

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:

A. Residential districts:

R-1 Residential estate district;

R-2 Single-family district;

R-4 Multifamily district;

R-5 Multifamily district;

R-6 Multifamily district.

BZ Multifamily district

B. Nonresidential districts:

C-1 Commercial;

C-2BE Commercial;

C-2BW Commercial;

C-3 Commercial;

M-1 Industrial.

C. Overlay and special purpose districts:

Residential office district (RO);

Planned development district (PD);

Arts, culture and design overlay district (AOD);

Public use district (PU);

Neighborhood redevelopment overlay district (NRO ~~and CCD~~);

Regional activity center overlay district (RAC).

Planned Corridor Development (PCD)

Planned Community Urban Design (PCUD)

(Ord. No. 1278, § 1(exh. 1), 4-28-09; Ord. No. 1327, § 1, 2-14-12)

**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 implements 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.**

<b><u>Comprehensive Plan- Future Land Use Designation</u></b>	<b><u>LDRs - Zoning District</u></b>
<b><u>Central Business Commercial</u></b>	<b><u>C-3</u></b>
<b><u>Commercial/Office</u></b>	<b><u>C-1 [Map corrections that redesignates C-3 outside downtown to C-1] C-2BW C-2BE C-3</u></b>
<b><u>Residential Office</u></b>	<b><u>RO</u></b>
<b><u>Community Facility</u></b>	<b><u>PU</u></b>
<b><u>Community Facility – University</u></b>	<b><u>PU PD</u></b>
<b><u>Conservation</u></b>	<b><u>PU</u></b>
<b><u>Bayshore Zone</u></b>	<b><u>BZ</u></b>
<b><u>High Density Residential</u></b>	<b><u>R-6</u></b>
<b><u>Low Density Residential</u></b>	<b><u>R-1 R-2</u></b>
<b><u>Low-Medium Density Residential Medium Density Residential</u></b>	<b><u>R-4 R-5</u></b>
<b><u>Mixed Use Low</u></b>	<b><u>PD-1</u></b>
<b><u>Mixed Use Medium</u></b>	<b><u>PD-2</u></b>
<b><u>Mixed Use High</u></b>	<b><u>PD-3</u></b>
<b><u>Industrial</u></b>	<b><u>M-1</u></b>
<b><u>Open Space/Recreation</u></b>	<b><u>PU</u></b>
<b><u>Utilities</u></b>	<b><u>PU</u></b>
<b><u>Overlay Districts Neighborhood Redevelopment Overlay (NRO) Planned Corridor Development (PCD) Planned Community Urban Design (PCUD) Arts, Culture and Design Overlay District (AOD)</u></b>	<b><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</u></b>

DIVISION 2. - ~~RESIDENTIAL~~ DISTRICTSSec. 4-201. - Purpose of ~~residential~~ districts.

- A. The purpose of the R-1 residential estate district and the R-2 single-family district is to establish areas of low density residential uses characterized by detached dwellings, protect and preserve the integrity and value of existing low-density neighborhoods consistent with the residential low land use category of the comprehensive plan.
- B. The purpose of the R-4 multifamily residential district is to ~~preserve and enhance~~provide areas for lower density multifamily ~~neighborhoods residential uses~~ while ensuring that there is a transition between ~~single-family to other more intense forms of residential development in the city by and allowing~~ varied forms of residential dwellings ~~to meet the housing needs of a diverse community, i.e., duplex, triplex, townhouses, apartments, college/dormitory housing, and which may also include child care centers, adult day care and living facilities while ensuring that there is a transition between single family to other more intense forms of residential development,~~ consistent with the residential low-medium density land use category of the comprehensive plan.
- C. The purpose of the R-5 multifamily residential district is to provide areas appropriate ~~preserve and enhance~~for medium density ~~multifamily neighborhoods in the city multifamily residential uses, e.g., townhouses, apartments, college/dormitory housing, etc., and which may also include child care centers, adult day care and living facilities, while encouraging redevelopment to provide the housing needs of a diverse community at a greater density than other districts and other institutional uses such as hospitals, nursing, and convalescent homes, which are compatible with the overall residential character of the district,~~ consistent with the residential medium density land use category of the comprehensive plan.
- D. The purpose of the R-6 multifamily residential district is to ~~preserve and enhance~~ designate areas appropriate for higher density ~~multifamily neighborhoods in the city while encouraging residential uses that are compatible with the overall residential character of the district, e.g., townhouses, apartments, and college/dormitory housing and which may also include child care centers, adult day care and living facilities,~~ redesignate ~~redesignate~~ to provide the housing needs of a diverse community at a greater density than other districts and other institutional uses, such as hospitals, nursing and convalescent homes, which are compatible with the overall residential character of the district, consistent with the residential high density land use category of the comprehensive plan.
- E. The purpose of the B-Z multifamily residential district is to designate shoreline areas appropriate for higher density development, consistent with the bayshore zone land use category of the comprehensive plan.
- ~~A~~F. 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.

**BG.** The purpose of the C2BE and C2BW commercial districts is to enhance the high quality commercial areas in the city.

**CH.** 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. The downtown commercial area is encapsulated in the C-3 district as depicted on the official zoning map.

**D**

**I.** The purpose of the M-1 industrial district is to accommodate industrial and related uses in the city, and to support mixed use within the Transit Station Overlay District.

(Ord. No. 1278, § 1(exh. 1), 4-28-09)

Sec. 4-202. - Types of Uses permitted.

The following chart establishes the uses permitted-allowed 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. A blank cell in the use table indicates that a use is not permitted in the respective district. ~~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.~~

A use not listed in the use table, but possessing similar characteristics, including, but not limited to: size, intensity, density, operating hours, demands for public facilities such as water and sewer, traffic and environmental impacts, and business practices, may be allowed upon advance written application (on a form approved by the city) to and written approval by the community planning and development director, and the city council by resolution. Such uses will be determined based on the use category tables and definitions in Article 7 "Definitions". Similar uses shall be subject to all requirements of the uses to which they are similar, except as may be expressly permitted in writing by the director and city council.

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.

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Residential Districts					
	R-1	R-2	R-4	R-5	R-6
Accessory Uses and Structures	P	P	P	P	P
Single-Family Dwellings	P	P	P	P	
Multifamily 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
P = Permitted Use					
P* = Administrative Site Plan Required					
SE = Special Exception					

\* 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.

