

**City Commission**

Enid Weisman, Mayor  
Denise Landman, Vice Mayor  
Teri Holzberg, Commissioner  
Marc Narotsky, Commissioner  
Robert Shelley, Commissioner  
Howard Weinberg, Commissioner



**City Manager**

Eric M. Soroka, ICMA-CM

**City Clerk**

Ellisa L. Horvath, MMC

**City Attorney**

Weiss Serota Helfman  
Cole & Bierman

**LOCAL PLANNING AGENCY  
MEETING AGENDA  
SEPTEMBER 6, 2016  
6:00 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: July 12, 2016**
- 4. PUBLIC HEARING: MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCE:**

**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)(2) AND SECTION 31-144(c)(5)b., COMMUNITY BUSINESS (B2) DISTRICT, TO ADD A CONDITIONAL USE FOR AUTOMOBILE PARKING GARAGES IN THE COMMUNITY BUSINESS (B2) DISTRICT WHEN LOCATED DIRECTLY ADJACENT TO AN AUTOMOBILE PARKING GARAGE LOCATED IN A MULTIFAMILY RESIDENTIAL ZONING DISTRICT AND TO CLARIFY THE HEIGHT RESTRICTION IN THE B2 DISTRICT SITE DEVELOPMENT STANDARDS; 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. One or more members of the City of Aventura Advisory Boards may be in attendance and may participate at the meeting. Anyone wishing to appeal any decision made by the Aventura City Commission 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 W. 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.



**MINUTES  
LOCAL PLANNING AGENCY  
MEETING  
JULY 12, 2016 AT 6 PM**

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

1. **CALL TO ORDER/ROLL CALL:** The meeting was called to order by Mayor Enid Weisman at 6:00 p.m. Present were the following: Mayor Enid Weisman, Vice Mayor Denise Landman, Commissioner Teri Holzberg, Commissioner Marc Narotsky, Commissioner Robert Shelley, Commissioner Howard Weinberg, City Manager Eric M. Soroka, City Clerk Ellisa L. Horvath, and City Attorney James E. White. Commissioner Enbar Cohen was absent. As a quorum was determined to be present, the meeting commenced.
2. **PLEDGE OF ALLEGIANCE:** The Pledge was led by Cliff Schulman.
3. **APPROVAL OF MINUTES:** A motion to approve the minutes of the March 1, 2016 minutes was offered by Commissioner Shelley, seconded by Vice Mayor Landman, and unanimously passed by roll call vote.
4. **PUBLIC HEARING: MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCE:** Mr. White read the following ordinance by title:

**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)(1), COMMUNITY BUSINESS (B2) DISTRICT TO ADD AN ELECTRIC VEHICLE RETAIL SHOWROOM AS A PERMITTED USE IN SHOPPING CENTERS WITH MORE THAN 1,000,000 SQUARE FEET OF GROSS LEASABLE AREA, WITH HEIGHT NOT GREATER THAN FIVE STORIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

A motion to recommend adoption of the Ordinance was offered by Commissioner Holzberg and seconded by Commissioner Narotsky.

Community Development Director Joanne Carr addressed the Commission and entered the staff report into the record, which recommended approval.

Mayor Weisman opened the public hearing. There being no speakers, the public hearing was closed.

The following addressed the Commission representing the Applicant: Michael Marrero, Esq. (Bercow Radell & Fernandez – 200 S. Biscayne Blvd. #850, Miami).

The motion to recommend adoption of the Ordinance was unanimously passed, by roll call vote.

5. **ADJOURNMENT:** There being no further business to come before the Local Planning Agency, a motion to adjourn was offered by Commissioner Weinberg,

seconded by Vice Mayor Landman and unanimously passed; thereby, adjourning the meeting at 6:09 p.m.

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Ellisa L. Horvath, MMC, City Clerk

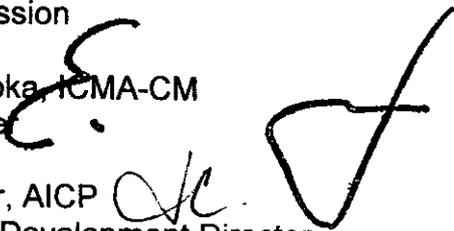
Approved by the Local Planning Agency on September 6, 2016.

