

Sec. 32-199. District 8 subdistrict standards.

- (a) *Purpose and intent.* The District 8 subdistrict is intended to be a unique, lively arts and commerce area accommodating a wide range of uses including residential, retail, art, culture and design.
- (b) *Lot size and building placement.* Table 32-199(a) provides the dimensional requirements regarding lot size, lot coverage, building setbacks, and building frontage for the district 8 subdistrict. Figure 32-199(a) illustrates the dimensional requirements from the table.
- (1) A minimum of 50 percent of the linear width of the lot along a primary street shall be occupied by the primary facade of a building, located in accordance with the minimum and maximum setbacks in Table 32-199(a).
 - (2) Secondary streets do not have a required minimum building facade frontage and buildings shall be located in accordance with the minimum setback in Table 32-199(a).
 - (3) Buildings with more than 250 feet of street frontage shall provide a pedestrian passageway at least ten feet wide connecting rear parking to a sidewalk in the public right-of-way;
- (c) *Building size and height.*
- (1) On primary streets, the minimum building height is one story in height.
 - (2) Maximum base building height is four stories.
- (d) *Building uses and density.*
- (1) *Specific uses.* Specific uses in the District 8 subdistrict shall conform to the regulations in [section 32-193](#).
 - (2) *Conditional use standards.* Conditional uses must be approved pursuant to the provisions in [section 32-964](#). In addition, the following regulations apply:
 - a. *Drive-through facilities for any use.* Drive-through facilities for any use shall have the drive-through window(s) and stacking area located to the rear or side of buildings.
 - b. *Interim parking lots.* Parcels no greater than 25,000 square feet in area may be approved for interim parking lots serving general business and residential areas for specific timeframes. Interim parking lots must be maintained with a dust-free surface and shall have perimeter landscaping comprised of a continuous maintained hedge three to four feet in height with one tree every 30 feet installed along streets and residential properties, with final details to be incorporated as conditions of approval. The approval may specify an annual review process that could result in revocation if these requirements and any other conditions of approval are not maintained.
 - (3) *Base density.* The base [density](#) in Table 32-199(a) is the number of dwelling units allowed per acre.
 - (4) *Buildings exceeding maximum height or density.* The maximum building height is four stories. The maximum [density](#) in Table 32-199(a) is the number of dwelling units allowed per acre based upon the approval processes set forth in sections 32-205 and 32-206. Buildings which meet all of the following criteria may build up to eight stories in height and to the maximum [density](#) specified in Table 199(a):
 - a. Meet the requirements of the community redevelopment agency (CRA) arts and culture in public places program upon its implementation. Developments proposed prior to the implementation of the arts and culture in public places program, shall provide on-site installation of artwork which shall be reviewed by the directors of the CRA and development services department for content and design. If the proposed design is denied, the applicant may appeal to the city commission. All arts and culture in public places projects shall be accessible to the public.

- b. Be located on NE 1st Avenue or NE 3rd Street.
- c. Meet the city's green building requirement level beyond the base certification.
- d. Provide only business uses in the first story; upper stories may be commercial, residential or a combination of permitted uses.
- e. First floor garage areas fronting on primary streets shall be screened from view at the sidewalk level by a minimum of 20 feet of habitable space occupied by retail, office or other commercial uses. Upper level of the garage shall have architectural treatment to reflect a building façade or screened by an art installation approved by the CRA and development services directors. Parking lots on secondary streets shall also be screened from street view by an art installation approved by the CRA and development services directors.
- f. Provide at least 15 percent of the project's total residential units as affordable housing maintained for a period of at least 30 years guaranteed by execution of a restrictive covenant or agreement in a form acceptable to the city attorney. The quality of finishes and fixtures for affordable housing units shall be identical to the quality of finishes and fixtures for market rate units.

