


CITY OF ATLANTIC BEACH  
CITY COMMISSION MEETING  
STAFF REPORT

**AGENDA ITEM:** Ordinance 95-15-111  
**SUBMITTED BY:** Jeremy Hubsch, Building and Zoning Director   
**DATE:** September 10, 2015  
**STRATEGIC PLAN LINK:** None

**BACKGROUND:** The City Commission has asked staff to look into strengthening buffers and negative development impacts between incompatible uses in the City's Land Development Regulations. The current buffer regulations in Section 24-177 (e) apply only to properties that directly border each other. They do not include properties that have an intervening street between them. The city has several areas where commercial or industrial zoning districts are adjacent to residential zoning districts, but have a road between them. This occurs along West 14<sup>th</sup> Street, Sturdivant Avenue, and Ahern Street. Staff came up with possible code changes and presented those to the Community Development Board for recommendations.

There are three proposed code changes related to buffers and limiting negative development impacts in proposed Ordinance 95-15-111.

1. Preventing curb cuts and rear building entryways in the portion of a double frontage (through lot) lot that faces a residentially zoned area.
2. Requiring a lighting plan that shows minimal lighting is at the property line when a new commercial or industrial development is adjacent to residential.
3. Requiring vehicle use areas (parking lots) of new projects to have a tree every 25 feet as opposed to every 50 feet as the code currently reads.

The Community Development Board recommended approval of these three code changes by a vote of 6-0 at the August 21<sup>st</sup> meeting.

**BUDGET:** None.  
**RECOMMENDATION:** Approve Ordinance 95-15-111  
**ATTACHMENTS:** Ordinance 95-15-111  
Copy of legal notice

**REVIEWED BY CITY MANAGER:** W. Van Fleet

**ORDINANCE NO. 95-15-111**

**AN ORDINANCE OF THE CITY OF ATLANTIC BEACH, FLORIDA, AMENDING CHAPTER 24, ARTICLE II OF THE CODE OF ORDINANCES, LAND DEVELOPMENT CODE, TO AMEND SECTION 24-84, DOUBLE FRONTAGE LOTS; AMENDING SECTION 24-161, OFF-STREET PARKING AND LOADING ; AMENDING SECTION 24-177 BUFFER DESIGN STANDARDS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Commission of the City of Atlantic Beach, Florida seeks to strengthen buffers and minimize negative impacts between residential and commercial areas, the City finds that it is necessary to amend Chapter 24, Article II of the Atlantic Beach Code of Ordinances.

**NOW THEREFORE, BE IT ENACTED BY THE CITY COMMISSION ON BEHALF OF THE PEOPLE OF THE CITY OF ATLANTIC BEACH, FLORIDA:**

**SECTION 1. Regulation Amended.** That Section 24, Article II of the Code of Ordinances, specifically the Land Development Regulations, Sections 24-84, 24-161, 24-177 of the City of Atlantic Beach, Florida, are hereby amended to read as follows:

Sec. 24-84. Double frontage lots

- (a) Double frontage lots. On double frontage lots, the required front yard shall be provided on each street, except for lots as set forth below and as set forth in section 24-88.
- (b) Special treatment of ocean-front Lots. For lots having frontage on the Atlantic Ocean, the front yard shall be the yard which faces the Atlantic Ocean, and the required front yard shall be measured from the lot line parallel to or nearest the ocean.
- (c) Special treatment of Ocean Boulevard lots with double frontage. For double frontage lots extending between Beach Avenue and Ocean Boulevard, the required front yard shall be the yard, which faces Ocean Boulevard.
- (d) Special treatment of through lots zoned Commercial, Professional Office (CPO), Commercial Limited (CL), Commercial General (CG), Central Business District (CBD), and Light Industrial

and Warehousing (LIW). For double frontage lots that are commercially or industrially zoned and have residentially zoned property across an intervening street, the required front yard shall be provided on each street. There shall be no building entryways or curb cuts from the intervening street that is adjacent to residentially zoned property.

