not be allowed on the site; and
- 3) The hours of operation shall be limited to 7:30 a.m. to 7:00 p.m. Monday-Friday; 8:00 a.m. to 5:00 p.m. on Saturday and closed on Sunday.

The motion passed by a vote of 5-1 (No: Steve Byars).

SECTION 17-22. - "GB" GENERAL 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) Any use permitted in district "LC" as regulated in said district.
 - (2) Auto, boat, motorcycle, recreational vehicle or mobile home display, sales (outdoor) and/or repair (SUP required)
 - (3) Bakeries.
 - (4) Building material sales with outside storage or display, including lumber yards (SUP required).
 - (5) Business or commercial schools.
 - (6) Clinic, medical and dental, and professional offices.
 - (7) Carpentry, painting, plumbing or tinsmithing shop fully enclosed within a building.
 - (8) Cleaning, laundry and dyeing plants fully enclosed within a building.
 - (9) Creamery, ice cream manufacturing and dairy operations fully enclosed within a building.
 - (10) Farm implement display and sales room. (outdoor) (SUP required).
 - (11) Hotels, motels and inns.
 - (12) Mortuaries with or without crematoriums. (SUP required).
 - (13) Office buildings.
 - (14) Pet shops, retail, fully enclosed within a building.
 - (15) Printing, engraving and newspaper plants, fully enclosed within a building.
 - (16) Radio or television broadcasting station or studio with broadcasting towers (SUP required).
 - (17) Retail stores, fully enclosed within a building.
 - (18) Veterinarian or animal hospital with outdoor kennel or exercise runs (SUP required).
 - (19) Bowling alley and other commercial amusement (indoor) uses, fully enclosed within a building.
 - (20) Church worship facilities.
 - (21) Uses similar to the above mentioned permitted uses, provided activities conducted wholly inside a building and observe the requirements of all city ordinances.
 - (22) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (23) 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. Open storage shall be considered an accessory use but no more than ten percent (10%) of the platted lot may be used for outside storage, including access and maneuvering areas for moving the stored items.
 - (24) Dwelling units of 850 square foot minimum size when located over a retail, restaurant or similar use on the first floor (SUP required).
 - (25) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (27) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (28) Commercial amusement, outdoor (SUP required).
 - (29) Drive-in theater (SUP required).
 - (30) Flea market, outdoor (SUP required).
 - (31) Helipad, helistop or landing strip (SUP required).
 - (32) Kennels with outdoor runs (SUP required).
 - (33) Nightclub, bar. (SUP required).
 - (34) Brewery, distillery, or winery.
 - (35) Hotels, motels and inns with rooms containing a cooktop or oven (SUP required).
- (b) *Height.* No building shall exceed in height the width of the street on which it faces plus the depth of the front yard. On a lot adjoining a residential district, no building shall exceed forty-five (45) feet in height, except that this height may be increased up to the maximum of twelve (12) stories or one hundred eighty (180) feet at the rate of two (2) feet of additional height for each one (1) foot of additional setback from required yard lines. In no event, however, shall the portion of a building located within one hundred fifty (150) feet of any property zoned for residential purposes exceed the height allowed in that residential zoning district.
- (c) *Area.*

(1) *Size of yards.*

- a. *Front yard.* There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in district "GB", except that automobile parking (including automobile dealer display parking) will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.
- b. *Side yard.* A side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in width shall be provided on the side of a lot adjoining a residential district. The required side yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device. No parking, storage or similar use shall be allowed in any required side yard or in any side street yard adjoining a residential district.
- c. *Rear yard.* No rear yard is required, except that a rear yard of not less than twenty-five (25) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street. The required rear yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device.

(2) Reserved.

- (d) *Outside Storage Regulations.* In all zoning districts where outside storage yards are allowed, such storage yards shall be screened from view in accordance with the standards outlined in the city's general development ordinance. This provision applies to all outside storage which began after the original date of passage of this provision (April 4, 1994). Any variance request involving the requirements or standards relating to such required screening devices shall be considered by the city council in accordance with the city's general development ordinance. Areas which are used for infrequent and temporary storage for a period of thirty (30) days or less per year shall not be deemed as storage yards.

SECTION 17-21. - "LC" LOCAL COMMERCIAL DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for indoor, neighborhood office, retail, and services which are primarily retail in nature, including, but not limited to:
- (1) Any use permitted in district "OD" as regulated in said district.
 - (2) Grocery stores.
 - (3) Barber and beauty shops.
 - (4) Book, card, gift and stationary stores.
 - (5) Dry cleaning and laundry services.
 - (6) Gasoline service stations (SUP required).
 - (7) Minor automobile services including tune-up and repair services, tire stores and car washes, providing there is no overnight outside storage of vehicles (not including transmission or body shops) (SUP required).
 - (8) Restaurants.
 - (9) Florists.
 - (10) Video rental stores, movie theaters and other indoor amusements.
 - (11) Church worship facilities.
 - (12) Buildings and uses owned or operated by public governmental agencies.
 - (13) Other retail, office and service uses of a similar nature provided that the business establishment supplies the everyday needs of the immediate neighborhood and is subject to the following conditions:
 - a. There is no outside display and storage of merchandise or vehicles, except for the incidental and occasional sale of merchandise outside the building for periods not to exceed thirty (30) days (i.e. Christmas tree sales and sidewalk sales, etc.).
 - b. That required yards not be used for display, sale or storage of merchandise, or for the storage of vehicles, equipment, containers or waste material.
 - c. That such use not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.
 - (14) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (15) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, dust, noise, vibration or similar nuisance.
 - (16) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (17) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (18) Beverage container recycling collection facility (SUP required).
 - (19) Kiosks, including water and ice sales (SUP required).
 - (20) Private stadium/arena/sports field (SUP required).
 - (21) Communication Towers (SUP required).
 - (22) Plant Nursery (Retail Sales) (Indoor)
 - (23) Plant Nursery (Retail Sales) (With Outdoor Display or Storage) (SUP required).
- (b) *Height.* No building shall exceed forty-five (45) feet or three (3) stories in height, except that a building may be erected to a height of eighty (80) feet and eight (8) stories if set back from all required yard lines a distance of one (1) foot for each two (2) feet of additional height above forty-five (45) feet. In no event, however, shall the portion of a building located within one hundred fifty (150) feet of any property zoned for residential purposes exceed the height allowed in that residential zoning district.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in district "LC", except that automobile parking will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.
 - b. *Side yard.* A side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in

width shall be provided on the side of a lot adjoining a residential district. The required side yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device. No parking, storage or similar use shall be allowed in any required side yard or in any side street yard adjoining a residential district.

- c. *Rear yard.* No rear yard is required, except that a rear yard of not less than twenty-five (25) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street. The required rear yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device.

(2) *Reserved.*

SECTION 17-29.5 - "SUP" SPECIAL USE PERMIT

(a) *Purpose.*

The special use permit (SUP) provides a means for evaluating land uses identified in this ordinance to ensure compatibility with adjacent properties. The intent of the special use permit process is to allow consideration of certain uses that would typically be incompatible or intensely dominate the area in which they are located, but may become compatible with the provision of certain conditions and restrictions.

(b) *Application submittal and approval process.*

(1) Application for an SUP shall be processed like an application for rezoning. An application shall not be complete and shall not be scheduled for a public hearing unless the following are submitted along with the application:

- a. A scaled development plan depicting the items listed in Section 17-29.5(b)(2);
- b. A meets and bounds description of the property boundary;
- c. A narrative explaining how the property and use(s) will function;
- d. Colored elevations of the building and other structures including dimensions and building materials;
- e. A Landscaping Plan, meeting the requirements of Section 6-124 of the Lewisville Code of Ordinances;
- f. A Tree Survey and Mitigation Plan if required by Section 6-125 of the Lewisville Code of Ordinances;
- g. Detailed elevations and descriptions of proposed signage;
- h. An exhibit illustrating any requested variances; and
- i. Any other information, drawings, operating data or expert evaluations that city staff determines are necessary to evaluate the compatibility criteria for the proposed use and development.

(2) The development plan submitted along with an SUP application must include the following:

- a. The layout of the site;
- b. A north arrow;
- c. A title block including project name, addition, lot, block, acreage, and zoning classification of the subject property;
- d. Name, address, and phone number for applicant, developer, owner, builder, engineer, and/or surveyor;
- e. Building location, property lines, and setbacks;
- f. Summary tables listing building square footage, required parking, and required landscaping;
- g. Locations of utility easements, if applicable;
- h. Zoning and ownership of adjacent properties;
- i. Easements, deed restrictions, or encumbrances that impact the property;
- j. Median openings, traffic islands, turning lanes, traffic signals, and acceleration and deceleration lanes;
- k. Streets, alleys, and easements adjacent to the site;
- l. Driveways and sidewalks;
- m. Parking configuration, including maneuvering lanes and loading areas;
- n. Location and details of dumpsters and screening devices; and
- o. Location of all proposed signage.

(3) Variances from the regulations of the city's General Development Ordinance may be granted at the discretion of the city council as part of the SUP approval. The granting of an SUP has no effect on uses permitted by right and does not waive the regulations of the underlying zoning district.

- (4) The planning and zoning commission or the city council may require additional information or drawings, operating data or expert evaluation or testimony concerning the location and characteristics of any building or uses proposed.
- (5) The planning and zoning commission, after holding a public hearing, shall recommend to the city council approval or denial of each SUP along with any recommended conditions. The city council shall review each case on its own merit, apply the compatibility criteria established herein, and if appropriate, grant the special use permit for said use(s).
- (6) Completion of a development plan for the SUP does not waive the requirement to provide an engineering site plan in accordance with the General Development Ordinance.

(c) *Compatibility criteria for approval.*

The planning and zoning commission shall not recommend approval of, and the city council shall not grant an SUP for a use except upon a finding that the use will:

- (1) complement or be compatible with the surrounding uses and community facilities and any adopted comprehensive plans or small area plans;
- (2) contribute to, enhance, or promote the welfare of the area of request and adjacent properties;
- (3) not be detrimental to the public health, safety, or general welfare; and
- (4) conform in all other respects to all zoning regulations and standards.

(d) *SUP conditions.*

The planning and zoning commission may recommend and the city council may adopt reasonable conditions upon the granting of an SUP consistent with the purpose and compatibility criteria stated in this section. The development plan, however, shall always be attached to and made a condition of the SUP. The other documents submitted with the SUP application may also be made conditions of the SUP.

(e) *Amendments, enlargement, modifications or structural alterations.*

- (1) Except for minor amendments, all amendments, enlargements, modifications or structural alterations or changes to the development plan shall require the approval of a new SUP. The city manager or his designee may authorize minor amendments to the development plan that otherwise comply with the SUP ordinance and the underlying zoning and do not:
 - a. Alter the basic relationship of the proposed development to adjacent property;
 - b. Increase the maximum density or height shown on the original development plan;
 - c. Decrease the number of off-street parking spaces shown on the original development plan; and/or
 - d. Reduce setbacks at the boundary of the site as specified by a building or setback line shown on the original development plan.
- (2) For purposes of this subsection, "original development plan" means the earliest approved development plan that is still in effect, and does not mean a later amended development plan. For example, if a development plan was approved with the specific use permit and then amended through the minor amendment process, the original development plan would be the development plan approved with the specific use permit, not the development plan as amended through the minor amendment process. If, however, the development plan approved with the specific use permit was replaced through the zoning process, then the replacement development plan becomes the original development plan. The purpose of this definition is to prevent the use of several sequential minor amendments to circumvent the zoning amendment process.

- (3) Although the city manager or his designee has the authority to grant minor amendments to the development plan, they are not obligated to do so. The city manager or his designee shall always maintain the discretion to require city council approval if he feels that it is within the public's interest that city council consider the amendment, enlargement, modifications, or structural changes at a public hearing.

(f) *Compliance mandatory with written requirements.*

- (1) No special use permit shall be granted unless the applicant, owner, and grantee shall be willing to accept and agree to be bound by and comply with the written requirements attached to the development plan drawings and approved by the city council.
- (2) A special use permit shall be transferable from one owner or owners of the subject property to a new owner or occupant of the subject property, however all regulations and conditions of the SUP shall remain in effect and shall be applicable to the new owner or occupant of the property.

(g) *Timing.*

All development plans submitted for review will be on the city's active list for a period of 90 days from the date of each submittal. After the 90-day period, a project will be considered abandoned and removed from the file. A building permit shall be applied for and secured within 180 days from the time of approval of the special use permit provided that the city may allow a one-time extension of the SUP for another 180 days. A SUP shall expire six months after its approval or extension date if no building permits have been issued for the site or if a building permit has been issued but has subsequently lapsed. Work must be completed and operations commenced within 18 months of approval.

(h) *Zoning map.*

When the city council authorizes granting of a special use permit the official zoning district map shall be amended according to its legend to indicate that the affected area has conditions and limited uses, said amendment to indicate the appropriate zoning district for the approved use, and suffixed by an "SUP" designation. A log of all special use permits shall be kept by the city.

(i) *Rescind and terminate a special use permit.*

City council may rescind and terminate an SUP after a public hearing if any of the following occur:

- (1) That one or more of the conditions imposed by the SUP has not been met or has been violated.
- (2) The SUP was obtained through fraud or deception.
- (3) Ad valorem taxes on the property are delinquent by six months or more.
- (4) Disconnection or discontinuance of water and/or electrical services to the property.
- (5) Abandonment of the structure, lease space, lot, or tract of land for 180 days or more. (For the purpose of this section, "abandon" shall mean to surrender occupancy by vacating or ceasing to operate or inhabit such property.)

This Section (Office Use Only)	
Case:	
PZ:	CC:
Sign/s Picked Up By:	



LEWISVILLE
Great Places. Great Living. Great Future.

**SPECIAL USE PERMIT (SUP)
APPLICATION**

Owner/s (name): Jimmy Grisham	
Company Name: Drexel Realty Lewisville LP, a Texas limited partnership	
Mailing Address: 3953 Maple Ave Suite 250 Dallas TX 75219	
Work #:	Cell #:
E-Mail: Jimmy.Grisham@CNLCRE.com	
Owner Signature (Owner/s Must Sign or Submit Letter of Authorization): <i>[Signature]</i> STEVE C. MEIER	Date: 12/4/15
Printed Name: STEVE C. MEIER	

Applicant/Agent (name): Steve Meier	
Company Name: Hummel Investments LLC	
Mailing Address: 8117 Preston Road Suite 120 Dallas TX 75225	
Work #: 214-416-9820 ext 104	Cell #: 214-632-9611
E-Mail: steve@hummelinvestments.com	
Applicant/Agent Signature	Date: 12/03/15
Printed Name: Steve Meier	

Current Zoning: GB	Requested Zoning: No Change	Acres: 1.221
Legal Description (Lot/ Block/Tract/Abstract): Lot 1 Block G Carrington Village Phase II		
Address/Location: NWC of FM 3040 and SH 121 Business		

Application and Sign Fees:

	Less than 1/2 acre	\$ 150.00
x	1/2 acre up to 4.99 acres	\$ 250.00
	5 acres up to 24.99 acres	\$ 400.00

	25 acres up to 49.99 acres	\$ 750.00
	50 acres up to 99.99 acres	\$1,000.00
	100 acres and more	\$1,500.00

Qty: 1	SUP Signs - \$35 each. 1 sign required for each 5 acres (max. 5 per site)	\$ 35.00
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Sign(s) must be posted a minimum of ten (10) days prior to the Planning & Zoning hearing date.

Amount Due (application & sign fee)	\$ 285.00
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LEWISVILLE

Where Access Means World-Class Business

REQUIRED:

Fully describe the plans for the property

The proposed development includes an approximately 7,800 square foot building with 12 Service Bays and a Customer Waiting Area. Parking for customers will be between the building and the west property line. Access to the site is provided by the existing drive approach on to FM 3040. We are proposing to push the building as far to the south and east as possible while still providing the required Fire Lane Access. The parking lot will be set back from the north property line, which abuts the adjacent residential use, at least 25' and more than 25' at some points – significantly more than required by city regulations. This will allow a greenbelt which will have significant landscape screening.

NOTE:

Items must be staff approved and deemed complete before they will be placed on an agenda.

Hummel Investments LLC

Real Estate Development

January 25, 2016

Richard Luedke
City of Lewisville
Economic Development & Planning
151 W. Church Street
Lewisville, Tx. 75057

**RE: *Goodyear Tire & Service
 NWC of FM 3040 & SH 121 Business
 Lewisville, Texas 75067***

Mr. Luedke,

This letter and attachments shall serve as a written request for four (4) Variance Requests to the city ordinances that apply to this site.

The first three (3) Variance Requests (**Variance A, B & C**) concern the city ordinance that requires drive approaches on FM 3040 to have Deceleration/Right Turn Lanes. The subject property is a vacant lot on the hard corner of FM 3040 and SH 121 Business. There is an existing drive approach into the subject property from FM 3040 that was installed by TxDot as part of the FM 3040 / SH 121 Interchange project. The drive approach only serves the subject property. The southbound SH 121 Frontage Road is directly adjacent to the east boundary the property and TxDot will not allow access from the off-ramp to the subject property.

Per Mr. Jeff Kelly, Asst. City Engineer, we will need to request three separate variances as follows:

- A. To waive the Deceleration Lane requirement
- B. To waive the required 250' control of access from the intersection of SH 121 Business
- C. To waive the required 230' driveway spacing from an existing driveway on a separate lot

Variance A

The hardship is that the property is subject to that warrants a Variance is that there is not a sufficient distance from the existing drive approach (referenced above – installed by TxDot) to the radius of the SH 121 Frontage Road intersection with FM 3040.

Additionally, we have had numerous discussions with the TxDot Area Engineer and she has told us as well Jeff Kelly, Asst. City Engineer, that TxDot will not approve a Deceleration/Right Turn Lane at this location as they felt that it interferes with the turning movement from the SH 121 Frontage

Road onto west bound FM 3040. Additionally, they did not think that the traffic load turning into our project outweighed the possible interference at the intersection.

The dimension of a typical City of Lewisville Deceleration/Right Turn Lane are as follows:

- 110 linear feet of tapered drive lane
- 60 linear feet of Stacking Space for vehicles wishing to turn
- 20 linear feet radius at the drive approach

This equates to an overall length of 190 feet for the installation of a Deceleration/Right Turn Lane at this location.

For these reasons, we respectfully request a Variance from the Decel Lane Ordinance.

Variance B

The hardship is that the existing drive approach was installed by TxDot as part of the FM 3040 / SH 121 Interchange project. This drive approach aligns with the median break in FM 3040 – also installed by TxDot as part of the FM 3040 / SH 121 Interchange project. The location of the existing drive approach was determined by TxDot. Presumably, TxDot placed the drive approach so that it would be as far from the SH 121 frontage road intersection as practical while maintaining some separation from the pre-existing drive approach on the adjacent property to the west.

Due to the design of the SH 121 intersection, there is not sufficient distance to comply with the city's 250' spacing requirement, and we respectfully request a Variance from the 250' spacing requirement.

Variance C

The hardship is really the same as that of Variance B. The existing drive approach was installed by TxDot as part of the FM 3040 / SH 121 Interchange project. The location of the existing drive approach was determined by TxDot. Presumably, TxDot placed the drive approach as close to the pre-existing drive approach on the adjacent property to the west as they deemed was practical in order to maximize the distance from the SH 121 frontage road intersection

Due to the design of the SH 121 intersection, there is not sufficient distance to comply with the city's 230' spacing requirement and we respectfully request a Variance from the 250' spacing requirement.

The fourth Variance Request (**Variance D**) concerns the city ordinance requiring a 10' building setback from an existing 20' Water & Sanitary Sewer Easement that parallels FM 3040 along the ROW line of the subject property.

Variance D

We are requesting a Variance to the city ordinance that requires a 10' building setback from a Water Easement so that we can place the front wall of the proposed building on the 25' Building Setback Line – which is dictated by the zoning regulations as well as the Plat.

After reviewing the 20' Water & Sanitary Sewer Easement in question as well as the location of the existing water and san. Sewer utilities with Mr. Jeff Kelly, Asst. City Engineer, he and the engineering staff determined that this 20' Water & San. Sewer Easement is not needed.

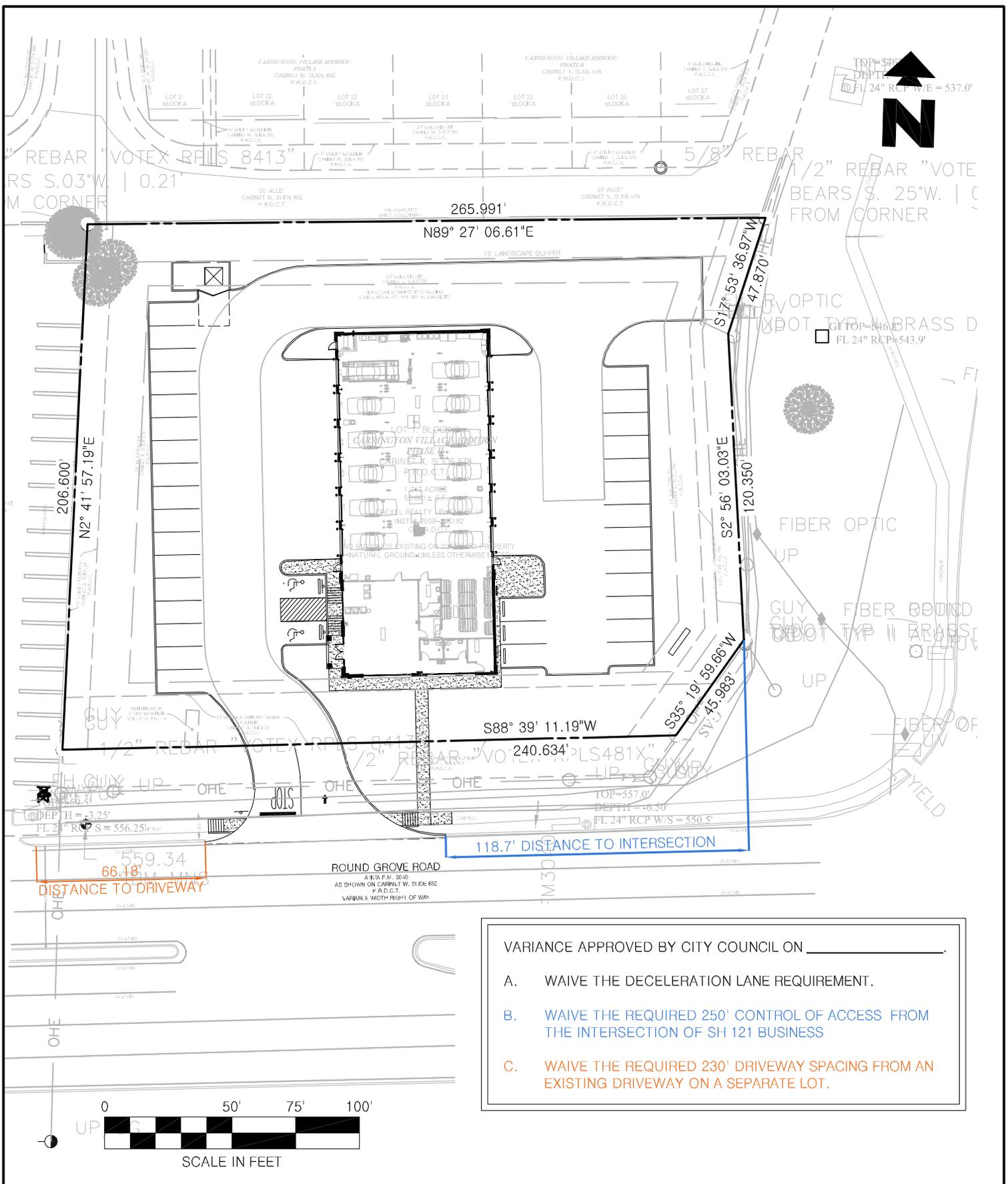
The Engineering Dept. is suggesting that we go through an abandonment process for this 20' Water & San. Sewer Easement. But in the interim, they are suggesting that we request a variance for the reduction of the standard city 10' building setback from a water easement to only a 5' setback so that we can accommodate the Planning Departments request that the front of the building be placed on the 25' building Setback Line so as to create a larger landscape buffer at the rear of the site.

We have attached an exhibit depicting this Variance requesting the 5' setback reduction. And we have depicted it on our Development Site Plan.

Please let me know if you have any questions or need any additional back-up documentation or exhibits.

Thank you,

Steve C. Meier, AIA
Director of Development
Hummel Investments LLC

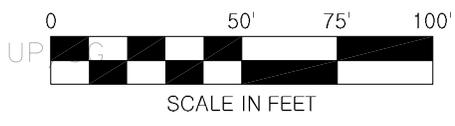


VARIANCE APPROVED BY CITY COUNCIL ON _____

A. WAIVE THE DECELERATION LANE REQUIREMENT.

B. WAIVE THE REQUIRED 250' CONTROL OF ACCESS FROM THE INTERSECTION OF SH 121 BUSINESS

C. WAIVE THE REQUIRED 230' DRIVEWAY SPACING FROM AN EXISTING DRIVEWAY ON A SEPARATE LOT.



Engineering Associates, Inc.

ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS • ENVIRONMENTAL SCIENTISTS

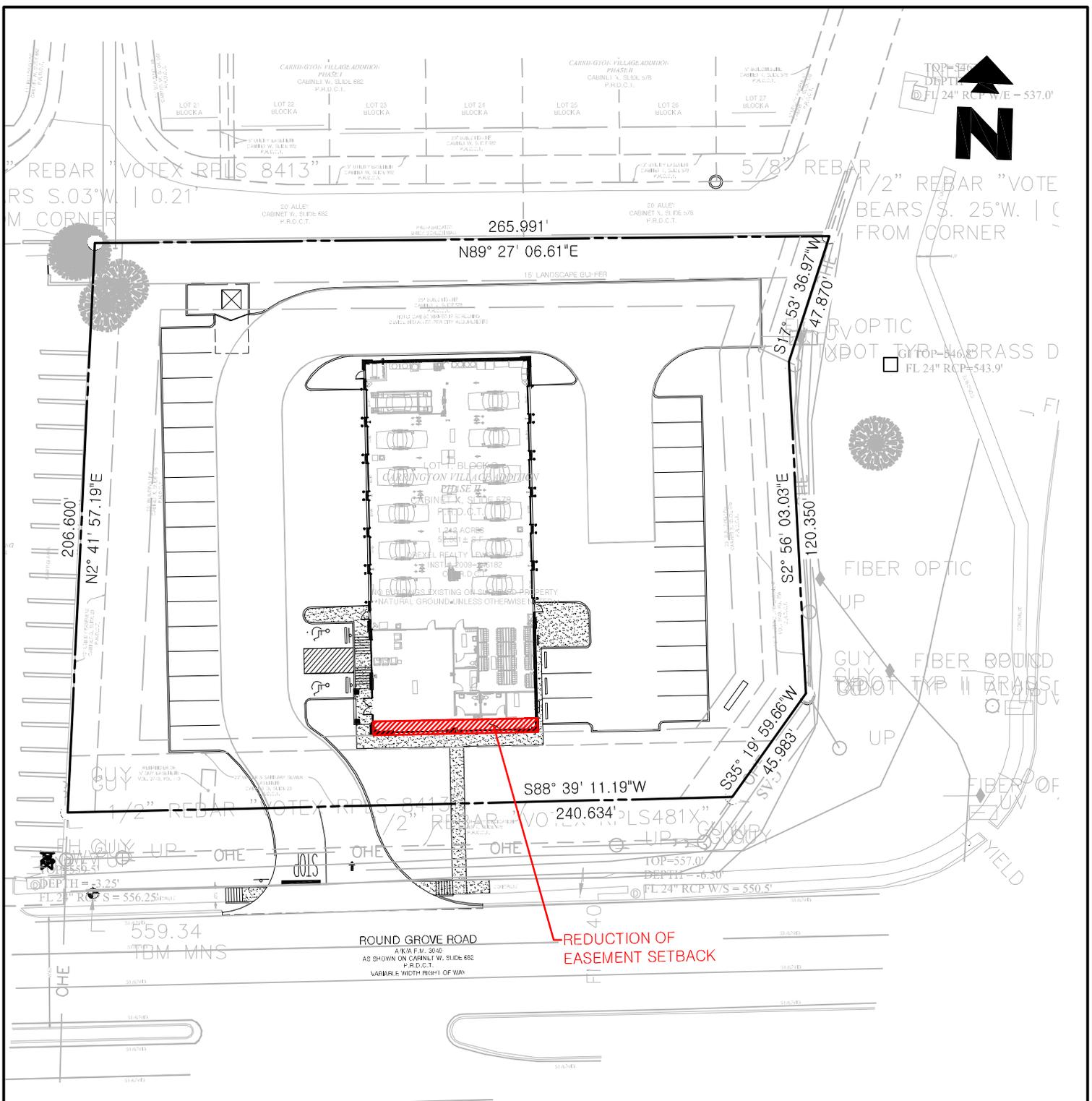
3030 LBJ Freeway, Suite 100
Dallas, TX 75234

(972)488-3737
FAX (972)488-6732

GOODYEAR

29310.0	1/25/16	ADS	BJD	TJA	TJA
CEI PROJECT NO.	DATE	DPOR	PM	DES	DRW
VARIANCE EXHIBIT				REV DATE	SHEET NO.
ROUND GROVE ROAD (F.M. 3040) & STATE HWY 121				1/25/16	----
LEWISVILLE, TEXAS				REV-1	----

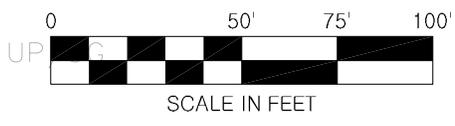
JOB # 29310.0 DRAWING: 29310_SP.dwg LAST SAVED BY: TALLEY



REDUCTION OF EASEMENT SETBACK

VARIANCE APPROVED BY CITY COUNCIL ON _____

D. WAIVE 5' OF THE REQUIRED 10' BUILDING SETBACK FROM THE EXISTING 20' WATER AND SANITARY SEWER EASEMENT.



Engineering Associates, Inc.

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LANDSCAPE ARCHITECTS • ENVIRONMENTAL SCIENTISTS

3030 LBJ Freeway, Suite 100
Dallas, TX 75234

(972)488-3737
FAX (972)488-6732

GOODYEAR

29310.0	1/25/16	ADS	BJD	TJA	TJA
CEI PROJECT NO.	DATE	DPOR	PM	DES	DRW

VARIANCE EXHIBIT
ROUND GROVE ROAD (F.M. 3040) & STATE HWY 121
LEWISVILLE, TEXAS

REV DATE	SHEET NO.
1/25/16	----
REV-1	----

JOB # 29310.0 DRAWING: 29310_SP.dwg LAST SAVED BY: TALLEY

February 15, 2016

Richard E. Luedke, AICP
Economic Development and Planning
City of Lewisville
151 West Church St.
P.O. BOX 299002
Lewisville, TX 75029-9002

RE: Special Use Permit- Case No. SUP 2016-02-01

Mr. Luedke,

Please accept this letter to document our opposition the Special Use Permit requested for a free-standing Good Year Auto Care facility at the Northwest corner of FM 3040 and SH121 Business, Lot 1, Block G, Carington Village Addition Phase II.

The intended use of the prime corner of FM 3030 and SH121 Business is not becoming of the redevelopment of the area. The Good Year store would create an industrial look at the prime entry into a professional area. An auto repair establishment should not be on this prime corner.

Thank you,

Lois Perrine
Daddy Rabbit's Pub
297 W. FM 3040 Suite 200
Lewisville, TX 75067

214-674-9212



TCP LEWISVILLE PARTNERS II, LP

Robert B. Neely
President of the General Partner
500 North Akard, Suite 3240
Dallas, Texas 75201
214.389-8910
email: rneely@tcprealty.com

Via email to: jsin@cityoflewisville.com

February 15, 2016

Mr. Richard E. Luedke, AICP

Economic Development and Planning
City of Lewisville
151 West Church St.
P.O. BOX 299002
Lewisville, TX 75029-9002

RE: Round Grove Road and SH 121 Business
Special Use Permit- Case No. SUP 2016-02-01

Dear Mr. Luedke,

I represent the owner, TCP Lewisville Partners II, LP, of Round Grove Shopping Center located adjacent to the subject property where a SUP is proposed for a Good Year. Lewisville Partners has been the owner of the project for over 20 years.

Please accept this letter to evidence our opposition to the SUP.

There is a tire and car repair shop in Round Grove Shopping Center and we, along with most of our tenants, are opposed to having another one right next door. Simon Auto Repair and Christian Auto Shop are west and WalMart Tire and Auto just east. Adding another one is just saturation!

This is a prime corner and should be a pleasant business or retail establishment that enhances the neighborhood and makes the community proud.

Regards,

A handwritten signature in black ink, appearing to read 'Robert Neely', written in a cursive style.

Robert B. Neely



TCP LEWISVILLE PARTNERS II, LP

Via email to: jsin@cityoflewisville.com
rluedke@cityoflewisville.com

Robert B. Neely
President of the General Partner
500 North Akard, Suite 3240
Dallas, Texas 75201
214.389-8910
email: rneely@tcprealty.com

February 15, 2016

Mr. Richard E. Luedke, AICP, Economic Development and Planning
Mayor and Council Members
City of Lewisville
151 West Church St.
P.O. BOX 299002
Lewisville, TX 75029-9002

RE: Round Grove Road and SH 121 Business
Special Use Permit- Case No. SUP 2016-02-01

Dear Gentlemen and Ladies,

I had previously sent an opposition letter and wish to amend as further information has come to light.

Per the published agenda, the SUP is not just asking for allowing an auto and tire facility, it is also requesting four variances:

1. to waive the deceleration requirement;
2. to waive the 250-foot control of access from the intersection of SH 121 Business;
3. to waive the 230-foot driveway spacing requirement from an existing driveway on a separate lot; and
4. to reduce the required 10-foot setback to 5 feet from the existing water and sanitary sewer easement.

These exceptions have not been fully digested by the neighborhood as the SUP has been on an extremely limited time schedule. The notice letter is dated January 22nd which is less than a month ago and MOST IMPORTANTLY did not have any mention of the variances requested.

On behalf of the neighboring community, we respectfully request a delay (at least until April) to allow adequate time to study, analyze and give everyone a full understanding of the impact of the variances requested.

Regards,

Robert B. Neely



TCP REALTY SERVICES, LLC
Commercial Real Estate Services

Rubin A. Kremling, CCIM, CPM
Vice President
5858 Westheimer, Suite 800
Houston, Texas 77057
713 243-6800 Office
713 243-6901 Fax
rkremling@tcprealty.com

February 15, 2016

Attn: Richard E. Luedke, AICP

Economic Development and Planning
City of Lewisville
151 West Church St.
P.O. BOX 299002
Lewisville, TX 75029-9002

RE: Special Use Permit- Case No. SUP 2016-02-01

Mr. Luedke,

Please accept this letter to document our opposition the Special Use Permit requested for a free-standing Good Year Auto Care facility at the Northwest corner of FM 3040 and SH121 Business, Lot 1, Block G, Carington Village Addition Phase II.

TCP Realty Services is the leasing agent for the Round Grove Shopping Center located adjacent to the subject property. Round Grove Shopping Center has Lewisville Tire & Service Shop currently as a tenant and with another car repair and tire shop, it will become an auto row. This is not favorable for the area and will hurt leasing in the area.

The intended use of the prime corner of FM 3030 and SH121 Business is not becoming of the redevelopment of the area. The Good Year store would create an industrial look at the prime entry into a professional area. An auto repair establishment should not be on this prime corner.

Thank you,
TCP Realty Services, LLC

A handwritten signature in cursive script that reads "Rubin A. Kremling".

Rubin A. Kremling, CCIM, CPM
Vice President



Richard Luedke <rluedke@cityoflewisville.com>

Fwd: the free standing auto care

June Sin <jsin@cityoflewisville.com>
To: Richard Luedke <rluedke@cityoflewisville.com>

Tue, Feb 16, 2016 at 4:17 PM

Richard,

This letter is for the Goodyear SUP.
Thank you.

----- Forwarded message -----

From: **Dr. Lance Terry** [REDACTED]
Date: Tue, Feb 16, 2016 at 2:53 PM
Subject: the free standing auto care
To: Jsin@cityoflewisville.com

February 15, 2016

Richard E. Luedke, AICP
Economic Development and Planning
City of Lewisville
151 West Church St.
P.O. BOX 299002
Lewisville, TX 75029-9002

RE: Special Use Permit- Case No. SUP 2016-02-01

Mr. Luedke,

Please accept this letter to document my opposition to the Special Use Permit requested for a free-standing Good Year Auto Care facility at the Northwest corner of FM 3040 and SH121 Business, Lot 1, Block G, Carrington Village Addition Phase II.

The intended use of the prime corner of FM 3030 and SH121 Business is not becoming of the redevelopment of the area. The Good Year store would create an industrial look at the prime entry into a professional area.

I am already disappointed that a Condom Sense and a Vape shop has moved into a free standing building at the corner of Round Grove and Edmonds, that was once a dry cleaning facility.

In 2017, it will be 20 years that I opened my office, Vista Ridge Chiropractic, at Round Grove and Deer Run. I have enjoyed the area and providing professional healthcare to those around me. It saddens me that this side of Lewisville may turn into an embarrassment to Lewisville.

Never the less an auto repair establishment should not be on this prime corner.

Thank you,

Lance Terry

Vista Ridge Chiropractic

Lewisville Tx, 972-315-0518

www.drlanceterry.com

—
June Sin

Planner

Economic Development & Planning

972) 219-3417



Richard Luedke <rluedke@cityoflewisville.com>

Goodyear Auto Care Facility Case No. SUP-2016-02-01

terrye [REDACTED] Mon, Mar 7, 2016 at 6:35 PM
To: "Castello, [REDACTED]" <rluedke@cityoflewisville.com> <rluedke@cityoflewisville.com>
Cc: "Shelli James [REDACTED]" "Kelley [REDACTED]"

Richard,

I will concur with Jeff's email below, as long as the verbal commitments made to our community in regards to the privacy fence being added and the repairs to our existing walls are made immediately.

In addition I would ask that this privacy wall addition also be noted as a requirement to the council as one of the provisions provided by Goodyear to our community.

Thank you,

Terry Ellis
234 Careington Lane
Lewisville, Texas 75067

From: Castello, Jeff [REDACTED]
Sent: Monday, March 7, 2016 3:20:06 PM
To: rluedke@cityoflewisville.com
Cc: Shelli James [REDACTED] Kelley [REDACTED]
terrye
Subject: Goodyear Auto Care Facility Case No. SUP-2016-02-01

To: Richard Luedke, AICP

[Quoted text hidden]



Richard Luedke <rluedke@cityoflewisville.com>

Goodyear expansion on 3040

Kim Keefe <[REDACTED]>
To: "rluedke@cityoflewisville.com" <rluedke@cityoflewisville.com>

Tue, Mar 8, 2016 at 9:15 PM

Hi Mr Luedke

I am writing to withdraw my protest regarding the Goodyear expansion on Round Grove. It is my understanding that Carrington Village has been assured from Steve Meier of Hummel Investments that the owner of Goodyear has agreed to install the privacy wall presented to the Carrington Village homeowners in a prior meeting. If this is your understanding as well, I would like to withdraw my protest. If this is not your understanding then my protest stands as previously submitted.

Thank you.

Regards,

Kim Keefe

222 Carrington Ln

Sent from my iPhone

> On Feb 1, 2016, at 9:24 AM, Kim Keefe <[REDACTED]> wrote:

>

> Dear Mr. Luedke,

>

> I am writing you in protest against the expansion of the Goodyear facility on 3040. I live behind the current facility and find it annoying how they work on cars late into the evening. When I retire for the night all I hear is engines revving and noise that is annoying and disruptive. Expanding this facility would cause more of the same. Not to say the increase in "health issues." We would experience a decrease in clean air for the engine work as well as an increase in Mosquitos from the large amount on tires being discarded. In addition Carrington Village has to bear the brunt of the wall repairs due to the way they park their cars against our wall. At a minimum the city should require them to put up a 10' wall for noise abatement.

>

> I strongly am against this expansion and hope the City of Lewisville will work with our community to vote against this expansion.

>

> Thank you for consideration of those of us behind this facility who do not want our property values reduced because of this expansion.

> Regards,

> Kim Keefe

> 222 Carrington Ln

>

>

> Sent from my iPhone



Richard Luedke <rluedke@cityoflewisville.com>

Goodyear Auto Care Facility Case No. SUP-2016-02-01

Castello, Jeff <[REDACTED]>

Mon, Mar 7, 2016 at 3:20 PM

To: "rluedke@cityoflewisville.com" <rluedke@cityoflewisville.com>

Cc: "Shelli James" <[REDACTED]>, "Kelley" <[REDACTED]>, terry <[REDACTED]>

To: Richard Luedke, AICP
Planning Manager City of Lewisville

RE: Case No. SUP-2016-02-01

We previously emailed you with regard to this proposed development , we have since had opportunity to meet with the Developer Steve Meir of Hummel Investments, he has been very responsive to our concerns with regard to the tire disposal and the potential loss of privacy.

Contingent upon their plans to store salvage tires, oil and debris inside, addition of a secondary privacy fence of minimum 8' on top of a 3' minimum berm and include evergreen trees to further screen the property line as well as have limited operating hours, we are dropping our complaint regarding this special use permit request. With regard to our damaged retaining wall it sounds like the owner has agreed to pay for repairing our existing wall near Goodyear's existing facility as a good faith gesture.

We had prepared a PowerPoint presentation for the council, but we understand we are not able to present it at tonight's meeting. Please take a moment to view it, as it will give you a better understanding of our concerns and give you an opportunity to see the issues with the current shopping center property from our perspective. Many of the items pictured we look at each day from our homes. This shopping center is in desperate need of maintenance there is standing water prior to the rain today, tripping hazards and a broken window that has not been addressed, possibly why Goodyear would like to be in a stand alone facility and not associated with its current location.

I have included a PDF copy of the Power Point for you use.

Thank you again.

