

**ORDINANCE 95009 OF THE LEWISVILLE TOWN COUNCIL  
ADOPTING  
LAND USE AND DEVELOPMENT ORDINANCES AND REGULATIONS**

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**WHEREAS**, North Carolina General Statute § 160A-174 (General ordinance-making power) delegates to the Town the authority to regulate, by ordinance(s), conditions detrimental to the peace and dignity of the Town; and

**WHEREAS**, NC GS § 160A-175 (Enforcement of ordinances) delegates to the Town the power to impose fines and penalties for violation of its ordinances, and may secure injunctions and abatement orders to further insure compliance with its ordinances; and

**WHEREAS**, the Lewisville Planning Board, in accordance with the provisions of NC GS § 160A-387 (Planning agency; zoning plan; certification to city council), has prepared and certified to the Town Council a proposed zoning ordinance, in the form of the *Unified Development Ordinances, Technical Code, Forsyth County, City of Winston-Salem, Town of Kernersville, Village Clemmons*, Effective December 31, 1994 (hereinafter referred to as "UDO"); a memorandum, dated August 25, 1995 (filed with the Town Clerk), listing recommended revisions to the UDO language customizing the UDO for the Lewisville jurisdiction; and the Zoning Map as electronically recorded in the City/County Planning Board's database (printed copy on file with the town clerk); and

**WHEREAS**, the UDO includes a Definitions Ordinance (Chapter A), Zoning Ordinance (Chapter B), Environmental Ordinance (Chapter C), Subdivision Regulations, and Zoning Maps; and

**WHEREAS**, on August 31, 1995, the Town Council held a public hearing on adoption of the UDO, as modified by the Lewisville Planning Board, in accordance with NC GS § 160A-364 (Procedures for adopting or amending ordinances under Article); and

**WHEREAS**, the Town Council, after conducting the required public hearing, may refer the ordinance back to the planning board for any further recommendations that the planning board may wish to make prior to final action by the Town Council in adopting, modifying and adopting, or rejecting the ordinance; and

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF LEWISVILLE, NORTH CAROLINA:**

**SECTION 1:** That the UDO is hereby adopted and enacted as the UDO, Town of Lewisville.

**SECTION 2:** That the UDO is hereby revised as follows (UDO page numbers and section references):

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<u>Page</u>	<u>Section</u>	<u>Change</u>
various	various	Reference shall be made to Subdivision Ordinance
7		The Forsyth/Winston-Salem/Clemmons definition of "Start of Construction" shall apply.
27		The definition of "Setback" shall include "For properties within the Downtown Overlay District and for uses requiring site plan review by the Planning Board a part of the approval processes identified in Table 2.6 (Permitted Uses) of the Zoning Ordinance, building setbacks shall be measured from either the existing street right-of-way, or the proposed right-of-way established by the adopted Thoroughfare Plan, whichever is more restrictive."
28, 168	Table 2.6	No outdoor shooting ranges shall be allowed.
101	various	References to the <u>Lewisville Comprehensive Plan</u> shall be provided where appropriate.
102-5	1-5	Vesting provisions for Forsyth/Winston-Salem/Clemmons shall apply.
130	2-1.3(E)(3)(g)	Parking reductions permitted in the NB District shall apply.
151-8	2-1.6	Reference shall be made to the Lewisville Downtown Overlay District and attached as an appendix item in the UDO.
165	Table 2.6	Only class "A" manufactured homes (doublewides on permanent foundations) shall be permitted on individual lots and only in RS-40. Class "B" or "C" manufactured homes shall be permitted in manufactured home parks only.

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165-170	Table 2.6	The following uses shall not be permitted in the PB District: (1) ABC Store, (2) Motorcycle Dealer, (3) Motor Vehicle Rental and Leasing, (4) Motor Vehicle Repair and Maintenance, (5) Medical or Dental Laboratory, (6) Hospital or Health Center, (7) Landfill, Land Clearing/Inert Debris, and (8) Transmission Tower.
167	Table 2.6	Adult establishments shall be permitted in the HB District (only).
174-5	2-5.10 & 2-5.11	Setbacks for cemeteries per Winston-Salem shall apply.
185	2-5.33	Free-standing kennels shall be a permitted use. (also pg. 167, table 2.6).
209-10	2-5.57	Multifamily development, including structures and parking, shall have a minimum 50-foot setback from adjacent public streets. Within the setback an earthen berm is encouraged, minimum vertical height of four feet and planted with a Type III bufferyard, shall be provided unless a site plan is approved with an equally effective Type III bufferyard. Multifamily developments excepted from site plan review will be subject to site plan review and approval if they fail to provide an earthen berm. Access drives may be permitted within the 50-foot setback provided the bufferyard and earthen berm, if provided, is located between the access drive and the adjacent public street.
215	2-5.65	All storage and salvage yard standards shall apply.
216	2-5.66(B)	Swimming pool rear yard setbacks shall be 5 feet.
232	2-7.2	Storage of Construction Materials. With the exception of construction of single family dwellings, the storage of construction materials must be on the same site as construction or in a business or industrial district. Any off-site storage requires a temporary use permit, except as exempted.

