

The City of Aventura



19200 West Country Club Drive Aventura, FL

City Commission Workshop Meeting

May 16, 2013
9:00 A.M.

Executive Conference Room

AGENDA

1. ***Town Center Neighborhood District TC3 - Amendment to LDR****
Developer Request to Establish New Zoning Category
2. ***Community Garden Proposal (City Manager)***
3. ***School Update (Mayor Gottlieb & City Manager)***
4. ***Adjournment***

*** Back-up Information Exists**

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.

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: May 9, 2013

SUBJECT: Proposed Amendment to Section 31-145 of the Land Development Regulations to add Town Center Neighborhood (TC3) District

May 16, 2013 City Commission Workshop

I. THE REQUEST

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

II. BACKGROUND

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

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

with the RMF3 and B1 zoning district, but also recognizes the marine industry uses as permitted uses.

III. THE PROPOSAL

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

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

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

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

...

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

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

(2) Uses Permitted. No building or structure, or part thereof, shall be erected, altered or used, or land used in whole or part for other than a combination of all of the

following specific uses, provided the requirements set forth elsewhere in this section are satisfied:

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

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

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

d. Hotels, with a minimum of 200 rooms and with a minimum gross floor area of a rental sleeping room, which includes all areas to be individually rented by a customer, of 400 square feet.

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

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

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

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

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

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

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

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

1. Be of 550 gallons capacity or less.

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

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

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

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

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

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

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

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

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

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

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

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

j. All uses permitted in the CF District.

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

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

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

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

(6) Site development standards.

- a. Minimum lot size: 5 gross acres.
- b. Minimum lot width: 100 feet.
- c. Maximum lot coverage: 45 percent of total lot area, provided that if eighty (80%) percent or more of the required parking spaces is provided in a parking structure, lot coverage may be increased to a maximum of 55 percent of the total lot area.
- d. Maximum floor density:
 - 1. Residential component: 20 dwelling units per gross acre.
 - 2. Nonresidential component: 2.0 floor area ratio.
- e. Maximum height: Four stories or 50 feet, including parking structures.
- f. Setbacks:
 - 1. Front: 25 feet.
 - 2. Side: There is no side yard setback required for a lot that is not adjacent to a street or alley, unless such setback is necessary to provide

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

3. Street Side: 20 feet.

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

5. Rear Street: 20 feet.

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

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

Multiple-family dwelling unit:

Efficiency unit: 800 square feet.

One bedroom unit: 900 square feet.

Two bedroom unit: 1050 square feet.

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

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

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

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

(8) Allocation of interior space for Mixed-Use Structures. Retail stores, personal services, banks and financial services, indoor commercial recreation uses, restaurants

and coffee houses, schools, nursery schools and child care centers are allowed only on the ground floor of mixed-use buildings. Offices and medical offices are allowed only on the ground and second floors. Residential uses are allowed only on the second or higher floors. In accordance with Section 31-145(c)(4)(e), conditional use approval may be granted to authorize a waiver from such requirements for allocations of interior space in mixed-use structures.

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

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

IV. ANALYSIS OF THE REQUEST

The request presents a policy decision as to whether this new mixed-use category is desirable for the City. The City Attorney's office has reviewed the proposed section and approved it for legal sufficiency. The amendment would require an application for amendment to the text of the Land Development Regulations. That application would be processed using the criteria for amendment to the text of the Land Development Regulations in Section 31-77 of the City Code.

