

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: June 21, 2022

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: PB22-0498, aka PB19-0309, aka File No 2151. 709, 721, 725 and 745 Alton Road – Baptist Health.

An application has been filed requesting a modification to a previously issued conditional use permit for a modification of conditions to expand medical related uses to the ground floor, pursuant to Section 118, Article IV of the City Code.

#### **RECOMMENDATION**

Approval with conditions.

#### **ZONING / SITE DATA**

Legal Description:

Lots 9, 10, 11, 12, 13, and 14, Block 106 of "OCEAN BEACH, FLA ADDITION NO. 3", according to the plat thereof as recorded in plat book 2, page 81 of the public records of Miami-Dade County, FL

Zoning:

CD-2 – Commercial medium intensity zoning district

Future Land Use Designation:

Medium Intensity Commercial Category (CD-2)

**Land Uses:**

East: Alley, medical office and residential multifamily  
North: Residential multifamily  
South: Storage/Residential multifamily  
West: Office/Commercial

**Lot Size:**

45,000 SF

**FAR :**

1.5 / 63,500 SF/122,000 Gross Total Area

**Maximum FAR :**

67,500 SF

**Proposed Height:**

50'-0"

**Maximum Height:**

50'-0"

**Proposed Uses**

**At ground floor:**

Retail and Community resource	1,968 SF
Medical Office	1,832 SF

	Diagnostic Center	6,000 SF
	Same Day Surgery Center	10,000 SF
<b>Existing uses</b>		
<b>Upper levels:</b>		
	Physical Therapy	6,300 SF
	Urgent Care Center	4,200 SF
	Primary Care Physician Offices	5,200 SF
	Gastroenterology Physicians	3,200 SF
	Community Physician Offices	2,950 SF
Building common areas all floors		21,850
<b>Total Area:</b>		<b>63,500 SF</b>
<b>Parking:</b>		<b>171 spaces</b>

**HISTORY**

On February 25, 2014, a Conditional Use Permit was granted by the Board, for the construction of a commercial building including retail and/or restaurant uses on the ground floor, parking on the second and third levels, office space on the fourth level, and an amenity terrace on the roof level.

On December 15, 2014, a discussion item was heard by the Planning Board, at which time the applicant asserted that the Conditional Use Permit that was granted did not prevent the operation of the entire building as a medical office building and requested that the Board clarify the conditions by affirming this understanding. The Planning Board did not reach this conclusion and the applicant agreed to request a modification to the Conditional Use Permit to expressly allow a medical office use for most of the facility.

On January 28, 2015, the Planning Board first considered a modification to expand the uses within the building to include medical offices, a diagnostic center, outpatient surgery facilities, an urgent care center, and a physical therapy facility. At this hearing, the board heard almost five hours of testimony relating to the application. The Planning Board had concerns over the possible impacts to the neighborhood and recommended additional studies to determine if there is likely to be an impact from the various proposed medical type uses, identified as, amongst other things, an urgent care center, outpatient surgery center; diagnostic center. At the time of this review, the City Code did not define urgent care, outpatient surgery or a diagnostic center.

The Planning Board requested study of the impacts to the community, and specifically, the neighborhood, as it relates to these types of medical uses, and location. The Planning Board also requested that the consultant performing the studies address the impact of the uses, the operational plans for such uses and the intensity of the uses. The Board continued the item to a date certain of March 24, 2015.

On March 24, 2015, the matter was continued to a date certain of May 26, 2015, in order for the applicant to prepare and have peer reviewed a detailed operation report. On May 26, 2015, the item was continued to a date certain of June 23, 2015.

On June 5, 2015, the Procurement Department issued a Request for Letter of Interest (RLI) No. 2015-198-JR, to procure the services of a firm to peer review an Operation Plan developed by Baptist Health South Florida for proposed services to be offered at 709 Alton Road for a healthcare facility. Only (1) one firm responded to the RLI, and it was determined that the respondent met all requirements of the solicitation.

On June 23, 2015, the application was continued to a date certain of July 28, 2015.

