

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: August 2, 2016

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB0616-0034
2850 Prairie Avenue

The applicant, Namron Miami LLC, is requesting Design Review Approval for the construction of a new two-story home on a vacant site including variances to reduce the required street side and sum of the side setbacks.

RECOMMENDATION:

Approval with conditions

Approval of the variances with conditions

LEGAL DESCRIPTION:

Lot 10 of Block 3, of the "Mid-Golf First Addition" according to Plat thereof as recorded in Plat Book 7, Page 161 of the Public Records of Miami-Dade County, Florida.

HISTORY:

On March 01, 2016, the Design Review Board approved a new two-story home on a vacant site with similar variances, pursuant to DRB File No. 23237. The applicant is now proposing a new plan with a new architect.

SITE DATA:

Zoning: RS-4

Future Land Use: RS

Lot Size: 9,750 SF

Lot Coverage:

Proposed: 2,881 SF / 29.5%

Maximum: 2,925 SF / 30%

Unit size:

Proposed: 4,450 SF / 46%

Maximum: 4,875 SF / 50%

2nd Floor Volume to 1st: 97%*

***DRB WAIVER**

Proposed: 23'-6" flat roof

Maximum: 24'-0" flat roof

Grade: +4.00' NGVD (approx.)

Flood: +8.00' NGVD

Difference: +4.00' NGVD (approx.)

Adjusted Grade: +6.00' NGVD (approx.)

Max. Front Yard: +7.125' NGVD (approx.)

SURROUNDING PROPERTIES:

North: Two-story residence (DRB 23223)

South: Two-story 1926 residence (HPB)

West: Miami Beach Golf Course

East: One-story 1940 residence

Height:

THE PROJECT:

The applicant has submitted plans entitled "Naman House" as designed by **Materia Q** and prepared by **Beilinson Gomez Architects P.A.** signed, sealed, and dated June 3, 2016.

The applicant is proposing to construct a new two-story residence on a vacant parcel abutting the eastern edge of the Miami Beach Golf Course.

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

1. The second floor's physical volume exceeds 70% of the first floor in accordance with Section 142-105(b)(4)(c). The proposed second floor is 80% of the first floor, an increase of +10%.

The applicant is requesting the following variance(s):

1. A variance to reduce by 5'-0" the minimum side facing a street setback of 15'-0" in order to construct a new two-story single family home at 10'-0" from the north property line.

Sec. 142-106. Setback requirements for a single-family detached dwelling.

The setback requirements for a single-family detached dwelling in the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

(2)Side yards:

b. Side, facing a street. Each required side yard facing a street shall be no less than 10% of the lot width or 15'-0", whichever is greater.

The new house is proposed to be located 10'-0" from the north side property line. The abutting land to the north is an unimproved 70'-0" wide City right-of-way (29th Street) that dead-ends at the Miami Beach Golf Course and does not have paving or sidewalk. Extensive landscaping, mostly in the form of trees and low lying shrubbery, line both sides of an existing gravel drivethrough within this area. For zoning purposes and analysis the north side is considered a side facing a street and not what would ordinarily, or instinctively, be considered an interior side setback. Therefore, the required setback is 15'-0" where otherwise 7'-6" would be required. As the unimproved 70'-0" wide City right-of-way will not be improved or developed with a new residence, the most affected property (to the north) is located almost 100'-0' away. Staff finds that the location of the site adjacent to this unimproved street create practical difficulties that justify the variance requested.

2. A variance to reduce by 5'-0" the minimum required sum of the side setbacks of 25'-0" in order to construct a new two-story single family home with a sum of the side setbacks of 20'-0".

- Variance requested from:

Sec. 142-106. Setback requirements for a single-family detached dwelling.

The setback requirements for a single-family detached dwelling in the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

(2)Side yards:

a. The sum of the required side yards shall be at least 25 % of the lot width.

The new house is proposed to be located at 10'-0" from the south property line where 7'-6" is required. As a stand alone setback it exceeds the minimum required. However, the sum of both side setbacks result in a reduction of the required sum of the side setbacks because the street side setback is also reduced from 15'-0" to 10'-0". The proposed structure adheres to the required setbacks if both sides (north and south) were analyzed as a interior side setback. Further, the house would also comport with the sum of the side setback of 15'-0"

requirement for an interior lot. Staff finds that the location of this property adjacent to the unimproved street creates practical difficulties that justify the variance requested.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

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

The applicant has submitted plans and documents with the application that also indicate the following, 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, may be inconsistent with the following sections of the City Code, in addition to the requested variance(s):

1. 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.

2. Chapter 126 of the Land Development Regulations of the City Code, **permits for demolition require a landscape survey to insure that valuable existing trees are not damaged or destroyed. Trees that have a trunk diameter of eight (8) or more inches shall not be removed without the approval of the Planning and Zoning Director.**
3. Front Yard. The maximum elevation within a required front yard shall not exceed adjusted grade, of 30 inches above grade, or future adjusted grade, whichever is greater. In this instance the maximum height of any fence(s) or wall(s) in the required front yard, constructed in compliance with Section 142-1132 (h), " Allowable encroachments within required yards", shall be measured from existing grade.
4. Within the first 4'-0" of the property line, the maximum height of retaining walls shall not exceed 30" above existing sidewalk elevation, or existing adjacent grade if no sidewalk is present.

