

MIAMI BEACH

PLANNING DEPARTMENT

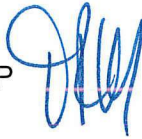
Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: January 22, 2019

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 18-0239. 723 North Lincoln Lane – Lincoln Eatery**

An application has been filed requesting a conditional use approval for a Neighborhood Impact Establishment with Entertainment and an occupant content in excess of 200 persons pursuant to Chapter 118, Article IV and Chapter 142, Article V of the City Code.

RECOMMENDATION

Approval with conditions

ZONING/SITE DATA

Legal Description:

Parcel C:

The South 37 ½ feet of Lot 4 and all of Lot 3, in Block 35, of AMENDED PLAT OF GOLF COURSE SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 6, at Page 26, of the Public Records of Miami-Dade County, Florida;

And

A strip of land thirty (30) feet wide and marked "BRIDLE PATH", adjacent to and lying East of North thirty-one and one quarter (31-1/4) feet of Lot 3 and the South thirty-seven and one-half (37-1/2) feet of Lot 4, Block 35, of AMENDED PLAT OF GOLF COURSE SUBDIVISION, according to the plat thereof, as recorded in Plat Book 6, at Page 26, of the Public Records of Miami-Dade County, Florida.

Zoning District:

CD-3 (Commercial High Intensity District)

Future Land Use Designation:

CD-3 (High Intensity Commercial Category)

Surrounding Uses:

North:	Commercial Establishment (Macy's)
South:	Commercial Establishments
West:	Public Parking Lot
East:	Public Parking Garage

• (See Zoning/Site map at the end of the report) •

THE PROJECT

The applicant, PPF 723 Lincoln Lane, LLC c/o Terranova Corporation, has submitted plans entitled “Lincoln Eatery – 723 Lincoln Lane N”. The proposal is for a food hall to be located at the ground floor of the three-story commercial building located at 723 Lincoln Lane North.

Page A-100 of the plans, prepared by Arquitectonica International, provides the proposed floor plan. According to the plans submitted the food hall will have a total of 287 seats (110 interior seats and 177 outdoor seats). Additionally, the applicant is proposing to serve alcohol and allow indoor entertainment. Per Section 142-1361 of the Land Development Regulations, an alcoholic beverage establishment or restaurant, which is also operating as an entertainment establishment or dance hall, with an occupant content of 200 or more persons constitutes a Neighborhood Impact Establishment (NIE). The establishment therefore constitutes an NIE.

COMPLIANCE WITH CONDITIONAL USE REVIEW GUIDELINES:

Conditional Uses may be approved in accordance with the procedures and standards set forth in the City Code Art. 4, Sec. 118-191 and Sec. 118-192:

- 1. The Use is consistent with the Comprehensive Plan or Neighborhood Plan if one exists for the area in which the property is located.**

Consistent – The request is consistent with the permissible uses in the High Intensity Commercial Category (CD-3) as designated on the Future Land Use Map within the Comprehensive Plan.

- 2. The intended Use or construction would not result in an impact that would exceed the thresholds for the levels of service as set forth in the Comprehensive Plan**

Consistent – See the attached memorandum from the Transportation Department.

- 3. Structures and uses associated with the request are consistent with these Land Development Regulations.**

Consistent – Entertainment and Neighborhood Impact Establishments are permitted as conditional uses in this zoning district. This comment shall not be considered final zoning review or approval. This and all zoning matters shall require final review and verification prior to the issuance of a Building Permit.

- 4. Public health, safety, morals and general welfare would not be adversely affected.**

Consistent – The proposed establishment may adversely affect the general welfare of nearby residents if noise and other issues are not controlled. Staff is accepting the recommendations of the sound consultants to ensure that any resulting adverse impact is mitigated. The facility would have to comply with all applicable laws and regulations for licensure.

- 5. Adequate off-street parking facilities would be provided.**

Consistent – The site is located in parking district no. 2, and as such, restaurant uses have no parking requirements. Additionally, there are adequate public parking facilities adjacent to the site. See the detailed traffic and parking study prepared by Traf Tech Engineering, Inc.

6. **Necessary safeguards would be provided for the protection of surrounding property, persons, and neighborhood values.**

Consistent – Staff is recommending conditions to mitigate any adverse impacts from noise and other issues on the surrounding neighbors.

