

# MIAMI BEACH

PLANNING DEPARTMENT  
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: November 1, 2022

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: DRB22-0865  
**409 East DiLido Drive**

An application has been filed requesting Design Review Approval for modifications to a previously approved 2-story home. Specifically, the application includes the construction of a new roof deck.

## **RECOMMENDATION:**

Approval of design

## **LEGAL DESCRIPTION:**

Lot 17, Block 5, of DI LIDO ISLAND, according to plat thereof recorded in Plat Book 8, Page 36, of the Public Records of Miami -Dade County, Florida; Together with an 8 foot strip contiguous to the Eastern boundary of said Lot 17, lying between the Easterly extension of the Northerly boundary line and the Southern boundary line of said Lot 17.

## **HISTORY:**

On January 15, 2016, the Design Review Board approved an application for the construction of a new two-story single family residence with design waivers, pursuant to DRB File No. 23226.

## **SITE DATA:**

Zoning: RS-3  
Future Land Use: RS  
Lot Size: 10,739 SF  
Lot Coverage:  
Proposed: 2,899 / 27%  
Maximum: 3,222 SF / 30%  
Unit size:  
Proposed: 5,332.4 SF / 49.6%  
Maximum: 5,375 SF / 50%

Flood: +9.00' NGVD  
Adjusted Grade: +6.21' NGVD  
First Floor Elevation: +9.00' NGVD

## **EXISTING STRUCTURE:**

Year Constructed: 1932  
Architect: Carlos Schoeppl  
Vacant: Yes  
Demolition Proposed: Total

## **Surrounding Properties:**

East: Biscayne Bay  
North: Two-story 1933 residence  
South: Two-story 1933 residence  
West: Two-story 1932 residence

Height:  
Proposed: 25'-0" flat roof\*  
\*DRB APPROVED WAIVER

Grade: +3.42' NGVD

**THE PROJECT:**

The applicant has submitted plans entitled "Private Residence", as prepared by **Choeff Levy Fischman P.A.**, and dated September 6, 2022. The applicant is proposing modifications to a previously approved design, specifically for the construction of an accessible roof deck. A permit was acquired from the Building Department for the approved design as BR0516-0020. Subsequent revisions have been acquired with the most recent requiring Design Review Board approval for a proposed accessible roof deck.

At the January 15, 2016, Design Review Board meeting, the following waivers were approved:

1. The second floor's physical volume exceeds 70% of the first floor in accordance with Section 142-105(b)(4)(c).
2. The height of the proposed structure is **25'-0"** in accordance with Section 142-105(b).
3. The two-story side elevation is in excess of 60'-0" in length in accordance with Section 142-106(2)(d).

The applicant is requesting a modification to the following previously approved waiver:

1. To waive the additional required open space of the two-story north side elevation located parallel to the north side property line exceeding 50% of the lot depth or 60 feet pursuant to Section 142-106(2)(d) of the city code.

**COMPLIANCE WITH ZONING CODE:**

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code:

- Two-story side elevations located parallel to a side property line shall not exceed 50 percent of the lot depth, or 60 feet, whichever is less, without incorporating additional open space, in excess of the minimum required side yard, directly adjacent to the required side yard:
  - a. The additional open space shall be regular in shape, open to the sky from grade, and at least eight feet in depth, measured perpendicular from the minimum required side setback line.
  - b. The square footage of the additional open space shall not be less than one percent of the lot area.
  - c. The elevation (height) of the open space provided shall not exceed the maximum permitted elevation height of the required side yard, and
  - d. At least 50 percent of the required interior open space area shall be sodded or landscaped with pervious open space.
- Section 142-105(b)(6) Roof decks. The combined deck area shall not exceed 25% of the floor area of the floor immediately below.
- Section 142-105(b)(7) Height. The proposed canopy on the roof level shall not exceed 20% of the floor area of the floor immediately below.

The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

**COMPLIANCE WITH DESIGN REVIEW CRITERIA:**

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria are found to be satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.  
**Satisfied**
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.  
**Not Satisfied; staff recommends design changes to the proposed second-floor balcony and associated spiral staircase located within the courtyard of the north (interior) elevation, which was previously granted a waiver.**
3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.  
**Partially Satisfied; staff recommends design changes to the proposed second-floor balcony and associated spiral staircase located within the courtyard of the north (interior) elevation, which was previously granted a waiver.**
4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.  
**Satisfied**
5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.  
**Satisfied**
6. The proposed Structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.  
**Partially Satisfied; staff recommends design changes to the proposed second-floor balcony within the courtyard of the north (interior) elevation, which was previously granted a waiver.**

7. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.  
**Satisfied**
8. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.  
**Satisfied**
9. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.  
**Not Satisfied; a lighting plan has not been submitted.**
10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.  
**Satisfied**
11. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.  
**Satisfied**
12. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).  
**Not Satisfied; staff recommends design changes to the proposed second-floor balcony and associated spiral staircase located within the courtyard of the north (interior) elevation, which was previously granted a waiver.**
13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.  
**Not Applicable**
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

**Satisfied**

15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).  
**Not Applicable**
16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.  
**Not Applicable**
17. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.  
**Not Applicable**
18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the city Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.  
**Not Applicable**
19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.  
**Not Satisfied; see below**

**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 Satisfied; applicant will provide a recycle/salvage plan for demolition at time of permitting.**
2. Windows that are proposed to be replaced shall be hurricane proof impact windows.  
**Satisfied**
3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.  
**Satisfied**
4. Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.  
**Satisfied**
5. The project applicant shall consider the 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. The applicant shall also

specifically study the land elevation of the subject property and the elevation of surrounding properties.

**Satisfied**

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 and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.

**Satisfied**

7. In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.

**Satisfied**

8. Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.

**Not Applicable**

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 Applicable**

10. In all new projects, water retention systems shall be provided.

**Not Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.**

11. Cool pavement materials or porous pavement materials shall be utilized.

**Not Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.**

12. The project design shall minimize the potential for a project causing a heat island effect on site.

**Not Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.**

#### **ANALYSIS:** **DESIGN REVIEW**

The applicant is returning to the Design Review Board for modifications to a previously approved design of a two-story residence, specifically for the construction of an accessible roof deck. The design of the home has an approved building permit and subsequent revisions.

The applicant is proposing modifications to a new contemporary two-story residence on a waterfront lot on DiLido Island. Approved by the DRB on January 13, 2016, pursuant to DRB File No. 23226. The home is within the maximum zoning thresholds for lot coverage and unit size. Three (3) design waivers were previously approved. With this application, the applicant is requesting a modification to one of the previously approved waivers.

The proposed home is predominately two-stories in height with a one-story attached garage. Designed in a contemporary style of architecture, the residence features expansive projections and differentiating materials. The applicant is proposing modifications to the design relating to the incorporation of an accessible roof deck with shade structure. In order to facilitate access, the modified design incorporates an elevator, centrally located within the floor plan, and an exterior staircase located within a courtyard on the north (interior) elevation. The proposed roof deck is centrally located and shaded by a concrete canopy structure that floats above the deck, supported by a recessed elevator bulkhead and a cluster of thin columns at the rear of the deck. An exterior spiral staircase is also proposed, rising one story to the roof level from a second-floor balcony.

The newly proposed exterior staircase and balcony are sited within the required open space for two-story elevations that exceed 60' in length. The subject open space was waived in the previous design, complying with all sections of the code except for the required size of 1% of the lot area. The modified design has increased the depth of the courtyard on the ground floor by setting it back 12'-9" from the required setback, where before it was setback 8'-0" from the property line. On the second floor, the spiral staircase and balcony project 7'-0" into the courtyard, reducing the court fully exposed to sky to 5'-9" from the required setback. Staff is not supportive of the modified waiver finding that the design of the balcony and staircase is excessively deep for secondary access to the roof deck. Staff recommends that the balcony and staircase be reduced to a depth of 4'-9", 8' from the required side setback, ensuring that the modification maintains the same amount of open area that was waived in the previously approved design.

Staff is supportive of the proposed modifications provided that the design is modified to comply with the recommendations related to the open space waiver as noted within the design analysis. As such recommends the approval of the application with conditions.

**RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the application be **approved with conditions**, subject to the conditions enumerated in the attached Draft Order which address the inconsistencies with the aforementioned Design Review Criteria and Practical Difficulty and Hardship criteria, as applicable.

**DESIGN REVIEW BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: November 1, 2022

PROPERTY/FOLIO: **409 East DiLido Drive** 02-3232-011-0950

FILE NO: DRB22-0820

IN RE: An application has been filed requesting Design Review Approval for modifications to a previously approved 2-story home. Specifically, the application includes the construction of a new roof deck.

LEGAL: Lot 17, Block 5, of DI LIDO ISLAND, according to plat thereof recorded in Plat Book 8, Page 36, of the Public Records of Miami -Dade County, Florida; Together with an 8 foot strip contiguous to the Eastern boundary of said Lot 17, lying between the Easterly extension of the Northerly boundary line and the Southern boundary line of said Lot 17.