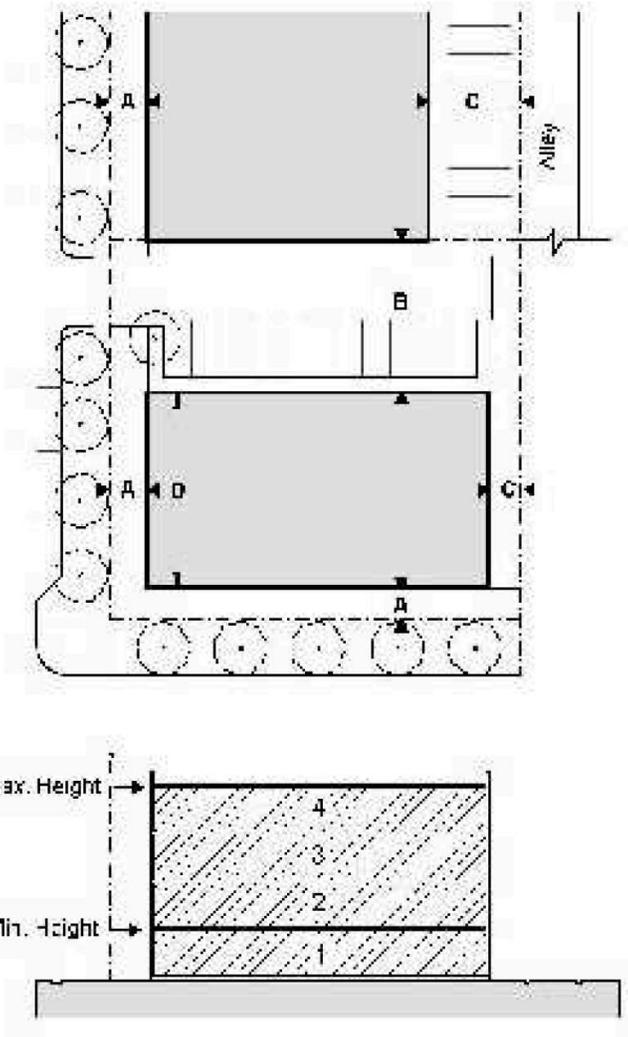
Table 32-199(a) - District 8 Subdistrict

Dimensional Requirements	
Lot Size	
Lot Width	50 ft. min.
Lot Area	5000 sf. min./ 100,000 max.
Lot Area—Properties west of NE 1st Avenue	2,500 sf
Lot Coverage	95% max.
Lot Coverage—Properties west of NE 1st Avenue	100%
Minimum Landscape Area	5%
Minimum Landscaping Area—Properties west of NE 1st Avenue	0%
Building placement	
A. Primary Street Setback ²	10 ft. min./ 15 ft. max.
Primary Street Setback—Properties west of NE 1st Avenue	0 ft.
Secondary Street Setback	10 ft. min.
B. Street above the 4 th story	10 ft. min.
C. Interior Side Setback ²	0 ft. min. ²
D. Interior side above the 4 th story	10 ft. min.

Dimensional Requirements	
E. Rear Setback	10 ft. min.
F. Rear Setback—Properties west of NE 1st Avenue	0 ft.
G. Rear above the 4 th story	10 ft. min.
H. Building Frontage on Primary Streets	50% min.
Building Size & Height	
Min. Height Primary Streets	1 Story
Base Building Height	4 Stories
Max. Building Height	8 Stories
Density	
Base Density	25 du/ac
Max. Density	50 du/ac
Civic Open Space Requirement	
Sites Greater than 40,000 sq. ft.	5%
¹ Side lot lines facing streets are regulated by front setback requirements. ² All light and air shafts shall be provided within the lot See subsection 32-194(b)(2)	

Figure 32-199(a)

Fashion/Art/Design Subdistrict
Building Placement & Height



(e) *Frontage standards.*

(1) The front setback and side setbacks facing streets shall be landscaped and shall have the following characteristics:

- a. One royal palm or shade tree shall be planted in the right-of-way for each 20 feet of linear street frontage of a property. In the absence of a pervious [swale](#), and where installation of new sidewalk segments are required by this chapter, street trees shall be planted within the sidewalk utilizing a minimum of nine and a maximum of 16 square feet of unpaved planting area, provided that at least four feet of pedestrian clearance is maintained. All trees shall be planted and maintained in compliance with article IV, division 8 of this chapter
- b. A pedestrian walkway at least eight feet wide shall be accommodated as set forth in [section 32-201\(b\)](#).
- c. Any remaining setback area not used to accommodate a pedestrian walkway shall be landscaped using trees, potted plants in removable planters, or ground planting that does not obstruct views into windows, and may also be used to accommodate merchandise displays or outdoor dining areas.

