



and other institutional uses which are compatible with the overall residential character of the district, consistent with the Residential Medium land use category of the Comprehensive Plan.

- D. The purpose of the R-6 Multi-family Residential District is to preserve and enhance higher density multi-family neighborhoods in the City while encouraging redevelopment to provide the housing needs of a diverse community at a greater density than other districts and other institutional uses which are compatible with the overall residential character of the district, consistent with the Residential High land use category of the Comprehensive Plan.

**Section 4-202. Uses Permitted.**

The following chart establishes the uses permitted in the residential zoning districts in the City. No use is permitted which is not listed as permitted on this chart. “P” indicates whether the use is permitted, subject to review and approval in accordance with Article 3 of this Code. “P\*” indicates whether the use is permitted subject to review and administrative site plan approval in accordance with Article 3 of this Code. “SE” indicates that the use is permitted but only through special exception review. No use is permitted unless it complies with the provisions of the zoning district in which it is located and the applicable development standards in Article 5 of this Code.

<b>RESIDENTIAL DISTRICTS</b>					
	<b>R-1</b>	<b>R-2</b>	<b>R-4</b>	<b>R-5</b>	<b>R-6</b>
ACCESSORY USES AND STRUCTURES	P	P	P	P	P
SINGLE FAMILY DWELLINGS	P	P	P	P	
MULTI-FAMILY DWELLINGS (townhouses, etc)			P	P	P
ADULT DAY CARE			SE	SE	SE
ADULT LIVING FACILITIES			SE	SE	SE
CHILD CARE CENTER (6 OR MORE)			SE	SE	SE
COLLEGE/UNIVERSITY DORMITORY			SE*	SE*	SE*
COMMUNITY RESIDENTIAL (6 or less)	P	P	P	P	P
COMMUNITY RESIDENTIAL (7-14)			P*	P*	P*
DAYCARE (5 OR LESS)	P	P	P	P	P
DOCKS, ACCESSORY	P	P	P	P	P
HOME OCCUPATIONS	P	P	P	P	P
HOSPITALS				SE	SE
NURSING OR CONVALESCENT HOMES				SE	SE
PUBLIC FACILITY	P	P	P	P	P
PUBLIC PARK	P	P	P	P	P
RELIGIOUS INSTITUTIONS	SE	SE	SE	SE	SE
SCHOOLS	SE	SE	SE	SE	SE
<b>P = PERMITTED USE</b>					
<b>P* = ADMINISTRATIVE SITE PLAN REQUIRED</b>					
<b>SE = SPECIAL EXCEPTION</b>					

\* If a college/university dormitory was included in a master plan approved by the City prior to the adoption of these LDRs, administrative site plan shall be required.

**Section 4-203.**

**Minimum Standards of Development for Residential Districts.**

Uses permitted in the residential districts shall be developed in accordance with the following standards and other applicable development standards in Article 5 of this Code:

Residential District	Max. Density DU/ac	Lot Dimensions			Setbacks (ft)			Max. Height (ft) ***	Min. Floor Area (sf)*	Required Open Space
		Area (sf)	Width (ft)	Depth (ft)	Front	Side	Rear ****			
R - 1	4.7	9,200	80	115	25	7.5 or 10%**	25	35	1,500	
R - 2	5.1	6,000	60	100	25	7.5 or 10%**	25	35	1,000	
R - 4	12.0				25	7.5 or 10%**	25	35		20%
R - 5	16.3				25	7.5 or 10%**	25	75		20%
R - 6	25.0				25	7.5 or 10%**	25	110		20%

\* The minimum floor area of a dwelling unit in the R-1 District is 1,500 square feet and in the R-2 District it is 1,000 square feet. Except for college/university dormitories the minimum size for a dwelling unit in the R-4, R-5 and R-6 Districts is 750 square feet.

\*\* 7.5 feet or 10% of the lot frontage, whichever is greater. Townhouse setbacks: See Article 5, Division 20; corner lot setback: minimum 15 feet or front setback of adjoining lot fronting on side street. Setbacks for accessory structures are the same as the principal structure unless modified by Article 5, Division 1.