APPLICANTS: 409 DILIDO LLC

**SUPPLEMENTAL ORDER**

The City of Miami Beach Design Review Board 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 record for this matter:

**I. Design Review**

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not an individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 2, 9, 12 and 19 in Section 118-251 of the Miami Beach Code.
- C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Sea Level Rise Criteria 1, 10, 11 and 12 in Section 133-50(a) of the Miami Beach Code.
- D. The property shall comply with all of the conditions of the original approval enumerated in the Final Order for DRB File No. 23226 dated January 15, 2016, except as modified herein.
- E. The project would be consistent with the criteria and requirements of Section 118-251 and/ or Section 133-50(a) if the following conditions are met:

1. Revised elevation, site plan, and floor plan drawings for the proposed new home at 409 East DiLido Drive shall be submitted, at a minimum, such drawings shall incorporate the following:
  - a. The proposed accessible roof deck and associated canopy shall be approved as proposed, provided they comply with required areas and heights as outlined in the City code.
  - b. The proposed modifications to the open space waiver shall not be approved as proposed.
  - c. The design of the balcony and spiral staircase proposed along the north (interior) elevation within the required open space shall be revised to be set back at least 8'-0" from the required setback line, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - d. The final design details and color selection of rooftop canopy shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - e. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding plans shall be submitted to and approved by staff. The species, type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plans shall comply with Chapter 26-Landscape Requirements of the Miami Beach Code and shall incorporate the following:
  - a. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
  - b. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
  - c. Prior to any site demolition work, a tree protection fence following the City standard shall be installed for trees scheduled to remain subject to the review and approval of the City Urban Forester.

- d. Any necessary root and tree branch pruning with a diameter at breast height (DBH) of 2" or greater shall be approved by the City Urban Forester prior to any tree work.
- e. Any tree identified to be in good overall condition shall be retained, and protected in its current location if not in conflict with the proposed home, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.
- f. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
- g. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.
- h. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
- i. Any proposed new street trees shall be of a planting species consistent or similar with existing street trees in the immediate area or consistent with any master street tree plan for the area, subject to the review and approval of the City Urban Forester.
- j. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- k. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
- l. The utilization of root barriers and Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- m. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

**In accordance with Section 118-262, the applicant, or the city manager on behalf of the City Administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying a request for rehearing shall not be reviewed by the Commission.**

**II. Variance(s)**

- A. No variance(s) were filed as part of this application.

**The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.**

**III. General Terms and Conditions applying to both ‘I. *Design Review Approval* and ‘II. *Variances*’ noted above.**

- A. All new construction over 7,000 square feet 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.
- B. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.
- C. During construction work, the applicant shall maintain gravel at the front of the construction site within the first 15'-0" of the required front yard and including the swale (subject to the review and approval of Public Works), to mitigate disturbance of soil and mud by related personal vehicles exiting and entering the site. All construction materials, including dumpsters and portable toilets, shall be located behind the construction fence and not visible from the right-of-way.
- D. During the course of construction, all vehicles, including, but not limited to all personal vehicles, shall park within the confines of the private property, the swale directly abutting the construction site, or at alternate overflow parking sites that are not on-street metered spaces and not zoned RS. Additionally, parking of any vehicles shall be prohibited in the travel lanes of all streets.
- E. Prior to the issuance of a building permit for the new home, a construction fence shall be installed along all property lines, in accordance with Section 142-876 of the City Code, "Vacant and abandoned properties and construction sites."

- F. All allowable construction signage shall be attached to or situated behind the construction fence, and shall be limited to one (1) sign, not to exceed four (4) square feet, in accordance with Section 138-133 of the City Code.
- G. The building and parking departments shall approve a construction parking plan prior to the issuance of any building permit, including applicable demolition permits for the project.
- H. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.
- I. The contractor(s) shall ensure that the street and the swale directly abutting the construction site remains free of debris and refuse at all times; at a minimum, the contractor(s) shall inspect and clear the street and swale areas before leaving at the end of each day.
- J. This order shall be enforced by the Building, Planning, Parking and Code Compliance Departments.
- K. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, in a manner to be reviewed and approved by staff.
- L. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
- M. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- N. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- O. The Final 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.
- P. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- Q. 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.

IT IS HEREBY 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 are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the **application** is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Finding of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "Private Residence", as prepared by **Choeff Levy Fischman P.A.** dated September 6, 2022, signed, and as approved by the Design Review Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board approved plans, this approval does not mean that such handicapped access is not required. When requesting Building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code, the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project shall expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated \_\_\_\_\_.

Filed with the Clerk of the  
Design Review Board on: \_\_\_\_\_ ( )