

Sec. 24-58.7 - Eastern Mixed-Use Waterfront District (MU/EFW).

- (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 applicable regulations contained in Articles IV, 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 eighteen (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 (3) 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 MU/EFW-1.
 - (2) The Street Network Connectivity Regulating Plan, which shows the approximate 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 as shown in Figure MU/EFW-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 MU/EFW-3.
 - (4) The Building Heights Regulating Plan, which establishes the maximum building height as shown in Figure MU/EFW-4.

Figure MU/EWF-1: Sub-Areas Regulating Plan

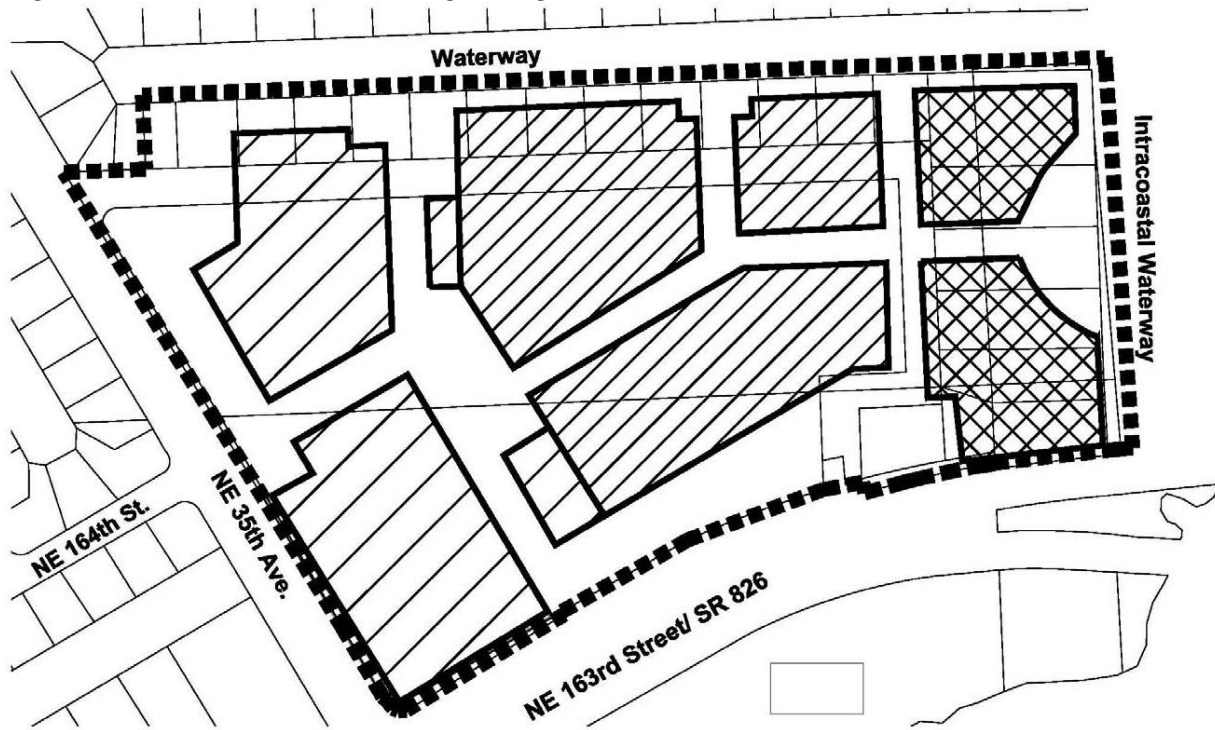


FIGURE MUEWF - 1:
SUB-AREAS REGULATING PLAN





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

Figure MU/EWF-2: Street Network Connectivity Regulating Plan

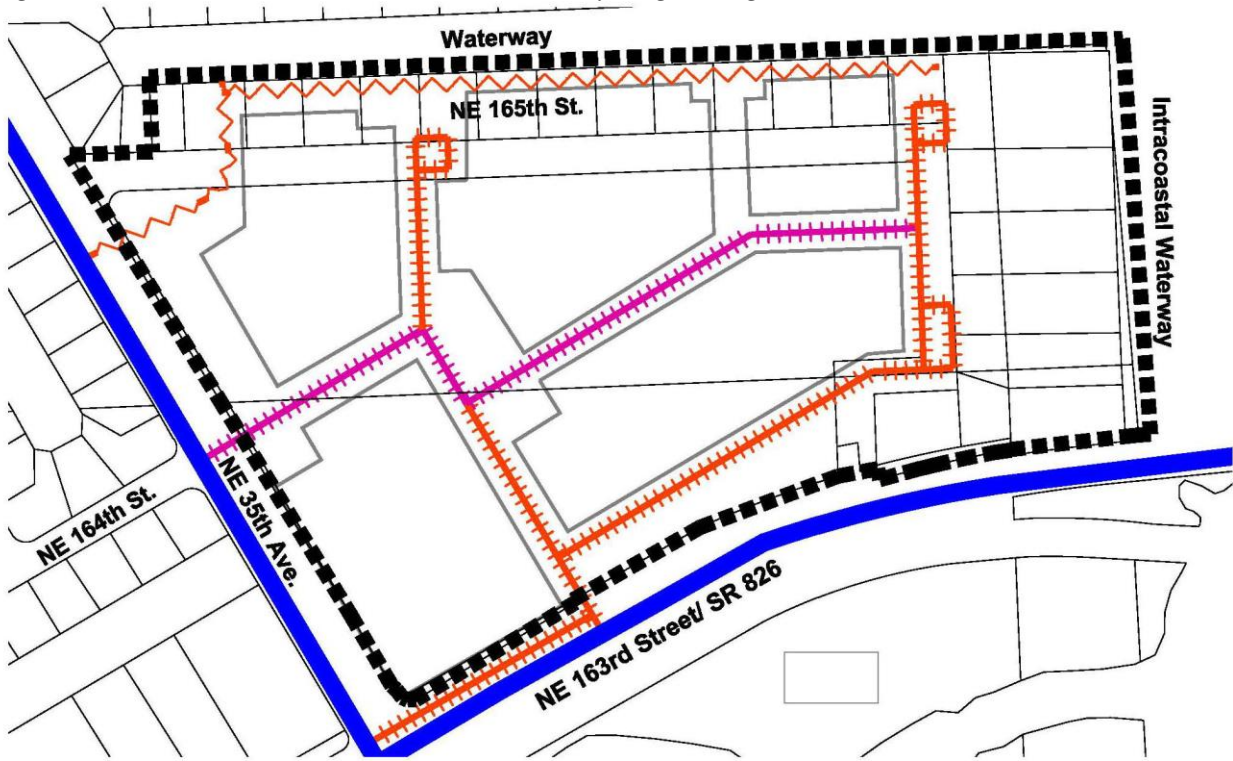


FIGURE MUEWF - 2:
STREET NETWORK CONNECTIVITY
REGULATING PLAN



Figure MU/EWF-3: Designated Publically Accessible Open Spaces and Greenway Systems Regulating Plan