\*\*\* Buildings and structures immediately north of Village of Biscayne Park (121<sup>st</sup> Street boundary), shall not exceed 35 feet in height for the first 100 feet north of 121<sup>st</sup> Street. Thereafter the height may increase at the rate of one foot vertical for every two feet horizontal, not to exceed the maximum height allowed by the underlying land use designation.

\*\*\*\* In the R-4, R-5 and R-6 districts, buildings with a height of thirty-five (35) feet or less which are located on parcels of land adjacent to and/or abutting a R-1 or R-2 District shall be set back at least twenty-five (25) feet from the proposed development's property line which is adjacent and/or abutting to a R-1 or R-2 District and portions of a building which exceed thirty-five (35) feet up to the maximum permitted height shall be setback an additional ten (10) feet.

\*\*\*\*\* In calculating permitted and/or bonus density under these Land Development Regulations, if such calculation results in a fraction of .5 or more, the permitted number of units may be rounded up provided that, in no case shall the permitted number of units exceed the maximum density in the underlying land use classification.

**Section 4-204.**

**Residential Density Bonuses.**

For parcels of land designated as Low-Medium, Medium and High Density Residential Land Use Categories outside of the Neighborhood Redevelopment Overlay District, a density bonus may be granted up to twenty-five (25) du/acre through conditional use approval, **excepting those properties which lie in, or are adjacent to, or abutting the Village of Biscayne Park Transition Zone,** if the following are provided:

<b>NON-NRO RESIDENTIAL DENSITY BONUSES</b>			
<b>LAND USE CATEGORY</b>	<b>Low-Med.</b>	<b>Medium</b>	<b>High</b>
<b>GREEN BUILDING &amp; SUSTAINABILITY (LEED Design)</b>			
Certified	2.5 du/ac	7.5 du/a	10 du/a
Silver	7.5 du/a	10 du/a	15 du/a
Gold or greater	12.5 du/ac	15 du/a	20 du/a
<b>TRANSIT ORIENTED DEVELOPMENT (TOD)</b>			
TOD Standards			
<b>TOD Bonus</b>			
Four (4) of seven (7)	5 du/a	5 du/a	5 du/a
Five (5) of seven (7)	10 du/a	10 du/a	10 du/a
<b>MAXIMUM TOTAL GREEN &amp; TOD BONUS</b>	<b>25 du/a</b>	<b>25 du/a</b>	<b>25 du/a</b>

**\*\*\* Any residential use category immediately north of the Village of Biscayne Park (121<sup>st</sup> Street Boundary a.k.a. Village of Biscayne Park Transition Zone), may not exceed their current entitlement and is subject to strict design standards further established in these land Development Regulations.**

**Division 3. Non-residential Districts.**

**Section 4-301. Purposes of Non-residential Districts.**

- A. The purpose of the C-1 Commercial District is to provide the citizens of the City with convenient access to goods and services without adversely impacting the integrity of residential neighborhoods.
- B. The purpose of the C2BE and C2BW Commercial Districts is to enhance the high quality commercial areas in the City.
- C. The purpose of the C3 Commercial District is to enhance the central business district of the City by allowing greater flexibility in development standards and to encourage mixed use development in order to enhance the pedestrian experience of citizens and to promote the use of transit.
- D. The purpose of the M-1 Industrial District is to accommodate industrial and related uses in the City.

**Section 4-302. Uses Permitted.**

The following chart establishes the uses permitted in the non-residential zoning district in the City. No use is permitted which is not listed as permitted on this chart. “P” indicates whether the use is permitted, subject to review and approval in accordance with Article 3 of this Code. “P\*” indicates that the use is permitted with administrative site plan review. “SE” indicates that the use is permitted but only through special exception review. No use is permitted unless it complies with the provision of the zoning district in which it is located and the applicable development standard in Article 5 of this Code.