(Ord. No. 1278, § 1(exh. 1), 4-28-09)

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

**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 this Code:

Residential District	Max. Density <sup>1</sup> DU/ac****	Lot Dimensions			Setbacks (ft.) <sup>2 3</sup>			Max. Height (ft.) ***	Min. Floor Area (s.f.)*	Required <sup>2</sup> Open Space
		Area (s.f.)	Width (ft.)	Depth (ft.)	Front	Side	Rear ****			
R-1	4.75.1	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%
<b>B-Z</b>	<b>100.0</b>				<b>25<sup>2</sup></b>	<b>7.5 or 10% **</b>	<b>25</b>	<b>115</b>		<b>15%</b>

\* 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 and multifamily apartments the minimum size for a dwelling unit in the multifamily residential and mixed use R-4, R-5 and R-6 districts is five hundred fifty (550) seven hundred fifty (750) square feet.

\*\* Seven and one-half (7.5) feet or ten (10) percent of the lot frontage, whichever is greater. ~~Townhouse setbacks: See article 5, division 20; corner-Corner~~ lot setback: minimum fifteen (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 (121st Street boundary), shall not exceed thirty-five (35) feet in height for the first one hundred (100) feet north of 121st Street. Thereafter the height may increase at the rate of one (1) foot vertical for every two (2) feet horizontal, not to exceed the maximum height allowed by the underlying land use (zoning district) designation.

\*\*\*\* In the R-4, R-5 and R-6 districts, buildings with a height of ~~thirty five~~forty (35/40) 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 ~~that which~~ is adjacent and/or abutting to a R-1 or R-2 district; ~~and~~ portions of a building ~~that 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 five-tenths (.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- land development regulations~~classification.

<sup>1</sup> For additional bonus density see section 4-205 and 4-305

<sup>2</sup>Townhouse setbacks and open space: See Sec. 4-204

<sup>3</sup> Or as required by the Miami-Dade County Shoreline Review Ordinance, whichever is more restrictive.

B. Non-residential Districts<sup>1</sup>

	<u>Minimum Lot Size</u>	<u>Minimum Lot Width</u>	<u>Setback Front*</u>	<u>Minimum Setback Side*</u>	<u>Minimum Setback Rear*</u>	<u>Maximum Height</u>	<u>Maximum Lot Coverage</u>
<u>C1 Commercial</u>	<u>10,000 s.f.</u>	<u>100'</u>	<u>15'</u>	<u>10'</u>	<u>10' (when no alley or easement)</u>	<u>55'</u>	<u>80%</u>
<u>C2BE</u>	<u>10,000 s.f.**</u>	<u>100'</u>	<u>15'</u>	<u>10'</u>	<u>10'</u>	<u>55'</u>	<u>80%</u>
<u>C2BW</u>	<u>10,000 s.f.**</u>	<u>100'</u>	<u>15'</u>	<u>10'</u>	<u>10'</u>	<u>55'</u>	<u>80%</u>
<u>C3</u>	<u>10,000 s.f.</u>	<u>100'</u>	<u>15'</u>	<u>10'</u>	<u>10'</u>	<u>55';110';150' with incentives</u>	<u>80%</u>
<u>M-1</u>	<u>20,000 s.f.</u>	<u>100'</u>	<u>20'</u>	<u>15'</u>	<u>15'</u>	<u>55'</u>	<u>75%</u>

In the nonresidential districts, buildings with a height of thirty-five (35) feet or less ~~which 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 ~~which 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 ~~which 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 ~~which 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.

<sup>1</sup> Subject to PCD overlay criteria established in Sec. 4-306 and Sec. 5-804, as may be applicable.

B. In the commercial corridor on Biscayne Boulevard beginning at NE 123rd Street North to NE 13~~4~~5st Street, no land use amendment may be granted which would allow a height greater than forty-five (45) feet .

C. Special rear yard setback and height restrictions.



1. NW 7th Avenue, west side: (entire city limits) maximum height thirty five (35) feet with a twenty five foot minimum setback.

1. ~~2.~~ Biscayne Boulevard, east side, from NE 123rd Street to NE 131st Street: maximum height forty-five (45) feet with a fifty-foot minimum setback.

2. ~~3.~~ Biscayne Boulevard, east side, from NE 131st Street to NE 134th Street (at canal): maximum height forty-five (45) feet with a twenty-five-foot minimum setback.

3. ~~4.~~ NE 123rd Street, south side, from 19th Avenue to Bayshore Drive: maximum height thirty-five (35) feet with a twenty-five-foot minimum setback.

D. Open space: twenty (20) percent per parcel proposed for development.

#### Sec. 4-204 —Townhouses

#### Sec. 5 2001. General

A. Minimum lot frontage. No townhouse development shall be constructed on a site with a frontage of less than one hundred fifty (150) feet.

B. Minimum usable open space. Not less than twenty-five (25) percent of the total lot area shall be dedicated for usable open space, either for recreation or some other suitable use, public or private, as approved by the planning commission. For the purpose of this section, individual lots or portions thereof, roads, driveways, garages and parking areas shall not be construed as usable open space.

C. Distance between townhouse rows. No townhouse row shall be closer than twenty (20) feet to any other townhouse row.

D. Length of townhouse row. No townhouse row shall consist of more than six (6) dwelling units.

E. Parking. In addition to the requirements of article 5, division 16:

1. Design. All garages provided shall conform architecturally to, and be of similar materials as, the principal buildings in the development.

2. Location. Garages may be built into townhouses, or may be constructed on individual lots or on common areas.

#### Sec. 5 2002. F. Setbacks

1. Front yard. No building or structure shall be constructed closer than twenty-five (25) feet to any front property line.

2. Side yards. No building or structure for end units shall be located closer than fifteen (15) ~~thirty (30)~~ feet to any side lot line.

3. Unattached accessory structures in rear yards of townhouse lots.

a. Utility sheds and similar accessory structures. These structures may occupy up to one hundred (100) square feet. In interior townhouse lots, these structures shall maintain minimum ~~side and~~ rear setbacks of five (5) feet. In corner townhouse lots, these

structures shall also maintain a minimum of fifteen (15) ~~thirty (30)~~ feet from the exterior side property line, and the minimum rear setback shall be ten (10) feet.

b. Unattached flexible cover carport structures. These structures may be erected in the rear yard only, for the purpose of sheltering an operable vehicle, provided their size does not exceed a width of twelve (12) feet, a length of twenty (20) feet, and a height of ten (10) feet. In interior townhouse lots, these structures may maintain a minimum side setback of zero feet and a minimum rear setback of five (5) feet. In corner townhouse lots, these structures shall also maintain a minimum of thirty (30) feet from the exterior side property line, and the minimum rear setback shall be ten (10) feet.

4. Access to parking spaces. Forward and reverse (back out) movements are permitted for townhouse developments. See Section 5-1409.B.1.

