

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Planning Board

TO: Chairperson and Members  
Planning Board

DATE: November 15, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **File No. 16-0052 f.k.a. 1959 – 4385 Collins Avenue – Soho Beach House**

The applicant, Beach House Owner, LLC, is requesting after the fact modifications to a previously approved Conditional Use Permit for a Neighborhood Impact Establishment, pursuant to Chapter 118, Article IV of the City Code. Specifically, the applicant is requesting approval for the expansion of a restaurant located in the rear yard.

#### **RECOMMENDATION**

Approval with conditions

#### **BACKGROUND**

*January 10, 2006*

The Historic Preservation Board (HPB) reviewed and approved a Certificate of Appropriateness (COA) for the partial demolition, restoration, and renovation of the existing seven (7) story hotel, including the construction of a single story roof-top addition, and a new 14-story ground level addition at the rear of the property (HPB File No. 3383).

*July 11, 2006*

The HPB reviewed and approved modifications to the previously issued COA. Specifically, the HPB approved an increase in height of the new tower to 15-stories and modifications to the roof-top of the existing Sovereign Hotel.

*June 22, 2010*

The Planning Board (PB) granted Ryder Properties, LLC, a Conditional Use Permit (CUP) for a Neighborhood Impact Establishment (NIE), without entertainment or dancing, with an aggregate occupant content of 762 persons (PB File No. 1959).

*October 11, 2011*

The HPB reviewed and approved an after-the-fact COA for the installation of various structures throughout the site, including the construction of a new outdoor pergola, additional site fencing, and the installation of folding doors at the ground level pool storage area (HPB File No. 7265).

*September 28, 2014*

Beach House Owner, LLC, requested from the PB a modification to the previously issued Conditional Use Permit (MCUP) to change the name of the owner from Ryder Properties, LLC, to Beach House Owner, LLC, and Soho Beach House, LLC as the operator.

*September 27, 2016*

This application for an after-the-fact MCUP approval for modifications to a previously approved MCUP for a NIE was scheduled to be heard by the

Board and was continued to a date certain of November 15, 2016.

**ZONING / SITE DATA**

Legal Description: Lot 1, excepting the south seventy-five (75') feet thereof, of Block 39 of Miami Beach improvement Company's Ocean Front Subdivision, according to the Plat thereof, AND the southern 75 feet of that certain tract marked and designated "R.P. Van Camp", on amended Map of Ocean Front Property of the Miami Beach Improvement Company, as recorded in Plat Book 5, pages 7 and 8, of the public records of Dade County, Florida.

Zoning:	RM-3, Residential, high intensity
Future Land Use Designation:	RM-3, Residential, high intensity
Lot Size:	36,433 S.F.
Existing FAR:	81,394 S.F. / 2.25 (Max FAR: 2.25)
Proposed FAR:	no change
Existing Height:	~70'-0" / 7-stories & 152'-4" / 15-stories
Proposed Height:	no change

**THE PROJECT**

The applicant has submitted plans entitled "Soho Beach House – Mandolin Beach" as prepared by NC-office architecture / urbanism, dated October 14, 2016. The applicant is seeking an after-the-fact MCUP in order to increase the seat count of a restaurant within an area previously approved for a tiki hut located at the rear of the property. There are 72 seats in the area proposed (a 44 seat increase) with an occupant content of 125 persons (a 34 person increase.)

The applicant is scheduled to appear before the Historic Preservation Board (HPB) at their December 13, 2016 meeting for an after-the-fact certificate of appropriateness (COA) for design modifications. Additionally the applicant has requested a number of variances in order to allow the retention of existing structures including a retractable roof at the rear of the property facing the Ocean.

It should be noted that revised plans have been submitted which reduce the extent of the original variances requested. Staff has not yet finalized a review or recommendation based upon the latest plans submitted to the HPB.

**COMPLIANCE WITH CONDITIONAL USE REVIEW GUIDELINES:**

Conditional Uses may be approved in accordance with the procedures and standards set forth in the City Code Section 118, Article IV, Sec. 118-191 and Sec. 118-192 (a):

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 Comprehensive Plan. The RM-3 future land use category allows hotels and eating and drinking establishments.