NON-RESIDENTIAL DISTRICTS					
PERMITTED USES	C1	C2BE	C2BW	C3	M1
ACCESSORY USES AND STRUCTURES	P	P	P	P	P
ADULT BUSINESSES					SE
ADULT DAY CARE (STAND ALONE BUILDING)	P*	P*	P*	P*	P*
ANIMAL BOARDING	P*	P*	P*		P*
ANIMAL GROOMING ESTABLISHMENT	P	P	P	P	
APPLIANCE, FURNITURE, ELECTRONIC RENTALS AND REPAIR	P				P
AUTO SERVICE STATION	SE				SE
BANQUET	P*				P*

BAR, LOUNGE OR TAVERN**	P	P	P	P	SE
BOAT REPAIR					P*
CATERING KITCHEN	P				P
CHECK CASHING STORE					P
CHILD CARE CENTERS	SE			SE	
COMMUNITY FACILITIES	SE*	SE*	SE*		
CONSIGNMENT SHOPS	P*	P*	P*	P*	
CONVENTION CENTER	SE			SE	
DAY SPA	P	P	P	P	
DRIVE THROUGH	SE	SE	SE	SE	
DRY CLEANING PLANT					P
EDUCATIONAL FACILITIES	SE*		SE*	SE*	
FUNERAL HOMES SE	SE				
GOVERNMENT USES	P	P	P	P	P
GUN SHOPS					SE
<b>PERMITTED USES</b>	<b>C1</b>	<b>C2BE</b>	<b>C2BW</b>	<b>C3</b>	<b>M1</b>
HOSPITALS	SE	SE	SE	SE	
HOTEL	P*	P*	P*	P*	
INDUSTRIAL					P
INSTITUTIONAL USES	P*	P*	P*	P*	
LIGHT INDUSTRIAL	SE				P
LIQUOR PACKAGE STORES***		SE	SE		
MANUFACTURING					P
MARINAS		P*			
MECHANICAL CAR WASHING	SE				P
MEDICAL	P	P	P	P	
MUSEUMS				P*	P*
NIGHTCLUBS	SE	SE	SE	SE	SE
NURSING AND CONVALESCENT HOMES	P*		P*		
OFFICE	P	P	P	P	
OUTDOOR STORAGE (AS MAIN USE)					SE
PUBLIC FACILITIES	P	P	P	P	P
PUBLIC PARK	P	P	P	P	P
RECORDING AND TV/RADIO	P	P	P	P	P
RECREATION, INDOOR	P*	P*	P*	P*	P*
RELIGIOUS INSTITUTIONS	SE				
RESEARCH & TECHNOLOGY USES	P				P
RESTAURANTS	P	P	P	P	P*
RETAIL, SALES, SERVICES	P	P	P	P	P****
SCHOOLS	SE	SE	SE	SE	
SCHOOLS, SPECIAL & TECHNICAL	SE	SE		SE	
SELF-SERVICE LAUNDRIES	SE				
SELF STORAGE					P P*

STUDIOS (FINE ARTS)					
TEMPORARY USES	P	P	P	P	P
TOW TRUCK YARD					P*
VEHICLE SALES/DISPLAYS	SE				SE
VEHICLE SALES/DISPLAYS, MAJOR					SE
VEHICLE RENTAL	P*				P*
VEHICLE SERVICE, MAJOR					P*
VEHICLE SERVICE, MINOR	P*				P*
VETERINARY CLINICS	P*	P*	P*		P*
<b>P = PERMITTED USE</b>					
<b>P* = ADMINISTRATIVE SITE PLAN REQUIRED</b>					
<b>SE = SPECIAL EXCEPTION</b>					

\* If a college/university dormitory was included in a master plan approved by the City prior to the adoption of these LDRs, administrative site plan shall be required.

\*\* Subject to Chapter 3 of the City’s Code.

\*\*\* Prohibited in the Arts, Culture and Design Overlay District (AOD) subject to Section 4-403E and Chapter 3 of the City’s Code.

