

Date: August 31, 2006

To: Fellow Council Members and Neighbors

From: Tom Thornton

In the last year, the debate over the redevelopment of the Sonesta Beach Resort has brought the issue of growth and redevelopment on Key Biscayne to the attention of the Village Council. While the Sonesta property has merited the most attention, redevelopment of other older properties is possible all over the Key and it is our obligation to ensure that redevelopment does not harm our community's unique character and "small town" ambience. With that goal in mind, I respectfully submit for your review and consideration the following summary of the redevelopment challenges facing our community and some guidance as to how they should be addressed:

"McMansions" - In the last few years, there has been a dramatic increase in the construction of large size single family homes which, in the opinion of many, are disproportionate to the size of lot upon which they are located. These large homes intrude on the privacy of their neighbors and create imposing edifices in what should be quaint neighborhoods. The City of Coral Gables is facing the same issue and has recently adopted regulations for its single family residential zoning districts. These new regulations emphasize increased setbacks and yards and discourage increased height. Village staff should review how Coral Gables has addressed this issue and determine whether some of their regulations may be beneficial to our Village.

The Redevelopment of Lower Rise Buildings East of Crandon - There are several properties east of Crandon Boulevard which are not developed to their full density and/or floor area which is currently permitted by our Land Development Regulations. One of these sites was the subject of a controversial proposal in the last year. In an effort to address redevelopment which would potentially cause further traffic congestion and other negative impacts, the City of Aventura adopted amendments to their land development regulations which limit the redevelopment of sites already developed to their existing number of bedrooms. This limitation ensures that there will be no increase in the number of residents but still permits the property owner flexibility to redevelop his property. Again, we should look to other local municipalities, such as, Aventura, for guidance in addressing the same redevelopment issues which the Key is encountering.

The Sonesta and Silver Sands sites - These sites are ripe for redevelopment due to their outdated facilities. However, as has been clearly demonstrated, the zoning regulations which are currently applicable to them are not satisfactory to either the property owners or the neighboring residents. It is incumbent upon us to adopt regulations which permit these properties to continue to function as viable businesses which enhance our local economy and the greater community but which do not harm the quality of life or property values of the neighboring residents. I welcome and encourage the owners of the Sonesta and Silver Sands property to provide their input also.

We all acknowledge that we live in a unique community with many great qualities which should be preserved and enhanced if possible. Residents, regardless of whether they live in a single family home or a condominium, businesses, and property owners, all play essential roles in making the Key what it is today. There is no need to divide into pro and anti growth camps and battle it out. We need to work together to develop regulations which are acceptable to all interested parties and provide for redevelopment where appropriate and with the right safeguards to preserve our Island Paradise. It is in that spirit, that I submit this topic for discussion by the Village Council.

ORDINANCE NO. _____

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE AMENDING CHAPTER 30 "ZONING AND LAND DEVELOPMENT REGULATIONS" OF THE MUNICIPAL CODE OF KEY BISCAYNE, FLORIDA, BY AMENDING ARTICLE II, 30-11, "DEFINITIONS" REGARDING THE DEFINITION OF HOTEL ROOM; AMENDING ARTICLE III, SECTION 30-23(b)(2), REGARDING THE RESUBDIVISION OF HOTELS OR MOTELS; AMENDING ARTICLE IV, SECTION 30-80, REGARDING SITE PLAN REVIEW PROCEDURES; AMENDING ARTICLE V, 30-103(b), REGARDING HEIGHT, SETBACKS AND DENSITY PERMITTED IN THE HOTEL RESORT ZONING DISTRICT, CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 30 of the Village of Key Biscayne establishes its zoning and land development regulations; and

WHEREAS, the Village Council of the Village of Key Biscayne recognizes the need to protect and preserve single family neighborhoods from the impacts of intense development on adjacent multi-family and hotel resort zoning districts; and

WHEREAS, the Village Council of the Village of Key Biscayne desires to protect and preserve single family neighborhoods from the impacts of intense development on adjacent multi-family and hotel resort zoning districts; and

WHEREAS, the Village Council of the Village of Key Biscayne recognizes the need to protect and preserve single family neighborhoods from the impacts of intense development on adjacent multi-family and hotel resort zoning districts; and

WHEREAS, the Local Planning Agency has reviewed this ordinance and, after hearing and considering the staff report and recommendation as well as public testimony has determined that this ordinance is in the best interest of the citizens of the Village of Key Biscayne and therefore recommended that this ordinance be approved by the Village Council of the Village of Key Biscayne; and

WHEREAS, the Village Council at a duly noticed public hearing has reviewed this ordinance and, after considering the staff recommendation as well as the public's testimony, has determined that this ordinance is in the best interest of the citizens of the Village Council;

THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA:

Section 1. The recitals and findings contained in the Recitals to this Ordinance are hereby adopted and incorporated herein as if fully set forth in this Section.

Section 2. Article II of the Zoning and Land Development Regulations of the Village of Key Biscayne, Florida, as amended, is hereby amended as follows: ^{1/}

^{1/} Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

ARTICLE II. DEFINITIONS

SECTION 30-11

* * *

Hotel Room or Unit. A room, or group of rooms with ingress or egress, intended for rental to transients on day-to-day, week-to-week, or month-to-month basis; but, not intended for Use or used as a permanent Dwelling, (meaning used for a period of more than three months). The definition includes:

- (1) A sleeping room or group of rooms including living and sleeping areas, not exceeding 1,000 square feet without special exception approval within a Hotel;
- (2) A living or sleeping room within a Dwelling, having a separate entrance from outside the Dwelling other than the principal entrance of Dwelling and not exceeding 1,000 square feet without special exception approval; and
- (3) A living or sleeping room within a Dwelling Unit of a Multiple Family Dwelling, having a separate entrance from outside the Dwelling Unit and not exceeding 1,000 square feet without special exception approval.
- (4) Any request for the special exception approval set out within this definition may only be used for one unit expansion at a time and not for multiple unit expansions.

* * *

Section 3. Article II of the Zoning Ordinance of the Village of Key Biscayne, Florida, as amended, is hereby amended as follows: ^{2/}

ARTICLE III. GENERAL PROVISIONS

SECTION 30-23(b)(2). REPLATTED LOTS AND RESUBDIVISION OF HOTELS AND MOTELS.

^{2/} Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

* * *

(b) *Resubdivision of Hotels or Motels.*

- (1) No resubdivision of Hotels or Motels into Multifamily Dwellings shall be permitted without special exception approval and unless the Building Official issues a new certificate of occupancy illustrating that the resubdivision is in compliance with all codes, including the South Florida Building Code and the Life Safety Code, as may be amended from time to time.
- (2) The installation of Cooking Facilities into a Hotel or Motel Unit will convert the prior Use into a Multifamily Dwelling, thus requiring a special exception approval and compliance with multifamily Building, life safety, and Zoning Code requirements
- (3) Prior to the issuance of a certificate of occupancy, upon a request for resubdivision, the new Use of the Multifamily Dwelling must meet all of the requirements for Multifamily Dwellings, be consistent with Density, Parking, Lot Coverage, and Floor Area Ratio Regulations as set forth in the district where the property is located and such resubdivision must be approved through the grant of a special exception.

(Ord. No. 2000-5, § 2, 5-9-00)

* * *

Section 4. Article II of the Zoning Ordinance of the Village of Key Biscayne, Florida,, as amended, is hereby amended as follows: ^{3/}

ARTICLE IV, ADMINISTRATION OF THE ZONING ORDINANCE

SECTION 30-80, SITE PLAN REVIEW PROCEDURES

(a) *Purpose.* Site Plan review is designed to achieve the following objectives:

- (1) To insure that infrastructure (water, sewer, and roads) is in place at the time the project is completed, as mandated by Florida's Growth Management law;

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- (2) To encourage logic, imagination, and variety in the design process;
- (3) To insure that projects are compatible, both aesthetically and functionally, with the surrounding area and in particular, to insure that adjacent lower density residential parcels are protected from the impacts of higher density or commercial development;
- (4) To promote excellence in urban design; and
- (5) To encourage Buildings that are consistent with the high quality environment associated with the Village.

* * *

(f) *Application forms.* The Building, Zoning, and Planning Department shall provide the applicant with all necessary application forms. A complete application shall include the following:

* * *

- (2) Site Development plan.
 - a. A scale drawing clearly illustrating proposed Buildings and other Structures, and any existing Buildings and Structures which are to be retained, including Use, height, dimensions and Setbacks.
 - b. Proposed off-street Parking spaces, driveways and sidewalks, including location, construction material, dimensions and Setbacks. This shall demonstrate compliance with Handicapped Accessibility Requirements and Chapter 52.11 of the South Florida Building Code.
 - c. Proposed fences and Walls, including location, construction material, dimensions, Setbacks and height.
 - d. Proposed utility lines and Easements.
 - e. Alignment of Miami-Dade County trafficways on property (if applicable).
 - f. Distance of existing Buildings on Adjacent Properties from property line.
 - g. Location of all existing and proposed fire hydrants and Siamese connections.
 - h. Scale drawings clearly illustrating existing Buildings and other Structures within five hundred feet of the site, including Use, height, dimensions and setbacks. These drawings shall include elevations showing the development's contextual relationship with the adjacent properties within

five hundred feet of the site. These drawings also shall include existing landscape to remain, existing landscape to be removed and proposed landscaping that will remain as part of the approval.

* * *

(g) *Review criteria.* In order to approve a project, the Village Council must find that it is consistent with each of the below review criteria. The Council may require conditions that are necessary to minimize any adverse impacts on Adjacent Properties.

