

CHAPTER B – ZONING REGULATIONS

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B.1

1. PURPOSE AND AUTHORITY

1-1. SHORT TITLE

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

1-2. PURPOSE

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

1-3. JURISDICTION

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

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1-4. AUTHORITY

1-4.1. STATE LAW

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

1-4.2. INTENT

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

1-4.3. AMENDMENTS

This Ordinance may be amended in accordance with the provisions of this Ordinance as required or allowed by subsequent legislative enactments.

1-5. COMPLIANCE

1-5.1. COMPLIANCE WITH PROVISIONS

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

1-5.2. MULTIPLE USES

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

1-5.3. MINIMUM REQUIREMENTS

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

1-6. SEVERABILITY

1-6.1. INVALIDATION OF PORTIONS OF ORDINANCE

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

1-6.2. INVALIDATION OF APPLICATION

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

1-6.3. PRESUMPTION

When an administration officer or board authorizes regulatory action, it shall be conclusively presumed that such officer or board would not have authorized such action except in the belief that such action was lawful.

1-7. CONFLICTING PROVISIONS

1-7.1. CONFLICT WITHIN ORDINANCE

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

1-7.2. CONFLICT WITH OTHER ORDINANCE OR LAW

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

1-8. ILLUSTRATIONS

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

1-9. CUMULATIVE REQUIREMENTS

The requirements of this Ordinance are cumulative.

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2. ZONING REGULATIONS

2-1. APPLICATION OF DISTRICT REGULATIONS

2-1.1. ZONING DISTRICTS ESTABLISHED

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

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construed to also include the corresponding conditional district. Each conditional 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 Town Council. All regulations which apply to a general use district also apply to the corresponding conditional district. Additional reasonable site plan conditions which may be required by the Town Council and agreed to by the petitioner as part of the rezoning process also apply.

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

2-2.2. FUTURE LAND USE CATEGORIES AND ZONING DISTRICTS

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

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

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

Table B.2.1 Implementing Zoning Districts

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

2-2. OFFICIAL ZONING MAPS

2-2.1 OFFICIAL ZONING MAPS

- A. **Designation and Description of Official Zoning Maps.** There shall be maps known and designated as the Official Zoning Maps which shall show the boundaries of all zoning districts within the planning jurisdiction of the adopting jurisdiction. The Official Zoning Maps as dated upon adoption are made part of this Ordinance as fully as if set forth herein in detail and may be retained in paper form, electronic form, or both according to G.S. 160D-105.
- B. **Location of Official Zoning Maps.** The Official Zoning Maps shall be located in the office of the Town Clerk. True copies of the Official Zoning Maps are on file in the office of the Planning Director.
- C. **Revision and Replacement of Official Zoning Maps.**
1. **Planning Staff Authorization.** The Planning Staff shall control access to the zoning information contained in the Forsyth County Land Records Information System and is authorized to revise the Official Zoning Maps when amended by the

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

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

D. Amendments to Official Zoning Maps.

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

2-2.2. ZONING DISTRICT BOUNDARIES

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

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

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

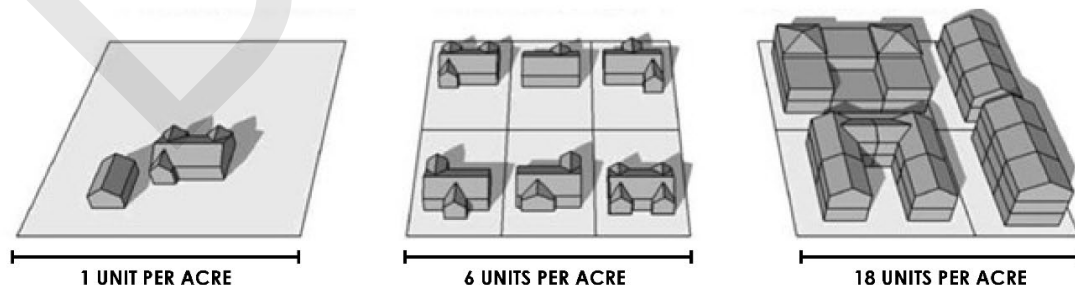
2-3. STANDARDS OF MEASUREMENT

2-3.1. DENSITY AND INTENSITY

A. **Calculation of Density.** Residential density shall be measured by dwelling units per gross acre (du/ac). For example, if a development of one hundred (100) acres is entitled to ten (10) dwelling units per acre, the maximum permitted density within the development is one-thousand (1000) dwelling units. Maximum density and/or intensity is not guaranteed subject to compatibility of uses or districts, onsite features, and other standards as regulated by the UDO.

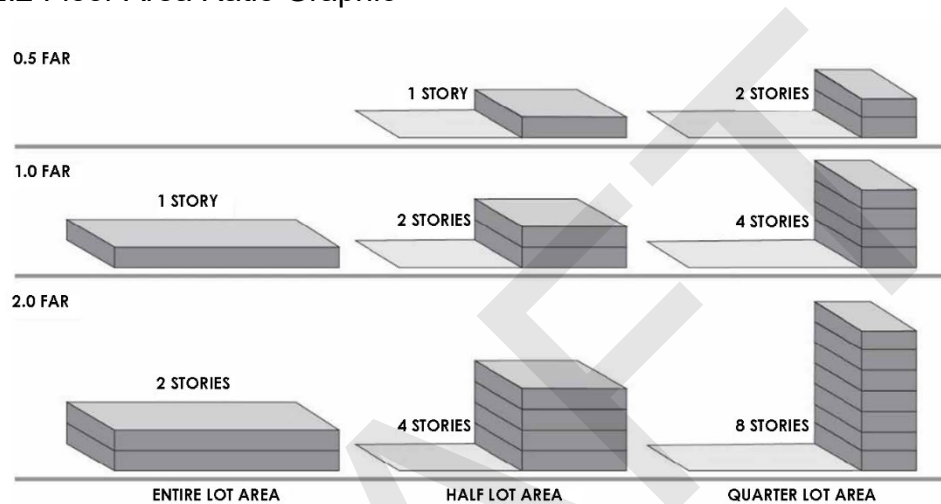
1. All residential densities denoted in the adopted Comprehensive Plan are not guaranteed by right. The appropriate allocation of density shall encourage sustainable development.
2. Subdivision, zoning, and site plan review criteria and procedures shall assure that density is consistent with established residential development patterns and provides equitable use of the land.
3. For legal lots of record existing as of the effective date of this UDO, densities less than the minimum density requirements defined in the Town's Comprehensive Plan are permitted.
4. Residential Density is calculated as gross density, where the gross acreage includes all lands within the parcel boundaries.

Figure B.2.1 Density



- B. Non-Residential Intensity Defined. Floor Area Ratio (FAR).** Non-Residential Development (“Intensity”) is measured in Floor Area Ratio (FAR). FAR is calculated by dividing the total size of the building/structure (in square feet) by the total size (in square feet) of the lot on which the building is located. For example, a 5,000-square foot building on a 10,000 square foot lot equals an FAR of 0.5.

Figure B.2.2 Floor Area Ratio Graphic



2-3.2. STANDARDS OF GENERAL APPLICABILITY

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

- A. Building Height.** *Building Height* shall be defined by stories rather than a specific height expressed in feet; however, each story shall have maximum height limitations expressed in feet. The measurement of a “story” shall be defined in *Section B.2-3.2(A)(2) Measurement of a Story*. Height is limited to a maximum story allowance in each district’s standard development table.

- 1. Story Above Grade Plane.** Any story having its finished floor surface entirely above grade plane. Any floor levels partially below the grade at the building’s exterior may fall under this category. There are two criteria to determine if a given floor level is to be considered a story above grade plane:

- (1) If the finished floor level above the level under consideration is more than six (6) feet above the grade plane, the level under consideration is a story above grade plane; or
- (2) If the finished floor level above the level under consideration is more than twelve (12) feet above the finished ground level at any point, the floor level under consideration shall be considered a story above grade plane.
- (3) If either of the conditions above exist, the level under consideration is to be considered a story above grade plane.
- (4) If the finished floor level above the level under consideration is six (6) feet or less above the grade plane and does not exceed twelve (12) feet at any point, the floor level under consideration is not considered a story above grade plane and therefore is considered a basement.

Figure B.2.3 Building Height Illustrations



2. **Measurement of Story.** For the purpose of calculating heights of a story, the ground floor (i.e. first story) of a structure shall be a maximum of twenty (20) feet. Additional stories shall be a maximum of fifteen (15) feet for each individual story.

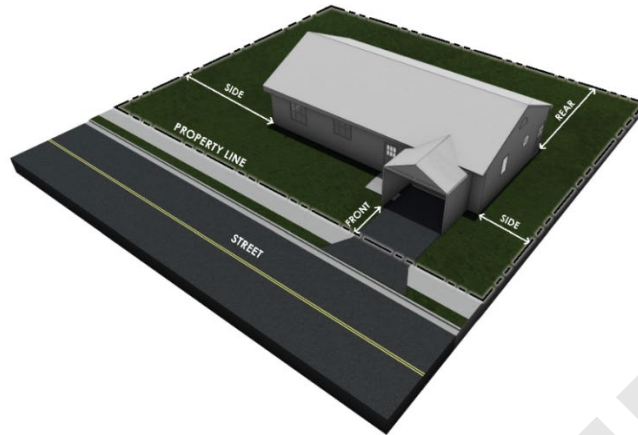
Building heights are limited through the district development standards table for each district. To allow for a wide variety of building designs, requests to modify the allowable height of stories, so long as the maximum permitted height of the structure is not exceeded, may be permitted via a design alternative.

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

B. Building Placement (Setbacks). *Building Placement (Setbacks)*, shall be measured from the nearest part of the applicable building, structure or sign, measured perpendicularly to the lot line or street right-of-way line. Setbacks are designated by a front setback requirement, side setback requirements, and a rear setback requirement. Provisions for setbacks for accessory structures are made in each respective district below, or in *Section B.2-5 Uses and Use Conditions*, of the UDO for each respective use. It is understood, for the purpose of calculating setback requirements and yards, three configurations of lots exist: interior lots, corner lots, and through lots. A lot which abuts a cul-de-sac street design, featuring a radial primary street yard, shall measure its primary street setback at the point in which the side and front lot lines would have met without rounding.

1. **Interior Lot.** A lot bounded by a street on only one side. For the purpose of setbacks and yards, the street yard shall be recognized as the primary (i.e. front) yard. An interior lot shall have one primary front yard, two side yards, and one rear yard. Orientation of the building, driveway and entrances shall be required respective of the primary front yard.

Figure B.2.4 Setback – Interior Lot



2. **Corner Lot.** A lot which abuts two or more streets, other than an alley or easement. Each corner lot shall be required, either on its plat or building permit for new building, to designate its primary front yard, which shall dictate its front setback requirement. Orientation of the building, driveways and entrances on the lot shall be required respective of the primary front yard but may also be permitted on a non-primary front yard. Additional side yard setbacks may be required for corner lots.

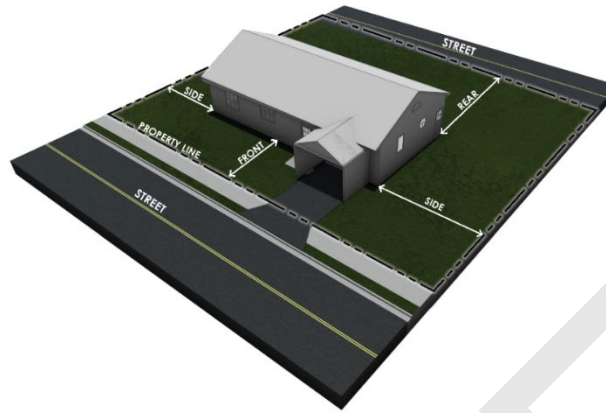
Figure B.2.5 Corner Lot



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

through lot. If one of the streets is designated as a local street or alleyway, garage access may be permitted from the local street or alleyway.

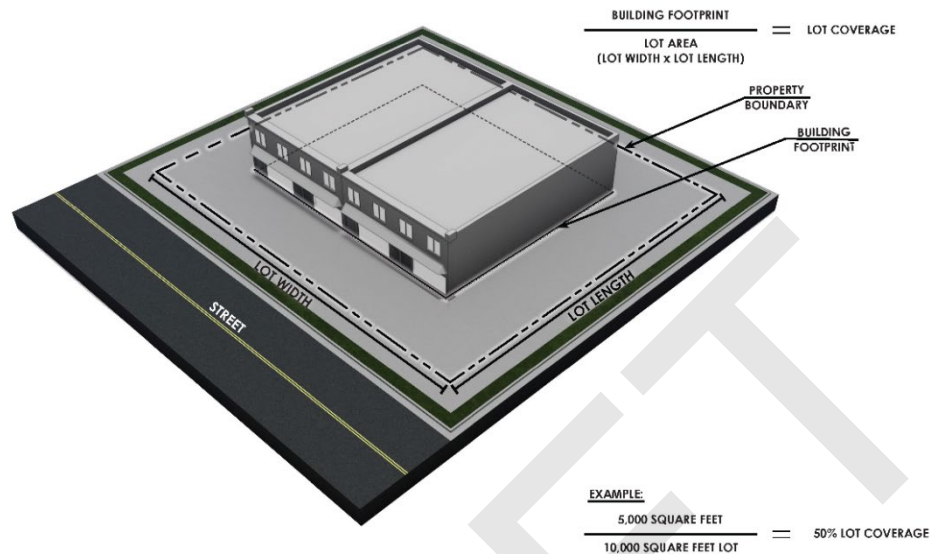
Figure B.2.6 Setback – Through Lot



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

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

Figure B.2.7 Lot Measurements

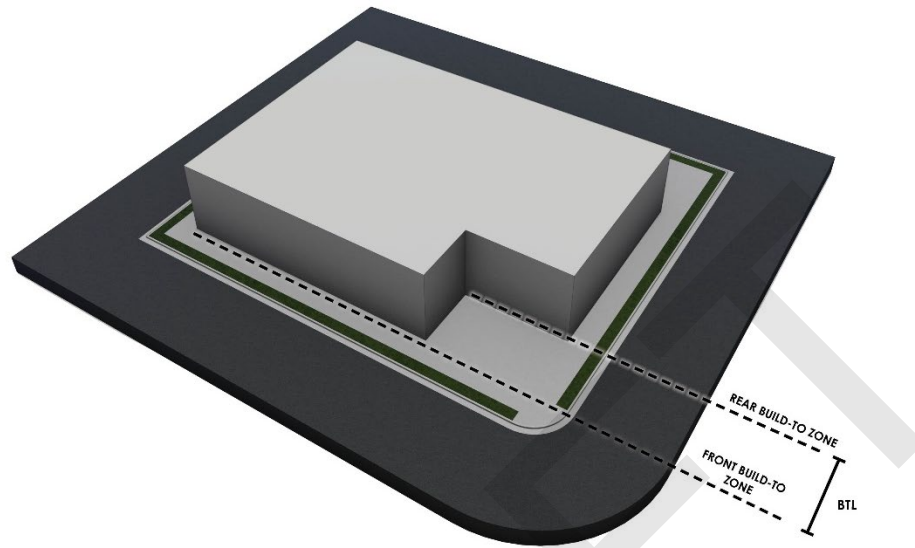


D. Equipment Considerations. Mechanical, electrical, and plumbing equipment (including air-conditioning and pool equipment) are exempt from side and rear yard requirements but shall not be located any closer than five (5) feet from the property line except where may be otherwise regulated.

E. Building Placement.

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

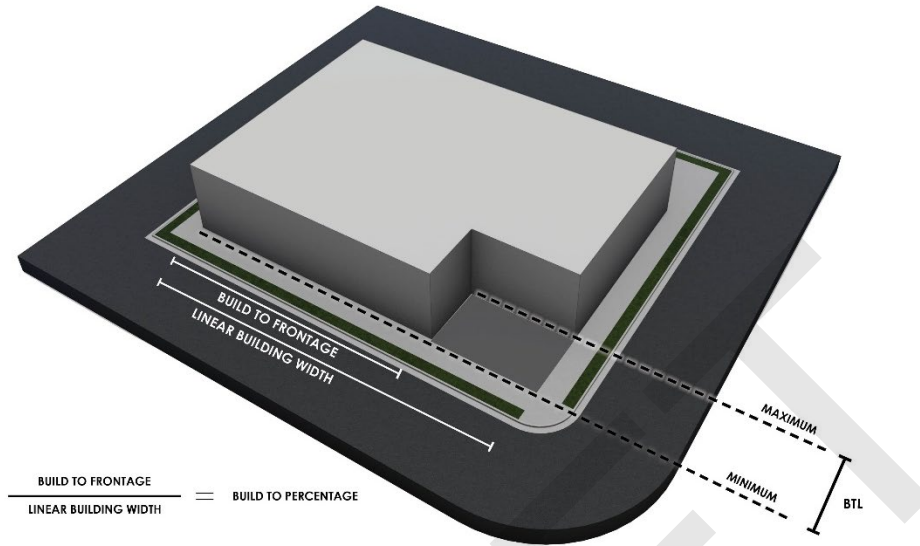
Figure B.2.8 Building Placement



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

1. **Active Use Areas.** *Active Use Areas* are defined as those areas along a frontage that provide for active uses such as a forecourt, courtyards, opportunities for outdoor dining, merchandise display, and/or shared gardens. Active use areas are encouraged and may be used to achieve frontage requirements. See *Section B.3-5 Open Space Requirements* for additional standards for active use areas.

Figure B.2.9 Frontage



2-4. ZONING DISTRICTS

2-4.1. DIMENSIONAL STANDARDS – GENERAL REQUIREMENTS

- A. **Applicability.** In all zoning districts, every use of a building, structure, or piece of land hereafter erected, modified, enlarged, or increased in capacity shall comply with the dimensional requirements as set forth in this Section.
- B. **Exceptions.** Variations to the dimensional requirements of this Section are permitted only in nonconforming situations (*Section A.5 Nonconformities*), as part of a conditional zoning/rezoning approved by Town Council (*Section A.3-6 Town Council*), or where the Board of Adjustment may approve the modifications to the dimensional requirements (*Section A.3-4 Zoning Board of Adjustment*).
- C. **Dimensional Requirements.** The dimensional requirements which specify minimum lot area, minimum lot width, minimum setbacks, maximum impervious surface cover, maximum height, and minimum contiguous area, where applicable, are set forth in *Table B.2.2 Residential Districts General Dimensional Requirements*, *Table B.2.3 Nonresidential Districts General Dimensional Requirements*, *Table B.2.4 Minimum Lot Sizes (Square Feet) for Permitted Single Family, Two-Family, and Multifamily Residential Buildings on Small Lots in RM Districts*, and *Table B.2.5 Other*

Dimensional Requirements. Dimensional and other requirements of zoning districts are set forth in *Section B.2-4 Zoning Districts*.

1. **Build-To-Line (BTL).** Where applicable in the LD1-C district and the VBO and NAC overlay, the following standards shall apply for BTL. BTL is the line at which construction of a building is to occur on a lot. A build-to-line runs parallel to the front property line and is established to create an even building facade line on a street:
 - (1) **Location of BTL without overhead utilities.** The BTL is located ten (10) feet behind the street right-of-way line.
 - (2) **Location of BTL with overhead utilities.** The BTL shall be ten (10) feet behind the street right-of-way line and outside of the right-of-way or easement for any overhead utilities. In some cases the utility pole may be located beyond the street right-of-way line resulting in the BTL being located the additional distance behind the curb or ditch line.
 - (3) **Construction related to the BTL.** Not less than fifty percent (50%) of the facade is to be built on the BTL. The remainder of the building should be set back a minimum of six (6) feet behind the BTL. Balconies, stoops, open porches, covered walkways may project into the setback to the extent that it fills the setback area. Bay windows may project one foot six inches into the setback area or beyond the BTL.

Table B.2.2 Residential Districts General Dimensional Requirements

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

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

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

Table B.2.3 Nonresidential Districts General Dimensional Requirements.

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

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

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

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

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

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

Table B.2.5 Other Dimensional Requirements

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

2-4.2. SUPPLEMENTARY DIMENSIONAL REQUIREMENTS

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

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

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

6. Derricks and conveyors.

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

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

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

1. **Landscape Features.** Landscape features, including, but not limited to, ornamental pools, planting boxes, sculpture, birdbaths, open terraces, walkways, walls, or fences; and

2. **Other Improvements.** Other constructed improvements specifically exempted in the definition of Structure in *Section A.2 Definitions*, including, but not limited to, gate houses or bus shelters, mailboxes, pump houses or wells, shelter for pets, playhouses, outdoor fireplaces, flagpoles, underground fallout shelters not extending more than four (4) feet above grade, and wharves unless otherwise regulated under *Section B.3-9.2 Noise*. Air conditioning compressors are exempted, subject to the provisions of *Section B.3-9.2 Noise*.

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

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

E. Setbacks for Taller Structures in the Campus District.

1. **Purpose.** The purpose of special setbacks for taller structures in the C District is to give flexibility in designing and developing structures for these districts while at the same time protecting residential development adjacent to the C District from

the impacts on privacy and outdoor enjoyment that structures built above the standard height limits might have.

2. **Exception From Height Limits.** Existing buildings prior to the effective date of this ordinance are exempted from height limit requirements.
3. **Setback and Measurement.** No new building, or an addition to an existing building which is exempt from the height requirement, shall exceed the normal maximum height of sixty (60) feet allowed in the C District unless the building is set back at least forty (40) feet from any property zoned RS, RM, or H. For each foot of setback from property zoned RS, RM, or H beyond forty (40) feet, the maximum permitted height of a building may be increased by one foot. If the building is set back at least one hundred twenty (120) feet from all property zoned RS, RM, or H, or is adjacent to other zoning districts; no additional height related building setback shall be required. Please refer to *Section B.2-4.7(C) C Campus District*.

F. Accessory Structures Permitted in Required Yards.

1. **Interior Lots.** An accessory structure seventeen (17) feet or less in height and structurally detached from the principal structure on the zoning lot may be erected on any interior lot in either the required side or rear yards, if no part of said structure is located any closer to the front lot line than the build-to-line of the principal structure nor less than three (3) feet from a side or rear lot line.
2. **Corner Lot.** An accessory structure less than seventeen (17) feet in height and structurally detached from the principal structure on the zoning lot may be erected on a corner lot, provided that:
 - (1) Said structure shall be erected in the required side yard not abutting the street, and no part of said structure is located any closer to the front lot line than the build-to-line of the principal structure nor less than three (3) feet from a side or rear lot line; or
 - (2) Said structure shall be erected in the required rear yard and not project beyond the street setback line.
3. **Height.** For purposes of this Section, the height shall be measured from the average grade of the midpoint of the front wall to the ridge of the roof of the accessory building.

4. **Maximum Area.** Accessory structure may not exceed five percent (5%) of the gross size of the zoning lot. However, an accessory structure up to five hundred seventy-six (576) square feet in area shall be permitted in all districts.
 5. **Zoning Board of Adjustment.** Requests for structures containing greater area than prescribed in *Section B.2-4.2(F)(4) Maximum Area* shall be considered under the special use permit process through the Board of Adjustment.
- G. **Special Yard Requirements.** Where a lot in a nonresidential district other than the NO District shares a common boundary line with a lot in a residential district, YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
- H. **Building Spacing Requirements for Multifamily, Townhouse, or Two-Family Residential Buildings.** If a zoning lot is developed for multifamily, townhouse, or twin home residential buildings, the building spacing shall be one half (1/2) the height of the total building height of the taller structure or building spacing as required by the North Carolina Building Code, whichever is greater.
- I. **Double Frontage Lots.** Double frontage lots shall provide a front yard abutting each fronting street, in the depth as required in the applicable district.
- J. **Double Counting of Yard, Lot Area, Loading Area or Parking Area.** No space which has been counted as part of a yard, lot area, parking area or loading area required under this Ordinance for one building or use shall be counted to satisfy or comply with a yard, lot area, loading area or parking area requirements for any other building or use, except where shared parking is permitted in *Section B.3-2.5(B) Shared Parking*. The minimum required yards, lot area, parking area or loading area for any building or use existing or under construction at the time of the passage of this Ordinance shall not be encroached upon or counted to satisfy such requirements for any other building or use, except as permitted in *Section B.3-2.5(B) Shared Parking*.
- K. **Minimum Lot Size.**
1. **MH Zoning District.** In the MH zoning district, the minimum area of a zoning lot to be used for a manufactured home park where public or community water supply and sewage disposal systems are not available for connection shall be as

determined by the Public Health Department, but in no case shall the area of such lot be less than four (4) acres.

L. Flag Lots.

1. **Driveway Access.** Twenty-five (25) feet of the width of the "pole" or driveway access to the flag lot may not be used in the calculation of the lot area of the flag lot;
2. **Lot Area and Yard Calculation.** The pole may not be used for either lot area or yard calculation of any other lot; and
3. **Multiple Flag Lots.** If more than one flag lot is proposed to the rear of another lot or stacked off the street, a special use permit from the Board of Adjustment is required.

M. Lot Area in Right-of-Way. No land area of the lot which lies within the public street right-of-way may be used for the purposes of lot area or any other lot dimensional requirements.

N. Setback Exemption from Private Access Easements. A private access easement to one single family lot shall not be considered a street requiring an additional setback as a side against a street or as a corner lot. However, no portion of the structure(s) located on the lot may encroach into the easement.

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

The following open use zoning districts are established:

Table B.2.6 Open Use Zoning Districts

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

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

A. YR Yadkin River Conservation District.

1. **Purpose.** The YR District is intended primarily to protect the community's main water supply, preserve the historic features of this area, and preserve the natural beauty of a continuous conservation corridor along the Yadkin River. This zoning district is the most restrictive. Low density residential development is the primary use allowed. Objectives of the district are the following:

- (1) Protection of water supply;
- (2) Maintenance of rural character;
- (3) Protection of sensitive natural, historical, recreational, and visual resources;
- (4) Retention of natural topography and vegetation;
- (5) Control of sedimentation and other nonpoint source pollution; and
- (6) Support and encouragement of agricultural activities.

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

2. **General Dimensional Requirements - YR.** Nonconforming lots in the YR District meeting the provisions of *Section A.5-3.2(C) Nonconforming lots in the AG and YR Districts* must meet the minimum setback requirements of the RS-20 zoning district.

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

3. Supplementary District Requirements.

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

(2) **Development Standards.**

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

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

B. AG Agricultural District.

1. **Purpose.** The AG District is primarily intended to accommodate uses of an agricultural nature. The district is also intended to accommodate non-farm residences on large tracts of land. The district is established for the following purposes:

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

2. General Dimensional Requirements - AG.

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

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

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

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

Table B.2.7 Residential Zoning Districts

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

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

A. Statements of General Applicability.

- 1. One Principal Building per RS Zoning Lot.** Only one principal building shall be placed on a zoning lot or lot of record, except as permitted under *Section B.2-5.2(D)(2) Accessory Dwelling Unit (ADU)*.

2. **Supplementary District Requirements for RM Zoning Districts.** Minimum lot sizes for single family, two family, or multifamily residential buildings on small lots must meet the requirements of *Table B.2.4 Minimum Lot Sizes (Square Feet) for Permitted Single Family, Two-Family, and Multifamily Residential Buildings on Small Lots in RM Districts*.
3. **Alternate Side Yard Setback.** Where the main entrance to a single-family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.

B. RS-40 Residential Single-Family District.

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

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

C. RS-30 Residential Single-Family District.

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

2. General Dimensional Requirements - RS-30.

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

D. RS-20 Residential Single-Family District.

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

2. General Dimensional Requirements - RS-20.

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

E. RS-12 Residential Single-Family District.

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

2. General Dimensional Requirements – RS-12.

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

F. RS-9 Residential Single-Family.

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

2. General Dimensional Requirements – RS-9.

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

G. RM-5 Residential Multifamily District.

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

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

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

1. Buildings must be setback minimum of fifteen (15) off front, rear and side street right-of-way.

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

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H. RM-8 Residential Multifamily District.

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

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

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

I. RM-12 Residential Multifamily District.

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

2. General Dimensional Requirements - RM-12.

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

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

J. MH Manufactured Housing Development District.

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

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

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

The following commercial districts are established:

Table B.2.8 Commercial Zoning Districts

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

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

A. Statements of General Applicability.

1. Whenever a lot in a nonresidential district other than the NO District shares a common boundary line with a lot in a residential district, YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
2. There is no height limit unless adjacent to property zoned RS, RM, YR, AG, or H. Height of structure above sixty (60) feet may be increased one foot for each foot of additional setback beyond the forty (40) foot minimum required if adjacent to property zoned RS, RM, YR, AG, or H.

B. NO Neighborhood Office District.

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

2. General Dimensional Requirements - NO.

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

1. Multifamily Developments shall comply with the RM-5 district standards.

3. Supplementary District Requirements.

- (1) **Structures Size.** New structures in the NO District shall not exceed four thousand (4,000) square feet in gross floor area.
- (2) **Parking Requirements.**
 - i. **Reductions.** Off-street parking requirements contained in *Section B.3-2.5(D) Reductions in the NO, MU-C, LD1-C, and LD2-C Districts* are reduced fifteen percent (15%).
 - ii. **Location.** All off-street parking shall be provided to the rear or to the side of the principal structure except for two (2) ADA compliant parking spaces,

which may be located in front of the structure. The side parking area may be no closer to the street than the principal structure.

4. **Exterior Lighting.** Exterior lighting on the property shall not be installed at a height of more than eight (8) feet above the finished grade and shall be so shielded as to cast no direct light upon adjacent property.

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C. GO General Office District.

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

2. General Dimensional Requirements - GO.

Zoning District	Minimum Zoning Lot		Minimum Setbacks ¹				Maximum Impervious Surface Cover (%)	Maximum Height (ft) ²
					Side			
	Area (sf)	Width (ft)	Front (ft)	Rear (ft)	Interior Side (ft)	Street (ft)		
GO	10,000	75	20	—	—	20	80	60/ unlimited

D. PB Pedestrian Business District.

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

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

3. Supplementary District Standards.

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

E. LB Limited Business District.

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

2. General Dimensional Requirements – LB.

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

1. Side yards are not required, except to meet Fire Codes, as may be applicable. Any side yard provided adjacent to an interior lot line shall be not less than twelve (12) feet in width. A space less than six (6) inches in width between an interior lot line and a building wall shall not be regarded as a side yard.
2. Not to exceed 60 ft consistent with the development standards/additional setback provisions of *Section B.2-4.1 Dimensional Standards – General Requirements*.
3. **Supplementary District Requirements for areas north of Yadkinville Road.**
 - (1) **Floor Area Limitations.** The following uses are limited to a maximum zoning lot size of one acre:
 - i. Outdoor Display Retail;
 - ii. Motor Vehicle Repair, Storage, and Maintenance;
 - iii. On-Street Parking. On-street parking may be permitted to satisfy off-street parking requirements in accordance with *Section B.3-2.5(K) On-Street Parking Supplements for Pedestrian Oriented Developments*.

- (2) **Motor Vehicle Storage Yard.** A motor vehicle storage yard with a maximum enclosed storage area of three thousand (3,000) square feet shall be permitted as an accessory use to a motor vehicle repair service. Such yard shall meet all use conditions applicable to motor vehicle storage yards (*Section B.2-5.4(36) Motor Vehicle Storage Yard*).
- (3) **Signage.** Only one sign per structure will be permitted in LB Districts north of Yadkinville Road. The sign will be limited to thirty-six (36) square feet as defined in *Section B.3-1 Sign Regulations*.

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F. HB Highway Business District.

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

2. **General Dimensional Requirements - HB.**

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

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

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

The following industrial district is established:

Table B.2.9 Industrial Zoning Districts

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

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

A. GI General Industrial District.

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

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

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

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

2. Side yards are not required, however any side yard provided adjacent to an interior lot line shall be not less than twelve (12) feet in width. A space less than six (6) inches in width between an interior lot line and a building wall shall not be regarded as a side yard.
3. There is no height limit unless adjacent to property zoned RS, RM, YR, AG, or H. Height of the structure above seventy (70) feet may be increased by one foot for each foot of additional setback beyond the minimum required, if adjacent to property zoned RS, RM, YR, AG, or H.

3. **Supplementary District Requirements.**

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

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

The following institutional and mixed-use districts are established:

Table B.2.10 Institutional and Mixed-Use Zoning Districts

Symbol	District Name	Section Reference
IP	Institutional and Public	<i>Section B.2-4.7(B)</i>
C	Campus	<i>Section B.2-4.7(C)</i>
CD1-C	Campus District 1 - Conditional	<i>Section B.2-4.7(D)</i>
MU-C	Mixed Use - Conditional	<i>Section B.2-4.7(E)</i>
LD1-C	Lewisville Downtown 1 - Conditional	<i>Section B.2-4.7(F)</i>
LD2-C	Lewisville Downtown 2 - Conditional	<i>Section B.2-4.7(F)</i>

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

A. Statements of General Applicability.

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

B. IP Institutional and Public District.

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

2. General Dimensional Requirements – IP.

Zoning District	Minimum Zoning Lot		Minimum Setbacks				Maximum Impervious Surface Cover (%)	Maximum Height (ft)
					Side			
	Area (sf)	Width (ft)	Front (ft)	Rear (ft)	Interior Side (ft)	Street (ft)		
IP	10,000	65	25	10	5	20	60	45 / 60

C. Campus District.

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

2. General Dimensional Requirements - C.

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

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

3. Supplementary District Requirements.

- (1) **Site Plan.** A site plan must be submitted for any development within the district in conformance with the site plan requirements of *Section A.4-3.11 Site Plan*.
- (2) **Access.** Vehicular access onto a major or minor thoroughfare or onto a road improved to necessary standards as determined by the Director or their designee or the North Carolina Department of Transportation, as applicable.

D. CD1-C Campus District.

1. **Purpose.** The CD1-C District is intended to accommodate medium to large sized private schools and accessory institutional uses which have a major land use impact or traffic generation potential upon surrounding land uses. The district is intended to accommodate a large private academy or school which has extensive service areas and is centrally located. The intend of the CD1-C district is to establish those uses allowed and to clarify the development approval process with the Town of Lewisville.
2. **General Dimensional Requirements — CD1-C.**

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

1. The maximum height is twenty (20) feet. However, the maximum permitted height of any structure may be increased by one foot for every additional five (5) feet of setback beyond the minimum setbacks required, up to a maximum building height of seventy-five (75) feet.
3. **Supplementary District Requirements.**
 - (1) **New Development.** The regulations of the CD1-C District shall apply to all parcels within the boundaries of the district.
 - (2) **Existing Development.** A structure existing at the time that a CD1-C district is approved shall not be deemed a non-conforming structure as a result of the CD1-C District application.
4. **Additional Requirements.**
 - (1) **Concept Plan.** A concept plan and site plan are required for proposed new development, including depictions of pedestrian/vehicular connections within context of the overall campus plan.
 - (2) **Parking Count Summary.** All parking plans must be provided for the proposed development as well as an update of the overall campus

building/parking count ratio for parking as a result of such development. (Refer to *Section B.3-2.2(D) Parking Required in the CDC-1 District*).

- (3) **Stormwater Management Plan Update.** A stormwater management plan for new development must be provided, demonstrating conformance with the stormwater management plans for the overall campus.
- (4) **Streets.** Development shall have a coherent and interconnected street/driveway network. This shall include a discernable hierarchy of streets, drives and pedestrian circulation. Said streets and/or drives may be public or private.
- (5) **Parking.** Parking shall be screened from adjacent properties and public rights of way by strategic placement of structures, landscape features and other architectural means.
- (6) **Walkability.** Parking plans shall encourage pedestrian access and flow, minimizing fragmentation.
- (7) **Pedestrian Circulation and Connectivity.** Developments within the CD1-C District shall provide pedestrian connectivity between proposed structures. Connectivity shall include the use of pedestrian pathways and/or sidewalk systems, outdoor plazas, and colonnades. These features shall be strategically placed to encourage such inter-connectivity and to provide for safe and secure pedestrian movement. Such pedestrian routes shall be supported through proper placement of signage, landscaping, and architectural elements.
- (8) **Building Orientation.** Buildings shall be oriented toward streets or around courtyards and open space areas. Buildings shall feature common architectural design, color, materials or detailing. Building placement shall encourage a compatible mix of uses and pedestrian access.
- (9) **Building Character.** Through the use of a variety of fenestration patterns, building facade offsets, roof line treatments and other architectural features, the perceived bulk, scale and length and width of the building shall be compatible with surrounding buildings. Maximum building height shall conform to *Section 2-4.7(C)(2) Campus District General Dimensional*

Requirements. All buildings shall blend with existing and new on-site development in terms of mass, scale, details and character.

- i. Elevations are to incorporate "human scale" elements and details. Awnings, covered walkways, open colonnades, or similar weather protection structures shall be provided.
- ii. Parking decks and other accessory uses shall blend with adjacent buildings in terms of mass, scale, details and character. The main level of the structure must be clearly articulated through the use of architectural detailing and landscape plantings.

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E. MU-C Mixed Use - Conditional District.

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

2. General Dimensional Requirements - MU-C.

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

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

3. Supplementary District Requirements.

- (1) **Pre-application Conference.** Prior to the formal submission of a proposed MU-C District, the developer or representative shall attend a pre-application conference with the Planning Director concerning the proposed plan of development. At this pre-application conference, the developer shall submit a sketch plan for the MU-C District and general information on traffic

circulation and utilities for tentative review, comments, and recommendations by the Planning Director. The official plan of development and rezoning request shall be submitted to the Planning Board only after the completion of the pre-application conference.

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

i. **Site Plan Requirements.**

- a. **Natural Features.** The applicant shall show natural areas to be retained and indicate impervious surface cover limits greater than or equal to the standards in comparable general use zoning district permitting the use(s).
- b. **Streetyards.** Streetyards, if required, shall be determined as appropriate through the site plan review process in accordance with MU-C purpose statement.
- c. **Bufferyards.** Both peripheral and internal bufferyards, if required, shall be determined as appropriate through the site plan review process in accordance with the MU-C purpose statement.

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

- i. **Number of Spaces.** Off-street parking for any use in the MU-C District may be reduced fifteen percent (15%) from the requirements of *Table B.3.2 Off-Street Parking Requirements*.
- ii. **On-Street and off-site Parking.** A maximum of 15 percent of the required off-street parking may be fulfilled by on-street parking; an additional 10 percent may be provided via off-site parking within five hundred (500) feet. *Section B.3-2.5(K) On-Street Parking Supplements for Pedestrian Oriented Developments*.

- (4) **Effects of Approval.** The approval of a development plan and the accompanying preliminary plat shall have the following effects:
- i. Approval of the application shall also constitute the required approval for the preliminary plat included in the application. The applicant may then request approval of a final plat in accordance with the Subdivision Ordinance.
 - ii. The area of an approved MU-C District shall be noted on the Official Zoning Maps. After approval of a final development plan, such plan shall control the development of the property. After approval of a final development plan, no building or structure may be erected or building permit issued nor any lots sold from any such plat nor any final plat approved or recorded, unless such building, structure, permit or plat is consistent with every respect with the approved final development plan.
- (5) **Development in Phases.** The applicant may propose that an MU-C District be developed in phases.
- i. The phasing provisions of a proposed final development plan shall be approved only if the proposed plan meets the following standards:
 - a. All phases shall be shown with precise boundaries on the final development plan and shall be numbered in the proposed order of development;
 - b. All data required for the project as a whole shall be given for each phase shown on the plan;
 - c. Phasing plan shall demonstrate a balanced and integrated mixture of uses in accordance with the overall MU-C plan concept. In general, residential components of the MU-C District shall be proportionately phased with commercial elements.
 - d. A proportionate share of the project's open space and common facilities, if any, shall be included in each phase of development; and
 - e. The phasing shall be consistent with the development plan for the entire MU-C District.

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

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

1. **Lewisville Downtown District 1 (LD1-C).** LD1-C applies to the Downtown Core Area (DCA), see map titled Lewisville Downtown Overlay Map in Exhibit 5 in the Appendix of the UDO, and provides a broad array of uses expected in a development pattern.
2. **Lewisville Downtown District 2 (LD2-C).** LD2-C applies to the Downtown Gateway Area (DGA), see map titled Lewisville Downtown Overlay Map in Exhibit 5 in the Appendix of the UDO, and provides a broad array of uses expected in a development pattern.
3. **General Dimensional Requirements—LD1-C and LD2-C.**
 - (1) Side yards are not required, however, *Section B.2-4-7(F)(12) Bufferyards and Other Screening Requirements* shall be followed.
 - (2) Front setbacks along the Great Wagon Road shall be a minimum of fifteen (15) feet.
 - (3) **Build-to-Line without overhead utilities.** The BTL is located ten (10) feet behind the street right-of-way line.
 - (4) **Build-to-Line with overhead utilities.** The BTL shall be ten (10) feet behind the street right-of-way line and outside of the right-of-way or easement for any overhead utilities.
4. **Construction related to the build-to-line.** Not less than fifty percent (50%) of the facade is to be built on the BTL. The remainder of the building should be set back a minimum of six (6) feet behind the BTL. Balconies, stoops, open porches, covered walkways may project into the setback to the extent that it fills the setback area. Bay windows may project no more than two (2) feet into the setback area or beyond the BTL.
5. **Public Sidewalks.** Existing "built at the curb" sidewalks may remain. The standard sidewalk shall be a minimum of seven (7) feet wide. Locations where the BTL is more than nine (9) feet behind the street right-of-way line, the sidewalks may be relocated away from the curb to allow for a curbside planting area.

6. Parking Amount Required.

- (1) For any permitted use in the LD1-C and LD2-C Districts, the required amount of parking may be reduced by thirty percent (30%). This reduction shall not affect the required number of accessible parking or loading spaces for that use. Parking on site shall not exceed one hundred twenty-five percent (125%) of minimum required parking.
- (2) Parking lots shall be designed to allow the safe movement of pedestrians from their vehicles to the building(s). Parking lots shall be located to the rear or side of the primary structure. Outparcel development should be sited so as to create a courtyard-style site plan which surrounds the development's parking. Any off-street parking, whether located to the front, side, or rear of the primary structure, must be screened from the road. "Front" and "Rear" shall be determined, for the purpose of this subsection, by the orientation of the primary structure(s) to Town Streets, NCDOT maintained roads, Great Wagon Road, or Shallowford Road, and not in relation to the location(s) of entrance(s) to the structure(s).
- (3) **LD2-C Zoning District.** Parking lots shall be designed to allow the safe movement of pedestrians from their vehicles to the building(s). Parking with a maximum depth of one (1) double loaded parking bay (parking space / drive aisle / parking space) shall be allowed adjacent to any public street. Any off-street parking, whether located to the front, side, or rear of the primary structure, must be screened from the road.

7. Parking Credits. On-street parking satisfying the off-street parking requirements is permitted provided the following requirements are met:

- (1) All parking shall be angled or parallel meeting the requirements of *Table B.3.4 Parking Dimensions*, and must be approved by the Town, NCDOT, or other agency, whichever is applicable.
- (2) Credit shall be limited to all available public on-street parking within a radius of two hundred fifty (250) feet of the midpoint of the subject property's road frontage. Each on-street parking space thus credited may be used in lieu of required off-street parking on a one-for-one basis.

8. **Connectivity.** Parking areas shall be designed to allow for connectivity between adjoining lots, except where topographic conditions prohibit a feasible connection, as determined by the Town in its discretion.
9. **Right-of-Way Dedication.** Right-of-way dedication is required when deemed necessary by NCDOT or according to town street standards to accommodate any on-street parking and a seven-foot (7) wide sidewalk. Sidewalks shall be constructed immediately adjacent to on-street parking spaces and connected to a well-defined interior pedestrian system. The property developer shall dedicate public right-of-way or public road maintenance easements as recommended by the Planning Director, Public Works Director or the NCDOT and must be approved by the Town.
10. **Required Improvements.** The developer shall construct all required improvements within public rights-of-way to applicable public design standards.
11. **Parking Lot Design.**
 - (1) Large parking lots shall be designed to provide smaller parking areas framed with landscape, internal driveways, or access roads creating the appearance of smaller, segregated parking lots. These areas shall be defined by landscape planting, internal pedestrian spaces including sidewalks, and site furniture.
 - (2) The Director may approve an alternative design as part of the concept plan process.
 - (3) Within the LDC-2 Zoning District, lighted corridors (i.e. sidewalks) within the parking areas should be located to safely channel pedestrians from the vehicle to the building(s) and/or perimeter of each parking room or lot. The material for these sidewalks shall be different in color and texture from the paving of the vehicular areas.
12. **Bufferyards and Other Screening Requirements.**
 - (1) **Downtown Overlay Perimeter Yards.** Type II bufferyard shall be required when the perimeter yard boundary corresponds to the Downtown Overlay boundary and the adjacent property is zoned residential for single family development.

- (2) **Side Yards.** A Type II bufferyard shall be required in side yards when the adjacent property is zoned residential for single family development. Owners of properties within the Downtown Overlay may remove side yard buffers when pre-development conditions, which required the installation, no longer exist.
 - (3) **Fencing.** Materials such as brick masonry, stone, ornamental iron, wooden materials, or of the same material as that of the principal building are approved for use throughout the overlay district.
 - (4) **Plantings.** Where a wall or fence is utilized, site appropriate landscaping shall be incorporated. All required vegetation shall be planted on the exterior side of the fence or wall and be in addition to those plantings and bufferyards required by the Lewisville Downtown Overlay.
 - (5) **Parking Lots.** On parcels having double frontage on both the Great Wagon Road (GWR) and Shallowford Roads, the area of the parking lot shall only extend toward the rear of the site a distance equal to the depth of the first building or buildings to be constructed along the parallel road frontage. This area shall be adequately landscaped meeting a Type I buffer to screen the rear of the initial building from view of the GWR until all buildings on the site are complete. At that time, the parking area may be expanded and/or modified to serve all buildings on the site.
13. **Architectural Character Standards.** The Architectural Character Standards found in the Downtown Overlay District in *Section B.3-6.1 Architectural Character Standards in the DTO* of the Unified Development Ordinance shall apply to LD1-C and LD2-C Districts.
14. **Permitted Uses in LD1-C.** See *Table B.2.12 Permitted Uses*.
15. **Permitted Uses in LD2-C.** See *Table B.2.12 Permitted Uses*.
16. **Alternative Compliance.** Successful planning and development of the Lewisville Downtown will be dependent upon thorough and systematic individual site plan reviews. Existing land parcels and historic uses of properties will likely transition slowly into a planned downtown area. Adjustments to specific planned downtown requirements must be tempered by the reality of existing situations in a manner

providing the means for landowners, planners, and developers to prepare the best possible site plans to meet town requirements.

- (1) The Town may, in its discretion, consider site plans varying from requirements regarding dimensions, setbacks, parking, bufferyards and screening, utility easements, and architectural character per *Section B.2-4.7(F)(5-11) LD1-C and LD2-C Lewisville Downtown Districts* where the lot size, configuration, topography, nature and configuration of adjoining lots and improvements thereon, parking availability, or other natural conditions beyond the control of the property owner exist or where prior acts of any public agency have occurred such that to require strict compliance with the standards would compromise or contradict the spirit and intent of the requirements.
- (2) Site plans varying from the requirements may be approved only upon a written finding specifically articulating how the site plan fulfills the intent and purposes of the requirements as well as or better than would strict conformance with the requirements, and that such site plan is in harmony with the Lewisville Comprehensive Plan and the Legacy Plan.
- (3) Nothing in this Section shall require the Town to approve any site plan that does not comply with the requirements, despite the presentation of evidence that might allow the required findings to be made.

2-4.8. OVERLAYS - PURPOSE STATEMENTS AND REGULATIONS

The following overlays are established:

Table B.2.11 Overlays

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

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

A. Generally.

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

B. TO Thoroughfare Overlay District.**1. Purpose.** The TO District is intended to:

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

2. Applicability. In Lewisville, the TO shall consist of the public right-of-way for the roads included in the Interstate Highway System and those lands within one hundred (100) feet of either side of the right-of-way, including access ramps of all freeways and expressways. The TO District does not include land lying underneath bridges or elevated portions of roadways.**(1) Exemptions.** Within the TO, every use of a building or land hereafter established, including demolition and reconstruction of structures, shall meet the requirements of this Section unless otherwise exempted *Section B.2-4.8(B)(1) Exemptions* are as follows:

- i. **New Residential Development.** New single family, duplex, or twin home development shall be exempt from all of the provisions of this Section.
- ii. **Reuse or Redevelopment.** Reuse, remodeling, repairs, or other redevelopment which do not create additional building floor area or parking spaces shall be exempt from the provisions of this Section.
- iii. **Expansions.** Building additions, parking lot expansions or other redevelopment that creates additional building floor area or parking spaces not exceeding twenty-five percent (25%) of the floor area or parking spaces existing on the site on the effective date of this Ordinance shall be exempt from the provisions of this Section, except no expansion may occur within a required setback area. There shall be only one such expansion.

- iv. **Shallow Lots.** Vacant lots of record existing as of the effective date of this Ordinance with less than one hundred fifty (150) feet of depth shall be exempt from the provisions of this Section, except that these lots are required to meet the ten (10) foot setback for parking off right-of-way and streetyard planting.
3. **Streetyard.** If existing structures or parking areas are located within a landscaped streetyard area required pursuant to this Section on the effective date of this Ordinance, reduction in streetyard width is permitted as provided in *Section B.3-4. Bufferyard Standards.*
4. **Development Standards.** All development within the TO shall be subject to the site development standards of the underlying district and the following:
- (1) **Enclosed Facilities.** All non-residential buildings and uses, other than display areas for motor vehicle sales and plant nurseries, shall be conducted within an enclosed building, except as otherwise provided below.
 - (2) **Outdoor Storage.** Outdoor storage shall be permitted only if screened from view from the thoroughfare. The outdoor storage shall not occupy an area larger than one-half of the gross square footage of the principal building.
 - (3) **Loading and Garage Bays.** All loading areas and entrances to motor vehicle repair bays shall be screened from view from the thoroughfare.
 - (4) **Screening On-Site Utilities.** All public utilities and related facilities, heating, ventilation, and air conditioning (HVAC) units, including on-ground and rooftop mechanical systems, and dumpsters, shall be so located and/or screened so as to not be visible from the public right-of-way.
 - (5) **Utilities.** All utilities providing direct service to individual buildings shall be placed underground. All distribution lines running parallel to the roadway within the TO and installed or relocated in conjunction with construction of a new thoroughfare or widening of an existing thoroughfare which involves the relocation of power lines and poles shall be located underground, unless required to be placed above ground by the applicable utility provider.
 - (6) **Setback.** Any new structure or vehicular use area, including parking lots, loading areas, and driveways, and any addition to an existing structure or

vehicular use area shall be set back a minimum of twenty (20) feet from the right-of-way line.

- (7) **Landscaped Streetyard.** Within the setback area, the landscaped streetyard requirements of *Section B.3-4 Bufferyard Standards* shall be met. Use of existing vegetation to meet the requirements is encouraged.

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

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

E. **Lewisville Rural Overlay (LRO).**

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

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

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

3. **New Development.** The regulations of the LRO shall apply to any change in use of property or change in zoning within the boundaries of the LRO. The preferred

zoning districts for residential uses are those zoning districts existing at the time of adoption of this ordinance.

4. **Existing Development.** Any development existing prior to adoption of the LRO is exempt from these standards and shall not be deemed nonconforming because of the establishment of the LRO regulations.
5. **Commercial Development.** Any new commercial development within the boundaries of the LRO should follow the requirements as set out in *Section 2-4.8(E) Lewisville Rural Overlay District (LRO)*.
6. **Development Review Process.**
 - (1) **Development Plan Requirement.** Except for projects as specifically exempted herein, no building, grading, or demolition permit shall be issued within the LRO prior to the submittal of a development plan for review and approval, according to the procedures outlined for site plans in *Section A.4-3.11 Site Plan*
 - (2) **Compliance Required.** No site plan or subdivision plat shall be approved which does not demonstrate compliance with the provisions of this Section and the conservation standards of the LRO.
7. **Permitted Uses.** All uses permitted in the underlying district shall be allowed in the LRO, with the exception of the following: Manufactured Homes; Landfill, Construction and Demolition; Landfill, Land Clearing/Inert Debris; Landfill, Sanitary; and Borrow Site; Park and Shuttle Lot.

F. Neighborhood Activity Center (NAC).

1. **Purpose.** The purpose of Neighborhood Activities Centers is to establish areas of commercial activity that offer small scale retail goods and personal services that are located in proximity to the residential areas they are intended to serve. These commercial areas shall be located and designed as to encourage the clustering and integration of groups of businesses, to minimize the creation of undue traffic congestion and to minimize impact on adjoining residential.
2. **Applicability.** The boundaries of the NAC correspond with those areas identified in the *Lewisville Comprehensive Plan* as the *Beltway Center* and *Neighborhood Center Place Types*.
3. **Preferred Uses.** The preferred zoning districts in the NAC are RS-9, RM-5, RM-8, RM-12, NO, LB, PB, and MU-C. The uses allowed in each of these zoning districts are allowed in the NAC Overlay. Mixed and combined residential uses are encouraged.
4. **Conversion of Existing Structures - Setbacks.** Side yards are not required where a lot line abuts a right-of-way, however any side yard located adjacent to an interior lot line shall not measure less than ten (10) feet in width. Otherwise, the setback requirements of the underlying zoning district are required.
5. **New Construction – Setbacks.** For new construction, the same setback standards noted above apply. Additionally, the front setback shall equal the build-to-line. The build-to-line runs parallel to the front property line.
 - (1) Build-to-Line without overhead utilities. The BTL is located ten (10) feet behind the street right-of-way line.
 - (2) Build-to-Line with overhead utilities. The BTL shall be ten (10) feet behind the street right-of-way line and outside of the right-of-way or easement for any overhead utilities.
6. **Construction related to the Build-to-Line.** Not less than fifty (50) percent of the façade shall be built on the BTL. The remainder of the building should be set back a minimum of six (6) feet behind the BTL. Balconies, stoops, open porches, and covered walkways are exempt from setback requirements. Bay windows may project no more than two (2) feet into the setback area or beyond the BTL.

7. **Perimeter Yards and Side Yards.** A Type II bufferyard shall be required when the perimeter of the zoning lot corresponds with the Neighborhood Activity Center boundary and the adjacent property is zoned residential for single-family development. Side yard buffers may be removed in other instances when pre-development conditions, which required the installation, no longer exist.
8. **Architectural Standards.** The following minimum architectural standards are to be shown on the site plan and included as conditions of approval of the site plan. Other specific architectural character elements are encouraged which may also be required as conditions to approval of the site plan.
 - (1) **Roofs.** The preferred roof pitch is 12:12: ratio with a minimum pitch of 8:12. Eaves are required and must extend a minimum of twelve (12) inches from the roof line. Roofs are to be constructed to screen all rooftop utility structures. Parapet walls may be used to screen roof top equipment provided a pitched roof appearance is maintained.
 - (2) **Main Entrance.** The main entrance of a structure must be made clearly apparent through the use of architectural detailing and landscape plantings.
 - (3) **Covered Walkways.** Awnings, covered walkways, open colonnades, or similar weather protection must be provided to further support pedestrian circulation areas.
 - (4) **Facades.** Building materials must be of brick, stone, or wood.
 - (5) **Facade openings.** Doorways, knee walls, windows, and other openings in the façade should be proportioned to maintain pedestrian scale.
 - (6) **Landscaping.** Landscape plantings along front facades are required at a ratio of six (6) square feet of planting area for each one (1) linear foot of horizontal wall. Human scale elements are to be incorporated into large undefined expanses of walls. Plantings are to be located between the building and parking area(s). Plantings required by this Section are not required along any frontage that has a required bufferyard.
 - (7) **Building Size.** No structure within a NAC shall not exceed five thousand (5,000) square feet in size. Structures shall be consistent in scale and character to the surrounding development within a NAC.

- (8) **Building Orientation.** All buildings shall face a Town Street or NCDOT maintained secondary road and provide the principal entrance to the structure from the front or side of the structure.

9. **Parking.**

- (1) For any permitted use in the Neighborhood Activity Center, the required amount of parking may be reduced by thirty percent (30%). This reduction shall not affect the required handicapped parking or loading spaces for that use.
 - (2) Publicly owned and/or operated parking areas intervened by no more than two properties may be credited as available parking further reducing the required parking by an additional ten (10) percentage points.
 - (3) Parking lots shall be located to the rear or side of the primary structure, except in unreasonable circumstances as determined by the Planning Director and/or the Technical Advisory Committee.
 - (4) On-street parking is prohibited except for temporary construction purposes during building and construction of the development.
 - (5) Interior parking areas shall accommodate connectivity with neighboring or planned neighboring parking areas.
 - (6) Outparcel development should be sited so as to create a courtyard-style site plan which surrounds the development's parking. Large parking lots shall be divided into smaller parking rooms that are defined by landscape planting and site furniture. Any off-street parking, whether located to the front, side, or rear of the primary structure, must be screened from the road. "Front" and "Rear" shall be determined, for the purpose of this subsection, by the orientation of the primary structure(s) to a Town Street or NCDOT maintained roadway, and not in relation to the location(s) of entrance(s) to the structure(s).
10. **Right-of-Way Dedication.** The property developer shall dedicate public right-of-way or public road maintenance easements as recommended by the Planning Director, Public Works Director, or the NCDOT.

