

**Lewisville Planning Board Meeting Minutes**  
**Digitally originating in Town Hall Council Chambers 1<sup>st</sup> flr 6510 Shallowford Road**  
**September 9, 2020 - 6:30 p.m.**

1. **Call to Order**

- a. Chair Tom Lawson called the meeting to order at 6:30 p.m.

2. **Roll Call**

- a. Planning Board members attending electronically were Joseph Hamby, Jessica Higgins, Bill Scantland, Joseph Sloop, and Michael Sullivan. Meghan Flow was on vacation and would not be attending electronically. Also attending electronically were Attorney Bo Houff, Planner Stacy Tolbert and Town Clerk Joyce Walker.

3. **Regular Business**

- a. Approval of Agenda
- i. Chair Lawson advised that Public Comment will be added to the public meeting agendas in the future, if there are no objections.
    - (1) There were no objections.
  - ii. Joseph Hamby moved to approve the agenda. The motion was seconded by Bill Scantland and approved unanimously with a roll call vote of ayes from Board members Hamby, Higgins, Scantland, Sloop, Sullivan and Chair Lawson.
- b. Approval of Minutes
- i. August 26, 2020
    - (1) Jessica Higgins moved to approve the August 26, 2020 minutes. The motion was seconded by Joseph Sloop and approved unanimously with a roll call vote of ayes from Board members Hamby, Higgins, Scantland, Sloop, Sullivan and Chair Lawson.

4. **Public Comment**

**NOTE:** There was difficulty accessing the meeting via telephone for some of the electronic attendees.,

- a. Chair Lawson opened Public Comment.
- i. Linda Birdsong, 8575 Brook Meadow Ln, Lewisville, asked about the square footage of impervious surface, structural/non-structural stormwater BMP's and water run off of the Solomon development. She was concerned about surface water run off and its impact on the adjoining neighborhood as well as the receiving waters from the stormwater runoff. She also wanted to know if there was a watershed map available showing the site, topography, and floodway for waters.
  - ii. Bruce Hubbard, Hubbard Realty, 1598 Westbrook Plaza Dr, Suite 200, Winston-Salem, 27103, stated he was present to answer any questions about the Lewisville Place Project.
- b. Having no others to indicate they wished to speak, Public Comments were closed.

5. **Technical Review(s):**

- a. L-PBR 2020001 Lewisville Place Section V

**Lewisville Planning Board Meeting Minutes**  
**Digitally originating in Town Hall Council Chambers 1<sup>st</sup> flr 6510 Shallowford Road**  
**September 9, 2020 - 6:30 p.m.**

- i. This is a technical review for compliance by the Planning Board with final approval approval by the Elected Body.
  - (1) This is a 7 lot major subdivision on 3.31 acres zoned RS-9 with six (6) lots accessed from the extension of Kelwyn Lane with a T-turnaround and one (1) lot accessed from Lewisville-Clemmons Road.
- ii. Staff has received a letter requesting ribbon pavement to match the lots in the existing subdivision rather than placing curb and gutter.
  - (1) This request will have to be approved by the Elected Body.
  - (2) The Pedestrian Connections Overlay (PCO) does not apply for this subdivision.
    - (a) This is not considered as a “new” subdivision, is treated as separate phase noted in Section 5, and is also less than the ten (10) mentioned in the UDO.
- iii. All lots meet UDO standards found in Chapter D Section 4 in the subdivision ordinance.
- iv. All lots meet the 9,000 square foot requirement.
- v. There will be one (1) tree per 45 linear feet.
- vi. The staff report follows:

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**MAJOR SUBDIVISION STAFF REPORT**  
**Lewisville Place Section V**

**DOCKET:** L-PBR 2020001  
**STAFF:** Stacy Tolbert, Town Planner

**Petitioner:** Hubbard Realty of Winston-Salem, Inc.  
**Ownership:** Hubbard Realty of Winston-Salem, Inc.

**REQUEST:** Preliminary Major Subdivision  
A major subdivision in the RS-9 zoning district. The meeting requires technical review for compliance by the Planning Board and final approval by the Town Council.  
**PIN #'s:** 5885-73-3093  
**Acreage:** 3.309 acres

**LOCATION:**  
**Street:** Extension of Kelwyn Lane ending in a T-turnaround. This is an extension of Lewisville Place Subdivision which is already existing.

**Jurisdiction:** Town of Lewisville

**PROPERTY SITE/IMMEDIATE AREA:**  
**Existing Structures on Site:** The site is a vacant lot.  
**Adjacent uses:**

**Lewisville Planning Board Meeting Minutes**  
**Digitally originating in Town Hall Council Chambers 1<sup>st</sup> flr 6510 Shallowford Road**  
**September 9, 2020 - 6:30 p.m.**

- \* North - Existing single family residences that access off Feldspar Lane, zoned RS-9
- \* East - Existing single family residences that access off Kelwyn Lane, zoned RS-9
- \* South - Part of the proposed development which fronts Lewisville-Clemmons Rd, zoned RS-9
- \* West - Existing single family residences that access off Arbor Run Drive, zoned RS-9

**GENERAL AREA:**

Character/Maintenance: The area is made up of single family dwellings on small to medium sized lots. The area surrounding this 7 lot development is made up of established neighborhoods.

**PHYSICAL FEATURES:**

Topography: The site is fairly level with gentle slopes towards the northwest corner of the property.

Vegetation/habitat: The property is wooded.

Watershed: The property is not located in any watershed district.

**WATER AND SEWER FACILITIES:**

Public water and sewer is available to the site.

**TRANSPORTATION:**

Direct Access to Site: Kelwyn Lane to be extended and dedicated as public right of way.

Street Classification(s): Lewisville-Clemmons Road- Major Thoroughfare, Kelwyn Lane-Town maintained paved street.

**CONFORMITY TO PLANS:**

*Lewisville Comprehensive Plan Update 2015* - The Plan describes this area as being single family residential and being used as medium density. The minimum lot size is 9,000 square feet. The proposed subdivision does follow these standards.

*Legacy Development Guide* - Legacy recognizes this area as being in GMA-3 Suburban Neighborhoods. Legacy states GMA-3 areas should be used for increasing overall residential density. Subdivisions in GMA-3 cater to specific housing styles and price ranges. The proposed subdivision does fall into this category.

**ANALYSIS:**

The applicant is requesting a preliminary major subdivision approval in RS-9 zoning. The preliminary major subdivision plat does adhere to the RS-9 standards.

Town staff is of the opinion that the request is in general conformance with the Town's Comprehensive Plan and Legacy for the area. The developer has or will need to follow the major subdivision requirements in Chapter D Section 4, including but not limited to the requirements below:

1. Sidewalks on both sides of street.
2. Street tree requirement: 1 tree per 45 linear feet plus 1 additional tree per lot in conventional subdivision.
3. Erosion control permits shall be obtained through The City of Winston-Salem.