(Ord. No. 1278, § 1(exh. 1), 4-28-09)

Sec. 4-204205. -- Residential density bonuses.

A. Outside the NRO.

For parcels of land within the PCD, PD and residential zoning districts outside of the NRO designated as low medium, medium and high density residential land use [why use comp plan instead of zoning districts]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), the following are provided:

Non-NRO Residential Density Bonuses				
Land Use Category	<del>Low-Med.</del>	Medium	High	
<del>Green Building and Sustainability (LEED Design)</del>				
<u>Green Building and Sustainability Certified</u> <u>Nationally recognized certification program</u>	<u>2.5 du/ae</u> <u>7 du/ae</u>	<u>7.5 du/a</u> <u>10 du/ae</u>	<u>10 du/a</u> <u>15 du/ae</u>	<u>15</u>
<u>Silver</u>	<u>7.5 du/a</u>	<u>10 du/a</u>	<u>15 du/a</u>	
<u>Gold or greater</u>	<u>12.5 du/ae</u>	<u>15 du/a</u>	<u>20 du/a</u>	
<u>Transit Oriented Development (TOD)</u>				
<u>TOD Standards</u>				
<u>TOD Bonus</u>				

Transit Oriented Development (TOD) (Section 5-804) Four (4) of seven (7)	5-10 du/a	5-10 du/a	5-10 du/a	10
Five (5) of seven (7)	10 du/a	10 du/a	10 du/a	
Maximum Total Green and TOD Bonus	25-17 du/a	25-20 du/a	25 du/a	25

Any residential use category immediately north of the Village of Biscayne Park (121st 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.

**B. Within the NRO. (See Sec. 4-305)**

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

<u>NEIGHBORHOOD REDEVELOPMENT OVERLAY DISTRICT BONUS PROVISIONS</u>			
<u>RESIDENTIAL DENSITY</u>			
<u>MANDATORY</u>			
<u>Green Building and Sustainability</u>	<u>Designed to Achieve LEED Certified</u>	<u>Designed to Achieve LEED Silver</u>	<u>Designed to Achieve LEED or Other Green Building Certification Designed to Achieve LEED Gold or Greater</u>
	10 du/ae	10 du/ae	25 du/ae
<u>Transit Oriented Development (TOD)</u>	<u>(In addition to § 5-804803)</u>		
<u>TOD Standards</u>			
<u>1. Neighborhood pedestrian connections between adjacent uses</u>			
<u>2. Improved pedestrian way connecting to nearest arterial w/way finding signage</u>			
<u>3. Sheltered bus stop within ¼ mile of the proposed development in accordance with section 5-803702</u>			
<u>4. Internal bike and pedestrian circulation system</u>			
<u>5. Provision of bike lockers or racks</u>			
<u>6. Provision of showers for bicyclists</u>			
<u>7. Connection to existing or planned regional bike trail</u>			
<u>8. TDM program (section 5-702)</u>			
<u>TOD Bonus</u>			
<u>Four (4) of eight (8) above TOD standards</u>	1 du/ae	2 du/ae	3 du/ae
<u>Five (5) of eight (8) above TOD standards</u>	2 du/ae	4 du/ae	6 du/ae

<u>Maximum Total Green and TOD Bonus</u>	<u>12 du/ae</u>	<u>22 du/ae</u>	<u>31 du/ae</u>
<u>OPTIONAL</u>			
<u>MIXED USE</u>			
<u>Major Corridor and CCD*</u>	<u>25 du/a</u>	<u>25 du/ae</u>	<u>25 du/a</u>
<u>PROJECT OPEN SPACE/RECREATIONAL AMENITIES</u>			
<u>5,000 sq. ft. or 50 sq. ft./unit, whichever is less</u>	<u>5 du/ae</u>	<u>5 du/ae</u>	<u>5 du/ae</u>
<u>Urban Design</u>			
<u>Urban Places of Public Assembly</u>			
<u>&gt;1,000 # 2,500 sq. ft.</u>	<u>2.5 du/ae</u>	<u>2.5 du/ae</u>	<u>2.5 du/ae</u>
<u>&gt;2,500 # 10,000 sq. ft.</u>	<u>5 du/ae</u>	<u>5 du/ae</u>	<u>5 du/ae</u>
<u>&gt;10,000 sq. ft.</u>	<u>10 du/ae</u>	<u>10 du/ae</u>	<u>20 du/ae</u>
<u>Underground Utilities</u>	<u>5 du/ae</u>	<u>2 du/ae</u>	<u>5 du/ae</u>
<u>Structured Parking (Pedestal)</u>	<u>10 du/ae</u>	<u>10 du/ae</u>	<u>10 du/ae</u>
<u>Structured Parking (Nonpedestal)</u>	<u>20 du/ae</u>	<u>20 du/ae</u>	<u>20 du/ae</u>
<u>NonPedestal parking structure performance standards:</u> <u>1. Wrapped on 3 sides</u> <u>2. Setback at least 30 feet from lot with single family dwelling</u> <u>3. Project amenities on property of parking structure</u>			
<u>Public Art as approved by the Art in Public Places Committee</u>	<u>2.5 du/ae</u>	<u>2.5 d/ae</u>	<u>2.5 du/ae</u>
<u>Design Excellence (see appendix B)</u>	<u>5 du/ae</u>	<u>5 du/ae</u>	<u>5 du/ae</u>
<u>Enhanced Streetscape w/Parkway</u>	<u>2.5 du/ae</u>	<u>2.5 du/ae</u>	<u>2.5 du/ae</u>
<u>AFFORDABLE/WORKFORCE HOUSING</u>			
<u>15% of Units Affordable/Workforce</u>	<u>10 du/ae</u>	<u>12.5 du/ae</u>	<u>15 du/ae</u>
<u>25% of Units Affordable/Workforce</u>	<u>15 du/ae</u>	<u>20 du/ae</u>	<u>25 du/ae</u>
<u>Approval of a bonus for affordable/workforce housing would require:</u> <u>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.</u>  <u>Appropriate conditions on approval for maintaining the bonus housing as affordable/workforce housing for a term of not less than twenty (20) years.</u>			
<u>Total Maximum Density Bonus</u>	<u>80 du/ae</u>	<u>90 du/ae</u>	<u>90 du/ae</u>
<u>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.</u>			

