

The City of Aventura



Local Planning Agency
Susan Gottlieb, Mayor

Zev Auerbach
Bob Diamond
Teri Holzberg
Billy Joel
Michael Stern
Luz Urbacz 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 4, 2012 - 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 10, 2012
4. PUBLIC HEARING: MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCES:
 - A. AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA PERTAINING TO USES PERMITTED AND DEVELOPMENT CRITERIA FOR DEVELOPMENT IN THE TOWN CENTER (TC1) ZONING DISTRICT; AMENDING SECTION 31-145(B) "TOWN CENTER ZONING DISTRICTS" OF ARTICLE VII "USE REGULATIONS" OF CHAPTER 31 "LAND DEVELOPMENT REGULATIONS" TO PERMIT A LIFESTYLE CENTER USE AS A PERMITTED USE IN THE TOWN CENTER (TC1) DISTRICT; PROVIDING FOR USE, DEVELOPMENT AND DESIGN STANDARDS FOR THE LIFESTYLE CENTER USE; PROVIDING FOR AMENDMENTS TO THE USES PERMITTED AND PROHIBITED WITHIN THE TOWN CENTER (TC1) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.
 - B. AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING THE CODE OF ORDINANCES BY CHANGING ALL REFERENCES IN THE CODE FROM "SOUTH FLORIDA BUILDING CODE" TO "FLORIDA BUILDING CODE"; AMENDING SECTION 30-165 "GENERAL PROVISIONS" AND SECTION 30-167 "PROVISIONS FOR FLOOD HAZARD REDUCTION" OF ARTICLE IV "FLOODS" OF CHAPTER 30 "ENVIRONMENT" TO PROVIDE FOR INTERNAL CONSISTENCY AND UPDATED CROSS-REFERENCES; AMENDING ALL REFERENCES IN CHAPTER 31 "LAND DEVELOPMENT REGULATIONS" TO CHANGE THE REQUIREMENT OF AN "OWNERSHIP AND ENCUMBRANCE REPORT" TO AN "OPINION OF TITLE"; AMENDING SECTION 31-53 "AMENDMENTS TO THE COMPREHENSIVE PLAN" OF CHAPTER 31 "LAND DEVELOPMENT REGULATIONS" TO UPDATE A REFERENCE TO THE APPLICABLE SECTION OF THE FLORIDA STATUTES; AMENDING SECTION 31-79 "ADMINISTRATIVE SITE PLAN REVIEW" OF CHAPTER 31 "LAND DEVELOPMENT REGULATIONS" TO PROVIDE FOR TIME LIMITS TO COMPLETE THE PHASES OF DEVELOPMENT OF A PHASED SITE PLAN; AMENDING SECTION 31-171 "OFF-STREET PARKING AND LOADING STANDARDS" OF CHAPTER 31 "LAND DEVELOPMENT REGULATIONS" TO UPDATE THE PARKING STALL DIMENSION FIGURE AND TO ADD THE REQUIRED SIZE OF A

PARALLEL PARKING SPACE; AMENDING SECTION 31-221, "LANDSCAPING REQUIREMENTS" TO UPDATE MINIMUM LANDSCAPE DESIGN STANDARDS FOR INTERIOR ISLANDS IN PARKING LOTS; AND AMENDING SECTION 31-239, "COMPLIANCE WITH COMPREHENSIVE PLAN" TO UPDATE THE LEVEL OF SERVICE STANDARDS FOR POTABLE WATER; 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 10, 2012 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 Zev Auerbach, Bob Diamond, Billy Joel, Luz Urbacz Weinberg, Michael Stern, Vice Mayor Teri Holzberg, 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 Ron Silver
3. **APPROVAL OF MINUTES:** A motion to approve the minutes of the June 5, 2012 LPA Hearing was offered by Commissioner Joel, seconded by Vice Mayor Holzberg, and unanimously passed.
4. **PUBLIC HEARING: MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCE:**

- A. Mr. Gabriel read the following ordinance by title:

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING SECTION 31-144(f) "MEDICAL OFFICE (MO) DISTRICT" OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO ADD "SELF SERVICE STORAGE FACILITIES WITH A MINIMUM LOT AREA OF 1.5 ACRES" AS A CONDITIONAL USE IN THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

Community Development Director Joanne Carr addressed the Commission and entered the staff report into the record. Mayor Gottlieb opened the public hearing. The following individuals addressed the Commission: Michael Radell, Esq., representing the applicant, and Robert Burrows, Miami, FL 33136. There being no further speakers, the public hearing was closed. A motion for approval was offered by Commissioner Weinberg and seconded by Commissioner Stern. The motion passed 6-1, with Commissioner Diamond voting no.

- B. Mr. Gabriel read the following ordinance by title:

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING SECTION 31-238 "ACCESSORY USES" OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO ADD STANDARDS FOR INSTALLATION OF RENEWABLE ENERGY DEVICES AS AN

**ACCESSORY USE IN ALL ZONING DISTRICTS IN THE CITY;
PROVIDING FOR WAIVER PROCEDURE; PROVIDING FOR
SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE;
PROVIDING FOR AN EFFECTIVE DATE.**

Ms. Carr addressed the Commission and entered the staff report into the record. Mayor Gottlieb opened the public hearing. The following individuals addressed the Commission: Howard Weinberg, Parc Central and Jonathan Evans, Williams Island. There being no further speakers, the public hearing was closed. A motion for approval was offered by Commissioner Weinberg, and seconded by Commissioner Auerbach. The motion passed 6-1, with Mayor Gottlieb voting no.

- 5. ADJOURNMENT:** There being no further business to come before the Local Planning Agency, the meeting adjourned at 6:43 p.m.

Teresa M. Soroka, MMC, City Clerk

Approved by the LPA on September 4, 2012.

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 15, 2012

SUBJECT: Application to Amend Section 31-145 (b) of the Land Development Regulations to allow a Lifestyle Center as a permitted use in the Town Center (TC1) District (04-LDR-12)

September 4, 2012	Local Planning Agency Agenda Item <u>4A</u>
September 4, 2012	City Commission Meeting Agenda Item <u>7A</u>
October 2, 2012	City Commission Meeting Agenda Item <u> </u>

RECOMMENDATION

It is recommended that the City Commission approve the request for an amendment to Section 31-145 (b), "Town Center (TC1) District" of the Land Development Regulations to add "Lifestyle Center" as a permitted use in the district, to delete certain existing permitted uses, to add prohibited uses in a lifestyle center and to provide design guidelines for a Lifestyle Center.

THE REQUEST

The applicant, Aventura Fashion Island, LP, has made a Public Hearing Application for Amendment to the Text of the Land Development Regulations to request the addition of "Lifestyle Center" as a permitted use in the Town Center (TC1) zoning district. The applicant is the owner of the property known as the "Loehmann's Fashion Island" retail plaza at 2711 NE 187 Street, City of Aventura. (See Exhibit #1 for Letter of Intent)

DESCRIPTION OF THE PROPOSED AMENDMENT

The amendments proposed to Section 31-145 (b) of the Land Development Regulations include the following additions in underlined text and the following deletions in strike-through text:

Section 31-145. Town Center Zoning Districts.

* * *

(a) *Purpose.* The purpose and intent of these districts is to provide suitable sites for the development of ~~structures combining~~ residential and commercial uses in a well planned and compatible manner. The uses within these districts shall be consistent with, but may be more restrictive than, the corresponding Town Center Land Use category permitted uses. Residential densities shall not exceed 25 units per gross acre and nonresidential densities shall not exceed a floor area ratio of 2.0.