**Lewisville Planning Board Meeting Minutes**  
**Digitally originating in Town Hall Council Chambers 1<sup>st</sup> flr 6510 Shallowford Road**  
**September 9, 2020 - 6:30 p.m.**

4. Fire and life safety infrastructure does meet NC Fire Code requirements.
5. TRC Comments must be remedied.
6. Stormwater management permits must be obtained through the Town of Lewisville before issuing building or zoning permits.
7. Exemption request for the allowance of ribbon pavement instead of curb & gutter streets and sidewalks must be approved by the Lewisville Town Council.

**RECOMMENDATION:**

The project does meet the overall density requirements of the RS-9 zoning district. Statements found in both the Lewisville Comprehensive Plan and Forsyth County Legacy Plan encourages higher density within a suburban/urban environment. Staff recommends approval of the Lewisville Place Section V preliminary major subdivision subject to the requirements stated above and any other Conditions placed by the Town of Lewisville Planning Board.

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- vii. Based upon the project meeting standards, Bill Scantland moved to recommend approval of the subdivision plan to Council. The motion was seconded by Mike Sullivan and approved unanimously with a roll call vote of ayes from Board members Hamby, Higgins, Scantland, Sloop, Sullivan and Chair Lawson.
- viii. Chair Lawson acknowledged that several persons wished to make a comment but were having difficulty accessing the meeting earlier and now were able to access.
  - (1) Susan Frey, 165 Will Austin Court, Lewisville, called attention to errors on the site plan (on the web site) for PIN numbers and that still showed eight (8) parking spaces which was on the first site plan. (This had not been updated from the original plan which called for four (4) lots with two (2) spaces per lot.)
    - (a) All information will be corrected for the final plat.
  - (2) Kimberly Steelman, 1479 Runabout Road, said it has been brought to resident's attention that Mr. Lawson is the treasurer for Jeff Zenger's campaign for District 74 in the upcoming election. She wanted to know if this was a conflict of interest.
    - (a) Mr. Lawson answered and noted that he brought this to everyone's attention at the first hearing in the interest of openness. He noted that he had been involved with the town for a number of years as a member of the Planning Board, Council and Mayor. He had known and served with Mr. Zenger for a number of years and had supported and worked for his past and current campaigns. Mr. Lawson had been advised by the attorney that he was not allowed to recuse himself because it did not meet the standard to recuse. This (treasurer) is a voluntary position and there is no monetary involvement and no compensation.
    - (b) Attorney Houff provided additional information and noted that §160A-75, the voting statute, governs the matter being questioned and quoted the statute. *"No member shall be excused from voting*

**Lewisville Planning Board Meeting Minutes**  
**Digitally originating in Town Hall Council Chambers 1<sup>st</sup> flr 6510 Shallowford Road**  
**September 9, 2020 - 6:30 p.m.**

*except upon matters involving the consideration of the member's own financial interest or official conduct or on matters on which the member is prohibited from voting under G.S. 14-234, 160A-381(d), or 160A-388(e)(2).” §14-234 is the criminal statute dealing with conflicts of interest, §160A-388(e)(2) refers to the Board of Adjustment. Mr. Houff also advised that he always asks everyone to contact him to make determinations about financial interest and to make those announcements in public if there may be a question.*

- b. L-096 Solomon Development
  - i. Site plan technical review for compliance history was provided by Attorney Houff.
    - (1) This project originally came to the Planning Board as a site plan amendment to the original rezoning and site plan that were approved in 2000. The 2000 project was noted as being in the Downtown Overlay; was rezoned for PB and mixed use; and was in compliance with the UDO. He also explained that the original site plan expired after not being built within two (2) years of approval. In addition, Mr. Houff explained that he had provided incorrect information to the Board in response to an email submitted by Mr. Sullivan. For tonight, the Board will be considering the project based on the Downtown Overlay requirements. In relation to approval/denial of the project, no reasons are required if approved; however, if there is denial because standards are not met, then a reason(s) must be provided. There are a limited number of items for review. Mr. Houff apologized for the errors in procedures that were previously provided.
  - ii. Planner Tolbert reviewed information found in the UDO on how height is calculated which, when followed, found that the height of the building was 51 feet and not the 48 feet in the UDO. The amended plan with the change in elevation was received by Council but had not been seen by the Planning Board. Whenever there are changes to a plan in mid-stream, our protocol provides for the plan go back to the Planning Board. The amended plan was remanded back to the Planning Board for review and recommendation. The average of the elevation went down from 51 feet to 45 feet bringing the average to 48 feet which now meets standard in the Downtown Overlay. Overall, staff recommends approval. It was noted that a number of exceptions have been approved over the years. This does meet parking requirements and allows for shared parking as well as using an adjacent lot for parking on a residential lot. The ordinance allows for a 35% reduction for shared parking in order to reduce impervious surface.
  - iii. Discussion and questions by the Board.
    - (1) Should precedence be considered when interpreting the ordinance?
      - (a) Attorney Houff replied noting that past interpretations of precedence suggest how it may be interpreted in the future. Since this is not a quasi-judicial hearing, precedence is not dealt in the

**Lewisville Planning Board Meeting Minutes**  
**Digitally originating in Town Hall Council Chambers 1<sup>st</sup> flr 6510 Shallowford Road**  
**September 9, 2020 - 6:30 p.m.**

same way. It is generally understood that those coming later can rely on the earlier interpretation. Precedence only applies when there is the same factual situations or where the facts may be different but not relevant. The question would be whether what you are looking at differs from past interpretations.

- (2) Is the Downtown Core also in the Downtown Overlay District?
    - (a) The Downtown Core allows for 2 ½ stories 48 feet.
    - (b) There is no map to show but it is in the definition.
  - (3) There was a review of the parking space requirements needed by restaurants, housing, and the on-street parking calculations as well as the reduction that can be taken from the overall amount of spaces.
  - (4) Anticipated improvements to the Great Wagon Road.
    - (a) Yes, that has to be taken into consideration.
  - (5) What about the residential lot being used for parking?
    - (a) This is considered off-site accessory parking.
  - (6) How was this plan presented?
    - (a) There were numerous conversations on the project before the plan was presented regarding requirements, landscaping, off-site parking. It went through a technical review by professionals (TRC). When the definition of height was found, it was taken back to the developer and he agreed to the change. He was acting on the suggestions of staff and the TRC.
  - (7) What about stories?
    - (a) Mr. Lawson noted in early discussion regarding stories, they would be floors of living space; however, it was found that stories referred to scale. At that time, 2 ½ stories was being defined as 48 feet.
    - (b) Forty-eight feet was established as the maximum height.
  - (8) On previous check lists for different downtown projects, was there any mention of stories?
    - (a) No, the mention was 48 feet in height.
    - (b) The ordinance says 2 ½ stories.
    - (c) Stories is not defined in the UDO.
  - (9) It was stated that the UDO and the Downtown Overlay are the documents to use for consideration.
- iv. After discussion, Joseph Hamby moved to recommend **denial** of project L-096. The motion was seconded by Jessica Higgins. Roll call voting follows:
- (1) Joseph Hamby voted aye for denial (the information was written by Mr. Hamby and provided to the clerk - **attached**) citing:
    - (a) Where conflicting ordinance occurs, the more restrictive (not lenient) requirements shall prevail.
    - (b) With that in mind, the project's height exceeds the maximum provided for buildings in the Downtown Core Area as cited in Chapter B, Article II, 2-1.6, (H)(4)(i)(I) Building Height.

