

**TOWN OF LEWISVILLE
ORDINANCE 2016005 AMENDING THE
TOWN OF LEWISVILLE TOWN CODE CHAPTER 10
PLANNING ORGANIZATION CHARTER**

WHEREAS, the General Statutes of North Carolina, Chapter 160A, Article 19 provides for the establishment and operation of a municipal planning board; and

WHEREAS, the Town Council has previously adopted an ordinance establishing its Planning Board and Zoning Board of Adjustment; and

WHEREAS, the Beautification Committee is named as a member of the Planning Organization; and

WHEREAS, the Town Council needs the active assistance and constant cooperation of many civic-minded citizens in their efforts to serve the best interests of the people and to direct development of the Town; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF LEWISVILLE that it hereby amends the ordinance to include membership and vacancies as described in Ordinance 2006024 and the expiration of terms from December 31 and extending to the next occurring March 31, clarifies when newly appointed board members are seated, and amends Chapter 10 of the Town Code.

SECTION 1. Scope of Planning.

Every action and program of every component of the Town of Lewisville involves planning, in a broad sense of the term. For purposes of this ordinance, the term is restricted to activities and programs involving physical, economic, and social development of the town.

SECTION 2. Planning Agencies.

The following are designated as planning agencies assigned responsibilities under this ordinance: The Town Council, the Planning Board, the Zoning Board of Adjustment, the Lewisville Beautification Committee, and the Office of the Town Manager.

SECTION 3. Town Council.

In its legislative capacity, the Town Council adopts policies, ordinances, and amendments; appropriates funds; approves acquisitions, construction, and disposition of public facilities; and oversees administration of the town. In its quasi-judicial or administrative capacity, it issues special-use permits or conditional-use permits specified for its review under the zoning ordinance (G.S. 160A-381), and gives final approval to plats of proposed subdivisions (G.S. 160A-373).

SECTION 4. Town Planning Board.

The Town Planning Board of the Town of Lewisville is hereby created, in accordance with the following provisions.

A. Membership and Vacancies.

From and after July 1, 2004 the Planning Board shall consist of seven (7) members. From the period beginning

**TOWN OF LEWISVILLE
ORDINANCE 2016005 AMENDING THE
TOWN OF LEWISVILLE TOWN CODE CHAPTER 10
PLANNING ORGANIZATION CHARTER**

on July 1, 2003 until June 30, 2004 the Planning Board shall consist of five (5) members with an additional two (2) members who shall serve as ex-officio members. The ex-officio members shall have no voting authority and shall not be treated as Planning Board members for the purpose of determining the outcome of votes, the presence of a quorum or any other purpose. Except for the two (2) ex-officio members prior to July 1, 2004, who shall be residents of the Vienna annexation area, all members of the Planning Board shall be citizens and residents of the Town of Lewisville and shall be appointed by the Town Council. Members will be appointed for terms of three (3) years, except for the first appointment of the two (2) new members of the Planning Board when the size of the Planning Board is increased to seven (7) on July 1, 2004. The terms of these two (2) new members shall be for the following periods: one of the new members will serve from July 1, 2004 to December 31, 2006 and the other new member will serve from July 1, 2004 to December 31, 2007. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term.

Commencing with terms expiring in December, 2005, upon the expiration of the term of a Planning Board member, such Planning Board member shall be limited to a maximum of three (3) consecutive terms from and after December, 2005, and shall be ineligible for reappointment to the Planning Board for a period of three (3) years thereafter; provided, however, if, at the end of the term of a Planning Board member who is not eligible for reappointment due to the limit on consecutive terms, no different replacement applies for the position or obtains the required vote to be elected to the position, then such a member may be appointed for one (1) additional term. In 2006, Council determined that the terms should end on March 31 rather than December 31, and extended all terms of then serving members from the date their terms would have expired to the next occurring March 31. New terms shall commence on April 1.

Members may be removed by the Town Council.

B. Organization, Rules, Meetings, and Records.

(1) At the first scheduled meeting following April 1, the Planning Board shall meet and elect a chair, vice chair and create and fill such offices as it may determine. The term of the chair, vice chair and other officers shall be one year, with eligibility for reelection. The Board shall adopt rules of attendance of its members and for transaction of its business and shall keep records of its members' attendance and of its resolutions, discussions, findings, and recommendations, which shall be public records. The Board shall hold at least one meeting monthly, and all of its meetings shall be open to the public. There shall be a quorum of four (4) members for the purpose of taking any official action.

