

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: March 21, 2022

Agenda Item: 6	Prepared by: Aaron C. Rucker, AICP
Agenda Section: Unfinished Business: Ordinance. Second Reading	Date: March 16, 2022
Subject: Proposed amendments to Chapter 23, Zoning, of the Code of Ordinances of North Myrtle Beach, South Carolina [ZTX-22-1]	Division: Planning and Development

Background:

The *2018 Comprehensive Plan* for the City identifies 17th Avenue South as a key corridor important for establishing quality development. City Council was made aware of the desire to revitalize the area surrounding 17th Avenue South and directed staff to study the issue and identify possible strategies. The limitations of the R-4 zoning district were identified as a potential regulatory hurdle for redevelopment. To encourage investment in the area and help reinvigorate the historic core of Crescent Beach, direction was provided to initiate a rezoning of approximately 9.28 acres along Ocean Boulevard near the 17th Avenue South intersection to RC zoning, following a joint workshop between Planning Commission and City Council on May 5, 2021. The proposed rezoning was passed on first reading, but a workshop was asked for prior to second reading.

At the January 12, 2022, Council workshop, alternatives to the city-initiated rezoning were discussed, including amending the PDD ordinance to allow smaller PDDs along the oceanfront, and developing an expanded overlay zoning district to apply in the Crescent Beach area near 17th Ave. S. Council chose to pursue the latter option and asked staff to prepare a new ordinance for consideration. Overlay zones provide a more targeted means of managing development by providing flexibility in development standards. The original rezoning proposal changing the R-4 to RC was withdrawn and is no longer being considered.

Proposal:

Staff is proposing a zoning text and map amendment to the Zoning Ordinance to expand the existing Crescent Beach Neighborhood Overlay to encompass properties along the oceanfront and second row as depicted in Exhibit A: Location Map [ZTX-22-1] with new standards governing height, uses, and design. The area includes property south of 17th Avenue South to 18th Avenue South along Ocean Boulevard. All properties within the expanded overlay would be subject to the new standards, as summarized below:

- The overlay would consist of two sub-areas, CBNO-17 and CBNO-Ocean.
- CBNO-17 standards remain unchanged.
Applicable to CBNO-Ocean:
- No change to the underlying R-4 zoning.
- CBNO-Ocean location and application defined.
- Maximum 165' height limit for oceanfront properties.
- All uses allowed in the RC district would be permissible within the overlay.
- Development of second-row property limited to maximum 90'.
- If a property owner has oceanfront property and they propose any structure which exceeds the R-4 height limit, then any second-row property associated with that development would be limited to parking and commercial uses only. No residential or accommodation uses.
- For parking structures on second row only, property setback minimums of 5 feet on all sides for structures less than 50' in height.

- Parking garages must provide a minimum 10% of their ground floor area for street-fronting commercial with detailed building articulation and ornamentation. **10% or 1,000 square feet (whichever is greater) included in the ordinance.**
- Decorative, pedestrian-scaled free-standing lighting is required.
- Continued commitments to required landscaping minimums through existing and alternative on-site placements.

A proposed ordinance has been attached for Council’s review.

Planning Commission Action:

The Planning Commission conducted a public hearing on February 22, 2022 and voted 4-3 to recommend approval to City Council as submitted. Chairman Eisner and Commissioners Cutuli and Edwards recommended denial citing concerns over increased oceanfront heights and density. Commissioner Wise asked that council consider a public/private partnership to provide public parking to any anticipated future structured parking and reappropriating the \$1,100 per dwelling unit Chestnut Greens (Del Webb) public beach parking fee towards purchase of public parking spaces near 17th Avenue South. Several members of the public were present, and all spoke against the proposal. Staff also read several letters from citizens into the public record, all opposed to the overlay.

