

# The City of Aventura



Local Planning Agency  
Susan Gottlieb, Mayor

Enbar Cohen  
Teri Holzberg  
Billy Joel  
Michael Stern  
Howard Weinberg  
Luz Urbaz Weinberg

City Manager  
Eric M. Soroka, ICMA-CM

City Clerk  
Teresa M. Soroka, MMC

City Attorney  
Weiss Serota Helfman  
Pastoriza Cole & Boniske

## LOCAL PLANNING AGENCY AGENDA FEBRUARY 4, 2014 - 6 PM

Aventura Government Center  
19200 West Country Club Drive  
Aventura, Florida 33180

1. CALL TO ORDER/ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF MINUTES: NOVEMBER 5, 2013
4. PUBLIC HEARING: MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCES:

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING SECTION 31-144 "BUSINESS ZONING DISTRICTS" OF THE CITY'S LAND DEVELOPMENT REGULATIONS BY AMENDING SECTION 31-144(C)(5)A., COMMUNITY BUSINESS (B2) DISTRICT TO ALLOW INCREASED LOT COVERAGE FOR SHOPPING CENTERS WITH MORE THAN 1,000,000 SQUARE FEET OF GROSS LEASABLE AREA, WITH HEIGHT NOT GREATER THAN FIVE STORIES AND THAT PROVIDE A CENTRALIZED MULTI MODAL TRANSPORTATION FACILITY WHICH IS ENCLOSED WITHIN A PARKING STRUCTURE AND WHICH MAY BE USED BY CITY TRANSIT PROVIDERS, COUNTY TRANSIT PROVIDERS, ANY OTHER GOVERNMENT ENTITIES REQUESTING USE OF THE FACILITY AND PRIVATE TRANSIT PROVIDERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

### 5. ADJOURNMENT

This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Office of the City Clerk, 305-466-8901, not later than two days prior to such proceeding. Anyone wishing to appeal any decision made by the City of Aventura Local Planning Agency with respect to any matter considered at such meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Agenda items may be viewed at the Office of the City Clerk, City of Aventura Government Center, 19200 West Country Club Drive, Aventura, Florida, 33180. Anyone wishing to obtain a copy of any agenda item should contact the City Clerk at 305-466-8901. One or more members of the City of Aventura Advisory Boards may also be in attendance.



**MINUTES  
LOCAL PLANNING AGENCY  
MEETING  
NOVEMBER 5, 2013 6 PM**

Government Center  
19200 W. Country Club Drive  
Aventura, Florida 33180

1. **CALL TO ORDER/ROLL CALL:** The meeting was called to order at 6:00 p.m. by Mayor Susan Gottlieb. Present were Commissioners Enbar Cohen, Teri Holzberg, Billy Joel, Howard Weinberg, Vice Mayor Michael Stern, Mayor Gottlieb, City Manager Eric M. Soroka, City Clerk Teresa M. Soroka and City Attorney David M. Wolpin. Commissioner Luz Urbaez Weinberg was absent. As a quorum was determined to be present, the meeting commenced.
2. **PLEDGE OF ALLEGIANCE:** Led by Trevor Nesse.
3. **APPROVAL OF MINUTES:** A motion to approve the minutes of the July 9, 2013 LPA Hearing was offered by Commissioner Joel, seconded by Commissioner Holzberg, and unanimously passed.
4. **PUBLIC HEARING: MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCE:** Mr. Wolpin read the ordinances in 4A and 4B by title, invoked the quasi-judicial procedures and announced that testimony given during this hearing would be introduced in the Commission meeting considering enactment of the subject ordinances on first reading. All interested parties wishing to offer testimony on these items were sworn in by the City Clerk.
  - A. **AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING THE COMPREHENSIVE MASTER PLAN BY AMENDING THE FUTURE LAND USE MAP DESIGNATION FOR A 3.359 ACRE PARCEL OF LAND LOCATED ON NE 207 STREET AT NE 30 AVENUE, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" TO THIS ORDINANCE, FROM MEDIUM HIGH DENSITY RESIDENTIAL TO TOWN CENTER; AND AMENDING THE COMPREHENSIVE MASTER PLAN BY AMENDING THE FUTURE LAND USE MAP DESIGNATION OF A 4.032 ACRE PARCEL OF LAND LOCATED ON NE 207 STREET AT NE 30 AVENUE, MORE PARTICULARLY DESCRIBED IN EXHIBIT "B" TO THIS ORDINANCE, FROM BUSINESS AND OFFICE TO TOWN CENTER; PROVIDING FOR TRANSMITTAL TO THE AGENCIES AS REQUIRED UNDER CHAPTER 163, PART II, FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE.**
  - B. **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 7.391 ACRE 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 TC3, TOWN CENTER  
NEIGHBORHOOD DISTRICT; PROVIDING FOR SEVERABILITY;  
PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN  
EFFECTIVE DATE.**

