

MIAMI BEACH

PLANNING DEPARTMENT
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: June 02, 2020

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **DRB20-0527**
450 West DiLido Drive

An application has been filed requesting Design Review Approval for the construction of a new two-story single-family residence, including one or more waivers, to replace an existing pre-1942 architecturally significant two-story residence.

RECOMMENDATION:

Approved with conditions

LEGAL DESCRIPTION:

Lot 4 of Block 3 of Di Lido Island, according to the Plat Thereof, as Recorded in Plat Book 8, Page 36, of the Public Records of Miami-Dade County, Florida; Together with an eight (8) foot strip contiguous to same in bay.

SITE DATA:

Zoning: RS-3
Future Land Use: RS
Lot Size: 10,770 SF
Lot Coverage:
Existing: 3,978 SF / 36.9%
Proposed: 2,733 SF / **25.4%**
Maximum: 3,231 SF / 30%

Unit size:

Existing: 4,469 SF / 41.5%
Proposed: 5,425 SF / **50.3%**
Maximum: 5,385 SF / **50%**

2nd Floor to 1st: 2574 | 3233 79.6%*

***DRB WAIVER**

Height:

Proposed: 28'-0" flat roof from
BFE +4'*

***DRB WAIVER**

Maximum: 24'-0" flat roof

Grade: +4.25' NGVD

Base Flood Elevation: +9.00' NGVD

Difference: 4.75' NGVD

Adjusted Grade: +6.625' NGVD

30" (+2.5') Above Grade: +6.75' NGVD

First Floor Elevation: +11.00' NGVD

(BFE+2' FB)

Side Yard Elevations Min: 6.56' Max: 7.75'

Read Yard Elevations Min: 6.56' Max: 11'

EXISTING STRUCTURE:

Year: 1940

Architect: Arnold Southwell

Existing Finished Floor: 7.06' NGVD

Vacant: No

Demolition: Total demolition

SURROUNDING PROPERTIES:

East: One-story 1946 residence

North: One-story 1946 residence

South: Two-story 1934 residence

West: Biscayne Bay

THE PROJECT:

The applicant has submitted revised plans entitled "West Dilido Residence", as prepared by **Kobi Karp Architecture**, dated April 06, 2020.

The applicant is proposing to construct a new two-story residence on a waterfront lot on the western side of DiLido Island.

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

1. The height of the proposed structure is 28'-0" in accordance with Section 142-105(b)2; 28' as measured from BFE +1, or 9' NGVD.
2. A two-story side elevation in excess of 60'-0" in length in accordance with Section 142-106(2)(d).
3. The second floor's physical volume exceeds 70% of the first floor in accordance with Section 142-105(b)(4)(c): 87.42%

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code:

- Section 142-105(b)(1) *Lot area, lot width, lot coverage, unit size, and building height requirements*. The lot area, lot width, lot coverage, and building height requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows: **RS-3 May be increased up to 28 feet for flat roofs and 31 feet for sloped roofs when approved by the DRB or HPB, in accordance with the applicable design review or appropriateness criteria. The applicant is requesting 28'-0" flat roof from BFE+1, or 9' NGVD.**
- Two-story side elevations located parallel to a side property line shall not exceed 50 percent of the lot depth, or 60 feet, whichever is less, without incorporating additional open space, in excess of the minimum required side yard, directly adjacent to the required side yard. The additional open space shall be regular in shape, open to the sky from grade, and at least eight feet in depth, measured perpendicular from the minimum required side setback line. The square footage of the additional open space shall not be less than one percent of the lot area. The open space provided along a side elevation in accordance with this subsection, whether required or not, shall not be included in the lot coverage calculation provided that the combined depth of the open space, as measured from the required side setback line(s), is less than 30 percent of the maximum developable building width of the property, as measured from the interior setback lines, and the total open space provided does not exceed five percent of the lot area. Any portions of the interior side yard open space in excess of five percent of the lot area shall be included in the total lot coverage calculation. **The elevation (height) of the open space provided shall not exceed the maximum permitted elevation height of the required side yard,** and at least 75 percent of the required interior open space area shall be sodded or landscaped previous open space. The intent of this regulation shall be to break up long expanses of uninterrupted two-story volume at or near the required side yard setback line and exception from the minimum requirements of this provision may be granted only through design review board approval in accordance with the applicable design review criteria. Open space is 10.5' NGVD where max elevation is 7.75'
- 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. **The applicant is requesting a 2nd Floor Volume to 1st of 79.6% with a 25.4% lot coverage, which will require a waiver from the DRB.**

- A0.01, ZONING DATA SHEET – Correct Grade 4.25
- A0.13 Exterior Spiral stair does not count towards unit size at first level. Unit size must be lowered: 5,425 SF / **50.3%**
- A0.14 Exterior Spiral stair does not count towards unit size at second level. Void space near stair and elevator does not count towards unit size at second level. Double height gallery does not count towards unit size at second level Increase dimensions. Unit size must be lowered: 5,425 SF / **50.3%**
- Survey shows incorrect lot area of 10,980 SF which includes submerged land. The zoning review at this time considering the area located in the waterway for zoning analysis will be subject to permit approvals from all applicable agencies at the time of the building permit. Note that this condition will be added in the DRB final order of the project. Unit size must be lowered: 5,425 SF / **50.3%** based on 10,770 SF lot, per revised survey.
- Revise open space calculations in the rear yard, page A0-12. The 70% of 1,650 sf is 1155 sf. Based on the open space provided, the project does not comply with open space.