11. **Lighting.** Lighting shall be of a shoe box or cutoff type lighting which shall not cast light onto neighboring properties. After operating hours, the only lighting permitted is for security purposes.
12. **Pedestrian Circulation.** Development Plans for properties within the NAC Overlay shall accommodate pedestrian, bicycle, and other transportation modes to the maximum extent practicable.
13. **Sidewalks.** The minimum sidewalk width shall be five (5) feet. Sidewalks must otherwise conform to minimum NCDOT construction standards. However, both public and private sidewalks are acceptable. Pathways or greenways may be substituted for sidewalks when provided for as a site plan condition and shall be constructed of all-weather materials. In all cases, pedestrian ways shall be designed to connect parking areas, open space, and facilities of the NAC.
14. **Open Space.** Neighborhood Activity Centers may designate open space for the purpose of enhancing pedestrian activity and conforming with impervious surface area limitations.
15. **Street and Intersection Improvements.** Neighborhood Activity Centers are typically located at intersections of Town Streets and NCDOT maintained secondary roads. A traffic impact analysis may be required according to the standards set forth in the appendix.
16. **Stormwater Management Limitations.** Post construction runoff from any site shall not exceed the amount of preconstruction stormwater runoff. Stormwater management shall conform with standards in *Section C.3-7.2 Development Standards*, as administered by the Planning Director and the Public Works Department.
17. **Alternative Compliance.** The Town may consider site plans varying setback, dimensional, and development requirements of the Downtown Overlay where there might exist challenges in doing so. These include, but are not limited to: zoning lots of unusual size and shape, the configuration of adjoining lots and improvements thereon, topography, parking availability, or other natural conditions beyond the control of the property owner or where prior acts of any public agency have occurred such that to require strict compliance with the standards of the UDO would compromise the intents and goals of the NAC Overlay. Site plans varying from the requirements may be approved upon written

findings specifically articulating how the site plan fulfills the intents, purposes, and requirements of the supplemental standards and that such site plan is supported by the intents and descriptions of the *Lewisville Comprehensive Plan*. Nothing in this Section shall require the Town to approve any site plan that does not comply with the requirements.

- (1) **Procedure.** Should an applicant for a zoning map amendment or site plan desire to pursue alternative compliance the process shall proceed according to the details for rezoning and/or site plan approval detailed in *Section A.4 Procedures*.

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G. Downtown Overlay District (DTO).

1. **Applicability, Purpose, and Intent.** The Lewisville Downtown Overlay (DTO), establishes supplemental development requirements within the Town of Lewisville's Downtown Core and Gateway areas as identified in the *Lewisville Comprehensive Plan*. The Downtown Overlay helps conserve the value of buildings, improvements, and amenities, and encourages suitable use of the land. Its goals and intents are based on the following concepts:
 - (1) Downtown areas contribute to each town's entire image, sense of community, and place.
 - (2) Vibrant downtown areas promote economic vitality.
 - (3) The overlay preserves and promotes the public health, safety, and welfare of Lewisville's residents and visitors.
 - (4) These regulations ensure that development of property is appropriate for Lewisville's core area; thus, enhancing social and cultural benefits to the town.
 - (5) The standards encourage design of new buildings and improvements that protect the town's unique character by following the proven principles of good urban design.
2. **General Regulations.**
 - (1) Single family homes and schools are exempt from these regulations. No renovation is required of these structures existing before the adoption of this ordinance. Any renovation, exterior remodeling, and expansion or enlargement of existing structures, except exempted structures, must comply with the standards.
 - (2) The uses permitted in the underlying zoning district shall be allowed in the Downtown Overlay. The Lewisville Downtown (LD1-C and LD2-C) Zoning Districts are preferred. Other zoning districts may be considered given that structures and uses conform with the intents, goals, and purposes of the Downtown Overlay supplemental standards.
 - (3) All new developments, expansions, or reconstruction, except single family homes and schools, within the Downtown Overlay shall require submission of

site plans that include landscaping plans, elevations and building plans for review and approval by the Town. Site plans shall follow the requirements of *Section A.4-3.11(H) Form 1 Submittal Requirements* and are subject to the deadlines for all applications and submittals determined annually by the Planning Director, consistent with the requirements of *Section A.4 Procedures*. For proposals requiring site plan review but not a zoning map amendment, the Planning Board shall approve any plans that meet all the requirements of this Downtown Overlay and the UDO or consistent with the alternative compliance provision in DTO, or deny any such requests that do not meet the requirements. The Planning Board may exercise its full authority when considering requests for zoning map amendments. The Planning Board may, as part of its approval, require additional conditions to reduce impacts associated with the project as specified in *Section A.4-3.11(G)(1) Site Plan Review Approval and Conditions*.

- (4) These boards will evaluate the design of new structures in terms of the degree to which they conform with the purposes and intents of the Downtown Overlay, while preserving and enhancing the town character and the aesthetic standards of central Lewisville as identified in the *Lewisville Comprehensive Plan*. The major objectives shall be to promote a sense of human scale; to encourage compatible architecture; to create architectural transition; to provide an open sense of environment; and to develop tree-lined streets in Downtown areas.
 - (5) All properties for which a zoning map amendment application is submitted in the Downtown Overlay shall be considered conditional rezonings according to the provisions of *Section A.4-3.3(C)(1)(1) Conditional Districts*.
3. **Architectural Character Standards.** See *Section B.3-6.1 Architectural Character Standards in the DTO*.
 4. **Landscaping.** Landscape plantings along front facades are required at a rate of six (6) square feet of planting area for each one (1) linear foot of horizontal wall. Human scale elements are to be incorporated per *Section B.3-6.1 Architectural Standards*. Plantings are to be located between the building and the parking area(s). Plantings are not required along any frontage that has a required bufferyard.

5. **Sustainability.** Conservation of natural resources and incorporation of alternate energy sources are encouraged while meeting the minimum requirements of these standards.
6. **Signs.** The maximum height of any ground sign shall be five (5) feet, excepting governmental signs erected for information, identification, or directional purposes.
 - (1) **Prohibited Signs.**
 - i. Neon, plastic panel, and plastic panel rear lighted signs.
 - ii. Off-premises signs.
 - iii. Internally illuminated signs are prohibited.
 - (2) **Restrictions on Signs.**
 - i. Only one (1) on-premises ground sign per zoning lot per street frontage is permitted.
 - ii. Only one (1) of the following signs is permitted for each tenant per each exposed wall: awning, projecting, or wall.
 - iii. The material and design of a sign shall be in keeping with the character of the principle use of the site.
 - iv. Maximum area of awning signs shall be ten (10) square feet.
7. **Right-of-Way Dedication.** Right-of-Way dedication is required when deemed necessary by NCDOT or Town Street standards to accommodate any on-street parking and a seven (7) foot wide sidewalk. Sidewalks shall be constructed immediately adjacent to on-street parking spaces and connected to a well-defined interior pedestrian system. The property developer shall dedicate public right-of-way or public road maintenance easements as recommended by the Planning Director, Public Works Director or the NCDOT and must be approved by the Town.
8. **Parking.** Parking lots shall be designed to allow the safe movement of pedestrians from their vehicles to the building(s). Parking lots shall be located to the rear or side of the primary structure. Outparcel development should be sited so as to create a courtyard-style site plan which surrounds the development's

parking. Large parking lots shall be designed to distribute parking throughout the site and developed as a series of smaller, interconnected parking areas separated by driveways, drive aisles, landscape medians, pedestrian corridors, or similar. Any off-street parking, whether located to the front, side or rear of the primary structure, must be screened from the road. "Front" and "Rear" shall be determined, for the purposes of this subsection, by the orientation of the primary structure(s) to Town Streets or NCDOT maintained roads, and not in relation to the location(s) of entrance(s) to the structure(s).

- (1) **Credits.** On-street parking satisfying the off-street parking requirements is permitted provided the following requirements are met:
 - i. All parking shall be angled or parallel meeting the requirements of *Table B.3.4 Parking Dimensions* and must be approved by the Town, NCDOT, or other agency, whichever is applicable.
 - ii. Credit shall be limited to all available public on-street parking within a radius of two hundred fifty (250) feet of the midpoint of the subject property's road frontage. Each on-street parking space thus credited may be used in lieu of required off-street parking on a one-for-one basis.
- (2) **Connectivity.** Parking areas shall be designed to allow for connectivity between adjoining lots, except where topographic conditions prohibit a feasible connection, as determined by the Town in its discretion.
9. **Required Improvements.** The property developer shall construct all required improvements within public rights-of-way to applicable public design standards, unless prohibited by NCDOT, utility providers, or other related entities.
10. **Bufferyards and Other Screening Requirements.**
 - (1) **Downtown Overlay Perimeter Yards.** A Type II bufferyard shall be required when the perimeter yard boundary corresponds with the Downtown Overlay boundary and the adjacent property is zoned residential for single family development.
 - (2) **Side Yards.** A Type II bufferyard shall be required in side yards when the adjacent property is zoned residential for single family development. Owners of properties within the Downtown Overlay may remove side yard buffers

when pre-development conditions, which required the installation, no longer exist.

- (3) **Fencing.** Materials such as brick-masonry, stone, ornamental iron, wooden materials, or of the same material as that of the principle building are approved for use throughout the overlay.

11. **Alternative Compliance.** The Town may consider site plans varying from setbacks and other dimensional requirements of the UDO in the Downtown Overlay, where there might exist challenges to strict conformity with these provisions. These include, but are not limited to: zoning lots of unusual size and shape, the configuration of adjoining lots and improvements thereon, topography, parking availability, or other natural conditions beyond the control of the property owner or where prior acts of any public agency have occurred such that to require strict compliance with the standards of the UDO would compromise the intents and goals of the Downtown Overlay. Site plans varying from the requirements may be approved upon written findings specifically describing how the site plan fulfills or exceeds the intent, purposes, and requirements of the supplemental standards and that such site plan is supported by the intents and descriptions of the *Lewisville Comprehensive Plan*. Nothing in this Section shall require the Town to approve any site plan that does not comply with these requirements.

12. **Lewisville Downtown Gateway Area (DGA).** The downtown gateway area (Lewisville Downtown Zoning District 2) provides primarily for auto-dependent uses in areas not amenable to easy pedestrian access. It is expected that the gateway area will serve not only the Lewisville Community, but nearby highway travelers as well. Due to its downtown location, the moderate integration of pedestrian-oriented environs is paramount to accommodate a systematic transition from vehicular to pedestrian orientation. The following standards apply:

- (1) The maximum building setback shall be forty (40) feet.
- (2) The minimum streetyard setback shall be fifteen (15) feet.
- (3) Parking with a maximum depth of one (1) parking bay plus a driving aisle shall be allowed adjacent to any public street.

13. **Lewisville Downtown Core Area (DCA).** In the Downtown Core Area (Lewisville Downtown District 1) an array of uses is expected in a pattern which integrates

shops, restaurants, services, workplaces, civic, educational, and religious facilities, single family housing, and higher density housing in a compact, pedestrian-oriented environment. The following standards apply:

- (1) Façades that face the street or sidewalk must provide windows or other architectural features so as not to create a blank façade.
- (2) Internal or external lighting shall be oriented so as to not generate glare on sidewalks or streets.
- (3) The use of cornices, canopies, balconies, and arcades to delineate between the ground level and upper levels is required.
- (4) Medium size buildings must be broken into smaller scale components at the ground level. Medium size buildings are understood to be those between ten thousand (10,000) and twenty-five thousand (25,000) square feet.
- (5) **Public-private Setback Zone.** There shall be a public-private setback zone to each building. This will provide sidewalk activity area for outdoor exhibits, benches, porches, places for conversation, and shelter from the weather. The zone shall be six (6) feet deep and be established beyond the sidewalk along the façade, with fifty percent (50%) of this area free of building to add streetscape amenities.
- (6) **Parking Structures.** Any parking decks/structures shall be constructed of exterior materials similar to adjacent buildings. Parking structures are encouraged to demonstrate similar rhythm and break-up of solid wall masses on visible façades.
- (7) **Minimum Sideyard Building Setback.** Zero (0) feet or the width of the bufferyard if required per *Section B.2-4.8(G)(10) Bufferyards and Other Screening Requirements* above.

H. PCO Pedestrian Connections Overlay

1. **Purpose.** The PCO is intended to:

- (1) Fulfill the goals of the Lewisville Comprehensive Plan while enhancing the visual character of the town;
- (2) To provide civic facilities that encourage health and wellness;
- (3) To provide a safe, efficient, and diverse transportation system, including wheelchair and disability access;
- (4) To connect residential areas with commercial and employment areas;
- (5) To promote multi- and inter-modal transportation and support transit; and
- (6) To maintain the small-town feel and traditional character of the town.

2. **Applicability.** The PCO applies to areas designated in the *Lewisville Greenway and Pedestrian Connections Plan* and the *Lewisville Comprehensive Plan*, specifically the Future Land Use Map and Greenways Map.

3. **Sidewalks.**

(1) Sidewalks are required for:

- i. All new construction and renovations, additions and/or expansions to existing commercial structures which abut proposed public roadways.
- ii. All existing office, institutional, and commercial development additions or expansions resulting in an increase of more than fifty percent (50%) of the area of the structure or the assessed tax value of the structure.
- iii. Any project adjacent to sidewalk alignments as demonstrated in the *Lewisville Greenway and Pedestrian Connections Plan*.
- iv. All new single-family residential development which is a major subdivision of ten (10) or more single-family homes. Where indicated, the *Greenway and Pedestrian Connections Plan* shall be referenced.
- v. All new multi-family residential development or mixed residential developments of ten (10) units or more.
- vi. All new streets, improved streets or extension to streets as required by the town subdivision ordinances.

- vii. Any new development in the Town which may be subject to a special use permit or conditional district zoning map amendment.
- (2) All sidewalks shall be reviewed by the Public Works Director and constructed in accordance with the minimum standards of the Town of Lewisville and/or NCDOT.
- (3) Wherever a property abuts a proposed greenway alignment, the developer must install greenways (in lieu of sidewalks) to meet pedestrian access requirements or allocate right-of-way for future construction and submit fees in lieu of sidewalk or greenway construction (see paragraph 4 Alternative Compliance below).
 - i. Allocated right-of-way for the purpose of greenways may be used to fulfill open space requirements for major subdivisions, special use permits, and conditional zoning map amendments.
- 4. **Limited Waiver.** A developer may choose to request a limited waiver for construction of sidewalk or greenway and pay fees in lieu of actual construction. A limited waiver allows the developer to propose an alternative, with the requirement that an easement is recorded to the Town for the future development of the sidewalk or greenway in accordance with adopted plans. Wherever practicable, the developer may grade for the future development of a sidewalk. If grading is completed, the estimated cost of such, determined in certified form by a Professional Engineer (PE), may be deducted from the total amount of fees in lieu.
- 5. **Complete Waiver.** The Planning Director, Board, or Council charged with review or approval of new development may recommend a complete waiver of sidewalk construction requirements if:
 - (1) Such facilities are not in harmony with surrounding uses;
 - (2) The applicable project area, including the street frontage, is not identified as a needed pedestrian linkage within the *Greenway and Pedestrian Connections Plan* or the *Lewisville Comprehensive Plan*; or
 - (3) A sidewalk within the development is infeasible due to special circumstances, including but not limited to impending road widening or improvements, significant street trees, unusual roadside conditions or slope which would

prohibit sidewalk construction. If a waiver is granted for the reasons indicated in this clause, the fees in lieu shall be adjusted to account for permanent impediments to sidewalk or greenway construction.

6. **Alternative Compliance.** When a waiver for construction of a sidewalk or greenway is requested, the developer may propose a sidewalk plan that varies from the strict application of the PCO to accommodate unique characteristics of the site, utilize innovative design, or provide an appropriate degree of pedestrian connectivity. An Application for alternative compliance shall include a site plan following the requirements specified in *Section A.4-3.11 Site Plan*. A waiver may only be approved by the Planning Director or reviewing Board, upon a finding that the proposed alternate plan fulfills the intent and purposes of this Section.

7. **Fees in lieu.**

- (1) Required fees in lieu shall be determined by the Lewisville Town Council and shall be based on the construction cost for an ADA compliant sidewalk or greenway for the linear footage adjacent to a public right-of-way, as determined by an independent Professional Engineer (PE) in certified form. At a minimum, the amount shall equal one hundred and twenty-five (125) percent of the cost of construction, or portion thereof, as determined and certified by a PE.
- (2) 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.

I. Vienna Business Overlay (VBO)

1. **Applicability, Purpose and Intent.** The Vienna Business Overlay (VBO) establishes supplemental development requirements within the Vienna Business Commercial District as identified in the *Northeast Area Plan*. In the Vienna Business Overlay, a broad array of uses are expected in a pattern which integrates shops, restaurants, services, work places, civic, educational, and religious facilities, and single family housing within a pedestrian-oriented environment.
2. **General Regulations.**
 - (1) Existing development, single-family homes, and schools are exempt from these regulations. However, expansions and reconstruction after demolition or destruction of uses, except single-family homes and schools, must comply with the standards.
 - (2) The uses permitted in the underlying zoning district shall be allowed in the Vienna Business Overlay.
 - (3) All new development, expansions, reconstruction after demolition or destruction of uses, except single-family homes and schools, within the Vienna Business Overlay boundary shall require submission of site plans, landscaping plans, and building plans for review and approval by the Planning Board and the Town Council. Such submittal shall comply with the site plan requirements of *Section A.4-3.11(H) Form 1 Submittal Requirements* and the deadlines for all petitions and submittals published by the Planning Board, consistent with the requirements of *Section A.3-5 Planning Board*. For proposals requiring simply site plan review but not a zoning map amendment the Planning Board shall approve any plans that meet all the requirements of this Vienna Business Overlay and the UDO or consistent with the Alternative Compliance provisions of *Section B.2-4.8(I)(14) Alternative Compliance* and deny any such requests that do not meet the requirements. The Planning Board and the Town Council may exercise their full authority when considering requests for rezonings or map amendments. The Planning Board and the Town Council may, as part of its approval, require conditions to reduce impacts associated with the project as specified in *Sections A.4-3.11*

Site Plan and Section A.4-3.3(C)(1)(1)(iv) Conditional Districts Conditions of Approval.

- (4) The Planning Board and Town Council will evaluate the design of new structures in terms of the degree to which they conform to the goals, intents, and descriptions of the Overlay, while preserving and enhancing the character, integrity, and attractiveness of the Vienna community as identified in the *Northeast Area Plan*. The major objectives shall be to promote a sense of human scale; to encourage architecture which is compatible but not necessarily conforming; to create architectural transition; to provide an open environment; and to develop tree-lined streets within the VBO. New development shall be appropriate to the site, taking into account the pedestrian safety and convenience. New development shall be evaluated in relation to the development standards of *Section B.2-4.8(4) Development Standards* below.
- (5) All properties for which a zoning map amendment application is submitted in the VBO shall be considered conditional rezonings according to the provisions of *Section A.4-3.3(C)(1)(1) Conditional Districts*.

3. General Dimensional Requirements - VBO.

Overlay	Minimum Zoning Lot		Minimum Setbacks				Maximum Impervious Surface Cover (%)	Maximum Height (ft)
					Side			
	Area (sf)	Width (ft)	Front (ft)	Rear (ft)	Interior Side (ft)	Street (ft)		
VBO	-	-	BTL	-	0.5/10 ¹	-	-	48

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

4. **Development Standards.** In the VBO, a broad array of uses is expected in a pattern which integrates shops, restaurants, services, workplaces, civic,

educational, and religious facilities, single-family housing into a pedestrian-oriented environment.

- (1) **Public-Private Setback Zone.** There shall be a public-private setback zone to each building. This will provide sidewalk activity area for outdoor exhibits, benches, porches, places for conversation and dining, and shelter from the weather. The zone shall be six (6) feet deep and be established beyond the sidewalk along the facade, with fifty percent (50%) of this area free of building to add streetscape amenities.
 - (2) **Parking Structures.** Any parking decks/structures shall be constructed of exterior materials similar to adjacent buildings. Parking structures are encouraged to demonstrate similar rhythm and break-up of solid wall masses on visible facades.
5. **Sidewalks.** Existing "built at the curb" sidewalks may remain if applicable. The standard sidewalk shall be a minimum of seven (7) feet wide. Locations where the BTL is more than ten (10) feet behind the street right-of-way line, the sidewalks may be relocated away from the curb to allow for a curbside planting area.
6. **Parking.**
 - (1) **Amount Required.** For any permitted use in the VBO, the required amount of parking may be reduced by thirty percent (30%). This reduction shall not affect the required handicapped parking or loading spaces for that use.
 - (2) **Location.** Parking lots shall be located to the rear or side of the primary structure. Outparcel development shall be sited so as to create a courtyard-style site plan which surrounds the development's parking. Large parking lots shall be divided into smaller parking rooms that are defined by landscape planting and site furniture. Any off-street parking, whether located to the front, side, or rear of the primary structure, must be screened from any road right-of-way. "Front" and "Rear" shall be determined, for the purpose of this subsection, by the orientation of the primary structure(s) to Town Streets or NCDOT maintained road, and not in relation to the location(s) of entrance(s) to the structure(s).
 - (3) **Credits.** On-street parking satisfying the off-street parking requirements is permitted (if applicable) provided the following requirements are met:

- i. Sites eligible for the credit below shall not generally be located on streets classified as collectors or thoroughfares. However, the North Carolina Department of Transportation (NCDOT), or other applicable agency may consider locations on collectors or thoroughfares on a case by case basis.
 - ii. Parking shall be located on road frontage contiguous to the site.
 - iii. All parking shall be angled or parallel meeting the requirements of *Table B.3.4 Parking Dimensions*, and must be approved by the Public Works Department of the Town of Lewisville, the NCDOT, or other agency, whichever is applicable.
 - iv. Credit for on-street parking (if applicable) shall not exceed thirty-five percent (35%) of the total off-street parking requirements of the site. The thirty percent (30%) reduction for VBO shall be applied first.
 - v. Publicly owned and/or operated parking areas intervened by no more than two (2) properties may be credited as available on-street parking.
 - vi. Sidewalks shall be constructed immediately adjacent to on-street parking spaces and connected to a well-defined interior pedestrian system.
 - vii. No off-street parking shall be located between a building and any on-street parking except as approved for temporary parking for an earlier phase of a multi-phase development.
 - viii. The developer shall dedicate public right-of-way or public road maintenance easements necessary to meet the requirements of *Table B.3.2 Off-Street Parking Requirements* and must be approved either by the Public Works Department of the Town of Lewisville or the North Carolina Department of Transportation, whichever is applicable.
 - ix. The developer shall construct all required improvements within public rights-of-way to applicable public design standards, unless prohibited by NCDOT, utility providers, or other related entities.
- (4) **Connectivity.** Interior parking areas shall accommodate connectivity with neighboring or planned neighboring parking areas.

7. **Buffers and Street yards.**

- (1) **Commercial District Perimeter Yards.** Type II bufferyard shall be required when the rear perimeter yard boundary corresponds with an existing residentially zoned property.
- (2) **Side Yards.** Buffering may be required in side yards when the adjacent property contains an existing single-family residence or is zoned residential for single family development. Sideyard buffers may be removed when pre-development conditions, which required the installation, no longer exist.

8. **Architectural Character.** The following minimal architectural character standards are to be shown on the site plan and included as conditions for approval of the site plan. See *Section B.3-6 Architecture Standards* for additional architectural requirements.

- (1) **Roofs.** The preferred roof pitch is between 8:12 and 12:12 pitch with the minimum pitch 8:12. Overhanging eaves that project a minimum of twelve (12) inches from the roofline are required on all sloped roofs. Where the preferred roof pitch makes the height disproportionate with the proportion and mass of the building, a false slope roof acting as a mansard with a minimum pitch of 8:12, covering between forty percent (40%) and seventy percent (70%) of the exterior perimeter of the footprint can be used. The remainder of the roof may be covered with a low slope roof.
- (2) **Main Entrance.** The main entrance of a structure must be clearly defined through the use of architectural detailing and landscape plantings.
- (3) **Covered Walkways.** Awning covered walkways, open colonnades, or similar weather protection structures must be provided to further define pedestrian circulation areas.
- (4) **Canopies and Awnings.** Features shall be designed to complement the street scape of the area.
- (5) **Facade.** Openings, doorways, knee walls, windows, and other openings in the facade shall be proportioned to reflect pedestrian scale.
- (6) **Building Materials.** Acceptable building materials include brick, wood, stone, hard coat stucco or complementary siding material, except that horizontal clapboard style vinyl siding shall be reviewed for its appropriateness and application on a case by case basis. Concrete masonry units are not acceptable. Asphalt shingles are the preferred roofing material.

- (7) **Color.** The predominant color of the buildings shall be of a tone which is compatible with surrounding buildings. Earth tones are encouraged, and bright colors shall only be used as accents to the overall building.
9. **Signs.** Ground signs shall only be located where the business to which the sign refers is located and shall be a minimum of five (5) feet from the right-of-way line.
- (1) **Prohibited Signs.**
- i. Neon, plastic panel and plastic panel rear lighted signs.
 - ii. Off-premises signs.
 - iii. Internally illuminated signs.
 - iv. **Restrictions on Signs.**
 - v. Only one on-premises ground sign per zoning lot per street frontage is permitted.
 - vi. Only one of the following signs is permitted for each tenant per each exposed wall: awning, projecting, or wall.
 - vii. The material and design of a sign shall be in keeping with the character of the principal use of the site. Maximum area of awning signs shall be ten (10) square feet.
 - viii. The maximum height of any ground sign shall be five (5) feet, excepting governmental signs erected for information, identification, or directional purposes. Sign height shall be measured from the highest portion of the copy area.
10. **Landscape.** Landscape plantings along front facades are required at a ratio of six (6) square feet of planting area for each one foot of horizontal wall. Human scale elements are to be incorporated into large undefined expanses of walls. Plantings are to be located between the building and the parking area(s). Plantings are not required along any frontage that has a required bufferyard.
11. **Building Orientation.**
- (1) All buildings shall face a Town Street or NCDOT maintained road, and provide a principal entrance to the building from the street side of the structure.
 - (2) All buildings shall front on at least one side, preferably the entrance side of the building, on a street with no intervening parking area.
12. **Service Areas and Utilities.** Service areas, including but not limited to shipping and receiving areas and trash disposal areas, are to be to the rear or side of buildings in a visually unobtrusive location and to be screened.

13. **Permitted Uses in VBO.** See *Table B.2.12 Permitted Uses*. with the following exceptions:

- (1) General Retail [not to exceed fifteen thousand (15,000) square feet of gross floor area for all units].
- (2) Banking and Financial Services [no more than two (2) accessory ATM stations or drive through islands permitted].
- (3) Building Contractors, General (no vehicle/equipment or outdoor storage).
- (4) Motor Vehicle, Repair and Maintenance (no outdoor storage). All work and storage shall be in an enclosed building.
- (5) Services, Personal (with the following exceptions from SIC Code 7299 "Miscellaneous Personal Services": Coin-operated service machine operation: scales, shoeshine, lockers and blood pressure; Comfort station operation; Dating service; Escort service; Locker rental, except cold storage; Marriage bureaus; Massage parlors; Restroom operation; Steam baths; Tattoo parlors; and Turkish baths).
- (6) Other uses as may be determined consistent with *Section B.2-5.1(C) New or Unlisted Uses of Similar Nature*.

14. **Alternative Compliance.** The Town Council may, in its discretion, consider site plans varying from setbacks and other dimensional requirements of *Section B.3 Other Development Standards* below, where the lot size, configuration, topography, nature, and configuration of adjoining lots and improvements thereon, parking availability, or other natural conditions beyond the control of the property owner exist or where prior acts of any public agency have occurred such that to require strict compliance with the standards would compromise or contradict the spirit and intent of the requirements. Site plans varying from the requirements may be approved only upon a written finding specifically articulating how the site plan fulfills the intent and purpose of the requirements as well as or better than would strict conformance with the requirements, and that such site plan is in harmony with the *Northeast Area Plan*. Nothing in this Section shall require the Town Council to approve any site plan that does not comply with the requirements, despite the presentation of evidence that might allow the required findings to be made.

2-5. USES AND USE CONDITIONS

2-5.1. PERMITTED USES

A. **Table B.2.12.**

1. *Table B.2.12* displays the principal uses allowed in each zoning district and references use conditions. *Table B.2.12* should be read in conjunction with the definitions of principal uses and other terms in *Section A.2 Definitions*. Land, buildings and structures shall only be used in accordance with the districts shown on the Official Zoning Maps and subject to all requirements and conditions specified in this Ordinance.
2. This Table should be used in conjunction with *Sections B.2-5.1 Permitted Uses* through *Section B.2-5.4 Use Standards and Conditions*.

B. **Established Nonconforming Uses.** Nonconforming uses as regulated in *Section A.5-2 Nonconforming Uses* shall be permitted.

C. **New Or Unlisted Uses Of Similar Nature.** When a use is not listed in *Table B.2.12 Permitted Uses*, the Planning Director shall classify the use with that use in the schedule most similar and enforce the requirements of the similar listed use.

D. **Application Of Table B.2.12.**

1. **Zoning Permit from Planning Director or Planning Board.** Uses identified in a particular district column with a “P” require only issuance of a zoning permit by the Planning Director, Planning Board, or designee and shall be allowed in such district with such conditions as referenced in the Conditions column, subject to all other applicable requirements of this Ordinance.
2. **Special Use Permit Approval by Board of Adjustment.** Uses identified in a particular district column with an “S” shall be permitted in such district upon approval of a special use permit by the Board of Adjustment with such conditions as referenced in the Conditions column, subject to all other applicable requirements of this Ordinance as identified in *Section B.2-5.4 Use Standards and Conditions*.
3. **Conditional Zoning Approval by Town Council.** Uses identified in a particular district column with a “CZ” shall be permitted in such district upon approval of Conditional Zoning by the Town Council and shall be allowed in such district with such conditions as referenced in the Conditions column, subject to all other applicable requirements of this Ordinance.

E. Other Development Requirements Of The Zoning Ordinance.

1. **Additional Development Requirements.** In addition to the regulation of uses pursuant to *this Section B.2-5 Uses and Conditions* and the use conditions of *Section B.2-5.4 Use Standards and Conditions*, the following additional development requirements of this Ordinance may apply to specific properties and situations.

(1)	<i>Section B.2-4.2</i>	Supplementary Dimensional Requirements
(2)	<i>Section B.2-4.8</i>	Overlay and Special Purpose Zoning Districts
(3)	<i>Section B.2-5.2</i>	Accessory Uses
(4)	<i>Section B.2-5.3</i>	Temporary Uses
(5)	<i>Section B.2-4.1</i>	Dimensional Standards – General Requirements
(6)	<i>Section B.3-1</i>	Sign Regulations
(7)	<i>Section B.3-2</i>	Parking and Loading Standards
(8)	<i>Section B.3-3</i>	Landscaping Standards
(9)	<i>Section B.3-4</i>	Bufferyard Standards
(10)	<i>Sections B.3-5 through B.3-9</i>	Various Development Standards
(11)	<i>Section B.4</i>	Historic Preservation
(12)	<i>Section A.5</i>	Nonconformities

2. **Site Plan Review Conditions.** For uses which require review by the Planning Board, the Board of Adjustment, and/or the Town Council, or for conditional use district rezoning requests, additional conditions may be recommended or placed on the use pursuant to *Section A.3-5 Planning Board*, *Section A.3-4 Zoning Board of Adjustment*, *Section A.4-3.5 Special Use Permit*, and *Section A.4-3.3(C)(1)(1) Conditional Districts*.
3. **Nonresidential Development Standards.** In addition to the regulation of uses pursuant to this Section and the use conditions of *Section B.2-5.4 Use Standards and Conditions*, the following additional development requirements of this Ordinance shall apply to all nonresidential uses (excluding agricultural uses) for General Use Zoned properties within the municipal boundaries of Lewisville. The Planning Board shall review a site plan as called for in *Section A.4-3.11(C) Uses and Activities Requiring Site Plans*.

(1)	<i>Section B.3-4</i>	Bufferyard Standards
(2)	<i>Section B.3-3</i>	Landscaping Standards
(3)	<i>Section A.4-3.11</i>	Site Plan Review

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Table B.2.12 Permitted Uses

Key: P = Permitted; S = Special Use Permit; CZ = Conditional Zoning	Additional Use Standards and Conditions	Yadkin River Conservation (YR)	Agricultural (AG)	Residential Single Family (RS-40)	Residential Single Family (RS-30)	Residential Single Family (RS-20)	Residential Single Family (RS-12)	Residential Single Family (RS-9)	Residential Multifamily (RM-5)	Residential Multifamily (RM-8)	Residential Multifamily (RM-12)	Manufactured Housing Development (MH)	Neighborhood Office (NO)	General Office (GO)	Pedestrian Business (PB)	Limited Business (LB)	Highway Business (HB)	General Industrial (GI)	Institutional and Public (IP)	Campus (C)	Campus District 1 - Conditional (CD1-C)	Mixed Use - Conditional (MU-C)	Lewisville Downtown 1 (LD1-C)	Lewisville Downtown 2 (LD2-C)
		RESIDENTIAL USES																						
Residential Building, Single Family	B.2-5.4()	P	P	P	P	P	P	P	P	P	P	P	P		P					P		P	P	
Duplex									P	P	P		P									P		
Townhouse	B.2-5.4(A)(46)								S	S	S		S		S							S		
Twin Home	B.2-5.4(A)(46)								P	P	P		P									P		
Multifamily	B.2-5.4(A)(46)								S	S	P		S		S							S		
Planned Residential Development	B.2-5.4(A)(41)			CZ	CZ	CZ	CZ	CZ	CZ															
Manufactured Home, Class A	B.2-5.4(A)(29)(1)			S	S							P												
Class B	B.2-5.4(A)(29)(2)											P												
Class C	B.2-5.4(A)(29)(2)											P												
Class D	B.2-5.4(A)(29)(3)																							
Manufactured Housing Development	B.2-5.4(A)(30)											P												
Boarding or Rooming House	B.2-5.4(A)(6)										P				P		P					P		
Congregate Care Facility	B.2-5.4(A)(14)									S	S				S							P		
Family Care Home	B.2-5.4(A)(17)	P	P	P	P	P	P	P	P	P	P	P								P		P		
Family Group Home Facility	B.2-5.4(A)(18)		S	S	S	S	S	S	S	S	S				S				S	P		S		
Life Care Community	B.2-5.4(A)(27)		S	S	S	S	S	S	S	S	S				S					P		P		
AGRICULTURAL USES																								

Key: P = Permitted; S = Special Use Permit; CZ = Conditional Zoning	Additional Use Standards and Conditions	Yadkin River Conservation (YR)	Agricultural (AG)	Residential Single Family (RS-40)	Residential Single Family (RS-30)	Residential Single Family (RS-20)	Residential Single Family (RS-12)	Residential Single Family (RS-9)	Residential Multifamily (RM-5)	Residential Multifamily (RM-8)	Residential Multifamily (RM-12)	Manufactured Housing Development (MH)	Neighborhood Office (NO)	General Office (GO)	Pedestrian Business (PB)	Limited Business (LB)	Highway Business (HB)	General Industrial (GI)	Institutional and Public (IP)	Campus (C)	Campus District 1 - Conditional (CD1-C)	Mixed Use - Conditional (MU-C)	Lewisville Downtown 1 (LD1-C)	Lewisville Downtown 2 (LD2-C)
Agricultural Production, Crops	B.2-5.4(A)(4)	S	P	S	S	S																		
Animal Feeding Operation		S	P															P						
RETAIL AND WHOLESALE TRADE																								
ABC Store (liquor)														P	P	P	P					P		P
Arts and Crafts Studio													P	P	P	P	P	P				P	P	P
Building Materials Supply																	P	P				P		
Convenience Store															P	P	P					P	P ³	P ³
Food or Drug Store															P	P	P					P	P	P
Furniture and Home Furnishings Store (See also General Retail)															P	P	P					P	P	P
General Merchandise Store															P	P	P					P	P	P
Hardware Store															P	P	P					P	P	P
Implement Sales and Service																	P	P				P		
Micro-brewery or Micro-Distillery	B.2-5.4(A)(32)														P	P	P					P	P	P
Motor Vehicle Dismantling and Wrecking Yard	B.2-5.4(A)(34)																	S				S		
Nursery, Lawn and Garden Supply Store, Retail															P	P	P					P		
Outdoor Display Retail	B.2-5.4(A)(38)															P ²	P					P		
Restaurant (with drive-through service)																	P	P				P		

Key: P = Permitted; S = Special Use Permit; CZ = Conditional Zoning	Additional Use Standards and Conditions	Yadkin River Conservation (YR)	Agricultural (AG)	Residential Single Family (RS-40)	Residential Single Family (RS-30)	Residential Single Family (RS-20)	Residential Single Family (RS-12)	Residential Single Family (RS-9)	Residential Multifamily (RM-5)	Residential Multifamily (RM-8)	Residential Multifamily (RM-12)	Manufactured Housing Development (MH)	Neighborhood Office (NO)	General Office (GO)	Pedestrian Business (PB)	Limited Business (LB)	Highway Business (HB)	General Industrial (GI)	Institutional and Public (IP)	Campus (C)	Campus District 1 - Conditional (CD1-C)	Mixed Use - Conditional (MU-C)	Lewisville Downtown 1 (LD1-C)	Lewisville Downtown 2 (LD2-C)
																P	P	P	P			P	P	P
Restaurant (without drive-through service)																								

RETAIL AND WHOLESALE TRADE																								
Retail Store, Specialty or Miscellaneous (See also General Retail)															P	P	P					P		
Shopping Center	B.2-5.4(A)(50)														P ¹	P ¹	P ¹					P ¹		
Storage Trailer																		P						
Wholesale Trade A																	P	P				P		
Wholesale Trade B																		P				P		
BUSINESS AND PERSONAL SERVICES																								
Residential and Non-residential Building Services															P		P	P				P		
Adult Establishment	B.2-5.4(A)(3)																S	S						
Armature Rewinding Shops															P		P	P				P		
Banking and Financial Services															P	P	P	P				P	P ⁴	P ⁴
Barber Shops														P	P	P	P					P	P	P ⁵
Beauty Shops														P	P	P	P					P	P	P ⁵
Bed and Breakfast	B.2-5.4(A)(5)			S	S	S	S	S	S	P	P		S		P	P	P	P	P	P		P	P	P

Key: P = Permitted; S = Special Use Permit; CZ = Conditional Zoning	Additional Use Standards and Conditions	Yadkin River Conservation (YR)	Agricultural (AG)	Residential Single Family (RS-40)	Residential Single Family (RS-30)	Residential Single Family (RS-20)	Residential Single Family (RS-12)	Residential Single Family (RS-9)	Residential Multifamily (RM-5)	Residential Multifamily (RM-8)	Residential Multifamily (RM-12)	Manufactured Housing Development (MH)	Neighborhood Office (NO)	General Office (GO)	Pedestrian Business (PB)	Limited Business (LB)	Highway Business (HB)	General Industrial (GI)	Institutional and Public (IP)	Campus (C)	Campus District 1 - Conditional (CD1-C)	Mixed Use - Conditional (MU-C)	Lewisville Downtown 1 (LD1-C)	Lewisville Downtown 2 (LD2-C)
Building Contractors, General															P		P	P						
Building Contractors, Heavy																		P				P		
Car Wash	B.2-5.4(A)(8)															P	P					P		
Coin-operated laundries and cleaning														P	P	P	P					P	P	P ⁵
Commercial Art														P	P	P	P	P				P	P	P
BUSINESS AND PERSONAL SERVICES																								
Commercial Mailing														P	P	P	P	P				P	P	P
Computer Programing and other related services														P	P	P	P	P				P	P	P
Data Processing														P	P	P	P	P				P	P	P
Drycleaning Plants (except rug, carpet, and upholstery cleaning)														P	P	P	P					P	P	P ⁵
Electrical Repair Shops														P	P	P	P					P	P	P ⁵
Equipment Rental and Leasing (inside equipment storage)														P	P	P	P	P				P	P	P
Equipment Rental and Leasing (outside equipment storage)															P		P	P				P		
Funeral Home													S	P	P	P	P		P			P		P
Health Care Facilities													S	P ¹	P ¹		P ¹	P ¹	S			S		
Hotel or Motel															P		P					P		P

Key: P = Permitted; S = Special Use Permit; CZ = Conditional Zoning	Additional Use Standards and Conditions	Yadkin River Conservation (YR)	Agricultural (AG)	Residential Single Family (RS-40)	Residential Single Family (RS-30)	Residential Single Family (RS-20)	Residential Single Family (RS-12)	Residential Single Family (RS-9)	Residential Multifamily (RM-5)	Residential Multifamily (RM-8)	Residential Multifamily (RM-12)	Manufactured Housing Development (MH)	Neighborhood Office (NO)	General Office (GO)	Pedestrian Business (PB)	Limited Business (LB)	Highway Business (HB)	General Industrial (GI)	Institutional and Public (IP)	Campus (C)	Campus District 1 - Conditional (CD1-C)	Mixed Use - Conditional (MU-C)	Lewisville Downtown 1 (LD1-C)	Lewisville Downtown 2 (LD2-C)
Jewelry Repair Shops														P	P	P	P					P	P	P ⁵
Kennel	B.2-5.4(A)(23)	S	S	S	S	S											S	S						
Laundry, Cleaning and Garment Services															P		P	P				P		
Medical and Surgical Offices	B.2-5.4(A)(31)												P	P	P	P	P	P		P		P	P	P
Medical or Dental Laboratory														P	P		P	P				P	P	P
Miscellaneous Business Services														P	P	P	P	P				P	P	P
BUSINESS AND PERSONAL SERVICES																								
Miscellaneous Personal Services														P	P	P	P					P	P	P ⁵
Motor Vehicle, Body or Paint Shop																	P	P				P		
Motor Vehicle, Rental and Sales (New, Used, Lease)																P	P	P						
Motor Vehicle, Repair and Maintenance	B.2-5.4(A)(35)															P ¹	P	P				P		
Motor Vehicle, Storage Yard	B.2-5.4(A)(36)																P	P				P		
Non-Store Retailer													P	P	P	P	P	P				P	P	P
Outdoor Advertising Services															P		P	P				P		
Photography Studios (portraits)														P	P	P	P					P	P	P ⁵
Professional Office													P	P	P	P	P	P				P	P	P
Refrigeration Service and Repair															P		P	P				P		

Key: P = Permitted; S = Special Use Permit; CZ = Conditional Zoning	Additional Use Standards and Conditions	Yadkin River Conservation (YR)	Agricultural (AG)	Residential Single Family (RS-40)	Residential Single Family (RS-30)	Residential Single Family (RS-20)	Residential Single Family (RS-12)	Residential Single Family (RS-9)	Residential Multifamily (RM-5)	Residential Multifamily (RM-8)	Residential Multifamily (RM-12)	Manufactured Housing Development (MH)	Neighborhood Office (NO)	General Office (GO)	Pedestrian Business (PB)	Limited Business (LB)	Highway Business (HB)	General Industrial (GI)	Institutional and Public (IP)	Campus (C)	Campus District 1 - Conditional (CD1-C)	Mixed Use - Conditional (MU-C)	Lewisville Downtown 1 (LD1-C)	Lewisville Downtown 2 (LD2-C)
Reupholstery and Furniture Repair Shops														P	P	P	P					P	P	P ⁵
Shoe Repair														P	P	P	P					P	P	P ⁵
Signs, Off-Premises	B.2-5.4(A)(51)																P	P						
Storage Services, Retail															P		P	P				P		
Testing and Research Lab																S	S	S				S	P	P
Veterinary Services	B.2-5.4(A)(58)														P		P	P					P	P
Warehousing																	P	S						
Welding Repair															P		P	P				P		
RECREATIONAL USES																								
Golf Course	B.2-5.4(A)(20)	S	S	S	S	S	S	S	S	S	S	S					P	P	P			P		
Golf Driving Range	B.2-5.4(A)(21)	P	P	P	P	P	P	P	P	P	P	P					P	P	P			P		
RECREATIONAL USES																								
Recreation Services, Indoor	B.2-5.4(A)(44)														P	P	P		P			P	P	P
Recreation Services, Outdoor	B.2-5.4(A)(44)	S	S												P		P	P	P			P		
Recreation Facility, Public		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P		
Recreational Vehicle Park	B.2-5.4(A)(43)	S	S	S	S						S													
Riding Stable	B.2-5.4(A)(47)	S	S	S	S	S											S				S	P		
Shooting Range, Indoor			S														P	P	P					
Swimming Pool, Private	B.2-5.4(A)(54)	P	P	P	P	P	P	P	P	P	P	P			P						P	P		P

Key: P = Permitted; S = Special Use Permit; CZ = Conditional Zoning	Additional Use Standards and Conditions	Yadkin River Conservation (YR)	Agricultural (AG)	Residential Single Family (RS-40)	Residential Single Family (RS-30)	Residential Single Family (RS-20)	Residential Single Family (RS-12)	Residential Single Family (RS-9)	Residential Multifamily (RM-5)	Residential Multifamily (RM-8)	Residential Multifamily (RM-12)	Manufactured Housing Development (MH)	Neighborhood Office (NO)	General Office (GO)	Pedestrian Business (PB)	Limited Business (LB)	Highway Business (HB)	General Industrial (GI)	Institutional and Public (IP)	Campus (C)	Campus District 1 - Conditional (CD1-C)	Mixed Use - Conditional (MU-C)	Lewisville Downtown 1 (LD1-C)	Lewisville Downtown 2 (LD2-C)
Theater, Drive-In	B.2-5.4(A)(55)																P							
Theater, Indoor															P		P					P	P	P
INSTITUTIONAL AND PUBLIC USES																								
Adult Day Care Center										S	S		S	S	S	S	S		S			P		
Adult Day Care Home		P	P	P	P	P	P	P	P	P	P	P	P		P							P		
Animal Shelter, Public																P	P	P	P			P		
Cemetery, Licensed	B.2-5.4(A)(9)		S	S	S												P		P			P		
Cemetery, Private Family	B.2-5.4(A)(9)	P	P	P	P	P	P	P	P	P	P	P												
Child Care (Drop-in)	B.2-5.4(A)(10)													P	P	P	P	P	P	P		P		
Child Care Facility	B.2-5.4(A)(11)	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S		S	S		S		
INSTITUTIONAL AND PUBLIC USES																								
Child Day Care Center	B.2-5.4(A)(12)									S	S		S	S	S	S	S		S	S	S	P		P
Club or Lodge	B.2-5.4(A)(13)													P	P	P	P					P	P	P
College or University														P	P		P		P	P		P		P
Community Center													P	P	P	P	P	P	P			P	P	P
Correctional Institution	B.2-5.4(A)(15)														S		P ¹	P ¹		P ¹		P ¹		
Dirt Storage	B.2-5.4(A)(16)	S	S	S	S	S									S	S	S	S						
Government Offices													P	P	P	P	P	P	P			P	P	P
Group Care Facility A											P				S							P		
Group Care Facility B															S							P		

Key: P = Permitted; S = Special Use Permit; CZ = Conditional Zoning	Additional Use Standards and Conditions	Yadkin River Conservation (YR)	Agricultural (AG)	Residential Single Family (RS-40)	Residential Single Family (RS-30)	Residential Single Family (RS-20)	Residential Single Family (RS-12)	Residential Single Family (RS-9)	Residential Multifamily (RM-5)	Residential Multifamily (RM-8)	Residential Multifamily (RM-12)	Manufactured Housing Development (MH)	Neighborhood Office (NO)	General Office (GO)	Pedestrian Business (PB)	Limited Business (LB)	Highway Business (HB)	General Industrial (GI)	Institutional and Public (IP)	Campus (C)	Campus District 1 - Conditional (CD1-C)	Mixed Use - Conditional (MU-C)	Lewisville Downtown 1 (LD1-C)	Lewisville Downtown 2 (LD2-C)
Habilitation Facility	B.2-5.4(A)(22)		S	S	S	S	S	S	S	S	S				S		S			S				
Hospital or Health Center														P			P			P		P		
Landfill, Construction and Demolition	B.2-5.4(A)(24)																S	S						
Landfill, Land Clearing/Inert Debris	B.2-5.4(A)(25)		S	S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S		P		
Library, Public	B.2-5.4(A)(26)		S	S	S	S	S	S	P	P	P		P	P	P	P	P		P			P	P	P
Limited Campus Uses	B.2-5.4(A)(28)						S	S	S	S	S		S			P					P		P	P
Museum or Art Gallery														P	P	P	P		P	P		P	P	P
Nursing Care Institution	B.2-5.4(A)(37)												S	P	P		P	P	S			S		
Police or Fire Station	B.2-5.4(A)(42)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Post Office													P	P	P	P	P	P	P			P	P	P
Religious Institution, Community	B.2-5.4(A)(45)	S	S	S	S	S	S	S	S	S	S	S		P	P	P	P	P	S	P	S	P		
INSTITUTIONAL AND PUBLIC USES																								
Religious Institution, Neighborhood	B.2-5.4(A)(45)	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P	P	P	P	P	P	P	P ¹	P	S	P ¹	P	P
School, Private or Charter	B.2-5.4(A)(48)		S	S	S	S	S	S	S	S	S	S	S	S	S	S			S	P	S	P	P	P
School, Public	B.2-5.4(A)(49)		S	S	S	S	S	S	S	S	S	S	S	S	S	S			S	P		P		P
School, Vocational or Professional									S	S	S			P	P	P	P	S	S	P		P		P
Stadium, Coliseum, or Exhibition Building															P		P				P			
MANUFACTURING AND MINING																								
Asphalt and Concrete Plant																		P						

		Yadkin River Conservation (YR)	Agricultural (AG)	Residential Single Family (RS-40)	Residential Single Family (RS-30)	Residential Single Family (RS-20)	Residential Single Family (RS-12)	Residential Single Family (RS-9)	Residential Multifamily (RM-5)	Residential Multifamily (RM-8)	Residential Multifamily (RM-12)	Manufactured Housing Development (MH)	Neighborhood Office (NO)	General Office (GO)	Pedestrian Business (PB)	Limited Business (LB)	Highway Business (HB)	General Industrial (GI)	Institutional and Public (IP)	Campus (C)	Campus District 1 - Conditional (CD1-C)	Mixed Use - Conditional (MU-C)	Lewisville Downtown 1 (LD1-C)	Lewisville Downtown 2 (LD2-C)
Key: P = Permitted; S = Special Use Permit; CZ = Conditional Zoning	Additional Use Standards and Conditions																							
Borrow Site	B.2-5.4(A)(7)	S	S															S						
Bulk Storage of Petroleum Products																		P				S		
Commercial Cryptocurrency Mining																	P ¹	P ¹						
Cryptocurrency Data Center																	P ¹	P ¹						
Cryptocurrency Server Farm																	P ¹	P ¹						
Fuel Dealer																	P	P						
Industrial, Light																		P				P		
Industrial, General																		P						
Storage & Salvage Yard	B.2-5.4(A)(52)																P	P						
TRANSPORTATION AND UTILITIES																								
Broadcast Studio														P	P	P	P	P				P		
High Density Load Service																	P ¹	P ¹						
Park and Shuttle Lot	B.2-5.4(A)(39)																P	P	P					
TRANSPORTATION AND UTILITIES																								
Parking, Commercial															P	P	P	P				P		P
Parking, Off-Site, for Multifamily or Institutional Uses	B.2-5.4(A)(40)								S	S	S								S				S	S
Terminal, Bus or Taxi															P		P	P				P		
Terminal, Freight																		P						
Transmission Tower	B.2-5.4(A)(56)	S	S	S	S	S			S	S	S	S		S		S	S	S	S	S		S		

Key: P = Permitted; S = Special Use Permit; CZ = Conditional Zoning	Additional Use Standards and Conditions	Yadkin River Conservation (YR)	Agricultural (AG)	Residential Single Family (RS-40)	Residential Single Family (RS-30)	Residential Single Family (RS-20)	Residential Single Family (RS-12)	Residential Single Family (RS-9)	Residential Multifamily (RM-5)	Residential Multifamily (RM-8)	Residential Multifamily (RM-12)	Manufactured Housing Development (MH)	Neighborhood Office (NO)	General Office (GO)	Pedestrian Business (PB)	Limited Business (LB)	Highway Business (HB)	General Industrial (GI)	Institutional and Public (IP)	Campus (C)	Campus District 1 - Conditional (CD1-C)	Mixed Use - Conditional (MU-C)	Lewisville Downtown 1 (LD1-C)	Lewisville Downtown 2 (LD2-C)
		S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P
Utilities	B.2-5.4(A)(57)																							

- Notes:
- 1. Zoning Permit requires Planning Board Approval
 - 2. See B.2-4.5(G)(3) Supplementary District Requirements for Areas North of Yadkinville Road
 - 3. Gasoline sales is not permitted
 - 4. No more than two (2) accessory ATM stations or drive through islands are permitted
 - 5. Miscellaneous Personal Services are permitted with the exception of: Coin-operated Service machine operation: scales, shoeshine, lockers and blood pressure; Comfort Station operation; Dating Service; Escort Service; locker rental, except cold storage; Marriage Bureaus; Massage Parlors; Restroom Operation; Steam Baths; Tattoo Parlors; and Turkish baths

2-5.2. ACCESSORY USES

A. General Requirements.

1. **Accessory Uses Permitted.** A use accessory to a principal use is permitted if the accessory use is clearly identified in *Table B.2.13 Uses Accessory to Certain Principal Uses* or *Table B.2.14 Accessory Uses Permitted by District*, or a similar use that may not be identified in the table.
2. **Same Zoning Lot.** An accessory use must be located on the same zoning lot as the principal use to which it is accessory, except for off-site parking or other use provided for by this Ordinance.
3. **Subordinate to the Principal Use.** An accessory use must be clearly subordinate in area, extent of activity, or purpose to the principal use to which it is accessory.
4. **Compliance with Ordinance Requirements.** An accessory use must comply with all applicable dimensional and other requirements of this Ordinance.

B. Uses Accessory to Certain Principal Uses.

1. Uses not otherwise permitted in the zoning district are permitted as accessory to the following principal uses as indicated. This Section does not limit the Planning Director in permitting other accessory uses under *Section B.2-5.2(A)(1) Accessory Uses Permitted*.