Community Development Director Joanne Carr addressed the Commission and entered the staff report into the record. Mayor Gottlieb opened the public hearing. The following individual(s) addressed the Commission: Mickey Marrero, Esq., Jeffrey Bercow, Esq., 200 S. Biscayne Blvd., and Victor Ballestas, 150 NE 2<sup>nd</sup> Avenue, representing the applicant; and Seymour Silver, 20341 NE 30<sup>th</sup> Avenue. There being no further speakers, the public hearing was closed. A motion to recommend adoption of item 4A was offered by Commissioner Joel, seconded by Commissioner Holzberg, and unanimously passed. A motion to recommend adoption of item 4B was offered by Vice Mayor Stern, seconded by Commissioner Howard Weinberg, and unanimously passed.

- 5. ADJOURNMENT:** There being no further business to come before the Local Planning Agency, the meeting adjourned at 7:03 p.m.

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Teresa M. Soroka, MMC, City Clerk

Approved by the LPA on February 4, 2014.

**CITY OF AVENTURA**

**COMMUNITY DEVELOPMENT DEPARTMENT**

**MEMORANDUM**

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM  
City Manager 

BY: Joanne Carr, AICP  
Community Development Director 

DATE: January 30, 2014

SUBJECT: Application to Amend Section 31-144(c)(5)a. of the Land Development Regulations to add a provision for increased lot coverage for specific uses (01-LDR-14)

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February 4, 2014  
February 4, 2014  
March 4, 2014

Local Planning Agency Agenda Item 4  
City Commission Meeting Agenda Item 7B  
City Commission Meeting Agenda Item   

**RECOMMENDATION**

It is recommended that the City Commission approve the request for an amendment to Section 31-144, "Business Zoning Districts" of the Land Development Regulations to add to that section, a provision for a maximum lot coverage of 45% of the total lot area for parcels that include shopping centers, provided that the shopping center buildings contain more than 1,000,000 square feet of gross leasable area, and do not exceed five stories in height and provide a centralized multi-modal transportation facility which is enclosed with a parking structure.

**THE REQUEST**

The owner of the Aventura Mall is proposing an expansion consisting of a three-story, 288,250 square foot addition to the mall structure and a seven-level parking structure. The first level of the parking structure will contain a mass transit terminal which will accommodate City, County and other buses, taxis and other private transit vehicles. In order to build the expansion and parking structure and to accommodate future development on the Mall property, the owner is requesting an amendment to the site development criteria of the B2 zoning district to increase maximum lot coverage from 40% to 45%. (See Exhibit #1 for Letter of Intent)

## **BACKGROUND**

After construction of the last expansion of the Aventura Mall for the Nordstrom anchor and retail approach wing, the current lot coverage is 36% of the total lot area. The applicant advises that the current expansion proposal will increase lot coverage to 40.34%. The applicant further advises that other proposed future development may increase lot coverage up to a maximum of 45%.

The B2 zoning district allows a maximum height of 12 stories or 120 feet. Any expansion of the Aventura Mall could maintain the 40% lot coverage maximum by building vertically. The increased lot coverage is requested to keep the low profile of the shopping center buildings, which are currently four stories at the highest, and to allow for the construction of a new parking structure that will contain a multi-modal transportation facility.

Generally, lot coverage maximums are included in development codes to ensure that open space is provided and also to ensure that proper drainage is provided and maintained. Section 31-144(c) of the Code includes "all buildings on site" in lot coverage calculation. This includes the primary building and any accessory buildings, such as parking structures, but does not include surface parking areas.