Action:

Approve or deny the proposed ordinance on second reading

Reviewed by Division Head	Reviewed by City Manager	Reviewed by City Attorney
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Council Action:
 Motion By _____ 2nd By _____ To _____

ORDINANCE

AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH PROVIDING THAT THE CODE OF ORDINANCES, CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA, BE AMENDED BY REVISING CHAPTER 23, ZONING, ARTICLE II, ZONING DISTRICTS AND DEVELOPMENT REGULATIONS, § 23-31(7) OF SAID CODE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA, IN COUNCIL DULY ASSEMBLED, THAT:

Section 1:

That *Section 23-31(7). Overlay zones.*, be amended to read as follows (*new matter underlined, deleted matter struck-through*):

(7) *CBNO - Crescent Beach Neighborhood Overlay District* (~~*17th Avenue South*~~)

(a) *Purpose:* The CBNO Overlay is divided into two (2) sub-areas, the CBNO-17 and CBNO-Ocean. The purpose of this overlay is to accomplish the City's Comprehensive Plan goals for pedestrian-friendly streets that may also serve as public gathering spaces and encourage sustainable economic development and redevelopment by increasing activity and preserving neighborhood commercial character along the 17th Avenue South corridor and in certain areas along Ocean Boulevard.

(b) *Overlay Boundaries and Applicability* ~~*Applicability and Boundaries:*~~

1. CBNO-17:

- a. The 17th Avenue South Crescent Beach Neighborhood Overlay District (hereafter referred to as CBNO-17) is applied to all parcels with frontage on 17th Avenue South (and intersecting side streets for corner parcels) from Ocean Boulevard to Madison Drive. The Overlay boundary will follow the current district boundaries in the rear, including some existing parcels without 17th Avenue South frontage, but that are likely to be combined with parcels fronting 17th Avenue South for development.
- b. Proposed new commercial or mixed-use development or redevelopment in the corridor, including renovations to existing structures increasing the appraised value of the property and structure by fifty (50) percent, must meet the requirements of the ~~Crescent Beach Neighborhood Overlay~~. Single-family residences zoned Neighborhood Commercial (NC) with the purpose of improving but remaining a single-family residence are exempt from this requirement. However, at the point of demolition and proposed replacement of the existing single-family residence, certain sections of CBNO-17 will apply (see Provisions under number 4).

2. CBNO-Ocean:

- a. The Ocean Boulevard Crescent Beach Neighborhood Overlay District (hereinafter referred to as CBNO-Ocean) is applied to all oceanfront parcels along Ocean Boulevard south of the 17th Avenue South street-end to 1801

South Ocean Boulevard and all second-row parcels from 1707 Perrin Drive south to 18th Avenue South.

- b. Proposed new hotel/motel, resort accommodation and multifamily redevelopment in the corridor, including renovations to existing structures increasing the appraised value of the property and structure by fifty (50) percent, must meet the requirements of the overlay.