<b>NEIGHBORHOOD REDEVELOPMENT OVERLAY DISTRICT BONUS PROVISIONS</b>	
<b>RESIDENTIAL DENSITY</b>	
<b>MANDATORY</b>	
<b>Green Building and Sustainability</b>	<b>Maximum 25 du/ac</b>
<b>Designed to Achieve LEED or other nationally-recognized green building certification</b>	<b>15 du/ac</b>
<b>Availability of sustainable amenities on-site such as recycling receptacles and electric car charging stations</b>	<b>5 du/ac</b>
<b>Provision and maintenance of additional trees in areas identified as deficient within the North Miami Street Tree Management Plan</b>	<b>5 du/ac</b>
<b>Transit Oriented Development (TOD)</b>	
<b>(In addition to § 5-804)</b>	
<b>TOD Standards</b>	<b>Maximum 25 du/ac</b>
<b>1. Neighborhood pedestrian connections between adjacent uses</b>	<b>5 du/ac</b>
<b>2. Improved pedestrian way connecting to nearest arterial w/way finding signage</b>	<b>5 du/ac</b>
<b>3. Sheltered bus stop within ¼ mile of the proposed development in accordance with section 5-803</b>	<b>5 du/ac</b>
<b>4. Internal bike and pedestrian circulation system</b>	<b>5 du/ac</b>
<b>5. Provision of bike lockers, racks or showers for bicyclists</b>	<b>5 du/ac</b>
<b>OPTIONAL</b>	
<b>MIXED USE</b>	
<b>Major Corridor</b>	<b>8 du/ac</b>
<b>PROJECT OPEN SPACE/RECREATIONAL AMENITIES</b>	
<b>5,000 sq. ft. or 50 sq. ft./unit, whichever is less</b>	<b>2 du/ac</b>
<b>Urban Design</b>	
<b>Urban Places of Public Assembly</b>	<b>2 du/ac</b>
<b>Underground Utilities</b>	<b>2 du/ac</b>
<b>Structured Parking (Pedestal)</b>	<b>2 du/ac</b>
<b>Structured Parking (Nonpedestal)</b>	<b>1 du/ac</b>
<b>NonPedestal 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>8 du/ac</b>
<b>Consistent with Art in Public Places requirements</b>	
<b>AFFORDABLE/WORKFORCE HOUSING</b>	

15% of Units Affordable/Workforce	15 du/ac
<p>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.</p> <p>Appropriate conditions on approval for maintaining the bonus housing as affordable/workforce housing for a term of not less than twenty (20).</p>	
Total Maximum Density Bonus	90 du/ac
<p>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.</p>	

(Ord. No. 1278, § 1(exh. 1), 4-28-09)

**DIVISION 3. — NONRESIDENTIAL DISTRICTS**

**Sec. 4-301. — Purposes of nonresidential districts.**

(Ord. No. 1278, § 1(exh. 1), 4-28-09)

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Sec. 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.

Nonresidential Districts					
Permitted Uses	C1	C2BE	C2BW	C3	M1
Accessory Uses and Structures	P	P	P	P	P
Adult Businesses					SE
Adult Daycare (stand alone building)	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	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				
Government Uses	P	P	P	P	P
Gun Shops					SE
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	
Microbreweries	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*
Recreation, Outdoor					SE
Religious Institutions	SE				
Research and Technology Uses	P				P
Restaurants	P	P	P	P	P*
Retail, Sales, Services	P	P	P	P	P
Retail Showroom, Automobile			SE*****		
Schools	SE	SE	SE	SE	
Schools, Special and Technical	SE	SE		SE	
Self-Service Laundries	SE				
Self Storage	P*****				P
Studios (fine arts)					P*
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*
P = Permitted Use					
P* = Administrative Site Plan Required					
SE = Special Exception					

\* 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 one (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 one (1) acre and less in size should front on major east west corridors including NE 146 Street and NE 151 Street.

\*\*\*\*\* Retail Showroom, Automobile use requires minimum lot area of one (1) acre. No more than fifteen (15) percent of the gross building area (GBA) assigned to the retail automobile showroom business shall be devoted to minor vehicle service.

\*\*\*\*\* Prohibited in C-1 zoned areas that abuts a single family residential district and on major C-1 commercial corridors such as Dixie Highway, NW 7th Avenue and NW 119th Street.

(Ord. No. 1292, § 1, 2-9-10; Ord. No. 1316, § 1, 4-12-11; Ord. No. 1333, § 1, 5-22-12; Ord. No. 1359, § 1, 10-8-13; Ord. No. 1387, § 1, 6-23-15)

Sec. 4-303. Minimum standards of development for nonresidential districts.

A. Uses permitted in nonresidential districts shall be developed in accordance with the following standards and other applicable development standards in article 5 of this Code:

	Minimum Lot Size	Minimum Lot Width	Setback Front*	Minimum Setback Side*	Minimum Setback Rear*	Maximum Height	Maximum Lot Coverage
C1	10,000 s.f.	100'	15'	10'	10' (when	55'	80.85%

Commercial					no alley or easement)		
C2BE	10,000 s.f.**	100'	15'	10'	10'	55'	80 <u>85</u> %
C2BW	10,000 s.f.**	100'	15'	10'	10'	55'	80 <u>85</u> %
C3	10,000 s.f.	100'	15'	10'	10'	55' <u>110';150'</u> with incentives	80%
M-1	20,000 s.f.	100'	20'	15'	15'	55'	75%
<p>In the nonresidential 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 nonresidential 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.</p>							

~~\*—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.~~

~~B. In the commercial corridor on Biscayne Boulevard beginning at NE 123rd Street North to NE 131st Street, no land use amendment may be granted which would allow a height greater than forty-five (45).~~

~~C. Special rear yard setback and height restrictions:~~

~~1. NW 7th Avenue, west side: (entire city limits) maximum height thirty-five (35) feet with a twenty-five foot minimum setback.~~

~~2. Biscayne Boulevard, east side, from NE 123rd Street to NE 131st Street: maximum height forty-five (45) feet with a fifty-foot minimum setback.~~

~~3. Biscayne Boulevard, east side, from NE 131st Street to NE 134th Street (at canal): maximum height forty-five (45) feet with a twenty-five foot minimum setback.~~

~~4. NE 123rd Street, south side, from 19th Avenue to Bayshore Drive: maximum height thirty-five (35) feet with a twenty-five foot minimum setback.~~

~~D. Open space: twenty (20) percent per parcel proposed for development.~~

(Ord. No. 1278, § 1(exh. 1), 4-28-09)

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| DIVISION 43. - SPECIAL PURPOSE AND OVERLAY DISTRICTS

| Sec. 4-401-301. - 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 single family residential uses may continue.

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 ten (10) to twenty-five (25)~~ feet, whichever is greater.

Side: seven and one-half (7.5) feet or ten (10) percent of lot width, whichever is greater.

Rear: twenty-five (25) feet or existing, whichever is greater.

