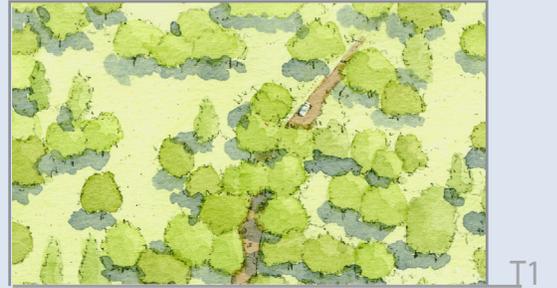


FLEXCODE  

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TOWN OF LELAND, NC





Town of Leland North Carolina

ARTICLE 1. GENERAL TO ALL PLANS .....	2	ARTICLE 6. LOT AND BUILDING REGULATIONS .....	33
1.1 AUTHORITY .....	2	6.1 INSTRUCTIONS .....	33
1.2 APPLICABILITY .....	2	6.2 PRE-EXISTING CONDITIONS .....	33
1.3 INTENT .....	2	6.3 SPECIAL REQUIREMENTS .....	33
1.4 PROCESS .....	3	6.4 CIVIC ZONES (CZ).....	34
1.5 WARRANTS AND VARIANCES.....	4	6.5 SPECIFIC TO T1 NATURAL ZONE .....	34
1.6 INCENTIVES.....	5	6.6 BUILDING DISPOSITION.....	34
1.7 SPECIAL TREE PROVISIONS.....	5	6.7 BUILDING CONFIGURATION .....	34
TABLE 1. TRANSECT ZONE DESCRIPTIONS. ....	6	6.8 BUILDING FUNCTION .....	35
TABLE 2. SUMMARY TABLE.....	7	6.9 PARKING AND DENSITY CALCULATIONS.....	35
ARTICLE 2. REGIONAL PLAN .....	9	6.10 PARKING LOCATION STANDARDS .....	36
2.1 INSTRUCTIONS .....	9	6.11 LANDSCAPE STANDARDS.....	36
ARTICLE 3. PUBLIC WORKS.....	11	6.12 SIGNAGE STANDARDS .....	40
3.1 THOROUGHFARES.....	11	TABLE 13. BUILDING DISPOSITION. ....	41
TABLE 3. VEHICULAR LANE DIMENSIONS. ....	13	TABLE 14. BUILDING CONFIGURATION.....	42
TABLE 4. VEHICULAR LANE/PARKING ASSEMBLIES....	14	TABLE 15. PRIVATE FRONTAGES.....	43
TABLE 5. PUBLIC FRONTAGES - GENERAL.....	16	TABLE 16. BUILDING FUNCTION.....	44
TABLE 6. PUBLIC FRONTAGES - SPECIFIC.....	17	TABLE 17. PARKING CALCULATIONS.....	45
TABLE 7. PUBLIC PLANTING.....	18	TABLE 18. PARKING OCCUPANCY RATE TABLE.....	46
TABLE 8. PUBLIC LIGHTING. ....	19	TABLE 19. SPECIFIC FUNCTION & USE.....	47
ARTICLE 4. NEW COMMUNITY PLANS .....	21	TABLE 20. FORM-BASED CODE GRAPHICS - T3.....	48
4.1 INSTRUCTIONS .....	21	TABLE 21. FORM-BASED CODE GRAPHICS - T4.....	49
4.2 SEQUENCE OF COMMUNITY DESIGN .....	21	TABLE 22. FORM-BASED CODE GRAPHICS - T4O .....	50
4.3 COMMUNITY UNIT TYPES .....	21	TABLE 23. FORM-BASED CODE GRAPHICS - T5.....	51
4.4 TRANSECT ZONES .....	22	ARTICLE 7. DEFINITIONS OF TERMS.....	53
4.5 CIVIC ZONES.....	22	TABLE 24. DEFINITIONS ILLUSTRATED .....	63
4.6 SPECIAL DISTRICTS.....	23		
4.7 SPECIAL REQUIREMENTS .....	23		
4.8 ENVIRONMENTAL STANDARDS .....	24		
TABLE 10. COMMUNITY UNITS.....	26		
TABLE 11. CIVIC SPACE .....	27		
TABLE 12. SPECIAL DISTRICT STANDARDS.....	29		
ARTICLE 5. INFILL PLANS .....	31		
5.1 INSTRUCTIONS .....	31		
5.2 COMMUNITY UNIT TYPES .....	31		
5.3 TRANSECT ZONES .....	31		
5.4 CIVIC ZONES.....	31		
5.5 SPECIAL DISTRICTS.....	32		
5.6 SPECIAL REQUIREMENTS .....	32		
5.7 PRE-EXISTING CONDITIONS .....	32		

