

STAFF REPORT

DOCKET #: UDO-90 (Subdivision Regulations - Planning Board Action is final for Winston-Salem/Forsyth County)

STAFF: Glenn Simmons

CONTINUANCE HISTORY

The subject text amendment was continued from the August 8, 2002 Planning Board meeting to the September 12, 2002 meeting in order to allow for additional meetings with interested parties. Scheduling conflicts, however, have prevented subsequent discussions. Further scheduling conflicts prompted the Planning Board to continue the request to the October 10, 2002 meeting.

REQUEST

Zoning text amendment of the City-County Planning Board to amend Chapter D “*Subdivision Regulations*” (F) of the *Unified Development Ordinances* (UDO) to establish unified minimum street standards for Major Subdivisions within Forsyth County’s subdivision jurisdiction.

BACKGROUND

A text amendment was requested last September by the Town of Kernersville when they asked that their street and sidewalk standards for subdivisions be extended to the portion of county jurisdiction within the area of their annexation agreement with Winston-Salem. Planning staff addressed their concern, after conferring with the County Manager, by attempting to develop regulatory changes more applicable to the entire area of county jurisdiction within the Future Growth Boundary, without defining any "peri-municipal areas."

The area affected generally includes those areas which lie outside the incorporated municipalities of Winston-Salem, Kernersville, Clemmons, and Lewisville. Whereas the aforementioned municipalities have urban street standards which are governed by their own Major Subdivision Regulations and Ordinances, other areas of the county which include the incorporated limits of Walkertown, Rural Hall, Tobacoville, and Bethania are subject to only the minimum standards set by the North Carolina Department of Transportation. While State standards may be adequate in lesser traveled rural areas, they are generally considered insufficient to meet the traffic demands of urbanized areas or developing areas.

For several years the City of Winston-Salem has had an agreement with local NCDOT officials to require City street standards within areas which are likely to be annexed into the City in the foreseeable future. This area is refer to in the UDO as the “City Street Construction Areas” map. Typically these areas have available public water and sewer services and have land use zoning which supports higher density residential and commercial developments. City street standards

require curb and gutter cross sections and more substantial base and pavement thicknesses. These higher standards are better suited for the routine wear and tear of increased traffic loads of urbanized areas and lessen long term maintenance costs for the municipality.

While this arrangement has worked well for the City of Winston-Salem, it has not addressed similar needs for growing municipalities elsewhere in the county. The Town of Kernersville made its request with a similar desire for new major subdivisions lying within its sphere of annexation consideration to be built with streets which met its urban street standards. While this request seems reasonable at the outset, significant differences in the street design standards from one municipality to another caused the planning staff and the County Administration to question this piecemeal approach within the County's subdivision jurisdiction. Particularly since the County has not been inclined to grant additional extraterritorial jurisdiction to municipalities in recent years, the notion of separate street standards within areas governed by county subdivision appears to be counter to that action not to "carve up" the County into peri-municipal areas.

To remedy the problem the City-County Planning Director convened an ad hoc committee to evaluate issues and to develop a single set of uniform standards that would apply within the boundaries of the Future Growth Area of the County's jurisdiction. The committee consisted of municipal officials from Winston-Salem, Kernersville, Clemmons, and Lewisville (since those communities have public works functions and zoning/subdivision jurisdiction) as well as representatives from the NCDOT and development community.

After several months of debate and compromise a single set of standards was finally agreed upon by consensus. One major concession point of the ad hoc committee at their September 9, 2002 meeting was not to require sidewalks as a condition for roadway improvements under any circumstances. Previous drafts had proposed that one linear foot of sidewalk be required for each linear foot of roadway for developments with residential densities of three dwelling units/acre or greater. Although sidewalks are a key provision of the *Legacy* plan, committee members agreed that it would be premature to require sidewalks unless and until the City of Winston-Salem required them under similar circumstances within its jurisdiction.

