

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(B) OF THE CITY CODE, FINDING THAT THE CRITERIA FOR GRANTING A REVOCABLE PERMIT PURSUANT TO SECTION 82-94 OF THE CITY CODE HAS BEEN SATISFIED, FOLLOWING THE PUBLIC WORKS DEPARTMENT'S REVIEW AND RECOMMENDATION TO GRANT THE REVOCABLE PERMIT REQUEST AS SET FORTH IN THE COMMISSION MEMORANDUM ACCOMPANYING THIS RESOLUTION, AND HEREBY APPROVING A REVOCABLE PERMIT REQUEST BY 49 COLLINS AVENUE RESTAURANT LLC D/B/A CARBONE ("CARBONE"), THE TENANT OF THE PROPERTY LOCATED ON THE GROUND FLOOR OF 49 COLLINS AVENUE, MIAMI BEACH, FOR THE INSTALLATION OF FOUR (4) RETRACTABLE AWNINGS THAT WILL ENCROACH IN THE CITY'S RIGHT-OF-WAY, IN AN AREA OF APPROXIMATELY 1,130 SQUARE FEET IN SIZE; AND FURTHER, AUTHORIZING THE CITY MANAGER TO EXECUTE THE REVOCABLE PERMIT.

**WHEREAS**, 49 Collins Avenue Restaurant LLC d/b/a Carbone ("Carbone"), the tenant of the property located on the ground floor of 49 Collins Avenue, Miami Beach, is requesting a revocable permit for the installation of four (4) retractable awnings encroaching in the City's right-of-way, containing approximately 1,130 square feet of easement area, for the use of patron dining; and

**WHEREAS**, the property is identified by Miami-Dade County Folio No. 02-4203-003-0130 and located within the CPS-1 commercial performance standard zoning district, which is designed to accommodate a range of business, commercial, office and hotel uses; and

**WHEREAS**, the encroachment is proposed on a portion of the right-of-way of Collins Avenue of "Ocean Beach Florida Subdivision", according to the plat thereof, as recorded in Plat Book 2, Page 38 of the Public Records of Miami-Dade County, Florida, as set forth in the attached survey; and

**WHEREAS**, pursuant to Section 82-93(a) of the City Code, notices of the public hearing have been mailed to owners of land lying within 375 feet of the permit area at least 15 days prior to the public hearing; and

**WHEREAS**, pursuant to Section 82-94 of the City Code, the City Commission shall review the revocable permit request and determine whether the request shall be granted or denied following the public hearing; and

**WHEREAS**, Public Works has analyzed and determined that the criteria contained in Sections 82-94 has been satisfied; a summary of the Public Works Department's review and recommendation to grant the revocable permit request is set forth in the Commission Memorandum accompanying this Resolution, which Memorandum is incorporated by reference herein.

**NOW, THEREFORE, BE IT DULY RESOLVED BY 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(b) of the City Code, finding that the criteria for granting a revocable permit pursuant to Section 82-94 of the City Code has been satisfied, and following the Public Works Department's review and recommendation to grant the revocable permit request as set forth in the Commission Memorandum accompanying this Resolution, that the City Commission hereby approves a revocable permit request by 49 Collins Avenue Restaurant LLC d/b/a Carbone ("Carbone"), the tenant of the property located on the ground floor of 49 Collins Avenue, Miami Beach, for the installation of four (4) retractable awnings encroaching in the City's right-of-way, in an area of approximately 1,130 square feet in size; and further, authorize the City Manager to execute the revocable permit.

**PASSED** and **ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2022.

**ATTEST:**

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

\_\_\_\_\_  
Dan Gelber, Mayor

APPROVED AS TO FORM AND  
LANGUAGE AND FOR EXECUTION

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

1-12-22  
Date