



**TOWN OF ATLANTIC BEACH**  
**Planning & Inspections**  
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## **ATLANTIC BEACH PLANNING BOARD**

### **NOTICE**

The Atlantic Beach Planning Board will meet on **Tuesday December 12, 2006** at **6:00** pm in the Atlantic Beach Town Meeting Hall.

### **AGENDA**

#### **MINUTES:**

NOVEMBER 14, 2006

#### **NEW BUSINESS:**

1. **Ordinance Amendment Request Work Session**– Proposed text revisions to the Circle Development District Ordinance (See Attachment A and Attached Staff Report).
2. **Open Comments**

#### **OLD BUSINESS**

#### **ADJOURNMENT:**

## **Staff Report for Requested CDD Ordinance Amendments**

### **Overview**

This work session is intended to address several requests made regarding amendments to the Town's Circle Development District (CDD) Ordinance. The amendment requests were made by Mr. Buddy Cooper and were presented at the town's regularly scheduled Planning Board meeting for November, 2006. A summary of the requested changes is attached (see "Attachment A"); however, the requested changes exceed the scope of simple ordinance text amendments. Due to the complicated nature of the requests, the Planning Board has decided to establish this work session in an effort to examine the impacts that each of the individual requests will have on the future development of the CDD.

Prior to analyzing each of the text amendment requests before the Planning Board, it is recommended that each member take a moment to review two key items with respect to development/redevelopment within the CDD:

### **Intent/Vision–Circle Development District Ordinance (Article XVII. Sec. 18-376 ABCO)**

"The "Circle" at Atlantic Beach has traditionally served as the civic and cultural center for the town. For this purpose the Circle Development District is designed to re-establish and preserve the area as the primary civic, retail, office, institutional, cultural and entertainment center for the community. It is not the intent to create similar or additional Circle Development Districts nor to enlarge the limits of the defined district, but rather to provide a development location and atmosphere where building improvements, streetscape, lighting, landscaping, parking, and public improvements preserve the "Circle" as the premier destination for residents and visitors of Atlantic Beach. Building design, parking, transportation, and improvements in the district should focus and be designed for the comfort and enjoyment of the pedestrian while still allowing for a well balanced flow of automobile traffic. Infill opportunities with higher density development respecting the historic fabric of the area are envisioned. Mixed-use development in the form of multi-family dwelling units on the upper floors of buildings with commercial or non-residential uses on lower floors is strongly encouraged. Higher densities of use are visualized being focused around the key, central area commercial/institutional hub of the Circle. Densities and building height and mass should decrease gradually toward the edges of the development district to provide transition between the lower density neighborhoods and the more intense uses appropriate for a community center. General public parking facilities are recommended and encouraged in addition to the creation of single use private parking lots."

### **Excerpts from the Town of Atlantic Beach Draft CAMA Land Use Plan**

#### **(Page 138 Commercial Future Land Use Discussion)**

"The town should consider, through modification of existing zoning and development regulations, encouraging the location of smaller and specialized retail, office, and institutional (e.g., health care, financial services) commercial uses that can be readily incorporated into mixed-use residential/ commercial uses.

This type of “mixed-use” development provides the following advantages to the Town:

- Minimizes (or does not significantly worsen) traffic congestion
- Concentrates the visual impact of commercial development
- Maximizes the access to new development
- Has the greatest potential market for pass-through and walk-in traffic
- Minimizes encroachments on existing residential neighborhoods and other incompatible land uses
- Allows and encourages the redevelopment of existing commercial development to its highest and best use”

**(Page 184 Future Land Use Discussion)**

“The future land use map emphasizes mixed-use development. Such development is considered essential to the redevelopment which is expected to occur in Atlantic Beach. The desired mix of residential and non-residential use are specified for the mixed-use land use categories in Table 41 (see Atlantic Beach Draft Land Use Plan, page 180). Approximately 141.25 acres, or 8.6%, of Atlantic Beach’s total area is delineated for mixed-use development. **It should be noted that the specified mix of uses is an objective. To accomplish the mixed-use objectives, revision to the Town’s zoning and subdivision ordinances will be required in Fiscal Year 2007-2008.”**