(b) *Town Center District (TC1).* The following regulations shall apply to all TC1 Districts:

(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:

a. Mixed-use structures. For the purposes of this subsection, mixed-use buildings or structures are those combining residential dwelling units conforming generally with the intent of the RMF3, Multi-Family Medium Density Residential District, with office and/or retail commercial uses allowed in the B1, Neighborhood Business District, where the ratio of total square feet dedicated to residential and non-residential uses is between 3:1 and 1:3.

b. ~~Bookstores up to 25,000 square feet. There shall be no more than one (1) bookstore per shopping center.~~

c. ~~Dancing, theater, art, language arts or tutoring academies limited to 5,000 square feet or less.~~

d. ~~Department stores limited to 50,000 square feet. There shall be no more than one (1) department store per shopping center.~~

e. ~~Dog/pet hospitals with a limitation of 2,500 square feet.~~

f. ~~Furniture stores limited to 10,000 square feet. There shall be no more than two (2) furniture stores per shopping center.~~

g. ~~Grocery stores limited to 50,000 square feet. There shall be no more than one (1) grocery store per shopping center.~~

~~h. Health and exercise clubs limited to 10,000 square feet. There shall be no more than one (1) health and exercise club per shopping center.~~

~~i. Martial arts, dance or exercise studios with a limitation of 2,500 square feet.~~

~~j. Pet shops with a limitation of 5,000 square feet.~~

b. Lifestyle Center. For the purposes of this section, a lifestyle center is a retail-oriented center of superior design quality that serves the retail needs and lifestyle pursuits of consumers in the area. Lifestyle centers shall have an open air configuration and shall include a mix of large, medium and small tenant spaces with at least one, but no more than three, anchor tenants of at least 30,000 square feet of floor area each. A lifestyle center may include restaurants, family-oriented entertainment, apparel stores and other permitted uses in the B1, Neighborhood Business District, without the size limitations of that district, and may also include permitted uses in the B2, Community Business District, except those B2 uses specifically prohibited for a lifestyle center pursuant to Section 31-145(b)(4)g. Lifestyle centers shall include other elements that define their role as a multi-purpose, leisure-oriented, family-friendly destination such as water features, gathering areas, street furniture and well-developed landscaping within and along entrances, pedestrian areas and pathways, all of which are intended to create a town center atmosphere. A lifestyle center shall be within one-half (½) mile of a residential property, but no residential uses shall be included in the lifestyle center itself. A lifestyle center shall encourage multi-modal access by incorporating a mass transit stop, convenient pedestrian crosswalks and bike racks.

* * *

(3) *Conditional Uses.* The following uses may be established if first approved as a conditional use:

- a. Those uses permitted in the RMF3 District, except that residential uses may not be established in a lifestyle center.
- b. Indoor commercial recreation uses including, but not limited to: theatre, bowling center, miniature golf or skating rink.
- c. Wine bars with food service.

* * *

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

- a. Any use not specifically permitted.
- b. Adult entertainment establishments.
- c. Sale of goods to other than the ultimate consumer.
- d. Sales, purchases, display or storage of used merchandise other than antiques and jewelry.
- e. Sale of fruit or merchandise from trucks, wagons or other vehicles parked on or along public or private streets or from open stands or vacant lots. Such business on private or public property shall be conducted only from within approved permanent substantial buildings.

f. Any drive-through service facility, except a drive-through service facility may be permitted for outparcel buildings in a lifestyle center.

g. The following B2, Community Business District, permitted uses are prohibited in a lifestyle center:

Auditoriums; Automobile new parts and equipment, sales only; bait and tackle shops; billiard rooms and pool rooms; dry cleaning establishments where dry cleaning is performed on site; lawn mowers, retail, sales and service; mortuaries or funeral homes; motorcycle sales and repair; liquor package stores; bars and lounges that are not part of a restaurant; night clubs; office parks; automatic and hand car washes; and hotels, motels and time share units.

i. Residential uses in a lifestyle center.

* * *

(5) *Site development standards.*

* * *

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

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

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

* * *

(9) *Performance Standards.* Any structure parking serving the primary use on the site shall be incorporated into the building envelope and shall be compatibly designed. Structured parking in a lifestyle center is exempted from the foregoing standard. Such parking structure shall comply with all minimum setback and buffer yard requirements. Parking structure ceiling heights shall be seven feet six inches except where greater heights may be required by other regulatory agencies. Pipes, ducts and mechanical equipment installed below the ceiling shall not be lower than seven feet zero inches above finished floor.

(10) *Design Standards.* All mixed use development in the TC1 Zoning District shall substantially comply with the applicable “Town Center Design Guidelines” as provided by the City Manager. All lifestyle center development in the TC1 Zoning District shall substantially comply with the “Lifestyle Center in Town Center District Design Guidelines dated July, 2012” provided by the City Manager.

ANALYSIS

The Town Center (TC1) zoning district currently permits mixed use structures combining residential and non-residential uses. There was a Master Plan for the Town Center on the Loehmann’s Plaza site approved by the City Commission in October of 2002 that conformed to this permitted use. Phase I, the Venture residential building, was constructed. Due to the economic downturn after that time, the balance of the plan, which included office, residential and retail uses, was not built.

The lands within the Town Center zoning district have an underlying future land use of Town Center, according to the Future Land Use Map in the City’s Comprehensive Plan. The Town Center future land use category encourages hubs for future urban development intended to serve the City’s existing and future residents and businesses with design-unified development providing direct accessibility by mass transit service and high quality urban design. It provides for a design that encourages convenient, internal pedestrian circulation and is intended to create identifiable centers of activity with a distinctive sense of place. The proposed lifestyle center use is compatible with this future land use language.

There are five properties within the TC1 zoning district. Those are: the Loehmann’s Fashion Island retail plaza, the Harbour Centre office building, the Northern Trust Bank building, the Concord Plaza retail center and the Concorde Center II office building.

The Town Center zoning district purpose language is ...”to provide suitable sites for the development of structures combining residential and commercial uses in a well-planned and compatible manner”... It does, however, allow residential-only or commercial-only development as a conditional use. The owner of the Loehmann’s plaza property is requesting that a commercial-only development be allowed in the district as a new permitted use to provide certainty for leasing, which will then facilitate redevelopment and improvements. The district’s purpose language is proposed to be revised to be consistent with the proposed new lifestyle center use, that is; to clarify that structures in this zoning category are not required to have a combination of residential and commercial uses.

The owner has advised that current economic market conditions and changes in development trends have not allowed it to go forward with the Master Plan approved in 2002. The owner further advises that the existing limitations on the commercial uses in the district, specifically, the size limitations of the B1 zone, have caused prospective tenants to look elsewhere, leaving its tenant spaces vacant. It is requesting an amendment to the text of the TC1 zoning district to allow retail uses similar to the B1, Neighborhood Business District uses, without the size limitations in floor area, and some neighborhood compatible uses in the B2 district, within a retail center of superior design quality that will cater to the lifestyle pursuits of our residents and that will be designed to create a family-friendly, pedestrian-oriented town center, with no residential component. This will eliminate the opportunity for additional residential units. The owner is also requesting other changes to the TC1 zone, which are: that the permitted uses added in the 2002 amendment be deleted; that a drive-through facility be permitted for an outparcel building in a lifestyle center, where currently prohibited in the TC1 zone, and that any structure parking not be required to be incorporated into the building envelope.

The existing site development criteria of the TC1 zoning district will apply to this proposed use, that is:

- Minimum lot size of 16,000 square feet;
- Minimum lot width of 100 feet;
- Maximum lot coverage of 45%;
- Maximum height of 4 stories or 50 feet;
- Front setback of 25 feet;
- Street side yard setback of 20 feet;
- Rear street yard setback of 20 feet;
- Minimum open space of 35%, where ½ of that space is grass and landscaping and the other ½ is recreational facilities, pedestrian walks, entrance landscaping

Staff is recommending addition of the attached Design Guidelines to be applied to a Lifestyle Center to ensure that upgrades to the façade and improvements to the overall site are required as part of a lifestyle center use. The design guidelines include provision of well landscaped entrances, pedestrian-oriented plazas and walkways, site sidewalks connecting to public sidewalks, water features that are designed as family-friendly gathering areas, a transit stop, installation of bike racks, shade trees, street furniture, and

requires architectural design that enhances the pedestrian experience and creates a sense of place.