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.
Not Satisfied; the applicant is requesting three (3) design waivers from the Board.
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.
Not Satisfied; the applicant is requesting three (3) design waivers from the Board.

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 applicant is requesting three (3) design waivers 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.
Not Satisfied; the applicant is requesting three (3) design waivers from the Board.
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 applicant is requesting three (3) design waivers 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 applicant is requesting three (3) design waivers 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.
Satisfied
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 applicant is requesting three (3) design waivers 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.
Satisfied
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Satisfied
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
18. In addition to the foregoing criteria, subsection 118-104(6)(t) of the City Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.
Not Applicable

19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.
Not Satisfied; see below

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) 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 Satisfied
A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department.
- (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 126 of the City Code.
Satisfied
- (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.
Satisfied
- (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 three (3) additional feet in height.
Satisfied
- (7) In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.
Satisfied
- (8) Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.
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 of the City Code.

Not Applicable

- (10) In all new projects, water retention systems shall be provided.

Not Satisfied

- (11) Cool pavement materials or porous pavement materials shall be utilized.

Not Satisfied

- (12) The project design shall minimize the potential for a project causing a heat island effect on site.

Not Satisfied

ANALYSIS:

DESIGN REVIEW

The applicant is proposing to construct a new two-story residence on a waterfront parcel on the western side of DiLido Island that will replace an existing pre-1942 architecturally significant two-story residence. The design floor elevation of the new residence is proposed at base floor elevation (9) plus two (2) feet of free board, or +11.00' NGVD. The applicant is requesting two design waivers from the Board.

The proposed residence features a rectilinear two-story massing with one story garage configured in the north portion of the site. Stacked coplanar walls define the primary volume while white cantilevered beams just out of the main façade at the second level and overhang the rooftop of the garage area. The architecture of the garage is similarly composed of vertical white columnar elements that overlap creating an interlocking geometric design. The final design details of the front façade of the garage is missing, specifically whether the vertical columns on the garage are interspersed with small vertical ribbon windows or simply afield of stucco. The rear waterfront façade also contains there overhanging projecting beams.

The first design waiver pertains to the height of the residence. The maximum building height in the RS-3 zoning district is 24'-0" for flat-roofed structures. However, in the RS-3 zoning district, the DRB may approve a building height of up to 28'-0" for flat roofs. The architect is seeking 28'-0" for the majority of the two-story residence, maintaining the required 24' height at the front of the site, from BFE +2'-0". The intent of the waiver is for lots in the RS-3 districts that resemble lot sizes in the RS-1 and RS-2 zoning districts. The subject site contains 10,500 SF, where the minimum lot area for such districts is 10,000 SF. While the bulk of the height is requested for the building volume that is setback more than 54' from the property line, staff has concerns with the height waiver due to the size of the lot, which is just over the RS-3 minimum threshold and the full 4' height request for greater portion of the two-story residence. Additionally, a new residence located two lots to the north of the subject site, was reviewed and approved by the Design Review Board on March 03, 2015, pursuant to DRB23079. Designed under prior regulations, that residence featured a two-story flat roof structure measuring 24'-0" in height from BFE (9' NGVD). Also, a residence located two lots to the south of the subject site, was reviewed and approved by the Design Review Board on October 2, 2012, pursuant to DRB22923. Designed under even older regulations, that residence featured a two-story flat roof structure measuring 28'-0" in height

from CMB Grade (4.25' NGVD). Approval of the additional 4'-0" height waiver would be incompatible with recent approvals in the immediate area. For all of these reasons, staff is not supportive of the requested 4'-0" height waiver proposed for this RS-3 lot.

The second design waiver relates to both side open space requirements for two-story elevations that exceed 60'-0" in length. The proposed home features a northern notched open space along the north interior side, that is primarily programmed to blend indoor and outdoor programmed space and to break up the home's two-story massing. The outdoor garden area is designed as an 15'-10" wide by 10'-3" deep recess at the ground level that is 6" lower than the first finished floor of the residence with an elevation of 10.5' NGVD where max elevation is 7.75'. As such elevation height of the garden space renders the open space not compliant with all of the regulations. The open space proposed attempts to address the intent of the ordinance by breaking up the two-story elevation. Staff supports the waiver of the north side open space but recommends additional refinement of the opposite elevation (North interior elevation, A4.03) to add more planar movement or additional fenestration to increase architectural interest.

