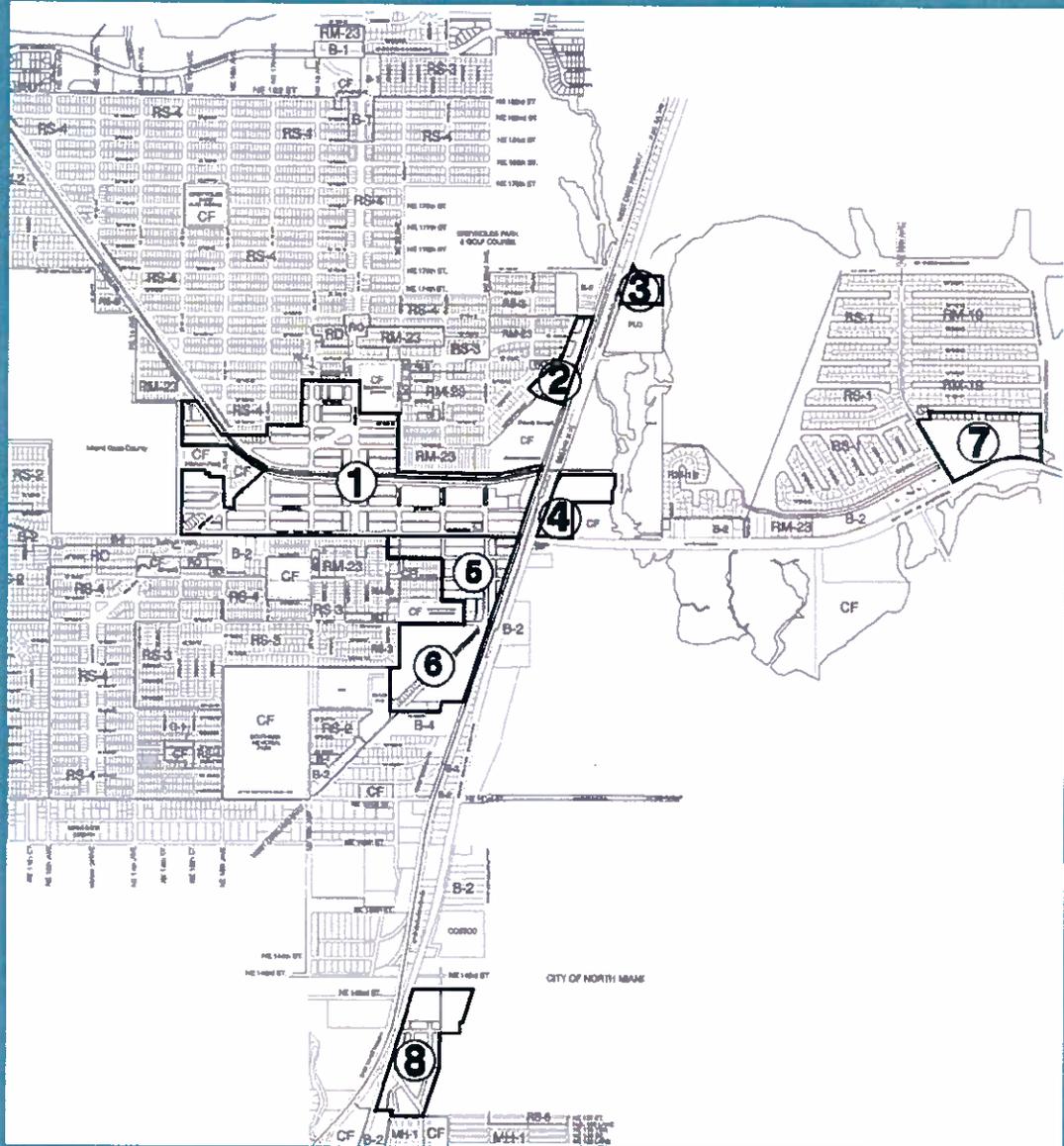


# Map and Text Amendments

# North Miami Beach

## Zoning (Mixed Use Districts)

*January 27, 2015  
City Council Workshop*



**North Miami Beach  
Draft Zoning Text Amendments**

Draft

# North Miami Beach

## Draft Zoning Text Amendments

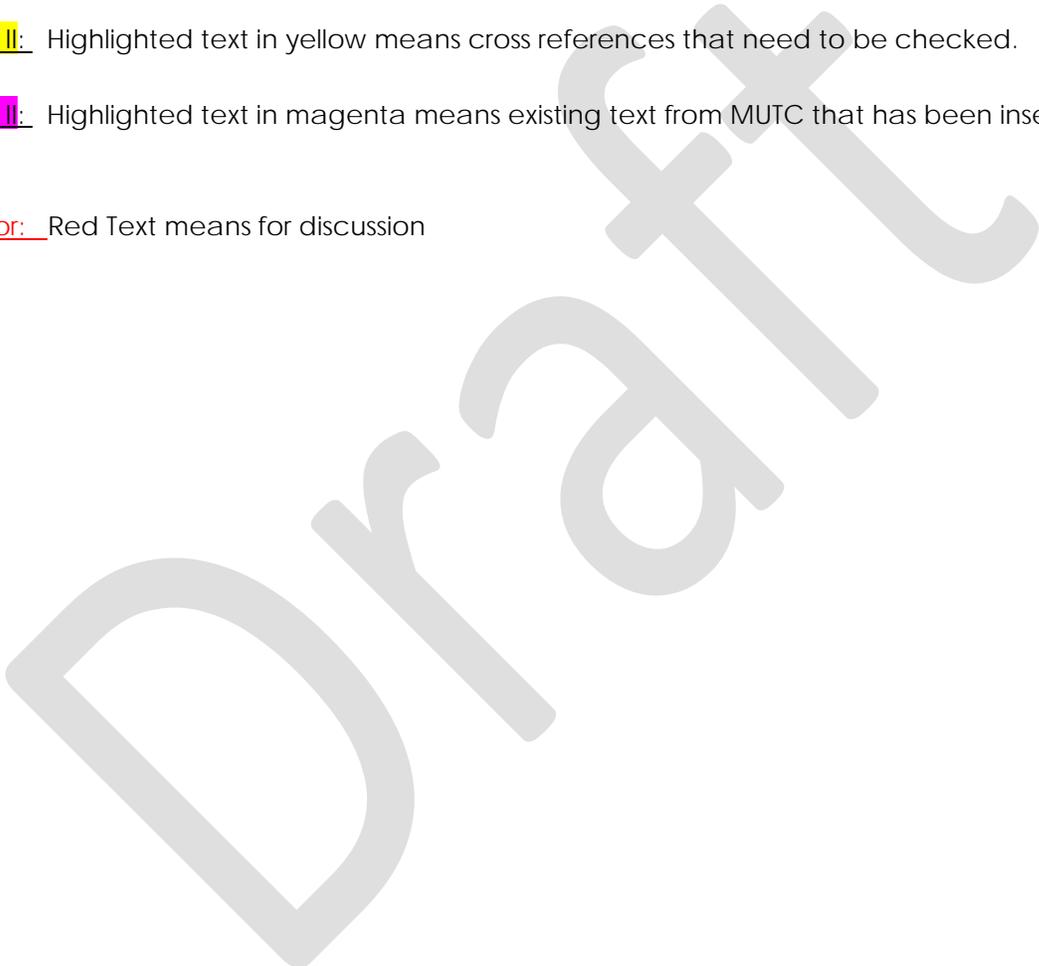
Key to Notations:

**Facade:** Highlighted text in cyan means proposed terms or sections that have been changed from current code.

**Article II:** Highlighted text in yellow means cross references that need to be checked.

**Article II:** Highlighted text in magenta means existing text from MUTC that has been inserted into MU.

**Director:** Red Text means for discussion



**Sec. 24-58 FCC Fulford City Center (Mixed Use) Mixed Use (MU) District**

The following general intent, provisions and regulations shall apply to all mixed use districts in the City:

(A) Purpose. Mixed-use districts may be applied to limited areas in the City to permit the efficient use of the land, as well as a clustering of different land uses to employ the principles of good urbanism in the planning and development of the City. Mixed-use districts allow residential and nonresidential uses, as defined in the Future Land Use Element of the City's Comprehensive Plan and as established in the specific approved neighborhood master plan.

(B) Establishment of Mixed-use districts. Mixed-use districts may be established by amendment of the official zoning map, or as an overlay district, for tracts of land suitable in location, extent, and character for the structures and uses proposed as stated in the specific neighborhood master plan.

(C) General provisions and requirements. General provisions and requirements for Mixed-use districts shall be as follows:

(1) Neighborhood master plan and the City's Strategic Plan. A neighborhood master plan must be adopted by the City Council prior to the rezoning of property to a Mixed-use zoning district and shall reflect the goals and objectives of the City's Strategic Plan, when applicable.

(2) Conflict with other regulations. The provisions of this section shall apply generally to the creation and regulation of all Mixed-use districts. Where conflicts exist between these Mixed-use provisions and general zoning, subdivision, or other applicable regulations, the Mixed-use regulations shall apply.

(3) Mixed-use district required elements. Each individual Mixed-use district must contain the following elements:

- a. District boundaries.
- b. Building height.
- c. Building placement.
- d. Building use.
- e. Parking and loading.
- f. Design Standards
- g. Signage standards.
- h. Landscaping.
- i. Publically accessible open space.
- j. Streetscape.
- k. Lot size.

(4) Effect of Mixed-use approval. When approved pursuant to the provisions of this chapter, the neighborhood master plan and all information and documents formally incorporated in the application shall constitute an amendment to this chapter. Development within a Mixed-use district shall occur in conformity with the approved neighborhood master plan.

(D) Limitations on Mixed-use districts.

(1) A rezoning to a Mixed-use district does not guarantee an increase in the height or density allowed by the existing zoning district.

(2) Each individual neighborhood master plan will outline the land uses that will be allowed within that particular Mixed-use district. The preferred locations of new neighborhood uses as provided by the neighborhood master plan shall be identified on a lot by lot basis.

(3) New Planned Unit Developments (PUDs) are not permitted in Mixed-use districts.

(4) Applicability – The applicability of Mixed-use district regulations to existing nonconforming uses and buildings and those uses and buildings made nonconforming by the adoption of a Mixed-use district will be governed by the regulations related to nonconformities in Article IV, Section 24-34.

(E) Process for establishment of a Mixed-use district.

(1) The neighborhood master plan required for the enacting of a Mixed-use district may only be initiated by the City.

(2) The City Council must approve the neighborhood master plan through the public hearing process. After approval of the neighborhood master plan by the City Council, a comprehensive plan text amendment shall be required to place the neighborhood plan in the appropriate City subarea description.

(3) Any specific Mixed-use district zoning regulations must be approved by the City Council, through the public hearing process, and must reflect the goals set forth in the corresponding neighborhood master plan and the City's Strategic Plan, when applicable.

(F) Incentives. Incentives such as, but not limited to, tax increment rebates and increases in the building height or density may be provided in a Mixed-use District in order to accomplish the stated goals and objectives of the neighborhood master plan and the City's Strategic Plan, when applicable. Any tax increment rebate incentive will subject to the North Miami Beach Community Redevelopment Agency's adopted guidelines and policies.

(G) Regulating Plans and Diagrams. The mixed use districts are governed by a series of regulating plans and diagrams. The Regulating Plans and Diagrams demonstrate development standards in both words and diagrams, and include maps designating the locations where the various standards apply. Unless otherwise noted, all development shall be in compliance with the Regulating Plans and Diagrams specified for each mixed use district. The Regulating Plans and Diagrams for the mixed use districts include the following, where applicable:

(1) The Sub-areas Regulating Plan, which divides the mixed use district into Sub-areas. The highest density and intensity within the mixed use district shall be allocated to the Core Sub-area, a Mixed-use area in the heart of the district. The densities and intensities shall then gradually decrease from the Core to the Transition Sub-area where Mixed-uses are still permitted and then further decrease to the Edge Sub-area which is characterized by single uses, including low density residential adjacent to existing low density residential, where applicable.

(2) The Street Network Connectivity Regulating Plan, which shows the location of existing and the required new streets needed to create the prescribed network of streets within the mixed-use district. This Plan also establishes the hierarchy of the streets.

(3) The Designated Publically Accessible Open Spaces and Urban Greenway Systems Regulating Plan, which designates the approximate location of the required publically accessible open spaces and urban greenway system in the mixed-use district.

(4) The Building Heights Regulating Plan, which establishes the maximum building height permitted in each sub-area of the mixed-use district.

(5) The Building Typology and Placement Regulating Diagrams, which provide a schematic representation of the various building typologies. The diagrams demonstrate the required lot standards and profiles of structures. The Building Typology and Placement Regulating Diagrams are shown in Figures X – 7 thru X - 14. Not all building typologies are permitted in each mixed-use district.

(H) Definitions. The definitions within this section shall apply to all Mixed-use districts. If a term is not defined in this section, the definition in Article II shall apply.

(1) Active use means a use within an enclosed building designed for human occupation with a direct view to adjacent streets or publically accessible open space.

(2) Active use, ground floor means an active use that attracts pedestrian activity, provides access to the general public, and conceals uses designed for parking and other non-active uses if present. Ground floor active uses generally include, but are not limited to, retail, other commercial, restaurants, coffee shops, libraries, institution, educational and cultural facilities, residential, and entrance lobbies.

(3) Active use liner means an active use that serves to conceal uses designed for parking and other non-habitable uses. Active liner uses generally include, but are not limited to, commercial, residential, hotel, office and the commercial uses associated with live/work.

(4) Active use-non means a building use which is generally not intended for human occupation. Non-active uses include, but are not limited to, parking and building service areas such as storage, mechanical, electrical and trash. Architectural treatment shall be provided for all non-active use facade elevations.

(5) Architectural features means building components attached to or part of a facade and consisting generally of projections intended to provide architectural character and facade articulation.

(6) Architectural treatment means the provision of architectural and/or landscape elements on a facade which serve to visually screen non-active uses.

(7) Auto-oriented uses means any use that discourages walkability such as but not limited to, large surface parking lots, drive-thru facilities, motor vehicle sales, service and repair, motor vehicle fuel sales and service and similar uses that, by their nature, are built with special accommodations for service directly to the automobile or the occupants of automobiles and require the extensive use of automobiles as part of their primary function.

(8) Awning means a roof-like projection without vertical supports placed above windows and doorways to provide pedestrian protection from sun and rain, and to enhance building facades and storefronts with color and dimension.

(9) Building frontage means the percentage of a building façade that is generally parallel, facing, or oriented toward a street and that lies within the minimum and maximum setback area allowed and shall include a principal building and active use.

- (10) Canopy means a roof-like projection without vertical supports generally placed above primary building entrances or along building facades to provide facade hierarchy, pedestrian orientation and accentuation.
- (11) Courtyard building type means a building characterized as having a central open space that is open to the sky and enclosed by habitable space on at least three sides.
- (12) Courtyard house means a dwelling unit distinguished by the provision of an open-air courtyard or atrium. The courtyard is enclosed on at least three sides by habitable space and shall provide penetrable openings such as windows and doors between the interior of the dwelling and the courtyard.
- (13) Courtyard, garden means a public or semi-public open space that is partly surrounded by walls or buildings and is open to a public right-of-way or public space on at least one side or portions of its sides, with a higher percentage of vegetated area.
- (14) Courtyard, interior means a private open space that is wholly or partly surrounded by walls or buildings.
- (15) Covered structures means non-habitable areas such as storage areas, restroom facilities, vertical circulation access ways, open air structures such as cabanas, gazebos, trellis and other similar structures which accommodate outdoor common areas.
- (16) Encroachment means the maximum allowed projection of a building element beyond the minimum setback or into an adjacent public right-of-way.
- (17) Facade means the vertical exterior surface of a building or parking structure which faces a right-of-way or property line.
- (18) Facade articulation means the provision of architectural features or treatment on a facade.
- (19) Facade elevation means the entire area of a facade that is visible in a two dimensional architectural elevation drawing, but not including facade areas that abut buildings on separate lots with zero setbacks and are therefore fully hidden from view.
- (20) Fenestration means the arrangement and design of windows, doors, and openings in a building.
- (21) Flex building type means a building that is designed to respond to changes of function in a flexible way. The flex building type is able to accept different internal configurations and easily adapt to its surroundings.
- (22) Forecourt means an open area, in front of the building, surrounded by walls on at least 3 sides.
- (23) Greenways, urban means an improved outdoor area in an urban environment, set aside for recreational use or pedestrian connectivity.

- (24) Ground floor means the street-level story of a building.
- (25) Height means the maximum vertical extent of a building or structure that is measured as a number of stories not to exceed a vertical dimension in feet.
- (26) Liner building type means a building that conceals a garage, or other faceless building, that is designed for active use.
- (27) Live/work means a type of Mixed-use development that combines a nonresidential use with a residential dwelling unit.
- (28) Mezzanine means a partial story that may occur anywhere in the building and shall be utilized for functions ancillary to the floor in which it is located. The height of the mezzanine is not included in the height of a story, provided it does not cause the building to exceed the maximum allowable height.
- (29) Open space means an improved outdoor area open to the sky, that meets the requirements in Section 24-58(M).
- (30) Open space, private means open space that is intended solely for the use of building occupants.
- (31) Open space, public or publically accessible means a ground floor open space for public use and public accessibility abutting a public street on at least one side and with unencumbered pedestrian access from the public sidewalk or right-of-way for the general public at all times.
- (32) Open space, semi-public means a ground floor open space intended primarily for use by building occupants but may have limited public access.
- (33) Pedestrian Passageway means an open space that provides a pedestrian-only cross-block connection from two or more public rights-of-way or public spaces.
- (34) Podium means the lower portion of the tower building type on which the tower rests.
- (35) Projection, horizontal means any facade surface or building component which protrudes from the main building facade plane, including, but not limited to, architectural features, awnings, balconies, canopies, colonnades and porches.
- (36) Sideyard house a detached dwelling distinguished by the provision of an unenclosed porch on the side of the house. The side porch is screened from the view of the street by a wall or fence.
- (37) Story means the vertical space in a building measured between the upper surface of any floor and the surface of the next floor above, or if there is no floor above, then the space between the floor and the uppermost surface of the ceiling assembly or roof above. The number of stories is used to calculate building height.
- (38) Street designation means a street classification system that regulates the characteristics of streets and rights-of-way with respect to spatial dimension, pedestrian and vehicular mobility and building active uses. Street designations vary

in each mixed-use district and generally consist of four types: primary, secondary, tertiary and alleys.

(39) Street Vista means a view down a street or corridor that ends with a building serving as the focal point.

(40) Tower building type means a multi-level building organized around a central core where a part of the building is higher in proportion.

(41) Transit Facilities means structures, appurtenances and improvements related to the support and function of effectively providing mass transit such as stops (bus, train, water taxi) including the shelters, structures, signs and furniture associated with those stops; designated park and ride parking spaces; and other transit-related infrastructure.

(I) Use Standards. The following use standards shall apply to development in all mixed-use districts **in addition to any applicable use specific standards in other sections of the Code:**

(1) The vertical mixing of residential uses with nonresidential uses within a single project or building, with residential development on upper floors, is encouraged. The horizontal mixing of stand-alone residential developments and adjacent stand-alone nonresidential or mixed-use developments in the district is allowed, provided the developments are well integrated in terms of complementary uses, access and circulation, and compatible design.

(2) The incorporation of high-activity nonresidential uses such as retail shops and restaurants at street level is encouraged, especially along those building facades abutting or most visible from primary streets, other major arterial streets, major pedestrian walkways, or public spaces.

(3) New auto-oriented uses are prohibited.

(J) Street Standards. The following standards shall apply to development in all mixed-use districts:

(1) The periphery of any site fronting on a public right-of-way shall be improved by the provision of sidewalks, streetlights, street furniture, street trees and other elements, covering the entire area from face of curb to face of building.

(2) Where a sidewalk or other pedestrian walkway crosses a parking lot, street, or driveway the following standards shall apply:

a. The intersection shall be clearly marked and lighted for safety;

b. The sidewalk shall be continuous and remain at a constant level at all instances; and

c. A change of tactile surface texture shall be installed at all street crossings.

(3) Street Network Connectivity Regulating Plan and Street Standards. The Street Network Connectivity Regulating Plan for each mixed-use district shows the location of existing and required new streets needed to create the prescribed network of streets within each mixed-use district. This plan also establishes the hierarchy of the streets within the district. In addition, the following shall apply:

a. All streets shall be located according to the Street Network Connectivity Regulating Plan for each mixed use district.

i. All Primary and Secondary Streets shall be required in the same general location as shown on the Street Network Connectivity Regulating Plan and may be modified with respect to alignment, provided that the final alignment

is maintained. Unless otherwise specified in the mixed-use district, no Primary and Secondary Streets shall be deleted or otherwise vacated or removed.

ii. Tertiary Streets and Alleys shown on the Street Network Connectivity Regulating Plan are encouraged to promote connectivity and to conform to block length requirements. Unless otherwise specified in the mixed-use district, tertiary streets and alleys may be modified or deleted for the purpose of assembling parcels for development.

b. The modification or deletion of any street requires the following conditions are satisfied:

i. The modification/deletion is reviewed and recommended by the Director of Community Development Department or his/her designee who shall review the proposed modification for compliance with these regulations.

ii. The modification/deletion is reviewed and recommended by the Community Redevelopment Agency (CRA), where applicable, who shall review the proposed modification for compliance with the CRA goals and objectives.

iii. The modification/deletion is reviewed and recommended by the Director of Engineering and Public Works who shall review the proposed modification for traffic and safety issues.

iv. The modification/deletion does not diminish the general size and approximate location of an open space shown in the Designated Publically Accessible Open Space and Urban Greenways Systems Regulating Plan.

v. The modification/deletion maintains connectivity to the surrounding area.

vi. The modification/deletion enhances pedestrian safety.

vii. The modification/deletion is compatible with the surrounding area.

viii. The modification/deletion allows for the appropriate use of private property.

ix. The modification/deletion does not create block lengths that exceed the maximum allowed, thereby limiting walkability.

x. The modification/deletion complies with the requirements for vacating and closing streets and alleys, as applicable, in accordance with the **City of North Miami Beach Code of Ordinances**.

c. The design of new streets and modifications of existing streets shall comply with the following requirements:

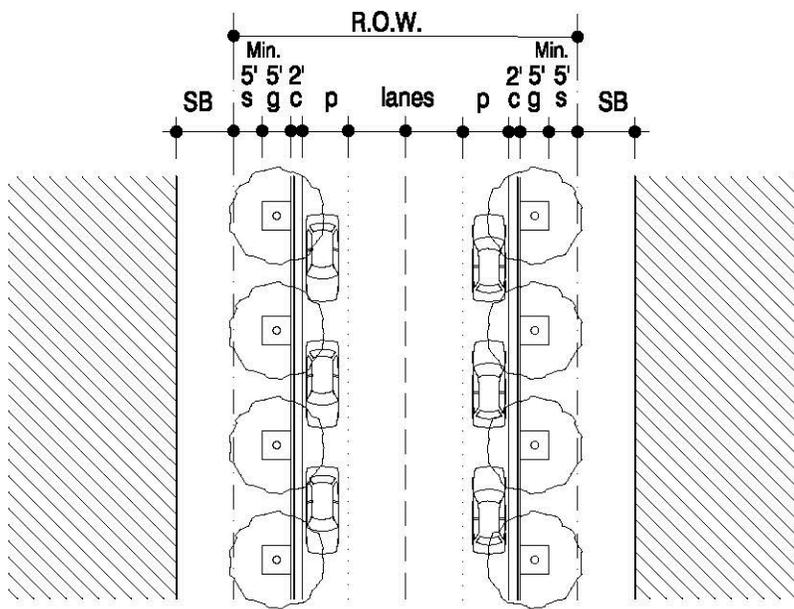
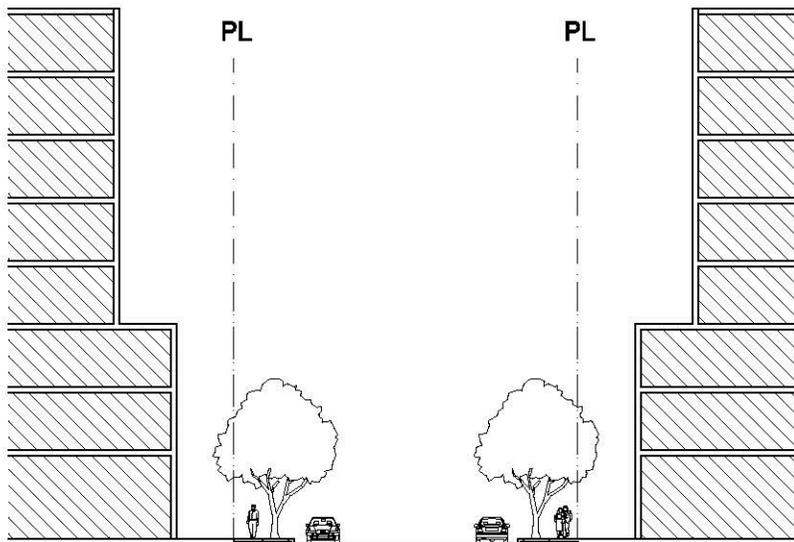
i. All streets and alleys shall connect to other streets or alleys. Cul-de-sacs, T-turnarounds, and dead end streets shall be prohibited.

ii. All streets shall allow general public access. Privately built streets shall provide an approved plat restriction to allow general public access. No gates that impede through traffic are permitted along streets.

iii. Where there is insufficient area for the streetscape improvements within the existing right-of-way, the City may require an easement or dedication at its discretion. Additionally, the development and ongoing maintenance of the required streetscape improvements along the entire property shall be the responsibility of the developer/property owner.

iv. Except as modified through the prescribed public urban greenway and/or street types in each mixed use district, all streets shall be designed according to the typical street sections provided in **Figures X - 1 thru X - 3** and the following standards shall apply:

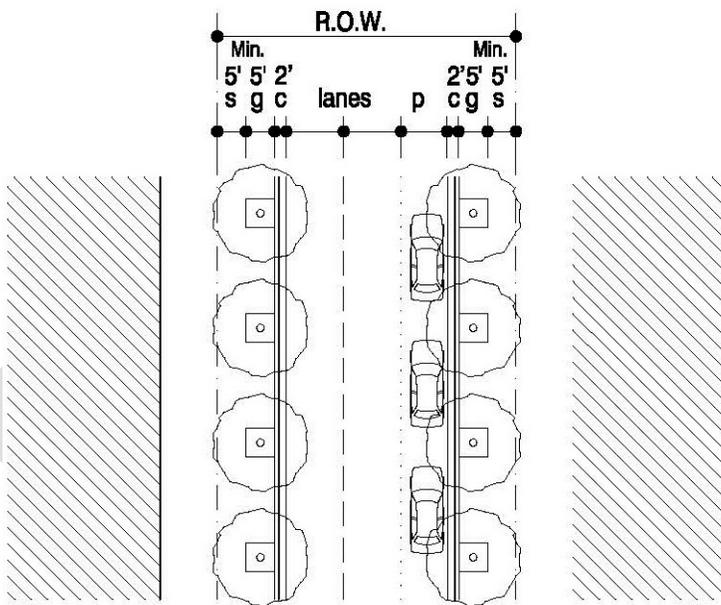
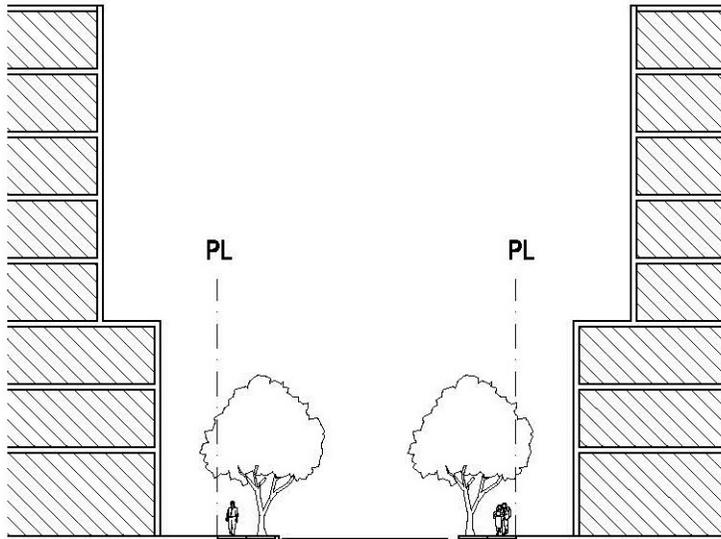
1. A minimum landscaped strip of five (5) feet shall be provided along the street edge.
2. Tree grates a minimum of five (5) feet by five (5) feet may be utilized in place of the required landscape strip. The use of tree grates is appropriate when on-street parking is provided. When no on-street parking is provided, landscape strips are preferred.
3. A minimum sidewalk width of five (5) feet shall be provided adjacent to the landscaped area.
4. A minimum unobstructed area of 60 inches shall be provided in the sidewalk.
5. Where a colonnade is provided, free and clear use of a continuous unobstructed area of at least ten (10) feet within the colonnade.
6. No utility poles, fire hydrants or any other temporary or permanent structures shall be permitted within the unobstructed area.
7. Overhead utilities are not permitted. Existing overhead utilities shall be relocated underground.
8. Where on-street parking is provided on both sides of the street, the minimum right-of way width shall be 60 feet.



Key:

- SB: Setback
- s: Sidewalk
- g: Landscape Strip/  
tree grates
- c: Curb and gutter
- p: Parking
- min: Minimum
- R.O.W.: Right-of-way

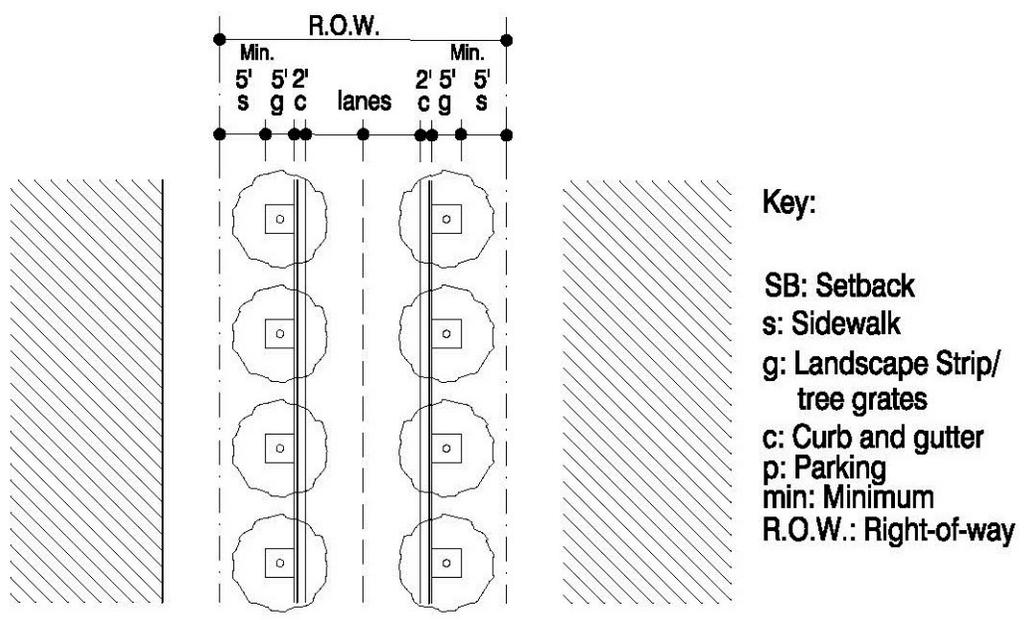
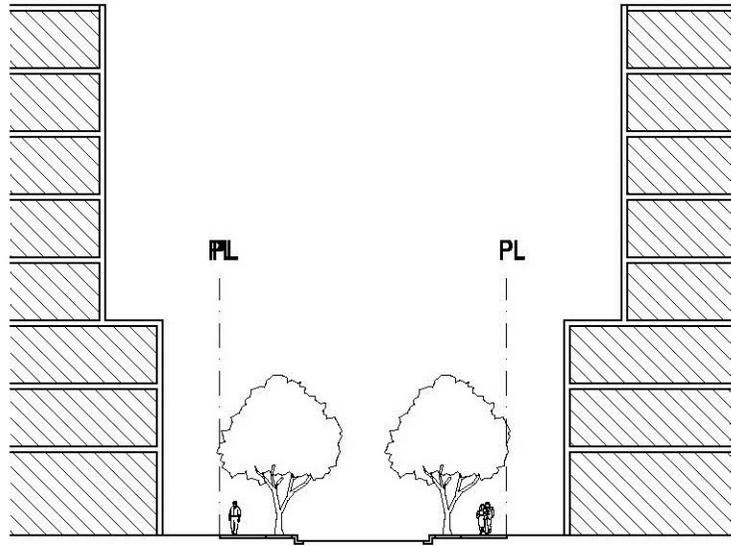
Figure X – 1: Typical street section with parking on both sides



**Key:**

- SB:** Setback
- s:** Sidewalk
- g:** Landscape Strip/  
tree grates
- c:** Curb and gutter
- p:** Parking
- min:** Minimum
- R.O.W.:** Right-of-way

**Figure X – 2:** Typical street section with parking on one side



**Figure X – 3: Typical street section with no parking**

d. **Street Furniture.** Street furniture includes but is not limited to outdoor benches, waste containers, planters, phone booths, bus shelters, bicycle racks, tree grates, decorative stamped concrete or stamped asphalt crosswalks, banners, water fountains, newspaper dispensers and bollards whether within or outside the public right-of-way. Street furniture provided on site shall be compatible with the architecture of the surrounding buildings, the character of the area and other elements of the streetscape. Consistency in the selection and location of the various elements of street furniture is critical for maximum effect and functional use. All street furniture shall be subject to the approval of the City.

(K) Vehicular Access and Circulation, Parking and Loading Standards. The following standards shall apply to development in all the mixed-use districts:

(1) Vehicular Access and Circulation. Vehicular access and circulation developed in compliance with the standards in Article IX (Off-Street Parking and Loading) is required, with the following modifications:

- a. Driveway access shared between adjoining lots shall be required, where feasible, for non-residential and mixed-use development in order to limit direct vehicular access along streets or comply with driveway intersection spacing requirements. (Current code requires it for uses 10,000 sf or less only page 112 Sec. 24-92 (F))
- b. Parking facilities on adjoining lots may share access points, driveways and parking subject to a recorded covenant running with the property on which the facilities are located.

(2) Parking. Parking developed in compliance with the standards in Article IX (Off-Street Parking and Loading) is required, with the following modifications:

- a. Surface Parking Lots. Surface level parking lots, whether stand-alone or part of a larger development, shall comply with the following standards:
  - i. Surface parking shall be located to the side or rear of the property and accessed off an alley or tertiary street when possible. If the parking lot is accessed from a primary or secondary street, there shall be only one point of access to the parking lot area. (Current code regulates number of access points based on frontage street and type of development page 120 Sec. 24-98)
  - ii. Openings off any street shall not exceed two (2) lanes in width and 24 feet maximum per entrance/exit. Entrances/exits on alleys are exempt from this requirement.
  - iii. All parking areas shall have direct pedestrian access to a public walkway.
  - iv. Except along an alley, parking lots may either be screened by a Liner building or in compliance with the standards in Article XI (Landscaping).
  - v. New stand-alone surface parking lots shall only be permitted if constructed, owned and/or operated by the City and/or CRA.
  - vi. Wheel stops shall be prohibited and continuous curbing shall be placed two (2) feet from the front of all parking spaces, except those in a parallel configuration.
- b. Parking Garages. Multi-level parking garage structures, whether stand-alone or part of a larger development, shall comply with the following standards:
  - i. Except along an alley or a pedestrian passageway all levels of the garage shall be screened along all frontages by a Liner building containing a minimum depth of 20 feet of habitable space. The requirement for a Liner building along the side and rear frontage may be waived by the Director of the Community Development Department or his/her designee if the applicant demonstrates compliance with the standards below:
    - 1. All architectural elements that face a street or a publically accessible open space shall appear consistent and harmonious with that of habitable space;
    - 2. No vehicles parked within the garage shall be visible from the street;
  - ii. Openings off any street shall not exceed two (2) lanes in width and 24 feet maximum per entrance/exit. Entrances/exits on alleys are exempt from this requirement.

- iii. The garage shall be accessed from an alley or tertiary street, when possible. If the garage is accessed from a primary or secondary street, there shall be only one point of access to the garage area.
- iv. All parking garages shall have direct pedestrian access to a public walkway.
- v. New stand-alone parking garages shall only be permitted if constructed, owned and/or operated by the City and/or CRA.
- vi. Electric car charging stations will be encouraged to be located within parking structures.
- c. Joint and Shared Use Parking. Joint and Shared Use parking, developed in compliance with the standards in Section 24-92 (B) (Joint and Shared Use Facilities) is permitted, with the following modifications for non-residential uses only:
  - i. The maximum distance between the primary pedestrian entrance of the joint and shared use parking lot or parking garage and the primary pedestrian entrance of the use served by the parking shall be 1320 feet.
- d. Shared Parking. Shared parking, developed in compliance with the standards in Section 24-99 (Shared Parking) is permitted.
- e. Location of Parking. Parking, developed in compliance with the standards in Section 24-92 (D) (Location of Parking) is permitted, with the following modifications for existing non-residential uses only:
  - i. Existing nonresidential uses which need to add spaces to accommodate proposed expansion, may provide for such additional parking on a separate nonresidentially zoned parcel, provided that the maximum distance between the primary pedestrian entrance of the off-site parking lot or parking garage and the primary pedestrian entrance of the use served by the parking shall be 1320 feet.
  - ii. Existing nonresidential uses which need to add spaces to accommodate their existing parking requirements and no expansion is proposed, may provide for such additional parking on a separate nonresidentially zoned parcel, provided that the maximum distance between the primary pedestrian entrance of the off-site parking lot or parking garage and the primary pedestrian entrance of the use served by the parking shall be 1320 feet.
  - iii. All parcels used for remote parking purposes shall be joined with the parcel on which the principal use is located by a recorded easement and/or operational agreement, which shall be approved by the City Attorney. Those parties having any right, title or interest in and to the parcel being served by the remote parking shall execute and place in the public records of Miami-Dade County, Florida at their expense, a covenant, approved by the City Council, that the nonresidential use, or portion there-of, that requires the remote parking in order to obtain the necessary permits or licenses, shall cease and terminate upon the loss and elimination of the remote parking, and that no nonresidential use may be made of the portion of the property requiring remote parking until the required parking facilities are available and provided. This covenant shall run with the land and be binding on the heirs, successors, assigns and lessees, and shall contain a provision that the City may collect costs and attorney's fees if litigation is necessary to enforce this covenant.

(3) Loading. Properties within the mixed use districts shall comply with the standards for Off-Street Loading in Section 24-96 (Off-Street Loading Requirements) and Section 24-

97 (Minimum Loading Space Requirements). Loading for properties within the mixed-use districts shall be provided on-site. Where it is unfeasible to provide loading on-site, loading shall be permitted off an alley. Where an alley is not existing, proposed or feasible, loading shall also be permitted on-street subject to the following conditions:

- a. The loading area shall be located within the on-street parking along a tertiary street;
- b. An On-Street Loading Plan, subject to Site Plan approval, is required. The On-Street Loading Plan shall demonstrate the location of the loading space(s), the hours for loading and unloading, and a list of the uses on abutting properties and their respective hours of operation; and
- c. The hours of loading and unloading, as demonstrated in the On-Street Loading Plan, shall not create a conflict with the current or proposed uses on abutting properties. Should the hours of loading and unloading create a conflict with current or future uses on abutting properties, the on-street loading plan shall be revised and/or revoked accordingly.

(L) Landscape Standards. The following standards shall apply in addition to any applicable standards in Article XI (Landscaping) not modified herein.

(1) Modified Standards.

- a. Tree specifications shall be as per Section 24-119 (Minimum Landscaping Requirements for All Zoning Districts) except for the following:
  - i. A maximum of twenty-five (25) percent of all required trees shall be of a palm species.
  - b. Utilization of berms to screen parking and/or vehicular use areas from public thoroughfares and adjacent residential uses shall be prohibited.
  - c. Perimeter landscape requirements: The requirement of a continuous buffer strip of not less than five (5) feet in width, along the perimeter of a property adjacent to any street right-of-way only, shall not be required.

(2) Additional Standards.

- a. Building setback shall be adjusted to preserve existing native tree canopies, where feasible.
- b. Landscape strips shall only be placed between the sidewalk and the back of curb.
- c. Use of trees to provide shade, color, and interest, and use of vines, or trained plant materials is appropriate.
- d. Street Trees.
  - i. Street trees are required and shall be spaced at a maximum of 30 feet on center.
  - ii. Street trees shall not be required when colonnades are being provided along the street and the colonnade is placed at a maximum of 5 feet from the back of curb.
  - iii. When a landscape strip is not provided, street trees shall be placed in tree pits covered with ADA compliant grates. Tree grates shall be sized appropriately for each tree species at maturity. The use of tree grates is appropriate when on-street parking is provided. When no on-street parking is provided, landscape strips are preferred.
  - iv. Adequate clearance to the building facade for uniform development of the street tree canopy shall be demonstrated for the type and species selected.

(3) Passageways.

- a. Pedestrian passageways shall be a minimum clear width of 15 feet between buildings.
- b. A minimum of 50 percent of the pedestrian passageway shall be shaded and may include a combination of landscaping and architectural elements.
- c. If provided, tree placement shall be in planters or tree grates a minimum of five (5) feet by five (5) feet.
- d. Pedestrian scaled lighting shall be provided.

(M) Open Space Standards. Open space areas may be one of three types: designated publically accessible, semi-public or private.

(1) Designated Publically Accessible Open Spaces. The Designated Publically Accessible Open Spaces and Urban Greenway Systems Regulating Plan for each mixed-use district shows the approximate location of existing public and new designated publically accessible open spaces throughout the mixed-use district, where applicable. New designated publically accessible open spaces are small in scale, largely devoted to natural landscaping and tend to have few structures. Accessory structures may include, statuary, fountains, etc. New designated publically accessible open spaces shall be subject to the following requirements:

- a. The minimum size of a new designated publically accessible open space shall be as specified in the zoning district.
- b. New designated publically accessible open spaces shall be provided at grade level.
- c. New designated publically accessible open spaces shall provide shaded areas, and their ground surface shall be a combination of paving materials, lawn, or ground cover.
- d. Off-street parking shall not be required for new designated publically accessible open spaces.
- e. Fences, walls and hedges are permitted around the perimeter of a new designated publically accessible open space at a maximum height of 36 inches, provided the enclosure does not prohibit public access.
- f. The development and ongoing maintenance of a new designated publically accessible open space area shall be the responsibility of the developer/property owner.
- g. Properties that provide new designated publically accessible open space shall be permitted relief from the minimum and maximum building setback requirements along the portion of the building fronting the open space specifically for the purpose of accommodating the open space.

(2) Semi-public Open Spaces

- a. Semi-public open space shall only be permitted where residential dwelling units are on the ground floor.
- b. Semi-public open space shall count towards the minimum private open space requirement.
- c. Semi-public open space shall abut a public sidewalk and be visible from the street.
- d. The development and ongoing maintenance of a new semi-public open space area shall be the responsibility of the developer/property owner.
- e. Off-street parking shall not be required for semi-public open spaces.

- f. Fences, walls and hedges are permitted around the perimeter of a semi-public open space at a maximum height of 36 inches.
- g. Properties that provide semi-public open space shall be permitted relief from the minimum and maximum building setback requirements along the portion of the building fronting the open space specifically for the purpose of accommodating the open space.

(3) Private Open Spaces

- a. Private open spaces shall be provided in the form of colonnades, courtyards, terraces, and lawns. Corridors, walkways, lobbies, parking courts and parking lot buffers shall not count towards the private open space requirement.
- b. The minimum area required for private open space shall be as specified in each mixed-use district.
- c. Private open spaces shall provide shaded areas, and their ground surface shall be a combination of paving materials, lawn, or ground cover.

(4) Open Space Type Configuration and Design. New designated publically accessible open spaces and new semi-public open spaces shall be developed in the form of greens, plazas or squares.

a. Greens.

- i. Greens shall have more than 50 percent of their property lines surrounded by residential uses.
- ii. Exclusive of dedicated rights-of-way, the maximum impervious surface area is 20 percent. The pervious surface areas shall consist primarily of sod, trees, and garden structures.

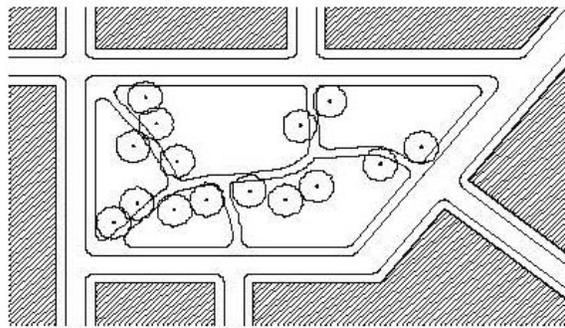


Figure X - 4: Green

b. Plazas.

- i. Plazas shall have more than 50 percent of their property lines surrounded by nonresidential uses.
- ii. Exclusive of dedicated rights-of-way, the minimum impervious surface area is 50 percent and the maximum impervious surface area is 75 percent. The pervious surface areas shall consist primarily of sod, trees that are regularly spaced, and garden structures. The impervious surfaces shall consist of paved areas, permanent architecture such as archways, statues and gazebos or water-oriented features.

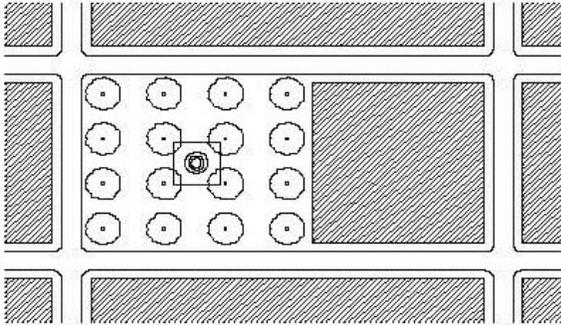


Figure X - 5: Plaza

c. Squares.

- i. Squares shall be flanked by streets on at least three (3) sides.
- ii. Exclusive of dedicated rights-of-way, the maximum impervious surface area is 50 percent. The pervious surface areas shall consist primarily of sod and trees that are regularly spaced. The impervious surfaces shall consist of hard-surfaced walks.

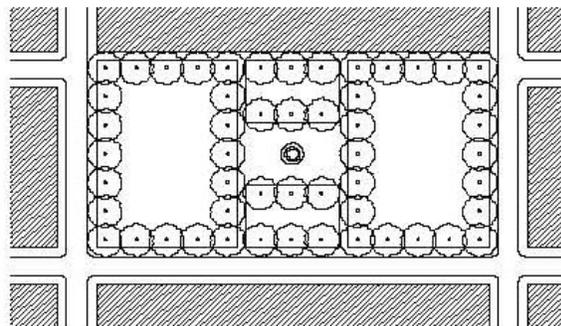


Figure X - 6: Square

(N) Designated Publically Accessible Urban Greenways Systems. The Designated Publically Accessible Open Spaces and Urban Greenways Systems Regulating Plan for each mixed-use district shows the approximate location of the required publically accessible urban greenways system throughout the mixed-use district. The property owner shall dedicate the land for the publically accessible urban greenway or provide an easement, at the City's discretion, for public access along the entire length of the greenway abutting the property. Additionally, the development and ongoing maintenance of the required designated publically accessible urban greenways shall be the responsibility of the developer/ property owner along the urban greenway. The design and dimensional requirements for the required greenways are specified in each mixed-use district.

(O) Mechanical Equipment and Service Utilities. The following standards shall apply in addition to any applicable standards in Section 24-81 (Setback Encroachments) not modified herein:

- (1) Mechanical equipment, backflow preventers, television antennas, satellite dishes, communication devices and similar systems and service areas shall not be visible from the public sidewalk and shall be located to the rear of a building or on an alley where feasible.
- (2) Window air conditioning units shall not be visible from any street.
- (3) Utility connections and service boxes shall not be visible from any street.

(P) Fences, Walls and Hedges. The following standards shall apply in addition to any applicable standards in Section 24-80 (Fences, Walls and Hedges) not modified herein.

(1) Fences, walls and hedges in non-residential and mixed-use buildings shall only be permitted when used in conjunction with the following:

- a. Screening of mechanical equipment;
- b. Screening of off-street loading, trash and service areas;
- d. Required perimeter buffer; and
- e. Screening of off-street parking lots.

(2) Fences, walls and hedges in residential buildings located within the front setback shall not exceed 48 inches in height.

(3) No fence or wall may be constructed, installed or maintained which includes barbed wire, broken glass, electrical elements, or other hazardous materials.

(Q) Light Pole Standards. The following standards shall apply for light poles:

(1) Light poles shall not exceed an overall height of 17.5 feet above grade;

(2) No cobra head lights are permitted;

(3) All lighting shall be LED or light-emitting diode; and

(4) All lighting shall be weather and vandal resistant (i.e. resistant to graffiti, shattering etc.).

(5) All lighting shall be constructed from steel, cast iron, spun aluminum, colored concrete or granite.

(6) All wiring shall be underground.

(7) On-site lighting poles shall be of a consistent architectural style and shall complement the predominant architectural theme of the project.

(R) Height Standards. The height of buildings shall be measured in stories and in feet. The maximum overall building height shall not exceed the maximum building height allowed for the district. Additionally, the following shall apply:

(1) Building height is the vertical distance above the centerline of the adjacent fronting road to the highest point of the building, or in the case of pitched roofs, to the average height between the bottom of the eave and the peak of the roof. In a Special Flood Hazard Area (SFHA) the building height shall be measured from the minimum finished flood elevation required in the SFHA. Only accessory structures permitted elsewhere in these regulations to extend beyond the height of the building are exempt from the maximum allowable building height requirements.

(2) Each story shall be permitted a maximum height of 12 feet except for the ground floor which shall be permitted a maximum height of 20 feet.

(3) When the mezzanine area is greater than 50 percent of the floor area in which it is in, it shall count as a full story when calculating building height.

(4) Parking garages shall be measured in levels.

(5) Each parking garage level at the frontage line(s) shall equal one story for the purposes of measuring building height.

(6) Any parking garage levels that are fully concealed by a habitable story and use for a minimum depth of 20 feet from the frontage line(s) are not restricted in the number of levels, provided that the overall height of the garage does not exceed the overall height of the habitable stories at the frontage line.

(S) Design Standards. The following design standards shall apply:

(1) Building Configuration and Design.

- a. Building length. The maximum horizontal dimension of a building shall be 300 feet.
- b. Building Separation. For tower building types only, when a building is constructed at the maximum building length, a minimum 30 foot separation at the podium level shall be required between the subject building and any subsequent building.
- c. Projects with three or more distinctly separate buildings/building groups shall have substantially different front elevations. Substantially different front elevations shall include but not be limited to variations in fenestration, material, massing and color.
- d. The primary entrance of a building shall provide access to a public right-of-way, urban greenway or an open space.
- e. The primary entrance to the upper levels of a mixed-use building shall be from a public right-of-way.
- f. Porticoes, canopies, colonnades and roofs shall be guttered, and drainage shall be deposited on-site.
- g. Active Use Standards. Active uses shall be required along all building frontages and the following shall apply:
  - i. Ground floor active use. Storefronts are active uses located along the ground floor of a building. Storefronts shall be provided in compliance with the following standards:
    - 1. They shall be provided on the ground floor of all mixed-use and non-residential buildings;
    - 2. They shall be directly accessible from a street frontage, urban greenway or an open space;
    - 3. For properties with two or more frontages, they shall be located on a minimum of two frontages, with priority given to frontages on an urban greenway, open space and the highest ranking street;
    - 4. They shall have a transparent clear glazed area of not less than 70 percent of the façade area;
    - 5. Ground floor window sills shall be placed at a maximum height of 24 inches above grade; and
    - 6. Security enclosures, if any, shall be of the mesh type that pedestrians can see through, and shall be located behind storefront displays.
  - ii. Active use liner. The minimum depth of an active use liner is measured generally perpendicular to the building frontage.
    - 1. The minimum depth of the active use liner shall be 20 feet.
    - 2. Those portions of active use liners which exceed the minimum frontage requirements may have a minimum depth of 15 feet.
    - 3. When a parking structure is the primary use, the active use liner may be reduced to a minimum of 15 feet.
- h. Facade articulation requirements.
  - i. Architectural features or architectural treatment shall be provided for all facade elevations.

- ii. The following shall be permitted, but shall not be considered architectural features or architectural treatments acceptable as facade articulation: inward or recessed projections resulting from required setbacks; paint; faux treatments; building signs; construction joints, scoring, or material applications less than four inches in height, width or depth.
- i. Architectural Treatment standards.
  - i. Architectural treatment shall be provided for all non-active use facade elevations and shall be integrated with the design of adjacent active use facades.
  - ii. Architectural treatment shall be provided through a combination of two (2) or more treatments including, but not limited to, the use of materials and construction assemblies; the continuation of fenestration patterns, architectural features, articulation and rhythm; the application of architectural screens, meshes, louvers, and glass; the incorporation of vegetated surfaces and planters; and architectural lighting.
  - iii. Architectural treatment does not include the application of paint and faux treatments; scoring, construction joints or material projections less than four inches in height, width or depth. These elements are permitted, but they do not fulfill the requirements of architectural treatment.
- j. Fenestration Standards. All building types, except single-family, shall comply with the following fenestration standards:
  - i. Except for storefronts, a minimum of 30 percent of all ground floor street walls shall be fenestrated with windows;
  - ii. Mirror type glass shall be prohibited;
  - iii. All glazing shall be of a type that permits view of human activities and spaces within the structure; and
  - iv. Colonnade column spacing, windows, and doors shall be proportioned such that the height of each opening is greater than its width.
- k. Colonnade Standards.
  - i. Colonnades built to satisfy building frontage requirements shall be attached to the principal structure.
  - ii. In no case shall the depth of the colonnade exceed the colonnade's height.
  - iii. The finished floor elevation of the colonnade shall match the adjoining sidewalk, when applicable.
- l. Awnings. The type of awning used and its form, materials and color shall be consistent with the design character of the building to which it is attached and shall be subject to the following requirements:
  - i. Awnings shall be located between, rather than across, significant vertical architectural features that make up the composition of the facade, such as pilasters or protruding columns. Awning framing shall align with storefront framing.
  - ii. Awnings shall be rectangular in shape with straight edges except when located above an archway or arched fenestration.
  - iii. Vinyl and plastic awnings are prohibited unless treated in a manner so as to appear similar to canvas or other natural materials in texture and color.
  - iv. Valances shall not exceed eight (8) inches in height.

- v. When used, lighting for awnings shall be from fixtures located above the awning and shall be designed and placed to enhance the appearance of the building. Internally illuminated awnings are prohibited.
- vi. A waiver may be granted administratively by the Director of the Community Development Department or his/her designee in order to maintain the architectural character of a structure, or in the event that site features, such as, but not limited to, utility line poles or street trees, restrict the applicant from full compliance.
- m. Automatic food and drink machines and telephones must be located inside buildings.
- n. Dwelling units. Dwelling units shall not be less than 550 square feet. In multiple dwelling unit buildings, the cumulative average of all dwelling units shall not be less than 800 square feet.
- o. Live-Work Units. Both the non-residential and the residential uses in the live-work unit shall be occupied by a common owner or tenant and shall comply with the following standards:
  - i. The nonresidential use's space shall be located on the ground floor and shall be directly accessible from the street frontage, urban greenway or an open space;
  - ii. The ground floor shall be restricted to those non-residential uses permitted within the mixed use districts. The full conversion of the unit or lease space into all residential use or all non-residential uses shall be prohibited;
  - iii. The nonresidential use's facade shall have a transparent clear glazed area of not less than 70 percent; and
  - iv. If the entrance of the residential component of a live-work unit is separate from the nonresidential use's portion of the unit then the primary entrance of the residential component shall directly lead to a street frontage, urban greenway or an open space.
- p. Rooftop terraces. These regulations are intended to guide the nonhabitable use of rooftops for buildings built to the maximum story height limit to allow rooftop terraces. Rooftop terraces and rooftop amenities, such as roof gardens, observation decks, swimming pools, and running tracks, are encouraged to create unique gathering spaces to aid in the reduction of the urban heat index in the mixed-use district area, and to add aesthetic value to the buildings. Rooftop terraces are not intended to add additional story height for uses that could otherwise occupy space within the building, such as, but not limited to, fitness centers, restaurants, locker rooms, and other similar amenities. Rooftop terraces shall be subject to the following criteria:
  - i. Rooftop terraces shall be architecturally compatible with the design of the overall building.
  - ii. Rooftop terraces that are entirely open to the sky may occupy 100 percent of the total gross roof area.
  - iii. Rooftop terraces shall be hardscaped with materials such as, but not limited to, patterned concrete, pavers, or wood decking.
  - iv. Rooftop terraces shall provide shaded seating areas.
  - v. Rooftop terraces shall be landscaped over a minimum of 15 percent of the rooftop terrace area. Landscaping shall consist of trees, shrubs, ground cover, and vines.

q. Covered structures.

- i. Covered structures above the maximum allowable building height are permitted to cover a maximum area of 30 percent of the gross rooftop area. For the purposes of calculating the maximum area, the term "covered structures" shall not include enclosures for screening mechanical systems.
- ii. Covered structures above the maximum allowable building height shall not be designed in any manner that would permit the conversion of such structure from non-habitable to habitable space, and shall not include commercial uses. Covered structures shall be compatible with and in proportion to the architecture of the overall building. The following restrictions apply:
  1. Climate-controlled structures are limited to the minimum area necessary to accommodate uses which are secondary and incidental to the primary rooftop amenity. These structures may include saunas and steam rooms and code-required restrooms.
  2. The supporting restroom facilities shall not exceed 110 percent of the size required by the health department.
  3. Refreshment service areas are permitted provided such areas do not include cooking facilities and are not climate-controlled.
  4. Open air structures located on the ground floor shall not be subject to these requirements.

r. Swimming Pools. Swimming pools and/or whirlpools are permitted in rooftop terraces subject to the following criteria:

- i. Swimming pools and/or whirlpools are permitted provided the top of the surrounding deck does not exceed eight feet above the top of the main rooftop.
- ii. Swimming pools and/or whirlpools shall be surrounded by a minimum five-foot wide walkway.
- iii. Facilities associated with swimming pools shall comply with the standards for covered structures.

(2) Block Requirements. The following standards for blocks shall apply:

- a. In the Mixed-Use Employment Center (MU/EC), Mixed-Use Neighborhood Center (MU/NC), and Arch Creek Mixed-Use Corridor (MU/C) the maximum length of a block shall be 600 feet and the maximum perimeter shall be 1,900 feet. The perimeter of a block is the sum of the sides of the block.
- b. In the South Mixed-Use Waterfront (South MU/WF), Eastern Mixed-Use Waterfront (Eastern MU/WF) and Northern Mixed-Use Waterfront (Northern MU/WF) the maximum length of a block shall be 400 feet and the maximum perimeter shall be 1,400 feet. The perimeter of a block is the sum of the sides of the block.

(3) Building Typology and Placement Regulating Diagrams and Dimensional Standards.

- a. Building Typology. All new buildings shall conform to one of the permitted building typologies. The building typologies are demonstrated in the Building Typology and Placement Regulating Diagrams as shown in Figures X – 7 thru X - 14. The diagrams provide a schematic representation of the various building typologies and demonstrate the required setbacks, lot standards, and profiles of structures. Not all building typologies are permitted in each mixed-use district. Each mixed-use district specifies the allowable building types permitted in each district. Existing buildings which do not fit a prescribed typology, shall follow the

standards required for the Flex building typology.

Insert Building typology diagrams: Figures 7-14

b. Setbacks and Building Frontage.

i. Front and Street Side Setbacks and Building Frontage. Front and Street Side setbacks are determined based on the street the building fronts and is specified in each mixed-use district. For purposes of the building frontage, a forecourt shall be considered as a principal building. Where a forecourt is provided, the following shall apply:

1. The portion of the building fronting the forecourt may be set back up to 25 feet from the property line to accommodate a forecourt.

2. Where there is an outdoor eating area installed on the street frontage, the building frontage may be altered by providing a forecourt. The forecourt shall not exceed sixty (60%) percent of the building frontage as shown in Figure X - 15.

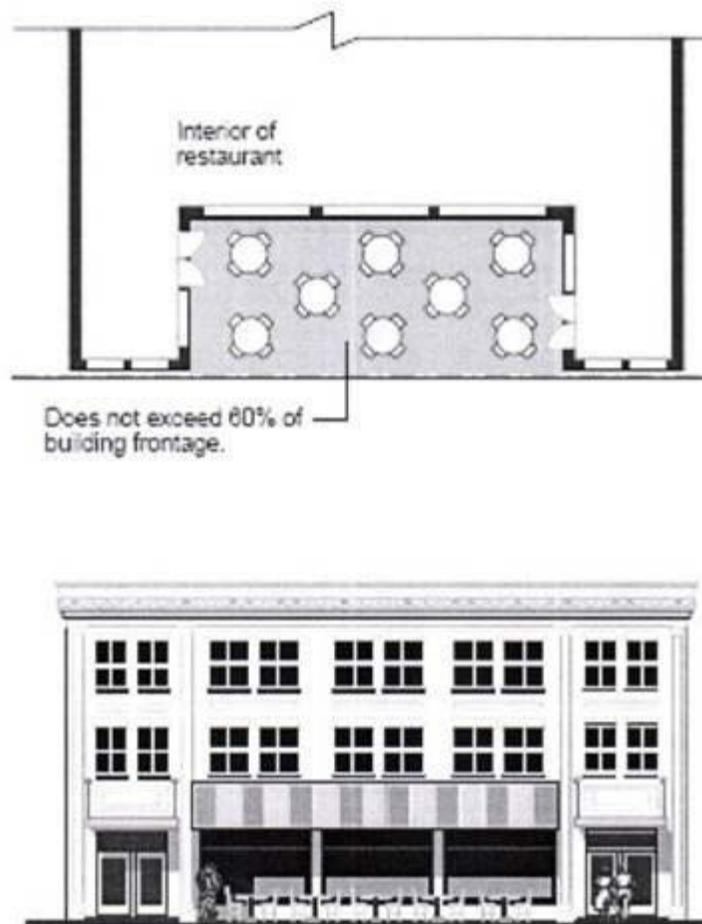


Figure X - 15: Square

- ii. Interior Side and Rear Setbacks. Interior Side and Rear Setbacks are determined based on the selected building typology. **Table X - 1** lists the minimum interior side setbacks based on building typology.

**Table X - 1 Interior Side and Rear Setbacks By Building Type (1)**

<u>Building Type</u>	<u>Interior Side</u>	<u>Rear</u>		<u>Setback Notes</u>
	<u>Min.</u> <u>(No Max.)</u>	<u>Min.</u>	<u>Max.</u>	
<u>Tower (At Podium Level)</u>	<u>0</u>	<u>0</u>	<u>N/A</u>	<u>30 ft. Min. required when abutting townhouses, zero-lot lines and existing single family residential and an alley is not existing or proposed</u>
<u>Liner</u>	<u>0</u>	<u>0</u>	<u>N/A</u>	<u>30 ft. Min. required when abutting townhouses, zero-lot lines and existing single family residential and an alley is not existing or proposed</u>
<u>Courtyard Building A&amp;B</u>	<u>0</u>	<u>0</u>	<u>N/A</u>	<u>30 ft. Min. required when abutting townhouses, zero-lot lines and existing single family residential and an alley is not existing or proposed</u>
<u>Flex</u>	<u>0</u>	<u>0</u>	<u>N/A</u>	<u>30 ft. Min. required when abutting townhouses, zero-lot lines and existing single family residential and an alley is not existing or proposed</u>
<u>Townhouse Type 1</u>	<u>0 (2)</u>	<u>0</u>	<u>5</u>	<u>N/A</u>
<u>Townhouse Type 2</u>	<u>0 (2)</u>	<u>0</u>	<u>25</u>	<u>N/A</u>
<u>Zero-Lot Line (Courtyard House)</u>	<u>0 / 15</u>	<u>0</u>	<u>5</u>	<u>One side shall be 0 feet and the other shall be a minimum of 15 ft.</u>
<u>Zero-Lot Line (Sideyard House)</u>	<u>0 / 15</u>	<u>0</u>	<u>5</u>	<u>One side shall be 0 feet and the other shall be a minimum of 15 ft.</u>
<u>Note:</u>				
<u>(1) Setbacks shall be measured from property lines.</u>				
<u>(2) Except ten (10) feet when abutting a pedestrian passageway.</u>				

**iii. Tower Regulations.**

**1. Tower Floorplate Standard.** The average shall be calculated as the total cumulative tower floorplate area divided by the number of tower stories. The maximum average floorplate is dependent on the tower's primary use as follows: Office or Mixed-use – average up to 35,000 square feet and a maximum of 45,000 square feet for any single tower floorplate; Residential or Hotel – average up to 22,000 square feet and a maximum of 30,000 square feet for any single tower floorplate.

**2. Tower Separation.** The minimum allowable horizontal distance between

two (2) or more tower floorplates shall be 60 feet.

3. Tower Orientation. Tower Orientation shall be specified toward terminating Street Vistas and along Designated Publically Accessible Urban Greenways and Open Spaces, where applicable. The placement of the tower shall be such that it is near, fronting or adjacent to a specified Designated Publically Accessible Urban Greenway and/or Open Space.

c. Lot Standards. Lot standards, including but not limited to lot dimensions and impervious surface area, are determined based on the selected building typology. Table X - 2 lists the lot standards.

**Table X - 2 Lot Standards By Building Type**

<u>Building Type</u>	<u>Lot Standards</u>							<u>Private Open Space</u>	<u>Additional Notes</u>
	<u>Lot Width (Ft.)</u>		<u>Lot Depth (Ft.)</u>		<u>Impervious Surface Area</u>	<u>Lot Area (SF)</u>	<u>Pervious Surface Area</u>		
	<u>Min.</u>	<u>Max.</u>	<u>Min.</u>	<u>Max.</u>	<u>Max.</u>	<u>Min.</u>	<u>Min.</u>		
<u>Tower</u>	<u>200</u>	<u>250</u>	<u>200</u>	<u>N/A</u>	<u>90%</u>	<u>N/A</u>	<u>10%</u>	All multifamily residential, live-work units and Mixed-use developments with residential dwellings shall reserve a minimum of 10% of the site for common, private open space.	<u>N/A</u>
<u>Liner</u>	<u>125</u>	<u>300</u>	<u>170</u>	<u>N/A</u>	<u>90%</u>	<u>N/A</u>	<u>10%</u>	All multifamily residential, live-work units and Mixed-use developments with residential dwellings shall reserve a minimum of 10% of the site for common, private open space.	<u>N/A</u>

<u>Courtyard Building</u>	<u>150</u>	<u>200</u>	<u>160</u>	<u>N/A</u>	<u>90%</u>	<u>N/A</u>	<u>10%</u>	<u>All multifamily residential, live-work units and Mixed-use developments with residential dwellings shall reserve a minimum of 10% of the site for common, private open space.</u>	<u>N/A</u>
<u>Flex</u>	<u>75</u>	<u>200</u>	<u>130</u>	<u>N/A</u>	<u>90%</u>	<u>N/A</u>	<u>10%</u>	<u>All multifamily residential, live-work units and Mixed-use developments with residential dwellings shall reserve a minimum of 10% of the site for common, private open space.</u>	<u>N/A</u>
<u>Town-house Type 1</u>	<u>25</u>	<u>30</u>	<u>100</u>	<u>110</u>	<u>90%</u>	<u>1,800</u>	<u>10%</u>	<u>Minimum of 400 sq. ft. of private open space shall be required in the form of a rear yard.</u>	<u>Townhouses shall provide a minimum of 15 feet between building groups and the length of a building group shall not exceed 240 feet.</u>
<u>Town-house Type 2</u>	<u>25</u>	<u>30</u>	<u>70</u>	<u>85</u>	<u>90%</u>	<u>1,800</u>	<u>10%</u>	<u>Minimum of 200 sq. ft. of private open space shall be required and a rear yard shall not be required.</u>	<u>Townhouses shall provide a minimum of 15 feet between building groups and the length of a building group shall not exceed 240 feet.</u>

<u>Zero-Lot Line (Courtyard House With Alley)</u>	<u>40</u>	<u>50</u>	<u>100</u>	<u>110</u>	<u>70%</u>	<u>4,000</u>	<u>30%</u>	<u>Minimum of 400 sq. ft. of private open space shall be required in the form of a courtyard, sideyard or rear yard</u>	<u>N/A</u>
<u>Zero-Lot Line (Sideyard House With Alley)</u>	<u>50</u>	<u>60</u>	<u>100</u>	<u>110</u>	<u>60%</u>	<u>5,000</u>	<u>30%</u>	<u>Minimum of 400 sq. ft. of private open space shall be required in the form of a side yard. The required sideyard shall be a minimum of 15 ft wide.</u>	<u>N/A</u>

(4) Projections and encroachments. Projections and encroachments including, but not limited to, architectural features; awnings; balconies; canopies; colonnades; porches; decorative roofs; covered structures; parapets; mechanical rooms and swimming pools shall comply with Table X - 3. Additionally, the following shall apply:

- a. In no case shall encroachments occur within four feet of the back of curb.
- b. Encroachments shall not interfere with street tree placement and the normal trunk and canopy envelope created by street tree growth.

**Table X – 3 Projections and Encroachments**

<u>BUILDING ELEMENT</u>	<u>MINIMUM VERTICAL CLEARANCE FROM THE SIDEWALK ELEVATION</u>	<u>MINIMUM HORIZONTAL PROJECTION</u>	<u>MAXIMUM HORIZONTAL PROJECTION</u>	<u>MAXIMUM HORIZONTAL ENCROACHMENT</u>
<u>Architectural Features (1)</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>2 feet</u>
<u>Awning (1)</u>	<u>8 feet</u>	<u>3 feet</u>	<u>8 feet</u>	<u>8 feet</u>
<u>Balcony (1)</u>	<u>---</u>	<u>3 feet</u>	<u>---</u>	<u>5 feet</u>
<u>Canopy (1)</u>	<u>10 feet</u>	<u>8 feet</u>	<u>20 feet</u>	<u>12 feet</u>
<u>Arcade/ Colonnade (2)</u>	<u>10 feet</u>	<u>10 _____ feet unobstructed</u>	<u>20 feet</u>	<u>12 feet</u>

**FIGURE X-7: TOWER BUILDING TYPE**

**DEFINITION:**

a multi level building organized around a central core where a part of the building is higher in proportion.

- BUILDING LINE
- - - - PROPERTY LINE
- ▨ ACTIVE USE
- ▧ PARKING AREA
- Ⓐ LOT WIDTH
- Ⓑ LOT DEPTH

**LOT STANDARDS: MIN. MAX.**

a. Lot Width	200'	250'
b. Lot Depth	200'	N/A
c. Lot Area	N/A	N/A
d. Impervious Area	N/A	90% (1)
e. Pervious Area	10%	N/A
f. Interior Side Setback	0' (2)	N/A
g. Rear Setback	0' (2)	N/A
h. Tower Setback	15' (3)	N/A

**NOTES:**

- At Podium
- Except 30' minimum when abutting Townhouse, zero lot lines and existing single family and an alley is not existing or proposed.
- From podium.

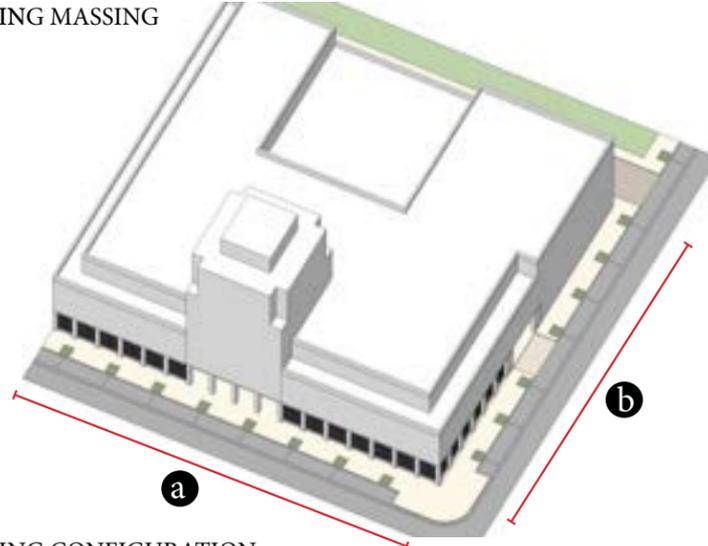
**OPEN SPACE STANDARDS:**

All multi-family residential, live-work units and mixed-use developments with residential dwellings shall reserve a minimum of 10% of the site for common, private open space.

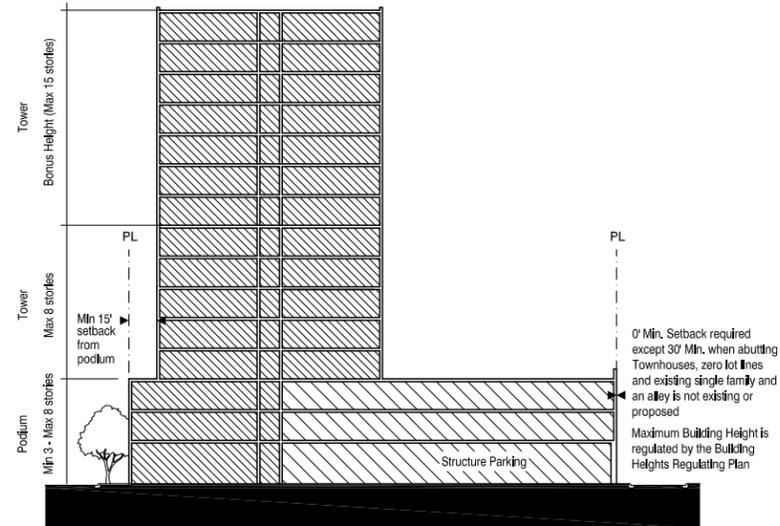
**TOWER ORIENTATION:**

Primary and Secondary Streets, Terminated Vistas and along Greenways and Designated Open Spaces

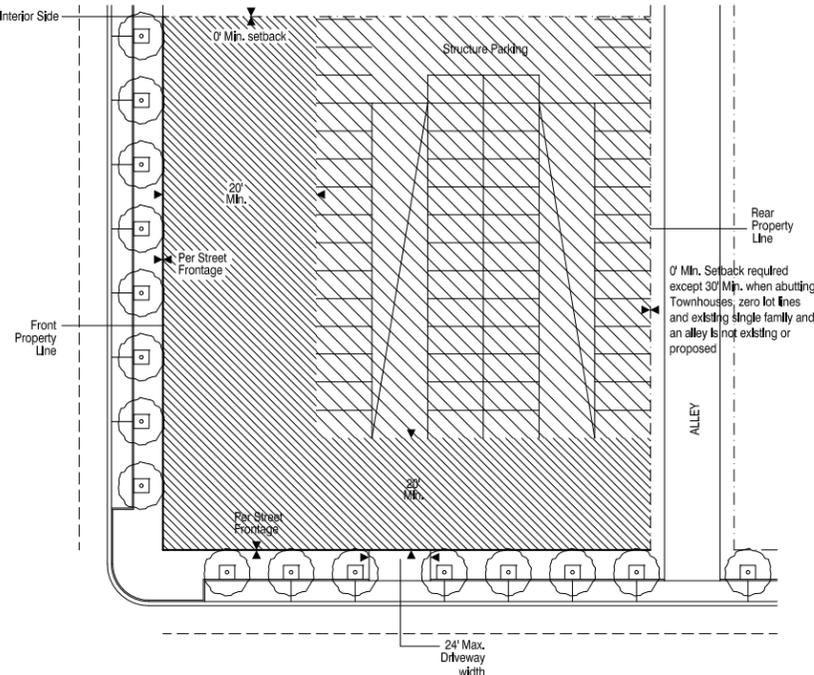
**BUILDING MASSING**



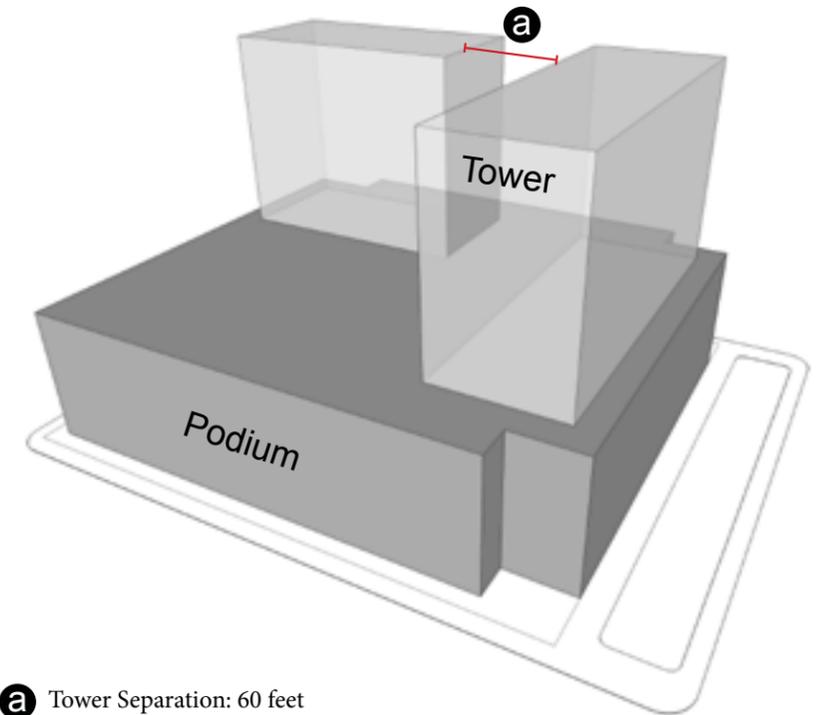
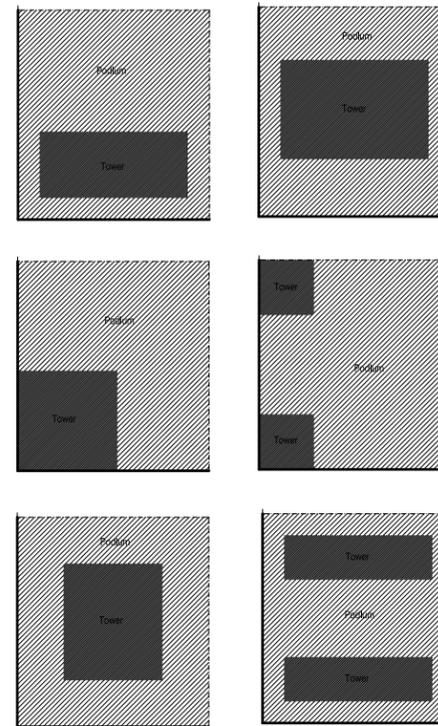
**BUILDING CONFIGURATION**



**BUILDING SETBACKS**



**EXAMPLES OF TOWER CONFIGURATION**



Ⓐ Tower Separation: 60 feet

**TOWER FLOORPLATE:**

The average shall be calculated as the total cumulative tower floorplate area divided by the number of tower stories. The maximum average floorplate is dependant on the tower's primary use as follows: Office or Mixed-Use – average up to 35,000 square feet and a maximum of 45,000 square feet for any single tower floorplate; Residential or Hotel – average up to 20,000 square feet and a maximum of 30,000 square feet for any single tower floorplate. The total cumulative floorplate area at any given story shall not exceed maximum permitted footprint.

**TOWER SETBACK:**

The minimum setback for the tower shall be 15 feet from the podium. Where the portion of the tower is at the end of a street vista, the minimum setback shall be 0 feet from the podium.

**ILLUSTRATIVE EXAMPLES**



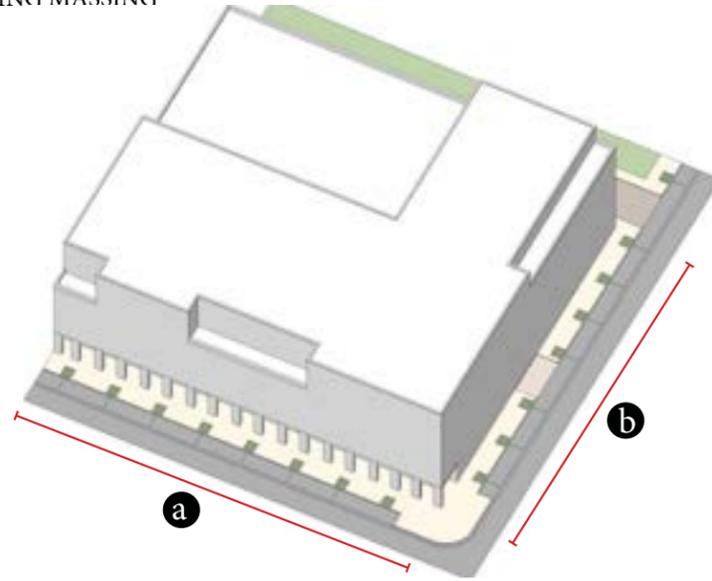
**FIGURE X-8: LINER BUILDING TYPE**

**DEFINITION:**

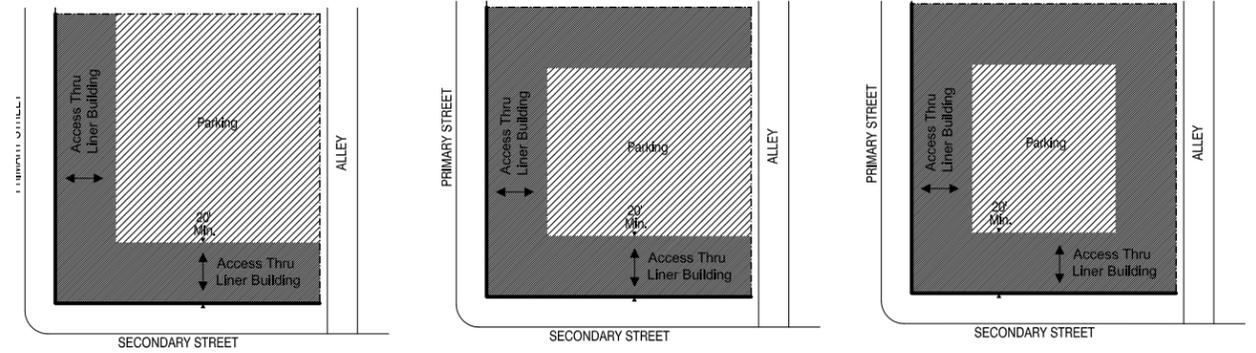
A building that conceals a garage, or other faceless building, that is designed for occupancy.