**\*\*\*\* Retail and personal service uses larger than 1 acre in size are prohibited in the industrial district, in an effort to minimize a depletion of the industrial land supply. Retail Sales and Service uses 1 acre and less in size should front on major east west corridors including NE 146 Street and NE 151 Street.**

**Section 4–303. Minimum Standards of Development for Non-residential Districts.**

A. Uses permitted in non-residential districts shall be developed in accordance with the following standards and other applicable development standards in Article 5 of this Code:

	Min Lot Size	Min Lot Width	Setback Front*	Min Setback Side*	Min Setback Rear* 10' (when no alley or easement)	Max Height	Max Lot Coverage
C1 Commercial	10,000 sf	100'	15'	10'	(when no alley or easement)	55'	80%
C2BE	10,000 sf **	100'	15'	10'	10'	55'	80%
C2BW	10,000 sf **	100'	15'	10'	10'	55'	80%
C3	10,000 sf	100'	15'	10'	10'	55'	80%
M-1	20,000 sf	100'	20'	15'	15'	55'	75%

Min Lot Size	Min Lot Width	Setback Front*	Min Setback Side*	Min Setback Rear*	Max Height	Max Lot Coverage
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In the non-residential districts, buildings with a height of thirty-five (35) feet or less which are located on parcels of land adjacent to and/or abutting a R-1 or R-2 District **or the Village of Biscayne Park Transition Zone** shall be set back at least twenty-five (25) feet from the proposed development's property line which is adjacent to and/or abutting a R-1 or R-2 District and portions of a building which exceed thirty-five (35) feet up to the maximum permitted height shall be setback an additional ten (10) feet. Conditional use approval shall be required for any building proposed to be developed on a parcel of land in a non-residential district which is adjacent to and/or abutting the R-1 or R-2 District with a height which exceeds fifty (50) feet and any portion of a building which exceeds fifty (50) feet in height shall be set back an additional one (1) foot for every two (2) feet of height.

\* Setbacks for accessory structures are the same as the principal structure unless modified in Article 5, Division 1.

\*\* If building height is over 50', need 20,000 s.f. minimum lot size.

B. In the commercial corridor on Biscayne Boulevard beginning at NE 123rd Street north to NE 131<sup>st</sup> Street, no land use amendment may be granted which would allow a height greater than 45'.

C. Special setback and height restrictions.

1. NW 7<sup>th</sup> Avenue, west side: (entire city limits) Max Height 35' with a 25' minimum setback.

2. Biscayne Boulevard, east side, from NE 123<sup>rd</sup> Street to NE 131<sup>st</sup> Street: Max Height 45' with a 50' minimum setback.

3. Biscayne Boulevard, east side, from NE 131<sup>st</sup> Street to NE 134<sup>th</sup> Street (at canal): Max Height 55' with a 25' minimum setback.

4. NE 123<sup>rd</sup> Street, south side, from 19<sup>th</sup> Avenue to Bayshore Drive: Max Height 35' with a 25' minimum setback.

D. Open space: 20% per parcel proposed for development.

**Division 4.**

**Special Purpose and Overlay Districts.**

**Section 4-401. Residential Office District**

**A. Purpose.**

The purpose of the Residential Office District is to allow for the conversion and use of existing low-density residential structures in areas so designated by the Comprehensive Plan for non-intensive office oriented land uses. The district is intended as a transitional buffer between low-density residential and more intensive commercially oriented land uses to prevent the physical and economic decay of the structures located within the transitional area and to promote their revitalization. Upon conversion of a property previously utilized as residential to a residential office use, all residential uses must cease.

**B. Permitted Uses.** The following professional offices uses shall be permitted, subject to administrative site plan approval:

- Accounting and auditing
- Advertising
- Appraisers
- Architecture/ Engineering
- Building contracting (office only, no related equipment or vehicle storage of any sort on the premises)
- Chiropractic
- Dentistry (excluding clinics)
- Economic analysis and planning
- Financial planning
- Insurance
- Investigative
- Investment (excluding brokerage offices)
- Law
- Market research
- Medicine (excluding clinics)
- Notary public
- Planning and zoning consulting
- Psychological counseling (excluding clinics)
- Public relations
- Realty offices
- Secretarial services
- Studio, Fine Arts
- Surveying (office only, no related equipment or vehicle storage of any sort on the premises)
- Other offices of a nature similar to that of the above uses

**C. Development Standards**

1. Setbacks:

Front: Existing building setback or 25', whichever is greater.  
Side: 7.5' or 10% of lot width, whichever is greater.  
Rear: 25' or existing, whichever is greater.

