

City Commission

Enid Weisman, Mayor
Dr. Linda Marks, Vice Mayor
Jonathan Evans, Commissioner
Rachel S. Friedland, Commissioner
Denise Landman, Commissioner
Marc Narotsky, Commissioner
Robert Shelley, Commissioner



City Manager

Ronald J. Wasson

City Clerk

Ellisa L. Horvath, MMC

City Attorney

Weiss Serota Helfman
Cole & Bierman

**LOCAL PLANNING AGENCY
MEETING AGENDA
JULY 13, 2021
6:00 p.m.**

**Aventura Government Center
19200 West Country Club Drive
Aventura, FL 33180**

- 1. CALL TO ORDER\ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MINUTES: April 6, 2021**
- 4. PUBLIC HEARING: MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCE:**

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING CHAPTER 31, "LAND DEVELOPMENT REGULATIONS" OF THE CITY CODE OF ORDINANCES BY AMENDING SECTION 31-145 "TOWN CENTER ZONING DISTRICTS" TO PROVIDE FOR A NEW ZONING DISTRICT, "TOWN CENTER OFFICE PARK MIXED USE (TC4) DISTRICT;" PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND 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 or cityclerk@cityofaventura.com, not later than two days prior to such proceedings. One or more members of the City of Aventura Advisory Boards may participate in the meeting. Anyone wishing to appeal any decision made by the Aventura Local Planning Agency or 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 are available online at cityofaventura.com for viewing and printing, or may be requested through the Office of the City Clerk at (305) 466-8901 or cityclerk@cityofaventura.com.



**CITY OF AVENTURA
LOCAL PLANNING AGENCY MEETING MINUTES
APRIL 6, 2021
6:00 P.M.
Virtual Meeting Via Video Conferencing**

The meeting was held via video conferencing through Zoom, as specified on the meeting public notice and agenda, as a result of the continued COVID-19 state of emergency.

1. **CALL TO ORDER/ROLL CALL:** The meeting was called to order by Mayor Enid Weisman at 6:00 p.m. The roll was called and the following were present: Mayor Enid Weisman, Vice Mayor Robert Shelley, Commissioner Jonathan Evans, Commissioner Rachel S. Friedland, Commissioner Denise Landman, Commissioner Dr. Linda Marks, Commissioner Marc Narotsky, City Manager Ronald J. Wasson, 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 led by Mayor Weisman.
3. **APPROVAL OF MINUTES (September 8, 2020):** A motion to approve the minutes of the September 8, 2020 meeting was offered by Commissioner Narotsky, seconded by Commissioner Evans, and unanimously passed.
4. **PUBLIC HEARING: MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCES:**

Mr. Wolpin reviewed the quasi-judicial procedures, noted that the staff report and any testimony provided for the item would be included in the record by reference for the same item on the Commission Regular Meeting Agenda, and read the following Ordinance title:

- A. **AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF AVENTURA BY AMENDING THE ZONING DESIGNATION FOR A 1.55 ACRE PARCEL OF LAND LOCATED ON THE EAST SIDE OF BISCAYNE BOULEVARD, LOCATED AT 20955 BISCAYNE BOULEVARD, AS LEGALLY DESCRIBED IN EXHIBIT A TO THIS ORDINANCE, FROM OP, OFFICE PARK DISTRICT TO B2, COMMUNITY BUSINESS DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mrs. Horvath administered the oath to all those wishing to offer testimony on item 4A.

A motion to recommend adoption of the Ordinance was offered by Commissioner Evans and seconded by Commissioner Friedland.

Community Development Director Joanne Carr entered the staff report into the record, which recommended approval of an amendment of the Official Zoning Map of the City of Aventura by amending the zoning designation for land located at 20955 Biscayne Boulevard from OP, Office Park District to B2, Community Business District, to facilitate development of a mixed-use retail and hotel project by the applicant.

The following provided testimony on behalf of the Applicant (Alan S. Rosenthal on behalf of the Owner – Central Aventura LLC): Alan Rosenthal, Esq. – Rosenthal Rosenthal Rasco (20900 N.E. 30th Avenue #600, Aventura).

Mayor Weisman opened the public hearing. Mrs. Horvath provided directions for members of the public to provide comments. There being no speakers, the public hearing was closed.

