



CITY OF NORTH MIAMI BEACH

Section 24-58.3

Mixed-Use Neighborhood Center District (MU/NC)

- (A) **Purpose and Intent.** The purpose of these regulations is to implement policies that guide the design of development within the Mixed-Use Neighborhood Center District (MU/NC). The intent is to support a balanced mix of land uses characterized by compactness, pedestrian friendly design, neighborhood-scale and framed by architecture and landscape design appropriate to local history and the natural environment. Development patterns shall generally reflect planning and design principles such as walkable neighborhoods oriented around the five-minute walk, primary orientation towards public transit systems, a centrally located community-serving land use or land uses and greater integration of housing, employment, shopping and recreation at the neighborhood level. This purpose will be fulfilled by:
- (1) Ensuring high quality, architecturally compatible, consistently landscaped development throughout the District;
 - (2) Stimulating neighborhood commercial and retail activities;
 - (3) Ensuring that new development or redevelopment projects enhance the visual character of the District;
 - (4) Encouraging the development of pleasant shopping areas with attractive pedestrian spaces;
 - (5) Encouraging people to reside in the District;
 - (6) Encouraging the beautification of West Dixie Highway; and
 - (7) Encouraging new publicly accessible open spaces.
- (B) **District Boundaries.** The development standards shall be utilized for properties located within the Mixed-Use Neighborhood Center District (MU/NC).
- (C) **Administration.** In order to maintain predictability in development, Planned Unit Developments (PUDs) shall be prohibited. Variances from the dimensional requirements or waivers from any other criterion may be approved by the applicable review board for projects, provided that the applicant meets the standards pertaining to such variance or waiver. The applicable board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Director of the Community Development Department or his/her designee in the enforcement of these development regulations.
- (D) **General Development Standards.**
- (1) In addition to the standards contained herein, Section 24-58 Mixed-Use (MU) district standards shall be applicable to development within the Mixed-Use Neighborhood Center District (MU/NC). The applicable regulations contained in Articles IV, VIII, IX, X, XI, XII, XIII, and XIV shall also apply, except as modified herein and may be further modified by the City Manager or his/her designee to meet the purpose and intent of the Mixed-Use Neighborhood Center District (MU/NC).
 - (2) The provisions of the MU/NC code, when in conflict, shall take precedence over the existing zoning and land development regulations.
 - (3) The provisions of the building code, when in conflict, shall take precedence over the provisions of the MU/NC code.
 - (4) Existing buildings may be destroyed or removed, however they must be replaced according to the MU/NC regulations. Existing buildings may not be destroyed or removed unless they are to be replaced according to MU/NC regulations and only after a building permit is issued.
 - (5) Existing buildings and uses within the MU/NC area, which are legally established but do not conform to provisions of the MU/NC regulations as of the effective date of these regulations shall be considered nonconforming and may not be replaced, restored, or modified, except in conformity with the regulation for nonconformities contained in Article IV of this chapter. When a nonconforming structure is destroyed by windstorm, flood, or nature disaster, it may be replaced by a new structure of the same or lesser size, and reoccupied by the same use, if construction of such structure is commenced within eighteen (18) months of destruction.
 - (6) Proposed development with site plan approved under the previous zoning regulations shall commence construction within the time frame allotted in the development order or site plan approval letter. If commencement of construction does not occur within the allotted time frame, the site plan approval shall automatically expire without further action by the City.

(E) **Regulating Plans and Diagrams.** The MU/NC is governed by a series of regulating plans and diagrams. The Regulating Plans and Diagrams demonstrate MU/NC development standards in both words and diagrams, and include maps designating the locations where the various standards apply. Unless otherwise noted, all development shall be in compliance with the Regulating Plans and Diagrams contained herein and with the Building Typology and Placement Regulating Diagrams in Section 24-58 Mixed-Use (MU) district. The Regulating Plans and Diagrams for the MU/NC include the following:

- (1) The Sub-areas Regulating Plan, which divides the MU/NC into two (2) Sub-areas: Core, and Transition. The highest density and intensity within the MU/NC shall be allocated to the Core Sub-area, a mixed-use area in the heart of the district. The densities and intensities shall then gradually decrease from the Core to the Transition Sub-area, which is adjacent to existing medium density residential, and mixed-uses are still permitted. A Core (Special) sub-area is included to reflect special standards for frontage and massing, buffer and transition along Greynolds Park. The Sub-areas Regulating Plan is shown in Figure MU/NC-1.
- (2) The Street Network Connectivity Regulating Plan, which shows the approximate location of existing and required new streets needed to create the prescribed network of streets within the MU/NC. This Plan also establishes the hierarchy of the streets as shown in Figure MU/NC-2.
- (3) The Designated Publicly Accessible Open Spaces and Urban Greenway Systems Regulating Plan, which designates the approximate location of required publicly accessible open spaces and urban greenway system as shown in Figure MU/NC-3.
- (4) The Building Heights Regulating Plan, which establishes the maximum building height as shown in Figure MU/NC-4.

