

TOWN OF LEWISVILLE

NORTH CAROLINA

UNIFIED DEVELOPMENT ORDINANCE

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Lewisville
NORTH CAROLINA

CHAPTER A - ADMINISTRATION

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A.1

1. GENERAL

1-1. SHORT TITLE

This Ordinance shall be known and may be cited as *Chapter A Administration*, except as referred to herein, where it shall be known as *this Ordinance*. This Chapter, *Chapter B Zoning and Development Standards*, *Chapter C Environmental Standards* and *Chapter D Subdivision Standards* shall collectively be known and cited as the *Unified Development Ordinance (UDO)*.

1-2. PURPOSE

The purpose of this Chapter is to establish a set of definitions and administrative standards applicable to the *Chapter B Zoning and Development Standards*, *Chapter C Environmental Standards*, and *Chapter D Subdivision Standards* of The Town of Lewisville.

1-3. MEANING OF DEFINITIONS

Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the

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following list of definitions shall, for the purposes of the *Unified Development Ordinance*, have the meanings indicated. All words and phrases not defined in *Section A.2 Definitions* shall have their common meaning.

1-4. TENSES

When used in this Ordinance, the present tense includes the future, the singular includes the plural, and words of one gender include the other, as may be applicable. The word *shall* is mandatory, not discretionary. The word *use* includes structures, facilities, and other development features designed for use.

1-5. ILLUSTRATIONS

Illustrations are provided for purposes of describing, clarifying, or providing examples of the definitions in the text, and do not replace or limit the meaning of the text.

A.2

2. DEFINITIONS

ABC STORE (LIQUOR). An establishment run by the Alcoholic Beverage Control Board selling alcoholic beverages.

ACTIVITY CENTER. An area with existing or potential for mixed use development, as described in the Lewisville Comprehensive Plan, including neighborhood activity centers.

ADMINISTRATIVE DECISION. Decisions made in the implementation, administration, or enforcement of development regulations that involves the determination of facts and the application of objective standards set forth in G.S. 160D or local government development regulations. These are sometimes referred to as "ministerial" decisions or "administrative determinations."

ADMINISTRATIVE HEARING. A proceeding to gather facts needed to make an administrative decision.

ADULT DAY CARE CENTER. An establishment for the daycare of children or adults in a commercial use setting.

ADULT DAY CARE HOME. A non-residential facility that provides a structured program of care, socialization, and health-related services

during daytime hours for adults, particularly the elderly or individuals with disabilities. The primary goal of an adult day care home is to support the physical, emotional, and social well-being of participants while offering relief to caregivers.

ADULT ESTABLISHMENT. Any structure or use of land which meets the definition of adult establishment as outlined in G.S. 14-202.10. Licensed health massage/body work therapists shall not be considered a massage business under G.S. 14-202.10.

AGRICULTURAL PRODUCTION, CROP. The use of land for the primary purpose of raising and harvesting row, field, or tree crops on a commercial basis. The growing and sale of agricultural crops on the premises shall not constitute agricultural crop production.

AGRICULTURAL PRODUCTION, LIVESTOCK. The use of land for the primary purpose of raising animals or producing animal products, such as eggs or dairy products, on a commercial basis, including grazing, ranching, and dairy farming.

ALLEY. A service way providing a secondary means of public access to abutting property.

AMORTIZATION. The process of phasing out a use that is no longer in compliance with this Ordinance.

ANIMAL FEEDING OPERATION. An establishment primarily engaged in raising hogs or poultry, or the fattening of beef cattle, in a confined area.

ANIMAL SHELTER, PUBLIC. A permanent structure(s) and facilities for the purposes of providing animal sheltering, animal veterinary care, animal control, public education, and law enforcement.

ARCHITECT. A person licensed to practice architecture in the State of North Carolina.

AREA PLAN. See Development Plan.

ARTS AND CRAFTS STUDIO. A facility where one or more artists or craftspeople engage in the creation, display, and sale of individual pieces or small series of artwork or crafts. This type of studio may include spaces for a variety of artistic activities, such as painting, sculpture, pottery, woodworking, and other similar crafts. The studio may also provide instructional classes, workshops, and exhibitions related to the arts and crafts produced therein.

ASSISTED LIVING FACILITY. Any group housing and services program for two or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one meal a day and housekeeping services and provides personal care services overnight, directly or through a formal written agreement with one or more licensed home care or

hospice agencies. Settings in which services are delivered may include self-contained apartment units or single or shared room units with private or area baths. Assisted living residences are to be distinguished from nursing homes subject to provisions of G.S. 131E-102. There are three types of assisted living residences: adult care homes, adult care homes that serve only elderly persons, and multiunit assisted housing with services. As used in this section, "elderly person" means:

- A. Any person who has attained the age of 55 years or older and requires assistance with activities of daily living, housing, and services, or
- B. Any adult who has a primary diagnosis of Alzheimer's disease or other form of dementia who requires assistance with activities of daily living, housing, and services provided by a licensed Alzheimer's and dementia care unit.

ASPHALT AND CONCRETE PLANT. An industrial facility engaged in the production of asphalt and concrete materials used in construction and paving projects. These plants typically include machinery and equipment for mixing, producing, storing, and sometimes distributing asphalt and concrete products.

AUTOMATIC TELLER MACHINE. A type of banking and financial services with automated or self-service banking features with no staff or personnel provided.

AUTOMOBILE DEALER. An establishment primarily engaged in the retail sale or lease of new and used motor vehicles.

BAKERY/COFFEE SHOP. A retail establishment primarily engaged in the preparation and sale of baked goods such as bread, cakes, pastries, cookies, and similar products for on-site consumption or take-out. This type of establishment typically also serves coffee, tea, and other beverages, and may provide a limited menu of light food items.

BANKING AND FINANCIAL SERVICES. A facility engaged in deposit banking or extending credit in the form of loans.

BAR/LOUNGE. An establishment primarily engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises. This type of establishment may also offer a limited menu of food items, such as light snacks or small plates.

BASEMENT. A fully enclosed space with fifty percent (50%) or more of its cubical content below the finished grade of the ground surface at the walls of the building.

BED AND BREAKFAST. An owner-occupied or manager-occupied residential structure providing rooms for overnight lodging, or lodging and meals, including no more than five (5) rooms.

BLOCK. An area of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way, waterways, shorelines, or any other barrier to the continuity of development.

BOARDING OR ROOMING HOUSE. An owner-occupied dwelling, or part thereof, in which lodging is provided to more than three (3) but not more than eight (8) paying guests on a weekly or longer basis.

BOAT, RV SALES & SERVICES. An establishment primarily engaged in the sale, rental, and servicing of boats, recreational vehicles (RVs), and related equipment and accessories.

BONA FIDE FARM PURPOSES. Agricultural activities as set forth in G.S. 160D-903.

BORROW SITE. Any place or premises where not more than one acre of land is disturbed at any one time, and where dirt, soil, sand, gravel, or other material is removed for any purpose other than that necessary and incidental to grading or building construction on the site.

BROADCAST STUDIO. An establishment primarily engaged in providing two-way radio/telephone communication services, telephone voice and data communications, telegraph services, radio and television broadcasting, or cable and other pay television services, but excluding those uses classified as utilities.

BUFFERYARD. The portion of a yard where special plantings may be required by the Zoning Ordinance to separate and partially screen two (2) adjacent land uses that are ordinarily incompatible by virtue of their use.

BUILDABLE AREA. The area of a zoning lot remaining after the minimum setback requirements of this Ordinance have been satisfied.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING, PRINCIPAL. The building in which the principal use of the zoning lot is conducted.

BUILDING CONTRACTORS, GENERAL. An establishment providing general contracting and/or building construction services for residential, farm, industrial, or commercial uses, and which typically does not involve outdoor storage of machinery or equipment.

BUILDING CONTRACTORS, HEAVY. An establishment providing general contracting and/or building construction services other than for buildings, such as highways and

streets, bridges, sewers, and flood control projects, and which may involve outdoor storage of machinery or equipment.

BUILDING HEIGHT. The vertical distance measured from the average elevation of the finished grade of all sides of a building, measured at the midpoint of each side, to the topmost elevation of the roof or to the topmost projection of the building above any roof, including parapet walls. Enclosed penthouses or equipment rooms are considered a part of the building and included in the calculation of building height. See *Section B.2-4.2(F) Accessory Structures Permitted in Required Yards* of the Zoning Ordinance for calculation of height of accessory buildings.

BUILDING MATERIALS SUPPLY. An establishment engaged in selling lumber and a general line of building materials and hardware to the public.

BUILD-TO-LINE (BTL). The line at which construction of a building is to occur on a lot.

BULK STORAGE OF PETROLEUM PRODUCTS. The storage on a zoning lot of two thousand five hundred (2,500) gallons or more of flammable liquid, or two thousand (2,000) gallons water capacity or more of flammable gas, excluding storage tanks, above ground.

CAMPGROUND. A commercial establishment containing two or more campsites or cabins available for overnight camping use whether by rental fee or short-term lease. Campgrounds may include recreational facilities, a store for the sale of food or camping supplies while on the premises, and facilities for the assembly of campers and guests. Campground does not include a summer camp, migrant labor camp, manufactured or mobile home park, or recreational vehicle park.

CAMPUS HOUSING. A multi-family facility intended for exclusive use of students or employees of a school or medical campus.

CANOPY. A structure, either detached from or attached to and extending from the enclosed portion of a building and used principally to provide shelter in connection with activities conducted in the principal building.

CARPORT. A roofed structure enclosed on not more than two (2) sides and used for the parking of motor vehicles.

CAR WASH. A facility where motor vehicles are washed, cleaned, and/or waxed by hand or with manually operated equipment or automatic machinery.

CEMETERY. Land and facilities used for burial of the dead, both licensed and unlicensed. Licensed cemeteries include any burial ground, mausoleum, or columbarium which meets

the requirements of a perpetual care cemetery under State law, operated by a cemetery company. Unlicensed cemeteries include municipal, private family, farm, church or animal cemeteries which have not been licensed and do not meet the licensing requirements of a perpetual care cemetery under State law.

CERTIFICATE OF APPROPRIATENESS. A document issued by the Forsyth County Historic Resources Commission (HRC) allowing an applicant to proceed with a proposed exterior alteration, demolition or new construction in a locally zoned Historic District or Historic Overlay District, following a determination of the proposal's suitability according to applicable criteria.

CERTIFICATE OF OCCUPANCY. A permit issued by the Planning Director or designee, setting forth that a lot, building, structure, or use complies with the *Chapter B Zoning and Development Standards* and that the same may be used for the purposes stated therein.

CHILD CARE (DROP-IN). A childcare arrangement where children attend on an intermittent, unscheduled basis and care is provided for less than four (4) hours per day.

CHILD CARE FACILITY. Includes childcare centers, family child care homes, and any other child care arrangement that provides child care, regardless of time of day, wherever operated, and whether for profit or not. A child care center is an arrangement where, at any one time, there are three or more preschool-aged children or nine or more school-age children receiving child care. A family child care home is a child care arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive child care.

CLUB OR LODGE. A building or land used for the activities of a private club or social organization, and not adjunct to, or operated as, or in connection with a public tavern, cafe, or other place open to the public.

COLLEGE OR UNIVERSITY. Any post-secondary educational institution offering undergraduate or graduate degrees.

COMMERCIAL CRYPTOCURRENCY MINING. The commercial process by which cryptocurrency transactions are verified and added to the public ledger, known as the block chain, and also the means through which new units of cryptocurrencies are released, through the use of server farms or data centers employing data processing equipment. Any equipment requiring a High-Density Load Service, for a server farm or data center, will constitute a commercial cryptocurrency mining operation.

COMMERCIAL MAILINGS. An establishment primarily engaged in providing services

related to the preparation, handling, and distribution of large volumes of mail and packages for businesses.

COMMUNITY CENTER. A building, not otherwise defined, used for recreational, social, educational, and cultural activities, other than schools and churches, usually owned and operated by a public or non-profit group or agency. **COMMUNITY GARDEN.** A dedicated space for the growing of plants for personal use, community distribution, education, or beautification of a community.

CONDITIONAL ZONING. A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

CONGREGATE CARE FACILITY. A residential facility offering housing and limited health care services, primarily for the elderly or disabled. These facilities typically include private or semi-private living quarters and common areas, as well as support services such as meals, housekeeping, and transportation. Health care services usually include assistance with daily living activities such as bathing, dressing, and medication management, but do not provide the level of care found in a hospital or nursing home.

CONSTRUCTION, START OF. The first placement of a structure, including a manufactured home, on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work at the point of placing the foundation, or beyond the stage of excavation or the placement of a manufactured home on a foundation.

CONVENIENCE STORE. Any retail establishment offering for sale gasoline, diesel fuel, kerosene, automotive products, prepackaged food products, household items, and/or other goods commonly associated with the same and having a gross floor area of less than five thousand (5,000) square feet.

A. **CONVENIENCE STORE WITHOUT FUEL SALES.** Retail oriented uses engaged in the sale of convenience items including but not limited to prepackaged food, beverages, tobacco products, lottery, and other similar products as its primary sale.

B. **CONVENIENCE STORE WITH FUEL SALES.** Retail oriented uses engaged in the sale of fuel for motor vehicles, and convenience items including but not limited to prepackaged food, beverages, tobacco products, lottery, and other similar products as its primary sale.

CORNER LOT. A lot abutting two (2) or more streets at their intersection, or upon two (2) parts of the same street, forming an interior angle of less than one hundred thirty-five

(135) degrees as measured at the centerline of the street. The point of intersection of the street right-of-way lines, or of the street right-of-way lines as extended, is the corner.

CORRECTIONAL INSTITUTION. A facility providing housing and care for individuals confined by law, operated under the authority of local, State, or federal government.

CORRECTIONAL TRANSITIONAL GROUP CARE FACILITY. A transitional housing facility for forty (40) or fewer residents, licensed by the State of North Carolina or operated by a nonprofit corporation chartered pursuant to G.S. Ch. 55A, which provides room and board, personal care, and rehabilitation services while persons receive therapy or counseling to assist them to adjust to society as an alternative to incarceration. Such facilities may have accessory uses conducted on the premises, including but not limited to, schooling of residents, training programs in occupational fields, and production of goods and crafts to be sold off premises.

CRITICAL ROOT ZONE. A circular region measured outward from a tree, representing the essential area of the roots that must be maintained in order for the tree to survive. The Critical Root Zone is one (1) foot of radial distance from the tree's trunk for every one (1) inch of tree caliper, measured at breast height (DBH) as measured four and a half (4.5) feet above grade.

CRYPTOCURRENCY DATA CENTER. Leased or owned boundaries of floor space devoted to the operating data processing equipment for Commercial Cryptocurrency Mining; excludes spaces for commercial offices, storage, shipping and receiving, warehousing, or any other space that is not electronic processing.

CRYPTOCURRENCY SERVER FARM. Three or more interconnected computers housed together in a single facility whose primary function is to perform cryptocurrency mining or associated data processing.

CUL-DE-SAC. A local street having only one end open to traffic with the other end permanently terminated by a vehicular turnaround.

DAY CARE CENTER. A program or arrangement where three or more children less than thirteen (13) years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoptions.

DAY CARE SERVICES, ADULT. Adult day care means a program established for the purpose of providing group care and supervision on a less than 24-hour basis to adults

who are physically or mentally disabled. In addition to the regulations contained in this Ordinance, adult day care services may require additional certifications and/or permits. The following programs are exempted from the provisions of G.S. 131D-6 and, therefore, are not required to be certified:

- A. Those that care for three people or less;
- B. Those that care for two or more persons, all of whom are related by blood or marriage to the operator of the facility;
- C. Those that are required by other statutes to be licensed by the Department of Human Resources.

DECISION-MAKING BOARD. A governing board, planning board, board of adjustment, historic resources commission, or other board assigned with making administrative, quasi-judicial, or legislative decisions.

DENSITY. The ratio of dwelling units permitted on a zoning lot to the area of the zoning lot. Density is expressed in this Ordinance as the number of units per acre.

DESIGN REVIEW GUIDELINES. Criteria developed by the Historic Resources Commission to identify design elements within designated H and HO Districts, and which are used by the Historic District Commission when it reviews applications for certificates of appropriateness.

DETENTION STRUCTURE. A permanent structure designed for the temporary storage of runoff in order to reduce the peak rate of discharge from a site.

DEVELOPER. A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

DEVELOPMENT. Unless the context clearly indicates otherwise, the term means:

- A. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure;
- B. The excavation, grading, filling, clearing, or alteration of land;
- C. The subdivision of land as defined in G.S. 160D Article 8; or
- D. The initiation or substantial change in the use of land or the intensity of use of land.

DEVELOPMENT APPROVAL. An administrative or quasi-judicial approval made pursuant to the Unified Development Ordinances that is written and that is required prior to commencing development or undertaking specific activity, project or development

proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, variances and certificate of appropriateness. The term also includes all other regulatory approvals, permits issued, development agreements entered into, and building permits issued.

DEVELOPMENT PLAN. A plan prepared through a public process containing land use and development policies for a specified area, recommended by the Planning Board and adopted by the Town Council.

DEVELOPMENT REGULATION. Any regulation adopted pursuant to G.S. 160D of General Statutes, or a local act or charter that regulates land use or development.

DIRT STORAGE. The stockpiling of graded soil which has been transported from another zoning lot.

DOUBLE FRONTAGE LOT. A lot having frontage and access on two (2) or more streets. A corner lot shall not be considered as having double frontage unless it has frontage and access on three (3) or more streets.

DOWNTOWN. As shown in Exhibit 5 in the Appendix of the Unified Development Ordinance on the map titled Lewisville Downtown Overlay Map, Downtown includes primarily properties that stretch from the area surrounding the US 421 interchange and Williams Road to Reid Acres Lane, encompassing properties that front Shallowford Road and Great Wagon Road.

DOWNTOWN CORE AREA (DCA). That portion of the Downtown lying east of the Williams Road/ Shallowford Road roundabout as shown in Exhibit 5 in the Appendix of the Unified Development Ordinance on the map titled Lewisville Downtown Overlay Map.

DOWNTOWN GATEWAY AREA (DGA). That portion of the Downtown lying west of the Downtown Core Area as shown in Exhibit 5 in the Appendix of the Unified Development Ordinance on the map titled Lewisville Downtown Overlay Map.

DOWNTOWN OVERLAY AREA (DTO). An area equivalent to the Downtown including the Downtown Core Area and the Downtown Gateway Area.

DWELLING UNIT. One (1) or more rooms used as a place of residence for one or more persons, in which there are independent living facilities, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

DWELLING UNIT, ACCESSORY. A secondary dwelling unit connected to the principal structure or located on the same lot as the principal structure, and it restricted in area,

purpose, and occupancy in accordance with *Section B.2-5.2(B) Uses Accessory to Certain Principal Uses*.

DWELLING UNIT, EFFICIENCY. A dwelling unit in which the sleeping and living areas are contained in the same room.

EASEMENT. A grant of one or more of the property rights for a specific purpose by the property owner to, or for the use by, the public or another person.

EASEMENT, NEGATIVE ACCESS. An easement which allows no driveway or other vehicles access to a lot from an adjacent public street.

EASEMENT, PRIVATE DRAINAGE. An easement which grants the right to allow for the transport of stormwater runoff or drainage from adjacent properties upon the subject property.

EASEMENT, PRIVATE OFF-SITE ACCESS. An easement which grants the right of access to property zoned differently from the property underlying the access easement.

ELDERLY HOUSING. A multi-family residential development or facility occupied by persons aged fifty-five (55) years or older or handicapped, their spouses and/or surviving spouses, and resident staff personnel.

ELEVATED BUILDING. A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), or shear walls.

ENGINEER. A person licensed to practice engineering in the State of North Carolina.

EVIDENTIARY HEARING. A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under Chapter 160D and the Unified Development Ordinance.

FAMILY. One or more persons related by blood, adoption or marriage living together as a single housekeeping unit. All degrees of kinship are computed as provided in G.S. 104A-1. The following are not included in the determination of occupancy limits defined above:

- A. Five or fewer foster children placed in a family foster home licensed by the State of North Carolina.
- B. A bona fide live-in health care provider providing medical and personal care services to a resident.
- C. A live-in nanny providing child care services to a resident child.

For the purposes of this definition, the following persons shall be considered related by blood: (A) any relative of the head of household or of the spouse (whether living or dead) of the head of household to the third degree of collateral kinship, or to any degree of lineal kinship, as defined in State law; and, (B) a parent or child by adoption, marriage, or legitimization of any person (including the head of household or spouse of the head of household) described in (A) above; and, (C) a dependent, as defined in State law, of any person described in (A) or (B) above.

FAMILY CARE HOME. As defined by G.S. 160D-907, a family care home is a home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for not more than six (6) resident persons with disabilities. This use shall not serve primarily as an alternative to incarceration, shall not include individuals who are dangerous to others, as defined in G.S. 122C-3(11)b, and shall not include persons living together as a fraternal, sororal, social, honorary, or professional organization.

FAMILY GROUP HOME FACILITY. An establishment qualified for a license by the State of North Carolina for provision of resident services to more than six but not more than 20 residents who are physically disabled, mentally disabled, developmentally disabled, persons recuperating from alcohol or drug related problems, persons adjusting to society as an alternative to imprisonment and persons recuperating from mental or emotional illness. This definition shall not include mentally ill persons who are dangerous to others. “Dangerous to others” means that within the relevant past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that his or her conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Professionals or paraprofessionals providing assistance to the occupants shall be allowed in addition to the maximum occupancy.

FARM TENANT HOUSING. A dwelling unit occupied by the family of a person employed in agriculture-related activities on the premises.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA). That agency or successor agencies which are responsible for the administration of the National Flood Insurance Program.

FIRE OFFICIAL. The officer or other designated authority, or his duly authorized representative, charged with the administration and enforcement of the Fire Prevention Code. All persons empowered with the administration and enforcement of this Code shall possess an appropriate valid certificate issued by the North Carolina Code Officials Qualification Board.

FLAMMABLE FUEL STORAGE (BELOW GROUND). The storage of flammable or other hazardous liquids at a below grade location in compliance with applicable State laws.

FLOOR AREA, GROSS. The total number of square feet on all floors of a building, as measured from the outside faces of the building.

FOOD OR DRUG STORE. An establishment primarily engaged in selling food for home preparation and consumption, or prescription drugs, nonprescription medicines, and related lines.

FRATERNITY OR SORORITY. A residence occupied by and maintained for the use of fraternal, sororal, social, honorary, or professional organizations.

FREEWAY OR EXPRESSWAY. A divided highway with full control of access and grade separation of all intersections.

FUEL DEALER. An establishment primarily engaged in the retail sale of fuel oil (excluding retail sale of motor fuels), bottled gas, coal, wood, or other fuels.

FUNERAL HOME. An establishment engaged in undertaking services, such as preparing the human dead for burial and in arranging and managing funerals. This definition includes crematories and mortuaries.

GENERAL MERCHANDISE STORE. A retail establishment primarily engaged in the sale of a wide variety of goods without a dominant merchandise line. These stores offer a broad range of products, which may include clothing and apparel, home goods, electronics, toys, beauty and personal care items, small appliances, furniture, and household supplies.

GENERAL RETAIL SALES, LESS THAN 10,000 SQUARE FEET. General retail and services establishments are involved in the sale, lease or rent of new or used products and services at the neighborhood level. Generally, general retail less than 10,000 square feet is localized retail meant to serve the needs of an immediate area.

A. Accessory uses may include offices, storage, or repackaging of goods for on-site sale, and parking.

- B. Examples. Establishments selling leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationary, and videos, food sales, photographic studios, and photocopy and blueprint services.

GENERAL RETAIL SALES, 10,000 TO 25,000 SQUARE FEET. General retail and services establishments are involved in the sale, lease or rent of new or used products and services at the neighborhood level. Generally, general retail less than 25,000 square feet is neighborhood level retail meant to serve the needs of a neighborhood area.

- A. Accessory uses may include offices, storage or repackaging of goods for on-site sale, and parking.
- B. Examples. Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationary, and videos; food sales, photographic studios; photocopy and blueprint services.

GENERAL RETAIL SALES, 25,000 TO 50,000 SQUARE FEET. General retail and services establishments are involved in the sale, lease or rent of new or used products and services at the neighborhood level. Generally, general retail of 25,001 to 50,000 feet is community level retail meant to serve the needs of several neighborhoods.

- A. Accessory uses may include offices, storage or repackaging of goods for on-site sale, and parking.
- B. Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationary, and videos; food sales, photographic studios, and photocopy and blueprint services.

GENERAL RETAIL SALES, 50,000 OR GREATER SQUARE FEET. General retail and services establishments are involved in the sale, lease or rent of new or used products

and services at the neighborhood level. Generally, retail of this magnitude features regional commercial retail options.

- A. Accessory uses may include offices, storage or repackaging of goods for on-site sale, and parking.
- B. Examples. Large retail stores, shopping malls, and shopping plazas.
- C. Uses Not Included.
 - 1. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as light industrial and manufacturing.
 - 2. Sales of landscape materials, including bark chips and compost, is classified as light industrial and manufacturing.
 - 3. Sales, rental, or leasing of heavy trucks and equipment is classified as light industrial and manufacturing.

GOVERNING BOARD. The Town Council. This term is interchangeable with terms "elected body" and "elected officials."

GOVERNMENT OFFICES. The offices of the executive, legislative, judicial, administrative, and regulatory branches of federal, State and local governments.

GRADE, FINISHED. The elevation at the top of the ground, walk, or terrace where the ground, walk, or terrace intersects the exterior walls of a structure or the vertical supports of a sign.

GREENWAY. A linear open space along a natural or constructed corridor, which may be used for pedestrian or bicycle passage. Greenways often link areas of activity, such as parks, cultural features, or historic sites with each other and with populated areas. Existing and proposed community greenways are identified in the Greenway Plan found in The Lewisville Comprehensive Plan.

GROUND LEVEL. For floodway purposes, the existing average elevation of the land.

GROUP CARE FACILITY A. A residential facility designed to provide care and supervision for a small group of individuals who may need assistance with daily activities but do not require intensive medical or nursing care. Group Care Facility A typically accommodates a smaller number of residents, generally six or fewer, and provides a home-like environment with support services.

GROUP CARE FACILITY B. A residential facility designed to provide care and supervision for a larger group of individuals who may need assistance with daily activities

but do not require intensive medical or nursing care. Group Care Facility B typically accommodates more than six residents and offers a range of support services within a more structured environment.

HABILITATION FACILITY SERVICES. Any facility in which one or more handicapped persons receive habilitation services, rehabilitation services or engage in recreational activities, regardless of whether these services and activities are therapeutic or educational in nature. These facilities are licensed by the State of North Carolina and do not provide room and board. This definition does not include the principal uses Schools, Elementary or Schools, Secondary. These facilities are intended to serve handicapped persons as defined in State law, in accordance with rights provided by applicable laws.

HANDICAPPED PERSON. A person with a physical or mental impairment which substantially limits one or more of such person's life activities; a record of having such impairment; or being regarded as having such an impairment. This definition does not include current illegal use of or addiction to a controlled substance. As defined by G.S. 168A-3(7)a.

HARDWARE STORE. A retail establishment primarily engaged in the sale of tools, building materials, and home improvement and maintenance supplies.

HAZARDOUS MATERIAL. Any substance listed as such in the Superfund Amendments and Reauthorization Act (SARA) Section 302, Extremely Hazardous Substances; the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Hazardous Substances; or Section 311 of the Clean Water Act (CWA) (oil and hazardous substances).

HAZARDOUS SUBSTANCE. Any chemical defined as a physical hazard or a health hazard under standards of North Carolina Administrative Code (NCAC). Physical hazards include, but are not limited to, chemicals which are combustible, explosive, flammable, and reactive. Health hazards include, but are not limited to, chemicals which are carcinogens, toxins, corrosives, and irritants.

HEALTH CARE FACILITY. A facility that engages in the examination, diagnosis, and/or treatment of health care patients by providing medical, psychiatric, or surgical services, including emergency treatment, diagnostic services, training, research, and administration. Kidney dialysis centers, blood banks, birth control clinics, drug treatment centers, and similar uses are included in this definition. Can include establishments engaged in furnishing medical and surgical services to individuals and licensed by the

State for such practices. This definition can include academic medical centers used by an accredited medical school and its affiliated teaching hospital.

HIGH-DENSITY LOAD SERVICE. The provision of electrical service where the requested load density has, for any monthly billing period, either an average power demand in excess of 300 kilowatts, OR an average power density in excess of 250 kilowatt-hours per year per data center square foot, equivalent to 35.064 square feet per kilowatt, at 100% load factor.

HND. City of Winston-Salem Department of Housing and Neighborhood Development.

HOME OCCUPATION. The use of a dwelling unit or accessory building on the same zoning lot for commercial activities that are clearly subordinate to the principal use of the dwelling unit for residential purposes and located in a residential district. **HOSPITAL AND HEALTH CENTER.** A comprehensive medical facility that provides a wide range of healthcare services, including inpatient and outpatient care, diagnostic services, surgical procedures, emergency services, and specialized treatments. These facilities are designed to meet the medical needs of the community and promote overall health and well-being.

HOTEL OR MOTEL. A commercially operated facility that offers transient lodging accommodations to the public, that includes five (5) or more rooms. May provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

HUD. United States Department of Housing and Urban Development.

HUMAN SCALE. In the context of architecture and urban design, refers to the design of spaces and objects that are in proportion to the human body and its movements, creating a sense of comfort and usability.

IMPERVIOUS SURFACE COVER. Any structure or material which significantly reduces or prevents natural absorption of stormwater into the soil. Impervious surface cover includes any built upon area including, but not limited to, buildings or other structures with roofs, sidewalks, driveways, parking lots, streets, and any concrete, stone, brick, asphalt, or gravel surface. For purposes of calculating impervious surface coverage requirements pursuant to the Zoning Ordinance, calculation is based on the entire zoning lot.

Gravel or paver block for parking lots containing more than twenty-five (25) spaces is considered impervious at a rate of eighty percent (80%) of the total area covered.

IMPLEMENT SALES AND SERVICE. An establishment engaged in the sale, service, or rental of agricultural machinery, trailers, construction equipment, or tools.

IMPROVEMENT. Any structure or constructed feature not included under the definition of structure.

INDUSTRIAL, LIGHT. A manufacturing establishment primarily engaged in the fabrication or assembly of products from pre-structured materials or components. Because of the nature of its operations and products, Light Industry produces little or no noise, odor, vibration, glare, and/or air and water pollution, and, therefore, has minimal impact on surrounding properties.

INDUSTRIAL, GENERAL. A manufacturing establishment whose operations, including outdoor and indoor storage of materials; processing, fabrication, or assembly of products; loading and unloading of new materials, and finished products may occur either inside an enclosed building or outside the premises. Toxic, hazardous, or explosive materials may be produced or used in large quantities as an integral part(s) of the manufacturing process. Noise, odor, dust, vibration, or visual impacts, as well as potential public health problems in the event of an accident, could impact adjacent properties.

INSTITUTIONAL USE. For the purpose of this Ordinance, any use listed under the heading of Institutional and Public Uses in *Table B.2.12 Permitted Uses* in the Zoning Ordinance.

INTERNAL LANDSCAPED AREAS. An internal landscaped area is a peninsula or island-shaped planting area located within a parking lot or adjacent to the parking lot edges with the expressed purpose of mitigating the environmental and visual effects of a parking lot.

INTERSTATE SYSTEM. Roads so designated by federal agencies which provide interstate travel with controlled access. The Interstate System is a part of the National Highway System but retains a separate identity and a separate funding.

JEWELRY REPAIR SHOPS. An establishment primarily engaged in the repair, restoration, and customization of jewelry items.

KENNEL. Any facility used for the purpose of boarding animals, excluding horses, cattle, swine, sheep, goats, geese, or peafowl. Kennels may conduct other such incidental activities, such as the sale of animals, treatment of the animals, grooming or cleaning, and the sale of pet supplies.

LANDFILL, CONSTRUCTION AND DEMOLITION. A landfill which accepts construction or demolition debris or waste including solid waste from construction, remodeling, repair or demolition operations on pavement, buildings, or other structures.

LANDFILL, LAND CLEARING AND INERT DEBRIS (LCID). A landfill that is limited to receiving land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash.

LANDOWNER OR OWNER. The holder of the title in fee simple. Absent evidence to the contrary, a local government may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.

LANDSCAPE ARCHITECT. A person licensed to use the title of landscape architect in the State of North Carolina.

LEGISLATIVE DECISION. The adoption, amendment, or repeal of a regulation under G.S. 160D or an applicable local decision determined by the Town Council. It also includes the decision to amend the Unified Development Ordinance.

LEGISLATIVE HEARING. A hearing to solicit public comment on a proposed legislative decision.

LEWISVILLE COMPREHENSIVE PLAN. The Comprehensive Plan adopted by the Town Council to guide decision making related to the physical development in the Town of Lewisville. The Plan provides the policy direction used in framing land use decisions and growth management initiatives. It includes data and maps on existing conditions, analyses of those conditions, and based on that information, goals, objectives, and policies to guide future development and conservation activities.

LIBRARY, PUBLIC. A publicly operated facility housing a collection of books, magazines, audio and video tapes, or other material for use by the general public.

LIFE CARE COMMUNITY. An area of land under unified ownership planned and developed as a unit to provide for the transitional residency and care of persons aged fifty-five (55) years or older and/or handicapped. Life care communities may offer a full range of living and care arrangements, including independent living in attached or detached dwelling units, assisted living in congregate care facilities, and full-time health care in nursing care institutions.

LIMITED CAMPUS USES. specialized functions or activities permitted within an institutional campus setting, such as a university, college, or hospital campus, that have a focused scope and are typically restricted to certain areas of the campus. These uses are often controlled to minimize impact on surrounding areas and maintain the primary purpose of the campus.

LOT. A parcel of land designated by number or other symbol as part of a legally approved and recorded subdivision, or as described by metes and bounds in a recorded deed.

LOT, ADJACENT. Any lot or parcel which has a common boundary, right-of-way, or easement with the subject lot.

LOT COVERAGE. That portion of the lot area, expressed as a percent that is covered by impervious surface cover.

LOT, INTERIOR. A lot other than a corner lot.

LOT, NONCONFORMING. A lot or property which does not meet all the dimensional requirements of the zoning district in which it is located, which lawfully existed prior to the adoption of the current UDO, as may be amended.

LOT LINE. A line or series of connected line segments bounding a lot.

LOT LINE, FRONT. The line which separates the lot from a street right-of-way. Corner lots shall have only one front lot line.

LOT LINE, INTERIOR. A side lot line which separates the lot from another lot.

LOT LINE, REAR. That lot line which is opposite and most distant from the front lot line, except in the case of a triangular lot, a line ten (10) feet in length, entirely within the lot, parallel to, and at the maximum distance from the front lot line, or a chord thereof if the front lot line is curved, shall be considered as the rear lot line for purposes of determining the required rear yard. In cases where neither of these conditions is applicable, the Planning Director shall designate the rear lot line.

LOT LINE, SIDE. A lot line other than a front or rear lot line.

LOT, REVERSE FRONTAGE. A lot having frontage on two (2) or more streets, the access of which is restricted to one street.

LOT WIDTH. The horizontal distance between the side lot lines at the building setback line as measured along a straight line parallel to the front lot line or parallel to the chord thereof.

LOWEST FLOOR ELEVATION. The elevation of the bottom or lowest part of any habitable room intended to be used as living area, excluding unfinished or unventilated basement or garage area.

MANUFACTURED HOME. A new or pre-owned structure that is transportable in one or more sections, which, when in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length. When erected on site, the structure is three hundred twenty (320) or more square feet in floor area, and is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; or a structure that otherwise comes within the definition of a “manufactured home” under the National Manufactured Housing Construction and Safety Act of 1974, as may be amended from time to time (42 U.S.C. 5401, et seq.).

MANUFACTURED HOME/MOBILE HOME PARK. Any property which three (3) or more manufactured/mobile homes are located or intended to be located for purpose of residential occupancy.

MANUFACTURED HOME/MOBILE HOME SPACE. An area within a manufactured/mobile home park, distinguished from a lot in a subdivision under fee simple ownership, upon which a single manufactured/mobile home is or may be placed and which provides space for the belongings and activities of the occupant.

MANUFACTURED HOME/MOBILE HOME SUBDIVISION. A subdivision designed primarily for the use and occupancy of manufactured/mobile homes on individual lots.

MANUFACTURED HOME SPACE. The land in a manufactured housing development allotted to or designed for the accommodation of one manufactured home.

MANUFACTURED HOUSING DEVELOPMENT. Any zoning lot maintained, offered, or used for parking three (3) or more occupied manufactured homes, regardless of whether or not a charge is made for such accommodations, including services and facilities for the residents.

MEDICAL OR DENTAL LABORATORY. An establishment primarily engaged in providing professional analytic or diagnostic services to the medical profession, or to the patient, on direction of a physician; or an establishment primarily engaged in making dentures, artificial teeth, and orthodontic appliances to order for the dental profession.

MEDICAL AND SURGICAL OFFICES. Healthcare facilities where licensed medical professionals provide outpatient diagnostic, therapeutic, and surgical services. These offices are equipped to diagnose and treat a variety of medical conditions, perform minor surgical procedures, and provide ongoing patient care.

MICRO-BREWERY OR MICRO-DISTILLERY. A facility, no larger than twelve thousand (12,000) square feet of gross floor area, for the brewing of beer or the distilling of alcoholic beverages. Said facility must include a tasting room or taproom, as well as a retail space to sell the beer or liquor to patrons on site. The facility may or may not have a kitchen to provide hot food prepared on site.

MIXED USE DEVELOPMENT. A planned development where a variety of uses may be developed as a single operation or a programmed series of development operations, and which creates greater choices in living and working environments.

MOBILE HOME. See Manufactured Home.

MODEL HOME. A residential dwelling unit built within a subdivision, multi-family development, or planned residential development which will be temporarily used to display the dwellings and products offered to prospective buyers of homes within the same development.

MODULAR HOME. A dwelling unit consisting of one or more components constructed in compliance with the North Carolina Uniform Residential Building Code for One or Two-Family Dwelling Units and comprised of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

MOTOR VEHICLE. Every vehicle which is self-propelled, and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. For purposes of this definition, the term motor vehicle shall also include vehicles or implements used in farming or construction, motorcycles, motor scooters, mopeds, all-terrain vehicles, snowmobiles, go-carts, utility trailers, and similar items.

MOTOR VEHICLE BODY OR PAINT SHOP. An establishment primarily engaged in body work, painting, or customizing of automobiles or other motor vehicles.

MOTOR VEHICLE DISMANTLING AND WRECKING YARD. Any open area of more than two hundred (200) square feet used for storing or dismantling inoperative motor vehicles.

MOTOR VEHICLE DISPLAY AREA. Any outdoor area where automobiles, other vehicles, or manufactured homes are stored throughout the day and the night and are held for the purpose of sale or lease as an entire or complete unit.

MOTOR VEHICLE, INOPERATIVE. A motor vehicle which meets at least one of the following criteria:

- A. Vehicle lacks a current inspection certificate, or displays an expired certificate;
- B. Vehicle is partially dismantled or wrecked;
- C. Vehicle cannot be self-propelled or move in the manner in which it originally was intended to move; or,
- D. Vehicle has expired license plate or is unlicensed.

MOTOR VEHICLE RENTAL AND LEASING. An establishment primarily engaged in furnishing motor vehicle rental, leasing, and parking services to the public.

MOTOR VEHICLE REPAIR AND MAINTENANCE. An establishment engaged in providing mechanical automotive maintenance and repair, such as engine repair, exhaust system replacement and transmission repair, and/or providing other related services, such as upholstery or glass replacement. This use includes service stations but does not include body work or painting.

MOTOR VEHICLE STORAGE YARD. An outdoor area for the storage of more than one wrecked, damaged, or inoperative motor vehicle awaiting insurance adjustment, major body work, other repair, or other disposition.

MOTOR VEHICLE SURFACE AREA. Any outdoor off-street area used to store or drive motor vehicles, including private driveways, parking lots, and parking aisles, but excluding uses to which the terms motor vehicle display area, motor vehicle storage yard, or motor vehicle dismantling and wrecking yard apply.

MUSEUM OR ART GALLERY. A structure used for the display and preservation of paintings, sculpture, and other constructed or natural objects illustrating human or natural history.

NATIONAL HIGHWAY SYSTEM. A classification of roads used as the basis for federal aid. A map of roads in the National Highway System has been adopted by the Winston-Salem Area Transportation Planning Organization (WSATPO) Transportation Advisory Committee and US Congress in its reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA) in 1995.

NEIGHBORHOOD ORGANIZATION OFFICE. A facility operated by a nonprofit organization which provides informational, educational, social, or economic counseling or similar services to persons residing in a neighborhood. A majority of the organization's membership and board must live in the neighborhood being served.

NON-STORE RETAILER. A business that primarily engages in the sale of goods and services to consumers through methods other than traditional physical storefront locations.

NURSERY, LAWN AND GARDEN SUPPLY STORE, RETAIL. An establishment primarily engaged in the retail sale of trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools, and other garden supplies to the general public. These establishments primarily sell products purchased from others, but may sell some plants which are grown at the establishment.

NURSING CARE INSTITUTION. A home for persons aged, ill or handicapped in which two (2) or more persons not of the immediate family of the owner or manager of said home are provided with food, shelter, and nursing care. The term nursing care institution includes convalescent home, home for the aging, sanitarium, home for the blind, rest home, or any similar establishment.

OPAQUE FENCE OR WALL. A vertical structure constructed of masonry, concrete, metal, or wooden material which does not allow light to pass through.

OPEN SPACE. The land used for recreation, natural resource protection, amenities, and/or bufferyards. Open space may include, but is not limited to, lawns, walkways, active recreation areas, playgrounds, wooded areas, greenways, and water courses.

OPEN SPACE, COMMON. Open space within a development not in individually owned lots, which is designed and intended for the common use or enjoyment of the residents of the development.

OUTDOOR DISPLAY. An establishment primarily engaged in the rental or sales of any goods, material, or merchandise. Such goods can include motor vehicles, manufactured homes, recreational vehicles, other large items, and retail goods.

OUTDOOR STORAGE AREA. Any area which contains trash collection areas or dumpsters, open air docks, outdoor storage of bulk materials and/or parts, or areas regularly used for outdoor repair areas or service stations, motor vehicle dealers, or inspection stations, but excluding temporary construction and related activities and closed bay docks.

OUTDOOR SPACE RETAIL. A retail establishment where the primary display, sale, and storage of goods occur outdoors. This type of retail location is typically characterized by open-air or partially covered areas instead of fully enclosed buildings.

OUTPARCEL SITE. A freestanding lot developed separately but linked functionally to a shopping center.

PARAPET WALL. A building wall which extends to or above a flat roofed platform or building roof.

PARK AND SHUTTLE LOT. Specially designated parking areas where commuting motorists park their vehicles and ride with other commuters who have a common destination. Ridesharing from the lots may be done by car pool, van pool, or public transit.

PARKING AREA. A designated off-street area designed to accommodate multiple parking spaces for vehicles, typically including driveways and aisles to facilitate vehicle movement and parking. This area is usually designed according to specific dimensional standards to ensure safety and functionality.

PARKING, COMMERCIAL. A principal use of a zoning lot with or without a parking structure for use as a place for the temporary or long-term parking of motor vehicles.

PARKING, OFF-SITE, FOR MULTI-FAMILY OR INSTITUTIONAL USES. A designated parking facility that is not located on the same property as the multi-family residential or institutional building it serves, but provides required or supplemental parking spaces for those uses. Off-site parking facilities are typically intended to accommodate overflow parking needs and ensure adequate parking availability for residents, employees, visitors, or patrons.

PARKING SPACE. A designated area for parking one vehicle, generally designed to meet specific dimensional standards to ensure suitability for parking.

PEDESTRIAN-SCALE. The design of the built environment, particularly at the ground level, that prioritizes the experience and comfort of people walking.

PET GROOMING FACILITY. An establishment primarily engaged in providing various grooming services for domestic pets, such as dogs and cats.

PLANNED RESIDENTIAL DEVELOPMENT. A residentially zoned area, planned and developed as a unit, which is characterized by environmentally sensitive design through the use of flexible development standards.

PLANNING BOARD. The appointed body whose purpose is to make recommendations to the Elected Body regarding legislative matters and to provide decisions on certain administrative land use matters.

PLANNING DIRECTOR. The Director of Planning of the Town of Lewisville. The Planning Director can also be referred to as Zoning Officer, Zoning Administrator, Watershed Administrator, and/or Floodplain Administrator.

PLANTING AREA. An outdoor area, the surface of which may not be covered by impervious surface cover, such as asphalt or concrete, nor by structures, and must be devoted entirely to the planting and maintenance of trees, shrubs, and groundcovers, or construction of fences, walls, and/or earthen berms.

PLAT. A surveyed map or plan or a parcel of land which is to be or has been subdivided.

PLAT, FINAL. The final map of all or a portion of a subdivision or site, showing the boundaries and location of lots, streets, easements, and any other requirements of the Subdivision Ordinance, which is presented for local government approval and subsequent recordation with the Register of Deeds.

PLAT, PRELIMINARY. A map indicating the proposed layout of the subdivision or site showing lots, streets, water, sewer, storm drainage, and any other requirements of the Subdivision Ordinance, which is presented for preliminary approval.

POLICE OR FIRE STATION. A facility established for public law enforcement purposes or public fire protection and prevention purposes.

POROUS PAVEMENT SURFACE. Interlocking, high strength blocks made of cement, plastic, or other approved materials that are designed to handle load support requirements while allowing for growth of turf grass.

POST OFFICE. A facility or structure used for the collection, sorting, and distribution of mail within several zip code areas, having retail services for the general public, such as stamps, postcards, or postal insurance.

PROFESSIONAL OFFICES. An establishment primarily engaged in providing engineering, architectural, and surveying services; accounting, auditing, and bookkeeping services; public relations services; legal services; real estate services; the services of insurance agents, brokers and carriers; the services of security and commodity brokers; and the services of bank holding companies.

PROPERTY. All real property subject to land-use regulation by a local government and includes any improvements or structures customarily regarded as a part of real property.

PUBLIC ART. Public art, defined as items expressing creative skill or imagination in a sensory form such as painting or sculpture which are intended to beautify or provide aesthetic influences to public areas or areas which are visible from the public realm, and not intended to identify or draw attention to a product, service or business. Public Art shall not constitute a sign under this Ordinance.

QUASI-JUDICIAL DECISION. A decision involving the finding of facts regarding a specific application of development regulation that requires the exercise of discretion when applying the standards of the regulation. Quasi-judicial decisions include but are not limited to decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations.

RECREATION AREA, COMMON. An area of open space which is required in certain types of developments for active or passive recreational uses.

RECREATION FACILITY, PUBLIC. An area or facility designed to meet the demand for active recreation, including play fields, ball diamonds, parks with picnic and playground equipment, par courses, tennis courts, swimming pools, tot lots and similar uses, available to the public and under the management or control of a public agency.

RECREATION SERVICES, INDOOR. Establishments engaged in providing indoor amusement or entertainment services. This definition includes, but is not limited to, uses such as dance studios, schools, bowling centers, sports clubs, physical fitness facilities, coin operated amusement devices, and membership sports and recreation clubs.

RECREATION SERVICES, OUTDOOR. Establishments engaged in providing outdoor amusement or entertainment services. This definition includes, but is not limited to, uses such as athletic fields, track operation, public/private golf clubs, golf driving ranges, and batting cages.

RECREATIONAL VEHICLE. A vehicular type accommodation, other than a manufactured home, designed as temporary accommodations for travel, vacation, or recreation purposes, which is propelled by its own motive power or is mounted on or drawn by another vehicle and may require registration with the North Carolina Department of Motor Vehicles.

RECREATIONAL VEHICLE PARK. A contiguous site or tract of land under unified ownership intended and designed to accommodate recreational vehicles or tent spaces as temporary living quarters for recreational or vacation purposes.

RECREATIONAL VEHICLE SPACE. A plot of land within a recreational vehicle park designed for the accommodation of one recreational vehicle, tent, or other individual camping unit on a temporary basis.

RECYCLING CENTER. A facility which recoverable resources such as newspapers, magazines, books, glassware, and metal and aluminum cans, waste oil, iron and steel, and other products are recycled, collected, stored, and treated in an enclosed building to which they can be used again for production.

RECYCLING COLLECTION POINT. An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items is allowed. This facility would generally be located in a shopping center parking lot or in other public or institutional areas, such as churches and schools.

REDEVELOPMENT. Cumulative construction or reconstruction that exceeds fifty percent (50%) of existing heated floor area.

RELIGIOUS INSTITUTION. A facility of a religious organization operated for worship, and which may include religious training or study. Accessory uses may include facilities for related education, parking, kitchen/cafeterias, recreation areas, offices, meeting rooms, and caretaker's housing.

RELIGIOUS INSTITUTION, COMMUNITY SCALE. A religious institution in which the seating capacity in the sanctuary or main activity area is greater than six hundred (600) persons.

RELIGIOUS INSTITUTION, NEIGHBORHOOD SCALE. A religious institution in which the seating capacity in the sanctuary or main activity area is six hundred (600) persons or less.

RESIDENTIAL. Referring to permanent dwellings as defined herein.

RESIDENTIAL AND NON-RESIDENTIAL BUILDING SERVICES. Establishments primarily engaged in providing a range of services for the maintenance, operation, and repair of residential and non-residential buildings. These services include, but are not limited to, cleaning, maintenance, repair, and improvements designed to ensure the proper functioning and aesthetic upkeep of buildings.

RESIDENTIAL BUILDING. A building which contains one or more dwelling units.

RESIDENTIAL BUILDING, DUPLEX. A residential building which contains two (2) dwelling units and which occupies one zoning lot.

RESIDENTIAL BUILDING, MULTI-FAMILY. A residential building which contains three (3) or more dwelling units and which occupies one zoning lot. This term includes Single Room Occupancy (SRO) facilities.

RESIDENTIAL BUILDING, QUADRAPLEX. A residential building which contains four (4) dwelling units and occupies one zoning lot.

RESIDENTIAL BUILDING, SINGLE FAMILY. A residential building which contains one dwelling unit and which occupies its own zoning lot. This term includes modular housing units. Can also be referred to as a single family dwelling.

RESIDENTIAL BUILDING, TOWNHOME. A residential building which contains three (3) or more dwelling units; each unit occupies one zoning lot.

RESIDENTIAL BUILDING, TRIPLEX. A residential building which contains three (3) dwelling units and occupies one zoning lot.

RESIDENTIAL BUILDING, TWIN HOME. A residential building which contains two (2) dwelling units; each unit occupies one zoning lot.

RESTAURANT (WITH DRIVE-THROUGH SERVICE). An establishment which delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

RESTAURANT (WITHOUT DRIVE-THROUGH SERVICE). An establishment which serves food and beverages primarily to customers seated at tables or counters located within the building or designated outdoor seating areas. This includes cafes, tea rooms, and outdoor cafes.

RESUBDIVISION. A combination or recombination of previously recorded lots or tracts of contiguous land.

RETAIL STORE, SPECIALTY OR MISCELLANEOUS. An establishment primarily engaged in selling merchandise for personal or household use not classified elsewhere.

RETENTION STRUCTURE. A structure designed for the permanent storage of runoff in a pool of water.

RIDING STABLE. An establishment for the boarding and/or rental of horses for riding. A Riding Stable may also include the provision of veterinarian services for equine species (horses, mules, or donkeys) or cattle.

RIGHT-OF-WAY. The legal right of public passage, especially vehicular, over land.

SATELLITE DISH. A type of receive-only antenna which is dish-shaped and is used to receive satellite signals, primarily television transmissions.

SCHOOL, CHARTER. A private school established under the statutory provisions for charter schools of the State of North Carolina. Charter schools typically require approval by the State of North Carolina are eligible to receive State funding; are operated free from regulation by the State Department of Public Instruction; and have a special purpose or approach to education.

SCHOOL, ELEMENTARY. A public or private school providing instruction to students in kindergarten through grade five.

SCHOOL, MIDDLE. A public or private school giving instruction in grades six through eight.

SCHOOL, PRIVATE. A structure used primarily by and for any two (2) or more age or grade levels not operated by the public school system, but registered with the North Carolina Department of Public Instruction. Any school for children age six (6) or under not meeting these requirements shall be considered a day care facility for purposes of this Ordinance.

SCHOOL, PUBLIC. A structure used primarily by and for any two (2) or more age or grade levels and operated by the public school system or approved by the North Carolina Department of Public Instruction as meeting the requirements of State law. Any school for children age six (6) or under not meeting these requirements shall be considered a day care facility for purposes of this Ordinance.

SCHOOL, SECONDARY. A public or private school giving instruction to students in grades six through twelve. Secondary schools consist of middle schools and high schools.

SCHOOL STADIUM. An outdoor facility designed or used primarily for interscholastic athletic competition, which also includes permanent seating for persons to observe the sports activity taking place.

SCHOOL, VOCATIONAL OR PROFESSIONAL. A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as home occupation, college or university, or elementary or secondary school.

SCREENING. The method by which the view from one site to an adjacent site is shielded or hidden. Screening techniques include bufferyards, berms, and opaque fences or walls.

SERVICE BAY. An indoor area containing at least two-hundred forty (240) square feet designated and used solely for the purpose of performing diagnostic, maintenance, or repair work on motor vehicles.

SERVICE ROAD. A local street or road that is parallel to a full or partial access-controlled facility and functions to provide access to adjacent land.

SERVICES, BUSINESS A. An establishment primarily engaged in providing a service(s) to businesses and to a lesser extent, individuals. All merchandise and rental equipment is stored inside enclosed buildings. This definition includes, but is not limited to, uses such as mailing, commercial art, equipment rental and leasing (inside equipment storage only), computer programming, data processing, other computer related services, and miscellaneous business services.

SERVICES, BUSINESS B. An establishment primarily engaged in providing services to commercial and business establishments. Operations may include large scale facilities and storage of merchandise and equipment outside enclosed buildings. This definition includes, but is not limited to, uses such as laundry, cleaning and garment services, outdoor advertising services, services to dwellings and other buildings, equipment rental and leasing (outside storage of equipment), refrigeration service and repair, welding repair, and armature rewinding shops.

SERVICES, PERSONAL. An establishment primarily engaged in providing a service(s) to individuals such as a beauty and/or barber shop, a dry-cleaning establishment, advertising, personal fitting of prosthetics and orthotics or computer services. This definition includes, but is not limited to, uses such as garment pressing and agents for laundries and drycleaners, coin-operated laundries and cleaning, drycleaning plants, except rug, carpet and upholstery cleaning, photographic studios (portrait), beauty shops, barber shops, shoe repair and shoeshine parlors, miscellaneous personal services, electrical repair shops, jewelry repair, and reupholstery and furniture repair.

SETBACK. The minimum required horizontal distance between a structure and either the lot line, street right-of-way line, or the line that marks the beginning of street maintenance by the Town or the North Carolina Department of Transportation, whichever is less. For properties within the Downtown Overlay and for uses requiring site plan review by the Planning Board a part of the approval processes identified in *Table B.2.12 Permitted Uses* of the Zoning Ordinance, building setbacks shall be measured from either the existing

street right-of-way, or the proposed right-of-way established by the adopted Thoroughfare Plan, whichever is more restrictive.

SETBACK LINE. The line which is parallel to and is a given distance from the applicable lot line of a lot or parcel of land as required by the dimensional requirements of this Ordinance. See Yard.

SHOOTING RANGE, INDOOR. An enclosed facility used for the discharge of firearms at targets.

SHOPPING CENTER. A building or group of buildings totaling thirty-five thousand (35,000) square feet or more of gross floor area, either connected or freestanding, which is designed with common parking, pedestrian movement, ingress and egress, and used for the sale of merchandise or services to the public. There must be a minimum of four (4) stores. No outparcel shall be included in the calculation of building square footage for shopping centers.

SIGHT EASEMENT. An easement which grants the right to maintain unobstructed view across property located at a street intersection.

SIGN. Any form of publicity which is visible from any public way, communicating information or directing attention to an individual, business, commodity, service, activity, or product, by means of words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks, or other pictorial matter designed to convey such information, and displayed by means of paint, bills, posters, panels, or other devices erected on an open framework, or attached or otherwise applied to stakes, posts, poles, trees, buildings, or other structures or supports. As used in this section, "public way" shall include streets, as well as travel and pedestrian areas interior to shopping centers, including but not limited to parking areas.

SIGN, AWNING (ON-PREMISES). An on-premises sign constructed of fabric-like, non-rigid material which is a part of a fabric or flexible plastic awning framed and attached to a building.

SIGN, GROUND (OFF-PREMISES). Also referred to as an Off-premises Sign. A freestanding sign which draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity which is conducted, sold, or offered at a location other than the premises on which the sign is located.

SIGN, GROUND (ON-PREMISES). A freestanding on-premises sign.

SIGN, MARQUEE. Any canopy substantially framed in steel which is durably constructed and of sufficient strength and design to carry superimposed sign structures.

SIGN, MOVING OR FLASHING. A sign, which permits light to be turned on or off intermittently more frequently than once per five seconds.

SIGN, ON-PREMISES. A sign displaying information pertaining only to a business, industry, activity, or profession located on the premises where the sign is displayed, and pertaining only to the name of the business, type of product sold, manufactured, or assembled, and/or service, activity, or entertainment offered on said premises, including business identification and occupancy signs.

SIGN, POLITICAL. Shall mean the same as defined in G.S. 136-32(c)(3).

SIGN, PROJECTING. An on-premises sign supported by a pole or other supporting structure, hanging from a building.

SIGN, REAL ESTATE. A sign which is designed for the sale, lease, promotion, and identification of real estate.

SIGN, ROOF. An on-premises sign located above the eaves and below the peak of the roof where the sign is located.

SIGN, TEMPORARY. Signs permitted through a temporary use permit to be used for a limited time.

SIGN, WALL. An on-premises sign affixed to the wall of any building and completely in contact with the building throughout its greatest dimension, which does not extend beyond the main wall of the building more than twelve (12) inches except in accordance with these regulations.

SITE PLAN. A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include, but is not limited to, site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads and stormwater control facilities, that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review.

SPECIAL EVENT VENUE. A facility or designated area specifically designed and used to host gatherings, celebrations, and events that are typically temporary in nature.

SPECIAL USE PERMIT. A permit issued by the Board of Adjustment for a use specified in *Table B.2.12 Permitted Uses* in the Zoning Ordinance.

STADIUM, COLISEUM, OR EXHIBITION BUILDING. A structure or facility designed, intended, or used primarily for public gatherings; indoor exhibitions, galleries, or conventions; or indoor or outdoor spectator events including, but not limited to, professional and amateur sporting events, concerts, theatrical presentations, motor vehicle racing.

STORAGE AND SALVAGE YARD. The use of land for outdoor storage of machinery, construction equipment, construction supplies, used building materials, scrap metal, and similar items. This definition does not include motor vehicle storage yard and motor vehicle dismantling operations which are principal uses defined elsewhere in *Section A.2 Definitions*.

STORAGE SERVICES, RETAIL. Moving and/or storage services for household and business goods, including self-service storage facilities.

STORAGE TANKS, ABOVE GROUND. Storage tanks located above ground which are accessory to industries or businesses in their operations and are used to store chemicals, fuels, water, and other liquids and materials.

STORAGE TRAILER. A structure originally constructed with wheels in order to be transported over the highways but now no longer transported and now converted to use as a storage structure. An uncoupled truck trailer, an inoperable travel trailer, and an uninhabitable manufactured dwelling all meet this definition if used for storage of materials of any kind. An uncoupled truck trailer placed at a church, school, government building, or business for the acceptance of goods donated to charity or dropped off for recycling and towed away on a regular schedule or whenever full does not meet this definition. A construction trailer at a construction site does not meet this definition.

STORMWATER QUALITY MANAGEMENT PLAN. A set of drawings and supporting documents submitted by the applicant for a stormwater quality management permit.

STREAM. A watercourse that is indicated on maps generated from the Forsyth County Land Records Information System.

STREAM BUFFER. A natural or vegetated area through which stormwater runoff flows in a diffuse manner and which provides for infiltration of runoff and filtering of pollutants. The buffer is measured landward from the top of the bank defining the edge of the stream channel.

STREAM, PERENNIAL. A watercourse that flows year-round, including rivers, streams, lakes, and ponds, indicated as a solid blue line on the most recent version of USGS 7.5

minute (1:24,000 scale) topographic maps. Perennial streams are also shown as such on the Official Zoning Maps.

STREET. A public right-of-way or private easement which affords traffic circulation and a means of access to abutting property. The term street includes road, avenue, place, way, drive, lane, boulevard, highway, and any facility principally designed for motor vehicle traffic, except an alley or an easement solely for utilities or pedestrians.

STREET, COLLECTOR. A street whose function consists of both carrying traffic from local residential streets to thoroughfares and providing access to abutting properties. Collector streets should be designed so as not to be used as shortcuts by non-neighborhood traffic.

STREET, LOCAL. A street used primarily for providing direct access to abutting property.

STREET, STUB. A street which runs to a property line of adjacent property and is intended to continue on adjacent property at such time as that adjacent property is developed.

STREETYARD. That portion of a yard fronting on a public right-of-way or private access easement where special plantings may be required by this Ordinance to separate and partially screen the view of the property as seen from the street.

STRUCTURE. Anything constructed or erected which is above grade including a manufactured home and a storage trailer. For purposes of this Ordinance, structure does not include landscape features, such as ornamental pools, planting boxes, sculpture, birdbaths, open terraces, at-grade bridges and walkways, at-grade slab patios, driveways, walls or fences, shelters for pets, playhouses, open stairs, recreational equipment, flagpoles, underground fallout shelters, air conditioning compressors, pump houses, wells, mailboxes, privies, outdoor fireplaces, gate houses, burial vaults, cemetery markers or monuments, bus shelters, or wharves.

STRUCTURE, ACCESSORY. A structure detached from a principal building on the same zoning lot, the use of which is customarily incidental to the principal building. This includes freestanding satellite dishes, any other devices which access satellites, and amateur radio antennas.

STRUCTURE, DETACHED. For purposes of determining setback requirements for accessory structures, a structure which is separated from an adjacent structure by at least three (3) feet as measured from any part of the structures.

STRUCTURE OR IMPROVEMENT, NONCONFORMING. Any structure or improvement which does not meet the applicable dimensional requirements or other development that lawfully existed on the day before the effective date of the Zoning Ordinance or subsequent amendments, and which continues to exist.

SUBDIVISION. All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of a gift, sale, or building development (whether immediate or future), including all divisions of land involving the dedication of a new street or a change in existing streets. Included in this general definition are subdivisions exempt by State law or court judgments, industrial or commercial subdivisions, minor subdivisions, and major subdivisions, as defined below:

- A. **Subdivision Exempted by State Law or Court Judgment.** A subdivision in which all lots must comply with the dimensional requirements of the Zoning Ordinance or any other applicable local or State land regulatory ordinances and meet any one (1) of the following criteria:
1. The combination or recombination of portions of previously subdivided and recorded lots does not increase and the resultant lots are equal to or exceed the standards of the local government subdivision regulations;
 2. Land is divided into parcels greater than ten (10) acres and no street right-of-way dedication is involved;
 3. The public acquires by purchase strips of land for the widening or opening of streets or public transportation system corridors ;corridors;
 4. A tract in single ownership whose entire area is no greater than two (2) acres is divided into not more than three (3) lots, where no public or private street right-of-way dedication is involved and the resultant lots are equal to or exceed the standards of the local government subdivision regulations; or,
 5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with interstate succession under Chapter 29 of the General Statutes.
- B. **Subdivision, Industrial or Commercial.** A subdivision primarily for the purpose of industrial or commercial building development.
- C. **Subdivision, Major.** A subdivision out of a tract in single or multiple ownership for the purpose of gift, sale, or building development where new public streets will be constructed.

- D. **Subdivision, Minor.** A minor subdivision shall mean all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of a gift, sale, or building development. All lots must comply with the requirements described in *Section D.5 Minor Subdivisions*.
- E. **Subdivision, large lot.** A major subdivision that has an overall residential density that does not exceed one (1) unit/ eighty thousand (80,000) square feet with a minimum lot size of forty thousand (40,000) square feet.

SUBSTANTIAL IMPROVEMENT. Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place within any consecutive twelve (12) month period in which the cumulative cost equals or exceeds fifty percent (50%) of the present market value of the structure. The market value of the structure shall be:

- A. The appraised value of the structure prior to the initial repair or improvement; or,
- B. In the case of damage, the value of the structure prior to the damage occurring.
- Substantial improvements does not include any alteration of a structure listed in the National Register, Study List for the National Register of Historic Places, or those properties inventoried in the Forsyth County's Architectural Survey, From Frontier to Factory, or located in an historic zoning district.

SURVEYOR. A person licensed to practice surveying in the State of North Carolina.

SWIMMING POOL, PRIVATE. A swimming pool intended for the private, noncommercial use of a property owner(s), homeowner's association, residential development, or club.

TELEMARKETING. An establishment which conducts sales of merchandise by telephone and ships merchandise to customers through a fulfillment center located within the same facility. For purposes of this Ordinance, telemarketing is considered a type of Wholesale Trade A use. Telemarketing does not include the use Non-store retailer.

TEMPORARY FAMILY HEALTH CARE STRUCTURES. A transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the North Carolina State Building Code and G.S. 143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

TERMINAL, BUS OR TAXI. A facility for the storage, maintenance, and dispatch of buses or taxis, and associated customer ticketing and waiting areas.

TERMINAL, FREIGHT. Any facility for handling freight, with or without storage and maintenance facilities.

TESTING AND RESEARCH LABORATORY. An establishment primarily engaged in commercial research and providing testing services such as calibration and certification of instruments, food testing services, forensic laboratories, metallurgical testing, and industrial X-ray inspection services, etc.

THEATER, DRIVE-IN. An establishment for the outdoor viewing of motion pictures by patrons while in motor vehicles.

THEATER, INDOOR. An establishment for the indoor viewing of motion pictures by patrons.

THOROUGHFARE. An existing or proposed freeway/expressway, major thoroughfare, or minor thoroughfare as shown on the Transportation Plan.

THOROUGHFARE, MAJOR. Can also be referred to as an arterial street. A category of streets identified on the Transportation Plan, which function as the primary traffic arteries of the community. These arteries function to move intra-Town and inter-Town traffic, yet they may also provide access to abutting property. Major thoroughfares range from two-lane streets carrying lower traffic volumes to major thoroughfares with four (4) or more traffic lanes. Parking normally is not permitted on major thoroughfares.

THOROUGHFARE, MINOR. A category of streets identified on the Transportation Plan, which collect traffic from collector and local streets and carry it to the major thoroughfares. They may supplement major thoroughfares by facilitating minor through traffic movements. These streets may also provide access to abutting property.

TOBACCO and/or CBD, VAPE SHOP. A business that devotes at least fifty (50%) percent of gross floor area to the sale or display of tobacco, vaping products, or CBD oils and other consumable hemp derived commodities that are permitted under state law.

TOWN COUNCIL. The legislative body of the Town of Lewisville.

TRANSITIONAL HOUSING FACILITY. A transitional housing facility for forty (40) or fewer residents, licensed by the State of North Carolina or operated by a nonprofit corporation chartered pursuant to G.S. Ch. 55A, which provides room and board, personal care, and rehabilitation services while persons receive therapy and/or counseling for one or more of the following purposes:

- A. To assist them to recuperate from the effects of or refrain from the use of drugs or alcohol;
- B. To provide emergency and temporary shelter for persons in distress such as runaway children and battered individuals; and,
- C. To provide shelter and support for older adults and persons who are handicapped. A Group Care Facility A shall not serve primarily as an alternative to incarceration. Such facilities may have accessory uses conducted on the premises, including but not limited to, schooling of residents, training programs in occupational fields, and production of goods and crafts to be sold off-premises.

TRANSMISSION TOWER. A structure, either freestanding or attached to a building, principally intended to support and/or radiate or receive a source of Non-Ionizing Electromagnetic Radiation (NIER), and accessory equipment related to broadcast services, private radio services, cellular telephone services, and common carriers (as regulated by the Federal Communications Commission), including AM, FM, two-way radio, television and cable antenna television transmission and reception, and microwave transmission.

- A. For purposes of this definition, broadcast services include AM and FM radio and high and low power television signals which can be received by anyone with a radio or television. Private radio services include land-mobile or two-way radio, fixed-point microwave, and amateur public club station signals which can be received only with special equipment. Common carriers provide two-way and one-way paging services on the same frequency to many users.
- B. The term transmission tower does not include electrical or telephone transmission lines or supporting structures, antennas of amateur radio (ham) operators, amateur club services licensed by the Federal Communications Commission, satellite dishes, and antennas less than sixty (60) feet in height with transmitting power of two hundred fifty (250) watts or less.

TRANSPORTATION PLAN. A map adopted by The Town of Lewisville, Winston-Salem Urban Area Metropolitan Planning Organization (WSUAMPO), and the North Carolina Department of Transportation, showing the location of existing and proposed freeways/expressways, major thoroughfares, and minor thoroughfares.

TRASH, YARD. The solid waste resulting from landscaping and yard maintenance such as brush, grass, tree limbs, and similar vegetative material.

TREE, LARGE. Any deciduous or evergreen tree whose maximum mature height is equal to or greater than fifty (50) feet.

TREE, MEDIUM. Any deciduous or evergreen tree whose maximum mature height is equal to or greater than thirty (30) feet and less than fifty (50) feet.

TREE, SMALL. Any deciduous or evergreen tree whose maximum mature height is less than thirty (30) feet.

TURKEY SHOOT. A match or contest for prizes, usually a turkey or ham, at which the participants fire handguns, rifles, or shotguns at a fixed target.

UNIFIED DEVELOPMENT ORDINANCE (UDO). The Unified Development Ordinance, also referred to as “this Ordinance,” consolidates the Town's Zoning Ordinance, Environmental Ordinance, and Subdivision Ordinance as authorized by the North Carolina General Statutes and is adopted pursuant to: (1) The authority granted to the Town of Lewisville by the General Assembly of the State of North Carolina; (2) The North Carolina General Statutes Chapter 160D, Article 19; (3) All other relevant laws of the State of North Carolina; and (4) Any special legislation enacted for the Town.

USE. The purpose or activity for which land or structures are designed, arranged, or intended, or for which land or structures are occupied or maintained, including any such activity with respect to the requirements of this Ordinance.

USE, ACCESSORY. A use or activity which is customarily incidental to a specific principal use, and which is located on the same zoning lot as the associated principal use except for off-site parking or other use provided for by this Ordinance.

USE, NONCONFORMING. Any use not permitted in the zoning district in which it is located, which lawfully existed prior to the adoption of the current UDO, as may be amended.

USE, PRINCIPAL. Those uses of land listed in *Table B.2.12 Permitted Uses* in the Zoning Ordinance.

USE, TEMPORARY. A use which may be located in a zoning district not allowing the use on a permanent basis, after issuance of a permit specifying a limited duration for the use.

USGS. United States Geological Survey.

UTILITIES. Facilities of any agency which, under public franchise or ownership, provide the general public with electricity, gas, oil, water, sewage, electronic signals, or rail transportation. The term utility shall not be construed to include the following: corporate

or general offices; storage or service buildings or yards; gas or oil processing, manufacturing, or storage facilities; transmission towers; or postal facilities.

UTILITY SERVICE AREA. An area which contains any surface mounted heating, ventilation, or air conditioning equipment or freestanding above ground devices, such as utility boxes, booster boxes, switchgear, and transformers, which are part of an underground utilities system:

- A. **Private Utility Service Area.** An area, on private property, which contains privately owned utility structures for the exclusive service of the premises where they are installed; or,
- B. **Public Utility Service Area.** An area, on either private or public property, which contains utility structures owned by a utility for the service of one or more premises, but excluding utility substations.

VARIANCE. Relief from the requirements of the Zoning Ordinance granted by the Board of Adjustment.

VESTED RIGHT. A right pursuant to G.S. 160D-108; -108.1 to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in G.S. 160D-108 or under common law. See *Section A.4-2.3 Vested Rights* of the Zoning Ordinance.

VETERINARY SERVICES. Any facility used for the purpose of giving licensed medical treatment to animals or pets and any other customarily incidental treatment of the animals, such as grooming, boarding, or selling of pet supplies.

VIENNA BUSINESS OVERLAY. As defined verbally and on the Preferred Land Use Map in the Lewisville Comprehensive Plan, being the stretch of Yadkinville Road from the intersection of Glenn Ferry Road to Needham Road encompassing approximately one hundred thirty-five (135) acres.

VIEW CORRIDOR. Designated areas along thoroughfares that preserve the views of significant natural or constructed areas designated by the Town Council and shown on a map entitled View Corridors filed in the office of the Planning Board.

VINEYARD/WINERY. A facility or establishment engaged in the cultivation of grapes (vineyard) and the production of wine (winery). A vineyard comprises the agricultural part of the property where grapevines are planted and grown. A winery typically includes the structures and equipment used for processing grapes into wine, aging, bottling, and

storing wine. Wineries may also feature tasting rooms, retail sales areas for wine and related products, and offer tours and events related to viticulture and enology.

WAREHOUSING. Establishments primarily engaged in the warehousing and storage of general merchandise, refrigerated goods, and farm products.

WATER SUPPLY WATERSHED. An area from which water drains to a point of impoundment, and the water is then used principally as a source for a public water supply.

WETLANDS. Areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support and, under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas, as determined by U.S. Army Corps of Engineers methods.

WHOLESALE TRADE A (INDOOR). An establishment primarily engaged in selling durable and nondurable goods to retailers; to industrial, commercial, institutional, farm, construction contractors, or professional business uses; or to other wholesalers. Merchandise is stored inside enclosed buildings. Activities including physically assembling, sorting, and grading goods in large lots and breaking bulk for redistribution in smaller lots are conducted inside enclosed buildings in such a way as to have a minimal impact on surrounding properties. Operations with over twenty-five percent (25%) of sales to retail customers require the appropriate retail zoning district.

WHOLESALE TRADE B (OUTDOOR). An establishment primarily engaged in selling durable and nondurable goods to retailers; to industrial, commercial, institutional, farm, construction contractors, or professional business uses; or to other wholesalers. Merchandise may be stored outside enclosed buildings. Activities including physically assembling, sorting, and grading goods in large lots, and breaking bulk for redistribution in smaller lots may be conducted outside enclosed buildings. Operations with over twenty-five percent (25%) of sales to retail customers require the appropriate retail zoning district.

YARD. Any area of land located between a lot line and a required setback line. The minimum depth of a yard shall be determined by horizontal measurement at a right angle from the applicable lot line.

YARD, FRONT. The yard extending across the full width of the lot and lying between the front lot line and the front setback line as required in this Ordinance.

YARD, INTERIOR SIDE. The yard extending along the length of the lot between the required front yard and the required rear yard, and between the side lot line and the side

SECTION A.2 – DEFINITIONS

building setback line, as required in this Ordinance, provided that the side lot line is not adjacent to a public street right-of-way.

YARD, REAR. The yard extending across the full width of the lot and lying between the rear lot line and the rear building setback line as required in this Ordinance.

YARD, STREET SIDE. The yard extending along the length of the lot between the required front yard and the required rear yard adjacent to a public right-of-way or private access easement, and between the side lot line and the side building setback line as required in this Ordinance.

ZONING LOT. A single parcel of land according to the official tax map existing at the time of application for any permit or approval.

ZONING PERMIT. A permit which authorizes the recipient to use or occupy a tract of land or a structure; or to erect, alter or install a structure or sign which fully meets the requirements of this Ordinance.

3. REVIEW AND DECISION-MAKING BODIES

3-1. PURPOSE

A. **Purpose.** This Section is intended to define the development review and decision-making entities of the Town of Lewisville, and is comprised of the following components:

1. **Summary Development Process Table.** The summary table describes all development application review processes in this UDO and the review and decision-making bodies which decide them.
2. **Planning Director**
3. **Zoning Board of Adjustment**
4. **Planning Board**
5. **Town Council**

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3-2. SUMMARY DEVELOPMENT PROCESS TABLE

The summary development process table lists each development review process under this UDO and the review and decision-making bodies involved in the decision-making process. Processes are organized by legislative, quasi-judicial, and administrative processes.

Table A.3.1 Summary Development Process Table

REVIEW PROCESS	SECTION	REVIEW AND DECISION-MAKING BODIES			
		Planning Director	Planning Board	Zoning Board of Adjustment	Town Council
ADMINISTRATIVE PROCESS					
Zoning/Building Permit	A.6-3.16	D			
Minor Subdivision	A.6-3.9	D			
Exempt Subdivisions	A.6-3.11	D			
Expedited Subdivisions	A.6-3.12	D			
Temporary Use Permit	A.6-3.15	D			
Certificate of Occupancy	A.6-3.8	D			
Preliminary Major and Large Lot Subdivisions	A.6-3.10	RR	D		
Final Major Subdivision	A.6-3.10	D			
Site Plan**	A.4-3.13				

SECTION A.3 – REVIEW AND DECISION-MAKING BODIES

REVIEW PROCESS	SECTION	REVIEW AND DECISION-MAKING BODIES			
		Planning Director	Planning Board	Zoning Board of Adjustment	Town Council
QUASI-JUDICIAL PROCESS					
Variance	A.6-3.6	R		D	
Special Use Permit	A.6-3.5	R		D	
Appeals*	A.6-3.7	R		D	
LEGISLATIVE PROCESS					
Zoning Map Amendments (Rezoning)	A.6-3.3	RR	RR		D
UDO Amendment	A.6-3.2	RR	RR		D
KEY: R = REVIEW, RR = REVIEW AND RECOMMEND, D = FINAL DECISION					
*The ZBOA shall hear and pass upon appeals from and shall review any disputed order, requirements, decision or determination made by the Planning Director. **Site Plan approval is subject to the requirements of Section A.4-3.10.					

3-3. PLANNING DIRECTOR

3-3.1. DESIGNATION AND RESPONSIBILITY

- A. The Planning Director (Director), including designees, is principally responsible for the administration and enforcement of this UDO.
- B. The Director shall administer and enforce this UDO and may request the assistance of any appropriate officer or agency of the Town.
- C. The Planning Director and the Planning Board are responsible for making recommendations to the Town Council regarding *Section C.2 Flood Damage*

Prevention, Section C.3 Stormwater Management and Watershed Protection, and Section C.5 Dam Breach Hazard Areas. The Planning Director, Planning Board, and Town Council may seek legal advice regarding amendments to this Ordinance, according to the procedures for UDO Text Amendments described in Section A.4-3.2 Unified Development Ordinance Text Amendment.

3-3.2. POWERS AND DUTIES

A. **Powers.** The Director will have the following powers:

1. **Administration and Enforcement.** The Director will administer and enforce the provisions of this UDO.
2. **Interpretation.** The Director will make written interpretations of this UDO setting forth the reasons and explanation thereof.
3. **Maintain Records.** Make and maintain records of all applications for permits submitted to the Planning Director, and records of all permits and plans submitted, which shall be available for inspection at reasonable times by any interested person.
4. **Inspect and Enforce.** Conduct inspections of premises and take other lawful action to obtain compliance with the provisions of this Ordinance as authorized in *Section A.6 Enforcement*.
5. **Designation.** The Planning Director shall designate the person responsible for carrying out all flood hazard management duties.

B. **Duties.** The Director will have the following duties:

1. **Zoning Map Amendment.** The Planning Director will review general and conditional district rezoning requests.
2. **UDO Text Amendment.** The Director will review amendments to the text of this UDO.
3. **Land Use Plan Amendments.** The Director will review amendments to the future land use map within Lewisville Tomorrow.
4. **Special Use Permit.** The Director will review special use permits.
5. **Planned Development.** The Director will review planned development applications.
6. **Variance.** The Director will review variance requests.
7. **Vested Rights.** The Director will review requests to confirm a vested right for a property.

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8. **Appeals.** The Director will review appeals.
9. **Certificate of Appropriateness.** The Director will review applications for Certification of Appropriateness for minor work.
10. **Minor Subdivision Final Plat.** The Director will approve, approve with conditions, or deny minor subdivisions.
11. **Major Subdivision Final Plat.** The Director will approve, approve with conditions, or deny final plats for major subdivisions.
12. **Site Plan Review.** The Director will review and upon recommendation by the TRC approve, approve with conditions or disapprove site plans.
13. **Temporary Use Permit.** The Director will review and approve or deny temporary use permits less than 60 days.
14. **Zoning Permit.** The Director will approve or disapprove zoning permit applications.
15. **Parking Plan.** The Director will approve or disapprove parking plans.
16. **Administrative Adjustment.** The Director may approve minor modifications administratively per G.S.160D-705(c).
17. **Changes to UDO.** The Director may correct typographical errors, numerical reference errors, spelling errors, and errors in section or page numbering, and may make other non-substantive editorial changes to the text of this Ordinance without formal adoption by the Town Council, provided that such changes do not change the meaning of the Ordinance. Any changes made pursuant to this Section must be documented to the Town Council and made a part of their regular meeting minutes.

3-4. TECHNICAL REVIEW COMMITTEE

- A. There is established a Lewisville Technical Review Committee (TRC). This board serves in an advisory capacity to the Planning Director, Planning Board and Town Council. Members of the TRC represent various agencies, institutions and departments involved in aspects of the development review procedures described in this Ordinance.
- B. The TRC may provide information, commentary and expertise on topics such as transportation, environmental management, engineering, emergency services, public water and sewer, among others. The TRC meets on an as-needed basis. Records

and the minutes of meetings shall be maintained by the Planning Director. Procedures in which the TRC may be involved include, but are not limited to:

1. Major and Large Lot Subdivisions,
2. Project site plans,
3. Planned Residential Developments
4. Conditional rezonings, and
5. Certain types of special use permits.

3-5. ZONING BOARD OF ADJUSTMENT

3-5.1. ESTABLISHMENT AND MEMBERSHIP

- A. **Creation.** The Lewisville Zoning Board of Adjustment (ZBOA), consisting of five (5) members with two (2) alternate members, appointed by the Town Council, has been created and is hereby continued. ZBOA members shall reside within the corporate limits of the Town of Lewisville.

3-5.2. RULES OF PROCEDURE

- A. **Generally.** The ZBOA shall adopt rules and procedures as it deems necessary.
- B. **Meetings of the Zoning Board of Adjustment.** The ZBOA shall adopt a regular meeting schedule.
1. In addition, the ZBOA may hold such special meetings as the conduct of its business may require. All meetings and hearings shall be open to the public.
- C. **Quorum.** No official business of the ZBOA may be conducted without a quorum present.
- D. **Participating and Voting.** The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in certiorari.
1. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.
 2. Once a member is physically present at a ZBOA meeting, any subsequent failure to vote will be recorded as an affirmative vote unless the member has recused himself or herself, or been excused in accordance with the paragraph below.

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3. A member shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change; undisclosed ex parte communications; a close familial; business; or other associational relationship with an affected person, or a financial interest in the outcome of the matter. For purposes of this Section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. In addition, a member who was not present at the hearing at which evidence relevant to the matter at issue was taken shall not vote on the matter.
4. Any member of the ZBOA who misses more than three consecutive regular meetings, or more than half of the regular meetings in a calendar year, shall be subject to removal and replacement by the Town Council.

3-5.3. POWERS AND DUTIES

- A. **Powers and Duties.** The ZBOA shall have all the powers and duties as authorized by State law and in the manner provided for in this UDO. Generally, such power and duties shall include, but not restricted to, the following:
 1. Special Use Permits.
 2. Variances.
 3. Appeals.
 4. Serve as the Watershed Review Board, per *Chapter C Environmental Ordinance*.

3-5.4. RECONSIDERATION OF ZBOA ACTION

- A. Whenever the ZBOA disapproves an application on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered by the respective board for a period of one year unless the applicant clearly demonstrates that:
 1. Circumstances affecting the property that is the subject of the application have substantially changed; and/or
 2. New information is available that could not with reasonable diligence have been presented at a previous hearing. A request to be heard on this basis must be filed with the Planning Director within the 30-day time period for an appeal to superior

court. However, such a request does not extend the period within which an appeal must be taken.

- B. Notwithstanding subsection A, the ZBOA may at any time consider a new application affecting the same property for which an application has previously been denied. A new application is one that differs in some substantial way from the application previously considered.

3-6. PLANNING BOARD

3-6.1. ESTABLISHMENT AND MEMBERSHIP

- A. **Creation.** The Planning Board of Lewisville has been created and is hereby continued. The Planning Board shall consist of seven (7) members appointed by the Town Council. Each member must reside in Lewisville and will be appointed to serve a term of three (3) years.

3-6.2. RULES OF PROCEDURE

- A. **Generally.** The Board may adopt rules for transaction of its business and shall keep record of its members' attendance and of its resolutions, discussions, findings, and recommendations, which shall be public record.
- B. **Meetings of the Planning Board.** The Planning Board shall adopt a regular meeting schedule.
1. The Board may hold such special meetings as conduct of its business may require.
 2. All meetings shall be open to the public.
 3. The Board shall keep minutes of its proceedings, showing the vote of each member upon every action or, if absent or failing to vote, indicate such fact.
 4. Unless otherwise provided by law, all records and minutes shall be public record.
- C. **Quorum.** No official business of the Planning Board may be conducted without a quorum present. There shall be a quorum of four (4) members for the purpose of taking any official action.
- D. **Participating and Voting.** The concurring vote of a majority of the board shall be required on all matters.
1. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a regular matter shall not be considered

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members of the board for calculation of the requisite majority if there are no qualified alternatives available to take the place of such members.

- (1) Once a member is physically present at a Planning Board meeting, any subsequent failure to vote will be recorded as an affirmative vote unless the member has recused themselves or been excused in accordance with the paragraph below.
 2. Members shall not vote on any advisory or legislative decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. For purposes of this Section, a “close familial relationship” means a spouse, parent, child, brother, sister, grandparent, or grandchild. This term includes the step, half, and in-law relationships. In addition, a member who was not present at the hearing at which evidence relevant to the matter at issue was taken shall not vote on the matter.
- E. **Attendance.** The Board shall adopt rules of attendance of its members and for transaction of its business, at the direction of Town Council.

3-6.3. POWERS AND DUTIES

- A. **General Powers and Duties.** It shall be the duty of the Planning Board, in general:
1. To prepare, review, maintain, monitor, and periodically update and recommend to the Town Council a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis.
 2. To facilitate and coordinate citizen engagement and participation in the planning process.
 3. To develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
 4. To advise the governing board concerning the implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by G.S. 160D-604.

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5. To exercise any functions in the administration and enforcement of various means for carrying out plans that the Town Council may direct.
6. To perform any other related duties that the Town Council may direct.
7. Decide on Preliminary Major Subdivision Applications.
8. Additional powers and duties of the Planning Board may be found in Chapter 10 of the Lewisville, North Carolina, Code of Ordinances, *Planning Organizations*.

3-7. TOWN COUNCIL

3-7.1. PURPOSE AND INTENT

The Town Council is the elected body of the Town of Lewisville. Additional information for the Town Council may be found in the Lewisville, NC Code of Ordinances.

3-7.2. RESPONSIBILITIES

- A. The Town Council shall review and decide applications for:
 1. Land Use Plans and Amendments
 2. Unified Development Ordinance Amendments
 3. Zoning Map Amendments
 4. Planned Residential Developments

A.4

4. PROCEDURES

4-1. ADMINISTRATION

To accomplish the purposes of this Ordinance and to ensure compliance with these regulations, the following administrative responsibilities are assigned:

- A. The Planning Director and the Planning Board are responsible for making recommendations to the Town Council regarding zoning and land use matters as required by this Ordinance.
- B. The Planning Director and designees, upon authorization by the Town Manager, shall enforce and administer the regulations of this Ordinance, under the general direction of the manager of the Town of Lewisville and shall serve as secretary to the Board of Adjustment.
- C. The Zoning Board of Adjustment (ZBOA), Planning Board, Town Manager, and the Planning Director, among other boards and committees, may seek needed legal advice of the attorney for the Town of Lewisville as needed.

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4-2. GENERAL STANDARDS AND REQUIREMENTS

4-2.1. GENERALLY

- A. Whenever the authorized board approves an application for a special use permit or a variance pursuant to *Section A.3-5 Zoning Board of Adjustment (ZBOA)* or *Section A.4-3.5 Special Use Permit*, or as a conditional district zoning pursuant to *Section A.4-3.3(C)(1)(1) Conditional Districts*, the Planning Director shall obtain the applicant's/landowner's written consent to conditions related to a special use permit or conditional rezoning, and shall cause issuance of any necessary building permit and certificate of occupancy in accordance with the terms of such approval. All other conditions are to be met prior to the issuance of building permits, certificates of occupancy, or other period of time as determined by the Planning Director.
- B. Whenever the Historic Resources Commission issues a certificate of appropriateness as required in the H and HO Districts, the Planning Director will oversee approvals of any necessary permits and certificate of occupancy in accordance with the terms of such approval.

4-2.2. PERMIT CHOICE

If a land development regulation is amended between the time a development permit application was submitted and a development permit decision is made or if a land development regulation is amended after a development permit decision has been challenged and found to be wrongfully denied or illegal, G.S. 143-755 applies.

4-2.3. VESTED RIGHTS

- A. **Rights Perfected Prior to this Ordinance.** Development rights perfected prior to the effective date of this Ordinance shall be subject to the Zoning Ordinance or other legal requirements under which the rights were perfected, unless and until such vested rights are withdrawn or expire in accordance with law.
- B. **General Statutes 160D-108.**
 - 1. **Purpose.** The purpose of this Section is to implement the provisions of G.S. 160D-108 and G.S. 160D-108.1.
 - 2. **Definitions.** As used in this Section, the following terms shall have the meaning indicated:

- (1) **Site Specific Vesting Plan.** A plan of land development submitted for purposes of obtaining one (1) of the following zoning or land use permits or approvals in accordance with *Section A.4 Procedures*.
 - i. Approval of a zoning permit that requires the submission and approval of a site plan in accordance with *Section A.4-3.12 Zoning Permit*.
 - ii. Approval of a use requiring a special use permit in accordance with *Section A.4-3.5 Special Use Permit*.
 - iii. Approval of a conditional zoning application that includes a site-specific development plan in accordance with *Section A.4-3.3(C)(1)(1) Conditional Districts*.
 - iv. Approval of a final development plan by the Planning Board in accordance with *Section A.4-3.3(C)(1)(1) Conditional Districts* pursuant to a two-phase special use district zoning petition approved by the Town Council in accordance with *Section A.4-3.3(C)(1)(1) Conditional Districts*.
 - v. Notwithstanding the foregoing, neither a variance, a sketch plan nor any other document that does not describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property shall constitute a site-specific development plan.
 - (2) **Vested Right.** A right established pursuant to G.S. 160D-108 of the North Carolina General Statutes related to the establishment of vested rights.
3. **Establishment of Vested Right.**
- (1) A vested right shall be deemed established upon the valid approval or approval with conditions by the Town Council, Appointed Boards or Committees, or the Planning Director, in compliance with all provisions of this Ordinance or Subdivision Ordinance, as applicable, of a site-specific vesting plan, following notice and public hearing.
 - (2) The Town Council may approve a site-specific vesting plan upon such terms and conditions as authorized in *Section A.4 Procedures*, and upon making such findings as are required for approval by this Ordinance.
 - (3) Notwithstanding *Section A.4-2.3 Vested Rights*, approval of a site-specific vesting plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained.

- (4) A site-specific development plan shall be deemed approved upon the effective date of approval by the approving authority or ordinance relating thereto, and only to the extent of that approval.
- (5) The establishment of a vested right shall not preclude the application of overlay standards that impose additional requirements but do not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land-use regulation by the local jurisdiction, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise, applicable new or amended regulations shall become effective with respect to property that is subject to a site-specific vesting plan upon the expiration or termination of the vested right in accordance with this Section.
- (6) A vested right is not a personal right, but shall attach to and run with the applicable property. After approval of a site-specific vesting plan, all successors to the original landowner shall be entitled to exercise such right while applicable.

4. Process to Claim Vested Right.

- (1) A landowner claiming a statutory or common law vested right may submit information to substantiate that claim pursuant to North Carolina General Statute 160D-108 in writing.
- (2) The claim shall be concurrent with an application for a zoning map amendment, subdivision plan approval, a conditional coning, a special use permit, a site plan approval or a planned unit development approval.
- (3) The Planning Director shall make an initial determination as to the existence of the vested right. Any determination may be appealed under G.S. 160D-405. On appeal, the existence of a vested right shall be reviewed de novo. In lieu of seeking such a determination, a person claiming a vested right may bring an original civil action as provided by G.S. 160D-405(c).

5. Approval Procedures and Vested Rights for Site Specific Development Plans.

- (1) Plans shall be submitted and processed in accordance with the procedures established by this Ordinance and shall be considered by the designated approving authority for the specific type of zoning or land use permit or approval for which application is made. A vested right is established once

approval is granted by the approving authority following notice and public hearing.

- (2) The notice of public hearing required for vested rights shall follow the same procedure as is required by the approving authority for the specific type of approval for which application is made.
- (3) Nothing in this Section shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval by the approving authority or of this Ordinance.

6. Duration.

- (1) **Vested Rights.** A vested right for a site-specific vesting plan shall remain vested for a period of two (2) years. This vesting shall not be extended by any amendments or modifications to a site-specific vesting plan. The Town Council may provide that rights regarding a site specific vesting plan shall be vested for a period exceeding two (2) years, but not exceeding five (5) years, if warranted by the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions, or other considerations. This determination shall be in the discretion of the local government and shall be made following the process specified for the particular form of a site-specific vesting plan involved in accordance with subsection C of this Ordinance.
- (2) **Relation to Building Permits.** A right vested as provided in this subsection shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed. Upon issuance of a building permit, the provisions of G.S. 160D, Article 1, shall apply, except that the permit shall not expire or be revoked because of the running time while a vested right under this subsection exists.
- (3) **Multiphase Developments.** A multiphase development shall be vested for the entire development with the Zoning Regulations, Subdivision Regulations, and Unified Development Ordinances in place at the time a site plan approval is granted for the initial phase of the multiphase development. This right shall remain vested for a period of seven (7) years from the time a site plan approval is granted for the initial phase of the multiphase development. For purposes of this subsection, "multiphase development" means a development containing one hundred (100) acres or more that (i) is

submitted for site plan approval for construction to occur in more than one (1) phase and (ii) is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval.

- (4) **Development Agreements.** A vested right of reasonable duration may be specified in a development agreement under Article 10 of Chapter 160D of the North Carolina General Statutes.
 - (5) **Expiration or Termination.** Upon the expiration or termination of the vested right in accordance with this Section, the site-specific vesting plan shall be subject to all current Unified Development Ordinance (UDO) regulations or other applicable requirements of law relating to the development of the site.
7. **Termination.** A right that has been vested as provided in this Section shall terminate upon any of the following:
- (1) **No Building Permit.** Termination of the applicable vesting period with respect to buildings and uses for which no valid building permit has been issued;
 - (2) **Written Consent.** Written consent of the affected landowner;
 - (3) **Threat to Public Health or Safety.** Findings by the Town Council, by ordinance after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the approved vested plan;
 - (4) **Compensation.** Compensation to the affected landowner for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the local jurisdiction, together with interest as provided in G.S. 160D-106. Compensation shall not include any diminution in the value of the property which is caused by such action;
 - (5) **Misrepresentation.** Findings by the Town Council, by ordinance after notice and a hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the Town Council of the site-specific vesting plan; or,

- (6) **State or Federal Law.** Enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the site-specific vesting plan, in which case the Town Council may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the plan, by ordinance, after notice and a hearing.
8. **Limitations.** Nothing in this Section is intended or shall be deemed to create any vested right other than those established pursuant to G.S. 160D-108.
- C. **The Powers of Town Council Pursuant to Vested Rights.** At its discretion, upon application from a property owner or affected party, or with reasonable cause the Town Council may pass a resolution extending the period of vested rights for any given development project beyond the requirements of G.S. 160D-108. The resolution shall set forth the terms, conditions, duration of the extension and any other relevant information.

4-2.4. MAJOR AND MINOR MODIFICATIONS

In reaching a decision as to whether proposed modifications are to be considered Major or Minor, the Planning Director shall review the proposed modifications pursuant to the following table. If the modification is not determined to be a Minor Modification by the Planning Director, it will be considered a Major Modification and will be approved subject to the requirements in the applicable sections.

Table A.4.1 Major and Minor Modifications

Land Development Regulation Standard	Minor Modification	Major Modification
General		
Any modification in a stipulation or condition specifically required by the Board.		✓
Scrivener errors that do not alter the location or boundary of any lot or easement	✓	
Any other modifications that are not specifically set forth in this table as a minor modification		✓
Corrections to the Final Plat to match the applicable Preliminary Plat	✓	

Land Development Regulation Standard	Minor Modification	Major Modification
Revising the terms and conditions of the applicable zoning district on the Final Plat	✓	
Site Standards		
A decrease in minimum Lot Area by 20 percent or more		✓
An increase in maximum Lot Coverage by 20 percent or more		✓
An increase in maximum Block Length by 15 percent or more		✓
Moving a side or rear lot line in common with an abutting lot on a Final Plat, so long as the resulting lots and setbacks remain in compliance with the Zoning Ordinance	✓	
A decrease in minimum Front, Side, or Rear Setback by 15 percent or more		✓
An increase in maximum permitted Encroachment Into Setback by 15 percent or more		✓
A modification to the location of provided open space, provided the applicant demonstrates all applicable Open Space Standards are still met.	✓	
A modification made to the final grade on previously approved and recorded documents of not more than 10 percent.	✓	
On the Final Plat, the combination of 2 lots to create 1 lot that is larger than the original lots being joined, so long as the resulting lot and development otherwise complies with the Zoning Ordinance and Subdivision Ordinance, and so long as the lot(s) have not already been combined with any other lot in such a manner.	✓	
Building Standards		
An increase in maximum Building Height by 20 percent or more		✓

Land Development Regulation Standard	Minor Modification	Major Modification
An increase in maximum Accessory Structure Height by 20 percent or more		✓
Development Standards		
An increase over the maximum Number Of Required Parking Spaces by 25 percent or less	✓	
An increase in maximum Lighting Height by 15 percent or more		✓
An increase in maximum permitted sign height by 15 percent or more		✓
A modification to the Minimum Landscape Requirements by 15 percent or more		✓
An alteration of the type of landscaping provided, provided all Landscape Screening requirements are met.	✓	
A modification of the Tree Replacement Schedule wherein no more than 20 inches of tree planting is either added or removed due to changes in tree removal or retention and does not require a revision to Tree Bank contributions.	✓	
On the Final Plat, the enlargement of a recorded non-residential lot to include abutting land that was part of the applicable Preliminary Plat, but which abutting land has not yet been included in a recorded Final Plat	✓	
Access		
A modification in the location of a street or access point by not more than 10 feet, provided the applicant demonstrates that all other applicable requirements are still met.	✓	

4-3. REVIEW PROCESSES

4-3.1. DEVELOPMENT REVIEW PROCEDURES

A. **Purpose and Intent.**

1. This Section describes the standard procedural steps and rules generally applicable to all development applications reviewed under this UDO.
2. The procedures provided in this Section are utilized by the Town for the processing of applications for development permits or approvals.
3. It is the intent of this Section to establish a uniform set of procedures for development applications to be more effective and efficient for applicants, adjacent properties, elected officials, and the Planning Director.
4. The use of property may not be substantially changed, and substantial clearing, grading, or excavation may not be commenced, and buildings or other substantial structures may not be constructed, erected, moved, or substantially altered except in accordance with and pursuant to this UDO.
5. Any deviation from these procedures, other than those required by statute, shall not be grounds for invalidating an otherwise valid decision.

B. **Preapplication Meeting.** Although not required in all circumstances, applicants are strongly encouraged to attend a Preapplication Conference with the Planning Director. It is understood that information provided by staff in Preapplication Conferences is not binding and for informational purposes only. Applicants are encouraged to provide staff with information to assist staff in providing guidance. Information may include maps, narrative, sketch plan for the site and general information on traffic circulation and utilities. A preapplication meeting is required for the following applications:

1. Development within the Lewisville Downtown Overlay (DTO).

C. **Applications.**

1. Development applications reviewed under this Section shall be submitted by the landowner, contract purchaser, agent, or other person having a recognized property interest in the land on which development is proposed.
2. The Planning Director shall establish application content and forms. The Director may change requirements for submission of required information when, in the

Director's opinion, such information is otherwise available or is not necessary to review the application.

3. The Town Council shall establish application fees, which shall be identified in the Town's adopted fee schedule. Town Council may amend and update those fees as necessary.
4. No application shall be considered for review until it is deemed complete. If the application is incomplete, the Director shall notify the applicant of any deficiencies. A complete application shall:
 - (1) Contain all information and materials as required in the application form as designated by the Planning Director;
 - (2) Provide the number of copies required per the application;
 - (3) Be signed by the person with authority to file the application;
 - (4) Be legible and printed to scale;
 - (5) Include information in sufficient detail to evaluate whether the application complies with the applicable review standards in this Ordinance; and
 - (6) Include the required fee for the particular type of application.
5. **Neighborhood Outreach.**
 - (1) **Applicability.** Applicants for certain types of development proposals, rezonings and major projects are strongly encouraged to conduct a neighborhood outreach meeting during the application process. The Planning Director may require such outreach when it is determined that a project has the potential for neighborhood or community scale impacts. Rezoning resulting from annexation are exempt from this requirement.
 - (2) **Purpose.** The purpose of neighborhood outreach is for the applicant to inform owners of adjacent and nearby properties about the nature of a proposed development, explain the concept plans for an application and to provide a forum for residents to offer suggestions or present concerns.
 - (3) **Time, Location, and Procedure.**
 - i. The outreach meeting shall be conducted no sooner than ninety (90) days before, nor later than thirty (30) days before the Planning Board or Town Council conducts a public hearing or review of the development proposal.

- ii. The meeting shall be conducted in a single group format, so that discussion can be heard by all participants and included in the meeting summary.
 - iii. The Planning Director and designees shall not attend to meeting. This is to maintain neutrality, avoid the potential for perceived bias and to ensure that the meeting stays focused on the development application.
- (4) **Notice.** The applicant shall send notice to all addresses included in tax records for all adjacent and nearby landowners within 500 feet of the subject property or properties. This notice shall be sent by the U.S. Postal Service, first class no later than ten (10) days before the scheduled outreach meeting. A copy of the notice shall also be mailed to the office of the Planning Director. The notice may include flyers, pamphlets and the like.
- (5) **Record-Keeping.** A written summary of the neighborhood outreach efforts shall be submitted to the Planning Director at least fifteen (15) calendar days prior to the scheduled public hearing or review meeting. This summary shall be included in the staff report provided to the Planning Board or Town Council. At a minimum, the summary shall include a copy of mailed materials, a list of the addresses to which notices were mailed, the estimated number of attendees and a narrative (or minutes) highlighting the topics discussed/comments received.
6. **Staff Review of Applications.**
- (1) **Application.** The Planning Director shall establish required application forms and associated required content. Applicants shall fully complete any required application and provide all associated required content.
 - (2) **Fees.** No formal action or approval shall be given until all required application fees are paid in full.
 - (3) **Application Submittal.** Applications and associated fees shall be submitted to the Town for staff review. An application will not be considered officially submitted unless it is deemed complete.
 - (4) **Completeness Review.**
 - i. The Planning Director shall review any application required by the UDO for completeness within thirty (30) days after confirmation of receipt. No application shall be considered complete until any application fees as determined by Town Council have been paid.

- (a) When an application is determined to be complete, the formal review will proceed according to the annual development schedule established by the Planning Director and Planning Board.
- (b) If an application is determined to be incomplete, the Planning Director shall provide a written determination to the applicant within 30 days. If a different time frame is noted elsewhere in the UDO, the shorter shall apply. The determine shall specify the information needed to complete the application. Once a corrected application is received, the 30-day review time period begins anew.
- (c) Unless specified elsewhere in the UDO, if the applicant fails to respond to the identified needs within ninety (90) days after receiving written notification, the application shall be considered withdrawn. The Planning Director may grant an extension for up to 180 days if determined necessary. If the applicant does not complete the application within the extension period granted, the application shall be considered withdrawn and reapplication will be necessary for future considerations.

(5) Conflicts of Interest.

- i. No staff member shall make a final decision on an administrative decision required by this Ordinance if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. Close (familial relationship) as used in paragraph A above means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half and in-law relationships.
- ii. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the Town Manager. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Ordinance unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a

company contracting with the Town to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the Town, as determined by the Town Manager.

7. Public Meeting and Hearing Notice Requirements.

- (1) **Public Meetings and Public Hearings.** Public Meetings and Public Hearings shall comply with the Quasi-Judicial and Legislative provisions below.
- (2) **Public Notice Requirements.** Minor typographical, numerical or formatting errors that do not alter the intent and effect of information contained in any mailed or published notice shall not negate the validity of such notice. Notice shall be given as follows:

Table A.4.2 Public Hearing Notification Requirements

Process	Section Number	Evidentiary Hearing	Legislative Hearing	Published Notice	Mailed Notice	Posted Notice
Appeal	A.4-3.7	Yes	No	No	Yes	Yes
Rezoning	A.4-3.3	No	Yes	Yes	Yes	Yes
Special Use Permit	A.4-3.5	Yes	No	No	Yes	Yes
UDO Amendment	A.4-3.2	No	Yes	Yes	No	No
Variance	A.4-3.6	Yes	No	No	Yes	Yes

- i. **Public Legislative Hearing Notice.** A notice of each public hearing shall be given once a week for two (2) successive calendar weeks in a newspaper of general circulation in the Town of Lewisville, the first publication of said notice being no sooner than twenty-five (25) days and no later than ten (10) days prior to the date fixed for the hearing.
- ii. **Mailed Notice Requirements.** Mailed notices shall identify the date, time and place of the hearing, describe the subject property by address, describe the scope of proposed development, and identify a method to

contact Town Staff for questions regarding the proposed development. In any instance where the provisions of G.S. 160D-406 or -602 require a mailed notice, the review authority shall ensure the mailed notice is completed in accordance with the following:

- (a) Mailed notices shall be provided to the applicant, landowner, and all landowners entitled to receive notice in accordance with G.S. 160D-406 or -602;
- (b) The required mailed notice shall be sent via United States first class mail;
- (c) A copy of the mailed notice shall be retained in the Office of Planning for public record purposes;
- (d) Notice shall be provided at least ten (10) days but not more than twenty-five (25) days prior to the date of the hearing.

iii. **Posted Notice Requirements.** Notice shall be posted on subject properties no sooner than twenty-five (25) days and no later than ten (10) days prior to the date of said public hearing. Said notice shall consist of a sign(s) posted on the property at a conspicuous location(s), which sign shall be legible from the nearest public road. Location(s) which are not conspicuous or require additional notification to the public, will be required to have a directional sign(s) posted. The signs are and shall remain the property of the governmental agency which provided them, and shall be prepared, posted, and reclaimed by it. Posted notices shall indicate that a public hearing has been scheduled that involves the property and identify a method to contact the Town for questions regarding the proposed development.

(3) **Legislative Hearings.** Legislative hearings shall be held in accordance with all State law and comply with the following requirements:

- i. Legislative public hearings are not quasi-judicial in nature.
- ii. The legislative public hearing shall be open to the public and attendees shall be allowed opportunity to comment.
- iii. The provisions of G.S. 160D-109, -308, -309, shall apply with respect to Oath, Conflicts of Interest and record keeping.
- iv. Decisions for legislative public hearing applications shall be decided by a simple majority vote.

- v. Revisions may be made to an application during a public hearing in response to recommendations or suggestions of the review/approval authority. Any required or necessary modifications to the application shall be provided to Town staff prior to issuance of any permit approvals.
- (4) **Evidentiary Hearings.** Evidentiary hearings shall be held in accordance with all State law and G.S. 160D-406. Evidentiary hearings and rulings must be based upon only the evidence received by the review/approval board at the hearing and comply with the following requirements:
- i. Testimony and evidence may be provided by any party in attendance. The party shall be afforded a reasonable opportunity to provide testimony, ask questions, or cross examine an applicant and Town staff. The applicability, credibility, and relevance of any testimony regarding the matter at hand shall be determined by the chair of the decision-making body.
 - ii. The Planning Director shall transmit to the decision-making body all applications, reports, and written materials relevant to the matter being considered and comply with G.S. 160D-406(c).
 - iii. The chair or officer of the decision-making body may exclude or limit incompetent evidence and/or hearsay.
 - iv. The applicant, Town, and any person who would have standing to appeal the decision under G.S. 160D-1402 shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the decision-making body.
 - v. The decision-making body shall act as a fact-finding body and make a decision in accordance with evidence presented.
 - vi. Ex parte communications are prohibited between applicant or affected party and a member of the decision-making body, and among members of the decision-making body or others prior to the hearing.
 - vii. Any conflict of interest (perceived or actual) shall be disclosed, and a decision-making body member shall not participate in or vote on any quasi-judicial matter if a conflict of interest exists.

8. **Conditions of Approval.** Conditions of approval shall comply with the following:
- (1) Conditions of approval are limited to a conditional rezoning or quasi-judicial processes;
 - (2) Conditions of approval shall be limited to conditions necessary to ensure compliance with the UDO, or to prevent or mitigate adverse effects from the proposed development, within the scope of powers delegated to local jurisdictions by the State of North Carolina;
 - (3) Any condition of approval shall be set forth in any official notice of decision or permit approval; and
 - (4) Conditions of approval may be proposed by applicant, Town staff, or the particular review/approval authority.
 - (5) Only those conditions mutually agreed upon by the applicant and the deciding board may be incorporated into a conditional district rezoning.
9. **Timing.**
- (1) **Continued Hearings.** The reviewing board may continue or extend the period of any legislative or evidentiary hearing as deemed necessary. No further notice of a continued hearing need be published. A request to continue a hearing may be approved if the applicant needs additional time to gather additional information, gather additional public input, or prepare additional evidence.
 - (2) **Withdrawal.** An application cannot be withdrawn after published notice has occurred or the scheduled public notice may not be canceled except with permission of the reviewing board. When applicable, once the appointed body has acted to forward a recommendation on the zoning application to the Town Council, the application may not be withdrawn by the applicant except with permission of the Town Council. A public hearing is not required to consider a request to withdraw. The filing fees are not refundable, except that the Planning Director may authorize refund of the fees if no notice expenses related to the application have been incurred.
 - (3) **Subsequent Applications.** If an application is denied, no application proposing the same or similar development on the land may be submitted within two years after the official date of denial.