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232	2-7.2	Christmas Tree Sales Lots. Christmas tree sales lots are not permitted in residential districts on vacant zoning lots or on the premises of a single-family unit. A temporary use permit must be obtained.
232	2-7.3(B)	The Clemmons limit on renewal of temporary permits shall not apply.
252-3	Tables 3.1 & 3.2 footnotes	The definition of "Setback" shall include "For properties within the Downtown Overlay District and for uses requiring site plan review by the Planning Board a part of the approval processes identified in Table 2.6 (Permitted Uses) of the Zoning Ordinance, building setbacks shall be measured from either the existing street right-of-way, or the proposed right-of-way established by the adopted Thoroughfare Plan, whichever is more restrictive."
266	3-2.1(B)(1)(a)	One entrance and one exit sign, a maximum of two square feet each and a maximum height of three feet, shall be permitted per driveway.
266	3-2.1(B)(1)(h)	On-premises religious institution signs must be approved by the Elected Body, based upon a recommendation by the Planning Board. The on-premises sign provisions of Section 3-2.1(E) will apply unless different requirements based upon lot area, building size, architectural treatment, color, or surrounding uses are recommended or approved by the respective Boards.
266	3-2.1(B)(1)(g)	Religious institution directional sign provisions per Winston-Salem should apply, except that directional signs are not limited to the same street as the religious institution they identify.
267	3-2.1(C)	Off-premises signs shall be permitted per Winston-Salem and Forsyth County.

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268	3-2.1(C)(2)(a) & Table 3.7	View corridor on the north and south sides of US 421 within the Town of Lewisville Corporate Limits shall be added.
271	3-2.1(E)(2)	On premises projecting signs that come within six feet of the edge of a right-of-way should be ten feet above the grade and should not extend into the right-of-way.
271	3-2.1(E)(3)(a)	Sign area shall be computed by means of the smallest square, circle, rectangle, or combination thereof, measuring the copy area. The outside dimensions of the sign, exclusive of structural support shall not increase the overall dimensions by more than 25 percent.
272	3-2.1(E)(5)	Every zoning lot frontage shall be allowed one on-premises ground or projecting sign per property. If the frontage abuts more than one street, one on-premises ground or projecting sign shall be permitted per street.
273,4	3-2.1(E)(8) & 3-2.1(E)(9)(d)	The provisions for on-premises ground and projecting sign illumination per Kernersville and Clemmons shall apply.
274	3-2.1(F)(1)	Roof signs shall not be permitted except such roof signs which existed as the effective date of this ordinance.
274	3-2.1(F)(2)	On-premises wall sign maximum size shall be limited to 25 percent of the wall size.
275	3-2.1(F)(4)(a)	Only one wall sign per tenant and per wall shall be permitted.
276	3-2.1(G)(3)	The timing for other sign regulations for nonconforming uses shall be similar to Kernersville and Clemmons.

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276	3-2.1(G)	<p>Town employees and their designees may remove nonconforming temporary signs in the Town's right-of-way.</p> <p>Whenever a noncompliance sign on private property is found to exist within the Town, the Town Manager or his assigns shall give written notice to the owner or occupant of the property upon which such sign exists or upon the person causing or maintaining the sign. The issued notice to remove a sign shall contain (1) An order to remove the sign or to request, in writing, a hearing within a stated time which shall be reasonable under the circumstances. (2) The location of the sign. (3) A description of the sign. (4) A statement of acts necessary to abate the situation. (5) A statement that if the sign is not removed or the situation abated as directed and no request for hearing is made within the prescribed time, the Town will remove such sign and assess the cost thereof against such person. The opportunity for a hearing with the Town Manager shall be granted upon written request, properly delivered to the Town Manager within the allotted time.</p>
324	Table 3.13	<p>In residential districts, the subdivider of property shall provide a type III bufferyard within the required yard adjacent to all thoroughfares and collector streets, except collector streets interior to the subdivision, and all railroad rights-of-way. Use of earthen berms as described in Section 3-5.2(B)(4) of this Ordinance is encouraged. The bufferyard shall be shown on the plat with the following statement: "This area is reserved for the planting of trees or shrubs by the owner; the building of structures hereon is prohibited."</p>
337	3-9	<p>Density bonus for affordable housing shall be permitted. Section 3-9 shall be retained.</p>
406	5-2.8(B)(4)	<p>Discontinuance of a nonconforming use after which the use may not be established shall be a period of one year.</p>
421	6-1.2(A)(1)(b)	<p>The statutory exemption for bona fide farms in unincorporated areas shall not apply.</p>