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

Mr. Wolpin read the following Ordinance title and noted that the staff report and any testimony provided for the item would be included in the record by reference for the same item on the Commission Regular Meeting Agenda:

B. AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING THE CITY OF AVENTURA COMPREHENSIVE PLAN BY AMENDING OBJECTIVE 2, POLICY 2.1 OF THE LAND USE GOAL IN THE FUTURE LAND USE ELEMENT TO ADD TO THE BUSINESS AND OFFICE LAND USE CATEGORY, RESIDENTIAL USES IN THE MO, MEDICAL OFFICE DISTRICT, ZONING CATEGORY AND CONTIGUOUS BUSINESS AND OFFICE DESIGNATED LANDS AND PERMIT AN INCREASED FLOOR AREA RATIO FOR DEVELOPMENTS THAT DEDICATE CERTAIN LANDS TO THE CITY FOR PUBLIC ROAD PURPOSES AND CONSTRUCT THE ROAD AT THE OWNER'S OR DEVELOPER'S EXPENSE, BOTH SUBJECT TO CONDITIONAL USE APPROVAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; AUTHORIZING TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion to recommend adoption of the Ordinance was offered by Vice Mayor Shelley and seconded by Commissioner Friedland.

Community Development Director Joanne Carr entered the staff report into the record, which recommended approval of amendments to Policy 2.1 of the Future Land Use Element of the City of Aventura (the "City") Comprehensive Plan as described in the memorandum.

The following provided testimony on behalf of the Applicant (Aventura North Distrikt Developments LLC): Brian Adler, Esq. – Bilzin Sumberg Baena Price & Axelrod LLP (450 Brickell Avenue, 23rd Floor, Miami).

Mayor Weisman opened the public hearing. Mrs. Horvath provided directions for members of the public to provide comments. There being no speakers, the public hearing was closed.

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

Mr. Wolpin read the following Ordinance title and noted that the staff report and any testimony provided for the item would be included in the record by reference for the same item on the Commission Regular Meeting Agenda:

C. AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING CHAPTER 31, "LAND DEVELOPMENT REGULATIONS" OF THE CITY CODE OF ORDINANCES BY AMENDING SECTION 31-144, "BUSINESS ZONING DISTRICTS", SUBSECTION (a), "PURPOSE", AND SECTION 31-144, SUBSECTION (f), "MEDICAL OFFICE (MO) DISTRICT", TO ALLOW MULTIFAMILY RESIDENTIAL USES WITH A MAXIMUM OF 57 DWELLING UNITS PER ACRE AND A MAXIMUM OF 2.49 FLOOR AREA RATIO FOR DEVELOPMENTS THAT DEDICATE LAND TO THE CITY FOR PUBLIC ROAD PURPOSES AND CONSTRUCT THE ROAD AT THE OWNER'S OR DEVELOPER'S EXPENSE, SUBJECT TO CONDITIONAL USE APPROVAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion to recommend adoption of the Ordinance was offered by Vice Mayor Shelley and seconded by Commissioner Landman.

Community Development Director Joanne Carr entered the staff report into the record, which recommended approval of an amendment to Section 31-144(a) and (f), Medical Office (MO) District of the City's Land Development Regulations ("LDRs") to permit multifamily residential uses with a maximum density of 57 dwelling units per acre and a maximum floor area ratio of 2.49 for developments that dedicate land for public road purposes and construct the road at the owner's or developer's expense, both subject to conditional use approval, upon the condition that the concurrent application for amendment to Policy 2.1 of the Future Land Use Element of the City of Aventura Comprehensive Plan, as transmitted under Section 163.3184 of the Florida Statutes, becomes effective.

The following provided testimony on behalf of the Applicant (Aventura North Distrikt Developments LLC): Brian Adler, Esq. – Bilzin Sumberg Baena Price & Axelrod LLP (450 Brickell Avenue, 23rd Floor, Miami).

Mayor Weisman opened the public hearing. Mrs. Horvath provided directions for members of the public to provide comments. There being no speakers, the public hearing was closed.

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

4. **ADJOURNMENT:** There being no further business to come before the Local Planning Agency, a motion to adjourn was offered by Commissioner Evans, seconded by Commissioner Friedland, and unanimously passed; thereby, adjourning the meeting at 6:39 p.m.

Ellisa L. Horvath, MMC, City Clerk


Approved by the Local Planning Agency on July 13, 2021.


