

TOWN OF LEWISVILLE

NORTH CAROLINA

UNIFIED DEVELOPMENT ORDINANCE

User's Manual

Lewisville
NORTH CAROLINA

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1. UNIFIED DEVELOPMENT ORDINANCE MANUAL

1-1. INTRODUCTION

Welcome to the Town of Lewisville's Unified Development Ordinance (UDO) User Manual. This guide is designed to provide a clear and accessible summary of the Town's key processes that govern development, redevelopment, land use, and certain permitting procedures within the Town limits. It serves as a practical resource for residents, developers, and stakeholders seeking to understand how to navigate the regulatory framework that shapes our community.

While this manual offers helpful insights and guidance, it does not replace or supersede the Unified Development Ordinance (UDO) as formally adopted by the Town of Lewisville. For authoritative regulations and legal requirements, users should refer directly to the UDO and contact Town Staff.

We hope this manual supports your efforts to engage with the Town's planning and development processes in a well-informed and productive manner.

The Town of Lewisville adopted the UDO updating its previous regulations consistent with amendments to the North Carolina General Statutes, Chapter 160D. This UDO Manual ("Manual") is intended to provide an overview of the various processes the Town utilizes in implementing the UDO and other development related regulations.

Persons interested in more information about the UDO, development review procedures, submittal requirements and or the specific development standards adopted by the Town should contact staff to ensure they are using the most recent version of the UDO; Town staff can also assist in clarifying standards.

The UDO has been adopted in four (4) chapters addressing specific areas of the UDO as follows:

1. **Chapter A – Administration.** The purpose is to establish a set of definitions and administrative standards applicable to the Chapter B Zoning Regulations, Chapter C Environmental Ordinance, and Chapter D Subdivision Ordinance of The Town of Lewisville.



2. **Chapter B – Zoning Regulations.** The purpose 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.
3. **Chapter C –Environmental Ordinance.** The purpose is 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.
4. **Chapter D – Subdivision Ordinance.** The purpose is to establish criteria and procedures for managing the development and subdivision of land and other real property within the Town of Lewisville.

This Manual specifically addresses the processes identified in Chapter A of the UDO.

2. GENERAL PROVISIONS

Note: The Town of Lewisville utilizes several review and decision-making bodies, each with a specific role and or authority. Each review and decision-making body, including staff, and their respective roles, responsibilities, and authority within the decision-making process is identified in Chapter A Administration of the UDO. The references made in this manual pertain to the specific Sections of the UDO and not this manual.

2-1. PURPOSE AND INTENT

- A. The purpose of this Unified Development Ordinance Manual (referred to throughout as “UDO Manual” or simply “Manual”) is to identify procedures for filing and processing applications for development approval within the Town of Lewisville, in accordance with the required standards of the UDO of the Town of Lewisville. This manual is a tool for staff of the Town of Lewisville and is designed to allow users to understand the steps involved to obtain development

approval for the processes contained herein. This manual defines all development review processes of this UDO and provides summary information which attempts to clarify certain technical standards found within the UDO.

2-2. GENERAL PROCEDURES

- A. No development of land, building or structure is permitted unless all applicable approvals are issued in accordance with this UDO Manual and the standards of the UDO. Development approvals from the Town are required for all development, unless otherwise exempted, to ensure compliance with the UDO, Comprehensive Plan, adopted codes, standards, and applicable laws. This manual describes procedural elements for development approval processes.

2-3. APPROVALS REQUIRED

- A. Except as specifically exempted by NCGS or other applicable laws, the use of property may not be substantially changed nor may any clearing, grading or excavation be commenced and buildings or other structures may not be constructed, erected, moved or substantially altered except in accordance with and pursuant to the standards of the *Town of Lewisville's Unified Development Ordinance* and the process requirements of this Manual.
- B. All development shall comply with such approved plans and specifications, as well as the provisions of the UDO except where otherwise modified (i.e. through a variance, design alternative or similar approval by the Town). Approvals, authorize specified activities; however, the intended use may not be established, no building may be occupied and in the case of subdivisions no lots may be sold until all the requirements of this UDO and any other (additional) requirements imposed pursuant to approval have been met.

3. DEVELOPMENT REVIEW PROCESSES

3-1 DEVELOPMENT PROCESSES SUMMARY TABLE

- A. The Town has adopted and utilizes certain processes which apply to development and redevelopment in the Town as well as the use of land. The table below provides a summary of the development processes included in this Manual and more specifically Chapter A.
- B. 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 Administrative, Quasi-Judicial, and Legislative.

