



MEMO

MEMO-20-1214

Meeting Date: July 16, 2020

Prepared By: Ben Andrea

MEETING TYPE: Council Regular Meeting

TITLE: Ordinance O20-029 to Amend the Town of Leland Code of Ordinances - Innovation District

PURPOSE: To amend various chapters and sections of the Code of Ordinances of the Town of Leland, North Carolina to create a new zoning district called the Innovation District.

BACKGROUND: The Town regularly considers amendments to the code of ordinances to improve processes, provide clarity, and update the Town's standards. In coordination with the Economic and Community Development Director, Planning staff is proposing a new zoning district ("Innovation District") that could be utilized for areas proposed to be annexed into the Town, or for appropriate areas within the Town for which a property owner seeks rezoning.

Staff presented the concept for the new zoning district to the Planning Board at their May 26, 2020 meeting and received feedback about the proposal and supplemental regulations.

At their June 23, 2020 meeting, the Planning Board discussed the item further and made some recommendations for changes that have been incorporated into the proposal being presented to the Town Council. With the Planning Board's recommended changes, they voted 7-0 at their June meeting to recommend approval of the text amendment, finding that it is:

1. Consistent with the Leland 2020 Master Plan, which encourages facilitating economic development and job growth; and
2. Reasonable and in the public interest because the proposed amendment will create a new zoning district to encourage economic development while safeguarding public safety and welfare.

SUMMARY: Staff is proposing to create a new zoning district called the Innovation District that is tailored to accommodate uses such as high-tech manufacturing, advanced research and development, distribution and warehousing, entrepreneurial startup endeavors, and supporting small retail and personal services. In other communities, this mixture of uses has proven successful in creating areas that attract high-paying and innovative employment-generating businesses and companies. Heavy industrial and other similarly impactful uses are discouraged.

The following summarizes the proposed Innovation District and supplemental regulations:

- Mixture of employment types, focusing on moderate to high employment concentration.
- Creation of two new uses - Limited Manufacturing and Servicing and Research Activities.
- Allowance of uses such as eateries, personal care, and limited recreational and retail that would support the daily needs of employees in the Innovation District.
- Simple dimensional standards that allow flexible and maximum use of land while safeguarding existing neighboring residential development as applicable.
- Requirements for street trees, street lighting, screening, and buffering that create aesthetically pleasing viewscales and protection for existing or future adjacent residential uses.
- Creation of a Landscape Species List that would be included in the Administrative Manual. This list of canopy and understory trees includes species that are native to the area or thrive well in the local environment. Required tree plantings in the Innovation District would be required to be species from this new list, and the list would provide recommendations for tree plantings that are required in other zoning districts.

In addition to the changes proposed related to the Innovation District, staff has also included in the text amendment some minor changes to other sections to update references to duties of the Code Enforcement Officer, and general updates to provide more clarity.

SUPPORTING PLANS:

Leland 2020 Master Plan

Action Item A3: Develop and redevelop land through a coordinated system of neighborhoods, districts and corridors.

Action Item A19: Leverage the Cape Fear region’s economic role in the global economy (telecommunications, education, and pharmaceuticals), and Leland’s contribution (accommodation, food services, retail, and health care).

Action Item A28: Grow the job base in Leland with development patterns that have a high General Fund contribution per acre. Seek to reduce the number of people who have to commute out of Leland for work every day

Action Item A29: To attract start-ups and nurture and foster growth, collaborate with existing businesses. Build a robust ecosystem of networked entrepreneurs by leveraging tools such as InnovateNC. Attract the resources that will help commercialize the existing world-class research being done in the Wilmington region in the field of marine biotechnology and life sciences and expand the region’s ecosystem in this space. Position Leland as an important partner for both residential and office support for this technical cluster in the Wilmington region.

FINANCIAL:

N/A

REQUEST FOR ACTION:

Staff recommends approval and suggests the following motion:

Motion to approve, affirming the Planning Board’s statements that the amendment is consistent with the Town's adopted land use plans and is reasonable and in the public

interest.



Ordinance O20-029

Introduced By: Ben Andrea

Date: July 16, 2020

Ordinance O20-029 to Amend the Town of Leland Code of Ordinances - Innovation District

Be It Ordained:

1. That the Code of Ordinances, Town of Leland, North Carolina, is amended by modifying the Leland Town Code of Ordinances to read as shown in Exhibit A.
2. That if this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable.
3. That if it be determined that any other Town Ordinance or any part of any other Town Ordinance is in conflict with this Ordinance, said conflicting Ordinance shall be deemed repealed and of no effect and the provisions of this Ordinance shall prevail.

Adopted by Town Council on this 16th day of July, 2020.

Brenda Bozeman, Mayor

Sabrena Reinhardt, Town Clerk

Approved as to Form:

Brian E. Edes, Town Attorney

Exhibit A

Chapter 66 - ZONING

ARTICLE I. - IN GENERAL

Sec. 66-4. - Definitions.

Limited Manufacturing and Servicing means the manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, or products, provided such activities are conducted within entirely enclosed buildings and produce no substantial noise, smoke, glare, vibration, or odor detectable outside the buildings.

Research activities means the research, development, and testing conducted in dry labs, wet labs, or other types of facilities related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering, provided such activities are conducted within entirely enclosed buildings and produce no substantial noise, smoke, glare, vibration, or odor detectable outside the buildings.

