

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

## PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: June 10, 2025

FROM: Thomas R. Mooney, AICP  
Planning Director



For TRM

SUBJECT: **PB25-0740. 1681 Lenox Ave**

An application has been filed requesting a conditional use permit for the operation of a neighborhood impact establishment, including indoor entertainment, with an occupational content exceeding 199 persons, pursuant to Chapter 2, Article V, Section 2.5.2, and Chapter 7, Article V, Section 7.5.5.4 of the Miami Beach Resiliency Code.

### **RECOMMENDATION**

Approval with conditions.

### **BACKGROUND:**

On December 1, 2009, the Design Review Board approved the construction of a 2-story retail and restaurant building (DRB File No. 22561). The subject building was permitted and constructed and until recently was occupied by a restaurant (Yard House). On June 6, 2012, the Planning Board issued a CUP for the operation of a Neighborhood Impact Establishment for the previous restaurant, to sell alcohol with an occupant content above 299 persons (PB File No. 2069).

On May 15, 2025, the Design Review Board approved an application for modifications to the existing two-story commercial building including a proposed new aluminum screen located on the west and south facades, and including one or more waivers.

**Legal Description:** Lots 16 & 17, Block 38, Palm View Subdivision, according to the Plat Thereof, as Recorded in Plat Book 6, Page 29, of the Public Records of Miami-Dade County, Florida.

### **Zoning/Site Data**

**Zoning District:** CD-3, Commercial, High Intensity  
**Future Land Use Designation:** CD-3, Commercial, High Intensity  
**Local Historic District:** N/A  
**National Register District:** N/A

**Surrounding Uses:**  
**North:** Parking lot.  
**South:** Parking lot  
**West:** Parking lot  
**East:** Commercial office building

### **THE PROJECT**

The applicant, Ultra Supper Club Miami LP, has submitted plans entitled "1681 Lenox Avenue Planning Board Final Submittal" Prepared by Mak Work Inc., dated April 6<sup>th</sup>, 2025.

The applicant is requesting a conditional use permit for the operation of a neighborhood impact establishment, including indoor entertainment. A total of 296 seats are proposed, with 263 seats indoors and 33 seats outdoors. The total occupant content, including back of house and performance areas is 566 persons and the proposed patron occupant content is approximately

400 persons. The applicant is proposing indoor entertainment as part of a new restaurant operation, which would consist of five to eight live artistic performances each evening.

For comparison purposes, the former Yard House operations included approximately 403 seats, and the traffic study provided as part of the prior CUP was analyzed for 445 seats.

The following operating hours are proposed.

**Indoor Entertainment:**

Sundays-Saturdays: 11:00 A.M.-2:00 A.M.

**Outdoor Hours:**

Sundays-Thursdays: 11:00 A.M.-12:00 A.M.

Fridays-Saturdays: 11:00 A.M.-2:00 A.M.

**COMPLIANCE WITH CONDITIONAL USE REVIEW GUIDELINES:**

Conditional Uses may be approved in accordance with the procedures and standards set forth in the Miami Beach Resiliency Code Chapter 2, Article V, 2.5.2.2:

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

**Consistent** – A Neighborhood Impact Establishment (NIE) is a Conditional Use in the CD-3, Commercial, High Intensity zoning district.

- 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** – 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.

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

**Consistent** – NIEs are a conditional uses in this zoning district, and subject to Planning Board approval, based upon compliance with the conditional use criteria set forth in the City Code.

- 4. The public health, safety, morals and general welfare shall not be adversely affected.**

**Partially Consistent** – The proposed indoor entertainment component, as proposed, would adversely affect the general welfare of nearby residents, particularly if noise and hours of operation are not controlled. Staff has recommended conditions to ensure that the general welfare is maintained.

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

**Consistent** – No parking is required for the proposed use within the existing building as per parking tier 3a. However, there are three adjacent parking lots in the north, south, and west that can provide sufficient spaces for customers. The applicant also anticipates that many patrons will walk to the establishment after visiting area businesses or using ride shares.

- 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 neighborhood.

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

**Consistent** – There is not a high concentration of NIEs in the immediate vicinity.

- 8. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.**

**Not Applicable** – The site consists of an existing building. While the building will be renovated, no new exterior construction is proposed.

- 9. Appropriate consideration is given to the safety of and friendliness to pedestrian traffic, passageways through alleys is encouraged where feasible and driveways shall be minimized to the extent possible.**

**Not Applicable**

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

In accordance with Chapter 7, Article 5 Sec. 7.5.5.4 of the Miami Beach Resiliency 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 2, Article V:

- 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.**

**Consistent** –The operational plan provided includes all necessary information of hours of operation, number of employees, menu items, and goals of business.