**Note: It may be helpful for Planning Board members to review the future land use discussion outlined in the Draft CAMA Land Use Plan. The Planning Board spent a great deal of time working on this document, and should factor the language outlined in the plan into decisions related potential zoning amendments.**

**Requested CDD Ordinance Revisions**

The formal request that Mr. Cooper originally submitted to the town has been summarized in “Attachment A”. Since the applicant’s original application discussion related to these items has narrowed down the scope of the requests. The discussion now focuses on four key issues with respect to the existing ordinance. These issues include:

- (1) Allowing density transfers for septic system/drainfield sites within the CDD
- (2) Relaxation of the requirement for one level of “non-residential” use on the ground level of a respective project
- (3) A waiver for the requirement to install a five foot vegetated buffer strip between an 8’ sidewalk and the paved right of way. This results in total setback of 13’ from the paved right of way.
- (4) Revise the ordinance to establish a permitted percentage of compact car parking spaces.

The following review outlines each issue as outlined above. Town staff has attempted to provide a narrative summary of the issues at hand. All viewpoints discussed in this review are not necessarily the opinion of the staff; however, they are issues that need to be acknowledged and addressed during this discussion.

## **Staff Review**

### **(1) Allowing density transfers for septic system/drainfield sites within the CDD:**

This request is related to a property owner's ability to utilize land associated with an off-site septic system to calculate the maximum density for the "generating lot". The original text amendment request outlines an alternative whereby septic areas within the district may be used for this purpose, and those outside the CDD may not. This solution would address the issue at hand; however, the true nature of this request deals with density transfers from a site not immediately tied to the project site. Currently the CDD ordinance permits a property owner to use a remote vacant parcel for the purposes of calculating maximum density for a project site (Sec. 18-377 CDD Ordinance). This provision stipulates that the vacant parcel to be utilized in these calculations must be located within the CDD, must remain under the ownership of the original development interest, and must remain as open space in perpetuity.

The ordinance does not permit developers to use a parcel which accommodates an off-site wastewater treatment facility to increase density on the "generating lot". It is staff's understanding that the justification for this discrepancy is that if a developer must address both building construction and establishment of wastewater treatment system on a respective project site, then said developer has less buildable area with which to work. Based on this theory, a developer proposing to develop an off-site wastewater treatment system would have more square footage within which to design a workable building footprint.

The following outlines issues to consider when discussing this text amendment request:

In allowing density transfers for open space parcels, the town and public at-large would potentially benefit. A vacant parcel within the CDD is a valuable resource that may ultimately be utilized for public purposes. If a developer were to design a project based on this provision, then the town is in a position to request dedication of the site for use as a park/open space area. Even if the area remains under private ownership, the site may be utilized. This appears to be in keeping with the overall "Vision" for development of the CDD.

If density transfers are permitted for off-site wastewater treatment facility sites, this property will remain predominantly as open space; however, there will not be an option for the alternative uses noted above. The property will have to be dedicated to the provision of the utility. There may be options related to these statements. The Board should discuss any potential alternatives on the proposed "disposal site" with the design team.

It appears that the Planning Board, in discussions leading to adoption of the CDD, made a determination that a piece of land with an off-site septic system situated on it should be considered a developed property. Thus, that land should not be available for use in density transfers to the generating lot. The Planning Board may consider revisiting this issue in light of the average parcel size within the CDD of approximately one acre. It has been exhibited that areas within the CDD, especially those areas south of Atlantic Boulevard, are innately difficult to develop due to their configuration. For example, if a developer is forced to locate his wastewater treatment facility off-site due to development constraints, should that person be penalized? It would not seem logical to consider all acreage involved in a given project for maximum density calculations. At a minimum, this may be addressed within CDD Sub-Zone A (See CDD Map Attached).

It should be noted that Type A and Type B sewer system sites (see page 6 Atlantic Beach Zoning Ordinance) within portions of Atlantic Beach not within the CDD, "may not be used to increase the use on the "generating lot".

