



CITY OF AVENTURA
GOVERNMENT CENTER
 COMMUNITY DEVELOPMENT DEPARTMENT
 19200 West Country Club Drive
 Aventura, Florida 33180
 (305) 466-8940

**PUBLIC HEARING APPLICATION FOR
 MODIFICATION OF RESTRICTIVE COVENANTS/EASMENTS
 OR MODIFICATION/RELEASE OF COVENANT OR EASEMENT**

DATE: _____

PROJECT NAME: _____

LOCATION: _____

LEGAL DESCRIPTION: _____

FOLIO NUMBER(s): _____

CURRENT ZONING: _____ CURRENT LAND USE: _____

(PROPOSED) USE OF PROPERTY: (Attach additional sheets if necessary)

Name of Applicant or Contact Person:

Phone No.:

Address of Applicant:

Name of Property Owner (if other than Applicant):

Phone No.:

Address of Property Owner:

1. The following documents are required to be submitted with and are deemed to be incorporated into this petition, as applicable:

____ ALL APPLICATIONS MUST BE ACCOMPANIED BY A LETTER OF INTENT. Please describe in detail, whether and to what extent the requested development action serves a public benefit which would warrant the granting of the request and specific justification for approval of the application, nature of the requests and any other pertinent information. Insufficient justification may result in the denial of your application.

____ One (1) original application, signed and notarized by the applicant, owner and/or attorney and, if necessary, authorization for another individual to represent the applicant.

- _____ One (1) original, current (within 30 days) Opinion of Title Report for the subject property and copies of documents referenced in that report. This information **must** include a copy of the recorded Restrictive Covenant.
- _____ A complete zoning history of the property is required. The attached Certificate of Resolutions form must be completed and signed by a Miami-Dade employee from the Zoning Information Section.
- _____ Disclosure of Interest Form.
- _____ Applicant Representative Affidavit and Business Relationship Affidavit(s) Pursuant to Section 31-71(b)(2) of the City Code.

Does property owner own contiguous property to the subject property? If so, give complete legal description of entire contiguous property.

Is there an option to purchase or lease subject property or property contiguous thereto, predicated on the approval of this application? Yes _____ No _____
If yes, who are the affected parties? _____
(Copy of purchase contract must be submitted with this application).

Do these plans represent new construction?	Yes _____	No _____
Has construction started?	Yes _____	No _____
Has construction been completed?	Yes _____	No _____
Are there any existing structures on the property?	Yes _____	No _____
Will the existing structures be demolished?	Yes _____	No _____

2. Labels, Notification and Advertising (Pursuant to Resolution 2007-28)

ALL COSTS OF ADVERTISING, MAILING AND POSTING SHALL BE BORNE BY THE APPLICANT.

The Community Development Department shall prepare and coordinate a published notice of the application and the mailing of a courtesy notice using labels provided by the applicant.

The following is required of the applicant and must be presented with any and all applications:

- _____ One (1) notarized copy of a list of the names and addresses of all property owners located within 300 foot radius of the exterior boundary of the subject property. If the subject property constitutes only a portion of a contiguous ownership parcel, the exterior boundary from which the appropriate radius is to be projected will be the exterior boundary of the entire contiguous ownership parcel.
- _____ Two sets of self-adhesive labels of the same list to be used for mailing purposes. Failure of applicant to provide the required labels will constitute an incomplete submittal package and may cause the delay of the public hearing until such time that the required labels are received
- _____ The subject property shall be posted no later than ten (10) days prior to the public hearing. Such posting shall be displayed in a manner conspicuous to the public, by a sign or signs no less than 24" x 36" in size and containing information concerning the application, including but not limited to, the applied for zoning action and the time and place of the public hearing.

3. Filing and Hearing Fees

_____ A check made payable to the City of Aventura for the amount	
Restrictive Covenant/Easements	\$5,000
Modification/Release of Covenant or Easement	\$2,500

Advertising Costs

All applications requiring public notice shall provide to the Community Development Department, at the cost of the applicant, a notarized list of all owners within a 300 foot radius of the property subject of the application along with two copies of self-adhesive labels containing the names and addresses of all property owners as required by City Code.

