

ARTICLE 4. NEW COMMUNITY PLANS

4.1 INSTRUCTIONS

- 4.1.1 For land areas containing a minimum of twenty contiguous acres, the provisions of this article shall be available by right, upon request for rezoning as a FlexCode Zone (FCZ) by the applicant and approval by Town Council. If the land areas requested for use under this code are not currently zoned as a FlexCode Zone (FCZ) under this code, then the developer shall not be eligible to use this code until the land has been rezoned for this code. This rezoning shall be subject to the requirements outlined in Section 30-35 of the Existing Local Code as well as the requirements in Article 1 of this Code.
- 4.1.2 New Community Plans must conform to the comprehensive plan, which may be amended by approval of the Town Council.
- 4.1.3 Upon rezoning of an area as a FlexCode Zone (FCZ), all parcels within the zone shall be marked as such on the official zoning map of the Town of Leland. Within the FlexCode Zone, this code shall be the exclusive and mandatory zoning regulation, and its provisions, and those of the subsequently approved new community plan and building scale plans, shall be applied in their entirety.
- 4.1.4 New community plans submitted in accordance with the provisions of this Code, for the appropriate Sector of the Framework Plan and requiring no Variances, shall be approved administratively by the TRC.
- 4.1.5 New community plans may be prepared by an owner, authorized agent, or by the Planning Department.
- 4.1.6 New community regulating plans shall include one map for each of the following showing compliance with the standards described in this Article and Article 3.
 - a. Transect Zones;
 - b. Civic zones;
 - c. Thoroughfare network, existing and planned;
 - d. Special districts, if any;
 - e. Special requirements, if any;
 - f. numbers of Warrants or Variances, if any; and
 - g. other maps or information as specified by the Zoning Administrator.

4.2 SEQUENCE OF COMMUNITY DESIGN

- 4.2.1 The site shall be structured using one or several pedestrian sheds, which should be located according to existing conditions, such as traffic intersections, adjacent developments, and natural features. The site or any community unit within it may be smaller or larger than its pedestrian shed.
- 4.2.2 Each pedestrian shed shall be designated with a community type in accordance with Section 4.3. The pedestrian sheds shall determine the approximate boundaries and centers of the communities.
- 4.2.3 Areas of Transect Zones (Section 4.4) shall be allocated within the boundaries of each community unit as appropriate to its type. See Section 4.3.
- 4.2.4 Civic zones shall be assigned according to Section 4.5.
- 4.2.5 Special districts, if any, shall be assigned according to Section 4.6.
- 4.2.6 The thoroughfare network shall be laid out according to Article 3 and the Town of Leland Collector Street Plan. A copy of the Town of Leland Collector Street Plan is available in the Planning Department.
- 4.2.7 Any remnants of the site outside the pedestrian sheds shall be assigned to Transect Zones T1 through T3, civic space, or special districts.

4.3 COMMUNITY UNIT TYPES

4.3.1 CLUSTERED LAND DEVELOPMENT (CLD)

- a. A clustered land development (CLD) shall be permitted within the S-3 Restricted Growth Sector and the S-4 Controlled Growth Sector.
- b. A CLD shall be structured by one standard pedestrian shed and shall consist of no fewer than 19 acres and no more than 80 acres.
- c. A CLD shall include Transect Zones as allocated on Table 2.a. A minimum of 50% of the community unit shall be permanently allocated to a T1 Natural Zone and/or T2 Rural Zone.

4.3.2 TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)

- a. A Traditional Neighborhood Development (TND) shall be permitted within the S-4 Controlled Growth Sector, the S-5 Intended Growth Sector, and the S-6 Infill/Redevelopment Growth Sector.
- b. A TND within the S-4 Controlled Growth Sector and the S-5 Intended Growth Sector shall be structured by one standard or linear pedestrian shed and shall be no fewer than 40 acres and no more than 160 acres.
- c. A TND shall include Transect Zones as allocated on Table 2.a.
- d. Larger sites shall be designed and developed as multiple Communities, each subject to the individual Transect Zone requirements for its type as allocated on Table 2.a. The simultaneous planning of adjacent parcels is encouraged.