ANALYSIS

Given the complexity of the issue of establishing a single set standards for municipalities with significant differences in their respective street standards, staff is of the opinion that the proposal offered represents a logical and equitable compromise. Especially given the alternative of reverting to the State standards as the single minimal standard for the county, the subject proposal seems prudent and respectful of the needs of both the incorporated municipalities and the development community. For example, curb and gutter is not required for subdivisions where the development densities average one acre or less; or one to three acres without sewer. The provision of allowing state hilly standard minimums in the rural area is also consistent with *Legacy* recommendations to maintain the rural character of areas which, without municipal services, are not likely to develop to urban densities. Similarly, subdivisions with densities of

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While the recommended standards may not address the expectations or desires of all the interested parties, it does, in staff's opinion, provide a workable solution to a latent problem which has become manifest in the growing urbanization of Forsyth County.

RECOMMENDATION

Staff recommends **APPROVAL**. The County Manager observes that because the City of Winston-Salem has not yet revised its street standards to conform with the direction given by *Legacy* for more "walkable" streets including sidewalks, it would be premature at this time to include the sidewalk provision for the County jurisdiction. The current proposal is now consistent with the County Manager's position.

PUBLIC HEARING - August 8, 2002

Glenn Simmons presented the staff report.

FOR:

Jeff Hatling, Town of Kernersville, P. O. Drawer 728, Kernersville, NC 27284

The Board of Aldermen adopted a resolution at the July 3, 2001 meeting requesting the City-County Planning Board to adopt a text amendment requiring the use of the Town of Kernersville street standards in new developments occurring inside the area being considered for future annexation into the Town and also served by sewer.

This started the text amendment process which was well-explained by staff.

The Town understands that these interim standards are something that can be looked at for now, but that *Legacy* calls for a more comprehensive review and detailed review. At this time, the Town requests that the proposed standards not be reduced any further. These standards have been reduced beyond our current standards in areas that will be annexed by Kernersville. We will have to take them over and, of course, we are looking at the public interest of not only our current residents, but also our future residents.

AGAINST:

Chuck Folds, 195 Executive Park Boulevard, Winston-Salem, NC 27103

Speaking on behalf of the Winston-Salem Regional Association of Realtors and the HomeBuilders Association of Winston-Salem.

I have to say that I was hesitant as to when I should come up - whether on the proponents side or the opponents side. We were part of the process which makes it awkward to stand here as an opponent when we were there at the table during that.

Looking at the job Paul was handed, I think he was handed something that was extremely difficult so I'd also like to preface anything I say with that comment. It wasn't an easy task and I think staff did about as good as he could considering there's actually a bigger picture involved with this considering gray areas, ETJ, and the different towns' influence over how street standards are dealt with.

Points of concern mentioned by Mr. Folds:

- C Need to clarify which column you fall into if you hit 1 du/acre
- C Include which zoning districts go with which column
- C Eliminate as much guessing as possible
- C The 1" surface at the end of construction on the thickness. The State will be moving to 8" and 3" now, basing that on the number of units. The issue we had with 1" surface, is that it would be nice to clarify when the end of construction is and remove any administrative issues that might come up.
- C The curb and gutter requirement on the low density should not be pushed into areas that might or might not need it.
- C We need to consider the expense involved in additional storm water as well.
- C We'd like to see some sort of sidewalk policy for the City before we start requiring them in unincorporated areas primarily because it's a bigger issue than just inserting it into a Street Standards table.

WORK SESSION

During discussion by the Planning Board, the following points were made:

1. There probably are some house-cleaning issues that need to be done.
2. Paul Norby - The whole process has been like herding cats because we've had a lot of varying and sometimes conflicting interests to try to pull together in doing this. I apologize if I didn't understand that these issues from the HomeBuilders were concerns that still had been unresolved. I thought perhaps we only had the sidewalk issue. I really can't speak engineering-wise with the technical competence of the public works people, but know that we have to balance both the private interests and the public interests. I would like to suggest that we get that group together one more time and I'm going to, in a very friendly manner,

suggest to them that we are going to stay in that room until we get all these issues decided here and then we're all going to agree to walk out of that room and we're going to support something. I think the County Manager's concern is very well taken that it's very difficult to expect from his standpoint, the County jurisdiction to have a sidewalk standard where the biggest jurisdiction doesn't yet have a sidewalk standard. That is very much in our work program this year as an interdepartmental effort. Maybe you could continue this for 30 days.