4-3.2. UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT

- A. **General Procedures.** Proposals to amend, supplement, change, modify, or repeal any of the regulations established by this Ordinance, or hereafter established, may be initiated by the Town Council, by the Planning Board, or by application of any interested person.
- B. **Application.** A text amendment shall be reviewed by the Director and the Planning Board and be considered in a public hearing by the Town Council. A text amendment shall meet all applicable common application procedures defined in *Section A.4-3.1 Development Review Procedures*. The exact section and text of the Ordinance to be amended and the new or revised language of the Ordinance proposed shall be submitted.
- C. **Review Process.** A text amendment shall occur through a public hearing process and shall be reviewed by the Director for consistency with the regulations of this UDO and any other relevant ordinances and adopted plans as defined in *Section A.4-3.1 Development Review Procedures*. A staff report shall be provided to the Planning Board and Town Council.
- D. **Planning Board Public Meeting.**
1. **Criteria.** The Planning Board will review the proposed request in a public meeting.
 2. **Decision.** The Planning Board shall vote to recommend approval of the request or to recommend denial of the request to the Town Council. The Planning Board shall submit a brief statement describing whether the action is consistent or inconsistent with the Lewisville Comprehensive Plan to the Town Council within thirty (30) days of the Planning Board Public Meeting.
- E. **Town Council Public Hearing.** The Town Council will review the proposed request under legislative discretion, taking into consideration all relevant comments from the Planning Director and the Planning Board. Said proposed request shall be placed on the agenda of a regularly scheduled meeting of the Town Council according to the time frames established in the annual Development Review Schedule.
1. **Submission of Written Statements.** The Unified Development Ordinance may from time to time be amended, supplemented, changed, modified, or repealed. If any resident of property owner in the Town submits a written statement regarding a proposed amendment, modification, or repeal to a zoning ordinance to the

- Town Clerk at least two (2) business days prior to the proposed vote on such change, the Town Clerk shall deliver such written statement to the Town Council.
2. **Decision.** The Town Council shall vote for approval of the request or vote to deny the request. They may add additional requirements or modify proposed language with the consent of the applicant. The Town Council may approve the text amendment as requested, adopt a revised amendment, or deny the amendment.
- F. **Effect.** Any changes to the UDO text shall be made effective immediately after approval of the application by the Town Council.

4-3.3. ZONING MAP AMENDMENTS (REZONINGS)

- A. **General Procedures.** Proposals to amend, supplement, change, modify, or repeal any of the regulations or the district boundaries established by this Ordinance, or hereafter established, may be initiated by the Town Council, by the Planning Board, the Planning Director, or by application of any interested person.
- B. **Application Submitted.** An application to change zoning districts shall be submitted to the Planning Director, who will forward the application to the Planning Board for review and recommendation to the Town Council, who will then make a final determination on the request. All applicable common application procedures defined in *Section A.4-3.1 Development Review Procedures*, must be met. If the rezoning application submitted to the Director does not conform to all applicable regulations, the applicant shall resubmit the plans to the Director for redistribution and review. A zoning map amendment application may be initiated by a property owner, any person with written consent of the property owner or the local government.
 1. **Additional Submittal Requirements.**
 - (1) **Legal Description.** A legal description of the property for which rezoning is requested shall be included with the application.
 - (2) Proposals to change the zoning of property to more than one new zoning district may be processed as a single application, including the application and fee requirements of this Section, if all proposed zoning districts are contiguous. A scaled map marking the discrete areas to be rezoned shall be submitted with the application.

C. Review Process.

1. Rezoning Review Process.

(1) **Conditional Districts.** This Section establishes the option of conditional zoning within the Town of Lewisville. Conditional zoning provides an alternative to general zoning within the Town which allows flexibility in addressing the standards of this UDO. As part of conditional zoning, unique site specific conditions may be assigned to the property by Town Council (with agreement by the landowner). The following standards apply:

- i. **Requirements.** All the legislative requirements for a zoning map amendment shall be followed. If the applicant elects to apply for conditional district zoning, the applicant must specify the actual uses intended. These uses may only be selected from among those permitted in the underlying zoning district as described in *Table B.2.12 Permitted Uses*. If the applicant applies for two (2) or more conditional districts, the applicant shall submit a separate application for each district. The Town Council, in considering whether to approve each conditional district application, shall do so on the basis of the specific use(s) requested.
- ii. **Compliance with General Use Provisions.** Any application to amend district boundaries to create a conditional district shall comply with procedures for general use district amendments set out in *Section A.4 Procedures*.
- iii. **Site Plan.** A complete site plan may be required for certain conditional zoning applications. If a site plan is incorporated as a condition in conditional zoning, it is part of that legislative decision.
- iv. **Conditions of Approval.** In rezoning for a conditional district, the Town Council may impose additional reasonable conditions. If all requirements and conditions are accepted by the applicant, the Town Council shall rezone the property and issue a conditional district permit, attaching thereto and incorporating therein the conditions mentioned immediately above. Otherwise, the application shall be denied.
- v. **Permit Issuance.** No zoning permit or other governmental entitlement for the use, development, or division of land zoned to a conditional district shall be issued prior to the approval of conditional district zoning by the Town Council.

- (a) **Effect of Conditional District Approval.** Once a conditional zoning district has been approved by the Town Council, it shall be binding upon the property, unless subsequently changed or amended by the Town Council as provided for in this Ordinance.
- (b) **Amendment.** The Town Council may change or amend any conditional zoning district, only after public notice and hearing, upon recommendation of the Planning Board, and subject to the same procedures provided in this Ordinance for granting conditional district zoning.
- vi. **Minor Changes.** The Town Council may, by resolution, allow the Planning Director to grant minor changes to site plans and conditions, consistent with *Table A.4.1 Major and Minor Modifications* above, after the site plans and conditions have been approved by the Town Council. Such resolution shall include authority for staff to make changes as consistent with law and the intent of the original site plan or conditions. Minor changes may include, but are not limited to, changes which do not alter the basic relationship of the proposed development to adjacent property, will not alter the uses permitted, or will not increase density or intensity of the development.
- vii. **Enforcement of Conditions of Conditional District Permit.** Any violation of a condition of a conditional district permit shall be a violation of this Ordinance and subject to the enforcement provisions of *Section A.6 Enforcement*.

D. Planning Board Legislative Hearing.

- 1. **Criteria.** The Planning Board will review the proposed request in a public meeting.
- 2. **Decision.** The Planning Board shall vote to recommend approval of the request or to recommend denial of the request to the Town Council. The Planning Board shall submit a brief statement describing whether the action is consistent or inconsistent with approved plans to the Town Council within thirty (30) days of the Planning Board Public Meeting.

- E. **Town Council Legislative Hearing.** A public hearing shall be held by the Town Council on each proposed amendment to the *UDO*, after publication of notice, as hereinabove provided. Said proposed amendment shall be placed on the agenda of

a regularly scheduled meeting of the Town Council according to the time frames established in the annual Development Review Schedule.

1. **Consideration.** In deliberating each application for zoning map amendments, the Town Council may consider such information and assertions as are presented in the application as well as information presented and public comments made at the public hearing. Additional considerations by the Town Council may include, but shall not be limited to the following:

- (1) May include the size, physical conditions, and other attributes of the area proposed to be rezoned;
- (2) May include the benefits and detriments to the landowners, the neighbors, and the surrounding community;
- (3) May include the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment;
- (4) The public interest; and
- (5) Any changed conditions warranting the amendment.

F. **Effect.** Any property subject to a rezoning shall have its zoning districts modified on the Official Zoning Map immediately after approval of the rezoning by Town Council. Any property subject to a conditional rezoning shall be subject to all standards and conditions agreed upon and approved during the rezoning process. Approved rezoning requests shall not expire and shall run with the land.

4-3.4. PLANNED RESIDENTIAL DEVELOPMENT

A. **Establishment of Planned Residential Development.** Planned Residential Developments (PRDs) may be established in any single-family residential zoning district according to the same procedures described for Conditional District Zoning. Approval of a PRD shall also include the approval of a comprehensive site plan and map, prepared in accordance with the mapping standards of this UDO, and in accordance with the development standards described in *Section B.2-5.4(A)(41) Planned Residential Development*.

B. **Approval.** Approval of a planned development and corresponding planned development master plan (PRDMP) is required for a Planned Residential Development (PRD). Standards specific to planned developments are defined in *Section B.2-5.4(A)(41)(5) Development Standards*.

4-3.5. SPECIAL USE PERMIT

- A. **Regulatory Note.** With the adoption of this Unified Development Ordinance, all special use permits issued in the past that were subject to periodic renewal shall become permanent and run with the land. Henceforth, no special use permits shall be time-limited nor require renewal unless specified as a condition of approval.
- B. **Zoning Board of Adjustment Review.** The Zoning Board of Adjustment shall review all requests for Special Use Permits as designated in *Table B.2.12 Permitted Uses* and *Section B.2-5.4 Use Standards and Conditions*.
- C. **Planning Director Report.** Applications for special use permits may be approved by the Zoning Board of Adjustment after such board receives a report and site plan from the Planning Director. The Planning Director shall submit a report in writing to the Zoning Board of Adjustment within the time frames established in the annual Development Review Schedule. The Planning Director report shall make a finding that the application as submitted either complies with the Ordinance, complies with recommended conditions, or does not comply with the Ordinance. The Planning Director shall have the authority to recommend conditions, as identified in *Section A.3-3 Planning Director*, to reduce impacts associated with the project.
- D. **Required Findings.** The Zoning Board of Adjustment shall issue a special use permit only with an affirmative finding as follows:
 - 1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;
 - 2. That the use meets all required conditions and specifications;
 - 3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and,
 - 4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with *the Comprehensive Plan*.
 - 5. Except with regard to the conversion of nonconforming uses in *Section A.5-2 Nonconforming Uses*, no provision of this Ordinance shall be interpreted as conferring upon the Zoning Board of Adjustment the authority to approve an application for a special use permit for any use unless authorized in *Table B.2.12 Permitted Uses*. In approving an application for the issuance of a special use

permit, the Zoning Board of Adjustment may impose additional reasonable and appropriate conditions and safeguards to protect the public health and safety, and the value of neighboring properties, and the health and safety of neighboring residents. If the Zoning Board of Adjustment denies the application for the issuance of a special use permit, it shall enter the reasons for denial in the minutes of the meeting at which the action was taken.

6. The applicant/landowner must provide written consent to the conditions related to the special use permit.
- E. **Effect.** A special use permit is binding and runs with the property unless amended or modified.
- F. **Permit Issuance.** When a special use permit is required, no zoning or building permit shall be issued until a special use permit for the requested use has been approved by the Zoning Board of Adjustment.
- G. **Additional ZBOA Findings.** In addition to the specific special use permit standards detailed in this UDO, the Zoning Board of Adjustment may also take into consideration:
 1. Conformity of the request with the Lewisville Comprehensive Plan.
 2. Where applicable, if public water and sewer services are available.
 3. The general layout and design of the requested use meets or exceeds the requirements of the UDO.
 4. The nature of streets, highways, and sidewalks in relation to the requested use, including carrying capacity and public safety.
- H. **Conditional District Zoning.** No separate special use permit is required for a use which is permitted as part of a conditional district zoning adopted by the Town Council and which meets the requirements of this Ordinance.

4-3.6. VARIANCE

- A. **Authority.** No provision of this Section shall be interpreted as conferring upon the Zoning Board of Adjustment (ZBOA) the authority to approve an application for a variance except as described in this UDO and as allowed by G.S. 160D.
- B. **Limitations.** The ZBOA shall not grant a variance to permit a use not permitted in the applicable zoning district, nor shall it grant a variance for a site plan feature or condition adopted in conjunction with a conditional zoning district approval.

- C. **Evidentiary Hearing.** Applications for variances may be approved by the Zoning Board of Adjustment.
- D. **Findings.** In accordance with G.S. 160D-705, the ZBOA shall approve a variance only if each of the following criteria are met:
 - 1. Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - 2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
 - 3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
 - 4. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved.
- E. **Review of Applications.** Any such variance shall observe the spirit and purpose of this Ordinance and shall be granted only with reference to conditions and circumstances peculiar to the property involved. When approving a variance the ZBOA may specify additional reasonable and appropriate conditions and safeguards to protect the public health and safety, the value of neighboring properties and the health and safety of neighboring residents. If the ZBOA denies the application for a variance, it shall enter the reasons for the denial in the minutes of the meeting at which the action was taken.

4-3.7. APPEALS

- A. **General.** The ZBOA shall consider appeals from and shall review any disputed order, requirements, decision or determination made by the Planning Director. The Zoning Board of Adjustment shall also consider all other matters upon which it is required to act under this Ordinance, including but not limited to, decisions of the Floodplain Administrator, the Watershed Administrator, the Erosion and Sedimentation Control

Administrator, and the Subdivision Administrator. All matters that are considered under appeal by the ZBOA shall follow all application procedures and pay all required fees prior to the appeal being accepted.

- B. **Zoning Board of Adjustment Authority.** Upon appeal, the Zoning Board of Adjustment shall have the following powers:
1. To hear and decide appeals based on alleged error in any order, requirement or decision made by the Planning Director in the enforcement of this Ordinance;
 2. To hear and decide an appeal of any other matter as authorized by this Ordinance.
- C. **Appeals of Zoning Board of Adjustment Decisions.** Appeals of ZBOA decisions shall be in the nature of certiorari and may be filed within thirty (30) days of the date the appellant receives written notice of the decision. Appeals shall be made to Superior Court.

4-3.8. CERTIFICATE OF APPROPRIATENESS (COA)

- A. **Requirements For Certificates Of Appropriateness For Local Historic Landmarks (LHL).**
1. From and after the designation of a Local Historic Landmark (LHL), no exterior designated portion of any building or other structure, including masonry walls, fences, light fixtures, steps, pavement, or other appurtenant features, nor interior designated portion of any building or structure as specified in the recorded LHL regulation, nor above-ground utility structure, nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished on such designated LHL until after an application for a certificate of appropriateness as to such features has been submitted to and approved by the Commission.
 2. The Town shall require a Certificate of Appropriateness to be issued by the Historic Resources Commission (Commission) prior to the issuance of a building permit or other permit granted for the purposes of constructing, altering, moving, or demolishing structures, which Certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this Ordinance.
 3. If a Certificate of Appropriateness is required, then the applicant shall be provided with instructions and a means for applying for such a certificate.
 4. Certificates of Appropriateness shall be issued or denied in accordance with the Standards for Review found in *Section A.4-3.8(E) Standards for Review*.

5. A Certificate of Appropriateness shall be issued prior to any application for a building permit being made. Any building permit or other such permit not issued in conformity with this Section shall be invalid. A Certificate of Appropriateness shall be required for all activities specified in this Section, whether a building permit is otherwise required or not.
6. For the purposes of this Section, the term “Designated Portion” shall mean any portion of a designated LHL that was included in the regulation designating the LHL, including the main structure or structures, the interior or portions of the interior, any outbuildings or secondary structures, site elements, and landscaping.
7. Where the exterior of a building or structure is designated as an LHL, the term “Exterior Features” shall mean the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building or other structure, and the type and style of all windows, doors, light fixtures, signs and other appurtenant features. These Exterior Features may include historic signs, color, an significant landscape, archaeological, and natural features of the area.
8. In the case of outdoor advertising signs, the term Exterior Features shall mean the style, material, size, and location of all such signs. These Exterior Features may include historic signs, color, and significant landscape, archaeological, and natural features of the area.
9. Jurisdiction of the Commission over the interior, or portions thereof, is limited to specific interior features of architectural, artistic, or historical significance (herein Interior Features) in publicly owned LHLs and of privately-owned LHLs for which consent for interior review has been given by the owner. The consent of an owner for interior review binds future owners and/or successors if the consent has been filed in the office of the register of deeds of Forsyth County. The LHL regulation shall specify the Interior Features to be reviewed and the specific nature of the Commission’s jurisdiction over the interior.

B. Requirements For Certificates Of Appropriateness In Historic And Historic Overlay Districts.

1. Within a Historic or Historic Overlay District, no exterior portion of any building or other structure, including masonry walls, fences, light fixtures, steps, pavement, or other appurtenant features, nor any above-ground utility structure, nor any type

of outdoor advertising sign shall be erected, altered, restored, moved, or demolished until after an application for a certificate of appropriateness as to such Exterior Features has been submitted to and approved by the Commission.

2. The Town shall require a Certificate of Appropriateness to be issued by the Commission prior to the issuance of a building permit or other permit granted for the purposes of constructing, altering, moving, or demolishing structures, which Certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this Ordinance.
3. If a Certificate of Appropriateness is required, then the applicant shall be provided with instructions and a means for applying for such a certificate. Certificates of Appropriateness shall be issued or denied in accordance with the Standards for Review found in *Section A.4-3.8(E) Standards for Review*.
4. A Certificate of Appropriateness shall be issued prior to any application for a building permit being made. Any building permit or other such permit not issued in conformity with this Section shall be invalid. A Certificate of Appropriateness shall be required for all activities specified in this Section, whether a building permit is otherwise required or not.
5. For the purposes of the section, the term Exterior Features shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building or other structure, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant features. These Exterior Features may include historic signs, color, and significant landscape, archaeological, and natural features of the area.
6. In the case of outdoor advertising signs, the term Exterior Features shall be construed to mean the style, material, size, and location of all such signs.

C. Circumstances Not Requiring Certificates of Appropriateness. No certificate of appropriateness shall be required for:

1. The ordinary maintenance or repair, as defined in the applicable Design Review Standards, of any Exterior Feature in a Historic District or Historic Overlay District or Designated Portion of an LHL that does not involve a change in design, material, or appearance;
2. The construction, reconstruction, alteration, restoration, moving, or demolition of any such feature which the building inspector or similar official shall certify in

writing to the property owner and to the Commission is required by the public safety because of an unsafe or dangerous condition; and,

3. The maintenance of any existing above-ground utility structure or, in the event of an emergency, the immediate restoration of any existing above-ground utility structure.

D. **Procedures.** The following procedures shall govern the issuance of a Certificate of Appropriateness:

1. **Applications.**

- (1) Application for a Certificate of Appropriateness shall be submitted as specified in the instructions or as directed by Commission staff.
- (2) The Commission shall, in its Rules of Procedure, require such data and information as is reasonably necessary to evaluate the nature of the application.

2. **Application to Historic Resources Commission.** Commission staff shall transmit the Certificate of Appropriateness application, together with the supporting information and material, to the Commission for consideration.

3. **Notice and Hearing.**

- (1) Commission staff shall notify by mail the owners of any property located within one hundred (100) feet on all sides of the property which is the subject of the hearing within Historic Districts and Historic Overlay Districts. Commission staff shall notify by mail the owners of all parcels of land abutting the LHL parcel of land that is the subject of the hearing. Commission staff shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.
- (2) The applicant, the local government, and any person who would have standing to appeal the decision under G.S. 160D-1402(C) shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the Commission.

4. **Viewing Site.**

- (1) As part of its review procedure, the Commission and Commission staff may, solely in performance of its official duties and only at reasonable times, enter upon private lands to view the premises.

- (2) However, no member, employee, or agent of the Commission may enter any private building or structure without the express permission of the owner or occupant thereof.
- (3) Additionally, the Commission may seek the advice of the North Carolina Office of Archives and History or such other expert advice as the Commission may deem necessary.

5. Time for Action.

- (1) Failure of the Commission to act upon applications within one hundred eighty (180) calendar days after the filing shall be deemed to constitute approval and a Certificate of Appropriateness shall be issued, unless an extension of time has been mutually agreed upon between the Commission and the Applicant.

6. Form of Decision.

- (1) All formal actions of the Commission shall be set forth in writing, reflect the Commission's determination of contested facts and their application to the applicable Design Review Standards, and be approved by the Commission and signed by the chair or other duly authorized member of the Commission.
- (2) A decision of the Commission shall be effective upon filing the written decision with the Historic Resources Officer of the Commission.
- (3) The decision of the Commission shall be delivered within a reasonable time by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.
- (4) The person required to provide notice shall certify to the local government that proper notice has been made, and the certificate shall be deemed conclusive in the absence of fraud.

7. Time Limits.

- (1) Unless otherwise designated by the Commission, all work approved under a Certificate of Appropriateness shall be completed within three (3) years of the effective date of the Certificate of Appropriateness.
- (2) If a request is made to renew a Certificate of Appropriateness prior to its expiration, Commission staff may renew it for one (1) additional year.

- (3) If the work approved under a Certificate of Appropriateness has not been completed within the designated time period, the Certificate of Appropriateness shall expire.

8. Approval of Minor Works.

- (1) The Commission may delegate to Commission staff the review and approval of minor works for the LHLs, and for the Historic and Historic Overlay Districts after approval of Design Review Guidelines for the LHL and each Historic and Historic Overlay District.
- (2) Minor works are defined as projects which do not involve substantial alterations, additions, or removals that could impair the integrity of an LHL, property, and/or a Historic or Historic Overlay District as a whole or be incongruous with the special character of an LHL, property, or Historic or Historic Overlay District.
- (3) Minor works require a Certificate of Appropriateness.
- (4) A minor works application may be filed at any time and no public notification is required for review of a minor work application.
- (5) No minor works application may be denied by Commission staff.
- (6) If Commission staff cannot approve a minor works application, the Applicant may withdraw the application or request that it be presented to the Commission for review and formal action.

9. Reapplication after Denial.

- (1) If the Commission determines that a Certificate of Appropriateness should not be issued, a new application for the same work may be considered only if the Commission finds a substantial change in the applicable law or Design Review Standards, the environment surrounding the property, or in the application itself.
- (2) A reconsidered application shall be treated as a new application.

10. Demolition Permits.

- (1) An application for a Certificate of Appropriateness authorizing the relocation, demolition, or destruction of a designated LHL or building, structure, or site within an Historic or Historic Overlay District may not be denied; however, the effective date of such Certificate may be delayed for not more than three hundred sixty-five (365) calendar days from the date of approval.

- (2) The maximum delay shall be reduced by the Commission when it finds that owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return property by virtue of the delay.
 - (3) During the period of delay, the Commission shall negotiate with the owner and with any other parties in an effort to find a means of preserving the building or site.
 - (4) If the Commission finds that the building or site has no special significance or value toward maintaining the character of the designated LHL or Historic or Historic Overlay District, it shall waive all or part of such period and authorize earlier demolition or removal.
 - (5) If the Commission has voted to recommend designation of a property as an LHL or designation of an area as a Historic or Historic Overlay District, and final designation has not been made by the governing board, the demolition or destruction of any building, site, or structure located on the property of the proposed LHL or in the proposed Historic or Historic Overlay District may be delayed by the Commission for a period of up to 180 days or until the governing board takes final action on the designation, whichever occurs first.
 - (6) An application for certificate of appropriateness authorizing the demolition of a building, site, or structure determined by the State Historic Preservation Officer as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied except where the Commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.
11. **Applicability to Utility Companies.** The Town and all public utility companies shall be required to obtain a Certificate of Appropriateness prior to initiating on a LHL or in an Historic or Historic Overlay District any changes in the character of street paving, sidewalks, trees, utility installations, walls, lighting, fences, structures, and buildings on property, easements, or streets owned or franchised by the Town or public utility companies.
12. **Appeals.**
- (1) Appeals of administrative decisions allowed by regulation, i.e. minor works, may be made to the Commission within thirty (30) calendar days of the Minor Works Report being made publicly available.

- (2) An appeal of a decision of the Commission in granting or denying any Certificate of Appropriateness shall be taken to the appropriate Board of Adjustment.
- (3) Appeals of Commission decisions shall be taken by any aggrieved party by the later of thirty (30) calendar days after the decision is effective or after a written copy thereof is delivered in accordance with *Paragraph F Form of Decision* above and shall be in the nature of certiorari (only evidence presented at the Commission's meeting shall be considered at the appeal).
- (4) Appeal from the decision of the Board of Adjustment shall be to the Forsyth County Superior Court.

13. After-The-Fact Certificates of Appropriateness.

- (1) **After-the-Fact Certificate of Appropriateness Applications.** An after-the-fact Certificate of Appropriateness application includes any major or minor work projects that have been initiated or completed prior to obtaining the required Certificate of Appropriateness.
- (2) **After-the-Fact Certificate of Appropriateness Application Fee.**
 - i. To discourage activity without a Certificate of Appropriateness and to assist in offsetting the costs associated with the additional staff work that accompanies an after-the-fact application, a fee system has been implemented.
 - ii. The after-the-fact Certificate of Appropriateness application fee, as established by the Lewisville Town Council and the County Commissioners of Forsyth County, shall be due upon submission of the application.
- (3) **Application Consideration.** All after-the-fact Certificate of Appropriateness applications shall be brought before the Commission for consideration upon payment of an after-the-fact application fee.
- (4) **Approval of After-the-Fact Certificate of Appropriateness Applications.** Unless otherwise designated by the Commission, if an after-the-fact Certificate of Appropriateness application is approved, the applicant shall have ninety (90) days to complete the approved work.

(5) Denial of After-the-Fact Certificate of Appropriateness Applications.

- i. If an after-the-fact application for a Certificate of Appropriateness is denied by the Commission, the subsequent Certificate of Appropriateness application, if required, shall be considered anew.
- ii. A subsequent Certificate of Appropriateness application must be submitted to the Commission within thirty (30) days of the effective date of the denial of the original after-the-fact application.
- iii. Commission staff shall determine if the subsequent application qualifies as a major or minor work and said application shall be reviewed accordingly.

E. Standards For Review. A Certificate of Appropriateness shall be issued or denied in accordance with the following standards:

1. General Criteria.

- (1) In granting a Certificate of Appropriateness, the Commission shall take into account the historic or architectural significance of the property under consideration and the exterior and interior (where applicable), form and appearance of any proposed additions or modifications to a structure.
- (2) The Commission shall not consider interior arrangement in Historic and Historic Overlay Districts unless the property is also designated as an LHL. The Commission shall only consider the Interior Features of interior Designated Portions as specified in the LHL regulation.

2. General Restriction on Denial. The Commission shall not refuse to issue a Certificate of Appropriateness except for the purpose of preventing the construction, reconstruction, alteration, restoration, or moving of buildings, structures, appurtenant features, outdoor advertising signs, or other significant features which would be incongruous with the special character of the LHL or Historic or Historic Overlay District.

3. Design Review Guidelines Required.

- (1) The requirement for a Certificate of Appropriateness shall not become effective until after the Commission has prepared and adopted principles and guidelines not inconsistent with Chapter 160D of the North Carolina General Statutes.
- (2) Such principles and standards, herein referred to as Design Review Guidelines, shall be prepared for the LHLs, and for each Historic and/or

Historic Overlay District and shall address new construction, alterations, additions, moving, and demolition to properties and/or sites.

- (3) These criteria shall take into account the historic, architectural, and visual elements which are unique to the designated landmarks and districts.

4. **Design Review Guidelines Amendment.**

- (1) Prior to the amendment of Design Review Standards for the LHLs or any Historic or Historic Overlay District, any person may comment upon the proposal.
- (2) Not less than forty-five (45) days prior to the public hearing at which the Commission proposes to act upon the amendment(s), copies of the proposed amendment(s) shall be made available to the Elected Bodies, and any other interested person upon request.
- (3) Concurrently, the Commission shall cause notice of the public hearing at which the proposed amendment(s) will be considered for adoption to be published in a newspaper having general circulation in the area.
- (4) **Compliance.** Compliance with the provisions of this Section shall be enforced by the Planning Director. Failure to comply with this Section and provisions of a Certificate of Appropriateness shall be unlawful and a violation of the Zoning Ordinance, and all remedies authorized by law for noncompliance with this Ordinance may be exercised to enforce this Section.

4-3.9. SUBDIVISIONS

- A. **Exempt Subdivisions.** All review processes shall comply with the requirements of *Section D.3 Exempt Subdivisions*.
- B. **Expedited Subdivisions.** All review processes shall comply with the requirements of *Section D.4 Expedited Subdivisions*.
- C. **Minor Subdivisions.** All review processes shall comply with the requirements of *Section D.5 Minor Subdivisions*.
- D. **Major Subdivisions.** All review processes shall comply with the requirements of *Section D.6 Major Subdivisions*.

4-3.10. SITE PLAN

- A. **Purpose.** To review site plans for compliance with all applicable regulations defined in this UDO, protect public interest through high quality design, and create an aesthetically pleasing community environment through the review of proposed site plans for projects.
- B. **Site Plan Approval Required For Permit.**
1. No building permit shall be issued on a lot until the site plan requirements of this Section are met.
 2. **Concept Plan and Consultation Meeting.** Prior to the submittal of a site plan in the development process, which may include but not be limited to Rezoning, Planning Board Review, Special Use Permit, Building Expansion, Demolition, and Major/Minor Subdivision, the developer or representative shall attend a pre-application conference with Planning Director concerning the proposed plan of development. The purpose of this meeting is to discuss and assess constraints, opportunities and potential approaches to site design prior to the commencement of formal engineering design. At this pre-application meeting, the developer or representative shall submit a sketch plan giving general information on site layout, storm water control, traffic circulation and access, and utilities for tentative review, comments, and recommendations by Planning Director.
- C. **Uses and Activities Requiring Site Plans.** A site plan shall be submitted in conjunction with the following:
1. **Site Specific Development Plans.** Site specific development plans pursuant to establishing vested rights, as identified in *Section A.4-2.3(B)(2)(1) Site Specific Vesting Plan*.
 2. **Uses Requiring Review or Permit.** Uses identified in *Table B.2.12 Permitted Uses* which require:
 - (1) Planning Board Review;
 - (2) Special Use Permit from the Board of Adjustment
 3. **Request for Conditional District Zoning.** No separate site plan review by the Planning Board is required for a use which is permitted as a part of a conditional district zoning adopted by the Town Council, and which meets the requirements of this Ordinance. Requests for conditional district zoning is pursuant to *Section A.4-3.3(C)(1)(1) Conditional Districts*.

4. **Uses in Certain Districts.** Any use requested within the YR, NO, C, MU-C, H, and HO zoning districts;
 5. **Nonresidential Development Standards.** All nonresidential development within the Town of Lewisville, excluding agricultural uses.
- D. **Application.** All site plans required by this Ordinance shall contain the following information.
1. **Number Required.** One (1) electronic version submitted in a format readable by appropriate Town staff and two (2) full-size paper copies. If any changes are made, two (2) copies and one (1) electronic copy will be required to be provided again.
 2. **Scale.** All site plans shall be submitted at the appropriate scale as follows:
 - (1) Site plans for developments less than twenty-five (25) acres shall be submitted at a scale no smaller than one inch represents fifty (50) feet (1" to 50').
 - (2) Site plans for developments twenty-five (25) or more acres shall be submitted at a scale no smaller than one inch represents one hundred (100) feet (1" to 100').
 - (3) Site plans for very large developments may be submitted at a scale of one inch represents two hundred (200) feet (1" to 200') with approval of the Planning Director.
 3. **Location Map.** A location map at a scale of not smaller than one inch represents two thousand (2,000) feet (1" to 2,000') shall be included on the site plan. The location map shall contain a north arrow and shall show the intersection of at least two (2) public streets nearest to the property.
 4. **Title Block.** A title block shall appear in the lower right-hand corner of the site plan, showing:
 - (1) The development name;
 - (2) The name and address of the owner and petitioner;
 - (3) The name and address of the architect, land planner, landscape architect, engineer or surveyor who prepared the map, and his/her registration seal, except that only the name and address of the site plan preparer is required for applications for a single manufactured home on one and one-half acres or less;
 - (4) The date the survey was made, if applicable; and,

- (5) The scale, date and north arrow.
5. **Property Boundaries.** The boundaries of the property, including bearings and distances, shall be shown on the site plan.
6. **Adjacent Property.** The location, ownership, and zoning of adjacent property shall be shown on the site plan.
7. **Specific Application Requirements.** The additional specific site plan submittal information required for different types of applications shall be determined from Table B.5.1 Submittal Requirements. The additional submittal requirements for each application form shall be as provided in this Section.

Table B.5.1 Submittal Requirements

Type of Application	Submittal Requirements
<i>Table B.2.12 Permitted Uses</i> , Use Requiring Planning Board Review	Form 1
<i>Table B.2.12 Permitted Uses</i> , Use Requiring Special Use Permit from Board of Adjustment	Form 1
Conditional District Zoning Except Manufactured Home on Individual Lot (on $\leq 1\frac{1}{2}$ acre)	Form 1 Form 2
Use in C Districts	Form 1
Use in MU-C Districts	Form 1
Use in H and HO Districts	<i>Section B.4 Historic Preservation</i>

E. Review Process.

1. **Initiation.** An application for site plan approval may only be submitted by the owner, or any other person having a contractual interest in the land, or their authorized agent.
2. **Submittal Of Application.** Site plan applications shall be submitted to the Planning Director.

3. **Site Plan Standards.** In addition to the requirements of this Ordinance, all site plans shall comply with the following standards:
 - (1) **Consistency with the *Lewisville Comprehensive Plan*.** The site plan shall be consistent with the purposes, goals, objectives and policies of *Lewisville Tomorrow*.
 - (2) ***Environmental Ordinance*.** The site plan shall comply with *Chapter C Environmental Ordinance*.
 - (3) **Subdivision.** The site plan shall comply with all applicable provisions of *Chapter D Subdivision Ordinance*.
 - (4) **Other Relevant Standards.** Any government regulations, permits, and/or approvals shall comply with the fire and building standards and all other relevant and applicable provisions of this Ordinance.
4. **Effect Of Site Plan Approval.** Approval of a site plan shall authorize an application for a building permit given that any other relevant portions of this Ordinance are met. All approved site plans shall expire two (2) years after the effective date of the approval if no development has taken place. This shall not affect the underlying zoning district designation of the subject property or the status of any approved Special Use Permits.
5. **Minor Changes.** The Town Council may, by resolution, allow the Planning Director to grant minor changes to site plans and conditions after the site plans and conditions have been approved by an Town Council. Such resolution shall include authority for staff to make changes as consistent with law, the intent of the original site plan or conditions, and which were not the subject of controversy during any public hearing or meeting. Minor changes may include, but are not limited to, changes which do not alter the basic relationship of the proposed development to adjacent property, will not alter the uses permitted, or will not increase density or intensity of the development.
6. **Site Plan Amendment.** Any change to a site plan not approved as a staff change shall be approved only pursuant to the procedures and standards established for its original approval.
7. **Planning Director Review.** In addition to the site plan requirements stated elsewhere in this Ordinance, the Planning Director may provide assistance on any site plan review matter, including, but not limited to, bufferyard requirements (*Section B.3-4 Bufferyard Standards*) and *Chapter C Environmental Ordinance*.

- (1) **Planning Director.** Whenever the Planning Board approves a use requiring site plan review pursuant to *Section A.3-6 Planning Board*, the Planning Director shall issue any necessary permits in accordance with the terms of such approval. All other conditions are to be met prior to the issuance of building permits, certificates of occupancy, or other period of time as determined by the Planning Director.

F. **Planning Board and Town Council Review.** The provisions of *Section A.4-3.10(C) Uses and Activities Requiring Site Plans* apply to site plans required to be submitted for review and recommendation or approval by the Planning Board and/or the Town Council, as identified in *Section A.4 Procedures*. Site plan and application requirements for other approvals or permits are determined by the Planning Director. The Planning Board shall review all requests for permits requiring site plan review, as designated in *Table B.2.12 Permitted Uses* to assure that the Use Conditions (*Section B.2-5.4 Use Standards and Conditions*) and other provisions of this Ordinance are met.

1. **Approval and Conditions.** The Planning Board shall approve site plans which meet all the requirements of this Ordinance and deny any such requests which do not meet all the requirements of this Ordinance. The Planning Board may, as part of its approval, require one or more of the following conditions:
 - (1) Public right-of-way dedication to meet projected needs for roads shown on the *Transportation Plan*, or for other roads as determined by the Town of Lewisville, or North Carolina Department of Transportation.
 - (2) Road and/or sidewalk improvements as recommended by the Town of Lewisville, or North Carolina Department of Transportation.
 - (3) Access control, including the location, number, and dimensions of driveways; and combining driveways with and providing connections to adjacent properties, as recommended by Planning Director or other appropriate agencies.
 - (4) Reorientation of parking areas or building access to insure on-site traffic flow and pedestrian safety.
 - (5) Dedication or granting of easements for greenways identified on the adopted *Greenway Plan*.
 - (6) Screening and location of dumpsters, loading areas, on-site utilities, or other visually obtrusive features as determined by the Planning Board.

- (7) Space for public transit vehicle maneuvering and/or public transit shelter if determined necessary by the Winston-Salem Transit Authority.
- (8) Stormwater management plans as recommended by Planning Director and appropriate agencies.
- (9) Location and screening of improvements or activities which may generate substantial noise.
- (10) Compliance with recommendations of the Town of Lewisville, or State of North Carolina or other governmental departments reviewing the projects.
- (11) Compliance with all applicable conditions previously approved for the property in question.

G. **Form 1 Submittal Requirements.** Applications for conditional district rezonings other than a single manufactured home on one and one-half acres or less; development plans for conditional district rezoning, including uses in MU-C; special use permits issued by the Town Council and the Board of Adjustment which require Planning Board Review; uses requiring site plan review by the Planning Board; and uses in the C Districts shall contain the following information:

- 1. **Legend.** Legend (on right hand side of map) indicating:
 - (1) If petition is for residential zoning - maximum number of dwelling units by type and density;
 - (2) If nonresidential petition, type of use(s) and proposed maximum square footage of land and building in nonresidential uses;
 - (3) Total acreage;
 - (4) Approximate percent of building coverage to land;
 - (5) Approximate percent of paved or graveled surface to land;
 - (6) Approximate percent of open space to land;
 - (7) Acreage in common open area used for active recreational uses, indicating purposes and uses (common open space as computed shall not include streets, drives, parking or loading areas); and,
 - (8) Total number of parking spaces, and information necessary to calculate needed parking.
- 2. **Natural Features.** Natural features - existing and proposed:
 - (1) Streams and stream buffers, drainageways, floodway and flood hazard boundaries and elevations;
 - (2) Wooded areas and other natural features;

- (3) Topography at four (4) foot intervals (distinction between existing and proposed topography lines to be shown according to the following: (existing - light dashed lines; proposed - thin solid lines);
 - (4) Natural features to be left undisturbed. Any existing trees to be retained shall be preserved during construction in accordance with *Section B.3-3.2(H)(3) Protection From Encroachment* and,
 - (5) Slopes at twenty percent (20%) or greater grade, if bonus density is requested for a planned residential development under *Section A.4-3.4 Planned Residential Development*.
3. **Constructed Features.** Constructed features - existing and proposed:
- (1) Buildings with setbacks from property lines and maximum height indicated;
 - (2) Other structures, fences, walls, signs, plantings, etc.;
 - (3) Rights-of-way and easements with type and widths indicated and an indication of whether public or private (access drives and parking areas to be shaded in);
 - (4) Private and public drives including pavement widths, curbcuts, names, and an indication of whether public or private;
 - (5) All other easements, parklands, playgrounds and other common or public areas;
 - (6) Sidewalks, greenways, and other pedestrian ways;
 - (7) Parking and loading areas with typical dimensions for spaces and lots;
 - (8) Solid waste disposal facilities;
 - (9) Utility lines over and under the site including storm drainage system;
 - (10) Finished elevation on all center lines of new streets and any stub streets, both on site and at connection with adjacent property(s);
 - (11) All streets, driveways, etc. (including pavement and right-of-way) within one hundred (100) feet of the project site; and,
 - (12) Public/private water system.
4. **Other Requirements of this Ordinance.** Other requirements of this Ordinance which are applicable to the proposed use shall be reflected in the site plan.
- H. **Form 2 Submittal Requirements.** Applications for conditional district rezoning for a single manufactured home on one and one-half (1.5) acres or less shall contain the following information:
1. **Natural Features.** Natural features - existing and proposed:

- (1) Streams and stream buffers, drainageways, floodway and floodway fringe boundaries and elevations, wetlands; and,
- (2) Wooded areas and other natural features.
2. **Constructed Features.** Constructed features - existing and proposed:
 - (1) Buildings with setbacks from property lines and maximum height indicated;
 - (2) Other structures, fences, walls, signs, plantings, etc.;
 - (3) Rights-of-way and easements with type and widths indicated and an indication of whether public or private (access drives and parking areas to be shaded in);
 - (4) Private and public drives including pavement widths, curbcuts, names, and an indication of whether public or private;
 - i. Connection to a Town/State maintained roadway shall require a Town of Lewisville driveway access permit to be approved and/or issued as part of any review under *Section B 3-2.7 Driveway Access (Management)*.
 - (5) Utility lines over and under the site and storm drainage system;
 - (6) All streets, driveways, etc. (including pavement and right-of-way) within one hundred (100) feet of the project site; and,
 - (7) Public/private water system.
3. **Other Requirements.** Evidence of compliance with the use conditions for manufactured homes in *Section B.2-5.4(A)(29) Manufactured Home*, and other applicable provisions of this Ordinance shall be provided.

4-3.11. TEMPORARY USE PERMIT

Temporary use permits shall be issued or renewed by the Planning Director in compliance with *Section B.2-5.3 Temporary Uses*, provided that such permits are issued only upon written agreement by the owner to remove the structures or uses upon expiration of the permit.

- A. **Application.** All applications for temporary use permits shall be made to the Planning Director by the owner or his authorized agent;
- B. **Requirements.** Before the issuance of a temporary use permit, the Planning Director shall determine that all other pertinent regulations which may apply to such proposed use are complied with.

4-3.12. ZONING PERMIT

- A. **When Required.** A zoning permit shall be obtained from the Planning Director, prior to the following:
1. **Building or Structure.** The construction, reconstruction, erection, enlargement, relocation, or structural alteration of any building or structure or part thereof, including any principal use permitted in *Table B.2.12 Permitted Uses*, *Section B.2-5.2 Accessory Uses*, *Section B.3-1 Sign Regulations*, or any other use or improvement which requires a permit.
 2. **Change of Use.** Any change of use of any building or land.
 3. **Use expansion.** Expansion of a previously approved use by more than fifty (50) percent.
- B. **Application.** An application for a zoning permit shall be made to the Planning Director by the owner or his authorized agent and shall include a statement as to the intended use of the building or land. Any such application shall be accompanied by a plan so dimensioned or annotated as to show the proposed building and existing buildings, if any, in exact relation to lot lines. The water supply and sewage disposal methods of the proposed development shall have prior approval in compliance with *Section B.3-7 Drinking Water Supply and Wastewater Management*.
- C. **Posting.** Any person performing the work covered by a zoning permit shall post said permit on the premises before the work begins and shall keep such permit posted on the premises until the certificate of occupancy for the premises is issued. Any time limitation relating to appeals from the issuance of a building permit shall run from the date the building permit is posted on the premises. The party to whom the building permit is issued shall be furnished a copy of the permit on which such person may certify as to the date of the posting of the permit and return such certificate to the Planning Director. The date certified to the Planning Director as the date of posting shall be the date from which any time limitations regarding appeals shall run. If the recipient of the permit does not return the certificate of posting to the Planning Director, there shall be a rebuttable presumption that the permit was not posted as required by this Section.
- D. **Action Within One Year.** No zoning permit shall be valid unless acted upon within one year of issuance or renewed after written application.

- E. **Revocability.** Any permit or document issued by the Planning Director shall be revocable should any of the conditions under which it is issued not be complied with.

4-3.13. CERTIFICATE OF OCCUPANCY

A certificate of occupancy shall be approved by the Planning Director and designees upon approval of any building or other structure, or approval of other preparations for site occupancy, if the requirements of this Ordinance and other applicable laws or codes are complied with. Occupancy of such building or site prior to the issuance of the certificate of occupancy is a violation subject to the provisions of *Section A.6 Enforcement*.

- A. **Application.** No application for a zoning permit shall be deemed acceptable unless accompanied by an application for a certificate of occupancy. Both applications shall include a statement of the intended use of the building or land.
- B. **Phase of Construction.** As each phase of construction, if any, is completed and inspected, the appropriate inspector shall so certify on the application for certificate of occupancy.

5. NONCONFORMITIES

5-1. PURPOSE

The purpose of this Section is to regulate and limit the continued existence of nonconforming uses of land, vacant lots, structures and improvements that were lawfully established before the effective date of this Ordinance, or a subsequent amendment thereto, but that do not conform to the standards and requirements of this Ordinance or subsequent amendment. Such uses of land, vacant lots, structures and improvements are collectively referred to as “nonconformities.” It is the general policy of the Town to allow nonconformities to continue to exist. The purpose and intent of this article is to recognize the interests of property owners in continuing to use the land, but to preclude the expansion of a nonconformity or the reconstruction or reestablishment of a substantially destroyed or discontinued nonconformity unless doing so can serve as an incentive to achievement of even greater public benefit.

- A. **Determination of a Nonconformity.** The burden of establishing that a nonconformity lawfully exists shall be the responsibility of the person who owns or rents the property

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upon which the nonconformity exists. Evidence that may be used to prove the legal status as a lawful nonconformity may include approved permits, construction plans, and records of previously approved regulations.

- B. **Ownership Changes.** No change of title or possession of property shall be construed to prevent the continuance of the nonconformity.
- C. **Increases in a Nonconformity.** A nonconformity shall not be expanded, intensified, or enlarged except as provided by this Section.

5-2. NONCONFORMING USES

5-2.1. DEFINITION

A nonconforming use is a use of land, buildings, and/or structures that was lawfully established before the effective date of this Ordinance, or a subsequent amendment thereto, but does not comply with the use standards applied by this Ordinance or the subsequent amendment.

5-2.2. APPLICABILITY

- A. This section applies to nonconformities created by initial adoption of, or amendments to, this Ordinance unless otherwise expressly provided by provisions in this Ordinance. Any use of land or a building is considered nonconforming if:
 - 1. The use is not permitted in the zoning district in which it is located; and,
 - 2. The use existed before the effective date of the most recent Zoning Ordinance; or
 - 3. The use met the standards of the Zoning Ordinance in effect at the time the use was established.
- B. A nonconforming use may not be changed to any use other than a permitted use in the zoning district where located. A use shall be deemed to have been changed when an existing nonconforming use has been terminated and a permitted use has commenced. A change of use from an existing nonconforming use to a permitted use shall require the following:
 - 1. Parking and loading areas shall be improved to the minimum standards specified in *Section B.3-2: Parking and Loading Standards*, of this UDO.

SECTION A.5 – NONCONFORMING SITUATIONS

2. Landscaping and buffering shall be provided, as defined in *Section B.3-3: Landscaping Standards* and *Section B.3-4 Bufferyard Standards*, of this UDO, to the greatest extent possible.
3. Nonconforming signs shall be removed from the property and replaced with conforming signs.

C. **Historic District (H).**

1. In any H District, the provisions of this section shall not apply. Regulations governing nonconforming uses in the H District are contained in *Section B.4 Historic Preservation*.

5-2.3. CONTINUATION

Nonconforming uses as defined in *Section A.5-2.1 Definition* may continue under the provisions of *Section A.5 Nonconformities*, except as provided in *Sections A.5-2.5 Discontinuance*.

5-2.4. REQUIRED ALTERATIONS OR REMODELING

In the interest of the public safety and health, structural alterations or remodeling required by any public law, and so ordered by a public officer in authority, shall be permitted. This shall not be construed to permit any structural alterations that will increase the floor area or cubicle content of the structure.

5-2.5. DISCONTINUANCE

- A. **Applicability.** Any nonconforming use which has been discontinued shall not thereafter be reestablished. Any structure or land formerly devoted to a nonconforming use, which has been discontinued, shall not again be devoted to any use other than those uses permitted in the applicable district.
- B. **Definition.** The term “Discontinuance” shall mean the voluntary termination or cessation of a use. Any one of the following shall constitute conclusive evidence of discontinuance:
 1. Any positive act indicating such discontinuance;
 2. In the case of a building or portion thereof, discontinuance of the nonconforming use for a period of three hundred sixty-five (365) consecutive days, unless the use is vested under the provisions of *Section A.4-2.3(B)(2)(1) Site Specific Vesting Plan*, in which case the period shall be two (2) years;

3. In the case of land but not of a building, discontinuance of the nonconforming use for a period of thirty (30) successive days.

5-3. NONCONFORMING VACANT LOTS

5-3.1. DEFINITION

- A. **Nonconforming Lot.** A nonconforming lot is a lot that was lawfully created before the effective date of this Ordinance, or a subsequent amendment thereto, but does not conform to the lot standards applied by this Ordinance or the subsequent amendment. Legally established lots (including platted lots) predating the adoption date of this Ordinance that do not conform to the minimum lot standards set for in this Ordinance may be used as if they are conforming.
- B. **Changes to Nonconforming Lot.** The boundaries, lot lines, shape, or size of a nonconforming lot may only be changed if doing so does not extend or enlarge the degree of nonconformity.

5-3.2. COMBINATION OF NONCONFORMING VACANT LOTS AND NONCONFORMING VACANT LOTS APPROVED PRIOR TO DECEMBER 31, 1994

- A. **Combination of Nonconforming Lots.** This Section shall not be construed as prohibiting the erection of a use on a lot which was in existence before the effective date of this Ordinance; and even though the lot is nonconforming, provided that:
 1. **Same Ownership.** Such lot does not abut upon one or more unoccupied lots in the same ownership with which it could be combined; and,
 2. **Water and Sewage Disposal.** Water supply and sewage disposal facilities for such lot are approved in accordance with *Section B.3-7 Drinking Water Supply and Wastewater Management*.
- B. **Nonconforming Lots Approved Prior to December 31, 1994.** Notwithstanding the provisions of *Section A.5-3.2(A) Combination of Nonconforming Lots*, the following categories of nonconforming vacant lots may be issued a zoning permit in accordance with the uses permitted in the zoning district:
 1. **Final Plat Approval.** Any lot which has received final plat approval as of December 31, 1994, under the major subdivision process contained in the Subdivision Regulations;

2. **Approval Pursuant to Section D.6.(C) Approval Process for Preliminary Subdivision Approval.** Any lot which has received final plat approval pursuant to a subdivision granted preliminary approval prior to December 31, 1994, according to the provisions of *Section D.5 Minor Subdivisions*; or,
 3. **Minor Subdivision.** Any lot legally created by deed or a minor subdivision process prior to December 31, 1994, which met the standards of the Zoning Ordinance in effect at the time of its creation.
- C. **Nonconforming Lots in the AG and YR Districts.** Any nonconforming lot meeting the requirements of *Section A.5-3.2(B) Nonconforming Lots Approved Prior to December 31, 1994* and located in the YR or AG Districts must meet the minimum setback requirements of the RS-20 Zoning District.

5-3.3. H DISTRICT

In any H District, the provisions of this Section shall not apply. Regulations governing nonconforming vacant lots in the H District are contained in *Section B.4 Historic Preservation*.

5-4. NONCONFORMING STRUCTURES AND IMPROVEMENTS

5-4.1. DEFINITION

A nonconforming structure is a structure other than a sign, exterior lighting fixture, or structure associated with a nonconforming site feature that was lawfully established before the effective date of this Ordinance, or subsequent amendment thereto, but does not comply with the floor area ratio, setback, dimensional, elevation, location, material, height, or other standards applied by this Ordinance or the subsequent amendment. However, no new use that has a greater lot size requirement than the Ordinance established minimum lot size is permissible on a nonconforming lot. Development on a nonconforming lot shall comply with the following standards:

- A. If a structure is legally conforming and meets all standard requirements in this Ordinance, the structure may be continued, enlarged, or reconstructed in any way that is in conformance with this Ordinance.

SECTION A.5 – NONCONFORMING SITUATIONS

- B. Nonconforming structures established on nonconforming lot(s) shall follow the provisions of *Section B.5-4 Nonconforming Structures and Improvements*.

5-4.2. APPLICABILITY

- A. **Nonconforming Structure or Improvement.** Any structure or improvement to real property is considered nonconforming if:
1. The location of any structure or improvement on the lot does not conform with the dimensional requirements of this Ordinance; or,
 2. The structure or improvement does not meet one or more of the other applicable requirements of this Ordinance; and,
 3. The structures or improvements legally existed as of the effective date of this Ordinance, or the structures or improvements legally existed as of the effective date of subsequent amendments thereto.
- B. **H District.** In any H District, the provisions of this Section shall not apply. Regulations governing nonconforming structures or improvements in the H District are contained in *Section B.4 Historic Preservation*.

5-4.3. CONTINUATION

Nonconforming structures and improvements devoted to a use permitted in the zoning district in which it is located may continue to be used and occupied in compliance with this Section.

5-4.4. MINOR REPAIRS AND MAINTENANCE

Minor Repairs and Maintenance. Minor repairs to, and routine maintenance on, nonconforming structures shall be allowed. Minor repairs and routine maintenance shall mean repairs and maintenance that are necessary to maintain a nonconforming structure in a safe condition and to protect against hazards to the safety of surrounding areas and uses. Major repairs, defined as repairs exceeding fifty (50) percent or more of the value of the nonconforming structure, are subject to *Section A.5-4.5 Major Repair, Damage or Destruction*.

5-4.5. MAJOR REPAIR, DAMAGE OR DESTRUCTION

- A. **Reconstruction.** Reconstruction of a nonconforming structure that is in need of more than a minor repair as defined in *Section A.5-4.4 Minor Repairs and Maintenance*, or is destroyed, is subject to the following standards:
1. **Damage of 50% or More of Value.** Except for single family dwellings, if the nonconforming structure is damaged or destroyed to an extent which constitutes fifty (50) percent or more of its assessed value, the structure may be repaired or rebuilt, and the use re-established, only in conformity with the regulations of this UDO. Any related new construction, including off-street parking, landscaping, signage and other similar features shall be in accordance with this UDO.
 2. **Damage of Less Than 50% of Value.** If the nonconforming structure is damaged to an extent which constitutes less than fifty (50) percent of the assessed value, the structure may be repaired or rebuilt to its previous form, and the previous use re-established, if a building permit is obtained. The building permit must be obtained, and repairs must begin within one (1) year of the damage. Repairs should be active and diligently pursued to completion, with a maximum two (2) years to complete.
 3. **Single Family Dwellings.** A nonconforming single-family dwelling which is damaged or destroyed to an extent of fifty (50) percent of assessed value or more may be rebuilt to its previously permitted form.

5-4.6. REQUIRED IMPROVEMENTS FOR CERTAIN NONCONFORMING STRUCTURES AND IMPROVEMENTS

If the structures and improvements devoted to the following uses are or become nonconforming with respect to one or more development standards by virtue of adoption of this Ordinance or subsequent amendment, the nonconforming structure and improvements shall meet the development standards and time periods for compliance contained in the sections of this Ordinance specified below:

- A. *Section B.2-5.4(A)(25) Landfill, Land Clearing And Inert Debris.*
- B. *Section B.2-5.4(A)(30) Manufactured Housing Developments.*
- C. *Section B.2-5.4(A)(34) Motor Vehicle Dismantling and Wrecking Yard.*
- D. *Section B.2-5.4(A)(36) Motor Vehicle Storage Yards.*
- E. *Section B.2-5.4(A)(52) Storage and Salvage Yard.*

5-5. NONCONFORMING DEVELOPMENT FEATURES

5-5.1. DEFINITION

A nonconforming development feature is any aspect of a development, other than a nonconforming lot or a nonconforming use, that was lawfully established, in accordance with regulations in effect at the time of its establishment but that no longer complies with one or more standards of this Ordinance. Common examples of nonconforming development features are buildings that do not comply with current setback or height standards, off-street parking or loading areas that contain fewer spaces than required by current standards, signs that do not comply with location or size standards, or sites that do not comply with current landscaping or buffer yard standards.

5-5.2. CONTINUATION

- A. Nonconforming site features may be continued subject to the following limitations:
1. For development existing (or for which a vested right had been established) before the effective date of this Ordinance, nonconforming site features created by a change in regulations may continue to exist, and structures comprising such nonconforming site features may be reconstructed if demolished or destroyed.
 2. For all other nonconforming site features, no action shall be taken that increases the degree or extent of the nonconforming site feature, and no nonconforming site feature shall be extended, expanded, enlarged, or otherwise altered, unless the site feature thereafter conforms to all current requirements of this Ordinance.
 3. If a structure or other element of development composing a nonconforming development feature is damaged to the extent of 50 percent or more of its assessed taxable value or current appraised value, it may not be restored, reconstructed, or replaced unless the nonconforming development feature is eliminated or made conforming.

5-6. SPECIAL USES ARE CONFORMING

Notwithstanding any exceptions noted herein, any use for which an approved Special Use Permit was issued before the effective date of the current Zoning Ordinance is considered conforming.

A.6

6. UDO VIOLATIONS AND ENFORCEMENT

6-1. VIOLATIONS, ENFORCEMENTS, AND PENALTIES

The following procedures may be undertaken by the Planning Director and other Town Officials to enforce the provisions of this Ordinance.

6-1.1. VIOLATIONS OF UDO REGULATIONS

- A. Whenever any act is required or prohibited by this Ordinance, including special use permits, or whenever any regulation or limitation is imposed on the use of any land or water, or on the erection of a structure, a failure to comply with the applicable provisions of this Ordinance shall constitute a violation of the Unified Development Ordinance (UDO). Examples of violations may include, but are not limited to: development without a permit or use in violation of zoning regulations

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- B. The property owner, occupant or tenant of any land or structure or part thereof and any architect, developer, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of the UDO shall be held responsible for the violation and be subject to the penalties and remedies provided in this section.

6-1.2. NOTICE PROCEDURES

- A. Upon the determination that any provision of the UDO may be in violation, the Planning Director or designee shall send a written notice of violation by US Postal Service first class mail to the property owner of record, occupant and any other responsible persons. Additional means of notice may include electronic mail or hand delivery. Also, the notice of violation may be posted on the property. The notice shall include the following information:
 - 1. The land, building, sign, structure, or use that is in violation of this Ordinance;
 - 2. The nature of the violation and reference to the section of the Ordinance violated; and
 - 3. The measures necessary to remedy the violation.
- B. The following shall comprise the actions taken by the Planning Director or designed when issuing a notice of violation as notes above.
 - 1. Notice shall allow the responsible party fifteen (15) days to cease or correct the violation.
 - 2. If the violation is not corrected within these fifteen (15) days, a second notice of violation may be issued allowing an additional fifteen (15) days to correct the violation.
 - 3. If a violation continues after thirty (30) days, the Planning Director may refer the matter to other Town officials, related agencies, and or the Town Attorney.

6-1.3 ENFORCEMENT, PENALTIES, AND REMEDIES

- A. After thirty (30) days of having received a written notice of violation, the responsible person or persons shall be subject to a civil penalty equaling \$100, which shall be imposed daily for any violation of this Ordinance. In keeping with G.S. 160D-404, written notice provided by first-class mail is deemed received on the third business day following the thirty (30) day time period.
- B. Such civil penalties shall be cumulative.

- C. The Planning Director, other Town officials, related agencies and/or the Town Attorney, in addition to other remedies, may institute any action authorized by law to:
1. Prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use;
 2. Restrain, correct or abate the violation;
 3. Prevent occupancy of the building, structure or land; or
 4. Prevent any illegal act, conduct, business, or use in or about the premises.

6-1.4 AUTHORIZATION

The Town Attorney is authorized to initiate a civil action in the name of the Town of Lewisville. These actions include, but are not limited to injunction, mandamus, abatement or any other remedy authorized by law.

6-1.5 REMOVAL OF TEMPORARY SIGNS

The Planning Director, designees and other Town Officials may remove nonconforming temporary signs within the town limits of Lewisville, according to the provisions of *Section B.3-1.8(D) Removal of Nonconforming Temporary Signs*.

7. FEES

7-1. GENERAL

As required by law, fees shall be charged to applicants for certain legislative and evidentiary procedures. These fees cover the costs of public notice, legal advertising and technical services. Fee amounts are determined by the Lewisville Town Council, made available in the Planning Department offices and published on the Town website as part of the Schedule of Fees.

7-2. READVERTISING, CONTINUANCES, OR PETITIONS REMANDED TO THE PLANNING BOARD BY THE TOWN COUNCIL

When a request for a legislative action authorized by the Town Council is requested for continuance by the petitioner; or must be continued due to deficient information filed with the petition; or must be continued due to the petition being remanded to the Planning Board by the Town Council at the applicant's request;

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and does not require readvertising and a new public hearing held, the fee shall be one-half the original zoning fee. If a case is continued or remanded to allow the applicant to file for a different zone change or permit and must be readvertised and a new public hearing held by the Planning Board, the case will be considered a new petition and be subject to the fees set forth in this Section.

7-3. REFUND OF FEES

Fees for legislative and evidentiary procedure applications are generally not refundable. However, if an application is withdrawn by the applicant after it has been submitted and before mailed or published notice has been scheduled or occurred, the Planning Director may authorize a refund of the original application fee.

7-4. PENALTIES FOR VIOLATIONS

Penalties for violations of the provisions of this Ordinance are specified in *Section A.6 Enforcement*.

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B.1

1. PURPOSE AND AUTHORITY

1-1. SHORT TITLE

This Ordinance shall be known and may be cited as the Zoning Ordinance, except as referred to herein, where it shall be known as *this Ordinance*.

1-2. PURPOSE

The purpose of this Ordinance is to promote the health, safety, and general welfare of the residents within the zoning jurisdiction of the Town of Lewisville through the stated regulations of this Ordinance. An additional purpose of this Ordinance is to implement the goals, objectives, and policies of the Lewisville Comprehensive Plan also called *Lewisville Tomorrow*, as amended, including any specifically related land use plans, development guides, and the *Transportation Plan*.

1-3. JURISDICTION

The provisions of this Ordinance shall apply to the zoning jurisdiction of the Town of Lewisville, North Carolina.

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1-4. AUTHORITY

1-4.1. STATE LAW

This Ordinance is adopted pursuant to Chapter 160D, Local Planning and Development Regulation, as amended.

1-4.2. INTENT

The intent of the Town of Lewisville is to exercise its available power as authorized in the statutes cited in *Section B.1-4.1 State Law* to the maximum extent possible, as more fully set forth herein.

1-4.3. AMENDMENTS

This Ordinance may be amended in accordance with G.S. 160D and the provisions for UDO Amendments as described in *Section A.4-3.2 Unified Development Ordinance Text Amendment*.

1-5. COMPLIANCE

1-5.1. COMPLIANCE WITH PROVISIONS

No building, premises, or structure shall be used, constructed, erected, modified, altered, converted, occupied, placed, maintained, removed or moved, and no land use shall be commenced, maintained, or modified except in compliance with the provisions, restrictions, and procedures set forth herein.

1-5.2. MULTIPLE USES

In cases of two (2) or more principal uses on the same zoning lot, the regulations for each use shall apply to that portion of the structure or land so used.

1-5.3. MINIMUM REQUIREMENTS

The requirements contained in this Ordinance shall be the minimum requirements for administration, enforcement, procedures, restrictions, standards, uses, variances, and all other areas addressed by this Ordinance; and, if any other existing ordinance or regulation allows lesser regulation, this Ordinance shall govern, so that in all cases, the more restrictive limitation or requirement shall govern.

1-6. SEVERABILITY

1-6.1. INVALIDATION OF PORTIONS OF ORDINANCE

Should any section, sentence, clause, phrase, or word of this Ordinance be held invalid or unconstitutional by a court of competent jurisdiction of either the State of North Carolina or of the United States, such decision shall not affect, impair, or invalidate the remaining parts of this Ordinance. The remaining parts shall remain in effect without the invalid provision, and to that extent they are severable.

1-6.2. INVALIDATION OF APPLICATION

This invalidation of the application of any provision of this Ordinance to any particular property or structure, or to any particular properties or structures, by any court of competent jurisdiction, shall not affect the application of such provision to any other property or structure not specifically included in such invalidation.

1-6.3. PRESUMPTION

When an administrative officer or board authorizes any regulatory action, it shall be presumed that the action was believed to be lawful.

1-7. CONFLICTING PROVISIONS

1-7.1. CONFLICT WITHIN ORDINANCE

Where a conflict exists between any limitations or requirements in this Ordinance, the more restrictive limitation or requirements shall prevail.

1-7.2. CONFLICT WITH OTHER ORDINANCE OR LAW

Where a conflict exists between the provisions of this Ordinance and any other ordinance or law, or where the provisions of this Ordinance impose overlapping or contradictory regulations, the most restrictive provision or the one which imposes the highest standards or requirements shall prevail.

1-8. ILLUSTRATIONS

Illustrations are provided for purposes of describing, clarifying or providing examples of portions of the text, and do not replace or limit the text unless so stated in the text.

1-9. CUMULATIVE REQUIREMENTS

The requirements of this Ordinance are cumulative.

B.2

2. ZONING REGULATIONS

2-1. APPLICATION OF DISTRICT REGULATIONS

2-1.1. ZONING DISTRICTS ESTABLISHED

- A. **Jurisdiction.** All the area within the Town of Lewisville is hereby divided into zoning districts within which the use of land and water areas, the location, height, bulk and use of structures, the provision of parking and loading areas, and other development requirements are regulated as herein provided.
- B. **Designated Districts.** General use zoning districts, conditional districts, overlays, general purposes, and other requirements as cited herein, are hereby created by this UDO.
- C. **Conditional Districts.** The conditional zoning districts may be established as companions to the general use districts, except for the CD1-C, MU-C, LD1-C, and LD2-C Districts. References in this Ordinance to a general use district shall be construed to also include the corresponding conditional district. Each conditional district

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is intended to accomplish the purposes of the corresponding general use district through the development of identified uses at a specific location in accordance with a site plan acceptable to the Town Council. All regulations which apply to a general use district also apply to the corresponding conditional district. Additional reasonable site plan conditions which may be required by the Town Council and agreed to by the petitioner as part of the rezoning process also apply.

- D. **Purpose Statements.** District purpose statements in this Section refer only to general objectives for each zoning district and are not regulatory in nature unless otherwise noted.
- E. **Dimensional Requirements.** The general dimensional requirements for each zoning district cited in this Section are subject to additional provisions of this Ordinance as noted in *Section B.3 Other Development Standards*, and other Sections as may be adopted.

2-2.2. FUTURE LAND USE CATEGORIES AND ZONING DISTRICTS

Properties that currently have a zoning designation that is not consistent with the recommendations of the Future Land Use Map are not required to rezone to continue using the property as it exists in its current state. However, any proposed rezoning should be to a district that is consistent with the assigned future land use category per the Comprehensive Plan, also identified in *Table B.2.1 Implementing Zoning Districts* below. Rezoning to a district other than those listed in *Table B.2.1 Implementing Zoning Districts* may be considered by the Planning Board and Town Council, though such requests should demonstrate consistency with the Lewisville Comprehensive Plan and reasonableness within the context of zoning patterns in the subject area.

Where properties are currently developed and/or have an approved Site Plan, the conditions associated with that previous approval shall apply until such time as the project is amended. The existing development on those sites are subject to the provisions of *Section A.5 Nonconformities*. It is understood that not all Districts may be mapped on the Town's currently adopted Zoning Map but may be utilized by the Town in the implementation of the Comprehensive Plan and or these regulations.

The following table correlates individual zoning districts with future land use categories. Not all the zoning districts shown under a future land use category, however, are presumed to be appropriate for a particular site with that future land use designation.

Table B.2.1 Implementing Zoning Districts

Future Land Use Category	Zoning District(s)
Rural Residential	YR, AG, RS-40, RS-30
Neighborhood Residential	RS-20, RS-12, RS-9
Compact Residential	RM-5, RM-8, RM-12
Neighborhood Center	RS-9, RM-8, RM-12, NO, LB, MU-C
Beltway Center	RS-9, RM-5, RM-8, RM-12, PB, MU-C
Downtown	LD1-C, LD2-C, RM-12, GO, PB
Commercial	RM-5, NO, LB, GI
Campus	C, CD1-C
Gateway Corridor	RM-5, RM-8, NO, MU-C
Community Corridor	NO, MU-C
Heritage Corridor	YR, AG

2-2. OFFICIAL ZONING MAPS

2-2.1 OFFICIAL ZONING MAPS

- A. **Designation and Description of Official Zoning Maps.** The Town of Lewisville Planning Department shall maintain an official Zoning Map showing the boundaries of all zoning districts. The Zoning Map shall be incorporated into this Ordinance upon its adoption and shall be made available for public inspection. This map may be maintained in digital form, paper or both, according to the provisions of G.S. 160D-105.
- B. **Location of Official Zoning Maps.** The Official Zoning Maps shall be located in the office of the Town Clerk. True copies of the Official Zoning Maps are on file in the office of the Planning Director.
- C. **Revision and Replacement of Official Zoning Maps.**
1. **Planning Staff Authorization.** The Planning Staff shall control access to the zoning information contained in the Forsyth County Land Records Information System and is authorized to revise the Official Zoning Maps when amended by the

Town Council. No unauthorized person may alter or modify the Official Zoning Maps.

2. **Replacement Map.** In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes or additions, the Planning Staff may create a new Official Zoning Map. The new Official Zoning Map may be revised to correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the designation or boundaries of any zoning districts on the original Official Zoning Maps or any subsequent amendment thereof.

D. Amendments to Official Zoning Maps.

1. **Procedures.** The Official Zoning Maps may be amended under the same procedures which apply to amendments to the text of this Ordinance, as set forth in *Section A.4-3.4 Zoning Map Amendments (Rezoning)*.
2. **Amended Map.** When an Official Zoning Map is amended by the Town Council, the Planning Director shall revise the appropriate data in the Town's database and also the Forsyth County Land Records System and create a new Official Zoning Map reflecting the change. The Planning Staff shall update amended Official Zoning Maps in a timely manner after amendments adopted by the Town Council. Upon entering any such amendment on a map, the Planning Staff shall change the date of the map to indicate the map's latest revision.
3. **Records.** The Planning Staff shall keep records of superseded zoning maps for historical reference.

2-2.2. ZONING DISTRICT BOUNDARIES

- A. **Location of District Boundaries.** District boundaries are usually located along property lines, streets, alleys, railroad rights-of-way, or extensions thereof. Any street, alley, or railroad right-of-way shall be deemed to be in the same district as the abutting property; provided that where the centerline of a street, alley, or railroad right-of-way serves as a district boundary, each half of the right-of-way shall be deemed to be in the same district as the property abutting upon that side of the street, alley, or railroad right-of-way.

- B. **Uncertainty Concerning District Boundaries.** Where uncertainty exists concerning boundaries of districts as shown on the Official Zoning Maps, the following guidelines shall be used:
1. **Boundary Line is Within a Street.** In cases where a boundary line is within a street, alley, or easement, the boundary line shall be deemed to be the centerline of such right-of-way;
 2. **Actual Location Varies from Map Illustration.** If the actual location of a street, alley, or easement varies from the location as shown on the Official Zoning Maps, then the actual location shall control;
 3. **Boundary Line Defined by Proximity to Right-of-Way.** In cases where a boundary line is shown as being located a specific distance from a street right-of-way line or other physical feature, such distance shall control;
 4. **Water Areas.** All water areas and the land beneath them are controlled by the applicable zoning district regulations within which they are located.
- C. **Lot Divided by District Boundary Line.** Where a district boundary line divides a lot created by recorded deed, map, plat, or court proceeding, any existing such boundary shall be presumed to lie on the nearest property line to which it is parallel or most nearly parallel, provided that the district boundary line shown on the Official Zoning Maps is found by the Planning Director to be not more than fifty (50) feet, at any point, from said property line. Where a district boundary line is shown on the Official Zoning Maps to be not within fifty (50) feet, at all points, of such property line, then such district boundary line shall be as shown on the Official Zoning Maps, and the exact location thereof shall be as determined by the Planning Director through reference to the scale or to notation on the Official Zoning Maps.
- D. **Split Jurisdiction.** If a parcel of land lies within the planning and development regulation jurisdiction of more than one (1) local government, the local governments may, by mutual agreement pursuant to NCGS 160D-203 and with the written consent of the landowner, assign executive planning and development regulation jurisdiction for the entire parcel to any one (1) of those local governments. Such a mutual agreement shall only be applicable to development regulations and shall not affect taxation or other non-regulatory matters. The mutual agreement shall be evidenced by a resolution formally adopted by each governing board and recorded with the

register of deeds in the county where the property is located within fourteen (14) days of the adoption of the last required resolution.

2-3. STANDARDS OF MEASUREMENT

2-3.1. STANDARDS OF GENERAL APPLICABILITY

Standards of general applicability shall include the subsections below. These standards shall be defined and make up the requirements of each district's development standards table.

A. **Building Height.** *Building Height* shall be defined by stories rather than a specific height expressed in feet; however, each story shall have maximum height limitations expressed in feet. The measurement of a "story" shall be defined in *Section B.2-3.1(A)(2) Measurement of a Story*. Height is limited to a maximum story allowance in each district's standard development table.

1. **Story Above Grade Plane.** Any story having its finished floor surface entirely above grade plane. Any floor levels partially below the grade at the building's exterior may fall under this category. There are two criteria to determine if a given floor level is to be considered a story above grade plane:
 - (1) If the finished floor level above the level under consideration is more than six (6) feet above the grade plane, the level under consideration is a story above grade plane; or
 - (2) If the finished floor level above the level under consideration is more than twelve (12) feet above the finished ground level at any point, the floor level under consideration shall be considered a story above grade plane.
 - (3) If either of the conditions above exist, the level under consideration is to be considered a story above grade plane.
 - (4) If the finished floor level above the level under consideration is six (6) feet or less above the grade plane and does not exceed twelve (12) feet at any point, the floor level under consideration is not considered a story above grade plane and therefore is considered a basement.

Figure B.2.3 Building Height Illustrations



2. **Measurement of Story.** For the purpose of calculating heights of a story, the ground floor (i.e. first story) of a structure shall be a maximum of twenty (20) feet. Additional stories shall be a maximum of fifteen (15) feet for each individual story. Building heights are limited through the district development standards table for each district. To allow for a wide variety of building designs, requests to modify the allowable height of stories, so long as the maximum permitted height of the structure is not exceeded, may be permitted via a design alternative.

(1) **Habitable Space.** Stories are understood to also include the habitable space of a building excluding rooflines, architectural features or similar. If there is habitable space on the rooftop of a structure (i.e. an active eating area, pool, or rooftop lounge), it is understood this shall constitute a story as defined in this Ordinance. Non-habitable rooftop elements, such as cornices, porch roofs, turrets, towers, or dormers, are limited to ten (10) feet in height. Non-habitable rooftop structures, such as structures used for sheltering mechanical and electrical equipment, tanks, elevators and related machinery, shall be limited to fifteen (15) feet in height, not including base floor elevation (B.F.E.).

B. **Building Placement (Setbacks).** *Building Placement (Setbacks)*, shall be measured from the nearest part of the applicable building, structure or sign, measured perpendicularly to the lot line or street right-of-way line. Setbacks are designated by a front setback requirement (typically based on the primary street), side setback (may be referenced as side street or side street lot line) requirements, and a rear setback

requirement. Provisions for setbacks for accessory structures are made in each respective district below, or in *Section B.2-5 Uses and Use Conditions*, of the UDO for each respective use. It is understood, for the purpose of calculating setback requirements and yards, three configurations of lots exist: interior lots, corner lots, and through lots. A lot which abuts a cul-de-sac street design, featuring a radial primary street yard, shall measure its primary street setback at the point in which the side and front lot lines would have met without rounding.

Figure B.2.4 Lot Types and Yards – General

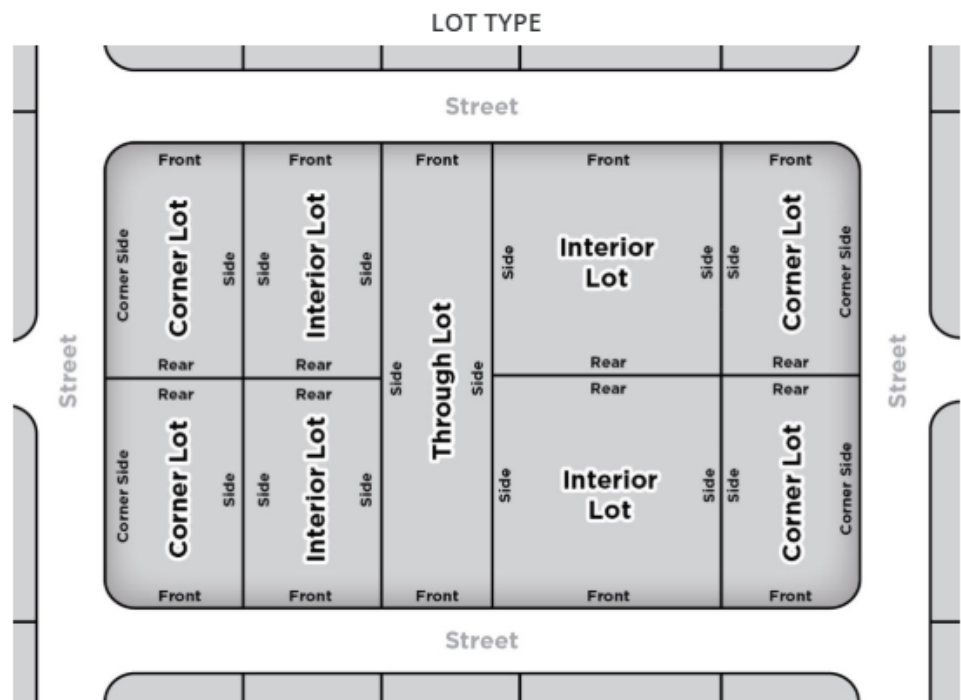
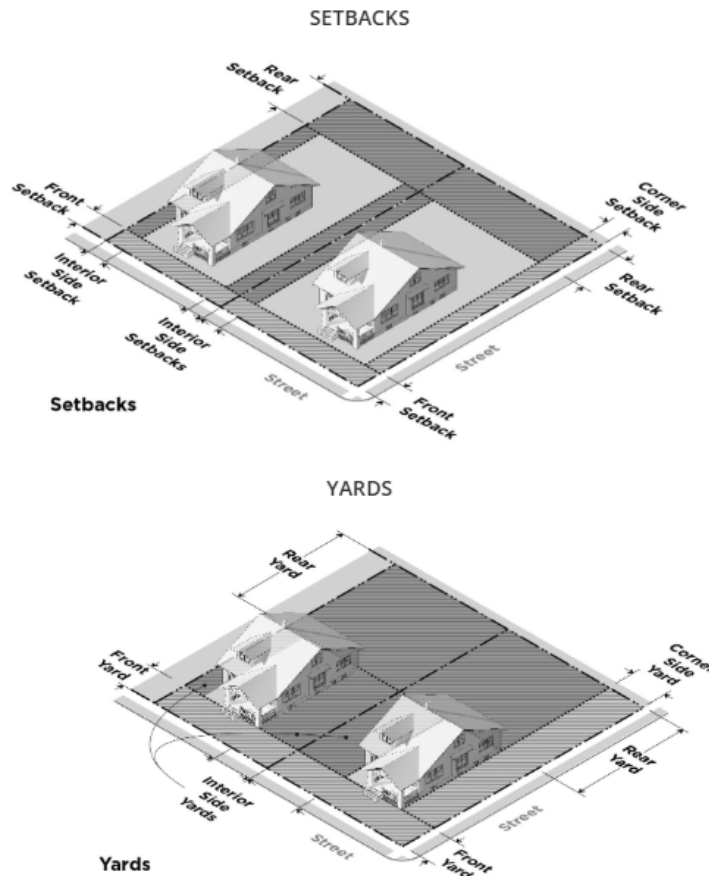


Figure B.2.5 Setbacks and Yards – General



1. **Interior Lot.** A lot bounded by a street on only one side. For the purpose of setbacks and yards, the street yard shall be recognized as the primary (i.e. front) yard. An interior lot shall have one primary front yard, two side yards, and one rear yard. Orientation of the building, driveway and entrances shall be required respective of the primary front yard.
2. **Corner Lot.** A lot which abuts two or more streets, other than an alley or easement. Each corner lot shall be required, either on its plat or building permit for new building, to designate its primary front yard, which shall dictate its front setback requirement. Orientation of the building, driveways and entrances on the lot shall be required respective of the primary front yard but may also be permitted on a non-primary front yard (may also be referenced as “side street” or “side street lot line”). Additional side yard setbacks may be required for corner lots.

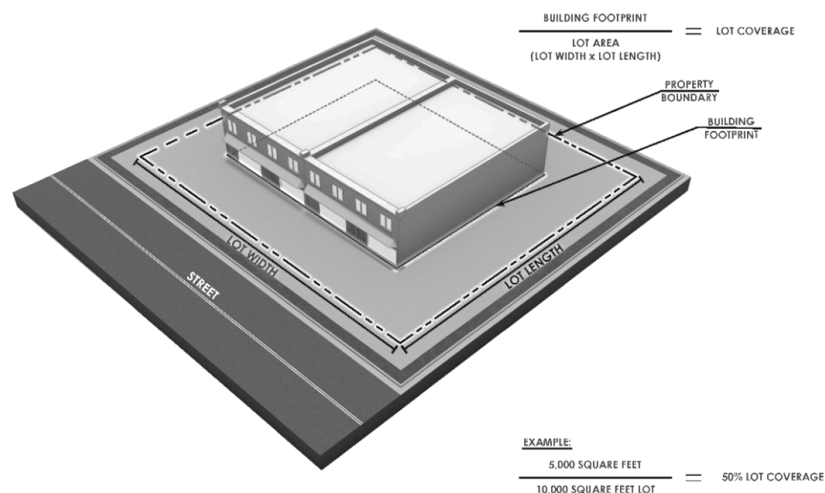
SECTION B.2 – ZONING REGULATIONS

3. **Through Lot.** A lot which has frontage on two parallel streets. Each through lot shall be required to designate its primary front yard, which shall dictate its front setback requirements. Orientation of the building, driveways and entrances on the lot shall be required in the primary front yard and may not be permitted on a non-primary front yard. Additional side or rear yard setbacks may be required for a through lot. If one of the streets is designated as a local street or alleyway, garage access may be permitted from the local street or alleyway.

C. **Lot Measurements.** Lot requirements shall include the following terms defined:

1. **Lot.** Lots are parcels of land, either vacant or occupied intended as a unit for the purpose, whether immediate or for the future, of transfer of ownership or possession or for development.
2. **Lot Width.** Lot width is the distance between the side lot lines (generally running perpendicular to a street) measured at the primary street property line along a straight line or along the chord of the property line.
3. **Lot Length.** Lot length is the distance between the front and rear property lines measured along a line midway between the side property lines.
4. **Coverage.** Lot coverage is the minimum and maximum area of a lot that is permitted to be covered by roofed structures. Lot coverage does not include paved areas such as parking lots, driveways or pedestrian walkways.

Figure B.2.6 Lot Measurements



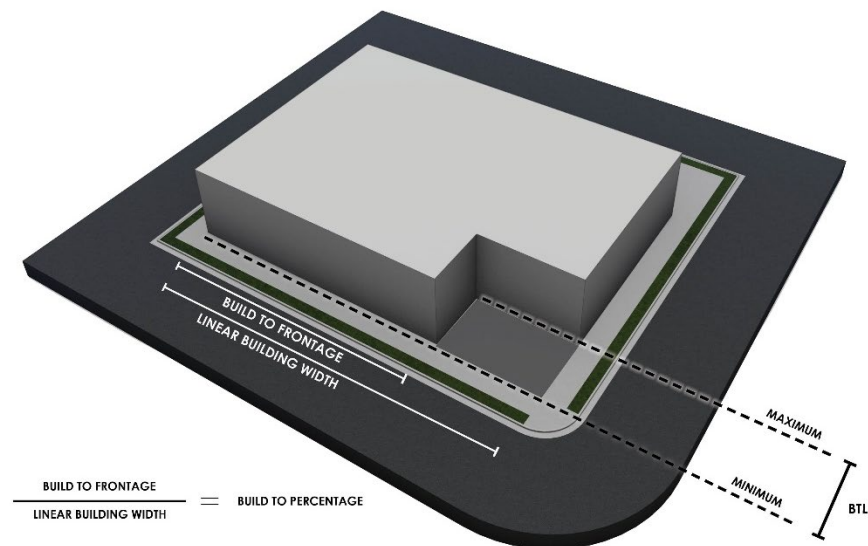
D. **Equipment Considerations.** Mechanical, electrical, and plumbing equipment (including air-conditioning and pool equipment) are exempt from side and rear yard requirements but shall not be located any closer than five (5) feet from the property line except where may be otherwise regulated.

E. **Building Placement.**

1. Each mixed-use zoning district shall define standards for building placement in the form of a Build-To-Line (BTL).
2. The BTL shall include a range of distances, expressed as a minimum and maximum setback, and is defined as the range at which construction of a building façade is to occur on the lot.
3. The BTL runs parallel to the property line, ensuring a uniform building façade along the street.
4. The BTL shall include a front/street, side, and rear measurement requirements.

F. **Frontage.** Frontage, also referred to as the Build To Percentage Requirement, defines the percentage of the width of the building in relationship to the width of the lot. Frontage dictates what percentage of the linear distance of the building façade that must be located along the lot width.

Figure B.2.7 Frontage



1. **Active Use Areas.** *Active Use Areas* are defined as those areas along a frontage that provide for active uses such as a forecourt, courtyards, opportunities for outdoor dining, merchandise display, and/or shared gardens. Active use areas are encouraged and may be used to achieve frontage requirements.

2-4. ZONING DISTRICTS

2-4.1. DIMENSIONAL STANDARDS – GENERAL REQUIREMENTS

- A. **Applicability.** In all zoning districts, every use of a building, structure, or piece of land hereafter erected, modified, enlarged, or increased in capacity shall comply with the dimensional requirements as set forth in this Section.
- B. **Exceptions.** Variations to the dimensional requirements of this Section are permitted only in nonconforming situations (*Section A.5 Nonconformities*), as part of a conditional zoning/rezoning approved by Town Council (*Section A.3-6 Town Council*), or where the Board of Adjustment may approve the modifications to the dimensional requirements (*Section A.3-4 Zoning Board of Adjustment*).
- C. **Dimensional Requirements.** The dimensional requirements which specify minimum lot area, minimum lot width, minimum setbacks, maximum impervious surface cover, maximum height, and minimum contiguous area, where applicable, are set forth in *Table B.2.2 Residential Districts General Dimensional Requirements*, *Table B.2.3 Nonresidential Districts General Dimensional Requirements*, *Table B.2.4 Minimum Lot Sizes (Square Feet) for Permitted Single Family, Two-Family, and Multi-family Residential Buildings on Small Lots in RM Districts*, and *Table B.2.5 Other Dimensional Requirements*. Dimensional and other requirements of zoning districts are set forth in *Section B.2-4 Zoning Districts*.
 1. **Build-To-Line (BTL).** Where applicable in the LD1-C district and the VBO and NAC overlay, the following standards shall apply for BTL. BTL is the line at which construction of a building is to occur on a lot. A build-to-line runs parallel to the front property line and is established to create an even building façade line on a street:
 - (1) **Location of BTL without overhead utilities.** The BTL is located ten (10) feet behind the street right-of-way line.

SECTION B.2 – ZONING REGULATIONS

- (2) **Location of BTL with overhead utilities.** The BTL shall be ten (10) feet behind the street right-of-way line and outside of the right-of-way or easement for any overhead utilities. In some cases the utility pole may be located beyond the street right-of-way line resulting in the BTL being located the additional distance behind the curb or ditch line.
- (3) **Construction related to the BTL.** Not less than fifty percent (50%) of the façade is to be built on the BTL. The remainder of the building should be set back a minimum of six (6) feet behind the BTL. Balconies, stoops, open porches, covered walkways may project into the setback to the extent that it fills the setback area. Bay windows may project one foot six inches into the setback area or beyond the BTL.

SECTION B.2 – ZONING REGULATIONS

Table B.2.2 Residential Districts General Dimensional Requirements

Zoning District	Minimum Zoning Lot		Minimum Setbacks ⁴					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
					Side ⁸				
	Area (sf)	Width (ft)	Front (ft)	Rear (ft)	One Side ⁴ (ft)	Combined (ft)	Street (ft)		
YR ⁶	130,680	300	45	50	20	50	30	—	40
AG ⁶	40,000	150	45	50	20	50	30	—	40
RS-40	40,000	100	35	40	10	25	20	—	40
RS-30	30,000	100	35	35	7	20	20	—	40
RS-20	20,000	95	30	30	7	20	20	—	40
RS-12	12,000	85	25	25	7	20	20	—	40
RS-9	9,000	65	20	25	7	20	20	—	40
RM-5 ⁵	— /11,000	—/60	0/15	0/15	0/10	0/20	0/15	—	40
RM-8 ⁷	8,000	70	25	25	7	20	20	70	45
RM-12	7,000	70	25	25	15	30	20	75	45
MH	10,000	70	30	20	10	25	20	—	40

1. These dimensional requirements are subject to additional provisions in *Section B.2-4.2 Supplementary Dimensional Requirements; Section B.2-5.4 Use Standards and Conditions; Section B.4 Historic Preservation; Section B.3-3 Landscaping Standards; and Section B.3-4 Bufferyard Standards.*
2. Larger lot width, depth, or area may be required by the Public Health Department for the installation of septic systems.
3. Additional dimensional requirements for residential uses in other districts are listed in *Table B.2.4 Minimum Lot Sizes (Square Feet) for Permitted Single Family, Two-Family, and Multi-family Residential Buildings on Small Lots in RM Districts and Table B.2.5 Other Dimensional Requirements.*
4. No setback is required for twin homes; all other uses must be set back a minimum of five (5) feet.

SECTION B.2 – ZONING REGULATIONS

5. Ranges of requirements for RM-5 are listed; dimensional requirements are based on use in the district. Please refer to *Section 2-4.4 Residential Zoning Districts – Purpose Statements and Regulations*.
6. Nonconforming lots in the YR and AG Districts meeting the provisions of *Section 2-4.3 Open Use Zoning Districts – Purpose Statements and Regulations* must meet the minimum setback requirements of the RS-20 zoning district.
7. Three story structures in RM-8 must be setback a minimum of fifty (50) feet from adjacent properties zoned for single family residential development.
8. Where the main entrance to a single-family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.

Table B.2.3 Nonresidential Districts General Dimensional Requirements.

Zoning District	Minimum Zoning Lot		Minimum Setbacks ⁵				Maximum Impervious Surface Cover (%)	Maximum Height (ft)
					Side			
	Area (sf)	Width (ft)	Front (ft)	Rear (ft)	Interior Side (ft)	Street (ft)		
NO	6,000	65	20	25	7	20	60	40
GO	10,000	75	20	-	-	20	80	60/unlimited
PB	-	-	-	-	-	-	-	60
LB	10,000	100	20	5	0.5/12 ⁴	20	75	40
HB	20,000	100	40	20	0.5/12 ⁴	20	85	60
GI	43,560	150	40	20	0.5/12 ⁴	20	-	70/unlimited
IP	10,000	65	25	10	5	20	60	60/
C	20,000	100	20	20	20	20	70	40/75 unlimited
MU-C	5,000	30	10	-	-	10	-	60/unlimited

1. These dimensional requirements are subject to additional provisions in *Section B.2-4.2 Supplementary Dimensional Requirements*; *Section B.2-5.4 Use Standards and Conditions*; *Section B.4 Historic Preservation*, *Section B.3-3 Landscaping Standards*; *Section B.3-4 Bufferyard Standards*.

SECTION B.2 – ZONING REGULATIONS

2. Larger lot width, depth, or area may be required by the Public Health Department for the installation of septic systems.
3. Certain districts have an option for height (e.g., 60/unlimited). The first number indicates the maximum height allowed at the minimum setback required adjacent to property zoned RS, RM, YR, AG, or H. Heights may be increased according to the provisions of *Section B.2-4.2 (D) Setbacks for Taller Structures in GO, GI, and MU-C Districts* and *Section B.2-4.2(E) Setbacks for Taller Structures in Campus District*.
4. Side yards are not required, however any side yard provided adjacent to an interior lot line shall be not less than twelve (12) feet in width. A space less than six (6) inches in width between an interior lot line and a building wall shall not be regarded as a side yard.
5. Whenever a lot in a nonresidential district other than the NO District shares a common boundary line with a lot in a residential district, YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.

Table B.2.4 Minimum Lot Sizes (Square Feet) for Permitted Single Family, Two-Family, and Multi-family Residential Buildings on Small Lots in RM Districts.

Number of Units	Zoning District ¹		
	RM-5	RM-8	RM-12
1	5,000	8,000	7,000
2	7,000	10,000	10,000
3	9,000		15,000
4	11,000		18,500
5			22,000
6			24,000

1. Permitted densities for other multi-family developments not shown in this table are calculated based upon the suffix number of the RM District (e.g., RM-5 allows five (5) units per acre).

Table B.2.5 Other Dimensional Requirements

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
	Area (sf)	Width (ft)			Side				
			Front (ft)	Rear (ft)	One Side (ft)	Combined (ft)	Street (ft)		
Single Family Residences in NO, PB, and MU-C Districts									
NO	6,000	50	20	10	5	15	20	70	40
PB	-	-	-	-	-	-	-	-	-
MU-C	5,000	40	15	15	0	15	20	-	40
Two-family Dwellings in MU-C and NO Districts									
MU-C	5,000	40	15	15	0	15	20	-	40
NO	-	-	20	20	10	25	20	-	-
Multi-family Developments in PB, MU-C, and NO Districts									
PB	-	-	-	-	-	-	-	-	-
MU-C	30,000	70	25	25	15	30	20	80	60
NO	-	-	20	20	10	25	20	-	-

2-4.2. SUPPLEMENTARY DIMENSIONAL REQUIREMENTS

The following supplementary dimensional regulations shall apply to all buildings and structures not subject to the general dimensional requirements of *Section B.2-4.1 Dimensional Standards – General Requirements*.

A. **Structures Permitted Above Height Limits.** The height limitations of *Section B.2-4.1 Dimensional Standards - General Requirements* shall not apply to the following structures and the Downtown Overlay District (see Appendix).

1. Buildings used in support of agricultural operations;
2. Chimneys, unoccupiable steeples, spires, flagpoles, cupolas, roof venting pipes, and freestanding rooftop mechanical equipment (including unenclosed screening);
3. Transmission towers;
4. Water towers, observation towers, silos, and power transmission towers;

5. Mixing plants, and screening or loading towers for sand or rock; and
6. Derricks and conveyors.

B. Structures Which may Encroach into Required Yards. The following structures may encroach into required yards as follows:

1. **Open Porch.** An open porch may project into a required front or rear yard not more than ten (10) feet, provided that such projection does not reduce the remaining open portion of the yard to a depth of less than fifteen (15) feet.
2. **Above Grade Decks.** Unenclosed above grade decks at the main living level of a single-family residence may encroach into a required side yard but may not extend closer than seven (7) feet to the property line and ten (10) feet to the nearest building.
3. **Bay Window.** A bay window may project into any required front or rear yard not more than three (3) feet.
4. **Architectural Features.** Architectural features, such as sills, belt courses, and cornices, may project into any required yard not more than one foot.
5. **Roof, Eave, Chimney, or Awning.** A roof, eave, chimney, or awning may project into any required yard not more than three (3) feet.
6. **Canopy.** Canopies, either attached or detached, used in conjunction with retail uses in business, office, or industrial districts, may project into a required front yard, provided that such projection does not reduce the remaining open portion of such yard to a depth of less than ten (10) feet.
7. **Open Stairs.** Open stairs to a second story of a residence may project into any required side or rear yard but shall not encroach into the required front yard.
8. **Satellite Dishes.** Satellite dishes greater than two (2) feet in height shall meet the requirements of accessory structures in required yards in *Section B.2-4.2(F) Accessory Structures Permitted in Required Yards*.

C. Improvements Permitted in Required Yards. The following improvements are permitted in required yards provided there is no interference with any recorded sight easement:

1. **Landscape Features.** Landscape features, including, but not limited to, ornamental pools, planting boxes, sculpture, birdbaths, open terraces, walkways, walls, or fences; and
2. **Other Improvements.** Other constructed improvements specifically exempted in the definition of Structure in *Section A.2 Definitions*, including, but not limited to, gate houses or bus shelters, mailboxes, pump houses or wells, shelter for pets, playhouses, outdoor fireplaces, flagpoles, underground fallout shelters not extending more than four (4) feet above grade, and wharves unless otherwise regulated under *Section B.3-8.2 Noise*. Air conditioning compressors are exempted, subject to the provisions of *Section B.3-8.2 Noise*.

D. Setbacks for Taller Structures in GO, GI and MU-C Districts.

1. **Purpose.** The purpose of setback standards for taller structures in these districts is to give flexibility to nonresidential development while preventing structures significantly taller than single family dwellings from being constructed in close proximity to such homes; thereby maintaining the privacy and outdoor enjoyment typically provided in single family districts and neighborhoods.
2. **Setback and Measurement.** The height of any building may be increased above the maximum building height provided in each District's respective standards table through a special use permit granted by the Zoning Board of Adjustment. Any increase above the maximum by-right height shall require an additional setback of one foot for each foot of additional height beyond the setback required. The additional setback shall be applied to those portions of the building above the by-right height creating a building "stepback" or tiered approach. Please refer to appropriate subsections in *Section B.2-4 Zoning Districts*.
3. **Exceptions.** Buildings above the height maximums are not allowed in the following situations:
 - (1) Where the proposed development is for one- or two-family dwellings; or
 - (2) Where the proposed development involves redevelopment or change of use of an existing site and does not increase the height or reduce the setback of the existing primary structure closest to the single-family use or district.

E. Setbacks for Taller Structures in the Campus District.

1. **Purpose.** The purpose of special setbacks for taller structures in the C District is to give flexibility in designing and developing structures for these districts while at the same time protecting residential development adjacent to the C District from the impacts on privacy and outdoor enjoyment that structures built above the standard height limits might have.
2. **Exception From Height Limits.** Existing buildings prior to the effective date of this Ordinance are exempted from height limit requirements.
3. **Setback and Measurement.** No new building, or an addition to an existing building which is exempt from the height requirement, shall exceed the normal maximum height of sixty (60) feet allowed in the C District unless the building is set back at least forty (40) feet from any property zoned RS, RM, or H. For each foot of setback from property zoned RS, RM, or H beyond forty (40) feet, the maximum permitted height of a building may be increased by one foot. If the building is set back at least one hundred twenty (120) feet from all property zoned RS, RM, or H, or is adjacent to other zoning districts; no additional height related building setback shall be required. Please refer to *Section B.2-4.7(C) C Campus District*.

- F. Special Yard Requirements.** Where a lot in a nonresidential district other than the NO District shares a common boundary line with a lot in a residential district, YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.

- G. Building Spacing Requirements for Multi-family, Townhouse, or Two-Family Residential Buildings.** If a zoning lot is developed for multi-family, townhouse, or twin home residential buildings, the building spacing shall be one half (1/2) the height of the total building height of the taller structure or building spacing as required by the North Carolina Building Code, whichever is greater.

- H. Double Frontage Lots.** Double frontage lots shall provide a front yard abutting each fronting street, in the depth as required in the applicable district.

- I. **Double Counting of Yard, Lot Area, Loading Area or Parking Area.** No space which has been counted as part of a yard, lot area, parking area or loading area required under this Ordinance for one building or use shall be counted to satisfy or comply with a yard, lot area, loading area or parking area requirements for any other building or use, except where shared parking is permitted in *Section B.3-2.5(B) Shared Parking*. The minimum required yards, lot area, parking area or loading area for any building or use existing or under construction at the time of the passage of this Ordinance shall not be encroached upon or counted to satisfy such requirements for any other building or use, except as permitted in *Section B.3-2.5(B) Shared Parking*.
- J. **Minimum Lot Size.**
1. **MH Zoning District.** In the MH zoning district, the minimum area of a zoning lot to be used for a manufactured home park where public or community water supply and sewage disposal systems are not available for connection shall be as determined by the Public Health Department, but in no case shall the area of such lot be less than four (4) acres.
- K. **Flag Lots.**
1. **Driveway Access.** Twenty-five (25) feet of the width of the "pole" or driveway access to the flag lot may not be used in the calculation of the lot area of the flag lot;
 2. **Lot Area and Yard Calculation.** The pole may not be used for either lot area or yard calculation of any other lot; and
 3. **Multiple Flag Lots.** If more than one flag lot is proposed to the rear of another lot or stacked off the street, a special use permit from the Board of Adjustment is required.
- L. **Lot Area in Right-of-Way.** No land area of the lot which lies within the public street right-of-way may be used for the purposes of lot area or any other lot dimensional requirements.
- M. **Setback Exemption from Private Access Easements.** A private access easement to one single family lot shall not be considered a street requiring an additional setback

as a side against a street or as a corner lot. However, no portion of the structure(s) located on the lot may encroach into the easement.

2-4.3. OPEN USE ZONING DISTRICTS – PURPOSE STATEMENTS AND REGULATIONS

The following open use zoning districts are established:

Table B.2.6 Open Use Zoning Districts

Symbol	District Name	Section Reference
YR	Yadkin River Conservation	<i>Section B.2-4.3(A)</i>
AG	Agricultural	<i>Section B.2-4.3(B)</i>

The purpose of establishing these districts is to accommodate agricultural development and large lot development in compliance with the Lewisville Comprehensive Plan.

A. YR Yadkin River Conservation District.

1. **Purpose.** The YR District is intended primarily to protect the community's main water supply, preserve the historic features of this area, and preserve the natural beauty of a continuous conservation corridor along the Yadkin River. This zoning district is the most restrictive. Low density residential development is the primary use allowed. Objectives of the district are the following:
 - (1) Protection of water supply;
 - (2) Maintenance of rural character;
 - (3) Protection of sensitive natural, historical, recreational, and visual resources;
 - (4) Retention of natural topography and vegetation;
 - (5) Control of sedimentation and other nonpoint source pollution; and
 - (6) Support and encouragement of agricultural activities.

Zoning District	Minimum Zoning Lot		Minimum Setbacks ¹					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
					Side ²				
	Area (sf)	Width (ft)	Front (ft)	Rear (ft)	One Side (ft)	Combined (ft)	Street (ft)		
YR	130,680	300	45	50	20	50	30	—	40

2. **General Dimensional Requirements - YR.** Nonconforming lots in the YR District meeting the provisions of *Section A.5-3.2(C) Nonconforming lots in the AG and YR*

Districts must meet the minimum setback requirements of the RS-20 zoning district.

Where the main entrance to a single-family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.

3. **Supplementary District Requirements.**

(1) **Boundaries.** The boundaries of the YR District are defined as a corridor a minimum of two thousand (2,000) feet from the eastern edge of the river channel including up to three thousand (3,000) feet from the edge of the river.

(2) **Development Standards.**

- i. **Minimum Lot Size.** A minimum lot size of three (3) acres shall be required.
- ii. **Building Setbacks.** All structures shall be set back at least two hundred (200) feet from the Yadkin River channel, except public utility systems as identified in this Section.
- iii. **Stream Buffers.** To filter pollutants and to trap sediment, undisturbed vegetated buffers shall be maintained along the Yadkin River and along all streams.
 - (a) The buffer shall extend horizontally one hundred (100) feet along both sides of the stream channel.
 - (b) No land disturbing activity, placement of structures or impervious surface cover, or removal of existing vegetation shall be allowed in the stream buffer, except as permitted under *Section B.2-4.3(A)(3)(2)(v) YR Yadkin River Conservation District Uses Permitted in the Stream Buffer*, except as exempted by state or federal law.
- iv. **Floodplains.** No land disturbing activity or placement of structures shall be allowed in the designated floodplains in the YR District except as permitted under *Section B.2-4.3(A)(3)(2)(v) YR Yadkin River Conservation District Uses Permitted in the Stream Buffer*.
- v. **Uses Permitted in the Stream Buffer and the Floodplain Area.** The following uses and activities are permitted in YR District stream buffers

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and floodplains provided the uses and activities are designed to minimize impacts on hydrologic processes, water quality, and wildlife habitat:

- (a) Agricultural uses, except animal feeding operations, with implementation of accepted soil conservation practices recommended by Forsyth County Department of Soil and Water Conservation;
 - (b) Forestry operations undertaken on forest land for the production and harvesting of timber and timber products and conducted in accordance with Forest Practice Guidelines Related to Water Quality (best management practices) as adopted by the North Carolina Department of Environment Quality (DEQ);
 - (c) New and replacement utility systems, including, but not limited to, stormwater management facilities; utility holes and sanitary sewer mains; overhead utility lines; water supply intake structures; and, gas, electric, and telephone systems (including on-site systems), where there is no practical alternative to locating the systems within the floodplain or the stream buffer;
 - (d) Streets, bridges, railway lines and associated facilities, where there is no practical alternative to locating them within the stream buffer or floodplain;
 - (e) Parks, greenways, horseback riding trails, open spaces, and other similar private and public passive recreational uses;
 - (f) Activities ordinarily associated with a residence, such as lawns, gardens, play areas, utility service lines, and similar uses; and
 - (g) Ponds, boat docks, ramps, piers, or similar facilities.
- (3) **One Principal Building per Zoning Lot.** Only one principal building shall be placed on a zoning lot or lot of record, except as permitted under *Section B.2-5.2(D)(2) Accessory Dwelling Unit (ADU)*.

B. AG Agricultural District.

1. **Purpose.** The AG District is primarily intended to accommodate uses of an agricultural nature. The district is also intended to accommodate non-farm

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residences on large tracts of land. The district is established for the following purposes:

- (1) To preserve the rural character of portions of the county and encourage the continued use of land for agricultural, forest, and open space purposes;
- (2) To discourage scattered commercial and industrial land uses;
- (3) To concentrate urban development in and around existing urbanized areas and proposed activity centers, thereby preventing premature conversion of farmland into urban uses; and
- (4) To discourage any use which may create premature public infrastructure and service demands.

2. General Dimensional Requirements - AG.

Zoning District	Minimum Zoning Lot		Minimum Setbacks ¹					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
					Side ²				
	Area (sf)	Width (ft)	Front (ft)	Rear (ft)	One Side (ft)	Combined (ft)	Street (ft)		
AG	40,000	150	45	50	20	50	30	—	40

Footnotes:

- 1) Nonconforming lots in the AG District meeting the provisions of *Section A.5-3.2(C) Nonconforming lots in the AG and YR Districts* must meet the minimum setback requirements of the RS-20 zoning district.
- 2) Where the main entrance to a single-family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.
3. **One Principal Building per Zoning Lot.** Only one principal building shall be placed on a zoning lot or lot of record, except as permitted under *Section B.2-5.2(D)(2) Accessory Dwelling Unit (ADU)*.

2-4.4. RESIDENTIAL ZONING DISTRICTS - PURPOSE STATEMENTS AND REGULATIONS

The following residential zoning districts are established. For Single Family Districts (RS), the suffix number multiplied by one thousand (1,000) indicates the minimum lot size in square feet. For Multi-family Districts (RM), the suffix number indicates the maximum number of dwelling units per acre. [For example, RS-40 requires a minimum lot size of forty thousand (40,000) square feet for a single-family dwelling, while RM-8 allows multi-family development at a density of up to eight (8) units per acre.

Table B.2.7 Residential Zoning Districts

Symbol	District Name	Section Reference
RS-40	Residential Single Family	<i>Section B.2-4.4(B)</i>
RS-30	Residential Single Family	<i>Section B.2-4.4(C)</i>
RS-20	Residential Single Family	<i>Section B.2-4.4(D)</i>
RS-12	Residential Single Family	<i>Section B.2-4.4(E)</i>
RS-9	Residential Single Family	<i>Section B.2-4.4(F)</i>
RM-5	Residential Multi-family	<i>Section B.2-4.4(G)</i>
RM-8	Residential Multi-family	<i>Section B.2-4.4(H)</i>
RM-12	Residential Multi-family	<i>Section B.2-4.4(I)</i>
MH	Manufactured Housing Development	<i>Section B.2-4.4(J)</i>

Each residential district is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, protected from incompatible and disruptive activities which more properly belong in nonresidential districts. When a residential rezoning proposal is considered, the Comprehensive Plan shall be used as a guide, in conjunction with other factors, in determining the appropriateness of the proposed district. Other goals of these residential districts are explained in the remainder of this Section.

A. Statements of General Applicability.

1. **One Principal Building per RS Zoning Lot.** Only one principal building shall be placed on a zoning lot or lot of record, except as permitted under *Section B.2-5.2(D)(2) Accessory Dwelling Unit (ADU)*.
2. **Supplementary District Requirements for RM Zoning Districts.** Minimum lot sizes for single family, two family, or multi-family residential buildings on small lots must meet the requirements of *Table B.2.4 Minimum Lot Sizes (Square Feet) for Permitted Single Family, Two-Family, and Multi-family Residential Buildings on Small Lots in RM Districts*.
3. **Alternate Side Yard Setback.** Where the main entrance to a single-family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.

B. RS-40 Residential Single-Family District.

1. **Purpose.** The RS-40 District is primarily intended to accommodate single family detached dwellings on large lots in areas without access to public water and sewer services. The district is established to promote single family detached residences where environmental features, public service capacities, or soil characteristics necessitate very limited development.
2. **General Dimensional Requirements - RS-40.**

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
					Side				
	Area (sf)	Width (ft)	Front (ft)	Rear (ft)	One Side (ft)	Combined (ft)	Street (ft)		
RS-40	40,000	100	35	40	10	25	20	—	40

C. RS-30 Residential Single-Family District.

1. **Purpose.** The RS-30 District is primarily intended to accommodate single family detached dwellings on approximately three-quarter (0.75) acre lots in areas without access to public water and sewer services.

2. General Dimensional Requirements - RS-30.

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
					Side				
	Area (sf)	Width (ft)	Front (ft)	Rear (ft)	One Side (ft)	Combined (ft)	Street (ft)		
RS-30	30,000	100	35	35	7	20	20	—	40

D. RS-20 Residential Single-Family District.

- Purpose.** The RS-20 District is primarily intended to accommodate single family detached dwellings in suburban areas and may also be applicable to older, large lot development constructed prior to the effective date of this Ordinance. The district is established to promote orderly development in areas where public water is available.

2. General Dimensional Requirements - RS-20.

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
					Side				
	Area (sf)	Width (ft)	Front (ft)	Rear (ft)	One Side (ft)	Combined (ft)	Street (ft)		
RS-20	20,000	95	30	30	7	20	20	—	40

E. RS-12 Residential Single-Family District.

- Purpose.** The RS-12 District is primarily intended to accommodate moderate density single-family detached dwellings in suburban and urban areas. This district is intended for areas where public facilities, including public water and sewer, public roads, and other governmental support services, are available.

2. General Dimensional Requirements – RS-12.

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
					Side				
	Area (sf)	Width (ft)	Front (ft)	Rear (ft)	One Side (ft)	Combined (ft)	Street (ft)		
RS-12	12,000	85	25	25	20	20	20	—	40

F. RS-9 Residential Single-Family.

1. **Purpose.** The RS-9 District is primarily intended to accommodate relatively high density single-family detached dwellings in urban areas. This district is intended for areas where public facilities, including public water and sewer, public roads, and other governmental support services, are available.