C. General Powers and Duties.

It shall be the duty of the Planning Board, in general:

(1) To acquire and maintain in current form such basic information and materials as are necessary to understanding of past trends, present conditions, and forces at work to cause changes in these conditions;

(2) To identify needs and problems growing out of those trends;

(3) To determine objectives to be sought in development of the area;

(4) To establish principles and policies for guiding action in development of the area;

**TOWN OF LEWISVILLE
ORDINANCE 2016005 AMENDING THE
TOWN OF LEWISVILLE TOWN CODE CHAPTER 10
PLANNING ORGANIZATION CHARTER**

(5) To prepare and recommend to the Town Council and from time to time, recommend amendments and revisions to a comprehensive and coordinated plan for the physical, social, and economic development of the area;

(6) To prepare and recommend to the Town Council ordinances promoting orderly development along lines indicated in the comprehensive plan and advise it concerning proposed amendments of such ordinances;

(7) To determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan for the growth and improvement of the area and ordinances adopted in furtherance of such plan;

(8) To keep the Town Council and the general public informed and advised as to these matters; and

(9) to perform any other duties that may lawfully be assigned to it.

D. Basic Studies.

As background for its comprehensive plan and any ordinances it may prepare, the Planning Board may gather maps and aerial photographs of physical features of the area; statistics on past trends and present conditions with respect to population, property values, the economic base of the area, and land use; and such other information as is important or likely to be important in determining the amount, direction, and kind of development to be expected in the area and its various parts.

In addition, the Planning Board may make, cause to be made, or obtain special studies on the location, the condition, and the adequacy of specific facilities, which may include, but are not limited to, studies of housing; commercial and industrial facilities; parks, playgrounds, and other recreational facilities; public and private utilities; and traffic, transportation, and parking facilities.

All Town officials shall, upon request, furnish to the Planning Board such available records or information as it may require in its work. The Board or its agents may, in the performance of its official duties, enter upon lands and make examinations or surveys and maintain necessary monuments thereon.

E. Comprehensive Plan.

The Planning Board shall prepare and submit to the Town Council for its consideration and possible adoption, a comprehensive plan, with the accompanying maps, plats, charts, and descriptive matter, showing the Planning Board's recommendations to the Town Council for the development of said territory, including, among other things, the general location, character, and extent of streets, bridges, boulevards, parkways, playgrounds, squares, parks, aviation fields, and other public ways, grounds, and open spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power, and other purposes; the removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension of any of the foregoing ways, building, grounds, open spaces, property, utilities, or terminals; and the most desirable pattern of land use within the area, including areas for farming and forestry, for manufacturing and industrial uses, for commercial uses, for recreational uses, for open spaces, and for mixed uses. The Planning Board shall use as its basis the plan previously informally adopted by the Town Council.

The plan and any ordinances or other measures to effectuate it recommended by the Planning Board shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development

**TOWN OF LEWISVILLE
ORDINANCE 2016005 AMENDING THE
TOWN OF LEWISVILLE TOWN CODE CHAPTER 10
PLANNING ORGANIZATION CHARTER**

of the town and its environs that will, in accordance with present and future needs, best promote health, safety, morals, and the general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities, services, and other public requirements.

F. Subdivision Regulations.

The Planning Board shall prepare and submit to the Town Council for its consideration and possible adoption, regulations controlling the subdivision of land in accordance with the provisions of Part 2 Article 19 of Chapter 160A of the General Statutes as amended. It shall review, from time to time, the effectiveness of such regulations and may make proposals to the Town Council for amendment or the improvement of those regulations and their enforcement.

In accordance with the provisions of any regulations that are adopted, the Planning Board may review subdivision plats that are submitted and make recommendations to the Town Council concerning such plats.

G. Zoning Ordinance.

The Planning Board shall prepare and submit to the Town Council for its consideration and possible adoption a zoning ordinance in accordance with the provision of Part 3 Article 19 of Chapter 160A of the General Statutes as amended.

The Planning Board may initiate, from time to time, proposals for amendment of the zoning ordinance, based upon it studies and comprehensive plan. In addition, it shall review and make recommendations to the Town Council concerning all proposed amendments to the zoning ordinance.

H. Public Facilities.

The Planning Board shall review with the Town Manager and other town officials and report its recommendations to the Town Council concerning the location, extent, and design of all proposed public structures and facilities; the acquisition and disposition of public properties; and the establishment of building lines, mapped street lines, and proposals to change existing street lines. The Board shall include transportation planning in its purview. It shall also make recommendations concerning other matters referred to it by the Town Council.

K. Economic Development.

The Planning Board may prepare and amend from time to time an economic development program for submission to the Town Council, as authorized by Section 158-13 of the General Statutes.

L. Miscellaneous Powers and Duties.

The Planning Board may conduct such public hearings as may be required to gather information for the maintenance of the comprehensive plan. Before proposing any changes to such plan to the Town Council, it shall hold at least one public hearing thereon.

The Planning Board shall have power to promote public interest in and an understanding of its

**TOWN OF LEWISVILLE
ORDINANCE 2016005 AMENDING THE
TOWN OF LEWISVILLE TOWN CODE CHAPTER 10
PLANNING ORGANIZATION CHARTER**

recommendations, and to that end it may publish and distribute copies of its recommendations and may employ such other means of publicity and education as it may elect.

Members or employees of the Planning Board, when duly authorized by the Board, may attend planning conferences, meetings of planning associations, or hearings on pending planning legislation, and the Planning Board may authorize payment in accordance with Town policy and within the Planning Board's budget.