On July 28, 2015, the Planning Board approved a modification to the Conditional Use Permit in order to allow the use of the building for medical offices and related uses. The permit limited the site to an urgent care facility, ambulatory outpatient surgical center for gastroenterology procedures only, rehabilitation center and diagnostics. The subject building was subsequently permitted and is now operational.

On July 13, 2018, A Business Tax Receipt (BTR) was issued (BTR004141- 05-2018.)

On Sept. 24, 2019, After a lengthy discussion regarding the operation of the facility, the Board approved a modification to the Conditional Use Permit in order to expand medical related uses within the existing building.

On November 19, 2019, a progress report was held per condition No. 2 of the modified Conditional Use Permit (CUP). Since the operation was not at full capacity, the Board continued the progress report to January 26, 2021.

January 26, 2021, With the onset of the global Covid-19 pandemic and the current underutilization the Board continued the progress report to July 26, 2022

**COMPLIANCE WITH CONDITIONAL USE REVIEW GUIDELINES:**

Conditional Uses may be approved in accordance with the procedures and standards set forth in the City Code Chapter 118, Art. IV, 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 project is consistent with the Comprehensive Plan and will not require an amendment to the Future Land Use Map.
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 proposed uses are not anticipated to degrade the LOS for the surrounding area below the thresholds that have been established.
3. **Structures and uses associated with the request are consistent with this Ordinance.**

**Consistent** – The CD-2 zoning district was modified in January of 2018 to allow for the proposed uses as a main permitted use.

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

**Consistent** – The proposed use intended to support the public health and is not expected adversely affect the general welfare of nearby residents.

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

**Consistent** – The facility is built and operating. Adequate parking is provided consistent with the Land Development Regulations.

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

**Consistent** – The proposed project would have to be operated in compliance with all applicable State, County and City codes and regulations within the Conditional Use Permit which contain proper controls and safeguards. The additional uses are not expected to have a detrimental impact on the surrounding properties or neighborhood values. The facility is currently operating and is consistent with the character of the immediate area.

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** – There are no similar uses located nearby. The urgent care facility has been operating and has not had a negative impact on the surrounding neighborhood. No negative impacts are expected from the additional medical uses that are proposed to be permitted.

#### **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.**

N/A

- (2) **Windows that are proposed to be replaced shall be hurricane proof impact windows.**

N/A

- (3) **Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.**

N/A

- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.**  
**N/A**
- (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.**  
**N/A**
- (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.**  
**N/A**
- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.**  
**N/A**
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.**  
**N/A**
- (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.**  
**N/A**
- (10) Where feasible and appropriate, water retention systems shall be provided.**  
**N/A**

#### **STAFF ANALYSIS**

An application has been filed requesting a modification to a previously issued conditional use permit for a modification of conditions to expand medical related uses to the ground floor, pursuant to Section 118, Article IV of the City Code. Specifically, the applicant is requesting a modification to modify condition number 11(p), as follows:

11. The following shall apply to the operation of the entire facility:

- p. No less than ~~3000~~ 1,168 SF of ground floor shall consist of retail uses open to the public which are visible from the street, including the café,

At the time that the original condition was approved, the required retail areas was intended to activate the ground floor level with active uses along the street frontages. However, the applicant has indicated that although they have tried to find a tenant to occupy the retail space for the ground floor, to date these efforts have been unsuccessful, and the applicant has been unable to lease the space. The ground floor space has remained vacant for the past several years and the

site's proximity to the MacArthur Causeway flyover appears to have impacted the viability of the site for retail uses. Additionally, the covid-19 pandemic and trends with e-commerce have greatly impacted the real estate market with respect to demand for retail space.

The applicant has been approached by Quest Diagnostic to lease approximately 1,832 SF of the ground floor area for a diagnostic facility/laboratory. If the proposal is approved by the Planning Board, this would reduce the minimum required area for retail to 1,168 SF.