4.3.3 REGIONAL CENTER DEVELOPMENT (RCD)

- a. A Regional Center Development (RCD) shall be permitted within the S-5 Intended Growth Sector and the G-6 Infill/Redevelopment Growth Sector.
- b. An RCD within the S-5 Intended Growth Sector shall be structured by one Long Pedestrian Shed or Linear Pedestrian Shed and shall consist of no fewer than 80 acres and no more than 640 acres.
- c. An RCD shall include Transect Zones as allocated on Table 2.a.
- d. For larger sites, an RCD may be adjoined without buffer by one or more TNDs, each subject to the individual Transect Zone requirements for TND as allocated on Table 2.a. The simultaneous planning of adjacent parcels is encouraged..

4.4 TRANSECT ZONES

4.4.1 Transect Zones shall be assigned and mapped on each New Community Plan according to the percentages allocated on Table 2.a.

4.4.2 A Transect Zone may include any of the elements indicated for its T-zone number throughout this Code, in accordance with Intent described in Table 2.a.

4.5 CIVIC ZONES

4.5.1 GENERAL

- a. Civic zones dedicated for public use shall be required for each community unit and designated on the new community plan as civic space (CS) and civic building (CB). property designated as a civic zone must also be assigned to a Transect Zone.
- b. Civic space zones are public sites permanently dedicated to open space.
- c. Civic zones type shall be established based upon the adjacent Transect Zone pursuant to Table 10. If more than one Transect Zone is adjacent, the greatest frontage length shall control the designation.
- d. Civic building zones are sites dedicated for buildings operated by not-for-profit organizations dedicated to education, religion, government, transit and municipal parking, or for a use approved by the Town Council.

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- e. If a civic zone occupies more than 19% of the pedestrian shed, it is subject to the creation of a Special District.
 - f. Parking for civic zones shall be calculated per the standards of Table 16, Table 16, and Table 17. On-street parking available along the frontage lines that correspond to each lot shall be counted toward the parking requirement of the proposed civic space or civic building on the lot. The required parking may also be provided within one-quarter mile of the site that it serves. Civic parking lots may remain unpaved if graded, compacted, landscaped and maintained as to remain free from any weeds, grass, or other vegetative growth within any area that any vehicle may travel.
 - g. Landscape plans shall be submitted for existing and proposed landscape elements in compliance with 6.10.
- 4.5.2 CIVIC ZONES SPECIFIC TO T1 & T2 ZONES
- a. Civic buildings and civic spaces within T1 Natural and T2 Rural Zones shall be permitted only when approved by the Town Council when the regulating plan is approved.
 - b. Lands in any special flood hazard area that are designated to be set aside for the purpose of hazard mitigation shall become permanent civic space regardless of size, subject to the Special District provision herein, shall be designated civic space hazard mitigation on the community plan, and shall count toward the required civic space allotment for pedestrian sheds including them.
- 4.5.3 CIVIC SPACE (CS) SPECIFIC TO T3-T5 ZONES
- a. Each pedestrian shed shall assign at least 5% of its urbanized area to civic space.
 - b. Civic spaces shall be designed as generally described in Table 2.d and Table 10. Civic Space.
 - c. Those portions of the T1 Natural Zone that occur within a development project or parcel shall be part of the civic space allocation and shall conform to the civic space types specified in Table 2.d and Table 10.
 - d. Each pedestrian shed shall contain at least one main civic space. The main civic space shall be within 800 feet of the geographic center of each pedestrian shed, unless topographic conditions, pre-existing thoroughfare alignments or other circumstances prevent such location; in such case, the distance of the main civic space from the geographic center may be relocated, by warrant, up to 960 feet. A main civic space shall conform to one of the types specified in Table 10.b, Table 10.c, or Table 10.d.
 - e. The Town of Leland shall accept dedication of the main civic space of each pedestrian shed.
 - f. Within 800 feet of every lot in residential use, a civic space designed and equipped as a playground shall be provided. A playground shall conform to Table 10.e.
 - g. Each civic space shall have a minimum of 50% of its perimeter enfronting a thoroughfare, except for parks, community gardens, and playgrounds.
 - h. Civic spaces may be permitted within special districts but may not exceed fifty percent of the special district.
- 4.5.4 CIVIC BUILDINGS (CB) SPECIFIC TO T3-T5 ZONES
- a. The owner shall covenant to construct a meeting hall or a third place in proximity to the main civic space of each pedestrian shed. Its corresponding public frontage shall be equipped with a shelter and bench for an existing or future transit stop.
 - b. Civic building sites shall not occupy more than 19% of the area of each pedestrian shed.
 - c. Civic building sites should be located within or adjacent to a civic space, or at a Terminated Vista.
 - d. Civic buildings shall be subject to the standards of Article 6.
 - e. Civic buildings are permitted within special districts.
- 4.5.5 SPECIFIC TO PARKS

Turfgrass area and grass fields shall be planted or managed with appropriate low care and drought tolerant grasses that are mown to a high cut height or left uncut to provide a grass meadow.

