

CITY OF AVENTURA

OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

FROM: Ronald J. Wasson, City Manager 

DATE: May 31, 2024

SUBJECT: **Ordinance Revising the Land Development Regulations to Modify the Prohibition on Billboards**

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

RECOMMENDATION

It is recommended that the City Commission modify the prohibition on billboards in the City to allow the City Commission to approve them on a case by case basis.

THE REQUEST

The Land Development Regulations currently designate billboards as prohibited signs. The Code's only exception was to grandfather those billboards that were already in existence when the prohibition was enacted. The proposed amendment allows the City Commission to approve billboards on a case by case basis.

BACKGROUND

The City Commission, at its April 2024 Commission Workshop, indicated its support for a new billboard on the west side of Biscayne Blvd. near NE 206 Street. The proposed amendment is necessary to facilitate that approval.

ANALYSIS

The City will gain substantial revenue from the billboard(s) it allows.

CITY OF AVENTURA ORDINANCE NO. 2024-__

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING CHAPTER 31, "LAND DEVELOPMENT REGULATIONS" OF THE CITY CODE OF ORDINANCES BY AMENDING SECTION 31-191(f) "PROHIBITED SIGNS", ALLOWING FOR BILLBOARDS IN A LIMITED CAPACITY IN THE CITY SUBJECT TO CITY COMMISSION APPROVAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Aventura (the " City") Commission recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the City's regulations are current and consistent with the City's planning and regulatory needs; and

WHEREAS, the City Commission finds the Land Development Regulation's strict prohibition of billboards to be unnecessarily restrictive; 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 Section 31-191(f) 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 31-191(f) "Prohibited Signs" of Chapter 31 "Land Development Regulations" of the City Code is hereby amended to read as follows¹

¹ Underlined text indicates insertions.

(f) *Prohibited signs.* The following are prohibited:

(12) Billboards, other than those lawfully existing on the effective date of Ordinance No. 97-12, and protected by F.S. § 479.15(2), and/or expressly allowed by the City Commission by Resolution.

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 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.

The foregoing Ordinance was offered by Commissioner Bloom, who moved its adoption on first reading. The motion was seconded by Commissioner Friedland, 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. The 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 4th day of June, 2024.

PASSED AND ADOPTED on second reading this 2nd 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.

This Ordinance was filed in the Office of the City Clerk this 2nd day of June, 2024.

ELLISA L. HORVATH, MMC
CITY CLERK