

The City of Aventura



Local Planning Agency
Susan Gottlieb, Mayor

Enbar Cohen
Teri Holzberg
Billy Joel
Michael Stern
Howard Weinberg
Luz Urbaz 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 SEPTEMBER 2, 2014 - 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: JULY 8, 2014
4. PUBLIC HEARING: MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING SECTION 31-144(C), COMMUNITY BUSINESS DISTRICT, SUBSECTION c)(5)b. TO PROVIDE FOR INTERNAL CONSISTENCY AND CROSS-REFERENCE RELATED TO HEIGHT OF SHOPPING CENTER BUILDINGS; AMENDING SECTION 31-144(C), COMMUNITY BUSINESS DISTRICT, SUBSECTION c)(1)t. TO PROVIDE FOR INTERNAL CONSISTENCY AND CROSS-REFERENCE RELATED TO PET SHOPS; AMENDING CHAPTER 4, ALCOHOLIC BEVERAGES, SUBSECTION (e)(2) OF SECTION 4-2 TO CLARIFY EXEMPTION FOR DINING ROOMS AND RESTAURANTS; AMENDMENT TO SECTION 31-234, OUTDOOR LIGHTING STANDARDS, TO PROVIDE CONSISTENCY WITH THE MIAMI-DADE COUNTY CODE OF ORDINANCES AND AMENDING SECTION 31-221, LANDSCAPING REQUIREMENTS, TO PROVIDE CONSISTENCY WITH THE MIAMI-DADE COUNTY CODE OF ORDINANCES AND TO INCREASE THE MINIMUM HEIGHT OF TREES; 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
JULY 8, 2014 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, Michael Stern, Luz Urbáez Weinberg Howard Weinberg, Vice Mayor Billy Joel, 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 FIU Vice Provost Steve Moll.
3. **APPROVAL OF MINUTES:** A motion to approve the minutes of the February 4, 2014 LPA Hearing was offered by Vice Mayor Joel, seconded by Commissioner Holzberg and unanimously passed.
4. **PUBLIC HEARING: MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCE:** Mr. Gabriel read the following ordinance by title:

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, ADOPTING THE 2014 EVALUATION AND APPRAISAL BASED AMENDMENTS TO THE CITY OF AVENTURA COMPREHENSIVE PLAN; AUTHORIZING TRANSMITTAL TO REVIEW AGENCIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion to recommend adoption of this item was offered by Commissioner Luz Weinberg, and seconded by Commissioner Howard Weinberg. Community Development Director Joanne Carr addressed the Commission and entered the staff report into the record. Mayor Gottlieb opened the public hearing. There being no speakers, the public hearing was closed. The motion to recommend adoption was unanimously passed.

5. **ADJOURNMENT:** There being no further business to come before the Local Planning Agency, the meeting adjourned at 6:10 p.m.

Teresa M. Soroka, MMC, City Clerk

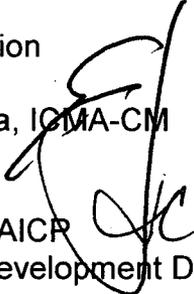
Approved by the LPA on _____

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: August 18, 2014

SUBJECT: Clean-up Amendments to the City Code
(02-LDR-14)

September 2, 2014 Local Planning Agency Agenda Item 4

September 2, 2014 City Commission Meeting Agenda Item 7C

October 7, 2014 City Commission Meeting Agenda Item

RECOMMENDATION

It is recommended that the City Commission approve the clean-up amendments to the City Code listed in this staff report.

THE REQUEST

City staff is requesting amendments to the City Code for clarification of certain sections, for consistency with existing legislation, for updating of existing provisions, and for ease of use of the City Code by its readers.

PROPOSED AMENDMENTS¹

Amendment No. 1

By Ordinance No. 2014-04, passed on March 4, 2014, the City Commission approved an amendment to the maximum lot coverage for shopping center buildings with more than

¹ Underlined provisions constitute proposed additions to existing text; ~~stricken-through~~ provisions indicate proposed deletions from existing text.

1,000,000 square feet of gross leasable area. The lot coverage was increased from 40% to 45% with the condition that the shopping center building does not exceed 5 stories in height and that it provides a centralized multimodal transportation facility within a parking structure. This provision should be cross-referenced in the maximum height site development criteria. This is not a change to the B2 zone; merely a cross-reference to another existing provision. The proposed amendment is as follows:

Section 31-144(c). Community Business (B2) District.

c) *Community Business (B2) District.* This district is intended primarily to provide for general commercial activity for a wide range of goods and services to the entire community and sub region. Such businesses generally require locations convenient for both vehicular and pedestrian traffic and would be expected to have orientation toward and direct access to arterial roadways.

(5) *Site development standards.*

a. *Floor area ratio and lot coverage and minimum landscaped open space requirements:*

2. The floor area ratio shall be 0.40 at one story and shall be increased by 0.11 for each additional story. Structure parking shall not count as part of the floor area, but shall be counted in computing building height. The total lot coverage permitted for all buildings on the site shall not exceed 40 percent of the total lot area, except as provided in Subsection 4. below. The floor area ratio shall not exceed 2.0 for all buildings in this district in conformance with the comprehensive plan.

3. For shopping center buildings with more than 1,000,000 square feet of gross leasable area that provide public amenities including, but not limited to, public plazas, fountains or other water features, seating areas and recreational walking areas and that do not exceed five stories in height, the minimum landscaped open space shall be 15 percent of the total lot area. Said open space shall be extensively landscaped with grass, trees and shrubbery in accordance with a landscape plan to be approved by the City Manager. The non-leasable areas within enclosed or non-enclosed malls which are landscaped with grass, trees and/or shrubbery, water areas therein, and areas therein with permanent art display areas may be used as part of the required landscaped open space provided such areas do not exceed ten percent of the required landscaped open space.

4. For parcels that include one or more shopping center buildings, the maximum lot coverage shall not exceed 45% of the total lot area, provided that such shopping center buildings contain more than 1,000,000 square feet of gross leasable area and do not exceed five stories in height and that the shopping center building provides a centralized multi-modal transportation facility which is enclosed within a parking structure, and which may be used by: City transit providers, County transit providers, any other governmental entities requesting use of the facility and private transit providers.

b. Maximum height: 12 stories or 120 feet overall maximum height, including structure parking, provided that a height limitation of five (5) stories shall apply only for shopping center buildings which are subject to Subsection (5)(a)(4) above. That portion of the building or structure within 200 feet of any residential zone shall be subject to a height

limitation of one foot for every two feet in distance from the residential zoned plot unless the application of this requirement would limit the building height to a minimum of 25 feet.

Amendment No. 2

By Ordinance No. 2014-05, the City Commission prohibited pet stores that display, sell, deliver, offer for sale, barter, auction, give away or otherwise transfer or dispose of dogs or cats, with the following exceptions: animals bred and reared on the premises, a publicly operated animal control facility or shelter, a private, charitable, non-profit humane society or animal rescue organization and a publicly operated animal control facility or animal rescue organization that operates out of or in connection with a pet store.

This ordinance was enacted as an amendment to Chapter 1 of the City Code. In order that readers of Chapter 31, Land Development Regulations, are readily aware of this prohibition, staff recommends a revision to Section 31-144(c), Community Business District to cross-reference the provision in Chapter 1. The proposed amendment is as follows:

Section 31-144(c). Community Business (B2) District.

c) *Community Business (B2) District.* This district is intended primarily to provide for general commercial activity for a wide range of goods and services to the entire community and sub region. Such businesses generally require locations convenient for both vehicular and pedestrian traffic and would be expected to have orientation toward and direct access to arterial roadways.

(1) *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 one or more of the following specific uses, provided the requirements set forth elsewhere in this section are satisfied:

t. Pet shops operated in compliance with Section 1-17 of the City Code and dog beauty parlors in air-conditioned buildings.

Amendment No. 3

Chapter 4 of the City Code regulates the service and sale of alcoholic beverages. It provides that no premises shall be used for the sale of any alcoholic beverage unless it meets the distance and spacing requirements of this Chapter.

Section 4-2(e), Exemptions to Spacing and Distance Requirements, exempts restaurants in the B1 and B2 zoning districts, if the restaurant serves cooked, full course meals daily prepared on the premises providing that only a service bar is used and alcoholic beverages are sold only to persons seated at tables. Establishments that do not meet these conditions require conditional use approval to serve alcoholic beverages.

Staff is recommending the following addition to the Code to clarify that full service restaurants are contemplated by the exemption above, but that this exemption does not include cafes and/or kiosks that serve light meals such as sandwiches, omelets, pastries, coffee, juices and the like. These types of establishments require conditional use approval by the City Commission in order to serve alcoholic beverages. This is the interpretation currently used by staff in regulating the provisions of this Chapter. The amendment is proposed to provide clarity to readers.

Staff is further recommending that the exemption for full service restaurants also apply to our mixed-use zones that allow restaurant uses, those being, the TC1, TC2 and TC3 zoning districts.

The proposed amendment is as follows:

Chapter 4 ALCOHOLIC BEVERAGES

...

