

City Commission

Enid Weisman, Mayor
Teri Holzberg, Commissioner
Denise Landman, Commissioner
Dr. Linda Marks, Commissioner
Marc Narotsky, Commissioner
Robert Shelley, Commissioner
Howard Weinberg, Commissioner



City Manager

Eric M. Soroka, ICMA-CM

City Clerk

Ellisa L. Horvath, MMC

City Attorney

Weiss Serota Helfman
Cole & Bierman

**LOCAL PLANNING AGENCY
MEETING AGENDA
NOVEMBER 1, 2016
6:00 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: September 6, 2016**
4. **PUBLIC HEARING: MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCES:**
 - A. **AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING SECTION 31-144 "BUSINESS ZONING DISTRICTS" OF THE CITY'S LAND DEVELOPMENT REGULATIONS BY AMENDING SECTION 31-144(C)(5)A., COMMUNITY BUSINESS (B2) DISTRICT TO ALLOW INCREASED LOT COVERAGE FOR SHOPPING CENTERS WITH MORE THAN 1,000,000 SQUARE FEET OF GROSS LEASABLE AREA, WITH HEIGHT NOT GREATER THAN FIVE STORIES AND THAT ENTER INTO AN AGREEMENT WITH THE CITY TO PROVIDE MAJOR TRANSPORTATION IMPROVEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**
 - B. **AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING SECTION 31-144 "BUSINESS ZONING DISTRICTS" OF ARTICLE VII "USE REGULATIONS" OF CHAPTER 31 "LAND DEVELOPMENT REGULATIONS" OF THE CITY CODE, BY AMENDING SECTION 31-144(f) "MEDICAL OFFICE (MO) DISTRICT" OF THE CITY'S LAND DEVELOPMENT REGULATIONS BY AMENDING SECTION 31-144(f)(1), "USES PERMITTED", BY AMENDING SECTION 31-144(f)(2), "CONDITIONAL USE" AND BY AMENDING SECTION 31-144(f)(3), "USES PROHIBITED"; 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. One or more members of the City of Aventura Advisory Boards may be in attendance and may participate at the meeting. Anyone wishing to appeal any decision made by the Aventura City Commission 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 W. 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.



**MINUTES
LOCAL PLANNING AGENCY
MEETING
SEPTEMBER 6, 2016 AT 6 PM**

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

- 1. CALL TO ORDER/ROLL CALL:** The meeting was called to order by Mayor Enid Weisman at 6:00 p.m. Present were the following: Mayor Enid Weisman, Vice Mayor Denise Landman, Commissioner Teri Holzberg, Commissioner Marc Narotsky, Commissioner Robert Shelley, Commissioner Howard Weinberg, City Manager Eric M. Soroka, City Clerk Ellisa L. Horvath, and City Attorney David M. Wolpin. As a quorum was determined to be present, the meeting commenced.
- 2. PLEDGE OF ALLEGIANCE:** The Pledge was previously done at the First Budget Hearing.
- 3. APPROVAL OF MINUTES:** A motion to approve the minutes of the July 12, 2016 minutes was offered by Commissioner Holzberg, seconded by Commissioner Narotsky, and unanimously passed by roll call vote.
- 4. PUBLIC HEARING: MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCE:** Mr. Wolpin read the following ordinance by title:

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING SECTION 31-144 "BUSINESS ZONING DISTRICTS" OF THE CITY'S LAND DEVELOPMENT REGULATIONS BY AMENDING SECTION 31-144(c)(2) AND SECTION 31-144(c)(5)b., COMMUNITY BUSINESS (B2) DISTRICT, TO ADD A CONDITIONAL USE FOR AUTOMOBILE PARKING GARAGES IN THE COMMUNITY BUSINESS (B2) DISTRICT WHEN LOCATED DIRECTLY ADJACENT TO AN AUTOMOBILE PARKING GARAGE LOCATED IN A MULTIFAMILY RESIDENTIAL ZONING DISTRICT AND TO CLARIFY THE HEIGHT RESTRICTION IN THE B2 DISTRICT SITE DEVELOPMENT STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Wolpin noted that the staff report and any comments provided would be included in the record for the same item on the regular Commission Meeting Agenda.