**Lewisville Planning Board Meeting Minutes**  
**Digitally originating in Town Hall Council Chambers 1<sup>st</sup> flr 6510 Shallowford Road**  
**September 9, 2020 - 6:30 p.m.**

- (c) The project does not preserve, enhance or compliment the small town character of Lewisville as cited in the 2015 Comprehensive Plan Update, Community Character Vision section and the 2015 Comprehensive Plan Update, Land Use Vision section.
- (d) The project's mass, bulk, proportions and scale is incompatible, inconsiderate, inappropriate and insensitive to the area and surrounding properties violating the following cited ordinances and standards of the 2015 Comprehensive Plan Update, Land Use Commercial Districts; 2015 Comprehensive Plan Update, Land Use Vision section; June 2014 Downtown Design Guidelines, Design Guidelines 1.4 Building Massing & Scale; UDO Chapter B, Article II, 2-1.6, (H)(3)(e); UDO Chapter B, Article II, 2-1.6, (H)(4); UDO Chapter B, Article II, 2-1.6, (H)(4)(a).
- (e) The project is inappropriate to the site with general disregard for the surrounding areas as cited in the 2015 Comprehensive Plan Update, Appendix, Maps, Map 9 Preferred Land Use; June 2014 Downtown Design Guidelines Map, Focus Area #3; Chapter B, Article II, 2-1.6, (H)(3)(e) General Regulations.
- (f) The project's use of off-site parking fails to have the ingress or egress for offsite parking originate through the multifamily site as cited in Chapter B, Article III, 3-3.4, (A)(3)(a) Off-Site Parking.
- (g) The project's placement of dumpsters on a secondary lot utilized for off-site parking use violates ordinance cited in Chapter B, Article III, 3-3.4 (B)(7); Chapter B, Article III, 3-3.3, (F)(2).
- (h) The Downtown Overlay provides additional requirements to the underlying PB zoning, it does not replace them.
- (i) With that in mind the project fails to meet underlying PB zoning district requirements for a 40 ft setback along residential property and a Type I bufferyard adjacent to residentially zoned property. It is difficult to tell based on the site plan.

- (2) The question was called.
- (3) Jessica Higgins voted aye in agreement with Mr. Hamby.
- (4) Mr. Sullivan voted aye because of the 2 ½ stories and set-backs should be greater. He wasn't bothered by the dumpster.
- (5) Joseph Sloop voted aye because of the 2 ½ stories in the Downtown Core.
- (6) Bill Scantland voted aye in agreement with the items described by Mr. Hamby.
- (7) Mr. Lawson vote no, stating he relies on staff recommendations and analysis.
- (8) Attorney Houff restated that the motion to recommend denial to Council passed with a vote of 5-1 with the reasons stated above.

**6. Public Hearings**

- a. UDO L-161 text amendment for the Pedestrian Connections Overlay District to amend

**Lewisville Planning Board Meeting Minutes**  
**Digitally originating in Town Hall Council Chambers 1<sup>st</sup> flr 6510 Shallowford Road**  
**September 9, 2020 - 6:30 p.m.**

waiver requirements

- i. There was a question whether government agencies would be exempt from paying fees.
- ii. This provides for a major change in the existing text in Chapter B 2-1.6(I); therefore the public hearing is being reopened to review the change.
  - (1) Alternative Compliance is being introduced, the fee change language is being amended and the table is being updated.
- iii. The Public Hearing was opened at 8:08 p.m.
  - (1) Because this is a Public Hearing being held electronically as authorized by Session Law 2020-3, written comments will be received for 24 hours following the close of the public hearing. Formal action will be on Wednesday, September 23, 2020.
  - (2) There were no hands raised to participate in the public hearing.
- iv. Having no electronically raised hands to speak, the Public Hearing was closed at 8:12 p.m.
- v. The staff report follows.

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**STAFF REPORT**

**DOCKET # UDO L-161**

**REQUEST**

This UDO text amendment was drafted by staff at the request of the Town Council to amend the Unified Development Ordinances (UDO) to add alternatives to the Pedestrian Connections Overlay (PCO) District to satisfy requirements of a waiver. The amendment applies to UDO Chapter B, Article II; Section 2-.6 Overlay and Special Purpose Zoning Districts - Purpose Statements and Regulations; (I) PCO Pedestrian Connections Overlay District.

**BACKGROUND**

The Town's Pedestrian and Greenway Connections Plan was accepted in 2011. The plan calls for pedestrian pathways in Lewisville along designated roadways to be accomplished through sidewalks or greenways. In September of 2018, the PCO was added to the UDO in order to fulfil the goal of the comprehensive plan as well as to implement the provisions of the accepted Pedestrian and Greenway Connections Plan. The Town Council directed the Planning Staff to take a look at the PCO District regulations and how they impact public institutions. In their efforts, the Planning Board focused on the intent of the PCO District and the Town's vision to provide pedestrian connectivity for it's residents to support wellness.

**ANALYSIS**

Through continued research, Staff, along with the Planning Board, has developed a text amendment to the PCO District. The Planning Board felt the task at hand was best accomplished by adding provisions allowing alternative compliance to sidewalks or greenways in the event a waiver from actual construction is granted. If the waiver is approved by the Planning Board, the developer will have a choice between two options. The

**Lewisville Planning Board Meeting Minutes**  
**Digitally originating in Town Hall Council Chambers 1<sup>st</sup> flr 6510 Shallowford Road**  
**September 9, 2020 - 6:30 p.m.**

first option, the developer can pay a fee in lieu of actual construction of an ADA compliant sidewalk for the linear footage of property adjacent to the public roadway in question. If the owner of the property is a federal, state, or local government agency, they would only be required to pay 50% of the estimated fee in lieu of sidewalk construction. The second option, the developer may propose a sidewalk plan that varies from the PCO requirements in order to accommodate any unique characteristics of the site, utilize innovative design, or provide an appropriate degree of pedestrian connectivity. The plan for alternative compliance must be approved by the Planning Board, in their discretion, only upon a finding that the proposed alternate plan fulfils the intent and purpose of the PCO District.