2. **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.**

**Partially Consistent** – The proposal should not result in an impact that would exceed the thresholds for the levels of service as set forth in the Comprehensive Plan; however, a concurrency analysis will be performed at the time of building permit application. Kimley Horn and Associates, Inc, was retained by the applicant to produce a traffic memorandum. FTE, Inc. was selected by the City and paid by the applicant to conduct a peer review.

**3. Structures and uses associated with the request are consistent with this Ordinance.**

**Not Consistent** – The proposed project requires an extensive list of after-the-fact variances (listed in “the project” section above.) These comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Planning Department prior to the issuance of a Building Permit.

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

**Partially Consistent** – The proposed project may adversely affect the general welfare of nearby residents and businesses if delivery, waste removal, and other operations are not controlled. Staff is recommending conditions to mitigate the potential negative impacts. The entire project would have to comply with all applicable laws and regulations in order to obtain a building permit.

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

**Consistent** – The proposed project is for an accessory use to a hotel within a local historic district and must provide the required parking for all the proposed uses not contained in the original building or associated with the original building. All other uses are required to pay a parking in lieu fee. Staff review indicates that the proposed project is deficient in 23 parking spaces and is paying into the parking in lieu program yearly for 10 of those spaces that were eligible for annual payments.

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

**Partially Consistent** – Staff is recommending conditions to try to mitigate any adverse impacts on the surrounding neighbors.

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

**Consistent** – The proposed use for the project are permitted in the RM-3 zoning district. While there are other conditional uses and large venues in the vicinity, adverse impacts are not expected from the geographic concentration of such uses, if the impacts are properly controlled.

### **NEIGHBORHOOD IMPACT ESTABLISHMENT REVIEW GUIDELINES**

In accordance with Sec. 142-1362 of the Miami Beach City Code, in reviewing an application for a neighborhood impact establishment, the Planning Board shall apply the following supplemental review 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 LOI and the operations plan submitted with the application detail the proposed operation of the members' club, the hotel and the various food and beverage venues associated with the development. Also, see analysis in this report.

- (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 project offers valet parking with off street pick up from a circular driveway entered from Collins Avenue from the southwest and exiting from the northwest of the property back onto Collins Avenue. The storage of the valeted vehicles is in an off-site garage nearby. See the LOI and the traffic memo prepared by Kimley Horn and Associates, Inc, for the full description of the valet operation.

- (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 operations plan indicates that security cameras will monitor guest flow through the property. The LOI does not address crowd control, how it will accommodate any waiting patrons, or a plan to prevent queueing on the public sidewalk or rights of way specifically.

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

The applicant proposes 24 hour security, by the way of security cameras, and five (5) security personnel. The LOI does not address how the applicant proposes to enforce the patron age restrictions.

- (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 the traffic memorandum prepared by Kimley Horn and Associates, LLC, for the full details. Please refer to the separate memo provided by 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 operations plan contains a "Deliveries & Collections" section that explains that the refuse collection takes place from the driveway at the north of the property. The operation

plan also states that refuse collection takes place daily between 8:00 AM and 9:00 AM only. See Delivery and Sanitation Analysis.

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

Although the applicant is not proposing entertainment in the Mandolin Beach area, the applicant provided a sound study prepared by the Audio Bug, Inc dated July 25, 2016. The applicant asserts that the acoustic system was designed so that sound would not violate the city's noise ordinance and that the system is still configured in accordance to the original study for 2010.

**(8) Proximity of proposed establishment to residential uses.**

The proposed venue is mainly surrounded by other hotels and commercial uses. There are some mixed use residential condominium/hotel buildings directly north of the property in the Fontainebleau complex. Due to the proximity to a residential use, staff is recommending conditions to mitigate any potential negative impacts from the operations of this proposed project on surrounding properties.

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

There are two (2) large nightclubs directly north of the site on the Fontainebleau Hotel property, as well as a NIE at the Eden Roc Hotel. Staff is recommending conditions to mitigate any adverse impacts from traffic, noise, and other issues on the surrounding neighbors.