The proposed laboratory use would otherwise be permitted through the currently approved Conditional Use Permit, as such a use qualifies as a Class II medical use, per Section 142-1253 of the City Code. If the site were not the subject of a conditional use permit, the laboratory use would be allowed as a main permitted use in the CD-2 district, even at the ground level. Additionally, this use is consistent with what one would expect to find within an urgent care center.

In light of the challenges associated with the location of the building, staff has no objection to the proposal.

### **Progress report**

There is a progress report scheduled for next month's Planning Board hearing on July 26, 2022, related to condition No 2 of the approved CUP. On January 21, 2019, this progress report was discussed and continued to January 26, 2021, since the operation was not at full capacity. On January 26, 2021, with the onset of the global Covid-19 pandemic and the underutilization of the building the Board again continued the progress report again to July 26, 2022.

Due to the continued underutilization of the site, staff will likely recommend that the Planning Board require that a progress report take place 6 month after the issuance of the BTR related to the proposed medical uses on the ground floor. In this regard, Condition number 2 would be modified as follows:

2. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. If deemed necessary, at the request of the Planning Director, the applicant shall appear before the Planning Board for a progress report. The applicant shall appear before the Planning Board for a progress report within six (6) months from the issuance of the BTR for the medical use specific to the ground floor. 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, including traffic mitigation measures, 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).

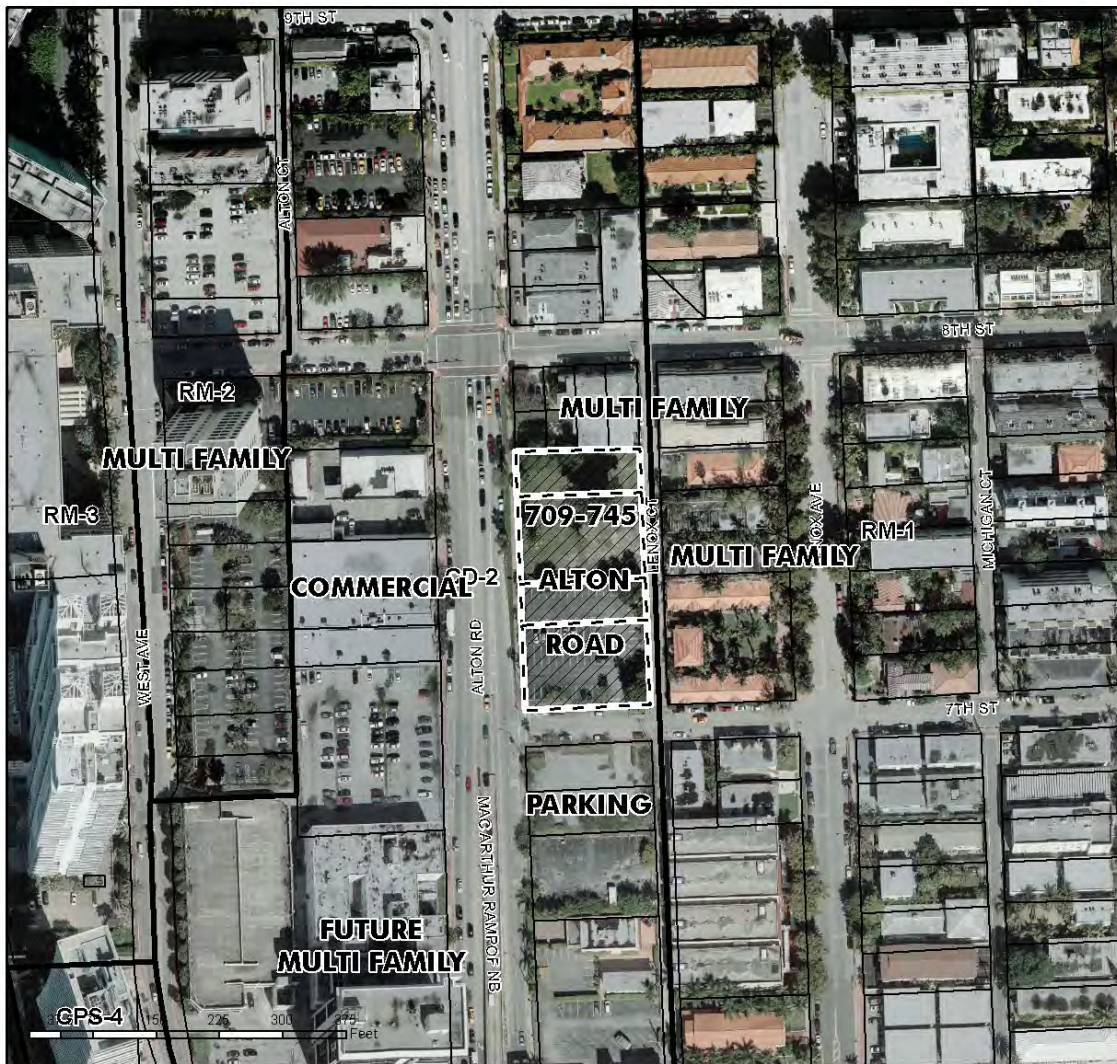
The Planning Board may wish to discuss the progress report at this meeting, either in lieu of, or in advance of, the scheduled progress report on July 26, 2022.