2. General Dimensional Requirements – RS-9.

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
					Side				
	Area (sf)	Width (ft)	Front (ft)	Rear (ft)	One Side (ft)	Combined (ft)	Street (ft)		
RS-9	9,000	65	20	25	7	20	20	—	40

G. RM-5 Residential Multi-family District.

1. **Purpose.** The RM-5 District is primarily intended to accommodate low density, pedestrian-oriented sites and communities containing single-family, two-family, townhome, and multi-family residential buildings with a maximum of four (4) dwelling units per structure, and similar residential uses at a maximum overall density of five (5) units per acre. This district is intended for areas where public facilities, including public water and sewer, public roads, parks, and other governmental support services, are available.

2. General Dimensional Requirements - RM-5.

- (1) For a single unit there is a 5,000 sf minimum but for each additional unit added onto the lot, 2,000 sf is added, up to five (5) units.

RM-5 Zoning District/ Use	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
					Side ²				
	Area (sf)	Width (ft)	Front (ft)	Rear (ft)	One Side (ft)	Combined (ft)	Street (ft)		
Single Family	5,000	40	15	15	5	15	15	—	40
Duplex	7,000	50	15	15	7	15	15	—	40
Twin Homes	—	—	0 ¹	0 ¹	0	0	0 ¹	—	40
Triplex Multi-family	9,000	60	15	15	10	20	15	—	40
Quadplex Multi-family	11,000	60	15	15	10	20	15	—	40
3-, 4-Unit Townhouse	—	—	0 ¹	0 ¹	0 ³	0 ³	0 ¹	—	40
Other	11,000	60	15	15	10	20	15	—	40

Footnotes:

- 1) Buildings must be setback minimum of fifteen (15) off front, rear and side street right-of-way.
- 2) Buildings must be spaced a minimum of fifteen (15) feet from side to side, fifteen (15) from side to rear and thirty (30) feet from rear to rear however the land under units may be sold with no setbacks.
- 3) Buildings must be spaced a of minimum twenty (20) feet from side to side, twenty (20) feet from side to rear and forty (40) feet from rear to rear however the land under units may be sold with no setbacks.
- 4) Supplementary District Requirements. No residential structures exceeding four (4) dwelling units are allowed in the RM-5 district.

H. RM-8 Residential Multi-family District.

1. **Purpose.** The RM-8 District is primarily intended to accommodate two-family dwellings, townhomes, multi-family, and other low intensity multi-family uses at a maximum overall density of eight (8) units per acre. This district is appropriate for areas where public facilities, including public water and sewer, public roads, parks, and other governmental support services are available.
2. **General Dimensional Requirements - RM-8.**

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
					Side ¹				
	Area (sf)	Width (ft)	Front (ft)	Rear (ft)	One Side (ft)	Combined (ft)	Street (ft)		
RM-8	8,000	70	25	25	7	20	20	70	45

Footnotes:

- 1) Buildings must be spaced a minimum of fifteen (15) feet from side to side, fifteen (15) from side to rear and thirty (30) feet from rear to rear however the land under units may be sold with no setbacks.
3. **Three Story Structures.** Three story structures must be setback a minimum of fifty (50) feet from adjacent properties zoned for single family residential development.

I. RM-12 Residential Multi-family District.

1. **Purpose.** The RM-12 District is primarily intended to accommodate multi-family uses at a maximum overall density of twelve (12) units per acre. This district is appropriate for areas where public facilities, including public water and sewer, public roads, parks, and other governmental support services, are available.

2. General Dimensional Requirements - RM-12.

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
					Side ¹				
	Area (sf)	Width (ft)	Front (ft)	Rear (ft)	One Side (ft)	Combined (ft)	Street (ft)		
RM-12	7,000	70	25	25	15	30	20	75	45

Footnotes:

- 1) Buildings must be spaced a minimum of fifteen (15) feet from side to side, fifteen (15) from side to rear and thirty (30) feet from rear to rear however the land under units may be sold with no setbacks.

3. **Three Story Structures.** Three story structures must be setback a minimum of fifty (50) feet from adjacent properties zoned for single family residential development.

J. MH Manufactured Housing Development District.

1. **Purpose.** The MH District is primarily intended to accommodate manufactured housing developments with a maximum overall density of five (5) units per acre. This district is intended for areas where public facilities, including public water and sewer, public roads, parks, and other governmental support services, are available.
2. **General Dimensional Requirements - MH.** The general dimensional requirements for a single home on an individual lot in the MH District are given below. The dimensional requirements for manufactured housing developments are contained in the use conditions for manufactured housing developments (*Section B.2-5.4(30) Manufactured Housing Development*).

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
					Side ¹				
	Area (sf)	Width (ft)	Front (ft)	Rear (ft)	One Side (ft)	Combined (ft)	Street (ft)		
MH	5,000	70	30	20	10	25	20	—	40

Footnotes:

- 1) Buildings must be spaced a minimum of fifteen (15) feet from side to side, fifteen (15) from side to rear and thirty (30) feet from rear to rear however the land under units may be sold with no setbacks.

2-4.5. COMMERCIAL ZONING DISTRICTS - PURPOSE STATEMENTS AND REGULATIONS

The following commercial districts are established:

Table B.2.8 Commercial Zoning Districts

Symbol	District Name	Section Reference
NO	Neighborhood Office	<i>Section B.2-4.5(B)</i>
GO	General Office	<i>Section B.2-4.5(C)</i>
PB	Pedestrian Business	<i>Section B.2-4.5(D)</i>
LB	Limited Business	<i>Section B.2-4.5(E)</i>
HB	Highway Business	<i>Section B.2-4.5(F)</i>

The purposes of establishing these commercial districts are to provide areas which accommodate the establishment and operation of business and office uses and to assist the community in meeting the growth management goals of the Comprehensive Plan. When a commercial rezoning proposal is considered, the Plan along with the commercial, office, and industrial land use goals and recommendations shall be used as guides, in conjunction with other factors, in determining the appropriateness of the proposed district.

A. Statements of General Applicability.

1. Whenever a lot in a nonresidential district other than the NO District shares a common boundary line with a lot in a residential district, YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a

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required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.

2. There is no height limit unless adjacent to property zoned RS, RM, YR, AG, or H. Height of structure above sixty (60) feet may be increased one foot for each foot of additional setback beyond the forty (40) foot minimum required if adjacent to property zoned RS, RM, YR, AG, or H.

B. NO Neighborhood Office District.

1. **Purpose.** The NO District is primarily intended to accommodate very low intensity office uses within converted single family detached units. The district is intended to be located on the periphery of established residential areas, along major and minor thoroughfares. The district is established to provide convenient locations for offices, the size and operating characteristics of which require limited parking, and which generate little traffic. Standards are designed so that this district may serve as a transitional land use between residential districts and commercial districts.

2. General Dimensional Requirements - NO.

NO Zoning District/Use	Minimum Zoning Lot		Minimum Setbacks				Maximum Impervious Surface Cover (%)	Maximum Height (ft)
					Side			
	Area (sf)	Width (ft)	Front (ft)	Rear (ft)	Interior Side (ft)	Street (ft)		
Nonresidential	6,000	65	20	25	7	20	60	40
Single Family	All residential uses within the NO District shall comply with the RM-12 development standards with respect to lots, setbacks, ISC and height							
Two-Family								
Multi-family Developments ¹								

Footnotes:

- 1) Multi-family Developments shall comply with the RM-5 district standards.

3. Supplementary District Requirements.

- (1) **Structures Size.** New structures in the NO District shall not exceed four thousand (4,000) square feet in gross floor area.

(2) Parking Requirements.

- i. **Reductions.** Off-street parking requirements contained in *Section B.3-2.5(D) Reductions in the NO, MU-C, LD1-C, and LD2-C Districts* are reduced fifteen percent (15%).
 - ii. **Location.** All off-street parking shall be provided to the rear or to the side of the principal structure except for two (2) ADA compliant parking spaces, which may be located in front of the structure. The side parking area may be no closer to the street than the principal structure.
4. **Exterior Lighting.** Exterior lighting on the property shall not be installed at a height of more than eight (8) feet above the finished grade and shall be so shielded as to cast no direct light upon adjacent property.

C. GO General Office District.

1. **Purpose.** The GO District is primarily intended to accommodate high intensity office uses and supporting services. The district is established to provide locations for employment with access to thoroughfares.

2. General Dimensional Requirements - GO.

Zoning District	Minimum Zoning Lot		Minimum Setbacks				Maximum Impervious Surface Cover (%)	Maximum Height (ft)
					Side			
	Area (sf)	Width (ft)	Front (ft)	Rear (ft)	Interior Side (ft)	Street (ft)		
GO	10,000	75	20	—	—	20	80	60/ unlimited

D. PB Pedestrian Business District.

1. **Purpose.** The PB District is primarily intended to accommodate office, retail, service, institutional, and high-density residential uses which customarily serve community and convenience business needs of Lewisville.

2. General Dimensional Requirements – PB.

PB Zoning District/Use	Minimum Zoning Lot		Minimum Setbacks				Maximum Impervious Surface Cover (%)	Maximum Height (ft)
					Side			
	Area (sf)	Width (ft)	Front (ft)	Rear (ft)	Interior Side (ft)	Street (ft)		
Nonresidential	—	—	—	—	—	—	—	40

3. Supplementary District Standards.

- (1) **Parking.** Parking shall be located to the rear or side of the principal building, except that the Planning Board may allow up to two (2) spaces in the front of the building if all spaces can't be provided in the rear or side, due to lot size, shape, or topographic features. Any parking in the front of the building shall be subject to the streetyard provisions of *Section B.3-4.2(A)(1)(6) Streetyards*.
 - i. **Number of Spaces.** Off-street parking for any use in the PB District may be reduced thirty percent (30%) from the requirements of *Table B.3.2 Off-Street Parking Requirements*.
 - ii. **On-Street Parking.** On-street parking may be permitted to satisfy off-street parking requirements in accordance with *Section B.3-2.5(K) On-Street Parking Supplements for Pedestrian Oriented Developments*.
- (2) **Screening Mechanical Equipment.** All on-site mechanical equipment shall be screened.

E. LB Limited Business District.

1. **Purpose.** The LB District is primarily intended to accommodate moderately intense neighborhood shopping and service centers close to residential areas. The district is established to provide locations for businesses which serve nearby neighborhoods, including smaller business locations up to five (5) acres in size in rural areas. The district is typically located near the intersection of a collector street or thoroughfare in areas which are otherwise developed with residences.

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Standards are designed so that this district, in some instances, may serve as a transition between residential districts and other commercial districts.

2. General Dimensional Requirements – LB.

Zoning District	Minimum Zoning Lot		Minimum Setbacks ¹				Maximum Impervious Surface Cover (%)	Maximum Height (ft) ²
					Side			
	Area (sf)	Width (ft)	Front (ft)	Rear (ft)	Interior Side (ft)	Street (ft)		
LB	10,000	100	20	5	0.5/12 ¹	20	75	40

Footnotes:

- 1) Side yards are not required, except to meet Fire Codes, as may be applicable. Any side yard provided adjacent to an interior lot line shall be not less than twelve (12) feet in width. A space less than six (6) inches in width between an interior lot line and a building wall shall not be regarded as a side yard.
- 2) Not to exceed 60 ft consistent with the development standards/additional setback provisions of *Section B.2-4.1 Dimensional Standards – General Requirements*.

3. Supplementary District Requirements for areas north of Yadkinville Road.

- (1) **Floor Area Limitations.** The following uses are limited to a maximum zoning lot size of one acre:
 - i. Outdoor Display Retail;
 - ii. Motor Vehicle Repair, Storage, and Maintenance;
 - iii. On-Street Parking. On-street parking may be permitted to satisfy off-street parking requirements in accordance with *Section B.3-2.5(K) On-Street Parking Supplements for Pedestrian Oriented Developments*.
- (2) **Motor Vehicle Storage Yard.** A motor vehicle storage yard with a maximum enclosed storage area of three thousand (3,000) square feet shall be permitted as an accessory use to a motor vehicle repair service. Such yard

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shall meet all use conditions applicable to motor vehicle storage yards (*Section B.2-5.4(36) Motor Vehicle Storage Yard*).

- (3) **Signage.** Only one sign per structure will be permitted in LB Districts north of Yadkinville Road. The sign will be limited to thirty-six (36) square feet as defined in *Section B.3-1 Sign Regulations*.

F. HB Highway Business District.

1. **Purpose.** The HB District is primarily intended to accommodate retail service and distributive uses. The district is established to provide locations for establishments which require high visibility and direct road access, or which cater primarily to passing motorists. However, the district is not intended to encourage or accommodate strip commercial development. Developments in this district generally have substantial front setbacks.

2. General Dimensional Requirements - HB.

Zoning District	Minimum Zoning Lot		Minimum Setbacks				Maximum Impervious Surface Cover (%)	Maximum Height (ft)
					Side			
	Area (sf)	Width (ft)	Front (ft)	Rear (ft)	Interior Side (ft)	Street (ft)		
HB	20,000	100	40	20	0.5/12 ¹	20	85	60

Footnotes:

- 1) Side yards are not required, however any side yard provided adjacent to an interior lot line shall be not less than twelve (12) feet in width. A space less than six (6) inches in width between an interior lot line and a building wall shall not be regarded as a side yard.

2-4.6. INDUSTRIAL ZONING DISTRICTS - PURPOSE STATEMENTS AND REGULATIONS

The following industrial district is established:

Table B.2.9 Industrial Zoning Districts

Symbol	District Name	Section Reference
GI	General Industrial	<i>Section B.2-4.6(A)</i>

This industrial district is established to accommodate enterprises engaged in the manufacturing, processing, or assembling of goods, merchandise, or equipment. The standards established for this district is designed to promote industrial development and to protect nearby residential areas from undesirable aspects of industrial development. Whenever possible, this district should be separated from residential districts by natural or structural boundaries, such as streams, topographic features, vegetation, major streets, or similar features. When an industrial rezoning proposal is considered, the industrial land use goals and recommendations in the Lewisville Comprehensive Plan shall be used as guides, in conjunction with other factors, in determining the appropriateness of the proposed district.

A. GI General Industrial District.

1. **Purpose.** The GI District is primarily intended to accommodate a wide range of assembling, fabricating, and manufacturing activities. The district is established for the purpose of designating appropriate locations and establishing development regulations for uses which may have significant environmental impacts or which require special measures to ensure compatibility with adjoining properties.
2. **General Dimensional Requirements - GI.**

Zoning District	Minimum Zoning Lot		Minimum Setbacks ¹				Maximum Impervious Surface Cover (%)	Maximum Height (ft) ³
					Side			
	Area (sf)	Width (ft)	Front (ft)	Rear (ft)	Interior Side (ft)	Street (ft)		
GI	43,560	150	40	20	0.5/12 ²	20	—	70 /unlimited

Footnotes:

- 1) Whenever a lot in a nonresidential district other than the NO District shares a common boundary line with a lot in a residential district, YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
- 2) Side yards are not required, however any side yard provided adjacent to an interior lot line shall be not less than twelve (12) feet in width. A space less than six (6) inches in width between an interior lot line and a building wall shall not be regarded as a side yard.
- 3) There is no height limit unless adjacent to property zoned RS, RM, YR, AG, or H. Height of the structure above seventy (70) feet may be increased by one foot for each foot of additional setback beyond the minimum required, if adjacent to property zoned RS, RM, YR, AG, or H.

3. Supplementary District Requirements.

- (1) Retail uses, including but not limited to show rooms and employee services, shall be permitted as accessory uses. Said accessory uses shall not exceed twenty-five percent (25%) of the floor area of the principal industrial building. All such retail use shall be conducted within the principal industrial building.
- (2) No outdoor storage is permitted adjacent to property zoned RS, RM, YR, AG, or H except where a 100' Type IV buffer is provided per *Section B.3-4.2(A)(3)(4) Type IV Bufferyard*.

2-4.7. INSTITUTIONAL AND MIXED-USE ZONING DISTRICTS - PURPOSE STATEMENTS AND REGULATIONS

The following institutional and mixed-use districts are established:

Table B.2.10 Institutional and Mixed-Use Zoning Districts

Symbol	District Name	Section Reference
IP	Institutional and Public	<i>Section B.2-4.7(B)</i>
C	Campus	<i>Section B.2-4.7(C)</i>
CD1-C	Campus District 1 -	<i>Section B.2-4.7(D)</i>

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	Conditional	
MU-C	Mixed Use - Conditional	<i>Section B.2-4.7(E)</i>
LD1-C	Lewisville Downtown 1 - Conditional	<i>Section B.2-4.7(F)</i>
LD2-C	Lewisville Downtown 2 - Conditional	<i>Section B.2-4.7(F)</i>

The purpose of establishing these districts is to accommodate institutional and major mixed-use developments in compliance with the Lewisville Comprehensive Plan.

A. Statements of General Applicability.

1. Whenever a lot in a nonresidential district other than the NO District shares a common boundary line with a lot in a residential district, YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.

B. IP Institutional and Public District.

1. **Purpose.** The IP District is intended to accommodate public and institutional uses which have a limited land use impact or traffic generation potential upon surrounding uses. The district is intended to accommodate smaller, less intensive public and institutional uses which have concentrated service areas and are located in or near residential areas, or larger, less intensive recreational or institutional facilities in rural areas.

2. General Dimensional Requirements – IP.

Zoning District	Minimum Zoning Lot		Minimum Setbacks				Maximum Impervious Surface Cover (%)	Maximum Height (ft)
					Side			
	Area (sf)	Width (ft)	Front (ft)	Rear (ft)	Interior Side (ft)	Street (ft)		
IP	10,000	65	25	10	5	20	60	60

C. C Campus District.

1. **Purpose.** The C District is intended to accommodate medium to large-sized public, semi-public, and institutional uses which have a major land use impact or traffic generation potential upon surrounding uses. The district is intended to accommodate larger, more intensive public and institutional uses which have extensive service areas and are centrally located.

2. General Dimensional Requirements - C.

Zoning District	Minimum Zoning Lot		Minimum Setbacks				Maximum Impervious Surface Cover (%)	Maximum Height (ft) ¹
					Side			
	Area (sf)	Width (ft)	Front (ft)	Rear (ft)	Interior Side (ft)	Street (ft)		
C	20,000	100	20	20	20	20	70	40/75

Footnotes:

- 1) The maximum height is forty (40) feet. However, the maximum permitted height of any structure may be increased by one foot for every additional five (5) feet of setback beyond the minimum setbacks required, up to a maximum building height of seventy-five (75) feet.

3. Supplementary District Requirements.

- (1) **Site Plan.** A site plan must be submitted for any development within the district in conformance with the site plan requirements of *Section A.4-3.10 Site Plan*.
- (2) **Access.** Vehicular access onto a major or minor thoroughfare or onto a road improved to necessary standards as determined by the Director or their designee or the North Carolina Department of Transportation, as applicable.

D. CD1-C Campus District.

1. **Purpose.** The CD1-C District is intended to accommodate medium to large sized private schools and accessory institutional uses which have a major land use impact or traffic generation potential upon surrounding land uses. The district is intended to accommodate a large private academy or school which has extensive service areas and is centrally located. The intend of the CD1-C district is to

establish those uses allowed and to clarify the development approval process with the Town of Lewisville.

2. General Dimensional Requirements — CD1-C.

Zoning District	Minimum Zoning Lot		Minimum Setbacks				Maximum Impervious Surface Cover (%)	Maximum Height (ft) ¹
					Side			
	Area (sf)	Width (ft)	Front (ft)	Rear (ft)	Interior Side (ft)	Street (ft)		
CD1-C	20,000	100	20	20	20	20	70	20/75

Footnotes:

- 1) The maximum height is twenty (20) feet. However, the maximum permitted height of any structure may be increased by one foot for every additional five (5) feet of setback beyond the minimum setbacks required, up to a maximum building height of seventy-five (75) feet.

3. Supplementary District Requirements.

- (1) **New Development.** The regulations of the CD1-C District shall apply to all parcels within the boundaries of the district.
- (2) **Existing Development.** A structure existing at the time that a CD1-C district is approved shall not be deemed a non-conforming structure as a result of the CD1-C District application.

4. Additional Requirements.

- (1) **Concept Plan.** A concept plan and site plan are required for proposed new development, including depictions of pedestrian/vehicular connections within context of the overall campus plan.
- (2) **Parking Count Summary.** All parking plans must be provided for the proposed development as well as an update of the overall campus building/parking count ratio for parking as a result of such development. (Refer to *Section B.3-2.2(D) Parking Required in the CDC-1 District*).
- (3) **Stormwater Management Plan Update.** A stormwater management plan for new development must be provided, demonstrating conformance with the stormwater management plans for the overall campus.

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- (4) **Streets.** Development shall have a coherent and interconnected street/driveway network. This shall include a discernable hierarchy of streets, drives and pedestrian circulation. Said streets and/or drives may be public or private.
- (5) **Parking.** Parking shall be screened from adjacent properties and public rights of way by strategic placement of structures, landscape features and other architectural means.
- (6) **Walkability.** Parking plans shall encourage pedestrian access and flow, minimizing fragmentation.
- (7) **Pedestrian Circulation and Connectivity.** Developments within the CD1-C District shall provide pedestrian connectivity between proposed structures. Connectivity shall include the use of pedestrian pathways and/or sidewalk systems, outdoor plazas, and colonnades. These features shall be strategically placed to encourage such inter-connectivity and to provide for safe and secure pedestrian movement. Such pedestrian routes shall be supported through proper placement of signage, landscaping, and architectural elements.
- (8) **Building Orientation.** Buildings shall be oriented toward streets or around courtyards and open space areas. Buildings shall feature common architectural design, color, materials or detailing. Building placement shall encourage a compatible mix of uses and pedestrian access.
- (9) **Building Character.** Through the use of a variety of fenestration patterns, building façade offsets, roof line treatments and other architectural features, the perceived bulk, scale and length and width of the building shall be compatible with surrounding buildings. Maximum building height shall conform to *Section 2-4.7(C)(2) Campus District General Dimensional Requirements*. All buildings shall blend with existing and new on-site development in terms of mass, scale, details and character.
 - i. Elevations are to incorporate "human scale" elements and details. Awnings, covered walkways, open colonnades, or similar weather protection structures shall be provided.

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- ii. Parking decks and other accessory uses shall blend with adjacent buildings in terms of mass, scale, details and character. The main level of the structure must be clearly articulated through the use of architectural detailing and landscape plantings.

E. MU-C Mixed Use - Conditional District.

1. **Purpose.** The MU-C District is intended to accommodate and positively integrate a balanced mixture of residential, commercial, and limited light industrial uses, within the district and the surrounding area. At least three (3) distinctly different use components are required in any MU-C zoning proposal. Building mass, rhythm, scale, and transition, as well as a cohesive and connected pedestrian and vehicular network shall be key elements of the overall design concept. This district encourages innovation by offering flexibility in design and layout requirements to achieve a greater choice of living and working environments. The development design shall also be compatible with the natural terrain and surrounding uses, protect natural and/or historic resources, and provide open space. This district is only permitted through the conditional district zoning process.

2. General Dimensional Requirements - MU-C.

MU-C Zoning District /Use	Minimum Zoning Lot		Minimum Setbacks				Maximum Impervious Surface Cover (%)	Maximum Height (ft) ¹	Density
			Front (ft)	Rear (ft)	Interior Side (ft)	Street (ft)			
Nonresidential	5,000		10	—	—	10	—	45/60	10 du/ac
Single Family	5,000	40	15	0	15	20	—	35	10 du/ac
Two-Family Dwellings	7,500	40	15	0	15	20	—	40	10 du/ac
Multi-family Developments	30,000	70	25	15	30	20	80	60	10 du/ac

Footnotes:

- 1) There is no height limit unless adjacent to property zoned RS, RM, YR, AG, or H. Height of structure above sixty (60) feet may be increased by

one foot for each foot of additional setback beyond the forty (40) foot minimum required, if adjacent to property zoned RS, RM, YR, AG, or H.

3. Supplementary District Requirements.

(1) **Pre-application Conference.** Prior to the formal submission of a proposed MU-C District, the developer or representative shall attend a pre-application conference with the Planning Director concerning the proposed plan of development. At this pre-application conference, the developer shall submit a sketch plan for the MU-C District and general information on traffic circulation and utilities for tentative review, comments, and recommendations by the Planning Director. The official plan of development and rezoning request shall be submitted to the Planning Board only after the completion of the pre-application conference.

(2) **MU-C District Application.**

i. **Site Plan Requirements.**

a. **Natural Features.** The applicant shall show natural areas to be retained and indicate impervious surface cover limits greater than or equal to the standards in comparable general use zoning district permitting the use(s).

b. **Streetyards.** Streetyards, if required, shall be determined as appropriate through the site plan review process in accordance with MU-C purpose statement.

c. **Bufferyards.** Both peripheral and internal bufferyards, if required, shall be determined as appropriate through the site plan review process in accordance with the MU-C purpose statement.

(3) **Parking.** Except for single family residential uses, all parking shall be located to the rear or side of the principal building, except that the Planning Board may allow a limited number of parking spaces in the front of the building if all required spaces cannot be provided in the rear or side, due to lot size, shape, or topographic features. Any parking in the front of the building shall be subject to the streetyard provisions of *Section B.3-4 Bufferyard Standards*.

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- i. **Number of Spaces.** Off-street parking for any use in the MU-C District may be reduced fifteen percent (15%) from the requirements of *Table B.3.2 Off-Street Parking Requirements*.
 - ii. **On-Street and off-site Parking.** A maximum of 15 percent of the required off-street parking may be fulfilled by on-street parking; an additional 10 percent may be provided via off-site parking within five hundred (500) feet. *Section B.3-2.5(K) On-Street Parking Supplements for Pedestrian Oriented Developments*.
- (4) **Effects of Approval.** The approval of a development plan and the accompanying preliminary plat shall have the following effects:
- i. Approval of the application shall also constitute the required approval for the preliminary plat included in the application. The applicant may then request approval of a final plat in accordance with the Subdivision Ordinance.
 - ii. The area of an approved MU-C District shall be noted on the Official Zoning Maps. After approval of a final development plan, such plan shall control the development of the property. After approval of a final development plan, no building or structure may be erected or building permit issued nor any lots sold from any such plat nor any final plat approved or recorded, unless such building, structure, permit or plat is consistent with every respect with the approved final development plan.
- (5) **Development in Phases.** The applicant may propose that an MU-C District be developed in phases.
- i. The phasing provisions of a proposed final development plan shall be approved only if the proposed plan meets the following standards:
 - a. All phases shall be shown with precise boundaries on the final development plan and shall be numbered in the proposed order of development;
 - b. All data required for the project as a whole shall be given for each phase shown on the plan;

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- c. Phasing plan shall demonstrate a balanced and integrated mixture of uses in accordance with the overall MU-C plan concept. In general, residential components of the MU-C District shall be proportionately phased with commercial elements.
- d. A proportionate share of the project's open space and common facilities, if any, shall be included in each phase of development; and
- e. The phasing shall be consistent with the development plan for the entire MU-C District.

- (6) **Maintenance.** An application for approval of an MU-C District shall be accompanied by copies of documents related to the proposed homeowner's association or other entity proposed to manage and maintain private streets, open space, and other common areas and facilities, if any.

F. LD1-C and LD2-C Lewisville Downtown Districts.

1. **Lewisville Downtown District 1 (LD1-C).** LD1-C applies to the Downtown Core Area (DCA), see map titled Lewisville Downtown Overlay Map in Appendix B of the UDO, and provides a broad array of uses expected in a development pattern.
2. **Lewisville Downtown District 2 (LD2-C).** LD2-C applies to the Downtown Gateway Area (DGA), see map titled Lewisville Downtown Overlay Map in Appendix B of the UDO, and provides a broad array of uses expected in a development pattern.
3. **General Dimensional Requirements—LD1-C and LD2-C.**
 - (1) Side yards are not required, however, *Section B.2-4-7(F)(12) Bufferyards and Other Screening Requirements* shall be followed.
 - (2) Front setbacks along the Great Wagon Road shall be a minimum of fifteen (15) feet.
 - (3) **Build-to-Line without overhead utilities.** The BTL is located ten (10) feet behind the street right-of-way line.
 - (4) **Build-to-Line with overhead utilities.** The BTL shall be ten (10) feet behind the street right-of-way line and outside of the right-of-way or easement for any overhead utilities.

4. **Construction related to the build-to-line.** Not less than fifty percent (50%) of the façade is to be built on the BTL. The remainder of the building should be set back a minimum of six (6) feet behind the BTL. Balconies, stoops, open porches, covered walkways may project into the setback to the extent that it fills the setback area. Bay windows may project no more than two (2) feet into the setback area or beyond the BTL.
5. **Public Sidewalks.** Existing "built at the curb" sidewalks may remain. The standard sidewalk shall be consistent with existing sidewalks in the vicinity of the subject property. Locations where the BTL is more than ten (10) feet behind the street right-of-way line, the sidewalks may be relocated away from the curb to allow for a curbside planting area.
6. **Parking Amount Required.**
 - (1) For any permitted use in the LD1-C and LD2-C Districts, the required amount of parking may be reduced by thirty percent (30%). This reduction shall not affect the required number of accessible parking or loading spaces for that use. Parking on site shall not exceed one hundred twenty-five percent (125%) of minimum required parking.
 - (2) Parking lots shall be designed to allow the safe movement of pedestrians from their vehicles to the building(s). Parking lots shall be located to the rear or side of the primary structure. Outparcel development should be sited so as to create a courtyard-style site plan which surrounds the development's parking. Any off-street parking, whether located to the front, side, or rear of the primary structure, must be screened from the road. "Front" and "Rear" shall be determined, for the purpose of this subsection, by the orientation of the primary structure(s) to Town Streets, NCDOT maintained roads, Great Wagon Road, or Shallowford Road, and not in relation to the location(s) of entrance(s) to the structure(s).
 - (3) **LD2-C Zoning District.** Parking lots shall be designed to allow the safe movement of pedestrians from their vehicles to the building(s). Parking with a maximum depth of one (1) double loaded parking bay (parking space / drive aisle / parking space) shall be allowed adjacent to any public street. Any off-

street parking, whether located to the front, side, or rear of the primary structure, must be screened from the road.

7. **Parking Credits.** On-street parking satisfying the off-street parking requirements is permitted provided the following requirements are met:
 - (1) All parking shall be angled or parallel meeting the requirements of *Table B.3.4 Parking Dimensions*, and must be approved by the Town, NCDOT, or other agency, whichever is applicable.
 - (2) Credit shall be limited to all available public on-street parking within a radius of two hundred fifty (250) feet of the midpoint of the subject property's road frontage. Each on-street parking space thus credited may be used in lieu of required off-street parking on a one-for-one basis.
8. **Connectivity.** Parking areas shall be designed to allow for connectivity between adjoining lots, except where topographic conditions prohibit a feasible connection, as determined by the Town in its discretion.
9. **Right-of-Way Dedication.** Right-of-way dedication is required when deemed necessary by NCDOT or according to town street standards to accommodate any on-street parking and a sidewalk that is consistent with existing sidewalks in the vicinity of the subject property. Sidewalks shall be constructed immediately adjacent to on-street parking spaces and connected to a well-defined interior pedestrian system. The property developer shall dedicate public right-of-way or public road maintenance easements as recommended by the Planning Director, Public Works Director or the NCDOT and must be approved by the Town.
10. **Required Improvements.** The developer shall construct all required improvements within public rights-of-way to applicable public design standards.
11. **Parking Lot Design.**
 - (1) Large parking lots shall be designed to provide smaller parking areas framed with landscape, internal driveways, or access roads creating the appearance of smaller, segregated parking lots. These areas shall be defined by landscape planting, internal pedestrian spaces including sidewalks, and site furniture.

- (2) The Director may approve an alternative design as part of the concept plan process.
- (3) Within the LDC-2 Zoning District, lighted corridors (i.e. sidewalks) within the parking areas should be located to safely channel pedestrians from the vehicle to the building(s) and/or perimeter of each parking room or lot. The material for these sidewalks shall be different in color and texture from the paving of the vehicular areas.

12. Bufferyards and Other Screening Requirements.

- (1) **Downtown Overlay Perimeter Yards.** Type II bufferyard shall be required when the perimeter yard boundary corresponds to the Downtown Overlay boundary and the adjacent property is zoned residential for single family development.
- (2) **Side Yards.** A Type II bufferyard shall be required in side yards when the adjacent property is zoned residential for single family development. Owners of properties within the Downtown Overlay may remove side yard buffers when pre-development conditions, which required the installation, no longer exist.
- (3) **Fencing.** Materials such as brick masonry, stone, ornamental iron, wooden materials, or of the same material as that of the principal building are approved for use throughout the overlay district.
- (4) **Plantings.** Where a wall or fence is utilized, site appropriate landscaping shall be incorporated. All required vegetation shall be planted on the exterior side of the fence or wall and be in addition to those plantings and bufferyards required by the Lewisville Downtown Overlay.
- (5) **Parking Lots.** On parcels having double frontage on both the Great Wagon Road (GWR) and Shallowford Roads, the area of the parking lot shall only extend toward the rear of the site a distance equal to the depth of the first building or buildings to be constructed along the parallel road frontage. This area shall be adequately landscaped meeting a Type I buffer to screen the rear of the initial building from view of the GWR until all buildings on the site

are complete. At that time, the parking area may be expanded and/or modified to serve all buildings on the site.

13. Architectural Character Standards. The Architectural Character Standards found in the Downtown Overlay District in *Section B.2-4.8(G)(3) Architectural Character Standards in the DTO* of the Unified Development Ordinance shall apply to LD1-C and LD2-C Districts.

14. Permitted Uses in LD1-C. See *Table B.2.12 Permitted Uses*.

15. Permitted Uses in LD2-C. See *Table B.2.12 Permitted Uses*.

16. Alternative Compliance. Successful planning and development of the Lewisville Downtown will be dependent upon thorough and systematic individual site plan reviews. Existing land parcels and historic uses of properties will likely transition slowly into a planned downtown area. Adjustments to specific planned downtown requirements must be tempered by the reality of existing situations in a manner providing the means for landowners, planners, and developers to prepare the best possible site plans to meet town requirements.

- (1) The Town may, in its discretion, consider site plans varying from requirements regarding dimensions, setbacks, parking, bufferyards and screening, utility easements, and architectural character per *Section B.2-4.7(F)(5-11) LD1-C and LD2-C Lewisville Downtown Districts* where the lot size, configuration, topography, nature and configuration of adjoining lots and improvements thereon, parking availability, or other natural conditions beyond the control of the property owner exist or where prior acts of any public agency have occurred such that to require strict compliance with the standards would compromise or contradict the spirit and intent of the requirements.
- (2) Site plans that do not meet the objective requirements for the DTO may be approved in writing only after the Planning Director and Planning Board determine that such plans meet or exceed the purposes of the DTO criteria, in keeping with the intents and descriptions of the *Lewisville Comprehensive Plan*.
- (3) Nothing in this Section shall require the Town to approve any site plan that does not comply with the requirements.

2-4.8. OVERLAYS - PURPOSE STATEMENTS AND REGULATIONS

The following overlays are established:

Table B.2.11 Overlays

Symbol	District Name	Section Reference
TO	Thoroughfare Overlay	<i>Section B.2-4.8(B)</i>
H	Historic	<i>Section B.2-4.8(C)</i>
HO	Historic Overlay	<i>Section B.2-4.8(D)</i>
LRO	Lewisville Rural Overlay	<i>Section B.2-4.8(E)</i>
NAC	Neighborhood Activity Center	<i>Section B.2-4.8(F)</i>
DTO	Downtown Overlay	<i>Section B.2-4.8(G)</i>
PCO	Pedestrian Connections Overlay	<i>Section B.2-4.8(H)</i>
VBO	Vienna Business Overlay	<i>Section B.2-4.8(I)</i>

The purpose of establishing these overlays is to assist the community in meeting the requirements of State and federal law. When a rezoning proposal located within the area of one or more of these overlays is considered, historic preservation, watershed protection, and other applicable goals and recommendations contained in the Lewisville Comprehensive Plan shall be used as guides, in conjunction with other factors, in determining the appropriateness of the proposed district.

A. Generally.

1. **Permitted Uses.** Land may be developed including all uses permitted within the underlying zoning district unless otherwise restricted in this Section.

B. TO Thoroughfare Overlay District.

1. **Purpose.** The TO District is intended to:
 - (1) Encourage development and redevelopment which preserves the visual quality and functional operation of major roadways;
 - (2) Enhance the visual image of the community;
 - (3) Promote traffic safety;
 - (4) Preserve property values; and
 - (5) Implement the goals, policies, and objectives of the *Lewisville Comprehensive Plan*.

2. **Applicability.** In Lewisville, the TO shall consist of the public right-of-way for the roads included in the Interstate Highway System and those lands within one hundred (100) feet of either side of the right-of-way, including access ramps of all freeways and expressways. The TO District does not include land lying underneath bridges or elevated portions of roadways.
- (1) **Exemptions.** Within the TO, every use of a building or land hereafter established, including demolition and reconstruction of structures, shall meet the requirements of this Section unless otherwise exempted *Section B.2-4.8(B)(1) Exemptions* are as follows:
- i. **New Residential Development.** New single family, duplex, or twin home development shall be exempt from all of the provisions of this Section.
 - ii. **Reuse or Redevelopment.** Reuse, remodeling, repairs, or other redevelopment which do not create additional building floor area or parking spaces shall be exempt from the provisions of this Section.
 - iii. **Expansions.** Building additions, parking lot expansions or other redevelopment that creates additional building floor area or parking spaces not exceeding twenty-five percent (25%) of the floor area or parking spaces existing on the site on the effective date of this Ordinance shall be exempt from the provisions of this Section, except no expansion may occur within a required setback area. There shall be only one such expansion.
 - iv. **Shallow Lots.** Vacant lots of record existing as of the effective date of this Ordinance with less than one hundred fifty (150) feet of depth shall be exempt from the provisions of this Section, except that these lots are required to meet the ten (10) foot setback for parking off right-of-way and streetyard planting.
3. **Streetyard.** If existing structures or parking areas are located within a landscaped streetyard area required pursuant to this Section on the effective date of this Ordinance, reduction in streetyard width is permitted as provided in *Section B.3-4. Bufferyard Standards*.

4. **Development Standards.** All development within the TO shall be subject to the site development standards of the underlying district and the following:
- (1) **Enclosed Facilities.** All non-residential buildings and uses, other than display areas for motor vehicle sales and plant nurseries, shall be conducted within an enclosed building, except as otherwise provided below.
 - (2) **Outdoor Storage.** Outdoor storage shall be permitted only if screened from view from the thoroughfare. The outdoor storage shall not occupy an area larger than one-half of the gross square footage of the principal building.
 - (3) **Loading and Garage Bays.** All loading areas and entrances to motor vehicle repair bays shall be screened from view from the thoroughfare.
 - (4) **Screening On-Site Utilities.** All public utilities and related facilities, heating, ventilation, and air conditioning (HVAC) units, including on-ground and rooftop mechanical systems, and dumpsters, shall be so located and/or screened so as to not be visible from the public right-of-way.
 - (5) **Utilities.** All utilities providing direct service to individual buildings shall be placed underground. All distribution lines running parallel to the roadway within the TO and installed or relocated in conjunction with construction of a new thoroughfare or widening of an existing thoroughfare which involves the relocation of power lines and poles shall be located underground, unless required to be placed above ground by the applicable utility provider.
 - (6) **Setback.** Any new structure or vehicular use area, including parking lots, loading areas, and driveways, and any addition to an existing structure or vehicular use area shall be set back a minimum of twenty (20) feet from the right-of-way line.
 - (7) **Landscaped Streetyard.** Within the setback area, the landscaped streetyard requirements of *Section B.3-4 Bufferyard Standards* shall be met. Use of existing vegetation to meet the requirements is encouraged.

C. **H Historic District.** Please refer to *Section B.4 Historic Preservation*.

D. **HO Historic Overlay District.** Please refer to *Section B.4 Historic Preservation*.

E. Lewisville Rural Overlay (LRO).

1. **Purpose.** The LRO is intended:

- (1) To preserve and enhance the appearance and special character of those rural areas located within the Town of Lewisville by encouraging development which respects the existing natural environment;
- (2) To recognize these characteristics as a major part of the Town's identity and image, enhancing the aesthetic quality of the surrounding areas;
- (3) To preserve open sight lines and viewscales;
- (4) To protect working farms, agricultural areas and natural ecosystems;
- (5) To recognize the environmentally-sensitive nature of the Yadkin River watershed and its importance as a water supply source;
- (6) To identify and preserve the historic sites;
- (7) To maintain or improve property values;
- (8) To promote clustering and more compact density in activity centers and residential developments, thereby conserving open lands;
- (9) To discourage strip development;
- (10) To locate public buildings in prominent locations;
- (11) To promote open space in new neighborhoods;
- (12) To promote links between neighborhoods;
- (13) To provide greater access to parks & greenways;
- (14) To reduce driveway cuts on major streets;

2. **Boundaries.** All areas designated as *Rural Residential Place Types* by the *Lewisville Comprehensive Plan* and future land use map shall constitute the LRO.

3. **New Development.** The regulations of the LRO shall apply to any change in use of property or change in zoning within the boundaries of the LRO. The preferred zoning districts for residential uses are those zoning districts existing at the time of adoption of this Ordinance.

4. **Existing Development.** Any development existing prior to adoption of the LRO is exempt from these standards and shall not be deemed nonconforming because of the establishment of the LRO regulations.
5. **Commercial Development.** Any new commercial development within the boundaries of the LRO should follow the requirements as set out in *Section 2-4.8(E) Lewisville Rural Overlay District (LRO)*.
6. **Development Review Process.**
 - (1) **Development Plan Requirement.** Except for projects as specifically exempted herein, no building, grading, or demolition permit shall be issued within the LRO prior to the submittal of a development plan for review and approval, according to the procedures outlined for site plans in *Section A.4-3.10 Site Plan*
 - (2) **Compliance Required.** No site plan or subdivision plat shall be approved which does not demonstrate compliance with the provisions of this Section and the conservation standards of the LRO.
7. **Permitted Uses.** All uses permitted in the underlying district shall be allowed in the LRO, with the exception of the following: Manufactured Homes; Landfill, Construction and Demolition; Landfill, Land Clearing/Inert Debris; Landfill, Sanitary; and Borrow Site; Park and Shuttle Lot.

F. Neighborhood Activity Center (NAC).

1. **Purpose.** The purpose of Neighborhood Activities Centers is to establish areas of commercial activity that offer small scale retail goods and personal services that are located in proximity to the residential areas they are intended to serve. These commercial areas shall be located and designed as to encourage the clustering and integration of groups of businesses, to minimize the creation of undue traffic congestion and to minimize impact on adjoining residential.
2. **Applicability.** The boundaries of the NAC correspond with those areas identified in the *Lewisville Comprehensive Plan* as the *Beltway Center* and *Neighborhood Center Place Types*.
3. **Preferred Uses.** The preferred zoning districts in the NAC are RS-9, RM-5, RM-8, RM-12, NO, LB, PB, and MU-C. The uses allowed in each of these zoning

districts are allowed in the NAC Overlay. Mixed and combined residential uses are encouraged.

4. **Conversion of Existing Structures - Setbacks.** Side yards are not required where a lot line abuts a right-of-way, however any side yard located adjacent to an interior lot line shall not measure less than ten (10) feet in width. Otherwise, the setback requirements of the underlying zoning district are required.
5. **New Construction – Setbacks.** For new construction, the same setback standards noted above apply. Additionally, the front setback shall equal the build-to-line. The build-to-line runs parallel to the front property line.
 - (1) Build-to-Line without overhead utilities. The BTL is located ten (10) feet behind the street right-of-way line.
 - (2) Build-to-Line with overhead utilities. The BTL shall be ten (10) feet behind the street right-of-way line and outside of the right-of-way or easement for any overhead utilities.
6. **Construction related to the Build-to-Line.** Not less than fifty (50) percent of the façade shall be built on the BTL. The remainder of the building should be set back a minimum of six (6) feet behind the BTL. Balconies, stoops, open porches, and covered walkways are exempt from setback requirements. Bay windows may project no more than two (2) feet into the setback area or beyond the BTL.
7. **Perimeter Yards and Side Yards.** A Type II bufferyard shall be required when the perimeter of the zoning lot corresponds with the Neighborhood Activity Center boundary and the adjacent property is zoned residential for single-family development. Side yard buffers may be removed in other instances when pre-development conditions, which required the installation, no longer exist.
8. **Architectural Standards.** The following minimum architectural standards are to be shown on the site plan and included as conditions of approval of the site plan. Other specific architectural elements are encouraged which may also be required as conditions to approval of the site plan.
 - (1) **Roofs.** The preferred roof pitch is 12:12: ratio with a minimum pitch of 8:12. Eaves are required and must extend a minimum of twelve (12) inches from the roof line. Roofs are to be constructed to screen all rooftop utility structures.

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Parapet walls may be used to screen roof top equipment provided a pitched roof appearance is maintained.

- (2) **Main Entrance.** The main entrance of a structure must be made clearly apparent through the use of architectural detailing and landscape plantings.
- (3) **Covered Walkways.** Awnings, covered walkways, open colonnades, or similar weather protection must be provided to further support pedestrian circulation areas.
- (4) **Façades.** Building materials must be of brick, stone, or wood.
- (5) **Façade openings.** Doorways, knee walls, windows, and other openings in the façade should be proportioned to maintain pedestrian scale.
- (6) **Landscaping.** Landscape plantings along front façades are required at a ratio of six (6) square feet of planting area for each one (1) linear foot of horizontal wall. Human scale elements are to be incorporated into large undefined expanses of walls. Plantings are to be located between the building and parking area(s). Plantings required by this Section are not required along any frontage that has a required bufferyard.
- (7) **Building Size.** No structure located in the NAC overlay shall exceed five thousand (5,000) square feet in size. Structures shall be consistent in scale and character to the surrounding development within a NAC.
- (8) **Building Orientation.** All buildings shall face a Town Street or NCDOT maintained secondary road and provide the principal entrance to the structure from the front or side of the structure.

9. **Parking.**

- (1) For any permitted use in the Neighborhood Activity Center, the required amount of parking may be reduced by thirty percent (30%). This reduction shall not affect the required handicapped parking or loading spaces for that use.
- (2) Publicly owned and/or operated parking areas intervened by no more than two properties may be credited as available parking further reducing the required parking by an additional ten (10) percentage points.

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- (3) Parking lots shall be located to the rear or side of the primary structure, except in unreasonable circumstances as determined by the Planning Director and/or the Technical Advisory Committee.
 - (4) On-street parking is prohibited except for temporary construction purposes during building and construction of the development.
 - (5) Interior parking areas shall accommodate connectivity with neighboring or planned neighboring parking areas.
 - (6) Outparcel development should be sited so as to create a courtyard-style site plan which surrounds the development's parking. Large parking lots shall be divided into smaller parking rooms that are defined by landscape planting and site furniture. Any off-street parking, whether located to the front, side, or rear of the primary structure, must be screened from the road. "Front" and "Rear" shall be determined, for the purpose of this subsection, by the orientation of the primary structure(s) to a Town Street or NCDOT maintained roadway, and not in relation to the location(s) of entrance(s) to the structure(s).
10. **Right-of-Way Dedication.** The property developer shall dedicate public right-of-way or public road maintenance easements as recommended by the Planning Director, Public Works Director, or the NCDOT.
11. **Lighting.** Lighting shall be of a shoe box or cutoff type lighting which shall not cast light onto neighboring properties. After operating hours, the only lighting permitted is for security purposes.
12. **Pedestrian Circulation.** Development Plans for properties within the NAC Overlay shall accommodate pedestrian, bicycle, and other transportation modes to the maximum extent practicable.
13. **Sidewalks.** The minimum sidewalk width shall be five (5) feet. Sidewalks must otherwise conform to minimum NCDOT construction standards. However, both public and private sidewalks are acceptable. Pathways or greenways may be substituted for sidewalks when provided for as a site plan condition and shall be constructed of all-weather materials. In all cases, pedestrian ways shall be designed to connect parking areas, open space, and facilities of the NAC.

14. **Open Space.** Neighborhood Activity Centers may designate open space for the purpose of enhancing pedestrian activity and conforming with impervious surface area limitations.
15. **Street and Intersection Improvements.** Neighborhood Activity Centers are typically located at intersections of Town Streets and NCDOT maintained secondary roads. A traffic impact analysis may be required according to the standards set forth in the appendix.
16. **Stormwater Management Limitations.** Post construction runoff from any site shall not exceed the amount of preconstruction stormwater runoff. Stormwater management shall conform with standards in *Section C.3-7.2 Development Standards*, as administered by the Planning Director and the Public Works Department.
17. **Alternative Compliance.** The Planning Board may consider site plans varying setback, dimensional, and development requirements of the NAC where there might exist challenges in doing so. These include, but are not limited to: zoning lots of unusual size and shape, the configuration of adjoining lots and improvements thereon, topography, parking availability, or other natural conditions beyond the control of the property owner or where prior acts of any public agency have occurred such that to require strict compliance with the standards of the UDO would compromise the intents and goals of the NAC Overlay. Site plans varying from the requirements may be approved upon written findings specifically articulating how the site plan fulfills the intents, purposes, and requirements of the supplemental standards and that such site plan is supported by the intents and descriptions of the *Lewisville Comprehensive Plan*. Nothing in this Section shall require the Town to approve any site plan that does not comply with the requirements.
 - (1) **Procedure.** Should an applicant for a zoning map amendment or site plan desire to pursue alternative compliance the process shall proceed according to the details for rezoning and/or site plan approval detailed in *Section A.4 Procedures*.

G. Downtown Overlay District (DTO).

1. **Applicability, Purpose, and Intent.** The Lewisville Downtown Overlay (DTO) establishes supplemental development requirements within the Town of Lewisville's Downtown Core and Gateway areas. See map titled Lewisville Downtown Overlay Map in Appendix B of the UDO. The Downtown Overlay helps conserve the value of buildings, improvements, and amenities, and encourages suitable use of the land. Its goals and intents are based on the following concepts:

- (1) Downtown areas contribute to each town's entire image, sense of community, and place.
- (2) Vibrant downtown areas promote economic vitality.
- (3) The overlay preserves and promotes the public health, safety, and welfare of Lewisville's residents and visitors.
- (4) These regulations ensure that development of property is appropriate for Lewisville's core area; thus, enhancing social and cultural benefits to the town.
- (5) The standards encourage design of new buildings and improvements that protect the town's unique character by following the proven principles of good urban design.

2. **General Regulations.**

- (1) Single family homes and schools are exempt from these regulations. No renovation is required of these structures existing before the adoption of this Ordinance. Any renovation, exterior remodeling, and expansion or enlargement of existing structures, except exempted structures, must comply with the standards.
- (2) The uses permitted in the underlying zoning district shall be allowed in the Downtown Overlay. The Lewisville Downtown (LD1-C and LD2-C) Zoning Districts are preferred. Other zoning districts may be considered given that structures and uses conform with the intents, goals, and purposes of the Downtown Overlay supplemental standards.

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- (3) All new developments, expansions, or reconstruction, except single family homes and schools, within the Downtown Overlay shall require submission of site plans that include landscaping plans, elevations and building plans for review and approval by the Town. Site plans shall follow the requirements of *Section A.4-3.10(H) Form 1 Submittal Requirements* and are subject to the deadlines for all applications and submittals determined annually by the Planning Director, consistent with the requirements of *Section A.4 Procedures*. For proposals requiring site plan review but not a zoning map amendment, the Planning Board shall approve any plans that meet or exceed the requirements of this Ordinance and deny those that do not. The Planning Board may exercise its full authority when considering requests for zoning map amendments. The Planning Board may, as part of its approval, require additional conditions to reduce impacts associated with the project as specified in *Section A.4-3.10(G)(1) Site Plan Review Approval and Conditions*.
- (4) The Planning Board will evaluate the design of new structures in terms of the degree to which they conform with the purposes and intents of the Downtown Overlay, while preserving and enhancing the town character and the aesthetic standards of central Lewisville as identified in the *Lewisville Comprehensive Plan*. The major objectives shall be to promote a sense of human scale; to encourage compatible architecture; to create architectural transition; to provide an open sense of environment; and to develop tree-lined streets in Downtown areas.
- (5) All properties for which a zoning map amendment application is submitted in the Downtown Overlay shall be considered conditional rezonings according to the provisions of *Section A.4-3.3(C)(1)(1) Conditional Districts*.

3. Architectural Character Standards.

- (1) The Town of Lewisville sees the interaction between the built environment and the public as a crucial ingredient in maintaining a certain sense of place. The development standards described herein are intended to ensure that all new development within the Downtown Core Area (DCA), Downtown Gateway Area (DGA) and Downtown Overlay (DTO) results in an architecture

of high quality, encourages pedestrian activity, public interaction with the built environment, and provides appropriate transitions in scale while accommodating various types of approved uses. These uses include civic, institutional, commercial retail and business, mixed-use, live/work, and multi-family/single family residential developments. Architecture shall be designed to complement the historic small-town character of Lewisville. The following are the minimum architectural standards and are to be shown on the site plan and they shall be conditions for approval of the site plan. Other specific architectural character elements may be encouraged or required as conditions for approval of the site plan:

- i. **Building Mass.** All new building façades, in terms of composition, bulk, scale, proportion, orientation, massing, transparency, articulation, color, and major divisions or rhythms in the façade, shall be of a character that supports and enhances a pedestrian friendly environment and shall relate to existing buildings within the Downtown Overlay. Human scale shall be emphasized. In order to reduce the scale of a building, while emphasizing the ground-level elements to support pedestrian friendliness, the following shall be required:
 - (a) **Building Height.** The following requirements apply to height restrictions of structures in the Downtown Overlay:
 - (i) Any portion of a structure with a roof pitch between 8:12 and 12:12—The maximum building height shall be forty-eight (48) feet.
 - (ii) Any portion of a structure with a roof pitched less than 8:12 may not exceed thirty-two (32) feet. Low sloped or flat roof requirements shall be followed as specified in Section B.2-4.8(G)(1)(b)(iii) Upper Floor Step Backs.
 - (b) **Large Scale Buildings.** Large scale buildings, understood to be defined as single occupant non-residential uses exceeding 35,000 GSF, or buildings that are large compared to nearby structures in the Downtown Overlay, shall apply one (1) or more of the following forms:

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- (i) **Minor Wall Offsets or Wall Setbacks.** This includes "pushing and pulling" a façade to create visual interest and break up the massing of a structure. A minimum offset of twenty-four (24) inches for every thirty-five (35) linear feet of the façade is preferred to have proper impact.

Figure B.2.8 Wall Offsets or Setbacks.



- (ii) **Height Variation.** Differing building roof heights shall be used to add visual interest and reduce boxy building masses.

Figure B.2.9 Height Variation



- (iii) **Upper Floor Step Backs.** The upper portions of a larger building mass shall be recessed from the street or when the perimeter yard boundary corresponds with the Downtown Overlay boundary and the adjacent property is zoned residential for single family development to reduce looming effects. A recessed story shall be stepped back a minimum of five (5) feet for any structure greater than twenty (20) feet.

Figure B.2.10 Step Backs



- ii. **Building Materials.** All new building façades shall be constructed of pedestrian scaled brick, wood, stone, cast stone, decorative concrete masonry, exposed architectural concrete, stucco, complimentary non-vinyl siding, or a combination thereof. The combination of materials shall be designed so that the materials and colors will complement each other. Exposed vinyl siding, exposed metal siding, painted concrete, painted brick, painted concrete masonry, and standard gray concrete masonry are not acceptable exterior materials. Roofing materials exposed to view shall be standing seam metal or copper, concrete, slate or clay roof tile, or architectural dimensional asphaltic shingles.

Figure B.2.11 Multiple Materials



- iii. **Roofs.** All roofs of new buildings shall meet the following requirements:
 - (a) Roofs shall meet the height requirements outlined in Section B.2-4.8(G)(1)(i) Building Mass.
 - (b) Flat roofs shall be hidden by parapet walls capped with continuous masonry, stone, a decorative stucco element, or with a concealing sloped roof.
 - (c) Low sloped roofs shall be interrupted by the use of gables, dormers, and other roof features to create distinguishing architectural character.
 - (d) Overhanging eaves that project a minimum of twelve (12) inches from the roofline are required on all sloped roofs.
 - (e) All rooftop utility structures, and equipment shall be screened from view at any height.
- iv. **Façades.** The façades of all new buildings shall be designed to support and enhance a pedestrian friendly environment and compliment the historical small-town character of Lewisville by integrating pedestrian proportioned features such as recessed entrances, projecting elements,

arcades, colonnades, porches, pillars, columns, cornices, patterning of materials, and other similar architectural features. Visual balance shall be achieved in the overall building façade composition. Differing buildings, multi-tenant businesses, and/or activities within the same development may be distinguished by designing consistent architectural schemata that uses variations of material, scale, forms, and architectural elements. No wall that faces a street or connecting walkway shall have a blank, uninterrupted area with any length exceeding twenty (20) feet. Delineation between ground and upper floors is encouraged by using architectural elements such as cornices, balconies, arcades, and ornamented belt courses. The frontage of buildings shall be divided into architecturally distinct sections of no more than sixty (60) feet in width. All sides, including the rear, of the building shall include materials and design characteristics consistent with those of the front.

- v. **Façade Openings.** Transparency through use of windows is required for all new buildings. Transparency of the ground level shall be calculated within the first fifteen (15) feet of the building wall, measured vertically at street level. Transparency of all non-street fronting façades shall be treated similarly so there is no significant change in aesthetic appearance. Size, orientation, proportion, grouping and detailing of all fenestrations shall be proportioned to relate to human pedestrian scale. Reflective mirrored glazing is not permitted.
 - (a) **Downtown Core Area.** Minimum percentages of fenestration for street fronting façades of all new buildings are as follows - all non-residential structures and uses shall be fifty percent (50%) of surface area of horizontal wall at the ground floor and twenty percent (20%) of upper floors; all residential uses shall be thirty-five percent (35%) of surface area of horizontal walls at the ground floor and twenty percent (20%) of upper floors.
 - (b) **Downtown Gateway Area.** Minimum percentages of fenestration for street fronting façades of all new buildings are as follows - all non-residential structures and uses shall be thirty-five percent (35%) of surface area of horizontal wall at the ground floor and twenty percent

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(20%) of upper floors; all residential uses shall be twenty-five (25%) of surface area of horizontal wall at the ground floor and twenty percent (20%) of upper floors.

vi. **Building Orientation.**

- (a) In the DCA, all buildings shall face Shallowford Road or the Great Wagon Road. In the DCA and DGA, all buildings shall be oriented so that they abut a public right of way with no intervening parking area. Sidewalks constructed to minimum NCDOT and/or Town Street standards shall be provided for the safe transition of the pedestrian user from any off-street on-site parking to the primary user entrance. There shall be a public-private setback zone to each building. This will provide sidewalk activity areas for outdoor exhibits, benches, porches, places for conversation, shelters from weather, and pedestrian oriented identity to the specific use of the building. The zone shall be six (6) feet deep and be established beyond the sidewalk along the façade, with fifty percent (50%) of this area free of permanent structural elements to allow the addition of street amenities.
- (b) Building walls with street frontage shall emphasize pedestrian-oriented architectural features such as façade articulation, windows, awnings, porticos, and other similar features.
- (c) Covered Walkways. Awning covered walkways, open colonnades, or similar weather protection structures shall be provided to clearly support pedestrian circulation. These shall be encouraged and shall be designed to complement new buildings and the streetscape of the area.
- (d) Exterior Site Improvements. Pre-approved and selected features such as fences, utilities, outdoor furniture, signage and displays shall be incorporated and shall be compatible with the mass and scale of such other improvements elsewhere in the area and as otherwise governed herein.

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- (e) **Service and Utility Areas.** Service and utility areas, shipping and receiving areas and trash disposal areas shall be placed to the rear or side of a building in a visually unobtrusive location and shall be screened from view with adequately sized fencing of appropriate materials.
 - (f) **Utilities.** New utility service lines to all new buildings from existing utility service source shall be placed underground. Overhead utility crossings are not permitted. Utilities within Town maintained streets and/or NCDOT roads shall be placed underground to the property line. Oversized hotboxes are required to protect larger back-flow valves as required by NFPA-13; however, the preferred installation method is to locate said valves in an approved vault located below ground level where elevations and topography permit.
 - (g) **Color.** Color schemes for all new buildings shall incorporate a single base color and no more than two (2) compatible secondary accent colors. Earth tones are encouraged; bright primary colors are discouraged and shall only be used as accent colors as approved by the Planning Director on a case-by-case basis.
 - (h) **Lighting.** Internal or external light sources shall be oriented so as to not generate glare. Exterior fixtures shall be selected to aesthetically enhance the existing street lighting. The other standards of Section B.3-8 Other Standards shall apply.
4. **Landscaping.** Landscape plantings along front façades are required at a rate of six (6) square feet of planting area for each one (1) linear foot of horizontal wall. Human scale elements are to be incorporated per *Section B.2-4.8(G) Architectural Standards*. Plantings are to be located between the building and the parking area(s). Plantings are not required along any frontage that has a required bufferyard.
5. **Sustainability.** Conservation of natural resources and incorporation of alternate energy sources are encouraged while meeting the minimum requirements of these standards.

6. **Signs.** The maximum height of any ground sign shall be five (5) feet, excepting governmental signs erected for information, identification, or directional purposes.

(1) **Prohibited Signs.**

- i. Neon, plastic panel, and plastic panel rear lighted signs.
- ii. Off-premises signs.
- iii. Internally illuminated signs are prohibited.

(2) **Restrictions on Signs.**

- i. Only one (1) on-premises ground sign per zoning lot per street frontage is permitted.
- ii. Only one (1) of the following signs is permitted for each tenant per each exposed wall: awning, projecting, or wall.
- iii. The material and design of a sign shall be in keeping with the character of the principle use of the site.
- iv. Maximum area of awning signs shall be ten (10) square feet.

7. **Right-of-Way Dedication.** Right-of-Way dedication is required when deemed necessary by NCDOT or Town Street standards to accommodate any on-street parking and a seven (7) foot wide sidewalk. Sidewalks shall be constructed immediately adjacent to on-street parking spaces and connected to a well-defined interior pedestrian system. The property developer shall dedicate public right-of-way or public road maintenance easements as recommended by the Planning Director, Public Works Director or the NCDOT and must be approved by the Town.

8. **Parking.** Parking lots shall be designed to allow the safe movement of pedestrians from their vehicles to the building(s). Parking lots shall be located to the rear or side of the primary structure. Outparcel development should be sited so as to create a courtyard-style site plan which surrounds the development's parking. Large parking lots shall be designed to distribute parking throughout the site and developed as a series of smaller, interconnected parking areas separated by driveways, drive aisles, landscape medians, pedestrian corridors,

or similar. Any off-street parking, whether located to the front, side or rear of the primary structure, must be screened from the road. "Front" and "Rear" shall be determined, for the purposes of this subsection, by the orientation of the primary structure(s) to Town Streets or NCDOT maintained roads, and not in relation to the location(s) of entrance(s) to the structure(s).

- (1) **Credits.** On-street parking satisfying the off-street parking requirements is permitted provided the following requirements are met:
 - i. All parking shall be angled or parallel meeting the requirements of *Table B.3.4 Parking Dimensions* and must be approved by the Town, NCDOT, or other agency, whichever is applicable.
 - ii. Credit shall be limited to all available public on-street parking within a radius of two hundred fifty (250) feet of the midpoint of the subject property's road frontage. Each on-street parking space thus credited may be used in lieu of required off-street parking on a one-for-one basis.
- (2) **Connectivity.** Parking areas shall be designed to allow for connectivity between adjoining lots, except where topographic conditions prohibit a feasible connection.
9. **Required Improvements.** The property developer shall construct all required improvements within public rights-of-way to applicable public design standards, unless prohibited by NCDOT, utility providers, or other related entities.
10. **Bufferyards and Other Screening Requirements.**
 - (1) **Downtown Overlay Perimeter Yards.** A Type II bufferyard shall be required when the perimeter yard boundary corresponds with the Downtown Overlay boundary and the adjacent property is zoned residential for single family development.
 - (2) **Side Yards.** A Type II bufferyard shall be required in side yards when the adjacent property is zoned residential for single family development. Owners of properties within the Downtown Overlay may remove side yard buffers when pre-development conditions, which required the installation, no longer exist.

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- (3) **Fencing.** Materials such as brick-masonry, stone, ornamental iron, wooden materials, or of the same material as that of the principle building are approved for use throughout the overlay district. Vinyl coated (dark green/black) chain link fencing may be used in conjunction only with those uses allowed within the IP zoning districts located within the Downtown Overlay District.
 - (4) **Plantings.** Where a chain link fence is utilized, site appropriate landscaping shall be incorporated. All required vegetation shall be planted on the exterior side of the fence and be in addition to those plantings and bufferyards required by the Lewisville Downtown Overlay District.
11. **Alternative Compliance.** The Planning Board may consider site plans varying from setbacks and other dimensional requirements of the UDO in the Downtown Overlay, where there might exist challenges to strict conformity with these provisions. These include, but are not limited to: zoning lots of unusual size and shape, the configuration of adjoining lots and improvements thereon, topography, parking availability, or other natural conditions beyond the control of the property owner or where prior acts of any public agency have occurred such that to require strict compliance with the standards of the UDO would compromise the intents and goals of the Downtown Overlay. Site plans varying from the requirements may be approved upon written findings specifically describing how the site plan fulfills or exceeds the intent, purposes, and requirements of the supplemental standards and that such site plan is supported by the intents and descriptions of the *Lewisville Comprehensive Plan*. Nothing in this Section shall require the Town to approve any site plan that does not comply with these requirements.
12. **Lewisville Downtown Gateway Area (DGA).** The downtown gateway area (Lewisville Downtown Zoning District 2) provides primarily for auto-dependent uses in areas not amenable to easy pedestrian access. It is expected that the gateway area will serve not only the Lewisville Community, but nearby highway travelers as well. Due to its downtown location, the moderate integration of pedestrian-oriented environs is paramount to accommodate a systematic transition from vehicular to pedestrian orientation. The following standards apply:
 - (1) The maximum building setback shall be forty (40) feet.

- (2) The minimum streetyard setback shall be fifteen (15) feet.
- (3) Parking with a maximum depth of one (1) parking bay plus a driving aisle shall be allowed adjacent to any public street.

13. **Lewisville Downtown Core Area (DCA).** In the Downtown Core Area (Lewisville Downtown District 1) an array of uses is expected in a pattern which integrates shops, restaurants, services, workplaces, civic, educational, and religious facilities, single family housing, and higher density housing in a compact, pedestrian-oriented environment. The following standards apply:

- (1) Façades that face the street or sidewalk must provide windows or other architectural features so as not to create a blank façade.
- (2) Internal or external lighting shall be oriented so as to not generate glare on sidewalks or streets.
- (3) The use of cornices, canopies, balconies, and arcades to delineate between the ground level and upper levels is required.
- (4) Medium size buildings must be broken into smaller scale components at the ground level. Medium size buildings are understood to be those between ten thousand (10,000) and twenty-five thousand (25,000) square feet.
- (5) **Public-private Setback Zone.** There shall be a public-private setback zone to each building. This will provide sidewalk activity area for outdoor exhibits, benches, porches, places for conversation, and shelter from the weather. The zone shall be six (6) feet deep and be established beyond the sidewalk along the façade, with fifty percent (50%) of this area free of building to add streetscape amenities.
- (6) **Parking Structures.** Any parking decks/structures shall be constructed of exterior materials similar to adjacent buildings. Parking structures are encouraged to demonstrate similar rhythm and break-up of solid wall masses on visible façades.
- (7) **Minimum Side yard Building Setback.** Zero (0) feet or the width of the bufferyard if required per *Section B.2-4.8(G)(10) Bufferyards and Other Screening Requirements* above.

H. PCO Pedestrian Connections Overlay

1. **Purpose.** The PCO is intended to:

- (1) Fulfill the goals of the Lewisville Comprehensive Plan while enhancing the visual character of the town;
- (2) To provide civic facilities that encourage health and wellness;
- (3) To provide a safe, efficient, and diverse transportation system, including wheelchair and disability access;
- (4) To connect residential areas with commercial and employment areas;
- (5) To promote multi- and inter-modal transportation and support transit; and
- (6) To maintain the small-town feel and traditional character of the town.

2. **Applicability.** The PCO applies to areas designated in the *Lewisville Greenway and Pedestrian Connections Plan* and the *Lewisville Comprehensive Plan*, specifically the Future Land Use Map and Greenways Map.

3. **Sidewalks.**

(1) Sidewalks are required for:

- i. All new construction and renovations, additions and/or expansions to existing commercial structures which abut proposed public roadways.
- ii. All existing office, institutional, and commercial development additions or expansions resulting in an increase of more than fifty percent (50%) of the area of the structure or the assessed tax value of the structure.
- iii. Any project adjacent to sidewalk alignments as demonstrated in the *Lewisville Greenway and Pedestrian Connections Plan*.
- iv. All new single-family residential development which is a major subdivision of ten (10) or more single-family homes. Where indicated, the *Greenway and Pedestrian Connections Plan* shall be referenced.
- v. All new multi-family residential development or mixed residential developments of ten (10) units or more.
- vi. All new streets, improved streets or extension to streets as required by the town Subdivision Ordinances.

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- vii. Any new development in the Town which may be subject to a special use permit or conditional district zoning map amendment.
- (2) All sidewalks shall be reviewed by the Public Works Director and constructed in accordance with the minimum standards of the Town of Lewisville and/or NCDOT.
- (3) Wherever a property abuts a proposed greenway alignment, the developer must install greenways (in lieu of sidewalks) to meet pedestrian access requirements or allocate right-of-way for future construction (see paragraph 4 Alternative Compliance below).
 - i. Allocated right-of-way for the purpose of greenways may be used to fulfill open space requirements for major subdivisions, special use permits, and conditional zoning map amendments.
- 4. **Limited Waiver.** A developer may choose to request a limited waiver for construction of sidewalk or greenway. A limited waiver allows the developer to propose an alternative, with the requirement that an easement is granted to the Town and recorded with the Register of Deeds for the future development of the sidewalk or greenway in accordance with adopted plans. Wherever practicable, the developer may grade for the future development of a sidewalk.
- 5. **Complete Waiver.** The Planning Board may grant a complete waiver of sidewalk construction requirements if:
 - (1) Such facilities are not in harmony with surrounding uses;
 - (2) The applicable project area, including the street frontage, is not identified as a needed pedestrian linkage within the *Greenway and Pedestrian Connections Plan* or the *Lewisville Comprehensive Plan*; or
 - (3) A sidewalk within the development is infeasible due to special circumstances, including but not limited to impending road widening or improvements, significant street trees, unusual roadside conditions or slope which would prohibit sidewalk construction.
- 6. **Alternative Compliance.** When a waiver for construction of a sidewalk or greenway is requested, the developer may propose a sidewalk plan that varies

from the strict application of the PCO to accommodate unique characteristics of the site, utilize innovative design, or provide an appropriate degree of pedestrian connectivity. An Application for alternative compliance shall include a site plan following the requirements specified in *Section A.4-3.10 Site Plan*. A waiver may only be approved by the Planning Director or Planning Board, upon a finding that the proposed alternate plan fulfills the intent and purposes of this Section.

I. Vienna Business Overlay (VBO)

1. **Applicability, Purpose and Intent.** The Vienna Business Overlay (VBO) establishes supplemental development requirements within the Vienna Business Commercial District as identified in the *Northeast Area Plan*. In the Vienna Business Overlay, a broad array of uses are expected in a pattern which integrates shops, restaurants, services, work places, civic, educational, and religious facilities, and single family housing within a pedestrian-oriented environment.
2. **General Regulations.**
 - (1) Existing development, single-family homes, and schools are exempt from these regulations. However, expansions and reconstruction after demolition or destruction of uses, except single-family homes and schools, must comply with the standards.
 - (2) The uses permitted in the underlying zoning district shall be allowed in the Vienna Business Overlay.
 - (3) All new development, expansions, reconstruction after demolition or destruction of uses, except single-family homes and schools, within the Vienna Business Overlay boundary shall require submission of site plans, landscaping plans, and building plans for review and approval by the Planning Board. Such submittal shall comply with the site plan requirements of *Section A.4-3.10(H) Form 1 Submittal Requirements* and the deadlines for all petitions and submittals published by the Planning Board, consistent with the requirements of *Section A.3-5 Planning Board*. For proposals requiring only site plan review, but not a zoning map amendment, the Planning Board shall approve any plans that meet the requirements of this Ordinance and deny

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any that do not. The Planning Board and the Town Council may require conditions to reduce impacts associated with the project as specified in *Sections A.4-3.10 Site Plan* and *Section A.4-3.3(C)(1)(1)(iv) Conditional Districts Conditions of Approval*.

- (4) The Planning Board and Town Council, if applicable, will evaluate the design of new structures in terms of the degree to which they conform to the goals, intents, and descriptions of the Overlay, while preserving and enhancing the character, integrity, and attractiveness of the Vienna community as identified in the *Northeast Area Plan*. The major objectives shall be to promote a sense of human scale; to encourage architecture which is compatible but not necessarily conforming; to create architectural transition; to provide an open environment; and to develop tree-lined streets within the VBO. New development shall be appropriate to the site, taking into account pedestrian safety and convenience. New development shall be evaluated in relation to the development standards of *Section B.2-4.8(4) Development Standards* below.
- (5) All properties for which a zoning map amendment application is submitted in the VBO shall be considered conditional rezonings according to the provisions of *Section A.4-3.3(C)(1)(1) Conditional Districts*.

3. General Dimensional Requirements - VBO.

Overlay	Minimum Zoning Lot		Minimum Setbacks				Maximum Impervious Surface Cover (%)	Maximum Height (ft)
					Side			
	Area (sf)	Width (ft)	Front (ft)	Rear (ft)	Interior Side (ft)	Street (ft)		
VBO	-	-	BTL	-	0.5/10 ¹	-	-	48

Footnotes:

1. Side yards are not required, however any side yard provided adjacent to an interior lot line shall be not less than twelve (12) feet in width. A space of less than six (6) inches in width between an interior lot line and a building wall shall not be regarded as a side yard.

4. **Development Standards.** In the VBO, a broad array of uses is expected in a pattern which integrates shops, restaurants, services, workplaces, civic, educational, and religious facilities, single-family housing into a pedestrian-oriented environment.
 - (1) **Public-Private Setback Zone.** There shall be a public-private setback zone to each building. This will provide sidewalk activity area for outdoor exhibits, benches, porches, places for conversation and dining, and shelter from the weather. The zone shall be six (6) feet deep and be established beyond the sidewalk along the façade, with fifty percent (50%) of this area free of building to add streetscape amenities.
 - (2) **Parking Structures.** Any parking decks/structures shall be constructed of exterior materials similar to adjacent buildings. Parking structures are encouraged to demonstrate similar rhythm and break-up of solid wall masses on visible façades.
5. **Sidewalks.** Existing "built at the curb" sidewalks may remain if applicable. The standard sidewalk shall be a minimum of seven (7) feet wide. Locations where the BTL is more than ten (10) feet behind the street right-of-way line, the sidewalks may be relocated away from the curb to allow for a curbside planting area.
6. **Parking.**
 - (1) **Amount Required.** For any permitted use in the VBO, the required amount of parking may be reduced by thirty percent (30%). This reduction shall not affect the required handicapped parking or loading spaces for that use.
 - (2) **Location.** Parking lots shall be located to the rear or side of the primary structure. Outparcel development shall be sited so as to create a courtyard-style site plan which surrounds the development's parking. Large parking lots shall be divided into smaller parking rooms that are defined by landscape planting and site furniture. Any off-street parking, whether located to the front, side, or rear of the primary structure, must be screened from any road right-of-way. "Front" and "Rear" shall be determined, for the purpose of this subsection, by the orientation of the primary structure(s) to Town Streets or NCDOT maintained road, and not in relation to the location(s) of entrance(s) to the structure(s).

- (3) **Credits.** On-street parking satisfying the off-street parking requirements is permitted (if applicable) provided the following requirements are met:
- i. Sites eligible for the credit below shall not generally be located on streets classified as collectors or thoroughfares. However, the North Carolina Department of Transportation (NCDOT), or other applicable agency may consider locations on collectors or thoroughfares on a case by case basis.
 - ii. Parking shall be located on road frontage contiguous to the site.
 - iii. All parking shall be angled or parallel meeting the requirements of *Table B.3.4 Parking Dimensions*, and must be approved by the Public Works Department of the Town of Lewisville, the NCDOT, or other agency, whichever is applicable.
 - iv. Credit for on-street parking (if applicable) shall not exceed thirty-five percent (35%) of the total off-street parking requirements of the site. The thirty percent (30%) reduction for VBO shall be applied first.
 - v. Publicly owned and/or operated parking areas intervened by no more than two (2) properties may be credited as available on-street parking.
 - vi. Sidewalks shall be constructed immediately adjacent to on-street parking spaces and connected to a well-defined interior pedestrian system.
 - vii. No off-street parking shall be located between a building and any on-street parking except as approved for temporary parking for an earlier phase of a multi-phase development.
 - viii. The developer shall dedicate public right-of-way or public road maintenance easements necessary to meet the requirements of *Table B.3.2 Off-Street Parking Requirements* and must be approved either by the Public Works Department of the Town of Lewisville or the North Carolina Department of Transportation, whichever is applicable.
 - ix. The developer shall construct all required improvements within public rights-of-way to applicable public design standards, unless prohibited by NCDOT, utility providers, or other related entities.
- (4) **Connectivity.** Interior parking areas shall accommodate connectivity with neighboring or planned neighboring parking areas.

7. Buffers and Street yards.

- (1) **VBO Perimeter Yards.** Type II bufferyard shall be required when the rear perimeter yard boundary corresponds with an existing residentially zoned property.
- (2) **Side Yards.** Buffering may be required in side yards when the adjacent property contains an existing single-family residence or is zoned residential for single family development. Side yard buffers may be removed when pre-development conditions, which required the installation, no longer exist.

8. Architectural Character. The following minimal architectural standards are to be shown on the site plan and included as conditions for approval of the site plan. See *Section B.2-4.8(G) Architecture Standards* for additional architectural requirements.

- (1) **Roofs.** The preferred roof pitch is between 8:12 and 12:12 pitch with the minimum pitch equaling 8:12. Overhanging eaves that project a minimum of twelve (12) inches from the roofline are required on all sloped roofs. Where the preferred roof pitch makes the height disproportionate with the proportion and mass of the building, a false slope roof acting as a mansard with a minimum pitch of 8:12, covering between forty percent (40%) and seventy percent (70%) of the exterior perimeter of the footprint can be used. The remainder of the roof may be covered with a low slope roof.
- (2) **Main Entrance.** The main entrance of a structure must be clearly defined through the use of architectural detailing and landscape plantings.
- (3) **Covered Walkways.** Awning covered walkways, open colonnades, or similar weather protection structures must be provided to further define pedestrian circulation areas.
- (4) **Canopies and Awnings.** Features shall be designed to complement the street scape of the area.
- (5) **Façade.** Openings, doorways, knee walls, windows, and other openings in the façade shall be proportioned to reflect pedestrian scale.
- (6) **Building Materials.** Acceptable building materials include brick, wood, stone, hard coat stucco or complementary siding material, except that horizontal clapboard style vinyl siding shall be reviewed for its appropriateness and

application on a case by case basis. Concrete masonry units are not acceptable. Asphalt shingles are the preferred roofing material.

- (7) **Color.** The predominant color of the buildings shall be of a tone which is compatible with surrounding buildings. Earth tones are encouraged, and bright colors shall only be used as accents to the overall building.
9. **Signs.** Ground signs shall only be located where the business to which the sign refers is located and shall be a minimum of five (5) feet from the right-of-way line.
 - (1) **Prohibited Signs.**
 - i. Neon, plastic panel and plastic panel rear lighted signs.
 - ii. Off-premises signs.
 - iii. Internally illuminated signs.
 - iv. **Restrictions on Signs.**
 - v. Only one on-premises ground sign per zoning lot per street frontage is permitted.
 - vi. Only one of the following signs is permitted for each tenant per each exposed wall: awning, projecting, or wall.
 - vii. The material and design of a sign shall be in keeping with the character of the principal use of the site. Maximum area of awning signs shall be ten (10) square feet.
 - viii. The maximum height of any ground sign shall be five (5) feet, excepting governmental signs erected for information, identification, or directional purposes. Sign height shall be measured from the highest portion of the copy area.
10. **Landscape.** Landscape plantings along front façades are required at a ratio of six (6) square feet of planting area for each one foot of horizontal wall. Human scale elements are to be incorporated into large undefined expanses of walls. Plantings are to be located between the building and the parking area(s). Plantings are not required along any frontage that has a required bufferyard.
11. **Building Orientation.**
 - (1) All buildings shall face a Town Street or NCDOT maintained road, and provide a principal entrance to the building from the street side of the structure.
 - (2) All buildings shall front on at least one side, preferably the entrance side of the building, on a street with no intervening parking area.

12. **Service Areas and Utilities.** Service areas, including but not limited to shipping and receiving areas and trash disposal areas, are to be to the rear or side of buildings in a visually unobtrusive location and to be screened.
13. **Permitted Uses in VBO.** See *Table B.2.12 Permitted Uses*. with the following exceptions:
- (1) General Retail [not to exceed fifteen thousand (15,000) square feet of gross floor area for all units].
 - (2) Banking and Financial Services [no more than two (2) accessory ATM stations or drive through islands permitted].
 - (3) Building Contractors, General (no vehicle/equipment or outdoor storage).
 - (4) Motor Vehicle, Repair and Maintenance (no outdoor storage). All work and storage shall be in an enclosed building.
 - (5) Services, Personal (with the following exceptions from SIC Code 7299 "Miscellaneous Personal Services": Coin-operated service machine operation: scales, shoeshine, lockers and blood pressure; Comfort station operation; Dating service; Escort service; Locker rental, except cold storage; Marriage bureaus; Massage parlors; Restroom operation; Steam baths; Tattoo parlors; and Turkish baths).
 - (6) Other uses as may be determined consistent with *Section B.2-5.1(C) New or Unlisted Uses of Similar Nature*.
14. **Alternative Compliance.** The Planning Board or Town Council, if applicable, may consider site plans varying from setbacks and other dimensional requirements of *Section B.3 Other Development Standards* below, where the lot size, configuration, topography, nature, and configuration of adjoining lots and improvements thereon, parking availability, or other natural conditions beyond the control of the property owner exist or where prior acts of any public agency have occurred such that to require strict compliance with the standards would compromise or contradict the spirit and intent of the requirements. Site plans varying from the requirements may be approved only upon a written finding specifically articulating how the site plan fulfills the intent and purpose of the requirements as well as or better than would strict conformance with the requirements, and that such site plan is in harmony with the *Northeast Area Plan*. Nothing in this Section shall require the Town Council to approve any site plan

that does not comply with the requirements, despite the presentation of evidence that might allow the required findings to be made.

2-5. USES AND USE CONDITIONS

2-5.1. PERMITTED USES

A. **Table B.2.12.**

1. *Table B.2.12* displays the principal uses allowed in each zoning district and references use conditions. *Table B.2.12* should be read in conjunction with the definitions of principal uses and other terms in *Section A.2 Definitions*. Land, buildings and structures shall only be used in accordance with the districts shown on the Official Zoning Maps and subject to all requirements and conditions specified in this Ordinance.
2. This Table should be used in conjunction with *Sections B.2-5.1 Permitted Uses* through *Section B.2-5.4 Use Standards and Conditions*.

B. **Established Nonconforming Uses.** Nonconforming uses as regulated in *Section A.5-2 Nonconforming Uses* shall be permitted.

C. **New Or Unlisted Uses Of Similar Nature.** When a use is not listed in *Table B.2.12 Permitted Uses*, the Planning Director shall classify the use with that use in the schedule most similar and enforce the requirements of the similar listed use.

D. **Application Of Table B.2.12.**

1. **Zoning Permit from Planning Director or Planning Board.** Uses identified in a particular district column with a “P” require only issuance of a zoning permit by the Planning Director, Planning Board, or designee and shall be allowed in such district with such conditions as referenced in the Conditions column, subject to all other applicable requirements of this Ordinance.
2. **Special Use Permit Approval by Board of Adjustment.** Uses identified in a particular district column with an “S” shall be permitted in such district upon approval of a special use permit by the Board of Adjustment with such conditions as referenced in the Conditions column, subject to all other applicable requirements of this Ordinance as identified in *Section B.2-5.4 Use Standards and Conditions*.

3. **Conditional Zoning Approval by Town Council.** Uses identified in a particular district column with a “CZ” shall be permitted in such district upon approval of Conditional Zoning by the Town Council and shall be allowed in such district with such conditions as referenced in the Conditions column, subject to all other applicable requirements of this Ordinance.

E. Other Development Requirements Of The Zoning Ordinance.

1. **Additional Development Requirements.** In addition to the regulation of uses pursuant to *this Section B.2-5 Uses and Conditions* and the use conditions of *Section B.2-5.4 Use Standards and Conditions*, the following additional development requirements of this Ordinance may apply to specific properties and situations.

(1)	<i>Section B.2-4.2</i>	Supplementary Dimensional Requirements
(2)	<i>Section B.2-4.8</i>	Overlay and Special Purpose Zoning Districts
(3)	<i>Section B.2-5.2</i>	Accessory Uses
(4)	<i>Section B.2-5.3</i>	Temporary Uses
(5)	<i>Section B.2-4.1</i>	Dimensional Standards – General Requirements
(6)	<i>Section B.3-1</i>	Sign Regulations
(7)	<i>Section B.3-2</i>	Parking and Loading Standards
(8)	<i>Section B.3-3</i>	Landscaping Standards
(9)	<i>Section B.3-4</i>	Bufferyard Standards
(10)	<i>Sections B.3-5 through B.3-8</i>	Various Development Standards
(11)	<i>Section B.4</i>	Historic Preservation
(12)	<i>Section A.5</i>	Nonconformities

2. **Site Plan Review Conditions.** For uses which require review by the Planning Board, the Board of Adjustment, and/or the Town Council, or for conditional use district rezoning requests, additional conditions may be recommended or placed on the use pursuant to *Section A.3-5 Planning Board*, *Section A.3-4 Zoning Board of Adjustment*, *Section A.4-3.5 Special Use Permit*, and *Section A.4-3.3(C)(1)(1) Conditional Districts*.
3. **Nonresidential Development Standards.** In addition to the regulation of uses pursuant to this Section and the use conditions of *Section B.2-5.4 Use Standards*

SECTION B.2 – ZONING REGULATIONS

and Conditions, the following additional development requirements of this Ordinance shall apply to all nonresidential uses (excluding agricultural uses) for General Use Zoned properties within the municipal boundaries of Lewisville. The Planning Board shall review a site plan as called for in *Section A.4-3.10(C) Uses and Activities Requiring Site Plans*.

(1)	<i>Section B.3-4</i>	Bufferyard Standards
(2)	<i>Section B.3-3</i>	Landscaping Standards
(3)	<i>Section A.4-3.10</i>	Site Plan Review

Table B.2.12 Permitted Uses

Key: P = Permitted; S = Special Use Permit; CZ = Conditional Zoning, P ¹ = Planning Board Approval	Additional Standards Conditions	Use and	Yadkin River Conservation (YR)	Agricultural (AG)	Residential Single Family (RS-40)	Residential Single Family (RS-30)	Residential Single Family (RS-20)	Residential Single Family (RS-12)	Residential Single Family (RS-9)	Residential Multi-family (RM-5)	Residential Multi-family (RM-8)	Residential Multi-family (RM-12)	Manufactured Housing Development (MH)	Neighborhood Office (NO)	General Office (GO)	Pedestrian Business (PB)	Limited Business (LB)	Highway Business (HB)	General Industrial (GI)	Institutional and Public (IP)	Campus (C)	Campus District 1 - Conditional (CD1-C)	Mixed Use - Conditional (MU-C)	Lewisville Downtown 1 (LD1-C)	Lewisville Downtown 2 (LD2-C)
			RESIDENTIAL USES																						
Residential Building, Single Family	B.2-5.4()		P	P	P	P	P	P	P	P	P	P	P	P		P					P		P	P	
Duplex										P	P	P		P									P		
Townhome	B.2-5.4(A)(46)									P ¹	P ¹	P ¹		P ¹		P ¹							P ¹		
Twin Home	B.2-5.4(A)(46)									P	P	P		P									P		
Multi-family	B.2-5.4(A)(46)									P ¹	P ¹	P		P ¹		P ¹							P ¹		
Major Subdivision					P ¹	P ¹	P ¹	P ¹	P ¹																
Planned Residential Development	B.2-5.4(A)(41)				CZ	CZ	CZ	CZ	CZ	CZ															
Manufactured Home, Class A	B.2-5.4(A)(29)(1)				S	S							P												
Class B	B.2-5.4(A)(29)(2)												P												
Class C	B.2-5.4(A)(29)(2)												P												
Class D	B.2-5.4(A)(29)(3)																								
Manufactured Housing Development	B.2-5.4(A)(30)												P												
Boarding or Rooming House	B.2-5.4(A)(6)											P				P		P					P		
Congregate Care Facility	B.2-5.4(A)(14)										S	S				S							P		
Family Care Home	B.2-5.4(A)(17)		P	P	P	P	P	P	P	P	P	P	P								P		P		

Key: P = Permitted; S = Special Use Permit; CZ = Conditional Zoning, P1 = Planning Board Approval	Additional Standards Conditions	Use and	Yadkin River Conservation (YR)	Agricultural (AG)	Residential Single Family (RS-40)	Residential Single Family (RS-30)	Residential Single Family (RS-20)	Residential Single Family (RS-12)	Residential Single Family (RS-9)	Residential Multi-family (RM-5)	Residential Multi-family (RM-8)	Residential Multi-family (RM-12)	Manufactured Housing Development (MH)	Neighborhood Office (NO)	General Office (GO)	Pedestrian Business (PB)	Limited Business (LB)	Highway Business (HB)	General Industrial (GI)	Institutional and Public (IP)	Campus (C)	Campus District 1 - Conditional (CD1-C)	Mixed Use - Conditional (MU-C)	Lewisville Downtown 1 (LD1-C)	Lewisville Downtown 2 (LD2-C)
RESIDENTIAL USES																									
Family Group Home Facility	B.2-5.4(A)(18)		S	S	S	S	S	S	S	S	S	S				S				S	P		S		
Life Care Community	B.2-5.4(A)(27)		S	S	S	S	S	S	S	S	S	S				S					P		P		
Temporary Family Health Care Structures	B.2-5.4(A)(55)	P	P	P	P	P	P	P																	
AGRICULTURAL USES																									
Agricultural Production, Crops	B.2-5.4(A)(4)	S	P	S	S	S																			
Animal Feeding Operation		S	P																P						
RETAIL AND WHOLESALE TRADE																									
ABC Store (liquor)														P	P		P	P					P		P
Arts and Crafts Studio														P	P	P	P	P	P				P	P	P
Bakery/Coffee Shop																P	P	P					P	P	P
Bar/Lounge																P	P	P					P		
Building Materials Supply																		P	P				P		
Convenience Store, without gasoline																P	P	P					P	P	P
Convenience Store, with gasoline																P	P	P					P		
Food or Drug Store																P	P	P					P	P	P
Furniture and Home Furnishings Store (See also General Retail)																P	P	P					P	P	P
General Merchandise Store																P	P	P					P	P	P

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			RETAIL AND WHOLESALE TRADE																						
Hardware Store																P	P	P					P	P	P
Implement Sales and Service																		P	P				P		
Micro-Brewery or Micro-Distillery	B.2-5.4(A)(32)	P 5	P 5													P	P	P					P	P	P
Vineyard, Winery		P	P													P	P	P							
Motor Vehicle Dismantling and Wrecking Yard	B.2-5.4(A)(34)																		S				S		
Nursery, Lawn and Garden Supply Store, Retail																P	P	P					P		
Outdoor Display Retail	B.2-5.4(A)(38)																P ²	P					P		
Restaurant (with drive-through service)																		P	P				P		
Restaurant (without drive-through service)																P	P	P	P				P	P	P
Retail Store, Specialty or Miscellaneous (See also General Retail)																P	P	P					P		
Shopping Center	B.2-5.4(A)(50)															P ¹	P ¹	P ¹					P ¹		
Storage Trailer																			P						
Wholesale Trade A																		P	P				P		
Wholesale Trade B																			P				P		

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BUSINESS AND PERSONAL SERVICES																										
Residential and Non-residential Building Services																P		P	P				P			
Adult Establishment	B.2-5.4(A)(3)																	S	S							
Armature Rewinding Shops																P		P	P				P			
Banking and Financial Services																P	P	P	P				P	P ³	P ³	
Barber Shops															P	P	P	P					P	P	P ⁴	
Beauty Shops															P	P	P	P					P	P	P ⁴	
Bed and Breakfast	B.2-5.4(A)(5)			S	S	S	S	S	S	S	P	P		S		P	P	P	P	P	P		P	P	P	
Boat, RV Sales & Service																	P	P	P							
Building Contractors, General																P		P	P							
Building Contractors, Heavy																			P				P			
Car Wash	B.2-5.4(A)(8)																P	P					P			
Coin-operated laundries and cleaning															P	P	P	P					P	P	P ⁴	
Commercial Art															P	P	P	P	P				P	P	P	
Commercial Mailing															P	P	P	P	P				P	P	P	
Computer Programing and other related services															P	P	P	P	P				P	P	P	
Data Processing															P	P	P	P	P				P	P	P	

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			BUSINESS AND PERSONAL SERVICES																						
Drycleaning Plants (except rug, carpet, and upholstery cleaning)															P	P	P	P					P	P	P ⁴
Electrical Repair Shops															P	P	P	P					P	P	P 4
Equipment Rental and Leasing (inside equipment storage)															P	P	P	P	P				P	P	P
Equipment Rental and Leasing (outside equipment storage)																P		P	P				P		
Farmer’s Market			P	P												P	P	P		P			P		
Funeral Home															P	P	P	P		P			P		P
Health Care Facilities														P ¹	P ¹	P ¹		P ¹	P ¹	P ¹			P ¹		
Hotel or Motel																P		P					P		P
Jewelry Repair Shops															P	P	P	P					P	P	P ⁴
Kennel	B.2-5.4(A)(23)		S	S	S	S	S											S	S						
Laundry, Cleaning and Garment Services																P		P	P				P		
Medical and Surgical Offices	B.2-5.4(A)(31)													P	P	P	P	P	P		P		P	P	P
Medical or Dental Laboratory															P	P		P	P				P	P	P
Miscellaneous Business Services															P	P	P	P	P				P	P	P
Miscellaneous Personal Services															P	P	P	P					P	P	P ⁴

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			BUSINESS AND PERSONAL SERVICES																						
Motor Vehicle, Body or Paint Shop																		P	P				P		
Motor Vehicle, Rental and Sales (New, Used, Lease)																	P	P	P						
Motor Vehicle, Repair and Maintenance	B.2-5.4(A)(35)																P ¹	P	P				P		
Motor Vehicle, Storage Yard	B.2-5.4(A)(36)																	P	P				P		
Non-Store Retailer														P	P	P	P	P	P				P	P	P
Outdoor Advertising Services																P		P	P				P		
Pet Grooming Facility																P	P	P					P	P	P
Photography Studios (portraits)															P	P	P	P					P	P	P ⁴
Professional Office														P	P	P	P	P	P				P	P	P
Refrigeration Service and Repair																P		P	P				P		
Reupholstery and Furniture Repair Shops															P	P	P	P					P	P	P ⁴
Shoe Repair															P	P	P	P					P	P	P ⁴
Signs, Off-Premises	B.2-5.4(A)(51)																	P	P						
Special Event Venue		P ⁶	P ⁶														P	P	P		P		P		
Storage Services, Retail																P		P	P				P		
Testing and Research Lab																	S	S	S				S	P	P
Veterinary Services	B.2-5.4(A)(59)															P		P	P					P	P

Key: P = Permitted; S = Special Use Permit; CZ = Conditional Zoning, P ¹ = Planning Board Approval	Additional Standards Conditions	Use and	Yadkin River Conservation (YR)	Agricultural (AG)	Residential Single Family (RS-40)	Residential Single Family (RS-30)	Residential Single Family (RS-20)	Residential Single Family (RS-12)	Residential Single Family (RS-9)	Residential Multi-family (RM-5)	Residential Multi-family (RM-8)	Residential Multi-family (RM-12)	Manufactured Housing Development (MH)	Neighborhood Office (NO)	General Office (GO)	Pedestrian Business (PB)	Limited Business (LB)	Highway Business (HB)	General Industrial (GI)	Institutional and Public (IP)	Campus (C)	Campus District 1 - Conditional (CD1-C)	Mixed Use - Conditional (MU-C)	Lewisville Downtown 1 (LD1-C)	Lewisville Downtown 2 (LD2-C)
			BUSINESS AND PERSONAL SERVICES																						
Warehousing																P		P	S						
Welding Repair																P		P	P				P		
RECREATIONAL USES																									
Community Garden			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Golf Course	B.2-5.4(A)(20)		S	S	S	S	S	S	S	S	S	S	S					P	P	P			P		
Golf Driving Range	B.2-5.4(A)(21)		P	P	P	P	P	P	P	P	P	P	P					P	P	P			P		
Recreation Services, Indoor	B.2-5.4(A)(44)															P	P	P		P			P	P	P
Recreation Services, Outdoor	B.2-5.4(A)(44)		S	S												P		P	P	P			P		
Recreation Facility, Public			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P		
Recreational Vehicle Park	B.2-5.4(A)(43)		S	S	S	S						S													
Riding Stable	B.2-5.4(A)(47)		S	S	S	S	S											S				S	P		
Shooting Range, Indoor				S														P	P	P					
Swimming Pool, Private	B.2-5.4(A)(54)		P	P	P	P	P	P	P	P	P	P	P			P						P	P		P
Theater, Drive-In	B.2-5.4(A)(56)																	P							
Theater, Indoor																P		P					P	P	P
INSTITUTIONAL AND PUBLIC USES																									
Adult Day Care Center											S	S		S	S	S	S	S		S			P		
Adult Day Care Home			P	P	P	P	P	P	P	P	P	P	P	P		P							P		
Animal Shelter, Public	B.2-5.4(A)(59)																P	P	P	P			P		

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			INSTITUTIONAL AND PUBLIC USES																						
Cemetery, Licensed	B.2-5.4(A)(9)			S	S	S												P		P			P		
Cemetery, Private Family	B.2-5.4(A)(9)		P	P	P	P	P	P	P	P	P	P	P												
Child Care (Drop-in)	B.2-5.4(A)(10)														P	P	P	P	P	P	P		P		
Child Care Facility	B.2-5.4(A)(11)		S	S	S	S	S	S	S	S	S	S		S	S	S	S	S		S	S		S		
Child Day Care Center	B.2-5.4(A)(12)										S	S		S	S	S	S	S		S	S	S	P		P
Club or Lodge	B.2-5.4(A)(13)														P	P	P	P					P	P	P
College or University															P	P		P		P	P		P		P
Community Center														P	P	P	P	P	P	P			P	P	P
Correctional Institution	B.2-5.4(A)(15)																S		P ¹	P ¹		P ¹		P ¹	
Dirt Storage	B.2-5.4(A)(16)		S	S	S	S	S										S	S	S	S					
Government Offices														P	P	P	P	P	P	P			P	P	P
Group Care Facility A												P				S							P		
Group Care Facility B																S							P		
Habilitation Facility	B.2-5.4(A)(22)			S	S	S	S	S	S	S	S	S					S		S			S			
Hospital or Health Center															P				P			P		P	
Landfill, Construction and Demolition	B.2-5.4(A)(24)																	S	S						
Landfill, Land Clearing/Inert Debris	B.2-5.4(A)(25)			S	S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S		P		
Library, Public	B.2-5.4(A)(26)			S	S	S	S	S	S	P	P	P		P	P	P	P	P		P			P	P	P
Limited Campus Uses	B.2-5.4(A)(28)							S	S	S	S	S		S			P					P		P	P

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INSTITUTIONAL AND PUBLIC USES																									
Museum or Art Gallery															P	P	P	P		P	P		P	P	P
Nursing Care Institution	B.2-5.4(A)(37)													S	P	P		P	P	S			S		
Police or Fire Station	B.2-5.4(A)(42)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Post Office														P	P	P	P	P	P	P			P	P	P
Religious Institution, Community	B.2-5.4(A)(45)		S	S	S	S	S	S	S	S	S	S	S		P	P	P	P	P	S	P	S	P		
Religious Institution, Neighborhood	B.2-5.4(A)(45)		P1	P1	P1	P1	P1	P1	P1	P1	P1	P1	P	P	P	P	P	P	P	P1	P	S	P1	P	P
School, Private or Charter	B.2-5.4(A)(48)			S	S	S	S	S	S	S	S	S	S	S	S	S	S			S	P	S	P	P	P
School, Public	B.2-5.4(A)(49)			S	S	S	S	S	S	S	S	S	S	S	S	S	S			S	P		P		P
School, Vocational or Professional										S	S	S			P	P	P	P	S	S	P		P		P
Stadium, Coliseum, or Exhibition Building																P		P				P			
MANUFACTURING AND MINING																									
Asphalt and Concrete Plant																			P						
Borrow Site	B.2-5.4(A)(7)		S	S															S						
Bulk Storage of Petroleum Products																			P				S		
Commercial Cryptocurrency Mining																		P1	P1						
Cryptocurrency Data Center																		P1	P1						
Cryptocurrency Server Farm																		P1	P1						

Key: P = Permitted; S = Special Use Permit; CZ = Conditional Zoning, P ¹ = Planning Board Approval	Additional Standards Conditions	Use and	Yadkin River Conservation (YR)	Agricultural (AG)	Residential Single Family (RS-40)	Residential Single Family (RS-30)	Residential Single Family (RS-20)	Residential Single Family (RS-12)	Residential Single Family (RS-9)	Residential Multi-family (RM-5)	Residential Multi-family (RM-8)	Residential Multi-family (RM-12)	Manufactured Housing Development (MH)	Neighborhood Office (NO)	General Office (GO)	Pedestrian Business (PB)	Limited Business (LB)	Highway Business (HB)	General Industrial (GI)	Institutional and Public (IP)	Campus (C)	Campus District 1 - Conditional (CD1-C)	Mixed Use - Conditional (MU-C)	Lewisville Downtown 1 (LD1-C)	Lewisville Downtown 2 (LD2-C)
MANUFACTURING AND MINING																									
Fuel Dealer																		P	P						
Industrial, Light																			P				P		
Industrial, General																			P						
Storage & Salvage Yard	B.2-5.4(A)(52)																	P	P						
TRANSPORTATION AND UTILITIES																									
Broadcast Studio															P	P	P	P	P				P		
High Density Load Service																		P ¹	P ¹						
Park and Shuttle Lot	B.2-5.4(A)(39)																	P	P	P					
Parking, Commercial																P	P	P	P				P		P
Parking, Off-Site, for Multi-family or Institutional Uses	B.2-5.4(A)(40)									S	S	S								S				S	S
Terminal, Bus or Taxi																P		P	P				P		
Terminal, Freight																			P						
Transmission Tower	B.2-5.4(A)(57)	S	S	S	S	S				S	S	S	S		S		S	S	S	S	S		S		
Utilities	B.2-5.4(A)(58)	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P

Notes:

1. Zoning Permit requires Planning Board Approval
2. See B.2-4.5(G)(3) Supplementary District Requirements for Areas North of Yadkinville Road
3. No more than two (2) accessory ATM stations or drive through islands are permitted
4. Miscellaneous Personal Services are permitted with the exception of: Coin-operated Service machine operation: scales, shoeshine, lockers and blood pressure; Comfort Station operation; Dating Service; Escort Service; locker rental, except cold storage; Marriage Bureaus; Massage Parlors; Restroom Operation; Steam Baths; Tattoo Parlors; and Turkish baths
5. Micro-Brewery or Micro-Distillery shall only be permitted in association with a bona fide farm per G.S. 160D-903
6. Special Event Venue is permitted in the AG and YR district only in conjunction with bona fide farm status.

2-5.2. ACCESSORY USES

A. General Requirements.

1. **Accessory Uses Permitted.** A use accessory to a principal use is permitted if the accessory use is clearly identified in *Table B.2.13 Uses Accessory to Certain Principal Uses* or *Table B.2.14 Accessory Uses Permitted by District*, or a similar use that may not be identified in the table.
2. **Same Zoning Lot.** An accessory use must be located on the same zoning lot as the principal use to which it is accessory, except for off-site parking or other use provided for by this Ordinance.
3. **Subordinate to the Principal Use.** An accessory use must be clearly subordinate in area, extent of activity, or purpose to the principal use to which it is accessory.
4. **Compliance with Ordinance Requirements.** An accessory use must comply with all applicable dimensional and other requirements of this Ordinance.

B. Uses Accessory to Certain Principal Uses.

1. Uses not otherwise permitted in the zoning district are permitted as accessory to the following principal uses as indicated. This Section does not limit the Planning Director in permitting other accessory uses under *Section B.2-5.2(A)(1) Accessory Uses Permitted*.

Table B.2.13 Uses Accessory to Certain Principal Uses

Principal Use		Uses Accessory to the Principal Use
Residential Building, Multi-family		Management office for the premises, gate houses, self service laundries, and club house and recreation facilities for use by residents of the multi-family complex.
Residential Development, Family; Townhouse; Home	Housing Single Duplex; Twin	Gate houses and club houses and recreation facilities for use by residents of the development

SECTION B.2 – ZONING REGULATIONS

Principal Use	Uses Accessory to the Principal Use
Manufactured Housing Development	Management offices for the premises, gate houses, self service laundries, and club house and recreation facilities for use by residents of the manufactured housing development.
General Industrial	Administrative offices; gate houses; a guard or caretaker dwelling; meeting halls, dining areas, clinics, libraries, adult and child day care centers, and recreation facilities operated solely for employees; and, contract and financial postal facilities. The total area of all such uses shall not exceed twenty-five percent (25%) of the total gross floor area of the zoning lot.
Offices -Government -Medical or Dental -Miscellaneous - Professional	Services and retail sales such as barber and beauty shops, valet shops, dining facilities, self-service canteens, news and tobacco sales stands, clinics, libraries, adult and child day care centers, and similar services which are designed and operated primarily to serve occupants of the office building in which they are located. The total area of all such uses shall not exceed five percent (5%) of the total floor area of the office building in which they are located. These accessory uses shall not have any exterior display window, advertisement or means of access for patrons except from an interior area of the office building.
Recreational Vehicle Park	Management offices, recreational facilities, toilets, showers, dumping stations, coin-operated laundry facilities, and other uses and structures designed for visitors to the park.
Schools, Public Secondary	School stadiums.
Schools, College or University.	Campus housing.

SECTION B.2 – ZONING REGULATIONS

Principal Use	Uses Accessory to the Principal Use
Industrial Uses in GI	Retail uses, including but not limited to show rooms and employees services. The total area of all such retail uses shall not exceed twenty-five percent (25%) of the principal industrial building. All such retail use shall be conducted within the principal industrial building.
Restaurant	Manufacture and preparation of food, a portion of which is sold and consumed on site at the restaurant. The manufacturing must take place in the same building as the restaurant, and the total area of such manufacturing uses shall not exceed sixty percent (60%) of the floor area.
General Industrial (preparation of food)	Restaurant, (without drive-through service) if otherwise not permitted as a permitted use, where food purchased and consumed is prepared on site. The restaurant must be located in the same building as the manufacturing (food preparation), and the total area of the restaurant shall not exceed forty percent (40%) of the floor area.
Major Subdivision (Residential) approved under <i>Section D.6 Major Subdivisions</i> of the Subdivision Regulations	Riding Stable, incorporated in the initial design and Preliminary Approval of the Major Subdivision
Recycling Center	Recycling Plant

Table B.2.14 Accessory Uses Permitted by District

		Yadkin River Conservation (YR)	Agricultural (AG)	Residential Single Family (RS-40)	Residential Single Family (RS-30)	Residential Single Family (RS-20)	Residential Single Family (RS-12)	Residential Single Family (RS-9)	Residential Multi-family (RM-5)	Residential Multi-family (RM-8)	Residential Multi-family (RM-12)	Manufactured Housing Development (MH)	Neighborhood Office (NO)	General Office (GO)	Pedestrian Business (PB)	Limited Business (LB)	Highway Business (HB)	General Industrial (GI)	Institutional and Public (IP)	Campus (C)	Campus District 1 - Conditional (CD1-C)	Mixed Use - Conditional (MU-C)	Lewisville Downtown 1 (LD1-C)	Lewisville Downtown 2 (LD2-C)
Key: P = Permitted; S = Special Use Permit	Section																							
Administrative/Management Office		S	P	P	P				P	P	P	P		P			P	P	P			P		
Accessory Dwelling Unit for Guard or Caretaker														P				P	P			P		
Accessory Dwelling Unit	B.2-5.2(D)(2)	S	S	S	S	S	S	S																
Automated Teller Machine with Drive Thru																					P		P	P
Automated Teller Machine without Drive Thru																							P	P
Car Wash	B.2-5.4(A)(57)														S	P	P					P		
Cemetery, Private Family		P	P	P	P	P	P	P	P	P	P	P												
Donation Boxes				P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Dumpsters and Other Building Services									P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Golf Driving Range	B.2-5.4(A)(21)	S	P	P	P	P	P	P	P	P	P	P												
Mail and Newspaper Boxes									P	P	P	P	P	P	P	P			P	P	P	P		
Medical or Dental Laboratory	B.2-5.2(C)(1)													P		P								
Model Home	B.2-5.4(A)(33)			P	P	P	P	P	P	P	S	S												
Motor Vehicle Storage Yards	B.2-5.4(A)(36)															P	P							

Key: P = Permitted; S = Special Use Permit	Section	Yadkin River Conservation (YR)	Agricultural (AG)	Residential Single Family (RS-40)	Residential Single Family (RS-30)	Residential Single Family (RS-20)	Residential Single Family (RS-12)	Residential Single Family (RS-9)	Residential Multi-family (RM-5)	Residential Multi-family (RM-8)	Residential Multi-family (RM-12)	Manufactured Housing Development (MH)	Neighborhood Office (NO)	General Office (GO)	Pedestrian Business (PB)	Limited Business (LB)	Highway Business (HB)	General Industrial (GI)	Institutional and Public (IP)	Campus (C)	Campus District 1 - Conditional (CD1-C)	Mixed Use - Conditional (MU-C)	Lewisville Downtown 1 (LD1-C)	Lewisville Downtown 2 (LD2-C)
Outdoor Display	B.2-5.4(A)(38)														P	P	P					P	P	P
Outdoor Entertainment/Seating															P							P	P	P
Outdoor Storage															P	P	P	S				P		
Sale of Agricultural Products Grown on Premises		P	P	P	P	P																		
Signs, Off-premises	B.2-5.4(A)(51)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Social Services on Religious Institution Campuses		P	P	P						P			P	P	P	P	P	P	P	P	P	P	P	P
Storage Facilities for Residents of the Development	B.2-5.4(A)(53)								P	P	P	P												
Transmission Towers	B.2-5.4(A)(56)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S

C. Accessory Uses and Structures Subject To Other Requirements.

1. **Medical or Dental Laboratory.** Medical or dental laboratories are permitted in the LO, LB and GO Districts as an accessory use only, provided the following conditions are met:

- (1) **Location.** The laboratory is located in a building which is used predominantly for the offices of physicians, surgeons, dentists, and practitioners in similar professions;
- (2) **Clientele.** The laboratory serves only the medical practitioners located in the same building;
- (3) **Area.** The area devoted to the laboratory does not exceed twenty-five percent (25%) of the gross floor area of the building.