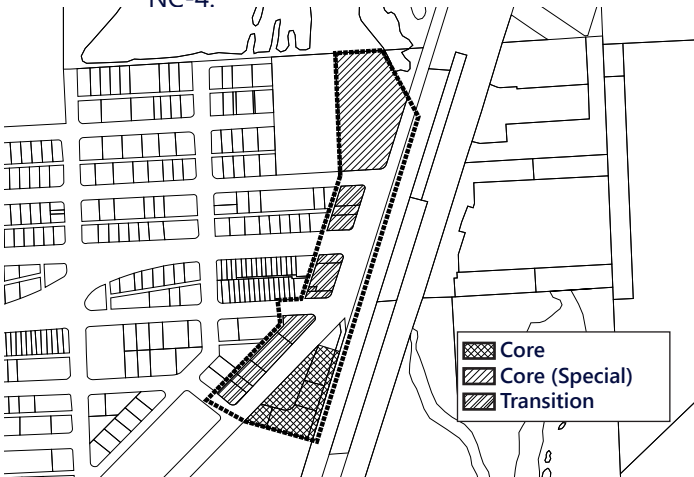


FIGURE MU/NC- 1. Sub-Areas Regulating Plan

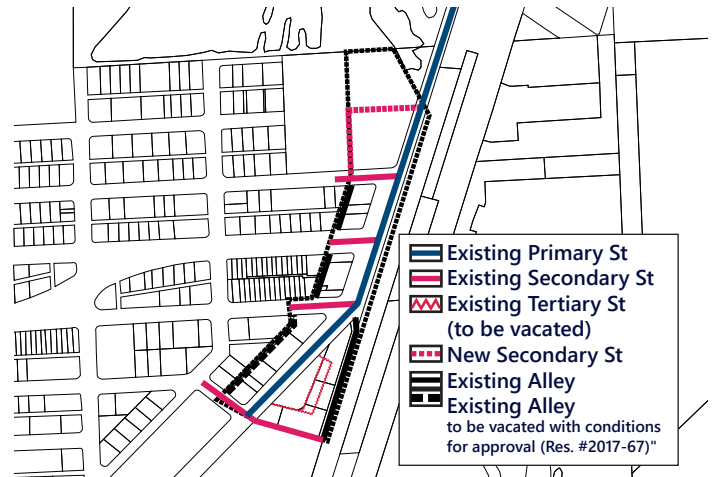


FIGURE MU/NC- 2. Street Network Connectivity Regulating Plan

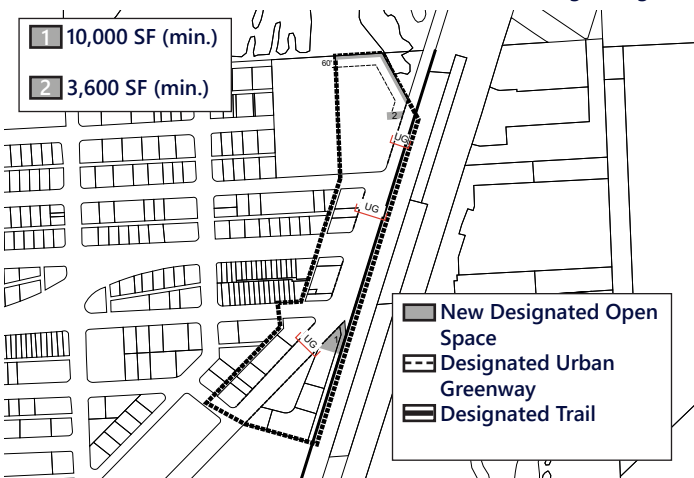


FIGURE MU/NC- 3. Designated Publicly Accessible Open Spaces and Greenway Systems Regulating Plan