- 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.**

**Not Applicable**– Parking is not required under the parking tier 3a.

- 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.**

**Consistent** – The layout of the restaurant and operations plan provided, should ensure that there would be no need to control a large group as there is a vestibule area.

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

**Consistent** – The submitted LOI indicates that no crowding or large groups are anticipated.

**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.**

**Not Applicable** – A traffic study was not required, as there is no increase in size to the permitted venue.

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

**Consistent** – Sanitation operations will be wheeled from the air-conditioned, enclosed garbage room, along the south property line, to the existing loading area located along Lenox Avenue, in front of the property.

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

**Partially Consistent** – The applicant is proposing indoor entertainment, which should be contained within the building. Staff has recommended conditions to minimize impact, including limiting the hour of operation for the outdoor area.

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

**Partially Consistent** – The subject property is surrounded by adjacent parking lots and a commercial building, with the Palm View residential zoning district located on the north side of 17<sup>th</sup> Street. Staff is recommending conditions to ensure that nearby residents of the Palm View neighborhood are not negatively affected.

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

**Consistent** – No negative cumulative effects are anticipated.

**COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 7.1.2.4 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.**

2. Windows that are proposed to be replaced shall be hurricane proof impact windows.

**Satisfied**

3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

**Satisfied**

4. Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 4 in Land Development Regulations.

**Not Applicable;** Existing landscaping along public right-of-way will remain.

5. The project applicant shall consider the 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. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.

**Consistent.** The existing structure took into consideration adopted sea level rise projections

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 and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to 3 additional feet in height.

**Not Applicable.**

7. As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment projects shall, whenever practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood.

**Not Applicable.**

8. Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to 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 in General Ordinances.

**Not Applicable.**

10. As applicable to all new construction, stormwater retention systems shall be provided.

**Not Applicable.**

11. Cool pavement materials or porous pavement materials shall be utilized.

**Not Applicable.**

12. The design of each project shall minimize the potential for heat island effects on-site.

**Not Applicable.**

## **ANALYSIS**

### **Project Description and Operations**

The proposed use exceeds 199 occupants, triggering review under the Miami Beach Resiliency Code (Chapter 2, Article V, Section 2.5.2, and Chapter 7, Article V, Section 7.5.5.4). The entertainment component will be part of a new restaurant, featuring approximately five to eight live artistic performances nightly.

**Proposed Hours of Operation:**

- **Indoor Entertainment:** Daily, 11:00 A.M. – 2:00 A.M.
- **Outdoor Operations:**
  - Sunday–Thursday: 11:00 A.M. – 12:00 A.M.
  - Friday–Saturday: 11:00 A.M. – 2:00 A.M.

**Sound**

The applicant submitted a sound study prepared by Edward + Associates (ED +A) dated February 14<sup>th</sup>, 2025. The venue will feature indoor live performances and amplified music. To mitigate noise impacts on nearby residential areas (approximately 160 feet away), the design includes sound-reducing features such as relocated entrances, double-door vestibules, and acoustically absorptive materials. An outdoor dining area, located 210 feet from the residential zone and enclosed by structural elements and foliage, is proposed along the south half of the site. The report also outlines sound system design strategies to further control noise emissions.

The project design outlined in MAK Work’s Occupancy Plan (LS-101, dated December 17, 2024) incorporates several architectural features to reduce and contain sound within the building and property. Key elements include the relocation of the main entrance to the southern side, installation of double-door vestibules at key access points, and an interior layout positioning dressing rooms and kitchen areas along exterior walls. Additionally, the existing impact-rated windows aid in sound control, and suspended acoustic panels and other absorptive materials are expected to further reduce reverberation and sound transmission within the interior.

To protect nearby residents from noise impacts, particularly from amplified sound and restaurant patrons, staff is recommending the following conditions:

**1. Hours of Operation**

- *Interior Areas:* Open daily from 11:00 A.M. to 2:00 A.M.
- *Exterior Areas:*
  - Sunday through Thursday: 11:00 A.M. to 11:00 P.M.
  - Friday and Saturday: 11:00 A.M. to 12:00 A.M.

**2. Sound System Requirements**

The sound system must be professionally installed and configured to limit acoustical output in accordance with the design intent and recommendations of the submitted sound system study.

- All sound controls must be password-protected.
- The installation plan—including equipment specifications, speaker locations, and volume controls—must be submitted to the Planning Department for review and approval.
- Before issuance of a Business Tax Receipt (BTR), the system shall be tested by a qualified acoustical professional, under supervision by Planning Department staff, to confirm that sound **and vibrations** from the interior are **not plainly audible or felt** outside the property boundaries. Sound levels will be set during this test to enforce compliance.

