

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE CODE OF ORDINANCES ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING ARTICLE 4, DIVISION 4 ENTITLED "SPECIAL PURPOSE AND OVERLAY DISTRICTS", AT SECTION 4-402 ENTITLED "PLANNED DEVELOPMENT DISTRICT", SPECIFICALLY AT SUBSECTION B ENTITLED "DEVELOPMENT STANDARDS", TO EXPAND THE LIST OF PERMITTED USES, AND TO FURTHER AMEND SUBSECTION B2.F AND SUBSECTION B2H.V, TO REVISE THE DEVELOPMENT STANDARDS AND PROVIDE FOR A WAIVER AS CONTAINED THEREIN, CONSISTENT WITH THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, on April 28, 2009 the Mayor and City Council adopted the Land Development Regulations provisions under Chapter 29 of the City Code of Ordinances ("LDRs"); and

WHEREAS, the City is desirous of amending Article 4, Division 4 of the LDRs entitled "Special Purpose and Overlay Districts", specifically at Subsection 4-402 B.1., entitled "Uses Permitted", Subsection B2.f and Subsection B2h.v., to further clarify the types of uses permitted within the aforementioned district and create more flexible standards that encourage economic growth and facilitate infill development within the Planned Development District; and

WHEREAS, Policy 9.4.6 of the City's Comprehensive Plan requires that the City "create land use designations and zoning regulations that encourage the retention, attraction and expansion of business and industry"; and

WHEREAS, the City believes the proposed LDR amendments will further implement the vision of the City's Comprehensive Plan and will not adversely affect the public health, safety and welfare of the City; and

WHEREAS, on January 3, 2012, after a duly noticed public hearing, the Planning Commission recommended approval of the proposed ordinance to the City Council; and

WHEREAS, the Mayor and City Council find that the proposed amendment to Chapter 29 is in the best interest of the City, and its adoption furthers the goals, objectives and policies of the Comprehensive Plan of the City of North Miami.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

Section 1. The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 29 of the Code of Ordinances entitled "Land Development Regulations", by amending Article 4, Division 4 entitled "Special Purpose and Overlay Districts", at Section 4-402 entitled "Planned Development District", specifically at Subsection B entitled "Development Standards", to expand the list of permitted uses, and to further amend Subsection B2.f. and Subsection B2h.v., to revise the Development Standards and provide for a waiver as contained therein, consistent with the Comprehensive Plan, as follows:

CHAPTER 29. LAND DEVELOPMENT REGULATIONS

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ARTICLE 4. ZONING DISTRICTS

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DIVISION 4. SPECIAL PURPOSE AND OVERLAY DISTRICTS

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Section 4-402. Planned development district.

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B. Development Standards. The city council may approve a planned development subject to compliance with the development criteria and minimum development standards set out in this section.

1. Uses permitted:

Active and passive parks and open space;
Adult living facilities (ALF);
Community facilities;
Educational facilities;
Hospitals and related medical facilities;
Hotels;
Recreation /Entertainment indoor;
Nightclubs;

Office;
 Public uses;
Recording & TV/Radio;
 Residential;
 Restaurants;
Research & Technology;
 Retail sales and service;
 Mixed use - any combination of two (2) or more permitted uses.

2. Minimum Development Standards. Any parcel of land for which a planned development is proposed must conform to the following minimum standards:

- a. Minimum site area. The minimum site area required for a planned development shall be not less than two (2) acres.
- b. Configuration of land. The parcel of land for which the application is made for a planned development shall be a contiguous unified parcel with sufficient width and depth to accommodate the proposed use. The minimum average width and or depth for any Planned Development shall be one hundred (100) feet.

c. Density. The density requirements shall be in accordance with the provisions of the applicable land use classifications in the Comprehensive Plan as follows:

Maximum density (without bonuses under the provisions below):
 Mixed use low: 25 du/acre;
 Mixed use medium: 40 du/acre;
 Mixed use high: 45 du/acre;
 Hotels: for parcels less than fifty (50) acres, not exceeding double the number of permitted dwelling units with at least ten (10) percent of the floor area to be office, retail or residential
 Other uses: density consistent with comprehensive plan land use category.

d. Bonus density for mixed use (outside the neighborhood redevelopment overlay district): additional density may be granted through conditional use approval up to the maximum densities provided as follows:

Mandatory: Green building and sustainability (designed to achieve LEED certified or greater)	7 du/ac
Mandatory: transit-oriented development with at least four (4) of eight (8) of the following standards: i. Neighborhood pedestrian connections between adjacent uses. ii. Improved pedestrian way connecting to nearest arterial w/way finding signage. iii. Sheltered bus stop within one-fourth (1/4) mile of	3 du/ac

<p>the proposed development in accordance with section 5-903.</p> <p>iv. Internal bike and pedestrian circulation system.</p> <p>v. Provision of bike lockers or racks.</p> <p>vi. Provision of showers for bicyclists.</p> <p>vii. Connection to existing or planned regional bike trail</p> <p>viii. TDM subsection 5-803B</p>	
<p>Optional: affordable/workforce housing (fifteen (15) of units)</p>	<p>5 du/ac</p>
<p>Approval of a bonus for affordable/workforce housing would require:</p> <p>A determination that there is a demonstrated need for the proposed affordable/workforce housing based on a current needs assessment prepared by the city. The city may request that the applicant for a affordable workforce housing bonus reimburse the city for preparation of the needs assessment.</p> <p>Appropriate conditions on approval for maintaining the bonus housing as affordable/workforce housing for a term of not less than ten (10) years.</p>	

e. Height:

Mixed use low: fifty-five (55) feet;

Mixed use medium: seventy-five (75) feet;

Mixed use high: one hundred ten (110) feet;

Other uses: refer to comprehensive plan land use category.