A motion to recommend adoption of the Ordinance was offered by Commissioner Narotsky and seconded by Commissioner Holzberg.

Community Development Director Joanne Carr addressed the Commission and entered the staff report into the record, which recommended approval, pursuant to Section 2 of the Ordinance.

The following addressed the Commission representing the Applicant: Stanley Price, Esq. – Bilzin Sumberg Baena Price & Axelrod LLP (1450 Brickell Avenue, Suite 2300, Miami).

Mayor Weisman opened the public hearing. There being no speakers, the public hearing was closed.

Commissioner Shelley disclosed that Bilzin Sumberg Baena Price & Axelrod LLP represents him privately on certain business matters.

The motion to recommend adoption of the Ordinance was unanimously passed, by roll call vote.

5. **ADJOURNMENT:** There being no further business to come before the Local Planning Agency, a motion to adjourn was offered by Commissioner Narotsky, seconded by Commissioner Holzberg and unanimously passed; thereby, adjourning the meeting at 6:11 p.m.

Ellisa L. Horvath, MMC, City Clerk

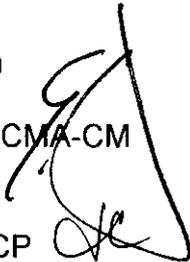
Approved by the Local Planning Agency on November 1, 2016.

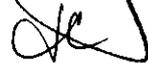
CITY OF AVENTURA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: City Commission

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

BY: Joanne Carr, AICP 
Community Development Director

DATE: October 27, 2016

SUBJECT: Application to Amend Section 31-144(c)(5)a.4 of the Land Development Regulations to add a provision for increased lot coverage for specific uses (05-LDR-16)

November 1, 2016 Local Planning Agency Agenda Item 4A
November 1, 2016 City Commission Meeting Agenda Item 7A
November 17, 2016 City Commission Meeting Agenda Item

RECOMMENDATION

It is recommended that the City Commission approve the request for an amendment to Section 31-144(c)(5)a.4 of the Community Business (B2) District of the Land Development Regulations to add to that section, a provision for an increase in lot coverage by an amount up to 3 percent, to a maximum of 48% of the total lot area, for parcels that include one or more shopping center buildings that contain more than 1,000,000 square feet of gross leasable area and do not exceed five stories in height, if the parcel owner(s) enter into an agreement with the City to provide major transportation improvements that are recommended by the City Manager and that may include linkage to railway passenger service and/or other linkage to a regional transportation facility.

THE REQUEST

The requested increase in lot coverage results from a dispute between the two owners of the Aventura Mall parcel. Each owner is asserting development rights to its individual parcel. As a resolution to that dispute, City staff is recommending approval of an ordinance to allow a lot coverage increase from 45%, up to a maximum of 48% for parcels that include one or more shopping center buildings containing more than 1,000,000 square feet of gross leasable area and do not exceed five stories in height with the

condition that the owners enter into an agreement with the City to provide major transportation improvements that are recommended by the City Manager. The improvements may consist of a link to railway passenger service and/or other linkage to a regional transportation facility. The agreement must be in a form satisfactory to the City Manager and City Attorney and will not be effective unless approved by motion or resolution of the City Commission.

This matter was discussed at the September 15, 2016 City Commission workshop.

BACKGROUND

The overall Aventura Mall site consists of approximately 97.96 acres. Approximately 85.66 acres is owned by Aventura Mall Venture and the remaining 12.30 acres is owned by Seritage Growth Properties (formerly Sears). The Aventura Mall Venture expansion is currently under construction. Seritage has applied for administrative site plan approval to redevelop its site. The two plans combined propose an overall lot coverage of 48%. Maximum lot coverage currently allowed by Section 31-144(c)(5)a.4 of the City Code is 45%.

DESCRIPTION OF THE PROPOSED AMENDMENT

The proposed amendment to the Community Business (B2) District follows in underlined text:

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

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

...

