

# The City of Aventura



Local Planning Agency  
Susan Gottlieb, Mayor

Enbar Cohen  
Teri Holzberg  
Billy Joel  
Michael Stern  
Howard Weinberg  
Luz Urbabz Weinberg

City Manager  
Eric M. Soroka, ICMA-CM

City Clerk  
Teresa M. Soroka, MMC

City Attorney  
Weiss Serota Helfman  
Pastoriza Cole & Boniske

## LOCAL PLANNING AGENCY AGENDA JULY 9, 2013 - 6 PM

Aventura Government Center  
19200 West Country Club Drive  
Aventura, Florida 33180

1. CALL TO ORDER\ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF MINUTES: JANUARY 8, 2013
4. PUBLIC HEARING: MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCES:

**AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING SECTION 31-145 "TOWN CENTER ZONING DISTRICTS" OF THE CITY'S LAND DEVELOPMENT REGULATIONS BY ADDING "TOWN CENTER NEIGHBORHOOD (TC3) DISTRICT" TO THE SECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

5. ADJOURNMENT

This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Office of the City Clerk, 305-466-8901, not later than two days prior to such proceeding. Anyone wishing to appeal any decision made by the City of Aventura Local Planning Agency with respect to any matter considered at such meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Agenda items may be viewed at the Office of the City Clerk, City of Aventura Government Center, 19200 West Country Club Drive, Aventura, Florida, 33180. Anyone wishing to obtain a copy of any agenda item should contact the City Clerk at 305-466-8901. One or more members of the City of Aventura Advisory Boards may also be in attendance.



**MINUTES  
LOCAL PLANNING AGENCY  
MEETING  
JANUARY 8, 2013 6 PM**

Government Center  
19200 W. Country Club Drive  
Aventura, Florida 33180

1. **CALL TO ORDER/ROLL CALL:** The meeting was called to order at 6:00 p.m. by Mayor Susan Gottlieb. Present were Commissioners Enbar Cohen, Teri Holzberg, Billy Joel, Michael Stern, Howard Weinberg, Vice Mayor Luz Urbabaz Weinberg, Mayor Gottlieb, City Manager Eric M. Soroka, City Clerk Teresa M. Soroka and City Attorney Alan Gabriel. As a quorum was determined to be present, the meeting commenced.
2. **PLEDGE OF ALLEGIANCE:** Led by Alan Greenfield.
3. **APPROVAL OF MINUTES:** A motion to approve the minutes of the September 4 2012 LPA Hearing was offered by Commissioner Joel, seconded by Commissioner Holzberg, and unanimously passed.
4. **PUBLIC HEARING: MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCE:** Mr. Gabriel announced the quasi-judicial procedures, requested the Commission submit the appropriate disclosures, if any, and then read the following ordinance by title:

**AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF AVENTURA BY AMENDING THE ZONING DESIGNATION FOR A 0.51 ACRE PARCEL OF LAND LOCATED AT 20605 NE 34 AVENUE, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, FROM RS2, RESIDENTIAL SINGLE FAMILY DISTRICT TO RMF3A, MULTIFAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE**

All persons wishing to give testimony in this hearing were sworn in by City Clerk Teresa M. Soroka. Community Development Director Joanne Carr addressed the Commission and entered the staff report into the record. Mayor Gottlieb opened the public hearing. The following individuals addressed the Commission: Stanley Price, Esq., representing the applicant; Andrew Sparanzini, Esq., representing Bonavista Condominium Association; Dorothy Finder, Bonavista; Nancy Lee, 20448 NE 34<sup>th</sup> Court, Del Vista; Robert Burroughs, Miami; Robert Eli, Bonavista; Carol Sudall, Bonavista; Frank Gianfresco, Bonavista; Greg Bartels, President, Bonavista; Inga Brower, Ensenada. There being no further speakers, the public hearing was closed. A motion for approval was offered by Vice Mayor Luz Weinberg, seconded by Commissioner Howard Weinberg and passed unanimously by roll call vote.

**5. ADJOURNMENT:** There being no further business to come before the Local Planning Agency, the meeting adjourned at 7:27 p.m.

\_\_\_\_\_  
Teresa M. Soroka, MMC, City Clerk

Approved by the LPA on \_\_\_\_\_.