Secs. 66-6—66-28. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

Sec. 66-33. - Submitting requests to planning board.

The town council requires that all planning board agenda items be submitted to the ~~code enforcement officer~~ Planning and Inspections Director or their designee at least ~~20~~ ten working days before the planning board's regularly scheduled monthly meeting.

Sec. 66-34. - Schedule of fees.

The town council shall adopt a schedule of fees to be paid by applicants for permits and applications required under the provisions of this chapter. Such fee schedule shall be adopted by resolution of the town council and shall be maintained in the office of the ~~code enforcement officer~~ Planning and Inspections Director.

ARTICLE V. - ZONING DISTRICTS

DIVISION 1. - GENERALLY

Sec. 66-126. - Established.

- (a) For the purpose of this chapter, all of the areas within the boundaries of the corporate limits of the town are included.
- (b) In order to regulate the height and size of buildings; to regulate the intensity of land use; to regulate the location of the land uses; to provide for the improved environment; and to promote the health, safety and general welfare of its citizens, the town is hereby divided into the following zoning districts:

R-20	Residential District, Low Density
R-15	Residential District, Medium Density

Commented [BA1]: New definitions..

Commented [BA2]: Updates reference and make application deadline consistent with Section 50-108 for Preliminary Plats.

Commented [BA3]: Updates reference.

RMH	Residential Manufactured Home District
C-1	Commercial Business District, General Commercial
C-2	Commercial Business District, Regional Business
C-3	Commercial Trucking District
ID	<u>Innovation District</u>
O&I	Office and Institutional District
M-F	Multifamily District
PUD	Planned Unit Development District
R-6	Residential District, Medium Density
CD	Conservation District

Commented [BA4]: Adds new district to table.

Sec. 66-140. – ID Innovation District

Commented [BA5]: New section for Innovation District.

- (a) The Innovation District is intended to support and encourage job-creating uses that fit the Town of Leland's character and desire to be a place for creative, sustainable and entrepreneurial companies to start, grow or relocate. Encouraged uses include advanced manufacturing, research and development, and associated support functions serving both the needs of the community and the region. Heavy industrial and similar uses with impacts such as noise, glare, odor, vibration, or smoke are discouraged.
- (b) The minimum district area shall be 50 acres.
- (c) Sign allowances shall be the same as the allowances for signs in the C-3 zoning district.
- (d) Street lighting shall be required as per Section 50-148.

Secs. 66-140~~1~~—66-161. - Reserved.

DIVISION 2. - DISTRICT REGULATIONS

Sec. 66-162. - Permitted uses.

Uses permitted in particular zoning districts are indicated in the following table by the letter "P". Such uses are subject to all of the provisions of the Code, to include those notes found at the end of this table of permitted uses.

USES	R-20	R-15	RMH	C-1	C-2	C-3	ID	O&I	M-F	PUD	R-6	CD
AGRICULTURAL												
Animal hospital/veterinary clinic				P	P	P	<u>P</u>				P	
Fruit or vegetable stand on the same parcel as produced	P	P	P				<u>P</u>					
Kennels (commercial) (ref. note 10)				P	P	P						
Kennels (private)	P	P	P	P	P	P		P	P	P	P	
Retail/wholesale nurseries/greenhouses				P	P		<u>P</u>					
CONTRACTORS/CONSTRUCTION												
Contractor's plant/storage yard												
General building contractor				p*				p*		P		
Landscaping contractor				p*	p*			p*		P		
Electrical/plumbing				p*				p*				
Contractor				p*				p*		P		
Utility contractor				p*				p*				
Office for contractor, general, or trades (ref. note 14)				p*	p*	p*		p*		p*		
Other contractors not listed				p*				p*				
MANUFACTURING												
Assembly of prepared parts into finished products						P	<u>P</u>					

Commented [BA6]: Adds ID to Table of Permitted Uses and designates uses allowed in the zoning district.

Boat building					P	<u>P</u>					
Cabinetmaking and woodworking shops				P	P	P	<u>P</u>				
Clothing manufacturing					P	P	<u>P</u>				
Electronic machines, equipment and supplies assembly					P	P	<u>P</u>				
Fabrication shops (wood, metal, upholstery, etc.)				P	P	P	<u>P</u>				
Handcrafting of small articles				P	P		<u>P</u>				
Leather and leather products					P		<u>P</u>				
<u>Limited Manufacturing and Servicing</u>							<u>P</u>				
Machinery, except electrical						P	<u>P</u>				
Plastic manufacturing						P	<u>P</u>				
Printing and publishing				P	P		<u>P</u>	P			
<u>Research Activities</u>							<u>P</u>				
Seafood processing, handling, storage and sales facilities				P	P		<u>P</u>				
Signs, manufacturing/assembly					P		<u>P</u>				
Transportation equipment						P	<u>P</u>				
	GENERAL RETAIL										
ABC store				P	P		<u>P</u>			P	
Adult establishments (ref. note 6)						P					
Appliances (retail and maintenance)				P	P					P	