(5) *Site development standards.*

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

4. For parcels that include one or more shopping center buildings, the maximum lot coverage shall not exceed 45% of the total lot area, provided that such shopping center buildings contain more than 1,000,000 square feet of gross leasable area and do not exceed five stories in height and that the shopping center building provides a centralized multi-modal transportation facility which is enclosed

within a parking structure, and which may be used by: City transit providers, County transit providers, any other governmental entities requesting use of the facility and private transit providers. The maximum lot coverage may be increased by an amount up to 3 percent, to a total not exceeding 48% of the total lot area, if the parcel owner(s) enter into an agreement with the City to provide major transportation improvements that are recommended by the City Manager and that may include linkage to railway passenger service and/or other linkage to a regional transportation facility. Such agreement shall allocate the additional lot coverage obtained under this section, shall be in a form satisfactory to the City Manager and City Attorney, and shall not be effective unless approved by motion or resolution of the City Commission.

ANALYSIS

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 business and office land use designation is described in the Future Land Use Element of the City's Comprehensive Plan. This category provides that "...the specific range and intensity of uses applicable in a particular Business and Office property is dependent upon the particular land use, design, urban services, transportation, environmental and social conditions on and around the subject property, including consideration of applicable goals, objectives and policies of the Plan. The Transportation Goal in the Transportation Element of the City's Comprehensive Plan includes the goal to provide a safe and efficient multimodal transportation system to serve the needs of the City. This proposed amendment is consistent with both the language of the Business and Office future land use category and with the Transportation Goal in that the amendment requires that the parcel owner(s) enter into an agreement with the City to provide major transportation improvements that will enhance a safe and efficient transportation system within the City.

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 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 regulation and a process by which to approve development or redevelopment of a property within the Community Business District.

ORDINANCE NO. 2016-_____

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING SECTION 31-144 "BUSINESS ZONING DISTRICTS" OF THE CITY'S LAND DEVELOPMENT REGULATIONS BY AMENDING SECTION 31-144(C)(5)A., COMMUNITY BUSINESS (B2) DISTRICT TO ALLOW INCREASED LOT COVERAGE FOR SHOPPING CENTERS WITH MORE THAN 1,000,000 SQUARE FEET OF GROSS LEASABLE AREA, WITH HEIGHT NOT GREATER THAN FIVE STORIES AND THAT ENTER INTO AN AGREEMENT WITH THE CITY TO PROVIDE MAJOR TRANSPORTATION IMPROVEMENTS; 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 31-144 "Business Zoning Districts" of Chapter 31 "Land Development Regulations" of the Code of Ordinances ("City Code") to provide that lot coverage may be increased by an amount up to 3%, to a total of 48% of the total lot area, for parcels that include one or more shopping center buildings with more than 1,000,000 square feet of gross leasable area and do not exceed five stories in height, if the parcel owner(s) enter into an agreement with the City to provide major transportation improvements in the City; and

WHEREAS, the Business and Office future land use category applicable to the proposed amendment provides that "...the specific range and intensity of uses applicable in a particular Business and Office property is dependent upon the particular land use, design, urban services, transportation, environmental and social conditions on and around the subject property, including consideration of applicable goals, objectives and policies of the Plan..."; and the Transportation Goal in the Transportation Element of the City's Comprehensive Plan is "...to provide a safe and efficient multimodal transportation system to serve the needs of the City..."; and

WHEREAS, the City Commission finds that the proposed amendment to Section 31-144 of the City Code to provide increased lot coverage for large-scale shopping

center parcels that provide major transportation improvements is consistent with the applicable goals, objectives and policies of the City's Comprehensive Plan; and

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

WHEREAS, the Local Planning Agency has reviewed the proposed amendment during 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 31-144 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 31-144 "Business Zoning Districts" of Article VII "Use Regulations" of Chapter 31 "Land Development Regulations" of the City Code is hereby amended to read as follows¹:

* * *

Sec. 31-144. – Business Districts.

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

(5) *Site development standards.*

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

1. For all buildings: Any structure 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.

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

3. For shopping center buildings with more than 1,000,000 square feet of gross leasable area that provide public amenities including, but not limited to, public plazas, fountains or other water features, seating areas and recreational walking areas and that do not exceed five stories in height, the minimum landscaped open space shall be 15 percent of the total lot area. Said open space shall be extensively landscaped with grass, trees and shrubbery in accordance with a landscape plan to be approved by the City Manager. The non-leasable

¹ Underlined provisions constitute proposed additions to existing text. Strikethrough provisions constitute proposed deletions to existing text.

areas within enclosed or non-enclosed malls which are landscaped with grass, trees and/or shrubbery, water areas therein, and areas therein with permanent art display areas may be used as part of the required landscaped open space provided such areas do not exceed ten percent of the required landscaped open space.