**CITY OF AVENTURA**

**COMMUNITY DEVELOPMENT DEPARTMENT**

**MEMORANDUM**

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM  
City Manager 

BY: Joanne Carr, AICP  
Community Development Director 

DATE: June 24, 2013

SUBJECT: Application to Amend Section 31-145 (b) of the Land Development Regulations to add Town Center Neighborhood (TC3) District (01-LDR-13) 

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July 9, 2013	Local Planning Agency Agenda Item <u>4</u>
July 9, 2013	City Commission Meeting Agenda Item <u>7</u>
September 3, 2013	City Commission Meeting Agenda Item <u>  </u>

**RECOMMENDATION**

It is recommended that the City Commission approve the request for an amendment to Section 31-145, "Town Center Zoning Districts" of the Land Development Regulations to add regulations for a new mixed-use district, the Town Center Neighborhood (TC3) District, to the section.

**THE REQUEST**

The owner of property on NE 207 Street at NE 30 Avenue is proposing a mixed-use development proposal on its parcel. The west half of the property is designated as Business & Office future land use category and is zoned B2, Community Business District on the City Zoning Map. The east half of the property is designated as Medium-High Density Residential and is zoned RMF3A, Multifamily Medium Density Residential District. The development proposal contains structures with a mix of commercial and residential uses. Those mixed-use structures are not permitted in either the B2 or RMF3A zoning districts. The request is to add a new mixed-use district to the City Code to facilitate the current and any future similar development proposals. (See Exhibit #1 for Letter of Intent)

## **BACKGROUND**

The City's Land Development Regulations currently contain a Town Center (TC1) District which was included in the original 1999 Code to guide mixed-use development of a main town center in the City. This district allows residential and non-residential mixed-use development that generally complies with the RMF3 and B1 zoning districts and also allows a lifestyle center that includes some B2 zoning district uses.

The Land Development Regulations also currently contain a Town Center Marine (TC2) District, again included in the original 1999 Code, to guide mixed-use development in what was then the marine industry area on and around NE 188 Street. This district allows residential and non-residential mixed-use development that generally complies with the RMF3 and B1 zoning district, but also recognizes the marine industry uses as permitted uses.

## **DESCRIPTION OF THE PROPOSED AMENDMENT**

The proposed text of the Town Center Neighborhood (TC3) District follows in underlined text.

### **Sec. 31-145. - Town Center Zoning Districts.**

...

(c) Town Center Neighborhood (TC3) District. The following regulations shall apply to all TC3 Districts:

(1) Purpose. This district is intended to provide suitable sites for the development of structures and sites combining residential and commercial uses in a well-planned and compatible manner in existing neighborhoods on property that provides lot frontage on at least three public streets and does not front upon or access Biscayne Boulevard. Development in this district shall provide for indoor and/or outdoor commercial recreation uses and shall provide a minimum of 20,000 square feet per gross acre of assisted living facility use as part of its commercial uses. Residential densities shall not exceed 20 dwelling units per gross acre and non-residential intensity shall not exceed a floor area ratio of 2.0.

(2) Uses Permitted. No building or structure, or part thereof, shall be erected, altered or used, or land used in whole or part for other than a combination of all of the following specific uses, provided the requirements set forth elsewhere in this section are satisfied:

a. Mixed-use structures. For the purposes of this subsection, mixed-use buildings or structures are those combining residential dwelling units conforming generally with the intent of the RMF3, Multifamily Medium Density Residential District, with office and/or retail

commercial uses allowed in the B1, Neighborhood Business District, where the ratio of total square feet dedicated to residential and non-residential uses is between 3.5:1 and 1:3.5.

b. Assisted living facilities with a minimum of 20,000 square feet per gross acre and with a minimum gross floor area of 600 square feet per unit.

c. Indoor and outdoor commercial recreational uses with a maximum of 2,500 square feet of total floor area per establishment.

d. Hotels, with a minimum of 180 rooms and with a minimum gross floor area of a rental sleeping room of 400 square feet.

(3) Accessory uses permitted. Permitted incidental and accessory uses shall include:

a. Those uses allowed as accessory uses in the RMF3 Multi-Family Medium Density Residential District, except for uses which, by their nature, would inhibit the establishment of permitted commercial activities or restrict the acceptable mixing of residential and non-residential uses.

b. Outdoor dining as an accessory use to a permitted restaurant or retail use.

(4) Conditional uses permitted. The following uses may be established if first approved as a conditional use:

a. Those uses permitted in the B1 District with increased floor area.

b. Uses that exceed the height limitations of Section 31-145(c)(6), including parking structures.

c. Indoor and outdoor commercial recreation uses with more than 2,500 square feet per establishment.

d. Aboveground storage tanks. Aboveground storage tanks (AST) only as an accessory use and only for the purpose of storing fuel for emergency generators. ASTs must conform to the following requirements:

1. Be of 550 gallons capacity or less.

2. Be installed and operated under a valid permit from the Miami-Dade County Department of Environmental Resources Management.