Auction sales				P	P	<u>P</u>						
Automobile/boat washing establishments				P	P							
Automobile dealers and truck sales				P	P							
Barbershops/beauty shops				P	P	<u>P</u>	P			P		
Boat sales, service and repair				P	P							
Building materials/garden supplies				P	P					P		
Convenience store				P	P	<u>P</u>				P		
Dry cleaning/laundry establishment (ref. note 2)				P	P	<u>P</u>				P		
Farm implement sales and service				P	P							
Farmers' market				P	P	<u>P</u>						
General merchandise store				P	P	<u>P</u>				P		
Hotel (motel)				P	P	<u>P</u>				P		
Industrial sales/repair of equipment				P	P	P	<u>P</u>					
Marine equipment store				P	P							
Massage parlor				P								
Miscellaneous retail				P	P							
Mobile home/modular home dealer				P								
Model unit marketing center	P	P	P	P	P			P	P	P	P	
Motorcycle sales and repair				P	P							
Motor vehicle repair garage				P	P	P						

Motor vehicle service station				P	P	P	<u>P</u>					
Restaurant				P	P	P	<u>P</u>			P		
Seafood market				P	P		<u>P</u>					
Retail store not elsewhere classified (ref. note 4)				P	P							
<u>Retail Sales of Onsite Manufactured Products</u>						<u>P</u>	<u>P</u>					
Small office/commercial center				P	P	P	<u>P</u>	P				
Shopping center				P	P					P		
Tanning salon				P	P					P		
	TRANSPORTATION, WHOLESALE											
Ambulance service				P	P	P		P		P		
Boat storage yard				P	P							
Bulk storage of flammable fluids and gases (ref. note 1)						P						
Bus and taxi terminal				P	P							
Freight transportation warehousing						P	<u>P</u>					
Overnight vehicle storage						P	<u>P</u>					
Self-service storage facility				P	P							
Towing service, automotive or truck				P	P							
Trailer (utility/hauling) sales and rental				P	P							
Truck terminal activities						P						

Vehicle for hire (ref. note 15)				P	P														
Warehousing, general								P	<u>P</u>										
Wholesaling, general								P	<u>P</u>										
Wholesale storage and bulk terminal								P	<u>P</u>										
	INSTITUTIONAL, RECREATIONAL, SERVICE																		
Adult day care facility (ref. note 5)	P	P	P	P	P									P	P				
Adult establishment	(See general retail uses)																		
Amusement and recreational service not elsewhere classified (ref. note 4)					P	P			<u>P</u>										
Assembly hall					P	P									P				
Assisted living facility (ref. note 23)						P											P		
Bank and financial institution					P	P			<u>P</u>		P						P		
Bar					P	P			<u>P</u>										
Baseball driving range						P			<u>P</u>										
Billiard/pool hall					P	P			<u>P</u>										
Boat launching ramp, dock or pier, private	P	P	P																P
Bowling alley					P	P			<u>P</u>								P		
Business service not elsewhere classified (ref. note 4)					P	P					P						P		
Cemetery (ref. note 7)															P				
Religious institution (ref. note 5)	P	P	P	P	P									P	P	P	P		

Club or lodge				P	P			P			
Civic center/community center				P	P		<u>P</u>	P		P	
College and related facilities				P	P		<u>P</u>	P			
Convalescent home								P			
Country club and related uses	P	P	P						P	P	
Child day care center (ref. note 8)	P	P	P	P	P		<u>P</u>	P	P	P	P
Child day care home	P	P	P	P	P			P	P	P	P
Doctor, dentist, optician				P	P		<u>P</u>	P		P	
Exterminating service				P	P						
Family care home (ref. note 17)	P	P	P	P	P	P		P	P	P	P
Fraternal and social organization (ref. note 9)				P	P			P			
Fraternal and sorority house								P	P		
Funeral home, mortuary				P	P			P			
Golf course/driving range					P					P	P
Golf course, miniature				P	P		<u>P</u>				
Government office				P	P		<u>P</u>	P		P	P
Group home (ref. note 17)				P				P			
Health spa				P	P		<u>P</u>	P		P	
Laboratory, medical, dental, optical				P	P		<u>P</u>	P			
Laboratory, research							<u>P</u>	P			

Library, museum, art gallery				P	P		<u>P</u>	P		P		
Nursing and personal care facility (ref. note 11)		P							P			
Office not elsewhere classified (ref. note 4)				P	P		<u>P</u>	P		P		
Package sewer treatment plant (ref. note 17)										P		
For profit recreational facility				P	P		<u>P</u>			P		
Public park, playground, playfield and community center							<u>P</u>					P
Public or private school (ref. note 12)							<u>P</u>	P	P	P		
Public utility office				P	P		<u>P</u>	P		P		
Public utility-water							<u>P</u>			P		
Public utility workshop and storage								P				
Public utility substation (ref. note 13)	P	P	P	P	P	P	<u>P</u>	P	P	P	P	
Repair shop not elsewhere classified (ref. note 4)						P	<u>P</u>					
Skating rink				P	P		<u>P</u>					
Social service not elsewhere classified (ref. note 4)								P				
Swimming pool, private (ref. section 66-229)	P	P	P	P	P	P	<u>P</u>	P	P	P	P	
Swimming pool, public/commercial (ref. section 66-229)				P	P		<u>P</u>	P	P	P		
Tattoo parlor/body piercing					P							
Tennis court				P	P		<u>P</u>	P	P	P	P	