**(2) Relaxation of the requirement for one level of “non-residential” use on the ground level of a respective project:**

This request refers to the original intent and vision outlined for development of the CDD. Planning Board discussions and public forums related to the CDD centered around the provision of mixed use development as the key component of redevelopment in the area. Now that a substantial portion of the design phase for a large percentage of the CDD is nearing completion (The Grove), the Planning Board may want to revisit this requirement. It has been stated that the applicant’s position is: a commercial use within the confines of the proposed development is not economically viable. The Board is discouraged from making a determination based on a forecast of economic conditions within the CDD. This entire project began as an effort to create a “New Market” within the Circle. Until the CDD is built out, it will be difficult to make a determination on the failure or success of the mixed use/commercial component of the CDD.

The applicant is requesting either a compromise regarding this provision, or a change in the ordinance relieving properties south of Atlantic Boulevard from this requirement. Several alternatives were discussed at last month’s Planning Board meeting in response to this request. Some of these recommendations included: a restaurant on the top floor, and use of the existing Utopia Square building as the commercial component. Since that meeting, Mr. Cooper has proposed establishing the first floor as rental condominium units, and if the commercial component of the CDD proves to be successful, then this floor would then be converted to mixed use. Regardless of how this issue is addressed, it results in a significant deviation from the original language and intent of the ordinance.

One point that warrants discussion is: How will this structure tie into the remainder of the CDD? Approximately 95% of the current CDD acreage will be occupied by elements of “The Grove”. If the vision of this area is for the development of a coordinated and pedestrian-friendly town center, how will this project be integrated into that concept? Floodplain requirements are going to require that the first floor “non-residential” use be elevated approximately 7 feet from ground level. This design will require an elevated walkway to access the mixed use/commercial component of the project. The concept of an elevated pedestrian way tied only to this individual project seems to go against the CDD Vision.

Making a determination on this request will be difficult. The Planning Board and Town Council feel strongly about the establishment of a viable mixed use development. However, it seems that the requirement for a first floor “non-residential” use throughout the entire district is a bit too broad. The Planning Board may choose to revisit this provision in an effort to more specifically define where the city would like to see the mixed use component developed. One alternative may be to define portions of the CDD where this requirement will be imposed. It can also be established that properties not required to comply with this provision can still establish a first floor “non-residential” use, which will provide a residential density bonus as an incentive. There are many alternatives that can be discussed regarding a change in this provision. The Board should take a close look at the potential results of imposing this requirement district-wide.

The complexity of this request makes it difficult to address. There is no simple solution. The applicant has made some strong arguments regarding the economic viability of a commercial use within the proposed project at last month’s Planning Board meeting. As stated earlier, this should not be factored into the Board’s decision. Your decision needs to be based on what the Board feels will result in the most successful project taking into consideration the “Intent/Vision” defined at the beginning of the CDD. This may or may not result in a relaxation of the “non-residential” use requirement.

**(3) A waiver for the requirement to install a five foot vegetated buffer strip between an 8' sidewalk and the paved right of way. This results in total setback of 13' from the paved right of way. (Sec. 18-382.(d) CDD Ordinance)**

The ordinance provision was clearly established to require that developers install a vegetated strip immediately adjacent to the street curbing as redevelopment occurs throughout the CDD. Once the entire CDD has been developed, the result will be a planted corridor (or tree lined street) encompassing the entire district. This requirement does however, seem to conflict with the zero front yard setback requirement for properties located along the following streets: Atlantic Boulevard; East Drive; West Drive; and Morehead Avenue. Currently, properties located south of Atlantic Boulevard lie adjacent to an existing 8' sidewalk. If a developer proposes to construct a building within this area (CDD Sub-Zone A, see CDD Map Attached) then said developer must install a five foot planted buffer strip and eight feet of sidewalk. This ultimately results in a 13' setback from the existing curb. Since the property lines are currently located approximately eight feet from the existing curb, this ordinance provision results in a five foot setback from all property boundary lines located south of Atlantic Boulevard.