In the case of an enclosed regional mall, traditional outdoor open space would not be used by the public in this type of commercial environment. What is desirable for public comfort in a regional mall are interior public plazas with seating areas to meet others or to rest, water features, pedestrian corridors that can also function as recreational walking areas and other public amenities such as art displays. This was recognized by the City Commission in 2005 through passage of Ordinance No. 2005-15, which allows a minimum of 15% open space for regional malls, where up to 40% was required by Code at that time, provided that the aforementioned public amenities are in place. The Aventura Mall is complying with this open space/amenity provision.

The consulting engineer for the Aventura Mall has confirmed that an increase of 5% in permitted lot coverage will not affect the ability to provide and maintain proper drainage. The drainage structures and retention ponds are currently functioning as intended. Any development application for expansion will be required to include drainage plans to upgrade and improve, as necessary, any components of the drainage system. Those drainage plans will be reviewed by the City's Consultants as part of the site plan review process.

## **DESCRIPTION OF THE PROPOSED AMENDMENT**

The proposed amendment to the Community Business (B2) District follows in underlined text:

"Section 31-144(c). Community Business (B2) District.

c) *Community Business (B2) District.* This district is intended primarily to provide for general commercial activity for a wide range of goods and services to the entire community and sub region. Such businesses generally require locations convenient for both vehicular and pedestrian traffic and would be expected to have orientation toward and direct access to arterial roadways.

...

(5) *Site development standards.*

a. *Floor area ratio and lot coverage and minimum landscaped open space requirements:*

1. For all buildings: Any structure parking serving the primary use on the site shall be incorporated into the building envelope and shall be compatibly designed. Such parking structure shall comply with all minimum setback and buffer yard requirements.

2. The floor area ratio shall be 0.40 at one story and shall be increased by 0.11 for each additional story. Structure parking shall not count as part of the floor area, but shall be counted in computing building height. The total lot coverage permitted for all buildings on the site shall not exceed 40 percent of the total lot area, except as provided in Subsection 4. below. The floor area ratio shall not exceed 2.0 for all buildings in this district in conformance with the comprehensive plan.

3. For shopping center buildings with ~~other~~ more than 1,000,000 square feet of gross leasable area that provide public amenities including, but not limited to, public plazas, fountains or other water features, seating areas and recreational walking areas and that do not exceed five stories in height, the minimum landscaped open space shall be 15 percent of the total lot area. Said open space shall be extensively landscaped with grass, trees and shrubbery in accordance with a landscape plan to be approved by the City Manager. The non-leasable areas within enclosed or non-enclosed malls which are landscaped with grass, trees and/or shrubbery, water areas therein, and areas therein with permanent art display areas may be used as part of the required landscaped open space provided such areas do not exceed ten percent of the required landscaped open space.

4. For parcels that include one or more shopping center buildings, the maximum lot coverage shall not exceed 45% of the total lot area, provided that such shopping center buildings contain more than 1,000,000 square feet of gross leasable area and do not exceed five stories in height and that the shopping center building provides a centralized multi-modal transportation facility which is enclosed

within a parking structure, and which may be used by: City transit providers, County transit providers, any other governmental entities requesting use of the facility and private transit providers.” ...

## **ANALYSIS**

Staff provides the following analysis of the request using the standards for reviewing proposed amendments to the text of the Land Development Regulations contained in Section 31-77 of the City Code.

1. *The proposed amendment is legally required.*

The proposed amendment is legally required to implement the requested revision to the Code.

2. *The proposed amendment is consistent with the goals and objectives of the Comprehensive Plan.*

The proposed amendment is consistent with the goals and objectives of the Comprehensive Plan. The business and office land use designation is described in the Future Land Use Element of the City's Comprehensive Plan. This category provides that "...the specific range and intensity of uses applicable in a particular Business and Office property is dependent upon the particular land use, design, urban services, transportation, environmental and social conditions on and around the subject property, including consideration of applicable goals, objectives and policies of the Plan. The Transportation Goal in the Transportation Element of the City's Comprehensive Plan includes the goal to provide a safe and efficient multimodal transportation system to serve the needs of the City. This proposed amendment is consistent with both the language of the Business and Office future land use category and with the Transportation Goal in that this particular property will be designed to provide a multimodal transit facility that will function as part of an overall safe and efficient transportation system within the City.

3. *The proposed amendment is consistent with the authority and purpose of the LDRs.*

The proposed amendment is 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 of land and water in the City. Further, the LDRs are adopted in order to foster and preserve public health, safety and welfare and to aid in the harmonious, orderly and progressive development and redevelopment of the City. The proposed amendment is consistent with this purpose. The proposed amendment will aid in the harmonious, orderly and progressive redevelopment of the City.

