

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Design Review Board

TO: DRB Chairperson and Members

DATE: February 06, 2018

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: DRB17-0206  
**244 West Rivo Alto Drive**

The applicant, Reed Zaroff, is requesting Design Review Approval for the construction of a new two-story single family residence to replace an existing two-story architecturally significant pre-1942 single family residence, including one or more waivers.

#### **RECOMMENDATION:**

Approval of the design

#### **LEGAL DESCRIPTION:**

Lot 3 & 8 feet of a strip adjacent on bay, Block 2 of Rivo Alto Amendment, according to the Plat thereof, as recorded in Plat Book 7, at Page 74, of the Public Records of Miami-Dade County, Florida.

#### **SITE DATA:**

Zoning: RS-3  
Future Land Use: RS  
Lot Size: 10,688 SF  
Lot Coverage:  
Existing: 3,588 SF / 33.5%  
Proposed: 3,087 SF / 29%  
Maximum: 3,206 SF / 30%  
Unit size:  
Existing: 3,770 SF / 35.3%  
Proposed: 5,340 SF / 50%  
Maximum: 5,344 SF / 50%  
2<sup>nd</sup> Floor Volume to 1<sup>st</sup>: 107% \* 2818 / 3022  
**\*DRB WAIVER**

Demolition: Full

Height:  
Proposed: **28'-0" flat roof\***  
Maximum: 24'-0" flat roof  
**\*DRB WAIVER**

Grade: +4.31' NGVD (approx.)  
Flood: +9.00' NGVD  
Difference: +4.69' NGVD (approx.)  
Adjusted Grade: +6.655' NGVD (approx.)  
First Floor Elevation: +10' NGVD  
(BFE +1' FB)

#### **EXISTING PROPERTY:**

Year: 1928  
Architect: R. DeC. Weakley  
Vacant: No

#### **SURROUNDING PROPERTIES:**

North: Two-story 1928 Residence  
South: Two-story 1950 Residence  
West: Biscayne Waterway  
East: One-story 1948 residence

#### **THE PROJECT:**

The applicant has submitted plans entitled "Zaroff Residence: 244 West Rivo Alto Drive" as designed by **[STRANG] Architecture**, signed, sealed and dated December 08, 2017.

The applicant is proposing to construct a new two-story residence to replace an existing pre-1942 architecturally significant two-story home.

The applicant is requesting the following design waiver(s):

1. The height of the proposed structure is **28'-0"** in accordance with Section 142-105(b).
2. The second floor's physical volume exceeds 70% of the first floor in accordance with Section 142-105(b)(4)(c).
3. A two-story side elevation in excess of 60'-0" in length in accordance with Section 142-106(2)(d).

#### **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 in addition to the requested variances:

1. The maximum building height is 24'-0" for flat roofed structures and 27'-0" for sloped roofs. In the RS-3 zoning district, the DRB may approve a building height of up to 28'-0" for flat roofs, and exception from this provision may be granted **through DRB approval** in accordance with the applicable design review criteria. **The applicant is requesting a height of 27'-0" from BFE+1 for the second floor roofline which will require a waiver from the DRB.**
2. For two story homes with an overall lot coverage of 25% or greater, the physical volume of the second floor shall not exceed 70% of the first floor of the main home, exclusive of any enclosed required parking area and exception from this provision may be granted **through DRB approval** in accordance with the applicable design review criteria. **The applicant is requesting a 2<sup>nd</sup> Floor Volume to 1<sup>st</sup> of 107% with a 29% lot coverage that will require a waiver from the DRB.**
3. Two-story side elevations located parallel to a side property line shall not exceed 50 percent of the lot depth, or 60'-0", whichever is less, without incorporating additional open space, in excess of the minimum required side yard, directly adjacent to the required side yard. 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. The square footage of the additional open space shall not be less than 1% of the lot area. The intent of this regulation shall be to break up long expanses of uninterrupted two-story volume at or near the required side yard setback line and exception from this provision may be granted **through DRB approval** in accordance with the applicable design review criteria.
4. If the pool equipment has an associated heating unit attached to it, the equipment must comply with Section 142-1132 (f) of the City Code.

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; the applicant is requesting three (3) design waivers from the Board.**
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 three (3) design waivers from the Board.**
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 three (3) design waivers from the Board.**
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 three (3) design waivers from the Board.**
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.  
**Not Satisfied; the applicant is requesting three (3) design waivers from the Board.**
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.  
**Satisfied**
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.  
**Satisfied**
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.  
**Satisfied**
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**  
**A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department.**
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. Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.  
**Satisfied**
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.  
**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.  
**Satisfied**
7. Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.  
**Satisfied**
8. Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.  
**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. Where feasible and appropriate, water retention systems shall be provided.  
**Not Satisfied; as part of the civil engineering design to be provided at time of permit.**

**STAFF ANALYSIS:**  
**DESIGN REVIEW**

The applicant is proposing to construct a new two-story residence on a waterfront parcel on the western side of Rivo Alto Island that will replace an existing pre-1942 architecturally significant two-story home. The proposal includes a request for 3 design waivers.

The proposed design consists of a rectilinear two-story volume massed as a bar building with a driving cantilever feature with an attached one-story garage. The home comprises an open floor plan on the ground floor with storage, a guest bedroom suite and the garage quarters located towards the front of the home while the common areas are towards the water. The second floor is configured with the master suite situated towards the western portion of the residence with four additional bedrooms while the northern half of the second floor contains three additional bedrooms and a gym. There are no windows proposed along either sides of the second floor. The proposed residence is elegantly designed in a contemporary architectural language.