2. Maximum height: thirty-five (35) feet.

3. Lot coverage: eighty-five (85) percent.

4. Parking. See article 5, subsection 5-1401H. Parking may be located in the front yard, provided that it is paved or improved with permeable concrete; a landscaped buffer of ten (10) feet by two and one-half (2.5) feet 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 two and one-half (2.5) feet the length of the property line in the front yard.

7. Signage. One (1) fixed nonilluminated 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) square feet.

(Ord. No. 1278, § 1(exh. 1), 4-28-09; Ord. No. 1296, § 1, 5-25-10)

Sec. 4-~~402302~~. - Planned development district.

A. Purpose and applicability. The purpose of the planned development district (PD) 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.
  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;
    - Adult living facilities (ALF);
    - Community facilities;
    - Educational facilities;
    - Hospitals and ~~or related~~ medical facilities;
    - Hotels;
    - Recreation/entertainment indoor and outdoor;
    - Nightclubs;
    - Office;
    - Public uses;
    - Recording and TV/radio film;
    - Religious institutions;
    - Residential;
    - Restaurants;
    - Research and technology;
    - Retail sales and service;
    - Service station as an accessory use;
    - Vehicle sales/displays and vehicle service (only within a PD greater than thirty (30) acres in size);
    - Mixed use—Any combination of ~~two three (23)~~ or more permitted uses, one of which must be residential.

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 PD-1**: 25 du/acre;

**Mixed use medium PD-2**: 40 du/acre;

**Mixed use high PD-3**: 45 du/acre;

Hotels: for parcels less than fifty (50) acres, not exceeding double the number of permitted dwelling units with at least ten (10) percent of the floor area to be office, retail or residential.

Other uses: density consistent with comprehensive plan land use category.

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

Mandatory: green building and sustainability (designed to achieve LEED certified or greater)	7 du/ac
Mandatory: transit-oriented development with at least four (4) of eight (8) of the following standards: i. Neighborhood pedestrian connections between adjacent uses. ii. Improved pedestrian way connecting to nearest arterial w/way finding signage. iii. Sheltered bus stop within one-fourth (1/4) mile of 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. <b>ix. Charging Stations.</b>	3 du/ac.
Optional: affordable/workforce housing (fifteen (15) percent 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 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.

e. Height:

~~Mixed use low PD-1~~: fifty-five (55) feet;

~~Mixed use medium PD-2~~: seventy-five (75) feet;\*

~~Mixed use high PD-3~~: one hundred ten (110) feet;

Other uses: refer to comprehensive plan land use category.

\* Exception: The property ~~commonly formerly~~ referred to as the Munisport parcel and now known as Sole Mia, with boundaries generally described as NE 137 Street to NE 151 Street from Biscayne Boulevard to Bay Vista Boulevard as authorized in ~~PCD Oerlay District Resolution No. 2002-71~~ shall be permitted up to ~~twenty five (25) stories 450 feet~~ of building height above the parking pedestal. In such instance, the height of the parking pedestal shall be set as part of the conditional use permit.

- f. Mixed uses. Mixed uses within a planned development shall be a compatible and complimentary combination of office, hotel, multifamily and retail or any ~~two three (23)~~ or more combination of permitted uses ~~(one of which must be residential)~~ which shall be oriented to the needs of the district in which the development is located. ~~A minimum of seventy five (75) percent of the ground floor gross area of a mixed use building shall contain retail uses.~~
- g. Open space. The minimum open space required for a planned development shall be not less than twenty (20) percent of the parcel proposed for development.
- h. Design requirements. All buildings within a planned development shall conform to the following:
- i. The design requirements in article 5, division 8 of these LDRs;
  - ii. Architectural relief and elements (~~i.e. e.g.~~ 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 facade;~~
  - iii. Facades in excess of one hundred fifty (150) feet in length shall incorporate design features such as: staggering of the facade, 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. ~~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 nonresidential development which are adjacent and/or abutting such land in the R-1 and R-2 districts, as provided 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 within the development.
- 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 and as part of, a conditional use permit.
- 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 or may provide a declaration of restrictive covenants and shall submit and or an agreement stating that if the owner(s) or its successor or assigns 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.
- t. ~~Waiver, Modification or alteration.~~ The development standards hereof may be waived, modified or altered by the city ~~manager 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.

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. ~~Such recommendation 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. Offstreet 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 **prepared by a licensed traffic engineer**, 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 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 **and funding** thereof.

(Ord. No. 1278, § 1(exh. 1), 4-28-09; Ord. No. 1322, § 1, 10-25-11; Ord. No. 1328, § 1, 2-14-12; Ord. No. 1347, § 1, 1-22-13)

**Editor's note**— Ord. No. 1328, § 1, adopted February 14, 2012, enacted provisions intended for use as subsection B.2.n. Inasmuch as there are already provisions so designated, and at the discretion of the editor, said provisions have been redesignated as subsection B.2.t.

| Sec. 4-403303. - 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 as depicted on the official zoning map ~~re described in exhibit C.~~
- D. Permitted uses.
  - 1. All uses permitted in the zoning district wherein the property lies.
  - 2. Live/work studios (see division 20, article 5) for artists, ~~and~~ artisans, ~~and~~ 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 (cafe) 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.

~~(Ord. No. 1278, § 1(exh. 1), 4 28 09)~~

Sec. 4-~~404304~~ - 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.

(Ord. No. 1278, § 1(exh. 1), 4-28-09; Ord. No. 1296, § 1, 5-25-10)

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Sec. 4-~~405~~305. - 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 ~~that 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~~The NRO and CCD are is depicted on the zoning 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.

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C. Uses.

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

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

2. Prohibited uses:

Automobile service uses;

Adult entertainment business 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		
Mixed Use	<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 (2) full habitable floors.</li> <li>3. All buildings shall contain retail sales and service (at least seventy five (75) percent) or urban places of assembly on the ground floor and at least one two (12) other uses (one of which must be residential) on the upper floors.</li> </ol>	
Height	Permitted as of Right	With Bonus (see § 29-324(C)(8)) TOD, Brownfield, and/or Green Building

	one hundred ten (110) feet	+ forty (40) feet	
	Portions of buildings above thirty five (35) feet in height shall be set back an additional one (1) foot for every two (2) feet of building height above thirty five (35) feet. The height is limited to fifty five (55) feet.		
Sidewalks	Major Road Frontage		Minor Road Frontage
	Without Arcade	With Arcade	Without Arcade With Arcade
	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.		
Offstreet Parking		Without Centralized Parking	With Centralized Parking
	Retail Sales and Service	One (1) space per three hundred (300) s.f.	One (1) space per five hundred (500) s.f.
	Restaurant (MX)	One (1) space per two hundred (200) s.f.	One (1) space per four hundred (400) s.f.
	Restaurant (free-standing)	One (1) space per one hundred fifty (150) s.f.	One (1) space per one hundred twenty five (125) s.f.
	General Office	One (1) space per three hundred fifty (350) s.f.	One (1) space per two hundred (200) s.f.
	Residential (#50 ft.)	One and two tenths (1.2) spaces per unit	One (1) space per unit
	Residential (>50 ft.)	One (1) space per unit	Three quarters (.75) spaces per unit
	The parking standards in article 5, division 14 also apply.		
Corridors	Parks, plazas, pedestrian access, civic and cultural activities and amenities are encouraged.		