CITY OF AVENTURA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: City Commission

FROM: Ronald J. Wasson 
City Manager

BY: Keven R. Klopp 
Community Development Director

DATE: July 9, 2021

SUBJECT: **Request to Amend Section 31-145(b) of the Land Development Regulations to Add Town Center Office Park Mixed Use (TC4) District**

July 13, 2021 Local Planning Agency Meeting Agenda Item 4
July 13, 2021 City Commission Meeting Agenda Item 7B
September 2, 2021 City Commission Meeting Agenda Item

RECOMMENDATION

It is recommended that the City Commission approve an amendment to Section 31-145, "Town Center Zoning Districts" of the Land Development Regulations to add regulations for a new mixed-use district, the Town Center Office Park Mixed Use (TC4) District, to the section.

THE REQUEST

The proposed zoning district would facilitate redevelopment of lands currently utilized as an office park to diversify its uses, allowing residential and retail uses to be added *while still containing a significant amount of office space*. The request is to add the new mixed-use district to the City Code to facilitate a current proposal involving the Aventura Corporate Center as presented to the City Commission in June of 2021, as well as potential future similar development proposals.

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.

A third district, Town Center Neighborhood (TC3), was added in 2013 in response to a development proposal known as *Park Square*. The district allows for a mix of residential and commercial uses and includes a requirement for assisted living as a use on the property.

DESCRIPTION OF THE PROPOSED AMENDMENT

The proposed text of the Town Center Office Park (TC4) District follows in underlined text.

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

...

(e) Town Center Office Park Mixed Use (TC4) District. The following regulations shall apply to all TC4 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, with an emphasis on office uses with direct access to Biscayne Boulevard. Any approved site plan in this district shall provide a significant amount of office space as part of its commercial uses. Residential densities shall not exceed 25 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.

b. Office space comprising no less than 40% of the non-residential square feet of floor area on site

- c. Hotels, with a minimum of 100 rooms.
- d. Kiosks and outdoor vending, when located within 100 feet of a lake or pond.
- e. Outdoor entertainment, including sales from trucks, wagons, or vehicles parked on public or private streets or pedestrian walkways may be permitted from time to time through Special Events permits issued by the City Manager or his or her designee.

(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 subsection 31-145(e)(6)e, including parking structures.
- c. Indoor and outdoor commercial recreation uses.
- d. Aboveground storage tanks. Aboveground storage tanks (AST) only as an accessory use and only for the purpose of storing fuel for emergency generators. ASTs must conform to the following requirements:
 - 1. Be of 2,000 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.

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

- e. Floor areas that are less than the minimum floor areas required by the provisions of Section 31-145(e)(6)g hereof.
- f. New Structured parking that is not incorporated into the building envelope of a primary use structure, as required by Section 31-145(e)(8) hereof.
- g. If any surface of the top level of a new parking structure can be seen from a primary use building, and 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, but not any use listed as a Conditional use 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.
- m. For projects located on the same site as an existing office building or buildings, which office building or buildings was/were constructed before October 6, 2009 as evidenced by a temporary certificate of occupancy or certificate of occupancy and does/do not meet LEED® Gold or Platinum certification, the bonuses in l. and m. above shall be calculated based on the applicant's total site area, provided that the new construction that attains LEED® Gold or Platinum certification is the same size or larger than the total square footage of the existing office building or buildings.

(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.

(6) *Site development standards.*

- a. Minimum lot size: Five gross acres.
- b. Minimum lot width: 100 feet.
- c. Maximum lot coverage: 45 percent of total lot area, provided that if 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: 25 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, unless 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(e)(4)e:
- Multiple-family dwelling unit:
- Efficiency unit: 800 square feet.
- One bedroom unit: 900 square feet.
- Two bedroom unit: 1,050 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 30 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-third 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 two-thirds may be used for non-

commercial recreational facilities, amenities, pedestrian walks, entrance landscaping and features (not including gatehouses and associated vehicle waiting areas). Water bodies may be used toward the calculation of required open space.

