

## ORDINANCE NO. 2006-15

**AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF AVENTURA BY AMENDING THE ZONING DESIGNATION FOR A PARCEL OF LAND LOCATED ON NE 207 STREET AT NE 30 AVENUE AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, FROM B2, COMMUNITY BUSINESS DISTRICT TO RMF3A, MULTIFAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the applicant, Aventura Land Trust, LLC and Aventura Land Trust 2, LLC, through Application No. 01-REZ-06, has applied to amend the Official Zoning Map of the City of Aventura by amending the zoning designation for a parcel of land (the "Property") on NE 207 Street at NE 30 Avenue, as legally described in Exhibit A attached hereto, from B2, Community Business District to RMF3A, Multifamily Medium Density Residential District; and

**WHEREAS** the applicant has proffered a covenant to restrict density on the parcel of land subject of this rezoning request to no more than 31 dwelling units per gross acre and the City Commission has accepted such proffer; and

**WHEREAS**, the City Commission concurrently with this rezoning application has considered a small scale Comprehensive Plan amendment to change the land use designation of the Property from Business and Office to Medium High Density Residential (01-CPA-06); and

**WHEREAS**, the City Commission has been designated as the local planning agency for the City pursuant to Section 163.3174, Florida Statutes, and as the local planning agency has determined that the rezoning is consistent with the applicable provisions of the City Comprehensive Plan as proposed to be amended; 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 application for rezoning and has considered the testimony of all interested parties at the public hearings, and has determined that the rezoning action set forth in this Ordinance is consistent with the Comprehensive Plan, as proposed to be amended; and the health, safety and welfare of the City.

**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. Official Zoning Map Amended.** That the Official Zoning Map of the City of Aventura is hereby amended by amending the zoning designation for the parcel of land located on NE 207 Street at NE 30 Avenue with legal description described in Exhibit A and folio numbers listed in Exhibit B to this ordinance, from B2, Community Business District, to RMF3A, Multifamily Medium Density Residential District.

**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 and that the Official Zoning Map of the City may be revised so as to accomplish such intentions.

**Section 5. Effective Date.** This Ordinance shall be effective immediately upon the effective date of the small scale amendment to the Comprehensive Plan (01-CPA-06) and upon recordation of the proffered covenant restricting density to no more than 31 dwelling units per gross acre.

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

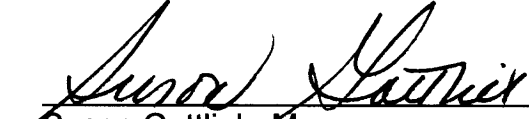
Commissioner Zev Auerbach	yes
Commissioner Billy Joel	yes
Commissioner Bob Diamond	yes
Commissioner Michael Stern	yes
Commissioner Harry Holzberg	yes
Vice Mayor Luz Urbacz Weinberg	yes
Mayor Susan Gottlieb	yes

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

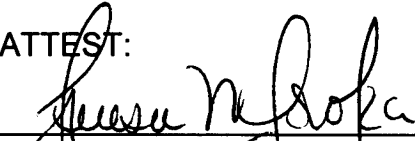
Commissioner Zev Auerbach	yes
Commissioner Billy Joel	yes
Commissioner Bob Diamond	yes
Commissioner Michael Stern	yes
Commissioner Harry Holzberg	yes
Commissioner Luz Urbacz Weinberg	yes
Mayor Susan Gottlieb	yes

**PASSED** on first reading this 12<sup>th</sup> day of September, 2006.

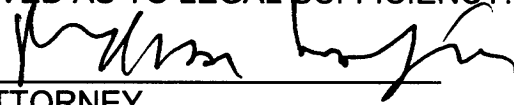
**PASSED AND ADOPTED** on second reading this 3<sup>rd</sup> day of October, 2006.

  
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Susan Gottlieb, Mayor

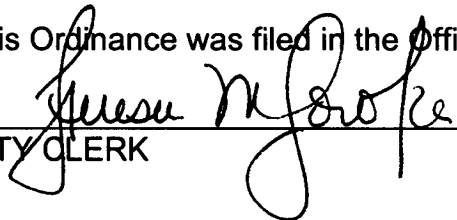
ATTEST:

  
\_\_\_\_\_  
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 4<sup>th</sup> day of October, 2006.

