MIAMIBEACH
PLANNING DEPARTMENT
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: June 2, 2024

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB23-0958
428 South Hibiscus Drive

An application has been filed requesting Design Review Approval for the construction of a second floor addition to an existing 2-story home, including variances from the maximum lot coverage and maximum unit size.

RECOMMENDATION:
Denial of the application.

LEGAL DESCRIPTION:
Lots 26 and 27, Block 1, of Hibiscus Island, according to the Plat thereof, as recorded in Plat Book 8, Page 75, of the Public Records of Miami-Dade County, Florida; together with that part of the 20.00 foot strip contiguous and abutting to said lots, as included in Deed dated September 14, 1932 recorded October 8, 1932 in Deed Book 1501, Page 479, of the Public Records of Miami-Dade County, Florida, as included in Deed Book filed August 2, 1932 in Deed Book 1496, Page 305, of the Public Records of Miami-Dade County, Florida. Said 20.00 foot strip lies seaward of the property line and lies contiguous to Biscayne Bay and between the prolongations of the non-common side lot lines extended into Biscayne Bay.

BACKGROUND
On December 11, 2023, the item was reviewed by the Design Review Board and continued to a date certain of January 2, 2024, at the request of the applicant. On January 2, 2024, due to the lack of a quorum for variances, the application was continued to a date certain of February 6, 2024. On February 6, 2024, the application was continued to a date certain of March 5, 2024, at the request of the applicant. The application was re-advertised for the June 2, 2024 meeting.

SITE DATA:

Zoning:	RS-3
Future Land Use:	RS
Lot Size:	19,932 SF*
Lot Coverage:	
Existing:	6,262 SF / **31.4%**
Proposed:	6,6334 SF/ **31.8%**
Maximum:	5,979.9 SF / 30%
Unit size:	
Existing:	10,864 SF / >**54.5%**
Proposed:	10,992 SF />**55.1%**
Maximum:	9,966.5 SF **/** 50**%**

Height:	
Existing:	~27'-4' ** (1-story)
Proposed:	27'-4" ** (2-story)
Maximum:	24'-0" (2-story)

EXISTING STRUCTURE:

Year Constructed:	1936
Vacant:	No
Demolition Proposed:	Partial

Surrounding Properties:
East: One-story 1947 home
North: Two-story 1938 home

South: Two-story 1937 home West: Biscayne Bay

* The actual size of the lot is 19,932 SF. However, the master building permit (B1401415) was approved with a lot size of 19,466 S.F. Upon further review of the updated survey by Pedro L. Martinez, field dated 02/09/19, the lot area is 19,932 S.F.

** Heights measured from BFE + plus freeboard. However, the existing finished floor level of the home is at 10.00' NGVD, which is the B.F.E. of the property.

THE PROJECT:
The applicants have submitted plans entitled "428 Hibiscus Drive" as prepared by **Madison Worth Architecture, DPC** dated, August 21st, 2023.

The applicant is proposing to demolish a portion of an existing wall and sliding glass door to construct a new second floor addition.

The applicant is requesting the following variances:

1. A variance from the maximum lot coverage requirement of **30%** for a 2-story home, as per Section 7.2.2.3.b in order to allow a lot coverage of up to **31.8%**.

2. A variance from the maximum unit size requirement of **50%** for a 2-story home, as per Section 7.2.2.3.b in order to allow a unit size of up to **55.1%**.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA
The applicant has submitted plans and documents with the application that staff has concluded **DO NOT** satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, staff has concluded that the plans and documents with the application **DO NOT** comply with the following hardship criteria, as they relate to the requirements Section 2.8.3 of the Land Development Regulations:

i. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

ii. The special conditions and circumstances do not result from the action of the applicant;

iii. Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;

iv. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;

v. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

vi. The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;

vii. The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan; and

viii. The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the City Code, with the exception of the requested variances. 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.
   Satisfied

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.
   Not Satisfied, the applicant is requesting a variance for unit size and lot coverage.

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.

Not Satisfied, the applicant is requesting a variance for unit size and lot coverage.