(c) *Provisions (CBNO-17)*

1. A district front "build-to" line is established for commercial and mixed-use development sites with frontage onto 17th Avenue South ~~and~~ including intersecting side streets within the CBNO (from Ocean Boulevard to Madison Drive). This build-to line shall be established twelve (12) feet from the 17th Avenue South public right-of-way line to the front facade of the proposed new construction. The front façade of the building must be built upon the build-to line and must contain the primary public entrance and retail window display, or restaurant windows that open to the outside on the ground floor. Exceptions to the build-to line may be permitted to create inset entrances. A zero-side yard setback shall be permitted for commercial and mixed-use development ~~with the exception of~~ except for corner lots. On corner lots where the property owner does not wish to continue the plaza around the side of the building on the secondary street, a minimum five-foot side yard setback is required, within which the property owner is to provide a minimum four-foot concrete sidewalk. If there is existing public sidewalk on the secondary street, then only the setback shall apply. Where the property owner wishes to extend the front plaza to the corner side of the building along the secondary street, a minimum twelve-foot side yard setback shall apply, and the plaza area finished in the same manner as the front.
2. The resulting twelve (12) feet of space between the build-to line and the street right-of-way shall become a pedestrian plaza to be improved by the owner with an appropriate surface extending the full width of the lot and from the public right-of way/sidewalk to the building frontage. Material choices and installation specifications will be determined by the City Public Works Department. No permanent structures will be allowed on or over the plaza, except for a required fabric awning or balcony attached to the building at a minimum clearance height of nine (9) feet from the plaza surface with a minimum depth of four (4) feet. Secondary signage to the main wall signage may be placed on the awning, but the CBNO does not increase the amount of signage allowed by the underlying zoning district. In addition, no freestanding signage will be allowed; however, cantilevered signs may be allowed on the second floor of a building frontage. Movable container plants, seating, tables, lighting, cooling and heating devices, unlighted sandwich/menu boards and patio umbrellas are allowed.
3. The twelve (12) feet of space merging with the public sidewalk is anticipated to provide a wider pedestrian area, in addition to street tree planting areas, curbing and public parking. Rear loaded parking may be placed on parcels that have side street access, or in the case of a parking structure, on the second-floor level or above. Sites within the CBNO may use the parking reductions contained within the Crescent Beach Priority Investment - Activity Center Overlay Zone and/or count on-street public parking immediately or partially in front of their site, as well as off-site parking. If those reductions are insufficient to provide the required relief, the property owner may also elect to pay a "fee-in-lieu" of parking, in the amount of one thousand two hundred dollars (\$1,200.00) per parking space, to be collected by the city and held in a fund whose purpose is to

expand public parking within the district. Midblock sites may include extra rear parking on site, if privately negotiated access easements can be arranged with neighboring lots with side street access. If parking is provided in the side portions of a lot, stalls shall be set back a minimum of seventeen (17) feet, to maintain the continuity of the twelve-foot-wide plaza, and provide for a five-foot perimeter landscape buffer. While the ultimate objective is to eliminate all vehicular access curb cuts that interrupt the 17th Avenue South streetscape/parking, proposed midblock developments desiring rear onsite parking, having exhausted all cross access options with adjacent parcels, will be allowed a side lot line alley (ten (10) feet wide) that crosses (but does not interrupt) the pedestrian plaza including a curb cut access to 17th Avenue South, if approved by the city engineer via an encroachment permit. If approved curb cut access results in loss of public parking spaces, then a fee of one thousand two hundred dollars (\$1,200.00) per lost parking space will be assessed to the applicant and paid into the "fee-in-lieu" fund in addition to assessing any costs of adequately modifying the existing public street and parking configuration to receive the new curb cut.

4. New or replacement single-family homes must provide the twelve-foot improved plaza space by the owner according to Provisions (2) and (3), but shall be exempt from having to construct the house on the build-to line.
5. Uses allowed and other basic zoning requirements/calculations not addressed by the CBNO or the Crescent Beach Priority Investment - Activity Center Overlay will be determined by the underlying zoning districts. Any new "live-work" structures in the CBNO must place the commercial and/or office at street level with residential beginning on the second level.



Example of a "live-work" structure with commercial at the street level and residential atop.

(d) Provisions (CBNO-Ocean):

1. Development standards:

<u>Location</u>	<u>Height maximum (feet)</u>	<u>Setbacks</u>	<u>Uses</u>	<u>Parking Garages</u>	<u>Lighting</u>	<u>Landscaping</u>
<u>Oceanfront</u>	165	See 23-22, Development Standards	<u>All those found in Resort Commercial (RC)</u>	<u>Minimum 10% or 1,000 sq. ft (whichever is greater) ground floor area reserved for street-fronting commercial³</u>	<u>Decorative standards apply⁴</u>	<u>See Article V. – Landscaping Requirements⁵</u>
<u>Second Row</u>	90 ¹	5 ²				

Notes:

¹ No structure may exceed 90' in height regardless of use and the presence or absence of structured parking underneath the building. For any second-row structure that is a part of or associated with an oceanfront high-rise building with heights exceeding R-4 standards, only parking and commercial uses are allowed within that structure.