The applicant has requested one change to the Design Guidelines presented at the City Commission workshop meeting. The guidelines provided that no outdoor music is permitted so as not to disturb adjacent residential uses. This has been revised to read that no outdoor music is allowed, except as permitted by Special Event Permit approved by the City Manager pursuant to City Code Section 30-34. This change will provide that an outdoor music event at a lifestyle center may be allowed under approved Special Event Permit.

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

1. *The proposed amendment is legally required.*

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

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

The proposed amendment is consistent with the goals and objectives of the Comprehensive Plan. The future land use designation for properties zoned Town Center (TC1) District is Town Center. The intent of the Town Center land use designation is described in the Future Land Use Element of the City's Comprehensive Plan. This category encourages hubs for future urban development intended to serve the City's existing and future residents and businesses with design-unified development providing direct accessibility by mass transit service and high quality urban design. It provides for a design that encourages convenient, internal pedestrian circulation and to create identifiable centers of activity with a distinctive sense of place. The proposed lifestyle center use regulations are compatible with this future land use language.

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

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

the site development standards of the district will aid in the harmonious, orderly and progressive redevelopment of the City.

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

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

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

The proposed amendment improves the administration or execution of the development process in that it provides for a process by which to approve development or redevelopment of a lifestyle center in the Town Center zoning district.



BERCOW RADELL & FERNANDEZ
ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: 305-377-6238
E-MAIL: mmarrero@brzoninglaw.com

VIA FACSIMILE AND E-MAIL

August 10, 2012

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

Re: Land Development Code Amendment Permitting Lifestyle Centers in TC1

Dear Joanne:

This law firm represents Aventura Fashion Island, LP and Turnberry Associates, Inc. (the "Applicant"), with regard to an application to amend the City of Aventura Land Development Code to permit additional uses in the Town Center (TC1) Zoning District.

The Applicant acquired the area designated Town Center and zoned TC1, in 2006 with plans of redeveloping the existing Loehmann's Plaza. Then, the TC1 zoning district only permitted B1 commercial uses within the center. It had always been the Applicant's intention to work with the City to expand the permitted uses, while still maintaining the Town Center's character. In 2010, the Applicant proposed a limited code amendment to permit a slight expansion of the permitted uses in TC1. The amendment, which was approved by the City Commission, permitted certain uses (including book stores, pet shops dancing and theater academies and furniture stores) at higher square footages than were otherwise permitted in TC1. Unfortunately, these specific changes were never utilized by potential tenants, and the Applicant is now proposing a more global change that will permit a Lifestyle Center at Loehmann's Plaza.

Presently, the Applicant has been working with staff to craft an ordinance that will help revive the center, in addition to being consistent with the objectives of the Town Center. Ultimately, the Lifestyle Center concept arose as something that would achieve the retail commercial goals of the center, while still upholding many of the elements that make a town center unique, including pedestrian walkways, street furniture, water features and gathering areas.

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

(1) The proposed amendment is legally required.

In order for the Town Center to improve as envisioned, the proposed amendment to the LDRs must be approved and is thus required.

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

The proposed changes are consistent with the goals and objectives of the Comprehensive Plan, specifically the Town Center designation.

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

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

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

The proposed amendment certainly furthers the orderly development of the City. Currently, the Town Center faces additional issues with tenancies because of the existing limits to permitted uses there. The approval of this proposed amendment will allow for additional appropriate uses that will assist the development of the center, prominently located on Biscayne Boulevard and 187th Street.

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

Ms. Joanne Carr
August 10, 2012
Page 3

Since the uses being proposed are consistent with the goals and objectives of the Town Center, the approval of the amendment will improve the administration or execution of the development process. Otherwise, each specific tenancy request would require a variance or conditional use approval, or simply be denied. The delays caused by such approvals would cause additional strain on the administration of the Town Center, and would require a significant increase in public hearing requests.

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

Sincerely yours,

A handwritten signature in black ink, appearing to read "M. J. Marrero", with a long horizontal stroke extending to the right.

Michael J. Marrero



City of Aventura

Lifestyle Center in Town Center District

Design Guidelines

July, 2012

I. Site Concepts

A. The Lifestyle Center Concept

The objective is to create a retail-oriented center of superior design quality that caters to the retail needs and lifestyle pursuits of consumers in the area. The center shall have an open air configuration and include a mix of large, medium and small tenant spaces with at least one, but no more than three, anchor tenants of 30,000 square feet or more of floor area each. A lifestyle center includes restaurants, family-oriented entertainment, apparel stores and other permitted uses in the B1, Neighborhood Business District without the size limitations and also includes neighborhood-compatible permitted uses in the B2, Community Business District. Lifestyle centers have other elements that define their role as a multi-purpose, leisure-oriented, family-friendly destination such as water features, gathering areas, street furniture and well developed landscaping within and along entrances, pedestrian areas and pathways, all of which are all intended to create a town center atmosphere. The center is to be located within ½ mile of residential developments, but no residential uses are included in a lifestyle center itself. The center encourages multi-modal access by incorporating a mass transit stop, convenient pedestrian crosswalks and bike racks. In order to achieve such attributes, the following special site planning and building orientation principles shall be incorporated into the design of a lifestyle center.

- Well-landscaped entrances, pedestrian-oriented plazas and walkways.
- Site sidewalks and crosswalks connecting to the public sidewalks.
- Water features that are designed as family-friendly gathering areas.
- Bike racks located in areas that are convenient and near building entrances or other highly visible areas which are self-policing.
- A transit stop at an appropriate location with sheltered comfortable waiting areas and seating.
- Shade trees to provide additional climate protection and contribute to an attractive pedestrian environment as approved by the City.
- Street furniture consisting of benches, trash collection receptacles, lighting and play equipment as approved by the City.

B. Tenant Mix

A lifestyle center shall have a mix of large, medium and small tenant spaces with one, but no more than three, anchor tenants of 30,000 square feet or more of floor area each.

C. Entrance Features

The entrances to a lifestyle center are to reflect the upscale nature of the center with well-defined entry and exit drives, pedestrian access with abundant landscaping and other decorative features defining the overall design of the center.

D. "Outdoor Rooms"

An "outdoor room" is to be created along the main pedestrian walkways and plazas. This is the place where pedestrians will tend to collect and engage in the activities of standing, waiting, talking and eating. The plazas should include a water feature and integrate amenities such as outdoor seating, shade trees and public art and will require adjacent storefronts that look out on and open into the walkways and plazas. Special attention will be given to the walkways and plazas to create a pleasant, human-scaled environment that is appropriate to adjoining uses.

E. Pedestrian Areas

It is important to pay attention to pedestrian areas by providing a minimum walkway width of 10' in the interior walkways between the stores that is kept free and clear for pedestrian traffic, with the exception of restaurant uses, where minimum walkway areas can be reduced to accommodate outdoor dining areas. Walkways, crosswalks and plaza areas should be made of a decorative paving treatment that provides a comfortable walking surface that is vibration free.

Site sidewalks and crosswalks shall be provided for safe pedestrian connection to the center from the public sidewalks.

F. Climate/Solar Orientation

Due to the strong sun of Southern Florida, solar orientation should play an important role in determining the built form of shopfronts. All elevations should incorporate devices to aid in sun control and provide outdoor shaded areas (i.e. awnings, screening canopies, arcades or recesses). Overhead landscape canopies can serve to filter sunlight and reduce glare, making pedestrian activity more pleasant, and are encouraged.