Sec. 4-2. Location of establishments.

(a) *Distance from other establishments.* Unless approved as a conditional use, no premises shall be used for the sale of any alcoholic beverages, as defined herein, to be consumed on or off the premises where the structure or place of business intended for such use is located less than 1,500 feet from a place of business having an existing, unabandoned, legally established (and not one of the uses excepted from the spacing requirements hereinafter provided) alcoholic beverage use which permits consumption on or off the premises. The 1,500 feet distance requirements shall be measured by following a straight line from the nearest portion of the structure of the place of business.

(b) *Distance from religious facility or school.* Unless approved as a conditional use, no premises shall be used for the sale of alcoholic beverages to be consumed on or off the premises where the structure or place of business intended for such use is located less than 2,500 feet from a religious facility or school. The 2,500-foot distance requirement shall be measured and computed as follows:

(1) From a religious facility, the distance shall be measured by following a straight line from the front door of the proposed place of business to the nearest point of the religious facility grounds, and

(2) From a school, the distance shall be measured by following a straight line from the front door of the proposed place of business to the nearest point of the school grounds.

...

(e) *Exceptions to spacing and distance requirements.* The restrictions and spacing requirements set forth in subsections (a) and (b) above shall not apply:

...

(2) Restaurants in B1, ~~and B2, TC1, TC2 and TC3~~ Zoning Districts. To dining rooms or restaurants located in the B1, and B2, TC1, TC2 and TC3 Zoning Districts and which do not comply with subparagraph (3) below, but which comply with the requirements of such districts and serve cooked, full course meals, daily prepared on the premises, or such other dining rooms or restaurants in other more liberal zoning

districts complying with the requirements of the B1, and B2, TC1, TC2 and TC3 Districts and which serve cooked, full course meals, daily prepared on the premises, providing that only a service bar is used and alcoholic beverages are sold only to persons seated at tables. This exemption does not include cafes and/or kiosks that serve light meals, snacks and/or hot and cold beverages.

Amendment No. 4

The outdoor lighting standards in Section 31-234 of the City Code was enacted in July of 1999. It has come to staff's attention that Miami-Dade County amended outdoor lighting requirements in November of 2001. The County provisions apply to all incorporated and unincorporated areas. All photometric plans submitted to the City for permitting are currently reviewed by staff for compliance with both the City and County Code criteria. The proposed amendment to the City Code is to provide consistency with the County Code regulation, as follows:

Section 31-234. Outdoor lighting standards.

(a) *General.* No structure or land shall be developed, used or occupied unless all outdoor lighting conforms to the requirements of this section. The terms used in this section shall have the definition use by the Illuminating Engineers Society. Open parking lots, alleys and access thereto shall be illuminated as set forth below. For purposes of this section, alley is defined as a narrow vehicular thoroughfare up to twenty-five (25) feet in width upon which service entrances or buildings abut and not generally used as a thoroughfare for general traffic; provided, however, alleys shall not include public rights-of-way. Lighting shall be designed and placed to illuminate the ground, a vehicular use area, a building, a street, or a sign. All lighting shall be concentrated on the ground, building, street, or sign it is intended to illuminate. Lighting which is designed to illuminate the building roof area, except for safety reasons as determined by the Community Development Director, shall be prohibited.

(b) *Preparation of site lighting plan.* A plan which shows the photometrics of the site's lighting for vehicular use areas and alleys and access thereto, outside building areas, signs and streets shall be prepared by a registered professional engineer. The plan shall incorporate all existing and proposed sources of artificial light used on the site, including adjoining outparcels. The lighting plan shall be submitted with the final building plans, prepared at the same scale. The plan must indicate and be certified for compliance with the standards of this section.

(c) *Minimum and Maximum illumination.* All ~~multifamily, shopping centers and office buildings~~ shall illuminate parking lots and access thereto and all pedestrian areas to a minimum maintained average of 1.0 footcandle from dusk to dawn and a uniformity ratio not to exceed a maximum to minimum ratio of 12 to 1 footcandles. ~~with no area below the illumination of 0.5 footcandle provided that the lighting level may be reduced by fifty percent (50%) on non-business days and commencing thirty (30) minutes after the termination of each operating day.~~ The area immediately outside of exterior doors shall have security illumination and shall be activated during the dark period of every day.

Parking and nonenclosed areas under or within buildings at grade shall be provided with a maintained minimum of 1 foot candle of light on the parking and walking surfaces from dusk to dawn.

Alleys shall be provided with a maintained minimum of 1/3 foot candle on the alley surface from dusk to dawn.

(d) ~~Maximum illumination.~~ All lighting for parking areas, buildings and signs shall be located, screened, or shielded so that adjacent property, structures, and rights-of-way are not directly illuminated. All lighting for parking areas, buildings and signs shall either be shaded or screened in a manner that will limit spillover of lighting onto adjacent property and public rights-of-way. Spillover shall not exceed 0.5 footcandles measured vertically along the property line at the perimeter of the property.

(e) *Lighting height standards.* All private outdoor lighting shall be designed, located and mounted at heights no greater than:

- (1) 12 feet above grade for non-cut-off type luminaries, and
- (2) 30 feet above grade for cut-off type luminaries.

(f) ~~Exceptions.~~ Public facilities including but not limited to parks; lighted recreation and athletic areas, courts and fields; and water and wastewater treatment facilities shall be exempted from these standards. The provisions of this section shall not apply to governmental facilities not generally open to the public, and shall apply to those governmental facilities that are generally open to the public only during the dusk-to-dawn hours such facilities are open.

(g) *Street lighting.* A street lighting system shall be provided in all land development projects with public or private streets. All street lighting shall be installed according to standards established by the City or County.

Amendment No. 5

Section 31-221 has not been updated since its original adoption in July of 1999. Staff is recommending revisions to include Florida-friendly planting principles in the Intent and Purpose section, to add definitions, to increase the minimum height of trees consistent with requirements of other municipalities, to clarify all items to be shown on a landscape plan, to set out guidelines for plan review, to add a requirement for a preparer's statement of compliance, to renumber sections and generally to provide consistency with the landscaping requirements in Chapter 18A of the Miami-Dade County Code. This chapter of the County Code applies to both unincorporated and incorporated areas of the County. The proposed amendments are as follows:

ARTICLE X. LANDSCAPING REQUIREMENTS

Sec. 31-221. Landscaping requirements.

(a) *Intent and purpose.* The purpose and intent of this article is to provide regulation for the installation and maintenance of landscaping and landscaped open space. Trees and plants are integral and vital parts of the earth's ecosystem: they conserve energy; they provide essential and desirable benefits to man, including the production of life supporting oxygen, the reduction of carbon dioxide, the filtering of dust and gaseous pollutants; they serve as a natural abatement to noise pollution; they camouflage unsightly views; they provide shelter to birds and wildlife; they

enhance the value of property; they preserve open space; and they maintain and improve the aesthetic quality of the City of Aventura, thereby promoting the health and general welfare of its citizenry. In addition, it is the policy of the City Commission that every effort shall be made to preserve and maintain viable vegetation within the City of Aventura. The City encourages the Florida Yards and Neighborhoods Program "Florida-Friendly" Landscaping principles of (1) choosing low-maintenance plants that are able to tolerate short periods without rainfall that have few pest and disease problems and (2) planting the right tree or plant in the right place to avoid problems such as clogged sewers, cracked sidewalks and power service interruptions.

...

- (d) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

ANSI A300 Standards: Industry-developed standards of practice for tree care. Acronym for American National Standards Institute.

...

Clear Wood: A measurement from the soil line to the highest point on the trunk free of persistent leaf bases. On palms with a crownshaft, the measure will be from the soil line to the base of the crownshaft.

Clearance pruning: Pruning required to avoid damage or danger related to structures, power distribution and property, as defined in the current ANSI A300 Standards.

Controlled Plant Species: Pruning required to avoid damage or danger related to structures, power distribution and property, as defined in the current ANSI A300 Standards.

Diameter at breast height ("DBH") shall mean the diameter of a tree's trunk measured at a height four and one-half (4.5) feet above natural grade. In the case of multiple-trunk trees, the DBH shall mean the sum of each trunk's diameter measured at a height of four and one-half (4.5) feet above natural grade.

...

Emitters: Devices which are used to control the discharge of irrigation water from lateral pipes.

Florida Friendly Landscaping: Practices, materials or actions developed by the Florida Yards and Neighborhood Program that help to preserve Florida's natural resources and protect the environment.

Florida Yards and Neighborhood Program: Is a partnership of the University of Florida/Institute of Food and Agricultural Sciences, Florida's water management districts, the Florida Department of Environmental Protection, the National Estuary Program, the Florida Sea Grant College Program and other agencies, managed locally by the Miami-Dade Cooperative Extension Division of the Consumer Services Department.