Theater, indoor				P	P		<u>P</u>												
	RESIDENTIAL																		
Apartment														P	P				
Assisted living residence (ref. note 23)						P									P				
Senior living communities with continuing care (ref. note 25)						P									P	P			
Bed and breakfast	P																		
Boardinghouse					P	P									P				
Business residence					P	P	P	<u>P</u>		P									
Dwelling, single-family	P	P	P	P	P	P				P	P	P	P						
Accessory apartment—detached (ref. section 66-229(b)(3))	P	P	P	P	P	P				P	P	P	P						
Accessory apartment—attached (ref. note 28)	P	P			P	P									P	P			
Group housing, multifamily (more than four units)															P	P			
Home occupation (ref. note 3)	P	P	P	P	P	P				P	P	P	P						
Condominium															P	P	P		
Duplex and triplex					P										P	P	P		
Manufactured home, Class A (ref. section 66-311)			P	P	P	P	P			P	P								
Manufactured home, Class B (ref. section 66-311)			P	P	P	P	P			P	P								
Manufactured home, Class C (ref. section 66-			P	P	P	P				P	P								

311)													
Marina residential												P	
Quadruplex										P	P		
Townhouse													P
	MISCELLANEOUS												
Townhouse												P	P
Accessory use and building (ref. note 1 and section 66-229)	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	
Billboard (ref. chapter 42 of this Code)					p*	p*							
Food trucks (ref. section 66-228(e))				P	P	P	<u>P</u>	P	P	P			
Yard sale (ref. section 66-314)	P	P	P	P	P	P		P	P	P	P	P	
	COMMUNICATIONS FACILITIES												
Monopole television tower (ref. note 24)													P
Newspaper office and incidental printing				P	P		<u>P</u>	P					
Small wireless facility, micro wireless facility in public rights-of-way (PROW) (ref. note 26)	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P
Small wireless facility outside public rights-of-way (PROW) (ref. note 26)			P	P	P	P	<u>P</u>	P	P	P	P	P	P
All other wireless telecommunication facilities, substantial modifications of wireless facilities (ref. note 27)				P	P	P	<u>P</u>	P					P
Collocations (ref. note 27)	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P
TV, radio broadcasting studio (ref. note 24)				P	P		<u>P</u>	P			P		

at front setback line (ft.)	cul-de-sac	cul-de-sac									cul-de-sac
Minimum front yard setback (ft.)	30	30	30	25	25	50	<u>15</u>	25	30	25/15 (note 6)	25
Minimum side yard width (ft.)	7.5	7.5	7.5	7.5	7.5	7.5	<u>5</u> (note 10)	7.5	7.5	3 (note 7)	7.5
Minimum rear yard depth (ft.)	15	15	15	10	20	20	<u>5</u> (note 10)	20	30	7.5	10
Maximum height of structure (ft.)	40	40	40	40	40	40	<u>55</u>	40	40	40	40
*Or larger as required by the county sanitarian. Final determination is based on decisions by the county sanitarian for approved sewer systems.											
No building shall encroach upon the right-of-way of a publicly maintained street, a proposed thoroughfare or collector street shown in an officially adopted thoroughfare plan, or a private vehicular or pedestrian way in common ownership.											

Note 2. *Corner lots and open storage.*

- (1) *Primary structures on corner lots.* On a corner lot in a residential district area or commercial district area, a side yard setback consisting of a minimum distance of 20 feet shall be maintained between any building and the side street except in R-6 Residential District Medium Density, M-F Multifamily District and PUD Planned Unit Development District where 20 feet shall be reduced to 12 feet. Such requirement shall not be applied so as to reduce the building width of a residentially zoned corner lot of record at the time of passage of the ordinance from which this chapter is derived to less than 40 feet, where this requirement cannot reasonably be complied with as determined by the board of adjustment.
- (2) *Open storage.* In the C-1 and C-2 districts, there shall be no open storage as an accessory use. In the C-3 district, open storage as an accessory use shall be permitted, provided it is

enclosed on all sides by a fence of not less than six feet in height. All display items essential to a retail establishment that are permitted in C-1 and C-2 districts are allowed in open storage. Junk, as defined in section 66-4, is not allowed in open storage. In the Innovation District, open storage as an accessory use shall be permitted provided that the storage area is screened to provide complete opacity using a Level 1 buffer as described in Figure 12B in Section 66-254. Canopy and understory trees shall be species from the Landscape Species List in the Administrative Manual and shall be a minimum of 6' in height at time of planting.

Commented [BA9]: Adds language about open storage as an accessory use and specifies screening requirement for open storage areas.

Note 10. Additional setbacks for buildings in the Innovation District. Buildings in the Innovation District shall be set back from any residential zoning district or property with a residential use a distance of 1 foot for every foot of building height.

Commented [BA10]: Requires that trees used to meet this screening requirement be from Landscape Species List that would be added to the Administrative Manual.

ARTICLE VI. - TEMPORARY AND ACCESSORY USES

Sec. 66-228. - Temporary uses.

