

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Planning Board

TO: Chairperson and Members  
Planning Board

DATE: December 17, 2019

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB 19-0320 901, 927 Lincoln Road.**

An application has been filed requesting a conditional use approval for the construction of a new 7-story hotel addition to the existing structures, with new construction exceeding 50,000 square feet, pursuant to Chapter 118, Article IV, and Chapter 142, Article II, Division 5 of the City Code.

#### RECOMMENDATION

Approval with conditions

#### ZONING / SITE DATA

**Future Land Use:** CD-3 – Commercial, high intensity  
**Zoning:** CD-3 – Commercial, high intensity

#### LEGAL DESCRIPTION:

##### PARCEL 1:

Lots 2, 3, 4, Block 37, COMMERCIAL SUBDIVISION OF THE ALTON BEACH REALTY COMPANY, according to the Plat thereof, as recorded in Plat Book 6, Page 5, of the Public Records of MIAMI-DADE County, Florida.

AND

##### PARCEL 2:

Lots 5 and 6, Block 37, COMMERCIAL SUBDIVISION OF THE ALTON BEACH REALTY COMPANY, according to the Plat thereof, as recorded in Plat Book 6, Page 5, of the Public Records of MIAMI-DADE County, Florida.

**Land Uses:** See Zoning/Site map at the end of this report.  
North: Commercial/Parking Garage  
South: Commercial  
East: Commercial  
West: Commercial

**Lot Size:** 37,451 SF  
**Maximum FAR:** 2.50 = 93,627 SF  
**Proposed FAR:** 93,342 SF\*  
**Maximum Height:** 75'-0"  
**Proposed Height:** 75'-0" - 7-story

**Proposed Uses:**

**Hotel:** 144 units  
**Retail:** 14,391 SF at 901 Lincoln Road ground floor  
12,127 SF at 927 Lincoln Road ground floor

**Parking required:** 0

**Parking provided:** 0

**Loading spaces required:** 3

**Loading spaces Provided:** 2 (The Historic Preservation Board may waive the requirements for properties containing a contributing building, provided an on-street loading plan is approved by the Parking Department.

**Historic District:** Flamingo Park Local Historic District

\* As represented by the applicant.

**HISTORY**

On October 16, 2019, the City Commission adopted Ordinance No. 2019-4303, which modified the zoning regulations for properties on the north side of Lincoln Road between Pennsylvania Ave and Lincoln Rd, which Ordinance is summarized as follows:

- The Ordinance reduced the parking requirements to zero for new hotel units as part of additions to a contributing building;
- Increased the maximum building height from 50 feet to 75 feet for properties with a minimum lot area of 30,000 SF, and a minimum of 100 new hotel rooms;
- Created additional setback requirements from Lincoln Road and the side streets for new construction over 50 feet in height;
- Reduced the minimum hotel room size to 200 SF, provided that certain amenity requirements are satisfied;
- In order for an applicant to avail itself of the room size and height incentives, the applicant must participate in a public benefits program as set forth below:
  - (1) *Provide ground-floor public benefit space.* On-site, ground floor space within the building in which the hotel is located shall be provided, with a minimum area of 500 square feet, for use by Miami Beach-based not-for-profit entities and/or artisans, as workshops, or for display or demonstration purposes, either of which shall be open to public view ("Public Benefit Space"). Any required land use board approvals associated with a Public Benefit Space approved pursuant to this paragraph shall be the responsibility of the non-profit entity or artisan, respectively.
  - (2) *Contribution to Art in Public Places fund.* In addition to providing an on-site Public Benefit Space pursuant to subsection (d)(1), above, a hotel shall provide a contribution to the City's Art in Public Places fund, the amount of which shall be equal to 0.5% of the total of all construction costs associated with the proposed hotel project, regardless of the number of permits associated with the project or whether the applicant intends to construct the hotel in phases. Full payment of the contribution shall be made prior to the issuance of a certificate of occupancy.

- (3) *Final approval.* Prior to the issuance of a final certificate of occupancy for the property, a covenant executed by the property owner shall be submitted to the City, in a form approved by the City Attorney and City Manager, which covenant shall, at a minimum, identify the location of the Public Benefit Space, and require a hotel owner and/or operator to maintain the Public Benefit Space for so long as the hotel use on the subject property remains active, unless a shorter term is approved by resolution of the City Commission.
  - (4) There shall be a limit of 500 hotel units constructed between Pennsylvania Avenue and Lenox Avenue, which utilize the unit size and/or height incentives set forth in this subsection (d).
- Allows multistory roof-top additions for hotel uses only, subject to certain requirements.