~~Grey wood:~~ The area of trunk on a palm from ground level to the palm frond sheath, except where removal of branches is necessary to protect property and public safety. The following trees are exempt from this section: ~~Schinus terebinthifolius (Brazilian Pepper), Metopium toxiferum (Poison Wood), Casuarina spp. (Australian Pine), Melaleuca quinquenervia (Cajeput Tree), Acacia auriculiformis, Bischofia javanica, Araucaria heterophylla (Norfolk Island Pine), or Thespesia populnea (Seaside Mahoe).~~

Ground cover: Plant material which is a dense, extensive growth of low-growing plants, other than turfgrass, normally reaching a maximum height of not more than 24 inches at maturity.

Hattracking: To flat cut the top of a tree, severing the leader or leaders; or pruning a tree by stubbing off mature wood larger than three inches in diameter; or reducing the tree's living canopy by more than one-third except where removal of branches is necessary to protect property and public safety. ~~The following trees are exempt from this section: Schinus terebinthifolius (Brazilian Pepper), Metopium toxiferum (Poison Wood), Casuarina spp. (Australian Pine), Melaleuca quinquenervia (Cajeput Tree), Acacia Auriculiformis, Bischofia Javanica, Araucaria heterophylla (Norfolk Island Pine), or Thespesia Populnea (Seaside Mahoe).~~

....

Heat island: An unnaturally high temperature microclimate resulting from radiation from unshaded impervious surfaces.

...

Hydrozone: A zone in which plant material with similar water needs are grouped together.

Irrigation detail: A graphic representation depicting the materials to be used and dimensions to be met in the installation of the irrigation system.

Irrigation plan: A plan drawn at the same scale as the landscape plan, indicating location and specification of irrigation system components and other relevant information as required by this chapter.

Irrigation system: A system of pipes or other conduits designed to transport and distribute water to keep plants in a healthy and vigorous condition.

Landscape feature: Trellis, arbor, fountain, pond, garden sculpture, garden lighting, decking, patio, decorative paving, gazebo, and other similar elements.

Landscaping material: Any of the following or combination thereof such as, but not limited to: Grass, ground cover, shrubs, vines, hedges, and trees, or palms and non-living material such as rocks, pebbles, sand, mulch, or pervious decorative paving materials.

Landscape Manual: The Miami-Dade County Landscape Manual adopted under Chapter 18A of the Code of Miami-Dade County, which is to be used as a guide with this section.

Landscape plan: A plan indicating all landscape areas, stormwater retention/detention areas, areas which qualify to be excluded from maximum permitted lawn area, existing vegetation to be retained, proposed plant material, landscape legend, landscape features, planting specifications, all landscape calculations, the size and zoning of the subject parcel, the length of all abutting and interior roadways, a north arrow, the scale of the plan, the percentage of native species for all trees and shrubs, graphic depictions of the minimum standards for planting and bracing for all trees, palms, and shrubs, view triangles where required, and all other relevant information as required by this article.

...

Planting detail: A graphic representation of the plant installation depicting the materials to be used and dimensions to be met in the placement of plants and other landscape materials.

Prohibited plant species: Those plants listed in the Miami-Dade County Landscape Manual which are demonstrably detrimental to native plants, native wildlife, ecosystems or

human health, safety, and welfare, ~~except as specifically allowed as hedge material only and upon approval of the director.~~

...

Specimen tree: A tree with any individual trunk which has a DBH of eighteen (18) inches or greater, but not including the following:

- (1) All trees listed in Section 24-49(4)(f) of the Code of Miami-Dade County;
- (2) Non-native fruit trees that are cultivated or grown for the specific purpose of producing edible fruit, including, but not limited to, mangos, avocados, or species of citrus;
- (3) Non-native species of the genus Ficus, and
- (4) All multi-trunk trees in the palm family, except Acoelorrhaphe wrightii and Phoenix reclinata which have a minimum overall height of fifteen (15) feet.

...

Vegetation survey: A drawing provided at the same scale as the landscape plan which includes relevant information as required by this article.

...

~~Xeriscape: A type of landscaping utilizing native plants and ground cover that needs reduced water and little maintenance, which is detailed in the South Florida Water Management District publication, Xeriscape, Plant Guide II as amended, incorporated herein by reference.~~

- (e) *Landscape plan required.* Prior to the issuance of a building permit or site plan approval, a landscape plan shall be submitted to and approved by the Director of the Community Development Department.

All landscape plans must be signed and sealed by a State of Florida Registered Landscape Architect. ~~The landscape plan shall be drawn to a scale not less than 1" = 20' 0". All landscape plans must be signed and sealed by a State of Florida Registered Landscape Architect. This plan shall clearly delineate existing and proposed buildings, parking, driveways, or other vehicular use areas, The plan shall also designate the name (botanical and common), size (height and spread), quantity, quality and location of the plant material to be installed, as well as the name, size, location, and condition of viable, existing vegetation. The plan shall also include a tabulation of required and provided plant materials.~~ The use of xeriscape principles Florida-Friendly Landscaping principles in the development of this plan is strongly encouraged. No building permit or site plan approval shall be issued unless such landscape plan complies with the provisions herein.

Landscape plans shall be provided as part of the submission for site plan approval and shall:

- (1) Be drawn to scale not less than 1"=20' and include property boundaries, north arrow, graphic scale, and date.
- (2) Include a vegetation survey, including an aerial photograph which outlines the subject site, provided at the same scale as the landscape plan.
- (3) Delineate existing and proposed structures, parking spaces, accessways and other vehicular use areas, sidewalks, utilities, easements, height and voltage of power lines on the property or adjacent property.

- (4) Indicate the common and scientific name and quantity of plants to be installed using "Landscape Legend" code format as prescribed by the Director of Community Development.
- (5) Identify all landscape features and non-living landscape materials.
- (6) Show all areas of vegetation required to be preserved by law, including but not limited to trees, specimen trees, native plant species, Natural Forest Communities, native habitats and wetlands.
- (7) Illustrate any geologic, historic and archeological features to be preserved.
- (8) Depict stormwater retention/detention areas and areas excluded from maximum permitted lawn area.
- (9) Document zoning district, net lot area, required open space, and maximum permitted lawn area.
- (10) Complete "Owner's or Preparer's Certification of Landscape Compliance at Time of Landscape Plan Submittal" in form approved by the City Manager.

Landscape plans submitted for permit shall include all of the above, as well as the following:

- (1) A fully completed, permanently affixed "Landscape Legend" as prescribed by the Director of Community Services.
- (2) Critical layout dimensions for trees, plant beds and landscape features.
- (3) Method(s) to protect and relocate trees and native plant communities during construction.
- (4) Planting details and specifications.
- (5) Irrigation plans, as required by the zoning district.
- (6) Irrigation details and specifications, as required above.

Prior to the issuance of final landscape approval for any building permit issued by the City, an Owner's, or a Professional Preparer's Certificate of Landscape Compliance for Final Inspection, in a form approved by the City Manager, shall be submitted at the time that the final inspection is requested.

(f) *Vegetation survey required.* A vegetation survey shall be provided for all sites at the same scale as the landscape plan. The vegetation survey shall be accompanied by an aerial photograph which outlines the subject site without obscuring its features. The vegetation survey shall provide the following information:

- (1) The accurate location and graphic representation, in relation to existing development, of all existing trees of a minimum two-inch DBH or ten-foot height or, for native trees, of a minimum one and one-half (1½) DBH or eight-foot height, including those which are proposed to be removed, relocated or preserved on site in accordance with the requirements of this Code.
- (2) A table showing the following information:
 - (a) The scientific and common name of each tree, each of which shall be numbered.

(b) The diameter at breast height (DBH) of each tree, or if a multiple trunk tree, the sum DBH for all trunks.

(c) An estimate of the height, canopy cover, and physical condition of each tree, and whether specimen tree(s) exist on site.

(g) Landscape Plan Review: Landscape plans shall be reviewed in accordance with the following goals and objectives and the guidelines:

(1) Landscape design shall enhance architectural features; relate structure design to the site; visually screen dissimilar uses and unsightly views; reduce noise, glare and heat gain from paved areas, major roadways and incompatible uses; strengthen important vistas and reinforce neighboring site design and architecture.

(2) Existing specimen trees, native vegetation (including canopy, understory, and ground cover) shall be preserved to the maximum extent possible and all requirements of Section 24-49 of the Code of Miami-Dade County shall be met.

(3) In order to conserve water, reduce maintenance, and promote plant health, plant species shall be selected and installed based on their water needs, growth rate and size, and resource inputs. Plants with similar water needs shall be grouped in hydrozones. Adequate growth area, including rooting space, based on natural mature shape and size shall be provided for all plant materials.

(4) The plan shall include the use of native plant species in order to reestablish an aesthetic regional quality and take advantage of the unique diversity and adaptability of native species to the environmental conditions of South Florida. Where feasible, the re-establishment of native habitats shall be incorporated into the landscape plan.

(5) Trees and shrubs shall be planted in such a way as to reduce energy consumption by shading buildings and shall be used to reduce heat island effects by shading paved surfaces.

(6) Street trees shall be used to shade roadways and provide visual order. Where feasible, selected species shall be used to establish a road hierarchy by defining different road types.