² For parking structures only, minimum 5' setbacks for all sides allowed if structure is less than 50' in height, otherwise Section 23-22, Development Standards apply.

³ Each street-fronting façade of the ground-level of all parking structures, including the portions reserved for street-fronting commercial uses, must provide detailed building articulation and ornamentation such as awnings, water tables, contrasting finishes, doors, windows, and/or varying facing materials, to disguise parking garage use.

⁴ Free-standing lighting shall be placed on decorative poles and fixtures and positioned at a pedestrian scale.

⁵ Referencing Section 23-56(2)(b). Parking lot landscape requirements: The required parking lot landscaping area (10%) may be located within the parking lot, within green roofs, rooftop gardens and/or planted terraces incorporated into the building but shall not be located underneath the building.

Section 2:

That the North Myrtle Beach Planning Commission has provided the required public notice of this request and has held the necessary public hearings in accordance with applicable State Statutes and City Ordinances.

DONE, RATIFIED AND PASSED, THIS _____ DAY OF _____, 2022.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

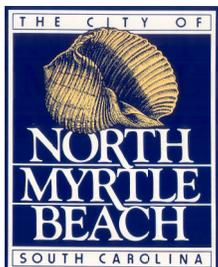
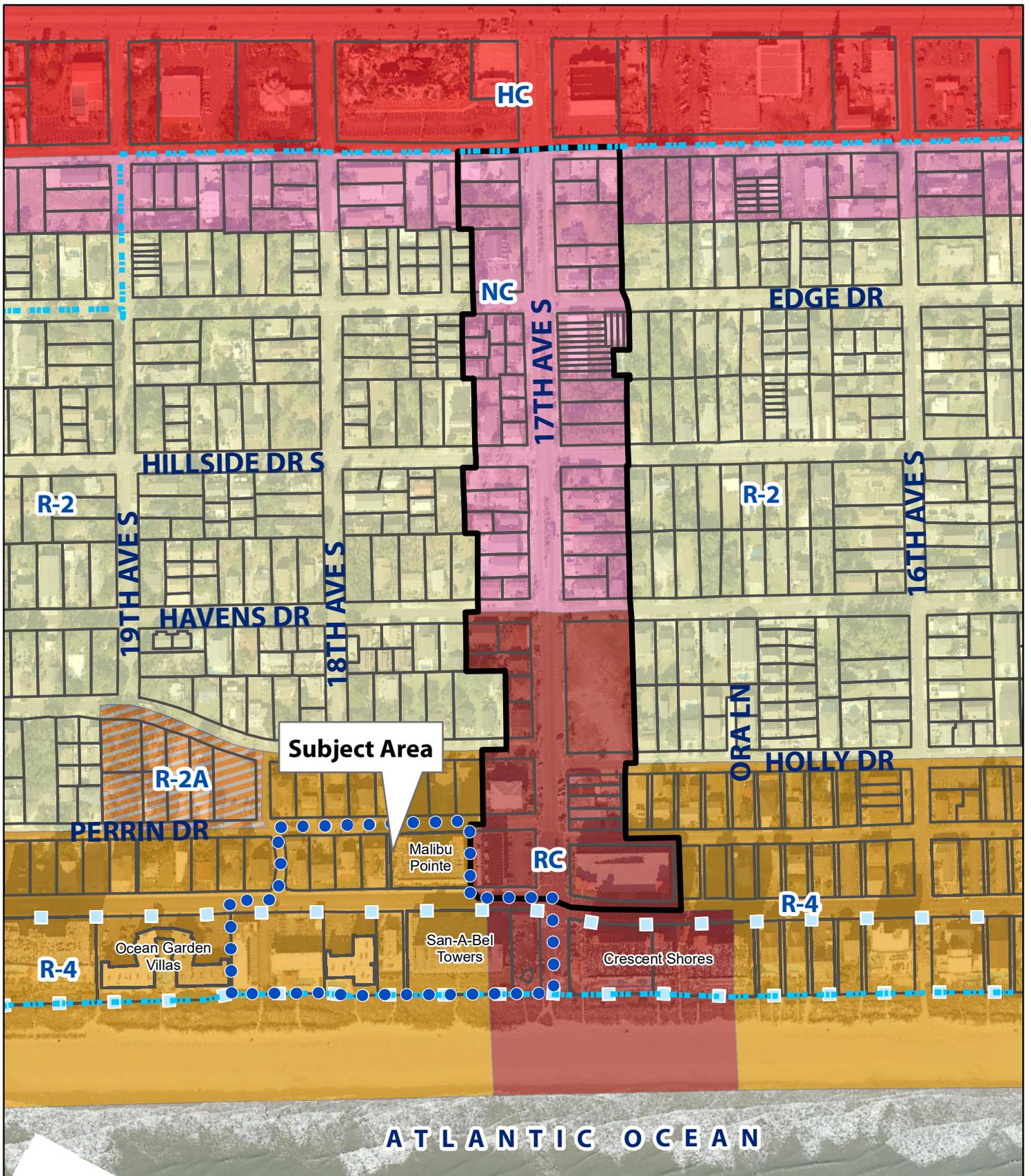
City Attorney