### **THE PROJECT**

The applicant has submitted revised plans entitled “Sterling Building”, as prepared by Kobi Karp as registered Architect, dated October 18, 2019. The proposal consists of a new 7-story, mixed-use building with 144 hotel units, commercial and a ‘public benefits space’ on the ground floor.

The proposal is scheduled to be considered by the Historic Preservation Board on January 14, 2020 (File No. HPB19-0345).

### **COMPLIANCE WITH CONDITIONAL USE REVIEW GUIDELINES:**

Conditional Uses may be approved in accordance with the procedures and standards set forth in the City Code Art. 4, Sec. 118-191 and Sec. 118-192:

#### **1. The use is consistent with the Comprehensive Plan or Neighborhood Plan if one exists for the area in which the property is located.**

**Consistent** – The request is consistent with the Comprehensive Plan, as the CD-3 Category permits the following:

*Uses which may be Permitted: Various types of commercial uses including **business and professional offices, retail sales and service establishments, eating and drinking establishments; apartment residential uses; apartment hotels; and hotels.***

#### **2. The intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan**

**Consistent** – The proposal should not result in an impact that would exceed the thresholds for the levels of service as set forth in the Comprehensive Plan; however, a concurrency analysis will be performed at the time of building permit application. Kimley Horn & Associates was retained by the applicant to conduct a traffic assessment. See the Memorandum from the Transportation Department.

#### **3. Structures and uses associated with the request are consistent with this Ordinance.**

**Partially Consistent** – The Historic Preservation Board application includes variances to reduce the required side interior setback and rear setback for the new construction and a waiver of the line-of-sight requirements pursuant to Section 142-1161 (d)(2) of the City Code.

These comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Planning Department prior to the issuance of a Building Permit.

**4. Public health, safety, morals and general welfare will not be adversely affected.**

**Consistent** – The proposed project should not adversely affect the general welfare of nearby residents and businesses, provided protections are put in place to ensure that the proposed commercial uses do not have a negative impact on the adjacent areas.

**5. Adequate off-street parking facilities will be provided.**

**Consistent** – Pursuant to Ordinance No. 2019-4303, relating to hotels on Lincoln Road, there are no off-street parking requirements for new hotel units as part of additions to contributing historic buildings on Lincoln Road between Pennsylvania Avenue and Lenox Avenue.

**6. Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.**

**Consistent** - The proposed project is not expected to adversely affect surrounding values provided appropriate safeguards are put in place to mitigate any potential negative impacts.

**7. The concentration of similar types of uses will not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.**

**Consistent** – The proposed uses for the project are permitted in the CD-3 zoning district. While other buildings larger than 50,000 SF are located in the vicinity of this project, adverse impacts are not expected from the geographic concentration of such uses if the impacts are properly controlled.

**COMPLIANCE WITH REVIEW GUIDELINES CRITERIA FOR NEW STRUCTURES 50,000 SQUARE FEET AND OVER**

Pursuant to Section 118-192(b), in reviewing an application for conditional use for new structures 50,000 square feet and over, the Planning Board shall apply the following supplemental review guidelines criteria in addition to the standard review guidelines:

**1. Whether the proposed business operations plan has been provided, including hours of operation, number of employees, goals of business, and other operational characteristics pertinent to the application, and that such plan is compatible with the neighborhood in which it is located.**

**Consistent** – The applicant's operations plan provides characteristics of the proposed project. The project is generally compatible with the surrounding neighborhood, which consists primarily of commercial uses.

**2. Whether a plan for the mass delivery of merchandise has been provided, including the hours of operation for delivery trucks to come into and exit from the neighborhood and how such plan shall mitigate any adverse impacts to adjoining and nearby properties, and neighborhood.**

**Partially Consistent**– The plans indicate that loading will take place from the required (2) two loading spaces contained within the building, and in a nearby loading zone located on Michigan Avenue. The operational plan includes hours of operation for deliveries. Plans will have to be revised to demonstrate compliance with the loading requirements prior to obtaining a building permit. Staff is recommending conditions relative to the servicing of the proposed uses. See delivery and Sanitation Analysis.

