

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FOLLOWING A DULY NOTICED PUBLIC HEARING, AS REQUIRED PURSUANT TO SECTION 82-93 OF THE CITY CODE, APPROVING A REVOCABLE PERMIT REQUEST BY 418 MERIDIAN, LLC, IN ORDER TO ALLOW THE INSTALLATION OF CANOPY ON THE EAST FAÇADE OF THE PLAZA HOTEL, LOCATED AT 426 MERIDIAN, WHICH CANOPY WOULD BE CONSISTENT WITH THE HISTORIC DOCUMENTATION FOR THE CONTRIBUTING STRUCTURE WITHIN THE OCEAN BEACH LOCAL HISTORIC DISTRICT, AND WHICH CANOPY WOULD EXTEND APPROXIMATELY EIGHT FEET (8') OVER THE RIGHT-OF-WAY (SIDEWALK) ON MERIDIAN AVENUE, WOULD BE 49 FEET IN LENGTH WITH A CLEARANCE OF APPROXIMATELY 12 FEET ABOVE THE SIDEWALK, AND CONSIST OF A TOTAL AREA OF 377.71 SQUARE FEET, WHICH PERMIT IS CONSISTENT WITH THE CRITERIA OF SECTION 82-94, OF THE CITY CODE; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE REVOCABLE PERMIT.**

**WHEREAS**, 418 Meridian, LLC (Applicant) is the owner of the Plaza Hotel, located at 426 Meridian Avenue, and is requesting a revocable permit for the recreation of the historic canopy on the east façade extending approximately eight feet over the sidewalk; and

**WHEREAS**, the City's Historic Board Preservation Board (HPB) required the installation of the East Canopy as replication of the original canopy in accordance with available historic documentation, inclusive of location and dimensions, through HPB File No. 7392 approved on November 12, 2013; and

**WHEREAS**, the Applicant is proposing the reintroduction of the original canopy, measuring approximately 49 feet long and 8 feet wide with the clearance of approximately 12 feet above the sidewalk; and

**WHEREAS**, the improvements being proposed by the Applicant will increase the value of the Property and in turn the neighborhood. Granting the revocable permit will not confer any special privilege upon the Applicants; and

**WHEREAS**, at its September 14, 2016 meeting, pursuant to Section 82-93(a) of the City Code, the City Commission approved the Resolution on First Reading, and scheduled a public hearing to consider the request for a revocable permit; and

**WHEREAS**, additionally, in accordance with Section 82-93(b) of the City Code, to mail notice of the public hearing to owners of land lying within 375 feet of the existing permit area; and

**WHEREAS**, Public Works has analyzed the criteria contained in Sections 82-94 and believes the application to be consistent with the criteria therein, and have provided the City Commission with a report analyzing the relevant criteria; and

**WHEREAS**, in accordance to Section 82-94, the City Commission is to review the application to determine whether the revocable permit shall be granted or denied based upon existence of the following criteria: (1) that the applicant's need is substantial; (2) that the applicant holds title to an abutting property; (3) that the proposed improvements comply with applicable codes, ordinances, regulations, neighborhood

plans and laws; (4) that the grant of such application will have no adverse effect on governmental/utility easements and uses on the property; (5) Alternatively:

- a. That an unnecessary hardship exists that deprives the applicant of a reasonable use of the land, structure or building for which the revocable permit is sought arising out of special circumstances and conditions that exist and were not self-created and are peculiar to the land, structures or building involved and are not generally applicable to other lands, structures or buildings in the same zoning district and the grant of the application is the minimum that will allow reasonable use of the land, structures or building; or
- b. That the grant of the revocable permit will enhance the neighborhood and/or community by such amenities as, for example, enhanced landscaping, improved drainage, improved lighting, and improved security.

(6) that granting the revocable permit requested will not confer on the applicant any special privilege that is denied by this article to other owner of land, structures or buildings subject to similar conditions located in the same zoning district; and (7) that granting the revocable permit will be in harmony with the general intent and purpose of this article, and that such revocable permit will not be injurious to surrounding properties, the neighborhood, or otherwise detrimental to the public welfare. In order to grant a revocable permit, the city commission must make an affirmative finding with respect to each of the criteria set forth above. These findings may be made by one motion addressed to all findings or, at the request of any member of the Commission, a finding or findings shall be considered separately; and,

**WHEREAS**, the conditions for the revocable permit comply with the requirements of Section 82-95, as it relates to the terms and conditions for the issuance of the permit, and conditions for its termination; and

**WHEREAS**, the City Manager and Public Works Director recommend approval of the revocable permit request.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission, following a duly noticed public hearing, as required pursuant to Section 82-93 of the City Code, approve revocable permit request by 418 Meridian, LLC, in order to allow the installation of canopy on the east façade of the Plaza Hotel, located at 426 Meridian, which canopy would be consistent with the historic documentation for the contributing structure within the Ocean Beach Local Historic District, and which canopy would extend approximately eight feet (8') over the right-of-way (sidewalk) on Meridian Avenue, would be 49 feet in length with a clearance of approximately 12 feet above the sidewalk, and consist of a total area of 377.71 square feet; and which permit is consistent with the criteria of section 82-94, of the City Code; and authorizing the Mayor and City Clerk to execute the revocable permit.

**PASSED and ADOPTED this** \_\_\_\_\_ **day of** \_\_\_\_\_.

**ATTEST:**

\_\_\_\_\_  
**Philip Levine, Mayor**

\_\_\_\_\_  
**Rafael E. Granado, City Clerk**

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

\_\_\_\_\_  
City Attorney

10/28/14  
\_\_\_\_\_  
Date