The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

COMPLIANCE WITH DESIGN REVIEW CRITERIA:

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria are found to be satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Satisfied
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Satisfied
3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Not Satisfied; the proposed design requires one design waiver and two 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 proposed design requires one design waiver and two 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.

Not Satisfied; the proposed design requires one design waiver and two variances 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.

Satisfied

9. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.

Not Satisfied; a lighting plan has not been submitted.

10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.

Not Applicable

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 proposed design requires one design waiver and two 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.
Not Applicable
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Satisfied; a rooftop plan demonstrates the mechanical equipment shall be screened, but no specific details of the screening has been submitted.
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 requesting Design Review Approval for the construction of a new two-story home on a vacant parcel abutting the eastern edge of the Miami Beach Golf Course.

The design features and finishes have resulted in clean, simple forms within a successful modern design. The carefully designed forms permit the interior spaces to be illuminated naturally from above and dramatically transition from the spaces within. The material selections consist of natural caliza stone, stucco, and metal perforations and wood screen dueling architectural features. All of these features and finishes work harmoniously to create a residence with a diverse architectural palette that compliments the bold forms and usage of the solids and the voids created by the open terraces.

The proposed home contains a lot coverage of 29%. The home has a second floor to first floor ratio of 80% where the Code restricts the second floor to 70% unless waived by the Design Review Board. The applicant has kept the majority of the second floor massing away from Prairie Avenue and the Golf Course, as well as shifted the mass away with greater setback from the abutting, historically designated, single-family home built in 1923. Towards the north, the 70'-0" wide unimproved right-of-way has been used as a natural buffer. Staff has no objection to this waiver.

Staff recommends that the design of the replacement home be approved including the requested waiver.

VARIANCE REVIEW

As previously mentioned under 'Project' section of the report, the subject property abuts an unimproved 70'-0" wide City right-of-way (29th Street). The City has retained this for golf course access and landscaping; therefore, for all practical purposes it is effectively an abutting vacant lot that will never be developed with a neighboring residence. The Code does mandate that properties that face a street adhere to the 'side facing a street' setback requirements regardless of whether the street end is improved or not. Under these circumstances, when treated as an interior lot, the north setback would be 7'-6" and the architect has provided 10'-0". Further, the architect has increased the other south side setback to 10'-0" in order to be sensitive to the abutting 1923 individually designated historical home (HPB 7337) which recently obtained variance approval (BOA File Number 2848) for new additions.

Staff also finds that the requests for variance #1 and #2 meet the criteria for practical difficulties as noted in the variance description part of this report; as such staff recommends approval of the variances

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 Practical Difficulty and Hardship criteria.

TRM/JGM

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DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: August 2, 2016

FILE NO.: DRB0616-0034

PROPERTY: **2850 Prairie Avenue**

APPLICANT: Namron Miami, LLC.

LEGAL: Lot 10 of Block 3, of the "Mid-Golf First Addition" according to Plat thereof as recorded in Plat Book 7, Page 161 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 home on a vacant site including variances to reduce the required street side and sum of the side setbacks.

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 3, 5-6, and 12 in Section 118-251 of the Miami Beach Code.
- C. The project would be 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 2850 Prairie Avenue shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The 70% limitation for the second floor volume shall be waived as proposed.
 - b. The final design details of the exterior materials and finishes, including the stonework, latticework, and metal panels, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- c. 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.
 - d. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
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. At time of building permit the applicant shall 'clean up' portions of the existing right-of-way, up to the midpoint of the unimproved right-of-way, by removing understory shrubbery and other low lying landscaping in order to provide greater visibility to the golf course, in a manner to be reviewed and approved by Green Space and Planning Department.
 - e. The maximum elevation within a required front yard shall not exceed adjusted grade, of 30 inches above grade, or future adjusted grade, whichever is greater
 - f. Within the first 4'-0" of the property line, the maximum height of retaining walls shall not exceed 30" above existing sidewalk elevation, or existing adjacent grade if no sidewalk is present

- g. Future maintenance of the existing right-of-way shall be the responsibility of the applicant, up to the midpoint of the unimproved right-of-way, in a manner to be reviewed and approved by Green Space and Planning Department.
- h. 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.
- i. The proposed walkways within the required yards shall be reduced to 44" in width except for landing where a 5'-0" turning radius is required, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- j. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, or interfere with compliance with ADA access regulations, in a manner to be reviewed and approved by the Public Works Department.
- k. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- l. 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.
- m. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- n. 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.
- o. 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.
- p. 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 5'-0" the minimum side facing a street setback of 15'-0" in order to construct a new two-story single family home at 10'-0" from the north property line.
 2. A variance to reduce by 5'-0" the minimum required sum of the side setbacks of 25'-0" in order to construct a new two-story single family home with a sum of the side setbacks of 20'-0".
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, 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 grants the requested variance(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.

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 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. The proposed driveway within the unimproved 70' public right-of-way adjacent to the north side of the subject property shall be reviewed and approved by the Public Works Department, and shall require a right-of-way permit obtained from same. Any proposed improvements shall utilize 'pea' gravel or similar material and shall not appear to be privately owned. Further, no vehicles may be stored or parked within this public-right-way.
- C. 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.
- D. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- F. 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.
- G. 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.

- H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- I. 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 "Naman House" as designed by **Materia Q** and prepared by **Beilinson Gomez Architects P.A.** signed, sealed, and dated June 3, 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

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

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