Table B.2.13 Uses Accessory to Certain Principal Uses

Principal Use	Uses Accessory to the Principal Use
Residential Building, Multifamily	Management office for the premises, gate houses, self service laundries, and club house and recreation facilities for use by residents of the multifamily complex.
Residential Housing Development, Single Family; Duplex; Townhouse; Twin Home	Gate houses and club houses and recreation facilities for use by residents of the development

Principal Use	Uses Accessory to the Principal Use
Manufactured Housing Development	Management offices for the premises, gate houses, self service laundries, and club house and recreation facilities for use by residents of the manufactured housing development.
General Industrial	Administrative offices; gate houses; a guard or caretaker dwelling; meeting halls, dining areas, clinics, libraries, adult and child day care centers, and recreation facilities operated solely for employees; and, contract and financial postal facilities. The total area of all such uses shall not exceed twenty-five percent (25%) of the total gross floor area of the zoning lot.
Offices - Government - Medical or Dental - Miscellaneous - Professional	Services and retail sales such as barber and beauty shops, valet shops, dining facilities, self-service canteens, news and tobacco sales stands, clinics, libraries, adult and child day care centers, and similar services which are designed and operated primarily to serve occupants of the office building in which they are located. The total area of all such uses shall not exceed five percent (5%) of the total floor area of the office building in which they are located. These accessory uses shall not have any exterior display window, advertisement or means of access for patrons except from an interior area of the office building.
Recreational Vehicle Park	Management offices, recreational facilities, toilets, showers, dumping stations, coin-operated laundry facilities, and other uses and structures designed for visitors to the park.
Schools, Public Secondary	School stadiums.
Schools, College or University.	Campus housing.
Industrial Uses in GI	Retail uses, including but not limited to show rooms and employees services. The total area of all such retail

Principal Use	Uses Accessory to the Principal Use
	uses shall not exceed twenty-five percent (25%) of the principal industrial building. All such retail use shall be conducted within the principal industrial building.
Restaurant	Manufacture and preparation of food, a portion of which is sold and consumed on site at the restaurant. The manufacturing must take place in the same building as the restaurant, and the total area of such manufacturing uses shall not exceed sixty percent (60%) of the floor area.
General Industrial (preparation of food)	Restaurant, (without drive-through service) if otherwise not permitted as a permitted use, where food purchased and consumed is prepared on site. The restaurant must be located in the same building as the manufacturing (food preparation), and the total area of the restaurant shall not exceed forty percent (40%) of the floor area.
Major Subdivision (Residential) approved under <i>Section D.6 Major Subdivisions</i> of the Subdivision Regulations	Riding Stable, incorporated in the initial design and Preliminary Approval of the Major Subdivision
Recycling Center	Recycling Plant

Table B.2.14 Accessory Uses Permitted by District

		Yadkin River Conservation (YR)	Agricultural (AG)	Residential Single Family (RS-40)	Residential Single Family (RS-30)	Residential Single Family (RS-20)	Residential Single Family (RS-12)	Residential Single Family (RS-9)	Residential Multifamily (RM-5)	Residential Multifamily (RM-8)	Residential Multifamily (RM-12)	Manufactured Housing Development (MH)	Neighborhood Office (NO)	General Office (GO)	Pedestrian Business (PB)	Limited Business (LB)	Highway Business (HB)	General Industrial (GI)	Institutional and Public (IP)	Campus (C)	Campus District 1 - Conditional (CD1-C)	Mixed Use - Conditional (MU-C)	Lewisville Downtown 1 (LD1-C)	Lewisville Downtown 2 (LD2-C)
Key: P = Permitted; S = Special Use Permit	Section																							
Administrative/Management Office		S	P	P	P				P	P	P	P		P			P	P	P			P		
Accessory Dwelling Unit for Guard or Caretaker														P				P	P			P		
Accessory Dwelling Unit	B.2-5.2(D)(2)	S	S	S	S	S	S	S																
Automated Teller Machine with Drive Thru																					P		P	P
Automated Teller Machine without Drive Thru																							P	P
Car Wash	B.2-5.4(A)(57)														S	P	P					P		
Cemetery, Private Family		P	P	P	P	P	P	P	P	P	P	P												
Donation Boxes				P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Dumpsters and Other Building Services									P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Golf Driving Range	B.2-5.4(A)(21)	S	P	P	P	P	P	P	P	P	P	P												
Mail and Newspaper Boxes									P	P	P	P	P	P	P	P			P	P	P	P		
Medical or Dental Laboratory	B.2-5.2(C)(1)													P		P								
Model Home	B.2-5.4(A)(33)			P	P	P	P	P	P	P	S	S												
Motor Vehicle Storage Yards	B.2-5.4(A)(36)															P	P							
Outdoor Display	B.2-5.4(A)(38)														P	P	P					P	P	P
Outdoor Entertainment/Seating															P							P	P	P
Outdoor Storage															P	P	P	S				P		

		Yadkin River Conservation (YR)	Agricultural (AG)	Residential Single Family (RS-40)	Residential Single Family (RS-30)	Residential Single Family (RS-20)	Residential Single Family (RS-12)	Residential Single Family (RS-9)	Residential Multifamily (RM-5)	Residential Multifamily (RM-8)	Residential Multifamily (RM-12)	Manufactured Housing Development (MH)	Neighborhood Office (NO)	General Office (GO)	Pedestrian Business (PB)	Limited Business (LB)	Highway Business (HB)	General Industrial (GI)	Institutional and Public (IP)	Campus (C)	Campus District 1 - Conditional (CD1-C)	Mixed Use - Conditional (MU-C)	Lewisville Downtown 1 (LD1-C)	Lewisville Downtown 2 (LD2-C)
Key: P = Permitted; S = Special Use Permit	Section																							
Sale of Agricultural Products Grown on Premises		P	P	P	P	P																		
Signs, Off-premises	B.2-5.4(A)(51)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Social Services on Religious Institution Campuses		P	P	P						P			P	P	P	P	P	P	P	P	P	P	P	P
Storage Facilities for Residents of the Development	B.2-5.4(A)(53)								P	P	P	P												
Transmission Towers	B.2-5.4(A)(56)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S

C. Accessory Uses and Structures Subject To Other Requirements.

1. **Medical or Dental Laboratory.** Medical or dental laboratories are permitted in the LO, LB and GO Districts as an accessory use only, provided the following conditions are met:
 - (1) **Location.** The laboratory is located in a building which is used predominantly for the offices of physicians, surgeons, dentists, and practitioners in similar professions;
 - (2) **Clientele.** The laboratory serves only the medical practitioners located in the same building;
 - (3) **Area.** The area devoted to the laboratory does not exceed twenty-five percent (25%) of the gross floor area of the building.
2. **Banking and Financial Services.**
 - (1) **Campus District.** Banking and financial services, including automatic teller machines (ATM's), are permitted in the Campus District as an accessory use only.
 - (2) **Shopping Centers.** ATM's located in parking areas of shopping centers or on internally oriented out lots are not required to provide stacking spaces otherwise required in *Section B.3-4 Bufferyard Standards*.

D. Uses Which May Only Be Accessory To Principal Uses. The following uses may only exist or be developed as accessory uses to a principal use, as provided below:

1. **Above Ground Storage Tanks.**
 - (1) **Setbacks.** Above ground storage tanks shall meet all building setback requirements of the zoning district, except storage tanks located on existing sites of institution or utility uses where existing below ground tanks are being replaced by above tanks or storage tanks with a storage capacity of five hundred (500) gallons or less located in residential zoning districts.
 - (2) **Development Standards.** Above ground storage tanks which are accessory to offices, businesses, industries, or on sites of institution or utility uses and which are located within one hundred (100) feet of any public right-of-way and not screened by a building from the street or not located within ten (10) feet of a principal building, shall meet the following standards.

i. **Screening.**

- (a) The tank shall be partially or totally screened from view from the public right-of-way.
 - (b) Said screening may consist of landscaping, planted earthen berms, natural topographic features, or a combination thereof. Landscaping shall consist of any shrubs identified in the streetyard and interior shrubs suggested plant materials plant list in *Section B.3-3.9(E) Streetyard and Interior Shrubs*. Said shrubs shall be spaced no more than eighteen (18) inches, edge to edge. No more than thirty percent (30%) of shrubs shall be deciduous.
 - (c) Said screening shall be planted a minimum height of five (5) feet from the tank and be installed along the entire length of the tank if installed horizontally or along the base of the tank if installed vertically.
 - (d) Said screening shall be maintained as long as the tank is present.
 - (e) For tanks storing flammable, combustible, hazardous or toxic materials, screening shall not interfere with Fire Department operations, and N.F.P.A. 704 I.D. placards shall be installed as required by the Fire Official.
- (3) **Signage.** No signs or advertising shall be permitted on the tank or screening, except identification signs or labels as required by State law.
- (4) **Hazardous Material.** Above ground storage tanks containing flammable, combustible, hazardous or toxic materials are not permitted in RS and RM Districts.
- (5) **Tanks with Capacity Greater than One Thousand (1,000) Gallons.** Tanks with individual storage capacity greater than one thousand (1,000) gallons are permitted only in office, business, industrial or Campus Zoning Districts, or on sites of institution or utility uses.
- (6) **Storage in Residential Districts.** The storage of more than twenty-five (25) gallons of motor vehicles fuel, Class 1, as an accessory use on any zoning lot in a residential district shall not be permitted, except on a bona fide farm.

2. Accessory Dwelling Unit (ADU)

- (1) No more than one (1) ADU may be permitted on any residential zoning lot in conjunction with a principal residence.
- (2) The ADU must be clearly subordinate to the principal dwelling unit.
- (3) Principal and accessory dwelling units must share the same driveway.
- (4) Each residence must be maintained in the same ownership.
- (5) Any ADU must conform with the front yard setback standards for the applicable zoning district. The side and rear yard setbacks shall equal at least ten (10) feet, except where a side or rear yard abuts a street or public right of way. In this instance, the setback shall equal at least 20 feet.
- (6) An ADU may only be incidental to a site-built or modular principal residence., Likewise, an ADU must be a site-built structure or a modular unit.
- (7) An ADU measuring up to 600 square feet is permissible in any residential zoning district. Otherwise, they can measure 5% of the gross zoning lot area, up to a maximum of 50% of the gross heated square footage of the principal residence.

3. Accessory Structures, Residential Single Family.

- (1) They shall clearly be incidental to the principal residential structure.
- (2) Other than permitted Accessory Dwelling Units, no accessory structure may be used for habitation.
- (3) They may not be permitted or constructed prior to the permitting and construction of any new principal residential structure.
- (4) Except in the YR and AG zoning districts, accessory structures must be placed in a side or rear yard, no closer to the front property line than the built-to line of the principal residential structure, excluding porches, decks, pergolas and the like.
- (5) In the YR and AG districts, accessory structures must be set back a minimum of 75 feet from the front property line.
- (6) The side and rear yard setbacks shall equal at least three (3) feet, except where a side or rear yard abuts a street or public right of way. In this instance, the setback shall equal at least 20 feet.

- (7) Except in the YR and AG zoning districts, no accessory structure may be taller than 17 feet.
 - (8) The maximum size of an individual accessory structure shall not exceed 5% of the gross zoning lot area, except that accessory structures up to 576 square feet are permissible in all residential zoning districts, YR and AG.
4. **Home Occupation.** A home occupation may be located in any zoning district in which primary residential uses are permitted, given that the residential character of the property and neighborhood is maintained. No home-based business may compromise public health, safety, or welfare. Home Occupations shall conform with the following standards:
- (1) Home occupations must be clearly subordinate and incidental to the principal residential structure.
 - (2) Only one home occupation shall be permitted per zoning lot.
 - (3) Home occupations may take place entirely within the principal residential structure or in one (1) accessory structure located on the same zoning lot.
 - (4) No more than twenty-five percent (25%) of the gross square footage of the principal residential structure may be used for a home-based business.
 - (5) All accessory building standards per *Section B.2-5.2(D)(4) Home Occupation* apply to those used for home occupations.
 - (6) No outdoor storage or display of materials, equipment, or goods is permitted.
 - (7) No salesroom or display window is permitted.
 - (8) The home occupation shall not use mechanical, electrical or magnetic equipment, or materials located outside of the principal or accessory structure, nor shall it produce noise, odors, vibration, or other nuisances.
 - (9) No more than one (1) additional person may be employed in a home occupation other than the residents of the principal structure.
 - (10) No more than one (1) home business-associated vehicle and/or work trailer may be parked or stored on the zoning lot, in addition to the passenger vehicles used by the residents.

- (11) No vehicular traffic shall be generated by a home occupation in greater volume than exists for the residential uses located in the neighborhood or area.
 - (12) Off-street parking must conform to the standards indicated in *Section B.3-2.2 Off-Street Parking Requirements*.
 - (13) One (1) sign advertising the home occupation may be placed on the property, either a wall or ground sign, no larger than four (4) square feet. A ground sign shall be no taller than six (6) feet. Illumination of the sign is not permitted.
5. **Postal Facility, Contract and Finance.** Contract and finance postal facilities are allowed as an accessory use to any principal use in multifamily residential (RM), business, office, institutional or industrial districts.
- E. **Other Accessory Uses.** The following Accessory Uses are permitted subject to *Section B.2-5.2(A) General Requirements*.
1. **Campus Housing.**
- (1) The minimum site area dedicated to private campus housing shall be twenty thousand (20,000) square feet and shall be located contiguous to and associated with a private school, academy, college or university.
 - (2) There shall be a floor plan showing the number of residential units and the residential quarters for the resident supervisory personnel.
 - (3) There shall be no more than two (2) residents occupying a bedroom, and the total usable floor space shall be no less than two hundred fifty (250) square feet per resident.
 - (4) There shall be a management plan submitted with the application for Planning Board review that includes at a minimum the following:
 - (5) Adequate documentation shall be provided to show full compliance with applicable federal, state, and local regulations for this type of residential occupancy.
 - (6) A plan for noise and solid waste management approved as part of the management and site plan.

- (7) Adequate provision for the recreation, dining and laundry needs of the residents.
 - (8) The projected maximum number of residents and resident supervisory personnel.
 - (9) The site design of private campus housing shall orient all recreational areas, front of buildings, parking facilities, and other sources of activity away from any adjoining residentially zoned areas. The facade of the structure shall be designed to be architecturally complimentary with the existing Campus District in which it is located. Any proposed change to the facade of an existing structure shall be architecturally complimentary with the surrounding campus.
 - (10) Campus housing shall not be established, constructed, expanded, altered, changed, operated, or occupied, except in accordance with all applicable federal, state, and local regulations.
- 2. **Fallout Shelter.** Structures designed to provide protection against nuclear fallout are permitted as principal or accessory uses in any district and are not subject to setback, yard or lot coverage restrictions, provided such structures extend not more than four (4) feet above grade.
 - 3. **Farm Tenant Housing.** Housing for farmworkers on bona fide farms or on residential lots in the AG District is a permitted accessory use according to the standards established by the NC Department of Labor.
 - 4. **Social Services on Religious Institution Campuses.** Homeless shelters, soup kitchens, and other social services conducted by a religious institution on its primary campus are permitted as accessory uses.
 - 5. **Dwelling in Nonresidential Districts.** In zoning districts not otherwise permitting residential buildings, a watchman or caretaker may occupy a house or other quarters not exceeding six hundred (600) square feet on the same premises where he or she is employed.

2-5.3. TEMPORARY USES

- A. **Purpose.** The intent of this Section is to permit the temporary uses customarily accompanying the erection of permitted structures, or the establishment of permitted uses, or the accomplishment of permitted operations, as necessary to such work not substantially injurious to the public health, safety, or welfare. It is also the intent to permit customary uses of open land and of existing buildings and surrounding land which are temporary in nature.
- B. **Temporary Uses Permitted.** If requirements of this Ordinance, the Public Health Department, and other applicable laws are met, temporary uses shall be permitted, including but not limited to the following:
1. **Construction.** Temporary structures or manufactured homes used for construction offices and storage areas on construction sites, for which the duration of such permits is limited to the actual time required for construction, plus the thirty (30) day period following the issuance of a certificate of occupancy.
 2. **Grading.** Temporary structures or sites of grading operations, for which the duration of such permits is limited to the actual time required for grading operations, plus the thirty (30) day period following the issuance of a certificate of occupancy.
 3. **Proprietary or Governmental Operations.** Temporary structures, manufactured homes, or storage areas of public agencies in the conduct of proprietary or governmental operations.
 4. **Use of Open Land.** The use of land for permitted temporary uses is limited to no longer than forty-five (45) consecutive days.
 5. **Nonprofit Organizations.** The use of a residence or other building and surrounding land by any nonprofit charitable, religious, or educational organization for the purpose of exhibiting and purveying, indoors or outdoors, art or craft products, jewelry, clothing, foods, beverages, horticultural specimens, home furnishings and decorations, and similar or related items, and for presenting musical, film, or theatrical programs, indoors, for which the duration of such permits is limited to no longer than thirty (30) consecutive days.

6. **Manufactured Homes During Construction.** A manufactured home in the AG, YR and all RS Districts, occupied as a residence during construction of a single-family home on the same zoning lot. Such temporary use permit shall be issued for a period not to exceed six (6) months and may be extended for an additional six (6) months at the discretion of the Planning Director if the applicant can demonstrate substantial progress toward completion of construction.
7. **Storage of Construction Materials.** With the exception of construction of single-family dwellings, the storage of construction materials must be on the same site as construction or in a business or industrial district. Any off-site storage requires a temporary use permit except as exempted.
8. **Inert Debris Fill.** Fill of material on sites where the fill material consists only of inert debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, gravel, and asphalt. Said permits may be issued for up to thirty (30) days, and may be renewed up to two (2) times.
9. **Removal and Deposition of Soils.** The removal of inert debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, gravel, and asphalt from one site and the deposition of said inert debris at one other site, provided:
 - (1) **Frequency.** The sites so used for removal and deposition shall be permitted in tandem and only once.
 - (2) **Site Size.** The area of disturbance of the zoning lot from which the inert debris is taken shall be no greater than five (5) acres.
 - (3) **Hours of Operation.** Except in cases of emergency involving safety, the sites shall not be operated on Sunday and may not be operated earlier than 7:00 a.m. nor later than 6:00 p.m. on any other day.
 - (4) **Duration.** Notwithstanding the provisions of *Section B.2-5.3(C)(1) Permit Issuance* the temporary use permit shall only run concurrently with the related grading permit issued for operation of the two (2) sites.
10. **Christmas Tree Sales Lots.** Christmas tree sales lots, however Christmas tree sales lots are not permitted in residential districts on vacant zoning lots or on the premises of a single family unit.

- 11. Child Care (Temporary Care).** A temporary childcare arrangement established as an accessory use to and on the same zoning lot of any institutional or public use which provides either drop-in care or a seasonal or other part-time basis. Such temporary care arrangements must be approved by the State. A permit for such activity shall not exceed ninety (90) days and may not be renewed within the same calendar year.

C. Permit

1. **Issuance.** Any temporary use shall be established only after issuance of a zoning permit by the Planning Director for such use. Duration of the temporary use shall be specified on such permit. Such permit may be renewed not more than twice, and such renewals may not exceed the period of time approved in the original permit. Unless otherwise specified, no single permit or single renewal shall be issued for a temporary use to exceed one year.

2-5.4. USE STANDARDS AND CONDITIONS

- A. **Use Standards and Conditions.** Uses subject to additional use standards and conditions in *Table B.2.13 Permitted Uses* shall comply with the following regulations.

1. Adult Day Care Center.

- (1) **Space Requirements.** At least fifty (50) square feet of heated space per person enrolled, or sufficient space to meet State requirements, whichever is greater, shall be provided.
- (2) **Hours of Outdoor Activities.** Outdoor activities shall be limited to between 8:00 a.m. and 8:00 p.m.
- (3) **Passenger Loading Space.** At least one off-street passenger loading and unloading space separate from the parking area shall be provided for every twenty (20) persons enrolled, plus adequate turnaround.
- (4) **Certification.** Certification by the State is required.

2. Adult Day Care Home.

- (1) **Applicability.** This use is permitted only in a private residence occupied by the operator or as an accessory use operated by a nonprofit corporation on the same zoning lot and within buildings also used by the nonprofit organization, in all zoning districts.

- (2) **Space Requirements.** At least fifty (50) square feet of heated space per person enrolled or space sufficient to meet State standards, whichever is greater, shall be provided.
 - (3) **Hours of Outdoor Activities.** Outdoor activities shall be limited to between 8:00 a.m. and 8:00 p.m.
 - (4) **Operating Hours.** Operating hours shall be limited to between 6:00 a.m. and 8:00 p.m.
 - (5) **Passenger Loading Space.** At least one off-street passenger loading and unloading space separate from the parking area, plus adequate turnaround area, shall be provided.
 - (6) **Certification.** Certification by the State is required.
3. **Adult Establishment.**
- (1) **Applicability.** Notwithstanding the definition of "adult bookstore" contained in G.S. 14-202.10(1), "adult bookstore" means a business establishment that:
 - i. Has as one of its principal business purposes the sale or rental of; or,
 - ii. Has a substantial or significant portion of its stock or trade for sale or rental; publications" which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to (i) "specified anatomical areas," as defined in G.S. 14-202.10(10), or "specified sexual activities," as defined in G.S. 14-202.10(11); and/or (ii) "sexually oriented devices," as defined in G.S. 14-202.10(9).
 - iii. As used in this definition, "publications" include, by way of illustration, books, magazines, other periodicals, movies, video tapes, and other products offered in photographic, electronic, magnetic, digital or other imaging medium.
 - iv. In addition to all other information available to the Planning Director in making a determination whether a particular use is an "adult bookstore," any of the following shall be indicia that an establishment has as one of its principal business purposes the sale or rental of "publications" which are distinguished or characterized by their emphasis on matter depicting, describing or relating to (i) "specified sexual activities," as defined in G.S.

14-202.10 (10), or "specified anatomical areas," as defined in G.S. 14-202.10(11); and/or (ii) "sexually oriented devices," as defined in G.S. 14-202.10(9):

- a. Restricted access to the business establishment or portions of the business establishment by persons under sixteen (16) years of age;
 - b. Posted signs or notices outside and/or inside the business establishment indicating that the material offered for sale or rental might be offensive;
 - c. The building or portion of the building containing the business establishment does not have windows or has windows that are screened or otherwise obstructed or are situated in a manner that restricts visual access from outside the building to materials displayed within for sale or rental.
- v. Notwithstanding the definition of "adult mini-motion picture theater" contained in G.S. 14-202.10(6), "adult mini-motion picture theater" means an enclosed building with one or more viewing booths or partitioned areas designed to hold patrons for the presentation and viewing of motion pictures (film, videotape, laser disc, CD-ROM or other imaging media), where:
- (1) One of the principal business purposes is the presentation and viewing of motion pictures in the viewing booths that; or,
 - (2) A substantial or significant portion of the stock of motion pictures available for viewing or that are actually viewed in the viewing booths; are distinguished or characterized by their emphasis on matter depicting, describing or relating to (i) "specified anatomical areas," as defined in G.S. 14-202.10(10), or "specified sexual activities," as defined in G.S. 14-202.10(11); and/or (ii) "sexually oriented devices," as defined in G.S. 14-202.10(9).
- vi. In addition to all other information available to the Planning Director in making a determination whether a particular use is an "adult mini-motion picture theater," any of the following shall be indicia that the business establishment has as one of its principal business purposes the presentation and viewing in viewing booths motion pictures which are

distinguished or characterized by their emphasis on matter depicting, describing or relating to (i) "specified sexual activities," as defined in G.S. 14-202.10(10), or "specified anatomical areas," as defined in G.S. 14-202.10(11) and/or (ii) "sexually oriented devices," as defined in G.S. 14-202.10(9):

- (1) Restricted access to the business establishment or portions of the business establishment where viewing booths are located by persons under sixteen (16) years of age;
 - (2) Posted signs or notices outside and/or inside the business establishment indicating that the material offered for presentation and viewing in the viewing booths might be offensive;
 - (3) The portion of the building containing the viewing booths is screened or otherwise located or situated in a manner that restricts or limits complete visual access to the booths from the primary or principal clerk or cashier area.
- (2) **Location.** No activities permitted under State law shall be conducted in adult establishments in the following locations:
- i. **Residential Districts.** Adult establishments may not be located within a distance of one thousand (1,000) feet from any RM or RS District;
 - ii. **School.** Adult establishments may not be located within a distance of one thousand (1,000) feet from any public or private school;
 - iii. **Child Day Care Center.** Adult establishments may not be located within a distance of one thousand (1,000) feet from any child day care center;
 - iv. **Other Adult Establishment.** Adult establishments may not be located within a distance of one thousand (1,000) feet from any other adult establishment.
- (3) **Measurements.** All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed adult establishment is to be located to the nearest point of the lot line or boundary of the closest RM or RS District; elementary, secondary, or private school; or adult establishment.

- (4) **Signs.** Adult establishments shall not be permitted to display promotional materials visible to the public from pedestrian sidewalks or walkways; nor shall any signage contain lewd or offensive language, or any sort of sexually explicit graphics.

4. **Agricultural Production**

(1) **Applicability.**

- i. In accordance with G.S. 160D-903, the provisions of this Section apply to bona fide farms as outlined below.
- ii. "Bona fide farm purposes" include:
 - (1) The production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106-581.1. Activities incident to the farm include existing or new residences constructed to the applicable residential building code situated on the farm occupied by the owner, lessee, or operator of the farm and other buildings or structures sheltering or supporting the farm use and operation. For purposes of this Section, "when performed on the farm" in G.S. 106-581.1(6) shall include the farm within the jurisdiction of the county and any other farm owned or leased to or from other by the bona fide farm operator, no matter where located.
 - (2) The production of a nonfarm product that the department of agriculture and consumer services recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm subject to a conservation agreement under G.S. 106-743.2.
- iii. For purposes of determining whether a property is being used for bona fide farm purposes, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:
 - (1) A farm sales tax exemption certificate issued by the department of revenue.

- (2) A copy of the property tax listing showing that the property is eligible for participation in the present-use value program pursuant to G.S. 105-277.3.
- (3) A copy of the farm owner's or operator's schedule F from the owner's or operator's most recent federal income tax return.
- (4) A forest management plan.

(2) **Standards**

- i. **Applicability.** The following standards apply to agriculture operations that are not classified as bona fide farms.

- (1) Such operations can include:

- (i) Crop production;
- (ii) Animal feed lots

- ii. **Minimum Size.** Site shall contain a minimum three (3) acres.
- iii. **Setbacks.** All structures, buildings or enclosed areas used for housing animals shall be a minimum of one hundred (100) feet from all property lines.
- iv. **Greenhouses.** Greenhouses used in the agricultural operation shall not exceed eight (8) feet in height and sixteen (16) feet in width.
- v. **Retail Sales.** There shall be no retail sales on the site.
- vi. **Screening.** Greenhouses and other structures and equipment used in agricultural operations shall be screened from view of rights-of-way and adjacent residentially zoned land.
- vii. **Noise.** Noise from machinery or activities used in agricultural crop production shall not impact adjacent residentially zoned land; mitigation shall be by means of muffling or setting back the source of noise an adequate distance from the adjacent property.

- 5. **Bed And Breakfast.** The following shall apply to all bed and breakfasts in the RS zones:

- (1) **Parking to the Rear.** All off-street parking shall be provided to the rear or to the side of the principal structure. The side parking area may be no closer to the street than the principal structure.
 - (2) **Buffer Around Parking Area.**
 - i. **Rear Parking Areas.** All rear parking areas shall be buffered by a Type I Bufferyard, as defined in *Section B.3-4 Bufferyard Standards*, from adjacent residentially zoned property.
 - ii. **Side Parking Areas.** Type I plantings will be provided in the required streetyard. A Type II Bufferyard, as defined in *Section B.3-4 Bufferyard Standards*, shall be provided if side parking abuts residentially zoned property.
6. **Boarding Or Rooming House.**
- (1) In RM Districts, the minimum lot area shall be determined based on the minimum lot area required for a two-unit dwelling in the district, as shown in *Table B.2.5 Minimum Lot Sizes (Square Feet) for Permitted Single Family, Two-Family, and Multifamily Residential Buildings on Small Lots in RM Districts*.
7. **Borrow Site.**
- (1) **Prohibited in RS zones.** Except as permitted during construction and development of residential projects, borrow sites shall not be permitted in RS Districts or PRD developments.
 - (2) **Subdivisions.** Borrow sites operated by a developer or builder in conjunction with active development of section(s) of a subdivision within five (5) years of final plat approval, including land grading, removal, or filling within the subdivision where the fill material is placed on sites within said section(s) of a subdivision, are exempt from the use conditions of this Section and the Special Use Permit requirements specified in *Table B.2.13 Permitted Uses*.
 - (3) **Easements.** No excavation shall take place within easements for underground transmission lines for oil, natural gas, or other potentially hazardous material.

- (4) **Fencing.** Any excavation to a depth greater than five (5) feet shall be fenced with a fence at least four (4) feet high. However, no fencing shall be required on any property where such fencing would be impracticable, as determined by the Planning Director.
- (5) **Access.** The borrow site shall have direct access onto a major or minor thoroughfare unless the site is located north of Yadkinville Road.
- (6) **Grading Permit.** A grading permit must be issued for any borrow site ten thousand (10,000) square feet or more.
- (7) **Operational Statement.** The petitioner will file an operational statement with the Forsyth County Inspections Division which shall include the following:
 - i. The approximately date to begin operation and its expected duration.
 - ii. Estimated type and volume of extraction.
 - iii. Description of method of operation, including the disposition of topsoil, overburden, and by-products.
 - iv. Description of equipment to be used in the extraction process.
 - v. Any phasing of the operation and the relationship of the various phases.
- (8) **Temporary or Permanent Discontinuance of Operations.** Notice of intent to discontinue temporarily a borrow site shall be filed with the Planning Director in advance of such temporary discontinuance. Notice of intent to discontinue permanently a borrow site shall be filed with the Planning Director.
- (9) **Maintenance.** During any period that a borrow site is discontinued temporarily, the site, along with all structures, machinery, and fencing, shall be properly maintained in a safe and orderly condition.
- (10) **Reuse or Rehabilitation of Site.** Notice of permanent discontinuance of a borrow site shall include a plan for reuse or rehabilitation of the site. Except where redevelopment for another permitted use is in progress on the site of a discontinued borrow site, the last operator shall perform the following within one year, except that ground vegetation and revegetation of slopes shall comply with the deadlines contained in *Section C.4-7.A Buffer Zone*.

- (11) **Buildings and Equipment.** All buildings and equipment shall be removed;
 - (12) **Materials.** All nonregulated waste piles, overburden, and other materials shall be planted with vegetation so as to prevent erosion;
 - (13) **Water Collection and Drainage.** Any excavation shall be so graded as to provide for natural drainage; if the collection of water in an excavation is unavoidable, the area shall be fenced.
 - (14) **Other Requirements.** The operator of any borrow site shall file with the Planning Director, in addition to any exhibits required elsewhere in this Ordinance, evidence of ownership or control of property, plans for rehabilitation, and notices of intent, as required herein. The Planning Director shall inspect the premises annually to determine that all specific conditions are being met. Violation of the requirements herein shall make the operator liable to the penalties set forth in this Ordinance.
8. **Car Wash.** The following conditions shall apply to all car wash facilities:
- (1) **Prohibited Districts.** Car washes shall not be permitted as accessory uses in districts adjacent to any single-family zoning districts.
 - (2) **Vacuum Facilities.** Vacuum facilities shall meet setbacks of the applicable zoning district.
 - (3) **Vehicle Stacking.** The facility shall provide for off-street stacking space for five (5) times the number of vehicles which can be accommodated at one time in the facility.
 - (4) **Traffic Flow.** The facility shall be designed to allow adequate traffic flow for cars to enter and exit the facility safely. No portion of an exit or an entrance shall be less than fifty (50) feet from the right-of-way of an intersection.
 - (5) **Dry Down Area.**
 - i. **Single Bay or Self-Service Facilities.** Single bay facilities with automated brushes and multiple bay self-service facilities shall provide space for the parking of one car per bay to be used as a dry down area.
 - ii. **Conveyors or Chain Drag Systems.** Facilities utilizing a conveyor or chain drag system for moving motor vehicles through the washing area shall provide adequate space at the building exit to allow for a dry down

area of three (3) times the number of vehicles which can be accommodated at one time within the structure.

- (6) **Required Yards.** For any standalone facility, all required yards shall be landscaped with a type III bufferyards and adequately maintained.

9. **Cemetery.**

(1) **Licensed.**

- i. **Prohibited Districts.** Licensed cemeteries shall not be permitted as a principal or accessory use on a lot in RS Districts less than one (1) acre in size.
- ii. **Requirements.** Licensed cemeteries shall meet all licensing requirements of State law.
- iii. **Setbacks.** Buildings and burial plots shall meet the setbacks of the district except:
 - (1) Any building except a gate house shall be set back a minimum of fifty (50) feet from any public street right-of-way and a minimum of one hundred (100) feet from the property line of any adjacent residentially zoned property.
 - (2) Any burial plot or mausoleum shall be set back a minimum of fifty (50) feet from any public street right-of-way and from any residentially zoned property, except that any grave or burial plot shall be set back not less than three (3) feet from any property line of an adjacent licensed or unlicensed cemetery.
- iv. **Required Yards.** All required yards shall be landscaped with a type I bufferyard and adequately maintained.
- v. **Access.** Licensed cemeteries shall have direct access to a major or minor thoroughfare.
- vi. **Subdivision.** Licensed cemeteries shall meet the platting and other requirements of *Chapter D Subdivision Ordinance*.

(2) **Unlicensed.**

- i. **Prohibited Districts.** Except as otherwise permitted herein, unlicensed cemeteries shall not be permitted as a principal use in RS Districts or on lots less than one (1) acre in size.
- ii. **Setbacks.** Buildings and burial plots shall meet the setbacks of the district except:
 - (1) Any building except a gate house shall be set back a minimum of fifty (50) feet from any public street right-of-way and a minimum of one hundred (100) feet from the property line of any adjacent residentially zoned property.
 - (2) Any burial plot or mausoleum shall be set back a minimum of fifty (50) feet from any public street right-of-way and from any residentially zoned property, except that any grave or burial plot shall be set back not less than three (3) feet from any property line of an adjacent licensed or unlicensed cemetery.
- iii. **Required Yards.** All required yards shall be landscaped with a type I bufferyard and adequately maintained.
- iv. **Access.** Municipal and animal cemeteries containing more than five (5) acres shall have direct access to a major or minor thoroughfare.
- v. **Entrance and Internal Roads.** The entrance to and access within the unlicensed cemetery shall be maintained by the property owner.
- vi. **Religious Institutions.** Unlicensed cemeteries are permitted as an accessory use to religious institutions in all districts where religious institutions are permitted.

10. **Child Care (Drop-In).**

- (1) **As a Principal or Accessory Use.** The use is permitted as an accessory use operated by a nonprofit corporation on the same zoning lot and within buildings also used by the nonprofit organization, in all zoning districts.
- (2) **Indoor Space.** At least twenty-five (25) square feet of space of inside space shall be provided for each child (based on permitted capacity) if outdoor space is provided as indicated in *Section B.2-5.4(10)(3) Outdoor Space* If

less or no outdoor space is provided, at least thirty-five (35) square feet of inside space shall be provided for each child (based on permitted capacity).

- (3) **Outdoor Space.** If outdoor play area is provided, it shall be enclosed by a minimum four (4) foot tall security fence. A minimum of one hundred (100) square feet for each child (based on permitted capacity) must be provided to reduce the indoor space requirements in *Section B.2-5.4(10)(2) Indoor Space*.
- (4) **Licensing.** Child care centers shall comply with the standards in Article 7, Chapter 110, of the North Carolina General Statutes. All requirements, licenses, and permits from the State shall be met.

11. Child Care Facility.

- (1) **As Principal or Accessory Use.** The use is permitted as a principal use in the zoning districts indicated in *Table B.2.13 Permitted Uses* and as an accessory use for internal service (care provided by an employer to its employees) or operated by a religious institution on the same zoning lot and within buildings also used for religious activities in all zoning districts.
- (2) **Child Care Center.**
 - i. **Site Size.** The following minimum site sizes shall apply:
 - (1) Five (5) acres for twenty-five (25) to seventy-five (75) children;
 - (2) Ten (10) acres for seventy-six (76) to one hundred twenty-five (125) children;
 - (3) Fifteen (15) acres for one hundred twenty-six (126) to one hundred seventy-five (175) children; and
 - (4) Twenty (20) acres for one hundred seventy-six (176) or more children.
 - ii. **Setback.** No building, dumpster, or recreation area shall be less than one hundred (100) feet from any property line adjacent to property zoned residential.
- (3) **Child Care Home.**
 - i. **Indoor Space.** At least twenty-five (25) square feet of heated inside space shall be provided for each child enrolled.

- ii. **Outdoor Space.** Outdoor play area of one hundred (100) square feet for each child enrolled, with a two thousand (2,000) square foot minimum, shall be provided. Such outdoor play area shall be enclosed by a minimum four (4) foot tall security fence. Outdoor activities shall be limited to the fenced area between 8:00 a.m. and 8:00 p.m.
 - iii. **Passenger Loading Space.** At least one off-street passenger loading or unloading space separate from parking shall be provided, plus adequate turnaround area. The loading/unloading spaces and turnaround area are required in all districts.
- (4) **Licensing.** Childcare facilities shall comply with the standards in Article 7, Chapter 110, of the North Carolina General Statutes. All requirements, licenses, and permits from the State shall be met.
- (5) **Regulations.** Facilities must conform to all State and local building, fire, and health codes which apply to such facilities.

12. Child Day Care Center.

- (1) **As an Accessory Use.** A Child Day Care Center is permitted as an accessory use having received Planning Board Review (PBR) approval:
- i. **Church or Religious Institutions.** In all zoning districts permitting churches or religious institutions when operated by a religious institution on the same zoning lot and within buildings also used for religious activities.
 - ii. **Public or Private Schools.** In all zoning districts permitting public or private schools when operated by the school on the same zoning lot and within buildings also used for school activities.
 - iii. **In GI Districts.** In the GI Districts when operated solely for the benefit of the employees of the principal use on the same zoning lot.
- (2) **Conditions.** Child Day Care Centers must meet the following conditions in all districts when operated as a principal or an accessory use:
- i. **Indoor Space.** At least twenty-five (25) square feet of inside space shall be provided for each child enrolled.

- ii. **Outdoor Space.** Outdoor play area of one hundred (100) square feet for each child enrolled, with four thousand (4,000) square feet minimum, shall be provided; such outdoor play area shall be enclosed by a minimum four (4) foot tall security fence. Outdoor activities are limited to the fenced area between 8:00 a.m. and 10:00 p.m.
 - iii. **Passenger Loading Space.** At least one off-street passenger loading/unloading space separate from parking shall be provided for each twenty (20) children enrolled, plus adequate turnaround area. The loading/unloading spaces and turnaround areas are required in all districts, including the PB and GI Districts.
 - iv. **Safety.** The review and approval of site plans by the staff and approving authorities should give special consideration to internal traffic circulation and safety of the children on the site.
- (3) **Licensing.** Child day care centers shall comply with the standards in Article 7, Chapter 110, of the North Carolina General Statutes. All requirements, licenses, and permits from the State shall be met.
13. **Club Or Lodge.** The following conditions apply in the IP District:
- (1) **Minimum size.** The minimum site size shall be one acre.
 - (2) **Access.** The site shall have direct access to a collector street, or major or minor thoroughfare.
 - (3) **Setbacks.** No structure or outdoor recreation area shall be located less than forty (40) feet from any property line adjacent to residentially zoned property.
 - (4) **Public Address Systems.** Public address systems shall not be permitted except within a building.
14. **Congregate Care Facility.**
- (1) **Conditions.** The use conditions for Residential Building, Multifamily (*Section B.2-5.4(46) Residential Building; Multifamily, Townhouse, Or Twin Home*) shall apply to Congregate Care Facilities.
 - (2) **Density.** Density shall conform to the limitations of the applicable zoning district.

15. **Correctional Institution.** In PB and GI Districts, a minimum setback of fifty (50) feet shall be required to preserve important view corridors and/or create open space; an additional setback may be required by the Director of Planning.
16. **Dirt Storage.**
- (1) **Prohibited in RS zones.** Dirt storage is prohibited in RS Zoning Districts, except as permitted below in subdivision or planned residential development.
 - (2) **Subdivisions.** Dirt storage areas operated by a developer or builder in conjunction with active development of section(s) of a subdivision within five (5) years of final plat approval, including land grading, removal, filling, or storage within the subdivision where the fill material is placed on sites within said section(s) of a subdivision, are exempt from the use conditions of this Section and the Special Use Permit requirements specified in *Table B.2.12 Permitted Uses*.
 - (3) **Access.** Access to the dirt storage area shall be controlled with security fencing or other barrier to vehicular access.
 - (4) **Fencing.** Dirt storage sites which are residentially zoned and lie within one hundred (100) feet of an adjacent property shall be completely enclosed with security fencing of a minimum six (6) feet in height. Any existing natural or constructed barrier approved by the Planning Director may be used in place of part of the fencing.
 - (5) **Bufferyard and Landscaping.** No bufferyard landscaping according to *Section B.3-4 Bufferyard Standards* is required if a permit for dirt storage is granted for less than six (6) months, and the site remains at least one hundred (100) feet off the property line and the intervening area is left undisturbed. Where a bufferyard is required, a dirt storage site is considered a high intensity use. Streetyard landscaping meeting the standards of *Section B.3-3 Landscaping Standards* shall be installed on the outside of the security fencing along any adjacent public street right-of-way.
 - (6) **Permit Duration and Renewals.** The Board of Adjustment shall issue permit approvals for dirt storage sites which shall be valid for a maximum of three (3) years, after which time renewals may be granted for up to three (3) years at a time.

- (7) **Rehabilitation/Reuse Plan.** A rehabilitation/reuse plan shall accompany the permit or site plan application, and shall be implemented by the owner of the site within the deadlines for establishing ground cover and slope revegetation contained in *Section C.4-7.A Buffer Zones*.
- (8) **Temporary Discontinuance.** Notice of intent to discontinue temporarily a dirt storage site shall be filed with the Planning Director in advance of such temporary discontinuance. Notice of intent to discontinue permanently a dirt storage operation shall be filed with the Planning Director.
- (9) **Maintenance.** During any period that a dirt storage operation is temporarily discontinued, the site, along with all structures, machinery, and fencing, shall be properly maintained in a safe and orderly condition.

17. **Family Care Home.**

- (1) A family care home shall be deemed a residential use of property for zoning purposes and shall be a permissible use in all residential districts.
- (2) A family care home shall not be located within a one-half mile radius of an existing family care home.
- (3) A family care home shall provide habilitation services in a family environment for not more than six (6) resident persons with disabilities, as defined by G.S. 160D-907.

18. **Family Group Home Facility.**

- (1) **Applicability.** An establishment qualified for a license by the State of North Carolina for provision of resident services to more than six but not more than 20 residents who are physically disabled, mentally disabled, developmentally disabled, persons recuperating from alcohol or drug related problems, persons adjusting to society as an alternative to imprisonment and persons recuperating from mental or emotional illness.
- (2) **Management.** If not State licensed, the Family Group Home B shall have written operating procedures or manuals, established goals and objectives for persons receiving therapy or treatment, a structured system of management with a Board of Directors, and on-premises management/supervisory personnel.

- (3) **Minimum Lot Area.** In RM Districts, the minimum lot area of a Family Group Home B shall be determined based on the minimum lot area required for a two unit dwelling in the district, as shown in *Table B.2.5 Minimum Lot Sizes (Square Feet) for Permitted Single Family, Two-Family, and Multifamily Residential Buildings on Small Lots in RM Districts*. In RM-12 Districts, the minimum lot area shall be based on *Table B.2.5 Minimum Lot Sizes (Square Feet) for Permitted Single Family, Two-Family, and Multifamily Residential Buildings on Small Lots in RM Districts* with four (4) residents equal to one dwelling unit. In the IP District, the minimum lot area shall be calculated in the same manner based on the requirements of the RM-8 District.
 - (4) **Heated Building Area.** One hundred (100) square feet of heated building shall be provided per resident.
 - (5) **Spacing Requirement.** A Family Group Home Facility may not be located within a distance of two thousand five hundred (2,500) feet from any other Family Group Home Facility. All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed Family Group Home is to be located to the nearest point of the lot line of another Family Group Home.
 - (6) **Limits on Accessory Production Activities.** Accessory production of goods shall occur only within the principal structure. The area used for production activities shall not exceed twenty-five percent (25%) of the gross floor area of the principal structure.
 - (7) **Display of Goods.** No outside or inside display of any goods or products is allowed on the property.
 - (8) **Prohibition on Retail Sales.** No retail sales shall take place in the facility.
 - (9) **Signage.** Only one sign with a maximum of one square foot of copy area may be erected on the property.
19. **Fraternity Or Sorority.** The following conditions apply in the RM Districts:
- (1) **Minimum Site Size.** The minimum site size shall be one-half acre.

- (2) **Setbacks.** No structure, or outdoor gathering or recreation area shall be located less than forty (40) feet from any property line adjacent to property zoned for residential use.
 - (3) **Public Address Systems.** Public address systems shall not be permitted, except within buildings.
20. **Golf Course.** The following conditions apply only to standalone golf courses. Such conditions shall not be applicable to golf courses part of a residential community or country club.
- (1) **Setbacks.** No building shall be nearer to any property line than one hundred (100) feet.
 - (2) **Hours of Operation.** In RS and RM Districts, hours of operation shall be limited to between the hours of 6:00 a.m. and 10:00 p.m.
 - (3) **Lighting.** In RS and RM Districts, no lighting is permitted for nighttime outdoor operations, including accessory golf driving ranges.
 - (4) **YR District.** In the YR District, best management practices for the protection of water quality shall be utilized in golf course design and operation.
21. **Golf Driving Range.**
- (1) **Dimensions.** The depth of a driving range along the driving axis shall be not less than three hundred fifty (350) yards measured from the location of the tees and the breadth not less than two hundred (200) yards at a distance of three hundred fifty (350) yards from the tees. The depth of the driving range may be reduced to three hundred (300) yards if a fence designed to stop rolling balls is installed at the far end of the driving axis.
 - (2) **Lighting.** Any lighting shall be oriented away from adjacent residential properties.
22. **Habilitation Facility.**
- (1) **As an Accessory Use.** This use is permitted as an accessory use operated by a nonprofit organization on the same zoning lot and within buildings also used by the nonprofit organization, in all zoning districts.

- (2) **Inside Space.** At least one hundred (100) square feet of heated space shall be provided for each person enrolled.
- (3) **Outdoor Play Area.** Outdoor play area of one hundred (100) square feet for each person enrolled, with a four thousand (4,000) square foot minimum shall be provided. Such outdoor play area shall be enclosed by a minimum five (5) foot high security fence if the facility provides services for children under the age of eighteen (18) years old. Fencing of said play area is optional if the facility does not provide services for children under the age of eighteen (18) years old. Outdoor activities shall be limited to the fenced area between 8:00 a.m. and 8:00 p.m.
- (4) **Habilitation Facility Passenger Loading Space.** At least one off-street passenger loading or unloading space separate from the parking area shall be provided, plus adequate turn around.
- (5) **Licensing.** Licensing by the State is required.

23. Kennels.

- (1) **Lot Size.** Any kennel shall occupy a zoning lot of not less than five (5) acres.
- (2) **Setbacks.** Any kennel or exercise area shall be set back not less than one hundred eighty (180) feet from any street or property line.
- (3) **Outside Runs.** Any outside run for dogs or cats shall be enclosed on a minimum of three (3) sides with a wall of cement block or similar construction not less than four (4) feet in height.
- (4) **Building Construction.** The kennel building proper shall be of masonry construction.
- (5) **Septic Tank/Sewerage System.** All animal solid and liquid waste shall be disposed of daily in a wastewater management system approved under the requirements of *Section B.3-8 Drinking Water Supply and Wastewater Management* of this Ordinance.
- (6) **Cleaning.** All stalls, cages, and animal runs shall be cleaned daily.

24. Landfill, Construction and Demolition.

- (1) **Prohibited Districts.** Construction and demolition landfills shall not be permitted as a principal or accessory use in RS Districts.
- (2) **Compliance with State and Federal Laws.** The establishment and operation of any landfill must comply with all applicable Federal and State Laws.
- (3) **Watersheds, Floodplains, and Wetlands.** No landfill disposal areas shall be located in a designated water supply watershed, floodplain, or wetland area, or block a natural drainage way so that water is impounded.
- (4) **Bufferyard.** A minimum one hundred (100) foot bufferyard area is required along all property lines and public rights-of-way. No landfill activities, including parking, access roads, buildings, or disposal shall occur in the bufferyard area. Roads for access to the site may cross the one hundred (100) foot area and monitoring wells may be located within the one hundred (100) foot area. All existing trees within the bufferyard area shall be preserved, except to allow for construction of necessary road crossings and monitoring wells. The Planning Director and/or Planning Board may require additional setbacks where warranted by specific conditions.
- (5) **Landscape Plantings.** Landscape plantings meeting the standards of the type IV bufferyard, defined in *Section B.3.4 Bufferyard Standards*, are required in the bufferyard area along all property lines and public rights-of-way regardless of the adjacent zoning. Existing plant material may be included in the computation of the required plantings with approval of the Planning Director.
- (6) **Fencing.** A security fence, minimum six (6) feet in height, shall enclose the entire site. The fence may be placed inside the one hundred (100) foot bufferyard area.
- (7) **Access.** Vehicular access to the landfill site shall be provided on a major or minor thoroughfare or on a road improved to necessary industrial capacity as determined by the Public Works Director and/or NCDOT.
- (8) **Reclamation Plan.** The developer shall record with the Register of Deeds a plan for reclamation and reuse of the site before issuance of a certificate of occupancy or operation. Such plan shall indicate that the owner, developer,

or other legally designated entity shall remain liable for the site in perpetuity or until the Town approves release of this requirement.

25. Landfill, Land Clearing And Inert Debris.

- (1) Land clearing and inert debris landfills (LCID) shall comply with all applicable state statutes.
- (2) **Exemption.**
 - i. **Beneficial Fill.** Land clearing and inert debris landfills which affect areas ten thousand (10,000) square feet or less and in which the fill material consists only of inert debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, gravel, and asphalt, are subject to the use conditions of this Section, but may be approved administratively by the Planning Director.
 - ii. **Within Subdivisions.** Land clearing and inert debris landfills operated by a developer or builder in conjunction with active development of section(s) of a subdivision within five (5) years of final plat approval, including land grading, removal or filling within the subdivision where the fill material is placed on sites within said section(s) of a subdivision, are exempt from the use conditions of this Section and the Special Use Permit requirements specified in *Table B.2.12 Permitted Uses*.
- (3) **Access.** Access to the land clearing and inert debris landfill area shall be controlled with security fencing or other barrier to vehicular access.
- (4) **Fencing.** Land clearing and inert debris landfills located in any residential zoning district, shall be completely enclosed with security fencing of a minimum six (6) feet in height. Any existing natural or constructed barrier approved by the Planning Director may be used in place of part of the fencing.
- (5) **Bufferyard and Landscaping.** No bufferyard landscaping according to *Section B.3-4 Bufferyard Standards* is required if a permit for the land clearing and inert debris landfill is granted for less than six (6) months. Where a bufferyard is required, a land clearing and inert debris landfill is considered a high intensity use. Streetyard landscaping meeting the standards of *Section B.3-3 Landscaping Standards* shall be installed on the outside of the security fencing along any adjacent public street right-of-way.

- (6) **Permit Duration and Renewals.** Any land clearing and inert debris landfills which received approval from the NC Department of Environmental Quality (DEQ) and were established prior to December 31, 1994, and for which a valid State permit has been continuously maintained shall not be required to obtain a special use permit from the Board of Adjustment. All other land clearing and inert debris landfills, except for those noted above, must obtain a special use permit from the Board of Adjustment. Said permit shall be valid for a maximum of three (3) years, after which time renewals may be granted for up to three (3) years at a time.
- (7) **State Permit Approval.** No permits or site plans for land clearing and inert debris landfills shall be approved until all plans, including plans for rehabilitation of sites, have been reviewed and approved by the NCDEQ.
- (8) **Rehabilitation/Reuse Plan.** The landowner or developer shall file in the office of the Register of Deeds a record of use of the site for a landfill and a rehabilitation/reuse plan for the site, prior to the issuance of a grading permit. Said plan shall be implemented by the owner of the site within six (6) months of discontinuance of the land clearing and inert debris landfill operation or expiration of the permit.
- (9) **Temporary Discontinuance.** Notice of intent to discontinue temporarily a land clearing and inert debris landfill shall be filed with the Planning Director in advance of such temporary discontinuance. Notice of intent to discontinue permanently a land clearing and inert debris landfill operation shall be filed with the Planning Director not less than three (3) months in advance.
- (10) **Maintenance.** During any period that a land clearing and inert debris landfill operation is temporarily discontinued, the site, along with all structures, machinery, and fencing shall be properly maintained in a safe and orderly condition.
- (11) **Siting Criteria.** The siting criteria for land clearing and inert debris landfills, found in Solid Waste Management Rules, 15 A NCAC 138, Section .0564, shall be followed.
- (12) **Accessory Uses.** The Zoning Board of Adjustment may issue a permit for the separation, processing, storage, or wholesale sale of materials received

through lawful operation of the land clearing and inert debris (LCID) landfill on the site as an accessory use on the site of an LCID, provided such activities occur within the original boundaries of the State-approved LCID landfill and are conducted at least one hundred (100) feet from any adjacent zoning lot zoned RS or RM.

26. **Library, Public.** The following conditions apply in the RS and RM Districts:

- (1) **Access.** The site shall have direct access to a major or minor thoroughfare.
- (2) **Building Size.** The building square footage shall not exceed ten thousand (10,000) square feet.
- (3) **Site Size.** The maximum site size shall be five (5) acres.

27. **Life Care Community.** Use conditions and approval requirements for a planned residential development shall apply to a Life Care Community.

28. **Limited Campus Uses A & B.**

- (1) **Consistent with Neighborhood.** The use shall be conducted within an existing building or a building with a scale and massing consistent with the structures in the neighborhood in which the building is located.
- (2) **Dimensional Requirements.** Any structure shall comply with all dimensional requirements of the applicable district.
- (3) **Campus Housing.** In buildings used for campus housing, a minimum of two hundred fifty (250) square feet of gross floor area shall be provided for each student resident.
- (4) **Impervious Surface Cover.** Impervious surface cover of the lot shall not exceed seventy percent (70%).
- (5) **Proximity to Campus District.** The use must be conducted within a structure which is entirely within five hundred (500) feet of the C District.
- (6) **Access.** The limited campus use must be located on a major or minor thoroughfare unless the lot is adjacent to land zoned C (Campus District).
- (7) **Bufferyards.** A type I bufferyard shall be installed adjacent to residential zoning at the discretion of the Planning Board.
- (8) **Off-Street Parking.** All off-street parking shall be to the rear of the structure.

29. Manufactured Home.

- (1) **Class A.** Each Class A manufactured home shall meet the following criteria in all districts in which it is permitted, except the MH District:
 - i. **Foundation.** The manufactured home shall be set up in accordance with the standards established by the North Carolina Department of Insurance. In addition, a continuous, permanent, masonry foundation or masonry curtain wall constructed in accordance with the standards of the State Residential Building Code, unpierced except for required ventilation and access, shall be installed under the perimeter.
 - ii. **Entrances.** Stairs, porches, entrance platforms, ramps, and other means of entrance and exit shall be installed or constructed in accordance with the standards set by the State Building Code, attached firmly to the primary structure. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of twenty-four (24) square feet.
- (2) **Class B Or Class C.**
 - i. **Set Up.** Each Class B or Class C manufactured home shall be set up in accordance with the standards established by the North Carolina Department of Insurance.
 - ii. **Skirting.** Each Class B or Class C manufactured home shall have skirting installed in accordance with the following requirements:
 - a. **Material.** Skirting shall be of noncombustible material or material that will not support combustion. Skirting material shall be durable and suitable for exterior exposures.
 - b. **Wood Framing.** Any wood framing used to support the skirting shall be of approved moisture resistant treated wood.
 - c. **Venting.** The skirting shall be vented in accordance with State requirements.
 - d. **Installation.** Skirting manufactured specifically for this purpose shall be installed in accordance with the manufacturer's specifications.
 - e. **Within Sixty (60) Days.** Skirting shall be installed no later than sixty (60) days after the set up of the home.

f. **Maintenance.** Skirting shall be properly maintained.

(3) **Class D.**

- i. **Temporary Use.** A Class D manufactured home is allowed as a temporary use in conformance with *Section B.2-5.3(B)(6) Manufactured Homes During Construction*.
- ii. **Existing Manufactured Home.** Class D manufactured homes lawfully existing at the time of adoption of this Ordinance may remain, but if removed, may only be replaced with a Class A, B or C manufactured home or other use permitted in that zoning district.

30. **Manufactured Housing Development.**

(1) **Site Size and Dimensional Requirements.**

- i. **Minimum Size.** The minimum size of a zoning lot to be used as a manufactured housing development shall be four (4) acres for initial development.
- ii. **Minimum Width.** The minimum width of a zoning lot to be used as a new manufactured housing development shall be two hundred fifty (250) feet.
- iii. **Lot Size.** Each manufactured home space shall have a minimum area of four thousand (4,000) square feet with a minimum width of forty (40) feet for singlewide homes and a minimum area of five thousand (5,000) square feet with a minimum width of fifty (50) feet for multisectional units.
- iv. **Setbacks.** Each manufactured home space shall meet the following setback requirements:
 - a. **Front Yard.** The minimum front yard shall be twenty (20) feet.
 - b. **Rear Yard.** The minimum rear yard shall be ten (10) feet.
 - c. **Side Yard.** The minimum side yard shall be five (5) feet, with a combined width of both side yards of fifteen (15) feet.

- (2) **Minimum Number of Spaces.** A manufactured home development shall contain no fewer than ten (10) manufactured home spaces for initial development.

- (3) **Density.** The maximum density of a manufactured housing development shall not exceed five (5) spaces per gross acre; with the exception that the maximum density may be increased to five and one-half (5.5) manufactured home spaces per gross acre when at least twelve percent (12%) of the gross site area is in a common recreation area.
- (4) **Utilities.**
- i. **Location.** All utilities within a manufactured home development shall be located underground.
 - ii. **Water.** Connection to a public water system and installation of fire hydrants meeting the standards of the appropriate jurisdiction are required.
 - iii. **Sewer.** Connection to a public sewer system or installation of an approved package treatment plant is required.
- (5) **Bufferyards.** A type II bufferyard of a minimum width of thirty (30) feet shall be established along each exterior property line, except where adjacent to a private street or public right-of-way not internal to the development. Along external private streets or public rights-of-way, a type II bufferyard of a minimum of fifty (50) feet shall be established.
- (6) **Access.**
- i. **External Access.** No manufactured home space shall have direct vehicular access to a public or private street outside the development.
 - ii. **Internal Access.** Each manufactured home space shall have direct vehicular access to an internal private access easement and street.
- (7) **Common Recreation Area.** A minimum of four thousand (4,000) square feet or one hundred (100) square feet per manufactured home, whichever is greater, of common recreation area shall be provided in accordance with the standards of *Section B.3-5 Open Space Requirements*.
- (8) **Manufactured Home Spaces.**
- i. **Construction.** Each manufactured home space shall be constructed in compliance with the North Carolina Manufactured Home Code.

- ii. **Patio or Deck Area.** A patio or deck area, constructed of concrete, brick, flagstone, wood, or other hard surface material and being a minimum of one hundred forty-four (144) square feet in area, shall be constructed within each space.
- iii. **Walkway.** A hard surface walkway, being a minimum of two (2) feet wide, leading from the major entrance of the manufactured home to its parking spaces or to the street shall be constructed.
- iv. **Solid Waste.** Each space shall have a minimum of one solid waste container with a tight-fitting cover and a capacity of not less than thirty-two (32) gallons, or dumpsters of adequate capacity may be substituted. If dumpsters are provided, each such container shall be located on a concrete slab and screened on three (3) sides by an opaque fence at least eight (8) feet in height.