(7) Special attention shall be given to the use of appropriate species located under, or adjacent to overhead power lines, and near native plant communities and near underground utility lines. Adequate growth area shall be provided for all plant materials.

(9) Landscaping shall be designed in such a way as to provide safe and unobstructed views at intersections of roadways, driveways, recreational paths and sidewalks in accordance with this article.

(f) (h) Minimum landscape requirements for all zoning districts.

(1) Tree specifications.

a. Required trees shall be of a species which normally grow to a minimum height of 25 feet and have a mature crown spread of not less than 20 feet with trunks which can be maintained with over six feet of clear wood. Emphasis is given to the use of native species.

b. All required trees shall have a minimum caliper or diameter at breast height (D.B.H) of three inches and be a minimum of ~~42~~ 14 feet in height at time of planting. The minimum tree canopy shall be 7', centered on the trunk. ~~A list of approved required trees is available from the Director of the Community Development Department.~~

- c. Required palms shall be field grown and have a minimum of 16 feet in overall height with a minimum of 6 feet of clear wood. a minimum of 14 feet in height and six feet of gray wood.
- d. Adjacent to any street right-of-way, a single trunk palm species with a minimum 10 inches DBH and a minimum of 8 feet of clear wood is required. Queen palms (Syagrus romanzoffiana) shall not be allowed as street trees.
- d.e. No more than 40 thirty (30%) percent of all required gray wood trees shall be of a palm species, as determined by the Director or Designee.
- e.f. Three palm trees shall be clustered to equal one required tree: The three palm trees in the cluster shall be of differing heights, with a minimum three-foot stagger between adjacent palms, but, in no case smaller than 44 16 feet in height. Roystonea sp. (Royal Palm) and Phoenix sp. (Date Palm) may have matching heights. Such clustering shall be determined by Director or Designee.
- f.g. It is prohibited to paint the trunks of trees or palms.
- h. Prohibited and controlled tree species shall not be counted toward fulfilling minimum tree requirements. Prohibited trees shall be removed from the site.
- i. Of the required trees at least thirty (30%) percent shall be native species and fifty (50%) percent shall be low maintenance and drought tolerant.
- j. Eighty (80%) percent of the trees shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low-Maintenance Landscape Plants for South Florida list.
- k. Consideration shall be given to the selection of trees, plants and planting site to avoid serious problems such as clogged sewers, cracked sidewalks, and power service interruptions.

(2) Other plant material specifications.

- a. Shrubs and hedges: Shall be of a self-supporting, woody, evergreen species and shall be a minimum of two feet in height at time of planting. Hedges shall be planted and maintained so as to form a continuous, solid visual screen, of not less than three feet in height, within one year of planting. Spacing of plants shall be no more than 24 inches on center. Double staggered rows may be required in some areas as determined by Director or Designee. Of the provided shrubs at least:
 - (a) Thirty (30%) percent shall be native species; and
 - (b) Fifty (50%) percent shall be low maintenance and drought tolerant; and
 - (c) Eighty (80%) percent shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low-Maintenance Landscape Plants for South Florida list.
- b. Ground covers: May be used in lieu of grass. Ground covers shall present a finished appearance and reasonably complete coverage at time of planting.
- c. Lawn grass: Shall be St. Augustine 'Floritam' solid sod, or other lawn type species well adapted to localized growing conditions, as approved by the Director, reasonably free of insects and noxious weeds. Lawn shall be solid sodded for immediate effect.
- d. Quality: Plant material shall comply with required inspections, grading standards and plant regulations as set forth by the Florida Department of Agriculture and Consumer

Service's most current edition of "Grades and Standards of Nursery Plants, Part I & II", ~~latest revisions, and "Grades and Standards for Nursery Plants, Part II for Palms and Trees"~~, or with superseding standards called for in these specifications. Plants shall conform to Florida No. 1 or better regarding:

1. Shape and form.
2. Health and vitality.
3. Condition of foliage.
4. Root system.
5. Free from pest and mechanical damaged.
6. Heavily branched and with dense foliage.
7. Trees installed pursuant to this Section shall have (1) primary vertical trunk and secondary branches free of included bark up to a height of six (6) feet above natural grade.

...

(3) Installation.

...

- c. Existing plant credit: In instances where healthy plant material exists on-site (particularly native or ~~xeriscape~~ Florida-friendly species), the Director or Designee may adjust the requirements of this article to allow credit for such plant material, if, in his or her opinion, such an adjustment is in keeping with and will preserve the intent of this article.

...

(4) Irrigation.

All newly landscaped areas shall be provided with a fully automatic underground irrigation system that provides 100 percent coverage to all landscaped areas. ~~The irrigation system should be designed to provide only the required water to sustain viable plant material. The use of a porous, pipe subsurface irrigation system that requires low water volume and pressure is encouraged when adjacent to vehicular roadway areas.~~

- a. Irrigation systems shall be designed, operated and maintained to:
 1. Meet the needs of all the plants in the landscape.
 2. Consider soil, slope and other site characteristics in order to minimize water waste, including overspray or overflow on to impervious surfaces and other non-vegetated areas, and off-site runoff.
 3. Minimize free flow conditions in case of damage or other mechanical failure.
 4. Use low trajectory spray heads, and/or low volume water distributing or application devices.
 5. Maximize uniformity, considering factors such as:
 - (1) Emitters types,
 - (2) Head spacing,

- (3) Sprinkler pattern, and
- (4) Water pressure at the emitter.
- 6. Use the lowest quality water feasible.
- 7. Rain switches and other devices, such as soil moisture sensors, shall be used with automatic controls.
- 8. Where feasible, drip irrigation or micro-sprinklers shall be used.
- 9. During dry periods, irrigation application rates of between one (1) and one and one-half (1½) inches per week are recommended for turf areas.
- a. 10. The operation of an irrigation system during periods of heavy rainfall is prohibited and shall conform to standards and regulations as established by the South Florida Water Management District. Irrigation controllers shall be switched to manual operation during periods of increased rainfall. Use of rain gauge sensors is required. A functioning moisture or rain sensor shut-off device shall be required on all irrigation systems equipped with automatic controls. The device shall not be installed under the eaves of houses, buildings or other obstructions, nor in the path of the irrigation system.

...

~~(g)~~ (i) Maintenance.

...

(4) Pruning. Trees shall be pruned in the following manner:

- a. All cuts shall be clean, flush and at junctions, laterals or crotches. All cuts shall be made as close as possible to the trunk or parent limb, without cutting into the branch collar or leaving a protruding stub.
- b. Removal of dead wood, crossing branches, weak or insignificant branches, and sucker shall be accomplished simultaneously with any reduction in crown.
- c. Cutting of lateral branches that results in the removal of more than one-third (1/3) of all branches on one (1) side of a tree shall only be allowed if required for hazard reduction or clearance pruning.
- d. Lifting of branches or tree thinning shall be designed to distribute over half of the tree mass in the lower two-thirds (2/3) of the tree.
- e. No more than one-third (1/3) of a tree's living canopy shall be removed within a one (1) year period.
- f. Trees shall be pruned according to the current ANSI A300 Standards and the Landscape Manual.

~~(4)~~(5) Edging. Edging shall be accomplished in such a manner so as not to destroy landscaping material.

~~(5)~~(6) Fertilization. Fertilize landscaping material, as needed, to maintain healthy, viable growth. Apply appropriate fertilizer to avoid symptoms of chlorosis and trace element deficiency. Use of environmentally safe fertilizer is required. Application of fertilizer must conform to manufacturers specifications.

(hj) Tree removal permit. No existing tree on the site having a trunk diameter of three inches or greater, or trees with an overall height of twelve feet and greater, except for Schinus

~~terebinthifolius (Brazilian Petter), Metopium toxiferum (Poison Wood), Albizia Lebbeck (Woman's Tongue), Dalbergia Sisoo (Indian Rosewood), Thespesia Populnea (Seaside Mahoe), Hibiscus Tilliaceus (Mahoe), Casuarina spp. (Australian Pine), Melaleuca quinquenervia (Cajeput Tree), Ficus Benjamina (Weeping Fig), Ficus Nitida (Laurel Fig) species, Acacia Auriculiformis (Earleaf Acacia), Bishoffia Javanica or Araucaria heterophylla (Norfolk Island Pine)~~ shall not be removed or relocated without a permit from the Community Development Department of the City. In evaluating whether to grant a tree removal permit, the Director or Designee shall consider the size, species (native or not), health, rareness and age of the tree. A tree survey identifying all existing trees over three inches in diameter or trees with an overall height of twelve feet and greater shall be included with any building permit application. This survey drawing shall be overlaid directly upon the site plan sufficiently to provide the accurate location of all existing trees which are proposed to be destroyed, relocated, or preserved, the identification number of each tree, botanical name and common name of each tree, and the diameter at breast height (DBH) of each tree, height and canopy spread of each tree, condition and disposition of each tree. In addition, all applicable portions of ~~Tree Protection Ordinance #89-8~~ Section 24-49 of the Code of Miami-Dade County are adopted herein. Applicability of the Miami-Dade County Ordinance shall be as determined by the Director or Designee.