-  BUILDING LINE
-  PROPERTY LINE
-  COLONNADE
-  ACTIVE USE
-  PARKING AREA
-  LOT WIDTH
-  LOT DEPTH

**BUILDING MASSING**



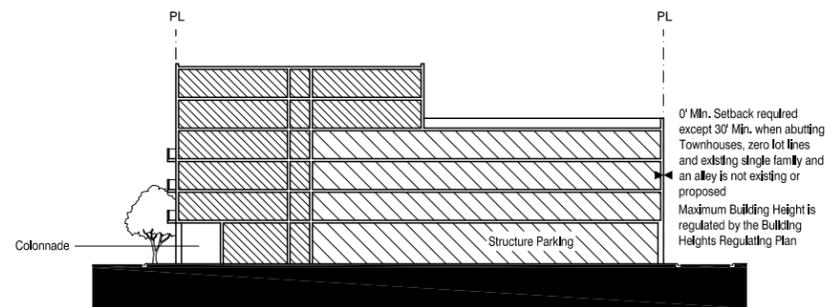
**EXAMPLES OF LINER CONFIGURATION**



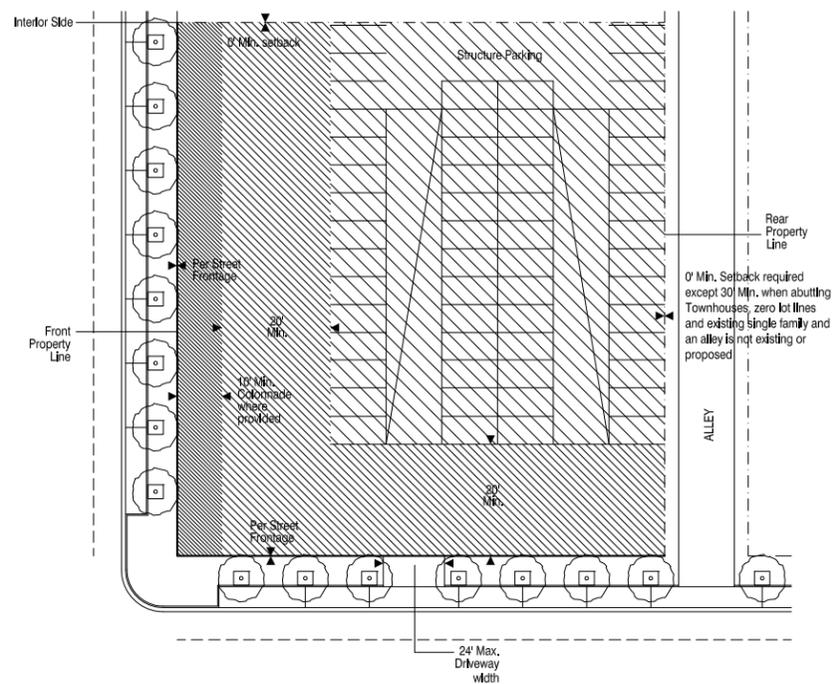
**LOT STANDARDS: MIN. MAX.**

	MIN.	MAX.
a. Lot Width	125'	300'
b. Lot Depth	170'	N/A
c. Lot Area	N/A	N/A
d. Impervious Area	N/A	90%
e. Pervious Area	10%	N/A
f. Interior Side Setback	0' (1)	N/A
g. Rear Setback	0' (1)	N/A

**BUILDING CONFIGURATION**



**BUILDING SETBACKS**



**NOTES:**

1. Except 30' minimum when abutting Townhouse, zero lot lines and existing single family and an alley is not existing or proposed.
2. The minimum depth of the active use lining the garage or other faceless building shall be 20 feet.

**OPEN SPACE STANDARDS:**

All multi-family residential, live-work units and mixed-use developments with residential dwellings shall reserve a minimum of 10% of the site for common, private open space.



Liner buildings along Main Street in City Place



View from rear of lot showing parking garage structures lined along the street

**FIGURE X-9: COURTYARD BUILDING TYPE A**

**DEFINITION:**

a building characterized as having a central open space that is open to the sky and enclosed by habitable space on at least three sides with detached parking.

-  BUILDING LINE
-  PROPERTY LINE
-  ACTIVE USE
-  PARKING AREA
-  LOT WIDTH
-  LOT DEPTH

**LOT STANDARDS: MIN. MAX.**

	MIN.	MAX.
a. Lot Width	150'	200'
b. Lot Depth	160'	N/A
c. Lot Area	N/A	N/A
d. Impervious Area	N/A	90%
e. Pervious Area	10%	N/A
f. Interior Side Setback	0' (1)	N/A
g. Rear Setback	0' (1)	N/A

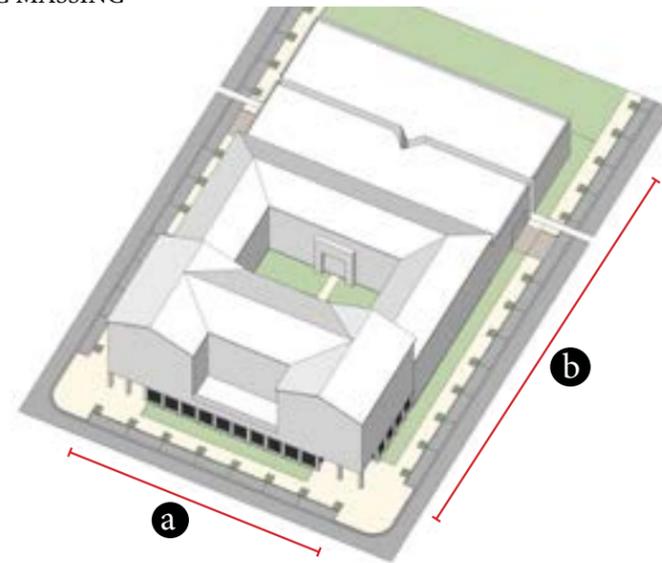
**NOTES:**

1. Except 30' minimum when abutting Townhouse, zero lot lines and existing single family and an alley is not existing or proposed.

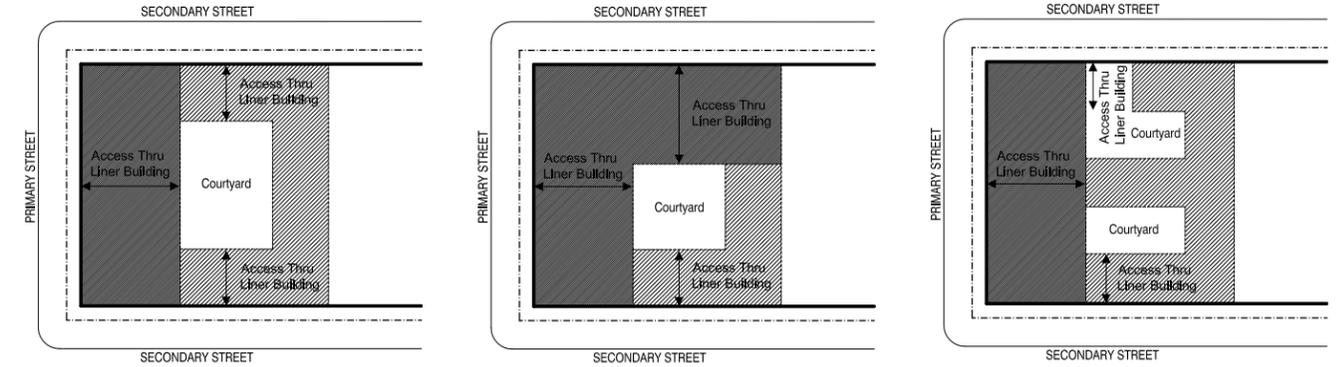
**OPEN SPACE STANDARDS:**

All multi-family residential, live-work units and mixed-use developments with residential dwellings shall reserve a minimum of 10% of the site for common, private open space.

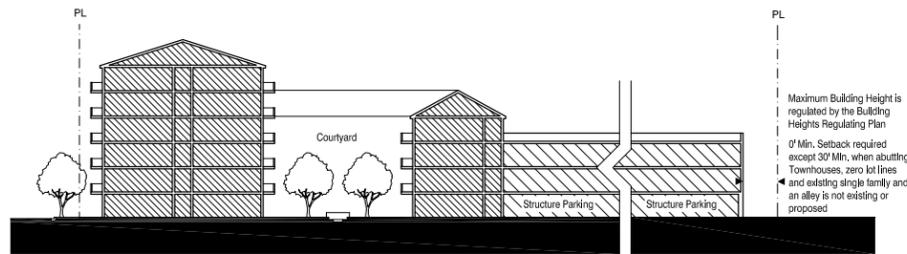
**BUILDING MASSING**



**EXAMPLES OF BUILDING CONFIGURATION**

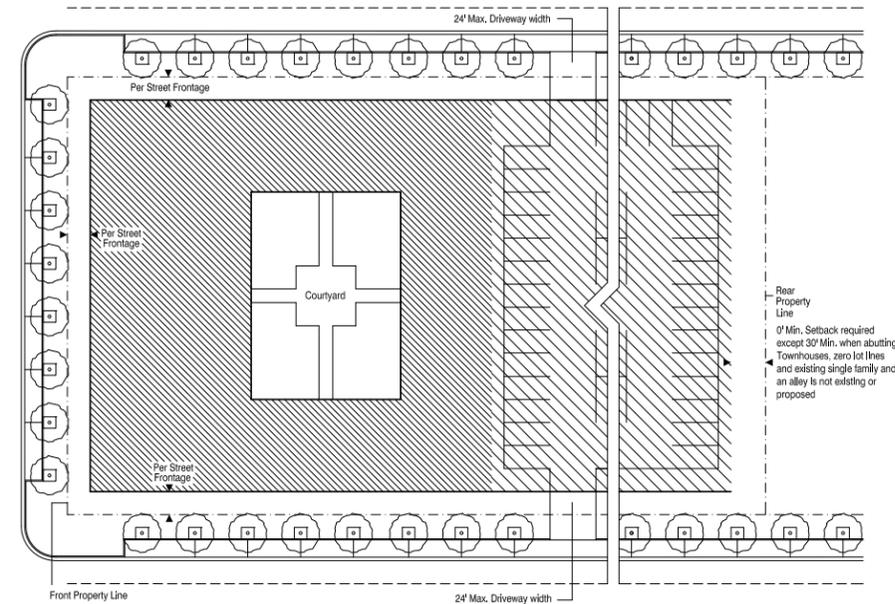


**BUILDING CONFIGURATION**



Maximum Building Height is regulated by the Building Heights Regulating Plan  
 0' Min. Setback required except 30' Min. when abutting Townhouses, zero lot lines and existing single family and an alley is not existing or proposed

**BUILDING SETBACKS**



Rear Property Line  
 0' Min. Setback required except 30' Min. when abutting Townhouses, zero lot lines and existing single family and an alley is not existing or proposed

**ILLUSTRATIVE EXAMPLES**



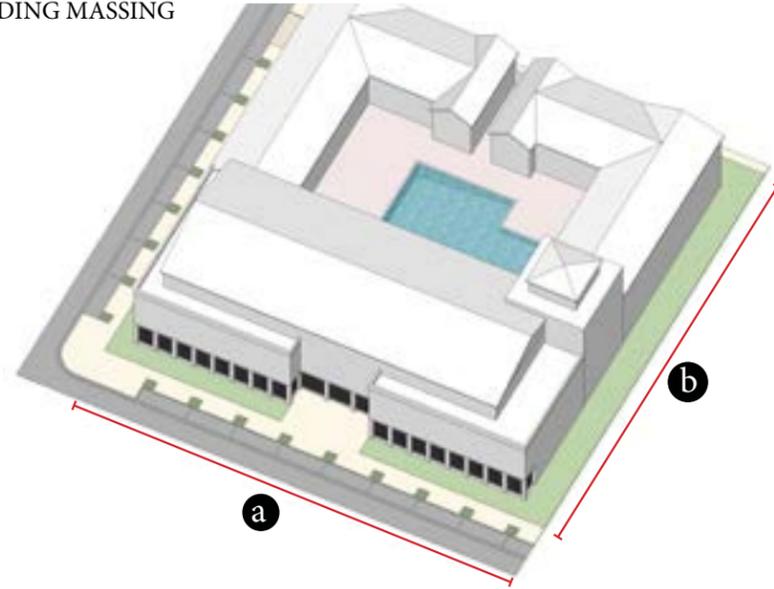
**FIGURE X-10: COURTYARD BUILDING TYPE B**

**DEFINITION:**

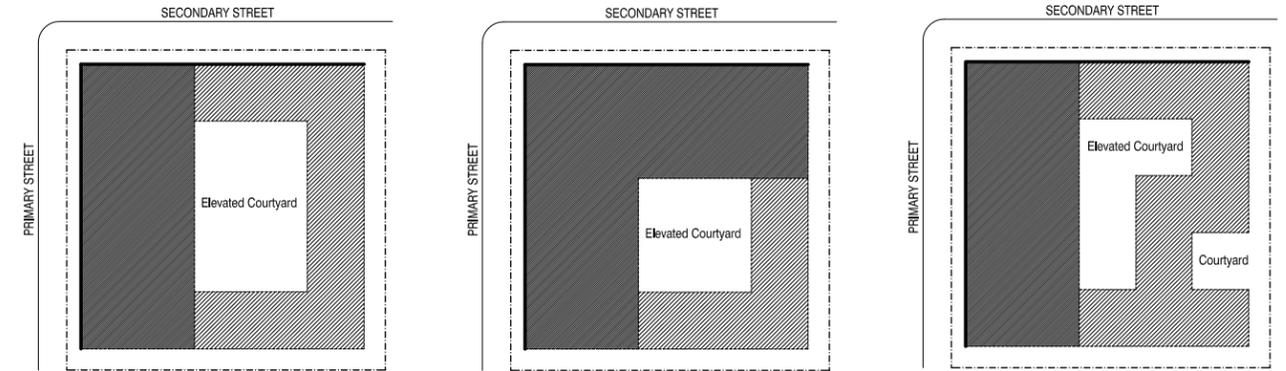
a building characterized as having a central open space that is open to the sky and enclosed by habitable space on at least three sides with attached parking.

- BUILDING LINE
- - - PROPERTY LINE
- ▨ ACTIVE USE
- ▧ PARKING AREA
- a** LOT WIDTH
- b** LOT DEPTH

**BUILDING MASSING**



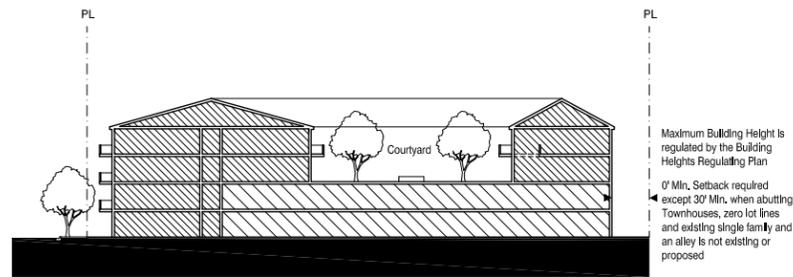
**EXAMPLES OF BUILDING CONFIGURATION**



**LOT STANDARDS: MIN. MAX.**

	MIN.	MAX.
a. Lot Width	150'	200'
b. Lot Depth	160'	N/A
c. Lot Area	N/A	N/A
d. Impervious Area	N/A	90%
e. Pervious Area	10%	N/A
f. Interior Side Setback	0' (1)	N/A
g. Rear Setback	0' (1)	N/A

**BUILDING CONFIGURATION**



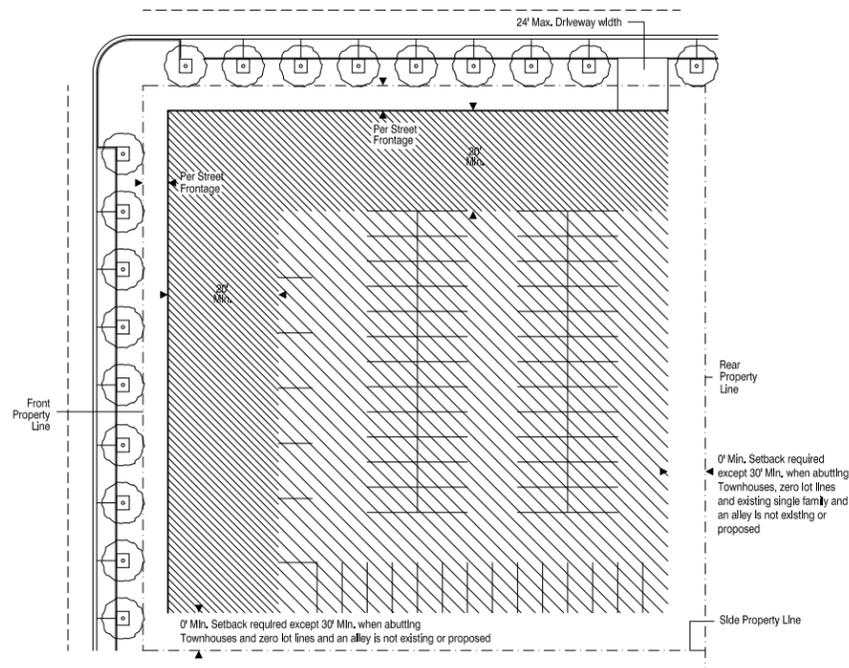
**NOTES:**

1. Except 30' minimum when abutting Townhouse, zero lot lines and existing single family and an alley is not existing or proposed.

**OPEN SPACE STANDARDS:**

All multi-family residential, live-work units and mixed-use developments with residential dwellings shall reserve a minimum of 10% of the site for common, private open space.

**BUILDING SETBACKS**



**ILLUSTRATIVE EXAMPLES**



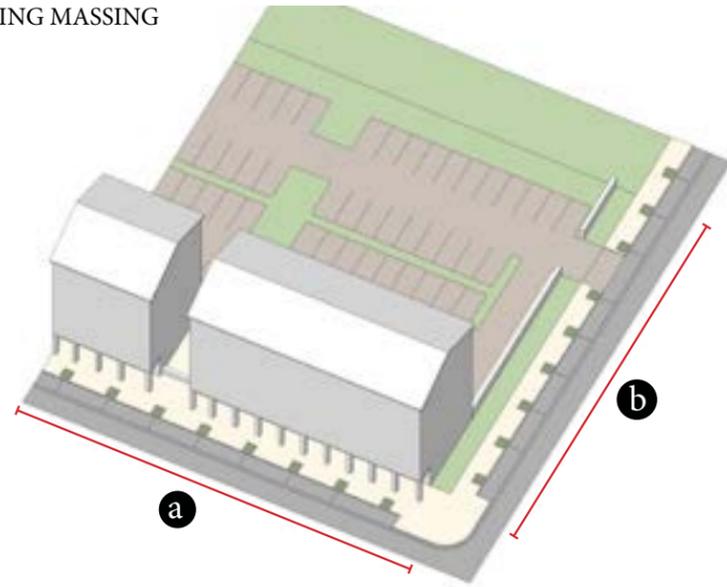
**FIGURE X-11: FLEX BUILDING TYPE**

**DEFINITION:**

buildings designed to respond to changes of function in a flexible way. The flex building is able to accept different internal configurations and easily adapt to its surroundings.

-  BUILDING LINE
-  PROPERTY LINE
-  ARCADE / COLONNADE
-  ACTIVE USE
-  PARKING AREA
-  LOT WIDTH
-  LOT DEPTH

**BUILDING MASSING**



**LOT STANDARDS: MIN. MAX.**

	MIN.	MAX.
a. Lot Width	75'	200'
b. Lot Depth	130'	N/A
c. Lot Area	N/A	N/A
d. Impervious Area	N/A	90%
e. Pervious Area	10%	N/A
f. Interior Side Setback	0' (1)	N/A
g. Rear Setback	0' (1)	N/A

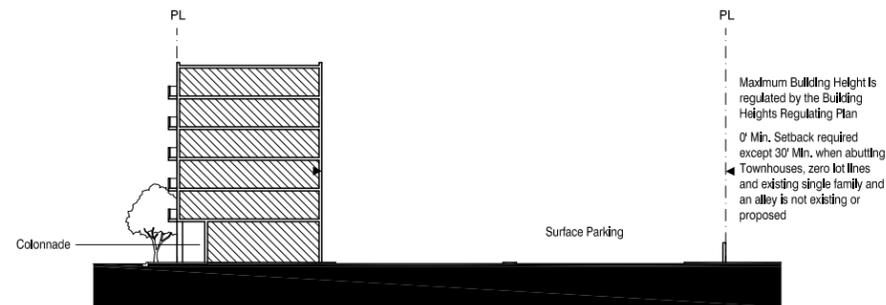
**NOTES:**

1. Except 30' minimum when abutting Townhouse, zero lot lines and existing single family and an alley is not existing or proposed.

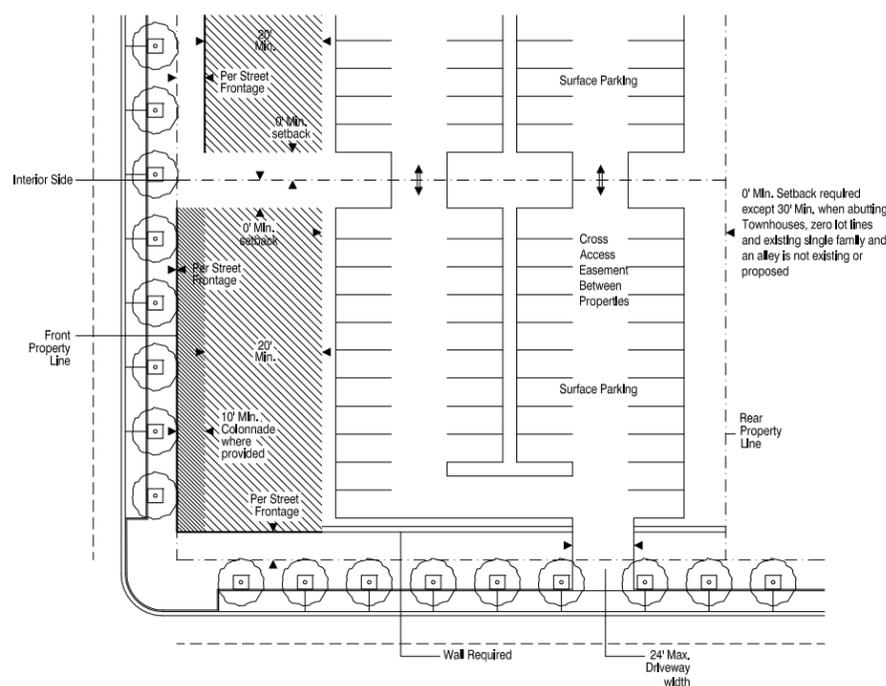
**OPEN SPACE STANDARDS:**

All multi-family residential, live-work units and mixed-use developments with residential dwellings shall reserve a minimum of 10% of the site for common, private open space.

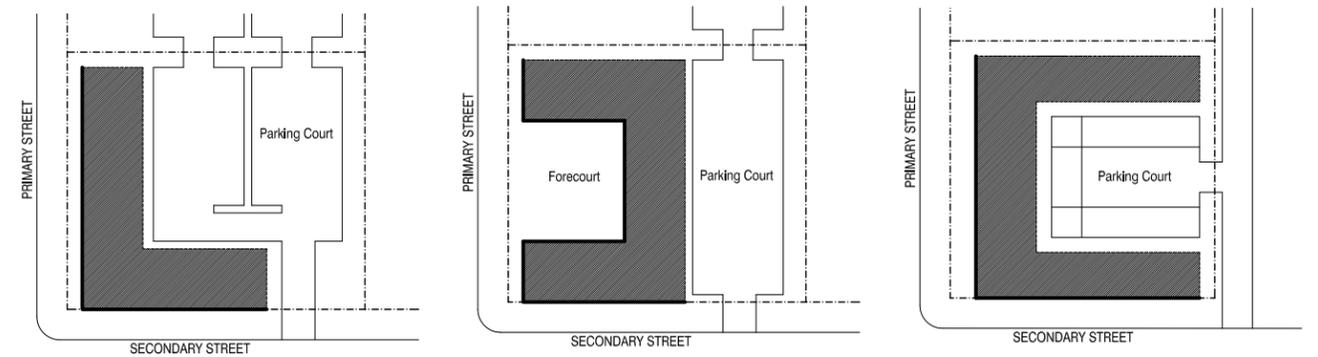
**BUILDING CONFIGURATION**



**BUILDING SETBACKS**



**EXAMPLES OF BUILDING CONFIGURATION**



**ILLUSTRATIVE EXAMPLES**



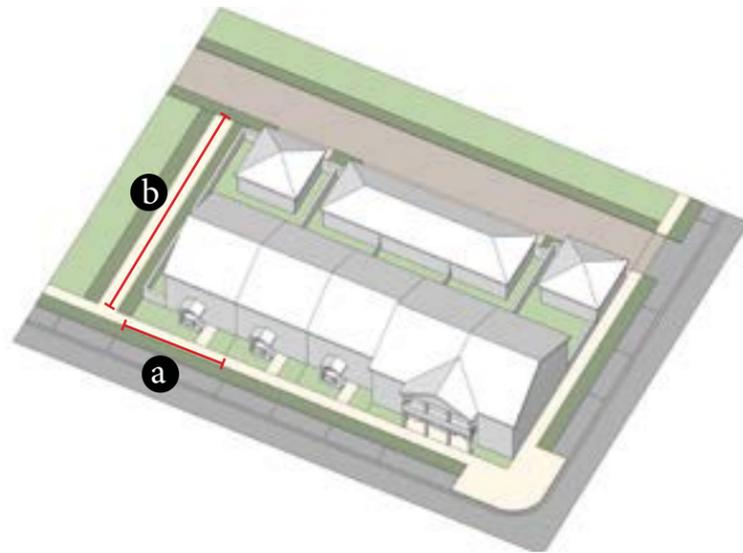
**FIGURE X-12: TOWNHOUSE BUILDING TYPE 1**

**DEFINITION:**

a single family residential building attached to a series of other single family residential buildings by not more than two party walls. Townhouse Type 1 is distinguished by a detached garage thereby providing a private rear yard.

-  BUILDING LINE
-  PROPERTY LINE
-  ACTIVE USE
-  PARKING AREA
-  LOT WIDTH
-  LOT DEPTH

**BUILDING MASSING**



**LOT STANDARDS: MIN. MAX.**

a. Lot Width	25'	30'
b. Lot Depth	100'	110'
c. Lot Area	1800 sf	N/A
d. Impervious Area	N/A	90%
e. Pervious Area	10%	N/A
f. Interior Side Setback	0'	0' (2)
g. Rear Setback	0'	5'

**NOTES:**

- Townhouses shall provide a minimum of 15 feet between building groups and the length of a building group shall not exceed 240 feet.
- Except 10 feet when abutting a passageway.

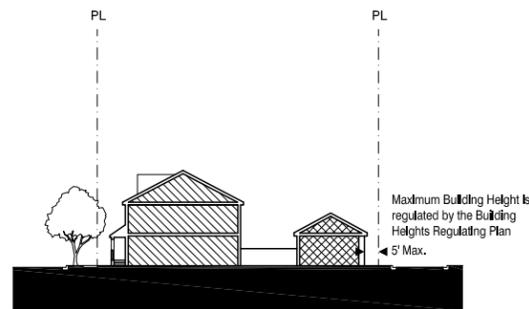
**PARKING STANDARDS:**

The parking shall be accessed from the rear off an alley with a right-of way of 30 feet wide.

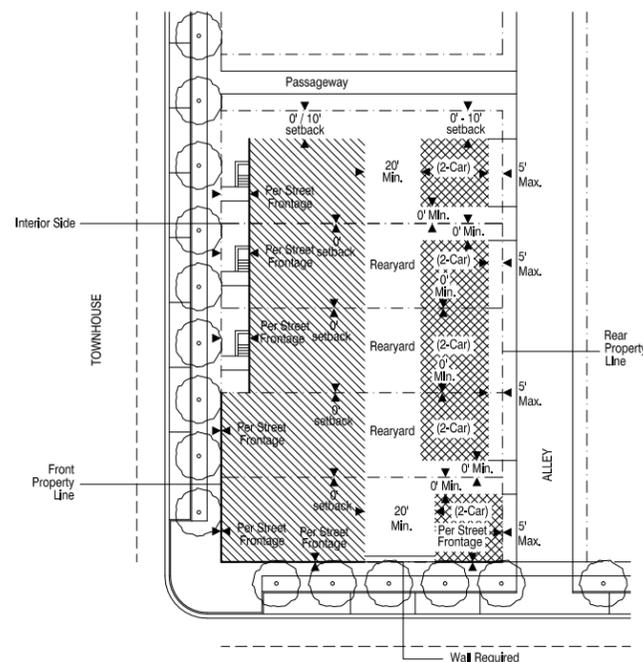
**OPEN SPACE STANDARDS:**

Townhouse Type 1 shall only be permitted in the Transition and Edge Sub-areas. A minimum of 400 square feet of private open space shall be required in the form of a rear yard.

**BUILDING CONFIGURATION**



**BUILDING SETBACKS**



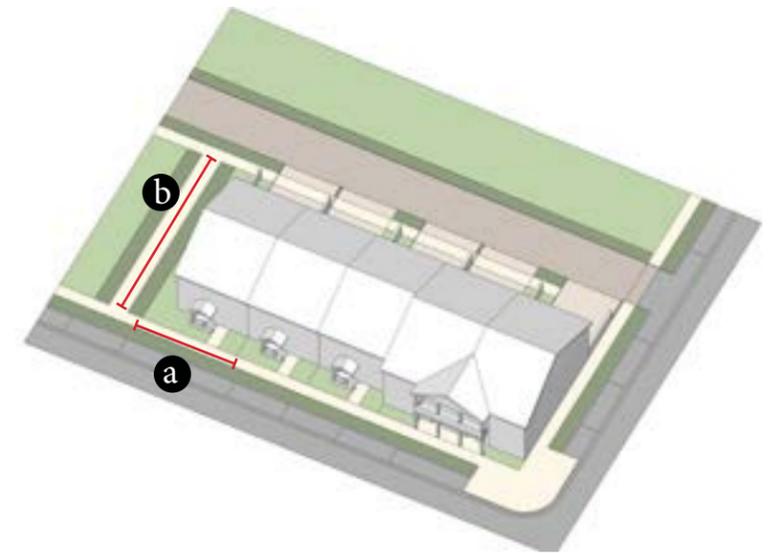
**FIGURE X-13: TOWNHOUSE BUILDING TYPE 2**

**DEFINITION:**

a single family residential building attached to a series of other single family residential buildings by not more than two party walls. Townhouse Type 2 is distinguished by an attached garage thereby not providing a private rear yard.

-  BUILDING LINE
-  PROPERTY LINE
-  ACTIVE USE
-  PARKING AREA
-  LOT WIDTH
-  LOT DEPTH

**BUILDING MASSING**



**LOT STANDARDS: MIN. MAX.**

a. Lot Width	25'	30'
b. Lot Depth	70'	85'
c. Lot Area	1800 sf	N/A
d. Impervious Area	N/A	90%
e. Pervious Area	10%	N/A
f. Interior Side Setback	0'	0' (2)
g. Rear Setback	0'	5'

**NOTES:**

- Townhouses shall provide a minimum of 15 feet between building groups and the length of a building group shall not exceed 240 feet.
- Except 10 feet when abutting a passageway.

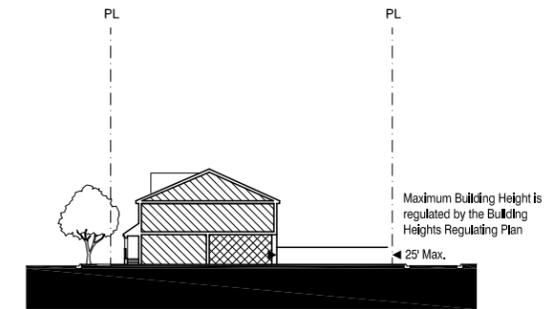
**PARKING STANDARDS:**

The parking shall be accessed from the rear off an alley with a right-of way of 30 feet wide.

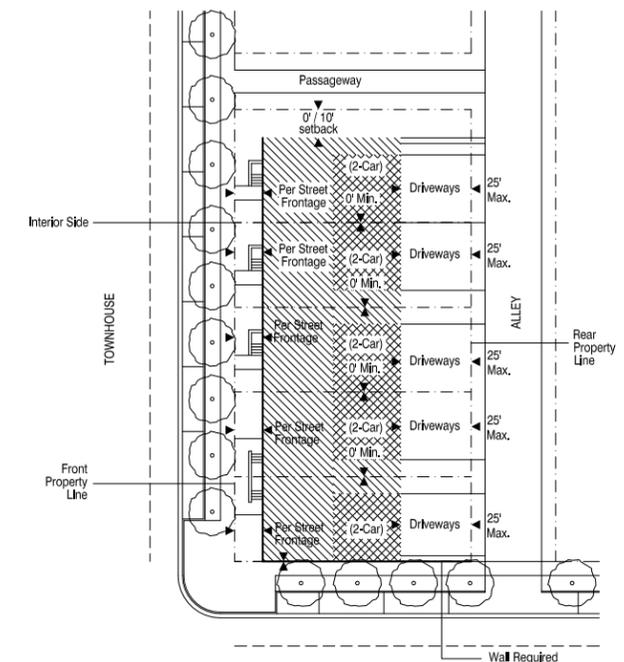
**OPEN SPACE STANDARDS:**

Townhouse Type 2 shall only be permitted in the Core and Transition Sub-areas. A minimum of 200 square feet of private open space shall be required and a rear yard shall not be required.

**BUILDING CONFIGURATION**



**BUILDING SETBACKS**



**FIGURE X-14: ZERO-LOT LINE (SIDEYARD HOUSE AND COURTYARD HOUSE TYPE)**

**DEFINITION:**

**Sideyard House:** a detached dwelling distinguished by the provision of an unenclosed porch on the side of the house. The side porch is screened from the view of the street by a wall or fence.

**Courtyard House:** A dwelling unit distinguished by the provision of an open-air courtyard or atrium. The courtyard is enclosed on at least three sides by habitable space and shall provide penetrable openings such as windows and doors between the interior of the dwelling and the courtyard.

- SY Sideyard
- CY Courtyard
- BUILDING LINE
- - - - - PROPERTY LINE
- ▨ ACTIVE USE
- ▩ PARKING AREA

LOT STANDARDS:	SY MIN.	CY MIN.	SY MAX.	CY MAX.
a. Lot Width	50'	40'	60'	50'
b. Lot Depth	100'	100'	110'	110'
c. Lot Area	5000sf	4000sf	N/A	N/A
d. Impervious Area	N/A	N/A	60%	70%
e. Pervious Area	30%	N/A	N/A	N/A
f. Interior Side Setback	0'/15' (1)	0'	0'/N/A	0'
g. Rear Setback	0'	0'	5'	5'

**NOTES:**

- One side shall be 0 feet and the other a minimum of 15 feet.
- Sideyards shall be required to provide a porch on the side a minimum 10 feet deep.

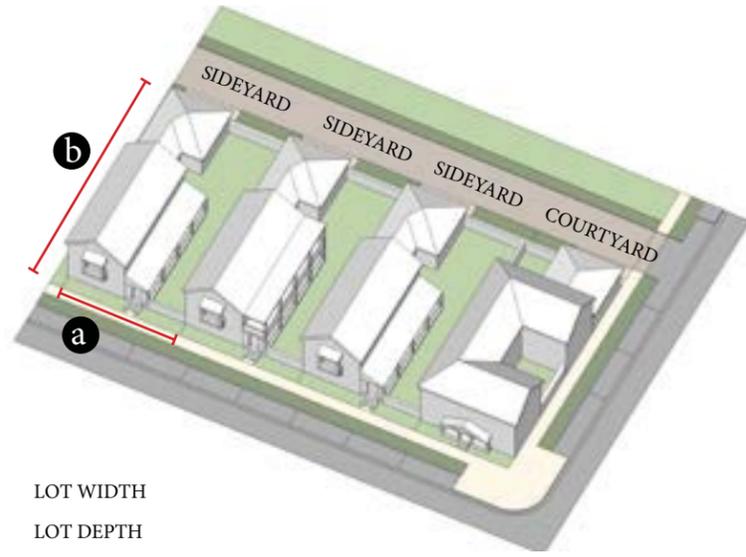
**PARKING STANDARDS:**

In the Center Sub-district, parking shall be accessed from the rear off an alley.

**OPEN SPACE STANDARDS:**

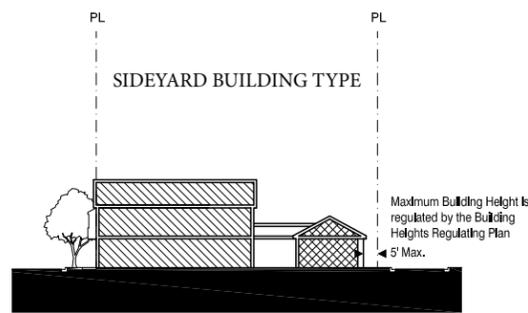
In the Center/Edge Sub-district a minimum of 400 square feet of private open space shall be required in the form of a courtyard, sideyard or rear yard.

**BUILDING MASSING**

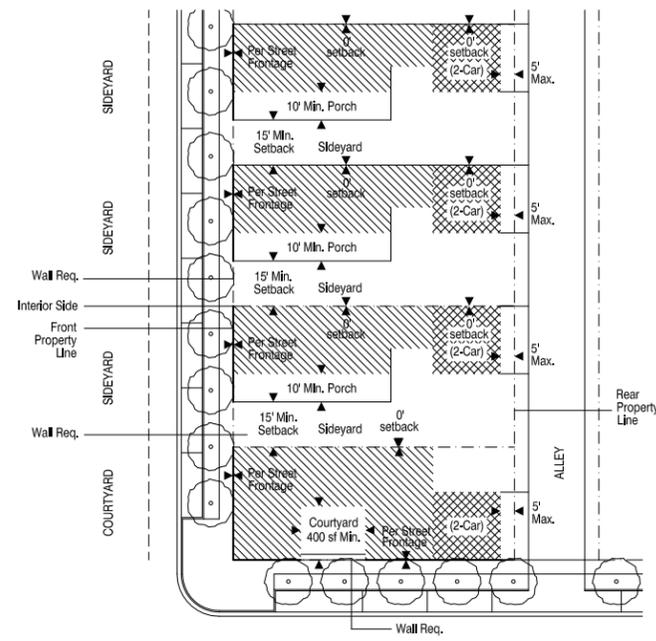


- a** LOT WIDTH
- b** LOT DEPTH

**BUILDING CONFIGURATION**



**BUILDING SETBACKS**



**ILLUSTRATIVE EXAMPLES**

**TOWNHOUSE BUILDING TYPE**



**ZERO-LOT LINE (SIDEYARD HOUSE TYPE)**



**ZERO-LOT LINE (COURTYARD HOUSE TYPE)**



ILLUSTRATIVE EXAMPLES

ZERO-LOT LINE (COURTYARD HOUSE TYPE)



**Sec. 24-58.1 Purpose and Intent Fulford Mixed-use Town Center District (MU/TC)**

**(A) Purpose and Intent**

~~(A)~~ The purpose of these regulations is to implement policies that guide the design of development within the Fulford ~~City Center (Mixed-use)~~ Mixed-use Town Center District ("District") (MU/TC). The intent is to enable transit-oriented development that contributes to the creation of ~~an traditional town center~~ urban downtown and the formation of a quality pedestrian-oriented, Mixed-use district. The objective is to shape development to create a "place," an exciting, enlivened social gathering point and a destination, which encourages the establishment of a wide mix of commercial and residential uses that offer the flexibility to meet a variety of market needs. The aim of these regulations is to create an environment that attracts day and evening activities so that the street is occupied by visitors, residents, business owners and operators who have a clear and vested interest in the vitality of the Fulford ~~City Center (Mixed-use)~~ Mixed-use Town Center District (MU/TC). This purpose will be fulfilled by:

- (1) Ensuring high quality, architecturally compatible, consistently landscaped development throughout the District;
- (2) Stimulating commercial and retail trade activities;
- (3) Ensuring that new development or redevelopment projects enhance the visual character of the District;
- (4) Encouraging the development of pleasant shopping areas with attractive pedestrian spaces;
- (5) Encouraging people to reside in the District;
- (6) Encouraging the beautification of the Snake Creek Canal greenway; and
- (7) Encouraging public access to the waterfront.

~~(Ord. No. 2002-20 § 2, 11/19/2002; Ord. No. 2008-4 § 2, 3/4/08)~~

**(B) District Boundaries**

The development standards shall be utilized for properties located within the Fulford Mixed-use Town Center district (MU/TC).

**(C) Administration**

In order to maintain predictability in development, Planned Unit Developments (PUDs) shall be prohibited. Variances from the dimensional requirements or waivers from any other criterion may be approved by the applicable review board for projects, provided that the applicant meets the standards pertaining to such variance or waiver. The applicable board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Director of the Community Development Department or his/her designee in the enforcement of these development regulations.

**(D) General Development Standards**

- (1) In addition to the standards contained herein, **Section 24-58 Mixed-use (MU) district** standards shall be applicable to development within the Fulford Mixed-use Town Center district (MU/TC). The Supplemental Regulations contained in Articles IV, VI, VIII, IX, X, XI, XII, XIII, and XIV shall also apply, except as modified herein and may be further modified by the City Manager or his/her designee to meet the purpose and intent of the Fulford City Center (Mixed-use) District.
- (2) The provisions of the MU/TC code, when in conflict, shall take precedence over the existing zoning and land development regulations.

- (3) The provisions of the building code, when in conflict, shall take precedence over the provisions of the MU/TC code.
- (4) Existing buildings may be destroyed or removed, however they must be replaced according to the MU/TC regulations. Existing buildings may not be destroyed or removed unless they are to be replaced according to MU/TC regulations and only after a building permit is issued.
- (5) Existing buildings and uses within the MU/TC area, which are legally established but do not conform to provisions of the MU/TC regulations as of the effective date of these regulations shall be considered nonconforming and may not be replaced, restored, or modified, except in conformity with the regulation for nonconformities contained in **Article IV** of this chapter. When a nonconforming structure is destroyed by windstorm, flood, or nature disaster, it may be replaced by a new structure of the same or lesser size, and reoccupied by the same use, if construction of such structure is commenced within 18 months of destruction.
- (6) Proposed development with site plan approved under the **2002** FCC MUTC regulations shall commence construction within the time frame allotted in the development order or site plan approval letter. If commencement of construction does not occur within the allotted time frame, the site plan approval shall automatically expire without further action by the City.

#### **(E) Regulating Plans and Diagrams**

The MU/TC is governed by a series of regulating plans and diagrams. The Regulating Plans and Diagrams demonstrate MU/TC development standards in both words and diagrams, and include maps designating the locations where the various standards apply. Unless otherwise noted, all development shall be in compliance with the Regulating Plans and Diagrams contained herein and with the Building Typology and Placement Regulating Diagrams in **Section 24-58 Mixed-use (MU) district**. The Regulating Plans and Diagrams for the MU/TC include the following:

- (1) The Sub-areas Regulating Plan, which divides the MU/TC into three Sub-areas: Core, Transition and Edge. The highest density and intensity within the MU/TC shall be allocated to the Core Sub-area, a mixed-use area in the heart of the district. The densities and intensities shall then gradually decrease from the Core to the Transition Sub-area where mixed-uses are still permitted and then further decrease to the Edge Sub-area which is characterized by single uses, including low density residential adjacent to existing low density residential. The Sub-areas Regulating Plan is shown in **Figure X - 1**.
- (2) The Street Network Connectivity Regulating Plan, which shows the location of existing and the required new streets needed to create the prescribed network of streets within the MU/TC. This Plan also establishes the hierarchy of the streets as shown in **Figure X - 2**.
- (3) The Designated Publically Accessible Open Spaces and Urban Greenway Systems Regulating Plan, which designates the approximate location of the required publically accessible open spaces and urban greenway system as shown in **Figure X - 3**.
- (4) The Building Heights Regulating Plan, which establishes the maximum building height as shown in **Figure X - 4**.

#### Insert Regulating Plans

**Sec. 24-58.2 Land Uses** — ~~————~~ Moved down and addressed with a table

~~(A) — Land Use Principles.~~

~~(1) The District shall be developed as an identifiable place and shall act as an important destination for living, working, shopping and entertainment. The mix of uses within the District, the streets and the architectural character of individual buildings shall blend together to contribute to a coherent identity and sense of place.~~

~~(2) The configuration of retail establishments within the District shall balance pedestrian and automobile comfort, visibility and accessibility. Building setbacks from the street shall be minimized. Primary ground floor commercial buildings entrances shall orient to streets, not to interior blocks or parking lots.~~

~~(3) On primary streets, the ground floor of all buildings shall be limited to commercial uses, including but not limited to office and retail uses. Residential uses on all floors above the first level is strongly encouraged. Residential uses may be permitted on the ground floor of buildings facing secondary streets. (Ord. No. 2011-10, 9-6-2011)~~

~~(B) Permitted Uses:~~

~~(1) Museums and art galleries.~~

~~(2) Office, limited to:~~

~~(a) Abstract and title offices;~~

~~(b) Advertising agencies;~~

~~(c) Brokerage services: Stocks, commodities, real estate mortgages, businesses, yachts, import-export, and similar services (no on-premises display of products);~~

~~(d) Business management consultants;~~

~~(e) Credit reporting and collection agencies;~~

~~(f) Doctors, dentists, chiropractors, optometrists, psychologists and other similar licensed medical practitioners, excluding veterinarians, except drug/alcohol and violent/dangerous behavior counseling or treatment;~~

~~(g) Family and marriage counselors;~~

~~(h) Insurance agencies;~~

~~(i) Investigative services;~~

~~(j) Investment counselors,~~

~~(k) Land developers and building contractors;~~

~~(l) Professional services: Accountants, architects, auditors, appraisers, City planners, economists, engineers, lawyers, psychologists, and licensed medical and dental practitioners and health related services;~~

~~(m) Public relations agencies;~~

~~(n) Secretarial and stenographic services;~~

~~(o) Talent agencies;~~

~~(p) Travel agencies;~~

~~(q) Vocational schools and trade schools: Airline, business, cosmetology, secretarial and similar instructions;~~

~~(r) Banks and financial institutions; excluding drive-through.~~

~~(3) Retail and service establishments, limited to:~~

~~(a) Antique shops;~~

~~(b) Apparel shops: Men's, women's and children's;~~

~~(c) Art supplies and galleries;~~

- ~~(d) — Bake shops;~~
- ~~(e) — Barber, beauty and skin care shops;~~
- ~~(f) — Bars and lounges; provided that any such use shall not be located within five hundred (500) feet of the real property that comprises a public or private elementary school, middle school, or secondary school (pursuant to §562.45(2)(a) Florida Statutes);~~
- ~~(g) — Beer and wine shops;~~
- ~~(h) — Bicycle sales, rental, service and repair;~~
- ~~(i) — Billiard and poolrooms;~~
- ~~(j) — Bookstores;~~
- ~~(k) — Camera and photographic supply stores;~~
- ~~(l) — Convenience stores;~~
- ~~(m) — Copying services;~~
- ~~(n) — Delicatessens;~~
- ~~(o) — Department stores;~~
- ~~(p) — Drugstores;~~
- ~~(q) — Fast food restaurants, excluding drive thru~~
- ~~(r) — Flooring and carpeting stores;~~
- ~~(s) — Florists;~~
- ~~(t) — Food stores: Supermarkets and specialty markets;~~
- ~~(u) — Furniture and home furnishing stores;~~
- ~~(v) — Garden supply stores;~~
- ~~(w) — Gift, novelty and souvenir shops;~~
- ~~(x) — Hardware stores;~~
- ~~(y) — Health and exercise studios, martial arts studios;~~
- ~~(z) — Hobby and handicraft shops;~~
- ~~(aa) — Interior decorators;~~
- ~~(bb) — Jewelry stores;~~
- ~~(cc) — Leather goods and luggage stores;~~
- ~~(ee) — Lighting fixture stores;~~
- ~~(ff) — Music and record, video stores;~~
- ~~(gg) — Newsstands;~~
- ~~(hh) — Office supply stores;~~
- ~~(ii) — Optical stores;~~
- ~~(jj) — Paint and wallpaper stores;~~
- ~~(kk) — Photography studios;~~
- ~~(ll) — Restaurants, including out door dining;~~
- ~~(mm) — Skating rinks, roller or ice;~~
- ~~(nn) — Sporting goods stores;~~
- ~~(oo) — Stationery and card stores;~~
- ~~(pp) — Studio schools: Art, dance, music, drama, sculpture, and similar instruction;~~

- ~~{qq} Tailor, seamstress;~~
- ~~{rr} Television, radio and stereo sales and service;~~
- ~~{ss} Tennis and racquetball courts (indoor);~~
- ~~{tt} Theaters, movie and live performance;~~
- ~~{uu} Tobacco shops;~~
- ~~{vv} Toy stores;~~
- ~~{ww} Watch and clock repair shops.~~

~~(4) Residential, provided that:~~

~~Must be in multi-family context;~~

~~May be on second floor and above on Primary Street;~~

~~May be on ground floor and above on Secondary Street;~~

~~Density no greater than 75 units per acre and no less than 10 units per acre.~~

~~(5) Public parks and playgrounds.~~

~~(6) Public utilities.~~

~~(7) Other uses which are similar in nature to the uses permitted above, but not specifically permitted in another district.~~

~~{Ord. No. 2006-01 § 12, 2/21/2006; Ord. No. 2006-3 § 2, 3/21/2006; Ord. No. 2011-10, 9-6-2011}~~

~~(C) Uses Permitted Conditionally.~~

~~(1) Day care center, provided such use is not located on a primary street.~~

~~(2) Hotels.~~

~~(3) Liquor store, provided such use is located on a primary street.~~

~~(4) Parking garages.~~

~~(5) Conversion of existing buildings, or portions of existing buildings, from residential use to office use or retail and service establishment use.~~

~~(6) Nightclubs and discotheques. {Ord. No. 2006-1 § 12, 2/21/2006}~~

~~(7) Places of Public Assembly~~

~~Ord. No. 2011-10, 9-6-2011~~

### **Sec. 24-58.3 Site Design**

~~(A) Site Design Principles.~~

~~(1) The ground floor of all buildings fronting on a primary street shall be limited to retail uses or uses that have a principal retail component. Office uses are allowed on second floors. Residential use on all floors above the second level is strongly encouraged. Addressed in MU District~~

~~(2) Streets and other public outdoor spaces shall be functional, attractive, and designed to enhance the pedestrian life of the community. Development shall be designed to achieve a balanced transportation system that invites pedestrians, bicyclists, and transit riders, as well as motor vehicles. Addressed in MU/TC Intent~~

~~(3) Landscaping shall be designed to frame primary public spaces, to provide shade and enhance the pedestrian environment. Vague~~

~~(4) Drive through facilities of any type (fast food, bank, dry cleaners, etc.) are prohibited. Addressed in MU District~~

~~(B) Minimum Site Development Standards. The following shall apply to all development in~~

the Fulford City Center (Mixed-use) District:

Minimum lot area of five thousand five hundred (5,500) square feet;

Minimum lot width of fifty (50) feet;

Minimum lot depth of one hundred ten (110) feet;

Minimum pervious landscaped area of ten (10%) percent of the total lot area.—Addressed in MU District through individual building types

~~(C) Primary/Secondary Streets. Primary streets shall be defined as N.E. 164<sup>th</sup> Street, N.E. 163<sup>rd</sup> Street, West Dixie Highway, N.E. 15<sup>th</sup> Avenue and N.E. 19<sup>th</sup> Avenue. All other streets shall be considered as secondary streets. Map 3.3. Addressed through regulating plans~~

~~(D) Building Orientation/Location. Buildings shall be oriented to the street or, when applicable, to the water. On-site parking shall be restricted to the rear of the building and shall not be located adjacent to primary streets or, when applicable, the waterfront. Figure 3.4/3.5 illustrates the required placement and enhancement for street frontages. Addressed in MU District in parking section~~

~~(E) Corner Lots. Corner lots shall be designed to emphasize their location. Buildings and structures on corner lots shall be designed with additional architectural embellishments such as towers, or other design features, to emphasize their locations as gateways and transition points within the community (see Figure 3.4/3.5). "Other design features" are unclear~~

~~(F) Build To Lines. The Build to Line in the District shall be the property line of all sides that abut a street right of way, except as provided in (G) "Exceptions to Build To Line Requirement" below.~~

~~(1) For any building with frontage of more than fifty (50) lineal feet, there shall be an articulated building face which creates a setback area (or combines setback areas) equal to at least ten (10%) percent of the frontage distance times five (5) feet. The area must have an average minimum depth of five (5) feet. The area shall be open air, landscaped and no less than seventy five (75%) percent pervious.—Not compatible with urban areas where hardscaped is preferred~~

~~(G) Exceptions to Build To Line Requirement. The following exceptions to the build to requirement shall be permitted:~~

~~(1) The ground floor of residential uses shall be set back twelve (12) feet on a Secondary Street and shall be at least sixty (60%) percent landscaped pervious area.~~

~~(2) Articulated Building Street Face. A portion of the building may be set back from the build to line to create interest in the building facade. These standards shown in Figure 3.7.2 vary as follows:~~

~~(a) Along a primary street, the total area of the space created by the setback shall be less than the area which is sixty (60%) percent of the frontage distance times six (6) feet. Difficult to understand. New regs provide minimums and maximums to allow flexibility in design and ensure urban environments. Greenway sections in new regs show requirements for setbacks.~~

~~(b) On secondary streets, for nonresidential uses, the total area of the space created by the setback shall be less than the area which is twenty five (25%) percent of the frontage distance times four (4) feet.~~

~~(c) For any building with frontage of more than fifty (50) lineal feet, there shall be an articulated building face which creates a setback area (or combines setback areas) equal to at least ten (10%) percent of the frontage distance times five (5) feet. The area must have an average minimum depth of five (5) feet. The area shall be open air, landscaped and no less than seventy five (75%) percent pervious.~~

~~(3) Outdoor Eating Areas. Where there is an outdoor eating area installed on the street frontage, the build to line may be altered, provided at least forty (40%) percent of the building frontage meets the build to line. (See Figure 3.7.3) Incorporated in MU District~~

~~(4) Arcades. A building's first floor may be recessed from the build to line for the purpose of an arcade (see Figure 3.7.4). An arcade shall have the following dimensions:~~

~~Minimum height from sidewalk to ceiling inside the arcade: ten (10) feet.~~

~~Minimum depth from the build to line: six (6) feet.~~

~~Maximum depth from the build to line: ten (10) feet. Addressed in MU District in encroachment table~~

~~(H) Parking. The following standards shall apply to parking in the District:~~

~~(1) Parking In Rear. On-site parking shall be located behind the building and shall be accessed from secondary streets, rear alleys or adjacent properties. Addressed in MU District~~

~~(2) Shared and Off-Site Parking. Where a mix of uses among separate properties creates staggered peak periods of parking demand, shared parking calculations may result in a reduction in the total amount of required parking, subject to City approval. Addressed in MU District and reference to City's shared parking table~~

~~Off-site parking, parking lots, or parking structures either public or private may be used to meet minimum parking requirements as long as reasonable pedestrian access is provided from the parking space to the use. Cross-access easements or similar mechanisms shall be used to provide joint access between the parking areas of adjacent properties. Addressed in MU District with max dimension of 1320 feet (5 minute walk distance)~~

~~(3) Number of Spaces. The minimum number of parking spaces required to be located on-site within the District shall be as shown in Table 3-1.~~

**Table 3-1  
Minimum Required Parking Spaces**

<b>Use</b>	<b>Number of Required Parking Spaces</b>
Retail/Commercial	3/1,000 s.f.
Office	3/1,000 s.f.
Residential	1/d.u.
Places of Public Assembly	1 space for each 3 seats in the principal assembly area or 10 spaces for each 1,000 sq. ft. of gfa, whichever is greater

~~Note: If the property is one hundred (100%) percent residential, then the required parking is two (2) per dwelling unit. Moved down with added criteria~~

~~(4) Private Parking Structures. Parking structures are permitted conditionally. However, the parking structure must be behind the building(s) such that what is on the street frontage is retail/commercial, office or residential uses. This applies to all stories and to both Primary and Secondary Streets. (See Figure 3.8.4) Use is addressed in Permitted use table and design criteria in MU District~~

~~(5) Loading Facilities~~

~~(a) Loading docks, solid waste facilities, recycling facilities and other service areas shall be placed to the rear or side of building in visually unobtrusive locations.~~

Addressed in MU District

~~(b) Any service areas (loading docks/storage areas) adjacent to connecting walkways shall be fully screened from view.~~ Addressed in MU District

~~(I) Site Access. Direct vehicular access to lots from 164<sup>th</sup> Street shall be prohibited. Access to parking and loading shall be restricted to rear alleys or side streets. This statement is very restrictive to parcels that require the vacation of alleyways for redevelopment. Access points are addressed in MU for primary streets.~~

~~(J) Lighting. If there is on-site lighting, decorative pedestrian-scale street lighting shall be provided at a height of no more than twelve (12) feet with poles constructed from steel, cast iron, spun aluminum, colored concrete or granite. All wiring shall be underground. Lighting poles shall be of a consistent architectural style and shall complement the predominant architectural theme.~~ Addressed in MU District. Changed to 17 feet (manufacturing standards)

~~(K) Street Furniture. Street furniture includes but is not limited to outdoor benches, waste containers, planters, phone booths, bus shelters, bicycle racks, tree grates, decorative stamped concrete or stamped asphalt crosswalks, banners, water fountains, newspaper dispensers and bollards whether within or outside the public right-of-way. Street furniture must be compatible with the architecture of the surrounding buildings, the character of the area and other elements of the streetscape. Consistency in the selection and location of the various elements of street furniture is critical for maximum effect and functional use. All street furniture shall be subject to the approval of the City. Commercial advertising shall not be permitted on street furniture except as approved by the City.~~

~~(Ord. No. 2002-20 § 2, 11/19/2002; Ord. No. 2006-3 § 2, 3/21/2006; Ord. No. 2008-4 § 2, 3/4/08)~~

Moved to MU District

**Sec. 24-58.4 Building Design**

~~(A) Building Design Principles. Addressed in MU District through building types. Some language below is vague and difficult to evaluate for compliance~~

~~(1) Buildings shall be designed to be compatible with the surrounding environment.~~

~~(2) Buildings shall define the streetscape through the use of a uniform build to line.~~

~~(3) Exterior public and semi-public spaces, such as courtyards or plazas, shall be designed to enhance the surrounding buildings and to provide community amenities, and to connect to public spaces.~~

~~(4) Buildings at street corners shall be considered significant structures and shall be designed with additional height and architectural embellishments such as corner towers to emphasize their location.~~

~~(5) Buildings shall reinforce and revitalize streets and public spaces, by providing an ordered variety of entries, windows, bays, and balconies along public ways. Ground floors shall have a high degree of transparency to encourage interaction between sidewalk activity and uses within the building. Buildings shall have human scale in details and massing.~~

~~(6) Building exteriors shall provide shelter from the sun. Porticos, awnings, arcades, and overhanging eaves are particularly appropriate at pedestrian pathways (see Figure 4.1.6).~~

~~(B) Building Massing.~~

~~(1) Vary Massing of Large Buildings. A single, dominant building mass shall be avoided. Substantial variations in massing shall include changes in height and horizontal plane. Horizontal masses shall not exceed a height to width ratio of 1 to 3 without a substantial architectural element that either projects up or away from the building, such as a tower, bay, or other architectural feature. False fronts or parapets create an insubstantial appearance and shall be avoided. Stopping the building can also reduce the apparent scale of the building and establish a "base" and a "top." Changes in mass shall relate to structural system(s)~~

and the organization of interior space (see Figure 4.2.1).

(2) ~~Highlight Building Entries.~~ Building massing shall be used to highlight the location of building entries. For example, greater height can be used to accentuate entries in the form of tower elements, tall voids, or a central mass at an entry.

(C) ~~Unity of Character and Design.~~ Buildings and structures shall have a unity of character and design. The design character of buildings shall be free of cluttered forms having no apparent system of organization.

(D) ~~Building Height.~~ Stories at sidewalk level shall be no less than twelve (12) feet in height from finished floor to finished ceiling. To provide variety to the skyline, the number of stories, not the overall height, shall limit building elevation. All buildings within the District shall be a minimum of two (2) stories and shall not exceed fifteen (15) stories. Buildings shall have no more than twenty five (25) foot floor-to-floor heights on all stories. **New regs utilize both feet and number of stories to ensure compatibility with adjacent uses**

(E) ~~Base and Top Treatment.~~ All facades shall have:

(1) A recognizable "base" consisting of (but not limited to):

- (a) Thicker walls,
- (b) Richly textured materials (e.g. tile or masonry treatments),
- (c) Special materials such as ceramic tile, granite and marble, or
- (d) Contrasting colored materials, mullion, and/or panels (see Figure 4.5.1).

(2) A recognizable "top" consisting of (but not limited to):

- (a) Cornice treatments,
- (b) Roof overhangs with brackets,
- (c) Stepped parapets,
- (d) Richly textured materials (e.g. tile or masonry treatments), and/or
- (e) Differently colored materials; colored "stripes" are not acceptable as the only treatment. **This restricts modern architecture**

(F) ~~Building Frontage.~~ Building frontages along Primary Streets shall occupy no less than eighty five (85%) percent of a lot's street-facing frontage. Buildings with multiple storefronts shall be unified through the use of architecturally compatible materials, colors, details, awnings, signage and light fixtures. **Addressed through a table and determined by street frontage**

(G) ~~Store Front Transparency.~~ Ground floor windows that face a street shall be framed by the surrounding wall and shall encompass a minimum of sixty six (66%) percent of the total ground-level façade area. Ground floor windows shall not be blocked by furniture, equipment, tinting or shading. **Addressed in MU District**

(H) ~~Entryways.~~ The primary entry(s) of both business establishments and residential uses shall be visible and accessible directly from a public street. Primary facades that front onto a street shall be built parallel to the public right-of-way. Primary pedestrian entries shall be clearly expressed and be recessed or framed by a sheltering element such as an awning, arcade, porch, or portico. **Too restrictive for modern architecture**

(I) ~~Street Facing Facades.~~ Windows above the first floor, when facing the street, shall occupy at least thirty three (33%) percent of the building façade for all stories above the first floor. A section of blank wall shall not exceed twenty (20) linear feet without being interrupted by a window, entry, pilaster, lattice, change in plane, or similar element. **Addressed in MU District**

(J) ~~Projections Into the Right of Way.~~ Special architectural features, such as bay windows, decorative roofs, projecting signs and entry features may project up to three (3) feet into public

rights-of-way, provided that they are not less than nine (9) feet above the sidewalk. Canopies and fabric awnings may project into public rights-of-way with an overhang of not less than five (5) feet and not more than eight (8) feet, provided they are not less than nine (9) feet above the sidewalk and do not interfere with existing street trees. Poles or any other support systems are not permitted to touch the sidewalk or pavement. **Addressed in MU District**

~~(K) — Roof Form.~~

~~(1) — Roof types. Roof types shall be front or side gable, hipped, and flat with parapet or a combination thereof. The principal roof pitch shall be consistent with the Florida Building Code. Mansard roofs are prohibited.~~

~~(2) — Roof overhangs. Roof overhangs shall wrap around all four (4) sides of the building so that there is visual continuity around the entire building unless buildings are joined.~~

~~(3) — Roof treatments. Variations in rooflines shall be used to add interest to, and reduce the mass of buildings. Roof features shall be in scale with the building's mass and complement the character of adjoining and adjacent buildings. Roofing material shall be constructed of durable high quality material in order to enhance the appearance and attractiveness of the community.~~

~~(4) — Permitted roof materials. Permitted roof materials for pitched roofs include:~~

~~(a) — Glazed or unglazed ceramic tiles, "S" tiles, barrel or flat;~~

~~(b) — Metal, including standing seam. **No Shingles? Too restrictive**~~

~~(5) — Flat roofs. Flat roofs shall:~~

~~\_\_\_\_\_ (a) — Be treated with colored gravel;~~

~~\_\_\_\_\_ (b) — Have all roof top equipment screened from view from street level;~~

~~\_\_\_\_\_ (c) — Provide, when possible, for use as a terrace. **Addressed in MU District**~~

~~(6) — Roof drainage. All structures shall:~~

~~(a) — Have guttered roof drainage systems whose runoff shall be conveyed through rain leaders connected to underground piped storm drains that discharge into the private stormwater drainage system. **Addressed in MU District**~~

~~(b) — Air conditioning condensate drains shall be conveyed through condensate piping and discharged into the private drainage well, storm sewer, adequate soakage pit or drainfield.~~

~~(L) — Design Guidelines for Signs. Section 24-140 through 24-159A.5 of the City Code shall apply to this district, except where modified by Section 24-58.4(L) herein. **Moved to additional design standards**~~

~~(1) — Signs affixed to the exterior of a building shall be architecturally compatible with the style, composition, materials, colors, and details of the building, as well as with other signs used on the building or its vicinity. **Moved to additional design standards**~~

~~(2) — Signs shall fit within the existing facade features, shall be confined to signable areas, and shall not interfere with door and window openings, conceal architectural details or obscure the composition of the facade where they are located. **Moved to additional design standards**~~

~~(3) — Whenever possible, signs located on buildings within the same block face shall be placed at the same height in order to create a unified sign band. **Moved to additional design standards (note: current regs do not specify which signs are allowed in FCC)**~~

~~(4) Wood and painted metal are the preferred materials for under-awning, hanging signs. Flat signs should be framed with raised edges. Wood signs shall use only high-quality exterior grade wood with suitable grade finishes. Moved to additional design standards~~

~~(5) Sign colors should be compatible with the colors of the building façade. A dull or matte finish is recommended for reduction of glare and enhancement of legibility. Moved to additional design standards~~

~~(6) Signs shall be either spot or backlit with a diffused light source. Spotlighting shall require complete shielding of all light sources, shall be contained within the sign frame, and shall not significantly spill over to other portions of the building or site. Backlighting shall illuminate the letters, characters, or graphics on the sign, but not its background. Warm fluorescent bulbs may be used to illuminate the interior of display cases. Neon signs placed inside the display case shall insure low intensity colors. Moved to additional design standards~~

~~(7) Signs shall be mounted so that the method of installation is concealed. Signs applied to masonry surfaces should be mechanically fastened to mortar joints only and not directly into brick or stone. Drilling to provide electrical service should also follow the same rule.~~

~~(M) Billboards. Billboards are prohibited. Moved to additional design standards~~

~~(N) Mechanical Equipment Screening. Mechanical equipment shall be integrated into the overall mass of a building by screening it behind parapets or by recessing equipment into hips, gables, parapets or similar features; plain boxes are not acceptable. Addressed in MU District~~

~~(O) Materials. Addressed in MU District~~

~~(1) General. Buildings shall support regional traditions. Buildings shall have consistent materials and details on all sides that are visible from public streets and trails.~~

~~(2) Windows.~~

~~(a) Window Openings. Windows on the ground floor shall be square or horizontally rectangular in proportion.~~

~~(b) Windows shall be inset a minimum of two (2) inches from the exterior wall surface.~~

~~(c) Mirrored glass is prohibited.~~

~~(d) Glass curtain walls are prohibited. Restricts modern architecture~~

~~(e) Clear glass shall be used for storefront windows and doors.~~

~~(f) Glass block is prohibited except when used for architectural detail. Where glass block is used, it shall not be counted toward transparency requirements.~~

~~(g) Solid metal security gates or solid roll down metal windows shall not be permitted.~~

~~(h) Link or grill type security devices shall be permitted only if installed from the inside, within the window or doorframes.~~

~~(i) Other types of security devices fastened to the exterior walls are not permitted.~~

~~(3) Simulated materials. Materials that are visibly simulated or prefabricated are discouraged. Material and color changes shall not occur at external corners, but may occur at "reverse" or interior corners or as a "return" at least two (2) feet from external corners. Scored plywood (such as "T-11") shall not be permitted.~~

~~(4) Proper application and detailing. Materials shall be properly applied and correctly detailed, especially at the base of buildings, along cornices, eaves, parapets or around entries and windows.~~

~~(Ord. No. 2002-20 § 2, 11/19/2002; Ord. No. 2008-4 § 2, 3/4/08)~~

**Sec. 24-58.5 Supplemental Regulations.** Moved to end

(A) *Supplemental Regulations.* Except as otherwise provided herein, Articles IV, VI, VIII, IX, X, XI, XII, XIII, and XIV shall apply, but may be further modified by the City Manager to meet the purpose and intent of the Fulford City Center (Mixed use) District as described herein. (Ord. No. 2002-20 § 2, 11/19/2002; Ord. No. 2008-4 § 2, 3/4/08)

**Figure 3.4 / 3.5  
Building Orientation**

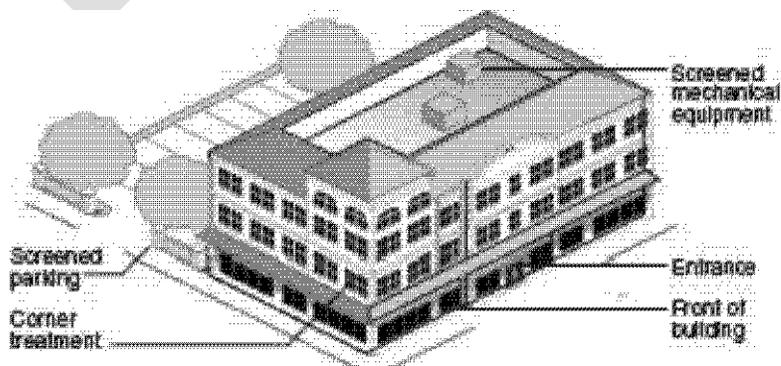
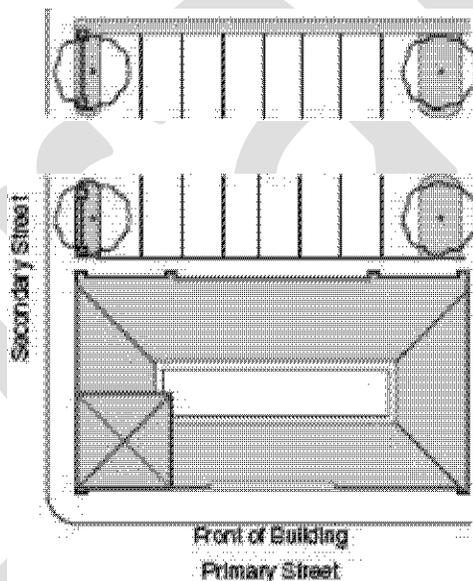
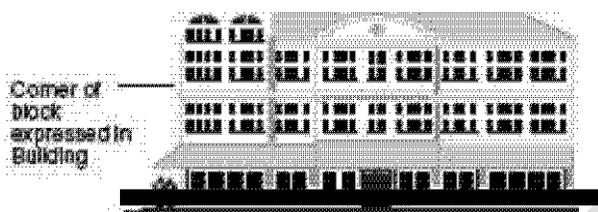


Figure 3.7.2  
Articulated Building Street Face

Figure 3.7.3  
Outdoor Eating Plan

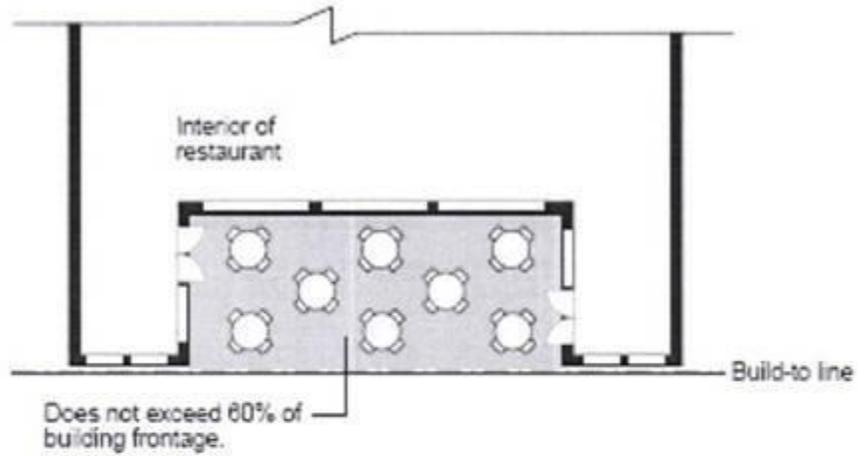


Figure 3.7.4  
Recesses, Arcade

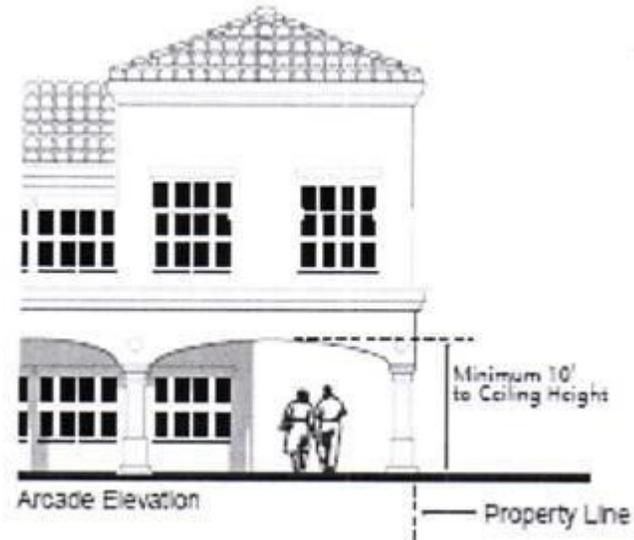


Figure 3.8.4  
Private Parking Structure

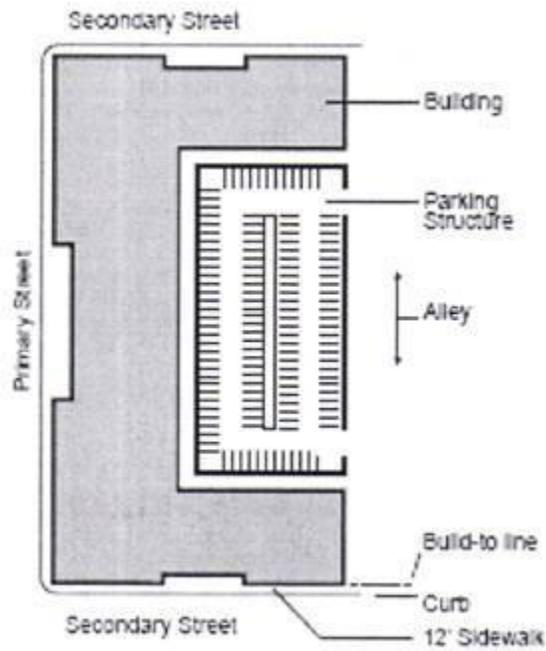


Figure 4.1.6  
Building Exteriors Provide Shelter



Figure 4.2.1  
Vary Massing

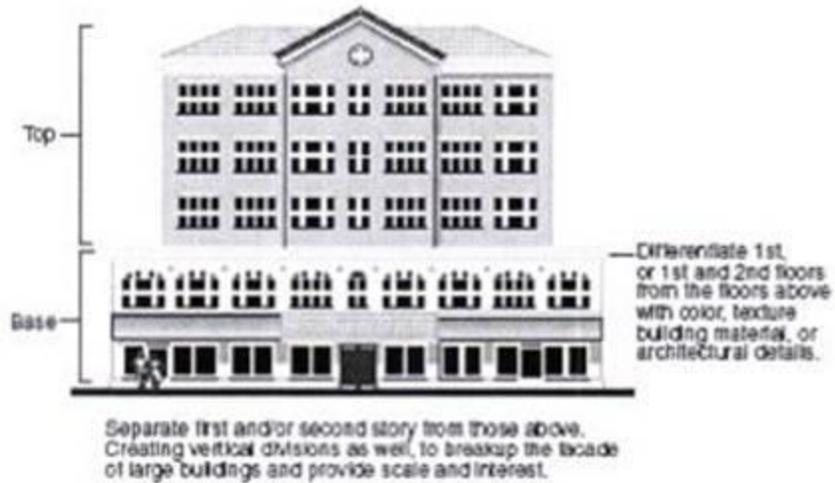


Figure 4.5.1  
Base and Top Treatment



## **(F) Sub-Areas Regulating Plan**

All new and existing development shall review first their location within the Sub-Areas Regulating Plan as shown in **Figure X - 1**.

## **(G) Permitted Uses**

### (1) Land Use Principles.

- a. The MU/TC District shall be developed as an identifiable place and shall act as an important destination for living, working, shopping and entertainment. The mix of uses within the District, the streets and the architectural character of individual buildings shall blend together to contribute to a coherent identity and sense of place.
- b. Along NE 164<sup>th</sup> street, east of NE 21<sup>st</sup> Avenue only, the ground floor of all buildings shall be limited to commercial uses, including but not limited to office and retail uses. On the second level, both non-residential and residential uses shall be permitted. Residential uses on all floors above the second level is required.
- c. Along NE 164<sup>th</sup> streets, west of NE 21<sup>st</sup> Avenue only, commercial uses including but not limited to office and retail uses are encouraged along the ground floor of all buildings. On all levels, both non-residential and residential uses shall be permitted.
- d. Along NE 19<sup>th</sup> Avenue and NE 163<sup>rd</sup> Street, commercial uses including but not limited to office and retail uses are required along the ground floor of all buildings. On the second level and above, both non-residential and residential uses shall be permitted.
- e. Along all other streets, commercial uses including but not limited to office and retail uses are encouraged along the ground floor of all buildings. On all levels, both non-residential and residential uses shall be permitted.

- (2) Permitted Use **Table X - 1** includes the principal uses permitted in the MU/TC along with any required restrictions on such uses, for each of the sub-areas. Principal uses not included in **Table X - 1** are not permitted in the MU/TC. Principal uses in the MU/TC shall be subject to the use-specific standards as provided for in **Article VIII** unless modified herein.

Insert Permitted Use Table

## **(H) Street Network Connectivity Regulating Plan and Street Standards**

**Figure X - 2** shows the location of existing and required new streets needed to create the prescribed network of streets within the MU/TC. This plan also establishes the hierarchy of the streets within the district. The street standards specified in **Section 24-58 (J) Mixed-use District** shall apply except as modified herein:

- (1) All streets shall be located according to the Street Network Connectivity Regulating Plan for the MU/TC.
- (2) All existing Primary A, new Primary A and existing Secondary Streets shall be required in the same general location as shown on the Street Network Connectivity Regulating Plan but may be modified with respect to alignment. No existing Primary A, new Primary A and existing Secondary Streets shall be deleted or otherwise vacated or removed.
- (3) All new Secondary Streets are encouraged to promote connectivity and accessibility between multiple modes of transportation including vehicles, mass transit and/or rail systems. All new Secondary Streets may be modified or deleted for the purpose of assembling parcels for development and no mass transit and/or

- rail systems are in place.
- (4) Tertiary Streets and Alleys shown on the Street Network Connectivity Regulating Plan are encouraged to promote connectivity and to conform to block length requirements. Tertiary streets and alleys may be modified or deleted for the purpose of assembling parcels for development.
- (5) All streets shall be designed according to the typical street sections and standards provided in Section 24-58 (J)(c) Mixed-use District except as modified for the following specific streets within the MU/TC:
- a. Type S1: NE 164<sup>th</sup> Street (East of West Dixie Highway) (Figure X – 5)
- i. A minimum landscaped strip of 5 feet shall be provided along the street edge.
  - ii. Tree grates a minimum of 5 feet by 5 feet may be utilized in place of the required landscape strip.
  - iii. A minimum sidewalk width of 7.5 feet shall be provided adjacent to the landscaped area.
  - iv. Bulb-outs may be provided.
  - v. A median shall be provided a minimum of 14 feet in width.
  - vi. On-street parking shall be provided on both sides of the street.
  - vii. Where applicable, a maximum of 20 percent of the area within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass

Insert Street Section

- b. Type S2: NE 164<sup>th</sup> Street (Between NE 20<sup>th</sup> Avenue and West Dixie Highway) (Figure X – 6)
- i. Tree grates a minimum of 5 feet by 5 feet shall be utilized for consistency with existing conditions.
  - ii. A minimum sidewalk width of 7.5 feet shall be provided adjacent to the tree grates.
  - iii. Bulb-outs may be provided.
  - iv. A median shall be provided a minimum of 14 feet in width.
  - v. On-street parking shall be provided on both sides of the street.
  - i. Where applicable, a maximum of 20 percent of the area within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.

Insert Street Section

- c. Type S3: NE 164<sup>th</sup> Street (Between NE 16<sup>th</sup> Avenue and NE 20<sup>th</sup> Avenue) (Figure X – 7)
- i. Tree grates a minimum of 5 feet by 5 feet shall be utilized for consistency with existing conditions.
  - ii. A minimum sidewalk width of 7.5 feet shall be provided adjacent to the tree grates.
  - iii. Bulb-outs may be provided.
  - iv. A median shall be provided a minimum of 14 feet in width.
  - v. On-street parking shall be provided on both sides of the street.
  - ii. Where applicable, a maximum of 20 percent of the area within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.

Insert Street Section

**(I) Designated Publically Accessible Open Spaces and Urban Greenway Systems Regulating Plan**

In the MU/TC there are two general greenway types: the urban greenways, which occur along streets and the canal greenways, which occur along the Snake Creek Canal. The designated publically accessible greenways system shall be one of the following types depending on the location within the MU/TC and as generally shown in the Designated Publically Accessible Open Spaces and Urban Greenways Systems Regulating Plan (Figure X – 3).

(1) Urban Greenway Types

- a. Type UG 1: Along West Dixie Highway (Figure X – 8) (Proposed diagrams show two options for discussion: with or without parking)
  - iii. The minimum width of the greenways shall be 15 feet.
  - iv. On the East side of West Dixie Highway, there shall be a minimum setback of 15 feet to accommodate the required urban greenway.
  - v. Where applicable, a minimum of 20 percent of the length of the portion of the greenway within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
  - vi. Tree grates a minimum of five (5) feet by five (5) feet may be utilized in place of the required landscape strip.

Insert Greenway Sections

- b. Type UG 2: Along NE 19<sup>th</sup> Avenue (Figure X – 9) (Proposed diagrams show two options for discussion: with or without bike lane)
  - i. The minimum width of the greenways shall be 25 feet. (Bike lane version) Other version the minimum width of the urban greenway shall be 17 feet.
  - ii. Where applicable, a minimum of 20 percent of the length of the portion of the greenway within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
  - iii. Tree grates shall not be utilized in place of the required landscape strip.

Insert Greenway Sections

- c. Type UG 3: Along NE 16<sup>th</sup> Avenue (Figure X – 10)
  - i. The minimum width of the greenways shall be 21 feet.
  - ii. Where applicable, a minimum of 20 percent of the length of the portion of the greenway within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
  - iii. Tree grates shall not be utilized in place of the required landscape strip.

(2) Canal Greenway Types

- a. Type CG 1 Option 1: Between NE 17<sup>th</sup> Avenue and West Dixie Highway (South of canal) (Figure X – 11) (Proposed diagrams show two options for discussion: with or without road)
  - i. Where there is an existing or proposed roadway along the canal, the minimum width of the greenway shall be 25 feet.
  - ii. The greenway shall consist of a bike lane a minimum of 5 feet wide and a pedestrian trail a minimum of 5 feet wide.
  - iii. Tree grates shall not be utilized in place of the required landscape strip.

### Insert Greenway Sections

- b. Type CG 1 Option 2: Between NE 17<sup>th</sup> Avenue and West Dixie Highway (South of canal) (Figure X – 12) (Proposed diagrams show two options for discussion: with or without road)
  - i. Where there is no existing or proposed roadway along the canal, the minimum width of the greenway shall be 65 feet.
  - ii. The greenway shall consist of a multi-purpose trail a minimum of 15 feet wide for bikes and pedestrians.
  - iii. A minimum of 80 percent of the length of the portion of the greenway within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
  - iv. Tree grates shall not be utilized in place of the required landscape strip.