FIRST READING: 3.7.2022
SECOND READING: 3.21.2022

REVIEWED:

City Manager

ORDINANCE: 22-14



Author: Dawn E. Snider
 M:\2022\2022-07 CBNO Overlay Expansion\2022-07 CBNO Map.mxd

Legend

- Subject Area
- NC
- R-4
- Priority Investment Activity Center Overlay Zone (PIACO)
- R-2
- RC
- Oceanfront Overlay Zone (OFO)
- R-2A
- Crescent Beach Neighbor Overlay District (CBNO)

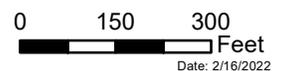


Exhibit A: Location Map (ZTX-22-1)

6C. ZONING ORDINANCE TEXT AND MAP AMENDMENT ZTX-22-1: City staff has initiated an amendment to the zoning ordinance text and map to revise the Crescent Beach Neighborhood Overlay (CBNO) by extending the boundaries and creating standards governing height, uses, and design along the oceanfront and second row.

Background:

On January 12th City Council held a workshop to discuss alternatives to a city-initiated rezoning of multiple lots affecting approximately 9.28 acres located near 17th Avenue South from Resort Residential (R-4) to Resort Commercial (RC) Resort Commercial [Z-21-12]. The proposed rezoning was passed on first reading, but the workshop was asked for prior to second reading.

Staff presented two options for consideration at the workshop: Expansion of the Crescent Beach Neighborhood Overlay to areas along Ocean Boulevard or allowing smaller Planned Development Districts (PDDs) along the oceanfront. Council chose to pursue expansion of the overlay and asked staff to prepare a new ordinance for consideration. Expansion of the overlay provides a more targeted means of managing development by avoiding changes to underlying zoning districts while providing flexibility in concessions offered and public benefits requested. Consequently, the original rezoning of properties to RC was withdrawn and is no longer being considered.

Proposed Changes:

Staff is proposing a text amendment and map amendment to the Zoning Ordinance to expand the existing Crescent Beach Neighborhood Overlay to encompass properties along the oceanfront and second row with new standards governing height, uses, and design. The area includes property south of 17th Avenue South to 18th Avenue South along Ocean Boulevard. All properties within the expanded overlay would be subject to the standards.

The following provides a summary of the proposal:

- The overlay would consist of two sub-areas, CBNO-17 and CBNO-Ocean.
- CBNO-17 standards remain unchanged.
Applicable to CBNO-Ocean:
- No change to the underlying R-4 zoning.
- CBNO-Ocean location and application defined.
- Maximum 165' height limit for oceanfront properties.
- All uses allowed in the RC district would be permissible within the overlay.
- Development of second-row property limited to maximum 90'.
- If a property owner has oceanfront property and they propose any structure which exceeds the R-4 height limit, then any second-row property associated with that development would be limited to parking and commercial uses only. No residential or accommodation uses.
- Property setback minimums of 5 feet on all sides for structures less than 50' in height.
- Parking garages must provide a minimum 10% of their ground floor area for street-fronting commercial with detailed building articulation and ornamentation.
- Decorative, pedestrian-scaled free-standing lighting is required.
- Continued commitments to required landscaping minimums through existing and alternative on-site placements.