**ANALYSIS**

**Project Description and Operations**

The Soho Beach House is a members' only club located in the hotel formerly known as the Sovereign Hotel. The original building was constructed in 1941 and was designed as a hotel with 111 rooms. Subsequently, in 2010, the structure was rehabilitated and a 15 story tower addition was added at the rear of the property. The property now contains 50 hotel rooms and one (1) residence plus extensive amenities.

There are four (4) floors of amenities, some of which are open to the public and some that are restricted to members of the club and their guests. The applicant is now requesting an after-the-fact modification to the previously issued MCUP for the expansion of a restaurant into the area formally occupied by a tiki hut. In total, the Soho Beach House now contains two (2) restaurants (Cecconi's and Mandolin), four (4) bars, a private dining room, a gym, and a spa. The areas, the seating, and the access (whether open to the public or not) are outlined below:

Land Use	Conditional Use Permit	Proposed	
	Seat Count	Seat Count	
Restaurant (lobby and courtyard) Cecconi's Restaurant (open to the public)	124	124	
Long Bar (open to the public)	14	14	
Wine Bar (open to the public)	5	5	
Existing Tiki Hut and Rear Yard Proposed Mandolin (Private, Members Only)	28	72	
Breeze Bar/Club Bar (Private, Members Only)	87	87	
Rooftop Bar (Private, Members Only)	33	33	
Sitting Room and Private Dining Room (Private, Members Only)	22	22	Seat Increase
Total (Public and Private)	313	357	44
Total: Private, Members Only (Restaurant and Bar)	170	214	44
Total: Open to the Public (Restaurant and Bar)	143	143	0
Total: Open to the Public (Restaurant)	124	124	0

In addition to the 44 seat increase at the rear of the property, the applicant proposes a 34 person increase to the formerly aggregate occupant content of 762 persons for a total of 796 persons.

#### **Valet Parking and Access**

Access to the property for non-member pedestrians is from Collins Avenue through a main entrance for the hotel lobby and restaurant space located on the ground floor. Members can also access the property from the boardwalk at the rear of the property.

Those arriving as passengers in automobiles or for valet drop off access the property from the one way portion of Collins Avenue heading north and entering the south side of the driveway. After being dropped off or leaving their vehicles with the valet, the automobiles exit from the north side of the driveway, which at that point is 44<sup>th</sup> Street heading west for approximately one block. After the initial block on 44<sup>th</sup> Street, Collins Ave returns to a two-way configuration if heading north. If turning left and heading south, the street is called Indian Creek Drive.

The valet storage for this property is currently at the "Charles Garage" which is situated at 43<sup>rd</sup> Street between Collins and Indian Creek Drive. The valet routes are outlined in the valet operations analysis and traffic memo provided by the applicant and prepared by Kimley Horn and Associates, Inc.

According to the plans submitted by the applicant, ten vehicles can be accommodated temporarily in the driveway area. In addition, one (1) bicycle rack that accommodates ten (10) bicycles is shown along the Collins Avenue on the south side of the property.

### **Deliveries and Sanitation**

The current operation of deliveries and sanitation are proposed to remain the same. However, based on the plans submitted and the operations plan labeled "Delivery details, current conditions", the current operations appear problematic. Sheets A-1.0a and A-1.0b demonstrate that the "service path" runs along the north of the property to two (2) loading areas, both of which are on the Collins Avenue, a half block south of the building on both sides of Collins Avenue. Also, the "service path" at the northwest corner of the building ends in the driveway area of the Fontainebleau Hotel's property.

While there are not any conditions regarding deliveries and sanitation in the original CUP or the subsequent MCUP, staff has questions on how this operations works, and has added some recommended conditions in an attempt to mitigate any service related traffic obstructions. Staff recognizes because of the corner location of this property it is hard to accommodate deliveries and refuse collections. However, more study is needed to better address the loading for this large property. The use of a loading zone that is located across the street and a half a block to the south, does not seem very workable.