3. Be fully screened by a masonry or concrete wall with a self-closing and locking metal door or gate. Such wall shall be landscaped in accordance with the City's Landscape Code.

4. Be located in a manner consistent with the site development standards of the TC1 zoning district.

5. Installation of any AST shall require a building permit from the City. Application for building permit shall be accompanied by a site plan indicating the location of the AST relative to property lines, the primary structure served by the AST, any other structures within 300 feet as well as a landscape plan prepared by a Florida licensed architect or landscape architect and other supporting documentation as deemed necessary by the City Manager or designee.

e. Floor areas that are less than the minimum floor areas required by the provisions of Section 31-145(c)(6)(g) hereof.

f. Allocations of interior spaces for mixed-use structures other than as set forth in Section 31-145(c)(8) hereof.

g. Structured parking that is not incorporated into the building envelope of a primary use structure, as required by Section 31-145(c)(9) hereof.

h. Structured parking that can be seen from a primary use building and that does not have the area of the top level landscaped and/or decoratively paved in order to provide amenity areas for building occupants, as required by Section 31-238 of this Code.

i. Driveways with a separation of less than 150 feet of landscaped frontage as long as it is determined, as part of site plan review that:

1. Landscaping for the total project site exceeds the minimum requirements of this Code, and;

2. Traffic studies indicate that a lesser distance between driveways does not constitute a safety hazard to either vehicular or pedestrian traffic.

j. Off-street parking that does not meet the requirements of Section 31-171(b) or (d) of this Code.

k. All uses permitted in the CF District.

l. For buildings that attain LEED® Gold or Platinum certification as provided in Article VI of Chapter 14 of the City Code, increased lot coverage, provided that a

green roof and/or green rooftop amenities are provided and maintained for the common benefit of building occupants; and; that increased Florida-Friendly tree canopy and Florida-Friendly plantings designed to calm the heat island effect are located on site, all in an amount equal to the requested increased lot coverage.

m. For buildings that attain LEED® Gold or Platinum certification as provided in Article VI of Chapter 14 of the City Code, increased floor area ratio, not to exceed a floor area ratio of 2.0.

(5) *Uses prohibited.* Except as specifically permitted in this subsection (b), the following uses are expressly prohibited as either principal or accessory uses:

a. Any use not specifically permitted.

b. Adult entertainment establishments.

c. Sale of goods to other than the ultimate consumer.

d. Sales, purchase, display or storage of used merchandise other than antiques.

e. Sale of fruit or merchandise from trucks, wagons or other vehicles parked on or along public or private streets or from open stands or vacant lots. Such business on private or public property shall be conducted only from within approved permanent substantial buildings.

f. Any drive-through service facility.

(6) *Site development standards.*

a. Minimum lot size: 5 gross acres.

b. Minimum lot width: 100 feet.

c. Maximum lot coverage: 45 percent of total lot area, provided that if eighty (80%) percent or more of the required parking spaces is provided in a parking structure, lot coverage may be increased to a maximum of 55 percent of the total lot area.

d. Maximum floor density:

1. Residential component: 20 dwelling units per gross acre.

2. Nonresidential component: 2.0 floor area ratio.

e. Maximum height: Four stories or 50 feet, including parking structures.

f. Setbacks:

1. Front: 25 feet.

2. Side: There is no side yard setback required for a lot that is not adjacent to a street or alley, unless such setback is necessary to provide light and air to residential units. In such cases a side yard setback of 20 feet in depth is required.

3. Street Side: 20 feet.

4.Rear: There is no rear yard setback required for a plot not adjacent to a street or alley, or where such setback is necessary to provide light and air to residential units. In such cases a rear yard setback of 20 feet in depth is required.

5. Rear Street: 20 feet.

6.Between buildings: No minimum building separation distance is normally required, except where necessary to provide light and air to residential units. In such cases, buildings may be no closer than 25 feet.

g.Minimum floor areas: The minimum floor area not including garage or unairconditioned areas shall be as follows, except that conditional use approval may be granted to authorize a reduction in the following minimum floor areas in accordance with Section 31-145(c)(4)(d):

Multiple-family dwelling unit:

Efficiency unit: 800 square feet.

One bedroom unit: 900 square feet.

Two bedroom unit: 1050 square feet.