- i. Design Standards: All Development in the TC4 Zoning District shall be compatible with existing adjacent development. Specifically, where greater heights are immediately adjacent to existing residential development, such height shall be graduated by steps so that the part of the structure within 50' of the property boundary is no more than two stories higher than existing residential development.
- j. A ride sharing, valet, and transit accommodation plan acceptable to the Community Development Director shall be provided at time of site plan approval.
- k. A bicycle parking plan and residential bicycle storage accommodations acceptable to the Community Development Director shall be provided at time of site plan approval.
- l. On-street parking, on both internal and external streets, shall be provided wherever feasible as shown on an on-street parking plan acceptable to the Community Development Director at time of site plan approval.

(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) 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(e)(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.

ANALYSIS

The proposed Town Center Office Park Mixed Use (TC4) District, detailed above, has been drafted using the same format as the TC1, TC2, and TC3 districts but is distinct from the previous TC districts in that it is intended to guide mixed-use development where office uses currently exist. It proposes a specific mix of residential and non-residential development that

generally complies with the Office Park, RMF3 and B1 zoning districts, similar to the TC1 and TC2 districts, but without the lifestyle center use permitted in the TC1 district, the more expansive marine industry uses in the TC2 district, or the ALF requirement of the TC3 District.

TC4 adds kiosk uses around a lake or a pond as well as outdoor vending, and outdoor entertainment to the mix. It anticipates the possibility of special events, by separate permit, with sales from trucks, wagons, or vehicles parked on public or private streets or pedestrian walkways from time to time. The district is similar in the parameters of development to the TC3 District which facilitated the creation of Park Square.

A design standard requiring stepped-back heights, aimed at protecting adjacent residential development of a smaller scale, is added to TC4. As compared to TC3, other new features which TC4 will require at plan approval are as follows:

- a required ride-sharing, valet, and transit accommodation plan
- a bicycle parking and residential bicycle storage plan, and
- an on-street parking plan

Any proposal to develop in accordance with the TC4 district will require an underlying future land use designation of Town Center as described in the City's Comprehensive Plan. The Town Center future land use category encourages hubs for future urban development intended to serve the City's existing and future residents and businesses with design-unified development providing direct accessibility by mass transit service and high-quality urban design. It provides for a design that encourages convenient, internal pedestrian circulation and is intended to create identifiable centers of activity with a distinctive sense of place. The proposed Town Center Office Park use regulations are compatible with this future land use category language.

Staff provides the following analysis of the proposed amendment, pursuant to the review standards of the Land Development Regulations contained in Section 31-77 of the City Code.

1. *The proposed amendment is legally required.*

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

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

The proposed amendment is consistent with the goals and objectives of the Comprehensive Plan. The intent of the Town Center land use designation is described in the Future Land Use Element of the City's Comprehensive Plan. This category encourages hubs for future urban development intended to serve the City's existing and future residents and businesses with design-unified development providing direct

accessibility by mass transit service and high quality urban design. It provides for a design that encourages convenient, internal pedestrian circulation and to create identifiable centers of activity with a distinctive sense of place. The proposed Town Center Office Park district regulations are compatible with this future land use language.

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

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

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

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

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

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

CITY OF AVENTURA ORDINANCE NO. 2021-__

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING CHAPTER 31, "LAND DEVELOPMENT REGULATIONS" OF THE CITY CODE OF ORDINANCES BY AMENDING SECTION 31-145 "TOWN CENTER ZONING DISTRICTS" TO PROVIDE FOR A NEW ZONING DISTRICT, "TOWN CENTER OFFICE PARK MIXED USE (TC4) DISTRICT;" PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Aventura (the "City") Commission recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the City's regulations are current and consistent with the City's planning and regulatory needs; and

WHEREAS, in response to the request of Aventura Opportunity Holdings, LLC, the City Commission desires to amend Chapter 31, "Land Development Regulations," Section 31-145, "Town Center Zoning Districts" of the Code of Ordinances to provide for a Town Center Office Park Mixed Use (TC4) District, consisting of a mix of residential and commercial uses, with an emphasis on office uses, and direct access to Biscayne Boulevard (the "proposed amendment"); and

WHEREAS, the Town Center future land use category in the City's Comprehensive Plan, applicable to the proposed TC4 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

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 held the required public hearings, duly noticed in accordance with law; and

WHEREAS, the City Commission finds that the proposed amendment is in the best interest of the public and 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. Chapter 31 "Land Development Regulations," Article VII "Use Regulations," Section 31-145 "Town Center Zoning Districts" of the City Code is hereby amended to read as follows¹:

CHAPTER 31 – LAND DEVELOPMENT REGULATIONS

ARTICLE VII. - USE REGULATIONS

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

(e) Town Center Office Park Mixed Use (TC4) District. The following regulations shall apply in the TC4 District:

(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, emphasizing office uses with direct access to Biscayne Boulevard. Any approved site plan in this district shall provide a significant amount of office space as part of its commercial uses. Residential densities shall not exceed 25 dwelling units

¹ Underlined provisions constitute proposed additions to existing text.