**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: August 25, 2016

SUBJECT: Application to Amend Section 31-144(c)(2) and Section 31-144(c)(5)b. of the Land Development Regulations to add a conditional use for automobile parking garages in the Community Business (B2) zoning district when located directly adjacent to an automobile parking garage located in a multifamily residential zone and to clarify the height restriction in the B2 District Site Development Standards (03-LDR-16)

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September 6, 2016	Local Planning Agency Agenda Item <u>4</u>
September 6, 2016	City Commission Meeting Agenda Item <u>1</u>
October 6, 2016	City Commission Meeting Agenda Item <u>   </u>

**RECOMMENDATION**

It is recommended that the City Commission approve the request for an amendment to Section 31-144(c)(2) and Section 31-144(c)(5)b. of the Community Business (B2) District to add a conditional use automobile parking garages in the B2, Community Business, District when located directly adjacent to an automobile parking garage located in a multifamily residential zone and to clarify the height restriction in the B2 District site development standards.

**THE REQUEST**

The applicant, Aventura Corporate Center LLLP, has submitted an application to amend Sections 31-144(c)(2) and Section 31-144(c)(5)b. of Chapter 31 of the City Code to add a conditional use for automobile parking garages in the B2, Community Business, District when located directly adjacent to an automobile parking garage in a multifamily residential zoning district and to clarify the height restriction in the B2 District site development standards. (See Exhibit #1 for Letter of Intent)

## **BACKGROUND**

The applicant's request for this Code amendment results from staff review comments on the applicant's site plan approval application for construction of a 10 story, 120 foot tall, 132,690 square foot office building and attached 7 level, 68'10" tall parking garage on its property at 2777 NE 185 Street. The property is approximately 1.45 acres in size and has frontage on both NE 185 Street and NE 187 Street. The office building is designed to front on NE 187 Street in the northerly portion of the site and the parking garage is designed to front on NE 187 Street in the southerly portion of the site. First floor retail and restaurant is proposed in the parking structure on NE 185 Street.

Immediately adjacent to the east of the proposed parking structure is a property zoned RMF4, Multifamily High Density Residential District, with an approved site plan for an 18 story, 158 unit multifamily residential condominium. The 6 level, 73'8" tall parking garage for the residential building is located at the west end of the property, with pool deck and recreational amenities on the top of the parking levels. The proposed 7 level, 68'10" tall parking garage for the office building is immediately adjacent to the residential parking structure and has been designed to be approximately 5 feet shorter than the height of the residential parking structure to minimize impact on the pool deck and other recreational amenities.

The attached Exhibit #2, prepared by the applicant, shows a site plan height summary and an adjacent elevation study for the approved residential development and the proposed office development.

Section 31-144(c)(5)b. of the City Code provides that the maximum height of a structure in the B2 zoning district is 12 stories or 120 feet overall maximum height including structure parking, subject to a limitation that any portion of the building or structure within 200 feet of any residential zone is subject to a height of one foot for every two feet in distance from the residential zoned plot unless the application of this requirement would limit the building height to a minimum of 25 feet.

The residential zoning of the parcel to the east of the proposed parking garage and the distance from that residentially zoned lot results in a height limitation of 25 feet for the applicant's parking garage. The applicant's office building is not subject to this height limitation since the northerly portion of the site on which the office building is proposed is adjacent to another B2 zoned property.

## **DESCRIPTION OF THE PROPOSED AMENDMENT**

The proposed amendment to Section 31-144(c)(2) and Section 31-144(c)(5)b. of Chapter 31, Article VII., Use Regulations, follows and is shown in underlined text:

"Section 31-144 – Business Zoning Districts.

\*\*\*

(c) Community Business (B2) District.

(2) *Conditional use.* The following uses if first approved as a conditional use:

\*\*\*

n. Automobile parking garages located directly adjacent to an automobile parking garage located in a multifamily residential zone that do not meet the height and distance requirement of Section 31-144(c)(5)b. and that include the following design elements:

(i) the automobile parking garage is the same height or less than an existing or approved automobile parking garage located on an adjacent residential plot and

(ii) the top level of the automobile parking garage is completely screened from view of the adjacent residential plot, and

(iii) the openings along the exterior perimeter walls of the automobile parking garage walls within 200 feet of a residential zoned plot shall be screened to minimize adverse effects on the adjacent residential lot.

\*\*\*

(5) Site development standards.

\*\*\*

b. *Maximum height:* 12 stories or 120 feet overall maximum height, including structure parking, provided that a height limitation of five stories shall apply only for shopping center buildings which are subject to subsection (5)a.4. above. That portion of the building or structure directly adjacent to and within 200 feet of any residential zone shall be subject to a height limitation of one foot for every two feet in distance from the residential zoned plot unless the application of this requirement would limit the building height to a minimum of 25 feet, excepting from this height and spacing requirement an automobile parking garage approved as a conditional use pursuant to Section 31-144(c)(2)n.