21. Transition standards for development within the NRO and the low density residential land use category in the comprehensive plan. Additional development standards for major corridors located within the PCD Overlay District: Sec. 4-306 and Sec. 5-804):

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NEIGHBORHOOD REDEVELOPMENT OVERLAY DISTRICT

Transitional Standards within Comprehensive Plan

Low Density Residential Land Use Category

Maximum Density With Bonuses (Dwelling Units Per Acre)

Parcel Size Not Located on a Major Corridor	Frontage on Along a Major Corridor (PCD) 1-Street	Frontage on 1-Street and Adjacent to Multifamily	Frontage on 2-Streets	Frontage on 3-2 Streets and Adjacent to Multifamily	Frontage on 2+ Streets and Adjacent to Multifamily w/density of 3-24 du/ae
# 20,000 sq. ft. 20 du/ae	Eight (8) du/ae 125 du/ae	Twelve (12) du/ae	Twelve (12) du/ae	Twenty-four (24) du/ae with height # 50 feet	NA
20,000 to 35,000 sq. ft.	Fifteen (15) du/ae	Twenty-four (24) du/ae	Thirty-five (35) du/ae	Thirty-five (35) du/ae	Forty (40) du/acre
35,000 to 80,000 sq. ft.	Twenty-four (24) du/ae with height # 50 feet	Twenty-four (24) du/ae w/height # 50 feet	Thirty-five (35) du/ae	Thirty-five (35) du/acre	Sixty (60) du/ae
>80,000 sq. ft.			Ninety (90) du/acre	Ninety (90) du/acre	Ninety (90) du/acre

DENSITY WHICH IS GREATER THAN PERMITTED BY UNDERLYING ZONING DISTRICT ONLY BY BONUS APPROVED AS A CONDITIONAL USE

Height	Permitted as of Right	With Bonus (see § 29-324(C)(4))(TOD, Brownfields, Green Building
	ninety (90) feet	+ forty-two (40) 20 feet
Setback	<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 (7½) feet of any property line.</p> <p>3. Additionally, any development along NE 123 St shall be set back 35 feet with max height of 55 feet.</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 one thousand eight hundred (1,800) units.  
Commercial pool of three hundred seventy five thousand (375,000) square feet.~~

NRO:

- Primary: A primary residential pool of two thousand two hundred (2,200) units.  
Commercial pool of three hundred seventy-five thousand (375,000) square feet.
- Secondary: A pool of available units: one thousand (1,000) units.

{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}.

- 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 D.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. ~~4~~ — Height.

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

b. Portions of a building above thirty-five (35) feet shall be set back an additional one (1) foot for every two (2) feet of height above thirty-five (35) feet.

5. Lot coverage and open space:

~~One hundred~~ **Maximum eighty (40080) percent lot coverage provided that there is and** a minimum district-wide open space of twenty (20) percent.

Minimum on-site open space in the event the district-wide open space is less than twenty (20) percent: twenty (20) percent.

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 multifamily structures shall be twenty-five (25) feet and parking areas shall be seven and one-half (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><u>NEIGHBORHOOD REDEVELOPMENT OVERLAY DISTRICT BONUS</u></b>		
<b><u>PROVISIONS</u></b>		
<b><u>RESIDENTIAL DENSITY</u></b>		
<b><u>MANDATORY</u></b>		
<b><u>Green Building and Sustainability</u></b>		<b><u>Maximum</u></b>
		<b><u>25 du/ac</u></b>
<b><u>Designed to Achieve LEED or other nationally-recognized green building certification</u></b>		<b><u>15 du/ac</u></b>
<b><u>Availability of sustainable amenities on-site such as recycling receptacles and electric car charging stations</u></b>		<b><u>5 du/ac</u></b>
<b><u>Provision and maintenance of additional trees in areas identified as deficient within the North Miami Street Tree Management Plan</u></b>		<b><u>5 du/ac</u></b>
<b><u>Transit Oriented Development (TOD)</u></b>		<b><u>(In addition to § 5-804)</u></b>
<b><u>TOD Standards</u></b>		<b><u>Maximum</u></b>
		<b><u>25 du/ac</u></b>
		<b><u>5 du/ac</u></b>
<b><u>OPTIONAL</u></b>		
<b><u>MIXED USE</u></b>		
<b><u>Major Corridor</u></b>		<b><u>8 du/ac</u></b>
<b><u>PROJECT OPEN SPACE/RECREATIONAL AMENITIES</u></b>		
<b><u>5,000 sq. ft. or 50 sq. ft./unit, whichever is less</u></b>		<b><u>2 du/ac</u></b>
<b><u>Urban Design</u></b>		
<b><u>Urban Places of Public Assembly</u></b>		<b><u>2 du/ac</u></b>
<b><u>Underground Utilities</u></b>		<b><u>2 du/ac</u></b>
<b><u>Structured Parking (Pedestal)</u></b>		<b><u>2 du/ac</u></b>