II. Building Design Concepts

A. Overall Design Intent and Themes

Aventura is the City of Excellence. The architectural character of a lifestyle center should evoke the image of Florida. Unique, individual storefront facades are encouraged to provide a differing aesthetic for each store rather than a unified common storefront to allow for design creativity and individual expression, but when combined contribute to a coherent overall sense of place. Architecture should enhance the pedestrian experience by providing human-scaled details and amenities.

Other design elements that break down scale and provide a high quality pedestrian environment are encouraged, including canopies, building mounted lights, planters, trellises, special tile work, niches with small fountains. The goal is to create an interesting environment of light, shade, color and texture

Clear glass is required in all retail storefronts; smoked, reflective, or black glass is prohibited.

The color palette should take cues from the surrounding buildings in Aventura, integrating the classic base colors including but not limited to warm earth tones.

Roses, pinks, plums, blues and violets should generally be avoided, although vibrant accents may be used in limited quantities at appropriate locations. Accents are to be of high quality materials and are used to promote a vibrant street life in a manner compatible with the lifestyle nature of the center.

Where large amounts of mass are required, the mass should be broken down by changes in plane, reveals or decorative details.

B. Integration of Signage/Lighting/Artwork

Signage and environmental graphics should be conceived as an integral part of the buildings architectural design. A unified signage package shall be prepared and presented to the City as an application for Multi-Tenant Center Sign Approval.

C. Screening of Mechanical Units and Service Areas

All mechanical units shall be screened from public view, preferably with cohesive design elements that contribute to the overall design intent.

All rooftop mechanical units shall be screened from the public right of way and from the view of adjacent developments, as required by Section 31-233 of the City Code.

Service areas shall be screened, gated and be as unobtrusive as possible.

III. Lighting

Lighting sources and fixture types should be carefully selected in order to create a variety of ambient, decorative and accent illumination.

Site lighting shall conform to the requirements of Section 31-234 "Outdoor Lighting Standards" of the Land Development Regulations.

Lighting shall be located, screened or shielded so that adjacent structures and the right of way are not directly illuminated.

A site lighting plan shall be submitted as part of the Site Plan Approval application.

IV. Outdoor Seating Areas for Restaurants/Cafes

Outdoor seating areas shall be designed in a manner to allow appropriate pedestrian circulation on adjacent walkways.

No outdoor music shall be allowed, so as not to disturb adjacent residential uses, except as specifically approved by Special Event Permit pursuant to Section 30-34 of the City Code.



APPLICANT REPRESENTATIVE AFFIDAVIT

Pursuant to Section 31-71(b)(2)(i) of the City of Aventura Land Development Code, this Applicant Representative Affidavit is hereby made and submitted. The undersigned authorized representative of the individual or entity applying for the Development Permit, which is identified in the accompanying application, and the owner of the property subject to the application (if different) hereby lists and identifies all persons representing the individual or entity applying for the Development Permit in connection with the application, as follows:

Name	Relationship (i.e. Attorneys, Architects, Landscape Architects, Engineers, Lobbyists, Etc.)
<u>Michael J Marreo</u>	<u>Attorney</u>
_____	_____
_____	_____
_____	_____

(Attach Additional Sheets If Necessary)

NOTICE: ANY STATEMENT OR REPRESENTATION MADE BY ANY PERSON LISTED ON THE APPLICANT REPRESENTATIVE AFFIDAVIT SHALL BE BINDING UPON THE INDIVIDUAL OR ENTITY APPLYING FOR THE DEVELOPMENT PERMIT AND THE OWNER OF THE SUBJECT PROPERTY. APPLICANTS AND AFFIANTS ARE ADVISED TO TIMELY SUPPLEMENT THIS AFFIDAVIT PURSUANT TO SEC. 31-71(B)(2)(IV) OF THE CITY'S LAND DEVELOPMENT REGULATIONS IN THE CITY CODE, IN THE EVENT THAT PRIOR TO CONSIDERATION OF THE APPLICATION BY THE CITY BOARD OR COMMISSION, THE INFORMATION PROVIDED IN THE AFFIDAVIT BECOMES INCORRECT OR INCOMPLETE.

WITNESS MY HAND THIS 22 DAY OF August 2012

AUTHORIZED REPRESENTATIVE OF APPLICANT:

By: _____
 (Signature)

Name: _____
 (Print)

Title: _____

Address: _____

OWNER

By: _____
 (Signature)

Name: Jacquelyn Soffer
 (Print)

Title: _____

Address: 19950 W. Country Club Dr., 10th Fl
Aventura, FL 33180

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me the undersigned authority personally appeared Jacquelyn Soffer as the authorized representative of the Applicant and/or the owner of the property subject to the application, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME this 22 day of August 2012

AFFIANT _____
 (Signature)

Notary Public State of Florida At Large
 Printed Name of Notary Carol Abramson
 My commission expires: 4/14/2014





BUSINESS RELATIONSHIP AFFIDAVIT*

This Affidavit is made pursuant to Section 31-71(b)(2)(ii) of the City of Aventura Land Development Code. The undersigned Affiant hereby discloses that (mark with "x" applicable portions only)

1 Affiant does not have a Business Relationship with any member of the City Commission or any City Advisory Board to which the application will be presented

2 Affiant hereby discloses that it does have a Business Relationship with a member of the City Commission or a City Advisory Board to which the application will be presented, as follows

_____ (List name of Commissioner or Advisory Board Member) who serves on the _____ (List City Commission or City Advisory Board upon which member serves)

The nature of the Business Relationship is as follows

- i Member of City Commission or Board holds an ownership interest in excess of 1% of total assets or capital stock of Applicant or Representative.
- ii Member of City Commission or Board is a partner, co-shareholder (as to shares of a corporation which are not listed on any national or regional stock exchange) or joint venturer with the Applicant or Representative in any business venture.
- iii The Applicant or Representative is a Client of a member of the City Commission or Board or a Client of another professional working from the same office or for the same employer as the member of the City Commission or Board.
- iv A City Commissioner or Board member is a Client of the Applicant or Representative.
- v The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year.
- vi The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS 22 DAY OF August, 2012

APPLICANT

By _____ (Signature)
Name _____ (Print)
Title _____ (Print)

WITNESS MY HAND THIS _____ DAY OF _____, 200__

PROPERTY OWNER

By _____ (Signature)
Name Jacquelyn Saffer (Print)
Title _____ (Print)

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code

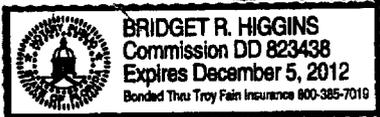
NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared JACQUELYN SOFFER the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct

AFFIANT

SWORN TO AND SUBSCRIBED before me this 22 day of AUGUST, 2012



[Signature]
Notary Public State of Florida At Large
BRIDGET R. HIGGINS
Printed Name of Notary
My commission expires 12-5-2012

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__

Notary Public State of Florida At Large

Printed Name of Notary
My commission expires _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__

Notary Public State of Florida At Large

Printed Name of Notary
My commission expires _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__

Notary Public State of Florida At Large

Printed Name of Notary
My commission expires _____



BUSINESS RELATIONSHIP AFFIDAVIT*

This Affidavit is made pursuant to Section 31-71(b)(2)(ii) of the City of Aventura Land Development Code. The undersigned Affiant hereby discloses that: (mark with "x" applicable portions only)

1. Affiant does not have a Business Relationship with any member of the City Commission or any City Advisory Board to which the application will be presented.

2. Affiant hereby discloses that it does have a Business Relationship with a member of the City Commission or a City Advisory Board to which the application will be presented, as follows:

_____ (List name of Commissioner or Advisory Board Member) who serves on the _____ (List City Commission or City Advisory Board upon which member serves).