  
\_\_\_\_\_  
CITY CLERK

**Exhibit A to Ordinance No. 2006-15**

**LEGAL DESCRIPTION:**

All of Lots 7 through 13, 38 through 42 and a portion of Lots 14, 33 through 37, all of Block 18, HALLANDALE PARK No. 8, including the ten (10) foot alleys adjacent to said lots, lying within said Block 18, as recorded in Plat Book 20 at Page 49. All of Tract 1, LAURANNA, as recorded in Plat Book 76 at Page 31. All of Lots 1, 2, 6 through 13, 38 through 42 and a portion of Lots 14 and 37, all of Block 17, HALLANDALE PARK No. 8, including the ten (10) foot alleys adjacent to said lots in Block 17, as recorded in Plat Book 20 at Page 49. Tract 1, Block 17, REPLAT OF A PORTION OF HALLANDALE PARK No. 8, as recorded in Plat Book 40 at Page 97. That portion of the North One-half of N.E. 205th street abandoned by Resolution No. 2000-11 recorded in O.R.B. 19247 at Page 4677. That portion of N.E. 206th Street bounded on the North by Block 18 and bounded on the South by Block 17 and bounded on the East by the West right-of-way line of N.E. 30th Avenue (East Dixie Highway) all being as shown on HALLANDALE PARK No. 8, as recorded in Plat Book 20 at Page 49. A portion of land bounded by on the North by a line 81.00 feet South of and parallel or concentric with the North line of Waterways Boulevard as shown on AVENTURA CORPORATE CENTER, as recorded in Plat Book 158, Page 47, and bounded on the South by the North line of Block 18, HALLANDALE PARK NO. 8, as recorded in Plat Book 20 at Page 49, all the above plats being of the Public Records of Miami-Dade County, Florida, lying and being in the City of Aventura and being more particularly described as follows:

Commence at the intersection of the centerline of N.E. 205th Street and the centerline of N.E. 30th Avenue, both as shown on said PLAT OF HALLANDALE PARK NO. 8; thence North 89°53'41" West along said centerline of N.E. 205 Street for 35.01 feet to the Point of Beginning of the hereinafter described parcel of land; thence continue North 89°53'41" West along said centerline for 261.97 feet; thence North 00°00'00" East for 422.33 feet; thence North 90°00'00" West for 119.97 feet; thence North 00°00'00" East for 135.92 feet; thence South 76°00'36" East along a line 81.00 feet South of and parallel with North right-of-way line of Waterways Boulevard for 86.13 feet to a point of curvature; thence Southeasterly along a 1519.00 foot radius curve leading to the left through a central angle of 7°37'02" for an arc distance of 201.94 feet; thence South 00°52'30" East along a line 10.00 feet East of a 10.00 foot alley adjacent to said Lot 42, Block 18 of HALLANDALE PARK NO. 8 for 8.92 feet to the Northwest corner of said Tract 1 of LAURANNA; thence South 89°50'24" East along the North line of said Tract 1 for 70.42 feet to a point of curvature; thence Southeasterly along a 25.00 foot radius curve leading to the right through a central angle of 88°57'54" for an arc of 38.82 feet to a point of tangency; thence South 00°52'30" East along the East line of said Tract 1 for 122.65 feet to the Southeast corner thereof; thence South 89°51'49" East along the North line of said Lot 7, Block 18 HALLANDALE PARK NO. 8 for 5.00 feet to the Northeast corner thereof; thence South 00°52'30" East along the East line of said Lots 7 and 8, Block 18 and the Southerly extension thereof for 164.42 feet to the Southeast corner of said Lot 2, Block 17 of HALLANDALE PARK NO. 8; thence North 89°52'27" West along the South line of said Lot 2, Block 17 for 5.00 feet to the Northeast corner of said Tract 1 of REPLAT OF A PORTION OF HALLANDALE PARK NO. 8; thence South 00°52'30" East along the East line of said Tract 1 for 75.01 feet to the Southeast corner thereof; Thence South 89°53'04" East along the North line of said Lot 6, Block 17 for 5.00 feet to the northeast corner of said Lot 6; thence South 00°52'30" East along the East line of said Lots 6, 7 & 8, Block 17 for 56.77 feet to a point of curvature; thence Southwesterly along a 25.00 foot radius curve leading to the right through a central angle of 36°52'05" for an arc of 16.09 feet; thence South 00°52'30" East along a line 35.00 feet West of and parallel to the center line of said NE 30th Avenue for 35.35 feet to the Point of Beginning.

**Exhibit B to Ordinance No. 2006-15**

Fls Job No. 20061117

Folio numbers

28-1234-006-4610  
28-1234-006-4810  
28-1234-006-4590  
28-1234-006-4580  
28-1234-006-4570  
28-1234-006-4560  
28-1234-006-4550  
28-2203-021-0010  
28-1234-006-4530  
28-1234-006-4540  
28-1234-006-4420  
28-1234-006-4430  
28-1234-006-4440  
28-1234-006-4450  
28-1234-006-4460  
28-1234-006-4470  
28-1234-006-4210  
28-1234-006-4220  
28-1234-007-0031  
28-1234-007-0030  
28-1234-006-4230  
28-1234-006-4240  
28-1234-006-4250  
28-1234-006-4290  
28-1234-006-4280  
28-1234-006-4270  
28-1234-006-4260