<u>Structured Parking (Nonpedestal)</u>	<u>1 du/ac</u>	
<u>NonPedestal parking structure performance standards:</u> <u>1. Wrapped on 3 sides</u> <u>2. Setback at least 30 feet from lot with single family dwelling</u> <u>3. Project amenities on property of parking structure</u>		
<u>Public Art</u>	<u>8 du/ac</u>	
<u>Consistent with Art in Public Places requirements</u>		
<u>AFFORDABLE/WORKFORCE HOUSING</u>		
<u>15% of Units Affordable/Workforce</u>	<u>15 du/ac</u>	
<u>Approval of a bonus for affordable/workforce housing would require:</u> <u>A determination that there is a demonstrated need for the proposed</u> <u>affordable/workforce housing based on a current needs assessment prepared</u> <u>by the city. The city may request that the applicant for a</u> <u>affordable/workforce housing bonus reimburse the city for preparation of the</u> <u>needs assessment.</u>		
<u>Appropriate conditions on approval for maintaining the bonus housing as</u> <u>affordable/workforce housing for a term of not less than twenty (20).</u>		
<u>Total Maximum Density Bonus</u>	<u>90 du/ac</u>	
<u>Land located in the RO zoning district shall be entitled to NRO bonus density according to the bonus</u> <u>eligibility of any other land not in the RO zoning district which is a part of a parcel proposed for</u> <u>development.</u>		
<u>1. Neighborhood pedestrian connections between adjacent uses</u>		
<u>2. Improved pedestrian way connecting to nearest arterial w/way finding signage</u>		<u>5 du/ac</u>
<u>3. Sheltered bus stop within ¼ mile of the proposed development in accordance with</u> <u>section 5-803</u>		<u>5 du/ac</u>
<u>4. Internal bike and pedestrian circulation system</u>		<u>5 du/ac</u>
<u>5. Provision of bike lockers, racks or showers for bicyclists</u>		<u>5 du/ac</u>
<u>OPTIONAL</u>		
<u>MIXED USE</u>		
<u>Major Corridor</u>		<u>8 du/ac</u>
<u>PROJECT OPEN SPACE/RECREATIONAL AMENITIES</u>		
<u>5,000 sq. ft. or 50 sq. ft./unit, whichever is less</u>		<u>2 du/ac</u>
<u>Urban Design</u>		
<u>Urban Places of Public Assembly</u>		<u>2 du/ac</u>
<u>Underground Utilities</u>		<u>2 du/ac</u>
<u>Structured Parking (Pedestal)</u>		<u>2 du/ac</u>
<u>Structured Parking (Nonpedestal)</u>		<u>1 du/ac</u>
<u>NonPedestal parking structure performance standards:</u> <u>1. Wrapped on 3 sides</u>		

<del>2. Setback at least 30 feet from lot with single family dwelling</del>	
<del>3. Project amenities on property of parking structure</del>	
<del>Public Art</del>	<del>8 du/ae</del>
<del>Consistent with Art in Public Places requirements</del>	
<del>AFFORDABLE/WORKFORCE HOUSING</del>	
<del>15% of Units Affordable/Workforce</del>	<del>15 du/ae</del>
<del>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.</del>	
<del>Appropriate conditions on approval for maintaining the bonus housing as affordable/workforce housing for a term of not less than twenty (20).</del>	
<del>Total Maximum Density Bonus</del>	<del>90 du/ae</del>
<del>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.</del>	

<b>NEIGHBORHOOD REDEVELOPMENT OVERLAY DISTRICT BONUS PROVISIONS</b>	
<b>RESIDENTIAL DENSITY</b>	
<b>MANDATORY</b>	
<b>Green Building and Sustainability</b>	<b>Maximum 25 du/ae</b>
<b>Designed to Achieve LEED or other nationally-recognized green building certification</b>	<b>15 du/ae</b>
<b>Availability of sustainable amenities on-site such as recycling receptacles and electric car charging stations</b>	<b>5 du/ae</b>
<b>Provision and maintenance of additional trees in areas identified as deficient within the North Miami Street Tree Management Plan</b>	<b>5 du/ae</b>
<b>Transit Oriented Development (TOD)</b>	<b>(In addition to § 5-804)</b>
<b>TOD Standards</b>	<b>Maximum 25 du/ae</b>
<b>1. Neighborhood pedestrian connections between adjacent uses</b>	<b>5 du/ae</b>
<b>2. Improved pedestrian way connecting to nearest arterial w/way finding signage</b>	<b>5 du/ae</b>
<b>3. Sheltered bus stop within ¼ mile of the proposed development in accordance with section 5-803</b>	<b>5 du/ae</b>
<b>4. Internal bike and pedestrian circulation system</b>	<b>5 du/ae</b>
<b>5. Provision of bike lockers, racks or showers for bicyclists</b>	<b>5 du/ae</b>

<b>NEIGHBORHOOD REDEVELOPMENT OVERLAY DISTRICT BONUS PROVISIONS</b>			
<b>RESIDENTIAL DENSITY</b>			
<b>MANDATORY</b>			
<b>Green Building and Sustainability</b>	<b>Designed to Achieve LEED Certified</b>	<b>Designed to Achieve LEED Silver</b>	<b>Designed to Achieve LEED or Other Green Building Certification Designed to Achieve LEED Gold or greater</b>
	<b>10 du/ae</b>	<b>18 du/ae</b>	<b>25 du/ae</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>			

3. Sheltered bus stop within ¼ mile of the proposed development in accordance with section 5-803			
4. Internal bike and pedestrian circulation system			
5. Provision of bike lockers or racks			
6. Provision of showers for bicyelists			
7. Connection to existing or planned regional bike trail			
8. TDM program (section 5-702)			
<b>TOD Bonus</b>			
Four (4) of eight (8) above TOD standards	1 du/ae	2 du/ae	3 du/ae
Five (5) of eight (8) above TOD standards	2 du/ae	4 du/ae	6 du/ae
Maximum Total Green and TOD Bonus	12 du/ae	22 du/ae	31 du/ae
<b>OPTIONAL</b>			
<b>MIXED USE</b>			
Major Corridor and CCD*	25 du/a	25 du/a	25 du/a
<b>PROJECT OPEN SPACE/RECREATIONAL AMENITIES</b>			
5,000 sq. ft. or 50 sq. ft./unit, whichever is less	5 du/ae	5 du/ae	5 du/ae
<b>Urban Design</b>			
<b>Urban Places of Public Assembly</b>			
>1,000 # 2,500 sq. ft.	2.5 du/ae	2.5 du/ae	2.5 du/ae
>2,500 # 10,000 sq. ft.	5 du/ae	5 du/ae	5 du/ae
>10,000 sq. ft.	10 du/ae	15 du/ae	20 du/ae
Underground Utilities	5 du/ae	5 du/ae	5 du/ae
Structured Parking (Pedestal)	10 du/ae	10 du/ae	10 du/ae
Structured Parking (Nonpedestal)	20 du/ae	20 du/ae	20 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 as approved by the Art in Public Places	2.5 du/ae	2.5 du/ae	2.5 du/ae

<b>Committee</b>			
<b>Design Excellence (see appendix B)</b>	<b>5 du/ae</b>	<b>5 du/ae</b>	<b>5 du/ae</b>
<b>Enhanced Streetscape w/Parkway</b>	<b>2.5 du/ae</b>	<b>2.5 du/ae</b>	<b>2.5 du/ae</b>
<b>AFFORDABLE/WORKFORCE HOUSING</b>			
<b>15% of Units Affordable/Workforce</b>	<b>10 du/ae</b>	<b>12.5 du/ae</b>	<b>15 du/ae</b>
<b>25% of Units Affordable/Workforce</b>	<b>15 du/ae</b>	<b>20 du/ae</b>	<b>25 du/ae</b>
<p><b>Approval of a bonus for affordable/workforce housing would require:</b></p> <p><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></p> <p><b>Appropriate conditions on approval for maintaining the bonus housing as affordable/workforce housing for a term of not less than twenty (20).</b></p>			
<b>Total Maximum Density Bonus</b>	<b>80 du/ae</b>	<b>90 du/ae</b>	<b>90 du/ae</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.