The nature of the Business Relationship is as follows:

- i. Member of City Commission or Board holds an ownership interest in excess of 1% of total assets or capital stock of Applicant or Representative;
- ii. Member of City Commission or Board is a partner, co-shareholder (as to shares of a corporation which are not listed on any national or regional stock exchange) or joint venturer with the Applicant or Representative in any business venture;
- iii. The Applicant or Representative is a Client of a member of the City Commission or Board or a Client of another professional working from the same office or for the same employer as the member of the City Commission or Board;
- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS 22 DAY OF August, 2002

APPLICANT

By: [Signature] (Signature)
Name: Michael J. Marrero (Print)
Title: Attorney (Print)

WITNESS MY HAND THIS _____ DAY OF _____, 200_.

PROPERTY OWNER:

By: _____ (Signature)
Name: _____ (Print)
Title: _____ (Print)

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2.395 of the Aventura City Code.

WITNESS MY HAND THIS 21 DAY OF August 2012

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)

Name: Michael J. Morrea (Print)

Title: Attorney (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Name: _____ (Print)

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Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

NOTE: 1) Use duplicate sheets if disclosure information for Representative varies

2) Applicants and Affiants are advised to timely supplement this Affidavit pursuant to Sec. 31-71(b)(2)(iv) of the City's Land Development Regulations in the City Code, in the event that prior to consideration of the application by the City Board or Commission, the information provided in the Affidavit becomes incorrect or incomplete.

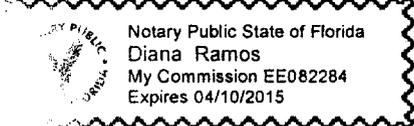
NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Michael Marenco the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct

[Signature]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 22 day of August, 2012



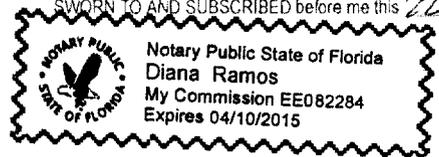
[Signature]
Notary Public State of Florida At Large
Diana Ramos
Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Michael Marenco the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct

[Signature]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 22 day of August, 2012



[Signature]
Notary Public State of Florida At Large
Diana Ramos
Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__

Notary Public State of Florida At Large

Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 200__

Notary Public State of Florida At Large

Printed Name of Notary
My commission expires: _____

ORDINANCE NO. 2012-_____

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA PERTAINING TO USES PERMITTED AND DEVELOPMENT CRITERIA FOR DEVELOPMENT IN THE TOWN CENTER (TC1) ZONING DISTRICT; AMENDING SECTION 31-145(B) "TOWN CENTER ZONING DISTRICTS" OF ARTICLE VII "USE REGULATIONS" OF CHAPTER 31 "LAND DEVELOPMENT REGULATIONS" TO PERMIT A LIFESTYLE CENTER USE AS A PERMITTED USE IN THE TOWN CENTER (TC1) DISTRICT; PROVIDING FOR USE, DEVELOPMENT AND DESIGN STANDARDS FOR THE LIFESTYLE CENTER USE; PROVIDING FOR AMENDMENTS TO THE USES PERMITTED AND PROHIBITED WITHIN THE TOWN CENTER (TC1) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Aventura ("City Commission") is desirous of amending Section 31-145(b) "Town Center Zoning Districts" of Chapter 31 "Land Development Regulations" of the Code of Ordinances ("City Code") to allow a retail-oriented center consisting of a mix of large, medium and small tenant spaces, known as a lifestyle center, as a permitted use in the Town Center (TC1) zoning district; and

WHEREAS, the Town Center future land use category applicable to the Town Center (TC1) zoning district encourages hubs for future urban development intended to serve the City's existing and future residents and businesses with design-unified development providing direct accessibility by mass transit service, and high-quality urban design, and the City Commission finds that the inclusion of a "lifestyle center" within the TC1 zoning district is consistent with the applicable Town Center future land use category; and

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

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

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

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

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

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

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

Section 2. City Code Amended. That Section 31-145 "Town Center Zoning Districts" of Article VII "Use Regulations" of Chapter 31 "Land Development Regulations" of the City Code is hereby amended to read as follows¹:

* * *

Section 31-145. Town Center Zoning Districts.

* * *

(a) *Purpose.* The purpose and intent of these districts is to provide suitable sites for the development of ~~structures combining~~ residential and commercial uses in a well planned and compatible manner. The uses within these districts shall be consistent with, but may be more restrictive than, the corresponding Town Center Land Use category permitted uses. Residential densities shall not exceed 25 units per gross acre and nonresidential densities shall not exceed a floor area ratio of 2.0.

(b) *Town Center District (TC1).* The following regulations shall apply to all TC1 Districts:

(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:

- a. *Mixed-use structures.* For the purposes of this subsection, mixed-use buildings or structures are those combining residential dwelling units conforming generally with the intent of the RMF3, Multi-Family Medium Density Residential District, with office and/or retail commercial uses allowed in the B1, Neighborhood Business District, where the ratio of total

¹ Underlined provisions constitute proposed additions to existing text; ~~Strike-through~~ provisions constitute proposed deletions to existing text; and text without underline or strike-through constitute existing text.

square feet dedicated to residential and non-residential uses is between 3:1 and 1:3.

~~b. Bookstores up to 25,000 square feet. There shall be no more than one (1) bookstore per shopping center.~~

~~c. Dancing, theater, art, language arts or tutoring academies limited to 5,000 square feet or less.~~

~~d. Department stores limited to 50,000 square feet. There shall be no more than one (1) department store per shopping center.~~

~~e. Dog/pet hospitals with a limitation of 2,500 square feet.~~

~~f. Furniture stores limited to 10,000 square feet. There shall be no more than two (2) furniture stores per shopping center.~~

~~g. Grocery stores limited to 50,000 square feet. There shall be no more than one (1) grocery store per shopping center.~~

~~h. Health and exercise clubs limited to 10,000 square feet. There shall be no more than one (1) health and exercise club per shopping center.~~

~~i. Martial arts, dance or exercise studios with a limitation of 2,500 square feet.~~

~~j. Pet shops with a limitation of 5,000 square feet.~~

b. Lifestyle center. For purposes of this section, a lifestyle center is a retail-oriented center of superior design quality that serves the retail needs and lifestyle pursuits of consumers in the area. Lifestyle centers shall have an open air configuration and shall include a mix of large, medium and small tenant spaces with at least one, but no more than three, anchor tenants of at least 30,000 square feet of floor area each. A lifestyle center may include restaurants, family-oriented entertainment, apparel stores and other permitted uses in the B1, Neighborhood Business District, without the size limitations of that district, and may also include permitted uses in the B2, Community Business District, except those B2 uses specifically prohibited for a lifestyle center pursuant to Section 31-145(b)(4)g. Lifestyle centers shall include design elements that define their role as a multi-purpose, leisure-oriented, family-friendly destination such as water features, gathering areas, street furniture and well-developed landscaping within and along entrances, pedestrian areas and pathways, all of which

are intended to create a town center atmosphere. A lifestyle center shall be within one-half (½) mile of a residential property, but no residential uses shall be included in the lifestyle center itself. A lifestyle center shall encourage multi-modal access by incorporating a mass transit stop, convenient pedestrian crosswalks and bike racks.

* * *

(3) *Conditional Uses.* The following uses may be established if first approved as a conditional use:

- a. Those uses permitted in the RMF3 District, except that residential uses may not be established in a lifestyle center.
- b. Indoor commercial recreation uses including, but not limited to: theatre, bowling center, miniature golf or skating rink.
- c. Wine bars with food service.