The applicant is attempting to construct a project that will require the use of all available lot depth north of the 120' CAMA Ocean Hazard setback line. The five foot setback resulting from the street plantings requirement compromises the proposed building footprint in a manner that makes it infeasible to construct the proposed project (refer to Chapter 3 within the report submitted by Mr. Cooper, "Documentation and Arguments In Support of Requested Textual Changes"). The problems related to building design that result from this street planting requirement appear to be especially problematic within CDD Sub-Zone A. The impacts of the CAMA setback coupled with the five foot setback resulting from this ordinance provision leave developers with minimal square footage within which to configure a viable building footprint.

Addressing the request related to relaxation of the street planting requirement will require careful consideration by the Planning Board. In order to achieve the uniform aesthetic quality of the district, this requirement must remain in place. Other alternatives may be discussed however. One option may be to reconfigure the sidewalk and on-street parking spaces along the south side of Atlantic Boulevard in a manner that will not burden property owners within this portion of the district. Regardless of how a solution is reached, it seems clear that the street plantings and sidewalks must be installed during the redevelopment process. These amenities are key to achieving the "Vision/Intent" established for the CDD.

**(4) Revise the ordinance to establish a permitted percentage of compact car parking spaces.**

It is very common for ordinances to permit a developer to establish a defined percentage of compact parking stalls to meet their required off-street parking requirement. It is staff's opinion that revising the ordinance to allow for some compact parking stalls will not have any adverse impacts on the success of the CDD. This change will actually result in more public parking. The availability of parking within the district is an issue about which the town is concerned. Making this change to the ordinance will address this issue, while providing developers within the district with options and flexibility with respect to off-street parking.

Staff has reviewed several ordinances and has determined that the allowable percentage for compact parking stalls typically falls between 25% and 40%. In order to address this change it is recommended that the Board make determination on what percentage of off-street parking may be comprised of compact stalls. An amendment to the ordinance can be drafted reflecting this requirement. In addition to the text change, a revised table outlining parking stall dimensions should also be adopted. The following provides an example:

<b>Minimum Dimensional Requirements</b>		
	<b>Regular</b>	<b>Compact</b>
Parking space width	9'	9'
Parking space length, angled	20'	18'
Parking space length, parallel	22'	20'
Aisle width (one-way)	10'	9'
Aisle width (two-way)	20'	18'

<b>Recommended Parking Lot Dimensions</b>					
<b>Angle of Parking Space</b>	<b>Width of Space</b>	<b>Length of Space</b>	<b>Width of Angled Space</b>	<b>Length of Angled Space</b>	<b>Minimum Back-Up Length</b>
<b>STANDARD CARS</b>					
Parallel Parking	9.0'	22.0'	-	-	-
30° angle	9.0'	20.0'	18.0'	17.8'	12.0'
	9.5'	20.0'	19.0'	18.2'	12.0'
	10.0'	20.0'	20.0'	18.7'	12.0'
45° angle	9.0'	20.0'	12.7'	20.5'	15.0'
	9.5'	20.0'	13.4'	20.9'	14.0'
	10.0'	20.0'	14.1'	21.7'	14.0'
60° angle	9.0'	20.0'	10.4'	21.8'	18.0'
	9.5'	20.0'	11.0'	22.1'	18.0'
	10.0'	20.0'	11.5'	22.3'	18.0'
90° angle	9.0'	20.0'	9.0'	20.0'	24.0'
	9.5'	20.0'	9.5'	20.0'	23.0'

	10.0'	20.0'	10.0'	20.0'	22.0'
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Angle of Parking Space	Width of Space	Length of Space	Width of Angled Space	Length of Angled Space	Minimum Back-Up Length
<b>COMPACT CARS</b>					
Parallel Parking	8.0'	20.0'	-	-	-
30° angle	8.0'	18.0'	15.9'	15.1'	13.0'
45° angle	8.0'	18.0'	11.2'	18.3'	13.0'
60° angle	8.0'	18.0'	9.2'	19.8'	15.0'
90° angle	8.0'	18.0'	8.0'	18.0'	20.0'