4. *The proposed amendment furthers the orderly development of the City.*

The proposed amendment furthers the orderly development of the City, for the reasons provided in Paragraph 3 above.

5. *The proposed amendment improves the administration or execution of the development process.*

The proposed amendment improves the administration or execution of the development process in that it provides for regulation and a process by which to approve development or redevelopment of a property within the Community Business District.



**BERCOW RADELL & FERNANDEZ**  
ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: 305-377-6238  
E-MAIL: [mmarrero@brzoninglaw.com](mailto:mmarrero@brzoninglaw.com)

VIA HAND DELIVERY AND E-MAIL

January 16, 2014

**Exhibit #1**  
**01-LDR-14**

Ms. Joanne Carr  
Community Development Director  
City of Aventura  
19200 West Country Club Drive, 4<sup>th</sup> Floor  
Aventura, Florida 33180

Re: Land Development Code Amendment Regarding Lot Coverage in B2

Dear Joanne:

This law firm represents Aventura Mall Venture and Turnberry Associates, Inc. (the "Applicant"), with regard to an application to amend the City of Aventura Land Development Code to permit additional lot coverage in the B2 zoning district for shopping center buildings that provide a multi-modal transportation facility within their property.

Proposed Expansion. The Applicant is proposing to add additional floor area to the existing mall at the northeast corner of the structure. The proposal will add 288,249 SF of additional floor area comprised mostly of small retail shops. Additionally, there will be additional concourse and non-retail related areas. These improvements to the Property will continue to enhance the Aventura Mall and help continue making the City of Aventura one of the preeminent destinations in South Florida. It is important that the mall and its stores continue to stay current and vibrant, as the Mall hopes to continue its recent successes. The improvement will also include a multi-modal transportation facility.

The Applicant requests an amendment to Section 31-144(c) of the City Code in order to provide for additional allowable lot coverage, up to 45% for shopping center buildings with more than 1,000,000 square feet of gross leasable area, that also provide a centralized multi-modal transportation facility. Section

31-155(c) provides for the site development standards for properties in the B2 zoning district, and would thus be the appropriate place for the amendment.

Section 33-77(g) of the City Code provides standards that staff and the City Commission shall consider when reviewing proposed amendments to the text of the City's Land Development Regulations (the "LDRs"). The Applicant's request addresses each of the standards as follows:

**(1) The proposed amendment is legally required.**

In order for the Aventura Mall to continue to improve as envisioned pursuant to the submitted site plan application, the proposed amendment to the LDRs must be approved and is thus required.

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

The proposed changes are consistent with the goals and objectives of the Comprehensive Plan, specifically the Business and Office designation.

**(3) The proposed amendment is consistent with the authority and purpose of the LDR.**

The proposed amendment is consistent with the authority and purpose of the LDRs, as described in Section 31-2 of the City Code.

**(4) The proposed amendment furthers the orderly development of the City.**

The proposed amendment certainly furthers the orderly development of the City. The proposed amendment will permit the continued improvements to the Aventura Mall - one of the City's most important landmark properties and one of the most successful shopping centers in the country. Further, the amendment will permit the development of a multi-modal transportation facility within the mall property which will accommodate City, County and other public and private transportation. Understanding that the mall generates a great deal of visitors from outside of the City, this improvement hopes to encourage more users to use public transportation and alleviate traffic to the City. Additionally, the improvement will certainly centralize much of the public transportation and naturally provide traffic and

**(5) The proposed amendment improves the administration or execution of the development process.**

This amendment itself does not have a direct effect on the administration of the City's development process.

For all the foregoing reasons, the applicant respectfully requests your department's favorable review and recommendation of this application. Should you have any questions, comments, or require additional information, please do not hesitate to phone my direct line at (305) 377-6238.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'MJM', written over a dotted line.