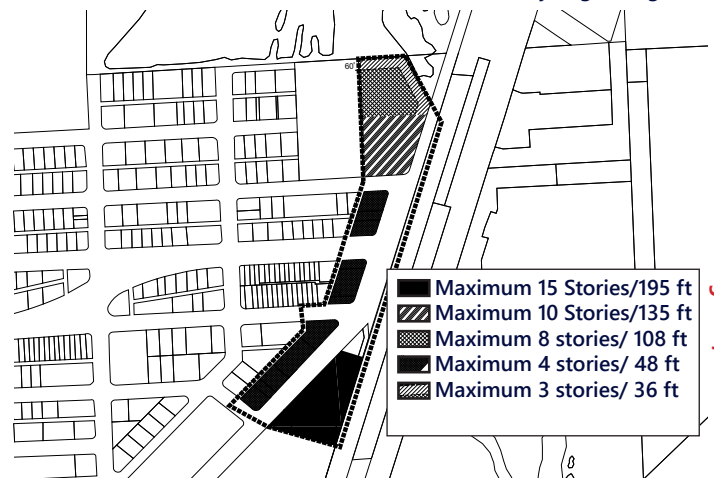


FIGURE MU/NC- 4. Building Heights Regulating Plan

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(F) Sub-Areas Regulating Plan. All new and existing development shall review first their location within the Sub-Areas Regulating Plan as shown in Figure MU/NC-1.

(G) Permitted Uses.

- (1) Land Use Principles.
 - a. The MU/NC District shall be developed as an identifiable place and shall act as an important center for living, working, shopping and entertainment. The mix of uses within the District, the streets and the architectural character of individual buildings shall blend together to contribute to a coherent identity and sense of place.
 - b. Along all streets and on all levels, both non-residential and residential uses shall be permitted.
- (2) Permitted Use Table MU/NC-1 includes the principal uses permitted in the MU/NC along with any required restrictions on such uses, for each of the sub-areas. Principal uses not included in Table MU/NC-1 are not permitted in the MU/NC. The MU/NC shall be subject to the Supplemental Regulations as provided for in Article VIII unless modified herein. Uses which are similar in nature to the uses permitted herein, but not enumerated in higher density use areas, shall be permitted upon a finding by the Community Development Director that the characteristics of, and activities associated with the use are substantially similar to one (1) or more of the listed uses, and will not involve greater impacts than the uses listed in the district and the use will be consistent with the purposes of the applicable zoning district and use areas.
- (3) Special Limited Conditional Uses. See Section 24-177.

TABLE MU/NC- 1. PERMITTED USES IN THE MU/NC DISTRICT				
P Permitted by Right	C Conditional Uses	NP Not Permitted		
Residential		Core	Core (Special)	Edge
Residential, provided that: must be in multi-family context;		P	P	P
Residential, townhouses (per building typology diagram)		P	P	P
Eating and Drinking Establishments				
Bars and lounges provided that any such use shall not be located within 500 feet of the real property that comprises a public or private elementary school, middle school or secondary school (Pursuant to § 562.45(2)(a) Florida Statutes).		P	P	P
Barbeque restaurants, open air		C	C	C
Microbrewery, winery or distillery		P	P	P
Restaurants including fast food, excluding drive through, including outdoor dining		P	P	P
Restaurant fast food with drive through provided drive through is inside parking garage		C	C	C
General Business				
Automotive Sales and Rental Uses		C	C	C
Adult and Child Daycare Center		C	C	C
Night clubs and discotheques (Ord. No. 2006-1 § 12, 12/21/2006)		C	C	C
Parking garages as principal use, provided that parked vehicles shall not be visible from surrounding properties or public street rights-of-way and structure shall be well landscaped.		C	C	C
Surface parking lot as principal use, CRA or City owned and operated only		P	P	P
Vocational schools and trade: Airline, business, cosmetology, secretarial and similar.		P	P	P
Office				
Office, business and professional uses		P	P	P
Retail/Personal Services				
Personal Services uses.		P	P	P
Studio schools: Art, dance, music, drama, sculpture and similar instruction		P	P	P

