

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

**PROPERTY:** 5840 & 5848 North Bay Road

**FILE NO.** PB 19-0303

**IN RE:** An application has been filed requesting a Division of Land/Lot Split, pursuant to Chapter 118, Article VII of the City Code, to reconfigure the lot lines for two existing buildable parcels, which are comprised four (4) platted lots. Specifically, 5840 North Bay Road (Lots 29, 28, & south 2/3 of Lot 27) and 5848 North Bay Road (Lot 26 and the north 1/3 of Lot 27) will be reconfigured, resulting in 5840 North Bay Road (Lots 29 & 28), and 5848 North Bay Road (Lots 26 & 27).

**LEGAL**

**DESCRIPTION:** 5840 N. Bay Road: Lots 28 and 29, and the south 2/3 of lot 27 , in Block 1A, of LA GORCE GOLF SUBDIVISION; according to the Plat thereof, as recorded in Plat Book 14, Page 43, of the Public Records of Miami-Dade County, Florida.

5848 N. Bay Road: Lots 26 and 27 Less the southerly 2/3 of lot 27, in Block 1A, of LA GORCE GOLF SUBDIVISION; according to the Plat thereof, as recorded in Plat Book 14, Page 43, of the Public Records of Miami-Dade County, Florida.

**MEETING DATE:** February 25, 2020

**DIVISION OF LAND/LOT SPLIT  
FINAL ORDER**

The applicant, 5830 NBR, LLC, requested a Division of Land/Lot Split, pursuant to Chapter 118, Article VII of the City Code, to reconfigure the lot lines for two existing buildable parcels.

The City of Miami Beach Planning 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:

- A. 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 consistent with Planning Board "Division of Land/Division of Land/Lot Split" criteria in Section 118-321.B of the Miami Beach Code.
- B. The project would remain consistent with the criteria and requirements of Section 118-321.B subject to the subject to the following conditions, to which the Applicant has agreed:
  1. The two (2) lots modified pursuant to this lot split application at 5840 & 5848 North Bay Road, shall comply with the following:

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- a. The subject lots shall not be subdivided any further.
  - b. Design Review Board review and approval shall be required for the proposed home on 5840 North Bay Road.
  - c. The building parcels created by this lot split shall be as depicted on the signed and sealed surveys by Delta Mapping and Surveying, INC. dated 11-07-2019 and American Services of Miami Corp. Dated November 12, 2019.
  - d. Individual underground utility, water, sewer, electric, telephone and cable connections, as well as the payment of any applicable impact fees, shall be the responsibility of the owners of each respective lot.
  - e. If required, the removal and replacement of all or portions of the sidewalk curb and gutter along all portions of each lot shall be the responsibility of the applicant.
  - f. The maximum unit size for each lot shall be limited to the lesser of 50% or the maximum permitted at the administrative level at the time of building permit, as per Section 142-105 (b), as may be revised from time to time.
  - g. The maximum lot coverage for each lot shall be limited to the lesser of 30% or the maximum permitted at the administrative level at the time of building permit, as per Section 142-105 (b), as may be revised from time to time, unless a variance is granted by the Design Review Board.
  - h. Any proposed new home on 5840 North Bay Road shall fully adhere to the review criteria and development regulations identified in Sections 142-105 and 142-106, as may be revised from time to time. Enhancements of the applicable development regulations through Design Review Board review and approval shall not be permitted.
  - i. Prior to the issuance of a Building Permit, a tree report prepared by a certified arborist for all of the existing trees on site shall be submitted for the review and evaluation of the CMB Urban Forester. Any trees identified to be in good health shall be retained or relocated if determined to be feasible by the CMB Urban Forester.
2. The applicant and/or owner, for each lot created herein, both now and in the future, shall abide by all the documents and statements submitted with this application for Division of Land/Lot Split, as well as all conditions of this Order. The conditions of approval for this Lot Split are binding on the applicant, the property owners, and all successors in interest and assigns.

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3. The Planning Board shall maintain jurisdiction of this Lot Split approval. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board. The Board reserves the right to modify the Lot Split approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address problems and to determine the timing and need for future progress reports. This Lot Split is also subject to modification or revocation under City Code Sec. 118-323.
4. The applicant and/or owner of each property shall resolve all outstanding violations and fines on each respective property, if any, prior to the issuance of a building permit for any home proposed.
5. 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.
6. The executed Order for the Division of Land/Lot Split shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant and returned to the Planning Department. A building permit, certificate of occupancy, or certificate of completion shall not be issued until this requirement has been satisfied.
7. The Lot Split approval approved herein shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the City Code, and shall be subject to enforcement procedures set forth in Section 114-8 of the Code and such other enforcement procedures as are permitted by law. 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 approval.
8. 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 is adopted herein, including staff recommendations, as modified by the Planning Board that the Division of Land/Lot Split as requested and set forth above be GRANTED, subject to those certain conditions specified in Paragraph B of the Findings of Fact (Condition Nos. 1-8, inclusive) hereof, to which the applicant has agreed.

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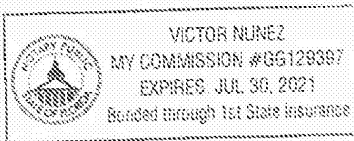
Dated this 9<sup>th</sup> day of April, 2020.

PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

BY: Michael Belush  
Michael Belush,  
Chief of Planning & Zoning  
For Chairman

STATE OF FLORIDA            )  
COUNTY OF MIAMI-DADE    )

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of April, 2020, by Michael Belush, Chief of Planning and Zoning of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



Victor Nunez

Notary:  
Print Name: Victor Nunez  
Notary Public, State of Florida  
My Commission Expires: July 30, 2021  
Commission Number: 66128397

[NOTARIAL SEAL]

Approved As To Form: Notarized (4/9/2020)  
Legal Department

Filed with the Clerk of the Planning Board on April 9, 2020

*MB*