### **Sound**

Although the MCUP requested does not include entertainment, a sound study was prepared for the project due to the extensive outdoor areas. The sound study prepared by The Audio Bug Inc., concluded that "...We also inspected the electronic components which control and power the various systems and found they are also still configured as per the original specification. Sound levels are controlled and password protected as before. Based on my recent observations, I do not expect that there will be any change in sound level performance at this property. Therefore, we can presume that no violations of noise impact on neighboring properties will occur." The full report is included in your board packages.

### **Traffic**

Kimley Horn and Associates, Inc, was retained by the applicant to provide a traffic memorandum in connection with the proposed development. The study addresses trip generation, valet operations, and transportation demand management strategies.

### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the application for a Modified Conditional Use Permit be approved, subject to the conditions enumerated in the attached draft order, which address the inconsistencies noted in the aforementioned Conditional Use review criteria.

TRM/MAB/TUI



## ZONING/SITE PLAN



City of Miami Beach Planning Board  
File No. PB 16-0052, f.k.a. File No. 1959.  
4385 Collins Avenue



The applicant, Beach House Owner, LLC, is requesting after the fact modifications to a previously approved Conditional Use Permit for a Neighborhood Impact Establishment, pursuant to Chapter 118, Article IV of the City Code. Specifically, the applicant is requesting approval for the expansion of a restaurant located in the rear yard.

**MIAMI BEACH**  
PLANNING DEPARTMENT

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

**PROPERTY:** 4385 Collins Avenue

**FILE NO.** PB 16-0052 fka 1959

**IN RE:** The application for after-the-fact modifications to a previously approved Conditional Use Permit for a Neighborhood Impact Establishment, pursuant to Chapter 118, Article IV of the City Code. Specifically, the applicant is requesting approval for the expansion of a restaurant located in the rear yard.

**LEGAL  
DESCRIPTION:**

Lot 1, excepting the south seventy-five (75') feet thereof, of Block 39 of Miami Beach improvement Company's Ocean Front Subdivision, according to the Plat thereof, AND the southern 75 feet of that certain tract marked and designated "R.P. Van Camp", on amended Map of Ocean Front Property of the Miami Beach Improvement Company, as recorded in Plat Book 5, pages 7 and 8, of the public records of Dade County, Florida.

**MEETING DATE:** November 15, 2016

**MODIFIED CONDITIONAL USE PERMIT**

The applicant, Beach House Owner, LLC, filed an application with the Planning Director for a modification to a previously issued Conditional Use Permit for after-the-fact modifications to a Neighborhood Impact Establishment, pursuant to Chapter 118, Article IV of the City Code.

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 RM-3, Residential High Intensity zoning district within the Collins Waterfront Local Historic District

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

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;

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

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

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 and the staff report and analysis, which are adopted herein, including the recommendations that the Modified Conditional Use Permit be GRANTED subject to the following conditions to which the applicant has agreed:

1. The Planning Board shall maintain jurisdiction of this Modified Conditional Use Permit. 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).
2. This Modified Conditional Use Permit is issued to Beach House Owner, LLC, as owner of the property and Soho House Beach House, LLC, as operator where the venues constituting a Neighborhood Impact Establishment are located. Any change of operator or ownership shall require review and approval by the Planning Board as a modification to this Conditional Use Permit. Subsequent owners shall be required to appear before the Board, within 90 days of change of ownership or operator to affirm their understanding of the conditions listed herein.
3. The conditions of approval for this Modified Conditional Use Permit are binding on the applicant, the property's owners, and all successors in interest and assigns.
4. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application for a Neighborhood Impact Establishment Conditional Use Permit.
5. The hours of operations shall be as proposed by the applicant:
  - a. Cecconi's Restaurant, Long Bar and Wine Bar: 7:00 a.m. until 2:00 a.m. seven days a week. This restaurant may provide 24-hour room service to hotel guests.
  - b. ~~The Tiki Hut Bar~~ Mandolin Beach and rear yard: 12:00 p.m. until 2:00 a.m. seven days a week.
  - c. The spa and gym: 7:00 a.m. until 10:00 p.m. seven days a week
  - d. The Breeze Bar: 7:00 p.m. until 4:00 a.m. seven days a week
  - e. The 8<sup>th</sup> floor roof spa pool area: 7:00 a.m. until 12:00 a.m. seven days per week.
  - f. The 8<sup>th</sup> floor roof bar, sitting room and private dining room 7:00 a.m. until 2:00 a.m. seven days a week
6. The occupant load shall be limited to no more than ~~762~~ 796 patrons as proposed by the applicant or such lesser number of persons as may be determined by the Fire Marshal. The Fire Department staff shall validate the patron occupant load, prior to the approval of any