Jeff Castello

230 Carrington Ln.
[REDACTED]

The following 22 images
were provided by
Jeff Castello, 230 Carrington Lane, on behalf of the
Carrington Village Home Owners Association

Goodyear Expansion Special Use Permit Request



Photo/Information Provided by Jeff Castello on Behalf of the Carrington Village HOA



Photo/Information Provided by Jeff Castello on Behalf of the Carrington Village HOA



Photo/Information Provided by Jeff Castello on Behalf of the Carrington Village HOA



Minimum requested wall height

Photo/Information Provided by Jeff Castello on Behalf of the Carrington Village HOA



Photo/Information Provided by Jeff Castello on Behalf of the Carrington Village HOA



Minimum requested wall height

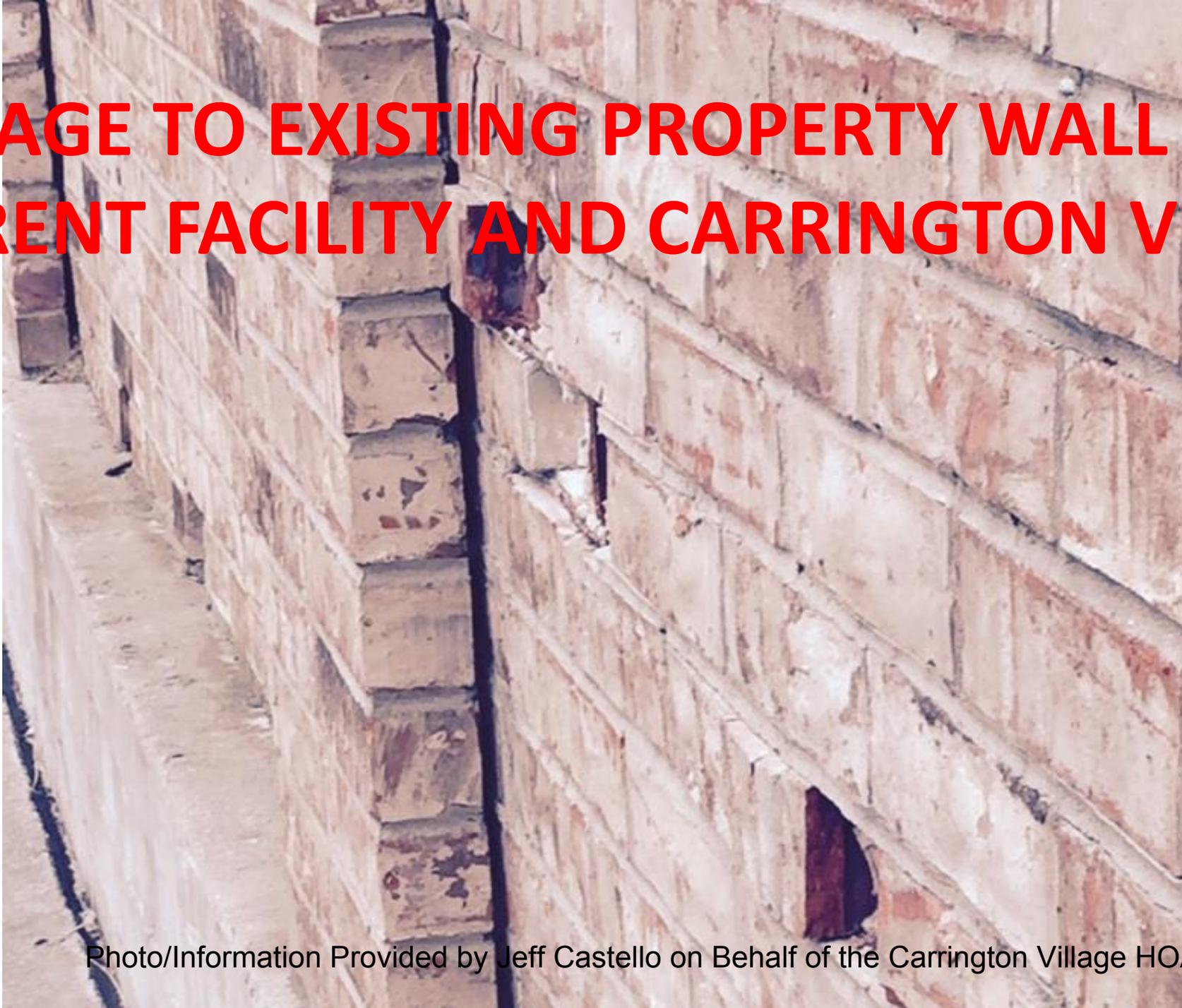
Photo/Information Provided by Jeff Castello on Behalf of the Carrington Village HOA



STORAGE OF DISPOSAL TIRES

Photo/Information Provided by Jeff Castello on Behalf of the Carrington Village HOA

**DAMAGE TO EXISTING PROPERTY WALL BETWEEN
CURRENT FACILITY AND CARRINGTON VILLAGE**



Photo/Information Provided by Jeff Castello on Behalf of the Carrington Village HOA

Carrington Village Request

- Increase height of wall the length of property being developed
 - Resolution property to be developed with 2nd buffer wall on berm for homeowner privacy
- Resolve outdoor tire disposal area issue
 - Is it a violation or not?
 - Roof and solid door on existing enclosure?
- Cleanup and keep misc. trash picked up regularly
- Concern of another auto repair business moving in

Existing Shopping Center Issues

- Poor maintenance, eye sore to our community & City of Lewisville
- Multiple Wall Paint Colors on rear wall of building
- Standing water behind building, health hazard
- Exposed dumpsters, lids open, trash hanging out of dumpsters
- Wheel stops need to be continued along existing wall to prevent unnecessary damage to screen wall



Photo/Information Provided by Jeff Castello on Behalf of the Carrington Village HOA



Photo/Information Provided by Jeff Castello on Behalf of the Carrington Village HOA



Photo/Information Provided by Jeff Castello on Behalf of the Carrington Village HOA



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Photo/Information Provided by Jeff Castello on Behalf of the Carrington Village HOA



Photo/Information Provided by Jeff Castello on Behalf of the Carrington Village HOA

**Thank you for your time and
consideration of our concerns**

Carrington Village Homeowners

CAD Operations Report

LEWISVILLE

Call Number 15089041

Printed: 01/29/2016 10:01 AM

Call Detail Information

Jurisdiction: LEWISVILLE

Call Number 15089041	Taker GPEDIGO	Pos 7	Call Owner	Status C	Date - Time Received Fri 10/02/2015 23:14:47	Inj 0			
Complaint ND NOISEDIST	Ten Code	Priority 3	Fire Grade	Class G	Alarm	How Received			
Incident Location 297 W ROUND GROVE RD	Apart/Suite 240	Floor/Bldg	Incident City LEWISVILLE	State TX	ZIP 00000-0000				
Caller Name ELLIS, TERRY	Telephone	Alt Telephone	Tower ID						
Caller Location CARRINGTON LANE	Apart/Suite	Floor/Bldg	Caller City LEWISVILLE	State TX	ZIP 00000-0000				
Landmark GOODYEAR TIRE-LEWISVILLE TIRE & SVC	Weapons								
IRA 326	Grid	Disp Zone DIST3	Fire Run Zn 3A	EMS Run Zn	ESN	Tract 326			
<input checked="" type="checkbox"/> Contacts	<input type="checkbox"/> Fire Plan	<input type="checkbox"/> Hazard	<input type="checkbox"/> Images	<input type="checkbox"/> Medical	<input type="checkbox"/> Traffic	<input checked="" type="checkbox"/> Previous			
<input type="checkbox"/> BOLO	<input type="checkbox"/> Warrant	RMS CH	RMS Alerts	<input type="checkbox"/> In Progress	<input type="checkbox"/> Report Req	<input type="checkbox"/> Subject Req			
ALL Time	Call Rec'd 23:14:47	Xmit 23:15:16	Dispatch 00:19:37	Enroute 00:19:37	OnScene 00:19:42	Departed	Arrived	Comp 00:23:17	Unit 449
X:	Y:	Z:	Lwr: S SH 121 BUS	Upr: DEER RUN					

Narrative...

[10/02/2015 23:15:16 : pos7 : GPEDIGO]
 Cross streets: S SH 121 BUS//DEER RUN
 Landmark: GOODYEAR TIRE-LEWISVILLE TIRE & SVC
 Geo Comment: MAPSCO 1A-A BOX 326

CALLER SAID EVERY NIGHT PARK THEIR RV AND IT IS VERY LOUD.

[10/02/2015 23:15:28 : pos7 : GPEDIGO]
 CALLER CAN HEAR IT AT THIER RESD

[10/02/2015 23:16:48 : pos7 : GPEDIGO]
REC ANOTHER CALL FROM A NEIGHBOR ON CARRINGTON.

[10/03/2015 00:23:01 : MOB : 449]
NO RV. LOCATED A TRUCK WITH LOUD MUFFLER BUT HE WAS IN THE PROCESS OF LEAVING AND JUST STARTED IT HE SAID. OFC CLR

Location Comment
 Geo Comment: MAPSCO 1A-A BOX 326

Department Numbers

Department	Dept Number	Unit ID
LPD	15078951	449

LEWISVILLE

Call Number 15089041

Printed: 01/29/2016 10:01 AM

Call Dispositions

Date - Time	Disposition	Unit Id
2015/10/03 00:23:13	NO REPORT MADE	

Call Log

Unit	Status	Date - Time	Dept	Type	Comments	Officers	Odo
449	ENR	10/3/2015 00:19:37	LPD	POL	297 W ROUND GROVE RD, LEWISVILLE	B.AFREDRIC	0.0
449	ONS	10/3/2015 00:19:42	LPD	POL	297 W ROUND GROVE RD, LEWISVILLE	B.AFREDRIC	0.0
449	COM	10/3/2015 00:23:16	LPD	POL	COM	B.AFREDRIC	0.0

Unit	Dept	DIS	ENR	ONS	LEF	ARR	BUS	REM	COM
449	LPD		00:19:37	00:19:42					00:23:16

Unit Log

Date-Time	Dept	Unit	Officer ID	Action	Comments
10/03/2015 00:20:42	LPD	449	B.AFREDRIC	NCIC VEHICLE	TX,AC97779,2010,PC,,,,,, 297 W ROUND GROVE RD, LEWISVILLE

Category	Last Name	First Name	Middle Name	Suffix	Crim Hist	RMS Alerts			
		Race	Sex	Ethnic	Height	Weight	Age	DOB	OLN
		Clothing	Relationship			Demeanor	Hair Color	Eye Color	Complexion
Business Name	Description		Apt/Ste		Fir/Bld	City	ST	ZIP	Phone

Call Subject Statistics

Question	Answer
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Call References

Reference_Type	Reference	Related_Calls
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CAD Operations Report

LEWISVILLE

Call Number 15094492

Printed: 01/29/2016 10:01 AM

Call Detail Information

Jurisdiction: LEWISVILLE

Call Number 15094492	Taker TWHITLEY	Pos 8	Call Owner	Status C	Date - Time Received Mon 10/19/2015 22:12:27	Inj 0
-------------------------	-------------------	----------	------------	-------------	---	----------

Complaint ND NOISEDIST	Ten Code	Priority 3	Fire Grade	Class G	Alarm	How Received
---------------------------	----------	---------------	------------	------------	-------	--------------

Incident Location 297 W ROUND GROVE RD	Apartment/Suite 240	Floor/Bldg	Incident City LEWISVILLE	State TX	ZIP 00000-0000
---	------------------------	------------	-----------------------------	-------------	-------------------

Caller Name	Telephone	Alt Telephone	Tower ID
-------------	-----------	---------------	----------

Caller Location 297 W ROUND GROVE RD	Apartment/Suite 240	Floor/Bldg	Caller City LEWISVILLE	State TX	ZIP 00000-0000
---	------------------------	------------	---------------------------	-------------	-------------------

Landmark GOODYEAR TIRE-LEWISVILLE TIRE & SVC	Weapons
---	---------

IRA 326	Grid	Disp Zone DIST3	Fire Run Zn 3A	EMS Run Zn	ESN	Tract 326
------------	------	--------------------	-------------------	------------	-----	--------------

<input type="checkbox"/> Contacts	<input type="checkbox"/> Fire Plan	<input type="checkbox"/> Hazard	<input type="checkbox"/> Images	<input type="checkbox"/> Medical	<input type="checkbox"/> Traffic	<input checked="" type="checkbox"/> Previous
<input type="checkbox"/> BOLO	<input type="checkbox"/> Warrant	<input checked="" type="checkbox"/> RMS CH	<input type="checkbox"/> RMS Alerts	<input type="checkbox"/> In Progress	<input type="checkbox"/> Report Req	<input type="checkbox"/> Subject Req

ALI Time	Call Rec'd 22:12:27	Xmit 22:12:38	Dispatch 22:32:29	Enroute 22:32:29	OnScene 22:37:13	Departed	Arrived	Comp 22:44:47	Unit 231
----------	------------------------	------------------	----------------------	---------------------	---------------------	----------	---------	------------------	-------------

X: Y: Z: Lwr: S SH12 BUS Upr: DEER RUN

Narrative...

[10/19/2015 22:12:38 : pos8 : TWHITLEY]
 Cross streets: S SH12 BUS//DEER RUN
 Landmark: GOODYEAR TIRE-LEWISVILLE TIRE & SVC
 Geo Comment: MAPSCO 1A-A BOX 326

[10/19/2015 22:13:19 : pos8 : TWHITLEY]
 COMP CALLING FROM CARRINGTON LN

SAID THAT IT IS AN ONGOING ISSUE WITH THE GENERATOR
 RUNNING HERE AFTER HOURS AND IT IS DISTURBING THE PEACE

[10/19/2015 22:38:29 : pos4 : EFLOWERS]
 231/OUT WITH SOME PEOPLE WORKING ON A VEH

[10/19/2015 22:38:40 : pos4 : EFLOWERS]
 NOT SURE IF THEY ARE EMPLOYEES ARE NOT

[10/19/2015 22:40:14 : pos4 : EFLOWERS]
 231 ON NCIC

[10/19/2015 22:43:38 : MOB : 231]
 Loud generator running in back of business, subject had it on truck to run lights while he worked on a car. verbal warning.

LEWISVILLE

Call Number 15094492

Printed: 01/29/2016 10:01 AM

Location Comment

Geo Comment: MAPSCO 1A-A BOX 326

Department Numbers

Department	Dept Number	Unit ID
LPD	15083667	231

Call Dispositions

Date - Time	Disposition	Unit Id
2015/10/19 22:44:38	NO REPORT MADE	

Call Log

Unit	Status	Date - Time	Dept	Type	Comments	Officers	Odo
231	ENR	10/19/2015 22:32:29	LPD	POL	297 W ROUND GROVE RD, LEWISVILLE	MOB.GHOPPE	0.0
231	ONS	10/19/2015 22:37:13	LPD	POL	297 W ROUND GROVE RD, LEWISVILLE	MOB.GHOPPE	0.0
231	COM	10/19/2015 22:44:46	LPD	POL	COM	MOB.GHOPPE	0.0

Unit	Dept	DIS	ENR	ONS	LEF	ARR	BUS	REM	COM
231	LPD		22:32:29	22:37:13					22:44:46

Call Persons

Category	Last Name	First Name	Middle Name	Suffix	Crim Hist	RMS Alerts			
		Race	Sex	Ethnic	Height	Weight	Age	DOB	OLN
		Clothing				Demeanor			
		Relationship				Hair Color	Eye Color	Complexion	
Business Name	Description								
Location	Apt/Ste	Fir/Bld	City	ST	ZIP	Phone			
ROSSI			ROBERT					<input checked="" type="checkbox"/>	<input type="checkbox"/>
	W	M			46	4/12/1969			TX

Call Subject Statistics

Question	Answer

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY OF LEWISVILLE, TEXAS BY GRANTING A SPECIAL USE PERMIT FOR MINOR AUTOMOBILE SERVICES CONSISTING OF A FREE-STANDING GOODYEAR AUTO CARE FACILITY; ON A 1.212-ACRE LOT, LEGALLY DESCRIBED AS LOT 1, BLOCK G, CARRINGTON VILLAGE ADDITION PHASE II; LOCATED ON THE NORTHWEST CORNER OF FM 3040 AND SH 121 BUSINESS AND ZONED GENERAL BUSINESS DISTRICT (GB); PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; PROVIDING A REPEALER; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, applications were made requesting approval of a Special Use Permit for minor automobile services 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 Ordinances of the City of Lewisville, Texas; and said Planning and Zoning Commission has recommended that the Special Use Permit on the 1.212-acre lot, as described in the attached Exhibit “A” (the “Property”), be **approved with conditions**; and

WHEREAS, this application for a Special Use Permit comes before the City Council of the City of Lewisville, Texas (the “City Council”) after all legal notices, requirements, conditions and prerequisites have been met; and

WHEREAS, the City Council at a public hearing has determined that the proposed use, subject to the condition(s) stated herein: (1) complements or is compatible with the surrounding uses and community facilities; (2) contributes to, enhances, or promotes the welfare of the area of

request and adjacent properties; (3) is not detrimental to the public health, safety, or general welfare; and (4) conforms in all other respects to all zoning regulations and standards.

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

SECTION 1. FINDINGS INCORPORATED. The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

SECTION 2. SPECIAL USE PERMIT GRANTED. Subject to the conditions provided for herein, applicant is granted a Special Use Permit to allow minor automobile services consisting of a free-standing Goodyear Auto Care Facility on the Property, which is zoned General Business (GB).

SECTION 3. CONDITIONS OF SPECIAL USE PERMIT. The Property shall be developed and maintained:

1. in compliance with the narrative and development plan, landscape plan, elevations and photometric plan, attached hereto as Exhibit "B";
2. in accordance with all federal, state, and local laws and regulations;
3. by prohibiting the overnight storage of vehicles;
4. by prohibiting the outside storage of tires and other materials on the site;
5. by restricting the hours of operation from 7:30 a.m. to 7:00 p.m. Monday through Friday; from 8:00 a.m. to 5:00 p.m. on Saturday and closed on Sunday;

6. by installing an eight-foot (8'), stained, board-on-board, cedar fence with a top rail on top of a minimum three-foot (3') berm as shown on the fencing illustrations and by keeping this fence in good repair for the life of the project; and
7. by ensuring that the area between the existing masonry wall and the eight-foot (8'), stained, board-on-board cedar fence is maintained by the property owner in compliance with all City code regulations as amended.

SECTION 4. CORRECTING OFFICIAL ZONING MAP. The City Manager, or her designee, is hereby directed to correct the official zoning map of the City of Lewisville, Texas, to reflect this Special Use Permit.

SECTION 5. COMPLIANCE WITH ALL OTHER MUNICIPAL REGULATIONS. The Property shall comply with all applicable municipal ordinances, as amended. In no way shall this Special Use Permit be interpreted to be a variance to any municipal ordinance.

SECTION 6. RESCINDING AND TERMINATION. The City Council may rescind and terminate the Special Use Permit after a public hearing if any of the following occur:

1. One or more of the conditions imposed by the Special Use Permit have not been met or have been violated.
2. The Special Use Permit was obtained through fraud or deception.
3. Ad valorem taxes on the property are delinquent by six months or more.
4. Disconnection or discontinuance of water and/or electrical services to the property.
5. Abandonment of the structure, lease space, lot, or tract of land for 180 days or more.

SECTION 7. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are here by repealed.

SECTION 8. 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 9. 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 10. 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 11. 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 2ND DAY OF MAY, 2016.

ORDINANCE NO. _____

Page 5

APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

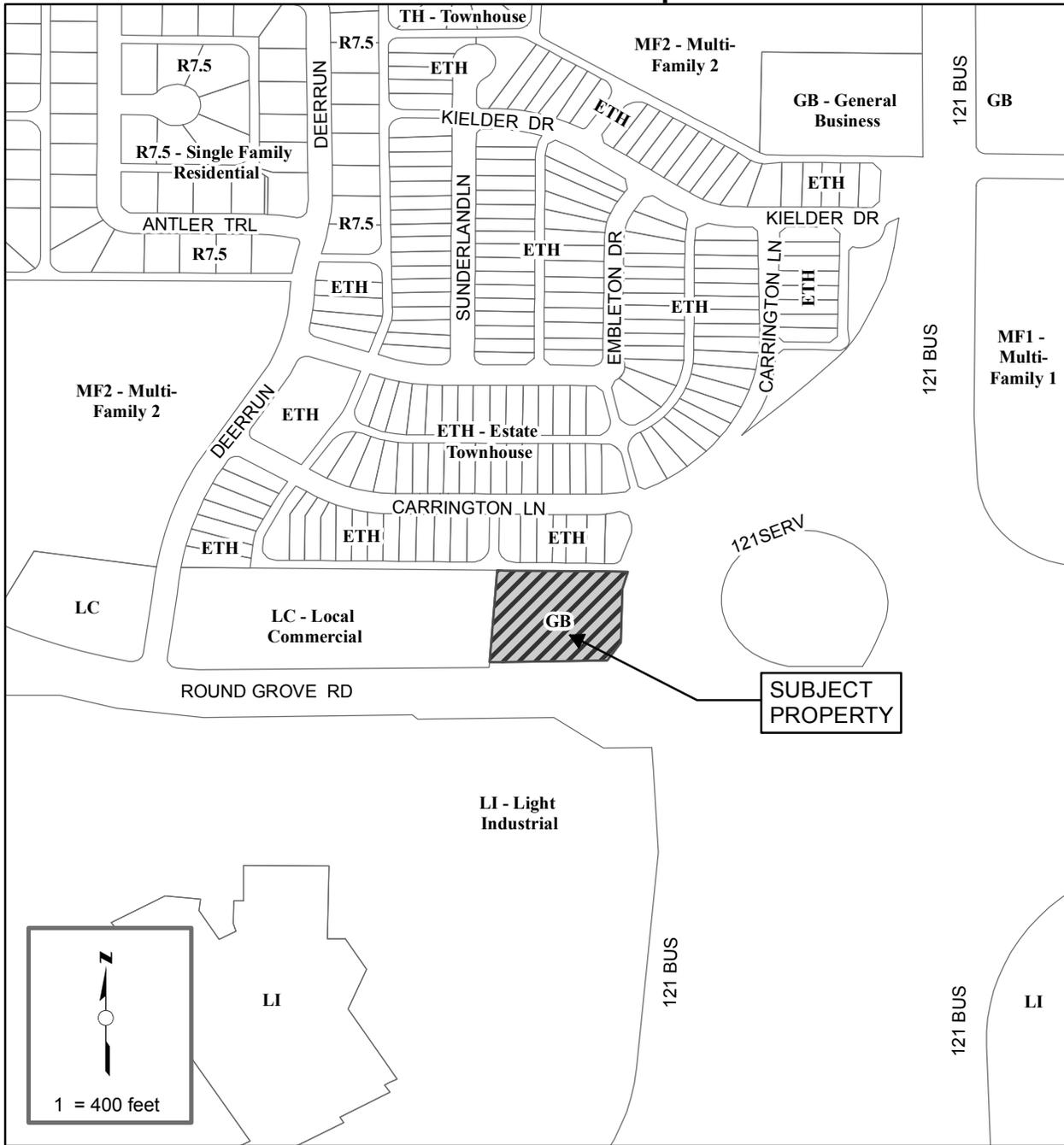
APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

Exhibit A
Property Description

Exhibit B
SUP Narrative
Development Plan
Landscape Plan
Elevations
Photometric Plan
Fencing Illustrations

Location Map



CASE NO. SUP-2016-02-01

COMPANY NAME: HUMMEL INVESTMENTS LLC

PROPERTY LOCATION: NWC OF FM 3040 AND SH 121 BUSINESS (1.212-ACRES)

CURRENT ZONING: GENERAL BUSINESS (GB)

REQUESTED USE: A SPECIAL USE PERMIT (SUP) FOR A GOODYEAR AUTO CARE FACILITY

EXHIBIT B

Hummel Investments LLC

Real Estate Development

January 22, 2016

City of Lewisville
Planning Department
151 W. Church Street
Lewisville, TX 75209

**Re: Goodyear Auto Care Center
NWC FM 3040 & SH 121 Business**

To Whom It May Concern:

Gocha, LLC is a Goodyear Dealer that plans to develop the vacant northwest corner of FM 3040 & SH 121 to accommodate a free-standing Goodyear Auto Care facility. The development will consist of the auto care building, parking area and landscape buffers.

Gocha, LLC currently operates in the adjacent shopping center directly to the west of this site. Their existing facility in the adjacent shopping center is leased from the shopping center owner and is antiquated and too small for their operation. For these reasons Gocha, LLC is planning to invest in the City of Lewisville by purchasing the subject site and building a new auto care facility. Also, when the new facility is completed, Gocha will cease operations in the shopping center.

This Goodyear Auto Care facility will provide the same services as are currently offered at Gocha's adjacent leased facility. These services include tire sales & installation, wheel alignment, fluid replacements, brake service, routine maintenance, as well as diagnostic and minor auto repairs. They do not perform body work or painting of vehicles. The hours of operation are from 7:30 AM to 6:00 PM Monday thru Friday, 8:00 AM to 5:00 PM on Saturday and the store is closed on Sunday. During the summer months, the store stays open until 7:00 PM Monday thru Friday.

The proposed development includes an approximately 7,800 square foot building with 12 Service Bays and a Customer Waiting Area. As for the site layout, the building is oriented such that the bay doors face east and west and DO NOT face Round Grove Road/FM 3040 per Staff's request. Parking for customers will be between the building and the west property line. Additional parking will be situated between the building and the SH 121 ROW. There will be no parking between the building and the street OR between the building and the rear property line/adjacent residential properties to the north.

We are proposing to place the front wall of the building as far to the south as possible – abutting the 25' Building Setback Line along Round Grove Road/FM 3040. The City Engineering Dept. has determined that the existing 20' Water and Sanitary Sewer Easement is not needed and is suggesting that the easement be abandoned via a separate action after the SUP is approved. However, since the easement is still of record, we are requesting a Variance for a reduction of the city standard "10' building setback from the edge of an easement" so that the building can be placed at the 25' Building Setback Line. The paved access drive at the rear of the site will be set back from the north property line, which abuts the adjacent residential use, at least 15' and more that 15' at some points – significantly more than required by city regulations. This will allow a greenbelt which will have significant landscape screening and berming.

Hummel Investments LLC

Real Estate Development

Access to the site is provided by the existing drive approach on to FM 3040. This existing drive approach was installed as part of the recent reconfiguration/construction of the FM 3040/SH 121 Bus. Interchange. The location of this drive approach was determined by TxDot in order to provide access to the site knowing that at that time and they were aware that the circumstances were such that some of their standards could not be met. We are requesting a Variance for a waiver of the Deceleration Lane requirement, the 250' setback for a driveway from the SH 121 intersection and the 250' driveway spacing requirement. The request and supporting exhibits for which are part of our re-submittal package.

We are proposing heavy landscape buffers on all four sides of the property with trees and shrubbery in widths that exceed the city requirements.

The developer for this project is Hummel Investments, 8117 Preston Road, Suite 120 Dallas, TX 75225. The contact at Hummel is Steve Meier, 214-632-9611.

The attached documents include an SUP application, site plan, landscape plan and exterior elevations. If you have any questions or comments, please do not hesitate to call.

Sincerely,

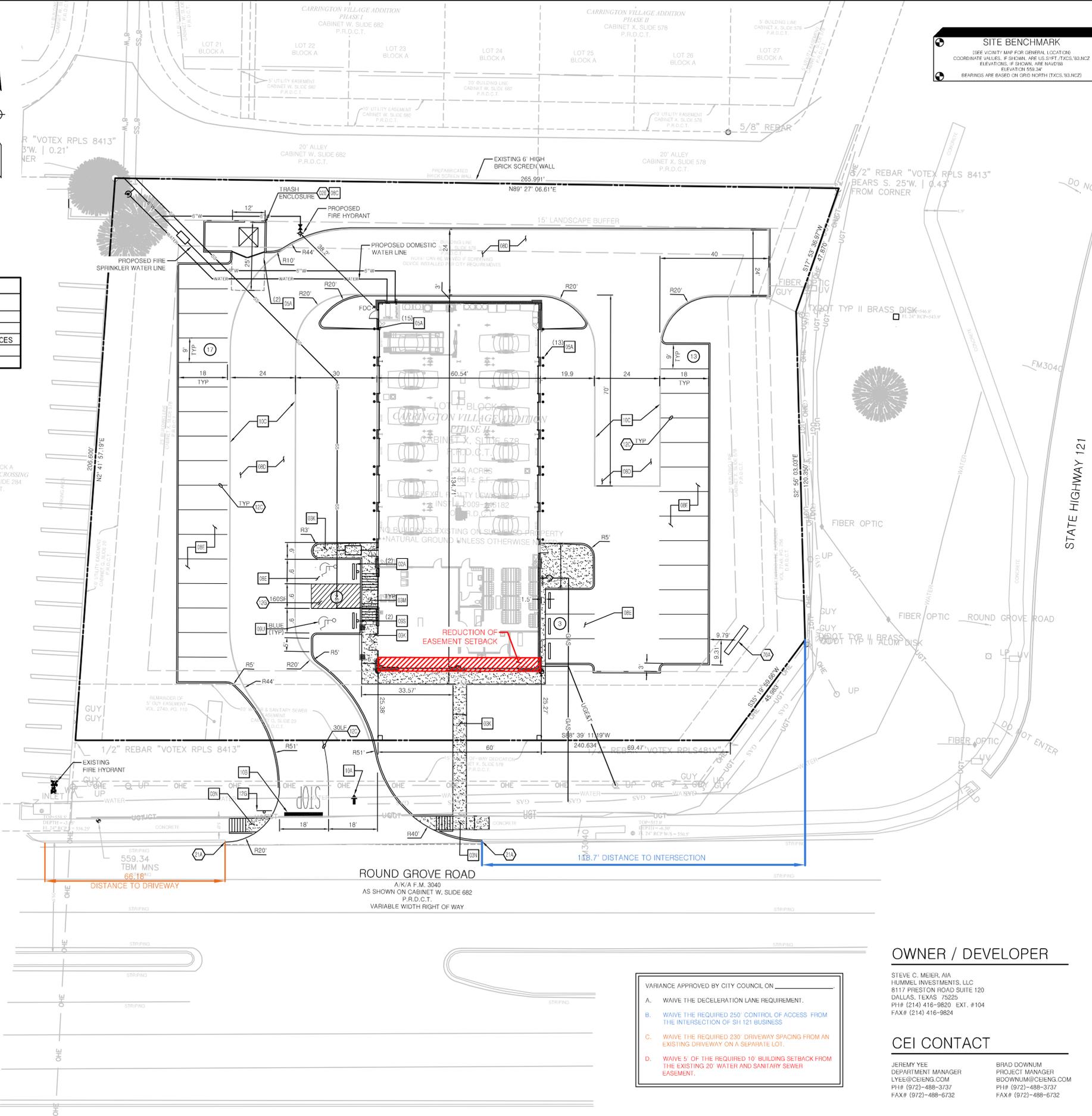


Steve C. Meier, AIA
Hummel Investments LLC

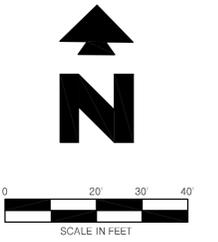


Vicinity Map
SCALE: 1" = 1,000'

SITE DATA	
SITE AREA:	1.212 ACRES (52,801 S.F.)
BLDG AREA:	8,103 S.F.
ZONING:	GB (GENERAL BUSINESS)
PARKING PROVIDED:	12 BAYS+35 OUTSIDE+47 SPACES
PARKING RATIO:	1/200
WORK BAYS PROVIDED:	12 BAYS



SITE BENCHMARK
1886 VICINITY MAP FOR GENERAL LOCATION
COORDINATE VALUES, IF SHOWN, ARE US S'YPT/TXCS/83/NCZ
ELEVATIONS, IF SHOWN, ARE NAVD83
ELEVATION 559.34
BEARINGS ARE BASED ON GRID NORTH (TXCS/83/NCZ)



NOTE:
SEE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF PORCHES, RAMPS, VESTIBULE, SLOPED PAVING, TRUCK DOCKS, BUILDING UTILITY ENTRANCE LOCATIONS AND PRECISE BUILDING DIMENSIONS.

LEGEND

EXISTING		
---	PROPERTY LINE	⊗ FIRE HYDRANT
---	RIGHT OF WAY	⊠ GRATE INLET
X'G	GAS	⊞ GAS METER
X'SS	SANITARY SEWER	⊞ GAS METER
UG	UNDERGROUND ELECTRIC	⊞ UTILITY POLE ANCHOR
UGT	UNDERGROUND TELEPHONE	⊞ IRRIGATION VALVE
X'W	WATER	⊞ LANDSCAPE OR TREE LINE
OHT	OVERHEAD TELEPHONE	⊞ UTILITY SIGN
OHE	OVERHEAD ELECTRIC	⊞ WATER VALVE
		⊞ ONE-FT CONTOUR (MAY 1988)
		⊞ TREE
		⊞ ROAD SIGN
		⊞ DIAMETER IN INCHES AT GREATEST HEIGHT
		⊞ SPOT ELEVATION

PROPOSED		
---	PROPERTY LINE/RIGHT OF WAY LINE	FDC
---	CONCRETE CURB AND GUTTER. SEE DETAIL 01A/01B.	FIRE DEPARTMENT CONNECTION
---	BUILDING CONTROL POINT	LIMITS OF SIDEWALKS AND CONCRETE APRONS (PER ARCH. PLANS)
⊞	PROPOSED PARKING SPACES	

GENERAL SITE NOTES

- ALL DIMENSIONS SHOWN ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
- ALL CURB RETURN RADI SHALL BE 2'. AS SHOWN TYPICAL ON THIS PLAN, UNLESS OTHERWISE NOTED.
- UNLESS OTHERWISE SHOWN, CALLED OUT OR SPECIFIED HEREON OR WITHIN THE SPECIFICATIONS: ALL CURB AND GUTTER ADJACENT TO ASPHALT PAVING SHALL BE INSTALLED PER DETAIL 01A. ALL CURBING ADJACENT TO CONCRETE PAVING SHALL BE INSTALLED PER DETAIL 01B. PAVEMENT SHALL BE INSTALLED IN ACCORDANCE WITH DETAIL 09C, 09D. ONE OVER THE ENTIRE PARKING LOT AREA AND ALL APPROACH DRIVES. ALL PARKING LOT STRIPING INCLUDING ACCESSIBLE AND VAN ACCESSIBLE SPACES SHALL BE PAINTED PER DETAIL 09L.
- ALL PARKING LOT SIGN BASE SUPPORTS SHALL BE INSTALLED PER DETAIL 12F.
- ALL ACCESSIBLE PARKING STALLS SHALL HAVE SIGNAGE INSTALLED PER DETAIL 09S.
- THERE IS TO BE NO OUTSIDE VEHICLE STORAGE. ANY VEHICLES LEFT OVERNIGHT ARE TO BE PARKED INSIDE THE BUILDINGS GARAGE VEHICLE BAYS.
- BUILDING WILL REQUIRE AN AUTOMATIC FIRE SPRINKLER SYSTEM. A FIRE HYDRANT ALONG THE REAR FIRE LANE AND A FIRE HYDRANT WITHIN 100-FEET OF THE FDC.

SITE NOTES

- 02E TRASH DUMPSTER ENCLOSURE (PER ARCH PLANS)
- 12C 4 INCH REFLECTIVE WHITE LANE STRIPES (SEE LENGTH INDICATED AT SYMBOL)
- 12E PEDESTRIAN CROSSING-4 INCH WIDE PAINTED WHITE STRIPES, 2.0 FOOT O.C. @ 45 DEGREES (SEE SIZE INDICATED AT SYMBOL)
- 12G 4 INCH WIDE PAINTED WHITE STRIPES, 2.0 FOOT O.C. @ 45 DEGREES SEE SIZE INDICATED AT SYMBOL.
- 21A TAPER CURB TO MATCH EXISTING CURB
- 70A MONUMENT SIGN = 150 SQUARE FEET MAX (PER ARCH. PLANS)

SITE DETAILS

- 02A PRECAST CONCRETE WHEEL STOP
- 03K CONCRETE SIDEWALK
- 03M WHEELCHAIR RAMP IN SIDEWALK
- 03N WHEELCHAIR RAMP IN SIDEWALK (TYPICAL AT EACH DRIVEWAY CURB RETURN)
- 05A GUARD POST
- 08C HEAVY DUTY CONCRETE PAVING
- 08D Description Not Found
- 08E STANDARD DUTY CONCRETE PAVING
- 09S ACCESSIBLE / VAN ACCESSIBLE PARKING SIGN
- 09J ACCESSIBLE PARKING SYMBOL (SEE PAINT COLOR INDICATED AT SYMBOL)
- 10A TRAFFIC FLOW ARROW
- 10B STOP BAR
- 10C FIRE LANE MARKING
- 12G STOP SIGN

VARIANCE APPROVED BY CITY COUNCIL ON _____

- WAIVE THE DECELERATION LANE REQUIREMENT.
- WAIVE THE REQUIRED 250' CONTROL OF ACCESS FROM THE INTERSECTION OF SH 121 BUSINESS
- WAIVE THE REQUIRED 230' DRIVEWAY SPACING FROM AN EXISTING DRIVEWAY ON A SEPARATE LOT.
- WAIVE 5' OF THE REQUIRED 10' BUILDING SETBACK FROM THE EXISTING 20' WATER AND SANITARY SEWER EASEMENT.

OWNER / DEVELOPER

STEVE C. MEIER, AIA
HUMMEL INVESTMENTS, LLC
8117 PRESTON ROAD SUITE 120
DALLAS, TEXAS 75225
PH# (214) 416-9820 EXT. #104
FAX# (214) 416-9824

CEI CONTACT

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DEPARTMENT MANAGER
LYEE@CEIENG.COM
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FAX# (972)-488-6732

BRAD DOWNUM
PROJECT MANAGER
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PH# (972)-488-3737
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CARRINGTON VILLAGE ADDITION
LOT 1, BLOCK G
SITE AREA:
1.212 ACRES (52,801 SF)
ZONING:
GB GENERAL BUSINESS

29310.0	1/25/16	ADS	BUD	TJA	TJA
CEI PROJECT NO.	INITIAL DATE	DPOR	PM	DES	DRW
CEI Engineering Associates, Inc.					
ENGINEERS • PLANNERS • SURVEYORS LANDSCAPE ARCHITECTS • ENVIRONMENTAL SCIENTISTS					
3030 LBJ Freeway, Suite 100 Dallas, TX 75234				(972)488-3737 FAX (972)488-6732	

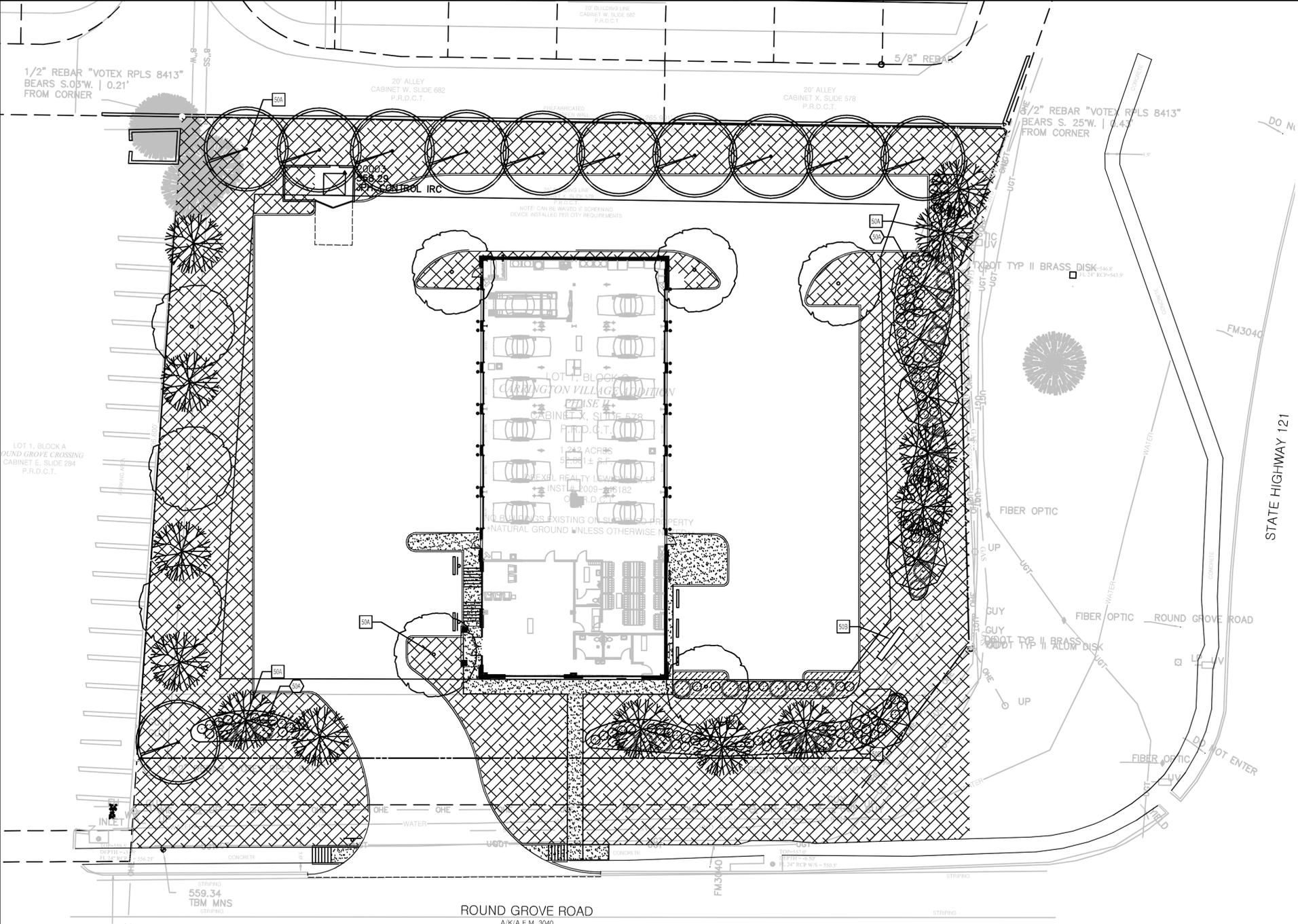
GOODYEAR

**ROUND GROVE ROAD (F.M. 3040) & STATE HWY 121
LEWISVILLE, TEXAS**

DEVELOPMENT PLAN

REV DATE 1/25/16 REV-1	SHEET NO. C30F10
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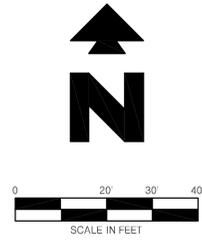
F-7524



NOTE:
SEE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF PORCHES, RAMPS, VESTIBULE, SLOPED PAVING, TRUCK DOCKS, BUILDING UTILITY ENTRANCE LOCATIONS AND PRECISE BUILDING DIMENSIONS.

SITE BENCHMARK
(SEE VONITY MAP FOR GENERAL LOCATION)
COORDINATE VALUES, IF SHOWN, ARE U.S. S'FT. 72C/S. 83N/CZ
ELEVATIONS, IF SHOWN, ARE NAVD83
ELEVATION 559.34'
BEARINGS ARE BASED ON GRID NORTH (72C/S. 83N/CZ)

811
Know what's below.
Call before you dig.

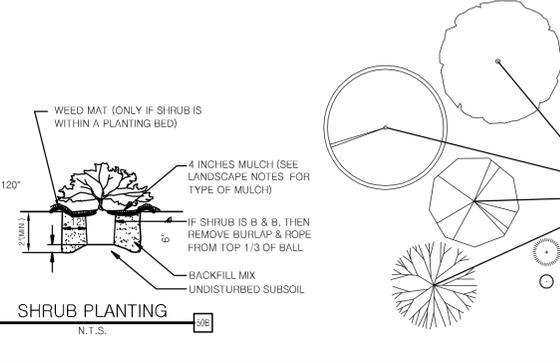
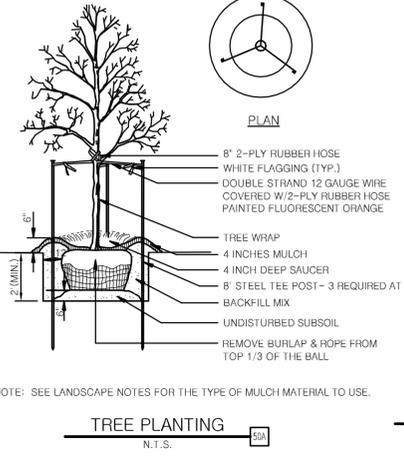


LEGEND

EXISTING		PROPOSED	
---	PROPERTY LINE	---	BERMUDA SOD
---	RIGHT OF WAY	---	4" HARDWOOD MULCH OVER LANDSCAPE FABRIC
X'G	GAS	○	TYPICAL PLANTING WITH QUANTITY AND KEY (SEE PLANT LIST)
X'SS	SANITARY SEWER	○	LANDSCAPE NOTES
UGT	UNDERGROUND TELEPHONE	○	LANDSCAPE DETAILS
X'W	WATER	○	50A TREE PLANTING
OHT	OVERHEAD TELEPHONE	○	50B SHRUB PLANTING
OHE	OVERHEAD ELECTRIC	○	
⊕	FIRE HYDRANT	○	
⊕	GRATE INLET	○	
⊕	GAS METER	○	
---	GAS LINE	○	
---	UTILITY POLE ANCHOR	○	
---	IRRIGATION VALVE	○	
---	LANDSCAPE OR TREE LINE	○	
---	WATER VALVE	○	
---	UTILITY SIGN	○	
---	UTILITY MAULT	○	
---	UTILITY POLE	○	
---	UTILITY CABINET	○	
---	STORM MANHOLE	○	
---	TELEPHONE MANHOLE	○	
---	UTILITY SIGN (NAVD 1988)	○	
---	ONE-FT CONTOUR	○	
---	TREE	○	
---	DIAMETER IN INCHES AT BREAST HEIGHT	○	

GENERAL NOTES

- CONTRACTOR IS RESPONSIBLE FOR THE INSURING THAT ALL PROPOSED LANDSCAPING IS INSTALLED IN ACCORDANCE WITH PLANS, DETAILS, SPECIFICATIONS (IF APPLICABLE) AND ALL LOCAL CODES AND REQUIREMENTS.
- CONTRACTOR TO INSPECT SITE AND VERIFY CONDITIONS AND DIMENSIONING PRIOR TO PROCEEDING WITH WORK DESCRIBED HERE IN. NOTIFY LANDSCAPE ARCHITECT OF ANY DISCREPANCIES PRIOR TO BEGINNING ANY CONSTRUCTION.
- QUANTITIES PROVIDED IN THE PLANT LIST ARE FOR GENERAL USE ONLY. CONTRACTOR IS RESPONSIBLE FOR VERIFICATION OF ALL PLANT AND LANDSCAPE MATERIAL QUANTITIES. SYMBOL COUNT ON PLAN TAKES PRECEDENCE OVER TABLE QUANTITIES.
- IMMEDIATELY AFTER AWARD OF CONTRACT, NOTIFY THE OWNER'S REPRESENTATIVE AND/OR THE LANDSCAPE ARCHITECT OF UNAVAILABILITY OF SPECIFIED PLANT MATERIAL FROM COMMERCIAL NURSERIES. THE OWNER'S REPRESENTATIVE AND/OR LANDSCAPE ARCHITECT WILL PROVIDE ALTERNATE PLANT MATERIAL SELECTIONS IF UNAVAILABILITY OCCURS. SUCH CHANGES SHALL NOT ALTER THE ORIGINAL BID PRICE UNLESS A CREDIT IS DUE TO THE OWNER.
- ALL PLANT MATERIALS TO CONFORM TO THE AMERICAN STANDARD FOR NURSERY STOCK ANSI Z60.1.
- CONTAINER GROWN STOCK SHOULD HAVE GROWN IN A CONTAINER LONG ENOUGH FOR THE ROOT SYSTEM TO HAVE DEVELOPED SUFFICIENTLY TO HOLD ITS SOIL TOGETHER.
- ANY PLANT SUBSTITUTIONS, RELOCATION, OR REQUIRED CHANGE SHALL REQUIRE THE WRITTEN APPROVAL OF THE LANDSCAPE ARCHITECT OR OWNER.
- THE OWNER'S REPRESENTATIVE AND/OR LANDSCAPE ARCHITECT RESERVE THE RIGHT TO REFUSE ANY MATERIAL THEY DEEM UNACCEPTABLE.
- COORDINATE WITH PROJECT REPRESENTATIVE FOR DISTURBED SITE TREATMENTS OUTSIDE LANDSCAPE IMPROVEMENTS. SEE CIVIL PLANS FOR SOIL STABILIZATION FOR EROSION CONTROL.
- CONTRACTOR TO ENSURE THAT AN AUTOMATED IRRIGATION SYSTEM THAT PROVIDES COMPLETE COVERAGE OF THE SITE IS INSTALLED PRIOR TO INSTALLING TREES/PALMS (SEE IRRIGATION PLAN SHEET IF PROVIDED). IF NO PLAN IS PROVIDED THE CONTRACTOR SHALL SUBMIT A PROPOSED DESIGN TO THE LANDSCAPE ARCHITECT/ENGINEER FOR APPROVAL PRIOR TO INSTALLATION. THE PROPOSED DESIGN MUST HAVE AN APPROVED BACKFLOW DEVICE AND RAIN SENSOR INSTALLED TO STOP IRRIGATION DURING RAIN EVENTS. CONTRACTOR SHALL ENSURE THAT THERE IS POSITIVE DRAINAGE AND NO PONDING OF WATER AT ROOT AREA.
- ALL SLOPES AND AREAS DISTURBED BY CONSTRUCTION SHALL BE GRADED SMOOTH AND FOUR INCHES OF TOPSOIL APPLIED. IF ADEQUATE TOPSOIL IS NOT AVAILABLE ON SITE, THE CONTRACTOR SHALL PROVIDE TOPSOIL, APPROVED BY THE OWNER, AS NEEDED. THE AREA SHALL THEN BE SEEDED/SODDED, FERTILIZED, MULCHED, WATERED AND MAINTAINED UNTIL HARDY GRASS GROWTH IS ESTABLISHED IN ALL AREAS. ANY RELOCATED TREES SHALL BE MAINTAINED UNTIL SUCH POINT AS TREE IS RE-ESTABLISHED. ANY AREAS DISTURBED FOR ANY REASON PRIOR TO FINAL ACCEPTANCE OF THE PROJECT SHALL BE CORRECTED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
- PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO ALL UTILITIES DURING THE COURSE OF THE WORK. LOCATIONS OF EXISTING BURIED UTILITY LINES SHOWN ON THE PLANS ARE BASED UPON BEST AVAILABLE INFORMATION AND ARE TO BE CONSIDERED APPROXIMATE. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR 1) TO VERIFY THE LOCATIONS OF UTILITY LINES AND ADJACENT TO THE WORK AREA 2) TO PROTECT OF ALL UTILITY LINES DURING THE CONSTRUCTION PERIOD 3) TO REPAIR ANY AND ALL DAMAGE TO UTILITIES, STRUCTURES, SITE APPURTENANCES, ETC. WHICH OCCURS AS A RESULT OF THE CONSTRUCTION AT NO COST TO THE OWNER.
- ALL PLANT MATERIAL QUANTITIES SHOWN ARE APPROXIMATE. CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLETE COVERAGE OF ALL PLANTING BEDS AT SPACING SHOWN.
- THE CONTRACTOR IS ENCOURAGED TO COMPLETE TEMPORARY OR PERMANENT SEEDING OR SODDING IN STAGES FOR SOIL STABILIZATION AS AREAS ARE COMPLETED AFTER GRADES.
- ALL PLANT MATERIAL IN TREE HOLDING AREAS SHALL BE MANUALLY WATERED/IRRIGATED TO KEEP MOIST UNTIL PLANTED.
- CONTRACTOR SHALL PROVIDE EXPANSION AND CONTROL JOINTS ON ALL LANDSCAPE SPECIFIC CONCRETE PROJECTS (SEE HARDSCAPE PLAN FOR DETAILS).