### **Alternative Solution Conditional Use Zoning**

In order to establish a solution to this issue that will work favorably for the town as well as for the applicant, Staff recommends exploring the option of a conditional use zoning permit process. NC State Municipal Planning Statutes provide that zoning ordinances may include “conditional use permits in which site plans and individualized development conditions are imposed.” The statutes state that portions of land may not be placed within a conditional district without a favorable petition from all property owners affected by the rezoning; however conditional use permits may be issued on a site by site basis. Under this alternative the Planning Board will negotiate the conditions of the permit. Once favorable permit terms have been established, a public hearing must be held before the Town Council. Ultimately the Council should grant final approval of the conditional use permit. It should be noted that the conditional use permitting process is only being proposed for CDD Sub-Zone A. The justification for this distinction is to allow flexibility for those properties adversely impacted by the 102’ CAMA ocean hazard setback.

The General Statutes also address the origin and nature of conditions that may be imposed. Specific conditions may be suggested by the owner or the municipality, but only those conditions mutually acceptable to both the owner and municipality may be incorporated into the ordinance or the individual permit involved. The statutes also provide that any conditions or site specific standards imposed must be limited to: (1) those that address the conformance of the development and use of the site to town ordinances, and (2) those that address the impacts reasonably expected to be generated from the development or use of the site.

Any conditional use permit that is approved should be consistent with the town’s land use plan.

**Attachment A**  
**Proposed Circle Development District Ordinance Amendments**  
**Proposed Revisions in Bold Text**

**Sec. 18-377. Density/Lot Size Standards**  
**Page 2 of 39 CDD Ordinance**

**Existing Language**

There are no minimum lot size requirements in the Circle Development District provided that proposed developments are connected to or have the availability to connect to a public or private sanitary sewer facility. Developments proposed on individual or group septic systems (Type A or Type B) shall have adequate land area sufficient enough for the proposed structures and the necessary septic system. Land reserved for septic system area and/or repair area may be used for open space, however, off site septic areas shall in no instance be eligible for use in density or floor area ratio (FAR) calculations for either the generating or receiving lot.

**Proposed Language**

There are no minimum lot size requirements in the Circle Development District provided that proposed developments are connected to or have the availability to connect to a public or private sanitary sewer facility. Developments proposed on individual or group septic systems (Type A or Type B) shall have adequate land area sufficient enough for the proposed structures and the necessary septic system. Land reserved for septic system area and/or repair area may be used for open space, however, **out of district** septic areas shall in no instance be eligible for use in density or floor area ratio (FAR) calculations for either the generating or receiving lot.

**Sec. 18-379. Building design and operation standards: articulation, height, and orientation**  
**Page 9 of 39 CDD Ordinance**

**Existing Language**

(e) *Building orientation.* Relating buildings in scale and proportion to adjoining buildings and/or other buildings within the district is strongly encouraged.

Building facades must be generally parallel or perpendicular to the street in order to form a street wall.

Buildings must first form a street wall along the public street on which they front and have an entry thereon. Entries on side streets shall be considered secondary but are encouraged.

Buildings with frontage on the following streets (1. Fort Macon Road, 2. Morehead Avenue, 3. Atlantic Boulevard, 4. East Drive, 5. West Drive) shall have an average minimum of seventy-five (75) percent of the first floor street/pedestrian level units of the structure dedicated to a non-residential use. Where residential buildings or uses are located on the sidewalk or pedestrian way level, the principal residential entryway shall be designed to clearly differentiate the entrance from other commercial entrances. This may be achieved through the recession or elevation of the entrance way; however, the recession shall be a minimum of thirty-six (36) inches, and the elevation shall be a minimum of fourteen (14) inches above walkway grade. Steps, landings, or similar construction shall in no instance decrease the width of any required walkway to less than six (6) feet. Other design options shall be considered and may be accepted by the Planning Department provided the intent of this section is maintained.

**Proposed Language**

(e) *Building orientation.* Relating buildings in scale and proportion to adjoining buildings and/or other buildings within the district is strongly encouraged.