Excepted from this section are the tree species listed in Section 24-49(4)(f) of the Code of Miami-Dade County.

...

(2) *Relocation standards.* Trees that are to be relocated shall be consistent with the Tree Relocation Standards as set forth in Section 24-49.6 of the Code of Miami-Dade County and the following minimum standards:

...

(i) *Minimum design standards.* The following shall apply to all developments requiring site plan or permit approval except for single and two-family dwellings:

...

(5) *Clear sight triangles.*

- a. When an accessway intersects a public street or alley right-of-way, or another accessway, or when the vehicular use area is contiguous to the intersection of two or more public rights-of-way, all landscaping within the triangular areas created by such intersections and defined below shall provide unobstructed vision clearance at an elevation of ~~30-~~ 2.5 feet to eight feet in height. Vision clearance requirements shall comply with American Association of State Highway & Transportation Officials (AASHTO).
- b. Trees having over six feet of clear trunk with limbs and foliage trimmed in such a manner as not to extend into the vision clearance area shall be permitted, provided they in no way create a traffic hazard. No landscaping elements, except for grass, ground cover, or hedges no greater than 2.5 feet shall be located nearer than five ten feet to any accessway intersection of a public road.

...

ANALYSIS

The proposed amendments to the City's Land Development Regulations have been analyzed using the criteria for amendment in Section 31-77 of the City Code, as follows:

1. The proposed amendment is legally required.

The proposed amendments are legally required to implement the recommended revisions.

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

The proposed amendments are consistent with the goals and objectives of the Comprehensive Plan.

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

The proposed amendments are consistent with the authority and purpose of the Land Development Regulations.

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

The proposed amendments further the orderly development of the City.

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

The proposed amendments improve the administration or execution of the development process in that they provide clarification, provide consistency with existing legislation and update existing provisions.

ORDINANCE NO. 2014- ____

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING SECTION 31-144(C), COMMUNITY BUSINESS DISTRICT, SUBSECTION c)(5)b. TO PROVIDE FOR INTERNAL CONSISTENCY AND CROSS-REFERENCE RELATED TO HEIGHT OF SHOPPING CENTER BUILDINGS; AMENDING SECTION 31-144(C), COMMUNITY BUSINESS DISTRICT, SUBSECTION c)(1)t. TO PROVIDE FOR INTERNAL CONSISTENCY AND CROSS-REFERENCE RELATED TO PET SHOPS; AMENDING CHAPTER 4, ALCOHOLIC BEVERAGES, SUBSECTION (e)(2) OF SECTION 4-2 TO CLARIFY EXEMPTION FOR DINING ROOMS AND RESTAURANTS; AMENDMENT TO SECTION 31-234, OUTDOOR LIGHTING STANDARDS, TO PROVIDE CONSISTENCY WITH THE MIAMI-DADE COUNTY CODE OF ORDINANCES AND AMENDING SECTION 31-221, LANDSCAPING REQUIREMENTS, TO PROVIDE CONSISTENCY WITH THE MIAMI-DADE COUNTY CODE OF ORDINANCES AND TO INCREASE THE MINIMUM HEIGHT OF TREES; 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 the Code of Ordinances ("City Code"), to clarify and to update certain sections of the Code for internal consistency and to provide for updated cross-references, and for consistency with updates to the Miami-Dade County Code of Ordinances; and

WHEREAS, the City Commission desires to provide internal consistency and cross reference for the maximum height of shopping center buildings that are subject to Section 31-144(c), Subsection (5)(a)(4); and

WHEREAS, the City Commission desires to provide internal consistency and cross reference for permitted use of pet stores in the B2, Community Business District, Section 31-144(c) of the City Code; and

WHEREAS, the City Commission desires to clarify the exemption for dining rooms and restaurants from the distance and spacing requirements of Chapter 4 of the City Code; and

WHEREAS, the City Commission desires to provide for consistency of Section 31-234, Outdoor Lighting Standards, with the provisions of the Miami-Dade County Code of Ordinances; and

WHEREAS, the City Commission desires to provide for consistency of Section 31-221, Landscaping Requirements, with the provision of the Miami-Dade County Code of Ordinances and to increase the minimum size of trees consistent with other municipalities; 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 City Commission, in its capacity as the Local Planning Agency, has reviewed the proposed amendments to the City Code pursuant to the required public hearing and has recommended approval to the City Commission; and

WHEREAS, the City Commission has reviewed the proposed amendments, and finds that it is in the best interests of the public to amend the City Code 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, THAT¹:

Section 1. Recitals Adopted. That each of the above-stated recitals are hereby adopted and confirmed.

Section 2. City Code Amended. Section 31-144(c) "Community Business (B2) District" of Article VII. "Use Regulations" of Chapter 31, "Land Development Regulations" is hereby amended to read as follows:

c) *Community Business (B2) District.* This district is intended primarily to provide for general commercial activity for a wide range of goods and services to the entire community and sub region. Such businesses generally require locations convenient for both vehicular and pedestrian traffic and would be expected to have orientation toward and direct access to arterial roadways.

...

(5) *Site development standards.*

a. *Floor area ratio and lot coverage and minimum landscaped open space requirements:*

...

2. The floor area ratio shall be 0.40 at one story and shall be increased by 0.11 for each additional story. Structure parking shall not count as part of the floor area, but shall be counted in computing building height. The total lot coverage permitted for all buildings on the site shall not exceed 40 percent of the total lot area, except as provided in Subsection 4. below. The floor area ratio shall not exceed 2.0 for all buildings in this district in conformance with the comprehensive plan.

3. For shopping center buildings with more than 1,000,000 square feet of gross leasable area that provide public amenities including, but not limited to, public plazas, fountains

¹ Underlined provisions constitute proposed additions to existing text; ~~stricken-through~~ provisions indicate proposed deletions from existing text.

or other water features, seating areas and recreational walking areas and that do not exceed five stories in height, the minimum landscaped open space shall be 15 percent of the total lot area. Said open space shall be extensively landscaped with grass, trees and shrubbery in accordance with a landscape plan to be approved by the City Manager. The non-leasable areas within enclosed or non-enclosed malls which are landscaped with grass, trees and/or shrubbery, water areas therein, and areas therein with permanent art display areas may be used as part of the required landscaped open space provided such areas do not exceed ten percent of the required landscaped open space.

4. For parcels that include one or more shopping center buildings, the maximum lot coverage shall not exceed 45% of the total lot area, provided that such shopping center buildings contain more than 1,000,000 square feet of gross leasable area and do not exceed five stories in height and that the shopping center building provides a centralized multi-modal transportation facility which is enclosed within a parking structure, and which may be used by: City transit providers, County transit providers, any other governmental entities requesting use of the facility and private transit providers.

b. Maximum height: 12 stories or 120 feet overall maximum height, including structure parking, provided that a height limitation of five (5) stories shall apply only for shopping center buildings which are subject to Subsection (5)(a)(4) above. That portion of the building or structure within 200 feet of any residential zone shall be subject to a height limitation of one foot for every two feet in distance from the residential zoned plot unless the application of this requirement would limit the building height to a minimum of 25 feet.

...

Section 3. City Code Amended. Section 31-144(c) "Community Business (B2) District" of Article VII. "Use Regulations" of Chapter 31, "Land Development Regulations" is hereby amended to read as follows:

Section 31-144(c). Community Business (B2) District.

c) *Community Business (B2) District.* This district is intended primarily to provide for general commercial activity for a wide range of goods and services to the entire community and sub region. Such businesses generally require locations convenient for both vehicular and pedestrian traffic and would be expected to have orientation toward and direct access to arterial roadways.

(1) *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 one or more of the following specific uses, provided the requirements set forth elsewhere in this section are satisfied:

...

t. Pet shops operated in compliance with Section 1-17 of the City Code and dog beauty parlors in air-conditioned buildings.

...

Section 4. City Code Amended. Chapter 4 "Alcoholic Beverages", Part II of the City Code of Ordinances, is hereby amended to read as follows:

Chapter 4 Alcoholic Beverages

...

Sec. 4-2. Location of establishments.

(a) *Distance from other establishments.* Unless approved as a conditional use, no premises shall be used for the sale of any alcoholic beverages, as defined herein, to be consumed on or off the premises where the structure or place of business intended for such use is located less than 1,500 feet from a place of business having an existing, unabandoned, legally established (and not one of the uses excepted from the spacing requirements hereinafter provided) alcoholic beverage use which permits consumption on or off the premises. The 1,500 feet distance requirements shall be measured by following a straight line from the nearest portion of the structure of the place of business.

(b) *Distance from religious facility or school.* Unless approved as a conditional use, no premises shall be used for the sale of alcoholic beverages to be consumed on or off the premises where the structure or place of business intended for such use is located less than 2,500 feet from a religious facility or school. The 2,500-foot distance requirement shall be measured and computed as follows:

- (1) From a religious facility, the distance shall be measured by following a straight line from the front door of the proposed place of business to the nearest point of the religious facility grounds, and
- (2) From a school, the distance shall be measured by following a straight line from the front door of the proposed place of business to the nearest point of the school grounds.