**SUMMARY**

Staff believes this UDO text amendment is reasonable because it will allow other alternatives for developers and public institutions when it comes to accomplishing pedestrian connectivity. Staff believes this change to the UDO will continue to promote Lewisville as a pedestrian friendly Town. The exact language to be added and/or amended to the UDO is attached.

- vi. See changes below.

**Deletions are shown with a strike through.**  
**Additions are shown *italicized and highlighted*.**

**Town of Lewisville Unified Development Ordinance**  
**Chapter B, Article II, Section 2-1.6 (I) PCO Pedestrian Connections Overlay District**

**2-1.6 OVERLAY AND SPECIAL PURPOSE ZONING DISTRICTS – PURPOSE STATEMENTS AND REGULATIONS**

The following overlay and special purpose zoning districts are established:

Table B.2.5  
 Overlay and Special Purpose Zoning Districts

Symbol	District Name
NCO	Neighborhood Conservation Overlay
TO	Thoroughfare Overlay
H	Historic
HO	Historic Overlay
LMO	Lewisville Multifamily Overlay
NAC	Neighborhood Activity Center
LRO	Lewisville Rural Overlay

**Lewisville Planning Board Meeting Minutes**  
**Digitally originating in Town Hall Council Chambers 1<sup>st</sup> flr 6510 Shallowford Road**  
**September 9, 2020 - 6:30 p.m.**

DTO	Downtown Overlay
<b>PCO</b>	<b><i>Pedestrian Connections Overlay</i></b>

**(I) PCO Pedestrian Connections Overlay District**

**(1) Purpose.** The PCO district is intended:

- (a) To fulfill the comprehensive plan goals while enhancing the visual character of the town and to provide a safe, efficient and diverse transportation system, and to provide facilities that encourage health and wellness;
- (b) To implement, in part, provisions of the accepted *Greenway and Pedestrian Connections Plan*;
- (c) To provide safe and convenient pedestrian and wheelchair access throughout town and in particular to connect residential areas with commercial and employment areas;
- (d) To promote inter-modal transportation and support transit; and
- (e) To maintain the small-town feel and traditional character of the town.

**(2) PCO District Requirements.**

- (a) Sidewalks are required for all new construction and renovations, additions and/or expansions to existing commercial structures which abut proposed public roadways, or which fall into one (1) of the following categories:
  - (i) Any project adjacent to sidewalk alignments as shown in the *Greenway and Pedestrian Connections Plan*.
  - (ii) All new single-family residential development which is a major subdivision of ten (10) or more single-family homes; *The Greenway and Pedestrian Connections Plan* shall be referenced on how it relates to the proposed development. The Elected Body shall determine if new sidewalks are feasible;
  - (iii) All new multi-family residential development or residential special use developments of ten (10) units or more as required as part of a special use permit;
  - (iv) All new office, institutional, and commercial or mixed-use developments

**Lewisville Planning Board Meeting Minutes**  
**Digitally originating in Town Hall Council Chambers 1<sup>st</sup> flr 6510 Shallowford Road**  
**September 9, 2020 - 6:30 p.m.**

abutting a state or town road or as required as part of a special use permit;

- (v) All existing office, institutional, and commercial development additions or expansions to structures where the expansion results in an increase of more than fifty percent (50%) value of the structure;
  - (vi) All new street, improved streets or extension to streets as required by the town subdivision ordinances or a special use permit.
- (b) Wherever a property abuts a proposed greenway alignment, the development plan for that property must allocate right-of-way for future construction, or may utilize greenway construction to meet pedestrian access requirements or to offset fees required in lieu of sidewalk construction (see paragraph c. below). Allocated right-of-way for the purpose of greenways may be used to fulfill open space requirements for major subdivisions and special use permits.
- ©) Notwithstanding the conditions of a special use permit or conditional use permit, a developer may choose to request a waiver for construction of sidewalk and pay a fee in lieu of actual construction *or the developer may propose an alternative (see 4. Alternative Compliance below)*, provided that the following conditions are met:
- (I) The applicable project area, including the street frontage, is not identified as a needed pedestrian linkage within the Greenway and Pedestrian Connections Plan or other adopted transportation or corridor plan, including but not limited to the Transportation Improvement Program (TIP), or is granted approval for a waiver by the Planning Board.
  - (ii) To recommend a waiver for sidewalk construction, the Planning Board must find that:
    - [A] Such facilities are not in harmony with surrounding uses; or
    - [B] That a sidewalk within the development is unfeasible due to special circumstances, including but not limited to impending, road widening or improvements, significant street trees, or severe roadside conditions or slope which would prohibit sidewalk construction.
  - (iii) The developer must provide a recorded easement to the Town for the future development of the sidewalk or greenway in accordance with the Greenway and Pedestrian Connections Plan. The developer wherever practical shall grade for the future development of a sidewalk.
  - (iv) Fees shall be based on the construction cost for an ADA compliant

**Lewisville Planning Board Meeting Minutes**  
**Digitally originating in Town Hall Council Chambers 1<sup>st</sup> flr 6510 Shallowford Road**  
**September 9, 2020 - 6:30 p.m.**

sidewalk surface for the linear footage of property adjacent to the public roadway.

- (d) All sidewalks shall be constructed in accordance with the standards of the Town of Lewisville and shall be reviewed by the Public Works Director.
- (3) **Use of fees collected in lieu of construction.** All fees collected by the town pursuant to these provisions shall be accounted for separately from other monies, and shall be expended only for the construction or rehabilitation of sidewalks or other pedestrian improvements in the same general area as the development is located as determined by the town planning board at the time of the request.
- (4) **Alternative Compliance.** *When a waiver for construction of a sidewalk is requested by the developer and granted by the Planning Board, the developer may propose a sidewalk plan that varies from the strict application of the PCO District in order to accommodate unique characteristics of the site, utilize innovative design, or provide an appropriate degree of pedestrian connectivity. An Application for alternative compliance shall include a site plan following the requirements specified in Section B.7, and may be approved by the Planning Board, in their discretion, only upon a finding that the proposed alternate plan fulfills the intent and purposes of this section.*
- (4 5) **Appeals and variances.** In the event that a developer wishes to appeal the ruling of the town staff or the sidewalk or greenway easement requirements, or to vary the requirements at their location, the developer must provide application with a letter explaining the reasons for their request to the town zoning administrator. The application will be forwarded to the Zoning Board of Adjustment for its consideration.