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.4-3.12	D			
Minor Subdivision	A.4-3.9	D			
Exempt Subdivisions	A.4-3.9	D			
Expedited Subdivisions	A.4-3.9	D			
Temporary Use Permit	A.4-3.11	D			
Certificate of Occupancy	A.4-3.13	D			
Preliminary Major and Large Lot Subdivisions	A.4-3.9	RR	D		

REVIEW PROCESS	SECTION	REVIEW AND DECISION-MAKING BODIES			
		Planning Director	Planning Board	Zoning Board of Adjustment	Town Council
Final Major Subdivision	<i>A.4-3.9</i>	D			
Site Plan**	<i>A.4-3.10</i>				
QUASI-JUDICIAL PROCESS					
Variance	<i>A.4-3.6</i>	R		D	
Special Use Permit	<i>A.4-3.5</i>	R		D	
Appeals*	<i>A.6-3.7</i>	R		D	
LEGISLATIVE PROCESS					
Zoning Map Amendments (Rezoning)	<i>A.4-3.3</i>	RR	RR		D
UDO Amendment	<i>A.4-3.2</i>	RR	RR		D
KEY: R = REVIEW, RR = REVIEW AND RECOMMEND, D = FINAL DECISION					
<p>*The ZBOA shall hear and pass upon appeals from and shall review any disputed order, requirements, decision or determination made by the Planning Director.</p> <p>**Site Plan approval is subject to the requirements of Section A.4-3.10.</p>					

4. DEVELOPMENT REVIEW PROCEDURES (IN GENERAL)

A. Purpose and Intent.

1. This Section describes the standard procedural steps and rules generally applicable to all development applications reviewed under this UDO. Each of processes adopted by the Town will generally confirm to this set of procedures; however, may vary depending on the nature of the request.
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. Rezonings 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:

Public Hearing Notification Requirements Table

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

5. APPLICATIONS

A. **Application Requirements.**

1. Requests for any development process defined in this Manual shall be made on applications provided by the Planning Department. The term application is understood to include all materials identified in the submittal requirements including application, instructions, plans, studies and analysis, and any additional information required in the review and processing of a specific project.
2. Applications shall only be accepted from a landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. Easement holders may also apply for approval for such development as authorized by the easement. Development approvals made pursuant to this annual and the UDO attach to and run with the land.

- B. **Filing Applications.** The Town may establish standards for the submittal, review and processing of applications. Planning staff shall determine if an application is complete and or if additional materials may be required. Processing of applications, including time frame(s) for review shall commence upon a determination the application materials are deemed complete, Modifications or changes to the application by an applicant shall restart specified review times for the application.

- C. **Processing of Applications.** Once an application is deemed complete consistent with *Section 2. Review Processes* by the Planning Department, the Planning Director (Director) and/or their designee shall review the application

and forward the application to all required review bodies. Written reports for compliance of the application to the standards in the UDO, including any deficiencies and or requested permitted deviations (i.e. variances, design alternatives or similar approvals by the Town) shall be created and forwarded to all applicable advisory bodies and/or decision-making bodies per processes identified in *Section 2. Review Processes* of this Manual.

5-1 TIME

- A. Time shall be calculated by excluding the first and including the last day within any time period.
- B. If the last day is a weekend (either Saturday or Sunday) or a recognized legal holiday, that day shall also be excluded from time computations.
- C. **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.
- D. **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.
- E. **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.

5-2 PRE- APPLICATION MEETINGS

- A. The purpose of a pre-application meeting is to provide an opportunity for the applicant to meet with Town staff to learn about the submittal requirements, procedures, and standards applicable to a particular development application.
- B. The pre-application meeting also provides an opportunity for staff to become familiar with the proposed project and offer preliminary comments about the scope of the proposed development, as it relates to the standards of the UDO.
- C. Comments and information provided during the pre-application meeting is deemed to be advisory in nature and not binding upon the staff.
- D. The pre-application meeting is not required but is encouraged.

5-3 COMPLETENESS REVIEWS

- A. Applications shall include all required items before being deemed as complete by the Director.
- B. A complete application shall contain, at minimum all information and materials as required for submittal of the particular type of application; Provide the number of copies required for application submittal; Is signed by the person with the authority to file the application; Is legible and printed to scale (as may be required by staff); Includes information in sufficient detail to evaluate whether or not the application complies with the applicable review standards of the UDO; and the appropriate fee is submitted for the particular type of application.
- C. Additional information may be required by any other regional, state or federal entity.
- D. 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.
- E. 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.
- F. 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.

- G. 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.