The proposed amendment addresses a section in *Chapter 23, Zoning, Article II. – Zoning Districts and Development Regulations* and would appear in the Ordinance as follows (new matter underlined, deleted matter struck-through):

Sec. 23-31. Overlay zones.

(7) *CBNO - Crescent Beach Neighborhood Overlay District (17th Avenue South)*

(a) *Purpose:* The CBNO Overlay is divided into two (2) sub-areas, the CBNO-17 and CBNO-Ocean. The purpose of this overlay is to accomplish the City's Comprehensive Plan goals for pedestrian-friendly streets that may also serve as public gathering spaces and encourage sustainable economic development and redevelopment by increasing activity and preserving neighborhood commercial character along the 17th Avenue South corridor and in certain areas along Ocean Boulevard.

(b) *Overlay Boundaries and Applicability* ~~*Applicability and Boundaries:*~~

CBNO-17:

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2. Proposed new commercial or mixed-use development or redevelopment in the corridor, including renovations to existing structures increasing the appraised value of the property and structure by fifty (50) percent, must meet the requirements of the ~~Crescent Beach Neighborhood Overlay~~. Single-family residences zoned Neighborhood Commercial (NC) with the purpose of improving but remaining a single-family residence are exempt from this requirement. However, at the point of demolition and proposed replacement of the existing single-family residence, certain sections of CBNO-17 will apply (see Provisions under number 4).

CBNO-Ocean:

1. The Ocean Boulevard Crescent Beach Neighborhood Overlay District (hereinafter referred to as CBNO-Ocean) is applied to all oceanfront parcels along Ocean Boulevard south of the 17th Avenue South street-end to 1801 South Ocean Boulevard and all second-row parcels from 1707 Perrin Drive south to 18th Avenue South.
2. Proposed new hotel/motel, resort accommodation and multifamily redevelopment in the corridor, including renovations to existing structures increasing the appraised value of the property and structure by fifty (50) percent, must meet the requirements of the overlay.

(c) *Provisions (CBNO-17)*

1. A district front "build-to" line is established for commercial and mixed-use development sites with frontage onto 17th Avenue South, and including intersecting side streets within the CBNO (from Ocean Boulevard to Madison Drive). This build-to line shall be established twelve (12) feet from the 17th Avenue South public right-of-way line to the front facade of the proposed new construction. The front façade of the building must be built upon the build-to line and must contain the primary public entrance and retail window display, or restaurant windows that open to the outside on the ground floor. Exceptions to the build-to line may be permitted to create inset entrances. A zero side yard setback shall be permitted for commercial and mixed-use development with the

exception of corner lots. On corner lots where the property owner does not wish to continue the plaza around the side of the building on the secondary street, a minimum five-foot side yard setback is required, within which the property owner is to provide a minimum four-foot concrete sidewalk. If there is existing public sidewalk on the secondary street, then only the setback shall apply. Where the property owner wishes to extend the front plaza to the corner side of the building along the secondary street, a minimum twelve-foot side yard setback shall apply, and the plaza area finished in the same manner as the front.