3. **Whether the scale of the proposed use is compatible with the urban character of the surrounding area and creates adverse impacts on the surrounding area, and how the adverse impacts are proposed to be addressed.**

**Consistent** – The scale of the proposed project is compatible with nearby buildings and the CD-3 zoning district's allowable development. However the scale, massing, architecture and compatibility issues will be further reviewed by the Historic Preservation Board.

4. **Whether the proposed parking plan has been provided, including where and how the parking is located, utilized, and managed, that meets the required parking and operational needs of the structure and proposed uses.**

**Consistent** – Pursuant to Ordinance No. 2019-4303, relating to hotels on Lincoln Road, there are no off-street parking requirements for new hotel units as part of additions to contributing historic buildings on Lincoln Road between Pennsylvania Avenue and Lenox Avenue. The first floor provides access to the hotel drop-off area, two loading spaces and trash pick-up location, the. See Parking Analysis.

5. **Whether an indoor and outdoor customer circulation plan has been provided that facilitates ingress and egress to the site and structure.**

**Consistent** – The plans indicate that the hotel lobby at the ground floor will have a pedestrian access from North Lincoln Lane and Lincoln Road. The ground floor commercial spaces are located directly along Lincoln Road frontages. These spaces will be directly accessed from the sidewalk. The valet is located on the ground floor at the Hotel drop-off area on the north side of the project (North Lincoln Lane.)

6. **Whether a security plan for the establishment and supporting parking facility has been provided that addresses the safety of the business and its users and minimizes impacts on the neighborhood.**

**Consistent** – The applicant proposes to provide 24-hour security. There will be hotel staff or security personnel available and cameras will be provided throughout the property in order to assist with security.

7. **Whether a traffic circulation analysis and plan has been provided that details means of ingress and egress into and out of the neighborhood, addresses the impact of projected traffic on the immediate neighborhood, traffic circulation pattern for the neighborhood, traffic flow through immediate intersections and arterials, and how these impacts are to be mitigated.**

**Consistent** – Kimley Horn & Associates was retained by the applicant to conduct a traffic assessment. See the Memorandum from the Transportation Department for additional information.

8. **Whether a noise attenuation plan has been provided that addresses how noise shall be controlled in the loading zone, parking structures and delivery and sanitation areas, to minimize adverse impacts to adjoining and nearby properties.**

**Consistent** – A Sound study was not required for this application.

9. **Whether a sanitation plan has been provided that addresses on-site facilities as well as off-premises issues resulting from the operation of the structure.**

**Consistent** – Trash pick-up is proposed to occur via the trash and loading area contained within the proposed building with access on North Lincoln Lane. Sanitation collection is limited to morning hours, pursuant to the operational plan, and the trash room is enclosed and air-conditioned.

10. **Whether the proximity of the proposed structure to similar size structures and to residential uses create adverse impacts and how such impacts are mitigated.**

**Consistent** – The project, as a 75-foot tall, seven (7) story building, with limited ground floor commercial uses, would serve as an appropriate transition to the 5-story parking garage to the west.

There are no residential uses adjacent to the site; therefore, adverse impacts are not expected from the proposed project due to proximity to similar structures.

11. **Whether a cumulative effect from the proposed structure with adjacent and nearby structures arises, and how such cumulative effect shall be addressed.**

**Consistent** – The CD-3 zoning district allows the scale of development proposed. While there are other buildings of this scale in the surrounding vicinity, negative impacts from a cumulative effect are not expected.

#### **COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1) **A recycling or salvage plan for partial or total demolition shall be provided.**  
**Not Consistent.** Information was not provided.
- (2) **Windows that are proposed to be replaced shall be hurricane proof impact windows.**  
**Not Consistent.** Information was not provided.
- (3) **Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.**  
**Not Consistent.** Information was not provided.
- (4) **Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.**  
**Not Consistent.** Information was not provided.

- (5) **Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.**  
**Not Consistent.** Information was not provided.
- (6) **The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.**  
**Not Consistent.** Information was not provided.
- (7) **Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.**  
**Not Consistent.** Information was not provided.
- (8) **Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.**  
**Not Consistent.** Information was not provided.
- (9) **When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.**  
**Not Consistent.** Information was not provided.
- (10) **Where feasible and appropriate, water retention systems shall be provided.**  
**Not Consistent.** The applicant did not provide information concerning water retention.

