

CITY OF AVENTURA ORDINANCE NO. 2023-13

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING CHAPTER 31, "LAND DEVELOPMENT REGULATIONS" OF THE CITY CODE OF ORDINANCES BY AMENDING SECTION 31-145(E), "TOWN CENTER OFFICE PARK MIXED USE (TC4) DISTRICT", SUBSECTION (1), "PURPOSE", AND SUBSECTION (4), "CONDITIONAL USES PERMITTED" TO ALLOW MULTIFAMILY RESIDENTIAL USES WITH A MAXIMUM OF 50 DWELLING UNITS PER ACRE; SUBJECT TO CONDITIONAL USE APPROVAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Applicant, Aventura Opportunity Owner LLC, through Application No. LDR2305-0002, has requested from the City of Aventura (the "City"), an amendment to Section 31-145(e) "Town Center Office Park Mixed Use (TC4) District", subsections (1) "Purpose" and (4) "Conditional uses permitted", of Chapter 31, "Land Development Regulations" (the "LDRs) of the Code of Ordinances ("City Code") to allow multifamily residential uses with a maximum density of 50 dwelling units per acre subject to Conditional Use approval; and

WHEREAS, the City Commission finds that the proposed amendment to Section 31-145(e) of the City Code to allow multifamily residential uses with a maximum density of 50 dwelling units per acre is consistent with the applicable goals, objectives and policies of the City's Comprehensive Plan; and

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

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

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

WHEREAS, The City Commission has reviewed the proposed amendment, and finds that it is in the best interest of the public to amend Sections 31-145 of the LDRs as set forth in this Ordinance; and

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

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

Section 1. Findings. That the foregoing "Whereas" clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. City Code Amended. Section 31-145(e) "Town Center Office Park Mixed Use (TC4) District", subsections (1) "Purpose" and (4) "Conditional uses permitted", of Chapter 31, LDRs of the City Code, are hereby amended to read as follows¹:

Sec. 31-145. Town Center Zoning Districts.

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

(1) *Purpose.* This district is intended to provide suitable sites for the development of structures and sites combining residential and commercial uses in a well-planned and compatible manner, emphasizing office uses with direct access to Biscayne Boulevard. Any approved site plan in this district shall provide a significant amount of office space as part of its commercial uses. Residential densities shall not exceed 25 50 dwelling units per gross acre and non-residential intensity shall not exceed a floor area ratio of 2.0.

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

o. Residential uses that exceed 25 dwelling units per acre, but not to exceed 50 dwelling units per acre.

Section 3. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they

¹ Underlined text indicates additions. Stricken- through text indicates deletions. Double underline indicates changes made between first and second reading.

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. That it is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and 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. That this Ordinance shall be effective immediately upon adoption on second reading.

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

Commissioner Rachel S. Friedland	<u>Yes</u>
Commissioner Billy Joel	<u>Yes</u>
Commissioner Paul A. Kruss	<u>Yes</u>
Commissioner Dr. Linda Marks	<u>No</u>
Commissioner Michael Stern	<u>Yes</u>
Vice Mayor Amit Bloom	<u>Yes</u>
Mayor Howard S. Weinberg	<u>Yes</u>

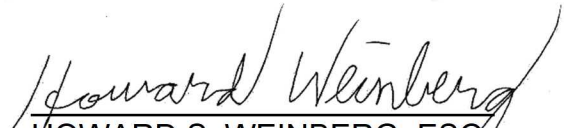
The foregoing Ordinance was offered by Vice Mayor Bloom, who moved its adoption on second reading. The motion was seconded by Commissioner Stern, and upon being put to a vote, the vote was as follows:

Commissioner Rachel S. Friedland	<u>No</u>
Commissioner Billy Joel	<u>Yes</u>
Commissioner Paul A. Kruss	<u>Yes</u>
Commissioner Dr. Linda Marks	<u>No</u>
Commissioner Michael Stern	<u>Yes</u>
Vice Mayor Amit Bloom	<u>Yes</u>
Mayor Howard S. Weinberg	<u>Yes</u>

PASSED on first reading this 6th day of June, 2023.

PASSED AND ADOPTED on second reading this 11th day of July, 2023.




HOWARD S. WEINBERG, ESQ.
MAYOR

ATTEST:


ELLISA L. HORVATH, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:


CITY ATTORNEY

This Ordinance was filed in the Office of the City Clerk this 11th day of July, 2023.


CITY CLERK