Building facades must be generally parallel or perpendicular to the street in order to form a street wall.

Buildings must first form a street wall along the public street on which they front and have an entry thereon. Entries on side streets shall be considered secondary but are encouraged.

Buildings with frontage on the following streets (1. Fort Macon Road, 2. Morehead Avenue, 3. Atlantic Boulevard, 4. East Drive, 5. West Drive) shall have an average minimum of seventy-five (75) percent of the first floor street/pedestrian level units of the structure dedicated to a non-residential use.

**Buildings in Sub-Area Zone A (See Map 2), which also front on Atlantic Boulevard, shall be exempt from the requirement to have any non-residential use.** Where residential buildings or uses are located on the sidewalk or pedestrian way level, the principal residential entryway shall be designed to clearly differentiate the entrance from other commercial entrances. This may be achieved through the recession or elevation of the entrance way; however, the recession shall be a minimum of thirty-six (36) inches, and the elevation shall be a minimum of fourteen (14) inches above walkway grade. Steps, landings, or similar construction shall in no instance decrease the width of any required walkway to less than six (6) feet. Other design options shall be considered and may be accepted by the Planning Department provided the intent of this section is maintained.

**Sec. 18-383. Access and connectivity: sidewalks, driveway access, connection to public spaces.**  
**Page 18 of 39 CDD Ordinance**

**Existing Language**

(a) *Sidewalks.*

3. Sidewalks within the Circle Development district shall be a minimum of six (6) feet in width. Sidewalks located along on the following streets (1. Fort Macon Road, 2. Morehead Avenue, 3. Atlantic Boulevard, 4. East Drive, and 5. West Drive) shall be a minimum of eight (8) feet in width. In places with high pedestrian volumes, sidewalks should be designed to meet the anticipated pedestrian/traffic volume.

**Proposed Language**

(a) *Sidewalks.*

3. Sidewalks within the Circle Development district shall be a minimum of six (6) feet in width. Sidewalks located along on the following streets (1. Fort Macon Road, 2. Morehead Avenue, 3. Atlantic Boulevard, 4. East Drive, and 5. West Drive) shall be a minimum of eight (8) feet in width. In places with high pedestrian volumes, sidewalks should be designed to meet the anticipated pedestrian/traffic volume. **Properties located on the south side of Atlantic Boulevard where an existing, attractive, relatively new sidewalk of approximately 8 feet in width currently exists.**

**Sec. 18-384. Parking standards: on-site, off-street, off-site and remote parking.**  
**Page 18 of 39 CDD Ordinance**

**Existing Language**

(b) *Off-site parking and remote parking.* Within the Circle Development District, general use parking facilities are encouraged in addition to the use of single private use parking lots. If the parking space requirements of this section cannot be provided on site or are desired to be located elsewhere such spaces may be provided on any land within the Circle Development District or within one (1) mile of the CDD

Boundary line. However, in exchange for the off-site and remote parking provisions, all such facilities shall not be reserved for use by any one (1) or combination of specific uses, but shall be intended as open general use facilities available to all visitors of the area.

**Proposed Language**

(b) *Off-site parking and remote parking.* Within the Circle Development District, general use parking facilities are encouraged in addition to the use of single private use parking lots. If the parking space requirements of this section cannot be provided on site or are desired to be located elsewhere such spaces may be provided on any land within the Circle Development District or within one (1) mile of the CDD Boundary line. However, in exchange for the off-site and remote parking provisions, all such facilities shall not be reserved for use by any one (1) or combination of specific uses, but shall be intended as open general use facilities available to all visitors of the area. **This requirement will be waived if the entire proposed parking facility lies within 200 feet of the main building site of a project. Under these circumstances said parking facility shall be deemed on-site parking, and therefore may be reserved for residents of the specific development for which, the parking is tied to.**

**Sec. 18-386. Parking lot landscaping.**  
**Page 24 of 39 CDD Ordinance**

**Existing Language**

(b) *Parking lot buffer.* Parking lots shall be separated from sidewalks, streets, alleys and adjacent properties by a landscaped buffer strip of a minimum of five (5) feet in width. Requirements for parking lot buffers may be met by complying with one (1) of the following: The solid buffer standards or the general buffer standards as set forth in the buffer yard requirements of this section or by the following street wall standards.