2. **Banking and Financial Services.**

- (1) **Campus District.** Banking and financial services, including automatic teller machines (ATM's), are permitted in the Campus District as an accessory use only.
- (2) **Shopping Centers.** ATM's located in parking areas of shopping centers or on internally oriented out lots are not required to provide stacking spaces otherwise required in *Section B.3-4 Bufferyard Standards*.

- D. Uses Which May Only Be Accessory To Principal Uses.** The following uses may only exist or be developed as accessory uses to a principal use, as provided below:

1. **Above Ground Storage Tanks.**

- (1) **Setbacks.** Above ground storage tanks shall meet all building setback requirements of the zoning district, except storage tanks located on existing sites of institution or utility uses where existing below ground tanks are being replaced by above tanks or storage tanks with a storage capacity of five hundred (500) gallons or less located in residential zoning districts.
- (2) **Development Standards.** Above ground storage tanks which are accessory to offices, businesses, industries, or on sites of institution or utility uses and which are located within one hundred (100) feet of any public right-of-way and

not screened by a building from the street or not located within ten (10) feet of a principal building, shall meet the following standards.

i. **Screening.**

- (a) The tank shall be partially or totally screened from view from the public right-of-way.
 - (b) Said screening may consist of landscaping, planted earthen berms, natural topographic features, or a combination thereof. Landscaping shall consist of any shrubs identified in the streetyard and interior shrubs suggested plant materials plant list in *Section B.3-3.9(E) Streetyard and Interior Shrubs*. Said shrubs shall be spaced no more than eighteen (18) inches, edge to edge. No more than thirty percent (30%) of shrubs shall be deciduous.
 - (c) Said screening shall be planted a minimum height of five (5) feet from the tank and be installed along the entire length of the tank if installed horizontally or along the base of the tank if installed vertically.
 - (d) Said screening shall be maintained as long as the tank is present.
 - (e) For tanks storing flammable, combustible, hazardous or toxic materials, screening shall not interfere with Fire Department operations, and N.F.P.A. 704 I.D. placards shall be installed as required by the Fire Official.
- (3) **Signage.** No signs or advertising shall be permitted on the tank or screening, except identification signs or labels as required by State law.
- (4) **Hazardous Material.** Above ground storage tanks containing flammable, combustible, hazardous or toxic materials are not permitted in RS and RM Districts.
- (5) **Tanks with Capacity Greater than One Thousand (1,000) Gallons.** Tanks with individual storage capacity greater than one thousand (1,000) gallons are permitted only in office, business, industrial or Campus Zoning Districts, or on sites of institution or utility uses.

- (6) **Storage in Residential Districts.** The storage of more than twenty-five (25) gallons of motor vehicles fuel, Class 1, as an accessory use on any zoning lot in a residential district shall not be permitted, except on a bona fide farm.

2. Accessory Dwelling Unit (ADU)

- (1) No more than one (1) ADU may be permitted on any residential zoning lot in conjunction with a principal residence.
- (2) The ADU must be clearly subordinate to the principal dwelling unit.
- (3) Principal and accessory dwelling units must share the same driveway.
- (4) Each residence must be maintained in the same ownership.
- (5) Any ADU must conform with the front yard setback standards for the applicable zoning district. The side and rear yard setbacks shall equal at least ten (10) feet, except where a side or rear yard abuts a street or public right of way. In this instance, the setback shall equal at least 20 feet.
- (6) An ADU may only be incidental to a site-built or modular principal residence., Likewise, an ADU must be a site-built structure or a modular unit.
- (7) An ADU measuring up to 576 square feet is permissible in any residential zoning district. Otherwise, they can measure 5% of the gross zoning lot area, up to a maximum of 50% of the gross heated square footage of the principal residence.

3. Accessory Structures, Residential Single Family.

- (1) Accessory structures shall be clearly incidental to the principal residential structure.
- (2) Other than permitted Accessory Dwelling Units, no accessory structure may be used for habitation.
- (3) Accessory structures shall not be permitted or constructed prior to the permitting and construction of any new principal residential structure.
- (4) Except in the YR and AG zoning districts, accessory structures must be placed in a side or rear yard, no closer to the front property line than the built-to line of the principal residential structure, excluding porches, decks, pergolas and the like.

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- (5) In the YR and AG zoning districts, accessory structures must be placed in a side or rear yard and set back a minimum of 75 feet from the front property line.
 - (6) The side and rear yard setbacks shall equal at least three (3) feet, except where a side or rear yard abuts a street or public right of way. In this instance, the setback shall equal at least 20 feet.
 - (7) In RS zoning districts, structures taller than twenty (20) feet must be set back horizontally from the side and rear property lines by one (1) additional foot per one (1) foot of vertical height above twenty (20), up to a maximum of twenty (20) horizontal feet. No structure may exceed the maximum height for the zoning district.
 - (8) The maximum size of an individual accessory structure shall not exceed 5% of the gross zoning lot area, except that accessory structures measuring up to 576 square feet are permissible in all residential zoning districts, YR and AG.
4. **Home Occupation.** A home occupation may be located in any zoning district in which primary residential uses are permitted, given that the residential character of the property and neighborhood is maintained. No home-based business may compromise public health, safety, or welfare. Home Occupations shall conform with the following standards:
- (1) Home occupations must be clearly subordinate and incidental to the principal residential structure.
 - (2) Only one home occupation shall be permitted per zoning lot.
 - (3) Home occupations may take place entirely within the principal residential structure or in one (1) accessory structure located on the same zoning lot.
 - (4) No more than twenty-five percent (25%) of the gross square footage of the principal residential structure may be used for a home-based business.
 - (5) All accessory building standards per *Section B.2-5.2(D)(4) Home Occupation* apply to those used for home occupations.
 - (6) No outdoor storage or display of materials, equipment, or goods is permitted.

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- (7) No salesroom or display window is permitted.
 - (8) The home occupation shall not use mechanical, electrical or magnetic equipment, or materials located outside of the principal or accessory structure, nor shall it produce noise, odors, vibration, or other nuisances.
 - (9) No more than one (1) additional person may be employed in a home occupation other than the residents of the principal structure.
 - (10) No more than one (1) home business-associated vehicle and/or work trailer may be parked or stored on the zoning lot, in addition to the passenger vehicles used by the residents.
 - (11) No vehicular traffic shall be generated by a home occupation in greater volume than exists for the residential uses located in the neighborhood or area.
 - (12) Off-street parking must conform to the standards indicated in *Section B.3-2.2 Off-Street Parking Requirements*.
 - (13) One (1) sign advertising the home occupation may be placed on the property, either a wall or ground sign, no larger than four (4) square feet. A ground sign shall be no taller than six (6) feet. Illumination of the sign is not permitted.
5. **Postal Facility, Contract and Finance.** Contract and finance postal facilities are allowed as an accessory use to any principal use in multi-family residential (RM), business, office, institutional or industrial districts.
- E. **Other Accessory Uses.** The following Accessory Uses are permitted subject to *Section B.2-5.2(A) General Requirements*.
1. **Campus Housing.**
- (1) The minimum site area dedicated to private campus housing shall be twenty thousand (20,000) square feet and shall be located contiguous to and associated with a private school, academy, college or university.
 - (2) There shall be a floor plan showing the number of residential units and the residential quarters for the resident supervisory personnel.

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- (3) There shall be no more than two (2) residents occupying a bedroom, and the total usable floor space shall be no less than two hundred fifty (250) square feet per resident.
 - (4) There shall be a management plan submitted with the application for Planning Board review that includes at a minimum the following:
 - (5) Adequate documentation shall be provided to show full compliance with applicable federal, state, and local regulations for this type of residential occupancy.
 - (6) A plan for noise and solid waste management approved as part of the management and site plan.
 - (7) Adequate provision for the recreation, dining and laundry needs of the residents.
 - (8) The projected maximum number of residents and resident supervisory personnel.
 - (9) The site design of private campus housing shall orient all recreational areas, front of buildings, parking facilities, and other sources of activity away from any adjoining residentially zoned areas. The façade of the structure shall be designed to be architecturally complementary with the existing Campus District in which it is located. Any proposed change to the façade of an existing structure shall be architecturally complementary with the surrounding campus.
 - (10) Campus housing shall not be established, constructed, expanded, altered, changed, operated, or occupied, except in accordance with all applicable federal, state, and local regulations.
2. **Fallout Shelter.** Structures designed to provide protection against nuclear fallout are permitted as principal or accessory uses in any district and are not subject to setback, yard or lot coverage restrictions, provided such structures extend not more than four (4) feet above grade.
 3. **Farm Tenant Housing.** Housing for farmworkers on bona fide farms or on residential lots in the AG District is a permitted accessory use according to the standards established by the NC Department of Labor.

4. **Social Services on Religious Institution Campuses.** Homeless shelters, soup kitchens, and other social services conducted by a religious institution on its primary campus are permitted as accessory uses.
5. **Dwelling in Nonresidential Districts.** In zoning districts not otherwise permitting residential buildings, a watchman or caretaker may occupy a house or other quarters not exceeding six hundred (600) square feet on the same premises where he or she is employed.

2-5.3. TEMPORARY USES

- A. **Purpose.** The intent of this Section is to permit the temporary uses customarily accompanying the erection of permitted structures, or the establishment of permitted uses, or the accomplishment of permitted operations, as necessary to such work not substantially injurious to the public health, safety, or welfare. It is also the intent to permit customary uses of open land and of existing buildings and surrounding land which are temporary in nature.
- B. **Temporary Uses Permitted.** If requirements of this Ordinance, the Public Health Department, and other applicable laws are met, temporary uses shall be permitted, including but not limited to the following:
 1. **Construction.** Temporary structures or manufactured homes used for construction offices and storage areas on construction sites, for which the duration of such permits is limited to the actual time required for construction, plus the thirty (30) day period following the issuance of a certificate of occupancy.
 2. **Grading.** Temporary structures or sites of grading operations, for which the duration of such permits is limited to the actual time required for grading operations, plus the thirty (30) day period following the issuance of a certificate of occupancy.
 3. **Proprietary or Governmental Operations.** Temporary structures, manufactured homes, or storage areas of public agencies in the conduct of proprietary or governmental operations.
 4. **Use of Open Land.** The use of land for permitted temporary uses is limited to no longer than forty-five (45) consecutive days.

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5. **Nonprofit Organizations.** The use of a residence or other building and surrounding land by any nonprofit charitable, religious, or educational organization for the purpose of exhibiting and purveying, indoors or outdoors, art or craft products, jewelry, clothing, foods, beverages, horticultural specimens, home furnishings and decorations, and similar or related items, and for presenting musical, film, or theatrical programs, indoors, for which the duration of such permits is limited to no longer than thirty (30) consecutive days.
6. **Manufactured Homes During Construction.** A manufactured home in the AG, YR and all RS Districts, occupied as a residence during construction of a single-family home on the same zoning lot. Such temporary use permit shall be issued for a period not to exceed six (6) months and may be extended for an additional six (6) months at the discretion of the Planning Director if the applicant can demonstrate substantial progress toward completion of construction.
7. **Storage of Construction Materials.** With the exception of construction of single-family dwellings, the storage of construction materials must be on the same site as construction or in a business or industrial district. Any off-site storage requires a temporary use permit except as exempted.
8. **Land Clearing and Inert Debris Landfill.** Fill of material on sites where the fill material consists only of inert debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, gravel, and asphalt. Said permits may be issued for up to thirty (30) days, and may be renewed up to two (2) times.
9. **Removal and Deposition of Soils.** The removal of inert debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, gravel, and asphalt from one site and the deposition of said inert debris at one other site, provided:
 - (1) **Frequency.** The sites used for removal and deposition shall be permitted in tandem and only once.
 - (2) **Site Size.** The area of disturbance of the zoning lot from which the inert debris is taken shall be no greater than five (5) acres.
 - (3) **Hours of Operation.** Except in cases of emergency involving safety, the sites shall not be operated on Sunday and may not be operated earlier than 7:00 a.m. nor later than 6:00 p.m. on any other day.

- (4) **Duration.** Notwithstanding the provisions of *Section B.2-5.3(C)(1) Permit Issuance* the temporary use permit shall only run concurrently with the related grading permit issued for operation of the two (2) sites.
10. **Christmas Tree Sales Lots.** Christmas tree sales lots, however Christmas tree sales lots are not permitted in residential districts on vacant zoning lots or on the premises of a single family unit.
11. **Child Care (Temporary Care).** A temporary childcare arrangement established as an accessory use to and on the same zoning lot of any institutional or public use which provides either drop-in care or a seasonal or other part-time basis. Such temporary care arrangements must be approved by the State. A permit for such activity shall not exceed ninety (90) days and may not be renewed within the same calendar year.

C. Permit

1. **Issuance.** Any temporary use shall be established only after issuance of a zoning permit by the Planning Director for such use. Duration of the temporary use shall be specified on such permit. Such permit may be renewed not more than twice, and such renewals may not exceed the period of time approved in the original permit. Unless otherwise specified, no single permit or single renewal shall be issued for a temporary use to exceed one year.

2-5.4. USE STANDARDS AND CONDITIONS

- A. **Use Standards and Conditions.** Uses subject to additional use standards and conditions in *Table B.2.13 Permitted Uses* shall comply with the following regulations.
1. **Adult Day Care Center.**
- (1) **Space Requirements.** At least fifty (50) square feet of heated space per person enrolled, or sufficient space to meet State requirements, whichever is greater, shall be provided.
- (2) **Hours of Outdoor Activities.** Outdoor activities shall be limited to between 8:00 a.m. and 8:00 p.m.

- (3) **Passenger Loading Space.** At least one off-street passenger loading and unloading space separate from the parking area shall be provided for every twenty (20) persons enrolled, plus adequate turnaround.
- (4) **Certification.** Certification by the State is required.

2. **Adult Day Care Home.**

- (1) **Applicability.** This use is permitted only in a private residence occupied by the operator or as an accessory use operated by a nonprofit corporation on the same zoning lot and within buildings also used by the nonprofit organization, in all zoning districts.
- (2) **Space Requirements.** At least fifty (50) square feet of heated space per person enrolled or space sufficient to meet State standards, whichever is greater, shall be provided.
- (3) **Hours of Outdoor Activities.** Outdoor activities shall be limited to between 8:00 a.m. and 8:00 p.m.
- (4) **Operating Hours.** Operating hours shall be limited to between 6:00 a.m. and 8:00 p.m.
- (5) **Passenger Loading Space.** At least one off-street passenger loading and unloading space separate from the parking area, plus adequate turnaround area, shall be provided.
- (6) **Certification.** Certification by the State is required.

3. **Adult Establishment.**

- (1) **Applicability.** Notwithstanding the definition of "adult bookstore" contained in G.S. 14-202.10(1), "adult bookstore" means a business establishment that:
 - i. Has as one of its principal business purposes the sale or rental of; or,
 - ii. Has a substantial or significant portion of its stock or trade for sale or rental; publications" which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to (i) "specified anatomical areas," as defined in G.S. 14-202.10(10), or "specified sexual activities," as defined in G.S. 14-202.10(11); and/or (ii) "sexually oriented devices," as defined in G.S. 14-202.10(9).

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- iii. As used in this definition, "publications" include, by way of illustration, books, magazines, other periodicals, movies, video tapes, and other products offered in photographic, electronic, magnetic, digital or other imaging medium.
- iv. In addition to all other information available to the Planning Director in making a determination whether a particular use is an "adult bookstore," any of the following shall be indicia that an establishment has as one of its principal business purposes the sale or rental of "publications" which are distinguished or characterized by their emphasis on matter depicting, describing or relating to (i) "specified sexual activities," as defined in G.S. 14-202.10 (10), or "specified anatomical areas," as defined in G.S. 14-202.10(11); and/or (ii) "sexually oriented devices," as defined in G.S. 14-202.10(9):
 - a. Restricted access to the business establishment or portions of the business establishment by persons under sixteen (16) years of age;
 - b. Posted signs or notices outside and/or inside the business establishment indicating that the material offered for sale or rental might be offensive;
 - c. The building or portion of the building containing the business establishment does not have windows or has windows that are screened or otherwise obstructed or are situated in a manner that restricts visual access from outside the building to materials displayed within for sale or rental.
- v. Notwithstanding the definition of "adult mini-motion picture theater" contained in G.S. 14-202.10(6), "adult mini-motion picture theater" means an enclosed building with one or more viewing booths or partitioned areas designed to hold patrons for the presentation and viewing of motion pictures (film, videotape, laser disc, CD-ROM or other imaging media), where:
 - (1) One of the principal business purposes is the presentation and viewing of motion pictures in the viewing booths that; or,

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- (2) A substantial or significant portion of the stock of motion pictures available for viewing or that are actually viewed in the viewing booths; are distinguished or characterized by their emphasis on matter depicting, describing or relating to (i) "specified anatomical areas," as defined in G.S. 14-202.10(10), or "specified sexual activities," as defined in G.S. 14-202.10(11); and/or (ii) "sexually oriented devices," as defined in G.S. 14-202.10(9).
- vi. In addition to all other information available to the Planning Director in making a determination whether a particular use is an "adult mini-motion picture theater," any of the following shall be indicia that the business establishment has as one of its principal business purposes the presentation and viewing in viewing booths motion pictures which are distinguished or characterized by their emphasis on matter depicting, describing or relating to (i) "specified sexual activities," as defined in G.S. 14-202.10(10), or "specified anatomical areas," as defined in G.S. 14-202.10(11) and/or (ii) "sexually oriented devices," as defined in G.S. 14-202.10(9):
- (1) Restricted access to the business establishment or portions of the business establishment where viewing booths are located by persons under sixteen (16) years of age;
 - (2) Posted signs or notices outside and/or inside the business establishment indicating that the material offered for presentation and viewing in the viewing booths might be offensive;
 - (3) The portion of the building containing the viewing booths is screened or otherwise located or situated in a manner that restricts or limits complete visual access to the booths from the primary or principal clerk or cashier area.
- (2) **Location.** No activities permitted under State law shall be conducted in adult establishments in the following locations:
- i. **Residential Districts.** Adult establishments may not be located within a distance of one thousand (1,000) feet from any RM or RS District;

- ii. **School.** Adult establishments may not be located within a distance of one thousand (1,000) feet from any public or private school;
- iii. **Child Day Care Center.** Adult establishments may not be located within a distance of one thousand (1,000) feet from any child day care center;
- iv. **Other Adult Establishment.** Adult establishments may not be located within a distance of one thousand (1,000) feet from any other adult establishment.

- (3) **Measurements.** All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed adult establishment is to be located to the nearest point of the lot line or boundary of the closest RM or RS District; elementary, secondary, or private school; or adult establishment.
- (4) **Signs.** Adult establishments shall not be permitted to display promotional materials visible to the public from pedestrian sidewalks or walkways; nor shall any signage contain lewd or offensive language, or any sort of sexually explicit graphics.

4. **Agricultural Production**

- (1) **Applicability.**

- i. In accordance with G.S. 160D-903, the provisions of this Section apply to bona fide farms as outlined below.
- ii. "Bona fide farm purposes" include:
 - (1) The production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106-581.1. Activities incident to the farm include existing or new residences constructed to the applicable residential building code situated on the farm occupied by the owner, lessee, or operator of the farm and other buildings or structures sheltering or supporting the farm use and operation. For purposes of this Section, "when performed on the farm" in G.S. 106-581.1(6) shall include the farm within the

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jurisdiction of the county and any other farm owned or leased to or from other by the bona fide farm operator, no matter where located.

- (2) The production of a nonfarm product that the department of agriculture and consumer services recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm subject to a conservation agreement under G.S. 106-743.2.

iii. For purposes of determining whether a property is being used for bona fide farm purposes, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

- (1) A farm sales tax exemption certificate issued by the department of revenue.
- (2) A copy of the property tax listing showing that the property is eligible for participation in the present-use value program pursuant to G.S. 105-277.3.
- (3) A copy of the farm owner's or operator's schedule F from the owner's or operator's most recent federal income tax return.
- (4) A forest management plan.

(2) **Standards**

i. **Applicability.** The following standards apply to agriculture operations that are not classified as bona fide farms.

(1) Such operations can include:

- (i) Crop production;
- (ii) Animal feed lots

ii. **Minimum Size.** Site shall contain a minimum three (3) acres.

iii. **Setbacks.** All structures, buildings or enclosed areas used for housing animals shall be a minimum of one hundred (100) feet from all property lines.

iv. **Greenhouses.** Greenhouses used in the agricultural operation shall not exceed eight (8) feet in height and sixteen (16) feet in width.

- v. **Retail Sales.** There shall be no retail sales on the site.
 - vi. **Screening.** Greenhouses and other structures and equipment used in agricultural operations shall be screened from view of rights-of-way and adjacent residentially zoned land.
 - vii. **Noise.** Noise from machinery or activities used in agricultural crop production shall not impact adjacent residentially zoned land; mitigation shall be by means of muffling or setting back the source of noise an adequate distance from the adjacent property.
5. **Bed And Breakfast.** The following shall apply to all bed and breakfasts in the RS zones:
- (1) **Parking to the Rear.** All off-street parking shall be provided to the rear or to the side of the principal structure. The side parking area may be no closer to the street than the principal structure.
 - (2) **Buffer Around Parking Area.**
 - i. **Rear Parking Areas.** All rear parking areas shall be buffered by a Type I Bufferyard, as defined in *Section B.3-4 Bufferyard Standards*, from adjacent residentially zoned property.
 - ii. **Side Parking Areas.** Type I plantings will be provided in the required streetyard. A Type II Bufferyard, as defined in *Section B.3-4 Bufferyard Standards*, shall be provided if side parking abuts residentially zoned property.
6. **Boarding Or Rooming House.**
- (1) In RM Districts, the minimum lot area shall be determined based on the minimum lot area required for a two-unit dwelling in the district, as shown in *Table B.2.5 Minimum Lot Sizes (Square Feet) for Permitted Single Family, Two-Family, and Multi-family Residential Buildings on Small Lots in RM Districts*.

7. Borrow Site.

- (1) **Prohibited in RS zones.** Except as permitted during construction and development of residential projects, borrow sites shall not be permitted in RS Districts or PRD developments.
- (2) **Subdivisions.** Borrow sites operated by a developer or builder in conjunction with active development of section(s) of a subdivision within five (5) years of final plat approval, including land grading, removal, or filling within the subdivision where the fill material is placed on sites within said section(s) of a subdivision, are exempt from the use conditions of this Section and the Special Use Permit requirements specified in *Table B.2.13 Permitted Uses*.
- (3) **Easements.** No excavation shall take place within easements for underground transmission lines for oil, natural gas, or other potentially hazardous material.
- (4) **Fencing.** Any excavation to a depth greater than five (5) feet shall be fenced with a fence at least four (4) feet high. However, no fencing shall be required on any property where such fencing would be impracticable, as determined by the Planning Director.
- (5) **Access.** The borrow site shall have direct access onto a major or minor thoroughfare unless the site is located north of Yadkinville Road.
- (6) **Grading Permit.** A grading permit must be issued for any borrow site ten thousand (10,000) square feet or more.
- (7) **Operational Statement.** The petitioner will file an operational statement with the Forsyth County Inspections Division which shall include the following:
 - i. The approximate date to begin operation and its expected duration.
 - ii. Estimated type and volume of extraction.
 - iii. Description of method of operation, including the disposition of topsoil, overburden, and by-products.
 - iv. Description of equipment to be used in the extraction process.
 - v. Any phasing of the operation and the relationship of the various phases.

- (8) **Temporary or Permanent Discontinuance of Operations.** Notice of intent to discontinue temporarily a borrow site shall be filed with the Planning Director in advance of such temporary discontinuance. Notice of intent to discontinue permanently a borrow site shall be filed with the Planning Director.
 - (9) **Maintenance.** During any period that a borrow site is discontinued temporarily, the site, along with all structures, machinery, and fencing, shall be properly maintained in a safe and orderly condition.
 - (10) **Reuse or Rehabilitation of Site.** Notice of permanent discontinuance of a borrow site shall include a plan for reuse or rehabilitation of the site. Except where redevelopment for another permitted use is in progress on the site of a discontinued borrow site, the last operator shall perform the following within one year, except that ground vegetation and revegetation of slopes shall comply with the deadlines contained in *Section C.4-7.A Buffer Zone*.
 - (11) **Buildings and Equipment.** All buildings and equipment shall be removed;
 - (12) **Materials.** All nonregulated waste piles, overburden, and other materials shall be planted with vegetation so as to prevent erosion;
 - (13) **Water Collection and Drainage.** Any excavation shall be so graded as to provide for natural drainage; if the collection of water in an excavation is unavoidable, the area shall be fenced.
 - (14) **Other Requirements.** The operator of any borrow site shall file with the Planning Director, in addition to any exhibits required elsewhere in this Ordinance, evidence of ownership or control of property, plans for rehabilitation, and notices of intent, as required herein. The Planning Director shall inspect the premises annually to determine that all specific conditions are being met. Violation of the requirements herein shall make the operator liable to the penalties set forth in this Ordinance.
8. **Car Wash.** The following conditions shall apply to all car wash facilities:
- (1) **Prohibited Districts.** Car washes shall not be permitted as accessory uses in districts adjacent to any single-family zoning districts.

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- (2) **Vacuum Facilities.** Vacuum facilities shall meet setbacks of the applicable zoning district.
 - (3) **Vehicle Stacking.** The facility shall provide for off-street stacking space for five (5) times the number of vehicles which can be accommodated at one time in the facility.
 - (4) **Traffic Flow.** The facility shall be designed to allow adequate traffic flow for cars to enter and exit the facility safely. No portion of an exit or an entrance shall be less than fifty (50) feet from the right-of-way of an intersection.
 - (5) **Dry Down Area.**
 - i. **Single Bay or Self-Service Facilities.** Single bay facilities with automated brushes and multiple bay self-service facilities shall provide space for the parking of one car per bay to be used as a dry down area.
 - ii. **Conveyors or Chain Drag Systems.** Facilities utilizing a conveyor or chain drag system for moving motor vehicles through the washing area shall provide adequate space at the building exit to allow for a dry down area of three (3) times the number of vehicles which can be accommodated at one time within the structure.
 - (6) **Required Yards.** For any standalone facility, all required yards shall be landscaped with a type III bufferyards and adequately maintained.
9. **Cemetery.**
- (1) **Licensed.**
 - i. **Prohibited Districts.** Licensed cemeteries shall not be permitted as a principal or accessory use on a lot in RS Districts less than one (1) acre in size.
 - ii. **Requirements.** Licensed cemeteries shall meet all licensing requirements of State law.
 - iii. **Setbacks.** Buildings and burial plots shall meet the setbacks of the district except:
 - (1) Any building except a gate house shall be set back a minimum of fifty (50) feet from any public street right-of-way and a minimum of one

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hundred (100) feet from the property line of any adjacent residentially zoned property.

(2) Any burial plot or mausoleum shall be set back a minimum of fifty (50) feet from any public street right-of-way and from any residentially zoned property, except that any grave or burial plot shall be set back not less than three (3) feet from any property line of an adjacent licensed or unlicensed cemetery.

- iv. **Required Yards.** All required yards shall be landscaped with a type I bufferyard and adequately maintained.
- v. **Access.** Licensed cemeteries shall have direct access to a major or minor thoroughfare.
- vi. **Subdivision.** Licensed cemeteries shall meet the platting and other requirements of *Chapter D Subdivision Ordinance*.

(2) **Unlicensed.**

- i. **Prohibited Districts.** Except as otherwise permitted herein, unlicensed cemeteries shall not be permitted as a principal use in RS Districts or on lots less than one (1) acre in size.
- ii. **Setbacks.** Buildings and burial plots shall meet the setbacks of the district except:
 - (1) Any building except a gate house shall be set back a minimum of fifty (50) feet from any public street right-of-way and a minimum of one hundred (100) feet from the property line of any adjacent residentially zoned property.
 - (2) Any burial plot or mausoleum shall be set back a minimum of fifty (50) feet from any public street right-of-way and from any residentially zoned property, except that any grave or burial plot shall be set back not less than three (3) feet from any property line of an adjacent licensed or unlicensed cemetery.
- iii. **Required Yards.** All required yards shall be landscaped with a type I bufferyard and adequately maintained.

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- iv. **Access.** Municipal and animal cemeteries containing more than five (5) acres shall have direct access to a major or minor thoroughfare.
- v. **Entrance and Internal Roads.** The entrance to and access within the unlicensed cemetery shall be maintained by the property owner.
- vi. **Religious Institutions.** Unlicensed cemeteries are permitted as an accessory use to religious institutions in all districts where religious institutions are permitted.

10. Child Care (Drop-In).

- (1) **As a Principal or Accessory Use.** The use is permitted as an accessory use operated by a nonprofit corporation on the same zoning lot and within buildings also used by the nonprofit organization, in all zoning districts.
- (2) **Indoor Space.** At least twenty-five (25) square feet of inside space shall be provided for each child (based on permitted capacity) if outdoor space is provided as indicated in *Section B.2-5.4(10)(3) Outdoor Space*. If less or no outdoor space is provided, at least thirty-five (35) square feet of inside space shall be provided for each child (based on permitted capacity).
- (3) **Outdoor Space.** If outdoor play area is provided, it shall be enclosed by a minimum four (4) foot tall security fence. A minimum of one hundred (100) square feet for each child (based on permitted capacity) must be provided to reduce the indoor space requirements in *Section B.2-5.4(10)(2) Indoor Space*.
- (4) **Licensing.** Child care centers shall comply with the standards in Article 7, Chapter 110, of the North Carolina General Statutes. All requirements, licenses, and permits from the State shall be met.

11. Child Care Facility.

- (1) **As Principal or Accessory Use.** The use is permitted as a principal use in the zoning districts indicated in *Table B.2.13 Permitted Uses* and as an accessory use for internal service (care provided by an employer to its employees) or operated by a religious institution on the same zoning lot and within buildings also used for religious activities in all zoning districts.

(2) **Child Care Center.**

- i. **Site Size.** The following minimum site sizes shall apply:
 - (1) Five (5) acres for twenty-five (25) to seventy-five (75) children;
 - (2) Ten (10) acres for seventy-six (76) to one hundred twenty-five (125) children;
 - (3) Fifteen (15) acres for one hundred twenty-six (126) to one hundred seventy-five (175) children; and
 - (4) Twenty (20) acres for one hundred seventy-six (176) or more children.
- ii. **Setback.** No building, dumpster, or recreation area shall be less than one hundred (100) feet from any property line adjacent to property zoned residential.

(3) **Child Care Home.**

- i. **Indoor Space.** At least twenty-five (25) square feet of heated inside space shall be provided for each child enrolled.
 - ii. **Outdoor Space.** Outdoor play area of one hundred (100) square feet for each child enrolled, with a two thousand (2,000) square foot minimum, shall be provided. Such outdoor play area shall be enclosed by a minimum four (4) foot tall security fence. Outdoor activities shall be limited to the fenced area between 8:00 a.m. and 8:00 p.m.
 - iii. **Passenger Loading Space.** At least one off-street passenger loading or unloading space separate from parking shall be provided, plus adequate turnaround area. The loading/unloading spaces and turnaround area are required in all districts.
- (4) **Licensing.** Childcare facilities shall comply with the standards in Article 7, Chapter 110, of the North Carolina General Statutes. All requirements, licenses, and permits from the State shall be met.
- (5) **Regulations.** Facilities must conform to all State and local building, fire, and health codes which apply to such facilities.

12. Child Day Care Center.

- (1) **As an Accessory Use.** A Child Day Care Center is permitted as an accessory use having received Planning Board Review (PBR) approval:
 - i. **Church or Religious Institutions.** In all zoning districts permitting churches or religious institutions when operated by a religious institution on the same zoning lot and within buildings also used for religious activities.
 - ii. **Public or Private Schools.** In all zoning districts permitting public or private schools when operated by the school on the same zoning lot and within buildings also used for school activities.
 - iii. **In GI Districts.** In the GI Districts when operated solely for the benefit of the employees of the principal use on the same zoning lot.
- (2) **Conditions.** Child Day Care Centers must meet the following conditions in all districts when operated as a principal or an accessory use:
 - i. **Indoor Space.** At least twenty-five (25) square feet of inside space shall be provided for each child enrolled.
 - ii. **Outdoor Space.** Outdoor play area of one hundred (100) square feet for each child enrolled, with four thousand (4,000) square feet minimum, shall be provided; such outdoor play area shall be enclosed by a minimum four (4) foot tall security fence. Outdoor activities are limited to the fenced area between 8:00 a.m. and 10:00 p.m.
 - iii. **Passenger Loading Space.** At least one off-street passenger loading/unloading space separate from parking shall be provided for each twenty (20) children enrolled, plus adequate turnaround area. The loading/unloading spaces and turnaround areas are required in all districts, including the PB and GI Districts.
 - iv. **Safety.** The review and approval of site plans by the staff and approving authorities should give special consideration to internal traffic circulation and safety of the children on the site.

- (3) **Licensing.** Child day care centers shall comply with the standards in Article 7, Chapter 110, of the North Carolina General Statutes. All requirements, licenses, and permits from the State shall be met.
13. **Club Or Lodge.** The following conditions apply in the IP District:
- (1) **Minimum size.** The minimum site size shall be one acre.
 - (2) **Access.** The site shall have direct access to a collector street, or major or minor thoroughfare.
 - (3) **Setbacks.** No structure or outdoor recreation area shall be located less than forty (40) feet from any property line adjacent to residentially zoned property.
 - (4) **Public Address Systems.** Public address systems shall not be permitted except within a building.
14. **Congregate Care Facility.**
- (1) **Conditions.** The use conditions for Residential Building, Multi-family (*Section B.2-5.4(46) Residential Building; Multi-family, Townhouse, Or Twin Home*) shall apply to Congregate Care Facilities.
 - (2) **Density.** Density shall conform to the limitations of the applicable zoning district.
15. **Correctional Institution.** In PB and GI Districts, a minimum setback of fifty (50) feet shall be required to preserve important view corridors and/or create open space; an additional setback may be required by the Director of Planning.
16. **Dirt Storage.**
- (1) **Prohibited in RS zones.** Dirt storage is prohibited in RS Zoning Districts, except as permitted below in subdivision or planned residential development.
 - (2) **Subdivisions.** Dirt storage areas operated by a developer or builder in conjunction with active development of section(s) of a subdivision within five (5) years of final plat approval, including land grading, removal, filling, or storage within the subdivision where the fill material is placed on sites within said section(s) of a subdivision, are exempt from the use conditions of this Section and the Special Use Permit requirements specified in *Table B.2.12 Permitted Uses*.

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- (3) **Access.** Access to the dirt storage area shall be controlled with security fencing or other barrier to vehicular access.
- (4) **Fencing.** Dirt storage sites which are residentially zoned and lie within one hundred (100) feet of an adjacent property shall be completely enclosed with security fencing of a minimum six (6) feet in height. Any existing natural or constructed barrier approved by the Planning Director may be used in place of part of the fencing.
- (5) **Bufferyard and Landscaping.** No bufferyard landscaping according to *Section B.3-4 Bufferyard Standards* is required if a permit for dirt storage is granted for less than six (6) months, and the site remains at least one hundred (100) feet off the property line and the intervening area is left undisturbed. Where a bufferyard is required, a dirt storage site is considered a high intensity use. Streetyard landscaping meeting the standards of *Section B.3-3 Landscaping Standards* shall be installed on the outside of the security fencing along any adjacent public street right-of-way.
- (6) **Permit Duration and Renewals.** The Board of Adjustment shall issue permit approvals for dirt storage sites which shall be valid for a maximum of three (3) years, after which time renewals may be granted for up to three (3) years at a time.
- (7) **Rehabilitation/Reuse Plan.** A rehabilitation/reuse plan shall accompany the permit or site plan application, and shall be implemented by the owner of the site within the deadlines for establishing ground cover and slope revegetation contained in *Section C.4-7.A Buffer Zones*.
- (8) **Temporary Discontinuance.** Notice of intent to discontinue temporarily a dirt storage site shall be filed with the Planning Director in advance of such temporary discontinuance. Notice of intent to discontinue permanently a dirt storage operation shall be filed with the Planning Director.
- (9) **Maintenance.** During any period that a dirt storage operation is temporarily discontinued, the site, along with all structures, machinery, and fencing, shall be properly maintained in a safe and orderly condition.

17. Family Care Home.

- (1) A family care home shall be deemed a residential use of property for zoning purposes and shall be a permissible use in all residential districts.
- (2) A family care home shall not be located within a one-half mile radius of an existing family care home.
- (3) A family care home shall provide habilitation services in a family environment for not more than six (6) resident persons with disabilities, as defined by G.S. 160D-907.

18. Family Group Home Facility.

- (1) **Applicability.** An establishment qualified for a license by the State of North Carolina for provision of resident services to more than six but not more than 20 residents who are physically disabled, mentally disabled, developmentally disabled, persons recuperating from alcohol or drug related problems, persons adjusting to society as an alternative to imprisonment and persons recuperating from mental or emotional illness.
- (2) **Management.** If not State licensed, the Family Group Home B shall have written operating procedures or manuals, established goals and objectives for persons receiving therapy or treatment, a structured system of management with a Board of Directors, and on-premises management/supervisory personnel.
- (3) **Minimum Lot Area.** In RM Districts, the minimum lot area of a Family Group Home B shall be determined based on the minimum lot area required for a two unit dwelling in the district, as shown in *Table B.2.5 Minimum Lot Sizes (Square Feet) for Permitted Single Family, Two-Family, and Multi-family Residential Buildings on Small Lots in RM Districts*. In RM-12 Districts, the minimum lot area shall be based on *Table B.2.5 Minimum Lot Sizes (Square Feet) for Permitted Single Family, Two-Family, and Multi-family Residential Buildings on Small Lots in RM Districts* with four (4) residents equal to one dwelling unit. In the IP District, the minimum lot area shall be calculated in the same manner based on the requirements of the RM-8 District.

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- (4) **Heated Building Area.** One hundred (100) square feet of heated building shall be provided per resident.
 - (5) **Spacing Requirement.** A Family Group Home Facility may not be located within a distance of two thousand five hundred (2,500) feet from any other Family Group Home Facility. All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed Family Group Home is to be located to the nearest point of the lot line of another Family Group Home.
 - (6) **Limits on Accessory Production Activities.** Accessory production of goods shall occur only within the principal structure. The area used for production activities shall not exceed twenty-five percent (25%) of the gross floor area of the principal structure.
 - (7) **Display of Goods.** No outside or inside display of any goods or products is allowed on the property.
 - (8) **Prohibition on Retail Sales.** No retail sales shall take place in the facility.
 - (9) **Signage.** Only one sign with a maximum of one square foot of copy area may be erected on the property.
19. **Fraternity Or Sorority.** The following conditions apply in the RM Districts:
- (1) **Minimum Site Size.** The minimum site size shall be one-half acre.
 - (2) **Setbacks.** No structure, or outdoor gathering or recreation area shall be located less than forty (40) feet from any property line adjacent to property zoned for residential use.
 - (3) **Public Address Systems.** Public address systems shall not be permitted, except within buildings.
20. **Golf Course.** The following conditions apply only to standalone golf courses. Such conditions shall not be applicable to golf courses part of a residential community or country club.
- (1) **Setbacks.** No building shall be nearer to any property line than one hundred (100) feet.

- (2) **Hours of Operation.** In RS and RM Districts, hours of operation shall be limited to between the hours of 6:00 a.m. and 10:00 p.m.
- (3) **Lighting.** In RS and RM Districts, no lighting is permitted for nighttime outdoor operations, including accessory golf driving ranges.
- (4) **YR District.** In the YR District, best management practices for the protection of water quality shall be utilized in golf course design and operation.

21. Golf Driving Range.

- (1) **Dimensions.** The depth of a driving range along the driving axis shall be not less than three hundred fifty (350) yards measured from the location of the tees and the breadth not less than two hundred (200) yards at a distance of three hundred fifty (350) yards from the tees. The depth of the driving range may be reduced to three hundred (300) yards if a fence designed to stop rolling balls is installed at the far end of the driving axis.
- (2) **Lighting.** Any lighting shall be oriented away from adjacent residential properties.

22. Habilitation Facility.

- (1) **As an Accessory Use.** This use is permitted as an accessory use operated by a nonprofit organization on the same zoning lot and within buildings also used by the nonprofit organization, in all zoning districts.
- (2) **Inside Space.** At least one hundred (100) square feet of heated space shall be provided for each person enrolled.
- (3) **Outdoor Play Area.** Outdoor play area of one hundred (100) square feet for each person enrolled, with a four thousand (4,000) square foot minimum shall be provided. Such outdoor play area shall be enclosed by a minimum five (5) foot high security fence if the facility provides services for children under the age of eighteen (18) years old. Fencing of said play area is optional if the facility does not provide services for children under the age of eighteen (18) years old. Outdoor activities shall be limited to the fenced area between 8:00 a.m. and 8:00 p.m.

- (4) **Habilitation Facility Passenger Loading Space.** At least one off-street passenger loading or unloading space separate from the parking area shall be provided, plus adequate turn around.
- (5) **Licensing.** Licensing by the State is required.

23. Kennels.

- (1) **Lot Size.** Any kennel shall occupy a zoning lot of not less than five (5) acres.
- (2) **Setbacks.** Any kennel or exercise area shall be set back not less than one hundred eighty (180) feet from any street or property line.
- (3) **Outside Runs.** Any outside run for dogs or cats shall be enclosed on a minimum of three (3) sides with a wall of cement block or similar construction not less than four (4) feet in height.
- (4) **Building Construction.** The kennel building proper shall be of masonry construction.
- (5) **Septic Tank/Sewerage System.** All animal solid and liquid waste shall be disposed of daily in a wastewater management system approved under the requirements of *Section B.3-7 Drinking Water Supply and Wastewater Management* of this Ordinance.
- (6) **Cleaning.** All stalls, cages, and animal runs shall be cleaned daily.

24. Landfill, Construction and Demolition.

- (1) **Prohibited Districts.** Construction and demolition landfills shall not be permitted as a principal or accessory use in RS Districts.
- (2) **Compliance with State and Federal Laws.** The establishment and operation of any landfill must comply with all applicable Federal and State Laws.
- (3) **Watersheds, Floodplains, and Wetlands.** No landfill disposal areas shall be located in a designated water supply watershed, floodplain, or wetland area, or block a natural drainage way so that water is impounded.
- (4) **Bufferyard.** A minimum one hundred (100) foot bufferyard area is required along all property lines and public rights-of-way. No landfill activities,

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including parking, access roads, buildings, or disposal shall occur in the bufferyard area. Roads for access to the site may cross the one hundred (100) foot area and monitoring wells may be located within the one hundred (100) foot area. All existing trees within the bufferyard area shall be preserved, except to allow for construction of necessary road crossings and monitoring wells. The Planning Director and/or Planning Board may require additional setbacks where warranted by specific conditions.

- (5) **Landscape Plantings.** Landscape plantings meeting the standards of the type IV bufferyard, defined in *Section B.3.4 Bufferyard Standards*, are required in the bufferyard area along all property lines and public rights-of-way regardless of the adjacent zoning. Existing plant material may be included in the computation of the required plantings with approval of the Planning Director.
- (6) **Fencing.** A security fence, minimum six (6) feet in height, shall enclose the entire site. The fence may be placed inside the one hundred (100) foot bufferyard area.
- (7) **Access.** Vehicular access to the landfill site shall be provided on a major or minor thoroughfare or on a road improved to necessary industrial capacity as determined by the Public Works Director and/or NCDOT.
- (8) **Reclamation Plan.** The developer shall record with the Register of Deeds a plan for reclamation and reuse of the site before issuance of a certificate of occupancy or operation. Such plan shall indicate that the owner, developer, or other legally designated entity shall remain liable for the site in perpetuity or until the Town approves release of this requirement.

25. Landfill, Land Clearing And Inert Debris.

- (1) Land clearing and inert debris landfills (LCID) shall comply with all applicable state statutes.
- (2) **Exemption.**
 - i. **Beneficial Fill.** Land clearing and inert debris landfills which affect areas ten thousand (10,000) square feet or less and in which the fill material consists only of inert debris strictly limited to concrete, brick, concrete

block, uncontaminated soil, rock, gravel, and asphalt, are subject to the use conditions of this Section, but may be approved administratively by the Planning Director.

- ii. **Within Subdivisions.** Land clearing and inert debris landfills operated by a developer or builder in conjunction with active development of section(s) of a subdivision within five (5) years of final plat approval, including land grading, removal or filling within the subdivision where the fill material is placed on sites within said section(s) of a subdivision, are exempt from the use conditions of this Section and the Special Use Permit requirements specified in *Table B.2.12 Permitted Uses*.
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- (3) **Access.** Access to the land clearing and inert debris landfill area shall be controlled with security fencing or other barrier to vehicular access.
 - (4) **Fencing.** Land clearing and inert debris landfills located in any residential zoning district, shall be completely enclosed with security fencing of a minimum six (6) feet in height. Any existing natural or constructed barrier approved by the Planning Director may be used in place of the fencing.
 - (5) **Bufferyard and Landscaping.** No bufferyard landscaping according to *Section B.3-4 Bufferyard Standards* is required if a permit for the land clearing and inert debris landfill is granted for less than six (6) months. Where a bufferyard is required, a land clearing and inert debris landfill is considered a high intensity use. Streetyard landscaping meeting the standards of *Section B.3-3 Landscaping Standards* shall be installed on the outside of the security fencing along any adjacent public street right-of-way.
 - (6) **Permit Duration and Renewals.** Any land clearing and inert debris landfills which received approval from the NC Department of Environmental Quality (DEQ) and were established prior to December 31, 1994, and for which a valid State permit has been continuously maintained shall not be required to obtain a special use permit from the Board of Adjustment. All other land clearing and inert debris landfills, except for those noted above, must obtain a special use permit from the Board of Adjustment. Said permit shall be valid for a maximum of three (3) years, after which time renewals may be granted for up to three (3) years at a time.

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- (7) **State Permit Approval.** No permits or site plans for land clearing and inert debris landfills shall be approved until all plans, including plans for rehabilitation of sites, have been reviewed and approved by the NCDEQ.
 - (8) **Rehabilitation/Reuse Plan.** The landowner or developer shall file in the office of the Register of Deeds a record of use of the site for a landfill and a rehabilitation/reuse plan for the site, prior to the issuance of a grading permit. Said plan shall be implemented by the owner of the site within six (6) months of discontinuance of the land clearing and inert debris landfill operation or expiration of the permit.
 - (9) **Temporary Discontinuance.** Notice of intent to discontinue temporarily a land clearing and inert debris landfill shall be filed with the Planning Director in advance of such temporary discontinuance. Notice of intent to discontinue permanently a land clearing and inert debris landfill operation shall be filed with the Planning Director not less than three (3) months in advance.
 - (10) **Maintenance.** During any period that a land clearing and inert debris landfill operation is temporarily discontinued, the site, along with all structures, machinery, and fencing shall be properly maintained in a safe and orderly condition.
 - (11) **Siting Criteria.** The siting criteria for land clearing and inert debris landfills, found in Solid Waste Management Rules, 15 A NCAC 138, Section .0564, shall be followed.
26. **Library, Public.** The following conditions apply in the RS and RM Districts:
- (1) **Access.** The site shall have direct access to a major or minor thoroughfare.
 - (2) **Building Size.** The building square footage shall not exceed ten thousand (10,000) square feet.
 - (3) **Site Size.** The maximum site size shall be five (5) acres.
27. **Life Care Community.** Use conditions and approval requirements for a planned residential development shall apply to a Life Care Community.

28. Limited Campus Uses A & B.

- (1) **Consistent with Neighborhood.** The use shall be conducted within an existing building or a building with a scale and massing consistent with the structures in the neighborhood in which the building is located.
- (2) **Dimensional Requirements.** Any structure shall comply with all dimensional requirements of the applicable district.
- (3) **Campus Housing.** In buildings used for campus housing, a minimum of two hundred fifty (250) square feet of gross floor area shall be provided for each student resident.
- (4) **Impervious Surface Cover.** Impervious surface cover of the lot shall not exceed seventy percent (70%).
- (5) **Proximity to Campus District.** The use must be conducted within a structure which is entirely within five hundred (500) feet of the C District.
- (6) **Access.** The limited campus use must be located on a major or minor thoroughfare unless the lot is adjacent to land zoned C (Campus District).
- (7) **Bufferyards.** A type I bufferyard shall be installed adjacent to residential zoning at the discretion of the Planning Board.
- (8) **Off-Street Parking.** All off-street parking shall be to the rear of the structure.

29. Manufactured Home.

- (1) **Class A.** Each Class A manufactured home shall meet the following criteria in all districts in which it is permitted, except the MH District:
 - i. **Foundation.** The manufactured home shall be set up in accordance with the standards established by the North Carolina Department of Insurance. In addition, a continuous, permanent, masonry foundation or masonry curtain wall constructed in accordance with the standards of the State Residential Building Code, unpierced except for required ventilation and access, shall be installed under the perimeter.
 - ii. **Entrances.** Stairs, porches, entrance platforms, ramps, and other means of entrance and exit shall be installed or constructed in accordance with the standards set by the State Building Code, attached firmly to the

primary structure. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of twenty-four (24) square feet.

(2) **Class B Or Class C.**

- i. **Set Up.** Each Class B or Class C manufactured home shall be set up in accordance with the standards established by the North Carolina Department of Insurance.
- ii. **Skirting.** Each Class B or Class C manufactured home shall have skirting installed in accordance with the following requirements:
 - a. **Material.** Skirting shall be of noncombustible material or material that will not support combustion. Skirting material shall be durable and suitable for exterior exposures.
 - b. **Wood Framing.** Any wood framing used to support the skirting shall be of approved moisture resistant treated wood.
 - c. **Venting.** The skirting shall be vented in accordance with State requirements.
 - d. **Installation.** Skirting manufactured specifically for this purpose shall be installed in accordance with the manufacturer's specifications.
 - e. **Within Sixty (60) Days.** Skirting shall be installed no later than sixty (60) days after the set up of the home.
 - f. **Maintenance.** Skirting shall be properly maintained.

(3) **Class D.**

- i. **Temporary Use.** A Class D manufactured home is allowed as a temporary use in conformance with *Section B.2-5.3(B)(6) Manufactured Homes During Construction*.
- ii. **Existing Manufactured Home.** Class D manufactured homes lawfully existing at the time of adoption of this Ordinance may remain, but if removed, may only be replaced with a Class A, B or C manufactured home or other use permitted in that zoning district.

30. Manufactured Housing Development.**(1) Site Size and Dimensional Requirements.**

- i. **Minimum Size.** The minimum size of a zoning lot to be used as a manufactured housing development shall be four (4) acres for initial development.
- ii. **Minimum Width.** The minimum width of a zoning lot to be used as a new manufactured housing development shall be two hundred fifty (250) feet.
- iii. **Lot Size.** Each manufactured home space shall have a minimum area of four thousand (4,000) square feet with a minimum width of forty (40) feet for singlewide homes and a minimum area of five thousand (5,000) square feet with a minimum width of fifty (50) feet for multisectional units.
- iv. **Setbacks.** Each manufactured home space shall meet the following setback requirements:
 - a. **Front Yard.** The minimum front yard shall be twenty (20) feet.
 - b. **Rear Yard.** The minimum rear yard shall be ten (10) feet.
 - c. **Side Yard.** The minimum side yard shall be five (5) feet, with a combined width of both side yards of fifteen (15) feet.

- (2) **Minimum Number of Spaces.** A manufactured home development shall contain no fewer than ten (10) manufactured home spaces for initial development.

- (3) **Density.** The maximum density of a manufactured housing development shall not exceed five (5) spaces per gross acre; with the exception that the maximum density may be increased to five and one-half (5.5) manufactured home spaces per gross acre when at least twelve percent (12%) of the gross site area is in a common recreation area.

(4) Utilities.

- i. **Location.** All utilities within a manufactured home development shall be located underground.

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- ii. **Water.** Connection to a public water system and installation of fire hydrants meeting the standards of the appropriate jurisdiction are required.
 - iii. **Sewer.** Connection to a public sewer system or installation of an approved package treatment plant is required.
- (5) **Bufferyards.** A type II bufferyard of a minimum width of thirty (30) feet shall be established along each exterior property line, except where adjacent to a private street or public right-of-way not internal to the development. Along external private streets or public rights-of-way, a type II bufferyard of a minimum of fifty (50) feet shall be established.
- (6) **Access.**
- i. **External Access.** No manufactured home space shall have direct vehicular access to a public or private street outside the development.
 - ii. **Internal Access.** Each manufactured home space shall have direct vehicular access to an internal private access easement and street.
- (7) **Common Recreation Area.** A minimum of four thousand (4,000) square feet or one hundred (100) square feet per manufactured home, whichever is greater.
- (8) **Manufactured Home Spaces.**
- i. **Construction.** Each manufactured home space shall be constructed in compliance with the North Carolina Manufactured Home Code.
 - ii. **Patio or Deck Area.** A patio or deck area, constructed of concrete, brick, flagstone, wood, or other hard surface material and being a minimum of one hundred forty-four (144) square feet in area, shall be constructed within each space.
 - iii. **Walkway.** A hard surface walkway, being a minimum of two (2) feet wide, leading from the major entrance of the manufactured home to its parking spaces or to the street shall be constructed.
 - iv. **Solid Waste.** Each space shall have a minimum of one solid waste container with a tight-fitting cover and a capacity of not less than thirty-two

(32) gallons, or dumpsters of adequate capacity may be substituted. If dumpsters are provided, each such container shall be located on a concrete slab and screened on three (3) sides by an opaque fence at least eight (8) feet in height.

(9) **Manufactured Home Types.**

- i. **Class D.** Class D manufactured homes shall not be permitted in new manufactured housing developments or expansions of existing manufactured housing developments. Existing Class D manufactured homes located in a manufactured housing development in operation at the time of adoption of this Ordinance are allowed to remain, but if removed, shall be replaced with a Class A, B, or C manufactured home.
- ii. **Setup.** Each manufactured home shall meet the setup requirements of the North Carolina Manufactured Home Code.
- iii. **Skirting.** Each manufactured home shall have skirting installed in accordance with the following requirements:
 - a. Skirting shall be of noncombustible material or material that will not support combustion. Skirting material shall be durable and suitable for exterior exposures;
 - b. Any wood framing used to support the skirting shall be of approved moisture resistant treated wood;
 - c. The skirting shall be vented in accordance with State requirements;
 - d. Skirting manufactured specifically for this purpose shall be installed in accordance with the manufacturer's specifications;
 - e. Skirting shall be installed no later than sixty (60) days after the set up of the home; and
 - f. Skirting shall be properly maintained.
- iv. **Additions.** Individual homes located within a manufactured housing development may be renovated, expanded, or enlarged so long as individual space setbacks are maintained.

- v. **Vacant Manufactured Homes.** No storage of unoccupied and/or damaged manufactured homes is permitted.

(10) **Accessory Structures and Uses.** Accessory structures and uses permitted in manufactured housing developments shall meet standards in *Section B.2-5.2 Accessory Uses and Section B.2-4.2(F) Accessory Structures Permitted in Required Yards and Section B.2-4.2(F)(4-5) Accessory Structures Permitted in Required Yards - Maximum Area and Zoning Board of Adjustment.*

(11) **Site Plans.**

- i. **Site Plan Review by Planning Board.** Prior to approval of a zoning permit by the Planning Director for the construction of a new or expansion of an existing manufactured housing development, a site plan shall be reviewed by the Planning Board. Said site plan shall meet the site plan requirements found in *Section A.4-3.10 Site Plan Requirements.*
- ii. **Conditions.** In approving the site plans for manufactured housing developments, the Planning Board shall determine that adequate provision is made for the following:
 - a. Vehicular traffic to and from the development, and traffic internal to the development, including adequate access for emergency vehicle and personnel, postal service, delivery service, and other public and private services and individuals who would require access to the premises.
 - b. Pedestrian traffic to and from the proposed manufactured home sites, common facilities, and parking areas on the premises.
 - c. Adequate types of common recreation areas, including any needed screening or landscaping.
- iii. **Final Development Plan.** Prior to the issuance of a certificate of occupancy, a final development plan indicating each manufactured home space and prepared in conformance with *Chapter D Subdivision Ordinance* shall be approved by the Planning Staff and recorded in the

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office of the Register of Deeds. In addition, the corners of all manufactured home spaces shall be clearly marked on the ground with iron stakes.

31. **Medical, Or Surgical Offices.**

- (1) **C District.** Medical or Surgical Offices are only permitted in the Campus District if adjacent to a "Hospital or Health Center" in a Campus District.

32. **Micro-Brewery Or Micro-Distillery.**

- (1) **Size.** A micro-brewery shall be no larger than twelve thousand (12,000) square feet of gross floor area.
- (2) **Taproom or Tasting Room.** A taproom or tasting room must be included in micro-breweries or micro-distilleries located in the PB, LB, LD1-C, LD2-C, HB and MU-C districts. A taproom or tasting room must account for a minimum of ten percent (10%) of the gross floor area devoted to this use.
- (3) **YR and AG District.** Micro-brewery or Micro-Distillery are only permitted in the Yadkin River Conservation District and Agricultural District in association with a bona fide farm per G.S. 160D-903.

33. **Model Home or Model Unit.**

- (1) Model dwelling units shall be constructed in compliance with the NC Residential Building Code.
- (2) One model unit is permissible for any individual subdivision, multi-family development, or planned residential development.
- (3) A model home may also include a sales office or area designated for development-related business with prospective buyers.
 - i. The sales office or area and access to it must be constructed to the minimum accessibility requirements required by State or Federal law.
 - ii. All other areas of the model unit shall be used only for display purposes to prospective buyers.
- (4) After receiving a temporary occupancy certificate, the permit holder for a model unit must conspicuously post a sign at its entrance specifying that the structure or area is to be used only for display purposes.

- (5) Utility connections may be provided only after a temporary occupancy certificate has been issued.
- (6) All water service to bathroom facilities within a model home shall be shut off and equitable bathroom facilities shall be provided on the premises.

34. Motor Vehicle Dismantling and Wrecking Yard.

- (1) Within the GI District, motor vehicle dismantling yards shall comply with the following:
 - i. **Fencing.**
 - (a) **Location.** An opaque fence or wall shall be erected along any property line which is adjacent to any street, road, or highway; and all business activity, including storage of vehicles or other materials, shall be conducted within the fence. Fencing requirements shall be one of the following:
 - i. **Within Fifty (50) Feet of Right-of-Way.** An eight (8) foot high opaque fence is required if located within fifty (50) feet of the right-of-way boundary; or,
 - ii. **More than Fifty (50) Feet from Right-of-Way.** A six (6) foot high opaque fence is required if located more than fifty (50) feet from the right-of-way boundary.
 - (b) **Conditions.** Such fencing shall meet the following conditions:
 - i. **Construction.** The fence and screening shall be constructed of materials manufactured, sold and used exclusively as fencing materials with consistent height, materials, and color;
 - ii. **Maintenance.** All fences shall be maintained in sound condition at all times;
 - iii. **Advertising.** Fences shall not contain advertising or other lettering other than lettering or a sign which identifies the operation carried on within the enclosure.
 - (c) **Parking.** Customers of the business may park their personal vehicles outside the fence, but not within the right-of-way of the

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street, provided the vehicles of customers are not parked in such a manner as to impair the view of motorists using the street.

(d) **Bufferyards.** In addition to the bufferyard requirements of *Section B.3-4 Bufferyard Standards*, a type I bufferyard shall be provided alongside and rear lot lines adjacent to property zoned for commercial or industrial use.

ii. **Open Burning.** Open burning is prohibited.

iii. **Abandoned Vehicles.** In the event that wrecked automobiles or other materials are abandoned or appear to be abandoned upon any property, the real property owner and/or occupant shall, upon notification, remove or cause the removal of such automobiles or other materials, or conduct the operation in full compliance with the requirements of this Ordinance, provided that such use is permitted.

iv. **Hazardous Materials.** Any gasoline, oil, or other materials spilled or collected on the site shall be contained and disposed of in accordance with State and federal laws.

35. **Motor Vehicle Repair And Maintenance, And Motor Vehicle Body Or Paint Shop.**

(1) **LB District.** Motor Vehicle Repair and Maintenance is permitted in the LB District only north of Yadkinville Road and limited to a maximum zoning lot size of one acre (*Section B.2-4.5(E) LB Limited Business District*).

(2) **Compliance with Motor Vehicle Storage Yard Requirements.** A legally established motor vehicle repair and maintenance facility or motor vehicle body or paint shop which has inoperative motor vehicles on site shall store such vehicles in an enclosed building or in a motor vehicle storage yard which meets the requirements of *Section B.2-5.4(36) Motor Vehicle Storage Yard*; except that the requirements of *Section B.2-5.4(36) Motor Vehicle Storage Yard* shall not be required for two (2) inoperative vehicles per service bay, up to ten (10) inoperative motor vehicles maximum at motor vehicles repair and maintenance facilities. Excluded from consideration as an inoperative motor vehicle for purposes of this Section shall be any vehicle whose sole reason for otherwise being considered inoperative is a North Carolina Vehicle

Inspection Certificate less than four (4) months out of compliance at motor vehicle repair and maintenance facilities authorized to do NC Inspection Certificates.

36. Motor Vehicle Storage Yard.

- (1) **Maximum Size.** A motor vehicle storage yard created or expanded after the adoption date of this Ordinance shall have an enclosed storage area which shall not exceed the following area requirements for the zoning district in which the yard is located:

District	Maximum Size (square feet)
LB	6,000
HB	11,000
PB	6,000
GI	No Maximum

- i. Accessory motor vehicle storage yards in the LB and PB Districts shall have a maximum size of three thousand (3,000) square feet.
- (2) **Repair Work or Sale of Vehicles.** No repair work shall be done on motor vehicles while stored in the storage yard. No parts or other articles may be removed from the vehicles except for security purposes, nor shall any parts or articles be sold. The sale of whole vehicles shall be permitted only to satisfy a mechanics lien or by order of a law enforcement agency.
- (3) **Right-of-Way Screening and Access.** – New or Expanded Storage Yards
A Motor Vehicle Storage Yard or expansion of an existing storage yard created after the effective date of this Ordinance shall meet the following:
- i. **Outdoor Storage Area Standards.** A motor vehicle storage yard not screened by an intervening building from any public or private street, whether or not such streets provide access to the site, shall meet the outdoor storage area screening standards of *Section B.3-3.4 Screening of Service Areas and Outdoor Display/Storage*.
- (a) If the fencing option of *Section B.3-3.4(C)(2)(1) Screening of Service Areas and Outdoor Display/Storage – Fencing* is selected, streetyard plantings as specified in *Section B.3-3.4(C)(2)(2) Screening of Service*

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Areas and Outdoor Display/Storage – Plantings are required on the outside of the fence;

- (b) If the planting option of *Section B.3-3.4(C)(2)(2) Screening of Service Areas and Outdoor Display/Storage – Plantings* is selected and chain link fencing is installed in conjunction with the plantings, said fencing shall be a minimum six (6) feet in height and black or dark green in color. The plantings may be installed within a minimum five (5) foot strip either on the exterior of the fence or on the property owner's side of the fencing, in which case wheel stops shall be placed a minimum seven (7) feet from the fence.
- ii. **Visibility.** Fencing and plantings must not obstruct traffic visibility at driveways.
- iii. **Maintenance.** Fencing and vegetation shall be maintained in good condition throughout the life of the use.
- iv. **Topographic Irregularities.** Where topographic irregularities require a different location to meet the intent of this Section, the location of the landscaping or fencing may be varied with approval of the Planning Director.
- v. **Fencing Setback.** Fencing shall be set back a minimum five (5) feet from the public right-of-way or private street easement.
- vi. **Access.** The maximum number of access points to a motor vehicle storage yard shall be two (2).
- (4) **Right-of-Way Screening and Access.** Motor Vehicle Storage Yards existing prior to the adoption date of this Ordinance shall meet the following criteria:
 - i. **Outdoor Storage Area Standards.**
 - (a) The requirements of *Section B.2-5.4(36) Motor Vehicle Storage Yard* shall be met; or,
 - (b) Chain link fencing with wood, metal, or vinyl slats of a single color shall be installed. No other plastic or fiberglass cloth or other sheeting materials is permitted unless said material is constructed of materials manufactured, sold, and used exclusively as fencing materials with consistent height, materials, and color; or
 - (c) Streetyard landscaping area in accordance with *Section B.3-3.1] Landscaping Standards – General Requirements*.

- ii. **Other Requirements.** The additional provisions of *Sections B.2-5.4(36)(3) Motor Vehicle Storage Yard Right-of-Way Screening and Access* shall be met.

(5) **Bufferyard Requirements.**

- i. **Intervening Building.** No bufferyard is required where the motor vehicle storage yard is screened from view of an adjacent zoning lot by an intervening building.
- ii. **Buffering Internal to the Zoning Lot.** No bufferyard is required along an edge of the motor vehicle storage yard internal to the same zoning lot, unless such edge is clearly visible from a street or an adjacent zoning lot.

(6) **Vertical Stacking Vertical stacking of motor vehicles is prohibited.**

(7) **Hazardous Substance**

- i. **Containment.** Any gasoline, oil, or other materials spilled or collected on site shall be contained and disposed of in accordance with State and federal laws.
- ii. **Storage of Vehicles Carrying Hazardous Substances.** Tractor trailers, tankers and/or any vehicle carrying a hazardous material shall be stored only in motor vehicle storage yards located in the HB, LI, or GI Districts. A motor vehicle storage yard which stores a tanker which has contained a hazardous substance shall be enclosed by a minimum six (6) foot high fence which shall be locked during nonoperating hours. In addition, a spill containment structure certified by a registered professional engineer as being adequate for spill containment is required. No tanker shall be stored closer than two hundred (200) feet from any residential zoning district.

37. Nursing Care Institution.

- (1) **Access.** In the IP District, the site shall have direct access to a major or minor thoroughfare.

38. Outdoor Display Retail.

- (1) **Outdoor Displays shall comply with the standards below in all permitted zoning districts:**
 - i. Outdoor displays shall be removed and placed in a fully enclosed structure at the end of every business day. Due to their commercial and pedestrian oriented nature, propane storage racks, soft drink dispensing machines, and ice storage bins may remain outside overnight.
 - ii. Outdoor display shall only be displayed in front of the primary façade and may not extend more than eight (8) feet from the face of the building. No more than twenty-five (25) percent of the horizontal length of the façade shall have outdoor display items.
 - iii. Outdoor display areas shall not inhibit pedestrian travel paths (i.e. sidewalks) and ADA accessibility shall be maintained.
- (2) **Motor Vehicle Storage Yards.** Any outdoor area meeting the definition of a motor vehicle storage yard shall comply with the requirements of *Section B.2-5.4(36) Motor Vehicle Storage Yard*.

39. Park And Shuttle Lot.

- (1) **In Residential Districts.** Where any newly constructed park and shuttle lot abuts residentially zoned land or a residential use, said parking shall be set back a minimum of fifteen (15) feet. All parking shall comply with the design standards and requirements in *Section B.3-4 Bufferyard Standards*.
- (2) **In Business, Office and Industrial Districts.** Park and shuttle lots in business and industrial zoning districts shall comply with the design standards and requirements in *Section B.3-2.3 Design Standards for Parking Areas*.

40. Parking, Off-Site, For Multi-family Or Institutional Uses In RM Districts. Off-site parking in RM Districts for multi-family or institutional uses not permitted in the applicable zoning district must meet the requirements of *Section B.3-2.4(A) Off-Site Parking Requirements*.**41. Planned Residential Development.**

- (1) **Purpose.** Planned residential developments (PRDs) encourage unique communities and neighborhoods which meet the needs of their residents by allowing for flexibility in the development process. PRDs differ from standard residential subdivisions by incorporating novel design concepts, allowing for

private roads and variable lot sizes, and by encouraging environmentally sensitive design that promotes the conservation of open space. The following are the minimum standards for PRDs in single- and multi-family zoning districts. The Town of Lewisville welcomes design concepts that may exceed these standards in general keeping with the character of the town and its communities.

- (2) **Land Ownership.** At the time of application for a PRD, all land and other real property shall be in single or joint ownership, or the applicant shall demonstrate the right to acquire ownership under a valid option. This information shall be included in the application for a PRD.
- (3) **Principal Uses.** Land may be developed including all uses permitted within the underlying zoning district, either single-family or multi-family residential. Multi-family units are allowed only in the zoning districts in which they are permissible.
- (4) **Relationship to Other Regulations.** PRDs are subject to all applicable standards, procedures, and regulations as described in the UDO unless otherwise set forth in this Section.
- (5) **Development Standards.** All planned residential developments are subject to the following conservation design standards. Conservation areas shall be depicted and identified on the site plan.
 - i. **Primary Conservation Area (PCA).** PCAs shall include, but are not limited to, unbuildable wetlands, floodplains, stream/pond buffers, natural steep slopes (>20%) and other lands protected by federal law. The PCA shall not count towards the minimum open space requirement shown in *Section B.2-5.4(41)(20) Planned Residential Development – Responsibility for Common Open Space and Amenities*.
 - ii. **Secondary Conservation Area (SCA).** SCAs shall include, but are not limited to, unprotected elements of the natural landscape such as mature woodlands, meadows, wildlife habitats, cultural features such as historic and archeological sites, and scenic views. Wastewater and Stormwater management systems serving the PRD may be located within the SCA. Surface systems such as retention ponds shall not qualify towards the minimum SCA required. SCAs may count towards no more than twenty percent (20%) of the total required open space calculation shown in

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Section B.2-5.4(41)(20) Planned Residential Development – Responsibility for Common Open Space and Amenities.

- iii. **Conservation Alternative Compliance.** Development within the PCA and SCA, or the use of the PCA and SCA towards open space calculations, may be permitted for developments which provide low or no impact to the physical site. An application for alternative compliance shall include an environmental analysis along with the site plan detailing the following:
 - (a) The potential or actual impacts of the proposed development on the environment specifically in the conservation areas;
 - (b) A description of the impact to the land including topography changes, forestry activities, an increase in surface run-off, etc.;
 - (c) A description of any investigations or studies of the impact of the proposed development on the environment;
 - (d) Alternative compliance may be approved by the Planning Board and Town Council only upon finding that the proposed plan meets or exceeds the requirements of this Section.
- (6) **Bufferyard.** A minimum thirty-foot wide type II bufferyard shall be provided around the entire perimeter of the zoning lot, except:
 - i. At such location where single-family residential lots within the planned residential development meet or exceed the minimum lot requirements of a residential zoning district adjacent to and outside the planned residential development;
 - ii. Where the zoning lot is adjacent to a floodplain or protected riparian buffer at least thirty (30) feet wide;
 - iii. Where an internal residential lot line lies at least one hundred (100) feet from an adjacent zoning lot; or
 - iv. Where open space or a passive recreation area at least thirty (30) feet wide lies next to the adjacent zoning lot.
- (7) **Required Planting.** Planned Residential Developments shall require a minimum of one (1) tree per lot planted in the front yard.
- (8) **Corridor Bufferyard.** Along any Heritage Corridor identified in the *Lewisville Comprehensive Plan* where there exists significant natural vegetation, these areas shall be preserved. Where present, these areas may supplement or

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satisfy the otherwise required Type III bufferyard, as determined by the Planning Director or approving board.

- (9) **Access Drives.** No loading space, parking space, or access drive to a parking space shall be permitted within the required bufferyard, with the following exceptions:
 - i. An access drive to off-street parking serving a single family detached dwelling, whether inside or outside of a carport or garage, whether attached to or detached from such dwelling. Such access drives shall not constitute off-street parking as required in *Section B.3-2 Parking and Loading Standards*.
 - ii. Drives not longer than fifty (50) feet which provide access to the planned residential development.
- (10) **Private Streets.** Private streets are permitted with a dedicated access easement measuring a minimum of twenty-five (25) feet in width.
- (11) **Road Construction Materials.** All roads shall be subject to the road construction materials standards of the Town of Lewisville and North Carolina Department of Transportation.
- (12) **Required Parking.**
 - i. **Off-Street Parking.** Off-street parking shall be provided in compliance with *Section B.3-2 Parking and Loading Standards*, except that the parking requirements may be met through group parking located on commonly owned land.
 - ii. **On-Street Parking.** Some on-street parking may be permitted to satisfy off-street parking requirements in accordance with *Section B.3-2.5(K) On-Street Parking Supplements for Pedestrian Oriented Developments* of this Ordinance.
 - iii. **Parking Accommodations.** Special accommodations for recreational vehicles, including boats, may be provided in group parking areas. Such special parking areas shall be designated and screened from adjacent residential uses incorporating a Type II Landscape Buffer that may also include opaque fencing. Chain link or vinyl-coated chain link fencing is not permitted.
- (13) **Pedestrian Access.** Pedestrian and other modes of non-vehicular movement shall be provided and separated from vehicular traffic and shall

provide a safe connection between major uses on the site. All new Planned Residential Development shall provide sidewalks, greenways, and/or bikeways at a ratio of one (1) linear foot per linear, centerline foot of public/private streets when considering the PRD as a whole. Alleys and private drives associated with minor subdivisions are exempt from linear foot calculations. The exact location and type of pedestrian connection shall be determined during the site plan and subdivision review process with an emphasis on the functional relationship of the required connection to destination points and other existing or planned pedestrian segments. All pedestrian segments shall meet or exceed ADA and NCDOT standards. Sidewalks and bikeways shall be constructed of concrete, asphalt, or other all-weather surface. "Crush and run" is not allowed for any pedestrian segments.

- (14) **Streetscape.** Variation shall be provided to avoid visual monotony on long, straight portions of streets exceeding 500 feet in length through the manipulation of building elements and massing. Linear, repetitive streetscapes and building façades shall be avoided by providing variations between the front elevations and through landscaping plans. Residential structures with identical or similar building elevations and/or floor plans shall not be located on adjacent lots or directly across the street from each other. Where a single house design is used repeatedly, materials and detailing of front and major façade elements shall be varied. New housing development shall avoid front elevations that mainly consist of rows of garages and garage doors. Residential garages and parking pads located at the front of homes should be minimized or avoided.
- (15) **Utilities.** Utilities easements at a minimum width of ten (10) feet in width shall be provided along both sides of all roadways.
- (16) **Impervious Surface Cover.** Buildings and improvements measuring five thousand (5,000) square feet or less in multi-family PRDs shall not be calculated as impervious surface coverage except when located in regulated drinking water watershed boundaries.
- (17) **Dimensional Requirements and Spacing of Structures.** In multi-family PRDs, the lot and setback dimensional requirements of the zoning district for individual lots are waived. Minimum distances between townhome and multi-

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family structures shall be those set forth in *Section B.2-4.2(H) Building Spacing Requirements for Multi-family, Townhouse, or Two-Family Residential Buildings*. The minimum distances between single family structures shall be as follows, unless otherwise required by the NC Building Code or the Fire Marshal:

- i. **Front Facing Front.** The minimum distance between the front wall of structures oriented so as to face each other shall be not less than thirty (30) feet from one another, provided neither shall be closer than ten (10) feet from the nearest right-of-way line of a public street or private access easement.
- ii. **Rear Facing Rear.** Dwellings oriented back-to-back shall be subject to the following provisions:
 - (a) The minimum distance between rear walls of the dwellings shall be no less than thirty (30) feet. For the purpose of this provision, the rear wall of a carport or garage shall be that wall opposite the front wall of the dwelling it serves, whether or not it shall be the entrance wall of such carport or garage.
 - (b) Carports or garages shall be permitted in the intervening space between dwellings oriented back-to-back provided that they shall be no more than one (1) story and of a total dimension no larger than five hundred and seventy-six (576) square feet, whether attached or detached from the dwelling.
 - (c) The rear walls of two (2) carports or garages oriented back-to-back shall not be closer than six (6) feet.
- iii. **Front Facing Side.** The minimum distance between the front wall of the structure and the side wall of another structure shall not be less than fourteen (14) feet.
- iv. **Side Facing Side.** The minimum distance between side walls of structures shall not be less than fourteen (14) feet.
- v. **Rear Facing Side.** The minimum distance between the rear of a structure and the side of another structure shall not be less than fourteen (14) feet.
- vi. **Rear Facing Front.** The minimum distance between the front wall of one (1) structure and the rear wall of another structure shall be not less than

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thirty (30) feet, provided neither shall be closer than ten (10) feet from the nearest right-of-way line of a public street or private access easement.

- (18) **Common Recreation Areas.** Common recreation areas shall be required for a planned residential development containing forty (40) units or greater. Common Recreation Areas may count towards open space requirements as shown in *Section B.2-5.4(41)(20) Planned Residential Development – Responsibility for Common Open Space and Amenities*.
- (19) **Density Requirements and Open Space.** Minimum lot sizes are waived for PRDs. The maximum residential density shall be determined in correlation with the underlying zoning district, see *Table B.2.15 Maximum Density in a PRD*. Density may increase if additional open space is provided.
- i. **Area.** Common open space shall not be less than the following percentages of the land area of the planned residential development, excluding dedicated public rights-of-way or private access easements.

Table B.2.15 Maximum Density in a PRD

Underlying Zoning District	Minimum Open Space Provided	Maximum Density
YR	30%	1.0 Dwelling / 3 Acres
	50%	1.0 Dwelling / 2 Acres
AG	30%	1.3 Dwellings / 1 Acre
	50%	1.5 Dwellings / 1 Acre
RS-40	30%	1.5 Dwellings / 1 Acre
	50%	2.0 Dwellings / 1 Acre
RS-30	30%	1.8 Dwellings / 1 Acre
	50%	2.5 Dwellings / 1 Acre
RS-20	30%	2.5 Dwellings / 1 Acre
	50%	3.0 Dwellings / 1 Acre
RS-12	30%	4.0 Dwellings / 1 Acre
	50%	4.5 Dwellings / 1 Acre
RS-9	15%	5.5 Dwellings / 1 Acre
	25%	6.0 Dwellings / 1 Acre
RM-5	15%	6.0 Dwellings / 1 Acre
	25%	8.0 Dwellings / 1 Acre
RM-12	15%	14.0 Dwellings / 1 Acre
	25%	16.0 Dwellings / 1 Acre
IP	15%	5.0 Dwellings / 1 Acre

Underlying Zoning District	Minimum Open Space Provided	Maximum Density
	25%	6.0 Dwellings / 1 Acre
MU-C	15%	10.0 Dwellings / 1 Acre
	25%	12.0 Dwellings / 1 Acre

- ii. **Location.** The open space required shall be connected throughout the development. Open Space is considered connected if separated by a roadway, easement, or an accessory amenity.
- iii. **Character.** Common Open Space shall incorporate active recreation areas provided for the property owners in the development. Active recreation may include pocket parks, well positioned seating areas, play equipment, fitness stations, pavilions, and other hardscape elements. These areas shall be easily accessible to pedestrians.

(20) **Responsibility for Common Open Space and Amenities.** Land not to be held in private ownership shall be owned and maintained by the developer until ownership of such areas has been transferred to a homeowner's association or similar organization obliged with maintaining common areas, open space, amenities, roadways, and other such improvements within the planned residential development.

42. **Police Or Fire Station.** The site shall have direct access to a major or minor thoroughfare.

43. **Recreational Vehicle Park.**

- (1) **Permitted Districts.** Recreational Vehicle Parks shall only be permitted as a principal or accessory use in HB, LB, and AG Districts.
- (2) **General Use Conditions**
 - i. **Bufferyards.** In addition to the bufferyard requirements of *Section B.3-4 Bufferyard Standards*, a type I bufferyard is required adjacent to public rights-of-way.
 - ii. **Setbacks.** All recreational vehicle spaces shall be located a minimum of one hundred (100) feet from all adjacent property lines and public rights-of-way.
 - iii. **Access.** Recreational vehicle parks shall have direct access to a major or minor thoroughfare. Recreational vehicle spaces shall only have direct

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access to an internal private street which accesses a public street. No recreational vehicle space shall have direct vehicular access to a public street.

- iv. **Floodplains.** No recreational vehicle sites shall be located in the floodplain.
- v. **Landscaping.** Each recreational vehicle space shall have a planting area containing at least one deciduous or evergreen tree with a minimum height of eight (8) feet and a diameter of two (2) inches measured six (6) feet above ground level at the time of installation. Each planting area shall be a minimum of one hundred fifty (150) feet with a minimum radius of seven (7) feet. The use of existing trees when possible to meet these landscaping requirements is encouraged.
- vi. **Sanitary Facilities, Sewage and Garbage Disposal.** Adequate sanitary facilities, sewage and garbage disposal shall be provided and shall conform with all applicable codes.
- vii. **Length of Stay.** No recreational vehicle shall be used as a permanent place of residence. Occupancy extending beyond three (3) months in any twelve (12) month period shall be presumed to be permanent occupancy and is prohibited in a recreational vehicle park.
- viii. **Accessory Uses.** Management offices, recreational facilities, toilets, showers, dumping stations, coin-operated laundry facilities, and other uses and structures incidental to the operation of a recreational vehicle park are permitted as accessory uses to the park. In addition, other uses may be permitted as accessory uses in the district where such uses are not allowed as principal uses, subject to the following restrictions:
 - (a) **Size.** Such establishments and the parking areas related to their operations shall not occupy more than five percent (5%) of the gross area of the park.
 - (b) **Clientele.** Such establishments shall be restricted in their use to the occupants of the park.
 - (c) **Visibility.** Such establishments shall present no visible evidence from any street outside the park of a commercial nature which would attract customers other than occupants of the park.

- (d) **Access.** Such establishments shall not be directly accessible from any public street, but shall be accessible only from a street within the park.
- ix. **Manufactured Homes.** No manufactured home may be parked or stored in a recreational vehicle park, except that one manufactured home may be located within the park for the exclusive use as the principal dwelling unit for the park manager or operator.
- (3) **Recreational Vehicle Parks in HB District.**
 - i. **Purpose.** To provide short term recreational vehicle and tent camping in areas serviced by major highways.
 - ii. **Application.** In addition to the general use conditions for recreational vehicle parks, the following conditions shall apply to recreational vehicle parks in the HB District.
 - (a) **Park Size.** The minimum contiguous area of any recreational vehicle park shall be three (3) acres.
 - (b) **Density.** The maximum density of any recreational park shall be fifteen (15) recreational vehicle spaces per acre.
 - (c) **Site Area.** The minimum area devoted to each recreational vehicle space shall be one thousand five hundred (1,500) square feet.
- (4) **Recreational Vehicle Parks in HB, LB, and AG Districts.**
 - i. **Purpose.** To permit short term recreational vehicle and tent camping on relatively large amounts of land without the necessity or desirability of being immediately adjacent to main highways or built-up areas, while preserving an open character and promoting outdoor recreational activities.
 - ii. **Application.** In addition to the general use conditions for recreational vehicle parks, the following conditions shall apply to recreational vehicle parks in AG, RS-30, RS-40 and YR Districts.
 - (a) **Site Plan Required.** A site plan which meets the site plan requirements of *Section A.4-3.10 Site Plan* shall be submitted as part of each application for a special use permit.
 - (b) **Park Size.** The minimum contiguous area of any recreational vehicle park shall be ten (10) acres.
 - (c) **Density.** The maximum density of any recreational park shall be ten (10) recreational vehicle spaces per acre.

- (d) **Site Area.** The minimum area devoted to each recreational vehicle space shall be two thousand five hundred (2,500) square feet.

44. Recreation Services, Indoor/Outdoor.

- (1) **Minimum Site Size.** The minimum site size shall be two (2) acres.
- (2) **Access.** The site shall have direct access to a collector street, a minor thoroughfare, or a major thoroughfare.
- (3) **Setbacks.** No structure, parking area, or outdoor recreation area shall be located less than forty (40) feet from any property line adjacent to residentially zoned property.
- (4) **Public Address System.** Public address systems shall not be permitted except within a building.

45. Religious Institution.

- (1) **Access.** The site shall have direct access to a major or minor thoroughfare or a collector street.
- (2) **Impervious Surface Cover.** In RS Districts, impervious surface cover for all church or religious institution property within the block of the principal building shall not exceed sixty percent (60%), however impervious surface cover in the RS and IP Districts may be increased to seventy-five percent (75%) with staff approval of a landscaping plan which demonstrates greater tree canopy coverage of parking area by doubling the planting ratio of *Section B.3-3.3(B)(4) Interior Parking Area Plantings Ratio* and reducing by at least one-half the spacing requirements of *Section B.3-3.3(B)(5) Interior Parking Area Plantings - Distance of Parking Spaces to Trees* In other districts, churches are subject to the impervious surface cover requirements of the underlying zone.
- (3) **Bufferyard.** All buildings and parking areas on site shall be buffered by a type I bufferyard, as described in *Section B.3-4 Bufferyard Standards*, from adjacent residentially zoned property.
- (4) **Parking.** Off-site parking may be used to meet up to fifty percent (50%) of on-site parking requirements with the approval of a special use permit from the Board of Adjustment.
- (5) **Accessory Use.** Churches or religious institutions, community scale are an allowed accessory use in the CD1 district. Activities are to be conducted in

existing CD1 buildings and shall be subordinate to the primary educational purpose of the institution.

46. Residential Building; Multi-family, Townhome, or Twin Home.

- (1) **RM-5 Zoning District.** Three- and four-unit buildings are the only type of multi-family or townhome residential building permitted in the RM-5 Zoning District. Refer to *Section 2-3.4(G) RM-5 Residential Multifamily District* for dimensional requirements of the RM-5 Zoning District.
- (2) **Site Plan.** A site plan, prepared to the standards of *Section A.4-3.10 Site Plan* shall be required for all multi-family, townhome, or twin-home residential developments (referred to as “developments” hereafter within this Section). The Planning Board shall review all developments with the following exceptions, which may be reviewed and approved by the Planning Director:
 - i. Developments in which all residential buildings front upon an existing public street;
 - ii. Developments which contain six (6) units or less.
- (3) **Standards.** With the exception of those located in the RM-5 District, all developments shall comply with the following:
 - i. **Traffic Requirements.** In approving the site plan for a development, the Planning Board shall determine that the streets, driveways, parking areas, and other public and private drives shown on the plan are so located that:
 - (a) They do not block, impede, or interfere with the orderly development of the public street system.
 - (b) Private roads are allowed, except that through streets and connector streets shall be constructed minimum NCDOT standards, including the dedication of public rights-of-way.
 - (c) Adequate provision is made for vehicular traffic to and from the premises and for vehicular traffic and pedestrian traffic to and from the proposed buildings, structures, and parking areas on the premises, including firefighting and police equipment and personnel, ambulance service, garbage collection service, postal service, delivery service, and other public and private services and individuals who would require access to the premises.
 - (d) Common recreation areas and facilities, such as areas for small children or other recreational areas, shall be provided for

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developments containing forty (40) units or more, except for those located in the PB Zoning District or which are designated as Life Care Community.

- (4) **Other Development Standards.** All developments shall meet the following standards.
- i. **Air and Light.** The project provides adequate air and light to the development and surrounding properties.
 - ii. **Architectural Features.** Through the use of a variety of fenestration patterns, building façade offsets, roof line treatments, and other architectural features, the perceived bulk, scale, and length and width of the building is compatible with surrounding buildings.
 - iii. **Affected Area.** The project will not be injurious to property or improvements in the affected area.
 - iv. **Adopted Plans.** The project is in accordance with all development criteria established by the Town Council's adopted plans and policies, such as Lewisville Tomorrow and development guides.
- (5) **Developments on Smaller Lots.** Developments subject to the minimum lot size requirements of *Table B.2.4 Minimum Lot Sizes (Square Feet) for Permitted Single Family, Two-Family, and Multi-family Residential Buildings on Small Lots in RM Districts* shall meet the following requirements:
- i. **Impervious Surface Cover.** For new construction on vacant lots, impervious surface cover is limited to a maximum of sixty percent (60%). Impervious surface cover is otherwise limited to seventy percent (70%).
 - ii. **Building Height.** No building shall exceed a height of forty (40) feet.
 - iii. **Bufferyard.** Bufferyard requirements of *Section B.3-4 Bufferyard Standards* must be met for developments containing more than six (6) units.
 - iv. **Off-Street Parking.**
 - (a) **Number of Spaces.** Off-street parking for multi-family or townhouse uses shall be provided at one (1) space per dwelling unit.
 - (b) **Parking in Rear.** All off-street parking shall be provided to the rear of the principal structures unless the Planning Board determines that, due to lot size, shape or topographic features, some or all parking cannot be placed to the rear.

- (c) **Reduction in Bufferyard.** A side or rear bufferyard which may be reduced to allow a driveway to the rear of the property which accesses the off-street parking if the provisions of *Section B.3-4.4(C) Reduction for Driveway to Rear Parking Areas* are met.
- (d) **Landscaped Separation from Building.** A minimum three and one-half (3.5) foot wide landscaped area shall be provided between any parking area and building wall providing access into the unit(s).
- (e) **Vehicular Use Landscaping Requirements.** Vehicular use landscaping requirements of *Section B.3-3 Landscaping Standards* must be met for developments containing more than six (6) units or nonresidential uses.
- (6) **Design Standards.** Buildings shall comply with the architectural standards for multi-family buildings in *Section B.3-5.5 Multi-family Building and Site Design Standards*.
- (7) **Building Spacing Requirements.** All multi-family, townhouse, or twin home residential buildings shall meet the requirements of *Section B.2-4.2(H) Building Spacing Requirements for Multi-family, Townhouse, or Twin Home Residential Buildings*.
- (8) **Setback from Public Streets.** Except in the RM-5 District, developments, including structures and parking, shall have a minimum fifty (50) foot setback from adjacent public streets. Within the setback an earthen berm planted with a Type III bufferyard shall be provided. Access drives may be permitted within the fifty (50) foot setback provided the berm is located between the access drive and the adjacent public street.
- (9) **Parking in RM-5 District.** The following shall apply to all developments, except single family residences that may be included in such developments. All off-street parking shall be provided to the side or rear of the principal building(s) unless the Planning Board determines that, due to lot size, shape, or topographic features, some or all parking cannot be placed to the side or rear. All parking shall be set back at least five (5) feet off the property line. The intervening five (5) feet shall be landscaped to meet the type I bufferyard standards of *Section B.3-4 Bufferyard Standards*. Vehicular use landscaping requirements of *Section B.3-3.3 Motor Vehicle Surface Area Landscaping Standards* must be met for multi-family or townhome developments (triplexes

or quadplexes) where parking is provided at the front of the principal building. A minimum three (3) foot wide landscaped area shall be provided between any parking area and building wall providing access in to the unit(s).

(10) **Dimensional Requirements for Townhome and Twin Home Units and Buildings**

- i. Townhome and twin home units developed in the RM-5 District shall adhere to the dimensional requirements of the Zoning District. Townhome and twin home units in other permitted zoning districts may be constructed with no setback, lot area, or lot width requirements.
- ii. Development projects with townhome and twin home buildings shall comply with the general dimensional and building spacing requirements of the applicable zoning district for the project as one zoning lot.

47. **Riding Stable, Including Veterinarian Services For Equine Species And Cattle.**

- (1) **Size.** Any riding stable shall occupy a zoning lot containing not less than five (5) acres.
- (2) **Setbacks.** Such riding stable shall be set back not less than one hundred fifty (150) feet from any adjoining parcel of land; otherwise such riding stable or riding area shall be set back not less than one hundred (100) feet from any street or property line.
- (3) **Restrictions.** In the CD1-C Campus District veterinary services shall only be for those animals owned or boarded within the district.

48. **School, Private.**

- (1) **Minimum Site Area.** The minimum site area for each type of private school shall be not less than the following square footage per pupil:
 - i. **Elementary School.** Elementary School, grades kindergarten through five (5): four hundred (400) square feet;
 - ii. **Secondary School.**
 - (a) **Middle School.** Middle School, grades six through eight: six hundred (600) square feet; or,
 - (b) **High School.** High School, grades nine through twelve: eight hundred (800) square feet.

- iii. **Combination of Grades and School Types.** When a private school provides a combination of above grades and schools, the minimum site area is calculated by prorating the number of pupils for each grade.
- (2) **Mobile Units.** Any new schools approved or constructed after the date of the adoption of this Ordinance shall identify any areas on which mobile units are to be placed. Installation of mobile units shall comply with the temporary use provisions of *Section B.2-5.3 Temporary Uses*.
- (3) **Other Requirements in the Downtown Core Area (DCA).**
 - i. **Interior Floor Space.** The minimum interior floor space for each school shall not be less than one hundred (100) square feet per pupil.
 - ii. **Play Area.** The minimum outdoor or indoor play area shall be five thousand (5,000) square feet.
 - iii. **Off-Street Loading.** There shall be a minimum of one off-street loading or unloading space per fifty (50) pupils enrolled, appropriately located to the entrance(s) to the school building.
- (4) **Exemptions.** Exempted from Planning Board Review are the following improvements or buildings on school campuses, provided the Planning Director approves any necessary zoning permits for new structures requiring a building permit.
 - i. **Recreation Improvements.** Concession stands, playground equipment, or bleachers with a seating capacity for less than one thousand (1,000) spectators;
 - ii. **Building Expansions or Accessory Buildings.** Expansions of less than four thousand (4,000) square feet (building footprint) of existing principal buildings; or maintenance, storage, or accessory buildings of less than four thousand (4,000) square feet (building footprint);
 - iii. **Modification to Parking Lots.** Modifications to existing parking lots and driveways (NOTE: Any changes to driveways must receive driveway permits from either the Town of Lewisville, Forsyth County, or the North Carolina Department of Transportation, whichever is applicable);
 - iv. **New Parking.** New parking or pavement areas of less than twenty thousand (20,000) square feet; or,

SECTION B.2 – ZONING REGULATIONS

- v. **Utilities.** Installation of new utilities or maintenance of existing utilities (NOTE: Any utility relocations or installations must be approved by the Utilities Commission).
- (5) **Landscape Plan.** A landscape plan prepared per the requirements of *Section B.3-3.6 Public or Private Schools* shall be prepared and installed for any new school or improvements to schools approved or constructed after the date of adoption of this Ordinance.
- (6) **Charter Schools.** Charter schools are permitted in all zoning districts in which private schools are permitted.
- (7) **Conditions.** The following conditions apply to private schools in all zoning districts where permitted:
- i. **Stadiums.** A school stadium may be located on the same zoning lot as any private secondary school.
 - ii. **Stadium and Playground Area Setbacks.** School stadiums, including the parking areas, or other playground areas, shall be set back not less than fifty (50) feet from the property lines of any adjacent residentially zoned property.
 - iii. **Bufferyards.** A fence option bufferyard of type II, as specified in *Section B.3-4 Bufferyard Standards*, shall be provided along the side and rear property lines between any school stadium and any property zoned for residential use.
49. **School, Public.** The following conditions apply to public schools in all zoning districts where permitted:
- (1) **School Stadiums.**
- i. **Stadiums.** A school stadium may be located on the same zoning lot as any public secondary school.
 - ii. **Stadium and Playground Area Setbacks.** School stadiums, including the parking areas, or other playground areas, shall be set back not less than fifty (50) feet from the property lines of any adjacent residentially zoned property.
 - iii. **Bufferyards.** A fence option bufferyard of type II, as specified in *Section B.3-4 Bufferyard Standards*, shall be provided along the side and rear property lines between any school stadium and any property zoned for residential use.

- (2) **Mobile Units.** The placement of mobile units on school campuses shall require an approval of a zoning permit and comply with the following criteria. If unable to meet these criteria, the mobile unit must be approved by a special use permit issued by the Board of Adjustment. The Board of Adjustment may adjust or waive specified criteria based on site circumstances, such as; existing buildings and development of the school campus or on adjoining property; existing utilities; or natural features, like topography or wooded areas. The location of temporary classrooms on public school campuses must be verified to be consistent with the following criteria by the Planning Director within three (3) months after installation.
- i. **Setbacks.** A mobile unit shall be setback no less than forty (40) feet from all property lines and shall be located no closer to the surrounding public street(s) than the principal school structure.
 - ii. **Buffering.** Either the bufferyard specified in Section *B.3-4.2 Determination of Bufferyard* shall be installed or the provision of Section *B.3-4.3(F) Alternative Compliance for Schools* met through the approval of a landscaping plan for the school, public site.
 - iii. **Landscaping.** At a minimum, there shall be one (1) large variety tree planted on the campus for each mobile unit approved. The tree(s) shall be located within one hundred fifty (150) feet of the mobile unit(s) or the principal school structure and be planted with a minimum on-center spacing of thirty (30) feet and a maximum on-center spacing of fifty (50) feet.
 - iv. **Accessibility and Safety.** A hard-surfaced, accessible route with a minimum width of five (5) feet shall be provided between the principal school structure and the mobile unit(s). Further, a striped pedestrian crosswalk shall be provided where the accessible route crosses parking and drive aisles.
 - v. **Clustering Units.** Units should be clustered around a central courtyard or green area rather than side by side so that a usable central outdoor space is created and a central walkway may be shared by the different classrooms. The designated cluster area shall be located close to a hallway entrance of an existing school building. The cluster of classrooms is linked to the main building by a landscaped walkway.

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- vi. **Retention of Existing Trees.** Units should be placed so as to minimize harm to or the necessity of removing existing trees.
 - vii. **Shading.** Trees should be installed for shade where mobile units are exposed to direct south or western sun. Trees should be placed not inconsistent with the landscape plan for the school so they can become permanent features, and not interfere with recreation areas or moving of the classrooms.
 - viii. **Preexisting Mobile Units.** In schools with existing mobile classrooms, additional mobile units should be placed close by to minimize the visual impact on the rest of the campus.
 - ix. **Skirting.** Skirting compatible with mobile units shall be provided under mobile classrooms approved under *Section A.4-3.12(A)(1) Zoning Permits - When Required for Building or Structure* and which are visible from an adjacent public street and located within two hundred (200) feet of the public street.
 - x. **Building Code.** All mobile units and any additions necessary, such as stairs, landings, and porches, shall comply with the Building Code of North Carolina.
 - xi. **Community Appearance Commission.** The Community Appearance Commission may develop architectural or other appearance criteria which Planning Staff may utilize in its review of mobile units. For the purpose of this Section, the Planning Board shall serve as the Community Appearance Commission.
 - xii. **New Schools.** Any new schools approved or constructed after the date of adoption of this Ordinance shall identify any areas on which mobile units are to be placed.
- (3) **Other Requirements in the Downtown Core Area (DCA).**
- i. **Interior Floor Space.** The minimum interior floor space for each school shall not be less than one hundred (100) square feet per pupil.
 - ii. **Play Area.** The minimum outdoor or indoor play area shall be five thousand (5,000) square feet.
 - iii. **Off-Street Loading.** For each off-street loading and unloading area, there shall be a minimum of four (4) spaces and no more than seven (7) spaces appropriately located to the entrance(s) to the school building.

- iv. **State Approval.** The facility plan must be approved by the North Carolina Department of Public Instruction, Division of School Planning and/or the North Carolina Department of Insurance.
- (4) **Exemptions.** Exempted from Planning Board Review are the following improvements or buildings on Winston-Salem/Forsyth County School campuses, provided the Planning Director approves any necessary zoning permits for new structures requiring a building permit.
 - i. **Recreation Improvements.** Concession stands, playground equipment, or bleachers with a seating capacity for less than one thousand (1,000) spectators;
 - ii. **Building Expansions or Accessory Buildings.** Expansions of less than four thousand (4,000) square feet (building footprint) of existing principal buildings; or maintenance, storage, or accessory buildings of less than four thousand (4,000) square feet (building footprint);
 - iii. **Modification to Parking Lots.** Modifications to existing parking lots and driveways (NOTE: Any changes to driveways must receive driveway permits from either the City of Winston-Salem or the North Carolina Department of Transportation, whichever is applicable);
 - iv. **New Parking.** New parking or pavement areas of less than twenty thousand (20,000) square feet;
 - v. **Utilities.** Installation of new utilities or maintenance of existing utilities (NOTE: Any utility relocations or installations must be approved by the Utilities Commission).
- (5) **Landscape Plan.** A landscape plan prepared per the requirements of *Section B.3-3.6 Public or Private Schools* shall be prepared and installed for any new school or improvements to schools approved or constructed after the date of adoption of this Ordinance. Schools currently under construction at the time of adoption of this Ordinance may elect to provide landscaping in compliance with *Section B.3-3.6 Public or Private Schools and B.3-4.2(D) Determination of Bufferyard – Residential Subdivisions*.
- (6) **Pedestrian Connectivity – Campus.** Any new public school approved or constructed after the date of adoption of this Ordinance shall provide pedestrian connectivity between all proposed and existing administrative, instructional, athletic buildings facilities, mobile units, and parking lots as well

as from the street or road to the school building. This connectivity shall be provided through the use of coherent pedestrian pathways and/or sidewalks, outdoor plazas, colonnades strategically placed to encourage such inter-connectivity and to provide pedestrian walkways (pathways) separate of automobile traffic patterns. Such pedestrian routes shall be supported through proper placement of signage, landscaping and architectural elements. An exemption from pedestrian connection from the street or road to the building shall be based on the length, cost, and construction difficulties of the pedestrian connection to the street or road. Any such exemption shall be decided by the Planning Board. In the case of an exemption, an easement and/or right-of-way (easements and right-of-ways shall meet the Town of Lewisville sidewalk standards) shall be dedicated to the Town in lieu of construction of the pedestrian connection.

- (7) **Pedestrian Connectivity - Adjoining Residential Uses.** Pedestrian sidewalks and/or greenways paths shall extend outward from the campus to existing residential developments surrounding the new school site, where feasible, such feasibility to be determined by the Town Council in its sole discretion. These pedestrian pathways shall encourage such inter-connectivity to provide pedestrian walkways (pathways) separate from automobile traffic. Sidewalks and/or greenway paths are encouraged but not required for existing schools, additions, or modular unit additions or extending to remote locations and across athletic and play fields.
- (8) **Site Plan.** A site plan indicating proposed development and pedestrian/vehicular connections in context with overall campus plan shall be provided.
- (9) **Stadium Parking.** One (1) space shall be provided for every four (4) seats including existing parking and adjacent business parking. A parking plan shall be submitted for stadiums over two thousand five hundred (2,500) seats. This parking plan should include green grass parking locations utilized for overflow parking.
- (10) **Stormwater Management Plan Update.** Indicate the impact to, and compliance with the overall campus wide stormwater management plan.
- (11) **Streets.** Development should have a coherent and interconnected street/driveway network. This should include a discernable hierarchy of

streets, drives and pedestrian circulation. Said streets and/or drives may be public or private.

- (12) **Parking.** Parking for the proposed site(s) shall be provided so as to minimize the view of parking for adjacent uses and public travel ways through the strategic placement of buildings and parking and the utilization of landscaping, grading, and other architectural features for the screening and buffering purposes.
- (13) **Walkability.** Encourage pedestrian activity with the proper placement of parking in order to minimize fragmentation of the existing and/or proposed pedestrian circulation system. Sidewalks and pathways shall be provided to connect remote parking areas with the central campus environment.
- (14) **Building Orientation.** Buildings shall be oriented toward streets or around courtyards and open space areas. Buildings shall have a common organizational element such as architectural design, color, materials, or detailing. To promote the unification of the campus fabric, buildings should be placed to create and encourage a balanced, compatible mix of uses, in a pedestrian-friendly environment.
- (15) **Building Character.** Through the use of a variety of fenestration patterns, building façade offsets, roof line treatments and other architectural features, the perceived bulk, scale and length and width of the building shall be compatible with surrounding buildings. Maximum building height shall conform to *Section B.2-4.7(D)(2) CD1-C Campus - General Dimensional Requirements*. All buildings should blend with adjacent (on site) development in terms of mass, scale, details and character.
 - i. Elevations are to incorporate "human scale" elements and details. Awnings, covered walkways, open colonnades, or similar weather protection structures may be provided to further define pedestrian circulation areas.
 - ii. Parking decks and other accessory uses shall blend with adjacent buildings in terms of mass, scale, details and character. The main level of the structure must be clearly articulated through the use of architectural detailing and landscape plantings.
- (16) **Stacking Spaces and Queue Length.** Stacking spaces and queue length shall be provided to accommodate student pick-up and drop off traffic in order

to alleviate congestion on roadways. Stacking spaces and queue length shall follow the guidelines referenced by the MSTA (Municipal School Transportation Assistance) and the MSTA school traffic calculator.

- (17) **Lighting.** All outdoor lighting shall be so shielded and oriented as to cast no direct light onto adjacent property in order to mitigate light trespass and sky glow.

50. **Shopping Center.** Uses permitted in Shopping Centers shall be all those uses permitted in the applicable zoning district.

51. **Signs, Off-Premises.** All signs must comply with the provisions of *Section B.3-1 Sign Regulations*.

52. **Storage And Salvage Yard.**

- (1) **Type.** Motor Vehicle Dismantling and Wrecking Yards are an included use type within Storage and Salvage Yards, so long as they are compliant with the provisions of *Section 2.5.4(52) Storage and Salvage Yard*.

- (2) **Fencing**

- i. **Location.** An opaque fence or wall shall be erected on any property line which is adjacent to any street, road, or highway; and all business activity, including storage of articles, shall be conducted within said fence. Fencing requirements shall be one of the following:

- (a) **Within Fifty (50) Feet of Right-of-Way.** An eight (8) foot high opaque fence is required if located within fifty (50) feet of the right-of-way boundary; or
- (b) **Beyond Fifty (50) Feet of Right-of-way.** A six (6) foot high opaque fence is required if located fifty (50) feet or more from the right-of-way boundary.

- ii. **Conditions.** Such fencing shall meet the following conditions:

- (a) **Construction.** The fence and screening shall be constructed of materials manufactured, sold and used exclusively as fencing materials with consistent height, materials, and color;
- (b) **Maintenance.** All fences shall be maintained in sound condition at all times; and,
- (c) **Advertising.** Fences shall not contain advertising or other lettering or signs other than lettering which identifies the operation carried on within the enclosure.

(3) **Bufferyards.**

- i. **Type of Bufferyard Required.** In addition to the requirements of *Section B.3-4 Bufferyard Standards*, a type I bufferyard shall be provided alongside and rear lot lines adjacent to property zoned for commercial or industrial use.

53. Storage Facilities for Residents of the Development.

- (1) **Location.** The storage area cannot be located within required open space areas.
- (2) **Setbacks.** The storage area shall meet the required setbacks of the applicable zoning district.
- (3) **Bufferyard.** An opaque fence shall be provided along all sides of the storage area.
 - i. A Type I bufferyard with opaque fence shall be provided along all sides of the storage area when the storage area is adjacent to a public street or within fifty (50) feet of a residential lot.
- (4) **Lighting.** If proposed, lighting shall be the lowest level permitted, shielded from all adjacent properties.
- (5) **Surface.** The storage area shall be a stabilized surface and shall be maintained to prevent erosion and materials leaving the enclosed area.
- (6) **Access.** The access drive shall be paved with asphalt or concrete.

54. Swimming Pool, Private. Private swimming pools are permitted as principal uses in all residential districts as indicated in *Table B.2.12 Permitted Uses*, or as accessory uses, provided they meet the following requirements:

- (1) **Community Pools.**
 - i. **General.** Community pools shall meet all applicable requirements in this UDO, building code requirements, and state requirements.
 - ii. **Setback.** Any proposed structures (i.e., pool house, restrooms, maintenance) shall be setback a minimum of twenty-five (25) feet from all property lines.
 - iii. **Lighting.** If proposed, lighting shall meet the standards for parking lot lighting.
 - iv. **Noise.** No loudspeakers are permitted.

- (2) A swimming pool accessory to a principal residential structure shall meet the setbacks of the primary structures and all applicable building and health codes.

55. Temporary Family Health Care Structures.

- (1) **Applicability.** Temporary Family Health Care Structures defined by NCGS 160D-915 shall meet the following requirements. In cases where the requirements of this Ordinance applicable to Temporary Family Health Care Structures conflict with NCGS 160D-915, the provisions of NCGS 160D-915 shall prevail.
- (2) **Location.** Temporary Family Health Care Structures shall only be permitted in RS Districts. The structure must be placed on the property of the caregiver's residence or the residence of the individual who is the named legal guardian of the impaired person.
- (3) **Limitations.** Only one (1) family health care structure shall be allowed on a lot or parcel of land.
- (4) **Setbacks.** Temporary Family Health Care Structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure.
- (5) **Utilities.** Any Temporary Family Health Care Structure may be required to connect to any water, sewer, and electric utilities serving the property and shall comply with all applicable laws of this Ordinance, State law, and other requirements as if the temporary family health care structure were permanent real property.
- (6) **Signage.** No signage advertising or otherwise promoting the existence of the temporary health care structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
- (7) **Duration and Removal.** The temporary family health care structure must be removed within 60 days if the impaired person is no longer receiving or in need of the provided assistance. If needed for another mentally or physically impaired person, the structure may continue to be used or reinstated within 60 days of its removal.

56. Theater, Drive-In.

- (1) **Stacking Area.** Off-street stacking area for motor vehicles shall be provided, in the amount of five percent (5%) of the motor vehicle capacity of the theater.

- (2) **Exit Points.** One or more exits, at locations other than the point of entry, shall be provided.
- (3) **Streetyard.** A streetyard as described in *Section B.3-3 Landscaping Standards* shall be installed in the area between the street property line and the setback line. However, a roadway may be constructed across such area.
- (4) **Bufferyard.** A type I bufferyard shall be provided adjacent to commercially zoned property.
- (5) **Fencing.** A solid fence or wall not less than eight (8) feet in height shall be erected to entirely enclose the theater except at driveways. Said fence shall be installed along street frontage on the setback line required for principal structures. Said wall or fence shall be installed along other property lines to allow planting area for the required bufferyard. Said fence shall be painted, and no such fence shall contain advertising other than lettering which identifies the operation carried on within the enclosure.
- (6) **Screen Orientation.** The theater screen shall be so oriented as not to attract the attention of motorists on streets.
- (7) **Sound.** Any mechanically produced sound shall be delivered to each motor vehicle by an individual speaker.

