

Section 4-402. Planned Development District.

- A. Purpose and Applicability. The purpose of the Planned Development District (PDD) is to provide a means of:
1. Promoting greater innovation and creativity in the development of land;
 2. Ensuring that the location of mixed use development outside of the NRO 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.
 4. A Planned Development District shall not be approved in a R-1 or R-2 District.
- 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
 - Community facilities
 - Hotels
 - Recreation indoor
 - Nightclubs
 - Office
 - Public uses
 - Residential
 - Restaurants
 - Retail sales and service
 - Mixed use
 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 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: not exceeding double the number of permitted dwelling units with at least 10% 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:

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| Mandatory: Green building and sustainability (Designed to achieve LEED Certified or greater) | 7 du/ac |
| Mandatory: Transit-Oriented Development with at least 4 of 8 of the following standards <ul style="list-style-type: none"> i. Neighborhood pedestrian connections between adjacent uses ii. Improved pedestrian way connecting to nearest arterial w/way finding signage iii. Sheltered bus stop w/in 1/4 mile of the proposed development in accordance with Sec. 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 Sec. 5-803B | 3 du/ac |
| Optional: Affordable/Workforce Housing (15% of units) | 5 du/ac |

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| <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 twenty (20) years</p> | |
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- e. Height:
 - Mixed use low: 55'
 - Mixed use medium: 75'
 - Mixed use high: 110'
 - Other uses: refer to comprehensive plan land use category

- f. Mixed Uses. Mixed uses within a Planned Development shall be a compatible and complimentary combination of office, hotel, multi-family and retail uses which shall be oriented to the needs of the district in which the development is located.

- g. Open space. The minimum open space required for a Planned Development shall be not less than twenty percent (20%) 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, similar to the architectural features provided on the front façade;
 - iii. Facades in excess of 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 200 feet without a public pedestrian passageway or alley through the building;
 - vi. All buildings, except accessory buildings, shall have their main pedestrian entrance oriented towards the front property line.
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- 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.
 - n. Refuse and service areas. Refuse and service areas for a Planned Development shall be designed, located, landscaped and screened and the manner and timing of refuse collection and deliveries, shipment or other service activities so arranged as to minimize impact on adjacent or nearby properties or adjoining public ways, and to not impede circulation patterns.

- o. Ownership of Planned Development. All land included within a Planned Development shall be under contract or owned by the applicant requesting approval of such development, whether that applicant be an individual, partnership or corporation, or groups of individuals, partnerships or corporations. The applicant shall present proof of the unified control of the entire area within the proposed Planned Development and shall submit an agreement stating that if the owner(s) proceeds with the proposed development they will:

Develop the property in accordance with:

- i. The final development plan approved by the City Council.
 - ii. Regulations existing when the Planned Development ordinance is adopted.
 - iii. Such other conditions or modifications as may be attached to the approval of the conditional use permit for the construction of such Planned Development.
- p. Provide agreements and declarations of restrictive covenants acceptable to the City Council for completion of the development in accordance with the final development plan as well as for the continuing operation and maintenance of such areas, functions and facilities as are not to be provided, operated or maintained at general public expense and which bind the successors and assigns in title to any commitments made under the provisions of the approved Planned Development.
 - q. Easements. The City Council may, as a condition of Planned Development approval, require that suitable areas for easements be set aside, dedicated and/or improved for the installation of public utilities and purposes which include, but shall not be limited to water, gas, telephone, electric power, sewer, drainage, public access, ingress, egress, and other public purposes which may be deemed necessary by the City Council.
 - r. Installation of utilities. All utilities within a Planned Development including but not limited to telephone, electrical systems and television cables shall be installed underground.
 - s. Other development standards, such as lot dimensions, setbacks, distances between buildings, open space and construction phasing shall be determined by the City Council, upon recommendation of the Planning Commission, with due regard for the standards in subsection C below, the surrounding areas, sound planning principles, and the public health, safety and welfare.

C. Required findings.

The Planning Commission shall recommend to the City Council the approval, approval with modifications, or denial of the plan for the proposed Planned Development and shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth with particularity in what respects the proposal would or would not be in the public interest. These findings shall include, but shall not be limited to the following:

1. In what respects the proposed plan is or is not consistent with the stated purpose and intent of the Planned Development regulations and the Comprehensive Plan.
2. The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, size, area, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.
3. The extent to which the proposed plan meets the requirements and standards of the Planned Development regulations.
4. The physical design of the proposed Planned Development and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, provide for and protect designated common open areas, and further the amenities of light and air, recreation and visual enjoyment.
5. The proposed Planned Development is consistent with the standards in Sections 3-405 and 3-1003;
6. The character, location and size of the land proposed to be designated is appropriate for planned development; and
7. The conditions of development approval assure that the future use of the property will be compatible with existing and future land uses on adjacent properties.

