

Local Planning Agency

Enid Weisman, Mayor

Enbar Cohen, Vice Mayor

Teri Holzberg, Commissioner

Denise Landman, 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
JULY 7, 2015 – 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: June 2, 2015**
- 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)(5)A., COMMUNITY BUSINESS (B2) DISTRICT, TO ALLOW INCREASED LOT COVERAGE FOR PARCELS THAT ARE ADJACENT TO A PROPERTY ZONED AS RECREATION OPEN SPACE (ROS) DISTRICT AND ARE JOINED TO THE ROS PARCEL BY A UNITY OF TITLE OR COVENANT IN LIEU OF UNITY OF TITLE, PROVIDED THAT THE ROS LAND AREA IS NO LESS THAN 200 ACRES IN SIZE AND PROVIDED THAT ANY CLUBHOUSE AND/OR CONFERENCE CENTER BULDINGS ON THE B2 PARCEL DO NOT EXCEED TWO (2) STORIES IN HEIGHT; 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
JUNE 2, 2015 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 Enbar Cohen, Commissioner Teri Holzberg, Commissioner Denise Landman, Commissioner Marc Narotsky, Commissioner Robert Shelley, Commissioner Howard Weinberg, City Manager Eric M. Soroka, City Clerk Ellisa L. Horvath, and City Attorney David M. Wolpin. As a quorum was determined to be present, the meeting commenced.
2. **PLEDGE OF ALLEGIANCE:** The Pledge was led by Dr. Jan Solomon (Florida International University Program Coordinator for Public Affairs – Office of the Vice Provost).
3. **APPROVAL OF MINUTES:** A motion to approve the minutes of the September 2, 2014 minutes was offered by Commissioner Holzberg, seconded by Commissioner Landman, and unanimously passed by roll call vote.
4. **PUBLIC HEARING: MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCE:** Mr. Wolpin recommended that 4A and 4B be conducted as a joint public hearing, reviewed the quasi-judicial procedures, and noted that any testimony provided would be included in the record for the same items on the regular Commission Meeting Agenda.

Mr. Wolpin read the following ordinance by title:

- A. **AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING THE COMPREHENSIVE MASTER PLAN BY AMENDING THE FUTURE LAND USE MAP DESIGNATION FOR A PARCEL OF LAND LOCATED ON WEST COUNTRY CLUB DRIVE, CONTAINING A TOTAL OF 2.111 ACRES MORE OR LESS AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", FROM BUSINESS AND OFFICE TO PARKS AND RECREATION; AMENDING THE COMPREHENSIVE MASTER PLAN BY AMENDING THE FUTURE LAND USE DESIGNATION FOR A PARCEL OF LAND LOCATED ON WEST COUNTRY CLUB DRIVE CONTAINING A TOTAL OF 2.111 ACRES MORE OR LESS AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "B" FROM PARKS AND RECREATION TO BUSINESS AND OFFICE; PROVIDING FOR SUBMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC DEVELOPMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

Mr. Wolpin read the following ordinance by title:

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 PARCEL OF LAND LOCATED ON WEST COUNTRY CLUB DRIVE CONTAINING A TOTAL OF 2.111 ACRES MORE OR LESS AND MORE PARTICULARLY DESCRIBED IN EXHIBIT “A”, FROM B2, COMMUNITY BUSINESS DISTRICT TO ROS, RECREATION OPEN SPACE DISTRICT AND BY AMENDING THE ZONING DESIGNATION FOR A PARCEL OF LAND LOCATED ON WEST COUNTRY CLUB DRIVE CONTAINING A TOTAL OF 2.111 ACRES MORE OR LESS AND MORE PARTICULARLY DESCRIBED IN EXHIBIT “B”, FROM ROS, RECREATION OPEN SPACE DISTRICT TO B2, COMMUNITY BUSINESS DISTRICT; APPROVING THE FOURTH AMENDMENT TO “RESTRICTIONS FOR BISCAYNE VILLAGE, MIAMI-DADE COUNTY, FLORIDA” RELATING TO THE GOLF COURSE AND COUNTRY CLUB PARCELS; ACCEPTING THE DECLARATION OF RESTRICTIONS CONTAINING THE APPLICANT’S PROFFER OF SITE IMPROVEMENTS AND OTHER RESTRICTIONS ON THE GOLF COURSE PARCEL, INCLUDING THE PARCEL DESCRIBED IN EXHIBIT “A”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

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

Mrs. Horvath administered the oath to all those wishing to offer testimony.

Community Development Director Joanne Carr addressed the Commission and entered the staff report into the record for both items (4A and 4B), which recommended approval.

Michael Marrero, Esq. (Bercow Radell & Fernandez - 200 S. Biscayne Blvd. Suite 850, Miami, FL 33131), provided testimony on behalf of the Applicant.

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

The motion to recommend adoption of the Ordinance (4A) was unanimously passed, by roll call vote.

The motion to recommend adoption of the Ordinance (4B) was unanimously passed, by roll call vote.

5. ADJOURNMENT: There being no further business to come before the Local Planning Agency, the meeting adjourned at 6:15 p.m.