(a) *Mobile offices.*

- (1) Mobile offices may be used on a temporary basis for such purposes as construction offices, bloodmobiles, bookmobiles and traveling exhibits. However, such uses must obtain a temporary use permit from the code enforcement officer Planning and Inspections Director or their designee if the use is to last more than 48 hours at one site.
- (2) Mobile offices may also be used for other office or business purposes in cases where the permanent structure has been destroyed through no fault of the owner or tenant. A temporary use permit must be obtained before the use of the mobile office is initiated. This temporary use permit shall be valid for a specified period of time while reconstruction takes place, not to exceed six months, and may be renewed no more than once.
- (3) A temporary use permit may be issued by the code enforcement officer Planning and Inspections Director or their designee for a mobile home for use as a temporary field office for contractors if the mobile home:
 - a. And the structure under construction are located on the same property;
 - b. Is not moved to the site more than 30 days prior to construction and is not removed later than 30 days after construction has been completed;
 - c. Is not used for any other purpose other than that connected with on-site construction;
 - d. Is justified by the size and nature of the construction project;
 - e. Is for a period not to exceed 18 months for C-1 and C-2 district uses only;
 - f. Is utilized only incidental to on-site construction during daylight hours and not for residential living quarters; and
 - g. Sanitary facilities are approved by the county sanitarian.

Commented [BA11]: Updates reference.

Commented [BA12]: Updates reference.

Sec. 66-229. - Accessory uses and structures.

(b) *Accessory structures.*

- (1) *General.* Accessory structures must comply with the following:
 - a. Accessory structures shall be permitted in accordance with section 66-4 and section 66-162.
 - b. Number. No more than two accessory structures shall be permitted per lot. On lots larger than one acre, no more than four accessory uses or structures shall be permitted per lot.
 - c. Location and setbacks. The following provisions shall apply to the location of accessory structures:

1. Accessory structures shall only be located to the side or rear of the principal structure. An accessory structure shall not extend any closer toward the front of a lot than the forward most projection of the principal structure, including, but not limited to, porches, steps, entryways, etc.
 2. Accessory structures shall not be placed in any town maintained easement, utility easement, drainage easement, or right-of-way.
 3. Accessory structures shall be set back a minimum ten feet from side and rear lot lines. except on lots that have its primary use as residential, accessory structures may be set back a minimum of five feet from side and rear lot lines.
 4. If an accessory structure on a residential use lot is set back less than ten feet from the lot lines, then a fence of not less than six feet in height shall be installed between the accessory structures and the property lines.
 5. On corner lots, accessory structures shall be located a minimum of 30 feet from the street right-of-way.
 6. On corner lots in R-6, M-F, and C-1, and PUD zoning districts, accessory structures shall be located a minimum of 20 feet from the street right-of-way.
 7. On corner lots in the Innovation District, accessory structures may be located a minimum of 15 feet from the street right-of-way.
 78. The separation between the principle structure and the accessory structure shall comply with the provisions of the most current version of the North Carolina Building Code.
 - d. Lot coverage and size. The total square footage of all accessory structures shall not cover more than 30 percent of the side or rear yards to which the structure is placed. The lot coverage of the accessory structure shall not exceed 100 percent of the lot coverage of the principal structure.
 - e. Height. Accessory structures shall have a height of no more than 15 feet and shall not exceed the height of the primary structure, whichever is less.
 - f. Accessory structures in the R-20, R-15, C-2 and C-3 zoning districts may have a height of no more than 20 feet provided the setback required under subsection 66-229(b)(1)c. is increased one foot for each foot or portion thereof in excess of 15 feet in height.
 - g. Accessory structures in the Innovation District are limited to 55' in height.
 - h. A manufactured or mobile home may not be used for the location of an accessory use or as an accessory structure in any zoning district except as permitted in section 66-228.
- (5) *Satellite dish antennas.* Satellite dish antennas shall be subject to the following provisions:
- a. A building permit is required when installing, moving or substantially constructing or reconstructing a dish antenna over two feet in diameter.
 - b. A dish antenna must be installed in compliance with the manufacturer's specifications.
 - c. In all residential districts, dish antennas must be permanently installed on the ground and shall not exceed eight and one-half feet in diameter. A dish of up to one meter in diameter may be permitted on rooftops, but only if the residential structure has no rear yard.
 - d. In C-1, C-2, C-3, ID, and O&I districts, dish antennas may either be installed on the ground or on the roof of the building, but not both. If installed on the roof, the dish shall:
 1. Not be larger than eight and one-half feet in diameter;
 2. Not project higher than eight feet above the maximum building height of the zoning district or no more than one-third the actual building height above the roof, whichever is less;

Commented [BA13]: Specifies setbacks for accessory structures in Innovation District.

Commented [BA14]: Clarifies height allowance for accessory structures in Innovation District.

Commented [BA15]: Adds ID to districts in which satellite dish antennas are allowed.

3. Be set back at least 18 feet from the front and sides of the building; and
4. Not be used for any advertising purposes.
5. A dish antenna may be installed on the top of another part of the building which is lower than the roof, such as a balcony or parking deck, but only if such location is at the rear or side of the building and all other requirements are met.

ARTICLE VII. - SCREENING, LANDSCAPING, DEVELOPMENT PLAN AND DESIGN REQUIREMENTS

Sec. 66-254. - Screening and landscaping.