...

(e) *Exceptions to spacing and distance requirements.* The restrictions and spacing requirements set forth in subsections (a) and (b) above shall not apply:

...

(2) Restaurants in B1, and B2, TC1, TC2 and TC3 Zoning Districts. To dining rooms or restaurants located in the B1, and B2, TC1, TC2 and TC3 Zoning Districts and which do not comply with subparagraph (3) below, but which comply with the requirements of such districts and serve cooked, full course meals, daily prepared on the premises, or such other dining rooms or restaurants in other more liberal zoning districts complying with the requirements of the B1, and B2, TC1, TC2 and TC3 Districts and which serve cooked, full course meals, daily prepared on the premises, providing that only a service bar is used and alcoholic beverages are sold only to persons seated at tables. This exemption does not include cafes and/or kiosks that serve light meals, snacks and/or hot and cold beverages.

...

Section 5. City Code Amended. Section 31-234 "Outdoor Lighting Standards" of Article XI. "Development Standard of General Applicability" of Chapter 31 "Land Development Regulations" of the Code of Ordinances is hereby amended to read as follows:

Section 31-234. Outdoor lighting standards.

(a) *General.* No structure or land shall be developed, used or occupied unless all outdoor lighting conforms to the requirements of this section. The terms used in this section shall have the definition use by the Illuminating Engineers Society. Open parking lots, alleys and access thereto shall be illuminated as set forth below. For purposes of this section, alley is defined as a narrow vehicular thoroughfare up to twenty-five (25) feet in width upon which service entrances or buildings abut and not generally used as a thoroughfare for general traffic; provided, however, alleys shall not include public rights-of-way. Lighting shall be designed and placed to illuminate the ground, a vehicular use area, a building, a street, or a sign. All lighting shall be concentrated on the ground, building, street, or sign it is intended to illuminate. Lighting which is designed to illuminate the building roof area, except for safety reasons as determined by the Community Development Director, shall be prohibited.

(b) *Preparation of site lighting plan.* A plan which shows the photometrics of the site's lighting for vehicular use areas and alleys and access thereto, outside building areas, signs and streets shall be prepared by a registered professional engineer. The plan shall incorporate all existing and proposed sources of artificial light used on the site, including adjoining outparcels. The lighting plan shall be submitted with the final building plans, prepared at the same scale. The plan must indicate and be certified for compliance with the standards of this section.

(c) *Minimum and Maximum illumination.* All ~~multifamily, shopping centers and office~~ buildings shall illuminate parking lots and access thereto and all pedestrian areas to a minimum maintained average of 1.0 footcandle from dusk to dawn and a uniformity ratio not to exceed a maximum to minimum ratio of 12 to 1 footcandles., with no area below the illumination of 0.5 footcandle provided that the lighting level may be reduced by fifty percent (50%) on non-business days and commencing thirty (30) minutes after the termination of each operating day. The area immediately outside of exterior doors shall have security illumination and shall be activated during the dark period of every day.

Parking and nonenclosed areas under or within buildings at grade shall be provided with a maintained minimum of 1 foot candle of light on the parking and walking surfaces from dusk to dawn.

Alleys shall be provided with a maintained minimum of 1/3 foot candle on the alley surface from dusk to dawn.

(d) ~~Maximum illumination.~~ All lighting for parking areas, buildings and signs shall be located, screened, or shielded so that adjacent property, structures, and rights-of-way are not directly illuminated. All lighting for parking areas, buildings and signs shall either be shaded or screened in a manner that will limit spillover of lighting onto adjacent property and public rights-of-way. Spillover

shall not exceed 0.5 footcandles measured vertically along the property line at the perimeter of the property.

(e) *Lighting height standards.* All private outdoor lighting shall be designed, located and mounted at heights no greater than:

- (1) 12 feet above grade for non-cut-off type luminaries, and
- (2) 30 feet above grade for cut-off type luminaries.

(f) *Exceptions.* ~~Public facilities including but not limited to parks; lighted recreation and athletic areas, courts and fields; and water and wastewater treatment facilities shall be exempted from these standards.~~ The provisions of this section shall not apply to governmental facilities not generally open to the public, and shall apply to those governmental facilities that are generally open to the public only during the dusk-to-dawn hours such facilities are open.

(g) *Street lighting.* A street lighting system shall be provided in all land development projects with public or private streets. All street lighting shall be installed according to standards established by the City or County.

Section 6. City Code Amended. Section 31-221 "Landscaping Requirements" of Article X., Landscaping Requirements, of Chapter 31 "Land Development Regulations" is hereby amended as follows:

ARTICLE X. LANDSCAPING REQUIREMENTS

Sec. 31-221. Landscaping requirements.

(a) *Intent and purpose.* The purpose and intent of this article is to provide regulation for the installation and maintenance of landscaping and landscaped open space. Trees and plants are integral and vital parts of the earth's ecosystem: they conserve energy; they provide essential and desirable benefits to man, including the production of life supporting oxygen, the reduction of carbon dioxide, the filtering of dust and gaseous pollutants; they serve as a natural abatement to noise pollution; they camouflage unsightly views; they provide shelter to birds and wildlife; they enhance the value of property; they preserve open space; and they maintain and improve the aesthetic quality of the City of Aventura, thereby promoting the health and general welfare of its citizenry. In addition, it is the policy of the City Commission that every effort shall be made to preserve and maintain viable vegetation within the City of Aventura. The City encourages the Florida Yards and Neighborhoods Program "Florida-Friendly" Landscaping principles of (1) choosing low-maintenance plants that are able to tolerate short periods without rainfall that have few pest and disease problems and (2) planting the right tree or plant in the right place to avoid problems such as clogged sewers, cracked sidewalks and power service interruptions.

- (d) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

ANSI A300 Standards: Industry-developed standards of practice for tree care. Acronym for American National Standards Institute.

...

Clear Wood: A measurement from the soil line to the highest point on the trunk free of persistent leaf bases. On palms with a crownshaft, the measure will be from the soil line to the base of the crownshaft.

Clearance pruning: Pruning required to avoid damage or danger related to structures, power distribution and property, as defined in the current ANSI A300 Standards.

Controlled Plant Species: Pruning required to avoid damage or danger related to structures, power distribution and property, as defined in the current ANSI A300 Standards.

Diameter at breast height ("DBH") shall mean the diameter of a tree's trunk measured at a height four and one-half (4.5) feet above natural grade. In the case of multiple-trunk trees, the DBH shall mean the sum of each trunk's diameter measured at a height of four and one-half (4.5) feet above natural grade.

...

Emitters: Devices which are used to control the discharge of irrigation water from lateral pipes.

Florida Friendly Landscaping: Practices, materials or actions developed by the Florida Yards and Neighborhood Program that help to preserve Florida's natural resources and protect the environment.

Florida Yards and Neighborhood Program: Is a partnership of the University of Florida/Institute of Food and Agricultural Sciences, Florida's water management districts, the Florida Department of Environmental Protection, the National Estuary Program, the Florida Sea Grant College Program and other agencies, managed locally by the Miami-Dade Cooperative Extension Division of the Consumer Services Department.

~~Grey wood:~~ The area of trunk on a palm from ground level to the palm frond sheath, except where removal of branches is necessary to protect property and public safety. The following trees are exempt from this section: ~~Schinus terebinthifolius (Brazilian Pepper), Metopium toxiferum (Poison Wood), Casuarina spp. (Australian Pine), Melaleuca quinquenervia (Cajeput Tree), Acacia auriculiformis, Bischofia javanica, Araucaria heterophylla (Norfolk Island Pine), or Thespesia populnea (Seaside Mahoe).~~

Ground cover: Plant material which is a dense, extensive growth of low-growing plants, other than turfgrass, normally reaching a maximum height of not more than 24 inches at maturity.

Hatracking: To flat cut the top of a tree, severing the leader or leaders; or pruning a tree by stubbing off mature wood larger than three inches in diameter; or reducing the tree's living canopy by more than one-third except where removal of branches is necessary to protect property and public safety. The following trees are exempt from this section: ~~Schinus terebinthifolius (Brazilian Pepper), Metopium toxiferum (Poison Wood), Casuarina spp. (Australian Pine), Melaleuca~~

~~quinquenervia (Cajeput Tree), Acacia Auriculiformis, Bischofia Javanica, Araucaria heterophylla (Norfolk Island Pine), or Thespesia Populnea (Seaside Mahoe).~~

....

Heat island: An unnaturally high temperature microclimate resulting from radiation from unshaded impervious surfaces.

...

Hydrozone: A zone in which plant material with similar water needs are grouped together.

Irrigation detail: A graphic representation depicting the materials to be used and dimensions to be met in the installation of the irrigation system.

Irrigation plan: A plan drawn at the same scale as the landscape plan, indicating location and specification of irrigation system components and other relevant information as required by this chapter.

Irrigation system: A system of pipes or other conduits designed to transport and distribute water to keep plants in a healthy and vigorous condition.