**3. Entertainment and Sound Restrictions**

- Entertainment and entertainment-level music shall be strictly limited to indoor areas between 11:00 A.M. and 2:00 A.M. daily.
- Outdoor/open-air areas may only feature ambient background music at a volume not to interfere with normal conversation. This area is further limited to only within the southern 50% of the property and is limited to the following hours:
  - Sunday through Thursday: 11:00 A.M. to 10:00 P.M.
  - Friday and Saturday: 11:00 A.M. to 11:00 P.M.

**4. Outdoor Sound Control Standards**

- Outdoor music shall not be plainly audible at a distance of 100 feet or more from the property.
- Outdoor speakers shall be small, low-powered units placed close together at ground level, with no subwoofers permitted.
- No outdoor speakers shall be installed in the northern 50% of the property, except for life safety purposes.
- Outdoor speakers shall be oriented to direct sound away from adjacent properties.

#### **5. Progress Report**

- A progress report shall be scheduled within 60 days of opening, in order to ensure that operations are proceeding as anticipated and approved.

#### **Deliveries and Sanitation**

All deliveries will take place on weekdays between 8:00 AM and 5:00 PM, utilizing the City-designated loading zone, which includes a curb cut located at the southwest corner of the property, directly in front of the building.

The applicant will partner with a City-approved waste collection service to manage daily trash pickup, scheduled between 8:00 AM and 5:00 PM. Refuse will be transported from a climate-controlled, enclosed garbage room located along the southern property line to the existing loading area on Lenox Avenue, in front of the building which is the same location previously used by the former tenant for waste collection.

#### **Security and Crowd Control**

As part of the space's redevelopment, the main entrance is being relocated from the northwest corner—closest to the residential neighborhood—to the south façade, adjacent to the parking lot along Lincoln Lane North. This change is intended to reduce noise impacts on nearby residents. Patrons will access the venue via a walkway along the southern edge of the property, proceeding east toward the center of the building. The new entrance will feature a lobby with a double-door vestibule designed to help contain noise within the interior. A dedicated security team will oversee the safety and security of the premises.

#### **Summary**

In summary, staff is supportive of the applicant's proposal for a new super club venue to replace the former Yard House restaurant. With some further restrictions on the hours of operations for the outdoor areas, as well as more limited hours for outdoor music, as noted above, staff believes there will be no negative impacts to the nearby Pam View residential neighborhood to the north.

#### **STAFF RECOMMENDATION**

In view of the foregoing, staff recommends the application be approved, subject to the conditions in the attached draft order.

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

**PROPERTY:** 1681 Lenox Ave

**FILE NO.** PB25-0740

**IN RE:** An application for a conditional use permit for the operation of a neighborhood impact establishment, including indoor entertainment, with an occupational content exceeding 199 persons, pursuant to Chapter 2, Article V, Section 2.5.2, and Chapter 7, Article V, Section 7.5.5.4 of the Miami Beach Resiliency Code.

**LEGAL DESCRIPTION:** Lots 16 & 17, Block 38, Palm View Subdivision, according to the Plat Thereof, as Recorded in Plat Book 6, Page 29, of the Public Records of Miami-Dade County, Florida.

**MEETING DATE:** June 10, 2025

**CONDITIONAL USE PERMIT**

The applicant, Ultra Supper Club Miami LP, is requesting a Conditional Use Permit for the operation of a Neighborhood Impact Establishment, including indoor entertainment, with an occupational content exceeding 199 persons. 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 zoning 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, 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 staff recommendations, as may have been modified by the Planning Board, that a Conditional Use Permit as requested and set forth above, be GRANTED subject to the following conditions to which the applicant has agreed.

