

ORDINANCE NO. 2018-14

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING CHAPTER 31, "LAND DEVELOPMENT REGULATIONS" OF THE CITY CODE OF ORDINANCES BY AMENDING SECTION 31-21, DEFINITIONS, AND BY AMENDING SECTION 31-143(F)(1) AND SECTION 31-143(F)(2A), MULTIFAMILY HIGH DENSITY RESIDENTIAL (RMF4) DISTRICT, TO DEFINE AND ADD LIMITED-SERVICE HOTEL USE IN COMBINATION WITH MULTIFAMILY RESIDENTIAL DEVELOPMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicant, Granite Aventura LLC, through Application No. 02-LDR-18, is requesting an amendment to Section 31-21 "Definitions" and Section 31-143 "Residential Zoning Districts" of Chapter 31 "Land Development Regulations" of the Code of Ordinances ("City Code") to define and add limited-service hotel use in combination with multifamily residential use in Section 31-143(f)(1) and Section 31-143(f)(2a); and

WHEREAS, the City Commission finds that the proposed amendment to Section 31-143 of the City Code to add limited service hotel use in combination with multifamily residential use is consistent with the applicable goals, objectives and policies of the City's Comprehensive Plan; and

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

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

WHEREAS, the City Commission has reviewed the proposed amendment, and finds that it is in the best interests of the public to amend Sections 31-21 and 31-143 of Chapter 31 "Land Development Regulations," as set forth in this Ordinance; and

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

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

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

Section 1. Recitals. The foregoing whereas clauses are hereby ratified and incorporated within this Ordinance.

Section 2. City Code Amended. Section 31-21 "Definitions" of Article II of Chapter 31 "Land Development Regulations" and Section 31-143 "Residential Zoning Districts" of Article VII "Use Regulations" of Chapter 31 "Land Development Regulations" of the City Code are hereby amended to read as follows¹:

CHAPTER 31 – LAND DEVELOPMENT REGULATIONS

ARTICLE II. - DEFINITIONS AND RULES OF CONSTRUCTION

Sec. 31-21. - Definitions.

Hotel shall mean a commercial establishment which provides temporary overnight sleeping accommodations for the general public. No more than five percent of the individual hotel units shall be occupied for more than 90 continuous days by the same occupant of the hotel unit (the "duration of stay restriction"). It shall constitute a violation of this duration of stay restriction to allow any person to attempt to circumvent this provision by: relocating to another unit in the same hotel; or by allowing a person to temporarily check out of the hotel and subsequently re-register or check back into the hotel for such purpose. Principal access to all rental rooms shall be through an inside lobby or office supervised by a person in charge at all hours. Other typical hotel services must be offered including daily linen and maid service, and receipt and disbursement of keys and mail by the attendant at the desk in the lobby or office, for the occupants of the hotel. No hotel facility shall be converted to or used as a multi-family residential dwelling. Compliance with the restrictions, conditions or limitations set forth in this definition, shall be certified by the receipt holder at the time of issuance and renewal of the applicable City local business tax receipt.

Hotel, Limited-Service is a hotel use within a residential development, physically separated from the residential use and having its own separate driveway entrance/exit and its own separate lobby, wherein no more than ten percent (10%) of the gross floor area is devoted to hotel amenities such as dining areas, bars, lounges and meeting rooms, excluding the gross floor area of accessory ground floor retail and restaurant uses. The hotel use and the residential use may be located in one building, but the hotel rooms and residential units shall be located in separate vertical blocks.

ARTICLE VII. - USE REGULATIONS

Sec. 31-143. - Residential Zoning Districts.