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.
Not Satisfied, the applicant is requesting a variance for unit size and lot coverage.

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).
Satisfied

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.
Not Applicable

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 7.1.2.4(a)(i) of the Land Development Regulations 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 Applicable

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 4 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 – The applicant has considered the fact that the floor level to be retained is below the minimum required flood elevation.

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.
   Not Applicable

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 Applicable

11. Cool pavement materials or porous pavement materials shall be utilized.
    Not Applicable

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

STAFF ANALYSIS:

The applicant is proposing a 128 square foot second floor addition on a waterfront site along South Hibiscus Drive. The exiting residence was constructed in 2014 and designed in a contemporary style. The applicant is proposing to expand the second floor bedroom approximately 8'-3 ½" westward by demolishing an existing sliding glass door and removing a porton of the wall.

VARIANCE REVIEW

The applicant is requesting the following variances:

1. A variance from the maximum lot coverage requirement of 30% for a 2-story home, as per Section 7.2.2.3.b in order to allow a lot coverage of up to 31.8%.

2. A variance from the maximum unit size requirement of 50% for a 2-story home, as per Section 7.2.2.3.b in order to allow a unit size of up to 55.1%.

    - Variance requested from:

7.2.2.3 Development Regulations (RS)

(b) *The FAR, density, lot area, lot width, lot coverage, unit size, setbacks, and building height requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:*

DEVELOPMENT REGULATIONS TABLE (RS)				
	RS-1	RS-2	RS-3	RS-4
Maximum FAR	N/A			
Maximum Density (Dwelling Units per Acre)	7 DUA			
Minimum Unit Size (Square Feet)	1,800 SF			
Maximum Unit Size (% of Lot Area)	50%			
LOT OCCUPATION	RS-1	RS-2	RS-3	RS-4
Minimum Lot Area (square feet)	30,000 SF	18,000 SF	10,000 SF	6,000 SF
Minimum Lot Width (feet)	100 feet (1)	75 feet (1)	50 feet - Oceanfront lots (1) 60 feet - All others (1)	50 feet (1)
Maximum Lot Coverage for a single-story Home (% of lot area)	40% (2)			
Maximum Lot Coverage for a 2story Home (% of lot area)	30%			

On May 7th, 2013, the Design Review Board approved the construction of a new two-story residence with a proposed lot coverage of 29.8% and a proposed unit size of 56.5%. Prior to the adoption of the current single-family development regulations in the Land Development regulations of the City Code (LDR's), the maximum lot coverage was 25% of the lot area, when a pre-1942 home was demolished. However, the DRB had the authority to approve a lot coverage of up to 35% and a unit size of up to 70% at that time, with a waiver.

The plans that were submitted to and approved by the DRB in 2013 showed a lot area of approximately 21,240 square feet. Subsequently, the master permit for the existing residence was issued in 2014 with an actual lot area of 19,466 square feet, resulting in an approved lot coverage of 5,801 square feet (31.4%) and an approved unit size of 10,974 square feet (54.5%).

The applicant is proposing a small second-floor addition to enlarge the existing bedroom by approximately 8'-3 ½". Consequently, the new addition, as proposed, would increase the non-conforming unit size to 55.1% and the non-conforming lot coverage to 31.8%. It is noted that a significant portion of the existing lot coverage is within the central courtyard and covered porches that currently count towards the lot coverage calculations. Staff finds that the variance requested for lot coverage is self-imposed to enlarge the existing structure and increase the unit size.

Regarding variance #2, pertaining to unit size, the maximum unit size allowed under the LDR's is 50% of the lot area for a two-story single-family home. The existing home has a unit size of 54.5% (as indicated by the architect) and the proposed unit size is 55.1%. The existing home has enclosed air-conditioned space that already maximizes the area permitted for a single-family home and there are no practical difficulties or hardship associated with the additional enclosed living area proposed. The existing single-family home, at 10,864 square feet, provides a reasonable use of the property and the home already benefits from a larger lot coverage and unit size compared to what could be constructed with a new home today.