Chuck Folds expressed a public apology to Paul Norby, stating that the confusion regarding the consensus was on Mr. Folds' part, not Mr. Norby's.

MOTION: Dara Folan moved continuance of the zoning text amendment to September 12, 2002.

SECOND: Jerry Clark

VOTE:

FOR: Avant, Bost, Clark, Folan, King, Norwood

AGAINST: None

EXCUSED: None

PUBLIC HEARING - September 12, 2002

FOR: None

AGAINST: None

WORK SESSION

MOTION: Philip Doyle moved continuance of the text amendment to October 10, 2002.

SECOND: Jimmy Norwood

VOTE:

FOR: Avant, Bost, Clark, Doyle, Folan, King, Norwood, Powell

AGAINST: None

EXCUSED: None

PUBLIC HEARING - October 10, 2002

FOR: None

AGAINST: None

WORK SESSION

MOTION: Philip Doyle moved approval of the zoning text amendment.

SECOND: Jimmy Norwood

VOTE:

FOR: Avant, Bost, Clark, Doyle, Folan, King, Norwood

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning

UDO-90
AN ORDINANCE AMENDING
CHAPTER D, SUBDIVISION REGULATIONS (F,W)/
SUBDIVISION ORDINANCES (K,C,L), OF
THE *UNIFIED DEVELOPMENT ORDINANCES*
REGARDING MINIMUM STREET STANDARDS

Be it resolved, by the City-County Planning Board of Forsyth County and Winston-Salem, North Carolina, that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

Section 1. Chapter D, Section 4.(B)(1)(d) is hereby revised in the first paragraph by deleting the following items indicated with a strikeout (~~as indicated here~~) and adding those items indicated with an underscore (as indicated here):

- (d) All streets within the corporate limits of Winston-Salem, ~~or areas being considered for annexation, or areas identified for City street construction as shown on the “City Street Construction Areas” map as adopted by the Planning Board (F/W)/Elected Body (C,L) and on file in the office of the Planning Board,~~ shall be constructed in accordance with the standards of the City Engineering Division. All streets located in Forsyth County outside the Future Growth Area as defined in *Legacy* shall be constructed in accordance with the standards of the North Carolina Department of Transportation. All other streets in applicable areas of Forsyth County shall be constructed in accordance with ~~the standards of the North Carolina Department of Transportation~~ Table S.1. Greater street widths may be required for residential or non-residential collector streets where deemed by the Planning Board to be necessary to the public safety, welfare, health or convenience.

Section 2. This regulation shall be effective upon adoption.

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MOTION: Dara Folan moved continuance of the zoning text amendment to September 12, 2002.

SECOND: Jerry Clark

VOTE:

FOR: Avant, Bost, Clark, Folan, King, Norwood

AGAINST: None

EXCUSED: None

PUBLIC HEARING - September 12, 2002

FOR: None

AGAINST: None

WORK SESSION

MOTION: Philip Doyle moved continuance of the text amendment to October 10, 2002.

SECOND: Jimmy Norwood

VOTE:

FOR: Avant, Bost, Clark, Doyle, Folan, King, Norwood, Powell

AGAINST: None

EXCUSED: None

PUBLIC HEARING - October 10, 2002

FOR: None

AGAINST: None

WORK SESSION

MOTION: Philip Doyle moved approval of the zoning text amendment.

SECOND: Jimmy Norwood

VOTE:

FOR: Avant, Bost, Clark, Doyle, Folan, King, Norwood

AGAINST: None

EXCUSED: None

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2. Paul Norby - The whole process has been like herding cats because we've had a lot of varying and sometimes conflicting interests to try to pull together in doing this. I apologize if I didn't understand that these issues from the HomeBuilders were concerns that still had been unresolved. I thought perhaps we only had the sidewalk issue. I really can't speak engineering-wise with the technical competence of the public works people, but know that we have to balance both the private interests and the public interests. I would like to suggest that we get that group together one more time and I'm going to, in a very friendly manner,

suggest to them that we are going to stay in that room until we get all these issues decided here and then we're all going to agree to walk out of that room and we're going to support something. I think the County Manager's concern is very well taken that it's very difficult to expect from his standpoint, the County jurisdiction to have a sidewalk standard where the biggest jurisdiction doesn't yet have a sidewalk standard. That is very much in our work program this year as an interdepartmental effort. Maybe you could continue this for 30 days.