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- b. UDO L-162 text amendment for the Downtown Overlay District to amend definitions, boundary information and adopt official map of the Downtown in Appendix as Exhibit 5
    - i. Mrs. Tolbert noted that there are a number of discrepancies in the UDO as well as a map describing what is in or out of the Downtown Core or Gateways area. This text amendment will clarify the information and place a map of the Downtown Overlay District in the exhibits as Appendix 5.
    - ii. The staff report follows:

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**STAFF REPORT**

**DOCKET** # UDO L-162

**REQUEST**

This UDO text amendment was drafted by staff to amend the Unified Development Ordinances (UDO) to officially define the area of the Downtown Overlay District (DTO) and to adopt and add a map showing the

**Lewisville Planning Board Meeting Minutes**  
**Digitally originating in Town Hall Council Chambers 1<sup>st</sup> flr 6510 Shallowford Road**  
**September 9, 2020 - 6:30 p.m.**

boundaries of the Downtown Core Area (DCA) and the Downtown Gateway Area (DGA). The amendment applies to UDO Chapter A, Article II Definitions; Chapter B, Article II, Section 2-1.5; Chapter B, Article II, Table B.2.4 Institutional and Mixed Use Zoning Districts; & Chapter B, Article II, Section 2-1.6.

**BACKGROUND**

In UDO Chapter B, Article II Zoning Ordinance, there are multiple sections addressing the Downtown Overlay District. In the Lewisville UDO, the Town has adopted specific standards for properties within the DTO and refers to Map 9 of the Comprehensive Land Use Plan. On this map, there is no specific boundary shown for the downtown areas. In addition, more properties are to be included in downtown with the construction of the Great Wagon Road. This text amendment is meant to be proactive for the changes coming to downtown Lewisville and officially defines the properties that are to adhere to the strict standards of the DTO.

**ANALYSIS**

Through continued research, Staff, along with the Planning Board, has developed a definition and a map to be added to the UDO to officially adopt the downtown areas in the Town of Lewisville. The Planning Board worked to diligently choose which properties would be considered in the Downtown Core Area and those that would be considered in the Downtown Gateway Area. Both of these areas, DCA & DGA, are what make up the entire Downtown Overlay District. With the definitions being updated and a map being adopted to show the official boundary, we feel this is a needed text amendment to add clarity to the UDO.

**SUMMARY**

This text amendment will update definitions and tables and will add a map to the appendix section of the UDO. Once the text amendment is adopted, questions concerning whether a property is considered to be located downtown will be eliminated. Staff believes this change to the UDO is reasonable because it will make the Unified Development Ordinance more easily understood and interpreted.

The exact language to be added and/or amended to the UDO is attached along with the proposed map of the Lewisville Downtown Overlay.

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iii. The amendment follows.

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**Deletions are shown with a strike through.**

**Additions are shown *italicized and highlighted*.**

**Town of Lewisville Unified Development Ordinance**  
**Chapter A Definitions Ordinance**  
**Article II Definitions**

**DOWNTOWN.** As ~~defined verbally and on the Preferred Land Use Map in the Lewisville Comprehensive Plan~~ *shown in Exhibit 5 in the Appendix of the Unified Development Ordinance on the map titled Lewisville Downtown Overlay Map, the downtown includes primarily properties that the*

**Lewisville Planning Board Meeting Minutes**  
**Digitally originating in Town Hall Council Chambers 1<sup>st</sup> flr 6510 Shallowford Road**  
**September 9, 2020 - 6:30 p.m.**

~~stretch from the area surrounding~~ of Williams and Shallowford Roads from the US 421 interchange *and Williams Road to Reid Acres Lane, encompassing approximately one hundred seventy-seven (177) acres properties that front Shallowford Road and Great Wagon Road.*

**DOWNTOWN CORE AREA (DCA).** That portion of the Downtown ~~centered on Shallowford Road~~ lying east of the terminus of Williams Road *Shallowford Road roundabout as shown in Exhibit 5 in the Appendix of the Unified Development Ordinance on the map titled Lewisville Downtown Overlay Map.* (excluding the parcels at the northeast and southeast corner of the intersection of Shallowford and Williams Road, directly east of and across the street from the Oaks at Lewisville Shopping Center).

**DOWNTOWN GATEWAY AREA (DGA).** That portion of the Downtown lying west of the Downtown Core ~~and centered on the US 421/Williams Road interchange~~ *as shown in Exhibit 5 in the Appendix of the Unified Development Ordinance on the map titled Lewisville Downtown Overlay Map.*

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

**Chapter B Zoning Ordinance**

**Article II Section 2-1.5 INSTITUTIONAL AND MIXED USE ZONING DISTRICTS – PURPOSE STATEMENTS AND REGULATIONS**

Table B.2.4  
 Institutional and Mixed Use Zoning Districts

Symbol	District Name
IP	Institutional and Public
IP-S	Institutional and Public – Special
C	Campus
C-S	Campus – Special
CD1-S	Campus District 1 – Special
MU-S	Mixed Use – Special
<i>LD1-S</i>	<i>Lewisville Downtown District 1 – Special</i>
<i>LD2-S</i>	<i>Lewisville Downtown District 2 – Special</i>

**(E)LD1-S and LD2-S Lewisville Downtown Districts**

- ~~(1) — Definitions.~~ The following definitions shall apply to this ordinance.
- ~~(a) — Downtown.~~ As defined on the Preferred Land Use Map #9 in the Lewisville Comprehensive Plan, the stretch of Williams and Shallowford Roads from the US 421 interchange to Reid Acres Lane, encompassing approximately 177 acres.
  - ~~(b) — Downtown Core Area (DCA).~~ That portion of the Downtown centered on Shallowford Road lying east of the terminus of Williams Road (excluding

**Lewisville Planning Board Meeting Minutes**  
**Digitally originating in Town Hall Council Chambers 1<sup>st</sup> flr 6510 Shallowford Road**  
**September 9, 2020 - 6:30 p.m.**

~~parcels at the northeast and southeast corner of the intersection of Shallowford and Williams Road, directly east of and across the street from the Oaks at Lewisville Shopping Center).~~

~~©) Downtown Gateway Area (DGA). That portion of the Downtown lying west of the Downtown Core and centered on the US 421/Williams Road interchange.~~

~~(d) Downtown Overlay Area. An area equivalent to the Downtown.~~

**(21) Purpose.** The Lewisville Downtown Districts provide for development in Lewisville's traditional town center. The Town Center anchors the surrounding residential neighborhoods while also serving the broader community and visitors alike. Downtown Lewisville special use districts and standards are adopted to encourage new and adaptive reuse development while safeguarding the values of surrounding properties, protect the town's unique historically small town pedestrian oriented character, promote good urban design, protect the health, safety, and welfare of residents, property and visitors, and support the aesthetic interest in the Town.