* * *

(3) *Circulation and Parking.* All circulation systems and Parking facilities within a proposed Development shall be designed and located in such a manner as to comply with the following:

- a. A clearly defined vehicular circulation system shall be provided which allows free movement within the proposed Development while discouraging excessive speeds. Said systems shall be separated insofar as practicable from pedestrian circulation systems. Pavement widths and Access points to peripheral Streets shall be provided which adequately serve the proposed Development and which are compatible and functional with circulation systems outside the Development.
- b. Whenever possible in proposed residential Developments, living Units should be located on residential Streets or courts that are designed to discourage nonlocal through traffic.
- c. Off-Street Parking areas shall be provided which adequately accommodate maximum vehicle storage demands for the proposed project and are located and designed in such a manner so as to conveniently serve the Uses to which they are accessory and not create incompatible visual relationships.
- d. Safe and efficient Access to all areas of the proposed Development shall be provided for emergency and service vehicles, as required by Chapter 52.11 of the South Florida Building Code.
- e. Sidewalks shall be provided as required by the Village Regulations.
- f. Handicapped accessibility shall be provided as required by all applicable Regulations.

g. Internal drives and parking areas shall be located no closer than 100 feet from any adjacent residentially zoned property. All internal drives and parking areas shall be buffered from view and noise from adjacent residences. Buffering must be effective at ground level and must extend in height to the highest level of the adjacent residences.

* * *

Section 4. Article II of the Zoning Ordinance of the Village of Key Biscayne, Florida,, as amended, is hereby amended as follows: ^{4/}

ARTICLE IV, ADMINISTRATION OF THE ZONING ORDINANCE

SECTION 30-103(b). HOTEL RESORT DISTRICT

(b) *Development Regulations.*

TABLE INSET:

Density	Maximum Height	Lot Coverage	Minimum Lot Area
Hotel 30 Units per acre No Development shall exceed 350 Hotel Units Apartment Building 16 Units per acre If a Development contains Hotel and Apartment Units, then Lot area, which is counted towards one Use, cannot be counted	150 <u>80</u> ft. <u>However additional height to a maximum of 120 ft. may be allowed at a rate of 1 foot in height for each additional foot of baseline setback adjacent to the lower density residentially zoned land.</u>	.40	The site shall be subdivided as of the date of this ordinance.

^{4/} Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

towards another Use.			
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TABLE INSET:

	Setback	Floor Area Ratio												
Front:	25 ft. + 5 <u>10 ft. step backs</u> per floor above the <u>first floor</u> but not to exceed <u>50 80 ft. Except that where adjacent to lower density residentially zoned property, the minimum setback is 100 ft. + 5 ft. step backs per floor but not to exceed 150 ft.</u>	.40, however oceanfront and bayfront Buildings that provide a 7.5 ft. dedicated Easement on each side of the property from the Street to the beach shall use the following:												
Side:	25 ft. minimum -but <u>100 feet where adjacent to lower density residentially zoned property</u> (however no portion of Building may extend beyond a "building envelope" formed by a prism the base of which is formed by the Lot boundaries and whose height is defined by two base angles of 63 degrees each, * see sketch below). Side Setbacks shall be measured from the dedicated Easement as required in the Floor Area Ratio calculation.	<table border="0"> <tr> <td>1 Story .40</td> <td>4 Story 1.00</td> </tr> <tr> <td>7 Story 1.60</td> <td></td> </tr> <tr> <td>2 Story .60</td> <td>5 Story 1.20</td> </tr> <tr> <td>8 Story 1.80</td> <td></td> </tr> <tr> <td>3 Story .80</td> <td>6 Story 1.40</td> </tr> <tr> <td>9 Story+ 2.00</td> <td></td> </tr> </table> <p>The dedicated Easement shall be counted in the Floor Area Ratio calculation. The Easement shall be improved with landscaping and a hard paved surface. The improvements shall require approval by the Building, Zoning, and Planning Director prior to the issuance of a building permit and must be installed prior to the issuance of a certificate of occupancy.</p>	1 Story .40	4 Story 1.00	7 Story 1.60		2 Story .60	5 Story 1.20	8 Story 1.80		3 Story .80	6 Story 1.40	9 Story+ 2.00	
1 Story .40	4 Story 1.00													
7 Story 1.60														
2 Story .60	5 Story 1.20													
8 Story 1.80														
3 Story .80	6 Story 1.40													
9 Story+ 2.00														
Rear:	25 ft. + 5 <u>10 ft. step backs</u> per floor above the <u>first floor</u> but not to exceed <u>50 80 ft. Except that where adjacent to lower density residentially zoned</u>													

	<u>property, the minimum setback is 100 ft. + 5 ft. step backs per floor but not to exceed 150 ft</u>		
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(Ord. No. 2000-5, § 2, 5-9-00; Ord. No. 2000-13, § 5, 10-24-00)

* * *

Section 3. All ordinances or parts of ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 5. This Ordinance shall become effective immediately upon adoption.

PASSED ON FIRST READING BY TITLE ONLY this _____ day of _____, 2006.

PASSED AND ADOPTED ON SECOND AND FINAL READING BY TITLE ONLY this _____ day of _____, 2006.

MAYOR

ATTEST:

VILLAGE CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY

1 **Sec. 3-1 Single Family R- Use Districts.**

2
3 **A. Purpose and applicability.** Single-Family Districts are intended to
4 accommodate low density, single-family dwelling units with adequate
5 yards and open space that characterize the residential neighborhoods
6 of The City of Coral Gables. The City of Coral Gables is unique not
7 only in South Florida but in the country for its historic and
8 architectural treasures, its leafy canopy, and its well-defined and
9 livable neighborhoods. These residential areas, with tree-lined streets
10 and architecture of harmonious proportion and human scale, provide
11 an oasis of charm and tranquility in the midst of an increasingly built-
12 up metropolitan environment. The intent of the Code is to protect the
13 distinctive character of Coral Gables, while encouraging excellent
14 architectural design that is responsible and responsive to the
15 individual context of the city's diverse neighborhoods. The single
16 family regulations, as well as the design and performance standards in
17 the zoning code, seek to ensure that the renovation of residences as
18 well as the building of residences is in accord with the civic pride and
19 sense of stewardship felt by the citizens of Coral Gables. By
20 preserving the community character of the Gables, the Zoning Code
21 safeguards both individual property values, as well as the quality of
22 life that best serves the collective interest.

23
24 In single-family residence or R-Use Districts no use shall be permitted
25 other than a single-family and a family day-care home, except that
26 certain special-uses as described in Section 3-11 hereof may be
27 permitted after passage of a special authorizing ordinance therefore.
28 In R-Use Districts no buildings or premises shall be used, nor shall
29 any building or structure be erected, altered or enlarged which is
30 arranged, intended or designed to be used, for a use other than an
31 "SF" use as defined in this code.

32
33 **B. Permitted principal uses and structures.** The following uses are
34 permitted in the R-Use District.

- 35
36 1. Single-family dwellings.
37 2. Utility infrastructure facilities.
38 3. Accessory uses, buildings or structures.
39

- 1 **C. R-Use District Performance Standards.** The following performance
2 standards shall govern the general development of structures in R-
3 Districts. Where there are specific standards for properties that are
4 specifically set forth in the Site Specific Regulations, the regulations
5 in the Site Specific Regulations shall apply. Refer to the Site Specific
6 Regulations in Article 4.
7
- 8 **1. Building Sites.** Buildings and structures constructed in an R-
9 Use District shall be constructed or erected upon a building site
10 containing at least one platted lot, and such building site shall
11 have a minimum street frontage of fifty (50) feet. (See also
12 Article 12 Building Sites)
13
- 14 **2. Density.** One principal building per building site.
15
- 16 **3. Facing of Lots and Buildings--General.** The facing of
17 building site shall be based on the platting of the lots that
18 comprise the building site, except for specific deviations or
19 exceptions prescribed in the Site Specific Regulations in Article
20 4. Every lot shall be deemed to face the street upon which it
21 abuts; if a lot abuts upon more than one street, it shall be
22 deemed to face the street upon which it has the shortest street
23 line; and any building shall face the front of the lot, and be
24 subject to the restrictions governing buildings on each street on
25 which it is deemed to face. Whenever a lot is so shaped or
26 situated that it's facing may be uncertain, or the specific
27 restrictions herein provided may be ambiguous, and then
28 applied hereto, the Board of Adjustment shall determine the
29 facing of the lot.
30
- 31 **4. Setback Requirements, R-Use Districts.** No building or
32 structure, or any part thereof, including porches, projections or
33 terraces, but not including uncovered steps, shall be erected at a
34 lesser distance from the front, side or rear line of any building
35 site than the front, side or rear setback distance, respectively,
36 prescribed and established herein for such building site.
37 Nothing herein shall prohibit a building or structure from
38 having more than the minimum required setbacks.
39

- 1 **a. Front Setback.** A minimum front setback of twenty-five
2 (25) feet shall be maintained and required on all building
3 sites in R-Use Districts, except that on existing building sites
4 on platted lots less than seventy-five (75) feet in depth, a
5 minimum front setback of fifteen (15) feet shall be required.
- 6 **b. Side Setbacks.** Inside lots in R-Use Districts shall have
7 minimum side setbacks, which total twenty (20) percent of
8 the width of the lot measured across the front setback line
9 with a minimum total of ten (10) feet and up to a maximum
10 of twenty (20) feet. A minimum side setback of fifteen (15)
11 feet shall be required and maintained from any side line of a
12 building site that abuts upon a street, provided, however,
13 that buildings on corner lots which have one side abutting
14 upon a street on which other lots in the same block face,
15 shall setback a minimum distance from such side street as is
16 provided herein as the minimum front setback for buildings
17 facing such side street. The required side setbacks shall be
18 equal on both sides unless an uneven distribution is used to
19 mitigate an existing contextual condition on the property as
20 determined by the Board of Architects. An existing
21 contextual condition may include but shall not be limited to
22 the location of tree(s), existing structures on the property, or
23 existing non-conforming setback conditions. In no case
24 shall a side setback be less than five (5) feet
- 25 **c. Rear Setback.** A minimum rear setback of ten feet (10'0")
26 shall be maintained and required on all buildings in R-Use
27 Districts.
- 28 **d. Setback from Canal, Water-Way, Lake or Bay.** On all
29 building sites abutting upon a canal, waterway, lake or bay,
30 the minimum setback from the waterway for all buildings, or
31 portions thereof designed or used for occupancy for residen-
32 tial purposes shall be thirty-five (35) feet from the canal,
33 waterway, lake or bay as platted.