(Ord. No. 1278, § 1(exh. 1), 4-28-09)

**Sec. 4-406306. – Planned Corridor Overlay District**

**A. Purpose.** The purpose of the planned corridor overlay district (PCD) is to encourage a compact, high-intensity mix of residential, commercial, employment, and civic-institutional uses to support transit use, reduce single occupancy vehicle use, increase pedestrian activity and improve access and mobility.

**A. General location.** As identified on the zoning map, the PCD is applied to the following major corridors: State Road 7/NW 7<sup>th</sup> Avenue, NE 6<sup>th</sup> Avenue, Biscayne Boulevard, West Dixie Highway and NE 125<sup>th</sup> Street.

**B. Standards.** The permitted uses and density and intensity of uses within the various corridors are governed by the underlying land use designations of the subject property; notwithstanding the foregoing, parcels within the PCD are subject to the following:

1. State Road 7/NW 7<sup>th</sup> Avenue.

- a. Height: Up to 200 feet on the east side of the corridor, including parking levels and compatible building transitions and setbacks. On west side: maximum 55'.
- b. Land use: Limited to office and commercial uses.
- c. Maximum lot coverage: 80%

2. NE 6<sup>th</sup> Avenue.

- a. Height: 110 feet, including parking levels and compatible building transitions and setbacks.
- b. Density: 100 du/acre, subject to the availability of floating units. Such floating units require a development agreement.
- c. Maximum lot coverage: 80%  
~~Maximum lot coverage: 80%~~

3. Biscayne Boulevard.

- a. Height: 110 feet, including parking levels and compatible building transitions and setbacks, with an available bonus of 40 feet. NOTE: All development fronting the east side of Biscayne Boulevard commercial corridor beginning at NE 123<sup>rd</sup> Street north to NE 135<sup>th</sup> Street shall be limited to a maximum height of 55 feet.
- b. Density: 125 du/acre, subject to availability of floating units. Such floating units require a development agreement.
- c. Land use: Mixed use (3 or more uses, one of which must be residential).
- d. Maximum lot coverage: 80%

4. West Dixie Highway.

- a. Height: 110 feet, including parking levels and compatible building transitions and setbacks.
- b. Density: 100 du/acre, including bonus units. Such bonus units require a development agreement.
- c. Land use: Mixed use (3 or more uses; one of which must be residential)
- d. Maximum lot coverage: 80%

5. NE 125<sup>th</sup> Street.

- a. Height: 110 feet within the NRO, including parking levels and compatible building transitions and setbacks.
- b. Density: 100 du/acre, including bonus units. Such bonus units require a development agreement.
- c. Land use: Mixed use (3 or more uses; one of which must be residential)
- d. Maximum lot coverage: 80%

C. Transitions and setback.

- 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 adjacent to parcels



with an existing single-family dwelling. Landscaped alleyways, canals, stormwater retention/detention ponds, may serve as the required setback.

2. Portions of a building above thirty-five (35) feet shall be set back an additional one (1) foot for every two (2) feet of height above thirty-five (35) feet.

3. No surface parking lot shall be located within seven and one-half (7½) feet of any property line.

Sec. 4-307- Planned community urban design overlay.

A. Purpose. The purpose of the planned community urban design overlay (PCUD) is to implement the development order for the 180-acre property known as Sole Mia.

B. Conceptual Master Development Plan requirements, via Resolution 2015-R-16.

1. Height: 450 feet of building height above the parking pedestal. In such instance, the height of the parking pedestal shall be set as part of the conditional use permit.

2. Density Limitation: 40 du/acre.

a. 4,390 residential units, including 4,315 multifamily and/or elderly assisted housing units; and

b. Three-star hotel, containing approximately 150 keys (equivalent to 75 units).

3. Intensity Limitation: 1,491,256 sq. ft. of commercial, office, vehicle sales/display, institution and or retail uses, in any combination.

4. Additional requirements:

a. An active open park of not less than 7.2 acres.

b. A passive park of not less than 13.7 acres.

c. An aggregate of no less than 37.0 acres of the property, including the park required in a. and b., above, will be devoted to recreation, community, open space, park, access or similar use (as approved by the City), including but not limited to a community center.

Sec. 4-308- Regional activity center.

A. Purpose. The purpose of the regional activity center overlay district (RAC) is to encourage and promote large-scale development and redevelopment as well as small parcel infill development and redevelopment that facilitate a balanced mix of land uses by providing maximum flexibility for development and redevelopment activities.

B. General location. The regional activity center (RAC) totaling approximately one thousand seven hundred thirty-nine (1,739) acres, is generally bound by Biscayne Bay to the east, NE 163rd Street to the north, Biscayne Boulevard to the west, and NE 135th Street to the south, excluding property not located within the city limits of North Miami. The boundaries of the proposed regional activity center also include the area west of Biscayne Boulevard generally bound by 151st Street to the north, NE 18th Avenue to the west, FEC rail corridor to the east and NE 137th Street and NE 140th Street to the south (as depicted on the city's official zoning map).

C. Permitted uses. The permitted uses and density and intensity of uses within the RAC shall be governed by the underlying ~~land use designations-zoning districts~~ of the subject property.

All future development within the regional activity center shall be compact, high intensity, high density multi-use development designated as appropriate for intensive growth by the city and may include: residential~~-~~; commercial; office; cultural and community facilities; educational facilities; recreational and entertainment facilities; hotels or motels; transportation facilities; utilities; research and development uses; health care services and appropriate industrial activities.

D. Development limits. The RAC is approved for the following development limits consistent with F.S. § 380.06(2):

5,000 Residential ~~units~~;

400 Hotel rooms;

1043 ~~acres~~ Oleta State Park;

1,500,000 ~~sq. ft.~~ Industrial;

1,050,000 ~~sq. ft.~~ Office;

1,500,000 ~~sq. ft.~~ Commercial;

1,776 ~~students~~ (K—8) School use;

1,200 ~~students~~ (9—12) School use; ~~and~~

~~8,199~~ University students—Florida International University;

(Ord. No. 1327, § 1, 2-14-12)

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