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Retail/Retail Services	Core	Core (Special)	Edge
Medical marijuana dispensaries/medical marijuana treatment centers	C	C	C
Package liquor store: Provided such use is located on primary street	C	C	C
Pharmacies	C	C	C
Retail uses (general retail)	P	P	P
Lodging Accommodations			
Hotels	C	C	C
Institutional			
Museums and art galleries	P	P	P
Places of public assembly	C	C	C
Utility facilities, light, public and private	P	P	P
Community Care Facilities or Community Residential Homes, as defined by F.S. 419.001 or as amended	P	P	P
Recreation and Open Space (Private and Public)			
Game rooms, sports and amusement facilities.	P	P	P
Public parks and playgrounds, plazas, squares	P	P	P
Urban market gardens	P	P	P

(H) **Street Network Connectivity Regulating Plan and Street Standards.** Figure MU/NC-2 shows the approximate location of existing and required new streets needed to create the prescribed network of streets within the MU/NC. This plan also establishes the hierarchy of the streets within the district. The street standards specified in Section 24-58(J) Mixed-use District shall apply except as modified herein:

- (1) All streets shall be located according to the Street Network Connectivity Regulating Plan for the MU/NC.
- (2) All Primary and Secondary Streets shall be required in the same general location as shown on the Street Network Connectivity Regulating Plan and may be modified with respect to alignment. No Primary and Secondary Streets shall be deleted or otherwise vacated or removed.
 - a. At the second story and above, development shall be permitted to bridge above the new secondary street, provided that it covers no more than 30% (maximum) of the overall ROW area's view to the open sky.
- (3) Tertiary Streets and Alleys shown on the Street Network Connectivity Regulating Plan are encouraged to promote connectivity and to conform to block length requirements. Tertiary streets and alleys may be modified or deleted for the purpose of assembling parcels for development.

(I) **Designated Publicly Accessible Open Spaces and Urban Greenway Systems Regulating Plan.** The designated public urban greenways system shall be one (1) of the following types depending on the location within the MU/NC and as shown in the Designated Publicly Accessible Open Spaces and Urban Greenways Systems Regulating Plan (Figure MU/NC-3).

- (1) Greenway Types.
 - a. Type UG: Along West Dixie Highway (Figure MU/NC-5).
 - i. The minimum width of the urban greenways shall be twenty-eight (28) feet.
 - ii. A minimum of twenty (20%) percent of the length of the portion of the urban greenway within the setback shall be landscaped and shall consist primarily of sod, ground cover or ornamental grass.
 - iii. Tree grates a minimum of five (5) feet by five (5) feet may be utilized in place of the required landscape strip.
- (2) The designated public urban greenways system shall be designed to enhance the visual character of specific streets along the urban greenways and ensure pedestrian connectivity by:

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- a. Providing tree species that provide continuous shade for a minimum of seventy (70%) percent of the frontage along the urban greenways. Palm trees alone are not acceptable and the maximum spacing of the shade trees shall be thirty (30) feet on center.
- b. Providing street furnishings such as benches, trash receptacles, bike racks, drinking water fountains, etc.
- c. Providing a landscape plan illustrating a coherent design with significant tree species along the urban greenways that are distinguishably different from the other streets along the property in terms of color, type and shape.
- d. No plant material other than trees shall be higher than twenty-four (24) inches within the urban greenway.
- e. Tree specifications shall be as per Section 24-58(L).

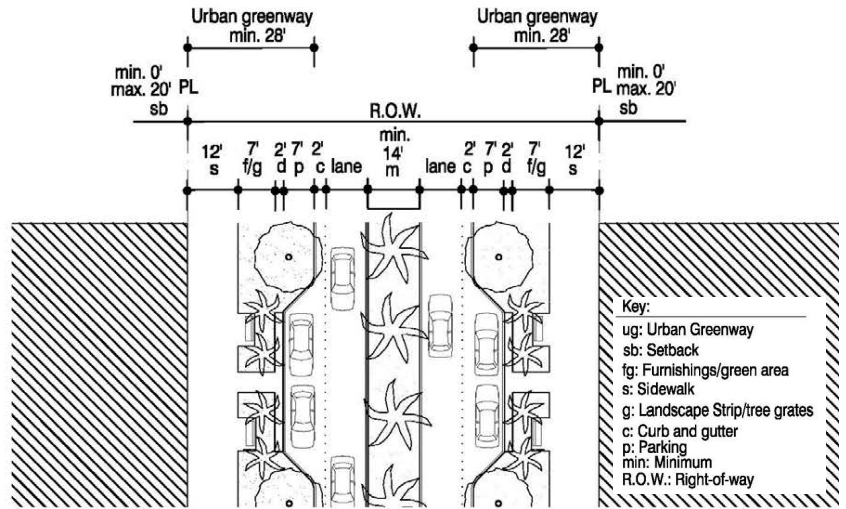
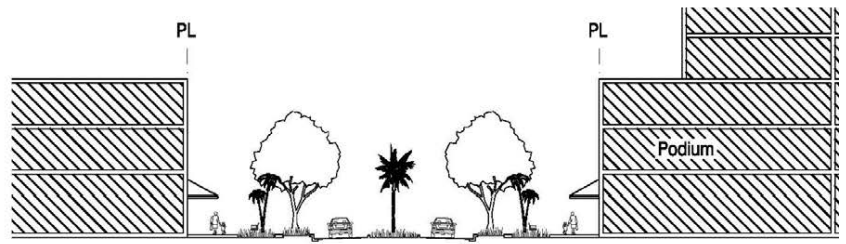