- 34
- 35 **5. Setback requirements—Auxiliary and accessory buildings**
36 **or structures.** Except as specifically prescribed herein to the
37 contrary, auxiliary and accessory buildings or structures shall
38 be governed by the same minimum setback requirements as
39 provided for the main or principal building, provided that:
40

- 1 a. Except as may be otherwise noted no accessory or auxiliary
2 building or structures may be located in the area between the
3 street and the main residential building or any part thereof.
4 b. In no case shall an auxiliary building or structure be located
5 closer to the front or side-street of a lot or building site than
6 the main or principal building.
7 c. One story detached garages located in the rear yard area,
8 with a height that does not exceed sixteen feet above
9 established grade and a floor area ~~of~~ that does not exceed
10 three hundred and fifty (350) square feet, may have a side
11 setback of five feet and a rear setback of five feet.
12

13 **6. Height of Single-family Residence Buildings and Height of**
14 **Special-Use Buildings in R-Use Districts - General.** No
15 single-family building shall be constructed in Coral Gables that
16 is more than two (2) stories in height. No subordinate or
17 accessory building permitted by this code as an Auxiliary-Use
18 shall exceed in height the maximum height of the principal
19 building on the building site. Except in Journey's End where
20 single family residences may have a permitted height of thirty
21 four (34) feet above established grade, said two (2) stories shall
22 not exceed a height of twenty nine (29) feet above established
23 grade (**see definition of established grade**) in all instances
24 including ridgeline, domes, steeples, towers, cupolas,
25 decorative features and such other similar structures, and
26 excluding chimneys having a maximum height of three (3) feet
27 above the ridgeline and a maximum area of seventeen (17)
28 square feet.
29

30 **7. Height of Residences in Flood Hazard Districts.** Single-
31 family residences in flood hazard districts shall not exceed a
32 height of 2 stories or thirty-nine (39) feet above established
33 grade (**see definition of established grade**) including ridgeline,
34 domes, steeples, towers, cupolas, decorative features and such
35 other similar structures, and excluding chimneys having a
36 maximum height of three (3) feet above the ridgeline and a
37 maximum area of seventeen (17) square feet. That portion of a
38 single-family residence located above the garage in the coastal
39 flood hazard district may in no case be more than one story in

1 height, and may be one story in height, subject to the following
2 conditions and restrictions:

- 3
- 4 a. That the elevation of the garage floor shall not be more than
5 six (6) inches above established grade.
- 6 b. That the area of the garage shall not exceed a gross floor
7 area of more than six hundred (600) square feet or one-third
8 (1/3) of the ground area of the main building on the
9 premises, whichever is greater, including any service or
10 storage, or access area located within the garage.

11

12 **8. Ground Area Coverage.** Buildings or structures designed and
13 constructed for R-Use Districts, shall not occupy more than thirty
14 five (35) percent of the ground area of the building site upon
15 which the building or structure is erected. The area utilized for
16 calculating the maximum ground area coverage for the principal
17 building shall be computed from the exterior face of exterior walls
18 and the exterior face of exterior columns of the ground floor of the
19 building. Cantilevered portions of the building above the ground
20 floor or roof overhangs that are greater than five (5') feet shall be
21 computed in the calculation of the ground area coverage of the
22 principal building. Auxiliary buildings or structures, including
23 swimming pools, may occupy additional ground coverage, but the
24 total ground area occupied by the main building or structure and
25 auxiliary structures shall not exceed forty-five (45) percent of the
26 building site upon which the structures are located. In no case
27 shall the main building or structure exceed thirty-five (35) percent
28 of the lot or lots composing the building site. Special Use
29 buildings or structures which may be permitted by ordinance to be
30 located in R-Use Districts shall abide by the same minimum
31 ground area coverage as set forth for single-family residences in R-
32 Use Districts.

33

34 **9. Maximum Square Foot Floor Area For Single-family**
35 **Residences. General.** The maximum square foot floor area
36 permitted for single-family residences shall be equal to forty-
37 eight (48) percent for the first five thousand (5,000) square feet
38 of building site area and thirty-five (35) percent for the next
39 five thousand (5,000) square feet of building site area and thirty
40 (30) percent for the remainder of the building site area.

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10. Determination of Maximum Square Foot Floor Area - General. The maximum square foot floor area of a single-family residence shall be the sum of the gross areas of all the floors of the building or buildings, measured from the exterior faces of exterior walls and exterior faces of supporting columns for any floor not enclosed by exterior walls. The Board of Architects shall require such changes in the plans and specifications for single-family residences as are necessary or appropriate to the maintenance of a high standard of construction, architecture, beauty, and harmony with the aesthetic quality of the surrounding neighborhood in the carrying out of the provisions of this section of the "Zoning Code".

a. In particular, gross floor area shall include the following:

- i. All floor space used for dwelling purpose, such as living rooms, bedrooms, kitchens, utility rooms, mechanical equipment rooms, and any other similar space, no matter where located within a building.
- ii. Elevator shafts and stairwells at each floor.
- iii. The floor space in penthouses, interior balconies and mezzanines.
- iv. The floor space in auxiliary or accessory buildings.
- v. The floor space in screened porches located on the second floor. The floor space in screened porches located on the first floor shall be computed at one-half (1/2) of the square foot floor area contained therein; provided, a covenant is submitted stating that such screen porch will not be enclosed if it will cause the residence to exceed the maximum permitted floor area.
- vi. The floor space in any garage or garage and storage area except that the floor area shall be counted at three quarters (3/4) of floor area for one story detached garages located in the rear yard area with a height that does not exceed sixteen feet above

- 1 established grade and a floor area that does not
2 exceed three hundred and fifty (350) square feet.
- 3 vii. In those cases where the average floor to the bottom
4 of the structural member of roof support height
5 exceeds thirteen (13'0") feet clear, without
6 intermediate structural floor members, then that area
7 shall be counted twice in the maximum floor area
8 factor computation.
- 9 viii. The floor space in roofed terraces, breezeways, and
10 porches located on the second floor.
- 11 iv. The floor space in interior court yards and if a portion
12 of the interior court yard is created in whole or in part
13 with a two story portion of the residence then the
14 interior court yard shall count twice.
- 15 b. The following areas or structures shall not be computed into
16 the gross floor area of the building except as stated herein:
- 17
- 18 i. Floor space in one (1) story roofed terraces,
19 breezeways, and porches that do not have an average
20 floor to ceiling height that exceeds thirteen (13'0")
21 feet provided, a covenant is submitted stating that
22 such roofed terrace, and breezeway or porch will not
23 be enclosed if it will cause the residence to exceed the
24 maximum permitted floor area.
- 25 ii. Floor space in screen enclosures.
- 26 iii. Carports that consist of a roofed structure that is open
27 on three sides and attached to the main building for
28 the purpose of providing shelter for one or more
29 motor vehicles.
- 30
- 31 **11. Determination of Maximum Square Foot Floor Area in**
32 **Flood Hazard Districts.** The maximum square foot floor area
33 of a single-family residence in a flood hazard district shall be
34 the sum of the gross areas of all the floors of the building or
35 buildings, measured from the exterior faces of exterior walls
36 and exterior faces of supporting columns for any floor not
37 enclosed by exterior walls. The Board of Architects shall
38 require such changes in the plans and specifications for single-

1 family residences as are necessary or appropriate to the
2 maintenance of a high standard of construction, architecture,
3 beauty and harmony in the carrying out of the provisions of this
4 section of the "Zoning Code".

5
6 a. In particular, gross floor area shall include the following:

- 7
8 i. All floor space used for dwelling purpose, such as
9 living rooms, bedrooms, kitchens, utility rooms,
10 mechanical equipment rooms, and any other
11 similar space, no matter where located within a
12 building.
- 13 ii. Elevator shafts and stairwells at each floor.
- 14 iii. The floor space in penthouses, interior balconies
15 and mezzanines.
- 16
17 iv. The floor space in auxiliary or accessory buildings.
- 18
19 v. Screened porches shall be computed at one-half
20 (1/2) of the square foot floor area contained
21 therein; provided, a covenant is submitted stating
22 that such screen porch will not be enclosed if it
23 will cause the residence to exceed the maximum
24 permitted floor area.
- 25
26 vi. The floor space in any garage or garage and
27 storage area.
- 28
29 vii. In those cases where the average floor to the
30 bottom of the structural member of roof support
31 height exceeds fifteen (15'0") feet clear, without
32 intermediate structural floor members, then that
33 area shall be counted twice in the maximum floor
area factor computation.

34 b. The following areas or structures shall not be computed
35 into the gross floor area of the building except as stated
36 herein:
37

- 1 i. Floor space in roofed terraces, breezeways, and
2 porches provided, a covenant is submitted stating
3 that such roofed terrace, and breezeway or porch
4 will not be enclosed if it will cause the residence to
5 exceed the maximum permitted floor area.
6 ii. Floor space in screen enclosures.
7 iii. Carports that consist of a roofed structure that is
8 open on three sides and attached to the main
9 building for the purpose of providing shelter for
10 one or more motor vehicles.

- 11
12 **12. Off-street Parking Requirements.** The off-street parking
13 requirements for single-family residences located in an R-Use
14 District shall be one parking space consisting of a roofed
15 structure, which utilizes the same materials as the principle
16 structure that is a garage, carport, porte-cochere, or breezeway.
17 The minimum size required for a garage or carport shall be
18 twelve (12) feet wide by twenty-two (22) feet deep for a one car
19 garage or carport. An additional ten (10) feet in width shall be
20 required for each additional car being stored in a garage or
21 carport. The dimensions provided for herein shall be clear of
22 all obstructions from the floor to the ceiling of the garage.

23
24 A garage that faces upon a street shall not exceed one third
25 (1/3) of the width of the façade of the residence that faces upon
26 a street and the remaining two thirds (2/3s) of the façade shall
27 not include other garage areas or detached garages visible from
28 the front of the street. In the event a building site has less than
29 fifty feet of street frontage or does not have sufficient depth on
30 a side street to provide a garage, then a one car garage with a
31 maximum interior dimension of 12'0" wide by 25'0" deep shall
32 be permitted to face upon the front street.