57. Transmission Towers.

- (1) **Applicability.** Transmission towers which are principal or accessory uses shall meet the following requirements.
- (2) **Prohibited Districts.** Transmission towers shall not be permitted as a principal or accessory use in RS Districts south of Yadkinville Road.
- (3) **Fencing.** Security fencing at least six (6) feet in height shall be installed around the tower and any ground equipment or buildings.
- (4) **Setback.** The tower shall be set back a minimum one hundred (100) feet from any adjacent zoning lot zoned RS, RM, YR, AG, or H; and a minimum forty (40) feet from any other adjacent zoning lot or public street. Buildings must meet the setback requirements for principal structures of the underlying district.
- (5) **Signage.** No business signs, billboards, or other advertising shall be installed on the tower.
- (6) **Bufferyard.** Where the transmission tower is located within two hundred (200) feet of an adjacent zoning lot or street and there is no intervening

structure to block the view of the tower base and improvements, a type IV bufferyard as described in *Section B.3-4 Bufferyard Standards* shall be installed around the outside of all improvements on the site, including the tower, any ground buildings or equipment, and security fencing, so as to provide spatial separation and create a visual block from adjacent properties and streets.

- (7) **Control of Land.** All land necessary for improvements, including the transmission tower, buildings, fencing, and landscaping, shall be in ownership of or under lease by the tower operator.
- (8) **Exemptions.**
 - i. **Attached or Incorporated in a Structure.** Transmission towers located on nonresidential structures or incorporated into other structures, which structures are devoted to a use not related to the transmission tower, are exempt from the security fencing, setback, bufferyard, and control of land requirements of this Section. All ground equipment or buildings shall be placed underground or screened from view.
 - ii. **Utilities Rights-of-Way.** Transmission towers located within electrical utility company right-of-way are exempt from the setback and bufferyard requirements of this Section.
- (9) **Co-Location.**
 - i. **Other Structures.** Co-location of antennas of more than one service provider on individual transmission towers is encouraged, subject to the verified structural and mechanical capabilities of the tower. If no other towers, buildings, or other structures exist within the applicant's tower site search area that are structurally capable of supporting the intended antenna or configuration of antennas or meeting the applicant's necessary height criteria or provide a location free from interference of any nature, then satisfactory evidence to that effect shall be submitted by a qualified expert at the time of application for the earliest required approval.
 - ii. **Other Users.** All transmission towers installed after the effective date of this Ordinance shall be structurally and mechanically capable of accommodating the antenna or array of antennas of more than one user/transmitter, unless the tower is incapable of supporting more than one user/transmitter due to the design of the tower which is incorporated

into another structure in compliance with *Section B.2-5.4(56) Transmission Towers*. Monopoles shall accommodate a minimum of two total users, lattice or other types of towers shall accommodate a minimum of three total users. These users shall be in addition to the local jurisdiction which may place devices per *Section B.2-5.4(56) Transmission Towers*. Certification as to the tower's structural and mechanical capability to accommodate colocation shall be provided by a professional engineer or other qualified professional.

- iii. **Access.** Access to available space on any towers shall not be denied to any competitive users or service provider, unless the tower is dedicated for Town or use (fire and emergency services) or utility provider of electricity or other essential public service.
 - iv. **Nonconforming Uses.** Requirements for co-location on transmission towers which are nonconforming are contained in *Section A.5 Nonconformities*.
- (10) **Termination of Use.** A tower that is no longer used for communication purposes must be removed within 120 days of the date it is taken out of service.
 - (11) **Easement for Public Facilities.** At the request of the local jurisdiction, an easement shall be granted to the jurisdiction to place cameras, monitors, two-way mobile radio equipment, or other desired telecommunications devices; however such devices may be restricted so as not to affect the functioning of the antenna or array of antennas of the tower operator or service provider.
 - (12) **Placement on or Within Large Structures.** Notwithstanding the requirements of *Table B.2.12 Permitted Uses*, transmission towers meeting the provisions of *Section B.2-5.4(56)(8) Transmission Tower Exemptions* or located on large, non-habitable public or utilities structures, including but not limited to trestles of major electrical distribution lines but excluding water towers, are permitted under the following conditions:
 - i. **Zoning Permit.** A zoning permit from the Planning Director is required.
 - ii. **Compliance with Use Conditions.** Use conditions regarding signage must be complied with.
 - (13) **State Plane Coordinates.** All site plans submitted in conjunction with requests for transmission towers shall include the location of the proposed

tower by State Plane Coordinates and above ground level and sea level elevations, based on 1983 North America datum. All towers operated by the applicant within the corporate limits of Lewisville and within one-quarter (¼) mile of the Forsyth County borders shall also be similarly located and submitted with the site plan.

- (14) **Color, Finish, Lighting.** Unless otherwise required by the Federal Aviation Administration (FAA), the finish of the transmission tower shall be non-shiny or glossy; any painted color shall be muted or neutral; and no lights or strobe lights shall be placed on the tower. If lights are required by the FAA, the least obtrusive lighting option available under FAA guidelines shall be installed; white strobe lights are discouraged from use.

58. Utilities

- (1) **Setbacks.** Any structure erected or use instituted shall be set back not less than forty (40) feet from property lines of any adjacent residentially zoned property.
- (2) **Residential Districts.** The following conditions apply in residential districts:
 - i. **Health or Safety Hazards.** All uses which may produce health or safety hazards shall be enclosed by a fence a minimum of six (6) feet in height.
 - ii. **Bufferyard.** All uses which may be potential nuisances by creating glare, dirt, noise or other adverse impacts shall be screened, except for driveways, with a type I bufferyard as specified in *Section B.3-4 Bufferyard Standards*.
 - iii. **Exemptions.**
 - (a) **General.** Exempt from the provisions of this Section are lines for the transportation, transmission, and distribution of the various utilities. This category includes but is not limited to electricity, telegraph, and telephone services and their supporting structures, other than buildings; the lines related to sewerage, water, oil, steam and gas; and rail trackage.
 - (b) **Fencing and Screening.** Exempt from the above fencing and screening requirements are reservoirs, water treatment plants, and wastewater treatment plants.

59. **Veterinary Services and Animal Shelter, Public.** The following conditions apply to veterinary services and animal shelter, public:

- (1) **Location and Setbacks.** Veterinary services may be permitted in attached buildings; however, any end unit in an attached building or any freestanding building containing such a use must be set back at least twenty (20) feet from any side lot line and forty (40) feet from any rear lot line. Any end unit of an attached building or any freestanding building containing such a use abutting a residential district shall be set back not less than forty (40) feet from any residential boundary.
- (2) **Enclosure of Facilities.** The veterinary services use shall be fully enclosed.

B.3

3. OTHER DEVELOPMENT STANDARDS

3-1. SIGN REGULATIONS

3-1.1. GENERAL REQUIREMENTS

A. Applicability. The provisions of this Section shall govern all signs within the Town of Lewisville. It is the purpose of this Section to promote the public health, safety, and general welfare through reasonable, consistent, content-neutral, and non-discriminatory sign standards.

1. No sign may be constructed, erected, altered, replaced, or modified except in accordance with the requirements of this Section.
2. This Section is intended to support aesthetic improvement of the Town of Lewisville through diverse sign types and to protect the general safety of pedestrians and motorists.
3. No portion of this Section is intended to violate free speech rights.

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3-1. Sign Regulations	301
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3-4. Bufferyard Standards	382
3-5. Non-Residential Development Standards	392
3-6. Protection Of Public Rights-Of-Way And Greenways.....	409
3-7. Drinking Water Supply And Wastewater Management	411
3-8. Other Standards.....	412

4. Any type of sign not expressly permitted or exempted in this UDO is prohibited.
- B. **Zoning Permit Required.** A zoning permit shall be secured from the Planning Director prior to the construction, reconstruction, erection, enlargement, relocation, or structural alteration of any sign.
- C. **Illumination.** Signs shall be directly externally illuminated and be so shielded as not to cast direct light onto any residential district.
- D. **Materials.** Signs shall be made of wood, brick, metal, stone, or other similar materials.
- E. **Colors.** Signs shall be consistent with the color of the primary building, unless necessary to conform with proprietary colors established in a registered copyright or trademark.
- F. **Signs in the Downtown Overlay.** Signs in the Downtown Overlay shall comply with *Section B.3-1.1(E) Colors*.
- G. **Measurement of Sign Area.**
 1. **Wall Face.** Total wall face, for the purposes of calculating the sign area of a wall sign shall be determined as follows:
 - (1) In a single-story building:
 - i. All of the vertical surface of a single plane wall; and
 - ii. For recessed or projecting surfaces, the sum of all the vertical surfaces.
 - (2) In a multi-story building, all of the vertical surface of the main floor only; or if multi-tenant or multi-levels, then the vertical surface of each level may be used in determining the area of each sign.
 - (3) For the purposes hereof, the term "single story" shall mean a maximum of fifteen (15) feet as it pertains to determining the maximum area of sign.
 - (4) Sign area of a wall sign placed on an irregular area, such as a gable or dormer, shall be based on the vertical surface area of that feature.
 - (5) The maximum area of any wall sign shall not exceed one hundred fifty (150) square feet.

2. **Area Calculation.** The sign area shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof, which will encompass the entire sign designated to attract attention. Any such measurements shall be taken on only one face of the sign; however, informational or advertising matter may be displayed on both sides of any permitted sign.

Figure B.3.1 Area Calculation of Signs

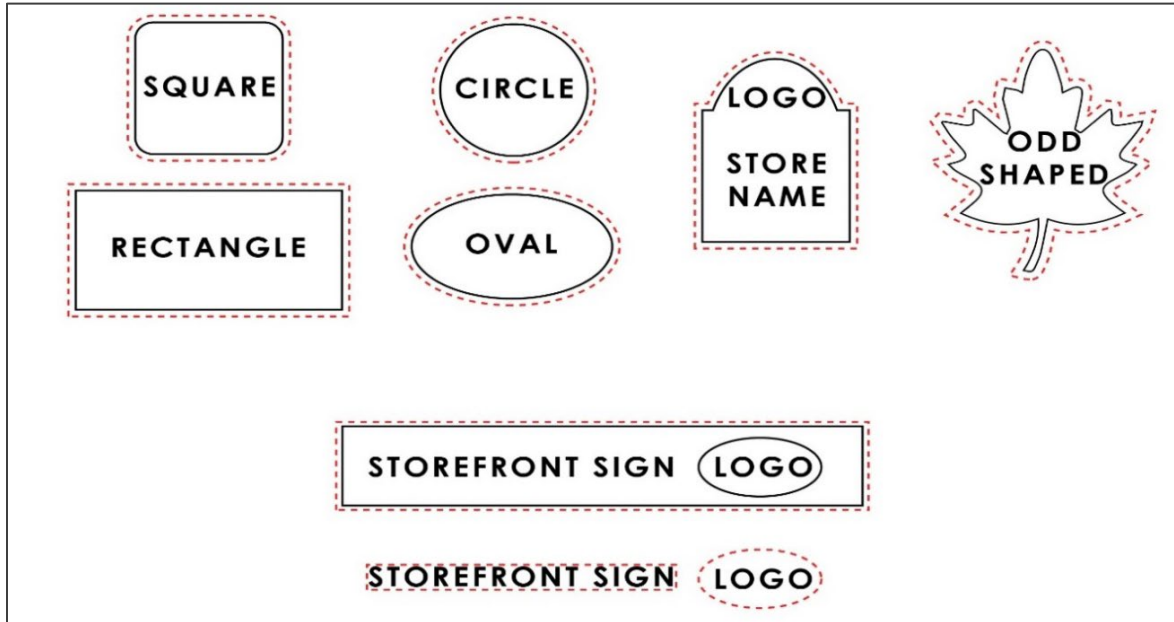
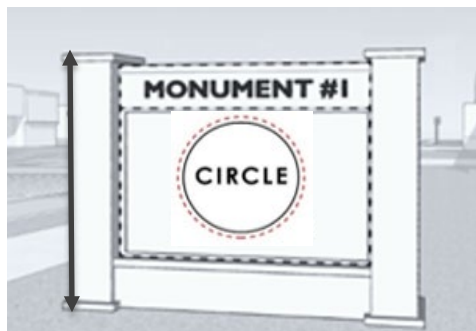


Figure B.3.2 Sign Area Illustration (Using Circle)



1. **Sign Height.** Sign height shall be measured from grade to the highest portion of the copy area and appurtenances.

3-1.2. PROHIBITED SIGNS

- A. **Flashing Lights.** Signs displaying intermittent or flashing lights similar to those used in governmental traffic signals or used by police, fire, ambulance, or other emergency vehicles.
- B. **Use of Warning Words or Symbolology.** Signs using a word, phrase, symbol, or character similar to terms used in a public safety warning or traffic signs.
- C. **Temporary, Nonpermanent Signs.** Temporary, nonpermanent signs, including over-head streamers, are not permitted in any zoning district, unless otherwise specified in these regulations.
- D. **Moving or Flashing Signs.** Moving or flashing signs, excluding electronic time and temperature signs, are not permitted in any zoning district. Wind signs (any sign or display including, but not limited to, flags or banners, except those flags and banners permitted in this Section; gas, cold air or hot air balloons; streamers; and rotating devices, fastened in such a manner to move upon being subjected to pressure by wind or breeze), are also prohibited except where specifically permitted by the terms of this Section.
- E. **Roof Signs.** Roof signs are not permitted, except such roof signs which existed as of the effective date of this Ordinance.
- F. **Rooftop Penthouses or Unenclosed Screening.** No signage is permitted on either roof top penthouses or unenclosed screening of roof top mechanical equipment.
- G. **Neon, plastic panel, and internally lighted signs.**

3-1.3. TEMPORARY SIGNS

- A. **Grand Opening Signs.** Signs that advertise grand opening events for new business locations on premises in nonresidential zoning districts are permitted according to the following criteria:
 - 1. Maximum duration: fourteen (14) days;
 - 2. Maximum copy are: forty-eight (48) square feet for wall signs and six (6) square feet for ground and projecting signs;
 - 3. Maximum height for ground signs: four (4) feet.

3-1.4. EXEMPT SIGNS

- A. **Local, State, and National Flags.** Official Government Flags, per G.S. 144-7, including local, state, and national flags.
- B. **Job Site Signs.** Signs placed in districts that help contractors identify job sites are permitted provided they shall be removed when that trade is no longer active at the site.

3-1.5. PERMITTED SIGNS

A. Signs Permitted in Any District.

- 1. **Entrance and Exit Signs (Directional).** One (1) entrance and one (1) exit sign containing a maximum of two (2) square feet each and a maximum height of three (3) feet shall be permitted per driveway. Entrance and exit signs shall contain no commercial content other than a symbol, name or logo of the establishment it serves.
- 2. **Emergency, Safety, Warning, or Traffic Signs.** Emergency, safety, warning, or traffic signs installed by or at the direction of a governmental authority, or with its approval, shall be permitted without size limitations.
- 3. **Real Estate Signs.** In all RS and RM Districts, a real estate sign is limited to six (6) square feet. In all other districts, real estate signs shall not exceed a maximum sign size of four (4) feet long and four (4) feet wide with a maximum height of four (4) feet. Lead-in (directional) signs are allowed.
- 4. **Political Signs.**
 - (1) During the period beginning on the 30th day before the beginning date of early voting under G.S. 163-32 and ending on the 10th day after the primary or election day, political signs may be placed in the right-of-way of any NCDOT state-maintained road. Any political sign remaining in the right-of-way more than 30 days after the end of the period prescribed in this subsection shall be deemed unlawfully placed and abandoned property, and a member of Town staff may remove and dispose of such political sign without penalty.

(2) **Sign Placement.**

- i. No sign shall be permitted in the right-of-way of a fully controlled access highway.
- ii. No sign shall be closer than three feet from the edge of the pavement of the road.
- iii. No sign shall obscure motorist visibility at an intersection.
- iv. No sign shall be higher than forty-two (42) inches above the edge of the pavement of the road.
- v. No sign shall be larger than three hundred eight (308) square inches.
- vi. No sign shall obscure or replace another sign.

5. **On-premises Religious Institution Signs.** On-premises signs for religious institutions are permitted with the following conditions:

- (1) **Freestanding Identification Signs.** One sign permitted per street frontage; maximum copy area eighteen (18) square feet; maximum height five (5) feet. Other standards of *Sections B.3-1.7(A)(2,4,9) Ground Signs, Projecting Signs – Location and Setbacks, Number of Faces, and On-Premises Ground and Projecting Signs in the YR, AG, MH, and RS Districts* shall apply.
- (2) **Wall Signs.** One wall sign per street frontage permitted, consistent with the requirements of *Section B.3-1.7(C) Wall Signs*. No roof signs are permitted.
- (3) **Projecting Signs.** Projecting sign permitted consistent with *Sections B.3-1.7(A)(2,4,9) Ground Signs, Projecting Signs – Location and Setbacks, Number of Faces, and On-Premises Ground and Projecting Signs in the YR, AG, MH, and RS Districts* shall apply.
- (4) **Awning Signs.** Awning signs are not permitted.
- (5) **Bulletin Boards.** One (1) on-premises bulletin board with changeable copy permitted per church entrance; maximum exterior sign dimension eighteen (18) square feet permitted. Bulletin board signs shall be located within twenty (20) feet of a building on the church property.

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6. **Occupancy Signs.** Occupancy signs shall be limited to one sign per dwelling unit or principal use, and no such sign shall exceed one square foot in area.
7. **Historical Markers.** Historical markers shall be erected or placed by a bona fide historical association or by a governmental agency and shall not exceed twelve (12) square feet in area.
8. **Municipal Special Event Indicator.** Municipal Special Event Indicators including signs, banners or streamers displayed in the downtown, center city, or other limited areas, which promote special points of interest and events and do not exceed fourteen (14) square feet in area are permitted. Said signs shall be installed by the Town of Lewisville, its agents, or employees, at the direction of, or with the approval of, the Town Council.
9. **Agricultural Signs.** Up to two (2) off-premises directional signs are permitted for agricultural produce grown and sold on the premises.
10. **Residential Construction and Development Signs.** Temporary signs that identify construction and marketing information for residential subdivisions and planned residential developments are permitted during construction provided:
 - (1) Maximum number: one;
 - (2) Maximum copy area: thirty-two (32) square feet;
 - (3) Maximum height: ten (10) feet;
 - (4) Maximum duration: no such sign shall exist beyond issuance of at least seventy-five (75) percent of the development's Certificate of Occupancies or when construction ceases for twelve (12) months, whichever occurs first.
11. **Commercial Construction and Development Signs.** Temporary signs that identify construction and marketing information for commercial properties are permitted provided they meet the following requirements:
 - (1) Signs at construction sites for new development.
 - (2) Maximum number: one;
 - (3) Maximum copy area: thirty-two (32) square feet;

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- (4) Removal: upon issuance of a Certificate of Occupancy or after twelve (12) months, whichever occurs first;
- (5) Additional signage: following receipt of a Certificate of Occupancy, one additional sign is permitted with a maximum sign size of four (4) feet long and four (4) feet wide with a maximum height of four (4) feet for a period not to exceed one year.
- (6) Signs at construction sites for redevelopment of building(s) with one to three (3) tenants are permitted provided the developer displays leasing or construction information on the existing permitted ground, wall, or projecting sign.
- (7) Signs at construction sites for redevelopment of building(s) with four (4) or more tenants shall be permitted a maximum sign size of four (4) feet long and four (4) feet wide with a maximum height of four (4) feet to display only marketing and leasing information.

Figure B.3.3 Illustrative Example of Building Signs



- B. **Application of Table of Permitted Districts for Signs.** The following signs shall be permitted only in the zoning districts as indicated in *Table B.3.1 Permitted Districts*

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for Signs, and shall comply with all regulations of the applicable district unless otherwise regulated by specific regulations of this Section.

Table B.3.1 Permitted Districts for Signs

	RM	NO	GO	PB	LB	HB	GI	IP	C	MU-C	CD1-C	LD1-C	LD2-C
Off-Premises Signs													
Ground Sign						P	P			P			
On-Premises Signs													
Ground Sign	P	P	P	P	P	P	P	P	P	P	P	P	P
Awning		P	P	P	P	P	P	P	P	P	P	P	P
Projecting Sign	P	P	P	P	P	P	P	P	P	P	P	P	P
Wall Sign	P	P	P	P	P	P	P	P	P		P	P	P

Notes:

P = Districts in which signs permitted; zoning permit required.

3-1.6. OFF-PREMISES SIGNS

A. Ground Signs.

- 1. Zoning Districts.** Permanent off-premises ground mounted signs are permitted only in the districts as shown in *Table B.3.1 Permitted Districts for Signs* and only along designated roads which are not identified as view corridors listed in Section *B.3-1.6(A)(2) View Corridors*.
- 2. View Corridors.** No off-premises sign shall be permitted on the north and south sides of US 421 within the Town of Lewisville Corporate Limits. Formerly referred to as View Corridor “N”.
- 3. Designated Roads.**
 - (1) Permitted Areas.** Permanent off-premises ground mounted signs are permitted only along roads in the Interstate System or the National Highway System.

4. Location and Setbacks.

- (1) **Distance from the centerline.** Ground signs (off-premises) shall be located within six hundred sixty (660) feet of the centerline of the roadway to which they are oriented.
- (2) **Spacing.** Ground signs (off-premises) shall be located no closer than one thousand (1,000) feet from other off-premises signs on the same side of the road.
- (3) **Setback.** Ground signs (off-premises) shall be set back from each property line a minimum of fifteen (15) feet.
- (4) **Distance from Residential Zones.** Ground signs (off-premises) shall be located no closer than the following distances from residentially zoned property:
 - i. Off-premises signs must be located a minimum of 400 feet from any residentially zoned property.
 - ii. The distance shall be measured from the nearest point of the sign to the nearest point of the property line that is residentially zoned.
 - iii. The right-of-way shall be included as part of the 400 foot requirement.

5. Size.

- (1) **Maximum Sign Area.** The maximum sign area of an off-premises ground sign shall be limited, depending on location, as follows:
 - i. On freeways/expressways in the Interstate System, the maximum sign size shall be six hundred seventy-two (672) square feet plus one hundred (100) square feet for extensions.
 - ii. On other roads in the National Highway System the maximum sign size shall be three hundred (300) square feet.
- (2) **Height.** Off-premises ground signs shall be limited to a maximum height of thirty-five (35) feet above the roadway to which it is oriented or grade of the site on which the sign is located, whichever is higher.

6. **Number of Faces.** Off-premises ground signs shall be permitted to have a maximum of two (2) faces, provided, however, that stacked and/or rooftop locations of off-premises signs shall not be permitted.

3-1.7. ON-PREMISES SIGNS

A. Ground Signs, Projecting Signs.

1. **Zoning Districts.** Ground signs (on-premises) and projecting signs are permitted only in the districts as shown in *Table B.3.1 Permitted Districts for Signs* or as specified in *Section B.3-1.7(A)(9) On-Premises Ground and Projecting Signs in the YR, AG, MH, and RS Districts*.
2. **Location and Setbacks.**
 - (1) All parts of ground signs (on-premises) must be completely out of any public or private right-of-way and any dedicated access easements.
 - (2) On premises projecting signs that come within six (6) feet of the edge of a right-of-way shall be ten feet above the grade and shall not extend into the right-of-way.
 - (3) Ground signs (on-premises) shall be set back a minimum of fifteen (15) feet from any structure used exclusively as a residence.
3. **Size.**
 - (1) **Maximum Sign Area.** The maximum sign area of ground (on-premises) signs in any zoning district shall be limited in area to a maximum of eighteen (18) square feet. Projecting signs in any zoning district shall not exceed an area of six (6) square feet.
 - (2) **Height.** The maximum height of a ground (on-premises) sign shall be five (5) feet, measured from the road to which the sign is oriented or grade of the site, whichever is higher.
4. **Number of Faces.** Ground signs (on-premises) which contain two (2) faces may contain up to the maximum sign area as computed under size requirements in this Section, for each face. Signs with three (3) faces shall contain a minimum of fifteen percent (15%) less sign area for each face than the standard maximum. A sign

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with four (4) faces shall contain a minimum of thirty percent (30%) less sign area for each face than the standard maximum.

5. **Number.**

- (1) **Maximum.** If the frontage abuts more than one street, one on-premises ground or projecting sign shall be permitted per street

6. **Exceptions.**

- (1) **Corner Lots and Lots with Two Hundred Fifty (250) Feet of Frontage.** Corner lots and lots with two hundred fifty (250) or more feet of frontage are permitted a fifty percent (50%) addition in maximum ground and projecting sign size for using one sign where two (2) would be allowed.
- (2) **Lots of Three (3) Acres or More.** On zoning lots containing three (3) acres or more, the maximum size of ground and projecting signs shall be that permitted in the zoning district where the sign is permitted, regardless of the amount of road frontage of the lot.
- (3) **Shopping Centers.**
 - i. **Number and Size.** Any shopping center or multiple proprietorships in one building or connected buildings occupied by four (4) or more tenants shall be permitted a fifty percent (50%) increase in ground sign (on-premises) area. If the lot frontage is greater than one hundred fifty (150) feet, two (2) ground signs may be used with seventy-five (75) feet separation between signs and the fifty percent (50%) addition applies to both signs.
 - ii. **Freestanding Building Signs.** A freestanding building located within designated shopping center parking lots and containing eight hundred (800) square feet or more shall be permitted one additional ground sign (on-premises) not to exceed thirty-six (36) square feet.
7. **Movie Theaters and Performance Halls.** A changeable copy marquee may apply to either a ground or projecting sign with a fifty percent (50%) addition to the maximum size permitted in the district.

Figure B.3.4 Marquee Sign



8. **Illumination in RM Districts.** In any RM District, signs may only be illuminated externally and indirectly.
9. **On-Premises Ground and Projecting Signs in the YR, AG, MH, and RS Districts.**
 - (1) **Permitted Districts and Uses.** On-premises ground and projecting signs are allowed with the following uses in the YR, AG, and MH Districts, and in any RS District:
 - i. Agriculture production
 - ii. Cemetery, licensed or unlicensed
 - iii. Child day care center accessory to a church or school
 - iv. Church or Religious Institution, Neighborhood and Community
 - v. Golf course
 - vi. Golf Driving Range
 - vii. Manufactured housing development
 - viii. Park and shuttle lot
 - ix. Planned residential development and subdivision
 - x. Riding stable

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- xi. Shooting range, outdoor
 - xii. Utilities
- (2) **Number and Size.** Only one sign per use with a maximum of eighteen (18) square feet per zoning lot per street or right-of-way frontage. If a zoning lot is permitted more than one sign, there shall be at least fifty (50) feet of spacing between each sign.
- (3) **Height.** Fifteen (15) feet maximum, measured from the road or grade of the site to which the sign is oriented, whichever is higher.
- (4) **Illumination.** Signs may only be illuminated externally and indirectly.

Figure B.3.5 Projecting Sign



B. Subdivision Signs.

1. **Zoning Districts.** Subdivision Signs are permitted only in the districts as shown in *Table B.3.1 Permitted Districts for Signs* for Ground Signs.
2. **Location.** Subdivision signs may be placed on a subdivision wall or fence provided that no part of the wall or fence exceeds six (6) feet in height.

3. **Size.**

- (1) **Maximum Sign Area.** The maximum sign area of subdivision signs in any zoning district shall be limited in area to a maximum of twenty-four (24) square feet.
- (2) **Height.** The maximum height of a subdivision sign shall be eight (8) feet, measured from the road to which the sign is oriented or grade of the site, whichever is higher.

4. **Number.** A maximum of two (2) signs per entrance are permitted.

Figure B.3.6 Subdivision Sign



C. **Wall Signs.**

1. **Zoning Districts.** Wall signs are permitted only in the districts as shown in *Table B.3.1 Permitted Districts for Signs* or as specified in *Section B.3-1.7(C)(5) Wall Signs in the YR, AG, MH, and RS Districts*.
2. **Size.**
 - (1) **Maximum Size.** On-premises wall signs shall be limited to ten percent (10%) of the wall size. In calculating the size of a wall sign, the square footage of the principal building and accessory building(s) may be combined and the wall sign may be located on the wall of the accessory building; providing, however, the maximum size of such wall sign on the wall of an accessory building shall

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be no greater than thirty-six (36) square feet in area and not higher than ten (10) feet in height.

- (2) **Restrictions in NO Districts.** In the NO District, sign size shall be limited to eight (8) square feet.

3. Height.

- (1) **Flat Roof Building.** No roof signs are permitted. No wall sign shall project more than fifty percent (50%) of its height above the wall on which it is placed, but in no case shall extend more than two (2) feet above the wall.
- (2) **Peaked Roof Building.** Signs shall not extend above the peak of the roof.

4. Number.

- (1) **Maximum Number.** Only one wall sign per tenant and per wall shall be permitted.

5. Wall Signs in the YR, AG, MH, and RS Districts.

Wall signs are allowed with the following uses in the YR, AG, and MH Districts, and in any RS District:

- (1) Agriculture production
- (2) Cemetery, licensed or unlicensed
- (3) Child day care center accessory to a church or school
- (4) Church or Religious Institution, Neighborhood and Community
- (5) Golf course or golf driving range
- (6) Manufactured housing development
- (7) Park and shuttle lot
- (8) Planned residential development
- (9) Riding stable
- (10) Shooting range, outdoor
- (11) Utilities

Figure B.3.7 Wall Sign



D. Advertising.

1. **Definitions.** The following definitions apply only to this subsection of off-premises signs.
 - (1) **Monetary compensation.** An amount equal to the sum of (i) the greater of the fair market value of the nonconforming on-premises advertising sign in place immediately prior to the removal or the diminution in value of the real estate resulting from the removal of the sign and (ii) the cost of a new on-premises advertising sign that conforms to the local government's development regulations.
 - (2) **On-Premises advertising sign.** A sign visible from any local or State road or highway that advertises activities conducted on the property upon which it is located or advertises the sale or lease of the property upon which it is located.
 - (3) **Reconstruction.** Erecting or constructing anew, including any new or modern instrumentalities, parts, or equipment that were allowed under the local development rules in place at the time the sign was erected.
2. **Relocation or reconstruction.** Notwithstanding any local development regulation to the contrary, a lawfully erected on-premises advertising sign may be relocated or reconstructed within the same parcel so long as the square footage of the total advertising surface area is not increased, and the sign complies with the local

development rules in place at the time the sign was erected. The construction work related to the relocation of the lawfully erected on-premises advertising sign shall commence within two years after the date of removal. The local government shall have the burden to prove that the on-premises advertising sign was not lawfully erected.

3. **Payment of removal.** A local government may require the removal of a lawfully erected on-premises advertising sign under a local development regulation only if the local government pays the owner of the sign monetary compensation for the removal. Upon payment of monetary compensation, the local government shall own the sign and remove it in a timely manner.
4. **Compliance.** Nothing in this Section shall be construed to diminish the rights given to owners or operators of nonconforming uses, including nonconforming structures, as set forth in G.S. 160D-108 or the rights of owners or operators of outdoor advertising signs in Article 11 of Chapter 136. (2024-45, s. 23.1(a).)

3-1.8. OTHER SIGN REGULATIONS

- A. **Menu Boards, Fast Food Restaurants.** Menu boards for fast food restaurants must be located in such a way as to be viewed from a designated drive-through lane and not located within the required front, side, or rear yards.
- B. **Adult Establishment Advertisements.** Adult establishments shall not be permitted to display promotional materials visible to the public from pedestrian sidewalks or walkways; nor shall any signage contain lewd or offensive language, or any sort of sexually explicit graphics.
- C. **Nonconforming Uses.** Nonconforming uses shall be permitted on-premises ground, projecting, roof, or wall signs, provided such signs are on the premises of the use and provided:
 1. Existing signs as of the time of adoption of this Ordinance which advertise a nonconforming use on a site shall comply with the requirements of any zoning district which would permit such use. These existing signs may be replaced so long as there is no increase or extension to the dimensions and height of the existing sign. Existing signs meeting these requirements may be replaced due to deterioration or destruction.

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2. Nonconforming uses which do not have ground (on-premises) signs on the site as of the time of the adoption of this Ordinance shall not be permitted to install such signs.

D. **Removal of Nonconforming Temporary Sign.** Town employees and their designees may remove nonconforming temporary signs located within any public right-of-way, except for those permitted by G.S. 136-32(b) and/or G.S. 136-32(f) during certain elections periods. Whenever a nonconforming sign on private property is found to exist within the Town, the Town Manager or designee(s) shall give written notice to the owner or occupant of the property upon which such sign exists or upon the person causing or maintaining the sign. The issued notice to remove a sign shall contain:

1. An order to remove the sign or to request a hearing within a specified period of time;
2. The location of the sign;
3. A description of the sign;
4. A statement of acts necessary to abate the situation;
5. A statement that if the sign is not removed or the situation abated as directed and no request for hearing is made within the prescribed time, the Town will remove such sign and assess the cost thereof upon the landowner of record.

- (1) The opportunity for a hearing with the Town Manager shall be granted upon written request, properly delivered to the Town Manager within fifteen (15) days of having received notice to remove the sign.

3-2. PARKING AND LOADING STANDARDS

3-2.1. GENERAL REQUIREMENTS

- A. **Parking, Stacking, Loading and Driveway Access Required.** In all districts off-street parking, stacking, loading and driveway access shall be provided in compliance with this Section, unless otherwise provided in this Ordinance.
- B. **Change in Size.** Only those portions of existing buildings or structures enlarged after the adoption of this Ordinance shall comply with the requirements of this Section.

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- C. **Changes in Use.** If a change in principal use or the addition of an accessory use causes an increase in the required number of off-street parking, stacking, or loading spaces, such additional spaces based on the net sum of the change as compared to the available parking shall be provided in accordance with the requirements of this Section. However, if the change in use requires an increase of less than five percent (5%) in the required number of spaces, no additional off-street parking, stacking, or loading spaces shall be required.
- D. **Use for No Other Purpose.** Land approved, designated and or used primarily to provide required parking, stacking, and loading shall not be used for any other purposes except for temporary events as regulated by this Code.
- E. **Maximum Parking.** Maximum parking shall be reviewed per *Section B.3-2.2(F) Authority to Administratively Approve Parking Exceeding the Maximum Permitted* below
- F. **Separation of Parking and Loading Areas.** Except where otherwise permitted, no loading area or access drive to serve such loading area shall be used for required parking. Likewise, no parking area or access drive to serve such parking area shall be permitted and or serve as a required loading area.
- G. **Maintenance and Operation.**
1. **Maintenance.** All parking, stacking, and loading areas shall be permanently maintained by the owners or occupants for as long as the principal use exists.
 2. **Operation.** All required parking areas shall be used exclusively for the parking of vehicles. Parking areas shall not be used for the storage of merchandise, location of dumpsters, or for the storage or repair of vehicles or equipment. Parking areas shall not be used for the sale of merchandise except on a temporary basis for special events.
- H. **Access.** The principal access to all parking, stacking, and loading areas shall have vehicular access to a publicly dedicated street, road or highway maintained by either the North Carolina Department of Transportation (NCDOT) or the Town of Lewisville. Alleyways may be used for secondary access and maneuvering areas.

I. Prohibited Locations.

1. No parking, stacking, or loading area, access drive or driveway shall be located over a sand filter or nitrification field.

3-2.2. OFF-STREET PARKING REQUIREMENTS

A. **Number of Spaces.** Required Off-Street Parking for Principal Uses is provided in *Table B.3.2 Off-Street Parking Requirements* and Required Off-Street Parking for Accessory Uses is provided in *Table B.3.3 Accessory Use Off-Street Parking Requirements*. Bicycle parking and other alternative parking options are provided in *Section B.3-2.5 Alternatives and Incentives*. Unlisted Uses shall be considered in accordance with *Section B.3-2.2(C) Unlisted Uses* below. Special requirements, including maximum allowed spaces applicable to new uses constructed after the effective date of this Ordinance, are provided under the Notes column of *Table B.3.2 Off-Street Parking Requirements* where appropriate.

Table B.3.2 Off-Street Parking Requirements

PRINCIPAL USES	MINIMUM REQUIREMENTS	NOTES
RESIDENTIAL USES		
Residential Building, Single Family	2 spaces per dwelling unit	Garage excluded from required parking. Minimum driveway length 20 feet unless rear loaded
Duplex or Twin Home	2 spaces per dwelling unit	Garage excluded from required parking. Minimum driveway length 20 feet unless rear loaded
Multi-family Townhouse or	1 space per 5 dwelling units for visitor parking PLUS	All visitor parking spaces shall be designated "visitor only".
Efficiency	1 space per dwelling unit	Single room occupancy (SRO) facilities are considered efficiencies.
1 Bedroom	1.5 spaces per dwelling unit	
2 Bedroom	1.75 spaces per dwelling unit	
3 Bedroom	2 spaces per dwelling unit	
Manufactured Home	2 spaces per manufactured home	
Manufactured Housing Development	1.5 spaces per manufactured home	A minimum of one space shall be located within the applicable manufactured home space. Additional required parking may

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PRINCIPAL USES	MINIMUM REQUIREMENTS	NOTES
		be located in group parking areas no further than 150 feet from units being served.
Boarding or Rooming House	1 space per bedroom plus two spaces for resident manager	
Congregate Care Facility	0.5 spaces per dwelling unit	
Family Care Home	1 space per 3 residents	
Family Group Home B	1 space per 3 residents	
Family Group Home C	1 space per 4 residents	
Group Care Facility	1 space per 4 residents	Parking shall not be located within the required front yard setback
Life Care Community	Spaces required based on sum of principal uses, except 1 space per single family, duplex, twin home, or townhouse dwelling unit	
AGRICULTURAL USES		
Agricultural Production	None	
Animal Feeding Operation	2 spaces per 3 employees, plus 1 space	
RETAIL AND WHOLESALE TRADE		
ABC Store (liquor)	1 space per 250 SF GFA	
Arts and Crafts Studio	1 space per 400 SF GFA	
Building Materials Supply	1 space per 500 SF GFA	
Convenience Store	1 space per 200 SF GFA	
Food or Drug Store	1 space per 200 SF GFA	
Furniture and Home Furnishings Store (See also General Retail)	2 spaces per 3 employees, plus 1 space	
General Merchandise Store	1 space per 1,000 SF GFA	
Hardware Store	1 space per 200 SF GFA	Consumer electronics @ 1 space per 250 SF GFA and Household Appliance @ 1 space per 500 SF GFA
Implement Sales and Service	1 space per 200 SF GFA	
Micro-brewery or Micro-Distillery	1 space per 750 SF GFA	

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PRINCIPAL USES	MINIMUM REQUIREMENTS	NOTES
Motor Vehicle Dismantling and Wrecking Yard	3.5 spaces per 1,000 SF of customer service areas and outdoor seating area	
Nursery, Lawn and Garden Supply Store, Retail	1 space per 10,000 SF of land, plus 1 space per employee	
Outdoor Display Retail	1 space per 400 SF GFA indoors, plus 1 space per 1,000 SF GFA in outdoor display and storage	
Restaurant (without drive-through service)	1 space per 500 SF GFA	
Restaurant (with drive-through service)	1 space per 75 SF GFA	Only customer service areas and outdoor seating areas must be included in calculation. See stacking requirements, <i>Section B.3-2.3(E) Drive-Through Facility Stacking Lanes</i> . Quick Serve Restaurants (QSR) are those restaurants which cater to drive-through traffic exceeding 75 percent of food sales may upon review and recommendation by the Director reduce the required parking to 25 percent of the total required.
Retail Store, Specialty or Miscellaneous (See also General Retail)	1 space per 500 SF GFA	Auto Supply Store @ 1 space per 300 SF GFA*
Shopping Center	1 space per 225 SF GFA	1 space per 200 SF GFA* maximum; calculation of GFA* shall exclude walkways or other common or non-commercial areas
Storage Trailer		
Wholesale Trade A	1 space per 250 SF GFA	1 space per 200 SF GFA* maximum; calculation of GFA* shall exclude walkways or other common or non-commercial areas
Wholesale Trade B	2 spaces per 3 employees, plus 1 space per vehicle used in the operation	
BUSINESS AND PERSONAL SERVICES		

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PRINCIPAL USES	MINIMUM REQUIREMENTS	NOTES
Adult Establishment	1 space per 200 SF GFA	
Banking and Financial Services	1 space per 200 SF GFA	See stacking requirements, <i>Section B.3-2.3(E) Drive-Through Facility Stacking Lanes.</i>
Bed and Breakfast		
Building Contractors, General		
Building Contractors, Heavy		
Car Wash, Full Service	2 spaces per 3 employees	3 spaces per vehicle in washing structure for dry down area
Self Service or Accessory	2 spaces	1 space per bay for dry down area
Funeral Home	1 space per 4 seats in the funeral chapel, plus 2 spaces	
Health Care Facilities	1 space per 200 SF GFA	
Hotel or Motel	1 space per room	Banquet and convention facilities that are part of a hotel or motel shall provide 1 space per each 5 seats
Kennel	1 space per 300 SF GFA, plus 2 spaces	
Medical or Dental Laboratory	1 space per 200 SF GFA	
Medical and Surgical Offices, Offices up to 10,000 SF GFA	1 space per 200 SF GFA	
Offices 10,000 SF GFA or more	1 space per 400 SF GFA	
Motor Vehicle, Rental and Sales (New, Used, Lease)	1 space per 400 SF GFA	Customer parking shall not be used for motor vehicle rental and sales parking
Repair and Maintenance	3 spaces per service bay, plus 1 space per 500 SF GFA for parts sales	Towing services shall provide space(s) for each tow truck
Body or Paint Shop	3 spaces per service bay, plus 1 space per 500 SF GFA for parts sales	Towing services shall provide space(s) for each tow truck
Storage Yard	1 space per 5,000 SF of storage area	
Non-Store Retailer	1 space per 800 SF GFA	
Professional Offices	1 space per 300 SF GFA	
Services,		

SECTION B.3 – OTHER DEVELOPMENT STANDARDS

PRINCIPAL USES	MINIMUM REQUIREMENTS	NOTES
Business A	1 space per 400 SF GFA; Computer Data Center - 1 space per 6,000 SF GFA	Any change of use of a site previously utilized as a Computer Data Center must meet the off-street parking requirements of the new use as specified in this <i>Table B.3.2 Off-Street Parking Requirements</i>
Business B	1 space per 500 SF GFA	
Personal	1 space per 400 SF GFA	
Storage Services, Retail	5 spaces, plus 1 additional space for each 100 storage units, or fraction thereof, in excess of 500 units.	Minimum 21-foot wide aisle width or building spacing shall be provided for parking at units.
Testing and Research Laboratory	1 space per 1,000 SF GFA	
Veterinary Services	1 space per 400 SF GFA	
Warehousing	2 spaces per 3 employees, plus 1 space per vehicle used in the operation	
RECREATIONAL USES		
Golf Course	4 spaces per tee	
Golf Driving Range	1 space per tee, plus 1 space per 200 SF GFA for retail uses	
Recreation Facility, Public	1 space per 7,500 SF land area	
Recreation Services, Indoor	2 spaces per table	
Billiard Parlors		
Bowling Alleys and Centers	4.5 spaces per alley	
Coin-Operated Amusement Devices	1 space per 200 SF GFA	
Dance Studios, Schools, and Halls	1.5 spaces per 200 SF GFA	
Membership Sports and Recreation Clubs	1 space per 200 SF GFA	
Miniature Golf	1.5 spaces per hole	
Physical Fitness Facilities	1 space per 200 SF GFA	
Skating Rinks	1 space per 200 SF GFA	
Theatrical Productions	1 space per 4 seats	
Recreation Services, Outdoor	1 space per 200 SF of activity area	
Amusement Parks		
Commercial Sprots	1 space per 3 seats	

SECTION B.3 – OTHER DEVELOPMENT STANDARDS

PRINCIPAL USES	MINIMUM REQUIREMENTS	NOTES
Recreational Vehicle Park	1 space per recreational vehicle site	
Riding Stable	1 space per 2 stalls	
Shooting Range	1 space per firing station	
Swimming Pool	1 space per 100 SF of pool surface area, except for a pool serving one single family residence on the same lot	
Theater	1 space per vehicle speaker, plus 3 spaces	Stacking spaces shall be provided for five percent (5%) of the total spaces required
Drive-In		
Indoor	1 space per 4 seats	
INSTITUTIONAL AND PUBLIC USES		
Cemetery	1 space per 250 SF of sales area	
Licensed		
Unlicensed	1 space per full time employee	
College or University	1 space per 500 SF of classroom space, plus 1 space per 300 SF GFA of administrative and office space, plus 1 space per dormitory bedroom	
Community Center	1 space per 4 seats of seating capacity in the largest assembly room or 1 space per 300 SF GFA whichever is greater	
Correctional Institution	1 space per 10 inmates	
Day Care (Adult, Child)	2.5 spaces per 1,000 SF GFA	At least 1 loading and unloading space separate from parking area plus adequate turnaround area
Dirt Storage	2 spaces	Adequate loading, unloading, and maneuvering area
Government Offices	1 space per 300 SF GFA	
Habilitation Facility	1 space per 2 employees, plus 1 space per 10 persons enrolled	At least 1 loading and unloading space separate from parking area for each 20 persons enrolled plus adequate turnaround area
Hospital or Health Center	3 spaces per bed; if no beds, 1 space per 200 SF GFA	May propose APP per bed

SECTION B.3 – OTHER DEVELOPMENT STANDARDS

PRINCIPAL USES	MINIMUM REQUIREMENTS	NOTES
Landfill	1 space per employee	
Library	1 space per 300 SF GFA	
Limited Campus Uses	1 space per 400 SF GFA	All spaces shall be to the rear of the structure
Museum or Art Gallery	1 space per 300 SF GFA	
Nursing Care Institution	1 space per 3 beds	
Police or Fire Station	1 space per employee on largest shift plus 5 spaces	
Post Office	1 space per 300 SF GFA	
Religious Institution	1 space per 4 seats	50% reduction permitted with approval of Town Department of Transportation
School, Public or Private,		
Elementary or Middle	1 space per 10 students based on design capacity, plus 1 bus space per 100 students	
High	1 space per 5 students based on design capacity, plus 1 space per each faculty and staff person, plus 1 space per 3 seats where a school stadium is an accessory use	
Vocational or Professional	1 space per 250 SF GFA	
Stadium, Coliseum, or Exhibition Building	1 space per each 3 seats	
MANUFACTURING AND MINING		
Asphalt and Concrete Plant	1 space per employee	
Borrow Site	1 space	Adequate loading, unloading, and maneuvering area
Bulk Storage of Petroleum Products	1 space per 5,000 SF of land	
Industrial Light, General, Heavy	1 space per 1,000 SF GFA	
Storage and Salvage Yard	1 space per 5,000 SF of storage area	
TRANSPORTATION AND UTILITIES		
Broadcast Studio	1 space per 500 SF GFA	
Terminal, Bus or Taxi	3 spaces, plus 1 space for each vehicle used in operation	
Terminal, Freight	1 space per 1,000 SF GFA	
Transmission Tower	1 space	

SECTION B.3 – OTHER DEVELOPMENT STANDARDS

PRINCIPAL USES	MINIMUM REQUIREMENTS	NOTES
Utilities	1 space per employee	

* SF GFA equals Square Feet of Gross Floor Area - see *Section B.3-2.2(B)(5) Computing Parking Requirements - Square Feet of Gross Floor Area (SF GFA)*

Table B.3.3 Accessory Use Off-Street Parking Requirements

USES WHICH MAY ONLY BE ACCESSORY TO PRINCIPAL USES**		
ACCESSORY USE	MINIMUM REQUIREMENT	NOTES
Dwelling, Single Family, Accessory	1 space per dwelling	Must be located on the same zoning lot
Home Occupation	1 space per dwelling	Maximum of three spaces
Postal Facility, Neighborhood	1 space per 300 SF GFA*	Minimum of two spaces

* SF GFA equals Square Feet of Gross Floor Area - see *Section B.3-2.2(B)(5) Computing Parking Requirements - Square Feet of Gross Floor Area (SF GFA)*

** NOTE: Off-street parking for other accessory uses meeting the requirements of *Section B.2-5.2 Accessory Uses* shall be provided at the rate for the principal uses specified in *Table B.3.2 Off-Street Parking Requirements*.

B. Computing Parking Requirements.

1. **Multiple Use.** In cases of mixed use or where a combination of uses are developed on a singular site and share infrastructure, the minimum number of off-street parking spaces shall be the cumulative total of each of the uses on the site according to the requirements of this Ordinance. The Director may approve a total reduction of up to ten (10) percent administratively; proposed reductions greater than ten (10) percent requires Planning Board approval of an Alternative Parking Plan pursuant to *Section B.3-2.5(C) Alternative Parking Plan (APP)*.
2. **Fractional Space Computations.** When the computation of the number of off-street parking spaces required by this Section results in a fractional parking space requirement, any fraction less than one-half may be disregarded, and any fraction equaling or exceeding one-half shall be construed as requiring one full parking space.

SECTION B.3 – OTHER DEVELOPMENT STANDARDS

3. **Seating Computations.** Where parking is based on seating which consists of benches or pews, each eighteen (18) inches of a bench or pew shall be considered as one seat.
 4. **Number of Employees Computations.** For the purpose of computing parking requirements based on the number of employees, the owners or managers of the establishment shall be considered employees. Where more than one work shift is employed for any operation, the number of employees shall be calculated as the largest number of persons on any single shift.
 5. **Square Feet of Gross Floor Area (SF GFA).** For the purpose of calculating requirements based on square feet of gross floor area (SF GFA), rooms used solely for mechanical equipment, common restrooms, elevator structures, parking structures, public corridors, or rooms in excess of fifty (50) square feet used solely for storage may be subtracted from SF GFA.
- C. **Unlisted Uses.** The Planning Director, or their designee, shall establish the minimum number of parking spaces required and may establish the maximum number of parking spaces permitted for any use not specifically listed in *Table B.3.2 Off-Street Parking Requirements*. The Director may consider, but is not limited to, the following in establishing parking requirements for an unlisted use:
1. **Documentation.** Documentation supplied by the applicant regarding actual parking demand for the proposed use;
 2. **Evidence.** Evidence in available planning and technical studies relating to the proposed use;
 3. **Other jurisdictions.** Required parking for the proposed use as determined by other comparable jurisdictions; or,
 4. **Examination of similar uses.** Examination of the parking requirements for uses most similar to the proposed use.
- D. **Parking Required in the CD1-C District.**
1. **Lower and Middle School Students.** Zero (0) spaces.
 2. **Upper School Students.** Three (3) spaces per five (5) students enrolled.
 3. **Full-time Faculty and staff.** Nine (9) spaces per ten (10) faculty/staff.

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4. **Parents and Visitors.** Two percent (2%) of maximum student enrollment.
5. **Bus Parking.** One (1) space per two (2) buses serving the campus.

E. **Maximum Parking:**

1. No single or combined use shall exceed the required parking by more than 125 percent without pursuing an Alternative Parking Plan, provided in *Section 3-2.5(C) Alternative Parking Plan (APP)*.

F. **Authority to Administratively Approve Parking Exceeding the Maximum Permitted.** The Planning Director may approve the installation of ten (10) percent more than the maximum number of parking spaces if the property owner demonstrates each of the following:

1. Such additional parking is necessary to meet the parking demand for a specified use;
2. Cooperative use of parking is not available or adequate to meet demand; and
3. The maximum number of compact size automobile, motorcycle and bicycle spaces has been used.

G. **Location of Parking Areas.**

1. **Same Zoning Lot.** All parking areas required in this Section shall be located on the same zoning lot as the principal use, except as authorized in the off-site parking provisions in *Section B.3-2.4 Off-Site Parking*.
2. **Unoccupied Recreational Vehicles.** In residential districts, an unoccupied recreational vehicle or travel trailer may be stored on a privately owned lot, provided that it is not located within any required front or side yard nor nearer than six (6) feet to a rear property line, except that it may be stored in an accessory structure, provided that such structure is enclosed and meets the setback requirements for either a principal or accessory structure.
3. **Parking for Multi-family Dwellings.** A minimum three (3) foot wide landscaped area shall be provided between any parking area and building wall providing access into the unit(s).

3-2.3. DESIGN STANDARDS FOR PARKING AREAS

- A. **General Requirements.** All parking areas shall meet the following design standards:
1. **Unobstructed Movement.** Parking areas shall be designed to allow unobstructed movement into and out of each parking space without interfering with fixed objects such as lighting fixtures, dumpsters, signage, or vehicles.
 2. **Access.** All parking spaces in parking areas shall be designed to have access only from parking area driveways and not directly from public streets.
 3. **Maneuvering Area.** Except for single family dwellings, twin homes, duplexes, and for multi-family developments of four (4) dwelling units or less, all maneuvers associated with parking and loading must occur in the off-street parking area or structure. Private alleys may be used to conduct parking maneuvers.
 4. **Internal Circulation.** All parking areas shall be designed to provide for internal circulation such that each parking space is accessible to all other parking spaces without necessitating the use of a public street or alley.
- B. **Dimensional Requirements.** All parking areas shall be designed and constructed to meet minimum parking space dimensions, aisle dimensions, and other standards shown in *Table B.3.4 Parking Dimensions* and *Table B.3.5 Supplementary Parking Dimensions*.

SECTION B.3 – OTHER DEVELOPMENT STANDARDS

Table B.3.4 Parking Dimensions

Parking Directions	Parking Angle (Degrees)	Stall Width (Feet)	Stall to Curb (Feet)	Aisle Width (Feet)	Curb Length (Feet)	Center to Center Width of Two Row Bin with Aisle Between (Feet)	
						Curb to Curb	Overlap C-C
One-Way	0	9.0	9.0	22.0	23.0	40.0	-
One-Way	30	9.0	16.0	22.0	18.0	43.0	36.0
One Way	45	9.0	16.5	22.0	12.7	48.0	44.0
One Way	60	9.0	18.0	22.0	10.4	54.0	51.0
Two-Way	60	9.0	18.0	26.0	10.4	62.0	59.0
One-Way	75	9.0	18.5	22.0	9.3	59.0	57.0
Two-Way	75	9.0	18.5	26.0	9.3	63.0	61.0
Two-Way	90	9.0	17.5	26.0	9.0	61.0	-

Figure B.3.8 Parking Space Dimensions

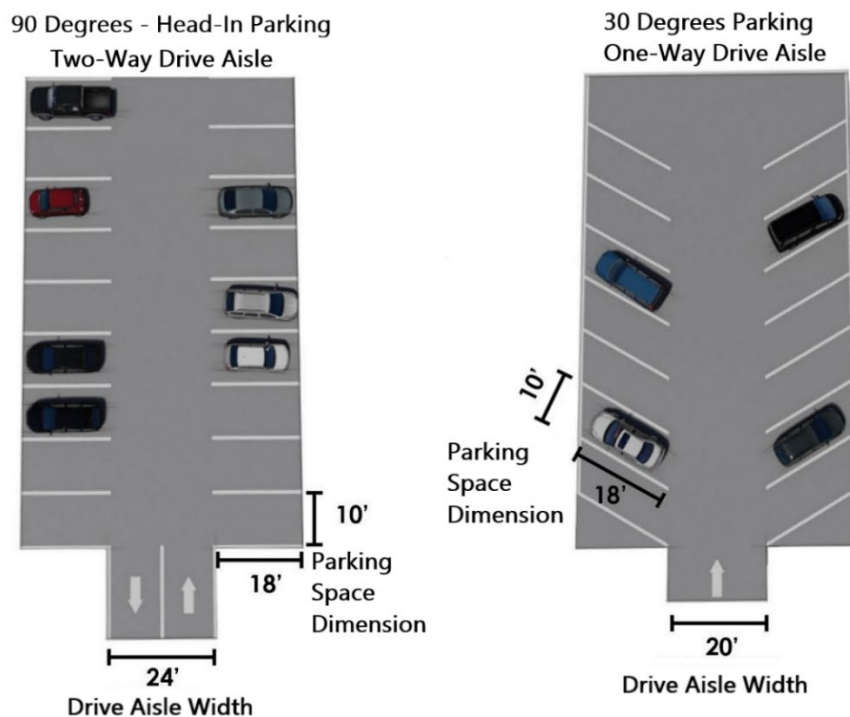


Table B.3.5 Supplementary Parking Dimensions

	Width (Feet)	Length (Feet)	Additional Standards
Compact-Size Motor Vehicle Space	7.5	15	<i>Section B.3-2.5(E)</i>
Motorcycle Space	4.5	7	<i>Section B.3-2.5(F)</i>
Bicycle Space	2.5	6	<i>Section B.3-2.5(G)</i>
Recreational Vehicle Space	10	25	-

1. **Parking Structures.** In parking structures, aisle and stall dimensions may be reduced in accordance with the latest edition of *Parking Space Design: Guidelines for Parking Geometrics* or as subsequently amended.

2. **Accessible Parking Spaces.** Please see the North Carolina Building Code.

B. Parking Surfaces.

1. **Paving.** Any required parking, stacking, and loading area, and all access drives and maneuvering areas shall be paved and permanently maintained with asphalt, concrete, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights, except as noted in *Section B.3-2.3(B)(2) Exceptions*.

2. **Exceptions.** Paving shall not be required for the following:

- (1) **Temporary parking or parking for construction purposes.** Parking areas used on an irregular or temporary basis for churches, clubs or lodges, other similar nonprofit organizations, or structures under construction.
- (2) **Agricultural Uses.** Parking areas for agricultural uses.
- (3) **Parking for Construction Equipment.** Parking areas for track mounted heavy construction equipment, skid-mounted equipment, and similar equipment, are exempt from the paving requirements provided these parking areas are constructed with an all-weather surface.
- (4) **Overflow Parking.** Parking areas identified specifically as overflow parking or parking exceeding the minimum number of spaces required.

- (5) **Private Swimming Pools in Planned Residential Developments.** Porous pavement surfaces may be substituted for asphalt, concrete, or gravel parking surfaces at private swimming pools in Planned Residential Developments (PRD) and other types of residential developments provided the parking spaces are identified with wheel stops or other approved space identifier.

C. Markings and Traffic Control Devices.

1. **Delineation.** The property owner shall delineate all required parking and loading spaces, stacking lanes, disabled parking spaces, directional arrows, crosswalks, and maneuvering areas within parking areas using paint or other methods approved by the Director.
2. **Signage.** The Director may require a developer to install signage in addition to directional arrows to ensure the safe and efficient flow of vehicles in a parking area or structure.

D. Driveways.

1. **Approvals.** The design and location of all entrance or exit driveways to parking or loading areas from a public street or highway shall be approved by the NCDOT (when applicable) and the Town of Lewisville. The applicant is responsible for determining and adhering to local government requirements within the Town's jurisdiction. In the case of joint jurisdiction, concurrent reviews shall be coordinated by the applicant between officials of the Town and the NCDOT. All driveways must be approved by the Town of Lewisville prior to the issuance of a zoning or building permit. This includes driveways serving single-family dwellings. Applicants are encouraged to contact the Director of Public Works to identify safety and design issues, coordinate with other construction projects affecting the proposed driveway and to arrange for installation of driveway pipe if applicable.
2. **Combined Driveways and Access.** The owners of adjoining properties may be required to provide combined driveways and connections as established in *B.3-2.7(B) Location and Design of Driveway Access*. Please refer to *Section B.3-2.5(J) Combined Driveways and Access*.

3. **Dimensional Requirements for Access Drives.** Internal circulation driveways and access drives that do not provide direct access to parking spaces shall be a minimum of twenty-four (24) feet in width for two-way traffic and twelve (12) feet in width for one-way traffic unless otherwise specified by the Planning Director and, if applicable, Fire and EMS Officials. Residential uses containing six (6) or fewer dwelling units or having parking areas designed and clearly marked for one-way traffic shall have access drives a minimum of twelve (12) feet in width.

4. **Driveways for Large Parking Areas (One Hundred (100) or More Spaces).** For each development containing parking areas with one hundred (100) or more required spaces, a minimum forty (40) foot deep unobstructed driveway shall be provided from the right-of-way line to a traffic aisle or access to a parking space to accommodate the ingress and egress of at least two (2) vehicles without interference to parking maneuvers or access drives, unless:

- (1) **Frontage Road Access.** Internal access to the parking area is provided by a private frontage road which parallels the public street, provided no parking is provided along the access drive or frontage road and a minimum forty (40) foot distance without left turn movements is provided along the access drive;
- (2) **Spaces per Driveway Ratio.** The ratio of parking spaces to driveway access points does not exceed 100:1, where multiple driveways provide access to the zoning lot; or
- (3) **Other Stacking Area.** Adequate unobstructed off-street stacking area to accommodate two (2) vehicles is otherwise provided.

E. **Drive-Through Facility Stacking Lanes.** Whenever a structure or use provides for the off-loading of passengers or involves a drive-through (i.e. allows for a use without exiting the vehicle), stacking spaces must be provided for and marked on the site. The following requirements must be met:

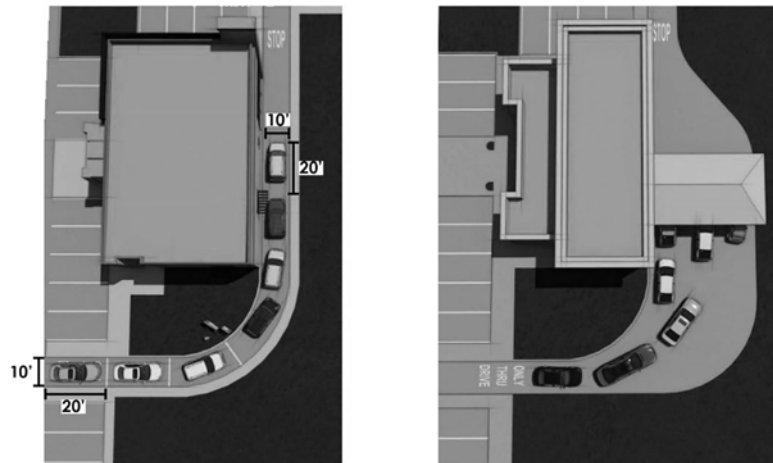
- (1) **Location.** Stacking spaces must not obstruct, endanger, or interfere with on-site or off-site access, maneuvering, or traffic patterns.
- (2) **Number.** In addition to the parking required by *Section B.3-2.2 Off-Street Parking Requirements*, drive-through facilities requiring stacking lanes shall be provided as follows:

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Number of Lanes	Number of Spaces per Lane
1	5
2	5
3	4
4 or more	3

- (1) **Size.** A stacking space must be a minimum of nine (9) feet by sixteen (16) feet, however, individual spaces within the lane shall not be delineated with pavement markings.
- (1) **Automatic Teller Machines.** Automatic teller machines located in parking areas of shopping centers or on internally oriented out lots are not required to provide stacking spaces.

Figure B.3.9 Drive-Through Facility Stacking Lanes



- F. **Wheel Stops or Curbs.** Where concrete curbs are not installed adjacent to public sidewalks, public rights-of-way, landscaped areas/buffers, or internal roadways, anchored wheel stops shall be installed to prevent vehicles from encroaching into these areas. All wheel stops shall be two (2) feet from the front end of the parking space for front-end parking and four (4) feet from the front of the parking space for rear-end parking.

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- G. **Landscaping and Screening.** All motor vehicle surface areas shall be landscaped as required in *Section B.3-3 Landscaping Standards* and bufferyards shall be provided as required in *Section B.3-4 Bufferyard Standards*.
- H. **Lighting.** Any lighting in parking, stacking, and loading areas shall be so shielded as to cast no direct light upon adjacent properties or structures.
- I. **Drainage.** All parking, stacking, and loading areas shall be designed to meet the applicable requirements of *Chapter C Environmental Regulations* of the UDO.
- J. **Parking Lot Location.** Parking lots shall, in most circumstances, be located to the rear or side of the primary structure. Outparcel development should be sited so as to create a courtyard-style site plan which surrounds the development's parking. Large parking lots shall be divided into smaller parking rooms that are defined by landscape planting and site furniture. If parking is to be located to the front of the structure the parking must be screened from the road through the use of a Type II Landscape Buffer (See *Section B.3-4.2(A)(3)(2) Type II Bufferyard*). "Front" and "Rear" shall be determined, for the purpose of this subsection, by the orientation of the primary structure(s) to the street, and not in relation to the location(s) of entrance(s) to the structure(s). A parking area may be located in a required yard provided that wheel stops are installed and maintained to protect required separation and protections identified in *Section 3-2.3(F) Wheel Stops or Curbs* above.
- K. **Internal Parking Lot Circulation.** Connection(s) to existing roads shall be coordinated to provide efficient vehicular traffic flow and to prevent congestion at major intersections. Parking lots shall be designed to allow pedestrians to move safely from their vehicles to the building along well-defined pathways. The pathway network should be logical and uninterrupted. Pathways are to be protected from automobile traffic. Pathways are to be spatially defined by architectural and landscape elements.

3-2.4. OFF-SITE PARKING

- A. **Off-Site Parking Requirements.** For all uses a portion of the required parking may be located on a site other than the principal use. Off-site parking facilities shall meet the following requirements:

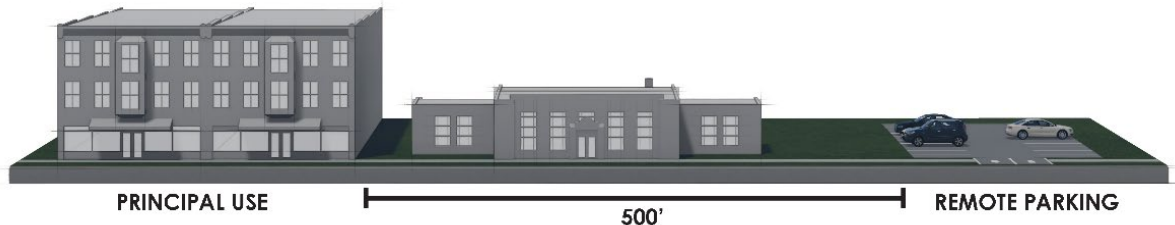
SECTION B.3 – OTHER DEVELOPMENT STANDARDS

1. **Ownership.** The off-site parking shall be located on a separate zoning lot from the principal use where both lots are owned by the same person or the off-site parking shall be leased by the owner of the principal use.
2. **Location.** No off-site space may be located more than 500 feet from the primary entrance of the principal use served (measured along the shortest legal pedestrian route).
3. **Zoning District.** The secondary parking lot shall be in a zoning district in which the principal use it supports is a permitted use, with the exception that a secondary parking lot supporting any twin home, duplex, townhouse, multi-family, or institutional use may be located in any nonresidential zoning district.
4. **Visitor Parking.** Visitor parking shall be provided at the principal use location as required by *Table B.3.2 Off-Street Parking Requirements*.
5. **Pedestrian Access.** Adequate pedestrian, van, or shuttle connection between the sites shall exist.
6. **Certain Retail Uses.** Off-site parking for retail uses requiring off-street parking at a rate of one space per two hundred (200) square feet gross floor area or greater, per *Table B.3.2 Off-Street Parking Requirements*, shall not be permitted, except where such parking is located on a contiguous zoning lot within a zoning district which permits the principal use and is located within two hundred fifty (250) feet of the zoning lot containing the principal use.
7. **Contract for Parking.** Where established by lease, the lease shall make the secondary parking lot or lots available for the same duration of the lease of the principal use. A copy of the contract, properly executed, shall be filed with the Director prior to the issuance of a zoning permit for the secondary parking lot.
8. **Other Uses.** Where parking is established on a secondary lot(s), the secondary lot(s) may not be used for any purpose other than parking required for the principal use; unless there is sufficient space for a secondary use(s) permitted in the zoning district, in which case parking for the principal and secondary uses may be combined.
9. **Continuance of Use.** The continuing operations of the principal use shall be contingent upon the continuing operation of the off-site parking or the substitution

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of other parking consistent with the terms of this Ordinance. A parking covenant shall be drawn to the satisfaction of either the Planning Director and Town of Lewisville Attorney, executed by all parties concerned, and recorded. The contract shall ensure the continued availability of the off-site parking facilities for the life of the use that the parking is intended to serve.

Figure B.3.10 Off-Site Parking Standards



3-2.5. ALTERNATIVES AND INCENTIVES

- A. **Purpose.** The purpose of this Section is to encourage the property owner to reduce the amount of impervious surface cover needed for parking by providing a variety of alternatives and incentives. Any parking alternative proposed, or incentive utilized by the property owner must be approved by the Director, upon review and approval by the Town staff, and shall accomplish the following:
1. **Intent.** The intent of the parking requirements is preserved;
 2. **Sufficient parking.** The parking provided will be sufficient to serve the use for which it is intended; and,
 3. **Impact.** The modification will not be detrimental to the public health, safety, or welfare.
- B. **Shared Parking.** Shared parking shall reduce the overall required minimum off-street parking by no more than fifty (50) percent.
1. **Reduction of Parking Requirements.** The Planning Director may authorize a reduction of the parking requirements or parking spaces for any mixed-use project or nearby uses that generate parking demands during different times of the day or different days of the week. All reductions of parking requirements authorized by the Planning Director must also receive approval from the Director of Public Works or Town Manager, whichever is applicable.

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2. **Requirements.** A request for approval of shared parking shall be accompanied by such information determined by the Director as necessary to evaluate the relevant factors listed in the Section below, including, but not limited to, a description of the uses, a site plan, and a transportation engineering report. Calculations shall be based on the Shared Parking Standards developed by the Urban Land Institute, as amended.
 3. **Accessibility.** All shared parking spaces shall be located in a parking facility providing reasonably equivalent accessibility and usability to all uses which the parking is intended to serve.
 4. **Ownership.** In cases where the uses for which shared parking is requested are located on lots under different ownership, a contract pursuant to *Section B.3-2.4(A)(7) Contract for Parking* shall be provided.
 5. **Conditions.** In determining whether to approve a reduction for shared parking, the Director shall consider all relevant factors, including the following:
 - (1) **Peak Parking Demand.** The characteristics of each use and the differences in projected peak parking demand, including days or hours of operation;
 - (2) **Reduction in Vehicle Movements.** Potential reduction in vehicle movements afforded by multi-purpose use of the parking facility by employees, customers, or residents of the uses served; and,
 - (3) **Potential Improvements.** Potential improvements in parking facility design, circulation, and access afforded by a shared parking facility.
- C. **Alternative Parking Plan (APP).** The parking requirements set forth in this Section (*Table B.3.2 Off-Street Parking Requirements*) may be modified through an APP. The Planning Director and the Public Works Director may accept an APP in place of the parking requirement for a use if the below requirements are met:
1. A parking study must be submitted that is prepared and sealed by a registered Professional Engineer.
 2. The study must include the size, type, and use(s) of the development; anticipated peak parking; anticipated normal parking amounts; and a narrative and data as to why the parking requirements of the UDO do not accurately reflect the needs of the proposed development.

SECTION B.3 – OTHER DEVELOPMENT STANDARDS

3. The APP may include provisions for off-site parking if the number of off-street parking spaces required cannot reasonably be provided on the same lot where the principal use is located. Such off-site parking spaces shall comply with *Section B.3-2.4 Off-Site Parking*.
4. An APP may be requested concurrently with a site and development plan, as defined in *Section A.4-3.10(C) Uses and Activities Requiring Site Plans*.

D. Reductions in the MU-C, LD1-C and LD2-C Districts.

1. In the MU-C District:

- (1) **Amount Required.** Off-street parking for any use in the MU-C District may be reduced fifteen percent (15%) from the requirements of *Table B.3.2 Off-Street Parking Requirements*.
- (2) **Off-Street and Off-Site Parking.** A maximum of 15 percent of the required off-street parking may be fulfilled by on-street parking, per *Section B.3-2.5(K) On-Street Parking Supplements for Pedestrian Oriented Developments*. An additional 10 percent may be provided via off-site parking within 500 feet.
- (3) **Location.** Except for single family residential uses, parking shall be located to the rear or side of the principal building. Parking in the front shall be limited to one (1) bay of parking, which includes a single two-way drive aisle with parking stalls on either side. Any parking in the front of the building shall be subject to the streetyard provisions of *Section B.3-4 Bufferyard Standards*. The Planning Board may allow for alternative parking designs due to lot size, shape, or topographic features.

2. In the LD1-C and LD2-C Districts. See *Section B.2-4.7(F)(6) Parking Amount Required*.

E. Compact Parking. Compact-size motor vehicles are those with an overall length of fifteen (15) feet or less.

1. **Maximum Amount.** For all uses, the property owner may design and construct up to a maximum of ten percent (10%) of the required parking spaces for compact stalls in accordance with the dimensions provided in *Table B.3.5 Supplementary Parking Dimensions*.

2. **Identification.**

- (1) **Markings.** The property owner shall identify all compact parking stalls within the parking area with pavement markings. Each compact parking space shall be individually designated as a compact space in letters not less than twelve (12) inches high and seven (7) inches wide in size, which state: "COMPACT".
 - (2) **Symbols.** A symbol may be used in lieu of letters if approved by the Director.
3. **Signs.** Signs shall be provided to indicate the location of the compact parking.
4. **Location.** All compact parking spaces shall be dispersed throughout the required parking area.

F. **Motorcycle Parking.**

1. **Maximum Amount.** For all uses, the property owner may design and construct up to a maximum of two percent (2%) of the required number of parking spaces as motorcycle stalls in accordance with the dimensions provided in *Table B.3.5 Supplementary Parking Dimensions*.
2. **Identification.**
- (1) **Markings.** The property owner shall identify any motorcycle parking stalls within the parking area with pavement markings. Each motorcycle parking space shall be individually designated as a motorcycle space in letters not less than twelve (12) inches high and seven (7) inches wide in size, which state: "MOTORCYCLE".
 - (2) **Symbols.** A symbol may be used in lieu of letters if approved by the Director.
3. **Fulfilling Requirements.** Motorcycle parking spaces allowed by this Section shall count toward fulfilling the total motor vehicle parking requirements.

G. **Bicycle Parking.**

1. **Minimum Amount.** For all uses, the property owner may design and construct a minimum of two percent (2%) of the required number of parking spaces as bicycle stalls or two (2) bicycle stalls, whichever is greater, in accordance with the dimensions provided in *Table B.3.5 Supplementary Parking Dimensions*.

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2. **Location.** Bicycle parking stalls and racks shall be located to be highly visible from the street or building entrance from where bicyclists approach. Bicycle racks shall not be installed in isolated locations but shall be located near the main entrance(s) of the building for which they are intended or in a comparably convenient location where there is constant pedestrian traffic.
 3. **Use.** Bicycle racks shall be for use by the general public as well as employees.
 4. **Separation from Motor Vehicle Parking.** Bicycle parking areas shall be separated from motor vehicle parking areas by at least a curb barrier which would prevent vehicles from damaging bicycles.
 5. **Bicycle Rack Design.** Bicycle racks shall be designed to be capable of supporting the bicycle in an upright position. Bicycle racks shall be securely anchored to the supporting surface(s). Bicycle racks shall be at least three (3) feet in height unless the bicycle parking area is surrounded by a railing, hedge, or wall three (3) feet in height which is readily visible to pedestrians. Bicycle racks shall be installed with adequate space (one foot minimum) beside the parked bicycle allowing a bicyclist to reach and operate a locking mechanism.
- H. **Parking Reduction for Required Landscaping in Motor Vehicle Use Areas.** A reduction of five percent (5%) of the total number of required parking spaces is permitted in order to preserve an existing tree with a caliper of twenty-four (24) inches or greater in all zoning districts. Additionally, for each large variety tree planted in accordance with the provisions of *Section B.3-3.3 Motor Vehicle Surface Area Landscaping Standards* and located within an interior landscaped area (ILA) the amount of required parking is reduced by four (4) spaces. The maximum overall parking reduction allowed for this subsection is twenty percent (20%) of the total parking required.
- I. **Parking Reduction for Public Greenways and Sidewalks.** For all uses abutting an existing or publicly adopted planned public greenway or sidewalk, the property owner may reduce the amount of required parking up to a maximum of three percent (3%). This reduction shall not affect the required disabled parking or loading spaces for that use.

- J. **Combined Driveways and Access.** For all uses providing a combined driveway with or a private access connection to adjoining properties, the property owner may reduce the amount of required parking up to a maximum of five percent (5%).
- K. **On-Street Parking Supplements for Pedestrian Oriented Developments.** The pedestrian nature of a site can be enhanced by on-street parking connected to exterior and interior sidewalks.
1. On-street parking satisfying the off-street parking requirements of *Table B.3.2 Off-Street Parking Requirements* may be permitted for sites in the PB and LB districts when conditionally zoned, MU-C zoning district, or Planned Residential Developments, if the following requirements are met:
 - (1) Sites eligible for the credit below shall not generally be located on streets classified as collectors or thoroughfares. However, the Town of Lewisville, North Carolina Department of Transportation (NCDOT), or other applicable agency may consider locations on collectors or thoroughfares on a case-by-case basis.
 - (2) Public on street parking shall be located within a radius of two hundred and fifty (250) feet of the midpoint of the subject property's road frontage;
 - (3) All parking shall be angled or parallel meeting the requirements of *Table B.3.10 Adjacent Drive Spacing*, and must be approved by the Public Works Department of the Town of Lewisville, the NCDOT, or other agency, whichever is applicable;
 - (4) Credit for on-street parking shall not exceed thirty-five percent (35%) of the total off-street parking requirements of the site;
 - (5) Sidewalks shall be constructed immediately adjacent to on-street parking spaces and connected to a well-defined interior pedestrian system;
 - (6) No off-street parking shall be located between a building and any on-street parking except as approved for temporary parking for an earlier phase of a multi-phase development;
 - (7) The landowner or developer shall dedicate public right-of-way or public road maintenance easements necessary to meet the requirements of *Table B.3.10 Adjacent Drive Spacing* and must be approved either by the Public Works

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Department of the Town of Lewisville or the North Carolina Department of Transportation, whichever is applicable;

- (8) The landowner or developer shall construct all required improvements within public rights-of-way to applicable public design standards;
- (9) All buildings shall face the street and provide the principal entrance to the structure from the front or side of the structure; and,
- (10) All buildings shall front on at least one side preferably the entrance side of the building, on a street with no intervening parking area.

3-2.6. OFF-STREET LOADING AND UNLOADING AREAS

- A. **Requirements.** In all districts, any building or land used for any non-residential purposes, shall be designed to provide adequate space for off-street parking to accommodate the loading and unloading of goods and materials consistent with the size and proposed use of the building or land. Such space, whether inside or outside a building, shall be in addition to the parking requirements in *Table B.3.2 Off-Street Parking Requirements* and shall be designed so as not to impede normal vehicular and pedestrian circulation.
- B. **Location.** Off-street loading and unloading areas shall be located on the same lot or adjoining lots as the use for which they are provided.
- C. **Design Standards.**
 - 1. **Dimensional Requirements.** Each loading area shall be at least twelve (12) feet wide, sixty-five (65) feet long, and shall have a minimum height clearance of fifteen (15) feet.
 - 2. **Reduction.** The Director may reduce the required stall length and maneuvering length if the property owner demonstrates that known delivery vehicles can park and maneuver within the proposed loading and maneuvering spaces such that no part of the vehicle projects into a public right-of-way, access easement, private road, or required landscaping. The reduction shall be based on the nature of the use, or combination of uses, as well as the specific design characteristics of the project.

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3. **Maneuvering Area.** Loading areas shall be designed and located such that vehicles shall not back into a public street or alley, or impede a driveway, drive aisle, required fire lane, or similar.
4. **Alley Access.** When the lot upon which loading areas are located abuts upon an alley, such loading areas may have access from the alley. Where such loading area is parallel with the alley and the lot is sixty (60) feet or less in width, the loading area shall extend across the full width of the lot.
5. **Industrial Uses.** Industrial developments shall be designed with the following loading area design standards:
 - (1) **Location.** Loading facilities shall be located either to the rear or side of the industrial structure(s). Where such location is not feasible, a streetyard according to the standards of *Section B.3-4 Bufferyard Standards*. shall be installed along the entire length of road which the loading docks face.
 - (2) **Maneuvering.** Each industrial site shall be self contained and capable of handling its own truck maneuvering and docking requirements. The use of public streets for commercial vehicles staging and/or maneuvering is prohibited.
 - (3) **Depth.** Minimum depth of eighty-five (85) feet is required for commercial vehicle docking and maneuvering.
 - (4) **Turning Radius.** At least one driveway approach capable of accommodating a forty-eight (48) foot wheel track turning radius and at least one on-site maneuvering area which provides a forty-eight (48) foot wheel track turning radius through the parking area shall be provided for each industrial site.

D. Number of Loading Spaces Required.

- (1) **Uses Handling Goods in Quantity.** Uses which normally handle large quantities of goods, including, but not limited to manufacturing plants, wholesale establishments, warehouses, freight terminals, hospitals, and shopping centers, shall provide off-street loading facilities as shown in *Table B.3.6 Loading Space Requirements for Uses Handling Goods in Quantity*.

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Table B.3.6 Loading Space Requirements for Uses Handling Goods in Quantity

Gross Floor Area (Square Feet)	Minimum Number of Spaces
5,000—20,000	1
20,001—50,000	2
50,001—80,000	3
80,001—125,000	4
125,001—170,000	5
170,001—215,000	6
215,001—260,000	7
Over 260,000	7, plus 1 space for each additional 45,000 square feet of gross floor area.

- (2) **Uses Not Handling Goods in Quantity.** Commercial establishments which do not handle large quantities of goods, including, but not limited to, office buildings, restaurants, auditoriums, convention halls, stadiums, exhibition halls, funeral homes, hotels, and motels shall provide off-street loading as shown in *Table B.3.7 Loading Space Requirements for Uses Not Handling Good in Quantity*.

Table B.3.7 Loading Space Requirements for Uses Not Handling Goods in Quantity

Gross Floor Area (Square Feet)	Minimum Number of Spaces
5,000—80,000	1
80,001—200,000	2
200,001—320,000	3
320,001—500,000	4
500,001—680,000	5
680,001—860,000	6
806,001—1,040,000	7
Over 1,040,000	7, plus 1 additional space for each additional 180,000 square feet of gross floor area

3-2.7. DRIVEWAY ACCESS (MANAGEMENT)

- A. **General Requirements.** Where the property is to be served by a driveway opening onto a state highway or public street located within the Town of Lewisville, a driveway permit application shall be first submitted to the Public Works Director and/or the NC Department of Transportation. The requirements of this Section or those of the Uniform Traffic Code Manual and Roadway Design Manual, published by the NCDOT, whichever is greater, shall be the minimum standards for development. The requirements of this Ordinance shall only apply to driveways and road accesses installed after the effective date of this Ordinance.
1. It shall be unlawful for any person to cut, break or remove any curb along a street except as herein authorized.
 2. All development shall be located on a lot that has vehicular access that abuts or has easement access to a street that is approved by the Town as being in compliance with Town standards and/or is currently maintained by the State of North Carolina (NCDOT). All commercial development shall have direct access to public/private right-of-way.
 3. All driveways governed by this Section shall meet the Town's minimum standard specification for driveway construction and connection requirements.
 4. This Section shall be deemed to be supplemental to other sections regulating the use of the public right-of-way, and in the case of conflict, this Section shall govern.
 5. The specifications and guidelines set forth in this Ordinance are to be applied to all roadways and properties that abut the roadways within the Town, unless otherwise indicated.
 6. Existing driveway approaches shall not be relocated, altered, or reconstructed without a permit approving such relocation, alteration, or reconstruction. Such driveway approaches when so relocated, altered or reconstructed shall be subject to the limitations set forth in this Section.
 - (1) The term alteration or reconstruction shall not include the resealing of driveways.
 7. The Public Works Director may grant Temporary Street and Driveway permits for the construction and operation of access connections to Town roadways and roads

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maintained by the NCDOT for a specific period of time. Temporary Permits will clearly indicate that the access connections are temporary and are to be removed by the applicant at the end of the specified time period.

- (1) Said temporary permits shall expire after one (1) year or upon approval of a Certificate of Occupancy (CO) by the WS/FC Inspections Department if new construction and/or applicable renovations are the reason(s) for the initial issuance of the temporary driveway permit. Such permits may be renewed as determined by the Public Works Director upon a showing by the holder of reasonable need for renewal and no abuse of the renewal process by the holder of the temporary permit. Temporary driveways for bona fide farm activities shall be exempt from this Ordinance.
 - (2) Upon the direction of NCDOT officials and/or the Public Works Director, performance bonds or other types of financial guarantees may be required to ensure the proper removal of the access and restoration of the right-of-way. Examples of types of temporary permits include but are not limited to farm operations, utility operations, site construction accesses and logging operations.
 - (3) Temporary accesses shall meet minimum required design, site distance and general placement criteria. The applicant will be financially responsible for any damage caused to the pavement, guardrail, signing, landscaping, or other improvements within the right-of-way. The Public Works Director may require that a sign be erected by the applicant indicating that the driveway is temporary and may be removed at a future time.
8. As determined by the Public Works Director, alternatives to the dimensions required by this Ordinance may be required or approved after technical review as warranted by specific traffic conditions.

B. Location and Design of Driveway Access.

1. In making a determination as to the location of driveway access, the Public Works Director shall consider:
 - (1) The characteristics of the proposed land use;

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- (2) The existing traffic flow conditions and the future demand anticipated on the development and the adjacent street system;
 - (3) The location and size of the property;
 - (4) The orientation of structures on the site;
 - (5) The number of driveways needed to accommodate anticipated traffic;
 - (6) The number and location of driveways on existing adjacent and opposite properties;
 - (7) The location and carrying capacity of intersections;
 - (8) The proper geometric design of driveways;
 - (9) The spacing between opposite and adjacent driveways;
 - (10) The internal circulation between driveways;
 - (11) The speed of the adjoining roadway.
2. **Maneuvering Area.** Driveway access to thoroughfares shall not be permitted for parking or loading areas that require backing maneuvers in a public street right-of-way. All maneuvers associated with parking and loading must occur in the off-street parking area or structure pursuant to *Section B.3-2.3(A)(3) Maneuvering Area*.
 3. **Sight Distance.** Adequate sight distance shall be provided for a passenger motor vehicle exiting from a driveway. This determination shall be made by the Public Works Director or his agent. New driveways will have triangular sight distance easements shown in dashed lines and so noted on the driveway permit and approved site plan. Site easements shall be ten (10) feet by seventy (70) feet running from the intersection along the right-of-way of the pertinent street. [refer to *Section D.5 Minor Subdivisions*]
 4. **Side Clearance.** The side clearance, measured parallel to the centerline of the road, from the side property line to the nearest point of the projected edge of the driveway, shall be a minimum of five (5) feet. All portions of the driveway, including the returns, shall be between the side property lines of the property served.

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5. **Street Structures.** No driveway shall interfere with municipal facilities such as streetlight or traffic poles, signs, fire hydrants, cross walks, utility poles, drainage structures or other necessary street structures without the approval of the Public Works Director. The Public Works Director is authorized to order the removal or reconstruction of any driveway which is constructed in conflict with existing or proposed street structures. The cost of reconstructing or relocating such driveways shall be at the expense of the property owner.
6. **Drainage Tile Requirement.** All driveways within the Town, whether residential or commercial, shall have tile placed underneath or a sufficient stormwater pipe system to adequately handle stormwater drainage. The required tile shall conform to the Uniform Traffic Code Manual and Roadway Design Manual published by the NCDOT, or standards found in this Section. The required tile shall have a minimum diameter of fifteen (15) inches and shall be constructed only with materials allowed by minimum NCDOT standards.
7. **Paving.** All driveway entrances constructed or reconstructed within the street right-of-way of the Town shall be paved in the manner described in this Section.
 - (1) Thickness of pavement shall not be less than six (6) inches when reinforced concrete is used. Where asphalt pavement is used, the thickness shall not be less than eight (8) inches including the topcoat and stone base for residential drives. For commercial drives, a stone base of ten (10) inches and two (2) inches of topcoat shall be required.
 - (2) All entrances to residential driveways constructed shall be paved with reinforced concrete for a distance of not less than twenty-four (24) inches from the back of vertical curb. If no paved sidewalk parallels the property line or is planned to parallel the property line, the remainder of the distance to the property line may be paved with either bituminous concrete, reinforced concrete, or crushed gravel of appropriate size. For town streets that do not have vertical curbs and paved sidewalks, drives may be constructed of existing dirt or crushed gravel from the traveled portion of the street to the property line.
8. **Driveway Location (Corner Lots).** Property having frontage on two (2) intersecting streets within one hundred (100) feet of the intersection of such streets

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shall have access only from the minor or less intensively used street except as may be authorized by the Public Works Director.

- (1) No cuts through a left turn reservoir of a median shall be permitted in order to provide for left turn movements to driveway approaches.
 - (2) Driveways in right turn transition areas shall not be permitted.
9. **Driveway Approach Angle.** The angle of driveway approach shall be approximately ninety (90°) degrees for two-way drives and between forty-five (45°) degrees and ninety (90°) degrees for one-way drives.
10. **Replacement of Sidewalk.** When a driveway is constructed or reconstructed, any existing four (4) inch sidewalk shall be replaced with reinforced cement concrete of not less than six (6) inches in thickness where the driveway crosses the sidewalk. The pedestrian walk shall be indicated by false cracks or lines in the pavement.

C. Roadway Classifications.

1. Driveway access management is contingent upon the functional classification of different types of streets and required spacing. Town streets subject to this Ordinance are designated as:
 - (1) Major Thoroughfare;
 - (2) Minor Thoroughfare;
 - (3) Collector Street;
 - (4) Local Street.
2. Major thoroughfare, minor thoroughfare/collector and local streets in the Town are indicated in the Lewisville UDO, Winston-Salem Urban Area Metropolitan Planning Organization (WSUAMPO) Thoroughfare Plan and in the Lewisville Comprehensive Plan. The functional classification of any street in the Town not indicated as a thoroughfare, collector or local street in this plan shall be determined using the functional street classification defined by the American Association of State Highway and Transportation Officials (AASHTO), Winston-Salem MPO (WMPO), and NCDOT.

3. Driveway access spacing shall be measured from the centerline of the proposed driveway pavement to the nearest edge of the roadway of the adjacent or opposite driveway or street as indicated in *Table B.3.1 Permitted Districts for Signs*.

D. Residential Driveways Standards.

1. **Maximum Number of Residential Drives.** A maximum of one curb cut (driveway connection) shall be allowed for access to single-family and two-family residential tracts. More than one curb cut may be allowed upon review and approval by the Public Works Director. All residential driveways shall receive an approved permit in accordance with *Section B.3-2.7(H) Geometric Design of Driveway Access* of this Ordinance.
2. **Residential Properties.** The width of single-family and two-family residential driveway entrances shall be limited to eighteen (18) feet each as measured along the street or curb line with not more than two (2) such entrances to the same property. The minimum width of a residential driveway approach measured at the property line shall not be less than twelve (12) feet in width. If the property is adjacent to both a local street and collector or other thoroughfare access shall only be from the local street. When two (2) entrances are constructed to serve the same residence, there shall be a minimum distance of twenty-five (25) feet of vertical curb or distance to remain between the driveway entrances measured along the edge of street.
3. **Multi-family Dwellings.** When driveway entrances are constructed to serve multi-family residential structures, such entrances shall be twenty-four (24) feet in width measured at the street or curb line with not more than two (2) such entrances to the same property from the same street. When two (2) driveway entrances are constructed, there shall be at least twenty-five (25) feet between driveway entrances measured at the street or curb line.
4. **Joint Driveways.** The width of a joint driveway, as may be authorized by the Public Works Director, serving two (2) adjacent zoning lots, shall be limited to twenty-four (24) feet along the street or curb line, provided no other means of driveway access is reasonably available and the permit for such driveway is signed by the owners of the adjacent property. There shall be no more than one joint driveway for each two (2) adjacent lots serving single-family or two-family residential structures and

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no more than two (2) joint driveways for each two (2) adjacent lots serving portions of multi-family residential structures.

5. **Residential Driveways Beyond the Town's Downtown Core.** Residential lots in new subdivision developments as of the effective date of this Ordinance shall not have direct access to a major or minor thoroughfare unless there is no feasible alternative. Lots within these subdivisions shall be served by internal roadways.
6. **Subdivided Lots on Local Roads.** Subdivided lots located along collector/local roads shall be designed so that no more than one (1) driveway connection per fifty-five (55) feet along the same side of the road within a suburban neighborhood or two hundred fifty (250) feet along the same side of the road in the areas outside of the Downtown Overlay area (DTO), Vienna Business Overlay (VBO), or similarly established business area, unless the driveway cannot be physically designed or no other reasonable alternative exists. The Public Works Director may waive the two hundred fifty (250) foot distance should sufficient hardship be proved by the applicant as found within the driveway permit.
7. **Minimum Driveway Spacing.** See *Table B.3.8 Minimum Driveway Spacing*.
8. **Paving of Residential Drives.** See *Section B.3-2.7(B)(7) Paving*.

E. Commercial Driveway Standards - (DTO and VBO).

1. **Number of Commercial Drives.** When a commercial or multi-family development abuts more than one (1) public street, access to each abutting street may be allowed only if the following criteria are met:
 - (1) It is determined that such access is required to adequately serve driveway projected volumes and will not be detrimental or unsafe to traffic operations on public streets. The Public Works Director may require the preparation of a traffic impact analysis (TIA) which demonstrates that such access is required. The applicant shall be responsible for all costs associated with the preparation of a required TIA prepared pursuant to the Appendix labeled Traffic Impact Study Standards.
 - (2) The minimum for corner clearance for said driveways are met.
2. **Maximum Width for Commercial Driveways.** The maximum width of a commercial driveway approach for two-way operation, shall not exceed thirty-six

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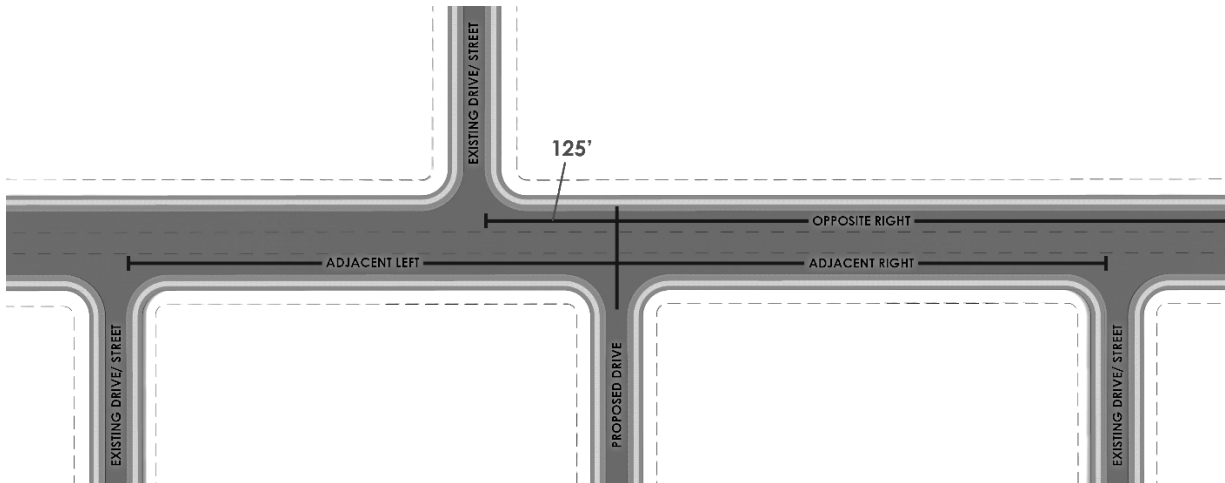
- (36) feet measured at the property line and include separate left and right turn lanes, except that the Public Works Director may issue permits for driveway approaches greater than thirty-six (36) feet in width on major streets to handle special traffic conditions. The minimum width of a commercial driveway approach for two-way operation shall not be less than twenty-four (24) feet in width.
3. **Driveway Throat Distances.** A minimum driveway approach for commercial and multi-family drives shall be forty (40) feet. The minimum approach for minor thoroughfares is fifty (50) feet and one hundred (100) feet for major thoroughfares.
 4. **Minimum Driveway Spacing.** See *Table B.3.8 Minimum Driveway Spacing*.
 5. **Paving of Commercial Drives.** See *Section B.3-2.7(B)(7) Paving*.
 6. **Drives Outside of the DTO and VBO.** All driveways located outside of these districts shall comply with *Section B.3-2.7(A)(1-6) General Requirements* and *Section B.3-2.7(B)(2-10) Location and Design of Driveway Access*.

F. Measuring Driveway Access

Table B.3.8 Minimum Driveway Spacing

Street Classifications	Minimum Adjacent Spacing (Feet)	Minimum Opposite Right Spacing (Feet)	Minimum Adjacent Spacing (Driveways Outside the Downtown Overlay) (Feet)
Major Thoroughfare	275'	300'	250'
Minor Thoroughfare	230'	225'	250'
Collector/Local (Except Residential Drives)	55'	75'	55'

Figure B.3.11 Driveway Access Diagram



1. **Opposite Right Driveways** shall be located no closer than the minimum requirements of *Table B.3.9 Opposite Right (downstream) Driveway Spacing*.

Table B.3.9 Opposite Right (downstream) Driveway Spacing

Street Classification	Minimum Spacing (Feet)	Desirable Spacing (Feet)
Major Thoroughfare	300'	400'
Minor Thoroughfare	175'	300'
Collector/Local Street (Except Residential Drives)	75'	100'

2. Additional opposite right spacing over and above that set forth in *Table B.3.9 Opposite Right (downstream) Driveway Spacing* may be required if it is determined by the Public Works Director or his designee that there is insufficient left turn queue storage or weave maneuver area between the opposite right and proposed driveway. This determination shall be made under peak traffic conditions.
3. A minimum of one hundred twenty-five (125) feet shall be required for opposite left drives for major and minor thoroughfare streets.
4. If the centerline of an opposite drive is less than fifteen (15) feet from the centerline of the proposed drive, the drives form an intersection, and the minimum spacing requirements shall apply for the closest drive.

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5. Adjacent drives shall be located no closer than the minimum requirements of *Table B.3.10 Adjacent Drive Spacing*.

Table B.3.10 Adjacent Drive Spacing

Street Classification	Minimum Spacing (Feet)	Desirable Spacing (Feet)
Major Thoroughfare	275'	350'
Minor Thoroughfare	185'	235'
Collector/Local Street (Except Residential Drives)	55'	125'

G. **Corner Clearance.** Corner clearance for driveway access shall meet or exceed the minimum driveway spacing requirements for that roadway. When minimum spacing requirements cannot be met due to the lack of road frontage, an alternate driveway access, prepared and submitted by a Professional Engineer, may be submitted as warranted by specific traffic conditions.

1. No driveway approach may be closer to the corner than fifty (50) feet on local streets, one hundred (100) feet on collector/minor thoroughfares and one hundred twenty (120) feet for major thoroughfares. This measurement shall be taken from the intersection of property lines at the corner. When these requirements cannot be met due to the lack of frontage, the driveway may be located such that the radius will begin at the farthest property line.

H. **Geometric Design of Driveway Access.**

1. Curb cuts for driveways shall not be permitted in the curb return of an intersection.
2. The curb return radii for driveways intersecting at right angles with the roadway and without a deceleration lane shall be as follows:
 - (1) The curb return radii for residential driveways located on local or collector streets shall be a minimum of two and a half (2.5) feet and a maximum of ten (10) feet. Flare type residential driveways must also adhere to these dimensional criteria.
 - (2) Curb return radii for commercial driveways may vary between twenty (20) feet and fifty (50) feet.

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- (3) Curb return radii for driveway types not included in (a) or (b) above shall be determined by the Public Works Director.

I. **Modified Access Requirements.**

1. Access points may be required to be designed to prohibit certain types of turning movements. Driveways not meeting the spacing guidelines in *Tables B.3.9 Opposite Right (downstream) Driveway Spacing* and *B.3.10 Adjacent Drive Spacing* may be designed for limited access by the addition of a median to the driveway or may be required to be removed if access is available through a shared public access easement to an adjoining lot or access can be facilitated by the construction of a shared driveway that meets the spacing guidelines found in *Table B.3.9 Opposite Right (downstream) Driveway Spacing* and *Table B.3.10 Adjacent Drive Spacing*.
2. Tapered or channelized deceleration lanes for vehicles turning right into high volume or intersection type driveways may be required if warranted. Design of right-turn deceleration lanes shall be in accordance with the NCDOT standards for auxiliary lanes.
 - (1) The spacing requirements for driveways not meeting the specifications in *Table B.3.9 Opposite Right (downstream) Driveway Spacing* and *Table B.3.10 Adjacent Drive Spacing* may be lessened or waived if tapered or channelized deceleration lanes are used.
3. At those locations where it is determined by NCDOT or the Public Works Director that a street or driveway connection requires improvements to existing roadway facilities to provide for safe and efficient traffic operation, the applicant shall be fully responsible for roadway improvements. These improvements may include, but are not limited to, separate turn lanes, deceleration lanes, acceleration lanes, lane tapers and transitions, right-of-way to contain new widening, traffic signals and roundabouts.

- J. **Shared Access Requirements.** A joint public access easement shall be required between adjacent lots fronting on major or minor thoroughfares and collector streets in order to minimize the total number of access points along those streets and to facilitate traffic flow between lots. The development and use of shared driveways, access drives, service drives, and similar means of shared access connecting two (2)

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or more lots or uses shall be required in accordance with the purposes of this Section. Upon determination that the number of vehicular access points along a collector street or thoroughfare is greater than necessary based on the standards of this Section, the Planning Director, in consultation with NCDOT and/or the Public Works Director, shall require the use of a shared driveway, access drive or service drive to provide primary or secondary vehicular access as part of a site plan approval.

1. Pursuant to this Section:

- (1) Owners must record an easement in the Office of Register of Deeds allowing access to and from adjoining properties served by the joint use driveways and access or service drive;
- (2) All subsequent property owners sharing access to a driveway constructed pursuant to this subsection, shall construct any necessary improvements to comply with NCDOT and Town driveway standards, and as a condition of site plan approval, shall maintain the said driveway (including any improvements thereto) for a period of five (5) years, after which period the parties shall share equally the cost of maintaining the said driveway to NCDOT and Town standards. Under no circumstance shall the Town be responsible for maintenance of driveways.

K. Permit Required.

1. Plans submitted for building approval which include new, relocated, altered, or reconstructed driveways shall be approved by the Public Works Director (for Town-maintained roads) and the North Carolina Department of Transportation (NCDOT) (for state-maintained roads) before a zoning permit and building permit is issued.
2. A driveway permit fee shall be set by resolution of the Town Council as deemed appropriate by the Council and shall be of an amount to cover the costs incidental to the driveway review and approval by Town staff.
3. All permits granted for access to publicly maintained roadways under the terms of this Section are revocable by the Town Council. The Town Council shall have the authority to rescind by resolution any permit granted for a driveway after proper notice and public hearing when the Council finds such action to be in the public

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interest. Provided, however, any such revocation shall not deprive a property owner of access to such owner's property.

4. When an existing driveway permit is rescinded by action of the Town Council or the NCDOT, the driveway connection shall be removed and replaced with applicable street yards, curbing, street trees, lighting and other street structures as necessary to comply all ordinances and development standards. Such removal and replacement shall be completed by the deadline set by Town Council, provided that the property owner(s) shall have not less than six (6) months to complete the removal and replacement of the driveway. The Town may place any barrier to access to the former driveway pending said removal and replacement by the property owner(s). All costs incidental to said removal and replacement shall be borne by the equally by the property owner(s) having access to the said driveway, notwithstanding the provisions of *Section 3-2.7(l) Modified Access Requirements*.
 5. Deviations from these criteria may be approved by the Public Works Director as described in the previous sections. Disputes will be referred to and resolved by the Town Council, according to the procedures for Appeals described in *Section A.4-3.7 Appeals*. All access management disputes must be accompanied by a Traffic Impact Analysis (TIA) to the Town of Lewisville, prepared at developer's cost.
 6. The Public Works Director shall have the right to supervise and inspect any and all work performed under the provisions of this Section, provided, however, this provision shall not be construed to require the Public Works Director to supervise or inspect any work performed under the provisions of this Section.
- L. **Site Plan Modifications.** The Town may, at the request of a property owner, modify site plans to accommodate development of adjoining access and parking by minor staff change as allowed by *Section A.4-2.4 Major and Minor Modifications*.

3-3. LANDSCAPING STANDARDS

3-3.1. GENERAL REQUIREMENTS

- A. **Purpose of Landscaping Standards.** It is the intent of this Section to modify and enhance community character and aesthetics through the introduction and/or

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preservation of natural vegetation and landscaping, without unduly burdening property owners, in order to:

1. **Areas Near Rights-of-Way.** Enhance the appearance of areas near rights-of-way by improving the appearance of motor vehicle use areas within close proximity of vehicular rights-of-way;
 2. **Large Areas.** Enhance the appearance of large areas by breaking the visual blight created by large expanses of un-vegetated areas;
 3. **Property Value and Investments.** Enhance property values and protect public and private investments by emphasizing the importance of trees and vegetation as visual and physical bufferyards to protect property values on adjacent properties;
 4. **Water and Erosion Control.** Improve water and erosion control and increase site stormwater infiltration capacity, improve groundwater recharge, and reduce erosion and urban runoff pollution hazards by preserving vegetated areas to slow and absorb stormwater runoff;
 5. **Comfort.** Improve human comfort and moderate local environments by providing shade and reducing noise levels;
 6. **Enhance Environmental Sensitivity.** Encourage environmental sensitivity to natural features in design and construction;
 7. **Reduce Glare.** Filter and reduce reflected sunlight and headlight glare from parked vehicles onto street rights-of-way; and,
 8. **Air Quality.** Improve air quality by filtration and reduce motor vehicle fumes and dust.
 9. **Enhance Public Properties.** Improve the appearance of public properties.
- B. **Exclusions.** The following uses shall be exempt from the landscaping requirements of *Section B.3-3 Landscaping Standards*.
1. Existing development;
 2. Single-family dwellings;
 3. Any accessory dwelling unit located on the same lot as principal residence;
 4. Fire hydrants and other utilities, the visibility of which is vital to public safety.

- C. **Alternative Compliance.** An applicant may propose a landscaping plan that varies from the strict application of the provisions of this Section in order to accommodate unique characteristics of the site or to utilize innovative design. Applications for alternative compliance shall include a site plan following the requirements specified in *Section A.4-3.10 Site Plan* and shall be approved administratively by the Planning Director and/or Planning Board (if applicable) upon a finding that the proposed landscaping plan meets or exceeds the requirements of this Section.

3-3.2. APPLICATION PROCEDURES AND GENERAL REQUIREMENTS

- A. **Application.** When an application is made for a building permit or a land disturbing permit, whichever is first necessary, on any land where the landscaping requirements of this Section are applicable, such building or land disturbing permit application shall be accompanied by the information cited in *Section B.3-3.2.A(1-4) Application* below. Submittal of said information shall be provided by a registered landscape architect, architect, licensed surveyor, or professional engineer.
1. **Storage, Surface, and Service Areas.** A site plan indicating the location, dimensions, and square footage of motor vehicle surface areas, motor vehicle display areas, outdoor display and storage areas, private utility service areas, proposed parking space striping, and overhead utility lines;
 2. **Landscaping.** A site plan indicating existing and proposed landscaping used to satisfy the requirements of this Section, including the number, types, location, and heights of trees, shrubs, and groundcover; the location and dimensions of planting areas and streetyards; the location and size of earthen berms; and, the location, size, and construction material of fences, walls, and wall planters;
 3. **Existing Trees to be Preserved.** The number, location, species, height, and diameter at six (6) inches above ground level of existing trees to be preserved for credit as per *Section B.3-3.2(H) Use of Existing Trees for Credit*; and
 4. **Barriers.** The location and description of any barriers to be erected to protect any existing vegetation from damage during construction.
 5. **Tree Protection Plan.** The Tree Protection Plan shall show the location of existing trees on the property, including those that are to be removed, the limits of disturbance, the Critical Root Zone (CRZ), and tree protection fence. The CRZ

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shall remain undisturbed in order for the tree to count towards the mitigation requirement.

- B. Delay of Landscaping.** If the required landscaping has not been installed at the time of a request for an occupancy permit, and the Director determines that the unavailability of plant materials or adverse weather conditions prohibit the timely completion of planting, a delay in planting may be approved, subject to the following:
- 1. Completion Schedule.** The applicant shall sign a contract specifying that the work shall be completed within the six (6) months immediately following the date of application for an occupancy permit; and
 - 2. Security.** A financial guarantee in the form of an escrow account, bond, letter of credit, or other instrument shall be required prior to issuance of an occupancy permit. The amount of the financial guarantee shall equal the cost of installation as estimated by a landscape architect, licensed contractor, or professional engineer plus twenty-five (25%) percent of all costs of required landscaping or screening which has not been installed. Such security shall be held by the Town of Lewisville until the work is completed in accordance with the permit. The security shall be forfeited upon violation of this Section and shall be used toward completion of all planned improvements. Any moneys in excess of the cost of installing required landscaping shall be refunded to the applicant. The security shall be released when the Director or designee certifies that all requirements of this Section have been met.
- C. Compliance with Sight Easement Requirements.** Landscaping required by this Section shall comply with the minimum State or local sight easement requirements for street intersections and driveways.
- D. Obstruction of Pedestrian Routes.** Required landscaping shall not obstruct or impede public pedestrian routes including sidewalks and greenway trails.
- E. Protection of Planting Areas.** Whenever any planting areas required by this Section are adjacent to motor vehicle surface areas, motor vehicle display areas, or outdoor display/storage areas, the planting areas shall be protected from encroachment or chemical spillage.

- F. **Stabilization of Soil Surface.** The soil surface of all planting areas required by this Section shall be stabilized to prevent erosion. In addition to required interior trees and shrubs, the soil surfaces of planting areas shall contain live groundcover, mulch, live shrubs, permeable pedestrian paver blocks, or a combination thereof.
- G. **Planting and Maintenance of Trees Used to Meet Landscape Standards.** The Planting and Maintenance provisions of this Ordinance shall apply to new trees and existing trees planted after November 14, 2013 which satisfies the requirements of this Ordinance.
1. **Planting and Maintenance Standards.** The use of American National Standards Institute (ANSI) standards shall be required for the planting and maintenance of all required landscaping.
 - (1) All trees must be planted a minimum of 10' from utilities;
 - (2) All trees must be planted a minimum of 10' from a structure;
 - (3) Minimum size requirements:
 - i. Large trees must be a minimum of 10' in height and 2" caliper at time of planting;
 - ii. Medium and small variety trees must be a minimum of 8' in height and 1.5" caliper at time of planting;
 - iii. Shrubs must be a minimum of 24" in height and width at planting;
 - (4) At least 50% of required trees shall be large trees;
 - (5) At least 50% of required trees shall be native species.
 2. **Tree Topping.** For any tree that is planted or protected by this Ordinance, the practice of tree-topping is prohibited.
 3. **Maintenance of Plantings.** The landowner is responsible for maintaining all required plant materials in good health. Any dead or missing plants must be replaced with new planting which meets the minimum installation dimension standards of this Section. Plant replacement shall take place within one (1) month of written notification by the Director or designee. In the event that plant material is severely damaged due to an unusual weather occurrence or other act of nature, or if replacement plantings are unavailable within one (1) month of written

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notification, the landowner will have six (6) months from the date of written notification to replace plantings. Alternative landscaping plans or modifications to existing plans may be approved by the Planning Director given that these plans conform with the standards of this Ordinance. Requirements for the maintenance of existing or newly planted trees required by the planting standards of this Ordinance, and located on individual lots within residential subdivisions, are in *Section B.3-3.2(E) Protection of Planning Areas* above.