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

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

- (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 and limited-service hotel use when combined with multifamily residential development in areas consistent with the City's Comprehensive Plan Future Land Use Element. Densities shall not exceed 45 units per gross acre.
- (2) *Uses permitted.* No building or structure, or part thereof, shall be erected, altered or used, or land used in whole or part for other than one or more of the following specific uses:
 - a. All uses permitted in the RMF3 District.
 - b. High rise apartments.
 - c. Publicly owned recreation buildings and facilities, playgrounds, playfields and parks.
 - d. ALF.
 - e. Uses accessory to any of the above uses when located on the same plot.
- (2a) *Conditional uses.* The following uses may be established if first approved as a conditional use:
 - a. All uses permitted in the CF District.
 - 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.
 - d. For buildings that attain LEED® Gold or Platinum certification as provided in article VI of chapter 14 of the City Code, increased lot coverage, provided that a green roof and/or green rooftop amenities are provided and maintained for the common benefit of building occupants; and; that increased Florida-Friendly tree canopy and Florida-Friendly plantings designed to calm the heat island effect are located on site, all in an amount equal to the requested increased lot coverage.
 - e. For buildings that attain LEED® Gold or Platinum certification as provided in article VI of chapter 14 of the City Code, increased floor area ratio.
 - f. Limited-Service Hotel in combination with permitted multifamily residential development, where the hotel is separated from the residential use, subject to all of the following criteria:
 - (i) Shall only be permitted on properties where a minimum of two (2) sides share all or part of a common lot line with another lot or parcel of land that is zoned Community Business (B2) District on the City's Zoning Map; and

- (ii) Retail and restaurant uses shall be permitted as accessory uses; and
- (iii) Not more than 10% of the gross building area shall be devoted to hotel amenities such as dining areas, bars and lounges, and meeting rooms, excluding ground floor retail and restaurant uses; and
- (iv) The gross floor area of the hotel use shall not exceed 33% of the gross floor area of the building; and
- (v) Hotel rooms shall meet the criteria in Section 31-144(c)(1)dd; and
- (vi) The hotel use and the residential use may be located in one building, but the hotel rooms and residential units shall be located in separate vertical blocks; and
- (vii) The hotel use shall have its own separate driveway entrance/exit and its own separate lobby; and
- (viii) The applicant shall provide transportation demand management strategies to reduce the impact of the development, as approved by the City Manager and City's Traffic Engineering Consultant, to reduce adverse effects to the overall transportation network. The applicant shall provide any right of way improvements appropriate to the subject property.

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Aventura; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date. This Ordinance shall be effective immediately upon the Comprehensive Plan Amendment filed under Application No. 01-CPA-18, as transmitted to the Florida Department of Economic Opportunity, becoming effective under the provisions of Section 163.3184 of the Florida Statutes.

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

Commissioner Denise Landman	<u>Yes</u>
Commissioner Dr. Linda Marks	<u>Yes</u>
Commissioner Marc Narotsky	<u>Yes</u>
Commissioner Robert Shelley	<u>Yes</u>
Commissioner Howard Weinberg	<u>Yes</u>
Vice Mayor Gladys Mezrahi	<u>Yes</u>
Mayor Enid Weisman	<u>Yes</u>

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

Commissioner Denise Landman	<u>Yes</u>
Commissioner Dr. Linda Marks	<u>Yes</u>
Commissioner Marc Narotsky	<u>Yes</u>
Commissioner Robert Shelley	<u>Yes</u>
Commissioner Howard Weinberg	<u>Yes</u>
Vice Mayor Gladys Mezrahi	<u>Yes</u>
Mayor Enid Weisman	<u>Yes</u>

PASSED on first reading this 10th of July, 2018.

PASSED AND ADOPTED on second reading this 4th day of September, 2018.



ENID WEISMAN, MAYOR

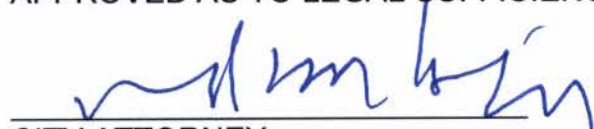


ATTEST:



ELLISA L. HORVATH, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:



CITY ATTORNEY