

UDO L-170(a) REDIFINING THE SCALE OF RELIGIOUS INSTITUTIONS IN RELATION TO RESIDENTIAL AREAS

Currently the UDO describes and provides zoning regulations for religious institutions at two scales, neighborhood and community. Neighborhood scale is the smaller, with a seating capacity of 600 seats or less. Community Scale is the larger, with a seating capacity of more than 600 persons. Each type of religious institution is allowed in RS zoning districts, in addition to others.

TEXT CHANGES

This text amendment will include changes to the definitions of religious institutions, reducing the seating capacity of the main sanctuary of each to a scale that is more suitable to the residential areas of the Town of Lewisville

DEFINITIONS

Religious Institution, Community Scale. A religious institution in which the seating capacity in the sanctuary or main activity area is greater than ~~six hundred (600)~~ **three hundred (300)** persons.

Religious Institution, Neighborhood Scale. A religious institution in which the seating capacity in the sanctuary or main activity area is ~~six hundred (600)~~ **three hundred (300)** persons or less.

ZONING DISTRICTS/PERMITTED USES TABLE

There will be no changes to the use standards for either neighborhood scale or community scale religious institutions. The permitted uses table will be amended to reflect the changes for community scale religious institutions noted below:

- Community scale religious institutions will no longer be permissible in RS and RM zoning districts.
- New community scale religious institutions will require technical review and approval from the Planning Board as opposed to a special use permit.

Lewisville Methodist – 250
Temple Baptist – 300
Unity Moravian - 300

UDO L-170(B) REFINING TREE PRESERVATION REQUIREMENTS

CURRENT 3-3.7. TREE PRESERVATION REQUIREMENTS

A. Intent.

1. This *Section 3-3.7 Tree Preservation Requirements* intends to limit excessive pruning or clear-cutting of existing trees and other natural landscape features.
2. This *Section 3-3.7 Tree Preservation Requirements* shall provide a uniform standard for the protection and replacement of trees on all property when a zoning or building permit is required for new development.
3. Existing trees may be counted toward landscaping and buffer requirements and toward tree preservation standards as stated herein.
4. As communities develop and grow, the need for renovation and construction of buildings, roads, parking lots and other infrastructure poses significant environmental impacts.
5. Tree preservation and tree protection regulations are necessary to protect desirable trees and plants and are a vital part of sustainable community growth.

B. Preservation Standards.

1. It is the intent of this *Section 3-3.7 Tree Preservation Requirements* to preserve deciduous and evergreen trees to the greatest extent possible.
2. Trees at least twenty-five (25) inches in circumference within required buffer and landscaping areas shall be tagged prior to any site clearance and be preserved. At least fifteen percent (15%) of all existing trees shall be preserved.
3. In any case where a deciduous or evergreen tree over twenty-five (25) inches in circumference is removed from the buffer, it shall be replaced with at least four (4) or more trees of similar species and size, the location which shall be determined by the Director.
4. Trees seventy-five (75) inches in circumference must be preserved and shall not be removed.

C. Preservation Plan. A tree preservation plan shall be required as part of any landscaping plan submitted to the Department of Planning and meet the following standards:

1. The plan must show there will be no disturbance within a preserved tree's critical root zone.
2. A preserved tree's critical root zone shall be protected from encroachment and damage.
3. A physical barrier restricting access to a tree's critical root zone shall be installed to prevent encroachment from materials, people, and equipment.
4. Barriers shall be accompanied by temporary signs labeling the critical root zone.
5. The critical root zone area shall remain free of all building materials and debris.

CHANGES

Improving the current tree preservation standards involves a few edits to the **LANDSCAPING STANDARDS**, particularly regarding standardization of measurement.

B.3-3.2. APPLICATION PROCEDURES AND GENERAL REQUIREMENTS (p.362)

Standardize tree size measurement throughout the UDO to the “Diameter at Breast Height,” defined as 4.5 feet, and which is the industry standard.