4.5.6 SPECIFIC TO GREENS

Turfgrass area shall be planted or managed with appropriate low care and drought tolerant grasses that are mown to a high cut height.

4.5.7 SPECIFIC TO SQUARES

Turfgrass area shall be carefully graded, leveled, and planted with sod. Appropriate artificial turfgrass alternatives may be approved by Warrant.

4.6 SPECIAL DISTRICTS

4.6.1 Special district designations shall be assigned to areas that, by their intrinsic size, function, or configuration, cannot conform to the requirements of any Transect Zone or combination of zones. Conditions of development for special districts shall be determined in public hearing of the Town Council and recorded on Table 10.

4.6.2 Special districts shall not exceed 19% of the total net site area for each community type.

4.7 SPECIAL REQUIREMENTS

4.7.1 A new community plan may designate any of the following special requirements:

- a. A differentiation of the thoroughfares as A-grid and B-grid. Buildings along the A-grid shall be held to the highest standard of this Code in support of pedestrian activity. The frontages assigned to the B-grid shall not exceed 30% of the total length of frontages within a pedestrian shed.
- b. Designations for mandatory and/or recommended retail frontage requiring or advising that a building provide a shopfront at sidewalk level along the entire length of its private frontage as generally illustrated in Table 14. The shopfront shall be no less than seventy percent glazed in clear glass and shaded by an awning overlapping the sidewalk as generally illustrated in Table 14. The first floor shall be confined to retail use through the depth of the second layer (Table 22d).
- c. Designations for mandatory and/or recommended gallery frontage, requiring or advising that a building provide a permanent cover over the sidewalk, either cantilevered or supported by columns. The gallery frontage designation may be combined with a retail frontage designation.
- d. A designation for coordinated frontage, requiring that the public frontage (Table 5) and private frontage (Table 14) be coordinated as a single, coherent landscape and paving design.
- e. Designations for mandatory and/or recommended terminated vista locations, requiring or advising that the building be provided with architectural articulation of a type and character that responds visually to the location, as approved by the TRC.
- f. A designation for cross block passages, requiring that a minimum 8-foot-wide pedestrian access be reserved between buildings.

4.8 ENVIRONMENTAL STANDARDS

4.8.1 GENERAL

- a. Transect Zones manifest a range of natural and urban conditions. In case of conflict, the natural environment shall have priority in the more rural zones (T1-T3) and the built environment shall have priority in the more urban zones (T4-T5).
- b. There shall be three classes of Streams: Class I Perennial, Class II Intermittent, and Class III Ephemeral, each generating a stream buffer subject to a standard for crossing and protection

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- of its riparian condition as specified below for each Zone. Stream Classes are defined per the NC DENR Redbook.
- c. There shall be three classes of Wetlands: Class Exceptional, Class Substantial, and Class Beneficial, each subject to a standard of restoration, retention, and mitigation as specified below for each Transect Zone.
 - d. Within all transect zones, the encroachment and modification of natural conditions listed in Town of Leland Master Plan shall be limited according to applicable local, state, and federal law.
- 4.8.2 SPECIFIC TO ZONES T1, T2
- a. The Stream Buffers for Class I and Class II Streams shall be 190 feet in width each side, and for Class III Streams shall be 100 feet in width each side. Stream Buffers shall be maintained free of structures or other modifications to the natural landscape, including agriculture.
 - b. All Wetlands shall be retained (and restored if in degraded condition as determined by the deliniation of Areas of Environmental Concern on the site plan). Additional Buffers shall be maintained at 100 feet for Class I and II. Wetland Buffers shall be maintained free of structures or other modifications to the natural landscape, including agriculture.
- 4.8.3 SPECIFIC TO ZONES T1, T2, T3
- Stormwater management on Thoroughfares shall be primarily through retention and percolation, channeled by curbside Swales.
- 4.8.4 SPECIFIC TO ZONE T3
- a. Within T3 Zones, the continuity of the urbanized areas shall be subject to the precedence of the natural environment.
 - b. Stream Buffers for Class III Streams shall be 100 feet in width each side. Stream Buffers shall be maintained free of structures and other modifications to the natural landscape, except that stormwater best management practices as reconized by the state and trails as approved as part of a regulating plan may be permitted.
 - c. All Wetlands shall be retained (and restored if in degraded condition as determined by the deliniation of Areas of Environmental Concern on the site plan). Additional Buffers shall be maintained at 50 feet for Class II and Class III Wetlands. Buffers shall be free of structures or other modifications to the natural landscape. Thoroughfare crossings shall be permitted only by Variance.
- 4.8.5 SPECIFIC TO ZONE T4
- a. The Stream Buffers for Class I and Class II Streams shall be 50 feet in width each side. Stream Buffers and Streams of all classes may be crossed by Thoroughfares as required by the Thoroughfare network.
 - b. Exceptional and Substantial Wetlands shall be retained (and restored if in degraded condition as determined by the deliniation of Areas of Environmental Concern on the site plan). Stream buffers shall be maintained free of structures or other modifications to the natural landscape except that stormwater best management practices as reconized by the state and trails as