(9) **Manufactured Home Types.**

- i. **Class D.** Class D manufactured homes shall not be permitted in new manufactured housing developments or expansions of existing manufactured housing developments. Existing Class D manufactured homes located in a manufactured housing development in operation at the time of adoption of this Ordinance are allowed to remain, but if removed, shall be replaced with a Class A, B, or C manufactured home.
- ii. **Setup.** Each manufactured home shall meet the setup requirements of the North Carolina Manufactured Home Code.
- iii. **Skirting.** Each manufactured home shall have skirting installed in accordance with the following requirements:
 - a. Skirting shall be of noncombustible material or material that will not support combustion. Skirting material shall be durable and suitable for exterior exposures;
 - b. Any wood framing used to support the skirting shall be of approved moisture resistant treated wood;
 - c. The skirting shall be vented in accordance with State requirements;

- d. Skirting manufactured specifically for this purpose shall be installed in accordance with the manufacturer's specifications;
 - e. Skirting shall be installed no later than sixty (60) days after the set up of the home; and
 - f. Skirting shall be properly maintained.
- iv. **Additions.** Individual homes located within a manufactured housing development may be renovated, expanded, or enlarged so long as individual space setbacks are maintained.
 - v. **Vacant Manufactured Homes.** No storage of unoccupied and/or damaged manufactured homes is permitted.
- (10) **Accessory Structures and Uses.** Accessory structures and uses permitted in manufactured housing developments shall meet standards in *Section B.2-5.2 Accessory Uses and Section B.2-4.2(F) Accessory Structures Permitted in Required Yards and Section B.2-4.2(F)(4-5) Accessory Structures Permitted in Required Yards - Maximum Area and Zoning Board of Adjustment.*
- (11) **Site Plans.**
- i. **Site Plan Review by Planning Board.** Prior to approval of a zoning permit by the Planning Director for the construction of a new or expansion of an existing manufactured housing development, a site plan shall be reviewed by the Planning Board. Said site plan shall meet the site plan requirements found in *Section A.4-3.11 Site Plan Requirements.*
 - ii. **Conditions.** In approving the site plans for manufactured housing developments, the Planning Board shall determine that adequate provision is made for the following:
 - a. Vehicular traffic to and from the development, and traffic internal to the development, including adequate access for emergency vehicle and personnel, postal service, delivery service, and other public and private services and individuals who would require access to the premises.

- b. Pedestrian traffic to and from the proposed manufactured home sites, common facilities, and parking areas on the premises.
- c. Adequate types of common recreation areas, including any needed screening or landscaping.

iii. **Final Development Plan.** Prior to the issuance of a certificate of occupancy, a final development plan indicating each manufactured home space and prepared in conformance with *Chapter D Subdivision Ordinance* shall be approved by the Planning Staff and recorded in the office of the Register of Deeds. In addition, the corners of all manufactured home spaces shall be clearly marked on the ground with iron stakes.

31. Medical, Or Surgical Offices.

- (1) **C District.** Medical or Surgical Offices are only permitted in the Campus District if adjacent to a "Hospital or Health Center" in a Campus District.

32. Micro-Brewery Or Micro-Distillery.

- (1) **Size.** A micro-brewery shall be no larger than twelve thousand (12,000) square feet of gross floor area.
- (2) **Taproom or Tasting Room.** A taproom or tasting room must be included in micro-breweries or micro-distilleries located in the PB, LB, LD1-C, LD2-C, HB and MU-C districts. A taproom or tasting room must account for a minimum of ten percent (10%) of the gross floor area devoted to this use.

33. Model Home or Model Unit.

- (1) Model dwelling units shall be constructed in compliance with the NC Residential Building Code.
- (2) One model unit is permissible for any individual subdivision, multi-family development, or planned residential development.
- (3) A model home may also include a sales office or area designated for development-related business with prospective buyers.
 - i. The sales office or area and access to it must be constructed to the minimum accessibility requirements required by State or Federal law.

ii. All other areas of the model unit shall be used only for display purposes to prospective buyers.

(4) After receiving a temporary occupancy certificate, the permit holder for a model unit must conspicuously post a sign at its entrance specifying that the structure or area is to be used only for display purposes.

(5) Utility connections may be provided only after a temporary occupancy certificate has been issued.

(6) All water service to bathroom facilities within a model home shall be shut off and equitable bathroom facilities shall be provided on the premises.

34. Motor Vehicle Dismantling and Wrecking Yard.

(1) Within the GI District, motor vehicle dismantling yards shall comply with the following:

i. **Fencing.**

(a) **Location.** An opaque fence or wall shall be erected along any property line which is adjacent to any street, road, or highway; and all business activity, including storage of vehicles or other materials, shall be conducted within the fence. Fencing requirements shall be one of the following:

i. **Within Fifty (50) Feet of Right-of-Way.** An eight (8) foot high opaque fence is required if located within fifty (50) feet of the right-of-way boundary; or,

ii. **More than Fifty (50) Feet from Right-of-Way.** A six (6) foot high opaque fence is required if located more than fifty (50) feet from the right-of-way boundary.

(b) **Conditions.** Such fencing shall meet the following conditions:

i. **Construction.** The fence and screening shall be constructed of materials manufactured, sold and used exclusively as fencing materials with consistent height, materials, and color;

ii. **Maintenance.** All fences shall be maintained in sound condition at all times;

- iii. **Advertising.** Fences shall not contain advertising or other lettering other than lettering or a sign which identifies the operation carried on within the enclosure.
- (c) **Parking.** Customers of the business may park their personal vehicles outside the fence, but not within the right-of-way of the street, provided the vehicles of customers are not parked in such a manner as to impair the view of motorists using the street.
- (d) **Bufferyards.** In addition to the bufferyard requirements of *Section B.3-4 Bufferyard Standards*, a type I bufferyard shall be provided alongside and rear lot lines adjacent to property zoned for commercial or industrial use.
- ii. **Open Burning.** Open burning is prohibited.
- iii. **Abandoned Vehicles.** In the event that wrecked automobiles or other materials are abandoned or appear to be abandoned upon any property, the real property owner and/or occupant shall, upon notification, remove or cause the removal of such automobiles or other materials, or conduct the operation in full compliance with the requirements of this Ordinance, provided that such use is permitted.
- iv. **Hazardous Materials.** Any gasoline, oil, or other materials spilled or collected on the site shall be contained and disposed of in accordance with State and federal laws.

35. Motor Vehicle Repair And Maintenance, And Motor Vehicle Body Or Paint Shop

- (1) **LB District.** Motor Vehicle Repair and Maintenance is permitted in the LB District only north of Yadkinville Road and limited to a maximum zoning lot size of one acre (*Section B.2-4.5(E) LB Limited Business District*).
- (2) **Compliance with Motor Vehicle Storage Yard Requirements.** A legally established motor vehicle repair and maintenance facility or motor vehicle body or paint shop which has inoperative motor vehicles on site shall store such vehicles in an enclosed building or in a motor vehicle storage yard which meets the requirements of *Section B.2-5.4(36) Motor Vehicle Storage Yard*; except that the requirements of *Section B.2-5.4(36) Motor Vehicle Storage*

Yard shall not be required for two (2) inoperative vehicles per service bay, up to ten (10) inoperative motor vehicles maximum at motor vehicles repair and maintenance facilities. Excluded from consideration as an inoperative motor vehicle for purposes of this Section shall be any vehicle whose sole reason for otherwise being considered inoperative is a North Carolina Vehicle Inspection Certificate less than four (4) months out of compliance at motor vehicle repair and maintenance facilities authorized to do NC Inspection Certificates.

36. Motor Vehicle Storage Yard.

- (1) **Maximum Size.** A motor vehicle storage yard created or expanded after the adoption date of this Ordinance shall have an enclosed storage area which shall not exceed the following area requirements for the zoning district in which the yard is located:

District	Maximum Size (square feet)
LB	6,000
HB	11,000
PB	6,000
GI	No Maximum

- i. Accessory motor vehicle storage yards in the LB and PB Districts shall have a maximum size of three thousand (3,000) square feet.
- (2) **Repair Work or Sale of Vehicles.** No repair work shall be done on motor vehicles while stored in the storage yard. No parts or other articles may be removed from the vehicles except for security purposes, nor shall any parts or articles be sold. The sale of whole vehicles shall be permitted only to satisfy a mechanics lien or by order of a law enforcement agency.
- (3) **Right-of-Way Screening and Access.** – New or Expanded Storage Yards
A Motor Vehicle Storage Yard or expansion of an existing storage yard created after the effective date of this Ordinance shall meet the following:
- i. **Outdoor Storage Area Standards.** A motor vehicle storage yard not screened by an intervening building from any public or private street, whether or not such streets provide access to the site, shall meet the

outdoor storage area screening standards of *Section B.3-3.4 Screening of Service Areas and Outdoor Display/Storage*.

- (a) If the fencing option of *Section B.3-3.4(C)(2)(1) Screening of Service Areas and Outdoor Display/Storage – Fencing* is selected, streetyard plantings as specified in *Section B.3-3.4(C)(2)(2) Screening of Service Areas and Outdoor Display/Storage – Plantings* are required on the outside of the fence;
 - (b) If the planting option of *Section B.3-3.4(C)(2)(2) Screening of Service Areas and Outdoor Display/Storage – Plantings* is selected and chain link fencing is installed in conjunction with the plantings, said fencing shall be a minimum six (6) feet in height and black or dark green in color. The plantings may be installed within a minimum five (5) foot strip either on the exterior of the fence or on the property owner's side of the fencing, in which case wheel stops shall be placed a minimum seven (7) feet from the fence.
- ii. **Visibility.** Fencing and plantings must not obstruct traffic visibility at driveways.
 - iii. **Maintenance.** Fencing and vegetation shall be maintained in good condition throughout the life of the use.
 - iv. **Topographic Irregularities.** Where topographic irregularities require a different location to meet the intent of this Section, the location of the landscaping or fencing may be varied with approval of the Planning Director.
 - v. **Fencing Setback.** Fencing shall be set back a minimum five (5) feet from the public right-of-way or private street easement.
 - vi. **Access.** The maximum number of access points to a motor vehicle storage yard shall be two (2).
- (4) **Right-of-Way Screening and Access.** Motor Vehicle Storage Yards existing prior to the adoption date of this ordinance shall meet the following criteria:
- i. **Outdoor Storage Area Standards.**
 - (a) The requirements of *Section B.2-5.4(36) Motor Vehicle Storage Yard* shall be met; or,
 - (b) Chain link fencing with wood, metal, or vinyl slats of a single color shall be installed. No other plastic or fiberglass cloth or other sheeting

materials is permitted unless said material is constructed of materials manufactured, sold, and used exclusively as fencing materials with consistent height, materials, and color; or

(c) Streetyard landscaping area in accordance with *Section B.3-3.1] Landscaping Standards – General Requirements*.

ii. **Other Requirements.** The additional provisions of *Sections B.2-5.4(36)(3) Motor Vehicle Storage Yard Right-of-Way Screening and Access* shall be met.

(5) **Bufferyard Requirements.**

i. **Intervening Building.** No bufferyard is required where the motor vehicle storage yard is screened from view of an adjacent zoning lot by an intervening building.

ii. **Buffering Internal to the Zoning Lot.** No bufferyard is required along an edge of the motor vehicle storage yard internal to the same zoning lot, unless such edge is clearly visible from a street or an adjacent zoning lot.

(6) **Vertical Stacking Vertical stacking of motor vehicles is prohibited.**

(7) **Hazardous Substance**

i. **Containment.** Any gasoline, oil, or other materials spilled or collected on site shall be contained and disposed of in accordance with State and federal laws.

ii. **Storage of Vehicles Carrying Hazardous Substances.** Tractor trailers, tankers and/or any vehicle carrying a hazardous material shall be stored only in motor vehicle storage yards located in the HB, LI, or GI Districts. A motor vehicle storage yard which stores a tanker which has contained a hazardous substance shall be enclosed by a minimum six (6) foot high fence which shall be locked during nonoperating hours. In addition, a spill containment structure certified by a registered professional engineer as being adequate for spill containment is required. No tanker shall be stored closer than two hundred (200) feet from any residential zoning district.

37. Nursing Care Institution.

(1) **Access.** In the IP District, the site shall have direct access to a major or minor thoroughfare.

38. Outdoor Display Retail.

- (1) **Outdoor Displays shall comply with the standards below in all permitted zoning districts:**
 - i. Outdoor displays shall be removed and place in a fully enclosed structure at the end of every business day. Due to their commercial and pedestrian oriented nature, propane storage racks, soft drink dispensing machines, and ice storage bins may remain outside overnight.
 - ii. Outdoor display shall only be displayed in front of the primary façade and may not extend more than eight (8) feet from the face of the building. No more than twenty-five (25) percent of the horizontal length of the façade shall have outdoor display items.
 - iii. Outdoor display areas shall not inhibit pedestrian travel paths (i.e. sidewalks) and ADA accessibility shall be maintained.
- (2) **Motor Vehicle Storage Yards.** Any outdoor area meeting the definition of a motor vehicle storage yard shall comply with the requirements of *Section B.2-5.4(36) Motor Vehicle Storage Yard*.

39. Park And Shuttle Lot.

- (1) **In Residential Districts.** Where any newly constructed park and shuttle lot abuts residentially zoned land or a residential use, said parking shall be set back a minimum of fifteen (15) feet. All parking shall comply with the design standards and requirements in *Section B.3-4 Bufferyard Standards*.
- (2) **In Business, Office and Industrial Districts.** Park and shuttle lots in business and industrial zoning districts shall comply with the design standards and requirements in *Section B.3-2.3 Design Standards for Parking Areas*.

40. Parking, Off-Site, For Multifamily Or Institutional Uses In RM Districts. Off-site parking in RM Districts for multifamily or institutional uses not permitted in the applicable zoning district must meet the requirements of *Section B.3-2.4(A) Off-Site Parking Requirements*.**41. Planned Residential Development.**

- (1) **Purpose.** Planned residential developments (PRDs) encourage unique communities and neighborhoods which meet the needs of their residents by allowing for flexibility in the development process. PRDs differ from standard residential subdivisions by incorporating novel design concepts, allowing for

private roads and variable lot sizes, and by encouraging environmentally sensitive design that promotes the conservation of open space. The following are the minimum standards for PRDs in single- and multi-family zoning districts. The Town of Lewisville welcomes design concepts that may exceed these standards in general keeping with the character of the town and its communities.

- (2) **Land Ownership.** At the time of application for a PRD, all land and other real property shall be in single or joint ownership, or the applicant shall demonstrate the right to acquire ownership under a valid option. This information shall be included in the application for a PRD.
- (3) **Principal Uses.** Land may be developed including all uses permitted within the underlying zoning district, either single-family or multi-family residential. Multi-family units are allowed only in the zoning districts in which they are permissible.
- (4) **Relationship to Other Regulations.** PRDs are subject to all applicable standards, procedures, and regulations as described in the UDO unless otherwise set forth in this Section.
- (5) **Development Standards.** All planned residential developments are subject to the following conservation design standards. Conservation areas shall be depicted and identified on the site plan.
 - i. **Primary Conservation Area (PCA).** PCAs shall include, but are not limited to, unbuildable wetlands, floodplains, stream/pond buffers, natural steep slopes (>20%) and other lands protected by federal law. The PCA shall not count towards the minimum open space requirement shown in *Section B.2-5.4(41)(20) Planned Residential Development – Responsibility for Common Open Space and Amenities*.
 - ii. **Secondary Conservation Area (SCA).** SCAs shall include, but are not limited to, unprotected elements of the natural landscape such as mature woodlands, meadows, wildlife habitats, cultural features such as historic and archeological sites, and scenic views. Wastewater and Stormwater management systems serving the PRD may be located within the SCA. Surface systems such as retention ponds shall not qualify towards the minimum SCA required. SCAs may count towards no more than twenty percent (20%) of the total required open space calculation shown in

Section B.2-5.4(41)(20) Planned Residential Development – Responsibility for Common Open Space and Amenities.

- iii. **Conservation Alternative Compliance.** Development within the PCA and SCA, or the use of the PCA and SCA towards open space calculations, may be permitted for developments which provide low or no impact to the physical site. An application for alternative compliance shall include an environmental analysis along with the site plan detailing the following:
- (a) The potential or actual impacts of the proposed development on the environment specifically in the conservation areas;
 - (b) A description of the impact to the land including topography changes, forestry activities, an increase in surface run-off, etc.;
 - (c) A description of any investigations or studies of the impact of the proposed development on the environment;
 - (d) Alternative compliance may be approved by the Planning Board and Town Council only upon finding that the proposed plan fulfills the intent and purposes of this Section equal to or better than would strict conformance with the requirements of this Section.
- (6) **Bufferyard.** A minimum thirty-foot wide type II bufferyard shall be provided around the entire perimeter of the zoning lot, except:
- i. At such location where single-family residential lots within the planned residential development meet or exceed the minimum lot requirements of a residential zoning district adjacent to and outside the planned residential development;
 - ii. Where the zoning lot is adjacent to a floodplain or protected riparian buffer at least thirty (30) feet wide;
 - iii. Where an internal residential lot line lies at least one hundred (100) feet from an adjacent zoning lot; or
 - iv. Where open space or a passive recreation area at least thirty (30) feet wide lies next to the adjacent zoning lot.
- (7) **Required Planting.** Planned Residential Developments shall require a minimum of one (1) tree per lot planted in the front yard.
- (8) **Corridor Bufferyard.** Along any Heritage Corridor identified in the *Lewisville Comprehensive Plan* where there exists significant natural vegetation, these

areas shall be preserved. Where present, these areas may supplement or satisfy the otherwise required Type III bufferyard, as determined by the Planning Director or approving board.

- (9) **Access Drives.** No loading space, parking space, or access drive to a parking space shall be permitted within the required bufferyard, with the following exceptions:
 - i. An access drive to off-street parking serving a single family detached dwelling, whether inside or outside of a carport or garage, whether attached to or detached from such dwelling. Such access drives shall not constitute off-street parking as required in *Section B.3-2 Parking and Loading Standards*.
 - ii. Drives not longer than fifty (50) feet which provide access to the planned residential development.
- (10) **Private Streets.** Private streets are permitted with a dedicated access easement measuring a minimum of twenty-five (25) feet in width.
- (11) **Road Construction Materials.** All roads shall be subject to the road construction materials standards of the Town of Lewisville and North Carolina Department of Transportation.
- (12) **Required Parking.**
 - i. **Off-Street Parking.** Off-street parking shall be provided in compliance with *Section B.3-2 Parking and Loading Standards*, except that the parking requirements may be met through group parking located on commonly owned land.
 - ii. **On-Street Parking.** Some on-street parking may be permitted to satisfy off-street parking requirements in accordance with *Section B.3-2.5(K) On-Street Parking Supplements for Pedestrian Oriented Developments* of this Ordinance.
 - iii. **Parking Accommodations.** Special accommodations for recreational vehicles, including boats, may be provided in group parking areas. Such special parking areas shall be designated and screened from adjacent residential uses incorporating a Type II Landscape Buffer that may also include opaque fencing. Chain link or vinyl-coated chain link fencing is not permitted.

- (13) **Pedestrian Access.** Pedestrian and other modes of non-vehicular movement shall be provided and separated from vehicular traffic and shall provide a safe connection between major uses on the site. All new Planned Residential Development shall provide sidewalks, greenways, and/or bikeways at a ratio of one (1) linear foot per linear, centerline foot of public/private streets when considering the PRD as a whole. Alleys and private drives associated with minor subdivisions are exempt from linear foot calculations. The exact location and type of pedestrian connection shall be determined during the site plan and subdivision review process with an emphasis on the functional relationship of the required connection to destination points and other existing or planned pedestrian segments. All pedestrian segments shall meet or exceed ADA and NCDOT standards. Sidewalks and bikeways shall be constructed of concrete, asphalt, or other all-weather surface. “Crush and run” is not allowed for any pedestrian segments.
- (14) **Streetscape.** Variation shall be provided to avoid visual monotony on long, straight portions of streets exceeding 500 feet in length through the manipulation of building elements and massing. Linear, repetitive streetscapes and building facades shall be avoided by providing variations between the front elevations and through landscaping plans. Residential structures with identical or similar building elevations and/or floor plans shall not be located on adjacent lots or directly across the street from each other. Where a single house design is used repeatedly, materials and detailing of front and major facade elements shall be varied. New housing development shall avoid front elevations that mainly consist of rows of garages and garage doors. Residential garages and parking pads located at the front of homes should be minimized or avoided.
- (15) **Utilities.** Utilities easements at a minimum width of ten (10) feet in width shall be provided along both sides of all roadways.
- (16) **Impervious Surface Cover.** Buildings and improvements measuring five thousand (5,000) square feet or less in multi-family PRDs shall not be calculated as impervious surface coverage except when located in regulated drinking water watershed boundaries.

- (17) **Dimensional Requirements and Spacing of Structures.** In multi-family PRDs, the lot and setback dimensional requirements of the zoning district for individual lots are waived. Minimum distances between townhome and multifamily structures shall be those set forth in *Section B.2-4.2(H) Building Spacing Requirements for Multifamily, Townhouse, or Two-Family Residential Buildings*. The minimum distances between single family structures shall be as follows, unless otherwise required by the NC Building Code or the Fire Marshal:
- i. **Front Facing Front.** The minimum distance between the front wall of structures oriented so as to face each other shall be not less than thirty (30) feet from one another, provided neither shall be closer than ten (10) feet from the nearest right-of-way line of a public street or private access easement.
 - ii. **Rear Facing Rear.** Dwellings oriented back-to-back shall be subject to the following provisions:
 - (a) The minimum distance between rear walls of the dwellings shall be no less than thirty (30) feet. For the purpose of this provision, the rear wall of a carport or garage shall be that wall opposite the front wall of the dwelling it serves, whether or not it shall be the entrance wall of such carport or garage.
 - (b) Carports or garages shall be permitted in the intervening space between dwellings oriented back-to-back provided that they shall be no more than one (1) story and of a total dimension no larger than five hundred and seventy-six (576) square feet, whether attached or detached from the dwelling.
 - (c) The rear walls of two (2) carports or garages oriented back-to-back shall not be closer than six (6) feet.
 - iii. **Front Facing Side.** The minimum distance between the front wall of the structure and the side wall of another structure shall not be less than fourteen (14) feet.
 - iv. **Side Facing Side.** The minimum distance between side walls of structures shall not be less than fourteen (14) feet.
 - v. **Rear Facing Side.** The minimum distance between the rear of a structure and the side of another structure shall not be less than fourteen (14) feet.

- vi. **Rear Facing Front.** The minimum distance between the front wall of one (1) structure and the rear wall of another structure shall be not less than thirty (30) feet, provided neither shall be closer than ten (10) feet from the nearest right-of-way line of a public street or private access easement.
- (18) **Common Recreation Areas.** Common recreation areas shall be required in accordance with *Section B.3-5 Open Space Requirements* for a planned residential development containing forty (40) units or greater. Common Recreation Areas may count towards open space requirements as shown in *Section B.2-5.4(41)(20) Planned Residential Development – Responsibility for Common Open Space and Amenities*.
- (19) **Density Requirements and Open Space.** Minimum lot sizes are waived for PRDs. The maximum residential density shall be determined in correlation with the underlying zoning district, see *Table B.2.15 Maximum Density in a PRD*. Density may increase if additional open space is provided.
- i. **Area.** Common open space shall not be less than the following percentages of the land area of the planned residential development, excluding dedicated public rights-of-way or private access easements.

Table B.2.15 Maximum Density in a PRD

Underlying Zoning District	Minimum Open Space Provided	Maximum Density
YR	30%	1.0 Dwelling / 3 Acres
	50%	1.0 Dwelling / 2 Acres
AG	30%	1.3 Dwellings / 1 Acre
	50%	1.5 Dwellings / 1 Acre
RS-40	30%	1.5 Dwellings / 1 Acre
	50%	2.0 Dwellings / 1 Acre
RS-30	30%	1.8 Dwellings / 1 Acre
	50%	2.5 Dwellings / 1 Acre
RS-20	30%	2.5 Dwellings / 1 Acre
	50%	3.0 Dwellings / 1 Acre
RS-12	30%	4.0 Dwellings / 1 Acre
	50%	4.5 Dwellings / 1 Acre
RS-9	15%	5.5 Dwellings / 1 Acre
	25%	6.0 Dwellings / 1 Acre
RM-5	15%	6.0 Dwellings / 1 Acre
	25%	8.0 Dwellings / 1 Acre

Underlying Zoning District	Minimum Open Space Provided	Maximum Density
RM-12	15%	14.0 Dwellings / 1 Acre
	25%	16.0 Dwellings / 1 Acre
IP	15%	5.0 Dwellings / 1 Acre
	25%	6.0 Dwellings / 1 Acre
MU-C	15%	10.0 Dwellings / 1 Acre
	25%	12.0 Dwellings / 1 Acre

- ii. **Location.** The open space required shall be connected throughout the development. Open Space is considered connected if separated by a roadway, easement, or an accessory amenity.
- iii. **Character.** Common Open Space shall incorporate active recreation areas provided for the property owners in the development. Active recreation may include pocket parks, well positioned seating areas, play equipment, fitness stations, pavilions, and other hardscape elements. These areas shall be easily accessible to pedestrians.

(20) **Responsibility for Common Open Space and Amenities.** Land not to be held in private ownership shall be owned and maintained by the developer until ownership of such areas has been transferred to a homeowner's association or similar organization obliged with maintaining common areas, open space, amenities, roadways, and other such improvements within the planned residential development.

42. **Police Or Fire Station.** The site shall have direct access to a major or minor thoroughfare.

43. **Recreational Vehicle Park.**

- (1) **Permitted Districts.** Recreational Vehicle Parks shall only be permitted as a principal or accessory use in HB, LB, and AG Districts.
- (2) **General Use Conditions**
 - i. **Bufferyards.** In addition to the bufferyard requirements of *Section B.3-4 Bufferyard Standards*, a type I bufferyard is required adjacent to public rights-of-way.
 - ii. **Setbacks.** All recreational vehicle spaces shall be located a minimum of one hundred (100) feet from all adjacent property lines and public rights-of-way.

- iii. **Access.** Recreational vehicle parks shall have direct access to a major or minor thoroughfare. Recreational vehicle spaces shall only have direct access to an internal private street which accesses a public street. No recreational vehicle space shall have direct vehicular access to a public street.
- iv. **Floodplains.** No recreational vehicle sites shall be located in the floodplain.
- v. **Landscaping.** Each recreational vehicle space shall have a planting area containing at least one deciduous or evergreen tree with a minimum height of eight (8) feet and a diameter of two (2) inches measured six (6) feet above ground level at the time of installation. Each planting area shall be a minimum of one hundred fifty (150) feet with a minimum radius of seven (7) feet. The use of existing trees when possible to meet these landscaping requirements is encouraged.
- vi. **Sanitary Facilities, Sewage and Garbage Disposal.** Adequate sanitary facilities, sewage and garbage disposal shall be provided and shall conform with all applicable codes.
- vii. **Length of Stay.** No recreational vehicle shall be used as a permanent place of residence. Occupancy extending beyond three (3) months in any twelve (12) month period shall be presumed to be permanent occupancy and is prohibited in a recreational vehicle park.
- viii. **Accessory Uses.** Management offices, recreational facilities, toilets, showers, dumping stations, coin-operated laundry facilities, and other uses and structures incidental to the operation of a recreational vehicle park are permitted as accessory uses to the park. In addition, other uses may be permitted as accessory uses in the district where such uses are not allowed as principal uses, subject to the following restrictions:
 - (a) **Size.** Such establishments and the parking areas related to their operations shall not occupy more than five percent (5%) of the gross area of the park.
 - (b) **Clientele.** Such establishments shall be restricted in their use to the occupants of the park.

- (c) **Visibility.** Such establishments shall present no visible evidence from any street outside the park of a commercial nature which would attract customers other than occupants of the park.
 - (d) **Access.** Such establishments shall not be directly accessible from any public street, but shall be accessible only from a street within the park.
 - ix. **Manufactured Homes.** No manufactured home may be parked or stored in a recreational vehicle park, except that one manufactured home may be located within the park for the exclusive use as the principal dwelling unit for the park manager or operator.
- (3) **Recreational Vehicle Parks in HB District.**
- i. **Purpose.** To provide short term recreational vehicle and tent camping in areas serviced by major highways.
 - ii. **Application.** In addition to the general use conditions for recreational vehicle parks, the following conditions shall apply to recreational vehicle parks in the HB District.
 - (a) **Park Size.** The minimum contiguous area of any recreational vehicle park shall be three (3) acres.
 - (b) **Density.** The maximum density of any recreational park shall be fifteen (15) recreational vehicle spaces per acre.
 - (c) **Site Area.** The minimum area devoted to each recreational vehicle space shall be one thousand five hundred (1,500) square feet.
- (4) **Recreational Vehicle Parks in HB, LB, and AG Districts.**
- i. **Purpose.** To permit short term recreational vehicle and tent camping on relatively large amounts of land without the necessity or desirability of being immediately adjacent to main highways or built-up areas, while preserving an open character and promoting outdoor recreational activities.
 - ii. **Application.** In addition to the general use conditions for recreational vehicle parks, the following conditions shall apply to recreational vehicle parks in AG, RS-30, RS-40 and YR Districts.
 - (a) **Site Plan Required.** A site plan which meets the site plan requirements of *Section A.4-3.11 Site Plan* shall be submitted as part of each application for a special use permit.

- (b) **Park Size.** The minimum contiguous area of any recreational vehicle park shall be ten (10) acres.
- (c) **Density.** The maximum density of any recreational park shall be ten (10) recreational vehicle spaces per acre.
- (d) **Site Area.** The minimum area devoted to each recreational vehicle space shall be two thousand five hundred (2,500) square feet.

44. Recreation Services, Indoor/Outdoor.

- (1) **Minimum Site Size.** The minimum site size shall be two (2) acres.
- (2) **Access.** The site shall have direct access to a collector street, a minor thoroughfare, or a major thoroughfare.
- (3) **Setbacks.** No structure, parking area, or outdoor recreation area shall be located less than forty (40) feet from any property line adjacent to residentially zoned property.
- (4) **Public Address System.** Public address systems shall not be permitted except within a building.

45. Religious Institution.

- (1) **Access.** The site shall have direct access to a major or minor thoroughfare or a collector street.
- (2) **Impervious Surface Cover.** In RS Districts, impervious surface cover for all church or religious institution property within the block of the principal building shall not exceed sixty percent (60%), however impervious surface cover in the RS and IP Districts may be increased to seventy-five percent (75%) with staff approval of a landscaping plan which demonstrates greater tree canopy coverage of parking area by doubling the planting ratio of *Section B.3-3.3(B)(4) Interior Parking Area Plantings Ratio* and reducing by at least one-half the spacing requirements of *Section B.3-3.3(B)(5) Interior Parking Area Plantings - Distance of Parking Spaces to Trees* In other districts, churches are subject to the impervious surface cover requirements of the underlying zone.
- (3) **Bufferyard.** All buildings and parking areas on site shall be buffered by a type I bufferyard, as described in *Section B.3-4 Bufferyard Standards*, from adjacent residentially zoned property.

- (4) **Parking.** Off-site parking may be used to meet up to fifty percent (50%) of on-site parking requirements with the approval of a special use permit from the Board of Adjustment.
- (5) **Accessory Use.** Churches or religious institutions, community scale are an allowed accessory use in the CD1 district. Activities are to be conducted in existing CD1 buildings and shall be subordinate to the primary educational purpose of the institution.

46. Residential Building; Multifamily, Townhome, or Twin Home.

- (1) **RM-5 Zoning District.** Three- and four-unit buildings are the only type of multifamily or townhome residential building permitted in the RM-5 Zoning District. Refer to *Section 2-3.4(G) RM-5 Residential Multifamily District* for dimensional requirements of the RM-5 Zoning District.
- (2) **Site Plan.** A site plan, prepared to the standards of *Section A.4-3.11 Site Plan* shall be required for all multifamily, townhome, or twin-home residential developments (referred to as “developments” hereafter within this Section). The Planning Board shall review all developments with the following exceptions:
 - i. Developments in which all residential buildings front upon an existing public street;
 - ii. Developments which contain six (6) units or less.
- (3) **Standards.** With the exception of those located in the RM-5 District, all developments shall comply with the following:
 - i. **Traffic Requirements.** In approving the site plan for a development, the Planning Board shall determine that the streets, driveways, parking areas, and other public and private drives shown on the plan are so located that:
 - (a) They do not block, impede, or interfere with the orderly development of the public street system.
 - (b) Private roads are allowed, except that through streets and connector streets shall be constructed minimum NCDOT standards, including the dedication of public rights-of-way.
 - (c) Adequate provision is made for vehicular traffic to and from the premises and for vehicular traffic and pedestrian traffic to and from the proposed buildings, structures, and parking areas on the premises, including firefighting and police equipment and personnel, ambulance

service, garbage collection service, postal service, delivery service, and other public and private services and individuals who would require access to the premises.

- (d) Common recreation areas and facilities, such as areas for small children or other recreational areas, shall be provided for developments containing forty (40) units or more, based on the standards of *Section B.3-5 Open Space Requirements*, except for those located in the PB Zoning District or which are designated as Life Care Community.

(4) **Other Development Standards.** All developments shall meet the following standards.

- i. **Air and Light.** The project provides adequate air and light to the development and surrounding properties.
- ii. **Architectural Features.** Through the use of a variety of fenestration patterns, building facade offsets, roof line treatments, and other architectural features, the perceived bulk, scale, and length and width of the building is compatible with surrounding buildings.
- iii. **Affected Area.** The project will not be injurious to property or improvements in the affected area.
- iv. **Adopted Plans.** The project is in accordance with all development criteria established by the Town Council's adopted plans and policies, such as Lewisville Tomorrow and development guides.

(5) **Developments on Smaller Lots.** Developments subject to the minimum lot size requirements of *Table B.2.4 Minimum Lot Sizes (Square Feet) for Permitted Single Family, Two-Family, and Multifamily Residential Buildings on Small Lots in RM Districts* shall meet the following requirements:

- i. **Impervious Surface Cover.** For new construction on vacant lots, impervious surface cover is limited to a maximum of sixty percent (60%). Impervious surface cover is otherwise limited to seventy percent (70%).
- ii. **Building Height.** No building shall exceed a height of forty (40) feet.
- iii. **Bufferyard.** Bufferyard requirements of *Section B.3-4 Bufferyard Standards* must be met for developments containing more than six (6) units.
- iv. **Off-Street Parking.**

- (a) **Number of Spaces.** Off-street parking for multifamily or townhouse uses shall be provided at one (1) space per dwelling unit.
 - (b) **Parking in Rear.** All off-street parking shall be provided to the rear of the principal structures unless the Planning Board determines that, due to lot size, shape or topographic features, some or all parking cannot be placed to the rear.
 - (c) **Reduction in Bufferyard.** A side or rear bufferyard which may be reduced to allow a driveway to the rear of the property which accesses the off-street parking if the provisions of *Section B.3-4.4(C) Reduction for Driveway to Rear Parking Areas* are met.
 - (d) **Landscaped Separation from Building.** A minimum three and one-half (3.5) foot wide landscaped area shall be provided between any parking area and building wall providing access into the unit(s).
 - (e) **Vehicular Use Landscaping Requirements.** Vehicular use landscaping requirements of *Section B.3-3 Landscaping Standards* must be met for developments containing more than six (6) units or nonresidential uses.
- (6) **Design Standards.** Buildings shall comply with the architectural standards for multifamily buildings in *Section B.3-6.6 Multifamily Building and Site Design Standards*.
 - (7) **Building Spacing Requirements.** All multifamily, townhouse, or twin home residential buildings shall meet the requirements of *Section B.2-4.2(H) Building Spacing Requirements for Multifamily, Townhouse, or Twin Home Residential Buildings*.
 - (8) **Setback from Public Streets.** Except in the RM-5 District, developments, including structures and parking, shall have a minimum fifty (50) foot setback from adjacent public streets. Within the setback an earthen berm planted with a Type III bufferyard shall be provided. Access drives may be permitted within the fifty (50) foot setback provided the berm is located between the access drive and the adjacent public street.
 - (9) **Parking in RM-5 District.** The following shall apply to all developments, except single family residences that may be included in such developments. All off-street parking shall be provided to the side or rear of the principal building(s) unless the Planning Board determines that, due to lot size, shape,

or topographic features, some or all parking cannot be placed to the side or rear. All parking shall be set back at least five (5) feet off the property line. The intervening five (5) feet shall be landscaped to meet the type I bufferyard standards of *Section B.3-4 Bufferyard Standards*. Vehicular use landscaping requirements of *Section B.3-3.3 Motor Vehicle Surface Area Landscaping Standards* must be met for multi-family or townhome developments (triplexes or quadplexes) where parking is provided at the front of the principal building. A minimum three (3) foot wide landscaped area shall be provided between any parking area and building wall providing access in to the unit(s).

(10) **Dimensional Requirements for Townhome and Twin Home Units and Buildings**

- i. Townhome and twin home units developed in the RM-5 District shall adhere to the dimensional requirements of the Zoning District. Townhome and twin home units in other permitted zoning districts may be constructed with no setback, lot area, or lot width requirements.
- ii. Development projects with townhome and twin home buildings shall comply with the general dimensional and building spacing requirements of the applicable zoning district for the project as one zoning lot.

47. **Riding Stable, Including Veterinarian Services For Equine Species And Cattle.**

- (1) **Size.** Any riding stable shall occupy a zoning lot containing not less than five (5) acres.
- (2) **Setbacks.** Such riding stable shall be set back not less than one hundred fifty (150) feet from any adjoining parcel of land; otherwise such riding stable or riding area shall be set back not less than one hundred (100) feet from any street or property line.
- (3) **Restrictions.** In the CD1-C Campus District veterinary services shall only be for those animals owned or boarded within the district.

48. **School, Private.**

- (1) **Minimum Site Area.** The minimum site area for each type of private school shall be not less than the following square footage per pupil:
 - i. **Elementary School.** Elementary School, grades kindergarten through five (5): four hundred (400) square feet;
 - ii. **Secondary School.**

- (a) **Middle School.** Middle School, grades six through eight: six hundred (600) square feet; or,
 - (b) **High School.** High School, grades nine through twelve: eight hundred (800) square feet.
- iii. **Combination of Grades and School Types.** When a private school provides a combination of above grades and schools, the minimum site area is calculated by prorating the number of pupils for each grade.
- (2) **Mobile Units.** Any new schools approved or constructed after the date of the adoption of this Ordinance shall identify any areas on which mobile units are to be placed. Installation of mobile units shall comply with the temporary use provisions of *Section B.2-5.3 Temporary Uses*.
- (3) **Other Requirements in the Downtown Core Area (DCA).**
 - i. **Interior Floor Space.** The minimum interior floor space for each school shall not be less than one hundred (100) square feet per pupil.
 - ii. **Play Area.** The minimum outdoor or indoor play area shall be five thousand (5,000) square feet.
 - iii. **Off-Street Loading.** There shall be a minimum of one off-street loading or unloading space per fifty (50) pupils enrolled, appropriately located to the entrance(s) to the school building.
- (4) **Exemptions.** Exempted from Planning Board Review are the following improvements or buildings on school campuses, provided the Planning Director approves any necessary zoning permits for new structures requiring a building permit.
 - i. **Recreation Improvements.** Concession stands, playground equipment, or bleachers with a seating capacity for less than one thousand (1,000) spectators;
 - ii. **Building Expansions or Accessory Buildings.** Expansions of less than four thousand (4,000) square feet (building footprint) of existing principal buildings; or maintenance, storage, or accessory buildings of less than four thousand (4,000) square feet (building footprint);
 - iii. **Modification to Parking Lots.** Modifications to existing parking lots and driveways (NOTE: Any changes to driveways must receive driveway permits from either the Town of Lewisville, Forsyth County, or the North Carolina Department of Transportation, whichever is applicable);

- iv. **New Parking.** New parking or pavement areas of less than twenty thousand (20,000) square feet; or,
 - v. **Utilities.** Installation of new utilities or maintenance of existing utilities (NOTE: Any utility relocations or installations must be approved by the Utilities Commission).
- (5) **Landscape Plan.** A landscape plan prepared per the requirements of *Section B.3-3.6 Public or Private Schools* shall be prepared and installed for any new school or improvements to schools approved or constructed after the date of adoption of this Ordinance.
- (6) **Charter Schools.** Charter schools are permitted in all zoning districts in which private schools are permitted.
- (7) **Conditions.** The following conditions apply to private schools in all zoning districts where permitted:
- i. **Stadiums.** A school stadium may be located on the same zoning lot as any private secondary school.
 - ii. **Stadium and Playground Area Setbacks.** School stadiums, including the parking areas, or other playground areas, shall be set back not less than fifty (50) feet from the property lines of any adjacent residentially zoned property.
 - iii. **Bufferyards.** A fence option bufferyard of type II, as specified in *Section B.3-4 Bufferyard Standards*, shall be provided along the side and rear property lines between any school stadium and any property zoned for residential use.
49. **School, Public.** The following conditions apply to public schools in all zoning districts where permitted:
- (1) **School Stadiums.**
- i. **Stadiums.** A school stadium may be located on the same zoning lot as any public secondary school.
 - ii. **Stadium and Playground Area Setbacks.** School stadiums, including the parking areas, or other playground areas, shall be set back not less than fifty (50) feet from the property lines of any adjacent residentially zoned property.
 - iii. **Bufferyards.** A fence option bufferyard of type II, as specified in *Section B.3-4 Bufferyard Standards*, shall be provided along the side and rear

property lines between any school stadium and any property zoned for residential use.

- (2) **Mobile Units.** The placement of mobile units on school campuses shall be allowed through the issuance of a zoning permit for all school, public sites and comply with the following criteria. If unable to meet these criteria, the mobile unit must be approved by a special use permit issued by the Board of Adjustment. The Board of Adjustment may adjust or waive specified criteria based on site circumstances, such as; existing buildings and development of the school campus or on adjoining property; existing utilities; or natural features, like topography or wooded areas, The location of temporary classrooms on public school campuses must be verified to be consistent with the following criteria by the Planning Director within three (3) months after installation.
- i. **Setbacks.** A mobile unit shall be setback no less than forty (40) feet from all property lines and shall be located no closer to the surrounding public street(s) than the principal school structure.
 - ii. **Buffering.** Either the bufferyard specified in Section *B.3-4.2 Determination of Bufferyard* shall be installed or the provision of Section *B.3-4.3(F) Alternative Compliance for Schools* met through the approval of a landscaping plan for the school, public site.
 - iii. **Landscaping.** At a minimum, there shall be one (1) large variety tree planted on the campus for each mobile unit approved. The tree(s) shall be located within one hundred fifty (150) feet of the mobile unit(s) or the principal school structure and be planted with a minimum on-center spacing of thirty (30) feet and a maximum on-center spacing of fifty (50) feet.
 - iv. **Accessibility and Safety.** A hard-surfaced, accessible route with a minimum width of five (5) feet shall be provided between the principal school structure and the mobile unit(s). Further, a striped pedestrian crosswalk shall be provided where the accessible route crosses parking and drive aisles.
 - v. **Clustering Units.** Units should be clustered around a central courtyard or green area rather than side by side so that a usable central outdoor space is created and a central walkway may be shared by the different

classrooms. The designated cluster area shall be located close to a hallway entrance of an existing school building. The cluster of classrooms is linked to the main building by a landscaped walkway.

- vi. **Retention of Existing Trees.** Units should be placed so as to minimize harm to or the necessity of removing existing trees.
 - vii. **Shading.** Trees should be installed for shade where mobile units are exposed to direct south or western sun. Trees should be placed not inconsistent with the landscape plan for the school so they can become permanent features, and not interfere with recreation areas or moving of the classrooms.
 - viii. **Preexisting Mobile Units.** In schools with existing mobile classrooms, additional mobile units should be placed close by to minimize the visual impact on the rest of the campus.
 - ix. **Skirting.** Skirting compatible with mobile units shall be provided under mobile classrooms approved under *Section A.4-3.13(A)(1) Zoning Permits - When Required for Building or Structure* and which are visible from an adjacent public street and located within two hundred (200) feet of the public street.
 - x. **Building Code.** All mobile units and any additions necessary, such as stairs, landings, and porches, shall comply with the Building Code of North Carolina.
 - xi. **Community Appearance Commission.** The Community Appearance Commission may develop architectural or other appearance criteria which Planning Staff may utilize in its review of mobile units. For the purpose of this Section, the Planning Board shall serve as the Community Appearance Commission.
 - xii. **New Schools.** Any new schools approved or constructed after the date of adoption of this Ordinance shall identify any areas on which mobile units are to be placed.
- (3) **Other Requirements in the Downtown Core Area (DCA).**
- i. **Interior Floor Space.** The minimum interior floor space for each school shall not be less than one hundred (100) square feet per pupil.
 - ii. **Play Area.** The minimum outdoor or indoor play area shall be five thousand (5,000) square feet.

- iii. **Off-Street Loading.** For each off-street loading and unloading area, there shall be a minimum of four (4) spaces and no more than seven (7) spaces appropriately located to the entrance(s) to the school building.
 - iv. **State Approval.** The facility plan must be approved by the North Carolina Department of Public Instruction, Division of School Planning and/or the North Carolina Department of Insurance.
- (4) **Exemptions.** Exempted from Planning Board Review are the following improvements or buildings on Winston-Salem/Forsyth County School campuses, provided the Planning Director approves any necessary zoning permits for new structures requiring a building permit.
- i. **Recreation Improvements.** Concession stands, playground equipment, or bleachers with a seating capacity for less than one thousand (1,000) spectators;
 - ii. **Building Expansions or Accessory Buildings.** Expansions of less than four thousand (4,000) square feet (building footprint) of existing principal buildings; or maintenance, storage, or accessory buildings of less than four thousand (4,000) square feet (building footprint);
 - iii. **Modification to Parking Lots.** Modifications to existing parking lots and driveways (NOTE: Any changes to driveways must receive driveway permits from either the City of Winston-Salem or the North Carolina Department of Transportation, whichever is applicable);
 - iv. **New Parking.** New parking or pavement areas of less than twenty thousand (20,000) square feet;
 - v. **Utilities.** Installation of new utilities or maintenance of existing utilities (NOTE: Any utility relocations or installations must be approved by the Utilities Commission).
- (5) **Landscape Plan.** A landscape plan prepared per the requirements of *Section B.3-3.6 Public or Private Schools* shall be prepared and installed for any new school or improvements to schools approved or constructed after the date of adoption of this Ordinance. Schools currently under construction at the time of adoption of this Ordinance may elect to provide landscaping in compliance with *Section B.3-3.6 Public or Private Schools and B.3-4.2(D) Determination of Bufferyard – Residential Subdivisions*.

- (6) **Pedestrian Connectivity – Campus.** Any new public school approved or constructed after the date of adoption of this ordinance shall provide pedestrian connectivity between all proposed and existing administrative, instructional, athletic buildings facilities, mobile units, and parking lots as well as from the street or road to the school building. This connectivity shall be provided through the use of coherent pedestrian pathways and/or sidewalks, outdoor plazas, colonnades strategically placed to encourage such inter-connectivity and to provide pedestrian walkways (pathways) separate of automobile traffic patterns. Such pedestrian routes shall be supported through proper placement of signage, landscaping and architectural elements. An exemption from pedestrian connection from the street or road to the building shall be based on the length, cost, and construction difficulties of the pedestrian connection to the street or road. Any such exemption shall be decided by the Planning Board. In the case of an exemption, an easement and/or right-of-way (easements and right-of-ways shall meet the Town of Lewisville sidewalk standards) shall be dedicated to the Town in lieu of construction of the pedestrian connection.
- (7) **Pedestrian Connectivity - Adjoining Residential Uses.** Pedestrian sidewalks and/or greenways paths shall extend outward from the campus to existing residential developments surrounding the new school site, where feasible, such feasibility to be determined by the Town Council in its sole discretion. These pedestrian pathways shall encourage such inter-connectivity to provide pedestrian walkways (pathways) separate from automobile traffic. Sidewalks and/or greenway paths are encouraged but not required for existing schools, additions, or modular unit additions or extending to remote locations and across athletic and play fields.
- (8) **Site Plan.** A site plan indicating proposed development and pedestrian/vehicular connections in context with overall campus plan shall be provided.
- (9) **Stadium Parking.** One (1) space shall be provided for every four (4) seats including existing parking and adjacent business parking. A parking plan shall be submitted for stadiums over two thousand five hundred (2,500) seats. This parking plan should include green grass parking locations utilized for overflow parking.

- (10) **Stormwater Management Plan Update.** Indicate the impact to, and compliance with the overall campus wide stormwater management plan.
- (11) **Streets.** Development should have a coherent and interconnected street/driveway network. This should include a discernable hierarchy of streets, drives and pedestrian circulation. Said streets and/or drives may be public or private.
- (12) **Parking.** Parking for the proposed site(s) shall be provided so as to minimize the view of parking for adjacent uses and public travel ways through the strategic placement of buildings and parking and the utilization of landscaping, grading, and other architectural features for the screening and buffering purposes.
- (13) **Walkability.** Encourage pedestrian activity with the proper placement of parking in order to minimize fragmentation of the existing and/or proposed pedestrian circulation system. Sidewalks and pathways shall be provided to connect remote parking areas with the central campus environment.
- (14) **Building Orientation.** Buildings shall be oriented toward streets or around courtyards and open space areas. Buildings shall have a common organizational element such as architectural design, color, materials, or detailing. To promote the unification of the campus fabric, buildings should be placed to create and encourage a balanced, compatible mix of uses, in a pedestrian-friendly environment.
- (15) **Building Character.** Through the use of a variety of fenestration patterns, building façade offsets, roof line treatments and other architectural features, the perceived bulk, scale and length and width of the building shall be compatible with surrounding buildings. Maximum building height shall conform to *Section B.2-4.7(D)(2) CD1-C Campus - General Dimensional Requirements*. All buildings should blend with adjacent (on site) development in terms of mass, scale, details and character.
 - i. Elevations are to incorporate "human scale" elements and details. Awnings, covered walkways, open colonnades, or similar weather protection structures may be provided to further define pedestrian circulation areas.
 - ii. Parking decks and other accessory uses shall blend with adjacent buildings in terms of mass, scale, details and character. The main level of

the structure must be clearly articulated through the use of architectural detailing and landscape plantings.

- (16) **Stacking Spaces and Queue Length.** Stacking spaces and queue length shall be provided to accommodate student pick-up and drop off traffic in order to alleviate congestion on roadways. Stacking spaces and queue length shall follow the guidelines referenced by the MSTA (Municipal School Transportation Assistance) and the MSTA school traffic calculator.
- (17) **Lighting.** All outdoor lighting shall be so shielded and oriented as to cast no direct light onto adjacent property in order to mitigate light trespass and sky glow.
- 50. **Shopping Center.** Uses permitted in Shopping Centers shall be all those uses permitted in the applicable zoning district.
- 51. **Signs, Off-Premises.** All signs must comply with the provisions of *Section B.3-1 Sign Regulations*.
- 52. **Storage And Salvage Yard.**
 - (1) **Type.** Motor Vehicle Dismantling and Wrecking Yards are an included use type within Storage and Salvage Yards, so long as they are compliant with the provisions of *Section 2.5.4(52) Storage and Salvage Yard*.
 - (2) **Fencing**
 - i. **Location.** An opaque fence or wall shall be erected on any property line which is adjacent to any street, road, or highway; and all business activity, including storage of articles, shall be conducted within said fence. Fencing requirements shall be one of the following:
 - (a) **Within Fifty (50) Feet of Right-of-Way.** An eight (8) foot high opaque fence is required if located within fifty (50) feet of the right-of-way boundary; or
 - (b) **Beyond Fifty (50) Feet of Right-of-way.** A six (6) foot high opaque fence is required if located fifty (50) feet or more from the right-of-way boundary.
 - ii. **Conditions.** Such fencing shall meet the following conditions:
 - (a) **Construction.** The fence and screening shall be constructed of materials manufactured, sold and used exclusively as fencing materials with consistent height, materials, and color;

(b) **Maintenance.** All fences shall be maintained in sound condition at all times; and,

(c) **Advertising.** Fences shall not contain advertising or other lettering or signs other than lettering which identifies the operation carried on within the enclosure.

(3) **Bufferyards.**

- i. **Type of Bufferyard Required.** In addition to the requirements of *Section B.3-4 Bufferyard Standards*, a type I bufferyard shall be provided alongside and rear lot lines adjacent to property zoned for commercial or industrial use.

53. Storage Facilities for Residents of the Development.

- (1) **Location.** The storage area cannot be located within required open space areas.
- (2) **Setbacks.** The storage area shall meet the required setbacks of the applicable zoning district.
- (3) **Bufferyard.** An opaque fence shall be provided along all sides of the storage area.
- i. A Type I bufferyard with opaque fence shall be provided along all sides of the storage area when the storage area is adjacent to a public street or within fifty (50) feet of a residential lot.
- (4) **Lighting.** If proposed, lighting shall be the lowest level permitted, shielded from all adjacent properties.
- (5) **Surface.** The storage area shall be a stabilized surface and shall be maintained to prevent erosion and materials leaving the enclosed area.
- (6) **Access.** The access drive shall be paved with asphalt or concrete.

54. Swimming Pool, Private. Private swimming pools are permitted as principal uses in all residential districts as indicated in *Table B.2.12 Permitted Uses*, or as accessory uses, provided they meet the following requirements:

(1) **Community Pools.**

- i. **General.** Community pools shall meet all applicable requirements in this UDO, building code requirements, and state requirements.
- ii. **Setback.** Any proposed structures (i.e., pool house, restrooms, maintenance) shall be setback a minimum of twenty-five (25) feet from all property lines.

- iii. **Lighting.** If proposed, lighting shall meet the standards for parking lot lighting.
- iv. **Noise.** No loudspeakers are permitted.
- (2) A swimming pool accessory to a principal residential structure shall meet the setbacks of the primary structures and all applicable building and health codes.

55. Theater, Drive-In.

- (1) **Stacking Area.** Off-street stacking area for motor vehicles shall be provided, in the amount of five percent (5%) of the motor vehicle capacity of the theater.
- (2) **Exit Points.** One or more exits, at locations other than the point of entry, shall be provided.
- (3) **Streetyard.** A streetyard as described in *Section B.3-3 Landscaping Standards* shall be installed in the area between the street property line and the setback line. However, a roadway may be constructed across such area.
- (4) **Bufferyard.** A type I bufferyard shall be provided adjacent to commercially zoned property.
- (5) **Fencing.** A solid fence or wall not less than eight (8) feet in height shall be erected to entirely enclose the theater except at driveways. Said fence shall be installed along street frontage on the setback line required for principal structures. Said wall or fence shall be installed along other property lines to allow planting area for the required bufferyard. Said fence shall be painted, and no such fence shall contain advertising other than lettering which identifies the operation carried on within the enclosure.
- (6) **Screen Orientation.** The theater screen shall be so oriented as not to attract the attention of motorists on streets.
- (7) **Sound.** Any mechanically produced sound shall be delivered to each motor vehicle by an individual speaker.

56. Transmission Towers.

- (1) **Applicability.** Transmission towers which are principal or accessory uses shall meet the following requirements.
- (2) **Prohibited Districts.** Transmission towers shall not be permitted as a principal or accessory use in RS Districts south of Yadkinville Road.
- (3) **Fencing.** Security fencing at least six (6) feet in height shall be installed around the tower and any ground equipment or buildings.

- (4) **Setback.** The tower shall be set back a minimum one hundred (100) feet from any adjacent zoning lot zoned RS, RM, YR, AG, or H; and a minimum forty (40) feet from any other adjacent zoning lot or public street. Buildings must meet the setback requirements for principal structures of the underlying district.
- (5) **Signage.** No business signs, billboards, or other advertising shall be installed on the tower.
- (6) **Bufferyard.** Where the transmission tower is located within two hundred (200) feet of an adjacent zoning lot or street and there is no intervening structure to block the view of the tower base and improvements, a type IV bufferyard as described in *Section B.3-4 Bufferyard Standards* shall be installed around the outside of all improvements on the site, including the tower, any ground buildings or equipment, and security fencing, so as to provide spatial separation and create a visual block from adjacent properties and streets.
- (7) **Control of Land.** All land necessary for improvements, including the transmission tower, buildings, fencing, and landscaping, shall be in ownership of or under lease by the tower operator.
- (8) **Exemptions.**
 - i. **Attached or Incorporated in a Structure.** Transmission towers located on nonresidential structures or incorporated into other structures, which structures are devoted to a use not related to the transmission tower, are exempt from the security fencing, setback, bufferyard, and control of land requirements of this Section. All ground equipment or buildings shall be placed underground or screened from view.
 - ii. **Utilities Rights-of-Way.** Transmission towers located within electrical utility company right-of-way are exempt from the setback and bufferyard requirements of this Section.
- (9) **Co-Location.**
 - i. **Other Structures.** Co-location of antennas of more than one service provider on individual transmission towers is encouraged, subject to the verified structural and mechanical capabilities of the tower. If no other towers, buildings, or other structures exist within the applicant's tower site search area that are structurally capable of supporting the intended

antenna or configuration of antennas or meeting the applicant's necessary height criteria or provide a location free from interference of any nature, then satisfactory evidence to that effect shall be submitted by a qualified expert at the time of application for the earliest required approval.