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## **HISTORY**

As described in the applicant's Letter of Intent attached as Exhibit #1 to this staff report, the applicant's site was originally zoned Community Business (B2) District through enactment of the City's Land Development Regulations in 1999. The property immediately to the east of the applicant's property was also originally zoned Community Business (B2) District.

In June of 2003, the applicant received Administrative Site Plan Approval for a 13 story, 176.83 foot tall hotel. The approved development did not proceed at that time but approval was extended at the applicant's request. The existing site plan approval was modified in 2008 to an 8 story, 93.5 foot tall hotel. This development also did not proceed due to market conditions at that time. These two hotel buildings were not subject to the distance and spacing requirement of the B2 zoning district, since the adjacent lot at the time of the application was also zoned B2 and the site plan approval for the applicant's

site was preserved through extensions under City Code and under State statute. The last extension of the site plan approval for the applicant's property was to January, 2015.

In September of 2003, the property adjacent to the east applied for and was granted a zoning amendment from Community Business (B2) District to Multifamily High Density Residential (RMF4) District. The approved plan for this property includes a 6 level, 73'8" tall parking garage in the westerly portion of the property adjacent to the applicant's property.

In July of 2015, the applicant submitted a new site plan application for a 10 story, 120 foot tall office building with attached 7 level, 68'10" tall parking garage. The proposed parking garage is adjacent to the approved parking garage for the residential condominium to the east and is now subject to the height and distance regulations of the B2 zoning district, which limits any portion of a commercial building within 200 feet of a residential building to one foot in height for every two feet in distance from the residential building. Based on the applicant's lot configuration, the maximum allowable height of the parking garage is 25 feet.

### **ANALYSIS OF THE REQUESTED CODE AMENDMENT**

The applicant's request is to amend the Community Business (B2) District regulations to allow, through public hearing conditional use approval process, a parking garage in the B2 district that is directly adjacent to a parking garage in a multifamily residential district and does not meet the height and distance requirements of the B2 district, with the conditions that the automobile parking garage on the B2 lot is the same height or less than an existing or approved automobile parking garage on the adjacent residential lot, that the top level of the commercial parking garage is screened from view of the residential development and that all openings of the commercial garage within 200 feet of the residential lot are also screened.

There are currently no parking garages on a B2 parcel within 200 feet of a parking garage on a multifamily residential lot. This amendment would only apply if a multifamily residential structure was developed or redeveloped with a parking garage and a B2 parcel was subsequently developed or redeveloped with a parking garage located directly adjacent to the residential parking garage.

The proposed amendment contains conditions on maximum height and screening to ensure compatibility of the two adjacent parking garages and is specific to garage adjacent to garage only. In the event a commercial building is proposed adjacent to a residential lot or in the event that there is no existing or approved parking garage on an adjacent multifamily residential lot, the distance and spacing requirements of Section 31-144(c)(5)b. will continue to apply.

## **ANALYSIS OF STANDARDS FOR REVIEW OF PROPOSED TEXT AMENDMENTS**

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, specifically, Objective 1 and its measure of the Land Use Goal in the Future Land Use Element which states that “the Land Development Regulations shall provide a cohesive blueprint for development and redevelopment of the City that accommodates growth while maintaining the integrity of the built and natural environment.” The measure of Objective 1 above is incorporation of policy provisions in to the Land Development Regulations. This amendment incorporates a policy decision for height of parking garages in the Community Business (B2) District when they are immediately adjacent to a parking garage in a multifamily residential zoning district.

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. The proposed amendment is consistent with this purpose.

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

The proposed amendment furthers the orderly development of the City by establishing standards for review and approval of development of land.

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 by which to approve development or redevelopment projects in the City.

**Exhibit 1  
03-LDR-16**

Brian S. Adler, Esq.  
Tel 305.350.2351  
Fax 305.351.2206  
[badler@bilzin.com](mailto:badler@bilzin.com)

August 23, 2016

**VIA FEDEX AND E-MAIL**

Ms. Joanne Carr  
City of Aventura  
Government Center  
19200 W. Country Club Drive, 4th Floor  
Aventura, Florida 33180

**Re: Amendment to the Text of the Land Development Regulations  
Proposed Amendment to Code Section 31-144(c)(2) and (5)**

**AMENDED AND SUPPLEMENTAL LETTER OF INTENT**

Dear Ms. Carr:

This firm represents Aventura Corporate Center, LLLP. Please consider this our formal letter of intent in connection with a Public Hearing Application for Amendment to the Text of the Land Development Regulations. Specifically, this request seeks a modification of the restrictions or permitted heights of parking garages in the B2 zoning district. Our client is requesting a modification to sections 31-144(c)(2) related to Conditional Uses and 31-144(c)(5)(b) related to height only as it pertains to parking garages.

