



**CITY OF AVENTURA**

**COMMUNITY DEVELOPMENT DEPARTMENT**

**MEMORANDUM**

TO: City Commission

FROM: Ronald J. Wasson, City Manager 

BY: Keven Klopp, Community Development Director 

DATE: May 31, 2024

SUBJECT: **General Housekeeping Updates to the City's Code of Ordinances**

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**June 4, 2024 Local Planning Agency Meeting Agenda** Item 4B  
**June 4, 2024 City Commission Meeting Agenda (First Reading)** Item 7A  
**July 2, 2024 City Commission Meeting Agenda (Second Reading)**

**RECOMMENDATION**

It is recommended that the City Commission approve amendments to the following Sections of the City of Aventura Code of Ordinances:

1. Chapter 14 – BUILDINGS AND BUILDING REGULATIONS  
ARTICLE V. – CONSTRUCTION SITES  
Sec. 14-100. – Securing of construction sites; other requirements.
2. Chapter 31 – LAND DEVELOPMENT REGULATIONS  
ARTICLE VII. – USE REGULATIONS  
Sec. 31-143. – Residential Zoning Districts
3. Chapter 31 – LAND DEVELOPMENT REGULATIONS  
ARTICLE IX. – SIGN REGULATIONS  
Sec. 31-191. – Sign regulations generally.
4. Chapter 31 – LAND DEVELOPMENT REGULATIONS  
ARTICLE X. – LANDSCAPING REQUIREMENTS  
Sec. 31-221. – Landscaping requirements.
5. Chapter 38 – SOLID WASTE  
ARTICLE II. - COLLECTION FRANCHISES  
Sec. 38-48. – Office hours; collection hours.
6. CHAPTER 45 – TELECOMMUNICATIONS

ARTICLE II. - TELECOMMUNICATIONS FACILITIES IN PUBLIC RIGHTS-OF-WAY

Sec. 45-38. – Use of rights-of-way.

**BACKGROUND**

City staff periodically reviews the City’s Code of Ordinances to address any necessary corrections, clarifications, or recommendations for improvement.

**THE PROPOSED AMENDMENTS**

The proposed amendments to the Code of Ordinances are provided as *exhibits attached to the proposed ordinance*.

**ANALYSIS**

The following sections of the City’s Code of Ordinances have been amended in accordance with Section 1-11.- Amendments to Code; effect of new ordinances; amendatory language - as outlined below:

Sec. 14-100. – Securing of construction sites; other requirements. This amendment aims to maintain cleanliness and safety at construction sites by requiring the covering of dumpsters when not in use. Uncovered dumpsters often attract unauthorized dumping of waste, which can lead to environmental pollution and hazards.

Sec. 38-48. – Office hours; collection hours. This amendment aims to establish appropriate collection hours for solid waste disposal that align with those established by the noise ordinance requirements, thereby mitigating disturbances to residents and maintaining community tranquility.

Sec. 45-38. – Use of rights-of-way. The purpose of this amendment is to correct references to a non-existing section of the code, Section 28-2, and replace it with the applicable reference, Sec. 42.1.

The amendments to Chapter 31 – Land Development Regulations were reviewed by staff under the Section 31-77(g) *Standards for reviewing proposed amendments to the text of the LDR* of the City Code of Ordinances:

*(1) The proposed amendments are legally required.*

The proposed amendments are legally required to implement the requested revision to the Land Development Regulations (LDRs).

*(2) The proposed amendments are consistent with the goals and objectives of the Comprehensive Plan.*

The proposed amendments are consistent with the goals and objectives of the Comprehensive Plan of providing as per details provided on Paragraph 3 below.

- (3) *The proposed amendments are consistent with the authority and purpose of the LDRs.*

The proposed amendments are consistent with the authority and purpose of the Land Development Regulations. The purpose of the LDRs is to implement further the Comprehensive Plan of the City by establishing regulations, procedures and standards for review and approval of all development and uses in the City.

- (4) *The proposed amendments further the orderly development of the City.*

The proposed amendments further the orderly development of the City as per details provided on Paragraph 3 above.

- (5) *The proposed amendments improve the administration or execution of the development process.*

The proposed amendments improve the administration or execution of the development process as it provides necessary corrections and clarifications.

CITY OF AVENTURA ORDINANCE NO. 2024-\_\_

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING SECTION 14-100 “SECURING OF CONSTRUCTION SITES; OTHER REQUIREMENTS” OF CHAPTER 14; AMENDING SECTION 31-143 “RESIDENTIAL ZONING DISTRICTS,” SECTION 31-191 “SIGN REGULATIONS GENERALLY,” AND SECTION 31-221 “LANDSCAPING REQUIREMENTS” OF CHAPTER 31; AMENDING SECTION 38-48 “OFFICE HOURS; COLLECTION HOURS” OF CHAPTER 38; AMENDING SECTION 45-38 “USE OF RIGHTS-OF-WAY” OF CHAPTER 45 TO CLARIFY AND UPDATE CERTAIN TERMS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Aventura (“City”) periodically performs a review of its Code of Ordinances (“Code”) to identify terms that need updating or clarification; and

**WHEREAS**, the City recently reviewed its Code and determined such revisions are warranted in Chapters 14, 31, 38 and 45; and

**WHEREAS**, the City Commission finds it is in the best interest of the City to amend its ordinances as recommended by staff and specifically identified in Exhibit “A,” which is attached and incorporated herein.