ARTICLE 1. GENERAL TO ALL PLANS

1.1 AUTHORITY

- 1.1.1 The action of the Town of Leland in the adoption of this code is authorized under the Charter of the Town of Leland, Section 1.1 and North Carolina General Statute G.S. 160A-381.
- 1.1.2 This code was adopted as one of the instruments of implementation of the public purposes and objectives of the adopted Town of Leland Master Plan ("Master Plan"). This code is declared to be in accord with the Master Plan.
- 1.1.3 This code was adopted to promote the health, safety and general welfare of the Town of Leland of Brunswick County, North Carolina and its citizens..
- 1.1.4 This code was adopted and may be amended by vote of the Town Council.

1.2 APPLICABILITY

- 1.2.1 Provisions of this code when applicable, are activated by "shall" when required;"should" when recommended; and "may" when optional.
- 1.2.2 The provisions of this code, when applicable, shall take precedence over those of other codes, ordinances, regulations, and standards.
- 1.2.3 The existing Code of Ordinances of Town of Leland North Carolina, (the "Existing Local Code") shall continue to be applicable to issues not covered by this code except where the Existing Local codes would be in conflict with Section 1.3 Intent.
- 1.2.4 Terms used throughout this code may be defined in Article 7. Article 7 contains regulatory language that is integral to this code. Those terms not defined in Article 7 shall be interpreted in accord with most recent edition of Merriam-Webster's Collegiate Dictionary. In the event of conflicts between these definitions and those of the Town of Leland Code of Ordinances, those of this code shall take precedence when applicable, except when a State or Federal regulation imposes stricter provisions.
- 1.2.5 The metrics of all standards and tables are an integral part of this code. However, the diagrams and illustrations that accompany them should be considered guidelines, with the exception of those on Table 20 - Table 23, which are also legally binding.
- 1.2.6 Where in conflict, numerical metrics shall take precedence over graphic metrics.

1.3 INTENT

- 1.3.1 The intent and purpose of this code is to enable, encourage, and qualify the implementation of the region, the community, the block and the building, and the Transect.

1.3.2 THE REGION

- a. The region should retain its natural infrastructure and visual character derived from topography, woodlands, farmlands, riparian corridors and coastlines.
- b. Growth strategies should encourage infill and redevelopment in parity with new communities.
- c. Development contiguous to urban areas should be structured in the pattern of infill TND or infill RCD and be integrated with the existing urban pattern.
- d. Development non-contiguous to urban areas should be organized in the pattern of CLD, TND, or RCD.
- e. Affordable housing should be distributed throughout the region to match job opportunities and to avoid concentrations of poverty.
- f. Transportation corridors should be planned and reserved in coordination with land use.
- g. Green corridors should be used to define and connect the urbanized areas.
- h. The region should include a framework of transit, pedestrian, and bicycle systems that provide alternatives to the automobile.