- ii. **Other Users.** All transmission towers installed after the effective date of this Ordinance shall be structurally and mechanically capable of accommodating the antenna or array of antennas of more than one user/transmitter, unless the tower is incapable of supporting more than one user/transmitter due to the design of the tower which is incorporated into another structure in compliance with *Section B.2-5.4(56) Transmission Towers*. Monopoles shall accommodate a minimum of two total users, lattice or other types of towers shall accommodate a minimum of three total users. These users shall be in addition to the local jurisdiction which may place devices per *Section B.2-5.4(56) Transmission Towers*. Certification as to the tower's structural and mechanical capability to accommodate colocation shall be provided by a professional engineer or other qualified professional.
 - iii. **Access.** Access to available space on any towers shall not be denied to any competitive users or service provider, unless the tower is dedicated for Town or use (fire and emergency services) or utility provider of electricity or other essential public service.
 - iv. **Nonconforming Uses.** Requirements for co-location on transmission towers which are nonconforming are contained in *Section A.5 Nonconformities*.
- (10) **Termination of Use.** A tower that is no longer used for communication purposes must be removed within 120 days of the date it is taken out of service.
 - (11) **Easement for Public Facilities.** At the request of the local jurisdiction, an easement shall be granted to the jurisdiction to place cameras, monitors, two-way mobile radio equipment, or other desired telecommunications devices; however such devices may be restricted so as not to affect the functioning of the antenna or array of antennas of the tower operator or service provider.
 - (12) **Placement on or Within Large Structures.** Notwithstanding the requirements of *Table B.2.12 Permitted Uses*, transmission towers meeting

the provisions of *Section B.2-5.4(56)(8) Transmission Tower Exemptions* or located on large, non-habitable public or utilities structures, including but not limited to trestles of major electrical distribution lines but excluding water towers, are permitted under the following conditions:

- i. **Zoning Permit.** A zoning permit from the Planning Director is required.
- ii. **Compliance with Use Conditions.** Use conditions regarding signage must be complied with.

(13) **State Plane Coordinates.** All site plans submitted in conjunction with requests for transmission towers shall include the location of the proposed tower by State Plane Coordinates and above ground level and sea level elevations, based on 1983 North America datum. All towers operated by the applicant within the corporate limits of Lewisville and within one-quarter ($\frac{1}{4}$) mile of the Forsyth County borders shall also be similarly located and submitted with the site plan.

(14) **Color, Finish, Lighting.** Unless otherwise required by the Federal Aviation Administration (FAA), the finish of the transmission tower shall be non-shiny or glossy; any painted color shall be muted or neutral; and no lights or strobe lights shall be placed on the tower. If lights are required by the FAA, the least obtrusive lighting option available under FAA guidelines shall be installed; white strobe lights are discouraged from use.

57. Utilities

(1) **Setbacks.** Any structure erected or use instituted shall be set back not less than forty (40) feet from property lines of any adjacent residentially zoned property.

(2) **Residential Districts.** The following conditions apply in residential districts:

- i. **Health or Safety Hazards.** All uses which may produce health or safety hazards shall be enclosed by a fence a minimum of six (6) feet in height.
- ii. **Bufferyard.** All uses which may be potential nuisances by creating glare, dirt, noise or other adverse impacts shall be screened, except for driveways, with a type I bufferyard as specified in *Section B.3-4 Bufferyard Standards*.

iii. **Exemptions.**

- (a) **General.** Exempt from the provisions of this Section are lines for the transportation, transmission, and distribution of the various utilities.

This category includes but is not limited to electricity, telegraph, and telephone services and their supporting structures, other than buildings; the lines related to sewerage, water, oil, steam and gas; and rail trackage.

- (b) **Fencing and Screening.** Exempt from the above fencing and screening requirements are reservoirs, water treatment plants, and wastewater treatment plants.

58. Veterinary Services and Animal Shelter, Public. The following conditions apply to veterinary services:

- (1) **Location and Setbacks.** Veterinary services may be permitted in attached buildings; however, any end unit in an attached building or any freestanding building containing such a use must be set back at least twenty (20) feet from any side lot line and forty (40) feet from any rear lot line. Any end unit of an attached building or any freestanding building containing such a use abutting a residential district shall be set back not less than forty (40) feet from any residential boundary.
- (2) **Enclosure of Facilities.** The veterinary services use shall be fully enclosed.

B.3

3. OTHER DEVELOPMENT STANDARDS

3-1. SIGN REGULATIONS

3-1.1. GENERAL REQUIREMENTS

A. Applicability. The provisions of this Section shall govern all signs within the Town of Lewisville. It is the purpose of this Section to promote the public health, safety, and general welfare through reasonable, consistent, content-neutral, and non-discriminatory sign standards.

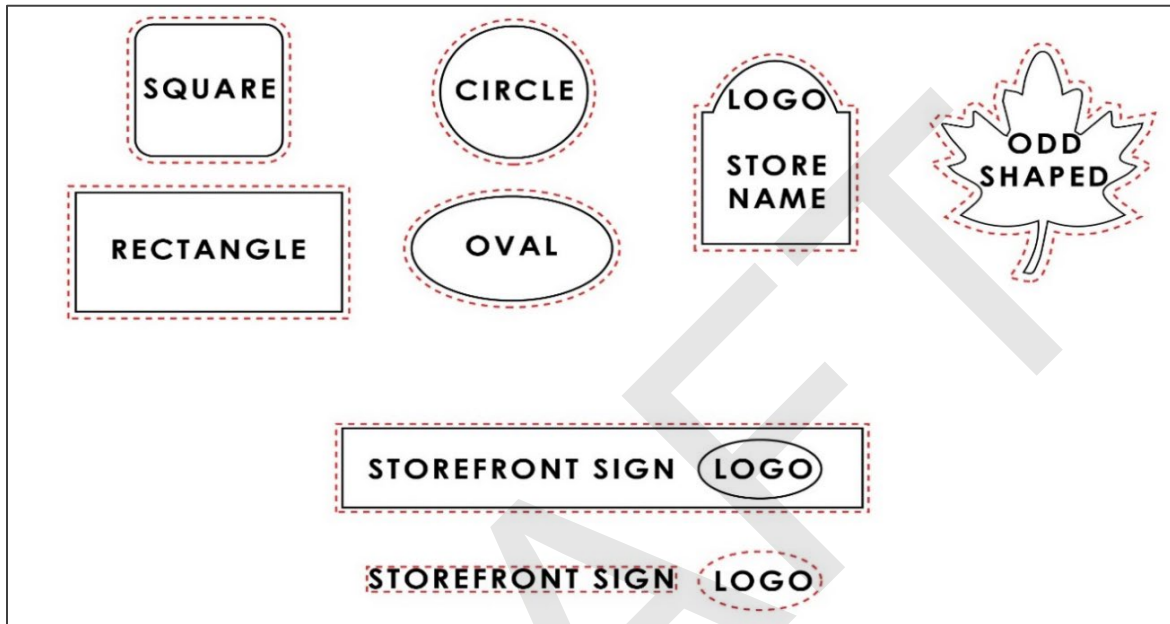
1. No sign may be constructed, erected, altered, replaced, or modified except in accordance with the requirements of this Section.
2. This Section is intended to support aesthetic improvement of the Town of Lewisville through diverse sign types and to protect the general safety of pedestrians and motorists.
3. No portion of this Section is intended to violate free speech rights.

3. Other Development Standards.....	189
3-1 Sign Regulations.....	189
3-2 Parking and Loading Standards..	207
3-3 Landscaping Standards	248
3-4 Bufferyard Standards.....	269
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3-6 Architecture Standards	285
3-7 Protection Of Public Rights-Of-Way and Greenways.....	311
3-8 Drinking Water Supply and Wastewater Management	313
3-9 Other Standards	314

4. Any type of sign not expressly permitted or exempted in this UDO is prohibited.
- B. **Zoning Permit Required.** A zoning permit shall be secured from the Planning Director prior to the construction, reconstruction, erection, enlargement, relocation, or structural alteration of any sign.
- C. **Illumination.** Signs shall be directly externally illuminated and be so shielded as not to cast direct light onto any residential district.
- D. **Materials.** Signs shall be made of wood, brick, metal, stone, or other similar materials.
- E. **Colors.** Signs shall be consistent with the color of the primary building, unless necessary to conform with proprietary colors established in a registered copyright or trademark.
- F. **Signs in the Downtown Overlay.** Signs in the Downtown Overlay shall comply with *Section B.3-1.1(E) Colors*.
- G. **Measurement of Sign Area.**
 1. **Wall Face.** Total wall face, for the purposes of calculating the sign area of a wall sign shall be determined as follows:
 - (1) In a single-story building:
 - i. All of the vertical surface of a single plane wall; and
 - ii. For recessed or projecting surfaces, the sum of all the vertical surfaces.
 - (2) In a multi-story building, all of the vertical surface of the main floor only; or if multi-tenant or multi-levels, then the vertical surface of each level may be used in determining the area of each sign.
 - (3) For the purposes hereof, the term "single story" shall mean a maximum of fifteen (15) feet as it pertains to determining the maximum area of sign.
 - (4) Sign area of a wall sign placed on an irregular area, such as a gable or dormer, shall be based on the vertical surface area of that feature.
 - (5) The maximum area of any wall sign shall not exceed one hundred fifty (150) square feet.
 2. **Area Calculation.** The sign area shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof, which will encompass

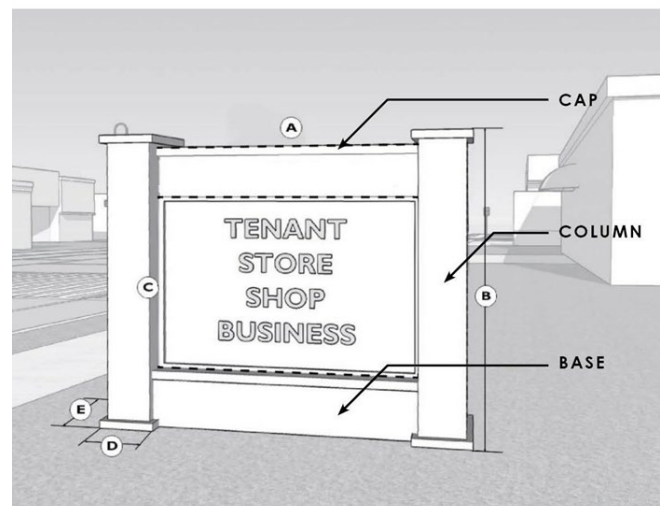
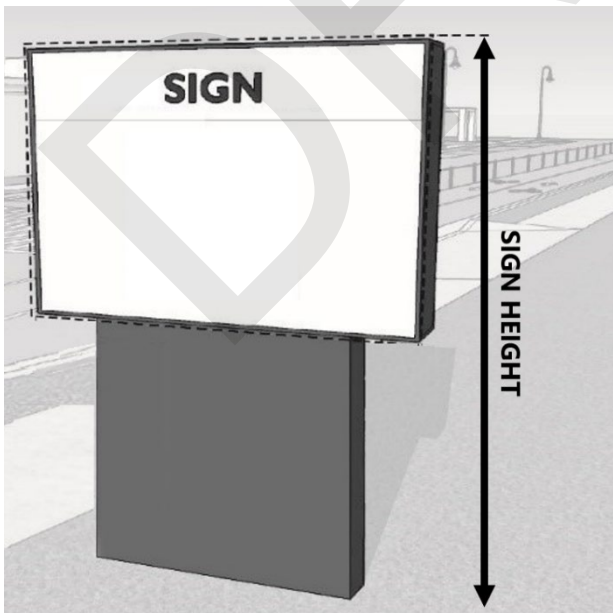
the entire sign designated to attract attention. Any such measurements shall be taken on only one face of the sign; however, informational or advertising matter may be displayed on both sides of any permitted sign.

Figure B.3.1 Area Calculation of Signs



3. **Sign Height.** Sign height shall be measured from the highest portion of the copy area.

Figure B.3.2 Sign Height Illustration



3-1.2. PROHIBITED SIGNS

- A. **Flashing Lights.** Signs displaying intermittent or flashing lights similar to those used in governmental traffic signals or used by police, fire, ambulance, or other emergency vehicles.
- B. **Use of Warning Words or Symbology.** Signs using a word, phrase, symbol, or character similar to terms used in a public safety warning or traffic signs.
- C. **Temporary, Nonpermanent Signs.** Temporary, nonpermanent signs, including overhead streamers, are not permitted in any zoning district, unless otherwise specified in these regulations.
- D. **Moving and Flashing Signs.** Moving and flashing signs, excluding electronic time, temperature, and message signs, are not permitted in any zoning district. Wind signs (any sign or display including, but not limited to, flags or banners, except those flags and banners permitted in this Section; gas, cold air or hot air balloons; streamers; and rotating devices, fastened in such a manner to move upon being subjected to pressure by wind or breeze), are also prohibited except where specifically permitted by the terms of this Section.
- E. **Roof Signs.** Roof signs are not permitted, except such roof signs which existed as of the effective date of this Ordinance.
- F. **Rooftop Penthouses or Unenclosed Screening.** No signage is permitted on either roof top penthouses or unenclosed screening of roof top mechanical equipment.
- G. **Neon, plastic panel, and internally lighted signs.**

3-1.3. TEMPORARY SIGNS

- A. **Grand Opening Signs.** Signs that advertise grand opening events for new business locations on premises in nonresidential zoning districts are permitted according to the following criteria:
 - 1. Maximum duration: fourteen (14) days;
 - 2. Maximum copy are: forty-eight (48) square feet for wall signs and six (6) square feet for ground and projecting signs;
 - 3. Maximum height for ground signs: four (4) feet.

3-1.4. EXEMPT SIGNS

- A. **Local, State, and National Flags.** Official Government Flags, per G.S. 144-7, including local, state, and national flags.
- B. **Job Site Signs.** Signs placed in districts that help contractors identify job sites are permitted provided they shall be removed when that trade is no longer active at the site.

3-1.5. PERMITTED SIGNS

A. Signs Permitted in Any District.

- 1. **Entrance and Exit Signs (Directional).** One (1) entrance and one (1) exit sign containing a maximum of two (2) square feet each and a maximum height of three (3) feet shall be permitted per driveway. Entrance and exit signs shall contain no commercial content other than a symbol, name or logo of the establishment it serves.
- 2. **Emergency, Safety, Warning, or Traffic Signs.** Emergency, safety, warning, or traffic signs installed by or at the direction of a governmental authority, or with its approval, shall be permitted without size limitations.
- 3. **Real Estate Signs.** In all RS and RM Districts, a real estate sign is limited to six (6) square feet. In all other districts, real estate signs shall not exceed a maximum sign size of four (4) feet long and four (4) feet wide with a maximum height of four (4) feet. Lead-in (directional) signs are allowed.
- 4. **Political Signs.**
 - (1) During the period beginning on the 30th day before the beginning date of early voting under G.S. 163-32 and ending on the 10th day after the primary or election day, political signs may be placed in the right-of-way of any NCDOT state-maintained road. Any political sign remaining in the right-of-way more than 30 days after the end of the period prescribed in this subsection shall be deemed unlawfully placed and abandoned property, and a member of Town staff may remove and dispose of such political sign without penalty.

(2) **Sign Placement.**

- i. No sign shall be permitted in the right-of-way of a fully controlled access highway.
- ii. No sign shall be closer than three feet from the edge of the pavement of the road.
- iii. No sign shall obscure motorist visibility at an intersection.
- iv. No sign shall be higher than forty-two (42) inches above the edge of the pavement of the road.
- v. No sign shall be larger than three hundred eight (308) square inches.
- vi. No sign shall obscure or replace another sign.

5. **On-premises Religious Institution Signs.** On-premises signs for religious institutions are permitted with the following conditions:

- (1) **Freestanding Identification Signs.** One sign permitted per street frontage; maximum copy area eighteen (18) square feet; maximum height five (5) feet. Other standards of *Sections B.3-1.7(A)(2,4,9) Ground Signs, Projecting Signs – Location and Setbacks, Number of Faces, and On-Premises Ground and Projecting Signs in the YR, AG, MH, and RS Districts* shall apply.
- (2) **Wall Signs.** One wall sign per street frontage permitted, consistent with the requirements of *Section B.3-1.7(C) Wall Signs*. No roof signs are permitted.
- (3) **Projecting Signs.** Projecting sign permitted consistent with *Sections B.3-1.7(A)(2,4,9) Ground Signs, Projecting Signs – Location and Setbacks, Number of Faces, and On-Premises Ground and Projecting Signs in the YR, AG, MH, and RS Districts* shall apply.
- (4) **Awning Signs.** Awning signs not permitted.
- (5) **Bulletin Boards.** One (1) on-premises bulletin board with changeable copy permitted per church entrance; maximum exterior sign dimension eighteen (18) square feet permitted. Bulletin board signs shall be located within twenty (20) feet of a building on the church property.

6. **Occupancy Signs.** Occupancy signs shall be limited to one sign per dwelling unit or principal use, and no such sign shall exceed one square foot in area.

7. **Historical Markers.** Historical markers shall be erected or placed by a bona fide historical association or by a governmental agency and shall not exceed twelve (12) square feet in area.
8. **Municipal Special Event Indicator.** Municipal Special Event Indicators including signs, banners or streamers displayed in the downtown, center city, or other limited areas, which promote special points of interest and events and do not exceed fourteen (14) square feet in area are permitted. Said signs shall be installed by the Town of Lewisville, its agents, or employees, at the direction of, or with the approval of, the Town Council.
9. **Agricultural Signs.** Up to two (2) off-premises directional signs are permitted for agricultural produce grown and sold on the premises.
10. **Residential Construction and Development Signs.** Temporary signs that identify construction and marketing information for residential subdivisions and planned residential developments are permitted during construction provided:
 - (1) Maximum number: one;
 - (2) Maximum copy area: thirty-two (32) square feet;
 - (3) Maximum height: ten (10) feet;
 - (4) Maximum duration: no such sign shall exist beyond issuance of at least seventy-five (75) percent of the development's Certificate of Occupancies or when construction ceases for twelve (12) months, whichever occurs first.
11. **Commercial Construction and Development Signs.** Temporary signs that identify construction and marketing information for commercial properties are permitted provided they meet the following requirements:
 - (1) Signs at construction sites for new development.
 - (2) Maximum number: one;
 - (3) Maximum copy area: thirty-two (32) square feet;
 - (4) Removal: upon issuance of a Certificate of Occupancy or after twelve (12) months, whichever occurs first;
 - (5) Additional signage: following receipt of a Certificate of Occupancy, one additional sign is permitted with a maximum sign size of four (4) feet long and

four (4) feet wide with a maximum height of four (4) feet for a period not to exceed one year.

- (6) Signs at construction sites for redevelopment of building(s) with one to three (3) tenants are permitted provided the developer displays leasing or construction information on the existing permitted ground, wall, or projecting sign.
- (7) Signs at construction sites for redevelopment of building(s) with four (4) or more tenants shall be permitted a maximum sign size of four (4) feet long and four (4) feet wide with a maximum height of four (4) feet to display only marketing and leasing information.

Figure B.3.3 Illustrative Example of Building Signs



B. Application of Table of Permitted Districts for Signs. The following signs shall be permitted only in the zoning districts as indicated in *Table B.3.1 Permitted Districts for Signs*, and shall comply with all regulations of the applicable district unless otherwise regulated by specific regulations of this Section.

Table B.3.1 Permitted Districts for Signs

	RM	NO	GO	PB	LB	HB	GI	IP	C	MU-C	CD1-C	LD1-C	LD2-C
Off-Premises Signs													
Ground Sign						P	P			P			
On-Premises Signs													
Ground Sign	P	P	P	P	P	P	P	P	P	P	P	P	P
Awning		P	P	P	P	P	P	P	P	P	P	P	P
Projecting Sign	P	P	P	P	P	P	P	P	P	P	P	P	P
Wall Sign	P	P	P	P	P	P	P	P	P		P	P	P

Notes:

P = Districts in which signs permitted; zoning permit required.

3-1.6. OFF-PREMISES SIGNS

A. Ground Signs.

1. **Zoning Districts.** Ground signs (off-premises) are permitted only in the districts as shown in *Table B.3.1 Permitted Districts for Signs* and only along designated roads which are not identified as view corridors listed in Section B.3-1.6(A)(2) *View Corridors*.
2. **View Corridors.** No off-premises sign shall be permitted on the north and south sides of US 421 within the Town of Lewisville Corporate Limits. Formerly referred to as View Corridor “N”.
3. **Designated Roads.**
 - (1) **Permitted Areas.** Ground signs (off-premises) are permitted only along roads in the Interstate System or the National Highway System.
4. **Location and Setbacks.**
 - (1) **Distance from the centerline.** Ground signs (off-premises) shall be located within six hundred sixty (660) feet of the centerline of the roadway to which they are oriented.

- (2) **Spacing.** Ground signs (off-premises) shall be located no closer than one thousand (1,000) feet from other off-premises signs on the same side of the road.
- (3) **Setback.** Ground signs (off-premises) shall be set back from each property line a minimum of fifteen (15) feet.
- (4) **Distance from Residential Zones.** Ground signs (off-premises) shall be located no closer than the following distances from residentially zoned property:
 - i. Off-premises signs must be located a minimum of 400 feet from any residentially zoned property.
 - ii. The distance shall be measured from the nearest point of the sign to the nearest point of the property line that is residentially zoned.
 - iii. The right-of-way shall be included as part of the 400 foot requirement.

5. **Size.**

- (1) **Maximum Sign Area.** The maximum sign area of an off-premises ground sign shall be limited, depending on location, as follows:
 - i. On freeways/expressways in the Interstate System, the maximum sign size shall be six hundred seventy-two (672) square feet plus one hundred (100) square feet for extensions.
 - ii. On other roads in the National Highway System the maximum sign size shall be three hundred (300) square feet.
- (2) **Height.** Off-premises ground signs shall be limited to a maximum height of thirty-five (35) feet above the roadway to which it is oriented or grade of the site on which the sign is located, whichever is higher.

- 6. **Number of Faces.** Off-premises ground signs shall be permitted to have a maximum of two (2) faces, provided, however, that stacked and/or rooftop locations of off-premises signs shall not be permitted.

3-1.7. ON-PREMISES SIGNS

A. Ground Signs, Projecting Signs.

1. **Zoning Districts.** Ground signs (on-premises) and projecting signs are permitted only in the districts as shown in *Table B.3.1 Permitted Districts for Signs* or as specified in *Section B.3-1.7(A)(9) On-Premises Ground and Projecting Signs in the YR, AG, MH, and RS Districts*.
2. **Location and Setbacks.**
 - (1) All parts of ground signs (on-premises) must be completely out of any public or private right-of-way and any dedicated access easements.
 - (2) On premises projecting signs that come within six (6) feet of the edge of a right-of-way shall be ten feet above the grade and shall not extend into the right-of-way.
 - (3) Ground signs (on-premises) shall be set back a minimum of fifteen (15) feet from any structure used exclusively as a residence.
3. **Size.**
 - (1) **Maximum Sign Area.** The maximum sign area of ground (on-premises) signs in any zoning district shall be limited in area to a maximum of eighteen (18) square feet. Projecting signs in any zoning district shall not exceed an area of six (6) square feet.
 - (2) **Height.** The maximum height of a ground (on-premises) sign shall be five (5) feet, measured from the road to which the sign is oriented or grade of the site, whichever is higher.
4. **Number of Faces.** Ground signs (on-premises) which contain two (2) faces may contain up to the maximum sign area as computed under size requirements in this Section, for each face. Signs with three (3) faces shall contain a minimum of fifteen percent (15%) less sign area for each face than the standard maximum. A sign with four (4) faces shall contain a minimum of thirty percent (30%) less sign area for each face than the standard maximum.

5. Number.

- (1) **Maximum.** If the frontage abuts more than one street, one on-premises ground or projecting sign shall be permitted per street

6. Exceptions.

- (1) **Corner Lots and Lots with Two Hundred Fifty (250) Feet of Frontage.** Corner lots and lots with two hundred fifty (250) or more feet of frontage are permitted a fifty percent (50%) addition in maximum ground and projecting sign size for using one sign where two (2) would be allowed.
- (2) **Lots of Three (3) Acres or More.** On zoning lots containing three (3) acres or more, the maximum size of ground and projecting signs shall be that permitted in the zoning district where the sign is permitted, regardless of the amount of road frontage of the lot.
- (3) **Shopping Centers.**
 - i. **Number and Size.** Any shopping center or multiple proprietorships in one building or connected buildings occupied by four (4) or more tenants shall be permitted a fifty percent (50%) increase in ground sign (on-premises) area. If the lot frontage is greater than one hundred fifty (150) feet, two (2) ground signs may be used with seventy-five (75) feet separation between signs and the fifty percent (50%) addition applies to both signs.
 - ii. **Freestanding Building Signs.** A freestanding building located within designated shopping center parking lots and containing eight hundred (800) square feet or more shall be permitted one additional ground sign (on-premises) not to exceed thirty-six (36) square feet.
7. **Movie Theaters and Performance Halls.** A changeable copy marquee may apply to either a ground or projecting sign with a fifty percent (50%) addition to the maximum size permitted in the district.

Figure B.3.4 Marquee Sign

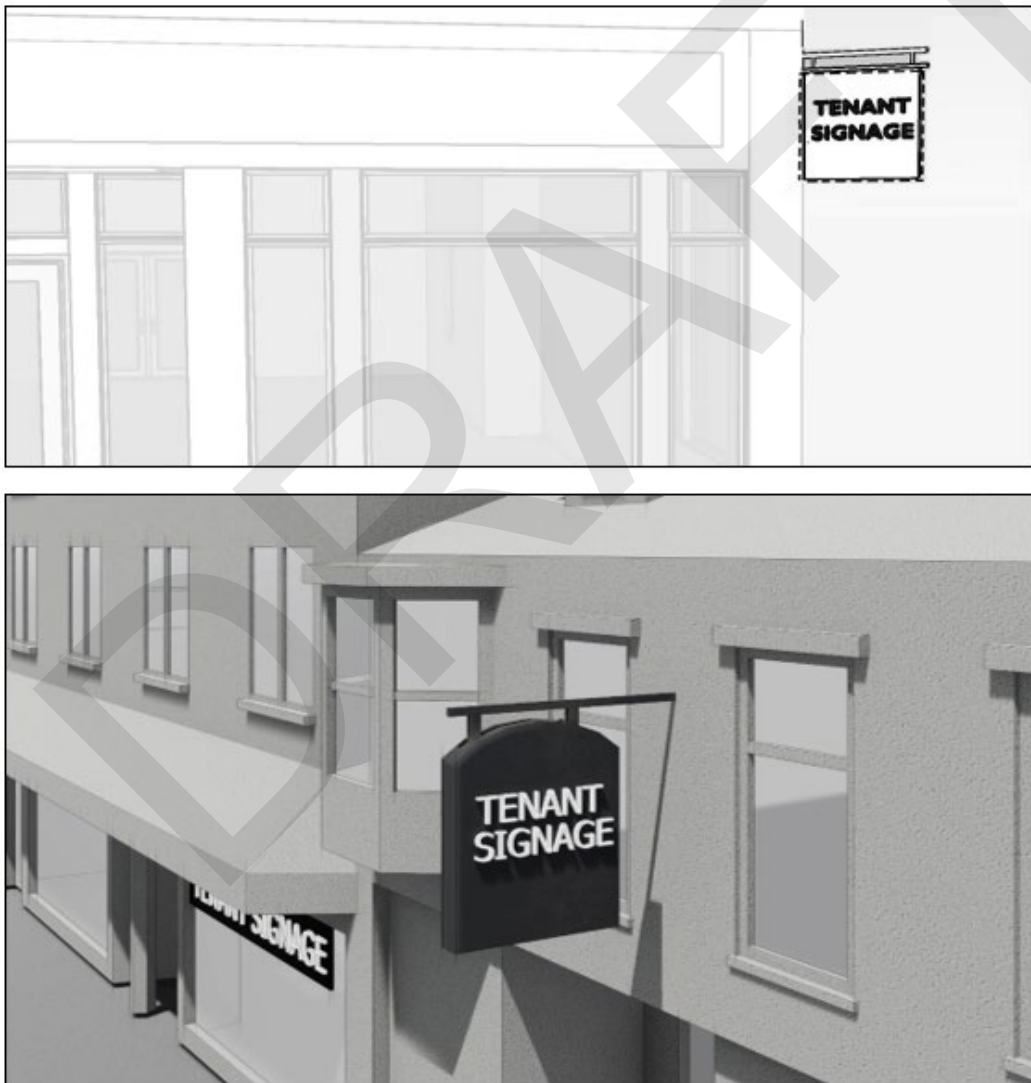


8. **Illumination in RM Districts.** In any RM District, signs may only be illuminated externally and indirectly.
9. **On-Premises Ground and Projecting Signs in the YR, AG, MH, and RS Districts.**
 - (1) **Permitted Districts and Uses.** On-premises ground and projecting signs are allowed with the following uses in the YR, AG, and MH Districts, and in any RS District:
 - i. Agriculture production
 - ii. Cemetery, licensed or unlicensed
 - iii. Child day care center accessory to a church or school
 - iv. Church or Religious Institution, Neighborhood and Community
 - v. Golf course
 - vi. Golf Driving Range
 - vii. Manufactured housing development
 - viii. Park and shuttle lot
 - ix. Planned residential development and subdivision
 - x. Riding stable
 - xi. Shooting range, outdoor

xii. Utilities

- (2) **Number and Size.** Only one sign per use with a maximum of eighteen (18) square feet per zoning lot per street or right-of-way frontage. If a zoning lot is permitted more than one sign, there shall be at least fifty (50) feet of spacing between each sign.
- (3) **Height.** Fifteen (15) feet maximum, measured from the road or grade of the site to which the sign is oriented, whichever is higher.
- (4) **Illumination.** Signs may only be illuminated externally and indirectly.

Figure B.3.5 Projecting Sign



B. Subdivision Signs.

1. **Zoning Districts.** Subdivision Signs are permitted only in the districts as shown in *Table B.3.1 Permitted Districts for Signs* for Ground Signs.
2. **Location.** Subdivision signs may be placed on a subdivision wall or fence provided that no part of the wall or fence exceeds six (6) feet in height.
3. **Size.**
 - (1) **Maximum Sign Area.** The maximum sign area of subdivision signs in any zoning district shall be limited in area to a maximum of twenty-four (24) square feet.
 - (2) **Height.** The maximum height of a subdivision sign shall be eight (8) feet, measured from the road to which the sign is oriented or grade of the site, whichever is higher.
4. **Number.** A maximum of two (2) signs per entrance are permitted.

Figure B.3.6 Subdivision Sign

**C. Wall Signs.**

1. **Zoning Districts.** Wall signs are permitted only in the districts as shown in *Table B.3.1 Permitted Districts for Signs* or as specified in *Section B.3-1.7(C)(5) Wall Signs in the YR, AG, MH, and RS Districts*.

2. Size.

- (1) **Maximum Size.** On-premises wall signs shall be limited to ten percent (10%) of the wall size. In calculating the size of a wall sign, the square footage of the principal building and accessory building(s) may be combined and the wall sign may be located on the wall of the accessory building; providing, however, the maximum size of such wall sign on the wall of an accessory building shall be no greater than thirty-six (36) square feet in area and not higher than ten (10) feet in height.
- (2) **Restrictions in NO Districts.** In the NO District, sign size shall be limited to eight (8) square feet.

3. Height.

- (1) **Flat Roof Building.** No roof signs are permitted. No wall sign shall project more than fifty percent (50%) of its height above the wall on which it is placed, but in no case shall extend more than two (2) feet above the wall.
- (2) **Peaked Roof Building.** Signs shall not extend above the peak of the roof.

4. Number.

- (1) **Maximum Number.** Only one wall sign per tenant and per wall shall be permitted.

5. Wall Signs in the YR, AG, MH, and RS Districts. Wall signs are allowed with the following uses in the YR, AG, and MH Districts, and in any RS District:

- (1) Agriculture production
- (2) Cemetery, licensed or unlicensed
- (3) Child day care center accessory to a church or school
- (4) Church or Religious Institution, Neighborhood and Community
- (5) Golf course or golf driving range
- (6) Manufactured housing development
- (7) Park and shuttle lot
- (8) Planned residential development
- (9) Riding stable

(10) Shooting range, outdoor

(11) Utilities

Figure B.3.7 Wall Sign



D. Advertising.

1. **Definitions.** The following definitions apply only to this subsection of off-premises signs.
 - (1) **Monetary compensation.** An amount equal to the sum of (i) the greater of the fair market value of the nonconforming on-premises advertising sign in place immediately prior to the removal or the diminution in value of the real estate resulting from the removal of the sign and (ii) the cost of a new on-premises advertising sign that conforms to the local government's development regulations.
 - (2) **On-Premises advertising sign.** A sign visible from any local or State road or highway that advertises activities conducted on the property upon which it is located or advertises the sale or lease of the property upon which it is located.
 - (3) **Reconstruction.** Erecting or constructing anew, including any new or modern instrumentalities, parts, or equipment that were allowed under the local development rules in place at the time the sign was erected.
2. **Relocation or reconstruction.** Notwithstanding any local development regulation to the contrary, a lawfully erected on-premises advertising sign may be relocated or reconstructed within the same parcel so long as the square footage of the total

advertising surface area is not increased, and the sign complies with the local development rules in place at the time the sign was erected. The construction work related to the relocation of the lawfully erected on-premises advertising sign shall commence within two years after the date of removal. The local government shall have the burden to prove that the on-premises advertising sign was not lawfully erected.

3. **Payment of removal.** A local government may require the removal of a lawfully erected on-premises advertising sign under a local development regulation only if the local government pays the owner of the sign monetary compensation for the removal. Upon payment of monetary compensation, the local government shall own the sign and remove it in a timely manner.
4. **Compliance.** Nothing in this Section shall be construed to diminish the rights given to owners or operators of nonconforming uses, including nonconforming structures, as set forth in G.S. 160D-108 or the rights of owners or operators of outdoor advertising signs in Article 11 of Chapter 136. (2024-45, s. 23.1(a).)

3-1.8. OTHER SIGN REGULATIONS

- A. **Menu Boards, Fast Food Restaurants.** Menu boards for fast food restaurants must be located in such a way as to be viewed from a designated drive-through lane and not located within the required front, side, or rear yards.
- B. **Adult Establishment Advertisements.** Adult establishments shall not be permitted to display promotional materials visible to the public from pedestrian sidewalks or walkways; nor shall any signage contain lewd or offensive language, or any sort of sexually explicit graphics.
- C. **Nonconforming Uses.** Nonconforming uses shall be permitted on-premises ground, projecting, roof, or wall signs, provided such signs are on the premises of the use and provided:
 1. Existing signs as of the time of adoption of this Ordinance which advertise a nonconforming use on a site shall comply with the requirements of any zoning district which would permit such use. These existing signs may be replaced so long as there is no increase or extension to the dimensions and height of the existing sign. Existing signs meeting these requirements may be replaced due to deterioration or destruction.

2. Nonconforming uses which do not have ground (on-premises) signs on the site as of the time of the adoption of this Ordinance shall not be permitted to install such signs.

D. **Removal of Nonconforming Temporary Sign.** Town employees and their designees may remove nonconforming temporary signs located within any public right-of-way, except for those permitted by G.S. 136-32(b) and/or G.S. 136-32(f) during certain elections periods. Whenever a nonconforming sign on private property is found to exist within the Town, the Town Manager or designee(s) shall give written notice to the owner or occupant of the property upon which such sign exists or upon the person causing or maintaining the sign. The issued notice to remove a sign shall contain:

1. An order to remove the sign or to request a hearing within a specified period of time;
 2. The location of the sign;
 3. A description of the sign;
 4. A statement of acts necessary to abate the situation;
 5. A statement that if the sign is not removed or the situation abated as directed and no request for hearing is made within the prescribed time, the Town will remove such sign and assess the cost thereof upon the landowner of record.
- (1) The opportunity for a hearing with the Town Manager shall be granted upon written request, properly delivered to the Town Manager within fifteen (15) days of having received notice to remove the sign.

3-2. PARKING AND LOADING STANDARDS

3-2.1. GENERAL REQUIREMENTS

- A. **Parking, Stacking, Loading and Driveway Access Required.** In all districts off-street parking, stacking, loading and driveway access shall be provided in compliance with this Section, unless otherwise provided in this Ordinance.
- B. **Change in Size.** Only those portions of existing buildings or structures enlarged after the adoption of this Ordinance shall comply with the requirements of this Section.
- C. **Changes in Use.** If a change in principal use or the addition of an accessory use causes an increase in the required number of off-street parking, stacking, or loading

spaces, such additional spaces based on the net sum of the change as compared to the available parking shall be provided in accordance with the requirements of this Section. However, if the change in use requires an increase of less than five percent (5%) in the required number of spaces, no additional off-street parking, stacking, or loading spaces shall be required.

- D. **Use for No Other Purpose.** Land approved, designated and or used primarily to provide required parking, stacking, and loading shall not be used for any other purposes except for temporary events as regulated by this Code.
- E. **Maximum Parking.** Maximum parking shall be reviewed per *Section B.3-2.2(F) Authority to Administratively Approve Parking Exceeding the Maximum Permitted* below
- F. **Separation of Parking and Loading Areas.** Except where otherwise permitted, no loading area or access drive to serve such loading area shall be used for required parking. Likewise, no parking area or access drive to serve such parking area shall be permitted and or serve as a required loading area.
- G. **Maintenance and Operation.**
 - 1. **Maintenance.** All parking, stacking, and loading areas shall be permanently maintained by the owners or occupants for as long as the principal use exists.
 - 2. **Operation.** All required parking areas shall be used exclusively for the parking of vehicles. Parking areas shall not be used for the storage of merchandise, location of dumpsters, or for the storage or repair of vehicles or equipment. Parking areas shall not be used for the sale of merchandise except on a temporary basis for special events.
- H. **Access.** The principal access to all parking, stacking, and loading areas shall have vehicular access to a publicly dedicated street, road or highway maintained by either the North Carolina Department of Transportation (NCDOT) or the Town of Lewisville. Alleyways may be used for secondary access and maneuvering areas.
- I. **Prohibited Locations.**
 - 1. No parking, stacking, or loading area, access drive or driveway shall be located over a sand filter or nitrification field.

3-2.2. OFF-STREET PARKING REQUIREMENTS

A. **Number of Spaces.** Required Off-Street Parking for Principal Uses is provided in *Table B.3.2 Off-Street Parking Requirements* and Required Off-Street Parking for Accessory Uses is provided in *Table B.3.3 Accessory Use Off-Street Parking Requirements*. Bicycle parking and other alternative parking options are provided in *Section B.3-2.5 Alternatives and Incentives*. Unlisted Uses shall be considered in accordance with *Section B.3-2.2(C) Unlisted Uses* below. Special requirements, including maximum allowed spaces applicable to new uses constructed after the effective date of this Ordinance, are provided under the Notes column of *Table B.3.2 Off-Street Parking Requirements* where appropriate.

Table B.3.2 Off-Street Parking Requirements

PRINCIPAL USES	MINIMUM REQUIREMENTS	NOTES
RESIDENTIAL USES		
Residential Building,	2 spaces per dwelling unit	Garage excluded from required parking. Minimum driveway length 20 feet unless rear loaded
Single Family		
Duplex or Twin Home	2 spaces per dwelling unit	Garage excluded from required parking. Minimum driveway length 20 feet unless rear loaded
Multifamily or Townhouse	1 space per 5 dwelling units for visitor parking PLUS	All visitor parking spaces shall be designated "visitor only".
Efficiency	1 space per dwelling unit	Single room occupancy (SRO) facilities are considered efficiencies.
1 Bedroom	1.5 spaces per dwelling unit	
2 Bedroom	1.75 spaces per dwelling unit	
3 Bedroom	2 spaces per dwelling unit	
Manufactured Home	2 spaces per manufactured home	
Manufactured Housing Development	1.5 spaces per manufactured home	A minimum of one space shall be located within the applicable manufactured home space. Additional required parking may be located in group parking areas no further than 150 feet from units being served.

PRINCIPAL USES	MINIMUM REQUIREMENTS	NOTES
Boarding or Rooming House	1 space per bedroom plus two spaces for resident manager	
Congregate Care Facility	0.5 spaces per dwelling unit	
Family Care Home	1 space per 3 residents	
Family Group Home B	1 space per 3 residents	
Family Group Home C	1 space per 4 residents	
Group Care Facility	1 space per 4 residents	Parking shall not be located within the required front yard setback
Life Care Community	Spaces required based on sum of principal uses, except 1 space per single family, duplex, twin home, or townhouse dwelling unit	
AGRICULTURAL USES		
Agricultural Production	None	
Animal Feeding Operation	2 spaces per 3 employees, plus 1 space	
RETAIL AND WHOLESALE TRADE		
ABC Store (liquor)	1 space per 250 SF GFA	
Arts and Crafts Studio	1 space per 400 SF GFA	
Building Materials Supply	1 space per 500 SF GFA	
Convenience Store	1 space per 200 SF GFA	
Food or Drug Store	1 space per 200 SF GFA	
Furniture and Home Furnishings Store (See also General Retail)	2 spaces per 3 employees, plus 1 space	
General Merchandise Store	1 space per 1,000 SF GFA	
Hardware Store	1 space per 200 SF GFA	Consumer electronics @ 1 space per 250 SF GFA and Household Appliance @ 1 space per 500 SF GFA
Implement Sales and Service	1 space per 200 SF GFA	
Micro-brewery or Micro-Distillery	1 space per 750 SF GFA	
Motor Vehicle Dismantling and Wrecking Yard	3.5 spaces per 1,000 SF of customer service areas and outdoor seating area	
Nursery, Lawn and Garden Supply Store, Retail	1 space per 10,000 SF of land, plus 1 space per employee	

PRINCIPAL USES	MINIMUM REQUIREMENTS	NOTES
Outdoor Display Retail	1 space per 400 SF GFA indoors, plus 1 space per 1,000 SF GFA in outdoor display and storage	
Restaurant (without drive-through service)	1 space per 500 SF GFA	
Restaurant (with drive-through service)	1 space per 75 SF GFA	Only customer service areas and outdoor seating areas must be included in calculation. See stacking requirements, <i>Section B.3-2.3(E) Drive-Through Facility Stacking Lanes</i> . Quick Serve Restaurants (QSR) are those restaurants which cater to drive-through traffic exceeding 75 percent of food sales may upon review and recommendation by the Director reduce the required parking to 25 percent of the total required.
Retail Store, Specialty or Miscellaneous (See also General Retail)	1 space per 500 SF GFA	Auto Supply Store @ 1 space per 300 SF GFA*
Shopping Center		1 space per 200 SF GFA* maximum; calculation of GFA* shall exclude walkways or other common or non-commercial areas
Storage Trailer	1 space per 225 SF GFA	
Wholesale Trade A	1 space per 250 SF GFA	1 space per 200 SF GFA* maximum; calculation of GFA* shall exclude walkways or other common or non-commercial areas
Wholesale Trade B	2 spaces per 3 employees, plus 1 space per vehicle used in the operation	
BUSINESS AND PERSONAL SERVICES		
Adult Establishment	1 space per 200 SF GFA	
Banking and Financial Services	1 space per 200 SF GFA	See stacking requirements, <i>Section B.3-2.3(E) Drive-Through Facility Stacking Lanes</i> .

SECTION B.3 – OTHER DEVELOPMENT STANDARDS

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PRINCIPAL USES	MINIMUM REQUIREMENTS	NOTES
Bed and Breakfast		
Building Contractors, General		
Building Contractors, Heavy		
Car Wash,	2 spaces per 3 employees	3 spaces per vehicle in washing structure for dry down area
Full Service		
Self Service or Accessory	2 spaces	1 space per bay for dry down area
Funeral Home	1 space per 4 seats in the funeral chapel, plus 2 spaces	
Health Care Facilities	1 space per 200 SF GFA	
Hotel or Motel	1 space per room	Banquet and convention facilities that are part of a hotel or motel shall provide 1 space per each 5 seats
Kennel	1 space per 300 SF GFA, plus 2 spaces	
Medical or Dental Laboratory	1 space per 200 SF GFA	
Medical and Surgical Offices,	1 space per 200 SF GFA	
Offices up to 10,000 SF GFA		
Offices 10,000 SF GFA or more		
Motor Vehicle,	1 space per 400 SF GFA	Customer parking shall not be used for motor vehicle rental and sales parking
Rental and Sales (New, Used, Lease)		
Repair and Maintenance	3 spaces per service bay, plus 1 space per 500 SF GFA for parts sales	Towing services shall provide space(s) for each tow truck
Body or Paint Shop	3 spaces per service bay, plus 1 space per 500 SF GFA for parts sales	Towing services shall provide space(s) for each tow truck
Storage Yard	1 space per 5,000 SF of storage area	
Non-Store Retailer	1 space per 800 SF GFA	
Professional Offices	1 space per 300 SF GFA	
Services,	1 space per 400 SF GFA; Computer Data Center - 1 space per 6,000 SF GFA	Any change of use of a site previously utilized as a Computer Data Center must meet the off-street parking
Business A		

PRINCIPAL USES	MINIMUM REQUIREMENTS	NOTES
		requirements of the new use as specified in this <i>Table B.3.2 Off-Street Parking Requirements</i>
Business B	1 space per 500 SF GFA	
Personal	1 space per 400 SF GFA	
Storage Services, Retail	5 spaces, plus 1 additional space for each 100 storage units, or fraction thereof, in excess of 500 units.	Minimum 21-foot wide aisle width or building spacing shall be provided for parking at units.
Testing and Research Laboratory	1 space per 1,000 SF GFA	
Veterinary Services	1 space per 400 SF GFA	
Warehousing	2 spaces per 3 employees, plus 1 space per vehicle used in the operation	
RECREATIONAL USES		
Golf Course	4 spaces per tee	
Golf Driving Range	1 space per tee, plus 1 space per 200 SF GFA for retail uses	
Recreation Facility, Public	1 space per 7,500 SF land area	
Recreation Services, Indoor	2 spaces per table	
Billiard Parlors		
Bowling Alleys and Centers	4.5 spaces per alley	
Coin-Operated Amusement Devices	1 space per 200 SF GFA	
Dance Studios, Schools, and Halls	1.5 spaces per 200 SF GFA	
Membership Sports and Recreation Clubs	1 space per 200 SF GFA	
Miniature Golf	1.5 spaces per hole	
Physical Fitness Facilities	1 space per 200 SF GFA	
Skating Rinks	1 space per 200 SF GFA	
Theatrical Productions	1 space per 4 seats	
Recreation Services, Outdoor	1 space per 200 SF of activity area	
Amusement Parks		
Commercial Sprots	1 space per 3 seats	
Recreational Vehicle Park	1 space per recreational vehicle site	
Riding Stable	1 space per 2 stalls	
Shooting Range	1 space per firing station	

SECTION B.3 – OTHER DEVELOPMENT STANDARDS

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PRINCIPAL USES	MINIMUM REQUIREMENTS	NOTES
Swimming Pool	1 space per 100 SF of pool surface area, except for a pool serving one single family residence on the same lot	
Theater	1 space per vehicle speaker, plus 3 spaces	Stacking spaces shall be provided for five percent (5%) of the total spaces required
Drive-In		
Indoor	1 space per 4 seats	
INSTITUTIONAL AND PUBLIC USES		
Cemetery	1 space per 250 SF of sales area	
Licensed		
Unlicensed	1 space per full time employee	
College or University	1 space per 500 SF of classroom space, plus 1 space per 300 SF GFA of administrative and office space, plus 1 space per dormitory bedroom	
Community Center	1 space per 4 seats of seating capacity in the largest assembly room or 1 space per 300 SF GFA whichever is greater	
Correctional Institution	1 space per 10 inmates	
Day Care (Adult, Child)	2.5 spaces per 1,000 SF GFA	At least 1 loading and unloading space separate from parking area plus adequate turnaround area
Dirt Storage	2 spaces	Adequate loading, unloading, and maneuvering area
Government Offices	1 space per 300 SF GFA	
Habilitation Facility	1 space per 2 employees, plus 1 space per 10 persons enrolled	At least 1 loading and unloading space separate from parking area for each 20 persons enrolled plus adequate turnaround area
Hospital or Health Center	3 spaces per bed; if no beds, 1 space per 200 SF GFA	May propose APP per bed
Landfill	1 space per employee	
Library	1 space per 300 SF GFA	
Limited Campus Uses	1 space per 400 SF GFA	All spaces shall be to the rear of the structure

SECTION B.3 – OTHER DEVELOPMENT STANDARDS

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PRINCIPAL USES	MINIMUM REQUIREMENTS	NOTES
Museum or Art Gallery	1 space per 300 SF GFA	
Nursing Care Institution	1 space per 3 beds	
Police or Fire Station	1 space per employee on largest shift plus 5 spaces	
Post Office	1 space per 300 SF GFA	
Religious Institution	1 space per 4 seats	50% reduction permitted with approval of Town Department of Transportation
School, Public or Private,		
Elementary or Middle	1 space per 10 students based on design capacity, plus 1 bus space per 100 students	
High	1 space per 5 students based on design capacity, plus 1 space per each faculty and staff person, plus 1 space per 3 seats where a school stadium is an accessory use	
Vocational or Professional	1 space per 250 SF GFA	
Stadium, Coliseum, or Exhibition Building	1 space per each 3 seats	
MANUFACTURING AND MINING		
Asphalt and Concrete Plant	1 space per employee	
Borrow Site	1 space	Adequate loading, unloading, and maneuvering area
Bulk Storage of Petroleum Products	1 space per 5,000 SF of land	
Industrial Light, General, Heavy	1 space per 1,000 SF GFA	
Storage and Salvage Yard	1 space per 5,000 SF of storage area	
TRANSPORTATION AND UTILITIES		
Broadcast Studio	1 space per 500 SF GFA	
Terminal, Bus or Taxi	3 spaces, plus 1 space for each vehicle used in operation	
Terminal, Freight	1 space per 1,000 SF GFA	
Transmission Tower	1 space	
Utilities	1 space per employee	

* SF GFA equals Square Feet of Gross Floor Area - see *Section B.3-2.2(B)(5) Computing Parking Requirements - Square Feet of Gross Floor Area (SF GFA)*

Table B.3.3 Accessory Use Off-Street Parking Requirements

USES WHICH MAY ONLY BE ACCESSORY TO PRINCIPAL USES**		
ACCESSORY USE	MINIMUM REQUIREMENT	NOTES
Dwelling, Single Family, Accessory	1 space per dwelling	Must be located on the same zoning lot
Home Occupation	1 space per dwelling	Maximum of three spaces
Postal Facility, Neighborhood	1 space per 300 SF GFA*	Minimum of two spaces

* SF GFA equals Square Feet of Gross Floor Area - see *Section B.3-2.2(B)(5)*

Computing Parking Requirements - Square Feet of Gross Floor Area (SF GFA)

** NOTE: Off-street parking for other accessory uses meeting the requirements of *Section B.2-5.2 Accessory Uses* shall be provided at the rate for the principal uses specified in *Table B.3.2 Off-Street Parking Requirements*.

B. Computing Parking Requirements.

1. **Multiple Use.** In cases of mixed use or where a combination of uses are developed on a singular site and share infrastructure, the minimum number of off-street parking spaces shall be the cumulative total of each of the uses on the site according to the requirements of this Ordinance. The Director may approve a total reduction of up to ten (10) percent administratively; proposed reductions greater than ten (10) percent requires Planning Board approval of an Alternative Parking Plan pursuant to *Section B.3-2.5(C) Alternative Parking Plan (APP)*.
2. **Fractional Space Computations.** When the computation of the number of off-street parking spaces required by this Section results in a fractional parking space requirement, any fraction less than one-half may be disregarded, and any fraction equaling or exceeding one-half shall be construed as requiring one full parking space.
3. **Seating Computations.** Where parking is based on seating which consists of benches or pews, each eighteen (18) inches of a bench or pew shall be considered as one seat.
4. **Number of Employees Computations.** For the purpose of computing parking requirements based on the number of employees, the owners or managers of the establishment shall be considered employees. Where more than one work shift is

employed for any operation, the number of employees shall be calculated as the largest number of persons on any single shift.

5. **Square Feet of Gross Floor Area (SF GFA).** For the purpose of calculating requirements based on square feet of gross floor area (SF GFA), rooms used solely for mechanical equipment, common restrooms, elevator structures, parking structures, public corridors, or rooms in excess of fifty (50) square feet used solely for storage may be subtracted from SF GFA.

C. **Unlisted Uses.** The Planning Director, or their designee, shall establish the minimum number of parking spaces required and may establish the maximum number of parking spaces permitted for any use not specifically listed in *Table B.3.2 Off-Street Parking Requirements*. The Director may consider, but is not limited to, the following in establishing parking requirements for an unlisted use:

1. **Documentation.** Documentation supplied by the applicant regarding actual parking demand for the proposed use;
2. **Evidence.** Evidence in available planning and technical studies relating to the proposed use;
3. **Other jurisdictions.** Required parking for the proposed use as determined by other comparable jurisdictions; or,
4. **Examination of similar uses.** Examination of the parking requirements for uses most similar to the proposed use.

D. **Parking Required in the CD1-C District.**

1. **Lower and Middle School Students.** Zero (0) spaces.
2. **Upper School Students.** Three (3) spaces per five (5) students enrolled.
3. **Full-time Faculty and staff.** Nine (9) spaces per ten (10) faculty/staff.
4. **Parents and Visitors.** Two percent (2%) of maximum student enrollment.
5. **Bus Parking.** One (1) space per two (2) buses serving the campus.

E. **Maximum Parking:**

1. No single or combined use shall exceed the required parking by more than 125 percent without pursuing an Alternative Parking Plan, provided in *Section 3-2.5(C) Alternative Parking Plan (APP)*.

F. **Authority to Administratively Approve Parking Exceeding the Maximum Permitted.** The Planning Director may approve the installation of ten (10) percent more than the maximum number of parking spaces if the property owner demonstrates each of the following:

1. Such additional parking is necessary to meet the parking demand for a specified use;
2. Cooperative use of parking is not available or adequate to meet demand; and
3. The maximum number of compact size automobile, motorcycle and bicycle spaces has been used.

G. **Location of Parking Areas.**

1. **Same Zoning Lot.** All parking areas required in this Section shall be located on the same zoning lot as the principal use, except as authorized in the off-site parking provisions in *Section B.3-2.4 Off-Site Parking*.
2. **Unoccupied Recreational Vehicles.** In residential districts, an unoccupied recreational vehicle or travel trailer may be stored on a privately owned lot, provided that it is not located within any required front or side yard nor nearer than six (6) feet to a rear property line, except that it may be stored in an accessory structure, provided that such structure is enclosed and meets the setback requirements for either a principal or accessory structure.
3. **Parking for Multifamily Dwellings.** A minimum three (3) foot wide landscaped area shall be provided between any parking area and building wall providing access into the unit(s).

3-2.3. DESIGN STANDARDS FOR PARKING AREAS

A. **General Requirements.** All parking areas shall meet the following design standards:

1. **Unobstructed Movement.** Parking areas shall be designed to allow unobstructed movement into and out of each parking space without interfering with fixed objects such as lighting fixtures, dumpsters, signage, or vehicles.
2. **Access.** All parking spaces in parking areas shall be designed to have access only from parking area driveways and not directly from public streets.

3. **Maneuvering Area.** Except for single family dwellings, twin homes, duplexes, and for multifamily developments of four (4) dwelling units or less, all maneuvers associated with parking and loading must occur in the off-street parking area or structure. Private alleys may be used to conduct parking maneuvers.
4. **Internal Circulation.** All parking areas shall be designed to provide for internal circulation such that each parking space is accessible to all other parking spaces without necessitating the use of a public street or alley.

B. **Dimensional Requirements.** All parking areas shall be designed and constructed to meet minimum parking space dimensions, aisle dimensions, and other standards shown in *Table B.3.4 Parking Dimensions* and *Table B.3.5 Supplementary Parking Dimensions*.