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

**Section 1.** **Recitals Incorporated.** That each of the above-stated recitals are hereby adopted and confirmed.

**Section 2.** **City Code Amendments.** That the following Chapters are amended in accordance with Exhibit A, which identifies additions to the existing Code with underlining and deletions with ~~strikethrough~~ features:

- Chapter 14, Article V, Section 14-100, “Securing of construction sites; other requirements.”
- Chapter 31, Article VII,
  - Section 31-143, “Residential Zoning Districts.”
  - Section 31-191, “Sign regulations generally.”
  - Section 31-221, “Landscaping requirements.”
- Chapter 38, Article II, Section 38-48, “Office hours; collection hours.”
- Chapter 45, Article II, Section 45-38, “Use of rights-of-way.”

**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.** That 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 re-numbered or re-lettered to accomplish such intention; 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 Friedland, who moved its adoption on first reading. This motion was seconded by Commissioner Bloom and upon being put to a vote, the vote was as follows:

Commissioner Amit Bloom	<u>Yes</u>
Commissioner Rachel S. Friedland	<u>Yes</u>
Commissioner Billy Joel	<u>Yes</u>
Commissioner Paul A. Kruss	<u>Yes</u>
Commissioner Michael Stern	<u>Yes</u>
Vice Mayor Dr. Linda Marks	<u>Yes</u>
Mayor Howard S. Weinberg	<u>Yes</u>

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

Commissioner Amit Bloom	_____
Commissioner Rachel S. Friedland	_____
Commissioner Billy Joel	_____
Commissioner Paul A. Kruss	_____
Commissioner Michael Stern	_____
Vice Mayor Dr. Linda Marks	_____
Mayor Howard S. Weinberg	_____

**PASSED** on first reading this 4<sup>th</sup> day of June, 2024.

**PASSED AND ADOPTED** on second reading this 2<sup>nd</sup> day of July, 2024.

\_\_\_\_\_  
HOWARD S. WEINBERG, ESQ.  
MAYOR

ATTEST:

\_\_\_\_\_  
ELLISA L. HORVATH, MMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

\_\_\_\_\_  
ROBERT MEYERS  
CITY ATTORNEY  
WEISS SEROTA HELFMAN COLE + BIERMAN, P.L.

EXHIBIT "A"

**Chapter 14 - BUILDINGS AND BUILDING REGULATIONS<sup>1</sup>**

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**ARTICLE V. - CONSTRUCTION SITES**

**Sec. 14-100. - Securing of construction sites; other requirements.**

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*(f) Prohibitions; requirements.*

(1) The owner, occupant or user of a construction site shall not engage in any activity which poses a danger to persons located off of the construction site, from debris, materials or activities carried on at the construction site, and shall take necessary precautions. A contractor engaging in work at a site or pulling a building permit for a site constitutes a "user" of a site.

(2) The owner, occupant or user of a construction site (other than one solely consisting of a single-family or duplex residence which is not part of the construction of a development) shall secure the site from unauthorized access between the hours of 6:00 p.m. of each day to 6:00 a.m. of the next day by the use of a locked fence and/or security guard.

(3) The owner, occupant or user of a construction site shall keep all access roads to the construction site clear of debris for safe travel by authorized persons.

(4) In the event that a hurricane watch is issued by the United States Weather Bureau, the owner, occupant or user of a construction site shall comply with the requirements of section 8-16 of the Miami-Dade County Code, by taking all steps necessary to secure the construction site, including removal or securing of hazardous or loose objects.

(5) Motor vehicles which are used by construction workers and others involved in the construction of the project at the site for the purpose of commuting to or from the site, shall not be parked off of the site of the project except in an area or location which shall be first approved in writing by the City Manager or his designee. Parking areas are to be properly screened from the public and shall not be detrimental to the surrounding neighborhood. The City approval shall be based on assuring that: public street or rights-of-way are not blocked; that adequate parking remains for existing residences and businesses; and that any impact to public parking resources is mitigated.

(6) Any construction vehicles or equipment involved in construction at a site which block a public roadway or right-of-way shall require a City right-of-way use permit and approval, with appropriate conditions, as issued by the City Manager or his designee, 72 hours in advance of any such activities which impact a public right-of-way.

(7) The owner, occupant or user of a construction site shall comply with the restrictions of subsection 30-33(15) "Construction" of the City Code which regulates noise related to construction activities.

(8) The owner, occupant or user of a construction site shall complete job site maintenance, on a daily basis, prior to the conclusion of each day's work. Daily job site maintenance shall include the following:

- a. Sweeping of public roadways which are directly affected by construction site dust, debris or activities;

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<sup>1</sup> Underlined text indicates insertions. Stricken-through text indicates deletions.