1.3.3 THE COMMUNITY

## Town of Leland North Carolina

- a. Neighborhoods and regional centers should be compact, pedestrian-oriented, and mixed use.
  - b. Neighborhoods and regional centers should be the preferred pattern of development and that districts specializing in a single use should be the exception.
  - c. Ordinary activities of daily living should occur within walking distance of most dwellings, allowing independence to those who do not drive.
  - d. Interconnected networks of thoroughfares should be designed to disperse traffic and reduce the length of automobile trips.
  - e. Within neighborhoods, a range of housing types and price levels should be provided to accommodate diverse ages and incomes.
  - f. Civic, institutional, and commercial activity should be embedded in downtowns, not isolated in remote single-use complexes.
  - g. Schools should be sized and located to enable children to walk or bicycle to them.
  - h. A range of open space including parks, squares, community gardens, and playgrounds should be distributed within neighborhoods and downtown.
- 1.3.4 THE BLOCK AND THE BUILDING
- a. Buildings and landscaping should contribute to the physical definition of thoroughfares as civic places.
  - b. Development should adequately accommodate automobiles while respecting the pedestrian and the spatial form of public areas.
  - c. The design of streets and buildings should reinforce safe environments, but not at the expense of accessibility.
  - d. Architecture and landscape design should grow from local climate, topography, history, and building practice.
  - e. Buildings should provide their inhabitants with a clear sense of geography and climate through energy efficient methods.
  - f. Civic buildings and public gathering places should be provided as locations that reinforce community identity and support self-government.
  - g. Civic buildings should be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the town.
- 1.3.5 THE TRANSECT
- a. Communities should provide meaningful choices in living arrangements as manifested by distinct physical environments.
  - b. The transect zone descriptions on Table 1 shall constitute the Intent of this code with regard to the general character of each of these environments.
- 1.3.6 AUTHORITIES
- a. The administration of this Code shall include the following authorities: Zoning Administrator; Technical Review Committee (TRC); Board of Adjustment; Planning Board; and Town Council.
- 1.3.7 Zoning Administrator
- a. Functions, powers and duties. A Zoning Administrator, appointed by and responsible to the Town Manager, shall be responsible for administration and enforcement of the Code as provided herein, with such assistance as the Town Manager may direct. For purposes of this Code, the functions, powers and duties of the Zoning Administrator more specifically include:
    - i. To determine whether applications for new community plans or infill community plans are in accord with the requirements of this ordinance. No construction of infrastructure may commence without approval of zoning compliance by the Zoning Administrator.
    - ii. To determine whether applications for building permits as required by the Building Code are in accord with the requirements of this zoning ordinance. No building permit shall be issued without approval of zoning compliance by the Zoning Administrator.

- iii. To determine whether the use of any structure or premises hereafter created, erected, changed, converted, enlarged or moved, wholly or partly, in use or in structure, is in accordance with this code and to issue a Zoning Compliance Certificate if the plans and applications conform to applicable zoning regulations.
- iv. To participate in the review of Warrants.
- v. To make determinations concerning uses where there is substantial doubt as to whether a particular use or uses, or classes of uses, or characteristics of use not specifically identified in the code are of the same general character as those listed as permitted, by Right or Warrant.
- vi. To approve, deny or approve with conditions any applications for Warrant, upon review by members of the Technical Review Committee as the Director may request, pursuant to the standards of the Code.
- vii. To coordinate and chair the work of the Technical Review Committee.
- viii. To serve in an advisory capacity on Code matters to the Planning Board, the Zoning Board of Adjustment, the Town Council, and other officers or agencies, and to prepare such reports as may be appropriate in that capacity.

1.3.8 Technical Review Committee

- a. Establishment
  - i. There is hereby established a committee to be known as the Technical Review Committee ("TRC"). The TRC shall consist of Zoning Administrator, who shall serve as chair, and a member from each regulatory agency and Town department having jurisdiction over the permitting of a project as determined by the Zoning Administrator. The TRC shall be responsible for administratively processing applications and plans for proposed projects.
- b. Functions, powers and duties
  - i. The geographic locations of the Sectors and the standards for the Transect Zones shall be determined as set forth in Article 2, Article 4, Article 5 and Article 6.
  - ii. Projects requiring no Warrants or Variances, or only warrants, shall be processed administratively without further recourse to public consultation. An owner may appeal a decision of the TRC to the Board of Adjustment and may appeal a decision of the Board of Adjustment to the Town Council when a warrant is the subject of the appeal.
  - iii. The TRC shall be responsible for approving Adjustments to New Community Plans or Infill Plans, and approving Building Scale Plans.
- c. An owner may appeal a decision of the TRC to the Town Council.

1.4 PROCESS

1.4.1 Any property to be developed under this code must be part of an approved New Community Plan or an Infill Plan as defined and set forth in Article 4 or Article 5 of this code respectively.

