

ORDINANCE NO. 1442

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, PROVIDING FOR TEXT AMENDMENTS TO CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES ENTITLED “LAND DEVELOPMENT REGULATIONS” BY AMENDING ARTICLE 4, “ZONING DISTRICTS” AND THE OFFICIAL ZONING MAP TO ESTABLISH THE SPECIAL DEVELOPMENT AND TRANSIT-ORIENTED DEVELOPMENT OVERLAY DISTRICT; CLARIFYING THE BONUS DENSITY ALLOCATION PROVISIONS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER’S ERRORS, AND FOR AN EFFECTIVE DATE.

WHEREAS, the current Land Development Regulations (“LDRs”), Chapter 29 of the City Code of Ordinances, was adopted in July 2017 through Ordinance No. 1417 to establish zoning districts and regulations that implement the adopted 2007 Future Land Use Map (“FLUM”) designations; and

WHEREAS, Article 3, Division 10, Sections 3-1003 through 3-1007 of the LDRs outlines the procedures for text amendments and zoning map changes to the LDRs initiated by either the City or one (1) or more owners of record for parcel(s) located within the jurisdictional boundary of the City; and

WHEREAS, Article 3, Division 3, Section 3-302 of the LDRs establishes a uniform notice and procedure in order to ensure due process and maintain citizen access to the local government decision-making forum relating to the approval LDR text changes within the jurisdictional boundary of the City; and

WHEREAS, the proposed Amendments to Article 4 establishes the regulations to govern the Special Development and Transit-Oriented Development Overlay District; and

WHEREAS, the proposed Amendments to Article 4 are necessary to provide for greater clarity and consistency in how bonus density is allocated; and

WHEREAS, the proposed Amendments to Article 4 corrects a scrivener’s error in the bonus density allowable in the PCD overlay districts and PD zoning districts so as to comport with the Comprehensive Plan and;

WHEREAS, the City desires to amend the Official Zoning Map to include the SDTOD boundary; and

WHEREAS, pursuant to Article 2, Division 2, Section 2-203, LDRs, at least four (4) affirmative votes of the Planning Commission shall be required for a positive recommendation of any proposed zoning or Comprehensive Plan change; and

WHEREAS, pursuant to the requirements of Article 3, Division 10, Section 3-1006 of the City LDRs, at duly noticed public meeting held on May 7, 2019, the Planning Commission reviewed the proposed Amendment to the LDRs, the recommendation of City staff, testimony provided at the public hearing (if any), and issued a recommendation to the Mayor and the City Council to take the appropriate action and adopt the proposed Amendment by passage of this ordinance; and

WHEREAS, pursuant to Article 3, Division 10, Section 3-1007(B), LDRs, at least four (4) affirmative votes of the City Council shall be required for approval of any proposed zoning change; and;

WHEREAS, pursuant to Article 3, Section 3-1007 of the LDRs, the Mayor and City Council have jurisdiction to adopt the proposed LDR text amendment, and after two (2) duly noticed public meetings (first reading and second reading), have determined that the amendments are in the best interest of City residents and in accordance with state law.

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

Section 1. Recitals. The recitals to the preamble herein are incorporated by reference.

Section 2. Amendment to Chapter 29, North Miami Code of Ordinances. The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 29 of the North Miami Code of Ordinances entitled “Land Development Regulations”, by amending Article 4, entitled “Zoning Districts”, as follows:

CITY OF NORTH MIAMI CODE OF ORDINANCES
CHAPTER 29. LAND DEVELOPMENT REGULATIONS

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ARTICLE 4. – ZONING DISTRICTS

DIVISION 1. - ESTABLISHMENT OF ZONING DISTRICTS

Sec. 4-101. - Establishment of zoning districts.

The following zoning districts are hereby established in the City of North Miami:

* * * * *

c. Overlay and special purpose districts:

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Special Development and Transit Oriented Development Overlay District (SDTOD)

Sec. 4-102 - Purpose and Intent.

This article is to establish zoning districts where the comprehensive plan land uses are located and grouped together to create, protect and maintain a desirable living environment within the City of North Miami. Based on these districts the LDRs also implement the goals, objectives and policies of the City Comprehensive Plan (the “Plan” or “comprehensive plan”) and adopted maps. Zoning district uses, standards, dimensional and area requirements are also established in this article

Comprehensive Plan- Future Land Use Designation	LDRs - Zoning District
* * * * *	
<u><i>Overlay Districts</i></u>	
Neighborhood Redevelopment Overlay (NRO) Planned Corridor Development (PCD) Planned Community Urban Design (PCUD) Arts, Culture and Design Overlay District (AOD) Regional Activity Center (RAC) <u>Special Development and Transit-Oriented Development Overlay District (SDTOD)</u>	NRO: R-2, R-4, R-5, R-6, C-1, C-3, PU PCD: R-6, C-1, C-2BW, C-3 PCUD: PD AOD: R-5, C-3, PU RAC: PU <u>SDTOD: M-1, R-6</u>

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Sec. 4-203. - Minimum standards of development.