4. For parcels that include one or more shopping center buildings, the maximum lot coverage shall not exceed 45% of the total lot area, provided that such shopping center buildings contain more than 1,000,000 square feet of gross leasable area and do not exceed five stories in height, and that the shopping center building provides a centralized multi-modal transportation facility which is enclosed within a parking structure, and which may be used by City transit providers, County transit providers, any other governmental entities requesting use of the facility and private transit providers. The maximum lot coverage may be increased by an amount up to 3 percent, to a total not exceeding 48% of the total lot area, if the parcel owner(s) enter into an agreement with the City to provide major transportation improvements that are recommended by the City Manager and that may include linkage to railway passenger service and/or other linkage to a regional transportation facility. Such agreement shall allocate the additional lot coverage obtained under this section, shall be in a form satisfactory to the City Manager and City Attorney, and shall not be effective unless approved by motion or resolution of the City Commission.

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

Commissioner Teri Holzberg	_____
Commissioner Denise Landman	_____
Commissioner Dr. Linda Marks	_____
Commissioner Marc Narotsky	_____
Commissioner Robert Shelley	_____
Commissioner Howard Weinberg	_____
Mayor Enid Weisman	_____

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 was as follows:

Commissioner Teri Holzberg	_____
Commissioner Denise Landman	_____
Commissioner Dr. Linda Marks	_____
Commissioner Marc Narotsky	_____
Commissioner Robert Shelley	_____
Commissioner Howard Weinberg	_____
Mayor Enid Weisman	_____

PASSED on first reading this 1st day of November, 2016.

PASSED AND ADOPTED on second reading this 17th day of November, 2016.

ENID WEISMAN, MAYOR

ATTEST:

ELLISA L. HORVATH, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

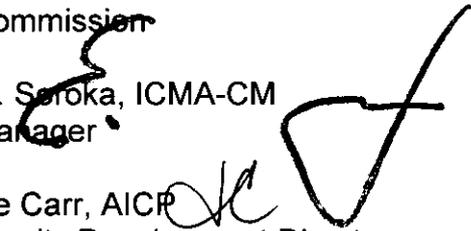
This Ordinance was filed in the Office of the City Clerk this ____ day of _____, 2016.

CITY OF AVENTURA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: City Commission

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

BY: Joanne Carr, AICP
Community Development Director 

DATE: October 27, 2016

SUBJECT: Application to Amend Section 31-144(f)(1), Section 31-144(f)(2) and Section 31-144(f)(3) of the Land Development Regulations to amend permitted uses, to add new conditional uses and amend prohibited uses in the Medical Office (MO) zoning district (04-LDR-16)

November 1, 2016 Local Planning Agency Agenda Item 4B
November 1, 2016 City Commission Meeting Agenda Item 1B
January 10, 2017 City Commission Meeting Agenda Item

RECOMMENDATION

It is recommended that the City Commission approve an amendment to Section 31-144(f)(1), Section 31-144(f)(2), and Section 31-144(f)(3) of the Medical Office (MO) District to amend permitted uses, to amend and add conditional uses and to amend prohibited uses in order to facilitate development of the district.

BACKGROUND

The Medical Office (MO) District encompasses properties lying in the triangle between Biscayne Boulevard to east, East Dixie Highway to the west, NE 206 Street to the south and NE 214 Terrace to the north. The district regulations were adopted in July of 1999 as part of the original Land Development Regulations. This district requires a minimum lot size of 1.5 acres for the properties lying north of NE 209 Street. The original plats of the area laid out 110 long by 33 wide, or 3300 square foot, lots and although several larger parcels have been assembled over the years, most of the remaining ownerships are less than the required 1.5 acres which has resulted in slow development.

City staff review of the current ownership pattern in the north portion of the Medical Office district shows that 21 of the 29 parcels are less than 1.5 acres. These 21 parcels range in

size from 0.07 acres to 1.23 acres. In order to facilitate development, City staff is recommending the following amendments and additions to the permitted, conditional and prohibited uses in the district.