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426	6-1.4(B)(1)(g)	Waivers for off-street parking may be issued by the Board of Adjustment.
434	6-2.1(O)	Statutory protest petition provisions for rezoning shall apply.
437	6-2.2(D)(1)(b)(v)	Planning Board and elected body authority for additional latitude in placing conditions on zoning shall not apply.
455,6	7-4.1(E) & 7-4.2 (F)	Site plan submittal shall include written project description and explanation of compliance with regulations and compatibility.
483	9-3	Town employees and their designees may remove nonconforming temporary signs in the Town's right-of-way.

Whenever a noncompliance sign on private property is found to exist within the Town, the Town Manager or his assigns shall give written notice to the owner or occupant of the property upon which such sign exists or upon the person causing or maintaining the sign. The issued notice to remove a sign shall contain (1) An order to remove the sign or to request, in writing, a hearing within a stated time which shall be reasonable under the circumstances. (2) The location of the sign. (3) A description of the sign. (4) A statement of acts necessary to abate the situation. (5) A statement that if the sign is not removed or the situation abated as directed and no request for hearing is made within the prescribed time, the Town will remove such sign and assess the cost thereof against such person. The opportunity for a hearing with the Town Manager shall be granted upon written request, properly delivered to the Town Manager within the allotted time.

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491-5	10-1.5 & 10-2.4	Board of Adjustment: Establishment and Membership shall duplicate 10-1.4 (Clemmons) except that the initial board membership shall be as 10-1.1(B) (Forsyth County) and the members shall serve without compensation except that training and travel out of town shall be reimbursed in accordance Lewisville Personnel Ordinance.  Planning Board: Town of Lewisville Ordinance 11-94 shall be consolidated into the UDO.
651	Chapter C, Article IV	Forsyth County Watershed Protection regulations shall apply.
901	Chapter C, Article VII	The Erosion Control Ordinance shall apply.
1008		Under the minor subdivision approval procedure, Planning Staff may require the dedication of standard right-of-way and additional right-of-way for future widening of roads as indicated on the Thoroughfare Plan.
1008		Minor subdivision filing and platting requirements shall adhere to City County Planning Board procedures.
1017		Sidewalks shall not now be required in subdivisions.
1024		In residential districts, the subdivider of property shall provide a type III bufferyard within the required yard adjacent to all thoroughfares and collector streets, except collector streets interior to the subdivision, and all railroad rights-of-way. Use of earthen berms as described in Section 3-5.2(B)(4) of this Ordinance is encouraged. The bufferyard shall be shown on the plat with the following statement: "This area is reserved for the planting of trees or shrubs by the owner; the building of structures hereon is prohibited."

**Section 3:** The current edition of the UDO need not be retained for reference after the above stated revisions have been incorporated into the UDO with subsequent printings.

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**Section 4:** This ordinance shall become effective on the 1st day of November, 1995.

**Section 5:** It is the intention of the Town Council that this ordinance and the zoning and land use regulations promulgated hereunder become effective contemporaneously with the relinquishment of zoning and land use authority by the Forsyth County Board of Commissioners so that there shall be no time period during which the property within the Town is not subject to zoning and land use regulations. If the zoning and land use regulations promulgated hereunder shall for any reason be deemed void or invalid, then the presently existing zoning and land use regulations of Forsyth County in place since the commencement of the Town's existence shall continue in full force and effect, pending further action by the Town Council.

**ADOPTED THIS THE 7TH DAY OF SEPTEMBER, 1995 BY THE LEWISVILLE TOWN COUNCIL.**

**Passed on first reading by a vote of 7 affirmative, 0 negative, and 0 absent.**

ATTEST

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Karen Vestal, Town Clerk

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Hank Chilton, Mayor