3. Existing Trees to be Preserved. ~~The number, location, species, height, and diameter at six (6) inches above ground level~~ *number and location of existing trees measuring six (6) inches in diameter at breast height (DBH), defined as 4.5 feet above grade of existing trees* to be preserved for credit as per *Section B.3-3.2(H) Use of Existing Trees for Credit;*

5. Tree Protection Plan. ~~The Tree Protection Plan shall show the location of existing trees on the property, including those that are to be removed, the limits of disturbance, the Critical Root Zone (CRZ), and tree protection fence. The CRZ shall remain undisturbed in order for the tree to count towards the mitigation requirement.~~ *The applicant shall provide a tree survey showing the location of all trees measuring eight inches DBH or more, including the CRZ; wooded areas to be preserved; and the overall limits of disturbance.*

Table B.3.11 Use of Existing Trees for Credit (p. 365)

Reword to standardized measurement: *Diameter of Existing Trees at Breast Height (4.5 feet above grade).*

Diameter of Existing Tree Six (6) Inches Above Ground Level	Number of Trees Credited
2—6 inches	1
7—12 inches	2
13—18 inches	3
19—24 inches	4
25 inches or greater	5

PROPOSED 3-3.7. TREE PRESERVATION STANDARDS

A. Intent.

1. It is the intent of this *Section 3-3.7 Tree Preservation Requirements* to preserve deciduous and evergreen trees to the greatest extent possible.
2. As communities develop and grow, the need for renovation and construction of buildings, roads, parking lots and other infrastructure poses significant environmental impacts.
3. Tree preservation and tree protection regulations are necessary to protect desirable trees and plants and are a vital part of sustainable community growth.
4. Recognize the importance of the existing tree canopy and natural features such as native tree groves and stands of hardwood trees;
5. Recognize the importance of existing trees to the visual and natural environments in the Town;
6. Protect and retain significant tree masses and specimen trees during and after development;
7. To mitigate the effects of climate change and direct impacts on public health by preserving and renewing neighborhood tree canopies;
8. Provide a uniform standard for the protection and replacement of trees on all property when a permit is required for new development.

B. Pre-Application Meeting. (Optional)

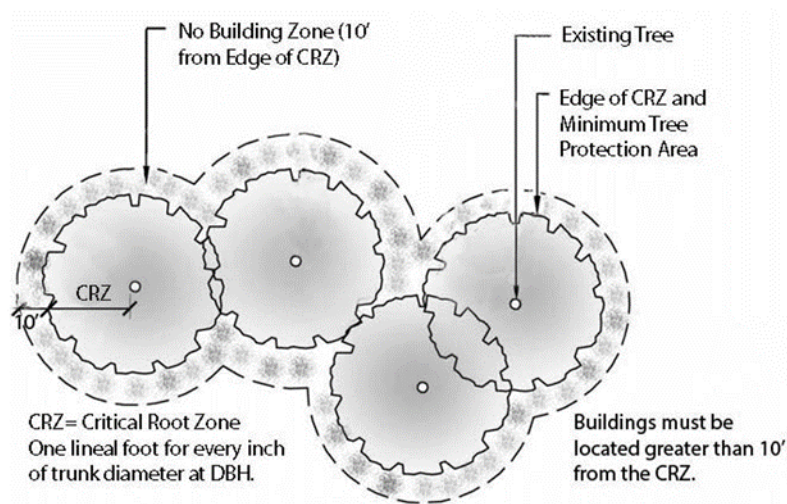
1. Prior to plan development and submittal, the applicant is encouraged to meet with the Planning Director and provide a graphic depiction on an aerial map illustrating the existing tree canopy and potential areas for preservation of existing healthy trees with good form.

C. Coordination with Other Plans.

1. When permanent stormwater control measures (SCM) incorporate existing trees as amenities or for other purposes according to the standards of this section, these trees may be counted toward credit of the minimum 15% preservation requirement.
2. Existing trees may be counted toward landscaping and buffer requirements in addition to the tree preservation standards described herein.

D. Preservation Standards.

1. This Section intends to limit excessive pruning or clear-cutting of existing trees and other natural landscape features.
2. Trees shall be measured by diameter at breast height (DBH), equal to 4.5 feet above grade.
3. Tree measurements shall include the critical root zone. The critical root zone (CRZ) is the circular region measured outward from a tree, representing the essential area of the roots that must be maintained in order for the tree to survive. The Critical Root Zone is one (1) foot of radial distance from the tree's trunk for every one (1) inch of tree caliper, measured at breast height (DBH) as measured four and a half (4.5) feet above grade.



4. Trees measuring six (6) inches diameter or more (DBH) within required buffer and landscaping areas shall be tagged prior to any site clearance and be preserved. At least fifteen percent (15%) of all existing trees shall be preserved.
5. In any case where a deciduous or evergreen measuring eight inches at DBH is removed from a buffer, it shall be replaced with at least four (4) or more trees of similar species and size, the location which shall be determined by the Director.
6. Trees measuring twenty-four (24) inches at DBH or greater must be preserved and shall not be removed, if at all possible. In cases where these trees might pose a significant hardship, they must be replaced with the equivalent number of

tree caliper inches of the tree removed. The minimum replacement tree size shall be a 3-inch caliper.