FIGURE MUEWF - 3:
 DESIGNATED PUBLICALLY ACCESSIBLE OPEN SPACES AND GREENWAY
 SYSTEMS REGULATING PLAN



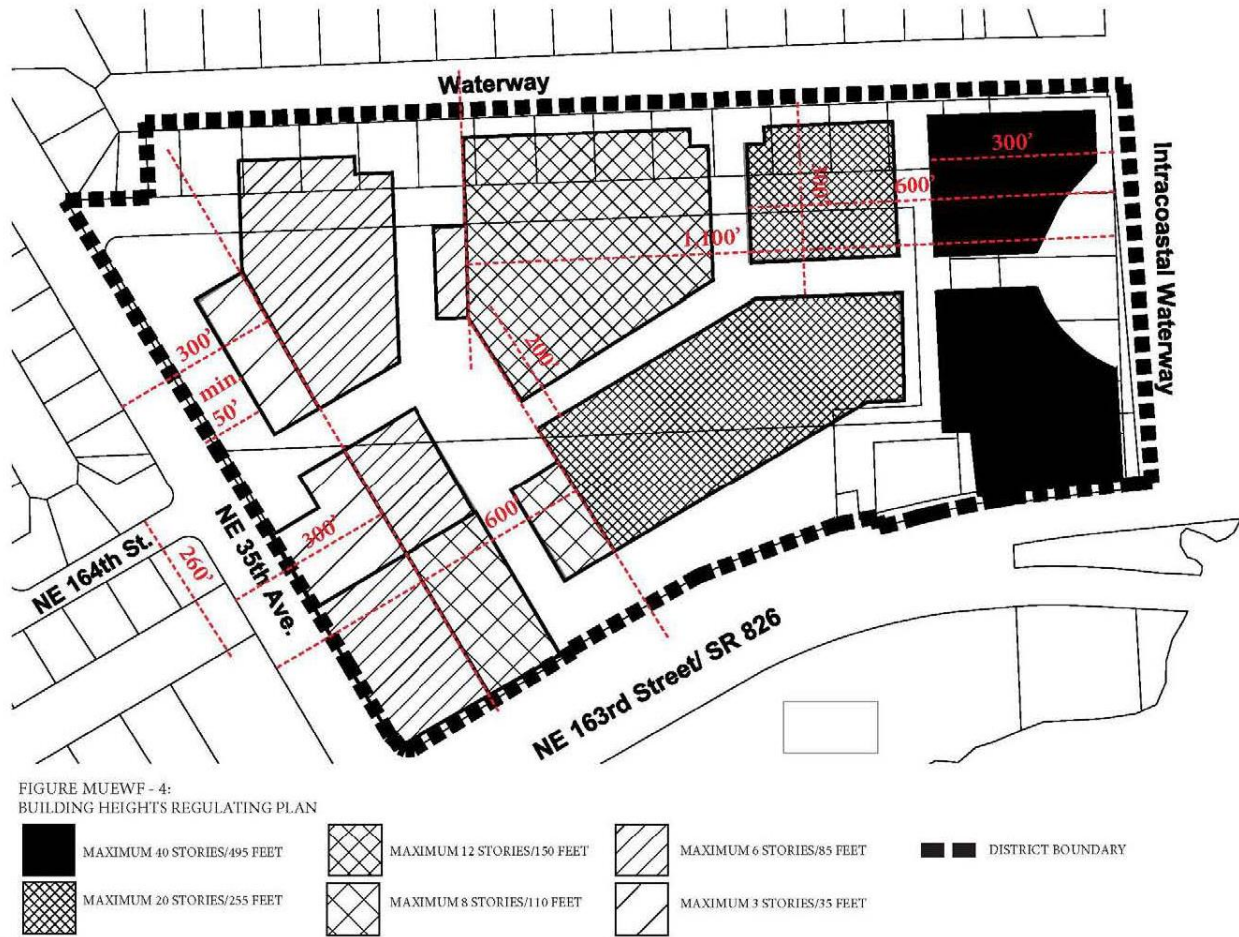
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|---|---------------------------------------|---|---------------------------------|
|  | EXISTING DESIGNATED PUBLIC OPEN SPACE |  | DESIGNATED URBAN GREENWAY |
|  | NEW DESIGNATED OPEN SPACE |  | DESIGNATED WATERFRONT PROMENADE |
| | |  | DISTRICT BOUNDARY |

Figure MU/EWF-4: Building Heights Regulating Plan



(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 MU/EWF-1.

(G) *Permitted Uses.*

(1) *Land Use Principles.*

- a. The EASTERN MUWF 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 public right-of-

way along the ground floor. 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 fifty-foot-wide landscaped buffer within the proposed project property along the property line, between the proposed development and that portion of NE 35th Avenue as specified in the Designated Publically Accessible Open Space and Greenways Systems Regulating Plan Figure MU/EFW-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 35th Avenue. The Transitional Area shall include the fifty-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 35th Avenue. The depth of the Transitional Area shall be as specified in the Building Heights Regulating Plan Figure MU/EFW-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 35th Avenue shall be as specified in the Building Heights Regulating Plan Figure MU/EFW-4.
 - 2. All or part of the Transitional Area may be developed as landscaped open space and/or recreational uses.
- (2) Permitted Use Table MU/EFW-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 MU/EFW-1 are not permitted in the EASTERN MU/WF. The EASTERN MU/WF shall be subject to the Supplemental Regulations as provided for in Article VIII unless modified herein. Uses which are similar in nature to the uses permitted herein, but not enumerated in higher density use areas, shall be permitted upon a finding by the Community Development Director that the characteristics of, and activities associated with the use are substantially similar to one or more of the listed uses, and will not involve greater impacts than the uses listed in the district and the use will be consistent with the purposes of the applicable zoning district and use areas.