1.4.2 Any property to be developed under this Title must be first zoned "SmartCode Zone". The rezoning application shall include the following:

- a. For New Community Plans, regulating plans designate the precise location of all of the following:
  - i. Transect zones;
  - ii. Civic zones, including civic spaces and civic buildings;
  - iii. Special districts, if any;
  - iv. Thoroughfare network and block layout; and
  - v. Special Requirements, if any.
- b. For Infill Community Plans, regulating plans designate the precise location of all of the following:

## Town of Leland North Carolina

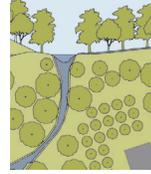
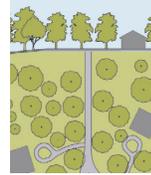
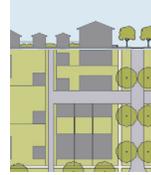
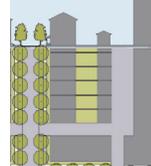
- i. Transect zones;
  - ii. Civic zones, including civic spaces and civic buildings;
  - iii. Special districts, if any;
  - iv. Thoroughfare network, existing or planned; and
  - v. Special Requirements, if any.
- 1.4.3 Submittals of New Community Plans and Infill Community Plans shall also include additional information required by this Code, such as:
  - a. Identification of pedestrian sheds and community types; and
  - b. Requests for Warrants or Variances, if any; and
  - c. Proof of notice of proposed application to any recognized neighborhood association required to receive notice pursuant to Section 30-35 of the Town Code.
- 1.4.4 The process and procedure once an application is submitted shall be in accordance with the provisions of Article II of Chapter 30, Zoning, Section 30-35, of the Existing Local Code, except that the application requirements specified in Article 1, Article 4, and Article 5 shall supersede the application requirements stated in Chapter 30 of the Existing Local Code.
- 1.4.5 Once the property is rezoned to FlexCode Zone (FCZ), the property owner is authorized to proceed under Article 4 or Article 5, whichever is applicable, and Article 6 under this Code. Building Scale Plans shall not be approved unless a New Community Plan or an Infill Community Plan for the property has been approved.
- 1.4.6 Once the property owner receives approval of the required building scale plans from the TRC, the property owner must comply with the provisions of Chapter 22 of the Existing Local Code to receive plat approval, provided that any provisions concerning platting requirements that are specifically addressed in this Code, shall take precedence over similar requirements in Chapter 22. Prior to the submission of any plat, the property to be developed under this code must be part of an approved building scale plan. When reviewing a plat submitted in compliance with the provisions of this Code, to include approval of the building scale plan, the Zoning Administrator shall determine whether the community scale plans and the building scale plans were approved by the TRC and whether the plat provisions contained in Chapter 22 of the Existing Local Code, which are not addressed in this Code, have been complied with.
- 1.4.7 Once a plat is approved, building permits may be issued only after approval of a complete building scale plan submitted in accordance with Section 5.1.
- 1.4.8 Should a violation of an approved New Community Plan, Infill Plan or building scale plan occur during construction, or should any construction, site work, or development be commenced without such an approved plan, the Code Enforcement Officer has the right to require the owner to stop, remove, and mitigate the violation.
- 1.4.9 Should a violation of an approved Regulating Plan occur during construction, or should any construction, site work, or development be commenced without an approved Regulating Plan or Building Scale Plan, the Zoning Administrator has the right to require the owner to stop, remove, and/or mitigate the violation, or to secure a Variance to cover the violation.
- 1.5 WARRANTS, VARIANCES, AND ADJUSTMENTS
  - 1.5.1 There shall be three types of deviation from the requirements of this code: Warrants, Variances, and Adjustments.
  - 1.5.2 A Warrant is a modification of a standard that may be granted, administratively by the TRC, only where specifically stated within the Code as allowable and may be approved only if the applicant has complied within criteria for granting of the modification.
  - 1.5.3 A Variance shall comply with provisions established by G.S. 160A-388 and Chapter 30, Article III of the Existing Local Code.