E. **Preservation Plan.** A tree preservation plan shall be required as part of any landscaping plan submitted to the Department of Planning and meet the following standards:

1. The applicant shall provide a tree survey showing the location of all trees measuring six (6) inches DBH or more, including the CRZ; wooded areas to be preserved; and the overall limits of disturbance.
2. The plan must show there will be no disturbance within a preserved tree's critical root zone.
3. A preserved tree's critical root zone shall be protected from encroachment and damage.
4. A physical barrier restricting access to a tree's critical root zone shall be installed to prevent encroachment from materials, people, and equipment.
5. Barriers shall be accompanied by temporary signs labeling the critical root zone.
6. The critical root zone area shall remain free of all building materials and debris.

F. **Alternative Compliance.** An applicant may propose a tree preservation plan that varies from the strict application of the provisions of this Section in order to accommodate unique characteristics of the site or to utilize innovative design. Applications for alternative compliance shall include a site plan following the requirements specified in Section A.4-3.10 Site Plan and shall be approved administratively by the Planning Director and/or Planning Board (if applicable) upon a finding that the proposed preservation plan meets or exceeds the requirements of this Section.

UDO L-170(c)

D.6-B.4 OPEN SPACE STANDARDS (To be added to Chapter D)

- A. **Intent.** The intent of these standards is to allow uses of unencumbered land that provide enjoyment, recreation and public health benefits while fostering a sense of community in Lewisville's residential areas. Land dedicated for other purposes or that is otherwise unusable may not be used to fulfill the requirements of this chapter. Open space as defined by this Section is also separate from those areas that are environmentally sensitive and that must be protected in their natural state, particularly as described in *Chapter C* of this Ordinance (e.g., flood hazard areas, natural wetlands, riparian buffers, stormwater control measures, etc.).
- B. **Generally.** Herein, open space is defined as all public or common areas not occupied by buildings, parking areas, stormwater control measures, streets, or required landscape bufferyards.
1. Open space shall be planned, improved and made accessible to persons living nearby. At a minimum, improved spaces shall be cleared of underbrush and debris.
 2. Playground equipment, statuary, and fountains should be located toward the interior of squares and parks away from the public right-of-way to provide for adequate safety of the user.
 3. Open space shall protect natural areas and provide focal points for neighborhoods and town. A central square or green, for example, may comprise a majority of the area required for dedication.
 4. Dedicated open space shall be held in common ownership, separately deeded to a homeowner's association, land trust or conservancy, or similar such organization.
- C. **Applicability.** All Major Subdivisions described in *Chapter D* of this Ordinance are subject to the requirements of this Section. These standards do not apply to Large Lot Subdivisions as defined in *Chapter D*, Planned Residential Developments, Multi-Family Developments or in the Mixed-Use Conditional Zoning District (MU-C). These standards do not apply in the following overlays: DTO, NAC, VBO, HO or TO. If a Major Subdivision is located within one-quarter (1/4) of a mile from public open space (e.g., Jack Warren Park, Shallowford Square) these standards do not apply.

The amount of useable open space required for dedication shall be determined using the open space dedication matrix described herein.

1. The matrix is intended to designate required open space in the most effective fashion possible for the residents of Lewisville's neighborhoods, taking into account residential density; the characteristics and attributes of Lewisville as a Town; and the descriptions, intents and goals *the Lewisville Tomorrow Comprehensive Plan*.
2. Additionally, the matrix encourages the preservation of land. As density increases, the matrix requires increasing amounts of open space dedication. For example, a 50-acre subdivision with 100 lots/homes contains two dwelling units per acre (DUA), resulting in 2.8 acres of required open space, or about 5.5 percent. In contrast, this same tract of land subdivided into 200 lots (DUA of 4) would require 6.1 acres, about 12.2 percent dedicated open space.

Table D.6.1 Open Space Matrix

OPEN SPACE DEDICATION REQUIREMENT					
		Density Factor (Dwelling Units per Acre)			
		0 to 2	+2 to 3	+3 to 4	+4
Standard Multiplier for Number of Dwellings	×	1225	1275	1325	1350

EXAMPLE:

A developer wants to subdivide a 25-acre tract of land into 50 lots/homes. How much open space is required for dedication? First, calculate the density to identify the correct column ($50/25 = 2.0$ DUA). Multiply the number of dwellings by the density factor in the specified column. In this case, the number of homes (50) x the standard multiplier (1225) = 61,250 square feet, or approximately 1.4 acres.