FIGURE MU/NC- 5. Urban Greenway

- (3) The designated publicly accessible open spaces shall meet the minimum requirements for area and maintain the general proportion as identified in FIGURE MU/NC- 3.

TABLE MU/NC- 2. MAXIMUM PERMITTED HEIGHT (1)	
Area	Maximum Permitted Height
Core Sub-Area	15 Stories / 195 feet (2)
Core (Special) Sub-Area	10 Stories / 135 feet (2), (3)
Transition Sub-Area	4 stories / 48 feet

- (1) Height has been rounded up to allow for additional space for mechanical equipment and the measurement of the roof. Measurement of stories is regulated in Section 24-58 Mixed-Use District.
- (2) Buildings higher than 8 stories shall only be developed per the Tower Building type standards.
- (3) Proposed development directly fronting Greynolds Park shall be limited to 3 stories / 36 feet within the first 60 feet adjacent to the park property

- (J) Building Heights Regulating Plan and Additional Height Standards. All new and existing development shall comply with the standards found within the Building Heights Regulating Plan as shown in (Figure MU/NC-4). Table MU/NC-2 provides a summary of the heights per sub-area, however, since maximum building heights vary within the sub-areas and are dependent on location, the Building Height Regulating Plan shall be referred to.

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(K) Building Typology and Dimensional Standards.

Building Typology	Core	Core (Special)	Transition
Tower	Yes	Yes	No
Liner	Yes	Yes	No
Courtyard Building	Yes	Yes	No
Flex	Yes	Yes	Yes
Townhouse Type 1	No	No	Yes
Townhouse Type 2	Yes	Yes	Yes
Zero Lot Line (Courtyard House)	No	No	Yes
Zero Lot Line (Sideyard House)	No	No	Yes
Single Family Detached	No	No	No

- (1) Building Typologies. All new buildings shall conform to one (1) of the permitted building typologies as demonstrated in the Building Typology and Placement Regulating Diagrams in Section 24-58 Mixed-use District. The diagrams provide a schematic representation of the various building typologies and demonstrate the required setbacks, lot standards, and profiles of structures. Existing buildings which do not fit a prescribed typology, shall follow the standards required for the Flex building typology. Not all building typologies are permitted in each Mixed-use district. The building typologies permitted in the MU/NC and their allowable sub-area locations are listed below in Table MU/NC-3.

Street Type	Minimum Setback	Maximum Setback	Building Frontage
Primary (W. Dixie Hwy)	0	20	90%
Secondary	10	20	80%
Tertiary	10	20	80%
Alleys	Per Building Typology and Placement Regulating Diagrams	Per Building Typology and Placement Regulating Diagrams	N/A
Greynolds Park Frontage (2)	25'	N/A	N/A

Notes:

- (1) Setbacks shall be measured from property lines
- (2) Setbacks adjacent to the Greynolds Park Frontage shall be designed and planted with landscape and trees to provide an attractive transition buffer from development, so as to prevent any negative impact on the historic character of the park

- (2) Setbacks and Building Frontage.
- a. Front and Street Side Setbacks and Building Frontage. Front and Street Side setbacks are determined based on the street the building fronts. Table MU/NC-4 lists the minimum required front and street side setbacks and building frontage per street type. The interior side and rear setbacks as well as the lot standards shall be as specified per building type in Section 24-58 Mixed-use District.

(L) On-site Parking Standards.

- (1) All parking within the MU/NC shall comply with the Access, Circulation, Parking and Loading Standards specified in Section 24-58 Mixed-use District.
- (2) On-site parking shall comply with Table MU/NC-5. Uses not listed herein shall comply with the parking requirements specified in Article IX.