**STAFF RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the application be approved, subject to the conditions enumerated in the attached Draft Order. Furthermore, staff recommends that the Planning Board discontinue the July 26, 2022 progress report.



## ZONING/SITE MAP



City of Miami Beach Planning Board

File No. 2151

709-745 Alton Road



The applicants, South Beach Heights II, LLC and KMC Equities, LLC, are requesting a Conditional Use Permit, pursuant to Article IV Section 118, and Article II Section 142 of the Miami Beach City Code, for the construction of a commercial building exceeding 50,000 square feet, including parking.

**MIAMI BEACH**  
PLANNING DEPARTMENT

1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 P 305.673.7550 [www.miamibeachfl.gov](http://www.miamibeachfl.gov)





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

**PROPERTY:** 709, 721, & 745 Alton Road

**FILE NO.** PB22-0498, aka PB19-0309, aka File No 2151

**IN RE:** An application has been filed requesting a modification to a previously issued conditional use permit for a modification of conditions to expand medical related uses to the ground floor. pursuant to Section 118, Article IV of the City Code.

### **LEGAL**

**DESCRIPTION:** Lots 9, 10, 11, 12, 13, and 14, Block 106 of "OCEAN BEACH, FLA ADDITION NO. 3", according to the plat thereof as recorded in plat book 2, page 81 of the public records of Miami-Dade County, FL

**MEETING DATE:** June 21, 2022 ~~September 24, 2019~~

### **MODIFIED CONDITIONAL USE PERMIT**

The applicants, Baptist Health South Florida, Inc., requested a modification of conditions for a previously issued Conditional Use Permit for a modification of conditions to expand medical related uses, pursuant to Section 118, Article IV of the City Code. Notice of the request for a Conditional Use Permit modification 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-2, Commercial Medium 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 Ordinance;

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 recommendation, that the modifications to the Conditional Use Permit as requested and set forth above be GRANTED, subject to the conditions below, which have been accepted by the applicants: Strikethrough denotes language stricken from the original Conditional Use Permit; underlining denotes new language:

1. This Modified Conditional Use Permit is issued to Alton Road Development, LLC to construct a 5-story building with retail/restaurant, office space, medical offices including an urgent care facility, a rooftop deck, and a self-park garage.
2. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. If deemed necessary, at the request of the Planning Director, the applicant shall appear before the Planning Board for a progress report. The applicant shall appear before the Planning Board for a progress report within six (6) months from the issuance of the BTR for the medical use specific to the ground floor. 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, including traffic mitigation measures, 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. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property applicants, operators, and all successors in interest and assigns. Any change of operator or 50% (fifty percent) or more stock ownership, partnership interest or equivalent, shall require review and approval by the Planning Board as a modification to this Conditional Use Permit. Subsequent owners and operators shall be required to appear before the Board, in advance, to affirm their understanding of the conditions listed herein.
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, may require the applicant to return to the Board for approval. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application.
6. The maximum floor area shall be limited to 63,500 square feet.
7. In addition to retail and/or restaurant uses, the operation of medical office and medical uses shall be permitted at the ground level, including, but not limited to an urgent care facility, ambulatory outpatient surgical center for Class II medical uses as defined in

Section 142-1253 only, rehabilitation center and diagnostics. Retail uses for the subject building exceeding 10,000 square feet per tenant shall require Conditional Use approval.