Sec. 24-161. - Off-street parking and loading

- (a) Purpose and intent. Off-street vehicular parking spaces required by this section shall be provided at the time of the construction or expansion of any building for the uses listed in this section. Parking areas shall be arranged for convenient access and the safety of pedestrians and vehicles; shall provide barriers when located at the perimeter of a lot to prevent encroachment on to adjacent properties; and when lighted, lights shall be directed away from adjacent properties. Parking areas and driveways shall not obstruct stormwater facilities, drainage swales or clear vehicular sight distance. Excess surface parking is discouraged, and in no case shall the number of extra surface parking spaces exceed ten (10) spaces or ten (10) percent, whichever is greater. Parking calculations demonstrating provision of required parking shall be provided with all building permit applications submitted for review. Required parking shall be maintained for the duration of the use it serves.
- (b) General requirements and limitations for parking areas.
  - (1) Adequate drainage shall be provided, and parking areas shall be maintained in a dustproof condition kept free of litter and debris.
  - (2) All parking areas shall be paved unless an alternative surface is approved by the director of public works. Any such alternative surface shall be maintained as installed, and shall be converted to a paved surface if a failure to maintain results in adverse drainage or aesthetic impacts.
  - (3) Parking for residential uses shall be located within paved or stabilized driveways, private garages or carports or such areas intended for the day-to-day parking of vehicles. Vehicles shall not be routinely parked within grassed or landscaped areas of a residential lot or on grassed or landscaped portions of public rights-of-way adjacent to the lot.
  - (4) There shall be no sales, service or business activity of any kind within any parking area.
  - (5) Mechanical or other automotive repair work on any motor vehicle shall not be performed out-of-doors within any residential zoning district, except for minor maintenance or emergency repair lasting less than eight (8) hours and performed on a vehicle owned by the occupant of the residential property.
- (6) Applications to vary from the requirements of this section shall follow the procedures set forth in subsections 24-64(a) and (b). The community development board may approve such application only upon finding that the intent of this section as set forth in preceding subsection (a) is met.

- (c) Plans required. A composite site plan depicting the arrangement and dimensions of required parking and loading spaces, access aisles and driveways in relationship to the buildings or uses to be served shall be included on all plans submitted for review.
- (d) Measurement. Where floor area determines the amount of off-street parking and loading required, the floor area of a building shall be the sum of the horizontal area of every floor of the building. In places of public assembly in which occupants utilize benches, pews or similar seating, each twenty-four (24) lineal inches of such seating, or seven (7) square feet of floor area where no seating is provided, shall be considered one (1) seat. When computations result in requirement of a fractional space, a fraction equal to or more than one-half ( $\frac{1}{2}$ ) shall require a full space.
- (e) Uses not specifically mentioned. Requirements for off-street parking and loading for uses not specifically mentioned in this section shall be the same as required for the use most similar to the one (1) sought, it being the intent of this section to require all uses to provide adequate off-street parking and loading.
- (f) Location of required off-street parking spaces.
  - (1) Parking spaces for residential uses shall be located on the same property with principal building(s) to be served.
  - (2) Parking spaces for uses other than residential uses shall be provided on the same lot or not more than four hundred (400) feet away, provided that required off-street parking shall in no case be separated from the use it serves by arterial streets or major collector streets, or other similar barriers to safe access between parking and the use. A shared parking agreement shall be required where offsite parking is used to meet parking requirements. In such cases, the uses sharing parking must demonstrate different peak-hour parking needs.
  - (3) Off-street parking for all uses other than single and two-family residential shall be designed and constructed such that vehicles are not required to back into public rights-of-way. Parking spaces shall not extend across rights-of-way including any public or private sidewalk or other pedestrian thoroughfare.
  - (4) Off-street parking spaces for any use shall not be located where, in the determination of the director of public safety, an obstruction to safe and clear vehicular sight distance would be created when vehicles are parked in such spaces.
- (g) Design requirements.
  - (1) Parking space dimensions shall be a minimum of nine (9) feet by eighteen (18) feet, except that smaller dimensions may be provided for single-family residential lots, provided that adequate onsite parking is provided to accommodate two (2) vehicles.
  - (2) Accessible parking spaces shall comply with the accessibility guidelines for buildings and facilities (ADAAG), and shall have a minimum width of twelve (12) feet.
  - (3) Within parking lots, the minimum width for a one-way drive aisle shall be twelve (12) feet, and the minimum width for a two-way drive aisle shall be twenty-two (22) feet.