### Insert Greenway Sections

- c. Type CG 2: East of West Dixie Highway (South of canal) (Figure X – 13)
  - i. The minimum width of the greenway shall transition from 23 feet to 40 feet depending on the location of the greenway and as shown in Figure X – 13.
  - ii. The greenway shall consist of a boardwalk a minimum of 10 feet wide for pedestrians.
  - iii. 80 percent of the length of the portion of the greenway within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
  - iv. Tree grates shall not be utilized in place of the required landscape strip.

### Insert Greenway Sections

- d. Type CG 3: East of West Dixie Highway (North of canal) (Figure X – 14)
  - i. The minimum width of the greenway shall be 55 feet.
  - ii. The greenway shall consist of a multi-purpose trail a minimum of 15 feet wide for bikes and pedestrians.
  - iii. Except for the multi-purpose trail, 100 percent of the length of the portion of the greenway within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
  - iv. Tree grates shall not be utilized in place of the required landscape strip.

### Insert Greenway Sections

- e. Type CG 4: Between NE 20<sup>th</sup> Avenue and West Dixie Highway (North of canal) (Figure X – 15)
  - i. The minimum width of the greenway shall be 44 feet.
  - ii. The greenway shall consist of a boardwalk a minimum of 10 feet wide for pedestrians.
  - iii. 80 percent of the length of the portion of the greenway within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
  - iv. Tree grates shall not be utilized in place of the required landscape strip.

### Insert Greenway Sections

- f. Type CG 5: Between NE 18<sup>th</sup> Avenue and NE 20<sup>th</sup> Avenue (North of canal) (Figure X – 16)

- i. The minimum width of the greenway shall be 50 feet.
- ii. The greenway shall consist of a boardwalk a minimum of 10 feet wide for pedestrians.
- iii. 80 percent of the length of the portion of the greenway within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
- iv. Tree grates shall not be utilized in place of the required landscape strip.

Insert Greenway Sections

- g. Type CG 6: West of NE 18<sup>th</sup> Avenue (North of canal) (Figure X – 17)
  - i. The minimum width of the greenway shall be 45 feet.
  - ii. The greenway shall consist of a multi-purpose trail a minimum of 15 feet wide for bikes and pedestrians.
  - iii. A minimum of 20 percent of the length of the portion of the greenway within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
  - iv. Tree grates shall not be utilized in place of the required landscape strip.

Insert Greenway Sections

- (3) The designated public urban greenways system shall be designed to enhance the visual character of specific streets along the urban greenways and ensure pedestrian connectivity by:
  - a. Providing tree species that provide continuous shade for a minimum of 70 percent of the frontage along the urban greenways. Palm trees alone are not acceptable and the maximum spacing of the shade trees shall be 30 feet on center.
  - b. Providing street furnishings such as benches, trash receptacles, bike racks, drinking water fountains, etc.
  - c. Providing a landscape plan illustrating a coherent design with significant tree species along the urban greenways that are distinguishably different from the other streets along the property in terms of color, type and shape.
  - d. No plant material other than trees shall be higher than 24 inches within the greenways.
  - e. Tree specifications shall be as per Section 24-58 (L).

**(J) Building Heights Regulating Plan and Additional Height Standards**

All new and existing development shall comply with the standards found within the Building Heights Regulating Plan as shown in (Figure X – 4). Table X - 2 provides a summary of the heights per sub-area, however, since maximum building heights vary within the sub-areas and are dependent on location, the Building Height Regulating Plan shall be referred to.

<b><u>Table X – 2 Maximum Permitted Height (1)</u></b>	
<b><u>Area</u></b>	<b><u>Maximum Permitted Height</u></b>
<u>Core Sub-Area</u>	<u>30 stories/375 feet (2)</u>
<u>Transition Sub-Area</u>	<u>25 stories/315 feet (2)</u>

	<u>20 stories/255 feet (2)</u>
<u>Edge Sub-Area</u>	<u>15 stories/195 feet (2)</u> <u>8 stories/110 feet</u> <u>6 stories/85 feet</u> <u>3 stories/35 feet</u>
<u>Notes:</u>	
(1) <u>Height has been rounded up to allow for additional space for mechanical equipment and the measurement of the roof. Measurement of stories is regulated in <b>Section 24-58 Mixed-use District.</b></u>	
(2) <u>Buildings higher than 8 stories shall only be developed per the Tower building Type standards.</u>	

**(K) Building Typology and Dimensional Standards**

(1) Building Typologies

All new buildings shall conform to one of the permitted building typologies as demonstrated in the Building Typology and Placement Regulating Diagrams in **Section 24-58 Mixed-use District.** The diagrams provide a schematic representation of the various building typologies and demonstrate the required setbacks, lot standards, and profiles of structures. Existing buildings which do not fit a prescribed typology, shall follow the standards required for the Flex building typology. Not all building typologies are permitted in each mixed-use district. The building typologies permitted in the MU/TC and their allowable sub-area locations are listed below in **Table X - 3:**

<b><u>Table X - 3 Building Typologies</u></b>			
<b><u>Building Typology</u></b>	<b><u>Core</u></b>	<b><u>Transition</u></b>	<b><u>Edge</u></b>
<u>Tower</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Liner</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Courtyard Building</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Flex</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Townhouse Type 1</u>	<u>No</u>	<u>No</u>	<u>Yes</u>
<u>Townhouse Type 2</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Zero Lot Line (Courtyard House)</u>	<u>No</u>	<u>No</u>	<u>Yes</u>
<u>Zero Lot Line (Sideyard House)</u>	<u>No</u>	<u>No</u>	<u>Yes</u>
<u>Single Family Detached</u>	<u>No(1)</u>	<u>No(1)</u>	<u>No(1)</u>
<u>Note:</u>			
(1) <u>Existing single family and multi-family dwellings that were legally established on or before <b>March X, 2015</b> shall be considered legal nonconforming.</u>			

(2) Setbacks and Building Frontage.

a. Front and Street Side Setbacks and Building Frontage. Front and Street Side setbacks are determined based on the street the building fronts. Table X – 4 lists the minimum required front and street side setbacks and building frontage per street type. The interior side and rear setbacks as well as the lot standards shall be as specified per building type in Section 24-58 Mixed-use District.

**Table X – 4 Minimum and Maximum Front, Street Side and Canal Side Setbacks and Building Frontage per Street and Canal Greenway Type (1)**

<u>Street Type</u>	<u>Minimum Setback</u>	<u>Maximum Setback</u>	<u>Building Frontage</u>
Primary A (NE 164 <sup>th</sup> Street)	0 feet	20 feet	90%
Primary A (NE 16 <sup>th</sup> Avenue)	0 feet	20 feet	90%
Primary A (NE 19 <sup>th</sup> Avenue)	0 feet	20 feet	90%
Primary A (W. Dixie Hwy.)	0 feet (west side) 15 feet (east side)	10 feet (west side) 25 feet (east side)	90% 90%
Primary A (All others)	10 feet (2)	20 feet	90%
Primary B	10 or 20 feet (3)	30 feet	90%
Secondary (NE 163 <sup>rd</sup> Street)	15 feet	25 feet	60%
Secondary (All others)	10 feet	20 feet	80%
Tertiary	10 feet	20 feet	50%
Alleys	Per Building Typology and Placement Regulating Diagrams	Per Building Typology and Placement Regulating Diagrams	N/A
<u>Canal Greenway Type</u>	<u>Minimum Setback</u>	<u>Maximum Setback</u>	<u>Building Frontage</u>
CG 1	15 feet	25 feet	90%
CG 2	5 feet/40 feet (4)	15 feet/80 feet (4)	90%
CG 3	27 feet	45 feet	90%
CG 4	19 feet	25 feet	90%
CG 5	10 feet	20 feet	90%
CG 6	10 feet	15 feet	90%
<u>Notes:</u>			
(1) <u>Setbacks shall be measured from property lines.</u>			
(2) <u>Where applicable, the minimum setback shall be located within the minimum depth of the required designated urban greenway as specified herein.</u>			

(3) If roadway adjacent to development is vacated, the minimum setback shall be 10 feet. If roadway adjacent to development remains, the minimum setback shall be 20 feet. Where applicable, the minimum setback shall be located within the minimum depth of the required designated urban greenway as specified herein.

(4) Refer to specific greenway design standards.

**(L) On-site Parking Standards**

(1) All parking within the MU/TC shall comply with the Access, Circulation, Parking and Loading Standards specified in Section 24-58 Mixed-use District.

(2) On-site parking shall comply with Table X - 5. Uses not listed herein shall comply with the parking requirements specified in Article IX.

(3) Guest parking shall comply with Table X - 5. Guest parking shall be designated and prominently marked on-site as "Guest Parking" and shall not be restricted in any manner to use by a single tenant, owner, unit, or other user.

**Table X - 5 Minimum and Maximum Parking Requirements by use**

	<u>Min</u>	<u>Max</u>
<b><u>Retail, restaurant or commercial</u></b>	<u>2 per 1000sf</u>	<u>4 per 1000sf</u>
<b><u>Office</u></b>	<u>2.5 per 1000sf</u>	<u>4 per 1000sf</u>
<b><u>Hotel and motel; hotel and motel, limited</u></b>	<u>1 per 4 rooms plus 1 per 800sf for restaurant, public meeting areas; 1 per 15 rooms for staff</u>	<u>1 per 4 rooms plus 1 per 800sf for restaurant, public meeting areas; 1 per 15 rooms for staff</u>
<b><u>Residential</u></b>	<u>1 per unit plus 1 per 20 units for guest parking</u>	<u>2 per unit plus 1 per 20 units for guest parking</u>
<b><u>Places of Public Assembly</u></b>	<u>1 space for each 3 seats in the principal assembly area or 10 spaces for each 1,000 sq. ft. of gfa, whichever is greater.</u>	<u>1 space for each 3 seats in the principal assembly area or 10 spaces for each 1,000 sq. ft. of gfa, whichever is greater.</u>
<b><u>Live/work</u></b>	<u>2 per 1000sf</u>	<u>4 per 1000sf</u>

**(M) Bicycle Racks and Bicycle Storage Standards**

Bicycle racks and storage shall be required as follows:

(1) Bicycle racks and bicycle storage for commercial uses. Commercial developments, excluding hotel uses, shall provide:

a. secure bike racks and/or storage at a ratio of one bicycle parking space per every 15 required parking spaces and

b. a minimum of one shower and changing facility shall be provided to be available for all tenants and shall be located within the building, or within

200 feet of the building entrance, for developments greater than 50,000 square feet in gross building area.

- (2) Bicycle racks and bicycle storage for residential uses. One bicycle parking space shall be provided per every 15 required parking spaces. Required residential bicycle parking spaces shall be provided in a secured area, covered from the elements.
- (3) Mixed-use developments. Mixed-use developments shall provide secure bicycle parking spaces for both the commercial and residential components of the development as calculated separately pursuant to the requirements of this section.

### **(N) Signage Standards**

Signage shall comply with the standards in Article XIII except as modified herein.

- (1) Signs affixed to the exterior of a building shall be architecturally compatible with the style, composition, materials, colors, and details of the building, as well as with other signs used on the building or its vicinity.
- (2) Signs shall fit within the existing facade features, shall be confined to signable areas, and shall not interfere with door and window openings, conceal architectural details or obscure the composition of the facade where they are located.
- (3) Whenever possible, signs located on buildings within the same block-face shall be placed at the same height in order to create a unified sign band.
- (4) Wood and painted metal are the preferred materials for under-awning, hanging signs. Flat signs should be framed with raised edges. Wood signs shall use only high-quality exterior grade wood with suitable grade finishes.
- (5) Sign colors should be compatible with the colors of the building facade. A dull or matte finish is recommended for reduction of glare and enhancement of legibility.
- (6) Signs shall be either spot- or backlit with a diffused light source. Spot lighting shall require complete shielding of all light sources, shall be contained within the sign frame, and shall not significantly spill over to other portions of the building or site. Backlighting shall illuminate the letters, characters, or graphics on the sign, but not its background. Warm fluorescent bulbs may be used to illuminate the interior of display cases. Neon signs placed inside the display case shall insure low intensity colors.
- (7) Signs shall be mounted so that the method of installation is concealed. Signs applied to masonry surfaces should be mechanically fastened to mortar joints only and not directly into brick or stone. Drilling to provide electrical service should also follow the same rule.
- (8) Billboards are prohibited.

### **(O) Assessments**

- (1) Public Infrastructure and Streetscape assessment and fund
  - a. All new development, or renovation or remodeling of existing buildings within the MU/TC, where total vertical construction costs of the development, renovation or remodeling is equal to or greater than \$500,000 shall pay a public infrastructure and streetscape assessment per dwelling unit or square foot to receive any allowable tax incentive, which may be available from the North Miami Beach Community Redevelopment Agency, if any. Such public infrastructure and streetscape assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public infrastructure and streetscape assessments shall be deposited into the public infrastructure and streetscape fund.

- b. Ordinary property maintenance is exempt from the public infrastructure and streetscape assessment. Repairs and restoration resulting from fire, flood, windstorm or other natural disaster, as determined by the building official, are exempt from the public infrastructure and streetscape assessment.
- c. The amount of the public infrastructure and streetscape assessment shall be established by resolution of the City Council and may be adjusted from time to time.
- d. A separate public infrastructure and streetscape fund shall be established by the City. All public infrastructure and streetscape assessment payments from new development, or renovation or remodeling of existing buildings within the MU/TC shall be deposited into this fund and the funds shall be kept separate from any other City funds. The public infrastructure and streetscape fund shall be used by the City for improvement to and maintenance of the public infrastructure and streets in the MU/TC. Use of such funds shall be determined by the City Council. Any monies not expended in the fund in any fiscal year shall be carried over in the fund into the following year. Any interest earned on the funds shall be retained in the fund.

(2) Public Open Space assessment and fund

- a. All new development, or renovation or remodeling of existing buildings within the MU/TC, where total vertical construction costs of the development, renovation or remodeling is equal to or greater than \$500,000 shall pay a public open space assessment per dwelling unit or square foot to receive any allowable tax incentive which may be available from the North Miami Beach Community Redevelopment Agency, if any. Such public open space assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public open space assessments shall be deposited into the public open space fund.
- b. Ordinary property maintenance is exempt from the public open space assessment. Repairs and restoration resulting from fire, flood, windstorm or other natural disaster, as determined by the building official, are exempt from the public open space assessment.
- c. The amount of the public open space assessment shall be established by resolution of the City Council and may be adjusted from time to time.
- d. A separate public open space fund shall be established by the City. All public open space assessment payments from new development, or renovation or remodeling of existing buildings within the MU/TC shall be deposited into this fund and the funds shall be kept separate from any other City funds. The public open space fund shall be used by the City for improvement to and maintenance of the Snake Creek Canal Greenway, public parks, public open spaces and recreational areas and facilities in the MU/TC. Use of such funds shall be determined by the City Council. Any monies not expended in the fund in any fiscal year shall be carried over in the fund into the following year. Any interest earned on the funds shall be retained in the fund.

(3) Public Art assessment and fund

- a. All new development, or renovation or remodeling of existing buildings within the MU/TC, where total vertical construction costs of the development, renovation or remodeling is equal to or greater than \$500,000 shall pay a public art assessment to receive any allowable tax incentive which may be available from the North Miami Beach Community Redevelopment Agency, if any. Such public art assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public art assessments shall be deposited into the public art fund.
- b. Ordinary property maintenance is exempt from the public art assessment. Repairs and restoration resulting from fire, flood, windstorm or other natural disaster, as determined by the building official, are exempt from the public art assessment.

- c. The amount of the public art assessment shall be established by resolution of the City Council and may be adjusted from time to time.
- d. A separate public art fund shall be established by the City. All public art assessment payments from new development, or renovation or remodeling of existing buildings within the MU/TC shall be deposited into this fund and the funds shall be kept separate from any other City funds. The public art fund shall be used by the City for the construction of, improvement to and maintenance of public art. Use of such funds shall be determined by the City Council. Any monies not expended in the fund in any fiscal year shall be carried over in the fund into the following year. Any interest earned on the funds shall be retained in the fund. Such public art assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public art assessments shall be deposited into the public art fund.

**(P) Development Permit Review Procedures.**

The following development permit review procedure will apply to this district:

- (1) The review procedures set out in Article XV will apply within this district.
- (2) Preapplication Conference: For those development permit requests that require a Pre-Application Conference, the specific issues identified below must be reviewed by the Applicant and addressed with staff at the Preapplication Conference:
  - (a) Utility locations and alleys, treatment of the Snake Creek Canal, placement of public art, eligibility for tax increment rebates and other development incentives.
  - (b) In addition to the submittal requirements in Article XV, the required plans submitted for review for the Pre-Application conference shall demonstrate the Applicant's general approach to comply with the requirements noted above and shown on the MU/TC District's:
    - (1) Sub-Areas Regulating Plan
    - (2) Street Network and Connectivity Regulating Plan
    - (3) Designated Publically Accessible Open Spaces and Urban Greenways Regulating Plan
    - (3) Building Heights Regulating Plan
    - (4) Building Typology.

(2) Setbacks and Building Frontage.

a. Front and Street Side Setbacks and Building Frontage. Front and Street Side setbacks are determined based on the street the building fronts. Table X – 4 lists the minimum required front and street side setbacks and building frontage per street type. The interior side and rear setbacks as well as the lot standards shall be as specified per building type in Section 24-58 Mixed-use District.

**Table X – 4 Minimum and Maximum Front, Street Side and Canal Side Setbacks and Building Frontage per Street and Canal Greenway Type (1)**

<u>Street Type</u>	<u>Minimum Setback</u>	<u>Maximum Setback</u>	<u>Building Frontage</u>
Primary A (NE 164 <sup>th</sup> Street)	0 feet	20 feet	90%
Primary A (NE 16 <sup>th</sup> Avenue)	0 feet	20 feet	90%
Primary A (NE 19 <sup>th</sup> Avenue)	0 feet	20 feet	90%
Primary A (W. Dixie Hwy.)	0 feet (west side) 15 feet (east side)	10 feet (west side) 25 feet (east side)	90% 90%
Primary A (All others)	10 feet (2)	20 feet	90%
Primary B	10 or 20 feet (3)	30 feet	90%
Secondary (NE 163 <sup>rd</sup> Street)	15 feet	25 feet	60%
Secondary (All others)	10 feet	20 feet	80%
Tertiary	10 feet	20 feet	50%
Alleys	Per Building Typology and Placement Regulating Diagrams	Per Building Typology and Placement Regulating Diagrams	N/A
<u>Canal Greenway Type</u>	<u>Minimum Setback</u>	<u>Maximum Setback</u>	<u>Building Frontage</u>
CG 1	15 feet	25 feet	90%
CG 2	5 feet/40 feet (4)	15 feet/80 feet (4)	90%
CG 3	27 feet	45 feet	90%
CG 4	19 feet	25 feet	90%
CG 5	10 feet	20 feet	90%
CG 6	10 feet	15 feet	90%
<u>Notes:</u>			
(1) <u>Setbacks shall be measured from property lines.</u>			
(2) <u>Where applicable, the minimum setback shall be located within the minimum depth of the required designated urban greenway as specified herein.</u>			

(3) If roadway adjacent to development is vacated, the minimum setback shall be 10 feet. If roadway adjacent to development remains, the minimum setback shall be 20 feet. Where applicable, the minimum setback shall be located within the minimum depth of the required designated urban greenway as specified herein.

(4) Refer to specific greenway design standards.

**(L) On-site Parking Standards**

(1) All parking within the MU/TC shall comply with the Access, Circulation, Parking and Loading Standards specified in **Section 24-58 Mixed-use District**.

(2) On-site parking shall comply with **Table X - 5**. Uses not listed herein shall comply with the parking requirements specified in **Article IX**.

(3) Guest parking shall comply with **Table X - 5**. Guest parking shall be designated and prominently marked on-site as "Guest Parking" and shall not be restricted in any manner to use by a single tenant, owner, unit, or other user.

**Table X - 5 Minimum and Maximum Parking Requirements by use**

	<u>Min</u>	<u>Max</u>
<b><u>Retail, restaurant or commercial</u></b>	<u>2 per 1000sf</u>	<u>4 per 1000sf</u>
<b><u>Office</u></b>	<u>2.5 per 1000sf</u>	<u>4 per 1000sf</u>
<b><u>Hotel and motel; hotel and motel, limited</u></b>	<u>1 per 4 rooms plus 1 per 800sf for restaurant, public meeting areas; 1 per 15 rooms for staff</u>	<u>1 per 4 rooms plus 1 per 800sf for restaurant, public meeting areas; 1 per 15 rooms for staff</u>
<b><u>Residential</u></b>	<u>1 per unit plus 1 per 20 units for guest parking</u>	<u>2 per unit plus 1 per 20 units for guest parking</u>
<b><u>Places of Public Assembly</u></b>	<u>1 space for each 3 seats in the principal assembly area or 10 spaces for each 1,000 sq. ft. of gfa, whichever is greater</u>	<u>1 space for each 3 seats in the principal assembly area or 10 spaces for each 1,000 sq. ft. of gfa, whichever is greater</u>
<b><u>Live/work</u></b>	<u>2 per 1000sf</u>	<u>4 per 1000sf</u>

**(M) Bicycle Racks and Bicycle Storage Standards**

Bicycle racks and storage shall be required as follows:

(1) Bicycle racks and bicycle storage for commercial uses. Commercial developments, excluding hotel uses, shall provide:

a. secure bike racks and/or storage at a ratio of one bicycle parking space per every 15 required parking spaces and

b. a minimum of one shower and changing facility shall be provided to be available for all tenants and shall be located within the building, or within

200 feet of the building entrance, for developments greater than 50,000 square feet in gross building area.

(2) Bicycle racks and bicycle storage for residential uses. One bicycle parking space shall be provided per every 15 required parking spaces. Required residential bicycle parking spaces shall be provided in a secured area, covered from the elements.

(3) Mixed-use developments. Mixed-use developments shall provide secure bicycle parking spaces for both the commercial and residential components of the development as calculated separately pursuant to the requirements of this section.

**(N) Signage Standards**

Signage shall comply with the standards in **Article XIII** except as modified herein. **Need to discuss. These standards are currently in the MUTC. It is not clear which signs are permitted.**

(1) Signs affixed to the exterior of a building shall be architecturally compatible with the style, composition, materials, colors, and details of the building, as well as with other signs used on the building or its vicinity.

(2) Signs shall fit within the existing facade features, shall be confined to signable areas, and shall not interfere with door and window openings, conceal architectural details or obscure the composition of the facade where they are located.

(3) Whenever possible, signs located on buildings within the same block-face shall be placed at the same height in order to create a unified sign band.

(4) Wood and painted metal are the preferred materials for under-awning, hanging signs. Flat signs should be framed with raised edges. Wood signs shall use only high-quality exterior grade wood with suitable grade finishes.

(5) Sign colors should be compatible with the colors of the building facade. A dull or matte finish is recommended for reduction of glare and enhancement of legibility.

(6) Signs shall be either spot- or backlit with a diffused light source. Spot lighting shall require complete shielding of all light sources, shall be contained within the sign frame, and shall not significantly spill over to other portions of the building or site. Backlighting shall illuminate the letters, characters, or graphics on the sign, but not its background. Warm fluorescent bulbs may be used to illuminate the interior of display cases. Neon signs placed inside the display case shall insure low intensity colors.

(7) Signs shall be mounted so that the method of installation is concealed. Signs applied to masonry surfaces should be mechanically fastened to mortar joints only and not directly into brick or stone. Drilling to provide electrical service should also follow the same rule.

(8) Billboards are prohibited.

**(O) Tax Rebate Incentives**

(1) Tax Rebate Incentives: Properties within the MU/TC may be eligible for a tax rebate incentive. The tax rebate shall be granted in accordance with the **Table X - 6** provided that the following conditions are met:

- a. The total tax rebate received shall not exceed 75 percent, per property.
- b. **Legal to add language reference how long a property is exempt from taxes, etc.**

<b>Table X - 6 Tax Rebate Incentives</b>		
<b><u>Incentive Option</u></b>	<b><u>Tax Rebate</u></b>	<b><u>Requirement</u></b>

<u>1</u>	<u>50 percent</u>	<u>Properties that provide required improvements and/or contribute to the MU/TC Public Infrastructure and Streetscape Improvement Fund in accordance with <a href="#">Section 24-58.1 (P)</a>.</u>
<u>2</u>	<u>Up to 50 percent</u>	<u>Properties that obtain LEED Certification or Equivalent Green Certification in accordance with <a href="#">Section 24-58.1(O)(2)(a)</a>.</u>
<u>3</u>	<u>25 percent</u>	<u>Properties that contribute to the Public Open Space Fund in accordance with <a href="#">Section 24-58.1 (P)</a>.</u>
<u>4</u>	<u>25 percent</u>	<u>Properties that provide public parking in accordance with <a href="#">Section 24-58.1(O)(2)(b)</a>.</u>
<u>5</u>	<u>25 percent</u>	<u>Properties that provide public art in accordance with <a href="#">Section 24-58.(O)(2)(d)</a>.</u>
<u>6</u>	<u>15 percent</u>	<u>Properties that provide green roofs in accordance with <a href="#">Section 94-215(g)(3)(d)</a>. <a href="#">Section 24-58.1(O)(2)(c)</a>.</u>
<u>7</u>	<u>10 percent</u>	<u>Properties that develop and maintain in perpetuity new designated public open spaces a minimum of 4,800 square feet in accordance with <a href="#">Section 24-58 Mixed-use District</a>.</u>

(2) Incentive Requirements. Developments requesting a tax rebate incentive within the MU/TC as listed above shall comply with the requirements for each of the incentive options listed below:

a. *LEED Certification or Equivalent Green Certification.* Developments that obtain a Leadership in Energy and Environmental Design (LEED) certification, or receive an equivalent green development certification approved by the Director of Community Development and/or his or her designee, shall be eligible for the following tax incentives:

LEED Platinum or equivalent = 50 percent

LEED Gold or equivalent = 40 percent

LEED Silver or equivalent = 30 percent

LEED Certified or equivalent = 20 percent

The developer of a development seeking a tax rebate from a LEED certification or an equivalent sustainable development certification shall be required to comply with the following requirements in order to qualify for the tax incentive:

i. A minimum of LEED Platinum or equivalent shall be obtained to receive the maximum allowable tax incentive of 50 percent.

ii. A minimum of LEED Gold or equivalent shall be obtained to receive the maximum allowable tax incentive of 40 percent.

iii. A minimum of LEED Silver or equivalent shall be obtained to receive the maximum allowable tax incentive of 30 percent.

iv. A minimum of LEED Certified or equivalent shall be obtained to receive the maximum allowable tax incentive of 20 percent.

v. Prior to the submittal for the first Building Permit for site improvements, including underground excavation, the developer shall:

1. Register the project with the U.S. Green Building Council or with the respective agency or institution issuing the equivalent certification.

**Sec. 24-58.1 ~~Purpose and Intent~~ Fulford Mixed-use Town Center District (MU/TC)**

**(A) Purpose and Intent**

~~(A)~~ The purpose of these regulations is to implement policies that guide the design of development within the Fulford ~~City Center (Mixed-use)~~ Mixed-use Town Center District ("District") (MU/TC). The intent is to enable transit-oriented development that contributes to the creation of ~~an traditional town center~~ urban downtown and the formation of a quality pedestrian-oriented, Mixed-use district. The objective is to shape development to create a "place," an exciting, enlivened social gathering point and a destination, which encourages the establishment of a wide mix of commercial and residential uses that offer the flexibility to meet a variety of market needs. The aim of these regulations is to create an environment that attracts day and evening activities so that the street is occupied by visitors, residents, business owners and operators who have a clear and vested interest in the vitality of the Fulford ~~City Center (Mixed-use)~~ Mixed-use Town Center District (MU/TC). This purpose will be fulfilled by:

- (1) Ensuring high quality, architecturally compatible, consistently land-scaped development throughout the District;
- (2) Stimulating commercial and retail trade activities;
- (3) Ensuring that new development or redevelopment projects enhance the visual character of the District;
- (4) Encouraging the development of pleasant shopping areas with attractive pedestrian spaces;
- (5) Encouraging people to reside in the District;
- (6) Encouraging the beautification of the Snake Creek Canal greenway; and
- (7) Encouraging public access to the waterfront.

~~(Ord. No. 2002-20 § 2, 11/19/2002; Ord. No. 2008-4 § 2, 3/4/08)~~

**(B) District Boundaries**

The development standards shall be utilized for properties located within the Fulford Mixed-use Town Center district (MU/TC).

**(C) Administration**

In order to maintain predictability in development, Planned Unit Developments (PUDs) shall be prohibited. Variances from the dimensional requirements or waivers from any other criterion may be approved by the applicable review board for projects, provided that the applicant meets the standards pertaining to such variance or waiver. The applicable board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Director of the Community Development Department or his/her designee in the enforcement of these development regulations.

**(D) General Development Standards**

- (1) In addition to the standards contained herein, **Section 24-58 Mixed-use (MU) district** standards shall be applicable to development within the Fulford Mixed-use Town Center district (MU/TC). The Supplemental Regulations contained in Articles IV, VI, VIII, IX, X, XI, XII, XIII, and XIV shall also apply, except as modified herein and may be further modified by the City Manager to meet the purpose and intent of the Fulford City Center (Mixed-use) District.
- (2) The provisions of the MU/TC code, when in conflict, shall take precedence over the existing zoning and land development regulations.

- (3) The provisions of the building code, when in conflict, shall take precedence over the provisions of the MU/TC code.
- (4) Existing buildings may be destroyed or removed, however they must be replaced according to the MU/TC regulations. Existing buildings may not be destroyed or removed unless they are to be replaced according to MU/TC regulations and only after a building permit is issued.
- (5) Existing buildings and uses within the MU/TC area, which are legally established but do not conform to provisions of the MU/TC regulations as of the effective date of these regulations shall be considered nonconforming and may not be replaced, restored, or modified, except in conformity with the regulation for nonconformities contained in **Article IV** of this chapter. When a nonconforming structure is destroyed by windstorm, flood, or nature disaster, it may be replaced by a new structure of the same or lesser size, and reoccupied by the same use, if construction of such structure is commenced within 18 months of destruction.
- (6) Proposed development with site plan approved under the **2002** FCC MUTC regulations shall commence construction within the time frame allotted in the development order or site plan approval letter. If commencement of construction does not occur within the allotted time frame, the site plan approval shall automatically expire without further action by the City.

#### **(E) Regulating Plans and Diagrams**

The MU/TC is governed by a series of regulating plans and diagrams. The Regulating Plans and Diagrams demonstrate MU/TC development standards in both words and diagrams, and include maps designating the locations where the various standards apply. Unless otherwise noted, all development shall be in compliance with the Regulating Plans and Diagrams contained herein and with the Building Typology and Placement Regulating Diagrams in **Section 24-58 Mixed-use (MU) district**. The Regulating Plans and Diagrams for the MU/TC include the following:

- (1) The Sub-areas Regulating Plan, which divides the MU/TC into three Sub-areas: Core, Transition and Edge. The highest density and intensity within the MU/TC shall be allocated to the Core Sub-area, a Mixed-use area in the heart of the district. The densities and intensities shall then gradually decrease from the Core to the Transition Sub-area where Mixed-uses are still permitted and then further decrease to the Edge Sub-area which is characterized by single uses, including low density residential adjacent to existing low density residential. The Sub-areas Regulating Plan is shown in **Figure X - 1**.
- (2) The Street Network Connectivity Regulating Plan, which shows the location of existing and the required new streets needed to create the prescribed network of streets within the MU/TC. This Plan also establishes the hierarchy of the streets as shown in **Figure X - 2**.
- (3) The Designated Open Spaces and Urban Greenway Systems Regulating Plan, which designates the required public open spaces and urban greenway system as shown in **Figure X - 3**.
- (4) The Building Heights Regulating Plan, which establishes the maximum building height as shown in **Figure X - 4**.

#### Insert Regulating Plans

#### **Sec. 24-58.2 Land Uses** — ~~————~~ **Moved down and addressed with a table**

##### ~~(A) Land Use Principles.~~

- ~~(1) The District shall be developed as an identifiable place and shall act as an important destination for living, working, shopping and entertainment. The mix of uses within~~

~~the District, the streets and the architectural character of individual buildings shall blend together to contribute to a coherent identity and sense of place.~~

~~(2) The configuration of retail establishments within the District shall balance pedestrian and automobile comfort, visibility and accessibility. Building setbacks from the street shall be minimized. Primary ground floor commercial buildings entrances shall orient to streets, not to interior blocks or parking lots.~~

~~(3) On primary streets, the ground floor of all buildings shall be limited to commercial uses, including but not limited to office and retail uses. Residential uses on all floors above the first level is strongly encouraged. Residential uses may be permitted on the ground floor of buildings facing secondary streets. (Ord. No. 2011-10, 9-6-2011)~~

~~(B) Permitted Uses:~~

~~(1) Museums and art galleries.~~

~~(2) Office, limited to:~~

~~(a) Abstract and title offices;~~

~~(b) Advertising agencies;~~

~~(c) Brokerage services: Stocks, commodities, real estate mortgages, businesses, yachts, import export, and similar services (no on premises display of products);~~

~~(d) Business management consultants;~~

- ~~(e) — Credit reporting and collection agencies;~~
- ~~(f) — Doctors, dentists, chiropractors, optometrists, psychologists and other similar licensed medical practitioners, excluding veterinarians, except drug/alcohol and violent/dangerous behavior counseling or treatment;~~
- ~~(g) — Family and marriage counselors;~~
- ~~(h) — Insurance agencies;~~
- ~~(i) — Investigative services;~~
- ~~(j) — Investment counselors;~~
- ~~(k) — Land developers and building contractors;~~
- ~~(l) — Professional services: — Accountants, architects, auditors, appraisers, City planners, economists, engineers, lawyers, psychologists, and licensed medical and dental practitioners and health-related services;~~
- ~~(m) — Public relations agencies;~~
- ~~(n) — Secretarial and stenographic services;~~
- ~~(o) — Talent agencies;~~
- ~~(p) — Travel agencies;~~
- ~~(q) — Vocational schools and trade schools: — Airline, business, cosmetology, secretarial and similar instructions;~~
- ~~(r) — Banks and financial institutions; excluding drive-through.~~
- ~~(3) — Retail and service establishments, limited to:~~
  - ~~(a) — Antique shops;~~
  - ~~(b) — Apparel shops: Men's, women's and children's;~~
  - ~~(c) — Art supplies and galleries;~~
  - ~~(d) — Bake shops;~~
  - ~~(e) — Barber, beauty and skin care shops;~~
  - ~~(f) Bars and lounges; provided that any such use shall not be located within five hundred (500) feet of the real property that comprises a public or private elementary school, middle school, or secondary school (pursuant to §562.45(2)(a) Florida Statutes);~~
  - ~~(g) — Beer and wine shops;~~
  - ~~(h) — Bicycle sales, rental, service and repair;~~
  - ~~(i) — Billiard and poolrooms;~~
  - ~~(j) — Bookstores;~~
  - ~~(k) — Camera and photographic supply stores;~~
  - ~~(l) — Convenience stores;~~
  - ~~(m) — Copying services;~~
  - ~~(n) — Delicatessens;~~
  - ~~(o) — Department stores;~~
  - ~~(p) — Drugstores;~~
  - ~~(q) — Fast food restaurants; excluding drive thru~~
  - ~~(r) — Flooring and carpeting stores;~~

- ~~{s} — Florists;~~
- ~~{t} — Food stores: Supermarkets and specialty markets;~~
- ~~{u} — Furniture and home furn-ishing stores;~~
- ~~{v} — Garden supply stores;~~
- ~~{w} — Gift, novelty and souvenir shops;~~
- ~~{x} — Hardware stores;~~
- ~~{y} — Health and exercise studios, martial arts studios;~~
- ~~{z} — Hobby and handicraft shops;~~
- ~~{aa} — Interior decorators;~~
- ~~{bb} — Jewelry stores;~~
- ~~{cc} — Leather goods and luggage stores;~~
- ~~{ee} — Lighting fixture stores;~~
- ~~{ff} — Music and record, video stores;~~
- ~~{gg} — Newsstands;~~
- ~~{hh} — Office supply stores;~~
- ~~{ii} — Optical stores;~~
- ~~{jj} — Paint and wallpaper stores;~~
- ~~{kk} — Photography studios;~~
- ~~{ll} — Restaurants, including out-door dining;~~
- ~~{mm} Skating rinks, roller or ice;~~
- ~~{nn} — Sporting goods stores;~~
- ~~{oo} — Stationery and card stores;~~
- ~~{pp} — Studio schools: Art, dance, music, drama, sculpture, and similar instruction;~~
- ~~{qq} — Tailor, seamstress;~~
- ~~{rr} — Television, radio and stereo sales and service;~~
- ~~{ss} — Tennis and racquetball courts (indoor);~~
- ~~{tt} — Theaters, movie and live performance;~~
- ~~{uu} — Tobacco shops;~~
- ~~{vv} — Toy stores;~~
- ~~{ww} — Watch and clock repair shops.~~

~~{4} — Residential, provided that:~~

~~Must be in multi-family context;~~

~~May be on second floor and above on Primary Street;~~

~~May be on ground floor and above on Secondary Street;~~

~~Density no greater than 75 units per acre and no less than 10 units per acre.~~

~~{5} — Public parks and playgrounds.~~

~~{6} — Public utilities.~~

~~(7) Other uses which are similar in nature to the uses permitted above, but not specifically permitted in another district.~~

~~(Ord. No. 2006-01 § 12, 2/21/2006; Ord. No. 2006-3 § 2, 3/21/2006; Ord. No. 2011-10, 9-6-2011)~~

~~(C) Uses Permitted Conditionally.~~

~~(1) Day care center, provided such use is not located on a primary street.~~

~~(2) Hotels.~~

~~(3) Liquor store, provided such use is located on a primary street.~~

~~(4) Parking garages.~~

~~(5) Conversion of existing buildings, or portions of existing buildings, from residential use to office use or retail and service establishment use.~~

~~(6) Nightclubs and discotheques. (Ord. No. 2006-1 § 12, 2/21/2006)~~

~~(7) Places of Public Assembly~~

~~Ord. No. 2011-10, 9-6-2011~~

### **Sec. 24-58.3 Site Design**

~~(A) Site Design Principles.~~

~~(1) The ground floor of all buildings fronting on a primary street shall be limited to retail uses or uses that have a principal retail component. Office uses are allowed on second floors. Residential use on all floors above the second level is strongly encouraged. Addressed in MU District~~

~~(2) Streets and other public outdoor spaces shall be functional, attractive, and designed to enhance the pedestrian life of the community. Development shall be designed to achieve a balanced transportation system that invites pedestrians, bicyclists, and transit riders, as well as motor vehicles. Addressed in MU/TC Intent~~

~~(3) Landscaping shall be designed to frame primary public spaces, to provide shade and enhance the pedestrian environment. Vague~~

~~(4) Drive through facilities of any type (fast food, bank, dry cleaners, etc.) are prohibited. Addressed in MU District~~

~~(B) Minimum Site Development Standards. The following shall apply to all development in the Fulford City Center (Mixed use) District:~~

~~Minimum lot area of five thousand five hundred (5,500) square feet;~~

~~Minimum lot width of fifty (50) feet;~~

~~Minimum lot depth of one hundred ten (110) feet;~~

~~Minimum pervious landscaped area of ten (10%) percent of the total lot area. Addressed in MU District through individual building types~~

~~(C) Primary/Secondary Streets. Primary streets shall be defined as N.E. 164<sup>th</sup> Street, N.E. 163<sup>rd</sup> Street, West Dixie Highway, N.E. 15<sup>th</sup> Avenue and N.E. 19<sup>th</sup> Avenue. All other streets shall be considered as secondary streets. Map 3.3. Addressed through regulating plans~~

~~(D) Building Orientation/Location. Buildings shall be oriented to the street or, when applicable, to the water. On-site parking shall be restricted to the rear of the building and shall not be located adjacent to primary streets or, when applicable, the waterfront. Figure 3.4/3.5 illustrates the required placement and enhancement for street frontages. Addressed in MU District in parking section~~

~~(E) Corner Lots. Corner lots shall be designed to emphasize their location. Buildings and structures on corner lots shall be designed with additional architectural embellishments such as~~

towers, or other design features, to emphasize their locations as gateways and transition points within the community (see Figure 3.4/3.5). **"Other design features" are unclear**

~~(F) — *Build To Lines*. The Build to Line in the District shall be the property line of all sides that abut a street right of way, except as provided in (G) "Exceptions to Build To Line Requirement" below.~~

~~(1) — For any building with frontage of more than fifty (50) lineal feet, there shall be an articulated building face which creates a setback area (or combines setback areas) equal to at least ten (10%) percent of the frontage distance times five (5) feet. The area must have an average minimum depth of five (5) feet. The area shall be open air, landscaped and no less than seventy five (75%) percent pervious. **Not compatible with urban areas where hardscaped is preferred**~~

~~(G) — *Exceptions to Build To Line Requirement*. The following exceptions to the build to requirement shall be permitted:~~

~~(1) — The ground floor of residential uses shall be set back twelve (12) feet on a Secondary Street and shall be at least sixty (60%) percent landscaped pervious area.~~

~~(2) — *Articulated Building Street Face*. A portion of the building may be set back from the build to line to create interest in the building facade. These standards shown in Figure 3.7.2 vary as follows:~~

~~(a) — Along a primary street, the total area of the space created by the setback shall be less than the area which is sixty (60%) percent of the frontage distance times six (6) feet. **Difficult to understand. New regs provide minimums and maximums to allow flexibility in design and ensure urban environments. Greenway sections in new regs show requirements for setbacks.**~~

~~(b) — On secondary streets, for nonresidential uses, the total area of the space created by the setback shall be less than the area which is twenty five (25%) percent of the frontage distance times four (4) feet.~~

~~(c) — For any building with frontage of more than fifty (50) lineal feet, there shall be an articulated building face which creates a setback area (or combines setback areas) equal to at least ten (10%) percent of the frontage distance times five (5) feet. The area must have an average minimum depth of five (5) feet. The area shall be open air, landscaped and no less than seventy five (75%) percent pervious.~~

~~(3) — *Outdoor Eating Areas*. Where there is an outdoor eating area installed on the street frontage, the build to line may be altered, provided at least forty (40%) percent of the building frontage meets the build to line. (See Figure 3.7.3) **Incorporated in MU District**~~

~~(4) — *Arcades*. A building's first floor may be recessed from the build to line for the purpose of an arcade (see Figure 3.7.4). An arcade shall have the following dimensions:~~

~~Minimum height from sidewalk to ceiling inside the arcade: ten (10) feet.~~

~~Minimum depth from the build to line: six (6) feet.~~

~~Maximum depth from the build to line: ten (10) feet. **Addressed in MU District in encroachment table**~~

~~(H) — *Parking*. The following standards shall apply to parking in the District:~~

~~(1) — *Parking In Rear*. On-site parking shall be located behind the building and shall be accessed from secondary streets, rear alleys or adjacent properties. **Addressed in MU District**~~

~~(2) — *Shared and Off Site Parking*. Where a mix of uses among separate properties creates staggered peak periods of parking demand, shared parking calculations may result in a reduction in the total amount of required parking, subject to City approval. **Addressed in MU District and reference to City's shared parking table**~~

~~Off-site parking, parking lots, or parking structures either public or private may be used to meet minimum parking requirements as long as reasonable pedestrian access is provided from~~

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~~the parking space to the use. Cross access easements or similar mechanisms shall be used to provide joint access between the parking areas of adjacent properties.~~ **Addressed in MU District with max dimension of 1320 feet (5 minute walk distance)**

~~(3) Number of Spaces. The minimum number of parking spaces required to be located on site within the District shall be as shown in Table 3-1.~~

**Table 3-1  
Minimum Required Parking Spaces**

<b>Use</b>	<b>Number of Required Parking Spaces</b>
Retail/Commercial	3/1,000 s.f.
Office	3/1,000 s.f.
Residential	1/d.u.
Places of Public Assembly	1 space for each 3 seats in the principal assembly area or 10 spaces for each 1,000 sq. ft. of gfa, whichever is greater

~~Note: If the property is one hundred (100%) percent residential, then the required parking is two (2) per dwelling unit.~~ **Moved down with added criteria**

~~(4) Private Parking Structures. Parking structures are permitted conditionally. However, the parking structure must be behind the building(s) such that what is on the street frontage is retail/commercial, office or residential uses. This applies to all stories and to both Primary and Secondary Streets. (See Figure 3.8.4)~~ **Use is addressed in Permitted use table and design criteria in MU District**

~~(5) Loading Facilities~~

~~(a) Loading docks, solid waste facilities, recycling facilities and other service areas shall be placed to the rear or side of building in visually unobtrusive locations.~~ **Addressed in MU District**

~~(b) Any service areas (loading docks/storage areas) adjacent to connecting walkways shall be fully screened from view.~~ **Addressed in MU District**

~~(I) Site Access. Direct vehicular access to lots from 164<sup>th</sup> Street shall be prohibited. Access to parking and loading shall be restricted to rear alleys or side streets.~~ **This statement is very restrictive to parcels that require the vacation of alleyways for redevelopment. Access points are addressed in MU for primary streets.**

~~(J) Lighting. If there is on-site lighting, decorative pedestrian-scale street lighting shall be provided at a height of no more than twelve (12) feet with poles constructed from steel, cast iron, spun aluminum, colored concrete or granite. All wiring shall be underground. Lighting poles shall be of a consistent architectural style and shall complement the predominant architectural theme.~~ **Addressed in MU District. Changed to 17 feet (manufacturing standards)**

~~(K) Street Furniture. Street furniture includes but is not limited to outdoor benches, waste containers, planters, phone booths, bus shelters, bicycle racks, tree grates, decorative stamped concrete or stamped asphalt crosswalks, banners, water fountains, newspaper dispensers and bollards whether within or outside the public right-of-way. Street furniture must be compatible with the architecture of the surrounding buildings, the character of the area and other elements of the streetscape. Consistency in the selection and location of the various elements of street furniture is critical for maximum effect and functional use. All street furniture shall be subject to the approval of the City. Commercial advertising shall not be permitted on street furniture~~

except as approved by the City.

~~(Ord. No. 2002-20 § 2, 11/19/2002; Ord. No. 2006-3 § 2, 3/21/2006; Ord. No. 2008-4 § 2, 3/4/08)~~

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to

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District

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## Sec. 24-58.4— Building Design

~~(A) — Building Design Principles. Addressed in MU District through building types. Some language below is vague and difficult to evaluate for compliance~~

~~(1) — Buildings shall be designed to be compatible with the surrounding environment.~~

~~(2) — Buildings shall define the streetscape through the use of a uniform build to line.~~

~~(3) — Exterior public and semi-public spaces, such as courtyards or plazas, shall be designed to enhance the surrounding buildings and to provide community amenities, and to connect to public spaces.~~

~~(4) — Buildings at street corners shall be considered significant structures and shall be designed with additional height and architectural embellishments such as corner towers to emphasize their location.~~

~~(5) — Buildings shall reinforce and revitalize streets and public spaces, by providing an ordered variety of entries, windows, bays, and balconies along public ways. Ground floors shall have a high degree of transparency to encourage interaction between sidewalk activity and uses within the building. Buildings shall have human scale in details and massing.~~

~~(6) — Building exteriors shall provide shelter from the sun. Porticos, awnings, arcades, and overhanging eaves are particularly appropriate at pedestrian pathways (see Figure 4.1.6).~~

~~(B) — Building Massing.~~

~~(1) — Vary Massing of Large Buildings. A single, dominant building mass shall be avoided. Substantial variations in massing shall include changes in height and horizontal plane. Horizontal masses shall not exceed a height to width ratio of 1 to 3 without a substantial architectural element that either projects up or away from the building, such as a tower, bay, or other architectural feature. False fronts or parapets create an insubstantial appearance and shall be avoided. Stepping the building can also reduce the apparent scale of the building and establish a "base" and a "top." Changes in mass shall relate to structural system(s) and the organization of interior space (see Figure 4.2.1).~~

~~(2) — Highlight Building Entries. Building massing shall be used to highlight the location of building entries. For example, greater height can be used to accentuate entries in the form of tower elements, tall voids, or a central mass at an entry.~~

~~(C) — Unity of Character and Design. Buildings and structures shall have a unity of character and design. The design character of buildings shall be free of cluttered forms having no apparent system of organization.~~

~~(D) — Building Height. Stories at sidewalk level shall be no less than twelve (12) feet in height from finished floor to finished ceiling. To provide variety to the skyline, the number of stories, not the overall height, shall limit building elevation. All buildings within the District shall be a minimum of two (2) stories and shall not exceed fifteen (15) stories. Buildings shall have no more than twenty five (25) foot floor to floor heights on all stories. **New regs utilize both feet and number of stories to ensure compatibility with adjacent uses**~~

~~(E) — Base and Top Treatment. All facades shall have:~~

~~(1) — A recognizable "base" consisting of (but not limited to):~~

~~(a) — Thicker walls,~~

~~(b) — Richly textured materials (e.g. tile or masonry treatments),~~

~~(c) — Special materials such as ceramic tile, granite and marble, or~~

~~(d) — Contrasting colored materials, mullion, and/or panels (see Figure 4.5.1).~~

~~(2) — A recognizable "top" consisting of (but not limited to):~~

- (a) ~~Cornice treatments,~~
- (b) ~~Roof overhangs with brackets,~~
- (c) ~~Stepped parapets,~~
- (d) ~~Richly textured materials (e.g. tile or masonry treatments), and/or~~
- (e) ~~Differently colored materials; colored "stripes" are not acceptable as the only treatment.~~ **This restricts modern architecture**

(F) ~~Building Frontage.~~ Building frontages along Primary Streets shall occupy no less than eighty-five (85%) percent of a lot's street-facing frontage. Buildings with multiple storefronts shall be unified through the use of architecturally compatible materials, colors, details, awnings, signage and light fixtures. **Addressed through a table and determined by street frontage**

(G) ~~Store Front Transparency.~~ Ground floor windows that face a street shall be framed by the surrounding wall and shall encompass a minimum of sixty-six (66%) percent of the total ground-level façade area. Ground floor windows shall not be blocked by furniture, equipment, tinting or shading. **Addressed in MU District**

(H) ~~Entryways.~~ The primary entry(s) of both business establishments and residential uses shall be visible and accessible directly from a public street. Primary facades that front onto a street shall be built parallel to the public right-of-way. Primary pedestrian entries shall be clearly expressed and be recessed or framed by a sheltering element such as an awning, arcade, perch, or portico. **Too restrictive for modern architecture**

(I) ~~Street Facing Facades.~~ Windows above the first floor, when facing the street, shall occupy at least thirty-three (33%) percent of the building façade for all stories above the first floor. A section of blank wall shall not exceed twenty (20) linear feet without being interrupted by a window, entry, pilaster, lattice, change in plane, or similar element. **Addressed in MU District**

(J) ~~Projections Into the Right of Way.~~ Special architectural features, such as bay windows, decorative roofs, projecting signs and entry features may project up to three (3) feet into public rights of way, provided that they are not less than nine (9) feet above the sidewalk. Canopies and fabric awnings may project into public rights-of-way with an overhang of not less than five (5) feet and not more than eight (8) feet, provided they are not less than nine (9) feet above the sidewalk and do not interfere with existing street trees. Poles or any other support systems are not permitted to touch the sidewalk or pavement. **Addressed in MU District**

(K) ~~Roof Form.~~

(1) ~~Roof types.~~ Roof types shall be front or side gable, hipped, and flat with parapet or a combination thereof. The principal roof pitch shall be consistent with the Florida Building Code. Mansard roofs are prohibited.

(2) ~~Roof overhangs.~~ Roof overhangs shall wrap around all four (4) sides of the building so that there is visual continuity around the entire building unless buildings are joined.

(3) ~~Roof treatments.~~ Variations in rooflines shall be used to add interest to, and reduce the mass of buildings. Roof features shall be in scale with the building's mass and complement the character of adjoining and adjacent buildings. Roofing material shall be constructed of durable high quality material in order to enhance the appearance and attractiveness of the community.

(4) ~~Permitted roof materials.~~ Permitted roof materials for pitched roofs include:

- (a) ~~Glazed or unglazed ceramic tiles, "S" tiles, barrel or flat;~~
- (b) ~~Metal, including standing seam.~~ **No Shingles? Too restrictive**

~~(5) — Flat roofs. Flat roofs shall:~~

~~(a) — Be treated with colored gravel;~~

~~(b) — Have all roof-top equipment screened from view from street level;~~

~~(c) — Provide, when possible, for use as a terrace. Addressed in MU~~

~~District~~

~~(6) — Roof drainage. All structures shall:~~

~~(a) — Have guttered roof drainage systems whose runoff shall be conveyed through rain leaders connected to underground piped storm drains that discharge into the private stormwater drainage system. Addressed in MU District~~

~~(b) — Air conditioning condensate drains shall be conveyed through condensate piping and discharged into the private drainage well, storm sewer, adequate soakage pit or drainfield.~~

~~(L) — Design Guidelines for Signs. Section 24-140 through 24-159A.5 of the City Code shall apply to this district, except where modified by Section 24-58.4(L) herein. Moved to additional design standards~~

~~(1) — Signs affixed to the exterior of a building shall be architecturally compatible with the style, composition, materials, colors, and details of the building, as well as with other signs used on the building or its vicinity. Moved to additional design standards~~

~~(2) — Signs shall fit within the existing facade features, shall be confined to signable areas, and shall not interfere with door and window openings, conceal architectural details or obscure the composition of the facade where they are located. Moved to additional design standards~~

~~(3) — Whenever possible, signs located on buildings within the same block face shall be placed at the same height in order to create a unified sign band. Moved to additional design standards (note: current regs do not specify which signs are allowed in FCC)~~

~~(4) — Wood and painted metal are the preferred materials for under-awning, hanging signs. Flat signs should be framed with raised edges. Wood signs shall use only high-quality exterior grade wood with suitable grade finishes. Moved to additional design standards~~

~~(5) — Sign colors should be compatible with the colors of the building façade. A dull or matte finish is recommended for reduction of glare and enhancement of legibility. Moved to additional design standards~~

~~(6) — Signs shall be either spot or backlit with a diffused light source. Spot lighting shall require complete shielding of all light sources, shall be contained within the sign frame, and shall not significantly spill over to other portions of the building or site. Backlighting shall illuminate the letters, characters, or graphics on the sign, but not its background. Warm fluorescent bulbs may be used to illuminate the interior of display cases. Neon signs placed inside the display case shall insure low intensity colors. Moved to additional design standards~~

~~(7) — Signs shall be mounted so that the method of installation is concealed. Signs applied to masonry surfaces should be mechanically fastened to mortar joints only and not directly into brick or stone. Drilling to provide electrical service should also follow the same rule.~~

~~(M) — Billboards. Billboards are prohibited. Moved to additional design standards~~

~~(N) — Mechanical Equipment Screening. Mechanical equipment shall be integrated into the overall mass of a building by screening it behind parapets or by recessing equipment into hips, gables, parapets or similar features; plain boxes are not acceptable. Addressed in MU District~~

~~(O) — Materials. Addressed in MU District~~

~~(1) — General. Buildings shall support regional traditions. Buildings shall have consistent~~

~~materials and details on all sides that are visible from public streets and trails.~~

~~(2) Windows.~~

Draft

~~(a) Window Openings. Windows on the ground floor shall be square or horizontally rectangular in proportion.~~

~~(b) Windows shall be inset a minimum of two (2) inches from the exterior wall surface.~~

~~(c) Mirrored glass is prohibited.~~

~~(d) Glass curtain walls are prohibited. Restricts modern architecture~~

~~(e) Clear glass shall be used for storefront windows and doors.~~

~~(f) Glass block is prohibited except when used for architectural detail. Where glass block is used, it shall not be counted toward transparency requirements.~~

~~(g) Solid metal security gates or solid roll down metal windows shall not be permitted.~~

~~(h) Link or grill type security devices shall be permitted only if installed from the inside, within the window or doorframes.~~

~~(i) Other types of security devices fastened to the exterior walls are not permitted.~~

~~(3) Simulated materials. Materials that are visibly simulated or prefabricated are discouraged. Material and color changes shall not occur at external corners, but may occur at "reverse" or interior corners or as a "return" at least two (2) feet from external corners. Scored plywood (such as "T 1-11") shall not be permitted.~~

~~(4) Proper application and detailing. Materials shall be properly applied and correctly detailed, especially at the base of buildings, along cornices, eaves, parapets or around entries and windows.~~

~~{Ord. No. 2002-20 § 2, 11/19/2002; Ord. No. 2008-4 § 2, 3/4/08}~~

**Sec. 24-58.5 Supplemental Regulations. Moved to end**

~~(A) Supplemental Regulations. Except as otherwise provided herein, Articles IV, VI, VIII, IX, X, XI, XII, XIII, and XIV shall apply, but may be further modified by the City Manager to meet the purpose and intent of the Fulford City Center (Mixed use) District as described herein.~~

~~{Ord. No. 2002-20 § 2, 11/19/2002; Ord. No. 2008-4 § 2, 3/4/08}~~

Figure 3.4 / 3.5  
Building Orientation

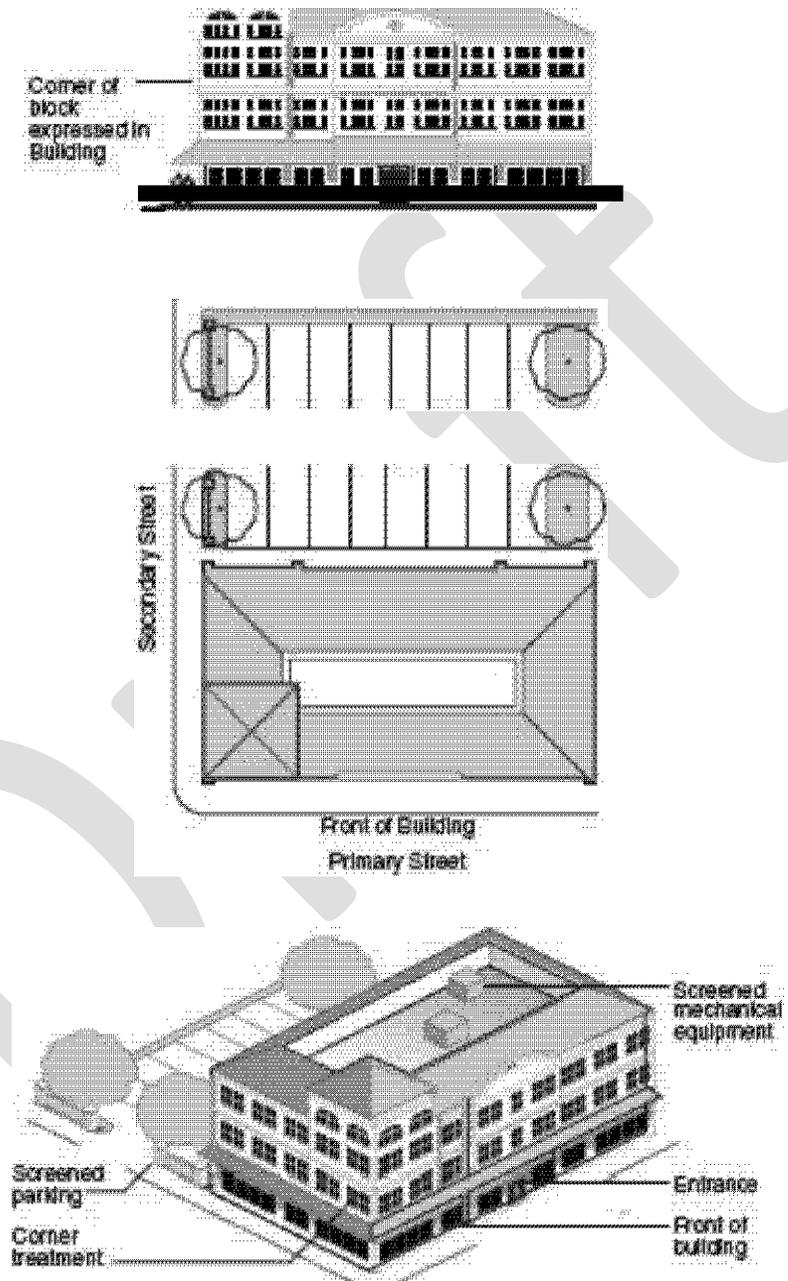


Figure 3.7.2  
Articulated Building Street Face

Draft

Figure 3.7.3  
Outdoor Eating Plan

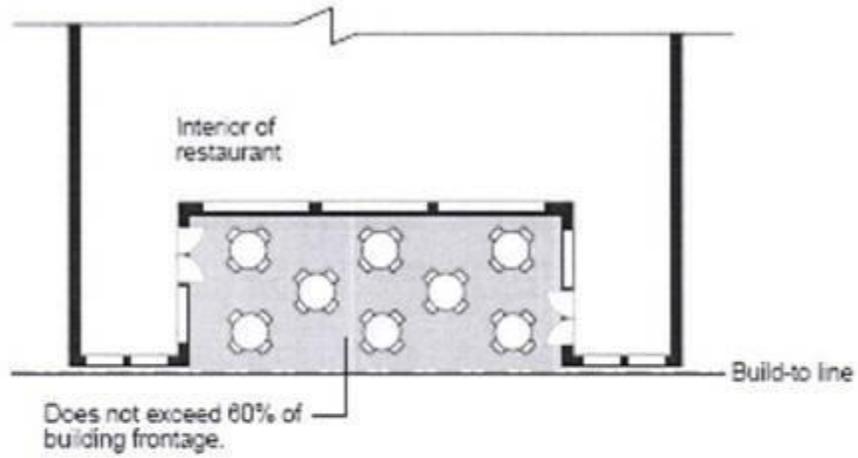


Figure 3.7.4  
Recesses, Arcade

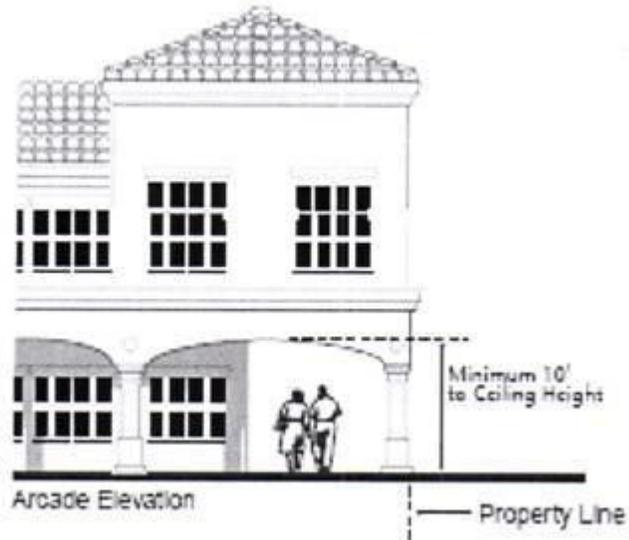


Figure 3.8.4  
Private Parking Structure

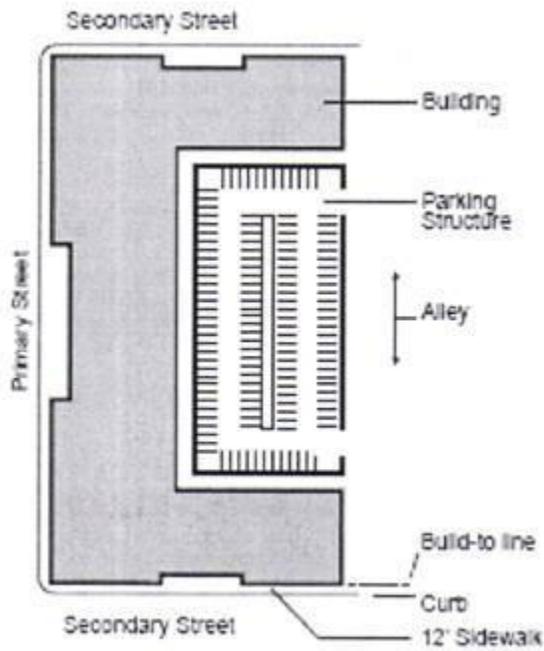


Figure 4.1.6  
Building Exteriors Provide Shelter



Figure 4.2.1  
Vary Massing

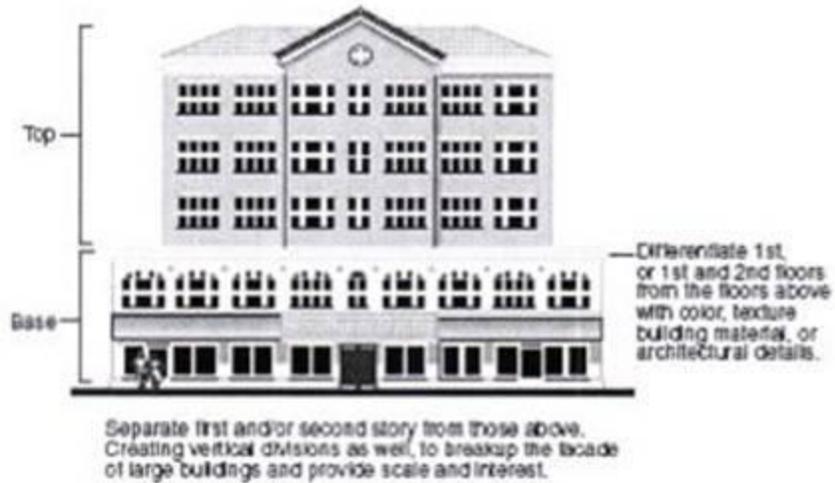
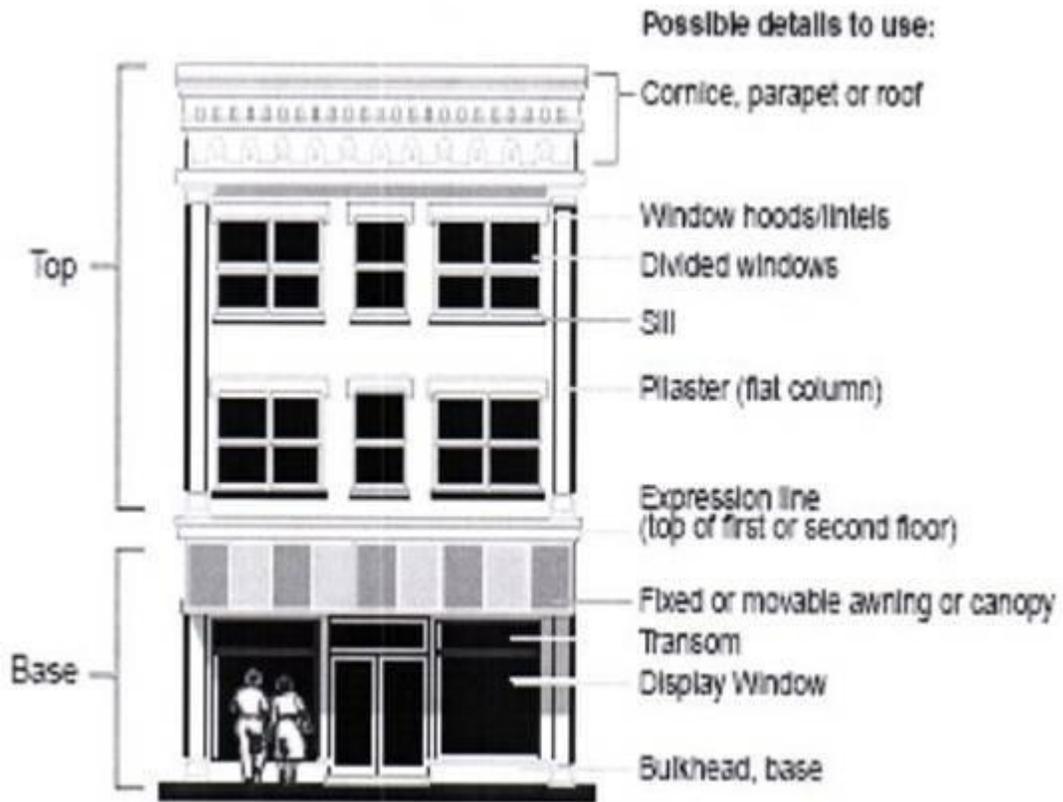


Figure 4.5.1  
Base and Top Treatment



## **(F) Sub-Areas Regulating Plan**

All new and existing development shall review first their location within the Sub-Areas Regulating Plan as shown in **Figure X - 1**.

## **(G) Permitted Uses**

### (1) Land Use Principles.

- a. The MU/TC District shall be developed as an identifiable place and shall act as an important destination for living, working, shopping and entertainment. The mix of uses within the District, the streets and the architectural character of individual buildings shall blend together to contribute to a coherent identity and sense of place.
- b. Along NE 164<sup>th</sup> street, east of NE 21<sup>st</sup> Avenue only, the ground floor of all buildings shall be limited to commercial uses, including but not limited to office and retail uses. On the second level, both non-residential and residential uses shall be permitted. Residential uses on all floors above the second level is required.
- c. Along NE 164<sup>th</sup> streets, west of NE 21<sup>st</sup> Avenue only, commercial uses including but not limited to office and retail uses are encouraged along the ground floor of all buildings. On all levels, both non-residential and residential uses shall be permitted.
- d. Along NE 19<sup>th</sup> Avenue and NE 163<sup>rd</sup> Street, commercial uses including but not limited to office and retail uses are required along the ground floor of all buildings. On the second level and above, both non-residential and residential uses shall be permitted.
- e. Along all other streets, commercial uses including but not limited to office and retail uses are encouraged along the ground floor of all buildings. On all levels, both non-residential and residential uses shall be permitted.

- (2) Permitted Use **Table X - 1** includes the principal uses permitted in the MU/TC along with any required restrictions on such uses, for each of the sub-areas. Principal uses not included in **Table X - 1** are not permitted in the MU/TC. Principal uses in the MU/TC shall be subject to the use-specific standards as provided for in **Article VIII** unless modified herein.

Insert Permitted Use Table

## **(H) Street Network Connectivity Regulating Plan and Street Standards**

**Figure X - 2** shows the location of existing and required new streets needed to create the prescribed network of streets within the MU/TC. This plan also establishes the hierarchy of the streets within the district. The street standards specified in **Section 24-58 (J) Mixed-use District** shall apply except as modified herein:

- (1) All streets shall be located according to the Street Network Connectivity Regulating Plan for the MU/TC.
- (2) All existing Primary A, new Primary A and existing Secondary Streets shall be required in the same general location as shown on the Street Network Connectivity Regulating Plan and may be modified with respect to alignment, provided that the final alignment is maintained. No existing Primary A, new Primary A and existing Secondary Streets shall be deleted or otherwise vacated or removed.
- (3) All new Secondary Streets are encouraged to promote connectivity and accessibility between multiple modes of transportation including vehicles, mass transit and/or rail systems. All new Secondary Streets may be modified or deleted for the purpose of assembling parcels for development and no mass transit and/or

- rail systems are in place.
- (4) Tertiary Streets and Alleys shown on the Street Network Connectivity Regulating Plan are encouraged to promote connectivity and to conform to block length requirements. Tertiary streets and alleys may be modified or deleted for the purpose of assembling parcels for development.
- (5) All streets shall be designed according to the typical street sections and standards provided in Section 24-58 (J)(c) Mixed-use District except as modified for the following specific streets within the MU/TC:
- a. Type S1: NE 164<sup>th</sup> Street (East of West Dixie Highway) (Figure X – 5)
- i. A minimum landscaped strip of 5 feet shall be provided along the street edge.
  - ii. Tree grates a minimum of 5 feet by 5 feet may be utilized in place of the required landscape strip.
  - iii. A minimum sidewalk width of 7.5 feet shall be provided adjacent to the landscaped area.
  - iv. Bulb-outs may be provided.
  - v. A median shall be provided a minimum of 14 feet in width.
  - vi. On-street parking shall be provided on both sides of the street.
  - vii. Where applicable, a maximum of 20 percent of the area within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass

Insert Street Section

- b. Type S2: NE 164<sup>th</sup> Street (Between NE 20<sup>th</sup> Avenue and West Dixie Highway) (Figure X – 6)
- i. Tree grates a minimum of 5 feet by 5 feet shall be utilized for consistency with existing conditions.
  - ii. A minimum sidewalk width of 7.5 feet shall be provided adjacent to the tree grates.
  - iii. Bulb-outs may be provided.
  - iv. A median shall be provided a minimum of 14 feet in width.
  - v. On-street parking shall be provided on both sides of the street.
  - i. Where applicable, a maximum of 20 percent of the area within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.

Insert Street Section

- c. Type S3: NE 164<sup>th</sup> Street (Between NE 16<sup>th</sup> Avenue and NE 20<sup>th</sup> Avenue) (Figure X – 7)
- i. Tree grates a minimum of 5 feet by 5 feet shall be utilized for consistency with existing conditions.
  - ii. A minimum sidewalk width of 7.5 feet shall be provided adjacent to the tree grates.
  - iii. Bulb-outs may be provided.
  - iv. A median shall be provided a minimum of 14 feet in width.
  - v. On-street parking shall be provided on both sides of the street.
  - ii. Where applicable, a maximum of 20 percent of the area within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.

Insert Street Section

## **(I) Designated Public Open Spaces and Urban Greenway Systems Regulating Plan**

In the MU/TC there are two general greenway types: the urban greenways, which occur along streets and the canal greenways, which occur along the Snake Creek Canal. The designated public greenways system shall be one of the following types depending on the location within the MU/TC and as shown in the Designated Public Open Spaces and Urban Greenways Systems Regulating Plan (Figure X – 3).

### (1) Urban Greenway Types

- a. Type UG 1: Along West Dixie Highway (Figure X – 8) (Proposed diagrams show two options for discussion: with or without parking)
  - iii. The minimum width of the greenways shall be 15 feet.
  - iv. On the East side of West Dixie Highway, there shall be a minimum setback of 15 feet to accommodate the required urban greenway.
  - v. Where applicable, a minimum of 20 percent of the length of the portion of the greenway within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
  - vi. Tree grates a minimum of five (5) feet by five (5) feet may be utilized in place of the required landscape strip.

### Insert Greenway Sections

- b. Type UG 2: Along NE 19<sup>th</sup> Avenue (Figure X – 9) (Proposed diagrams show two options for discussion: with or without bike lane)
  - i. The minimum width of the greenways shall be 25 feet. (Bike lane version) Other version the minimum width of the urban greenway shall be 17 feet.
  - ii. Where applicable, a minimum of 20 percent of the length of the portion of the greenway within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
  - iii. Tree grates shall not be utilized in place of the required landscape strip.

### Insert Greenway Sections

- c. Type UG 3: Along NE 16<sup>th</sup> Avenue (Figure X – 10)
  - i. The minimum width of the greenways shall be 21 feet.
  - ii. Where applicable, a minimum of 20 percent of the length of the portion of the greenway within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
  - iii. Tree grates shall not be utilized in place of the required landscape strip.

### (2) Canal Greenway Types

- a. Type CG 1 Option 1: Between NE 17<sup>th</sup> Avenue and West Dixie Highway (South of canal) (Figure X – 11) (Proposed diagrams show two options for discussion: with or without road)
  - i. Where there is an existing or proposed roadway along the canal, the minimum width of the greenway shall be 25 feet.
  - ii. The greenway shall consist of a bike lane a minimum of 5 feet wide and a pedestrian trail a minimum of 5 feet wide.
  - iii. Tree grates shall not be utilized in place of the required landscape strip.

## **(I) Designated Public Open Spaces and Urban Greenway Systems Regulating Plan**

In the MU/TC there are two general greenway types: the urban greenways, which occur along streets and the canal greenways, which occur along the Snake Creek Canal. The designated public greenways system shall be one of the following types depending on the location within the MU/TC and as shown in the Designated Public Open Spaces and Urban Greenways Systems Regulating Plan (Figure X – 3).

### (1) Urban Greenway Types

- a. Type UG 1: Along West Dixie Highway (Figure X – 8) (Proposed diagrams show two options for discussion: with or without parking)
  - iii. The minimum width of the greenways shall be 15 feet.
  - iv. On the East side of West Dixie Highway, there shall be a minimum setback of 15 feet to accommodate the required urban greenway.
  - v. Where applicable, a minimum of 20 percent of the length of the portion of the greenway within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
  - vi. Tree grates a minimum of five (5) feet by five (5) feet may be utilized in place of the required landscape strip.

### Insert Greenway Sections

- b. Type UG 2: Along NE 19<sup>th</sup> Avenue (Figure X – 9) (Proposed diagrams show two options for discussion: with or without bike lane)
  - i. The minimum width of the greenways shall be 25 feet. (Bike lane version) Other version the minimum width of the urban greenway shall be 17 feet.
  - ii. Where applicable, a minimum of 20 percent of the length of the portion of the greenway within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
  - iii. Tree grates shall not be utilized in place of the required landscape strip.

### Insert Greenway Sections

- c. Type UG 3: Along NE 16<sup>th</sup> Avenue (Figure X – 10)
  - i. The minimum width of the greenways shall be 21 feet.
  - ii. Where applicable, a minimum of 20 percent of the length of the portion of the greenway within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
  - iii. Tree grates shall not be utilized in place of the required landscape strip.

### (2) Canal Greenway Types

- a. Type CG 1 Option 1: Between NE 17<sup>th</sup> Avenue and West Dixie Highway (South of canal) (Figure X – 11) (Proposed diagrams show two options for discussion: with or without road)
  - i. Where there is an existing or proposed roadway along the canal, the minimum width of the greenway shall be 25 feet.
  - ii. The greenway shall consist of a bike lane a minimum of 5 feet wide and a pedestrian trail a minimum of 5 feet wide.
  - iii. Tree grates shall not be utilized in place of the required landscape strip.

### Insert Greenway Sections

- b. Type CG 1 Option 2: Between NE 17<sup>th</sup> Avenue and West Dixie Highway (South of canal) (Figure X – 12) (Proposed diagrams show two options for discussion: with or without road)
  - i. Where there is no existing or proposed roadway along the canal, the minimum width of the greenway shall be 65 feet.
  - ii. The greenway shall consist of a Mixed-use trail a minimum of 15 feet wide for bikes and pedestrians.
  - iii. A minimum of 80 percent of the length of the portion of the greenway within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
  - iv. Tree grates shall not be utilized in place of the required landscape strip.

### Insert Greenway Sections

- c. Type CG 2: East of West Dixie Highway (South of canal) (Figure X – 13)
  - i. The minimum width of the greenway shall transition from 23 feet to 40 feet depending on the location of the greenway and as shown in Figure X – 13.
  - ii. The greenway shall consist of a boardwalk a minimum of 10 feet wide for pedestrians.
  - iii. 80 percent of the length of the portion of the greenway within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
  - iv. Tree grates shall not be utilized in place of the required landscape strip.

### Insert Greenway Sections

- d. Type CG 3: East of West Dixie Highway (North of canal) (Figure X – 14)
  - i. The minimum width of the greenway shall be 55 feet.
  - ii. The greenway shall consist of a Mixed-use trail a minimum of 15 feet wide for bikes and pedestrians.
  - iii. Except for the Mixed-use trail, 100 percent of the length of the portion of the greenway within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
  - iv. Tree grates shall not be utilized in place of the required landscape strip.

### Insert Greenway Sections

- e. Type CG 4: Between NE 20<sup>th</sup> Avenue and West Dixie Highway (North of canal) (Figure X – 15)
  - i. The minimum width of the greenway shall be 44 feet.
  - ii. The greenway shall consist of a boardwalk a minimum of 10 feet wide for pedestrians.
  - iii. 80 percent of the length of the portion of the greenway within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
  - iv. Tree grates shall not be utilized in place of the required landscape strip.

### Insert Greenway Sections

- f. Type CG 5: Between NE 18<sup>th</sup> Avenue and NE 20<sup>th</sup> Avenue (North of canal) (Figure X – 16)

### Insert Greenway Sections

- b. Type CG 1 Option 2: Between NE 17<sup>th</sup> Avenue and West Dixie Highway (South of canal) (Figure X – 12) (Proposed diagrams show two options for discussion: with or without road)
  - i. Where there is no existing or proposed roadway along the canal, the minimum width of the greenway shall be 65 feet.
  - ii. The greenway shall consist of a Mixed-use trail a minimum of 15 feet wide for bikes and pedestrians.
  - iii. A minimum of 80 percent of the length of the portion of the greenway within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
  - iv. Tree grates shall not be utilized in place of the required landscape strip.

### Insert Greenway Sections

- c. Type CG 2: East of West Dixie Highway (South of canal) (Figure X – 13)
  - i. The minimum width of the greenway shall transition from 23 feet to 40 feet depending on the location of the greenway and as shown in Figure X – 13.
  - ii. The greenway shall consist of a boardwalk a minimum of 10 feet wide for pedestrians.
  - iii. 80 percent of the length of the portion of the greenway within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
  - iv. Tree grates shall not be utilized in place of the required landscape strip.

### Insert Greenway Sections

- d. Type CG 3: East of West Dixie Highway (North of canal) (Figure X – 14)
  - i. The minimum width of the greenway shall be 55 feet.
  - ii. The greenway shall consist of a Mixed-use trail a minimum of 15 feet wide for bikes and pedestrians.
  - iii. Except for the Mixed-use trail, 100 percent of the length of the portion of the greenway within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
  - iv. Tree grates shall not be utilized in place of the required landscape strip.

### Insert Greenway Sections

- e. Type CG 4: Between NE 20<sup>th</sup> Avenue and West Dixie Highway (North of canal) (Figure X – 15)
  - i. The minimum width of the greenway shall be 44 feet.
  - ii. The greenway shall consist of a boardwalk a minimum of 10 feet wide for pedestrians.
  - iii. 80 percent of the length of the portion of the greenway within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
  - iv. Tree grates shall not be utilized in place of the required landscape strip.

### Insert Greenway Sections

- f. Type CG 5: Between NE 18<sup>th</sup> Avenue and NE 20<sup>th</sup> Avenue (North of canal) (Figure X – 16)

- i. The minimum width of the greenway shall be 50 feet.
- ii. The greenway shall consist of a boardwalk a minimum of 10 feet wide for pedestrians.
- iii. 80 percent of the length of the portion of the greenway within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
- iv. Tree grates shall not be utilized in place of the required landscape strip.

Insert Greenway Sections

- g. Type CG 6: West of NE 18<sup>th</sup> Avenue (North of canal) (Figure X – 17)
  - i. The minimum width of the greenway shall be 45 feet.
  - ii. The greenway shall consist of a Mixed-use trail a minimum of 15 feet wide for bikes and pedestrians.
  - iii. A minimum of 20 percent of the length of the portion of the greenway within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
  - iv. Tree grates shall not be utilized in place of the required landscape strip.

Insert Greenway Sections

- (3) The designated public urban greenways system shall be designed to enhance the visual character of specific streets along the urban greenways and ensure pedestrian connectivity by:
  - a. Providing tree species that provide continuous shade for a minimum of 70 percent of the frontage along the urban greenways. Palm trees alone are not acceptable and the maximum spacing of the shade trees shall be 30 feet on center.
  - b. Providing street furnishings such as benches, trash receptacles, bike racks, drinking water fountains, etc.
  - c. Providing a landscape plan illustrating a coherent design with significant tree species along the urban greenways that are distinguishably different from the other streets along the property in terms of color, type and shape.
  - d. No plant material other than trees shall be higher than 24 inches within the greenways.
  - e. Tree specifications shall be as per Section 24-58 (L).