7. **The concentration of similar types of uses would not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.**

Consistent – There are other restaurants within the vicinity, however, restaurants and entertainment uses are appropriate for Lincoln Road and its vicinity. Therefore, no negative impact through the concentration of uses is expected.

NEIGHBORHOOD IMPACT ESTABLISHMENT REVIEW GUIDELINES

In accordance with Sec. 142-1362 of the Miami Beach City Code, in reviewing an application for an outdoor entertainment establishment, open air entertainment establishment or a neighborhood impact establishment, the Planning Board shall apply the following supplemental review guidelines criteria in addition to the standard review guidelines for conditional uses pursuant to chapter 118, article IV:

1. **An operational/business plan which addresses hours of operation, number of employees, menu items, goals of business, and other operational characteristics pertinent to the application.**

The Operational Plan was submitted with the application and details hours for deliveries and trash pickup, hours of operation, hours of entertainment, number of employees, alcohol control procedures, and other procedures. There will be various independent food service establishments within the food hall so menu items are not identified.

2. **A parking plan which fully describes where and how the parking is to be provided and utilized, e.g., valet, self-park, shared parking, after-hour metered spaces and the manner in which it is to be managed.**

The site is located in parking district no. 1 and as such has no parking requirements. The site is across the street from the 17th Street Parking Garage and the Meridian Avenue Parking Lot which are expected to provide sufficient parking to serve the establishment.

3. **An indoor/outdoor crowd control plan which addresses how large groups of people waiting to gain entry into the establishment, or already on the premises would be controlled.**

The applicant has indicated that they don't expect queuing in the outdoor areas, as each restaurant tenant will have queuing areas in front of their individual stalls. If there are excessive crowds, the applicant will designate a staff person to control the crowds.

4. **A security plan for the establishment and any parking facility, including enforcement of patron age restrictions.**

The applicant has indicated that there will be trained security staff in the evenings. However, because this is a food service establishment, there will be no restrictions on admission based on patron age.

5. A traffic circulation analysis and plan which details the impact of projected traffic on the immediate neighborhood and how this impact is to be mitigated.

See the attached Traffic Study and memorandum from the Transportation Department.

6. A sanitation plan which addresses on-site facilities as well as off-premises issues resulting from the operation of the establishment.

The applicant's Operations Plan indicates how trash pickups will be handled. Pickups are through the building's loading dock which faces Euclid Avenue. The pickups will be scheduled daily and recycling bins will be provided.

7. A noise attenuation plan which addresses how noise would be controlled to meet the requirements of the noise ordinance.

Siebein Associates, Inc. was retained by the applicant to perform a sound study report. The study has indicated that the sound levels of amplified music played inside the Eatery at levels up to 95 decibels will meet the requirements of the noise ordinance. For reference, 100 decibels is the sound level in the seating area of a pop concert. Such sound levels are not anticipated at this location. However, staff has recommended conditions to minimize impacts from noise.

8. Proximity of proposed establishment to residential uses.

The project is surrounded by commercial uses and public parking lot.

9. Cumulative effect of proposed establishment and adjacent pre-existing uses.

Restaurants are a typical and encouraged use within the Lincoln Road corridor. As such, there will be no cumulative effect on adjacent pre-existing uses.

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 Applicable, the Eatery is currently under construction. The NIE is required to serve alcohol and have entertainment. Sea Level Rise and Resiliency Review Criteria was addressed as part of the building's approval process.
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Not Applicable.
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Not Applicable.

- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.
Not Applicable.
- (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.
Not Applicable.
- (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.
Not Applicable.
- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.
Not Applicable.
- (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 Applicable

ANALYSIS

The Project

The proposal is for a food hall to be located at the ground floor of the three-story commercial building located at 723 Lincoln Lane North. Construction of the building was completed in 2017. The building currently contains a Marshall's Department Store on the second and third floors. The food hall area is currently under construction.

Page A-100 of the plans, prepared by Arquitectonica International, provides the proposed floor plan. According to the plans submitted the food hall will have a total of 287 seats (110 interior seats and 177 outdoor seats).