Table B.3.4 Parking Dimensions

Parking Directions	Parking Angle (Degrees)	Stall Width (Feet)	Stall to Curb (Feet)	Aisle Width (Feet)	Curb Length (Feet)	Center to Center Width of Two Row Bin with Aisle Between (Feet)	
						Curb to Curb	Overlap C-C
One-Way	0	9.0	9.0	22.0	23.0	40.0	-
One-Way	30	9.0	16.0	22.0	18.0	43.0	36.0
One Way	45	9.0	16.5	22.0	12.7	48.0	44.0
One Way	60	9.0	18.0	22.0	10.4	54.0	51.0
Two-Way	60	9.0	18.0	26.0	10.4	62.0	59.0
One-Way	75	9.0	18.5	22.0	9.3	59.0	57.0
Two-Way	75	9.0	18.5	26.0	9.3	63.0	61.0
Two-Way	90	9.0	17.5	26.0	9.0	61.0	-

Figure B.3.8 Parking Space Dimensions

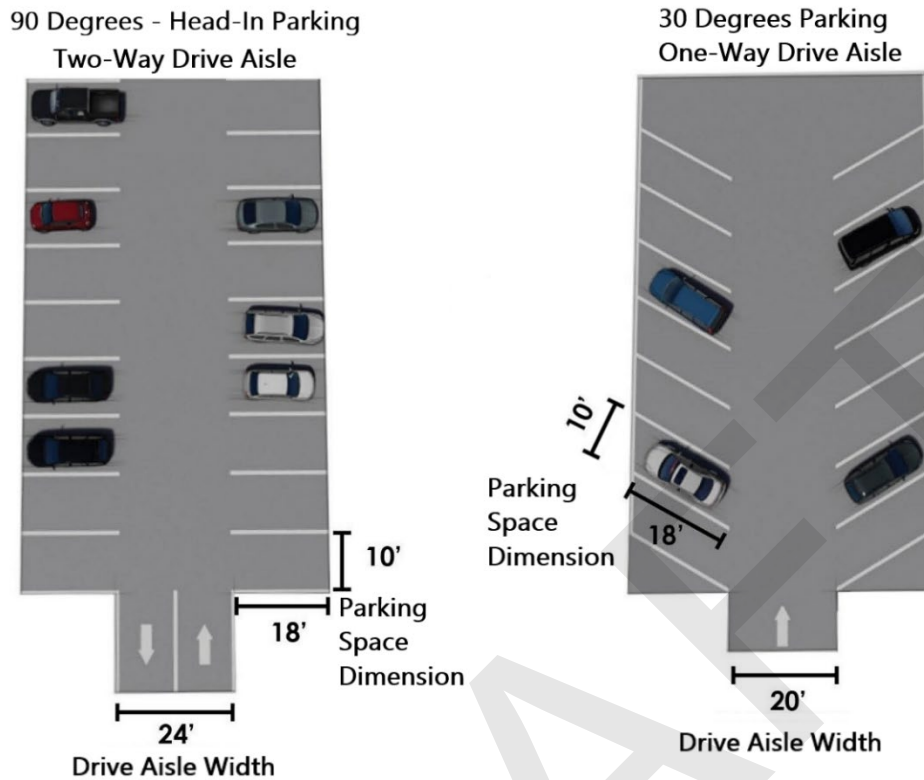


Table B.3.5 Supplementary Parking Dimensions

	Width (Feet)	Length (Feet)	Additional Standards
Compact-Size Motor Vehicle Space	7.5	15	<i>Section B.3-2.5(E)</i>
Motorcycle Space	4.5	7	<i>Section B.3-2.5(F)</i>
Bicycle Space	2.5	6	<i>Section B.3-2.5(G)</i>
Recreational Vehicle Space	10	25	-

1. **Parking Structures.** In parking structures, aisle and stall dimensions may be reduced in accordance with the latest edition of *Parking Space Design: Guidelines for Parking Geometrics* or as subsequently amended.

2. **Accessible Parking Spaces.** Please see the North Carolina Building Code.

B. Parking Surfaces.

1. **Paving.** Any required parking, stacking, and loading area, and all access drives and maneuvering areas shall be paved and permanently maintained with asphalt, concrete, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights, except as noted in *Section B.3-2.3(B)(2) Exceptions*.
2. **Exceptions.** Paving shall not be required for the following:
 - (1) **Temporary parking or parking for construction purposes.** Parking areas used on an irregular or temporary basis for churches, clubs or lodges, other similar nonprofit organizations, or structures under construction.
 - (2) **Agricultural Uses.** Parking areas for agricultural uses.
 - (3) **Parking for Construction Equipment.** Parking areas for track mounted heavy construction equipment, skid-mounted equipment, and similar equipment, are exempt from the paving requirements provided these parking areas are constructed with an all-weather surface.
 - (4) **Overflow Parking.** Parking areas identified specifically as overflow parking or parking exceeding the minimum number of spaces required.
 - (5) **Private Swimming Pools in Planned Residential Developments.** Porous pavement surfaces may be substituted for asphalt, concrete, or gravel parking surfaces at private swimming pools in Planned Residential Developments (PRD) and other types of residential developments provided the parking spaces are identified with wheel stops or other approved space identifier.

C. Markings and Traffic Control Devices.

1. **Delineation.** The property owner shall delineate all required parking and loading spaces, stacking lanes, disabled parking spaces, directional arrows, crosswalks, and maneuvering areas within parking areas using paint or other methods approved by the Director.
2. **Signage.** The Director may require a developer to install signage in addition to directional arrows to ensure the safe and efficient flow of vehicles in a parking area or structure.

D. Driveways.

1. **Approvals.** The design and location of all entrance or exit driveways to parking or loading areas from a public street or highway shall be approved by the NCDOT (when applicable) and the Town of Lewisville. The applicant is responsible for determining and adhering to local government requirements within the Town's jurisdiction. In the case of joint jurisdiction, concurrent reviews shall be coordinated by the applicant between officials of the Town and the NCDOT. All driveways must be approved by the Town of Lewisville prior to the issuance of a zoning or building permit. This includes driveways serving single-family dwellings. Applicants are encouraged to contact the Director of Public Works to identify safety and design issues, coordinate with other construction projects affecting the proposed driveway and to arrange for installation of driveway pipe if applicable.
2. **Combined Driveways and Access.** The owners of adjoining properties may be required to provide combined driveways and connections as established in *B.3-2.7(B) Location and Design of Driveway Access*. Please refer to *Section B.3-2.5(J) Combined Driveways and Access*.
3. **Dimensional Requirements for Access Drives.** Internal circulation driveways and access drives that do not provide direct access to parking spaces shall be a minimum of twenty-four (24) feet in width for two-way traffic and twelve (12) feet in width for one-way traffic unless otherwise specified by the Planning Director and, if applicable, Fire and EMS Officials. Residential uses containing six (6) or fewer dwelling units or having parking areas designed and clearly marked for one-way traffic shall have access drives a minimum of twelve (12) feet in width.
4. **Driveways for Large Parking Areas (One Hundred (100) or More Spaces).** For each development containing parking areas with one hundred (100) or more required spaces, a minimum forty (40) foot deep unobstructed driveway shall be provided from the right-of-way line to a traffic aisle or access to a parking space to accommodate the ingress and egress of at least two (2) vehicles without interference to parking maneuvers or access drives, unless:
 - (1) **Frontage Road Access.** Internal access to the parking area is provided by a private frontage road which parallels the public street, provided no parking is provided along the access drive or frontage road and a minimum forty (40) foot distance without left turn movements is provided along the access drive;

- (2) **Spaces per Driveway Ratio.** The ratio of parking spaces to driveway access points does not exceed 100:1, where multiple driveways provide access to the zoning lot; or
- (3) **Other Stacking Area.** Adequate unobstructed off-street stacking area to accommodate two (2) vehicles is otherwise provided.

E. Drive-Through Facility Stacking Lanes. Whenever a structure or use provides for the off-loading of passengers or involves a drive-through (i.e. allows for a use without exiting the vehicle), stacking spaces must be provided for and marked on the site. The following requirements must be met:

- (1) **Location.** Stacking spaces must not obstruct, endanger, or interfere with on-site or off-site access, maneuvering, or traffic patterns.
- (2) **Number.** In addition to the parking required by *Section B.3-2.2 Off-Street Parking Requirements*, drive-through facilities requiring stacking lanes shall be provided as follows:

Number of Lanes	Number of Spaces per Lane
1	5
2	5
3	4
4 or more	3

- (1) **Size.** A stacking space must be a minimum of nine (9) feet by sixteen (16) feet, however, individual spaces within the lane shall not be delineated with pavement markings.
- (1) **Automatic Teller Machines.** Automatic teller machines located in parking areas of shopping centers or on internally oriented out lots are not required to provide stacking spaces.

Figure B.3.9 Drive-Through Facility Stacking Lanes



- F. **Wheel Stops or Curbs.** Where concrete curbs are not installed adjacent to public sidewalks, public rights-of-way, landscaped areas/buffers, or internal roadways, anchored wheel stops shall be installed to prevent vehicles from encroaching into these areas. All wheel stops shall be two (2) feet from the front end of the parking space for front-end parking and four (4) feet from the front of the parking space for rear-end parking.
- G. **Landscaping and Screening.** All motor vehicle surface areas shall be landscaped as required in *Section B.3-3 Landscaping Standards* and bufferyards shall be provided as required in *Section B.3-4 Bufferyard Standards*.
- H. **Lighting.** Any lighting in parking, stacking, and loading areas shall be so shielded as to cast no direct light upon adjacent properties or structures.
- I. **Drainage.** All parking, stacking, and loading areas shall be designed to meet the applicable requirements of *Chapter C Environmental Regulations* of the UDO.
- J. **Parking Lot Location.** Parking lots shall, in most circumstances, be located to the rear or side of the primary structure. Outparcel development should be sited so as to create a courtyard-style site plan which surrounds the development's parking. Large parking lots shall be divided into smaller parking rooms that are defined by landscape planting and site furniture. If parking is to be located to the front of the structure the parking must be screened from the road through the use of a Type II Landscape Buffer (See *Section B.3-4.2(A)(3)(2) Type II Bufferyard*). "Front" and "Rear" shall be

determined, for the purpose of this subsection, by the orientation of the primary structure(s) to the street, and not in relation to the location(s) of entrance(s) to the structure(s). A parking area may be located in a required yard provided that wheel stops are installed and maintained to protect required separation and protections identified in *Section 3-2.3(F) Wheel Stops or Curbs* above.

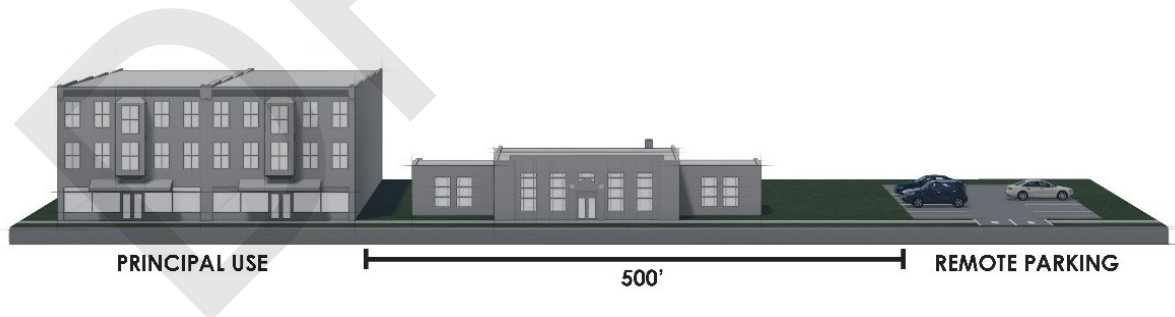
- K. **Internal Parking Lot Circulation.** Connection(s) to existing roads shall be coordinated to provide efficient vehicular traffic flow and to prevent congestion at major intersections. Parking lots shall be designed to allow pedestrians to move safely from their vehicles to the building along well-defined pathways. The pathway network should be logical and uninterrupted. Pathways are to be protected from automobile traffic. Pathways are to be spatially defined by architectural and landscape elements.

3-2.4. OFF-SITE PARKING

- A. **Off-Site Parking Requirements.** For all uses a portion of the required parking may be located on a site other than the principal use. Off-site parking facilities shall meet the following requirements:
1. **Ownership.** The off-site parking shall be located on a separate zoning lot from the principal use where both lots are owned by the same person or the off-site parking shall be leased by the owner of the principal use.
 2. **Location.** No off-site space may be located more than 500 feet from the primary entrance of the principal use served (measured along the shortest legal pedestrian route).
 3. **Zoning District.** The secondary parking lot shall be in a zoning district in which the principal use it supports is a permitted use, with the exception that a secondary parking lot supporting any twin home, duplex, townhouse, multifamily, or institutional use may be located in any nonresidential zoning district.
 4. **Visitor Parking.** Visitor parking shall be provided at the principal use location as required by *Table B.3.2 Off-Street Parking Requirements*.
 5. **Pedestrian Access.** Adequate pedestrian, van, or shuttle connection between the sites shall exist.
 6. **Certain Retail Uses.** Off-site parking for retail uses requiring off-street parking at a rate of one space per two hundred (200) square feet gross floor area or greater,

- per *Table B.3.2 Off-Street Parking Requirements*, shall not be permitted, except where such parking is located on a contiguous zoning lot within a zoning district which permits the principal use and is located within two hundred fifty (250) feet of the zoning lot containing the principal use.
7. **Contract for Parking.** Where established by lease, the lease shall make the secondary parking lot or lots available for the same duration of the lease of the principal use. A copy of the contract, properly executed, shall be filed with the Director prior to the issuance of a zoning permit for the secondary parking lot.
 8. **Other Uses.** Where parking is established on a secondary lot(s), the secondary lot(s) may not be used for any purpose other than parking required for the principal use; unless there is sufficient space for a secondary use(s) permitted in the zoning district, in which case parking for the principal and secondary uses may be combined.
 9. **Continuance of Use.** The continuing operations of the principal use shall be contingent upon the continuing operation of the off-site parking or the substitution of other parking consistent with the terms of this Ordinance. A parking covenant shall be drawn to the satisfaction of either the Planning Director and Town of Lewisville Attorney, executed by all parties concerned, and recorded. The contract shall assure the continued availability of the off-site parking facilities for the life of the use that the parking is intended to serve.

Figure B.3.10 Off-Site Parking Standards



3-2.5. ALTERNATIVES AND INCENTIVES

- A. **Purpose.** The purpose of this Section is to encourage the property owner to reduce the amount of impervious surface cover needed for parking by providing a variety of alternatives and incentives. Any parking alternative proposed, or incentive utilized by

the property owner must be approved by the Director, upon review and approval by the Town staff, and shall accomplish the following:

1. **Intent.** The intent of the parking requirements is preserved;
 2. **Sufficient parking.** The parking provided will be sufficient to serve the use for which it is intended; and,
 3. **Impact.** The modification will not be detrimental to the public health, safety, or welfare.
- B. **Shared Parking.** Shared parking shall reduce the overall required minimum off-street parking by no more than fifty (50) percent.
1. **Reduction of Parking Requirements.** The Planning Director may authorize a reduction of the parking requirements or parking spaces for any mixed-use project or nearby uses that generate parking demands during different times of the day or different days of the week. All reductions of parking requirements authorized by the Planning Director must also receive approval from the Director of Public Works or Town Manager, whichever is applicable.
 2. **Requirements.** A request for approval of shared parking shall be accompanied by such information determined by the Director as necessary to evaluate the relevant factors listed in the Section below, including, but not limited to, a description of the uses, a site plan, and a transportation engineering report. Calculations shall be based on the Shared Parking Standards developed by the Urban Land Institute, as amended.
 3. **Accessibility.** All shared parking spaces shall be located in a parking facility providing reasonably equivalent accessibility and usability to all uses which the parking is intended to serve.
 4. **Ownership.** In cases where the uses for which shared parking is requested are located on lots under different ownership, a contract pursuant to *Section B.3-2.4(A)(7) Contract for Parking* shall be provided.
 5. **Conditions.** In determining whether to approve a reduction for shared parking, the Director shall consider all relevant factors, including the following:
 - (1) **Peak Parking Demand.** The characteristics of each use and the differences in projected peak parking demand, including days or hours of operation;

- (2) **Reduction in Vehicle Movements.** Potential reduction in vehicle movements afforded by multi-purpose use of the parking facility by employees, customers, or residents of the uses served; and,
- (3) **Potential Improvements.** Potential improvements in parking facility design, circulation, and access afforded by a shared parking facility.

C. **Alternative Parking Plan (APP).** The parking requirements set forth in this Section (*Table B.3.2 Off-Street Parking Requirements*) may be modified through an APP. The Planning Director and the Public Works Director may accept an APP in place of the parking requirement for a use if the below requirements are met:

1. A parking study must be submitted that is prepared and sealed by a registered Professional Engineer.
2. The study must include the size, type, and use(s) of the development; anticipated peak parking; anticipated normal parking amounts; and a narrative and data as to why the parking requirements of the UDO do not accurately reflect the needs of the proposed development.
3. The APP may include provisions for off-site parking if the number of off-street parking spaces required cannot reasonably be provided on the same lot where the principal use is located. Such off-site parking spaces shall comply with *Section B.3-2.4 Off-Site Parking*.
4. An APP may be requested concurrently with a site and development plan, as defined in *Section A.4-3.11(C) Uses and Activities Requiring Site Plans*.

D. **Reductions in the MU-C, LD1-C and LD2-C Districts.**

1. **In the MU-C District:**

- (1) **Amount Required.** Off-street parking for any use in the MU-C District may be reduced fifteen percent (15%) from the requirements of *Table B.3.2 Off-Street Parking Requirements*.
- (2) **Off-Street and Off-Site Parking.** A maximum of 15 percent of the required off-street parking may be fulfilled by on-street parking, per *Section B.3-2.5(K) On-Street Parking Supplements for Pedestrian Oriented Developments*. An additional 10 percent may be provided via off-site parking within 500 feet.

- (3) **Location.** Except for single family residential uses, parking shall be located to the rear or side of the principal building. Parking in the front shall be limited to one (1) bay of parking, which includes a single two-way drive aisle with parking stalls on either side. Any parking in the front of the building shall be subject to the streetyard provisions of *Section B.3-4 Bufferyard Standards*. The Planning Board may allow for alternative parking designs due to lot size, shape, or topographic features.
 2. **In the LD1-C and LD2-C Districts.** See *Section B.2-4.7(F)(6) Parking Amount Required*.
- E. **Compact Parking.** Compact-size motor vehicles are those with an overall length of fifteen (15) feet or less.
1. **Maximum Amount.** For all uses, the property owner may design and construct up to a maximum of ten percent (10%) of the required parking spaces for compact stalls in accordance with the dimensions provided in *Table B.3.5 Supplementary Parking Dimensions*.
 2. **Identification.**
 - (1) **Markings.** The property owner shall identify all compact parking stalls within the parking area with pavement markings. Each compact parking space shall be individually designated as a compact space in letters not less than twelve (12) inches high and seven (7) inches wide in size, which state: "COMPACT".
 - (2) **Symbols.** A symbol may be used in lieu of letters if approved by the Director.
 3. **Signs.** Signs shall be provided to indicate the location of the compact parking.
 4. **Location.** All compact parking spaces shall be dispersed throughout the required parking area.
- F. **Motorcycle Parking.**
1. **Maximum Amount.** For all uses, the property owner may design and construct up to a maximum of two percent (2%) of the required number of parking spaces as motorcycle stalls in accordance with the dimensions provided in *Table B.3.5 Supplementary Parking Dimensions*.

2. Identification.

- (1) **Markings.** The property owner shall identify any motorcycle parking stalls within the parking area with pavement markings. Each motorcycle parking space shall be individually designated as a motorcycle space in letters not less than twelve (12) inches high and seven (7) inches wide in size, which state: "MOTORCYCLE".
- (2) **Symbols.** A symbol may be used in lieu of letters if approved by the Director.
3. **Fulfilling Requirements.** Motorcycle parking spaces allowed by this Section shall count toward fulfilling the total motor vehicle parking requirements.

G. Bicycle Parking.

1. **Minimum Amount.** For all uses, the property owner may design and construct a minimum of two percent (2%) of the required number of parking spaces as bicycle stalls or two (2) bicycle stalls, whichever is greater, in accordance with the dimensions provided in *Table B.3.5 Supplementary Parking Dimensions*.
2. **Location.** Bicycle parking stalls and racks shall be located to be highly visible from the street or building entrance from where bicyclists approach. Bicycle racks shall not be installed in isolated locations but shall be located near the main entrance(s) of the building for which they are intended or in a comparably convenient location where there is constant pedestrian traffic.
3. **Use.** Bicycle racks shall be for use by the general public as well as employees.
4. **Separation from Motor Vehicle Parking.** Bicycle parking areas shall be separated from motor vehicle parking areas by at least a curb barrier which would prevent vehicles from damaging bicycles.
5. **Bicycle Rack Design.** Bicycle racks shall be designed to be capable of supporting the bicycle in an upright position. Bicycle racks shall be securely anchored to the supporting surface(s). Bicycle racks shall be at least three (3) feet in height unless the bicycle parking area is surrounded by a railing, hedge, or wall three (3) feet in height which is readily visible to pedestrians. Bicycle racks shall be installed with adequate space (one foot minimum) beside the parked bicycle allowing a bicyclist to reach and operate a locking mechanism.

- H. **Parking Reduction for Required Landscaping in Motor Vehicle Use Areas.** A reduction of five percent (5%) of the total number of required parking spaces is permitted in order to preserve an existing tree with a caliper of twenty-four (24) inches or greater in all zoning districts. Additionally, for each large variety tree planted in accordance with the provisions of *Section B.3-3.3 Motor Vehicle Surface Area Landscaping Standards* and located within an interior landscaped area (ILA) the amount of required parking is reduced by four (4) spaces. The maximum overall parking reduction allowed for this subsection is twenty percent (20%) of the total parking required.
- I. **Parking Reduction for Public Greenways and Sidewalks.** For all uses abutting an existing or publicly adopted planned public greenway or sidewalk, the property owner may reduce the amount of required parking up to a maximum of three percent (3%). This reduction shall not affect the required disabled parking or loading spaces for that use.
- J. **Combined Driveways and Access.** For all uses providing a combined driveway with or a private access connection to adjoining properties, the property owner may reduce the amount of required parking up to a maximum of five percent (5%).
- K. **On-Street Parking Supplements for Pedestrian Oriented Developments.** The pedestrian nature of a site can be enhanced by on-street parking connected to exterior and interior sidewalks.
1. On-street parking satisfying the off-street parking requirements of *Table B.3.2 Off-Street Parking Requirements* may be permitted for sites in the PB and LB districts when conditionally zoned, MU-C zoning district, or Planned Residential Developments, if the following requirements are met:
 - (1) Sites eligible for the credit below shall not generally be located on streets classified as collectors or thoroughfares. However, the Town of Lewisville, North Carolina Department of Transportation (NCDOT), or other applicable agency may consider locations on collectors or thoroughfares on a case-by-case basis.
 - (2) Parking shall be located on road frontage contiguous to the site;
 - (3) All parking shall be angled or parallel meeting the requirements of *Table B.3.10 Adjacent Drive Spacing*, and must be approved by the Public Works

Department of the Town of Lewisville, the NCDOT, or other agency, whichever is applicable;

- (4) Credit for on-street parking shall not exceed thirty-five percent (35%) of the total off-street parking requirements of the site;
- (5) Sidewalks shall be constructed immediately adjacent to on-street parking spaces and connected to a well-defined interior pedestrian system;
- (6) No off-street parking shall be located between a building and any on-street parking except as approved for temporary parking for an earlier phase of a multi-phase development;
- (7) The landowner or developer shall dedicate public right-of-way or public road maintenance easements necessary to meet the requirements of *Table B.3.10 Adjacent Drive Spacing* and must be approved either by the Public Works Department of the Town of Lewisville or the North Carolina Department of Transportation, whichever is applicable;
- (8) The landowner or developer shall construct all required improvements within public rights-of-way to applicable public design standards;
- (9) All buildings shall face the street and provide the principal entrance to the structure from the front or side of the structure; and,
- (10) All buildings shall front on at least one side preferably the entrance side of the building, on a street with no intervening parking area.

3-2.6. OFF-STREET LOADING AND UNLOADING AREAS

- A. **Requirements.** In all districts, any building or land used for any non-residential purposes, shall be designed to provide adequate space for off-street parking to accommodate the loading and unloading of goods and materials consistent with the size and proposed use of the building or land. Such space, whether inside or outside a building, shall be in addition to the parking requirements in *Table B.3.2 Off-Street Parking Requirements* and shall be designed so as not to impede normal vehicular and pedestrian circulation.
- B. **Location.** Off-street loading and unloading areas shall be located on the same lot or adjoining lots as the use for which they are provided.

C. Design Standards.

1. **Dimensional Requirements.** Each loading area shall be at least twelve (12) feet wide, sixty-five (65) feet long, and shall have a minimum height clearance of fifteen (15) feet.
2. **Reduction.** The Director may reduce the required stall length and maneuvering length if the property owner demonstrates that known delivery vehicles can park and maneuver within the proposed loading and maneuvering spaces such that no part of the vehicle projects into a public right-of-way, access easement, private road, or required landscaping. The reduction shall be based on the nature of the use, or combination of uses, as well as the specific design characteristics of the project.
3. **Maneuvering Area.** Loading areas shall be designed and located such that vehicles shall not back into a public street or alley, or impede a driveway, drive aisle, required fire lane, or similar.
4. **Alley Access.** When the lot upon which loading areas are located abuts upon an alley, such loading areas may have access from the alley. Where such loading area is parallel with the alley and the lot is sixty (60) feet or less in width, the loading area shall extend across the full width of the lot.
5. **Industrial Uses.** Industrial developments shall be designed with the following loading area design standards:
 - (1) **Location.** Loading facilities shall be located either to the rear or side of the industrial structure(s). Where such location is not feasible, a streetyard according to the standards of *Section B.3-4 Bufferyard Standards*. shall be installed along the entire length of road which the loading docks face.
 - (2) **Maneuvering.** Each industrial site shall be self contained and capable of handling its own truck maneuvering and docking requirements. The use of public streets for commercial vehicles staging and/or maneuvering is prohibited.
 - (3) **Depth.** Minimum depth of eighty-five (85) feet is required for commercial vehicle docking and maneuvering.

- (4) **Turning Radius.** At least one driveway approach capable of accommodating a forty-eight (48) foot wheel track turning radius and at least one on-site maneuvering area which provides a forty-eight (48) foot wheel track turning radius through the parking area shall be provided for each industrial site.

D. Number of Loading Spaces Required.

- (1) **Uses Handling Goods in Quantity.** Uses which normally handle large quantities of goods, including, but not limited to manufacturing plants, wholesale establishments, warehouses, freight terminals, hospitals, and shopping centers, shall provide off-street loading facilities as shown in *Table B.3.6 Loading Space Requirements for Uses Handling Goods in Quantity*.

Table B.3.6 Loading Space Requirements for Uses Handling Goods in Quantity

Gross Floor Area (Square Feet)	Minimum Number of Spaces
5,000—20,000	1
20,001—50,000	2
50,001—80,000	3
80,001—125,000	4
125,001—170,000	5
170,001—215,000	6
215,001—260,000	7
Over 260,000	7, plus 1 space for each additional 45,000 square feet of gross floor area.

- (2) **Uses Not Handling Goods in Quantity.** Commercial establishments which do not handle large quantities of goods, including, but not limited to, office buildings, restaurants, auditoriums, convention halls, stadiums, exhibition halls, funeral homes, hotels, and motels shall provide off-street loading as shown in *Table B.3.7 Loading Space Requirements for Uses Not Handling Good in Quantity*.

Table B.3.7 Loading Space Requirements for Uses Not Handling Goods in Quantity

Gross Floor Area (Square Feet)	Minimum Number of Spaces
5,000—80,000	1
80,001—200,000	2
200,001—320,000	3
320,001—500,000	4
500,001—680,000	5
680,001—860,000	6
806,001—1,040,000	7
Over 1,040,000	7, plus 1 additional space for each additional 180,000 square feet of gross floor area

3-2.7. DRIVEWAY ACCESS (MANAGEMENT)

A. **General Requirements.** Where the property is to be served by a driveway opening onto a state highway or public street located within the Town of Lewisville, a driveway permit application shall be first submitted to the Public Works Director and/or the NC Department of Transportation. The requirements of this Section or those of the Uniform Traffic Code Manual and Roadway Design Manual, published by the NCDOT, whichever is greater, shall be the minimum standards for development. The requirements of this ordinance shall only apply to driveways and road accesses installed after the effective date of this ordinance.

1. It shall be unlawful for any person to cut, break or remove any curb along a street except as herein authorized.
2. All development shall be located on a lot that has vehicular access that abuts or has easement access to a street that is approved by the Town as being in compliance with Town standards and/or is currently maintained by the State of North Carolina (NCDOT). All commercial development shall have direct access to public/private right-of-way.
3. All driveways governed by this Section shall meet the Town's minimum standard specification for driveway construction and connection requirements.

4. This Section shall be deemed to be supplemental to other sections regulating the use of the public right-of-way, and in the case of conflict, this Section shall govern.
5. The specifications and guidelines set forth in this ordinance are to be applied to all roadways and properties that abut the roadways within the Town, unless otherwise indicated.
6. Existing driveway approaches shall not be relocated, altered, or reconstructed without a permit approving such relocation, alteration, or reconstruction. Such driveway approaches when so relocated, altered or reconstructed shall be subject to the limitations set forth in this Section.
 - (1) The term alteration or reconstruction shall not include the resealing of driveways.
7. The Public Works Director may grant Temporary Street and Driveway permits for the construction and operation of access connections to Town roadways and roads maintained by the NCDOT for a specific period of time. Temporary Permits will clearly indicate that the access connections are temporary and are to be removed by the applicant at the end of the specified time period.
 - (1) Said temporary permits shall expire after one (1) year or upon approval of a Certificate of Occupancy (CO) by the WS/FC Inspections Department if new construction and/or applicable renovations are the reason(s) for the initial issuance of the temporary driveway permit. Such permits may be renewed as determined by the Public Works Director upon a showing by the holder of reasonable need for renewal and no abuse of the renewal process by the holder of the temporary permit. Temporary driveways for bona fide farm activities shall be exempt from this ordinance.
 - (2) Upon the direction of NCDOT officials and/or the Public Works Director, performance bonds or other types of financial guarantees may be required to ensure the proper removal of the access and restoration of the right-of-way. Examples of types of temporary permits include but are not limited to farm operations, utility operations, site construction accesses and logging operations.
 - (3) Temporary accesses shall meet minimum required design, site distance and general placement criteria. The applicant will be financially responsible for

any damage caused to the pavement, guardrail, signing, landscaping, or other improvements within the right-of-way. The Public Works Director may require that a sign be erected by the applicant indicating that the driveway is temporary and may be removed at a future time.

8. As determined by the Public Works Director, alternatives to the dimensions required by this Ordinance may be required or approved after technical review as warranted by specific traffic conditions.

B. Location and Design of Driveway Access.

1. In making a determination as to the location of driveway access, the Public Works Director shall consider:
 - (1) The characteristics of the proposed land use;
 - (2) The existing traffic flow conditions and the future demand anticipated on the development and the adjacent street system;
 - (3) The location and size of the property;
 - (4) The orientation of structures on the site;
 - (5) The number of driveways needed to accommodate anticipated traffic;
 - (6) The number and location of driveways on existing adjacent and opposite properties;
 - (7) The location and carrying capacity of intersections;
 - (8) The proper geometric design of driveways;
 - (9) The spacing between opposite and adjacent driveways;
 - (10) The internal circulation between driveways;
 - (11) The speed of the adjoining roadway.
2. **Maneuvering Area.** Driveway access to thoroughfares shall not be permitted for parking or loading areas that require backing maneuvers in a public street right-of-way. All maneuvers associated with parking and loading must occur in the off-street parking area or structure pursuant to *Section B.3-2.3(A)(3) Maneuvering Area*.

3. **Sight Distance.** Adequate sight distance shall be provided for a passenger motor vehicle exiting from a driveway. This determination shall be made by the Public Works Director or his agent. New driveways will have triangular sight distance easements shown in dashed lines and so noted on the driveway permit and approved site plan. Site easements shall be ten (10) feet by seventy (70) feet running from the intersection along the right-of-way of the pertinent street. [refer to *Section D.5 Minor Subdivisions*]
4. **Side Clearance.** The side clearance, measured parallel to the centerline of the road, from the side property line to the nearest point of the projected edge of the driveway, shall be a minimum of five (5) feet. All portions of the driveway, including the returns, shall be between the side property lines of the property served.
5. **Street Structures.** No driveway shall interfere with municipal facilities such as streetlight or traffic poles, signs, fire hydrants, cross walks, utility poles, drainage structures or other necessary street structures without the approval of the Public Works Director. The Public Works Director is authorized to order and effect the removal or reconstruction of any driveway which is constructed in conflict with existing or proposed street structures. The cost of reconstructing or relocating such driveways shall be at the expense of the property owner.
6. **Drainage Tile Requirement.** All driveways within the Town, whether residential or commercial, shall have tile placed underneath or a sufficient stormwater pipe system to adequately handle stormwater drainage. The required tile shall conform to the Uniform Traffic Code Manual and Roadway Design Manual published by the NCDOT, or standards found in this Section. The required tile shall have a minimum diameter of fifteen (15) inches and shall be constructed only with materials allowed by minimum NCDOT standards.
7. **Paving.** All driveway entrances constructed or reconstructed within the street right-of-way of the Town shall be paved in the manner described in this Section.
 - (1) Thickness of pavement shall not be less than six (6) inches when reinforced concrete is used. Where asphalt pavement is used, the thickness shall not be less than eight (8) inches including the topcoat and stone base for residential drives. For commercial drives, a stone base of ten (10) inches and two (2) inches of topcoat shall be required.

- (2) All entrances to residential driveways constructed shall be paved with reinforced concrete for a distance of not less than twenty-four (24) inches from the back of vertical curb. If no paved sidewalk parallels the property line or is planned to parallel the property line, the remainder of the distance to the property line may be paved with either bituminous concrete, reinforced concrete, or crushed gravel of appropriate size. For town streets that do not have vertical curbs and paved sidewalks, drives may be constructed of existing dirt or crushed gravel from the traveled portion of the street to the property line.
8. **Driveway Location (Corner Lots).** Property having frontage on two (2) intersecting streets within one hundred (100) feet of the intersection of such streets shall have access only from the minor or less intensively used street except as may be authorized by the Public Works Director.
- (1) No cuts through a left turn reservoir of a median shall be permitted in order to provide for left turn movements to driveway approaches.
- (2) Driveways in right turn transition areas shall not be permitted.
9. **Driveway Approach Angle.** The angle of driveway approach shall be approximately ninety (90°) degrees for two-way drives and between forty-five (45°) degrees and ninety (90°) degrees for one-way drives.
10. **Replacement of Sidewalk.** When a driveway is constructed or reconstructed, any existing four (4) inch sidewalk shall be replaced with reinforced cement concrete of not less than six (6) inches in thickness where the driveway crosses the sidewalk. The pedestrian walk shall be indicated by false cracks or lines in the pavement.

C. Roadway Classifications.

1. Driveway access management is contingent upon the functional classification of different types of streets and required spacing. Town streets subject to this ordinance are designated as:
- (1) Major Thoroughfare;
- (2) Minor Thoroughfare;
- (3) Collector Street;

- (4) Local Street.
2. Major thoroughfare, minor thoroughfare/collector and local streets in the Town are indicated in the Lewisville UDO, Winston-Salem Urban Area Metropolitan Planning Organization (WSUAMPO) Thoroughfare Plan and in the Lewisville Comprehensive Plan. The functional classification of any street in the Town not indicated as a thoroughfare, collector or local street in this plan shall be determined using the functional street classification defined by the American Association of State Highway and Transportation Officials (AASHTO), Winston-Salem MPO (WMPO), and NCDOT.
 3. Driveway access spacing shall be measured from the centerline of the proposed driveway pavement to the nearest edge of the roadway of the adjacent or opposite driveway or street as indicated in *Table B.3.1 Permitted Districts for Signs*.

D. Residential Driveways Standards.

1. **Maximum Number of Residential Drives.** A maximum of one curb cut (driveway connection) shall be allowed for access to single-family and two-family residential tracts. More than one curb cut may be allowed upon review and approval by the Public Works Director. All residential driveways shall receive an approved permit in accordance with *Section B.3-2.7(H) Geometric Design of Driveway Access* of this ordinance.
2. **Residential Properties.** The width of single-family and two-family residential driveway entrances shall be limited to eighteen (18) feet each as measured along the street or curb line with not more than two (2) such entrances to the same property. The minimum width of a residential driveway approach measured at the property line shall not be less than twelve (12) feet in width. If the property is adjacent to both a local street and collector or other thoroughfare access shall only be from the local street. When two (2) entrances are constructed to serve the same residence, there shall be a minimum distance of twenty-five (25) feet of vertical curb or distance to remain between the driveway entrances measured along the edge of street.
3. **Multi-family Dwellings.** When driveway entrances are constructed to serve multi-family residential structures, such entrances shall be twenty-four (24) feet in width measured at the street or curb line with not more than two (2) such entrances to

the same property from the same street. When two (2) driveway entrances are constructed, there shall be at least twenty-five (25) feet between driveway entrances measured at the street or curb line.

4. **Joint Driveways.** The width of a joint driveway, as may be authorized by the Public Works Director, serving two (2) adjacent zoning lots, shall be limited to twenty-four (24) feet along the street or curb line, provided no other means of driveway access is reasonably available and the permit for such driveway is signed by the owners of the adjacent property. There shall be no more than one joint driveway for each two (2) adjacent lots serving single-family or two-family residential structures and no more than two (2) joint driveways for each two (2) adjacent lots serving portions of multi-family residential structures.
5. **Residential Driveways Beyond the Town's Downtown Core.** Residential lots in new subdivision developments as of the effective date of this ordinance shall not have direct access to a major or minor thoroughfare unless there is no feasible alternative. Lots within these subdivisions shall be served by internal roadways.
6. **Subdivided Lots on Local Roads.** Subdivided lots located along collector/local roads shall be designed so that no more than one (1) driveway connection per fifty-five (55) feet along the same side of the road within a suburban neighborhood or two hundred fifty (250) feet along the same side of the road in the areas outside of the Downtown Overlay area (DTO), Vienna Business Overlay (VBO), or similarly established business area, unless the driveway cannot be physically designed or no other reasonable alternative exists. The Public Works Director may waive the two hundred fifty (250) foot distance should sufficient hardship be proved by the applicant as found within the driveway permit.
7. **Minimum Driveway Spacing.** See *Table B.3.8 Minimum Driveway Spacing*.
8. **Paving of Residential Drives.** See *Section B.3-2.7(B)(7) Paving*.

E. Commercial Driveway Standards - (DTO and VBO).

1. **Number of Commercial Drives.** When a commercial or multi-family development abuts more than one (1) public street, access to each abutting street may be allowed only if the following criteria are met:
 - (1) It is determined that such access is required to adequately serve driveway projected volumes and will not be detrimental or unsafe to traffic operations

on public streets. The Public Works Director may require the preparation of a traffic impact analysis (TIA) which demonstrates that such access is required. The applicant shall be responsible for all costs associated with the preparation of a required TIA prepared pursuant to the Appendix labeled Traffic Impact Study Standards.

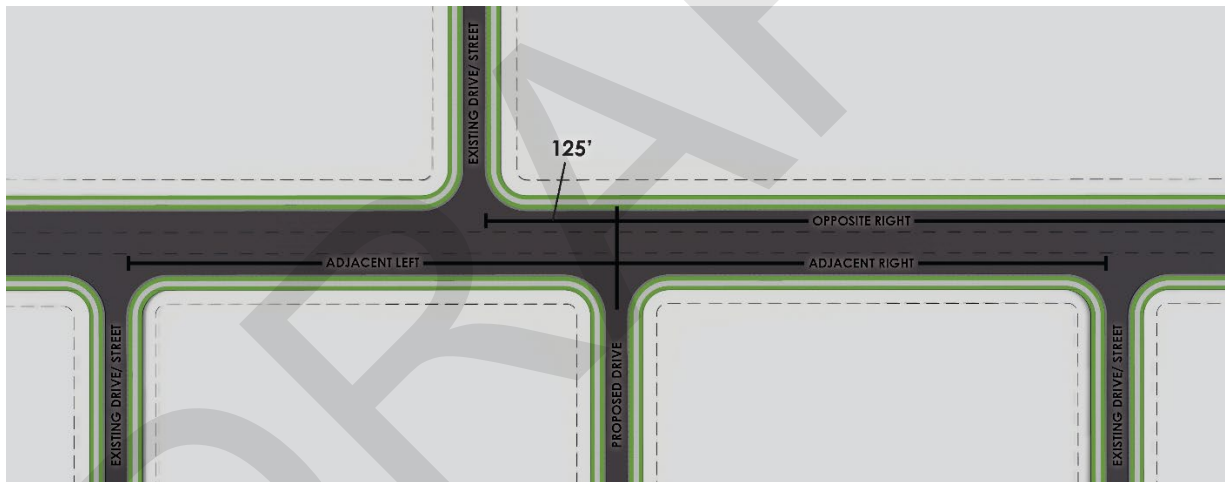
- (2) The minimum for corner clearance for said driveways are met.
2. **Maximum Width for Commercial Driveways.** The maximum width of a commercial driveway approach for two-way operation, shall not exceed thirty-six (36) feet measured at the property line and include separate left and right turn lanes, except that the Public Works Director may issue permits for driveway approaches greater than thirty-six (36) feet in width on major streets to handle special traffic conditions. The minimum width of a commercial driveway approach for two-way operation shall not be less than twenty-four (24) feet in width.
 3. **Driveway Throat Distances.** A minimum driveway approach for commercial and multi-family drives shall be forty (40) feet. The minimum approach for minor thoroughfares is fifty (50) feet and one hundred (100) feet for major thoroughfares.
 4. **Minimum Driveway Spacing.** See *Table B.3.8 Minimum Driveway Spacing*.
 5. **Paving of Commercial Drives.** See *Section B.3-2.7(B)(7) Paving*.
 6. **Drives Outside of the DTO and VBO.** All driveways located outside of these districts shall comply with *Section B.3-2.7(A)(1-6) General Requirements* and *Section B.3-2.7(B)(2-10) Location and Design of Driveway Access*.

F. Measuring Driveway Access

Table B.3.8 Minimum Driveway Spacing

Street Classifications	Minimum Adjacent Spacing (Feet)	Minimum Opposite Right Spacing (Feet)	Minimum Adjacent Spacing (Driveways Outside the Downtown Overlay) (Feet)
Major Thoroughfare	275'	300'	250'
Minor Thoroughfare	230'	225'	250'
Collector/Local (Except Residential Drives)	55'	75'	55'

Figure B.3.11 Driveway Access Diagram



1. **Opposite Right Driveways** shall be located no closer than the minimum requirements of *Table B.3.9 Opposite Right (downstream) Driveway Spacing*.

Table B.3.9 Opposite Right (downstream) Driveway Spacing

Street Classification	Minimum Spacing (Feet)	Desirable Spacing (Feet)
Major Thoroughfare	300'	400'
Minor Thoroughfare	175'	300'
Collector/Local Street (Except Residential Drives)	75'	100'

2. Additional opposite right spacing over and above that set forth in *Table B.3.9 Opposite Right (downstream) Driveway Spacing* may be required if it is determined by the Public Works Director or his designee that there is insufficient left turn queue storage or weave maneuver area between the opposite right and proposed driveway. This determination shall be made under peak traffic conditions.
3. A minimum of one hundred twenty-five (125) feet shall be required for opposite left drives for major and minor thoroughfare streets.
4. If the centerline of an opposite drive is less than fifteen (15) feet from the centerline of the proposed drive, the drives form an intersection, and the minimum spacing requirements shall apply for the closest drive.
5. Adjacent drives shall be located no closer than the minimum requirements of *Table B.3.10 Adjacent Drive Spacing*.

Table B.3.10 Adjacent Drive Spacing

Street Classification	Minimum Spacing (Feet)	Desirable Spacing (Feet)
Major Thoroughfare	275'	350'
Minor Thoroughfare	185'	235'
Collector/Local Street (Except Residential Drives)	55'	125'

G. **Corner Clearance.** Corner clearance for driveway access shall meet or exceed the minimum driveway spacing requirements for that roadway. When minimum spacing requirements cannot be met due to the lack of road frontage, an alternate driveway access, prepared and submitted by a Professional Engineer, may be considered to override the recommended dimensions set forth in this ordinance as warranted by specific traffic conditions.

1. No driveway approach may be closer to the corner than fifty (50) feet on local streets, one hundred (100) feet on collector/minor thoroughfares and one hundred twenty (120) feet for major thoroughfares. This measurement shall be taken from the intersection of property lines at the corner. When these requirements cannot be met due to the lack of frontage, the driveway may be located such that the radius will begin at the farthest property line.

H. Geometric Design of Driveway Access.

1. Curb cuts for driveways shall not be permitted in the curb return of an intersection.
2. The curb return radii for driveways intersecting at right angles with the roadway and without a deceleration lane shall be as follows:
 - (1) The curb return radii for residential driveways located on local or collector streets shall be a minimum of two and a half (2.5) feet and a maximum of ten (10) feet. Flare type residential driveways must also adhere to these dimensional criteria.
 - (2) Curb return radii for commercial driveways may vary between twenty (20) feet and fifty (50) feet.
 - (3) Curb return radii for driveway types not included in (a) or (b) above shall be determined by the Public Works Director.

I. Modified Access Requirements.

1. Access points may be required to be designed to prohibit certain types of turning movements. Driveways not meeting the spacing guidelines in *Tables B.3.9 Opposite Right (downstream) Driveway Spacing* and *B.3.10 Adjacent Drive Spacing* may be designed for limited access by the addition of a median to the driveway or may be required to be removed if access is available through a shared public access easement to an adjoining lot or access can be facilitated by the construction of a shared driveway that meets the spacing guidelines found in *Table B.3.9 Opposite Right (downstream) Driveway Spacing* and *Table B.3.10 Adjacent Drive Spacing*.
2. Tapered or channelized deceleration lanes for vehicles turning right into high volume or intersection type driveways may be required if warranted. Design of right-turn deceleration lanes shall be in accordance with the NCDOT standards for auxiliary lanes.
 - (1) The spacing requirements for driveways not meeting the specifications in *Table B.3.9 Opposite Right (downstream) Driveway Spacing* and *Table B.3.10 Adjacent Drive Spacing* may be lessened or waived if tapered or channelized deceleration lanes are used.

3. At those locations where it is determined by NCDOT or the Public Works Director that a street or driveway connection requires improvements to existing roadway facilities to provide for safe and efficient traffic operation, the applicant shall be fully responsible for roadway improvements. These improvements may include, but are not limited to, separate turn lanes, deceleration lanes, acceleration lanes, lane tapers and transitions, right-of-way to contain new widening, traffic signals and roundabouts.

J. **Shared Access Requirements.** A joint public access easement shall be required between adjacent lots fronting on major or minor thoroughfares and collector streets in order to minimize the total number of access points along those streets and to facilitate traffic flow between lots. The development and use of shared driveways, access drives, service drives, and similar means of shared access connecting two (2) or more lots or uses shall be required in accordance with the purposes of this Section. Upon determination that the number of vehicular access points along a collector street or thoroughfare is greater than necessary based on the standards of this Section, the Planning Director, in consultation with NCDOT and/or the Public Works Director, shall require the use of a shared driveway, access drive or service drive to provide primary or secondary vehicular access as part of a site plan approval.

1. Pursuant to this Section:

- (1) Owners must record an easement in the Office of Register of Deeds allowing access to and from adjoining properties served by the joint use driveways and access or service drive;
- (2) All subsequent property owners sharing access to a driveway constructed pursuant to this subsection, shall construct any necessary improvements to comply with NCDOT and Town driveway standards, and as a condition of site plan approval, shall maintain the said driveway (including any improvements thereto) for a period of five (5) years, after which period the parties shall share equally the cost of maintaining the said driveway to NCDOT and Town standards. Under no circumstance shall the Town be responsible for maintenance of driveways.

K. Permit Required.

1. Plans submitted for building approval which include new, relocated, altered, or reconstructed driveways shall be approved by the Public Works Director (for Town-maintained roads) and the North Carolina Department of Transportation (NCDOT) (for state-maintained roads) before a zoning permit and building permit is issued.
2. A driveway permit fee shall be set by resolution of the Town Council as deemed appropriate by the Council and shall be of an amount to cover the costs incidental to the driveway review and approval by Town staff.
3. All permits granted for access to publicly maintained roadways under the terms of this Section are revocable by the Town Council. The Town Council shall have the authority to rescind by resolution any permit granted for a driveway after proper notice and public hearing when the Council finds such action to be in the public interest. Provided, however, any such revocation shall not deprive a property owner of access to such owner's property.
4. When an existing driveway permit is rescinded by action of the Town Council or the NCDOT, the driveway connection shall be removed and replaced with applicable street yards, curbing, street trees, lighting and other street structures as necessary to comply all ordinances and development standards. Such removal and replacement shall be completed by the deadline set by Town Council, provided that the property owner(s) shall have not less than six (6) months to complete the removal and replacement of the driveway. The Town may place any barrier to access to the former driveway pending said removal and replacement by the property owner(s). All costs incidental to said removal and replacement shall be borne by the equally by the property owner(s) having access to the said driveway, notwithstanding the provisions of *Section 3-2.7(l) Modified Access Requirements*.
5. Deviations from these criteria may be approved by the Public Works Director as described in the previous sections. Disputes will be referred to and resolved by the Town Council, according to the procedures for Appeals described in *Section A.4-3.7 Appeals*. All access management disputes must be accompanied by a Traffic Impact Analysis (TIA) to the Town of Lewisville, prepared at developer's cost.
6. The Public Works Director shall have the right to supervise and inspect any and all work performed under the provisions of this Section, provided, however, this

provision shall not be construed to require the Public Works Director to supervise or inspect any work performed under the provisions of this Section.

- L. **Site Plan Modifications.** The Town may, at the request of a property owner, modify site plans to accommodate development of adjoining access and parking by minor staff change as allowed by *Section A.4-2.4 Major and Minor Modifications*.

3-3. LANDSCAPING STANDARDS

3-3.1. GENERAL REQUIREMENTS

- A. **Purpose of Landscaping Standards.** It is the intent of this Section to modify and enhance community character and aesthetics through the introduction and/or preservation of natural vegetation and landscaping, without unduly burdening property owners, in order to:
1. **Areas Near Rights-of-Way.** Enhance the appearance of areas near rights-of-way by improving the appearance of motor vehicle use areas within close proximity of vehicular rights-of-way;
 2. **Large Areas.** Enhance the appearance of large areas by breaking the visual blight created by large expanses of un-vegetated areas;
 3. **Property Value and Investments.** Enhance property values and protect public and private investments by emphasizing the importance of trees and vegetation as visual and physical bufferyards to protect property values on adjacent properties;
 4. **Water and Erosion Control.** Improve water and erosion control and increase site stormwater infiltration capacity, improve groundwater recharge, and reduce erosion and urban runoff pollution hazards by preserving vegetated areas to slow and absorb stormwater runoff;
 5. **Comfort.** Improve human comfort and moderate local environments by providing shade and reducing noise levels;
 6. **Enhance Environmental Sensitivity.** Encourage environmental sensitivity to natural features in design and construction;
 7. **Reduce Glare.** Filter and reduce reflected sunlight and headlight glare from parked vehicles onto street rights-of-way; and,

8. **Air Quality.** Improve air quality by filtration and reduce motor vehicle fumes and dust.
 9. **Enhance Public Properties.** Improve the appearance of public properties.
- B. **Exclusions.** The following uses shall be exempt from the landscaping requirements of *Section B.3-3 Landscaping Standards*.
1. Existing development;
 2. Single-family dwellings;
 3. Any accessory dwelling unit located on the same lot as principal residence;
 4. Fire hydrants and other utilities, the visibility of which is vital to public safety.
- C. **Alternative Compliance.** An applicant may propose a landscaping plan that varies from the strict application of the provisions of this Section in order to accommodate unique characteristics of the site or to utilize innovative design. Applications for alternative compliance shall include a site plan following the requirements specified in *Section A.4-3.11 Site Plan* and shall be approved administratively by the Planning Director and/or Planning Board (if applicable) upon a finding that the proposed landscaping plan fulfills the intent and purposes of this Section as well as or better than would strict conformance with the requirements of this Section.

3-3.2. APPLICATION PROCEDURES AND GENERAL REQUIREMENTS.

- A. **Application.** When an application is made for a building permit or a land disturbing permit, whichever is first necessary, on any land where the landscaping requirements of this Section are applicable, such building or land disturbing permit application shall be accompanied by the information cited in *Section B.3-3.2.A(1-4) Application* below. Submittal of said information shall be provided by a registered landscape architect, architect, licensed surveyor, or professional engineer.
1. **Storage, Surface, and Service Areas.** A site plan indicating the location, dimensions, and square footage of motor vehicle surface areas, motor vehicle display areas, outdoor display and storage areas, private utility service areas, proposed parking space striping, and overhead utility lines;
 2. **Landscaping.** A site plan indicating existing and proposed landscaping used to satisfy the requirements of this Section, including the number, types, location, and heights of trees, shrubs, and groundcover; the location and dimensions of planting

areas and streetyards; the location and size of earthen berms; and, the location, size, and construction material of fences, walls, and wall planters;

3. **Existing Trees to be Preserved.** The number, location, species, height, and diameter at six (6) inches above ground level of existing trees to be preserved for credit as per *Section B.3-3.2(H) Use of Existing Trees for Credit*; and
 4. **Barriers.** The location and description of any barriers to be erected to protect any existing vegetation from damage during construction.
 5. **Tree Protection Plan.** The Tree Protection Plan shall show the location of existing trees on the property, including those that are to be removed, the limits of disturbance, the Critical Root Zone (CRZ), and tree protection fence. The CRZ shall remain undisturbed in order for the tree to count towards the mitigation requirement.
- B. **Delay of Landscaping.** If the required landscaping has not been installed at the time of a request for an occupancy permit, and the Director determines that the unavailability of plant materials or adverse weather conditions prohibit the timely completion of planting, a delay in planting may be approved, subject to the following:
1. **Completion Schedule.** The applicant shall sign a contract specifying that the work shall be completed within the six (6) months immediately following the date of application for an occupancy permit; and
 2. **Security.** A financial guarantee in the form of an escrow account, bond, letter of credit, or other instrument shall be required prior to issuance of an occupancy permit. The amount of the financial guarantee shall equal the cost of installation as estimated by a landscape architect, licensed contractor, or professional engineer plus twenty-five (25%) percent of all costs of required landscaping or screening which has not been installed. Such security shall be held by the Town of Lewisville until the work is completed in accordance with the permit. The security shall be forfeited upon violation of this Section and shall be used toward completion of all planned improvements. Any moneys in excess of the cost of installing required landscaping shall be refunded to the applicant. The security shall be released when the Director or designee certifies that all requirements of this Section have been met.

- C. **Compliance with Sight Easement Requirements.** Landscaping required by this Section shall comply with the minimum State or local sight easement requirements for street intersections and driveways.
- D. **Obstruction of Pedestrian Routes.** Required landscaping shall not obstruct or impede public pedestrian routes including sidewalks and greenway trails.
- E. **Protection of Planting Areas.** Whenever any planting areas required by this Section are adjacent to motor vehicle surface areas, motor vehicle display areas, or outdoor display/storage areas, the planting areas shall be protected from encroachment or chemical spillage.
- F. **Stabilization of Soil Surface.** The soil surface of all planting areas required by this Section shall be stabilized to prevent erosion. In addition to required interior trees and shrubs, the soil surfaces of planting areas shall contain live groundcover, mulch, live shrubs, permeable pedestrian paver blocks, or a combination thereof.
- G. **Planting and Maintenance of Trees Used to Meet Landscape Standards.** The Planting and Maintenance provisions of this ordinance shall apply to new trees and existing trees planted after November 14, 2013 which satisfies the requirements of this ordinance.
1. **Planting and Maintenance Standards.** The use of American National Standards Institute (ANSI) standards shall be required for the planting and maintenance of all required landscaping.
- (1) All trees must be planted a minimum of 10' from utilities;
 - (2) All trees must be planted a minimum of 10' from a structure;
 - (3) Minimum size requirements:
 - i. Large trees must be a minimum of 10' in height and 2" caliper at time of planting;
 - ii. Medium and small variety trees must be a minimum of 8' in height and 1.5" caliper at time of planting;
 - iii. Shrubs must be a minimum of 24" in height and width at planting;
 - (4) At least 50% of required trees shall be large trees;
 - (5) At least 50% of required trees shall be native species.

2. **Tree Topping.** For any tree that is planted or protected by this ordinance, the practice of tree-topping is prohibited.
 3. **Maintenance of Plantings.** The landowner is responsible for maintaining all required plant materials in good health. Any dead or missing plants must be replaced with new planting which meets the minimum installation dimension standards of this Section. Plant replacement shall take place within one (1) month of written notification by the Director or designee. In the event that plant material is severely damaged due to an unusual weather occurrence or other act of nature, or if replacement plantings are unavailable within one (1) month of written notification, the landowner will have six (6) months from the date of written notification to replace plantings. Alternative landscaping plans or modifications to existing plans may be approved by the Planning Director given that these plans conform with the standards of this ordinance. Requirements for the maintenance of existing or newly planted trees required by the planting standards of this Ordinance, and located on individual lots within residential subdivisions, are in *Section B.3-3.2(E) Protection of Planning Areas* above.
 4. **Critical Root Zone.** No development or site disturbance shall occur within the Critical Root Zone (CRZ). Trees shall have a minimum CRZ of ten (10) feet.
- H. **Use of Existing Trees for Credit.** Existing trees may be preserved and used for credit in satisfying the requirements of this Section, according to the conditions that follow:
1. **Maximum Credits for Tree Preservation.** Maximum credits for tree preservation shall be determined by *Table B.3.11 Use of Existing Trees for Credit*.

