

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

**PROPERTY:** 4701 North Meridian Avenue, Miami Beach, Florida

**FILE NO.** PB 18-0190

**IN RE:** The applicant, 4701 North Meridian LLC, requested a Conditional Use Permit to operate an outdoor restaurant as an accessory use to an apartment building in a RM-1 zoning district, pursuant to Chapter 118, Article IV and Chapter 142, Article II, Division 3, Subdivision V of the City Code.

**LEGAL DESCRIPTION:** Lots 1 through 16, Block 10 and Lots 11 thru 17, Block 13, of "NAUTILUS ADDITION OF MIAMI BEACH BAY SHORE CO." according to the plat thereof, as recorded in Plat Book 8, Page 130, of the Public Records of Miami-Dade County, Florida.

**MEETING DATE:** May 22, 2018

**CONDITIONAL USE PERMIT**

The applicant, 4701 North Meridian LLC, requested a Conditional Use Permit to operate an outdoor restaurant as an accessory use to an apartment building in a RM-1 zoning district, pursuant to Chapter 118, Article IV and Chapter 142, Article II, Division 3, Subdivision V of the Code of the City of Miami Beach, Florida. Notice of the request for a Conditional Use Permit was given as required by law and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property, upon which the application was made.

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

That the property in question is located in the RM-1 Residential Multifamily Low Intensity zoning district;

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

That the intended Use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan;  
That structures and Uses associated with the request are consistent with the Ordinance;

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

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

7. In the outdoor seating area, only pre-recorded background music played at a volume that does not interfere with normal conversation shall be allowed. Any other form of entertainment shall be prohibited.
8. The applicant shall resolve outstanding violations and fines, if any, prior to the issuance of a building.
9. Prior to the operational conditions as referenced above (to be determined by staff), shall be posted on site, in a location and manner to be reviewed and approved by staff. Additionally, staff shall inspect the premises for compliance with the maximum number of seats.
10. The Planning Board shall retain the right to call the owner or operator, both now and in the future, back before the Board and modify this Conditional Use Permit, including the hours of operation and/or the occupant load of the accessory restaurant, as well as modifications to the parking operations, should there be valid complaints or violations (as determined by Code Compliance) about loud, excessive, unnecessary, or unusual noise.
11. The applicant, operator and/or owner, both now and in the future, shall abide by all the documents and statements submitted with this application, as well as all conditions of this Order.
12. Any substantial modifications to the plans submitted and approved as part of this application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans.
13. The applicant shall obtain a full building permit within 18 months from the date of the meeting, and the work shall proceed in accordance with the Florida Building Code. Extensions of time for good cause, not to exceed a total of one year for all extensions, may be granted by the Planning Board.
14. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as may be amended from time to time, shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in section 118-194, of the City Code.
15. Within a reasonable period of time after receipt of the executed Conditional Use Permit, the applicant, at its sole expense, shall record it in the Public Records of Miami-Dade County, and return the recorded instrument to the Planning Department. No building permit, certificate of occupancy, or certificate of completion shall be issued until this requirement has been satisfied.
16. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
17. The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 114-8 of said Code and such enforcement procedures as are otherwise available. Any

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failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use permit.

18. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

Dated this 31<sup>st</sup> day of MAY, 2018.

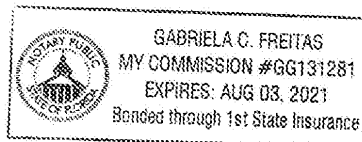
PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

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

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 31<sup>st</sup> day of May, 2018, by Michael Belush, Chief of Planning & Zoning of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

[NOTARIAL SEAL]



Notary: Gabriela C. Freitas  
Print Name: Gabriela C. Freitas  
Notary Public, State of Florida  
My Commission Expires: 8-3-21  
Commission Number: GG131281

Approved As To Form:  
Legal Department

[Signature] ( 5/29/18 )

Filed with the Clerk of the Planning Board

[Signature] ( 5/31/18 )