**Proposed Language**

(b) *Parking lot buffer.* Parking lots shall be separated from sidewalks, streets, alleys and adjacent properties by a landscaped buffer strip of a minimum of five (5) feet in width. Requirements for parking lot buffers may be met by complying with one (1) of the following: The solid buffer standards or the general buffer standards as set forth in the buffer yard requirements of this section or by the following street wall standards.

**Where parking facilities are completely contained within a residential and/or nonresidential structure, said parking facilities will be exempt from any buffer requirements.**

**Sec. 18-382. Landscaping/buffer yard and screening standards\*: on-site landscaping, street plantings, buffer yards/screening.**  
**Page 16 of 39 CDD Ordinance**

**Existing Language**

(d) *Street plantings.* Landscaping plans for new developments and redevelopment exceeding the fifty (50) percent criteria shall incorporate street plantings and planting strips into their design. Planting strips a minimum of five (5) feet in width shall be placed between the sidewalk and the traveled way except where the planning staff determines that this is not possible due to road layout, existing conditions, or topography. All planting strips must be covered with living material, including ground cover and/or shrubs so that no soil is exposed. Mulched areas directly around required trees may be allowed so long as the mulched area is maintained in a manner that prevents open soil exposure.

Where street trees are required, such trees shall be planted in a planting strip or in tree pits located along the street/sidewalk. Tree pits must be five (5) feet by five (5) feet minimum and are acceptable as a planting strip/street yard. Unless between the sidewalk and the street, no street tree shall be planted farther than eight (8) feet from the edge of the traveled way to count as a street tree.

Street trees shall be required at the rate of one (1) large maturing tree for every forty (40) linear feet of property abutting a street; however, no street tree shall be spaced more than fifty (50) feet apart (on center measurement). Where a Town-approved existing tree pattern exists on a street, the placement of new trees shall be compatible with the established pattern/species.

Street trees must (unless otherwise approved by staff) maintain the same species, spacing, and distance from the street along the development.