Michael J. Marrero



# 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:

Name	Relationship (i.e. Attorneys, Architects, Landscape Architects, Engineers, Lobbyists, Etc.)
<u>Jeff Berrow</u>	<u>Attorney</u>
<u>Michael Marrero</u>	<u>Attorney</u>
_____	_____
_____	_____

(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

By [Signature]  
 Name: Michael Marrero  
 Title: Attorney  
 Address: 200 S. Biscayne Blvd, #850  
Miami, FL 33131

OWNER

By [Signature]  
 Name: Jacquelyn Soffer  
 Title: Principal  
 Address: 14950 West Country Club Drive  
10th Floor, Aventura, FL 33180

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

Before me the undersigned authority personally appeared Michael Marrero 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 22 day of January 200\_

AFFIANT  
[Signature]  
 Notary Public State of Florida At Large  
 Printed Name of Notary Ana Hernandez  
 My commission expires: 4/29/2015





# 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 27 DAY OF January, 2004

APPLICANT

By [Signature] (Signature)  
 Name: Michael Marrero (Print)  
 Title: Attorney (Print)

WITNESS MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_

PROPERTY OWNER

By [Signature] (Signature)  
 Name: Jacquelyn Soffer (Print)  
 Title: Principal (Print)

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

WITNESS MY HAND THIS 28<sup>th</sup> DAY OF January, 2007

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)

Name: Michael Morris (Print)

Title: Attorney (Print)

By: [Signature] (Signature)

Name: Jeffrey Berman (Print)

Title: Attorney (Print)

By: \_\_\_\_\_ (Signature)

Name: \_\_\_\_\_ (Print)

Title: \_\_\_\_\_ (Print)

By: \_\_\_\_\_ (Signature)

Name: \_\_\_\_\_ (Print)

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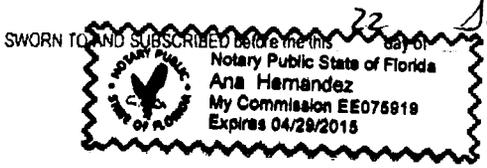
NOTE: 1) Use duplicate sheets if disclosure information for Representative varies

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.

**NOTARIZATION PROVISION**

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

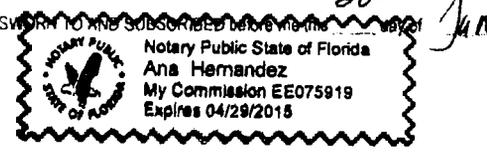
Before me, the undersigned authority, personally appeared Michael Morron the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.



Michael Morron  
AFFIANT  
SWORN TO AND SUBSCRIBED before me this 23 day of January, 20014  
Notary Public State of Florida At Large  
Printed Name of Notary Ana Hernandez  
My commission expires 4/29/2015

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Jeff Berrow 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.



Jeff Berrow  
AFFIANT  
SWORN TO AND SUBSCRIBED before me this 22 day of January, 20014  
Notary Public State of Florida At Large  
Printed Name of Notary Ana Hernandez  
My commission expires 4/29/2015

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Jacquelyn Soffel 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.



Jacquelyn Soffel  
AFFIANT  
SWORN TO AND SUBSCRIBED before me this 27 day of January, 20014  
Notary Public State of Florida At Large  
Printed Name of Notary Carol Abramson  
My commission expires 4/14/14

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 \_\_\_\_\_

ORDINANCE NO. 2014-\_\_\_\_\_

**AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING SECTION 31-144 "BUSINESS ZONING DISTRICTS" OF THE CITY'S LAND DEVELOPMENT REGULATIONS BY AMENDING SECTION 31-144(C)(5)A., COMMUNITY BUSINESS (B2) DISTRICT TO ALLOW INCREASED LOT COVERAGE FOR SHOPPING CENTERS WITH MORE THAN 1,000,000 SQUARE FEET OF GROSS LEASABLE AREA, WITH HEIGHT NOT GREATER THAN FIVE STORIES AND THAT PROVIDE A CENTRALIZED MULTI MODAL TRANSPORTATION FACILITY WHICH IS ENCLOSED WITHIN A PARKING STRUCTURE AND WHICH MAY BE USED BY CITY TRANSIT PROVIDERS, COUNTY TRANSIT PROVIDERS, ANY OTHER GOVERNMENT ENTITIES REQUESTING USE OF THE FACILITY AND PRIVATE TRANSIT PROVIDERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Aventura ("City Commission") is desirous of amending Section 31-144 "Business Zoning Districts" of Chapter 31 "Land Development Regulations" of the Code of Ordinances ("City Code") to include a provision for a maximum lot coverage of 45% for parcels that include one or more shopping center buildings with more than 1,000,000 square feet of leasable area and that do not exceed five stories in height and that provide a centralized multi-modal transportation facility which is enclosed within a parking structure and which may be used by City transit providers, County transit providers, any other governmental entities requesting use of the facility and private transit providers; and