- (4) Parking lots containing more than five (5) rows of parking in any configuration shall provide a row identification system to assist patrons with the location of vehicles, and internal circulation shall be designed to minimize potential for conflicts between vehicles and pedestrians.
- (h) Parking space requirements. Where existing uses, which do not provide the required number of off-street parking spaces as set forth within this paragraph are replaced with similar uses (such as a restaurant replacing a restaurant), with no expansion in size or increase in number of seats, additional parking shall not be required. Any increase in floor area or expansion in building size, including the addition of seats shall require provision of additional parking for such increase or expansion.
- (1) Auditoriums, theaters or other places of assembly: One (1) space for every four (4) seats or seating places.
  - (2) Bowling alleys: Four (4) spaces for each alley.
  - (3) Business, commercial, retail, or service uses not otherwise specified: One (1) space for each four hundred (400) square feet of gross floor area.
  - (4) Churches, temples or places of worship: One (1) space for each four (4) seats or seating places.
  - (5) Clubs or lodges: One (1) space for each four (4) seats or seating places or one (1) space for each two hundred (200) square feet of gross floor area, whichever is greater.
  - (6) Residential uses: Two (2) spaces per dwelling unit.
  - (7) Hospitals, clinics and similar institutional uses: One and one-half (1½) spaces for each hospital bed.
  - (8) Hotels and motels: One (1) space for each sleeping unit plus spaces required for accessory uses such as restaurants, lounges, etc., plus one (1) employee space per each twenty (20) sleeping units or portion thereof.
  - (9) Libraries and museums: One (1) space for each five hundred (500) square feet of gross floor area.
  - (10) Manufacturing, warehousing and industrial Uses: One (1) space for each two (2) employees on the largest working shift, plus one (1) space for each company vehicle operating from the premises.
  - (11) Medical office or dental clinic: One (1) space for each two hundred (200) square feet of gross floor area.
  - (12) Mortuaries: One (1) space for each four (4) seats or seating spaces in chapel plus one (1) space for each three (3) employees.
  - (13) Marinas: One (1) space per boat slip plus one (1) space for each two (2) employees.
  - (14) Professional office uses: One (1) space for each four hundred (400) square feet of gross floor area.

- (15) Restaurants, bars, nightclubs: One (1) space for each four (4) seats. Any outdoor seating where service occurs shall be included.
- (16) Rooming and boardinghouses: One (1) space for each guest bedroom.
- (17) Schools and educational uses.
  - a. Elementary and junior high schools: Two (2) spaces for each classroom, office and kitchen.
  - b. Senior high schools: Six (6) spaces for each classroom plus one (1) space for each staff member.
- (18) Vocational, trade and business schools: One (1) space for each three hundred (300) square feet of gross floor area.
- (19) Child care centers: Two (2) spaces for each employee, plus a clearly designated drop-off and pick up area.
- (20) Shopping centers: Four (4) spaces for each one thousand (1,000) square feet of gross floor area.
- (21) Assisted living, senior care and similar housing for the elderly where residents do not routinely drive or maintain vehicles on the property: One (1) space for each four (4) occupant accommodations.
- (i) Off-street loading spaces. Off-street loading and delivery spaces shall be provided that are adequate to serve the use such that interference with routine parking, pedestrian activity and daily business operations is avoided. Where possible, loading and delivery areas should be located at the rear of a site and shall not be required to back into a public right-of-way.
- (j) Additional requirements for multi-family residential uses. New multi-family residential development shall provide adequate area designated for parking of routine service vehicles such as used by repair, contractor and lawn service companies. For new multi-family development located east of Seminole Road, three (3) spaces per dwelling unit shall be required in order to accommodate increased parking needs resulting from beach-going visitors.
- (k) Bicycle parking. All new development including any redevelopment or expansion that requires any change or reconfiguration of parking areas, except for single- and two-family residential uses, shall provide bicycle parking facilities on the same site, and such facilities shall be located as close to the building entrance as possible, in accordance with the following:
  - (1) Bicycle parking facilities shall be separated from vehicular parking areas by the use of a fence, curb or other such barrier so to protect parked bicycles from damage by cars.
  - (2) Provision to lock or secure bicycles in a stable position without damage to wheels, frames or components shall be provided. Bicycle parking shall be located in areas of high visibility that are well-lighted.
- (l) Parking areas and tree protection. Where protected trees exist within a proposed parking area, and where more than ten (10) spaces are required, the city manager may reduce the