At the time of adoption of the City's land development regulations, the maximum height of structures in the B2 zoning district was 20 stories. The City subsequently amended its land development regulations in 2006 to lower the maximum height to 12 stories or 120 feet as of right, with conditional use approval for heights up to 20 stories or 200 feet. The B2 zoning district then further restricted any portion of a building or structure within 200 feet of a residentially zoned lot to 1 foot of height for each 2 feet of distance from a residentially zoned lot (with a minimum height of 25 feet).

Our client owns the Property located at 2777 N.E. 185th Street. A history of the City approvals on this Property and the adjacent property to the east is particularly instructive.

Our client's Property was originally approved in June 2003 under City of Aventura Administrative Site Plan Approval 15-SP-02 for a 13-story, 176.83 foot tall Embassy Suites hotel, including a 170 room hotel atop a parking pedestal, and located on the portion of the lot adjacent to the property to the East. The structure was within the 200 foot distance of the adjacent parcel to the east, which adjacent parcel, at that time, was similarly zoned B2.

MIAMI 5120691.2 77553/45327

Therefore, while not subject to the spacing or distance requirements at the time, the subsequently adopted changes to the land development regulations related to spacing from residential districts would not have impacted our client's development. Our client's parcel was therefore not subject to the setback and height restriction associated with commercial developments adjacent to residential property or the modified City land development regulation.

In September 2004, through ASPR 15-SP-02 (Rev), the City approved an extension of time to obtain the permit to provide additional time to obtain the consent of the then Walgreens/Pier 1 owner to the covenant in lieu of unity of title. In December 2004 our client submitted an application for a revised site plan for a 14-story office and bank building, however, due to changing market conditions, our client then sought a further modification of the prior approvals, through ASPR 01-SP-08 to revert back to a hotel use for an Aloft hotel with an 8 story structure directly adjacent to the adjacent residential parcel. The two site plan modifications were again not subject to the distance and height restrictions since they were modifications to existing approvals.

In the interim the owner of the adjacent parcel sought and received, in 2003, a voluntary rezoning from B2 commercial to residential. At the time of the rezoning of the parcel to the east, our client's Property was approved for structures adjacent to and within the setback, ranging from 8 to 20 stories. However, the voluntary rezoning of the adjacent parcel unfortunately has now served to restrict the height of commercial structures in the B2 district within 200 feet of that residential district to a height of one foot for every two foot in distance from the residential zone plot, with a minimum of 25 feet.

The rezoning of the adjacent parcel has had significant negative impacts on our client's property which is limited in depth. The consequence was to restrict a portion of our client's property, which is near the town center district and just east of Biscayne Boulevard to two stories when some of these properties previously enjoyed the ability to go up to 12 stories as of right and up to 20 stories via conditional use. In fact, the prior approvals under the B-2 zone previously allowed for an even higher development.

However, due to the changing market and need for additional Class A office buildings in the City of Aventura, our client has applied for a new site plan to seek a 12 story office building and parking garage. Because of the irregular lot configuration, the office building portion of the development is directly adjacent to another B2 zoned parcel and is therefore not subject to the one foot to two foot height and distance restriction. However, the parking garage portion of the development is now adjacent to a residentially zoned lot and is subject to that height restriction.

The result is to limit the height of the parking structure that was previously approved at up to 20 stories to no more than two stories for the portion adjacent to the residential property without receiving a variance. This change essentially artificially limited the height of our client's building to 25 feet across a significant portion of the Property. This impact not only affects the subject portion of the Property but the ability to provide required parking for the use.

If our client's Property was zoned residential, a residential parking garage or even a residential structure would be permitted within the same area as our client's proposed parking garage. There is very little difference in appearance, utilization or impact between a parking

garage servicing a commercial uses versus a parking garage servicing residential uses to justify the distinction in the code as it relates to parking structures as they are both essentially the same parking garages. The protection sought to buffer the adjacent residential structures is more understandable for the actual commercial or office use rather than the parking garage that arguably could service either residential or commercial properties. Further, in today's urban environment, many jurisdictions support the collocation of residential and commercial structures in recognition that these uses are often located in close proximity to each other to support a more walkable development. In fact the City's own Town Center district supports such collocation.

If our client's Property was designated for residential development, our client could as of right construct a twelve story residential tower next to the adjacent residential development. Further, our client could construct an twelve story, as of right, garage next to a residential development.