For each additional bedroom in excess of two add 150 square feet.

Efficiency units shall not exceed 40 percent of the total number of residential units within a building.

h. Required open space: A minimum of 35 percent of the total lot area of the site shall be provided as common open space available for use by all residents or consumers; of this common open space a minimum of one-half shall be unencumbered with any structure (except for play equipment for children and associated mounting, fencing and furniture) and shall be landscaped with grass and vegetation approved in a landscape plan. The remaining one-half may be used for non-commercial recreational facilities, amenities, pedestrian walks, entrance landscaping and features (not including gatehouses and associated vehicle waiting areas), or maintenance facilities.

(7) Accessibility for Mixed-Use Structures. All residential units shall be accessible to the outside via an entry lobby that does not require residents to pass through a leasable commercial space.

(8) Allocation of interior space for Mixed-Use Structures. Retail stores, personal services, banks and financial services, indoor commercial recreation uses, restaurants and coffee houses, schools, nursery schools and child care centers are allowed only on the ground floor of mixed-use buildings. Offices and medical offices are allowed only on the ground and second floors. Residential uses are allowed only on the second or higher floors. In accordance with Section 31-145(c)(4)(e), conditional use approval may be

granted to authorize a waiver from such requirements for allocations of interior space in mixed-use structures.

(9) Performance Standards. Any structured parking serving the primary use on the site shall be incorporated into the building envelope and shall be compatibly designed. Such parking structure shall comply with all minimum setback and buffer yard requirements. Parking structure ceiling heights shall be seven feet six inches except where greater heights may be required by other regulatory agencies. Pipes, ducts and mechanical equipment installed below the ceiling shall not be lower than seven feet zero inches above finished floor. In accordance with Section 31-145(c)(4)(f), conditional use approval may be granted to authorize a waiver from the requirements that structured parking be incorporated into the building envelope of a primary use structure and that such structured parking conform to Section 31-238.

(10) Design Standards. All development in the TC3 Zoning District shall be compatible with existing adjacent development. Specifically, when greater heights are immediately adjacent to existing development, such height shall be graduated by steps so that the part of the structure within fifty (50) feet of the property boundary is the same or lower height as existing adjacent residential development. Development in the TC3 district shall substantially comply with the applicable "Town Center Design Guidelines", as provided by the City Manager and adopted through Ordinance No. 2006-02 on February 7, 2006.

## **ANALYSIS**

The proposed Town Center Neighborhood (TC3) District, detailed above, has been drafted using the same format as the TC1 and TC2 districts but is distinct from the TC1 and TC2 zones in that it is intended to guide mixed-use development in existing neighborhoods in the City. It proposes a specific mix of residential and non-residential development that generally complies with the RMF3 and B1 zoning districts, similar to the TC1 and TC2 districts, but without the lifestyle center use permitted in the TC1 district and without the more expansive marine industry uses in the TC2 district.

The TC3 district adds assisted living facility, indoor and outdoor commercial recreation and hotel to the required mix of non-residential uses, reduces maximum residential density from 25 dwelling units per acre as permitted in the TC1 and TC2 district to 20 dwelling units per acre and contains the same conditional and prohibited uses as the TC1 district. The site development standards are similar to the TC1 district, with the exception of the minimum lot area which is increased from 16,000 square feet to 5 gross acres to be consistent with the corresponding lot size requirement in the Town Center future land use category in the City's Comprehensive Plan and with the exception for increased lot coverage from 45 percent to 55 percent if more than 80 percent of required parking spaces is provided in a parking structure.

There is one amendment proposed to the zoning category subsequent to the City staff presentation at the May, 2013 workshop meeting. As presented, the zone requires a mix of residential and non-residential uses at a ratio between 3:1 and 1:3. The applicant has requested that this ratio be changed to 3.5:1 to 1:3.5, due to the decrease in maximum number of residential dwelling units. The existing TC1 and TC2 zoning categories allow a maximum of 25 dwelling units per acre. This proposed TC3 district allows a maximum of 20 dwelling units per acre. By reducing the maximum number of dwelling units per acre, and thus square footage of the residential portion of the mix, the ratio causes a corresponding decrease in the non-residential portion of the development. The ratio between 3.5:1 to 1:3.5 will provide an equilibrium between the desired reduction in residential units and development of non-residential uses.