These amendments and additions were discussed at the City Commission workshop meetings of September 15, 2016 and October 20, 2016.

DESCRIPTION OF THE PROPOSED AMENDMENT

The proposed amendment to Section 31-144(f)(1), *Uses Permitted*, Section 31-144(f)(2), *Conditional Use* and Section 31-144(f)(3), *Uses Prohibited*, of Chapter 31, Article VII., Use Regulations, follow. Proposed additions are shown in underlined text and proposed deletions are shown in stricken through text.

“Section 31-144 – Business Zoning Districts.

(f) Medical Office (MO) District.

(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:

- a. Business/professional offices.
- b. Hospitals (not to exceed 20 stories or 200 feet in height).
- c. Nursing homes.
- d. Medical laboratories.
- e. Laboratories for medical research and development, including the use of medical laboratory equipment and devices.
- f. Dental and medical offices.
- g. Banks, savings and loans (no drive-in tellers).
- h. Restaurants, ~~accessory to primary uses with~~ (no drive-in facilities), that are part of a non-residential or multifamily residential building
- i. Pharmacies, limited to drugs and medical supplies, except if first approved as a conditional use pursuant to Section 31-144(f)(2)o.
- j. Hotels, motels, resorts and time share units, subject to the following:
 1. The minimum plot area shall be 1.5 acres, except if first approved as a conditional use pursuant to Section 31-144(f)(2)n.
 2. The minimum floor area of a rental sleeping room in a motel or hotel, which includes all areas to be individually rented by a customer, shall be 300 square feet.
- k. Uses generally accessory to the above principal uses. Accessory uses are those uses that are associated with the principal use(s) and which provide service primarily to employees and patrons of the office park. The accumulative total of all accessory uses shall be limited to a maximum of 15

percent of the total gross interior square footage of the buildings proposed for the site. Such uses shall have no outside advertising.

I. ALF.

(2) *Conditional use.* The following uses if first approved as a conditional use:

- a. Business-related schools.
- b. Multi-family residential uses with a maximum density of 35 dwelling units per gross acre and with a minimum lot area of ~~two gross acres~~ between 1.0 to 1.5 acres, provided that a building permit for the development is obtained within 24 months of the date of conditional use approval. Failure to obtain a building permit within this time limit will void the conditional use approval.
- c. Uses that exceed the height limitations.
- d. Retail uses ~~with a minimum lot area of two gross acres~~ as part of a non-residential or multifamily residential development, when such retail uses do not exceed 15% of the total gross interior square footage of the building.
- e. Drive-through facility.
- f. Heliport landing site.
- g. Automobile parking garages, exceeding two stories but not over six stories in height, as a stand-alone use.
- h. All uses permitted in the CF District.
- i. For those properties lying between NE 206 Street to the south, NE 209 Street to the north, NE 28 Avenue to the east and East Dixie Highway to the west, the following additional uses may be permitted if first approved as a conditional use:
 1. Uses that exceed the maximum floor area ratio.
 2. Uses that do not meet the open space requirements of this district, upon payment of a fee-in-lieu of open space to be used for public park improvements. The amount of such fee shall be determined by the City Manager based on the appraised value of the land and the amount of reduction in open space requested, provided, however, that the amount of open space shall not be reduced below 15 percent of the total lot area and that the development complies with the Streetscape Design Standards of this section.
- j. Self-service storage facilities with a minimum lot area of 1.5 acres.
- 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.

m. For multifamily residential buildings in this district that attain LEED Gold or Platinum certification as provided in article VI of chapter 14 of the City Code, increased density to a maximum of 45 dwelling units per acre.

n. Pharmacies not limited to drugs and medical supplies.

o. Uses that do not meet the minimum lot area and width in Section 31-144(f)(4)a., provided that the lot area is no less than 1.0 acres, including right of way dedications, and provided that a building permit for the development is obtained within 24 months of the date of conditional use approval. Failure to obtain a building permit within this time limit will void the conditional use approval..

p. For those properties lying between NE 213 Street to the south, NE 214 Terrace to the north, NE 29 Avenue to the east and East Dixie Highway to the west, the following reduced yard setbacks may be permitted if first approved as a conditional use and provided that a building permit for the development is obtained within 24 months of the date of conditional use approval. Failure to obtain a building permit within this time limit will void the conditional use approval.

a. Minimum front yard setback shall be ten feet in depth for the first two stories of the structure and 15 feet in depth for any additional stories.

b. Minimum street side yard setback shall be ten feet in depth for the first two stories and 15 feet for additional stories.

c. Minimum rear yard setback shall be ten feet in depth.