The third design waiver pertains to the second floor to first floor ratio of the home. Since the proposed home has a lot coverage of 25.4%, any second floor massing is restricted to 70% of the first floor, unless a waiver is approved by the DRB. As proposed, the home has a second floor to first floor ratio of 79.6%. The lot coverage is less than 1% higher than what would otherwise warrant a second floor volume to be allowed without a design review. When reviewing the second-floor volume rule, staff believes that since the design is only slightly above the lot coverage, the request is commensurate with the overall rectilinear design that features a one-story garage structure proposed towards the front of the property. Additionally, the architect has respected the street scale through an increased setback for the exterior wall of the two-story portion of the home, which greatly lessens its impact on the street. Finally, the architect stepped the south side massing with increase setbacks that stagger from the front of the site and has provided the required open recess along the north side elevation to break up the massing. As such, staff is supportive of this requested waiver.

In conclusion, staff recommends that the approval of the proposed design without the requested height waiver, but including the waiver requests pertaining to the open space requirement along the side north yard and the 70% second floor volume.

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 and Sea Level Rise criteria.

**DESIGN REVIEW BOARD
City of Miami Beach, Florida**

MEETING DATE: June 02, 2020

FILE NO: DRB20-0527

PROPERTY/FOLIO: **450 West DiLido Drive** 02-3232-011-0330

LEGAL: Lot 4 of Block 3 of Di Lido Island, according to the Plat Thereof, as Recorded in Plat Book 8, Page 36, of the Public Records of Miami-Dade County, Florida; Together with an eight (8) foot strip contiguous to same in bay.

IN RE: An application has been filed requesting Design Review Approval for the construction of a new two-story single-family residence, including one or more waivers, to replace an existing pre-1942 architecturally significant two-story residence.

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 1, 2, 3, 4, 5, 6, 9, and 19 in Section 118-251 of the Miami Beach Code.
- C. 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 Sea Level Rise Criteria 1, 10, 11 and 12 in Section 133-50(a) of the Miami Beach Code.
- D. The project would be consistent with the criteria and requirements of Section 118-251 and/ or Section 133-50(a) if the following conditions are met:
 1. Revised elevation, site plan, and floor plan drawings for the proposed new home at 450 West DiLido Drive shall be submitted, at a minimum, such drawings shall incorporate the following:
 - a. The required 70% limitation for the second floor volume **shall be** waived as proposed and shall not be increased at time of permitting, in a manner to be

reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- b. The proposed increase in height **shall not** be permitted as proposed; the maximum height of the structure shall be 24'-0" when measured from BFE + freeboard (5'-0").
- c. The proposed (north) interior side open space requirements **shall be** waived as proposed.
- d. URBAN HEAT ISLAND ORDINANCE Sec. 142- 1132. g) Driveways. (4) Driveways and parking areas that are open to the sky within any required yard shall be composed of porous pavement or shall have a high albedo surface consisting of a durable material or sealant, as defined in section 114- 1 of this Code. (5) Driveways and parking areas composed of asphalt that does not have a high albedo surface, as defined in section 114- 1 of this Code, shall be prohibited.
- e. Fence within the rear yard (27'-0") cannot exceed 5'-0" from adjusted grade elevation.
- f. The north side elevation (A4.03) **shall not** be permitted as proposed; the architect shall further refine the side elevation along both levels with added fenestration, change in plane, introduction of contrasting material, or other architectural method, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- g. • Survey shows incorrect lot area of 10,980 SF which includes submerged land. The zoning review at this time considering the area located in the waterway for zoning analysis will be subject to permit approvals from all applicable agencies at the time of the building permit.
- h. The maximum unit size for the two-story residence shall be 50% of the lot area.
- i. The final design details and color selection and size of the pieces of the "horizontal textured beige stone" material finish 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.
- j. The final design details of the exterior materials and finishes 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.
- k. 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.

a consistent canopy tree species as similar to the neighboring trees along the street.

- g. The applicant shall install street trees adjacent to the subject property consistent with the City's Street Tree Master Plan or similar to existing species along the street, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board, and root barriers shall be installed along the sidewalk in conjunction with structural soils.
- h. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- i. 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.
- j. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- k. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventers and all other related devices and fixtures. The location of backflow preventers, 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.
- l. 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.
- m. 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. No variance(s) were filed as part of this application.

III. General Terms and Conditions applying to both 'I. Design Review Approval and 'II. Variances' noted above.

- A. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board, and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.
- B. During construction work, 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 exiting and entering the site, and with an 8'-0" high fence with a wind resistant green mesh material along the front 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.
- C. If applicable, 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. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, in a manner to be reviewed and approved by staff.
- E. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- F. 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.
- G. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- H. 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.
- I. 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.

- J. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- K. 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.

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 "West Dilido Residence", as prepared by **Kobi Karp Architecture**, dated April 06, 2020, 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_____.