Therefore, we propose that the B2 Code be modified to eliminate the distinction between the same type of parking garage structure servicing a residential versus a commercial garage and allow for parking garages to be approved via conditional use in the B-2 zone so long as the parking garages are properly screened to avoid light spillage into the adjacent residential development. The proposed modified language is attached as Exhibit A.

Office buildings generally have less late evening trips at the time when the residences are being utilized. Therefore, a residential parking garage arguably has the potential to have more impact rather than less impact than the proposed commercial or office parking garage which generally has daytime office hours. Further, the parking garage portion of a commercial structure is no different than a residential parking garage and therefore, if a residential parking garage is permitted adjacent to a residential property, then a parking garage in support of a commercial use should equally be permitted so long as the commercial uses (retail stores, etc.) are not higher than the 25 feet within 200 feet of the residential property.

Finally, through the conditional use process, the Commission can evaluate in circumstances such as this where the impacted property was commercial and voluntarily sought a zone change to residential, and the inequities associated with impacting neighboring properties based on such change.

We therefore propose the attached language be added to the Code.

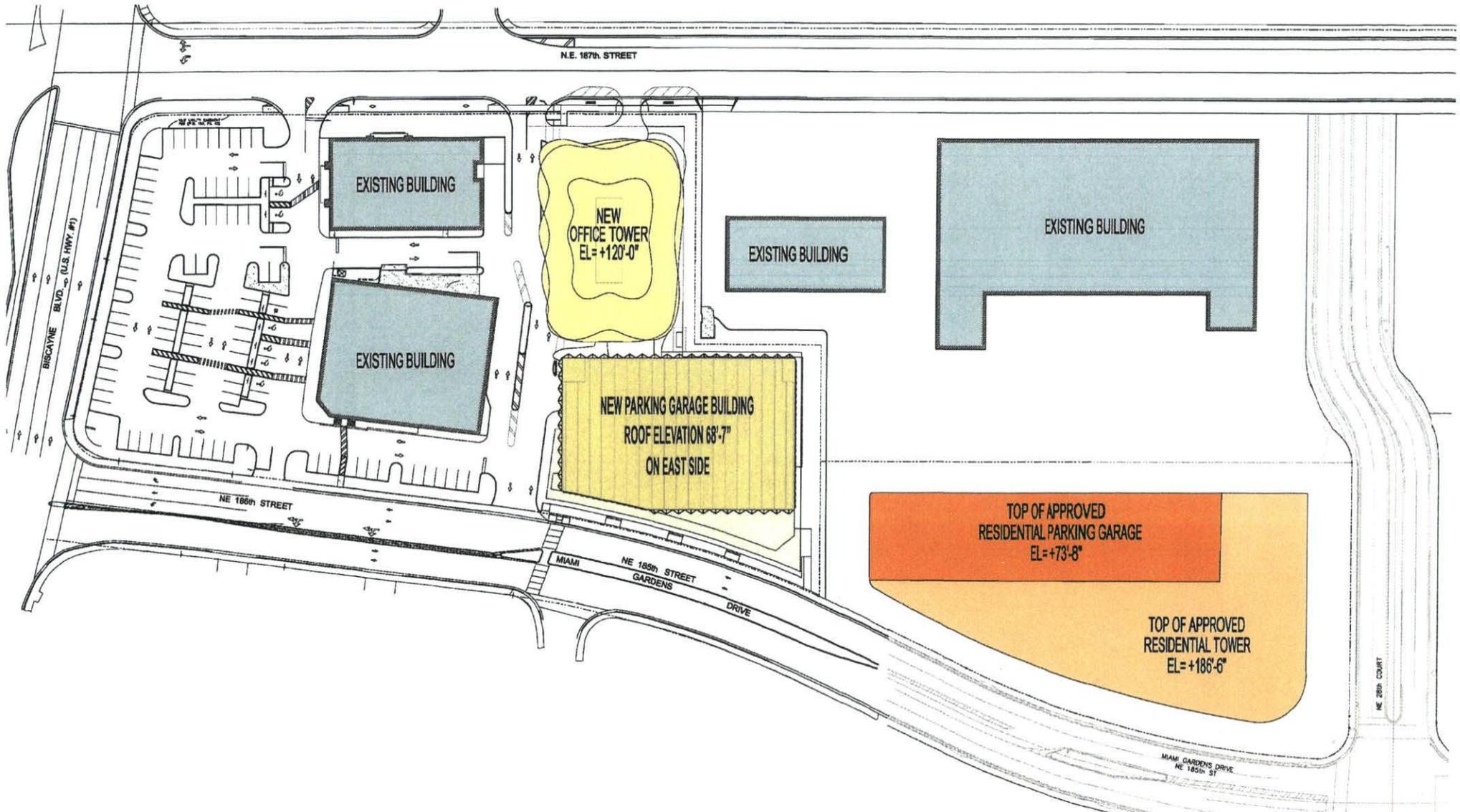
Should you have any questions regarding the above, please do not hesitate to contact me at (305) 350-2351.