**WHEREAS**, the Business and Office future land use category applicable to the proposed amendment provides that "...the specific range and intensity of uses applicable in a particular Business and Office property is dependent upon the particular land use, design, urban services, transportation, environmental and social conditions on and around the subject property, including consideration of applicable goals, objectives and policies of the Plan..."; and the Transportation Goal in the Transportation Element of the City's Comprehensive Plan is "...to provide a safe and efficient multimodal transportation system to serve the needs of the City..."; and

**WHEREAS**, the City Commission finds that the proposed amendment to Section 31-144 of the City Code to provide increased lot coverage for large-scale shopping center buildings which provide a centralized multi-modal transportation facility which is enclosed within a parking structure 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 Section 31-144 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.** That Section 31-144 "Business Zoning Districts" of Article VII "Use Regulations" of Chapter 31 "Land Development Regulations" of the City Code is hereby amended to read as follows<sup>1</sup>:

\* \* \*

**Sec. 31-144. – Business Districts.**

...

*(c) Community Business (B2) District.* This district is intended primarily to provide for general commercial activity for a wide range of goods and services to the entire community and sub region. Such businesses generally require locations convenient for both vehicular and pedestrian traffic and would be expected to have orientation toward and direct access to arterial roadways.

...

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<sup>1</sup> Underlined provisions constitute proposed additions to existing text. Strikethrough provisions constitute proposed deletions to existing text.

*(5) Site development standards.*

a. *Floor area ratio and lot coverage and minimum landscaped open space requirements:*

1. For all buildings: Any structure parking serving the primary use on the site shall be incorporated into the building envelope and shall be compatibly designed. Such parking structure shall comply with all minimum setback and buffer yard requirements.

2. The floor area ratio shall be 0.40 at one story and shall be increased by 0.11 for each additional story. Structure parking shall not count as part of the floor area, but shall be counted in computing building height. The total lot coverage permitted for all buildings on the site shall not exceed 40 percent of the total lot area, except as provided in Subsection 4. below. The floor area ratio shall not exceed 2.0 for all buildings in this district in conformance with the comprehensive plan.

3. For shopping center buildings with ~~other~~ more than 1,000,000 square feet of gross leasable area that provide public amenities including, but not limited to, public plazas, fountains or other water features, seating areas and recreational walking areas and that do not exceed five stories in height, the minimum landscaped open space shall be 15 percent of the total lot area. Said open space shall be extensively landscaped with grass, trees and shrubbery in accordance with a landscape plan to be approved by the City Manager. The non-leasable areas within enclosed or non-enclosed malls which are landscaped with grass, trees and/or shrubbery, water areas therein, and areas therein with permanent art display areas may be used as part of the required landscaped open space provided such areas do not exceed ten percent of the required landscaped open space.

4. For parcels that include one or more shopping center buildings, the maximum lot coverage shall not exceed 45% of the total lot area, provided that such shopping center buildings contain more than 1,000,000 square feet of gross leasable area and do not exceed five stories in height, and that the shopping center building provides a centralized multi-modal transportation facility which is enclosed within a parking structure, and which may be used by City transit providers, County transit providers, any other governmental entities requesting use of the facility and private transit providers."

...

**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 adoption on second reading.

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

Commissioner Enbar Cohen	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Michael Stern	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Howard Weinberg	_____
Mayor Susan Gottlieb	_____

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

Commissioner Enbar Cohen	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Michael Stern	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Howard Weinberg	_____
Mayor Susan Gottlieb	_____

PASSED on first reading this 4<sup>th</sup> day of February, 2014.

PASSED AND ADOPTED on second reading this 4<sup>th</sup> day of March, 2104.

\_\_\_\_\_  
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 \_\_\_\_ day of \_\_\_\_\_, 2014.