* * *

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

- a. Any use not specifically permitted.
- b. Adult entertainment establishments.
- c. Sale of goods to other than the ultimate consumer.
- d. Sales, purchases, display or storage of used merchandise other than antiques and jewelry.
- e. Sale of fruit or merchandise from trucks, wagons or other vehicles parked on or along public or private streets or from open stands or vacant lots. Such business on private or public property shall be conducted only from within approved permanent substantial buildings.
- f. Any drive-through service facility, except a drive-through service facility may be permitted for outparcel buildings in a lifestyle center.
- g. The following B2, Community Business District, permitted uses are prohibited in a lifestyle center:

Auditoriums; Automobile new parts and equipment, sales only; bait and tackle shops; billiard rooms and pool rooms; dry cleaning establishments where dry cleaning is performed on site; lawn mowers, retail, sales and service; mortuaries or funeral homes;

motorcycle sales and repair; liquor package stores; bars and lounges that are not part of a restaurant; nightclubs; office parks; automatic and hand car washes; hotels, motels and time share units.

h. Residential uses in a lifestyle center.

* * *

(5) *Site development standards.*

* * *

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

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

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

* * *

(9) *Performance Standards.* Any structure parking serving the primary use on the site shall be incorporated into the building envelope and shall be compatibly designed. Structured parking in a lifestyle center is exempted from the foregoing standard. Such parking structure shall comply with all minimum setback and buffer yard requirements. Parking structure ceiling heights shall be seven feet six inches except where greater heights may be required by other regulatory agencies. Pipes, ducts and mechanical equipment installed below the ceiling shall not be lower than seven feet zero inches above finished floor.

(10) *Design Standards.* All mixed use development in the TC1 Zoning District shall substantially comply with the applicable "Town Center Design Guidelines" as provided by the City Manager. All lifestyle center development in the TC1 Zoning District shall

substantially comply with the "Lifestyle Center in Town Center District Design Guidelines" dated July, 2012, provided by the City Manager.

* * *

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

Section 4. Inclusion in the Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Aventura; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

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

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

Commissioner Zev Auerbach	_____
Commissioner Bob Diamond	_____
Commissioner Michael Stern	_____
Commissioner Billy Joel	_____
Commissioner Luz Urbaz Weinberg	_____
Vice Mayor Teri Holzberg	_____
Mayor Susan Gottlieb	_____

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

Commissioner Zev Auerbach	_____
Commissioner Bob Diamond	_____
Commissioner Michael Stern	_____
Commissioner Billy Joel	_____
Commissioner Luz Urbaez Weinberg	_____
Vice Mayor Teri Holzberg	_____
Mayor Susan Gottlieb	_____

PASSED on first reading this 4th day of September, 2012.

PASSED AND ADOPTED on second reading this 2nd day of October, 2012.

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

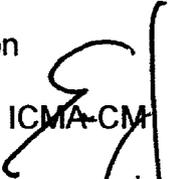
This Ordinance was filed in the Office of the City Clerk this ____ day of _____, 2012.

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 15, 2012

SUBJECT: General Housekeeping Updates to the City Code
(02-LDR-12)

September 4, 2012
September 4, 2012
October 2, 2012

Local Planning Agency Agenda Item 4-B
City Commission Meeting Agenda Item 7-B
City Commission Meeting Agenda Item

RECOMMENDATION

It is recommended that the City Commission approve staff's request for updates to the Code of Ordinances ("City Code") detailed in this report and provided in the accompanying ordinance.

THE REQUEST

City staff is recommending general housekeeping updates to the City Code. These updates are recommended as a result of recent changes in legislation, and for consistency, clarification and for ease of use of the City Code by its readers. The specific proposals are as follows:

1. Building Code References

Section 14-31 of Chapter 14, "Buildings and Building Regulations", of the City Code states that "...the South Florida Building Code, as amended from time to time, is hereby adopted as the uniform building code for the City." The South Florida Building Code has been superseded by the Florida Building Code, consistent with Chapter 553, Florida Statutes, and as most recently updated in March of 2012. There are also references to the South Florida Building Code in other sections of the Code. Staff recommends that all references

in the City Code to the “South Florida Building Code” be updated to “Florida Building Code”.

2. Opinion of Title

Section 31-78, “Subdivision Plat Approval” and Section 31-79, “Administrative Site Plan Review”, refer to a requirement for an “ownership and encumbrance report”, which describes the legal title for the property subject to the application. This language has caused confusion to developers in the past. Staff recommends that this language be updated to refer to the more commonly used reference, “opinion of title”.

3. Flood Prevention Chapter Update for Consistency with LDR Language

Section 30-167 of the City Code contains provisions for flood hazard reduction. Subsection 30-167(b) contains specific standards for A-zone flood hazard areas. It provides that new construction or substantial improvement of any residential or non-residential building shall have the lowest floor elevated *no lower than the base flood elevation*. However, Section 31-232(7)(b)(1), “Subdivision Design Standards”, of the Land Development Regulations, provides that the lowest floor elevation must be *no lower than one foot above base flood elevation or 18 inches above the highest point of the adjacent road crown elevation, whichever is higher*. Although existing Code provisions allow staff to enforce the stricter requirement provided in Section 31-232(7)(b)(1), staff recommends that both sections contain uniform language for consistency.

4. Revision of the Statutory Reference in Section 31-53, “Amendments to the Comprehensive Plan”

Subsection (4) of this section provides that public hearings shall be held in compliance with Section 163.3184(15), Florida Statutes, as amended. This section number was correct when first inserted on adoption of the Land Development Regulations in 1999; however, the state legislation section numbering has changed since that time and the reference should now be revised to Section 163.3184(11), Florida Statutes, to be consistent with the current statutory section numbering.

5. Phasing of Site Development

Section 31-79, “Administrative Site Plan Review”, does not contain any provision for phased development. There have been several developments in the past that requested phasing of the site plan approval and conditions were added to their site development approvals to accommodate their requests. Staff recommends that language be added to

Section 31-79 to provide that phased site plans be constructed within certain time limits. The proposed additions to existing text are shown in underlined text below:

Section 31-79. Administrative Site Plan Review.

...(i) *Approved plans.* An approved site plan shall remain valid for a period of 12 months from the date of approval. If the site plan approval provides for phasing of the development in two or more phases, the subsequent phases shall each remain valid for a period of 12 months from the date of the certificate of occupancy or temporary certificate of occupancy for the development included in the previous phase. If no building permit is issued within a 12 month time period, the site plan approval, including all subsequent phases shall be considered null and void. Additionally, if at any time building permits lapse, the site plan, including all phases thereof, shall be considered null and void. A six month extension of the effective time period for an approved site plan may be granted by the City Manager or his designee if he or she has determined that the applicant shows good cause for the delay in obtaining building permits, provided that the request for extension is filed prior to the date of the expiration of any site plan approval time period."

6. Parking Stall Details

After many reprints, the diagram of the typical parking space and typical stall details at "Figure 31-171(2)" in Section 31-171, "Off-Street Parking and Loading Standards" is not legible. Staff proposes to add a legible drawing, attached as Exhibit #1 to the proposed ordinance.

7. Size of Parallel Parking Space

Section 31-171, "Off-Street Parking and Loading Standards" regulates off-street parking. It does not include a minimum size requirement for parallel parking spaces. There has been site development in the past that provided parallel parking as part of its required parking spaces and the size of the approved space was based on the advice of the City's Traffic Engineer. Staff recommends addition of a minimum parallel parking space size of 9 feet wide by 23 feet long to Section 31-171, "Off-Street Parking and Loading Standards" for clarification for future developments.

8. Landscaping of Parking Lot Interior Islands

This recommendation is based on a suggestion received from a City resident. Section 31-221(i) contains minimum landscape design standards. For interior islands in surface parking lots, this section requires that the islands be planted with one tree and the remainder be landscaped with grass or ground cover. In several developments, the

ground cover is made up of dense, low shrubbery which makes it difficult to open a car door or to maneuver around the vehicle without crushing the shrubs. Staff's recommendation is to add language to provide that landscaping of interior islands shall be designed and maintained so as not to impede movements in and out of vehicles.