The first design waiver pertains to the height of the residence. The maximum building height in the RS-3 zoning district is 24'-0" for flat roofed structures. However, in the RS-3 zoning district, the DRB may approve a building height of up to 28'-0" for flat roofs. The architect is seeking 27'-0" for the new two-story residence from BFE +1'-0". The intent of the waiver was for lots in the RS-3 districts that closely resemble lot sizes in the RS-1 and RS-2 zoning districts. The subject site contains a lot area that meets the minimum lot area required for RS-3 lots (10,000 SF). Staff is not supportive of the requested 3'-0' height increase predominantly due to the top-heavy nature of the cantilevered design of the home and as it sits on the minimum RS-3 zoned lot. This, in addition to the other two design waivers being sought, see below, has the potential to overwhelm the lot and negatively impact the lower

scale neighboring properties. Staff notes that the applicant is not raising the height of the finished first floor to the maximum amount of freeboard, 5'-0"; if raised to BFE + 5'-0" it would result in a higher structure. The applicant is setting the first floor at 10'-0" NGVD, which is BFE + freeboard of only 1'-0". Additionally, the architect has respected the street scale through an increased setback of 52'-6" for the exterior wall of the second floor, which greatly lessens its impact on the street.

The second design waiver pertains to the second floor to first floor ratio. Since the proposed home has a lot coverage of 29%, any second floor massing is restricted to 70% of the first floor unless a waiver is sought by the DRB. The second floor exceeds the first floor by 37%. Staff has no objection to the requested waiver since the request is a result of having a cantilevered second floor that adds dimension to the massing of the home. The applicant added some articulation along the side elevations, with expansive proposed open space areas (see below). As such, staff is supportive of this requested waiver.

The applicant is also requesting a waiver of the open space requirement for two-story elevations that exceed 60'-0" in length. Specifically, the applicant proposes to provide the open space recesses along both north and south side elevations in order to break up the massing. However, as designed, the north open space has been configured as a reflecting pond at a higher elevation than permitted. Therefore this passive feature does not meet the strict regulations of this aspect of the Code and thereby requires a waiver. The architect has designed the residence with varied movement and accentuated the forms with architectural elements that provide visual interest. Both side elevations have incorporated open spaces as recesses that are open to the sky. Additionally, the open space along the south elevation has been designed as an outdoor green space to totally comply with the regulations. The design of both open space areas address the intent of the ordinance, which is to break up the two-story massing. As such, staff is supportive of the requested open space waiver along the north side.

Staff recommends that the design of the replacement home be approved, including the two waivers as noted above.

**RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the application be **approved**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria and Sea Level Rise criteria.

TRM/JGM

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

MEETING DATE: February 06, 2018

FILE NO: DRB17-0206

PROPERTY: **244 West Rivo Alto Drive**

APPLICANT: Reed Zaroff

LEGAL: Lot 3 & 8 feet of a strip adjacent on bay, Block 2 of Rivo Alto Amendment, according to the Plat thereof, as recorded in Plat Book 7, at Page 74, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for the construction of a new two-story single family residence to replace an existing two-story architecturally significant pre-1942 single family residence, including one or more waivers.

**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, 3, 5, 6, 8, 9, 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 and 10 in Section 133-50(a) of the Miami Beach Code.
- D. 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. A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department, in a manner to be reviewed and approved by staff.



2. Revised elevation, site plan, and floor plan drawings for the proposed new home at 244 West Rivo Alto Drive shall be submitted, at a minimum, such drawings shall incorporate the following:
  - a. The final design and details of the wood “louver façade” finished cladding proposed along the façades of the residence 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 70% limitation for the second floor volume shall be waived as proposed.
  - c. The side open space requirement shall be waived as proposed.
  - d. The proposed increase in height shall not be permitted as proposed; the maximum height of the structure shall be 24'-0” when measured from BFE + freeboard.
  - e. If the pool equipment has an associated heating unit attached to it, the equipment must comply with Section 142-1132 (f) of the City Code.
  - f. Any fence or gate at the front of the property shall be designed in a manner consistent with the architecture of the new structure, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - g. 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.
  - h. 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.
  - i. 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.
3. A revised landscape plan, and corresponding site plan, 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 plan 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. Any tree identified to be in good overall condition shall be retained, and protected in their current location if they are 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.
- d. 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.
- e. The architect shall substantially increase the amount of native canopy shade trees within the site, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- f. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.
- g. 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.
- h. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- i. 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.
- j. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- k. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, Siamese pipes or other

related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans, and shall be subject to the review and approval of staff.

- I. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers and how they are screened with landscape material from the right-of-way shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- 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.

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

- A. During construction work, the applicant will maintain gravel at the front of the construction site within the first 15'-0" of the required front yard to mitigate disturbance of soil and mud by related personal vehicles exiting and entering the site, and with an 8'-0" high fence with a wind resistant green mesh material along the front property line. All construction materials, including dumpsters and portable toilets, shall be located behind the construction fence and not visible from the right-of-way. All construction vehicles shall either park on the private property or at alternate overflow parking sites with a shuttle service to and from the property. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.
- B. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- C. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- D. 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.

- E. 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.
- F. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- G. Nothing in this order authorizes a violation of 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 "Zaroff Residence: 244 West Rivo Alto Drive" as designed by **[STRANG] Architecture**, signed, sealed, and dated December 08, 2017, 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