In addition to the mailing list and labels and the fee schedule outlined in 1. above, applications requiring public notice shall pay a deposit to cover the cost of property posting notice, mailing notice and newspaper advertisements by the City, as follows:

- i. The sum of \$10,000 for applications for Development of Regional Impact, Amendments to the Comprehensive Plan, Amendments to the Official Zoning Map, Amendments to the text of the Land Development Regulations
- ii. The sum of \$1,000 for all other applications noted in 1. above.

In the event that the publication, notice and mailing charges exceed the amount of the deposit above, the applicant shall be responsible to pay the City the full cost of such charges.

4. Property Violations

As part of the review, your property may be subject to various inspections by City personnel. If building, zoning or Code Compliance violations are found, your request for a public hearing will be deferred until such violations are corrected.

5. Responsibility of Applicant

It is the responsibility of the applicant to assure that all questions in the application and all required supplementary data are submitted at the time of the filing of the application and that all answers, plans and supplementary data are accurate and complete.

All required plans, supplementary data, mailing labels and fees must be submitted at the same time as the application is filed, or the application will be incomplete. Incomplete applications will not be scheduled for public hearing and will be returned to the applicant. The filing of an incomplete application will not reserve a place on the hearing agenda. An application submitted prior to the deadline does not automatically insure placement of the application on that hearing agenda.

All data submitted in connection with the application becomes a permanent part of the public records of the City of Aventura.

DEVELOPMENT APPLICATION OWNER CERTIFICATION
(Please complete all that apply)

For use when petitioner is the Owner of subject property:

This is to certify that I am the owner of the subject lands described in the above application. I understand that I am responsible for complying with all application requirements prior to this petition being scheduled for any public hearing. I also understand that it is my responsibility to comply with the City's requirements regarding quasi-judicial proceedings. This further certifies that I have read this petition and the statements contained herein are true and correct.

Print Name of Petitioner

Signature of Petitioner

STATE OF _____ COUNTY OF _____

The foregoing instrument was Sworn to and Subscribed before me this _____ day of _____, 200_____, by _____ who is personally known to me or who has produced _____ as identification.

Printed Name of Notary Public

Signature of Notary Public

My Commission Expires:

For use when petitioner is NOT the Owner of the Subject Property:

This is to certify that I am the owner of subject lands described in the above petition. I have authorized _____ to make and file the aforesaid petition. This further certifies that I have read this petition and the statements contained herein are true and correct.

Print Name of Owner

Signature of Owner

STATE OF _____ COUNTY OF _____

The foregoing instrument was Sworn to and Subscribed before me this _____ day of _____, 200_____, by _____ who is personally known to me or who has produced _____ as identification.

Printed Name of Notary Public

Signature of Notary Public

My Commission Expires:

Tenant or Owner Affidavit

I, _____, being first duly sworn, depose and say that I am the owner/tenant of the property described and which is the subject matter of the proposed hearing; that all the answers to the questions in this application, and all sketch data and other supplementary matter attached to and made a part of the application are honest and true. I understand this application must be completed and accurate before a hearing can be advertised. In the event that I or any one appearing on my behalf is found to have made a material misrepresentation, either oral or written, regarding this application, I understand that any development action may be voidable at the option of the City of Aventura.

Print Name **Signature**

STATE OF _____ COUNTY OF _____

The foregoing instrument was Sworn to and Subscribed before me this _____ day of _____, 200_____
, by _____ who is personally known to me or who has produced
_____ as identification.

Printed Name of Notary Public Signature of Notary Public

My Commission Expires:

Attorney Affidavit

I, _____, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner/Applicant of the property described and which is the subject matter of the proposed hearing; that all the answers to the questions in this application, and all sketch data and other supplementary matter attached to and made a part of this application are honest and true. I understand this application must be complete and accurate before a hearing can be advertised. In the event that I or any one appearing on my behalf is found to have made a material misrepresentation, either oral or written, regarding this application, I understand that any development action may be voidable at the option of the City of Aventura.

Print Name **Signature**

STATE OF _____ COUNTY OF _____

The foregoing instrument was Sworn to and Subscribed before me this _____ day of _____, 200_____
_____, by _____ who is personally known to me or who has
produced _____ as identification.