PLANT LIST

QTY	COMMON NAME/ BOTANICAL NAME	ROOT	SIZE	REMARKS
8	CEDAR ELM <i>Ulmus crassifolia</i>	B&R	2.5" CAL	
11	LIVE OAK <i>Quercus virginiana</i>	B&R	2.5" CAL	
5	DESERT WILLOW <i>Chilopsis linearis</i>	B&R	2.5" CAL	
13	CHINESE PISTACHE <i>Pistacia chinensis</i>	B&R	2.5" CAL	
25	SILVERBERRY <i>Elaeagnus macrocarpa</i>	CONT.	5 CAL	
152	DWARF BURFORD HOLLY <i>Ilex cornuta 'Burfordiana'</i>	CONT.	5 GAL	18"-24" HEIGHT - PLANT 3' O.C.

CITY LANDSCAPE REQUIREMENTS

REQUIREMENT	REQUIRED	PROVIDED
TO LANDSCAPE STRIP WITH ONE SHADE TREE (2.5" CALIPER MINIMUM) SHALL BE PROVIDED PER EVERY 500 SQUARE FEET, OR ANY PORTION THEREOF, OF LANDSCAPED STRIP	4250 SF / 500 = 8.5 TREES	15 TREES
LANDSCAPE STRIP ALONG A STREET RIGHT-OF-WAY, EVERGREEN SHRUBS MUST BE PROVIDED FOR SCREENING.	SCREENING ALONG ROUND GROVE ROAD AND STATE HIGHWAY 121	66 SHRUBS PROVIDED
TREES MUST BE PROVIDED IN EACH PARKING LOT SPACED AT A RATIO OF ONE SHADE TREE (2.5" INCH CALIPER MINIMUM) FOR EACH 15 PARKING SPACES PROVIDED, OR ANY FRACTION THEREOF.	41 SPACED / 15 = 2.7 TREES	5 TREES
INTERIOR PARKING LOT LANDSCAPING TOTAL PARKING AREA 6-24,999 SF REQUIRED LANDSCAPING 5%	24,996 SF OF PARKING = 1,249 SF REQUIRED	2,199 SF (8.8%) OF INTERIOR LANDSCAPING PROVIDED
TOTAL NUMBER OF TREES ONSITE	12 TREES REQUIRED TOTAL	37 TREES PROVIDED

CARRINGTON VILLAGE ADDITION
LOT 1, BLOCK G
SITE AREA:
1.212 ACRES (52,801 SF)
ZONING:
GB GENERAL BUSINESS

**PRELIMINARY
NOT FOR
CONSTRUCTION**

F-7524

29310.0 1/22/16 ADS BJD MMP MMP
CEI PROJECT NO. INITIAL DATE DPOR PM DES DRW

CEI Engineering Associates, Inc.
ENGINEERS PLANNERS SURVEYORS
LANDSCAPE ARCHITECTS ENVIRONMENTAL SCIENTISTS

3030 LBJ Freeway, Suite 100 (972)488-3737
Dallas, TX 75234 FAX (972)488-6732

GOOD YEAR

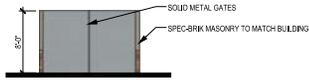
**ROUND GROVE ROAD (F.M. 3040) & STATE HWY 121
LEWISVILLE, TEXAS**

LANDSCAPE PLAN

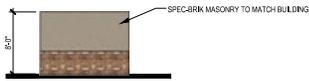
REV DATE SHEET NO.
1/22/16 L1
REV-1

PRELIMINARY

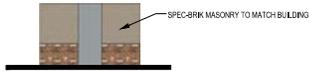
This document shall not be used for regulatory approval, permit, or construction.
Released under the authority of Nicholas King Cade, TBAE license # 9301



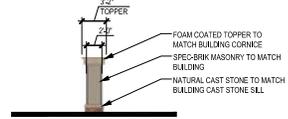
05 DUMPSTER ENCLOSURE
1/8"=1'-0"



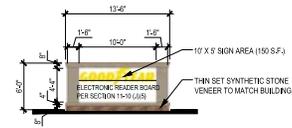
06 DUMPSTER ENCLOSURE
1/8"=1'-0"



07 DUMPSTER ENCLOSURE
1/8"=1'-0"



08 MONUMENT SIGN
1/8"=1'-0"



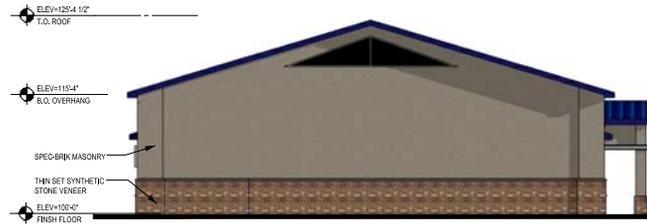
09 MONUMENT SIGN
1/8"=1'-0"



01 EAST ELEVATION
1/8"=1'-0"



02 WEST ELEVATION
1/8"=1'-0"



04 NORTH ELEVATION
1/8"=1'-0"



03 SOUTH ELEVATION
1/8"=1'-0"

NOTE:
THIS PROJECT IS ON A GATEWAY AND NO WALL ELEVATION CAN BE LESS THAN 80% BRICK VENEER

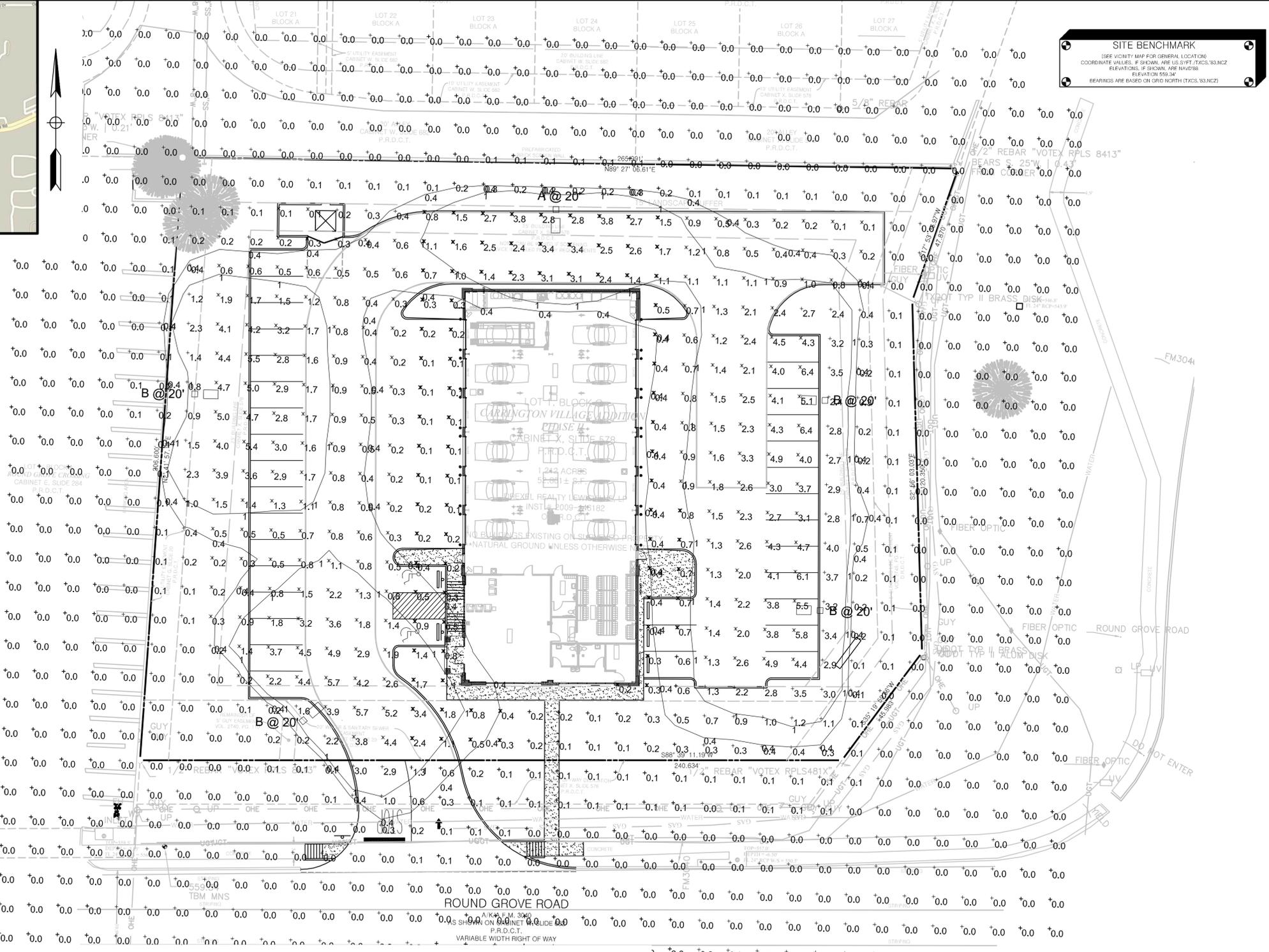


STATE HWY. 121 & ROUND GROVE RD.
COLORED ELEVATIONS
LEWISVILLE, TX - 28 JAN. 2016

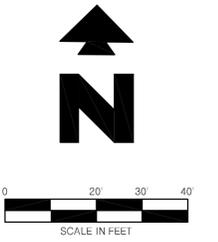




Vicinity Map
SCALE: 1" = 1,000'



SITE BENCHMARK
USBF VICINITY MAP FOR GENERAL LOCATION
COORDINATE VALUES, IF SHOWN, ARE US S'YPT (TXCS, '83) N'CNZ
ELEVATIONS, IF SHOWN, ARE NAVD'83
ELEVATION 559.34
BEARINGS ARE BASED ON GRID NORTH (TXCS, '83) N'CNZ



NOTE:
SEE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF PORCHES, RAMPS, VESTIBULE, SLOPED PAVING, TRUCK DOCKS, BUILDING UTILITY ENTRANCE LOCATIONS AND PRECISE BUILDING DIMENSIONS.

LEGEND

EXISTING	
---	PROPERTY LINE
---	RIGHT OF WAY
X'G	GAS
X'SS	SANITARY SEWER
---	UNDERGROUND ELECTRIC
---	UNDERGROUND TELEPHONE
---	WATER
---	OVERHEAD TELEPHONE
---	OHE
---	LANDSCAPE OR TREE LINE
---	OVERHEAD UTILITY LINES
---	ROAD SIGN
---	36" SPOT ELEVATION
---	FIRE HYDRANT
---	GRATE INLET
---	GAS METER
---	UTILITY POLE ANCHOR
---	IRRIGATION VALVE
---	STORM MANHOLE
---	TELEPHONE MANHOLE
---	UTILITY CABINET
---	UTILITY VAULT
---	UTILITY POLE
---	UTILITY SIGN
---	WATER VALVE
---	ONE-FT CONTOUR (MAYD 1988)
---	TREE
---	DIAMETER IN INCHES AT BREAST HEIGHT

Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Filename	Lumens Per Lamp	Light Loss Factor	Wattage
□	A	1	CREE INC.	ARE-EDG-2MB-xx-06-E-UL-xx-700-40K-xxxx (BXALXG08E-UD7)	Cree Edge Area, Type II Medium w- BLS, 80 LEDs, 700mA, 4000K	Sixty White LEDs, Vertical Base-Up Position	1	ARE-EDG-2MB-xx-06-E-UL-700-40K-ies	7953.106	1	133.6
□	B	4	CREE INC.	ARE-EDG-4MB-DA-12-E-UL-XX-525-40K (BXALH12EUC7)	Cree Edge Area, Type IV Medium w-Full BLS, 120 LEDs, 525mA, 4000K	One Hundred Twenty White LEDs, Vertical Base-Up Position	1	ARE-EDG-4MB-xx-12-E-UL-525-40K-ies	13154.62	1	198.4

Statistics

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min	Avg/Max
Calc Zone #1	+	0.5 fc	6.4 fc	0.0 fc	N/A	N/A	0.1:1
Stat Zone # 1	✖	1.7 fc	6.4 fc	0.1 fc	64.0:1	17.0:1	0.3:1

OWNER / DEVELOPER

STEVE C. MEIER, AIA
HUMMEL INVESTMENTS, LLC
8117 PRESTON ROAD SUITE 120
DALLAS, TEXAS 75225
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CARRINGTON VILLAGE ADDITION
LOT 1, BLOCK G
SITE AREA:
1.212 ACRES (52,801 SF)
ZONING:
GB GENERAL BUSINESS

29310.0	1/21/16	ADS	BUD	TJA	TJA
CEI PROJECT NO.	INITIAL DATE	DPOR	PM	DES	DRW

CEI Engineering Associates, Inc.
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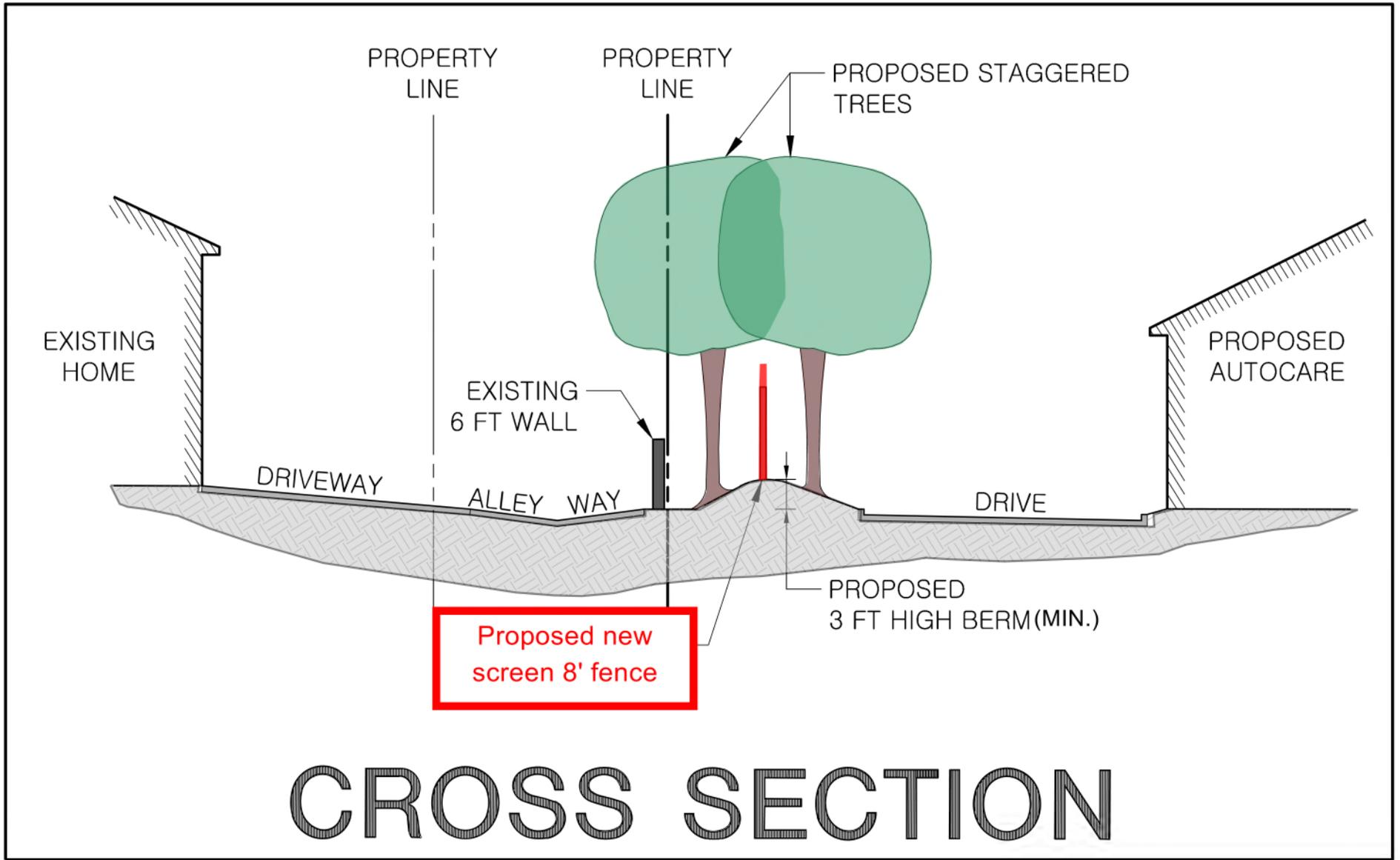
ROUND GROVE ROAD (F.M. 3040) & STATE HWY 121 LEWISVILLE, TEXAS

PHOTOMETRICS PLAN

REV DATE	SHEET NO.
1/21/16	C1 OF 10
REV-1	

JOB # 29310.0 DRAWINGS: 29310.SP.dwg LAST SAVED BY: TALLEY, LOCATION: W29310.DWG DRAWING DESIGNER: W29310.SP.dwg

FENCING ILLUSTRATION



CROSS SECTION

Not to Scale

MEMORANDUM

TO: Donna Baron, City Manager

FROM: George Babineaux II, Assistant Building Official

VIA: Cleve Joiner, Director of Neighborhood Services

DATE: April 27, 2016

SUBJECT: **Consideration of a Variance to the 1996 Castle Hills Agreement Section VIII(2)(27) Regarding the Elimination of the Ten-Foot Parallel Loading and Unloading Lanes Around the Facility Located at 4900 Sam Rayburn Tollway in the Lewisville E.T.J, as Requested by PS Lpt Properties Investors.**

BACKGROUND

PS Lpt Properties Investors purchased a tract of land totaling 4.312 acres part of the Castle Hills Phase 8 Section B, Commercial Addition Lot 1R, Block A located at 4900 Sam Rayburn Tollway. The property was purchased as the site for the newly constructed 3-story 264,237 square foot Public Storage Facility. The property is located within Castle Hills in the City of Lewisville's Extraterritorial Jurisdiction (ETJ) and, therefore, must be developed in accordance with the 1996 Castle Hills Agreement. The subject property has been developed as a climate-controlled self-storage facility. Under the 1996 Castle Hills Agreement, self-storage facilities must provide a ten-foot parallel loading and unloading lane around the facility.

ANALYSIS

The applicant requests a variance to allow the use of 37 head-in, 9' x 18' parking stalls (28 reserved for customers and 9 reserved for the caretaker's suite and office) instead of the required ten-foot parallel loading and unloading lane. City staff supports this variance because the 1996 agreement only anticipated drive-up storage units rather than the type of climate-controlled facility as proposed. A self-storage facility of this type generates between 10-20 customer trips per day and does not require immediate adjacency of parking since customers will not be directly accessing their storage units from the parking lot, but rather will be entering the climate-controlled building prior to access. Staff and the applicant believe that the proposed 28 customer parking spaces will be sufficient to meet the parking needs for the proposed storage facility.

Past similar City Council Approved parking variances:

- McGee Storage Building - July 20, 2015

Subject: Castle Hills Public Storage Variance
April 27, 2016
Page 2 of 2

RECOMMENDATION

It is City staff's recommendation that the City Council approves the requested variance as set forth in the caption above with no conditions.

BURY

now



Stantec

Stantec Consulting Services Inc.

5310 Harvest Hill Road Suite 100, Dallas TX 75230-5812

April 4, 2016

Mr. George Babineaux
City of Lewisville – Building Inspection
151 West Church Street
Lewisville, Texas 75057

Re: Public Storage – Castle Hills
Project No. R0112544-30003

Dear Mr. Babineaux,

Per our discussions, as the project engineer for the above referenced project located on SH 121 east frontage road, we would like to request a variance from the Castle Hills General Development Ordinance, dated April 1, 1996. Section VIII.2.27 states for self-storage facilities 10-foot of parallel loading or unloading lanes shall be provided around the building in addition to firelanes. Given this particular project does not employ the use of drive-up units, we feel this ordinance does not apply to this development. Additionally, standard parking ratio requirements for a self-storage facility are not as dense as other uses. Self-storage facilities typically have between 10 and 20 trips per day. Therefore, we feel the parking provided on the site shall provide adequate availability for loading and unloading for the interior, fully conditioned storage space.

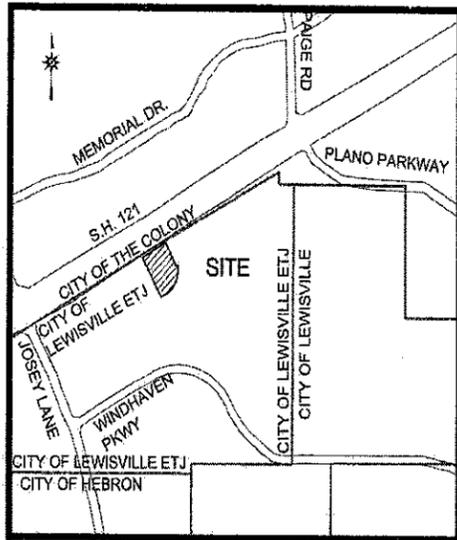
It is therefore respectfully requested that a variance be granted to Section VIII.2.27 of the Castle Hills General Development Ordinance of 1996 at the next available council meeting on May 2, 2016.

Should you have any questions, please contact this office.

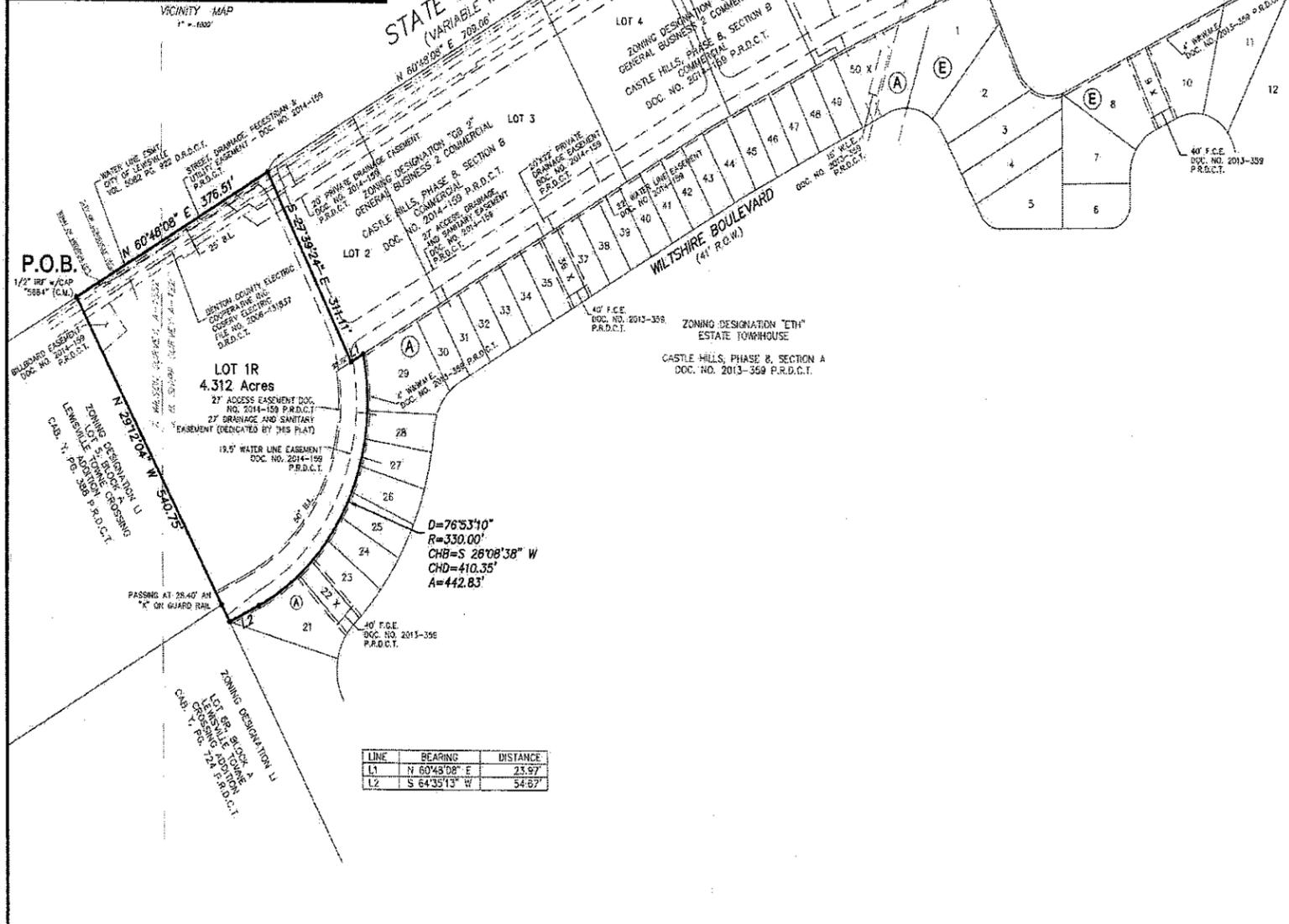
Regards,

Grayson K. Hughes, P.E., CFM
Senior Project Manager

Design with community in mind



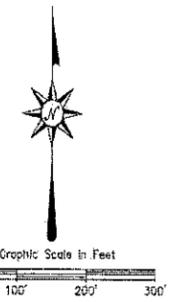
STATE HIGHWAY 121
(VARIABLE WIDTH R.O.W.)



LINE	BEARING	DISTANCE
L1	N 60°48'08" E	23.97'
L2	S 64°35'13" W	54.67'

- NOTES**
- THIS PLAT IS SUBJECT TO AN AGREEMENT BETWEEN THE CITY OF LEWISVILLE AND CASTLE HILLS DEVELOPMENT CORP., DATED APRIL 1, 1998. THIS AGREEMENT CONTAINS RESTRICTIONS WHICH MAY OR MAY NOT BE MORE RESTRICTIVE THAN THE ABOVE. IN SUCH CASES THE MORE RESTRICTIVE OF THE TWO SHALL APPLY.
 - THE MAINTENANCE OF PROPOSED IMPROVEMENTS FOR THIS SUBDIVISION WILL BE THE RESPONSIBILITY OF THE DENTON COUNTY FRESH WATER SUPPLY DISTRICT NO. 1-A UNLESS SUCH DATE THAT THE CITY OF LEWISVILLE AMENDS THE SUBDIVISION PER ABOVE SAID AGREEMENT.
 - UNLESS OTHERWISE NOTED, ALL CORNERS SHOWN HEREON ARE 1/2" IRON RODS SET WITH A CAP STAMPED "SPRY".
 - NO PARKING, STORAGE, OR SIMILAR USE SHALL BE ALLOWED IN REQUIRED REAR YARD WITHIN 25' OF THE REAR PROPERTY LINE.
 - THE PURPOSE OF THIS AMENDED PLAT IS TO REVISE THE ZONING DESIGNATION FROM CB2 TO U1.

TRACT 1-5.62 ACRES
THE COLONY COMMUNITY
DEVELOPMENT CORPORATION
DOC. NO. 2013-20492 D.R.D.C.T.



ABBREVIATIONS

- D.R.D.C.T. DEED RECORDS OF DENTON COUNTY, TEXAS
- P.R.D.C.T. PLAT RECORDS OF DENTON COUNTY, TEXAS
- VOL. VOLUME
- PG. PAGE
- DOC. NO. DOCUMENT NUMBER
- CAB. CABINET
- EL. BUILDING LINE
- W&W.M.E. WALL AND WALL MAINTENANCE EASEMENT
- IRF. IRON ROD FOUND
- IRS. IRON ROD SET
- C.M. CONTROLLING MONUMENT
- P.O.B. POINT OF BEGINNING
- F.C.E. FIRE CONTROL EASEMENT
- U.E. UTILITY EASEMENT

LOT NUMBER	ACREAGE
1R	4.312

DESIGNATED ZONING "U1" - LIGHT INDUSTRIAL
SETBACK FOR "U1"
FRONT - 25'
SIDE - 0'
REAR - 50'

DEVELOPER / OWNER
Breco Lands CH, LLO
2520 King Arthur Boulevard
Suite 200
Lewisville, TX 75056-5579
Contact: Marc Zelt
Phone: 972-410-6600
Fax: 972-410-6601

ENGINEER
LandDesign, Inc.
222 West Las Colinas Boulevard, Suite 1405N
Irving, Texas 75039
Contact: Brian Dench
(214)785-6009

DISTRICT
Denton County Fresh Water
Supply District No. 1-A
2540 King Arthur Blvd, Suite 220
Lewisville, Texas 75056
Contact: Phil Brosseau
(972)-899-4000

SURVEYOR
Spry Surveyors
8241 Mid-Cities Boulevard, Suite 100
North Richland Hills, TX 76182
Contact: David Lewis
Phone: 817-776-4049

FINAL PLAT
**CASTLE HILLS, PHASE B,
SECTION B COMMERCIAL**
LOT 1R, BLOCK A
Zoning Designation - Light Industrial (U1)

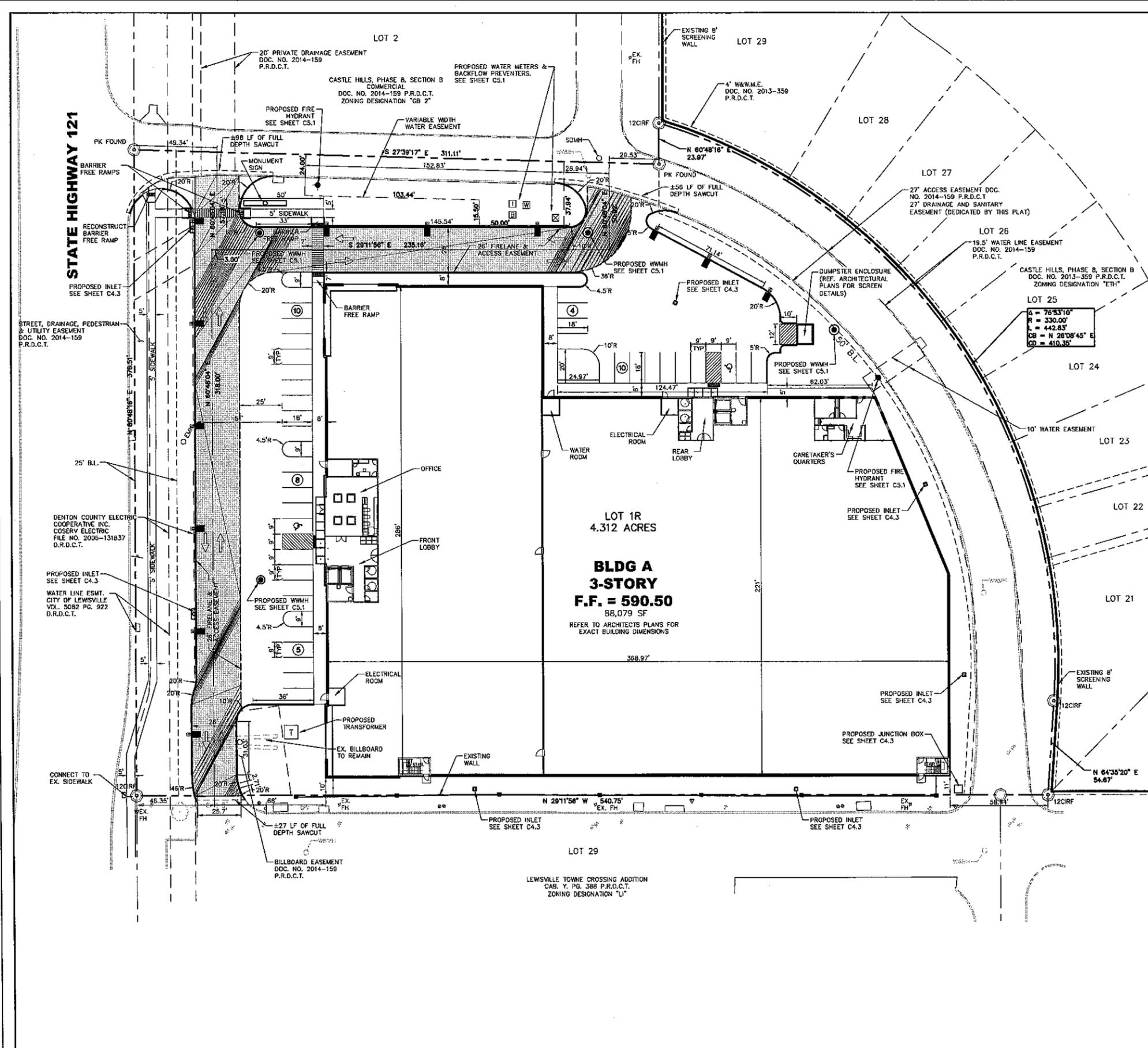
4.312 TOTAL ACRES
1 TOTAL LOTS

BEING A REPLAT OF CASTLE HILLS PHASE B, SECTION B
COMMERCIAL, LOT 1, BLOCK A, WHICH
WAS FILED ON MAY 6, 2014
AND CAN BE FOUND IN DOCUMENT NO. 2014-159
PLAT RECORDS OF DENTON COUNTY, TEXAS

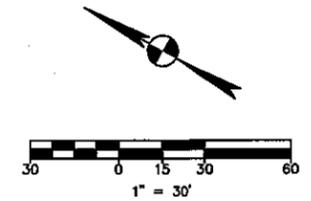
IN THE T. WILSON SURVEY, A-1352 AND
THE J.B. SHPPS SURVEY, A-1227
CITY OF LEWISVILLE ETJ
DENTON COUNTY, TEXAS

OCTOBER 2014

Filed for record
in the official records of
Denton County
On Dec 10, 2014 at 02:53:00
by the
SPRY SURVEYORS
CASTLE HILLS
Doc Number 2014-
No of Pages 2
Book
Record Number - 128540
By
Mason Ruffalo



CAUTION!!
 CONTRACTOR IS TO CONTACT TEXAS ONE-CALL SYSTEM (1-800-245-4545) OR OTHER UTILITY LOCATING SERVICES AT LEAST 48 HOURS PRIOR TO CONSTRUCTION ACTIVITIES. BURY, INC. IS NOT RESPONSIBLE FOR KNOWING ALL EXISTING UTILITIES IN THE PROJECT AREA NOR FOR DETERMINING THE EXACT LOCATIONS OF UTILITIES ON THESE DRAWINGS.



GENERAL NOTES - LAYOUT DIMENSIONAL CONTROL

- GENERAL CONSTRUCTION NOTES:** REFER TO SHEET C1.1 "GENERAL CONSTRUCTION NOTES, LEGEND AND ABBREVIATIONS" FOR THE GENERAL CONSTRUCTION NOTES FOR THE PROJECT.
- SURVEYING:** ALL SURVEYING REQUIRED FOR CONSTRUCTION STAKING SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. THE DEVELOPER SHALL PROVIDE THE PROPERTY CORNERS AND TWO BENCHMARKS FOR USE AS HORIZONTAL AND VERTICAL DATUM. THE CONTRACTOR SHALL EMPLOY A REGISTERED PROFESSIONAL LAND SURVEYOR TO PERFORM ALL ADDITIONAL SURVEY, LAYOUT AND MEASUREMENT WORK NECESSARY FOR THE COMPLETION OF THE PROJECT.
- PROTECTION OF PROPERTY CORNERS AND BENCHMARKS:** THE CONTRACTOR SHALL PROTECT ALL PROPERTY CORNER MARKERS AND BENCHMARKS, AND WHEN ANY SUCH MARKERS OR MONUMENTS ARE IN DANGER OF BEING DISTURBED, THEY SHALL BE PROPERLY REFERENCED AND IF DISTURBED, SHALL BE RESET BY A REGISTERED PROFESSIONAL LAND SURVEYOR AT THE EXPENSE OF THE CONTRACTOR.
- DIMENSIONAL CONTROL:** ALL PAVING DIMENSIONS AND COORDINATES SHOWN ARE TO FACE OF CURB WHERE APPLICABLE. ALL DIMENSIONS SHOWN AT PI CURB POINTS ARE AT THE INTERSECTION OF THE FACE OF CURB.
- CURB RADI:** ALL CURB RADI SHALL BE 3' FACE AT CURB UNLESS OTHERWISE NOTED.
- BUILDING DIMENSIONS:** CONTRACTOR SHALL REFER TO BUILDING PLANS FOR ACTUAL BUILDING DIMENSIONS. THE DIMENSIONS AND CORNERS SHOWN ARE TO FACE OF OUTSIDE WALLS OF BUILDING.

ALL ADA ACCESS ROUTES SHALL HAVE MAXIMUM 5% LONGITUDINAL SLOPES AND 2% MAXIMUM CROSSFALL.

ALL DIMENSIONS SHOWN ARE TO FACE OF CURB UNLESS OTHERWISE NOTED

REFERENCE ARCHITECTURAL PLANS FOR EXACT BUILDING DIMENSIONS.

REFERENCE SITE LIGHTING PLANS FOR EXACT LIGHTING LOCATIONS AND DETAILS.

BEHMASS

ELEVATIONS ARE BASED ON NAVD 88 PER GPS OBSERVATIONS USING THE LEICA GEOSYSTEMS NORTH TEXAS SMARTNET NETWORK.

SITE BENCHMARKS:

CUT "X" SET ON TOP OF CONCRETE CURB PI AT THE NORTHEAST CORNER OF BEST BUY PARKING LOT, APPROXIMATELY 1800 FEET NORTHEASTERLY FROM THE CENTERLINE OF JOSEY LANE, APPROXIMATELY 60 FEET SOUTHEASTERLY FROM THE CENTERLINE OF THE NORTHBOUND SERVICE ROAD OF SAM RAYBURN TOLLWAY. ELEVATION = 591.16'

CUT "X" SET ON TOP OF CONCRETE CURB AT END OF RADIUS OF CONCRETE DRIVE, APPROXIMATELY 2200 FEET NORTHEASTERLY FROM THE CENTERLINE OF JOSEY LANE, APPROXIMATELY 220 FEET SOUTHEASTERLY FROM THE CENTERLINE OF THE NORTHBOUND SERVICE ROAD OF SAM RAYBURN TOLLWAY. ELEVATION = 593.90'

APPROVAL	
REVISION	
NO.	
DATE	

BURY
 8310 Harvest Hill Road, Suite 100
 Dallas, Texas 75228
 Tel: (972) 991-0011 Fax: (972) 991-0276
 TDD: (972) 991-0011
 TYPE: F-1048 TEMPL: F-10107502
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DIMENSION CONTROL PLAN

**PUBLIC STORAGE
 CASTLE HILLS, PHASE 8
 SECTION B, COMMERCIAL ADDITION
 LOT 1R, BLOCK A - 4.312 ACRES
 ZONING DESIGNATION: LI
 LEWISVILLE ETJ, TEXAS**

DRAWN BY:	MRG
DESIGNED BY:	GKH
QA / QC:	GKH
PROJECT NO.:	0112544-30003

**SHEET
 C2.2**



PROJECT
LOCATION

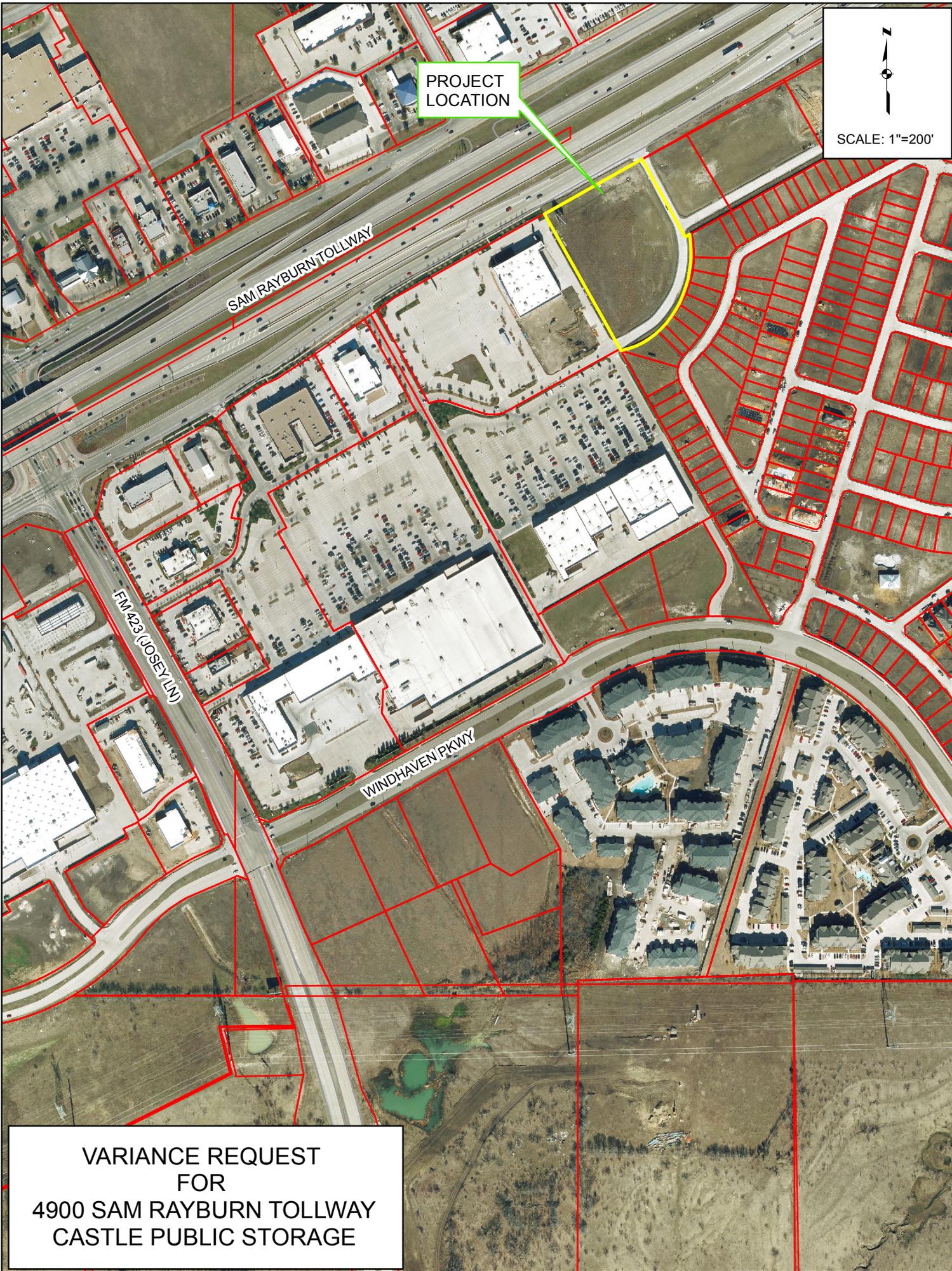
N
SCALE: 1"=200'

SAM RAYBURN TOLLWAY

FM 423 (JOSEY LN)

WINDHAVEN PKWY

VARIANCE REQUEST
FOR
4900 SAM RAYBURN TOLLWAY
CASTLE PUBLIC STORAGE



PROJECT
LOCATION

SCALE: 1"=200'

SAM RAYBURN TOLLWAY

FM 423 (JOSEY LN)

WINDHAVEN PKWY

VARIANCE REQUEST
FOR
4900 SAM RAYBURN TOLLWAY
CASTLE PUBLIC STORAGE

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Cleve Joiner, Director of Neighborhood Services

VIA: Claire Swann, Assistant City Manager

DATE: April 27, 2016

SUBJECT: **Consideration of Ordinances Amending the Lewisville City Code, Chapter 4, Adopting the 2015 International Construction Codes With Local Amendments and Standards, Including the Building Code; Residential Building Code; Plumbing Code; Fuel Gas Code; Mechanical Code; Energy Code; Existing Building Code; Chapter 9, Property Maintenance Code; and Chapter 5, Fire Code.**

BACKGROUND

The City Council was briefed on the 2015 Edition of the International Building Codes during the workshop session held on April 4, 2016. Prior to that, the last update to the construction codes for the City of Lewisville was December 16, 2013. At that time, the City Council approved the 2012 edition of the International Codes with NCTCOG amendments. Staff is now presenting the 2015 International Codes with amendments to the City Council for adoption. The 2015 International Green Construction Code will be presented for the first time as part of the code package in June of 2016.