9. Water Supply Level of Service Standards

The level of service standards for water supply adopted into the Comprehensive Plan through Ordinance No. 2009-14 should now be incorporated in Section 31-239, "Compliance with Comprehensive Plan", specifically in Section 31-239(f)(1), Potable Water. The proposed additions to existing text are shown in underlined text below:

Section 31-239. Compliance with Comprehensive Plan

...(f) *Level of Service Standards.* The following level of service standards contained in the adopted Comprehensive Plan shall be maintained.

(1) *Potable Water.*

Area Served by Miami-Dade Water & Sewer Department

(a) The treatment system shall operate with a rated maximum daily capacity which is no less than 2 percent above the maximum daily flow for the preceding year, and an average daily capacity 2 percent above the average daily per capita system demand for the preceding 5 years.

(b) Water shall be delivered to users at a pressure no less than 20 pounds per square inch (psi) and no greater than 100 psi. Unless otherwise approved by the Miami-Dade Fire Department, minimum fire flow based on the land use served shall be maintained as follows:

<i>Land Use</i>	<i>Min. Fire Flow</i>
Single Family Residential/Estate	500 gal/min
Single Family, Duplex, and Residential on minimum	750 gal/min lots of 7,500 sf ² .
Multi-Family Residential	1,500 gal/min
Semiprofessional Offices, Hospitals, Schools	2,000 gal/min
Business and Industry	3,000 gal/min

(c) Water quality shall meet all federal, State and County primary standards for potable water.

(d) System-wide storage capacity for finished water shall equal no less than 15 percent of the system average daily demand.

Area Serviced by North Miami Beach

Potable Water: The City's water system shall provide 144 gallons per person per day at a pressure of 40 pounds per square inch (psi). The City attempts to maintain a water pressure of 40 pounds per square inch (psi) although 20 psi is the legal minimum.

ANALYSIS OF PROPOSED AMENDMENTS

**Section 31-77, Land Development Regulations
Standards for reviewing proposed amendments to the text of the LDR:**

1. *The proposed amendment is legally required.*

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

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

The proposed amendment is consistent with the goals and objectives of the Comprehensive Plan. The Comprehensive Plan provides that development and redevelopment of the City shall conform to the standards established in the Land Development Regulations.

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

The proposed amendment is consistent with the authority and purpose of the Land Development Regulations. "The purpose of the LDRs is to implement further the Comprehensive Plan of the City by establishing regulations, procedures and standards for review and approval of all development and uses of land and water in the City. Further, the LDRs are adopted in order to foster and preserve public health, safety and welfare and to aid in the harmonious, orderly and progressive development and redevelopment of the City..." The proposed amendment is consistent with this purpose. The proposed amendment will establish regulations and standards for review and provide for necessary updates and clarifications to aid in the harmonious, orderly and progressive development and redevelopment of the City.

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

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

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

The proposed amendment improves the administration or execution of the development process in that it provides for an update and clarification of existing Code procedures, regulations and standards and for consistency with applicable statutory standards.

ORDINANCE NO. 2012- _____

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING THE CODE OF ORDINANCES BY CHANGING ALL REFERENCES IN THE CODE FROM "SOUTH FLORIDA BUILDING CODE" TO "FLORIDA BUILDING CODE"; AMENDING SECTION 30-165 "GENERAL PROVISIONS" AND SECTION 30-167 "PROVISIONS FOR FLOOD HAZARD REDUCTION" OF ARTICLE IV "FLOODS" OF CHAPTER 30 "ENVIRONMENT" TO PROVIDE FOR INTERNAL CONSISTENCY AND UPDATED CROSS-REFERENCES; AMENDING ALL REFERENCES IN CHAPTER 31 "LAND DEVELOPMENT REGULATIONS" TO CHANGE THE REQUIREMENT OF AN "OWNERSHIP AND ENCUMBRANCE REPORT" TO AN "OPINION OF TITLE"; AMENDING SECTION 31-53 "AMENDMENTS TO THE COMPREHENSIVE PLAN" OF CHAPTER 31 "LAND DEVELOPMENT REGULATIONS" TO UPDATE A REFERENCE TO THE APPLICABLE SECTION OF THE FLORIDA STATUTES; AMENDING SECTION 31-79 "ADMINISTRATIVE SITE PLAN REVIEW" OF CHAPTER 31 "LAND DEVELOPMENT REGULATIONS" TO PROVIDE FOR TIME LIMITS TO COMPLETE THE PHASES OF DEVELOPMENT OF A PHASED SITE PLAN; AMENDING SECTION 31-171 "OFF-STREET PARKING AND LOADING STANDARDS" OF CHAPTER 31 "LAND DEVELOPMENT REGULATIONS" TO UPDATE THE PARKING STALL DIMENSION FIGURE AND TO ADD THE REQUIRED SIZE OF A PARALLEL PARKING SPACE; AMENDING SECTION 31-221, "LANDSCAPING REQUIREMENTS" TO UPDATE MINIMUM LANDSCAPE DESIGN STANDARDS FOR INTERIOR ISLANDS IN PARKING LOTS; AND AMENDING SECTION 31-239, "COMPLIANCE WITH COMPREHENSIVE PLAN" TO UPDATE THE LEVEL OF SERVICE STANDARDS FOR POTABLE WATER; 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 Florida Statutes; and

WHEREAS, the City Commission desires to provide for a minimum size requirement for parallel parking spaces; and

WHEREAS, the City Commission recognizes the need to update the water supply level of service standards within the Land Development Regulations, for consistency with the Comprehensive Plan; and

WHEREAS, the City Commission desires to provide for standards for timing of development, and expiration of phased site plan approvals; and

WHEREAS, the City Commission further desires to provide for revision to the minimum landscape standards applicable to interior landscaped islands in surface parking lots; 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. All references in the Code of Ordinances to the "South Florida Building Code" are hereby amended to "Florida Building Code" for consistency with Chapter 553, Florida Statutes.

Section 3. City Code Amended. Section 30-165 "General Provisions" and Section 30-167 "Provisions for Flood Hazard Reduction" of Division 2 "Flood Damage Prevention" of Article IV "Floods" of Chapter 30 "Environment" of the Code of Ordinances is hereby amended to read as follows:

Section 30-165. General Provisions.

* * *

(b) *Basis for establishing the area of special flood hazard.* The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study and Flood Insurance Rate Maps for ~~Dade County, Florida~~, Miami-Dade County, Florida and incorporated areas, dated ~~March 2, 1994~~, "Revised: September 11, 2009", with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and

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

declared to be a part of this division. ~~All~~ The majority of lands within the City are within an area of special flood hazard.

* * *

Section 30-167. Provisions for Flood Hazard Reduction.

* * *

(b) *Specific standards for A-zoned flood hazard areas.*

- (1) *Residential construction.* New construction or substantial improvement of any residential building (or manufactured home) shall be the lowest floor, together with all mechanical and electrical equipment, including duct work, and including any basement, elevated no lower than one foot above the base flood elevation or 18 inches above the highest point of the adjacent road crown elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with Section 30-167(b)(3). The floor of an attached garage may be placed below the base flood elevation, provided the openings required in Section 30-167(b)(3) are installed and all mechanical and electrical equipment, including laundry facilities and food freezers, are elevated above base flood elevation.
- (2) *Non-residential construction.* New construction or substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, together with all mechanical and electrical equipment, including duct work, and including any basement, elevated no lower than one foot above the base flood elevation or 18 inches above the highest point of the adjacent road crown elevation, whichever is higher. The floor of an attached garage or loading dock may be placed below the base flood elevation, provided the openings required in Section 30-167(b)(3) are installed and all mechanical and electrical equipment are elevated above the base flood elevation. Buildings may be floodproofed to an elevation of one foot above the required base flood elevation noted above, or 18 inches above the highest point of the adjacent road crown elevation, whichever is higher, in lieu of being elevated, provided that all areas of the building below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 30-166(c)(4).