**(J) Building Heights Regulating Plan and Additional Height Standards**

All new and existing development shall comply with the standards found within the Building Heights Regulating Plan as shown in (Figure X – 4). Table X - 2 provides a summary of the heights per sub-area, however, since maximum building heights vary within the sub-areas and are dependent on location, the Building Height Regulating Plan shall be referred to.

<b><u>Table X – 2 Maximum Permitted Height (1)</u></b>	
<b><u>Area</u></b>	<b><u>Maximum Permitted Height</u></b>
<u>Core Sub-Area</u>	<u>30 stories/375 feet (2)</u>
<u>Transition Sub-Area</u>	<u>25 stories/315 feet (2)</u>

	<u>20 stories/255 feet (2)</u>
<u>Edge Sub-Area</u>	<u>15 stories/195 feet (2)</u> <u>8 stories/110 feet</u> <u>6 stories/85 feet</u> <u>3 stories/35 feet</u>
<u>Notes:</u>	
(1) <u>Height has been rounded up to allow for additional space for mechanical equipment and the measurement of the roof. Measurement of stories is regulated in <b>Section 24-58 Mixed-use District.</b></u>	
(2) <u>Buildings higher than 8 stories shall only be developed per the Tower building Type standards.</u>	

**(K) Building Typology and Dimensional Standards**

(1) Building Typologies

All new buildings shall conform to one of the permitted building typologies as demonstrated in the Building Typology and Placement Regulating Diagrams in **Section 24-58 Mixed-use District**. The diagrams provide a schematic representation of the various building typologies and demonstrate the required setbacks, lot standards, and profiles of structures. Existing buildings which do not fit a prescribed typology, shall follow the standards required for the Flex building typology. Not all building typologies are permitted in each Mixed-use district. The building typologies permitted in the MU/TC and their allowable sub-area locations are listed below in **Table X - 3**:

<b><u>Table X - 3 Building Typologies</u></b>			
<b><u>Building Typology</u></b>	<b><u>Core</u></b>	<b><u>Transition</u></b>	<b><u>Edge</u></b>
<u>Tower</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Liner</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Courtyard Building</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Flex</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Townhouse Type 1</u>	<u>No</u>	<u>No</u>	<u>Yes</u>
<u>Townhouse Type 2</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Zero Lot Line (Courtyard House)</u>	<u>No</u>	<u>No</u>	<u>Yes</u>
<u>Zero Lot Line (Sideyard House)</u>	<u>No</u>	<u>No</u>	<u>Yes</u>
<u>Single Family Detached</u>	<u>No(1)</u>	<u>No(1)</u>	<u>No(1)</u>
<u>Note:</u>			
(1) <u>Existing single family and multi-family dwellings that were legally established on or before <b>March X, 2015</b> shall be considered legal nonconforming.</u>			

(2) Setbacks and Building Frontage.

a. Front and Street Side Setbacks and Building Frontage. Front and Street Side setbacks are determined based on the street the building fronts. Table X – 4 lists the minimum required front and street side setbacks and building frontage per street type. The interior side and rear setbacks as well as the lot standards shall be as specified per building type in Section 24-58 Mixed-use District.

**Table X – 4 Minimum and Maximum Front, Street Side and Canal Side Setbacks and Building Frontage per Street and Canal Greenway Type (1)**

<u>Street Type</u>	<u>Minimum Setback</u>	<u>Maximum Setback</u>	<u>Building Frontage</u>
Primary A (NE 164 <sup>th</sup> Street)	0 feet	20 feet	90%
Primary A (NE 16 <sup>th</sup> Avenue)	0 feet	20 feet	90%
Primary A (NE 19 <sup>th</sup> Avenue)	0 feet	20 feet	90%
Primary A (W. Dixie Hwy.)	0 feet (west side) 15 feet (east side)	10 feet (west side) 25 feet (east side)	90% 90%
Primary A (All others)	10 feet (2)	20 feet	90%
Primary B	10 or 20 feet (3)	30 feet	90%
Secondary (NE 163 <sup>rd</sup> Street)	15 feet	25 feet	60%
Secondary (All others)	10 feet	20 feet	80%
Tertiary	10 feet	20 feet	50%
Alleys	Per Building Typology and Placement Regulating Diagrams	Per Building Typology and Placement Regulating Diagrams	N/A
<u>Canal Greenway Type</u>	<u>Minimum Setback</u>	<u>Maximum Setback</u>	<u>Building Frontage</u>
CG 1	15 feet	25 feet	90%
CG 2	5 feet/40 feet (4)	15 feet/80 feet (4)	90%
CG 3	27 feet	45 feet	90%
CG 4	19 feet	25 feet	90%
CG 5	10 feet	20 feet	90%
CG 6	10 feet	15 feet	90%
<u>Notes:</u>			
(1) <u>Setbacks shall be measured from property lines.</u>			
(2) <u>Where applicable, the minimum setback shall be located within the minimum depth of the required designated urban greenway as specified herein.</u>			

(3) If roadway adjacent to development is vacated, the minimum setback shall be 10 feet. If roadway adjacent to development remains, the minimum setback shall be 20 feet. Where applicable, the minimum setback shall be located within the minimum depth of the required designated urban greenway as specified herein.

(4) Refer to specific greenway design standards.

**(L) On-site Parking Standards**

(1) All parking within the MU/TC shall comply with the Access, Circulation, Parking and Loading Standards specified in **Section 24-58 Mixed-use District**.

(2) On-site parking shall comply with **Table X - 5**. Uses not listed herein shall comply with the parking requirements specified in **Article IX**.

(3) Guest parking shall comply with **Table X - 5**. Guest parking shall be designated and prominently marked on-site as "Guest Parking" and shall not be restricted in any manner to use by a single tenant, owner, unit, or other user.

**Table X - 5 Minimum and Maximum Parking Requirements by use**

	<u>Min</u>	<u>Max</u>
<b><u>Retail, restaurant or commercial</u></b>	<u>2 per 1000sf</u>	<u>4 per 1000sf</u>
<b><u>Office</u></b>	<u>2.5 per 1000sf</u>	<u>4 per 1000sf</u>
<b><u>Hotel and motel; hotel and motel, limited</u></b>	<u>1 per 4 rooms plus 1 per 800sf for restaurant, public meeting areas; 1 per 15 rooms for staff</u>	<u>1 per 4 rooms plus 1 per 800sf for restaurant, public meeting areas; 1 per 15 rooms for staff</u>
<b><u>Residential</u></b>	<u>1 per unit plus 1 per 20 units for guest parking</u>	<u>2 per unit plus 1 per 20 units for guest parking</u>
<b><u>Places of Public Assembly</u></b>	<u>1 space for each 3 seats in the principal assembly area or 10 spaces for each 1,000 sq. ft. of gfa, whichever is greater</u>	<u>1 space for each 3 seats in the principal assembly area or 10 spaces for each 1,000 sq. ft. of gfa, whichever is greater</u>
<b><u>Live/work</u></b>	<u>2 per 1000sf</u>	<u>4 per 1000sf</u>

**(M) Bicycle Racks and Bicycle Storage Standards**

Bicycle racks and storage shall be required as follows:

(1) Bicycle racks and bicycle storage for commercial uses. Commercial developments, excluding hotel uses, shall provide:

a. secure bike racks and/or storage at a ratio of one bicycle parking space per every 15 required parking spaces and

b. a minimum of one shower and changing facility shall be provided to be available for all tenants and shall be located within the building, or within

200 feet of the building entrance, for developments greater than 50,000 square feet in gross building area.

(2) Bicycle racks and bicycle storage for residential uses. One bicycle parking space shall be provided per every 15 required parking spaces. Required residential bicycle parking spaces shall be provided in a secured area, covered from the elements.

(3) Mixed-use developments. Mixed-use developments shall provide secure bicycle parking spaces for both the commercial and residential components of the development as calculated separately pursuant to the requirements of this section.

**(N) Signage Standards**

Signage shall comply with the standards in **Article XIII** except as modified herein. **Need to discuss. These standards are currently in the MUTC. It is not clear which signs are permitted.**

(1) Signs affixed to the exterior of a building shall be architecturally compatible with the style, composition, materials, colors, and details of the building, as well as with other signs used on the building or its vicinity.

(2) Signs shall fit within the existing facade features, shall be confined to signable areas, and shall not interfere with door and window openings, conceal architectural details or obscure the composition of the facade where they are located.

(3) Whenever possible, signs located on buildings within the same block-face shall be placed at the same height in order to create a unified sign band.

(4) Wood and painted metal are the preferred materials for under-awning, hanging signs. Flat signs should be framed with raised edges. Wood signs shall use only high-quality exterior grade wood with suitable grade finishes.

(5) Sign colors should be compatible with the colors of the building facade. A dull or matte finish is recommended for reduction of glare and enhancement of legibility.

(6) Signs shall be either spot- or backlit with a diffused light source. Spot lighting shall require complete shielding of all light sources, shall be contained within the sign frame, and shall not significantly spill over to other portions of the building or site. Backlighting shall illuminate the letters, characters, or graphics on the sign, but not its background. Warm fluorescent bulbs may be used to illuminate the interior of display cases. Neon signs placed inside the display case shall insure low intensity colors.

(7) Signs shall be mounted so that the method of installation is concealed. Signs applied to masonry surfaces should be mechanically fastened to mortar joints only and not directly into brick or stone. Drilling to provide electrical service should also follow the same rule.

(8) Billboards are prohibited.

**(O) Tax Rebate Incentives**

(1) Tax Rebate Incentives: Properties within the MU/TC may be eligible for a tax rebate incentive. The tax rebate shall be granted in accordance with the **Table X - 6** provided that the following conditions are met:

- a. The total tax rebate received shall not exceed 75 percent, per property.
- b. **Legal to add language reference how long a property is exempt from taxes, etc.**

<b>Table X - 6 Tax Rebate Incentives</b>		
<b><u>Incentive Option</u></b>	<b><u>Tax Rebate</u></b>	<b><u>Requirement</u></b>

<u>1</u>	<u>50 percent</u>	<u>Properties that provide required improvements and/or contribute to the MU/TC Public Infrastructure and Streetscape Improvement Fund in accordance with <a href="#">Section 24-58.1 (P)</a>.</u>
<u>2</u>	<u>Up to 50 percent</u>	<u>Properties that obtain LEED Certification or Equivalent Green Certification in accordance with <a href="#">Section 24-58.1(O)(2)(a)</a>.</u>
<u>3</u>	<u>25 percent</u>	<u>Properties that contribute to the Public Open Space Fund in accordance with <a href="#">Section 24-58.1 (P)</a>.</u>
<u>4</u>	<u>25 percent</u>	<u>Properties that provide public parking in accordance with <a href="#">Section 24-58.1(O)(2)(b)</a>.</u>
<u>5</u>	<u>25 percent</u>	<u>Properties that provide public art in accordance with <a href="#">Section 24-58.(O)(2)(d)</a>.</u>
<u>6</u>	<u>15 percent</u>	<u>Properties that provide green roofs in accordance with <a href="#">Section 94-215(g)(3)(d)</a>. <a href="#">Section 24-58.1(O)(2)(c)</a>.</u>
<u>7</u>	<u>10 percent</u>	<u>Properties that develop and maintain in perpetuity new designated public open spaces a minimum of 4,800 square feet in accordance with <a href="#">Section 24-58 Mixed-use District</a>.</u>

(2) Incentive Requirements. Developments requesting a tax rebate incentive within the MU/TC as listed above shall comply with the requirements for each of the incentive options listed below:

a. *LEED Certification or Equivalent Green Certification.* Developments that obtain a Leadership in Energy and Environmental Design (LEED) certification, or receive an equivalent green development certification approved by the Director of Community Development and/or his or her designee, shall be eligible for the following tax incentives:

LEED Platinum or equivalent = 50 percent

LEED Gold or equivalent = 40 percent

LEED Silver or equivalent = 30 percent

LEED Certified or equivalent = 20 percent

The developer of a development seeking a tax rebate from a LEED certification or an equivalent sustainable development certification shall be required to comply with the following requirements in order to qualify for the tax incentive:

i. A minimum of LEED Platinum or equivalent shall be obtained to receive the maximum allowable tax incentive of 50 percent.

ii. A minimum of LEED Gold or equivalent shall be obtained to receive the maximum allowable tax incentive of 40 percent.

iii. A minimum of LEED Silver or equivalent shall be obtained to receive the maximum allowable tax incentive of 30 percent.

iv. A minimum of LEED Certified or equivalent shall be obtained to receive the maximum allowable tax incentive of 20 percent.

v. Prior to the submittal for the first Building Permit for site improvements, including underground excavation, the developer shall:

1. Register the project with the U.S. Green Building Council or with the respective agency or institution issuing the equivalent certification.

2. Incur the cost of a LEED Accredited Professional or a professional accredited by the agency or institution issuing the equivalent certification, retained by the City, to act as the Green Development Review Agent (GDRA) until the project receives its Certificate of Occupancy (C.O.). The developer shall establish an escrow account in an amount determined by the Finance Director for the GDRA services. The GDRA shall have the following duties:
  - a. Review the Certification Plan prepared by the developer. The Certification Plan shall include Design, Construction and Operations sections that list the specific credits (points) that will be included in the Development and detail how the credits will be achieved.
  - b. Verify that the credits listed in the Certification Plan are integrated into the demolition of the existing buildings, if applicable, and the design, construction and operation of the project should be sufficient to gain the LEED or equivalent certification that is being sought.
  - c. Review all building permit submittals for the site, to include resubmittals and revisions, to ensure compliance with the Certification Plan.
  - d. Inspect the project during demolition, construction and prior to the issuance of the C.O. to ensure compliance with the Certification Plan; and
  - e. Provide the City of North Miami Beach Department of Community Planning with monthly status updates in writing.
- vi. The C.O. for the project shall not be issued until the GDRA has verified that the project has been constructed in conformance with the Certification Plan to achieve the LEED or equivalent certification.
- vii. The developer shall pursue the LEED or equivalent certification within six (6) months after the issuance of the C.O. and provide written reports updating the Director of the Department of Community Planning on the status of the application every six (6) months thereafter until certification is achieved or for two (2) years, whichever comes first. If after two (2) years LEED or equivalent certification is not obtained, then the developer shall provide the City with a written report outlining why LEED certification was not achieved.
- viii. All application costs associated with pursuit of the certification shall be borne by the developer.
- b. Public Parking. Properties that provide public parking in the MU/TC shall be eligible for a tax incentive in the Core and Center sub-area only provided the following requirements are met:
  - i. The minimum number of spaces required for off-street parking are provided.
  - ii. A minimum of ten (10) percent of the parking spaces shall be encumbered for public parking subject to the terms established at the City's discretion. The ten (10) percent of parking spaces shall be in addition to the parking provided to serve the development.
  - iii. The public parking shall be unrestricted to public access and located on

2. Incur the cost of a LEED Accredited Professional or a professional accredited by the agency or institution issuing the equivalent certification, retained by the City, to act as the Green Development Review Agent (GDRA) until the project receives its Certificate of Occupancy (C.O.). The developer shall establish an escrow account in an amount determined by the Finance Director for the GDRA services. The GDRA shall have the following duties:
  - a. Review the Certification Plan prepared by the developer. The Certification Plan shall include Design, Construction and Operations sections that list the specific credits (points) that will be included in the Development and detail how the credits will be achieved.
  - b. Verify that the credits listed in the Certification Plan are integrated into the demolition of the existing buildings, if applicable, and the design, construction and operation of the project should be sufficient to gain the LEED or equivalent certification that is being sought.
  - c. Review all building permit submittals for the site, to include resubmittals and revisions, to ensure compliance with the Certification Plan.
  - d. Inspect the project during demolition, construction and prior to the issuance of the C.O. to ensure compliance with the Certification Plan; and
  - e. Provide the City of North Miami Beach Department of Community Planning with monthly status updates in writing.
- vi. The C.O. for the project shall not be issued until the GDRA has verified that the project has been constructed in conformance with the Certification Plan to achieve the LEED or equivalent certification.
- vii. The developer shall pursue the LEED or equivalent certification within six (6) months after the issuance of the C.O. and provide written reports updating the Director of the Department of Community Planning on the status of the application every six (6) months thereafter until certification is achieved or for two (2) years, whichever comes first. If after two (2) years LEED or equivalent certification is not obtained, then the developer shall provide the City with a written report outlining why LEED certification was not achieved.
- viii. All application costs associated with pursuit of the certification shall be borne by the developer.
- b. Public Parking. Properties that provide public parking in the MU/TC shall be eligible for a tax incentive in the Core and Center sub-area only provided the following requirements are met:
  - i. The minimum number of spaces required for off-street parking are provided.
  - ii. A minimum of ten (10) percent of the parking spaces shall be encumbered for public parking subject to the terms established at the City's discretion. The ten (10) percent of parking spaces shall be in addition to the parking provided to serve the development.
  - iii. The public parking shall be unrestricted to public access and located on

- the ground floor, where feasible, otherwise it shall be located at the lowest level of the garage.
- iv. Along each street frontage, where there is an entrance and/or exit to the parking area, one (1) parking sign shall be provided indicating the presence of public parking.
- v. Payment-in-lieu of public parking. A payment shall be permitted in lieu of providing the minimum required public parking. The amount of the in-lieu fee assessment shall be established by resolution of the City Council and may be adjusted from time to time.
1. The fee to be paid (the "in-lieu fee") shall be a one-time fee per space for each parking space required.
  2. The in-lieu fee shall be paid in accordance with the administrative procedure established from time to time by the City Council.
  3. All in-lieu fees collected by the City, and all interest earned thereon, shall be placed in a special fund established by the City Council and shall be used solely for the acquisition of land for, development of, and maintenance of public parking facilities in and/or directly serving the district.
- c. Green Roofs. In no case shall the applicant receive the tax incentive for green roofs if the applicant is already receiving points for green roofs as part of a LEED certification. Developments that provide all of the following required elements for green roofs shall be eligible for the allowable tax incentive:
- i. At least 75 percent of roof space must be covered by the green roof.
  - ii. A vegetation layer, at least 80 percent of which must be covered by live plants such as sedum or equally drought resistant and hardy plant species. The 80 percent coverage means spacing of plants in a manner that will cover 80 percent of the layer by the time the building has received a certificate of occupancy. A licensed and registered architect, engineer, landscape architect or a horticulturist with a degree or certificate from an accredited training institute, must certify the vegetative layer.
  - iii. A weatherproof & waterproof roofing membrane compliant with construction and fire codes.
  - iv. A root barrier layer.
  - v. An insulation layer compliant with energy, fire and construction codes.
  - vi. A drainage layer designed so the drains can be inspected and cleaned.
  - vii. A growth medium including natural or simulated soil at least two (2) inches in depth.
    1. If the depth of the growth medium is less than three inches, an independent water holding layer that is designed to prevent the rapid drying of the growth medium is also required, unless the green roof is certified not to need regular irrigation to maintain live plants.
  - viii. A maintenance plan that includes:
    1. Semi-annual inspection.
    2. Plans for plant replacement.

3. Monthly inspections of drains; free from debris.
  4. Maintenance of green roof in perpetuity.
  5. Annual report to the Director of the Department of Community Planning on the condition of the green roof.
- d. Properties that provide public art using one or a combination of the following strategies in the MU/TC shall be eligible for a tax incentive:
- i. A fee equal to 1 percent of the project's construction costs;
  - ii. A piece of artwork valued at 1 percent of the project's construction costs.
    1. The artwork shall be accessible to the public and may be displayed in the building's common areas, public open spaces or areas along the street abutting the building .
    2. Public art proposed for public areas shall be required to receive approval from the City Council.

**(P) Assessments for Eligible Tax Incentives**

(1) Public Infrastructure and Streetscape assessment and fund

- a. All new development, or renovation or remodeling of existing buildings within the MU/TC, where total vertical construction costs of the development, renovation or remodeling is equal to or greater than \$500,000 shall pay a public infrastructure and streetscape assessment per dwelling unit or square foot to receive the allowable tax incentive. Such public infrastructure and streetscape assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public infrastructure and streetscape assessments shall be deposited into the public infrastructure and streetscape fund.
- b. Ordinary property maintenance is exempt from the public infrastructure and streetscape assessment. Repairs and restoration resulting from fire, flood, windstorm or other natural disaster, as determined by the building official, are exempt from the public infrastructure and streetscape assessment.
- c. The amount of the public infrastructure and streetscape assessment shall be established by resolution of the City Council and may be adjusted from time to time.
- d. A separate public infrastructure and streetscape fund shall be established by the City. All public infrastructure and streetscape assessment payments from new development, or renovation or remodeling of existing buildings within the MU/TC shall be deposited into this fund and the funds shall be kept separate from any other City funds. The public infrastructure and streetscape fund shall be used by the City for improvement to and maintenance of the public infrastructure and streets in the MU/TC. Use of such funds shall be determined by the City Council. Any monies not expended in the fund in any fiscal year shall be carried over in the fund into the following year. Any interest earned on the funds shall be retained in the fund.

(2) Public Open Space assessment and fund

- a. All new development, or renovation or remodeling of existing buildings within the MU/TC, where total vertical construction costs of the development, renovation or remodeling is equal to or greater than \$500,000 shall pay a public open space assessment per dwelling unit or square foot to receive the allowable tax incentive. Such public open space assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public open space assessments shall be deposited into the

public open space fund.

- b. Ordinary property maintenance is exempt from the public open space assessment. Repairs and restoration resulting from fire, flood, windstorm or other natural disaster, as determined by the building official, are exempt from the public open space assessment.
- c. The amount of the public open space assessment shall be established by resolution of the City Council and may be adjusted from time to time.
- d. A separate public open space fund shall be established by the City. All public open space assessment payments from new development, or renovation or remodeling of existing buildings within the MU/TC shall be deposited into this fund and the funds shall be kept separate from any other City funds. The public open space fund shall be used by the City for improvement to and maintenance of the Snake Creek Canal Greenway, public parks, public open spaces and recreational areas and facilities in the MU/TC. Use of such funds shall be determined by the City Council. Any monies not expended in the fund in any fiscal year shall be carried over in the fund into the following year. Any interest earned on the funds shall be retained in the fund.

(3) Public Art assessment and fund

- a. All new development, or renovation or remodeling of existing buildings within the MU/TC, where total vertical construction costs of the development, renovation or remodeling is equal to or greater than \$500,000 shall pay a public art assessment to receive the allowable tax incentive. Such public art assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public art assessments shall be deposited into the public art fund.
- b. Ordinary property maintenance is exempt from the public art assessment. Repairs and restoration resulting from fire, flood, windstorm or other natural disaster, as determined by the building official, are exempt from the public art assessment.
- c. The amount of the public art assessment shall be established by resolution of the City Council and may be adjusted from time to time.
- d. A separate public art fund shall be established by the City. All public art assessment payments from new development, or renovation or remodeling of existing buildings within the MU/TC shall be deposited into this fund and the funds shall be kept separate from any other City funds. The public art fund shall be used by the City for the construction of, improvement to and maintenance of public art. Use of such funds shall be determined by the City Council. Any monies not expended in the fund in any fiscal year shall be carried over in the fund into the following year. Any interest earned on the funds shall be retained in the fund. Such public art assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public art assessments shall be deposited into the public art fund.

**(Q) Development Permit Review Procedures.**

The following development permit review procedure will apply to this district:

- (1) The review procedures set out in Article XV will apply within this district.
- (2) Preapplication Conference: For those development permit requests that require a Pre-Application Conference, the specific issues identified below must be reviewed by the Applicant and addressed with staff at the Preapplication Conference:
  - (a) Utility locations and alleys, treatment of the Snake Creek Canal, placement of public art, eligibility for tax increment rebates and other development incentives.
  - (b) In addition to the submittal requirements in Article XV, the required plans submitted for review for the Pre-Application conference shall demonstrate the Applicant's general approach to comply with the requirements noted

above and shown on the MU/TC District's:

(1) Sub-Areas Regulating Plan

(2) Street Network and Connectivity Regulating Plan

(3) Designated Open Spaces and Urban Greenways Regulating Plan

(3) Building Heights Regulating Plan

(4) Building Typology.

Draft

- i. The minimum width of the greenway shall be 50 feet.
- ii. The greenway shall consist of a boardwalk a minimum of 10 feet wide for pedestrians.
- iii. 80 percent of the length of the portion of the greenway within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
- iv. Tree grates shall not be utilized in place of the required landscape strip.

Insert Greenway Sections

- g. Type CG 6: West of NE 18<sup>th</sup> Avenue (North of canal) (Figure X – 17)
  - i. The minimum width of the greenway shall be 45 feet.
  - ii. The greenway shall consist of a Mixed-use trail a minimum of 15 feet wide for bikes and pedestrians.
  - iii. A minimum of 20 percent of the length of the portion of the greenway within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
  - iv. Tree grates shall not be utilized in place of the required landscape strip.

Insert Greenway Sections

- (3) The designated public urban greenways system shall be designed to enhance the visual character of specific streets along the urban greenways and ensure pedestrian connectivity by:
  - a. Providing tree species that provide continuous shade for a minimum of 70 percent of the frontage along the urban greenways. Palm trees alone are not acceptable and the maximum spacing of the shade trees shall be 30 feet on center.
  - b. Providing street furnishings such as benches, trash receptacles, bike racks, drinking water fountains, etc.
  - c. Providing a landscape plan illustrating a coherent design with significant tree species along the urban greenways that are distinguishably different from the other streets along the property in terms of color, type and shape.
  - d. No plant material other than trees shall be higher than 24 inches within the greenways.
  - e. Tree specifications shall be as per Section 24-58 (L).

**(J) Building Heights Regulating Plan and Additional Height Standards**

All new and existing development shall comply with the standards found within the Building Heights Regulating Plan as shown in (Figure X – 4). Table X - 2 provides a summary of the heights per sub-area, however, since maximum building heights vary within the sub-areas and are dependent on location, the Building Height Regulating Plan shall be referred to.

<b><u>Table X – 2 Maximum Permitted Height (1)</u></b>	
<b><u>Area</u></b>	<b><u>Maximum Permitted Height</u></b>
<u>Core Sub-Area</u>	<u>30 stories/375 feet (2)</u>
<u>Transition Sub-Area</u>	<u>25 stories/315 feet (2)</u>

	<u>20 stories/255 feet (2)</u>
<u>Edge Sub-Area</u>	<u>15 stories/195 feet (2)</u> <u>8 stories/110 feet</u> <u>6 stories/85 feet</u> <u>3 stories/35 feet</u>
<u>Notes:</u>	
(1) <u>Height has been rounded up to allow for additional space for mechanical equipment and the measurement of the roof. Measurement of stories is regulated in <b>Section 24-58 Mixed-use District.</b></u>	
(2) <u>Buildings higher than 8 stories shall only be developed per the Tower building Type standards.</u>	

**(K) Building Typology and Dimensional Standards**

- (1) Building Typologies  
All new buildings shall conform to one of the permitted building typologies as demonstrated in the Building Typology and Placement Regulating Diagrams in **Section 24-58 Mixed-use District.** The diagrams provide a schematic representation of the various building typologies and demonstrate the required setbacks, lot standards, and profiles of structures. Existing buildings which do not fit a prescribed typology, shall follow the standards required for the Flex building typology. Not all building typologies are permitted in each Mixed-use district. The building typologies permitted in the MU/TC and their allowable sub-area locations are listed below in **Table X - 3:**

<b><u>Table X - 3 Building Typologies</u></b>			
<b><u>Building Typology</u></b>	<b><u>Core</u></b>	<b><u>Transition</u></b>	<b><u>Edge</u></b>
<u>Tower</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Liner</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Courtyard Building</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Flex</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Townhouse Type 1</u>	<u>No</u>	<u>No</u>	<u>Yes</u>
<u>Townhouse Type 2</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Zero Lot Line (Courtyard House)</u>	<u>No</u>	<u>No</u>	<u>Yes</u>
<u>Zero Lot Line (Sideyard House)</u>	<u>No</u>	<u>No</u>	<u>Yes</u>
<u>Single Family Detached</u>	<u>No(1)</u>	<u>No(1)</u>	<u>No(1)</u>
<u>Note:</u>			
(1) <u>Existing single family and multi-family dwellings that were legally established on or before <b>March X, 2015</b> shall be considered legal nonconforming.</u>			

(2) Setbacks and Building Frontage.

a. Front and Street Side Setbacks and Building Frontage. Front and Street Side setbacks are determined based on the street the building fronts. Table X – 4 lists the minimum required front and street side setbacks and building frontage per street type. The interior side and rear setbacks as well as the lot standards shall be as specified per building type in Section 24-58 Mixed-use District.

**Table X – 4 Minimum and Maximum Front, Street Side and Canal Side Setbacks and Building Frontage per Street and Canal Greenway Type (1)**

<u>Street Type</u>	<u>Minimum Setback</u>	<u>Maximum Setback</u>	<u>Building Frontage</u>
Primary A (NE 164 <sup>th</sup> Street)	0 feet	20 feet	90%
Primary A (NE 16 <sup>th</sup> Avenue)	0 feet	20 feet	90%
Primary A (NE 19 <sup>th</sup> Avenue)	0 feet	20 feet	90%
Primary A (W. Dixie Hwy.)	0 feet (west side) 15 feet (east side)	10 feet (west side) 25 feet (east side)	90% 90%
Primary A (All others)	10 feet (2)	20 feet	90%
Primary B	10 or 20 feet (3)	30 feet	90%
Secondary (NE 163 <sup>rd</sup> Street)	15 feet	25 feet	60%
Secondary (All others)	10 feet	20 feet	80%
Tertiary	10 feet	20 feet	50%
Alleys	Per Building Typology and Placement Regulating Diagrams	Per Building Typology and Placement Regulating Diagrams	N/A
<u>Canal Greenway Type</u>	<u>Minimum Setback</u>	<u>Maximum Setback</u>	<u>Building Frontage</u>
CG 1	15 feet	25 feet	90%
CG 2	5 feet/40 feet (4)	15 feet/80 feet (4)	90%
CG 3	27 feet	45 feet	90%
CG 4	19 feet	25 feet	90%
CG 5	10 feet	20 feet	90%
CG 6	10 feet	15 feet	90%
<u>Notes:</u>			
(1) <u>Setbacks shall be measured from property lines.</u>			
(2) <u>Where applicable, the minimum setback shall be located within the minimum depth of the required designated urban greenway as specified herein.</u>			

(3) If roadway adjacent to development is vacated, the minimum setback shall be 10 feet. If roadway adjacent to development remains, the minimum setback shall be 20 feet. Where applicable, the minimum setback shall be located within the minimum depth of the required designated urban greenway as specified herein.

(4) Refer to specific greenway design standards.

**(L) On-site Parking Standards**

(1) All parking within the MU/TC shall comply with the Access, Circulation, Parking and Loading Standards specified in Section 24-58 Mixed-use District.

(2) On-site parking shall comply with Table X - 5. Uses not listed herein shall comply with the parking requirements specified in Article IX.

(3) Guest parking shall comply with Table X - 5. Guest parking shall be designated and prominently marked on-site as "Guest Parking" and shall not be restricted in any manner to use by a single tenant, owner, unit, or other user.

**Table X - 5 Minimum and Maximum Parking Requirements by use**

	<u>Min</u>	<u>Max</u>
<b><u>Retail, restaurant or commercial</u></b>	<u>2 per 1000sf</u>	<u>4 per 1000sf</u>
<b><u>Office</u></b>	<u>2.5 per 1000sf</u>	<u>4 per 1000sf</u>
<b><u>Hotel and motel; hotel and motel, limited</u></b>	<u>1 per 4 rooms plus 1 per 800sf for restaurant, public meeting areas; 1 per 15 rooms for staff</u>	<u>1 per 4 rooms plus 1 per 800sf for restaurant, public meeting areas; 1 per 15 rooms for staff</u>
<b><u>Residential</u></b>	<u>1 per unit plus 1 per 20 units for guest parking</u>	<u>2 per unit plus 1 per 20 units for guest parking</u>
<b><u>Places of Public Assembly</u></b>	<u>1 space for each 3 seats in the principal assembly area or 10 spaces for each 1,000 sq. ft. of gfa, whichever is greater.</u>	<u>1 space for each 3 seats in the principal assembly area or 10 spaces for each 1,000 sq. ft. of gfa, whichever is greater.</u>
<b><u>Live/work</u></b>	<u>2 per 1000sf</u>	<u>4 per 1000sf</u>

**(M) Bicycle Racks and Bicycle Storage Standards**

Bicycle racks and storage shall be required as follows:

(1) Bicycle racks and bicycle storage for commercial uses. Commercial developments, excluding hotel uses, shall provide:

a. secure bike racks and/or storage at a ratio of one bicycle parking space per every 15 required parking spaces and

b. a minimum of one shower and changing facility shall be provided to be available for all tenants and shall be located within the building, or within

200 feet of the building entrance, for developments greater than 50,000 square feet in gross building area.

(2) Bicycle racks and bicycle storage for residential uses. One bicycle parking space shall be provided per every 15 required parking spaces. Required residential bicycle parking spaces shall be provided in a secured area, covered from the elements.

(3) Mixed-use developments. Mixed-use developments shall provide secure bicycle parking spaces for both the commercial and residential components of the development as calculated separately pursuant to the requirements of this section.

**(N) Signage Standards**

Signage shall comply with the standards in **Article XIII** except as modified herein. **Need to discuss. These standards are currently in the MUTC. It is not clear which signs are permitted.**

(1) Signs affixed to the exterior of a building shall be architecturally compatible with the style, composition, materials, colors, and details of the building, as well as with other signs used on the building or its vicinity.

(2) Signs shall fit within the existing facade features, shall be confined to signable areas, and shall not interfere with door and window openings, conceal architectural details or obscure the composition of the facade where they are located.

(3) Whenever possible, signs located on buildings within the same block-face shall be placed at the same height in order to create a unified sign band.

(4) Wood and painted metal are the preferred materials for under-awning, hanging signs. Flat signs should be framed with raised edges. Wood signs shall use only high-quality exterior grade wood with suitable grade finishes.

(5) Sign colors should be compatible with the colors of the building facade. A dull or matte finish is recommended for reduction of glare and enhancement of legibility.

(6) Signs shall be either spot- or backlit with a diffused light source. Spot lighting shall require complete shielding of all light sources, shall be contained within the sign frame, and shall not significantly spill over to other portions of the building or site. Backlighting shall illuminate the letters, characters, or graphics on the sign, but not its background. Warm fluorescent bulbs may be used to illuminate the interior of display cases. Neon signs placed inside the display case shall insure low intensity colors.

(7) Signs shall be mounted so that the method of installation is concealed. Signs applied to masonry surfaces should be mechanically fastened to mortar joints only and not directly into brick or stone. Drilling to provide electrical service should also follow the same rule.

(8) Billboards are prohibited.

**(O) Tax Rebate Incentives**

(1) Tax Rebate Incentives: Properties within the MU/TC may be eligible for a tax rebate incentive. The tax rebate shall be granted in accordance with the **Table X - 6** provided that the following conditions are met:

- a. The total tax rebate received shall not exceed 75 percent, per property.
- b. **Legal to add language reference how long a property is exempt from taxes, etc.**

<b>Table X - 6 Tax Rebate Incentives</b>		
<b><u>Incentive Option</u></b>	<b><u>Tax Rebate</u></b>	<b><u>Requirement</u></b>

<u>1</u>	<u>50 percent</u>	<u>Properties that provide required improvements and/or contribute to the MU/TC Public Infrastructure and Streetscape Improvement Fund in accordance with <a href="#">Section 24-58.1 (P)</a>.</u>
<u>2</u>	<u>Up to 50 percent</u>	<u>Properties that obtain LEED Certification or Equivalent Green Certification in accordance with <a href="#">Section 24-58.1(O)(2)(a)</a>.</u>
<u>3</u>	<u>25 percent</u>	<u>Properties that contribute to the Public Open Space Fund in accordance with <a href="#">Section 24-58.1 (P)</a>.</u>
<u>4</u>	<u>25 percent</u>	<u>Properties that provide public parking in accordance with <a href="#">Section 24-58.1(O)(2)(b)</a>.</u>
<u>5</u>	<u>25 percent</u>	<u>Properties that provide public art in accordance with <a href="#">Section 24-58.(O)(2)(d)</a>.</u>
<u>6</u>	<u>15 percent</u>	<u>Properties that provide green roofs in accordance with <a href="#">Section 94-215(g)(3)(d)</a>. <a href="#">Section 24-58.1(O)(2)(c)</a>.</u>
<u>7</u>	<u>10 percent</u>	<u>Properties that develop and maintain in perpetuity new designated public open spaces a minimum of 4,800 square feet in accordance with <a href="#">Section 24-58 Mixed-use District</a>.</u>

(2) Incentive Requirements. Developments requesting a tax rebate incentive within the MU/TC as listed above shall comply with the requirements for each of the incentive options listed below:

a. *LEED Certification or Equivalent Green Certification.* Developments that obtain a Leadership in Energy and Environmental Design (LEED) certification, or receive an equivalent green development certification approved by the Director of Community Development and/or his or her designee, shall be eligible for the following tax incentives:

LEED Platinum or equivalent = 50 percent

LEED Gold or equivalent = 40 percent

LEED Silver or equivalent = 30 percent

LEED Certified or equivalent = 20 percent

The developer of a development seeking a tax rebate from a LEED certification or an equivalent sustainable development certification shall be required to comply with the following requirements in order to qualify for the tax incentive:

i. A minimum of LEED Platinum or equivalent shall be obtained to receive the maximum allowable tax incentive of 50 percent.

ii. A minimum of LEED Gold or equivalent shall be obtained to receive the maximum allowable tax incentive of 40 percent.

iii. A minimum of LEED Silver or equivalent shall be obtained to receive the maximum allowable tax incentive of 30 percent.

iv. A minimum of LEED Certified or equivalent shall be obtained to receive the maximum allowable tax incentive of 20 percent.

v. Prior to the submittal for the first Building Permit for site improvements, including underground excavation, the developer shall:

1. Register the project with the U.S. Green Building Council or with the respective agency or institution issuing the equivalent certification.

2. Incur the cost of a LEED Accredited Professional or a professional accredited by the agency or institution issuing the equivalent certification, retained by the City, to act as the Green Development Review Agent (GDRA) until the project receives its Certificate of Occupancy (C.O.). The developer shall establish an escrow account in an amount determined by the Finance Director for the GDRA services. The GDRA shall have the following duties:
  - a. Review the Certification Plan prepared by the developer. The Certification Plan shall include Design, Construction and Operations sections that list the specific credits (points) that will be included in the Development and detail how the credits will be achieved.
  - b. Verify that the credits listed in the Certification Plan are integrated into the demolition of the existing buildings, if applicable, and the design, construction and operation of the project should be sufficient to gain the LEED or equivalent certification that is being sought.
  - c. Review all building permit submittals for the site, to include resubmittals and revisions, to ensure compliance with the Certification Plan.
  - d. Inspect the project during demolition, construction and prior to the issuance of the C.O. to ensure compliance with the Certification Plan; and
  - e. Provide the City of North Miami Beach Department of Community Planning with monthly status updates in writing.
- vi. The C.O. for the project shall not be issued until the GDRA has verified that the project has been constructed in conformance with the Certification Plan to achieve the LEED or equivalent certification.
- vii. The developer shall pursue the LEED or equivalent certification within six (6) months after the issuance of the C.O. and provide written reports updating the Director of the Department of Community Planning on the status of the application every six (6) months thereafter until certification is achieved or for two (2) years, whichever comes first. If after two (2) years LEED or equivalent certification is not obtained, then the developer shall provide the City with a written report outlining why LEED certification was not achieved.
- viii. All application costs associated with pursuit of the certification shall be borne by the developer.
- b. Public Parking. Properties that provide public parking in the MU/TC shall be eligible for a tax incentive in the Core and Center sub-area only provided the following requirements are met:
  - i. The minimum number of spaces required for off-street parking are provided.
  - ii. A minimum of ten (10) percent of the parking spaces shall be encumbered for public parking subject to the terms established at the City's discretion. The ten (10) percent of parking spaces shall be in addition to the parking provided to serve the development.
  - iii. The public parking shall be unrestricted to public access and located on

2. Incur the cost of a LEED Accredited Professional or a professional accredited by the agency or institution issuing the equivalent certification, retained by the City, to act as the Green Development Review Agent (GDRA) until the project receives its Certificate of Occupancy (C.O.). The developer shall establish an escrow account in an amount determined by the Finance Director for the GDRA services. The GDRA shall have the following duties:
  - a. Review the Certification Plan prepared by the developer. The Certification Plan shall include Design, Construction and Operations sections that list the specific credits (points) that will be included in the Development and detail how the credits will be achieved.
  - b. Verify that the credits listed in the Certification Plan are integrated into the demolition of the existing buildings, if applicable, and the design, construction and operation of the project should be sufficient to gain the LEED or equivalent certification that is being sought.
  - c. Review all building permit submittals for the site, to include resubmittals and revisions, to ensure compliance with the Certification Plan.
  - d. Inspect the project during demolition, construction and prior to the issuance of the C.O. to ensure compliance with the Certification Plan; and
  - e. Provide the City of North Miami Beach Department of Community Planning with monthly status updates in writing.
- vi. The C.O. for the project shall not be issued until the GDRA has verified that the project has been constructed in conformance with the Certification Plan to achieve the LEED or equivalent certification.
- vii. The developer shall pursue the LEED or equivalent certification within six (6) months after the issuance of the C.O. and provide written reports updating the Director of the Department of Community Planning on the status of the application every six (6) months thereafter until certification is achieved or for two (2) years, whichever comes first. If after two (2) years LEED or equivalent certification is not obtained, then the developer shall provide the City with a written report outlining why LEED certification was not achieved.
- viii. All application costs associated with pursuit of the certification shall be borne by the developer.
- b. Public Parking. Properties that provide public parking in the MU/TC shall be eligible for a tax incentive in the Core and Center sub-area only provided the following requirements are met:
  - i. The minimum number of spaces required for off-street parking are provided.
  - ii. A minimum of ten (10) percent of the parking spaces shall be encumbered for public parking subject to the terms established at the City's discretion. The ten (10) percent of parking spaces shall be in addition to the parking provided to serve the development.
  - iii. The public parking shall be unrestricted to public access and located on

the ground floor, where feasible, otherwise it shall be located at the lowest level of the garage.

iv. Along each street frontage, where there is an entrance and/or exit to the parking area, one (1) parking sign shall be provided indicating the presence of public parking.

v. Payment-in-lieu of public parking. A payment shall be permitted in lieu of providing the minimum required public parking. The amount of the in-lieu fee assessment shall be established by resolution of the City Council and may be adjusted from time to time.

1. The fee to be paid (the "in-lieu fee") shall be a one-time fee per space for each parking space required.

2. The in-lieu fee shall be paid in accordance with the administrative procedure established from time to time by the City Council.

3. All in-lieu fees collected by the City, and all interest earned thereon, shall be placed in a special fund established by the City Council and shall be used solely for the acquisition of land for, development of, and maintenance of public parking facilities in and/or directly serving the district.

c. Green Roofs. In no case shall the applicant receive the tax incentive for green roofs if the applicant is already receiving points for green roofs as part of a LEED certification. Developments that provide all of the following required elements for green roofs shall be eligible for the allowable tax incentive:

i. At least 75 percent of roof space must be covered by the green roof.

ii. A vegetation layer, at least 80 percent of which must be covered by live plants such as sedum or equally drought resistant and hardy plant species. The 80 percent coverage means spacing of plants in a manner that will cover 80 percent of the layer by the time the building has received a certificate of occupancy. A licensed and registered architect, engineer, landscape architect or a horticulturist with a degree or certificate from an accredited training institute, must certify the vegetative layer.

iii. A weatherproof & waterproof roofing membrane compliant with construction and fire codes.

iv. A root barrier layer.

v. An insulation layer compliant with energy, fire and construction codes.

vi. A drainage layer designed so the drains can be inspected and cleaned.

vii. A growth medium including natural or simulated soil at least two (2) inches in depth.

1. If the depth of the growth medium is less than three inches, an independent water holding layer that is designed to prevent the rapid drying of the growth medium is also required, unless the green roof is certified not to need regular irrigation to maintain live plants.

viii. A maintenance plan that includes:

1. Semi-annual inspection.

2. Plans for plant replacement.

3. Monthly inspections of drains; free from debris.
  4. Maintenance of green roof in perpetuity.
  5. Annual report to the Director of the Department of Community Planning on the condition of the green roof.
- d. Properties that provide public art using one or a combination of the following strategies in the MU/TC shall be eligible for a tax incentive:
- i. A fee equal to 1 percent of the project's construction costs;
  - ii. A piece of artwork valued at 1 percent of the project's construction costs.
    1. The artwork shall be accessible to the public and may be displayed in the building's common areas, public open spaces or areas along the street abutting the building .
    2. Public art proposed for public areas shall be required to receive approval from the City Council.

**(P) Assessments for Eligible Tax Incentives**

(1) Public Infrastructure and Streetscape assessment and fund

- a. All new development, or renovation or remodeling of existing buildings within the MU/TC, where total vertical construction costs of the development, renovation or remodeling is equal to or greater than \$500,000 shall pay a public infrastructure and streetscape assessment per dwelling unit or square foot to receive the allowable tax incentive. Such public infrastructure and streetscape assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public infrastructure and streetscape assessments shall be deposited into the public infrastructure and streetscape fund.
- b. Ordinary property maintenance is exempt from the public infrastructure and streetscape assessment. Repairs and restoration resulting from fire, flood, windstorm or other natural disaster, as determined by the building official, are exempt from the public infrastructure and streetscape assessment.
- c. The amount of the public infrastructure and streetscape assessment shall be established by resolution of the City Council and may be adjusted from time to time.
- d. A separate public infrastructure and streetscape fund shall be established by the City. All public infrastructure and streetscape assessment payments from new development, or renovation or remodeling of existing buildings within the MU/TC shall be deposited into this fund and the funds shall be kept separate from any other City funds. The public infrastructure and streetscape fund shall be used by the City for improvement to and maintenance of the public infrastructure and streets in the MU/TC. Use of such funds shall be determined by the City Council. Any monies not expended in the fund in any fiscal year shall be carried over in the fund into the following year. Any interest earned on the funds shall be retained in the fund.

(2) Public Open Space assessment and fund

- a. All new development, or renovation or remodeling of existing buildings within the MU/TC, where total vertical construction costs of the development, renovation or remodeling is equal to or greater than \$500,000 shall pay a public open space assessment per dwelling unit or square foot to receive the allowable tax incentive. Such public open space assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public open space assessments shall be deposited into the

public open space fund.

- b. Ordinary property maintenance is exempt from the public open space assessment. Repairs and restoration resulting from fire, flood, windstorm or other natural disaster, as determined by the building official, are exempt from the public open space assessment.
- c. The amount of the public open space assessment shall be established by resolution of the City Council and may be adjusted from time to time.
- d. A separate public open space fund shall be established by the City. All public open space assessment payments from new development, or renovation or remodeling of existing buildings within the MU/TC shall be deposited into this fund and the funds shall be kept separate from any other City funds. The public open space fund shall be used by the City for improvement to and maintenance of the Snake Creek Canal Greenway, public parks, public open spaces and recreational areas and facilities in the MU/TC. Use of such funds shall be determined by the City Council. Any monies not expended in the fund in any fiscal year shall be carried over in the fund into the following year. Any interest earned on the funds shall be retained in the fund.

(3) Public Art assessment and fund

- a. All new development, or renovation or remodeling of existing buildings within the MU/TC, where total vertical construction costs of the development, renovation or remodeling is equal to or greater than \$500,000 shall pay a public art assessment to receive the allowable tax incentive. Such public art assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public art assessments shall be deposited into the public art fund.
- b. Ordinary property maintenance is exempt from the public art assessment. Repairs and restoration resulting from fire, flood, windstorm or other natural disaster, as determined by the building official, are exempt from the public art assessment.
- c. The amount of the public art assessment shall be established by resolution of the City Council and may be adjusted from time to time.
- d. A separate public art fund shall be established by the City. All public art assessment payments from new development, or renovation or remodeling of existing buildings within the MU/TC shall be deposited into this fund and the funds shall be kept separate from any other City funds. The public art fund shall be used by the City for the construction of, improvement to and maintenance of public art. Use of such funds shall be determined by the City Council. Any monies not expended in the fund in any fiscal year shall be carried over in the fund into the following year. Any interest earned on the funds shall be retained in the fund. Such public art assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public art assessments shall be deposited into the public art fund.

**(Q) Development Permit Review Procedures.**

The following development permit review procedure will apply to this district:

- (1) The review procedures set out in Article XV will apply within this district.
- (2) Preapplication Conference: For those development permit requests that require a Pre-Application Conference, the specific issues identified below must be reviewed by the Applicant and addressed with staff at the Preapplication Conference:
  - (a) Utility locations and alleys, treatment of the Snake Creek Canal, placement of public art, eligibility for tax increment rebates and other development incentives.
  - (b) In addition to the submittal requirements in Article XV, the required plans submitted for review for the Pre-Application conference shall demonstrate the Applicant's general approach to comply with the requirements noted

above and shown on the MU/TC District's:

(1) Sub-Areas Regulating Plan

(2) Street Network and Connectivity Regulating Plan

(3) Designated Open Spaces and Urban Greenways Regulating Plan

(3) Building Heights Regulating Plan

(4) Building Typology.

Draft

Table

**PERMITTED USES IN THE FULFORD MIXED-USE TOWN CENTER (MU/TC) DISTRICT**

**P= PERMITTED BY RIGHT**

**C = CONDITIONAL USES**

**NP= NOT PERMITTED**

Uses (1)	Use Areas		
	Core	Transition	Edge
<b>Residential</b>			
Residential, provided that: must be in multi-family context; <del>may be on second floor and above on a primary street; may be on ground floor and above on Secondary Street; no density greater than 75 units per acre and less than 10 units per acre.</del>	P	P	P
Residential, townhouses (per building typology diagram)	P	P	P
<b>Eating and Drinking Establishments</b>			
Bars and lounges provided that any such use shall not be located within 500 feet of the real property that comprises a public or private elementary school, middle school or secondary school (Pursuant to §562.45(2)(a)Florida Statutes.	P	P	NP
Restaurants including fast food, excluding drive through, including outdoor dining	P	P	NP
Restaurant fast food with drive through provided drive through is inside parking garage	C	C	NP
<b>General Business</b>			
Banks and financial institutions, excluding drive-through.	P	P	NP
Daycare Center provided use is not on primary street	C	C	C
Hardware stores	P	P	NP
Land developers and building contractors ( <u>no outdoor storage</u> )	P	P	P
Night clubs and discotheques (Ord. No. 2006-1 §12, 12/21/2006)	C	C	NP
Parking garages <u>as principal use, provided that parked vehicles shall not be visible from surrounding properties or public street rights-of-way and structure shall be well landscaped.</u>	C	C	NP
Surface Parking Lot as Principle Use, CRA or City owned and operated only	P	P	NP
Talent Agency	P	P	P
Tobacco shops and electronic cigarettes (Vapor Lounge)	P	P	NP

Table

**PERMITTED USES IN THE FULFORD MIXED-USE TOWN CENTER (MU/TC) DISTRICT**

**P= PERMITTED BY RIGHT**

**C = CONDITIONAL USES**

**NP= NOT PERMITTED**

	Travel Agencies	P	P	P
	Vocational schools and Trade: Airline, Business, Cosmetology, Secretarial and similar.	P	P	NP
	Watch and clock repair shops	P	P	NP
<b>Office</b>				
	Abstract and title offices	P	P	P
	Advertising agency	P	P	P
	Brokerage Services: Stocks, commodities, real estate mortgages, businesses, yachts (no on-site display)	P	P	P
	Business Management Consultants	P	P	P
	Doctors, dentists, chiropractors, optometrists, psychologists, and similar licensed medical professionals, excluding veterinarians, drug/alcohol and violent/dangerous	P	P	P
	Family and marriage counselors	P	P	P
	Insurance agencies	P	P	P
	Investigative services	P	P	P
	Investment counselors, excluding brokerage offices	P	P	P
	Professional Services: Accountants, architects, auditors, appraisers, city planners, economists, engineers, lawyers, psychologists, psychiatrists and licensed medical and dental practitioners and health related services	P	P	P
	Public Relations Agencies	P	P	P
	Secretarial and stenography services	P	P	P
<b>Retail/Personal Services</b>				
	Barber, beauty and skin care shops	P	P	NP
	Health and exercise studios including martial arts	P	P	NP
	Studio schools: Art, dance, music, drama, sculpture and similar instruction	P	P	NP
	Tailors and seamstresses	P	P	NP
<b>Retail/Retail Services</b>				
	Antique shops, collectibles and vintage	P	P	NP
	Apparel Shops: Men's, Women's and Children's			
	Art & Supplies and galleries	P	P	NP

Table

**PERMITTED USES IN THE FULFORD MIXED-USE TOWN CENTER (MU/TC) DISTRICT**

**P= PERMITTED BY RIGHT**

**C = CONDITIONAL USES**

**NP= NOT PERMITTED**

Bake Shops	P	P	NP
Beer and Wine Shops	P	P	NP
Bicycle sales, rental, service and repair	P	P	NP
Blueprinting services	P	P	NP
Bookstores	P	P	NP
Camera and photographic supply store	P	P	NP
Convenience store	P	P	NP
Copying services	P	P	NP
Delicatessens	P	P	NP
Department stores	P	P	NP
Drugstore	P	P	NP
Flooring and carpeting stores	P	P	NP
Florists	P	P	NP
Food stores, Supermarkets and specialty markets	P	P	NP
Furniture and home furnishings	P	P	NP
Garden supply stores	P	P	NP
Gift, novelty and souvenir shops	P	P	NP
Hobby and handicraft shops	P	P	NP
Jewelry stores	P	P	NP
Leather goods and luggage stores	P	P	NP
Lighting fixture stores	P	P	NP
Music and record, video stores	P	P	NP
News stands	P	P	NP
Office Supply Stores	P	P	NP
Optical stores	P	P	NP
Paint and wallpaper stores	P	P	NP
Package Liquor Store: provided such use is located on primary street	C	C	NP
Photography studios	P	P	NP
Retail and service establishments	P	P	NP
Sporting goods stores	P	P	NP
Stationery and card stores	P	P	NP
Television, radio and stereo sales and service	P	P	NP
Toy stores	P	P	NP

Table

**PERMITTED USES IN THE FULFORD MIXED-USE TOWN CENTER (MU/TC) DISTRICT**

**P= PERMITTED BY RIGHT**

**C = CONDITIONAL USES**

**NP= NOT PERMITTED**

<b>Lodging Accommodations</b>				
	Hotels	C	C	NP
<b>Institutional</b>				
	Museums and art galleries	P	P	P
	Places of Public Assembly, <del>10,000 sf minimum site area, on arterial or collector roadway, located in single, stand-alone building, must meet parking requirements.</del>	C	C	P
	Utility facilities, light, public and private	P	P	P
<b>Recreation and Open Space (Private and Public)</b>				
	Billiard and poolrooms	P	P	NP
	Movie <del>and live performance</del> theaters	P	P	NP
	Public parks and playgrounds, <del>plazas, squares</del>	P	P	P
	Skating rinks, roller or ice	P	P	NP
	Tennis and racquetball courts (indoor)	P	P	NP
	Urban market gardens	P	P	NP

**P= PERMITTED BY RIGHT**

**C = CONDITIONAL USES**

**NP= NOT PERMITTED**

Notes:

(1) The MU/TC allows for a conditional use approval for the conversion of existing buildings, or portions of existing buildings, from residential use to office use or retail and service establishment use – subject to the area regulating plan and compatibility with existing adjacent uses.

Table

**PERMITTED USES IN THE MIXED-USE EMPLOYMENT CENTER (MU/EC) DISTRICT**

P= PERMITTED BY RIGHT

C = CONDITIONAL USES

NP= NOT PERMITTED

Uses	Use Areas		
	Core	Transition	Edge
<b>Residential</b>			
Residential multifamily, subject to <del>RM-23 provisions of Section 24-48</del> and conditioned upon <u>site plan review which considers compatible adjacent uses that will not adversely impact residential units.</u>	P	P	P
<del>Residential, Single Family subject to RS-3 Regulations</del>	NP	NP	NP
Residential, townhouses (per building typology diagram)	P	P	P
<b>Eating and Drinking Establishments</b>			
<del>Bars and lounges and package liquor stores, provided that any such use shall not be located within 1,500 feet of any other bar, lounge or package liquor store.</del>	P	P	NP
Barbeque restaurants, open air	C	C	NP
Restaurants including fast food, excluding drive through, including outdoor dining	P	P	NP
<del>Restaurant fast food with drive through provided drive through is inside parking garage</del>	C	C	NP
<b>General Business</b>			
<del>Automobile parts and accessories stores including installation; provided that any such use shall sell new merchandise only and that it shall not provide any on-premises installation services. subject to design criteria.</del>	P	P	NP
<del>Automobile radio and CB sales and other accessory installation</del>			
Automobile rental and leasing agencies	P	P	NP
Automobile sales and display (new <del>and used only</del> ) <u>entirely within enclosed building</u>	P	P	NP
<del>Automotive service station as defined in Article II, provided that any such use shall not have any outside display of merchandise, that there shall not be any rental, sale or storage of trucks, trailers, motorcycles or automobiles, that there shall be no major mechanical repairs or body work</del>	NP	NP	NP



FIGURE X - 1:  
SUB-AREAS REGULATING PLAN

-  CORE SUB-AREA
-  TRANSITION SUB-AREA
-  EDGE SUB-AREA
-  DISTRICT BOUNDARY

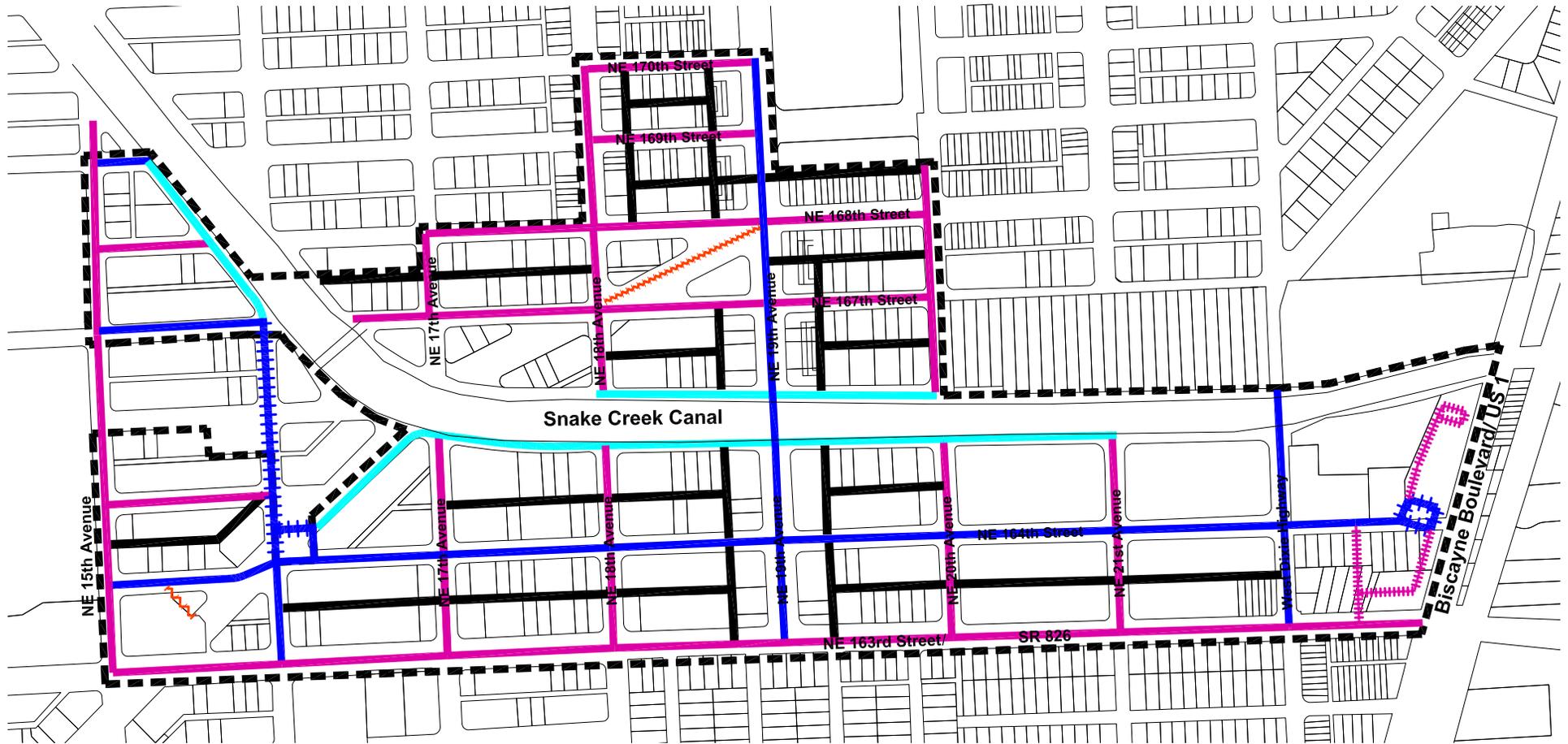


FIGURE X - 2:  
STREET NETWORK CONNECTIVITY  
REGULATING PLAN

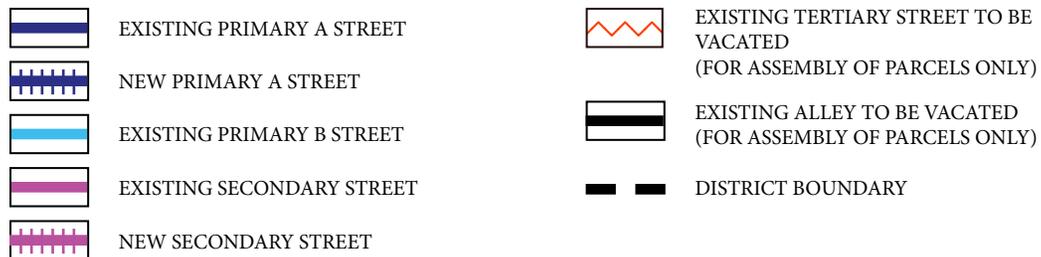




FIGURE X - 3:  
DESIGNATED OPEN SPACES AND GREENWAY SYSTEMS  
REGULATING PLAN

-  EXISTING DESIGNATED PUBLIC OPEN SPACE
-  NEW DESIGNATED OPEN SPACE
-  DESIGNATED URBAN GREENWAY
-  DESIGNATED CANAL GREENWAY AND TRAILS
-  DISTRICT BOUNDARY

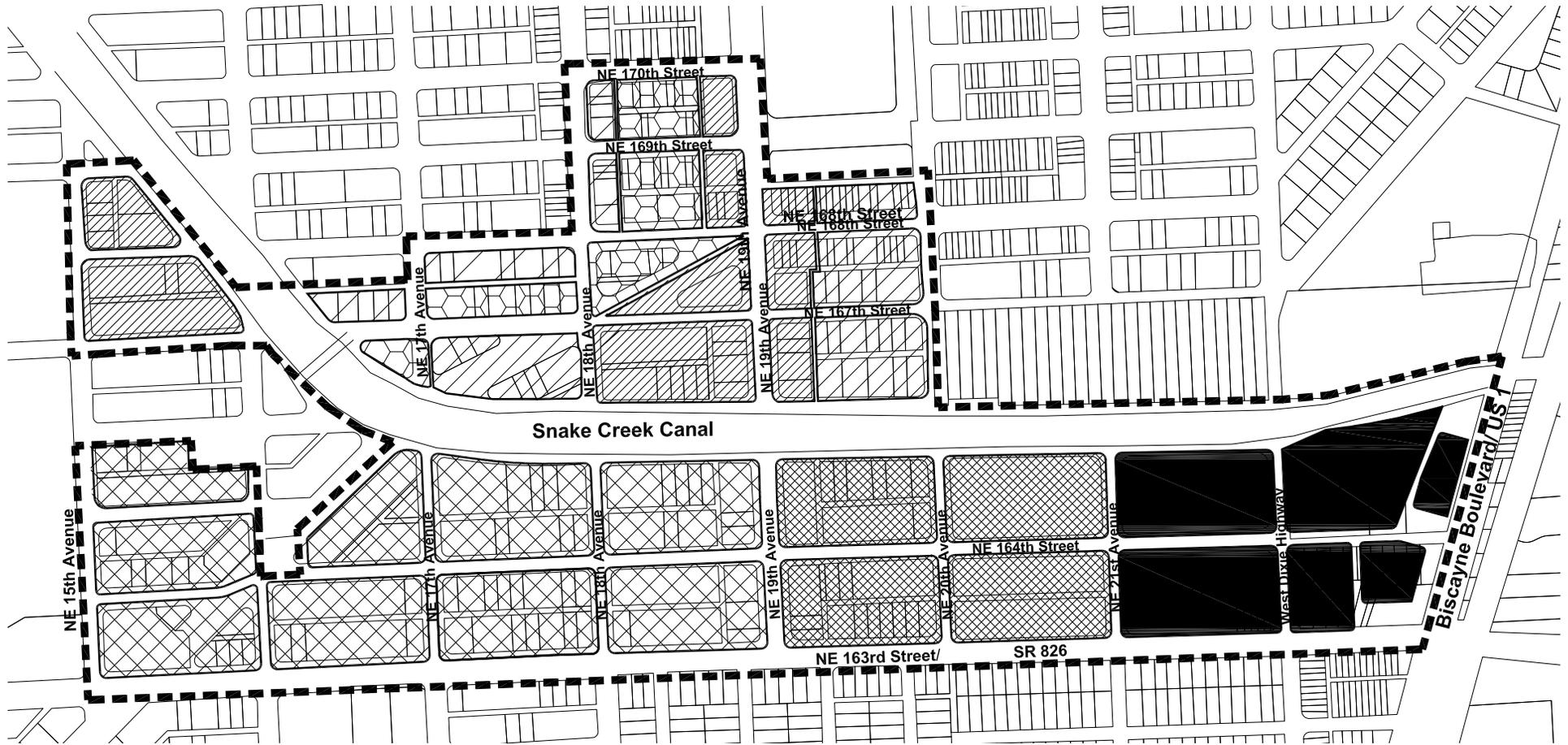
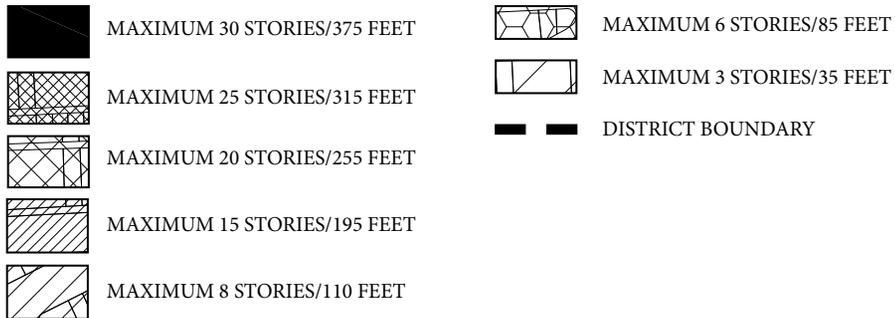
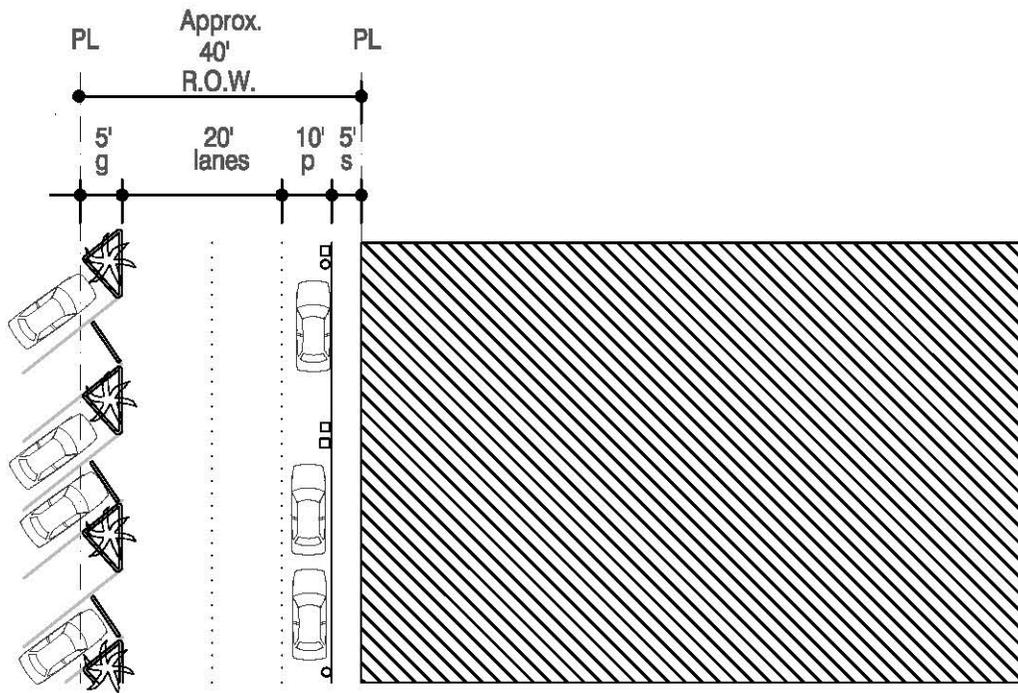
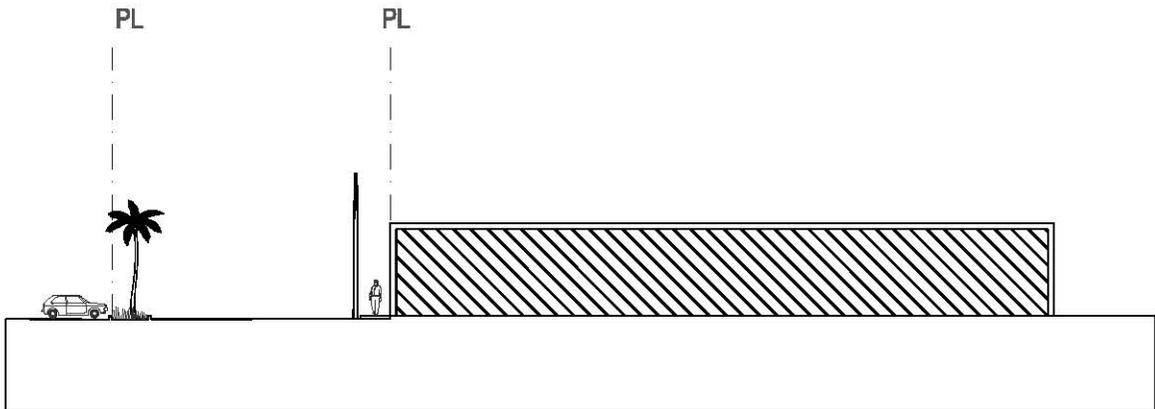


FIGURE X - 4:  
BUILDING HEIGHTS REGULATING PLAN



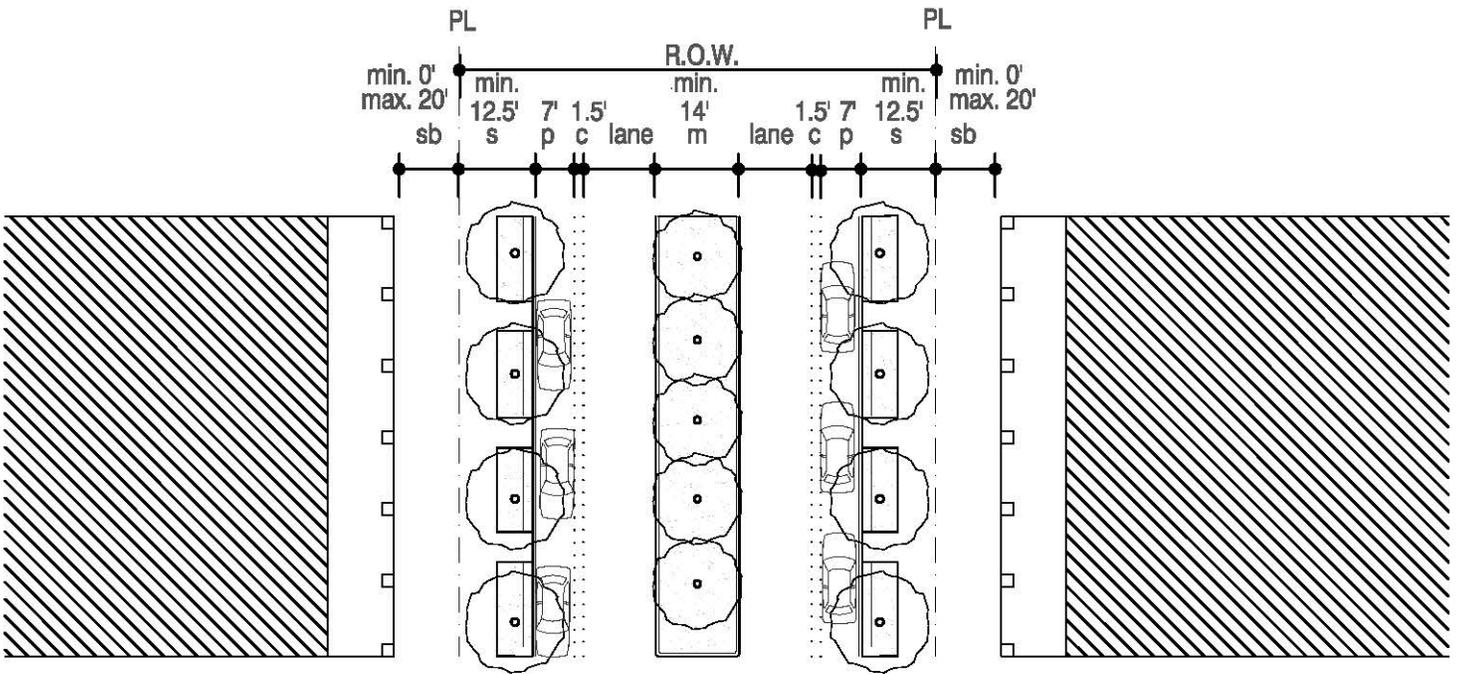
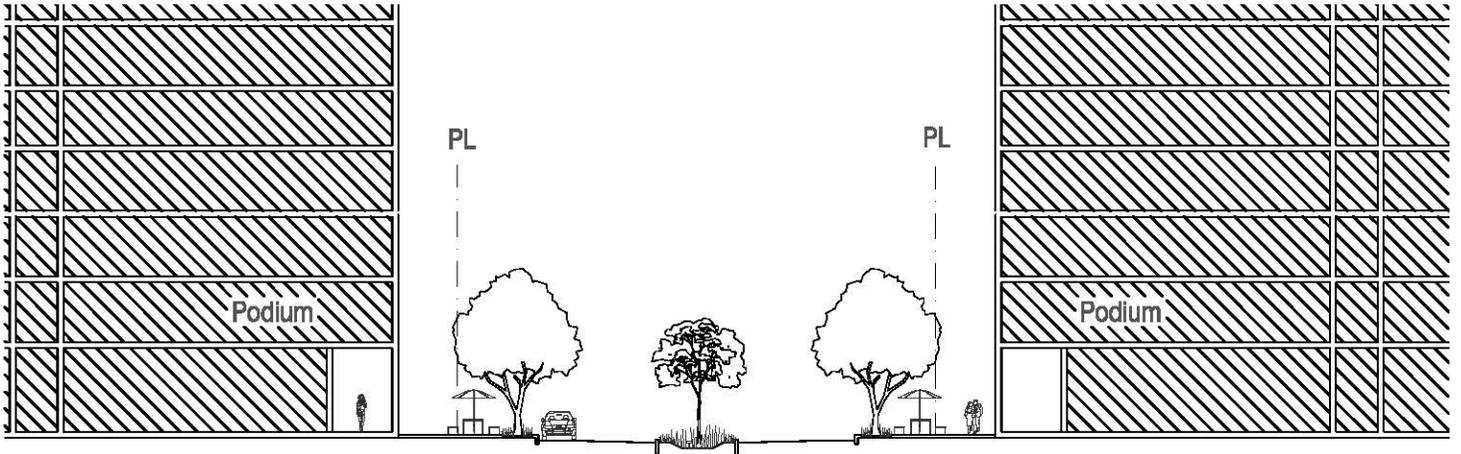


## S1: NE 164: East of West Dixie Hwy.

Existing  
Approx. 40' ROW

Key:

- ug: Urban Greenway
- sb: Setback
- fg: Furnishings/green area
- s: Sidewalk
- g: Landscape Strip/tree grates
- c: Curb and gutter
- p: Parking
- min: Minimum
- R.O.W.: Right-of-way
- m: Median

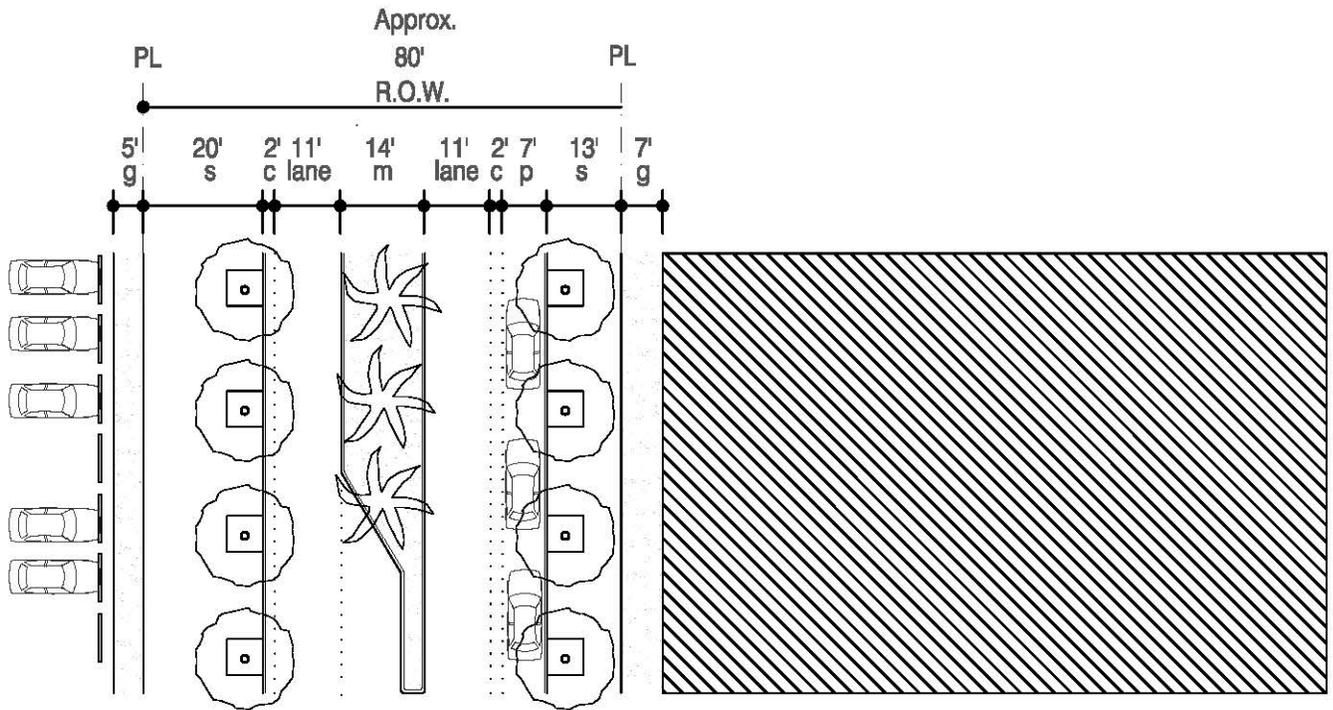
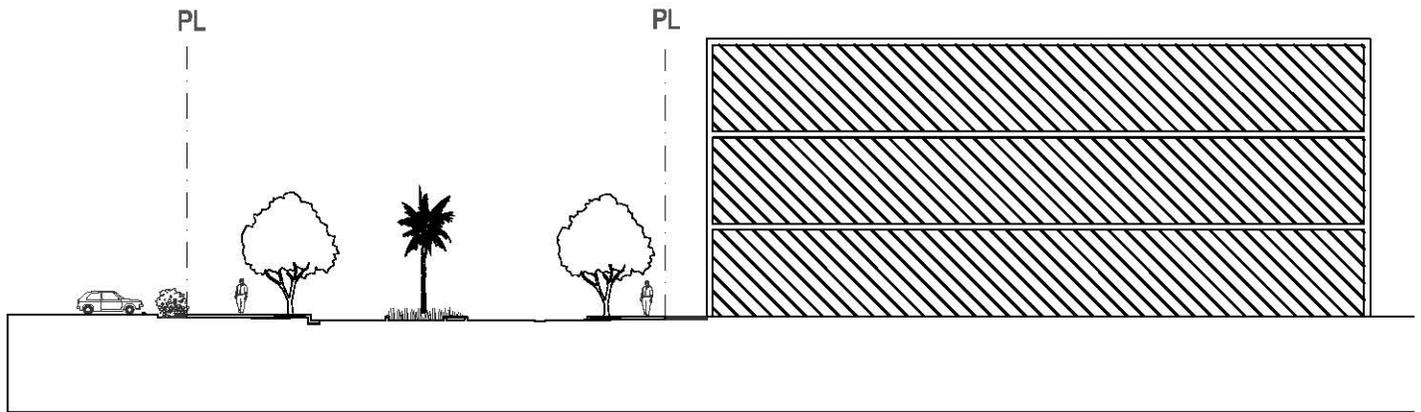


# S1: NE 164:East of West Dixie Hwy.

Proposed

**Key:**

- ug: Urban Greenway
- sb: Setback
- fg: Furnishings/green area
- s: Sidewalk
- g: Landscape Strip/tree grates
- c: Curb and gutter
- p: Parking
- min: Minimum
- R.O.W.: Right-of-way
- m: Median

