

TOWN OF LEWISVILLE ORDINANCE 2009009
UNIFIED DEVELOPMENT ORDINANCES AMENDMENT
RELATED TO A TEMPORARY MORATORIUM LIMITING DEVELOPMENT IN THE
LD1-S/LD2-S DOWNTOWN AND MULTI-FAMILY AREAS OF LEWISVILLE

WHEREAS, on April 12, 2001, the Lewisville Town Council adopted the *Legacy Comprehensive Plan* (“Legacy”) as the county-wide comprehensive plan and coordinating document for the Town of Lewisville; and

WHEREAS, on October 10, 2002 the Lewisville Town Council added LD1-S and LD2-S to the Unified Development Ordinance (UDO) governing land use for the county and municipalities within the county; and

WHEREAS, the Lewisville Town Council adopted the *Lewisville 2005 Comprehensive Plan* (Lewisville Comprehensive Plan) on May 12, 2005; and

WHEREAS, the Lewisville Comprehensive Plan provides for multifamily location and definition; and

WHEREAS, the Lewisville Town Council approved the Lewisville Unified Development Ordinances applicable to the Town of Lewisville only on November 9, 2006; and

WHEREAS, town staff has been asked to review and analyze the processes required to combine existing sections of the Lewisville UDO regarding watershed and the Town’s newly adopted NPDES Phase II Stormwater Ordinance; and

WHEREAS, there are ongoing studies to determine the scope of the task; and

WHEREAS, the Town is currently in the process of reviewing the downtown (LD1-S and LD2-S) and surrounding (Multifamily) area; and

WHEREAS, past rezonings have emphasized the differences and inconsistencies between the requirements of the Comprehensive Plan versus the practical use of the land; and

WHEREAS, the Town of Lewisville wishes to ensure that such inconsistent development not take place within LD1-S, LD2-S and Multifamily areas, and that a temporary moratorium, pursuant to North Carolina General Statutes Section 160A-381(e) will ensure that such development does not take place while zoning, subdivision, watershed, NPDES and other ordinances are prepared, studied, reviewed, considered and adopted so as to ensure consistency with, and future development according to, Legacy and the Lewisville Comprehensive Plan; and

WHEREAS, the above-described conditions necessitate a temporary moratorium; the Town has considered alternative courses of action, including accelerated consideration and adoption of ordinances to correct the above-described inconsistencies; such accelerated consideration of

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corrective ordinances is not an adequate means of resolving the said problems in that the timetable for such ordinances and regulations would allow for the submission of rezoning petitions, subdivision and site plan submissions inconsistent with Legacy and the Lewisville Comprehensive Plan, which would have to be considered under existing ordinances and regulations; further, the Town finds that a more deliberative consideration by Planning Staff, Planning Board, Town Council and the citizens of Lewisville will result in more reasoned, thorough, proper and enforceable land use ordinances and regulations than precipitate action; and

WHEREAS, a moratorium on the acceptance and consideration of zoning applications, subdivision and site plan applications within the LD1-S, LD2-S and Multifamily areas during the moratorium period will address the problems and inconsistencies described above while new or revised ordinances and regulations are considered and adopted; and

WHEREAS, up to a 180-day moratorium on the acceptance and consideration of zoning applications, subdivision and site plan applications within the LD1-S, LD2-S and Multifamily areas will provide sufficient time for Planning Staff, Planning Board, Town Council and public input to consider and adopt ordinances and regulations to resolve the problems and inconsistencies described above; and

WHEREAS, the Lewisville Planning Staff may require 60 days from the date of adoption of the moratorium to propose ordinances and regulations to resolve the problems and inconsistencies described above; the Lewisville Planning Board may require 60 days from Planning Staff's submission of proposed ordinances and regulations to make recommendations concerning ordinances and regulations to resolve the problems and inconsistencies described above; and the Lewisville Town Council may require 60 days from receipt of the Planning Board's recommendations to consider and adopt ordinances and regulations to resolve the problems and inconsistencies described above;

NOW THEREFORE, BE IT ORDAINED that from and after the date of adoption and until August 11, 2009, unless earlier terminated by appropriate action of the Lewisville Town Council, the Town, including its Planning Staff, shall not accept or consider any applications for rezoning, subdivision or site plan approval (excluding any pending applications submitted prior to the adoption of this moratorium) within the LD1-S, LD2-S and Multifamily areas within the jurisdiction of the Town of Lewisville; and

BE IT FURTHER ORDAINED that Planning Staff shall submit, within 60 days of adoption of this Ordinance, proposed ordinances and regulations designed to bring the Lewisville UDO into consistency with the provisions of Legacy and the Lewisville Comprehensive Plan regarding development within LD1-S, LD2-S and Multifamily areas; that within 60 days after such period the

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Lewisville Planning Board shall submit its recommendations regarding the ordinances and regulations proposed by Planning Staff; and that within 60 days after the period allowed for Planning Board recommendations the Lewisville Town Council shall consider and adopt such ordinances and regulation as necessary to bring the Lewisville UDO into consistency with the provisions of Legacy and the Lewisville Comprehensive Plan regarding development within LD1-S, LD2-S and Multifamily areas with watershed and NPDES regulations included; and

BE IT FURTHER ORDAINED that this moratorium shall remain in effect from the date of this Ordinance until such ordinances and regulations are adopted as necessary to bring the Lewisville UDO into consistency with the provisions of Legacy and the Lewisville Comprehensive Plan regarding density of development within LD1-S, LD2-S and Multifamily areas; such moratorium not to extend beyond August 11, 2009, unless further extended pursuant to North Carolina General Statutes Section 160A-381(e).

ADOPTED THIS THE 12th DAY OF FEBRUARY, 2009 BY THE LEWISVILLE TOWN COUNCIL.

ATTEST

Joyce C. McWilliams Walker

Joyce C. McWilliams Walker
Town Clerk

Dan R. Pugh

Dan R. Pugh
Mayor