ANALYSIS

Staff requests City Council approval of the ordinances adopting the referenced codes and standards. The new codes are necessary to ensure that the City keep pace with state law, changing technology and practices of the construction industry. State law requires adoption of the International Building Codes but allows for local amendments. The International Code Commission updates the model codes every three years. Typically, there is a one year delay in the City's code adoption process because NCTCOG assembles building officials from participating North Texas cities to discuss the updated changes and consider recommended local amendments.

NCTCOG finalized their recommended local amendments in March 2016. Staff, in keeping with surrounding cities and NCTCOG's proposed local amendments is requesting to update the construction and fire codes to the 2015 edition with local amendments. Listed below are some of the specific changes to the 2015 editions of the International Codes that will go into effect with Council approval.

2015 International Building Code (IBC)

- *Assembly Occupancies on Roofs – Exit Discharge and Fire Sprinkler Provisions*
- *Fire Sprinkler Provision – Small Bathrooms are no longer Exempt*
- *Rooftop Access for Equipment – Allows for Ladder or Ships Ladder rather than Stairs*
- *Egress Through Intervening Spaces- Allows for Exiting through Enclosed Elevator Lobby*
- *Existing Buildings Chapter 34 Deleted and Published as a Separate Code Book*
- *Water Supply – Calculations Must Include Seasonal Changes in Fire Flow*
- *Smoke Alarms near Bathrooms – Increased Distance from Doorway*
- *Smoke Alarms near Cooking Appliances – Increased Distance from Appliances*
- *Carbon Monoxide Detection – Detectors are require near and within sleeping areas in Apartments with Attached Garages of Fuel Burning Appliances.*
- *Shower Compartments – Raised from 70 to 72 inches*
- *Apartment Conversions to Assisted Living – Extensive Alarm Retrofitting Requirements*
- *Attic Venting – Updated to Accommodate Energy Codes*

2015 IBC & ICC A117.1 - Accessibility Standards

- *Live/Work Units – Work Unit Required to be Accessible*
- *Apartments – New Accessible Requirements for Recreational Facilities*

2012 International Residential Code

- *No Significant Changes*

2015 International Mechanical Code

- *Ventilation - Specific requirements for R-2 Occupancies (Apartment, Hotel & Motel)*

2015 International Energy Conservation Code

- *Commercial – Performance Compliance Options – versus Prescriptive*
- *Commercial – Additional Choices for Energy Efficiencies (Packages)*
- *Commercial – Increased Hot Water Pipe Insulation and Length Limits*
- *Commercial – Increased Efficiency HVAC for Computer Rooms*

- *Commercial - High efficiency lighting Controls & Maintenance*

2015 International Fuel Gas Code

- *No Significant Changes*

2015 International Fire Code

- *Requiring two points of connection to the public water main whenever a new development exceeds 35,000 square feet, whenever three or more on-site fire hydrants are required, and when a dead-end water main exceeds 300-feet.*
- *For developments that require a multiple inlet Fire Department Connection to the fire sprinkler system, an additional large diameter inlet will be required.*
- *The 2015 International Fire Code has lessened the requirements for the amount of water available from fire hydrants when the building is equipped with fire sprinklers. Staff is proposing keeping the amount of water required the same as in previous code editions as the amount of water required is too low if a fire is not contained by the fire sprinklers.*

2015 International Plumbing Code

- *No Significant Changes*

2015 Existing Building Code

- *Emergency Escape & Rescue Openings (windows) – Compliance or Alternative Method*
- *Fire Resistive Rating – Can be Reduced if Retrofit with Fire Sprinklers*
- *Reroofing – Addresses Energy Code Requirements*

2015 International Property Maintenance Code

- *No Significant changes*

RECOMMENDATION

It is City staff's recommendation that the City Council adopt the 2015 International Construction Codes with local amendments and standards as set forth in the caption above.

ORDINANCE # _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, ADOPTING THE 2015 INTERNATIONAL EXISTING BUILDING CODE AND ITS APPENDIXES A, B, AND C ADOPTING THIS CODE; TO ARTICLE II (BUILDING STANDARDS) OF CHAPTER 4 (BUILDINGS AND BUILDING REGULATIONS) OF THE LEWISVILLE CITY CODE; PROVIDING A REPEALER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Lewisville has determined that to safeguard life, health, property, and public welfare, Adoption of the 2015 International Existing Building Code to Chapter 4, Article II, Building Standards, of the Lewisville City Code are necessary.

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

SECTION 1. Creating Section 4-34 (Existing Building Code—Adopted) of Article II (Building Standards) of Chapter 4 (Buildings and Building Regulations) of the Lewisville City Code. Section 4-34 (Existing Building Code—Adopted) of Article II (Building Standards) of **Chapter 4 (Buildings and Building Regulations)** of the Lewisville City Code is hereby created to read as follows:

“Sec. 4-34. Existing Building Code –Adopted.

The 2015 edition of the International Existing Building Code and its Appendices A, B, and C, published by the International Code Council, Inc., amendments and such other addendum as adopted and published by the International Code Council, are hereby adopted as the existing building code for the city with such local amendments as set forth in this Article. A copy of this Code is on file in the office of the Director of Building Inspection Division of the Neighborhood Services Department.”

SECTION 2. Creating Section 4-35 (Same – Amendments) of Article II (Building Standards) of Chapter 4 (Buildings and Building Regulations) of the Lewisville City Code.

Section 4-34 (Same – Amendments) of Article II (Building Standards) of Chapter 4 (Buildings and Building Regulations) of the Lewisville City Code is hereby created to read as follows:

“Sec. 4-34. Same – Amendments.

The City adopts the following revisions and additions to the International Existing Building Code 2015 Edition and its Appendices A, B, and C.

Section 101.1; amend to read as follows:

101.1 Title. These Regulations shall be known as the Existing Building Code of the City of Lewisville, hereinafter referred to as “this code”.

Section 103; amend title to read as follows:

**SECTION 103
DEPARTMENT OF NEIGHBORHOOD SERVICES**

Section 103.1; amend to read as follows:

103.1 Creation of enforcement agency. The Department of Neighborhood Services is hereby created and the official in charge thereof shall be known as the building official.

Section 104.3; amend to read as follows:

104.3 Notices and orders. The code official is authorized to issue necessary notices and orders to ensure compliance with this code.

Section 108.2; amend to read as follows:

108.2 Schedule of permit fees. On buildings, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with Section 2-201 of the City of Lewisville Code of Ordinances.

Section 112.1; amend to read as follows:

112.1. Means of Appeal. In order to hear and decide appeals of orders, decisions, or determinations made by the code official relative to the application and interpretation of this code, the City Council shall act as the Board of Appeals.

Sections 112.2 – 112.3; delete.

Section 113.2; add exception to read as follows:

Exception: Citations for violations of this code may be issued without requiring the issuance of a notice.

Section 113.3; amend to read as follows:

Prosecution of violation. If a notice of violation is issued and is not complied with in the time prescribed by such notice, the code official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceedings at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto.

Section 113.4; amend to read as follows:

113.4 Violation penalties. Persons who violate a provision of this code or fail to comply with any of the requirements thereof or who repairs or alters or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by Section 1-15 of the Code of Ordinances of the City of Lewisville. Each day that a violation continues shall be deemed a separate offense.

SECTION 3. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION 4. 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 5. PENALTY. Any person, firm or corporation violating any provision of this Ordinance shall be punished upon conviction by a fine not to exceed \$2,000.00 for each offense, and each and every day such violation shall continue shall constitute a separate offense.

SECTION 6. EFFECTIVE DATE. This ordinance shall become effective immediately upon its passage and publication as required by law.

SECTION 7. 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 2nd DAY OF MAY, 2016.

APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Liz Plaster, CITY ATTORNEY

ORDINANCE # _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, ADOPTING THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE, AND C ADOPTING THIS CODE; TO ARTICLE IV (PROPERTY MAINTENANCE CODE) OF CHAPTER 9 (NUISANCES) OF THE LEWISVILLE CITY CODE; PROVIDING A REPEALER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Lewisville has determined that to safeguard life, health, property, and public welfare, Adoption of the 2015 International Property Maintenance Code to Chapter 9, Article IV, of the Lewisville City Code are necessary.

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

SECTION 1. AMENDMENTS. Article IV (Property Maintenance) of Chapter 9 (Nuisance Regulations) of the Lewisville City Code. Section 9-86 of the Lewisville City Code is hereby amended as follows:

“Sec. 9-86. Property Maintenance Code –Adopted.

The 2015 edition of the International Property Maintenance Code published by the International Code Council, Inc., amendments and such other addendum as adopted and published by the International Code Council, are hereby adopted as the property maintenance code for the city with such local amendments as set forth in this Article. A copy of this Code is on file in the office of the Director of Building Inspection Division of the Neighborhood Services Department.”

SECTION 2. Amending Section 9-86. (Same – Amendments) of Article IV (Property Maintenance Standards) of Chapter 9 (Nuisance Regulations) of the Lewisville City Code. Section 9-86 (Same – Amendments) of Article IV (Property Maintenance) of Chapter 9 (Nuisance Regulations) of the Lewisville City Code is hereby amended to read as follows:

“Sec. 9-86. Same – Amendments.

The City adopts the following revisions and additions to the International Property Maintenance Code 2015 Edition.

Section 101.1; amend to read as follows:

101.1 Title. These Regulations shall be known as the International Property Maintenance Code of the City of Lewisville, hereinafter referred to as “this code”.

Section 103; amend title to read as follows:

**SECTION 103
DEPARTMENT OF NEIGHBORHOOD SERVICES**

Section 103.1; amend to read as follows:

103.1 Creation of enforcement agency. The Department of Neighborhood Services is hereby created and the official in charge thereof shall be known as the *code official*.

Section 103.5; amend to read as follows:

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the schedule set forth in Section 2-201 of the Lewisville Code of Ordinances.

Section 106.2; amend to read as follows:

106.2 Notice of Violation. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, the code official is authorized to serve a notice of violation or order on the person. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Exception: Citations for violations of this code may be issued without requiring the issuance of a notice.

Section 106.3; amend to read as follows:

106.3 Prosecution of violation. If a notice of violation is issued and is not complied with in the time prescribed by such notice, the code official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceedings at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto.

Section 107; Delete entire section

Section 108; Delete entire section

Section 111.1; amend to read as follows:

111.1 Application of appeal. Any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the City Council, provided that a written application for appeal is filed within 20 days after the day the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Section 111.2 – 111.3; Delete.

Section 111.4; amend to read as follows:

111.4 Open hearing. All hearings before the City Council shall be open to the public. The appellant, the appellant's representative, the *code official* and any person whose interests are affected shall be given an opportunity to be heard.

Section 111.4.1; Delete entire section

Section 111.5; Delete entire section

Section 111.6; amend to read as follows:

111.6 City Council decision. The City Council may modify or reverse the decision of the *code official* by majority vote. The *code official* shall take immediate action in accordance with the decision of the City Council.

Section 111.6.1; Delete entire section

Section 111.6.2; Delete entire section

Section 111.7; amend to read as follows:

111.7 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the city secretary of the City of Lewisville.

Section 112.4; amend to read as follows:

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of up to \$2,000 dollars per offense, per day.

Section 302.4; delete.

Section 303; delete entire section.

Section 304.14; amend to read as follows:

304.14 Insect screens. Every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any area where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm) and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

Section 308; delete entire section.

Section 602.2; amend to read as follows:

602.2 Residential Occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet room.

Section 602.3; amend to read as follows:

602.3 Heat supply. Every *owner* and *operator* of any building who rents, leases, or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions: Deleted

Section 602.4; amend to read as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Section 602.5; amend to read as follows:

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION II. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION III. 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 IV. PENALTY. Any person, firm or corporation violating any provision of this Ordinance shall be punished upon conviction by a fine not to exceed \$2,000.00 for each offense, and each and every day such violation shall continue shall constitute a separate offense.

SECTION V. EFFECTIVE DATE. This ordinance shall become effective immediately upon its passage and publication as required by law.

SECTION VI. 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 2nd DAY OF MAY, 2016. APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

_____ Liz Plaster, CITY ATTORNEY

ORDINANCE # _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, ADOPTING THE 2015 INTERNATIONAL BUILDING CODE AND ITS APPENDIXES E, F, G, J, K; ADOPTING THE 2015 ENERGY CONSERVATION CODE; ADOPTING THE 2015 INTERNATIONAL RESIDENTIAL CODE AND ITS APPENDICES A, B, C, D, E, G, J, K, M, O, P, T, U; ADOPTING LOCAL AMENDMENTS TO THESE CODES; AMENDING SECTIONS 4-26, 4-28, 4-29, 4-30, 4-31, AND 4-32 TO ARTICLE II (BUILDING STANDARDS) OF CHAPTER 4 (BUILDINGS AND BUILDING REGULATIONS) OF THE LEWISVILLE CITY CODE; MAINTAINING SPRINKLER REQUIREMENTS FOR TOWNHOMES; PROVIDING A REPEALER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Lewisville has determined that to safeguard life, health, property, and public welfare, certain amendments to Chapter 4, Article II, Building Standards, of the Lewisville City Code are necessary.

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

SECTION 1. Amending Section 4-26 (Building Code—Adopted) of Article II (Building Standards) of Chapter 4 (Buildings and Building Regulations) of the Lewisville City Code. Section 4-26 (Building Code—Adopted) of Article II (Building Standards) of Chapter 4 (Buildings and Building Regulations) of the Lewisville City Code is hereby amended to read as follows:

“Sec. 4-26. Building Code –Adopted.

The 2015 edition of the International Building Code and its Appendices E, F, G, J, and K, published by the International Code Council, Inc., amendments and such other addendum as adopted and published by the International Code Council, are hereby adopted as the building code for the city with such local amendments as set forth in this Article. A copy of this Code is on file in the office of the Director of Building Inspection Division of the Neighborhood Services Department.”

SECTION 2. Amending Section 4-28 (Same – Amendments) of Article II (Building Standards) of Chapter 4 (Buildings and Building Regulations) of the Lewisville City Code. Section 4-26 (Same – Amendments) of Article II (Building Standards) of Chapter 4 (Buildings and Building Regulations) of the Lewisville City Code is hereby amended to read as follows:

“Sec. 4-28. Same – Amendments.

The City adopts the following revisions and additions to the International Building Code 2012 Edition and its Appendices E, F, G, J, and K.

Section 101.1; amend to read as follows:

101.1 Title. These regulations shall be known as the Building Code of the City of Lewisville, hereinafter referred to as “this code.”

Section 101.4; amend to read as follows:

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.8 and referenced elsewhere in this code, when specifically adopted, shall be considered part of the requirements of this code to the prescribed extent of each such reference. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the Electrical Code shall mean the Electrical Code as adopted.

Section 101.4.8; add the following:

101.4.8 Electrical. The provisions of the Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

Section 103; amend title to read as follows:

**SECTION 103
DEPARTMENT OF NEIGHBORHOOD SERVICES**

Section 103.1; amend to read as follows:

103.1 Creation of enforcement agency. The Department of Neighborhood Services is hereby created and the official in charge thereof shall be known as the *building official*.

Section 105.2; under sub-title entitled “Building” delete items 1, 2, 10 and 11 and re-number accordingly.

Section 108.1; amend to read as follows:

108.1 Definitions.

TEMPORARY PORTABLE STORAGE UNIT. Any transportable container, storage unit, shed-like container or other portable structure that can or is used for the storage of personal property of any kind on a limited basis on residential property and which is located for such purposes outside an enclosed building other than an accessory building or shed complying with all building codes and land use requirements.

TEMPORARY USE DUMPSTER shall mean portable containers (typically open on top), compactors, roll-offs, or recycling containers used on a temporary basis for the collection and storage of construction waste from ongoing permitted construction projects, house cleans, or temporary uses in residentially-zoned districts, and which is 5 cubic yards or less, but shall not include any portable, nonabsorbent, enclosed container with a close fitting cover, or doors which is capable of being serviced by mechanical equipment and which is used on a permanent basis to store large volumes of refuse and which serves as the primary method of garbage collection and disposal for a residence.

OUTDOOR RECEPTACLE. Any receptacle, container or similar product which is located outdoors and designed or intended to collect and temporarily store items, including a dumpster, temporary use dumpster, recycling storage container, donation container, trash compactor or receptacle for similar uses.

108.2; amend to read as follow:

108.2 Temporary Structures and Uses. It shall be the responsibility of the homeowner and or provider of a Temporary Portable Storage Unit to notify the Department of Neighborhood Services of the placement. A Temporary Portable Storage Unit may remain at a site used for residential purposes for up to thirty (30) calendar days, with one portable storage unit allowed at a site at a time. There will be 2 allowances per calendar year. An extension may be granted by Code Enforcement and/or the Department of Neighborhood Services and subject to conditions, for a reasonable additional period in an amount not to exceed thirty (30) days.

Temporary Portable Storage Units may be located in residential zoning districts and shall only be placed on the property owner's driveway or parking area and only so long as they do not obstruct vehicular or pedestrian traffic and provided the units are not placed in the set-back, encroaching into drainage areas/easements or landscaping buffers, or the right-of-way. Such units shall not be placed in such a manner that a person lawfully using the sidewalk must detour into the street in order to go around the unit.

Temporary Portable Storage Units shall not be used to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, goods for property other than at the residential property where the Temporary Portable Storage Unit is located (i.e. used for retail sales) or any other illegal or hazardous material. Upon reasonable notice to the resident, the City may inspect the contents of any Temporary Portable Storage Unit at any reasonable time to ensure that it is not being used to store said materials. At no time shall a Temporary Portable Storage Unit be used for any of these purposes.

Locations where a Temporary Portable Storage Unit is being used in connection with new construction or extensive renovation or repair of property, Temporary Portable Storage Units related to and used for the ongoing construction or storage of personal articles during such construction shall be allowed for the period of continuous construction provided there is an active

and valid building permit for the property. Any Temporary Portable Storage Unit at the site that is not specifically related to and used in connection with the construction shall be subject to the limits otherwise imposed in this section of the code. Within 5 calendar days of expiration of a building permit, passage of all final inspections, or issuance of a certificate of occupancy (whichever is later), the Temporary Portable Storage Unit shall be removed.

108.3; amend to read as follow:

108.3 Temporary Use Dumpsters —Duration. A temporary use dumpster may remain at a site used for residential purposes for up to thirty (30) calendar days, with one temporary use dumpster allowed at a site at a time. There will be 2 allowances per calendar year allowed. An extension may be granted by Code Enforcement and/or the Department of Neighborhood Services and subject to conditions, for a reasonable additional period in an amount not to exceed thirty (30) days.

Locations where a temporary use dumpster is being used in connection with new construction or extensive renovation or repair of property shall be allowed for the period of continuous construction provided there is an active and valid building permit for the property. Any temporary use dumpster at the site that is not specifically related to and used in connection with the construction shall be subject to the limits otherwise imposed in this section of the code. Within 5 calendar days of expiration of a building permit, passage of all final inspections, or issuance of a certificate of occupancy (whichever is later), the temporary use dumpster shall be removed.

108.4; amend to read as follow:

108.4 Severe Weather Conditions. At all times Temporary Portable Storage Units and Temporary Use Dumpsters shall be secured or removed in such a manner so as to minimize the danger of such units causing damage to persons or property from high winds or severe weather conditions.

Section 108.5; add to read as follows:

Section 108.5, Outdoor Receptacle. This section applies to outdoor receptacles on any property designated as non-residential zoning district, multi-family zoning district and mixed use zoning district, as defined by the Lewisville Zoning Ordinance, placed on said property after the passage of this ordinance.

Section 108.5.1; add to read as follows:

108.5.1. Approval required.

(a) It shall be unlawful for any person, firm, or corporation to erect, place, maintain or operate any outdoor receptacle without first obtaining approval from the City's Neighborhood Services Department.

(b) Information from the applicant including a drawing showing location, size and the number of such receptacles shall be submitted to the City prior to placement of the receptacles on the property.

Section 108.5.2; add to read as follows:

108.5.2. Screening and placement.

(a) Outdoor receptacles shall be screened on 3 sides with a minimum six (6) foot masonry screening wall consistent with the building material of the primary building(s). The service opening shall not directly face a public street or ROW unless approved by the Director of Neighborhood Services due to the site configuration that may not allow such a design. The receptacles shall be located on a concrete or asphalt surface.

(b) Outdoor receptacles shall be located behind the primary building front façade(s).

(c) Outdoor receptacles shall not be located within any utility easements, fire lanes, public ROW or easement, required parking or loading spaces, maneuvering lanes, access easements or landscape areas.

Section 108.5.3; add to read as follows:

108.5.3. Maintenance. Outdoor receptacles shall be sized and designed to contain all material between designated pick up schedules. Any overflow above or around the outdoor receptacle is strictly prohibited. All clean up shall be the responsibility of the property owner.

Section 109.7; add to read as follows:

109.7 Re-inspection Fee. A fee as established by city council resolution may be charged when:

1. The inspection called for is not ready when the inspector arrives;
2. No building address or permit card is clearly posted;
3. City approved plans are not on the job site available to the inspector;
4. The building is locked or work otherwise not available for inspection when called;
5. The job site is red-tagged twice for the same item;
6. The original red tag has been removed from the job site.
7. Failure to maintain erosion control, trash control or tree protection.

Any re-inspection fees assessed shall be paid before any more inspections are made on that job site.

Section 109.8.1; add to read as follows:

109.8.1 Investigation. Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.

Section 109.8.2; add to read as follows:

109.8.2 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code or the city fee schedule as applicable. The payment of such investigation fee shall not exempt the applicant from compliance with all other provisions of either this code or the technical codes nor from penalty prescribed by law.

Section 109.9; add to read as follows:

109.9 Unauthorized cover up fee. Any work concealed without first obtaining the required inspection in violation of Section 110 shall be assessed a fee as established by the city fee schedule.

Section 110.3.5; delete exception

Section 113.1; amend to read as follows:

113.1 Means of Appeal. In order to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this code, the City Council shall act as the Board of Appeals.

Section 113.3; delete.

Section 114.2; add exception to read as follows:

Exception: Citations for violations of this code may be issued without requiring the issuance of a notice.

Section 114.3; amend to read as follows:

114.3 Prosecution of violation. If a notice of violation is issued and is not complied with in the time prescribed by such notice, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceedings at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto.

Section 114.4; amend to read as follows:

114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by Section 1-15 of the Code of Ordinances of the City of Lewisville. Each day that a violation continues shall be deemed a separate offense.

Section 202; amend definition of Ambulatory Care Facility as follows:

AMBULATORY CARE FACILITY. Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing, or similar care on a less than 24-hour basis to persons who are rendered incapable of self-preservation by the services provided. This group may include but not be limited to the following:

- Dialysis centers
- Providers of procedures involving sedation
- Providers of sedation dentistry
- Surgery centers
- Colonic centers
- Psychiatric centers

Section 202; add definition of Assisting Living Facilities to read as follows:

ASSISTED LIVING FACILITIES. A building or part thereof housing persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff.

Section 202; amend definition of “Atrium” as follows:

ATRIUM. An opening connecting three or more stories... *{Balance remains unchanged}*

Section 202; amend definition to read as follows:

HIGH-RISE BUILDING. A building with an occupied floor located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access.

Section 202; add definition of “Repair Garage” as follows:

REPAIR GARAGE. A building, structure or portion thereof used for servicing or repairing motor vehicles, motorcycles, recreational vehicles, and watercraft. This occupancy shall also include garages involved in minor repair, modification and servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement and other such minor repairs.

Section 202; amend definition of SPECIAL INSPECTOR to read as follows:

SPECIAL INSPECTOR. A qualified person employed or retained by an approved agency who shall prove to the satisfaction of the registered design professional in responsible charge and the Building Official as having the competence necessary to inspect a particular type of construction requiring special inspection.

Section 303.1.3; add a sentence to read as follows:

303.1.3 Associated with Group E occupancies. A room or space used for assembly purposes that is associated with a Group E occupancy is not considered a separate occupancy. Except when applying the assembly requirements of Chapter 10 and 11.

Section 304.1; add the following to the list of occupancies:

Fire stations
Police stations with detention facilities for 5 or less

Section 307.1.1, Exception 4; add language to read as follows:

4. Cleaning establishments... *{Text unchanged}* ...with Section 707 or 1-hour horizontal assemblies constructed in accordance with Section 711 or both. **See also IFC Chapter 21, Dry Cleaning Plant provisions.**

Section 403.1, Exception 3; amend to read as follows:

3. The open air portion of a building *{remainder unchanged}*

Section 403.3, Exception; delete item 2.

Section 403.3.2; amend to read as follows:

[F] 403.3.2 Water supply to required fire pumps. In buildings that are more than 120 feet (36.5 m) in building height, required fire pumps shall be supplied by connections to no fewer than two water mains located in different streets. Separate supply piping shall be provided between each connection to the water main and the pumps. Each connection and the supply piping between the connection and the pumps shall be sized to supply the flow and pressure required for the pumps to operate.

Exception: *{No change to exception.}*

Section 404.5; delete Exception.

Section 406.3.5.1 Carport separation; add sentence to read as follows:

A fire separation is not required between a Group R-2 and U carport provided that the carport is entirely open on all sides and that the distance between the two is at least 10 feet (3048 mm).

Section 506.2.2; add sentence to read as follows:

506.2.2 Open Space Limits. Such open space shall be either on the same lot or dedicated for public use and shall be accessed from a street or approved fire lane. In order to be considered as accessible, if not in direct contact with a street or fire lane, a minimum 10-foot wide pathway meeting fire department access from the street or approved fire lane shall be provided.

Section 712.1.9, amend item 4 to read as follows:

4. Is not open to a corridor in Group I and H occupancies.

Section 901.6.1.1; add this new section to read as follows:

901.6.1.1 Standpipe Testing. Building owners/managers must maintain and test standpipe systems as per NFPA 25 requirements. The following additional requirements shall be applied to

the testing that is required every 5 years:

1. The piping between the Fire Department Connection (FDC) and the standpipe shall be backflushed when foreign material is present, and also hydrostatically tested for all FDC's on any type of standpipe system. Hydrostatic testing shall also be conducted in accordance with NFPA 25 requirements for the different types of standpipe systems.
2. For any manual (dry or wet) standpipe system not having an automatic water supply capable of flowing water through the standpipe, the tester shall connect hose from a fire hydrant or portable pumping system (as approved by the *fire code official*) to each FDC, and flow water through the standpipe system to the roof outlet to verify that each inlet connection functions properly. Confirm that there are no open hose valves prior to introducing water into a dry standpipe. There is no required pressure criteria at the outlet. Verify that check valves function properly and that there are no closed control valves on the system.
3. Any pressure relief, reducing, or control valves shall be tested in accordance with the requirements of NFPA 25. All hose valves shall be exercised.
4. If the FDC is not already provided with approved caps, the contractor shall install such caps for all FDC's as required by the *fire code official*.
5. Upon successful completion of standpipe test, place a blue tag (as per Texas Administrative Code, Fire Sprinkler Rules for Inspection, Test and Maintenance Service (ITM) Tag) at the bottom of each standpipe riser in the building. The tag shall be check-marked as "Fifth Year" for Type of ITM, and the note on the back of the tag shall read "5 Year Standpipe Test" at a minimum.
6. The procedures required by Texas Administrative Code Fire Sprinkler Rules with regard to Yellow Tags and Red Tags or any deficiencies noted during the testing, including the required notification of the local Authority Having Jurisdiction (*fire code official*) shall be followed.
7. Additionally, records of the testing shall be maintained by the owner and contractor, if applicable, as required by the State Rules mentioned above and NFPA 25.
8. Standpipe system tests where water will be flowed external to the building shall not be conducted during freezing conditions or during the day prior to expected night time freezing conditions.
9. Contact the *fire code official* for requests to remove existing fire hose from Class II and III standpipe systems where employees are not trained in the utilization of this firefighting equipment. All standpipe hose valves must remain in place and be provided with an approved cap and chain when approval is given to remove hose by the *fire code official*.

Section 901.6.3; add this new section to read as follows:

901.6.3 False Alarms and Nuisance Alarms. False alarms and nuisance alarms shall not be given, signaled or transmitted or caused or permitted to be given, signaled or transmitted in any manner.

Section 901.7; amend to read as follows:

901.7 Systems out of service. Where a required *fire protection system* is out of service or in the event of an excessive number of activations, the fire department and the *fire code official* shall be notified immediately and, where required by the *fire code official*, the building shall either be evacuated or an *approved fire watch* shall be provided for all occupants left unprotected by the shut down until the *fire protection system* has been returned to service.

Where utilized, fire watches shall be provided with at least one approved means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires.

Section 901.8.2: amend to read as follows:

901.8.2 Removal of Occupant-use Hose Lines. The *fire code official* is authorized to permit the removal of occupant-use hose lines and hose valves where all of the following conditions exist:

1. The hose line(s) would not be utilized by trained personnel or the fire department.
2. If the occupant-use hose lines are to be removed, but the hose valves are required to remain as per the *fire code official*, such shall be compatible with the local fire department fittings.

Section 903.1.1; amend to read as follows:

903.1.1 Alternative protection. Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted in addition to automatic sprinkler protection where recognized by the applicable standard, or as *approved* by the *fire code official*.

Section 903.2; delete the exception and amend to read as follows:

903.2 Where required. *Approved automatic sprinkler systems* shall be provided in the locations described in Sections 903.2.1 through 903.2.12, and as follows:

1. Commercial buildings—*Automatic sprinkler systems* will be required in all newly constructed buildings exceeding 3,600 square feet of fire area, any remodel or addition that changes the square footage beyond 3,600 square feet or any single tenant expansion requiring a new certificate of occupancy that exceeds 12,000 square feet of fire area. Whichever requirement listed in this chapter, including exceptions, or defined in this amendment that is more restrictive will apply. Credit will not be given for fire barrier walls with a fire resistive rating in lieu of automatic fire sprinkler systems.
2. Whenever Section 903.2 requires the installation of an approved automatic sprinkler system, the automatic sprinkler system shall be installed throughout the entire building.

Exceptions:

1. In strip mall buildings, the installation of fire barrier walls with not less than a two-hour fire resistive rating may be allowed to separate the occupancy from the rest of the building in lieu of providing fire sprinkler protection throughout the entire building as approved by the *fire code official*.
2. As allowed in Section 903.3.8, limited area sprinkler systems.
3. When a change in Occupancy Classification is required for an existing building or tenant space, the building or tenant space shall comply with the provisions of Section 903.2.

Automatic Sprinklers shall not be installed in elevator machine rooms, elevator machine spaces, and elevator hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances. Storage shall not be allowed within the elevator machine room. Signage shall be provided at the entry doors to the elevator machine room indicating “ELEVATOR MACHINERY – NO STORAGE ALLOWED.”

Section 903.2.1; amend to read as follows:

903.2.1 Group A. An *automatic fire sprinkler* system shall be installed throughout the entire building housing a Group A occupancy as provided in this section.

Section 903.2.1.1; amend to read as follows:

903.2.1.1 Group A-1. An *automatic sprinkler system* shall be provided throughout the entire building housing a Group A-1 occupancy where one of the following conditions exists:

1. The floor area exceeds 3,600 square feet of fire area.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The fire area contains a multitheater complex.

Section 903.2.1.2; amend to read as follows:

Section 903.2.1.2 Group A-2. An *automatic sprinkler system* shall be provided throughout the entire building housing a Group A-2 occupancies where one of the following conditions exists:

1. The floor area exceeds 3,600 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

Section 903.2.1.3; amend to read as follows:

903.2.1.3 Group A-3. An *automatic sprinkler system* shall be provided throughout the entire

building housing a Group A-3 occupancy where one of the following conditions exists:

1. The floor area exceeds 3,600 square feet of fire area.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

Section 903.2.1.4; amend to read as follows:

903.2.1.4 Group A-4. An *automatic sprinkler system* shall be provided throughout the entire building housing a Group A-4 occupancy where one of the following conditions exists:

1. The floor area exceeds 3,600 square feet of fire area.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

Section 903.2.1.6; amend to read as follows:

903.2.1.6 Assembly occupancies on roofs: Where an occupied roof has an assembly occupancy with an occupant load in excess of 100 persons, the entire building shall be equipped with an *automatic fire sprinkler system* in accordance with Section 903.3.1.1 or 903.3.1.2.

Exception: Open parking garages of Type I or Type II construction.

Section 903.2.1.7; amend to read as follows:

Section 903.2.1.7 Multiple fire areas. An *automatic fire sprinkler system* shall be provided where multiple fire areas of Group A-1, A-2, A-3 or A-4 occupancies share exit or *exit access* components and the combined occupant load of these fire areas is 100 or more.

Section 903.2.2: amend to read as follows:

Ambulatory care facilities. An *automatic fire sprinkler system* shall be installed throughout the entire building housing an ambulatory care facility when any of the following conditions exist:

1. The floor area exceeds 3,600 square feet.
2. Four or more care recipients are incapable of self-preservation, whether rendered incapable by staff or staff has accepted responsibility for care recipients already incapable.
3. One or more care recipients that are incapable of self-preservation are located at other than the level of exit discharge serving such facility.

In buildings where ambulatory care is provided on levels other than the level of *exit discharge*, an *automatic sprinkler system* shall be installed throughout the entire building.

Section 903.2.1.8; add this new section to read as follows:

903.2.1.8 Group B. An *automatic sprinkler system* shall be provided for Group B occupancies where the floor area exceeds 3,600 square feet of fire area.

Section 903.2.3; amend to read as follows:

903.2.3 Group E. An *automatic sprinkler system* shall be provided for Group E occupancies where the floor area exceeds 3,600 square feet of fire area.

Section 903.2.4; amend to read as follows:

903.2.4 Group F-1. An *automatic sprinkler system* shall be provided for Group F-1 occupancies where either:

1. The floor area exceeds 3,600 square feet of fire area;
2. A Group F-1 fire area is located more than three stories above grade; or
3. A Group F-1 occupancy used for the manufacture of upholstered furniture or mattresses exceeds 2,500 square feet.

Section 903.2.4.1:

903.2.4.1 Woodworking operations. An *automatic fire sprinkler system* shall be provided throughout all Group F-1 occupancy *fire areas* that contain woodworking operations in excess of 2,500 square feet in area which generate finely divided combustible waste or which use finely divided combustible materials.

Section 903.2.4.2; add this new section to read as follows:

903.2.4.2 Group F-2. An *automatic sprinkler system* shall be provided for Group F-2 occupancies where the floor area exceeds 3,600 square feet of fire area.

Section 903.2.5; {No change.}

Section 903.2.6; amend to read as follows:

Section 903.2.6 Group I. An *automatic fire sprinkler system* shall be provided throughout buildings with a Group I fire area conforming to Section 903.3.1.1.

Section 903.2.7; amend to read as follows:

903.2.7 Group M. An *automatic sprinkler system* shall be provided throughout buildings containing a Group M occupancy when the floor area exceeds 3,600 square feet of fire area or for

Group M occupancies located more than three stories above grade plane.

Section 903.2.7.1 {No change.}

Section 903.2.8; amend to read as follows:

903.2.8. Group R-1, R-2, R-4. An *automatic sprinkler system* shall be provided for Groups R-1, R-2, and R-4 occupancies throughout and shall include the following criteria:

1. Throughout Groups R-1, 2, and 4 occupancies in all areas, including but not limited to attics, balconies, breezeways, garages and exterior storerooms, shall have an approved hydraulically designed fire sprinkler system installed.
2. Residential or quick response standard sprinklers shall be used in dwelling units and guestroom portions of the building.
3. Attics are to be in accordance with NFPA 13.

Section 903.2.9; amend to read as follows:

903.2.9 Group S-1. An *automatic sprinkler system* shall be provided throughout where one of the following conditions exists:

1. The floor area exceeds 3,600 square feet of fire area;
2. A Group S-1 occupancy is located more than three stories above the grade plane; or
3. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet.

Section 903.2.9.1; amend to read as follows:

903.2.9.1 Repair Garages. An *automatic fire sprinkler system* shall be provided throughout all buildings used as repair garages in accordance with Section 406.8 of the *International Building Code*, if:

1. The floor area exceeds 3,600 square feet of fire area; or
2. Buildings with repair garages servicing vehicles parked in basements.

Section 903.2.9.2; amend to read as follows:

903.2.9.2 Bulk storage of tires. Buildings and structures where the area for the storage of tires exceeds 20,000 cubic feet or 3,600 square feet shall be equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1.

Section 903.2.9.3; add this new section to read as follows:

903.2.9.3 Self-service storage facility. An *automatic sprinkler system* shall be installed throughout all self-service storage facilities.

Section 903.2.10; delete exception and amend section to read as follows:

903.2.10 Group S-2 enclosed parking garages. An *automatic fire sprinkler system* shall be installed throughout all S-2 occupancies where either of the following conditions exists:

1. The floor area exceeds 3,600 square feet of fire area, or
2. Where the enclosed parking garage is located beneath other groups.

Section 903.2.10.1; amend section to read as follows:

903.2.10.1 Commercial parking garages. An *automatic fire sprinkler system* shall be installed throughout buildings used for storage of commercial motor vehicles where the fire area exceeds 3,600 square feet.

Section 903.2.11.3; amend to read as follows:

903.2.11.3 Buildings 35 feet or more in height. An automatic sprinkler system shall be installed throughout buildings with a floor level, other than penthouses in compliance with Section 1510 of the *International Building Code*, located 35 feet or more above the lowest level of fire department vehicle access, measured to the finished floor.

Exceptions:

1. Open parking structures in compliance with Section 406.5 of the *International Building Code*, having no occupancies above the subject garage.

Section 903.2.11.7; add this new section to read as follows:

903.2.11.7 High-Piled Combustible Storage. For any building with a clear height exceeding 12 feet (4572 mm), see Chapter 32 to determine if those provisions apply.

Section 903.2.11.8; add this new section to read as follows:

903.2.11.8 Spray Booths and Rooms. New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

Section 903.2.11.9; add this new section to read as follows:

903.2.11.9 Buildings Over 3,600 sq. An automatic sprinkler system shall be installed throughout all buildings with a building area 3,600 sq. or greater and in all existing buildings that are enlarged

to be 3,600 sq. ft. or greater. For the purpose of this provision, fire walls shall not define separate buildings.

Exception: Open parking garages in compliance with Section 406.5 of the International Building Code.

Section 903.3.1.1.1; amend to read as follows:

903.3.1.1.1 Exempt locations. When approved by the *fire code official*, automatic sprinklers shall not be required in the following rooms or areas where such automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an *approved* automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from any room merely because it is damp, of fire-resistance-rated construction or contains electrical equipment. In such locations, an alternative fire suppression or detection system may be required by the *fire code official*.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, when *approved* by the *fire code official*.
3. Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.
4. Elevator machine rooms, machinery spaces, and hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances.

Section 903.3.1.2.1; amend to read as follows:

903.3.1.2.1 Balconies and decks. Sprinkler protection shall be provided for exterior balconies, decks, and ground floor patios of *dwelling units* and *sleeping units*, provided there is a roof or deck above. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members and a maximum distance of 14 inches below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

Section 903.3.1.2.3; add this new section to read as follows:

Section 903.3.1.2.3 Attics, Exterior Storerooms, and Attached Garages. Sprinkler protection is required in attic spaces of such buildings exterior storerooms, and attached garages. Attic *automatic fire sprinkler systems* shall be installed per NFPA 13.

Section 903.3.1.3; amend to read as follows:

903.3.1.3 NFPA 13D sprinkler systems. *Automatic sprinkler systems* installed in one- and two-family *dwelling*s, Group R-3, Group R-4 Condition 1 and *townhouses* shall be permitted to be

installed throughout in accordance with NFPA 13D or in accordance with state law.

Section 903.3.1.4; add section to read as follows:

903.3.1.4 Freeze protection. Freeze protection systems for automatic fire sprinkler systems shall be in accordance with the requirements of the applicable referenced NFPA standard and this section.

Section 903.3.1.4.1: add section to read as follows:

903.3.1.4.1 Attics. Only dry-pipe fire sprinkler systems shall be allowed to protect non-ventilated attic spaces.

Exception: Wet-pipe fire sprinkler systems shall be allowed to protect non-ventilated attic spaces where:

1. The attic sprinklers are supplied by a separate floor control valve assembly to allow ease of draining the attic system without impairing sprinklers throughout the rest of the building, and
2. Adequate heat shall be provided for freeze protection as per the applicable referenced NFPA standard, and
3. The attic space is a part of the building's thermal, or head envelope such that insulation is provided and the roof deck, rather than at the ceiling level.

Section 903.3.1.4.2; add section to read as follows:

903.3.1.4.2 Heat trace/insulation. Heat trace/insulation shall only be allowed where approved by the *fire code official* for small sections of large diameter water-filled pipe.

Section 903.3.5; amend to read as follows:

903.3.5 Water supplies. Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in Section 903.3.1. The potable water supply shall be protected against backflow in accordance with the requirements of this section and the International Plumbing Code. For connections to public waterworks systems, the water supply test used for design of fire protection systems shall be adjusted to account for seasonal and daily pressure fluctuations based on information from the water supply authority and as approved by the *fire code official*.

Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every fire protection system shall be designed with a 10 psi safety factor. Reference Section 507.4 for additional design requirements.

Section 903.3.8; amend to read as follows:

903.3.8 Limited area sprinkler systems. When approved by the *fire code official* and not in conflict with Section 903.2 (2), limited area sprinkler systems shall be in accordance with the standards listed in Section 903.3.1 except as provided in Sections 903.3.8.1 through 903.3.8.5.

Section 903.4; amend to read as follows:

903.4 Sprinkler system supervision and alarms. All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures and water-flow switches on all sprinkler systems shall be electrically supervised by a listed fire alarm control unit.

Exceptions: [All exceptions to remain unchanged]

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

Section 903.4.2; add second paragraph to read as follows:

903.4.2 Alarms. An approved audible device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

The alarm device required on the exterior of the building shall be a weatherproof horn/strobe notification appliance with a minimum 75 candela strobe rating, installed as close as practicable to the fire department connection.

Section 903.4.2.1; add this new section to read as follows:

903.4.2.1 Multiple tenant buildings. A minimum of one horn/strobe notification appliance shall be installed in each tenant space of a multiple tenant building to notify occupants of an automatic fire sprinkler system water-flow condition.

Section 903.6; amend to read as follows:

903.6 Where required in existing buildings and structures. An *automatic sprinkler system* shall be provided in existing buildings and structures where required in Chapter 11 and, when a change in Occupancy Classification is required for an existing building or tenant space, the building or tenant space shall comply with the provisions of the new Occupancy Classification as stated in Section 903.2.

Section 903.7; add this new section to read as follows:

903.7 Fire Control Rooms. A fire control room is required for all new automatic sprinkler system installations. The fire control room shall comply with the following:

1. Located on an exterior wall adjacent to a fire apparatus access lane.
2. Be a minimum size of 5-foot by 7-foot.
3. Shall house the system riser, fire alarm control panel, and spare sprinkler heads.
4. Have an exterior entry door that measures at a minimum 36-inch by 80-inch, and shall be identified as FIRE CONTROL ROOM, with a minimum of 4-inch characters, on the exterior of the door.
5. Be equipped with an exterior horn/strobe device indicating a water-flow alarm. Device shall be located above the FDC, 120-inches above finished floor
6. The riser shall be located a minimum of 12-inches from any wall.
7. A “Knox” key box shall be located on the exterior of the fire control room, adjacent to the exterior door, installed 5-feet above finished floor, and shall house a key to open the exterior door.
8. Room shall be kept free of any storage.

Section 905.2; amend to read as follows:

905.2 Installation standard. Standpipe systems shall be installed in accordance with this section and NFPA 14. Manual dry standpipe systems shall be supervised with a minimum of 10 psig and a maximum of 40 psig air pressure with a high/low alarm.