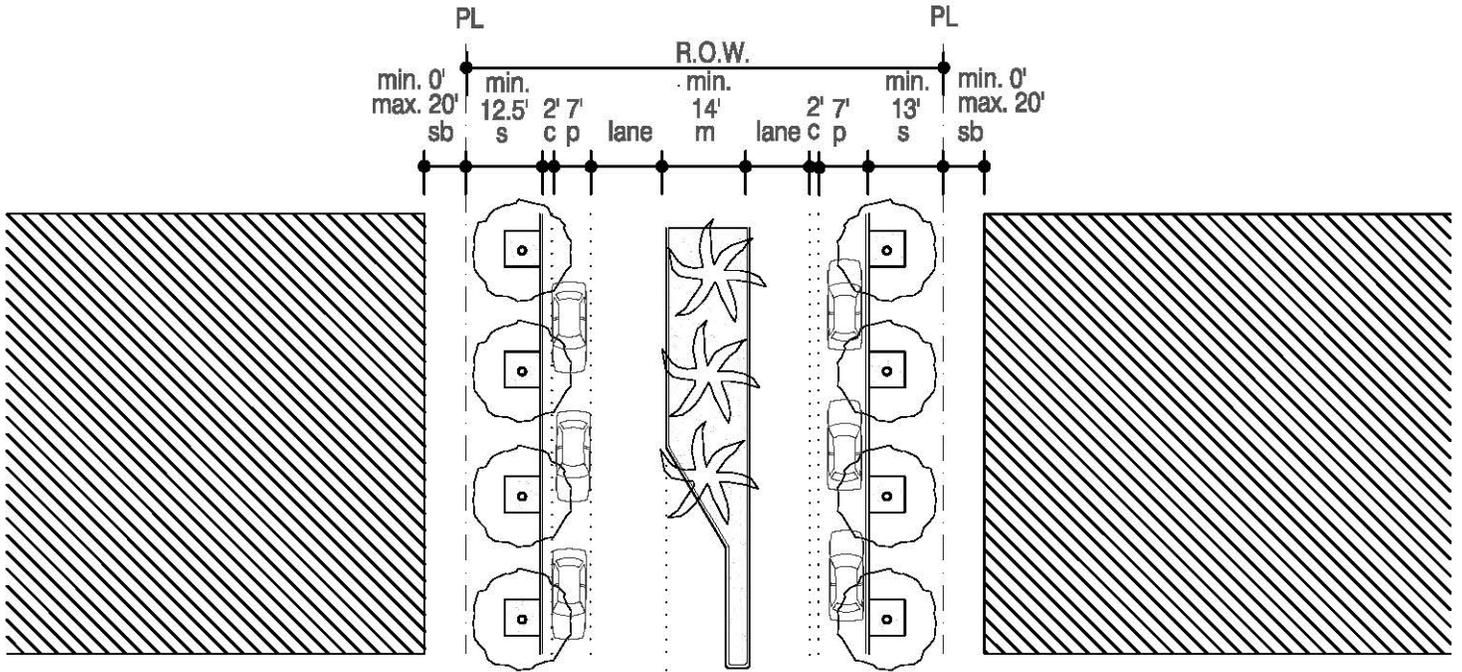
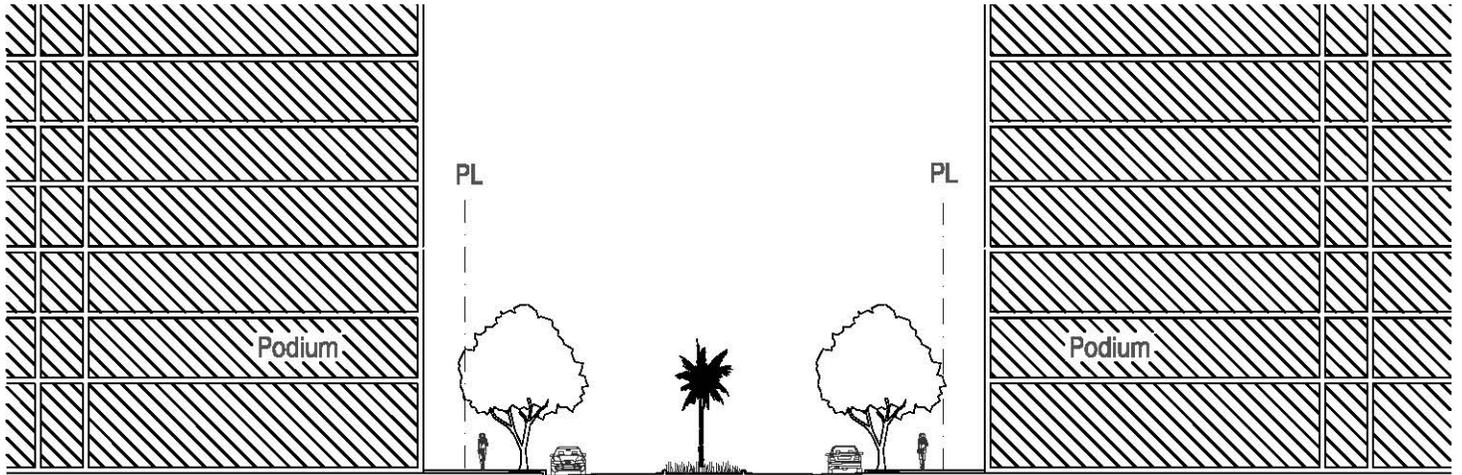


## S2: NE 164: Between NE 20th and West Dixie Hwy.

Existing  
Approx. 80' ROW

**Key:**

- ug: Urban Greenway
- sb: Setback
- fg: Furnishings/green area
- s: Sidewalk
- g: Landscape Strip/tree grates
- c: Curb and gutter
- p: Parking
- min: Minimum
- R.O.W.: Right-of-way
- m: Median

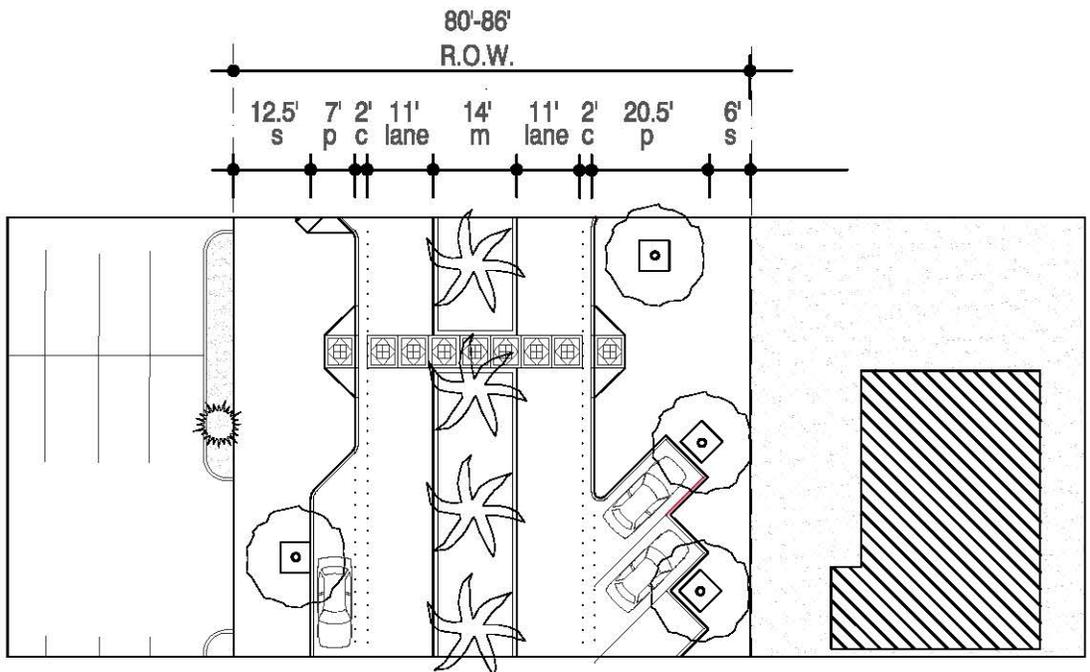
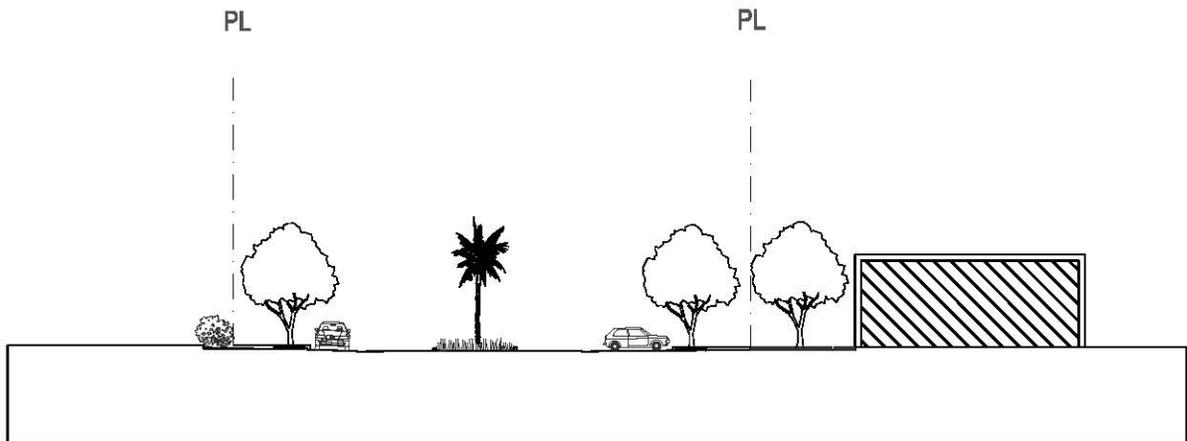


## S2: NE 164: Between NE 20th and West Dixie Hwy.

Proposed

**Key:**

- ug: Urban Greenway
- sb: Setback
- fg: Furnishings/green area
- s: Sidewalk
- g: Landscape Strip/tree grates
- c: Curb and gutter
- p: Parking
- min: Minimum
- R.O.W.: Right-of-way
- m: Median

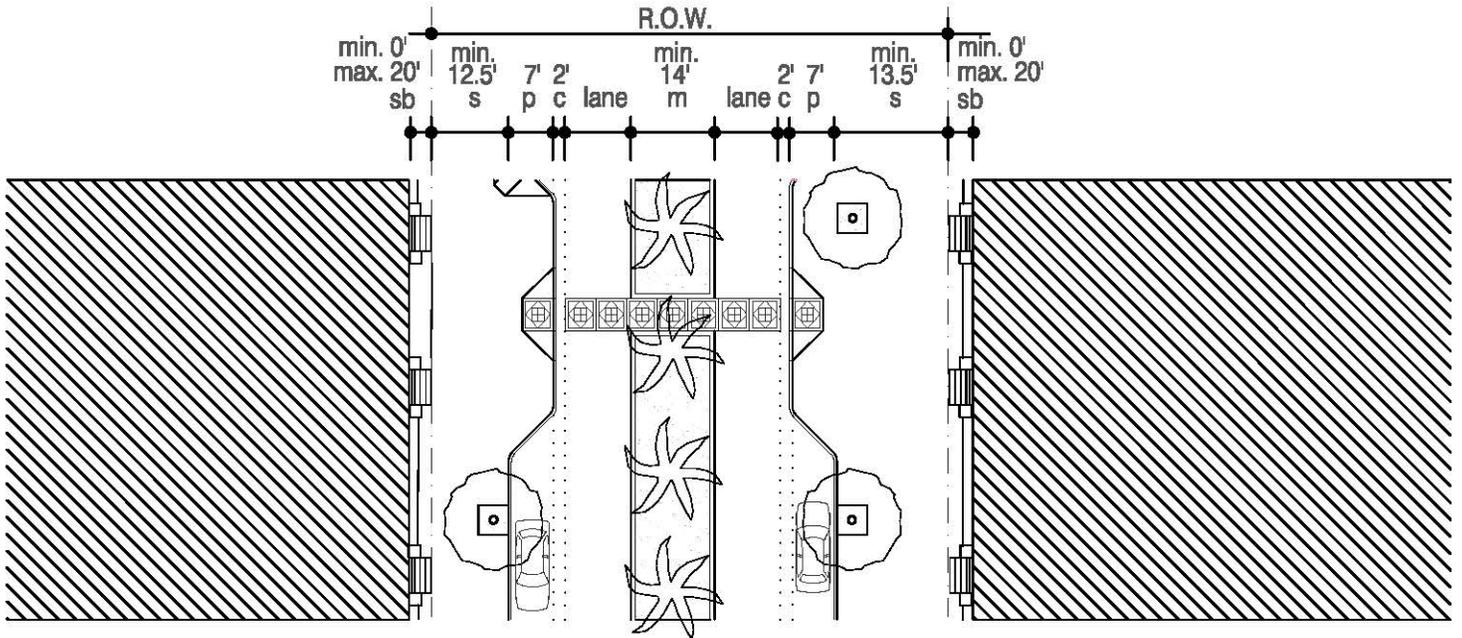
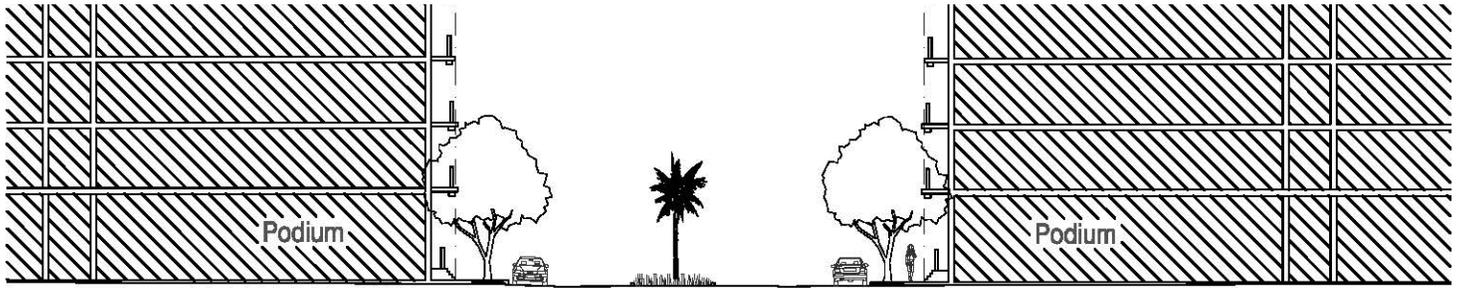


## S3: NE 164: Between NE 16th and NE 20th Ave.

Existing  
Approx. 80' -86' ROW

**Key:**

- ug: Urban Greenway
- sb: Setback
- fg: Furnishings/green area
- s: Sidewalk
- g: Landscape Strip/tree grates
- c: Curb and gutter
- p: Parking
- min: Minimum
- R.O.W.: Right-of-way
- m: Median



## S3: NE 164: Between NE 16th and NE 20th Ave

Proposed

**Key:**

- ug: Urban Greenway
- sb: Setback
- fg: Furnishings/green area
- s: Sidewalk
- g: Landscape Strip/tree grates
- c: Curb and gutter
- p: Parking
- min: Minimum
- R.O.W.: Right-of-way
- m: Median

## **Sec. 24-58.2 Mixed-use Employment Center District (MU/EC)**

### **(A) Purpose and Intent**

The purpose of these regulations is to implement policies that guide the design of development within the Mixed-use Employment Center District (MU/EC). The intent is to enable economic development supportive of high technology and service-based activities that are compatible with residential uses. Limited auto-oriented uses are considered acceptable in this district but are required to be designed in a manner that encourages pedestrian and transit use. Mixed-use may be vertically or horizontally integrated based on compatibility and other factors. Stand-alone office park-style development as well as live-work buildings are equally appropriate in this district as are stand-alone residential buildings. This purpose will be fulfilled by:

- (1) Ensuring high quality, architecturally compatible, consistently landscaped development throughout the District;
- (2) Stimulating commercial, high technology and service-based activities;
- (3) Ensuring that new development or redevelopment projects enhance the visual character of the District;
- (4) Encouraging people to reside in the District;
- (5) Encouraging the beautification of West Dixie Highway; and
- (6) Encouraging new publically accessible open spaces.

### **(B) District Boundaries**

The development standards shall be utilized for properties located within the Mixed-use Employment Center District (MU/EC).

### **(C) Administration**

In order to maintain predictability in development, Planned Unit Developments (PUDs) shall be prohibited. Variances from the dimensional requirements or waivers from any other criterion may be approved by the applicable review board for projects, provided that the applicant meets the standards pertaining to such variance or waiver. The applicable board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Director of the Community Development Department or his/her designee in the enforcement of these development regulations.

### **(D) General Development Standards**

- (1) In addition to the standards contained herein, **Section 24-58 Mixed-Use (MU) district** standards shall be applicable to development within the Mixed-use Employment Center District (MU/EC). The *Supplemental Regulations* contained in Articles IV, VI, VIII, IX, X, XI, XII, XIII, and XIV shall also apply, except as modified herein and may be further modified by the City Manager or his/her designee to meet the purpose and intent of the Mixed-use Employment Center District (MU/EC).
- (2) The provisions of the MU/EC code, when in conflict, shall take precedence over the existing zoning and land development regulations.
- (3) The provisions of the building code, when in conflict, shall take precedence over the provisions of the MU/EC code.
- (4) Existing buildings may be destroyed or removed, however they must be replaced according to the MU/EC regulations. Existing buildings may not be destroyed or removed unless they are to be replaced according to MU/EC regulations and only after a building permit is issued.

- (5) Existing buildings and uses within the MU/EC area, which are legally established but do not conform to provisions of the MU/EC regulations as of the effective date of these regulations shall be considered nonconforming and may not be replaced, restored, or modified, except in conformity with the regulation for nonconformities contained in Article IV of this chapter. When a nonconforming structure is destroyed by windstorm, flood, or nature disaster, it may be replaced by a new structure of the same or lesser size, and reoccupied by the same use, if construction of such structure is commenced within 18 months of destruction.
- (6) Proposed development with site plan approved under the previous zoning regulations shall commence construction within the time frame allotted in the development order or site plan approval letter. If commencement of construction does not occur within the allotted time frame, the site plan approval shall automatically expire without further action by the City.

#### **(E) Regulating Plans and Diagrams**

The MU/EC is governed by a series of regulating plans and diagrams. The Regulating Plans and Diagrams demonstrate MU/EC development standards in both words and diagrams, and include maps designating the locations where the various standards apply. Unless otherwise noted, all development shall be in compliance with the Regulating Plans and Diagrams contained herein and with the Building Typology and Placement Regulating Diagrams in Section 24-58 Mixed-Use (MU) district. The Regulating Plans and Diagrams for the MU/EC include the following:

- (1) The Sub-areas Regulating Plan, which divides the MU/EC into three Sub-areas: Core, Transition and Edge. The highest density and intensity within the MU/EC shall be allocated to the Core Sub-area, a mixed-use area in the heart of the district. The densities and intensities shall then gradually decrease from the Core to the Transition Sub-area where mixed-uses are still permitted and then further decrease to the Edge Sub-area which is characterized by single uses, including low density residential adjacent to existing low density residential. The Sub-areas Regulating Plan is shown in Figure X - 1.
- (2) The Street Network Connectivity Regulating Plan, which shows the location of existing and the required new streets needed to create the prescribed network of streets within the MU/EC. This Plan also establishes the hierarchy of the streets as shown in Figure X - 2.
- (3) The Designated Publically Accessible Open Spaces and Urban Greenway Systems Regulating Plan, which designates the approximate locations of required publically accessible open spaces and urban greenway system as shown in Figure X - 3.
- (4) The Building Heights Regulating Plan, which establishes the maximum building height as shown in Figure X - 4.

### Insert Regulating Plans

#### **(F) Sub-Areas Regulating Plan**

All new and existing development shall review first their location within the Sub-Areas Regulating Plan as shown in Figure X - 1.

#### **(G) Permitted Uses**

- (1) Land Use Principles.
  - a. The MU/EC District shall be developed as an identifiable place and shall act as an important center for living and working. The mix of uses within the District, the streets and the architectural character of individual buildings shall blend together to contribute to a coherent identity and sense of place.

- b. The MU/EC District is anticipated to have a mix of intense non-residential uses and higher density residential uses that are both vertically and horizontally integrated. Compatibility of adjacent uses shall be addressed through building and site design elements. Service and/or high production areas associated with new intense non-residential uses shall be fully enclosed and concealed from the view of the residential use. Entrances for the non-residential uses shall be kept separate from the entrance to the residential use. Noise shall also be addressed through the use of appropriate sound barriers in the building construction.
- c. New residential or mixed-use development adjacent to existing intense non-residential uses shall be designed in a manner that the adjacent intense non-residential use is entirely screened along the adjacent side and not visible from the residential portion of the building. Walls, landscaped buffers and parking areas shall be utilized to screen the intense non-residential use.
- d. New auto oriented uses, as defined and permitted herein, shall only be permitted when fully enclosed in a building and/or parking structure and concealed from the view of residential and mixed-uses.
- e. Irrespective of the standards applicable in the Mixed-use (MU) District or in the MU/EC, the following existing auto-oriented uses and auto-oriented use categories shall continue to be permitted in the MU/EC, provided they shall only be permitted at locations where they already existed or that had a site plan approved for such use prior to March, 2015:
  - i. All boat-related uses such as Commercial: Boat and Marine Sales and Service Uses;
  - ii. All auto-oriented use types, including but not limited to Car Wash or Auto Detailing uses, Commercial: Motor Vehicle Sales and Service Uses; and
  - iii. Any use including Drive-Through Service. The entire principal use associated with the Drive-Through Service shall also be considered as permitted.
    - 1. Until such time that the permitted auto-oriented use converts to a new principal use type, the permitted auto-oriented uses shall be exempt from compliance with all Mixed-use (MU) and MU/EC Standards.
    - f. Until such time that the permitted auto-oriented use converts to a new principal use type, the permitted auto-oriented uses, including the structures and lots, shall be governed by the development standards for the previous Zoning District in Article V, including but not limited to, all applicable Development Review Procedures in Article XV, Nonconformities Standards in Article IV, if applicable; and the applicable Supplemental Regulations in Article VIII.
- g. Along West Dixie Highway and NE 163<sup>rd</sup> Street, the ground floor of all buildings shall be limited to non-residential uses, including but not limited to employment, office and retail uses. On the second level and above, both non-residential and residential uses shall be permitted.
- h. Along all other streets and on all levels, both non-residential and residential uses shall be permitted.
- i. Where a proposed development is adjacent to an existing single family property and/or district, the proposed development shall:
  - i. Create a 100 foot wide landscaped buffer within the proposed project property along the property line, between the proposed development and the adjacent single family property. The landscaped buffer shall not contain any structures, driveways, or roads, except sidewalks, bike paths, transit shelters or similar; and

- ii. There shall be a Transitional Area adjacent to the single family property. The Transitional Area shall include the 100 foot wide landscaped buffer. The Transitional Area shall extend for the length of the portion of the proposed development that lies adjacent to and directly faces the adjacent single family property. The Transitional Area shall be 300 feet in depth. Any road, canal, waterway, park or alley between the adjacent single family property and the proposed development, or within the Transitional Area of the proposed development, shall be counted toward the depth necessary to comply with this section.

The Transitional Area shall be developed as follows:

1. The height of the proposed development adjacent to the single family property shall be as specified in the Building Heights Regulating Plan **Figure X - 4.**
  2. Within the first 150 feet of the Transitional Area, the proposed development shall be limited to residential uses.
  3. All or part of the Transitional Area may be developed as landscaped open space and/or recreational uses.
- (2) Permitted Use **Table X - 1** includes the principal uses permitted in the MU/EC along with any required restrictions on such uses, for each of the sub-areas. Principal uses not included in **Table X - 1** are not permitted in the MU/EC. Principal uses in the MU/EC shall be subject to the use-specific standards as provided for in **Article VIII** unless modified herein.

### Insert Permitted Use Table

### **(H) Street Network Connectivity Regulating Plan and Street Standards**

**Figure X - 2** shows the location of existing and required new streets needed to create the prescribed network of streets within the MU/EC. This plan also establishes the hierarchy of the streets within the district. The street standards specified in **Section 24-58 (J) Mixed-use District** shall apply except as modified herein:

- (1) All streets shall be located according to the Street Network Connectivity Regulating Plan for the MU/EC.
- (2) All existing Primary, existing Secondary and new Secondary Streets shall be required in the same general location as shown on the Street Network Connectivity Regulating Plan but may be modified with respect to alignment. No Primary and Secondary Streets shall be deleted or otherwise vacated or removed.
- (3) Tertiary Streets and Alleys shown on the Street Network Connectivity Regulating Plan are encouraged to promote connectivity and to conform to block length requirements. Tertiary streets and alleys may be modified or deleted for the purpose of assembling parcels for development.

### **(I) Designated Publically Accessible Open Spaces and Urban Greenway Systems Regulating Plan**

The designated public urban greenways system shall be one of the following types depending on the location within the MU/EC and as shown in the Designated Publically Accessible Open Spaces and Urban Greenways Systems Regulating Plan (**Figure X - 3**).

- (1) Greenway Types
  - a. Type UG 1: Along West Dixie Highway (**Figure X - 5**)
    - i. The minimum width of the urban greenways shall be 20 feet.
    - ii. A maximum of 20 percent of the length of the portion of the urban greenway within the setback shall be landscaped and shall consist primarily

- of sod, ground cover or ornamental grass.
- iii. Tree grates a minimum of five (5) feet by five (5) feet may be utilized in place of the required landscape strip.

Insert Greenway Section

- (2) The designated public urban greenways system shall be designed to enhance the visual character of specific streets along the urban greenways and ensure pedestrian connectivity by:
- a. Providing tree species that provide continuous shade for a minimum of 70 percent of the frontage along the urban greenways. Palm trees alone are not acceptable and the maximum spacing of the shade trees shall be 30 feet on center.
  - b. Providing street furnishings such as benches, trash receptacles, bike racks, drinking water fountains, etc.
  - c. Providing a landscape plan illustrating a coherent design with significant tree species along the urban greenways that are distinguishably different from the other streets along the property in terms of color, type and shape.
  - d. No plant material other than trees shall be higher than 24 inches within the urban greenway.
  - e. Tree specifications shall be as per Section 24-58 (L).

**(J) Building Heights Regulating Plan and Additional Height Standards**

All new and existing development shall comply with the standards found within the Building Heights Regulating Plan as shown in (Figure X – 4). Table X - 2 provides a summary of the heights per sub-area, however, since maximum building heights vary within the sub-areas and are dependent on location, the Building Height Regulating Plan shall be referred to.

<b><u>Table X - 2 Maximum Permitted Height (1)</u></b>	
<b><u>Area</u></b>	<b><u>Maximum Permitted Height</u></b>
<u>Core Sub-Area</u>	<u>20 stories/255 feet(2)</u>
<u>Transition Sub-Area</u>	<u>20 stories/255 feet(2)</u> <u>12 stories/175 feet(2)</u> <u>8 stories/110 feet</u>
<u>Edge Sub-Area</u>	<u>4 stories/48 feet</u>
<u>Notes:</u>	
<u>(1) Height has been rounded up to allow for additional space for mechanical equipment and the measurement of the roof. Measurement of stories is regulated in Section 24-58 Mixed-use District.</u>	
<u>(2) Buildings higher than 8 stories shall only be developed per the Tower building Type standards.</u>	

**(K) Building Typology and Dimensional Standards**

- (1) Building Typologies  
All new buildings shall conform to one of the permitted building typologies as demonstrated in the Building Typology and Placement Regulating Diagrams in

**Section 24-58 Mixed-use District.** The diagrams provide a schematic representation of the various building typologies and demonstrate the required setbacks, lot standards, and profiles of structures. Existing buildings which do not fit a prescribed typology, shall follow the standards required for the Flex building typology. Not all building typologies are permitted in each Mixed-use district. The building typologies permitted in the MU/EC and their allowable sub-area locations are listed below in **Table X - 3:**

<b>Building Typology</b>	<b>Core</b>	<b>Transition</b>	<b>Edge</b>
<u>Tower</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>
<u>Liner</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>
<u>Courtyard Building</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>
<u>Flex</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Townhouse Type 1</u>	<u>No</u>	<u>No</u>	<u>Yes</u>
<u>Townhouse Type 2</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Zero Lot Line (Courtyard House)</u>	<u>No</u>	<u>No</u>	<u>Yes</u>
<u>Zero Lot Line (Sideyard House)</u>	<u>No</u>	<u>No</u>	<u>Yes</u>
<u>Single Family Detached</u>	<u>No</u>	<u>No</u>	<u>No</u>

(2) Setbacks and Building Frontage.

a. Front and Street Side Setbacks and Building Frontage. Front and Street Side setbacks are determined based on the street the building fronts. **Table X - 4** lists the minimum required front and street side setbacks and building frontage per street type. The interior side and rear setbacks as well as the lot standards shall be as specified per building type in **Section 24-58 Mixed-use District.**

<b>Street Type</b>	<b>Minimum Setback</b>	<b>Maximum Setback</b>	<b>Building Frontage</b>
<u>Primary (W. Dixie Hwy.)</u>	<u>0 feet</u>	<u>20 feet</u>	<u>90%</u>
<u>Secondary (NE 163<sup>rd</sup> Street)</u>	<u>15 feet</u>	<u>25 feet</u>	<u>60%</u>
<u>Secondary (All others)</u>	<u>10 feet</u>	<u>20 feet</u>	<u>70%</u>
<u>Tertiary</u>	<u>10 feet</u>	<u>20 feet</u>	<u>70%</u>
<u>Alleys</u>	<u>Per Building Typology and Placement Regulating Diagrams</u>	<u>Per Building Typology and Placement Regulating</u>	<u>N/A</u>

		Diagrams	
<u>Notes:</u> (1) <u>Setbacks shall be measured from property lines.</u> (2) <u>Where applicable, the minimum setback shall be located within the minimum depth of the required designated urban greenway as specified herein.</u>			

**(L) On-site Parking Standards**

- (1) All parking within the MU/EC shall comply with the Access, Circulation, Parking and Loading Standards specified in **Section 24-58 Mixed-use District.**
- (2) On-site parking shall comply with **Table X - 5.** Uses not listed herein shall comply with the parking requirements specified in **Article IX.**
- (3) Guest parking shall comply with **Table X - 5.** Guest parking shall be designated and prominently marked on-site as "Guest Parking" and shall not be restricted in any manner to use by a single tenant, owner, unit, or other user.

<b>Table X - 5 Minimum and Maximum Parking Requirements by use</b>		
	<u>Min</u>	<u>Max</u>
<b><u>Retail, restaurant or commercial</u></b>	<u>2 per 1000sf</u>	<u>4 per 1000sf</u>
<b><u>Office</u></b>	<u>2.5 per 1000sf</u>	<u>4 per 1000sf</u>
<b><u>Hotel and motel; hotel and motel, limited</u></b>	<u>1 per 4 rooms plus 1 per 800sf for restaurant, public meeting areas; 1 per 15 rooms for staff</u>	<u>1 per 4 rooms plus 1 per 800sf for restaurant, public meeting areas; 1 per 15 rooms for staff</u>
<b><u>Residential</u></b>	<u>1 per unit plus 1 per 20 units for guest parking</u>	<u>2 per unit plus 1 per 20 units for guest parking</u>
<b><u>Live/work</u></b>	<u>2 per 1000sf</u>	<u>4 per 1000sf</u>

**(M) Bicycle Racks and Bicycle Storage Standards**

Bicycle racks and storage shall be required as follows:

- (1) Bicycle racks and bicycle storage for commercial uses. Commercial developments, excluding hotel uses, shall provide:
  - a. secure bike racks and/or storage at a ratio of one bicycle parking space per every 15 required parking spaces and
  - b. a minimum of one shower and changing facility shall be provided to be available for all tenants and shall be located within the building, or within 200 feet of the building entrance, for developments greater than 50,000 square feet in gross building area.

- (2) Bicycle racks and bicycle storage for residential uses. One bicycle parking space

shall be provided per every 15 required parking spaces. Required residential bicycle parking spaces shall be provided in a secured area, covered from the elements.

- (3) Mixed-use developments. Mixed-use developments shall provide secure bicycle parking spaces for both the commercial and residential components of the development as calculated separately pursuant to the requirements of this section.

#### **(N) Signage Standards**

Signage shall comply with the standards in Article XIII except as modified herein.

- (1) Signs affixed to the exterior of a building shall be architecturally compatible with the style, composition, materials, colors, and details of the building, as well as with other signs used on the building or its vicinity.
- (2) Signs shall fit within the existing facade features, shall be confined to signable areas, and shall not interfere with door and window openings, conceal architectural details or obscure the composition of the facade where they are located.
- (3) Whenever possible, signs located on buildings within the same block-face shall be placed at the same height in order to create a unified sign band.
- (4) Wood and painted metal are the preferred materials for under-awning, hanging signs. Flat signs should be framed with raised edges. Wood signs shall use only high-quality exterior grade wood with suitable grade finishes.
- (5) Sign colors should be compatible with the colors of the building facade. A dull or matte finish is recommended for reduction of glare and enhancement of legibility.
- (6) Signs shall be either spot- or backlit with a diffused light source. Spotlighting shall require complete shielding of all light sources, shall be contained within the sign frame, and shall not significantly spill over to other portions of the building or site. Backlighting shall illuminate the letters, characters, or graphics on the sign, but not its background. Warm fluorescent bulbs may be used to illuminate the interior of display cases. Neon signs placed inside the display case shall insure low intensity colors.
- (7) Signs shall be mounted so that the method of installation is concealed. Signs applied to masonry surfaces should be mechanically fastened to mortar joints only and not directly into brick or stone. Drilling to provide electrical service should also follow the same rule.
- (8) Billboards are prohibited.

#### **(O) Assessments**

- (1) Public Infrastructure and Streetscape assessment and fund

- a. All new development, or renovation or remodeling of existing buildings within the MU/EC, where total vertical construction costs of the development, renovation or remodeling is equal to or greater than \$500,000 shall pay a public infrastructure and streetscape assessment per dwelling unit or square foot to receive any allowable tax incentive which may be available from the North Miami Beach Community Redevelopment Agency, if any. Such public infrastructure and streetscape assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public infrastructure and streetscape assessments shall be deposited into the public infrastructure and streetscape fund.
- b. Ordinary property maintenance is exempt from the public infrastructure and streetscape assessment. Repairs and restoration resulting from fire, flood, windstorm or other natural disaster, as determined by the building official, are exempt from the public infrastructure and streetscape assessment.
- c. The amount of the public infrastructure and streetscape assessment shall be established

by resolution of the City Council and may be adjusted from time to time.

- d. A separate public infrastructure and streetscape fund shall be established by the City. All public infrastructure and streetscape assessment payments from new development, or renovation or remodeling of existing buildings within the MU/EC shall be deposited into this fund and the funds shall be kept separate from any other City funds. The public infrastructure and streetscape fund shall be used by the City for improvement to and maintenance of the public infrastructure and streets in the MU/EC. Use of such funds shall be determined by the City Council. Any monies not expended in the fund in any fiscal year shall be carried over in the fund into the following year. Any interest earned on the funds shall be retained in the fund.

(2) Public Open Space assessment and fund

- a. All new development, or renovation or remodeling of existing buildings within the MU/EC, where total vertical construction costs of the development, renovation or remodeling is equal to or greater than \$500,000 shall pay a public open space assessment per dwelling unit or square foot to receive any allowable tax incentive which may be available from the North Miami Beach Community Redevelopment Agency, if any. Such public open space assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public open space assessments shall be deposited into the public open space fund.
- b. Ordinary property maintenance is exempt from the public open space assessment. Repairs and restoration resulting from fire, flood, windstorm or other natural disaster, as determined by the building official, are exempt from the public open space assessment.
- c. The amount of the public open space assessment shall be established by resolution of the City Council and may be adjusted from time to time.
- d. A separate public open space fund shall be established by the City. All public open space assessment payments from new development, or renovation or remodeling of existing buildings within the MU/EC shall be deposited into this fund and the funds shall be kept separate from any other City funds. The public open space fund shall be used by the City for improvement to and maintenance of the Snake Creek Canal Greenway, public parks, public open spaces and recreational areas and facilities in the MU/EC. Use of such funds shall be determined by the City Council. Any monies not expended in the fund in any fiscal year shall be carried over in the fund into the following year. Any interest earned on the funds shall be retained in the fund.

(3) Public Art assessment and fund

- a. All new development, or renovation or remodeling of existing buildings within the MU/EC, where total vertical construction costs of the development, renovation or remodeling is equal to or greater than \$500,000 shall pay a public art assessment to receive any allowable tax incentive which may be available from the North Miami Beach Community Redevelopment Agency, if any. Such public art assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public art assessments shall be deposited into the public art fund.
- b. Ordinary property maintenance is exempt from the public art assessment. Repairs and restoration resulting from fire, flood, windstorm or other natural disaster, as determined by the building official, are exempt from the public art assessment.
- c. The amount of the public art assessment shall be established by resolution of the City Council and may be adjusted from time to time.
- d. A separate public art fund shall be established by the City. All public art assessment payments from new development, or renovation or remodeling of existing buildings within the MU/EC shall be deposited into this fund and the funds shall be kept separate from any

other City funds. The public art fund shall be used by the City for the construction of, improvement to and maintenance of public art. Use of such funds shall be determined by the City Council. Any monies not expended in the fund in any fiscal year shall be carried over in the fund into the following year. Any interest earned on the funds shall be retained in the fund. Such public art assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public art assessments shall be deposited into the public art fund.

**(P) Development Permit Review Procedures.** The following development permit review procedure will apply to this district:

- (1) The review procedures set out in Article XV will apply within this district.
- (2) Preapplication Conference: For those development permit requests that require a Pre-Application Conference, the specific issues identified below must be reviewed by the Applicant and addressed with staff at the Preapplication Conference:
  - (a) Treatment of the western interface with lower density residential uses requiring a Transition Area as defined in the Heights Regulating Plan for this district.
  - (b) Treatment of the historically designated structure on property located at 15779 West Dixie Highway.
  - (c) Documentation that the required site clean-up has received clearance for development by applicable environmental regulatory agencies.
  - (c) In addition to the submittal requirements in Article XV, the required plans submitted for review for the Pre-Application conference shall demonstrate the Applicant's general approach to comply with the requirements noted above and shown on the MU/EC District's:
    - (1) Sub-Areas Regulating Plan
    - (2) Street Network and Connectivity Regulating Plan
    - (3) Designated Publically Accessible Open Spaces and Urban Greenways Regulating Plan
    - (3) Building Heights Regulating Plan
    - (4) Building Typology.

presence of public parking.

- v. Payment-in-lieu of public parking. A payment shall be permitted in lieu of providing the minimum required public parking. The amount of the in-lieu fee assessment shall be established by resolution of the City Council and may be adjusted from time to time.
  - 1. The fee to be paid (the "in-lieu fee") shall be a one-time fee per space for each parking space required.
  - 2. The in-lieu fee shall be paid in accordance with the administrative procedure established from time to time by the City Council.
  - 3. All in-lieu fees collected by the City, and all interest earned thereon, shall be placed in a special fund established by the City Council and shall be used solely for the acquisition of land for, development of, and maintenance of public parking facilities in and/or directly serving the district.
- c. Green Roofs. In no case shall the applicant receive the tax increment incentive for green roofs if the applicant is already receiving points for green roofs as part of a LEED certification. Developments that provide all of the following required elements for green roofs shall be eligible for the allowable tax increment incentive:
  - i. At least 75 percent of roof space must be covered by the green roof.
  - ii. A vegetation layer, at least 80 percent of which must be covered by live plants such as sedum or equally drought resistant and hardy plant species. The 80 percent coverage means spacing of plants in a manner that will cover 80 percent of the layer by the time the building has received a certificate of occupancy. A licensed and registered architect, engineer, landscape architect or a horticulturist with a degree or certificate from an accredited training institute, must certify the vegetative layer.
  - iii. A weatherproof & waterproof roofing membrane compliant with construction and fire codes.
  - iv. A root barrier layer.
  - v. An insulation layer compliant with energy, fire and construction codes.
  - vi. A drainage layer designed so the drains can be inspected and cleaned.
  - vii. A growth medium including natural or simulated soil at least two (2) inches in depth.
    - 1. If the depth of the growth medium is less than three inches, an independent water holding layer that is designed to prevent the rapid drying of the growth medium is also required, unless the green roof is certified not to need regular irrigation to maintain live plants.
  - viii. A maintenance plan that includes:
    - 1. Semi-annual inspection.
    - 2. Plans for plant replacement.
    - 3. Monthly inspections of drains; free from debris.
    - 4. Maintenance of green roof in perpetuity.
    - 5. Annual report to the Director of the Department of Community

Planning on the condition of the green roof.

d. Properties that provide public art using one or a combination of the following strategies in the MU/EC shall be eligible for a tax incentive:

i. A fee equal to 1 percent of the project's construction costs;

ii. A piece of artwork valued at 1 percent of the project's construction costs.

1. The artwork shall be accessible to the public and may be displayed in the building's common areas, public open spaces or areas along the street abutting the building .

2. Public art proposed for public areas shall be required to receive approval from the City Council.

**(P) Assessments for Eligible Tax Increment Incentives**

**(1) Public Infrastructure and Streetscape assessment and fund**

a. All new development, or renovation or remodeling of existing buildings within the MU/EC, where total vertical construction costs of the development, renovation or remodeling is equal to or greater than \$500,000 shall pay a public infrastructure and streetscape assessment per dwelling unit or square foot to receive the allowable tax incentive. Such public infrastructure and streetscape assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public infrastructure and streetscape assessments shall be deposited into the public infrastructure and streetscape fund.

b. Ordinary property maintenance is exempt from the public infrastructure and streetscape assessment. Repairs and restoration resulting from fire, flood, windstorm or other natural disaster, as determined by the building official, are exempt from the public infrastructure and streetscape assessment.

c. The amount of the public infrastructure and streetscape assessment shall be established by resolution of the City Council and may be adjusted from time to time.

d. A separate public infrastructure and streetscape fund shall be established by the City. All public infrastructure and streetscape assessment payments from new development, or renovation or remodeling of existing buildings within the MU/EC shall be deposited into this fund and the funds shall be kept separate from any other City funds. The public infrastructure and streetscape fund shall be used by the City for improvement to and maintenance of the public infrastructure and streets in the MU/EC. Use of such funds shall be determined by the City Council. Any monies not expended in the fund in any fiscal year shall be carried over in the fund into the following year. Any interest earned on the funds shall be retained in the fund.

**(2) Public Open Space assessment and fund**

a. All new development, or renovation or remodeling of existing buildings within the MU/EC, where total vertical construction costs of the development, renovation or remodeling is equal to or greater than \$500,000 shall pay a public open space assessment per dwelling unit or square foot to receive the allowable tax incentive. Such public open space assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public open space assessments shall be deposited into the public open space fund.

b. Ordinary property maintenance is exempt from the public open space assessment. Repairs and restoration resulting from fire, flood, windstorm or other natural disaster, as

determined by the building official, are exempt from the public open space assessment.

- c. The amount of the public open space assessment shall be established by resolution of the City Council and may be adjusted from time to time.
- d. A separate public open space fund shall be established by the City. All public open space assessment payments from new development, or renovation or remodeling of existing buildings within the MU/EC shall be deposited into this fund and the funds shall be kept separate from any other City funds. The public open space fund shall be used by the City for improvement to and maintenance of the Snake Creek Canal Greenway, public parks, public open spaces and recreational areas and facilities in the MU/EC. Use of such funds shall be determined by the City Council. Any monies not expended in the fund in any fiscal year shall be carried over in the fund into the following year. Any interest earned on the funds shall be retained in the fund.

(3) Public Art assessment and fund

- a. All new development, or renovation or remodeling of existing buildings within the MU/EC, where total vertical construction costs of the development, renovation or remodeling is equal to or greater than \$500,000 shall pay a public art assessment to receive the allowable tax incentive. Such public art assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public art assessments shall be deposited into the public art fund.
- b. Ordinary property maintenance is exempt from the public art assessment. Repairs and restoration resulting from fire, flood, windstorm or other natural disaster, as determined by the building official, are exempt from the public art assessment.
- c. The amount of the public art assessment shall be established by resolution of the City Council and may be adjusted from time to time.
- d. A separate public art fund shall be established by the City. All public art assessment payments from new development, or renovation or remodeling of existing buildings within the MU/EC shall be deposited into this fund and the funds shall be kept separate from any other City funds. The public art fund shall be used by the City for the construction of, improvement to and maintenance of public art. Use of such funds shall be determined by the City Council. Any monies not expended in the fund in any fiscal year shall be carried over in the fund into the following year. Any interest earned on the funds shall be retained in the fund. Such public art assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public art assessments shall be deposited into the public art fund.

**(Q) Development Permit Review Procedures.** The following development permit review procedure will apply to this district:

- (1) The review procedures set out in Article XV will apply within this district.
- (2) Preapplication Conference: For those development permit requests that require a Pre-Application Conference, the specific issues identified below must be reviewed by the Applicant and addressed with staff at the Preapplication Conference:
  - (a) Treatment of the western interface with lower density residential uses requiring a Transition Area as defined in the Heights Regulating Plan for this district.
  - (b) Treatment of the historically designated structure on property located at 15779 West Dixie Highway.
  - (c) Documentation that the required site clean-up has received clearance for development by applicable environmental regulatory agencies.
  - (c) In addition to the submittal requirements in Article XV, the required plans

submitted for review for the Pre-Application conference shall demonstrate the Applicant's general approach to comply with the requirements noted above and shown on the MU/EC District's:

(1) Sub-Areas Regulating Plan

(2) Street Network and Connectivity Regulating Plan

(3) Designated Open Spaces and Urban Greenways Regulating Plan

(3) Building Heights Regulating Plan

(4) Building Typology.

Draft

Table

**PERMITTED USES IN THE MIXED-USE EMPLOYMENT CENTER (MU/EC) DISTRICT**

**P= PERMITTED BY RIGHT**

**C = CONDITIONAL USES**

**NP= NOT PERMITTED**

<del>conducted on premises, and that automobile washing be limited to washing by hand in one (1) bay only as an accessory use to gasoline sales.</del>			
Automobile Tag Agency	P	P	NP
Bakeries	P	P	NP
Banks and financial institutions, <u>excluding drive-through.</u>	P	P	NP
Blood Banks	NP	NP	NP
Boat sales <del>and display (no outdoor display).</del> <u>Subject to design standards.</u>	NP	P	NP
Bonding companies (Bail)	C	C	NP
Brokerage services	P	P	NP
Business machine sales and service	P	P	NP
Car washes <u>(within parking garage only).</u> <u>Subject to design standards.</u>	P	P	NP
Credit reporting and collection agencies	P	P	NP
Daycare Center and nurseries	P	P	NP
Driver's license (no road test)	P	P	NP
Driver's license (with road test)	NP	NP	NP
Driving schools (with driving)	NP	NP	NP
Drug/alcohol rehabilitation services; including residential detox services	NP	NP	NP
Dry Cleaners, including dry cleaning plants that are used solely for cleaning of garments dropped off and picked up at the same location (Ord. No. 2006-1). <u>No drive through.</u>	P	P	NP
Employment agencies	P	P	NP
Engravers and Lithographers			NP
Funeral homes, provided any such use shall have a site not less than 15,000 square feet and shall be located at least 300 feet from any residential district <del>and the front yard setback shall be entirely landscaped.</del>	C	C	NP
Hardware stores	P	P	NP
Gun shops	NP	NP	NP
Home improvement centers (structured parking required)	P	P	NP
Interior decorators	P	P	NP

Table

## PERMITTED USES IN THE MIXED-USE EMPLOYMENT CENTER (MU/EC) DISTRICT

P=- PERMITTED BY RIGHT

C = CONDITIONAL USES

NP= NOT PERMITTED

Land developers and building contractors ( <u>no outdoor storage</u> )	P	P	NP
Locksmiths	P	P	NP
Messenger and delivery services	P	P	NP
Modeling agencies	P	P	NP
Moped Sales ( <u>no outdoor display</u> )	P	P	NP
<del>Motion picture theaters, drive-in</del>	NP	NP	NP
Motorcycle sales, rental, service and repair ( <u>no outdoor display or work</u> )	P	P	NP
Night clubs and discotheques	P	P	NP
Notary publics	P	P	NP
Pain management clinic, (Ordinance 2011-5; 4/26/2011)	C	C	NP
Palm readers/Fortune tellers/Psychics	C	C	NP
Parking garages as principal use, provided that parked vehicles shall not be visible from surrounding properties or public street rights-of-way and structure shall be well landscaped.	C	C	NP
Pawn shops	NP	NP	NP
Plant nurseries	P	P	NP
Recording studios	P	P	NP
Recreational vehicle sales, rental, service and repair ( <u>no outdoor display</u> )	P	P	NP
Shoe repairs shops	P	P	NP
Shooting ranges	NP	NP	NP
<u>Surface Parking Lot as Principle Use, CRA or City owned and operated only</u>	P	P	NP
Tattoo parlors (Ordinance No. 99-1§4, Ord. No. 2006-1 § 11, 2/21/2006)	P	P	NP
<u>Talent Agency</u>	P	P	NP
Taxi and limousine services (no outdoor storage)	P	P	NP
Telephone answering services	P	P	NP
<u>Tobacco shops and electronic cigarettes (Vapor Lounge)</u>	P	P	NP
Travel Agencies	P	P	NP
Veterinarians, animal hospital, kennels and pet shops; provide all activities related to any such uses are conducted entirely within an air conditioned,	C	C	NP

Table

**PERMITTED USES IN THE MIXED-USE EMPLOYMENT CENTER (MU/EC) DISTRICT**

**P= PERMITTED BY RIGHT**

**C = CONDITIONAL USES**

**NP= NOT PERMITTED**

	sound proofed building and no such use shall be located less than 300 feet from any residential use or district.			
	Vocational schools	P	P	NP
	Watch and clock repair shops	P	P	NP
<b>Office</b>				
	Abstract and title offices	P	P	NP
	Advertising agency	P	P	NP
	Brokerage Services: Stocks, commodities, real estate mortgages, businesses, yachts (no on-site display)	P	P	NP
	Business Management Consultants	P	P	NP
	Doctors, dentists, chiropractors, optometrists, psychologists, and similar licensed medical professionals, excluding veterinarians, drug/alcohol and violent/dangerous	P	P	NP
	Family and marriage counselors	P	P	NP
	Insurance agencies	P	P	NP
	Investigative services	P	P	NP
	Investment counselors, excluding brokerage offices	P	P	NP
	Notary publics	P	P	NP
	Office uses (with or without an accessory residential dwelling for the owner of the business)	P	P	NP
	Probation offices	P	P	NP
	Professional Services: Accountants, architects, auditors, appraisers, city planners, economists, engineers, lawyers, psychologists, psychiatrists and licensed medical and dental practitioners and health related services	P	P	NP
	Psychiatric and psychological services (Drug/alcohol and Violent/Dangerous Behavior, Counseling or Treatment)	C	C	NP
	Public Relations Agencies	P	P	NP
	Secretarial and stenography services	P	P	NP
	Telephone answering services	P	P	NP
<b>Retail/Personal Services</b>				NP
	Barber, beauty and skin care shops	P	P	NP

Table

**PERMITTED USES IN THE MIXED-USE EMPLOYMENT CENTER (MU/EC) DISTRICT**

**P= PERMITTED BY RIGHT**

**C = CONDITIONAL USES**

**NP= NOT PERMITTED**

	Facial and scalp treatment services	P	P	NP
	Health and exercise studios including martial arts	P	P	NP
	Laundries/self-serve, coin operated, provided that all activities related to such use are conducted entirely within an enclosed, air conditioned building.	P	P	NP
	Studio schools: Art, dance, music, drama, sculpture and similar instruction	P	P	NP
	Tailors and seamstresses	P	P	NP
	Tanning Salon	P	P	NP
<b>Retail/Retail Services</b>				
	Antique shops, collectibles and vintage	P	P	NP
	Apparel Shops: Men's, Women's and Children's			
	Art & Supplies and galleries	P	P	NP
	Bait and Tackle shops	P	P	NP
	Bake Shops	P	P	NP
	Beer and Wine Shops	P	P	NP
	Bicycle sales, rental, service and repair	P	P	NP
	Blueprinting services	P	P	NP
	Bookstores	P	P	NP
	Camera and photographic supply store	P	P	NP
	Check cashing/Cash advance/Money wire provided such use shall not be located on Biscayne Blvd, , SR 826, NE 164 <sup>th</sup> Street, or within 200 feet of any residential use or zone	P	P	NP
	Candy, nut and confectionary stores	P	P	NP
	Catering establishments	P	P	NP
	Convenience store	P	P	NP
	Copying services	P	P	NP
	Dairy stores	P	P	NP
	Delicatessens	P	P	NP
	Department stores	P	P	NP
	Drapery Stores	P	P	NP
	Drugstore	P	P	NP
	Fabric stores	P	P	NP
	Flooring and carpeting stores	P	P	NP

Table

**PERMITTED USES IN THE MIXED-USE EMPLOYMENT CENTER (MU/EC) DISTRICT**

**P= PERMITTED BY RIGHT      C = CONDITIONAL USES      NP= NOT PERMITTED**

	Florists	P	P	NP
	Food stores, Supermarkets and specialty markets	P	P	NP
	Furniture and home furnishings	P	P	NP
	Garden supply stores	P	P	NP
	Gift, novelty and souvenir shops	P	P	NP
	Hobby and handicraft shops	P	P	NP
	Jewelry stores	P	P	NP
	Leather goods and luggage stores	P	P	NP
	Lighting fixture stores	P	P	NP
	Music and record, video stores	P	P	NP
	News stands	P	P	NP
	Office Supply Stores	P	P	NP
	Optical stores	P	P	NP
	Paint and wallpaper stores	P	P	NP
	Package Liquor Store	NP	NP	NP
	Photography studios	P	P	NP
	Retail and service establishments	P	P	NP
	Sporting goods stores	P	P	NP
	Stationery and card stores	P	P	NP
	Television, radio and stereo sales and service	P	P	NP
	Toy stores	P	P	NP
<b>Lodging Accommodations</b>				
	Community care facilities as defined in Article II. Only one within 1,000 feet, licensed by DCF, clients either meet the requirements of a community residential home or are at least 60 years of age.	C	C	NP
	Bed and Breakfast Inns	P	P	NP
	Hotels and motels, provided minimum site area of 2-acres	P	P	NP
<b>Light Industrial/Warehouse (1)</b>				
	Air conditioning and refrigeration services			
	Amusement equipment sales and services	P	P	NP
	Assembly plants; assembly of smaller machinery, appliances and other products that does not involve heavy equipment which emits noise beyond the property line.	C	C	NP

Table

**PERMITTED USES IN THE MIXED-USE EMPLOYMENT CENTER (MU/EC) DISTRICT**

**P= PERMITTED BY RIGHT**

**C = CONDITIONAL USES**

**NP= NOT PERMITTED**

Automobile repair and service shops, including paint and body	P	P	NP
Bottling plants	NP	NP	NP
Building contractor storage yards	NP	NP	NP
Building trade shops	P	P	NP
Carpet cleaners	P	P	NP
Cleaning Services	P	P	NP
Concrete plants	NP	NP	NP
Dairy products processing	P	P	NP
Drugstore suppliers	P	P	NP
Dry Cleaning plants, except as permitted elsewhere	P	P	NP
Furniture and home furnishings, wholesale	P	P	NP
Linen supply services	P	P	NP
Lumber yards	NP	NP	NP
Machine shops	P	P	NP
Microbreweries	P	P	NP
Monument sales	P	P	NP
Moving and transfer companies <u>(indoor storage and parking only)</u>	P	P	NP
Ornamental ironworks	P	P	NP
Petroleum and gas storage (bulk); provided that any such use shall not be located less than one thousand (1,000) feet from any residential use, that all storage tanks shall meet the requirements of the National Board of Fire Underwriters, and the regulations governing installation and use of same by Miami-Dade County, and that any such use shall be approved by the City Council at a public hearing.	NP	NP	NP
Plate glass sales and installation	P	P	NP
Printing plants, publishers and bookbinders	P	P	NP
Produce distributors	P	P	NP
Salvage yards and automobile crushing operations; provided that any such use shall be entirely surrounded by an eight (8) foot high solid masonry wall, excepting only exits and entrances, which shall be equipped with solid wooden gates, that no materials shall be piled higher than said perimeter walls, and that any such use shall be approved by the City Council at a public hearing.	NP	NP	NP
Wholesale distribution	P	P	NP

Table

**PERMITTED USES IN THE MIXED-USE EMPLOYMENT CENTER (MU/EC) DISTRICT**

**P= PERMITTED BY RIGHT      C = CONDITIONAL USES      NP= NOT PERMITTED**

	Upholstery, cloth & canvas products fabrication, including slipcovers and awnings	P	P	NP
	Utility facilities, light, public and private	P	P	NP
<b>Institutional</b>				
	Government administration building	P	P	NP
	Hospitals and clinics, hospitals are prohibited east of Biscayne Blvd (coastal zone)	P	P	NP
	Libraries	P	P	NP
	Museums and art galleries	P	P	NP
	Offices – government administrative	P	P	NP
	Offices or facilities, quasi-public association and organizations, not-for-profit	P	P	NP
	Places of Public Assembly, 10,000 sf minimum site area, on arterial or collector roadway, located in single, stand-alone building, must meet parking requirements.	P	P	NP
	Police and Fire Stations	P	P	NP
	Public facilities, utilities and services: no structure located less than 50-feet from any adjacent residential property, all uses directly related to surrounding neighborhood.	C	C	NP
	Public works facilities	P	P	NP
	Social Service Agencies	P	P	NP
<b>Recreation and Open Space (Private and Public)</b>				
	Amusement arcades (indoor)	P	P	NP
	Billiard and poolrooms	P	P	NP
	Bingo Hall	P	P	NP
	Bowling alleys	P	P	NP
	Cemeteries	NP	NP	NP
	Community gardens	P	P	P
	Marinas (commercial)	NP	NP	NP
	Miniature golf	P	P	NP
	Movie and live performance theaters	P	P	NP
	Public parks and playgrounds, plazas, squares	P	P	P
	Skating rinks, roller or ice	P	P	NP

Table

**PERMITTED USES IN THE MIXED-USE EMPLOYMENT CENTER (MU/EC) DISTRICT**

**P=- PERMITTED BY RIGHT**

**C = CONDITIONAL USES**

**NP= NOT PERMITTED**

	Tennis and racquetball courts (indoor)	P	P	NP
	Urban market gardens	P	P	NP

**P=- PERMITTED BY RIGHT**

**C = CONDITIONAL USES**

**NP= NOT PERMITTED**

Notes:

(1) Subject to Design Criteria

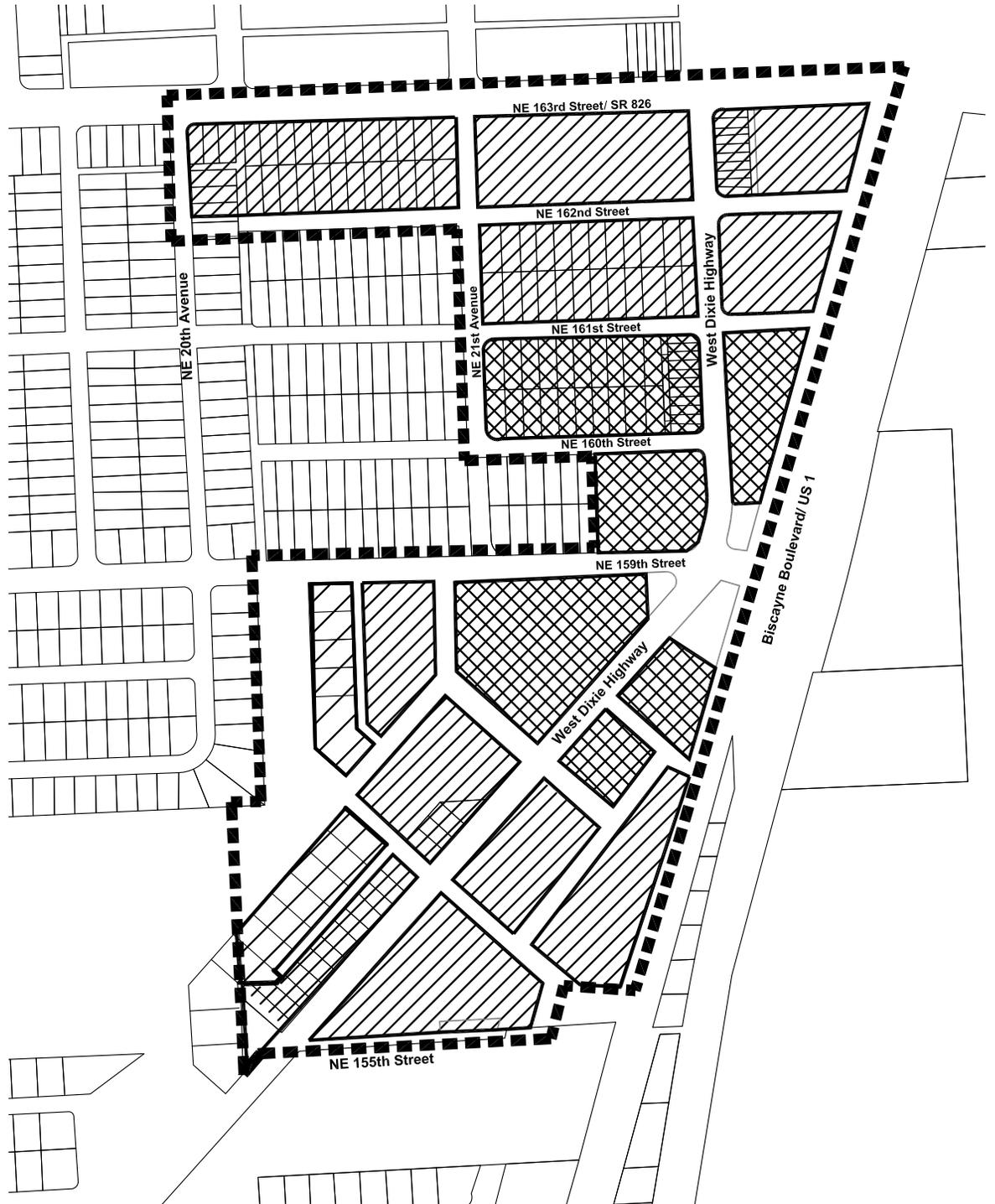


FIGURE X - 1:  
SUB-AREAS REGULATING PLAN

-  CORE SUB-AREA
-  TRANSITION SUB-AREA
-  EDGE SUB-AREA
-  DISTRICT BOUNDARY

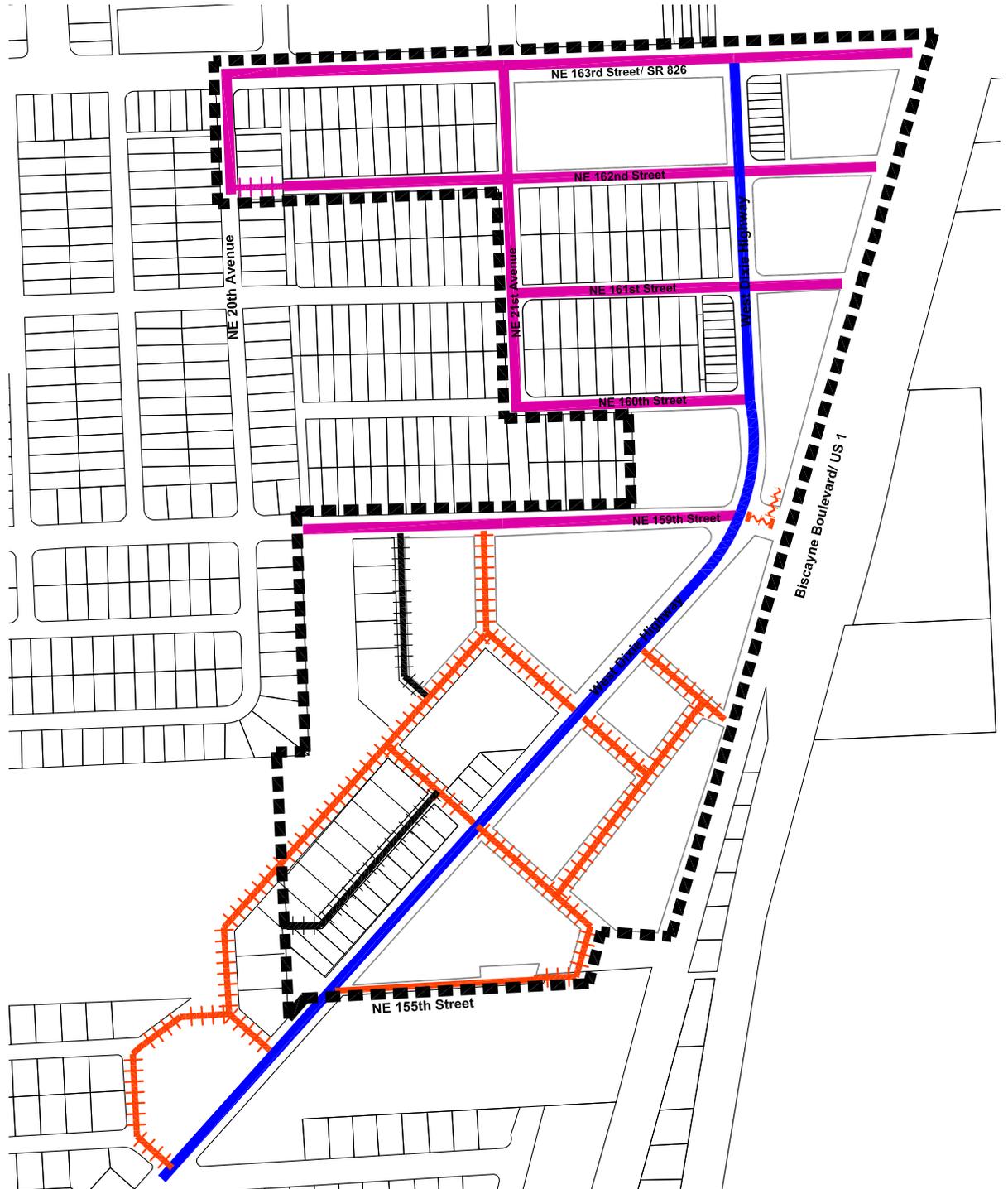


FIGURE X - 2:  
STREET NETWORK CONNECTIVITY  
REGULATING PLAN

-  EXISTING PRIMARY STREET
-  EXISTING SECONDARY STREET
-  NEW SECONDARY STREET
-  EXISTING TERTIARY STREET TO BE VACATED (FOR ASSEMBLY OF PARCELS ONLY)
-  EXISTING TERTIARY STREET
-  NEW TERTIARY STREET
-  NEW ALLEY
-  DISTRICT BOUNDARY

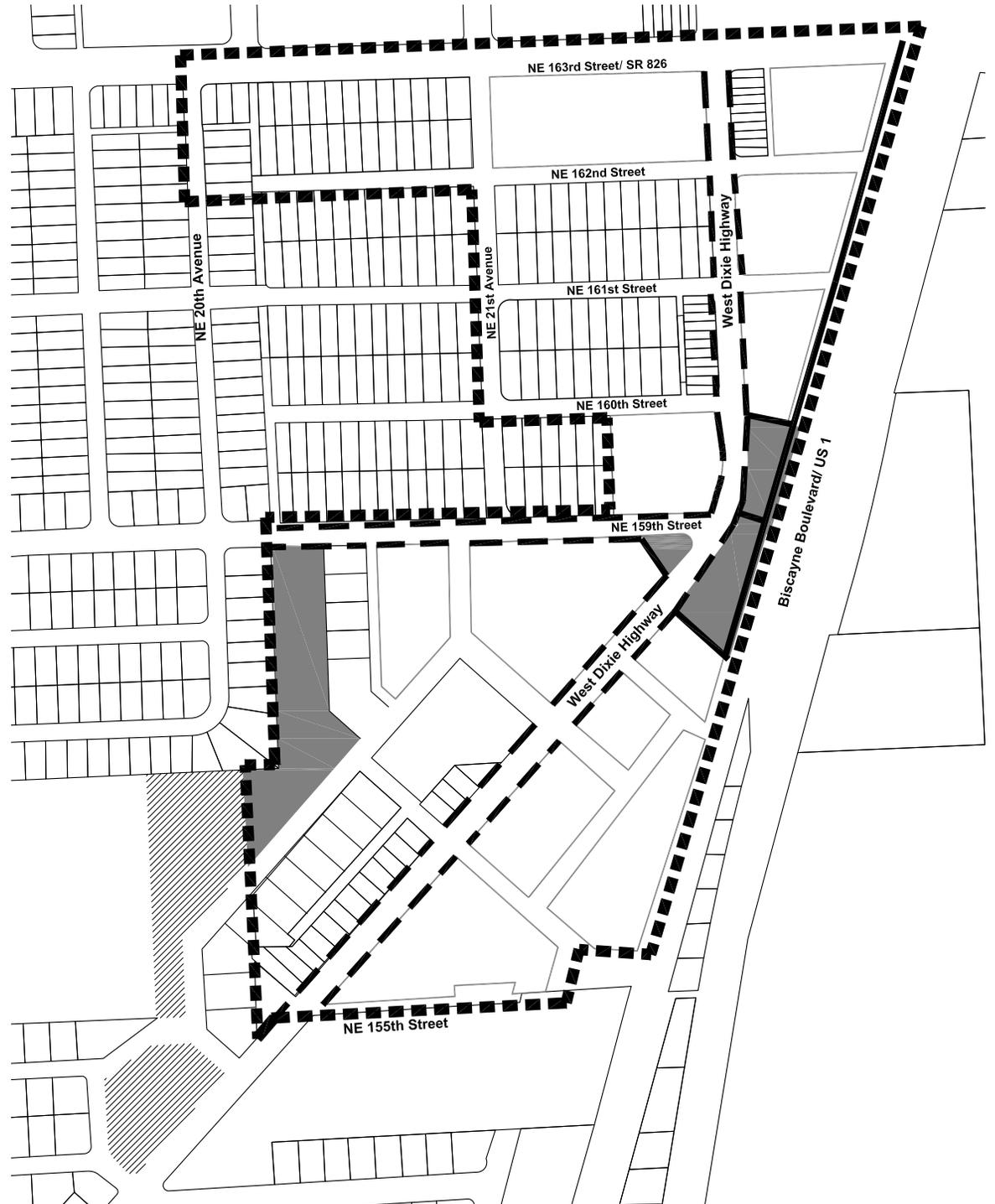


FIGURE X - 3:  
DESIGNATED OPEN SPACES AND GREENWAY SYSTEMS  
REGULATING PLAN

-  EXISTING DESIGNATED PUBLIC OPEN SPACE
-  NEW DESIGNATED OPEN SPACE
-  DESIGNATED URBAN GREENWAY
-  DESIGNATED TRAIL
-  DISTRICT BOUNDARY

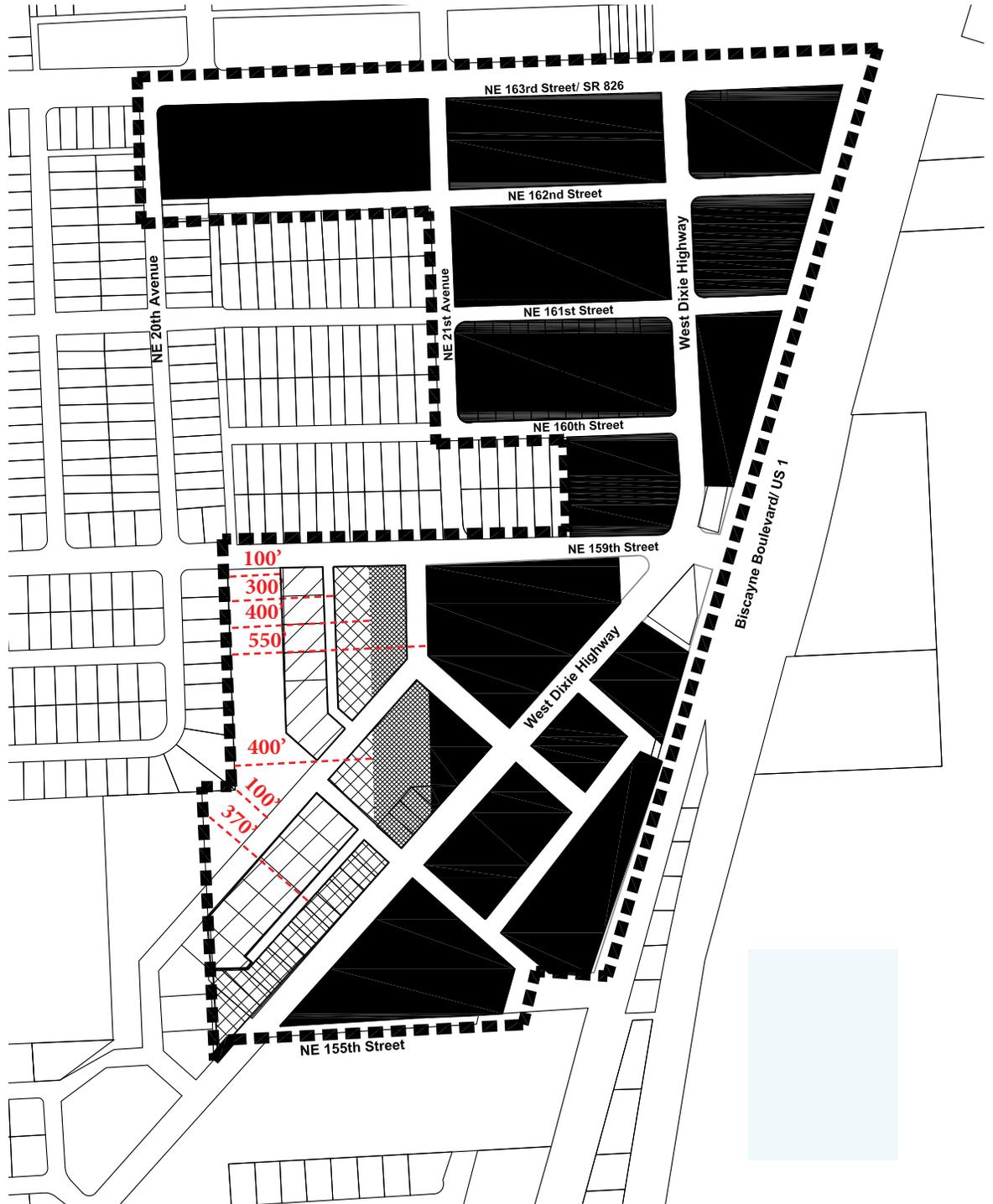
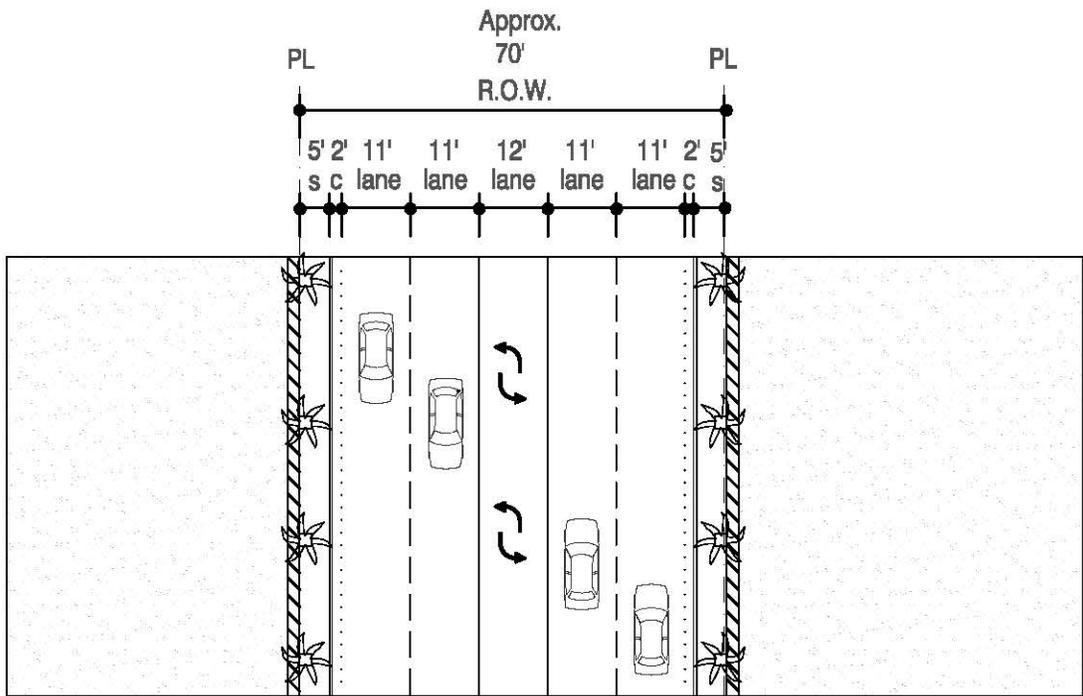
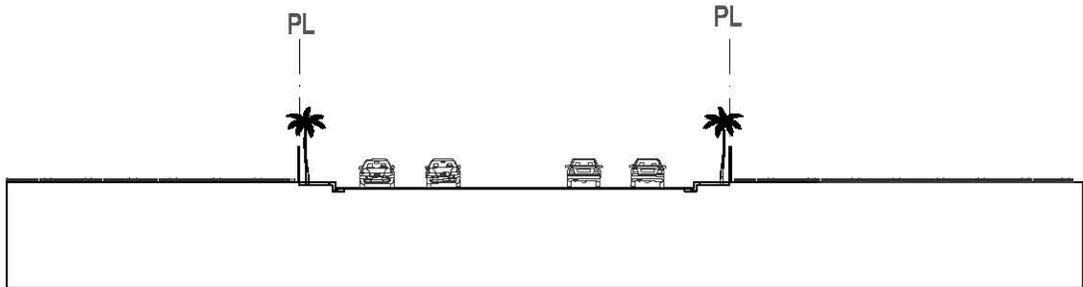


FIGURE X - 4:  
BUILDING HEIGHTS REGULATING PLAN

-  MAXIMUM 20 STORIES/255 FEET
-  MAXIMUM 12 STORIES/175 FEET
-  MAXIMUM 8 STORIES/110 FEET
-  MAXIMUM 4 STORIES/48 FEET
-  DISTRICT BOUNDARY



## UG: West Dixie Hwy: South of NE 159th Street

Existing  
Approx. 70' ROW

**Key:**

- ug: Urban Greenway
- sb: Setback
- fg: Furnishings/green area
- s: Sidewalk
- g: Landscape Strip/tree grates
- c: Curb and gutter
- p: Parking
- min: Minimum
- R.O.W.: Right-of-way



## **Sec. 24-58.3 Mixed-use Neighborhood Center District (MU/NC)**

### **(A) Purpose and Intent**

The purpose of these regulations is to implement policies that guide the design of development within the Mixed-use Neighborhood Center District (MU/NC). The intent is to support a balanced mix of land uses characterized by compactness, pedestrian friendly design, neighborhood-scale and framed by architecture and landscape design appropriate to local history and the natural environment. Development patterns shall generally reflect planning and design principles such as walkable neighborhoods oriented around the five-minute walk, primary orientation towards public transit systems, a centrally located community-serving land use or land uses and greater integration of housing, employment, shopping and recreation at the neighborhood level. This purpose will be fulfilled by:

- (1) Ensuring high quality, archi-tecturally compatible, consistently land-scaped development throughout the District;
- (2) Stimulating neighborhood commercial and retail activities;
- (3) Ensuring that new development or redevelopment projects enhance the visual character of the District;
- (4) Encouraging the development of pleasant shopping areas with attractive pedestrian spaces;
- (5) Encouraging people to reside in the District;
- (6) Encouraging the beautification of West Dixie Highway; and
- (7) Encouraging new publically accessible open spaces.

### **(B) District Boundaries**

The development standards shall be utilized for properties located within the Mixed-use Neighborhood Center District (MU/NC).

### **(C) Administration**

In order to maintain predictability in development, Planned Unit Developments (PUDs) shall be prohibited. Variances from the dimensional requirements or waivers from any other criterion may be approved by the applicable review board for projects, provided that the applicant meets the standards pertaining to such variance or waiver. The applicable board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Director of the Community Development Department or his/her designee in the enforcement of these development regulations.

### **(D) General Development Standards**

- (1) In addition to the standards contained herein, **Section 24-58 Mixed-Use (MU) district** standards shall be applicable to development within the Mixed-use Neighborhood Center District (MU/NC). *The Supplemental Regulations* contained in Articles IV, VI, VIII, IX, X, XI, XII, XIII, and XIV shall also apply, except as modified herein and may be further modified by the City Manager or his/her designee to meet the purpose and intent of the Mixed-use Neighborhood Center District (MU/NC).
- (2) The provisions of the MU/NC code, when in conflict, shall take precedence over the existing zoning and land development regulations.
- (3) The provisions of the building code, when in conflict, shall take precedence over the provisions of the MU/NC code.
- (4) Existing buildings may be destroyed or removed, however they must be replaced according to the MU/NC regulations. Existing buildings may not be destroyed or

removed unless they are to be replaced according to MU/NC regulations and only after a building permit is issued.

- (5) Existing buildings and uses within the MU/NC area, which are legally established but do not conform to provisions of the MU/NC regulations as of the effective date of these regulations shall be considered nonconforming and may not be replaced, restored, or modified, except in conformity with the regulation for nonconformities contained in Article IV of this chapter. When a nonconforming structure is destroyed by windstorm, flood, or nature disaster, it may be replaced by a new structure of the same or lesser size, and reoccupied by the same use, if construction of such structure is commenced within 18 months of destruction.
- (6) Proposed development with site plan approved under the previous zoning regulations shall commence construction within the time frame allotted in the development order or site plan approval letter. If commencement of construction does not occur within the allotted time frame, the site plan approval shall automatically expire without further action by the City.

#### **(E) Regulating Plans and Diagrams**

The MU/NC is governed by a series of regulating plans and diagrams. The Regulating Plans and Diagrams demonstrate MU/NC development standards in both words and diagrams, and include maps designating the locations where the various standards apply. Unless otherwise noted, all development shall be in compliance with the Regulating Plans and Diagrams contained herein and with the Building Typology and Placement Regulating Diagrams in Section 24-58 Mixed-Use (MU) district. The Regulating Plans and Diagrams for the MU/NC include the following:

- (1) The Sub-areas Regulating Plan, which divides the MU/NC into two Sub-areas: Core, and Transition. The highest density and intensity within the MU/NC shall be allocated to the Core Sub-area, a mixed-use area in the heart of the district. The densities and intensities shall then gradually decrease from the Core to the Transition Sub-area, which is adjacent to existing medium density residential, and mixed-uses are still permitted. The Sub-areas Regulating Plan is shown in Figure X - 1.
- (2) The Street Network Connectivity Regulating Plan, which shows the location of existing and the required new streets needed to create the prescribed network of streets within the MU/NC. This Plan also establishes the hierarchy of the streets as shown in Figure X - 2.
- (3) The Designated Publically Accessible Open Spaces and Urban Greenway Systems Regulating Plan, which designates the approximate location of required publically accessible open spaces and urban greenway system as shown in Figure X - 3.
- (4) The Building Heights Regulating Plan, which establishes the maximum building height as shown in Figure X - 4.

### Insert Regulating Plans

#### **(F) Sub-Areas Regulating Plan**

All new and existing development shall review first their location within the Sub-Areas Regulating Plan as shown in Figure X - 1.

#### **(G) Permitted Uses**

- (1) Land Use Principles.
  - a. The MU/NC District shall be developed as an identifiable place and shall act as an important center for living, working, shopping and entertainment. The mix of uses within the District, the streets and the architectural character of

individual buildings shall blend together to contribute to a coherent identity and sense of place.

b. Along all streets and on all levels, both non-residential and residential uses shall be permitted.

(2) Permitted Use Table X - 1 includes the principal uses permitted in the MU/NC along with any required restrictions on such uses, for each of the sub-areas. Principal uses not included in Table X - 1 are not permitted in the MU/NC. Principal uses in the MU/NC shall be subject to the use-specific standards as provided for in Article VIII unless modified herein.

### Insert Permitted Use Table

#### **(H) Street Network Connectivity Regulating Plan and Street Standards**

Figure X - 2 shows the location of existing and required new streets needed to create the prescribed network of streets within the MU/NC. This plan also establishes the hierarchy of the streets within the district. The street standards specified in Section 24-58 (J) Mixed-use District shall apply except as modified herein:

- (1) All streets shall be located according to the Street Network Connectivity Regulating Plan for the MU/NC.
- (2) All Primary and Secondary Streets shall be required in the same general location as shown on the Street Network Connectivity Regulating Plan and may be modified with respect to alignment. No Primary and Secondary Streets shall be deleted or otherwise vacated or removed.
- (3) Tertiary Streets and Alleys shown on the Street Network Connectivity Regulating Plan are encouraged to promote connectivity and to conform to block length requirements. Tertiary streets and alleys may be modified or deleted for the purpose of assembling parcels for development.