number of required spaces solely for the purpose of preserving such protected trees. An acceptable tree protection plan shall be provided to and approved by the city manager.

(m) 24-161 (m) Illumination values at the property line of a new commercial or industrial development or redevelopment shall not be more than 0.2 fc at any point when a project is located next to any residential use or residentially zoned property. The illumination values at the property line of a project adjacent to any other use shall not be more than 1.0 fc. Compliance with these criteria shall not be required between two adjacent non-residential properties of like zoning or use classification provided that the properties are under the same ownership, or have common parking areas or driveways.

At canopied areas, such as those found at drive-through facilities, service stations, convenience centers, and car-washes, lighting under the canopy, awning, porte cochere, or similar structure shall be either recessed or cut-off fixtures.

The City may require a lighting plan in order to determine compliance with this section.

Sec. 24-177. - Applicability; requirements; buffer design standards; maintenance; protection and visibility.

- (a) Applicability. The provisions of this section shall apply to all new nonresidential development and multi-family development, including property in government use. The provisions of this section shall also apply when the total cost of alteration, expansion or renovation of existing such development is equal to or exceeds twenty-five (25) percent of the current assessed value of the parcel improvements, or when the total square footage of a structure is expanded by more than twenty-five (25) percent as well as when any cumulative expansions total more than twenty-five (25) percent. Construction costs shall be determined in accordance with the building evaluation data sheet as established by the Standard Building Code Council International.
- (b) Landscape plan required.
  - (1) Prior to the issuance of any development permit for nonresidential development and multi-family development, a landscape plan shall be approved by the community development director. For development sites greater than two (2) acres in size, a landscape plan shall be submitted with preliminary site plans as required by subsection 24-167(c). The landscape plan shall be prepared by either the owner or a licensed, registered Landscape architect, bearing his seal, or shall be otherwise prepared by persons authorized to prepare landscape plans or drawings pursuant to Chapter 481, Part II, Florida Statutes (landscape architecture).
  - (2) The required landscape plan shall be drawn to scale, including dimensions and distances, and shall:
    - a. Delineate the vehicular use areas, access aisles, driveways, and similar features;

- b. Indicate the location of sprinklers or water outlets and back flow prevention devices;
  - c. Designate by name and location the plant material to be installed or preserved in accordance with the requirements of this part. The use of xeriscape landscape materials and methods is strongly encouraged;
  - d. Identify and describe the location and characteristics of all other landscape materials to be used;
  - e. Show all landscape features, including areas of vegetation required to be preserved by law, in context with the location and outline of existing and proposed buildings and other improvements upon the site, if any;
  - f. Include a tabulation clearly displaying the relevant statistical information necessary for the director to evaluate compliance with the provisions of this part. This includes gross acreage, square footage of preservation areas, number of trees to be planted or preserved, square footage of paved areas, and such other information as the director may require; and
  - g. Indicate all overhead and underground utilities located on the property and in the right-of-way adjacent to the property to which the landscape plan applies. This shall include overhead and underground electric service lines to all proposed buildings.
- (c) Vehicular use area interior landscaping requirements.
- (1) Vehicular use areas open to the public. Ten (10) percent of vehicular use areas (VUAs) used for off-street parking, employee parking, auto service stations, service drives, and access drives within property located within commercial and industrial zoning districts shall be landscaped.
  - (2) Specialized vehicular use areas closed to the public. Five (5) percent of VUAs used for storage areas for new, used or rental vehicles and boats; motor vehicle service facilities; motor freight terminals; and other transportation, warehousing and truck operations not generally open to the public shall be landscaped.
  - (3) Criteria for distribution. Landscape areas shall be distributed throughout the VUA in such a manner as to provide visual relief from broad expanses of pavement and at strategic points to channel and define vehicular and pedestrian circulation. Landscape areas shall contain the following:
    - a. At least twenty-five (25) percent of the Landscape areas shall be covered with shrubs; the remainder in shrubs, groundcover, mulch or grass. Shrubs shall be spaced on three-foot spacing.
    - b. Not less than one (1) tree for every four thousand (4,000) square feet of the VUA.
  - (4) Each row of parking spaces shall be terminated by a landscape island with inside dimensions of not less than five (5) feet wide and seventeen (17) feet long, or thirty-five (35) feet long if a double row of parking. Each terminal island shall contain one (1) tree. Each side of the terminal island adjacent to a travel lane shall have a continuous six-