Very truly yours,



Brian Adler

BSA/ebf



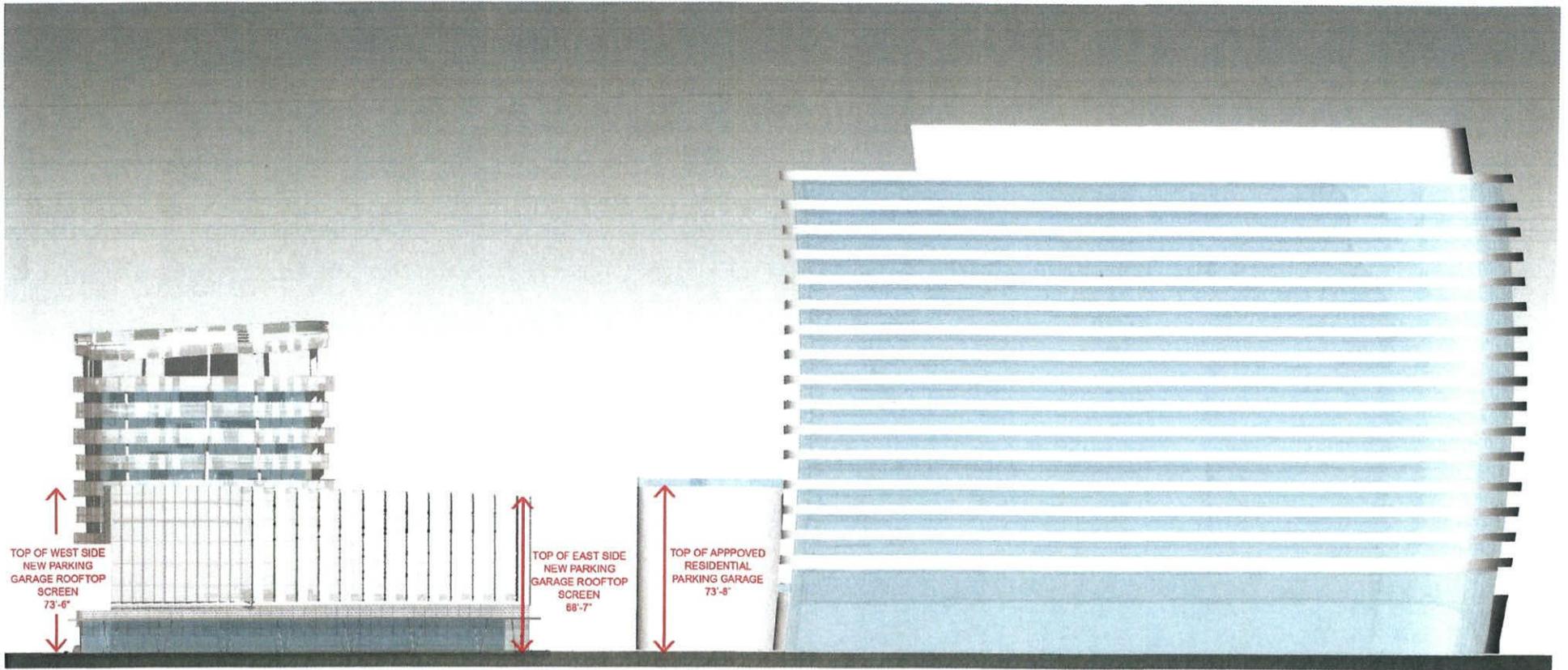
# site plan height summary

08-22-2016

Exhibit 2  
03-LDR-16

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↑  
TOP OF WEST SIDE  
NEW PARKING  
GARAGE ROOFTOP  
SCREEN  
73'-6"  
↓

↑  
TOP OF EAST SIDE  
NEW PARKING  
GARAGE ROOFTOP  
SCREEN  
68'-7"  
↓

↑  
TOP OF APPROVED  
RESIDENTIAL  
PARKING GARAGE  
73'-8"  
↓

adjacency study 08-22-2016



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# 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.)
Leonel Vasquez	Authorized Signatory
Stanley S. Price	Attorney
Brian S. Adler	Attorney
Lawrence Beame	Architect
Mauricio Rodriguez	Architect