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

a. Adult entertainment.

b. Retail uses ~~on a lot less than two gross acres~~ as a stand alone use.

c. Industrial uses.

ANALYSIS OF STANDARDS FOR REVIEW OF PROPOSED TEXT AMENDMENTS

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 revisions and additions to the Medical Office (MO) District.

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, specifically, Objective 1 and its measure of the Land Use Goal in the Future Land Use Element which states that “the Land Development Regulations shall provide a cohesive blueprint for development and redevelopment of the City that accommodates growth while maintaining the integrity of the built and natural environment.” The proposed amendment is also consistent with Objective 10 of the Land Use Goal which states that the City “shall continue to maintain, update and enhance the municipal code, administrative regulations and procedures, to ensure that future land use and development is consistent with the Plan and to promote better planned development and communities with well designed buildings.”

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. The proposed amendment is consistent with this purpose.

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

The proposed amendment furthers the orderly development of the City by establishing standards for review and approval of development of land.

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 regulation by which to approve development or redevelopment projects in the City.

ORDINANCE NO. 2016-__

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING SECTION 31-144 "BUSINESS ZONING DISTRICTS" OF ARTICLE VII "USE REGULATIONS" OF CHAPTER 31 "LAND DEVELOPMENT REGULATIONS" OF THE CITY CODE, BY AMENDING SECTION 31-144(f) "MEDICAL OFFICE (MO) DISTRICT" OF THE CITY'S LAND DEVELOPMENT REGULATIONS BY AMENDING SECTION 31-144(f)(1), "USES PERMITTED", BY AMENDING SECTION 31-144(f)(2), "CONDITIONAL USE" AND BY AMENDING SECTION 31-144(f)(3), "USES PROHIBITED"; 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 revising Section 31-144(f) "Medical Office (MO) District" of Chapter 31 "Land Development Regulations" of the Code of Ordinances ("City Code") to amend Section 31-144(f)(1), "Uses Permitted", to amend Section 31-144(f)(2), "Conditional Use", and to amend Section 31-144(f)(3), "Uses Prohibited", to facilitate development and redevelopment of the district; and

WHEREAS, the City Commission finds that the proposed amendment to Section 31-144(f) of the City Code to amend permitted uses, to amend conditional uses and to amend prohibited uses in the Medical Office (MO) District is consistent with the applicable goals, objectives and policies of the City's Comprehensive Plan; and

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

WHEREAS, the Local Planning Agency has reviewed the proposed amendment during 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 31-144(f) 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 31-144 "Business Zoning Districts" of Article VII "Use Regulations" of Chapter 31 "Land Development Regulations" of the City Code is hereby amended by amending Paragraph (f) "Medical Office (MO) District", to read as follows¹:

* * *

"Section 31-144 – Business Zoning Districts.

(f) Medical Office (MO) District.

(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:

- a. Business/professional offices.
- b. Hospitals (not to exceed 20 stories or 200 feet in height).
- c. Nursing homes.
- d. Medical laboratories.
- e. Laboratories for medical research and development, including the use of medical laboratory equipment and devices.
- f. Dental and medical offices.
- g. Banks, savings and loans (no drive-in tellers).
- h. Restaurants, ~~accessory to primary uses with (no drive-in facilities).~~ that are part of a non-residential or multifamily residential building
- i. Pharmacies, limited to drugs and medical supplies, except if first approved as a conditional use pursuant to Section 31-144(f)(2)o.
- j. Hotels, motels, resorts and time share units, subject to the following:
 1. The minimum plot area shall be 1.5 acres, except if first approved as a conditional use pursuant to Section 31-144(f)(2)n.

¹ Underlined provisions constitute proposed additions to existing City Code text. ~~Stricken through~~ provisions constitute proposed deletions to existing City Code text.