4. **Critical Root Zone.** No development or site disturbance shall occur within the Critical Root Zone (CRZ). Trees shall have a minimum CRZ of ten (10) feet.

H. **Use of Existing Trees for Credit.** Existing trees may be preserved and used for credit in satisfying the requirements of this Section, according to the conditions that follow:

1. **Maximum Credits for Tree Preservation.** Maximum credits for tree preservation shall be determined by *Table B.3.11 Use of Existing Trees for Credit*.

Table B.3.11 Use of Existing Trees for Credit

Diameter of Existing Tree Six (6) Inches Above Ground Level	Number of Trees Credited
2—6 inches	1
7—12 inches	2
13—18 inches	3
19—24 inches	4
25 inches or greater	5

2. **Minimum Protected Plant Area.** Each tree to be preserved for credit shall be provided with a minimum planting area which coincides with the tree's dripline. The tree's dripline is defined as the area underneath a tree which would be encompassed by perpendicular lines dropped from the outermost edges of the crown of the tree.
3. **Protection from Encroachment.** Tree preservation planting areas shall be cordoned off during construction and protected from encroachment. The minimum area to be cordoned off shall consist of the critical root zone of the tree or an area

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- ten (10) feet from the edges of the tree's trunk in all directions, whichever is the greater area. The protection measures shall be properly maintained during site development and shall not be removed prior to final landscaping. For the purposes of this Section, encroachment is defined as the ground surface disturbance caused by grading; impervious surface cover; equipment, material, or earth storage; or by temporary or permanent construction vehicle access or circulation.
4. **Planting Area Used for Streetyard or Interior Plantings.** Planting areas required for tree preservation credit may be used to install streetyard or interior shrubs as required in this Section.
 5. **Loss of Tree Credits.** Removal or death of any preserved tree prior to final zoning conformance approval of any development project subject to these standards, shall result in the loss of all associated tree credits for that particular tree. Replacement of trees shall be subject to the planting requirements of *Section B.3-3 Landscaping Standards*. Developers and landowners are urged to seek professional expertise to preserve properly existing trees for credit.
- I. **Combining Planting Area and Bufferyard Requirements.** Where motor vehicle surface area plant materials and bufferyard plant materials are required on the same property, trees may be located in such a manner as to simultaneously satisfy both requirements. However, required planting areas shall not be cumulative. The greater of the planting areas specified in *Section B.3-4 Bufferyard Standards* or this Section shall be the required planting area.
- J. **Overhead Utility Lines.** The location of overhead utility lines shall be considered during the placement or preservation of required trees. The maximum mature height of required trees shall be determined as follows: (Suggested plant materials are listed in *Section B.3-3.9 Suggested Plant Material List*.)
1. **Small variety.** Small variety trees shall be used when located within or up to thirty-five (35) feet, measured horizontally, from the nearest overhead utility line(s).
 2. **Small, medium, or large varieties.** Small, medium, or large variety trees may be used when located more than thirty-five (35) feet, measured horizontally, from the nearest overhead utility line(s).

- K. **Fire Protection Equipment.** A minimum five (5) foot radius containing no plant materials or structural elements other than groundcover plants shall be maintained around all fire protection equipment, including fire hydrants, post indicator valves, and Siamese connectors. Clear and unobstructed sight lines to the fire protection equipment shall be maintained at all times.
- L. **Off-Street Parking Reduction.** A reduction in the amount of required off-street parking is permitted in accordance with the alternatives and incentives provisions of the parking requirements *Section B.3-2.5(H) Parking Reduction for Required Landscaping in Motor Vehicle Use Areas* for the installation of landscaping required by the landscaping standards of this Ordinance.

3-3.3. MOTOR VEHICLE SURFACE AREA LANDSCAPING STANDARDS

A. General Requirements.

1. **Exemption.** This Section shall apply only to parking areas with more than five (5) vehicle spaces.
2. **Applicability.** This Section shall apply to any motor vehicle surface area or portions thereof built after November 14, 2013.
3. **Expansion of Preexisting Motor Vehicle Surface Areas.** When preexisting motor vehicle surface areas are expanded:
 - (1) **Internal Landscaped Area.** Required interior plantings may be dispersed throughout the entire interior landscaped area in accordance with *Section B.3-3.3(B)(8) Expansion of Preexisting Areas*.
4. **Motor Vehicle Surface Area Perimeter Components.** All motor vehicle areas shall be screened by a Motor Vehicle Area Perimeter Yard on all sides visible from adjacent properties or public rights-of-way. The Perimeter Yard must be a minimum of five (5) feet in width. The landowner or developer shall use one (1) of the following to satisfy motor vehicle surface area perimeter requirements: natural shrubs, closed fences, walls, wall planters, earthen berms, or a combination thereof, as follows:
 - (1) **Natural Shrubs.** Shrubs must be a minimum of twenty-four (24) inches in height at installation, with a minimum height of thirty-six (36) inches within three (3) years after installation. Shrubs must be a locally adapted species

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which retain foliage to within six (6) inches above ground level. Said shrubs shall be spaced no more than four (4) feet on center. Shrubs must be evergreen.

- (2) **Fences and Walls.** A fence or wall shall be a minimum of thirty-six (36) inches in height, opaque, and shall be constructed of masonry, stone, or wooden material, or of the same material as that of the principal building.
- (3) **Wall planters.** A wall planter shall be constructed of masonry, stone, or other permanent material. At installation, the minimum combined height of wall planters and shrubs shall be twenty-four (24) inches. Within three (3) years after installation, the combined height of wall planters and shrubs shall be no less than thirty-six (36) inches. The effective planting width of a streetyard wall planter shall be no less than thirty-six (36) inches; however, where required streetyard trees are installed in wall planters, the effective planting width of the wall planters shall be no less than seven (7) feet. A minimum of one (1) shrub shall be required for every five (5) square feet of wall planter area.
- (4) **Earthen berms.** At installation, berms shall have a minimum height of eighteen (18) inches, a minimum crown width of two (2) feet, and a side slope with a width to height ratio of no greater than two (2) to one (2:1). The entire berm shall be planted and covered with live vegetation. Berm shrubs shall be spaced no greater than four (4) feet on center. Within three (3) years after installation, the combined height of berm and shrubs must be at least thirty-six (36) inches. Streetyard berms which are thirty-six (36) inches or greater in height at installation shall not be required to contain shrubs; however, streetyard trees shall still be required as specified in this Section.
5. **DTO, VBO, and PB Districts.** A minimum four (4) foot wide strip planted with trees and shrubs in accordance with this Section or a three (3) foot high masonry wall shall be provided. Unfinished concrete masonry unit (CMU) walls shall be prohibited. Split face CMU is permitted.

B. Interior Parking Area Plantings. In addition to the required streetyard, all motor vehicle surface areas shall contain landscaped planting areas, as follows:

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1. **Location of Plantings.** Internal landscaped area planting areas shall be located within ten (10) feet of motor vehicle surface area edges or within the interior as islands or medians and may contain berms of the minimum dimensions specified in *Section B.3-3.3(A)(4)(4) Earthen Berms*.
2. **Size.** Each planting area shall allocate a minimum of one hundred fifty (150) square feet, with a minimum width of ten (10) feet for small variety trees. A minimum planting area of two hundred and fifty (250) square feet shall be required for each large variety tree, also including a minimum width of ten (10) feet.
3. **Required Trees in Planting Area.** Each parking island shall contain at least one (1) deciduous or evergreen medium variety tree with a minimum height of eight (8) feet at the time of installation, and a minimum caliper of two (2) inches measured six (6) inches above ground level. Small variety trees may be used where overhead utility lines exist in accordance with *Section B.3-3.2(J) Overhead Utility Lines* or within ten (10') feet of building foundations.
4. **Ratio.** One (1) large variety tree shall be used for every five thousand (5,000) square feet of motor vehicle surface area. One (1) small or medium variety deciduous or evergreen tree shall be required for every two thousand five hundred (2,500) square feet of motor vehicle surface area where overhead utility lines exist in accordance with *Section B.3-3.2(J) Overhead Utility Lines*.
5. **Distance of Parking Spaces to Trees.** No parking space shall be located more than forty (40) feet from the trunk of a required tree.
6. **Loading/Maneuvering Areas.** For loading docks or other maneuvering areas where placement of trees in the interior of the site is impractical, the required number of trees may be clustered around the edge of such areas, with the approval of the Planning Director.
7. **Tree Credits.** As determined by the Planning Director, up to 25% of the total required interior parking planting area may be credited with bufferyard plantings meeting the size and spacing requirements of *Section B.3-4.3(B)(1) Size of Plant Material* and *Section B.3-3.3(B)(5) Distance of Parking Spaces to Trees*.

8. **Expansion of Preexisting Areas.** When preexisting motor vehicle surface areas are expanded, required interior plantings may be dispersed throughout the entire motor vehicle surface area, subject to the following conditions:
- (1) The required plant material will be calculated with reference to the expansion area only;
 - (2) Such planting may be dispersed throughout the entire, combined, existing, and new motor vehicle surface area; and
 - (3) The provisions of this Section shall preempt the spacing requirement contained in *Section B.3-4.2(A)(1)(6)(iv) Minimum Streetyard Requirement* and *Section B.3-3.3(B)(5) Distance of Parking Spaces to Trees*.
9. **Alternative Compliance.** An applicant whose contiguous parking area exceeds one hundred (100) spaces may propose a landscaping plan which varies from the strict application of the provisions of this Section in order to accommodate unique characteristics of the site or to utilize innovative design. Application for alternative compliance shall include a site plan following the requirements *Section 3-3.3 Motor Vehicle Surface Area Landscaping Standards* specified in *Section A.4-3.10 Site Plan* and shall be approved by the Planning Director, Public Works Director, and/or the Planning Board only upon a finding that the proposed landscaping plan meets or exceeds the requirements of this Section.
10. **Landscape Plantings.** Landscape plantings along the front façades of structures are required at a ratio of six (6) square feet of planting area for each one (1) foot of horizontal wall. Plantings are to be located between the building and the parking area. Planting areas are to be planted with shrubs as defined in *Section B.3-3.9(E) Streetyard and Interior Shrubs*. Plantings are to be installed at a rate of one (1) shrub for every five (5) linear feet of building façade. Plantings are not required along any frontage that has a required bufferyard.

3-3.4. SCREENING OF SERVICE AREAS AND OUTDOOR DISPLAY/STORAGE

- A. **Applicability.** Service areas shall be fully screened and out of view from adjacent properties and rights-of-way. Examples of these areas include:
1. Trash containment areas (i.e. refuse collection, trash containment devices, compactors, dumpsters);

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2. Mechanical Equipment (i.e. air conditioning units, rooftop mounted equipment);
3. Loading/unloading areas;
4. Open-air/outdoor storage;
5. Utility service areas; and
6. Other similar function areas.

B. General Screening Design Standards.

1. Screening material and design shall be consistent with the landscape plan for the development.
2. Screening shall consist of landscaping, wall, or fence consistent and compatible with the principal building in terms of texture, quality, material and color.
3. Examples of screening materials may include a wall, shrub line, fence (excluding chain link), parapet wall, or opaque screen.

C. Outdoor Display and Storage. All open-air storage areas, including outdoor display and storage, located within one-hundred (100) feet of a property line, shall be screened. Outdoor display and storage areas shall have specific standards below:

1. **Outdoor Display.** Outdoor display shall be defined as the outdoor display of products available for sale, including soft drink dispensing machines, propane gas storage racks, outdoor merchandise, and the like. Outdoor display shall comply with the standards below:
 - (1) Outdoor display shall be removed and placed in a fully enclosed structure at the end of every business day. Due to their commercial and pedestrian oriented nature, propane storage racks, soft drink dispensing machines, ice storage bins, may remain outside overnight.
 - (2) Outdoor display shall only be displayed in front of the primary façade and may not extend more than eight (8) feet. No more than twenty-five (25) percent of the horizontal length of the façade shall have outdoor display items.
 - (3) Outdoor display areas shall not inhibit pedestrian travel paths (i.e. sidewalks) and ADA accessibility shall be maintained.

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2. **Outdoor Storage.** Outdoor storage area screening shall be provided as specified in either of the conditions below or as a combination of the two (2) conditions:

- (1) **Fencing.** A fence or wall may be used to screen an outdoor storage area. The fence or wall shall be at least six (6) feet in height, opaque and of masonry, stone or wooden material, or of the same material as that of the principal building.
- (2) **Plantings.** Natural evergreen plant materials may also be used to screen an outdoor storage area as follows: (Suggested plant materials are listed in *Section B.3-3.9 Suggested Plant Material List*).
 - i. **Minimum Height.** The minimum height of the plant material shall be six (6) feet at installation; and,
 - ii. **Spacing.** The spacing of the planting shall be in a double-row configuration, staggered, with five (5) foot spacing between the centers of the main trunks.

D. **Trash Containment Areas.** All trash containment devices (i.e. dumpsters, refuse collection, etc.) shall have additional standards. Trash containment areas shall meet the following standards:

1. Trash containment areas shall be located and designed to not be visible from the view of adjacent streets and properties;
2. Trash containment devices may not be located in any front or street yard;
3. All trash containment areas shall be enclosed on three (3) sides with walls at least eight (8) feet high, the fourth side of the enclosure shall be a permanent gate of wood or other opaque material;
4. The enclosure shall be constructed of the same material as the principal building on the zoning lot; and
5. All trash containment devices shall be placed on a dedicated concrete pad.

E. **Mechanical Equipment.**

1. Rooftop mounted equipment shall be screened from ground level view of an adjacent property or right-of-way.

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2. Any new buildings shall require a parapet wall or architectural element that screens roof mounted equipment or provide an opaque screen around the rooftop mounted equipment.
3. Roof-mounted sustainable energy systems (i.e. solar panels) are exempt from screening requirements.

F. **Utility Service Areas.** Where screening for utility service areas is not provided by an intervening building, said screening may be accomplished by installing a landscape screen consisting of plants selected from the types recommended by *Section B.3-3.9 Suggested Plant Materials List*.

1. **Installation Height.** Plantings shall be spaced no more than eighteen (18) inches, edge to edge, and be expected to reach a height and width equal to or greater than the utility service structures that are being screened.
2. **Fences or Walls.** Fences or walls shall be opaque, of masonry, stone, or wooden material, or of the same material as that of the principal building, if applicable, and of a height and width equal to or greater than the utility service structures that are being screened.

3-3.5. PARKING STRUCTURES OR BUILDINGS

- A. **Applicability.** Any parking structure or building, or expansion thereof, built after the adoption of this Ordinance that exceeds two thousand five hundred (2,500) square feet in gross floor area shall provide a foundation yard along all sides visible from public ROW or adjacent properties. This provision shall apply only to structures whose principal use is parking and shall not apply to vertical expansion of preexisting parking structures.
- B. **Standards.** Foundation planting yards shall meet the following standards:
1. **Width.** The minimum width shall be eight (8) feet, located adjacent to the structure.
 2. **Shrubs.** Large shrubs are required at a rate of one per eight (8) linear feet of structure.
 3. **Size.** Shrubs must be a minimum height and width of 36 inches at time of planting, and reach a minimum of 6 feet in height at maturity.

3-3.6. PUBLIC OR PRIVATE SCHOOLS

- A. **Applicability.** A landscape plan for the school campus shall be prepared and installed prior to occupancy for any new school or any improvement to an existing school which results in an increase in building area or footprint.
- B. **Standards.** Landscaping plans shall meet the following standards:
1. A minimum of three (3) large variety trees or five (5) medium variety trees shall be planted per each acre of campus area, calculated in total according to the entire area of the campus, including those areas occupied by structures.
 2. **Existing Trees.** Existing trees to be incorporated into the design of the school or currently on the campus may be preserved and used for credit in meeting the site plan requirements, per *Section B.3-3.2(H)(1) Maximum Credits for Tree Preservation*. In conjunction with an approved tree preservation plan, existing trees may be used in lieu of not more than eighty percent (80%) of the required new plantings; except that where property or site constraints prohibit the placement of additional trees, additional credit for existing trees up to one hundred percent (100%) may be approved by the Planning Director.
 3. **Location.** Trees and other plant material may be located in any required yards r in the interior of the campus, and may function as a bufferyard to screen or soften uses, structures, or activities which may be incompatible. Landscaping should be placed to enhance entryways into campuses and upgrade previously disturbed areas. On existing campuses built prior to the landscaping requirements for motor vehicle surface areas, trees and other plant materials may also be located in parking areas or other motor vehicle surface areas.

3-3.7. TREE PRESERVATION REQUIREMENTS

- A. **Intent.**
1. This *Section 3-3.7 Tree Preservation Requirements* intends to limit excessive pruning or clear-cutting of existing trees and other natural landscape features.
 2. This *Section 3-3.7 Tree Preservation Requirements* shall provide a uniform standard for the protection and replacement of trees on all property when a zoning or building permit is required for new development.

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3. Existing trees may be counted toward landscaping and buffer requirements and toward tree preservation standards as stated herein.
4. As communities develop and grow, the need for renovation and construction of buildings, roads, parking lots and other infrastructure poses significant environmental impacts.
5. Tree preservation and tree protection regulations are necessary to protect desirable trees and plants and are a vital part of sustainable community growth.

B. Preservation Standards.

1. It is the intent of this *Section 3-3.7 Tree Preservation Requirements* to preserve deciduous and evergreen trees to the greatest extent possible.
2. Trees at least twenty-five (25) inches in circumference within required buffer and landscaping areas shall be tagged prior to any site clearance and be preserved. At least fifteen percent (15%) of all existing trees shall be preserved.
3. In any case where a deciduous or evergreen tree over twenty-five (25) inches in circumference is removed from the buffer, it shall be replaced with at least four (4) or more trees of similar species and size, the location which shall be determined by the Director.
4. Trees seventy-five (75) inches in circumference must be preserved and shall not be removed.

C. Preservation Plan. A tree preservation plan shall be required as part of any landscaping plan submitted to the Department of Planning and meet the following standards:

1. The plan must show there will be no disturbance within a preserved tree's critical root zone.
2. A preserved tree's critical root zone shall be protected from encroachment and damage.
3. A physical barrier restricting access to a tree's critical root zone shall be installed to prevent encroachment from materials, people, and equipment.
4. Barriers shall be accompanied by temporary signs labeling the critical root zone.

5. The critical root zone area shall remain free of all building materials and debris.

3-3.8. VARIANCE

Applications for variances from the requirements of the landscaping and screening standards may be approved by the Zoning Board of Adjustment after conducting an evidentiary hearing in each case. Application for a variance will be governed by the procedures set forth in *Section A.4-3.6 Variance*. Approval of a variance shall include the determination that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance that may include one or more of the following conditions; in addition to other demonstrable hardships.

- A. **Narrow.** Unusually narrow (less than ten (10) feet) sections of land available for planting because of existing permanent structures, existing paving, or natural features such as rock outcroppings.
- B. **Elevation Change.** Elevation change of more than twelve (12) feet within the area where the screening would be located.
- C. **Public Safety.** Specialized land uses such as public utilities, airports, etc. where strict adherence to the screening standard would significantly interfere with the function of that use and would create a public safety problem.
- D. **Platting or Deeding.** Difficulties arising from the recording platting or deeding of land prior to the adoption of this Ordinance.

3-3.9. SUGGESTED PLANT MATERIALS LIST

The suggested plant materials list includes common trees and shrubs suitable for use in the Forsyth County area. Due to individual site soil, moisture, and microclimate conditions, professional expertise should be sought to determine the appropriate plant materials for any particular development project. Other appropriate plants not included in the list may also be used with the approval of the Director or designee.

- A. **Prohibited Plant Materials.** Plant species or cultivars identified as non-native invasive threats and those placed on a watch list by the North Carolina Native Plant Society are prohibited (<https://ncwildflower.org/invasive-exotic-species-list>).
1. No Maple and Maple Hybrids may comprise more than twenty-five (25) percent of the tree materials in any landscape plan.

SECTION B.3 – OTHER DEVELOPMENT STANDARDS

B. **Large Trees.** (mature height: fifty (50) feet or greater):

Common Name	Species
European Black Alder	<i>Alnus glutinosa</i> (Pyramidalis)
Bald Cypress	<i>Taxodium distichum</i> (Monarch of Illinois, Shawnee Brave)
Sugar Hackberry	<i>Celtis laevigata</i>
Freeman Maple	<i>Acer x Freemanii</i> (Armstrong, Autumn Blaze, Celebration, Scarlet Sentinel)
Green Mountain Sugar Maple (N)	<i>Acer saccharum</i> "Green Mountain"
Southern Sugar Maple	<i>Acer Barbatum</i>
Bur Oak	<i>Quercus macrocarpa</i>
Sawtooth Oak	<i>Quercus Acutissima</i>
Shingle Oak	<i>Quercus Imbricaria</i>
Swamp White Oak	<i>Quercus bicolor</i>
Northern Red Oak (N)	<i>Quercus rubra</i>
Nuttall Oak	<i>Quercus Nutalli</i>
Overcup Oak	<i>Quercus Lyrata</i>
Green Ash	<i>Fraxinus Pennsylvanica</i> (Marshall Seedless, Newport, Patmore, Summit, Lakeview)
Kentucky Coffeetree (N)	<i>Gymnocladus Dioicus</i>
Silver Linden	<i>Tilia tomentosa</i> (Green Mountain, Sterling)
Willow Oak	<i>Quercusphellos</i>
Sugar Maple	<i>Acer saccharum</i>
Red Maple (N)	<i>Acer Rubrum</i> (Autumn Flame, Bowhall, Karpick, Northwood, October Glory, Red Kin, Red Sunset)
Scarlet Oak	<i>Quercus coccinea</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
Cucumber Tree (N)	<i>Magnolia acuminata</i>
Sycamore (N)	<i>Platanus occidentalis</i>
River Birch	<i>Betula nigra</i>
Japanese Zelkova	<i>Zelkova serrata</i> (Green Vase, Village Green)

SECTION B.3 – OTHER DEVELOPMENT STANDARDS

Common Name	Species
Tulip Poplar (N)	Liriodendron Tulipifera
White Oak(N)	Quercus alba
Japanese Scholartree	Sophora japonicum
English Oak	Quercus Robur
Japanese Katsuratree	Cercidiphyllum japonicum
Schumard Oak	Quercus Schumardi
Chinese Elm	Ulnus parviflora (Lacebark, Athena, Allee)
Redmond Linden (N)	Tilia americana "Redmond"
Fruitless Sweetgum	Liquidambar styraciflua "Rotundaloba"
Littleleaf Linden	Tilia cordata
Pignut Hickory	Carya glabra
American Beech	Fagus Grandifolia
American Hornbeam (N)	Carpinus Carolina
Thornless Honeylocust	Gleditsia Triacanthos "Inermis"
Yellowwood	Cladastris Kentuckea
Eastern Red Cedar	Juniperus virginiana (Emerald Sentinel, Princeton Sentry, Pendula)
European Hornbeam	Carpinus Betulus (Fastigiata)
Lacebark Elm	Ulmus Parvifolia
Black Gum (N)	Nyssa sylvatica
Hybrid Elm	Ulmus spp. (Homestead, Pioneer, Urban)
Gingko	Gingko biloba (Lakeview, Princeton Sentry)

SECTION B.3 – OTHER DEVELOPMENT STANDARDS

C. **Medium Trees.** (mature height: thirty (30) to less than fifty (50) feet):

Common Name	Species
Trident Maple	Acer Buergerianum
Shantung Maple	Acer Truncatum
Chinese Pistache	Pistachia Chinesis
Ironwood	Carpinus Caroliniana
Sweetbay Magnolia	Magnolia virginiana
Persian Ironwood	Parrotia persica

D. **Small Trees.** (mature height: less than thirty (30) feet):

Common Name	Species
Japanese Maple	Acer Palmatum
Japanese Dogwood	Cornus Kousa
Flowering Dogwood (N)	Cornus Florida
Smoketree	Cotinus Coggryia (Daydream, Royal Purple)
Crape Myrtle	Lagerstroemia indica (Dallas Red, Lipan, Natchez, Sioux, Tonto, Yuma)
Crabapple (var.)	Malus hybrida (var.)
Wax Myrtle	Myrica Cerifera
Star Magnolia	Magnolia stellata
Japanese Tree Lilac	Syringa reticulata
Green Hawthorn	Crataegus Viridis
Carolina Cherrylaurel	Prunus Caroliniana
Choke Cherry	Prunus virginiana
Eastern Redbud (N)	Cercis canadensis
Little Gem Magnolia	Magnolia "Little gem" (Dwarf Southern Magnolia)
Fringe Tree (N)	Chionanthus Virginicus
Fosteri Holly	Ilex Fosterii
Witch Hazel 'Arnold Promise' (N)	Hamamelis virginiana
Sourwood (N)	Oxydendrum arboretum

SECTION B.3 – OTHER DEVELOPMENT STANDARDS

Common Name	Species
Japanese Snowbell	Styrax japonica
Serviceberry (N)	Amelanchier arborea
Chalkbark Maple	Acer Leucoderme
Trident Maple	Acer Buergeranum
Saucer Magnolia	Magnolia Soulangeana
Weeping Cherry	Prunus Subhirtilla pendula
Fall Blooming Cherry	Prunus autumnalis
American Hornbeam (N)	Carpinus Caroliniana
American Hophornbeam (N)	Ostrya virginiana
Japanese Pagodatree	Sophora japonica (Princeton Upright, Regent)
Yoshino Cherry	Prunus Yedoensis
Golden-Rain-Tree	Koelreuteria paniculata
Kwansan Cherry	Prunus Serrucata "Kwansan"
American Holly (N)	Ilex opaca (East Palatka, Foster's #2, Nellie R. Stevens)
Carolina Silverbell (N)	Halesia tetraptera
Hedge Maple	Acer campestre
Sargent Cherry	Prunus Sargentii (Columnaris, Hillier Spire)

E. **Streetyard and Interior Shrubs.** (mature height: approximately thirty-six (36) inches):

1. **Evergreen.**

Common Name	Species
Warty Barberry	Berberis Verruculosa
Dwarf Burford Holly	Ilex cornuta "Burfordii" nana
Japanese Holly (var.)	Ilex crenata (var.)
Azalea (var.)	Azalea sp.
Mugo Pine	Pinus Mugo
Juniper (var.)	Juniperus sp.
Euonymous (var.)	Euonymous sp.
Leatherleaf Viburnum	Viburnum Rhytidophyllum

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Common Name	Species
Drooping leucothoe (N)	Leucothoe Fantanesiana

2. Deciduous.

Common Name	Species
Forsythia	Forsythia sp.
Dwarf Fothergilla	Fothergilla Gardenii
Thunberg Spirea	Spirea Thunbergi
Viburnum (var.)	Viburnum sp.
Oakleaf Hydrangea	Hydrangea Quercifolia
Japanese Flowering Quince	Chaenomeles Japonic
Potentilla	Potentilla Fruticosa
Ornamental Grass	Varieties
Oregonholly Grape	Mahonia Bealei
New Jersey Tea (N)	Ceanothus americanus
Snowhill Hydrangea (N)	Hydrangea Aborescens
Carolina Rose (N)	Rosa Carolina

F. Outdoor Storage Area Screening Plants. (installation height: six (6) feet):

Common Name	Species
American Holly	Ilex opaca
Burforda Holly	Ilex cornuta "Burfordii"
Nellie Stevens Holly	Ilex Cornata "Nellie Stevens"
Wax Myrtle	Myrica cerifera
Hetz Juniper	Juniperus Hetzi
Arborvitae	Thuja occidentalis
Eastern Red Cedar	Juniperus virginiana
Japanese Black Pine	Pinus Thunbergiana

3-4. BUFFERYARD STANDARDS

3-4.1. GENERAL REQUIREMENTS

- A. **Purpose.** Bufferyard, including Street Yards, standards are designed to provide visual and functional separation between different land uses to:
1. Reduce potential nuisances, such as glare, dirt, noise, unsightly views, and other adverse impacts between properties as well as where adjacent to streets.
 2. Safeguard property values and preserve the character and integrity of the community; and
 3. Protect the health, safety, and welfare of the public.
- B. **Applicability.** Every use, change of use, or expansion of a structure or land hereafter established shall meet the bufferyard requirements of this Section, except for the following:
1. One-, two-, three-, and four-family dwellings;
 2. Between component parts of a planned residential development or MU-C District;
 3. Where proposed development and or redevelopment as regulated below is located adjacent to a public street and or right-of-way, or
 4. Where no bufferyard requirement is shown in *Table B.3.12 Bufferyard Requirements*.
 5. For the purposes of this Section, Bufferyards and Street Yards are synonymous.

3-4.2. DETERMINATION OF BUFFERYARD

- A. **Procedure.** The type of bufferyard required shall be determined as follows:
1. Identify the Zoning Type for the proposed project and all adjacent properties, excluding properties across a public right-of-way. The zoning types are defined below for the purposes of this Section only.
 - (1) **Single Family Residential (SFR) Zoning Types.** Single family residential zoning types include the H, YR, AG, all RS Districts, and the MH District where an individual manufactured home on a single lot is involved.

SECTION B.3 – OTHER DEVELOPMENT STANDARDS

- (2) **Multi-family Residential (MFR) Zoning Types.** Multi-family residential zoning types include all RM Districts and the MH District where a manufactured housing development is involved.
- (3) **Low Intensity Commercial (LIC) Zoning Types.** Low intensity commercial zoning types include the NO, PB, LB, IP, and C Districts.
- (4) **High Intensity Commercial (HIC) Zoning Types.** High intensity commercial zoning types include the GO, HB, and MU-C Districts.
- (5) **Manufacturing Zoning Types.** Industrial zoning types include certain uses which require outdoor storage, have high trip generation rates, or have the potential for nuisance to adjacent properties due to noise, light and glare, or typical hours of operations. The following list of specific uses identified in *Table B.2.14 Type II Bufferyard Requirements* shall be classified as industrial zoning types for bufferyard purposes:
 - i. Banking and Financial Services, with Drive-Through Facilities;
 - ii. Car Wash;
 - iii. Convenience Store with Gasoline Sales;
 - iv. Implement Sales and Service;
 - v. Kennels;
 - vi. Outdoor Display Retail;
 - vii. Motor Vehicle Repair and Maintenance;
 - viii. Motor Vehicle Storage Yard;
 - ix. Recreational Vehicle Park;
 - x. Recreation Services, Outdoor;
 - xi. Restaurants (With Drive-Through Service where the drive-through is located adjacent to a SFR district);
 - xii. Storage and Salvage Yard; and
 - xiii. Dirt Storage Sites.
- (6) **Streetyards.** A landscaped streetyard shall be required along all public rights-of-way.
 - i. **Width.** Minimum streetyard width is ten (10) feet and shall be measured perpendicular to the street right-of-way.

SECTION B.3 – OTHER DEVELOPMENT STANDARDS

- ii. **Impervious Surface Cover.** A maximum of fifteen percent (15%) of the required streetyard may be covered with impervious surface cover which may be used for walkways, fountains, walls, wall planters, or utility meters and vaults, but may not be used for motor vehicle surface or display, outdoor storage, private utility service, or service areas.
- iii. **Number and Spacing of Trees.** Each streetyard shall contain a minimum of one (1) large tree per forty (40) linear feet, excluding points of driveway ingress or egress. Small variety trees are permitted under utility lines or in other locations where site constraints will not allow the installation of a large tree. Small variety trees must be spaced at a rate of one per twenty-five (25) feet excluding points of driveway ingress or egress.
- iv. **Minimum Streetyard Requirement.** Tree preservation credits may be used to reduce the number of trees required in this Section if the preserved trees are located within twenty (20) feet of the property line; however, in no instance shall a required streetyard contain less than one tree, nor shall any required streetyard contain no trees for seventy-five (75) continuous feet;

2. Determine the Bufferyard Type (I, II, III, or IV) required for each adjacent zoning type from *Table B.3.12 Bufferyard Requirements*.

Table B.3.12 Bufferyard Requirements

Zoning Type of Project	Zoning Type of Adjacent Property				
	SFR	MFR	LIC	HIC	IND
Single Family Residential (SFR)	*	I	II	III	IV
Multi-family Residential (MFR)	II	*	II	III	IV
Low Intensity Commercial (LIC)	II	II	*	I	III
High Intensity Commercial (HIC)	III	II	I	*	II
Industrial (IND)	IV	IV	III	II	*

* = No bufferyard requirement

3. Select the Desired Bufferyard Option for the required bufferyard type from those described below.

- (1) **Type I Bufferyard.** A Type I bufferyard is a low-density screen designed to partially block visual contact and create spatial separation between adjacent uses. Type I Buffers shall be a minimum of 10' in width. The minimum planting requirements are identified in *Table B.3.13 Type I Bufferyard Requirements*.

Table B.3.13 Type I Bufferyard Requirements

Plant Type	Minimum plant quantity per 100 linear feet of buffer
Large Trees	2
Small Trees	2
Shrubs	20

- (2) **Type II Bufferyard.** A Type II bufferyard is a medium density screen designed to block visual contact and create spatial separation between adjacent uses. Type II Buffers shall be a minimum of 20' in width. The minimum planting requirements are identified in *Table B.3.14 Type II Bufferyard Requirements*.

Table B.3.14 Type II Bufferyard Requirements

Plant Type	Minimum Quantity per 100 linear feet of buffer
Large Trees	3
Small Trees	3
Shrubs	30

- (3) **Type III Bufferyard.** A Type III bufferyard is a high-density screen designed to eliminate visual contact and create spatial separation between adjacent uses. Type III Buffers shall be a minimum of 30' in width. The minimum planting requirements are identified in *Table B.3.15 Type III Bufferyard Requirements*.

Table B.3.15 Type III Bufferyard Requirements

Plant Type	Minimum Quantity per 100 linear feet of buffer
Large Trees	4
Small Trees	4
Shrubs	40

- (4) **Type IV Bufferyard.** A Type IV bufferyard is a high-density screen designed to eliminate visual contact and create spatial separation between adjacent uses. Type IV Buffers shall be a minimum of 40' in width. The minimum planting requirements are identified in *Table B.3.16 Type IV Bufferyard Requirements*.

Table B.3.16 Type IV Bufferyard Requirements

Plant Type	Minimum Quantity per 100 linear feet of buffer
Large Trees	4
Small Trees	6
Shrubs	40

B. Additional Requirements.

1. **Fractional Calculations.** Fractional planting requirement calculations shall be rounded to the next higher whole number.
2. **Existing Plant Material.** Existing plant material within the required bufferyard may be included in the computation of the required plantings with approval of the Planning Director, excluding noxious or invasive species as determined by the NC Native Plant Society.
3. **Fence or Wall Option.** An opaque fence or wall may be used in lieu of not more than fifty percent (50%) of the required evergreen bufferyard plantings with the approval of the Director and providing the following conditions are met, where applicable:
 - (1) **Fence Height for Industrial Zoning Type.** The minimum required fence height shall be eight (8) feet above ground level when the proposed project zoning type is classified as an industrial zoning type.

SECTION B.3 – OTHER DEVELOPMENT STANDARDS

- (2) **Fence Height for Zoning Types Except Industrial.** The minimum required fence height shall be six (6) feet above ground level when the proposed project zoning type is classified as any zoning type except those classified as industrial.
 - (3) **Vegetation Planted on Exterior Sides.** Where a fence or wall is used as part of the required screening, all required vegetation shall be planted on the exterior side of the fence or wall.
 - (4) **Screening Multi-family Residential Zoning Type.** Where the fence option is used to screen multi-family residential zoning types from more intense zoning types, the required vegetation may be planted on the interior side of the fence or wall.
 - (5) **Remaining Vegetation Distribution.** Where a wall is used in lieu of not more than fifty percent (50%) of the required vegetation, the remaining percentage of vegetation to be used in conjunction with the fence or wall shall be evenly distributed in the bufferyard.
4. **Earthen Berms.** Earthen berms six (6) feet high or greater, or earthen berms with combined evergreen shrub plantings equaling a minimum height of six (6) feet, may be used in lieu of not more than fifty percent (50%) of the evergreen bufferyard plantings providing the following conditions are met. In addition, no berm shall exceed a 3:1 slope.
- (1) **Live Vegetation.** The entire berm shall be planted and covered with live vegetation.
 - (2) **Evergreen Shrubs.** On berms less than six (6) feet in height, evergreen shrubs, if used, shall be a minimum of one foot in height at installation and shall be placed no greater than eighteen (18) inches edge to edge.
 - (3) **Shape.** Berms shall be naturally shaped, shall have a minimum crown width of two (2) feet, and shall have side slopes stabilized to sedimentation and erosion control standards.

C. **Alternative Compliance for CD1-C, IP, LB, and MU-C Districts.** In the CD1-C, IP, LB, and MU-C Districts, a developer may propose a bufferyard plan that varies from the strict application of the provisions of this Section in order to accommodate unique

characteristics of the site, utilize innovative design, or provide an appropriate degree of buffering for separate phases and types of development. Application for alternative compliance shall include a site plan following the requirements specified in *Section A.7 Site Plan Requirements*, and shall be approved by the Planning Board only upon a finding that the proposed bufferyard plan meets or exceeds the requirements of this Section.

- D. **Residential Subdivisions.** In residential districts, a Type III bufferyard is required within the required streetyard adjacent to all thoroughfares and collector streets, except collector streets interior to the subdivision, and all railroad rights-of-way. Use of earthen berms as described in *Section B.3-4.2(B)(4) Earthen Berms* is encouraged. The bufferyard shall be depicted and labeled on the plat and site plan.
- E. **Special Provisions for LD1-C and LD2-C.** See *Section B.2-4.8(G)(10) Bufferyards and Other Screening Requirements*.
- F. **Alternative Compliance for Schools.** The bufferyard requirements of this Section, otherwise required for development of public or private schools in certain zones may be met by the submittal and approval of tree preservation and planting plan according to the provisions of *Section B.3-3.6 Public or Private Schools*.

3-4.3. BUFFERYARD LOCATION AND DESIGN REQUIREMENTS

A. Location of Bufferyards.

- 1. **Location.** Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line, with the following exceptions:
 - (1) **On Adjacent Property.** All or part of the bufferyard may be located on adjacent property within a permanent easement dedicated for such purpose with approval of the Director.
 - (2) **Portion of Site Proposed for Development.** If only a portion of a site is proposed for development, the required bufferyard may be located at the limit of construction perimeter with approval of the Director.
 - (3) **Topographic Irregularities.** Where topographic irregularities require a different location to meet the intent of this Section, the location of the bufferyard may be adjusted with approval of the Director.

SECTION B.3 – OTHER DEVELOPMENT STANDARDS

- (4) **Slope Ratios.** Required bufferyard plantings shall not be installed on cut or fill slopes with slope ratios greater than two (2) to one (2:1).
2. **Cut Slope.** Where bufferyards include any part of a cut slope greater than ten (10) feet in height, grading for such cut slope shall not encroach closer than ten (10) feet to the property line.
3. **Rights-of-way and Streets.** Bufferyards shall not be located on any portion of an existing, dedicated, or proposed right-of-way, or a private street.
4. **Existing Easement Within Bufferyard.** Where an existing easement that prohibits bufferyard-type plantings is partially or wholly within a required bufferyard, the developer shall extend the buffer area by the width of the encroaching easement.

B. Design Requirements.

1. Size of Plant Material.

- (1) All shrubs used to meet the minimum buffer requirements shall be a minimum of three (3) feet in height at time of installation unless combined with an approved earthen berm as described above and shall be not less than six (6) feet in height at maturity.
 - (2) All large trees shall be installed with tree trunks spaced a minimum distance of thirty (30) feet apart and a maximum distance of sixty (60) feet apart.
 - (3) All primary evergreen plants shall be distributed evenly along the length of the bufferyard and shall be staggered where quantities permit. Primary evergreen plants shall be installed with tree trunks spaced a minimum of seven (7) feet apart and a maximum of fifteen (15) feet from other primary evergreen plants and from any required deciduous tree.
2. **Maintenance.** Any fence, earthen berm, or plant material used for screening shall be maintained in sound condition by the bufferyard provider. Maintenance includes replacement of any required bufferyard materials which are damaged and/or dying.

- ### C. Application to Nonconforming Situations.
- The bufferyard standards shall apply to the entire zoning lot in nonconforming situations per the requirements of *Section A.5-4 Nonconforming Structures and Improvements*.

3-4.4. MULTIPLE USE OF BUFFERYARDS

- A. **To Satisfy Other Requirements.** Areas set aside as required bufferyards may also be used to satisfy the following:
1. Minimum setback requirements;
 2. Minimum open space requirements; and,
 3. Minimum landscaping requirements.
- B. **For Other Purposes.** Required bufferyards may also be used for the following additional purposes:
1. Bufferyards may contain stormwater retention or detention areas, as determined by the Planning Director and Public Works Director, provided:
 - (1) The required bufferyard plantings shall be provided and the design and landscaping of the bufferyard do not interfere with the proper functioning of the drainage system,
 - (2) The designed water depth shall not harm the viability of the plantings; and,
 - (3) The number/amount and type of landscape materials is still provided within the bufferyard.
 2. Bufferyards may be used for passive recreation, such as pedestrian, bicycle, or equestrian trails, subject to the following limitations:
 - (1) No plant material shall be eliminated;
 - (2) No more than 15% of the buffer shall be impervious;
 - (3) The total width of the bufferyard shall be maintained; and,
 - (4) All other requirements of this Ordinance shall be met.
 3. Bufferyards may be used for the installation of underground utilities, provided the location and use of the utility lines do not interfere with the required bufferyard plantings.
- C. **Reduction for Driveway to Rear Parking Areas.** A side or rear bufferyard may be reduced to five (5) feet if the Planning Board or Director upon review and recommendation by the Director determines that such reduction is necessary, due to

lot size, shape, or topographic features, to allow a driveway which accesses off-street parking to the rear of the property.

- D. **Utilities.** If utility easements encroach into the buffer, the buffer must be extended by the width of the utility easement conflict.
- E. **Prohibited Uses.** The following uses shall be prohibited in a required bufferyard: playfields, stables, swimming pools, tennis courts, or similar active recreation uses, and storage or parking facilities.

3-4.5. ALTERNATIVE BUFFERYARD DESIGN

Application for variances from the requirements of the bufferyard standards may be approved by the Board of Adjustment in accordance with the procedures in *Section A.4-3.6 Variance*. Approval of a variance shall include the determination that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance which may include one or more of the following conditions, in addition to other demonstrable hardships.

- A. **Narrow.** Unusually narrow (less than ten (10) feet) sections of land available for planting within the back and/or side yards because of existing permanent structures, existing paving, or natural features such as rock outcroppings.
- B. **Steep Slopes/Elevation Change.** Existing slopes in excess of two (2) to one (2:1) in locations where a bufferyard is required.
- C. **Public Safety.** Specialized land uses such as public utilities, airports, etc. where strict adherence to the screening standard would significantly interfere with the function of that use and would create a public safety problem.
- D. **Public Agency.** Actions of a public agency.
- E. **Platting or Deeding.** Difficulties arising from the recorded platting or deeding of land prior to the adoption of this Ordinance.

3-5. NON-RESIDENTIAL DEVELOPMENT STANDARDS

3-5.1. NONRESIDENTIAL BUILDING DESIGN STANDARDS

A. **Purpose and Intent.** The purpose and intent of this Section is to provide minimum requirements for building and site design. Non-residential design standards are additional standards intended to supplement the required zoning district development standards and specific use standards provided in this Code. This includes specific design and development standards within the Mixed Use-Conditional Zoning District (MU-C).

1. Provide the Town's expectations for the quality and character of new development;
2. Ensure high quality design through the use of architectural components, building features, exterior materials and colors, desirable design elements, and detailing;
3. Feature appropriate levels of building articulation and transparency;
4. Screen loading and delivery areas and mechanical use areas, including those on roofs;
5. Encourage ground floor activity and pedestrian friendly design for pedestrian comfort and activity; and
6. Require standards for building design that are appropriate to context and location.

B. **Applicability.**

1. All new buildings and sites shall comply with the standards of this Section unless specifically exempted in *Section B.3-5.1(D) Exemptions* below.
2. Development existing prior to the adopted date of this UDO, as well as redevelopment of buildings established prior to the adopted date of this UDO, are encouraged but not required to comply with these standards, unless required by *Section B.3-5.1(C) Repairs, Renovations, and Additions* below.
3. Overlays and/or designated architectural review districts may have separate design and development standards including but not limited to application and review processes. Where such standards are adopted, those standards shall prevail.

C. **Repairs, Renovations, and Additions.**

SECTION B.3 – OTHER DEVELOPMENT STANDARDS

1. A building may be repaired or renovated without complying with the requirements of this Section, provided there is no increase in gross floor area. If a structure is enlarged by more than twenty-five (25) percent or a site area expanded by more than twenty-five (25) percent, both the additional building and/or site area must conform to the standards of this Section.
2. Notwithstanding any standards of this Section to the contrary, any additions to a building which is constructed in compliance with the standards of this Section may continue the design of the existing building, including building materials, colors, textures, architecture, roofs, façades, and other detailing.

D. Exemptions. The standards of this Section shall not apply to the following:

1. New non-residential buildings less than five-thousand (5,000) square feet, established after the effective date of this Ordinance.
2. Development located in the General Industrial zoning district (*Section B.3-5.4 Industrial Building and Site Design Standards*).
3. Conversion of a building from one (1) permitted principal use to another permitted principal use.
4. Religious Institutions.
5. Schools.

E. Required Design Elements. The following design elements are required for all buildings:

1. Consistent architectural style, detail, and trim;
2. Façades which break down large elements of mass and scale where appropriate;
3. Architectural details and features;
4. Material changes reflective of function and appropriately placed;
5. Canopies, porches, stoops, roof overhangs or other pedestrian friendly features;
6. Shade and weather protection for ground floor entrances;
7. Design elements such as cornice lines, columns, arches; and
8. Various fenestration and transparency elements.

F. **Prohibited Design Elements.** The following design elements are prohibited:

1. Large, blank wall surfaces;
2. Exposed and untreated block walls;
3. barbed wires, fix caps, and razor wire;
4. Mirror window glazing;
5. False fronts;
6. Loading bays or loading doors;
7. Lack of architectural features; and
8. Lack of change in materials.

G. **Overlays.** Buildings and sites located within defined overlays as identified in *Section B.2-4.8 Overlays* and the official zoning map shall conform to the adopted standards of the Overlay except where otherwise noted. Where there exists a conflict, the standards of the overlays shall govern.

H. **Nonresidential Building Design Standards.** These standards provide the Town's expectations for the quality and appearance of new buildings.

1. **Façade Colors.** Building façade colors shall help unify buildings within a development. Building façade colors should be similar and consistent within a development. Building colors shall comply with the following standards:

- (1) Primary colors shall be earth tones, muted, subtle, or neutral colors. Neon colors are prohibited. Exterior color schemes that attract undue attention, or that cause the building to appear as a sign or advertisement, are not permitted.
- (2) Accent colors and colors on details and trims may be of brighter hue and variation than façade colors.
- (3) Color should be integral to the materials. The use of complementing hues is required where painted or applied finishes are utilized.
- (4) Traditional and standard franchise colors shall also comply with this Section.

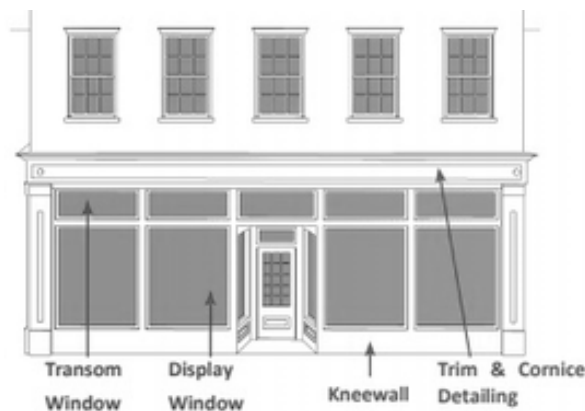
SECTION B.3 – OTHER DEVELOPMENT STANDARDS

2. **Façade Design.** Building façades shall be designed with a consistent architectural style, detail, and trim. All sides of a building shall require architectural detailing and windows that complement the primary façade. Façades greater than one-hundred (100) feet in length shall require a repeating, consistent pattern of change in color, texture, and material. Façades shall comply with the following additional standards:
 - (1) **Vertical Mass.** The vertical mass of multistory buildings shall be visually broken at each story with architectural detail and articulation of at least one (1) foot in the vertical direction. Illustrated as “A” in *Figure B.3.17 Façade Design*.
3. **Roof Lines.** To limit box-like building forms, roofs shall include differing planes, pitches, forms, heights, or materials that are distinct from one another. Roof lines shall not exceed a linear distance of one-hundred (100) feet without the introduction of physical features. Illustrated as “B” in *Figure B.3.17 Façade Design*.
4. **Horizontal Mass.** Building façades shall not exceed a linear distance of thirty-five (35) feet without the introduction of a physical articulation no less than one (1) foot wide and extending in a horizontal direction along the façade. Illustrated as “C” in *Figure B.3.16 Façade Design*.
5. **Wall Offsets.** Façades of 60 or greater feet in width shall incorporate wall offsets of at least one (1) foot of depth a minimum of every forty (40) feet.
6. **Façade Transparency.** All buildings shall incorporate transparency, through the use of windows and doors, on ground and upper floors as illustrated in the following Figure. Transparency applies to all sides of a buildings facing a public and/or private street. Transparency shall not be required for service areas, loading/unloading areas, or those areas not visible from the public and/or private street.

SECTION B.3 – OTHER DEVELOPMENT STANDARDS

7. **Ground Floor Transparency.** Ground floor transparency shall be calculated based on the total façade area located between the finished ground floor level and beginning of the upper floor. All ground floor transparency shall be a minimum thirty (30) percent, unless stated otherwise in this UDO.
8. **Upper Floor Transparency.** Upper floor transparency is calculated based on total façade area located between the surface of any floor to the surface of the floor above it. If there is no floor above, then the measurement shall be taken from the surface of the floor to the top of the wall plate. All upper floor transparency shall be a minimum twenty (20) percent unless stated otherwise in this UDO.

Figure B.3.17 Transparency



9. **Building Blank Wall Area.** Buildings shall be designed to limit blank wall areas. Blank wall areas are portions of an exterior façade that do not include windows, doors, columns, pilasters, architectural features greater than one (1) foot in depth, or a substantial material change. Blank wall area shall be limited in building designs and comply with the following standards:
 - (1) Paint is not considered a substantial material change.
 - (2) Blank wall area applies in both a vertical and horizontal direction and applies to ground floors and upper floors, when visible from public rights of way.
 - (3) The maximum continuous blank wall area for any building shall be a maximum fifty (50) square feet without a break by windows, doors, architectural features greater than one (1) foot in depth, or a substantial material change, unless explicitly stated elsewhere in this UDO.

SECTION B.3 – OTHER DEVELOPMENT STANDARDS

- (4) When necessary to meet Fire Code requirements, blank wall area requirements may be waived by the Director.
 - (5) Alternatively, where a façade faces adjacent residential uses, an earthen berm may be installed in lieu of meeting these requirements. The berm shall be no less than six (6) feet in height and contain, at a minimum, a double row of evergreen or deciduous trees, planted at intervals of fifteen (15) feet on center.
10. **Roof Design Standards.** Building rooflines that face a street or public right-of-way shall not exceed a linear distance of one-hundred (100) feet without the introduction of a physical articulation of no less than one (1) foot in the vertical direction, gable, or building projection.
11. **Roof Equipment.** Publicly visible mechanical equipment or stacks shall be screened from public view.
12. **Parapets.** Parapets may extend thirty-six (36) inches above the roof line. Mansard roofs are prohibited.
13. **Roof Treatments.** Roofs shall have architecturally significant roof treatments including, but not limited to, cornices, brackets, roof overhangs, and textured materials. Compatible color materials are required.
14. **Entries.** Entrances should be differentiated architecturally to create a sense of human scale.
- (1) Architectural elements like openings, sills, bulkheads, columns, and other architectural features shall be used to establish human scale at the street level.
 - (2) All commercial and mixed-use buildings shall accommodate active street level uses on all pedestrian-oriented frontages.
 - (3) Large buildings fronting multiple streets shall provide multiple entrances.
15. **Buildings on Corners.**
- (1) Buildings that exist on a corner lot shall incorporate additional architectural features, utilize massing techniques, or implement other features to

SECTION B.3 – OTHER DEVELOPMENT STANDARDS

emphasize their prominent location and create a visual assist to turn the corner.

- (2) Corner buildings should utilize massing techniques and architectural treatments to create an inviting pedestrian environment where a building wraps a street corner.

16. Street Walls.

- (1) Where surface parking lots or drive aisles abut a public street right-of-way (or sidewalk), a street wall shall be required on the setback line or edge of parking lot pavement. Street walls are required alongside boundaries of drive aisles along drive-through lanes. An alternative, such as hedging or other similar designs may be approved by the Planning Director as long as the desired effect of a street wall is achieved.
- (2) Street walls shall be constructed of brick, masonry, stone, wrought iron or other solid decorative materials. Wood, fencing, and chain link shall not be considered permitted materials for a street wall.
- (3) Street walls shall be a minimum three (3) feet and a maximum four (four) feet in height.
- (4) Breaks in street walls may be permitted to allow for pedestrian or vehicular access, or tree protection.

Figure B.3.18 Street Walls

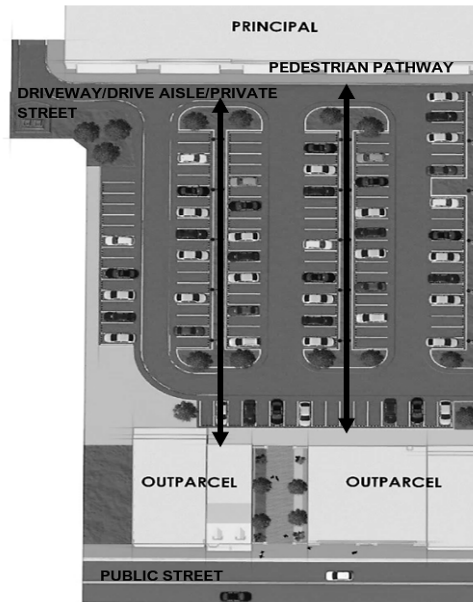


3-5.2. NONRESIDENTIAL SITE DESIGN STANDARDS

A. **Building Siting.** Buildings shall be sited so that they support a pedestrian friendly environment and are generally aligned and compatible with one another. Parking should be placed to the side or rear of buildings. Furthermore, building siting shall comply with the following:

1. Large-scale, single-use buildings should be located behind outparcels. This shall not apply to industrial development.
2. Spaces between buildings on outparcels or pad sites shall include enhanced pedestrian features or amenities such as plazas, paver walkways, seating areas, and gathering places in addition to off-street parking spaces.
3. Outparcel buildings, to the maximum extent practicable, shall be clustered along the street in order to define street edges and entry points, and promote a pedestrian scale. Outparcel buildings should help define street edges, development entry points, and spaces for gathering between buildings.
4. Outparcel buildings shall include a consistent level of architectural detail on all sides of the building and consist of similar exterior materials and compatible colors of the primary building in the development.
5. Buildings shall be located to break up the site into a series of smaller blocks defined by streets and pedestrian walkways, and to frame and enclose parking areas, outdoor dining areas, and/or gathering spaces for pedestrians between buildings.
6. If a parking lot separates the principal building from an outparcel building, a pedestrian path/sidewalk shall be provided connecting the two through a direct link as illustrated in *Figure B.3.21 Outparcel Buildings and Parking*.
7. Outparcel buildings shall be placed as close to rights-of-way as possible and limit surface parking between the building and street.

Figure B.3.19 Outparcel Buildings and Parking



B. Multi-Building Developments.

1. Sites comprised of multiple buildings shall be configured such that no more than sixty (60) percent of the provided off-street parking shall be located between a building's primary building façade and the street it faces, unless the principal building(s) and/or parking lots are screened from view by outparcel development.
2. Buildings within multiple-building developments shall be clustered to maximize organized open space opportunities.
3. Developments with multiple buildings shall break up the development area into a series of distinguishable smaller blocks which include on-site streets, vehicle accessways, pedestrian walkways and features, and provide interior circulation.
4. Buildings that abut streets shall be oriented parallel to the street. Buildings shall not be oriented at an angle to the street.

C. Internal Connections. Within developments including the construction of new streets, an interconnected network of streets shall be provided. Streets shall connect to adjacent existing streets outside of the development.

D. Accessory Facilities.

1. Uses, structures, and mechanical equipment that are accessory to the principal building (i.e., loading and unloading areas, trash collection areas, maintenance

and storage, and mechanical equipment areas) shall be incorporated into the overall design, architecture, and landscape of the development.

2. Colors and materials used in accessory uses and structures shall be consistent with the principal structure.
3. Visual impacts of these areas shall be fully screened by opaque masonry or evergreen landscaping and out of view from streets and public rights-of-way.
4. Accessory structures shall not exceed the height of the principal structure.

E. Architectural Styles.

1. In developments with multiple buildings, a consistent level of architectural style shall be maintained.
2. Where dissimilar architectural styles are required, building designs shall be made more consistent through the use of consistent architectural features, similar scale and proportions, and consistent location of signage.

3-5.3. NONRESIDENTIAL PEDESTRIAN CONSIDERATIONS

A. Sidewalks. Sidewalks shall be designed in accordance with the provisions of this Ordinance and shall be provided in the following locations:

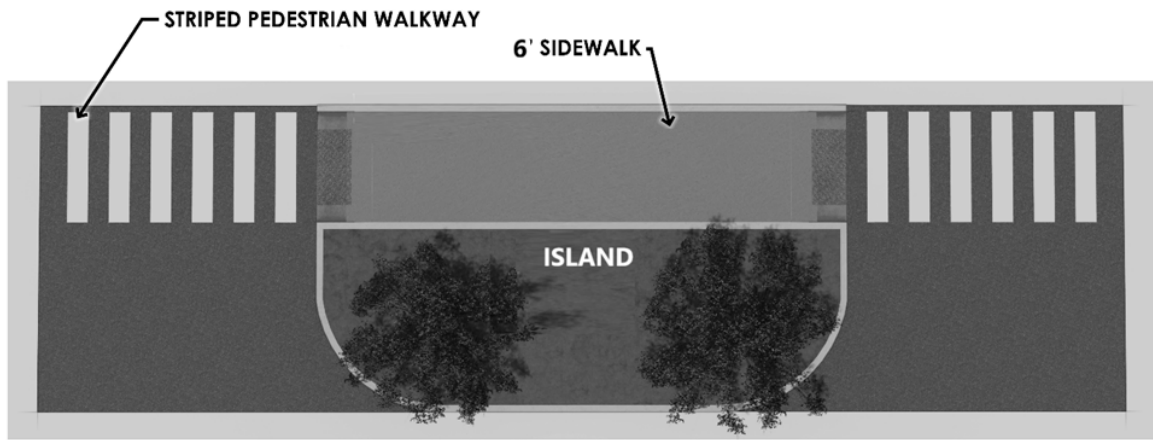
1. Along any street-facing side(s) of any lot that abuts any roadway, including private roadways.
2. Along any façade(s) abutting public parking areas and along any façades featuring a customer entrance.
3. GI Zoned properties are exempt from this requirement except where adjacent to an existing sidewalk.
4. The Director or their designee shall have the ability to waive this requirement based on adjacent, existing development including improvements (i.e., existing location and condition of the sidewalk system).

B. Pedestrian Crossings. Street crossings, also referred to as crosswalks, shall be required whenever a walkway intersects a vehicular area; and/or a pedestrian walkway intersects a vehicular area within a development or along its frontage. Crossings dedicated for pedestrians within vehicle use areas shall be marked in accordance with state and federal law and designed to draw special attention to alert vehicles to its location through:

SECTION B.3 – OTHER DEVELOPMENT STANDARDS

1. Physical features such as bump-outs;
2. Signage or crossing light/notification mechanisms;
3. Change in materials;
4. Colored paint;
5. Grade change; and/or
6. A combination of these elements.

Figure B.3.20 Pedestrian Crossing



C. **Design Alternative.** If site constraints make the standards of pedestrian access impractical, the Director may approve a design alternative in which the main primary entrance does not face the right-of-way provided the following standards are met:

1. The main building entrance, when not facing the right-of-way, shall provide a safe and convenient access for pedestrians from the main building entrance to the right-of-way. The pedestrian way must provide additional landscape amenities.
2. Entrances which are oriented on a diagonal are permitted, provided that they are integrated with the overall architectural design, and not merely angled appendages or alcoves.
3. Ground floor windows or window displays shall be provided along at least ten percent (10%) of the building's (ground floor) street-facing elevation(s); windows and display boxes shall be integral to the building design and not mounted to an

exterior wall. Customer entrances must have weather protection features, such as awnings, arcades, or vestibules.

3-5.4. INDUSTRIAL BUILDING AND SITE DESIGN STANDARDS

- A. **Industrial Design Standards.** Due to the nature of industrial uses, limited design standards shall apply.
- B. **Blank Wall Length.** Blank wall lengths greater than one-hundred (100) feet or twenty-five (25) percent of the building length for façades visible from the public ROW, whichever is greater, shall require the introduction of physical articulations or material change.
- C. **Lighting.** Industrial use buildings and required parking areas shall not exceed a maximum of thirty (30) feet fixture height and 0.5 foot-candle intensity at the perimeter boundary.
- D. **Equipment and Loading Areas.** Equipment and loading areas shall comply with the following standards:
 - 1. Cooling towers, HVAC and ventilation fans, mechanical units, etc., shall be either screened using a pitched roof façade, parapets, or constructed adjacent to the building and properly screened from view by either landscaping or the use of similar building materials.
 - 2. Ground-mounted equipment and mechanical equipment visible from a public right-of-way shall be screened from view by an opaque wall, landscaping, or combination thereof.
 - 3. Except where regulated otherwise, walls and landscaping shall have a minimum opacity of eighty-five (85) percent and shall be the height of the equipment or facility plus six (6) inches.
 - 4. Where the configuration of the building or site makes it impractical to locate the loading areas in the rear of the building, front or side loading areas may be proposed with additional screening or landscape requirements.
- E. **Prohibited Elements.** The following design elements are prohibited:
 - 1. Reflective surfaces;
 - 2. Exposed and untreated block walls; and
 - 3. Barbed wire or razor wire, unless required by law for security or safety purposes.

3-5.5. MULTI-FAMILY BUILDING AND SITE DESIGN STANDARDS

A. **Intent and Applicability.** Multi-family buildings and sites are unique and require distinct design standards. The design standards of this subsection shall be required for all new multi-family buildings and developments. One- and two-family dwellings are exempt from these standards except where otherwise noted and or located within an overlay or designated district. Multi-family design standards intend to:

1. Promote and enhance pedestrian scale;
2. Feature appropriate levels of building articulation, transparency, and design elements, per the standards of this Section;
3. Limit undesirable design elements and promote desirable design elements, as defined in these Regulations;
4. Screen loading and delivery areas and mechanical use areas, including roof top equipment; and
5. Position primary entrance of a building toward a street.

B. **Prohibited Design Elements.** Prohibited design elements include the following:

1. Large, unarticulated blank wall surfaces;
2. Exposed and untreated block walls;
3. False fronts; and
4. Designs which lack of architectural features and/or change in materials.

C. **Required Design Elements.** Design elements that promote a high-quality development or redevelopment include the following required design elements which shall be included for all multi-family buildings subject to this Section:

1. Consistent architectural style, detail, and trim;
2. Façades which break down large elements of mass and scale;
3. Architectural details and articulation;
4. Material changes reflective of function and appropriately placed;
5. Canopies, balconies, porches, stoops, roof overhangs;
6. Shade and weather protection for ground floor entrances;

SECTION B.3 – OTHER DEVELOPMENT STANDARDS

7. Design elements such as cornice lines, columns, arches; and
8. Various fenestration and transparency elements.

D. Architectural Variability. The standards below are intended to prevent developments where dwellings appear identical or very similar. A row (i.e., two (2) or more dwellings in a row, including attached townhomes) of identical or near-identical buildings along a block or across the street along a block are prohibited. Buildings shall have varied and distinctly different façades within any phase of development. Residential buildings may qualify as distinctly different if two (2) of the following standards are met:

1. Variation of color, and not a variation of hue, shall be required and may count toward meeting the requirement of distinctly different façades;
2. Variation in exterior materials and utilization of materials on façades may count toward meeting the requirement of distinctly different façades;
3. Variation of habitable space within a dwelling by five-hundred (500) square feet or more;
4. Change in roof materials; or
5. Variation in number of building stories.

E. Building Orientation and Placement.

1. Multi-family buildings which abut streets shall be required to be oriented parallel to the street.
2. Developments with several multi-family buildings shall cluster buildings along streets or internal rights-of-way to allow for enhanced open space and recreation areas within the area of the development.
3. Developments with several multi-family buildings shall ensure no more than sixty (60) percent of the off-street parking area for the entire property is located between the front façade within the front yard of the principal building(s) and the primary abutting street unless the principal building(s) and/or parking lots are screened from view by outparcel development.

F. Building Façades. Building form design shall take into account mass, scale, and articulation. Building façades shall be designed with consistent architectural style,

SECTION B.3 – OTHER DEVELOPMENT STANDARDS

detail, and trim features. Façade which face a street shall provide at minimum four (4) of the following elements:

1. A change in plane, such as an offset, reveal, or projecting rib. Such plane projections or recesses shall have a width of no less than six (6) inches (columns, planters, arches, voids, etc.);
2. Architectural details such as raised bands and cornices;
3. Integrated planters that utilize landscaped areas for decorative details;
4. Awnings and or arcade;
5. Covered porches, terraces, lanais, or balconies intended for private use by residents of the multi-family structure;
6. Shutters;
7. Pillars or posts;
8. Bay windows;
9. Roof eaves of at least three (3) inch wide trim;
10. Complementary change in color; and/or;
11. Complementary change in material/texture.

G. **Transparency.**

1. Building façades shall incorporate transparency, through the use of windows and doors, on ground floor and upper floors. Transparency standards shall apply to all sides of buildings facing a public and/or private street except where otherwise modified due to safety and security considerations.
2. Transparency shall not be required for service areas, loading/unloading areas, or those areas not visible from the public and/or private street.
3. The minimum transparency for multi-family buildings is thirty (30) percent, unless stated otherwise in this UDO.

H. **Blank Wall Standards.** Blank wall area standards shall apply to the front and sides of buildings or any portion of a building fronting a residential area or public or private street, and shall comply with the standards below:

SECTION B.3 – OTHER DEVELOPMENT STANDARDS

1. Blank wall area is the portion of an exterior façade that does not include windows, doors, columns, pilasters, architectural features greater than one (1) foot in depth, or a substantial material change. Paint shall not be considered a substantial material change.
2. Blank wall area applies in both a vertical and a horizontal direction of the building façade and applies to ground floors and upper floors.
3. The maximum continuous blank wall area shall be a maximum thirty-five (35) square feet without a break by windows, doors, architectural features greater than one (1) foot in depth, or a substantial material change.
4. Except as otherwise regulated, the maximum permitted blank wall length for the rear of buildings shall be one-hundred (100) feet, or twenty-five (25) percent of the building length, whichever is less.

I. Entrances.

1. A street facing façade and main building entry shall face the right-of-way. Additional entrances are encouraged facing parking lots, plazas, and adjacent buildings.
2. Buildings adjacent to public rights-of-way shall have at least one (1) entrance providing access to the right-of-way. This entrance shall remain in operation and shall not be closed off to residents.
3. Separate entrances to units above the ground floor shall be prohibited from being visible from street rights-of-way.
4. All multi-family development and redevelopment shall provide no less than three (3) of the following design elements for building entrances:
 - (1) A change in plane indicating a building entrance;
 - (2) Building wall projection;
 - (3) Recess of entry at least three (3) feet;
 - (4) Architectural features and fenestration;
 - (5) Variety in color, material, or texture orienting pedestrians to the entrance;
 - (6) Ornamental doors;

SECTION B.3 – OTHER DEVELOPMENT STANDARDS

- (7) Covered entries including awnings, arcade, or eave;
- (8) Windows;
- (9) Porches;
- (10) Arches, columns, stoops, cornices.

J. **Porches/Balconies.**

- 1. Porches, including covered porches, stoops, awnings, and bay windows and wings may only extend into the front yard up to five (5) feet. Encroachments may be permitted up to fifty (50) percent of the total length of the respective façade.
- 2. Balconies shall project or recess a minimum of three (3) feet from the façade.

K. **Accessory Structures.** All accessory structures for multi-family buildings and/or developments shall comply with the following standards:

- 1. Garages, carports, or covered parking areas shall be provided from local streets or alleys. Entrances to parking garages are exempt from this standard and may be accessed from street rights-of-way, alleys or internal courtyards or accesses.
- 2. Accessory structures shall have similar exterior materials, colors, and roof forms as the principal structure.

L. **Other Requirements.**

- 1. All utility equipment (including meters and conduits) attached to a building shall be painted to match the primary surface color of the wall on which it is attached, painted to match accent colors used on the façade, or be blocked from view (where practicable) through the use of landscaping or screens.
- 2. Downspouts shall be painted to match the primary surface color of the wall on which it is attached, be painted to match accent colors used on the façade, or be constructed of materials that complement the architectural style of the structure.
- 3. Roofing materials should complement the color and texture of the building façade.
- 4. Refuse collection areas shall be distributed evenly throughout multiple building multi-family developments.
- 5. Internal storage space or lockers for bicycles, strollers, and other similar items are encouraged and should be provided close to the entries of the building.

3-6. PROTECTION OF PUBLIC RIGHTS-OF-WAY AND GREENWAYS

3-6.1. PUBLIC RIGHTS-OF-WAY

A. Dedication of Right-of-Way with Density Transfer.

1. **Dedication.** Whenever a tract of land is proposed for subdivision or for use pursuant to a zoning or building permit, and a portion of it is located within a corridor for a street or highway on a plan established and adopted pursuant to State law for a street or highway that is included in the NC DOT State Transportation Improvement Program (STIP), the right-of-way within that corridor shall be dedicated to the appropriate agency.
2. **Required Findings.** No right-of-way dedication shall be required pursuant to this Section unless the approving agent or board finds that the dedication does not result in the deprivation of a reasonable use of the original tract and that the dedication is either:
 - (1) Reasonably related to the traffic generated by the proposed subdivision, or
 - (2) Use of the remaining land or the impact of the dedication is mitigated by measures provided in this Ordinance.
3. **Transfer of Density Credits.** An applicant may transfer density credits attributable to the dedicated right-of-way to contiguous land that is part of a common development plan. If the dedication of right-of-way is not required, an applicant may transfer density credits attributable to the dedicated right-of-way to contiguous land that is part of a common development plan.
4. **Definition of Density Credit.** As used in *Section B.3-6.1(A)(3) Transfer of Density Credits*, the term density credit means the potential for the improvement or subdivision of part or all of a parcel of real property, as permitted by this Ordinance or the Subdivision Ordinance, as set forth in *Section B.3-6.1(A)(5) Transferable Percentage*.
5. **Transferable Percentage.** One hundred percent (100%) of the density credit or development potential of the property dedicated pursuant to *Section B.3-6.1(A)(4)*

SECTION B.3 – OTHER DEVELOPMENT STANDARDS

Definition of Density Credit may be transferred to contiguous land that is part of a common development plan as identified in *Section B.3-6.1(A)(3) Transfer of Density Credits*.

B. Transportation Plan Corridors.

1. **Limits on Approvals.** Whenever a tract of land is proposed for subdivision or for use requiring a zoning or building permit, and a portion of it is located within a corridor for a thoroughfare identified in the *Transportation Plan*, no building permit shall be issued for any structure or part thereof located within the roadway corridor, nor shall approval of a subdivision be granted with respect to property within the roadway corridor. The Public Works Director or other Town/County official and/or the North Carolina Department of Transportation district engineer shall be notified within ten (10) days of all such requests for building permits or subdivision approvals within the roadway corridor.
2. **Exemptions.** The provisions of this Section shall not apply to valid building permits issued prior to the effective date of this Ordinance, or to building permits which existed prior to the dedication of the roadway corridor, provided the size of the building or structure is not increased and the type of building code occupancy as set forth in the North Carolina Building Code is not changed. Within one year following the establishment of a roadway corridor, if substantial work has not begun pursuant to a valid building permit or approval, the corridor shall be deemed abandoned, and the exemptions allowed in this Section shall no longer apply.
3. **Time Limits.** No application for building permit issuance or subdivision plat approval shall be delayed by the provisions of this Section for more than three (3) years from the date of the original building permit or subdivision plat submittal.
4. **Waiver of Requirements.** The Board of Adjustment shall hear and decide requests to waive the requirements of this Section. A variance may be granted by the Board of Adjustment according to the procedures for Variances described in *Section A.4-3.6 Variance*.

3-6.2. GREENWAYS

Before any zoning permit is approved for a lot which lies within fifty (50) feet of a stream identified for a greenway in the adopted *Greenway Plan*, the Director shall notify the Town

Manager. The Town Manager will assess the potential impact of the development on future greenway construction and may then offer to purchase or undertake other action to protect the potential greenway corridor. The Director shall not approve any permit which would authorize disturbance of the potential greenway corridor, nor shall the property owner or their agent disturb the potential greenway corridor, until the Town Manager formally responds to the Director regarding the intent of the Town. If no response is received within thirty (30) days, the Director may issue the requested permit.

3-7. DRINKING WATER SUPPLY AND WASTEWATER MANAGEMENT

- A. **Applicability.** An application for any type of development permit shall not be approved and no excavation of land may commence until the proposed method(s) of water supply and sewage/septage disposal have been approved in writing by the appropriate authorizing agency. The methods of drinking water supply and wastewater disposal shall be specified on all development plans.
- B. **Individual Systems.** Private, individual well water supply and septic system permit applications must be reviewed and approved by the Forsyth County Division of Environmental Health (FCEHS).
- C. **Private Community Systems.** Community wells and/or private package sewer systems must be reviewed and approved by the NC Department of Environmental Quality (DEQ). Additionally, these systems must be built in accordance with current Winston-Salem/Forsyth County Utilities Commission (CCUC) standards and specifications.
 - 1. All development plans that include private community well water supply and/or private sewer systems must be certified and sealed by a licensed North Carolina Professional Engineer (PE), ensuring that these facilities comply with the current NC DEQ and CCUC standards.
 - 2. The CCUC reserves the right to deny acceptance of any existing private water supply or sewer systems that do not meet the necessary specifications established by the CCUC.

SECTION B.3 – OTHER DEVELOPMENT STANDARDS

3. The entity responsible for use and maintenance of any private community well system and/or private sewer plant/system shall record a plat with the Forsyth County Register of Deeds, certified and sealed by a licensed Professional Engineer, showing the location all components of these systems.
 4. As of the effective date of this Ordinance, no previously or currently permitted private sewer package treatment plant shall sell or transfer any excess capacity outside of the subject subdivision or development for which it has been permitted.
 5. The entity responsible for maintaining a community well water system or private sewer system must hold a certificate of convenience issued by the NC State Utilities Commission. A plat of the property shall be recorded, along with an affidavit prepared and sealed by Professional Engineer assuring that water and sewer infrastructure complies with the regulations of the CCUC and/or NC DEQ in effect at the time of approval. A financial guarantee must be approved according to the terms of this Ordinance, ensuring continuous maintenance of such systems.
- D. **Public Utilities.** Wherever public water and sanitary sewer facilities are available, connections to these utilities are required upon the request of the Town of Lewisville and/or the CCUC. These connections or extensions must be approved by the Plan Review Section of the CCUC and constructed to the subject standards.

3-8. OTHER STANDARDS

3-8.1. LIGHTING

- A. The purpose of this Section is to regulate the intensity of exterior lighting and seek conformity with International Dark Sky Association recommendations. The intent is to prevent light from commercial and residential developments from excessively illuminating the property in question, other properties, or the night sky.
- B. Only light fixtures which are categorized as full cut-off (FCO) fixtures shall be permitted. The use of fully shielded (FCO) floodlights are permitted with the review and approval of the Planning Director.
- C. The following are specific standards for lighting intensity based upon the land use involved. Values are presented in allowable foot-candles (fc) maintained (measured

SECTION B.3 – OTHER DEVELOPMENT STANDARDS

horizontally) at grade and are to be averaged throughout the site to avoid hot spots, i.e., areas of extreme light intensity relative to the remainder of the site:

Land use	Minimum	Maximum
Pedestrian areas/sidewalks	0.2 fc	1.0 fc
Building entries	1.0 fc	10.0 fc
Street lighting	0.2 fc	1.0 fc
Parking areas	2.0 fc	4.0 fc
Playgrounds		5.0 fc
Sports grounds		20.0 fc
Site perimeter		0.5 fc

- D. Increases in illumination on off-site property shall not result in lighting levels in excess of 0.3 foot-candles, measured at ground level. Where existing ambient off-site lighting levels are in excess of 0.3 foot-candles, no increase in measurable off-site lighting levels will be allowed as a result of outdoor lighting in the development.
- E. Athletic fields must be illuminated with fixtures equipped with the manufacturer's glare control package. If the manufacturer does not offer a glare control package, the fixture specifications must be changed to a manufacturer that does offer a glare control package. The fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area.
- F. Gas station canopies and drive-throughs shall be illuminated at a maximum illuminance of thirty (30) fc and individual fixtures shall be flush mounted, recessed or have the canopy edge below the lowest light-emitting point on the fixtures. All existing gas station canopies or drive-throughs which exceed this standard shall be made compliant within seven (7) years of the date of adoption of this article.
- G. Up-lighting may be used to illuminate a building, landscaping element or architectural feature, provided the lighting design has a maximum illuminance of twelve (12) fc, measured in a vertical plane. Down lighting is preferred.

Any replacements or changes to existing lighting on commercial or residential property shall follow the requirements as stated above. Lighting attached to single family

SECTION B.3 – OTHER DEVELOPMENT STANDARDS

residential structures and light poles less than eight (8) feet in height on residential property shall be exempt from this requirement.

3-8.2. NOISE

All air handling machinery, dumpsters, compressors or water coolers for nonresidential uses and other such equipment shall be set back a minimum distance of fifty (50) feet from any property line adjacent to residential uses or residentially zoned land.

3-8.3. KEEPING OF SWINE, GEESE, OR PEAFAWL

Except on bona fide farms and on properties located in the AG and H Districts, the keeping of swine, geese, or peafowl is prohibited.

B.4

4. HISTORIC PRESERVATION

Until such a time that the Lewisville Town Council enacts a Historic Resource Board, the following standards shall apply.

4-1 FORSYTH COUNTY HISTORIC RESOURCES COMMISSION

4-1.1. CREATION

A. Pursuant to the authority conferred by the North Carolina General Statutes (G.S.) 160D-303; 940 – 949; 951, the Forsyth County Board of Commissioners, the City Council of the City of Winston-Salem, the Board of Aldermen of the Town of Kernersville, the Village Council of Clemmons, and the Town Councils of the Towns of Bethania, Lewisville, Rural Hall, and Walkertown by concurrent ordinances, have created and established a joint commission to be known as the Forsyth County Historic Resources Commission (hereinafter the Commission).

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- B. In establishing the Commission and making appointments to it, the Elected Bodies may seek the advice of State or local historical agencies, societies, or organizations.

4-1.2. PURPOSE

The purpose of the Commission is to safeguard the heritage of the County, the City, the Towns, and the Village by preserving any district or landmark therein that embodies important elements of its culture, history, architectural history, or prehistory; and to promote the use and conservation of such district or landmark for the education, pleasure and enrichment of the residents of the city of county and the State as a whole.

4-1.3. FORSYTH COUNTY HISTORIC RESOURCES COMMISSION

The Commission is designated as the historic preservation advisory and quasi-judicial body for Forsyth County.

- A. **Composition.** The Commission shall consist of twelve (12) members appointed as follows:

1. Five (5) by the Forsyth County Board of Commissioners, which shall include representation from Bethania, Lewisville, Rural Hall, and Walkertown;
2. Five (5) by the Winston-Salem City Council;
3. One (1) by the Kernersville Board of Alderman; and
4. One (1) by the Clemmons Village Council.

- B. **Membership And Organization.**

1. **Membership and Qualification.**

- (1) All members of the Commission shall reside within Forsyth County.
- (2) All members of the Commission shall have a demonstrated interest or competence in, or knowledge of, historic preservation; and a majority of members shall have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields.
- (3) The Commission shall consist of eight (8) at-large members and four (4) categorical members. The categorical members shall include at least one (1) each of the following categories:
 - i. Architect licensed in the State of North Carolina;

- ii. Historic (H) District property owner;
- iii. Historic Overlay (HO) District property owner; or
- iv. Local Historic Landmark (LHL) property owner.

2. **Appointment of Categorical Members.** The four (4) categorical members shall be appointed as follows:

- (1) The Forsyth County Board of Commissioners shall appoint one (1) architect licensed in the State of North Carolina, and one (1) Local Historic Landmark (LHL) property owner; and
- (2) The Winston-Salem City Council shall appoint one (1) Historic (H) District property owner and one (1) Historic Overlay (HO) District property owner.

3. **Term.**

- (1) The regular term of office for Commission members shall be four (4) years.
- (2) A member may be reappointed for a second consecutive term, but, thereafter, a member shall be ineligible for reappointment until one (1) full term has elapsed from the member's termination of service.
- (3) Members shall continue in office until a successor has been appointed and qualified.
- (4) Service of less than fifty percent (50%) of a normal term shall not be deemed a term, and service for more than fifty percent (50%) shall be deemed a term.

4. **Compensation.** Members shall serve without compensation but may be reimbursed for actual expenses incidental to the performance of their duties within the limits of funds available to the Commission.

5. **Meetings.**

- (1) The Commission shall establish a meeting time, and shall meet at least monthly, unless there is not sufficient business to warrant a meeting.
- (2) All meetings of the Commission shall be open to the public and subject to the North Carolina Open Meetings Law.

6. **Rules of Procedure.** The Commission shall adopt and publish Rules of Procedure for the conduct of its business.

7. Annual Report.

- (1) An annual report shall be prepared and submitted by December of each year to the Elected Bodies.
- (2) Such report shall include a comprehensive and detailed review of the activities and actions of the Commission, as well as any budget requests and/or recommendations.

8. Meeting Minutes.

- (1) The Commission shall keep permanent minutes of its meetings.
- (2) The minutes shall record attendance of its members, its resolutions, findings, recommendations, and other actions.
- (3) The minutes of the Commission shall be a public record.

C. Commission Powers.

1. **General Responsibilities of the Historic Resources Commission.** The Commission shall act to promote, enhance, and preserve the character and heritage of Forsyth County.
2. **Specific Authority and Powers.** The Commission shall have all powers of an historic preservation commission as provided in G.S. Part 4 of Article 9 of Chapter 160D, including the following duties and responsibilities:
 - (1) To restore, preserve, and operate historic properties;
 - (2) To undertake an inventory of properties of historical, prehistorical, architectural, and/or cultural significance;
 - (3) To recommend to the Town Council that individual structures, buildings, sites, areas, or objects be designated by ordinance as LHLs and that areas be designated as Historic or Historic Overlay Districts;
 - (4) To recommend to the Town Council that the designation of any area as a Historic or Historic Overlay District or part thereof, or designation of any building, structure, site, area, or object as an LHL, be revoked or removed for cause;

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- (5) To review and act on proposals for exterior alterations, demolitions, or new construction within Historic or Historic Overlay Districts, or for the alteration or demolition of designated LHLs;
- (6) To cooperate with the State, federal, and local governments in pursuance of the purposes of this part. The Town Council or the Commission, when authorized by the Town Council, may contract with the State, or the United States of America, or any agency of either, or with any other organization provided the terms are not inconsistent with State or federal law;
- (7) To negotiate at any time with the owner of a building, structure, site, area, or object for its acquisition or its preservation, when such action is reasonably necessary or appropriate;
- (8) To acquire by any lawful means the fee or any lesser included interest, including options to purchase, to properties within established Historic and Historic Overlay Districts or to any such properties designated as LHLs to hold, manage, preserve, restore, and improve such properties, and to exchange or dispose of the property by public or private sale, lease or otherwise, subject to covenants or other legally binding restrictions that will secure appropriate rights of public access and promote the preservation of the property;
- (9) To enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee, or agent of the Commission may enter any private building or structure without the express consent of the owner or occupant thereof;
- (10) To conduct an educational program regarding historic properties and districts within Forsyth County; and
- (11) To prepare and recommend the official adoption of a preservation element as part of a comprehensive plan for the Town.

4-2. LOCAL HISTORIC LANDMARK (LHL) DESIGNATION

4-2.1. DESIGNATION APPLICATION

A property owner, or other interested party, may request that a property be designated as a Local Historic Landmark (LHL) by application to the Commission. Requests for designation shall be made as directed by the Commission staff. An application fee may be required by the Commission for processing of the application.

4-2.2. DESIGNATION CRITERIA

The Commission shall adopt local criteria by which properties may be considered for designation as historic landmarks.

4-2.3. DESIGNATION PROCEDURES

No ordinance designating an LHL nor any amendment thereto may be adopted, nor may any designated LHL be accepted or acquired by the Commission until the following procedural steps have been taken:

- A. The Commission shall adopt Rules of Procedure.
- B. The Commission shall prepare and adopt principles and Design Review Standards for altering, restoring, moving, or demolishing properties designated as historic landmarks.
- C. The Commission shall forward to the Office of Archives and History of the North Carolina Department of Natural and Cultural Resources an investigation and report on the historic, architectural, prehistorical, educational, or cultural significance of each building, structure, site, area, or object proposed for designation or acquisition.
- D. The North Carolina Department of Natural and Cultural Resources is allowed thirty (30) calendar days from receipt of the Commission's complete investigation and report to provide written comments to the Commission concerning the proposed designation or acquisition. Failure of the Department to submit its comments within the time allowed relieves the Commission and Town Council of any responsibility to consider the comments.
- E. The Commission shall hold a legislative hearing on the proposed regulation. The Commission shall recommend to the Town Council, as appropriate, approval or denial

of the proposed regulation. A notice of hearing shall be given consistent with *Section A.4 Procedures*.

- F. The Town Council, as appropriate, shall hold a legislative hearing on the regulation. A notice of hearing shall be given consistent with *Section A.4-3.1(C)(7) Public Meeting and Hearing Notice Requirements*. Following the hearing, the Town Council may adopt the regulation as proposed, adopt the regulation with any amendments it deems necessary, or reject the proposed regulation.
- G. Upon adoption of the regulation, the following provisions shall apply:
1. The owners and occupants of each designated LHL shall be given written notification of the designation by Commission staff within a reasonable time.
 2. One copy of the regulation and all amendments to it shall be filed by the Commission staff in the office of the Register of Deeds of Forsyth County. Each regulation shall be indexed according to the name of the owner of the property at the time the regulation is adopted in the grantee and grantor indexes in the Register of Deeds office.
 3. One copy of the regulation and all amendments to it shall be given to the Chief Building Official.
 4. One copy of the regulation and all amendments to it shall be kept on file in the office of the Town Clerk and made available for public inspection at any reasonable time.
 5. The fact that a building, structure, site, area, or object has been designated as an LHL shall be clearly indicated on all tax maps maintained by Forsyth County for such period as the designation remains in effect.
 6. The Commission shall give notice of the adoption of the landmark regulation or any amendment to it to the Forsyth County Tax Supervisor.
 7. The designation and any recorded restriction upon the property limiting its use for preservation purposes shall be considered by the Tax Supervisor in appraising the property for tax purposes.

4-2.4. LHL REGULATIONS

A. **Permitted Uses.** All uses permitted in the existing residential and nonresidential zoning district, whether by right or as a special use, shall be permitted for each LHL according to the procedures established for such uses.

B. **Dimensional Requirements.**

1. **Requirements.**

- (1) All buildings and structures designated as a LHL shall comply with the dimensional requirements established in the Design Review Standards adopted for the LHLs.
- (2) Design Review Standards are addressed in *Section A.4-3.8(E) Standards for Review*.

2. **Exceptions to Dimensional Requirements Due to Authentic Restoration or Reconstruction.**

- (1) In the event that the Commission finds that an application for a building permit covers activity constituting an authentic restoration or reconstruction in the same location as the original location and in the original conformation of the structure of historic and/or architectural significance to LHL, said building or structure may be restored or reconstructed without compliance with dimensional requirements of *Section B.2-4.1 Dimensional Standards - General Requirements*.
- (2) Any items restored, reconstructed, or maintained over, on, or within public sidewalks, public alley areas, or other such public way shall be the responsibility of the owner. The owner's restoration, reconstruction, or maintenance of any such item shall constitute the owner's agreement to protect and hold the Town blameless against any and all liability, cost, damage, or expense suffered or sustained by the Town as a result of or growing out of the restoration, reconstruction, or maintenance.
- (3) Such items so approved, may be lawfully restored, reconstructed, or maintained. Any such item projecting over the street or alley shall be, at its lowest point, twelve (12) feet above the travel way unless located in the Historic District.

- (4) If located in an Historic District see *Section B.4-4.1(C)(2) Exceptions to Dimensional Requirements Due to Authentic Restoration and Reconstruction*.
- (5) The provisions of this subsection shall prevail over inconsistent or conflicting provisions of this Ordinance.

C. Nonconforming Structures and Improvements.

1. Any LHL existing prior to December 31, 1994, shall be exempt from the current dimensional requirements in *Section B.2-4.1 Dimensional Standards – General Requirements* and *Section B.3-2 Parking and Loading Standards* which includes off street parking requirements.
2. Such exemptions shall be based upon the structure's use at that time, which includes the number of permitted parking spaces for the site and use.
3. In no instance shall the structure's use be allowed to convert to a more intense use as per the parking requirements of *Section B.3-2 Parking and Loading Standards* without first meeting the additional parking needs of the new use.

4-3. HISTORIC DISTRICTS — ESTABLISHMENT AND AMENDMENT

The following Historic Districts are hereby established.

4-3.1. (H) HISTORIC DISTRICT

A. The H District is established as a separate use district.

1. The purpose of the Historic District is to do the following by means of listing and regulation:
 - (1) Safeguard the heritage of the community by preserving those areas that embody nationally-significant elements of the community's culture, history, architectural history, or prehistory; and
 - (2) Promote the use and conservation of such areas for the education, pleasure, and enrichment of the residents of Forsyth County and the State.

B. The boundaries of the Historic District are shown on the Official Zoning Maps.

4-3.2. (HO) HISTORIC OVERLAY DISTRICT

- A. The HO District is established as a district which overlays existing zoning districts in designated historic areas. The purpose of the HO District is to:
1. Safeguard the heritage of the community by preserving those areas that embody important elements of the community's culture, history, architectural history, or archaeology; and
 2. Promote the use and conservation of such areas for the education, pleasure, and enrichment of the residents of Forsyth County and the State.
- B. The boundaries of the HO Districts are shown on the Official Zoning Maps.

4-3.3. ESTABLISHMENT AND AMENDMENT PROCEDURE

- A. **Establishment.** The Elected Bodies may designate one or more geographic areas, that are deemed to be of special significance in terms of their history, prehistory, architecture, or culture and to possess integrity of design, setting, materials, feeling, and association, as an Historic or Historic Overlay District. The following shall be the procedure for establishing Historic or Historic Overlays:
1. Requests for establishment of Historic or Historic Overlays may be made in any one of the following methods:
 - (1) By the Elected Bodies of Forsyth County;
 - (2) By property owners within an affected area;
 - (3) By a neighborhood group, association, or coalition;
 - (4) At the initiative of the Commission.
 2. All requests shall first be presented to the Commission. The Commission shall conduct a preliminary consideration of the request to determine the eligibility of the general area proposed to become an Historic or Historic Overlay.
 3. If the Commission determines by vote that said general area is ineligible to become an Historic or Historic Overlay the Commission shall report such determination to the appropriate Elected Body. The Elected Body may accept the determination of the Commission, or it may direct the Commission to proceed in accordance with *Section B.4 Historic Preservation* as if the Commission's determination had been that said general area was eligible to become an Historic or Historic Overlay.

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4. If the Commission determines by vote that said general area is eligible to become an Historic or Historic Overlay District, it shall notify property owners within said general area, through first class mail, that establishment of a designated historic district has been proposed and that the formation of a task force to prepare a detailed study for such establishment will be considered by the Commission at a specified date and time.
5. The Commission may appoint a task force to develop Design Review Standards and boundaries for said general area. The task force shall be composed primarily of individuals representing various interests in said general area.
6. After developing Design Review Standards and boundaries, the task force shall report to the Commission.
7. The Commission shall review the Design Review Standards and boundaries and shall then vote on whether to accept the task force report.
8. Once the task force report has been accepted, the Commission shall schedule at least two (2) public informational meetings about the proposed district. Property owners within the proposed boundary area shall be notified of the public informational meetings through first class mail and through notice in a newspaper having general circulation in the area.
9. The Commission shall hold public informational meetings and receive questions and comments.
10. The Commission shall consider revisions to the proposed Design Review Standards and boundaries, as necessary, and prepare final proposed Design Review Standards and boundaries.
11. The Commission shall prepare and submit a report to the Director of Planning & Development Services and the North Carolina Department of Natural and Cultural Resources. The report shall include, but not be limited to, the following information:
 - (1) A description of the boundaries of the proposed district;
 - (2) A map at a scale of not less than one inch represents two hundred (200) feet (1" equals 200'), showing the boundaries of the proposed district; and
 - (3) A description of the significance of the proposed district, including its buildings, structures, features, sites, or surroundings.

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12. The North Carolina Department of Natural and Cultural Resources shall submit an analysis of, and recommendations concerning, the report described in *Section B.4-3.3(A)(11) Establishment* to the Town Council. Failure of the North Carolina Department of Natural and Cultural Resources to submit written analysis and recommendations to the Town Council within thirty (30) calendar days after a written request for such analysis has been received by the Department shall relieve the Town of any responsibility for awaiting such analysis, and the Town Council may at any time thereafter take any necessary action to adopt or amend its zoning regulation.
13. Once all the previous procedural steps have been met the Town shall proceed in the same manner as would otherwise be required for adoption or amendment of a zoning regulation, and the request shall be processed according to the procedures set forth in *Section A.4-3.2 Unified Development Ordinance Text Amendment and Section A.4-3.3 Zoning Map Amendment (Rezoning)*. In addition, the Design Review Standards for the proposed district shall be made available to the Elected Body for its review and comment.
14. *Sections B.4-3.3(A)(1-9) Establishment* shall not apply to a rezoning petition for a proposed Historic or Historic Overlay for which a task force has been previously appointed to study said general area and has submitted a report to the Commission.

B. **Amendment.** The following shall be required to amend, supplement, change, modify, or repeal any district boundaries of the Historic or Historic Overlays:

1. The Commission shall prepare and submit a report to the Director of Planning & Development Services and the North Carolina Department of Natural and Cultural Resources. The report shall include, but not be limited to, the following information:
 - (1) A description of the amended boundaries of the district;
 - (2) A map at a scale of not less than one inch represents two hundred (200) feet (1" equals 200'), showing the amended boundaries of the proposed district; and
 - (3) An amended description of the significance of the district, including its buildings, structures, features, sites, or surroundings.

2. The North Carolina Department of Natural and Cultural Resources shall include an analysis of and recommendations concerning the report described in *Section B.4-3.3(B)(1) Amendment* above, to the Town Council. Failure of the North Carolina Department of Natural Cultural Resources to submit written analysis and recommendations to the Town Council within thirty (30) calendar days after a written request for such analysis has been received by the Department shall relieve the Town of any responsibility for awaiting such analysis, and the Elected Body may at any time thereafter take any necessary action to adopt or amend its zoning regulation.
3. Once all the previous procedural steps have been met, an application to amend, supplement, change, modify, or repeal the Historic or Historic Overlays shall be accepted. The Town shall proceed in the same manner as would otherwise be required for an amendment of the zoning regulations and the request shall be processed according to the procedures set forth in *Section A.4-3.2 Unified Development Ordinance Text Amendment* and *Section A.4-3.3 Zoning Map Amendment (Rezoning)*.

4-4. H AND HO DISTRICT USES AND DIMENSIONAL REQUIREMENTS

4-4.1. (H) DISTRICT REGULATIONS

- A. **Permitted Uses.** In H Districts, the following principal and accessory uses are permitted:
 1. Any use found by the Commission to have existed on the particular property during the period of significance, as defined in the current Design Review Standards;
 2. Any single-family residential use which is allowed without a special use permit from the Board of Adjustment;
 3. A religious institution, college or university, or operation of an historic preservation organization with purposes related to the district; and
 4. Uses normally accessory to the principal uses permitted above.
- B. **Nonconforming Uses.** Prior to its acting upon an application for a special use permit pursuant to *Section A.4-3.2 Unified Development Ordinance Text Amendment* and

Section A.4-3.3 Zoning Map Amendment (Rezoning) to expand or convert a nonconforming use in the Historic District, the Board of Adjustment shall first receive the recommendation of the Commission with respect to such application.

C. Dimensional Requirements for New Construction.

1. **Requirements.** All buildings and structures in the H Districts shall comply with the following yard and height provisions:

- (1) **Front Yard.** No building or part of a building, other than steps, open porches, overhanging eaves, and cornices, shall extend nearer to a front street line than the average distance of the setbacks of the principal buildings on the same block and on the same side of the street within one hundred (100) feet from the zoning lot in either direction. Provided, however, that in no case shall the front setback be less than eight (8) feet, and no building shall be required to set back more than forty (40) feet from the front street line.
- (2) **Side Yards.** There shall be a side yard of not less than seven (7) feet on each side of the principal building. This restriction shall not apply to accessory buildings.
- (3) **Rear Yard.** There shall be a rear yard with a depth of not less than thirty-five (35) feet. When a building extends through from street to street, the front yard restrictions shall be observed on both streets.
- (4) **Height.** No building shall exceed a height of thirty-five (35) feet.

2. **Exceptions to Dimensional Requirements Due to Authentic Restoration and Reconstruction.** In the event that the Commission finds that an application for a building permit covers activity constituting an authentic restoration or reconstruction of a building or structure that existed at the same location in or prior to 1856 in the Old Salem Historic District or in or prior to 1832 in the Bethabara Historic District, said building or structure may be restored or reconstructed without compliance with dimensional requirements in *Section B.2-4.1 Dimensional Standards – General Requirements*.

- (1) Any items restored, reconstructed, or maintained over, on, or within public sidewalks, public alley areas, or other such public way shall be the responsibility of the owner. The owner's restoration, reconstruction, or maintenance of any such item shall constitute the owner's agreement to

protect and hold the County/City/Town/Village blameless against any and all liability, cost, damage, or expense suffered or sustained by the County/City/Town/Village as a result of or growing out of the restoration, reconstruction, or maintenance. Such items, so approved, may be lawfully restored, reconstructed, or maintained. Any such item projecting over the street or alley shall be, at its lowest point, seven (7) feet above the travel way. The provisions of this subsection shall prevail over inconsistent or conflicting provisions of this Ordinance.

D. Nonconforming Structures and Improvements in the H Districts.

1. Any habitable structure existing prior to December 31, 1994 shall be exempt from the current dimensional requirements in *Section B.2-4.1 Dimensional Standards – General Requirements* and *Section B.3-2 Parking and Loading Standards*, which includes off-street parking requirements.
2. Such exemptions shall be based upon the structure's use as of December 31, 1994, which includes the number of required parking spaces for the site and use.
3. In no instance shall the structure's use be allowed to convert to a more intense use as per the parking requirements of *Section B.3-2 Parking and Loading Standards* without first meeting the additional parking needs of the new use.

4-4.2. (HO) DISTRICT REGULATIONS

A. Permitted Uses.

1. The HO District is established as a district which overlays existing residential and nonresidential zoning districts in certain areas with historic resources.
2. All uses permitted in these residential and nonresidential districts, whether by right or as a special use, shall be permitted in the HO District according to the procedures established for such uses.

B. Dimensional Requirements.

1. Requirements.

- (1) All buildings and structures in the HO Districts shall comply with the dimensional requirements established in the Design Review Standards adopted for each separate HO District.

- (2) Design Review Standards are addressed in *Section A.4-3.8(E) Standards for Review*.

2. Exceptions to Dimensional Requirements Due to Authentic Restoration or Reconstruction.

- (1) In the event that the Commission finds that an application for a building permit covers activity constituting an authentic restoration or reconstruction in the same location as the original location and in the original conformation of the structure of historic and/or architectural significance to the Historic Overlay District, said building or structure may be restored or reconstructed without compliance with dimensional requirements in *Section B.2-4.1 Dimensional Standards – General Requirements*.
- (2) Any items restored, reconstructed, or maintained over, on, or within public sidewalks, public alley areas, or other such public way shall be the responsibility of the owner.
- (3) The owner's restoration, reconstruction, or maintenance of any such item shall constitute the owner's agreement to protect and hold the Town blameless against any and all liability, cost, damage, or expense suffered or sustained by the Town as a result of or growing out of the restoration, reconstruction, or maintenance.
- (4) Such items, so approved, may be lawfully restored, reconstructed, or maintained.
- (5) Any such item projecting over the street or alley shall be, at its lowest point, twelve (12) feet above the travel way.
- (6) The provisions of this subsection shall prevail over inconsistent or conflicting provisions of this Ordinance.

C. Nonconforming Structures and Improvements.

1. Any habitable structure existing prior to December 31, 1994 shall be exempt from the current dimensional requirements in *Section B.2-4.1 Dimensional Standards – General Requirements* and *Section B.3-2 Parking and Loading Standards*, which includes off-street parking requirements.

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2. Such exemptions shall be based upon the structure's use as of December 31, 1994, which includes the number of required parking spaces for the site and use.
3. In no instance shall the structure's use be allowed to convert to a more intense use as per the parking requirements of *Section B.3-2 Parking and Loading Standards* without first meeting the additional parking needs of the new use.

D. Parking Variance.

1. Where the Commission, in considering an application for a certificate of appropriateness, finds that the number of off-street parking spaces required by this Ordinance for a building or structure within an Historic or Historic Overlay or a designated Local Historic Landmark would render the building incongruous with the historic aspects of the designated district, it may recommend to the Board of Adjustment a variance, in part or in whole, of the off-street parking requirements.
2. The Board of Adjustment may authorize a lesser number of off-street parking spaces, provided:
 - (1) The Board of Adjustment finds that the lesser number of off-street parking spaces will not create problems due to increase on-street parking; and,
 - (2) The Board of Adjustment finds that the lesser number of off-street parking spaces will not constitute a threat to the public safety.

CHAPTER C – ENVIRONMENTAL ORDINANCE

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C.1

1. PURPOSE AND AUTHORITY

1-1. SHORT TITLE

This Ordinance shall be known and may be cited as the *Chapter C Environmental Ordinance*, except as referred to herein, where it shall be known as *this Ordinance*.

1-2. PURPOSE

This Ordinance is enacted to promote the health, safety, and general welfare of the public by minimizing flood hazards and protecting water quality. Additional purposes of this Ordinance include implementing the goals and objectives of the *Lewisville Tomorrow Comprehensive Plan*, other adopted land use plans, development guides and the *Lewisville Transportation Plan*.

1-3. AUTHORITY

1-3.1. INTENT

By adopting this Ordinance, the Town of Lewisville exercises all the powers granted to it by G.S. 160D and other applicable statutes.

1-3.2. AMENDMENTS

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SECTION 1 – PURPOSE AND AUTHORITY

This Ordinance may be amended in accordance with the provisions of *Section A.4-3.2 Unified Development Ordinance Text Amendments*, as may be amended.

2. FLOOD DAMAGE PREVENTION

2-1. GENERAL

2-1.1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES

- A. **Statutory Authorization.** In Chapter 160D of the North Carolina General Statutes, the NC Legislature has delegated to local governments the authority to adopt and enforce regulations meant to protect and promote public health, safety, and welfare.

2-1.2. FLOOD HAZARDS

- A. Flood-prone areas within the jurisdiction of the Town of Lewisville are subject to periodic inundation which results in loss of life and damage to real property. The safety hazards posed by flooding also impair the tax base, disrupt commerce and the provision of governmental services, and may result in extraordinary public expenditures.
- B. Flood losses are often the result of the cumulative effect of obstructions in flood-prone areas, including structures and uses of land, which can cause increases in flood velocity and severity.

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2-1.3. STATEMENT OF PURPOSE

It is the purpose of this Article to promote public health, safety, and general welfare and to minimize public and private losses due to flooding by establishing and enforcing provisions designed to:

- A. Restrict or prohibit uses that pose dangers to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- B. Require that uses and structures vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which naturally mitigate floodwaters;
- D. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- E. Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters, or which may increase flood hazards to other lands.

2-1.4. OBJECTIVES

The objectives of this Article are to:

- A. Protect human life;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business losses and interruptions;
- E. Minimize damage to public facilities and utilities that are located in flood-prone areas;
- F. Help maintain a stable tax base by providing for the appropriate development of flood-prone areas; and

- G. Ensure that potential landowners are aware when real property is located in a special flood hazard area.

2-1.5. DEFINITIONS

Unless specifically defined below, words or phrases used in this Section shall be interpreted so as to give them the meaning they have in *Section A.2 Definitions* or in common usage and to give this Section its most reasonable application. The definitions of this section are specific only to this section. In the event of conflict with *Section A.2 Definitions* the definitions below shall control.

ACCESSORY STRUCTURE (APPURTENANT STRUCTURE) means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports, and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms and may or may not be located on the same parcel as the farm dwelling or shop building.

ADDITION (TO AN EXISTING BUILDING) means an extension or increase in the floor area or height of a building or structure.

ALTERATION OF A WATERCOURSE means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

APPEAL means a request for a review of the Floodplain Administrator's interpretation of any provision of this Article.

AREA OF SHALLOW FLOODING means a designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD see Special Flood Hazard Area (SFHA).

ARTIFICIAL OBSTRUCTION means any object or material which is not a natural obstruction, including any which, while not a significant obstruction in itself, is capable of accumulating debris and thereby reducing the flood-carrying capacity of a stream.

SECTION 2 – FLOOD DAMAGE PREVENTION

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a special flood hazard area, it may be obtained from engineering studies available from a federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the minimum freeboard, establishes the regulatory flood protection elevation (RFPE).

BASEMENT means any area of the building having its floor subgrade (below ground level) on all sides.

BUILDING see Structure.

CHEMICAL STORAGE FACILITY means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

DESIGN FLOOD see “Regulatory Flood Protection Elevation.”

DEVELOPMENT means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

DEVELOPMENT ACTIVITY means any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

DIGITAL FLOOD INSURANCE RATE MAP (DIRFM) means the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

DISPOSAL means, as defined in G.S. 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

ELEVATED BUILDING means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

ENCROACHMENT means the advance or infringement of uses, fill, excavation, buildings, structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

EXISTING BUILDING AND EXISTING STRUCTURE means any building and/or structure for which the “start of construction” commenced before the effective date of the floodplain management regulations.

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

FLOOD OR FLOODING means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters; and/or
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM) means an official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which the special flood hazard areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

FLOOD HAZARD BOUNDARY MAP (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the special flood hazard areas have been defined as Zone A.

FLOOD INSURANCE means the insurance coverage provided under the National Flood Insurance Program (NFIP).

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community, issued by the Federal Emergency Management Agency, on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated.

FLOOD INSURANCE STUDY (FIS) means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood

SECTION 2 – FLOOD DAMAGE PREVENTION

Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

FLOOD-PRONE AREA see Floodplain.

FLOOD ZONE means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

FLOODPLAIN means any land area susceptible to being inundated by water from any source.

FLOODPLAIN ADMINISTRATOR is the individual appointed to administer and enforce the floodplain management regulations.

FLOODPLAIN DEVELOPMENT PERMIT means any type of permit that is required in conformance with the provisions of this Article, prior to the commencement of any development activity.

FLOODPLAIN MANAGEMENT means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

FLOODPLAIN MANAGEMENT REGULATIONS means this Article and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes federal, State, or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

FLOODPROOFING means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

FLOOD-RESISTANT MATERIAL means any building product [material, component, or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water

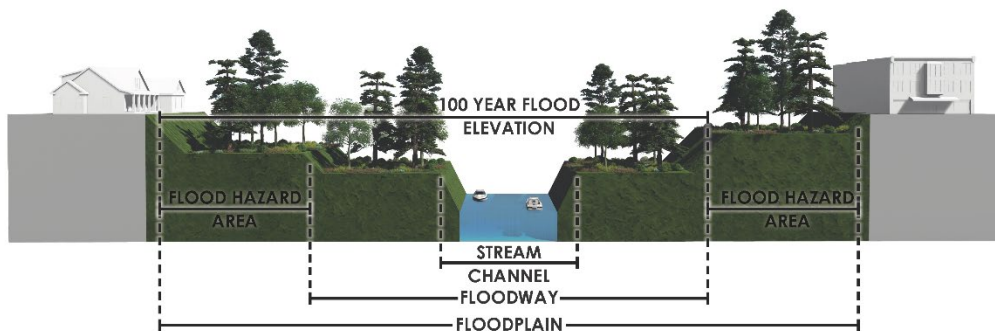
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excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOODWAY ENCROACHMENT ANALYSIS means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and hydraulic models meeting the minimum requirements of the National Flood Insurance Program.

FLOOD HAZARD AREA



FREEBOARD means the height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the regulatory flood protection elevation (RFPE). The minimum freeboard to be established is one (1) foot.

FUNCTIONALLY DEPENDENT FACILITY means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding,

or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

HAZARDOUS WASTE MANAGEMENT FACILITY means, as defined in G.S. 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

HIGHEST ADJACENT GRADE (HAG) means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

HISTORIC STRUCTURE means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a local inventory of historic landmarks in communities with a Certified Local Government (CLG) Program; or
- D. Certified as contributing to the historical significance of a historic district designated by a community with a Certified Local Government (CLG) Program.
- E. Certified Local Government (CLG) Programs are approved by the U.S. Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

LETTER OF MAP CHANGE (LOMC) means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- A. Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- B. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

SECTION 2 – FLOOD DAMAGE PREVENTION

- C. Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- D. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

LIGHT DUTY TRUCK means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

- A. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- B. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- C. Available with special features enabling off-street or off-highway operation and use.

LOWEST ADJACENT GRADE (LAG) means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Article.