D. Evaluation Criteria

1. *Location*. In general, land for dedicated for open space shall be centrally located so as to serve the needs of the residents of the subdivision and the residents of nearby areas. However, smaller types of open space may be located throughout any given development.

2. **Accessibility.** All recreation areas shall be conveniently accessible to all residents of the subdivision. At least $\frac{1}{2}$ of the acreage of all recreational space provided shall be compliant with the requirements of the Americans with Disabilities Act.
3. **Usability.** Land for recreation areas shall be sited such that they can be safely and easily reached by their anticipated users.

E. **Open Space Types.** Open space may take many different forms, dependent upon both the nature of the development and the land on which it is established. The open space types described herein are meant as examples. Developers are encouraged to design innovative and engaging spaces.

1. **Pocket Park.** Pocket parks are defined as a small open space. Pocket parks are primarily intended to provide small active or passive recreation opportunities and act as a gathering space for residents or customers. Features may include small shade structures, gazebos, seating areas, multi-purpose lawn space, playgrounds, community gardens, dog parks, trails, or natural elements such as a stream or pond.



2. **Amenity Center.** Amenity centers are defined as small or medium mixed open spaces and include a combination of enclosed and open areas. Amenity centers are meant to foster both active and passive recreation, supporting public health and wellness. Amenity centers provide recreational opportunities and are typically included in residential developments. Amenity centers may include features such as pools, splash pads, clubhouse, small scale recreational facilities such as pickleball, soccer, or shuffleboard, lawn games, and pavilions. Pavilions



associated with an amenity center are open air structures that typically allow for shade, outdoor concerts, exhibits, and other activities commonly associated with neighborhood events. Designs of amenity centers and pavilions should be similar in architecture and material as the residential development.

3. **Green/Courtyard.** Greens are defined as small or medium open spaces. Greens provides more informal, natural spaces supporting active or passive recreation opportunities. Greens are typically bounded by rights-of-ways and the fronts of buildings. Greens may provide features such as multi-purpose lawn space, lawn games, playgrounds or play spaces, and limited small-scale recreational facilities such as pickleball or soccer.



4. **Plaza.** Plazas are defined as small or medium open spaces. Plazas serve as a gathering place for civic, social, and commercial purposes. A plaza may contain a greater amount of impervious coverage than any other open space type. Plazas are typically located in the front or sides of a building or group of buildings and may not be located in the rear of the building or property. Pedestrian features such as shade structures, benches, tables, fountains, and public art are required.



5. **Square.** Squares are defined as small or medium open spaces. Squares serve as a more formal open space type for gathering for civic, social, and commercial purposes. Squares are typically rectilinear in shape and are bordered on all sides by a vehicular right-of-way (public and private), which, together with building frontages, creates a definition and boundary. Features may include seating areas, pedestrian facilities, play areas, shade structures, gazebos, seating areas, playgrounds, public art, statues, and monuments.



6. **Linear Park.** Linear parks are defined as medium or large open spaces. Linear parks may be formalized based on function (i.e., provide multimodal or connectivity opportunities). Linear parks typically take advantage of scenic environmental attributes and follow a natural feature including but not limited to a stream, wetland system, or man-made feature natural feature. Features may include natural environmental features such as streams, benches, picnic tables, lawn games, and shade structures.



7. **Neighborhood Park.** Neighborhood parks are defined as medium or large open spaces. Neighborhood parks are protected natural spaces that provide opportunities for active and passive recreation. Neighborhood parks shall include at least one of the following: ball fields, tennis courts, basketball courts, fitness areas, paths, trails, meadows, waterbodies, open shelters, performance areas and other recreational amenities. Neighborhood parks typically serve as a medium or large open space area for residential subdivisions, planned developments, and mixed-use centers.



F. Alternative Compliance. An applicant may propose a tree preservation plan that varies from the strict application of the provisions of this Section in order to accommodate unique characteristics of the site or to utilize innovative design. Applications for alternative compliance shall include a site plan following the requirements specified in Section A.4-3.10 Site Plan and shall be approved administratively by the Planning Director and/or Planning Board (if applicable) upon a finding that the proposed preservation plan meets or exceeds the requirements of this Section.