

**MIAMI BEACH**  
PLANNING DEPARTMENT  
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: July 5, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: DRB0416-0025  
**11 Palm Avenue**

The applicant, South Palm Design LLC, is requesting Design Review approval for the construction of a two-story single family home, including variances from the minimum lot area and minimum lot width requirements and a variance to reduce the required back up space for parking, to replace an existing pre-1942 architecturally significant two-story single family home.

**RECOMMENDATION:**

Approval with conditions

Approval of variances #1, #2 and #3

**LEGAL DESCRIPTION:**

Lot 20 of Block 1 of Palm Island, according to Plat thereof as recorded in Plat Book 6, Page 54 of the Public Records of Miami-Dade County, Florida.

**SITE DATA:**

Zoning: RS-1  
Future Land Use: RS  
Lot Size: 17,674 SF  
Lot Coverage:  
Existing: ±3,003 SF / 17%  
Proposed: 5,246 SF / **29.7%**  
Maximum: 5,302.2 SF / 30%  
Unit size:  
Existing: ±5,040 SF / 28.5%  
Proposed: 8,835 SF / **49.9%**  
Maximum: 8,837 SF / 50%  
**2<sup>nd</sup> Floor Volume to 1<sup>st</sup>: 64%**  
Height:  
Proposed: 28'-0" flat roof  
Maximum: 28'-0" flat roof

Grade: +5.26' NGVD  
Base Flood Elevation: +9.00' NGVD  
Difference: 1.87'  
Adjusted Grade: +7.13' NGVD

**EXISTING STRUCTURE:**

Year Constructed: 1924  
Architect: Robert Taylor  
Vacant: No  
Demolition Proposed: Total

**SURROUNDING PROPERTIES:**

East: Biscayne Bay  
North: Under Construction (DRB 23005)  
South: Two-story 1954 residence  
West: City greenspace

**THE PROJECT:**

The applicant has submitted plans entitled "New Single-Family Residence", as designed by **Dufner Heighes** and prepared by **3Design Inc**, signed, sealed and dated May 13, 2016 and May 19, 2016.

The applicant is requesting the following variance(s):

1. A variance to reduce by 12,326 SF the minimum required lot area of 30,000 SF for a parcel in the RS-1 district in order to construct a new two-story home on a property with a lot area of 17,674 SF.

- Variance requested from:

**Sec. 142-105. - Development regulations and area requirements.**

*(b)The development regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:*

*Zoning District, RS-1, Minimum Lot Area (square feet): 30,000.*

The subject property, lot 20 of block 1, was platted in 1920 as a narrow pie-shaped lot. The existing home was constructed in 1924 under permit #791. Aerial photographs and plat books from the 1940s and 1950s shows the lot in its current configuration. As it exists today, the subject property still contains the same geometry and boundaries as the original plat, but for zoning purposes within the RS-1 district, is considered to be a "substandard sized" lot in both its width and area. The owner of the property is proposing the construction of a new two-story structure. The size of the property and its current location in a turning circle of a cul-de-sac are special conditions that require the variance requested. Without the granting of this variance, the construction of the new single-family home would not be permitted and the site could not be developed as other lots in the same district. Therefore, the proposed variance request fundamentally complies with the Hardship Criteria.

2. A variance to reduce by 29.31' the minimum required lot width of 100'-0" for a parcel in the RS-1 district in order to construct a new two-story home in a property with a lot width of 70.69'.

- Variance requested from:

**Sec. 142-105. - Development regulations and area requirements.**

*(b)The development regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:*

*Zoning District, RS-1, Minimum Lot Width (feet): 100'-0".*

For single-family residential lots with side property lines that are not parallel with a front lot line of at least 30'-0" wide, and that front on a turning circle of a cul-de-sac or circular street, the lot width is measured as the average of the front and rear widths of the property. The site measures 31.42' at the street and 109.96' along the water, accordingly the lot width is approximately 70.69'. As it exists today, the subject property has a substandard lot width for the RS-1 district which requires a minimum lot width of 100'-0". The location of the property in the turning circle of a cul-de-sac with a very narrow front is a special condition that requires the variance requested. Without the granting of this variance, the construction of the new single-family home would not be permitted and the site could not be developed as other lots in the same district. Again, the proposed variance request fundamentally complies with the Hardship Criteria.

3. A variance to reduce 2'-2" from the minimum required width of 22'-0" for back-up

space for 90° parking in order to provide three (3) parking spaces at 90° with a back-up space of 19'-10".

- Variance requested from:

**Sec. 130-63. Interior aisles.**

*Interior aisles shall meet or exceed the following minimum dimensions permitted: 90° parking—22'-0", with columns parallel to the interior drive on each side of the required drive, set back an additional 1'-6", measured from the edge of the required interior drive to the face of the column.*

The parking spaces are proposed to be setback approximately 55'-0" from the front property line. Due to the platting of the Palm Island, the subject property contains a severe pie-shape with a very narrow width at the front. Any design or configuration of the driveway, garage and parking spaces at the front of the property would be very limited. As proposed, the parking spaces do not comply with the required back-up space required by Code. The lot ranges in width between 50'-0" to 60'-0" in the area where the parking spaces are located. The required setback for the garage is 10'-0" from the side property lines and the minimum length of a parking space is 18'-0". Driveways have a setback requirement of 5'-0", which leaves a distance of only 17'-0" at the narrowest point. The subject lot configuration creates the practical difficulty for the applicant to be able to develop this property without the granting of this variance.

**PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA**

The applicant has submitted plans and documents with the application that staff has concluded satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, staff has concluded that the plans and documents with the application comply with the following hardship criteria, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

- That 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;
- That the special conditions and circumstances do not result from the action of the applicant;
- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;
- That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
- That 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.

**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.  
**Not Satisfied; the existing lot does not comply with the minimum lot size and lot width for this zoning district and will require variances from the Board.**
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 variances 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 variances 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 variances 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.  
**Satisfied**
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; a segregated pedestrian entrance has not been provided.**
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.  
**Satisfied**
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; the applicant is requesting three variances from the Board.**

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.  
**Not Applicable**

**STAFF ANALYSIS:**

**DESIGN REVIEW:**

The applicant is proposing to construct a new contemporary residence on a waterfront lot that will replace an existing architecturally significant one-story home constructed in 1924. The proposed replacement structure is within the maximum zoning thresholds for lot coverage and unit size and does not require any waivers, however the design requires three variances to be granted by the DRB.

The architect has designed a two-story home in a modern interpretation of the MiMo style of architecture. The home features differentiating heights throughout the home with green roofs and diverse overhangs and canopies that dramatically aid in breaking up the massing of the home. The architect has chosen rich materials throughout such as a white brick, marble, white cast stone screens, and aluminum screens which further enhance and stylize the architecture of the home.

Overall, the applicant has produced a design for the replacement home that recalls a traditional architectural style of Miami Beach which is sensitive to the neighborhood's overall context and which architecturally distinguishes itself from neighboring structures to the north and south. Staff recommends that the design of the replacement home be approved.

**VARIANCE REVIEW:**

The proposed design requires three variances to be granted by the Board, two of which are required in order to establish the lot as a developable parcel, as the site does not comply with the underlying RS-1 lot requirements for area and width. RS-1 lots are required to have a minimum lot area of 30,000 SF and 100'-0" of lot width. As explained under the 'Project' section of the report, the subject lot is a historically platted parcel that under current zoning regulations is considered a non-conforming property. The existing conditions of the lot require these two variances in order to be able to develop the site and construct a new home on the site, as such comply with the Hardship Criteria outlined; staff is supportive of these variances.

The third variance is also required due to the site constraints since the original geometry of the pie-shaped parcel results in a lot with a very narrow area at the front. This existing front condition creates a practical difficulty in order to accommodate the parking area without a variance. Staff is supportive of the variance request since the number of parking spaces is minimal and no negative impact is expected to be inflicted upon the adjacent property.

**RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the application be **approved** as it pertains to the variances request and the design, including the waiver, be **approved** 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.

TRM/JGM/LC

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

MEETING DATE: July 5, 2016

FILE NO: DRB0416-0025

PROPERTY: **11 Palm Avenue**

APPLICANT: South Palm Design LLC

LEGAL: Lot 20 of Block 1 of Palm Island, according to Plat thereof as recorded in Plat Book 6, Page 54 of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for the construction of a two-story single family home, including variances from the minimum lot area and minimum lot width required and a variance to reduce the required back up space for parking, to replace an existing pre-1942 architecturally significant two-story single family home.

**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 1-3, 5, 8, and 12 in Section 118-251 of the Miami Beach Code.
- C. The project would remain consistent with the criteria and requirements of Section 118-251 if the following conditions are met:
  - 1. Revised elevation, site plan, and floor plan drawings for the proposed new home at 11 Palm Avenue shall be submitted, at a minimum, such drawings shall incorporate the following:
    - a. All roof top lighting shall be located below the parapet level, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.



- b. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan. All mechanical fixtures shall be located as close to the center of the roof as possible and screened on all sides from view, in a manner to be approved by staff.
  - 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. 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. 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, 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. 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.
- f. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- g. 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.
- h. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- i. 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.
- j. 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 wall shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- k. 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. The applicant filed an application with the Planning Department for the following variance(s):
1. A variance to reduce by 12,326 SF the minimum required lot area of 30,000 SF for a single family home property located in the RS-1 district in order to construct a new two-story home in a property with a lot area of 17,674 SF.
  2. A variance to reduce by 29.31' the minimum required lot width of 100' for a single family home property located in the RS-1 district in order to construct a new two-story home in a property with a lot width of 70.69'.
  3. A variance to reduce 2'-2" from the minimum required width of 22'-0" for back-up space for 90° parking in order to provide three (3) parking spaces at 90° with a back-up space of 19'-10".
- B. The applicant has submitted plans and documents with the application that the Board has concluded satisfy Article 1, Section 2 of the Related Special Acts.

The applicant has submitted plans and documents with the application that the Board has concluded comply with the following hardship criteria, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

That 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;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

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

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That 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.

- C. The Board hereby **Approves** the Variance request(s), and imposes the following conditions 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. During Construction of the new home, 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 existing and entering the site and with an eight foot (8'-0") high fence with a wind resistant green mesh material along the front of the 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. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- C. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- D. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- E. 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.
- 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 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 "New Single-Family Residence", as designed by **Dufner Heighes** and prepared by **3Design Inc**, signed, sealed and dated May 12, 2016 and May 19, 2016, 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 this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_  
DEBORAH J. TACKETT  
DESIGN AND PRESERVATION MANAGER  
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_ by Deborah J. Tackett, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

\_\_\_\_\_  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: \_\_\_\_\_

Approved As To Form:  
City Attorney's Office: \_\_\_\_\_ (                    ) )

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