Table MU/EFW-1			
PERMITTED USES IN THE EASTERN MIXED-USE WATERFRONT (MU/WF) DISTRICT			
P= PERMITTED BY RIGHT C = CONDITIONAL USES NP= NOT PERMITTED			
Uses	Use Areas		
	Core	Center	Edge
Residential			
Residential, provided that: must be in multi-family context;	P	P	P

Residential, townhouses (per building typology diagram)	P	P	P
Eating and Drinking Establishments			
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
General Business			
Automotive sales and rental uses.	C	C	C
Daycare center provided use is not on primary street	C	C	C
Marina, commercial or public	C	C	C
Night clubs and discotheques	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
Surface parking lot as principal use, City owned and operated only	P	P	P
Vocational schools and trade: Airline, business, cosmetology, secretarial and similar.	P	P	NP
Office			
Office, business and professional uses.	P	P	P
Retail/Personal Services			

Personal services uses	P	P	P
Studio schools: Art, dance, music, drama, sculpture and similar instruction	P	P	P
Retail/Retail Services			
Medical marijuana dispensaries/medical marijuana treatment centers	C	C	C
Package liquor store: provided such use is located on primary street	C	C	NP
Pharmacies	C	C	C
Retail uses (general retail).	P	P	P
Lodging Accommodations			
Hotels	C	C	NP
Institutional			
Museums and art galleries	P	P	P
Places of public assembly	C	C	C
Utility facilities, light, public and private	P	P	P
Recreation and Open Space (Private and Public)			
Game rooms, sports and amusement facilities.	P	P	C
Public parks and playgrounds, plazas, squares	P	P	P
Urban market gardens	P	P	P

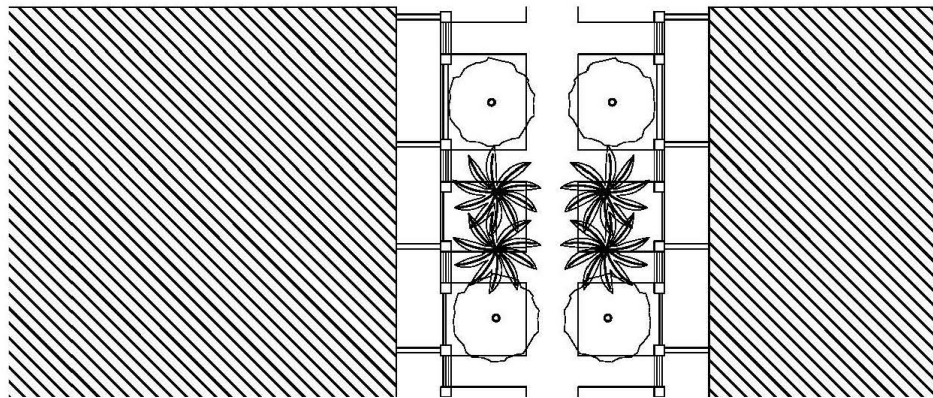
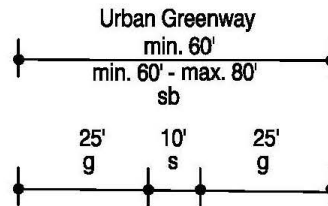
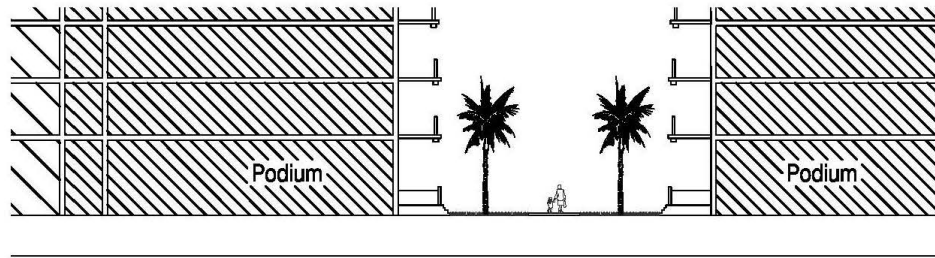
(3) Special Limited Conditional Uses. See Section 24-177.