Printed Name of Notary Public Signature of Notary Public

My Commission Expires:

Corporation Affidavit

I/We, _____, being first duly sworn, depose and say that I/we are the President/Vice President, and Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; that all answers to the questions in said application and all sketches, data and other supplementary matter attached to and made a part of this application are honest and true; that said corporation is the owner/tenant of the property described herein and which is the subject matter of the proposed hearing. We understand that this application must be complete and accurate before a hearing can be advertised. In the event that I or any one appearing on our behalf is found to have made a material misrepresentation, either oral or written, regarding this application, I understand that any development action may be voidable at the option of the City of Aventura.

Print Name

Signature

STATE OF _____ COUNTY OF _____

The foregoing instrument was Sworn to and Subscribed before me this _____ day of _____, 200_____, by _____ who is personally known to me or who has produced _____ as identification.

Printed Name of Notary Public

Signature of Notary Public

My Commission Expires:

DISCLOSURE OF INTEREST

If the property, which is the subject of the application, is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

Corporation Name

Name, Address, and Office	Percentage of Stock
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. . [Note: where the beneficiary(ies) consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

Trust Name

Name and Address	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If the property which is the subject of the application is owned or leased by a PARTNERSHIP or LIMITED PARTNERSHIP, list the principals of the partnership, including general and limited partners, and the percentage of ownership held by each. [Note: where the partner(s) consist of another partnership(s), corporation(s), trust(s), or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

Partnership or Limited Partnership Name

CERTIFICATION OF RESOLUTIONS

Property Address: _____

Folio #: _____

Legal Description: _____

Attached herewith, please find all of the Resolutions corresponding to the above listed property. The complete listing of Resolution numbers for the property are as follows:

RESOLUTION NO. _____ RESOLUTION NO. _____
RESOLUTION NO. _____ RESOLUTION NO. _____
RESOLUTION NO. _____ RESOLUTION NO. _____
RESOLUTION NO. _____ RESOLUTION NO. _____

This form must be signed by a Miami-Dade employee from the Zoning Information Section.

Signed: _____ Date: _____

Title: _____

You may contact: Miami-Dade
Zoning Information Section
111 NW 1st Street, 12th Floor
Stephen P. Clark Center
Miami-Dade, Florida 33128
(305) 375-1806/1807/1808



APPLICANT REPRESENTATIVE AFFIDAVIT

Pursuant to Section 31-71(b)(2)(i) of the City of Aventura Land Development Code, this Applicant Representative Affidavit is hereby made and submitted. The undersigned authorized representative of the individual or entity applying for the Development Permit, which is identified in the accompanying application, and the owner of the property subject to the application (if different) hereby lists and identifies all persons representing the individual or entity applying for the Development Permit in connection with the application, as follows:

<i>Name</i>	<i>Relationship</i> (i.e. Attorneys, Architects, Landscape Architects, Engineers, Lobbyists, Etc.)
_____	_____
_____	_____
_____	_____
_____	_____

(Attach Additional Sheets If Necessary)

NOTICE: ANY STATEMENT OR REPRESENTATION MADE BY ANY PERSON LISTED ON THE APPLICANT REPRESENTATIVE AFFIDAVIT SHALL BE BINDING UPON THE INDIVIDUAL OR ENTITY APPLYING FOR THE DEVELOPMENT PERMIT AND THE OWNER OF THE SUBJECT PROPERTY. APPLICANTS AND AFFIANTS ARE ADVISED TO TIMELY SUPPLEMENT THIS AFFIDAVIT PURSUANT TO SEC. 31-71(B)(2)(IV) OF THE CITY'S LAND DEVELOPMENT REGULATIONS IN THE CITY CODE, IN THE EVENT THAT PRIOR TO CONSIDERATION OF THE APPLICATION BY THE CITY BOARD OR COMMISSION, THE INFORMATION PROVIDED IN THE AFFIDAVIT BECOMES INCORRECT OR INCOMPLETE.

WITNESS MY HAND THIS ____ DAY OF _____, 200_.

AUTHORIZED REPRESENTATIVE OF APPLICANT:

OWNER

By: _____
(Signature)

By: _____
(Signature)

Name: _____
(Print)

Name: _____
(Print)

Title: _____

Title: _____

Address: _____

Address: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me the undersigned authority personally appeared _____ as the authorized representative of the Applicant and/or the owner of the property subject to the application, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME this __ day of _____, 200_.