1. 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 Resiliency Code Sec. 2.5.2.5.
2. The applicant shall be required to provide a letter to the Planning Department subsequent to the initial progress report and on an annual basis thereafter attesting to the applicant's compliance with all conditions of the CUP. The Planning Director shall include a copy of all such letters on the next available meeting agenda of the Planning Board for informational purposes. Following receipt of an applicant's annual letter, the Planning Board may elect to schedule a progress report before the Board at its next available meeting. Failure to provide such letter on an annual basis shall constitute a violation of the CUP and a progress report shall be scheduled. In addition to all enforcement provisions herein, the Board reserves the right to schedule a modification / revocation hearing if determined necessary when reviewing any annual progress report.
3. This Conditional Use Permit is issued to 1107 19B LLC c/o The Witkoff Group, as the owner and Ultra Supper Club Miami LP, as the operator of the restaurant venue. Any change of operator or 50% (fifty percent) or more stock ownership shall require the new operator or owner to submit an affidavit, approved by City, to the City of Miami Beach Planning Department, transferring approval to the new operator or owner and acknowledging acceptance of all conditions established herein prior to the issuance of a new Certificate of Use/Business Tax Receipt. A progress report shall be scheduled within 60 days followed by the submission and acceptance of the affidavit.
4. 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.
5. 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.
6. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application.
7. 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. The project authorized by this Conditional Use Permit includes the creation and operation of a restaurant with limited indoor entertainment, with an occupant content exceeding 199 persons as determined by the Fire Marshal.
- B. The establishment shall operate as a restaurant, preparing and serving food at all times. At no time shall the establishment become or operate as a standalone bar.
- C. The hours of operations shall be limited as follows:
  - Sundays – Thursdays: Interior – 11:00 A.M to 2:00 A.M.  
Exterior – 11:00 A.M. to 11:00 P.M.
  - Fridays – Saturdays: Interior - 11:00 A.M to 2:00 A.M.  
Exterior - 11:00 A.M. to 12:00 A.M.
- D. The 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 in accordance with the design intent and recommendations of the sound system study submitted as part of this application. 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. Prior to the issuance of the Business Tax Receipt (BTR), the sound system shall be tested under the supervision of a qualified acoustical professional and Planning Department staff, 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. This shall include the requirement that noise and vibrations from the interior sound system shall not be plainly audible or felt on the exterior of the property boundaries, and the sound system maximum levels shall be set during testing to comply with this requirement.
- E. Entertainment and entertainment level music shall be limited to the indoor areas within the following days/times:
  - Daily: 11:00 A.M.-2:00 A.M.
- F. Except as provided below, only ambient background music played at a volume that does not interfere with normal conversation may be permitted in the outdoor/open air areas, and only within the southern 50% of the property, and shall be limited to the following days/times:
  - Sundays-Thursdays: 11:00 A.M.-10:00 P.M.
  - Fridays-Saturdays: 11:00 A.M.-11:00 P.M.
  - a. In all outdoor areas, sound from the sound system shall not be plainly audible at a distance of 100 feet or more from the subject property.
  - b. The outdoor speaker system shall require the deployment of multiple small, closely spaced speakers at the ground level only, driven at low individual

volumes. Subwoofers shall be prohibited anywhere on the exterior of the premises. The system design shall physically distribute sound uniformly within the listening area.

- c. Except for life safety purposes, no outdoor speakers shall be placed anywhere on the northern 50% of the property. Speakers may only be placed in the southern 50% of the property where outdoor seating is shown on the plans, subject to the review and approval of staff.
  - d. All outdoor speakers shall be oriented in such a way as to minimize sound propagation towards abutting properties.
  - e. Only the outdoor speakers approved pursuant to this Conditional Use Permit shall be used.
  - f. Televisions shall not be located anywhere in the exterior areas of the property.
- G. Queuing shall be prohibited in the right of way at all times.
- H. Delivery trucks shall not be allowed to idle in the loading zone area.
- I. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.
- J. 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.
- K. 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.
- L. Garbage dumpster covers shall be closed at all times except when in active use.
- M. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.
- N. Any valet operation shall require the review and approval of the Planning Board, as a modification to this Conditional Use Permit.
8. The applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if deemed necessary, by paying its fair share cost, as determined by the Transportation/Concurrency Management Division, prior to obtaining a Certificate of Occupancy or Business Tax Receipt, whichever may occur first, and any other fair share cost that may be due and owing. Without exception, all concurrency fees, mitigation fees and

- concurrency administrative costs shall be paid prior to the issuance of a Certificate of Occupancy or Business Tax Receipt.
9. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of an occupational license to operate this entertainment establishment.
  10. The Planning Board shall retain the right to call the owner or operator back before them and modify the hours of operation or the occupant load of the accessory uses proposed for the project should there be valid complaints about loud, excessive, unnecessary, or unusual noise. Nothing in this provision shall be deemed to limit the right of the Planning Board to call back the owner or operator for other reasons and for other modifications of this Conditional Use Permit.
  11. 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 2.5.2.5 of the Land Development Regulations (LDRs) of the City of Miami Beach, Florida, entitled "Compliance with conditions; revocation or modification".
  12. The applicant agrees and shall be required to provide access to areas subject to this CUP (not including private residences) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the terms and conditions of this CUP.
  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. 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 1.3.7 of the Land Development Regulations (LDR's), entitled "ENFORCEMENT", and such enforcement procedures as are otherwise available. Any failure by the owner, applicant or operators 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.
  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 \_\_\_\_\_.

PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_  
Michael Belush, AICP  
Planning & Design Officer  
For Chairman

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_, by Michael Belush, Planning & Design Officer of the City of Miami Beach, Florida, a Florida  
Municipal Corporation, on behalf of the corporation. He is personally known to me.

\_\_\_\_\_  
Notary:  
Print Name  
Notary Public, State of Florida  
My Commission Expires:  
Commission Number:

{NOTARIAL SEAL}

Approved As To Form:  
Legal Department: \_\_\_\_\_ ( )

Filed with the Clerk of the  
Planning Board: \_\_\_\_\_ ( )