D. Application Requirements.

In addition to application requirements provided by administrative regulation, the following plans and specifications shall be required to be submitted with an application for approval of a Planned Development District and shall be reviewed and approved in accordance with the provisions of Article 3 Divisions 4 and 10:

1. A reproducible plot plan drawn to scale of not less than one (1) inch equals twenty (20) feet, containing the following data:
 - a. Name and address of the applicant and of all persons owning any or all of the property proposed to be used.
 - b. Location of property involved in the form of a vicinity diagram.

- c. Legal description of property.
 - d. All proposed facilities and/or uses.
 - e. The property dimensions.
 - f. Topography.
 - g. All buildings and structures and their locations, elevations, sizes, heights and proposed uses.
 - h. Location and design of recreation areas.
 - i. Yards and spaces between buildings.
 - j. Walls and fences and their location, height and materials.
 - k. Landscaping, including location, type, and proposed disposition of existing trees.
 - l. Off-street parking, including the location, number of stalls, dimensions of the parking facility, and internal circulation system.
 - m. Access, pedestrian, vehicular, and service, points of ingress and egress, and driveway locations and dimensions.
2. Landscape and irrigation plans. A detailed, landscaping plan indicating the type and size of trees, shrubs, ground cover, and other horticulture, in accordance with the provisions of Article 5 Division 12 of these LDRs shall be submitted with a detailed irrigation plan showing the location, size, and method of irrigation facilities.
3. Phasing plans. A progress plan delineating the various development phases, if more than one (1), and specifying a reasonable time allocation for each phase shall be submitted to and approved by the City Council, pursuant to recommendation of the Planning Commission. The total area of open space and/or recreation facilities provided in each phase shall, at a minimum, be in a similar proportion as in the entire development.
4. Impact Analysis:
- a. A cost benefit feasibility study by an independent, qualified economist indicating community needs and/or benefits of the proposed development.
 - b. A school impact study by an independent, qualified person or firm or school district staff indicating the effect of the proposed development upon the public school system.
 - c. A traffic impact study showing the impact of the proposed development on the surrounding area, the traffic potential to be generated by the development, the adequacy or inadequacy of existing streets to safely carry the predicted traffic loads, necessary changes in the street system or design caused by the development, projected costs of such improvements which may not be borne by the developer.
 - d. A utility impact study including the impact of the proposed development and needed public and private services including, but not limited to, water, sanitation, fire protection, and drainage.

5. Bonding or financial guarantee. Prior to the issuance of a building permit, the person or firm proposing the development shall deposit with the Department of Community Planning and Development a cash bond, surety bond, or time-deposit bond in an amount equal to one hundred and ten (110) percent of the estimated cost of any and all improvements which may be required within dedicated rights-of-way and/or public facility easements to insure the placing thereof.

Section 4-403. Arts, Culture and Design Overlay District (AOD).

- A. Purpose. The purpose of the Arts, Design and Cultural Overlay District is to create a focus for the revitalization of the central city core and to advance the artistic, design and cultural uses within the District. The District shall support a live-work environment for artists and members of the design and cultural communities, and shall encourage enclaves where artists may live, create work and market their art. The Arts, Culture and Design District is dedicated to promoting public awareness of the "District" as a unique art, culture and design district and furthering arts, culture and design and art education within the District in the City of North Miami.
- B. Applicability of other provisions of the City's Land Development Regulations. The regulations set forth in this section shall be supplementary to all other provisions and regulations of the North Miami Land Development Regulations and the underlying zoning district regulations shall continue to apply within the AOD.
- C. Boundaries. The boundaries of the AOD are described in Exhibit C.
- D. Permitted Uses.
 1. All uses permitted in the zoning district wherein the property lies.
 2. Live/work studios for artists and artisans; architects and designers who have a current business tax receipt from the City.
 3. Artists' lofts.
 4. Artist galleries.
 5. Design studios.
 6. Photography studios.
 7. Musicians, dance, creative publishing and fashion recording studios.
 8. Home furnishing stores.
 9. Antiques and collectible stores.
 10. Retail sales of goods and services related to art, culture and design.
 11. Theaters (live performance).
 12. Music and entertainment venues.
 13. Restaurants, cafes and outdoor (café) seating/dining.
 14. Accessory uses.
 - a. Arts, craft, culture and design classes.
 - b. Outdoor arts, culture and design special events (art shows, cultural shows, design exhibitions).
 - c. Farmer's markets.