Table B.3.11 Use of Existing Trees for Credit

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

2. **Minimum Protected Plant Area.** Each tree to be preserved for credit shall be provided with a minimum planting area which coincides with the tree's dripline. The tree's dripline is defined as the area underneath a tree which would be encompassed by perpendicular lines dropped from the outermost edges of the crown of the tree.
3. **Protection from Encroachment.** Tree preservation planting areas shall be cordoned off during construction and protected from encroachment. The minimum area to be cordoned off shall consist of the critical root zone of the tree or an area ten (10) feet from the edges of the tree's trunk in all directions, whichever is the greater area. The protection measures shall be properly maintained during site development and shall not be removed prior to final landscaping. For the purposes of this Section, encroachment is defined as the ground surface disturbance caused by grading; impervious surface cover; equipment, material, or earth storage; or by temporary or permanent construction vehicle access or circulation.
4. **Planting Area Used for Streetyard or Interior Plantings.** Planting areas required for tree preservation credit may be used to install streetyard or interior shrubs as required in this Section.
5. **Loss of Tree Credits.** Removal or death of any preserved tree prior to final zoning conformance approval of any development project subject to these standards, shall result in the loss of all associated tree credits for that particular tree. Replacement of trees shall be subject to the planting requirements of *Section B.3-3 Landscaping Standards*. Developers and landowners are urged to seek professional expertise to preserve properly existing trees for credit.
- I. **Combining Planting Area and Bufferyard Requirements.** Where motor vehicle surface area plant materials and bufferyard plant materials are required on the same property, trees may be located in such a manner as to simultaneously satisfy both requirements. However, required planting areas shall not be cumulative. The greater of the planting areas specified in *Section B.3-4 Bufferyard Standards* or this Section shall be the required planting area.
- J. **Overhead Utility Lines.** The location of overhead utility lines shall be considered during the placement or preservation of required trees. The maximum mature height of required trees shall be determined as follows: (Suggested plant materials are listed in *Section B.3-3.9 Suggested Plant Material List*.)

1. **Small variety.** Small variety trees shall be used when located within or up to thirty-five (35) feet, measured horizontally, from the nearest overhead utility line(s).
 2. **Small, medium, or large varieties.** Small, medium, or large variety trees may be used when located more than thirty-five (35) feet, measured horizontally, from the nearest overhead utility line(s).
- K. **Fire Protection Equipment.** A minimum five (5) foot radius containing no plant materials or structural elements other than groundcover plants shall be maintained around all fire protection equipment, including fire hydrants, post indicator valves, and Siamese connectors. Clear and unobstructed sight lines to the fire protection equipment shall be maintained at all times.
- L. **Off-Street Parking Reduction.** A reduction in the amount of required off-street parking is permitted in accordance with the alternatives and incentives provisions of the parking requirements *Section B.3-2.5(H) Parking Reduction for Required Landscaping in Motor Vehicle Use Areas* for the installation of landscaping required by the landscaping standards of this Ordinance.

3-3.3. MOTOR VEHICLE SURFACE AREA LANDSCAPING STANDARDS

A. General Requirements.

1. **Exemption.** This Section shall apply only to parking areas with more than five (5) vehicle spaces.
2. **Applicability.** This Section shall apply to any motor vehicle surface area or portions thereof built after November 14, 2013.
3. **Expansion of Preexisting Motor Vehicle Surface Areas.** When preexisting motor vehicle surface areas are expanded:
 - (1) **Internal Landscaped Area.** Required interior plantings may be dispersed throughout the entire interior landscaped area in accordance with *Section B.3-3.3(B)(8) Expansion of Preexisting Areas*.
4. **Motor Vehicle Surface Area Perimeter Components.** All motor vehicle areas shall be screened by a Motor Vehicle Area Perimeter Yard on all sides visible from adjacent properties or public rights-of-way. The Perimeter Yard must be a minimum of five (5) feet in width. The landowner or developer shall use one (1) of the following to satisfy motor vehicle surface area perimeter requirements: natural

shrubs, closed fences, walls, wall planters, earthen berms, or a combination thereof, as follows:

- (1) **Natural Shrubs.** Shrubs must be a minimum of twenty-four (24) inches in height at installation, with a minimum height of thirty-six (36) inches within three (3) years after installation. Shrubs must be a locally adapted species which retain foliage to within six (6) inches above ground level. Said shrubs shall be spaced no more than four (4) feet on center. Shrubs must be evergreen.
- (2) **Fences and Walls.** A fence or wall shall be a minimum of thirty-six (36) inches in height, opaque, and shall be constructed of masonry, stone, or wooden material, or of the same material as that of the principal building.
- (3) **Wall planters.** A wall planter shall be constructed of masonry, stone, or other permanent material. At installation, the minimum combined height of wall planters and shrubs shall be twenty-four (24) inches. Within three (3) years after installation, the combined height of wall planters and shrubs shall be no less than thirty-six (36) inches. The effective planting width of a streetyard wall planter shall be no less than thirty-six (36) inches; however, where required streetyard trees are installed in wall planters, the effective planting width of the wall planters shall be no less than seven (7) feet. A minimum of one (1) shrub shall be required for every five (5) square feet of wall planter area.
- (4) **Earthen berms.** At installation, berms shall have a minimum height of eighteen (18) inches, a minimum crown width of two (2) feet, and a side slope with a width to height ratio of no greater than two (2) to one (2:1). The entire berm shall be planted and covered with live vegetation. Berm shrubs shall be spaced no greater than four (4) feet on center. Within three (3) years after installation, the combined height of berm and shrubs must be at least thirty-six (36) inches. Streetyard berms which are thirty-six (36) inches or greater in height at installation shall not be required to contain shrubs; however, streetyard trees shall still be required as specified in this Section.
5. **DTO, VBO, and PB Districts.** A minimum four (4) foot wide strip planted with trees and shrubs in accordance with this Section or a three (3) foot high masonry wall

shall be provided. Unfinished concrete masonry unit (CMU) walls shall be prohibited. Split face CMU is permitted.

B. Interior Parking Area Plantings. In addition to the required streetyard, all motor vehicle surface areas shall contain landscaped planting areas, as follows:

1. **Location of Plantings.** Internal landscaped area planting areas shall be located within ten (10) feet of motor vehicle surface area edges or within the interior as islands or medians and may contain berms of the minimum dimensions specified in *Section B.3-3.3(A)(4)(4) Earthen Berms*.
2. **Size.** Each planting area shall allocate a minimum of one hundred fifty (150) square feet, with a minimum width of ten (10) feet for small variety trees. A minimum planting area of two hundred and fifty (250) square feet shall be required for each large variety tree, also including a minimum width of ten (10) feet.
3. **Required Trees in Planting Area.** Each parking island shall contain at least one (1) deciduous or evergreen medium variety tree with a minimum height of eight (8) feet at the time of installation, and a minimum caliper of two (2) inches measured six (6) inches above ground level. Small variety trees may be used where overhead utility lines exist in accordance with *Section B.3-3.2(J) Overhead Utility Lines* or within ten (10') feet of building foundations.
4. **Ratio.** One (1) large variety tree shall be used for every five thousand (5,000) square feet of motor vehicle surface area. One (1) small or medium variety deciduous or evergreen tree shall be required for every two thousand five hundred (2,500) square feet of motor vehicle surface area where overhead utility lines exist in accordance with *Section B.3-3.2(J) Overhead Utility Lines*.
5. **Distance of Parking Spaces to Trees.** No parking space shall be located more than forty (40) feet from the trunk of a required tree.
6. **Loading/Maneuvering Areas.** For loading docks or other maneuvering areas where placement of trees in the interior of the site is impractical, the required number of trees may be clustered around the edge of such areas, with the approval of the Planning Director.
7. **Tree Credits.** As determined by the Planning Director, up to 25% of the total required interior parking planting area may be credited with bufferyard plantings

meeting the size and spacing requirements of *Section B.3-4.3(B)(1) Size of Plant Material* and *Section B.3-3.3(B)(5) Distance of Parking Spaces to Trees*.

8. **Expansion of Preexisting Areas.** When preexisting motor vehicle surface areas are expanded, required interior plantings may be dispersed throughout the entire motor vehicle surface area, subject to the following conditions:
 - (1) The required plant material will be calculated with reference to the expansion area only;
 - (2) Such planting may be dispersed throughout the entire, combined, existing, and new motor vehicle surface area; and
 - (3) The provisions of this Section shall preempt the spacing requirement contained in *Section B.3-4.2(A)(1)(6)(iv) Minimum Streetyard Requirement* and *Section B.3-3.3(B)(5) Distance of Parking Spaces to Trees*.
9. **Alternative Compliance.** An applicant whose contiguous parking area exceeds one hundred (100) spaces may propose a landscaping plan which varies from the strict application of the provisions of this Section in order to accommodate unique characteristics of the site or to utilize innovative design. Application for alternative compliance shall include a site plan following the requirements *Section 3-3.3 Motor Vehicle Surface Area Landscaping Standards* specified in *Section A.4-3.11 Site Plan* and shall be approved by the Planning Director, Public Works Director, and/or the Planning Board only upon a finding that the proposed landscaping plan fulfills the intent and purposes of this Section as well as or better than would strict conformance with the requirements of this Section.
10. **Landscape Plantings.** Landscape plantings along the front façades of structures are required at a ratio of six (6) square feet of planting area for each one (1) foot of horizontal wall. Plantings are to be located between the building and the parking area. Planting areas are to be planted with shrubs as defined in *Section B.3-3.9(E) Streetyard and Interior Shrubs*. Plantings are to be installed at a rate of one (1) shrub for every five (5) linear feet of building facade. Plantings are not required along any frontage that has a required bufferyard.

3-3.4. SCREENING OF SERVICE AREAS AND OUTDOOR DISPLAY/STORAGE

A. **Applicability.** Service areas shall be fully screened and out of view from adjacent properties and rights-of-way. Examples of these areas include:

1. Trash containment areas (i.e. refuse collection, trash containment devices, compactors, dumpsters);
2. Mechanical Equipment (i.e. air conditioning units, rooftop mounted equipment);
3. Loading/unloading areas;
4. Open-air/outdoor storage;
5. Utility service areas; and
6. Other similar function areas.

B. **General Screening Design Standards.**

1. Screening material and design shall be consistent with the landscape plan for the development.
2. Screening shall consist of landscaping, wall, or fence consistent and compatible with the principal building in terms of texture, quality, material and color.
3. Examples of screening materials may include a wall, shrub line, fence (excluding chain link), parapet wall, or opaque screen.

C. **Outdoor Display and Storage.** All open-air storage areas, including outdoor display and storage, located within one-hundred (100) feet of a property line, shall be screened. Outdoor display and storage areas shall have specific standards below:

1. **Outdoor Display.** Outdoor display shall be defined as the outdoor display of products available for sale, including soft drink dispensing machines, propane gas storage racks, outdoor merchandise, and the like. Outdoor display shall comply with the standards below:
 - (1) Outdoor display shall be removed and placed in a fully enclosed structure at the end of every business day. Due to their commercial and pedestrian oriented nature, propane storage racks, soft drink dispensing machines, ice storage bins, may remain outside overnight.

- (2) Outdoor display shall only be displayed in front of the primary façade and may not extend more than eight (8) feet. No more than twenty-five (25) percent of the horizontal length of the façade shall have outdoor display items.
 - (3) Outdoor display areas shall not inhibit pedestrian travel paths (i.e. sidewalks) and ADA accessibility shall be maintained.
2. **Outdoor Storage.** Outdoor storage area screening shall be provided as specified in either of the conditions below or as a combination of the two (2) conditions:
- (1) **Fencing.** A fence or wall may be used to screen an outdoor storage area. The fence or wall shall be at least six (6) feet in height, opaque and of masonry, stone or wooden material, or of the same material as that of the principal building.
 - (2) **Plantings.** Natural evergreen plant materials may also be used to screen an outdoor storage area as follows: (Suggested plant materials are listed in *Section B.3-3.9 Suggested Plant Material List*).
 - i. **Minimum Height.** The minimum height of the plant material shall be six (6) feet at installation; and,
 - ii. **Spacing.** The spacing of the planting shall be in a double-row configuration, staggered, with five (5) foot spacing between the centers of the main trunks.
- D. **Trash Containment Areas.** All trash containment devices (i.e. dumpsters, refuse collection, etc.) shall have additional standards. Trash containment areas shall meet the following standards:
1. Trash containment areas shall be located and designed to not be visible from the view of adjacent streets and properties;
 2. Trash containment devices may not be located in any front or street yard;
 3. All trash containment areas shall be enclosed on three (3) sides with walls at least eight (8) feet high, the fourth side of the enclosure shall be a permanent gate of wood or other opaque material;
 4. The enclosure shall be constructed of the same material as the principal building on the zoning lot; and

5. All trash containment devices shall be placed on a dedicated concrete pad.

E. Mechanical Equipment.

1. Rooftop mounted equipment shall be screened from ground level view of an adjacent property or right-of-way.
2. Any new buildings shall require a parapet wall or architectural element that screens roof mounted equipment or provide an opaque screen around the rooftop mounted equipment.
3. Roof-mounted sustainable energy systems (i.e. solar panels) are exempt from screening requirements.

F. Utility Service Areas. Where screening for utility service areas is not provided by an intervening building, said screening may be accomplished by installing a landscape screen consisting of plants selected from the types recommended by *Section B.3-3.9 Suggested Plant Materials List*.

1. **Installation Height.** Plantings shall be spaced no more than eighteen (18) inches, edge to edge, and be expected to reach a height and width equal to or greater than the utility service structures that are being screened.
2. **Fences or Walls.** Fences or walls shall be opaque, of masonry, stone, or wooden material, or of the same material as that of the principal building, if applicable, and of a height and width equal to or greater than the utility service structures that are being screened.

3-3.5. PARKING STRUCTURES OR BUILDINGS

- A. Applicability.** Any parking structure or building, or expansion thereof, built after the adoption of this Ordinance that exceeds two thousand five hundred (2,500) square feet in gross floor area shall provide a foundation yard along all sides visible from public ROW or adjacent properties. This provision shall apply only to structures whose principal use is parking and shall not apply to vertical expansion of preexisting parking structures.
- B. Standards.** Foundation planting yards shall meet the following standards:
1. **Width.** The minimum width shall be eight (8) feet, located adjacent to the structure.

2. **Shrubs.** Large shrubs are required at a rate of one per eight (8) linear feet of structure.
3. **Size.** Shrubs must be a minimum height and width of 36 inches at time of planting, and reach a minimum of 6 feet in height at maturity.

3-3.6. PUBLIC OR PRIVATE SCHOOLS

- A. **Applicability.** A landscape plan for the school campus shall be prepared and installed prior to occupancy for any new school or any improvement to an existing school which results in an increase in building area or footprint.
- B. **Standards.** Landscaping plans shall meet the following standards:
 1. A minimum of three (3) large variety trees or five (5) medium variety trees shall be planted per each acre of campus area, calculated in total according to the entire area of the campus, including those areas occupied by structures.
 2. **Existing Trees.** Existing trees to be incorporated into the design of the school or currently on the campus may be preserved and used for credit in meeting the site plan requirements, per *Section B.3-3.2(H)(1) Maximum Credits for Tree Preservation*. In conjunction with an approved tree preservation plan, existing trees may be used in lieu of not more than eighty percent (80%) of the required new plantings; except that where property or site constraints prohibit the placement of additional trees, additional credit for existing trees up to one hundred percent (100%) may be approved by the Planning Director.
 3. **Location.** Trees and other plant material may be located in any required yards or in the interior of the campus, and may function as a bufferyard to screen or soften uses, structures, or activities which may be incompatible. Landscaping should be placed to enhance entryways into campuses and upgrade previously disturbed areas. On existing campuses built prior to the landscaping requirements for motor vehicle surface areas, trees and other plant materials may also be located in parking areas or other motor vehicle surface areas.

3-3.7. TREE PRESERVATION REQUIREMENTS

A. Intent.

1. This *Section 3-3.7 Tree Preservation Requirements* intends to limit excessive pruning or clear-cutting of existing trees and other natural landscape features.

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

B. Preservation Standards.

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

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

1. The plan must show there will be no disturbance within a preserved tree's critical root zone.
2. A preserved tree's critical root zone shall be protected from encroachment and damage.

3. A physical barrier restricting access to a tree's critical root zone shall be installed to prevent encroachment from materials, people, and equipment.
4. Barriers shall be accompanied by temporary signs labeling the critical root zone.
5. The critical root zone area shall remain free of all building materials and debris.

3-3.8. VARIANCE

Applications for variances from the requirements of the landscaping and screening standards may be approved by the Zoning Board of Adjustment after conducting an evidentiary hearing in each case. Application for a variance will be governed by the procedures set forth in *Section A.4-3.6 Variance*. Approval of a variance shall include the determination that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance that may include one or more of the following conditions; in addition to other demonstrable hardships.

- A. **Narrow.** Unusually narrow (less than ten (10) feet) sections of land available for planting because of existing permanent structures, existing paving, or natural features such as rock outcroppings.
- B. **Elevation Change.** Elevation change of more than twelve (12) feet within the area where the screening would be located.
- C. **Public Safety.** Specialized land uses such as public utilities, airports, etc. where strict adherence to the screening standard would significantly interfere with the function of that use and would create a public safety problem.
- D. **Public Agency.** Actions of a public agency.
- E. **Platting or Deeding.** Difficulties arising from the recording platting or deeding of land prior to the adoption of this Ordinance.

3-3.9. SUGGESTED PLANT MATERIALS LIST

The suggested plant materials list includes common trees and shrubs suitable for use in the Forsyth County area. Due to individual site soil, moisture, and microclimate conditions, professional expertise should be sought to determine the appropriate plant materials for any particular development project. Other appropriate plants not included in the list may also be used with the approval of the Director or designee.

A. **Prohibited Plant Materials.** Plant species or cultivars identified as noxious or invasive by the NC State University Native Plant Society is prohibited.

1. No Maple and Maple Hybrids may comprise more than twenty-five (25) percent of the tree materials in any landscape plan.

B. **Large Trees.** (mature height: fifty (50) feet or greater):

Common Name	Species
European Black Alder	<i>Alnus glutinosa</i> (Pyramidalis)
Bald Cypress	<i>Taxodium distichum</i> (Monarch of Illinois, Shawnee Brave)
Sugar Hackberry	<i>Celtis laevigata</i>
Freeman Maple	<i>Acer x Freemanii</i> (Armstrong, Autumn Blaze, Celebration, Scarlet Sentinel)
Green Mountain Sugar Maple (N)	<i>Acer saccharum</i> "Green Mountain"
Southern Sugar Maple	<i>Acer Barbatum</i>
Bur Oak	<i>Quercus macrocarpa</i>
Sawtooth Oak	<i>Quercus Acutissima</i>
Shingle Oak	<i>Quercus Imbricaria</i>
Swamp White Oak	<i>Quercus bicolor</i>
Northern Red Oak (N)	<i>Quercus rubra</i>
Nutall Oak	<i>Quercus Nutalli</i>
Overcup Oak	<i>Quercus Lyrata</i>
Green Ash	<i>Fraxinus Pennsylvanica</i> (Marshall Seedless, Newport, Patmore, Summit, Lakeview)
Kentucky Coffeetree (N)	<i>Gymnocladus Dioicus</i>
Silver Linden	<i>Tilia tomentosa</i> (Green Mountain, Sterling)
Willow Oak	<i>Quercusphellos</i>
Sugar Maple	<i>Acer saccharum</i>
Red Maple (N)	<i>Acer Rubrum</i> (Autumn Flame, Bowhall, Karpick, Northwood, October Glory, Red Kin, Red Sunset)
Scarlet Oak	<i>Quercus coccinea</i>

Common Name	Species
Southern Magnolia	Magnolia grandiflora
Cucumber Tree (N)	Magnolia acuminata
Sycamore (N)	Platanus occidentalis
River Birch	Betula nigra
Japanese Zelkova	Zelkova serrata (Green Vase, Village Green)
Tulip Poplar (N)	Liriodendron Tulipifera
White Oak(N)	Quercus alba
Japanese Scholartree	Sophora japonicum
English Oak	Quercus Robur
Japanese Katsuratree	Cercidiphyllum japonicum
Schumard Oak	Quercus Schumardi
Chinese Elm	Ulmus parviflora (Lacebark, Athena, Allee)
Redmond Linden (N)	Tilia americana "Redmond"
Fruitless Sweetgum	Liquidambar styraciflua "Rotundaloba"
Littleleaf Linden	Tilia cordata
Pignut Hickory	Carya glabra
American Beech	Fagus Grandifolia
American Hornbeam (N)	Carpinus Carolina
Thornless Honeylocust	Gleditsia Triacanthos "Inermis"
Yellowwood	Cladastris Kentuckea
Eastern Red Cedar	Juniperus virginiana (Emerald Sentinel, Princeton Sentry, Pendula)
European Hornbeam	Carpinus Betulus (Fastigiata)
Lacebark Elm	Ulmus Parvifolia
Black Gum (N)	Nyssa sylvatica
Hybrid Elm	Ulmus spp. (Homestead, Pioneer, Urban)
Gingko	Gingko biloba (Lakeview, Princeton Sentry)

C. Medium Trees. (mature height: thirty (30) to less than fifty (50) feet):

Common Name	Species
Trident Maple	Acer Buergerianum
Shantung Maple	Acer Truncatum
Chinese Pistache	Pistachia Chinesis
Ironwood	Carpinus Caroliniana
Sweetbay Magnolia	Magnolia virginiana
Persian Ironwood	Parrotia persica

D. Small Trees. (mature height: less than thirty (30) feet):

Common Name	Species
Japanese Maple	Acer Palmatum
Japanese Dogwood	Cornus Kousa
Flowering Dogwood (N)	Cornus Florida
Smoketree	Cotinus Coggyria (Daydream, Royal Purple)
Crape Myrtle	Lagerstroemia indica (Dallas Red, Lipan, Natchez, Sioux, Tonto, Yuma)
Crabapple (var.)	Malus hybrida (var.)
Amur Maple	Acer Ginnala
Wax Myrtle	Myrica Cerifera
Star Magnolia	Magnolia stellata
Japanese Tree Lilac	Syringa reticulata
Green Hawthorn	Crataegus Viridis
Carolina Cherrylaurel	Prunus Caroliniana
Choke Cherry	Prunus virginiana
Eastern Redbud (N)	Cercis canadensis
Little Gem Magnolia	Magnolia "Little gem" (Dwarf Southern Magnolia)
Fringe Tree (N)	Chionanthus Virginicus
Chinese Pistache	Pistacia chinensis
Fosteri Holly	Ilex Fosterii

Common Name	Species
Witch Hazel 'Arnold Promise' (N)	Hamamelis virginiana
Sourwood (N)	Oxydendrum arboretum
Japanese Snowbell	Styrax japonica
Serviceberry (N)	Amelanchier arborea
Chalkbark Maple	Acer Leucoderme
Trident Maple	Acer Buergeranum
Saucer Magnolia	Magnolia Soulangeana
Weeping Cherry	Prunus Subhirtilla pendula
Fall Blooming Cherry	Prunus autumnalis
American Hornbeam (N)	Carpinus Caroliniana
American Hophornbeam (N)	Ostrya virginiana
Japanese Pagodatree	Sophora japonica (Princeton Upright, Regent)
Yoshino Cherry	Prunus Yedoensis
Golden-Rain-Tree	Koelreuteria paniculata
Kwansan Cherry	Prunus Serrucata "Kwansan"
American Holly (N)	Ilex opaca (East Palatka, Foster's #2, Nellie R. Stevens)
Carolina Silverbell (N)	Halesia tetraptera
Hedge Maple	Acer campestre
Sargent Cherry	Prunus Sargentii (Columnaris, Hillier Spire)

E. Streetyard and Interior Shrubs. (mature height: approximately thirty-six (36) inches):

1. Evergreen.

Common Name	Species
Warty Barberry	Berberis Verruculosa
Dwarf Burford Holly	Ilex cornuta "Burfordii" nana
Japanese Holly (var.)	Ilex crenata (var.)
Azalea (var.)	Azalea sp.
Mugo Pine	Pinus Mugo
Juniper (var.)	Juniperus sp.

Common Name	Species
Euonymous (var.)	Euonymous sp.
Leatherleaf Viburnum	Viburnum Rhytidophyllum
Drooping leucothoe (N)	Leucothoe Fantanesiana

2. Deciduous.

Common Name	Species
Forsythia	Forsythia sp.
Dwarf Fothergilla	Fothergilla Gardenii
Thunberg Spirea	Spirea Thunbergi
Viburnum (var.)	Viburnum sp.
Oakleaf Hydrangea	Hydrangea Quercifolia
Japanese Flowering Quince	Chaenomeles Japonic
Potentilla	Potentilla Fruticosa
Ornamental Grass	Varieties
Oregonholly Grape	Mahonia Bealei
New Jersey Tea (N)	Ceanothus americanus
Snowhill Hydrangea (N)	Hydrangea Aborescens
Carolina Rose (N)	Rosa Carolina

F. Outdoor Storage Area Screening Plants. (installation height: six (6) feet):

Common Name	Species
American Holly	Ilex opaca
Burforda Holly	Ilex cornuta "Burfordii"
Nellie Stevens Holly	Ilex Cornata "Nellie Stevens"
Wax Myrtle	Myrica cerifera
Hetz Juniper	Juniperus Hetzi
Arborvitae	Thuja occidentalis
Eastern Red Cedar	Juniperus virginiana
Japanese Black Pine	Pinus Thunbergiana

3-4. BUFFERYARD STANDARDS

3-4.1. GENERAL REQUIREMENTS

- A. **Purpose.** Bufferyard, including Street Yards, standards are designed to provide visual and functional separation between different land uses to:
1. Reduce potential nuisances, such as glare, dirt, noise, unsightly views, and other adverse impacts between properties as well as where adjacent to streets.
 2. Safeguard property values and preserve the character and integrity of the community; and
 3. Protect the health, safety, and welfare of the public.
- B. **Applicability.** Every use, change of use, or expansion of a structure or land hereafter established shall meet the bufferyard requirements of this Section, except for the following:
1. One-, two-, three-, and four-family dwellings;
 2. Between component parts of a planned residential development or MU-C District;
 3. Where proposed development and or redevelopment as regulated below is located adjacent to a public street and or right-of-way, or
 4. Where no bufferyard requirement is shown in *Table B.3.12 Bufferyard Requirements*.
 5. For the purposes of this Section, Bufferyards and Street Yards are synonymous.

3-4.2. DETERMINATION OF BUFFERYARD

- A. **Procedure.** The type of bufferyard required shall be determined as follows:
1. Identify the Zoning Type for the proposed project and all adjacent properties, excluding properties across a public right-of-way. The zoning types are defined below for the purposes of this Section only.
 - (1) **Single Family Residential (SFR) Zoning Types.** Single family residential zoning types include the H, YR, AG, all RS Districts, and the MH District where an individual manufactured home on a single lot is involved.

- (2) **Multifamily Residential (MFR) Zoning Types.** Multifamily residential zoning types include all RM Districts and the MH District where a manufactured housing development is involved.
- (3) **Low Intensity Commercial (LIC) Zoning Types.** Low intensity commercial zoning types include the NO, PB, LB, IP, and C Districts.
- (4) **High Intensity Commercial (HIC) Zoning Types.** High intensity commercial zoning types include the GO, HB, and MU-C Districts.
- (5) **Manufacturing Zoning Types.** Industrial zoning types include certain uses which require outdoor storage, have high trip generation rates, or have the potential for nuisance to adjacent properties due to noise, light and glare, or typical hours of operations. The following list of specific uses identified in *Table B.2.14 Type II Bufferyard Requirements* shall be classified as industrial zoning types for bufferyard purposes:
- i. Banking and Financial Services, with Drive-Through Facilities;
 - ii. Car Wash;
 - iii. Convenience Store with Gasoline Sales;
 - iv. Implement Sales and Service;
 - v. Kennels;
 - vi. Outdoor Display Retail;
 - vii. Motor Vehicle Repair and Maintenance;
 - viii. Motor Vehicle Storage Yard;
 - ix. Recreational Vehicle Park;
 - x. Recreation Services, Outdoor;
 - xi. Restaurants (With Drive-Through Service where the drive-through is located adjacent to a SFR district);
 - xii. Storage and Salvage Yard; and
 - xiii. Dirt Storage Sites.
- (6) **Streetyards.** A landscaped streetyard shall be required along all public rights-of-way.

- i. **Width.** Minimum streetyard width is ten (10) feet and shall be measured perpendicular to the street right-of-way.
 - ii. **Impervious Surface Cover.** A maximum of fifteen percent (15%) of the required streetyard may be covered with impervious surface cover which may be used for walkways, fountains, walls, wall planters, or utility meters and vaults, but may not be used for motor vehicle surface or display, outdoor storage, private utility service, or service areas.
 - iii. **Number and Spacing of Trees.** Each streetyard shall contain a minimum of one (1) large tree per forty (40) linear feet, excluding points of driveway ingress or egress. Small variety trees are permitted under utility lines or in other locations where site constraints will not allow the installation of a large tree. Small variety trees must be spaced at a rate of one per twenty-five (25) feet excluding points of driveway ingress or egress.
 - iv. **Minimum Streetyard Requirement.** Tree preservation credits may be used to reduce the number of trees required in this Section if the preserved trees are located within twenty (20) feet of the property line; however, in no instance shall a required streetyard contain less than one tree, nor shall any required streetyard contain no trees for seventy-five (75) continuous feet;
2. Determine the Bufferyard Type (I, II, III, or IV) required for each adjacent zoning type from *Table B.3.12 Bufferyard Requirements*.

Table B.3.12 Bufferyard Requirements

Zoning Type of Project	Zoning Type of Adjacent Property				
	SFR	MFR	LIC	HIC	IND
Single Family Residential (SFR)	*	I	II	III	IV
Multifamily Residential (MFR)	II	*	II	III	IV
Low Intensity Commercial (LIC)	II	II	*	I	III
High Intensity Commercial (HIC)	III	II	I	*	II
Industrial (IND)	IV	IV	III	II	*

* = No bufferyard requirement

3. Select the Desired Bufferyard Option for the required bufferyard type from those described below.

- (1) **Type I Bufferyard.** A Type I bufferyard is a low-density screen designed to partially block visual contact and create spatial separation between adjacent uses. Type I Buffers shall be a minimum of 10' in width. The minimum planting requirements are identified in *Table B.3.13 Type I Bufferyard Requirements*.

Table B.3.13 Type I Bufferyard Requirements

Plant Type	Minimum plant quantity per 100 linear feet of buffer
Large Trees	2
Small Trees	2
Shrubs	20

- (2) **Type II Bufferyard.** A Type II bufferyard is a medium density screen designed to block visual contact and create spatial separation between adjacent uses. Type II Buffers shall be a minimum of 20' in width. The minimum planting requirements are identified in *Table B.3.14 Type II Bufferyard Requirements*.

Table B.3.14 Type II Bufferyard Requirements

Plant Type	Minimum Quantity per 100 linear feet of buffer
Large Trees	3
Small Trees	3
Shrubs	30

- (3) **Type III Bufferyard.** A Type III bufferyard is a high-density screen designed to eliminate visual contact and create spatial separation between adjacent uses. Type III Buffers shall be a minimum of 30' in width. The minimum planting requirements are identified in *Table B.3.15 Type III Bufferyard Requirements*.

Table B.3.15 Type III Bufferyard Requirements

Plant Type	Minimum Quantity per 100 linear feet of buffer
Large Trees	4
Small Trees	4
Shrubs	40

- (4) **Type IV Bufferyard.** A Type IV bufferyard is a high-density screen designed to eliminate visual contact and create spatial separation between adjacent uses. Type IV Buffers shall be a minimum of 40' in width. The minimum planting requirements are identified in *Table B.3.16 Type IV Bufferyard Requirements*.

Table B.3.16 Type IV Bufferyard Requirements

Plant Type	Minimum Quantity per 100 linear feet of buffer
Large Trees	4
Small Trees	6
Shrubs	40

B. Additional Requirements.

1. **Fractional Calculations.** Fractional planting requirement calculations shall be rounded to the next higher whole number.
2. **Existing Plant Material.** Existing plant material within the required bufferyard may be included in the computation of the required plantings with approval of the Planning Director, excluding noxious or invasive species as determined by the NC Native Plant Society.
3. **Fence or Wall Option.** An opaque fence or wall may be used in lieu of not more than fifty percent (50%) of the required evergreen bufferyard plantings with the approval of the Director and providing the following conditions are met, where applicable:
 - (1) **Fence Height for Industrial Zoning Type.** The minimum required fence height shall be eight (8) feet above ground level when the proposed project zoning type is classified as an industrial zoning type.
 - (2) **Fence Height for Zoning Types Except Industrial.** The minimum required fence height shall be six (6) feet above ground level when the proposed project zoning type is classified as any zoning type except those classified as industrial.
 - (3) **Vegetation Planted on Exterior Sides.** Where a fence or wall is used as part of the required screening, all required vegetation shall be planted on the exterior side of the fence or wall.
 - (4) **Screening Multifamily Residential Zoning Type.** Where the fence option is used to screen multifamily residential zoning types from more intense zoning types, the required vegetation may be planted on the interior side of the fence or wall.
 - (5) **Remaining Vegetation Distribution.** Where a wall is used in lieu of not more than fifty percent (50%) of the required vegetation, the remaining percentage of vegetation to be used in conjunction with the fence or wall shall be evenly distributed in the bufferyard.
4. **Earthen Berms.** Earthen berms six (6) feet high or greater, or earthen berms with combined evergreen shrub plantings equaling a minimum height of six (6) feet,

may be used in lieu of not more than fifty percent (50%) of the evergreen bufferyard plantings providing the following conditions are met. In addition, no berm shall exceed a 3:1 slope.

- (1) **Live Vegetation.** The entire berm shall be planted and covered with live vegetation.
- (2) **Evergreen Shrubs.** On berms less than six (6) feet in height, evergreen shrubs, if used, shall be a minimum of one foot in height at installation and shall be placed no greater than eighteen (18) inches edge to edge.
- (3) **Shape.** Berms shall be naturally shaped, shall have a minimum crown width of two (2) feet, and shall have side slopes stabilized to sedimentation and erosion control standards.

- C. **Alternative Compliance for CD1-C, IP, LB, and MU-C Districts.** In the CD1-C, IP, LB, and MU-C Districts, a developer may propose a bufferyard plan that varies from the strict application of the provisions of this Section in order to accommodate unique characteristics of the site, utilize innovative design, or provide an appropriate degree of buffering for separate phases and types of development. Application for alternative compliance shall include a site plan following the requirements specified in *Section A.7 Site Plan Requirements*, and shall be approved by the Planning Board only upon a finding that the proposed bufferyard plan fulfills the intent and purposes of this Section better than would strict conformance with the requirements of this Section.
- D. **Residential Subdivisions.** In residential districts, a Type III bufferyard is required within the required streetyard adjacent to all thoroughfares and collector streets, except collector streets interior to the subdivision, and all railroad rights-of-way. Use of earthen berms as described in *Section B.3-4.2(B)(4) Earthen Berms* is encouraged. The bufferyard shall be depicted and labeled on the plat and site plan.
- E. **Special Provisions for LD1-C and LD2-C.** See *Section B.2-4.8(G)(10) Bufferyards and Other Screening Requirements*.
- F. **Alternative Compliance for Schools.** The bufferyard requirements of this Section otherwise required for development of public or private schools in certain zones may be met by the submittal and approval of tree preservation and planting plan according to the provisions of *Section B.3-3.6 Public or Private Schools*.

3-4.3. BUFFERYARD LOCATION AND DESIGN REQUIREMENTS

A. Location of Bufferyards.

1. **Location.** Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line, with the following exceptions:
 - (1) **On Adjacent Property.** All or part of the bufferyard may be located on adjacent property within a permanent easement dedicated for such purpose with approval of the Director.
 - (2) **Portion of Site Proposed for Development.** If only a portion of a site is proposed for development, the required bufferyard may be located at the limit of construction perimeter with approval of the Director.
 - (3) **Topographic Irregularities.** Where topographic irregularities require a different location to meet the intent of this Section, the location of the bufferyard may be adjusted with approval of the Director.
 - (4) **Slope Ratios.** Required bufferyard plantings shall not be installed on cut or fill slopes with slope ratios greater than two (2) to one (2:1).
2. **Cut Slope.** Where bufferyards include any part of a cut slope greater than ten (10) feet in height, grading for such cut slope shall not encroach closer than ten (10) feet to the property line.
3. **Rights-of-way and Streets.** Bufferyards shall not be located on any portion of an existing, dedicated, or proposed right-of-way, or a private street.
4. **Existing Easement Within Bufferyard.** Where an existing easement that prohibits bufferyard-type plantings is partially or wholly within a required bufferyard, the developer shall extend the buffer area by the width of the encroaching easement.

B. Design Requirements.

1. **Size of Plant Material.**
 - (1) All shrubs used to meet the minimum buffer requirements shall be a minimum of three (3) feet in height at time of installation unless combined with an approved earthen berm as described above and shall be not less than six (6) feet in height at maturity.

- (2) All large trees shall be installed with tree trunks spaced a minimum distance of thirty (30) feet apart and a maximum distance of sixty (60) feet apart.
 - (3) All primary evergreen plants shall be distributed evenly along the length of the bufferyard and shall be staggered where quantities permit. Primary evergreen plants shall be installed with tree trunks spaced a minimum of seven (7) feet apart and a maximum of fifteen (15) feet from other primary evergreen plants and from any required deciduous tree.
2. **Maintenance.** Any fence, earthen berm, or plant material used for screening shall be maintained in sound condition by the bufferyard provider. Maintenance includes replacement of any required bufferyard materials which are damaged and/or dying.
- C. **Application to Nonconforming Situations.** The bufferyard standards shall apply to the entire zoning lot in nonconforming situations per the requirements of *Section A.5-4 Nonconforming Structures and Improvements*.

3-4.4. MULTIPLE USE OF BUFFERYARDS

- A. **To Satisfy Other Requirements.** Areas set aside as required bufferyards may also be used to satisfy the following:
1. Minimum setback requirements;
 2. Minimum open space requirements; and,
 3. Minimum landscaping requirements.
- B. **For Other Purposes.** Required bufferyards may also be used for the following additional purposes:
1. Bufferyards may contain stormwater retention or detention areas, as determined by the Planning Director and Public Works Director, provided:
 - (1) The required bufferyard plantings shall be provided and the design and landscaping of the bufferyard do not interfere with the proper functioning of the drainage system,
 - (2) The designed water depth shall not harm the viability of the plantings; and,
 - (3) The number/amount and type of landscape materials is still provided within the bufferyard.

2. Bufferyards may be used for passive recreation, such as pedestrian, bicycle, or equestrian trails, subject to the following limitations:
 - (1) No plant material shall be eliminated;
 - (2) No more than 15% of the buffer shall be impervious;
 - (3) The total width of the bufferyard shall be maintained; and,
 - (4) All other requirements of this Ordinance shall be met.
3. Bufferyards may be used for the installation of underground utilities, provided the location and use of the utility lines do not interfere with the required bufferyard plantings.

- C. **Reduction for Driveway to Rear Parking Areas.** A side or rear bufferyard may be reduced to five (5) feet if the Planning Board or Director upon review and recommendation by the Director determines that such reduction is necessary, due to lot size, shape, or topographic features, to allow a driveway which accesses off-street parking to the rear of the property.
- D. **Utilities.** If utility easements encroach into the buffer, the buffer must be extended by the width of the utility easement conflict.
- E. **Prohibited Uses.** The following uses shall be prohibited in a required bufferyard: playfields, stables, swimming pools, tennis courts, or similar active recreation uses, and storage or parking facilities.

3-4.5. ALTERNATIVE BUFFERYARD DESIGN

Application for variances from the requirements of the bufferyard standards may be approved by the Board of Adjustment in accordance with the procedures in *Section A.4-3.6 Variance*. Approval of a variance shall include the determination that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance which may include one or more of the following conditions, in addition to other demonstrable hardships.

- A. **Narrow.** Unusually narrow (less than ten (10) feet) sections of land available for planting within the back and/or side yards because of existing permanent structures, existing paving, or natural features such as rock outcroppings.

- B. **Steep Slopes/Elevation Change.** Existing slopes in excess of two (2) to one (2:1) in locations where a bufferyard is required.
- C. **Public Safety.** Specialized land uses such as public utilities, airports, etc. where strict adherence to the screening standard would significantly interfere with the function of that use and would create a public safety problem.
- D. **Public Agency.** Actions of a public agency.
- E. **Platting or Deeding.** Difficulties arising from the recorded platting or deeding of land prior to the adoption of this Ordinance.

3-5. OPEN SPACE REQUIREMENTS

3.5.1. PURPOSE AND INTENT

The purpose of this Section is to require open space that requires preservation of natural features, ensures access to open areas, provides active and passive recreational opportunities, adds to the visual character of a development, and provides other public health benefits. Further, this Section intends to:

- A. Define minimum open space requirements;
- B. Require for maintenance and upkeep of open spaces;
- C. Promote open space that is accessible to the public in applicable developments; and
- D. Expand opportunities for connectivity and quality of open spaces provided in the Town.

3-5.2. APPLICABILITY

Unless explicitly exempted, the standards in this Section shall apply to all new development and redevelopment in the Town of Lewisville. Individual single-family dwellings not part of a new subdivision as defined in *Chapter D Subdivision Ordinance*, or as part of a common plan of development are exempted from providing open space.

3-5.3. DEFINITIONS

- A. **Minimum Size.** A minimum of one hundred (100) square feet per unit shall be devoted to common recreation areas.
- B. **Open Space Scale.** Open Space may consist of a variety of different scales. For the purpose of this Section, open space scales shall be defined as small, medium, and

large. The acreage requirements for each open space scale are defined in *Table B.3.17 Open Space Scale*.

Table B.3.17 Open Space Scale.

Open Space Scale	Acreage (Range)
Small	250 SF – 1.0 Acres
Medium	1.0 Acres – 2.5 Acres
Large	2.5 Acres or More

3-5.4. OPEN SPACE FORMS

Required open space shall be implemented through permitted open space forms identified in this Section. Open spaces forms shall allow for public areas, semi-public areas, and / or private outdoor areas. All open space areas shall be landscaped in accordance with this UDO and provide uniform design and coordinated experiences for the user. The location, size, type and amenities provided shall be approved by the Director and or their designee. The following open space forms are identified below:

A. **Pocket Park.** Pocket parks are intended to be implemented within residential developments and mixed use developments and shall comply with the following standards. Pocket Parks:

1. Provide active and / or passive recreation uses.
2. Shall include components such as (but not limited to) shade structures, gazebos, seating areas, multi-purpose lawn space, dog park, playground/play space, public art, sculptures, community gardens, landscaping, and trails.
3. May be designed around and include an environmental feature such as a stream, creek, or but excluding wetland.
4. Shall be a minimum five hundred (500) square feet in size

Figure B.3.12 Pocket Park



B. **Amenity Centers.** Amenity centers are primarily implemented in residential developments and shall comply with the following standards. Amenity Centers:

1. Provide recreational opportunities in residential developments.
2. May include (but is not limited to) features including pools, fitness facilities, splash pads, outdoor seating, clubhouse, small scale recreational facilities such as pickleball, soccer, or shuffleboard, and lawn games.
3. All features are intended to be utilized by residents and their guests only.

Figure B.3.13 Amenity Center



C. **Green.** A green provides larger, more informal spaces and are implemented in residential developments and shall comply with the following standards:

1. Shall provide for both active and passive recreation.
2. Shall be located within a $\frac{1}{2}$ mile radius of the majority of residents or dwellings.
3. May include but is not limited to shade structures, gazebos, seating areas, multi-purpose lawn space, playground/play space, limited/small scale recreational facilities.
4. Shall be a minimum $\frac{1}{2}$ acre in size.

Figure B.3.14 Green



D. **Linear Park/Greenway.** Linear park/greenway is an open space form that provides passive and active recreation and a formalized function (provides multimodal options and connectivity). Linear parks may be implemented in residential and nonresidential developments and shall comply with the following standards:

1. May be designed around or in parallel with a natural feature such as a stream, wetland system, stormwater facility, or other man-made or natural feature.
2. Shall connect with other open spaces or linear parks where practicable.
3. Walkways shall be a minimum eight (8) feet in width.
4. May include accessory structures such as gazebos, seating areas, playgrounds, and shade structures.

Figure B.3.15 Linear Park/Greenway

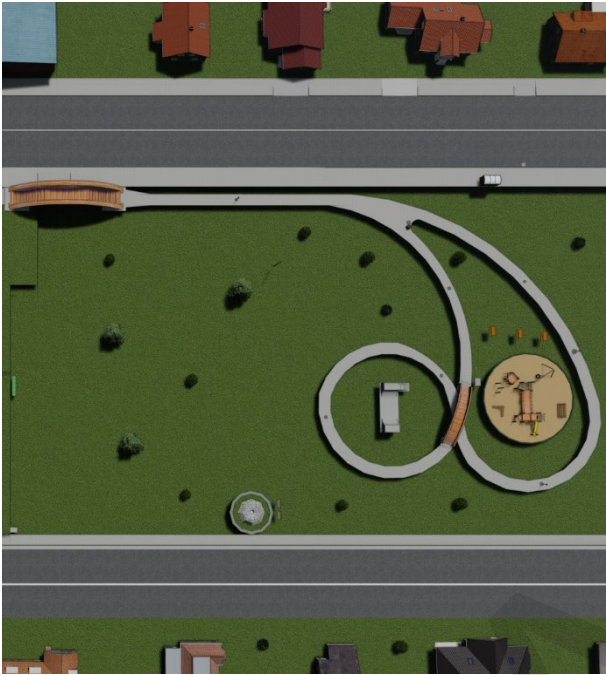


E. **Neighborhood Park.** Neighborhood parks provide active and passive recreational activities to residents of a residential development. Neighborhood parks shall comply with the following standards:

1. Shall provide for both active and passive recreation.
2. Shall include at minimum shade structures, seating areas, multipurpose lawns, and/or sport fields.
3. May include gazebos, community center, playground, pool, fitness center, and other appropriate uses.
4. A minimum twenty-five (25) percent of the park area shall be dedicated to active recreation uses as defined in this Section.

5. Shall be a minimum one (1) acre in size.

Figure B.3.16 Neighborhood Park



3-5.5. CONSOLIDATION

Required open space requirements shall not be consolidated to meet the standards of this Section. It is the intent of this Section to require multiple open space forms of varying sizes in each development where required. If the design, layout, or proposed uses within a development makes consolidation of open space necessary, the applicant may request a waiver of this requirement from the Planning Director. The applicant shall provide a written narrative and graphical illustrations justifying the request. The Planning Director may approve consolidation of open spaces only if the alternative plan conforms with the general standards, intents and descriptions of this section.

3-5.6. ACCESS

Common recreation areas shall be located and designed to be easily accessible for residents and users of the development. Open spaces shall make accommodations to provide universal designs that may be enjoyed by different target users and provide for ADA accessibility.

3-5.7. FINISHED GRADE

Common recreation areas shall be constructed on land where the average finished grade of the slope does not exceed five percent (5%), is well drained, and is otherwise capable of serving the purposes intended.

3-5.8. LANDSCAPING

Common recreation areas shall be attractively landscaped and provided with sufficient natural or constructed screening to minimize any negative impacts upon adjacent residences within the development. Additionally, one (1) large variety tree shall be required for every two thousand five hundred (2,500) square feet of common recreation area.

3-5.9. EXCLUSIONS

Common recreation areas shall not include streets, access easements, rights-of-way, parking areas, required perimeter bufferyards or streetyards, or required building setbacks; shall be closed to motor vehicle traffic except for maintenance and service vehicles; and shall not be located over a septic system drainage field.

3-5.10. MAINTENANCE

The owner of open space shall be required to maintain the open space. This shall include regular maintenance of vegetation as well as infrastructure components (stormwater facilities, paths, impervious surfaces, amenities, etc.). Failure to maintain the open space in a good and safe condition (i.e. meeting the standards for maintenance of landscaping in *Section B.3-3 Landscaping Standards*), shall result in potential penalty by the Town.

3-6. ARCHITECTURE STANDARDS

3-6.1. ARCHITECTURAL CHARACTER STANDARDS IN THE DTO

The Town of Lewisville sees the interaction between the built environment and the public as a crucial ingredient in maintaining a certain sense of place. The development standards described herein are intended to ensure that all new development within the Downtown Core Area (DCA), Downtown Gateway Area (DGA) and Downtown Overlay (DTO) results in an architecture of high quality, encourages pedestrian activity, public

interaction with the built environment, and provides appropriate transitions in scale while accommodating various types of approved uses. These uses include civic, institutional, commercial retail and business, mixed-use, live/work, and multi-family/single family residential developments. Architecture shall be designed to complement the historic small-town character of Lewisville. The following are the minimum architectural standards and are to be shown on the site plan and they shall be conditions for approval of the site plan. Other specific architectural character elements may be encouraged or required as conditions for approval of the site plan:

A. **Building Mass.** All new building façades, in terms of composition, bulk, scale, proportion, orientation, massing, transparency, articulation, color, and major divisions or rhythms in the façade, shall be of a character that supports and enhances a pedestrian friendly environment and shall relate to existing buildings within the Downtown Overlay. Human scale shall be emphasized. In order to reduce the scale of a building, while emphasizing the ground-level elements to support pedestrian friendliness, the following shall be required:

1. **Building Height.** The following requirements apply to height restrictions of structures in the Downtown Overlay:
 - (1) Any portion of a structure with a roof pitch between 8:12 and 12:12—The maximum building height shall be forty-eight (48) feet.
 - (2) Any portion of a structure with a roof pitched less than 8:12 may not exceed thirty-two (32) feet. Low sloped or flat roof requirements shall be followed as specified in *Section B.3-6.1(A)(2)(3) Upper Floor Step Backs*.
2. **Large Scale Buildings.** Large scale buildings, understood to be defined as single occupant non-residential uses exceeding 35,000 GSF, or buildings that are large compared to nearby structures in the Downtown Overlay, shall apply one (1) or more of the following forms:
 - (1) **Minor Wall Offsets or Wall Setbacks.** This includes "pushing and pulling" a façade to create visual interest and break up the massing of a structure. A minimum offset of twenty-four (24) inches for every thirty-five (35) linear feet of the façade is preferred to have proper impact.

Figure B.3.17 Wall Offsets or Setbacks.



- (2) **Height Variation.** Differing building roof heights shall be used to add visual interest and reduce boxy building masses.

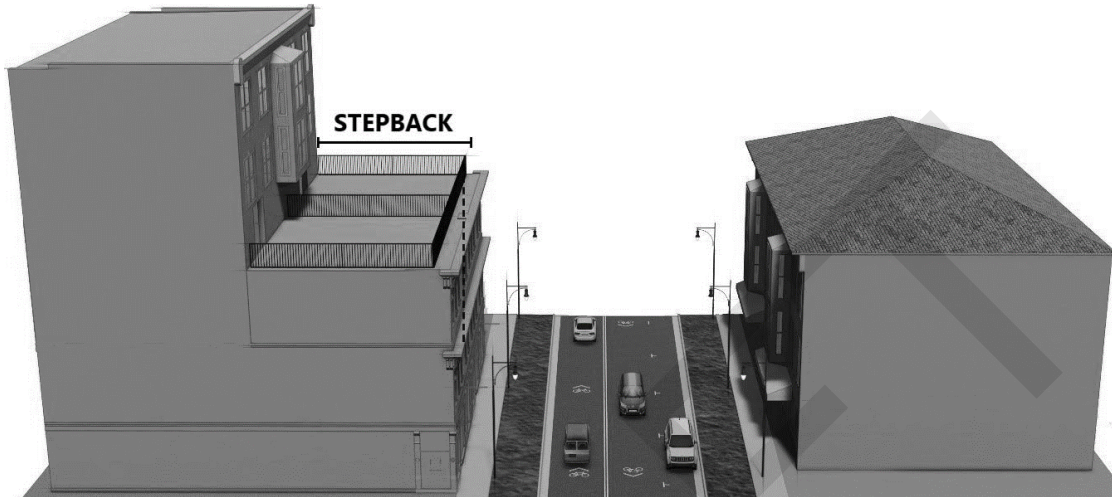
Figure B.3.18 Height Variation



- (3) **Upper Floor Step Backs.** The upper portions of a larger building mass shall be recessed from the street or when the perimeter yard boundary corresponds with the Downtown Overlay boundary and the adjacent property is zoned residential for single family development to reduce looming effects.

A recessed story shall be stepped back a minimum of five (5) feet for any structure greater than twenty (20) feet.

Figure B.3.19 Step Backs



- B. **Building Materials.** All new building facades shall be constructed of pedestrian scaled brick, wood, stone, cast stone, decorative concrete masonry, exposed architectural concrete, stucco, complimentary non-vinyl siding, or a combination thereof. The combination of materials shall be designed so that the materials and colors will complement each other. Exposed vinyl siding, exposed metal siding, painted concrete, painted brick, painted concrete masonry, and standard gray concrete masonry are not acceptable exterior materials. Roofing materials exposed to view shall be standing seam metal or copper, concrete, slate or clay roof tile, or architectural dimensional asphaltic shingles.

Figure B.3.20 Multiple Materials



C. **Roofs.** All roofs of new buildings shall meet the following requirements:

1. Roofs shall meet the height requirements outlined in *Section B.3-6.1(A) Building Mass*.
2. Flat roofs shall be hidden by parapet walls capped with continuous masonry, stone, a decorative stucco element, or with a concealing sloped roof.
3. Low sloped roofs shall be interrupted by the use of gables, dormers, and other roof features to create distinguishing architectural character.
4. Overhanging eaves that project a minimum of twelve (12) inches from the roofline are required on all sloped roofs.
5. All rooftop utility structures, and equipment shall be screened from view at any height.

D. **Façades.** The façades of all new buildings shall be designed to support and enhance a pedestrian friendly environment and compliment the historical small-town character of Lewisville by integrating pedestrian proportioned features such as recessed entrances, projecting elements, arcades, colonnades, porches, pillars, columns, cornices, patterning of materials, and other similar architectural features. Visual balance shall be achieved in the overall building façade composition. Differing buildings, multi-tenant businesses, and/or activities within the same development may be distinguished by designing consistent architectural schemata that uses variations of material, scale, forms, and architectural elements. No wall that faces a street or

connecting walkway shall have a blank, uninterrupted area with any length exceeding twenty (20) feet. Delineation between ground and upper floors is encouraged by using architectural elements such as cornices, balconies, arcades, and ornamented belt courses. The frontage of buildings shall be divided into architecturally distinct sections of no more than sixty (60) feet in width. All sides, including the rear, of the building shall include materials and design characteristics consistent with those of the front.

E. **Façade Openings.** Transparency through use of windows is required for all new buildings. Transparency of the ground level shall be calculated within the first fifteen (15) feet of the building wall, measured vertically at street level. Transparency of all non-street fronting façades shall be treated similarly so there is no significant change in aesthetic appearance. Size, orientation, proportion, grouping and detailing of all fenestrations shall be proportioned to relate to human pedestrian scale. Reflective mirrored glazing is not permitted.

1. **Downtown Core Area.** Minimum percentages of fenestration for street fronting façades of all new buildings are as follows - all non-residential structures and uses shall be fifty percent (50%) of surface area of horizontal wall at the ground floor and twenty percent (20%) of upper floors; all residential uses shall be thirty-five percent (35%) of surface area of horizontal walls at the ground floor and twenty percent (20%) of upper floors.
2. **Downtown Gateway Area.** Minimum percentages of fenestration for street fronting facades of all new buildings are as follows - all non-residential structures and uses shall be thirty-five percent (35%) of surface area of horizontal wall at the ground floor and twenty percent (20%) of upper floors; all residential uses shall be twenty-five (25%) of surface area of horizontal wall at the ground floor and twenty percent (20%) of upper floors.

F. **Building Orientation.**

1. In the DCA, all buildings shall face Shallowford Road or the Great Wagon Road. In the DCA and DGA, all buildings shall be oriented so that they abut a public right of way with no intervening parking area. Sidewalks constructed to minimum NCDOT and/or Town Street standards shall be provided for the safe transition of the pedestrian user from any off-street on-site parking to the primary user entrance. There shall be a public-private setback zone to each building. This will provide sidewalk activity areas for outdoor exhibits, benches, porches, places for

conversation, shelters from weather, and pedestrian oriented identity to the specific use of the building. The zone shall be six (6) feet deep and be established beyond the sidewalk along the façade, with fifty percent (50%) of this area free of permanent structural elements to allow the addition of street amenities.

2. Building walls with street frontage shall emphasize pedestrian-oriented architectural features such as façade articulation, windows, awnings, porticos, and other similar features.

- G. **Covered Walkways.** Awning covered walkways, open colonnades, or similar weather protection structures shall be provided to clearly support pedestrian circulation. These shall be encouraged and shall be designed to complement new buildings and the streetscape of the area.
- H. **Exterior Site Improvements.** Pre-approved and selected features such as fences, utilities, outdoor furniture, signage and displays shall be incorporated and shall be compatible with the mass and scale of such other improvements elsewhere in the area and as otherwise governed herein.
- I. **Service and Utility Areas.** Service and utility areas, shipping and receiving areas and trash disposal areas shall be placed to the rear or side of a building in a visually unobtrusive location and shall be screened from view with adequately sized fencing of appropriate materials.
- J. **Utilities.** New utility service lines to all new buildings from existing utility service source shall be placed underground. Overhead utility crossings are not permitted. Utilities within Town maintained streets and/or NCDOT roads shall be placed underground to the property line. Oversized hotboxes are required to protect larger back-flow valves as required by NFPA-13; however, the preferred installation method is to locate said valves in an approved vault located below ground level where elevations and topography permit.
- K. **Color.** Color schemes for all new buildings shall incorporate a single base color and no more than two (2) compatible secondary accent colors. Earth tones are encouraged; bright primary colors are discouraged and shall only be used as accent colors as approved by the Planning Director on a case-by-case basis.