EXHIBIT "A"

- b. Pick up and disposal of litter at or generated by the construction site;
- c. Washing down of any street signs or public facilities which are impacted by dust or debris from the construction site activity;
- d. Stacking of materials and equipment which are visible from a public right-of-way in an orderly appearance;
- e. Stacking of construction materials in a manner which assures that the materials and the material packaging shall not fall or be transported into any canals, lakes, drainage facilities or other water bodies in the vicinity of the site;
- f. Watering of exposed loose earth at the site so as to minimize off-site transport of particulate matter;
- g. Compliance with additional job site maintenance components which are described in an applicable job-site plan (the "Plan") for the project site.
- h. Construction dumpsters must be covered at all times when not in use.

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EXHIBIT "A"

**Chapter 31 - LAND DEVELOPMENT REGULATIONS<sup>1</sup>**

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**ARTICLE VII. - USE REGULATIONS**

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**Sec. 31-143. - Residential Zoning Districts.**

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

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**ARTICLE IX. - SIGN REGULATIONS**

**Sec. 31-191. - Sign regulations generally.**

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(k) *Temporary signs.* Temporary signs shall comply with the following restrictions, conditions, and limitations:

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(11) Temporary signs must be posted in accordance with the following tables.

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(11) Temporary Window Sign During Construction of Tenant Space:

	Residential District	Non-Residential District
Approvals necessary	Not permitted	Sign Permit Required
Number (maximum)		<del>One per establishment</del> <u>One per window</u>
Sign area (maximum)		Ten percent of window area up to a maximum of ten square feet
Time Limit		Permitted for a 12-month period from date of building permit issuance until the date of issuance of a Certificate of Completion or Occupancy, or until a permitted temporary banner is erected, or until a permitted permanent wall sign is erected, whichever first occurs

<sup>1</sup> Underlined text indicates insertions. Stricken-through text indicates deletions.

EXHIBIT "A"

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**ARTICLE X. - LANDSCAPING REQUIREMENTS**

**Sec. 31-221. - Landscaping requirements.**

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(j) *Tree removal permit.* No existing tree on the site having a trunk diameter of three inches or greater, or trees with an overall height of twelve feet and greater, shall be removed or relocated without a permit from the community development department of the city. In evaluating whether to grant a tree removal permit, the Director or Designee shall consider the size, species (native or not), health, rareness and age of the tree. A tree survey identifying all existing trees over three inches in diameter or trees with an overall height of 12 feet and greater shall be included with any building permit application. This survey drawing shall be overlaid directly upon the site plan sufficiently to provide the accurate location of all existing trees which are proposed to be destroyed, relocated, or preserved, the identification number of each tree, botanical name and common name of each tree, diameter at breast height (DBH) of each tree, height and canopy spread of each tree, condition and disposition of each tree. An arborist's report may be required at the discretion of the Community Development Director. In addition, all applicable portions of Section 24-49 of the Code of Miami-Dade County are adopted herein. Applicability of the Miami-Dade County Ordinance shall be as determined by the Director or Designee.

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EXHIBIT "A"

**Chapter 38 - SOLID WASTE<sup>1</sup>**

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**ARTICLE II. - COLLECTION FRANCHISES**

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**Sec. 38-48. - Office hours; collection hours.**

- (a) The franchisee's office shall remain open Monday through Friday from 8:30 a.m. to 5:00 p.m. for the purpose of handling complaints; and for that purpose, there shall be maintained an adequate number of telephones and a responsible person in charge during the hours specified. These requirements do not apply on legal holidays.
- (b) Collections shall normally be made in residential areas no earlier than ~~6:00 a.m.~~ 7:00 a.m. and no later than 7:00 p.m., or as otherwise prescribed by the City, with no service on Sunday, except in time of emergency or to maintain schedules due to holidays. Changes to these hours must be approved by the City Manager.

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**Chapter 45 – TELECOMMUNICATIONS<sup>1</sup>**

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**ARTICLE II. - TELECOMMUNICATIONS FACILITIES IN PUBLIC RIGHTS-OF-WAY**

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**Sec. 45-38. - Use of rights-of-way.**

- (a) A facility owner agrees at all times to comply with and abide by all applicable provisions of the State statutes and local laws including, but not limited to, applicable zoning regulations not inconsistent with State and Federal laws.
- (b) Except in the case of an emergency, which shall include without limitation an out of service condition affecting 911 service, and which shall require subsequent notification to the City, no telecommunications service provider shall construct any facility on, over, above, along, upon, under, across, or within any public right-of-way which disrupts the public rights-of-way without first filing an application with and obtaining a permit from the City therefor, pursuant to applicable permitting requirements of the City, including but not limited to section ~~28-2~~ 42-1 of the City Code, except as otherwise provided in this article. In case of the repair or maintenance of an existing facility, the City may impose lesser requirements than those set forth herein. Unless otherwise required by the City Code, no permit shall be required for installation and maintenance of service connections to customers' premises where there will be no disruption of the public rights-of-way.