Ellisa L. Horvath, MMC, City Clerk

Approved by the Local Planning Agency on July 7, 2015.

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: June 15, 2015

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-15)

July 7, 2015	Local Planning Agency Agenda Item <u>4</u>
July 7, 2015	City Commission Meeting Agenda Item <u>1</u>
September 1, 2015	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, "Business Zoning Districts" of the Land Development Regulations to add to that section, a provision for a maximum lot coverage of 55% of the total lot area for parcels in the Community Business (B2) district that are adjacent to property zoned Recreation Open Space (ROS) district that are joined to the ROS parcel by way of unity of title or covenant in lieu of unity of title, provided that the ROS land area is no less than 200 acres in size and provided that any clubhouse and/or conference center buildings on the B2 zoning parcel do not exceed two (2) stories in height.

THE REQUEST

The owner of the Turnberry Isle Resort is proposing an expansion to the resort's country club facilities, consisting of a two-story, 50 foot tall addition to the conference center with approximately 45,000 square foot of ballroom and meeting rooms, one additional level of parking on the existing parking structure, demolition of the Orchid hotel building and reconstruction of the hotel structure and improvements to the drop-off area at the existing porte-cochere at the main entrance to the resort. The owner has submitted an application for administrative site plan approval and that application is currently under review.

In order to build the resort expansion as proposed and to accommodate a future expansion, the owner is requesting an amendment to the site development criteria of the B2 zoning district to increase maximum lot coverage from 40% to 55% for parcels in the Community Business (B2) District that are adjacent to property zoned Recreation Open Space (ROS) District. The conditions of the amendment will be that the Community Business District (B2) parcel is joined to the ROS parcel by way of unity of title or covenant in lieu of unity of title, that the ROS land area is no less than 200 acres in size and that any clubhouse and/or conference center buildings on the B2 zoning parcel do not exceed two (2) stories in height.

BACKGROUND

The current lot coverage for all buildings on the resort site is 37%, where a maximum lot coverage of 40% is permitted for parcels in the B2 zoning district. The applicant advises that the current expansion proposal will increase lot coverage to 52.1%. A planned future expansion will increase lot coverage to 55%.

The B2 zoning district allows a maximum height of 12 stories or 120 feet. The proposed expansion of the resort could maintain the 40% lot coverage maximum by building vertically. The increased lot coverage is requested to keep the low profile of the conference center building. The proposed expansion is proposed at 2 stories or 50 feet.

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.

The resort's clubhouse, conference center, spa, parking structure and tennis courts are located within the Community Business (B2) zoning district. The B2 site area is approximately 16.66 acres. The resort's golf course and nursery/maintenance area is located within the Recreation Open Space (ROS) zoning district. The ROS site area is approximately 241 acres. The applicant proposes that the entire area be joined by a unity of title or covenant in lieu of unity of title to combine the two zoning parcels. Once joined, the 241 acre golf course would serve as the open space to offset the requested increase in lot coverage.

The consulting engineer for the Turnberry Isle Resort has confirmed that an increase of 15% (40% current maximum to 55% proposed) 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. or 5. 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 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.

“5. For parcels that are adjacent (sharing a property line) to a property zoned as Recreation Open Space (ROS) District and are joined to the parcel by a unity of title or a covenant in lieu of unity of title, in form acceptable to the City Manager and City Attorney and recorded in the Public Records of Miami-Dade County, Florida, the maximum lot coverage shall not exceed 55% of the total lot area of the B2 zoning parcel, provided that the ROS land area is no less than 200 acres in size and provided that any clubhouse and/or conference center buildings on the B2 zoning parcel do not exceed two (2) stories in height.” ...

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, specifically, with the Business and Office land use designation 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.

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.



APPLICANT REPRESENTATIVE AFFIDAVIT

Pursuant to Section 31-71(b)(2)(i) of the City of Aventura Land Development Code, the 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>Michael J. Morris</u>	<u>Attorney</u>
<u>Jeff Berrow</u>	<u>Attorney</u>
<u>Thomas Checchi</u>	<u>Civil Engineer</u>
<u>Don Fartin, Jr.</u>	<u>Surveyor</u>
<u>Donald Wolfe</u>	<u>Architect</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 18th DAY OF May, 2005

AUTHORIZED REPRESENTATIVE OF APPLICANT:

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

OWNER

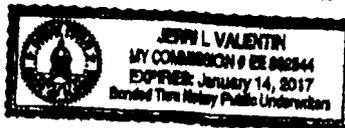
By: [Signature]
 Name: Jonathan Curry
 Title: General Counsel
 Address: 19950 W. Country Club Drive, 10th Floor
Aventura, FL 33180

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me the undersigned authority personally appeared Jonathan Curry 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 18th day of May, 2005

[Signature]
 AFFIANT
Jonathan Curry
 Notary Public State of Florida At Large
 Printed Name of Notary
 My commission expires: _____





BUSINESS RELATIONSHIP AFFIDAVIT*

This Affidavit is made pursuant to Section 31-71(b)(2)(I) of the City of Ventura Land Development Code. The undersigned Affiant hereby declares 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 declares 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 18 DAY OF May 2008