Section 905.3.9; add this new section to read as follows:

905.3.9 Buildings exceeding 10,000 square feet. In buildings exceeding 10,000 square feet in area per story and any portion of the building’s interior is more than 200 feet of travel, vertically and horizontally, from the nearest point of fire department vehicle access, Class I automatic wet or manual wet standpipes shall be provided.

Exception:

1. Automatic dry and semi-automatic dry standpipes are allowed as provided for in NFPA 14.
2. Manual dry standpipes systems are allowed as provided for in NFPA 14.

Section 905.4, amend to read as follows:

905.4 Location of Class I standpipe hose connections. Class I standpipe hose connections shall be provided in all of the following locations:

1. In every required exit stairway, a hose connection shall be provide for each story above and below grade plane. Hose connections shall be located at an intermediate landing between stories, unless otherwise approved by the *fire code official*.
2. {No change.}
3. In every exit passageway, at the entrance from the exit passageway to other areas of a

building.

Exception: Where floor areas adjacent to an exit passageway are reachable from an exit stairway hose connection by a 30-foot hose stream from a nozzle attached to 100 feet of hose, a hose connection shall not be required at the entrance from the exit passageway to other areas of the building.

4. {No change.}
5. Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a two-way hose connection located to serve the roof or at the highest landing of a stairway with stair access to the roof provided in accordance with Section 1011.12.
6. {No change.}
7. When required by this Chapter, standpipe connections shall be placed adjacent to all required exits to the structure and at two hundred feet (200') intervals along major corridors thereafter, or as otherwise approved by the *fire code official*.

Section 905.9; amend to read as follows:

905.9 Valve supervision. Valves controlling water supply shall be supervised in the open position so that the change in the normal position of the valve will generate a supervisory signal at the supervising station required by Section 903.4. Where a fire alarm system is provided, a signal shall also be transmitted to the control unit.

Exceptions:

1. Valve to underground key or hub valves in roadway boxes provided by the municipality or public utility do not require supervision.
2. Valves locked in the normal position and inspected as provided in this code in buildings not equipped with a fire alarm system.

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

907.1.4; add new section to read as follows:

907.1.4 Design standards. Where a new fire alarm system is installed, the devices shall be addressable. Fire alarm systems utilizing more than 20 smoke detectors shall have analog initiating devices.

Section 907.2.1; amend to read as follows:

907.2.1 Group A. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group A occupancies having an occupant load of 300 or more persons or more than 100 persons above or below the lowest level of exit discharge. Group A occupancies not separated from one another in accordance with Section 707.3.10 of the *International Building Code* shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

Exception: Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.

Activation of fire alarm notification appliances shall:

1. Cause illumination of the *means of egress* with light of not less than 1 foot-candle (11 lux) at the walking surface level, and
2. Stop any conflicting or confusing sounds and visual distractions.

Section 907.2.3; amend to read as follows:

907.2.3 Group E. A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E educational occupancies. When *automatic sprinkler systems* or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detection system shall be installed in Group E day care occupancies. Unless separated by a minimum of 100' open space, all buildings, whether portable buildings or the main building, will be considered one building for alarm occupant load consideration and interconnection of alarm systems.

Section 907.2.3, Exception No. 1; amend to read as follows and add a new 1.1 to read as follows:

Exceptions:

1. A manual fire alarm system is not required in Group E occupancies with an occupant load of less than 50.
 - 1.1. Residential In-Home day care with not more than 12 children may use interconnected single station detectors in all habitable rooms. (For care of more than five children 2-1/2 or less years of age, see Section 907.2.6.)

Section 907.2.13, Exception 3; amend to read as follows:

3. Open air portions of buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the *International Building Code*; however, this exception does not apply to accessory uses including but not limited to sky boxes, restaurants and similarly enclosed areas.

Section 907.4.2.7; add this new section to read as follows:

907.4.2.7 Type. Manual alarm initiating devices shall be an approved double action type.

Section 907.6.1.1; add this new section to read as follows:

907.6.1.1 Wiring Installation. All fire alarm systems shall be installed in such a manner that a failure of any single initiating device or single open in an initiating circuit conductor will not interfere with the normal operation of other such devices. All signaling line circuits (SLC) shall be installed in such a way that a single open will not interfere with the operation of any addressable devices (Class A). Outgoing and return SLC conductors shall be installed in accordance with NFPA 72 requirements for Class A circuits and shall have a minimum of four feet separation horizontal and one foot vertical between supply and return circuit conductors. The initiating device circuit (IDC) from an addressable input (monitor) module may be wired Class B, provided the distance from the addressable module to the initiating device is ten feet or less.

Section 907.6.3; delete all exceptions.

Section 907.6.6; amend to read as follows:

Section 907.6.6 Monitoring. Fire alarm systems required by this chapter or by the *International Code* shall be monitored by an *approved* supervising station in accordance with NFPA 72. See Section 907.6.3 for the required information transmitted to the supervising station.

Section 909.22; add new section to read as follows:

909.22 Stairway or Ramp Pressurization Alternative. Where the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and the stair pressurization alternative is chosen for compliance with Building Code requirements for a smokeproof enclosure, interior exit stairways or ramps shall be pressurized to a minimum of 0.10 inches of water (25 Pa) and a maximum of 0.35 inches of water (87 Pa) in the shaft relative to the building measured with all interior exit stairway and ramp doors closed under maximum anticipated conditions of stack effect and wind effect. Such systems shall comply with Section 909, including the installation of a separate fire-fighter's smoke control panel as per Section 909.16, and a Smoke Control Permit shall be required from the fire department as per Section 105.7.

[F] 909.22.1 Ventilating equipment. The activation of ventilating equipment for the stair or ramp pressurization system shall be by smoke detectors installed at each floor level at an approved location at the entrance to the smokeproof enclosure. When the closing device for the stairway or ramp shaft and vestibule doors is activated by smoke detection or power failure, the mechanical equipment shall activate and operate at the required performance levels. Smoke detectors shall be installed in accordance with Section 907.3.

909.22.1.1 Ventilation Systems. Smokeproof enclosure ventilation systems shall be independent of other building ventilation systems. The equipment, control wiring, power wiring and ductwork shall comply with one of the following:

1. Equipment, control wiring, power wiring and ductwork shall be located exterior to the building and directly connected to the smokeproof enclosure or connected to the smokeproof enclosure by ductwork enclosed by not less than 2-hour fire barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both.
2. Equipment, control wiring, power wiring and ductwork shall be located within the smokeproof enclosure with intake or exhaust directly from and to the outside or through ductwork enclosed by not less than 2-hour barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both.
3. Equipment, control wiring, power wiring and ductwork shall be located within the building if separated from the remainder of the building, including other mechanical equipment, by not less than 2-hour fire barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both.

Exceptions:

1. Control wiring and power wiring utilizing a 2-hour rated cable or cable system.
2. Where encased with not less than 2 inches (51 mm) of concrete.
3. Control wiring and power wiring protected by a listed electrical circuit protective systems with a fire-resistance rating of not less than 2 hours.

909.21.1.2 Standby Power. Mechanical vestibule and stairway and ramp shaft ventilation systems and automatic fire detection systems shall be provided with standby power in accordance with Section 2702 of the Building Code.

909.22.1.3 Acceptance and Testing. Before the mechanical equipment is approved, the system shall be tested in the presence of the fire code official to confirm that the system is operating in compliance with these requirements.

Section 910.2.3; add this new section to read as follows:

910.2.3 Group H. Buildings and portions thereof used as a Group H occupancy as follows:

1. In occupancies classified as Group H-2 or H-3, any of which are more than 15,000 square feet in single floor area.

Exception: Buildings of noncombustible construction containing only noncombustible materials.

2. In areas of buildings in Group H used for storing Class 2, 3, and 4 liquid and solid oxidizers, Class 1 and unclassified detonable organic peroxides, Class 3 and 4 unstable (reactive)

materials, or Class 2 or 3 water-reactive materials as required for a high-hazard commodity classification.

Exception: Buildings of noncombustible construction containing only noncombustible materials.

Sections 910.3.4; add this new section to read as follows:

910.3.4 Vent operation. Smoke and heat vents shall be capable of being operated by approved automatic and manual means. Automatic operation of smoke and heat vents shall conform to the provisions of Sections 910.3.2.1 through 910.3.2.3.

Sections 910.3.4.1; add this new section to read as follows:

910.3.4.1 Sprinklered buildings. Where installed in buildings equipped with an approved automatic sprinkler system, smoke and heat vents shall be designed to operate automatically. The automatic operating mechanism of the smoke and heat vents shall operate at a temperature rating at least 100 degrees F greater than the temperature rating of the sprinklers installed.

Exception: Manual only systems per Section 310.2.

Sections 910.3.4.2; add this new section to read as follows:

910.3.4.2 Nonsprinklered buildings. Where installed in buildings not equipped with an approved automatic sprinkler system, smoke and heat vents shall operate automatically by actuation of a heat-responsive device rated at between 100°F and 220°F above ambient.

Exception: Listed gravity-operated drop out vents.

Section 910.4.3.1; amend to read as follows:

910.4.3.1 Makeup Air. Makeup air openings shall be provided within 6 feet (1829 mm) of the floor level. Operation of makeup air openings shall be automatic. The minimum gross area of makeup air inlets shall be 8 square feet per 1,000 cubic feet per minute (0.74 m² per 0.4719 m³/s) of smoke exhaust.

Section 910.4.4; amend to read as follows:

910.4.4 Activation. The mechanical smoke removal system shall be activated automatically by the automatic sprinkler system or by an approved fire detection system. Individual manual controls shall also be provided.

Exception: Manual only systems per Section 910.2.

Section 912.2; add Section 912.2.3 to read as follows:

912.2.3 Hydrant distance. An approved fire hydrant shall be located within 100 feet of the fire department connection as the fire hose lays along an unobstructed path.

Section 912.3.1; add this new section to read as follows:

912.3.1 Multiple inlet fire department connections. When more than two, 2-1/2-inch siamese connections are required for a fire department connection, in addition to the required 2-1/2-inch siamese connections, a 5-inch Storz fitting shall be installed at a 45-degree downward angle at the end of the fire department connection manifold.

Section 913.2.1; amend to read as follows:

913.2.1 Protection of fire pump rooms. Rooms where fire pumps are located shall be separated from all other areas of the building in accordance with Section 913.2.1 of the *International Building Code*.

When located on the ground level at an exterior wall, the fire pump room shall be provided with an exterior fire department access door that is not less than 3 ft. in width and 6 ft. – 8 in. in height, regardless of any interior doors that are provided. A key box shall be provided at this door, as required by Section 506.1.

Exception: When it is necessary to locate the fire pump room on other levels or not at an exterior wall, the corridor leading to the fire pump room access from the exterior of the building shall be provided with equivalent fire resistance as that required for the pump room, or as approved by the *fire code official*. Access keys shall be provided in the key box as required by Section 506.1.

Section 914.3.1.2; amend to read as follows:

914.3.1.2 Water supply to required fire pumps. In buildings that are more than 120 feet in *building height*, required fire pumps shall be supplied by connections to no fewer than two water mains located in different streets. Separate supply piping shall be provided between each connection to the water main and the pumps. Each connection and the supply piping between the connection and the pumps shall be sized to supply the flow and pressure required for the pumps to operate.

Exception: Two connections to the same main shall be permitted provided the main is valved such that an interruption can be isolated so that the water supply will continue without interruption through no fewer than one of the connections.

Chapter 10: Sections 1001 through 1031; replace all references to “fire code official” with “building official”.

Section 1004.1.2; amend to delete exception and to read as follows:

1004.1.2 Areas without fixed seating. The number of occupants shall be computed at the rate of one occupant per unit of area as prescribed in Table 1004.1.2. For areas without *fixed seating*, the occupant load shall not be less than that number determined by dividing the floor area under consideration by the *occupant load factor* assigned to the function of the space as set forth in Table 1004.1.2. Where an intended function is not listed in Table 1004.1.2, the building official shall establish a function based on a listed function that most nearly resembles the intended function.

Section 1006.2.2.6; add a new Section 1006.2.2.6 as follows:

1006.2.2.6 Electrical Rooms. For electrical rooms, special exiting requirements may apply. Reference the Electrical Code as adopted.

Section 1009.1; add new exception 4 to read as follows:

4. Buildings regulated under State Law and built in accordance with State registered plans, including any variances or waivers granted by the State, shall be deemed to be in compliance with the requirements of Section 1009.

Section 1010.1.9.4, Exceptions 3 and 4; amend to read as follows:

3. Where a pair of doors serves an *occupant load* of less than 50 persons in a Group B, F, M or S occupancy, manually operated edge- or surface-mounted bolts are permitted on the inactive leaf. The inactive leaf shall contain no doorknobs, panic bars, or similar operating hardware.
4. Where a pair of doors serves a Group A, B, F, M or S occupancy, manually operated edge- or surface-mounted bolts are permitted on the inactive leaf provided such inactive leaf is not needed to meet egress width requirements and the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1. The inactive leaf shall contain no doorknobs, panic bars or similar operating hardware.

Section 1015.8; amend number 1 to read as follows:

1. Operable windows where the top of the sill of the opening is located more than 55 feet above the finished grade or other surface below and that are provided with window fall prevention devices that comply with ASTM F 2006.

Section 1020.1; add Exception 6 to read as follows:

6. In group B occupancies, corridor walls and ceilings need not be of fire-resistive construction within a single tenant space when the space is equipped with approved

automatic smoke-detection within the corridor. The actuation of any detector shall activate self-annunciating alarms audible in all areas within the corridor. Smoke detectors shall be connected to an approved automatic fire alarm system where such system is provided.

Section 1029.1.1.1; Delete.

Section 1101.2; add exception to Section 1101.2 as follows:

Exception: Components of projects regulated by and registered with Architectural Barriers Division of Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this chapter.

Section 1203.1; amend to read as follows:

1203.1 General. Buildings shall be provided with natural ventilation in accordance with Section 1203.4, or mechanical ventilation in accordance with the *International Mechanical Code*.

Where air infiltration rate in a *dwelling unit* is less than 5 air changes or less per hour when tested with a blower door at a pressure 0.2 inch w.c. (50 Pa) in accordance with Section 402.4.1.2 of the *International Energy Conservation Code*, the *dwelling unit* shall be ventilated by mechanical means in accordance with Section 403 of the *International Mechanical Code*.

Table 1505.1; delete footnote c and replace footnote b with the following:

b. Non-classified roof coverings shall be permitted on buildings of U occupancies having not more than 120 sq. ft. of protected roof area. When exceeding 120 sq. ft. of protected roof area, buildings of U occupancies may use non-rated non-combustible roof coverings.

Section 1505.7; delete.

Section 1510.1; amend to read as follows:

1510.1 General. Materials and methods of applications used for recovering or replacing an existing roof covering shall comply with the requirements of Chapter 15. All individual replacement shingles or shakes shall be in compliance with the rating required by Table 1505.1. *{text of exception unchanged}*

Section 1704.2; amend to read as follows:

1704.2 Special inspections and tests. Where application is made to the Building Official for construction as specified in Section 105, the owner or the owner's authorized agent, or the registered design professional in responsible charge, other than the contractor, shall employ one or more approved agencies to provide special inspections and tests during construction on the types of work listed under Section 1705 and identify the approved agencies to the Building Official. The special inspector shall not be employed by the contractor. These special inspections and tests are in addition to the inspections identified by the Building Official that are identified in Section 110.

Section 1704.2.1; amend to read as follows:

1704.2.1 Special inspector qualifications. Prior to the start of construction and or upon request, the approved agencies shall provide written documentation to the registered design professional in responsible charge and the building official demonstrating the competence and relevant experience or training of the special inspectors who will perform the special inspections and tests during construction. {Remainder unchanged}

Section 1704.2.4; amend to read as follows:

1704.2.4 Report requirement. Approved agencies shall keep records of special inspections and tests. The approved agency shall submit reports of special inspections and tests to the Building Official upon request, and to the registered design professional in responsible charge. Individual inspection reports shall indicate that work inspected or tested was or was not completed in conformance to approved construction documents. {Remainder unchanged}

Section 1704.2.5.2; amend to read as follows:

1704.2.5.1 Fabricator approval. Special inspections during fabrications required by Section 1704 are not required where the work is done on the premises of a fabricator registered and approved to perform such work without special inspection. Approval shall be based upon review of the fabricator's written procedural and quality control manuals and periodic auditing of fabrication practices by an approved agency, or a fabricator that is enrolled in a nationally accepted inspections program. At completion of fabrication, the acceptable or approved fabricator shall submit a certificate of compliance to the owner or the owner's authorized agent or the registered design professional in responsible charge, stating that the work was performed in accordance with the approved construction documents. The certificate of compliance shall also be made available to the Building Official upon request.

Section 2901.1; amend to read as follows:

[P] **2901.1 Scope.** {existing text to remain} The provisions of this Chapter are meant to work in coordination with the provisions of Chapter 4 of the International Plumbing Code. Should any conflicts arise between the two chapters, the Building Official shall determine which provision applies.

Section 2902.1; add a second paragraph to read as follows:

In other than E Occupancies, the minimum number of fixtures in Table 2902.1 may be lowered, if requested in writing, by the applicant stating reasons for a reduced number and approved by the Building Official.

Table 2902.1; add footnote f to read as follows:

f. Drinking fountains are not required in M Occupancies with an occupant load of 100 or less, B Occupancies with an occupant load of 25 or less, and for dining and/or drinking establishments.

Section 2902.1.3; add this new section to read as follows:

2902.1.3 Additional fixtures for food preparation facilities. In addition to the fixtures required

in this Chapter, all food service facilities shall be provided with additional fixtures set out in this section.

Section 2902.1.3.1; add this new section to read as follows:

2902.1.3.1 Hand washing lavatory. At least one hand washing lavatory shall be provided for use by employees that is accessible from food preparation, food dispensing and ware washing areas. Additional hand washing lavatories may be required based on convenience of use by employees.

Section 2902.1.3.2; add this new section to read as follows:

2902.1.3.2 Service sink. In new or remodeled food service establishments, at least one service sink or one floor sink shall be provided so that it is conveniently located for the cleaning of mops or similar wet floor cleaning tool and for the disposal of mop water and similar liquid waste. The location of the service sink(s) and/or mop sink(s) shall be approved by the City of Lewisville's health department.

Section 3002.1; add exceptions to read as follows:

Exceptions:

1. Elevators wholly located within atriums complying with Section 404 shall not require hoistway enclosure protection.
2. Elevators in open or enclosed parking garages that serve only the parking garage, and complying with Sections 406.5 and 406.6, respectively, shall not require hoistway enclosure protection.

Section 3005.4; amend to read as follows:

Section 3005.4 Machine rooms, control rooms, machinery spaces and control spaces. Elevator machine rooms, control rooms, control spaces and machinery spaces shall be enclosed with fire barriers constructed in accordance with Section 707 or horizontal assemblies constructed in accordance with Section 711, or both. {Remainder unchanged}

Section 3005.7; add this new section to read as follows:

3005.7 Fire Protection in Machine rooms, control rooms, machinery spaces and control spaces.

Section 3005.7.1; add this new section to read as follows:

3005.7.1 Automatic sprinkler system. The building shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, except as otherwise permitted by Section 903.3.1.1.1 and as prohibited by Section 3005.7.2.1.

Section 3005.7.2.1; add this new section to read as follows:

3005.7.2.1 Prohibited locations. Automatic sprinklers shall not be installed in machine rooms, elevator machinery spaces, control rooms, control spaces and elevator hoist-ways.

Section 3005.7.2.2; add this new section to read as follows:

3005.7.2.2 Sprinkler system monitoring. The sprinkler system shall have a sprinkler control valve supervisory switch and water-flow initiating device provided for each floor that is monitored by the building's fire alarm system.

Section 3005.7.3; add this new section to read as follows:

3005.7.3 Water protection. An approved method to prevent water from infiltrating into the hoistway enclosure from the operation of the automatic sprinkler system outside the elevator lobby shall be provided.

Section 3005.7.4; add this new section to read as follows:

3005.7.4 Shunt trip. Means for elevator shutdown in accordance with Section 3005.5 shall not be installed.

Section 3005.8; add this new section to read as follows:

3005.8 Storage. Storage shall not be allowed within the elevator machine room, control room, machinery spaces and or control spaces. Provide approved signage at each entry to the above listed locations stating: "No Storage Allowed."

Section 3006.2; amend Section 5 to read as follows:

5. The building is a high rise and the elevator hoistway is more than 55 feet (16 764 mm) in height. The height of the hoistway shall be measured from the lowest floor at or above grade to the highest floors served by the hoistway.

Section 3109.1; amend to read as follows:

3109.1 General. Swimming pools shall comply with the requirements of sections 3109.2 through 3109.5 and other applicable sections of this code and complying with applicable state laws.

Section E3601.6.2; amend to read as follows:

Section E3601.6.2 - Service Disconnect Location.

The service disconnecting means shall be installed at a readily accessible location outside the building nearest the point of entrance of the service conductors. {Remainder of section unchanged}

Chapter 44 - Referenced Standards; add

ASTM - F 537 -01 - Standard Specification for Design, Fabrication, and Installation of Fences Constructed of Wood and Related Materials

SECTION 4. Adopting Section 4-29 (Energy Conservation Code—Adopted) of Article II (Building Standards) of Chapter 4 (Buildings and Building Regulations) of the Lewisville City Code. Section 4-29 (Energy Conservation Code--Adopted) of Article II (Building Standards) of Chapter 4 (Buildings and Building Regulations) of the Lewisville City Code is hereby adopted to read as follows:

“Sec. 4-29. Energy Conservation Code—Adopted.

The 2015 edition of the International Energy Conservation Code and portions of the International Residential Code published by the International Code Council, Inc., amendments and such other addendum as adopted and published by the International Code Council are hereby adopted as the energy conservation code for the city with such local amendments as set forth in this Article. A copy of this Code is on file in the office of the Director of Building Inspection Division of the Neighborhood Services Department.”

SECTION 5. Adopting Section 4-30 (Energy Conservation Code—Amendments) of Article II (Building Standards) of Chapter 4 (Buildings and Building Regulations) of the Lewisville City Code. Section 4-30 (Energy Conservation Code—Amendments) of Article II (Building Standards) of Chapter 4 (Buildings and Building Regulations) of the Lewisville City Code is hereby adopted to read as follows:

“Sec. 4-30. Energy Conservation Code—Amendments.

The City adopts the following revisions and additions to the International Energy Conservation Code 2015 Edition and the International Residential Code 2015 Edition. It is recognized that the city is located in Climate Zone 3 of the IECC.

Section C101.1 and R101.1; amend to read as follows:

101.1 Title. This code shall be known as the Energy Conservation Code of the City of Lewisville, and shall be cited as such. It is referred to herein as “this code.”

Section C102.1.2; add new section to read as follows:

C102.1.2 Alternative compliance. A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the Code Official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in compliance.

Section R102.1.2; add new section to read as follows:

R102.1.2 Alternative compliance. A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the Code Official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in

compliance. Regardless of the program or the path to compliance, each 1- and 2-family dwelling shall be tested for air and duct leakage as prescribed in Section R402.4 and R403.3.3 respectively.

Section C109.1 and R109.1; amend to read as follows:

109.1 Means of Appeal. In order to hear and decide appeals of orders, decisions, or determinations made by the code official relative to the application and interpretation of this code, the City Council shall act as the Board of Appeals.

Sections C202 and R202; add the following definition:

PROJECTION FACTOR. The ratio of the horizontal depth of the overhang, eave or permanently attached shading device, divided by the distance measured vertically from the bottom of the fenestration glazing to the underside of the overhang, eave or permanently attached shading device.

Section R202; add the following definition:

DYNAMIC GLAZING. Any fenestration product that has the fully reversible ability to change its performance properties, including *U*-factor, solar heat gain coefficient (SHGC), or visible transmittance (VT).

Section R402.3.2; amend to add, following the exception, language and a table to read as follows:

Where vertical fenestration is shaded by an overhang, eave, or permanently attached shading device, the SHGC required in Table R402.1.2 shall be reduced by using the multipliers in Table R402.3.2, SHGC Multipliers for Permanent Projections.

Table R402.3.2 SHGC Multipliers for Permanent Projections ^a

Projection Factor	SHGC Multiplier (all Other Orientation)	SHGC Multiplier (North Oriented)
0 - 0.10	1.00	1.00
>0.10 – 0.20	0.91	0.95
>0.20 – 0.30	0.82	0.91
>0.30 – 0.40	0.74	0.87
>0.40 – 0.50	0.67	0.84
>0.50 – 0.60	0.61	0.81
>0.60 – 0.70	0.56	0.78
>0.70 – 0.80	0.51	0.76
>0.80 – 0.90	0.47	0.75
>0.90 – 1.00	0.44	0.73

^a North oriented means within 45 degrees of true north.

Section R402.4.1.2; amend to add a last paragraph to read as follows:

Mandatory testing shall only be performed by individuals that are certified to perform air infiltration testing certified by national or state organizations as approved by the building official. The certified individuals must be an independent third-party entity, and may not be employed; or have any financial interest in the company that constructs the structure.

Section R403.3.3; amend to add a last paragraph to read as follows:

Mandatory testing shall only be performed by individuals that are certified to perform duct testing leakage testing certified by national or state organizations as approved by the building official. The certified individuals must be an independent third-party entity, and may not be employed; or have any financial interest in the company that constructs the structure.

Section C402.2.7/R402.2; amend to add Section C402.2.9 and R402.2.14 to read as follows:

C402.2.7/R402.2.14 Insulation installed in walls. To insure that insulation remains in place, insulation installed in walls shall be totally enclosed on all sides consisting of framing lumber, gypsum, sheathing, wood structural panel sheathing, netting or other equivalent material approved by the building official.

Section R405.6.2; amend to add the following sentence to the end of paragraph:

Acceptable performance software simulation tools may include, but are not limited to, REM RateTM, Energy Gauge and IC3. Other performance software programs accredited by RESNET BESTEST and having the ability to provide a report as outlined in R405.4.2 may also be deemed acceptable performance simulation programs and may be considered by the building official.

Table R406.4 MAXIMUM ENERGY RATING INDEX; amend to read as follows:

**TABLE R406.4¹
MAXIMUM ENERGY RATING INDEX**

CLIMATE ZONE	ENERGY RATING INDEX
3	65

¹ This table is effective until August 31, 2019.

**TABLE R406.4²
MAXIMUM ENERGY RATING INDEX**

CLIMATE ZONE	ENERGY RATING INDEX
3	63

² The table is effective from September 1, 2019 to August 31, 2022.

**TABLE R406.4³
MAXIMUM ENERGY RATING INDEX**

CLIMATE ZONE	ENERGY RATING INDEX
3	59

³ This table is effective on or after September 1, 2022.

SECTION 6. Adopting Section 4-31 (Residential Code—Adopted) of Article II (Building Standards) of Chapter 4 (Buildings and Building Regulations) of the Lewisville City Code. Section 4-31 (Residential Code--Adopted) of Article II (Building Standards) of Chapter 4 (Buildings and Building Regulations) of the Lewisville City Code is hereby adopted to read as follows:

“Sec. 4-31. Residential Code—Adopted.

The 2015 edition of the International Residential Code of the International Code Council and its appendices A, B, C, D, E, G, J, K, M, O, P, T, and U published by the International Code Council, Inc., amendments and such other addendum as adopted and published by the International Code Council, are hereby adopted as the residential code for the city with such local amendments as set forth in this Article. A copy of this Code is on file in the office of the Director of Building Inspection Division of the Neighborhood Services Department.”

SECTION 7. Adopting Section 4-32 (Residential Code—Amendments) of Article II (Building Standards) of Chapter 4 (Buildings and Building Regulations) of the Lewisville City Code. Section 4-32 (Residential Code--Amendments) of Article II (Building Standards) of Chapter 4 (Buildings and Building Regulations) of the Lewisville City Code is hereby adopted to read as follows:

“Sec. 4-32. Residential Code—Amendments.

The City adopts the following revisions and additions to the International Residential Code 2015 Edition and its appendices A, B, C, D, E, G, J, K, M, O, P, T, and U.

Section R101.1; amend to read as follows:

R101.1 Title. These provisions shall be known as the Residential Code for One- and Two-family Dwellings of the City of Lewisville, and shall be cited as such and will be referred to herein as “this code.”

Section R102.4; amend to read as follows:

R102.4 Referenced codes and standards. The *codes*, when specifically adopted, and standards referenced in this *code* shall be considered part of the requirements of this *code* to the prescribed extent of each such reference and as further regulated in Sections R102.4.1 and R102.4.2. Whenever amendments have been adopted to the referenced *codes* and standards, each reference to said *code* and standard shall be considered to reference the amendments as well. Any reference made to NFPA 70 or the *Electrical Code* shall mean the *Electrical Code* as adopted.

Section R103.1; amend to read as follows:

R103.1 Creation of enforcement agency. The Department of Neighborhood Services is

hereby created and the official in charge thereof shall be known as the building official.

Section R104.10.1; delete.

Section R105.3.1.1; delete.

Section R106.1.4; delete.

Section R110 (R110.1 through R110.5); delete.

Section R112.1; amend to read as follows:

R112.1 Means of Appeal. In order to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this code, the City Council shall act as the Board of Appeals.

Section R112.3; delete.

Section R113.2; add exception to read as follows:

Exception: Citations for violations of this code may be issued without requiring the issuance of a notice.

Section R113.3; amend to read as follows:

R113.3 Prosecution of violation. If a notice of violation is issued and is not complied with in the time prescribed by such notice, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceedings at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto.

Section R113.4; amend to read as follows:

R113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by Section 1-15 of the Code of Ordinances of the City of Lewisville. Each day that a violation continues shall be deemed a separate offense.

Section R202; amend definition of "Townhouse" to read as follows:

TOWNHOUSE. A single-family dwelling unit constructed in a group of three or more attached units separated by property lines in which each unit extends from foundation to roof and with a yard or public way on at least two sides.

Table R301.2 (1); fill in as follows:

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMPE ^e	ICE BARRIER UNDER-LAYMENT ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
	SPEED ^d (MPH)	Topographic Effects ^k	Special Wind Region ^l	Windborne Debris Zone ^m		Weathering ^a	Frost Line Depth ^b	Termite ^c					
5 lb/ft	115 (3 sec-gust)/ 76	No	No	No	A	Moderate	6"	Very Heavy	22 ⁰ F	No	Local Code	150	64.9 ⁰ F

{no change to footnotes}

Section R302.1; add this new exception #6 to read as follows:

6. Open non-combustible carport structures may be constructed when also approved within adopted ordinances.

Section R302.3; add this new exception #3 to read as follows:

3. Two-family dwelling units that are also divided by a property line through the structure shall be separated as required for townhouses.

Section R302.5.1; amend to read as follows:

R302.5.1 Opening protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 13/8 inches (35 mm) in thickness, solid or honeycomb core steel doors not less than 13/8 inches (35 mm) thick, or 20-minute fire-rated doors.

Section R303.3, Exception; amend to read as follows:

Exception: {existing text unchanged} Exhaust air from the space shall be exhaust out to the outdoors unless the space contains only a water closet, a lavatory, or water closet and a lavatory may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

Section R313; delete.

Section R315.2.2; amend to read as follows:

Exception:

2. Installation, alteration or repairs of electrical powered plumbing or mechanical systems are exempt from the requirements of this section.

Section R322; delete.

Section R326.1; amend to read as follows:

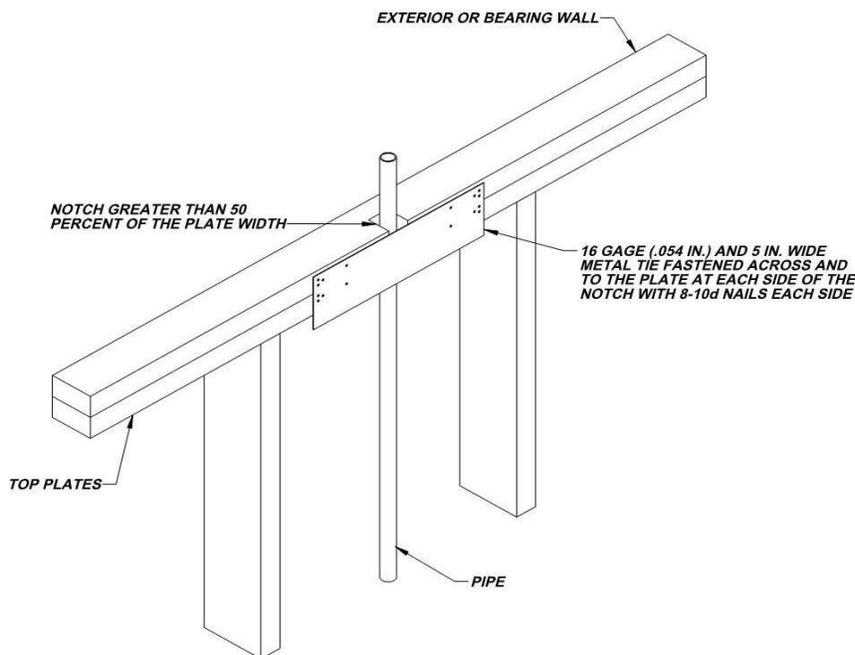
R326.1 General. The design and construction of pools and spas shall comply with the 2015 IRC Appendix Q (Swimming Pools, Spas and Hot Tubs).

Section R401.2; add a new paragraph following the existing paragraph to read as follows:

Every foundation and/or footing, or any size addition to an existing post-tension foundation, regulated by this code shall be designed and sealed by a Texas-registered engineer.

Section R602.6.1; amend to read as follows:

R602.6.1 Drilling and notching of top plate. When piping or ductwork is placed in or partly in an exterior wall or interior load-bearing wall, necessitating cutting, drilling or notching of the top plate by more than 50 percent of its width, a galvanized metal tie not less than 0.054 inch thick (1.37 mm) (16 Ga) and 5 inches (127 mm) wide shall be fastened across and to the plate at each side of the opening with not less than eight 10d (0.148 inch diameter) having a minimum length of 1 ½ inches (38 mm) at each side or equivalent. Fasteners will be offset to prevent splitting of the top plate material. The metal tie must extend a minimum of 6 inches past the opening. See figure R602.6.1. {exception remains unchanged}

Figure R602.6.1; delete the figure and insert the following figure:**Section R703.8.4.1; add a second paragraph after the exception to read as follows:**

In stud framed exterior walls, all ties shall be anchored to studs as follows:

1. When studs are 16 in (407 mm) o.c., stud ties shall be spaced no further apart than 24 in (737 mm) vertically starting approximately 12 in (381 mm) from the foundation; or

2. When studs are 24 in (610 mm) o.c., stud ties shall be spaced no further apart than 16 in (483 mm) vertically starting approximately 8 in (254 mm) from the foundation.

Section R902.1; Amend and add exception #5 to read as follows:

R902.1 Roofing covering materials. Roofs shall be covered with materials as set forth in Sections R904 and R905. Class A, B, or C roofing shall be installed. Class A, B and C roofing required by this section to be listed shall be tested in accordance with UL 790 or ASTM E108.

Exceptions:

1. *{text unchanged}*
2. *{text unchanged}*
3. *{text unchanged}*
4. *{text unchanged}*
5. Non-classified roof coverings shall be permitted on one-story detached *accessory structures* used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed (area defined by jurisdiction).

Chapter 11 [RE] – Energy Efficiency is deleted in its entirety and replaced with the following:

**CHAPTER 11 [RE]
ENERGY EFFICIENCY RESIDENTIAL PROVISIONS**

N1101.1 Scope. This chapter regulates the energy efficiency for the design and construction of buildings regulated by this code.

N1101.2 Compliance. Compliance shall be demonstrated by meeting the requirements of the residential provisions of 2015 International Energy Conservation Code.

Section M1305.1.3; amend to read as follows:

M1305.1.3 Appliances in attics. *Attics containing appliances shall be provided . . . {bulk of paragraph unchanged} . . . sides of the appliance where access is required. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger and large enough to allow removal of the largest appliance. A walkway to an appliance shall be rated as a floor as approved by the building official. As a minimum, for access to the attic space, provide one of the following:*

1. A permanent stair.
2. A pull down stair with a minimum 300 lb (136 kg) capacity.
3. An *access* door from an upper floor level.

Exceptions:

1. The passageway and level service space are not required where the *appliance* can be serviced and removed through the required opening.
2. Where the passageway is unobstructed...*{remaining text unchanged}*

Section M1411.3; amend to read as follows:

M1411.3 Condensate disposal. Condensate from all cooling coils or evaporators shall be conveyed from the drain pan outlet to a sanitary sewer through a trap, by means of a direct or indirect drain. *{remaining text unchanged}*

Section M1411.3.1, Item 3; amend to read as follows:

3. An auxiliary drain pan... *{bulk of text unchanged}*... with Item 1 of this section. A water level detection device may be installed only with prior approval of the *building official*.

Section M1411.3.1, Item 4; amend to read as follows:

4. A water level detection device... *{bulk of text unchanged}*... overflow rim of such pan. A water level detection device may be installed only with prior approval of the *building official*.

Section M1411.3.1.1; amend to read as follows:

M1411.3.1.1 Water-level monitoring devices. On down-flow units ...*{bulk of text unchanged}*... installed in the drain line. A water level detection device may be installed only with prior approval of the *building official*.

M1503.4; add exception and amend to read as follows:

M1503.4 Makeup air required. Exhaust hood systems capable of exhausting in excess of 400 cubic feet per minute (0.19 m³/s) shall be provided with makeup air at a rate approximately equal to the difference between the exhaust air rate and 400 cubic feet per minute. Such makeup air systems shall be equipped with a means of closure and shall be automatically controlled to start and operate simultaneously with the exhaust system.

Exception: Where all appliances in the house are of sealed combustion, power-vent, unvented, or electric, the exhaust hood system shall be permitted to exhaust up to 600 cubic feet per minute (0.28 m³/s) without providing makeup air. Exhaust hood systems capable of exhausting in excess of 600 cubic feet per minute (0.28 m³/s) shall be provided with a makeup air at a rate approximately equal to the difference between the exhaust air rate and 600 cubic feet per minute.

Section M2005.2; amend to read as follows:

M2005.2 Prohibited locations. Fuel-fired water heaters shall not be installed in a room used as a storage closet. Water heaters located in a bedroom or bathroom shall be installed in a sealed

enclosure so that *combustion air* will not be taken from the living space. Access to such enclosure may be from the bedroom or bathroom when through a solid door, weather-stripped in accordance with the exterior door air leakage requirements of the *International Energy Conservation Code* and equipped with an *approved* self-closing device. Installation of direct-vent water heaters within an enclosure is not required

Section G2408.3 (305.5); delete.

Section G2415.2.1 (404.2.1); add a second paragraph to read as follows:

Both ends of each section of medium pressure gas piping shall identify its operating gas pressure with an *approved* tag. The tags are to be composed of aluminum or stainless steel and the following wording shall be stamped into the tag:

"WARNING: 1/2 to 5 psi gas pressure - Do Not Remove"

Section G2415.2.2 (404.2.2); add an exception to read as follows:

Exception: Corrugated stainless steel tubing (CSST) shall be a minimum of 1/2" (18 EDH).

Section G2415.12 (404.12); amend to read as follows:

G2415.12 (404.12) Minimum burial depth. Underground *piping systems* shall be installed a minimum depth of 18 inches (457 mm) below grade.

Section G2417.1 (406.1); amend to read as follows:

G2417.1 (406.1) General. Prior to acceptance and initial operation, all *piping* installations shall be inspected and *pressure tested* to determine that the materials, design, fabrication, and installation practices comply with the requirements of this *code*. The *permit* holder shall make the applicable tests prescribed in Sections 2417.1.1 through 2417.1.5 to determine compliance with the provisions of this *code*. The *permit* holder shall give reasonable advance notice to the *building official* when the *piping system* is ready for testing. The *equipment*, material, power and labor necessary for the inspections and test shall be furnished by the *permit* holder and the *permit* holder shall be responsible for determining that the work will withstand the test pressure prescribed in the following tests.

Section G2417.4; amend to read as follows:

G2417.4 (406.4) Test pressure measurement. Test pressure shall be measured with a monometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made.

Section G2417.4.1; amend to read as follows:

G2417.4.1 (406.4.1) Test pressure. The test pressure to be used shall be no less than 3 psig (20 kPa gauge), or at the discretion of the Code Official, the piping and valves may be tested at a

pressure of at least six (6) inches (152 mm) of mercury, measured with a manometer or slope gauge. For tests requiring a pressure of 3 psig, diaphragm gauges shall utilize a dial with a minimum diameter of three and one half inches (3 ½”), a set hand, 1/10 pound incrementation and pressure range not to exceed 6 psi for tests requiring a pressure of 3 psig. For tests requiring a pressure of 10 psig, diaphragm gauges shall utilize a dial with a minimum diameter of three and one-half inches (3 ½”), a set hand, a minimum of 2/10 pound incrementation and a pressure range not to exceed 20 psi. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa) (1/2 psi) and less than 200 inches of water column pressure (52.2 kPa) (7.5 psi), the test pressure shall not be less than ten (10) pounds per square inch (69.6 kPa). For piping carrying gas at a pressure that exceeds 200 inches of water column (52.2 kPa) (7.5 psi), the test pressure shall be not less than one and one-half times the proposed maximum working pressure.

Diaphragm gauges used for testing must display a current calibration and be in good working condition. The appropriate test must be applied to the diaphragm gauge used for testing

Section G2417.4.2; amend to read as follows:

G2417.4.2 (406.4.2) Test duration. The test duration shall be held for a length of time satisfactory to the *Building Official*, but in no case for less than fifteen (15) minutes. For welded *piping*, and for *piping* carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa), the test duration shall be held for a length of time satisfactory to the *Building Official*, but in no case for less than thirty (30) minutes.

Section G2420.1.4; add this new section to read as follows:

G2420.1.4 Valves in CSST installations. Shutoff *valves* installed with corrugated stainless steel (CSST) *piping systems* shall be supported with an approved termination fitting, or equivalent support, suitable for the size of the *valves*, of adequate strength and quality, and located at intervals so as to prevent or damp out excessive vibration but in no case greater than 12-inches from the center of the *valve*. Supports shall be installed so as not to interfere with the free expansion and contraction of the system's *piping*, fittings, and *valves* between anchors. All *valves* and supports shall be designed and installed so they will not be disengaged by movement of the supporting *piping*.

Section G2420.5.1 (409.5.1); add text to read as follows:

G2420.5.1 (409.5.1) Located within the same room. The shutoff valve ...*{bulk of paragraph unchanged}*... in accordance with the appliance manufacturer's instructions. A secondary shutoff valve must be installed within 3 feet (914 mm) of the firebox if appliance shutoff is located in the firebox.

Section G2421.1 (410.1); add exception and amend to read as follows:

G2421.1 (410.1) Pressure regulators. A line *pressure regulator* shall be ... *{bulk of paragraph unchanged}*... approved for outdoor installation. Access to *regulators* shall comply with the requirements for access to *appliances* as specified in Section M1305.

Exception: A passageway or level service space is not required when the *regulator* is

capable of being serviced and removed through the required *attic* opening.

Section G2422.1.2.3 (411.1.3.3); delete Exception 1 and Exception 4.

Section G2445.2 (621.2); add Exception to read as follows:

Exception: Existing *approved unvented room heaters* may continue to be used in *dwelling units*, in accordance with the *code* provisions in effect when installed, when *approved* by the *Building Official* unless an unsafe condition is determined to exist as described in *International Fuel Gas Code* Section 108.7 of the Fuel Gas Code.

Section G2448.1.1 (624.1.1); amend to read as follows:

G2448.1.1 (624.1.1) Installation requirements. The requirements for *water heaters* relative to access, sizing, *relief valves*, drain pans and scald protection shall be in accordance with this *code*.

Section P2801.6.1; amend to read as follows:

Section P2801.6.1 Pan size and drain. The pan shall be not less than 11/2 inches (38 mm) in depth and shall be of sufficient size and shape to receive all dripping or condensate from the tank or water heater. The pan shall be drained by an indirect waste pipe having a diameter of not less than 3/4 inch (19 mm). Piping for safety pan drains shall be of those materials listed in Table 605.4. Multiple pan drains may terminate to a single discharge piping system when *approved* by the administrative authority and permitted by the manufactures installation instructions and installed with those instructions.

Section P2801.7; add Exception to read as follows:

Exceptions:

1. Electric Water Heater.

Section P2804.6.1; amend to read as follows:

Section P2804.6.1 Requirements for discharge piping. The discharge piping serving a pressure relief valve, temperature relief valve or combination thereof shall:

1. Not be directly connected to the drainage system.
2. Discharge through an air gap.
3. Not be smaller than the diameter of the outlet of the valve served and shall discharge full size to the air gap.
4. Serve a single relief device and shall not connect to piping serving any other relief device or equipment.

Exception: Multiple relief devices may be installed to a single T & P discharge piping system when approved by the administrative authority and permitted by the manufactures installation

instructions and installed with those instructions.

5. Discharge to an indirect waste receptor or to the outdoors.

{remainder unchanged}

Section P2902.5.3; amend to read as follows:

P2902.5.3 Lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure-type vacuum breaker, a double-check assembly or a reduced pressure principle backflow preventer. A valve shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

Section P3003.9.2; delete exception.

Section P3111; delete.