inch high curb of concrete or other appropriate permanent material. The use of depressed rain gardens or bioswales in parking lot landscaping is strongly encouraged. Curb stops, rather than continuous curb, may be used to allow runoff to flow to the landscaped area.

- (5) If it can be shown to the satisfaction of the community development director that the strict application of this section will seriously limit the use of the property, the community development director may approve the location of the required interior landscape area near the perimeter of the VUA or adjacent to the building on the property, so long as the landscape area is within twenty (20) feet of the perimeter of the VUA.
- (d) Perimeter landscaping requirements.
- (1) Street frontage landscaping. All VUA that are not entirely screened by an intervening building from any abutting dedicated public street or approved private street, to the extent such areas are not so screened, shall contain the following:
- a. A landscape area of not less than ten (10) square feet for each linear foot of VUA street frontage, fifty (50) percent of which shall be at least a five-foot-wide strip abutting the street right-of-way except for driveways. The remaining required landscape area shall be located within twenty-five (25) feet of the street right-of-way.
  - b. A durable opaque landscape screen along at least seventy-five (75) percent of the street frontage, excluding driveways. Shrubs, walls, fences, earth mounds and preserved existing under-story vegetation, or combination thereof, may be used so long as the screen is no less than three (3) feet high measured from the property line grade. Walls or fences shall be no more than four (4) feet in height and of wood or masonry at least eighty-five (85) percent opaque. Earth mounds shall not exceed a slope of three (3) to one (1). No less than twenty-five (25) percent of street side frontage of walls or fences shall be landscaped with shrubs or vines.
  - c. No less than one (1) tree, located within twenty-five (25) feet of the street right-of-way, for each ~~fifty (50)~~ twenty-five (25) linear feet, or fraction thereof, of VUA street frontage. The trees may be clustered, but shall be no more than ~~seventy-five (75)~~ fifty (50) feet apart. If an overhead power line abuts the street frontage, then the required trees reaching a mature height greater than twenty-five (25) feet shall be located at least fifteen (15) [feet] away from the power line.
  - d. The remainder of the landscape area shall be landscaped with trees, shrubs, ground covers, grass, or mulch.
  - e. Landscape areas required by this section shall not be used to satisfy the interior landscape requirements; however, the gross area of the perimeter landscaping which exceeds the minimum requirements may be used to satisfy the interior landscape requirements.
  - f. If a utility right-of-way separates the VUA from the public street or approved private street, the perimeter landscaping requirements of this section shall still apply.