33
34 The off-street parking requirements for special-use buildings
35 shall be as required in Article 3 Off-Street Parking and
36 Loading.

- 37
38 **13. Landscaped Open Space.** Landscaped open space for building
39 sites in R-Use Districts shall be provided as follows:
40

- 1 a. All building sites shall provide landscaped open space of
2 not less than forty (40) percent of the area of the building
3 site.
4 b. At least twenty (20) percent of the required forty (40)
5 percent of landscape open space shall be located in the
6 front yard area.
7 c. The landscaped open space required by this Section shall
8 consist of pervious landscaped area and shall not consist
9 of any paved or otherwise impervious areas.

10

11 Sec. 14-2. Flat roofs without a parapet.

12

13 Except on Lots 1 through 18, inclusive, Block 89, Lots 20 through 36,
14 inclusive, Block 91, Riviera Section Part Three and Lots 1, 2, 3 and Lots 5
15 through 12, inclusive, Block 4 and Lots 11 through 16, Block 6, French
16 Village, flat roofs without a parapet shall be permitted upon buildings
17 subject to restrictions noted hereinafter.

18

19 A. Over porches or rooms within the L, T or U of an R, D, or A Use
20 building having all tile roofs provided:

21

- 22 1. A tile roof is not practical, as shall be determined by the Board of
23 Architects.
24 2. The flat roof portion shall not exceed fifteen (15%) percent of the
25 ground area of the building.
26 3. The flat roof portion is not visible from the front elevation of the
27 building on an inside lot, or is not visible from the front or side
28 street elevations on a corner lot.

29

30 B. Over one-story rooms in the rear of a two story residence, duplex or
31 apartment on inside lots, or over one-story rooms in the rear of a two-
32 story residence, duplex or apartment where the room is not visible
33 from the front or side street elevation on corner lots, providing in all
34 cases some type of metal or masonry railing, as shall be approved by
35 the Board of Architects is installed upon such flat roof.

36

37 C. In Industrial Districts where the roof is constructed entirely of non-
38 combustible materials.

39

- 1 D. On boat houses, provided some ornamental railing, design or other
2 treatment, as shall be approved by the Board of Architects, is placed
3 upon such flat roof.
4
- 5 E. Over meter rooms, elevator towers, elevator machinery and equipment
6 rooms, stair towers, and air-conditioning rooms in C-Districts where
7 the roof is constructed entirely of non-combustible materials.
8
- 9 F. Over one-story or two-story areas of a residential building, or as a
10 balcony, tower or other feature used to enhance the architecture of a
11 building (as with the Colonial or Mediterranean style), provided that if
12 located on an elevation visible to the street, the flat roof portions
13 visible to the street shall not constitute more than twenty (20%)
14 percent of the building's total roof area and is used to reduce or
15 minimize the mass of the building.
16

17 **Sec. 14-3 Flat roofs with a parapet.**
18

19 Except on Lots 1 through 18, inclusive, Block 89, Lots 20 through 36,
20 inclusive, Block 91, Riviera Section Part Three, and Lots 1, 2, 3 and Lots 5
21 through 12, inclusive, Block 4 and Lots 11 through 16, Block 6, French
22 Village, flat roofs with a parapet (minimum eight (8) inches thick shall be
23 permitted upon single family residences and accessory buildings and
24 structures subject to restrictions noted hereinafter:
25

- 26 A. The residence has a flat roof with a parapet with and a pitched roof
27 area that is lesser in size and proportion to the flat roof area. The roof
28 deck of the flat roof with a maximum thirty (30") inch high parapet
29 shall not exceed twenty four (24'0") feet above established grade and
30 the top of the parapet shall not exceed twenty six feet six inches
31 (26'6") above established grade. The roof shall be pitched in
32 accordance with the provisions of the Florida Building Code.
33
- 34 B. The residence has a flat roof with a parapet with and a pitched roof
35 area that is greater in size and proportion to the flat roof area. The
36 roof deck of the flat roof with a maximum thirty (30") inch high
37 parapet shall not exceed twenty four (24'0") feet above established
38 grade and the top of the parapet shall not exceed twenty six feet six
39 inches (26'6") above established grade. The roof shall be pitched in
40 accordance with the provisions of the Florida Building Code.

1 C. Over boat houses.

2

3 D. Upon buildings designed and devoted to A, C, and M Uses.

4

5 **Sec. 14-9 Roof projections.**

6

7 Roofs and bay windows that do not extend to the ground may project into
8 the required minimum setback area not more than the following: (3234)

9

10 A. On setbacks from five (5) feet to ten (10) feet, roofs may project not
11 more than two-and-one-half (2½) feet into the required minimum
12 setback area.

13

14 B. On setbacks from ten and one-tenth (10.1) feet to fifteen (15) feet,
15 roofs, balconies, and bay windows may project not more than three
16 (3) feet into the required minimum setback area.

17

18 C. On setbacks from fifteen and one-tenth (15.1) feet to twenty (20) feet,
19 roofs balconies, and bay windows may project not more than three-
20 and-one-half (3½) feet into the required minimum setback area.

21

22 D. On setbacks from twenty and one-tenth (20.1) feet to twenty-five (25)
23 feet, roofs and bay windows may project not more than four-and-one-
24 half (4½) feet into the required minimum setback area.

25

26 E. On setbacks of twenty-five (25) feet or more, roofs and bay windows
27 may project not more than five (5) feet into the required minimum
28 setback area.

29

30

31 **Sec. 15-1 Architectural Style – General.**

32 A. Architectural type – General. (2003-10) Except as provided for in
33 Section 15-3 of this ordinance, all buildings hereinafter constructed or
34 reconstructed, shall be designed in a specific architectural style such
35 as but not limited to Colonial, Venetian, Mediterranean, Italian,
36 French, Bahamian or other identifiable architectural style. All
37 buildings hereinafter altered or added to shall conform to the
38 architectural design of the existing building provided, however, that if
39 the architectural style of the building is being altered then the building
40 shall be designed in a specific architectural style such as but not

1 limited to Colonial, Venetian, Mediterranean, Italian, French,
2 Bahamian or other identifiable architectural style. The Architect shall
3 include a page or pages in the plan which defines the architectural
4 style with text and photographs and provide a statement on how the
5 proposed building complies with the style. It shall be the duty and
6 responsibility of the Board of Architects to determine in each and
7 every case whether or not the submitted plans comply with the type
8 and scale of architecture set forth hereinabove and require from the
9 designing architect such changes as would bring the design into
10 conformity. The Board of Architects shall require such changes in the
11 design of the structure so as to preserve traditional aesthetic
12 treatments and promote design excellence in the community. In
13 considering the design of the building, the Board of Architects shall
14 consider and render a decision as to the adequacy of the following
15 elements in the design concept: (2992)

- 16
- 17 1. Trim.
- 18 2. Shutters.
- 19 3. Awnings and canopies.
- 20 4. Windows (Fenestration).
- 21 5. Doors.
- 22 6. Texture of surface.
- 23 7. Colors.
- 24 8. Roofs.
 - 25 a. Materials.
 - 26 b. Color.
 - 27 c. Slope.
 - 28 d. Overhang.
- 29 9. Planters.
- 30 10. Window boxes.
- 31 11. Walls, height, location, materials, design.
- 32 12. Height of building.
- 33 13. Location of structure on site.
- 34 14. Site circulation in regard to pedestrian travel, parking, services,
35 grades and landscaping.
- 36 15. Location of exposed piping, conduits and rain water leaders.
- 37 16. The impact on adjacent properties of continuous two story walls
38 that are in excess of forty (40) percent of the site depth.
- 39 17. Decorative lighting (height, location and style).
- 40

1 The architectural style for a given location, unless specified to the
2 contrary, shall be in harmony with the architecture of its particular
3 neighborhood. The Board of Architects shall review a new building or
4 structure or a substantial addition to an existing building or structure
5 that is to be constructed in context within an area that includes both
6 sides of the street, on the block where it is located and surrounding
7 properties. The Board of Architects shall require that photographs of
8 both sides of the street, on the block where a new building or structure
9 or a substantial addition to an existing building or structure is to be
10 constructed and surrounding properties, is submitted for their review.

11
12 The architectural context of an area includes the height, scale,
13 massing, separation between buildings, and style, in regard to how
14 buildings and structures relate to each other within a specified area.
15 Architectural context allows for differences in height, scale, massing,
16 and separation between building and style, when such differences
17 contribute to the overall harmony and character of the area. The
18 Board of Architects shall not take into consideration existing
19 buildings and structures that are out of context with the area when
20 considering whether a new building or structure or a substantial
21 addition to an existing building or structure is in context with both
22 sides of the street on the block where it is located and surrounding
23 properties. The Board of Architects shall review the building or
24 structure in the context of that area in which the site is located when a
25 new building or structure or a substantial addition to an existing
26 building or structure is located on a building site that is on the border
27 of two areas that have different character or context.

28
29 Additions and alterations to buildings, which have been designated by
30 the provisions within the Zoning Ordinance as a Historic Landmark,
31 shall conform to the Secretary of the Interiors Standards.

32
33 **Sec. 11-10 Utility poles and underground utilities of private property.**

34 The following provisions shall apply to utility poles and
35 underground utilities on private property for all new
36 construction and for existing construction. For the purpose of
37 this section "service to the building" shall include electrical
38 service, telephone service and television service to the building.
39

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- a. In R, D and A Districts, utility poles and lines shall be placed in rear yard areas reserved for utility uses by easements granted for that purpose.
- b. The service lines for all utilities for new buildings and or structures on private property shall be placed underground.
- c. The lines for all utilities for existing buildings or structures on private property shall be placed underground when;
 - i. The service to the building or structure is replaced, or
 - ii. The service to the building or structure must be relocated due to an addition or alteration to the building or structure, or
 - iii. The service to the building or structure must be upgraded, or
 - iv. An alteration to a building or structure is an Alteration-Level 3 pursuant to the Florida Building Code.