Any proposal to develop in accordance with the TC3 district will require an underlying future land use designation of Town Center as described in the City's Comprehensive Plan. The Town Center future land use category encourages hubs for future urban development intended to serve the City's existing and future residents and businesses with design-unified development providing direct accessibility by mass transit service and high quality urban design. It provides for a design that encourages convenient, internal pedestrian circulation and is intended to create identifiable centers of activity with a distinctive sense of place. The proposed Town Center Neighborhood use regulations are compatible with this future land use category language.

Staff provides the following analysis of the request using the standards for reviewing proposed amendments to the text of the Land Development Regulations contained in Section 31-77 of the City Code.

1. *The proposed amendment is legally required.*

The proposed amendment is legally required to implement the requested revision to the Code.

2. *The proposed amendment is consistent with the goals and objectives of the Comprehensive Plan.*

The proposed amendment is consistent with the goals and objectives of the Comprehensive Plan. The intent of the Town Center land use designation is described in the Future Land Use Element of the City's Comprehensive Plan. This category encourages hubs for future urban development intended to serve the City's existing and future residents and businesses with design-unified development providing direct accessibility by mass transit service and high quality urban design. It provides for a design that encourages convenient, internal pedestrian circulation and to create identifiable centers of activity with a distinctive sense of place. The proposed Town Center Neighborhood district regulations are compatible with this future land use language.

3. *The proposed amendment is consistent with the authority and purpose of the LDRs.*

The proposed amendment is consistent with the authority and purpose of the Land Development Regulations. “The purpose of the LDRs is to implement further the Comprehensive Plan of the City by establishing regulations, procedures and standards for review and approval of all development and uses of land and water in the City. Further, the LDRs are adopted in order to foster and preserve public health, safety and welfare and to aid in the harmonious, orderly and progressive development and redevelopment of the City...” The proposed amendment is consistent with this purpose. The proposed amendment and its accompanying design guidelines along with the site development standards of the district will aid in the harmonious, orderly and progressive redevelopment of the City.

4. *The proposed amendment furthers the orderly development of the City.*

The proposed amendment furthers the orderly development of the City, for the reasons provided in Paragraph 3 above.

5. *The proposed amendment improves the administration or execution of the development process.*

The proposed amendment improves the administration or execution of the development process in that it provides for regulations and a process by which to approve development or redevelopment of a property within a Town Center Neighborhood District in the City.



**BERCOW RADELL & FERNANDEZ**  
ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: 305-377-6238  
E-MAIL: [mmarrero@brzoninglaw.com](mailto:mmarrero@brzoninglaw.com)

VIA FACSIMILE AND E-MAIL

June 27, 2013

Ms. Joanne Carr  
Community Development Director  
City of Aventura  
19200 West Country Club Drive, 4<sup>th</sup> Floor  
Aventura, Florida 33180

Re: Land Development Code Amendment Regarding TC3 Zoning District

Dear Joanne:

This law firm represents Integra Investments, LLC (the "Applicant"), with regard to an application to amend the City of Aventura Land Development Code to provide for an additional Town Center (Mixed Use) Zoning District - TC3. The Applicant seeks to develop the assemblage of properties at the SW corner of NE 207 Street and 30<sup>th</sup> Avenue (the "Property")

The Applicant recently acquired the Property, which was the subject of prior approvals for City Place at Aventura. The prior project included a mix of residential and commercial uses and remains zoned B2 and RMF3A. The Applicants seeks to develop a true mixed use project, with a focus on some uses that have been identified as desirable uses by the Aventura community. These include a high quality Assisted Living Facility and a retail entertainment area, as well as a hotel, other retail uses and some residential units.

Presently, the Applicant has been working with staff to craft a language that will allow such uses, in addition to being consistent with the objectives of the Town Center. While these uses have been identified as a need in the community, the existing Town Center districts would not allow them as currently drafted. .

**EXHIBIT #1**  
**01-LDR-13**

Section 33-77(g) of the City Code provides standards that staff and the City Commission shall consider when reviewing proposed amendments to the text of the City's Land Development Regulations (the "LDRs"). The Applicant's request addresses each of the standards as follows:

**(1) The proposed amendment is legally required.**

In order for the Property to be developed as discussed with staff and the City Commission, the proposed amendment to the LDRs must be approved and is thus required.

**(2) The proposed amendment is consistent with the goals and objectives of the Comprehensive Plan.**

The proposed changes are consistent with the goals and objectives of the Comprehensive Plan, specifically the Town Center designation. The Applicant's property is currently not designated as a Town Center on the Comprehensive Plan Future Land Use Map. However, the Applicant will be seeking such an amendment upon approval of this request.