Certificate of Occupancy, Business Tax Receipt or Certificate of Use for all the outdoor areas and pool deck venues.

7. Live entertainment, live music, and dancing shall be prohibited. Only ambient background music at a level that does not interfere with normal conversation shall be permitted, but not played by a DJ.
8. The installation plan for the sound system, including the location of all the speakers and sound system controls shall be submitted to staff for review and approval prior to obtaining a building permit.
9. When the sound system is replaced and completely installed, but before the updated Business Tax Receipt has been issued, it shall be tested under the supervision of Mr. Donald J. Washburn, president of The Audio Bug, Inc., to ensure that all aspects of the system's performance comply with the design intent and recommendations of the sound system study submitted as part of this application. A final report issued by Mr. Washburn shall be submitted to staff.
10. Delivery trucks shall only be permitted to make deliveries from the designated loading spaces contained within the property.
11. Delivery trucks shall not be allowed to idle in the loading areas.
12. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.
13. 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.
14. 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.
15. 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.
16. Garbage dumpster covers shall be closed at all times except when in active use.
17. Patrons shall not be allowed to queue on public rights-of-way, or anywhere on the exterior premises of the subject property.
18. The owner/operator shall be responsible for maintaining the areas adjacent to the facility, including the sidewalk, and all areas around the perimeter of the property. These areas shall be kept free of trash, debris and odor, and shall be swept and hosed down at the end of each business day

19. Special Events may occur on the premises, subject to City ordinances, rules or regulations existing at the time, and may exceed the hours of operation and occupancy loads specified herein, if permitted by the Fire Marshal, subject to the review and approval of staff.
20. The applicant shall address the following Concurrency and Traffic 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. A bicycle parking plan shall be submitted for staff review and approval prior to the issuance of a building permit.
  - e. Valet or loading activities shall not block Collins Avenue at any time.
21. Hotel security personnel shall take measures to enforce the Patron Age Restriction of the City Code during the hours of operation of all the venues serving alcohol.
22. Prior to the issuance of a Certificate of Occupancy, 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. A final concurrency determination shall be conducted prior to the issuance of a Certificate of Occupancy. Mitigation fees and concurrency administrative costs shall be paid prior to the project receiving the Business Tax Receipt.
23. Final calculations shall be made to determine the parking requirement for the project and any deficiency in the requirement and the parking spaces provided. The payment of the fee in lieu of providing all the required parking shall be determined at this time and payment of the required fee shall be made prior to the issuance of the Certificate of Occupancy.
24. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.
25. The applicant shall appear before the ~~Board of Adjustment~~ Historic Preservation Board for an after-the-fact Certificate of Appropriateness and for approval of any variances needed before the issuance of a Certificate of Completion, Certificate of Occupancy or Business Tax Receipt, whichever may come first.
26. The Planning Board shall retain the right to call the operators back before them and modify the hours of operation or the occupant should there be issuance of written warnings and/or notices of violation about loud, excessive, unnecessary, or unusual night noise.



27. 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.
28. The applicant shall resolve outstanding violations, fines and liens prior to the issuance of a Modified Certificate of Use or Business Tax Receipt, whichever may apply.
29. The executed Modified 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 Use, Certificate of Occupancy, Certificate of Completion or Business Tax Receipt shall be issued until this requirement has been satisfied.
30. 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.
31. The establishment and operation of this Modified 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 114-7 of the 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 permit.
32. 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 \_\_\_\_\_, 2016.

PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_  
Michael Belush, Chief of Planning and Zoning  
For the Chairman