- 1.5.4 Adjustments to regulating plans within approved FlexCode Zones will be authorized administratively by the TRC if the adjusted regulating plan complies with this Code, its tables, and all the following criteria are met:
  - a. Community types may not be changed through the Adjustment process;
  - b. Within each community type, revisions to Transect Zone boundaries are permitted provided the adjusted regulating plan:
  - c. Does not conflict with standards for allocation of Transect Zones in Table 2a;
  - d. Does not increase the percentage of land designated as a Special District above the 20% maximum allowed under this Code;
  - e. Does not reduce the percentage of land designated on the approved regulating plan as civic spaces below the 5% minimum required under this Code;
- 1.6 INCENTIVES
- 1.6.1 To encourage the use of this Code, the Town Council grants the following incentives, to the extent authorized by state law:
  - a. Applications under this Code shall be processed administratively by the TRC.
  - b. Applications under this Code shall be processed with priority over those under the Existing Local Code, including those with earlier filing dates.
  - c. The Town may reduce or waive zoning review fees.
  - d. [Reserved for additional incentives].
- 1.7 HAZARD MITIGATION STANDARDS - SPECIAL TREE PROVISIONS
- 1.7.1 Each plan submitted under this Code shall include a site plan showing and describing in detail by species and size all existing trees, including any trees proposed to be removed, and all proposed new trees, shrubs and other landscape components. Compliance of the plan with Section 6.11 Landscape Standards shall be subject to the approval of the Zoning Administrator.

Town of Leland North Carolina

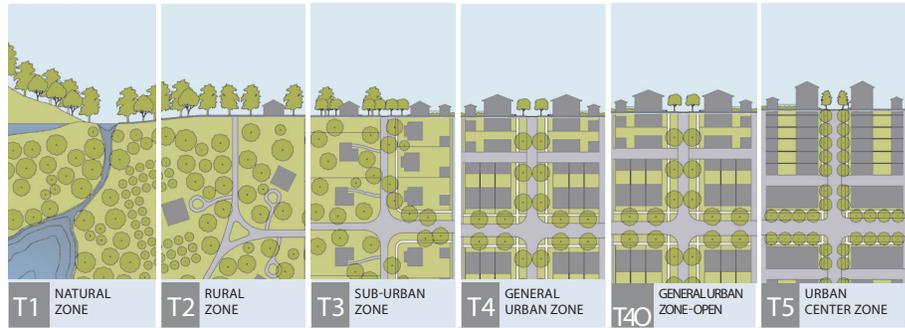
TABLE 1. TRANSECT ZONE DESCRIPTIONS.

This table provides descriptions of the general character of each T-zone. It is part of Intent Section 1.3.

<p><b>T1</b></p> 	<p><b>T-1 NATURAL</b> T-1 Natural Zone consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation.</p>	<p>General Character: Natural landscape with some agricultural use                      Building Placement: Not applicable                      Frontage Types: Not applicable                      Typical Building Height: Not applicable                      Type of Civic Space: Parks, greenways</p>
<p><b>T2</b></p> 	<p><b>T-2 RURAL</b> T-2 Rural Zone consists of sparsely settled lands in open or cultivated states. These include woodland, agricultural land, grassland, and irrigable desert. Typical buildings are farmhouses, agricultural buildings, cabins, and villas.</p>	<p>General Character: Primarily agricultural with woodland &amp; wetland and scattered buildings                      Building Placement: Variable Setbacks                      Frontage Types: Not applicable                      Typical Building Height: 1- to 2-Story                      Type of Civic Space: Parks, greenways</p>
<p><b>T3</b></p> 	<p><b>T-3 SUB-URBAN</b> T-3 Sub-Urban Zone is low density walkable residential areas, adjacent to higher zones that have some mixed use. Home occupations and outbuildings are allowed. Planting is naturalistic and setbacks are relatively deep. Blocks may be large and Thoroughfares irregular to accommodate natural conditions, but designed for slow movement.</p>	<p>General Character: Lawns, and landscaped yards surrounding detached single-family houses; pedestrians occasionally                      Building Placement: Large and variable front and side yard setbacks                      Frontage Types: Porches, fences, naturalistic tree planting                      Typical Building Height: 1- to 2-Story                      Type of Civic Space: Parks, greenways</p>
<p><b>T4</b></p> 	<p><b>T-4 GENERAL URBAN</b> T-4 General Urban Zone consists of a mixed use but primarily residential urban fabric. It may have a wide range of building types: single, sideyard, and rowhouses. Setbacks and landscaping are variable. Streets with curbs and sidewalks define medium-sized blocks.</p>	<p>General Character: Mix of houses, townhouses &amp; small apartment buildings, with scattered commercial activity; balance between landscape and buildings; presence of pedestrians.                      Building Placement: Large and variable front and side yard setbacks                      Frontage Types: Porches, fences, naturalistic tree planting                      Typical Building Height: 1- to 2-Story                      Type of Civic Space: Parks, squares, greenways</p>
<p><b>T40</b></p> 	<p><b>T-40 GENERAL URBAN OPEN</b> T-40 General Urban Open Zone consists of general mixed use buildings that accommodate retail, offices, rowhouses and apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks. It is similar to T-5 in use and to T-4 in form.</p>	<p>General Character: Shops mixed with townhouses, small apartment houses, offices, and civic buildings; trees within the public right-of-way; substantial pedestrian activity                      Building Placement: Variable setbacks; buildings oriented to street defining a street wall                      Frontage Types: Stoops, shopfronts, galleries                      Typical Building Height: 3- to 5-Story with some variation                      Type of Civic Space: Parks, plazas and squares, median landscaping</p>
<p><b>T5</b></p> 	<p><b>T-5 URBAN CENTER</b> T-5 Urban Center Zone consists of higher density mixed use building that accommodate retail, offices, rowhouses and apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.</p>	<p>General Character: Medium to high-density mixed use buildings, civic and cultural uses. Attached buildings forming a street wall; trees within the public right-of-way; highest pedestrian and transit activity                      Building Placement: Shallow setbacks or none; buildings oriented to street, defining a street wall                      Frontage Types: Stoops, dooryards, forecourts, shopfronts, and galleries                      Typical Building Height: 4-plus story with a few shorter buildings                      Type of Civic Space: Parks, plazas and squares; median landscaping</p>