5-4 FORMAL REVIEW

- A. After staff deems an application complete, the application shall be considered as officially submitted. Staff shall begin formal review of the application.
- B. The application shall be distributed to all appropriate review bodies within the Town, consistent with the requirements of the specific process.
- C. Each appropriate review body shall review and comment on the application. If any deficiencies exist, review bodies shall contact the applicant and inform them of said deficiencies. The applicant shall be provided opportunity to discuss any deficiencies and resubmit any required information in the form of a resubmittal.
- D. Upon receiving all required information, the appropriate review body shall deem the application complete through formal review and summarize its findings in a staff report to be reviewed by the decision body and discussed at a public hearing (if required).
- E. Formal reviews shall be completed by the Town within thirty (30) days after deeming an application complete.
- F. Following completion of a formal review, the application shall be forwarded to the appropriate review body for consideration. If the application is administrative, it shall be approved by the appropriate staff.

5-5 FAILURE TO ACT

- A. If the review body fails to convene a quorum or make a recommendation approving or denying an application at two (2) consecutive meetings, such action at the choice of the applicant, shall be deemed to be a negative recommendation. The Director shall then submit the application to the Board of Commissioners for consideration.

5-6 CONFLICTS OF INTEREST

- A. 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.
- B. 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.

5-7 APPROVALS

- A. Approvals shall expire consistent with the requirements of N.C. Gen. Stat. § 160D-108.1 and N.C. Gen. Stat. § 160D-403.

5-8 EXTENSIONS

- A. Except where otherwise authorized by 160D, a permit issuing authority may extend approvals for a period of up to one (1) year if it concludes that the approval has not yet expired; the approval recipient has proceeded in good faith and has undertaken due diligence; and/or conditions have not changed to warrant a new application.

5-9 SUCCESSORS AND ASSIGNS

- A. Approvals are transferable if the use of land or structures (or any portions) subject to if the approval continues to comply with the UDO, terms of approval, and any additional conditions or requirements.

5-10 AMENDMENTS TO DEVELOPMENT APPROVALS

- A. The Director may authorize minor amendments to development approvals if the amendment has no discernible impact on neighboring properties, the general public or those intended to utilize or occupy the proposed development.
- B. Any other request shall be processed as a modification to the original application.