2. The minimum floor area of a rental sleeping room in a motel or hotel, which includes all areas to be individually rented by a customer, shall be 300 square feet.

k. Uses generally accessory to the above principal uses. Accessory uses are those uses that are associated with the principal use(s) and which provide service primarily to employees and patrons of the office park. The accumulative total of all accessory uses shall be limited to a maximum of 15 percent of the total gross interior square footage of the buildings proposed for the site. Such uses shall have no outside advertising.

l. ALF.

(2) *Conditional use.* The following uses if first approved as a conditional use:

a. Business-related schools.

b. Multi-family residential uses with a maximum density of 35 dwelling units per gross acre and with a minimum lot area of ~~two gross acres~~ between 1.0 to 1.5 acres, provided that a building permit for the development is obtained within 24 months of the date of conditional use approval. Failure to obtain a building permit within this time limit will void the conditional use approval.

c. Uses that exceed the height limitations.

d. Retail uses ~~with a minimum lot area of two gross acres~~ as part of a non-residential or multifamily residential development, when such retail uses do not exceed 15% of the total gross interior square footage of the building.

e. Drive-through facility.

f. Heliport landing site.

g. Automobile parking garages, exceeding two stories but not over six stories in height, as a stand-alone use.

h. All uses permitted in the CF District.

i. For those properties lying between NE 206 Street to the south, NE 209 Street to the north, NE 28 Avenue to the east and East Dixie Highway to the west, the following additional uses may be permitted if first approved as a conditional use:

1. Uses that exceed the maximum floor area ratio.

2. Uses that do not meet the open space requirements of this district, upon payment of a fee-in-lieu of open space to be used for public park improvements. The amount of such fee shall be determined by the City Manager based on the appraised value of the land and the amount of reduction in open space requested, provided, however, that the amount of open space shall not be reduced below 15 percent of the total lot area and that the development complies with the Streetscape Design Standards of this section.

j. Self-service storage facilities with a minimum lot area of 1.5 acres.

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.

m. For multifamily residential buildings in this district that attain LEED Gold or Platinum certification as provided in article VI of Chapter 14 of the City Code, increased density to a maximum of 45 dwelling units per acre.

n. Pharmacies not limited to drugs and medical supplies.

o. Uses that do not meet the minimum lot area and width in Section 31-144(f)(4)a., provided that the lot area is no less than 1.0 acres, including right of way dedications, and provided that a building permit for the development is obtained within 24 months of the date of conditional use approval. Failure to obtain a building permit within this time limit will void the conditional use approval.

p. For those properties lying between NE 213 Street to the south, NE 214 Terrace to the north, NE 29 Avenue to the east and East Dixie Highway to the west, the following reduced yard setbacks may be permitted if first approved as a conditional use and provided that a building permit for the development is obtained within 24 months of the date of conditional use approval. Failure to obtain a building permit within this time limit will void the conditional use approval.

a. Minimum front yard setback shall be ten feet in depth for the first two stories of the structure and 15 feet in depth for any additional stories.

b. Minimum street side yard setback shall be ten feet in depth for the first two stories and 15 feet for additional stories.

c. Minimum rear yard setback shall be ten feet in depth.

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

a. Adult entertainment.

b. Retail uses ~~on a lot less than two gross acres~~ as a stand alone use.

c. Industrial uses.

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

- Commissioner Teri Holzberg _____
- Commissioner Denise Landman _____
- Commissioner Dr. Linda Marks _____
- Commissioner Marc Narotsky _____
- Commissioner Robert Shelley _____
- Commissioner Howard Weinberg _____
- Mayor Enid Weisman _____

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 was as follows:

- Commissioner Teri Holzberg _____
- Commissioner Denise Landman _____
- Commissioner Dr. Linda Marks _____
- Commissioner Marc Narotsky _____
- Commissioner Robert Shelley _____
- Commissioner Howard Weinberg _____
- Mayor Enid Weisman _____

PASSED on first reading this 1st day of November, 2016.

PASSED AND ADOPTED on second reading this 10th day of January, 2017.

ENID WEISMAN, MAYOR

ATTEST:

ELLISA L. HORVATH, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

This Ordinance was filed in the Office of the City Clerk this ____ day of _____, 2017.