(d) *Relief requirements.*

- (1) The ~~code enforcement officer~~ Planning and Inspections Director or their designee may waive certain portions of this section when he determines that unusual topography or elevation of a development site or the location or size of the parcel to be developed would make strict adherence to the requirements of this section and serve no meaningful purpose or would make it physically impossible to install or maintain the required screening.
- (2) The ~~code enforcement officer~~ Planning and Inspections Director or their designee may alter the requirements of this section if he determines that screening devices already exist and/or the location and/or the size of the parcel involved creates a situation whereby the installation of the required plantings would serve no useful purpose, or where a variation to the amount and/or type of screening or landscaping required would serve equally effectively as that which is required, provided that the spirit and intent of this chapter are maintained. Such an alteration may occur only at the request of the developer, who shall submit a plan to the ~~code enforcement officer~~ Planning and Inspections Director or their designee showing existing site features and proposed screening and landscaping features. This section shall not be construed to categorically negate the necessity for establishing screening for uses which are adjacent to vacant properties.
- (l) *Required screening levels.* The amount and type of screening to be provided as a minimum on a nonresidential use parcel adjacent to a residential use or residential zoning district, is as shown in figures 12A and 12B as follows:

FIGURE 12A. REQUIRED BUFFER LEVELS

	Office and Institutional	Business	Industrial <u>and Innovation District Uses</u>
<u>Residential uses*</u>	Level 1	Level 2	Level 3**

~~Level of required screening between a residential use and nonresidential use.~~

~~An industrial use adjoining a residential use may reduce the buffer level from a level 3 to a level 2 if no structure is located within 100 feet of the adjoining property line in question and if no external apparatus or loading dock facilities are visible from the residential use or property line.~~

(m) Street yard requirements in the Innovation District.

Commented [BA16]: Updates reference.

Commented [BA17]: Updates reference.

Commented [BA18]: Updates reference.

Commented [BA19]: Adds clarification of whom/what use is responsible for providing screening.

Commented [BA20]: Adds specification that uses in Innovation District must provide Level 3 buffer when adjacent to residential uses or residential zoning districts (helpful if adjacent parcel is undeveloped but zoned for residential use).

Commented [BA21]: Removes this language, which is clarified with addition in language above in (l).

Commented [BA22]: Removes allowance for reduction of width of screening area based on building location.

Commented [BA23]: This section will require uses to include a street yard (landscaping on private property adjacent to street right-of-way).

- (1) In the Innovation District, street yard landscaping is required upon new construction of principal structures, expansions to existing structures, and changes of use whenever additional offstreet parking is required.
- (2) Street yard landscaping shall be required along all street frontages. For sites with two or more street frontages, only the primary street frontage shall be required to contain the full amount of street yard as determined in Section 66-254(m)(3). Secondary street frontages are required to contain 50 percent of the required street yard area.
- (3) For every linear foot of street yard frontage along a right-of-way, 25 square feet of street yard area is required. The minimum street yard width shall be 5' and the maximum street yard width shall be 30'. Street yard widths shall be measured along a perpendicular line from the right-of-way line. Driveway widths (measured at the right-of-way line) shall not be counted in the linear footage of street yard frontage.
- (4) For every 600 square feet of street yard area, the following landscaping shall be provided:
 - a. One (1) canopy tree a minimum of six (6) feet in height at time of planting, or, if overhead utilities are located above the street yard, three (3) understory trees a minimum of six (6) feet in height at time of planting.
 - b. Six shrubs a minimum of 12" in height at time of planting.
- (5) Canopy and understory trees shall be species from the Landscape Species List in the Administrative Manual.
- (6) If there are existing trees of a minimum two inches caliper size in the proposed street yard, the Planning and Inspections Director or their designee may grant credit toward meeting tree planting requirements in Section 66-254(m)(4).
- (7) Walkways, sidewalks, or other bicycle and pedestrian facilities, fountains, walls or fences, and transit amenities shall be permitted within the street yard; however, parking areas shall not be permitted. The area of any bicycle, pedestrian, or transit facilities that are existing or to be provided with the development of the subject parcel may be subtracted from the base street yard area required per Section 66-254(m)(4) to get the total required street yard area.

Commented [BA24]: Requires tree species planted in street yard to be from new list that would be added to the Administrative Manual.

FIGURE 12B. REQUIRED BUFFER LEVELS

	Level 1A (feet)	Level 1 (feet)	Level 2 (feet)	Level 3 (feet)
Minimum buffer width ^{* 1}	10	12	22	30
Canopy	4	3	5	5
Understory	N/A	3	4	6
Shrubs ^{**2}	12	20	40	50

Commented [BA25]: General changes to table will remove asterisks and use superscript numbers instead.

Minimum buffer width planting and wall or fence*	N/A	6	12	20
Canopy	N/A	4	3	3
Understory	N/A	4	3	4
Shrubs**2	N/A	15	22	30
Minimum buffer width plantings and berm*1	N/A	10***3	14***3	20***3
Canopy	N/A	2	3	3
Understory	N/A	2	3	4
Shrubs**2	N/A	18	30	35

1. Amount and type of plant material per 100 linear feet.

2. All shrubs are to be of a screening variety.

3. Includes the width of the berm.

ARTICLE VIII. - PARKING, LOADING, DRIVEWAY AND SIDEWALK REQUIREMENTS⁴¹

Sec. 66-276. - Number of spaces required.