M. Report

The Planning Board shall, in July of each year, submit in writing to the Town Council, a report of its activities and an analysis of its expenditures to date for the previous fiscal year and any other reports upon request by Council.

N. Funding

(1) The Board shall submit an annual budget request to the Town Manager by February 28th of each year.

(2) The Board's budget shall include:

(a) The costs of items and/or contracts required to implement anticipated Board recommended projects.

(b) The costs of items and/or contracts required to sustain previous contracts and project.

(c) Expenditures must follow the town financial procedures.

(d) Expenditures must be approved in meetings and reflected in meeting minutes.

(3) Advisory Council and Special Committees.

The Planning Board may establish an unofficial Advisory Council and may cooperate with that Council to the end that its investigations and plans may receive full consideration, but the Board may not delegate to such Advisory Council any of its official powers and duties.

The Planning Board may from time to time establish special committees to assist it in studying specific questions and problems.

SECTION 5. Town Manager.

The Town Manager and his/her assigned and/or contracted staff shall assist the Town Council, the Planning Board, the Zoning Board of Adjustment, the Lewisville Beautification Committee, and other appropriate agencies with studies, advice, and preparation plans.

SECTION 6. Zoning Board of Adjustment.

The Zoning Board of Adjustment is charged with hearing appeals from the Zoning Administrator's decisions;

**TOWN OF LEWISVILLE
ORDINANCE 2016005 AMENDING THE
TOWN OF LEWISVILLE TOWN CODE CHAPTER 10
PLANNING ORGANIZATION CHARTER**

granting in specified circumstances special exceptions, special-use permits, or conditional-use permits under the zoning ordinance; and issuing variances under the zoning ordinance, all pursuant to provisions of Part 3 of Article 19 of Chapter 160A of the General Statutes and the zoning ordinance.

In 2006, Council determined that the terms should end on March 31 rather than January 1, and extended all terms of then serving members from the date their terms would have expired to the next occurring March 31. New terms shall commence on April 1.

Officers may be selected at the next scheduled board meeting following April 1.

SECTION 7. Lewisville Beautification Committee.

The Lewisville Beautification Committee develops and carries out voluntary programs, policies, and resolutions to improve community appearance and advises governmental agencies on aesthetic matters, pursuant to its charter.

SECTION 8. Inspection Service.

Inspection services provided by town staff or contracted staff shall enforce the zoning ordinance, the sign ordinance, and other ordinances as assigned by the Town Council and the Manager. The designated staff shall be responsible for issuing the appropriate permits, certificates, and orders for the purpose of appropriately maintaining the public welfare and safety.

SECTION 9. Transition.

Notwithstanding the foregoing, the County of Forsyth shall retain all planning authority and jurisdiction within the Town limits until the Town of Lewisville and the County of Forsyth have agreed in accordance with Town of Lewisville Ordinance Number 1, that such authority and jurisdiction have been transferred to and assumed by the Town of Lewisville.

SECTION 10. Appointment of the Initial Board (Procedures).

Notwithstanding the foregoing, the following special provisions shall apply only to the appointment of the initial Lewisville Planning Board:

1. Members.

The Town Council shall select the five members of the Board from a pool of Lewisville Citizens who have applied for a position as a Lewisville Planning Board member.

2. Terms of Office.

A. Reference Section 4. Town Planning Board, paragraph A. Membership and Vacancies, the five initial members will serve for approximately one, two, or three years as appointed. One (1) of the initial members shall be appointed for a term of one year; two (2), for two years; and two (2), for three years. Their successors shall be appointed for terms of three years. The one-year term shall expire December 31, 1995, the two-year terms shall expire

**TOWN OF LEWISVILLE
ORDINANCE 2016005 AMENDING THE
TOWN OF LEWISVILLE TOWN CODE CHAPTER 10
PLANNING ORGANIZATION CHARTER**

December 31, 1996, and the three-year terms shall expire December 31, 1997.

3. Chair.

Reference Section 4. Town Planning Board, paragraph B. Organization, Rules, Meetings and Records, the initial Chair shall be appointed by the Town Council whose term as Chair shall expire on December 31, 1995. Subsequent Chairs shall be selected as described in Section 4, paragraph B, of this ordinance.

ORDINANCE 10-94 Establishing Lewisville Planning Organization 22 Sept 1994
ORDINANCE 11-94 Amendment 1 26 Oct 1994
ORDINANCE 2003011 Amendment 2 June 12, 2003
Ordinance 2005001 Amendment 3 August 11, 2005
Ordinance 2006023 - Amendment 4 - July 13, 2006
Ordinance 2006024 - Amendment 5 - July 13, 2006
Ordinance 2014051 - Amendment 6 - October 9, 2014
Ordinance 2015019 - Amendment 7 - February 12, 2015
Ordinance 2016005 - Amendment 8 - March 10, 2016

Adopted this 10th day of March, 2016 by the Lewisville Town Council.

Mike Horn,
Mayor

ATTEST:

Joyce C. McWilliams Walker,
Town Clerk