NORTH MIAMI
FLORIDA
776 N.E. 125 Street, North Miami, Florida 33161

Council Report

To: The Honorable Mayor and City Council

From: Maxine Calloway, Esq., A.I.C.P., Director of Community Planning & Development

Date: ~~January 24, 2012~~ **February 14, 2012 (Second Reading)**

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 SECTION 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; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

RECOMMENDATION

That the City Council approves the proposed ordinance to amend Article 4, Section 4-402 of the City's Land Development Regulations (LDR), to expand the list of permitted uses, revise the development standards and incorporate a waiver provision.

PLANNING COMMISSION RECOMMENDATION

At its meeting on January 3, 2012 the Planning Commission reviewed and discussed the proposed ordinance and raised numerous questions regarding the purpose of the amendment and inquired about the input staff received from the Biscayne Landing Development team in crafting language for the text amendments. Particularly, they talked at length about the language proposed in subsection 4-402.B2.n. Staff explained that the Biscayne Landing team made several recommendations for revisions to the PD District requirements in an effort to create greater flexibility in the zoning standards in order to support future development at the Biscayne Landing site as well as other sites with a PD District designation. Although the Commission supported the general intent of the proposed ordinance, they (as well as members of the public) were vehemently opposed to the language proposed under subsection B2.N. which provided a waiver option for future developers in the PD

District. As such, the Commission rendered a unanimous vote of 6-0, recommending approval of the proposed ordinance with the entire language in subsection B2.N stricken:

Waiver: The development standards hereof may be waived modified or altered 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, modification or alteration furthers the purpose and applicability of the planned development by promoting greater innovation and creativity in the development of the land.

PURPOSE & INTENT

The proposed amendment seeks to revise Article 4, Section 4-402 entitled "Planned Development" (PD) in order to further clarify the types of uses permitted within the aforementioned district, while modifying certain development standards and incorporating a waiver provision to encourage economic growth and facilitate infill development within the PD district.

BACKGROUND INFORMATION

The PD District is identified as a Special Purpose District in the City's Land Development Regulation. Unlike many of the City's other more stringent *Euclidean* style zoning districts, namely the R-1, R-2, M-1 and the Commercial Districts, Special Purpose Districts (like the PD District) are designed to provide the greatest flexibility in development standards. The Planned Development District is an effective redevelopment tool in built out areas like North Miami with limited supply of vacant land, as it allows investors to more easily maximize the development potential of a given property.

Per Section 4-402 of the City's LDR, the current PD District serves the following primary purposes:

1. Promoting greater innovation and creativity in the development of land;

2. Ensuring that the location of mixed use development is appropriate and compatible with adjacent land uses in accordance with the goals, policies and objectives of the Comprehensive Plan; and

3. To promote a more desirable community environment through approval as a rezoning and the issuance of a conditional use permit.

There are currently only five (5) properties within the City with a zoning designation of Planned Development. All the identified properties within the City with the exception of Biscayne Landing are completely built out. Although no conditional use permits or development applications have been filed with the Community Planning & Development Department to date, preliminary discussions are underway to redevelop the site to incorporate a mix of uses that will include, but are not limited to:

Residential, Commercial, Assisted Living Facility, TV/Movie/Recording Studio, Research & Development Facilities, Educational and Student Living Facilities, Medical Laboratories and Biotech Facilities, Urgent Care and Emergency Room Facilities, Theaters and other Entertainment and Amusement Facilities, Community Facilities and Community Facilities-Universities.

However several of the uses contemplated in the future development are not listed as permitted uses under the current PD provision in Section 4-402 of the City's LDR. As such, the proposed amendment seeks to broaden the existing permitted uses and revise certain development standards in the PD District in order to facilitate future redevelopment consistent with the intent of the City's Comprehensive Plan.

Section 3-1004 of the City's Land Development Regulations requires that all City initiated text Amendments to the LDR must meet the following minimum criteria:

1. Promotes the public health, safety and welfare;

   The proposed text amendment expands the types of permitted uses allowed in the PD District and adds greater clarity to the design standards which promotes economic growth, stimulates job creation and enhances the overall quality of life within the City.

2. Does not permit uses the Comprehensive Land Use Plan prohibits in the area affected by the zoning map change or text amendment

   The uses associated with the proposed text amendment are consistent with the permitted uses allowed in the underlying Land Use as identified in the City's Comprehensive Plan.

3. Does not allow densities or intensities in excess of the densities and intensities which are permitted by the future land use categories of the affected property;

   The permitted uses, density and intensity of uses shall be governed by the underlying land use designations of a given property.

4. Will not cause a decline in the level of service for public infrastructure which is the subject of a concurrency requirement to a level of service which is less than the minimum requirements of the Comprehensive Land Use Plan;

   Per Policy 11.27 of the City's Comprehensive Plan all decisions regarding land use planning and the issuance of development orders and permits shall consider the availability of public facilities and services necessary to support such development at the adopted LOS standards concurrent with the associated impacts. As such all future uses associated with the proposed text amendment shall comply with all concurrency requirements. If it is determined that any proposed development may

potentially cause adverse impacts on the City's current or future infrastructure, the applicant will be required to mitigate the impacts that exceed the established level of service for the given public facility.

5. Does not directly conflict with any goal, objective or policy of the Comprehensive Land Use Plan; and

   The proposed text amendment is consistent with the goals, policies and objectives of the City's Comprehensive Plan. Specifically, Policy 9.4.6 which requires that the City create land use and zoning regulations that encourage the retention, attraction and expansion of businesses. Furthermore Goal 9 also requires that the City create an environment that will enhance the economic prosperity of local businesses and attract new business while improving the quality of life for all of its citizens.

6. The proposed amendment furthers the orderly development of the City of North Miami.

   Staff believes the proposed amendment furthers the orderly development of the City, clarifies the types of uses allowed/encouraged in the PD District and also helps to create more flexible development standards in the PD District.

CONCLUSION

Staff is of the opinion that the proposed amendment is in keeping with the goals, policies and objectives of the City's Comprehensive Plan and helps to implement the overall vision of the Comprehensive Plan. Therefore staff requests that the Planning Commission recommends adoption of the proposed ordinance.

TWS/mc

Attachment: Ordinance

ORDINANCE NO. _____

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 (¼) mile of	3 du/ac

the proposed development in accordance with section 5-903. iv. Internal bike and pedestrian circulation system. v. Provision of bike lockers or racks. vi. Provision of showers for bicyclists. vii. Connection to existing or planned regional bike trail viii. TDM subsection 5-803B	
Optional: affordable/workforce housing (fifteen (15) of units)	5 du/ac
Approval of a bonus for affordable/workforce housing would require: 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. Appropriate conditions on approval for maintaining the bonus housing as affordable/workforce housing for a term of not less than ten (10) years.	

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 <u>or any two (2) or more combination of permitted</u> uses which shall be oriented to the needs of the district in which the development is located. <u>A minimum of seventy-five (75) percent of the ground floor gross area of a mixed use building shall contain retail uses.</u>

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.

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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 _____ vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this _____ day of _____, 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: _____

Seconded by: _____

Vote:

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

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