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Map Repository means the location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products have the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data the NC FRIS website (<http://FRIS.NC.GOV/FRIS>) is the map repository, and for historical flood hazard data the FloodNC website ([flood.nc - North Carolina's Flood Information Center](http://flood.nc-northcarolina.gov)) the map repository.

MARKET VALUE means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

MEAN SEA LEVEL means, for purposes of this Article, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

NATURAL OBSTRUCTION means any rock, tree, gravel, or similar natural matter which is an obstruction and has been located within the floodway by a nonhuman cause.

NEW CONSTRUCTION means structures for which the start of construction commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

NON-ENCROACHMENT AREA (NEA) means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the Flood Insurance Study report.

ONE HUNDRED YEAR FLOODPLAIN see Special Flood Hazard Area (SFHA).

POST-FIRM means construction or other development for which the start of construction occurred on or after the effective date of the initial Flood Insurance Rate Map.

PRE-FIRM means construction or other development for which the start of construction occurred before the effective date of the initial Flood Insurance Rate Map.

PRINCIPALLY ABOVE GROUND means that at least fifty-one percent (51%) of the actual cash value of the structure is above ground.

PUBLIC SAFETY AND/OR NUISANCE means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

RECREATIONAL VEHICLE (RV) means a vehicle, which is:

- A. Built on a single chassis (supporting frame of vehicular structure);
- B. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

REFERENCE LEVEL is the top of the lowest floor for structures within special flood hazard areas designated as Zone A1-A30, AE, A, A99 or AO.

REGULATORY FLOOD PROTECTION ELEVATION means the Base Flood Elevation plus the freeboard. In special flood hazard areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In special flood hazard areas where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

REMEDY A VIOLATION means to bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the Ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

RIVERINE means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

SALVAGE YARD means any nonresidential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances, and related machinery.

SOLID WASTE DISPOSAL FACILITY means any facility involved in the disposal of solid waste, as defined in G.S. 130A-290(a)(35).

SECTION 2 – FLOOD DAMAGE PREVENTION

SOLID WASTE DISPOSAL SITE means, as defined in G.S. 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

SPECIAL FLOOD HAZARD AREA (SFHA) is defined by FEMA as An area having special flood, mudflow or flood-related erosion hazards and shown on a Flood Hazard Boundary Map (FHBM) or a Flood Insurance Rate Map (FIRM) Zone A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30, VE or V. The SFHA is the area where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies. For the purpose of determining Community Rating System (CRS) premium discounts, all AR and A99 zones are treated as non-SFHAs.

START OF CONSTRUCTION includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. See definition of substantial improvement. Substantial damage also means flood-related damage sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each

SECTION 2 – FLOOD DAMAGE PREVENTION

such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- A. Any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

TEMPERATURE CONTROL means having the temperature regulated by a heating and/or cooling system, built-in or appliance.

VARIANCE is a grant of relief from the requirements of this Article.

VIOLATION means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in *Section C.2-2 Administration* and *Section C.2-3 Provisions for Flood Hazard Reduction* is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION (WSE) means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

WATERCOURSE means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

2-1.6. LANDS TO WHICH THIS ARTICLE APPLIES

This Article shall apply to all special flood hazard areas within the Town of Lewisville, including any Extra-Territorial Jurisdiction (ETJs), of the Town.

2-1.7. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

The special flood hazard areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Forsyth County dated January 2, 2009, or latest, as may be amended.

2-1.8. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT

A floodplain development permit shall be required in conformance with the provisions of this Article prior to the commencement of any development activities within special flood hazard areas determined in accordance with the provisions of *Section C.2-1.7 Basis for Establishing the Special Flood Hazard Areas* of this Article.

2-1.9. COMPLIANCE

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this Article and other applicable regulations.

2-1.10. ABROGATION AND GREATER RESTRICTIONS

This Article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

2-1.11. INTERPRETATION

In the interpretation and application of this Article, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under State statutes.

2-1.12. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This Article

shall not create liability on the part of the Town of Lewisville or by any officer or employee thereof for any flood damages that result from reliance on this Article, or any administrative decision lawfully made hereunder.

2-2. ADMINISTRATION

2-2.1. DESIGNATION OF FLOODPLAIN ADMINISTRATOR

- A. The Lewisville Planning Director or designee, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this Article.
- B. The Floodplain Administrator shall coordinate with the Winston-Salem/Forsyth County Erosion Control Division, Ready Forsyth, the Army Corps of Engineers and any other local, State, or federal officials involved in the administration of this Ordinance.

2-2.2. FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS

- A. **Application Requirements.** Application for a floodplain development permit shall be made to the Floodplain Administrator prior to any development activities located within special flood hazard areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:
 - 1. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - (1) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - (2) The boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined in *Section C.2-1.7 Basis For Establishing the Special Flood Hazard Areas*, or a statement that the entire lot is within the special flood hazard area;

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- (3) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in *Section C.2-1.7 Basis for Establishing the Special Flood Hazard Areas*;
 - (4) The boundary of the floodway(s) or non-encroachment area(s) as determined in *Section C.2-1.7 Basis For Establishing the Special Flood Hazard Areas*;
 - (5) The Base Flood Elevation (BFE) where provided as set forth in *Section C.2-1.7 Basis For Establishing the Special Flood Hazard Areas*, *Section C.2-2.3 Duties and Responsibilities of the Floodplain Administrator*, or *Section C.2-3.4 Standards for Floodplains Without Established Base Flood Elevations*;
 - (6) The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
2. Proposed elevation, and method thereof, of all development within a special flood hazard area including but not limited to:
 - (1) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 - (2) Elevation in relation to mean sea level to which any nonresidential structure in Zone AE, A or AO will be floodproofed; and
 - (3) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.
3. If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
4. A foundation plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this Article are met. These details include but are not limited to:
 - (1) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and

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- (2) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with *Section C.2-3.2(D) Elevated Buildings* when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30.
 5. Usage details of any enclosed areas below the lowest floor.
 6. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
 7. Certification that all other local, State and federal permits required prior to floodplain development permit issuance have been received.
 8. Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure that the provisions of *Section C.2-3.2(F) Recreational Vehicles* and *Section C.2-3.2(G) Temporary Nonresidential Structures*.
 9. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.
- B. Permit Requirements.** The floodplain development permit shall include, but not be limited to:
1. A description of the development to be permitted under the floodplain development permit.
 2. The special flood hazard area determination for the proposed development in accordance with available data specified in *Section C.2-1.7 Basis for Establishing the Special Flood Hazard Areas*.
 3. The regulatory flood protection elevation required for the reference level and all attendant utilities.
 4. The regulatory flood protection elevation required for the protection of all public utilities.
 5. All certification submittal requirements with timelines.

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6. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
7. The flood openings requirements, if in Zones A, AO, AE or A1-30.
8. Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).
9. A statement, that all materials are BFE/RFPE must be flood resistant materials.

C. Certification Requirements.

1. Elevation Certificates.

- (1) An Elevation Certificate (FEMA Form 81-31) is required after the reference level is established. Within twenty-one (21) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. Any work done within the twenty-one (21) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall cause a stop-work order to be issued for the project.
- (2) A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a certificate of compliance/occupancy.

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2. **Floodproofing Certificate.** If nonresidential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a certificate of compliance/occupancy.
3. If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than thirty-six (36) inches in height above grade, an engineered foundation certification is required in accordance with the provisions of *Section C.2-3.2(C) Manufactured Homes*.
4. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
5. **Certification Exemptions.** The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (1) and (2) of this subsection:
 - (1) Recreational vehicles meeting requirements of *Section C.2-3.2(F) Recreational Vehicles*.

- (2) Temporary structures meeting requirements of *Section C.2-3.2(G) Temporary Nonresidential Structures*; and
- (3) Accessory structures less than one hundred fifty (150) square feet meeting requirements of *Section C.2-3.2(H) Accessory Structures*.

2-2.3. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- A. Review all floodplain development applications and issue permits for all proposed development within special flood hazard areas to assure that the requirements of this Article have been satisfied.
- B. Review all proposed development within special flood hazard areas to assure that all necessary local, State and federal permits have been received.
- C. Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- D. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- E. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of *Section C.2-3.6 Floodways and Non-Encroachment Areas* are met.
- F. Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of *Section C.2-2.2(C) Certification Requirements*.
- G. Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of *Section C.2-2.2(C) Certification Requirements*.
- H. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of *Section C.2-2.2(C) Certification Requirements*.

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- I. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of *Section C.2-2.2(C) Certification Requirements* and *Section C.2-3.2(B) Nonresidential Construction*.
- J. Where interpretation is needed as to the exact location of boundaries of the special flood hazard areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article.
- K. When Base Flood Elevation (BFE) data has not been provided in accordance with the provisions of *Section C.2-1.7 Basis for Establishing the Special Flood Hazard Areas*, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a federal, State, or other source, including data developed pursuant to *Section C.2-3.6 Floodways and Non-Encroachment Areas*, in order to administer the provisions of this Article.
- L. When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of *Section C.2-1.7 Basis for Establishing the Special Flood Hazard Areas*, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, State, or other source in order to administer the provisions of this Article.
- M. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a special flood hazard area is above the Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.
- N. Permanently maintain all records that pertain to the administration of this Article and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- O. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many

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inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

- P. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Article, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- Q. Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- R. Make periodic inspections throughout the special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- S. Follow through with corrective procedures of *Section C.2-2.5 Corrective Procedures*.
- T. Review, provide input, and make recommendations for variance requests.
- U. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with the provisions of *Section C.2-1.7 Basis for Establishing the Special Flood Hazard Areas* of this

Article, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.

- V. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

2-2.4. PENALTIES FOR VIOLATION

A. Violations.

1. Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a Class 1 misdemeanor. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Lewisville from taking such other lawful action as is necessary to prevent or remedy any violation.

The following penalties may be imposed:

B. Penalties.

1. **Stop Work Order.** The Floodplain Administrator, or designee, may order work on any site within a Special Flood Hazard Area to be immediately stopped whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance. The stop work order shall be in writing and directed to the person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop work order shall constitute a misdemeanor.
2. **Revocation of Permits.** The Floodplain Administrator, or designee, may revoke and require the return of a permit by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable State or local law may also be revoked.

2-2.5. CORRECTIVE PROCEDURES

- A. **Violations to Be Corrected.** When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- B. **Actions in Event of Failure to Take Corrective Action.** If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
1. That the building or property is in violation of the floodplain management regulations;
 2. That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 3. That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- C. **Order to Take Corrective Action.** If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one hundred eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.
- D. **Appeal.** Any party with standing who has received an order to take corrective action may appeal the order to the Zoning Board of Adjustment by giving notice of appeal in writing to the Planning Director within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The Zoning Board of Adjustment shall hear an appeal within the time frame

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indicated in the annual calendar of meetings, and subject to any required periods of public notice, if applicable.

- E. **Failure to Comply with Order.** If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

2-2.6. VARIANCE PROCEDURES

- A. The Lewisville Zoning Board of Adjustment as established by the Town of Lewisville, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this Article.
- B. Any person aggrieved by the decision of the appeal board may appeal such decision to the court, as provided in G.S. Ch. 7A.
- C. Variances may be issued for:
1. The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
 2. Functionally dependent facilities if determined to meet the definition as stated in *Section C.2-1.5 Definitions*, provided provisions of *Section C.2-2.6(l)(2-3) and (5) Conditions of Variance* have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
 3. Any other type of development, provided it meets the requirements of this Section.
- D. In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Article, and:
1. The danger that materials may be swept onto other lands to the injury of others;
 2. The danger to life and property due to flooding or erosion damage;
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

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4. The importance of the services provided by the proposed facility to the community;
 5. The necessity to the facility of a waterfront location as defined under *Section C.2-1.5 Definitions* of this Article as a functionally dependent facility, where applicable;
 6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 7. The compatibility of the proposed use with existing and anticipated development;
 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- E. A written report addressing each of the above factors shall be submitted with the application for a variance.
- F. Upon consideration of the factors listed above and the purposes of this Article, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this Article.
- G. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- H. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

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I. Conditions for Variances.

1. Variances shall not be issued when the variance will make the structure in violation of other federal, State, or local laws, regulations, or ordinances.
2. Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. Variances shall only be issued prior to development permit approval.
5. Variances shall only be issued upon:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship; and
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

J. A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in special flood hazard areas provided that all of the following conditions are met:

1. The use serves a critical need in the community.
2. No feasible location exists for the use outside the special flood hazard area.
3. The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.
4. The use complies with all other applicable federal, State and local laws.
5. The Town of Lewisville has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

2-3. PROVISIONS FOR FLOOD HAZARD REDUCTION

2-3.1. GENERAL STANDARDS

In all special flood hazard areas the following provisions are required:

- A. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- B. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- C. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- D. All new electrical, heating, ventilation, air-conditioning, plumbing, duct systems, and other building utility systems, equipment, and service facilities must be located at or above the Regulatory Flood Protection Elevation (RFPE) and/or specially designed to prevent water from entering or accumulating within the components and installed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation. Utility systems, equipment, and service facilities include, but are not limited to, HVAC equipment, water softener units, bath/kitchen plumbing fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, water heaters, fuel tanks, and electric outlets/switches.
 - 1. Replacements that are part of a substantial improvement must also meet the above provisions.
 - 2. Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements comply with the standards for new construction consistent with the code and requirements for the original structure.
- E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

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- F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- G. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- H. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this Article, shall meet the requirements of "new construction" as contained in this Article.
- I. Nothing in this Article shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this Article [January 2, 2009] and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this Article.
- J. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in *Section C.2-2.6 Variance Procedures*. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified in accordance with the provisions of *Section C.2-2.2(C) Certification Requirements*.
- K. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- L. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- M. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

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- N. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- O. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.
- P. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.

2-3.2. SPECIFIC STANDARDS

In all special flood hazard areas where Base Flood Elevation (BFE) data has been provided, as set forth in *Section C.2-1.7 Basis for Establishing the Special Flood Hazard Areas*, or *Section C.2-3.4 Standards for Floodplains Without Established Base Flood Elevations*, the following provisions, in addition to the provisions of *Section C.2-3.1 General Standards*, are required:

- A. **Residential Construction.** New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in *Section C.2-1.5 Definitions* of this Article.
- B. **Nonresidential Construction.** New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in *Section C.2-1.5 Definitions* of this Article. Structures located in A, AE, AO, and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with *Section C.2-3.6 Floodways and Non-Encroachment Areas*. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be

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provided to the Floodplain Administrator as set forth in *Section C.2-2.2(C) Certification Requirements*, along with the operational plan and the inspection and maintenance plan.

C. **Manufactured Homes.**

1. New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in *Section C.2-1.5 Definitions* of this Article.
2. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to G.S. 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
3. All enclosures or skirting below the lowest floor shall meet the requirements of *Section C.2-3.2(D) Elevated Buildings*.
4. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood-prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

D. **Elevated Buildings.** Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

1. Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living

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area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

2. Shall be constructed entirely of flood resistant materials at least to the regulatory flood protection elevation; and
3. Shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - (1) A minimum of two (2) flood openings on different sides of each enclosed area subject to flooding;
 - (2) The total net area of all flood openings must be at least one square inch for each square foot of enclosed area subject to flooding;
 - (3) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - (4) The bottom of all required flood openings shall be no higher than one foot above the adjacent grade;
 - (5) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - (6) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

E. Additions/Improvements.

1. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

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- (1) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more nonconforming than the existing structure.
 - (2) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
2. Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
3. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (1) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
 - (2) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
4. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during ten (10) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the ten (10) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this Ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
 - (1) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.

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- (2) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

F. Recreational Vehicles. Recreational vehicles shall either:

1. Be on site for fewer than one hundred eighty (180) consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
2. Meet all the requirements for new construction.

G. Temporary Nonresidential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

1. A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one year;
2. The name, address, and phone number of the individual responsible for the removal of the temporary structure;
3. The time frame prior to the event at which a structure will be removed (i.e., minimum of seventy-two (72) hours before landfall of a hurricane or immediately upon flood warning notification);
4. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
5. Designation, accompanied by documentation, of a location outside the special flood hazard area, to which the temporary structure will be moved.

H. Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a special flood hazard area, the following criteria shall be met:

1. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
2. Accessory structures shall not be temperature-controlled;

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3. Accessory structures shall be designed to have low flood damage potential;
 4. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 5. Accessory structures shall be firmly anchored in accordance with the provisions of *Section C.2-3.1 General Standards*.
 6. All service facilities such as electrical shall be installed in accordance with the provisions of *Section C.2-3.1 General Standards*.
 7. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with the provisions of *Section C.2-3.2(D) Elevated Buildings*.
 8. An accessory structure with a footprint less than one hundred fifty (150) square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with *Section C.2-2.2(C) Certification Requirements*.
- I. **Tanks.** When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
1. **Underground tanks.** Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
 2. **Above-ground tanks, elevated.** Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.
 3. **Above-ground tanks, not elevated.** Above-ground tanks that do not meet the elevation requirements of *Section C.2-3.2(B) Nonresidential Construction* of this Ordinance shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and

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without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

4. Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

- (1) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

5. Other Development.

- (1) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of *Section C.2-3.6 Floodways and Non-Encroachment Areas* of this Ordinance.
- (2) Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of *Section C.2-3.6 Floodways and Non-Encroachment Areas* of this Ordinance.
- (3) Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of *Section C.2-3.6 Floodways and Non-Encroachment Areas* of this Ordinance.
- (4) Commercial storage facilities are not considered “limited storage” as noted in this Ordinance, and shall be protected to the Regulatory Flood Protection Elevation as required for commercial structures.

2-3.3. RESERVED

2-3.4. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS

Within the special flood hazard areas designated as Approximate Zone A and established in *Section C.2-1.7 Basis for Establishing the Special Flood Hazard Areas*, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of *Section C.2-3.1 General Standards*, shall apply:

- A. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five (5) times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. The BFE used in determining the regulatory flood protection elevation shall be determined based on the following criteria:
 - 1. When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this Article and shall be elevated or floodproofed in accordance with standards in *Sections C.2-3.1 General Standards* and *Section C.2-3.2 Specific Standards*.
 - 2. When floodway or non-encroachment data is available from a federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of *Section C.2-3.2 Specific Standards* and *Section C.2-3.6 Floodways and Non-Encroachment Areas*.
 - 3. All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with *Section C.2-1.7 Basis for Establishing the Special Flood Hazard Areas* and utilized in implementing this Article.

4. When Base Flood Elevation (BFE) data is not available from a federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the regulatory flood protection elevation, as defined in *Section C.2-1.5 Definitions*. All other applicable provisions of *Section C.2-3.2 Specific Standards* shall also apply.

2-3.5. STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS

Along rivers and streams where Base Flood Elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a special flood hazard area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- A. Standards of *Section C.2-3.1 General Standards* and *Section C.2-3.2 Specific Standards*; and
- B. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

2-3.6. FLOODWAYS AND NON-ENCROACHMENT AREAS

Areas designated as floodways or non-encroachment areas are located within the special flood hazard areas established in *Section C.2-1.7 Basis for Establishing the Special Flood Hazard Areas*. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in *Section C.2-3.1 General Standards* and *Section C.2-3.2 Specific Standards*, shall apply to all development within such areas:

- A. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:

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1. It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit, or
 2. A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
- B. If *Section C.2-3.6 Floodways and Non-Encroachment Areas* is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this Article.
- C. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
1. The anchoring and the elevation standards of *Section C.2-3.2(C) Manufactured Homes*; and
 2. The no encroachment standard of *Section C.2-3.6(A) Floodways and Non-Encroachment Areas*.

2-3.7. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO)

Located within the special flood hazard areas established in *Section C.2-1.7 Basis for Establishing the Special Flood Hazard Areas*, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to *Section C.2-3.1 General Standards* and *Section C.2-3.2 Specific Standards*, all new construction and substantial improvements shall meet the following requirements:

- A. The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of four (4) feet, above the highest adjacent grade; or at least four (4) feet above the highest adjacent grade if no depth number is specified.

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- B. Nonresidential structures may, in lieu of elevation, be floodproofed to the same level as required in *Section C.2-3.7 Standards for Areas of Shallow Flooding (Zone AO)* so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with *Section C.2-2.2(C) Certification Requirements* and *Section C.2-3.2(B) Nonresidential Construction*.
- C. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

C.3

3. STORMWATER MANAGEMENT AND WATERSHED PROTECTION

3-1 AUTHORITY AND GENERAL PROVISIONS

3-1.1. SHORT TITLE

This Ordinance shall be known and may be cited as the *Stormwater Management and Watershed Protection Ordinance*, except as referred to herein, where it shall be known as *this Ordinance*.

3-1.2. PURPOSE

A. This Ordinance promotes the health, safety, and general welfare of the residents of Lewisville and general public, according to the following objectives:

1. Protecting public drinking water supply watersheds, including the quality of drinking water for the Town of Lewisville.
2. Minimizing damage to public property, private property, and infrastructure that

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may result from construction and post-construction stormwater runoff.

3. Preserving and protecting water resources, aquatic life and the ecosystems to which fresh water is vital.
4. Establishing minimum requirements and procedures to control the adverse effects of illicit discharges into the municipal stormwater system, increased stormwater runoff from new development, and non-point source pollution associated with new development and redevelopment.
5. Furthering the goals and objectives of the *Louisville Tomorrow Comprehensive Plan*, related land use plans, development guides, and the *Lewisville Transportation Plan*.

3-1.3. EFFECTIVE DATE

- A. The effective date of this Ordinance shall be the date of its adoption by the Town Council.

3-1.4. JURISDICTION AND APPLICABILITY

- A. This Ordinance is applicable to all property located within the territorial jurisdiction of the Town of Lewisville, as designated on the map titled the *Lewisville Stormwater Map*. Additionally, this Ordinance shall apply to those areas within the Town of Lewisville located within Public Drinking Water Supply Watersheds as designated and classified by the North Carolina Environmental Management Commission. These areas shall be defined and established on the map entitled, the *Watershed Protection Map of Lewisville, North Carolina*, herein after referred to as the *Watershed Map*. The *Lewisville Stormwater Map* and the *Watershed Map*, and all explanatory matter set out thereon, is hereby made a part of this Ordinance.
- B. These maps may be updated on an ongoing basis to account for changing circumstances, changes in the land area covered by this Ordinance, and the geographic location of all *structural stormwater control measures (SCMs)* permitted under this Ordinance. This *Lewisville Stormwater Map* and the *Watershed Map* shall be permanently kept on file in the office of the Planning Director in electronic form, paper form or both.

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- C. In the event of a conflict within this Ordinance, the applicability to a particular area of land or SCM shall be determined by reference to the North Carolina General Statutes, the North Carolina Administrative Code, and local zoning and jurisdictional boundary ordinances.

3-1.5. AUTHORITY

In G.S. 160D and in G.S. 143, Article 21, the Legislature of the State of North Carolina has directed local governments to adopt regulations protecting the public health, safety and welfare of their citizens. Additionally, The North Carolina Department of Environmental Quality (NCDEQ) has directed specified entities to adopt Post-Construction Runoff Controls to satisfy requirements of the Environmental Protection Agency's Phase II National Pollutant Discharge Elimination System (NPDES) stormwater regulatory program. The Town Council does hereby adopt into law the following articles as the Phase II Stormwater Management and Watershed Protection Ordinance.

3-1.6. COMPLIANCE WITH PROVISIONS

For provisions, restrictions, and procedures outlined herein, refer to *Section B.1-5 Compliance*.

3-1.7. EXEMPTIONS TO APPLICABILITY

- A. Development and redevelopment that cumulatively disturbs less than twenty thousand (20,000) square feet and is not part of a common plan of development or sale is exempt from the provisions of this Ordinance.
- B. Development or redevelopment that cumulatively disturbs less than twenty thousand (20,000) square feet, is not exempt if such activities are part of a common plan of development or sale, even though multiple, separate or distinct activities take place at different times on different schedules.
- C. Single Family Residential construction on a single lot that disturbs less than one acre and is not part of a larger common plan of development or sale is exempt from *Section C.3-7 Development Standards* and *Section C.3-8 Stormwater Management Plan*.
- D. Activities exempt from permit requirements of Section 404 of the Clean Water Act, as specified in 40 CFR 232 (primarily, ongoing farming and forestry activities) are exempt from the provisions of this Ordinance.

SECTION 3 - STORMWATER MANAGEMENT AND WATERSHED PROTECTION

- E. Existing development as well as expansions to individual single-family homes or manufactured homes existing prior to January 1, 2008, are not subject to the requirements of this Ordinance. All other expansions to structures and other built-upon areas classified as existing development must meet the requirements of this Ordinance. The built-upon area of the existing development is not required to be included in the additional built-upon area calculations for any proposed *structural SCMs*.
- F. In cases of two (2) or more principal uses on the same zoning lot, the regulation requiring the more restrictive regulations shall apply to the entire lot.

3-1.8. SEVERABILITY

See *Section B.1-6 Severability*.

3-1.9. CONFLICTING PROVISIONS

See *Section B.1-7 Conflicting Provisions*.

3-1.10. DEFINITIONS

- A. **General.** Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purposes of this Ordinance, have the meanings indicated. All words and phrases not defined in this Ordinance shall have their common meaning. The definitions listed herein are in addition to the definitions of *Section A.2 Definitions*. In the event of conflict with *Section A.2 Definitions*, the definitions below shall prevail.

BEST MANAGEMENT PRACTICES (BMP). A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals. This term is often synonymous with Stormwater Control Measure (SCM).

BUILDABLE AREA ENVELOPE. The area on a site or lot that can have built upon area. For calculation of built upon area percentages, the entire area of the designated buildable area envelope shall be considered built upon area.

BUILDING. Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals, or property. The connection of two

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buildings by means of an open porch, breezeway, passageway, carport, or other such open structure, with or without a roof, shall not be deemed to make them one building.

BUILT-UPON AREA. Built-upon area means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon area" does not include a slatted deck; the water area of a swimming pool; a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour); or landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle (except as exempted by State law).

CLUSTER DEVELOPMENT. Cluster development means the grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This term includes nonresidential development as well as single-family residential and multi-family developments. For the purpose of this Ordinance, planned unit developments and mixed-use development are considered as cluster development.

COMMON PLAN OF DEVELOPMENT. Any area where multiple, separate and distinct construction or land disturbing activities will occur under one plan, including any area or site with multiple lots or phases where there is a single development plan for one or more zoning lots. This plan may also include, but is not limited to a site plan, land survey, notice of public hearing, permit application, zoning request or computer design. Construction indications may include boundary signs, lot stakes, survey markings or any other indication that construction may be planned or occurring on one or more zoning lots.

COMPOSTING FACILITY. A facility in which only stumps, limbs, leaves, grass, and untreated wood collected from land clearing or landscaping operations is deposited.

CRITICAL AREA. The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of

SECTION 3 - STORMWATER MANAGEMENT AND WATERSHED PROTECTION

the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

DESIGN MANUAL. The NCDEQ Stormwater Design Manual, which went into effect on January 1, 2017, is used for the proper implementation of the requirements of the state's stormwater program. All references herein to the Design Manual are to the latest published edition or revision.

DEVELOPMENT. Any land disturbing activity which adds to or changes the amount or nature of impervious or partially impervious cover on a land area, or which otherwise decreases the infiltration of precipitation into the soil.

DWELLING UNIT. One (1) or more rooms used as a place of residence for one or more persons, in which there are independent living facilities, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

EPHEMERAL STREAM. A stream that has flowing water only during and for a short time after a rain event. Groundwater is not a source for ephemeral streams.

EXISTING DEVELOPMENT. Those projects that are built, have received preliminary or final approval, or that have established a vested right under North Carolina zoning law as of the effective date of this Ordinance.

EXISTING LOT. A zoning lot or parcel of land which existed legally before the adoption date of this Ordinance.

EXPANSION. Any change or alteration to existing structures or other built-upon areas which decreases the infiltration of precipitation into the soil, including but not limited to, adding to or changing the amount of impervious or partially impervious cover on a land area.

HAZARDOUS MATERIAL. Any substance listed as such in Superfund Amendments and Reauthorization Act (SARA) Section 302, Extremely Hazardous Substances; Comprehensive Environmental Responsibility and Cleanup Liability Act (CERCLA)

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Hazardous Substances; or Section 311 of Clean Water Act (oil and hazardous substances).

HIGH-DENSITY PROJECT. Any project that exceeds the low-density threshold for dwelling units per acre or built-upon area.

IMPERVIOUS COVER. Any material which significantly reduces or prevents natural absorption of stormwater into the soil.

INDUSTRIAL DEVELOPMENT. Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning, or developing any product or commodity. (My instincts tell me to keep this definition.

INTERMITTENT STREAM. A stream with a well-defined channel that usually flows during certain times of the year, during wetter conditions and when groundwater levels are higher.

LOW-DENSITY PROJECT. A project that does not exceed the maximum allowable project intensity permitted in *Section C.3-3.3(C) Low-Density Projects*.

NONRESIDENTIAL DEVELOPMENT. All development other than residential development, agriculture and silviculture.

OWNER. The legal or beneficial possessor of real property, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property.

PERENNIAL STREAM. A stream that has flowing water year-round, except during prolonged or severe droughts.

PROTECTED AREA. The area adjoining and upstream of the critical area of WS-IV watersheds. The boundaries of the protected area are defined as within five miles of and draining to the normal pool elevation of the reservoir or to the ridgeline of the watershed; or within 10 miles upstream and draining to the intake located directly in the stream or river or to the ridgeline of the watershed.

RESIDENTIAL DEVELOPMENT. Buildings constructed for human habitation such as attached and detached single-family dwellings, apartment complexes, condominiums,

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townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

RESIDUALS. Any solid or semi-solid waste generated from a wastewater treatment plant, water treatment plant or air pollution control facility permitted under the authority of the Environmental Management Commission.

RIPARIAN BUFFER (STREAM BUFFER). An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

SINGLE FAMILY RESIDENTIAL ON A SINGLE LOT. A parcel of land occupied or capable of being occupied by no more than one principal building containing no more than one principal dwelling and one accessory building containing no more than one accessory residence.

STORMWATER ADMINISTRATOR. The Public Works Director and designees, or other designated entity of the Town of Lewisville responsible for administration and enforcement of this Ordinance.

STORMWATER CONVEYANCE. Private and public drainage facilities by which stormwater may be conveyed to waters of the United States, including but not limited to, streets, roads, catch basins, natural and artificial channels, natural and artificial drainage features, stream beds, gullies, curbs, gutters, ditches, and storm drains.

STORMWATER CONTROL MEASURE (SCM). Permanent devices designed, constructed, and maintained to remove pollutants from the stormwater runoff before water reaches streams and drinking water supply reservoirs.

SUBDIVIDER. Any person, firm, corporation, or official who subdivides or develops any land deemed to be a subdivision as herein defined.

SUBSTANTIAL PROGRESS. For the purposes of determining whether sufficient progress has been made on an approved plan, one or more of the following construction activities toward the completion of a site or subdivision plan shall occur: obtaining a grading permit and conducting grading activity on a continuous basis and not discontinued for more than thirty (30) days; or installation and approval of on-site infrastructure; or obtaining a building

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permit for the construction and approval of a building foundation. "Substantial progress" for purposes of determining whether an approved plan is null and void is not necessarily the same as "substantial expenditures" used for determining vested rights pursuant to applicable law.

SURFACE WATER. All waters of the State as defined in NCGS 143-212 except underground waters.

VARIANCE. An action by the Watershed Review Board to relax or waive a water supply watershed management requirement that is established by this Ordinance, given in conjunction with permission to develop or use property.

VARIANCE, MAJOR. A variance relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that results in any one or more of the following:

- A. The complete waiver of a management requirement; or
- B. The relaxation, by a factor of more than ten percent (10%), of any management requirement that takes the form of a numerical standard.

VARIANCE, MINOR. A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to five (5) percent of any buffer, density or built-upon area requirement under the high-density option; or that results in a relaxation, by a factor of up to ten (10) percent, of any management requirement under the low-density option. For variances to a vegetated setback requirement, the percent variation shall be calculated using the footprint of built-upon area proposed to encroach with the vegetated setback divided by the total area of vegetated setback within the project.

VESTED RIGHT. The right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan or an approved phased development plan. Refer to the North Carolina General Statutes Section 160D-108 for more information.

WATER DEPENDENT STRUCTURE. Any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

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WATERSHED. The entire land area contributing surface drainage to a specific point (e.g. the water supply intake) or alternatively, the geographic region within which water drains to a particular river, stream or body of water.

WATERSHED ADMINISTRATOR. The Planning Director and designees, or other designated person for the Town of Lewisville responsible for administration and enforcement of this Ordinance.

WATERSHED REVIEW BOARD. The Zoning Board of Adjustment shall serve as the Watershed Review Board when considering all quasi-judicial decisions noted in this Ordinance, as further described in *Section A.3 Review and Decision-making Bodies*.

3-1.11. CUMULATIVE REQUIREMENTS

The requirements of this Ordinance are cumulative.

3-2. ADMINISTRATION, PERMITS AND APPEALS

3-2.1. WATERSHED ADMINISTRATOR AND DUTIES THEREOF

- A. The Town of Lewisville appoints the Planning Director as the Watershed Administrator. It shall be the duty of the Watershed Administrator to administer and enforce the provisions of this Ordinance as follows:
1. The Watershed Administrator shall serve as clerk to the Watershed Review Board.
 2. The Watershed Administrator is granted the authority to administer and enforce the provisions of this Ordinance. The Watershed Administrator and designees, may enter any building, structure, or premises, as provided by law, to perform any duties described in this Ordinance.
 3. The Watershed Administrator shall keep records of all amendments to the local Water Supply Watershed Protection Ordinance and shall provide copies of all amendments upon adoption to the Stormwater Branch of the Division of Energy, Mineral, and Land Resources.
 4. The Watershed Administrator is authorized to approve the use of density averaging. The Administrator shall keep records of the jurisdiction's use of the provision that a maximum of ten percent (10%) of the non-critical area of WS-II, WS-III, and, WS-IV watersheds may be developed with new development at a

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maximum of seventy percent (70%) built-upon surface area. Records for each watershed shall include the total acres of non-critical watershed area, total acres eligible to be developed under this option, total acres approved for this development option, and individual records for each project with the following information: location, number of developed acres, type of land use and stormwater management plan (if applicable).

The Watershed Administrator shall keep a record of variances to the local Water Supply Watershed Protection Ordinance.

3-2.2. STORMWATER ADMINISTRATOR

A. **Enforcement Authority.** The Stormwater Administrator, as identified in *Section C.3-1.10 Definitions*, is granted the authority to administer and enforce the provisions of this Ordinance. The Stormwater Administrator and designees may enter any building, structure, or premises, as provided by law, to perform any duties described in this Ordinance.

1. **Powers and Duties.** In addition to the powers and duties that may be conferred by other provisions of the Town of Lewisville's Unified Development Ordinance and other laws, the Stormwater Administrator shall have the following powers and duties under this Ordinance:
 - (1) To review and approve, approve with conditions, or disapprove applications for approval of plans pursuant to this Ordinance.
 - (2) To make determinations and render interpretations of this Ordinance.
 - (3) To establish application requirements and schedules for submittal and review of applications and appeals, to review and make recommendations to the Town Council of the Town of Lewisville on applications for development or redevelopment approvals.
 - (4) To enforce the provisions of this Ordinance in accordance with its enforcement provisions.
 - (5) To maintain records, maps, and official materials as relate to the adoption, amendment, enforcement, or administration of this Ordinance.

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- (6) To provide expertise and technical assistance to the Town Council of the Town of Lewisville and its Stormwater Advisory Committee, upon request.
 - (7) To designate appropriate other person(s) who shall carry out the powers and duties of the Stormwater Administrator.
 - (8) To take any other action necessary to administer the provisions of this Ordinance.
- B. **Issue Permits.** The Stormwater Administrator shall issue Stormwater Management permits and Stormwater Management occupancy permits, as prescribed herein. A record of all permits shall be kept on file and shall be available for public inspection.
- C. **Secretary to the Zoning Board of Adjustment.** The Planning Director shall serve as secretary to the Watershed Review Board.
- D. **Maintain Records of Amendments Related to the Provisions of this Ordinance.** The Planning Director shall keep records of all amendments to this Ordinance and shall provide copies of all amendments upon adoption to the Supervisor of the Classification and Standards Group, Water Quality Section, Division of Environmental Management, North Carolina Department of Environmental Quality (NCDEQ).
- E. **Maintain Records of Variances.** The Planning Director shall keep a record of variances and exceptions granted in accordance with this Ordinance. This record shall be submitted to the North Carolina Division of Water Quality on or before January 1 of each year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

3-3. WATERSHED CLASSIFICATIONS AND SUBAREAS ESTABLISHED

The following watershed classifications and subareas are established for designated Public Water Supply Watersheds in Lewisville. The boundaries of each subarea are shown on the Watershed Map.

3-3.1. WATERSHED CLASSIFICATIONS

The following watershed classifications are established for designated water supply watersheds and protected areas in Lewisville:

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- A. **WS-IV Watersheds.** The Yadkin River Watershed is subdivided into the Upper and Lower Watersheds and designated as protected areas for water supply intakes on the Yadkin River.

Table C.3.1 Water Supply Watershed Classification

ACTIVITY/USE	WATER SUPPLY WATERSHED CLASSIFICATION
	WS-IV PA
New Landfills	Yes
New permitted residual land application	Yes
New permitted petroleum contaminated soils sites	Yes
NPDES General or Individual Stormwater discharges	Yes
NPDES General Permit Wastewater Discharges pursuant to 15A NCAC 02H .0127	Yes
NPDES Individual Permit trout farm discharges	Yes
NEW NPDES Individual Permit treated domestic wastewater discharge	Yes
NEW NPDES Individual Permit treated Industrial wastewater discharge	Yes
Non-process industrial waste	Yes
New industrial connections and	Yes

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ACTIVITY/USE	WATER SUPPLY WATERSHED CLASSIFICATION
	WS-IV PA
expansions to existing municipal discharge with pretreatment program pursuant to 15A NCAC 02H .0904	
Sewage	No ^a
Industrial Waste	No ^a
Other wastes	No ^a
Groundwater remediation project discharges ^b	Yes
Agriculture ^c	Yes
Siviculture ^d	Yes
Residential Development ^h	Yes
Non-residential Development ^{e,f}	Yes
Nonpoint Source Pollution ^g	Yes
Animal Operations ^h	Yes

^a Only allowed if specified in 15A NCAC 02B .0104

^b Non-Point Source pollution shall not have adverse impact, as defined in 15A NCAC 02H .1002, on use as water supply or any other designated use

^c Critical Areas of WS-IV watersheds, agricultural activities conducted after 1/1/1993 shall maintain a minimum 10- foot vegetated setback or equivalent control as determined by Soil and Water Conservation Commission along all perennial waters indicated on most recent version of USGS 1:24000 scale (7.5 minute) topographic maps or as determined by local government studies

^d Subject to Forest Practice Guidelines Related to Water Quality (02 NCAC 60C .0100 to .0209) Effective 4/1/2018

^e See density requirements in 15A NCAC 02B .0624

^f See different allowed and not allowed in this table

^g Non-Point Source pollution shall not have adverse impact, as defined in 15A NCAC 02H .1002, on use as water supply or any other designated use

^h Deemed permitted, as defined in 15A NCAC 02T .0103 and permitted under 15A NCAC 2H .0217.

3-3.2. RULES GOVERNING THE INTERPRETATION OF WATERSHED AREA BOUNDARIES

Where uncertainty exists or where a person disputes the boundaries of the watershed or any watershed subareas, as shown on the Watershed Map, the following rules shall apply:

- A. **Constructed Features.** Where area boundaries are indicated as approximately following either street, alley, railroad or highway lines, or centerlines thereof, such lines shall be constructed to be said boundaries.
- B. **Lot Lines.**
1. Where area boundaries are indicated as approximately following lot lines, such lot lines shall be constructed to be said boundaries. However, a surveyed plat prepared by a registered land surveyor may be submitted to the Town of Lewisville as evidence that one or more properties along these boundaries do not lie within the watershed area.
 2. Where the watershed area boundaries lie at a scaled distance more than twenty-five (25) feet from any parallel lot line, the location of watershed area boundaries shall be determined by use of the scale appearing on the watershed map. Any ambiguities should be resolved in favor of locating built-upon surface area in the least environmentally sensitive area of the project.
 3. Where the watershed area boundaries lie at a scaled distance of twenty-five (25) feet or less from any parallel lot line, the location of watershed area boundaries shall be constructed to be the lot line.

Determination by the Watershed Administrator. Where other uncertainty exists, the Stormwater Administrator shall interpret the *Watershed Map* to location of such boundaries. This decision may be appealed to the Zoning Board of Adjustment.

3-3.3. DENSITY AND BUILT-UPON LIMITS

- A. **Project Density.** The following maximum allowable project densities and minimum lot sizes outlined in *Table C.3.2 Maximum Allowable Project Density or Minimum Lot Size* shall apply to a project according to the classification of the water supply watershed where it is located, its relative location in the watershed, its project density, and the type of development.

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Table C.3.2 Maximum Allowable Project Density or Minimum Lot Size

Water Supply Classification	Location in Watershed	Maximum Allowable Project Density or Minimum Lot Size		
		Low Density Development		High Density Development
		Single-Family Detached Residential	Non-Residential and All Other Residential	All Types
WS-IV	Critical Area	1 du per one-half acre or 1 du per 20,000 square foot lot excluding roadway right-of-way or 24% built upon area	24% built-upon area	24 to 50% built upon area
	Protected Area	1 du per one-half acre or 1 du per 20,000 square foot lot excluding roadway right-of-way or 24% built-upon area; or 3 dus per acres or 36% built-upon area without curb and gutter street system	24% built-upon areas; or 36% built-upon areas without curb and gutter street system	24 to 70% built-upon area

B. Calculation of Project Density. The following requirements shall apply to the calculation of project density.

1. Project density shall be calculated as the total built-upon areas divided by the total project area;

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2. A project with "Existing Development," as defined in this Ordinance, may use the calculation method in sub-item 1 noted above of this Item or may calculate project density as the difference of total built-upon area minus existing built-upon area divided by the difference of total project area minus existing built-upon area.
 3. Expansions to Existing Development shall be subject to 15A NCAC 02B .0624 except as excluded in Rule 15A NCAC 02B .0622 (1)(d).
 4. Where there is a net increase of built-upon area, only the area of net increase shall be subject to density and built upon area limits.
 5. Where Existing Development is being replaced with new built-upon area, and there is a net increase of built-upon area, only the area of net increase shall be subject to density and built upon area limits.
 6. Total project area shall exclude the following:
 - (1) areas below the Normal High Water Line (NHWL); and
 - (2) areas defined as "coastal wetlands" pursuant to 15A NCAC 07H .0205, herein incorporated by reference, including subsequent amendments and editions, and available at no cost at <http://reports.oah.state.nc.us/ncac.asp>, as measured landward from the NHWL; and
 7. Projects under a common plan of development shall be considered as a single project for purposes of density calculation except that on a case-by-case basis, the Town of Lewisville may allow projects to be considered to have both high- and low-density areas based on one or more of the following criteria:
 - (1) natural drainage area boundaries;
 - (2) variations in land use throughout the project; or
 - (3) construction phasing.
- C. **Low Density Projects.** In addition to complying with the project density requirements, low density projects shall comply with the following:
1. **Vegetated Conveyances.** Stormwater runoff from the project shall be released to vegetated areas as dispersed flow or transported by vegetated conveyances to the maximum extent practicable. In determining whether this criterion has been met, the Town of Lewisville shall take into account site-specific factors such as

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topography and site layout as well as protection of water quality. Vegetated conveyances shall be maintained in perpetuity to ensure that they function as designed. Vegetated conveyances that meet the following criteria shall be deemed to satisfy the requirements of this Sub-Item:

- (1) Side slopes shall be no steeper than 3:1 (horizontal to vertical) unless it is demonstrated to the Town of Lewisville that the soils and vegetation will remain stable in perpetuity based on engineering calculations and on-site soil investigation; and
 - (2) The conveyance shall be designed so that it does not erode during the peak flow from the 10-year storm event as demonstrated by engineering calculations.
2. **Curb Outlet Systems.** In lieu of vegetated conveyances, low density projects shall have the option to use curb and gutter with outlets to convey stormwater to grassed swales or vegetated areas. Requirements for these curb outlet systems shall be as follows:
 - (1) The curb outlets shall be located such that the swale or vegetated area can carry the peak flow from the 10-year storm and at a non-erosive velocity;
 - (2) The longitudinal slope of the swale or vegetated area shall not exceed five percent except where not practical due to physical constraints. In these cases, devices to slow the rate of runoff and encourage infiltration to reduce pollutant delivery shall be provided;
 - (3) The swale's cross section shall be trapezoidal with a minimum bottom width of two feet;
 - (4) The side slopes of the swale or vegetated area shall be no steeper than 3:1 (horizontal to vertical);
 - (5) The minimum length of the swale or vegetated area shall be 100 feet; and
 - (6) Low density projects may use treatment swales designed in accordance with 15A NCAC 02H .1061 in lieu of the requirements specified in Sub- Items (a) through (e) of this Sub-Item.

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D. **High-Density Projects.** In addition to complying with the project density requirements, high density projects shall comply with the following:

1. Stormwater Control Measures (SCMs) shall be designed, constructed, and maintained so that the project achieves either "runoff treatment" or "runoff volume match" as those terms are defined in 15A NCAC 02B .0621;
2. For high density projects designed to achieve runoff treatment, the required storm depth shall be one inch. Applicants shall have the option to design projects to achieve runoff volume match in lieu of runoff treatment;
3. Stormwater runoff from off-site areas and Existing Development, shall not be required to be treated in the SCM. Runoff from off-site areas or existing development that is not bypassed shall be included in sizing of on-site SCMs;
4. SCMs shall meet the relevant Minimum Design Criteria set forth in 15A NCAC 02H.1050 through .1062; and
5. Stormwater outlets shall be designed so that they do not cause erosion downslope of the discharge point during the peak flow from the 10-year storm event as shown by engineering calculations.

E. **Implementing Project Density.** The Town of Lewisville shall have the following options in place of or in addition to the requirements of *Table C.3.2 Maximum Allowable Project Density or Minimum Lot Size*, as appropriate:

1. The Town of Lewisville may regulate low density single-family detached residential development using the minimum lot size requirements, dwelling unit per acre requirements, built-upon area percentages, or some combination of these.
2. **Optional 10/70 Rule.** Outside of the WS-I watersheds and the critical areas of WS-II, WS-III, and WS-IV watersheds, the Town of Lewisville may regulate new development under the "10/70 option" in accordance with the following requirements:
 - (1) A maximum of 10 percent of the land area of a water supply watershed outside of the critical area and within Lewisville's planning jurisdiction may be developed with new development projects and expansions of existing development of up to 70 percent built-upon area.

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- (2) In water supply watersheds classified on or before August 3, 1992, the beginning amount of acreage available under this option shall be based on a local government's jurisdiction as delineated on July 1, 1993. In water supply watersheds classified after August 3, 1992, the beginning amount of acreage available under this option shall be based on a local government's jurisdiction as delineated on the date the water supply watershed classification became effective. The acreage within the critical area shall not be counted towards the allowable 10/70 option acreage;
 - (3) Projects that are covered under the 10/70 option shall comply with the low density requirements set forth in Item C above. Otherwise, they shall be classified and regulated as high-density projects according to the requirements set forth in Item D;
 - (4) The maximum built-upon area allowed on any given new development project shall be 70 percent;
 - (5) The Town of Lewisville may transfer, in whole or in part, its right to the 10/70 land area to another local government within the same water supply watershed upon submittal of a joint resolution and approval by the Commission; and
 - (6) When the water supply watershed is composed of public lands, such as National Forest land, Lewisville may count the public land acreage within the watershed outside of the critical area in calculating the acreage allowed under this provision.
3. New development shall meet the development requirements on a project-by-project basis except that the Town of Lewisville may submit ordinances that use density or built-upon area criteria averaged throughout the local government's watershed jurisdiction instead of on a project-by-project basis within the watershed. Prior to approval of the Ordinance, the Lewisville Town Council shall demonstrate to the Commission that the provisions as averaged meet or exceed the statewide minimum requirements and that a mechanism exists to ensure the planned distribution of development potential throughout the local government's jurisdiction within the watershed.

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4. The Town of Lewisville may administer oversight of future development activities in single-family detached residential developments that exceed the applicable low density requirements by tracking dwelling units rather than percentage built-upon area, as long as the SCM is sized to capture and treat runoff from 1) all pervious and built-upon surfaces shown on the development plan and 2) any off-site drainage from pervious and built-upon surfaces, and when an additional safety factor of 15 percent of built-upon area of the project site is figured in.

F. Density Averaging.

1. An applicant may average development density on up to two noncontiguous properties for purposed of achieving compliance with the water supply watershed development standards if all of the following circumstances exist:
 - (1) The properties are within the same water supply watershed. However, if one of the properties is located in the critical area of the watershed, the critical area property shall not be developed beyond the applicable density requirements for its classification.
 - (2) Overall project density meets applicable density or stormwater control requirements under 15A NCAC 2B .0200.
 - (3) Vegetated setbacks on both properties meet the minimum statewide water supply watershed protection requirements.
 - (4) Built upon areas are designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.
 - (5) Areas of concentrated density development are located in upland areas and, to the maximum extent practicable, away from surface waters and drainageways.
 - (6) The property or portions of the properties that are not being developed will remain in a vegetated or natural state and will be managed by a homeowners' association or similar entity as common area, conveyed to the Town of Lewisville as a park or greenway, or placed under a permanent conservation or farmland preservation easement unless it can be demonstrated that

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Lewisville can ensure long-term compliance through deed restrictions and an electronic permitting mechanism. A metes and bounds description of the areas to remain vegetated and limits on use shall be recorded on the subdivision plat, in homeowners' covenants, and on individual deeds. Any such limitations or restrictions on use shall be irrevocable.

- (7) Development permitted under density averaging and meeting applicable low density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.
- (8) A special use permit shall be obtained from the Zoning Board of Adjustment to ensure that both properties considered together meet the standards of the watershed ordinance and that potential owners have record of how the watershed regulations were applied to the properties.

3-3.4. [WATERSHED SUBAREAS] RESERVED

3-3.5. SUBDIVISION REGULATIONS IN THE WATERSHED AREA GENERAL PROVISIONS

- A. No subdivision plat of land within the Water Supply Watershed shall be filed or recorded by the Register of Deeds until it has been approved in accordance with the provisions of this Article. Likewise, the Clerk of Superior Court shall not order or direct the recording of a plat if the recording of such plat would conflict with this Article.
- B. The approval of a plat by itself does not constitute acceptance by the Town of Lewisville the dedication of any street or other ground, easement, right-of-way, public utility line, or other public facility shown on the plat and shall not be construed to do so.
- C. All subdivisions shall conform with the mapping requirements contained in G.S. 47-30.
- D. All subdivisions of land within the jurisdiction of Lewisville after the effective date of this Ordinance shall require a plat to be prepared, approved, and recorded pursuant to the requirements of this Ordinance.
- E. **Subdivision Application and Review Procedures.**

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1. All proposed subdivisions shall be reviewed prior to recording with the Register of Deeds by submitting a preliminary plat to the Watershed Administrator to determine whether or not the property is located within the designated Water Supply Watershed. The preliminary plat shall include a description of the proposed method of providing storm water drainage, and supporting documentation deemed necessary by the Watershed Administrator or the Watershed Review Board.
2. Subdivisions within the designated watershed area shall comply with the provisions of this Ordinance and all other state and local requirements that may apply.
3. The Watershed Administrator shall review the preliminary and final plat for any properties located within a regulated watershed according to the procedures described in *Chapter A.6-3.10(C) Approval Process for Preliminary Major Subdivisions*. The Watershed Administrator or the Watershed Review Board may provide public agencies an opportunity to review and make recommendations. Said public agencies may include, but are not limited to, the following:
 - (1) The NCDOT district highway engineer;
 - (2) The Winston-Salem/Forsyth County Division of Environmental Health (EHS);
 - (3) The Winston-Salem/Forsyth County Utilities Division (CCUC);
 - (4) The Winston-Salem/Forsyth Division of Erosion Control (WS/FC DEC);
 - (5) The NC Division of Water Resources (NC DWR);
 - (6) The NC Department of Environmental Quality (NC DEQ);
 - (7) The NC Department of Energy, Minerals and Land Resources (NC DEMLR).

F. Subdivision Standards and Required Improvements.

1. All lots shall provide adequate building space in accordance with the development standards contained in in this Ordinance. Lots smaller than the minimum required for residential lots may be developed using built-upon area criteria in accordance with this Ordinance.
2. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

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3. **Storm Water Drainage Facilities.** The subdivision application shall be accompanied by a description of the proposed method of providing storm water drainage. No final plat shall be approved until the subdivider receives a Stormwater Management Permit from the Lewisville Stormwater Administrator, designees, or other authorized Town official.
4. **Erosion and Sedimentation Control.** The application shall be accompanied by the Sedimentation and Erosion Control Plan approval by the WS/FC DEC, NC DEQ or NC DEMLR.

3-3.6. CLUSTER DEVELOPMENT

Cluster Development is allowed in all Watershed Areas, except WS-I, under the following conditions:

- A. Maximum lot sizes are not applicable to single family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single family detached developments in *Section C.3-3.3 Density and Built-Up On Areas*. Density of built-upon area for the project shall not exceed that allowed for the critical areas, balance of watershed, or protected area, whichever applies.
- B. All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.
- C. All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.
- D. The remainder of the tract shall remain in a vegetated or natural state. The title to the open space area shall be conveyed to an incorporated homeowners association for management; to a local government for preservation as a park or open space; or to a conservation organization for preservation in a permanent easement.
- E. The remainder of the tract shall remain in a vegetated or natural state. The title to the open space area shall be conveyed to an incorporated homeowners association

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for management; to a local government for preservation as a park or open space; or to a conservation organization for preservation in a permanent easement.

3-4. PROHIBITED AND RESTRICTED USES AND ACTIVITIES

3-4.1. PROHIBITED USES

- A. **Protection Area of WS-IV Watersheds.** In the Protection Areas of WS-IV watersheds, new sanitary landfills and new sites for land application of sludge residuals or petroleum contaminated soils shall be prohibited.

3-4.2. SPILL CONTAINMENT STRUCTURES REQUIRED

New nonresidential development must incorporate adequately designed, constructed, and maintained spill containment structures and mechanisms for the hazardous materials used, stored, or manufactured on the premises. Adequately designed, constructed, and maintained shall mean that measures are taken to contain any and all spilled materials to ensure no adverse environmental impacts occur. Certification from a registered professional engineer that adequate spill containment structures are in place is required prior to the issuance of a Stormwater Management occupancy permit.

3-5. STREAM BUFFERS

3-5.1. APPLICABILITY

- A. **Requirement.** Stream Buffers shall be required for all intermittent and perennial surface waters. Surface waters shall be deemed present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). Additionally, any perennial or intermittent surface waters not depicted on these maps but identified by a licensed land surveyor, soil scientist, engineer or other qualified official are subject to riparian buffer requirements.

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- B. **Exemptions.** Where USGS topographic maps do not distinguish between perennial and intermittent streams, an on-site stream determination may be performed by an individual qualified to perform such stream determinations according to criteria established by the NC Division of Water Resources.
- C. **Indicated on Site Plans and Plats.** Required stream buffers shall be indicated on all site plans and subdivision plats.

3-5.2. RIPARIAN BUFFER STANDARDS

- A. **Width.** A minimum one hundred (100) foot vegetative setback is required on each side of any stream or water body for all new development activities that exceed the low density option; otherwise, a minimum thirty (30) foot vegetative setback is required for all intermittent and perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies, licensed land surveyor, soil scientist, engineer or other qualified official.
- B. **Development in the Stream Buffer.** No new development is allowed in the buffer except for water dependent structures, other structures such as flag poles, signs, and security lights which result in only diminutive increases in impervious area and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices.
- C. **Streambank Stabilization.** Desirable artificial streambank or shoreline stabilization is permitted in the stream buffer.

3-6. WATER QUALITY AND SUPPLY

3-6.1. GENERAL

No activity, structure or land use shall be allowed within the watershed which poses a threat to water quality. Threats may arise from inadequate on-site wastewater treatment facilities systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for

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hazardous materials; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.

3-6.2. ABATEMENT

- A. **Identification.** The Watershed Administrator shall monitor land use activities within the watershed areas to identify situations that may pose a threat to water quality.
- B. **Reporting.** The Watershed Administrator may report any threats to water quality to the Watershed Review Board, NC DEQ, NC DEMLR, the NC Environmental Management Commission and any other agency charged with the protection of water quality and supply.
- C. **Actions.** Where the Watershed Administrator or Watershed Review Board finds a potential threat to water quality, public health, safety or welfare, any and all available actions and proceedings may be pursued to restrain, correct or abate the condition and/or violation.

3-7. DEVELOPMENT STANDARDS

3-7.1. GENERAL PROVISIONS

A. Planning Board Review.

- 1. When approving major subdivisions plats and site plans as required under this Ordinance in designated watershed, the Planning Board shall find the following provisions have been met:
 - (1) Areas with impervious surface cover are designed and sited to minimize stormwater runoff and limit concentrated stormwater flow; and
 - (2) Land disturbance is minimized, existing vegetated areas are retained to the maximum degree possible, and all undeveloped areas of the site will be revegetated to promote stormwater infiltration.

3-7.2. DEVELOPMENT STANDARDS

Unless specifically exempted in *Section C.3-8.1 Applicability*, all subdivisions of land and development in designated watersheds shall meet the provisions below.

A. General Provisions For Residential Development.

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1. **Minor Subdivisions.** Lots in minor subdivisions subject to administrative approval must meet the minimum size requirements for the respective watershed subarea described below.
2. **Major Subdivisions, Planned Residential Developments, and Multi-family Developments.** New residential development in major subdivisions, planned residential developments, and multi-family developments must meet the minimum lot size, the maximum average density, or the maximum built-upon area requirements of the respective watershed subarea as required below.
3. **Recording Ownership Requirements.**
 - (1) **Average Density Alternative.** If an applicant chooses the average density alternative, restrictions preventing further lot subdivision and maintaining common/open space must be shown on the face of the plat and included as deed covenants for all properties.
 - (2) **Built-Upon Area Alternative.** If the applicant chooses the maximum built-upon area alternative, the square footage or acreage for roads, common/open spaces, multi-family and single-family residential structures must be shown on the face of the plat and included as deed covenants for each property.
 - (3) **Ownership of Common and Open Space.** Except as required in other sections of this Ordinance, common space and open space may be retained in private ownership or may be transferred to a homeowner's association, a governmental unit, a conservation organization or similar entity.

B. Requirements For WS-IV Watersheds.

1. **Critical Area.** The following provisions apply in the Critical Area of WS-IV watersheds:
 - (1) **Residential Development Requirements.**
 - i. **Minimum Lot Size.** The minimum lot size shall be at least twenty thousand (20,000) square; or
 - ii. **Maximum Average Density.** The average density shall not exceed two (2) dwelling units per acre; or

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iii. **Maximum Built-Up Area.** The built-upon area shall not exceed twenty-four percent (24%) of the site.

(2) **Nonresidential Development Requirements.** The built-upon area of nonresidential development shall not exceed twenty-four percent (24%) of the site.

2. **Protected Areas of the Watershed.** The following provisions apply in the Protected Areas of the Watershed in WS-IV watersheds:

(1) **For Projects Without a Curb and Gutter Street System.** For subdivisions and development without a curb and gutter street system, the following provisions shall apply:

i. **Residential Development Requirements.**

a. **Minimum Lot Size.** The minimum lot size shall be at least twenty thousand (20,000) square feet; or

b. **Maximum Average Density.** The average density shall not exceed three (3) dwelling units per acre; or

c. **Maximum Built-Up Area.** The built-upon area shall not exceed thirty-six percent (36%) of the site.

ii. **Nonresidential Development.** The built-upon area of nonresidential development shall not exceed thirty-six percent (36%) of the site.

(2) **For Projects with a Curb and Gutter Street System.** For subdivisions and development with a curb and gutter street system, the following provisions shall apply:

i. **Residential Development Requirements.**

a. **Minimum Lot Size.** The minimum lot size shall be at least twenty thousand (20,000) square feet; or

b. **Maximum Average Density.** The average density shall not exceed one (1) dwelling per twenty thousand (20,000) square feet; or

c. **Maximum Built-Up Area.** The built-upon area shall not exceed twenty-four percent (24%) of the site.

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ii. **Nonresidential Development.** The built-upon area of nonresidential development shall not exceed twenty-four percent (24%) of the site.

(3) **Special Intensity Development Allocation.** In Lewisville's zoning jurisdiction, non-single residential family uses may seek a special intense development allocation (SIDA) in accordance with the provisions of *Section C.3-7.2(C) Lewisville Special Intensity Development Allocation (SIDA)*.

C. Lewisville Special Intensity Development Allocation (SIDA).

1. General Provisions.

- (1) **Special Intensity Allocation Established.** This section establishes a special intense development allocation (SIDA) to permit development of up to seventy percent (70%) built upon area on a project by project basis in the designated WS-IV watershed areas regulated by these standards in Lewisville's zoning jurisdiction.
- (2) Established Pursuant to NC Water Supply Protection Rules.
 - i. These provisions are established pursuant to the North Carolina Water Supply Watershed Protection Rules which permit up to ten percent (10%) of the WS-IV Protected Areas delineated as of July 1, 1995 to be developed with seventh percent (70%) built upon surface area.
 - ii. This section provides for allocation of five percent (5%) of the land area in each jurisdiction's land area, with the remaining five percent (5%) to be held in reserve for future allocation by the Lewisville Board of Commissioners.
- (3) **Available Acreage.** The total acreage of land area located in the Yadkin River Watershed WS-IV area in Lewisville is delineated as of July 1, 1995.
- (4) **Allocation and Averaging.**
 - i. The Watershed Administrator may grant a SIDA of up to seventy percent (70%) built upon area on all or part of the land area of a project.
 - ii. The SIDA may be averaged throughout the project.
- (5) **Transfer of Acreage to Other Local Governments.**

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- i. The Lewisville Town Council may transfer any portion of the available acreage to another local government having jurisdiction in the respective watershed area for projects that meet a countrywide need or that provide a significant economic benefit to the Town.
- ii. The acreage shall be transferred by adoption of a joint resolution of the Forsyth County Board of Commissioners and the Lewisville Town Council.
- iii. The joint resolution shall be submitted to the Environmental Management Commission for review.

2. Application and Submittal Requirements.

(1) Application and Site Plan.

- i. Applications for a SIDA shall be submitted to the Planning Director and shall include a site plan in conformance with the Form 1 Submittal Requirements of *Section A.4-3.10(H) Form 1 Submittal Requirements*.
- ii. The Lewisville Watershed Administrator in conjunction with the Town Council, may choose to prioritize SIDA applications based on the degree of benefit to the Town and its residents.
- iii. The Planning Director may request additional information from the applicant in order to assess whether the application meets the approval criteria listed at *Section C.3-7.2(C)(3) Criteria for Approval*.
- iv. The application shall also include a fee for site plan review as established by the Town Council.

(2) Stormwater Controls Required.

- i. **For All Projects in the WS-IV Watersheds.**
 - a. Developments granted a SIDA in WS-IV watersheds must utilize stormwater controls based on the stormwater quality management permit requirements of *Section C.3-8.2(A) Stormwater Management Permits*.
 - b. The required site plan shall include the proposed location of the stormwater control measures.

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(3) **Site Design Requirements.**

- i. As required by the State of North Carolina under the water supply protection rules, each project granted a SIDA must to the maximum extent practicable minimize built-upon surface area, direct stormwater runoff from surface waters and incorporate best management practices to minimize water quality impacts.
- ii. The Planning Director, Watershed Review Board, and/or Town Council may impose site plan conditions in order to meet these requirements.

(4) **Staff Review.** The Planning Director will review the application and prepare a report with a summary of findings.

3. **Criteria For Approval.** The Planning Director or Watershed Review Board and/or Town Council may approve the application for a SIDA based upon the project meeting all the following criteria:

- (1) The proposed project is in conformance with the adopted Lewisville Comprehensive Plan.
- (2) The proposed project land use and site design are compatible with the general character of the area and surrounding land uses.
- (3) The proposed project provides a significant benefit to the residents of Lewisville and visitors.
- (4) The proposed project does not pose a threat to the environment, especially water quality, and appropriate measures will be taken to minimize any potential negative environmental impacts.
- (5) The proposed project has adequate transportation access, including proximity to major or minor throughfares.

4. **Other Provisions.**

(1) **Permits Following Approval of SIDA.**

- i. If a SIDA request is approved, the Watershed Admin may grant any necessary permits subject to the approved site plan or other requirements of this Ordinance.

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- ii. All necessary permits must be obtained prior to the issuance of occupancy permits.

(2) **Appeal or Denial.**

- i. If the request is denied by the Planning Director, the applicant may appeal the determination to the Watershed Review Board within thirty (30) days within having received written notice of the denial.

(3) **Expiration of Allocation.**

- i. The SIDA shall expire if occupancy permits are not obtained for the project within two (2) years of approval of the SIDA by the.
- ii. If occupancy permits are issued for a portion of the project within the two (2) year period, the SIDA will be extended for one additional two (2) year period.
- iii. Applicants may resubmit requests for expired allocations.

- (4) **Maintenance of Records.** The watershed administrator shall keep a record of all allocations and permits issued under the SIDA provisions.

3-8. STORMWATER MANAGEMENT PLAN

3-8.1. APPLICABILITY

The landowner or owner's agent for any new or redevelopment must submit a Stormwater Management Plan, hereinafter ("Plan"), demonstrating how post-development stormwater runoff will be controlled and managed, the design of all stormwater facilities and practices, and how the proposed project will meet the requirements of this Ordinance. Stormwater facilities may consist of non-structural approaches such as natural swales, depressions in the land and other natural approaches; or structural approaches such as detention structures (wet and dry basins), extended detention facilities, and alternative Stormwater Control Measures with provisions for stormwater quantity control. A combination of non-structural and structural approaches is encouraged. A plan, in accordance with the requirements of this Ordinance, shall be submitted to the Stormwater Administrator.

- A. **Requirements.** All submitted Stormwater Management Plans to be considered complete must include the following:

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1. A Location Map.
2. Site plans showing existing and proposed conditions, including: buildings, lots, streets, roads, contours, utilities, existing and proposed impervious surfaces, boundaries of existing predominant vegetation and proposed limits of clearing and grading. Site plans shall be dated, indicate the direction of North. Note: If applicable, when the development includes public street and utility construction, plans for these streets and plans for water, sanitary sewer, and storm sewer facilities shall be submitted to the Stormwater Administrator following approval by North Carolina DOT of plans for streets and roads. For each phase of the proposed construction, street and utility construction plans shall include all improvements lying within or adjacent to that phase and all water, sanitary sewer, and storm sewer lines lying outside that phase and being required to serve that phase.
3. Pre- and post-development drainage areas, including offsite drainage entering the development and time of concentration flow paths depicted on the drainage maps.
4. Existing and proposed drainage components, such as streams, lakes, ponds, wetlands, culverts, ditches, swales, and soil conditions.
5. Riparian buffers with zones identified and conservation corridors, where required.
6. All drainage and stormwater management facility easements, where required.
7. All designated floodways, non-encroachment areas and flood hazard areas.
8. Hydrologic/Hydraulic Analyses of the specified storm events for the proposed stormwater management facilities.
9. Stormwater management facilities design data included:
 - (1) Engineering calculations,
 - (2) Total area of proposed impervious surfaces, in square feet,
 - (3) Total disturbed land area, in square feet,
 - (4) Total drainage area upstream of each facility, in acres.
10. Analyses with descriptions of any potential effects of stormwater runoff quantity and/or quality from the development on any downstream or upstream properties.

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11. Data demonstrating the ability of the drainage way(s) to handle stormwater runoff.
12. Additional requirements for the Stormwater Management Plan can be found in the NCDEQ Design Manual.

B. **Effective Date.** The effective date of this Ordinance shall be the date of its adoption by the Town Council.

3-8.2. PERMITS

A. Stormwater Management Permits.

1. **Permit Required.** Unless exempt pursuant with *Section C.3-1.7 Exemptions to Applicability*, no building or built-upon area shall be erected or expanded, nor shall any building or zoning permit be issued, until a Stormwater Management permit has been issued by the Stormwater Administrator. No Stormwater Management permit shall be issued except in conformity with the provisions of this Ordinance.
2. **Application for Permit.** Stormwater Management permit applications shall be filed with the Stormwater Administrator. The application shall include a completed application form, supporting documentation deemed necessary by the Stormwater Administrator, and the application fee as established by *Section C.3-8.3 Application and Inspection Fees*.
 - (1) An application shall be considered as timely submitted only when it contains all elements of a complete application pursuant to this Ordinance, along with any required fees. If the Stormwater Administrator finds that an application is incomplete, the applicant shall be notified of the deficient elements and shall be provided with an opportunity to submit a complete application. However, the submittal of an incomplete application shall not suffice to meet a deadline contained in the submission schedule.
3. **Review.** Within thirty (30) working days after a complete application is submitted, the Stormwater Administrator shall review the application and determine whether the application complies with the standards of this Ordinance.
 - (1) **Approval.** If the Stormwater Administrator finds that the application complies with the standards of this Ordinance, the Stormwater Administrator shall approve the application and notify the applicant in writing. The Stormwater

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Administrator may impose conditions of approval as needed to ensure compliance with this Ordinance. The conditions shall be included as part of the approval.

- (2) **Fails to Comply.** If the Stormwater Administrator finds that the application fails to comply with the standards of this Ordinance, the Stormwater Administrator shall notify the applicant and shall indicate how the application fails to comply. The applicant shall have an opportunity to submit a revised application.
- (3) **Revision and Subsequent Review.** A complete revised application shall be reviewed by the Stormwater Administrator within thirty (30) working days after its re-submittal and shall be approved, approved with conditions or disapproved.
 - i. If a revised application is not re-submitted within thirty (30) calendar days from the date the applicant was notified, the application shall be considered withdrawn, and a new submittal for the same or substantially the same project shall be required along with the appropriate fee.
 - ii. One re-submittal of a revised application may be submitted without payment of an additional permit review fee. An additional permit review fee will be required for resubmissions, determined according to the current schedule of fees.

4. Applications for Approval.

- (1) **Concept Plan and Consultation Meeting.** A consultation meeting with the Stormwater Administrator is highly encouraged before submitting a stormwater management concept plan application. The purpose of the consultation is to discuss the post-construction stormwater management measures necessary for the proposed project, including assessment of constraints, opportunities and potential approaches to stormwater management designs before formal site design engineering begins. The Watershed Map, the *Lewisville Comprehensive Plan*, the *Lewisville Transportation Plan*, and other relevant resource protection plans may be consulted in the discussion of the concept plan. The concept plan should be submitted before the consultation and contain the following information:

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- (2) **Existing Conditions/Proposed Site Plans.** Existing conditions and proposed site layout sketch plans, which illustrate at a minimum: existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys (when available); boundaries of existing predominant vegetation and proposed limits of clearing and grading; and location of existing and proposed roads, buildings, parking areas and other impervious surfaces.
- i. **Natural Resources Inventory.** A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, geologic features, topography, wetlands, and native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and conservation areas such as lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development and stormwater management.
 - ii. **Stormwater Management System Concept Plan.** A written or graphic concept plan of the proposed post-development stormwater management system including: preliminary selection and location of proposed structural stormwater controls; low impact design elements; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of proposed stream channel modifications, such as bridge or culvert crossings.
- (3) **Stormwater Management Permit Application.** The stormwater management permit application shall be accompanied by an Operations and Maintenance Agreement and detailed Stormwater Management Plans showing how post-development stormwater runoff will be controlled and managed and how the proposed project will meet the requirements of this Ordinance, including *Section C.3-7 Development Standards*. All such plans

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shall be prepared by a licensed or registered professional engineer, land surveyor, landscape architect and/or soil scientists, who shall certify, under seal, that the design of all stormwater management facilities and practices meets the submittal requirements for complete applications, according to the terms of this Ordinance.

5. **Consultation on Permit Issuance.** Prior to issuing a Stormwater Management permit, the Stormwater Administrator may consult with qualified personnel to determine if the application meets the requirements of this Ordinance.
6. **Effect of Approval.** Approval authorizes only the plans and activities specified in the permit. The approval shall not be construed to exempt the applicant from obtaining other applicable approvals from local, state, and federal authorities.
7. **Permit Expiration.** An approved plan shall be nullified if the applicant does not make substantial progress within one (1) year after the date of permit approval. The Stormwater Administrator may grant two, one-year extensions after receiving a written request from the applicant before the expiration of the originally approved plan.

B. Final Permit.

1. **Certified As-Built Plans.** No structure that has been built or enlarged, may be occupied until the Stormwater Administrator has received and approved Certified As-Built Plans and issued a Stormwater Management Permit. The as-built plans shall be certified or sealed by the preparer. The plans shall show the final design specifications for and the location of all stormwater control measures, in conformance with this Ordinance. If applicable, the Stormwater Administrator shall provide a final inspection before the release of any performance guarantees.

- C. **Denial of Permit.** If the Stormwater Management permit is denied, the Stormwater Administrator shall notify the applicant in writing stating the reasons for denial.

3-8.3. APPLICATION AND INSPECTION FEES

- A. **Payment of Fees.** Payment of any applicable fees is required before a Stormwater Management Permit may be issued.

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- B. **Fees Established.** Permit application fees shall be determined by the Lewisville Town Council and published in the current schedule of fees.

3-9. MAINTENANCE

3-9.1. GENERAL STANDARDS FOR MAINTENANCE

- A. **Function of SCMs as Intended.** The owner of each structural SCM installed pursuant to this Ordinance shall maintain and operate it so as to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the structural SCM was designed.
- B. **Annual Maintenance Inspection and Report.** The person responsible for maintenance of any structural SCM installed pursuant to this Ordinance shall submit to the Stormwater Administrator an annual maintenance and inspection report from a licensed North Carolina professional engineer, or certified stormwater SCM inspection and maintenance professional. All inspection reports shall be on forms supplied by the Stormwater Administrator. An original inspection report shall be provided to the Stormwater Administrator beginning one year from the date of as-built certification and each year thereafter on or before the date of the as-built certification.
1. The inspection report shall contain all of the following:
 - (1) The name and address of the land owner;
 - (2) The recorded plat book and page number indicating the location of each structural SCM;
 - (3) Confirmation that an inspection was made of all structural SCMs;
 - (4) The date the inspection was made;
 - (5) A statement that all inspected structural SCMs are performing properly and are in compliance with the terms and conditions of the approved maintenance agreement required by this Ordinance; and
 - (6) The original signature and seal of the engineer or other stormwater SCM inspection and maintenance professional.

3-9.2. OPERATIONS AND MAINTENANCE AGREEMENT

- A. **General.** Prior to the conveyance or transfer of any lot or building site to be served by a structural SCM pursuant to this Ordinance, and prior to issuance of any permit for development or redevelopment requiring a structural SCM pursuant to this Ordinance, the landowner, owner's agent or other responsible party of the site must execute an operations and maintenance agreement that shall be binding on all subsequent owners of the site, portions of the site, and lots or parcels served by the structural SCM. Until all property, sites, or lots served by a structural SCM is transferred, the original landowner or owner's agent shall be responsible for carrying out the provisions of the maintenance agreement.
1. The operations and maintenance agreement shall require the responsible party to maintain, repair and, if necessary, reconstruct the structural SCM, and shall state the terms, conditions, and schedule of maintenance. In addition, it shall grant the right of entry to the Stormwater Administrator and designees to inspect and monitor the SCM. However, in no case shall the right of entry, of itself, confer an obligation on the Town of Lewisville to assume responsibility for the structural SCM.
 2. The operations and maintenance agreement must be approved by the Stormwater Administrator referenced on the face of a final recorded plat (if applicable) and must be recorded with the Register of Deeds. A copy of the recorded maintenance agreement shall be given to the Stormwater Administrator within fourteen (14) calendar days following its recordation.
- B. **Special Requirement for Homeowners' and Other Associations.** For all SCMs required by this Ordinance that are or will be owned and maintained by a homeowners' association, property owners' association, or similar entity, ("Association") the operation and maintenance agreement ("Agreement") required by subsection A above, shall comply with the following requirements, in addition to those in *Section 3-9.2(A) General* above.
1. **Continuous Operation and Maintenance.** The Agreement shall include acknowledgement that the Association shall continuously operate and maintain the stormwater control and management facilities.
 2. **Escrow Account.**

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- (1) The Agreement shall include the establishment of an escrow account created and maintained by the Developer and Associate and then maintained by the Association.
- (2) If SCMs are not performing adequately or as intended, or not properly maintained, the Town, in its sole discretion, may remedy the situation, and in such instances the Town shall be fully reimbursed from the escrow account.
- (3) Both Developer and Association shall fund the escrow account, as follows:
 - i. Prior to plat recordation or issuance of construction permits, whichever first occurs, the Developer or Association shall establish and maintain a separate escrow account to establish, collect or retain funds for maintenance, repair, replacement and reconstruction costs for the stormwater control project's original cost of construction and shall be managed by the Association.
 - ii. The amount of the escrow account shall not exceed ten percent (10%) of the original cost to construct the SCM as estimated by the sealed engineers.
 - iii. The Developer shall deposit into the escrow account no less than two percent (2%) of the engineer's estimated costs.
 - iv. The Association shall have a period of five (5) years from acceptance of the SCM to fully deposit the required escrow amount.
 - v. The Association shall annually by January 30 of each year verify to the Stormwater Administrator, Town Manager, and/or Finance Director the amount held in the escrow account.
3. **Town's Right of Entry.** The Agreement shall grant the Town a right of entry to inspect, monitor, maintain, repair, and reconstruct SCMs.
4. **Owner Covenants.** The Agreement shall specify that each landowner, by acceptance of a deed or other instrument conveying title to a lot or building site, whether or not it shall be so expressed therein, is deemed to covenant and agree to the following:

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- (1) The payment to the Association (or to any person who may be designated by the Association to collect such monies) of a stormwater assessment, established and collected as hereinafter provided.
- (2) The annual budget for the Association shall include the stormwater assessments as a line item, and the amount budgeted shall be sufficient to satisfy the total annual inspection, management, and maintenance budget for the SCM and any replacement account. The Association shall honor its obligations under the Agreement, and the Association shall assess the stormwater assessment. Each landowner shall be obligated to pay the stormwater assessment, and whether or not the annual budget is ratified by the members of the Association. No vote of the landowners is required to levy, collect, or foreclose a stormwater assessment. Stormwater assessments shall be paid to the Association at the same time annual assessments are due.
- (3) Stormwater assessments shall be used as follows:
 - i. Payment of the actual and estimated expenses incurred or anticipated to be incurred by the Association, including any reasonable reserve funds, under any stormwater operation and maintenance agreement, including maintenance of any SCM so that it performs as designed at all times and complies with the stormwater operations and maintenance agreement, the UDO, and all applicable regulations, rules, and directives of the Town;
 - ii. Payment of legal, engineering, and other professional fees incurred by the Association in carrying out its duties as set forth in this section, or in the stormwater operations and maintenance agreement for the SCM, and
 - iii. Payments to the Town pursuant to the operations and maintenance agreement.
- (4) If the stormwater assessment is not paid within forty-five (45) days after the payment due date, a lien upon the lot or building site may be established in accordance with G.S 47F-3-116. The amount of the lien shall be the amount of the stormwater assessment against the lot or building site, together with interest at a rate not to exceed the highest rate allowed by North Carolina law, computed from the date the delinquency first occurs, any late charges, and any costs of collection incurred, including reasonable attorney's fees. The

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claim of lien shall be filed in the manner provided in G.S. 47F-3-116, in the office of the Clerk of Superior Court in the county in which the lot of building site is located. A lien so established shall be continuing lien upon the lot or building site against which the stormwater assessment is made until paid in full.

- (5) A lien established in accordance with the subsection above, may be foreclosed in accordance with North Carolina law, or in any manner permitted by law. Neither the holder of a first mortgage or first deed of trust of record, nor a purchaser of a lot or building site who obtains title to the lot or building site as a result of a foreclosure of a first mortgage or first deed of trust, nor the heirs, successors, and assigns of such purchaser, shall be liable for stormwater assessments against the lot or building site which became due prior to the purchaser's acquisition of title to the lot or building site. Any such unpaid stormwater assessments shall be deemed a debt collectible from all landowners, including the purchaser.
- (6) Each stormwater assessment, together with late charges, interest, and the costs of collection thereof, including attorney's fees, shall also be the personal obligation or corporate obligation of each individual or entity who was the owner of a lot or building site at the time when the stormwater assessment first became due and payable. If more than one individual or entity held an ownership interest in the lot or building site at the time the stormwater assessment first became due, then each individual or entity shall be both jointly and severally liable. A landowner's personal obligation for payment of stormwater assessments shall not become the personal obligation of a subsequent owner the lot of building site unless expressly assumed by the subsequent owner, although the lien shall continue against the lot or building site until the amount due is paid.
- (7) The creation of the stormwater assessments is for the benefit of the Town, and the stormwater assessments may be collected and enforced by the Town as provided herein and in other provisions of the UDO.
- (8) Additional real property annexed to the Association shall be subjected to any existing operation and maintenance agreement upon the recording of the

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document annexing the additional property, either in the form of a new agreement and/or an amendment to an existing agreement (as determined by the Town) which shall be entered into between the Town and the Association to address the SCMs of the additional property.

- (9) There shall be dedicated for the benefit of each lot or building site, the common area, and each landowner:
- i. A perpetual, irrevocable and nonexclusive easement, right, and privilege to discharge and store surface water drainage from such lot or building site or common areas into the SCM situated in private drainage easements that serve the property within the development, regardless of where the SCM is located within the development; and
 - ii. A perpetual, irrevocable, and non-exclusive easement, right, and privilege to use and maintain SCMs, including the right of access to and from the private drainage easements and other portions of the development that is reasonably necessary to maintain the SCMs.
- (10) Each Owner of any portion of the property served by the SCM is jointly and severally responsible for maintenance of the SCM, including payment of any unpaid ad valorem taxes, public assessments for improvements, and unsafe building and public nuisance abatement liens charged against the SCM, and including all interest charges thereon, together with the costs and expenses of collection incurred by the Town or other collecting entity, including court costs and reasonable attorney's fees actually incurred. Each owner of property served by the SCM has a right of contribution against all other owners of property served by the same SCM to the extent that the owner having such right of contribution pays more than such owner's pro rata share thereof.
- (11) The Agreement shall include:
- i. A statement that Agreement shall not obligate the Town to maintain or repair any structural SCMs, and the Town shall not be liable to any person for the condition or operation of SMCs;

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- ii. A statement that the Agreement shall not in any way diminish, limit, or restrict the right of the Town to enforce any of its ordinances as authorized by law; and
- iii. A provision indemnifying and holding harmless the Town, its agents, contractors, and employees for any costs and injuries arising from or related to the structural SCM, unless the Town has agreed in writing to assume the maintenance responsibility for the SCM and has accepted dedication of any and all rights necessary to carry out that maintenance.

3-9.3. INSPECTION PROGRAM

An inspections program may be instituted that describes the powers and responsibilities of the Stormwater Administrator, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies enforcing environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in SCMs; and evaluating the condition of SCMs.

If the landowner or responsible party of any property refuses to permit such inspection, the Stormwater Administrator may obtain an administrative search warrant pursuant to G.S. 15-27.2 or its successor. No person shall obstruct, hamper or interfere with the Stormwater Administrator or authorized agent while carrying out his or her official duties.

3-9.4. PERFORMANCE SECURITY

- A. **General.** The Town of Lewisville requires the submittal of a maintenance performance security or bond with surety, cash escrow, letter of credit, or other acceptable legal arrangement, prior to issuance of a permit in order to ensure that SCMs are:
- 1. Installed by the permit holder as required by the approved stormwater management plan; and/or
 - 2. Maintained by the owner as required by the operation and maintenance agreement.

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B. Amount.

1. The amount of an installation performance security shall be the total estimated construction cost of the SCMs approved under the permit, plus twenty-five percent (25%).
2. The amount of a maintenance performance security shall be the present value of an annuity of perpetual duration based on a reasonable estimate of the annual cost of inspection, operation, and maintenance of the SCMs approved under the permit, at a discount rate that reflects the Town's cost of borrowing minus a reasonable estimate of long-term inflation.

C. Default.

1. If the owner fails to construct, maintain, repair, or if necessary, reconstruct any structural SCM in accordance with the applicable permit or operation and maintenance agreement, after submitting a request to the owner to comply with the permit or maintenance agreement, the Stormwater Administrator shall obtain and use all or any portion of the security to make necessary improvements based on an engineering estimate. In the event of a default triggering the use of installation performance security, the Town shall not return any of the unused deposited cash funds or other security, which shall be retained for maintenance.
2. In the event of default, the Town may recover from the applicant, owner, or successor the costs for enforcement actions including but not limited to court costs and attorney fees.

D. Refund or Termination of Security.

1. Within sixty (60) days of the final approval, the installation performance shall be refunded to the applicant or terminated, with the exception of any amount attributable to the cost (plus twenty-five percent) of landscaping installation and ongoing maintenance associated with the SCMs covered by the security. Any such landscaping shall be inspected one year after installation with replacement for compliance with the approved plans and specifications and, if in compliance, the portion of the financial security attributable to landscaping shall be released.

3-9.5. NOTICE TO OWNERS

- A. **Deed Recordation and Indications on Plat.** The applicable operations and maintenance agreement pertaining to every structural SCM shall be referenced on the final plat and shall be recorded with the county Register of Deeds upon final plat approval. If no subdivision plat is recorded for the site, then the operations and maintenance agreement shall be recorded with the Register of Deeds so as to appear in the chain of title of all subsequent purchasers under generally accepted searching principles.
- B. **Signage.** Where appropriate in the determination of the Stormwater Administrator to assure compliance with this Ordinance, structural SCMs shall be posted with a conspicuous sign stating who is responsible for required maintenance and annual inspection. The sign shall be maintained so as to remain visible and legible.

3-9.6. RECORDS OF INSTALLATION AND MAINTENANCE ACTIVITIES

The owner of each structural SCM shall keep records of inspections, maintenance, and repairs for at least five (5) years from the date of creation of the record and shall submit the same upon reasonable request to the Stormwater Administrator.

3-9.7. NUISANCE

The owner of each stormwater SCM, whether structural or non-structural, shall maintain it so as not to create or result in a nuisance condition.

3.9.8. ILLICIT DISCHARGES

- A. **Illicit Discharges.** No person shall cause or allow the discharge, emission, disposal, pouring, or pumping directly or indirectly to any stormwater conveyance, the waters of the State, or upon the land in manner and amount that the substance is likely to reach a stormwater conveyance or the waters of the State, any liquid, solid, gas, or other substance, other than stormwater; provided that non-stormwater discharges associated with the following activities are allowed and provided that they do not significantly impact water quality:
1. Water line flushing;
 2. Landscape irrigation;
 3. Diverted stream flows;

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4. Rising ground waters;
5. Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
6. Uncontaminated pumped ground water;
7. Discharges from potable water sources;
8. Foundation drains;
9. Air conditioning condensation;
10. Irrigation water;
11. Springs;
12. Water from crawl space pumps;
13. Footing drains;
14. Lawn watering;
15. Individual residential car washing;
16. Flows from riparian habitats and wetlands;
17. Dechlorinated swimming pool discharges;
18. Street wash water; and
19. Other non-stormwater discharges for which a valid NPDES discharge permit has been approved and issued by the State of North Carolina, and provided that any such discharges to the municipal storm sewer system shall be authorized by the Town of Lewisville.
 - (1) Prohibited substances include but are not limited to: oil, anti-freeze, chemicals, animal waste (including pet waste), paints, garbage, and litter.

B. Illicit Connections.

1. Connections to a *stormwater conveyance* or *stormwater conveyance* system that allow the discharge of non-stormwater, other than the exclusions described in section (A) above, are unlawful. Prohibited connections include, but are not limited to: floor drains, waste water from washing machines or sanitary sewers, wash water from commercial vehicle washing or steam cleaning, and waste water from septic systems.

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2. Where such connections exist in violation of this section and said connections were made prior to the adoption of this provision or any other ordinance prohibiting such connections, the property owner or the person using said connection shall remove the connection within one year following the effective date of this Ordinance. However, the one-year grace period shall not apply to connections which may result in the discharge of hazardous materials or other discharges which pose an immediate threat to health and safety, or are likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat.
 3. Where it is determined that said connection:
 - (1) May result in the discharge of hazardous materials or may pose an immediate threat to health and safety, or is likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat, or
 - (2) Was made in violation of any applicable regulation or ordinance, other than this section; the Stormwater Administrator shall designate the time within which the connection shall be removed. In setting the time limit for compliance, the Stormwater Administrator shall take into consideration:
 - i. The quantity and complexity of the work,
 - ii. The consequences of delay,
 - iii. The potential harm to the environment, to the public health, and to public and private property, and
 - iv. The cost of remedying the damage.
- C. **Spills.** Spills or leaks of polluting substances released, discharged to, or having the potential to be released or discharged to the *stormwater conveyance* system, shall be contained, controlled, collected, and properly disposed. All affected areas shall be restored to their preexisting condition.
1. Persons in control of the polluting substances immediately prior to their release or discharge, and persons owning the property on which the substances were released or discharged, shall immediately notify the Stormwater Administrator and Lewisville Fire Chief of the release or discharge, as well as making any required notifications under state and federal law. Notification shall not relieve any person

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of any expenses related to the restoration, loss, damage, or any other liability which may be incurred as a result of said spill or leak, nor shall such notification relieve any person from other liability which may be imposed by State or other law.

- D. **Impeding Stormwater Conveyances.** No person shall cause or allow any stormwater conveyance or SCM to be impeded or diverted by any means, including but not limited to; stoppage or blockage of pipes; adding or placing materials of any kind to cause damming or erosion; or breaking, damaging or otherwise interfering with the function of any stormwater conveyance or SCM.
- E. **Nuisance.** Illicit discharges and illicit connections that exist within the Town of Lewisville limits are hereby found, deemed, and declared to be dangerous or prejudiced to the public health or public safety and are found, deemed, and declared to be public nuisances.

3-9.9. VIOLATIONS AND ENFORCEMENT

A. General.

1. **Authority to Enforce.** The provisions of this Ordinance shall be enforced by the Stormwater Administrator and designees, or any authorized agent of the Town of Lewisville.
2. **Violation Unlawful.** Any failure to comply with an applicable requirement, prohibition, standard, or limitation imposed by this Ordinance, or the terms or conditions of any permit or other development or redevelopment approval or authorization granted pursuant to this Ordinance, is unlawful and shall constitute a violation of this Ordinance.
3. **Each Day a Separate Offense.** Each day that a violation continues shall constitute a separate and distinct violation or offense.
4. **Responsible Persons/Entities.** Any landowner, agent of the owner, or other person or entity who, whether by act of omission or commission, violates any portion of this Ordinance shall be subject to the remedies, penalties, and/or enforcement actions described herein.

- (1) For the purposes of this article, responsible person(s) shall include but not be limited to:

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- i. The landowner;
- ii. Any tenant or occupant of the property;
- iii. Any person or entity who is responsible for stormwater controls or practices pursuant to a private agreement or public document;
- iv. Any person, who has control over, or responsibility for, the use development or redevelopment of the property;
- v. Any person or entity who participates in, assists, directs, creates, causes, or maintains a condition that constitutes a violation of this Ordinance, or fails to take appropriate action, so that a violation of this Ordinance results or persists.

B. **Remedies and Penalties.** The remedies and penalties provided for violations of this Ordinance, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

1. Remedies.

- (1) **Withholding of Certificate of Occupancy.** The Stormwater Administrator or designee may withhold a certificate of occupancy for the building or other improvements subject to a stormwater permit until the responsible person has taken remedial measures or has otherwise cured any violations.
- (2) **Disapproval of Subsequent Permits and Development Approvals.** As long as a violation of this Ordinance remains uncorrected, the Stormwater Administrator or designee may deny any permit or development approval, or authorization provided for by this Ordinance. Appeal of rulings by the Stormwater Administrator or his or her designee shall be heard by the Zoning Board of Adjustment.
- (3) **Injunction, Abatements, Etc.** The Stormwater Administrator may initiate legal action in a court of law to abate or correct violation of this Ordinance. Any person violating this Ordinance shall be subject to the full range of equitable remedies provided in this Ordinance, General Statutes or other applicable law.

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- (4) **Correction as Public Health Nuisance, Costs as Lien, Etc.** If the violation is deemed dangerous to public health or public safety, the Stormwater Administrator, with the written authorization of the Town Manager, may cause the violation to be corrected and the costs to be assessed as a lien against the property.
 - (5) **Stop Work Order.** The Stormwater Administrator may issue a stop work order to the person(s) violating this Ordinance. The stop work order shall remain in effect until the person has taken the remedial measures or has otherwise cured the violation or violations described therein.
2. **Civil Penalties.** In addition to violations and penalties described in *Section A.6-1.1 Civil Penalties*, the following actions may be initiated.
 - (1) If a violation continues beyond thirty (30) days of the responsible party having received written notice of such, civil penalties shall then accrue. These penalties shall be in the nature of a debt and shall equal to \$100 per day for each day that the violation continues beyond thirty (30) days.

C. Procedures.

1. **Initiation/Complaint.** Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the alleged violation and the basis thereof, and shall be filed with the Stormwater Administrator, who shall record the complaint. The Stormwater Administrator shall investigate the complaint promptly.
2. **Inspection.** The Stormwater Administrator or authorized agent shall have the authority, upon presentation of proper credentials, to enter and inspect any land, building, structure, or premises to ensure compliance with this Ordinance.
3. **Notice of Violation and Order to Correct.** When the Stormwater Administrator finds that any building, structure, or land is in violation of this Ordinance, the Stormwater Administrator shall notify, in writing, the property owner or other person violating this Ordinance. The notification shall indicate the nature of the violation, contain the address or other description of the site upon which the violation is occurring, order the necessary action to abate the violation, and give a deadline for correcting the violation not to exceed thirty (30) days. If civil

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penalties are to be assessed, the notice of violation shall also contain a statement of the civil penalties to be assessed, the time of their accrual, and the time within which they must be paid or be subject to collection as a debt.

- (1) The Stormwater Administrator may deliver the notice of violation and correction order personally, by the Forsyth County Sheriff's Department, by certified or registered mail, return receipt requested, or by any means authorized for the service of documents by Rule 4 of the North Carolina Rules of Civil Procedure.
- (2) If a violation is not corrected within a reasonable period of time prior to the deadline, as provided in the notification, the Stormwater Administrator may take appropriate action under this Ordinance to correct and abate the violation and to ensure compliance with this Ordinance.
4. **Extension of Time.** A person who receives a notice of violation and correction order, or the owner of the land on which the violation occurs, may submit to the Stormwater Administrator a written request for an extension of time for correction of the violation. On determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit for reasons beyond the control of the person requesting the extension, the Stormwater Administrator may extend the time limit as is reasonably necessary to allow timely correction of the violation, up to, but not exceeding sixty (60) days. The Stormwater Administrator may grant thirty-day extensions in addition to the foregoing extension if the violation cannot be corrected within the permitted time due to circumstances beyond the control of the person violating this Ordinance. The Stormwater Administrator may grant an extension only by written notice of extension. The notice of extension shall state the date prior to which correction must be made, after which the violator will be subject to the penalties described in the notice of violation and correction order.
5. **Enforcement After Time to Correct.** After the time has expired to correct a violation, including any extension(s) if authorized by the Stormwater Administrator, the Stormwater Administrator shall determine if the violation is corrected. If the violation is not corrected, the Stormwater Administrator may act to impose one or more of the remedies and penalties authorized by this Ordinance.

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6. **Emergency Enforcement.** If delay in correcting a violation would seriously threaten the effective enforcement of this Ordinance or pose an immediate danger to the public health, safety, or welfare, then the Stormwater Administrator may order the immediate cessation of a violation. Any person so ordered shall cease any violation immediately. The Stormwater Administrator may seek immediate enforcement, without prior written notice, through any remedy or penalty authorized by this article.

3-10. VARIANCES AND APPEALS

3-10.1. ADMINISTRATIVE RELIEF AND VARIANCES

- A. **Administrative Review.** The Watershed Board shall hear and decide appeals from any decision or determination made by the Watershed Administrator in the enforcement of this Ordinance.
- B. **Variances.** The Board shall have the power to authorize, in specific cases, minor variances from the terms of this Ordinance and may review major variance requests and make recommendations to the Environmental Management Commission regarding the same. In addition, the Town of Lewisville shall notify and allow thirty (30) days for all other local governments having jurisdiction in the designated watershed where the variance is being considered.
1. Applications for a variance shall be made on the proper form obtainable from the Watershed Administrator and shall include the following information:
 - (1) A site plan, drawn to a scale of at least one (1) inch to forty (40) feet, indicating the property lines of the parcel upon which the use is proposed; any existing or proposed structures; parking areas and other built-upon areas; and surface water drainage. The site plan shall be neatly drawn and indicate north point, name and address of person who prepared the plan, date of the original drawing, and an accurate record of any later revisions.
 - (2) A complete and detailed description of the proposed variance, together with any other pertinent information which the applicant feels would be helpful to the Board in considering the application.

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- (3) Evidence or proposed witness testimony that tends to support a finding that each of the factors listed below, are met.
2. The Watershed Administrator shall notify in writing each local government having jurisdiction in the watershed and the entity using the water supply for consumption. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Watershed Administrator prior to a decision by the Board. Such comments shall become a part of the record of proceedings of the Board.
3. Before the Board may grant a variance, it shall make the following three findings, which shall be recorded in the permanent record of the case, and shall include the factual reasons on which they are based:
 - (1) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance. In order to determine that there are practical difficulties or unnecessary hardships, the Board must find that the five following conditions exist:
 - i. If the applicant complies with the provisions of the Ordinance, the applicant can secure no reasonable return from, nor make reasonable use of, his property. Merely proving that the variance would permit a greater profit to be made from the property will not be considered adequate to justify the Board in granting an variance. Moreover, the Board shall consider whether the variance is the minimum possible deviation from the terms of the Ordinance that will make possible the reasonable use of his property.
 - ii. The hardship results from the application of the Ordinance to the property rather than from other factors such as deed restrictions or other hardship.
 - iii. The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.
 - iv. The hardship is not the result of the actions of an applicant who knowingly or unknowingly violates the Ordinance, or who purchases the property

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after the effective date of the Ordinance, and then comes to the Board for relief.

- v. The hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice.
- (2) The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.
 - (3) In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done. The Board shall not grant a variance if it finds that doing so would in any respect impair the public health, safety, or general welfare.
- 4. In granting the variance, the Board may attach thereto conditions regarding the location, character, and other features of the proposed building, structure, or use that relate to the purpose and standards of this Ordinance. If a variance for the construction, alteration or use of property is granted, such construction, alteration or use shall be in accordance with the approved site plan.
 - 5. The Board shall refuse to hear an appeal or an application for a variance previously denied if it finds that there have been no substantial changes in conditions or circumstances bearing on the appeal or application.
 - 6. A variance issued in accordance with this Section shall be considered a Watershed Protection Permit and shall expire if a Building Permit for such use is not obtained by the applicant within six (6) months from the date of the decision.
 - 7. If the application calls for the granting of a major variance, and if the Board decides in favor of granting the variance, the Board shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include:
 - (1) The variance application;
 - (2) The hearing notices;

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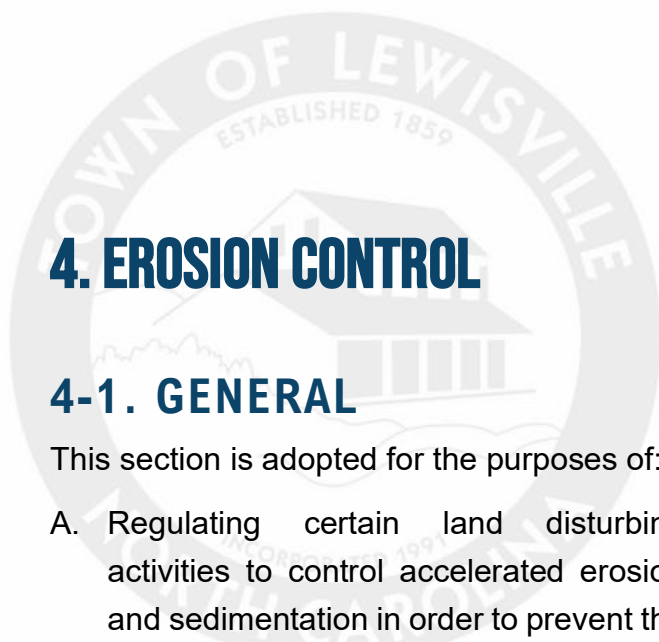
- (3) The evidence presented;
 - (4) Motions, offers of proof, objections to evidence, and rulings on them;
 - (5) Proposed findings and exceptions;
 - (6) The proposed decision, including all conditions proposed to be added to the permit.
8. The preliminary record shall be sent to the Environmental Management Commission for its review.
- C. **Subdivision approval.** See *Section C.3-3.5 Subdivision Regulations in the Watershed Area*.
- D. **Public Health.** No activity, situation, structure, or land use shall be allowed within the watershed which poses a threat to water quality and the public health, safety, and welfare.
- E. Approval of all development greater than the low-density option.

3-10.2. APPEALS FROM THE WATERSHED REVIEW BOARD

Appeals of denied variances must be filed with the Superior Court within thirty (30) days from the date the applicant receives written notice of the decision. Decisions by the Superior Court will be in the manner of certiorari.

3-11. AMENDMENTS

- A. **Amendments.** The Town Council may, on its own motion or on petition, amend, supplement, change or modify this Ordinance, according to the UDO text amendment procedures described in *Section A.4-3.2 Unified Development Ordinance Text Amendment*.



4. EROSION CONTROL

4-1. GENERAL

This section is adopted for the purposes of:

- A. Regulating certain land disturbing activities to control accelerated erosion and sedimentation in order to prevent the pollution of water and other damage to lakes, watercourses, and other public and private property by sedimentation; and,
- B. Establishing procedures through which these purposes can be fulfilled.

4-2. DEFINITIONS

- A. Unless specifically defined below, words or phrases used in this Article shall be interpreted so as to give them the meaning they have in *Section A.2 Definitions* or in common usage and to give this Ordinance its most reasonable application. The definitions of this section are specific only to this section. In the event of conflict with *Section A.2 Definitions* the definitions below shall control.



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B. Those definitions contained in the North Carolina Sedimentation Pollution Control Act of 1973, as amended, and adopted as part of the local Sediment and Erosion Control Ordinance, contained in *Section C.4-2 Definitions*.

ACCELERATED EROSION. Any increase over the rate of natural erosion as a result of land disturbing activity.

ACT. The North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant to it and amendments.

ADEQUATE EROSION CONTROL MEASURE, STRUCTURE OR DEVICE. One which controls the soil material within the land area under responsible control of the person conducting the land disturbing activity.

AFFILIATE. A person that directly, or indirectly through one or more intermediaries, controls, is controlled by or is under common control of another person.

BEING CONDUCTED. A land disturbing activity has been initiated, and permanent stabilization of the site has not been completed.

BORROW. Fill material which is required for on-site construction and is obtained from other locations.

BUFFER ZONE. The area of land adjacent to a lake or natural watercourse.

COMMISSION. The North Carolina Sedimentation Control Commission.

COMPLETION OF CONSTRUCTION OR DEVELOPMENT. Completion of construction or development means that no further land disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.

CROP LAND. Any parcel of land which is used in the raising of agricultural, dairy, or forest products, livestock, poultry, or fur-bearing animals.

DEPARTMENT. The North Carolina Department of Environmental Quality, Division of Energy, Mineral and Land Resources (NCDEQ/DEMLR)

DIRECTOR. The Director of the Division of Energy, Mineral and Land Resources of the Department of Environmental Quality (DEMLR).

DISCHARGE POINT. That point at which storm water runoff leaves a tract of land.

DISTRICT. The Forsyth Soil and Water Conservation District created pursuant to G.S. Ch. 139.

ENERGY DISSIPATOR. A structure or a shaped channel section with mechanical armoring placed at the outlet of pipes or conduits to receive and break down the energy from high velocity flow.

EROSION. The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.

EXISTING GRADE. The elevation among the ground surface of a site as recorded in topographic mapping at two (2) foot or four (4) foot contour intervals, on file in the office of the Planning Board, or as surveyed and mapped at a contour interval of not more than four (4) feet, by a licensed surveyor or a registered professional engineer.

FSWCD DISTRICT. The Forsyth Soil and Water Conservation District created pursuant to G.S. Ch. 139.

GROUND COVER. Any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.

HIGH QUALITY WATERS. Those classified as such in 15A NCAC 2B.0101(e)(5) - General Procedures, which is incorporated herein by reference to include further amendments pursuant to G.S. 150B-14(c).

HIGH QUALITY WATER (HQW) ZONES. Areas that are within one mile of high-quality waters and drain to high quality waters.

LAKE OR NATURAL WATERCOURSE. Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.

LAND DISTURBING ACTIVITY. Any use of the land by any person in residential, industrial, educational, institutional, or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

LOCAL GOVERNMENT. Any county, incorporated village, town, or city, or any combination of counties, incorporated villages, towns, and cities, acting through a joint program pursuant to the provisions of the Act.

NATURAL EROSION. The wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.

NCGO1. NC Construction General Permit NCGO1 regulations. Permit establishes requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals and sanitary waste at the construction site that may cause impacts to water quality.

PARENT. An affiliate that directly, or indirectly through one or more intermediaries, controls another person.

PERSON. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.

PERSON CONDUCTING LAND DISTURBING ACTIVITY. Any person who may be held responsible for a violation unless expressly provided otherwise by this Chapter, the Act, or any order adopted pursuant to this Chapter or the Act.

PERSON RESPONSIBLE FOR THE VIOLATION. Person responsible for the violation, as used in this Chapter, and G.S. 113A-64, means:

- A. The developer or other person who has or holds himself/herself out as having financial or operational control over the land disturbing activity; and/or,
- B. The landowner or person in possession or control of the land when he/she has directly or indirectly allowed the land disturbing activity or has benefited from it or he/she has failed to comply with any provision of this Ordinance, the Act, or any order adopted pursuant to this Ordinance or the Act as it imposes a duty upon him.

PHASE OF GRADING. One of two (2) types of grading, rough or fine.

PLAN. An erosion and sedimentation control plan.

SEDIMENT. Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.

SEDIMENTATION. The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land disturbing activity or into a lake or natural watercourse.

SILTATION. Sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land disturbing activity; and which has been deposited, or is in suspension in water.

STORM DRAINAGE FACILITIES. The system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

STORMWATER RUNOFF. The surface flow of water resulting from precipitation in any form and occurring immediately after rainfall or melting.

SUBSIDIARY. An affiliate that is directly, or indirectly through one or more intermediaries, controlled by another person.

TEN-YEAR STORM. A rainfall of an intensity that, based on historical data, is predicted by a method acceptable to the Approving Authority to be equaled or exceeded, on the average, once in ten years, and of a duration that will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

TRACT. All contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

TWENTY-FIVE-YEAR STORM. A rainfall of an intensity that, based on historical data, is predicted by a method acceptable to the Approving Authority to be equaled or exceeded, on the average, once in 25 years, and of a duration that will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

UNCOVERED. The removal of ground cover from, on, or above the soil surface.

UNDERTAKEN. The initiating of any activity, or phase of activity, which results or will result in a change in the ground cover or topography of a tract of land.

VELOCITY. The average velocity of flow through the cross section of the main channel at the peak flow of the storm of interest. The cross section of the main channel shall be that area defined by the geometry of the channel plus the area of flow below the flood

height defined by vertical lines at the main channel banks. Overload flows are not included for the purpose of computing velocity of flow.

WASTE. Surplus materials resulting from on-site land disturbing activities and being disposed of at other locations.

WORKING DAYS. Days exclusive of Saturday and Sunday during which weather conditions or soil conditions permit land disturbing activity to be undertaken.

4-3. ADMINISTRATION AND INTERPRETATION OF THIS SECTION OF THE ORDINANCE

4-3.1. ADMINISTRATION

The Director of the Winston-Salem/Forsyth County Erosion Control Division (in coordination with the Lewisville Planning Director and Public Works Director), herein referred to as “the Director” shall be responsible for the administration of this section of the Ordinance.

4-3.2. MINIMUM REQUIREMENTS; EXCEPTION

In their interpretation and application, the provisions of this section of the Ordinance shall be held to be minimum requirements, except where they are expressly stated to be maximum requirements.

4-3.3. CONFLICTS WITH OTHER ORDINANCES AND LAWS

Whenever any provisions of this section of the Ordinance and any other ordinance or law impose overlapping or contradictory regulations, the provision which is more restrictive or imposes higher standards or requirements shall govern.

4-3.4. LIABILITY FOR DAMAGES

Failure of the Director to observe or recognize conditions which violate the intent and purpose of this section of the Ordinance or to deny a development permit applied for under this section of the Ordinance shall not relieve the property owner from responsibility for the condition or damages resulting therefrom and shall not result in the city/county or its officers or agents being responsible for conditions or damages resulting therefrom.

4-3.5. REMOVAL OF COVER AND CHANGE OF ELEVATIONS

The holder of a development permit may remove existing cover or change existing elevations of the land only in accordance with the purposes of this section of the Ordinance and within the time schedules and methods for such changes set forth in this section of the Ordinance.

4-4. SCOPE AND EXCLUSIONS

A. **Agricultural Activities.** Those undertaken on agricultural land for the production of plants and animals useful to humans, including but not limited to:

1. Activities, including the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture undertaken on agricultural land for the production of plants and animals useful to man, including, but not limited to:
2. Forage and sod crops, grain and feed crops, tobacco, cotton and peanuts;
3. Dairy animals and dairy products;
4. Poultry and poultry products;
5. Livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding and grazing of all such animals;
6. Bees and apiary products; and
7. Fur producing animals,
8. Mulch, ornamental plants, and other horticultural products. For purposes of this section, “mulch” means substances composed primarily of plant remains or mixtures of such substances.

B. **Forestry Activities.** Those undertaken on forest land for the production and harvesting of timber and timber products and which are conducted in accordance with Forest Practice Guidelines Related to Water Quality (best management practices) as adopted by the North Carolina Department of Agriculture and Consumer Services.

1. If land disturbing activity undertaken on forest land for the production and harvesting of timber and timber products is not conducted in accordance with

Forest Practice Guidelines Related to Water Quality, the provisions of this chapter shall apply to such activity and any related land disturbing activity on the tract;

- C. **Mining.** Activity undertaken by persons as defined in G.S. 113A-52(8) who are otherwise regulated by the provisions of the *Mining Act of 1971*, G.S. 74-46 through 74-68;
- D. **State Of North Carolina Jurisdiction.** Land disturbing activity over which the State has exclusive regulatory jurisdiction as provided in G.S. 113A-56; and,
- E. **Emergencies.** Any activity which is essential to protect human life during an emergency.
 - 1. Activities undertaken to restore the wetland functions of converted wetlands to provide compensatory mitigation to offset impacts permitted under Section 404 of the Clean Water Act.
 - 2. Activities undertaken pursuant to Natural Resources Conservation Service standards to restore the wetlands functions of converted wetlands as defined in Title 7 Code of Federal Regulations § 12.2.