2. The resulting twelve (12) feet of space between the build-to line and the street right-of-way shall become a pedestrian plaza to be improved by the owner with an appropriate surface extending the full width of the lot and from the public right-of way/sidewalk to the building frontage. Material choices and installation specifications will be determined by the City Public Works Department. No permanent structures will be allowed on or over the plaza, except for a required fabric awning or balcony attached to the building at a minimum clearance height of nine (9) feet from the plaza surface with a minimum depth of four (4) feet. Secondary signage to the main wall signage may be placed on the awning, but the CBNO does not increase the amount of signage allowed by the underlying zoning district. In addition, no freestanding signage will be allowed; however, cantilevered signs may be allowed on the second floor of a building frontage. Movable container plants, seating, tables, lighting, cooling and heating devices, unlighted sandwich/menu boards and patio umbrellas are allowed.
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4. New or replacement single-family homes must provide the twelve-foot improved plaza space by the owner according to Provisions (2) and (3), but shall be exempt from having to construct the house on the build-to line.

5. Uses allowed and other basic zoning requirements/calculations not addressed by the CBNO or the Crescent Beach Priority Investment - Activity Center Overlay will be determined by the underlying zoning districts. Any new "live-work" structures in the CBNO must place the commercial and/or office at street level with residential beginning on the second level.



Example of a "live-work" structure with commercial at the street level and residential atop.

(d) Provisions (CBNO-Ocean):

I. Development standards:

<u>Location</u>	<u>Height maximum (feet)</u>	<u>Setbacks</u>	<u>Uses</u>	<u>Parking Garages</u>	<u>Lighting</u>	<u>Landscaping</u>
<u>Oceanfront</u>	165	See 23-22, Development Standards	All those found in Resort Commercial (RC)	Minimum 10% ground floor area reserved for street-fronting commercial ³	Decorative standards apply ⁴	See Article V. – Landscaping Requirements ⁵
<u>Second Row</u>	90 ¹	5' ²				

Notes:

¹ No structure may exceed 90' in height regardless of use and the presence or absence of structured parking underneath the building. For any second-row structure that is a part of or associated with an oceanfront high-rise building with heights exceeding R-4 standards, only parking and commercial uses are allowed within that structure.

² Minimum 5' setbacks for all sides allowed if structure is less than 50' in height, otherwise Section 23-22, Development Standards apply.

³ Each street-fronting façade of the ground-level of all parking structures, including the portions reserved for street-fronting commercial uses, must provide detailed building articulation and ornamentation such as awnings, water tables, contrasting finishes, doors, windows, and/or varying facing materials, to disguise parking garage use.

⁴ Free-standing lighting shall be on decorative poles and fixtures and positioned at a pedestrian scale.

⁵ Referencing Section 23-56(2)(b). Parking lot landscape requirements: The required parking lot landscaping area (10%) may be located within the parking lot, within green roofs, rooftop gardens and/or planted terraces incorporated into the building but shall not be located underneath the building.

According to § 23-4, *Amendments*, of the Zoning Ordinance, the advertisement requirement for Zoning Ordinance amendments is 15 days, and that advertisement notice has been met. The amendment is presented to the Planning Commission for a recommendation that will be forwarded to City Council at their next meeting scheduled for March 7, 2022.

Planning Commission Action:

The Planning Commission may recommend approval, recommend approval with modifications and/or conditions, or recommend denial of the proposal as submitted.