Chuck Folds expressed a public apology to Paul Norby, stating that the confusion regarding the consensus was on Mr. Folds' part, not Mr. Norby's.

MOTION: Dara Folan moved continuance of the zoning text amendment to September 12, 2002.

SECOND: Jerry Clark

VOTE:

FOR: Avant, Bost, Clark, Folan, King, Norwood

AGAINST: None

EXCUSED: None

PUBLIC HEARING - September 12, 2002

FOR: None

AGAINST: None

WORK SESSION

MOTION: Philip Doyle moved continuance of the text amendment to October 10, 2002.

SECOND: Jimmy Norwood

VOTE:

FOR: Avant, Bost, Clark, Doyle, Folan, King, Norwood, Powell

AGAINST: None

EXCUSED: None

PUBLIC HEARING - October 10, 2002

FOR: None

AGAINST: None

WORK SESSION

MOTION: Philip Doyle moved approval of the zoning text amendment.

SECOND: Jimmy Norwood

VOTE:

FOR: Avant, Bost, Clark, Doyle, Folan, King, Norwood

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning

UDO-90
AN ORDINANCE AMENDING
CHAPTER D, SUBDIVISION REGULATIONS (F,W)/
SUBDIVISION ORDINANCES (K,C,L), OF
THE *UNIFIED DEVELOPMENT ORDINANCES*
REGARDING MINIMUM STREET STANDARDS

Be it resolved, by the Village Council of the Village of Clemmons, North Carolina, that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

Section 1. Chapter D, Section 4.(B)(1)(d) is hereby revised in the first paragraph by deleting the following items indicated with a strikeout (~~as indicated here~~) and adding those items indicated with an underscore (as indicated here):

- (d) All streets within the corporate limits of Winston-Salem, ~~or areas being considered for annexation, or areas identified for City street construction as shown on the “City Street Construction Areas” map as adopted by the Planning Board (F/W)/Elected Body (C,L) and on file in the office of the Planning Board,~~ shall be constructed in accordance with the standards of the City Engineering Division. All streets located in Forsyth County outside the Future Growth Area as defined in *Legacy* shall be constructed in accordance with the standards of the North Carolina Department of Transportation. All other streets in applicable areas of Forsyth County shall be constructed in accordance with ~~the standards of the North Carolina Department of Transportation~~ Table S.1. Greater street widths may be required for residential or non-residential collector streets where deemed by the Planning Board to be necessary to the public safety, welfare, health or convenience.

Section 2. This regulation shall be effective upon adoption.

STAFF REPORT

DOCKET #: UDO-90

STAFF: Glenn Simmons

CONTINUANCE HISTORY

The subject text amendment was continued from the August 8, 2002 Planning Board meeting to the September 12, 2002 meeting in order to allow for additional meetings with interested parties. Scheduling conflicts, however, have prevented subsequent discussions. Further scheduling conflicts prompted the Planning Board to continue the request to the October 10, 2002 meeting.

REQUEST

Zoning text amendment of the City-County Planning Board to amend Chapter D “*Subdivision Regulations (F,W)/Subdivision Ordinance (K,C,L)*” of the *Unified Development Ordinances (UDO)* to establish unified minimum street standards for Major Subdivisions within Forsyth County’s subdivision jurisdiction.

BACKGROUND

A text amendment was requested last September by the Town of Kernersville when they asked that their street and sidewalk standards for subdivisions be extended to the portion of county jurisdiction within the area of their annexation agreement with Winston-Salem. Planning staff addressed their concern, after conferring with the County Manager, by attempting to develop regulatory changes more applicable to the entire area of county jurisdiction within the Future Growth Boundary, without defining any "peri-municipal areas."

The area affected generally includes those areas which lie outside the incorporated municipalities of Winston-Salem, Kernersville, Clemmons, and Lewisville. Whereas the aforementioned municipalities have urban street standards which are governed by their own Major Subdivision Regulations and Ordinances, other areas of the county which include the incorporated limits of Walkertown, Rural Hall, Tobacoville, and Bethania are subject to only the minimum standards set by the North Carolina Department of Transportation. While State standards may be adequate in lesser traveled rural areas, they are generally considered insufficient to meet the traffic demands of urbanized areas or developing areas.