Landscape feature: Trellis, arbor, fountain, pond, garden sculpture, garden lighting, decking, patio, decorative paving, gazebo, and other similar elements.

Landscaping material: Any of the following or combination thereof such as, but not limited to: Grass, ground cover, shrubs, vines, hedges, and trees, or palms and non-living material such as rocks, pebbles, sand, mulch, or pervious decorative paving materials.

Landscape Manual: The Miami-Dade County Landscape Manual adopted under Chapter 18A of the Code of Miami-Dade County, which is to be used as a guide with this section.

Landscape plan: A plan indicating all landscape areas, stormwater retention/detention areas, areas which qualify to be excluded from maximum permitted lawn area, existing vegetation to be retained, proposed plant material, landscape legend, landscape features, planting specifications, all landscape calculations, the size and zoning of the subject parcel, the length of all abutting and interior roadways, a north arrow, the scale of the plan, the percentage of native species for all trees and shrubs, graphic depictions of the minimum standards for planting and bracing for all trees, palms, and shrubs, view triangles where required, and all other relevant information as required by this article.

...

Planting detail: A graphic representation of the plant installation depicting the materials to be used and dimensions to be met in the placement of plants and other landscape materials.

Prohibited plant species: Those plants listed in the Miami-Dade County Landscape Manual which are demonstrably detrimental to native plants, native wildlife, ecosystems or human health, safety, and welfare, except as specifically allowed as hedge material only and upon approval of the director.

...

Specimen tree: A tree with any individual trunk which has a DBH of eighteen (18) inches or greater, but not including the following:

- (1) All trees listed in Section 24-49(4)(f) of the Code of Miami-Dade County;
- (2) Non-native fruit trees that are cultivated or grown for the specific purpose of producing edible fruit, including, but not limited to, mangos, avocados, or species of citrus;
- (3) Non-native species of the genus Ficus, and
- (4) All multi-trunk trees in the palm family, except Acoelorrhaphe wrightii and Phoenix reclinata which have a minimum overall height of fifteen (15) feet.

...

Vegetation survey: A drawing provided at the same scale as the landscape plan which includes relevant information as required by this article.

...

~~Xeriscape: A type of landscaping utilizing native plants and ground cover that needs reduced water and little maintenance, which is detailed in the South Florida Water Management District publication, Xeriscape, Plant Guide II as amended, incorporated herein by reference.~~

- (e) *Landscape plan required.* Prior to the issuance of a building permit or site plan approval, a landscape plan shall be submitted to and approved by the Director of the Community Development Department.

All landscape plans must be signed and sealed by a State of Florida Registered Landscape Architect. ~~The landscape plan shall be drawn to a scale not less than 1" = 20' 0". All landscape plans must be signed and sealed by a State of Florida Registered Landscape Architect. This plan shall clearly delineate existing and proposed buildings, parking, driveways, or other vehicular use areas. The plan shall also designate the name (botanical and common), size (height and spread), quantity, quality and location of the plant material to be installed, as well as the name, size, location, and condition of viable, existing vegetation. The plan shall also include a tabulation of required and provided plant materials.~~ The use of xeriscape principles Florida-Friendly Landscape principles in the development of this plan is strongly encouraged. No building permit or site plan approval shall be issued unless such landscape plan complies with the provisions herein.

Landscape plans shall be provided as part of the submission for site plan approval and shall:

- (1) Be drawn to scale not less than 1"=20' and include property boundaries, north arrow, graphic scale, and date.
- (2) Include a vegetation survey, including an aerial photograph which outlines the subject site, provided at the same scale as the landscape plan.
- (3) Delineate existing and proposed structures, parking spaces, accessways and other vehicular use areas, sidewalks, utilities, easements, height and voltage of power lines on the property or adjacent property.
- (4) Indicate the common and scientific name and quantity of plants to be installed using "Landscape Legend" code format as prescribed by the Director of Community Development.

- (5) Identify all landscape features and non-living landscape materials.
- (6) Show all areas of vegetation required to be preserved by law, including but not limited to trees, specimen trees, native plant species, Natural Forest Communities, native habitats and wetlands.
- (7) Illustrate any geologic, historic and archeological features to be preserved.
- (8) Depict stormwater retention/detention areas and areas excluded from maximum permitted lawn area.
- (9) Document zoning district, net lot area, required open space, and maximum permitted lawn area.
- (10) Complete "Owner's or Preparer's Certification of Landscape Compliance at Time of Landscape Plan Submittal" in form approved by the City Manager.

Landscape plans submitted for permit shall include all of the above, as well as the following:

- (1) A fully completed, permanently affixed "Landscape Legend" as prescribed by the Director of Community Services.
- (2) Critical layout dimensions for trees, plant beds and landscape features.
- (3) Method(s) to protect and relocate trees and native plant communities during construction.
- (4) Planting details and specifications.
- (5) Irrigation plans, as required by the zoning district.
- (6) Irrigation details and specifications, as required above.

Prior to the issuance of final landscape approval for any building permit issued by the City, an Owner's, or a Professional Preparer's Certificate of Landscape Compliance for Final Inspection, in form approved by the City Manager, shall be submitted at the time that the final inspection is requested.

(f) *Vegetation survey required.* A vegetation survey shall be provided for all sites at the same scale as the landscape plan. The vegetation survey shall be accompanied by an aerial photograph which outlines the subject site without obscuring its features. The vegetation survey shall provide the following information:

- (1) The accurate location and graphic representation, in relation to existing development, of all existing trees of a minimum two-inch DBH or ten-foot height or, for native trees, of a minimum one and one-half (1½) DBH or eight-foot height, including those which are proposed to be removed, relocated or preserved on site in accordance with the requirements of this Code.
- (2) A table showing the following information:
 - (a) The scientific and common name of each tree, each of which shall be numbered.
 - (b) The diameter at breast height of each tree, or if a multiple trunk tree, the sum DBH for all trunks.

(c) An estimate of the height, canopy cover, and physical condition of each tree, and whether specimen tree(s) exist on site.

(g) Landscape Plan Review: Landscape plans shall be reviewed in accordance with the following goals, objectives and the guidelines:

- (1) Landscape design shall enhance architectural features; relate structure design to the site; visually screen dissimilar uses and unsightly views; reduce noise, glare and heat gain from paved areas, major roadways and incompatible uses; strengthen important vistas and reinforce neighboring site design and architecture.
- (2) Existing specimen trees, native vegetation (including canopy, understory, and ground cover) shall be preserved to the maximum extent possible and all requirements of Section 24-49 of the Code of Miami-Dade County shall be met.
- (3) In order to conserve water, reduce maintenance, and promote plant health, plant species shall be selected and installed based on their water needs, growth rate and size, and resource inputs. Plants with similar water needs shall be grouped in hydrozones. Adequate growth area, including rooting space, based on natural mature shape and size shall be provided for all plant materials.
- (4) The plan shall include the use of native plant species in order to reestablish an aesthetic regional quality and take advantage of the unique diversity and adaptability of native species to the environmental conditions of South Florida. Where feasible, the re-establishment of native habitats shall be incorporated into the landscape plan.
- (5) Trees and shrubs shall be planted in such a way as to reduce energy consumption by shading buildings and shall be used to reduce heat island effects by shading paved surfaces.
- (6) Street trees shall be used to shade roadways and provide visual order. Where feasible, selected species shall be used to establish a road hierarchy by defining different road types.
- (7) Special attention shall be given to the use of appropriate species located under, or adjacent to overhead power lines, and near native plant communities and near underground utility lines. Adequate growth area shall be provided for all plant materials.
- (9) Landscaping shall be designed in such a way as to provide safe and unobstructed views at intersections of roadways, driveways, recreational paths and sidewalks in accordance with this article.

~~(f)~~ (h) Minimum landscape requirements for all zoning districts.