A. 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 these LDRs:

		Lot Dimensions	Setbacks (ft.) ^{2 3}			
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Residential District	Max. Density ¹ DU/ac*****	Area (s.f.)	Width (ft.)	Depth (ft.)	Front	Side	Rear ****	Max. Height (ft.) ***	Min. Floor Area (s.f.)*	Required ² Open Space
R-1	5.1	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%
BZ	100.0				25 ²	7.5 or 10%**	25	115		15%

* The minimum floor area of a dwelling unit in the R-1 district is one thousand five hundred (1,500) square feet, and in the R-2 district it is one thousand (1,000) square feet. Except for college/university dormitories as per the approved campus master plan, the minimum size for a dwelling unit in multi-family and mixed use districts is seven hundred fifty (750) square feet, except that up to 20% of units within projects in the NRO and PCD may be five hundred, fifty (550) square feet and for projects within the SDTOD, units may be five hundred (500) square feet.

B. Non-residential Districts^{1 2}

	Minimum Lot Size	Minimum Lot Width	Setback Front*	Minimum Setback Side*	Minimum Setback Rear*	Maximum Height	Maximum Lot Coverage
C1 Commercial	10,000 s.f.	100'	15'	10'	10' (when no alley or easement)	55'	80%
C2BE	10,000 s.f.**	100'	15'	10'	10'	55'	80%
C2BW	10,000 s.f.**	100'	15'	10'	10'	55'	80%
C3	10,000 s.f.	100'	15'	10'	10'	55'; 110'; 150' with incentives	80%

M-1	20,000 s.f.	100'	20'	15'	15'	55'	75%
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In the nonresidential districts, buildings with a height of thirty-five (35) feet or less that 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; portions of a building that 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 nonresidential district that is adjacent to and/or abutting the R-1 or R-2 district with a height which exceeds fifty (50) feet; any portion of a building that 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 fifty (50) feet, need twenty thousand (20,000) square foot minimum lot size.

¹ Subject to PCD overlay criteria established in Sec. 4-306 and the design and sustainability standards of Sections 5-802 and 5-803, as may be applicable.

²Subject to SDTOD criteria established in Sec. 4-309 and the design and sustainability standards of Sections 5-802 and 5-803, as may be applicable.

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Sec. 4-205. – ~~Residential density bonuses.~~ Floating Unit Allocation

A. ~~Outside the NRO.~~ Residential and Commercial Pools. Residential and commercial pools of available units and available square footage for use within the NRO district, and for use in the PCD, PD, NMTSOD and multifamily districts outside of the NRO are hereby created as follows:

- Primary: A pool of two thousand five hundred (2,500) units. Commercial pool of seven hundred fifty thousand (750,000) square feet within the NRO.
- Secondary: A pool of two thousand, five hundred (2,500) units outside of the NRO.
- For each new unit approved through an amendment to the comprehensive plan outside of the NRO, one (1) dwelling unit shall be debited from the secondary pool.

A. B. ~~Within the NRO.~~ Multi-family residential zoning districts outside the NRO.

For parcels of land within the PCD, PD-1, PD-2, PD-3 and multifamily residential zoning districts outside of the NRO, 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), ~~the following are provided:~~

Non-NRO Residential Density Bonuses	
Green Building and Sustainability Nationally recognized certification program	15 du/a
Transit Oriented Development (TOD) (Section 5-804) Four (4) of seven (7)	10 du/a
Maximum Total Green and TOD Bonus	25 du/a

Residential developments immediately north of NE 121st Street, within the Village of Biscayne Park Transition Zone, may not exceed their current entitlement and shall be subject to the strict development standards as further established in these LDRs.