For several years the City of Winston-Salem has had an agreement with local NCDOT officials to require City street standards within areas which are likely to be annexed into the City in the foreseeable future. This area is refer to in the UDO as the “City Street Construction Areas” map. Typically these areas have available public water and sewer services and have land use zoning which supports higher density residential and commercial developments. City street standards

require curb and gutter cross sections and more substantial base and pavement thicknesses. These higher standards are better suited for the routine wear and tear of increased traffic loads of urbanized areas and lessen long term maintenance costs for the municipality.

While this arrangement has worked well for the City of Winston-Salem, it has not addressed similar needs for growing municipalities elsewhere in the county. The Town of Kernersville made its request with a similar desire for new major subdivisions lying within its sphere of annexation consideration to be built with streets which met its urban street standards. While this request seems reasonable at the outset, significant differences in the street design standards from one municipality to another caused the planning staff and the County Administration to question this piecemeal approach within the County's subdivision jurisdiction. Particularly since the County has not been inclined to grant additional extraterritorial jurisdiction to municipalities in recent years, the notion of separate street standards within areas governed by county subdivision appears to be counter to that action not to "carve up" the County into peri-municipal areas.

To remedy the problem the City-County Planning Director convened an ad hoc committee to evaluate issues and to develop a single set of uniform standards that would apply within the boundaries of the Future Growth Area of the County's jurisdiction. The committee consisted of municipal officials from Winston-Salem, Kernersville, Clemmons, and Lewisville (since those communities have public works functions and zoning/subdivision jurisdiction) as well as representatives from the NCDOT and development community.

After several months of debate and compromise a single set of standards was finally agreed upon by consensus. One major concession point of the ad hoc committee at their September 9, 2002 meeting was not to require sidewalks as a condition for roadway improvements under any circumstances. Previous drafts had proposed that one linear foot of sidewalk be required for each linear foot of roadway for developments with residential densities of three dwelling units/acre or greater. Although sidewalks are a key provision of the *Legacy* plan, committee members agreed that it would be premature to require sidewalks unless and until the City of Winston-Salem required them under similar circumstances within its jurisdiction.

ANALYSIS

Given the complexity of the issue of establishing a single set standards for municipalities with significant differences in their respective street standards, staff is of the opinion that the proposal offered represents a logical and equitable compromise. Especially given the alternative of reverting to the State standards as the single minimal standard for the county, the subject proposal seems prudent and respectful of the needs of both the incorporated municipalities and the development community. For example, curb and gutter is not required for subdivisions where the development densities average one acre or less; or one to three acres without sewer. The provision of allowing state hilly standard minimums in the rural area is also consistent with *Legacy* recommendations to maintain the rural character of areas which, without municipal services, are not likely to develop to urban densities. Similarly, subdivisions with densities of

three units per acre or less are not required to have sidewalks.

Staff notes that the proposed standards are generally comparable to the current City of Winston-Salem standards and less stringent than the current street standards for the communities of Kernersville, Lewisville and Clemmons. As noted earlier these provisions will apply within the incorporated municipalities of Walkertown, Rural Hall, Tobaccoville, and Bethania since they currently operate under the County's Major Subdivision Regulations. Minor subdivisions as well as streets constructed within municipalities which do not require Major Subdivision approval by the City-County Planning Board are exempt from the proposed standards.

While the recommended standards may not address the expectations or desires of all the interested parties, it does, in staff's opinion, provide a workable solution to a latent problem which has become manifest in the growing urbanization of Forsyth County.

RECOMMENDATION

Staff recommends **APPROVAL**. The County Manager observes that because the City of Winston-Salem has not yet revised its street standards to conform with the direction given by *Legacy* for more "walkable" streets including sidewalks, it would be premature at this time to include the sidewalk provision for the County jurisdiction. The current proposal is now consistent with the County Manager's position.

PUBLIC HEARING - August 8, 2002

Glenn Simmons presented the staff report.