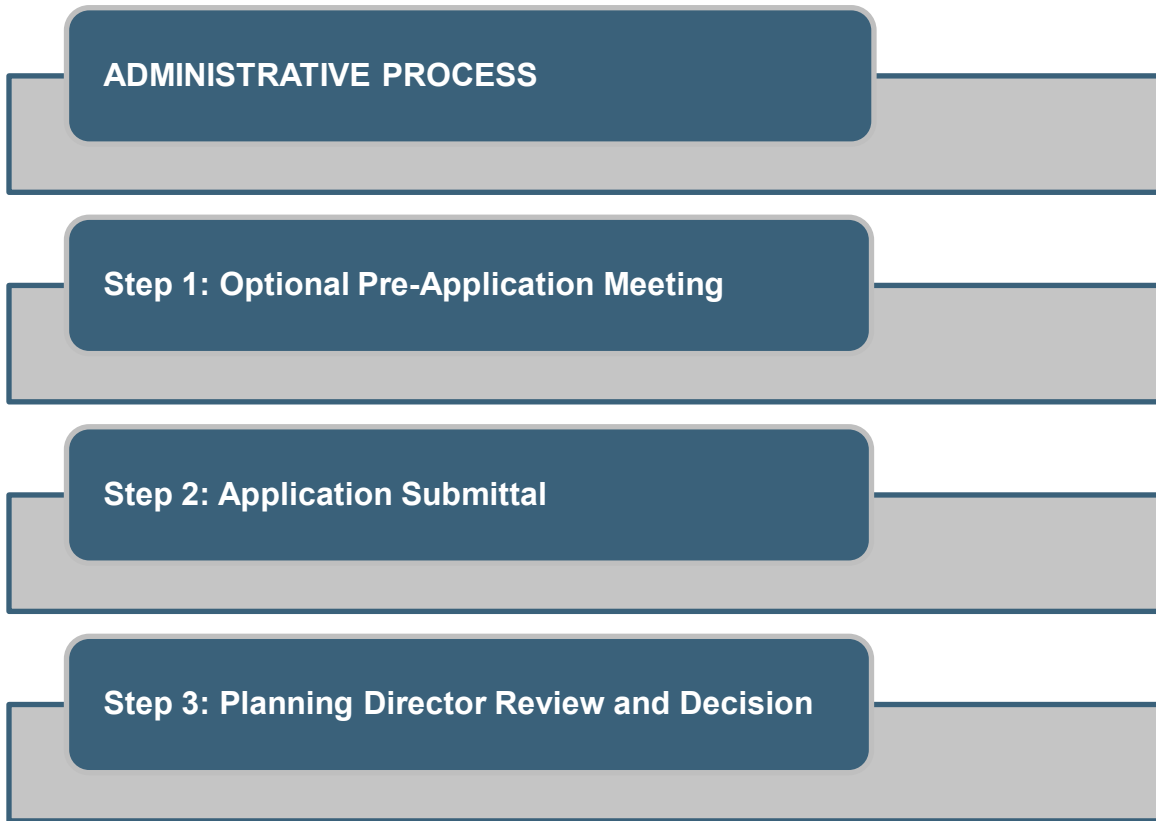
5-11 CONDITIONS OF APPROVAL

- A. 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.

5-12 PHASED DEVELOPMENT

- A. An applicant may propose phased development. Plans shall be provided that demonstrate the requirements of the UDO will be satisfied in each individual phase except where otherwise approved.
- B. A phasing plan will require a date or event by which substantial work on each phase will begin and be completed. “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. The Director may authorize adjustments in the phasing schedule; however, may not extend the overall project schedule beyond the completion date as approved and or beyond the time frames established by 160D-801.d
- C. If a phased development includes work or improvements that affect and benefit the entire development, the applicant shall submit a proposed schedule for completion of such work or improvement.

6. PLANNING DIRECTOR DUTIES (ADMINISTRATIVE PROCEDURES)



**The table above is applicable to all administrative processes unless otherwise stated in 3-1 Development Processes Summary Table and/or throughout this section (i.e. Preliminary Major and Large Lot Subdivisions).*

6-1. TEMPORARY USE PERMIT

The Town of Lewisville recognizes the need for flexibility in land use to accommodate short-term activities that contribute to the community's vibrancy and economic development. A Temporary Use Permit allows individuals, businesses, and organizations to conduct activities of a limited duration that may not otherwise be permitted under the existing zoning regulations.

This permit is intended to support events and uses such as seasonal sales, temporary structures, and other short-term operations while ensuring that such activities are conducted in a manner that protects public health, safety, and welfare, and maintains the character of the surrounding area.

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.
- 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.

6-2. 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*.

1. **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.
2. **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.

6-3. ZONING/BUILDING 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.3-8 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.

6-4. SITE PLANS

- 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 *UDO Section A.4-3.10 Site Plan* 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 Submittal Requirements Table. The additional submittal requirements for each application form shall be as provided in this Section.

Submittal Requirements Table

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

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.

6-5. SUBDIVISIONS

Within Subdivisions, there are different types of Subdivisions ranging from those that are understood to be administrative in nature to larger Subdivisions which require a more formal, thorough review.

6-5.1. EXEMPT SUBDIVISIONS

- A. **Exempt Subdivisions.** All review processes shall comply with the requirements of *Section D.3 Exempt Subdivisions*.
1. **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.

6-5.2. EXPEDITED SUBDIVISIONS

A. **Expedited Subdivisions.** All review processes shall comply with the requirements of *Section D.4 Expedited Subdivisions*.

1. 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:
 - i. All size and dimensional requirements for lots as described in this Ordinance;
 - ii. The use of the lots is in conformity with applicable zoning requirements, if any; and,

- iii. A permanent means of ingress and egress is recorded for each lot in compliance with the provisions of this Ordinance.

6-5.3. MINOR SUBDIVISIONS

A. **Minor Subdivisions.** All review processes shall comply with the requirements of *Section D.5 Minor Subdivisions*.

1. **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.

2. **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.

6-5.4. MAJOR SUBDIVISIONS

- A. **Major Subdivisions.** All review processes shall comply with the requirements of *Section D.6 Major Subdivisions*.
- B. **Application Requirements for Preliminary Subdivision Approval.** Due to the nature of Major Subdivisions, the Town requires the following generalized process in their review. The following are the application requirements for preliminary major subdivision approval:

PRELIMINARY MAJOR AND LARGE LOT SUBDIVISIONS PROCESS

Step 1: Optional Pre-Application Meeting

Step 2: Application Submittal

Step 3: Planning Director Review and Recommend

Step 4: Planning Board Decision

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:
 - 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;
- 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.

C. 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.

D. 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.

E. **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.

F. **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.

G. **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.

H. **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 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.

I. 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. ZBOA DUTIES (QUASI-JUDICIAL PROCESS)



7-1. 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.

7-2. SPECIAL USE PERMIT

The Town of Lewisville utilizes Special Use Permits (SUPs) to allow for certain land uses that, while generally compatible with the zoning district, may require additional oversight to ensure they do not negatively impact surrounding properties or the community at large. These permits provide a mechanism for evaluating proposed developments that may have unique characteristics or potential impacts, allowing the Town to impose specific conditions to safeguard public interests.