B. Within the NRO:

Density/intensity/bonuses additional density may be granted through conditional use approval up to the maximum densities as follows:

NEIGHBORHOOD REDEVELOPMENT OVERLAY DISTRICT BONUS PROVISIONS	
RESIDENTIAL DENSITY	
MANDATORY	
Green Building and Sustainability	Maximum 25 du/ae
Designed to Achieve LEED or other nationally-recognized green building certification	15 du/ae
Availability of sustainable amenities on-site such as recycling receptacles and electric car charging stations	5 du/ae
Provision and maintenance of additional trees in areas identified as deficient within the North Miami Street Tree Management Plan	5 du/ae
Transit Oriented Development (TOD)	(In addition to § 5-804)
TOD Standards	Maximum 25 du/ae
1. Neighborhood pedestrian connections between adjacent uses	5 du/ae
2. Improved pedestrian way connecting to nearest arterial with wayfinding signage	5 du/ae
3. Sheltered bus stop within ¼ mile of the proposed development in accordance with Section 5-803	5 du/ae

4. Internal bike and pedestrian circulation system	5 du/ae
5. Provision of bike lockers, racks or showers for bicyelists	5 du/ae
OPTIONAL	
MIXED USE	
Major Corridor	8 du/ae
PROJECT OPEN SPACE/RECREATIONAL AMENITIES	
5,000 sq. ft. or 50 sq. ft./unit, whichever is less	2 du/ae
URBAN DESIGN	
Urban Places of Public Assembly	2 du/ae
Underground Utilities	2 du/ae
Structured Parking (Pedestal)	5 du/ae
Structured Parking (Nonpedestal)	3 du/ae
Nonpedestal parking structure performance standards: 1. Wrapped on 3 sides 2. Setback at least 30 feet from lot with single family dwelling 3. Project amenities on property of parking structure	
Public Art	3 du/ae
Consistent with Art in Public Places requirements	
AFFORDABLE/WORKFORCE HOUSING	
15% of Units Affordable/Workforce	15 du/ae
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 an 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 twenty (20).	
Total Maximum Density Bonus	90 du/ae
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.	

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Sec. 4-302. - Planned development districts: PD-1, PD-2 and PD-3.

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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.

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

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d. Bonus density for mixed use (outside the NRO): additional density may be granted through conditional use approval up to fifteen (15) dwelling units per acre. ~~the maximum densities provided as follows:~~

Mandatory: green building and sustainability (designed to achieve LEED certified or greater)	7 du/ae
Mandatory: transit-oriented development (TOD) 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 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. Transportation Demand Management (TDM) subsection 5-803.B. -ix. Charging Stations.	3 du/ae.
Optional: affordable/workforce housing (fifteen (15) percent of units)	5 du/ae
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 an 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 twenty (20) years.	

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Sec. 4-305. - Neighborhood redevelopment overlay (NRO) district.

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D. Development standards.

1. Residential and Commercial Pools. Residential and commercial pools of available units and available square footage for use within the NRO district, and for use in the PCD, PD and multifamily districts outside of the NRO, are hereby created as follows:
 - Primary: A pool of two thousand five hundred (2,500) units. Commercial pool of seven hundred fifty thousand (750,000) square feet within the NRO.
 - Secondary: A pool of two thousand, five hundred (2,500) units outside of the NRO.
 - For each new unit approved through an amendment to the comprehensive plan outside of the NRO, one (1) dwelling unit shall be debited from the secondary pool.
2. 1. Transition standards for development within the NRO and residential land use category in the comprehensive plan shall be as set forth herein. These transitional standards are in to all other applicable development standards set forth in Sections 4-306 and 5-804 of these LDRs for developments located along the city's major corridors within the PCD.
3. 2. 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 set forth herein, and subject to a conditional use permit approval by the city council and DRC site plan approval.
4. 3. Density bonus. Additional density may be granted through conditional use approval up to the maximum densities established in section 4-205(B). The community planning and development director shall track the number of dwelling units approved through use of this density pool and report annually thereon.

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Sec. 4-309- Special development and transit-oriented development overlay (SDTOD).

- A. Purpose. The primary purpose of the SDTOD is to accommodate compact, high-intensity, high-density mixed-use development and redevelopment featuring an attractive, intensive concentration of housing, employment, shopping and enjoyment.
- B. A residential pool of 2,000 floating dwelling units is available for use within the SDTOD, as established within the RAC agreement.
- C. Applicability. The development standards of the underlying zoning districts shall govern except to the extent any provision of this SDTOD district conflicts with the provisions of an underlying zoning district, and in such event, the provisions of this SDTOD district shall control.
- D. Boundaries. The boundaries of the SDTOD as depicted on the official zoning map.

E. Permitted Uses.

1. All the uses allowed in the underlying zoning districts, wherein the property lies. The one acre maximum size for uses in the M-1 – Industrial district shall not be applicable within the SDTOD.
2. Residential
3. Commercial
4. Retail sales and service
5. Medical office
6. Specialty educational facilities
7. Child and adult day care centers
8. Hotels or similar lodging.