The number of parking spaces, by land use category, is specified in the following table:

Use Type	Minimum Number of Parking Spaces Required	Maximum Number of Parking Spaces Permitted
Single-family residential, townhouse	Two spaces per dwelling unit	N/A
Multifamily	One space per bedroom (see	Three spaces per dwelling unit

	subsection (6) of this section)	
Age restricted housing multifamily	Two-thirds space per dwelling unit	Two spaces per dwelling unit
Commercial and/or office	Two spaces per 1,000 square feet GFA	Three and one half spaces per 1,000 square feet GFA
Retail	Two spaces per 1,000 square feet GFA	Five spaces per 1,000 square feet GFA
Warehouse and industrial	One-fourth space per 1,000 square feet GFA	Two spaces per 1,000 square feet GFA
Civic/institutional	N/A	N/A
Restaurant	Two spaces per 1,000 square feet GFA	Ten spaces per 1,000 square feet GFA
<u>Uses in the Innovation District</u>	<u>One space per 1,000 square feet GFA</u>	<u>N/A</u>

(7) In the Innovation District, no more than 25% of the minimum required parking can be along primary frontage.

Commented [BA26]: New note under parking requirement table, will prevent gratuitous parking between front of buildings and street.

Exhibit B

Landscape Species List

Common Name(s)	Botanical Name	Category	Estimated Height (ft.)	Estimated Canopy at Maturity (spread in ft.)
Red Holly	Ilex hybrids	Understory	10-15	8-15
Winterberry	Ilex verticillata	Understory	5 -15	5-15
Yaupon Holly	Ilex vomitoria	Understory / Shrub	8 -25	5-15
Crape Myrtle	Lagerstroemia hybrids	Understory	5 -30	5-25
Red Buckeye	Aesculus pavia	Understory	10-20	10-15
Possumhaw	Ilex decidua	Understory	15-20	10-15
Star Magnolia	Magnolia stellata	Understory	15-20	10-15
Weeping Cherry	Prunus subhirtella pendula	Understory	15-20	10-15
Nellie Stevens Holly	Ilex x 'Nellie R. Stevens'	Understory	15-25	10-15
Trident Maple	Acer buergerianum	Understory	20-25	10-15
Serviceberry	Amelanchier arborea	Understory	20-25	10-15
Topel Holly	Ilex x attenuata	Understory	20-30	10-15
Devilwood/ Wild Olive	Cartrema americana / Osmanthus americanus	Understory / Shrub	10-20	10-20
Japanese Maple	Acer palmatum	Understory	10-25	10-20
Atlantic White Cedar	Chamaecyparis thyoides	Understory	40-60	10-20
Japanese Cedar	Cryptomeria japonica	Understory	10-60	10-30
Eastern Red Cedar	Juniperus virginiana var. virginiana and its cultivars	Canopy / Understory	20-60	10-30
Coastal Red Cedar	Juniperus virginiana var. silicicola and its cultivars	Canopy / Understory	25-40	10-30
Eastern Redbud	Cercis canadensis	Understory	15-30	10-35
Fringe Tree	Chionanthus virginicus	Understory	10-20	15-20
Chinese Fringe Tree	Chionanthus retusus	Understory	10-20	15-20
Loquat	Eriobotrya japonica	Understory	15-20	15-20
Japanese Flowering Apricot	Prunus mume	Understory	15-25	15-20
Southern Sugar Maple	Acer barbatum	Understory	20-25	15-20
Lusterleaf Holly	Ilex latifolia	Understory	20-25	15-20
Pond Cypress	Taxodium ascendens	Canopy	60-80	15-20
Yoshino Cherry	Prunus x yedoensis	Understory	15-25	15-25
Halesia tetraptera	Carolina Silverbell	Understory	20-30	15-25
Bougainvillea Goldenraintree	Koelreuteria bipinnata	Understory	20-30	15-25
Saucer Magnolia	Magnolia x soulangiana	Understory	20-30	15-25
Higan Cherry	Prunus subhirtella	Understory	20-30	15-25