(a) Lewisville Downtown District 1 (LD1-S) applies to the Downtown Core Area (DCA) – see Preferred Land Use Map #9 in the Comprehensive Plan *map titled Lewisville Downtown Overlay Map in Exhibit 5 in the Appendix of the Unified Development Ordinance* – and provides a broad array of uses is expected in a development pattern....

(b) Lewisville Downtown District 2 (LD2-S) applies to the Downtown Gateway Area (DGA) – see Preferred Land Use Map #9 in the Comprehensive Plan *map titled Lewisville Downtown Overlay Map in Exhibit 5 in the Appendix of the Unified Development Ordinance* – and provides a broad array of uses expected in a development pattern....

**(32) Pre-application Conference.**

**(43) Alternative Compliance.**

**(54) General Dimensional Requirements – LD1-S and LD2-S.**

**(65) Build-To-Line (BTL).**

**(76) Public Sidewalks.**

**(87) Parking.**

**(98) Bufferyards and Other Screening Requirements.**

**Lewisville Planning Board Meeting Minutes**  
Digitally originating in Town Hall Council Chambers 1<sup>st</sup> flr 6510 Shallowford Road  
September 9, 2020 - 6:30 p.m.

- (109) Reserved.
- (110) Architectural Character Standards.
- (111) Permitted Uses in LD1-S.
- (112) Permitted Uses in LD2-S.

**Chapter B Zoning Ordinance**

**Article II Section 2-1.6 OVERLAY AND SPECIAL PURPOSE ZONING DISTRICTS –  
PURPOSE STATEMENTS AND REGULATIONS**

**(H) Downtown Overlay District (DTO)**

~~(1) Definitions.~~

for the ~~(a) LDS1-S and LD2-S Definitions. The definitions listed in Section B.2-1.5(E)~~  
LD1-S and LD2-S Districts shall apply to this section.

~~(b) Downtown Overlay Area. See definition of Downtown in Section B.2-1.5(E).~~

**(21) Applicability, Purpose and Intent.** The Lewisville Downtown Overlay District (DTO), *see map titled Lewisville Downtown Overlay Map in Exhibit 5 in the Appendix of the Unified Development Ordinance*, provides additional requirements within the Town of Lewisville's designated Downtown Core and Gateway areas (Downtown Overlay Area).....

- (32) General Regulations.**
- (43) Architectural Character Standards.**
- (54) Gateway Area.**
- (65) Core Area.**

**Unified Development Ordinance Appendix  
Appendix – Exhibits**

Exhibit 1	Table of Corresponding Zoning Districts
Exhibit 2	Traffic Impact Study Standards
Exhibit 3	Growth Management Plan

**Lewisville Planning Board Meeting Minutes**  
**Digitally originating in Town Hall Council Chambers 1<sup>st</sup> flr 6510 Shallowford Road**  
**September 9, 2020 - 6:30 p.m.**

Exhibit 4      Vienna Business District  
**Exhibit 5**      ***Lewisville Downtown Overlay District Map*** (see attached map)

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- iv.      Definitions is updated; Table B-2.4 adds LD1 and LD2; and the Downtown Overlay District map is being added.
  - (1)      The map clarifies the properties in/out of the Downtown Overlay.
  - (2)      The map does not change any existing zoning or taxing.
  - (3)      Single family homes are exempt from the Downtown Overlay.
  - (4)      Only when properties are purchased and rezoned to LD1 or LD2 will the property have to conform to the Downtown Overlay requirements.
- v.      The Public Hearing was opened at 8:23 p.m.
- vi.      Having no electronically raised hands to speak, the Public Hearing was closed at 8:24 p.m.
- vii.      Because this is a Public Hearing being held electronically as authorized by Session Law 2020-3, written comments will be received for 24 hours following the close of the public hearing. Formal action will be on Wednesday, September 23, 2020. Comments may be sent to [planner@lewisvillenc.net](mailto:planner@lewisvillenc.net) or dropped off at the mail box behind Town Hall.

7.      **New Business**  
a.      None.

8.      **Reports & Updates:**

- a.      Planner
  - i.      Everyone was reminded that the Solomon Development project will be on Council's agenda for technical review for tomorrow night (September 10, 2020) at 6:00 p.m. Access for the meeting can be accessed through the town's web site. It hasn't yet been determined when the review for compliance for the 7-lot subdivision will be forwarded to Council.
- b.      Chair/Vice Chair
  - i.      Mr. Lawson commented that he does not participate in social media (except to post pictures of his dog) and that he knows members of the past councils and planning board and that all have absolute integrity. They all voted from the heart and what was good for the town. There have been contentious projects and votes in the past and the Solomon project won't be the last. This will play out and a decision will be made and then everyone will move on.
  - ii.      Mr. Hamby echoed Mr. Lawson's comments and also noted all the education needed in order to do their job as members of the Planning Board. He also noted that there is a need for the public to be educated on the processes.
  - iii.      There was discussion on when the board might meet in person based on the Governor's latest executive order.
    - (1)      In the future, there may be a way to include Zoom as part of the in-person meetings.

**Lewisville Planning Board Meeting Minutes**  
**Digitally originating in Town Hall Council Chambers 1<sup>st</sup> flr 6510 Shallowford Road**  
**September 9, 2020 - 6:30 p.m.**

- c. Clerk
  - i. None.
  
- 9. **Continued Business/Work Session**
  - a. None.
  
- 10. **Meeting Review**
  - a. Action Item Consensus/Next Steps
  - b. Next Meetings
    - i. Work Session - September 23, 2020
      - (1) Decision for UDO L-161
      - (2) Decision for UDO L-162
    - ii. Public Hearing - October 14, 2020
      - (1) Currently, there are no public hearings scheduled for that date.
  
- 11. **Adjournment**
  - a. Mrs. Tolbert advised that she, Mrs. Foster, Mr. Perkins and Mrs. Walker will be meeting to see when the Parks and Rec board can meet in preparation for the Comprehensive Plan update and the Parks and Recreation Master Plan inclusion.
  - b. Having no other business to discuss, Bill Scantland moved to adjourn the meeting at 8:37 p.m. The motion was seconded by Tom Lawson and approved unanimously with a roll call vote of ayes from Board members Hamby, Higgins, Scantland, Sloop, Sullivan and Chair Lawson.

\_\_\_\_\_  
Tom Lawson, Chair

ATTEST:

\_\_\_\_\_  
Joyce C. McWilliams Walker, Town Clerk

**Lewisville Planning Board Meeting Minutes**  
**Digitally originating in Town Hall Council Chambers 1<sup>st</sup> flr 6510 Shallowford Road**  
**September 9, 2020 - 6:30 p.m.**

**ATTACHMENT OF INFORMATION RECEIVED FROM JOSEPH HAMBY**

- **Where conflicting ordinance occurs, the more restrictive (not lenient) requirements should prevail**
  3. *UDO Chapter B, Article I, 1-7.1 and UDO Chapter B, Article I, 1-7.2*
    1. “Where a conflict exists between any limitations or requirements in this Ordinance, the more restrictive limitation or requirements shall prevail.”
  