- (2) Perimeter landscaping adjacent to lot lines. All vehicular use areas that are not entirely screened by an intervening building from an abutting property, to the extent such areas are not screened, shall contain the following:
    - a. A continuous landscape area at least five (5) feet wide between the VUAs and the abutting property, landscaped with shrubs, ground covers, preserved existing vegetation, mulch and grass.
    - b. No less than one (1) tree, located within twenty-five (25) feet of the outside edge of the VUA, for every fifty (50) linear feet, or fraction thereof, of the distance the VUA abuts the adjacent property. Trees may be clustered, but shall be no more than seventy-five (75) feet apart.
    - c. A buffer wall between incompatible land uses as required by subsection (g), if applicable.
    - d. If an alley separates the VUA from the abutting property, the perimeter landscaping requirements shall still apply.
  - (3) Existing landscape screen. If an existing landscape screen has been established on abutting property, then it may be used to satisfy the requirements of this section, so long as the existing landscape screen is abutting the common lot line, and it meets all applicable standards of this section.
  - (4) Driveways to streets. The maximum width of any driveway not containing a landscaped island through the perimeter landscape area shall be thirty-six (36) feet. The maximum width of any driveway containing a landscaped island through the perimeter landscape area shall be forty-eight (48) feet and the driveway shall contain a landscaped island which measures not less than eight (8) feet in width (from back of curb to back of curb), surrounded by a six-inch continuous raised curb, or other alternative approved by the director. In no event shall more than fifty (50) percent of any street frontage be paved, nor shall the provisions of this section be applied to reduce the permitted driveway width to less than twenty-four (24) feet.
  - (5) Driveways to adjoining lots. Driveways may be permitted by the community development director to adjoining lots of compatible use.
  - (6) If a joint driveway easement is provided between adjacent property, then the required perimeter landscaping for each property shall be provided between the drive and any other vehicular use areas.
  - (7) If it can be shown to the satisfaction of the community development director that the strict application of this section will seriously limit the use of the property, the community development director may approve the location of the required interior landscape area.
- (e) Buffers required between incompatible or different use classifications.
- (1) Where incompatible or different Use classifications are adjacent, without an intervening street, a buffer strip shall be required between such uses. Such buffer strip shall be at least ten (10) feet in width the entire length of all such common lot lines and shall be required in the following circumstances:

- a. Multiple-family dwelling use or zoning districts, three (3) or more attached units when adjacent to single-family dwelling(s) or lands zoned for single-family dwelling.
  - b. Office use or zoning districts, when adjacent to single-family or multiple-family dwellings, mobile home parks or subdivisions or lands zoned for single-family or multiple-family dwellings, mobile home parks or subdivisions.
  - c. Mobile home park use or zoning districts, when adjacent to single-family dwellings, multiple-family dwellings and office uses, or lands zoned for single-family dwellings, multiple-family dwellings or offices.
  - d. Commercial and institutional uses or zoning districts, when adjacent to single-family dwellings, multi-family dwellings or mobile home parks or mobile home subdivision uses or lands zoned for single-family dwellings, multi-family dwellings or mobile home parks or mobile home subdivisions.
  - e. Industrial uses or zoning districts, when adjacent to any nonindustrial uses or zoning districts other than agricultural land uses or zoning districts.
- (2) Required buffers shall at a minimum contain the following landscape materials:
- a. Trees. The total tree count required within the buffer strip shall be one (1) tree for each twenty-five (25) linear feet of required buffer strip, or majority portion thereof.
  - b. Ground cover. Grass or other ground cover shall be planted on all areas of the buffer strip.
  - c. Visual screen. A visual screen running the entire length of common boundaries shall be installed within the buffer strip, except at permitted access ways. The visual screen may be a wood or masonry wall, landscaping, earth mounds or combination thereof. Earth mounds shall not exceed a slope of three (3) to one (1). If a visual screen which satisfies all applicable standards exists on adjacent property abutting the property line or exists between the proposed development on the site and the common property line, then it may be used to satisfy the visual screen requirements.
  - d. Prevailing requirement. Whenever parcels are subject to both the perimeter landscaping requirements and buffer strip requirements of the article, the latter requirements shall prevail.
  - e. Hardship. If the community development director determines that the construction of a landscape buffer area required by this section shall create an unreasonable hardship, the director may approve a buffer area with a width no less than five (5) feet, provided such buffer area meets the visual screening requirements of this section.
- (3) The required buffer strip shall not be used for principal or accessory uses and structures, vehicular use areas, dumpster pads, signs, equipment, or storage.
- (f) Landscape design standards.