Sec. 2-65-2. INTERIOR COURT YARD: An interior court yard is a court yard that is enclosed on at least two sides with building walls and enclosed on all of the other sides with walls that exceed four feet in height, a trellis, or covered terrace or any combination thereof.

Sec. 15-5 Duplication of elevations and/or exterior architectural design. No duplication of elevations and/or exterior architectural design or any similar designs as to massing, scale, and architectural features shall be permitted in any residential area. It is the intent of this section that the design of single family residences be unique and original designs and that designs or similarly designed single-family residences not be repeated with in the residential neighborhoods of the City. This section does not prohibit repetitive styles of architecture in the residential neighborhoods of the City, just a repetitiveness of design. Architects submitting plans for consideration by the Board of Architects shall, as part of said plan, and as a prerequisite to approval thereof, sign a certificate reading as follows: To the best of my knowledge and belief, the within plans and specifications do not duplicate the elevations and/or exterior architectural design or are similar in design as to the massing, scale, and architectural features of any buildings in the

1 residential area of the City of Coral Gables, previously submitted by me or
2 by my office. Furthermore, that to the best of my knowledge and belief
3 these plans and specifications are a unique and original design and not a
4 duplication of elevations and/or exterior architectural design or similar
5 design as to the massing, scale, and architectural features of any building
6 constructed, or for which a permit has been issued, in the City of Coral
7 Gables; I further certify that I am fully familiar with the ordinance under
8 which this certificate is required. (seal)

9

10 Architects who have been found by the Code Enforcement Board to have
11 violated the provisions of this section shall be reported to the State of Florida
12 Department of Business and Professional Regulation for disciplinary action,
13 in addition to the other penalties provided by this Code.

14

15 The provisions of this subsection shall not apply, however, in the following
16 cases:

17

18 (a) In the units of a single-housing project, which shall be deemed and
19 which hereby is defined as not more than three multiple family units
20 constructed on a lot or on contiguous lots so as to be an architectural
21 entity; and,

22

23 (b) To the interior design or floor plan of any structure.

24

ORDINANCE NO. 2006-02

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING THE CITY'S LAND DEVELOPMENT REGULATIONS TO REVISE AUTHORITY AND PURPOSE, DEFINITIONS AND USE REGULATIONS TO CREATE ADDITIONAL REGULATIONS, RESTRICTIONS AND PROHIBITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the state mandated Evaluation and Appraisal Report of the City of Aventura Comprehensive Plan was adopted by the City Commission by Resolution No. 2005-71 on November 1, 2005; and

WHEREAS, one of the recommendations of the Evaluation and Appraisal Report (the "EAR") is that the Land Development Regulations be revised to provide a cohesive blueprint for development and redevelopment of the City by addressing certain strategies to accommodate growth while maintaining neighborhood integrity and by limiting the intensity of future development and redevelopment in a manner that is consistent with current development patterns and that minimizes negative impacts on the City's infrastructure; and

WHEREAS, the City has held numerous workshop meetings and obtained extensive input and participation by the public through these meetings; and

WHEREAS, the City Manager has presented and recommended the adoption of revisions to the Land Development Regulations that will achieve the purposes of the temporary moratorium which was imposed by Ordinance No. 2005-07 and will incorporate the recommendations of the EAR and that will preserve the public health, safety and welfare of the City;

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

WHEREAS, the Local Planning Agency has reviewed the proposed amendments pursuant to 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 has reviewed the action set forth in the Ordinance and has determined that such action is consistent with the Comprehensive Plan and with the pending EAR based amendments.

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

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

Section 2. Code Amended. That Section 31-2 "Authority and purpose" of Article I. "Purpose and Applicability", Section 31-21 "Definitions" of Article II "Definitions and Rules of Construction", Section 31-143 "Residential Zoning Districts" of Article VII "Use Regulations", Section 31-144 "Business Zoning Districts" of Article VII "Use Regulations" and Section 31-145 "Town Center Zoning Districts" of Article VII "Use Regulations" of Chapter 31, "Land Development Regulations" of the City Code are hereby amended to read, as follows¹:

Section 31-2. Authority and purpose.

...

The LDRs shall provide a cohesive blueprint for development and redevelopment of the City by addressing strategies to accommodate growth while maintaining neighborhood integrity; ensure appropriate height and site development requirements and design guidelines; ensure appropriate transitions and linkages between different neighborhoods and uses; encourage more walkable neighborhoods; buffer neighborhoods and existing development from the encroachment of incompatible uses; limit the intensity of future development and redevelopment in a manner that is consistent with current development patterns and that minimizes further negative impacts to the City's infrastructure, traffic congestion, hurricane evacuation clearance times and quality of life and prevent redevelopment of a residential parcel in a manner that would increase its existing density, unless redevelopment of said parcel is within a redevelopment area described in or envisioned by the City's Comprehensive Plan or will implement specific development or redevelopment goals or plans that may be established for particular areas by the City Commission or redevelopment that is provided by expressly authorized conditional use approval.

Section 31-21. Definitions.

* * *

...

Developer shall mean any person, corporation, partnership, other legal entities or a governmental agency, undertaking any development and/or redevelopment as defined in these LDRs.

Development shall mean the construction, alteration or material change to vacant land and will be limited in its applicability to those properties shown on the City of Aventura

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

Vacant Land Map included as Figure II.A.3 in the 2005 Evaluation and Appraisal Report of the City's Comprehensive Plan. Development on all other parcels not shown as vacant land on the City of Aventura Vacant Land Map will be considered Redevelopment, unless otherwise expressly provided herein. See *Redevelopment*. Carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into parcels. The following activities or uses more specifically, but without limitation, shall be taken for the purposes of these regulations to constitute "development":

~~(1) A reconstruction, alteration of or material change in the extent or appearance of a structure on land.~~

~~(2) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land, or an increase in the number of businesses, manufacturing establishment, or offices.~~

~~(3)~~ 1 Alteration of shore or bank of a lake, pond, or canal, including any "coastal construction" as defined in F.S. § 161.021.

~~(4)~~ 2 Commencement of drilling, mining, or excavation on a parcel of land, except to obtain soil samples.

~~(5) Demolition of a structure.~~

~~(6)~~ 3 Clearing of land as an adjunct of construction.

~~(7)~~ 4 Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

(5) The demolition of a lawful non-conforming solely residential structure (which may include accessory uses) and construction of a commercial use on the same parcel(s).

(6) The demolition of a lawful non-conforming solely commercial structure and construction of a residential use on the same parcel(s).

The following operations or uses shall not be construed for the purpose of these regulations to involve "development":

(1) Work by a highway or road agency or railroad company for the maintenance of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.

(2) Work by any utility and other persons engaged in the distribution or transmission of gas, water, sewerage, or electricity, for the purpose of inspecting, repairing, renewing, or constructing within any established rights-of-way any sewers, mains, pipes, cables utility tunnels, powerlines, towers, poles, tracks, or the like.

(3) Work for the maintenance, renewal, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.

(4) The use of any structure or land devoted to dwelling uses for any purposed customarily incidental to enjoyment of the dwelling.

(5) A change in the ownership or form of ownership of any parcel or structure.

(6) The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.

(7) The use of any land for the purpose of growing plants, crops, trees, and other agriculture or forestry products; raising livestock; or for other agricultural purposes.

(8) A change in use of a structure from a use within a zoning district to another use in the same zoning district.

Development includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, development refers to the act of development or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this definition.

...

Development Approval, development order or development permit shall mean any building permit, site plan approval, conditional use approval, temporary use permit, subdivision approval, change of land use district boundary, plan amendment or any other official action to grant, deny or grant with conditions, issued by any official, commission, or board of the City having the effect of permitting development and/or redevelopment.

...

Redevelopment (Residential) shall mean the demolition and reconstruction, renewal, alteration or material change in the extent or appearance of a residentially zoned structure or structures or significant part of a structure or structures and/or a change in the intensity of use of land, such as an increase in the number of dwelling units in a

structure or on land, and/or an increase in the number of bedrooms. Redevelopment shall not mean the demolition of a lawful non-conforming solely commercial structure and construction of a residential use on the same parcel(s).

Redevelopment (Commercial) shall mean the demolition and reconstruction, renewal, alteration or material change in the extent or appearance of a commercially zoned structure or structures or significant part of a structure or structures and/or a change in the intensity of use of land, such as an increase in floor area. Redevelopment shall not mean the demolition of a lawful non-conforming solely residential structure (which may include accessory uses) and construction of a commercial use on the same parcel(s).

Redevelopment includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, redevelopment refers to the act of redevelopment or to the result of redevelopment. Reference to any specific operation is not intended to mean that the operation or activity when part of other operations or activities, is not redevelopment. Reference to particular operations is not intended to limit the generality of this definition.

Redevelopment Area means those redevelopment areas described in or envisioned by the City's Comprehensive Plan or redevelopment goals and plans that may be established for particular areas by the City Commission. The Biscayne Boulevard Commercial Corridor described in the City's Comprehensive Plan as a redevelopment area shall incorporate all commercial property with frontage on Biscayne Boulevard including but not limited to the Aventura Mall and all of its associated outparcels.

...

Section 31-143. Residential Zoning Districts.

(a) *Purpose.* These residential districts are intended to provide for residential development in conformance with the parcel's Future Land Use Map designation. A residential parcel's zoning designation shall be equivalent to the designation of the Future Land Use Map. The number of dwelling units permitted per gross acre of a zoning parcel, as defined in the LDRs, shall not exceed the total number of dwelling units permitted by the City's Comprehensive Plan designation for the zoning parcel. The uses within this district shall be consistent with, but may be more restrictive than, the corresponding Residential land Use Plan category or Town Center Land Use Plan category permitted uses. These zoning districts shall be applied to land designated Residential on the City's Future Land Use Map. A development parcel may have a maximum number of dwelling units based on an adopted development order or resolution.