- **With that in mind the project’s height exceeds the maximum provided for buildings in the Downtown Core Area as cited in:**
  - *Chapter B, Article II, 2-1.6, (H)(4)(i)(i) Building Height*
  
- **The project does not preserve, enhance or compliment the small town character of Lewisville as cited in:**
  - *2015 Comprehensive Plan Update: Community Character, Vision*
  - *2015 Comprehensive Plan Update: Land Use, Vision*
  - *UDO Chapter B, Article II, 2-1.6, (H)(2)(c) Applicability, Purpose and Intent*
  - *UDO Chapter B, Article II, 2-1.6, (H)(3)(e) General Regulations*
  - *UDO Chapter B, Article II, 2-1.6, (H)(4) Archetictural Character Standards*
  
- **The project’s mass, bulk, proportions and scale is incompatible, inconsiderate, inappropriate and insensitive to the area and surrounding properties violating the following cited ordinances and standards:**
  - *2015 Comprehensive Plan Update: Land Use, Commerical Districts*
  - *2015 Comprehensive Plan Update: Land Use, Vision*
  - *June 2014 Downtown Design Guidelines: Design Guidelines, 1.4 Building Massing & Scale (pg 14)*
  - *UDO Chapter B, Article II, 2-1.6, (H)(3)(e) General Regulations*
  - *UDO Chapter B, Article II, 2-1.6, (H)(4) Archetictural Character Standards*
  - *UDO Chapter B, Article II, 2-1.6, (H)(4)(a) Archetictural Character Standards*
  
- **The project is inappropriate to the site with general disregard for the surrounding areas as cited in:**
  - *2015 Comprehensive Plan Update: Appendix, Maps, Map 9 Preferred Land Use*
  - *June 2014 Downtown Design Guidelines: Map, Focus Area #3*
  - *Chapter B, Article II, 2-1.6, (H)(3)(e) General Regulations*

**Lewisville Planning Board Meeting Minutes**  
**Digitally originating in Town Hall Council Chambers 1<sup>st</sup> flr 6510 Shallowford Road**  
**September 9, 2020 - 6:30 p.m.**

- **The project’s use of offsite parking fails to have the ingress or egress for offsite parking originate through the multifamily site as cited in:**
  - *Chapter B, Article III, 3-3.4, (A)(3)(a) Off-Site Parking*
  
- **The project’s placement of dumpsters on a secondary lot utilized for offsite parking use violates ordinance cited below:**
  - *Chapter B, Article III, 3-3.4 (B)(7)*
  - *Chapter B, Article III, 3-3.3, (F)(2)*
  
- **The Downtown Overlay provides additional requirements to the underlying PB zoning, it does not replace them.**
  - *2015 Comprehensive Plan Update: Appendix, Definitions, Overlay District*
    - **“A zoning district placed over areas with standards for design, landscaping, or other regulations that are in addition to the underlying zoning classification.”**
  - *UDO Chapter B, Article I, 1-2, (H), (2), Applicability, Purpose and Intent*
    - **“The Lewisville Downtown Overlay District (DTO) provides additional requirements within the Town of Lewisville's designated Downtown Core and Gateway areas (Downtown Overlay Area).”**
  - *UDO Chapter B, Article II, 2-1.1, (C)*
    - **“The special use districts are established as companion districts to the general use districts, except for the MU-S District. References in this Ordinance to a general use district shall be construed to also include the corresponding special use district. Each special use district is intended to accomplish the purposes of the corresponding general use district through the development of identified uses at a specific location in accordance with a site plan acceptable to the Elected Body. All regulations which apply to a general use district also apply to the corresponding special use district. Additional reasonable site plan conditions which may be required by the Elected Body and agreed to by the petitioner as part of the rezoning process also apply.”**
  
- **With that in mind the project fails to meet underlying PB zoning district requirements:**
  - 40 ft setback along residential property
    - *UDO, Chapter B, Article II, 2-1.3, (F)(2)(1)*
  - Type I bufferyard adjacent to residentially zoned property
    - *UDO, Chapter B, Article II, 2-1.3, (F)(3)(a)(i)*

**Lewisville Planning Board Meeting Minutes**  
**Digitally originating in Town Hall Council Chambers 1<sup>st</sup> flr 6510 Shallowford Road**  
**September 9, 2020 - 6:30 p.m.**

**2015 COMPREHENSIVE PLAN UPDATE**

1. Community Character
  - a. Vision
    - i. “Lewisville in the year 2035 will remain a pedestrian friendly town. We will continue to encourage the completion of the Great Wagon Road and the further development of unique commercial ventures in downtown in a thoughtful and historically respectful manner while preserving Lewisville’s, small town character for future generations...”
2. Land Use
  - a. Commercial Districts
    - i. “A prior critique of these standards reaffirmed the community’s position that aesthetically pleasing design is critical to creating a successful downtown. The ideals of the community are reflected in the objectives of the Overlay District standards. (See the Lewisville Unified Development Ordinances.) The group stressed that site design, compatible scale, landscaping and other amenities are as important as the type of land use...”
  - b. Vision
    - i. “Downtown Lewisville will continue to be the heart of the community. Downtown will be pedestrian friendly and will offer a variety of retail and entertainment attractions. The parcels neighboring Shallowford Square within and surrounding the Downtown Core and downtown corridor have been designated as special emphasis areas, given their proximity and importance to their relationship to the Town’s center. Appropriate and sensitive development continues to be encouraged within these areas, with an emphasis on respecting and supporting the town’s core value as a historically unique small town with an articulated pedestrian oriented character and scale.”

**JUNE 2014 DOWNTOWN DESIGN GUIDELINES**

1. Existing Conditions
  - a. The buildings are not large, with most commercial buildings rising to a maximum of one and a half (1.5) to two (2) stories in height.
2. Design Guidelines
  - a. 1.4 Building Massing & Scale (pg 14)
    - i. “All new construction shall be designed in consideration of the mass and scale of adjacent buildings in terms of size, height, width and bulk.”

**Lewisville Planning Board Meeting Minutes**  
**Digitally originating in Town Hall Council Chambers 1<sup>st</sup> flr 6510 Shallowford Road**  
**September 9, 2020 - 6:30 p.m.**

- ii. “New construction on lots that are significantly wider than adjacent existing lots shall utilize a design that divides and proportions the building to replicate the massing and scale of adjacent buildings.”
- iii. “New construction shall utilize architectural styles and features that are compatible with the scale of adjacent buildings.”