**Exception: The property commonly referred to as the Munisport parcel with boundaries generally described as NE 137 Street to NE 151 Street from Biscayne Boulevard to Bay Vista Boulevard as authorized in Resolution No 2002-71 shall be permitted up to 25 stories of building height.*

f. Mixed Uses. Mixed uses within a planned development shall be a compatible and complimentary combination of office, hotel, multifamily and retail or any two (2) or more combination of permitted uses which shall be oriented to the needs of the district in which the development is located. A minimum of seventy-five (75) percent of the ground floor gross area of a mixed use building shall contain retail uses.

g. Open space. The minimum open space required for a Planned Development shall be not less than twenty (20) percent of the parcel proposed for development.

- h. Design requirements. All buildings within a Planned Development shall conform to the following:
- i. The design requirements in Article 5 Division 8 of these LDRs;
 - ii. Architectural relief and elements (i.e. windows, cornice lines, etc.) shall be provided on all sides of buildings visible to the public, similar to the architectural features provided on the front façade;
 - iii. Facades in excess of one hundred fifty (150) feet in length shall incorporate design features such as: staggering of the façade, different window treatments and use of architectural elements such as vertical features;
 - iv. Parking garages shall include architectural treatments compatible with the principal use and comply with the provisions of section 5-1409;
 - v. ~~No building façade shall have a length greater than two hundred (200) feet without a public pedestrian passageway or alley through the building;~~
 - vi v. All buildings, except accessory buildings, shall have their main pedestrian entrance oriented towards the front property line or parking lot.
- i. Perimeter and transition. Any part of the perimeter of a planned development which fronts on an existing street or open space shall be so designed as to complement and harmonize with adjacent land uses with respect to scale, density, setback, bulk, height, and screening. Height and setbacks for properties which are adjacent and/or abutting land in the R-1 and R-2 Districts shall comply with the height/setback requirements for multifamily and non-residential development which are adjacent and/or abutting land in the R-1 and R-2 Districts in sections 4-202 and 4-303.
- j. Minimum street frontage, building site requirement, number of buildings per site, lot coverage and all setbacks. There shall be no specified minimum requirements for street frontage, building sites, number of buildings within the development, or lot coverage.
- k. Building Frontage. Nothing in this Section shall be construed as prohibiting a building in a planned development from fronting on a private street when such buildings are shown to have adequate access in a manner which is consistent with the purposes and objectives of these regulations and such private street has been reviewed by the planning commission and approved by the city council.
- l. Accessory uses and structures. Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures are permitted in a planned development. Any use permissible as a principal

use may be permitted as an accessory use, subject to limitations and requirements applying to the principal use.

m. Signs. The number, size, character, location and orientation of signs and lighting for signs for a Planned Development shall be governed by a comprehensive sign program for the project or the portions thereof seeking a conditional use permit.

n. Waiver. The development standards hereof may be waived, modified or altered changed by the City Council as part of the conditional use permit granted to the applicant if it is determined that the granting of the waiver furthers the purpose and applicability of the planned development by promoting greater innovation and creativity in the development of the land.

Section 2. Repeal. All ordinances or parts of ordinances in conflict or inconsistent are hereby repealed.

Section 3. Conflicts. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Codification. The provisions of this Ordinance may become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading.

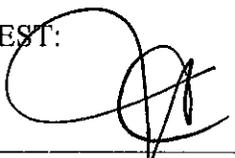
PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 24 day of January, 2012.

PASSED AND ADOPTED by a 4-1 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 14 day of February, 2012.



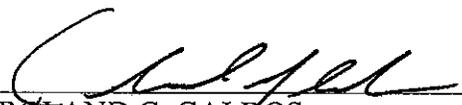
ANDRE D. PIERRE, ESQ.
MAYOR

ATTEST:



MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



ROLAND C. GALDOS
INTERIM CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Vice Mayor Marcellus

Seconded by: Mayor Pierre

Vote:

Mayor Andre D. Pierre, Esq.	<u>X</u>	(Yes)	_____	(No)
Vice Mayor Jean R. Marcellus	<u>X</u>	(Yes)	_____	(No)
Councilperson Michael R. Blynn, Esq.	<u>X</u>	(Yes)	_____	(No)
Councilperson Scott Galvin	_____	(Yes)	<u>X</u>	(No)
Councilperson Marie Erlande Steril	<u>X</u>	(Yes)	_____	(No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.