**(3) The proposed amendment is consistent with the authority and purpose of the LDR.**

The proposed amendment is consistent with the authority and purpose of the LDRs, as described in Section 31-2 of the City Code.

**(4) The proposed amendment furthers the orderly development of the City.**

The proposed amendment certainly furthers the orderly development of the City. Currently, the Property remains undeveloped and the Applicant is proposing several uses which will fill a need within the Aventura community.

**(5) The proposed amendment improves the administration or execution of the development process.**

Since the uses being proposed are consistent with the goals and objectives of the Town Center, the approval of the amendment will improve the administration or execution of the development process.

Ms. Joanne Carr  
June 27, 2013  
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For all the foregoing reasons, the applicant respectfully requests your department's favorable review and recommendation of this application. Should you have any questions, comments, or require additional information, please do not hesitate to phone my direct line at (305) 377-6238.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'MJM' with a large flourish at the end.

Michael J. Marrero

**ORDINANCE NO. 2013-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING SECTION 31-145 "TOWN CENTER ZONING DISTRICTS" OF THE CITY'S LAND DEVELOPMENT REGULATIONS BY ADDING "TOWN CENTER NEIGHBORHOOD (TC3) DISTRICT" TO THE SECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Aventura ("City Commission") is desirous of amending Section 31-145 "Town Center Zoning Districts" of Chapter 31 "Land Development Regulations" of the Code of Ordinances ("City Code") to provide for a Town Center Neighborhood (TC3) District consisting of a mix of residential and commercial uses and providing for indoor and/or outdoor commercial recreation uses, assisted living facilities and hotels; and

**WHEREAS**, the Town Center future land use category applicable to the Town Center Neighborhood (TC3) zoning district encourages hubs for future urban development intended to serve the City's existing and future residents and businesses with design-unified development providing direct accessibility by mass transit service, and high-quality urban design, and the City Commission finds that the inclusion of a Town Center Neighborhood District is consistent with the applicable Town Center future land use category; and

**WHEREAS**, the City Commission has been designated as the Local Planning Agency for the City pursuant to Section 163.3174, Florida Statutes; and

**WHEREAS**, the Local Planning Agency has reviewed the proposed amendment during to the required public hearing and has recommended approval to the City Commission; and

**WHEREAS**, the City Commission has reviewed the proposed amendment, and finds that it is in the best interests of the public to amend Section 31-145 of Chapter 31 "Land Development Regulations," as set forth in this Ordinance; and

**WHEREAS**, the City Commission has held the required public hearings, duly noticed in accordance with law; and

**WHEREAS**, the City Commission has reviewed the action set forth in the Ordinance and has determined that such action is consistent with the Comprehensive Plan.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, THAT:**

**Section 1. Recitals.** The foregoing whereas clauses are hereby ratified and incorporated within this Ordinance.

**Section 2. City Code Amended.** That Section 31-145 "Town Center Zoning Districts" of Article VII "Use Regulations" of Chapter 31 "Land Development Regulations" of the City Code is hereby amended to read as follows<sup>1</sup>:

\* \* \*

**Sec. 31-145. - Town Center Zoning Districts.**

...

(c) Town Center Neighborhood (TC3) District. The following regulations shall apply to all TC3 Districts:

(1) Purpose. This district is intended to provide suitable sites for the development of structures and sites combining residential and commercial uses in a well-planned and compatible manner in existing neighborhoods on property that provides lot frontage on at least three public streets and does not front upon or access Biscayne Boulevard. Development in this district shall provide for indoor and/or outdoor commercial recreation uses and shall provide a minimum of 20,000 square feet per gross acre of assisted living facility use as part of its commercial uses. Residential densities shall not exceed 20 dwelling units per gross acre and non-residential intensity shall not exceed a floor area ratio of 2.0.

(2) Uses Permitted. No building or structure, or part thereof, shall be erected, altered or used, or land used in whole or part for other than a combination of all of the following specific uses, provided the requirements set forth elsewhere in this Section are satisfied:

a. Mixed-use structures. For the purposes of this subsection, mixed-use buildings or structures are those combining residential dwelling units conforming generally with the intent of the RMF3, Multifamily Medium Density Residential District, with office and/or retail commercial uses allowed in the B1, Neighborhood Business District, where the ratio of total square feet dedicated to residential and non-residential uses is between 3.5:1 and 1:3.5.

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<sup>1</sup> Underlined provisions constitute proposed additions to existing text.

b. Assisted living facilities with a minimum of 20,000 square feet per gross acre and with a minimum gross floor area of 600 square feet per unit.

c. Indoor and outdoor commercial recreational uses with a maximum of 2,500 square feet of total floor area per establishment.

d. Hotels, with a minimum of 180 rooms and with a minimum gross floor area of a rental sleeping room of 400 square feet.