8. Outdoor entertainment establishments, open air establishments, and neighborhood impact establishments shall be prohibited at the subject location.
9. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from view, and include sound baffling, in a manner to be reviewed and approved by staff.

In the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, subject to the review and approval of staff.

10. The following shall apply to the operation of any medical uses within the facility:
  - a. The hours of operation shall be from 6:00 am until 11:00 pm, seven (7) days a week, or such lesser time as may be determined by the operator.
  - b. No overnight stays or boarding shall be permitted.
  - c. No emergency room, as defined by Florida Statutes, shall be allowed.
  - d. Patients shall not be brought to the facility by emergency vehicles.
  - e. The only ambulatory surgical services permitted in the facility shall be Class II medical uses as defined in Section 142-1253.
  - f. A revised Operational Plan shall be submitted prior to the issuance of a building permit addressing the recommendations of the "Health Care Operational Plan Review for 709 Alton Road" report prepared by the Innova Group and dated July 17, 2015, subject to the review and approval of staff. At a minimum, such plan shall include the following:
    - i. updated delivery schedules including café food and beverage deliveries;
    - ii. more specific scheduling on frequency and timing for medical supplies and linen delivery and pick-up;
    - iii. more specific space planning to optimize flexibility for waste storage in the support services areas;
    - iv. scheduling for emergency generator testing;
    - v. additional facility security monitoring, including additional CCTV coverage for the building perimeter, staircase entrances and exits, and the elevator lobby.
11. The following shall apply to the operation of the entire facility:

- a. Any change of use of the office space located above the ground floor to retail or restaurant use shall require the review and approval of the Planning Board as a modification to this Conditional Use Permit.
- b. Commercial use and events or activities open to the general public shall be prohibited on the rooftop areas. This shall not prohibit the passive use of the rooftop by employees or customers of the commercial uses within the building.
- c. Special events shall not be permitted on the rooftop areas.
- d. The applicant shall submit to staff for review and approval a final delivery plan and waste removal plan, including days and hours of operation, prior to the issuance of a TCO or CO.
- e. 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.
- f. Adequate trash room space, air conditioned and noise baffled, shall be provided, in a manner to be approved by the Planning and Public Works Departments. Doors shall remain closed and secured when not in active use.
- g. Garbage pickups and service deliveries shall not take place earlier than 8:00 AM or later than 6:00 PM on weekdays.
- h. Delivery trucks shall only be permitted to park within the loading area in the ground floor loading spaces or the designated loading zone for the Property.
- i. Delivery trucks shall not be allowed to idle in the loading zone area adjacent to the alley or within the garage floor area.
- j. The garage shall be monitored by an on-site security staff 24 hours/day, 7 days/week.
- k. No commercial use shall have music, whether live, recorded, amplified or non-amplified, which is played at a volume louder than ambient, background music (defined in the Code as volume that does not interfere with normal conversation).
- l. The rooftop deck shall be closed between 8:00 PM and 8:00 AM seven days a week.
- m. Except as may be required for fire or building code/Life Safety Code purposes, no speakers shall be affixed to or otherwise located on the exterior of the premises.
- n. In the event the Code Compliance Department receives complaints about unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the

noise with noise attenuating materials as reviewed and verified by an acoustic engineer, subject to the review and approval of staff based upon the design review or appropriateness criteria, and/or directions received from the Board.