FOR:

Jeff Hatling, Town of Kernersville, P. O. Drawer 728, Kernersville, NC 27284

The Board of Aldermen adopted a resolution at the July 3, 2001 meeting requesting the City-County Planning Board to adopt a text amendment requiring the use of the Town of Kernersville street standards in new developments occurring inside the area being considered for future annexation into the Town and also served by sewer.

This started the text amendment process which was well-explained by staff.

The Town understands that these interim standards are something that can be looked at for now, but that *Legacy* calls for a more comprehensive review and detailed review. At this time, the Town requests that the proposed standards not be reduced any further. These standards have been reduced beyond our current standards in areas that will be annexed by Kernersville. We will have to take them over and, of course, we are looking at the public interest of not only our current residents, but also our future residents.

AGAINST:

Chuck Folds, 195 Executive Park Boulevard, Winston-Salem, NC 27103

Speaking on behalf of the Winston-Salem Regional Association of Realtors and the HomeBuilders Association of Winston-Salem.

I have to say that I was hesitant as to when I should come up - whether on the proponents side or the opponents side. We were part of the process which makes it awkward to stand here as an opponent when we were there at the table during that.

Looking at the job Paul was handed, I think he was handed something that was extremely difficult so I'd also like to preface anything I say with that comment. It wasn't an easy task and I think staff did about as good as he could considering there's actually a bigger picture involved with this considering gray areas, ETJ, and the different towns' influence over how street standards are dealt with.

Points of concern mentioned by Mr. Folds:

- C Need to clarify which column you fall into if you hit 1 du/acre
- C Include which zoning districts go with which column
- C Eliminate as much guessing as possible
- C The 1" surface at the end of construction on the thickness. The State will be moving to 8" and 3" now, basing that on the number of units. The issue we had with 1" surface, is that it would be nice to clarify when the end of construction is and remove any administrative issues that might come up.
- C The curb and gutter requirement on the low density should not be pushed into areas that might or might not need it.
- C We need to consider the expense involved in additional storm water as well.
- C We'd like to see some sort of sidewalk policy for the City before we start requiring them in unincorporated areas primarily because it's a bigger issue than just inserting it into a Street Standards table.

WORK SESSION

During discussion by the Planning Board, the following points were made:

1. There probably are some house-cleaning issues that need to be done.
2. Paul Norby - The whole process has been like herding cats because we've had a lot of varying and sometimes conflicting interests to try to pull together in doing this. I apologize if I didn't understand that these issues from the HomeBuilders were concerns that still had been unresolved. I thought perhaps we only had the sidewalk issue. I really can't speak engineering-wise with the technical competence of the public works people, but know that we have to balance both the private interests and the public interests. I would like to suggest that we get that group together one more time and I'm going to, in a very friendly manner,

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Chuck Folds expressed a public apology to Paul Norby, stating that the confusion regarding the consensus was on Mr. Folds' part, not Mr. Norby's.

MOTION: Dara Folan moved continuance of the zoning text amendment to September 12, 2002.

SECOND: Jerry Clark

VOTE:

FOR: Avant, Bost, Clark, Folan, King, Norwood

AGAINST: None

EXCUSED: None

PUBLIC HEARING - September 12, 2002

FOR: None

AGAINST: None

WORK SESSION

MOTION: Philip Doyle moved continuance of the text amendment to October 10, 2002.

SECOND: Jimmy Norwood

VOTE:

FOR: Avant, Bost, Clark, Doyle, Folan, King, Norwood, Powell

AGAINST: None

EXCUSED: None

PUBLIC HEARING - October 10, 2002

FOR: None

AGAINST: None

WORK SESSION

MOTION: Philip Doyle moved approval of the zoning text amendment.

SECOND: Jimmy Norwood

VOTE:

FOR: Avant, Bost, Clark, Doyle, Folan, King, Norwood

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning

UDO-90
AN ORDINANCE AMENDING
CHAPTER D, SUBDIVISION REGULATIONS (F,W)/
SUBDIVISION ORDINANCES (K,C,L), OF
THE *UNIFIED DEVELOPMENT ORDINANCES*
REGARDING MINIMUM STREET STANDARDS

Be it resolved, by the Town Council of the Town of Lewisville, North Carolina, that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

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