Development of a parcel shall be subject to the Site Development Criteria set out in the zoning districts of this Section. Subsequent redevelopment shall be limited to existing density and number of bedrooms. More specifically, for any property on which the density allowed by the Site Development Standards is exceeded by existing development, the new density on redevelopment shall not exceed that allowed in the Site Development Standards and further provided that if the development has received site plan approval, is under construction or existed prior to the effective date of this provision with density lower than allowed by this Section, redevelopment shall be limited to that lower density and to the existing number of bedrooms. Excepted from this provision is redevelopment that is described in or envisioned in the City's Comprehensive Plan or such additional parcel(s) that will implement specific development or redevelopment goals that may be established for particular areas by the City Commission or redevelopment that is provided by expressly authorized conditional use approval.

...

(b) *Residential Single-Family District (RS1)*. The following regulations shall apply to all RS1 districts.

...

(3) *Site development standards.*

...

g. Development shall be subject to the criteria set out in this Section. Redevelopment shall follow the Site Development Standards with the exception that any property on which the density allowed by the Site Development Standards is exceeded by existing development, the new density on redevelopment shall not exceed that allowed in the Site Development Standards and further provided that if development has received site plan approval, is under construction or existed prior to the effective date of this provision with density lower than allowed by this Section, redevelopment shall be limited to that lower density and to the existing number of bedrooms, unless otherwise provided by expressly authorized conditional use approval.

...

(c) *Single-Family Residential Districts (RS2)*. The following regulations shall apply to all RS2 districts.

...

(3) *Site development standards.*

...

g. Development shall be subject to the criteria set out in this Section. Redevelopment shall follow the Site Development Standards with the exception that any property on which the density allowed by the Site Development Standards is exceeded by existing development, the new density on redevelopment shall not exceed that allowed in the Site Development Standards and further provided that if the development has received

site plan approval, is under construction or existed prior to the effective date of this provision with density lower than allowed by this Section, redevelopment shall be limited to that lower density and to the existing number of bedrooms, unless otherwise provided by expressly authorized conditional use approval.

...

(d) *Multifamily Medium Density Residential Districts (RMF3)*. The following regulations shall apply to all RMF3 Districts.

...

(3) *Site development standards.*

...

k. Development shall be subject to the criteria set out in this Section. Redevelopment shall follow the Site Development Standards with the exception that any property on which the density allowed by the Site Development Standards is exceeded by existing development, the new density on redevelopment shall not exceed that allowed in the Site Development Standards and further provided that if the development has received site plan approval, is under construction or existed prior to the effective date of this provision with density lower than allowed by this Section, redevelopment shall be limited to that lower density and to the existing number of bedrooms, unless otherwise provided by expressly authorized conditional use approval.

...

(e) *Multifamily Medium Density Residential Districts (RMF3A)*. The following regulations shall apply to all RMF3A Districts.

...

(3) *Site development standards.*

...

k. Development shall be subject to the criteria set out in this Section. Redevelopment shall follow the Site Development Standards with the exception that any property on which the density allowed by the Site Development Standards is exceeded by existing development, the new density on redevelopment shall not exceed that allowed in the Site Development Standards and further provided that if the development has received site plan approval, is under construction or existed prior to the effective date of this provision with density lower than allowed by this Section, redevelopment shall be limited to that lower density and to the existing number of bedrooms, unless otherwise provided by expressly authorized conditional use approval.

...

(f) *Multifamily High Density Residential Districts (RMF4)*. The following regulations shall apply to all RMF4 Districts.

(1) *Purpose of districts.* The purpose and intent of this district is to provide suitable

sites for the development of well-planned, environmentally compatible medium-high density multifamily residential use in areas consistent with the City's Comprehensive Plan Future Land Use Element. Densities shall not exceed ~~60~~ 45 units per gross acre.

...

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

- a. All uses permitted in the CF zone.
- b. Uses that exceed the height limitation, to a maximum height of 30 stories or 300 feet, or to a maximum height of 35 stories or 350 feet for any property which was granted a waiver pursuant to Section 3 of Ordinance 2005-07.
- c. Uses that exceed the density limitation, to a maximum of 60 dwelling units per gross acre.

(3) *Site development standards*.

...

- b. Maximum height:
 1. Duplexes: Two stories or 25 feet.
 2. Townhouses: Three stories or 35 feet.
 3. High-rise apartments: ~~40~~ 25 stories or ~~400~~ 250 feet.

...

j. Development shall be subject to the criteria set out in this Section. Redevelopment shall follow the Site Development Standards with the exception that any property on which the density allowed by the Site Development Standards is exceeded by existing development, the new density on redevelopment shall not exceed that allowed in the Site Development Standards and further provided that if the development has received site plan approval, is under construction or existed prior to the effective date of this provision with density than allowed by this Section, redevelopment shall be limited to that lower density and to the existing number of bedrooms, unless otherwise provided by expressly authorized conditional use approval.

...

(g) *Multifamily Medium Density Residential Districts (RMF3B)*.

(4) j. Development shall be subject to the criteria set out in this Section. Redevelopment shall follow the Site Development Standards with the exception that any property on which the density allowed by the Site Development Standards is exceeded by existing development, the new density on redevelopment shall not exceed that allowed in the Site Development Standards and further provided that if the initial development was constructed with density lower than allowed by this Section, redevelopment shall be limited to that lower density and to the existing number of bedrooms, unless otherwise provided by expressly authorized conditional use approval.

...

Section 31-144 Business Zoning Districts.

(a) *Purpose.* These business districts are intended to provide for commercial development in conformance with the Comprehensive Plan and provide for a variety of zoning districts to accommodate the City's business and commerce needs. These zoning districts may be applied to land designated Business and Office and Industrial and Office on the City's Future Land Use Map, however, the uses within this district shall be consistent with, but may be more restrictive than, the corresponding Business and Office and Industrial and Office category permitted uses.

Development and/or redevelopment of a parcel in the Business Zoning Districts shall be subject to the Site Development Standards set out in the zoning districts of this Section.

The floor area ratio permitted in Business Zoning Districts shall not exceed the maximum of 2.0 as set out in the Business and Office Future Land Use Category in the City's Comprehensive Plan.

...

(b) *Neighborhood Business (B1) District.* This district is intended to provide primarily for retail sales to a surrounding neighborhood. Retail stores permitted therein are intended to include primarily convenience goods which are usually a daily necessity for a residential neighborhood. The district is appropriate for location on a collector or an arterial roadway.

(1) *Uses permitted.* No building or structure, or part thereof, shall be erected, altered or used, or land used in whole or part for other than one or more of the following specific uses provided the requirements set forth elsewhere in this section are satisfied:

...

~~(g) Institutions such as places of worship, libraries, museums and similar facilities.~~

(h g) Antique shops.

(i h) Restaurants and coffee houses or dining room where kitchen is screened or located altogether within an enclosed building or room and with ample provisions for carrying away or dissipating fumes, odors, smoke or noise and where premises are so arranged and the business is so conducted as not to be offensive or create a nuisance to occupants of adjoining premises or to passersby.

(j i) Restaurants and cafes may serve alcoholic beverages where such service is strictly incidental to the service of food and from a service bar only provided no entertainment of any kind is furnished.

(k j) No sign or any type of character shall be exhibited or displayed to the outside denoting that alcoholic beverages are obtainable within.

(k) Uses accessory to any of the above uses when located on the same plot.

...

(5) *Site Development Standards*

...

f. Development or redevelopment shall be subject to the criteria set out in this Section.

...

(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.

...

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

...

i. Uses that exceed the height limitations, up to a maximum of 20 stories or 200 feet.

...

(5) *Site development standards.*

a. Floor area ratio and lot coverage and minimum landscaped open space requirements: ~~For purposes of this paragraph a., structure parking shall not count as part of the floor area, but may be counted toward calculation of the floor area ratio.~~

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. For these buildings not excepted under Section 31-144(c)(5)a.5 with zero 33 percent of the required parking located within a parking structure: The floor area ratio shall be 0.40 at one story and shall be increased by 0.11 for each additional story. The total lot coverage permitted for all buildings on the site shall not exceed 40 percent of the total lot area. The total minimum landscaped open space required shall be 33 percent of the total lot area. However, if structure parking level(s) is/are counted towards calculation of the floor area ratio then the total lot coverage permitted for all buildings on the site shall not exceed 38 percent of the total lot area. Additionally, the total minimum landscaped open space required shall be 35 percent of the total lot area.~~

~~3. For these buildings not excepted under Section 31-144(c)(5)a.5 with 33 percent 66 percent of the required parking located within a parking structure: The floor area ratio shall be 0.40 at one story and shall be increased by 0.11 for each additional story. The total lot coverage permitted for all buildings on the site shall not exceed 40 percent of the total lot area. The total minimum landscaped open space required shall be 36~~

~~percent of the total lot area. However, if structure parking level(s) is/are counted towards calculation of the floor area ratio then the total lot coverage permitted for all buildings on the site shall not exceed 35 percent of the total lot area. Additionally, the total minimum landscaped open space required shall be 37 percent of the total lot area.~~

~~4. For these buildings not excepted in Section 31-144(c)(5)a.5 with 66 percent-100 percent of the required parking located with a parking structure: The floor area ratio shall be 0.40 at one story and shall be increased by 0.11 for each additional story. The total lot coverage permitted for all buildings on the site shall not exceed 45 percent of the total lot area. The total minimum landscaped open space required shall be 30 percent of the total lot area. However, if structure parking level(s) is/are counted towards calculation of the floor area ratio then the total lot coverage permitted for all buildings on the site shall not exceed 35 percent of the total lot area. Additionally the total minimum landscaped open space required shall be 40 percent of the total lot area.~~

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. The floor area ratio shall not exceed 2.0 for all buildings in this district in conformance with the Comprehensive Plan.