### **ANALYSIS**

The proposal consists of the renovation and addition to the existing buildings that are classified as “contributing” within the Flamingo Park Historic District. The renovation consists of the demolition of the northwest building located along North Lincoln Lane and a partial internal demolition to the existing structures along Lincoln Road. The new construction consists of a new 7-story building with 144 hotel units, a hotel lobby located on the ground floor on Lincoln Lane and facing the existing courtyard, a ‘public benefit space’ (which is required in order for the applicant to be eligible for the height and room size incentives), and the existing commercial spaces facing Lincoln Road and Jefferson Avenue.

No entertainment is proposed, and the square footage of the proposed project is 93,342 SF as represented by the applicant. The proposed uses are permissible in the CD-3 zoning district and are compatible with the surrounding neighborhood.

### **Traffic, Parking and Access**

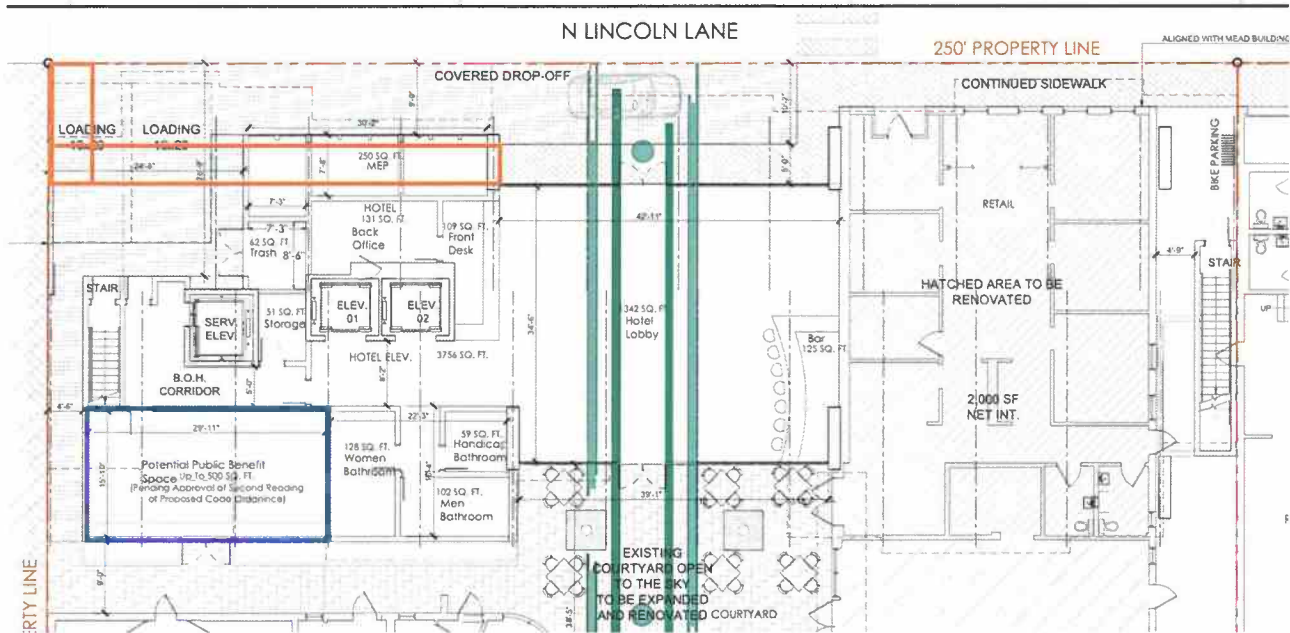
There are no off-street parking requirements for this development. The project will have a covered drop-off/ pick-up area along North Lincoln Lane, including valet station, ride-share services, two loading spaces and access to the hotel lobby. Lincoln Road access is only for pedestrians.

Based upon the traffic assessment submitted, the proposed project will create an additional 23 weekday net new AM peak hour trips and 36 weekday net new PM peak hour trips.

For further information, please refer to the memo provide by the Transportation Department (attached).