#### **(I) Designated Publicly Accessible Open Spaces and Urban Greenway Systems Regulating Plan**

The designated public urban greenways system shall be one of the following types depending on the location within the MU/NC and as shown in the Designated Publicly Accessible Open Spaces and Urban Greenways Systems Regulating Plan (Figure X - 3).

- (1) Greenway Types
  - a. Type UG 1: Along West Dixie Highway (Figure X - 5)
    - i. The minimum width of the urban greenways shall be 20 feet.
    - ii. A minimum of 20 percent of the length of the portion of the urban greenway within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
    - iii. Tree grates a minimum of five (5) feet by five (5) feet may be utilized in place of the required landscape strip.

### Insert Greenway Section

- (2) The designated public urban greenways system shall be designed to enhance the visual character of specific streets along the urban greenways and ensure pedestrian connectivity by:
  - a. Providing tree species that provide continuous shade for a minimum of 70 percent of the frontage along the urban greenways. Palm trees alone are not acceptable and the maximum spacing of the shade trees shall be 30 feet on center.
  - b. Providing street furnishings such as benches, trash receptacles, bike racks, drinking water fountains, etc.

- c. Providing a landscape plan illustrating a coherent design with significant tree species along the urban greenways that are distinguishably different from the other streets along the property in terms of color, type and shape.
- d. No plant material other than trees shall be higher than 24 inches within the urban greenway.
- e. Tree specifications shall be as per Section 24-58 (L).

**(J) Building Heights Regulating Plan and Additional Height Standards**

All new and existing development shall comply with the standards found within the Building Heights Regulating Plan as shown in (Figure X – 4). Table X - 2 provides a summary of the heights per sub-area, however, since maximum building heights vary within the sub-areas and are dependent on location, the Building Height Regulating Plan shall be referred to.

<b><u>Table X - 2 Maximum Permitted Height (1)</u></b>	
<b><u>Area</u></b>	<b><u>Maximum Permitted Height</u></b>
<u>Core Sub-Area</u>	<u>15 stories/195 feet(2)</u>
<u>Transition Sub-Area</u>	<u>10 stories/135 feet(2)</u> <u>4 stories/48 feet</u>
<u>Notes:</u>	
<u>(1) Height has been rounded up to allow for additional space for mechanical equipment and the measurement of the roof. Measurement of stories is regulated in Section 24-58 Mixed-use District.</u>	
<u>(2) Buildings higher than 8 stories shall only be developed per the Tower building Type standards.</u>	

**(K) Building Typology and Dimensional Standards**

- (1) Building Typologies  
All new buildings shall conform to one of the permitted building typologies as demonstrated in the Building Typology and Placement Regulating Diagrams in Section 24-58 Mixed-use District. The diagrams provide a schematic representation of the various building typologies and demonstrate the required setbacks, lot standards, and profiles of structures. Existing buildings which do not fit a prescribed typology, shall follow the standards required for the Flex building typology. Not all building typologies are permitted in each Mixed-use district. The building typologies permitted in the MU/NC and their allowable sub-area locations are listed below in Table X - 3:

<b><u>Building Typology</u></b>	<b><u>Core</u></b>	<b><u>Transition</u></b>
<u>Tower</u>	<u>Yes</u>	<u>No</u>
<u>Liner</u>	<u>Yes</u>	<u>No</u>
<u>Courtyard Building</u>	<u>Yes</u>	<u>No</u>
<u>Flex</u>	<u>Yes</u>	<u>Yes</u>
<u>Townhouse Type 1</u>	<u>No</u>	<u>Yes</u>

<u>Townhouse Type 2</u>	<u>Yes</u>	<u>Yes</u>
<u>Zero Lot Line (Courtyard House)</u>	<u>No</u>	<u>Yes</u>
<u>Zero Lot Line (Sideyard House)</u>	<u>No</u>	<u>Yes</u>
<u>Single Family Detached</u>	<u>No</u>	<u>No</u>

(2) Setbacks and Building Frontage.

a. Front and Street Side Setbacks and Building Frontage. Front and Street Side setbacks are determined based on the street the building fronts. **Table X – 4** lists the minimum required front and street side setbacks and building frontage per street type. The interior side and rear setbacks as well as the lot standards shall be as specified per building type in **Section 24-58 Mixed-use District.**

**Table X – 4 Minimum and Maximum Front and Street Side Setbacks  
and Building Frontage per Street Type (1)**

<u>Street Type</u>	<u>Minimum Setback</u>	<u>Maximum Setback</u>	<u>Building Frontage</u>
<u>Primary (W. Dixie Hwy.)</u>	<u>0 feet</u>	<u>20 feet</u>	<u>90%</u>
<u>Secondary</u>	<u>10 feet</u>	<u>20 feet</u>	<u>80%</u>
<u>Tertiary</u>	<u>10 feet</u>	<u>20 feet</u>	<u>80%</u>
<u>Alleys</u>	<u>Per Building Typology and Placement Regulating Diagrams</u>	<u>Per Building Typology and Placement Regulating Diagrams</u>	<u>N/A</u>
<u>Notes:</u>			
<u>(1) Setbacks shall be measured from property lines.</u>			

**(L) On-site Parking Standards**

- (1) All parking within the MU/NC shall comply with the Access, Circulation, Parking and Loading Standards specified in **Section 24-58 Mixed-use District.**
- (2) On-site parking shall comply with **Table X – 5.** Uses not listed herein shall comply with the parking requirements specified in **Article IX.**
- (3) Guest parking shall comply with **Table X – 5.** Guest parking shall be designated and prominently marked on-site as "Guest Parking" and shall not be restricted in any manner to use by a single tenant, owner, unit, or other user.

**Table X – 5 Minimum and Maximum Parking Requirements by use**

	<u>Min</u>	<u>Max</u>
<u>Retail, restaurant or commercial</u>	<u>2 per 1000sf</u>	<u>4 per 1000sf</u>
<u>Office</u>	<u>2.5 per 1000sf</u>	<u>4 per 1000sf</u>
<u>Hotel and motel; hotel and motel, limited</u>	<u>1 per 4 rooms plus 1 per 800sf for restaurant, public meeting areas; 1 per 15 rooms for staff</u>	<u>1 per 4 rooms plus 1 per 800sf for restaurant, public meeting areas; 1 per 15 rooms for staff</u>
<u>Residential</u>	<u>1 per unit plus 1 per 20 units for guest parking</u>	<u>2 per unit plus 1 per 20 units for guest parking</u>
<u>Live/work</u>	<u>2 per 1000sf</u>	<u>4 per 1000sf</u>

**(M) Bicycle Racks and Bicycle Storage Standards**

Bicycle racks and storage shall be required as follows:

- (1) Bicycle racks and bicycle storage for commercial uses. Commercial developments, excluding hotel uses, shall provide:
  - a. secure bike racks and/or storage at a ratio of one bicycle parking space per every 15 required parking spaces and
  - b. a minimum of one shower and changing facility shall be provided to be available for all tenants and shall be located within the building, or within 200 feet of the building entrance, for developments greater than 50,000 square feet in gross building area.
- (2) Bicycle racks and bicycle storage for residential uses. One bicycle parking space shall be provided per every 15 required parking spaces. Required residential bicycle parking spaces shall be provided in a secured area, covered from the elements.
- (3) Mixed-use developments. Mixed-use developments shall provide secure bicycle parking spaces for both the commercial and residential components of the development as calculated separately pursuant to the requirements of this section.

**(N) Signage Standards**

Signage shall comply with the standards in Article XIII except as modified herein.

- (1) Signs affixed to the exterior of a building shall be architecturally compatible with the style, composition, materials, colors, and details of the building, as well as with other signs used on the building or its vicinity.
- (2) Signs shall fit within the existing facade features, shall be confined to signable areas, and shall not interfere with door and window openings, conceal architectural details or obscure the composition of the facade where they are located.
- (3) Whenever possible, signs located on buildings within the same block-face shall be placed at the same height in order to create a unified sign band.

- (4) Wood and painted metal are the preferred materials for under-awning, hanging signs. Flat signs should be framed with raised edges. Wood signs shall use only high-quality exterior grade wood with suitable grade finishes.
- (5) Sign colors should be compatible with the colors of the building façade. A dull or matte finish is recommended for reduction of glare and enhancement of legibility.
- (6) Signs shall be either spot- or backlit with a diffused light source. Spot lighting shall require complete shielding of all light sources, shall be contained within the sign frame, and shall not significantly spill over to other portions of the building or site. Backlighting shall illuminate the letters, characters, or graphics on the sign, but not its background. Warm fluorescent bulbs may be used to illuminate the interior of display cases. Neon signs placed inside the display case shall insure low intensity colors.
- (7) Signs shall be mounted so that the method of installation is concealed. Signs applied to masonry surfaces should be mechanically fastened to mortar joints only and not directly into brick or stone. Drilling to provide electrical service should also follow the same rule.
- (8) Billboards are prohibited.

## **(O) Assessments**

### (1) Public Infrastructure and Streetscape assessment and fund

- a. All new development, or renovation or remodeling of existing buildings within the MU/NC, where total vertical construction costs of the development, renovation or remodeling is equal to or greater than \$500,000, shall pay a public infrastructure and streetscape assessment per dwelling unit or square foot to receive any allowable tax incentive, which may be available from the North Miami Beach Community Redevelopment Agency, if any. Such public infrastructure and streetscape assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public infrastructure and streetscape assessments shall be deposited into the public infrastructure and streetscape fund.
- b. Ordinary property maintenance is exempt from the public infrastructure and streetscape assessment. Repairs and restoration resulting from fire, flood, windstorm or other natural disaster, as determined by the building official, are exempt from the public infrastructure and streetscape assessment.
- c. The amount of the public infrastructure and streetscape assessment shall be established by resolution of the City Council and may be adjusted from time to time.
- d. A separate public infrastructure and streetscape fund shall be established by the City. All public infrastructure and streetscape assessment payments from new development, or renovation or remodeling of existing buildings within the MU/NC shall be deposited into this fund and the funds shall be kept separate from any other City funds. The public infrastructure and streetscape fund shall be used by the City for improvement to and maintenance of the public infrastructure and streets in the MU/NC. Use of such funds shall be determined by the City Council. Any monies not expended in the fund in any fiscal year shall be carried over in the fund into the following year. Any interest earned on the funds shall be retained in the fund.

### (2) Public Open Space assessment and fund

- a. All new development, or renovation or remodeling of existing buildings within the MU/NC, where total vertical construction costs of the development, renovation or remodeling is equal to or greater than \$500,000 shall pay a public open space assessment per dwelling unit or square foot to receive any allowable tax incentive, which may be available from the North Miami Beach Community Redevelopment Agency, if any. Such public open

space assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public open space assessments shall be deposited into the public open space fund.

- b. Ordinary property maintenance is exempt from the public open space assessment. Repairs and restoration resulting from fire, flood, windstorm or other natural disaster, as determined by the building official, are exempt from the public open space assessment.
- c. The amount of the public open space assessment shall be established by resolution of the City Council and may be adjusted from time to time.
- d. A separate public open space fund shall be established by the City. All public open space assessment payments from new development, or renovation or remodeling of existing buildings within the MU/NC shall be deposited into this fund and the funds shall be kept separate from any other City funds. The public open space fund shall be used by the City for improvement to and maintenance of the Snake Creek Canal Greenway, public parks, public open spaces and recreational areas and facilities in the MU/NC. Use of such funds shall be determined by the City Council. Any monies not expended in the fund in any fiscal year shall be carried over in the fund into the following year. Any interest earned on the funds shall be retained in the fund.

(3) Public Art assessment and fund

- a. All new development, or renovation or remodeling of existing buildings within the MU/NC, where total vertical construction costs of the development, renovation or remodeling is equal to or greater than \$500,000 shall pay a public art assessment to receive any allowable tax incentive, which may be available from the North Miami Beach Community Redevelopment Agency, if any. Such public art assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public art assessments shall be deposited into the public art fund.
- b. Ordinary property maintenance is exempt from the public art assessment. Repairs and restoration resulting from fire, flood, windstorm or other natural disaster, as determined by the building official, are exempt from the public art assessment.
- c. The amount of the public art assessment shall be established by resolution of the City Council and may be adjusted from time to time.
- d. A separate public art fund shall be established by the City. All public art assessment payments from new development, or renovation or remodeling of existing buildings within the MU/NC shall be deposited into this fund and the funds shall be kept separate from any other City funds. The public art fund shall be used by the City for the construction of, improvement to and maintenance of public art. Use of such funds shall be determined by the City Council. Any monies not expended in the fund in any fiscal year shall be carried over in the fund into the following year. Any interest earned on the funds shall be retained in the fund. Such public art assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public art assessments shall be deposited into the public art fund.

**(P) Development Permit Review Procedures.**

The following development permit review procedure will apply to this district:

- (1) The review procedures set out in Article XV and Section 24-171 (Concurrency) will apply within this district.
- (2) Preapplication Conference: For those development permit requests that require a Pre-Application Conference, the Applicant must address with staff:
  - (a) The submittal requirements in Article XV and Section 24-171 (Concurrency) and the required plans submitted for review shall demonstrate the Applicant's general approach to comply with the requirements noted

above and shown on the MU/NC District's:

(1) Sub-Areas Regulating Plan

(2) Street Network and Connectivity Regulating Plan

(3) Designated Publically Accessible Open Spaces and Urban Greenways  
Regulating Plan

(3) Building Heights Regulating Plan

(4) Building Typology.

Draft

plants such as sedum or equally drought resistant and hardy plant species. The 80 percent coverage means spacing of plants in a manner that will cover 80 percent of the layer by the time the building has received a certificate of occupancy. A licensed and registered architect, engineer, landscape architect or a horticulturist with a degree or certificate from an accredited training institute, must certify the vegetative layer.

iii. A weatherproof & waterproof roofing membrane compliant with construction and fire codes.

iv. A root barrier layer.

v. An insulation layer compliant with energy, fire and construction codes.

vi. A drainage layer designed so the drains can be inspected and cleaned.

vii. A growth medium including natural or simulated soil at least two (2) inches in depth.

1. If the depth of the growth medium is less than three inches, an independent water holding layer that is designed to prevent the rapid drying of the growth medium is also required, unless the green roof is certified not to need regular irrigation to maintain live plants.

viii. A maintenance plan that includes:

1. Semi-annual inspection.

2. Plans for plant replacement.

3. Monthly inspections of drains; free from debris.

4. Maintenance of green roof in perpetuity.

5. Annual report to the Director of the Department of Community Planning on the condition of the green roof.

d. Properties that provide public art using one or a combination of the following strategies in the MU/NC shall be eligible for a tax increment rebate incentive:

i. A fee equal to 1 percent of the project's construction costs;

ii. A piece of artwork valued at 1 percent, or more, of the project's construction costs.

1. The artwork shall be accessible to the public and may be displayed in the building's common areas, public open spaces or areas along the street abutting the building.

2. Public art proposed for public areas shall be required to receive approval from the City Council.

## **(P) Assessments for Eligible Tax Incentives**

### **(1) Public Infrastructure and Streetscape assessment and fund**

a. All new development, or renovation or remodeling of existing buildings within the MU/NC, where total vertical construction costs of the development, renovation or remodeling is equal to or greater than \$500,000 shall pay a public infrastructure and streetscape assessment per dwelling unit or square foot to receive the allowable tax incentive. Such public infrastructure and streetscape assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public infrastructure

and streetscape assessments shall be deposited into the public infrastructure and streetscape fund.

- b. Ordinary property maintenance is exempt from the public infrastructure and streetscape assessment. Repairs and restoration resulting from fire, flood, windstorm or other natural disaster, as determined by the building official, are exempt from the public infrastructure and streetscape assessment.
- c. The amount of the public infrastructure and streetscape assessment shall be established by resolution of the City Council and may be adjusted from time to time.
- d. A separate public infrastructure and streetscape fund shall be established by the City. All public infrastructure and streetscape assessment payments from new development, or renovation or remodeling of existing buildings within the MU/NC shall be deposited into this fund and the funds shall be kept separate from any other City funds. The public infrastructure and streetscape fund shall be used by the City for improvement to and maintenance of the public infrastructure and streets in the MU/NC. Use of such funds shall be determined by the City Council. Any monies not expended in the fund in any fiscal year shall be carried over in the fund into the following year. Any interest earned on the funds shall be retained in the fund.

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- b. Ordinary property maintenance is exempt from the public open space assessment. Repairs and restoration resulting from fire, flood, windstorm or other natural disaster, as determined by the building official, are exempt from the public open space assessment.
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- d. A separate public open space fund shall be established by the City. All public open space assessment payments from new development, or renovation or remodeling of existing buildings within the MU/NC shall be deposited into this fund and the funds shall be kept separate from any other City funds. The public open space fund shall be used by the City for improvement to and maintenance of the Snake Creek Canal Greenway, public parks, public open spaces and recreational areas and facilities in the MU/NC. Use of such funds shall be determined by the City Council. Any monies not expended in the fund in any fiscal year shall be carried over in the fund into the following year. Any interest earned on the funds shall be retained in the fund.

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- b. Ordinary property maintenance is exempt from the public art assessment. Repairs and restoration resulting from fire, flood, windstorm or other natural disaster, as determined by the building official, are exempt from the public art assessment.

- c. The amount of the public art assessment shall be established by resolution of the City Council and may be adjusted from time to time.
- d. A separate public art fund shall be established by the City. All public art assessment payments from new development, or renovation or remodeling of existing buildings within the MU/NC shall be deposited into this fund and the funds shall be kept separate from any other City funds. The public art fund shall be used by the City for the construction of, improvement to and maintenance of public art. Use of such funds shall be determined by the City Council. Any monies not expended in the fund in any fiscal year shall be carried over in the fund into the following year. Any interest earned on the funds shall be retained in the fund. Such public art assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public art assessments shall be deposited into the public art fund.

**(Q) Development Permit Review Procedures.**

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- (2) Preapplication Conference: For those development permit requests that require a Pre-Application Conference, the Applicant must address with staff:
  - (a) The submittal requirements in Article XV and Section 24-171 (Concurrency) and the required plans submitted for review shall demonstrate the Applicant's general approach to comply with the requirements noted above and shown on the MU/NC District's:
    - (1) Sub-Areas Regulating Plan
    - (2) Street Network and Connectivity Regulating Plan
    - (3) Designated Open Spaces and Urban Greenways Regulating Plan
    - (3) Building Heights Regulating Plan
    - (4) Building Typology.

Table

**PERMITTED USES IN THE MIXED-USE NEIGHBORHOOD CENTER (MU/NC) DISTRICT**

P= PERMITTED BY RIGHT

C = CONDITIONAL USES

NP= NOT PERMITTED

Uses	Use Areas		
	Core	Transition	Edge
<b>Residential</b>			
Residential, provided that: must be in multi-family context; <del>may be on second floor and above on a primary street; may be on ground floor and above on Secondary Street; no density greater than 75 units per acre and less than 10 units per acre.</del>	P	P	P
Residential, townhouses (per building typology diagram)	P	P	P
<b>Eating and Drinking Establishments</b>			
Bars and lounges provided that any such use shall not be located within 500 feet of the real property that comprises a public or private elementary school, middle school or secondary school (Pursuant to §562.45(2)(a)Florida Statutes.	P	P	NP
Barbeque restaurants, open air	C	C	NP
Restaurants including fast food, excluding drive through, including outdoor dining	P	P	NP
<del>Restaurant fast food with drive through provided drive through is inside parking garage</del>	C	C	NP
<b>General Business</b>			
Banks and financial institutions, excluding drive-through.	P	P	NP
Daycare Center provided use is not on primary street	C	C	C
Hardware stores	P	P	NP
Land developers and building contractors ( <del>no outdoor storage</del> )	P	P	P
Night clubs and discotheques (Ord. No. 2006-1 §12, 12/21/2006)	C	C	NP
<del>Parking garages as principal use, provided that parked vehicles shall not be visible from surrounding properties or public street rights-of-way and structure shall be well landscaped.</del>	C	C	NP
<del>Surface Parking Lot as Principle Use, CRA or City owned and operated only</del>	P	P	NP
Talent Agency	P	P	P

Table

**PERMITTED USES IN THE MIXED-USE NEIGHBORHOOD CENTER (MU/NC) DISTRICT**

P= PERMITTED BY RIGHT

C = CONDITIONAL USES

NP= NOT PERMITTED

	Tobacco shops and electronic cigarettes (Vapor Lounge)	P	P	NP
	Travel Agencies	P	P	P
	Vocational schools and Trade: Airline, Business, Cosmetology, Secretarial and similar.	P	P	NP
	Watch and clock repair shops	P	P	NP
<b>Office</b>				
	Abstract and title offices	P	P	P
	Advertising agency	P	P	P
	Brokerage Services: Stocks, commodities, real estate mortgages, businesses, yachts (no on-site display)	P	P	P
	Business Management Consultants	P	P	P
	Doctors, dentists, chiropractors, optometrists, psychologists, and similar licensed medical professionals, excluding veterinarians, drug/alcohol and violent/dangerous	P	P	P
	Family and marriage counselors	P	P	P
	Insurance agencies	P	P	P
	Investigative services	P	P	P
	Investment counselors, excluding brokerage offices	P	P	P
	Professional Services: Accountants, architects, auditors, appraisers, city planners, economists, engineers, lawyers, psychologists, psychiatrists and licensed medical and dental practitioners and health related services	P	P	P
	Public Relations Agencies	P	P	P
	Secretarial and stenography services	P	P	P
<b>Retail/Personal Services</b>				
	Barber, beauty and skin care shops	P	P	NP
	Health and exercise studios including martial arts	P	P	NP
	Studio schools: Art, dance, music, drama, sculpture and similar instruction	P	P	NP
	Tailors and seamstresses	P	P	NP
<b>Retail/Retail Services</b>				
	Antique shops, collectibles and vintage	P	P	NP
	Apparel Shops: Men's, Women's and Children's			

Table

## PERMITTED USES IN THE MIXED-USE NEIGHBORHOOD CENTER (MU/NC) DISTRICT

P=- PERMITTED BY RIGHT

C = CONDITIONAL USES

NP= NOT PERMITTED

	P=- PERMITTED BY RIGHT	C = CONDITIONAL USES	NP= NOT PERMITTED
Art & Supplies and galleries	P	P	NP
Bake Shops	P	P	NP
Beer and Wine Shops	P	P	NP
Bicycle sales, rental, service and repair	P	P	NP
Blueprinting services	P	P	NP
Bookstores	P	P	NP
Camera and photographic supply store	P	P	NP
Convenience store	P	P	NP
Copying services	P	P	NP
Delicatessens	P	P	NP
Department stores	P	P	NP
Drugstore	P	P	NP
Flooring and carpeting stores	P	P	NP
Florists	P	P	NP
Food stores, Supermarkets and specialty markets	P	P	NP
Furniture and home furnishings	P	P	NP
Garden supply stores	P	P	NP
Gift, novelty and souvenir shops	P	P	NP
Hobby and handicraft shops	P	P	NP
Jewelry stores	P	P	NP
Leather goods and luggage stores	P	P	NP
Lighting fixture stores	P	P	NP
Music and record, video stores	P	P	NP
News stands	P	P	NP
Office Supply Stores	P	P	NP
Optical stores	P	P	NP
Paint and wallpaper stores	P	P	NP
Package Liquor Store: provided such use is located on primary street	C	C	NP
Photography studios	P	P	NP
Retail and service establishments	P	P	NP
Sporting goods stores	P	P	NP
Stationery and card stores	P	P	NP
Television, radio and stereo sales and service	P	P	NP

Table

**PERMITTED USES IN THE MIXED-USE NEIGHBORHOOD CENTER (MU/NC) DISTRICT**

P=- PERMITTED BY RIGHT

C = CONDITIONAL USES

NP= NOT PERMITTED

	Toy stores	P	P	NP
<b>Lodging Accommodations</b>				
	Hotels	C	C	NP
<b>Institutional</b>				
	Museums and art galleries	P	P	P
	Places of Public Assembly, <del>10,000 sf minimum site area, on arterial or collector roadway, located in single, stand alone building, must meet parking requirements.</del>	C	C	P
	Utility facilities, light, public and private	P	P	P
<b>Recreation and Open Space</b> (Private and Public)				
	Billiard and poolrooms	P	P	NP
	Movie <u>and live performance</u> theaters	P	P	NP
	Public parks and playgrounds, plazas, squares	P	P	P
	Skating rinks, roller or ice	P	P	NP
	Tennis and racquetball courts (indoor)	P	P	NP
	Urban market gardens	P	P	NP

P=- PERMITTED BY RIGHT

C = CONDITIONAL USES

NP= NOT PERMITTED

Notes:

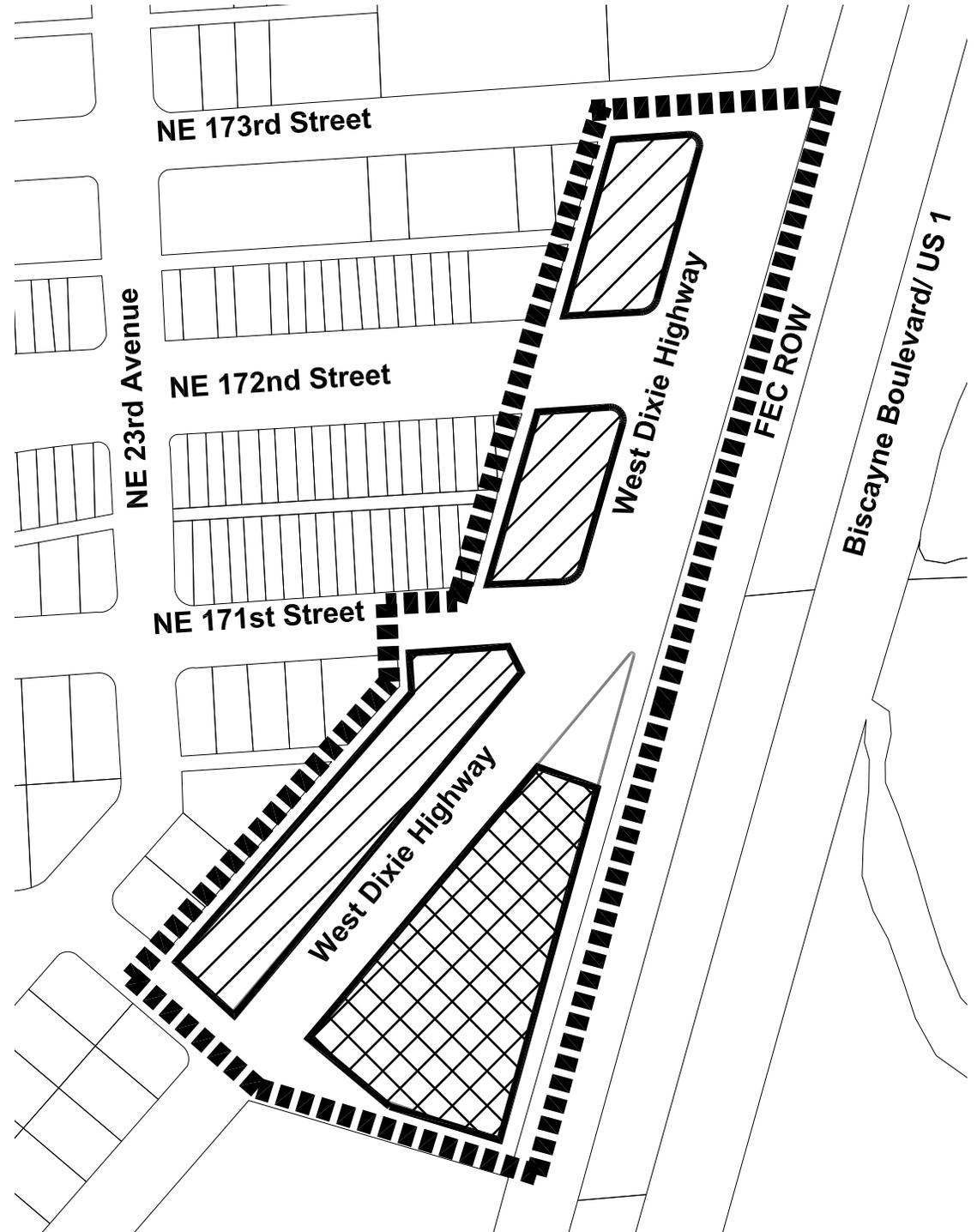


FIGURE X - 1:  
SUB-AREAS REGULATING PLAN

-  CORE SUB-AREA
-  TRANSITION SUB-AREA
-  DISTRICT BOUNDARY

FIGURE X - 2:  
STREET NETWORK CONNECTIVITY  
REGULATING PLAN

-  EXISTING PRIMARY STREET
-  EXISTING SECONDARY STREET
-  EXISTING TERTIARY STREET TO BE VACATED (FOR ASSEMBLY OF PARCELS ONLY)
-  EXISTING ALLEY
-  NEW ALLEY
-  DISTRICT BOUNDARY

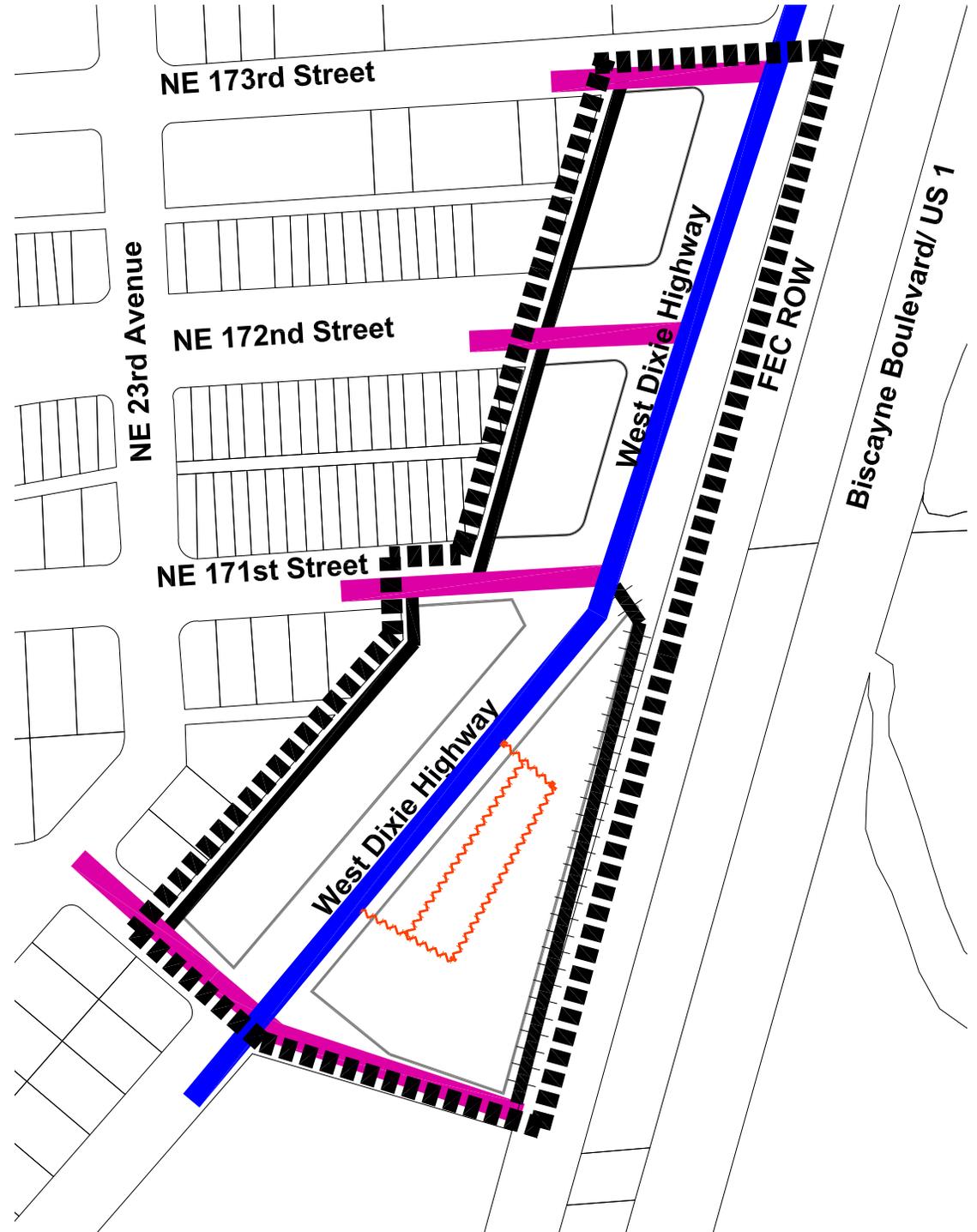
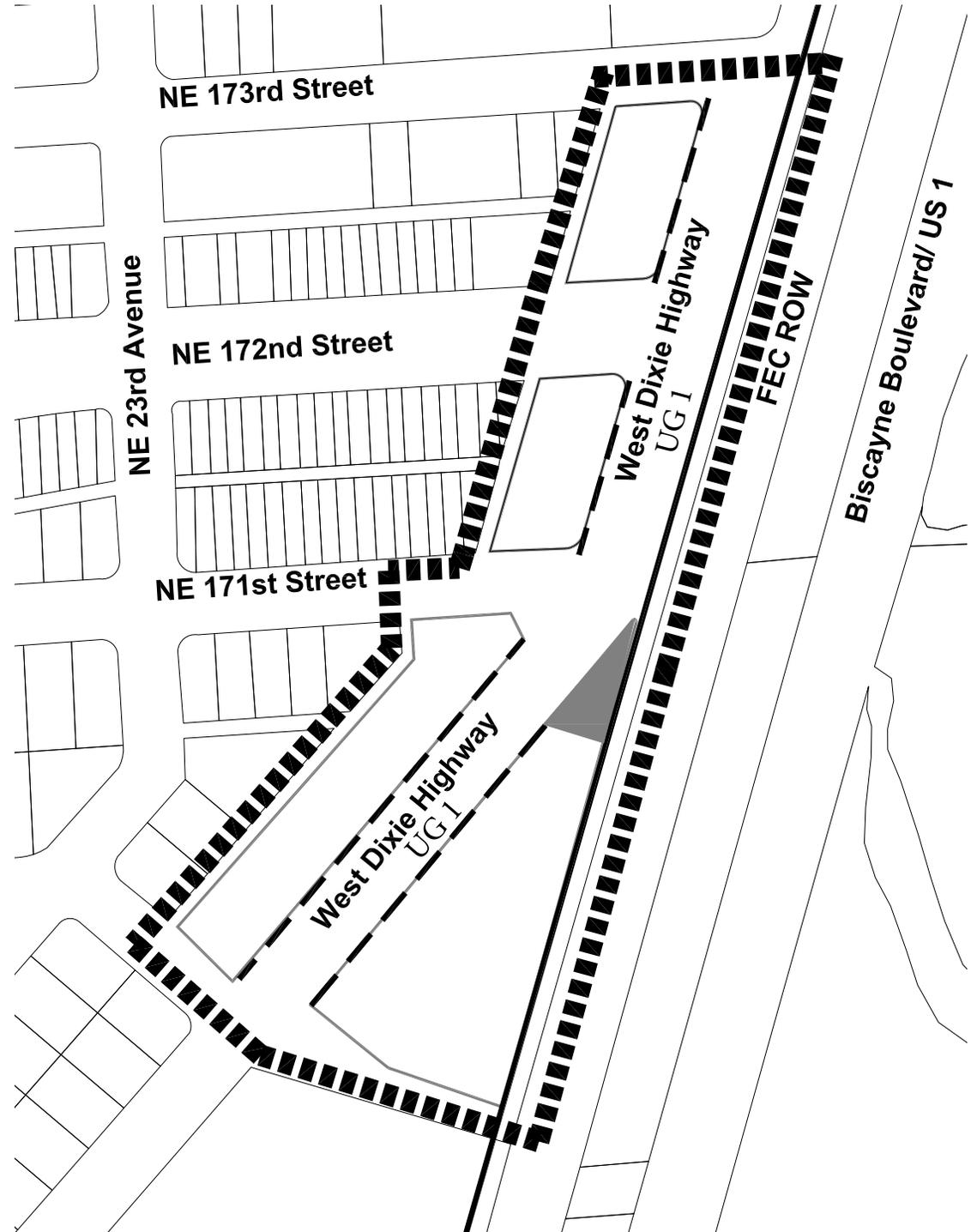


FIGURE X - 3:  
DESIGNATED OPEN SPACES AND GREENWAY SYSTEMS  
REGULATING PLAN

-  NEW DESIGNATED OPEN SPACE
-  DESIGNATED URBAN GREENWAY
-  DESIGNATED TRAIL
-  DISTRICT BOUNDARY



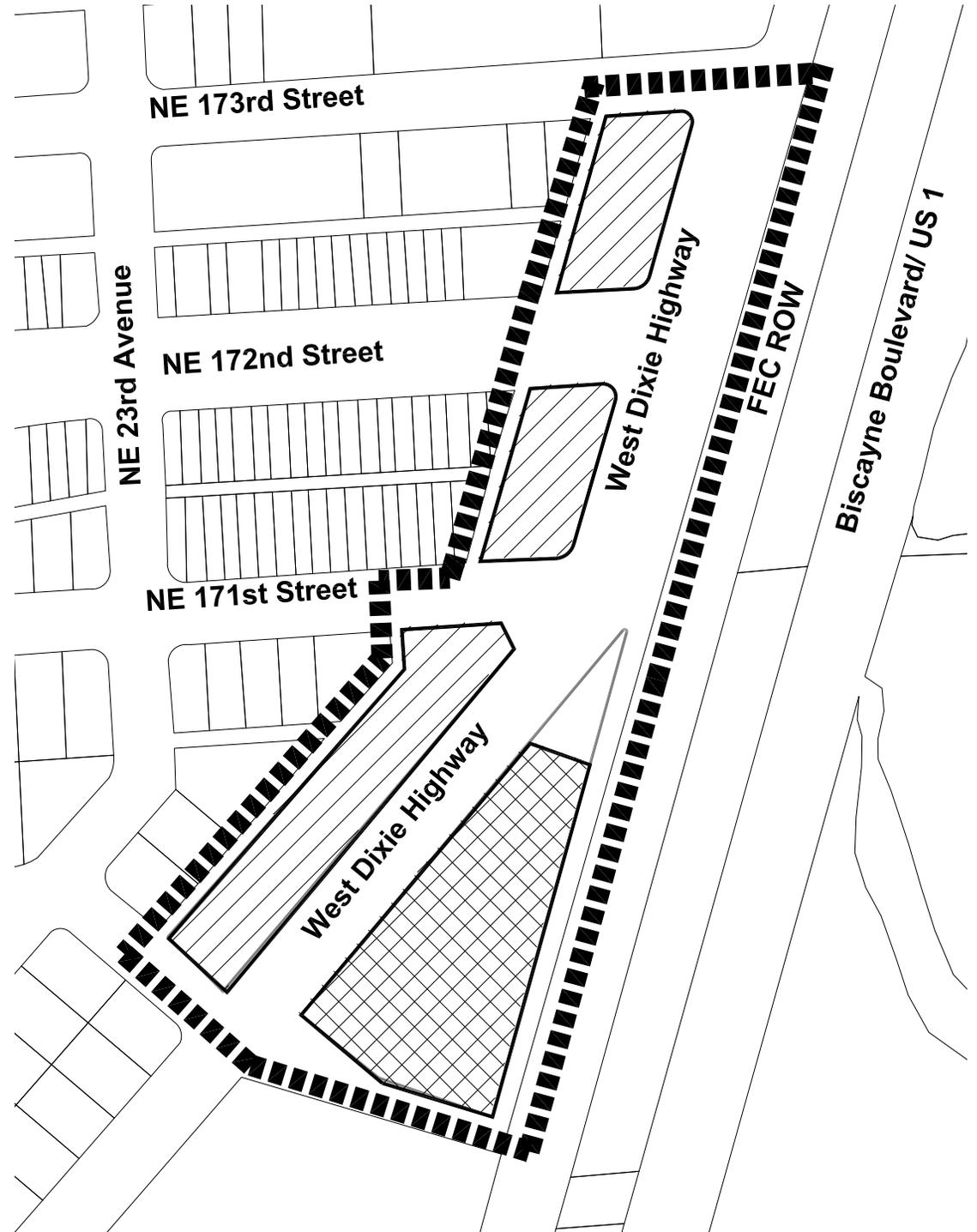
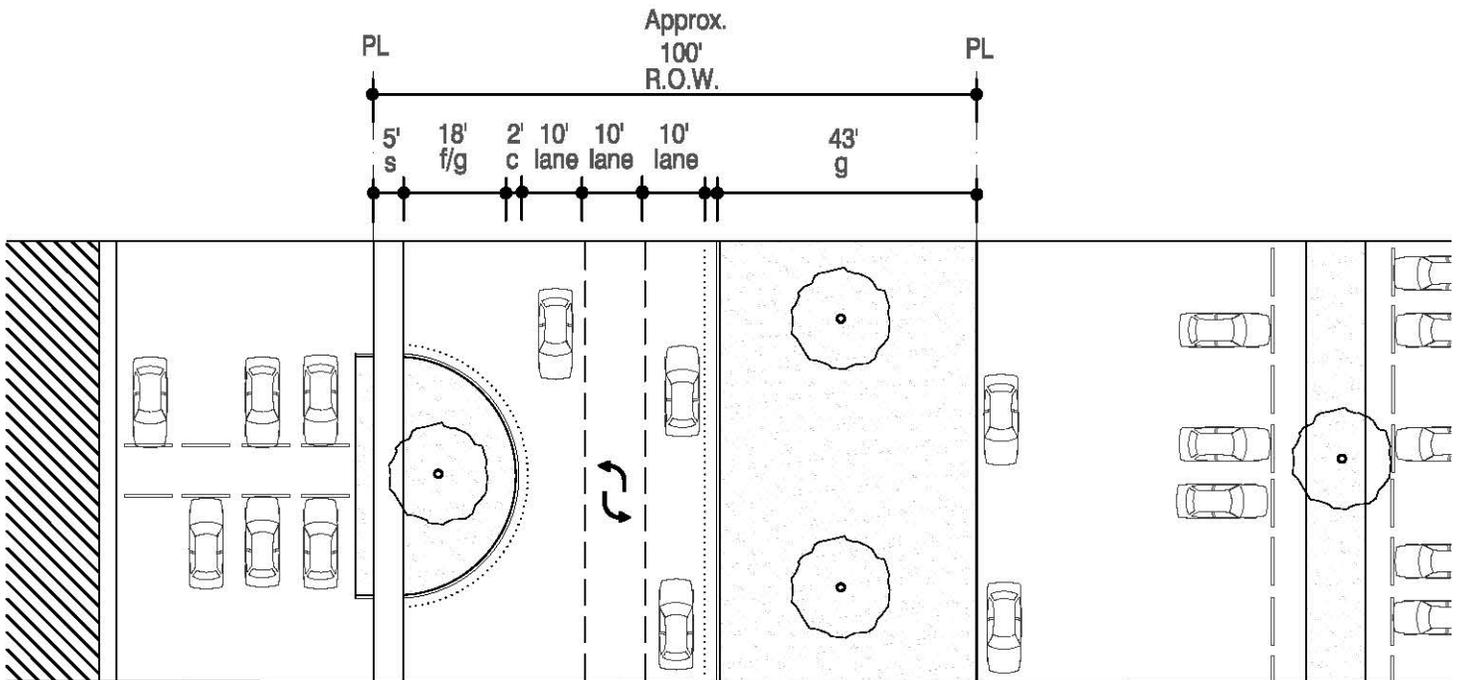
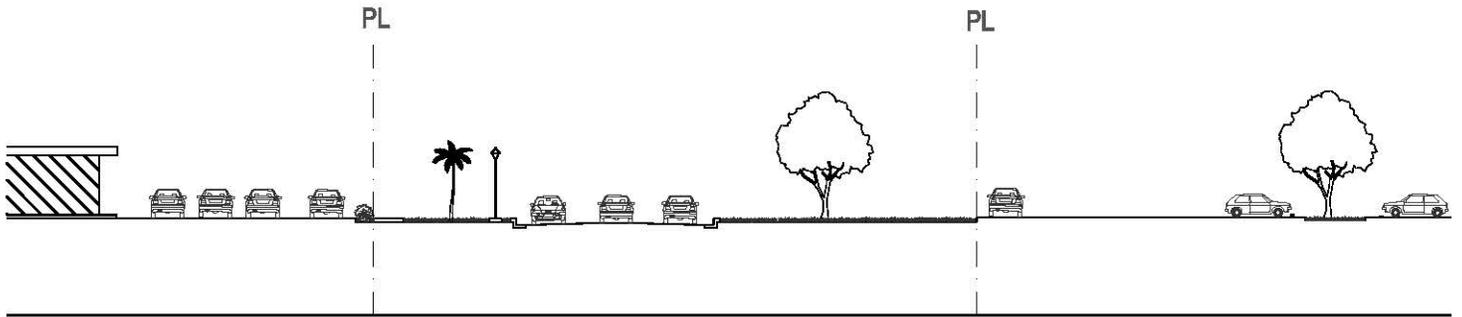


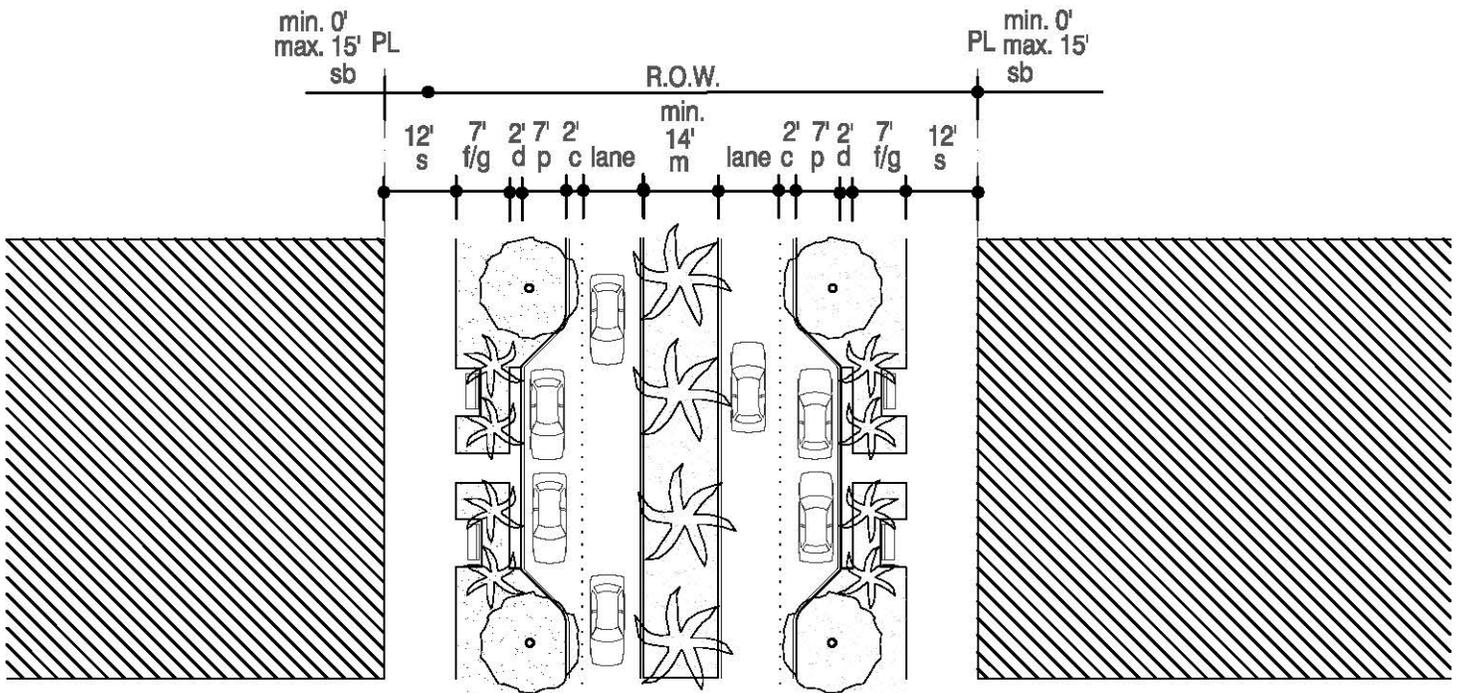
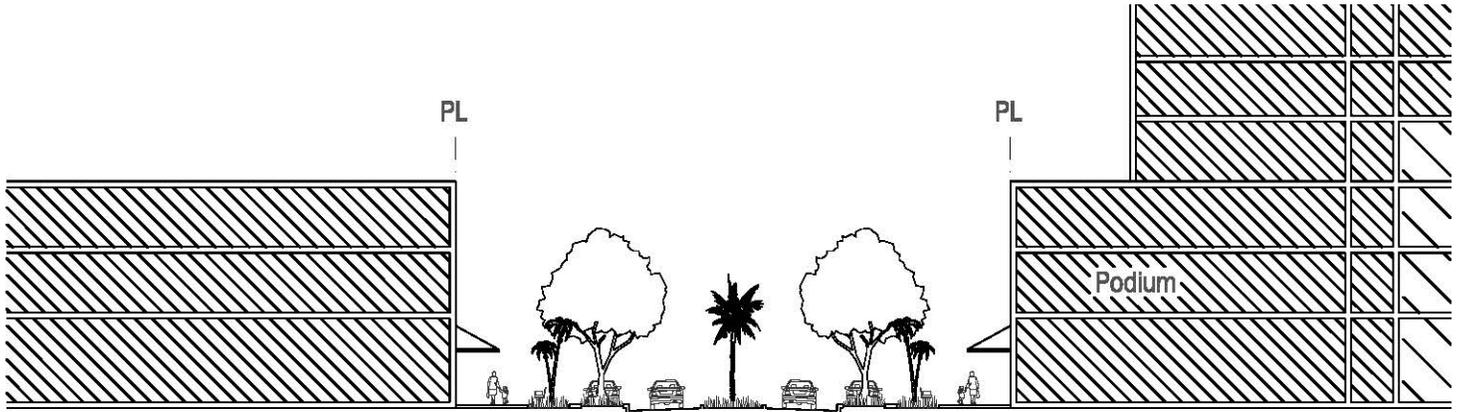
FIGURE X - 4:  
BUILDING HEIGHTS REGULATING PLAN

-  MAXIMUM 15 STORIES/195 FEET
-  MAXIMUM 4 STORIES/48 FEET
-  DISTRICT BOUNDARY



## UG: West Dixie Hwy: South of 170th Street

Existing  
Approx. 100' ROW



## UG: West Dixie Hwy: South of 170th Street

Proposed

**Key:**

- ug: Urban Greenway
- sb: Setback
- f/g: Furnishings/green area
- s: Sidewalk
- g: Landscape Strip/tree grates
- c: Curb and gutter
- p: Parking
- d: Door zone
- min: Minimum

## Sec. 24-58.4 Arch Creek Mixed-use Corridor District (MU/C)

### (A) Purpose and Intent

The purpose of these regulations is to implement policies that guide the design of development within the Arch Creek Mixed-use Corridor District (MU/C). The intent is to support a balanced mix of land uses characterized by compactness, pedestrian friendly design, neighborhood-scale and framed by architecture and landscape design appropriate to local history and the natural environment. Development patterns shall generally reflect planning and design principles such as walkable neighborhoods oriented around the five-minute walk, primary orientation towards public transit systems, a centrally located community-serving land use or land uses and greater integration of housing, employment, shopping and recreation at the neighborhood level. This purpose will be fulfilled by:

- (1) Ensuring high quality, architecturally compatible, consistently landscaped development throughout the District;
- (2) Stimulating neighborhood commercial and retail activities;
- (3) Ensuring that new development or redevelopment projects enhance the visual character of Biscayne Boulevard in terms of massing and scale;
- (4) Encouraging the development of pleasant shopping areas with attractive pedestrian spaces;
- (5) Encouraging people to reside in the District; and
- (7) Encouraging new publically accessible open spaces.

### (B) District Boundaries

The development standards shall be utilized for properties located within the Arch Creek Mixed-use Corridor District (MU/C).

### (C) Administration

In order to maintain predictability in development, Planned Unit Developments (PUDs) shall be prohibited. Variances from the dimensional requirements or waivers from any other criterion may be approved by the applicable review board for projects, provided that the applicant meets the standards pertaining to such variance or waiver. The applicable board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Director of the Community Development Department or his/her designee in the enforcement of these development regulations.

### (D) General Development Standards

- (1) In addition to the standards contained herein, **Section 24-58 Mixed-Use (MU) district standards shall be applicable to development within the Arch Creek Mixed-use Corridor District (MU/C). The Supplemental Regulations contained in Articles IV, VI, VIII, IX, X, XI, XII, XIII, and XIV shall also apply, except as modified herein and may be further modified by the City Manager or his/her designee to meet the purpose and intent of the Arch Creek Mixed-use Corridor District (MU/C).**
- (2) The provisions of the MU/C code, when in conflict, shall take precedence over the existing zoning and land development regulations.
- (3) The provisions of the building code, when in conflict, shall take precedence over the provisions of the MU/C code.
- (4) Existing buildings may be destroyed or removed, however they must be replaced according to the MU/C regulations. Existing buildings may not be destroyed or removed unless they are to be replaced according to MU/C regulations and only

after a building permit is issued.

- (5) Existing buildings and uses within the MU/C area, which are legally established but do not conform to provisions of the MU/C regulations as of the effective date of these regulations shall be considered nonconforming and may not be replaced, restored, or modified, except in conformity with the regulation for nonconformities contained in Article IV of this chapter. When a nonconforming structure is destroyed by windstorm, flood, or nature disaster, it may be replaced by a new structure of the same or lesser size, and reoccupied by the same use, if construction of such structure is commenced within 18 months of destruction.
- (6) Proposed development with site plan approved under the previous zoning regulations shall commence construction within the time frame allotted in the development order or site plan approval letter. If commencement of construction does not occur within the allotted time frame, the site plan approval shall automatically expire without further action by the City.

#### **(E) Regulating Plans and Diagrams**

The MU/C is governed by a series of regulating plans and diagrams. The Regulating Plans and Diagrams demonstrate MU/C development standards in both words and diagrams, and include maps designating the locations where the various standards apply. Unless otherwise noted, all development shall be in compliance with the Regulating Plans and Diagrams contained herein and with the Building Typology and Placement Regulating Diagrams in Section 24-58 Mixed-Use (MU) district. The Regulating Plans and Diagrams for the MU/C include the following:

- (1) The Sub-areas Regulating Plan, which divides the MU/C into three Sub-areas: Core, Transition and Edge. The highest density and intensity within the MU/C shall be allocated to the Core Sub-area, a mixed-use area in the heart of the district. The densities and intensities shall then gradually decrease from the Core to the Transition Sub-area where mixed-uses are still permitted and then further decrease to the Edge Sub-area which is characterized by single uses, including low density residential adjacent to existing low density residential. The Sub-areas Regulating Plan is shown in Figure X - 1.
- (2) The Street Network Connectivity Regulating Plan, which shows the location of existing and the required new streets needed to create the prescribed network of streets within the MU/C. This Plan also establishes the hierarchy of the streets as shown in Figure X - 2.
- (3) The Designated Publically Accessible Open Spaces and Urban Greenway Systems Regulating Plan, which designates the approximate location of the required publically accessible open spaces and urban greenway system as shown in Figure X - 3.
- (4) The Building Heights Regulating Plan, which establishes the maximum building height as shown in Figure X - 4.

#### **Insert Regulating Plans**

#### **(F) Sub-Areas Regulating Plan**

All new and existing development shall review first their location within the Sub-Areas Regulating Plan as shown in Figure X - 1.

#### **(G) Permitted Uses**

- (1) Land Use Principles.
  - a. The MU/C District shall be developed as an identifiable place and shall act as an important center for living, working, shopping and entertainment.

The mix of uses within the District, the streets and the architectural character of individual buildings shall blend together to contribute to a coherent identity and sense of place.

- b. The MU/C District is anticipated to have a mix of intense non-residential uses, such as big box retail establishments and office park style developments, and higher density residential uses that are both vertically and horizontally integrated. Compatibility of adjacent uses shall be addressed through building and site design elements. Service and/or non-active use areas associated with new intense non-residential uses shall be fully enclosed and concealed from the view of the residential use. Entrances for the non-residential uses shall be kept separate from the entrance to the residential use. Noise shall also be addressed through the use of appropriate sound barriers in the building construction.
- c. Along NE 20<sup>th</sup> Place only, south of NE 140<sup>th</sup> Street, all levels of the portion of the buildings fronting NE 20<sup>th</sup> Place shall be limited to residential uses.
- d. Along all other streets and on all levels, both non-residential and residential uses shall be permitted.
- e. Where a proposed development is adjacent to the Highland Village Neighborhood, the proposed development shall:
  - i. Create a 50 foot wide landscaped buffer within the proposed project property along the property line, between the proposed development and the adjacent Highland Village Neighborhood. The landscaped buffer shall not contain any structures, driveways, or roads, except sidewalks, bike paths, transit shelters or similar; and
  - ii. There shall be a Transitional Area adjacent to the single family property. The Transitional Area shall include the 50 foot wide landscaped buffer. The Transitional Area shall extend for the length of the portion of the proposed development that lies adjacent to and directly faces the adjacent Highland Village Neighborhood. The depth of the Transitional Area shall be as specified in the Building Heights Regulating Plan. Any road, canal, waterway, park or alley between the adjacent single family property and the proposed development, or within the Transitional Area of the proposed development, shall be counted toward the depth necessary to comply with this section.

The Transitional Area shall be developed as follows:

- 1. The height of the proposed development adjacent to the Highland Village Neighborhood shall be as specified in the Building Heights Regulating Plan **Figure X - 4.**
  - 2. Within the first 150 feet of the Transitional Area, the proposed development shall be limited to residential uses.
  - 3. All or part of the Transitional Area may be developed as landscaped open space and/or recreational uses.
- (2) Permitted Use **Table X - 1** includes the principal uses permitted in the MU/C along with any required restrictions on such uses, for each of the sub-areas. Principal uses not included in **Table X - 1** are not permitted in the MU/C. Principal uses in the MU/C shall be subject to the use-specific standards as provided for in **Article VIII** unless modified herein.

[Insert Permitted Use Table](#)

#### **(H) Street Network Connectivity Regulating Plan and Street Standards**

**Figure X - 2** shows the location of existing and required new streets needed to create the

prescribed network of streets within the MU/C. This plan also establishes the hierarchy of the streets within the district. The street standards specified in Section 24-58 (J) Mixed-use District shall apply except as modified herein:

- (1) All streets shall be located according to the Street Network Connectivity Regulating Plan for the MU/C.
- (2) All Primary and Existing Secondary Streets shall be required in the same general location as shown on the Street Network Connectivity Regulating Plan and may be modified with respect to alignment. No Primary and Existing Secondary Streets shall be deleted or otherwise vacated or removed.
- (3) New Secondary Streets shown on the Street Network Connectivity Regulating Plan are encouraged to promote connectivity and establish a block system within the district. New Secondary streets may be modified or deleted for the purpose of assembling parcels for development provided the block pattern conforms to block length requirements.
- (4) Existing Tertiary Streets shown on the Street Network Connectivity Regulating Plan may be deleted for the purpose of assembling parcels for development provided the block pattern conforms to block length requirements.

**(I) Designated Publically Accessible Open Spaces and Urban Greenway Systems Regulating Plan**

The designated public urban greenways system shall be the following type as shown in the Designated Publically Accessible Open Spaces and Urban Greenways Systems Regulating Plan (Figure X - 3).

- (1) Greenway Type
  - a. Type UG 1: Along NE 20<sup>th</sup> Place North of NE 140<sup>th</sup> Street (Figure X - 5)
    - i. The minimum width of the urban greenways shall be 15 feet.
    - ii. A minimum of 20 percent of the urban greenway shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
    - iii. Tree grates a minimum of five (5) feet by five (5) feet may be utilized in place of the required landscape strip.

Insert Greenway Section
  - b. Type UG 2: Along NE 20<sup>th</sup> Place South of NE 140<sup>th</sup> Street (Figure X - 5)
    - iv. The minimum width of the urban greenways shall be 15 feet.
    - v. A minimum of 60 percent of the length of the portion of the urban greenway within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
    - vi. Tree grates shall not be utilized in place of the required landscape strip.

Insert Greenway Section
- (2) The designated public urban greenways system shall be designed to enhance the visual character of specific streets along the urban greenways and ensure pedestrian connectivity by:
  - a. Providing tree species that provide continuous shade for a minimum of 70 percent of the frontage along the urban greenways. Palm trees alone are not acceptable and the maximum spacing of the shade trees shall be 30 feet on center.
  - b. Providing street furnishings such as benches, trash receptacles, bike racks, drinking water fountains, etc.
  - c. Providing a landscape plan illustrating a coherent design with significant tree species along the urban greenways that are distinguishably different from the other streets along the property in terms of color, type and shape.
  - d. No plant material other than trees shall be higher than 24 inches within the urban greenway.

e. Tree specifications shall be as per Section 24-58 (L).

**(J) Building Heights Regulating Plan and Additional Height Standards**

All new and existing development shall comply with the standards found within the Building Heights Regulating Plan as shown in (Figure X – 4). Table X - 2 provides a summary of the heights per sub-area, however, since maximum building heights vary within the sub-areas and are dependent on location, the Building Height Regulating Plan shall be referred to.

<b>Table X - 2 Maximum Permitted Height (1)</b>	
<b>Area</b>	<b>Maximum Permitted Height</b>
<u>Core Sub-Area</u>	15 stories/195 feet(2)
<u>Transition Sub-Area</u>	8 stories/110 feet
<u>Edge Sub-Area</u>	3 stories/35 feet
<u>Notes:</u>	
(1) <u>Height has been rounded up to allow for additional space for mechanical equipment and the measurement of the roof. Measurement of stories is regulated in Section 24-58 Mixed-use District.</u>	
(2) <u>Buildings higher than 8 stories shall only be developed per the Tower building Type standards.</u>	

**(K) Building Typology and Dimensional Standards**

(1) Building Typologies

All new buildings shall conform to one of the permitted building typologies as demonstrated in the Building Typology and Placement Regulating Diagrams in Section 24-58 Mixed-use District. The diagrams provide a schematic representation of the various building typologies and demonstrate the required setbacks, lot standards, and profiles of structures. Existing buildings which do not fit a prescribed typology, shall follow the standards required for the Flex building typology. Not all building typologies are permitted in each Mixed-use district. The building typologies permitted in the MU/C and their allowable sub-area locations are listed below in Table X - 3:

<b>Building Typology</b>	<b>Core</b>	<b>Transition</b>	<b>Edge</b>
<u>Tower</u>	<u>Yes</u>	<u>No</u>	<u>No</u>
<u>Liner</u>	<u>Yes</u>	<u>No</u>	<u>No</u>
<u>Courtyard Building</u>	<u>Yes</u>	<u>No</u>	<u>No</u>
<u>Flex</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Townhouse Type 1</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>
<u>Townhouse Type 2</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Zero Lot Line (Courtyard House)</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>
<u>Zero Lot Line</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>

(Sideyard House)			
Single Family Detached	No	No	No

(2) Setbacks and Building Frontage.

a. Front and Street Side Setbacks and Building Frontage. Front and Street Side setbacks are determined based on the street the building fronts. **Table X - 4** lists the minimum required front and street side setbacks and building frontage per street type. The interior side and rear setbacks as well as the lot standards shall be as specified per building type in **Section 24-58 Mixed-use District.**

<b>Table X - 4 Minimum and Maximum Front and Street Side Setbacks and Building Frontage per Street Type (1)</b>			
<u>Street Type</u>	<u>Minimum Setback</u>	<u>Maximum Setback</u>	<u>Building Frontage</u>
Primary (Biscayne Boulevard)	15 feet	30 feet	70% (along ground floor only)
Secondary	10 feet	20 feet	90%
Tertiary	10 feet	20 feet	80%
Notes:			
(1) <u>Setbacks shall be measured from property lines.</u>			

**(L) On-site Parking Standards**

- (1) All parking within the MU/C shall comply with the Access, Circulation, Parking and Loading Standards specified in **Section 24-58 Mixed-use District.**
- (2) On-site parking shall comply with **Table X - 5.** Uses not listed herein shall comply with the parking requirements specified in **Article IX.**
- (3) Guest parking shall comply with **Table X - 5.** Guest parking shall be designated and prominently marked on-site as "Guest Parking" and shall not be restricted in any manner to use by a single tenant, owner, unit, or other user.

<b>Table X - 5 Minimum and Maximum Parking Requirements by use</b>		
	<u>Min</u>	<u>Max</u>
<b><u>Retail, restaurant or commercial</u></b>	2 per 1000sf	4 per 1000sf
<b><u>Office</u></b>	2.5 per 1000sf	4 per 1000sf
<b><u>Hotel and motel; hotel and motel, limited</u></b>	1 per 4 rooms plus 1 per 800sf for restaurant, public meeting areas; 1 per 15 rooms for staff	1 per 4 rooms plus 1 per 800sf for restaurant, public meeting areas; 1 per 15 rooms for staff

<u>Residential</u>	<u>1 per unit plus 1 per 20 units for guest parking</u>	<u>2 per unit plus 1 per 20 units for guest parking</u>
<u>Live/work</u>	<u>2 per 1000sf</u>	<u>4 per 1000sf</u>

**(M) Bicycle Racks and Bicycle Storage Standards**

Bicycle racks and storage shall be required as follows:

- (1) Bicycle racks and bicycle storage for commercial uses. Commercial developments, excluding hotel uses, shall provide:
  - a. secure bike racks and/or storage at a ratio of one bicycle parking space per every 15 required parking spaces and
  - b. a minimum of one shower and changing facility shall be provided to be available for all tenants and shall be located within the building, or within 200 feet of the building entrance, for developments greater than 50,000 square feet in gross building area.
- (2) Bicycle racks and bicycle storage for residential uses. One bicycle parking space shall be provided per every 15 required parking spaces. Required residential bicycle parking spaces shall be provided in a secured area, covered from the elements.
- (3) Mixed-use developments. Mixed-use developments shall provide secure bicycle parking spaces for both the commercial and residential components of the development as calculated separately pursuant to the requirements of this section.

**(N) Signage Standards**

Signage shall comply with the standards in Article XIII except as modified herein.

- (1) Signs affixed to the exterior of a building shall be architecturally compatible with the style, composition, materials, colors, and details of the building, as well as with other signs used on the building or its vicinity.
- (2) Signs shall fit within the existing facade features, shall be confined to signable areas, and shall not interfere with door and window openings, conceal architectural details or obscure the composition of the facade where they are located.
- (3) Whenever possible, signs located on buildings within the same block-face shall be placed at the same height in order to create a unified sign band.
- (4) Wood and painted metal are the preferred materials for under-awning, hanging signs. Flat signs should be framed with raised edges. Wood signs shall use only high-quality exterior grade wood with suitable grade finishes.
- (5) Sign colors should be compatible with the colors of the building facade. A dull or matte finish is recommended for reduction of glare and enhancement of legibility.
- (6) Signs shall be either spot- or backlit with a diffused light source. Spotlighting shall require complete shielding of all light sources, shall be contained within the sign frame, and shall not significantly spill over to other portions of the building or site. Backlighting shall illuminate the letters, characters, or graphics on the sign, but not its background. Warm fluorescent bulbs may be used to illuminate the interior of display cases. Neon signs placed inside the display case shall insure low intensity colors.
- (7) Signs shall be mounted so that the method of installation is concealed. Signs applied to masonry surfaces should be mechanically fastened to mortar joints only.

and not directly into brick or stone. Drilling to provide electrical service should also follow the same rule.

(8) Billboards are prohibited.

**(O) Development Approval Conditions**

(1) Public Services

a. Development sites greater than 150,000 sf in land area shall be required to develop and maintain in perpetuity a neighborhood park or plaza, as approximately located and shown in the Designated Publically Accessible Open Spaces and Urban Greenway Systems Regulating Plan (Figure X - 3), for the district. The new park or plaza shall be publically accessible and shall be a minimum of 15,000 sf in size.

b. The developer shall be required to provide streetscape improvements generally in accordance with the Street Network Connectivity Regulating Plan and Street Standards.

**(P) Development Permit Review Procedures.**

The following development permit review procedure will apply to this district:

(1) The review procedures set out in Article XV and Section 24-171 (Concurrency) will apply within this district.

(2) Preapplication Conference: For those development permit requests that require a Pre-Application Conference, the specific issues identified below must be reviewed by the Applicant and addressed with staff at the Preapplication Conference:

(a) Awareness of the Biscayne Landing project to the east including the environmental cleanup and potential off-site impacts, floodplain encroachment and possibility of increased flooding, connectivity and crime prevention.

(b) In addition to the submittal requirements in Article XV, the required plans submitted for review for the Pre-Application conference shall demonstrate the Applicant's general approach to comply with the requirements noted above and shown on the MU/C District's:

(1) Sub-Areas Regulating Plan

(2) Street Network and Connectivity Regulating Plan

(3) Designated Publically Accessible Open Spaces and Urban Greenways Regulating Plan

(3) Building Heights Regulating Plan

(4) Building Typology.

**PERMITTED USES IN THE MIXED-USE CORRIDOR (MU/C) DISTRICT**

P= PERMITTED BY RIGHT

C = CONDITIONAL USES

NP= NOT PERMITTED

Uses	Use Areas		
	Core	Center	Edge
<b>Residential</b>			
Residential, provided that: must be in multi-family context; <del>may be on second floor and above on a primary street; may be on ground floor and above on Secondary Street; no density greater than 75 units per acre and less than 10 units per acre.</del>	P	P	P
Residential, Single Family: Only if a replacement of an existing SF home or new SF home on a vacant SF platted lot.	NP	NP	C
Residential, townhouses (per building typology diagram)	P	P	P
<b>Eating and Drinking Establishments</b>			
Bars and lounges provided that any such use shall not be located within 500 feet of the real property that comprises a public or private elementary school, middle school or secondary school (Pursuant to §562.45(2)(a)Florida Statutes.	P	P	NP
Barbeque restaurants, open air	C	C	NP
Restaurants including fast food, excluding drive through, including outdoor dining	P	P	NP
Restaurant fast food with drive through provided drive through is inside parking garage	C	C	NP
<b>General Business</b>			
Banks and financial institutions, excluding drive-through.	P	P	NP
Daycare Center provided use is not on primary street	C	C	C
Hardware stores	P	P	NP
Land developers and building contractors ( <del>no outdoor storage</del> )	P	P	P
Night clubs and discotheques (Ord. No. 2006-1 §12, 12/21/2006)	C	C	NP
Parking garages <u>as principal use, provided that parked vehicles shall not be visible from surrounding properties or public street rights-of-way and structure shall be well landscaped.</u>	C	C	NP
Surface Parking Lot as Principle Use, CRA or City owned and operated only	P	P	NP

Table

**PERMITTED USES IN THE MIXED-USE CORRIDOR (MU/C) DISTRICT**

**P= PERMITTED BY RIGHT      C = CONDITIONAL USES      NP= NOT PERMITTED**

	Talent Agency	P	P	P
	Tobacco shops and electronic cigarettes (Vapor Lounge)	P	P	NP
	Travel Agencies	P	P	P
	Vocational schools and Trade: Airline, Business, Cosmetology, Secretarial and similar.	P	P	NP
	Watch and clock repair shops	P	P	NP
<b>Office</b>				
	Abstract and title offices	P	P	P
	Advertising agency	P	P	P
	Brokerage Services: Stocks, commodities, real estate mortgages, businesses, yachts (no on-site display)	P	P	P
	Business Management Consultants	P	P	P
	Doctors, dentists, chiropractors, optometrists, psychologists, and similar licensed medical professionals, excluding veterinarians, drug/alcohol and violent/dangerous	P	P	P
	Family and marriage counselors	P	P	P
	Insurance agencies	P	P	P
	Investigative services	P	P	P
	Investment counselors, excluding brokerage offices	P	P	P
	Professional Services: Accountants, architects, auditors, appraisers, city planners, economists, engineers, lawyers, psychologists, psychiatrists and licensed medical and dental practitioners and health related services	P	P	P
	Public Relations Agencies	P	P	P
	Secretarial and stenography services	P	P	P
<b>Retail/Personal Services</b>				
	Barber, beauty and skin care shops	P	P	NP
	Health and exercise studios including martial arts	P	P	NP
	Studio schools: Art, dance, music, drama, sculpture and similar instruction	P	P	NP
	Tailors and seamstresses	P	P	NP
<b>Retail/Retail Services</b>				
	Antique shops, collectibles and vintage	P	P	NP

Table

**PERMITTED USES IN THE MIXED-USE CORRIDOR (MU/C) DISTRICT**

**P= PERMITTED BY RIGHT**

**C = CONDITIONAL USES**

**NP= NOT PERMITTED**

Apparel Shops: Men's, Women's and Children's			
Art & Supplies and galleries	P	P	NP
Bake Shops	P	P	NP
Beer and Wine Shops	P	P	NP
Bicycle sales, rental, service and repair	P	P	NP
Blueprinting services	P	P	NP
Bookstores	P	P	NP
Camera and photographic supply store	P	P	NP
Convenience store	P	P	NP
Copying services	P	P	NP
Delicatessens	P	P	NP
Department stores	P	P	NP
Drugstore	P	P	NP
Flooring and carpeting stores	P	P	NP
Florists	P	P	NP
Food stores, Supermarkets and specialty markets	P	P	NP
Furniture and home furnishings	P	P	NP
Garden supply stores	P	P	NP
Gift, novelty and souvenir shops	P	P	NP
Hobby and handicraft shops	P	P	NP
Jewelry stores	P	P	NP
Leather goods and luggage stores	P	P	NP
Lighting fixture stores	P	P	NP
Music and record, video stores	P	P	NP
News stands	P	P	NP
Office Supply Stores	P	P	NP
Optical stores	P	P	NP
Paint and wallpaper stores	P	P	NP
Package Liquor Store: provided such use is located on primary street	C	C	NP
Photography studios	P	P	NP
Retail and service establishments	P	P	NP
Sporting goods stores	P	P	NP
Stationery and card stores	P	P	NP
Television, radio and stereo sales and service	P	P	NP

Table

**PERMITTED USES IN THE MIXED-USE CORRIDOR (MU/C) DISTRICT**

**P= PERMITTED BY RIGHT**

**C = CONDITIONAL USES**

**NP= NOT PERMITTED**

	Toy stores	P	P	NP
<b>Lodging Accommodations</b>				
	Hotels	C	C	NP
<b>Institutional</b>				
	Museums and art galleries	P	P	P
	Places of Public Assembly, <del>10,000-sf minimum site area, on arterial or collector roadway, located in single, stand-alone building, must meet parking requirements.</del>	C	C	P
	Utility facilities, light, public and private	P	P	P
<b>Recreation and Open Space</b> (Private and Public)				
	Billiard and poolrooms	P	P	NP
	Movie <del>and live performance</del> theaters	P	P	NP
	Public parks and playgrounds, plazas, squares	P	P	P
	Skating rinks, roller or ice	P	P	NP
	Tennis and racquetball courts (indoor)	P	P	NP
	Urban market gardens	P	P	NP

**P= PERMITTED BY RIGHT**

**C = CONDITIONAL USES**

**NP= NOT PERMITTED**

Notes:

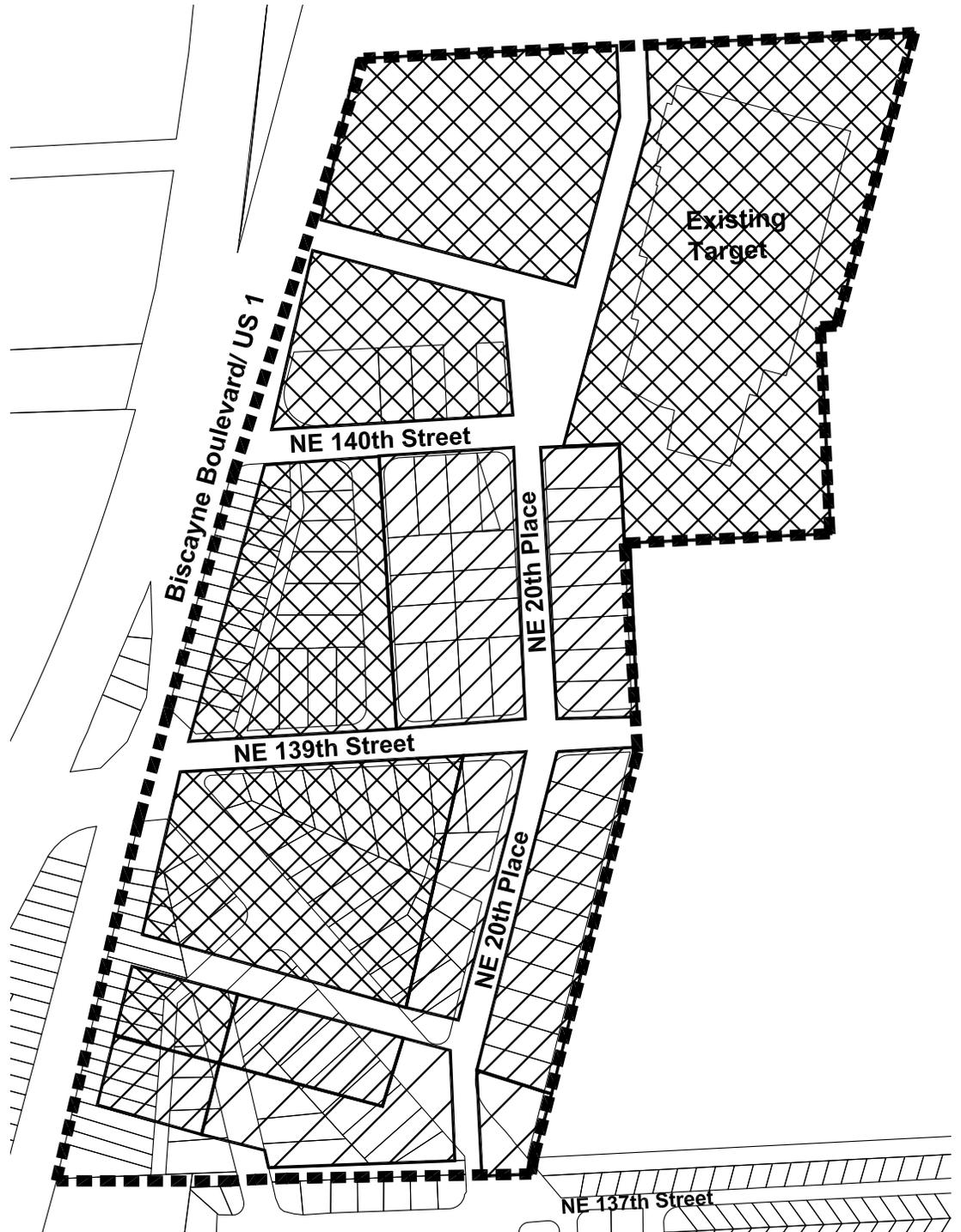
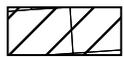
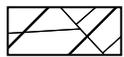


FIGURE X - 1:  
SUB-AREAS REGULATING PLAN

-  CORE SUB-AREA
-  TRANSITION SUB-AREA
-  EDGE SUB-AREA
-  DISTRICT BOUNDARY

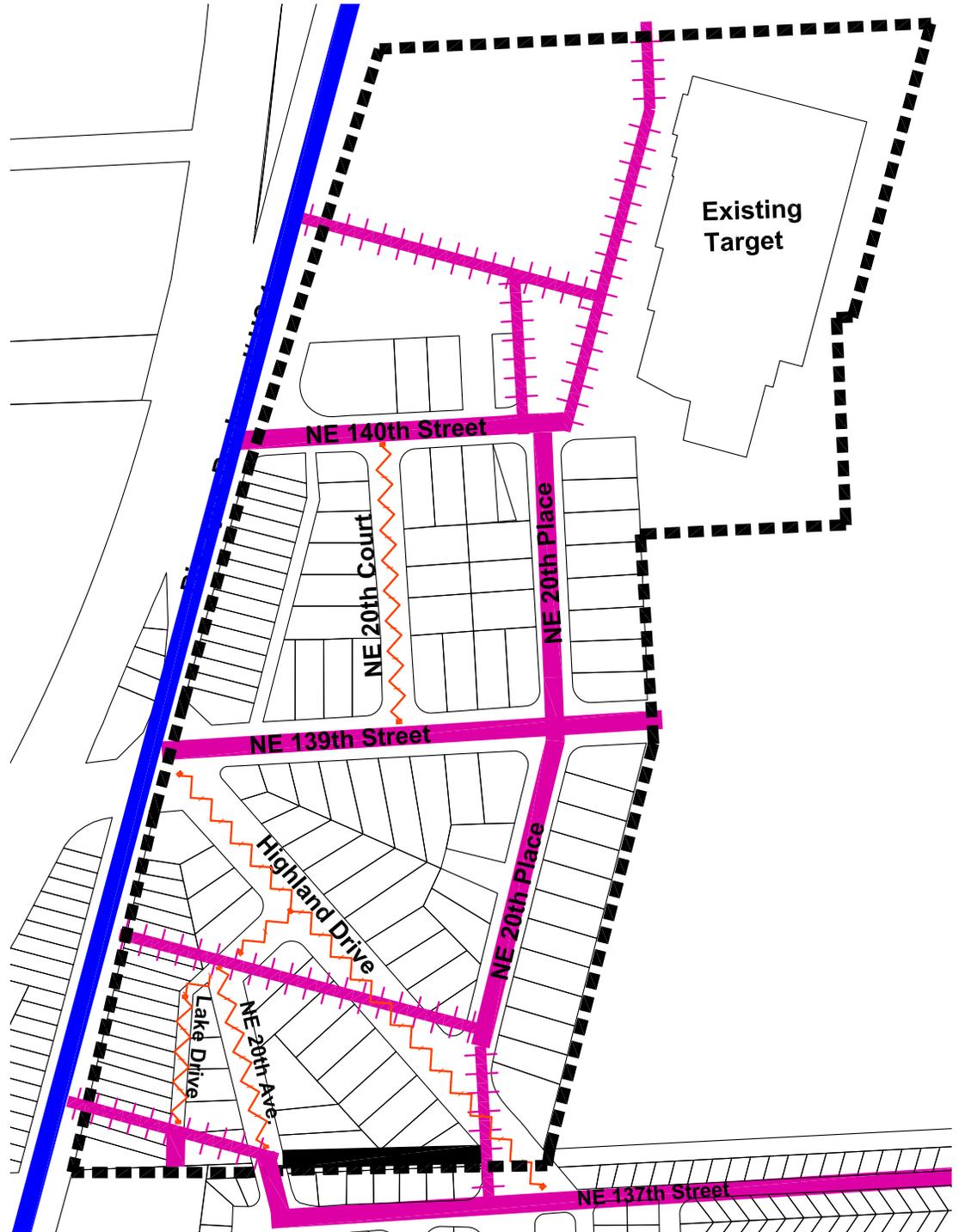


FIGURE X - 2:  
STREET NETWORK CONNECTIVITY  
REGULATING PLAN

-  EXISTING PRIMARY A STREET
-  EXISTING SECONDARY STREET
-  NEW SECONDARY STREET
-  EXISTING TERTIARY STREET TO BE VACATED (FOR ASSEMBLY OF PARCELS ONLY)
-  EXISTING ALLEY
-  DISTRICT BOUNDARY