~~5.~~ 3. For shopping center buildings with over 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 5 stories in height, the minimum landscaped open space shall be fifteen (15%) percent of the total lot area. Said open space shall be extensively landscaped with grass, trees and shrubbery in accordance with a landscape plan to be approved by the City Manager. The non-leasable areas within enclosed or non-enclosed malls which are landscaped with grass, trees and/or shrubbery, water areas therein, and areas therein with permanent art display areas may be used as part of the required landscaped open space provide such areas do not exceed ten (10) percent of the required landscaped open space.

b. *Maximum height:* ~~20~~ 12 stories or ~~344~~ 120 feet overall maximum height, including structure parking. ~~For purposes of this paragraph b., structure parking shall not be counted in computing number of stories but shall be counted in computing overall maximum height.~~ That portion of the building or structure within 200 feet of any residential zone shall be subject to a height limitation of one foot for every two feet in distance from the residential zoned plot unless the application of this requirement would limit the building height to a minimum of 25 feet.

...

d. ~~Setbacks: For purposes of this paragraph d., structure parking incorporated within the building envelope shall count toward the number of stories.~~

Front yard: not less than 25 feet in depth

Street side yard: not less than 20 feet in depth

Side and Rear yard: There is no side or rear yard setback required for a plot which is not adjacent to a street or alley. A side and rear yard setback of 20 feet in depth is required for a plot adjacent to a residentially zoned district, street or alley.

~~1. These buildings whose total number of stories is between zero and ten six floors, including any structure parking incorporated within the building envelope, shall have a front yard not less than 25 feet in depth. Every plot shall have a street side yard of not less than 20 feet depth. There is no side or rear yard setback required for a plot which is not adjacent to a street or alley. A side and rear yard setback of 20 feet is required when adjacent to a residentially zoned district, street or alley.~~

~~2. These buildings whose total number of stories is between 11 seven and 20 12 floors, including any structure parking incorporated within the building envelope, shall have a front yard not less than 35 feet in depth. Every plot shall have a street side yard of not less than 35 feet in depth. There is no side or rear yard setback required for a plot which is not adjacent to a street or alley. A side and rear yard setback of 35 feet is required when adjacent to a residentially zoned district, street or alley.~~

~~3. These buildings whose total number of stories exceeds 20 floors including any structure parking incorporated within the building envelope, shall have a front yard not less than 45 feet in depth. Every plot shall have a street side yard of not less than 45 feet in depth. There is no side or rear yard setback required for a plot which is not adjacent to a street or alley. A side and rear yard setback of 45 feet is required when adjacent to a residentially zoned district, street or alley.~~

...
f. Development and redevelopment shall be subject to the criteria set out in this Section.

(d) *Heavy Business (B3) District.* This district is intended to provide locations for planned commercial centers, sharing a common identity, parking and other support facilities developed according to an overall development plan; and for a wide range of goods and services to serve a market beyond the community itself. Such commercial concentrations are expected to draw substantial patronage from outside areas and are not expected to serve the convenience needs of local residents. As such, these centers should be oriented towards and have direct access to arterial roadways,

particularly major arterials.

...

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

...

a. Buildings or structures exceeding the height limitations set forth in this section, an ~~additional maximum height of 100 feet up to a maximum of 20 stories or 200 feet.~~

...

(6) *Site development standards.*

a. ~~Floor area ratio and lot coverage and minimum landscaped open space requirements: For purposes of this paragraph a., structure parking shall not count as part of the floor area, but may be counted toward calculation of the floor area ratio.~~

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. For those buildings with zero 33 percent of the required parking located within a parking structure: The floor area ratio shall be 0.40 at one story and shall be increased by 0.11 for each additional story. The total lot coverage permitted for all buildings on the site shall not exceed 40 percent of the total lot area. The total minimum landscaped open space required shall be 33 percent of the total lot area. However, if structure parking level(s) is/are counted towards calculation of the floor area ratio then the total lot coverage permitted for all buildings on the site shall not exceed 38 percent of the total lot area. Additionally, the total minimum landscaped open space required shall be 35 percent of the total lot area.~~

~~3. For those buildings with 33 percent 66 percent of the required parking located within a parking structure: The floor area ratio shall be 0.40 at one story and shall be increased by 0.11 for each additional story. The total lot coverage permitted for all buildings on the site shall not exceed 40 percent of the total lot area. The total minimum landscaped open space required shall be 36 percent of the total lot area. However, if structure parking level(s) is/are counted towards calculation of the floor area ratio then the total lot coverage permitted for all buildings on the site shall not exceed 35 percent of the total lot area. Additionally, the total minimum landscaped open space required shall be 37 percent of the total lot area.~~

~~4. For those buildings with 66 percent 100 percent of the required parking located with a parking structure: The floor area ratio shall be 0.40 at one story and shall be increased by 0.11 for each additional story. The total lot coverage permitted for all buildings on the site shall not exceed 45 percent of the total lot area. The total minimum landscaped open space required shall be 39 percent of the total lot area.~~

~~However, if structure parking level(s) is/are counted towards calculation of the floor area ratio then the total lot coverage permitted for all buildings on the site shall not exceed 35 percent of the total lot area. Additionally the total minimum landscaped open space required shall be 40 percent of the total lot area.~~

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. The floor area ratio shall not exceed 2.0 for all buildings in this district in conformance with the Comprehensive Plan.

b. *Maximum height:* ~~20 12 stories or 344 120 feet overall maximum height, including structure parking. For purposes of this paragraph b., structure parking shall not be counted in computing number of stories but shall be counted in computing overall maximum height.~~ That portion of the building or structure within 200 feet of any residential zone shall be subject to a height limitation of one foot for every two feet in distance from the residential zoned plot unless the application of this requirement would limit the building height to a minimum of 25 feet.

...
d. *Setbacks:* ~~For purposes of this paragraph d., structure parking incorporated within the building envelope shall count toward the number of stories.~~

Front yard: not less than 25 feet in depth

Street side yard: not less than 20 feet in depth

Side and Rear yard: There is no side or rear yard setback required for a plot which is not adjacent to a street or alley. A side and rear yard setback of 20 feet in depth is required for a plot adjacent to a residentially zoned district, street or alley.

~~1. These buildings whose total number of stories is between zero and ten six floors, including any structure parking incorporated within the building envelope, shall have a front yard not less than 25 feet in depth. Every plot shall have a street side yard of not less than 20 feet depth. There is no side or rear yard setback required for a plot which is not adjacent to a street or alley. A side and rear yard setback of 20 feet is required when adjacent to a residentially zoned district, street or alley.~~

~~2. These buildings whose total number of stories is between 11 seven and 20 12 floors, including any structure parking incorporated within the building envelope, shall have a front yard not less than 35 feet in depth. Every plot shall have a street side yard of not less than 35 feet in depth. There is no side or rear yard setback required for a plot which is not adjacent to a street or alley. A side and rear yard setback of 35 feet~~

~~is required when adjacent to a residentially zoned district, street or alley.~~

~~3. Those buildings whose total number of stories exceeds 20 floors including any structure parking incorporated within the building envelope, shall have a front yard not less than 45 feet in depth. Every plot shall have a street side yard of not less than 45 feet in depth. There is no side or rear yard setback required for a plot which is not adjacent to a street or alley. A side and rear yard setback of 45 feet is required when adjacent to a residentially zoned district, street or alley.~~

...

f. Development and redevelopment shall be subject to the criteria set out in this Section.

...

(e) *Office Park (OP) District.* This district is intended to provide for high quality, semi-professional and professional offices in a campus setting reflecting creative design and environmentally compatible use of space and perimeter buffer areas. This zoning district may be applied to land designated Business and Office and Industrial and Office on the City's Future Land Use Map, however, the uses within this district shall be consistent with, but may be more restrictive than, the corresponding Business and Office and Industrial and Office category permitted uses.

...

(4) *Site development standards.*

...

b. *Maximum height:* No building or structure, or part thereof shall be erected to a height exceeding ten stories or ~~476~~ 100 feet overall maximum height, including structure parking. ~~For purposes of this paragraph b., structure parking shall not be counted in computing number of stories but shall be counted in computing overall maximum height.~~

c. *Floor area ratio and lot coverage:* ~~For purposes of this paragraph c., structure parking shall not count as part of the floor area, but may be counted toward calculation of the floor area ratio.~~

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. For those buildings with zero 33 percent of the required parking located within a parking structure: The floor area ratio shall be 0.40 at one story and shall be increased by 0.11 for each additional story. The total lot coverage permitted for all buildings on the site shall not exceed 40 percent of the total lot area. However, if structure parking level(s) is/are counted towards calculation of the floor area ratio then the total lot~~

~~coverage permitted for all buildings on the site shall not exceed 38 percent of the total lot area.~~

~~3. For those buildings with 33 percent 66 percent of the required parking located within a parking structure: The floor area ratio shall be 0.40 at one story and shall be increased by 0.11 for each additional story. The total lot coverage permitted for all buildings on the site shall not exceed 40 percent of the total lot area. However, if structure parking level(s) is/are counted towards calculation of the floor area ratio then the total lot coverage permitted for all buildings on the site shall not exceed 35 percent of the total lot area.~~

~~4. For those buildings with 66 percent 100 percent of the required parking located with a parking structure: The floor area ratio shall be 0.40 at one story and shall be increased by 0.11 for each additional story. The total lot coverage permitted for all buildings on the site shall not exceed 45 percent of the total lot area. However, if structure parking level(s) is/are counted towards calculation of the floor area ratio then the total lot coverage permitted for all buildings on the site shall not exceed 35 percent of the total lot area.~~

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. The floor area ratio shall not exceed 2.0 for all buildings in this district in conformance with the Comprehensive Plan.

d. Setbacks: No parking areas shall be located within 30 feet of any residentially zoned property or within ten feet of any street line. ~~For purposes of this paragraph d., structure parking incorporated within the building envelope shall count toward the number of stories.~~

Front Yard: not less than 50 feet in depth.

Street Side Yard: not less than 15 feet in depth

Rear Yard: not less than 25 feet in depth. Adjacent to any RS districts, the rear yard setback shall be 30 feet in depth.