**ORDINANCE NO. 2014-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA AMENDING SECTION 31-144 "BUSINESS ZONING DISTRICTS" OF THE CITY'S LAND DEVELOPMENT REGULATIONS BY AMENDING SECTION 31-144(C)(5)A., COMMUNITY BUSINESS (B2) DISTRICT TO ALLOW INCREASED LOT COVERAGE FOR SHOPPING CENTERS WITH MORE THAN 1,000,000 SQUARE FEET OF GROSS LEASABLE AREA, WITH HEIGHT NOT GREATER THAN FIVE STORIES AND THAT PROVIDE A CENTRALIZED MULTI MODAL TRANSPORTATION FACILITY WHICH IS ENCLOSED WITHIN A PARKING STRUCTURE AND WHICH MAY BE USED BY CITY TRANSIT PROVIDERS, COUNTY TRANSIT PROVIDERS, ANY OTHER GOVERNMENT ENTITIES REQUESTING USE OF THE FACILITY AND PRIVATE TRANSIT PROVIDERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Aventura ("City Commission") is desirous of amending Section 31-144 "Business Zoning Districts" of Chapter 31 "Land Development Regulations" of the Code of Ordinances ("City Code") to include a provision for a maximum lot coverage of 45% for parcels that include one or more shopping center buildings with more than 1,000,000 square feet of leasable area and that do not exceed five stories in height and that provide a centralized multi-modal transportation facility which is enclosed within a parking structure and which may be used by City transit providers, County transit providers, any other governmental entities requesting use of the facility and private transit providers; and

**WHEREAS**, the Business and Office future land use category applicable to the proposed amendment provides that "...the specific range and intensity of uses applicable in a particular Business and Office property is dependent upon the particular land use, design, urban services, transportation, environmental and social conditions on and around the subject property, including consideration of applicable goals, objectives and policies of the Plan..."; and the Transportation Goal in the Transportation Element of the City's Comprehensive Plan is "...to provide a safe and efficient multimodal transportation system to serve the needs of the City..."; and

**WHEREAS**, the City Commission finds that the proposed amendment to Section 31-144 of the City Code to provide increased lot coverage for large-scale shopping center buildings which provide a centralized multi-modal transportation facility which is enclosed within a parking structure 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 Section 31-144 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.** That Section 31-144 "Business Zoning Districts" of Article VII "Use Regulations" of Chapter 31 "Land Development Regulations" of the City Code is hereby amended to read as follows<sup>1</sup>:

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**Sec. 31-144. – Business Districts.**

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*(c) Community Business (B2) District.* This district is intended primarily to provide for general commercial activity for a wide range of goods and services to the entire community and sub region. Such businesses generally require locations convenient for both vehicular and pedestrian traffic and would be expected to have orientation toward and direct access to arterial roadways.

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*(5) Site development standards.*

a. *Floor area ratio and lot coverage and minimum landscaped open space requirements:*

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3. For shopping center buildings with ~~other~~ more than 1,000,000 square feet of gross leasable area that provide public amenities including, but not limited to, public plazas, fountains or other water features, seating areas and recreational walking areas and that do not exceed five stories in height, the minimum landscaped open space shall be 15 percent of the total lot area. Said open space shall be extensively landscaped with grass, trees and shrubbery in accordance with a landscape plan to be approved by the City Manager. The non-leasable areas within enclosed or non-enclosed malls which are landscaped with grass, trees and/or shrubbery, water areas therein, and areas therein with permanent art display areas may be used as part of the required landscaped open space provided such areas do not exceed ten percent of the required landscaped open space.

4. For parcels that include one or more shopping center buildings, the maximum lot coverage shall not exceed 45% of the total lot area, provided that such shopping center buildings contain more than 1,000,000 square feet of gross leasable area and do not exceed five stories in height, and that the shopping center building provides a centralized multi-modal transportation facility which is enclosed within a parking structure, and which may be used by City transit providers, County transit providers, any other governmental entities requesting use of the facility and private transit providers."

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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.

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**Section 5. Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

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

Commissioner Teri Holzberg	_____
Commissioner Michael Stern	_____
Commissioner Enbar Cohen	_____
Commissioner Billy Joel	_____
Commissioner Luz Urbaez Weinberg	_____
Vice Mayor Howard Weinberg	_____
Mayor Susan Gottlieb	_____

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

Commissioner Teri Holzberg	_____
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Vice Mayor Howard Weinberg	_____
Mayor Susan Gottlieb	_____

PASSED on first reading this 4<sup>th</sup> day of February, 2014.

PASSED AND ADOPTED on second reading this 4<sup>th</sup> day of March, 2104.

\_\_\_\_\_  
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 \_\_\_\_ day of \_\_\_\_\_, 2014.