AFFIANT

Notary Public State of Florida At Large
Printed Name of Notary _____
My commission expires: _____



BUSINESS RELATIONSHIP AFFIDAVIT*

This Affidavit is made pursuant to Section 31-71(b)(2)(ii) of the City of Aventura Land Development Code. The undersigned Affiant hereby discloses that: (mark with "x" applicable portions only)

- 1. Affiant does not have a Business Relationship with any member of the City Commission or any City Advisory Board to which the application will be presented.
- 2. Affiant hereby discloses that it does have a Business Relationship with a member of the City Commission or a City Advisory Board to which the application will be presented, as follows:

_____ (List name of Commissioner or Advisory Board Member) who serves on the
 _____ (List City Commission or City Advisory Board upon which member serves).

The nature of the Business Relationship is as follows:

- i. Member of City Commission or Board holds an ownership interest in excess of 1% of total assets or capital stock of Applicant or Representative;
- ii. Member of City Commission or Board is a partner, co-shareholder (as to shares of a corporation which are not listed on any national or regional stock exchange) or joint venturer with the Applicant or Representative in any business venture;
- iii. The Applicant or Representative is a Client of a member of the City Commission or Board or a Client of another professional working from the same office or for the same employer as the member of the City Commission or Board;
- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS _____ DAY OF _____, 200_.

APPLICANT:

By: _____ (Signature)
 Name: _____ (Print)
 Title: _____ (Print)

WITNESS MY HAND THIS _____ DAY OF _____, 200_.

PROPERTY OWNER:

By: _____ (Signature)
 Name: _____ (Print)
 Title: _____ (Print)

*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.

NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 200_.

Notary Public State of Florida At Large

Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 200_.

Notary Public State of Florida At Large

Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 200_.

Notary Public State of Florida At Large

Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

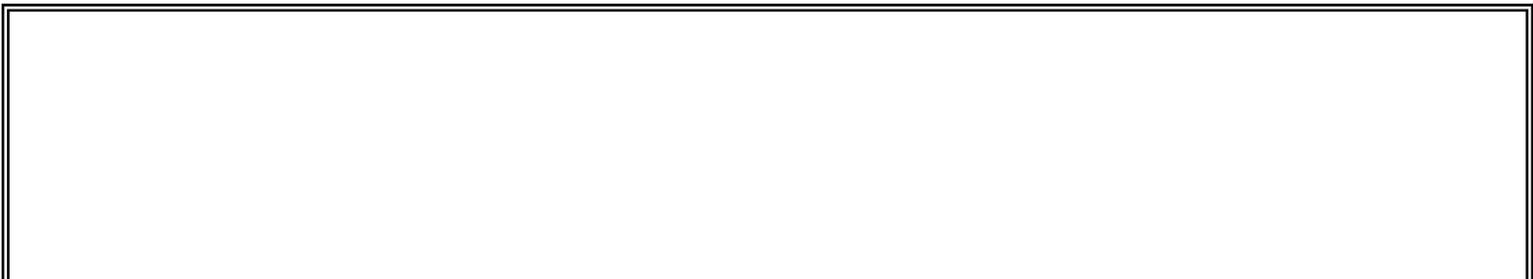
Before me, the undersigned authority, personally appeared _____ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 200_.

Notary Public State of Florida At Large

Printed Name of Notary
My commission expires: _____



WITNESS MY HAND THIS _____ DAY OF _____, 200_.

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: _____ (Signature)

By: _____ (Signature)

Name: _____ (Print)

Name: _____ (Print)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

By: _____ (Signature)

Name: _____ (Print)

Name: _____ (Print)

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Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

Title: _____ (Print)

Title: _____ (Print)

NOTE: 1) Use duplicate sheets if disclosure information for Representative varies

2) Applicants and Affiants are advised to timely supplement this Affidavit pursuant to Sec. 31-71(b)(2)(iv) of the City's Land Development Regulations in the City Code, in the event that prior to consideration of the application by the City Board or Commission, the information provided in the Affidavit becomes incorrect or incomplete.