~~1. These buildings whose total number of stories is between zero and ten floors, including any structure parking incorporated within the building envelope, shall have a front yard not less than 50 feet in depth. Every plot shall have a street side yard of not less than 15 feet depth. Every plot upon which a structure is hereafter erected shall have a minimum rear yard of 25 feet. Adjacent to any RS districts the setback shall be 30 feet.~~

~~2. These buildings whose total number of stories exceeds ten floors, including any structure parking incorporated within the building envelope, shall have a front yard not less than 50 feet in depth. Every plot shall have a street side yard of not less than 25 feet in depth. Every plot upon which a structure is hereafter erected shall have a minimum rear yard of 25 feet. Adjacent to any RS districts the setback shall be 35 feet.~~

~~3. These buildings whose total number of stories exceeds 20 floors including any structure parking incorporated within the building envelope, shall have a front yard not less than 45 feet in depth. Every plot shall have a street side yard of not less than 45 feet in depth. There is no side or rear yard setback required for a plot which is not adjacent to a street or alley. A side and rear yard setback of 45 feet is required when adjacent to a residentially zoned district, street or alley.~~

e. Minimum open space: Minimum open space shall be 22 percent of the net lot area. Landscaped open space may include entrance features, passive recreational uses and/or pedestrian walkways. This minimum requirement may also include 50 percent of roof decks and other above grade surfaces which are provided and maintained for the common benefit of all occupants of the building. Water bodies may be used as part of the required landscaped open space but such water areas shall not be credited for more than 20 percent of the required open space.

~~1. These buildings whose total number of stories is between zero and ten floors, including any structured parking incorporated within the building envelope, shall have a minimum open space of 22 percent of the net lot area. If structure parking level(s) is/are counted towards calculation of the floor area ratio, then the total minimum landscaped open space required shall be 25 percent of the total lot area.~~

~~2. These buildings whose total number of stories exceeds ten floors, including any structured parking incorporated within the building envelope, shall have a minimum open space of 25 percent of the net lot area. If structure parking level(s) is/are counted towards calculation of the floor area ratio, then the total minimum landscaped open space required shall be 28 percent of the total lot area.~~

...

g. Development and redevelopment shall be subject to the criteria set out in this Section.

...

(f) *Medical Office (MO) District.* This district is intended to provide for medical offices and other uses supporting the medical profession associated with the hospital. This zoning district may be applied to land designated Business and Office on the City's Future Land Use Map, however the uses within this district shall be consistent with, but may be more restrictive than, the corresponding Business and Office category

permitted uses.

...

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

...

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.

...

(4) *Site development standards.*

...

b. *Maximum height:* No building or structure, or part thereof shall be erected to a height exceeding ~~ten~~ twelve stories, or ~~176~~ 120 feet overall maximum height, including structure parking, ~~unless otherwise specified in this section. For purposes of this paragraph b., structure parking shall not be counted in computing number of stories but shall be counted in computing overall maximum height.~~

c. *Setbacks:* No parking areas shall be located within 30 feet of any residentially zoned property or within ten feet of any street line. ~~For purposes of this paragraph c., structure parking incorporated within the building envelope shall count toward the number of stories.~~

Front yard: not less than 50 feet in depth.

Street Side yard: not less than 20 feet in depth.

Rear yard: not less than 25 feet in depth.

~~1. These buildings whose total number of stories is between zero and ten floors, including any structure parking incorporated within the building envelope, shall have a front yard not less than 50 feet in depth. Every plot shall have a street side yard of not less than 20 feet in depth. Every plot upon which a structure is hereafter erected shall have a minimum rear yard of 25 feet.~~

~~2. These buildings whose total number of stories is between 11 and 20 floors, including any structure parking incorporated within the building envelope, shall have a front yard not less than 50 feet in depth. Every plot shall have a street side yard of not less than 30 feet in depth. Every plot upon which a structure is hereafter erected shall have a minimum rear yard of 30 feet.~~

~~3. These buildings whose total number of stories exceeds 20 floors, including any structure parking incorporated within the building envelope, shall have a front yard not less than 65 feet in depth. Every plot shall have a street side yard of not less than 45 feet in depth. Every plot upon which a structure is hereafter erected shall have a minimum rear yard of 45 feet.~~

4. 1. 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 standards shall apply:

a. No parking areas shall be located within 30 feet of any residentially zoned property or within ten feet of any street line.

b. 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.

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

d. Minimum rear yard setback shall be ten feet in depth, except that the minimum yard setback from Biscayne Boulevard in this district shall be 25 feet in depth.

d. Floor area ratio and lot coverage and minimum landscaped open space requirements: For purposes of this paragraph d., structure parking shall not count as part of the floor area, but may be counted toward calculation of the floor area ratio.

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. For those buildings with zero-33 percent of the required parking located within a parking structure: The floor area ratio shall be 0.40 at one story and shall be increased by 0.11 for each additional story. The total lot coverage permitted for all buildings on the site shall not exceed 40 percent of the total lot area. The total minimum landscaped open space required shall be 33 percent of the total lot area. However, if structure parking level(s) is/are counted towards calculation of the floor area ratio then the total lot coverage permitted for all buildings on the site shall not exceed 38 percent of the total lot area. Additionally, the total minimum landscaped open space required shall be 35 percent of the total lot area.~~

~~3. For those buildings with 33 percent-66 percent of the required parking located within a parking structure: The floor area ratio shall be 0.40 at one story and shall be increased by 0.11 for each additional story. The total lot coverage permitted for all buildings on the site shall not exceed 40 percent of the total lot area. The total minimum landscaped open space required shall be 36 percent of the total lot area. However, if structure parking level(s) is/are counted towards calculation of the floor area ratio then the total lot coverage permitted for all buildings on the site shall not exceed~~

~~35 percent of the total lot area. Additionally, the total minimum landscaped open space required shall be 37 percent of the total lot area.~~

~~4. For those buildings with 66 percent 100 percent of the required parking located with a parking structure: The floor area ratio shall be 0.40 at one story and shall be increased by 0.11 for each additional story. The total lot coverage permitted for all buildings on the site shall not exceed 45 percent of the total lot area. The total minimum landscaped open space required shall be 39 percent of the total lot area. However, if structure parking level(s) is/are counted towards calculation of the floor area ratio then the total lot coverage permitted for all buildings on the site shall not exceed 35 percent of the total lot area. Additionally the total minimum landscaped open space required shall be 40 percent of the total lot area.~~

§ 2. 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 standards shall apply: The maximum floor area ratio shall be 0.40 at one story and shall be increased by 0.11 for each additional story. The total lot coverage permitted for all buildings on the site shall not exceed 40 percent of the total lot area. The minimum landscaped open space required shall be 33 percent of the total lot area.

3. Minimum landscaped open space required shall be 33 percent of the total lot area. 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. The floor area ratio shall not exceed 2.0 for all buildings in this district in conformance with the Comprehensive Plan.

...
f. Development and redevelopment shall be subject to the criteria set out in this Section.

...

Sec. 31-145. Town Center Zoning Districts.

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

...

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

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

- a. Those uses permitted in the RMF3 District.
- b. Those uses permitted in the B1 District.
- c. Those uses permitted in the B1 District with increased floor area.
- ~~e-~~ d. Sale of alcoholic beverages for on-premises consumption except with meals.
- ~~d-~~ e. Uses that exceed the height limitations, including parking structures.
- ~~e-~~ f. 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.

~~f-~~ g. Floor areas that are less than the minimum floor areas required by the provisions of 31-145(5)g hereof.

~~g-~~ h. Allocations of interior spaces other than as set forth in section 31-145(b)(7) hereof.

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

~~i-~~ j. 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 the Code.

~~j.~~ k. Driveways for mixed-use projects exceeding 20 acres in size 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 the Code, and;
 2. Traffic studies indicate that a lesser distance between driveways does not constitute a safety hazard to either vehicular or pedestrian traffic.
- k.l. Off street parking that does not meet the requirements of section 31-171(b) or (d) of this Code.
- l.m. All uses permitted in the CF District.
- ~~m.~~ All uses permitted as accessory uses in the CF, Community Facilities District

...

(10) Design Standards. All development in the TC1 zoning district shall substantially comply with the applicable "Town Center Design Guidelines" as provided by the City Manager.

...

(c) Town Center Marine District (TC2). The following regulations shall apply to all TC2 Districts.

...

(12) Design Standards. All development in the TC2 zoning district shall substantially comply with the applicable "Town Center Design Guidelines" as provided by the City Manager.

...

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held 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. This Ordinance shall not conflict with or be applied in any manner that would conflict with any waiver granted by the City Commission pursuant to Section 3 of Ordinance No. 2005-07. Accordingly, the previously existing Land Development Regulations shall control any development or redevelopment that is authorized by a Resolution granting any such waiver.

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

Commissioner Bob Diamond	yes
Commissioner Zev Auerbach	yes
Commissioner Harry Holzberg	yes
Commissioner Michael Stern	yes
Commissioner Luz Weinberg	yes
Vice Mayor Billy Joel	yes
Mayor Susan Gottlieb	yes

The foregoing Ordinance was offered by Commissioner Holzberg, who moved its adoption at second reading. This motion was seconded by Vice Mayor Joel, and upon being put to a vote was as follows:

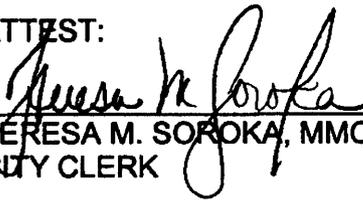
Commissioner Bob Diamond	yes
Commissioner Zev Auerbach	yes
Commissioner Harry Holzberg	yes
Commissioner Michael Stern	yes
Commissioner Luz Weinberg	yes
Vice Mayor Billy Joel	yes
Mayor Susan Gottlieb	yes

PASSED AND ADOPTED on second reading this 7th day of February, 2006.



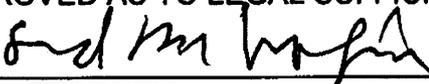
SUSAN GOTTLIEB, MAYOR

ATTEST:



TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:



CITY ATTORNEY

This Ordinance was filed in the Office of the City Clerk this ^{8th} day of February , 2006.



CITY CLERK