(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 22 DAY OF AUGUST 2014

AUTHORIZED REPRESENTATIVE OF APPLICANT

By: [Signature]  
 Name: LEONEL VASQUEZ  
 Title: AUTHORIZED SIGNATORY  
 Address: 19950 W. COUNTY CLUB DR #900  
AVENTURA FL 33180

OWNER

By: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Address: \_\_\_\_\_

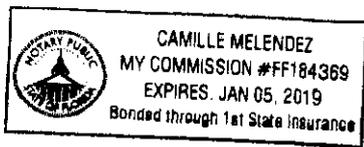
STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

Before me the undersigned authority personally appeared Leonel Vasquez 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 22nd day of August 2014

AFFIANT  
200

Notary Public State of Florida At Large  
Printed Name of Notary Camille Melendez  
My commission expires Jan 5 2019





# 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 9th DAY OF August 2016

APPLICANT REPRESENTATIVE:

By: [Signature] (Signature)  
 Name: Leonel Vasquez (Print)  
 Title: Client Representative (Print)

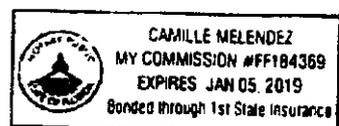
WITNESS MY HAND THIS 11th DAY OF August 2016

STATE OF FLORIDA )  
 COUNTY OF MIAMI-DADE )

Before me, the undersigned authority, personally appeared, Leonel Vasquez 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.

SWORN TO AND SUBSCRIBED before me this 11th day of August, 2016.

[Signature]  
 Leonel Vasquez  
 \_\_\_\_\_  
 Notary Public State of  
Camille Melendez  
 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:

Robert L. Shelley (List name of Commissioner or Advisory Board Member) who serves on the City Commission (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 venture 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 15<sup>th</sup> DAY OF August, 2016.

### APPLICANT REPRESENTATIVE:

By: [Signature] (Signature)  
 Name: Brian S. Adler (Print)  
 Title: Attorney (Print)

WITNESS MY HAND THIS 15<sup>th</sup> DAY OF August, 2016.

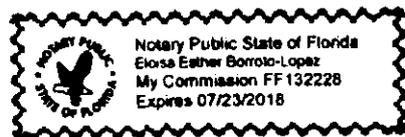
STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

Before me, the undersigned authority, personally appeared, Brian S. Adler 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.

[Signature]  
Brian S. Adler

SWORN TO AND SUBSCRIBED before me this 15<sup>th</sup> day of August, 2016.

[Signature]  
 Notary Public State of \_\_\_\_\_  
 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 venture 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 9 DAY OF August, 2016.

APPLICANT REPRESENTATIVE:

By: [Signature] (Signature)  
 Name: Lawrence Beame (Print)  
 Title: Architect (Print)

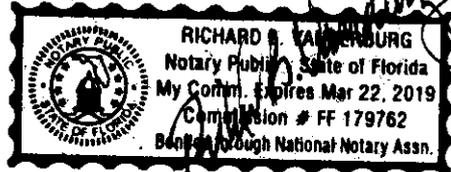
WITNESS MY HAND THIS 9 DAY OF August, 2016.

STATE OF FLORIDA )  
 COUNTY OF MIAMI-DADE )

Before me, the undersigned authority, personally appeared, Lawrence Beame 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.

[Signature]  
 Lawrence Beame

SWORN TO AND SUBSCRIBED before me this 9 day of August, 2016.



FLORIDA  
 Notary Public State of  
Richard B. Vandenberg  
 Printed Name of Notary  
 My commission expires: MAR 22, 2019



# 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 8<sup>th</sup> DAY OF Aug, 2016.

APPLICANT REPRESENTATIVE:

By: \_\_\_\_\_ (Signature)  
 Name: Mauricio Rodriguez (Print)  
 Title: Architect (Print)

WITNESS MY HAND THIS 8<sup>th</sup> DAY OF August, 2016.

STATE OF FLORIDA )  
 COUNTY OF MIAMI-DADE )

Before me, the undersigned authority, personally appeared, Mauricio Rodriguez, 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.

SWORN TO AND SUBSCRIBED before me this 8<sup>th</sup> day of Aug, 2016.

\_\_\_\_\_  
 Mauricio Rodriguez

\_\_\_\_\_  
 Notary Public State of  
DIANA REGO  
 Printed Name of Notary  
 My commission expires: 2/3/19





# 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.

WITNESS MY HAND THIS 31 DAY OF AUGUST, 2006.