* * *

Section 4. City Code Amended. Section 31-53 "Amendments to the Comprehensive Plan" of Article IV "Comprehensive Plan" of Chapter 31 "Land Development Regulations" of the Code of Ordinances is hereby amended to read as follows:

Section 31-53. Amendments.

* * *

(4) *Notice of public hearings.* Public hearings shall be held in compliance with F.S. § ~~163.3184(15)~~ 163.3184(11), as amended, and the provisions of this chapter.

* * *

Section 5. City Code Amended. Section 31-78 "Subdivision Plat Approval" and Section 31-79 "Administrative Site Plan Review" of Article V "Development Review Procedures" of Chapter 31 "Land Development Regulations" of the Code of Ordinances is hereby amended to read as follows:

Sec. 31-78. Subdivision plat approval.

* * *

(2) Additional required information. In addition to the plat and application form, the applicant shall submit the following information:

- a. A complete and current ~~ownership and encumbrances report~~ opinion of title.

* * *

(3) Additional information to be provided at option of director. In addition to the information required with all tentative plat applications, the Community Development Director may request the following information if it is determined necessary to ascertain the adequacy of public facilities and consistency with the Comprehensive Plan or LDRs:

- a. A sealed current topographic survey ("plat survey"). The plat survey shall cover the entire area being platted and extend a minimum of 100 feet beyond the plat limits. The surveyor shall certify that the survey meets the requirements of this section. The plat survey shall contain at a minimum the following information:

* * *

5. All encumbrances and restrictions specified within the ~~owner and encumbrance report~~ opinion of title.

* * *

Sec. 31-79. Administrative site plan review.

* * *

(e) *Preliminary site plan submission requirements.* An application for preliminary site plan review shall include 12 sets of folded and collated plans containing the following:

(1) On-site sealed current (within 30 days) survey prepared by a Florida registered land surveyor, certified as to meeting the requirements of Chapter 21HH-6, Florida Administrative Code. At a minimum the survey shall show the property's topography, water bodies, easements, rights-of-way, existing structures and paved areas. This survey shall be based upon the ownership and encumbrance report opinion of title and shall so be stated on the survey itself.

* * *

(i) *Approved plans.* An approved site plan shall remain valid for a period of 12 months from the date of approval. If the site plan approval provides for phasing of the development in two or more phases, the subsequent phases shall each remain valid for a period of 12 months from the date of the certificate of occupancy or temporary certificate of occupancy for the development included in the previous phase. If no building permit is issued within a 12 month time period, the site plan approval, including all subsequent phases shall be considered null and void. Additionally, if at any time building permits lapse, the site plan, including all phases thereof, shall be considered null and void. A six month extension of the effective time period for an approved site plan may be granted by the City Manager or his designee if he or she has determined that the applicant shows good cause for the delay in obtaining building permits, provided that the request for extension is filed prior to the date of the expiration of any site plan approval time period.

Section 6. City Code Amended. Section 31-171 "Off-Street Parking and Loading Standards" of Article VIII "Off-Street Parking, Loading and Driveway Standards" of Chapter 31 "Land Development Regulations" is hereby amended to insert a legible copy of Figure 31-171(2), attached as Exhibit #1 to this Ordinance, illustrating existing required dimensions of a parking stall, and also to read as follows:

Section 31-171. Off-Street Parking and Loading Standards.

* * *

(a) *General.* Every building, use or structure, instituted or erected after the effective date of this chapter shall be provided with off-street parking facilities in accordance with the provisions of this section for the use of occupants, employees, visitors or patrons. Such off-street parking facilities shall be maintained and continued as an accessory use as long as the main use is continued.

* * *

(6) *Size and character of required parking.* The following design requirements shall be observed for off-street parking:

- a. *Size; parking stalls.* Each parking space required and provided pursuant to the provisions of this article shall be not less than nine feet in width and 18 feet in length, except as noted in subsection 31-171(a)(6)i. Where parallel parking spaces are used, each parallel parking space shall be not less than nine feet in width and 23 feet in length.

* * *

Section 7. City Code Amended. Section 31-221 "Landscaping Requirements" of Article X "Landscaping Requirements" of Chapter 31 "Land Development Regulations" is hereby amended to read as follows:

Section 31-221. Landscape Requirements.

* * *

(j) *Minimum Design Standards.* The following shall apply to all developments requiring site plan or permit approval except for single and two-family dwellings

(3) Interior landscape requirements. Within the interior of any vehicular use area (total area less required perimeter buffer strips), the following shall be required:

(a) When the interior of any vehicular use area is designed for off-street parking purposes, the following shall be provided:

* * *

2. *Interior Islands.* Landscaped interior island shall be seven feet in width (excluding curbing) and not less than 90 square feet each in area and shall be placed within individual rows of contiguous parking spaces so that there is not less than one island for every nine parking spaces, or portion thereof and shall continue for the full length of the contiguous parking space. At least one tree shall be planted in every interior island and the remainder of the island shall be landscaped with grass or ground cover. Ground cover in interior islands

shall be designed and maintained so as not to impede movements in and out of vehicles. Interior islands should not be placed directly opposite each other when in abutting parking rows. Any arrangement which creates a non-regimented appearance, relieves monotony, increases tree canopy and fulfills the requirements of this article may be approved by the Director or designee.

Section 8. City Code Amended. Section 31-239 "Compliance with Comprehensive Plan" of Article XI "Development Standards of General Applicability" of Chapter 31 "Land Development Regulations" is hereby amended to read as follows:

Section 31-239. Compliance with Comprehensive Plan

* * *

(f) *Level of Service Standards.* The following level of service standards contained in the adopted Comprehensive Plan shall be maintained.

* * *

(1) *Potable Water.*

Area Serviced by Miami-Dade Water & Sewer Department

(a) The treatment system shall operate with a rated maximum daily capacity which is no less than 2 percent above the maximum daily flow for the preceding year, and an average daily capacity 2 percent above the average daily per capita system demand for the preceding 5 years.

(b) Water shall be delivered to users at a pressure no less than 20 pounds per square inch (psi) and no greater than 100 psi. Unless otherwise approved by the Miami-Dade Fire Department, minimum fire flow based on the land use served shall be maintained as follows:

<i>Land Use</i>	<i>Min. Fire Flow</i>
Single Family Residential/Estate	500 gal/min
Single Family, Duplex, and Residential on minimum	750 gal/min lots of 7,500 sf ² .
Multi-Family Residential	1,500 gal/min
Semiprofessional Offices, Hospitals, Schools	2,000 gal/min
Business and Industry	3,000 gal/min

(c) Water quality shall meet all federal, State and County primary standards for potable water.

(d) System-wide storage capacity for finished water shall equal no less than 15 percent of the system average daily demand.

Area Serviced by North Miami Beach

Potable Water: The City's water system shall provide 144 gallons per person per day at a pressure of 40 pounds per square inch (psi). The City attempts to maintain a water pressure of 40 pounds per square inch (psi) although 20 psi is the legal minimum.

Section 9. 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 10. 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 11. 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 Zev Auerbach _____
Commissioner Bob Diamond _____
Commissioner Michael Stern _____
Commissioner Billy Joel _____
Commissioner Luz Urbaez Weinberg _____
Vice Mayor Teri Holzberg _____
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 Zev Auerbach _____
Commissioner Bob Diamond _____
Commissioner Michael Stern _____
Commissioner Billy Joel _____
Commissioner Luz Urbaez Weinberg _____
Vice Mayor Teri Holzberg _____
Mayor Susan Gottlieb _____

PASSED on first reading this 4th day of September, 2012.

PASSED AND ADOPTED on second reading this 2nd day of October, 2012.

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, 2012.

CITY CLERK