Staff finds that the variance requests do not satisfy the hardship criteria and that practical difficulties have not been identified. Furthermore, staff is very concerned that approval could set a precedent for the proliferation of future similar increases in unit size and lot coverage for larger homes on other single-family properties. As such, staff does not support the variance requests for lot coverage or unit size and recommends denial of variances #1 and #2.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the **denial** of variance requests #1 and #2. However, should the Board approve the requested variances, staff recommends any approval be subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review and Sea Level Rise criteria, and Practical Difficulty and Hardship Criteria.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: June 2, 2024

PROPERTY/FOLIO: **428 S Hibiscus Drive** **02-3232-006-0220**

FILE NO: DRB23-0958

IN RE: An application for Design Review Approval for the construction of a second floor addition to an existing 2-story home, including variances from the maximum lot coverage and maximum unit size.

LEGAL: Lots 26 and 27, Block 1, of Hibiscus Island, according to the Plat thereof, as recorded in Plat Book 8, Page 75, of the Public Records of Miami-Dade County, Florida; together with that part of the 20.00 foot strip contiguous and abutting to said lots, as included in Deed dated September 14, 1932 recorded October 8, 1932 in Deed Book 1501, Page 479, of the Public Records of Miami-Dade County, Florida, as included in Deed Book filed August 2, 1932 in Deed Book 1496, Page 305, of the Public Records of Miami-Dade County, Florida. Said 20.00 foot strip lies seaward of the property line and lies contiguous to Biscayne Bay and between the prolongations of the non-common side lot lines extended into Biscayne Bay.

APPLICANTS: Casa Alaia LLC

O R D E R

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 2.1.3.1 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 3, 5, 6, 9, and 19 in Section 2.5.3.1 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 in Section 7.1.2.4(a)(i) of the Miami Beach Code.

D. The project would be consistent with the criteria and requirements of 2.5.3.1 and/ or Section 7.1.2.4(a)(i) if the following conditions are met:

DRAFT

1. Revised elevation, site plan, and floor plan drawings for the proposed new home shall be submitted; at a minimum, such drawings shall incorporate the following:

    a. The final design details of the aluminum bronze frames 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.

    b. The final design details of the clear resistant glass railings 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.

    c. The final design details of the exterior materials and finishes 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.

    d. 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.

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. The applicant filed an application with the Planning Department for the following variance(s):

    1. A variance from the maximum lot coverage requirement of 30% for a 2-story home, as per Section 7.2.2.3.b in order to allow a lot coverage of up to 31.8%.

    2. A variance from the maximum unit size requirement of 50% for a 2-story home, as per Section 7.2.2.3.b in order to allow a unit size of up to 55.1%.

B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, as noted above allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

    Additionally, the Board has concluded that the plans and documents submitted with the application comply with the following hardship criteria, as they relate to the requirements of Section 2.8.3 of the Land Development Regulations:

    i. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

ii. The special conditions and circumstances do not result from the action of the applicant;

iii. Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;

iv. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;

v. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

vi. The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;

vii. The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan; and

viii. The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

B. The Board hereby **Approves** the variance requests and imposes the following condition based on its authority in Section 118-354 of the Miami Beach City Code:

1. 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 of the modified plans, even if the modifications do not affect variances approved by the Board.

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. 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.

B. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.

C. This order shall be enforced by the Building, Planning, Parking and Code Compliance Departments.

D. 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.

E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

F. 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.

G. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.

H. 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 "Cumenal – Diamond Residence" as prepared by **Madison Worth Architecture, DPC,** dated, August 21, 2023, 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 Section 2.2.4.6 of the Land Development Regulations; 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 2 of the Land Development Regulations, 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 2 of the Land Development Regulations, for revocation or modification of the application.
Dated _____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY:_____
Rogelio A. Madan, AICP
Development & Resiliency Officer
For the Chair

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____ 20___ by Rogelio A. Madan, AICP, Development & Resiliency Officer 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:
City Attorney's Office: _____ ( )

Filed with the Clerk of the
Design Review Board on _____ ( )