The applicant is proposing to serve alcohol and allow indoor entertainment. Per Section 142-1361 of the Land Development Regulations, an alcoholic beverage establishment or restaurant, which is also operating as an entertainment establishment or dance hall, with an occupant content of 200 or more persons constitutes a Neighborhood Impact Establishment (NIE). As a result, the proposal constitutes an NIE.

Operation

The applicant provided an operations plan. The operations plan indicates that all deliveries and trash pickups will be made through the loading dock on Euclid Avenue. They expect deliveries to be made between 7 am and 9:30 am with certain exceptions. The establishment will be

accessible to tenants between hours of 7 am and 2 am, seven days a week.

Staff has recommended conditions in the attached draft order to ensure that the impacts of the operations are minimized.

Sound

The applicant provided a description of the entertainment proposed, which is expected to consist of periodic DJs on Friday and Saturday nights from 6 pm to midnight.

The sound study was prepared by Siebein Associates, Inc. The study has concludes that the sound levels of amplified music played inside the Eatery at levels up to 95 decibels will meet the requirements of the noise ordinance. For reference, 100 decibels is the sound level in the seating area of a pop concert. As the proposed entertainment is for periodic DJs on Friday and Saturday nights from 6 pm to midnight, such sound levels are not anticipated at this location.

Staff has recommended conditions in the attached draft order to ensure that the impacts of the sound are minimized.

Security and Crowd Control

The applicant is proposing a food hall with several restaurant tenants. Each tenant will have their own queuing areas. As such queuing and crowds are not expected outside of the establishment. However, the applicant has indicated that a staff member will be provided should crowds form.

The applicant has also indicated that there will be a security guard on site each night from 8 pm until 2 am.

STAFF RECOMMENDATION

In view of the foregoing analysis, staff recommends that the application be approved subject to the conditions enumerated in the attached Draft Order.

TRM/MAB/RAM

ZONING/SITE MAP



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

TRANSPORTATION DEPARTMENT

MEMORANDUM

TO: Michael Belush, AICP, Planning and Zoning Manager

FROM: Jose R. Gonzalez, PE, Director *JFD for*

DATE: November 20, 2018

SUBJECT: 723 N Lincoln Lane – Traffic Operation Plan

The Transportation Department has reviewed the subject Traffic Technical Memorandum submitted by the applicant as part of the Planning Board conditional use application for the retail development located at 723 N Lincoln Lane (Project). Traftech Engineering Inc. prepared and submitted a technical memorandum for this Project in 2014 at the time of the initial application. In addition to the technical memorandum, Transportation Department has reviewed a new operations plan submitted by the Applicant to support the new application.

The proposed Project will not use Valet Parking or support on-site parking. The only vehicular access to the Project will serve loading operations and trash pick-up. Loading operations and trash pick-up will take place from Euclid Avenue. The applicant's traffic engineer has performed a maneuverability analysis, demonstrating that the loading vehicles will be able to effectively make entry and exit to the Project without adversely affecting the public right-of-way. However the back-in operation will create conflicts with pedestrians on sidewalk.

CONDITIONS

The Applicant shall coordinate with the Parking Department to designate a minimum of two (2) spaces for passenger loading.

The Applicant shall work with the Transportation Department to submit a comprehensive Transportation Demand Management (TDM) Plan to the Transportation Department for review and approval prior to receiving a Temporary Certificate of Occupancy for the development.

Applicant shall assign personnel to manage loading operations to reduce potential conflicts with pedestrians in crosswalk.

Please feel free to contact me if you have any questions on the above.

cc: Josiel Ferrer-Diaz, E.I., Assistant Director
Firat Akcay, Transportation Analyst

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

PROPERTY: 723 North Lincoln Lane

FILE NO. PB 18-0239

IN RE: The applicant, PPF 723 Lincoln Lane, LLC requested conditional use approval for a Neighborhood Impact Establishment with Entertainment and an occupant content in excess of 200 persons pursuant to Chapter 118, Article IV and Chapter 142, Article V of the City Code.