# ARTICLE 1. GENERAL TO ALL PLANS

TABLE 2. SUMMARY TABLE



	T1 NATURAL ZONE	T2 RURAL ZONE	T3 SUB-URBAN ZONE	T4 GENERAL URBAN ZONE	T40 GENERAL URBAN ZONE-OPEN	T5 URBAN CENTER ZONE
<b>a. ALLOCATION OF ZONES per Community Unit, applicable to Article 4 only.</b>						
CLD requires	no minimum	50% min.	10 - 30%	20 - 40%	20% max.	not permitted
TND requires	no minimum	no minimum	30% max.	30 - 60%	10 - 20%	30% max.
RCD requires	no minimum	no minimum	not permitted	20 - 50%	10 - 30%	40% max.
<b>b. BLOCK SIZE</b>						
Block Perimeter	no maximum	no maximum	2400 ft. max.	2000 ft. max.	2000 ft. max.	1600 ft. max.
<b>c. THOROUGHFARES (see Table 5 and Table 6)</b>						
HW	permitted	permitted	permitted	not permitted	not permitted	not permitted
BV	not permitted	not permitted	permitted	permitted	permitted	permitted
AV	not permitted	not permitted	permitted	permitted	permitted	permitted
CS	not permitted	not permitted	not permitted	not permitted	permitted	permitted
DR	not permitted	not permitted	permitted	permitted	permitted	permitted
ST	not permitted	not permitted	permitted	permitted	permitted	permitted
RD	permitted	permitted	permitted	not permitted	not permitted	not permitted
Rear Lane	permitted	permitted	permitted	permitted	not permitted	not permitted
Rear Alley	not permitted	not permitted	permitted	required	required	required
Path	permitted	permitted	permitted	permitted	not permitted	not permitted
Passage	not permitted	not permitted	permitted	permitted	permitted	permitted
Bicycle Trail	permitted	permitted	permitted	not permitted *	not permitted *	not permitted *
Bicycle Lane	permitted	permitted	permitted	permitted	not permitted	not permitted
Bicycle Route	permitted	permitted	permitted	permitted	permitted	permitted
						* permitted within Open Spaces
<b>d. CIVIC SPACES (see Table 11)</b>						
Park	permitted	permitted	permitted	by Warrant	by Warrant	by Warrant
Green	not permitted	not permitted	permitted	permitted	permitted	permitted
Square	not permitted	not permitted	permitted	permitted	permitted	permitted
Plaza	not permitted	not permitted	not permitted	not permitted	permitted	permitted
Playground	permitted	permitted	permitted	permitted	permitted	permitted
Community Garden	permitted	permitted	permitted	permitted	permitted	permitted
<b>e. LOT OCCUPATION</b>						
Lot Width - SF Detached	not applicable	by Warrant	70 ft. min. 120 ft. max.	30 ft. min 60 ft. max.	30 ft. min. 50 ft. max.	30 ft. min. 50 ft. max.
Lot Width - Duplex	not applicable	by Warrant	90 ft. min. 120 ft. max.	50 ft. min 80 ft. max.	50 ft. min. 70 ft. max.	50 ft. min. 70 ft. max.
Lot Width - Townhouse	not applicable	by Warrant	not applicable	18 ft. min 36 ft. max.	18 ft. min. 36 ft. max.	18 ft. min. 36 ft. max.
Lot Width - Multifamily	not applicable	by Warrant	not applicable	60 ft. min 96 ft. max.	72 ft. min. 180 ft. max.	72 ft. min. 180 ft. max.