2. Max. Height: 35'
3. Lot coverage: 85%

4. Parking. See Article 5, Section 5-1401H. Parking may be located in the front yard, provided that it is paved or improved with permeable concrete; a landscaped buffer of 10' by 2.5' installed in a manner which channelizes access to the parking field and which prohibits a continuous curb cut with back out parking.

5. Design. The exterior design and appearance of structures in the district shall be similar to single-family residential structures. No structure shall be altered to produce a store front, a display window, or other feature that would detract from the residential character of structures in the district.

6. Landscaping. In addition to the landscaping requirements of Article 5 Division 12 and subsection 4 above, there shall be a landscaped setback of 2.5 feet the length of the property line in the front yard.

7. Signage. One fixed non-illuminated primary identification sign flush to the front of the building, not exceeding the roofline, may be permitted provided that the sign does not exceed six (6) s.f.

**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:

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	3 du/ac
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	
Optional: Affordable/Workforce Housing (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: 55'

Mixed use medium: 75' \*

Mixed use high: 110'

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, 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.
- 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.

E. Prohibited uses. Liquor packaging stores shall be prohibited in the AOD.

**Section 4-404. Public Use District.**

A. Purpose. The purpose of the Public Use District is to allow the development of publicly owned or used lands in an efficient, innovative, and flexible way in order to maximize the benefit to the public of the use of the lands designated for public use.

B. Uses Permitted. Subject to obtaining a conditional use permit in accordance with the provisions of Article 3 Division 4, the following uses are permitted in the Public Use District:

1. Government use
2. Docks and marinas.
3. Parks and preservation lands.
4. Public facilities
5. Uses accessory to the permitted uses permitted.
6. Community Facilities
7. Educational Facilities

**Section 4-405. Neighborhood Redevelopment Overlay District.**

A. Purpose. The purpose of the Neighborhood Redevelopment Overlay District (“NRO”) is to provide for the redevelopment of the urban core of the City through regulations and incentives which are designed to achieve the redevelopment, economic development, housing choice, and multi-modal transportation objectives and policies of the Comprehensive Plan, while protecting important residential areas of the City. A part of the NRO is the Central City District Node (“CCD”) which is the traditional center of the City. Both the NRO and CCD are depicted on the Future Land Use Map.

B. Effect of overlay. The development standards of the underlying zoning districts shall govern except to the extent any provision of this NRO District conflicts with the provisions of an underlying zoning district, and in such event the provisions of this NRO District shall control.

C. Uses.

1. In addition to the uses permitted in the underlying zoning districts, the following uses are permitted in the NRO District:

<b>NEIGHBORHOOD REDEVELOPMENT OVERLAY DISTRICT Uses Permitted in Addition to Uses Permitted in Underlying Zoning District</b>			
<b>Permitted Uses</b>	<b>Entire District</b>	<b>Major Corridor</b>	<b>CCD (MX Use Required)</b>
Residential	X	X	
Mixed Use		X	X
Retail Sales & Service		X	X
Accessory Uses	X		
Community Facilities		X	X
Educational Facilities		X	X
Hotels		X	X

2. Prohibited uses

- Automobile service uses
- Adult uses
- Drive throughs

D. Development Standards

1. CCD: In addition to the development standards in Article 5 of this Code, the following development standards shall apply to development within the CCD:

**NEIGHBORHOOD REDEVELOPMENT OVERLAY DISTRICT  
Additional Development Standards in CCD**

<b>Mixed Use</b>	<ol style="list-style-type: none"> <li>1. Permitted along major corridors; required in CCD.</li> <li>2. All buildings shall contain at least two full habitable floors.</li> <li>3. All buildings shall contain retail sales and service (at least 75%) or urban places of assembly on the ground floor and at least one other use on the upper floors.</li> </ol>			
<b>Height</b>	<b>Permitted as of Right</b>		<b>With Bonus (see §4-404(C)(8))</b>	
	110 feet		+40 feet	
	Portions of buildings above 35 feet in height shall be set back an additional one (1) foot for every two (2) feet of building height above 35 feet			
<b>Sidewalks</b>	<b>Major Road Frontage</b>		<b>Minor Road Frontage</b>	
	<b>Without Arcade</b>	<b>With Arcade</b>	<b>Without Arcade</b>	<b>With Arcade</b>
	Fifteen (15) Feet	Ten (10) Feet	Ten (10) Feet	Six (6) Feet
	Arcade shall have a minimum pedestrian way of six (6) feet to qualify.			
<b>Off-street Parking</b>		<b>Without Centralized Parking</b>	<b>With Centralized Parking</b>	
	<b>Retail Sales and Service</b>	<b>One (1) space per 300 sf</b>	<b>One (1) space per 500 sf</b>	
	<b>Restaurant (MX)</b>	<b>One (1) space per 200 sf</b>	<b>One (1) space per 400 sf</b>	
	<b>Restaurant (free-standing)</b>	<b>One (1) space per 150 sf</b>	<b>One (1) space per 125 sf</b>	
	<b>General Office</b>	<b>One (1) space per 350 sf</b>	<b>One (1) space per 200 sf</b>	
	<b>Residential (#50 ft.)</b>	<b>One and 2/10ths (1.2) spaces per unit</b>	<b>One(1) spaces per unit</b>	
	<b>Residential (&gt;50 ft.)</b>	<b>One (1) space per unit</b>	<b>Three quarters (.75) spaces per unit</b>	
	The parking standards in Article 5 Division 14 also apply.			
<b>Corridors</b>	Parks, plazas, pedestrian access, civic and cultural activities and amenities are encouraged.			

2. Transition standards for development within the NRO and the Low Density Residential land use category in the Comprehensive Plan:

<b>NEIGHBORHOOD REDEVELOPMENT OVERLAY DISTRICT</b>					
Transitional Standards within Comprehensive Plan					
Low Density Residential Land Use Category					
<b>Maximum Density With Bonuses (Dwelling Units Per Acre)</b>					
<b>Parcel Size</b>	<b>Frontage on 1 Street</b>	<b>Frontage on 1 Street &amp; Adjacent to Multifamily</b>	<b>Frontage on 2 Streets</b>	<b>Frontage on 2 Streets &amp; Adjacent to Multifamily</b>	<b>Frontage on 2+ Streets &amp; Adjacent to Multifamily w/density of 24 du/ac</b>
# 20,000 sq. ft.	Eight (8) du/ac	Twelve (12) du/ac	Twelve (12) du/ac	Twenty-four (24) du/ac w/height # 50 feet	NA
20,000 to 35,000 sq. ft.	Fifteen (15) du/ac	Twenty-four (24) du/ac	Thirty-five (35) du/ac	Thirty-five (35) du/ac	Forty (40) du/acre
35,000 to 80,000 sq. ft.	Twenty-four (24) du/ac w/height # 50 feet	Twenty-four (24) du/ac w/height # 50 feet	Thirty-five (35) du/ac	Thirty-five (35) du/acre	Sixty (60) du/ac
>80,000 sq. ft.			Ninety (90) du/acre	Ninety (90) du/acre	Ninety (90) du/acre
<b>DENSITY WHICH IS GREATER THAN PERMITTED BY UNDERLYING ZONING DISTRICT ONLY BY BONUS APPROVED AS A CONDITIONAL USE</b>					
<b>Height</b>	<b>Permitted as of Right</b>		<b>With Bonus (see §4-404(C)(4))</b>		
	90 feet		+40 feet		
<b>Setback</b>	<p>1. Structures with a height of greater than thirty five (35) feet proposed to be developed on parcels of land which are adjacent to existing single family dwellings shall be setback twenty-five (25) feet from the proposed development's property line which is adjacent to parcels which are improved with an existing single family dwelling.</p> <p>2. No surface parking lot shall be located within seven and one half (7 ½) feet of any property line.</p>				

3. Density

- a. Residential and commercial pools of available units and available square footage in the NRO District are hereby created as follows:

CCD: residential pool of 1800 units  
commercial pool of 375,000 s.f.