APPLICANT:

By: [Signature] (Signature)
 Name: Michael J. Morris (Print)
 Title: Attorney (Print)

WITNESS MY HAND THIS 19 DAY OF May 2008

PROPERTY OWNER:

By: [Signature] (Signature)
 Name: Jonathan K. Kelle (Print)
 Title: Owner, 60001 E. Santa Barbara (Print)

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

WITNESS MY HAND THIS 18th DAY OF MAY, 200 2015

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)

By: _____ (Signature)

Name: DANIEL FORTIN JR (Print)

Name: _____ (Print)

Title: VP- FORMAL LEADY SERVICES (Print)

Title: _____ (Print)

By: _____ (Signature)

By: _____ (Signature)

Name: _____ (Print)

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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.

WITNESS MY HAND THIS 18 DAY OF MAY 2005

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)

Name: THOMAS CHECCA (Print)

Title: PROJECT ENGINEER (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Name: _____ (Print)

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WITNESS MY HAND THIS 18 DAY OF May, 2005

REPRESENTATIVE (Listed on Business Relationship Affidavit)

By: [Signature] (Signature)

Name: Michael J. Marra (Print)

Title: Attorney (Print)

By: [Signature] (Signature)

Name: Jeff Bercau (Print)

Title: Attorney (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

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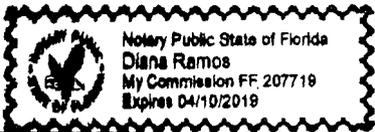
NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Michael M. Lopez 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]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 18th day of May, 2005



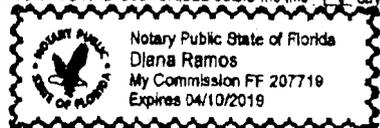
Notary Public State of Florida At Large
Diana Ramos
Printed Name of Notary
My commission expires: 4/10/19

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Jeffrey Brown 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]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 18th day of May, 2005



Notary Public State of Florida At Large
Diana Ramos
Printed Name of Notary
My commission expires: 4/10/19

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: _____

NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Thomas Checco 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.



18 day of May, 2011
AFFIANT: [Signature]
Notary Public, State of Florida At Large
Susan P. Kay
Printed Name of Notary
My commission expires: 04-06-2016

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 _____, 2011.

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 _____, 2011.

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 _____, 2011.

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

NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Daniel Fournier 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]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 18th day of MAY, 2015

Susan T. Kelly
Notary Public State of Florida At Large
Printed Name of Notary
My commission expires: 04-26-2016

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. 2015-_____

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 PARCELS THAT ARE ADJACENT TO A PROPERTY ZONED AS RECREATION OPEN SPACE (ROS) DISTRICT AND ARE JOINED TO THE ROS PARCEL BY A UNITY OF TITLE OR COVENANT IN LIEU OF UNITY OF TITLE, PROVIDED THAT THE ROS LAND AREA IS NO LESS THAN 200 ACRES IN SIZE AND PROVIDED THAT ANY CLUBHOUSE AND/OR CONFERENCE CENTER BUILDINGS ON THE B2 PARCEL DO NOT EXCEED TWO (2) STORIES IN HEIGHT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicant, TB Isle Resort, LP, through Application No. 01-LDR-15, is requesting an amendment to 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 55% for parcels zoned as Community Business (B2) District that are adjacent (sharing a property line) to a property zoned as Recreation Open Space (ROS) District and that are joined to the parcel by a unity of title or covenant in lieu of unity of title and provided that the ROS land area is no less than 200 acres in size and provided that any clubhouse and/or conference center buildings on the B2 zoning parcel do not exceed two (2) stories in height; 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

WHEREAS, the City Commission finds that the proposed amendment to Section 31-144 of the City Code to provide increased lot coverage 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 interest 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 follows¹:

* * *

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.

...

(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. or 5. 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 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

¹ Underlined provisions constitute proposed additions to existing text. Strikethrough provisions constitute proposed deletions to existing text.

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.

5. For parcels that are adjacent (sharing a property line) to a property zoned as Recreation Open Space (ROS) District and are joined to the parcel by a unity of title or covenant in lieu of unity of title, in form acceptable to the City Manager and City Attorney and recorded in the Public Records of Miami-Dade County, Florida, the maximum lot coverage shall not exceed 55% of the total lot area of the B2 zoning parcel, provided that the ROS land area is no less than 200 acres in size and provided that any clubhouse and/or conference center buildings on the B2 zoning parcel do not exceed two (2) stories in height.

...

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 Denise Landman	_____
Commissioner Marc Narotsky	_____
Commissioner Robert Shelley	_____
Commissioner Howard Weinberg	_____
Vice Mayor Enbar Cohen	_____
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 Denise Landman	_____
Commissioner Marc Narotsky	_____
Commissioner Robert Shelley	_____
Commissioner Howard Weinberg	_____
Vice Mayor Enbar Cohen	_____
Mayor Enid Weisman	_____

PASSED on first reading on this 7th day of July, 2015.

PASSED AND ADOPTED on this 1st day of September, 2015.

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 _____, 2015.