Section P3112.2; delete and replace with the following:

P3112.2 Installation. Traps for island sinks and similar equipment shall be roughed in above the floor and may be vented by extending the vent as high as possible, but not less than the drainboard height and then returning it downward and connecting it to the horizontal sink drain immediately downstream from the vertical fixture drain. The return vent shall be connected to the horizontal drain through a wye-branch fitting and shall, in addition, be provided with a foot vent taken off the vertical fixture vent by means of a wye-branch immediately below the floor and extending to the nearest partition and then through the roof to the open air or may be connected to other vents at a point not less than six (6) inches (152 mm) above the flood level rim of the fixtures served. Drainage fittings shall be used on all parts of the vent below the floor level and a minimum slope of one-quarter (1/4) inch per foot (20.9 mm/m) back to the drain shall be maintained. The return bend used under the drain-board shall be a one (1) piece fitting or an assembly of a forty-five (45) degree (0.79 radius), a ninety (90) degree (1.6 radius) and a forty-five (45) degree (0.79 radius) elbow in the order named. Pipe sizing shall be as elsewhere required in this Code. The island sink drain, upstream of the return vent, shall serve no other fixtures. An accessible cleanout shall be installed in the vertical portion of the foot vent.

Section E3601.6.2; change to read as follows:

Section E3601.6.2 Service Disconnect Location. The service disconnecting means shall be installed at a readily accessible location outside the building nearest the point of entrance of the service conductors. {Remainder of section unchanged}

Chapter 44 Referenced Standards; add

ASTM - F 537 -01 - Standard Specification for Design, Fabrication, and Installation of Fences Constructed of Wood and Related Materials”

Appendix Q, currently reserved; replace with text to read as follows:

Appendix Q. Swimming Pools, Spas and Hot Tubs.**SECTION AQ101 GENERAL****AQ101.1 General.**

The provisions of this appendix shall control the design and construction of swimming pools, spas and hot tubs installed in or on the lot of a one- or two-family dwelling.

AQ101.2 Pools in flood hazard areas.

Pools that are located in flood hazard areas established by Table R301.2(1), including above-ground pools, on-ground pools and in-ground pools that involve placement of fill, shall comply with Section AQ101.2.1 or AQ101.2.2.

Exception: Pools located in riverine flood hazard areas which are outside of designated floodways.

AQ101.2.1 Pools located in designated floodways.

Where pools are located in designated floodways, documentation shall be submitted to the building official which demonstrates that the construction of the pool will not increase the design flood elevation at any point within the jurisdiction.

AQ101.2.2 Pools located where floodways have not been designated.

Where pools are located where design flood elevations are specified but floodways have not been designated, the applicant shall provide a floodway analysis that demonstrates that the proposed pool will not increase the design flood elevation more than 1 foot (305 mm) at any point within the jurisdiction.

SECTION AQ102 DEFINITIONS**AQ102.1 General.**

For the purposes of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2.

ABOVE-GROUND/ON-GROUND POOL. See "Swimming pool."

BARRIER. A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

HOT TUB. See "Swimming pool."

IN-GROUND POOL. See "Swimming pool."

RESIDENTIAL. That which is situated on the premises of a detached one- or two-family dwelling, or a one-family townhouse not more than three stories in height.

SPA, NONPORTABLE. See "Swimming pool."

SPA, PORTABLE. A nonpermanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product.

SWIMMING POOL. Any structure intended for swimming or recreational bathing that contains water more than 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

SWIMMING POOL, INDOOR. A swimming pool which is totally contained within a structure and surrounded on all four sides by the walls of the enclosing structure.

SWIMMING POOL, OUTDOOR. Any swimming pool which is not an indoor pool.

SECTION AQ103 SWIMMING POOLS

AQ103.1 In-ground pools.

In-ground pools shall be designed and constructed in compliance with ANSI/NSPI-5.

AQ103.2 Above-ground and on-ground pools.

Above-ground and on-ground pools shall be designed and constructed in compliance with ANSI/NSPI-4.

AQ103.3 Pools in flood hazard areas.

In flood hazard areas established by Table R301.2(1), pools in coastal high-hazard areas shall be designed and constructed in compliance with ASCE 24.

SECTION AQ104 SPAS AND HOT TUBS

AQ104.1 Permanently installed spas and hot tubs.

Permanently installed spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI-3.

AQ104.2 Portable spas and hot tubs.

Portable spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI-6.

SECTION AQ105 BARRIER REQUIREMENTS

AQ105.1 Application.

The provisions of this appendix shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools, spas and hot tubs.

AQ105.2 Outdoor swimming pool. An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48 inches (1219mm) above grade measured on the side of the barrier, which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51mm) measured on the side of the barrier, which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure,

the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102mm).

2. Openings in the barrier shall not allow passage of a 4-inch-diameter (102mm) sphere.
3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches (44mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
6. Maximum mesh size for chain link fences shall be a 2.25-inch (57 mm) square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than 1.75 inches (44 mm).
7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches (44 mm).
8. Access gates shall comply with the requirements of Section AQ105.2, Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:
 - 8.1. The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate, and
 - 8.2. The gate and barrier shall have not opening greater than 0.5 inch (13 mm) within 18 inches (457 mm) of the release mechanism.
9. Where a wall of a dwelling serves a part of the barrier one of the following conditions shall be met:
 - 9.1. The pool shall be equipped with a powered safety cover in compliance with ASTM F1346; or
 - 9.2. Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed and labeled in accordance with UL 2017. The deactivation switch (es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or
 - 9.3. Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable as long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2 described above.

10. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then:

10.1. The ladder or steps shall be capable of being secured, locked or removed to prevent access, or

10.2. The ladder or steps shall be surrounded by a barrier which meets the requirements of Section AQ105.2, Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch diameter (102 mm) sphere.

AQ105.3 Indoor swimming pool. Walls surrounding an indoor swimming pool shall comply with Section AQ105.2, Item 9.

AQ105.4 Prohibited locations. Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb them.

AQ105.5 Barrier exceptions. Spas or hot tubs with a safety cover which complies with ASTM F 1346, as listed in Section AQ107, shall be exempt from the provisions of this appendix.

SECTION AQ106 ENTRAPMENT PROTECTION FOR SWIMMING POOL AND SPA SUCTION OUTLETS

AQ106.1 General.

Suction outlets shall be designed and installed in accordance with ANSI/APSP-7.

SECTION AQ107 ABBREVIATIONS

AQ107.1 General.

ANSI—American National Standards Institute
11 West 42nd Street
New York, NY 10036

APSP—Association of Pool and Spa Professionals
NSPI—National Spa and Pool Institute
2111 Eisenhower Avenue
Alexandria, VA 22314

ASCE—American Society of Civil Engineers
1801 Alexander Bell Drive
Reston, VA 98411-0700

ASTM—ASTM International
100 Barr Harbor Drive
West Conshohocken, PA 19428

UL—Underwriters Laboratories, Inc.
333 Pfingsten Road
Northbrook, IL 60062-2096

SECTION AQ108 REFERENCED STANDARDS**AQ108.1 General.****ANSI/NSP**

ANSI/NSPI- 3—99	Standard for Permanently Installed Residential Spas	AQ104.1
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ANSI/NSPI- 4—99	Standard for Above-ground/ On-ground Residential Swimming Pools	AQ103.2
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SECTION II. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION III. 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 IV. PENALTY. Any person, firm or corporation violating any provision of this Ordinance shall be punished upon conviction by a fine not to exceed \$2,000.00 for each offense, and each and every day such violation shall continue shall constitute a separate offense.

SECTION V. EFFECTIVE DATE. This ordinance shall become effective immediately upon its passage and publication as required by law.

SECTION VI. 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 2nd DAY OF MAY, 2016. APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

_____ Liz Plaster, CITY ATTORNEY

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, ADOPTING THE 2015 INTERNATIONAL MECHANICAL CODE WITH LOCAL AMENDMENTS; AMENDING SECTION 4-131 AND 4-132 OF ARTICLE V (MECHANICAL STANDARDS) OF CHAPTER 4 (BUILDINGS AND BUILDING REGULATIONS) OF THE LEWISVILLE CITY CODE; PROVIDING A REPEALER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Lewisville has determined that to safeguard life, health, property, and public welfare, certain amendments to Article V, Mechanical Standards of the Lewisville City Code are necessary.

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

SECTION 1. Amending Section 4-131 (Mechanical Code – Adopted) of Article V (Mechanical Standards) of Chapter 4 (Buildings and Building Regulation) of the Lewisville City Code. Section 4-131 (Mechanical Code – Adopted) of Article IV (Mechanical Standards) of Chapter 4 (Buildings and Building Regulations) of the Lewisville City Code is hereby amended to read as follows:

“Sec. 4-131. Mechanical code – Adopted.

The 2015 Edition of the International Mechanical Code published by the International Code Council, Inc., amendments and such other addendum as adopted and published by the International Code Council, are hereby adopted as the mechanical code for the city with such local amendments as set forth in this Article. A copy of this Code is on file in the office of the Director of Building Inspection Division of the Neighborhood Services Department.”

SECTION 2. Amending Section 4-132 (Same - Amendments) of Article V (Mechanical Standards) of Chapter 4 (Buildings and Building Regulation) of the Lewisville City Code.

Section 4-132 (Same – Amendments) of Article IV (Mechanical Standards) of Chapter 4 (Buildings and Building Regulations) of the Lewisville City Code is hereby amended to read as follows:

“Sec. 4-132. Same – Amendments.

The City adopts the following revisions and additions to the International Mechanical Code 2015 edition.

Section 101.1; amend to read as follows:

101.1 Title. These regulations shall be known as the Mechanical Code of the City of Lewisville, hereinafter referred to as “this code.”

Section 102.8; amend to read as follows:

102.8 Referenced Codes and Standards. The codes and standards referenced herein shall be those that are listed in Chapter 15 and such codes, when specifically adopted, and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the adopted amendments. Any reference to NFPA 70 or the *National Electrical Code* (NEC) shall mean the Electrical Code as adopted.

Section 103.1; amend to read as follows:

103.1 General. The Department of Neighborhood Services is hereby created and the official in charge thereof shall be known as the code official.

Section 106.5.2; amend to read as follows:

106.5.2 Fee Schedule. The fee for each permit shall be as set forth in the city ordinance 2-201 providing for permit, inspection, and license fees.

Section 106.5.3; amend to read as follows:

Section 106.5.3 Fee refunds. The code official shall establish a policy for authorizing the refund of fees. *{Delete balance of section}*

Section 108.2; amend and add exception to read as follows:

108.2 Notice of violation. The code official is authorized to serve a notice of violation or order on the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of mechanical work in violation of the provisions of this code, or in violation of a

detail statement or the approved construction documents thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Exception: Citations for violations of this code may be issued without requiring the issuance of a notice.

Section 108.3; amend to read as follows:

108.3 Prosecution of violation. If a notice of violation is issued and is not complied with in the time prescribed by such notice, the code official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceedings at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto.

Section 108.4; amend to read as follows:

108.4 Violation penalties. Persons who violate a provision of this code or fail to comply with any of the requirements thereof or who erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by Section 1-15 of the Code of Ordinances of the City of Lewisville. Each day that a violation continues shall be deemed a separate offense.

Section 108.5; amend to read as follows:

108.5 Stop work orders. Whenever the code official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the code official is authorized to issue a stop work order.

Section 109.1; amend to read as follows:

109.1 Means of Appeal. In order to hear and decide appeals of orders, decisions, or determinations made by the code official relative to the application and interpretation of this code, the City Council shall act as the Board of Appeals.

Section 306.3; amend to read as follows:

306.3 Appliances in Attics. Attics containing appliances shall be provided . . . *{bulk of paragraph unchanged}* . . . side of the appliance. The clear *access* opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger where such dimensions are not large enough to allow removal of the largest appliance. A walkway to an appliance shall be rated as a floor as approved by the code official. As a minimum, for *access* to the attic space, provide one of the following:

1. A permanent stair.
2. A pull down stair with a minimum 300 lb. (136 kg) capacity.
3. An *access* door from an upper floor level.
4. *Access* Panel may be used in lieu of items 1, 2, and 3 with prior approval of the code official due to building conditions.

Exceptions:

1. The passageway and level service space are not required where the appliance is capable of being serviced and removed through the required opening.
2. *{Exception 2 unchanged.}*

Section 306.5; amend to read as follows:

306.5 Equipment and Appliances on Roofs or Elevated Structures. Where *equipment* requiring *access* or appliances are located on an elevated structure or the roof of a building such that personnel will have to climb higher than 16 feet (4877 mm) above grade to access, a permanent interior or exterior means of access shall be provided. Permanent exterior ladders providing roof *access* need not extend closer than 12 feet (2438 mm) to the finish grade or floor level below and shall extend to the *equipment* and appliances' level service space. Such *access* shall . . . *{bulk of section to read the same}* . . . on roofs having a slope greater than 4 units vertical in 12 units horizontal (33-percent slope). ... *{Remaining language unchanged}*.

Section 306.5.1; amend to read as follows:

306.5.1 Sloped Roofs. Where appliances, *equipment*, fans or other components that require service are installed on a roof having a slope of 3 units vertical in 12 units horizontal (25-percent slope) or greater and having an edge more than 30 inches (762 mm) above grade at such edge, a catwalk at least 16 inches in width with substantial cleats spaced not more than 16 inches apart shall be provided from the roof *access* to a level platform at the appliance. The level platform shall be provided on each side of the appliance to which *access* is required for service, repair or maintenance. The platform shall be not less than 30 inches (762 mm) in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches (1067 mm) above the platform, shall be constructed so as to prevent the passage of a 21-inch- diameter (533 mm) sphere and shall comply with the loading requirements for guards specified in the *International Building Code*.

Section 306.6; add this new section to read as follows:

306.6 Water Heaters above ground or floor. When the mezzanine or platform in which a water heater is installed is more than eight (8) feet (2438 mm) above the ground or floor level, it shall be

made accessible by a stairway or permanent ladder fastened to the building.

Exception: A maximum 10 gallon water heater (or larger with approval) is capable of being accessed through a lay-in ceiling and the water heater installed is not more than ten (10) feet (3048 mm) above the ground or floor level and may be reached with a portable ladder.

Section 307.2.3; amend item 2 to read as follows:

2. A separate overflow drain line shall be connected to the drain pan provided with the equipment. Such overflow drain shall discharge to a conspicuous point of disposal to alert occupants in the event of a stoppage of the primary drain. The overflow drain line shall connect to the drain pan at a higher level than the primary drain connection. However, the conspicuous point shall not create a hazard such as dripping over a walking surface or other areas so as to create a nuisance.

Section 403.2.1; add an item 5 to read as follows:

5. Toilet rooms within private dwellings that contain only a water closet, lavatory, or combination thereof may be ventilated with an *approved* mechanical recirculating fan or similar device designed to remove odors from the air.

Section 501.3; add a new exception 4 to read as follows:

4. Toilet room exhaust ducts may terminate in a warehouse or shop area when infiltration of outside air is present.

Section 607.5.1; amend to read as follows:

607.5.1 Fire Walls. Ducts and air transfer openings permitted in fire walls in accordance with Section 705.11 of the International Building Code shall be protected with listed fire dampers installed in accordance with their listing. For hazardous exhaust systems see Section 510.1-510.9 IMC.”

SECTION II. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION III. 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 IV. PENALTY. Any person, firm or corporation violating any provision of this Ordinance shall be punished upon conviction by a fine not to exceed \$2,000.00 for each offense, and each and every day such violation shall continue shall constitute a separate offense.

SECTION V. EFFECTIVE DATE. This ordinance shall become effective immediately upon its passage and publication as required by law.

SECTION VI. 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 2nd DAY OF MAY, 2016.

APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

_____ Liz Plaster, CITY ATTORNEY

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, AMENDING ARTICLE III, ELECTRICAL STANDARDS; SECTION 4-46, 4-47 AND 4-48 OF THE CODE OF ORDINANCES OF THE CITY BY ADOPTING THE NATIONAL ELECTRICAL CODE 2014 EDITION PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION AND RELATED MATTERS; AND DELETING THE CURRENT LANGUAGE IN SECTION 4-46, 4-47 and 4-48 PROVIDING A REPEALER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY. AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Lewisville has determined that to safeguard life, health, property, and public welfare, certain amendments to Article III, Electrical Standards of the Lewisville City Code are necessary.

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

SECTION 1. Amending Section 4-46 (Electrical Code – Adopted) of Article III (Electrical Standards) of Chapter 4 (Buildings and Building Regulations of the Lewisville City Code. Section 4-46 (Electrical Code – Adopted) of Article III (Electrical Standards) of Chapter 4 (Buildings and Building Regulations of the Lewisville City Code is hereby amended to read as follows:

“Sec. 4-46. Electrical Code – Adopted.

The 2014 edition of the National Electrical Code of the National Fire Protection Association and all of its annexes are hereby adopted as the electrical code for the City with such local amendments as set forth in this Article. A copy of this code is filed in the office of the building inspections division of the community development department.”

SECTION 2. Amending Section 4-47 (Same – Amendments) of Article III (Electrical Standards) of Chapter 4 (Buildings and Building Regulations of the Lewisville City Code.

Section 4-47 (Same – Amendments) of Article III (Electrical Standards) of Chapter 4 (Buildings and Building Regulations of the Lewisville City Code is hereby amended to read as follows:

“Sec. 4-47. Same—Amendments.

The following revisions to the National Electrical Code adopted in section 4-46 are and shall become a part of the electrical code for the city:

Section 90.4.1; add this new section to read as follows:

90.4.1 General. The City Council shall act as the Board of Appeals when the need to determine the suitability of alternate materials and methods of installation exist. They shall also provide reasonable interpretations of this code in cases of variance requests or conflicts.

Section 90.4.2; add these new sections to read as follows:

90.4.2 Fees.

(A) Permit Fees. Fees shall be assessed as set forth in the City Code, Chapter 2, Section 2-201.

(B) Plan Review Fees. Fees shall be assessed as set forth in the City Code, Chapter 2, Section 2-201.

(C) Investigation Fee. Fees shall be assessed as set forth in the City Code, Chapter 2, Section 2-201.

(D) Re-inspections. Fees shall be assessed as set forth in the City Code, Chapter 2, Section 2-201.

Section 90.4.3; add this new section to read as follows:

90.4.3 General requirements. All electrical wiring regulated by this code shall be copper except that conductors for service entrances and major feeders (250 mcm through and including 500 mcm) may be aluminum.

Section 230.2(A); add a seventh special condition as follows:

(7) In supplying electrical service to multifamily dwellings, two or more laterals or service drops shall be permitted to a building when both of the following conditions are met:

- a. The building has six or more individual gang meters and all meters are grouped at the same location.
- b. Each lateral or service drop originates from the same point of service.

Section 230.71(A) amend to read and add an exception as follows:

(A) General. The service disconnecting means for each service permitted by section 230.2, or for each set of service-entrance conductors permitted by section 230.40, exception nos. 1 or 3, shall consist of not more than six switches or six circuit breakers mounted in a single enclosure, in a group of separate enclosures, or in or on a switchboard. There shall be no more than six disconnects per service grouped in any one location. *{Remainder of section unchanged.}*

Exception: Multi-occupant buildings. Individual service disconnecting means is limited to six for each occupant. The number of individual disconnects at one location may exceed six.”

SECTION 3. Amending Section 4-48 (Same – Additions) of Article III (Electrical Standards) of Chapter 4 (Buildings and Building Regulations of the Lewisville City Code.

Section 4-48 (Same – Additions) of Article III (Electrical Standards) of Chapter 4 (Buildings and Building Regulations of the Lewisville City Code is hereby amended to read as follows:

“Sec. 4-48. - Same—Additions.

The following additions to the National Electrical Code adopted in section 4-46 are and shall become a part of the Electrical Code for the City.

(a) Licenses:

(1) General. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or maintain an electrical system or equipment who is not the holder of an unexpired, unrevoked license.

(2) License grades:

- a. State Master Electrician License. Shall entitle the holder to contract for, and engage in, the business of electrical wiring of any nature.
- b. State Journeyman Electrician License. Shall entitle the holder thereof to perform any type of electrical work, except that all work must be supervised by a State Master Electrician.

Exception: Homeowners performing electrical work on their private residences (rental property excluded) shall not be required to hold an electrical license. An apprentice electrician may perform work with a state license when such work is prescribed and supervised by the holder of a state master electrician's license. All work shall comply with the provisions of this division and the National Electrical Code.

SECTION II. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION III. 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 IV. PENALTY. Any person, firm or corporation violating any provision of this Ordinance shall be punished upon conviction by a fine not to exceed \$2,000.00 for each offense, and each and every day such violation shall continue shall constitute a separate offense.

SECTION V. EFFECTIVE DATE. This ordinance shall become effective immediately upon its passage and publication as required by law.

SECTION VI. 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 2nd DAY OF MAY, 2016.

APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Liz Plaster, CITY ATTORNEY

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, ADOPTING THE 2015 INTERNATIONAL FIRE CODE WITH LOCAL AMENDMENTS; AMENDING SECTIONS 5-91, 5-92, AND 5-94.5 OF CHAPTER 5, ARTICLE III (FIRE PREVENTION STANDARDS) OF THE LEWISVILLE CITY CODE; PROVIDING A REPEALER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Lewisville has determined that to safeguard life, health, property, and public welfare, certain amendments to Chapter 5, Article III, Fire Prevention Standards, of the Code of Ordinances of the City of Lewisville are necessary.

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

SECTION 1. Amending Section 5-91 (Fire Code -- Adopted) of Article III (Fire Prevention Standards) of Chapter 5 (Fire Prevention and Protection) of the Lewisville City Code. Section 5-91 (Fire Code – Adopted) of Article III (Fire Prevention Standards) of Chapter 5 (Fire Prevention and Protection) of the Lewisville City Code is hereby amended to read as follows:

“Sec. 5-91. Fire code—Adopted.

- (a) The 2015 Edition of the International Fire Code of the International Code Council including all appendices and supplements, as amended by Sections 5-92, 5-94 and 5-95 of this Chapter, is adopted as the fire code of the city and is hereby incorporated as if fully set forth herein.
- (b) One copy of the code set forth in subsection (a) of this section is filed in the office of the fire prevention division of the city’s community development department.”

SECTION 2. Amending Section 5-92 (Definitions) of Article III (Fire Prevention Standards) of Chapter 5 (Fire Prevention and Protection) of the Lewisville City Code. Section 5-

92 (Definitions) of Article III (Fire Prevention Standards) of Chapter 5 (Fire Prevention and Protection) of the Lewisville City Code is hereby amended to read as follows:

“Sec. 5-92. Definitions.

- (a) Wherever the word "jurisdiction" is used in the fire code adopted by this article, it shall mean "City of Lewisville."
- (b) Wherever the words "fire code official" are used, they shall mean, "fire marshal."
- (c) Whenever the words "certificate of inspection" are used in the code, or elsewhere, they shall mean "certificate of inspection permit."
- (d) Wherever the words "fire apparatus access roads" are used in the International Fire Code they shall mean "fire lane."

SECTION 3. Adoption of a Section 5-94.5 of Article III (Fire Prevention Standards) of Chapter 5 (Fire Prevention and Protection) of the Lewisville City Code. Article III (Fire Prevention Standards) of Chapter 5 (Fire Prevention and Protection) of the Lewisville City Code is hereby amended by adopting a new Section 5-94.5 (Amendments to the International Fire Code 2015 Edition) to read as follows:

“Sec. 5-94.5. Amendments to the International Fire Code 2015 Edition.

The City adopts the following revisions and additions to the International Fire Code 2015 Edition adopted by this article.

Section 101.1; change to read as follows:

101.1 Title. These regulations shall be known as the Lewisville Fire Code, hereinafter referred to a “*this code.*”

Section 101.2.1; change to read as follows:

101.2.1 Appendices. All appendices as published in the International Fire Code, 2015 Edition, are adopted in their entirety.

Section 102.1; #3; change to read as follows:

3. Existing structures, facilities and conditions when required in Chapter 11 or in other specific sections of this code.

Section 102.7; change to read as follows:

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 80, and such codes, when specifically adopted, and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC Electrical Code shall be the electrical code as adopted by the City. Unless prohibited by other State laws, the most recently published edition of referenced code and standard shall be used.

Section 102.7.2; change to read as follows:

102.7.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code and any adopted amendments, the provisions of this code and any adopted amendments, as applicable, shall take precedence over the provisions in the referenced code or standard.

Section 103.2; change to read as follows:

103.2 Appointment. The fire code official in charge of the fire prevention division shall be appointed by the city manager or his/her designee on the basis of examination to determine qualifications.

Section 105.3.3; change to read as follows:

105.3.3 Occupancy Prohibited before Approval. The building or structure shall not be occupied prior to the fire code official issuing a permit when required and conducting associated inspections indicating the applicable provisions of this code have been met.

Section 105.7.19; add this new section to read as follows:

105.7.19 Electronic access control systems. Construction permits are required for the installation or modification of an electronic access control system, as specified in Chapter 10. A separate construction permit is required for the installation or modification of a fire alarm system that may be connected to the access control system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

Section 108.1.1; add this new section to read as follows:

108.1.1 An applicant may appeal the fire code official's denial, disapproval, revocation, or other refusal to grant the applicant's submitted permit application. Such an appeal must be filed in writing with the City Manager within thirty (30) days after the date of the denial, disapproval, refusal, and/or revocation. The appeal must also state how the fire code official allegedly misconstrued or wrongly interpreted the fire code. After receiving an appeal in accordance with this section, the City Manager shall submit the appeal to the City Council for their consideration. The City Council's decision on the appeal shall be final decision.

Section 202; change to amend and add those definitions as set forth below:

[B] AMBULATORY CARE FACILITY. Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing, or similar care on a less than 24-hour basis to persons who are rendered incapable of self-preservation by the services provided. This group may include but not be limited to the following:

- Dialysis centers
- Providers of procedures involving sedation
- Providers of sedation dentistry
- Surgery centers
- Colonic centers
- Psychiatric centers

[B] ATRIUM. An opening connecting three or more stories other than enclosed stairways, elevators, hoistways, escalators, plumbing, electrical, air-conditioning or other equipment, which is closed at the top and not defined as a mall. Stories, as used in this definition, do not include balconies within assembly groups or mezzanines that comply with Section 505 of the *International Building Code*.

[B] DEFEND IN PLACE. A method of emergency response that engages building components and trained staff to provide occupant safety during an emergency. Emergency response involves remaining in place, relocating within the building, or both, without evacuating the building.

FIRE WATCH. A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals or standby personnel when required by the *fire code official*, for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department.

FIREWORKS. Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, *deflagration*, *detonation*, and/or activated by

ignition with a match or other heat producing device that meets the definition of 1.4G fireworks or 1.3G fireworks as set forth herein. ...*[remainder of text unchanged]*...

HIGH-PILED COMBUSTIBLE STORAGE: add a second paragraph to read as follows:

Any building classified as a group S Occupancy or Speculative Building exceeding 3,600 sq. that has a clear height in excess of 14 feet, making it possible to be used for storage in excess of 12 feet, shall be considered to be high-piled storage. When a specific product cannot be identified, a fire protection system and life safety features shall be installed as for Class IV commodities, to the maximum pile height.

HIGH-RISE BUILDING. A building with an occupied floor located more than 55-feet above the lowest level of fire department vehicle access.

OCCUPANCY CLASSIFICATION Business Group B, add:

Fire Stations—if protected with an automatic smoke detection system as specified in Section 907.2.11.2 and emergency escape and rescue windows in the sleeping areas as specified in the *International Building Code* section 1030.

Police Stations with detention facilities for 5 or less.

REPAIR GARAGE. A building, structure or portion thereof used for servicing or repairing motor vehicles, motorcycles, recreational vehicles, and watercraft. This occupancy shall also include garages involved in minor repair, modification and servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement and other such minor repairs.

SELF-SERVICE STORAGE FACILITY. Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

STANDBY PERSONNEL. Qualified fire service personnel, approved by the Fire Chief. When utilized, the number required shall be as directed by the Fire Chief. Charges for utilization shall be as normally calculated by the jurisdiction.

STRIP MALL BUILDING. A single building, of two or less floors, enclosing a number of tenants and occupants such as retail stores, drinking and dining establishments, offices, or other similar uses each tenant of which shall have a separate exit directly to the exterior of the building.

UPGRADED OR REPLACED FIRE ALARM SYSTEM. A fire alarm system that is upgraded or replaced includes, but is not limited to the following:

- Replacing one single board or fire alarm control unit component with a newer model
- Installing a new fire alarm control unit in addition to or in place of an existing one
- Conversion from a horn system to an emergency voice/alarm communication system
- Conversion from a conventional system to one that utilizes addressable or analog devices.

The following are not considered an upgrade or replacement:

- Firmware updates
- Software updates
- Replacing boards of the same model with chips utilizing the same or newer firmware.

Section 307.1.1; change to read as follows:

307.1.1 Prohibited open burning. Open burning is prohibited within the city limits.

EXCEPTIONS:

1. Open burning for the purpose of reducing the impact of wildland fire when authorized by the *fire code official* by permit described in Section 307.2.
2. Open burning on government owned/managed property for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests when prior written notice of such open burning is provided to the fire marshal at least one month prior to the burn and the open burn complies with all federal, state, and local laws, guidelines, restrictions, and/or bans.

Section 307.2; change to read as follows:

307.2 Permit required. A permit shall be obtained from the *fire code official* in accordance with Section 105.6 prior to kindling a fire for reducing the impact of wildland fire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled. A permit may not be granted unless the proposed burn complies with all federal, state, and local laws, guidelines, restrictions, and/or bans.

Examples of state or local law, or regulations referenced elsewhere in this section may include but not be limited to the following:

1. Texas Commission on Environmental Quality guidelines and/or restrictions.
2. State, County, or Local temporary or permanent bans on open burning.
3. Local written policies as established by the *fire code official*.

Section 307.3; change to read as follows:

307.3 Extinguishment authority. The *fire code official* is authorized to order the extinguishment of any open burning by the permit holder, another person responsible or the fire department, whether a valid permit is obtained or not, that creates or adds to a hazardous or objectionable situation.

Section 307.4; change to read as follows and delete all exceptions:

307.4 Location. The location for open burning shall not be less than 300 feet from any structure, and provisions shall be made to prevent the fire from spreading to within 300 feet of any structure.

Section 307.4.1; change to read as follows:

307.4.1 Bonfires. Bonfires are prohibited inside City limits.

Section 307.4.2; change to read as follows:

307.4.2 Recreational Fires. Recreational fires are prohibited within the City limits.

Section 307.4.4; add this new section to read as follows:

307.4.4 Permanent outdoor firepit. Permanently installed outdoor firepits for recreational fire purposes shall not be installed within 10 feet of a structure or combustible material.

Exception: Permanently installed outdoor fireplaces constructed in accordance with the International Building Code.

Section 307.4.5; add this new section to read as follows:

307.4.5 Trench Burns. Trench burns shall be conducted in air curtain trenches and in accordance with Section 307.2. Trench burns shall be only be authorized and permitted by the fire prevention division in accordance with the following rules and requirements.

Section 307.4.5.1; add this new section to read as follows:

307.4.5.1 Approvals. All outdoor burning must utilize a mechanical trench/pit burning assembly approved by the Texas Commission on Environmental Quality (TCEQ). All applicants must obtain approval through the TCEQ for the site specific burning in the city.

Section 307.4.5.2; add this new section to read as follows:

307.4.5.2 Materials. Burning shall include only materials authorized on an approved burning permit for the purpose of clearing land for future development.

Section 307.4.5.3; add this new section to read as follows:

307.4.5.3 Location. Areas for burning shall be located a minimum distance of 1,800 feet from all structures downwind and 500 feet from any other structures not classified as being downwind. In addition, areas for burning shall be located a minimum distance of 500 feet from wooded areas, roadways, and overhead power lines. Surrounding grass and/or brush must be mowed or maintained as to not present a fire hazard.

Section 307.4.5.4; add this new section to read as follows:

307.4.5.4 Other Materials. No fuel storage tank or other hazardous material is to be stored within the burn area.

Section 307.4.5.5; add this new section to read as follows:

307.4.5.5 Requirements. Each day, after 8:00 a.m., prior to any permitted burning operation, the below listed agencies must be contacted:

- TCEQ 817-588-5800 Ask for Air Quality Person
 - Fire prevention division, 972-219-3462
1. Hours of burning shall be between 8:00 a.m. and 5:00 p.m. Monday through Friday. On ozone action days, burning shall not begin before 10:00 a.m. The pit shall be covered with dirt and completely extinguished by 5:00 p.m. each day. No smoke or burning objects shall be visible.
 2. No burning allowed on holidays or weekends.
 3. Approved stand-by equipment must be on location and shall include at least one piece of earth moving equipment (bull dozer, backhoe, track loader, etc.).
 4. All burning must be constantly attended by at least one competent person on location to operate stand-by equipment, and all fires shall be completely extinguished by 5:00 p.m. or before being left alone.
 5. Wind velocity for below ground pit/trench burning operation shall not exceed 20 miles per hour.

Section 307.4.5.6; add this new section to read as follows:

307.4.5.6 Failure to Comply. Burning permits will be revoked for failure to comply with any of the following:

1. Violation of any site specific or general rules regulating burning.
2. Extreme dry weather.
3. Change in wind direction
4. If in the case that ash, excessive smoke, or excessive odor is documented by fire prevention in relation to any surrounding property for whatever reason.
5. Where any life, health, nuisance, or other hazard is indicated to surrounding persons or property.

Note: If permits are revoked by fire prevention for any of the reasons listed above, materials shall be disposed of in a different manner. Further information may be obtained by contacting the fire prevention division weekdays at (972) 219-3462.

Section 307.5; change to read as follows:

307.5 Attendance. Open burning, trench burns, bonfires, and use of permanent outdoor fire pits or portable outdoor fireplaces shall be constantly attended until the... *{remainder of section unchanged}*

Section 308.1.4; change to read as follows and delete exception 3:

308.1.4 Open-flame cooking devices. Open-flame cooking devices, charcoal grills and other similar devices used for cooking shall not be located or used on combustible balconies, decks, or within 10 feet of combustible construction.

Exceptions:

1. One- and two-family dwellings, except that LP-gas containers are limited to a water capacity not greater than 50 pounds [nominal 20 pound LP-gas capacity] with an aggregate LP-gas capacity not to exceed 100 lbs. (5 containers).
2. Where buildings, balconies and decks are protected by an approved *automatic sprinkler system*, except that LP-gas containers are limited to a water capacity not greater than 50 pounds [nominal 20 pound LP-gas capacity], with an aggregate LP-gas capacity not to exceed 40 lbs. (2 containers).

Section 308.1.6.2, Exception #3; change to read as follows:

3. Torches or flame-producing devices in accordance with Section 308.1.3.

Section 308.1.6.3; change to read as follows:

Sky lanterns. A person shall not release or cause to be released unmanned free-floating devices containing an open flame or other heat source, such as but not limited to a sky lantern.

Section 310.1.1; add this new section to read as follows:

310.1.1 Definitions.

Administrative area means the area of an establishment not generally accessible to the public, including, but not limited to individual offices, stockrooms, and employee lounges, or meeting rooms.

Bar means an establishment licensed by the state for the sale of alcoholic beverages which derives more than 75 percent of its annual gross sales from the sale of alcoholic beverages

for on-premise consumption.

Director means the director of the department designated by the city manager to enforce and administer this ordinance or the director's designated representative.

Food products establishment means any fixed or mobile restaurant, coffee shop, cafeteria, short order cafe, luncheonette, grill, tea room, sandwich shop, soda fountain, confectionery, ice cream store, refreshment stand, fruit stand, country club, catering service, industrial feeding establishment, or grocery store; private or public where food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking is prepared for sale or for eating or drinking establishment or operation where food or drink is served or provided for the public with or without charge.

Health care facility means any institution that provides medical, surgical, or overnight facilities for patients.

Retail and service establishment means any establishment which sells goods or services to the general public.

Public service area means any area to which the general public routinely has access for municipal services or which is designated a public service area in a written policy prepared in compliance with this ordinance.

Sign means the official placard designating an area or facility where smoking is prohibited, and must conform to one of the following choices of wording, to-wit:

1. No smoking. Violators fined up to \$500.00.
2. The universal symbol for no smoking; or
3. Any other language indicating that the area marked is designated as a nonsmoking area.

All signs must be of sufficient size to accommodate the message contained thereon in letters at least one inch in height.

Section 310.1.2; add this new section to read as follows:

310.1.2 Smoking prohibited in certain public areas.

- (a) A person commits an offense if he smokes or possesses a burning tobacco, weed, or other plant product in any of the following:
 - (1) A public library, or museum;

- (2) Hearing rooms, conference rooms, meeting rooms or any public service area of any facility owned, operated, or managed by the city in which public business is conducted, when the public business requires or provides an opportunity for direct participation or observation by the general public;
 - (3) Every publicly or privately owned theater, auditorium, or other enclosed facility which is open to the public for primary purpose of exhibiting any motion picture, stage drama, musical recital, athletic event, or any other performance or event, in all areas except either in that area commonly known as the lobby, or in areas not open to the public;
 - (4) An elevator used by the public;
 - (5) Any retail or service establishment serving the general public, including, but not limited to any department store, grocery store, or drug store;
 - (6) Any food product establishment;
 - (7) Any bar, including a bar within a food product establishment;
 - (8) In or within 15 feet of any door, operable window/vent or other opening to a place where smoking is prohibited, except as provided for in section 310.1.4, below;
 - (9) Hotels and motels, except as provided for in section 310.1.4, below; or
 - (10) Bowling centers.
- (b) The owner or person in control of an establishment or area designated in subsection (a) of this section shall post a conspicuous sign at the main entrance to the establishment or area.
 - (c) The owner or person in control of an establishment or area regulated by this section commits an offense if he fails to:
 - (1) Post a sign in accordance with subsection (b) of this section;
 - (2) Advise a person who violates this section that smoking is not allowed; or
 - (3) Request a person to remove himself from the location after that person has been advised that smoking is not allowed and that person willfully continues to smoke.
 - (d) It shall be a defense to prosecution under this section that the establishment or area in which the offense takes place does not have displayed a conspicuous sign that smoking is prohibited.

Section 310.1.3; add this new section to read as follows:

310.1.3 Regulation of smoking —Workplace, schools, health care facilities. Notwithstanding the provisions of this ordinance, any employer, primary or secondary school administrator, or health care facility provider may designate any building, or portion thereof, as a nonsmoking area. Any employer, primary or secondary school administrator, or health care facility provider who chooses to designate any building, or portion thereof, as a nonsmoking area shall:

- (a) Adopt, implement, and maintain a written smoking policy which shall be communicated to all employees at least three weeks prior to its adoption;
- (b) Prominently display reasonable sized signs that smoking is prohibited; and
- (c) Provide facilities in sufficient numbers and at such locations to be readily accessible for the extinguishment of smoking materials.

Section 310.1.4; add this new section to read as follows:

310.1.4 Exceptions. The following areas are exempted from the provisions of this ordinance:

- (a) A retail or service establishment which derives more than 50 percent of its annual gross sales from the sale of tobacco, tobacco products, or smoking implements.
- (b) An administrative area within the workplace.
- (c) An unenclosed outdoor seating area associated with a food product establishment, so long as:
 - (1) Smoking is prohibited in or within 15 feet of any door, operable window/vent or other opening to a place where smoking is prohibited;
 - (2) The outdoor seating area is not adjacent to a playground or play area for children; or
 - (3) The outdoor seating area is not posted as a nonsmoking area by the owner, operator or person in control of the establishment.
- (d) Not more than ten percent of hotel and motel rooms rented to guests and designated as smoking rooms. All smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into areas where smoking is prohibited under provisions of this ordinance. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms.

Section 311.5; change to read as follows:

311.5 Placards. The *fire code official* is authorized to require marking of any vacant or abandoned buildings or structures determined to be unsafe pursuant to Section 110 of this code relating to structural or interior hazards, as required by Section 311.5.1 through 311.5.5.

Section 403.5; change Section 403.5 to read as follows:

403.5 Group E Occupancies. An approved fire safety and evacuation plan in accordance with Section 404 shall be prepared and maintained for Group E occupancies and for buildings containing both a Group E occupancy and an atrium. A diagram depicting two evacuation routes shall be posted in a conspicuous location in each classroom. Group E occupancies shall also comply with Sections 403.5.1 through 403.5.3.

Section 404.2.2; add Number 4.10 to read as follows:

4.10 Fire extinguishing system controls.

Section 405.4; change Section 405.4 to read as follows:

405.4 Time. The *fire code official* may require an evacuation drill at any time. Drills shall be held at unexpected times and under varying conditions to simulate the unusual conditions that occur in case of fire.

Section 501.4; change to read as follows:

501.4 Timing of installation. When fire apparatus access roads or a water supply for fire protection is required to be installed for any structure or development, they shall be installed, tested, and approved prior to the time of which construction has progressed beyond completion of the foundation of any structure.

Section 503.1.1; change to read as follows:

503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Except for one- or two-family dwellings, the path of measurement shall be along a minimum of a ten feet (10') wide unobstructed pathway around the external walls of the structure. *[Exceptions remain unchanged]*

Section 503.2.1; change to read as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet. For buildings exceeding 30 feet in height, see appendix Section D105.

Exceptions:

1. Vertical clearances may be reduced with the approval of the *fire code* official provided such reduction does not impair access by fire apparatus and *approved* signs are installed and maintained indicating the established vertical clearance.
2. Minimum widths may be reduced with the approval of the *fire code official* when site conditions prohibit constructing or maintaining required widths.

Fire apparatus access roads shall be constructed to accommodate the imposed load of 85,000 GVW of fire apparatus.

Section 503.2.3; change to read as follows:

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (minimum 85,000 GVW) and shall be provided with an all-weather paved driving surface. Paved driving surface as used in this section shall mean reinforced concrete or asphalt sufficiently designed to support any fire department vehicle and surface capable of being striped as a fire lane.

Section 503.2.4; change to read as follows:

503.2.4 Turning radius. The turning radius of a fire apparatus access road shall be approved by the *fire code official*. The minimum inside turning radius of a fire apparatus access road shall be 20 feet. The minimum outside turning radius of a fire apparatus access road shall be 40 feet.

Section 503.3; change to read as follows:

503.3 Marking. Striping, signs, or other markings, when approved by the *fire code official*, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Striping, signs and other markings shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

1. **Striping** – Fire apparatus access roads shall be continuously marked by painted lines of red traffic paint six inches (6”) in width to show the boundaries of the lane. The words “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING” shall appear in four inch (4”) white letters at 25 feet intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.
2. **Signs** – Signs shall read “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING” and shall be 12” wide and 18” high. Signs shall be painted on a white background with letters and borders in red, using not less than 2” lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6’6”) above finished grade. Signs shall be spaced not more than fifty feet (50’) apart along both sides of the fire lane. Signs may be installed on permanent buildings or walls or as approved

by the *fire code official*.

Section 503.4; change to read as follows:

503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 and any area marked as a fire lane as described in Section 503.3 shall be maintained at all times.

Section 505.1; change to read as follows:

Section 505.1 Address numbers.

- (a) Owners of single-family, two-family, multi-family dwellings, commercial and industrial structures in the city are required to place or have placed, the proper street number, building number, suite and/or unit number, in a designated location so that same can be plainly seen and read from the street and alley, when alleys are provided. Street numbers will be designated by the director of Neighborhood Services or his designee. Building numbers, suite and/or unit numbers for multi-family and commercial structures shall be submitted to the city for approval by the owner or developer.
- (b) Where the owner is a nonresident of the city, the duty outlined in subsection (a) of this section shall devolve on the occupant or manager of such structures.

Section 505.1.1; add this new section to read as follows:

Section 505.1.1 Size and location of numbers.

- (a) One and two family dwellings; numbers shall be a minimum three inches high, posted front and rear when rear access is available. Numbers shall be posted on the principal structure at a minimum height of five feet above existing grade. Numbers may also be posted on curbside mailboxes when available. Numbers shall be posted on a contrasting background and maintained clearly visible from the street and alley, when rear access is available.
- (b) Multi-family dwellings; building numbers shall be a minimum 12 inches high, unit range numbers shall be minimum four inches and unit numbers shall be a minimum three inches high. Building and unit range numbers shall be posted on two sides of every building. Location of building numbers and unit range numbers shall be designated by the fire marshal. Individual unit numbers shall be posted a minimum five feet above existing grade. All numbers shall be posted on a contrasting background and maintained clearly visible as defined by the fire marshal.
- (c) Commercial and industrial structures; all street numbers, suite or lease space numbers shall be a minimum of six inches high, posted front and rear when rear access is available. All numbers shall be posted on a contrasting background and maintained clearly visible as defined by the fire marshal.

Section 505.1.2; add this new section to read as follows:

Section 505.1.2 Display of numbers.

- (a) All numbers for new construction shall be fixed and properly displayed as required by this article at the time the building, lease space, suite or unit is released for occupancy.
- (b) All numbers for existing buildings, lease space, suites or units shall be fixed and properly displayed after notification to the owner/occupant. A reasonable time, to be determined by the director of community development, will be granted for purposes of compliance.

Section 507.2.3; add new section to read as follows:

507.2.3 Connections to public water mains. Two separate isolated points of connection to the public water main, forming a grid arranged and valved so that no single obstruction to the water system will shut-off the water supply for any hydrants or fire sprinkler system, shall be required when any of the following conditions exist:

1. Whenever a newly constructed building exceeds 35,000 square feet, or
2. Whenever three or more on-site fire hydrants are required, or
3. A dead-end fire water main exceeds 300 feet in length.