(3) Accessory uses permitted. Permitted incidental and accessory uses shall include:

a. Those uses allowed as accessory uses in the RMF3 Multi-Family Medium Density Residential District, except for uses which, by their nature, would inhibit the establishment of permitted commercial activities or restrict the acceptable mixing of residential and non-residential uses.

b. Outdoor dining as an accessory use to a permitted restaurant or retail use.

(4) Conditional uses permitted. The following uses may be established if first approved as a conditional use:

a. Those uses permitted in the B1 District with increased floor area.

b. Uses that exceed the height limitations of Section 31-145(c)(6), including parking structures.

c. Indoor and outdoor commercial recreation uses with more than 2,500 square feet per establishment.

d. Aboveground storage tanks. Aboveground storage tanks (AST) only as an accessory use and only for the purpose of storing fuel for emergency generators. ASTs must conform to the following requirements:

1. Be of 550 gallons capacity or less.

2. Be installed and operated under a valid permit from the Miami-Dade County Department of Environmental Resources Management.

3. Be fully screened by a masonry or concrete wall with a self-closing and locking metal door or gate. Such wall shall be landscaped in accordance with the City's Landscape Code.

4. Be located in a manner consistent with the site development standards of the TC1 zoning district.

5. Installation of any AST shall require a building permit from the City. Application for building permit shall be accompanied by a site plan indicating the location of the AST relative to property lines, the primary structure served by the AST, any other structures within 300 feet as well as a landscape plan prepared by a Florida licensed architect or landscape architect and other supporting documentation as deemed necessary by the City Manager or designee.

e. Floor areas that are less than the minimum floor areas required by the provisions of Section 31-145(c)(6)(g) hereof.

f. Allocations of interior spaces for mixed-use structures other than as set forth in Section 31-145(c)(8) hereof.

g. Structured parking that is not incorporated into the building envelope of a primary use structure, as required by Section 31-145(c)(9) hereof.

h. Structured parking that can be seen from a primary use building and that does not have the area of the top level landscaped and/or decoratively paved in order to provide amenity areas for building occupants, as required by Section 31-238 of this Code.

i. Driveways with a separation of less than 150 feet of landscaped frontage as long as it is determined, as part of site plan review that:

1. Landscaping for the total project site exceeds the minimum requirements of this Code, and;

2. Traffic studies indicate that a lesser distance between driveways does not constitute a safety hazard to either vehicular or pedestrian traffic.

j. Off-street parking that does not meet the requirements of Section 31-171(b) or (d) of this Code.

k. All uses permitted in the CF District.

l. For buildings that attain LEED® Gold or Platinum certification as provided in Article VI of Chapter 14 of the City Code, increased lot coverage, provided that a green roof and/or green rooftop amenities are provided and maintained for the common benefit of building occupants; and; that increased Florida-Friendly tree canopy and Florida-Friendly plantings designed to calm the heat island effect are located on site, all in an amount equal to the requested increased lot coverage.

m. For buildings that attain LEED® Gold or Platinum certification as provided in Article VI of Chapter 14 of the City Code, increased floor area ratio, not to exceed a floor area ratio of 2.0.

(5) Uses prohibited. Except as specifically permitted in this subsection (b), the following uses are expressly prohibited as either principal or accessory uses:

a. Any use not specifically permitted.

b. Adult entertainment establishments.

c. Sale of goods to other than the ultimate consumer.

d. Sales, purchase, display or storage of used merchandise other than antiques.

e. Sale of fruit or merchandise from trucks, wagons or other vehicles parked on or along public or private streets or from open stands or vacant lots. Such business on private or public property shall be conducted only from within approved permanent substantial buildings.

f. Any drive-through service facility.

(6) Site development standards.

a. Minimum lot size: 5 gross acres.

b. Minimum lot width: 100 feet.

c. Maximum lot coverage: 45 percent of total lot area, provided that if eighty (80%) percent or more of the required parking spaces is provided in a parking structure, lot coverage may be increased to a maximum of 55 percent of the total lot area.

d. Maximum floor density:

1. Residential component: 20 dwelling units per gross acre.

2. Nonresidential component: 2.0 floor area ratio.

e. Maximum height: Four stories or 50 feet, including parking structures.

f. Setbacks:

1. Front: 25 feet.

2. Side: There is no side yard setback required for a lot that is not adjacent to a street or alley, unless such setback is necessary to provide light and air to residential units. In such cases a side yard setback of 20 feet in depth is required.