- L. **Lighting.** Internal or external light sources shall be oriented so as to not generate glare. Exterior fixtures shall be selected to aesthetically enhance the existing street lighting. The other standards of *Section B.3-9 Other Standards* shall apply.

3-6.2. NONRESIDENTIAL BUILDING DESIGN STANDARDS

- A. **Purpose and Intent.** The purpose and intent of this Section is to provide minimum requirements for building and site design. Non-residential design standards are additional standards intended to supplement the required zoning district development standards and specific use standards provided in this Code. This includes specific design and development standards within the Mixed Use-Conditional Zoning District (MU-C).

1. Provide the Town's expectations for the quality and character of new development;
2. Ensure high quality design through the use of architectural components, building features, exterior materials and colors, desirable design elements, and detailing;
3. Feature appropriate levels of building articulation and transparency;
4. Screen loading and delivery areas and mechanical use areas, including those on roofs;
5. Encourage ground floor activity and pedestrian friendly design for pedestrian comfort and activity; and
6. Require standards for building design that are appropriate to context and location.

B. **Applicability.**

1. All new buildings and sites shall comply with the standards of this Section unless specifically exempted in *Section B.3-6.2(D) Exemptions* below.
2. Development existing prior to the adopted date of this UDO, as well as redevelopment of buildings established prior to the adopted date of this UDO, are encouraged but not required to comply with these standards, unless required by *Section B.3-6.2(C) Repairs, Renovations, and Additions* below.
3. Overlays and/or designated architectural review districts may have separate design and development standards including but not limited to application and review processes. Where such standards are adopted, those standards shall prevail.

C. Repairs, Renovations, and Additions.

1. A building may be repaired or renovated without complying with the requirements of this Section, provided there is no increase in gross floor area. If a structure is enlarged by more than twenty-five (25) percent or a site area expanded by more than twenty-five (25) percent, both the additional building and/or site area must conform to the standards of this Section.
2. Notwithstanding any standards of this Section to the contrary, any additions to a building which is constructed in compliance with the standards of this Section may continue the design of the existing building, including building materials, colors, textures, architecture, roofs, façades, and other detailing.

D. Exemptions. The standards of this Section shall not apply to the following:

1. New non-residential buildings less than five-thousand (5,000) square feet, established after the effective date of this Ordinance.
2. Development located in the General Industrial zoning district (*Section B.3-6.5 Industrial Building and Site Design Standards*).
3. Conversion of a building from one (1) permitted principal use to another permitted principal use.

E. Required Design Elements. The following design elements are required for all buildings:

1. Consistent architectural style, detail and trim;
2. Facades which break down large elements of mass and scale where appropriate;
3. Architectural details and features;
4. Material changes reflective of function and appropriately placed;
5. Canopies, porches, stoops, roof overhangs or other pedestrian friendly features;
6. Shade and weather protection for ground floor entrances;
7. Design elements such as cornice lines, columns, arches; and
8. Various fenestration and transparency elements.

F. Prohibited Design Elements. The following design elements are prohibited:

1. Large, blank wall surfaces;

2. Exposed and untreated block walls;
3. barbed wires, fix caps, and razor wire;
4. Mirror window glazing;
5. False fronts;
6. Loading bays or loading doors;
7. Lack of architectural features; and
8. Lack of change in materials.

G. **Overlays.** Buildings and sites located within defined overlays as identified in *Section B.3-6.2 Overlays* and the official zoning map shall conform to the adopted standards of the Overlay except where otherwise noted. Where there exists a conflict, the standards of the overlays shall govern.

H. **Nonresidential Building Design Standards.** These standards provide the Town's expectations for the quality and appearance of new buildings.

1. **Façade Colors.** Building façade colors shall help unify buildings within a development. Building façade colors should be similar and consistent within a development. Building colors shall comply with the following standards:
 - (1) Primary colors shall be earth tones, muted, subtle, or neutral colors. Neon colors are prohibited. Exterior color schemes that attract undue attention, or that cause the building to appear as a sign or advertisement, are not permitted.
 - (2) Accent colors and colors on details and trims may be of brighter hue and variation than façade colors.
 - (3) Color should be integral to the materials. The use of complementing hues is required where painted or applied finishes are utilized.
 - (4) Traditional and standard franchise colors shall also comply with this Section.
2. **Façade Design.** Building facades shall be designed with a consistent architectural style, detail, and trim. All sides of a building shall require architectural detailing and windows that complement the primary façade. Facades greater than one-hundred (100) feet in length shall require a repeating, consistent pattern of change in color, texture, and material. Facades shall comply with the following additional standards:

- (1) **Vertical Mass.** The vertical mass of multistory buildings shall be visually broken at each story with architectural detail and articulation of at least one (1) foot in the vertical direction. Illustrated as “A” in *Figure B.3.21 Façade Design*.
3. **Roof Lines.** To limit box-like building forms, roofs shall include differing planes, pitches, forms, heights, or materials that are distinct from one another. Roof lines shall not exceed a linear distance of one-hundred (100) feet without the introduction of a physical features. Illustrated as “B” in *Figure B.3.21 Façade Design*.
4. **Horizontal Mass.** Building facades shall not exceed a linear distance of thirty-five (35) feet without the introduction of a physical articulation no less than one (1) foot wide and extending in a horizontal direction along the façade. Illustrated as “C” in *Figure B.3.16 Façade Design*.
5. **Wall Offsets.** Facades of 60 or greater feet in width shall incorporate wall offsets of at least one (1) foot of depth a minimum of every forty (40) feet. Illustrated as “D” in *Figure B.3.21 Façade Design*.

Figure B.3.21 Façade Design



A-D	Facade Standards Illustrated
A	Vertical Mass
B	Roof Lines
C	Horizontal Mass
D	Wall Offsets

6. **Facade Transparency.** All buildings shall incorporate transparency, through the use of windows and doors, on ground and upper floors as illustrated in *Figure B.3.22 Transparency*. Transparency applies to all sides of a buildings facing a public and/or private street. Transparency shall not be required for service areas, loading/unloading areas, or those areas not visible from the public and/or private street.
7. **Ground Floor Transparency.** Ground floor transparency shall be calculated based on the total façade area located between the finished ground floor level and beginning of the upper floor. All ground floor transparency shall be a minimum thirty (30) percent, unless stated otherwise in this UDO.
8. **Upper Floor Transparency.** Upper floor transparency is calculated based on total façade area located between the surface of any floor to the surface of the floor above it. If there is no floor above, then the measurement shall be taken from the surface of the floor to the top of the wall plate. All upper floor transparency shall be a minimum twenty (20) percent unless stated otherwise in this UDO.

Figure B.3.22 Transparency

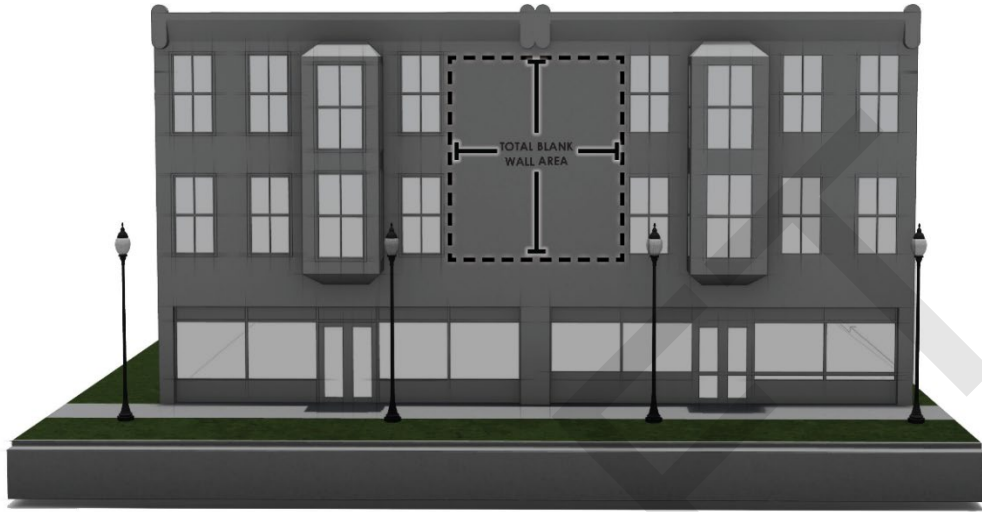


9. **Building Blank Wall Area.** Buildings shall be designed to limit blank wall areas. Blank wall areas are portions of an exterior façade that do not include windows, doors, columns, pilasters, architectural features greater than one (1) foot in depth, or a substantial material change. Blank wall area shall be limited in building designs and comply with the following standards:

- (1) Paint is not considered a substantial material change.
- (2) Blank wall area applies in both a vertical and horizontal direction and applies to ground floors and upper floors.
- (3) The maximum continuous blank wall area for any building shall be a maximum fifty (50) square feet without a break by windows, doors, architectural features greater than one (1) foot in depth, or a substantial material change, unless explicitly stated elsewhere in this UDO.
- (4) When necessary to meet Fire Code requirements, blank wall area requirements may be waived by the Director.
- (5) Alternatively, where a facade faces adjacent residential uses, an earthen berm may be installed in lieu of meeting these requirements. The berm shall be no less than six (6) feet in height and contain, at a minimum, a double row

of evergreen or deciduous trees, planted at intervals of fifteen (15) feet on center.

Figure B.3.23 Blank Wall Area



10. **Roof Design Standards.** Building rooflines that face a street or public right-of-way shall not exceed a linear distance of one-hundred (100) feet without the introduction of a physical articulation of no less than one (1) foot in the vertical direction, gable, or building projection.
11. **Rooftop Equipment.** Publicly visible mechanical equipment or stacks shall be screened from public view.
12. **Parapets.** Parapets may extend thirty-six (36) inches above the roof line. Mansard roofs are prohibited.
13. **Roof Treatments.** Roofs shall have architecturally significant roof treatments including, but not limited to, cornices, brackets, roof overhangs, and textured materials. Compatible color materials are required.
14. **Entries.** Entrances should be differentiated architecturally to create a sense of human scale.
 - (1) Architectural elements like openings, sills, bulkheads, columns, and other architectural features shall be used to establish human scale at the street level.

- (2) All commercial and mixed-use buildings shall accommodate active street level uses on all pedestrian-oriented frontages.
- (3) Large buildings fronting multiple streets shall provide multiple entrances.

15. Buildings on Corners.

- (1) Buildings that exist on a corner lot shall incorporate additional architectural features, utilize massing techniques, or implement other features to emphasize their prominent location and create a visual assist to turn the corner.
- (2) Corner buildings should utilize massing techniques and architectural treatments to create an inviting pedestrian environment where a building wraps a street corner.

16. Street Walls.

- (1) Where surface parking lots or drive aisles abut a public street right-of-way (or sidewalk), a street wall shall be required on the setback line or edge of parking lot pavement. Street walls are required alongside boundaries of drive aisles along drive-through lanes. An alternative, such as hedging or other similar designs may be approved by the Planning Director as long as the desired effect of a street wall is achieved.
- (2) Street walls shall be constructed of brick, masonry, stone, wrought iron or other solid decorative materials. Wood, fencing, and chain link shall not be considered permitted materials for a street wall.
- (3) Street walls shall be a minimum three (3) feet and a maximum four (four) feet in height.
- (4) Breaks in street walls may be permitted to allow for pedestrian or vehicular access, or tree protection.

Figure B.3.24 Street Walls



3-6.3. NONRESIDENTIAL SITE DESIGN STANDARDS

- A. **Building Siting.** Buildings shall be sited so that they support a pedestrian friendly environment and are generally aligned and compatible with one another. Parking should be placed to the side or rear of buildings. Furthermore, building siting shall comply with the following:
1. Large-scale, single-use buildings should be located behind outparcels. This shall not apply to industrial development.
 2. Spaces between buildings on outparcels or pad sites shall include enhanced pedestrian features or amenities such as plazas, paver walkways, seating areas, and gathering places in addition to off-street parking spaces.
 3. Outparcel buildings, to the maximum extent practicable, shall be clustered along the street in order to define street edges and entry points, and promote a pedestrian scale. Outparcel buildings should help define street edges, development entry points, and spaces for gathering between buildings.

4. Outparcel buildings shall include a consistent level of architectural detail on all sides of the building and consist of similar exterior materials and compatible colors of the primary building in the development.
5. Buildings shall be located to break up the site into a series of smaller blocks defined by streets and pedestrian walkways, and to frame and enclose parking areas, outdoor dining areas, and/or gathering spaces for pedestrians between buildings.
6. If a parking lot separates the principal building from an outparcel building, a pedestrian path/sidewalk shall be provided connecting the two through a direct link as illustrated in *Figure B.3.25 Outparcel Buildings and Parking*.
7. Outparcel buildings shall be placed as close to rights-of-way as possible and limit surface parking between the building and street.

Figure B.3.25 Outparcel Buildings and Parking



B. Multi-Building Developments.

1. Sites comprised of multiple buildings shall be configured such that no more than sixty (60) percent of the provided off-street parking shall be located between a building's primary building façade and the street it faces, unless the principal building(s) and/or parking lots are screened from view by outparcel development.
2. Buildings within multiple-building developments shall be clustered to maximize organized open space opportunities.

3. Developments with multiple buildings shall break up the development area into a series of distinguishable smaller blocks which include on-site streets, vehicle accessways, pedestrian walkways and features, and provide interior circulation.
4. Buildings that abut streets shall be oriented parallel to the street. Buildings shall not be oriented at an angle to the street

Figure B.3.26 Outparcels and Multi-Building Development



C. Internal Connections. Within developments including the construction of new streets, an interconnected network of streets shall be provided. Streets shall connect to adjacent existing streets outside of the development.

D. Accessory Facilities.

1. Uses, structures, and mechanical equipment that are accessory to the principal building (i.e. loading and unloading areas, trash collection areas, maintenance and storage, and mechanical equipment areas) shall be incorporated into the overall design, architecture, and landscape of the development.
2. Colors and materials used in accessory uses and structures shall be consistent with the principal structure.
3. Visual impacts of these areas shall be fully screened by opaque masonry or evergreen landscaping and out of view from streets and public rights-of-way.

4. Accessory structures shall not exceed the height of the principal structure.

E. Architectural Styles.

1. In developments with multiple buildings, a consistent level of architectural style shall be maintained.
2. Where dissimilar architectural styles are required, building designs shall be made more consistent through the use of consistent architectural features, similar scale and proportions, and consistent location of signage.

3-6.4. NONRESIDENTIAL PEDESTRIAN CONSIDERATIONS

- A. Sidewalks.** Sidewalks shall be designed in accordance with the provisions of this Ordinance and shall be provided in the following locations:

1. Along any street-facing side(s) of any lot that abuts any roadway, including private roadways.
2. Along any façade(s) abutting public parking areas and along any facades featuring a customer entrance.
3. GI Zoned properties are exempt from this requirement except where adjacent to an existing sidewalk.
4. The Director or their designee shall have the ability to waive this requirement based on adjacent, existing development including improvements (i.e., existing location and condition of the sidewalk system).

- B. Pedestrian Crossings.** Street crossings, also referred to as crosswalks, shall be required whenever a walkway intersects a vehicular area; and/or a pedestrian walkway intersects a vehicular area within a development or along its frontage. Crossings dedicated for pedestrians within vehicle use areas shall be marked in accordance with state and federal law and designed to draw special attention to alert vehicles to its location through:

1. Physical features such as bump-outs;
2. Signage or crossing light/notification mechanisms;
3. Change in materials;
4. Colored paint;
5. Grade change; and/or

6. A combination of these elements.

Figure B.3.27 Pedestrian Crossing



C. **Design Alternative.** If site constraints make the standards of pedestrian access impractical, the Director may approve a design alternative in which the main primary entrance does not face the right-of-way provided the following standards are met:

1. The main building entrance, when not facing the right-of-way, shall provide a safe and convenient access for pedestrians from the main building entrance to the right-of-way. The pedestrian way must provide additional landscape amenities.
2. Entrances which are oriented on a diagonal are permitted, provided that they are integrated with the overall architectural design, and not merely angled appendages or alcoves.
3. Ground floor windows or window displays shall be provided along at least ten percent (10%) of the building's (ground floor) street-facing elevation(s); windows and display boxes shall be integral to the building design and not mounted to an exterior wall. Customer entrances must have weather protection features, such as awnings, arcades, or vestibules.

3-6.5. INDUSTRIAL BUILDING AND SITE DESIGN STANDARDS

A. **Industrial Design Standards.** Due to the nature of industrial uses, limited design standards shall apply.

- B. **Blank Wall Length.** Blank wall lengths greater than one-hundred (100) feet or twenty-five (25) percent of the building length for facades visible from the public ROW, whichever is greater, shall require the introduction of physical articulations or material change.
- C. **Lighting.** Industrial use buildings and required parking areas shall not exceed a maximum of thirty (30) feet fixture height and 0.5 foot-candle intensity at the perimeter boundary.
- D. **Equipment and Loading Areas.** Equipment and loading areas shall comply with the following standards:
1. Cooling towers, HVAC and ventilation fans, mechanical units, etc., shall be either screened using a pitched roof façade, parapets, or constructed adjacent to the building and properly screened from view by either landscaping or the use of similar building materials.
 2. Ground-mounted equipment and mechanical equipment visible from a public right-of-way shall be screened from view by an opaque wall, landscaping, or combination thereof.
 3. Except where regulated otherwise, walls and landscaping shall have a minimum opacity of eighty-five (85) percent and shall be the height of the equipment or facility plus six (6) inches.
 4. Where the configuration of the building or site makes it impractical to locate the loading areas in the rear of the building, front or side loading areas may be proposed with additional screening or landscape requirements.
- E. **Prohibited Elements.** The following design elements are prohibited:
1. Reflective surfaces;
 2. Exposed and untreated block walls; and
 3. Barbed wire or razor wire, unless required by law for security or safety purposes.

3-6.6. MULTIFAMILY BUILDING AND SITE DESIGN STANDARDS

- A. **Intent and Applicability.** Multifamily buildings and sites are unique and require distinct design standards. The design standards of this subsection shall be required for all new multifamily buildings and developments. One- and two-family dwellings are exempt from these standards except where otherwise noted and or located within an overlay or designated district. Multifamily design standards intend to:
1. Promote and enhance pedestrian scale;

2. Feature appropriate levels of building articulation, transparency, and design elements, per the standards of this Section;
3. Limit undesirable design elements and promote desirable design elements, as defined in these Regulations;
4. Screen loading and delivery areas and mechanical use areas, including roof top equipment; and
5. Position primary entrance of a building toward a street.

B. Prohibited Design Elements. Prohibited design elements include the following:

1. Large, unarticulated blank wall surfaces;
2. Exposed and untreated block walls;
3. False fronts; and
4. Designs which lack of architectural features and/or change in materials.

C. Required Design Elements. Design elements that promote a high-quality development or redevelopment include the following required design elements which shall be included for all multifamily buildings subject to this Section:

1. Consistent architectural style, detail and trim;
2. Facades which break down large elements of mass and scale;
3. Architectural details and articulation;
4. Material changes reflective of function and appropriately placed;
5. Canopies, balconies, porches, stoops, roof overhangs;
6. Shade and weather protection for ground floor entrances;
7. Design elements such as cornice lines, columns, arches; and
8. Various fenestration and transparency elements.

D. Architectural Variability. The standards below are intended to prevent developments where dwellings appear identical or very similar. A row (i.e. two (2) or more dwellings in a row, including attached townhomes) of identical or near-identical buildings along a block or across the street along a block are prohibited. Buildings shall have varied and distinctly different facades within any phase of development.

Residential buildings may qualify as distinctly different if two (2) of the following standards are met:

1. Variation of color, and not a variation of hue, shall be required and may count toward meeting the requirement of distinctly different facades;
2. Variation in exterior materials and utilization of materials on facades may count toward meeting the requirement of distinctly different facades;
3. Variation of habitable space within a dwelling by five-hundred (500) square feet or more;
4. Change in roof materials; or
5. Variation in number of building stories.

E. Building Orientation and Placement.

1. Multifamily buildings which abut streets shall be required to be oriented parallel to the street.
2. Developments with several multifamily buildings shall cluster buildings along streets or internal rights-of-way to allow for enhanced open space and recreation areas within the area of the development.
3. Developments with several multifamily buildings shall ensure no more than sixty (60) percent of the off-street parking area for the entire property is located between the front facade within the front yard of the principal building(s) and the primary abutting street unless the principal building(s) and/or parking lots are screened from view by outparcel development.

F. Building Facades. Building form design shall take into account mass, scale, and articulation. Building facades shall be designed with consistent architectural style, detail, and trim features. Facades which face a street shall provide at minimum four (4) of the following elements:

1. A change in plane, such as an offset, reveal, or projecting rib. Such plane projections or recesses shall have a width of no less than six (6) inches (columns, planters, arches, voids, etc.);
2. Architectural details such as raised bands and cornices;
3. Integrated planters that utilize landscaped areas for decorative details;

4. Awnings and or arcade;
5. Covered porches, terraces, lanais, or balconies intended for private use by residents of the multifamily structure;
6. Shutters;
7. Pillars or posts;
8. Bay windows;
9. Roof eaves of at least three (3) inch wide trim;
10. Complementary change in color; and/or;
11. Complementary change in material/texture.

G. Transparency.

1. Building facades shall incorporate transparency, through the use of windows and doors, on ground floor and upper floors. Transparency standards shall apply to all sides of buildings facing a public and/or private street except where otherwise modified due to safety and security considerations.
2. Transparency shall not be required for service areas, loading/unloading areas, or those areas not visible from the public and/or private street.
3. The minimum transparency for multifamily buildings is thirty (30) percent, unless stated otherwise in this UDO.

H. Blank Wall Standards. Blank wall area standards shall apply to the front and sides of buildings or any portion of a building fronting a residential area or public or private street, and shall comply with the standards below:

1. Blank wall area is the portion of an exterior façade that does not include windows, doors, columns, pilasters, architectural features greater than one (1) foot in depth, or a substantial material change. Paint shall not be considered a substantial material change.
2. Blank wall area applies in both a vertical and a horizontal direction of the building façade and applies to ground floors and upper floors.

3. The maximum continuous blank wall area shall be a maximum thirty-five (35) square feet without a break by windows, doors, architectural features greater than one (1) foot in depth, or a substantial material change.
4. Except as otherwise regulated, the maximum permitted blank wall length for the rear of buildings shall be one-hundred (100) feet, or twenty-five (25) percent of the building length, whichever is less.

I. Entrances.

1. A street facing facade and main building entry shall face the right-of-way. Additional entrances are encouraged facing parking lots, plazas, and adjacent buildings.
2. Buildings adjacent to public rights-of-way shall have at least one (1) entrance providing access to the right-of-way. This entrance shall remain in operation and shall not be closed off to residents.
3. Separate entrances to units above the ground floor shall be prohibited from being visible from street rights-of-way.
4. All multifamily development and redevelopment shall provide no less than three (3) of the following design elements for building entrances:
 - (1) A change in plane indicating a building entrance;
 - (2) Building wall projection;
 - (3) Recess of entry at least three (3) feet;
 - (4) Architectural features and fenestration;
 - (5) Variety in color, material, or texture orienting pedestrians to the entrance;
 - (6) Ornamental doors;
 - (7) Covered entries including awnings, arcade or eave;
 - (8) Windows;
 - (9) Porches;
 - (10) Arches, columns, stoops, cornices.

J. Porches/Balconies.

1. Porches, including covered porches, stoops, awnings, and bay windows and wings may only extend into the front yard up to five (5) feet. Encroachments may be permitted up to fifty (50) percent of the total length of the respective façade.
2. Balconies shall project or recess a minimum of three (3) feet from the façade.

K. Accessory Structures. All accessory structures for multifamily buildings and/or developments shall comply with the following standards:

1. Garages, carports, or covered parking areas shall be provided from local streets or alleys. Entrances to parking garages are exempt from this standard and may be accessed from street rights-of-way, alleys or internal courtyards or accesses.
2. Accessory structures shall have similar exterior materials, colors and roof forms as the principal structure.

L. Other Requirements.

1. All utility equipment (including meters and conduits) attached to a building shall be painted to match the primary surface color of the wall on which it is attached, painted to match accent colors used on the façade, or be blocked from view (where practicable) through the use of landscaping or screens.
2. Downspouts shall be painted to match the primary surface color of the wall on which it is attached, be painted to match accent colors used on the façade, or be constructed of materials that complement the architectural style of the structure.
3. Roofing materials should complement the color and texture of the building façade.
4. Refuse collection areas shall be distributed evenly throughout multiple building multifamily developments.
5. Internal storage space or lockers for bicycles, strollers, and other similar items are encouraged and should be provided close to the entries of the building.

3-7. PROTECTION OF PUBLIC RIGHTS-OF-WAY AND GREENWAYS

3-7.1. PUBLIC RIGHTS-OF-WAY

A. Dedication of Right-of-Way with Density Transfer.

1. **Dedication.** Whenever a tract of land is proposed for subdivision or for use pursuant to a zoning or building permit, and a portion of it is located within a corridor for a street or highway on a plan established and adopted pursuant to State law for a street or highway that is included in the NC DOT State Transportation Improvement Program (STIP), the right-of-way within that corridor shall be dedicated to the appropriate agency.
2. **Required Findings.** No right-of-way dedication shall be required pursuant to this Section unless the approving agent or board finds that the dedication does not result in the deprivation of a reasonable use of the original tract and that the dedication is either:
 - (1) Reasonably related to the traffic generated by the proposed subdivision, or
 - (2) Use of the remaining land or the impact of the dedication is mitigated by measures provided in this Ordinance.
3. **Transfer of Density Credits.** An applicant may transfer density credits attributable to the dedicated right-of-way to contiguous land that is part of a common development plan. If the dedication of right-of-way is not required, an applicant may transfer density credits attributable to the dedicated right-of-way to contiguous land that is part of a common development plan.
4. **Definition of Density Credit.** As used in *Section B.3-7.1(A)(3) Transfer of Density Credits*, the term density credit means the potential for the improvement or subdivision of part or all of a parcel of real property, as permitted by this Ordinance or the Subdivision Ordinance, as set forth in *Section B.3-7.1(A)(5) Transferable Percentage*.
5. **Transferable Percentage.** One hundred percent (100%) of the density credit or development potential of the property dedicated pursuant to *Section B.3-7.1(A)(4) Definition of Density Credit* may be transferred to contiguous land that is part of a

common development plan as identified in *Section B.3-7.1(A)(3) Transfer of Density Credits*.

B. Transportation Plan Corridors.

1. **Limits on Approvals.** Whenever a tract of land is proposed for subdivision or for use requiring a zoning or building permit, and a portion of it is located within a corridor for a thoroughfare identified in the *Transportation Plan*, no building permit shall be issued for any structure or part thereof located within the roadway corridor, nor shall approval of a subdivision be granted with respect to property within the roadway corridor. The Public Works Director or other Town/County official and/or the North Carolina Department of Transportation district engineer shall be notified within ten (10) days of all such requests for building permits or subdivision approvals within the roadway corridor.
2. **Exemptions.** The provisions of this Section shall not apply to valid building permits issued prior to the effective date of this Ordinance, or to building permits which existed prior to the dedication of the roadway corridor, provided the size of the building or structure is not increased and the type of building code occupancy as set forth in the North Carolina Building Code is not changed. Within one year following the establishment of a roadway corridor, if substantial work has not begun pursuant to a valid building permit or approval, the corridor shall be deemed abandoned, and the exemptions allowed in this Section shall no longer apply.
3. **Time Limits.** No application for building permit issuance or subdivision plat approval shall be delayed by the provisions of this Section for more than three (3) years from the date of the original building permit or subdivision plat submittal.
4. **Waiver of Requirements.** The Board of Adjustment shall hear and decide requests to waive the requirements of this Section. A variance may be granted by the Board of Adjustment according to the procedures for Variances described in *Section A.4-3.6 Variance*.

3-7.2. GREENWAYS

Before any zoning permit is approved for a lot which lies within fifty (50) feet of a stream identified for a greenway in the adopted *Greenway Plan*, the Director shall notify the Town Manager. The Town Manager will assess the potential impact of the development on future greenway construction and may then offer to purchase or undertake other action

to protect the potential greenway corridor. The Director shall not approve any permit which would authorize disturbance of the potential greenway corridor, nor shall the property owner or their agent disturb the potential greenway corridor, until the Town Manager formally responds to the Director regarding the intent of the Town. If no response is received within thirty (30) days, the Director may issue the requested permit.

3-8. DRINKING WATER SUPPLY AND WASTEWATER MANAGEMENT

- A. **Applicability.** An application for any type of development permit shall not be approved and no excavation of land may commence until the proposed method(s) of water supply and sewage/septage disposal have been approved in writing by the appropriate authorizing agency. The methods of drinking water supply and wastewater disposal shall be specified on all development plans.
- B. **Individual Systems.** Private, individual well water supply and septic system permit applications must be reviewed and approved by the Forsyth County Division of Environmental Health (FCEHS).
- C. **Private Community Systems.** Community wells and/or private package sewer systems must be reviewed and approved by the NC Department of Environmental Quality (DEQ). Additionally, these systems must be built in accordance with current Winston-Salem/Forsyth County Utilities Commission (CCUC) standards and specifications.
 - 1. All development plans that include private community well water supply and/or private sewer systems must be certified and sealed by a licensed North Carolina Professional Engineer (PE), ensuring that these facilities comply with the current NC DEQ and CCUC standards.
 - 2. The CCUC reserves the right to deny acceptance of any existing private water supply or sewer systems that do not meet the necessary specifications established by the CCUC.
 - 3. The entity responsible for use and maintenance of any private community well system and/or private sewer plant/system shall record a plat with the Forsyth County Register of Deeds, certified and sealed by a licensed Professional Engineer, showing the location all components of these systems.

4. As of the effective date of this ordinance, no previously or currently permitted private sewer package treatment plant shall sell or transfer any excess capacity outside of the subject subdivision or development for which it has been permitted.
 5. The entity responsible for maintaining a community well water system or private sewer system must hold a certificate of convenience issued by the NC State Utilities Commission. A plat of the property shall be recorded, along with an affidavit prepared and sealed by Professional Engineer assuring that water and sewer infrastructure complies with the regulations of the CCUC and/or NC DEQ in effect at the time of approval. A financial guarantee must be approved according to the terms of this Ordinance, ensuring continuous maintenance of such systems.
- D. **Public Utilities.** Wherever public water and sanitary sewer facilities are available, connections to these utilities are required upon the request of the Town of Lewisville and/or the CCUC. These connections or extensions must be approved by the Plan Review Section of the CCUC and constructed to the subject standards.

3-9. OTHER STANDARDS

3-9.1. LIGHTING

- A. The purpose of this Section is to regulate the intensity of exterior lighting and seek conformity with International Dark Sky Association recommendations. The intent is to prevent light from commercial and residential developments from excessively illuminating the property in question, other properties, or the night sky.
- B. Only light fixtures which are categorized as full cut-off (FCO) fixtures shall be permitted. The use of fully shielded (FCO) floodlights are permitted with the review and approval of the Planning Director.
- C. The following are specific standards for lighting intensity based upon the land use involved. Values are presented in allowable foot-candles (fc) maintained (measured horizontally) at grade and are to be averaged throughout the site to avoid hot spots, i.e. areas of extreme light intensity relative to the remainder of the site:

Land use	Minimum	Maximum
Pedestrian areas/sidewalks	0.2 fc	1.0 fc
Building entries	1.0 fc	10.0 fc
Street lighting	0.2 fc	1.0 fc
Parking areas	2.0 fc	4.0 fc
Playgrounds		5.0 fc
Sports grounds		20.0 fc
Site perimeter		0.5 fc

- D. Increases in illumination on off-site property shall not result in lighting levels in excess of 0.3 foot-candles, measured at ground level. Where existing ambient off-site lighting levels are in excess of 0.3 foot-candles, no increase in measurable off-site lighting levels will be allowed as a result of outdoor lighting in the development.
- E. Athletic fields must be illuminated with fixtures equipped with the manufacturer's glare control package. If the manufacturer does not offer a glare control package, the fixture specifications must be changed to a manufacturer that does offer a glare control package. The fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area.
- F. Gas station canopies and drive-throughs shall be illuminated at a maximum illuminance of thirty (30) fc and individual fixtures shall be flush mounted, recessed or have the canopy edge below the lowest light-emitting point on the fixtures. All existing gas station canopies or drive-throughs which exceed this standard shall be made compliant within seven (7) years of the date of adoption of this article.
- G. Up-lighting may be used to illuminate a building, landscaping element or architectural feature, provided the lighting design has a maximum illuminance of twelve (12) fc, measured in a vertical plane. Down lighting is preferred.

Any replacements or changes to existing lighting on commercial or residential property shall follow the requirements as stated above. Lighting attached to single family residential structures and light poles less than eight (8) feet in height on residential property shall be exempt from this requirement.

3-9.2. NOISE

All air handling machinery, dumpsters, compressors or water coolers for nonresidential uses and other such equipment shall be set back a minimum distance of fifty (50) feet from any property line adjacent to residential uses or residentially zoned land. The Planning Director may require additional distances depending on the size, type and nature of the air-handler and or adjacent residential.

3-9.3. KEEPING OF SWINE, GEESE, OR PEAFOWL

Except on bona fide farms and on properties located in the AG and H Districts, the keeping of swine, geese, or peafowl is prohibited.

B.4

4. HISTORIC PRESERVATION

Until such a time that the Lewisville Town Council enacts a Historic Resource Board, the following standards shall apply.

4-1 FORSYTH COUNTY HISTORIC RESOURCES COMMISSION

4-1.1. CREATION

- A. Pursuant to the authority conferred by the North Carolina General Statutes (G.S.) 160D-303; 940 – 949; 951, the Forsyth County Board of Commissioners, the City Council of the City of Winston-Salem, the Board of Aldermen of the Town of Kernersville, the Village Council of Clemmons, and the Town Councils of the Towns of Bethania, Lewisville, Rural Hall, and Walkertown by concurrent ordinances, have created and established a joint commission to be known as the Forsyth County Historic Resources Commission (hereinafter the Commission).

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- B. In establishing the Commission and making appointments to it, the Elected Bodies may seek the advice of State or local historical agencies, societies, or organizations.

4-1.2. PURPOSE

The purpose of the Commission is to safeguard the heritage of the County, the City, the Towns, and the Village by preserving any district or landmark therein that embodies important elements of its culture, history, architectural history, or prehistory; and to promote the use and conservation of such district or landmark for the education, pleasure and enrichment of the residents of the city of county and the State as a whole.

4-1.3. FORSYTH COUNTY HISTORIC RESOURCES COMMISSION

The Commission is designated as the historic preservation advisory and quasi-judicial body for Forsyth County.

- A. **Composition.** The Commission shall consist of twelve (12) members appointed as follows:

1. Five (5) by the Forsyth County Board of Commissioners, which shall include representation from Bethania, Lewisville, Rural Hall, and Walkertown;
2. Five (5) by the Winston-Salem City Council;
3. One (1) by the Kernersville Board of Alderman; and
4. One (1) by the Clemmons Village Council.

- B. **Membership And Organization.**

1. **Membership and Qualification.**

- (1) All members of the Commission shall reside within Forsyth County.
- (2) All members of the Commission shall have a demonstrated interest or competence in, or knowledge of, historic preservation; and a majority of members shall have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields.
- (3) The Commission shall consist of eight (8) at-large members and four (4) categorical members. The categorical members shall include at least one (1) each of the following categories:

- i. Architect licensed in the State of North Carolina;
- ii. Historic (H) District property owner;
- iii. Historic Overlay (HO) District property owner; or
- iv. Local Historic Landmark (LHL) property owner.

2. **Appointment of Categorical Members.** The four (4) categorical members shall be appointed as follows:

- (1) The Forsyth County Board of Commissioners shall appoint one (1) architect licensed in the State of North Carolina, and one (1) Local Historic Landmark (LHL) property owner; and
- (2) The Winston-Salem City Council shall appoint one (1) Historic (H) District property owner and one (1) Historic Overlay (HO) District property owner.

3. **Term.**

- (1) The regular term of office for Commission members shall be four (4) years.
- (2) A member may be reappointed for a second consecutive term, but, thereafter, a member shall be ineligible for reappointment until one (1) full term has elapsed from the member's termination of service.
- (3) Members shall continue in office until a successor has been appointed and qualified.
- (4) Service of less than fifty percent (50%) of a normal term shall not be deemed a term, and service for more than fifty percent (50%) shall be deemed a term.

4. **Compensation.** Members shall serve without compensation but may be reimbursed for actual expenses incidental to the performance of their duties within the limits of funds available to the Commission.

5. **Meetings.**

- (1) The Commission shall establish a meeting time, and shall meet at least monthly, unless there is not sufficient business to warrant a meeting.
- (2) All meetings of the Commission shall be open to the public and subject to the North Carolina Open Meetings Law.

6. **Rules of Procedure.** The Commission shall adopt and publish Rules of Procedure for the conduct of its business.

7. **Annual Report.**

- (1) An annual report shall be prepared and submitted by December of each year to the Elected Bodies.
- (2) Such report shall include a comprehensive and detailed review of the activities and actions of the Commission, as well as any budget requests and/or recommendations.

8. **Meeting Minutes.**

- (1) The Commission shall keep permanent minutes of its meetings.
- (2) The minutes shall record attendance of its members, its resolutions, findings, recommendations, and other actions.
- (3) The minutes of the Commission shall be a public record.

C. **Commission Powers.**

1. **General Responsibilities of the Historic Resources Commission.** The Commission shall act to promote, enhance, and preserve the character and heritage of Forsyth County.
2. **Specific Authority and Powers.** The Commission shall have all powers of an historic preservation commission as provided in G.S. Part 4 of Article 9 of Chapter 160D, including the following duties and responsibilities:
 - (1) To restore, preserve, and operate historic properties;
 - (2) To undertake an inventory of properties of historical, prehistorical, architectural, and/or cultural significance;
 - (3) To recommend to the Town Council that individual structures, buildings, sites, areas, or objects be designated by ordinance as LHLs and that areas be designated as Historic or Historic Overlay Districts;
 - (4) To recommend to the Town Council that the designation of any area as a Historic or Historic Overlay District or part thereof, or designation of any

building, structure, site, area, or object as an LHL, be revoked or removed for cause;

- (5) To review and act on proposals for exterior alterations, demolitions, or new construction within Historic or Historic Overlay Districts, or for the alteration or demolition of designated LHLs;
- (6) To cooperate with the State, federal, and local governments in pursuance of the purposes of this part. The Town Council or the Commission, when authorized by the Town Council, may contract with the State, or the United States of America, or any agency of either, or with any other organization provided the terms are not inconsistent with State or federal law;
- (7) To negotiate at any time with the owner of a building, structure, site, area, or object for its acquisition or its preservation, when such action is reasonably necessary or appropriate;
- (8) To acquire by any lawful means the fee or any lesser included interest, including options to purchase, to properties within established Historic and Historic Overlay Districts or to any such properties designated as LHLs to hold, manage, preserve, restore, and improve such properties, and to exchange or dispose of the property by public or private sale, lease or otherwise, subject to covenants or other legally binding restrictions that will secure appropriate rights of public access and promote the preservation of the property;
- (9) To enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee, or agent of the Commission may enter any private building or structure without the express consent of the owner or occupant thereof;
- (10) To conduct an educational program regarding historic properties and districts within Forsyth County; and
- (11) To prepare and recommend the official adoption of a preservation element as part of a comprehensive plan for the Town.

4-2. LOCAL HISTORIC LANDMARK (LHL) DESIGNATION

4-2.1. DESIGNATION APPLICATION

A property owner, or other interested party, may request that a property be designated as a Local Historic Landmark (LHL) by application to the Commission. Requests for designation shall be made as directed by the Commission staff. An application fee may be required by the Commission for processing of the application.

4-2.2. DESIGNATION CRITERIA

The Commission shall adopt local criteria by which properties may be considered for designation as historic landmarks.

4-2.3. DESIGNATION PROCEDURES

No ordinance designating an LHL nor any amendment thereto may be adopted, nor may any designated LHL be accepted or acquired by the Commission until the following procedural steps have been taken:

- A. The Commission shall adopt Rules of Procedure.
- B. The Commission shall prepare and adopt principles and Design Review Standards for altering, restoring, moving, or demolishing properties designated as historic landmarks.
- C. The Commission shall forward to the Office of Archives and History of the North Carolina Department of Natural and Cultural Resources an investigation and report on the historic, architectural, prehistorical, educational, or cultural significance of each building, structure, site, area, or object proposed for designation or acquisition.
- D. The North Carolina Department of Natural and Cultural Resources is allowed thirty (30) calendar days from receipt of the Commission's complete investigation and report to provide written comments to the Commission concerning the proposed designation or acquisition. Failure of the Department to submit its comments within the time allowed relieves the Commission and Town Council of any responsibility to consider the comments.
- E. The Commission shall hold a legislative hearing on the proposed regulation. The Commission shall recommend to the Town Council, as appropriate, approval or

denial of the proposed regulation. A notice of hearing shall be given consistent with *Section A.4 Procedures*.

- F. The Town Council, as appropriate, shall hold a legislative hearing on the regulation. A notice of hearing shall be given consistent with *Section A.4-3.1(C)(7) Public Meeting and Hearing Notice Requirements*. Following the hearing, the Town Council may adopt the regulation as proposed, adopt the regulation with any amendments it deems necessary, or reject the proposed regulation.
- G. Upon adoption of the regulation, the following provisions shall apply:
1. The owners and occupants of each designated LHL shall be given written notification of the designation by Commission staff within a reasonable time.
 2. One copy of the regulation and all amendments to it shall be filed by the Commission staff in the office of the Register of Deeds of Forsyth County. Each regulation shall be indexed according to the name of the owner of the property at the time the regulation is adopted in the grantee and grantor indexes in the Register of Deeds office.
 3. One copy of the regulation and all amendments to it shall be given to the Chief Building Official.
 4. One copy of the regulation and all amendments to it shall be kept on file in the office of the Town Clerk and made available for public inspection at any reasonable time.
 5. The fact that a building, structure, site, area or object has been designated as an LHL shall be clearly indicated on all tax maps maintained by Forsyth County for such period as the designation remains in effect.
 6. The Commission shall give notice of the adoption of the landmark regulation or any amendment to it to the Forsyth County Tax Supervisor.
 7. The designation and any recorded restriction upon the property limiting its use for preservation purposes shall be considered by the Tax Supervisor in appraising the property for tax purposes.

4-2.4. LHL REGULATIONS

A. **Permitted Uses.** All uses permitted in the existing residential and nonresidential zoning district, whether by right or as a special use, shall be permitted for each LHL according to the procedures established for such uses.

B. **Dimensional Requirements.**

1. **Requirements.**

- (1) All buildings and structures designated as a LHL shall comply with the dimensional requirements established in the Design Review Standards adopted for the LHLs.
- (2) Design Review Standards are addressed in *Section A.4-3.8(E) Standards for Review*.

2. **Exceptions to Dimensional Requirements Due to Authentic Restoration of Reconstruction.**

- (1) In the event that the Commission finds that an application for a building permit covers activity constituting an authentic restoration or reconstruction in the same location as the original location and in the original conformation of the structure of historic and/or architectural significance to LHL, said building or structure may be restored or reconstructed without compliance with dimensional requirements of *Section B.2-4.1 Dimensional Standards - General Requirements*.
- (2) Any items restored, reconstructed or maintained over, on, or within public sidewalks, public alley areas, or other such public way shall be the responsibility of the owner. The owner's restoration, reconstruction, or maintenance of any such item shall constitute the owner's agreement to protect and hold the Town blameless against any and all liability, cost, damage, or expense suffered or sustained by the Town as a result of or growing out of the restoration, reconstruction, or maintenance.
- (3) Such items so approved, may be lawfully restored, reconstructed, or maintained. Any such item projecting over the street or alley shall be, at its lowest point, twelve (12) feet above the travel way unless located in the Historic District.

- (4) If located in an Historic District see *Section B.4-4.1(C)(2) Exceptions to Dimensional Requirements Due to Authentic Restoration and Reconstruction*.
- (5) The provisions of this subsection shall prevail over inconsistent or conflicting provisions of this Ordinance.

C. Nonconforming Structures and Improvements.

1. Any LHL existing prior to December 31, 1994, shall be exempt from the current dimensional requirements in *Section B.2-4.1 Dimensional Standards – General Requirements* and *Section B.3-2 Parking and Loading Standards* which includes off street parking requirements.
2. Such exemptions shall be based upon the structure's use at that time, which includes the number of permitted parking spaces for the site and use.
3. In no instance shall the structure's use be allowed to convert to a more intense use as per the parking requirements of *Section B.3-2 Parking and Loading Standards* without first meeting the additional parking needs of the new use.

4-3. HISTORIC DISTRICTS — ESTABLISHMENT AND AMENDMENT

The following Historic Districts are hereby established.

4-3.1. (H) HISTORIC DISTRICT

A. The H District is established as a separate use district.

1. The purpose of the Historic District is to do the following by means of listing and regulation:
 - (1) Safeguard the heritage of the community by preserving those areas that embody nationally-significant elements of the community's culture, history, architectural history, or prehistory; and
 - (2) Promote the use and conservation of such areas for the education, pleasure, and enrichment of the residents of Forsyth County and the State.

B. The boundaries of the Historic District are shown on the Official Zoning Maps.

4-3.2. (HO) HISTORIC OVERLAY DISTRICT

- A. The HO District is established as a district which overlays existing zoning districts in designated historic areas. The purpose of the HO District is to:
1. Safeguard the heritage of the community by preserving those areas that embody important elements of the community's culture, history, architectural history, or archaeology; and
 2. Promote the use and conservation of such areas for the education, pleasure, and enrichment of the residents of Forsyth County and the State.
- B. The boundaries of the HO Districts are shown on the Official Zoning Maps.

4-3.3. ESTABLISHMENT AND AMENDMENT PROCEDURE

- A. **Establishment.** The Elected Bodies may designate one or more geographic areas, that are deemed to be of special significance in terms of their history, prehistory, architecture, or culture and to possess integrity of design, setting, materials, feeling, and association, as an Historic or Historic Overlay District. The following shall be the procedure for establishing Historic or Historic Overlays:
1. Requests for establishment of Historic or Historic Overlays may be made in any one of the following methods:
 - (1) By the Elected Bodies of Forsyth County;
 - (2) By property owners within an affected area;
 - (3) By a neighborhood group, association, or coalition;
 - (4) At the initiative of the Commission.
 2. All requests shall first be presented to the Commission. The Commission shall conduct a preliminary consideration of the request to determine the eligibility of the general area proposed to become an Historic or Historic Overlay.
 3. If the Commission determines by vote that said general area is ineligible to become an Historic or Historic Overlay the Commission shall report such determination to the appropriate Elected Body. The Elected Body may accept the determination of the Commission, or it may direct the Commission to proceed in accordance with *Section B.4 Historic Preservation* as if the

Commission's determination had been that said general area was eligible to become an Historic or Historic Overlay.

4. If the Commission determines by vote that said general area is eligible to become an Historic or Historic Overlay District, it shall notify property owners within said general area, through first class mail, that establishment of a designated historic district has been proposed and that the formation of a task force to prepare a detailed study for such establishment will be considered by the Commission at a specified date and time.
5. The Commission may appoint a task force to develop Design Review Standards and boundaries for said general area. The task force shall be composed primarily of individuals representing various interests in said general area.
6. After developing Design Review Standards and boundaries, the task force shall report to the Commission.
7. The Commission shall review the Design Review Standards and boundaries and shall then vote on whether to accept the task force report.
8. Once the task force report has been accepted, the Commission shall schedule at least two (2) public informational meetings about the proposed district. Property owners within the proposed boundary area shall be notified of the public informational meetings through first class mail and through notice in a newspaper having general circulation in the area.
9. The Commission shall hold public informational meetings and receive questions and comments.
10. The Commission shall consider revisions to the proposed Design Review Standards and boundaries, as necessary, and prepare final proposed Design Review Standards and boundaries.
11. The Commission shall prepare and submit a report to the Director of Planning & Development Services and the North Carolina Department of Natural and Cultural Resources. The report shall include, but not be limited to, the following information:
 - (1) A description of the boundaries of the proposed district;

- (2) A map at a scale of not less than one inch represents two hundred (200) feet (1" equals 200'), showing the boundaries of the proposed district; and
 - (3) A description of the significance of the proposed district, including its buildings, structures, features, sites, or surroundings.
12. The North Carolina Department of Natural and Cultural Resources shall submit an analysis of, and recommendations concerning, the report described in *Section B.4-3.3(A)(11) Establishment* to the Town Council. Failure of the North Carolina Department of Natural and Cultural Resources to submit written analysis and recommendations to the Town Council within thirty (30) calendar days after a written request for such analysis has been received by the Department shall relieve the Town of any responsibility for awaiting such analysis, and the Town Council may at any time thereafter take any necessary action to adopt or amend its zoning regulation.
13. Once all the previous procedural steps have been met the Town shall proceed in the same manner as would otherwise be required for adoption or amendment of a zoning regulation, and the request shall be processed according to the procedures set forth in *Section A.4-3.2 Unified Development Ordinance Text Amendment and Section A.4-3.3 Zoning Map Amendment (Rezoning)*. In addition, the Design Review Standards for the proposed district shall be made available to the Elected Body for its review and comment.
14. *Sections B.4-3.3(A)(1-9) Establishment* shall not apply to a rezoning petition for a proposed Historic or Historic Overlay for which a task force has been previously appointed to study said general area and has submitted a report to the Commission.
- B. **Amendment.** The following shall be required to amend, supplement, change, modify, or repeal any district boundaries of the Historic or Historic Overlays:
1. The Commission shall prepare and submit a report to the Director of Planning & Development Services and the North Carolina Department of Natural and Cultural Resources. The report shall include, but not be limited to, the following information:
 - (1) A description of the amended boundaries of the district;

- (2) A map at a scale of not less than one inch represents two hundred (200) feet (1" equals 200'), showing the amended boundaries of the proposed district; and
 - (3) An amended description of the significance of the district, including its buildings, structures, features, sites, or surroundings.
2. The North Carolina Department of Natural and Cultural Resources shall include an analysis of and recommendations concerning the report described in *Section B.4-3.3(B)(1) Amendment* above, to the Town Council. Failure of the North Carolina Department of Natural Cultural Resources to submit written analysis and recommendations to the Town Council within thirty (30) calendar days after a written request for such analysis has been received by the Department shall relieve the Town of any responsibility for awaiting such analysis, and the Elected Body may at any time thereafter take any necessary action to adopt or amend its zoning regulation.
3. Once all the previous procedural steps have been met, an application to amend, supplement, change, modify, or repeal the Historic or Historic Overlays shall be accepted. The Town shall proceed in the same manner as would otherwise be required for an amendment of the zoning regulations and the request shall be processed according to the procedures set forth in *Section A.4-3.2 Unified Development Ordinance Text Amendment* and *Section A.4-3.3 Zoning Map Amendment (Rezoning)*.

4-4. H AND HO DISTRICT USES AND DIMENSIONAL REQUIREMENTS

4-4.1. (H) DISTRICT REGULATIONS

- A. **Permitted Uses.** In H Districts, the following principal and accessory uses are permitted:
 1. Any use found by the Commission to have existed on the particular property during the period of significance, as defined in the current Design Review Standards;
 2. Any single-family residential use which is allowed without a special use permit from the Board of Adjustment;

3. A religious institution, college or university, or operation of an historic preservation organization with purposes related to the district; and
4. Uses normally accessory to the principal uses permitted above.

B. **Nonconforming Uses.** Prior to its acting upon an application for a special use permit pursuant to *Section A.4-3.2 Unified Development Ordinance Text Amendment* and *Section A.4-3.3 Zoning Map Amendment (Rezoning)* to expand or convert a nonconforming use in the Historic District, the Board of Adjustment shall first receive the recommendation of the Commission with respect to such application.

C. **Dimensional Requirements for New Construction.**

1. **Requirements.** All buildings and structures in the H Districts shall comply with the following yard and height provisions:
 - (1) **Front Yard.** No building or part of a building, other than steps, open porches, overhanging eaves, and cornices, shall extend nearer to a front street line than the average distance of the setbacks of the principal buildings on the same block and on the same side of the street within one hundred (100) feet from the zoning lot in either direction. Provided, however, that in no case shall the front setback be less than eight (8) feet, and no building shall be required to set back more than forty (40) feet from the front street line.
 - (2) **Side Yards.** There shall be a side yard of not less than seven (7) feet on each side of the principal building. This restriction shall not apply to accessory buildings.
 - (3) **Rear Yard.** There shall be a rear yard with a depth of not less than thirty-five (35) feet. When a building extends through from street to street, the front yard restrictions shall be observed on both streets.
 - (4) **Height.** No building shall exceed a height of thirty-five (35) feet.
2. **Exceptions to Dimensional Requirements Due to Authentic Restoration and Reconstruction.** In the event that the Commission finds that an application for a building permit covers activity constituting an authentic restoration or reconstruction of a building or structure that existed at the same

location in or prior to 1856 in the Old Salem Historic District or in or prior to 1832 in the Bethabara Historic District, said building or structure may be restored or reconstructed without compliance with dimensional requirements in *Section B.2-4.1 Dimensional Standards – General Requirements*.

- (1) Any items restored, reconstructed, or maintained over, on, or within public sidewalks, public alley areas, or other such public way shall be the responsibility of the owner. The owner's restoration, reconstruction, or maintenance of any such item shall constitute the owner's agreement to protect and hold the County/City/Town/Village blameless against any and all liability, cost, damage, or expense suffered or sustained by the County/City/Town/Village as a result of or growing out of the restoration, reconstruction, or maintenance. Such items, so approved, may be lawfully restored, reconstructed, or maintained. Any such item projecting over the street or alley shall be, at its lowest point, seven (7) feet above the travel way. The provisions of this subsection shall prevail over inconsistent or conflicting provisions of this Ordinance.

D. Nonconforming Structures and Improvements in the H Districts.

1. Any habitable structure existing prior to December 31, 1994 shall be exempt from the current dimensional requirements in *Section B.2-4.1 Dimensional Standards – General Requirements* and *Section B.3-2 Parking and Loading Standards*, which includes off-street parking requirements.
2. Such exemptions shall be based upon the structure's use as of December 31, 1994, which includes the number of required parking spaces for the site and use.
3. In no instance shall the structure's use be allowed to convert to a more intense use as per the parking requirements of *Section B.3-2 Parking and Loading Standards* without first meeting the additional parking needs of the new use.

4-4.2. (HO) DISTRICT REGULATIONS

A. Permitted Uses.

1. The HO District is established as a district which overlays existing residential and nonresidential zoning districts in certain areas with historic resources.

2. All uses permitted in these residential and nonresidential districts, whether by right or as a special use, shall be permitted in the HO District according to the procedures established for such uses.

B. Dimensional Requirements.

1. Requirements.

- (1) All buildings and structures in the HO Districts shall comply with the dimensional requirements established in the Design Review Standards adopted for each separate HO District.
- (2) Design Review Standards are addressed in *Section A.4-3.8(E) Standards for Review*.

2. Exceptions to Dimensional Requirements Due to Authentic Restoration or Reconstruction.

- (1) In the event that the Commission finds that an application for a building permit covers activity constituting an authentic restoration or reconstruction in the same location as the original location and in the original conformation of the structure of historic and/or architectural significance to the Historic Overlay District, said building or structure may be restored or reconstructed without compliance with dimensional requirements in *Section B.2-4.1 Dimensional Standards – General Requirements*.
- (2) Any items restored, reconstructed, or maintained over, on, or within public sidewalks, public alley areas, or other such public way shall be the responsibility of the owner.
- (3) The owner's restoration, reconstruction, or maintenance of any such item shall constitute the owner's agreement to protect and hold the Town blameless against any and all liability, cost, damage, or expense suffered or sustained by the Town as a result of or growing out of the restoration, reconstruction, or maintenance.
- (4) Such items, so approved, may be lawfully restored, reconstructed, or maintained.

- (5) Any such item projecting over the street or alley shall be, at its lowest point, twelve (12) feet above the travel way.
- (6) The provisions of this subsection shall prevail over inconsistent or conflicting provisions of this Ordinance.

C. Nonconforming Structures and Improvements.

1. Any habitable structure existing prior to December 31, 1994 shall be exempt from the current dimensional requirements in *Section B.2-4.1 Dimensional Standards – General Requirements* and *Section B.3-2 Parking and Loading Standards*, which includes off-street parking requirements.
2. Such exemptions shall be based upon the structure's use as of December 31, 1994, which includes the number of required parking spaces for the site and use.
3. In no instance shall the structure's use be allowed to convert to a more intense use as per the parking requirements of *Section B.3-2 Parking and Loading Standards* without first meeting the additional parking needs of the new use.

D. Parking Variance.

1. Where the Commission, in considering an application for a certificate of appropriateness, finds that the number of off-street parking spaces required by this Ordinance for a building or structure within an Historic or Historic Overlay or a designated Local Historic Landmark would render the building incongruous with the historic aspects of the designated district, it may recommend to the Board of Adjustment a variance, in part or in whole, of the off-street parking requirements.
2. The Board of Adjustment may authorize a lesser number of off-street parking spaces, provided:
 - (1) The Board of Adjustment finds that the lesser number of off-street parking spaces will not create problems due to increase on-street parking; and,
 - (2) The Board of Adjustment finds that the lesser number of off-street parking spaces will not constitute a threat to the public safety.