Section 507.4; change to read as follows:

507.4 Water supply test date and information. The water supply test used for hydraulic calculation of fire protection systems shall be conducted in accordance with NFPA 291 “Recommended Practice for Fire Flow Testing and Marking of Hydrants” and within one year of sprinkler plan submittal. The *fire code official* shall be notified prior to the water supply test. A permit shall be obtained from the Fire Prevention Division for water supply tests and shall be witnessed by the *fire code official*, as required. The exact location of the static/residual hydrant and the flow hydrant shall be indicated on the design drawings. All fire protection plan submittals shall be accompanied by a hard copy of the waterflow test report, or as approved by the *fire code official*. The report must indicate the dominant water tank level at the time of the test and the maximum and minimum operating levels of the tank, as well, or identify applicable water supply fluctuation. The licensed contractor must then design the fire protection system based on this fluctuation information, as per the applicable referenced NFPA standard. Reference Section 903.3.5 for additional design requirements.

Section 507.5.4; change to read as follows:

507.5.4 Obstruction. Unobstructed access to fire hydrants shall be maintained at all times. Posts, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

Section 509.1.2; add this new section to read as follows:

509.1.2 Sign Requirements. Unless more stringent requirements apply, lettering for signs required by this section shall have a minimum height of 2 inches (50.8 mm) when located inside a building and 4 inches (101.6 mm) when located outside, or as approved by the *fire code official*. The letters shall be of a color that contrasts with the background.

Section 603.3.2.1; Exception; change exception to read as follows:

Exception: The aggregate capacity limit shall be permitted to be increased to 3,000 gallons in accordance with all requirements of Chapter 57.

Section 603.3.2.2; change to read as follows:

603.3.2.2 Restricted use and connection. Tanks installed in accordance with Section 603.3.2 shall be used only to supply fuel oil to fuel-burning equipment installed in accordance with Section 603.3.2.4. Connections between tanks and equipment supplied by such tanks shall be made using closed piping systems.

Section 603.6.6; add this new section to read as follows:

Section 603.6.6 Maintenance of Chimneys. All chimneys in multi-family occupancies utilizing solid fuel fireplaces shall have the chimneys inspected and, if needed, cleaned by a state or nationally-recognized/certified chimney sweep on a yearly basis. A report of each of each inspection/cleaning shall be maintained on the premises and available for review at the request of the fire prevention division. All records shall be maintained for a minimum of three years.

Section 603.8.5; change to read as follows:

603.8.5 Discontinuance. The *fire code official* is authorized to require incinerator and crematory use to be discontinued immediately if the *fire code official* determines that smoke emissions are offensive to occupants of surrounding property or if the use of incinerators and crematories is determined by the *fire code official* to constitute a hazardous condition.

Section 604; change and add to read as follows:

604.1.1 Stationary Generators. Stationary emergency and standby power generators required by this code shall be listed in accordance with UL 2200.

604.1.2 Installation. Emergency power systems and standby power systems shall be installed in accordance with the International Building Code, NFPA 70, NFPA 110 and NFPA 111. Existing installations shall be maintained in accordance with the original approval, except as specified in Chapter 11.

604.1.3 through 604.1.8 {No change.}

604.1.9 Critical Operations Power Systems (COPS). For Critical Operations Power Systems necessary to maintain continuous power supply to facilities or parts of facilities that require continuous operation for the reasons of public safety, emergency management, national security, or business continuity, see NFPA 70.

604.2 Where Required. Emergency and standby power systems shall be provided where required by Sections 604.2.1 through 604.2.16 604.2.24 or elsewhere identified in this code or any other referenced code.

604.2.1 through 604.2.3 {No change.}

604.2.4 Emergency Voice/alarm Communications Systems. Emergency power shall be provided for emergency voice/alarm communications systems in the following occupancies, or as specified elsewhere in this code, as required in Section 907.5.2.2.5. The system shall be capable of powering the required load for a duration of not less than 24 hours, as required in NFPA 72.

Covered and Open Malls, Section 907.2.20 and 914.2.3
Group A Occupancies, Sections 907.2.1 and 907.5.2.2.4.
Special Amusement Buildings, Section 907.2.12.3
High-rise Buildings, Section 907.2.13
Atriums, Section 907.2.14
Deep Underground Buildings

Section 604.2.5 through 604.2.11 {No change.}

604.2.12 Means of Egress Illumination. Emergency power shall be provided for means of egress illumination in accordance with Sections 1008.3 and 1104.5.1. (90 minutes)

604.2.13 Membrane Structures. Emergency power shall be provided for exit signs in temporary tents and membrane structures in accordance with Section 3103.12.6.1. (90 minutes) Standby power shall be provided for auxiliary inflation systems in permanent membrane structures in accordance with Section 2702 of the International Building Code. (4 hours) Auxiliary inflation systems shall be provided in temporary air-supported and air-inflated membrane structures in accordance with Section 3103.10.4.

604.2.14 {No change.}

604.2.15 Smoke Control Systems. Standby power shall be provided for smoke control systems in the following occupancies, or as specified elsewhere in this code, as required in Section 909.11:

Covered Mall Building, International Building Code, Section 402.7
Atriums, International Building Code, Section 404.7
Underground Buildings, International Building Code, Section 405.8
Group I-3, International Building Code, Section 408.4.2
Stages, International Building Code, Section 410.3.7.2
Special Amusement Buildings (as applicable to Group A's), International Building Code, Section 411.1
Smoke Protected Seating, Section 1029.6.2.1

604.2.17 Covered and Open Mall Buildings. Emergency power shall be provided in accordance with Section 907.2.20 and 914.2.3.

604.2.18 Airport Traffic Control Towers. A standby power system shall be provided in airport traffic control towers more than 65 ft. in height. Power shall be provided to the following equipment:

1. Pressurization equipment, mechanical equipment and lighting.
2. Elevator operating equipment.
3. Fire alarm and smoke detection systems.

604.2.19 Smokeproof Enclosures and Stair Pressurization Alternative. Standby power shall be provided for smokeproof enclosures, stair pressurization alternative and associated automatic fire detection systems as required by the International Building Code, Section 909.20.6.2.

604.2.20 Elevator Pressurization. Standby power shall be provided for elevator pressurization system as required by the International Building Code, Section 909.21.5.

604.2.21 Elimination of Smoke Dampers in Shaft Penetrations. Standby power shall be provided when eliminating the smoke dampers in ducts penetrating shafts in accordance with the International Building Code, Section 717.5.3, exception 2.3.

604.2.22 Common Exhaust Systems for Clothes Dryers. Standby power shall be provided for common exhaust systems for clothes dryers located in multistory structures in accordance with the International Mechanical Code, Section 504.10, Item 7.

604.2.23 Hydrogen Cutoff Rooms. Standby power shall be provided for mechanical ventilation and gas detection systems of Hydrogen Cutoff Rooms in accordance with the International Building Code, Section 421.8.

604.2.24 Means of Egress Illumination in Existing Buildings. Emergency power shall be provided for means of egress illumination in accordance with Section 1104.5 when required by the fire code official. (90 minutes in I-2, 60 minutes elsewhere.)

604.3 through 604.7 {No change.}

604.8 Energy Time Duration. Unless a time limit is specified by the fire code official, in this chapter or elsewhere in this code, or in any other referenced code or standard, the emergency and standby power system shall be supplied with enough fuel or energy storage capacity for not less than 2-hour full-demand operation of the system.

Exception: Where the system is supplied with natural gas from a utility provider and is approved.

Section 609.2; change to read as follows:

609.2 Where Required. A Type I hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease vapors, including but not limited to cooking equipment used in fixed, mobile, or temporary concessions, such as trucks, buses, trailers, pavilions, or any form of roofed enclosure, as required by the fire code official.

- Exceptions:**
1. Tents, as provided for in Chapter 31.
 2. A Type I hood shall not be required for an electric cooking appliance where an approved testing agency provides documentation that the appliance effluent contains 5 mg/m³ or less of grease when tested at an exhaust flow rate of 500 cfm in accordance with UL 710B.

Additionally, fuel gas and power provided for such cooking appliances shall be interlocked with the extinguishing system, as required by Section 904.12.2. Fuel gas containers and piping/hose shall be properly maintained in good working order and in accordance with all applicable regulations.

Section 704.1; change to read as follows:

704.1 Enclosure. Interior vertical shafts, including but not limited to *stairways*, elevator hoistways, service and utility shafts, that connect two or more stories of a building shall be enclosed or protected in accordance with the codes in effect at the time of construction but, regardless of when constructed, not less than as required in Chapter 11. New floor openings in existing buildings shall comply with the *International Building Code*.

Section 807.3; change to read as follows:

Combustible Decorative Materials. In occupancies in Groups A, E, I, and R-1, and dormitories in Group R-2, curtains, draperies, fabric hangings and other similar combustible decorative materials suspended from walls or ceilings shall comply with Section 807.4 and shall not exceed 10 percent of the specific wall or ceiling area to which they are attached.

Section 807.5.2.2 and 807.5.2.3; change to read as follows:

807.5.2.2 Artwork in Corridors. Artwork and teaching materials shall be limited on the walls of corridors to not more than 20 percent of the wall area. Such materials shall not be continuous from floor to ceiling or wall to wall. Curtains, draperies, wall hangings, and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with section 807 or be noncombustible.

Exception: Corridors protected by an approved automatic fire sprinkler system installed in

accordance with Section 903.3.1.1 shall be limited to 50 percent of the wall area.

807.5.2.3 Artwork in Classrooms. Artwork and teaching materials shall be limited on walls of classrooms to not more than 50 percent of the specific wall area to which they are attached. Curtains, draperies, wall hangings and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807 or be noncombustible.

Section 901.6.1.1; add this new section to read as follows:

901.6.1.1 Standpipe Testing. Building owners/managers must maintain and test standpipe systems as per NFPA 25 requirements. The following additional requirements shall be applied to the testing that is required every 5 years:

1. The piping between the Fire Department Connection (FDC) and the standpipe shall be backflushed when foreign material is present, and also hydrostatically tested for all FDC's on any type of standpipe system. Hydrostatic testing shall also be conducted in accordance with NFPA 25 requirements for the different types of standpipe systems.
2. For any manual (dry or wet) standpipe system not having an automatic water supply capable of flowing water through the standpipe, the tester shall connect hose from a fire hydrant or portable pumping system (as approved by the *fire code official*) to each FDC, and flow water through the standpipe system to the roof outlet to verify that each inlet connection functions properly. Confirm that there are no open hose valves prior to introducing water into a dry standpipe. There is no required pressure criteria at the outlet. Verify that check valves function properly and that there are no closed control valves on the system.
3. Any pressure relief, reducing, or control valves shall be tested in accordance with the requirements of NFPA 25. All hose valves shall be exercised.
4. If the FDC is not already provided with approved caps, the contractor shall install such caps for all FDC's as required by the *fire code official*.
5. Upon successful completion of standpipe test, place a blue tag (as per Texas Administrative Code, Fire Sprinkler Rules for Inspection, Test and Maintenance Service (ITM) Tag) at the bottom of each standpipe riser in the building. The tag shall be check-marked as "Fifth Year" for Type of ITM, and the note on the back of the tag shall read "5 Year Standpipe Test" at a minimum.
6. The procedures required by Texas Administrative Code Fire Sprinkler Rules with regard to Yellow Tags and Red Tags or any deficiencies noted during the testing, including the required notification of the local Authority Having Jurisdiction (*fire code official*) shall be followed.
7. Additionally, records of the testing shall be maintained by the owner and contractor, if applicable, as required by the State Rules mentioned above and NFPA 25.

8. Standpipe system tests where water will be flowed external to the building shall not be conducted during freezing conditions or during the day prior to expected night time freezing conditions.
9. Contact the *fire code official* for requests to remove existing fire hose from Class II and III standpipe systems where employees are not trained in the utilization of this firefighting equipment. All standpipe hose valves must remain in place and be provided with an approved cap and chain when approval is given to remove hose by the *fire code official*.

Section 901.6.3; add this new section to read as follows:

901.6.3 False Alarms and Nuisance Alarms. False alarms and nuisance alarms shall not be given, signaled or transmitted or caused or permitted to be given, signaled or transmitted in any manner.

Section 901.7; change to read as follows:

901.7 Systems out of service. Where a required *fire protection system* is out of service or in the event of an excessive number of activations, the fire department and the *fire code official* shall be notified immediately and, where required by the *fire code official*, the building shall either be evacuated or an *approved fire watch* shall be provided for all occupants left unprotected by the shut down until the *fire protection system* has been returned to service.

Where utilized, fire watches shall be provided with at least one approved means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires.

Section 901.8.2: change to read as follows:

901.8.2 Removal of Occupant-use Hose Lines. The *fire code official* is authorized to permit the removal of occupant-use hose lines and hose valves where all of the following conditions exist:

1. The hose line(s) would not be utilized by trained personnel or the fire department.
2. If the occupant-use hose lines are to be removed, but the hose valves are required to remain as per the *fire code official*, such shall be compatible with the local fire department fittings.

Section 903.1.1; change to read as follows:

903.1.1 Alternative protection. Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted in addition to automatic sprinkler protection where recognized by the applicable standard, or as *approved* by the *fire code official*.

Section 903.2; delete the exception and change to read as follows:

903.2 Where required. *Approved automatic sprinkler systems* shall be provided in the locations described in Sections 903.2.1 through 903.2.12, and as follows:

1. Commercial buildings—*Automatic sprinkler systems* will be required in all newly constructed buildings exceeding 3,600 square feet of fire area, any remodel or addition that changes the square footage beyond 3,600 square feet or any single tenant expansion requiring a new certificate of occupancy that exceeds 12,000 square feet of fire area. Whichever requirement listed in this chapter, including exceptions, or defined in this amendment that is more restrictive will apply. Credit will not be given for fire barrier walls with a fire resistive rating in lieu of automatic fire sprinkler systems.
2. Whenever Section 903.2 requires the installation of an approved automatic sprinkler system, the automatic sprinkler system shall be installed throughout the entire building.

Exceptions:

1. In strip mall buildings, the installation of fire barrier walls with not less than a two-hour fire resistive rating may be allowed to separate the occupancy from the rest of the building in lieu of providing fire sprinkler protection throughout the entire building as approved by the *fire code official*.
2. As allowed in Section 903.3.8, limited area sprinkler systems.
3. When a change in Occupancy Classification is required for an existing building or tenant space, the building or tenant space shall comply with the provisions of Section 903.2.

Automatic Sprinklers shall not be installed in elevator machine rooms, elevator machine spaces, and elevator hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances. Storage shall not be allowed within the elevator machine room. Signage shall be provided at the entry doors to the elevator machine room indicating “ELEVATOR MACHINERY – NO STORAGE ALLOWED.”

Section 903.2.1; change to read as follows:

903.2.1 Group A. An *automatic fire sprinkler system* shall be installed throughout the entire building housing a Group A occupancy as provided in this section.

Section 903.2.1.1; change to read as follows:

903.2.1.1 Group A-1. An *automatic sprinkler system* shall be provided throughout the entire building housing a Group A-1 occupancy where one of the following conditions exists:

1. The floor area exceeds 3,600 square feet of fire area.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such

- occupancies.
4. The fire area contains a multitheater complex.

Section 903.2.1.2; change to read as follows:

Section 903.2.1.2 Group A-2. An *automatic sprinkler system* shall be provided throughout the entire building housing a Group A-2 occupancies where one of the following conditions exists:

1. The floor area exceeds 3,600 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

Section 903.2.1.3; change to read as follows:

903.2.1.3 Group A-3. An *automatic sprinkler system* shall be provided throughout the entire building housing a Group A-3 occupancy where one of the following conditions exists:

1. The floor area exceeds 3,600 square feet of fire area.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

Section 903.2.1.4; change to read as follows:

903.2.1.4 Group A-4. An *automatic sprinkler system* shall be provided throughout the entire building housing a Group A-4 occupancy where one of the following conditions exists:

1. The floor area exceeds 3,600 square feet of fire area.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

Section 903.2.1.5; (no change)

903.2.1.5 Group A-5. An *automatic sprinkler system* shall be provided for Group A-5 occupancies in the following areas: concession stands, retail area, press boxes and other accessory use areas in excess of 1,000 square feet.

Section 903.2.1.6; change to read as follows:

903.2.1.6 Assembly occupancies on roofs: Where an occupied roof has an assembly occupancy with an occupant load in excess of 100 persons, the entire building shall be equipped with an

automatic fire sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.

Exception: Open parking garages of Type I or Type II construction.

Section 903.2.1.7; change to read as follows:

Section 903.2.1.7 Multiple fire areas. An *automatic fire sprinkler system* shall be provided where multiple fire areas of Group A-1, A-2, A-3 or A-4 occupancies share exit or *exit access* components and the combined occupant load of these fire areas is 100 or more.

Section 903.2.2: change to read as follows:

Ambulatory care facilities. An *automatic fire sprinkler system* shall be installed throughout the entire building housing an ambulatory care facility when any of the following conditions exist:

1. The floor area exceeds 3,600 square feet.
2. Four or more care recipients are incapable of self-preservation, whether rendered incapable by staff or staff has accepted responsibility for care recipients already incapable.
3. One or more care recipients that are incapable of self-preservation are located at other than the level of exit discharge serving such facility.

In buildings where ambulatory care is provided on levels other than the level of *exit discharge*, an *automatic sprinkler system* shall be installed throughout the entire building.

Section 903.2.1.8; add this new section to read as follows:

903.2.1.8 Group B. An *automatic sprinkler system* shall be provided for Group B occupancies where the floor area exceeds 3,600 square feet of fire area.

Section 903.2.3; change to read as follows:

903.2.3 Group E. An *automatic sprinkler system* shall be provided for Group E occupancies where the floor area exceeds 3,600 square feet of fire area.

Section 903.2.4; change to read as follows:

903.2.4 Group F-1. An *automatic sprinkler system* shall be provided for Group F-1 occupancies where either:

1. The floor area exceeds 3,600 square feet of fire area;
2. A Group F-1 fire area is located more than three stories above grade; or
3. A Group F-1 occupancy used for the manufacture of upholstered furniture or mattresses exceeds 2,500 square feet.

Section 903.2.4.1:

903.2.4.1 Woodworking operations. An *automatic fire sprinkler system* shall be provided throughout all Group F-1 occupancy *fire areas* that contain woodworking operations in excess of 2,500 square feet in area which generate finely divided combustible waste or which use finely divided combustible materials.

Section 903.2.4.2; add this new section to read as follows:

903.2.4.2 Group F-2. An *automatic sprinkler system* shall be provided for Group F-2 occupancies where the floor area exceeds 3,600 square feet of fire area.

*Section 903.2.5 {No change.}**Section 903.2.6; change to read as follows:*

Section 903.2.6 Group I. An *automatic fire sprinkler system* shall be provided throughout buildings with a Group I fire area conforming to Section 903.3.1.1.

Section 903.2.7; change to read as follows:

903.2.7 Group M. An *automatic sprinkler system* shall be provided throughout buildings containing a Group M occupancy when the floor area exceeds 3,600 square feet of fire area or for Group M occupancies located more than three stories above grade plane.

903.2.7.1 {No change.}*Section 903.2.8; change to read as follows:*

903.2.8. Group R-1, R-2, R-4. An *automatic sprinkler system* shall be provided for Groups R-1, R-2, and R-4 occupancies throughout and shall include the following criteria:

1. Throughout Groups R-1, 2, and 4 occupancies in all areas, including but not limited to attics, balconies, breezeways, garages and exterior storerooms, shall have an approved hydraulically designed fire sprinkler system installed.
2. Residential or quick response standard sprinklers shall be used in dwelling units and guestroom portions of the building.
3. Attics are to be in accordance with NFPA 13.

Section 903.2.9; change to read as follows:

903.2.9 Group S-1. An *automatic sprinkler system* shall be provided throughout where one of the following conditions exists:

1. The floor area exceeds 3,600 square feet of fire area;
2. A Group S-1 occupancy is located more than three stories above the grade plane; or
3. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet.

Section 903.2.9.1; change to read as follows:

903.2.9.1 Repair Garages. An automatic *fire sprinkler system* shall be provided throughout all buildings used as repair garages in accordance with Section 406.8 of the *International Building Code*, if:

1. The floor area exceeds 3,600 square feet of fire area; or
2. Buildings with repair garages servicing vehicles parked in basements.

Section 903.2.9.2; change to read as follows:

903.2.9.2 Bulk storage of tires. Buildings and structures where the area for the storage of tires exceeds 20,000 cubic feet or 3,600 square feet shall be equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1.

Section 903.2.9.3; add this new section to read as follows:

903.2.9.3 Self-service storage facility. An *automatic sprinkler system* shall be installed throughout all self-service storage facilities.

Section 903.2.10; delete exception and change section to read as follows:

903.2.10 Group S-2 enclosed parking garages. An *automatic fire sprinkler system* shall be installed throughout all S-2 occupancies where either of the following conditions exists:

1. The floor area exceeds 3,600 square feet of fire area, or
2. Where the enclosed parking garage is located beneath other groups.

Section 903.2.10.1; change section to read as follows:

903.2.10.1 Commercial parking garages. An *automatic fire sprinkler system* shall be installed throughout buildings used for storage of commercial motor vehicles where the fire area exceeds 3,600 square feet.

Section 903.2.11.3; change to read as follows:

903.2.11.3 Buildings 35 feet or more in height. An automatic sprinkler system shall be installed throughout buildings with a floor level, other than penthouses in compliance with Section 1510 of the *International Building Code*, located 35 feet or more above the lowest level of fire department vehicle access, measured to the finished floor.

Exceptions:

1. Open parking structures in compliance with Section 406.5 of the *International Building Code*, having no occupancies above the subject garage.

Section 903.2.11.7; add this new section to read as follows:

903.2.11.7 High-Piled Combustible Storage. For any building with a clear height exceeding 12 feet (4572 mm), see Chapter 32 to determine if those provisions apply.

Section 903.2.11.8; add this new section to read as follows:

903.2.11.8 Spray Booths and Rooms. New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

Section 903.2.11.9; add this new section to read as follows:

903.2.11.9 Buildings Over 3,600 sq. An automatic sprinkler system shall be installed throughout all buildings with a building area 3,600 sq. or greater and in all existing buildings that are enlarged to be 3,600 sq. ft. or greater. For the purpose of this provision, fire walls shall not define separate buildings.

Exception: Open parking garages in compliance with Section 406.5 of the *International Building Code*.

Section 903.3.1.1.1; change to read as follows:

903.3.1.1.1 Exempt locations. When approved by the *fire code official*, automatic sprinklers shall not be required in the following rooms or areas where such automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an *approved* automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from any room merely because it is damp, of fire-resistance-rated construction or contains electrical equipment. In such locations, an alternative fire suppression or detection system may be required by the *fire code official*.

1. Any room where the application of water, or flame and water, constitutes a serious life or

fire hazard.

2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, when *approved* by the *fire code official*.
3. Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.
4. Elevator machine rooms, machinery spaces, and hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances.

Section 903.3.1.2.1; change to read as follows:

903.3.1.2.1 Balconies and decks. Sprinkler protection shall be provided for exterior balconies, decks, and ground floor patios of *dwelling units* and *sleeping units*, provided there is a roof or deck above. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members and a maximum distance of 14 inches below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

Section 903.3.1.2.3; add this new section to read as follows:

Section 903.3.1.2.3 Attics, Exterior Storerooms, and Attached Garages. Sprinkler protection is required in attic spaces of such buildings exterior storerooms, and attached garages. Attic *automatic fire sprinkler systems* shall be installed per NFPA 13.

Section 903.3.1.3; change to read as follows:

903.3.1.3 NFPA 13D sprinkler systems. *Automatic sprinkler systems* installed in one- and two-family *dwelling*s, Group R-3, Group R-4 Condition 1 and *townhouses* shall be permitted to be installed throughout in accordance with NFPA 13D or in accordance with state law.

Section 903.3.1.4; add section to read as follows:

903.3.1.4 Freeze protection. Freeze protection systems for automatic fire sprinkler systems shall be in accordance with the requirements of the applicable referenced NFPA standard and this section.

Section 903.3.1.4.1: add section to read as follows:

903.3.1.4.1 Attics. Only dry-pipe fire sprinkler systems shall be allowed to protect non-ventilated attic spaces.

Exception: Wet-pipe fire sprinkler systems shall be allowed to protect non-ventilated attic spaces where:

1. The attic sprinklers are supplied by a separate floor control valve assembly to allow ease of draining the attic system without impairing sprinklers throughout the rest of the building, and
2. Adequate heat shall be provided for freeze protection as per the applicable referenced NFPA standard, and
3. The attic space is a part of the building's thermal, or head envelope such that insulation is provided and the roof deck, rather than at the ceiling level.

Section 903.3.1.4.2; add section to read as follows:

903.3.1.4.2 Heat trace/insulation. Heat trace/insulation shall only be allowed where approved by the *fire code official* for small sections of large diameter water-filled pipe.

Section 903.3.5; change to read as follows:

903.3.5 Water supplies. Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in Section 903.3.1. The potable water supply shall be protected against backflow in accordance with the requirements of this section and the International Plumbing Code. For connections to public waterworks systems, the water supply test used for design of fire protection systems shall be adjusted to account for seasonal and daily pressure fluctuations based on information from the water supply authority and as approved by the *fire code official*.

Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every fire protection system shall be designed with a 10 psi safety factor. Reference Section 507.4 for additional design requirements.

Section 903.3.8; change to read as follows:

903.3.8 Limited area sprinkler systems. When approved by the *fire code official* and not in conflict with Section 903.2 (2), limited area sprinkler systems shall be in accordance with the standards listed in Section 903.3.1 except as provided in Sections 903.3.8.1 through 903.3.8.5.

Section 903.4; change to read as follows:

903.4 Sprinkler system supervision and alarms. All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures and water-flow switches on all sprinkler systems shall be electrically supervised by a listed fire alarm control unit.

Exceptions: [All exceptions to remain unchanged]

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon

tampering.

Section 903.4.2; add second paragraph to read as follows:

903.4.2 Alarms. An approved audible device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

The alarm device required on the exterior of the building shall be a weatherproof horn/strobe notification appliance with a minimum 75 candela strobe rating, installed as close as practicable to the fire department connection.

Section 903.4.2.1; add this new section to read as follows:

903.4.2.1 Multiple tenant buildings. A minimum of one horn/strobe notification appliance shall be installed in each tenant space of a multiple tenant building to notify occupants of an automatic fire sprinkler system water-flow condition.

Section 903.6; change to read as follows:

903.6 Where required in existing buildings and structures. An automatic sprinkler system shall be provided in existing buildings and structures where required in Chapter 11 and, when a change in Occupancy Classification is required for an existing building or tenant space, the building or tenant space shall comply with the provisions of the new Occupancy Classification as stated in Section 903.2.

Section 903.7; add this new section to read as follows:

903.7 Fire Control Rooms. A fire control room is required for all new automatic sprinkler system installations. The fire control room shall comply with the following:

1. Located on an exterior wall adjacent to a fire apparatus access lane.
2. Be a minimum size of 5-foot by 7-foot.
3. Shall house the system riser, fire alarm control panel, and spare sprinkler heads.
4. Have an exterior entry door that measures at a minimum 36-inch by 80-inch, and shall be identified as FIRE CONTROL ROOM, with a minimum of 4-inch characters, on the exterior of the door.
5. Be equipped with an exterior horn/strobe device indicating a water-flow alarm. Device shall be located above the FDC, 120-inches above finished floor
6. The riser shall be located a minimum of 12-inches from any wall.
7. A “Knox” key box shall be located on the exterior of the fire control room, adjacent to the exterior door, installed 5-feet above finished floor, and shall house a key to open the exterior door.
8. Room shall be kept free of any storage.

Section 905.2; change to read as follows:

905.2 Installation standard. Standpipe systems shall be installed in accordance with this section and NFPA 14. Manual dry standpipe systems shall be supervised with a minimum of 10 psig and a maximum of 40 psig air pressure with a high/low alarm.

Section 905.3.9; add this new section to read as follows:

905.3.9 Buildings exceeding 10,000 square feet. In buildings exceeding 10,000 square feet in area per story and any portion of the building's interior is more than 200 feet of travel, vertically and horizontally, from the nearest point of fire department vehicle access, Class I automatic wet or manual wet standpipes shall be provided.

Exception:

1. Automatic dry and semi-automatic dry standpipes are allowed as provided for in NFPA 14.
2. Manual dry standpipe systems are allowed as provided for in NFPA 14.

Section 905.4, change to read as follows:

905.4 Location of Class I standpipe hose connections. Class I standpipe hose connections shall be provided in all of the following locations:

1. In every required exit stairway, a hose connection shall be provide for each story above and below grade plane. Hose connections shall be located at an intermediate landing between stories, unless otherwise approved by the *fire code official*.
2. {No change.}
3. In every exit passageway, at the entrance from the exit passageway to other areas of a building.

Exception: Where floor areas adjacent to an exit passageway are reachable from an exit stairway hose connection by a 30-foot hose stream from a nozzle attached to 100 feet of hose, a hose connection shall not be required at the entrance from the exit passageway to other areas of the building.

4. {No change.}
5. Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a two-way hose connection located to serve the roof or at the highest landing of a stairway with stair access to the roof provided in accordance with Section 1011.12.
6. {No change.}

7. When required by this Chapter, standpipe connections shall be placed adjacent to all required exits to the structure and at two hundred feet (200') intervals along major corridors thereafter, or as otherwise approved by the *fire code official*.

Section 905.9; change to read as follows:

905.9 Valve supervision. Valves controlling water supply shall be supervised in the open position so that the change in the normal position of the valve will generate a supervisory signal at the supervising station required by Section 903.4. Where a fire alarm system is provided, a signal shall also be transmitted to the control unit.

Exceptions:

1. Valve to underground key or hub valves in roadway boxes provided by the municipality or public utility do not require supervision.
2. Valves locked in the normal position and inspected as provided in this code in buildings not equipped with a fire alarm system.

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

907.1.4; add new section to read as follows:

907.1.4 Design standards. Where a new fire alarm system is installed, the devices shall be addressable. Fire alarm systems utilizing more than 20 smoke detectors shall have analog initiating devices.

Section 907.2.1; change to read as follows:

907.2.1 Group A. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group A occupancies having an occupant load of 300 or more persons or more than 100 persons above or below the lowest level of exit discharge. Group A occupancies not separated from one another in accordance with Section 707.3.10 of the *International Building Code* shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

Exception: Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.

Activation of fire alarm notification appliances shall:

1. Cause illumination of the *means of egress* with light of not less than 1 foot-candle (11 lux) at the walking surface level, and
2. Stop any conflicting or confusing sounds and visual distractions.

Section 907.2.3; change to read as follows:

907.2.3 Group E. A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E educational occupancies. When *automatic sprinkler systems* or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detection system shall be installed in Group E day care occupancies. Unless separated by a minimum of 100' open space, all buildings, whether portable buildings or the main building, will be considered one building for alarm occupant load consideration and interconnection of alarm systems.

Section 907.2.3, Exception No. 1; change to read as follows and add a new 1.1 to read as follows:

Exceptions:

1. A manual fire alarm system is not required in Group E occupancies with an occupant load of less than 50.
 - 1.1. Residential In-Home day care with not more than 12 children may use interconnected single station detectors in all habitable rooms. (For care of more than five children 2-1/2 or less years of age, see Section 907.2.6.)

Section 907.2.13, Exception 3; change to read as follows:

3. Open air portions of buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the *International Building Code*; however, this exception does not apply to accessory uses including but not limited to sky boxes, restaurants and similarly enclosed areas.

Section 907.4.2.7; add this new section to read as follows:

907.4.2.7 Type. Manual alarm initiating devices shall be an approved double action type.

Section 907.6.1.1; add this new section to read as follows:

907.6.1.1 Wiring Installation. All fire alarm systems shall be installed in such a manner that a failure of any single initiating device or single open in an initiating circuit conductor will not interfere with the normal operation of other such devices. All signaling line circuits (SLC) shall be

installed in such a way that a single open will not interfere with the operation of any addressable devices (Class A). Outgoing and return SLC conductors shall be installed in accordance with NFPA 72 requirements for Class A circuits and shall have a minimum of four feet separation horizontal and one foot vertical between supply and return circuit conductors. The initiating device circuit (IDC) from an addressable input (monitor) module may be wired Class B, provided the distance from the addressable module to the initiating device is ten feet or less.

Section 907.6.3; delete all exceptions.

Section 907.6.6; change to read as follows:

Section 907.6.6 Monitoring. Fire alarm systems required by this chapter or by the *International Code* shall be monitored by an *approved* supervising station in accordance with NFPA 72. See Section 907.6.3 for the required information transmitted to the supervising station.

Section 909.22; add new section to read as follows:

909.22 Stairway or Ramp Pressurization Alternative. Where the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and the stair pressurization alternative is chosen for compliance with Building Code requirements for a smokeproof enclosure, interior exit stairways or ramps shall be pressurized to a minimum of 0.10 inches of water (25 Pa) and a maximum of 0.35 inches of water (87 Pa) in the shaft relative to the building measured with all interior exit stairway and ramp doors closed under maximum anticipated conditions of stack effect and wind effect. Such systems shall comply with Section 909, including the installation of a separate fire-fighter's smoke control panel as per Section 909.16, and a Smoke Control Permit shall be required from the fire department as per Section 105.7.

[F] 909.22.1 Ventilating equipment. The activation of ventilating equipment for the stair or ramp pressurization system shall be by smoke detectors installed at each floor level at an approved location at the entrance to the smokeproof enclosure. When the closing device for the stairway or ramp shaft and vestibule doors is activated by smoke detection or power failure, the mechanical equipment shall activate and operate at the required performance levels. Smoke detectors shall be installed in accordance with Section 907.3.

909.22.1.1 Ventilation Systems. Smokeproof enclosure ventilation systems shall be independent of other building ventilation systems. The equipment, control wiring, power wiring and ductwork shall comply with one of the following:

1. Equipment, control wiring, power wiring and ductwork shall be located exterior to the building and directly connected to the smokeproof enclosure or connected to the smokeproof enclosure by ductwork enclosed by not less than 2-hour fire barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both.
2. Equipment, control wiring, power wiring and ductwork shall be located within the

smokeproof enclosure with intake or exhaust directly from and to the outside or through ductwork enclosed by not less than 2-hour barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both.

3. Equipment, control wiring, power wiring and ductwork shall be located within the building if separated from the remainder of the building, including other mechanical equipment, by not less than 2-hour fire barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both.

Exceptions:

1. Control wiring and power wiring utilizing a 2-hour rated cable or cable system.
2. Where encased with not less than 2 inches (51 mm) of concrete.
3. Control wiring and power wiring protected by a listed electrical circuit protective systems with a fire-resistance rating of not less than 2 hours.

909.21.1.2 Standby Power. Mechanical vestibule and stairway and ramp shaft ventilation systems and automatic fire detection systems shall be provided with standby power in accordance with Section 2702 of the Building Code.

909.22.1.3 Acceptance and Testing. Before the mechanical equipment is approved, the system shall be tested in the presence of the fire code official to confirm that the system is operating in compliance with these requirements.

Section 910.2.3; add this new section to read as follows:

910.2.3 Group H. Buildings and portions thereof used as a Group H occupancy as follows:

1. In occupancies classified as Group H-2 or H-3, any of which are more than 15,000 square feet in single floor area.

Exception: Buildings of noncombustible construction containing only noncombustible materials.

2. In areas of buildings in Group H used for storing Class 2, 3, and 4 liquid and solid oxidizers, Class 1 and unclassified detonable organic peroxides, Class 3 and 4 unstable (reactive) materials, or Class 2 or 3 water-reactive materials as required for a high-hazard commodity classification.

Exception: Buildings of noncombustible construction containing only noncombustible materials.

Sections 910.3.4; add this new section to read as follows:

910.3.4 Vent operation. Smoke and heat vents shall be capable of being operated by approved automatic and manual means. Automatic operation of smoke and heat vents shall conform to the provisions of Sections 910.3.2.1 through 910.3.2.3.

Sections 910.3.4.1; add this new section to read as follows:

910.3.4.1 Sprinklered buildings. Where installed in buildings equipped with an approved automatic sprinkler system, smoke and heat vents shall be designed to operate automatically. The automatic operating mechanism of the smoke and heat vents shall operate at a temperature rating at least 100 degrees F greater than the temperature rating of the sprinklers installed.

Exception: Manual only systems per Section 310.2.

Sections 910.3.4.2; add this new section to read as follows:

910.3.4.2 Nonsprinklered buildings. Where installed in buildings not equipped with an approved automatic sprinkler system, smoke and heat vents shall operate automatically by actuation of a heat-responsive device rated at between 100°F and 220°F above ambient.

Exception: Listed gravity-operated drop out vents.

Section 910.4.3.1; change to read as follows:

910.4.3.1 Makeup Air. Makeup air openings shall be provided within 6 feet (1829 mm) of the floor level. Operation of makeup air openings shall be automatic. The minimum gross area of makeup air inlets shall be 8 square feet per 1,000 cubic feet per minute (0.74 m² per 0.4719 m³/s) of smoke exhaust.

Section 910.4.4; change to read as follows:

910.4.4 Activation. The mechanical smoke removal system shall be activated automatically by the automatic sprinkler system or by an approved fire detection system. Individual manual controls shall also be provided.

Exception: Manual only systems per Section 910.2.

Section 912.2; add Section 912.2.3 to read as follows:

912.2.3 Hydrant distance. An approved fire hydrant shall be located within 100 feet of the fire department connection as the fire hose lays along an unobstructed path.

Section 912.3.1; add this new section to read as follows:

912.3.1 Multiple inlet fire department connections. When more than two, 2-1/2-inch siamese connections are required for a fire department connection, in addition to the required 2-1/2-inch siamese connections, a 5-inch Storz fitting shall be installed at a 45-degree downward angle at the end of the fire department connection manifold.

Section 913.2.1; change to read as follows:

913.2.1 Protection of fire pump rooms. Rooms where fire pumps are located shall be separated from all other areas of the building in accordance with Section 913.2.1 of the *International Building Code*.

When located on the ground level at an exterior wall, the fire pump room shall be provided with an exterior fire department access door that is not less than 3 ft. in width and 6 ft. – 8 in. in height, regardless of any interior doors that are provided. A key box shall be provided at this door, as required by Section 506.1.

Exception: When it is necessary to locate the fire pump room on other levels or not at an exterior wall, the corridor leading to the fire pump room access from the exterior of the building shall be provided with equivalent fire resistance as that required for the pump room, or as approved by the *fire code official*. Access keys shall be provided in the key box as required by Section 506.1.

Section 914.3.1.2; change to read as follows:

914.3.1.2 Water supply to required fire pumps. In buildings that are more than 120 feet in *building height*, required fire pumps shall be supplied by connections to no fewer than two water mains located in different streets. Separate supply piping shall be provided between each connection to the water main and the pumps. Each connection and the supply piping between the connection and the pumps shall be sized to supply the flow and pressure required for the pumps to operate.

Exception: Two connections to the same main shall be permitted provided the main is valved such that an interruption can be isolated so that the water supply will continue without interruption through no fewer than one of the connections.

Chapter 10: Sections 1001 through 1031; replace all references to “fire code official” with “building official”.

Section 1004.1.2; change to delete exception and to read as follows:

1004.1.2 Areas without fixed seating. The number of occupants shall be computed at the rate of one occupant per unit of area as prescribed in Table 1004.1.2. For areas without *fixed seating*, the occupant load shall not be less than that number determined by dividing the floor area under

consideration by the *occupant load factor* assigned to the function of the space as set forth in Table 1004.1.2. Where an intended function is not listed in Table 1004.1.2, the building official shall establish a function based on a listed function that most nearly resembles the intended function.

Section 1006.2.2.6; add a new Section 1006.2.2.6 as follows:

1006.2.2.6 Electrical Rooms. For electrical rooms, special exiting requirements may apply. Reference the Electrical Code as adopted.

Section 1009.1; add new exception 4 to read as follows:

4. Buildings regulated under State Law and built in accordance with State registered plans, including any variances or waivers granted by the State, shall be deemed to be in compliance with the requirements of Section 1009.

Section 1010.1.9.4, Exceptions 3 and 4; changed to read as follows:

3. Where a pair of doors serves an *occupant load* of less than 50 persons in a Group B, F, M or S occupancy, manually operated edge- or surface-mounted bolts are permitted on the inactive leaf. The inactive leaf shall contain no doorknobs, panic bars, or similar operating hardware.
4. Where a pair of doors serves a Group A, B, F, M or S occupancy, manually operated edge- or surface-mounted bolts are permitted on the inactive leaf provided such inactive leaf is not needed to meet egress width requirements and the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1. The inactive leaf shall contain no doorknobs, panic bars or similar operating hardware.

Section 1015.8 Window Openings; change number 1 to read as follows:

1. Operable windows where the top of the sill of the opening is located more than 55 feet above the finished grade or other surface below and that are provided with window fall prevention devices that comply with ASTM F 2006.

Section 1020.1 Construction; add Exception 6 to read as follows:

6. In group B occupancies, corridor walls and ceilings need not be of fire-resistive construction within a single tenant space when the space is equipped with approved automatic smoke-detection within the corridor. The actuation of any detector shall activate self-annunciating alarms audible in all areas within the corridor. Smoke detectors shall be connected to an approved automatic fire alarm system where such system is provided.

Section 1031.2; change to read as follows:

1031.2 Reliability. Required *exit accesses, exits* and *exit discharges* shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency. An *exit* or *exit passageway* shall not be used for any purpose that interferes with a means of egress.

Section 1103.3; change to read as follow:

1103.3 Existing elevators. Existing elevators, escalators, and moving walks shall comply with the requirements of Sections 1103.3.1 and 1103.3.2 and provide emergency signage as required by Section 607.3.

Section 1103.5.5; add this new section to read as follows:

1103.5.5 Spray booths and rooms. New and existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system in accordance with Section 2404.

Section 1103.7; add Section 1103.7.8 and 1103.7.8.1 to read as follows:

1103.7.8 Fire alarm system design standards. Where an existing fire alarm system is upgraded or replaced, the devices shall be addressable. Fire alarm systems utilizing more than 20 smoke and/or heat detectors shall have analog initiating devices.

Exception: Existing systems need not comply unless the total building, or fire alarm system, remodel or expansion exceeds 30% of the building. When cumulative building, or fire alarm system, remodel or expansion initiated after the date of original fire alarm panel installation exceeds 50% of the building, or fire alarm system, the fire alarm system must comply within 18 months of permit application.

1103.7.8.1 Communication requirements. Refer to Section 907.6.6 for applicable requirements.

Section 2304.1; change to read as follows:

2304.1 Supervision of dispensing. The dispensing of fuel at motor fuel-dispensing facilities shall be in accordance with the following:

1. Conducted by a qualified attendant; and/or,
2. Under the supervision of a qualified attendant; and/or,
3. An unattended self-service facility in accordance with Section 2304.3.

At any time the qualified attendant of item Number 1 or 2 above is not present, such operations

shall be considered as an unattended self-service facility and shall also comply with Section 2304.3.

Section 2401.2; delete this section.

Table 3206.2, footnote j; change to read as follows:

j. Where storage areas are protected by either early suppression fast response (ESFR) sprinkler systems or control mode special application sprinklers with a response time index of 50 (m • s) 1/2 or less that are listed to control a fire in the stored commodities with 12 or fewer sprinklers, installed in accordance with NFPA 13.

Section 3206.8; change to read as follows:

3206.8 Fire department hose connections. Where exit passageways are required by the International Building code for egress, a Class I standpipe system shall be provided in accordance with Section 905. Whenever access doors are required by Section 3206.6.1, a Class I, automatic wet or automatic dry standpipe system shall be provided on the building’s interior, adjacent to each access door.

Section 3310.1; change to read as follows:

3310.1 Required access. Approved vehicle access for fire-fighting shall be provided to all construction or demolition sites. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting the imposed vehicle load of 80,000 GVW under all weather conditions. Surface shall be either concrete or asphalt. Vehicle access shall be maintained until permanent fire apparatus access roads are available. When fire apparatus access roads are required to be installed for any structure or development, they shall be approved prior to the time of which construction has progressed beyond completion of the foundation of any structure.

Section 5601.1.3; change to read as follows:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

1. Only when approved for fireworks displays, storage and handling of fireworks as allowed in Section 5604 and 5608.
2. The use of fireworks for approved fireworks displays as allowed in Section 5608.

Section 5703.6; change to read as follows:

5703.6 Piping systems. Piping systems, and their component parts, for flammable and combustible liquids shall be in accordance with Sections 5703.6.1 through 5703.6.11. An *approved* method of secondary containment shall be provided for underground tank and piping systems.

Section 5704.2.9.5; change to read as follows:

5704.2.9.5 Above-ground tanks inside of buildings. Above-ground tanks inside of buildings shall comply with Section 5704.2.9.5.1 through 5704.2.9.5.3.

Section 5704.2.9.5.3; add this new section to read as follows:

5704.2.9.5.3 Combustible liquid storage tanks inside of buildings. The maximum aggregate allowable quantity limit shall be 3,000 gallons (11,356 L) of Class II or III combustible liquid for storage in protected aboveground tanks complying with Section 5704.2.9.7 when all of the following conditions are met:

1. The entire 3,000 gallon (11 356 L) quantity shall be stored in protected above-ground tanks;
2. The 3,000 gallon (11 356 L) capacity shall be permitted to be stored in a single tank or multiple smaller tanks;
3. The tanks shall be located in a room protected by an *automatic sprinkler system* complying with Section 903.3.1.1; and
4. Tanks shall be connected to fuel-burning equipment, including generators, utilizing an *approved* closed piping system.

The quantity of combustible liquid stored in tanks complying with this section shall not be counted towards the maximum allowable quantity set forth in Table 5003.1.1(1), and such tanks shall not be required to be located in a control area. Such tanks shall not be located more than two stories below grade.