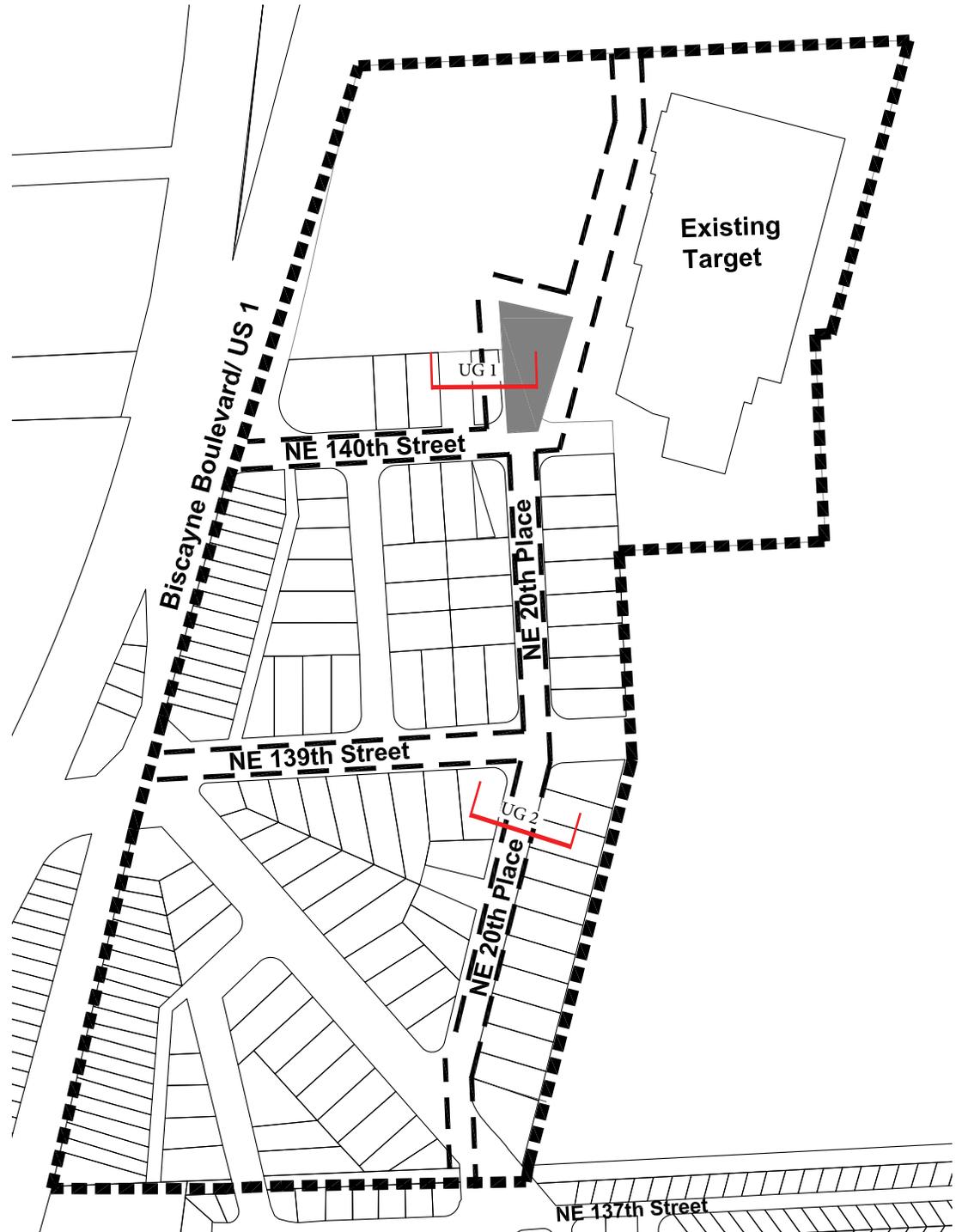


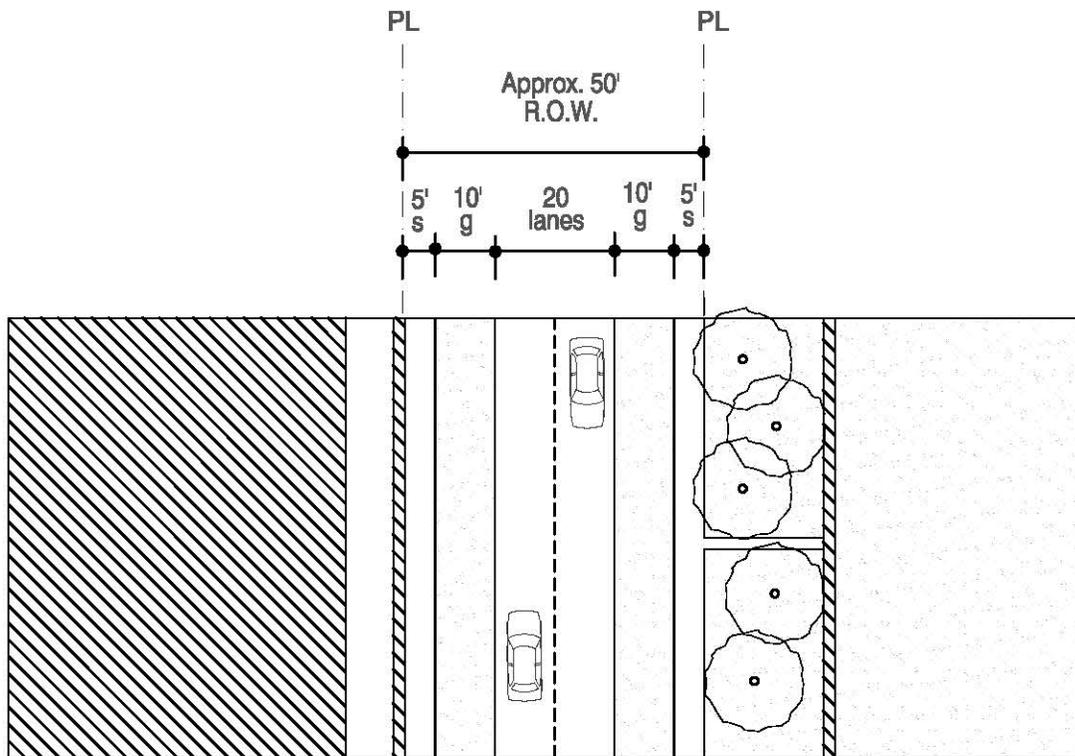
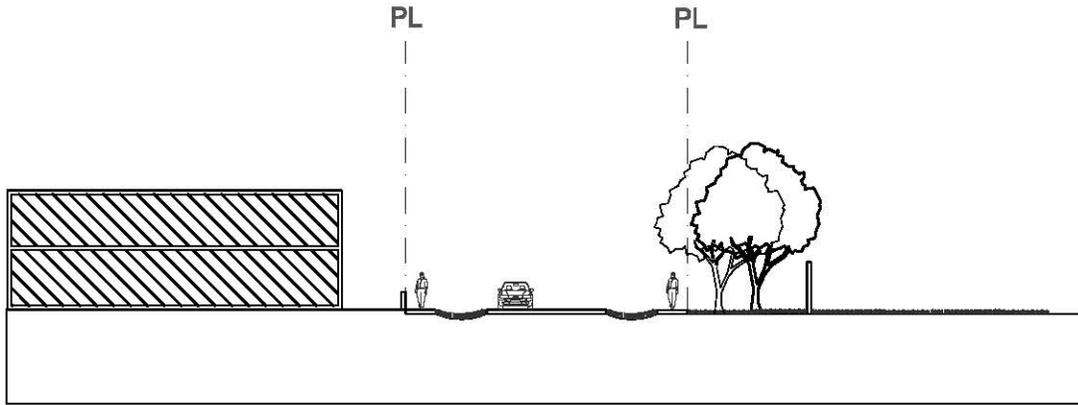
FIGURE X - 3:  
DESIGNATED OPEN SPACES AND GREENWAY SYSTEMS  
REGULATING PLAN

-  NEW DESIGNATED OPEN SPACE
-  DESIGNATED URBAN GREENWAY
-  DISTRICT BOUNDARY



FIGURE X - 4:  
BUILDING HEIGHTS REGULATING PLAN

-  MAXIMUM 15 STORIES/195 FEET
-  MAXIMUM 8 STORIES/110 FEET
-  MAXIMUM 3 STORIES/35 FEET
-  DISTRICT BOUNDARY

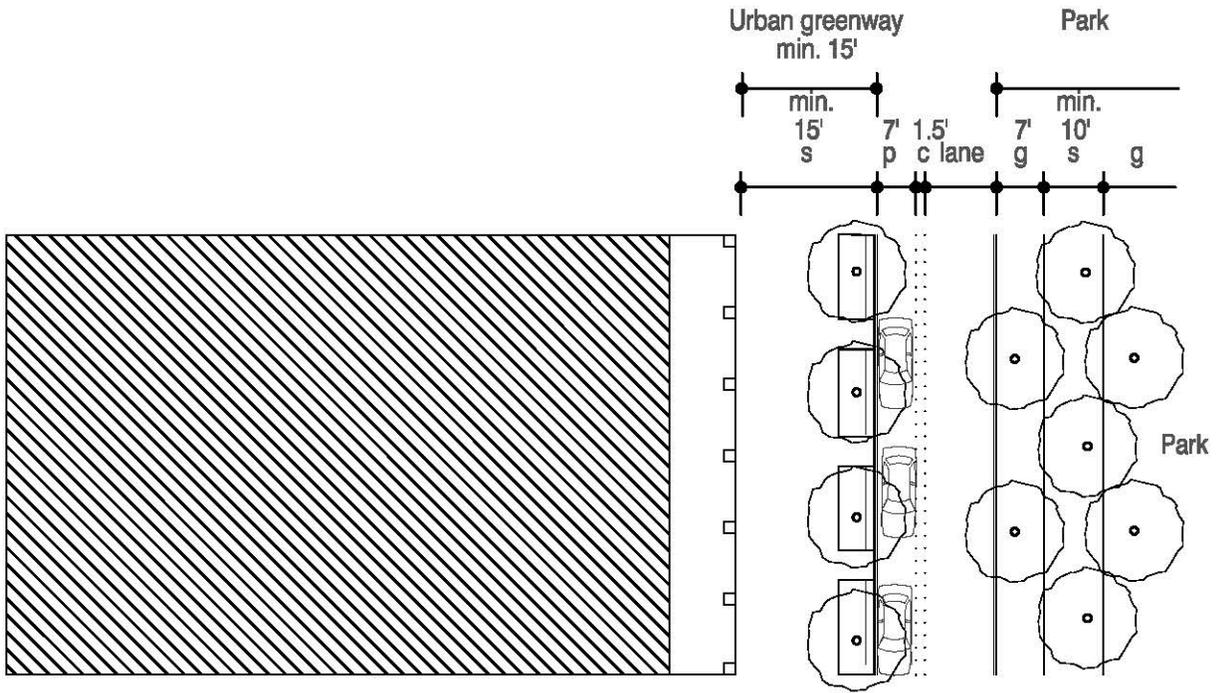
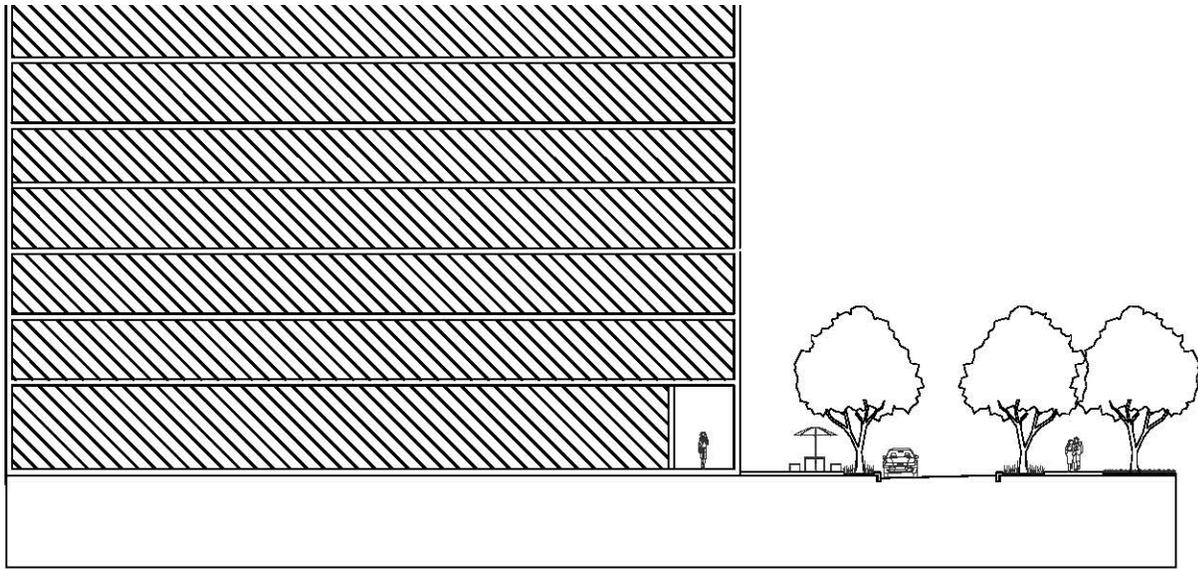


## UG: Urban Greenway

Existing  
50' ROW

Key:

- ug: Urban Greenway
- sb: Setback
- fg: Furnishings/green area
- s: Sidewalk
- g: Landscape Strip/tree grates
- c: Curb and gutter
- p: Parking
- min: Minimum
- R.O.W.: Right-of-way

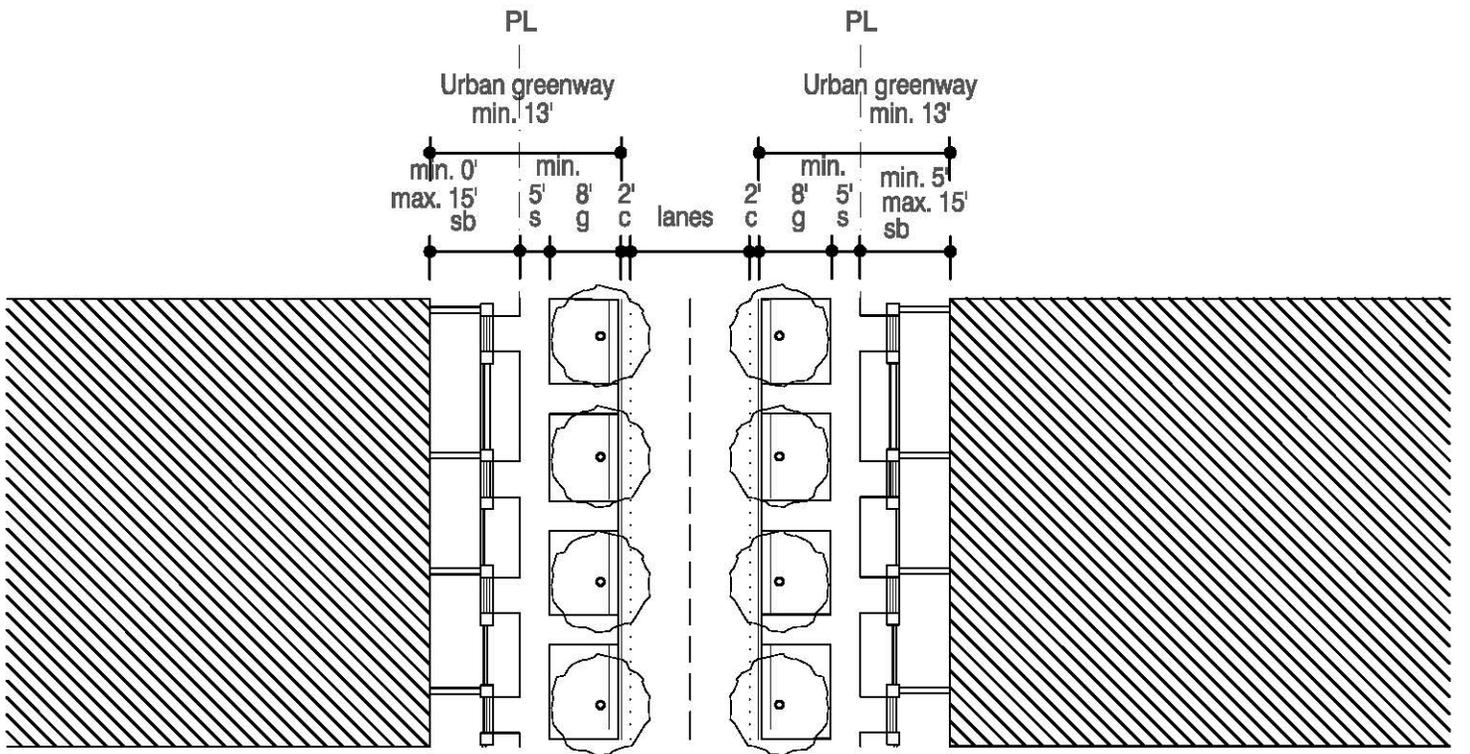
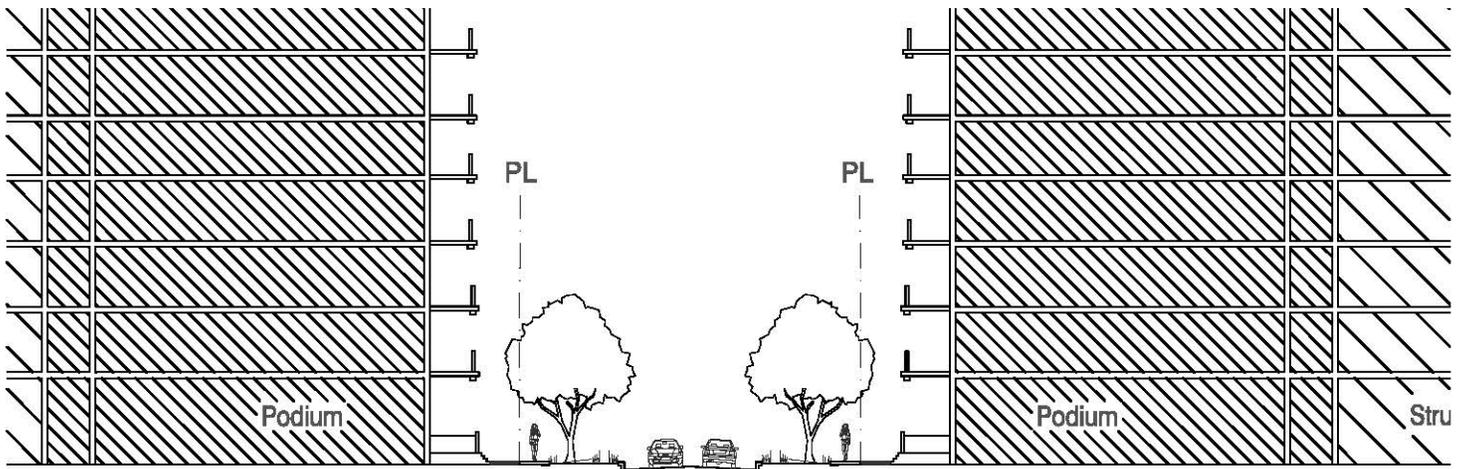


# UG1:Urban Greenway

Proposed

**Key:**

- ug: Urban Greenway
- sb: Setback
- fg: Furnishings/green area
- s: Sidewalk
- g: Landscape Strip/tree grates
- c: Curb and gutter
- p: Parking
- min: Minimum
- R.O.W.: Right-of-way



## UG2: Urban Greenway

Proposed

### Key:

- ug: Urban Greenway
- sb: Setback
- fg: Furnishings/green area
- s: Sidewalk
- g: Landscape Strip/tree grates
- c: Curb and gutter
- p: Parking
- min: Minimum
- R.O.W.: Right-of-way

## **Sec. 24-58.5 Southern Mixed-use Waterfront District (MU/WF)**

### **(A) Purpose and Intent**

The purpose of these regulations is to implement policies that guide the design of development within the SOUTHERN Mixed-use Waterfront District (SOUTHERN MU/WF). The intent of the SOUTHERN MU/WF district is to establish a Mixed-use area that provides for multi-family housing that enables residents to live on the waterfront. Providing new publically accessible open spaces as well as public access to and beautification of the waterfront are primary principals of the SOUTHERN MU/WF district. Development patterns shall generally reflect planning and design principles such as walkable neighborhoods oriented around the five minute walk. Additionally, there shall be primary orientation towards the waterfront, integration of housing, employment, shopping and recreation at the neighborhood level. This purpose will be fulfilled by:

- (1) Ensuring high quality, architecturally compatible, consistently landscaped development throughout the District;
- (2) Ensuring that new development or redevelopment projects enhance the visual character of Biscayne Boulevard in terms of massing and scale;
- (3) Stimulating neighborhood commercial and retail activities;
- (4) Encouraging people to reside in the District;
- (5) Ensuring public access to and the beautification of the waterfront;
- (6) Ensuring new publically accessible open space; and
- (7) Ensuring appropriate screening from residential views related to the electrical substation.

### **(B) District Boundaries**

The development standards shall be utilized for properties located within the SOUTHERN Mixed-use Waterfront District (SOUTHERN MU/WF).

### **(C) Administration**

In order to maintain predictability in development, Planned Unit Developments (PUDs) shall be prohibited. Variances from the dimensional requirements or waivers from any other criterion may be approved by the applicable review board for projects, provided that the applicant meets the standards pertaining to such variance or waiver. The applicable board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Director of the Community Development Department or his/her designee in the enforcement of these development regulations.

### **(D) General Development Standards**

- (1) In addition to the standards contained herein, **Section 24-58 Mixed-Use (MU) district** standards shall be applicable to development within the SOUTHERN Mixed-use Waterfront District (SOUTHERN MU/WF). The *Supplemental Regulations* contained in Articles IV, VI, VIII, IX, X, XI, XII, XIII, and XIV shall also apply, except as modified herein and may be further modified by the City Manager or his/her designee to meet the purpose and intent of the SOUTHERN Mixed-use Waterfront District (SOUTHERN MU/WF).
- (2) The provisions of the SOUTHERN MU/WF code, when in conflict, shall take precedence over the existing zoning and land development regulations.
- (3) The provisions of the building code, when in conflict, shall take precedence over the provisions of the SOUTHERN MU/WF code.
- (4) Existing buildings may be destroyed or removed, however they must be replaced

according to the SOUTHERN MU/WF regulations. Existing buildings may not be destroyed or removed unless they are to be replaced according to SOUTHERN MU/WF regulations and only after a building permit is issued.

- (5) Existing buildings and uses within the SOUTHERN MU/WF area, which are legally established but do not conform to provisions of the SOUTHERN MU/WF regulations as of the effective date of these regulations shall be considered nonconforming and may not be replaced, restored, or modified, except in conformity with the regulation for nonconformities contained in Article IV of this chapter. When a nonconforming structure is destroyed by windstorm, flood, or nature disaster, it may be replaced by a new structure of the same or lesser size, and reoccupied by the same use, if construction of such structure is commenced within 18 months of destruction.
- (6) Proposed development with site plan approved under the previous zoning regulations shall commence construction within the time frame allotted in the development order or site plan approval letter. If commencement of construction does not occur within the allotted time frame, the site plan approval shall automatically expire without further action by the City.

#### **(E) Regulating Plans and Diagrams**

The SOUTHERN MU/WF is governed by a series of regulating plans and diagrams. The Regulating Plans and Diagrams demonstrate SOUTHERN MU/WF development standards in both words and diagrams, and include maps designating the locations where the various standards apply. Unless otherwise noted, all development shall be in compliance with the Regulating Plans and Diagrams contained herein and with the Building Typology and Placement Regulating Diagrams in Section 24-58 Mixed-Use (MU) district. The Regulating Plans and Diagrams for the SOUTHERN MU/WF include the following:

- (1) The Street Network Connectivity Regulating Plan, which shows the location of existing and the required new streets needed to create the prescribed network of streets within the SOUTHERN MU/WF. This Plan also establishes the hierarchy of the streets as shown in Figure X - 1.
- (2) The Designated Open Spaces and Urban Greenway Systems Regulating Plan, which designates the approximate location of the required publically accessible open spaces, urban greenway system and publically accessible waterfront promenades as shown in Figure X - 2.
- (3) The Building Heights Regulating Plan, which establishes the maximum building height as shown in Figure X - 3.

#### Insert Regulating Plans

#### **(F) Permitted Uses**

- (1) Land Use Principles.
  - a. The SOUTHERN MU/WF District shall be developed as an identifiable place and shall act as an important center for living, working, shopping and entertainment. The mix of uses within the District, the streets and the architectural character of individual buildings shall blend together to contribute to a coherent identity and sense of place.
  - b. Along all streets and on all levels, both non-residential and residential uses shall be permitted.
  - c. Buildings fronting the waterfront shall be permitted to have both non-residential and residential uses and shall contain active use along all levels fronting the waterfront.
  - d. Buildings fronting Biscayne Boulevard shall contain active use along the ground floor only fronting Biscayne Boulevard.

- e. New residential or Mixed-use development adjacent to the existing electrical substation shall be designed in a manner that the adjacent electrical substation is substantially screened along the adjacent side to reasonably reduce visibility from the residential portion of the building. Walls, landscaped buffers and parking areas may be utilized to screen the electrical substation.
- (2) Permitted Use Table X - 1 includes the principal uses permitted in the SOUTHERN MU/WF along with any required restrictions on such uses, for each of the sub-areas. Principal uses not included in Table X - 1 are not permitted in the SOUTHERN MU/WF. Principal uses in the SOUTHERN MU/WF shall be subject to the use-specific standards as provided for in Article VIII unless modified herein.

Insert Permitted Use Table

**(G) Street Network Connectivity Regulating Plan and Street Standards**

Figure X - 1 shows the location of existing and required new streets needed to create the prescribed network of streets within the SOUTHERN MU/WF. This plan also establishes the hierarchy of the streets within the district. The street standards specified in Section 24-58 (J) Mixed-use District shall apply except as modified herein:

- (1) All streets shall be located according to the Street Network Connectivity Regulating Plan for the SOUTHERN MU/WF.
- (2) All Primary Streets shall be required in the same approximate location as shown on the Street Network Connectivity Regulating Plan and may be modified with respect to alignment. No Primary Streets shall be deleted or otherwise vacated or removed.
- (3) Secondary Streets shown on the Street Network Connectivity Regulating Plan are encouraged to promote connectivity and establish a block system within the district. Secondary streets may be modified or deleted for the purpose of assembling parcels for development provided the block pattern conforms to block length requirements.

**(H) Designated Publically Accessible Open Spaces and Urban Greenway Systems Regulating Plan**

The designated publically accessible waterfront promenade shall be the following type as shown in the Designated Publically Accessible Open Spaces and Urban Greenways Systems Regulating Plan (Figure X - 2).

- (1) Urban Greenway Type
  - a. Type UG: Along New Secondary Street (Figure X - 4)
    - i. The minimum width of the greenway shall be 15 feet on the west side and 30 feet on the east side.
    - ii. A minimum of 20 percent of the length of the portion of the greenway on the west side shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
    - iii. A minimum of 80 percent of the length of the portion of the greenway on the east side shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
    - iv. Tree grates a minimum of five (5) feet by five (5) feet may be utilized in place of the required landscape strip on the west side only.
    - v. On the east side:
      - 1. A wall a minimum of 8 feet high shall be provided along the east property line to substantially screen the adjacent electrical substation;
      - 2. A hedge a minimum of 4 feet high shall be provided in front of the

- wall screening the electrical substation;
- 3. A minimum of 70 percent of the surface of the wall above 4 feet shall be covered with plant material;
- 4. A trellis shall be provided a minimum of 10 feet wide for pedestrians.

Insert Greenway Sections

(2) Waterfront Promenade Type

- a. Type WP 1a and 1b: Along entire waterfront edge (Figure X – 5)
  - i. The minimum width of the waterfront promenade shall be 45 feet.
  - ii. A minimum of 60 percent of the waterfront promenade shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
  - iii. Tree grates shall not be utilized in place of the required landscape strips.

Insert Greenway Sections

(3) The designated public urban greenways system and publically accessible waterfront promenades shall be designed to enhance the visual character of the waterfront and specific streets along the urban greenways and ensure pedestrian connectivity by:

- a. Providing tree species that provide continuous shade for a minimum of 70 percent of the frontage along the urban greenways. Palm trees alone are not acceptable and the maximum spacing of the shade trees shall be 30 feet on center.
- b. Providing street furnishings such as benches, trash receptacles, bike racks, drinking water fountains, etc.
- c. Providing a landscape plan illustrating a coherent design with significant tree species along the urban greenways and waterfront promenade that are distinguishably different from the other streets along the property in terms of color, type and shape.
- d. Tree specifications shall be as per Section 24-58 (L).

**(I) Building Heights Regulating Plan and Additional Height Standards**

All new and existing development shall comply with the standards found within the Building Heights Regulating Plan as shown in (Figure X – 3). Table X - 2 provides a summary of the heights permitted in the district.

<b><u>Table X – 2 Maximum Permitted Height (1)</u></b>	
<b><u>Area</u></b>	<b><u>Maximum Permitted Height</u></b>
<u>Entire District</u>	<u>30 stories/375 feet (2)</u>
<u>Notes:</u>	
<ul style="list-style-type: none"> <li><u>(1) Height has been rounded up to allow for additional space for mechanical equipment and the measurement of the roof. Measurement of stories is regulated in Section 24-58 Mixed-use District.</u></li> <li><u>(2) Buildings higher than 8 stories shall only be developed per the Tower building Type standards.</u></li> </ul>	

**(J) Building Typology and Dimensional Standards**

(1) Building Typologies

All new buildings shall conform to one of the permitted building typologies as demonstrated in the Building Typology and Placement Regulating Diagrams in **Section 24-58 Mixed-use District**. The diagrams provide a schematic representation of the various building typologies and demonstrate the required setbacks, lot standards, and profiles of structures. Existing buildings which do not fit a prescribed typology, shall follow the standards required for the Flex building typology. Not all building typologies are permitted in each Mixed-use district. The building typologies permitted in the SOUTHERN MU/WF are listed below in **Table X - 3**:

<b><u>Building Typology</u></b>	<b><u>Entire District</u></b>
<u>Tower</u>	<u>Yes</u>
<u>Liner</u>	<u>Yes</u>
<u>Courtyard Building</u>	<u>Yes</u>
<u>Flex</u>	<u>Yes</u>
<u>Townhouse Type 1</u>	<u>No</u>
<u>Townhouse Type 2</u>	<u>Yes</u>
<u>Zero Lot Line (Courtyard House)</u>	<u>No</u>
<u>Zero Lot Line (Sideyard House)</u>	<u>No</u>
<u>Single Family Detached</u>	<u>No</u>

(2) Setbacks and Building Frontage.

a. Front and Street Side Setbacks and Building Frontage. Front and Street Side setbacks are determined based on the street the building fronts. **Table X - 4** lists the minimum required front and street side setbacks and building frontage per street type. The interior side and rear setbacks as well as the lot standards shall be as specified per building type in **Section 24-58 Mixed-use District**.

<b><u>Street Type</u></b>	<b><u>Minimum Setback</u></b>	<b><u>Maximum Setback</u></b>	<b><u>Building Frontage</u></b>
<u>Primary (Biscayne Boulevard)</u>	<u>15 feet</u>	<u>30 feet</u>	<u>70% (along ground floor only)</u>
<u>Secondary</u>	<u>10 feet</u>	<u>20 feet</u>	<u>90%</u>
<b><u>Waterfront Promenade Type</u></b>	<b><u>Minimum Setback</u></b>	<b><u>Maximum Setback</u></b>	<b><u>Building Frontage</u></b>
<u>WP</u>	<u>45 feet</u>	<u>60 feet</u>	<u>90%</u>

Notes: (1) Setbacks shall be measured from property lines.

**(K) On-site Parking Standards**

- (1) All parking within the SOUTHERN MU/WF shall comply with the Access, Circulation, Parking and Loading Standards specified in **Section 24-58 Mixed-use District**.
- (2) On-site parking shall comply with **Table X – 5**. Uses not listed herein shall comply with the parking requirements specified in **Article IX**.
- (3) Guest parking shall comply with **Table X – 5**. Guest parking shall be designated and prominently marked on-site as "Guest Parking" and shall not be restricted in any manner to use by a single tenant, owner, unit, or other user.

<b>Table X – 5 Minimum and Maximum Parking Requirements by use</b>		
	<b><u>Min</u></b>	<b><u>Max</u></b>
<b><u>Retail, restaurant or commercial</u></b>	2 per 1000sf	4 per 1000sf
<b><u>Office</u></b>	2.5 per 1000sf	4 per 1000sf
<b><u>Hotel and motel; hotel and motel, limited</u></b>	1 per 4 rooms plus 1 per 800sf for restaurant, public meeting areas; 1 per 15 rooms for staff	1 per 4 rooms plus 1 per 800sf for restaurant, public meeting areas; 1 per 15 rooms for staff
<b><u>Residential</u></b>	1 per unit plus 1 per 20 units for guest parking	2 per unit plus 1 per 20 units for guest parking

**(L) Bicycle Racks and Bicycle Storage Standards**

Bicycle racks and storage shall be required as follows:

- (1) Bicycle racks and bicycle storage for commercial uses. Commercial developments, excluding hotel uses, shall provide:
  - a. secure bike racks and/or storage at a ratio of one bicycle parking space per every 15 required parking spaces and
  - b. a minimum of one shower and changing facility shall be provided to be available for all tenants and shall be located within the building, or within 200 feet of the building entrance, for developments greater than 50,000 square feet in gross building area.
- (2) Bicycle racks and bicycle storage for residential uses. One bicycle parking space shall be provided per every 15 required parking spaces. Required residential bicycle parking spaces shall be provided in a secured area, covered from the elements.
- (3) Mixed-use developments. Mixed-use developments shall provide secure bicycle parking spaces for both the commercial and residential components of the development as calculated separately pursuant to the requirements of this section.

**(M) Signage Standards**

Signage shall comply with the standards in **Article XIII** except as modified herein.

- (1) Signs affixed to the exterior of a building shall be architecturally compatible with the style, composition, materials, colors, and details of the building, as well as with other signs used on the building or its vicinity.
- (2) Signs shall fit within the existing facade features, shall be confined to signable areas, and shall not interfere with door and window openings, conceal architectural details or obscure the composition of the facade where they are located.
- (3) Whenever possible, signs located on buildings within the same block-face shall be placed at the same height in order to create a unified sign band.
- (4) Wood and painted metal are the preferred materials for under-awning, hanging signs. Flat signs should be framed with raised edges. Wood signs shall use only high-quality exterior grade wood with suitable grade finishes.
- (5) Sign colors should be compatible with the colors of the building façade. A dull or matte finish is recommended for reduction of glare and enhancement of legibility.
- (6) Signs shall be either spot- or backlit with a diffused light source. Spotighting shall require complete shielding of all light sources, shall be contained within the sign frame, and shall not significantly spill over to other portions of the building or site. Backlighting shall illuminate the letters, characters, or graphics on the sign, but not its background. Warm fluorescent bulbs may be used to illuminate the interior of display cases. Neon signs placed inside the display case shall insure low intensity colors.
- (7) Signs shall be mounted so that the method of installation is concealed. Signs applied to masonry surfaces should be mechanically fastened to mortar joints only and not directly into brick or stone. Drilling to provide electrical service should also follow the same rule.
- (8) Billboards are prohibited.

**(N) Development Approval Conditions**

**(1) Public Services**

- a. The developer shall be required to develop and maintain in perpetuity a single or series of neighborhood parks or plazas within the district, as conceptually shown in the Designated Publicly Accessible Open Spaces and Urban Greenway Systems Regulating Plan (Figure X – 3), for the district. The new parks or plazas shall be publically accessible and shall together combined provide a minimum of 15,000 sf of publically accessible open space in the district. In addition, each park or plaza shall be a minimum of 5,000 sf in size.
- b. The developer shall be required to develop and maintain in perpetuity a neighborhood park or plaza along the waterfront, as conceptually shown in the Designated Publicly Accessible Open Spaces and Urban Greenway Systems Regulating Plan (Figure X – 3), for the district. The new park or plaza shall be publically accessible and shall be a minimum of 12,000 sf in size.
- c. The developer shall be required to develop and maintain in perpetuity a publically accessible waterfront promenade, as conceptually shown in the Designated Publicly Accessible Open Spaces and Urban Greenway Systems Regulating Plan (Figure X – 3). The new publically accessible waterfront promenade shall extend along the entire site boundary edge adjacent to the water.
- d. The developer shall be required to provide streetscape improvements generally in accordance with the Street Network Connectivity Regulating Plan and Street Standards.

**(O) Development Permit Review Procedures.**

The following development permit review procedure will apply to this district:

- (1) The review procedures set out in Article XV and Section 24-171 (Concurrency) will apply within this district.
- (2) Preapplication Conference: For those development permit requests that require a

Pre-Application Conference, the specific issues identified below must be reviewed by the Applicant and addressed with staff at the Preapplication Conference:

- (a) Appropriate screening and residential views related to the electrical substation, and public access to the waterfront.
- (b) In addition to the submittal requirements in Article XV and Section 24-171 (Concurrency), the required plans submitted for review for the Pre-Application conference shall demonstrate the Applicant's general approach to comply with the requirements noted above and shown on the MU/SWF District's:
  - (1) Sub-Areas Regulating Plan
  - (2) Street Network and Connectivity Regulating Plan
  - (3) Designated Publically Accessible Open Spaces and Urban Greenways Regulating Plan
  - (4) Building Heights Regulating Plan
  - (5) Building Typology.

Table

**PERMITTED USES IN THE SOUTHERN MIXED-USE WATERFRONT (MU/SWF) DISTRICT**

P= PERMITTED BY RIGHT C = CONDITIONAL USES

Uses	South MU/WF
	P= PERMITTED BY RIGHT C = CONDITIONAL USES
<b>Residential</b>	
Residential, provided that: must be in multi-family context; <del>may be on second floor and above on a primary street; may be on ground floor and above on Secondary Street; no density greater than 75 units per acre and less than 10 units per acre.</del>	P
Residential, townhouses (per building typology diagram)	P
<b>Eating and Drinking Establishments</b>	
Bars and lounges provided that any such use shall not be located within 500 feet of the real property that comprises a public or private elementary school, middle school or secondary school (Pursuant to §562.45(2)(a)Florida Statutes.	P
Barbeque restaurants, open air	C
Restaurants including fast food, excluding drive through, including outdoor dining	P
Restaurant fast food with drive through provided drive through is inside parking garage	C
<b>General Business</b>	
Banks and financial institutions, excluding drive-through.	P
Daycare Center provided use is not on primary street	C
Hardware stores	P
Land developers and building contractors ( <del>no outdoor storage</del> )	P
Marina, Commercial or Public	C
Night clubs and discotheques (Ord. No. 2006-1 §12, 12/21/2006)	C
Parking garages <del>as principal use, provided that parked vehicles shall not be visible from surrounding properties or public street rights-of-way and structure shall be well landscaped.</del>	C
Surface Parking Lot as Principle Use, CRA or City owned and operated only	P

## PERMITTED USES IN THE SOUTHERN MIXED-USE WATERFRONT (MU/SWF) DISTRICT

P=- PERMITTED BY RIGHT

C = CONDITIONAL USES

	Talent Agency	P
	Tobacco shops and electronic cigarettes (Vapor Lounge)	P
	Travel Agencies	P
	Vocational schools and Trade: Airline, Business, Cosmetology, Secretarial and similar.	P
	Watch and clock repair shops	P
<b>Office</b>		
	Abstract and title offices	P
	Advertising agency	P
	Brokerage Services: Stocks, commodities, real estate mortgages, businesses, yachts (no on-site display)	P
	Business Management Consultants	P
	Doctors, dentists, chiropractors, optometrists, psychologists, and similar licensed medical professionals, excluding veterinarians, drug/alcohol and violent/dangerous	P
	Family and marriage counselors	P
	Insurance agencies	P
	Investigative services	P
	Investment counselors, excluding brokerage offices	P
	Professional Services: Accountants, architects, auditors, appraisers, city planners, economists, engineers, lawyers, psychologists, psychiatrists and licensed medical and dental practitioners and health related services	P
	Public Relations Agencies	P
	Secretarial and stenography services	P
<b>Retail/Personal Services</b>		
	Barber, beauty and skin care shops	P
	Health and exercise studios including martial arts	P
	Studio schools: Art, dance, music, drama, sculpture and similar instruction	P
	Tailors and seamstresses	P
<b>Retail/Retail Services</b>		
	Antique shops, collectibles and vintage	P

Table

**PERMITTED USES IN THE SOUTHERN MIXED-USE WATERFRONT (MU/SWF) DISTRICT**

P=- PERMITTED BY RIGHT      C = CONDITIONAL USES

Apparel Shops: Men's, Women's and Children's	
Art & Supplies and galleries	P
Bake Shops	P
Beer and Wine Shops	P
Bicycle sales, rental, service and repair	P
Blueprinting services	P
Bookstores	P
Camera and photographic supply store	P
Convenience store	P
Copying services	P
Delicatessens	P
Department stores	P
Drugstore	P
Flooring and carpeting stores	P
Florists	P
Food stores, Supermarkets and specialty markets	P
Furniture and home furnishings	P
Garden supply stores	P
Gift, novelty and souvenir shops	P
Hobby and handicraft shops	P
Jewelry stores	P
Leather goods and luggage stores	P
Lighting fixture stores	P
Music and record, video stores	P
News stands	P
Office Supply Stores	P
Optical stores	P
Paint and wallpaper stores	P
Package Liquor Store: provided such use is located on primary street	C
Photography studios	P
Retail and service establishments	P
Sporting goods stores	P
Stationery and card stores	P
Television, radio and stereo sales and service	P

Table

**PERMITTED USES IN THE SOUTHERN MIXED-USE WATERFRONT (MU/SWF) DISTRICT**

P=- PERMITTED BY RIGHT      C = CONDITIONAL USES

	Toy stores				P
<b>Lodging Accommodations</b>					
	Hotels				C
<b>Institutional</b>					
	Museums and art galleries				P
	Places of Public Assembly, <del>10,000-sf minimum site area, on arterial or collector roadway, located in single, stand-alone building, must meet parking requirements.</del>				C
	Utility facilities, light, public and private				P
<b>Recreation and Open Space (Private and Public)</b>					
	Billiard and poolrooms				P
	Movie <del>and live performance</del> theaters				P
	Public parks and playgrounds, <del>plazas, squares</del>				P
	Skating rinks, roller or ice				P
	Tennis and racquetball courts (indoor)				P
	Urban market gardens				P

P=- PERMITTED BY RIGHT

C = CONDITIONAL USES

NP= NOT PERMITTED

Notes:

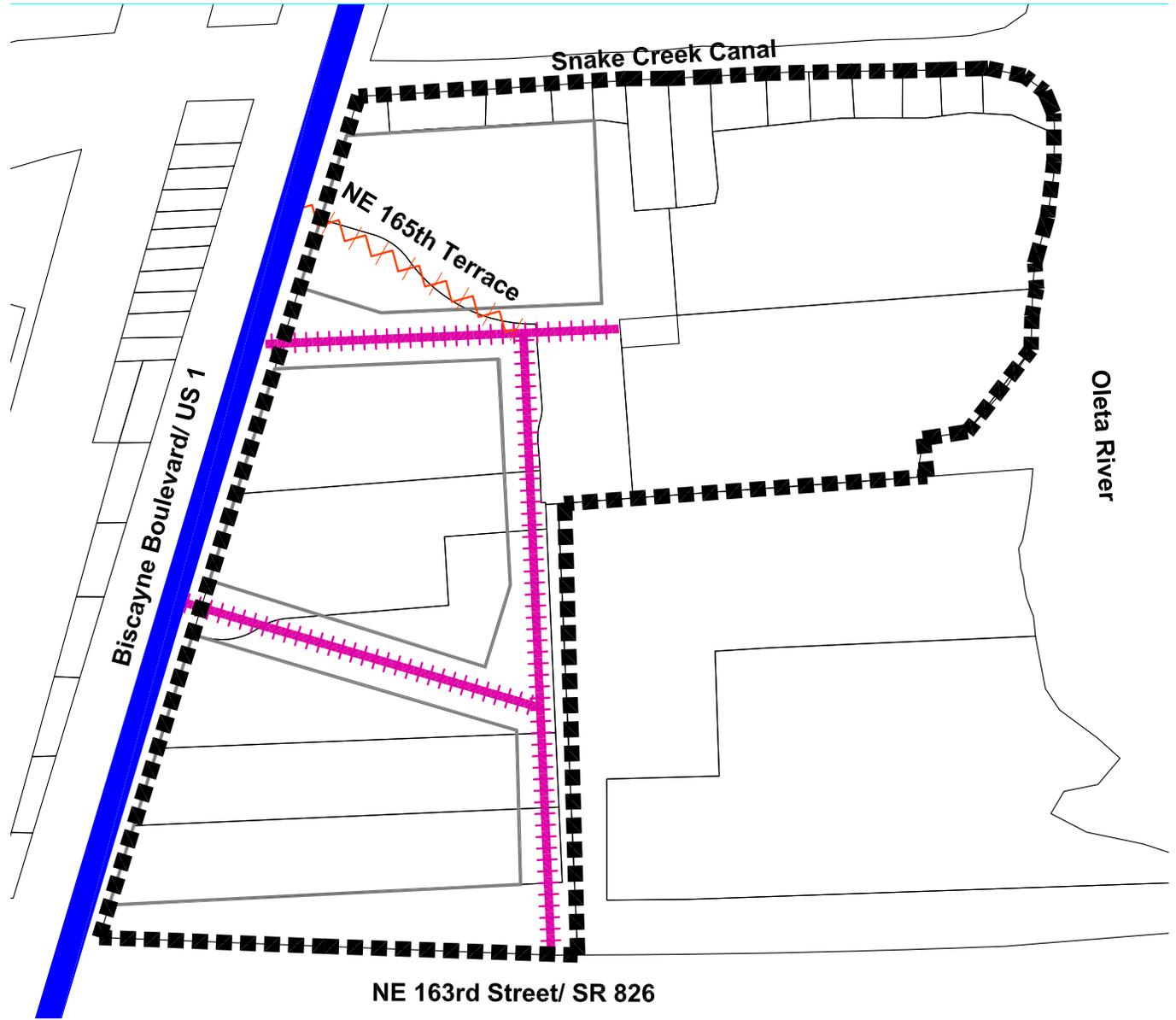


FIGURE X - 1:  
STREET NETWORK CONNECTIVITY  
REGULATING PLAN

-  EXISTING PRIMARY A STREET
-  NEW SECONDARY STREET
-  EXISTING TERTIARY STREET TO BE VACATED (FOR ASSEMBLY OF PARCELS ONLY)
-  DISTRICT BOUNDARY

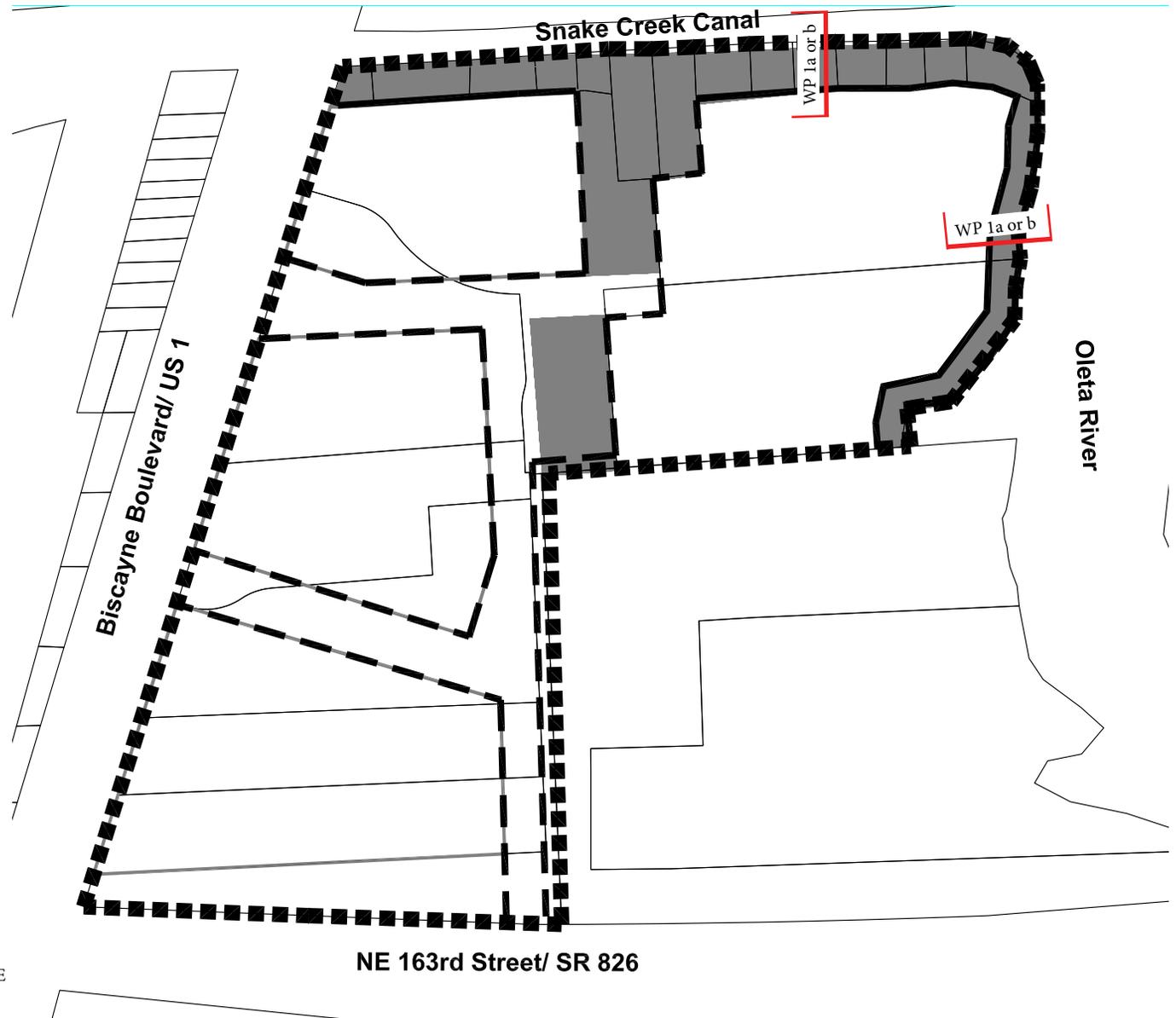
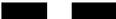


FIGURE X - 2:  
DESIGNATED OPEN SPACES AND  
GREENWAY SYSTEMS  
REGULATING PLAN

-  NEW DESIGNATED OPEN SPACE
-  DESIGNATED URBAN GREENWAY
-  DESIGNATED WATERFRONT PROMENADE
-  DISTRICT BOUNDARY

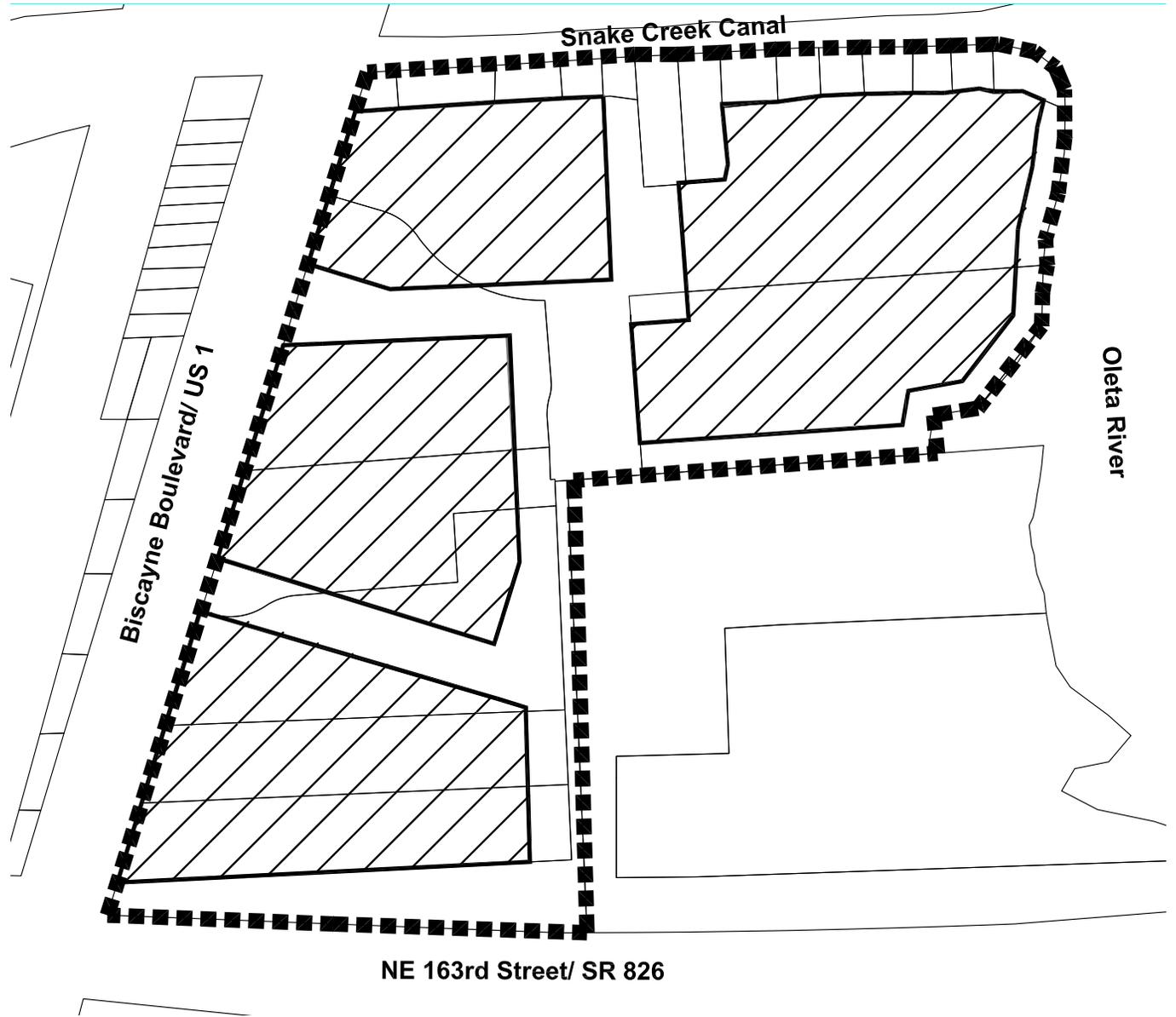
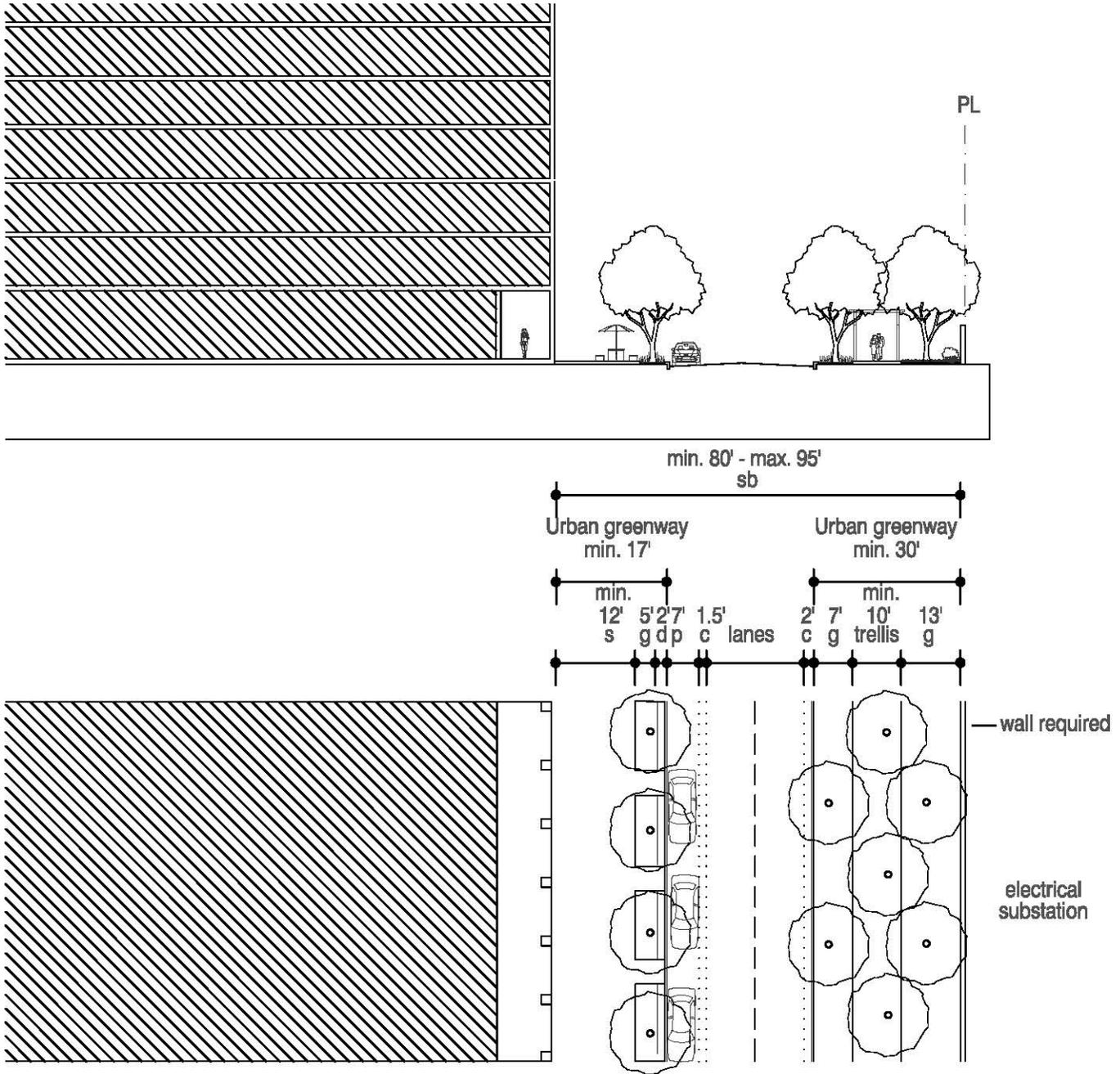


FIGURE X - 3:  
BUILDING HEIGHTS REGULATING PLAN

 MAXIMUM 30 STORIES/375 FEET

 DISTRICT BOUNDARY

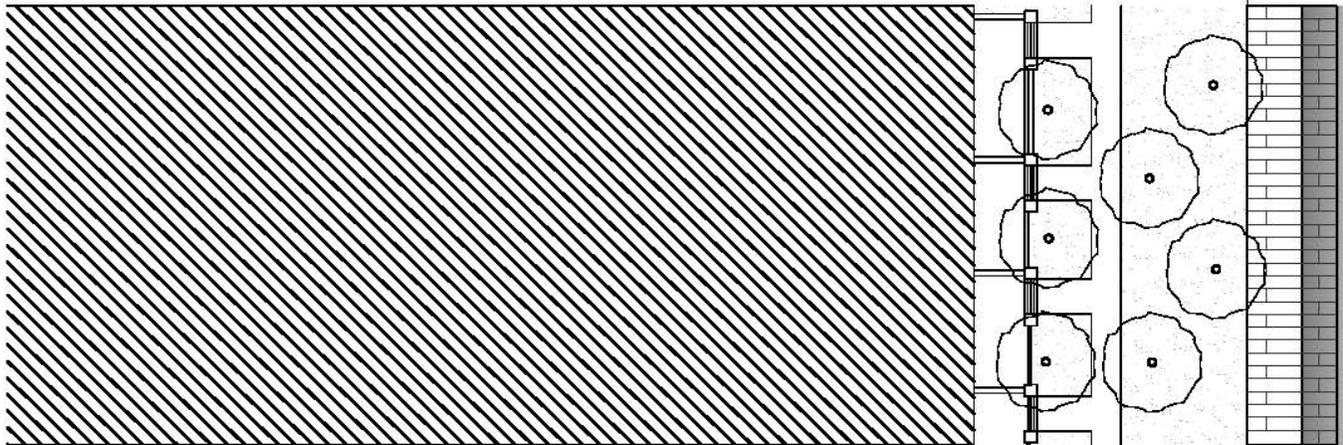
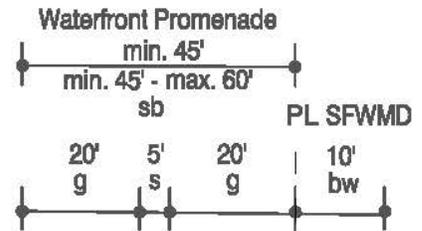
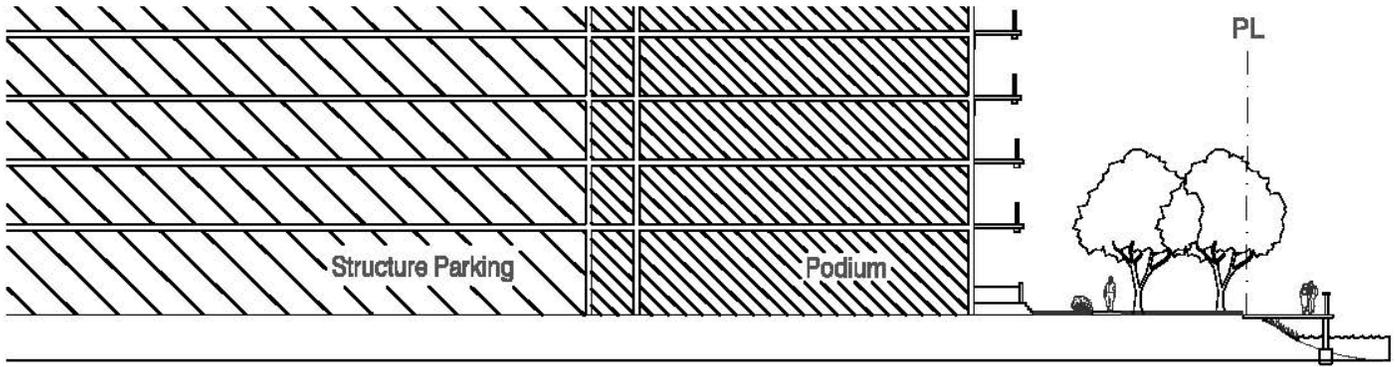


## UG: Urban Greenway: Waterfront South

Proposed

**Key:**

- ug: Urban Greenway
- sb: Setback
- fg: Furnishings/green area
- s: Sidewalk
- g: Landscape Strip/tree grates
- c: Curb and gutter
- p: Parking
- d: Door zone
- min: Minimum
- R.O.W.: Right-of-way

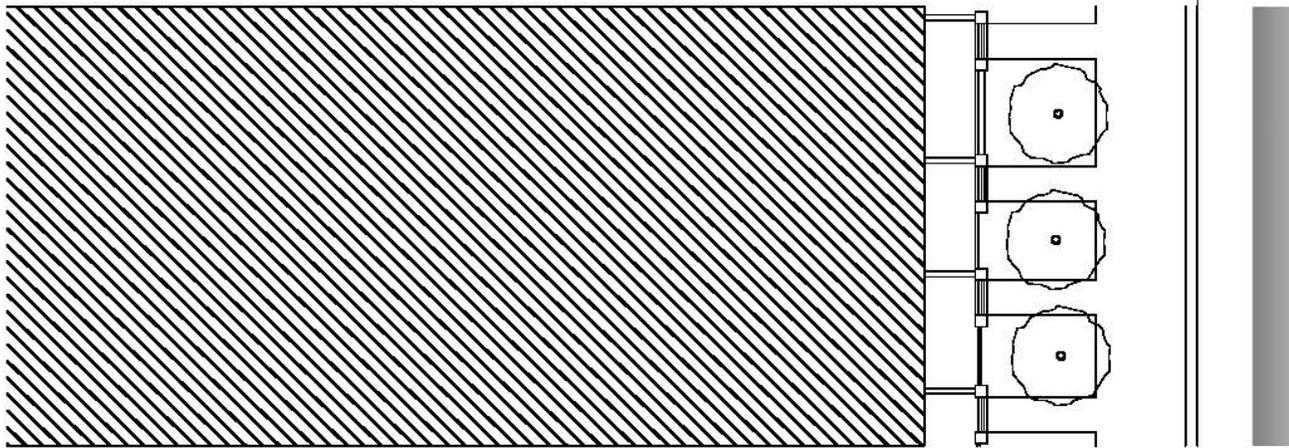
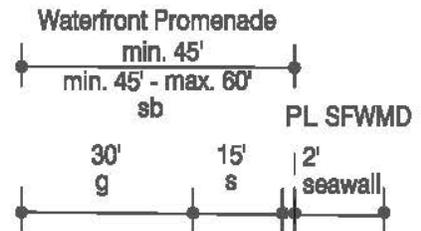
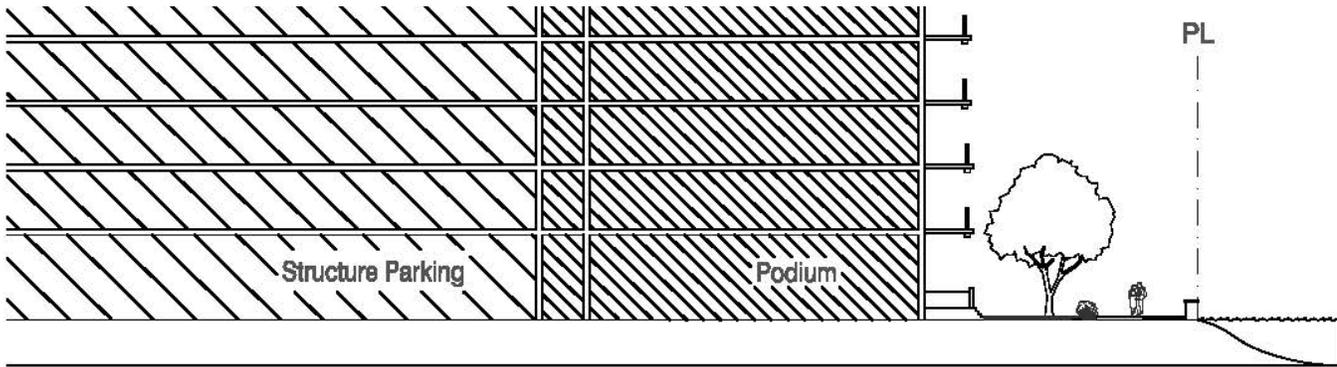


## WP1-a: Waterfront Promenade:Waterfront South

Proposed

**Key:**

- ug: Urban Greenway
- sb: Setback
- fg: Furnishings/green area
- s: Sidewalk
- g: Landscape Strip/tree grates
- c: Curb and gutter
- p: Parking
- min: Minimum
- R.O.W.: Right-of-way



## WP1-b: Waterfront Promenade:Waterfront South

Proposed

**Key:**

- ug: Urban Greenway
- sb: Setback
- fg: Furnishings/green area
- s: Sidewalk
- g: Landscape Strip/tree grates
- c: Curb and gutter
- p: Parking
- min: Minimum
- R.O.W.: Right-of-way

## **Sec. 24-58.6 Northern Mixed-use Waterfront District (MU/WF)**

### **(A) Purpose and Intent**

The purpose of these regulations is to implement policies that guide the design of development within the Northern Mixed-use Waterfront District (NORTHERN MU/WF). The intent of the NORTHERN MU/WF district is to establish a Mixed-use area that provides for multi-family housing that enables residents to live on the waterfront. Providing new publically accessible open spaces as well as public access to and beautification of the waterfront are primary principals of the NORTHERN MU/WF district. Development patterns shall generally reflect planning and design principles such as walkable neighborhoods oriented around the five minute walk. Additionally, there shall be primary orientation towards the waterfront, integration of housing, employment, shopping and recreation at the neighborhood level. This purpose will be fulfilled by:

- (1) Ensuring high quality, architecturally compatible, consistently landscaped development throughout the District;
- (2) Ensuring that new development or redevelopment projects enhance the visual character of Biscayne Boulevard in terms of massing and scale;
- (3) Stimulating neighborhood commercial and retail activities;
- (4) Encouraging people to reside in the District;
- (5) Ensuring public access to and the beautification of the waterfront; and
- (6) Ensuring new publically accessible open space.

### **(B) District Boundaries**

The development standards shall be utilized for properties located within the Northern Mixed-use Waterfront District (NORTHERN MU/WF).

### **(C) Administration**

In order to maintain predictability in development, Planned Unit Developments (PUDs) shall be prohibited. Variances from the dimensional requirements or waivers from any other criterion may be approved by the applicable review board for projects, provided that the applicant meets the standards pertaining to such variance or waiver. The applicable board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Director of the Community Development Department or his/her designee in the enforcement of these development regulations.

### **(D) General Development Standards**

- (1) In addition to the standards contained herein, **Section 24-58 Mixed-Use (MU) district standards shall be applicable to development within the Northern Mixed-use Waterfront District (NORTHERN MU/WF). The Supplemental Regulations contained in Articles IV, VI, VIII, IX, X, XI, XII, XIII, and XIV shall also apply, except as modified herein and may be further modified by the City Manager or his/her designee to meet the purpose and intent of the Northern Mixed-use Waterfront District (NORTHERN MU/WF).**
- (2) The provisions of the NORTHERN MU/WF code, when in conflict, shall take precedence over the existing zoning and land development regulations.
- (3) The provisions of the building code, when in conflict, shall take precedence over the provisions of the NORTHERN MU/WF code.
- (4) Existing buildings may be destroyed or removed, however they must be replaced according to the NORTHERN MU/WF regulations. Existing buildings may not be destroyed or removed unless they are to be replaced according to NORTHERN

MU/WF regulations and only after a building permit is issued.

- (5) Existing buildings and uses within the NORTHERN MU/WF area, which are legally established but do not conform to provisions of the NORTHERN MU/WF regulations as of the effective date of these regulations shall be considered nonconforming and may not be replaced, restored, or modified, except in conformity with the regulation for nonconformities contained in Article IV of this chapter. When a nonconforming structure is destroyed by windstorm, flood, or nature disaster, it may be replaced by a new structure of the same or lesser size, and reoccupied by the same use, if construction of such structure is commenced within 18 months of destruction.
- (6) Proposed development with site plan approved under the previous zoning regulations shall commence construction within the time frame allotted in the development order or site plan approval letter. If commencement of construction does not occur within the allotted time frame, the site plan approval shall automatically expire without further action by the City.

### **(E) Regulating Plans and Diagrams**

The NORTHERN MU/WF is governed by a series of regulating plans and diagrams. The Regulating Plans and Diagrams demonstrate NORTHERN MU/WF development standards in both words and diagrams, and include maps designating the locations where the various standards apply. Unless otherwise noted, all development shall be in compliance with the Regulating Plans and Diagrams contained herein and with the Building Typology and Placement Regulating Diagrams in Section 24-58 Mixed-Use (MU) district. The Regulating Plans and Diagrams for the NORTHERN MU/WF include the following:

- (1) The Street Network Connectivity Regulating Plan, which shows the general location of existing and the required new streets needed to create the prescribed network of streets within the NORTHERN MU/WF. This Plan also establishes the hierarchy of the streets as shown in Figure X - 1.
- (2) The Designated Publically Accessible Open Spaces and Urban Greenway Systems Regulating Plan, which designates the approximate location of the required publically accessible open spaces, urban greenway system and publically accessible waterfront promenades as shown in Figure X - 2.
- (3) The Building Heights Regulating Plan, which establishes the maximum building height as shown in Figure X - 3.

[Insert Regulating Plans](#)

### **(F) Permitted Uses**

- (1) Land Use Principles.
  - a. The NORTHERN MU/WF District shall be developed as an identifiable place and shall act as an important center for living, working, shopping and entertainment. The mix of uses within the District, the streets and the architectural character of individual buildings shall blend together to contribute to a coherent identity and sense of place.
  - b. Along all streets and on all levels, both non-residential and residential uses shall be permitted.
  - c. Buildings fronting the waterfront shall be permitted to have both non-residential and residential uses and shall contain active use along all levels fronting the waterfront.
  - d. Buildings fronting Biscayne Boulevard shall contain active use along the ground floor only fronting Biscayne Boulevard.
  - e.

- (2) Permitted Use Table X – 1 includes the principal uses permitted in the NORTHERN MU/WF along with any required restrictions on such uses, for each of the sub-areas. Principal uses not included in Table X – 1 are not permitted in the NORTHERN MU/WF. Principal uses in the NORTHERN MU/WF shall be subject to the use-specific standards as provided for in Article VIII unless modified herein.

Insert Permitted Use Table

**(G) Street Network Connectivity Regulating Plan and Street Standards**

Figure X - 1 shows the location of existing and required new streets needed to create the prescribed network of streets within the NORTHERN MU/WF. This plan also establishes the hierarchy of the streets within the district. The street standards specified in Section 24-58 (J) Mixed-use District shall apply except as modified herein:

- (1) All streets shall be located according to the Street Network Connectivity Regulating Plan for the NORTHERN MU/WF.
- (2) All Primary Streets shall be required in the same general location as shown on the Street Network Connectivity Regulating Plan and may be modified with respect to alignment. No Primary Streets shall be deleted or otherwise vacated or removed.
- (3) Secondary Streets shown on the Street Network Connectivity Regulating Plan are encouraged to promote connectivity and establish a block system within the district. Secondary streets may be modified or deleted for the purpose of assembling parcels for development provided the block pattern conforms to block length requirements.

**(H) Designated Publicly Accessible Open Spaces and Urban Greenway Systems Regulating Plan**

The designated publically accessible waterfront promenade shall be the following type as generally shown in the Designated Publically Accessible Open Spaces and Urban Greenways Systems Regulating Plan (Figure X – 2).

- (1) Waterfront Promenade Type
  - a. Type WP 1a and 1b: Along east side of property (Figure X – 4)
    - i. The minimum width of the waterfront promenade shall be 45 feet.
    - ii. A minimum of 60 percent of the waterfront promenade shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
    - iii. Tree grates shall not be utilized in place of the required landscape strips.

Insert Greenway Sections

- (2) The designated publically accessible waterfront promenade shall be designed to enhance the visual character of the waterfront and ensure pedestrian connectivity by:
  - a. Providing tree species that provide continuous shade for a minimum of 70 percent of the frontage along the urban greenways. Palm trees alone are not acceptable and the maximum spacing of the shade trees shall be 30 feet on center.
  - b. Providing street furnishings such as benches, trash receptacles, bike racks, drinking water fountains, etc.
  - c. Providing a landscape plan illustrating a coherent design with significant tree species along the publically accessible waterfront promenade that are distinguishably different from the other streets along the property in terms of color, type and shape.

d. Tree specifications shall be as per Section 24-58 (L).

**(I) Building Heights Regulating Plan and Additional Height Standards**

All new and existing development shall comply with the standards found within the Building Heights Regulating Plan as shown in (Figure X - 3). Table X - 2 provides a summary of the heights permitted in the district.

<b><u>Table X - 2 Maximum Permitted Height (1)</u></b>	
<b><u>Area</u></b>	<b><u>Maximum Permitted Height</u></b>
<u>Entire District</u>	<u>30 stories/375 feet (2)</u>
<u>Notes:</u>	
<u>(1) Height has been rounded up to allow for additional space for mechanical equipment and the measurement of the roof. Measurement of stories is regulated in <u>Section 24-58 Mixed-use District.</u></u>	
<u>(2) Buildings higher than 8 stories shall only be developed per the Tower building Type standards.</u>	

**(J) Building Typology and Dimensional Standards**

(1) Building Typologies

All new buildings shall conform to one of the permitted building typologies as demonstrated in the Building Typology and Placement Regulating Diagrams in Section 24-58 Mixed-use District. The diagrams provide a schematic representation of the various building typologies and demonstrate the required setbacks, lot standards, and profiles of structures. Existing buildings which do not fit a prescribed typology, shall follow the standards required for the Flex building typology. Not all building typologies are permitted in each mixed-use district. The building typologies permitted in the NORTHERN MU/WF are listed below in Table X - 3:

<b><u>Table X - 3 Building Typologies</u></b>	
<b><u>Building Typology</u></b>	<b><u>Entire District</u></b>
<u>Tower</u>	<u>Yes</u>
<u>Liner</u>	<u>Yes</u>
<u>Courtyard Building</u>	<u>Yes</u>
<u>Flex</u>	<u>Yes</u>
<u>Townhouse Type 1</u>	<u>No</u>
<u>Townhouse Type 2</u>	<u>Yes</u>
<u>Zero Lot Line (Courtyard House)</u>	<u>No</u>
<u>Zero Lot Line (Sideyard House)</u>	<u>No</u>
<u>Single Family Detached</u>	<u>No</u>

(2) Setbacks and Building Frontage.

a. Front and Street Side Setbacks and Building Frontage. Front and Street Side setbacks are determined based on the street the building fronts. Table X – 4 lists the minimum required front and street side setbacks and building frontage per street type. The interior side and rear setbacks as well as the lot standards shall be as specified per building type in Section 24-58 Mixed-use District.

<b>Table X – 4 Minimum and Maximum Front and Street Side Setbacks and Building Frontage per Street Type (1)</b>			
<b>Street Type</b>	<b>Minimum Setback</b>	<b>Maximum Setback</b>	<b>Building Frontage</b>
Primary (Biscayne Boulevard)	15 feet	30 feet	70% (along ground floor only)
Secondary	10 feet	20 feet	90%
<b>Waterfront Promenade Type</b>	<b>Minimum Setback</b>	<b>Maximum Setback</b>	<b>Building Frontage</b>
WP	45 feet	60 feet	90%
Notes:			
(1) <u>Setbacks shall be measured from property lines.</u>			

**(K) On-site Parking Standards**

- (1) All parking within the NORTHERN MU/WF shall comply with the Access, Circulation, Parking and Loading Standards specified in Section 24-58 Mixed-use District.
- (2) On-site parking shall comply with Table X – 5. Uses not listed herein shall comply with the parking requirements specified in Article IX.
- (3) Guest parking shall comply with Table X – 5. Guest parking shall be designated and prominently marked on-site as "Guest Parking" and shall not be restricted in any manner to use by a single tenant, owner, unit, or other user.

<b>Table X – 5 Minimum and Maximum Parking Requirements by use</b>		
	<b>Min</b>	<b>Max</b>
<b>Retail, restaurant or commercial</b>	2 per 1000sf	4 per 1000sf
<b>Office</b>	2.5 per 1000sf	4 per 1000sf
<b>Hotel and motel; hotel and motel, limited</b>	1 per 4 rooms plus 1 per 800sf for restaurant, public meeting areas; 1 per 15 rooms for staff	1 per 4 rooms plus 1 per 800sf for restaurant, public meeting areas; 1 per 15 rooms for staff
<b>Residential</b>	1 per unit plus 1 per 20 units for	2 per unit plus 1 per 20 units for

	<u>guest parking</u>	<u>guest parking</u>
--	----------------------	----------------------

**(L) Bicycle Racks and Bicycle Storage Standards**

Bicycle racks and storage shall be required as follows:

- (1) Bicycle racks and bicycle storage for commercial uses. Commercial developments, excluding hotel uses, shall provide:
  - a. secure bike racks and/or storage at a ratio of one bicycle parking space per every 15 required parking spaces and
  - b. a minimum of one shower and changing facility shall be provided to be available for all tenants and shall be located within the building, or within 200 feet of the building entrance, for developments greater than 50,000 square feet in gross building area.
- (2) Bicycle racks and bicycle storage for residential uses. One bicycle parking space shall be provided per every 15 required parking spaces. Required residential bicycle parking spaces shall be provided in a secured area, covered from the elements.
- (3) Mixed-use developments. Mixed-use developments shall provide secure bicycle parking spaces for both the commercial and residential components of the development as calculated separately pursuant to the requirements of this section.

**(M) Signage Standards**

Signage shall comply with the standards in **Article XIII** except as modified herein.

- (1) Signs affixed to the exterior of a building shall be architecturally compatible with the style, composition, materials, colors, and details of the building, as well as with other signs used on the building or its vicinity.
- (2) Signs shall fit within the existing facade features, shall be confined to signable areas, and shall not interfere with door and window openings, conceal architectural details or obscure the composition of the facade where they are located.
- (3) Whenever possible, signs located on buildings within the same block-face shall be placed at the same height in order to create a unified sign band.
- (4) Wood and painted metal are the preferred materials for under-awning, hanging signs. Flat signs should be framed with raised edges. Wood signs shall use only high-quality exterior grade wood with suitable grade finishes.
- (5) Sign colors should be compatible with the colors of the building façade. A dull or matte finish is recommended for reduction of glare and enhancement of legibility.
- (6) Signs shall be either spot- or backlit with a diffused light source. Spot lighting shall require complete shielding of all light sources, shall be contained within the sign frame, and shall not significantly spill over to other portions of the building or site. Backlighting shall illuminate the letters, characters, or graphics on the sign, but not its background. Warm fluorescent bulbs may be used to illuminate the interior of display cases. Neon signs placed inside the display case shall insure low intensity colors.
- (7) Signs shall be mounted so that the method of installation is concealed. Signs applied to masonry surfaces should be mechanically fastened to mortar joints only and not directly into brick or stone. Drilling to provide electrical service should also follow the same rule.
- (8) Billboards are prohibited.

**(N) Development Approval Conditions**

(1) Public Services

- a. The developer shall be required to develop and maintain in perpetuity a single or series of neighborhood parks or plazas along the waterfront, as conceptually located and shown in the Designated Publicly Accessible Open Spaces and Urban Greenway Systems Regulating Plan (Figure X – 3), for the district. The new parks or plazas shall be publically accessible and shall together combined provide a minimum of 15,000 sf of publically accessible open space in the district. In addition, each park or plaza shall be a minimum of 5,000 sf in size.
- b. The developer shall be required to develop and maintain in perpetuity a publically accessible waterfront promenade, as generally located and shown in the Designated Publicly Accessible Open Spaces and Urban Greenway Systems Regulating Plan (Figure X – 3). The new publically accessible waterfront promenade shall generally extend along the entire eastern site boundary edge adjacent to the water.
- c. The developer shall be required to provide streetscape improvements generally in accordance with the Street Network Connectivity Regulating Plan and Street Standards.

**(O) Development Permit Review Procedures.**

The following development permit review procedure will apply to this district:

- (1) The review procedures set out in Article XV and Section 24-171 (Concurrency) will apply within this district.
- (2) Preapplication Conference: For those development permit requests that require a Pre-Application Conference, the specific issues identified below must be reviewed by the Applicant and addressed with staff at the Preapplication Conference:
  - (a) Public access to the waterfront.
  - (b) In addition to the submittal requirements in Article XV and Section 24-171 (Concurrency), the required plans submitted for review for the Pre-Application conference shall demonstrate the Applicant's general approach to comply with the requirements noted above and shown on the MU/NWF District's:
    - (1) Sub-Areas Regulating Plan
    - (2) Street Network and Connectivity Regulating Plan
    - (3) Designated Publically Accessible Open Spaces and Urban Greenways Regulating Plan
    - (3) Building Heights Regulating Plan
    - (4) Building Typology.