(H) *Street Network Connectivity Regulating Plan and Street Standards*. Figure MU/EFW-2 shows the approximate 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.
- (l) *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 (1) 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 MU/EWF-3).
- (1) *Urban Greenway Types.*
 - a. Type UG: New north-south connection to waterfront (Figure MU/EWF-5).
 - i. The minimum width of the greenway shall be sixty (60) feet.
 - ii. A minimum of sixty (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.

FIGURE MUEWF 5: URBAN GREENWAY

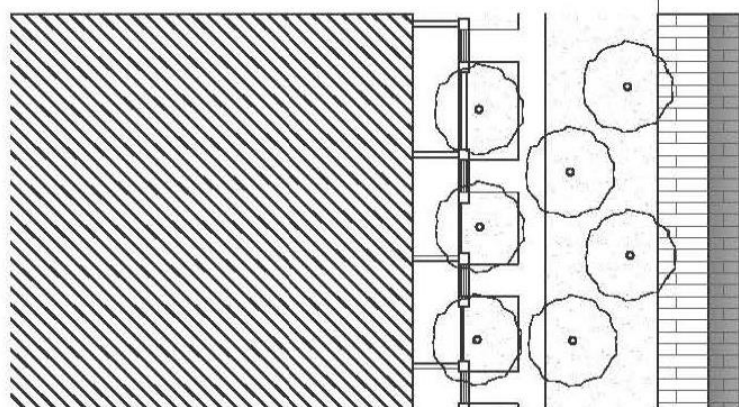
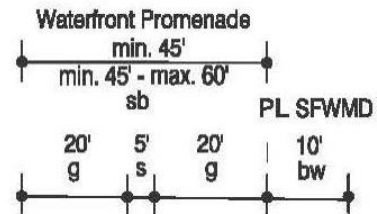
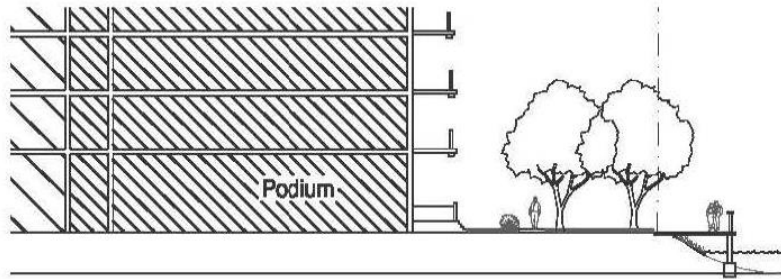


Key:
 ug: Urban Greenway
 sb: Setback
 fg: Furnishings/green area
 s: Sidewalk
 g: Landscape Strip/tree grates
 c: Curb and gutter
 p: Parking
 min: Minimum
 R.O.W.: Right-of-way

(2) Waterfront Promenade Types.

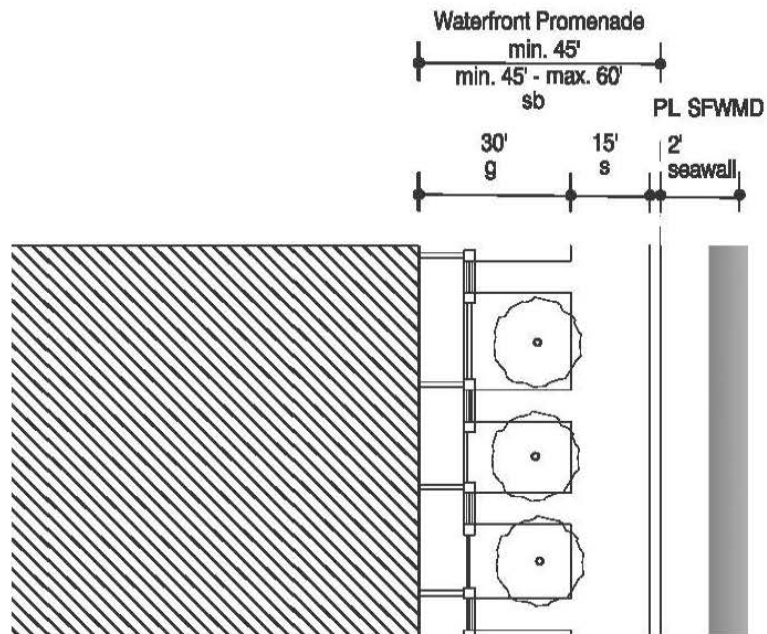
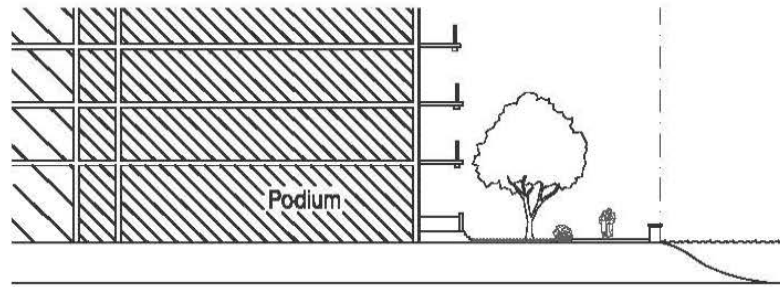
- a. Type WP 1a and 1b: Along north side of property (Figures MU/EWF-6a and 6b).
 - i. The minimum width of the waterfront promenade shall be forty-five (45) feet.
 - ii. A minimum of sixty (60%) percent of the waterfront promenade shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
 - iii. Tree grates shall not be utilized in place of the required landscape strips.