- d. Except for the required street wall in section 32-194(d)(6), fences and walls are prohibited within the front setback.
- (2) The main entrance(s) to ground story lobbies or commercial space(s) shall be directly from and face a public right-of-way or civic open space. Doors allowing public access shall occur at intervals no greater than 75 feet.
- (3) Building entrances shall use at least one of the following frontage types detailed in [section 32-201](#):
 - a. Stoop;
 - b. Forecourt;
 - c. Bracketed balcony;
 - d. Storefront;
 - e. Arcade/colonnade.
- (f) *Murals*. In addition to the signs permitted in section 32-605(d), establishments in the Fashion/Arts/Design subdistrict may have murals. Murals are encouraged in the Fashion/Art/Design subdistrict to improve the appearance of buildings through the use of highly visible and tasteful art. Murals shall meet the following criteria and process:
 - (1) The content shall be of an aesthetically pleasing nature with artistic value and contain no copy advertising a specific business, service, or product.
 - (2) Applicants shall submit an application to development services department containing the names and addresses of persons in control or possession of the real property upon which mural will be located, a drawing or rendering of the proposed design, location, dimensions, colors and materials. If the applicant is not the same person as the person in control or possession of the affected real property, the applicant shall provide appropriate proof of authority to proceed with the application. The application shall be accompanied by an application fee which is on file in the city clerk's office. The application shall be reviewed by the development services director and the CRA director for content and size. If the proposed design is denied, the applicant may appeal to the city commission.
- (g) *Outdoor display*. Outdoor display of merchandise in the Fashion/Arts/Design subdistrict is permitted and exempt from the provisions of [section 32-415](#). Only retailers may display their items in outdoors and the items may only be displayed in the area immediately fronting the individual store selling the item. Items may not be displayed in parking lots. Retailers displaying their merchandise on sidewalks or walkways must allow for the minimum pedestrian walkway as set forth in [section 32-201\(b\)](#).
- (h) *Parking exemptions, reductions, and design*.
 - (1) *Parking exemption for permitted existing uses*. Any change of a permitted business use, or expansion of an existing permitted business use existing at the time of the effective date of this provision (date of provision) that results in the addition of no more than 100 percent of the existing floor area of the building shall be exempt from the minimum number of off-street parking spaces required per use of subsections 32-203; provided however, that, when in the opinion of the city engineer, there is sufficient right-of-way width which is not otherwise necessary for through traffic, and which can accommodate on-street parking in the adjacent public right-of way, the property owner shall provide on-street parking as may be possible adjacent to the property. The city engineer shall check and approve the plan showing such improvement so as to provide proper drainage and design.

- (2) *Nonconforming parking.* Any change of a business use, renovation or expansion of an existing business use with a nonconforming parking lot shall be permitted to maintain the existing layout. In the event the property owner wishes to reconfigure a nonconforming parking layout, the property owner shall be exempt from the requirements of subsection 32-453(i)(2); however, the property owner shall submit a new layout to the department of sustainable development director for consideration. Landscaping associated with the reconfigured parking layout shall be subject to review and approval by the director. The director, with the input of the city engineer, shall review such requests on a case-by-case basis and may approve such requests provided there is no public safety or traffic circulation concerns.
- (3) Parking exemptions for new development. Within the District 8 subdistrict, restaurants, and alcoholic beverage establishments on development sites with up to 20,000 square feet in lot area shall be exempt from parking requirements.

A covenant running with the land, approved by the city attorney, shall be recorded to ensure that new development with parking exemptions per this subsection is limited to restaurant and alcoholic beverage establishments and no changes in use are permitted on the property unless a parking facility with the number of spaces required by [section 32-203](#) for such use is provided.

- (4) Parking exemptions for development located on the west side of NE 1st Avenue. Within the District 8 subdistrict, all existing or new development shall be exempt from parking requirements.
- (5) Parking reductions for new development. Within the District 8 subdistrict, the parking requirements for the following uses shall be reduced by 50 percent of the required parking specified by [section 32-203](#).
- a. Stores and services, general.
 - b. Family entertainment center.
 - c. Restaurants and alcoholic beverage establishments which do not qualify for the parking exemptions in subsection (3).
- (i) *Other applicable standards.* See [section 32-193](#) and sections 32-201 through 32-204 for standards that also apply to the District 8 subdistrict.

(Ord. No. 2014-31, § 24(Exh. B), 11-5-2014; Ord. No. 2019-018, § 1, 12-4-2019; Ord. No. 2020-020, § 1, 9-2-2020; Ord. No. 2023-010, § 3, 5-17-2023; Ord. No. 2024-015, § 2, 6-5-2024)

Editor's note(s)—Ord. No. 2023-010, § 3, adopted May 17, 2023, amended the title of [§ 32-199](#) by changing "fashion/art/design" to "district 8."