**LEGAL
DESCRIPTION:** Parcel C:

The South 37 ½ feet of Lot 4 and all of Lot 3, in Block 35, of AMENDED PLAT OF GOLF COURSE SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 6, at Page 26, of the Public Records of Miami-Dade County, Florida;

And

A strip of land thirty (30) feet wide and marked "BRIDLE PATH", adjacent to and lying East of North thirty-one and one quarter (31-1/4) feet of Lot 3 and the South thirty-seven and one-half (37-1/2) feet of Lot 4, Block 35, of AMENDED PLAT OF GOLF COURSE SUBDIVISION, according to the plat thereof, as recorded in Plat Book 6, at Page 26, of the Public Records of Miami-Dade County, Florida.

MEETING DATE: January 22, 2019

MODIFIED CONDITIONAL USE PERMIT

The applicant, PPF 723 Lincoln Lane, LLC, is requesting a Conditional Use Permit, pursuant to Chapter 118, Articles IV and V, for a Neighborhood Impact Establishment (NIE) with a combined maximum occupant content in excess of 200 persons with entertainment, pursuant to Section 142, Article V. Notice of the request 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 CD-3, Commercial High Intensity District zoning district; and

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

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; and

That structures and uses associated with the request are consistent with the Land Development Regulations; and

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

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

IT IS THEREFORE 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 is adopted herein, including the staff recommendations, as approved by the Planning Board, and accepted by the applicant, that a Conditional Use Permit as requested and set forth above be **GRANTED**, subject to the following conditions:

1. This Conditional Use Permit is issued to PPF 723 Lincoln Lane, LLC, as owner/operator of the Lincoln Eatery for a Neighborhood Impact Establishment, consisting of an over 200 seat food service establishment with entertainment. Any change of operator or fifty percent (50%) or more stock ownership shall require the new owners or operators to submit an affidavit, approved by City, to the City of Miami Beach Planning Department transferring approval to the new owners and/or operators and acknowledging acceptance of all conditions established herein, prior to the issuance of a new Business Tax Receipt.
2. The Applicant agrees to the following operational conditions for all permitted and accessory uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations. The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced and the applicant agrees to include the rules and regulations set forth in these conditions in any contract or assignment:
 - a. As proposed by the applicant, the project authorized by this Conditional Use Permit includes the creation and operation of the proposed 287 seat restaurant with the criteria listed below:
 - i. The indoor area may operate until 12 AM Sundays thru Wednesdays and 2 AM Thursdays thru Saturdays.

- ii. Up to 110 seats may be located in the indoor area, as proposed.
 - iii. Up to 177 seats may be located in the outdoor area fronting Meridian Avenue and Lincoln Lane North, as proposed.
 - iv. All outdoor restaurant/service operations shall cease by 12 AM.
 - v. Music and/or Entertainment shall not be permitted in the outdoor areas.
 - vi. A DJ or live performance may play music in the indoor portions of the restaurant only. The music may start at 10:00 AM and shall not operate past 11:00 PM, Sunday-Wednesday, and 10:00 AM to 2:00 AM, Thursday thru Saturdays.
 - vii. Full meals shall be available during all hours that entertainment is present.
 - viii. Speakers may not be installed within twenty (20) feet of the main entrance.
 - ix. The house sound system shall be installed and set in such a manner as to limit the acoustical output of the system and have password protected security on all controls at all times. The equipment and installation plan for the sound system, including the location of all speakers and sound level controls shall be submitted for the review and approval of the Planning Department. Before entertainment is approved and added to the Business Tax Receipt (BTR), a field visit with the applicants sound engineer and Planning staff shall verify that the volume limits on the sound system are set at a level that is not audible at the edges of the property that abut residential properties.
 - x. All operable windows shall be closed at all times that there is entertainment.
 - xi. Televisions shall not be located anywhere in the exterior areas of the property.
 - xii. After normal operating hours the establishment shall remain closed and no patrons or other persons, other than those employed by the establishment, shall remain therein between closing and 7 am.
- b. Deliveries may only occur between 7:00 AM and 5:00 PM, Mondays thru Fridays.
 - c. Delivery trucks shall only be permitted to park within the loading dock on Euclid Avenue.
 - d. Delivery trucks shall not be allowed to idle in the loading zone area.
 - e. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.
 - f. Trash collections may occur daily between 7:00 AM and 5:00 PM.