c. approved as part of a regulating plan may be permitted.

4.8.6 SPECIFIC TO ZONE T4O, T5

- a. Stream Buffers for Class I and Class II Streams shall be 25 feet in width each side, with the exception that Stream Buffers and Streams of all classes may be embanked and crossed by Thoroughfares as required by the Thoroughfare network when in compliance with all state and federal permitting required.
- b. Exceptional and Substantial Wetlands may be modified if mitigated off-site at a two to one ratio. Class III Wetlands may be modified, not requiring off-site mitigation. Crossings shall be permitted By Right when in compliance with all state and federal permitting required.

4.8.7 SPECIFIC TO ZONES T4, T4O, T5

- a. Stormwater management on Thoroughfares and Lots shall be primarily through underground storm drainage channeled by raised curbs, and there shall be no retention or detention required on the individual Lot.

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TABLE 9. COMMUNITY UNITS.

This table illustrates basic Community Units permitted in each Framework Plan Sector, and the Transect Zones permitted within each Community Unit. Standard and Long Pedestrian Sheds are shown for scale. Community Unit area may fall anywhere within the acreage range specified in Section 4.3. Transect Zone allocations by area may fall anywhere within the percentage ranges below and on Table 2a.

	S1 PRESERVED OPEN SECTOR	S2 RESERVED OPEN SECTOR	S3 RESTRICTED GROWTH SECTOR	S4 CONTROLLED GROWTH SECTOR	S5 INTENDED GROWTH SECTOR	S6 INFILL GROWTH SECTOR
C L D						
			T1/T2 50% MIN.	T1/T2 50% MIN.		
			T3 10 - 30%	T3 10 - 30%		
			T4 19 - 40%	T4 19 - 40%		
			T40 19% MAX.	T40 19% MAX.		
T N D						
				T1/T2 NO MIN.	T1/T2 NO MIN.	
				T3 30% MAX.	T3 30% MAX.	VARIABLE
				T4 30 - 60%	T4 30 - 60%	VARIABLE
				T40 10 - 19%	T40 10 - 19%	
R C D						
					T4 19 - 50%	VARIABLE
					T40 10 - 30%	VARIABLE
					T6 40 MAX.	VARIABLE

	T1		T2		T3		T4		T40		T5
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TABLE 10. CIVIC SPACE