- (1) Minimum tree requirements shall comply with subsection 23-17(c).
- (2) A minimum of fifty (50) percent of all required trees shall be shade trees.
- (3) Trees required for vehicular use area landscaping may be used to fulfill the tree requirements of this section.
- (4) Standards for landscape materials.
  - a. Plants and trees shall meet the criteria of chapter 23, subsection 23-17(e)(2)a.
  - b. Fifty (50) percent of the trees may be nonshade trees or trees with a mature canopy of fifteen (15) feet, a minimum of two-inch caliper and a minimum of ten (10) feet overall height. Trees shall not be planted closer than two (2) feet from any pavement edge or right-of-way line, as measured from center of trunk. Shade trees shall not be planted closer than four (4) feet from any pavement edge or right-of-way line, as measured from center of trunk.
  - c. Palms may be substituted for the required trees at the ratio of two (2) palms for each required tree or four (4) palms for each required shade tree. Palms shall be a minimum clear trunk height of eight (8) feet, measured from the ground level to the base of the palm.
  - d. Criteria for shrubs, vines and ground covers. Hedges and shrubs used to form an opaque screen shall be no less than a three-gallon container [of] grown material or equivalent balled and burlap material.
  - e. Lawns. Lawn grass may be sodded, plugged, sprigged or seeded, except that solid sod shall be used on grass areas within street rights-of-way disturbed by construction, in swales, on slopes of four (4) to one (1) or greater, and on other areas subject to erosion. When permanent seed is sown during its dormant season, an annual winter grass shall also be sown for immediate effect and protection until permanent coverage is achieved.
  - f. Mulch. A minimum two-inch layer of organic mulch, such as wood bark, dead leaves and pine straw, shall be applied and maintained in all tree, shrub, and ground cover planting areas and bare preserved natural areas.
  - g. General cleanup. At the completion of work, construction trash and debris shall be removed and disturbed areas shall be fine-graded and landscaped with shrubs, ground cover, grass or two (2) inches of mulch.
- (g) Maintenance and protection of landscaping.
  - (1) Maintenance. The property owner shall be responsible for the maintenance of all landscaped areas, which shall be maintained in good condition so as to present a healthy, neat and orderly appearance, free of refuse, debris and weeds. Failure to maintain required landscape areas or to replace within thirty (30) days all required landscaping which is dead, irreparably damaged, or fails to meet the standards of this section, shall be deemed a violation of these land development regulations and subject to code enforcement procedures.

- (2) Irrigation. Landscaped areas shall be provided with an automatic irrigation system. Irrigation systems shall include moisture or rain sensors.
  - (3) Tree pruning. Required trees shall be allowed to develop into their natural habit of growth. Trees may be pruned to maintain health and vigor by removal of dead, weak, damaged or crowded limbs, diseased and insect-infested limbs, and branches which rub other branches.
- (h) Intersection visibility. Where an access way intersects with another access way within a vehicular use area, or where an access way is located within a vehicular use area, or where an access way intersects with a street right-of-way, cross visibility within the sight triangle, as defined in this chapter shall be unobstructed at a level between two (2) and eight (8) feet, above elevation of adjacent pavement.

**SECTION 2. Conflict.** If any portion of this ordinance is in conflict with any portion of any other ordinance, then the provisions of this ordinance shall govern.

**SECTION 3. Severability.** If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

**SECTION 4. Effective Date.** This Ordinance shall take effect immediately upon its final passage and adoption.

**PASSED** by the City Commission on first reading this 12th day of October 2015.

**PASSED** by the City Commission on second and final reading this 26th day of October 2015.

---

CAROLYN WOODS  
Mayor, Presiding Officer

ATTEST:

---

DONNA L. BARTLE  
City Clerk

Approved as to form and correctness:

---

RICHARD KOMANDO  
City Attorney

**NOTICE OF ZONING CODE  
(LAND DEVELOPMENT REGULATIONS)  
TEXT CHANGE**

The City of Atlantic Beach proposes to adopt Ordinance No. 90-15-111 and 90-15-112 amending the text of the zoning code (land development regulations)

Public hearings will be held on:

**October 12<sup>th</sup> and October 26<sup>th</sup> 2015  
at 6:30 PM  
and  
October 20<sup>th</sup>  
at 6:00 PM  
in the Commission Chambers at  
800 Seminole Rd.  
Atlantic Beach Fl. 32233.**

The public may inspect the proposed ordinances at City Hall and may be heard at public hearings.