**PERMITTED USES IN THE NORTHERN MIXED-USE WATERFRONT (MU/NWF) DISTRICT**

P= PERMITTED BY RIGHT C = CONDITIONAL USES

Uses	North MU/WF
	P= PERMITTED BY RIGHT C = CONDITIONAL USES
<b>Residential</b>	
Residential, provided that: must be in multi-family context; <del>may be on second floor and above on a primary street; may be on ground floor and above on Secondary Street; no density greater than 75 units per acre and less than 10 units per acre.</del>	P
Residential, townhouses (per building typology diagram)	P
<b>Eating and Drinking Establishments</b>	
Bars and lounges provided that any such use shall not be located within 500 feet of the real property that comprises a public or private elementary school, middle school or secondary school (Pursuant to §562.45(2)(a)Florida Statutes.	P
Barbeque restaurants, open air	C
Restaurants including fast food, excluding drive through, including outdoor dining	P
<del>Restaurant fast food with drive through provided drive through is inside parking garage</del>	C
<b>General Business</b>	
Banks and financial institutions, excluding drive-through.	P
Daycare Center provided use is not on primary street	C
Hardware stores	P
Land developers and building contractors ( <u>no outdoor storage</u> )	P
<del>Marina, Commercial or Public</del>	C
Night clubs and discotheques (Ord. No. 2006-1 §12, 12/21/2006)	C
<del>Parking garages as principal use, provided that parked vehicles shall not be visible from surrounding properties or public street rights-of-way and structure shall be well landscaped.</del>	C
Surface Parking Lot as Principle Use, CRA or City owned and operated only	P

## PERMITTED USES IN THE NORTHERN MIXED-USE WATERFRONT (MU/NWF) DISTRICT

P= PERMITTED BY RIGHT

C = CONDITIONAL USES

	Talent Agency	P
	Tobacco shops and electronic cigarettes (Vapor Lounge)	P
	Travel Agencies	P
	Vocational schools and Trade: Airline, Business, Cosmetology, Secretarial and similar.	P
	Watch and clock repair shops	P
<b>Office</b>		
	Abstract and title offices	P
	Advertising agency	P
	Brokerage Services: Stocks, commodities, real estate mortgages, businesses, yachts (no on-site display)	P
	Business Management Consultants	P
	Doctors, dentists, chiropractors, optometrists, psychologists, and similar licensed medical professionals, excluding veterinarians, drug/alcohol and violent/dangerous	P
	Family and marriage counselors	P
	Insurance agencies	P
	Investigative services	P
	Investment counselors, excluding brokerage offices	P
	Professional Services: Accountants, architects, auditors, appraisers, city planners, economists, engineers, lawyers, psychologists, psychiatrists and licensed medical and dental practitioners and health related services	P
	Public Relations Agencies	P
	Secretarial and stenography services	P
<b>Retail/Personal Services</b>		
	Barber, beauty and skin care shops	P
	Health and exercise studios including martial arts	P
	Studio schools: Art, dance, music, drama, sculpture and similar instruction	P
	Tailors and seamstresses	P
<b>Retail/Retail Services</b>		
	Antique shops, collectibles and vintage	P

## PERMITTED USES IN THE NORTHERN MIXED-USE WATERFRONT (MU/NWF) DISTRICT

P= PERMITTED BY RIGHT

C = CONDITIONAL USES

Apparel Shops: Men's, Women's and Children's	
Art & Supplies and galleries	P
Bake Shops	P
Beer and Wine Shops	P
Bicycle sales, rental, service and repair	P
Blueprinting services	P
Bookstores	P
Camera and photographic supply store	P
Convenience store	P
Copying services	P
Delicatessens	P
Department stores	P
Drugstore	P
Flooring and carpeting stores	P
Florists	P
Food stores, Supermarkets and specialty markets	P
Furniture and home furnishings	P
Garden supply stores	P
Gift, novelty and souvenir shops	P
Hobby and handicraft shops	P
Jewelry stores	P
Leather goods and luggage stores	P
Lighting fixture stores	P
Music and record, video stores	P
News stands	P
Office Supply Stores	P
Optical stores	P
Paint and wallpaper stores	P
Package Liquor Store: provided such use is located on primary street	C
Photography studios	P
Retail and service establishments	P
Sporting goods stores	P
Stationery and card stores	P
Television, radio and stereo sales and service	P

**PERMITTED USES IN THE NORTHERN MIXED-USE WATERFRONT (MU/NWF) DISTRICT**

**P= PERMITTED BY RIGHT      C = CONDITIONAL USES**

	Toy stores				P
<b>Lodging Accommodations</b>					
	Hotels				C
<b>Institutional</b>					
	Museums and art galleries				P
	Places of Public Assembly, <del>20,000 sf minimum site area, on arterial or collector roadway, located in single, stand-alone building, must meet parking requirements.</del>				C
	Utility facilities, light, public and private				P
<b>Recreation and Open Space</b> (Private and Public)					
	Billiard and poolrooms				P
	Movie <u>and live performance</u> theaters				P
	Public parks and playgrounds, <u>plazas, squares</u>				P
	Skating rinks, roller or ice				P
	Tennis and racquetball courts (indoor)				P
	Urban market gardens				P

**P= PERMITTED BY RIGHT**

**C = CONDITIONAL USES**

**NP= NOT PERMITTED**

Notes:

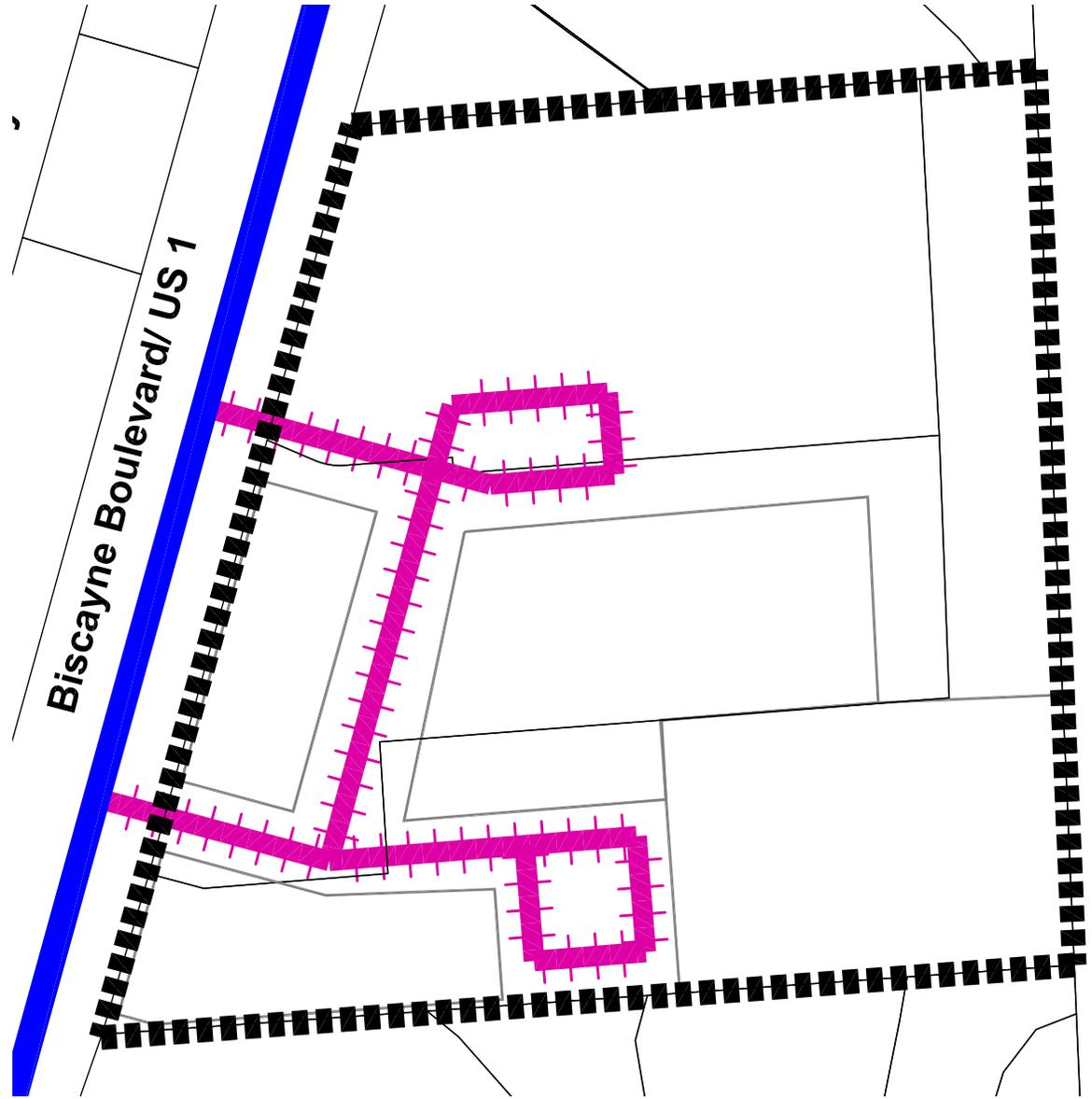


FIGURE X - 1:  
STREET NETWORK CONNECTIVITY  
REGULATING PLAN

-  EXISTING PRIMARY A STREET
-  NEW SECONDARY STREET
-  DISTRICT BOUNDARY

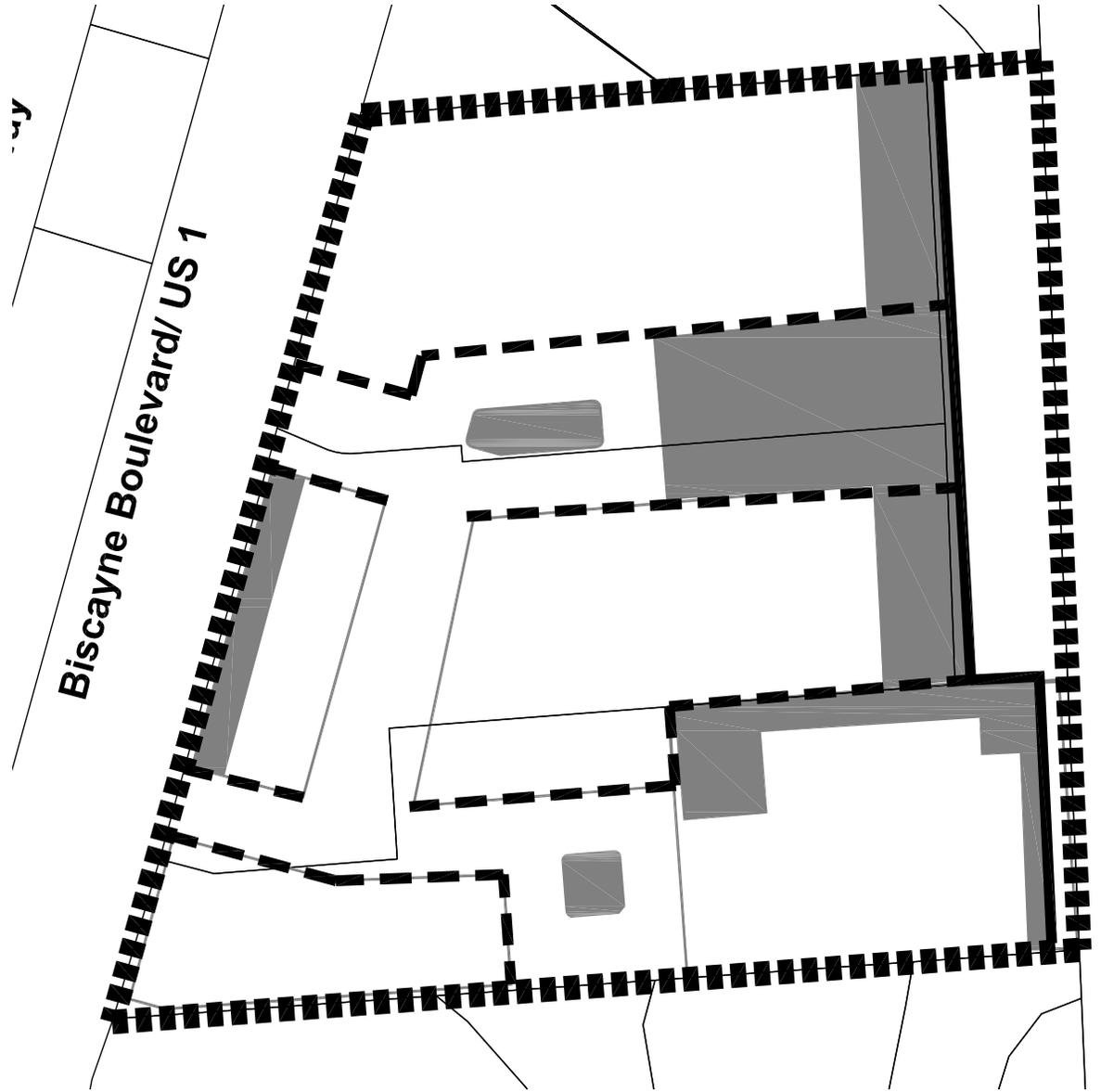


FIGURE X - 2:  
DESIGNATED OPEN SPACES AND GREENWAY  
SYSTEMS  
REGULATING PLAN

-  NEW DESIGNATED OPEN SPACE
-  DESIGNATED URBAN GREENWAY
-  DESIGNATED WATERFRONT PROMENADE
-  DISTRICT BOUNDARY

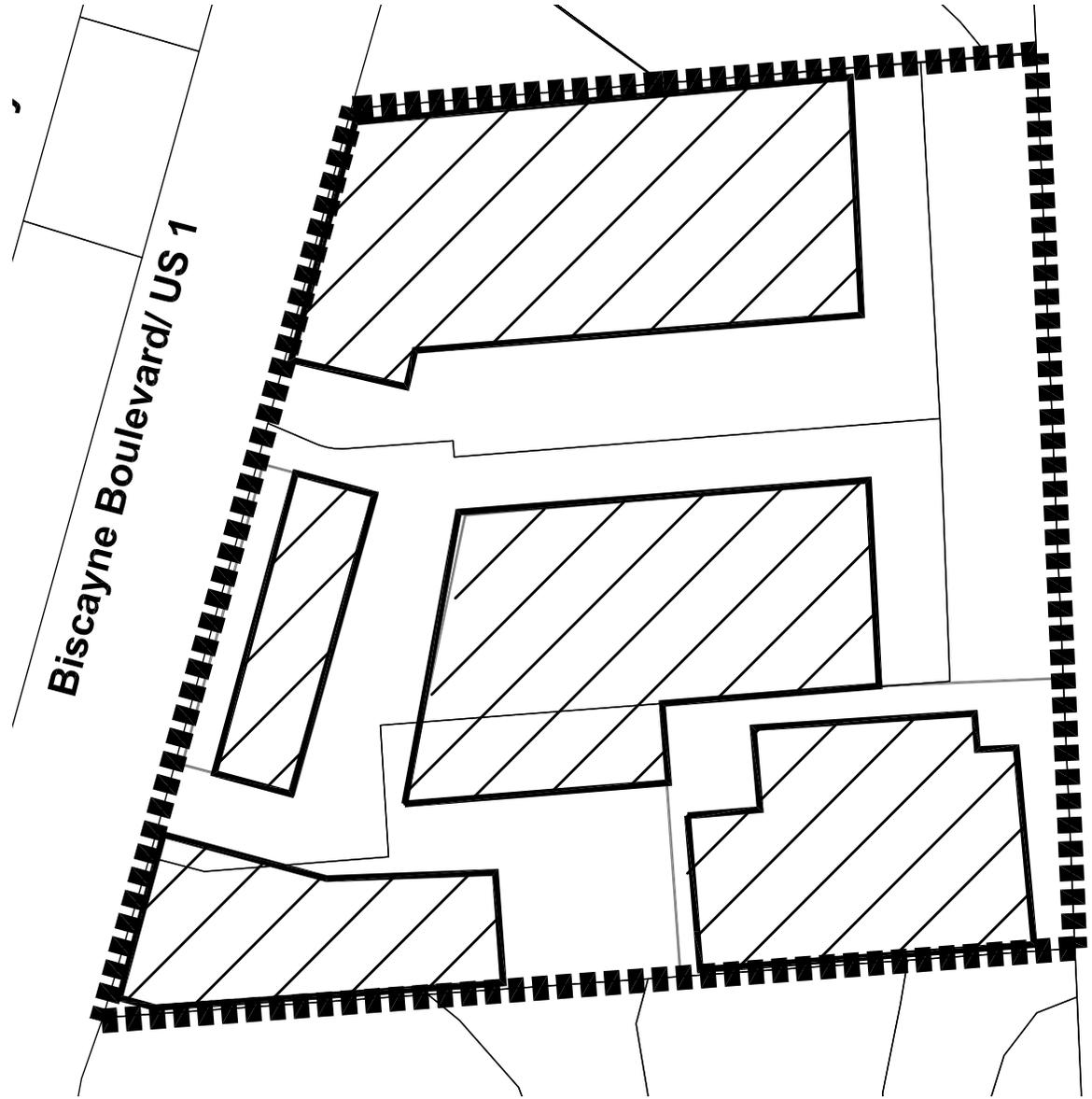
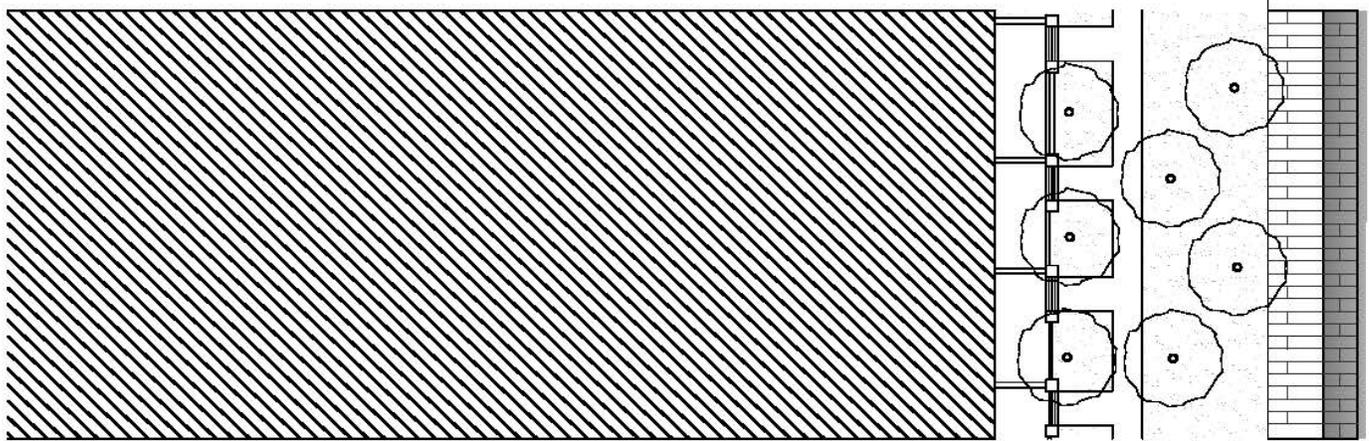
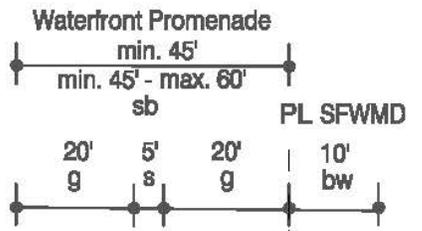
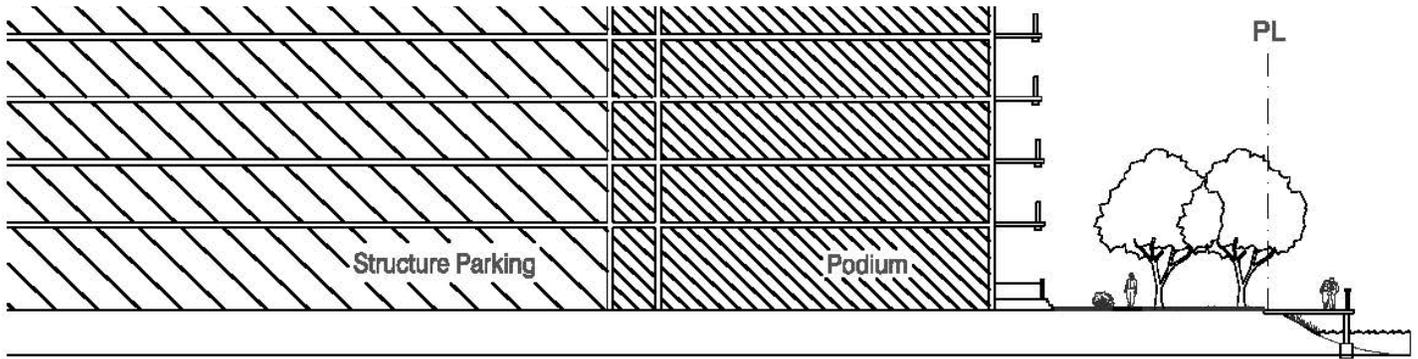


FIGURE X - 3:  
BUILDING HEIGHTS REGULATING PLAN

 MAXIMUM 30 STORIES/375 FEET

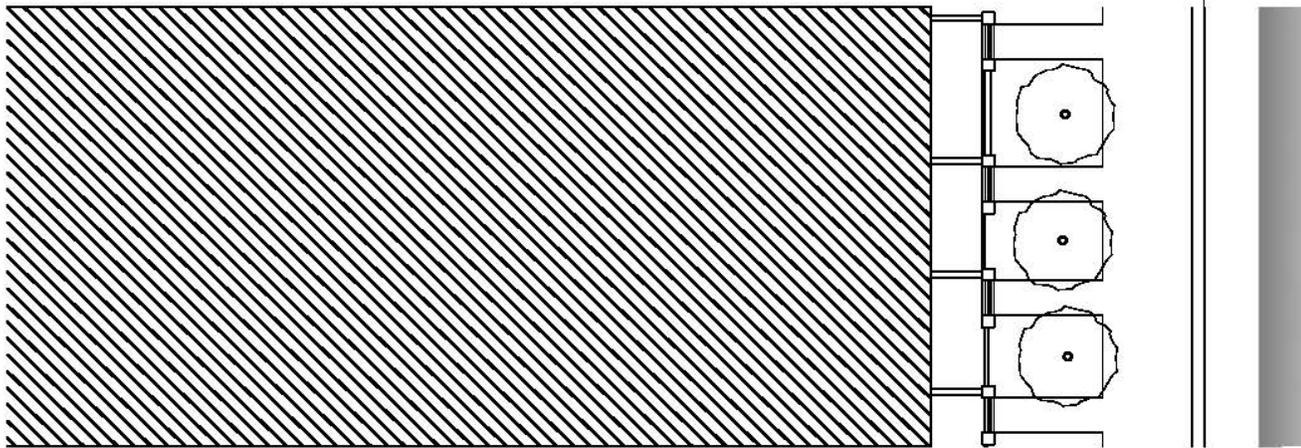
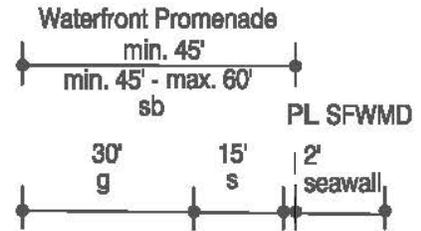
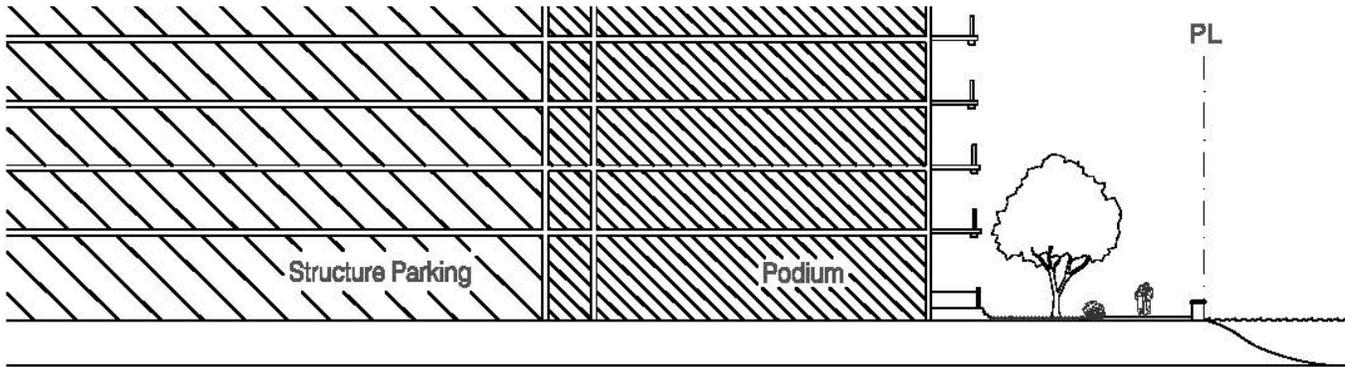
 DISTRICT BOUNDARY



## WP1-a: Waterfront Promenade:Waterfront North

Proposed

- Key:**
- ug: Urban Greenway
  - sb: Setback
  - fg: Furnishings/green area
  - s: Sidewalk
  - g: Landscape Strip/tree grates
  - c: Curb and gutter
  - p: Parking
  - min: Minimum
  - R.O.W.: Right-of-way



## WP1-b: Waterfront Promenade:Waterfront North

Proposed

**Key:**

- ug: Urban Greenway
- sb: Setback
- fg: Furnishings/green area
- s: Sidewalk
- g: Landscape Strip/tree grates
- c: Curb and gutter
- p: Parking
- min: Minimum
- R.O.W.: Right-of-way

## **Sec. 24-58.7 Eastern Mixed-use Waterfront District (MU/WF)**

### **(A) Purpose and Intent**

The purpose of these regulations is to implement policies that guide the design of development within the Eastern Mixed-use Waterfront District (EASTERN MU/WF). The intent of the EASTERN MU/WF district is to establish a Mixed-use area that serves as the center of activity for the entire Eastern Shores neighborhood. The district shall provide for multi-family housing that enables residents to live on the waterfront. Providing new publically accessible open spaces as well as public access to and beautification of the waterfront are primary principals of the EASTERN MU/WF district. The district shall also improve the fire rescue station and provide a police sub-station to enhance the public services in the Eastern Shores neighborhood. Development patterns shall generally reflect planning and design principles that reduce traffic by designing a walkable neighborhood oriented around the five minute walk. Additionally, there shall be primary orientation towards the waterfront, integration of housing, employment, shopping and recreation at the neighborhood level. This purpose will be fulfilled by:

- (1) Ensuring high quality, architecturally compatible, consistently landscaped development throughout the District;
- (2) Ensuring that new development or redevelopment projects enhance the visual character of the District and does not create incompatibility with the adjacent single family properties in terms of massing and scale;
- (3) Encouraging the development of a neighborhood main street with pleasant shopping areas and attractive pedestrian spaces;
- (4) Stimulating neighborhood commercial and retail activities;
- (5) Encouraging people to reside in the District;
- (6) Ensuring the mitigation of traffic issues such as providing additional access points into the site, where feasible;
- (7) Ensuring public access to and the beautification of the waterfront;
- (8) Ensuring the development and maintenance of new publically accessible open space; and
- (9) Retaining and enhancing the existing rescue station and addition of a police substation.

### **(B) District Boundaries**

The development standards shall be utilized for properties located within the Eastern Mixed-use Waterfront District (EASTERN MU/WF).

### **(C) Administration**

In order to maintain predictability in development, Planned Unit Developments (PUDs) shall be prohibited. Variances from the dimensional requirements or waivers from any other criterion may be approved by the applicable review board for projects, provided that the applicant meets the standards pertaining to such variance or waiver. The applicable board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Director of the Community Development Department or his/her designee in the enforcement of these development regulations.

### **(D) General Development Standards**

- (1) In addition to the standards contained herein, **Section 24-58 Mixed-Use (MU) district** standards shall be applicable to development within the Eastern Mixed-use Waterfront District (EASTERN MU/WF). The *Supplemental Regulations* contained in

Articles IV, VI, VIII, IX, X, XI, XII, XIII, and XIV shall also apply, except as modified herein and may be further modified by the City Manager or his/her designee to meet the purpose and intent of the Eastern Mixed-use Waterfront District (EASTERN MU/WF).

- (2) The provisions of the EASTERN MU/WF code, when in conflict, shall take precedence over the existing zoning and land development regulations.
- (3) The provisions of the building code, when in conflict, shall take precedence over the provisions of the EASTERN MU/WF code.
- (4) Existing buildings may be destroyed or removed, however they must be replaced according to the EASTERN MU/WF regulations. Existing buildings may not be destroyed or removed unless they are to be replaced according to EASTERN MU/WF regulations and only after a building permit is issued.
- (5) Existing buildings and uses within the EASTERN MU/WF area, which are legally established but do not conform to provisions of the EASTERN MU/WF regulations as of the effective date of these regulations shall be considered nonconforming and may not be replaced, restored, or modified, except in conformity with the regulation for nonconformities contained in **Article IV** of this chapter. When a nonconforming structure is destroyed by windstorm, flood, or nature disaster, it may be replaced by a new structure of the same or lesser size, and reoccupied by the same use, if construction of such structure is commenced within 18 months of destruction.
- (6) Proposed development with site plan approved under the previous zoning regulations shall commence construction within the time frame allotted in the development order or site plan approval letter. If commencement of construction does not occur within the allotted time frame, the site plan approval shall automatically expire without further action by the City.

#### **(E) Regulating Plans and Diagrams**

The EASTERN MU/WF is governed by a series of regulating plans and diagrams. The Regulating Plans and Diagrams demonstrate EASTERN MU/WF development standards in both words and diagrams, and include maps designating the locations where the various standards apply. Unless otherwise noted, all development shall be in compliance with the Regulating Plans and Diagrams contained herein and with the Building Typology and Placement Regulating Diagrams in **Section 24-58 Mixed-Use (MU) district**. The Regulating Plans and Diagrams for the EASTERN MU/WF include the following:

- (1) The Sub-areas Regulating Plan, which divides the EASTERN MU/WF into three Sub-areas: Core, Transition and Edge. The highest density and intensity within the Eastern MU/WF shall be allocated to the Core Sub-area, a mixed-use area at the eastern end of the district. The densities and intensities shall then gradually decrease from the Core to the Transition Sub-area where mixed-uses are still permitted and then further decrease to the Edge Sub-area which is adjacent to existing low density residential. The Sub-areas Regulating Plan is shown in **Figure X - 1**.
- (2) The Street Network Connectivity Regulating Plan, which shows the location of existing and the required new streets needed to create the prescribed network of streets within the EASTERN MU/WF. This Plan also establishes the hierarchy of the streets as shown in **Figure X - 2**.
- (3) The Designated Publically Accessible Open Spaces and Urban Greenway Systems Regulating Plan, which designates the approximate location of the required publically accessible open spaces, urban greenway system and publically accessible waterfront promenades as shown in **Figure X - 3**.

- (4) The Building Heights Regulating Plan, which establishes the maximum building height as shown in Figure X - 4.

### Insert Regulating Plans

#### **(F) Sub-Areas Regulating Plan**

All new and existing development shall review first their location within the Sub-Areas Regulating Plan as shown in Figure X - 1.

#### **(G) Permitted Uses**

(1) Land Use Principles.

- a. The EASTERN MU/WF District shall be developed as an identifiable place and shall act as an important center for living, working, shopping and entertainment. The mix of uses within the District, the streets and the architectural character of individual buildings shall blend together to contribute to a coherent identity and sense of place.
- b. Along all streets and on all levels, both non-residential and residential uses shall be permitted.
- c. Buildings fronting the waterfront shall be permitted to have both non-residential and residential uses and shall contain active use along all levels fronting the waterfront.
- d. Buildings fronting NE 35th Avenue, north of NE 164th Street, shall contain active use along all levels fronting NE 35th Avenue.
- e. Buildings fronting NE 35th Avenue, south of NE 164th Street, shall contain active use along the ground floor only fronting NE 35th Avenue.
- f. New residential or mixed-use development adjacent to the existing electrical substation shall be designed in a manner that the adjacent electrical substation is substantially screened along the adjacent side to reasonably reduce visibility from the residential portion of the building. Walls, landscaped buffers and parking areas may be utilized to screen the electrical substation.
- g. Where a proposed development is adjacent to NE 35th Avenue, the proposed development shall:
  - i. Create a 50 foot wide landscaped buffer within the proposed project property along the property line, between the proposed development and that portion of NE 35<sup>th</sup> Avenue as specified in the Designated Publicly Accessible Open Space and Greenways Systems Regulating Plan Figure X - 3. The landscaped buffer shall not contain any structures, driveways, or roads, except sidewalks, bike paths, transit shelters or similar; and
  - ii. There shall be a Transitional Area adjacent to NE 35h Avenue. The Transitional Area shall include the 50 foot wide landscaped buffer. The Transitional Area shall extend for the length of the portion of the proposed development that lies adjacent to and directly facing NE 35<sup>th</sup> Avenue. The depth of the Transitional Area shall be as specified in the Building Heights Regulating Plan Figure X - 4. Any road, canal, waterway, park or alley between NE 35h Avenue and the proposed development, or within the Transitional Area of the proposed development, shall be counted toward the depth necessary to comply with this section.  
The Transitional Area shall be developed as follows:
    1. The height of the proposed development adjacent to NE 35<sup>th</sup> Avenue shall be as specified in the Building Heights Regulating Plan Figure X - 4.
    2. All or part of the Transitional Area may be developed as landscaped open space and/or recreational uses.

- (2) Permitted Use Table X - 1 includes the principal uses permitted in the EASTERN

MU/WF along with any required restrictions on such uses, for each of the sub-areas. Principal uses not included in Table X – 1 are not permitted in the EASTERN MU/WF. Principal uses in the EASTERN MU/WF shall be subject to the use-specific standards as provided for in Article VIII unless modified herein.

Insert Permitted Use Table

**(H) Street Network Connectivity Regulating Plan and Street Standards**

Figure X - 2 shows the location of existing and required new streets needed to create the prescribed network of streets within the EASTERN MU/WF. This plan also establishes the hierarchy of the streets within the district. The street standards specified in Section 24-58 (J) Mixed-use District shall apply except as modified herein:

- (1) All streets shall be located according to the Street Network Connectivity Regulating Plan for the EASTERN MU/WF.
- (2) All Primary and Secondary Streets shall be required in the same general location as shown on the Street Network Connectivity Regulating Plan and may be modified with respect to alignment. No Primary and Secondary Streets shall be deleted or otherwise vacated or removed.
- (3) Tertiary Streets shown on the Street Network Connectivity Regulating Plan are encouraged to promote connectivity and to conform to block length requirements. Tertiary streets may be modified or deleted for the purpose of assembling parcels for development.

**(I) Designated Publically Accessible Open Spaces and Urban Greenway Systems Regulating Plan**

The designated publically accessible urban greenways system and publically accessible waterfront promenades shall be one of the following types depending on the location within the EASTERN MU/WF and as generally shown in the Designated Publically Accessible Open Spaces and Urban Greenways Systems Regulating Plan (Figure X – 3).

- (1) Urban Greenway Types
  - a. Type UG: New north-south connection to waterfront (Figure X – 5)
    - i. The minimum width of the greenway shall be 60 feet.
    - ii. A minimum of 60 percent of the greenway shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
    - iii. Tree grates shall not be utilized in place of the required landscape strips.
    - iv. The greenway shall have decorative paving in the hardscaped areas.

Insert Greenway Sections

- (2) Waterfront Promenade Types
  - a. Type WP 1a and 1b: Along north side of property (Figure X – 6)
    - i. The minimum width of the waterfront promenade shall be 45 feet.
    - ii. A minimum of 60 percent of the waterfront promenade shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
    - iii. Tree grates shall not be utilized in place of the required landscape strips.

Insert Greenway Sections

- b. Type WP 2: Along east side of property (Figure X – 7)
  - iv. The minimum width of the waterfront promenade shall be 60 feet.
  - v. A minimum of 40 percent of the waterfront promenade shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
  - vi. Tree grates a minimum of five (5) feet by five (5) feet may be utilized in

place of the required landscape strip.

Insert Greenway Sections

- (3) The designated publically accessible urban greenways system and publically accessible waterfront promenades shall be designed to enhance the visual character of the waterfront and specific streets along the urban greenways and ensure pedestrian connectivity by:
  - a. Providing tree species that provide continuous shade for a minimum of 70 percent of the frontage along the urban greenways. Palm trees alone are not acceptable and the maximum spacing of the shade trees shall be 30 feet on center.
  - b. Providing street furnishings such as benches, trash receptacles, bike racks, drinking water fountains, etc.
  - c. Providing a landscape plan illustrating a coherent design with significant tree species along the urban greenways and waterfront promenade that are distinguishably different from the other streets along the property in terms of color, type and shape.
  - d. Tree specifications shall be as per Section 24-58 (L).

**(J) Building Heights Regulating Plan and Additional Height Standards**

All new and existing development shall comply with the standards found within the Building Heights Regulating Plan as shown in (Figure X – 4). Table X - 2 provides a summary of the heights per sub-area, however, since maximum building heights vary within the sub-areas and are dependent on location, the Building Height Regulating Plan shall be referred to.

<b>Table X – 2 Maximum Permitted Height (1)</b>	
<b><u>Area</u></b>	<b><u>Maximum Permitted Height</u></b>
<u>Core Sub-Area</u>	<u>40 stories/495 feet (2)</u>
<u>Transition Sub-Area</u>	<u>20 stories/255 feet (2)</u> <u>12 stories/160 feet (2)</u>
<u>Edge Sub-Area</u>	<u>8 stories/110 feet</u> <u>6 stories/85 feet</u> <u>3 stories/35 feet</u>
<u>Notes:</u> <ul style="list-style-type: none"><li>(1) <u>Height has been rounded up to allow for additional space for mechanical equipment and the measurement of the roof. Measurement of stories is regulated in Section 24-58 Mixed-use District.</u></li><li>(2) <u>Buildings higher than 8 stories shall only be developed per the Tower building Type standards.</u></li></ul>	

**(K) Building Typology and Dimensional Standards**

- (1) Building Typologies  
All new buildings shall conform to one of the permitted building typologies as demonstrated in the Building Typology and Placement Regulating Diagrams in

**Section 24-58 Mixed-use District.** The diagrams provide a schematic representation of the various building typologies and demonstrate the required setbacks, lot standards, and profiles of structures. Existing buildings which do not fit a prescribed typology, shall follow the standards required for the Flex building typology. Not all building typologies are permitted in each Mixed-use district. The building typologies permitted in the EASTERN MU/WF and their allowable sub-area locations are listed below in **Table X - 3:**

<b>Building Typology</b>	<b>Core</b>	<b>Transition</b>	<b>Edge</b>
<u>Tower</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>
<u>Liner</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Courtyard Building</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Flex</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Townhouse Type 1</u>	<u>No</u>	<u>No</u>	<u>Yes</u>
<u>Townhouse Type 2</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Zero Lot Line (Courtyard House)</u>	<u>No</u>	<u>No</u>	<u>Yes</u>
<u>Zero Lot Line (Sideyard House)</u>	<u>No</u>	<u>No</u>	<u>Yes</u>
<u>Single Family Detached</u>	<u>No</u>	<u>No</u>	<u>No</u>

(2) Setbacks and Building Frontage.

a. Front and Street Side Setbacks and Building Frontage. Front and Street Side setbacks are determined based on the street the building fronts. **Table X - 4** lists the minimum required front and street side setbacks and building frontage per street type. The interior side and rear setbacks as well as the lot standards shall be as specified per building type in **Section 24-58 Mixed-use District.**

<b>Table X - 4 Minimum and Maximum Front and Street Side Setbacks and Building Frontage per Street Type (1)</b>			
<b>Street Type</b>	<b>Minimum Setback</b>	<b>Maximum Setback</b>	<b>Building Frontage</b>
<u>Primary (NE 35<sup>th</sup> Avenue)</u>	<u>30 feet</u>	<u>45 feet</u>	<u>70%</u>
<u>Secondary</u>	<u>10 feet</u>	<u>20 feet</u>	<u>90%</u>
<u>Tertiary</u>	<u>0 feet</u>	<u>30 feet</u>	<u>50%</u>
<b>Waterfront Promenade Type</b>	<b>Minimum Setback</b>	<b>Maximum Setback</b>	<b>Building Frontage</b>
<u>WP 1</u>	<u>45 feet</u>	<u>60 feet</u>	<u>90%</u>
<u>WP 2</u>	<u>65 feet</u>	<u>90 feet</u>	<u>90%</u>
Notes: (1) Setbacks shall be measured from property lines.			

**(L) On-site Parking Standards**

- (1) All parking within the EASTERN MU/WF shall comply with the Access, Circulation, Parking and Loading Standards specified in Section 24-58 Mixed-use District.
- (2) On-site parking shall comply with Table X – 5. Uses not listed herein shall comply with the parking requirements specified in Article IX.
- (3) Guest parking shall comply with Table X – 5. Guest parking shall be designated and prominently marked on-site as "Guest Parking" and shall not be restricted in any manner to use by a single tenant, owner, unit, or other user.

	<b><u>Min</u></b>	<b><u>Max</u></b>
<b><u>Retail, restaurant or commercial</u></b>	2 per 1000sf	4 per 1000sf
<b><u>Office</u></b>	2.5 per 1000sf	4 per 1000sf
<b><u>Hotel and motel; hotel and motel, limited</u></b>	1 per 4 rooms plus 1 per 800sf for restaurant, public meeting areas; 1 per 15 rooms for staff	1 per 4 rooms plus 1 per 800sf for restaurant, public meeting areas; 1 per 15 rooms for staff
<b><u>Residential</u></b>	1 per unit plus 1 per 20 units for guest parking	2 per unit plus 1 per 20 units for guest parking

**(M) Bicycle Racks and Bicycle Storage Standards**

Bicycle racks and storage shall be required as follows:

- (1) Bicycle racks and bicycle storage for commercial uses. Commercial developments, excluding hotel uses, shall provide:
  - a. secure bike racks and/or storage at a ratio of one bicycle parking space per every 15 required parking spaces and
  - b. a minimum of one shower and changing facility shall be provided to be available for all tenants and shall be located within the building, or within 200 feet of the building entrance, for developments greater than 50,000 square feet in gross building area.
- (2) Bicycle racks and bicycle storage for residential uses. One bicycle parking space shall be provided per every 15 required parking spaces. Required residential bicycle parking spaces shall be provided in a secured area, covered from the elements.
- (3) Mixed-use developments. Mixed-use developments shall provide secure bicycle parking spaces for both the commercial and residential components of the development as calculated separately pursuant to the requirements of this section.

**(N) Signage Standards**

Signage shall comply with the standards in Article XIII except as modified herein.

- (1) Signs affixed to the exterior of a building shall be architecturally compatible with the style, composition, materials, colors, and details of the building, as well as with other signs used on the building or its vicinity.
- (2) Signs shall fit within the existing facade features, shall be confined to signable areas, and shall not interfere with door and window openings, conceal architectural details or obscure the composition of the facade where they are located.
- (3) Whenever possible, signs located on buildings within the same block-face shall be placed at the same height in order to create a unified sign band.
- (4) Wood and painted metal are the preferred materials for under-awning, hanging signs. Flat signs should be framed with raised edges. Wood signs shall use only high-quality exterior grade wood with suitable grade finishes.
- (5) Sign colors should be compatible with the colors of the building façade. A dull or matte finish is recommended for reduction of glare and enhancement of legibility.
- (6) Signs shall be either spot- or backlit with a diffused light source. Spotighting shall require complete shielding of all light sources, shall be contained within the sign frame, and shall not significantly spill over to other portions of the building or site. Backlighting shall illuminate the letters, characters, or graphics on the sign, but not its background. Warm fluorescent bulbs may be used to illuminate the interior of display cases. Neon signs placed inside the display case shall insure low intensity colors.
- (7) Signs shall be mounted so that the method of installation is concealed. Signs applied to masonry surfaces should be mechanically fastened to mortar joints only and not directly into brick or stone. Drilling to provide electrical service should also follow the same rule.
- (8) Billboards are prohibited.

#### **(O) Development Approval Conditions**

##### **(1) Public Infrastructure and Streetscape assessment and fund**

- a. All new residential development, or renovation or remodeling of residential units within the EASTERN MU/WF, where total vertical construction costs of the development, renovation or remodeling is equal to or greater than \$500,000 shall pay a public infrastructure and streetscape assessment per dwelling unit. Such public infrastructure and streetscape assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public infrastructure and streetscape assessments shall be deposited into the public infrastructure and streetscape fund.
- b. Ordinary property maintenance is exempt from the public infrastructure and streetscape assessment. Repairs and restoration resulting from fire, flood, windstorm or other natural disaster, as determined by the building official, are exempt from the public infrastructure and streetscape assessment.
- c. The amount of the public infrastructure and streetscape assessment shall be established by resolution of the City Council and may be adjusted from time to time.
- d. A separate public infrastructure and streetscape fund shall be established by the City. All public infrastructure and streetscape assessment payments from residential development, or renovation or remodeling of residential units within the EASTERN MU/WF shall be deposited into this fund and the funds shall be kept separate from any other City funds. The public infrastructure and streetscape fund shall be used by the City for improvement to and maintenance of the public infrastructure and streets in the EASTERN Shores Neighborhood. Use of such funds shall be determined by the City Council. Any monies not expended in the fund in any fiscal year shall be carried over in the fund into the following year. Any interest earned on the funds shall be retained in the fund.

(2) Public Services

- a. The developer shall be required to relocate, rebuild, improve, enhance or otherwise address per the direction of the City/County, the existing fire rescue station onsite.
- b. The developer shall be required to provide, or otherwise address per City direction, a police substation onsite.
- c. The developer shall be required to develop and maintain in perpetuity a minimum of 6-acres of publically accessible open space in the District. Part of this 6-acres shall be a new publically accessible neighborhood park, conveniently located for access by residents of the Eastern Shores Neighborhood, a minimum of 65,000 sf in size.
- d. The developer shall be required to develop and maintain in perpetuity a publically accessible waterfront promenade, the general location of which is approximately shown in the Designated Publically Accessible Open Spaces and Urban Greenway Systems Regulating Plan (Figure X – 3). The new publically accessible waterfront promenade shall generally extend along the entire northern and eastern site boundary edges adjacent to the water.
- e. Provide for multiple access points with direct east and west access to and from SR 826 and traffic mitigation such that the development does not over burden NE 35<sup>th</sup> Avenue.
- f. The developer shall be required to provide streetscape improvements within the MU/EWF property generally in accordance with the Street Network Connectivity Regulating Plan and Street Standards.

**(P) Development Permit Review Procedures.**

The following development permit review procedure will apply to this district:

- (1) The review procedures set out in Article XV and Section 24-171 (Concurrency) will apply within this district.
- (2) Preapplication Conference: For those development permit requests that require a Pre-Application Conference, the specific issues identified below must be reviewed by the Applicant and addressed with staff at the Preapplication Conference:
  - (a) Provide a traffic study that shows multiple access points with direct east and west access to and from SR 826 and traffic mitigation such that the development does not over burden NE 35<sup>th</sup> Avenue. Show plans to provide public access to the waterfront; improve, enhance, relocate, rebuild or otherwise address per City/County direction the Miami-Dade Rescue Station; address, per City direction, the addition of a police substation; and address the long term maintenance of designated publically accessible open spaces.
  - (b) In addition to the submittal requirements in Article XV and Section 24-171 (Concurrency), the required plans submitted for review for the Pre-Application conference shall demonstrate the Applicant's general approach to comply with the requirements noted above and shown on the MU/EWF District's:
    - (1) Sub-Areas Regulating Plan
    - (2) Street Network and Connectivity Regulating Plan
    - (3) Designated Publically Accessible Open Spaces and Urban Greenways Regulating Plan
    - (3) Building Heights Regulating Plan
    - (4) Building Typology.

west access to SR 826 and traffic mitigation such that the development does not over burden NE 35<sup>th</sup> Avenue. Show plans to provide public access to the waterfront; improve, enhance, relocate, rebuild or otherwise address per City/County direction the Miami-Dade Rescue Station; address, per City direction, the addition of a police substation; and address the long term maintenance of designated public open spaces.

(b) In addition to the submittal requirements in Article XV and Section 24-171 (Concurrency), the required plans submitted for review for the Pre-Application conference shall demonstrate the Applicant's general approach to comply with the requirements noted above and shown on the MU/EFW District's:

(1) Sub-Areas Regulating Plan

(2) Street Network and Connectivity Regulating Plan

(3) Designated Open Spaces and Urban Greenways Regulating Plan

(3) Building Heights Regulating Plan

(4) Building Typology.

**PERMITTED USES IN THE EASTERN MIXED-USE WATERFRONT (MU/EWF) DISTRICT**

P= PERMITTED BY RIGHT

C = CONDITIONAL USES

NP= NOT PERMITTED

Uses	Use Areas		
	Core	Center	Edge
<b>Residential</b>			
Residential, provided that: must be in multi-family context; <del>may be on second floor and above on a primary street; may be on ground floor and above on Secondary Street; no density greater than 75 units per acre and less than 10 units per acre.</del>	P	P	P
Residential, townhouses (per building typology diagram)	P	P	P
<b>Eating and Drinking Establishments</b>			
Bars and lounges provided that any such use shall not be located within 500 feet of the real property that comprises a public or private elementary school, middle school or secondary school (Pursuant to §562.45(2)(a)Florida Statutes.	P	P	NP
Barbeque restaurants, open air	C	C	NP
Restaurants including fast food, excluding drive through, including outdoor dining	P	P	NP
<del>Restaurant fast food with drive through provided drive through is inside parking garage</del>	C	C	NP
<b>General Business</b>			
Banks and financial institutions, excluding drive-through.	P	P	NP
Daycare Center provided use is not on primary street	C	C	C
Hardware stores	P	P	NP
Land developers and building contractors ( <del>no outdoor storage</del> )	P	P	P
Marina, Commercial or Public	C	C	C
Night clubs and discotheques (Ord. No. 2006-1 §12, 12/21/2006)	C	C	NP
<del>Parking garages as principal use, provided that parked vehicles shall not be visible from surrounding properties or public street rights-of-way and structure shall be well landscaped.</del>	C	C	NP
Surface Parking Lot as Principle Use, CRA or City owned and operated only	P	P	NP

**PERMITTED USES IN THE EASTERN MIXED-USE WATERFRONT (MU/EWF) DISTRICT**

P= PERMITTED BY RIGHT

C = CONDITIONAL USES

NP= NOT PERMITTED

	Talent Agency	P	P	P
	Tobacco shops and electronic cigarettes (Vapor Lounge)	P	P	NP
	Travel Agencies	P	P	P
	Vocational schools and Trade: Airline, Business, Cosmetology, Secretarial and similar.	P	P	NP
	Watch and clock repair shops	P	P	NP
<b>Office</b>				
	Abstract and title offices	P	P	P
	Advertising agency	P	P	P
	Brokerage Services: Stocks, commodities, real estate mortgages, businesses, yachts (no on-site display)	P	P	P
	Business Management Consultants	P	P	P
	Doctors, dentists, chiropractors, optometrists, psychologists, and similar licensed medical professionals, excluding veterinarians, drug/alcohol and violent/dangerous	P	P	P
	Family and marriage counselors	P	P	P
	Insurance agencies	P	P	P
	Investigative services	P	P	P
	Investment counselors, excluding brokerage offices	P	P	P
	Professional Services: Accountants, architects, auditors, appraisers, city planners, economists, engineers, lawyers, psychologists, psychiatrists and licensed medical and dental practitioners and health related services	P	P	P
	Public Relations Agencies	P	P	P
	Secretarial and stenography services	P	P	P
<b>Retail/Personal Services</b>				
	Barber, beauty and skin care shops	P	P	NP
	Health and exercise studios including martial arts	P	P	NP
	Studio schools: Art, dance, music, drama, sculpture and similar instruction	P	P	NP
	Tailors and seamstresses	P	P	NP
<b>Retail/Retail Services</b>				
	Antique shops, collectibles and vintage	P	P	NP

**PERMITTED USES IN THE EASTERN MIXED-USE WATERFRONT (MU/EWF) DISTRICT**

**P= PERMITTED BY RIGHT**

**C = CONDITIONAL USES**

**NP= NOT PERMITTED**

Apparel Shops: Men's, Women's and Children's			
Art & Supplies and galleries	P	P	NP
Bake Shops	P	P	NP
Beer and Wine Shops	P	P	NP
Bicycle sales, rental, service and repair	P	P	NP
Blueprinting services	P	P	NP
Bookstores	P	P	NP
Camera and photographic supply store	P	P	NP
Convenience store	P	P	NP
Copying services	P	P	NP
Delicatessens	P	P	NP
Department stores	P	P	NP
Drugstore	P	P	NP
Flooring and carpeting stores	P	P	NP
Florists	P	P	NP
Food stores, Supermarkets and specialty markets	P	P	NP
Furniture and home furnishings	P	P	NP
Garden supply stores	P	P	NP
Gift, novelty and souvenir shops	P	P	NP
Hobby and handicraft shops	P	P	NP
Jewelry stores	P	P	NP
Leather goods and luggage stores	P	P	NP
Lighting fixture stores	P	P	NP
Music and record, video stores	P	P	NP
News stands	P	P	NP
Office Supply Stores	P	P	NP
Optical stores	P	P	NP
Paint and wallpaper stores	P	P	NP
Package Liquor Store: provided such use is located on primary street	C	C	NP
Photography studios	P	P	NP
Retail and service establishments	P	P	NP
Sporting goods stores	P	P	NP
Stationery and card stores	P	P	NP
Television, radio and stereo sales and service	P	P	NP

Table

**PERMITTED USES IN THE EASTERN MIXED-USE WATERFRONT (MU/EFW) DISTRICT**

**P= PERMITTED BY RIGHT**

**C = CONDITIONAL USES**

**NP= NOT PERMITTED**

	Toy stores	P	P	NP
<b>Lodging Accommodations</b>				
	Hotels	C	C	NP
<b>Institutional</b>				
	Museums and art galleries	P	P	P
	Places of Public Assembly, <del>10,000 sf minimum site area, on arterial or collector roadway, located in single, stand-alone building, must meet parking requirements.</del>	C	C	P
	Utility facilities, light, public and private	P	P	P
<b>Recreation and Open Space</b> <i>(Private and Public)</i>				
	Billiard and poolrooms	P	P	NP
	Movie <del>and live performance</del> theaters	P	P	NP
	Public parks and playgrounds, <del>plazas, squares</del>	P	P	P
	Skating rinks, roller or ice	P	P	NP
	Tennis and racquetball courts (indoor)	P	P	NP
	Urban market gardens	P	P	NP

**P= PERMITTED BY RIGHT**

**C = CONDITIONAL USES**

**NP= NOT PERMITTED**

Notes:

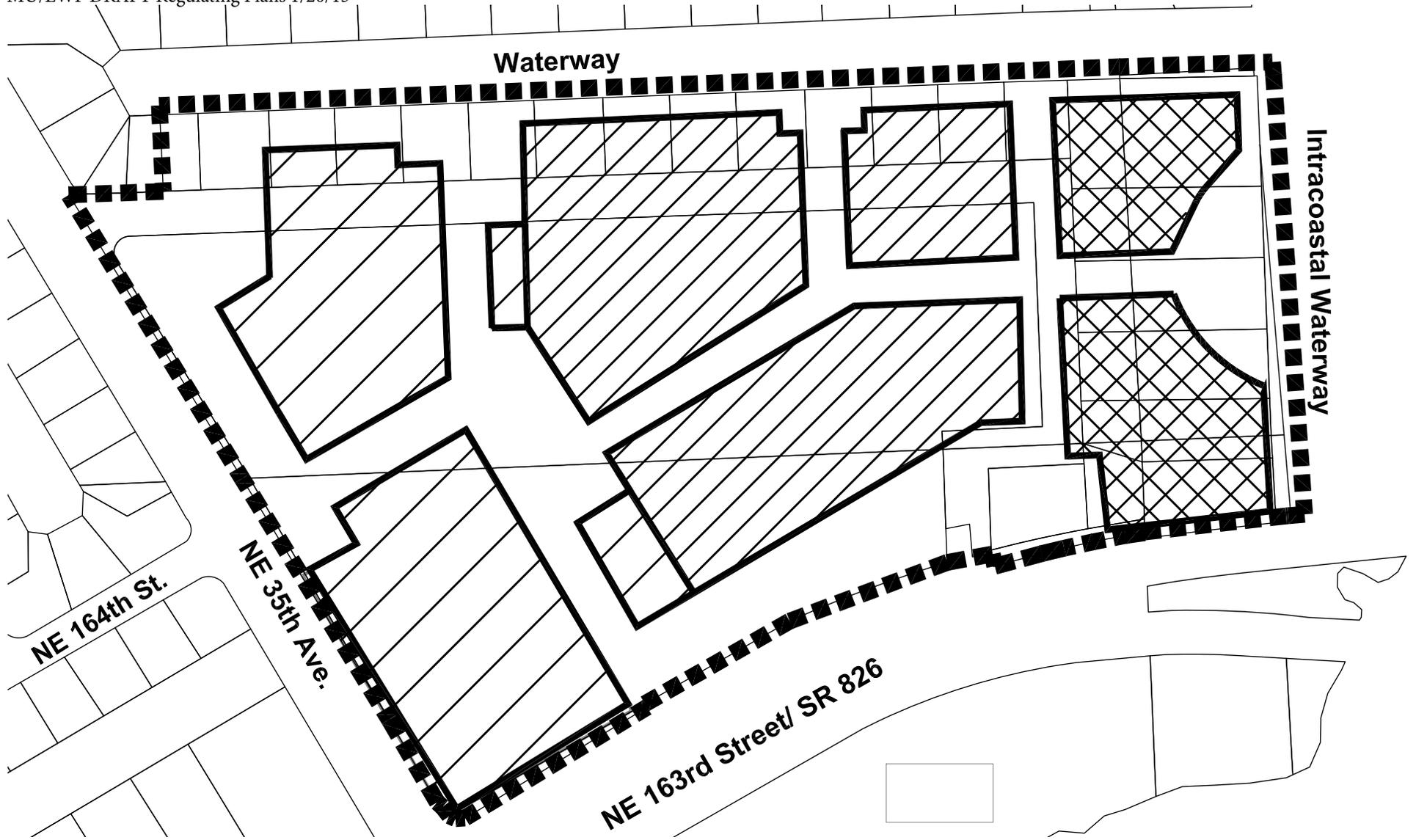


FIGURE X - 1:  
SUB-AREAS REGULATING PLAN

-  CORE SUB-AREA
-  TRANSITION SUB-AREA
-  EDGE SUB-AREA
-  DISTRICT BOUNDARY

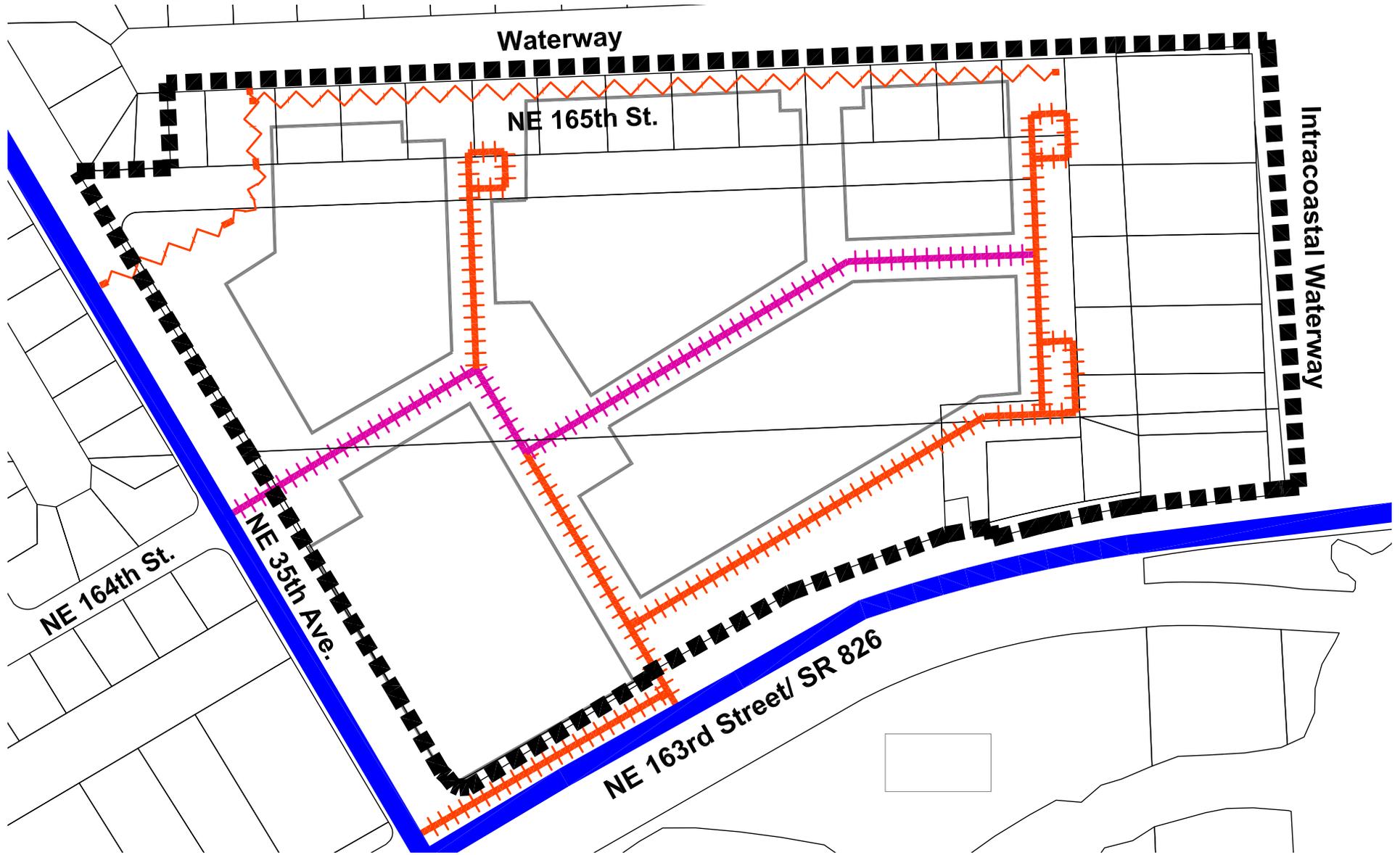


FIGURE X - 2:  
STREET NETWORK CONNECTIVITY  
REGULATING PLAN



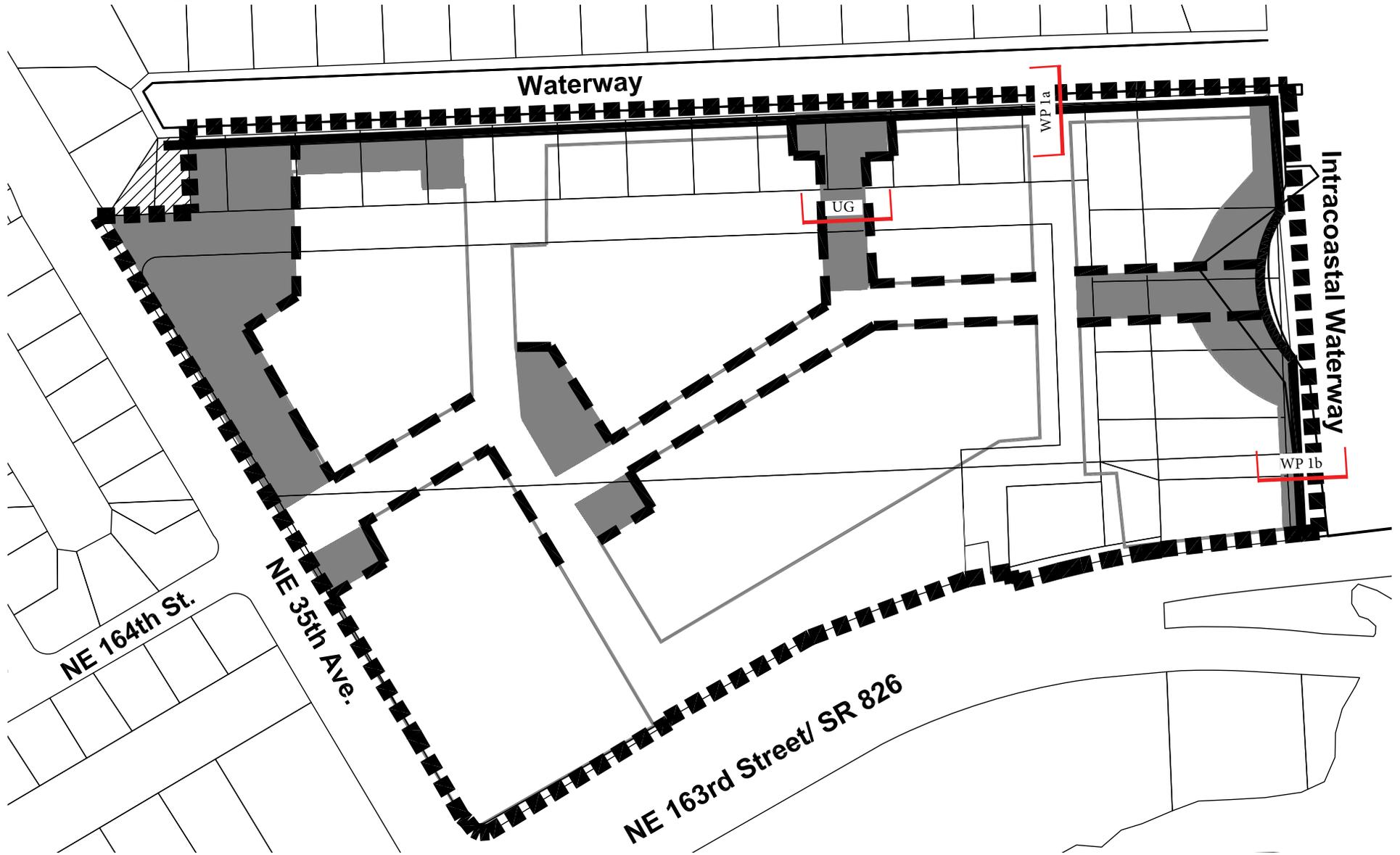


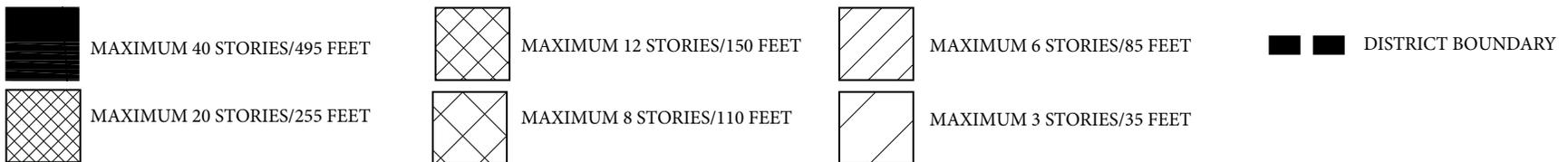
FIGURE X - 3:  
DESIGNATED OPEN SPACES AND GREENWAY SYSTEMS  
REGULATING PLAN

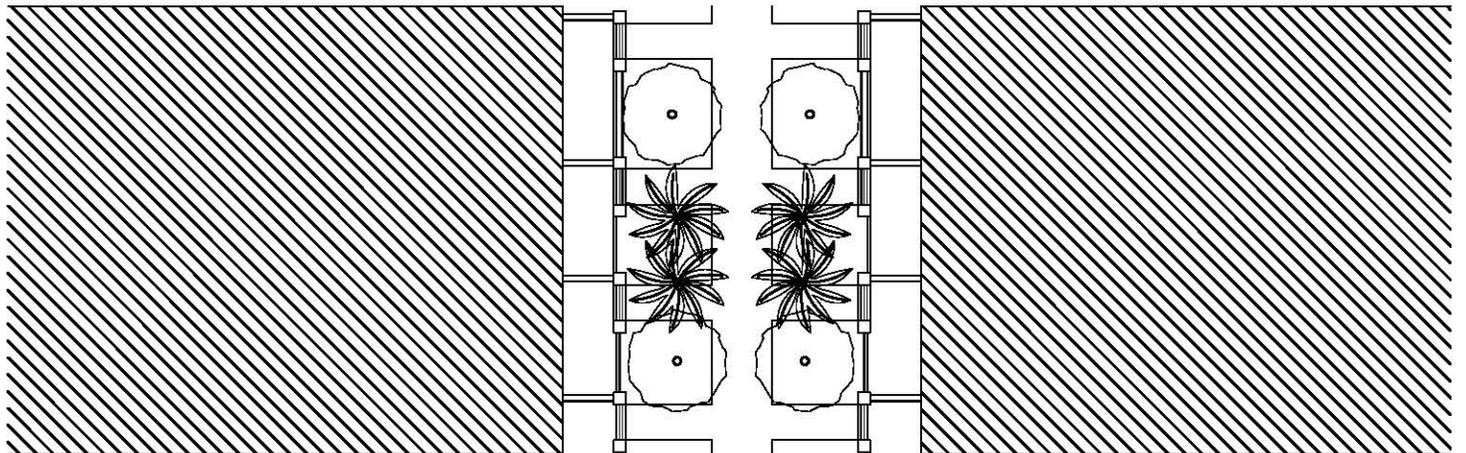
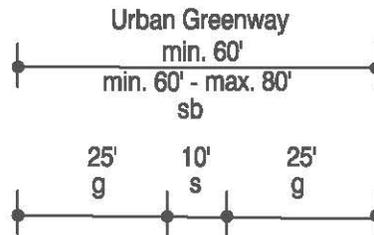
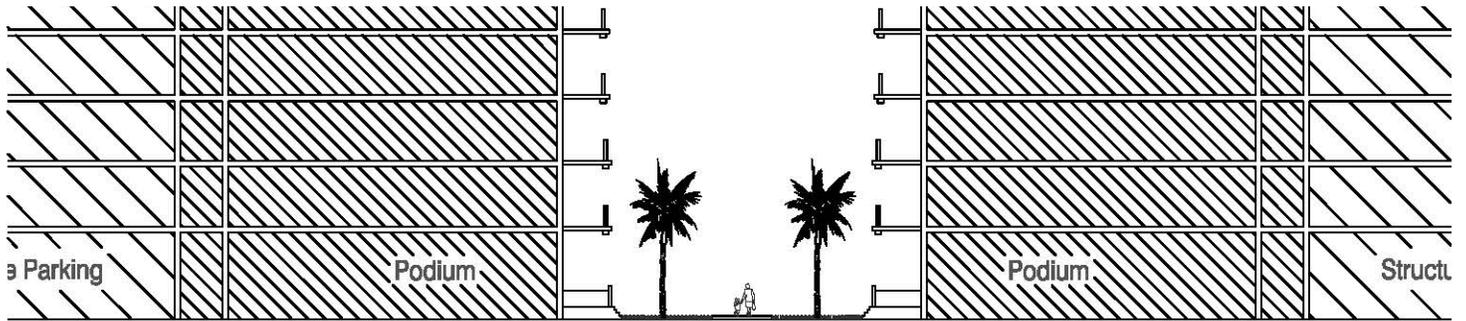
-  EXISTING DESIGNATED PUBLIC OPEN SPACE
-  NEW DESIGNATED OPEN SPACE

-  DESIGNATED URBAN GREENWAY
-  DESIGNATED WATERFRONT PROMENADE
-  DISTRICT BOUNDARY



FIGURE X - 4:  
BUILDING HEIGHTS REGULATING PLAN



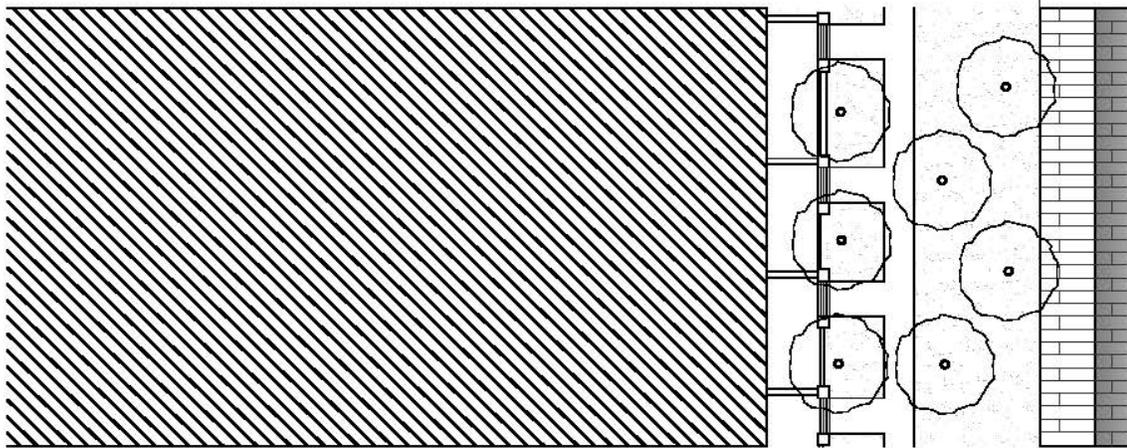
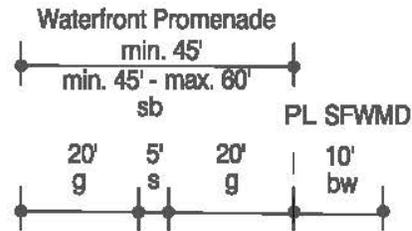
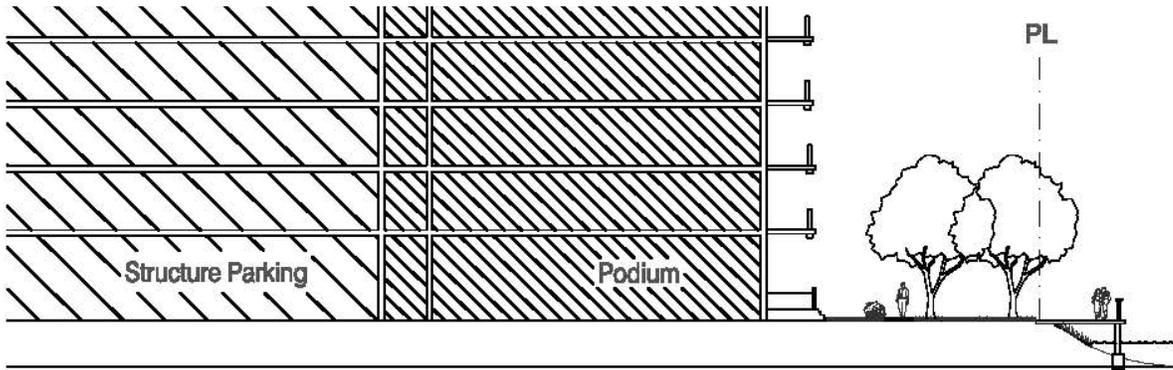


## UG: Urban Greenway: Waterfront East

Proposed

Key:

- ug: Urban Greenway
- sb: Setback
- fg: Furnishings/green area
- s: Sidewalk
- g: Landscape Strip/tree grates
- c: Curb and gutter
- p: Parking
- min: Minimum
- R.O.W.: Right-of-way

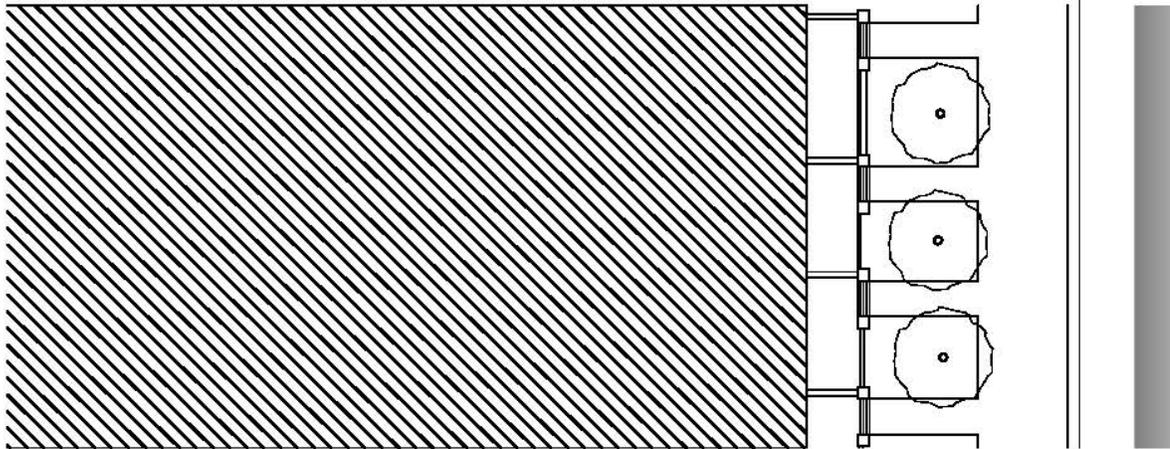
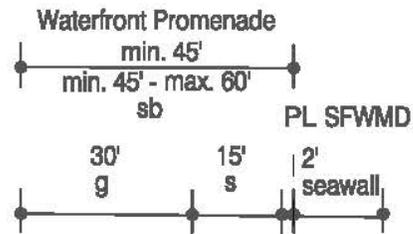
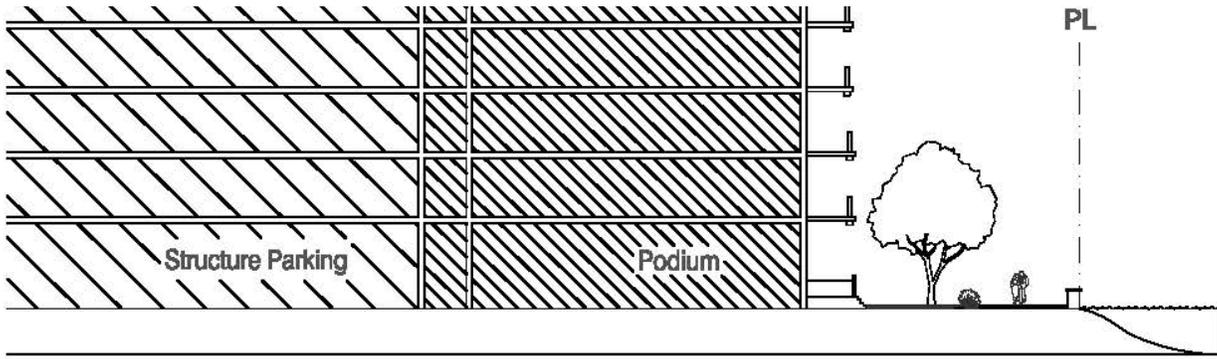


## WP1-a: Waterfront Promenade:Waterfront East

Proposed

**Key:**

- ug: Urban Greenway
- sb: Setback
- fg: Furnishings/green area
- s: Sidewalk
- g: Landscape Strip/tree grates
- c: Curb and gutter
- p: Parking
- min: Minimum
- R.O.W.: Right-of-way

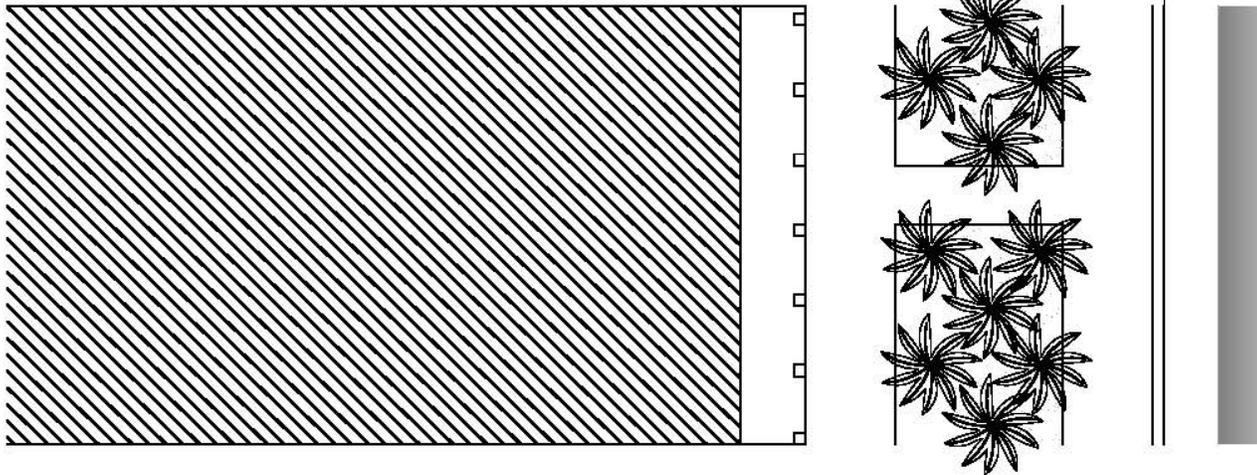
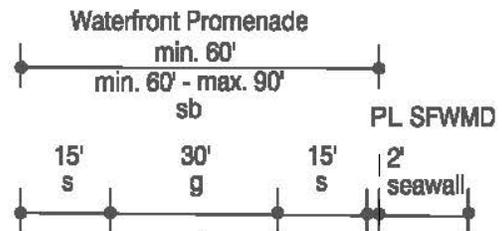
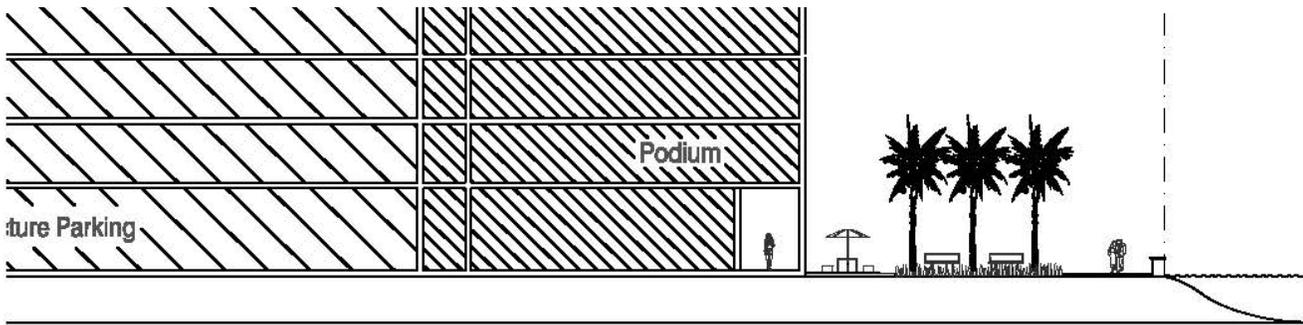


## WP1-b: Waterfront Promenade:Waterfront East

Proposed

**Key:**

- ug: Urban Greenway
- sb: Setback
- fg: Furnishings/green area
- s: Sidewalk
- g: Landscape Strip/tree grates
- c: Curb and gutter
- p: Parking
- min: Minimum
- R.O.W.: Right-of-way



## WP2: Waterfront Promenade:Waterfront East

Proposed

**Key:**

- ug: Urban Greenway
- sb: Setback
- fg: Furnishings/green area
- s: Sidewalk
- g: Landscape Strip/tree grates
- c: Curb and gutter
- p: Parking
- min: Minimum
- R.O.W.: Right-of-way