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TABLE MU/NC- 5. MINIMUM AND MAXIMUM PARKING REQUIREMENTS BY USE		
	Minimum	Maximum
Retail, restaurant or commercial	2 per 1,000 sf	4 per 1,000 sf
Office	2.5 per 1,000 sf	4 per 1,000 sf
Hotel and motel; hotel and motel, limited	1 per 4 rooms plus 1 per 800 sf for restaurant, public meeting areas; 1 per 15 rooms for staff	1 per 4 rooms plus 1 per 800sf for restaurant, public meeting areas; 1 per 15 rooms for staff
Residential	1 per unit plus 1 per 20 units for guest parking	2 per unit plus 1 per 20 units for guest parking
Live/Work	2 per 1,000 sf	4 per 1,000 sf
Microbrewery, winery or distillery	Retail/tasting room: 2 spaces per 1,000 sq. ft. gfa; Manufacturing/processing: 1 per 1,000 sq. ft. gfa	Retail/tasting room: 4 spaces per 1,000 sq. ft. gfa; Manufacturing/processing: 1.5 per 1,000 sq. ft. gfa

(3) Guest parking shall comply with Table MU/NC-5. Guest parking shall be designated and prominently marked on-site as "Guest Parking" and shall not be restricted in any manner to use by a single tenant, owner, unit, or other user.

(M) Bicycle Racks and Bicycle Storage Standards. Bicycle racks and storage shall be required as follows:

- (1) Bicycle Racks and Bicycle Storage for Commercial Uses. Commercial developments, excluding hotel uses, shall provide:
 - a. Secure bike racks and/or storage at a ratio of one (1) bicycle parking space per every fifteen (15) required parking spaces and
 - b. A minimum of one (1) shower and changing facility shall be provided to be available for all tenants and shall be located within the building, or within two hundred (200) feet of the building entrance, for developments greater than fifty thousand (50,000) square feet in gross building area.
- (2) Bicycle Racks and Bicycle Storage for Residential Uses. One (1) bicycle parking space shall be provided per every fifteen (15) required parking spaces. Required residential bicycle parking spaces shall be provided in a secured area, covered from the elements.
- (3) Mixed-Use Developments. Mixed-use developments shall provide secure bicycle parking spaces for both the commercial and residential components of the development as calculated separately pursuant to the requirements of this section.

(N) Signage Standards. Signage shall comply with the standards in Article XIII except as modified herein.

- (1) Signs affixed to the exterior of a building shall be architecturally compatible with the style, composition, materials, colors, and details of the building, as well as with other signs used on the building or its vicinity.
- (2) Signs shall fit within the existing facade features, shall be confined to signable areas, and shall not interfere with door and window openings, conceal architectural details or obscure the composition of the facade where they are located.
- (3) Whenever possible, signs located on buildings within the same block-face shall be placed at the same height in order to create a unified sign band.
- (4) Wood and painted metal are the preferred materials for under-awning, hanging signs. Flat signs should be framed with raised edges. Wood signs shall use only high-quality exterior grade wood with suitable grade finishes.
- (5) Sign colors should be compatible with the colors of the building façade. A dull or matte finish is recommended for reduction of glare and enhancement of legibility.
- (6) Signs shall be either spot- or backlit with a diffused light source. Spotighting shall require complete shielding of all light sources, shall be contained within the sign frame, and shall not significantly spill over to other portions of the building or site. Backlighting shall illuminate the letters, characters, or graphics on the sign, but not its

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background. Warm fluorescent bulbs may be used to illuminate the interior of display cases. Neon signs placed inside the display case shall insure low intensity colors.

- (7) Signs shall be mounted so that the method of installation is concealed. Signs applied to masonry surfaces should be mechanically fastened to mortar joints only and not directly into brick or stone. Drilling to provide electrical service should also follow the same rule.
- (8) Billboards are prohibited.
- (9) A single blade or projecting sign is permitted and shall be no larger in area than the permitted wall signage. Where a parcel has multiple street frontages, a single blade or project sign is permitted along each street frontage for a maximum of two (2) blade or projecting signs on corner parcels.
 - a. Blade or projecting signs are permitted in addition to the signage permitted in Article XIII.

(O) Assessments.