FIGURE MUEWF 6a: WATERFRONT PROMENADE 1a



- 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

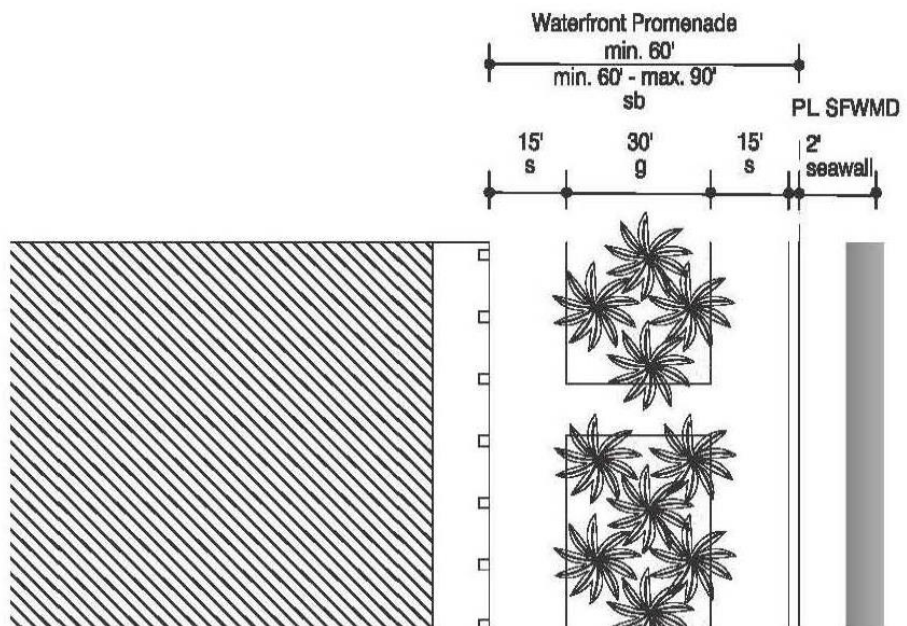
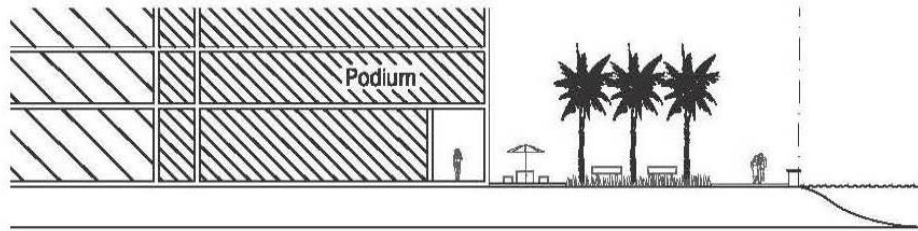
FIGURE MUEWF 6b: WATERFRONT PROMENADE 1b



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

- b. Type WP 2: Along east side of property (Figure MU/EFW-7).
 - i. The minimum width of the waterfront promenade shall be sixty (60) feet.
 - ii. A minimum of forty (40%) percent of the waterfront promenade 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.

FIGURE MUEWF 7: WATERFRONT PROMENADE 2



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

- (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 seventy (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 thirty (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 MU/EFW-4). Table MU/EFW-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.