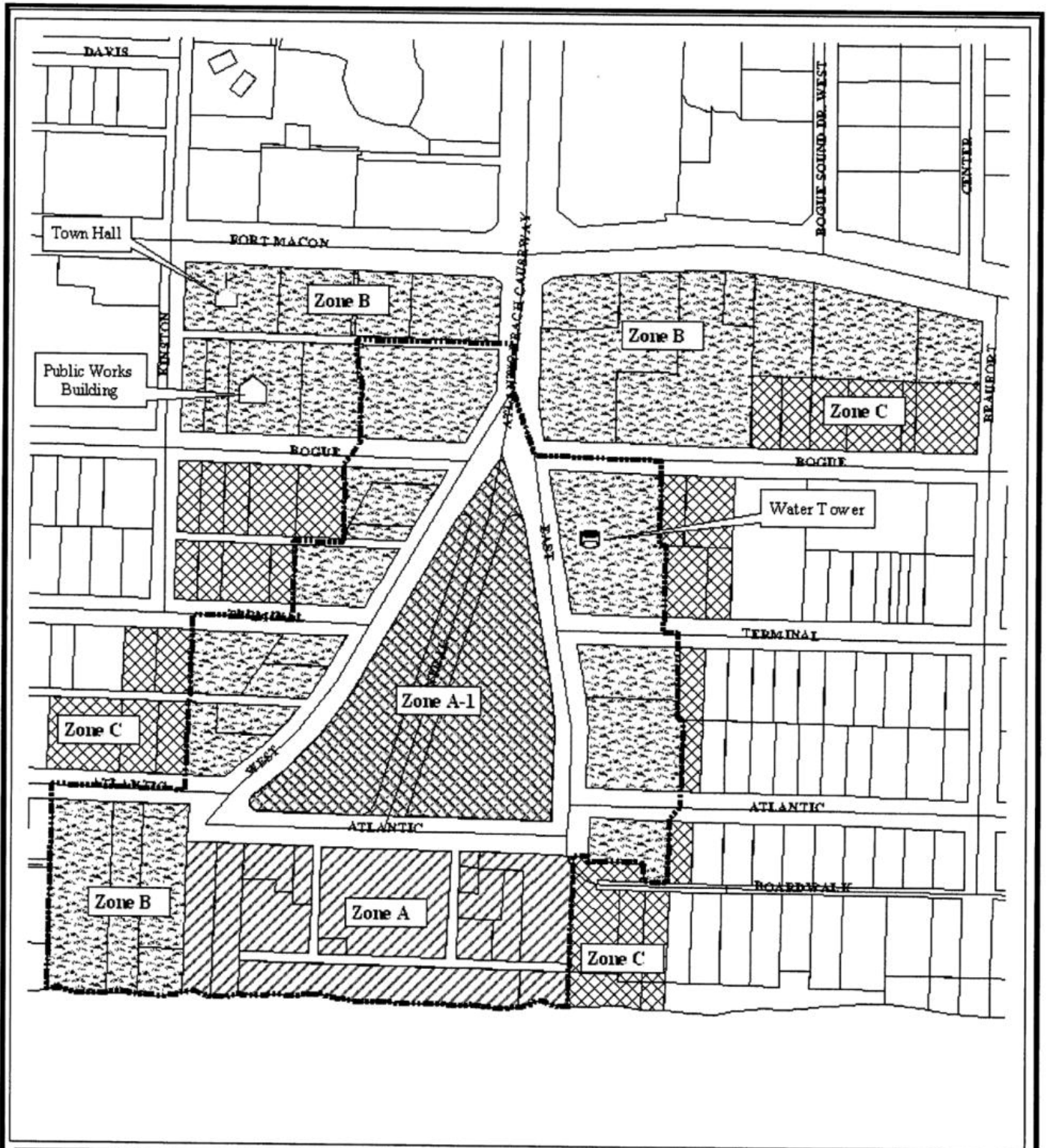
### *Proposed Language*

(d) *Street plantings.* Landscaping plans for new developments and redevelopment exceeding the fifty (50) percent criteria shall incorporate street plantings and planting strips into their design. Planting strips a minimum of five (5) feet in width shall be placed between the sidewalk and the traveled way except where the planning staff determines that this is not possible due to road layout, existing conditions, or topography. All planting strips must be covered with living material, including ground cover and/or shrubs so that no soil is exposed. Mulched areas directly around required trees may be allowed so long as the mulched area is maintained in a manner that prevents open soil exposure.

Where street trees are required, such trees shall be planted in a planting strip or in tree pits located along the street/sidewalk. Tree pits must be five (5) feet by five (5) feet minimum and are acceptable as a planting strip/street yard. Unless between the sidewalk and the street, no street tree shall be planted farther than eight (8) feet from the edge of the traveled way to count as a street tree.

Street trees shall be required at the rate of one (1) large maturing tree for every forty (40) linear feet of property abutting a street; however, no street tree shall be spaced more than fifty (50) feet apart (on center measurement). Where a Town-approved existing tree pattern exists on a street, the placement of new trees shall be compatible with the established pattern/species. Street trees must (unless otherwise approved by staff) maintain the same species, spacing, and distance from the street along the development.

**In situations where the street planting requirement would cause the construction of a proposed project to be impractical or impossible, said site shall be exempt from the requirement to install street plantings as outlined above. If a given property is exempted from these requirements some reasonable effort must be made to incorporate planters and/or landscaping into the framework of the structure so as to comply with the spirit of this ordinance.**



## Map 2: CDD Sub-Zone Overlay Districts

SCALE  
Map Not to Scale

Map prepared by the Town of Atlantic Beach Planning Department  
Date: 11/23/04



## Legend

- Existing CDD Boundary
- Parcels
- Street Centerlines

- CDD Sub-Zones
- Zone A
  - Zone A-1
  - Zone B
  - Zone C