- (1) Tree specifications.
 - a. Required trees shall be of a species which normally grow to a minimum height of 25 feet and have a mature crown spread of not less than 20 feet with trunks which can be maintained with over six feet of clear wood. Emphasis is given to the use of native species.
 - b. All required trees shall have a minimum caliper or diameter at breast height (D.B.H) of three inches and be a minimum of ~~12~~ 14 feet in height at time of planting. The minimum tree canopy shall be 7', centered on the trunk. ~~A list of approved required trees is available from the Director of the Community Development Department.~~

- c. Required palms shall be field grown and have a minimum of 16 feet in overall height with a minimum of 6 feet of clear wood. a minimum of 14 feet in height and six feet of gray wood.
 - d. Adjacent to any street right-of-way, a single trunk palm species with a minimum 10 inches DBH and a minimum of 8 feet of clear wood is required. Queen palms (Syagrus romanzoffiana) shall not be allowed as street trees.
 - d.e. No more than 40 thirty (30%) percent of all required gray wood trees shall be of a palm species, as determined by the Director or Designee.
 - e.f. Three palm trees shall be clustered to equal one required tree: The three palm trees in the cluster shall be of differing heights, with a minimum three-foot stagger between adjacent palms, but, in no case smaller than 14 16 feet in height. Roystonea sp. (Royal Palm) and Phoenix sp. (Date Palm) may have matching heights. Such clustering shall be determined by Director or Designee.
 - f.g. It is prohibited to paint the trunks of trees or palms.
 - h. Prohibited and controlled tree species shall not be counted toward fulfilling minimum tree requirements. Prohibited trees shall be removed from the site.
 - i. Of the required trees at least thirty (30%) percent shall be native species and fifty (50) percent shall be low maintenance and drought tolerant.
 - j. Eighty (80%) percent of the trees shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low-Maintenance Landscape Plants for South Florida.
 - k. Consideration shall be given to the selection of trees, plants and planting site to avoid serious problems such as clogged sewers, cracked sidewalks, and power service interruptions.
- (2) Other plant material specifications.
- a. Shrubs and hedges: Shall be of a self-supporting, woody, evergreen species and shall be a minimum of two feet in height at time of planting. Hedges shall be planted and maintained so as to form a continuous, solid visual screen, of not less than three feet in height, within one year of planting. Spacing of plants shall be no more than 24 inches on center. Double staggered rows may be required in some areas as determined by Director or Designee. Of the provided shrubs at least:
 - (a) Thirty (30%) percent shall be native species; and
 - (b) Fifty (50%) percent shall be low maintenance and drought tolerant; and
 - (c) Eighty (80%) percent shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low-Maintenance Landscape Plants for South Florida.
 - b. Ground covers: May be used in lieu of grass. Ground covers shall present a finished appearance and reasonably complete coverage at time of planting.

- c. Lawn grass: Shall be St. Augustine 'Floritam' solid sod, or other lawn ~~type~~ species well adapted to localized growing conditions, as approved by the Director, reasonably free of insects and noxious weeds. Lawn shall be solid sodded for immediate effect.
- d. Quality: Plant material shall comply with required inspections, grading standards and plant regulations as set forth by the Florida Department of Agriculture and Consumer Service's most current edition of "Grades and Standards of Nursery Plants, Part I & II", ~~latest revisions, and "Grades and Standards for Nursery Plants, Part II for Palms and Trees"~~, or with superseding standards called for in these specifications. Plants shall conform to Florida No. 1 or better regarding:
 - 1. Shape and form.
 - 2. Health and vitality.
 - 3. Condition of foliage.
 - 4. Root system.
 - 5. Free from pest and mechanical damaged.
 - 6. Heavily branched and with dense foliage.
 - 7. Trees installed pursuant to this Section shall have (1) primary vertical trunk and secondary branches free of included bark up to a height of six (6) feet above natural grade.

...

(3) Installation.

...

- c. Existing plant credit: In instances where healthy plant material exists on-site (particularly native or ~~xeriscape~~ Florida-friendly species), the Director or Designee may adjust the requirements of this article to allow credit for such plant material, if, in his or her opinion, such an adjustment is in keeping with and will preserve the intent of this article.
- ...

(4) Irrigation.

All newly landscaped areas shall be provided with a fully automatic underground irrigation system that provides 100 percent coverage to all landscaped areas. ~~The irrigation system should be designed to provide only the required water to sustain viable plant material. The use of a porous, pipe subsurface irrigation system that requires low water volume and pressure is encouraged when adjacent to vehicular roadway areas.~~

a. Irrigation systems shall be designed, operated and maintained to:

- 1. Meet the needs of all the plants in the landscape.
- 2. Consider soil, slope and other site characteristics in order to minimize water waste, including overspray or overflow on to impervious surfaces and other non-vegetated areas, and off-site runoff.

3. Minimize free flow conditions in case of damage or other mechanical failure.
4. Use low trajectory spray heads, and/or low volume water distributing or application devices.
5. Maximize uniformity, considering factors such as:
 - (1) Emitters types,
 - (2) Head spacing,
 - (3) Sprinkler pattern, and
 - (4) Water pressure at the emitter.
6. Use the lowest quality water feasible.
7. Rain switches and other devices, such as soil moisture sensors, shall be used with automatic controls.
8. Where feasible, drip irrigation or micro-sprinklers shall be used.
9. During dry periods, irrigation application rates of between one (1) and one and one-half (1½) inches per week are recommended for turf areas.
- a. 10. The operation of an irrigation system during periods of heavy rainfall is prohibited and shall conform to standards and regulations as established by the South Florida Water Management District. ~~Irrigation controllers shall be switched to manual operation during periods of increased rainfall. Use of rain gauge sensors is required. A functioning moisture or rain sensor shut-off device shall be required on all irrigation systems equipped with automatic controls. The device shall not be installed under the eaves of houses, buildings or other obstructions, nor in the path of the irrigation system.~~

...

(g) (i) Maintenance.

...

(4) Pruning. Trees shall be pruned in the following manner:

- a. All cuts shall be clean, flush and at junctions, laterals or crotches. All cuts shall be made as close as possible to the trunk or parent limb, without cutting into the branch collar or leaving a protruding stub.
- b. Removal of dead wood, crossing branches, weak or insignificant branches, and sucker shall be accomplished simultaneously with any reduction in crown.
- c. Cutting of lateral branches that results in the removal of more than one-third (1/3) of all branches on one (1) side of a tree shall only be allowed if required for hazard reduction or clearance pruning.
- d. Lifting of branches or tree thinning shall be designed to distribute over half of the tree mass in the lower two-thirds (2/3) of the tree.

- e. No more than one-third (1/3) of a tree's living canopy shall be removed within a one (1) year period.
- f. Trees shall be pruned according to the current ANSI A300 Standards and the Landscape Manual.

~~(4)~~(5) *Edging*. Edging shall be accomplished in such a manner so as not to destroy landscaping material.

~~(5)~~(6) *Fertilization*. Fertilize landscaping material, as needed, to maintain healthy, viable growth. Apply appropriate fertilizer to avoid symptoms of chlorosis and trace element deficiency. Use of environmentally safe fertilizer is required. Application of fertilizer must conform to manufacturers specifications.

~~(h)~~(i) *Tree removal permit*. No existing tree on the site having a trunk diameter of three inches or greater, or trees with an overall height of twelve feet and greater, except for Schinus terebinthifolius (Brazilian Pepper), Metopium toxiferum (Poison Wood), Albizia Lebeck (Woman's Tongue), Dalbergia Sisoo (Indian Rosewood), Thespesia Populnea (Seaside Mahoe), Hibiscus Tiliaceus (Mahoe), Casuarina spp. (Australian Pine), Melaleuca quinquenervia (Cajeput Tree), Ficus Benjamina (Weeping Fig), Ficus Nitida (Laurel Fig) species, Acacia Auriculiformis (Earleaf Acacia), Bishoffia Javanica or Araucaria heterophylla (Norfolk Island Pine) shall not be removed or relocated without a permit from the Community Development Department of the City. In evaluating whether to grant a tree removal permit, the Director or Designee shall consider the size, species (native or not), health, rareness and age of the tree. A tree survey identifying all existing trees over three inches in diameter or trees with an overall height of twelve feet and greater shall be included with any building permit application. This survey drawing shall be overlaid directly upon the site plan sufficiently to provide the accurate location of all existing trees which are proposed to be destroyed, relocated, or preserved, the identification number of each tree, botanical name and common name of each tree, and the diameter at breast height (DBH) of each tree, height and canopy spread of each tree, condition and disposition of each tree. In addition, all applicable portions of ~~Tree Protection Ordinance #89-8~~ Section 24-49 of the Code of Miami-Dade County are adopted herein. Applicability of the Miami-Dade County Ordinance shall be as determined by the Director or Designee.

Excepted from this Section are the tree species listed in Section 24-49(4)(f) of the Code of Miami-Dade County.

...

(2) *Relocation standards*. Trees that are to be relocated shall be consistent with the Tree Relocation Standards as set forth in Section 24-49.6 of the Code of Miami-Dade County and the following minimum standards:

...

~~(j)~~(k) *Minimum design standards*. The following shall apply to all developments requiring site plan or permit approval except for single and two-family dwellings:

...

(5) *Clear sight triangles*.

- a. When an accessway intersects a public street or alley right-of-way, or another accessway, or when the vehicular use area is contiguous to the intersection of two or more public rights-of-way, all landscaping within the triangular areas created by such

intersections and defined below shall provide unobstructed vision clearance at an elevation of ~~30-~~ 2.5 feet to eight feet in height. Vision clearance requirements shall comply with American Association of State Highway & Transportation Officials (AASHTO).

- b. Trees having over six feet of clear trunk with limbs and foliage trimmed in such a manner as not to extend into the vision clearance area shall be permitted, provided they in no way create a traffic hazard. No landscaping elements, except for grass, ground cover, or hedges no greater than 2.5 feet shall be located nearer than ~~five~~ ten feet to any accessway intersection of a public road.

...

Section 7. 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 8. 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 re-numbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 9. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

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

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

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

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

PASSED on first reading this 2nd day of September, 2014.

PASSED AND ADOPTED on second reading this 7th day of October, 2014.

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 October, 2014.

CITY CLERK