**UNIFIED DEVELOPMENT ORDINANCE**

1. Chapter B, Article I, 1-7 Conflicting Provisions
  - a. 1-7.1 CONFLICT WITHIN ORDINANCE Where a conflict exists between any limitations or requirements in this Ordinance, **the more restrictive limitation or requirement shall prevail.**
  - b. 1-7.2 CONFLICT WITH OTHER ORDINANCE OR LAW Where a conflict exists between the provisions of this Ordinance and any other ordinance or law, or where the provisions of this Ordinance impose overlapping or contradictory regulations, **the most restrictive provision or the one which imposes the highest standards or requirements shall prevail.**
2. Chapter B, Article II, 2-1.6, (H)(2) Applicability, Purpose and Intent
  - a. **“The purpose of the overlay district is to promote, preserve, and protect the health, safety and welfare of residents and property and to protect the aesthetic interest of the Town. It will help conserve the value of buildings and encourage appropriate use of the land. It is based in part on the following findings:**
    - i. (a)Downtowns contribute to each town's entire image and economic vitality.
    - ii. (b)The regulations will insure development of property appropriate for the downtown and central area; thus, safeguarding its property and offering social and cultural benefits to the citizens of Lewisville.
    - iii. (c)**The standards will encourage new buildings, retain the values of surrounding properties, protect the town's unique character, and promote good urban design.”**
3. Chapter B, Article II, 2-1.6, (H)(3)(e) General Regulations
  - a. These boards will evaluate the design of new structures in terms of the degree to which they contribute to the well-being of the Downtown, while **preserving and enhancing the village character, integrity,** and attractiveness of central Lewisville as identified in the Lewisville Comprehensive Plan. **The major objectives shall be to promote a sense of human scale; to encourage architecture which is compatible but not necessarily conforming;** to create architectural transition; to provide an open environment; and to develop tree-lined streets in Downtown areas. **New development shall be appropriate to the site, taking into account the safety, convenience, and amenity of the surrounding area.** New development shall be evaluated in relation to the development standards of DTO Section 4.

**Lewisville Planning Board Meeting Minutes**  
**Digitally originating in Town Hall Council Chambers 1<sup>st</sup> flr 6510 Shallowford Road**  
**September 9, 2020 - 6:30 p.m.**

4. Chapter B, Article II, 2-1.6, (H)(4) Architectural Character Standards
  - a. The Town of Lewisville sees the interaction between the built environment and the public as a crucial ingredient in maintaining a certain sense of place. Development standards herein are intended to ensure that all new development within the DCA, DGA and DTO results in an architecture of high quality, encourages pedestrian activity and interaction with the built environment and **provides appropriate transitions in scale while accommodating many types of approved uses, including civic and institutional, commercial retail and business mixed-use, live/work and multi-family/single family residential developments.** Architectural aesthetic character shall be designed so as to support and enhance a pedestrian friendly environment and **compliment the historical small town unique character of Lewisville.** The following minimal architectural character standards are to be shown on the applicant's plans and included as conditions for approval of the site plan. Other specific architectural character elements are encouraged which may also be required as conditions for approval of the site plan:
    - i. (a) Building Scale. ....**All new building façades, in terms of composition, bulk, scale, proportion, orientation, massing, transparency, articulation, color, and major divisions or rhythms in the façade, shall be of a character that supports and enhances a pedestrian friendly environment and compliments the historical small town unique character of Lewisville. Human scale (the legibility of elements by people when close [to] the building) shall be emphasized.**
5. Chapter B, Article II, 2-1.6, (H)(4)(i)(i) Building Height
  - a. (i) For DCA - The maximum building height for buildings and structures (excluding chimneys, unoccupied steeples, spires, flagpoles, cupolas and roof venting pipes) **shall be two and one-half (2½) stories** with a maximum height of forty-eight (48) feet.
6. UDO, Chapter B, Article II, 2-1.3, (F)(2)(1)
  - a. "Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, **the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet** or shall have the required setback for the nonresidential district, whichever is greater."
7. UDO, Chapter B, Article II, 2-1.3, (F)(3)(a)(i)
  - a. "Rear Parking. ....Parking area shall be buffered by a **type I bufferyard**, as defined in Section B.3-5, **adjacent to residentially zoned property.**"
8. Chapter B, Article III, 3-3.4 OFF-SITE PARKING
  - a. (A) Off-Site Parking Accessory to Multifamily or Institutional Uses ....Surface parking in a RS or RM District to serve either multifamily residential or

**Lewisville Planning Board Meeting Minutes**  
**Digitally originating in Town Hall Council Chambers 1<sup>st</sup> flr 6510 Shallowford Road**  
**September 9, 2020 - 6:30 p.m.**

institutional **must be approved by the Elected Body** and meet the following additional requirements:

- i. (1) Multifamily parking. ....Multifamily parking in a residential district shall be allowed only if said lot abuts for a distance of not less than twenty-five (25) feet upon the zoning lot to which such parking would be accessory.
- ii. (2) Institutional parking. ....Institutional parking in a residential district shall be allowed only if the lot used for institutional parking abuts for a distance not less than twenty-five (25) feet upon the zoning lot to which such parking would be accessory, or if said lot is adjacent for twenty-five (25) feet to, but separated by a public street from, the zoning lot to which such parking would be accessory.
- iii. (3) Ingress or egress shall be as follows:
  1. (a)**Multifamily parking. ....Ingress or egress for multifamily parking shall be only through the multifamily site.**
  2. (b)Institutional parking. ....Ingress or egress for institutional parking shall be only through the institutional site or from a public street.

9. Chapter B, Article III, 3-3.4 (B)(7)

- a. Other Uses. ....Where parking is established on a secondary lot or lots owned by the owner of the lot on which the principal use is located, **the secondary lot or lots may not be used for any purpose other than parking required for the principal use** unless there is sufficient room for: shared parking; any use which may be placed on the secondary lot or lots; and any parking required for the use placed on the secondary lot or lots.

10. Chapter B, Article III, 3-3.3, (F)(2)

- a. Operation. ....**All required parking areas shall be used exclusively for the parking of vehicles. Parking areas shall not be used for the storage of merchandise, location of dumpsters, or for the storage or repair of vehicles or equipment. Parking areas shall not be used for the sale of merchandise except on a temporary basis for special events.**

1-7.1 CONFLICT WITHIN ORDINANCE

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

1-7.2 CONFLICT WITH OTHER ORDINANCE OR LAW

**Lewisville Planning Board Meeting Minutes**  
**Digitally originating in Town Hall Council Chambers 1<sup>st</sup> flr 6510 Shallowford Road**  
**September 9, 2020 - 6:30 p.m.**

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