Persimmon	<i>Diospyros virginiana</i>	Canopy / Understory	30-60	15-25
Western Red Cedar	<i>Thuja plicata</i>	Canopy	50-70	15-25
Carolina Laurel Cherry	<i>Prunus caroliniana</i>	Understory	20-45	15-30
American Holly	<i>Ilex opaca</i> and its cultivars	Understory	30-50	15-30
Washington Hawthorne	<i>Crataegus phaenopyrum</i>	Understory	25-30	20-25
Dawn Redwood	<i>Metasequoia glyptostroboides</i>	Canopy	60-100	20-25
Kousa Dogwood	<i>Cornus kousa</i>	Understory	20-30	20-30
Japanese Flowering Cherry	<i>Prunus serrulata</i>	Understory	20-30	20-30
Black Gum	<i>Nyssa sylvatica</i>	Canopy	30-50	20-30
Bald Cypress	<i>Taxodium distichum</i>	Canopy	50-70	20-30
Wax Myrtle	<i>Morella cerifera</i> / <i>Myrica cerifera</i>	Understory / Shrub	4 -20	20-40
Flowering Dogwood	<i>Cornus florida</i>	Understory	15-40	20-40
Sweet Bay Magnolia	<i>Magnolia virginiana</i>	Understory	25-60	20-40
Red Maple	<i>Acer rubrum</i>	Canopy	30-70	20-40
Southern Magnolia	<i>Magnolia grandiflora</i> & its cultivars	Canopy / Understory	30-100	20-50
Water Oak	<i>Quercus nigra</i>	Canopy	50-80	20-50
Japanese Crape Myrtle	<i>Lagerstroemia fauriei</i>	Canopy	30-40	25-35
Koelreuteria paniculata	Goldenraintree	Understory	30-40	25-35
Coastal Hornbeam / Ironwood	<i>Carpinus caroliniana</i>	Understory	25-40	25-40
Lacebark Elm	<i>Ulmus parvifolia</i>	Canopy	40-50	30-40
Maidenhair Tree	<i>Ginkgo biloba</i>	Canopy	50-70	30-40
Overcup Oak	<i>Quercus lyrata</i>	Canopy	40-60	30-50
Nuttall Oak	<i>Quercus nutallii</i>	Canopy	40-60	30-50
Longleaf Pine	<i>Pinus palustris</i>	Canopy	60-120	30-50
Black Cherry	<i>Prunus serotina</i>	Canopy / Understory	40-60	30-60
Loblolly Pine	<i>Pinus taeda</i>	Canopy	60-100	30-60
Laurel Oak	<i>Quercus laurifolia</i>	Canopy	30-100	30-80
Willow Oak	<i>Quercus phellos</i>	Canopy	80-100	40-50
River Birch	<i>Betula nigra</i>	Canopy	40-70	40-60
Green Ash	<i>Fraxinus pennsylvanica</i>	Canopy	60-80	50-70
Sugarberry	<i>Celtis laevigata</i>	Canopy	60-80	50-70
Live Oak	<i>Quercus virginiana</i>	Canopy	40-80	60-130

LELAND TOWN COUNCIL CONSISTENCY STATEMENT



Title: Innovation District

Applicant: Town of Leland

Hearing Date: July 16, 2020

Ordinance No: O20-029

X **Option 1**

This request **IS APPROVED** and **IS CONSISTENT** with the objectives and policies of the following plans adopted by the Town of Leland:

- | | |
|---|---|
| <input type="checkbox"/> CAMA Land Use Plan | <input type="checkbox"/> Leland Comprehensive Bike Plan |
| <input type="checkbox"/> Collector Street Plan | <input checked="" type="checkbox"/> Leland 2020 Master Plan |
| <input type="checkbox"/> Infill Street Map | <input type="checkbox"/> Leland Zoning Ordinance |
| <input type="checkbox"/> Westgate Nature Park Master Plan | <input type="checkbox"/> Leland Municipal Park Master Plan |
| <input type="checkbox"/> Pedestrian Plan | |

- a) Describe how this request is consistent with the Town’s adopted comprehensive plan:
The proposed amendment is consistent with the Leland 2020 Master Plan, which encourages facilitating economic development and job growth.
- b) Explain why the action taken is reasonable and in the public interest:
The proposed amendment will create a new zoning district to encourage economic development while safeguarding public safety and welfare.

Option 2

This request **IS DENIED** and **IS INCONSISTENT** with the objectives and policies of the following plans adopted by the Town of Leland:

- | | |
|---|--|
| <input type="checkbox"/> CAMA Land Use Plan | <input type="checkbox"/> Leland Comprehensive Bike Plan |
| <input type="checkbox"/> Collector Street Plan | <input type="checkbox"/> Leland 2020 Master Plan |
| <input type="checkbox"/> Infill Street Map | <input type="checkbox"/> Leland Zoning Ordinance |
| <input type="checkbox"/> Westgate Nature Park Master Plan | <input type="checkbox"/> Leland Municipal Park Master Plan |
| <input type="checkbox"/> Pedestrian Plan | |

- a) Describe how this request is inconsistent with the Town’s adopted comprehensive plan:

- b) Explain why the action taken is reasonable and in the public interest:

Option 3

This request **IS APPROVED** and **IS DEEMED AN AMENDMENT TO** the following plans adopted by the Town of Leland:

- CAMA Land Use Plan
- Collector Street Plan
- Infill Street Map
- Westgate Nature Park Master Plan
- Pedestrian Plan
- Leland Comprehensive Bike Plan
- Leland 2020 Master Plan
- Leland Zoning Ordinance
- Leland Municipal Park Master Plan

- a) The approval is also deemed an amendment to the Town’s comprehensive plans (no additional amendment to comprehensive plans is required) AND;
- b) The following is an explanation of the change in conditions the town council took into account in amending the zoning ordinance to meet the needs of the community:

- c) Explain why the action taken is reasonable and in the public interest:

Option 4

This request **IS DENIED** and **IS CONSISTENT** with the objectives and policies of the following plans adopted by the Town of Leland:

- CAMA Land Use Plan
- Collector Street Plan
- Infill Street Map
- Westgate Nature Park Master Plan
- Pedestrian Plan
- Leland Comprehensive Bike Plan
- Leland 2020 Master Plan
- Leland Zoning Ordinance
- Leland Municipal Park Master Plan

- a) The approval is also deemed an amendment to the Town’s comprehensive plans (additional amendment to comprehensive plans is required) AND;
- b) The following is an explanation of the change in conditions the town council took into account in amending the zoning ordinance to meet the needs of the community:

- c) Explain why the action taken is reasonable and in the public interest:

Comments:

This report reflects the decision of the Town Council this 16th day of July, 2020.

Attest:

Signature

Brenda Bozeman, Mayor