- 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.

7-3. 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.

8. PLANNING BOARD DUTIES (ADMINISTRATIVE & ADVISORY PROCEDURES)



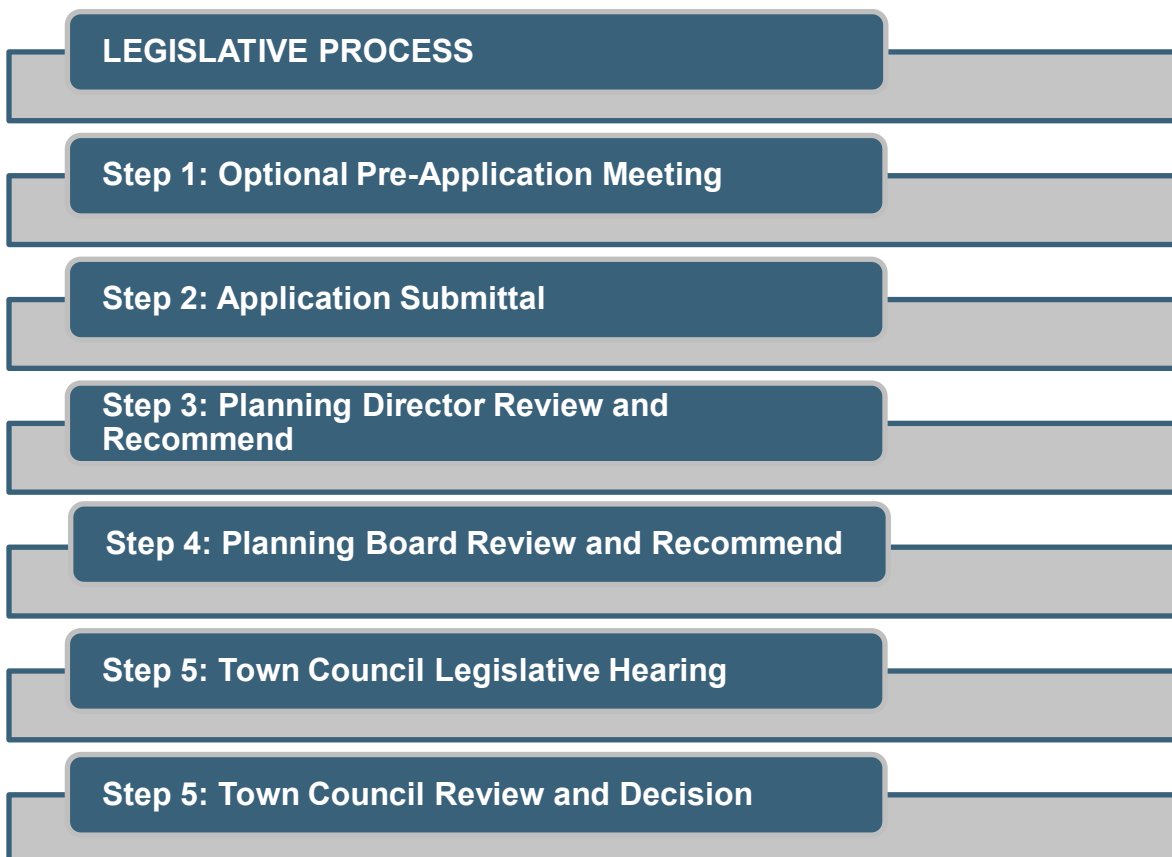
8-1 PRELIMINARY MAJOR AND LARGE LOT SUBDIVISIONS

- A. **Administrative.** The Planning Board upon review and recommendation upon the Planning Director shall make the final decision on Preliminary Major and Large Lot Subdivision Applications.

8-2 ADVISORY RESPONSIBILITIES

- A. The planning board shall review and provide a recommendation on legislative processes to the Town Council as identified in the table below including zoning map amendments and UDO amendments as required G.S. 160D-604.

9. TOWN COUNCIL DUTIES (LEGISLATIVE PROCESS)



9-1. 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 4 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 4 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.

9-2. 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 4 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.

2. **Review Process.**

(1) **Rezoning Review Process.**

- i. **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:
 - (a) **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.
 - (b) **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*.
 - (c) **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.
 - (d) **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.

- (e) **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.
 - 1. **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.
 - 2. **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.
- (f) **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.
- (g) **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*.

C. 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.

D. 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.

E. 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.

9-3. PLANNED RESIDENTIAL DEVELOPMENT

1. **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*.
2. **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*.