F. Development standards.

1. Height. The permitted height shall not exceed 200 feet, inclusive of parking.
2. Density limitation. Up to 150 du/acre (inclusive of floating units), subject to the availability of floating units. Density and intensity limitations, approved uses, and any additional requirements shall be set forth in the Conditional Use Permit.
3. Minimum lot size: For the purposes of development, a minimum lot size of 10,000 sq. ft. shall be required.
4. Dwelling unit size. Minimum five hundred (500) s.f.
5. Lot coverage. Maximum eighty (80) percent lot coverage.

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ARTICLE 5. – DEVELOPMENT STANDARDS

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DIVISION 8. - DESIGN

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Sec. 5-802. – ~~Transit-oriented development~~ Design standards

A. Applicability.

The provisions in sections 5-802 and 803 shall apply to nonresidential and multifamily development only along the commercial corridors of the city (Biscayne Boulevard, West Dixie Highway, NE 6th Avenue, 135th, 125th-123rd Streets, and NW 7th Avenue), and within the NRO, and shall also apply if an applicant is seeking a bonus incentive in accordance with the provisions in article 4 of these LDRs.

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D. Connectivity.

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4. Each project shall:

- a. Provide neighborhood pedestrian connections between adjacent uses; and
- b. Improved pedestrian way connecting to nearest arterial with wayfinding signage; and
- c. Internal bike and pedestrian system; and
- d. A sheltered bus stop.
 - (1) The Applicant shall construct and maintain a sheltered bus stop adjacent to the project site in accordance with Section 5-803; or
 - (2) The Applicant shall provide an easement dedication, if necessary, and construction of a sheltered bus stop adjacent to the project.
 - (3) NOTE: If there is an existing sheltered bus stop located within ¼ mile of the proposed development, the Applicant will not be required to provide a sheltered bus stop adjacent to the project site.

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Sec. 5-803. - Sustainable building program.

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J. At the minimum, the following green building principles shall be incorporated into the project:

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10. Low Impact Development

a. Stormwater Management

- (1) The project shall include stormwater retention infrastructure designed as a public amenity; or
- (2) Site design to achieve at least 10% more stormwater retention than minimum required; and
- (3) Permeable Paving System for minimum of 80% of the site's hardscape, exclusive of parking areas.

b. Other Elements (Must include at least 4 of 7)

- (1) Green Wall(s) in High-Traffic Areas (minimum 1000 sf required)
- (2) Rainwater Harvesting
- (3) Rooftop Gardens
- (4) Minimal Excavation Foundations
- (5) Graywater Re-use
- (6) Bioswales
- (7) Rain gardens

11. Sustainable Landscape Design

- a. 100% Florida native; and
- b. 100% native tree preservation (if applicable); and
- c. Additional trees in areas identified as deficient within the North Miami Street Tree Management Plan.

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Section 3. Repeal. All Ordinances and part of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. Conflicts. All Ordinances or parts of ordinances in conflict herewith the provisions of this Ordinance are repealed.

Section 5. Severability. The provisions of this Ordinance are declared to be severable. If any section, paragraph, sentence, phrase, clause or word of this Ordinance shall, for any reason, be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, phrases, clause or words of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall notwithstanding the invalidity of any part.

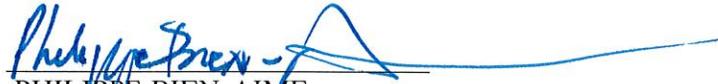
Section 6. Scrivener’s Errors. The City Attorney may correct scrivener’s errors found in this Ordinance by filing a corrected copy with the City Clerk.

Section 7. Codification. The provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Section” or any other appropriate word.

Section 8. Effective Date. This Ordinance shall become effective ten (10) days after 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 27th day of August, 2019.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 10th day of September, 2019.


PHILIPPE BIEN-AIME
MAYOR

ATTEST:



VANESSA JOSEPH, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Galvin

Seconded by: Bien-Aime

Vote:

Mayor Philippe Bien-Aime	<u>X</u>	(Yes)	_____	(No)
Vice Mayor Carol Keys, Esq.	<u>X</u>	(Yes)	_____	(No)
Councilman Scott Galvin	<u>X</u>	(Yes)	_____	(No)
Councilwoman Mary Estimé-Irvin	<u>X</u>	(Yes)	_____	(No)
Councilman Alix Desulme, Ph.Ed.	<u>X</u>	(Yes)	_____	(No)