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.

b. Office space comprising no less than 40% of the non-residential square feet of floor area on site.

c. Hotels, with a minimum of 100 rooms.

d. Kiosks and outdoor vending, when located within 100 feet of a lake or pond.

e. Outdoor entertainment, including sales from trucks, wagons, or vehicles parked on public or private streets or pedestrian walkways may be permitted from time to time through Special Events permits issued by the City Manager or designee.

(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 subsection 31-145(e)(6)e, including parking structures.

c. Indoor and outdoor commercial recreation uses.

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

1. Be of 2,000 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.

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

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

f. Structured parking that is not incorporated into a primary use structure's building envelope, as required by Section 31-145(e)(8) hereof.

g. Any top-level surface area of structured parking that can be seen from a primary use building and 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, but not any use listed as a Conditional use 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.
- m. For projects located on the same site as an existing office building or buildings, which office building or buildings was/were constructed before October 6, 2009 as evidenced by a temporary certificate of occupancy or certificate of occupancy and does/do not meet LEED® Gold or Platinum certification, the bonuses in l. and m. above shall be calculated based on the applicant's total site area, provided that the new construction that attains LEED® Gold or Platinum certification is the same size or larger than the total square footage of the existing office building or buildings.

(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.

(6) *Site development standards.*

- a. Minimum lot size: Five gross acres.

- b. Minimum lot width: 100 feet.
- c. Maximum lot coverage: 45 percent of total lot area, provided that if 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: 25 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, unless 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(e)(4)e:

Multiple-family dwelling unit:

Efficiency unit: 800 square feet.

One-bedroom unit: 900 square feet.

Two-bedroom unit: 1,050 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 30 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-third 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 two-thirds may be used for non-commercial recreational facilities, amenities, pedestrian walks, entrance landscaping and features (not including gatehouses and associated vehicle waiting areas). Water bodies may be used toward the calculation of required open space.
- i. Design standards: All Development in the TC4 Zoning District shall be compatible with existing adjacent development. Specifically, where greater heights are immediately adjacent to existing residential development, such height shall be graduated by steps so that the part of the structure within 50 feet of the property boundary is no more than two stories higher than existing residential development.
- j. Transportation standards:

 - 1. A ride sharing, valet, and transit accommodation plan acceptable to the Community Development Director shall be provided at time of site plan approval.
 - 2. A bicycle parking plan and residential bicycle storage accommodations acceptable to the Community Development Director shall be provided at time of site plan approval. to provide light and air to residential units. In such cases a side yard setback of 20 feet in depth is required.
 - 3. On-street parking, on both internal and external streets, shall be provided wherever feasible as shown on an on-street parking plan acceptable to the Community Development Director at time of site plan approval. A ride sharing, valet, and transit accommodation plan acceptable to the Community

Development Director shall be provided at time of site plan approval.

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

(8) *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(e)(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.

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. Conditions. Issuance of this development order by the City of Aventura does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City of Aventura for issuance of the development order if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. All applicable state and federal permits must be obtained before commencement of the development. This condition is included pursuant to Section 166.033, Florida Statutes, as amended.

Section 5. 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 6. 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 Jonathan Evans	_____
Commissioner Rachel S. Friedland	_____
Commissioner Denise Landman	_____
Commissioner Marc Narotsky	_____
Commissioner Robert Shelley	_____
Vice Mayor Dr. Linda Marks	_____
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, the vote was as follows:

Commissioner Jonathan Evans	_____
Commissioner Rachel S. Friedland	_____
Commissioner Denise Landman	_____
Commissioner Marc Narotsky	_____
Commissioner Robert Shelley	_____
Vice Mayor Dr. Linda Marks	_____
Mayor Enid Weisman	_____

PASSED on first reading on this 13th day of July, 2021.

PASSED AND ADOPTED on this 2nd day of September, 2021.

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 _____, 2021