Area	Maximum Permitted Height
Core Sub-Area	40 stories/495 feet (2), (3)
Transition Sub-Area	20 stories/255 feet (2) (3)
	12 stories/160 feet (2), (3)
Edge Sub-Area	8 stories/110 feet (3)
	6 stories/85 feet (3)
	3 stories/35 feet (3)

Notes:

(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.

(2) Buildings higher than 8 stories shall only be developed per the Tower building Type standards.

(3) The number of stories may be increased provided the overall building height is not exceeded. The Applicant shall demonstrate that the resulting intensity does not exceed the intensity that would otherwise be accommodated in the maximum number of stories permitted.

(K) *Building Typology and Dimensional Standards.*

- (1) *Building Typologies.* All new buildings shall conform to one (1) 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 MU/EWF-3.

Table MU/EWF-3			
Building Typology	Core	Transition	Edge
Tower	Yes	Yes	No
Liner	Yes	Yes	Yes
Courtyard Building	Yes	Yes	Yes
Flex	Yes	Yes	Yes
Townhouse Type 1	No	No	Yes
Townhouse Type 2	Yes	Yes	Yes
Zero Lot Line (Courtyard House)	No	No	Yes
Zero Lot Line (Sideyard House)	No	No	Yes
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 MU/EWF-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 MU/EWF-4 Minimum and Maximum Front and Street Side Setbacks
and Building Frontage per Street Type (1)**

Street Type	Minimum Setback	Maximum Setback	Building Frontage
Primary (NE 35th Avenue)	15 feet 50 feet (for the portion of the property immediately fronting the single family residential district)	50 feet	70%
Secondary	10 feet	20 feet	90%
Tertiary	0 feet	30 feet	50%
Waterfront Promenade Type	Minimum Setback	Maximum Setback	Building Frontage
WP 1	45 feet	60 feet	90%
WP 2	60 feet	90 feet	90%
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 MU/EFW-5. Uses not listed herein shall comply with the parking requirements specified in Article IX.
- (3) Guest parking shall comply with Table MU/EFW-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 MU/EFW-5 Minimum and Maximum Parking Requirements by use		
	Min	Max
Retail, restaurant or commercial	2 per 1,000 sf	4 per 1,000 sf
Office	2.5 per 1,000 sf	4 per 1,000 sf

Hotel and motel; hotel and motel, limited	1 per 4 rooms plus 1 per 800 sf 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
Residential	1 per unit plus 1 per 20 units for guest parking	2 per unit plus 1 per 20 units for guest parking
Microbrewery, winery or distillery	Retail/tasting room: 2 spaces per 1,000 sq. ft. gfa; Manufacturing/processing: 1 per 1,000 sq. ft. gfa	Retail/tasting room: 4 spaces per 1,000 sq. ft. gfa; Manufacturing/processing: 1.5 per 1,000 sq. ft. gfa

(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 (1) bicycle parking space per every fifteen (15) required parking spaces; and
- b. A minimum of one (1) shower and changing facility shall be provided to be available for all tenants and shall be located within the building, or within two hundred (200) feet of the building entrance, for developments greater than fifty thousand (50,000) square feet in gross building area.

(2) *Bicycle Racks and Bicycle Storage for Residential Uses.* One (1) bicycle parking space shall be provided per every fifteen (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. 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 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 five hundred thousand (\$500,000.00) dollars 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 six (6) acres of publically accessible open space in the District. Part of this six (6) acres shall be a new publically accessible neighborhood park, conveniently located for access by residents of the Eastern Shores Neighborhood, a minimum of sixty-five thousand (65,000) square feet 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 MU/EWF-3). The new publically accessible waterfront promenade

shall generally extend along the entire northern and eastern site boundary edges adjacent to the water.

- e. The developer shall be required to 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 35th Avenue.
- f. The developer shall be required to provide streetscape improvements within the MU/EFW 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 35th 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/EFW 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.
- (3) Applications that include a development agreement shall be subject to the additional notice and hearings set forth in Article XIX.

([Ord. No. 2015-5](#), § 2(Exh. A), 3-17-15; [Ord. No. 2016-6](#), § 2, 7-5-16; [Ord. No. 2017-12](#), § 3, 1-16-18; [Ord. No. 2018-6](#), § 2, 5-24-18; [Ord. No. 2018-7](#), § 3, 6-19-18)