3. Street Side: 20 feet.

4. Rear: There is no rear yard setback required for a plot not adjacent to a street or alley, or where such setback is necessary to

provide light and air to residential units. In such cases a rear yard setback of 20 feet in depth is required.

5. Rear Street: 20 feet.

6. Between buildings: No minimum building separation distance is normally required, except where necessary to provide light and air to residential units. In such cases, buildings may be no closer than 25 feet.

g. Minimum floor areas: The minimum floor area not including garage or unairconditioned areas shall be as follows, except that conditional use approval may be granted to authorize a reduction in the following minimum floor areas in accordance with Section 31-145(c)(4)(d):

Multiple-family dwelling unit:

Efficiency unit: 800 square feet.

One bedroom unit: 900 square feet.

Two bedroom unit: 1050 square feet.

For each additional bedroom in excess of two add 150 square feet.

Efficiency units shall not exceed 40 percent of the total number of residential units within a building.

h. Required open space: A minimum of 35 percent of the total lot area of the site shall be provided as common open space available for use by all residents or consumers; of this common open space a minimum of one-half shall be unencumbered with any structure (except for play equipment for children and associated mounting, fencing and furniture) and shall be landscaped with grass and vegetation approved in a landscape plan. The remaining one-half may be used for non-commercial recreational facilities, amenities, pedestrian walks, entrance landscaping and features (not including gatehouses and associated vehicle waiting areas), or maintenance facilities.

(7) Accessibility for Mixed-Use Structures. All residential units shall be accessible to the outside via an entry lobby that does not require residents to pass through a leasable commercial space.

(8) Allocation of interior space for Mixed-Use Structures. Retail stores, personal services, banks and financial services, indoor commercial recreation uses, restaurants and coffee houses, schools, nursery schools and child care centers are allowed only on the ground floor of mixed-use buildings. Offices and medical offices are allowed only on the ground and second floors. Residential uses are allowed only on the second or

higher floors. In accordance with Section 31-145(c)(4)(e), conditional use approval may be granted to authorize a waiver from such requirements for allocations of interior space in mixed-use structures.

(9) Performance Standards. Any structured parking serving the primary use on the site shall be incorporated into the building envelope and shall be compatibly designed. Such parking structure shall comply with all minimum setback and buffer yard requirements. Parking structure ceiling heights shall be seven feet six inches except where greater heights may be required by other regulatory agencies. Pipes, ducts and mechanical equipment installed below the ceiling shall not be lower than seven feet zero inches above finished floor. In accordance with Section 31-145(c)(4)(f), conditional use approval may be granted to authorize a waiver from the requirements that structured parking be incorporated into the building envelope of a primary use structure and that such structured parking conform to Section 31-238.

(10) Design Standards. All development in the TC3 Zoning District shall be compatible with existing adjacent development. Specifically, when greater heights are immediately adjacent to existing development, such height shall be graduated by steps so that the part of the structure within fifty (50) feet of the property boundary is the same or lower height as existing adjacent residential development. Development in the TC3 district shall substantially comply with the applicable "Town Center Design Guidelines", as provided by the City Manager and adopted through Ordinance No. 2006-02 on February 7, 2006.

...

**Section 3. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4. Inclusion in the Code.** It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Aventura; that the sections of this Ordinance may

be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 5. Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

The foregoing Ordinance was offered by \_\_\_\_\_, who moved its adoption on first reading. This motion was seconded by \_\_\_\_\_, and upon being put to a vote was as follows:

Commissioner Enbar Cohen	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Michael Stern	_____
Mayor Susan Gottlieb	_____

The foregoing Ordinance was offered by \_\_\_\_\_, who moved its adoption on second reading. This motion was seconded by \_\_\_\_\_, and upon being put to a vote was as follows:

Commissioner Enbar Cohen	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Michael Stern	_____
Mayor Susan Gottlieb	_____

PASSED on first reading this 9<sup>th</sup> day of July, 2013.

PASSED AND ADOPTED on second reading this 3<sup>rd</sup> day of September, 2013.

\_\_\_\_\_  
SUSAN GOTTLIEB, MAYOR

ATTEST:

\_\_\_\_\_  
TERESA M. SOROKA, MMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

\_\_\_\_\_  
CITY ATTORNEY

This Ordinance was filed in the Office of the City Clerk this \_\_\_\_ day of \_\_\_\_\_, 2013.