In reviewing the overall site plan, staff has identified two issues that should be addressed. The first

is the lack of a continuous sidewalk for pedestrians along North Lincoln Lane. The diagram below shows the applicant's proposal, with the sidewalk ending in the center of the property. Staff would recommend that the sidewalk continue westward and return northward as indicated by the red outline in the site plan below:



Staff is recommending the following condition to address this concern:

The proposed five (5') foot wide sidewalk located to the south of the proposed covered drop off area on Lincoln Lane North shall be expanded westward to the west property line, and then return northward to the north property line in order to allow for a connection to a future sidewalk which could be constructed along the northern property line of the west abutting parcel, in a manner to be reviewed and approved by staff. This shall require the reconfiguration of the proposed loading zones and area labeled as 'MEP'.

Second, staff is concerned that the required 'public benefits space', as outlined in blue in the site plan above is pushed to the back corner, near the service alley. Instead, staff recommends that the public benefit space be swapped with the bathrooms which are shown abutting the existing courtyard. Staff recommends the following condition to address this concern:

The 'potential public benefits space' shall be located eastward, abutting the open courtyard, or in another suitably prominent location as determined by the Historic Preservation Board.

**Delivery and Sanitation**

The plans indicate that loading will take place from the required (2) two loading spaces contained within the building. Additionally, the applicant has indicated that they will utilize the commercial loading zones located on Jefferson Avenue or Michigan Avenue. Deliveries are proposed to be from 6:00 am to 9:00 am and waste collection between morning hours.



**RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the application for the Conditional Use Permit be approved, subject to the conditions enumerated in the attached draft Order.

**ZONING/SITE MAP**



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

**PLANNING BOARD  
CITY OF MIAMI BEACH, FLORIDA**

**PROPERTY:** 901 – 927 Lincoln Road

**FILE NO.** PB 19-0320

**IN RE:** An application has been filed requesting a conditional use approval for the construction of a new 7-story hotel addition to the existing structures, with new construction exceeding 50,000 square feet, pursuant to Chapter 118, Article IV, and Chapter 142, Article II, Division 5 of the City Code.

**LEGAL  
DESCRIPTION:**

LEGAL DESCRIPTION:

PARCEL 1:

Lots 2, 3, 4, Block 37, COMMERCIAL SUBDIVISION OF THE ALTON BEACH REALTY COMPANY, according to the Plat thereof, as recorded in Plat Book 6, Page 5, of the Public Records of MIAMI-DADE County, Florida.

AND

PARCEL 2:

Lots 5 and 6, Block 37, COMMERCIAL SUBDIVISION OF THE ALTON BEACH REALTY COMPANY, according to the Plat thereof, as recorded in Plat Book 6, Page 5, of the Public Records of MIAMI-DADE County, Florida.

**MEETING DATE:** December 17, 2019

**CONDITIONAL USE PERMIT**

The applicant, The Sterling Building Inc, requested Conditional Use approval for the construction of a new 7-story hotel addition to the existing structures exceeding 50,000 square feet, pursuant to Chapter 118, Article IV, and Chapter 142, Article II of the City Code. Notice of the request was given as required by law and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property upon which the application was made.

The Planning Board of the City of Miami Beach makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the of the record for this matter:

That the property in question is located in the CD-3 – Commercial, High Intensity Zoning District.

That the use is consistent with the Comprehensive Plan for the area in which the property is located;

That the intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan;

That structures and uses associated with the request are consistent with the Land Development Regulations;

That the public health, safety, morals, and general welfare will not be adversely affected;

That necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

**IT IS THEREFORE ORDERED**, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including the staff recommendations, that the Conditional Use Permit be **GRANTED**, as provided below:

1. This Conditional Use Permit is issued to The Sterling Building Inc, to construct a 7-story hotel addition to the existing structures, with commercial spaces on the ground floor including. Any proposed change of use shall require the review and approval of the Planning Board.
2. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The applicant shall appear before the Planning Board for a progress report within 180 days from the issuance of the BTR. The progress report shall include, but not be limited to, updated information on traffic conditions surrounding the site. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).
3. This Conditional Use Permit is issued to The Sterling Building, any changes in ownership or 50% (fifty percent) or more stock ownership, or the equivalent, shall require the new owner to submit an affidavit, approved by City, to the City of Miami Beach Planning Department transferring approval to the new owner and acknowledging acceptance of all conditions established herein prior to the issuance of a new Business Tax Receipt.
4. The Planning Board shall retain the right to call the owner or operator back before them and make modifications to this Conditional Use Permit should there be valid complaints about loud, excessive, unnecessary, or unusual noise. Nothing in this provision shall be deemed to limit the right of the Planning Board to call back the owner or operator for other reasons and for other modifications of this Conditional Use Permit.
5. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, shall require the applicant to return to the Board for approval.
6. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application.
7. As part of the building permit plans for the project, the applicant shall submit revised architectural drawings, which shall be subject to the review and approval of staff; at a minimum, such plans shall satisfy the following:
  - a. The proposed five (5') foot wide sidewalk located to the south of the proposed covered drop off area on Lincoln Lane North shall be expanded westward to the west property line, and then return northward to the north property line in order to allow for a connection

- to a future sidewalk which could be constructed along the northern property line of the west abutting parcel, in a manner to be reviewed and approved by staff. This shall require the reconfiguration of the proposed Loading zones and area labeled as 'MEP'.
- b. The proposed pick-up/ drop-off area on North Lincoln Lane may also incorporate a loading space.
  - c. The location of the 'public benefits space' shown on the submitted plans shall not be permitted as proposed. Such space shall be relocated to a significantly more visible, and publicly accessible location. This may include, but shall not be limited to, the abutting open courtyard, or in another suitably prominent location as determined by staff.
8. The Applicant agrees to the following operational conditions for all permitted and accessory uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations. The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced and the applicant agrees to include the rules and regulations set forth in these conditions in any contract or assignment:
- a. All trash containers shall utilize rubber wheels, or the path for the trash containers shall consist of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
  - b. Adequate air-conditioned and noise baffled trash room space shall be provided, in a manner to be approved by the Planning staff. Doors shall remain closed and secured when not in active use.
  - c. Trash dumpster covers shall be closed at all times except when in active use.
  - d. Delivery trucks shall not be allowed to idle in the loading areas.
  - e. Delivery and trash trucks shall only be permitted to park in the designated loading bays.
  - f. Deliveries and trash pick-ups only may only take place between 6:00 AM and 12:00 PM.
  - g. Outdoor entertainment as defined by the City Code shall not be permitted, unless approved by the Planning Board.
9. The applicant shall address the following Concurrency and Traffic requirements, as applicable:
- a. A Method of Transportation (MOT) shall be submitted to Public Works Department staff for review and approval prior to the issuance of a building permit. The MOT shall address any traffic flow disruption due to construction activity on the site.
  - b. Prior to the issuance of a building permit, the applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if deemed necessary, by paying its fair share cost, as may be determined as determined by the Concurrency Management Division.

- c. A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs, if required, shall be paid prior to the issuance of any Building Permit.
  - d. A revised operational plan shall be submitted to the City of Miami Beach Transportation Department 30 days and 120 days after opening showing updated valet and rideshare vehicle demand and whether the queuing is contained within the space provided. In the case that queuing exceeds the designated drop-off area, the supplemental study shall propose a mitigation plan for City review and approval.
10. All new construction over 7,000 square feet or ground floor additions (whether attached or detached) to existing structures that encompass over 10,000 square feet of additional floor area shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.
  11. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of a Building permit.
  12. The applicant shall obtain a full building permit within 18 months from the date of approval of this Conditional Use Permit, and the work shall proceed in accordance with the Florida Building Code. Extensions of time for good cause, not to exceed a total of one year for all extensions, may be granted by the Planning Board.
  13. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
  14. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
  15. The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 114-8 of said Code and such enforcement procedures as are otherwise available. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.
  16. The applicant agrees and shall be required to provide access to areas subject to this CUP (not including private residences) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the terms and conditions of this CUP
  17. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_  
Michael Belush, AICP  
Chief of Planning & Zoning  
For Chairman

STATE OF FLORIDA        )  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by Michael Belush, Planning and Zoning Manager of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

\_\_\_\_\_  
Notary:  
Print Name  
Notary Public, State of Florida  
My Commission Expires:  
Commission Number:

{NOTARIAL SEAL}

Approved As To Form:  
Legal Department \_\_\_\_\_ (            ) )

Filed with the Clerk of the Planning Board on \_\_\_\_\_ (            ) )