- (1) Public Infrastructure and Streetscape Assessment and Fund.
 - a. All new development, or renovation or remodeling of existing buildings within the MU/NC, where total vertical construction costs of the development, renovation or remodeling is equal to or greater than five hundred thousand (\$500,000.00) dollars, shall pay a public infrastructure and streetscape assessment per dwelling unit or square foot to receive any allowable tax incentive, which may be available from the North Miami Beach Community Redevelopment Agency, if any. Such public infrastructure and streetscape assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public infrastructure and streetscape assessments shall be deposited into the public infrastructure and streetscape fund.
 - b. Ordinary property maintenance is exempt from the public infrastructure and streetscape assessment. Repairs and restoration resulting from fire, flood, windstorm or other natural disaster, as determined by the building official, are exempt from the public infrastructure and streetscape assessment.
 - c. The amount of the public infrastructure and streetscape assessment shall be established by resolution of the City Council and may be adjusted from time to time.
 - d. A separate public infrastructure and streetscape fund shall be established by the City. All public infrastructure and streetscape assessment payments from new development, or renovation or remodeling of existing buildings within the MU/NC shall be deposited into this fund and the funds shall be kept separate from any other City funds. The public infrastructure and streetscape fund shall be used by the City for improvement to and maintenance of the public infrastructure and streets in the MU/NC. Use of such funds shall be determined by the City Council. Any monies not expended in the fund in any fiscal year shall be carried over in the fund into the following year. Any interest earned on the funds shall be retained in the fund.
- (2) Public Open Space Assessment and Fund.
 - a. All new development, or renovation or remodeling of existing buildings within the MU/NC, where total vertical construction costs of the development, renovation or remodeling is equal to or greater than five hundred thousand (\$500,000.00) dollars shall pay a public open space assessment per dwelling unit or square foot to receive any allowable tax incentive, which may be available from the North Miami Beach Community Redevelopment Agency, if any. Such public open space assessment shall be paid prior to issuance of a building permit for the development, renovation or remodeling. All public open space assessments shall be deposited into the public open space fund.
 - b. Ordinary property maintenance is exempt from the public open space assessment. Repairs and restoration resulting from fire, flood, windstorm or other natural disaster, as determined by the building official, are exempt from the public open space assessment.
 - c. The amount of the public open space assessment shall be established by resolution of the City Council and may be adjusted from time to time.
 - d. A separate public open space fund shall be established by the City. All public open space assessment payments from new development, or renovation or remodeling of existing buildings within the MU/

NC shall be deposited into this fund and the funds shall be kept separate from any other City funds. The public open space fund shall be used by the City for improvement to and maintenance of the Snake Creek Canal Greenway, public parks, public open spaces and recreational areas and facilities in the MU/NC. Use of such funds shall be determined by the City Council. Any monies not expended in the fund in any fiscal year shall be carried over in the fund into the following year. Any interest earned on the funds shall be retained in the fund.

(P) Development Permit Review Procedures. The following development permit review procedure will apply to this district:

- (1) The review procedures set out in Article XV and Section 24-171 (Concurrency) will apply within this district.
- (2) Preapplication Conference: For those development permit requests that require a Pre-Application Conference, the Applicant must address with staff:
 - a. The submittal requirements in Article XV and Section 24-171 (Concurrency) and the required plans submitted for review shall demonstrate the Applicant's general approach to comply with the requirements noted above and shown on the MU/NC District's:
 1. Sub-Areas Regulating Plan.
 2. Street Network and Connectivity Regulating Plan.
 3. Designated Publicly Accessible Open Spaces and Urban Greenways Regulating Plan.
 4. Building Heights Regulating Plan.
 5. Building Typology.
- (3) Applications that include a development agreement shall be subject to the additional notice and hearings set forth in Article XIX.

(Ord. No. 2015-5 , § 2(Exh. A), 3-17-15; Ord. No. 2016-6 , § 2, 7-5-16; Ord. No. 2017-12 , § 3, 1-16-18; Ord. No. 2018-6 , § 2, 5-24-18; Ord. No. 2018-7 , § 3, 6-19-18)

Editor's note— Ord. No. 2015-5 , § 2(Exh. A), adopted March 17, 2015, repealed the former § 24-58.3, and enacted a new § 24-58.3 as set out herein. The former § 24-58.3 pertained to site design, and derived from Ord. No. 2002-20, § 2, adopted Nov. 19, 2002; Ord. No. 2006-3, § 2, adopted March 21, 2006; and Ord. No. 2008-4, § 2, adopted March 4, 2008.