Lot Width - Mixed Use	not applicable	by Warrant	not applicable	18 ft. min 96 ft. max.	18 ft. min. 180 ft. max.	18 ft. min. 180 ft. max.
Lot Coverage - Building	not applicable	by Warrant	60% max.	70% max.	80% max.	80% max.
<b>f. SETBACKS - PRINCIPAL BUILDING</b>						
(g.1) Front Setback (Principal)	not applicable	48 ft. min	20 ft. min	10 ft. min 18 ft. max	2 ft. min 18 ft. max	2 ft. min 12 ft. max
(g.2) Front Setback (Secondary)	not applicable	48 ft. min	12 ft. min	10 ft. min 18 ft. max	2 ft. min 18 ft. max	2 ft. min 12 ft. max
(g.3) Side Setback	not applicable	96 ft. min	10 ft. min	0 ft. min or 6 ft. total	0 ft. min 24 ft. max	0 ft. min 24 ft. max
(g.4) Rear Setback	not applicable	96 ft. min	12 ft. min	3 ft. min *	3 ft. min *	3 ft. min *
Frontage Buildout	not applicable	not applicable	40% min	60% min	80% min	80% min
						* or 15 ft. from centerlines of Alley or Lane
<b>g. SETBACKS - OUTBUILDING</b>						
(h.1) Front Setback	not applicable	20 ft. min +bldg setback	20 ft. min +bldg setback	20 ft. min +bldg setback	40 ft. max from rear prop	40 ft. max from rear prop
(h.2) Side Setback	not applicable	3 ft. or 6 ft.	3 ft. or 6 ft.	0 ft. min or 3 ft.	0 ft. min	0 ft. min
(h.3) Rear Setback	not applicable	3 ft. min	3 ft. min	3 ft.	3 ft. max	3 ft. max
<b>h. BUILDING DISPOSITION (see Table 14)</b>						
Edgeyard	permitted	permitted	permitted	permitted	by Warrant	by Warrant
Sideyard	not permitted	not permitted	permitted	permitted	permitted	permitted
Rearyard	not permitted	not permitted	not permitted	permitted	permitted	permitted
<b>i. PRIVATE FRONTAGES (see Table 16)</b>						
Common Yard	not applicable	permitted	permitted	permitted	by Warrant	by Warrant
Porch & Fence	not applicable	permitted	permitted	permitted	permitted	not permitted
Terrace	not applicable	permitted	not permitted	permitted	permitted	permitted
Forecourt	not applicable	permitted	not permitted	permitted	permitted	permitted
Stoop	not applicable	permitted	not permitted	permitted	permitted	permitted
Shopfront	not applicable	not permitted	not permitted	permitted	permitted	permitted
Gallery	not applicable	not permitted	not permitted	permitted	permitted	permitted
<b>j. BUILDING CONFIGURATION (see Table 15)</b>						
Principal Building	not applicable	2 Stories max	2 Stories max	3 Stories max	3 Stories max	5 Stories max
Outbuilding	not applicable	2 Stories max	2 Stories max	2 Stories max	2 Stories max	2 Stories max
<b>k. BUILDING USE (see Table 17 &amp; Table 20)</b>						
Residential	not applicable	restricted use	restricted use	limited use	open use	open use
Lodging	not applicable	restricted use	restricted use	limited use	open use	open use
Office	not applicable	restricted use	restricted use	limited use	open use	open use
Retail	not applicable	restricted use	restricted use	limited use	open use	open use

DISPOSITION  
CONFIGURATION  
USE

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Town of Leland North Carolina

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