Section 5704.2.11.4; change to read as follows:

5704.2.11.4 Leak prevention. Leak prevention for underground tanks shall comply with Sections 5704.2.11.4.1 through 5704.2.11.4.3. An *approved* method of secondary containment shall be provided for underground tank and piping systems.

Section 5704.2.11.4.2; change to read as follows:

5704.2.11.4.2 Leak detection. Underground storage tank systems shall be provided with an *approved* method of leak detection from any component of the system that is designed and installed in accordance with NFPA 30 and as specified in Section 5704.2.11.4.3.

Section 5704.2.11.4.; add this new section to read as follows:

5704.2.11.4.3 Observation wells. Approved sampling tubes of a minimum 4 inches in diameter shall be installed in the backfill material of each underground flammable or combustible liquid storage tank. The tubes shall extend from a point 12 inches below the average grade of the excavation to ground level and shall be provided with suitable surface access caps. Each tank site shall provide a sampling tube at the corners of the excavation with a minimum of 4 tubes. Sampling tubes shall be placed in the product line excavation within 10 feet of the tank excavation and one every 50 feet routed along product lines towards the dispensers, a minimum of two are required.

Section 6103.2.1.8; add this new section to read as follows:

6103.2.1.8 Jewelry Repair, Dental Labs and Similar Occupancies. Where natural gas service is not available, portable LP-Gas containers are allowed to be used to supply approved torch assemblies or similar appliances. Such containers shall not exceed 20-pound water capacity. Aggregate capacity shall not exceed 60-pound water capacity. Each device shall be separated from other containers by a distance of not less than 20 feet.

Section 6104.2, Exception; add an exception 2 to read as follows:

Exceptions:

1. *{No change.}*
2. Except as permitted in Sections 308 and 6104.3.2, LP-gas containers are not permitted in residential areas.

Section 6104.3; add Section 6104.3.2 to read as follows:

6104.3.2 Spas, Pool Heaters, and Other Listed Devices. Where natural gas service is not available, an LP-gas container is allowed to be used to supply spa and pool heaters or other listed devices. Such container shall not exceed 250-gallon water capacity per lot. See Table 6104.3 for location of containers.

Exception: Lots where LP-gas can be off-loaded wholly on the property where the tank is located may install up to 500 gallon above ground or 1,000 gallon underground approved containers.

Section 6107.4; change to read as follows:

6107.4 Protecting Containers from Vehicles. Where exposed to vehicular damage due to proximity to alleys, driveways or parking areas, LP-gas containers, regulators and piping shall be protected in accordance with Section 312.

Section 6106.13; delete exception and change to read as follows:

6109.13 Protection of Containers. LP-gas containers shall be stored within a suitable enclosure or otherwise protected against tampering. Vehicle impact protection shall be provided as required by Section 6107.4.

Table B105.1 (1); change chart to amend the following:

For fire-flow calculation area of 3,601 and greater system or with automatic fire sprinkler system as required in Section 903.3.1.3 of the *International Fire Code* or Section P2904 of the *International Residential Code*, the minimum fire flow shall be 1,000 gallons per minute.

Table B105.2; change footnote (a) to read as follows:

- a. The reduced fire-flow shall not be less than 1,500 gallons per minute.

Table B105.2; change chart to amend the following:

The minimum fire-flow requirement for buildings with automatic sprinkler systems designed per Sections 903.3.1.1 and 903.3.1.2 shall be 50% of the value in Table B105.1 (2) but in no case shall be less than 1,500 gallons per minute.

Add Appendix N to read as follows:

Appendix N: Commercial and Multi-Family Certificate of Inspection Permits

Section N101 Scope. The fire code official and/or the building inspector is authorized to administer Certificate of Inspection Permits and Fees. The fire code official and/or the building inspector is authorized to enter and examine multi-family complexes, buildings and/or dwelling units, commercial and industrial occupancies in accordance with Section 104.3 for the purpose of enforcing this code.

Section N102 Definitions.

N102.1 Definitions. For the purpose of this appendix, the following words and phrases have the meanings respectively ascribed to them by this subsection:

Bedroom. Room used or intended to be used for sleeping purposes and not as a kitchen, bathroom, living room, closet, hallway, utility space, entry way, garage, patio or breezeway.

Building Inspector. Properly identified chief building official of the city or his designated representative.

Certificate of inspection permit. Certificate of inspection permit issued by the fire code official and/or the building official pursuant to this appendix demonstrating compliance with this code issued on an annual basis.

City. City of Lewisville.

Dwelling unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Efficiency unit. Efficiency unit is defined as the equivalent of a one-bedroom unit.

Family. Any number of individuals living together as a single housekeeping unit in which not more than two individuals are unrelated by blood, marriage, or adoption when residing in a dwelling containing one or two bedrooms, or not more than three individuals unrelated by blood, marriage or adoption when residing in a dwelling unit containing three or more bedrooms. Foster children shall be considered as a related member of the family.

Fire Inspector. Properly identified, certified fire marshal of the city or his designated representative.

Multi-family complex. Any building or portion thereof which is rented, leased or let to be occupied for compensation as three or more dwelling units or which is occupied as a home or

place of residence by three or more families living in independent dwelling units located in the city.

Owner. A person claiming, or in whom is vested, the ownership, dominion or title of real property, including, but not limited to:

- 1. Holder of fee simple title;
- 2. Holder of life estate;
- 3. Holder of a leasehold estate for an initial term of five years or more;
- 4. The buyer in a contract for deed;
- 5. A mortgagee, receiver, executor or trustee in control of real property; but including the holder of a leasehold estate or tenancy for an initial term of less than five years.

Premises. A lot, plot or parcel of land, including any structure thereon, and furthermore, including a dwelling unit, appurtenances thereto, grounds and facilities held out for the use of tenants generally and any other area or facility whose use is promised to the tenant.

Property manager. Means a person who for compensation has managing control of a multi-family complex for owner.

Resident manager. Means a property manager or agent of a property manager who resides in the multi-family complex.

Single location. Single location is defined as property held in common ownership that is compact and contiguous property separated only by public streets.

Tenant. Means any person who occupies a dwelling unit for living or dwelling purposes with the landlord's consent.

Section K103 Required Certificate of Inspection Permit-Commercial and Industrial Occupancies.

N103.1 Inspection. Prior to the city's issuance of a certificate of inspection permit, duly authorized members of the city fire prevention bureau shall perform an inspection in accordance with Section 106 of this code. If no hazardous conditions or violations of the fire code are detected at the time of the inspection, or reinspection, the occupant of the inspected business or the owner or building manager of a building as provided above shall be issued a certificate of inspection permit and permit fee. The inspection permit shall include the name and address of each owner, the location and type of occupancy, and the owner, manager, or occupant's signature.

N103.2 Reinspection. If at the time of inspection, the occupancy is found not to be in compliance with this code, a certificate of inspection permit will not be issued. After notification of the violations which were detected, the owner, manager, or occupant shall be required to remedy the conditions of violation, and a citation may be issued for each violation, at each

inspection. The occupant, owner, or manager shall be notified of a time at which reinspection shall occur. The date for the first reinspection shall not be more than 30 days from the time of the original inspection. The date for any subsequent reinspection shall be not more than 10 days from the time of the last inspection. Once the commercial or industrial occupancy passes inspection, a certificate of inspection permit and fee will be issued, and the provision of K103.1 apply.

Section N104 Certificate of Inspection Permit Fee.

N104.1 Certificate of Inspection Permit Fees. Fees for permits associated with annual certificates of fire inspection permits shall be in accordance with the current adopted fee ordinance for the city.

N104.2 Reinspection fee. A re-inspection fee for each re-inspection of each noted violation item shall be assessed for inspections that are required to verify that a violation has been repaired or corrected. Failure of a reinspection fee to be paid shall be considered a violation of this amendment and subject to penalties herein.

N104.3 Permit Compliance. Each owner, manager, or occupant shall, within forty-five (45) days after such inspection, deliver to the city the permit fee. Failure by the owner, manager, or occupant to pay the certificate of inspection permit fee by reason of refusal or delay in tendering the fee within the prescribed time, shall, upon conviction in a court of competent jurisdiction, be guilty of a misdemeanor and each day that such owner, manager or occupancy shall fail to obtain said permit shall constitute a separate offense. No commercial, industrial or multi-family occupancy may operate its business without a valid certificate of inspection permit. No certificate of inspection permit shall be valid until the permit fee has been paid.

N104.4 Valid Certificate of Inspection Permit. A certificate of inspection permit fee will be charged not more than once per year for an inspection of any occupancy or building and issuance of a permit, except as provided for in Section 109 of this code.

Exception: Should the City perform an annual inspection less than twelve (12) months after the previous annual inspection, a pro-rated annual permit fee shall be charged and the new inspection date will be annually from that new inspection date.

N104.5 Revocation of Certificate of Inspection Permit.

Any certificate of inspection permit issued under this code may be suspended or revoked when it is determined after a hearing by the community development director that:

1. It is used by a person other than the person to whom the certificate was issued;
2. It is used for a location other than that for which it was issued;
3. Any of the conditions or limitations set forth in the certificate has been violated;
4. The possessor of the certificate fails, refuses, or neglects to comply with any order or notice served upon him under the provisions of this code within the time period provided therein; or
5. There has been any false statement or misrepresentations as to a material fact in the

plans, specifications, or documentation upon which the permit or application was based; or

- 6. Whenever a change in use or occupancy of a building occurs, existing certificate of inspection permit shall be automatically revoked and a new certificate of inspection permit shall be required.

N105 Additional Requirements for Multi-Family Certificate of Inspection Permit.

N105.1 Inspection. The owner, resident manager, and property manager, as a condition to the issuance of the permit required by this amendment, shall consent and agree to permit and allow the city's fire or building inspector to make inspections of the multi-family complex when and as needed to ensure compliance with this amendment. All city, International Building, Fire, Plumbing, Mechanical, Residential, Energy Codes, Texas Department of Health Code, zoning and other applicable codes and ordinances shall be complied with at all times and are part of the inspection set forth in Section K105.

The multi-family inspector and the owner, resident manager, or property manager shall agree on a reasonable date and time between January 1 and December 31 of each year. One or more units may be inspected at random. If violations exist, the fire inspector has the option of inspecting more than one unit per building in order to determine if violations exist in more units. If no violations are apparent or violations are minor, only one unit per building will be inspected.

N105.2 Reinspection. Shall meet the requirements of K104.2

N105.3 Occupancy Load (Density). Continued maintenance and observance of the following standards contained in this section are conditions that shall be complied with in order to retain a permit and to obtain any renewal of a permit.

- 1. It shall be unlawful for any person to permit or allow more than one family to reside in any multi-family complex dwelling unit.
- 2. Notwithstanding the provisions of all other city ordinances, the maximum number of persons per dwelling unit density for dwelling units in a multi-family complex is as follows:

THE LEWISVILLE CITY CODE IMPOSES THE FOLLOWING MAXIMUM DENSITY REQUIREMENTS:

- * 1-Bedroom or Efficiency Unit—No more than three (3) persons per unit.
- * 2-Bedroom—No more than five (5) persons per unit.
- * 3-Bedroom—No more than seven (7) persons per unit.

Exception: The owner, resident manager, or property manager may have density requirements that are stricter than the standards set forth herein.

- 3. The owner, resident manager, or property manager shall keep records that reflect the following information available for review by the multi-family inspector or the building inspector:

- a. Names of all tenants in each unit.
 - b. Head of household.
4. It shall be unlawful and a violation of this amendment for an owner, property manager, or resident manager, to knowingly permit or allow a violation of any of the terms of this subsection. It shall be unlawful for a tenant to violate any of the terms of this subsection or to permit or allow any persons to reside in the unit in violation of this subsection.

N105.4 Permit Compliance - Multi-family. In addition to the terms of K104.3, Any person owning, operating, managing or maintaining a multi-family complex at more than one location shall obtain a permit for each separate location.

N105.5 Revocation of Certificate of Inspection Permit - Multi-family. Shall meet the requirements of K104.5.

N105.6 - Right of Entry. In conjunction with the requirements of Section 104.3 of this code the owner, resident manager, or property manager shall grant access to all dwelling units in the multi-family complex and all portions of the premises and structures located on the premises that are not dwelling units. This includes all storage areas, community buildings, swimming pools, athletic facilities, club rooms, equipment rooms and all other portions of the facilities not constructed as dwelling units, upon reasonable advance notice being given to the owner, property or resident manager and all occupied dwelling units when, upon reliable information, the multi-family inspector or building inspector has reason to believe that violations of the ordinances of the city or state law exist that involve serious threats to life, safety, health and property.

N105.7 Notice to Tenants/Residents. An owner or property manager shall require a multi-family lease contract to be executed between the multi-family complex and the tenant or tenants who will occupy a dwelling unit. The lease shall contain a provision which allows the owner or property manager to show the apartment or dwelling unit to city inspectors. If the multi-family complex's standard lease form does not contain the above stated provision, the owner or property manager shall require the tenant to sign, as a condition for occupancy of a dwelling unit, a document provided by the city which will allow the owner or property manager to show the apartment or dwelling unit to the multi-family inspector or building inspector.

SECTION 5. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are hereby 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 violating any provision of this Ordinance shall be punished upon conviction by a fine not to exceed \$2,000.00 for each offense, and each and every day such violation shall continue shall constitute a separate offense.

SECTION 8. EFFECTIVE DATE. This ordinance shall become effective immediately upon 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 2nd DAY OF MAY, 2016.

APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Liz Plaster, CITY ATTORNEY

MEMORANDUM

TO: Mayor Rudy Durham
Mayor Pro Tem R Neil Ferguson
Deputy Mayor Pro Tem Greg Tierney
Councilman Leroy Vaughn
Councilman T J Gilmore
Councilman Brent Daniels

FROM: Donna Barron, City Manager

DATE: May 2, 2016

SUBJECT: **Consideration of a Resolution Nominating a Representative and an Alternate Representative to the North Central Texas Council of Government's Regional Transportation Council.**

BACKGROUND

The City currently holds a seat on the North Central Texas Council of Governments Regional Transportation Council (RTC). The RTC is the independent transportation policy body of the Metropolitan Planning Organization. The City appointee to this position is Mayor Durham who was appointed in June 2007 to fill the unexpired position when Mike Nowels resigned. The appointee is required to be an elected official who serves on the governing body they represent.

Membership on the Regional Transportation Council is either by direct membership or group representation. At its April 10, 2014 meeting, the RTC approved revisions to its Bylaws and Operating Procedures. These revisions included changes to RTC membership based on the North Central Texas Council of Government's most recent population and employment figures and an effort to group entities based on their geographic proximity and similar planning needs. The Cities of Lewisville, Highland Village, and the Town of Flower Mound share a seat on the council. The RTC's Bylaws and Operating Procedures state that "The person representing a group of several cities shall be selected by the mayors/county judges using a weighted vote of the maximum of the daytime or nighttime population of the cities/counties represented."

Charlotte Wilcox, the Mayor of Highland Village has indicated her interest in continuing to serve as the alternate for the group.

RECOMMENDATION

It is City staff's recommendation that the City Council approves a resolution nominating a representative and an alternate representative to the North Central Texas Council of Government's Regional Transportation Council.



The Transportation Policy Body for the North Central Texas Council of Governments
(Metropolitan Planning Organization for the Dallas-Fort Worth Region)



March 21, 2016

The Honorable Rudy Durham
Mayor
City of Lewisville
PO Box 299002
Lewisville, TX 75057

The Honorable Tom Hayden
Mayor
Town of Flower Mound
2121 Cross Timbers Road
Flower Mound, TX 75028

The Honorable Charlotte Wilcox
Mayor
City of Highland Village
1000 Highland Village
Highland Village, TX 75077

Dear Mayors Durham, Hayden, and Wilcox:

The North Central Texas Council of Governments (NCTCOG) is the Metropolitan Planning Organization for the Dallas-Fort Worth Metropolitan Area. The Regional Transportation Council (RTC), composed primarily of local elected officials, is the transportation policy body for the MPO. The RTC is responsible for direction and approval of the Metropolitan Transportation Plan, the Transportation Improvement Program, the Congestion Management Process, and the Unified Planning Work Program, and for satisfying and implementing federal and state laws and regulations pertaining to the regional transportation planning process.

Membership on the Regional Transportation Council is either by direct membership or group representation. Each seat on the Regional Transportation Council will be provided a primary member and permitted an alternate member. The Cities of Lewisville, Flower Mound, and Highland Village share a seat on the Regional Transportation Council. The RTC's Bylaws and Operating Procedures state that the person representing a group of several cities shall be selected by the mayors using a weighted vote of the maximum population or employment of the cities represented, and the person selected shall serve a two-year term beginning in June of even-numbered years and shall be serving on one of the governing bodies they represent. A table containing population and employment figures is enclosed.

The Regional Transportation Council maintains a cluster seat for each of the three urbanized areas of Denton, Lewisville, and McKinney. The Bylaws revision states that representation for the three urbanized area seats can come from any of the cities within the respective cluster. The Bylaws further state that in the spirit of integrated transportation planning, all cities within a city-only cluster are eligible to hold the RTC membership seat for the cluster, and the cities should strongly consider rotation of the seat among the entities within the respective cluster. Items to consider when contemplating seat rotation may include: 1) a natural break in a member's government service, such as the conclusion of an elected term, 2) a member's potential to gain an officer position or advance through the officer ranks, 3) a member's strong performance and commitment to transportation planning, or 4) the critical nature of a particular issue or project and its impact on an entity within the cluster.

March 21, 2016

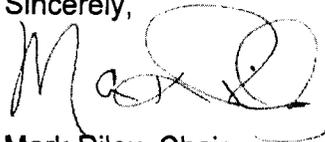
An alternate member is the individual appointed to represent an entity or group of entities on the Regional Transportation Council in the absence of the primary member. The alternate member must be predetermined in advance of a meeting and will have voting rights in the absence of the primary member. An entity or group of entities may elect to appoint its alternate member(s) from a pool of eligible nominees. The same requirements apply to alternate members as to primary members. If a primary member is an elected official, then the alternate member must also be an elected official; if a primary member is a non-elected individual, then the alternate member can be either a non-elected individual or an elected official. Cities and/or counties within a cluster group are strongly encouraged to reflect diversity in their selections of primary and alternate members as well as membership rotation amongst the group depending on the qualifications of the appointees. A best practice may be to appoint the alternate member from an eligible entity within the cluster that is not providing the primary member.

Your current primary representative on the RTC is Rudy Durham, Mayor, City of Lewisville. Your current alternate representative is Charlotte Wilcox, Mayor, City of Highland Village. You may choose to keep your current primary representatives or appoint a new primary representative and/or alternate representative. I encourage you to make your new appointment or appointments prior to June when the new two-year terms begin. Please mail (P.O. Box 5888, Arlington, TX 76005-5888) or fax (817/640-3028) your correspondence to Vercie Pruitt-Jenkins of NCTCOG. Please note that your designation should be confirmed in writing by all entities included in this group.

In addition, the Regional Transportation Council has established an Ethics Policy in accordance with Section 472.034 of the Texas Transportation Code. This policy applies to both primary and alternate RTC members, whether elected or non-elected. All RTC members must also adhere to Chapter 171 of the Local Government Code and to the Code of Ethics from their respective local governments and public agencies. Please remind your representatives to be cognizant of these policies and codes.

Please contact Vercie Pruitt-Jenkins at 817/608-2325 if you have any questions. We look forward to hearing from you.

Sincerely,



Mark Riley, Chair
Regional Transportation Council
County Judge, Parker County

VPJ
Enclosure

cc: Ms. Donna Barrett, City Manager, City of Lewisville
Mr. Michael Leavitt, City Manager, City of Highland Village
Mr. Jimmy Stathatos, Town Manager, Town of Flower Mound

**2016-2017 REGIONAL TRANSPORTATION COUNCIL
MEMBERSHIP STRUCTURE**

<u>City</u>	<u>2015 Population Estimates¹</u>	<u>2013 Employment Estimates²</u>	<u>Maximum of Population & Employment</u>
City Membership			
Plano	271,140	262,007	271,140
McKinney	154,840	56,037	154,840
Anna	10,980	640	10,980
Princeton	7,910	1,544	7,910
Fairview	8,420	1,887	8,420
Melissa	6,890	1,509	6,890
Allen	91,390	38,513	91,390
Lucas	6,400	1,971	6,400
Wylie	45,000	13,847	45,000
Rowlett	56,910	13,096	56,910
Sachse	22,460	1,739	22,460
Murphy	19,170	3,407	19,170
Frisco	145,510	66,819	145,510
Prosper	15,970	2,541	15,970
Little Elm	33,710	3,903	33,710
The Colony	39,310	8,160	39,310
Celina	7,320	1,728	7,320
Providence Village	5,750	288	5,750
Dallas	1,244,270	1,103,909	1,244,270
University Park	22,840	12,887	22,840
Highland Park	8,440	4,746	8,440
Garland	232,960	98,579	232,960
Addison	15,530	64,323	64,323
Richardson	102,430	125,451	125,451
Irving	228,610	270,981	270,981
Coppell	39,880	35,995	39,880
Mesquite	142,230	60,894	142,230
Balch Springs	24,280	5,817	24,280
Seagoville	15,390	5,274	15,390
Sunnyvale	5,420	5,048	5,420
Grand Prairie	182,610	82,380	182,610
Duncanville	39,220	15,822	39,220
DeSoto	50,970	17,985	50,970
Cedar Hill	46,350	16,191	46,350
Lancaster	37,360	12,418	37,360
Glenn Heights	11,440	1,029	11,440
Hutchins	5,350	4,050	5,350
Carrollton	125,250	104,917	125,250
Farmers Branch	30,350	76,707	76,707
Denton	123,200	76,712	123,200
Sanger	7,590	4,265	7,590
Corinth	20,620	6,199	20,620
Lake Dallas	7,240	1,791	7,240
Lewisville	99,480	68,138	99,480
Flower Mound	66,820	32,660	66,820
Highland Village	15,290	4,499	15,290

<u>City</u>	<u>2015 Population</u>	<u>2013 Employment</u>	<u>Maximum of Population & Employment</u>
Fort Worth	792,720	493,499	792,720
Arlington	379,370	209,798	379,370
N. Richland Hills	66,300	27,388	66,300
Richland Hills	7,920	6,484	7,920
Haltom City	42,640	23,280	42,640
Watauga	23,590	6,036	23,590
White Settlement	16,740	9,052	16,740
River Oaks	7,270	1,820	7,270
Lake Worth	5,000	6,305	6,305
Westworth Village	2,570	1,155	2,570
Saginaw	20,480	10,101	20,480
Azle	11,140	4,543	11,140
Keller	42,890	14,170	42,890
Grapevine	48,520	88,359	88,359
Southlake	27,710	32,147	32,147
Colleyville	23,760	9,601	23,760
Westlake	1,120	7,779	7,779
Trophy Club	10,690	1,409	10,690
Roanoke	7,200	6,213	7,200
Hurst	38,340	21,042	38,340
Euless	54,050	17,777	54,050
Bedford	48,060	30,137	48,060
Mansfield	60,400	29,748	60,400
Benbrook	21,910	6,698	21,910
Forest Hill	12,380	3,985	12,380
Crowley	14,130	5,358	14,130
Everman	6,110	1,751	6,110
Kennedale	7,130	5,152	7,130

County Membership

	<u>2015 Population</u>
<u>Collin County</u>	868,790
<u>Dallas County</u>	2,454,880
<u>Denton County</u>	734,940
<u>Tarrant County</u>	1,905,750
<u>Ellis County</u>	161,010
Ennis	18,730
Waxahachie	32,670
Midlothian	21,610
Red Oak	11,980
<u>Kaufman County</u>	109,300
Forney	17,480
Kaufman	6,610
Terrell	<u>16,220</u>
Combined Ellis and Kaufman Population	270,310

<u>Johnson County</u>	158,350
Burleson	41,280
Cleburne	29,170
Keene	6,160
Joshua	6,090

<u>Hood County</u>	56,020
Granbury	<u>8,940</u>

Combined Johnson and Hood Population 214,370

<u>Hunt County</u>	89,090
Commerce	8,130
Greenville	26,180

<u>Rockwall County</u>	87,290
Rockwall	40,620
Heath	7,430
Royse City	10,220
Fate	<u>9,700</u>

Combined Hunt and Rockwall Population 176,380

<u>Parker County</u>	124,630
Weatherford	26,600
Mineral Wells	16,790

<u>Wise County</u>	61,970
Decatur	6,390
Bridgeport	<u>6,080</u>

Combined Parker and Wise Population 186,600

Transportation Providers

DART
DCTA
FWTA
DFW International Airport
TxDOT Dallas
TxDOT Fort Worth
NTTA

Sources:

¹ Population - NCTCOG 2015 Population Estimates

² Employment - NCTCOG 2013 Small Area Employment Estimates

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LEWISVILLE, TEXAS, NOMINATING A
REPRESENTATIVE AND ALTERNATE
REPRESENTATIVE TO THE REGIONAL
TRANSPORTATION COUNCIL.**

WHEREAS, the Regional Transportation Council (RTC) Bylaws and Operating Procedures state that “The person representing a group of several cities shall be selected by the mayors/county judges using a weighted vote of the maximum of the daytime or nighttime population of the cities/counties represented”; and,

WHEREAS, the cities of Lewisville, Highland Village, and the Town of Flower Mound share a seat on the Regional Transportation Council;

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

SECTION 1. The City of Lewisville hereby nominates _____, as the representative and _____, as the alternate representative to the Regional Transportation Council.

SECTION 2. That this resolution shall become effective immediately upon its passage and approval.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, ON THIS THE 2nd DAY OF MAY, 2016.

RESOLUTION NO. _____

Page 2

APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

MEMORANDUM

TO: Mayor Rudy Durham
Mayor Pro Tem R Neil Ferguson
Deputy Mayor Pro Tem Greg Tierney
Councilman Leroy Vaughn
Councilman TJ Gilmore
Councilman Brent Daniels

FROM: Julie Heinze, City Secretary

DATE: April 22, 2016

SUBJECT: **Consideration of Acceptance of Resignation of Brandon Jones From Place No. 2 on the Planning and Zoning Commission (P&Z) and Place No. 4 on the Tax Increment Reinvestment Zone #2 (TIRZ #2); Declare Vacancies Exists on P&Z and the TIRZ #2; and Consideration of Appointments to Place No. 2 on the P&Z and Place No. 4 on the TIRZ #2.**

BACKGROUND

Brandon Jones will be sworn into Place No. 4 of the Lewisville City Council on May 16, 2016; therefore, he has submitted notice of his resignations from Place No. 2 on the P&Z and Place No. 4 on the TIRZ #2. The City Council will need to declare the vacancies and consider new appointments to fill both vacancies.

ANALYSIS

There are currently two applicants (both also Citizen's University members) that have selected the Planning and Zoning Commission as their number one choice. John Lyng and William Meridith. Their data sheets have been included for City Council review.

There are currently no applicants for TIRZ #2. As Mr. Jones was serving on both Planning and Zoning Commission and TIRZ #2, staff recommends that the City Council consider appointing the same individual to fill both of these spots.

RECOMMENDATION

It is City staff's recommendation that the City Council accept the resignations, declare vacancies, and consider appointments as set forth in the caption above.



Julie Heinze <jheinze@cityoflewisville.com>

Planning and Zoning Resignation

Brandon Jones <[REDACTED]>
To: Julie Heinze <jheinze@cityoflewisville.com>

Tue, Apr 19, 2016 at 11:09 PM

Dear City Secretary,

I, Brandon T. Jones hereby resign from the Planning and Zoning Commission Place 2 effective immediately. It has been a pleasure to serve in this capacity and I look forward to continuing to serve the city on the City Council beginning in May.

Best Regards,
Brandon T. Jones

—

Best Regards,
Brandon T. Jones

**Planning and Zoning Commission
Roster/Terms of Office**

<u>Name</u>	<u>Place No.</u>	<u>Appointed</u>	<u>Reappointed</u>	<u>Expires</u>
Sean Michael Kirk 1119 Kingston Dr. Lewisville, TX 75067 214-578-7003 (c) kirk@mildefintl.com	Place No. 1	6/16/2014		6/30/2016
Brandon Jones 936 S. Old Orchard Ln. Lewisville, TX 75067 214-516-2026 (c) brandontjones@gmail.com	Place No. 2	6/17/2013	6/15/2015	6/30/2017
MaryEllen Miksa 1634 Clarendon Dr. Lewisville, TX 75067 214-632-9589 (c) memiksa@yahoo.com	Place No. 3	6/15/2015		6/30/2016
Alvin Turner 247 Birch St. Lewisville, TX 75057 469-464-4354 (h) 214-778-8810 (c)	Place No. 4	7/02/2007	6/15/2015	6/30/2017
Stephen C Byars 1306 Creekview Dr. Lewisville, TX 75067 972-393-3942 (h) steve@stevebyars.com	Place No. 5	8/6/2012	6/16/2014	6/30/2016
Kristin Green 1302 Andrew Ct. Lewisville, TX 75056 972-729-8733 (c) kristin@verdunity.com	Place No. 6	6/17/2013	6/15/2015	6/30/2017
James Davis 1916 Sunset Path Lewisville, TX 75067 972-436-6071 (h) 972-998-7870 (c) Jimwdavis@verizon.net	Place No. 7 Chairman	11/19/2007	6/16/2014	6/30/2016



Julie Heinze <jheinze@cityoflewisville.com>

TIRZ Board # 2 Resignation

Brandon Jones <[REDACTED]>
To: Julie Heinze <jheinze@cityoflewisville.com>

Tue, Apr 19, 2016 at 11:13 PM

Dear City Secretary,

I, Brandon T. Jones hereby resign from the Tax Increment Reinvestment Zone Board # 2 Place 4 effective immediately. It has been a pleasure to serve in this capacity and I look forward to continuing to serve the city on the City Council beginning in May.

Best Regards,
Brandon T. Jones

-

Best Regards,
Brandon T. Jones

**Tax Increment Reinvestment Zone, Number Two
Board of Directors
Roster/Terms of Office**

<u>Name</u>	<u>Place No.</u>	<u>Appointed</u>	<u>Reappointed</u>	<u>Expires</u>
Chip Tabor 231 Roma Dr. Lewisville, TX 75067 214-334-5811 (c) chiptabortx@gmail.com	Place No. 1	6/15/2015		6/30/2017
Phillip Huffines 8200 Douglas Ave., Suite 300 Dallas, TX 75225 214-499-1712 (c) pwh@huffinescommunities.com	Place No. 2	6/16/2014		6/30/2016
Michelle D. Viner 1165 Tanner Dr. Lewisville, TX 75077 972-837-7814 (c) Viner.michelled@gmail.com	Place No. 3	1/28/2013	6/15/2015	6/30/2017
Brandon Jones 936 S. Old Orchard Ln. Lewisville, TX 75067 972-436-0298 (h) 214-516-2026 (c) brandontjones@gmail.com	Place No. 4	6/17/2013	6/16/2014	6/30/2016
Drew Dietrich 400 Dublin St. Lewisville, TX 75067 850-445-5417 (c) D.T.Dietrich@gmail.com	Place No. 5	6/15/2015		6/30/2017

**Tax Increment Reinvestment Zone, Number Two
Board of Directors
Roster/Terms of Office**

<u>Name</u>	<u>Place No.</u>	<u>Appointed</u>	<u>Reappointed</u>	<u>Expires</u>
Gene Carey County Commission Appointee 1373 Evergreen Lewisville, TX 75067 972-436-4817 (h) 469-774-6941 (c) genecarey42@verizon.net	Place No. 6	6/16/2009	4/08/2014	4/08/2016
Ronni Cade County Commission Appointee 753 S. Poydras St. Lewisville, TX 75057 214-507-0854 (c) 972-221-3550 (w) rcade@tmeasures.net	Place No. 7	5/12/2009	4/08/2014	4/08/2017



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BOARDS AND COMMISSIONS APPLICATION

Name: John Lyng

Address: 213 Ridgeway Circle, Lewisville, TX 75067

E-mail Address: johnlyng@yahoo.com

Home Phone: Cell Phone: 214-862-3579 Work Phone:

Occupation: Mortgage Banker Employer: BB&T

Are you a resident of Lewisville? X Yes No Length of residency: 10 years

Are you a registered voter? X Yes No Voter registration number: 1087228511

Do you, your spouse or your employer have any financial interest, directly or indirectly, in matters that might come before the Board and Commission to which you seek appointment?

X Yes No If yes, explain:

Do you, your spouse or your employer have any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies or service?

X Yes No If yes, explain:

Please indicate your preferences for membership by numbering (1-15) each Board or Commission, with 1 being your first selection. This will assist Council if first choice is not available.

- Arts Advisory Board, Animal Services Advisory Committee, Charter Review Commission, Community Development Block Grant Advisory Committee, Lewisville Housing Finance Corporation, Lewisville Industrial Development Corporation, Library Board, Lewisville Parks & Library Development Corporation, Old Town Design Review Committee, Park Board, Planning & Zoning Commission (also serves as: Transportation Board & Capital Improvements Advisory Committee) - Do you own real property in the City of Lewisville yes, Tax Increment Reinvestment Zone, Number One Board of Directors, Tax Increment Reinvestment Zone, Number Two Board of Directors, Zoning Board of Adjustment, Oil and Gas Advisory Board

Background

Education: X High School X College - Course Study: Liberal Arts, did not graduate

X Other - explain Chubb Institute - Computer Operations

What is your occupational experience? Mortgage Banker/Loan Officer since 2009

Areas of Interest: Community development, transportation issues with the growth of Lewisville and Denton County.



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Previous and current volunteer/community service:

Dates:

Office(s) held:

Please specify membership and give title and dates, and/or employment with all Boards, Commissions, Corporations, Non-Profit Entities, Agencies, or other Entities on any other government Board or Commission that you have held. Additional information may be attached.

Lewisville Housing Finance Corporation, 2013

Lewisville Citizens University, Present class

NACA - Neighborhood Assistance Corporation of America, worked there from 2012-2014

Old Town Business Association, Board Member 2011, Lewisville Leadership graduate 2011

Are you involved in any community activities? Site Coordinator, Bountiful Baskets 2012-Present

Have you attended one or more meetings of the board/commission/committee for which you have applied.: Please check box, if the answer is yes.

Reasons for seeking appointment: Please attach a brief narrative outlining your interests and qualifications for seeking appointment. You may also add a resume or additional information. Please check box, if resume attached

What do you hope to accomplish by serving on a board or commission? I just want to use what I have learned from

the Citizens University and the Lewisville Leadership class along with work experience to give back to the city

I live in.

What else would you like to tell us about yourself? I am interested in helping to manage the rapid growth in the area

and how it will affect Lewisville and the region. I am able to deliberate in a group in order to reach a consensus.

Please return the completed form to the City Secretary's Office, City Hall, 151 West Church Street, Lewisville, Texas 75057, fax to (972) 219-3412, or e-mail to ltijerina@cityoflewisville.com by **May 15th** to be considered for appointment. Applications are kept on file for a period of one (1) year. After that time it will be necessary to reapply and update the information herein if you wish to be considered for appointment.

By signing below, you certify that all information on this form is represented accurately. The applicant further authorizes the City Council, or its designee, to verify any information. The applicant agrees to release and hold harmless the City from all claims incident to the verification of information contained herein. All information provided is considered public pursuant to the Texas Public Information Act.

Signature:

Date:

3/25/2016



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BOARDS AND COMMISSIONS APPLICATION

Name: William J. Merioith

Address: 1309 BOGARD LN LEWISVILLE, TX 75077

E-mail Address: billjm@dallas.net

Home Phone: _____ Cell Phone: 214-726-5653 Work Phone: 972-925-7281

Occupation: DESIGN MANAGER Employer: JACOBS

Are you a resident of Lewisville? Yes No Length of residency: 13 years, 10 months

Are you a registered voter? Yes No Voter registration number: 1091720609

Do you, your spouse or your employer have any financial interest, directly or indirectly, in matters that might come before the Board and Commission to which you seek appointment?

Yes No If yes, explain: _____

Do you, your spouse or your employer have any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies or service?

Yes No If yes, explain: _____

Please indicate your preferences for membership by numbering (1-15) each Board or Commission, with 1 being your first selection. This will assist Council if first choice is not available.

- | | |
|---|---|
| <u>4</u> Arts Advisory Board | <u>5</u> Park Board |
| <u>9</u> Animal Services Advisory Committee | <u>1</u> Planning & Zoning Commission (also serves as: Transportation Board & Capital Improvements Advisory Committee) - <u>Do you own real property in the City of Lewisville</u> No <u>Yes</u> |
| <u>12</u> Charter Review Commission | <u>7</u> Tax Increment Reinvestment Zone, Number One Board of Directors |
| <u>3</u> Community Development Block Grant Advisory Committee | <u>8</u> Tax Increment Reinvestment Zone, Number Two Board of Directors |
| <u>6</u> Lewisville Housing Finance Corporation | <u>2</u> Zoning Board of Adjustment |
| <u>10</u> Lewisville Industrial Development Corporation | <u>11</u> Oil and Gas Advisory Board |
| <u>14</u> Library Board | <u>16</u> Lewisville Local Gov. Corporation |
| <u>13</u> Lewisville Parks & Library Development Corporation | |
| <u>15</u> Old Town Design Review Committee | |

Background

Education: High School College - Course Study: MASTER OF ARCHITECTURE
 Other - explain: UNIVERSITY OF ILL-CHAMPAIGN URBANA

What is your occupational experience? 22 years Experience working as a general Contractor & Owner's Representative for Dallas ISD

Areas of Interest: Local Government, music & ARTS, Historical Preservation



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Previous and current volunteer/community service: **Dates:** **Office(s) held:**

Please specify membership and give title and dates, and/or employment with all Boards, Commissions, Corporations, Non-Profit Entities, Agencies, or other Entities on any other government Board or Commission that you have held. Additional information may be attached.

Are you involved in any community activities? _____

Have you attended one or more meetings of the board/commission/committee for which you have applied. Please check box, if the answer is yes.

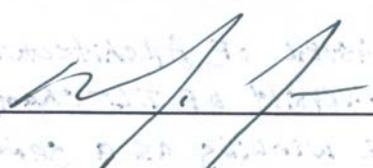
Reasons for seeking appointment: Please attach a brief narrative outlining your interests and qualifications for seeking appointment. You may also add a resume or additional information. Please check box, if resume attached

What do you hope to accomplish by serving on a board or commission? USING MY EXPERIENCE
IN THE DESIGN OF CONSTRUCTION FIELDS & PROJECT MANAGEMENT
DISCIPLINE TO HELP SERVE THE CITY OF LEWISVILLE

What else would you like to tell us about yourself? EAGLE SCOUT - 1985
FAN OF MUSIC - Love performances of MCL GRAND, Summer Concert Series,
Western Days, etc. Love supporting local businesses in Lewisville.

Please return the completed form to the City Secretary's Office, City Hall, 151 West Church Street, Lewisville, Texas 75057, fax to (972) 219-3412, or e-mail to ltijerina@cityoflewisville.com by **May 15th** to be considered for appointment. Applications are kept on file for a period of one (1) year. After that time it will be necessary to reapply and update the information herein if you wish to be considered for appointment.

By signing below, you certify that all information on this form is represented accurately. The applicant further authorizes the City Council, or its designee, to verify any information. The applicant agrees to release and hold harmless the City from all claims incident to the verification of information contained herein. All information provided is considered public pursuant to the Texas Public Information Act.

Signature:  Date: 3-8-16

WILLIAM JAMES MERIDITH

Project Manager

Fast Facts

Years of Experience

22

Education

Basic Art Degree, Art
Instruction Schools,
1987

B.S., Architectural
Studies, University of
Illinois, 1991

M. Arch., University of
Illinois, 1993

Green Advantage
Environmental
Certification – 2008

214-726-5653 – Cell

Email –
billjm@dallas.net

I have twenty two years of experience providing design, project and program management and construction phase services for a wide range of elementary, middle and high school projects, as well as park facilities, airport projects, office buildings and religious facilities.

Relevant Experience

- **Program Management for Dallas Independent School District 2008 Bond Program Projects - \$360 Million - Jacobs - Dallas, TX - Project Manager/Design Manager.** This Program involves design and construction of new schools and facilities, as well as design and construction for additions and/or renovations at existing schools and facilities. Responsibilities include on-budget, on-schedule delivery of assigned projects from design through construction and close-out; oversight of day-to-day project activities; participation in design technical and constructability reviews; project involves using a Competitive Sealed Proposal process for evaluating contractors and value engineering projects into budget when necessary, project progress reporting; management of project data; coordination of A/E Team, asbestos, moving, and swing space services, coordination of testing material firms and roofing inspection firms, coordination of pre-bid and weekly construction site meetings; and coordination with local school Principals. Coordination with Maintenance Staff and coordination of Warranty process during one year warranty period. Coordinating BMCS/CMCS/JACE (HVAC Controls) work for Jacobs.
 - **DFW Airport Design Program Manager - \$250 Million - Project Manager.** The project involves design management of DFW Airport projects. Proposal preparation, design drawing coordination, and construction support are included in the tasks completed for DFW Airport.
 - **Program Management for Dallas Independent School District 2002 Bond Program Projects - \$480 Million - Jacobs/Pegasus, Dallas, TX. Project Manager.** This Program involves design and construction of new schools and facilities, as well as design and construction for additions and/or renovations at existing schools and facilities. Project sizes ranged from \$6,000,000-\$23,000,000. Responsibilities include on-budget, on-schedule delivery of assigned projects from design through construction and close-out; oversight of day-to-day project activities; participation in design technical and constructability reviews; project involved using a Competitive Sealed Proposal process for evaluating contractors and value engineering projects into budget when necessary, project progress
-

- reporting; management of project data; coordination of asbestos, moving, and swing space services, coordination of testing material firms and roofing inspection firms, coordination of pre-bid and weekly construction site meetings; and coordination with local school Principals. Coordination with Maintenance Staff and coordination of Warranty process during one year warranty period. Commercial / Office Facilities

Commercial / Office Facilities

- **Willow Bend Park, Plano, TX.** Project Manager. This project involved the construction of an approximately 91,000-square foot office building with a detached approximately 102,000-square foot parking garage, with a combined construction cost of \$5,675,000. The project included working closely with the Architect and Owner, similar to a design/build project.
- **Metro Optics Dock Expansion, Allen, TX.** Project Manager. This project involved construction of an approximately 6,300-square foot loading dock expansion with a construction cost of \$645,867. The purpose of the project was to give the client a new dock to enable an improvement in shipping out their product. Working 24 hours/day, the building was completed in about three months, which was a client requirement.
- **Vigor Office Building, Plano, TX.** Project Manager. This project involved construction of an approximately 28,000-square feet office facility, with a construction cost of \$1,211,525. The project included working closely with the client, similar to a design/build project, to build a building with a very schematic-type set of drawings where the details were worked out during construction
- **Parkway Vista Office Building, Plano, TX.** Project Manager. This project involved the construction of an approximately 39,000-square foot office building, with a construction cost of \$1,815,851. The project included working with the Owner directly after the project was designed without much involvement from the Architectural Team. The project involved completely the main shell building for future tenant build out. This project entailed working with the Owner on many city/code related issues.

Religious Facilities

- **MacArthur Boulevard Baptist Church, Irving, TX.** Project Manager. This project involved the construction of an approximately 29,628-square foot religious and education facility, with a construction cost of \$4,135,500. The new church and education facility represented Phase I of the church's construction project. Several challenges were encountered on this project due to working within the constraints of Valley Ranch requirements. This project involved working with an Owner who had many changes to make after approved plans came out. Several items related to technology were worked out with the Owner on-site on a design/build basis.
-

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Melinda Galler, Assistant City Manager

DATE: April 28, 2016

SUBJECT: Consideration of Appointments to the Denton County Homelessness Leadership Team.

BACKGROUND

The Denton County United Way sponsored the creation of the Denton County Behavioral Health Leadership Team made up of community leaders. Councilman T.J. Gilmore and Assistant City Manager Melinda Galler were appointed to serve on the team in July 2015. The Behavioral Health Leadership Team has workgroups that look at the issue of homelessness from a mental health standpoint, but it does not address the overall issue of the homeless population in Denton County.

The Denton County United Way (UWDC) joined the City of Denton to launch a county-wide leadership team focused on the growing homelessness issues impacting all communities in Denton County. The approach mirrors the success of the Denton County Behavioral Health Leadership Team structure, designed to unite the communities to achieve change.

ANALYSIS

The main focus of Denton County Homelessness Leadership Team (DCHLT) includes creating stronger community collaboration around community goals to end homelessness, better data collection and sharing, and an effort to help educate and inform the community about solutions to homelessness and the community impact. The DCHLT will be made up of representatives from Denton County, City of Denton, City of Lewisville, City of Sanger, board members from homelessness and housing providers, healthcare providers and members of the United Way of Denton County Board.

The UWDC has requested that the City of Lewisville appoint two representatives to the DCHLT, one council person and one representative from City staff or from the community. Councilman Gilmore has expressed an interest in serving on the DCHLT since he is already serving on the Denton County Behavioral Leadership Team and the two have similar goals and will be coordinating work groups. ACM Claire Swann has also agreed to serve as the staff representative. United Way requested that the staff member selected have expertise in property development and real-estate. Claire oversees the various City departments involved in the development process.

RECOMMENDATION

It is City staff's recommendation that the City Council appoint Assistant City Manager Claire Swann and consider appointing Councilman TJ Gilmore to the Denton County Homelessness Leadership Team.