- o. Signage for the retail and café uses shall be located on the exterior of the building in a manner to be reviewed and approved by staff.
  - p. No less than ~~3000~~1,168 SF of ground floor shall consist of retail uses open to the public which are visible from the street, including the café,
- 12. The following shall apply to access, traffic, parking, and concurrency:
  - a. Access and configuration of the Alton road entrance to the garage shall be reviewed and approved by the Florida Department of Transportation (FDOT), in consultation with the Public Works Department, to ensure that access for traffic coming from the flyover satisfies FDOT driveway safety standards. This provision is subject to progress reports at the discretion of the Planning Board.
  - b. The vehicular exit along Lenox Court shall be modified to physically prevent vehicles from turning south in a manner to be reviewed and approved by staff.
  - c. Signage shall be required, subject to the review and approval of the Planning and Transportation Departments, to restrict vehicles from the following movements:
    - i. Turning left from the project driveway onto Alton Road.
    - ii. Turning right from the project driveway onto Lenox Court.
    - iii. Restricting left turns onto the site from Alton Road.
    - iv. Prohibiting southbound traffic along Lenox Court.
  - d. At least one additional exterior door shall be installed within the southern 150 feet of the Alton Road frontage.
  - e. As long as the majority of the building is utilized for medical purposes, the owner shall designate one hundred (100) spaces during weekdays, 9:00 AM to 5:00 PM, to be used solely by patients, customers and invitees of the businesses operating in the building. Such spaces shall be identified with appropriate signage. Employees of the facility shall be provided adequate parking either on site or by means of leased parking spaces adequate to meet the needs of such employees and staff in nearby parking facilities. Employees shall not be permitted to park in the designated spaces during such hours and days.
  - f. The headlights of cars in the garage shall not be visible to residents on the east side of Lenox Court from any parking level, in a manner to be reviewed and approved by staff.

- g. Calculations for required parking and concurrency for the project shall be determined by the Planning Department prior to approval of a building permit.
  - h. The City's concurrency requirements can be achieved and satisfied through payment of mitigation fees or by entering into an enforceable development agreement with the City. The Transportation and Concurrency Management Division shall make the determination of the project's fair-share mitigation cost. A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs shall be paid prior to the project receiving any Building Permit. Without exception, all concurrency fees shall be paid prior to the issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy.
  - i. The applicant shall obtain final approval from the Public Works Department on the proposed traffic circulation onto Lenox Court from and to the project site before the issuance of a Building Permit. This shall include any input from the Parking Department on the proposed five loading spaces contiguous to the site on Lenox Court.
  - j. The applicant shall submit an MOT (Maintenance of Traffic) to the 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.
- 13. The width of the sidewalk shall be expanded to the back side of curb in order to provide a total 10' wide sidewalk facing 7th Street. Small canopy shade trees shall be provided in tree pits with a maximum spacing of 18' o.c. which shall include the standard City of Miami Beach tree grate system. At a minimum, the tree grate system shall include: bound aggregate, landscape up-lighting (two fixtures per tree), and root wells with irrigation. The selected tree species shall be salt tolerant and preferably native subject to the review and approval of Planning staff, and Public Works Greenspace Division.
- 14. A solid plywood construction fence with an artistic graphic surrounding the entire property, subject to the review and approval of staff, shall be required prior to the issuance of a full Building Permit for the project.
- 15. The applicant shall comply with all the conditions in the HPB Final Order No. 7395.
- 16. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of an occupational license to operate this entertainment establishment.
- 17. The applicant shall obtain a full building permit within 18 months from the date of the meeting, 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.

18. 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.
19. The executed Modified Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant, and returned to the Planning Department. No building permit, certificate of occupancy, or certificate of completion shall be issued until this requirement has been satisfied.
20. 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.
21. 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 \_\_\_\_\_

PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_  
Rogelio A. Madan, AICP  
Chief of Community Planning and Sustainability  
for Chairman

STATE OF FLORIDA            )  
COUNTY OF MIAMI-DADE    )



The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by Rogelio A. Madan, Chief of Community Planning and Sustainability for the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

\_\_\_\_\_  
Notary:

Print Name:

[NOTARIAL SEAL]

Notary Public, State of Florida

My Commission Expires:

Commission Number:

Approved As To Form:

Legal Department \_\_\_\_\_ ( )

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