4-5. GENERAL REQUIREMENTS

4-5.1. PLAN AND PERMIT REQUIRED

No person shall initiate any land disturbing activity upon a tract which requires a permit under *Section C.4-16 Permits* without having an erosion control plan approved by the Stormwater Director or designee and without having purchased the applicable permit through the Inspections Division office.

4-5.2. PROTECTION OF PROPERTY

Persons conducting land disturbing activity shall take all reasonable measures to protect all public and private property from damage caused by such activity, including protected flood hazard areas specified in *Section C.2 Flood Damage Prevention*.

4-5.3. CONFLICTING PROVISIONS

- A. Whenever conflicts exist between federal, State or local laws, ordinances or rules, the more restrictive provision shall apply.

B. Plan Approval Exceptions. Notwithstanding the general requirement to obtain a Plan approval prior to undertaking land-disturbing activity, a Plan approval shall not be required for land-disturbing activity that does not exceed 20,000 square feet for single-family dwelling construction and not in a common plan of development or less than 10,000 square feet for any other non-exempt purpose. In determining the area, lands under single or diverse ownership being developed as a unit will be aggregated.

4-6. BASIC CONTROL OBJECTIVES

An erosion and sedimentation control plan may be disapproved pursuant to *Section C.4-17 Erosion and Sedimentation Control Plans* if the plan fails to address the following control objectives:

- A. **Identify Critical Areas.** On-site areas which are subject to severe erosion and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation are to be identified and receive special attention;
- B. **Limit Time of Exposure.** All land disturbing activity is to be planned and conducted to limit exposure to the shortest feasible time specified in G.S. 113A-57, the rules of this Ordinance, or as directed by the Stormwater Director or designees.
- C. **Limit Exposed Area.** All land disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time;
- D. **Control Surface Water.** Surface water runoff originating updrain of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure;
- E. **Control Sedimentation.** All land disturbing activity is to be planned and conducted so as to prevent off-site sedimentation damage;
- F. **Manage Stormwater Runoff.** Plans shall be designed so that any increase in the velocity of stormwater runoff resulting from a land disturbing activity will not result in accelerated erosion of the receiving stormwater conveyance or at the point of discharge. Plans shall include measures to prevent accelerated erosion within the project boundary and at the point of discharge; and,

- G. **Protection Of Floodway and Flood Hazard Areas.** All land disturbing activity is to be planned and conducted so as to protect floodway and flood hazard areas in accordance with *Section C.2-3 Provisions for Flood Hazard Reduction*.

4-7. MANDATORY STANDARDS FOR LAND DISTURBING ACTIVITY

No land disturbing activity subject to the control of this section of the Ordinance shall be undertaken except in accordance with the following mandatory standards:

A. **Buffer Zone.**

1. **Lake or Natural Watercourse.** No land disturbing activity during periods of construction or improvement to land shall be permitted in proximity to a lake or natural watercourse unless a buffer zone, as described in *Section C.3-5 Stream Buffers* is maintained along the margin of the watercourse of sufficient width to confine visible siltation within the twenty-five percent (25%) of the buffer zone nearest the land disturbing activity. This subdivision shall not apply to a land disturbing activity in connection with the construction of facilities to be located on, over or under a lake or natural watercourse.
2. **Width of Buffer Zone.** Unless otherwise provided, the width of a buffer zone, as described in *Section C.3-5 Stream Buffers* is measured horizontally from the edge of the water to the nearest edge of the disturbed area, with the twenty-five percent (25%) of the strip nearer the land disturbing activity containing natural or artificial means of confining visible siltation.

B. **Graded Slopes, Mechanically Stabilized Slopes and Fills**

1. **Slope Specifications.**

- (1) No cut or fill greater than ten (10) vertical feet shall be made which creates a slope steeper than one and one-half (1.5) to one (1.5:1) unless approval is granted during plan review by the Stormwater Director or a designee.
- (2) The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures.

- (3) The angle for graded slopes and fills must be demonstrated to be stable.
 - (4) Stable is the condition where the soil remains in its original configuration, with or without mechanical constraints.
 - (5) Mechanically stabilized slopes, including but not limited to riprap, cribs, timber, or masonry retaining walls, shall not exceed ten (10) feet in height without intervening terraces ten (10) feet in width with a maximum slope of three to one (3:1).
 - (6) In any event, slopes left exposed and such terraces will, within twenty-one (21) calendar days of completion of any phase of grading, be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion.
2. **Exceptions.** With prior approval of the Director, the ten (10) foot height limit for mechanically stabilized slopes may be increased for:
- (1) **Wing Walls and Earth Retaining Devices.** Wing walls allowing subgrade access and other earth retaining devices required for the structural support of buildings, bridges, dams, culverts, or similar structures; or
 - (2) **Stormwater Channels.** Mechanical stabilization required for engineered stormwater channels.
- C. **Fill Material.** Materials being used as fill shall be consistent with those described in 15A NCAC 13B .0562 unless the site is permitted by the Department's Division of Waste Management to operate as a landfill. Not all materials described in Section .0562 may be suitable to meet geotechnical considerations of the fill activity and should be evaluated accordingly. Unless a permit from the Department's Division of Waste Management to operate a landfill is on file for the official site, acceptable fill material shall be free of organic or other degradable brick in sizes exceeding twelve (12) inches, and any materials which would cause the site to be regulated as a landfill by the State of North Carolina.
- D. **Ground Cover and Revegetation Of Slopes.**
1. **Deadlines for Establishing Ground Cover.**

- (1) Whenever land disturbing activity is undertaken on a tract requiring a permit under *Section C.4-16 Permits*, the person conducting the land disturbing activity shall install such sedimentation and erosion control devices and practices as are sufficient to retain the sediment generated by the land disturbing activity within the boundaries of the tract during construction upon and development of said tract, and shall plant or otherwise provide a permanent ground cover and slope revegetation sufficient to restrain erosion after completion of construction or development.
- (2) Provisions for a ground cover sufficient to restrain erosion must be accomplished within twenty-one (21) calendar days of completion of any phase of grading.

2. Revegetation of Slopes.

- (1) All cut and fill slopes in excess of three (3) to one (3:1) slope and greater than ten (10) feet in height and intervening terraces required in *Section C.4-7(B)(1) Slope Specifications* shall be revegetated to provide plant cover over the entire area.
- (2) Said revegetation shall include a minimum of one tree per two hundred (200) square feet of surface area.
- (3) The trunk of any required tree shall be no closer than ten (10) feet from any other required tree.
- (4) Said trees may be a mixture of evergreen and deciduous, a minimum of twelve (12) inches high at planting with a minimum height at maturity of twenty-five (25) feet.

3. Revegetation of Mechanically Stabilized Slopes.

- (1) All mechanically stabilized slopes with intervening terraces required in *Section C.4-7(B) Graded Slopes, Mechanically Stabilized Slopes and Fills*, shall be revegetated to provide plant cover over the entire terrace area.
- (2) The trunk of any required tree shall be no further than ten (10) feet from any other required tree.

- (3) Said trees shall be a minimum of thirty-six (36) inches high at planting with a minimum height at maturity of ten (10) feet.
4. **Suggested Plant Materials For Revegetation of Slopes.** Plant materials for the revegetation of slopes shall be selected from the suggested plants in *Section B.3.3.9 Suggested Plant Materials List*.

E. Floodway and Flood Hazard Areas.

1. **Limits of Encroachment.** Cut or fill or other activities shall meet the limits of encroachment specified in *Section C.2-3 Provisions for Flood Hazard Reduction*.
2. **Designation in the Field.** The limit of grading and encroachment according to *Section C.2-3 Provisions for Flood Hazard Reduction*, consisting of a line delineating one-half the distance of this Ordinance, consisting of a line delineating one-half the distance between the outer edge of the floodway fringe and the outer edge of the floodway for the zoning lot in question, or other line provided by a certified engineering study in accordance with *Section C.2-3 Provisions for Flood Hazard Reduction* shall be designated in the field by the applicant or property owner by means of highly visible and durable plastic material or other means acceptable to the Director, prior to the issuance of the grading permit.
3. **Subdivisions.**
 - (1) For subdivisions, the designation of limits of grading or encroachment into the flood hazard area required in *Section C.2-3 Provisions for Flood Hazard Reduction* shall be provided by the property owner or developer for the entire zoning lot being subdivided prior to the issuance of grading permits and construction of streets or other improvements.
 - (2) The Director shall review the proposed encroachment prior to the issuance of permits for the development of individual lots created through the subdivision process.

- F. Top of Slope.** The top or toe of any slope steeper than a ratio of one and one-half horizontal units to one vertical unit (1.5:1) shall be no less than two (2) feet from any neighboring property line or from any public right-of-way, parking lot, drive, or walk intended for public use, unless a retaining wall is built.

G. **Prior Plan Approval.** No Person shall initiate any land disturbing activity upon a tract requiring a permit for plans that exceeds 20,000 square feet for a single-family dwelling construction and/or located within a common plan of development (regardless of the size of land disturbance) or greater than 10,000 square feet for any other non-exempt purpose, unless, thirty (30) or more days prior to initiating the activity, an erosion and sedimentation control plan for such activity is filed with and approved by the Director or a designee, the associated fees are paid, and the permit is issued by the Director or a designee. Under G.S. 113A-60(a), the fee for land disturbance associated with single-family dwelling construction where the land disturbance is less than one acre per lot cannot exceed \$100.00 per lot.

H. **Prior to Land Disturbing Activities.**

1. **Notification.** No person may initiate a land disturbing activity before notifying the Director that issued the plan approval of the date that the land disturbing activity will begin.
2. **Preconstruction Conference.** When deemed necessary by the Director a preconstruction conference may be required.
3. **Display of Plan Approval.** A Plan approval issued under this Ordinance shall be prominently displayed until all construction is complete, all temporary measures have been removed, all permanent sedimentation and erosion control measures are installed, and the site has been stabilized. A copy of the approved plan shall be kept on file at the job site.

4-8. DESIGN AND PERFORMANCE STANDARDS

4-8.1. DESIGN STANDARDS

- A. Except as provided in this Ordinance, erosion and sedimentation control measures, structures and devices, shall be so planned, designed and constructed as to provide protection from the calculated maximum peak of runoff from the ten-year storm.
- B. Runoff rates shall be calculated using the procedures in the latest edition of the United States Department of Agriculture (USDA), Natural Resources Conservation

Service's "National Engineering Field Handbook," or other acceptable calculation procedures.

4-8.2. HIGH QUALITY WATER ZONES

In high quality water zones, the following design standards shall apply:

A. Uncovered Areas.

1. Uncovered areas in high quality water zones shall be limited at any time to a maximum total area within the boundaries of the tract of twenty (20) acres.
2. Only the portion of the land disturbing activity within a high-quality water zone shall be governed by this section.
3. Larger areas may be uncovered within the boundaries of the tract with the written approval of the Director upon providing engineering justification with a construction sequence that considers phasing limiting exposure, weekly submitted self-inspection reports, and a more conservative design than the Twenty-Five (25) year storm.

B. Maximum Peak Rate of Runoff Protection. Erosion and sedimentation control measures, structures and devices within high quality water zones shall be so planned, designed and constructed to provide protection from the runoff of the twenty-five-year storm which produces the maximum peak rate of runoff as calculated according to the procedures in the United States Department of Agriculture Natural Resources Conservation Service's "National Engineering Field Handbook" or according to procedures adopted by any other agency of this state or the United States or any generally recognized organization or association.

C. Sediment Basin.

1. Sediment basins within high quality water zones shall be designed and constructed according to the following criteria:
 - (1) Use a surface withdrawal mechanism, except when the basin drainage area is less than 1.0 acre;
 - (2) Have a minimum of 1,800 cubic feet of storage area per acre of disturbed area;

- (3) Have a minimum surface area of 325 square feet per cfs of the Twenty-five (25) Year Storm (Q25) peak flow;
 - (4) Have a minimum dewatering time of 48 hours;
 - (5) Incorporate three (3) baffles, unless the basin is less than twenty (20) feet in length, in which case two (2) baffles shall be sufficient.
2. Upon a written request of the applicant, the Director may allow alternative design and control measures in lieu of meeting the conditions required in subsections 1-5 above if the applicant demonstrates that meeting all of those conditions will result in design or operational hardships and that the alternative measures will provide an equal or more effective level of erosion and sediment control on the site. Alternative measures may include quicker application of ground cover, use of sediment flocculants, and use of enhanced ground cover practices.

D. Grade.

1. Newly constructed open channels in high quality water zones shall be designed and constructed with side slopes no steeper than two (2) horizontal to one vertical (2:1) if a vegetative cover is used for stabilization, unless soil conditions permit a steeper slope or where the slopes are stabilized by using mechanical devices, structural devices or other acceptable ditch liners.
2. In any event, the angle for side slopes shall be sufficient to restrain accelerated erosion.

4-9. STORMWATER OUTLET PROTECTION

4-9.1. POST CONSTRUCTION VELOCITY

- A. Stream banks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land disturbing activity. Persons shall conduct land disturbing activity so that the post construction velocity of the ten-year storm runoff in the receiving watercourse to the discharge point does not exceed the greater of:
 1. **Maximum Permissible Velocities.** The velocity established by *Table C.4.1 Maximum Permissible Velocities for Stormwater Discharges*; or,

2. **Velocity Prior to Development.** The velocity of the ten-year storm runoff in the receiving watercourse prior to development.
- B. If conditions in *Section C.4-9.1 Post Construction Velocity* cannot be met, then the receiving watercourse to and including the discharge point shall be designed and constructed to withstand the expected velocity anywhere the velocity exceeds the *prior to development* velocity by ten percent (10%).

4-9.2. ACCEPTABLE MANAGEMENT MEASURES

- A. Measures applied alone or in combination to satisfy the intent of this section are acceptable if there are no objectionable secondary consequences.
- B. It is recognized that the management of stormwater runoff to minimize or control downstream channel and bank erosion is a developing technology.
- C. Innovative techniques and ideas will be considered and may be used when shown to have the potential to produce successful results. Alternatives include, but are not limited to:
 1. **Infiltration.** Avoid increases in surface runoff volume and velocity by including measures to promote infiltration to compensate for increased runoff from areas rendered impervious.
 2. **Vegetated or Roughened Swales and Waterways.** Avoid increases in stormwater discharge velocities by using vegetated or roughened swales and waterways in lieu of closed drains and high velocity paved sections.
 3. **Energy Dissipators.** Provide energy dissipators at outlets of storm drainage facilities to reduce flow velocities to the point of discharge. These may range from simple riprapped sections to complex structures.
 4. **Cross Sections; Erosion Resistant Lining.** Protect watercourses subject to accelerated erosion by improving cross sections and/or providing erosion-resistant lining.
 5. **Improvement of Receiving Devices or Watercourse.** Upgrade or replace the receiving device structure, or watercourse such that it will receive and conduct the flow to a point where it is no longer subject to degradation from the increased rate of flow or increased velocity.

4-9.3. EXCEPTIONS

This rule shall not apply where it can be demonstrated that stormwater discharge velocities will not create an erosion problem in the receiving watercourse.

4-9.4. MAXIMUM PERMISSIBLE VELOCITIES

The following is a table for maximum permissible velocities for stormwater discharges:

Table C.4.1 Maximum Permissible Velocities for Stormwater Discharges

Material	Maximum Permissible Velocities	
	F.P.S.	M.P.S.
Fine sand (noncolloidal)	2.5	0.8
Sandy loam (noncolloidal)	2.5	0.8
Silt loam (noncolloidal)	3.0	0.9
Ordinary firm loam	3.5	1.1
Fine gravel	5.0	1.5
Stiff clay (very colloidal)	5.0	1.5
Graded, loam to cobbles (noncolloidal)	5.0	1.5
Graded, silt to cobbles (colloidal)	5.5	1.7
Alluvial silts (noncolloidal)	3.5	1.1
Alluvial silts (colloidal)	5.0	1.5
Coarse gravel (noncolloidal)	6.0	1.8
Cobbles and shingles	5.5	1.7
Shales and hard pans	6.0	1.8

Source - Adopted from recommendation by Special Committee on Irrigation Research, American Society of Civil Engineers, 1926, for channels with straight alignment. For sinuous channels, multiply velocity by 0.95 for slightly sinuous, by 0.9 for moderately sinuous channels, and by 0.8 for highly sinuous channels.

4-10. BORROW AND WASTE AREAS

- A. When the person conducting the land disturbing activity is also the person conducting the borrow or waste disposal activity, areas from which borrow is obtained and which are not regulated by the provisions of the *Mining Act of 1971*; and waste areas for surplus materials other than landfills regulated by the Department's Division of Waste Management, shall be considered as part of the land disturbing activity where the borrow material is being used or from which the waste material originated.
- B. When the person conducting the land disturbing activity is not the person obtaining the borrow and/or disposing of waste, these areas shall be considered a separate land disturbing activity.

4-11. ACCESS AND HAUL ROADS

Temporary access and haul roads, other than public roads, constructed or used in connection with any land disturbing activity shall be considered a part of such activity.

4-12. OPERATIONS IN LAKES OR NATURAL WATERCOURSES

- A. Land disturbing activity in connection with construction in, on, over, or under a lake or natural watercourse shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the stream channel.
- B. The relocation of a stream, where relocation is an essential part of the proposed activity, shall be planned and executed so as to minimize changes in the stream flow characteristics.
- C. The United States Army Corps of Engineers (USACE) and North Carolina Division of Water Resources (NCDWR) shall be notified of any planned operation in lakes or natural watercourses, including their adjacent wetlands, for possible issuance of Section 404 and Section 401 or other applicable permits.

4-13. RESPONSIBILITY FOR MAINTENANCE

- A. During the development of a site, the person conducting the land disturbing activity shall install and maintain all temporary and permanent erosion and sedimentation control measures as required by the requirements of the approved plan or according to the provisions of this Ordinance, as may be amended.

- B. After site development, the landowner or person in possession or control of the land shall install and/or maintain all necessary permanent erosion and sediment control measures, except those measures installed within a road or street right-of-way or easement accepted for maintenance by a governmental agency.

4-14. ADDITIONAL PROTECTIVE MEASURES

Whenever the Director determines that accelerated erosion and sedimentation is occurring as a result of land disturbing activity, despite the installation of protective practices, the person conducting the land disturbing activity shall be required to and shall take additional protective action necessary to achieve compliance with the conditions specified in this Section.

4-15. EXISTING UNCOVERED AREAS

4-15.1. SITES SUBJECT TO CONTINUED ACCELERATED EROSION

All uncovered areas which exist on the effective date of this section of the Ordinance as a result of land disturbing activity on a tract requiring a permit under this Article, which are subject to continued accelerated erosion, and which are causing off-site damage from sedimentation, shall be provided with a groundcover or other protective measures, structures, or devices sufficient to restrain accelerated erosion and control off-site sedimentation.

4-15.2. NOTICE OF VIOLATION

- A. The Director will serve upon the landowner or other person in possession or control of the land a written notice of violation by registered or certified mail, return receipt requested, or other means reasonably calculated to give actual notice.
- B. The notice will set forth the measures needed to comply with the Act, this Ordinance or a rule or order adopted or issued pursuant to the Act by the Town and will state the time within which such measures must be completed.
- C. In determining the measures required and the time allowed for compliance, the Director shall take into consideration the economic feasibility, technology, and quantity of work required, and shall set reasonable and attainable time limits of compliance.

4-15.3. EROSION CONTROL PLAN

The Director reserves the right to require preparation and approval of an erosion control plan in any instance where extensive control measures are anticipated to be required.

4-15.4. PLANNED RESERVOIR

This rule shall not require groundcover on cleared land forming the future basin of a planned reservoir.

4-16. PERMITS

4-16.1. REQUIRED; EXCEPTIONS

- A. No person shall undertake any land disturbing activity subject to this Ordinance without first obtaining a permit from the Director (for permits issued by the Town) or other permits issued by other associations, including the State as may be required, except that no permit shall be required for any land disturbing activity:
1. That does not exceed 20,000 square feet for a single-family dwelling that is not included in a common plan or development or less than 10,000 square feet for any other non-exempt purposes.

4-16.2. FEE

The fee for permits required by this section shall be determined by the Lewisville Town Council and described in the current schedule of fees. When permits are requested for incremental grading in sections, the fee established by this section shall apply to each permit. The fee for sites where grading begins before a permit is obtained shall be equal to double the normal permit fee.

4-16.3. DISPLAY OF PERMIT

A development permit issued under this section of the Ordinance shall be prominently displayed on the property until a protected area has been established.

4-16.4. LAPSING AND REINSTATEMENT OF PERMIT

- A. Approved grading plans shall become void thirty (30) days after the applicant has received written notice. Any future action on expired grading plans requires new plans to be submitted and approved.
- B. Unless reissued by the Director, a development permit shall lapse at six (6) months. When the development permit lapses and the corrective action is not taken the developer or owner shall be in violation of this Ordinance.
- C. The Director may, upon written request, reissue a lapsed permit, to be effective for a period not to exceed sixty (60) working days from the date of re-issuance after review of the original development plan and on-site inspection of the state of the work. The request for re-issuance shall include the reasons for incompleteness of the work.

4-17. EROSION AND SEDIMENTATION CONTROL PLANS

4-17.1. PREPARATION

- A. A Plan shall be prepared for all land-disturbing activities subject to this Ordinance whenever the proposed activity will disturb more than 20,000 square feet for single-family dwelling construction or any single-family dwelling construction (regardless of disturbance size) located within a common plan of development or greater than 10,000 square feet for any other non-exempt purpose of all other types of development activities. The Plan shall be filed with the Town of Lewisville; a copy shall be simultaneously submitted to the Forsyth County Soil and Water Conservation District at least thirty (30) days prior to commencement of the proposed activity.

4-17.2. COPIES; REVISED PLANS

- A. Persons conducting a land disturbing activity shall file three (3) copies of the erosion control plan with the Director at least thirty (30) days prior to beginning such activity.
- B. One copy of the erosion control plan will be retained by the Director, one copy will be forwarded to the Forsyth Soil and Water Conservation District, and one copy shall be kept at the job site until all construction is complete, all permanent sedimentation and erosion control measures are installed, and the site has been stabilized.

- C. After a plan has been approved, if the Director determines that a significant risk of accelerated erosion or off-site sedimentation exists, either upon either reevaluation of the plan or inspection of the job site, a revised plan must be submitted
- D. Pending the preparation of the revised plan, work shall cease or shall continue under conditions outlined by the Director.
- E. If following commencement of a land disturbing activity pursuant to an approved plan, it is determined that the plan is inadequate to meet the requirements of this Ordinance, the Director may require any revision of the plan that is necessary to comply with this Ordinance.

4-17.3 STATEMENT OF FINANCIAL RESPONSIBILITY

- A. Erosion control plans may be disapproved unless accompanied by an authorized statement of financial responsibility and documentation of property ownership.
- B. This statement shall be signed by the person financially responsible for the land disturbing activity or the applicant's attorney-in-fact.
- C. The statement shall include the mailing and street addresses of the principal place of business of the person financially responsible, the landowner and any other responsible persons.
- D. If the person financially responsible is not a resident of North Carolina, a North Carolina agent must be designated in the statement for the purpose of receiving notice of compliance or noncompliance with the plan, this Ordinance, or rules or orders adopted or issued pursuant to this Ordinance.
- E. If the applicant is not the owner of the land to be disturbed and the anticipated land-disturbing activity involves the construction of utility lines for the provision of water, sewer, gas, telecommunications, or electrical service, the draft erosion and sedimentation control plan may be submitted without the written consent of the owner of the land, so long as the owner of the land has been provided prior notice of the project.

4-17.4. REVIEW AND RECOMMENDATIONS

The Forsyth Soil and Water Conservation District, within twenty (20) days of receipt of any plan, or within such additional time as may be prescribed by the Director shall review

such plan and submit its comments and recommendations to the Director. Failure of the soil and water conservation district to submit its comments and recommendations within twenty (20) days or within the prescribed additional time will not delay final action on the plan.

4-17.5. NOTICE OF APPROVAL, REJECTION, ETC.

The Director will review each complete plan within thirty (30) days and notify the applicant that it has been approved, approved with modifications, approved with performance reservations, or disapproved. Failure to make a determination on a complete plan within thirty (30) days shall constitute approval. Denial of a plan must state in writing the reasons for the determination. If a revised plan is submitted, the Director shall make a determination within fifteen (15) days, or the plan shall be approved. Following the commencement of land disturbing activities, if the Director determines that a plan is inadequate to meet the requirements of this Ordinance, revisions may be required. The approval of any plan is conditioned on the applicant's compliance with Federal and State water quality regulations. A copy of the plan for any land disturbing activity that involves ditches for the purpose of de-watering or lowering the water table must be forwarded to the Director of the Division of Water Quality.

4-17.6. ENVIRONMENTAL DOCUMENT

Any plan submitted for a land disturbing activity for which an environmental document is required by the North Carolina Environmental Policy Act (G.S. 113A-1, et seq.) shall be deemed incomplete until a complete environmental document is available for review. The Director shall notify the person submitting the plan that the thirty (30) day time limit for review of the plan pursuant to *Section C.4-17.5 Notice of Approval, Rejection, Etc.* shall not begin until a complete environmental document is available for review.

4-17.7. PREPARATION, FILING AND CONTENTS OF PLAN

- A. It shall be the responsibility of the property owner or developer or his/her agent to apply to the Director, on a form furnished by the Director, for any development permit required by this section of the Ordinance.
- B. No application for a development permit shall be accepted unless accompanied by an approved plan including the information specified in this section.

C. Unless the Director deems such seal and signature to be unnecessary due to the simplicity of the site situation and the limited nature of the erosion control measures required in the development plan, the development plan shall be prepared by, and shall bear the seal and signature of, a licensed Professional Engineer, Architect, Landscape Architect or Land Surveyor to the extent permitted by State law, for single-family dwelling construction exceeding one (1) acre of disturbed area or a disturbed area exceeding ten thousand (10,000) square feet for any other non-exempt purpose, and shall include maps of the site, at a scale not smaller than one inch represents one hundred (100) feet (1" to 100'), showing:

1. **Standard Documentation.** Standard documentation, available in part from the offices of the Tax Assessor or the Register of Deeds, which shall include the outer boundaries of the site, any interior property lines or easements, the relation of the site to the nearest or abutting street intersections, scale and north arrow, total acreage, ownership, address, and tax block and lot numbers of the property;
2. **Existing Conditions.** Existing conditions, available in part from the Planning Board, which shall include:
 - (1) Structures, roads, driveways, and contours at intervals of not more than four (4) feet, with elevations referred to mean sea level;
 - (2) Wooded areas, any intermittent or permanent springs;
 - (3) Any streams or other bodies of surface water; and
 - (4) The location, dimensions, and type of any existing constructed drainageway to, from, or within the site.
3. **Proposed Development Plans.** The proposed development plan shall contain architectural and engineering drawings, maps, assumptions, calculations, and narrative statement as needed to adequately describe the proposed development of the tract and the measures planned to comply with the requirements of this Ordinance.
 - (1) Plan content may vary to meet the needs of specific site requirements. Detailed guidelines for Plan preparation may be obtained from the Town of Lewisville, upon request.
 - (2) The plan shall also include:

- i. Any structures to be established or removed, any streets, roadways, driveways, parking or loading areas, easements or rights-of-way to be added or changed;
 - ii. Any changes of ditches, catch basins, terraces, or other devices;
 - iii. Any non-vegetative protection or support, including paving, riprap, walls, or other structures or surfaces;
 - iv. Areas of vegetation to be removed, location of trees to be retained and proposed vegetative cover; and
 - v. Excepting applications for subdivision approval only, location of sewage treatment facilities, including septic tank and drain field, if public or community sewerage is not available.
4. **Other.** A statement, referenced to the map(s) if appropriate, as to whether the site will be developed in sections and any profiles, earth movement computations, drainage calculations, grading specifications, temporary and permanent protective measures, including planting, or other explanatory data necessary for the interpretation of the site preparation, protection and development plan.

4-17.8. DISAPPROVAL

- A. An erosion control plan, or draft plans if implementation of the plan would result in a violation of the rules adopted by the Environmental Management Commission to protect riparian buffers along surface waters, may be disapproved upon a finding that an applicant, or a parent, subsidiary, or other affiliate of the applicant:
1. **Without An Approved Plan; Violation.** Is conducting or has conducted land disturbing activity without an approved plan, or has received notice of violation of a plan previously approved by the Commission or a local government pursuant to the Act and has not complied with the notice within the time specified in the notice;
 2. **Civil Penalty.** Has failed to pay a civil penalty assessed pursuant to the Act or a local ordinance adopted pursuant to the Act which is due and for which no appeal is pending;

3. **Misdemeanor or Criminal Provision.** Has been convicted of a misdemeanor pursuant to G.S. 113A-64(b) or any criminal provision of a local ordinance adopted pursuant to the Act; or,
 4. **Failed to Comply.** Has failed to substantially comply with State rules or local ordinances or regulations adopted pursuant to the Act.
- B. For purposes of this section, an applicant's record may be considered for only two (2) years prior to the application date.

4-17.9. TRANSFER OF PLANS

An approved erosion and sedimentation control plan may be transferred to a successive owner of the subject property without the consent of the original owner or plan holder, according to the terms of this subsection.

- A. The town may transfer a plan if all of the following conditions are met:
1. The successor-owner of the property submits to the local government a written request for the transfer of the plan and an authorized statement of financial responsibility and documentation of property ownership.
 2. The town finds all of the following:
 - (1) The plan holder is one of the following:
 - i. A natural person who is deceased.
 - ii. A partnership, limited liability corporation, corporation, or any other business association that has been dissolved.
 - iii. A Person who has been lawfully and finally divested of title to the property on which the permitted activity is occurring or will occur.
 - iv. A Person who has sold the property on which the permitted activity is occurring or will occur.
 - (2) The successor-owner holds title to the property on which the permitted activity is occurring or will occur.
 - (3) The successor-owner is the sole claimant of the right to engage in the permitted activity.
 - (4) There will be no substantial change in the permitted activity.

- B. The plan holder shall comply with all terms and conditions of the plan until such time as the plan is transferred.
- C. The successor-owner shall comply with all terms and conditions of the plan once the plan has been transferred.
- D. Notwithstanding changes to law made after the original issuance of the plan, the town may not impose new or different terms and conditions in the plan without the prior express consent of the successor-owner. Nothing in this subsection shall prevent the town from requiring a revised plan pursuant to G.S. 113A-54.1(b).

4-17.10. AMENDMENT OF PLAN

Application for amendment of an erosion control plan in written and/or graphic form may be made at any time under the same conditions as the original application. Until such time as said amendment is approved by the Director, the land disturbing activities shall not proceed except in accordance with the erosion control plan as originally approved.

4-17.11. SELF-INSPECTIONS

The landowner, the financially responsible party, or the landowner's or the financially responsible party's agent shall perform an inspection of the area covered by the plan after each phase of the plan has been completed and after establishment of temporary ground cover in accordance with G.S. 113A-57(2). In addition, weekly and rain-event self-inspections are required by federal regulations, that are implemented through the NPDES Construction General Permit No. NCG 010000. The Person who performs the inspection shall maintain and make available a record of the inspection at the site of the land-disturbing activity. The record shall set out any significant deviation from the approved erosion control plan, identify any measures that may be required to correct the deviation, and document the completion of those measures. The record shall be maintained until permanent ground cover has been established as required by the approved erosion and sedimentation control plan. The inspections required by this subsection shall be in addition to inspections required by G.S. 113A-61.1.

Where inspections are required by G.S. 113A-54.1(e), the following apply:

- A. The inspection shall be performed during or after each of the following phases of the plan;
 - 1. Initial installation of erosion and sediment control measures;

2. Clearing and grubbing of existing ground cover;
 3. Completion of any grading that requires ground cover;
 4. Completion of all land-disturbing activity, construction, or development, including permanent ground cover establishment and removal of all temporary measures; and
 5. Transfer of ownership or control of the tract of land where the erosion and sedimentation control plan has been approved and work has begun. The new owner or person in control shall conduct and document inspections until the project is permanently stabilized as set forth in Sub-Item (iii) of this Item.
- B. Documentation of self-inspections performed under Item (1) of this Ordinance shall include:
1. Visual verification of ground stabilization and other erosion control measures and practices as called for in the approved plan;
 2. Verification by measurement of settling basins, temporary construction entrances, energy dissipators, and traps.
 3. The name, address, organization affiliation, telephone number, and signature of the Person conducting the inspection and the date of the inspection shall be included, whether on a copy of the approved erosion and sedimentation control plan or an inspection report. A template for an example of an inspection and monitoring report is provided on the DEMLR website at: <https://deq.nc.gov/about/divisions/energy-mineral-land-resources/erosion-sediment-control/forms>. Any relevant licenses and certifications may also be included. Any documentation of inspections that occur on a copy of the approved erosion and sedimentation control plan shall occur on a single copy of the plan and that plan shall be made available on the site.
 4. A record of any significant deviation from any erosion or sedimentation control measure from that on the approved plan. For the purpose of this Ordinance, a "significant deviation" means an omission, alternation, or relocation of an erosion or sedimentation control measure that prevents it from performing as intended. The record shall include measures required to correct the significant deviation, along with documentation of when those measures were taken. Deviations from

the approved plan may also be recommended to enhance the intended performance of the sedimentation and erosion control measures.

5. Except as may be required under federal law, rule, or regulation, no periodic self-inspections or rain gauge installation is required on individual residential lots where less than one acre is disturbed on each lot.

4-18. COMPLIANCE WITH PLAN REQUIREMENTS

4-18.1. VIOLATION

Any person engaged in land disturbing activities who fails to file a plan in accordance with this Ordinance, or who conducts a land disturbing activity except in accordance with provisions of an approved development plan shall be deemed in violation of this Ordinance.

4-18.2. NO BUILDING PERMITS

No building permits shall be issued until the required temporary erosion control measures are installed in accordance with the approved development plan.

4-18.3. NO CERTIFICATE OF OCCUPANCY

No certificate of occupancy shall be issued or granted where required under applicable subdivision or zoning regulations or other laws and ordinances unless and until the required erosion control measures at the site have been completed in accordance with a valid permit.

4-19. INSPECTIONS AND INVESTIGATIONS

4-19.1. PERIODIC INSPECTION

- A. The Director and designees may periodically inspect sites of land disturbing activity to determine compliance with the Act, these standards, or rules or orders adopted or issued pursuant to these standards, and to determine whether the activity is being conducted in accordance with an approved plan, and whether the measures required in the plan are effectively controlling the erosion and sediment resulting from the land disturbing activity.

- B. Notice of the right to inspect shall be included in the notification of plan approval.

4-19.2. NOTICE OF VIOLATION

- A. If it is determined by inspection that a person engaged in land disturbing activity has failed to comply with any provisions of this Ordinance, a written notice of violation shall be issued and delivered by registered or certified mail or other means authorized by G.S. 1A-1, Rule 4.
- B. The notice shall specify a date by which the person must comply with this Ordinance, or rules or orders adopted pursuant to this Ordinance, and inform the person of the actions that need to be taken to comply with this Ordinance or rules or orders adopted pursuant to this Ordinance.
- C. The notice will set forth the measures needed to comply and will state the time within which such measures must be completed.
- D. In determining the measures required and the time allowed for compliance, the Director notice shall take into consideration the economic feasibility, technology, and quantity of work required, and shall set reasonable and attainable time limits of compliance.
- E. Any person who fails to comply within the time specified is subject to additional civil and criminal penalties for a continuing violation as provided in G.S. 113A-64 and this Ordinance.
- F. If the person engaged in the land-disturbing activity has not received a previous notice of violation under *Section C.4-21.2 Notice of Violation and Appeal to the Commission*, the Director shall offer assistance in developing corrective measures.
- G. The notice of violation shall include information on how to obtain assistance with corrective measures.

4-19.3. CONDUCTING INVESTIGATIONS

- A. The Director or their designee shall have the power to conduct such investigations as deemed reasonably necessary to carry out the duties as described in this section of the Ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any land disturbing activity.
- B. No person shall refuse entry or access to any authorized representative or agent of the Town who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out his official duties.
- C. An administrative search warrant may be obtained as provided in *Section 1-10 of the Lewisville, North Carolina Code of Ordinances* and other applicable laws.

4-19.4. WRITTEN STATEMENTS OR REPORTS UNDER OATH

The Director shall also have the power to require written statements, or the filing of reports under oath, with respect to pertinent questions relating to land disturbing activity.

4-19.5. OBSTRUCTING AGENT OR LOCAL GOVERNMENT

No person shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of the Director while that person is inspecting or attempting to inspect a land disturbing activity under this section.

4-19.6. NOTIFICATION TO DIRECTOR OF INSPECTIONS

The holder of a development permit shall notify the Director when grading is to begin and again when the graded area has been protected.

4-20. PENALTIES

4-20.1. CIVIL PENALTIES

A. Procedure.

- 1. Any person who violates any of the provisions of this section of the Ordinance, or rules, or orders adopted or issued pursuant to this section of the Ordinance, or who initiates or continues a land disturbing activity for which an erosion control

plan is required, except in accordance with the terms, conditions, and provisions of an approved plan, shall be subject to a civil penalty of not more than five thousand dollars (\$5,000.00) except that the penalty for failure to submit an erosion control plan shall be as provided in *Section C.4-16.2 Fee*.

- (1) Each day of continuing violation shall constitute a separate violation.
 - (2) A person may be assessed an initial civil penalty of up to five thousand dollars (\$5,000.00) for the first day the violation is detected, and daily civil penalties, thereafter, for every day the violation continues.
2. Notwithstanding any of the foregoing, if the person has not previously been assessed any civil penalty under Section 113A-64(a) of the North Carolina General Statutes or *Section C.4-20.1 Civil Penalties*, for any prior violation, and has since abated any continuing environmental damage resulting from the current violations, within one hundred eighty (180) days from the date of the notice of violation, the maximum cumulative total civil penalty assessed under *Section C.4-20.1 Civil Penalties* for all violations associated with the land-disturbing activity for which the erosion and sedimentation control plan is required will be twenty-five thousand dollars (\$25,000.00).
 3. No penalty shall be assessed until the person alleged to be in violation has been notified according to the provisions of *Section B.4-19.2(A) Notice of Violation*.
 4. The notice of assessment of a civil penalty shall describe the violation with reasonable particularity, specify a reasonable time period within which the violation must be corrected, and warn that failure to correct the violation within the time period will result in the assessment of a civil penalty or other enforcement action.
 5. After the time period allowed, if corrective action has not been taken, civil penalties may be assessed from the first day that a violation of this Ordinance is noted.
 6. However, no time period for compliance need be given for failure to submit an erosion control plan for approval or for obstructing, hampering, or interfering with an authorized representative while in the process of carrying out official duties. Each day of continuing violation shall constitute a separate violation.

7. A person may be assessed a one-time civil penalty of up to five thousand dollars (\$5,000.00) for the day the violation is first detected.

B. Amount and Enforcement.

1. The Director shall determine the actual amount of the civil penalty to be assessed and instruct the violator to either pay the assessment or contest the assessment within thirty (30) days by filing a petition for a contested case under Article 3 of Chapter 150B of the General Statutes.
2. The notice shall set forth in detail:
 - (1) The civil penalty amount;
 - (2) A description of the violation for which the penalty has been imposed
 - (3) The basis for assessment;
 - (4) The option available to the violator to request a remission of the civil penalty, under Section 113A-64.2 of the North Carolina General Statutes, and *Section C.4-22.1(E) Requests for Remission of Civil Penalties*;
 - (5) The date by which the violator must make the remission request regarding the particular penalty;
 - (6) If the violator has not previously been assessed any civil penalty under Section 113A-64(a) of the North Carolina General Statutes or *Section C.4-22.1 Civil Penalties*, for any prior violation, the date by which the violator must abate continuing environmental damage resulting from the violation, in order to qualify for the twenty-five thousand dollar (\$25,000.00) cap on cumulative total civil penalty under *Section C.4-20.1(A) Procedure*.
3. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation, the cost of rectifying the damage, the amount of money the violator saved by noncompliance, whether the violation was committed willfully, and the prior record of the violator in complying or failing to comply with this Ordinance.
4. The notice of assessment shall be served by any means authorized under G.S. 1A-1 and shall direct the violator to either pay the assessment or contest the assessment within 30 days.

5. If payment is not made within thirty (30) days after it is “due,” as that term is used below, or if demand for hearing to contest the assessment is not received or equitable settlement reached within thirty (30) days after demand for payment is made, the matter shall be referred to the Town Attorney for institution of a civil action in the name of the Town of Lewisville in the Superior Court where the violation occurred or the violator’s residence or principal place of business is located, for recovery of penalty.
6. Any sums recovered shall be used to carry out the purposes and requirements of this chapter.
7. Such actions must be filed within three (3) years of the date the final decision was served on the violator.
8. An assessment that is not contested or a remission that is not requested is due when the violator is served a notice of assessment.
9. An assessment that is contested or a remission that is requested is due at the conclusion of the administrative or judicial review of the assessment.

C. Contest of Assessment.

1. A hearing on a civil penalty shall be conducted by the Director or designees within thirty (30) days after the date of receipt of the written demand for hearing.
2. The Director shall render his decision on the civil penalty at the conclusion of the hearing.
3. Appeal from the final decision of the Director shall be to the Superior Court of Forsyth County and must be submitted within thirty (30) days of the decision of the Director.

D. Disbursal of Penalties. Civil penalties collected pursuant to this Ordinance shall be used or disbursed as directed by G.S. 113A-64(a)(5).

E. Requests for Remission of Civil Penalties.

1. A request for remission of a civil penalty imposed under Section 113A-64 of the North Carolina General Statutes or *Section C.4-20.1 Civil Penalties*, may be filed with the North Carolina Sedimentation Control Commission within sixty (60) days of receipt of the notice of assessment.

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2. A remission request must be accompanied by a waiver of the right to a contested case hearing, pursuant to Chapter 150B, of the North Carolina General Statutes and a stipulation of the facts on which the assessment was based.
3. The following factors shall be considered by the North Carolian Sedimentation Control Commission in determining whether a civil penalty remission request will be approved:
 - (1) Whether one (1) or more of the civil penalty assessment factors in Section 113A-64(a)(3) of the North Carolina General Statutes were wrongly applied, to the detriment of the applicant;
 - (2) Whether the applicant promptly abated continuing environmental damage resulting from the violation;
 - (3) Whether the violation was inadvertent or the result of an accident;
 - (4) Whether the petitioner has been assessed civil penalties for any previous violations;
 - (5) Whether payment of the civil penalty will prevent payment for necessary remedial actions or would otherwise create a significant financial hardship and
 - (6) The property tax value of the applicant's property, upon which the violation occurred, excluding the value of any structures located on the property.
4. The applicant shall have the burden of establishing that the civil penalty imposes financial hardship and of providing supporting information and documentation.
5. The North Carolina Sedimentation Control Commission may remit the entire amount of the penalty only when the petitioner has not been assessed civil penalties for previous violations and payment of the current civil penalty will prevent payment for necessary remedial actions.
6. The North Carolina Sedimentation Control Commission will not impose a penalty under Section 113A-64.2 of the North Carolina General Statutes that exceeds the civil penalty imposed by the North Carolina Department of Environmental Quality.

4-20.2. CRIMINAL PENALTIES

Any person who knowingly or willfully violates any provision of this section of the Ordinance, or rule or order adopted or issued pursuant to this section of the Ordinance, or who knowingly or willfully initiates or continues a land disturbing activity for which an erosion control plan is required except in accordance with the terms, conditions, and provisions of an approved plan, shall be guilty of a Class 2 misdemeanor which may include a fine not to exceed five thousand dollars (\$5,000.00).

4-21. APPEALS BY PERMIT APPLICANT OR HOLDER

4-21.1. GENERAL

A. Except as provided in *Section C.4-21.2 Notification and Appeal to the Commission*, the appeal of a disapproval or approval with modifications of a plan shall be governed by the following provisions:

1. Appeal to the Zoning Board of Adjustment.

- (1) Appeal from any decision of the Director shall be to the Zoning Board of Adjustment.
- (2) The applicant or holder of a development permit shall have fifteen (15) calendar days from the date of written denial or revocation of a permit, or from denial of an extension of or an amendment to a permit, within which to appeal.
- (3) An appeal shall be perfected by filing written notice, with reasons therefor, with the Planning Director within the time period prescribed.

2. Zoning Board of Adjustment Action.

- (1) The Zoning Board of Adjustment may affirm, reverse or modify the decision of the Director according to the quasi-judicial procedures detail in *Section A.4 Procedures*, based upon a finding or determination as to whether the applicant or permit holder has met the requirements and conditions for the issuance of a development permit, extension thereof or an amendment thereto, as specified in this section of the Ordinance.

- (2) The Zoning Board of Adjustment may impose further requirements or conditions upon the issuance, extension or amendment of a permit as may reasonably be deemed necessary to accomplish the purposes declared in this section of the Ordinance.
- (3) Pending appeal, grading at the site shall proceed only in accordance with a currently effective development permit and plan issued and approved by the Director of Inspections.
3. **Appeal from Zoning Board of Adjustment.** Appeal from the Zoning Board of Adjustment shall be to the North Carolina Sedimentation Control Commission as provided in G.S. 113A-61(c) and 15 NCAC 4B .0081(b), with notice of appeal filed within fifteen (15) days following issuance of the decision.

4-21.2. NOTIFICATION AND APPEAL TO THE COMMISSION

- A. In the event that an erosion control plan is disapproved pursuant to *Section C.4-17.8 Disapproval*, the Stormwater Director or a designee shall notify the Director of the Division of Land Resources of such disapproval within ten (10) days.
- B. The stormwater Director or designee shall advise the applicant and the Director in writing as to the specific reasons that the plan was disapproved.
- C. The applicant may appeal the Stormwater Director or designee's disapproval of the plan pursuant to *Section C.4-17.8 Disapproval*, directly to the Commission.

4-22. INJUNCTIVE RELIEF

4-22.1. VIOLATION OF THE ORDINANCE

Whenever the Stormwater Administrator has reasonable cause to believe that any person is violating or threatening to violate this Ordinance, or any rule or order adopted or issued pursuant to this Ordinance, or any term, condition, or provision of an approved erosion control plan, he/she may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the Town of Lewisville/Forsyth County for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the Superior Court of Forsyth County.

4-22.2. ORDER TO ABATE VIOLATION

- A. Upon determination by a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation.
- B. The institution of an action for injunctive relief under this section shall not relieve any party to such proceedings from any civil or criminal penalty prescribed for violations of this section of the Ordinance.

4-23. PERMITS AND DEVELOPMENT PLANS PRESENTLY IN EFFECT TO REMAIN IN EFFECT

All permits and development plans approved by the Director of Inspections and other corrective measures required pursuant to the previous erosion control ordinance shall remain in full force and effect as if they had been approved pursuant to this section of the Ordinance; provided, however, any renewals or amendments of the permits and development plans previously approved shall be controlled by this section of the Ordinance.

4-24. RESTORATION AFTER NONCOMPLIANCE

- A. The Director of Inspections may require a person who engaged in a land disturbing activity and failed to retain sediment generated by the activity, as required by G.S. 113A-57(3), to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation.
- B. The authority is in addition to any other civil or criminal penalty or injunctive relief authorized under this Ordinance.

C.5

5. DAM BREACH HAZARD AREAS

5-1 GENERAL

5-1.1 PURPOSE OF REGULATION

Dam breach hazard areas are those areas located downstream of certain dams designated by the United States Soil Conservation Service, which may be flooded in case of a dam breach. The risks to life and property in such areas are similar to those in flood hazard areas, although the frequency of the risk may be less and the predictability of the risk is considerably less.

5-1.2 MAPS

Dam breach hazard areas subject to regulation shall be only those areas identified on *Dam Breach Hazard Area Maps* adopted by the Planning Board and maintained in the office of the Planning Director. The North Carolina Office of the United States Soil Conservation Service has been requested to map the areas in Forsyth County which may be susceptible to damage from dam breaches. Administration and enforcement of the development standards in *Section C.5 Dam Breach Hazard Areas* will be deferred until completion of the maps.

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5-2. DEVELOPMENT STANDARDS

The development standards applicable to floodways, in accordance with *Section C.2-3 Provisions for Flood Hazard Reduction*, shall apply to dam breach hazard areas.

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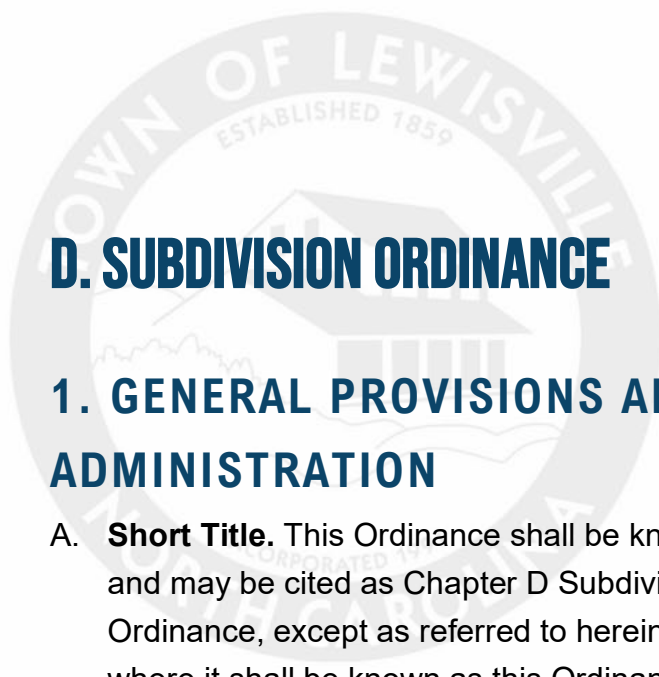
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D. SUBDIVISION ORDINANCE

1. GENERAL PROVISIONS AND ADMINISTRATION

- A. **Short Title.** This Ordinance shall be known and may be cited as Chapter D Subdivision Ordinance, except as referred to herein, where it shall be known as this Ordinance.
- B. **Purpose and Adoption.** The purpose of this *Subdivision Ordinance* is to establish criteria and procedures for managing the development and subdivision of land and other real property within the Town of Lewisville. These regulations are intended to:
1. Maintain and promote public health, safety, and welfare;
 2. Manage growth and land development according to the principles and goals of the *Lewisville Tomorrow Comprehensive Plan*;
 3. Provide for a network of streets and facilities that accommodates multiple modes of pedestrian and vehicle transportation;



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4. Connect neighborhoods across the Town while decreasing traffic congestion and improving circulation patterns;
 5. Allow for the dedication or reservation of rights-of-way or easements for future streets, utilities, and other public purposes;
 6. Provide for the maintenance and extension of public water and sewerage systems; and,
 7. Further the development of public necessities, community amenities, and public spaces to serve the residents of Lewisville.
- C. **Applicability.** These rules and ordinances shall apply to the subdivision of land anywhere in the Town of Lewisville.
- D. **General Definition of a Subdivision.** For the purposes of this Ordinance, *subdivision* shall mean all divisions and recombinations of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of a gift, sale, or development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets. This general definition will be further defined in this Ordinance as:
1. Subdivisions exempt by State law or court judgments;
 2. Expedited Subdivisions;
 3. Minor Subdivisions;
 4. Major Subdivisions; and
 5. Industrial or commercial subdivisions.
- E. **Approving Authority and Planning Director.** The Planning Director and the Planning Board shall be the approving authorities for various sections of this Ordinance. The Planning Board shall approve all preliminary major subdivision plats. The Planning Director is authorized to approve minor or exempt plats and extensions of preliminary major subdivision approvals. No subdivision shall be created anywhere in the Town of Lewisville until said plat has been approved by the Planning Director or Planning Board.
- F. **Penalties for Transferring Lots in Unapproved Subdivisions.** In accordance with G.S. 160D-807, "Penalties for Transferring Lots in Unapproved Subdivisions", any person who, being the owner or agent of the owner of any land located within the

jurisdiction of the town, subdivides his land in violation of the subdivision requirements set forth in the Town's Unified Development Ordinance, or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved in accordance with the UDO and recorded in the office of the Register of Deeds, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The Town may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land.

1. The Town of Lewisville may enjoin the transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the penalty by civil action in any court of competent jurisdiction.
2. Building permits required pursuant to G.S. 160D-1110 may be denied for lots that have been illegally subdivided.

- G. **Pre-Existing Subdivisions.** None of the provisions of this Ordinance shall apply to subdivision plats recorded with the Register of Deeds prior to the effective date of this Ordinance, provided the lots met the requirements of the *Zoning Ordinance* or any other local or State land regulatory ordinances which were in effect at the time the lots were recorded.
- H. **Administration.** These provisions shall be considered the minimum requirements for the protection of public health, safety, and general welfare. The Town Council reserves the right to amend this Ordinance as may be deemed necessary to provide reasonable service to the public.
- I. **Amendments.** Before the adoption of any amendment to this Ordinance, the Town Council shall conduct a legislative hearing. Notice of the hearing shall be given consistent with the public notice requirements for UDO Amendments in *Section A.4-3.1(C)(7) Public Meeting and Hearing Notice Requirements*.
- J. **Denial of Subdivision.** The reason(s) for the denial of any subdivision governed by any section of this Ordinance shall be provided in writing to the landowner of record or the owner's agent by the Planning Director.

- K. **Appeal of a Planning Director Determination.** A determination of the Planning Director plat governed by this Ordinance may be appealed to the Zoning Board of Adjustment according to the procedures described in *Section A.4-3.7 Appeals*. The appeal request must be submitted to the Planning Director within thirty (30) days of receiving written notification of the determination. Application requirements include a survey map of the plat in question, written comments explaining the reasons for the appeal request, and a fee as determined by the current fee schedule. Once the application is complete, the appeal request will be placed on the agenda for the next regularly scheduled meeting of the Zoning Board of Adjustment, subject to the required time period for public notice. The decision of Zoning Board of Adjustment shall be promulgated in written statements, prepared by the Planning Director detailing the reasons for the decision. The Zoning Board of Adjustment may require conditions of approval as deemed necessary, according to the terms of this Ordinance.
- L. **Appeal of a Planning Board Determination.** A determination of the Planning Board on any plat governed by this Ordinance may be appealed to the nature of certiorari to Superior Court within thirty (30) days of having received written notice of the determination, according to the procedures detailed in *Section A.4-3.7 Appeals* and G.S. 160D-1403(b)(1).
- M. **Appeal of a Zoning Board of Adjustment Determination.** A determination of the Zoning Board of Adjustment on any plat governed by this Ordinance may be appealed in the nature of certiorari to Superior Court within thirty (30) days of receiving written notice of the decision, according to the procedures detailed in *Section A.4-3.7 Appeals* and G.S. 160D-1403(b)(2).
- N. **Mapping of Environmental Features.** All preliminary and final plats are subject to Chapter C of this UDO, the *Environmental Ordinance*. Depictions of features including watercourses, wetlands, flood hazard areas, watershed boundaries, permanent stormwater controls and other provisions described in Chapter C shall be included on the face of all maps and plats, as required by the Planning Director and/or the authorizing body.

2. PRIVATE STREETS AND EASEMENTS

A. Access Easement, Private Off-Site.

1. **Applicability.** Access easements and private roads are allowed only for uses or structures permissible in each respective zoning district or as part of an approved subdivision, planned residential or multi-family development. Any other types of access easements or private roads are subject to the requirements for special use permits described in *Section A.4-3.5 Special Use Permit*.
2. **Conditional Zoning Districts.** Notwithstanding the requirements of *Section D.2(A)(1) Applicability*, a private access easement established pursuant to *Section A.4 Procedures* may serve more than one zoning lot or conditional zoning district.
3. **Standards.** Private access easements requiring the issuance of a special use permit in *Section D.2(A)(1) Access Easement, Private Off-Site Applicability* must be designed in conformity with the minimum standards for public streets established by the North Carolina Department of Transportation (NCDOT).

B. Width of Private Access Easements and Private Streets.

All access easements and private streets approved according to the terms of this Ordinance shall be not less than twenty-five (25) feet in width and shall be shown on the face of a plat recorded in the office of the Register of Deeds. No zoning permit shall be issued for a principal use not served by a public street or a private access easement or street which complies with provisions of this Ordinance. These requirements do not apply to driveways or alleys.

C. Utility Easements.

No part of any building shall be constructed within the boundaries of a utility easement unless authorized to do so by the grantor of such easement in writing and recorded in the office of the Register of Deeds.

3. EXEMPT SUBDIVISIONS

- ### A. Definition.
- A subdivision exempted by State law or court judgments is a division of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of a gift, sale, or building development, including the recombination of previously divided tracts or parcels of land. All lots must comply with the size and

area requirements of the *Zoning Ordinance* or any other applicable local or State land regulatory ordinances and meet any one of the following definitions:

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Lewisville UDO regulations.
2. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
3. The public acquisition by purchase of strips of land for the widening or opening of streets.
4. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no public or private street right-of-way dedication is involved and the resultant lots are equal to or exceed the standards of the Lewisville UDO regulations.
5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with interstate succession under Chapter 29 of the General Statutes.
6. The Town of Lewisville also considers subdivisions of land to create or dedicate private cemeteries on individual lots to be exempt from the requirements of this Ordinance and the dimensional requirements of the Zoning Ordinance.

B. Application and Approval Requirements. The following are the application requirements for approval of subdivisions exempted by State law or court judgments:

1. Submission of a preliminary survey plat to the Planning Director, prepared by a land surveyor licensed to practice in the State of North Carolina. Submission may be electronic by email (preferred) or in full-size paper form.
2. Once submitted the Planning Director will have three (3) days to review the plat and provide approval or determine if more information is needed. If additional information is required, the three (3) day period will restart after the Planning Director has received it.

3. When the preliminary plat has been approved, a final survey plat may be submitted to the Planning Director according to *Section D.6(H) Approval Process for Final Major Subdivision Plats*.
4. The Planning Director will provide approval of the final plat by signature as a duly appointed Plat Review Officer of Forsyth County, NC.
5. Payment of the exempt plat review fee as determined in the current schedule of fees.
6. Once the plat has been approved and fees paid, the plat may be recorded in the office of the Register of Deeds. Unless exempted by law, no plat may be recorded with the Register of Deeds without approval from a plat review officer appointed by the Forsyth County Board of Commissioners.

4. EXPEDITED SUBDIVISIONS

- A. Subdivisions qualifying for expedited plat approval per G.S. 160D-802(c), as stated below, shall be reviewed and approved in the same manner as Exempt Subdivisions. Only a plat is required for recordation for the division of a tract or parcel of land in single ownership if all of the following criteria are met to qualify for expedited review:
 1. The tract or parcel to be divided is/was not exempt according to the provisions of this Ordinance;
 2. No part of the tract or parcel to be divided has been divided under this subsection in the ten (10) years prior to division;
 3. The entire area of the tract or parcel to be divided is greater than five (5) acres;
 4. After division, no more than three (3) lots result from the division; and,
 5. After division, all resultant lots comply with all of the following:
 - (1) All size and dimensional requirements for lots as described in this Ordinance;
 - (2) The use of the lots is in conformity with applicable zoning requirements, if any; and,
 - (3) A permanent means of ingress and egress is recorded for each lot in compliance with the provisions of this Ordinance.

5. MINOR SUBDIVISIONS

A. **Definition.** A minor subdivision shall mean all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of a gift, sale, or building development. All lots must comply with the lot size, dimensional requirements, any other development standards contained in the *Unified Development Ordinance*, or any other applicable local or State land regulatory ordinances and meet any one of the following criteria:

1. Is a division of land where the entire area is greater than two (2) acres into not more than a total of three (3) lots, where no street right-of-way dedication is involved;
2. Is created by a private access easement established in compliance with the standards of this UDO and consists of no more than a total of three (3) lots which do not front on a public street; or,
3. Is created by lots, all of which front an existing public street, provided that the subdivision would not impair ingress and egress to or from the rear or side of the subject tract or any adjacent property. All newly created lots must front a street with public right-of-way.
4. The dedication of standard right-of-way and additional right-of-way for future widening of roads as indicated on the *Transportation Plan* may be required, subject to the provisions of G.S. 136-66.10 and as may be amended.

B. **Development Standards.** The following are the standards for approval of minor subdivisions:

1. Minor subdivisions may be approved provided that the subdivision:
 - (1) Does not violate any adopted plan, policy, or the Ordinance of Lewisville;
 - (2) Does not create any new public streets;
 - (3) Does not block or impede the extension of a public street located within an approved preliminary or final subdivision.
 - (4) Is not located within the corridors of any planned or proposed street as shown on the adopted *Transportation Plan* of Lewisville;

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- (5) Does not leave an implied division of property which would not meet the requirements of the *Zoning Ordinance* or any other land regulatory ordinances; and,
 - (6) Does not land lock any tract of land.
- 2. If a minor subdivision is included in a preliminary major subdivision plat that has been approved by the Planning Board, then official action must be taken by the Planning Board to withdraw the subdivision or any portion thereof in accordance with *Section D.6(F) Withdrawal of Preliminary Subdivision Approval* before a minor subdivision can be approved.
 - 3. Flag lots may be created according to the following standards:
 - (1) The maximum "pole" length may not exceed 150 feet and may not account for more than twenty-five (25%) of the total property area.
 - (2) The pole may not be used for either lot area or yard calculation of any other lot; and,
 - (3) If more than one flag lot is proposed to the rear of another lot or "stacked" off the street, a special use permit from the Zoning Board of Adjustment is required.
 - 4. Where more than one property accesses a public road via a private access easement, said easement shall conform with the sight distance requirements of the NC DOT at the point of access to the public road.

C. Application and Approval Requirements.

- 1. Submission of a preliminary survey plat to the Planning Director, prepared by a land surveyor licensed to practice in the State of North Carolina. Submission may be electronic by email (preferred) or in full-size paper form.
- 2. Once submitted the Planning Director will have three (3) days to review the minor subdivision and provide approval or determine if more information is needed. If additional information is required, the three (3) day period will restart after the Planning Director has received it.

3. When the minor subdivision has been approved, a final survey plat may be submitted to the Planning Director in the same manner as described in *Section D.6(H) Approval Process for Final Major Subdivision Plats*.
4. The Planning Director will provide approval of the final plat by signature as a duly appointed Plat Review Officer of Forsyth County, NC.
5. Payment of the minor subdivision plat review fee as determined in the current schedule of fees.
6. Once the subdivision has been approved and fees paid, the subdivision may be recorded in the office of the Register of Deeds. Unless exempted by law, no plat may be recorded with the Register of Deeds without approval from a plat review officer appointed by the Forsyth County Board of Commissioners.

D. **Public Recordation of Landfills.** A record of the use of any site for a landfill and a rehabilitation/reuse plan for the site shall be recorded with the Register of Deeds, prior to the issuance of a zoning or grading permit.

6. MAJOR SUBDIVISIONS

- A. **Definition.** A major subdivision of land shall mean all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of a gift, sale, or building development where new public streets rights-of-way will be dedicated or new public streets constructed. Large Lot Subdivisions are those otherwise defined as Major Subdivisions where the average density equals no more than one home per 80,000 square feet and where no individual residential lot is smaller than 40,000 square feet. All lots must comply with the lot size, dimensional requirements and any other development standards contained in the *Unified Development Ordinance*, or any other applicable local or state land regulations. Preliminary subdivision approval of a plat in accordance with *Section D.6(H) Approval Process for Preliminary Subdivision Approval* is required by the Planning Board. Final plats must be recorded in the office of the Register of Deeds in accordance with *Section D.6(H) Approval Process for Final Major Subdivisions* when all the requirements of this Ordinance have been met.
- B. **Development Standards.** This section lists development standards and requirements for preliminary Major Subdivision approval. Anyone proposing a new

Major Subdivision is encouraged to meet with the Planning Director before preparing or submitting a preliminary subdivision plat.

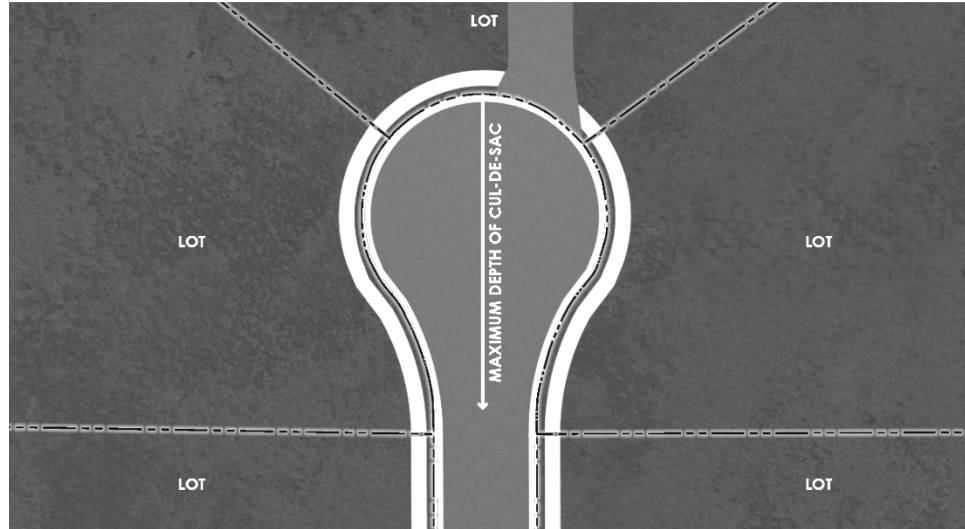
1. Public Streets.

- (1) All streets or roads shall be designed to integrate with the road system of Lewisville, as shown on the adopted *Transportation Plan*. These streets or roads shall be coterminous with adjoining links in said system.
- (2) The principal point(s) of access to all Major and Large Lot residential subdivisions shall be public streets. All interior streets for Major Subdivisions shall be public streets.
- (3) Dedication of additional rights-of-way, widenings, or other improvements to existing public streets may be required.
- (4) All streets proposed to become Town of Lewisville streets shall meet or exceed the minimum standards of the North Carolina Department of Transportation Manual for Subdivision Roads and those of the Lewisville Town Code, Chapter 31. Greater street widths may be required for residential or nonresidential collector streets where deemed to be necessary for public safety, welfare, or health or in coordination with the North Carolina Department of Transportation (NCDOT).
- (5) Street standards within the corporate limits of Lewisville shall permit narrower widths with slower design speeds than are conventionally required. Design speeds may be reduced to twenty (20) miles per hour on local residential streets. Local residential street widths may be reduced to twenty (20) feet without parking, twenty-six (26) feet with one (1) side parking and thirty-two (32) feet with two (2) side parking. Residential collector streets with two (2) side parking may be reduced to thirty-two (32) feet in width, with a design speed of twenty-five (25) miles per hour.
- (6) Preliminary plats shall demonstrate sight distance conformance with the terms of this Ordinance. Roadway width and geometry may be revised during the review process for public safety reasons. Utilities may be placed under roadways.

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- (7) New public streets in all residential developments shall require curb and gutter types allowed by NCDOT standards, except for Large Lot Subdivisions located in the protected area of the Yadkin River WS IV watershed, which are exempt from this requirement.
- (8) Where streams, variable topography or other physical challenges to street connectivity might exist, exemptions from or alternatives to required inter-connectivity standards may be considered by the Planning Director or Planning Board. Exemption requests must be accompanied by a written report from a Professional Engineer (PE) detailing the barriers to connectivity and why it is impracticable. Any exemption granted shall be considered an administrative determination made by the authorizing agent or body.
- (9) All subdivisions shall dedicate rights-of-way and construct stub streets to all adjoining properties. All stub streets shall meet the design and construction criteria required by the Town of Lewisville and/or NC DOT and shall be constructed to the property line. Otherwise, stub streets are subject to an approved financial guarantee with the Town before final plats are approved for the sections of the subdivision where said streets are located. All stub streets shall be designed, constructed, and placed in locations which will permit the future extension of these streets. Any developments proposed adjacent to recorded but unbuilt stub streets shall construct the stub street through to the nearest public street inside the adjacent development. Any exemption shall be subject to the standards noted in *Section D.6(B)(1)(8)* above.
- (10) Blocks, or the distance between street intersections, shall not be less than six hundred (600) feet nor more than one thousand two hundred (1,200) feet in length unless exempted according to the requirements of *Section D.6(B)(1)(8)* above.
- (11) Any type of dead end street designed to remain permanent, shall not be longer than one thousand two hundred (1,200) feet and shall have either a cul-de-sac or a T-shaped turnaround installed at the end. Cul-de-sacs and T-shaped turnarounds shall conform to the minimum standards of NC DOT and the Lewisville Fire Department.

Figure D.6.1 Cul-de-sac Illustration



- (12) Sidewalks are required in all residential subdivisions and developments where curb and gutter streets are required. Sidewalks shall be placed three (3) feet back of curb and measure a minimum of four (4) feet in width. Sidewalks shall be installed at a ratio of one (1) linear foot for each linear, centerline of public streets (1:1). All sidewalks shall be constructed according to NCDOT standards, including the accessibility requirements of the Americans with Disabilities Act (ADA). Large Lot Subdivisions outside of the protected area of the Yadkin River WS IV watershed shall provide sidewalks or greenways that will accommodate pedestrian and bicycle traffic at a ratio of one (1) linear foot per centerline of public streets (1:1). The landowner, developer, homeowners' association or similar accountable entity shall ensure that all sidewalks are constructed and maintained in conformance with these standards. Additional sidewalks may be required where any residential development is also subject to the requirements of an overlay as described in *Section B.2-4.8 Overlays – Purpose Statements and Regulations*. Alleys and private drives are exempt from linear foot calculations. The exact location and type of pedestrian connections shall be determined during the site plan and subdivision review process. All pedestrian access segments not defined as sidewalks shall meet or exceed ADA standards and shall be constructed with all-weather surfaces. New Major Subdivisions that adjoin a public-school site (or proposed site) shall create a system of pedestrian sidewalks, paths and/or

greenways that provide interconnectivity to the school. Said connectivity shall provide for safe and secure pedestrian movement protected from automobile traffic.

- (13) Large Lot subdivisions within the Yadkin River WS-IV watershed are required to dedicate easements for pedestrian paths at a ratio of one foot of easement per one foot of both public and private roadway (1:1). The required length of this easement is not to exceed one hundred ten percent (110%) of a straight line measured from the entrance of the subdivision to the termination of the subdivision's road(s). These easements shall be located adjacent to public or private streets. Additional easements within the overall project area may also be dedicated to access development features and amenities.

(14) **Half-streets.**

- i. New half streets are prohibited except when essential to the reasonable progression of the subdivision or other development in conformity with the other requirements of these regulations and where it will be practicable to require the dedication of the other half when the adjoining property is subdivided or otherwise developed.
- ii. Whenever an existing half street is adjacent to a tract of land to be subdivided or otherwise developed, the other half of the street shall be dedicated and constructed unless no access to the street from the development is permitted.
- iii. In cases where access to an adjacent half street is not permitted, then the land corresponding to the other half of the street shall be reserved and included within an easement for conditional future dedication within the new subdivision or other development.

- (15) Reserve strips of land adjoining public rights-of-way which are intended to or result in barriers to access are prohibited.

- (16) Streets shall be designed so as to intersect in conformance with minimum NC DOT and/or Town of Lewisville street standards.

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- (17) All new subdivisions will have triangular sight distance easements shown in dashed lines at all street intersections and so noted on the final plat map. These easements will remain free of all structures, trees, shrubbery, driveways, and signs, except utility poles, fire hydrants, and traffic control signs. Sight easements shall conform with minimum NC DOT standards.
- (18) All new public streets shall include a ten (10) foot utility easement on both sides of the street reserved for the installation and maintenance of public utilities, where adequate space within the street right-of-way is unavailable.
- (19) Street names shall be approved by the Planning Director, according to the Addressing and Street Naming Guidelines and Procedures Manual for Forsyth County, as may be amended, and the standards of Lewisville Town Code 31-13. Street names shall be shown on all preliminary and final subdivision plats.
- (20) Any local subdivision or residential collector street section measuring more than twenty-four (24) feet wide and having an uninterrupted sight distance of more than seven hundred fifty (750) feet shall provide center traffic islands. All islands shall be a minimum eight (8) feet wide and a minimum of fifty (50) feet in length. All traffic islands shall be landscaped with evergreen shrubs having a minimum height of eighteen (18) inches at installation, reaching a mature height of thirty-six (36) inches within three (3) years. Shrubs must be locally adapted species, selected from the recommended planting material described in *Section B.3-3.9 Suggested Plant Materials List*. The entire island shall be landscaped. Major and large lot subdivisions located within the Yadkin River WS-IV watershed are exempt from the center traffic island requirement.

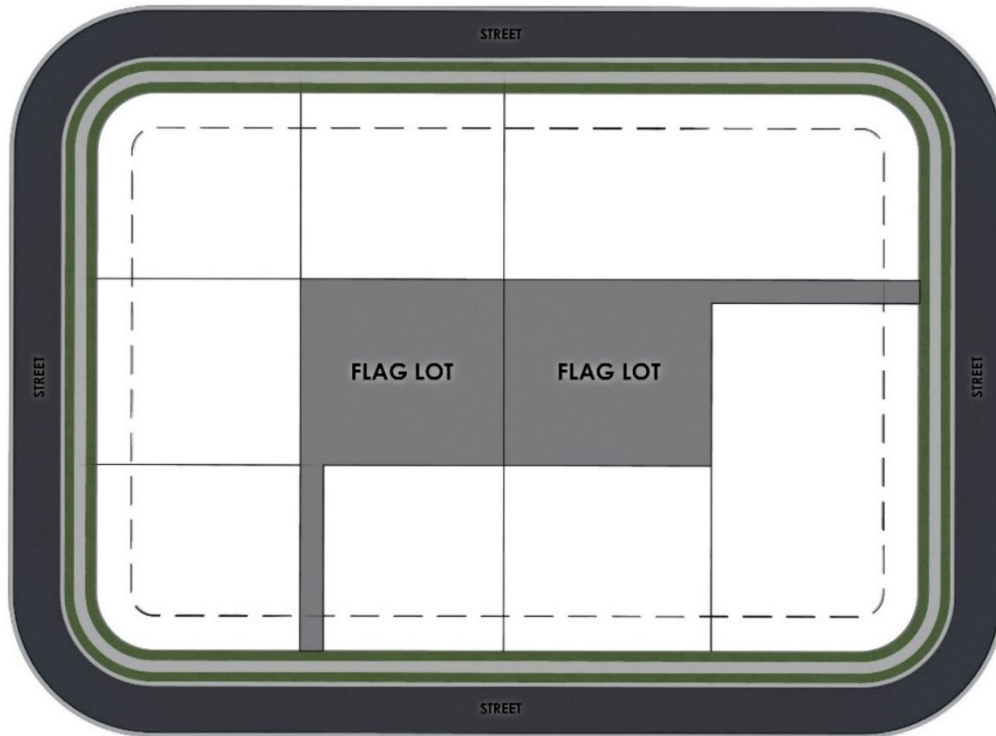
2. Lots.

- (1) Lots shall conform to the *Zoning Ordinance* and any other applicable local or state land regulations.
- (2) Subdivisions shall be designed to exclude any road frontage lots on major or minor thoroughfares as shown on the adopted *Transportation Plan*. Said lots shall be served internally by local residential subdivision roads, consistent with the driveway policies of the Town of Lewisville and the NCDOT. Any

exemption from this requirement shall follow the requirements of *Section D.6(B)(1)(8)*.

- (3) Along major/minor thoroughfares or at thoroughfare intersections into or within the subdivision, negative access easements are required to prevent access onto thoroughfares from corner lots. Access must instead be provided to the lot on the non-thoroughfare street at the intersection. These negative access easements shall be shown on the final plat. See illustration for acceptable example in *Section D.6.(B)(2) Lots*.
- (4) In all rectangular lots, and so far as possible in all other lots, side lot lines shall be at right angles or radial to the streets each lot faces.
- (5) Flag lots may be created according to the following standards:
 - i. The maximum "pole" length may not exceed 150 feet and may not account for more than twenty-five (25%) of the total property area.
 - ii. The pole may not be used for either lot area or yard calculation of any other lot; and,
 - iii. If more than one flag lot is proposed to the rear of another lot or "stacked" off the street, a special use permit from the Zoning Board of Adjustment is required.

Figure D.6.2 Flag Lot



- (6) Where streams, variable topography or other physical challenges to street connectivity might exist, exemptions from or alternatives to required inter-connectivity standards may be considered by Planning Director or Planning Board. Exemption requests must be accompanied by a written report from a Professional Engineer (PE) detailing the barriers to connectivity and why it is impracticable. Any exemption granted shall be considered an administrative determination made by the authorizing agent or body.
3. **Public or Private Utilities.** No final plat shall receive approval unless the following public or private utilities have either been constructed or, if applicable, upon receipt of a financial guarantee as discussed in *Section D.6(J) Development Guarantees*.
- (1) **Water.**
- i. All major subdivisions of land within one thousand (1,000) feet of public water shall be required to provide public water to the subdivision and install fire hydrants in accordance with Fire Department of Lewisville standards. The preliminary subdivision plat shall indicate that public water is to be used.

- ii. If public water is not available or required, the preliminary subdivision plat shall indicate the type of private water system to be used.
- iii. If fire hydrants are installed as part of a private water system, the system and fire hydrants shall be approved by the Fire Department of Lewisville.

(2) Sewerage and Septage.

- i. The preliminary subdivision plat shall indicate if public sewer is to be used.
- ii. If public sewer is not available or required, the preliminary subdivision plat shall indicate the type of private sewer or septic system(s) to be used.
- iii. No private package sewer treatment plants shall be allowed in areas identified as Rural Residential according to the Lewisville Comprehensive Plan and Future Land Use Map.

(3) Drainage.

- i. The preliminary subdivision plat shall indicate any areas with special drainage requirements. Drainage easements shall be shown on the final plat.
- ii. If a permanent stormwater retention or detention system is required by this Ordinance or other local or State regulation, the proposed location of all devices to be used in the system shall be shown on the preliminary subdivision plat.

- (4) Other Public Utilities.** All distribution lines and lines providing direct service to individual properties for public utilities shall be installed underground, unless required by the utility provider to be placed aboveground.

4. Trees.

- (1) One tree must be planted within the boundaries of each lot within a Major Subdivision or Large Lot Subdivision. Additionally, street trees shall be required subject to the following:
 - i. Street trees shall be provided at a rate of one (1) tree per forty-five (45) linear feet of street frontage along both sides of the right-of-way.
 - ii. Street trees shall be set back from the curb or sidewalk. Small variety trees shall be setback a minimum of four (4) feet and medium variety trees shall

be setback a minimum of six (6) feet. Large variety trees shall not be used for street tree plantings.

- (2) Tree preservation planting areas shall be cordoned off during construction and protected from encroachment. The minimum area to be cordoned off shall consist of the critical root zone of the tree or an area ten (10) feet from the tree's trunk in all directions, whichever is the greater area. The protection measures shall be properly maintained during site development and shall not be removed prior to final landscaping. For the purposes of this section, encroachment is defined as the ground surface disturbance caused by grading; impervious surface cover; equipment, material, or earth storage; or by temporary or permanent construction vehicle access or circulation.
- (3) Street and lot tree credits may be obtained by preserving existing trees. Credits are limited to Major and Large Lot Subdivision projects for detached one- and two-family dwellings. To receive credit, a minimum of three (3) medium to large variety trees, four (4) small variety trees, or a combination thereof equaling at least four (4) trees must be retained within the boundaries of each newly created lot. If the required number of trees cannot be retained, newly planted street and lot trees are required on a parcel by parcel basis.
- (4) When street and lot tree credits are obtained, preserved trees must be maintained in good health for a period of ten (10) years. If a tree(s) becomes diseased, dies or is removed from a parcel of land after the final plat has been approved, it must be replaced with a tree of similar characteristics selected from those noted in *Section B.3-3.9. Suggested Plant Materials List*. Replaced large variety trees must measure eight (8) feet in height at the time of installation. Small and medium variety trees must measure six (6) feet in height at the time of installation. Trees that must be replaced may be located anywhere within the property lines of the zoning lot. Tree preservation and maintenance shall be the responsibility of the landowner or developer until such time as this responsibility is transferred to a homeowners' association (HOA) or similar accountable entity. Tree maintenance provisions shall be incorporated into the recorded governing documents for the HOA or similar entity.

5. **Other.**

- (1) Where the plan for the subdivision includes a lake or pond of one acre or more in size, existing or to be constructed, the preliminary subdivision plat shall show the location of dams, spillways, and other structures and the location and extent of inundation at full pond.
- (2) All signs, monuments, and markers are subject to the permitting standards for signs described in *Section B.3-1 Sign Regulations*. These shall be placed outside any public right-of-way or sight easement. Preliminary and final Major Subdivision plats shall show the locations of these features.
- (3) Where a proposed greenway, park, playground or other public facility (or use) is included in any plan officially adopted by the Town of Lewisville, the approving authority may require reservation of areas for such facilities or uses, or may require easement dedication for such.
- (4) Statements of fact may be required on Major Subdivision preliminary (and final) plats when deemed necessary for public health, safety, and welfare by the Planning Director or Planning Board. Such information or statements may include:
 - i. The location of any proposed or planned thoroughfare. If the location of such thoroughfare has not been determined, a statement as to which lots may be affected or that the entire subdivision may be affected by the thoroughfare under study may be required.
 - ii. Planned public facilities identified in the Capital Improvement Program of Lewisville or other official plans adopted by the Lewisville Town Council;
 - iii. Other information deemed to be in the public interest.
- (5) A Type III bufferyard is required adjacent to a major or minor thoroughfare, or exterior collector street. Use of earthen berms as described in *Section B.3-4.2(B)(4) Earthen Berms* is encouraged. The bufferyard shall be clearly delineated on preliminary and final plats.

C. Application Requirements for Preliminary Subdivision Approval. The following are the application requirements for preliminary major subdivision approval:

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1. Submission of any required application forms to the Planning Director, completed in full.
2. **Fees.** Payment of any required fees per the adopted fee schedule.
3. **Mapping Standards.** Ten (10) copies of a plat are required, at a scale not smaller than one (1) inch represents one hundred (100) feet (1" to 100'). Any other scale must be approved by the Planning Director. All paper and electronic copies shall be marked "PRELIMINARY". Additional copies of the preliminary subdivision map shall be required if modifications are made to the original submission during the review and approval process. Additionally, an electronic version in a format readable by the Planning Director and designees shall be submitted. Two (2) physical copies, at a minimum, shall be provided. Preliminary plats for Major Subdivisions shall include the following elements:
 - (1) Vicinity/Location Map at a scale not smaller than one (1) inch represents two thousand (2,000) feet (1" to 2,000'), indicating the location of the site and showing:
 - i. The intersection of at least two (2) public streets nearest to the property; and
 - ii. North arrow.
 - (2) Title Block to appear in the lower right-hand corner of the plat:
 - i. Development name;
 - ii. Name and address of landowner or owner's agent;
 - iii. Name and address person or firm who prepared the plat;
 - iv. Date survey was made; and
 - v. Scale, date, and north arrow.
 - (3) Legend.
 - (4) Property boundaries with bearings and distances.
 - (5) Adjacent property lines with ownership indicated according to current deed or tax records.
 - (6) Natural features — existing and proposed:

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- i. The location of all intermittent and perennial streams and/or designated wetlands;
 - ii. Any floodway or flood hazard area as described in *Chapter C. Environmental Ordinance*;
 - iii. Topography at four-foot intervals. Distinction between existing and proposed topography lines to be shown according to the following; existing - light dashed lines; proposed - thin solid lines. In certain instances, this may require the submission of separate maps; and
- (7) A landscape plan showing all required screening, bufferyards and streetyards and the dimensions for each according to the requirements of the UDO. The landscape plan shall indicate wooded areas and other natural features to be left undisturbed, in accordance with *Section B.3-3 Landscaping Standards*. Other existing and proposed plantings shall be included in the landscape plan. If plantings are to be delayed, a planting schedule shall be submitted to the Planning Director, in accordance with *Section B.3-3.2(B) Delay of Landscaping*. The Director shall approve, deny or request modifications to the alternate planting schedule, provided in writing to the landowner or owner's agent. The landowner or owner's agent shall be responsible for maintaining all required plant materials in good health. Any plant material that may become damaged, diseased or die within one (1) year from the date of planting shall be replaced.
- i. A Tree Protection Plan consistent with the requirements of *Section B.3-3.2.A(5) Tree Protection Plan*.
- (8) Constructed Features - existing and proposed:
- i. Rights-of-way and easements with type and widths indicated and an indication of whether public or private;
 - ii. Private and public streets including pavement widths, names and an indication of whether public or private, (access drives and parking areas to be shaded in);
 - iii. All major public serving utility lines visible on the site including water, sewer, power, telephone, gas, cable, or any other public utility;

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- iv. Public/private water and sewer systems to be used;
- v. All other easements, parklands, playgrounds, sidewalks, and other common or public areas;
- vi. Lot lines, dimensions, and lot numbers;
- vii. Finished elevations on all center lines of new streets and of any stub streets shall be specified both on the site and at connection with adjacent property(s); and
- viii. All streets, driveways, etc. (including pavement and right-of-way) within one hundred (100) feet of the project site.

D. Approval Process for Preliminary Major Subdivisions. The following is the process for preliminary subdivision approval:

1. Application by the owner or owner's agent shall be made to the Planning Director according to the established annual development review schedule. The Planning Board shall act on the preliminary subdivision plat within the time frame established by the annual Development Review Schedule.
2. Applications for preliminary major subdivisions shall be reviewed by the Planning Director and the Technical Review Committee (TRC) prior to the Planning Board Review.
3. Modifications to the original preliminary subdivision plat may be required by the Planning Director or TRC. Revised plat submissions shall follow the same time frame established by the annual Development Review Schedule.
4. The Planning Board may approve a preliminary subdivision plat as submitted by the applicant, approve the subdivision with conditions as authorized in *Section A.3-5.3 Powers and Duties*, or deny the subdivision. If the conditions on the subdivision are accepted by the applicant, they shall become binding on the development of the subdivision. Failure to comply with any conditions determined necessary by the Planning Director, TRC, or Planning board and agreed upon by the applicant shall nullify the subdivision approval.
5. The Planning Board may approve preliminary subdivisions with changes to the plat. Such changes shall be made to the plat and submitted to the Planning Director

no later than thirty (30) days after the meeting at which the plat was approved. Failure of the owner or owner's agent to submit amended copies of the plat within the thirty (30) day period shall nullify the Planning Board approval.

6. Preliminary Major Subdivision approval by the Planning Board shall constitute approval of the general widths and alignments of streets, the general dimensions and shapes of lots, and the type of public or private utilities to be used. The approval shall be valid for two (2) years and in accordance with GS 160D-108.1 regarding site specific vesting rights.

E. Continuing validity of Preliminary Subdivision Approval.

1. Within two (2) years of the date of approval of the preliminary plat, the applicant shall submit a final plat for at least one phase of the major subdivision, otherwise the preliminary plat approval shall expire. Resubmission of plans will be required.
2. For multi-phase developments greater than twenty-five (25) acres, the preliminary plat shall expire seven (7) years after preliminary plat approval and is subject to the requirements of G.S. 160D-108(d). As phases continue to receive development approval or site specific vesting plans, the vesting period may extend past the initial seven (7) year period according to the standards for those approvals.
3. For preliminary plats approved as part of Conditional Zoning Districts, the preliminary plat does not expire and runs with the land, or until a subsequent rezoning changes the district.
4. Where more than one vested right may be in effect, the longer time period applies.
5. At its discretion, upon application from a property owner or affected party, or with reasonable cause the Town Council may pass a resolution extending the period of vested rights for any given development project beyond the requirements of G.S. 160D-108. The resolution shall set forth the terms, conditions, duration of the extension and any other relevant information.

- F. Withdrawal of Preliminary Subdivision Approval.** Any landowner or owner's agent may withdraw an approved preliminary subdivision by providing a written request to the Planning Director. The withdrawal request shall be placed on the agenda for the next available Planning Board meeting according to the annual Development Review Schedule. If the withdrawal request is approved by the Planning Board, the owner or

owner's agent may apply or reapply to subdivide the subject property in accordance with the provisions of this Ordinance.

G. **Major Subdivision Final Plat Application Requirements.** The following are the application requirements for final plats:

1. **Preliminary Review.** An electronic copy of the plat shall be submitted to the Planning Director, along with one (1) full size paper copy at least three (3) days prior to the desired recording date. If applicable, the Planning Director will return comments to the applicant if any modifications are needed, according to the procedures described in *Section D.6(H) Approval Process for Major Subdivision Plats*. The applicant shall make any necessary modifications and return a copy of the proposed final plat to the Planning Director.
2. **Final Plat.** One electronic copy, one (1) archival Mylar and one (1) full size paper copy of the final plat shall be submitted for approval to the Planning Director. The final plat shall contain all the changes, corrections, and information required by the Planning Director and shall conform to all the requirements of these ordinances and any other recording requirements of local or State law.
3. **Application Fee.** Payment of the application fee per the current fee schedule.

H. **Approval Process for Final Major Subdivision Plats.** The final subdivision plat shall be prepared and submitted to the Planning Director. Once the final plat is approved, it may be recorded in the office of the Register of Deeds within two (2) years, or within the time frames allowed by GS 160D-108(d). Plat(s) shall be signed by the Review Officer when all the following requirements have been met:

1. **Conformance of Final Plat.** The final plat shall conform to the conditions as approved by the Planning Board, the recording requirements of State law and shall meet the requirements as listed in G.S. 47-30, as amended.
 - (1) **Flood Hazard Areas.** All flood hazard areas and base flood elevations shall be accurately delineated and identified on the final plats according to the Federal Emergency Management Agency (FEMA) maps, where available.
 - (2) **Wetlands.** Any areas delineated by the United States Army Corps of Engineers as *Wetlands* shall be accurately identified on the final plat.

- (3) **Utility or Other Easements.** All public or private utility easements, drainage easements, sight distance easements, and sign easements for subdivision markers shall be shown on the final plat.
- (4) **Greenway or Other Public Easements or Dedication of Public Lands.** Any greenway or other public easements or fee simple dedication of public lands or public right-of-way required as a condition of preliminary subdivision approval shall be accurately delineated on the final plat.
- (5) **Existing Trees to be Retained.** Any existing trees to be retained shall be shown on the final plat and protected in accordance with *Section D.6(B)(4) Other*.
- (6) **Statements of Fact.** Any statements of fact required in *Section D.5(B)(4) Other* and made a condition of preliminary subdivision approval, shall be shown on the final plat. Any statements of fact which may become obsolete or are no longer required, may be removed by the Planning Director from the final plat after notification of the Planning Board. A new final plat must be recorded to remove these statements of fact.
- (7) **Street Traffic Signs.** Street traffic signs (e.g., stop signs, etc.) shall be installed in accordance with the specifications of either the Public Works Department of the Town of Lewisville, or the North Carolina Department of Transportation, whichever is the appropriate agency, prior to signing final plats. If a financial guarantee has been approved for street completion, it shall not be released until said street traffic signs are installed to the specifications of either the Public Works Department of the Town of Lewisville or the North Carolina Department of Transportation.
- (8) **Street Name Signs.** Street name signs shall be installed in accordance with the specifications of the Manual On Uniform Traffic Control Devices (MUTCD)/Lewisville Retroreflectivity Policy, the Town's addressing policy, and provisions made with Staff for the installation of said signs prior to signing final plats. If a financial guarantee has been approved for street completion, it shall not be released until said street name signs are installed to the specifications of the Town's Public Works Department.

- (9) **Subdivision Phasing and Illogical Phasing Determinations by the Planning Director.** The final plat shall represent the full plan of development for the subdivision or phase(s) thereof. If developed in phases or sections, each plat shall denote phase or section numbers in numerical order as the subdivision is developed. The Planning Director may determine that a phase or section of the development is illogical due to its proximity to adjoining property or for other valid reasons. The reasons for any illogical phasing determination by the Planning Director shall be provided in writing to the landowner. Any party with standing may appeal the Planning Director's illogical phasing determination to the Zoning Board of Adjustment in accordance with *Section D.1(K) Appeal of Denial of Subdivision*.
- (10) **Public Recordation of Landfill.** Any portion of a site used for a landfill must be recorded with the Register of Deeds.
2. **Effect of Approving and Recording the Final Plat.** Approval of the final plat by the Review Officer and subsequent recording of such plat in the office of the Register of Deeds shall be deemed a dedication of all streets and other public areas for public use or public easements as shown on the plat. Recording the final plat shall have the effect of transferring:
- (1) Proposed public areas other than streets in fee simple to The Town of Lewisville;
 - (2) Proposed streets in fee simple to The Town of Lewisville; and,
 - (3) Proposed streets to the purchasers of the property and to the general public in areas outside the corporate limits or areas being annexed into the corporate limits of Lewisville.
3. **Acceptance of Streets for Town Maintenance.** Acceptance of streets by the Town of Lewisville for maintenance may be obtained by application as provided in Chapter 31-4 and 31-5 of the Lewisville Town Code.
- I. **Modifications to an Approved Plat.**
1. **Minor Modifications.**
- (1) **Preliminary Plat.** Minor modifications to an approved preliminary plat shall be reviewed and approved by the Planning Director if the proposed changes

are within the scope and intent of the original approval, meet all other standards of this chapter, and meet the criteria below. Such revisions may include but not be limited to:

- i. Modifying phase lines; and
- ii. Minor internal adjustments to lot or street locations no more than fifty (50) feet in any direction.

(2) **Final Plat.** A final plat may be rerecorded to:

- i. Revise or correct dimensions;
- ii. Change street names;
- iii. Add, delete, or modify easements; or
- iv. Change subdivision name.

2. **Procedures.**

(1) **Preliminary Plat.**

- i. Application for a revised preliminary subdivision approval shall be submitted to the Planning Director delineating the revisions and requesting authorization for administrative revision. The Planning Director shall, within five (5) working days after an application is received, grant or deny the revised preliminary subdivision approval. If granted, the final plat may be submitted in accordance with the revisions.
- ii. The Planning Director will distribute the revised preliminary subdivision plats to applicable governmental agencies and the owner or owner's agent.

(1) **Final Plat.**

- a. Application for a revised final subdivision approval shall be submitted to the Planning Director delineating the revisions and requesting authorization for administrative revision. In addition to the letter and the revised final plat, the applicant shall submit the required fees to the Planning Director for processing and rerecording the revised plat. The

D. SUBDIVISION ORDINANCE

Planning Director shall, within five (5) working days after an application is received, grant or deny the revised preliminary subdivision approval.

- b. If the plat has been recorded, the applicant shall submit the recorded plat with a statement describing the revisions made and title block for the Planning Director signature, and date of signing.
 - c. If the ownership of the subdivision has changed or if any lots have been sold since the previous recording, and owner's and notary's certificates shall be provided on the plat for each current owner.
 - d. The Planning Director will distribute the revised final subdivision plats to applicable governmental agencies and the owner or owner's agent.
3. **Major Modifications.** Proposed modifications to an approved plat not considered minor revisions shall be submitted and processed as new applications in accordance with the provisions of this section.

J. Development Guarantees.

1. **Generally.** Final plats or site plans will be signed by the Planning Director only after all required improvements have been approved, installed or guaranteed by a financial instrument. Pursuant to the standards of G.S. 160D-804.1, in lieu of meeting the requirements for the completion, installation or dedication of any public infrastructure improvements (e.g. streets, sidewalks, water, sewer, stormwater control measures, trees, landscape buffers, and others) the Town of Lewisville may enter into a written agreement with a landowner or developer, whereby the costs of all required improvements will be guaranteed. Once such an agreement has been approved according to the procedures described herein, a final plat or site plan may be approved by the Planning Director.
2. **Type of Guarantee.** The following types of financial guarantees are acceptable:
 - (1) A surety bond underwritten by a corporate surety company licensed to do business in North Carolina.
 - (2) An irrevocable bank letter of credit issued by a financial institution licensed to do business in North Carolina.

- (3) Any other form of guarantee that provides equivalent security to a surety bond or letter of credit, issued or underwritten by a financial institution licensed to do business in North Carolina.

3. Requirements.

- (1) All financial guarantee agreements must be reviewed and approved by the Town Manager, who may consult with the Town Attorney, Public Works Director, Planning Director, or other local government officials before rendering a decision. These guarantees shall be filed with the Finance Director when complete.
- (2) Any cash or certified check shall be deposited with the Finance Director, as escrow agent, who shall deposit the check in an interest-bearing escrow account of the county, with all interest accruing to the applicant.
- (3) All financial guarantees shall provide the terms by which an action may be taken by the Town of Lewisville upon the failure of the owner or developer to perform the obligations described in the financial guarantee within the stipulated period of the instrument during which the work required is to be performed.

4. Terms.

- (1) The financial guarantee shall equal 1.25 times or one hundred twenty-five (125) percent of the entire cost of completion, as determined by the certified estimate of a Professional Engineer (PE). The duration of the financial guarantee shall be for one (1) year, unless it is determined that the scope of work of the required improvements necessitates a longer duration.
- (2) The landowner or developer shall demonstrate good faith in completing all required improvements. If the improvements are not completed within the one (1) year period, the Town Manager may grant an extension or renewal of a financial guarantee according to the same process. The amount of any performance guarantee, extension, or renewal shall be determined according to the same procedures for determining the initial guarantee, not to exceed 1.25 times (125%) the estimated cost to complete the remaining improvements still outstanding at the time the extension is obtained.

- (3) The financial guarantee may be returned or released when the specified improvements covered by the guarantee have been completed and approved, as determined by the Town Manager, who may consult with other local government officials.
- (4) Where all or part of the required improvements are to be completed by another government agency or public utility, the Town Manager may accept the written guarantee of the agency to complete the improvements within a time to be mutually agreed upon.
- 5. **Inspections.** The Town Manager, Public Works Director, Planning Director or other authorized local government official shall be allowed to make periodic inspections during the course of construction and development, subject to the provisions of G.S. 160D-403(e).

7. NON-RESIDENTIAL SUBDIVISIONS

- A. **Definition.** A non-residential subdivision of land shall mean divisions of a tract or parcel of land into two (2) or more lots, building sites or other divisions or recombinations for the purpose of a gift, sale or non-residential development. The subdivisions may incorporate new public or private streets. All lots must comply with the size and dimensional requirements of the *Zoning Ordinance* or any other applicable local or state land regulatory ordinances.
- B. **Public Streets.** Non-residential subdivisions that include the dedication of new public rights-of-way and public streets shall follow the same procedures for Major Subdivisions, described in this Ordinance, *Section D.6(D) Approval Process for Preliminary Major Subdivisions* and *Section D.6(H) Approval Process for Final Major Subdivision Plats*.
- C. **Private Streets.** Non-residential subdivisions that include only private easements or streets shall follow the same procedures for Minor Subdivisions, described in this Ordinance, *Section D.5(C) Application and Approval Requirements*. However, these subdivisions will not be limited to the requirement of no more than three (3) lots served by a private easement or street, described in this Ordinance, *Section D.5 Minor Subdivisions*.

APPENDIX A – TRAFFIC IMPACT ANALYSIS (TIA) STANDARDS

INTENT

These standards are meant to provide the Lewisville Town Council and the Lewisville Planning Board the knowledge necessary to make informed decisions regarding the impacts of development on roads located within the corporate limits of the Town of Lewisville.

By adopting these standards, the Town of Lewisville (herein referred to as the Town) seeks to ensure that all decisions regarding traffic impacts which might result from development are based on objective technical standards and that needed improvements are made in a cost-effective manner.

These standards serve as a framework for completing traffic impact analyses (TIA) or studies. The local office of the NCDOT Division 9 has the ultimate responsibility for determining when a TIA is required for any given development project and resolving questions concerning traffic impact studies.

APPLICABILITY

- A. Working in conjunction with the Winston-Salem Urban Area Metropolitan Planning Organization (WSUAMPO) and the North Carolina Department of Transportation (NCDOT), the Planning Board and Town Council may review all proposed development plans for traffic impacts.
 - 1. Anyone conducting a TIA in the Town of Lewisville shall contact the local Division 9 NCDOT office to determine specific traffic concerns or to arrange a pre-study conference.
 - 2. All of these standards may not apply in every instance. Individual recommendations or requirements will be determined on a case by case basis.
 - 3. All TIAs shall conform to sound and established engineering practice.
 - 4. Any methods used for analysis that are not addressed by these standards shall be explained in a footnote to the analysis.
 - 5. Instances in which a TIA may be required include:

- (1) A proposed conditional rezoning, special use permit, non-residential development or major residential subdivision that will increase the approach traffic volumes at intersections or streets by more than 150 vehicles during the peak traffic hour.
- (2) Proposed development in the vicinity of roadways identified as having levels of service “E” or “F,” hazardous locations or other similar areas.
- (3) When a reduction in safety is possible. (A traffic signal warrant study may be required by NCDOT even if a TIA is determined to be unnecessary).
- (4) When a TIA has prepared and two years have elapsed since the time of the initial analysis. (This recommendation may be waived by the Division Engineer of the NCDOT Division 9 at the request of the applicant).

STANDARDS FOR REVIEW

- A. Before performing a traffic study, the applicant shall participate in a joint meeting of Town of Lewisville officials and NCDOT Division 9. Any suggestion for additional analyses shall be addressed during this meeting or by the mitigation plan (see Sections 20 and 21).
- B. A TIA may only be performed by a licensed Professional Engineer. The following areas of investigation shall be included in the study:
 1. An examination of traffic flows, exclusive of the site being studied, defined as “background traffic.”
 2. An examination of the projected traffic flows when the proposed project is included, defined as “total traffic.”
 3. A review of mitigation strategies.
 4. An examination of the projected traffic flows after the project is developed and mitigation measures are implemented.
- C. Traffic shall be evaluated using data collected within the defined study area which is no more than two (2) years old and from traffic counts obtained by the applicant based on the specifications established during the pre-study meeting.
- D. The study area must include each intersection involving a major thoroughfare that might be used as a travel way between the project site and the highway network. The analysis must include any additional intersections that might be impacted by the

APPENDIX A – TRAFFIC IMPACT ANALYSIS (TIA) STANDARD

project. Major Thoroughfares are designated so by the *Comprehensive Transportation Plan*.

- E. The design hour must be determined by the period for the proposed project that will generate the highest traffic volume and the period of highest traffic volumes within the study area.
- F. The forecast year shall be determined according to the following criteria:
 - 1. A scheduled phase of development or the completion of the project,
 - 2. The *Comprehensive Transportation Plan*,
 - 3. Locally adopted transportation or thoroughfare plans,
 - 4. Transportation Improvement Programs, or
 - 5. Major transportation system changes
- G. Roadways and intersections must be analyzed using methods described in the Highway Capacity Manual, published by the Transportation Research Board. Additional analyses may be recommended based on concerns discussed during the pre-study meeting.
- H. Level of service “D” is the lowest level considered adequate for intersections and roadway approaches. Project development may not bring the level of service down by more than one level without establishing roadway improvements.
- I. Background traffic shall be determined by thoroughfare classification as described in the most recent *Transportation Plan*, including:
 - 1. Historic and/or projected traffic increase rates on major thoroughfares, and
 - 2. Recorded trips on roads classified as minor thoroughfares
- J. Trip generation, distribution and assignment shall be determined using the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers or documented local trip generation rates, as determined by previous or current studies. Trips shall be assigned to the study area network during the study’s design hour. Trip distribution shall be determined by:
 - 1. The Gravity Model,
 - 2. Trip assignment of the traffic demand forecasting model,
 - 3. Trip purpose and trip tables derived from demographic data, and
 - 4. Current directional distribution, only if no future changes to land use and no improvements to transportation facilities are expected until the design year

APPENDIX A – TRAFFIC IMPACT ANALYSIS (TIA) STANDARD

- K. Pass-by trips shall be determined using the Institute of Transportation Engineers pass-by trip rates or documented pass-by trip rates, as determined by previous or current studies.
- L. Traffic shall be apportioned to the proposed project first by the projected level of service forecast without the proposed project, then by the projected level of service with the addition of the proposed development. The two forecasts shall be evaluated to determine if traffic generated by the proposed development will lower projected level of service to below “D” or one level below the current level of service.
- M. When a TIA projects that intersections and roadways within the study area will not be adequate, the project may be reduced in scope so that resulting the level of service meets the standards of this Section or a mitigation plan may be proposed.
- N. A mitigation plan is an addition to the TIA and is meant to identify the specific causes of lowered levels of service and traffic impacts. The mitigation plan may demonstrate improvements that will moderate the effects of projected traffic impacts and identify demand management options including, but not limited to the following:
 - 1. Construction of new roadways
 - 2. Improvements to the existing road network within the study area
 - 3. Additional traffic signals
 - 4. Ride sharing programs
 - 5. Off-site parking facilities and para-transit
 - 6. Signal timing/phasing changes
 - 7. Channelization modifications
 - 8. Changes to ingress and egress points
 - 9. Reducing the number of entrances to the project
 - 10. Lane widening and lane modifications
- O. Mitigation plan improvement may be initiated in phases and shall take into consideration:
 - 1. The timing of short-term and long-term network improvements that are planned, scheduled and/or funded
 - 2. The time schedules of adjacent developments
 - 3. The size and timing of individual phases of development
 - 4. Right-of-way needs and the availability of additional rights-of-way
 - 5. Local priorities for transportation improvements and funding
 - 6. Local priorities for transportation demand management strategies

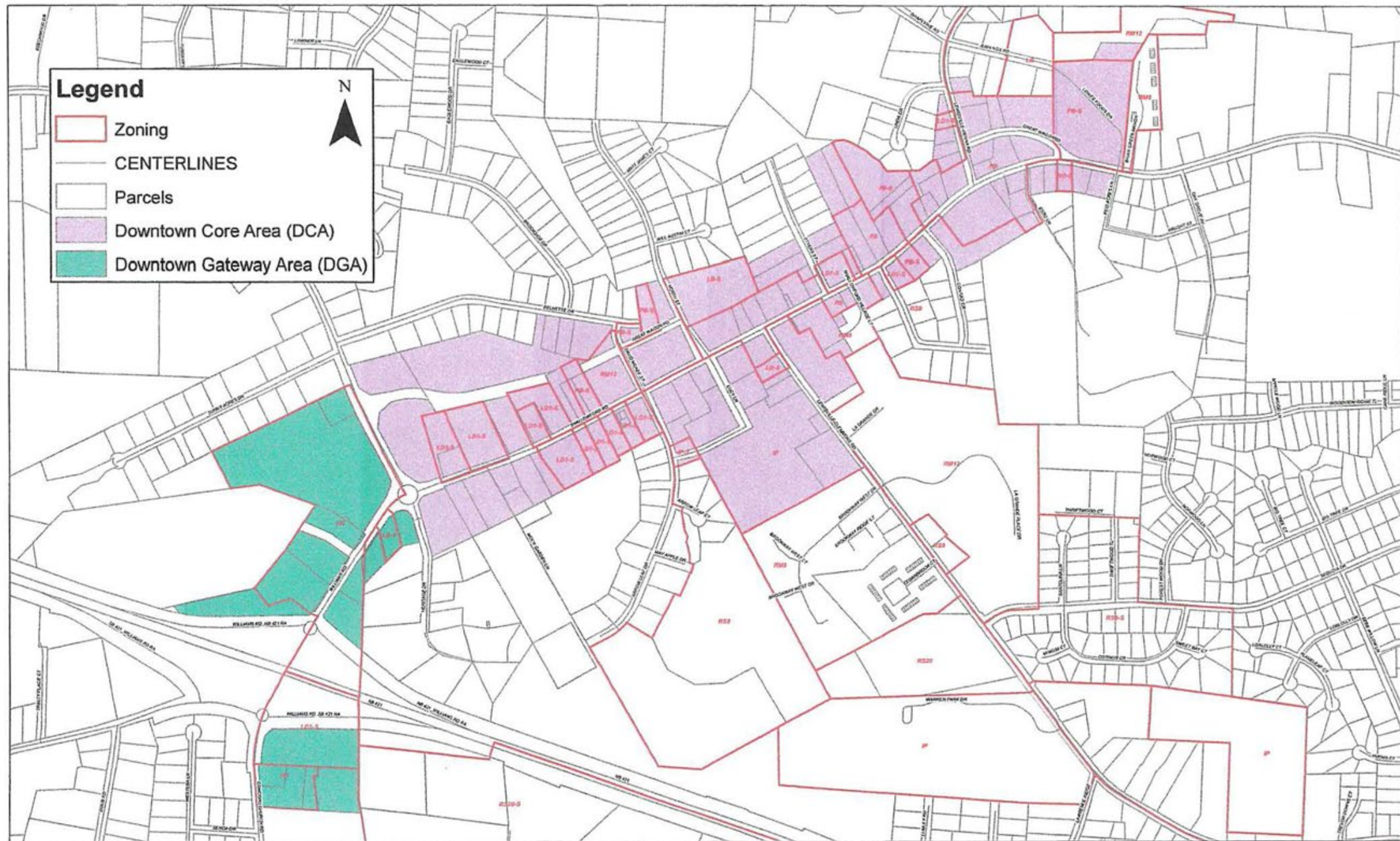
APPENDIX A – TRAFFIC IMPACT ANALYSIS (TIA) STANDARD

7. Required lead time for additional design and construction
 8. That the sum of improvements is proportional to the impacts of the development project
 9. The information needed to determine the sequence of improvements according to an analysis of phased development traffic needs
- P. The project developer is solely responsible for implementing the improvements recommended in the mitigation plan unless 100% of construction costs for the improvements have been identified and are covered in the subject year of the current WSUAMPO State Transportation Improvement Program (STIP) or other capital improvement program.
- Q. If the existing level of service is inadequate or the existing plus background traffic causes an inadequate level of service, the project developer shall be responsible for mitigating only the traffic resulting from the proposed project.
- R. The developer may agree to pay fees to fund necessary improvements by written agreement with the NCDOT.
- S. If the proposed development is determined to be of signification economic importance, the NCDOT may grant an exception or waiver for improvements included in the STIP or other capital improvement program.
- T. Additional studies or analyses may be required by the NCDOT, including but not limited to sight distance analysis, signal warrant analysis, traffic signal progression analysis, or environmental analysis.

APPENDIX B – LEWISVILLE DOWNTOWN OVERLAY DISTRICT MAP

Legend

- Zoning
- CENTERLINES
- Parcels
- Downtown Core Area (DCA)
- Downtown Gateway Area (DGA)



1 inch = 275 feet

Adopted 01/07/2021