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)

Name: STAN PRICE (Print)

Title: ATTORNEY (Print)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

NOTARIZATION PROVISION

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE)

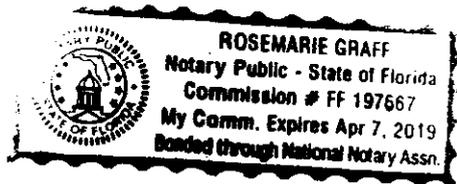
Before me, the undersigned authority, personally appeared Staney Pece the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

Staney Pece  
AFFIANT

SWORN TO AND SUBSCRIBED before me this 31 day of August, 2016.

FDL PE20 782 451420  
EX 2016

Rosemarie Graff  
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: \_\_\_\_\_

ORDINANCE NO. 2016-\_\_

**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)(2) AND SECTION 31-144(c)(5)b., COMMUNITY BUSINESS (B2) DISTRICT, TO ADD A CONDITIONAL USE FOR AUTOMOBILE PARKING GARAGES IN THE COMMUNITY BUSINESS (B2) DISTRICT WHEN LOCATED DIRECTLY ADJACENT TO AN AUTOMOBILE PARKING GARAGE LOCATED IN A MULTIFAMILY RESIDENTIAL ZONING DISTRICT AND TO CLARIFY THE HEIGHT RESTRICTION IN THE B2 DISTRICT SITE DEVELOPMENT STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 31-144(c)(5)b. of the City of Aventura Code of Ordinances ("City Code") limits the height of buildings in the Community Business (B2) District to 12 stories or 120 feet except those portions of buildings which are within 200 feet of any residential zone are limited to one foot of height for every two feet in distance from the residential zoned plot unless the application of this requirement would limit the building height to a minimum of 25 feet; and

**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 add a conditional use for automobile parking garages located in the Community Business (B2) District directly adjacent to an automobile parking garage located in a multifamily residential zoning district and to clarify the height restriction in the District's site development standards; and

**WHEREAS**, the City Commission finds that the proposed amendments to Section 31-144 of the City are 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 hearings 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 Zoning 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.

\*\*\*

"Section 31-144(c) – Business Zoning Districts.

\*\*\*

(c) Community Business (B2) District.

\*\*\*

---

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

(2) *Conditional use.* The following uses if first approved as a conditional use:

\*\*\*

n. Automobile parking garages located directly adjacent to an automobile parking garage located in a multifamily residential zoning district that do not meet the height and distance requirement of Section 31-144(c)(5)b. and that include the following design elements:

(i) the automobile parking garage is the same height or less than an existing or approved automobile parking garage located on an adjacent residential plot; and

(ii) the top level of the automobile parking garage is completely screened from view of the adjacent residential plot; and

(iii) the openings along the exterior perimeter walls of the automobile parking garage walls within 200 feet of a residential zoned plot shall be screened to minimize adverse effects on the adjacent residential lot.

\*\*\*

(5) Site development standards.

\*\*\*

b. *Maximum height:* 12 stories or 120 feet overall maximum height, including structure parking, provided that a height limitation of five stories shall apply only for shopping center buildings which are subject to subsection (5)a.4. above. That portion of the building or structure directly adjacent to and within 200 feet of any residential zone shall be subject to a height limitation of one foot for every two feet in distance from the residential zoned plot unless the application of this requirement would limit the building height to a minimum of 25 feet, excepting from this height and spacing requirement an automobile parking garage approved as a conditional use pursuant to Section 31-144(c)(2)n.

\*\*\*

**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 Commissioner \_\_\_\_\_, who moved its adoption on first reading. This motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Commissioner Teri Holzberg	_____
Commissioner Marc Narotsky	_____
Commissioner Robert Shelley	_____
Commissioner Howard Weinberg	_____
Vice Mayor Denise Landman	_____
Mayor Enid Weisman	_____

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 Teri Holzberg	_____
Commissioner Marc Narotsky	_____
Commissioner Robert Shelley	_____
Commissioner Howard Weinberg	_____
Vice Mayor Denise Landman	_____
Mayor Enid Weisman	_____

**PASSED** on first reading on this 6<sup>th</sup> day of September, 2016.

**PASSED AND ADOPTED** on this 5<sup>th</sup> day of October, 2016.

\_\_\_\_\_  
ENID WEISMAN, MAYOR

ATTEST:

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

APPROVED AS TO LEGAL SUFFICIENCY:

\_\_\_\_\_  
CITY ATTORNEY

This Ordinance was filed in the Office of the City Clerk this \_\_\_\_ day of \_\_\_\_\_, 2016.