- a. All trash containers shall utilize rubber wheels, or the path for the trash containers shall consist of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
 - g. Adequate trash room space, air conditioned and noise baffled, shall be provided, in a manner to be approved by the Planning and Public Works Departments. Sufficient interior space must be provided so that doors can remain closed while trash and trash bags are being deposited in dumpsters. Doors shall remain closed and secured when not in active use.
 - h. Trash room(s)/garbage room(s) shall be large enough, or sufficient in number to accommodate enough dumpsters so that more than one pick up of garbage per day will not be necessary. A high-level trash/garbage compacting device shall be located in an air-conditioned trash/garbage holding room within the facility.
 - i. Garbage dumpster covers shall be closed at all times except when in active use.
 - j. Outdoor cooking anywhere on the premises is prohibited. Kitchen and other cooking odors shall be contained within the premises. Owner agrees to install an exhaust system, if required by code, for the kitchens of any commercial restaurants on the premise that will substantially reduce grease and smoke that would otherwise escape to the surrounding area. This may include the installation of a fan in connection with kitchen exhaust systems within the interior of the building in order to reduce noise levels at the exhaust outlet substantially in compliance with the plans as approved or in the alternative any such exhaust system shall be located along the west side of the property not directly adjacent to the southernmost or northernmost property lines.
 - k. No exterior loudspeakers shall be permitted except those necessary for fire and life safety purposes.
 - l. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.
 - m. As proposed by the applicant, a security guard shall be onsite between 8 am and 2 am. Security staff shall monitor patron circulation and occupancy levels in order to adjust crowds according to occupant loads.
 - n. Patrons shall not be allowed to queue on any public rights-of-way or the exterior premises. Security staff shall monitor the crowds to ensure that they do not interfere with the free-flow of pedestrians on the public sidewalk.
 - o. The Operator shall be responsible for maintaining the areas adjacent to the facility, such as the sidewalks, curb and gutter and around the perimeter of the property in excellent condition, keeping these areas in a clean condition, free of all refuse, at all times.
3. The applicant shall coordinate with the Parking Department to designate a minimum of two (2) spaces for passenger loading.

4. The Applicant shall coordinate with the Parking Department to submit a comprehensive Transportation Demand Management (TDM) Plan to the Transportation Department for review and approval prior to receiving a Temporary Certificate of Occupancy.
5. The Applicant shall assign personnel to manage loading operations to reduce potential conflicts with pedestrians in crosswalks.
6. 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 restaurant, as well as modifications to the parking operations, should there be valid complaints or violations (as determined by Code Compliance) about valet operations and loud, excessive, unnecessary, or unusual noise.
7. The applicant shall address the following Concurrency and Parking requirements, as applicable:
 - a. A Method of Transportation (MOT) shall be submitted to Public Works Department staff for review and approval prior to the issuance of a building permit. The MOT shall address any traffic flow disruption due to construction activity on the site.
 - b. Prior to the issuance of a building permit, the applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if deemed necessary, by paying its fair share cost, as may be determined as determined by the Concurrency Management Division.
 - c. A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs, if required, shall be paid prior to the issuance of any Building Permit.
 - d. Prior to the issuance of a Building Permit, calculations for required parking for the project shall be determined by the Planning Department. A final determination for the required parking shall be conducted prior to the issuance of a Certificate of Occupancy or Business Tax Receipt, whichever comes first. If required, a one-time fee in lieu of providing the required parking on site, as determined by staff, shall be paid prior to the issuance of the Certificate of Occupancy.
8. 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, Code of the City of Miami Beach, Florida.
9. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The applicant shall appear before the Planning Board for a progress report within 90 days from the issuance of the BTR. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).

10. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interest and assigns.
11. 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.
12. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application.
13. 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.
14. The executed Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant and returned to the Planning Department. No building permit, certificate of occupancy, or certificate of completion shall be issued until this requirement has been satisfied.
15. 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 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.
16. 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 _____ day of _____, 2019.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: _____
Michael Belush, Chief of Planning and Zoning
For Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by Michael Belush, Planning and Zoning Manager 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:
Print Name:
Notary Public, State of Florida
My Commission Expires:
Commission Number:

Approved As To Form:
Legal Department ()

Filed with the Clerk of the Planning Board on _____ ()