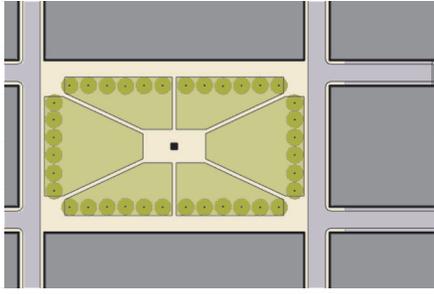
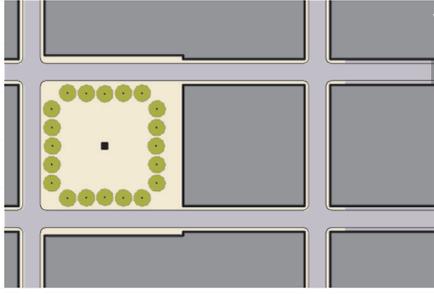
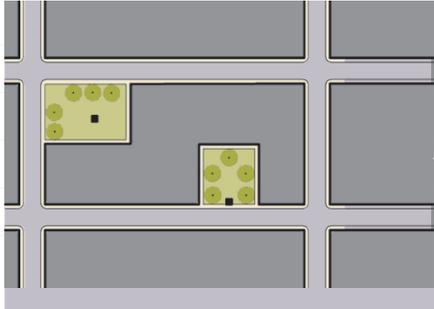
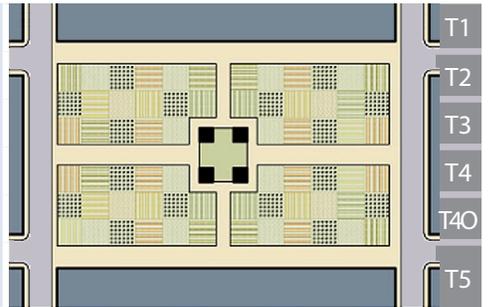
<p>a. Park: A natural preserve available for unstructured recreation. A park may be independent of surrounding building Frontages. Its landscape shall consist of Paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Parks may be lineal, following the trajectories of natural corridors. The minimum size shall be 8 acres. Parks in excess of 15 acres may be approved as Special Districts.</p>	 <p>T1 T2 T3</p>
<p>b. Green: An Open Space, available for unstructured recreation. A Green may be spatially defined by landscaping rather than building Frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. The minimum size shall be 1/2 acre and the maximum shall be 8 acres.</p>	 <p>T3 T4 T40</p>
<p>c. Square: An Open Space available for unstructured recreation and Civic purposes. A Square is spatially defined by building Frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important Thoroughfares. The minimum size shall be 1/2 acre and the maximum shall be 5 acres.</p>	 <p>T4 T40 T5</p>
<p>d. Plaza: An Open Space available for Civic purposes and Commercial activities. A Plaza shall be spatially defined by building Frontages. Its landscape shall consist primarily of pavement. Trees are optional. Plazas should be located at the intersection of important streets. The minimum size shall be 1/2 acre and the maximum shall be 2 acres.</p>	 <p>T40 T5</p>
<p>e. Playground: An Open Space designed and equipped for the recreation of children. A Playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within Residential areas and may be placed within a Block. Playgrounds may be included within parks and greens. There shall be no minimum or maximum size.</p>	 <p>T1 T2 T3 T40 T5</p>

TABLE 11. CIVIC SPACE CONTINUED

f. Community Garden: An open space designed and equipped for garden plots. A community garden should be fenced and may include a tool shed. Running water is required. Community gardens shall be interspersed within residential areas and may be placed within a block or included within parks and greens. There shall be no minimum or maximum size.



ARTICLE 4. NEW COMMUNITY PLANS

TABLE 12. SPECIAL DISTRICT STANDARDS

The metrics for each column of this table (SD1, SD2, etc.) are to be filled in for each Special District as they currently exist, or as they are permitted. More pages can be added. Special Districts that do not have provisions within this Code shall be governed by the standards of the pre-existing zoning.

	SD1	SD2	SD3	SD4	SD5	SD6	
a. ALLOCATION OF ZONES per Community Unit, applicable to Article 4 only.							
CLD requires							
TND requires							
RCD requires							
b. BLOCK SIZE							
Block Perimeter							
c. THOROUGHFARES (see Table 3 and Table 4)							
HW							
BV							
AV							
CS							
DR							
ST							
RD							
Rear Lane							
Rear Alley							
Path							
Passage							
Bicycle Trail							
Bicycle Lane							
Bicycle Route							
d. CIVIC SPACES (see Table 10)							
Park							
Green							
Square							
Plaza							
Playground							
f. LOT OCCUPATION							
Lot Width							
Lot Coverage							
g. SETBACKS - PRINCIPAL BUILDING (see Table 18 - Table 22)							
(g.1) Front Setback (Principal)							
(g.2) Front Setback (Secondary)							
(g.3) Side Setback							
(g.4) Rear Setback							
Frontage Buildout							
h. SETBACKS - OUTBUILDING (see Table 18 - Table 22)							
(h.1) Front Setback							
(h.2) Side Setback							
(h.3) Rear Setback							
i. BUILDING DISPOSITION (see Table 12)							
Edgeyard							
Sideyard							
Rearyard							
Courtyard							
j. PRIVATE FRONTAGES (see Table 14)							
Common Yard							
Porch & Fence							
Terrace or Dooryard							
Forecourt							
Stoop							
Shopfront & Awning							
Gallery							
Arcade							
k. BUILDING CONFIGURATION (see Table 13)							
Principal Building							
Outbuilding							
l. BUILDING FUNCTION (see Table 15 & Table 17)							
Residential							
Lodging							
Office							
Retail							

DISPOSITION

CONFIGURATION

FUNCTION

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