NRO: primary residential pool of 2,200 units

commercial pool of 375,000 s.f.  
 secondary pool of available units: 1,000 units  
 (for each new unit approved through an amendment to the Comprehensive Plan outside of the NRO, one dwelling unit shall be debited from the secondary pool)

- b. An application for development approval within the NRO District may be allocated units and commercial square footage from the available pool provided that the application conforms in other respects to the provisions of the NRO District, the density for the proposed development shall not exceed the permitted density in the underlying district unless it qualifies for a density bonus under the provisions of Subsection 8 of this Section, and provided that the application is approved as a conditional use by resolution of the City Council and a precise plan is filed in accordance with the applicable provisions of Article 3.
  - c. The Director of Community Planning and Development shall track the number of dwelling units approved through use of this density pool, design the zoning map with a notation of allocated units and report annually thereon to the City Council.
4. Height
- a.

<b>HEIGHT BONUS PROVISIONS</b>			
	<b>Designed to Achieve LEED Certified</b>	<b>Designed to Achieve LEED Silver</b>	<b>Designed to Achieve LEED Gold or greater</b>
<b>Height Bonus with #25 du/ac density bonus</b>	<b>20 feet</b>	<b>25 feet</b>	<b>30 feet</b>
<b>Height Bonus with &gt; 25 du/ac density bonus</b>	<b>30 feet</b>	<b>35 feet</b>	<b>40 feet</b>
<b>Height Bonus with 15% affordable/workforce units</b>	<b>20 feet</b>	<b>30 feet</b>	<b>40 feet</b>

- b. Portions of a building above 35 feet shall be set back an additional one (1) foot for every two (2) feet of height above 35 feet.
5. Lot coverage and open space
- 100% lot coverage provided that there is a minimum district-wide open space of 20%

Minimum on-site open space in the event the district-wide open space is less than 20%: 20%

6. Setbacks

In addition to the required setbacks in the underlying zoning district, if the property is adjacent to an existing single-family dwelling, the minimum setback for multi-family structures shall be 25' and parking areas shall be 7.5 feet.

7. Corridor standards

Parks, plazas, pedestrian access, civic and cultural activities and amenities shall be encouraged along major corridors in the NRO District.

8. Density/Intensity/Bonuses Additional density may be granted through conditional use approval up to the maximum densities as follows:

<b>NEIGHBORHOOD REDEVELOPMENT OVERLAY DISTRICT BONUS PROVISIONS</b>			
<b>RESIDENTIAL DENSITY</b>			
<b>MANDATORY</b>			
<b>GREEN BUILDING &amp; SUSTAINABILITY</b>	<b>Designed to Achieve LEED Certified</b>	<b>Designed to Achieve LEED Silver</b>	<b>Designed to Achieve LEED Gold or greater</b>
	<b>10 du/ac</b>	<b>18 du/ac</b>	<b>25 du/ac</b>
<b>TRANSIT ORIENTED DEVELOPMENT (TOD)</b>	<b>(In addition to § 5-804)</b>		
<b>TOD Standards</b>			
<b>1. Neighborhood pedestrian connections between adjacent uses</b>			
<b>2. Improved pedestrian way connecting to nearest arterial w/way finding signage</b>			
<b>3. Sheltered bus stop w/in 1/4 mile of the proposed development in accordance with Sec. 5-803</b>			
<b>4. Internal bike and pedestrian circulation system</b>			
<b>5. Provision of bike lockers or racks</b>			
<b>6. Provision of showers for bicyclists</b>			
<b>7. Connection to existing or planned regional bike trail</b>			
<b>8. TDM Program (Sec. 5-702)</b>			
<b>TOD Bonus</b>			
<b>Four (4) of eight (8)</b>	<b>1 du/ac</b>	<b>2 du/ac</b>	<b>3 du/ac</b>
<b>Five (5) of eight (8)</b>	<b>2 du/ac</b>	<b>4 du/ac</b>	<b>6 du/ac</b>
<b>MAXIMUM TOTAL GREEN &amp; TOD BONUS</b>	<b>12 du/ac</b>	<b>22 du/ac</b>	<b>31 du/ac</b>