Alternative Motions

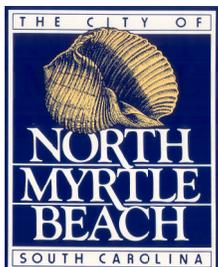
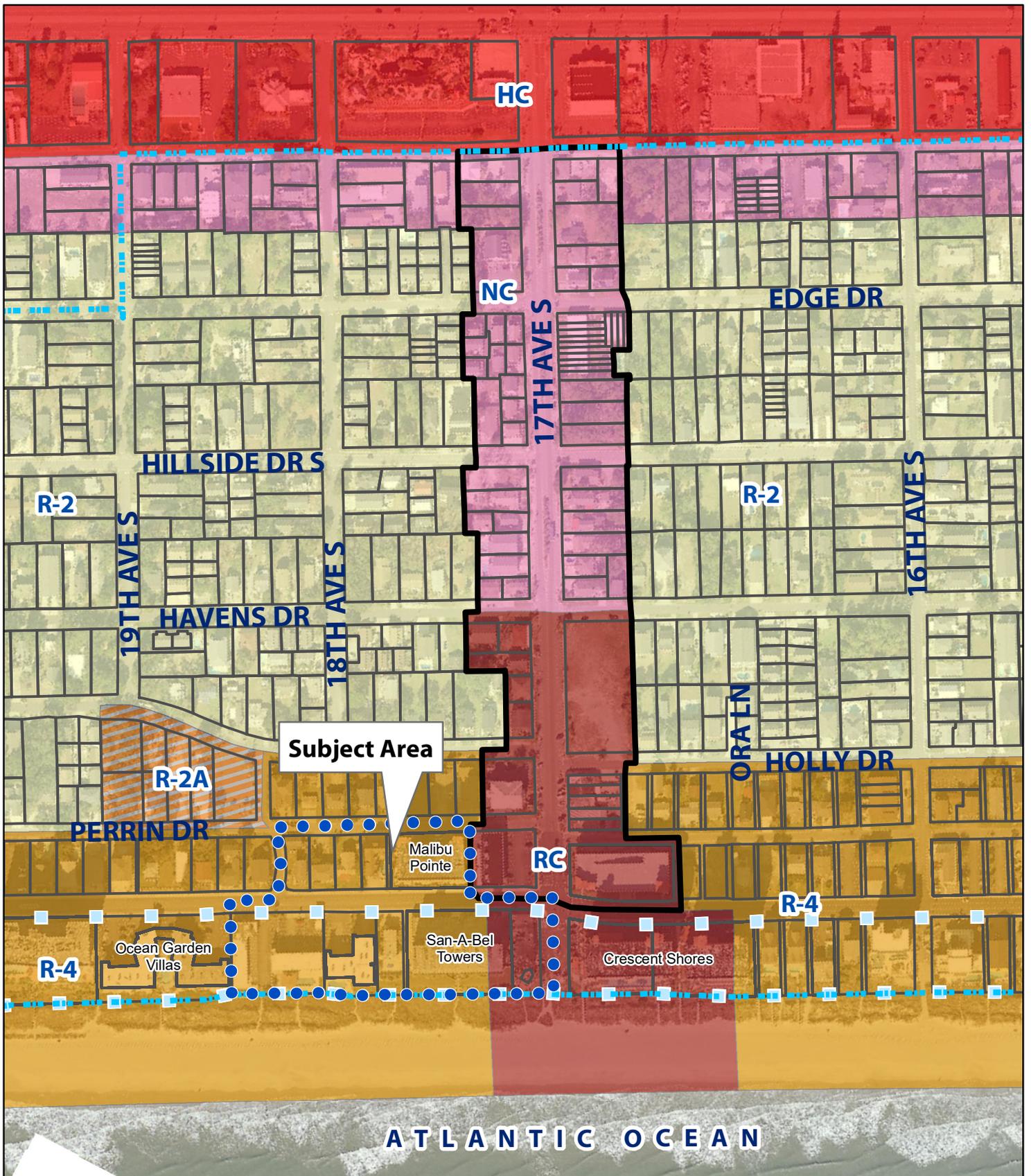
1) I move that the Planning Commission forward the Zoning Ordinance Text Amendment [ZTX-22-1] to the Mayor and City Council with a recommendation of approval.

OR

2) I move that the Planning Commission forward the Zoning Ordinance Text Amendment [ZTX-22-1] to the Mayor and City Council with a recommendation of denial.

OR

- 3) I move (an alternate motion).

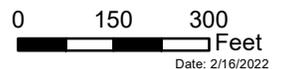


Author: Dawn E. Snider
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Legend

-  Subject Area
-  NC
-  R-4
-  HC
-  R-2
-  RC
-  R-2A
-  Priority Investment Activity Center Overlay Zone (PIACO)
-  Crescent Beach Neighbor Overlay District (CBNO)
-  Oceanfront Overlay Zone (OFO)

Exhibit A: Location Map (ZTX-22-1)



Date: 2/16/2022