<b>NEIGHBORHOOD REDEVELOPMENT OVERLAY DISTRICT BONUS PROVISIONS</b>			
<b>RESIDENTIAL DENSITY</b>			
<b>OPTIONAL</b>			
<b>MIXED USE</b>			
<b>Major Corridor &amp; CCD*</b>	<b>25 du/a</b>	<b>25 du/a</b>	<b>25 du/a</b>
<b>PROJECT OPEN SPACE/ RECREATIONAL AMENITIES</b>			
<b>5,000 sq. ft. or 50 sq. ft./unit, whichever is less</b>	<b>5 du/ac</b>	<b>5 du/ac</b>	<b>5 du/ac</b>
<b>URBAN DESIGN</b>			
<b>Urban Places of Public Assembly</b>			
<b>&gt;1,000 # 2,500 sq. ft.</b>	<b>2.5 du/ac</b>	<b>2.5 du/ac</b>	<b>2.5 du/ac</b>
<b>&gt;2,500 # 10,000 sq. ft.</b>	<b>5 du/ac</b>	<b>5 du/ac</b>	<b>5 du/ac</b>
<b>&gt; 10,000 sq. ft.</b>	<b>10 du/ac</b>	<b>15 du/ac</b>	<b>20 du/ac</b>
<b>Underground Utilities</b>	<b>5 du/ac</b>	<b>5 du/ac</b>	<b>5 du/ac</b>
<b>Structured Parking (Pedestal)</b>	<b>10 du/ac</b>	<b>10 du/ac</b>	<b>10 du/ac</b>
<b>Structured Parking (Non-Pedestal)</b>	<b>20 du/ac</b>	<b>20 du/ac</b>	<b>20 du/ac</b>
<b>Non-Pedestal parking structure performance standards:</b> <b>1. Wrapped on 3 sides</b> <b>2. Setback at least 30 feet from lot with single family dwelling</b> <b>3. Project amenities on property of parking structure</b>			
<b>Public Art</b>	<b>2.5 du/ac</b>	<b>2.5 du/ac</b>	<b>2.5 du/ac</b>
<b>Design Excellence (See Appendix B)</b>	<b>5 du/ac</b>	<b>5 du/ac</b>	<b>5 du/ac</b>
<b>Enhanced Streetscape w/Parkway</b>	<b>2.5 du/ac</b>	<b>2.5 du/ac</b>	<b>2.5 du/ac</b>
<b>AFFORDABLE/WORKFORCE HOUSING</b>			
<b>15% of Units Affordable/Workforce</b>	<b>10 du/ac</b>	<b>12.5 du/ac</b>	<b>15 du/ac</b>

<b>NEIGHBORHOOD REDEVELOPMENT OVERLAY DISTRICT BONUS PROVISIONS</b>			
<b>RESIDENTIAL DENSITY</b>			
<b>25% of Units Affordable/Workforce</b>	<b>15 du/ac</b>	<b>20 du/ac</b>	<b>25 du/ac</b>
<p><b>Approval of a bonus for affordable/workforce housing would require:</b></p> <ul style="list-style-type: none"> <li>■ <b>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.</b></li> <li>■ <b>appropriate conditions on approval for maintaining the bonus housing as affordable/workforce housing for a term of not less than ten (10) years</b></li> </ul>			
<b>TOTAL MAXIMUM DENSITY BONUS</b>	<b>80du/ac</b>	<b>90 du/ac</b>	<b>90 du/ac</b>
<b>Land located in the RO Zoning District shall be entitled to NRO bonus density according to the bonus eligibility of any other land not in the RO zoning district which is a part of a parcel proposed for development</b>			

\* Mixed Use is required in the CCD