MIAMI BEACH
PLANNING DEPARTMENT

Staff Report & Recommendation — PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: September 26, 2023

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **PB23-0599. 1120 Bay Drive. Single Family Home Lot Split/Subdivision of Land.**

An application has been filed requesting a division of land/lot split to divide the existing site comprised of three platted lots, into three individual buildable parcels pursuant to Chapter 2, Article V, Section 2.5.4 of the Miami Beach Resiliency Code.

RECOMMENDATION:
Approval with conditions.

HISTORY

July 25, 2023 — The Planning Board discussed the proposed lot split and continued the item to the September 26, 2023 meeting.

EXISTING STRUCTURES/SITE:
The subject application includes one parcel that is made up of three platted lots and is located at 1120 Bay Drive. The existing site is approximately 26,775 square feet and contains an existing, approximately 4,169 square foot home that was built in 1939.

ZONING / SITE DATA:

Legal Description: *1120 Bay Drive: Lots 9, 10, and 11, Block 13, of the Ocean Side Section of the Isle of Normandy Subdivision, according to the map or plat thereof, as recorded in Plat Book 25, Page 60 of the Official Public Records of Miami-Dade County, Florida*

Zoning: RS-4 Single-Family Residential District

Future Land Use: Single Family Residential Category (RS)

Current Lot Size: 26,711 SF (0.61 AC)

Proposed Lot Sizes: Lot 9: 8,904 SF (0.2 AC)
Lot 10: 8,904 SF (0.2 AC)
Lot 11: 8,904 SF (0.2 AC)

Existing Lot Width: 1120 Bay Drive: 164'-3"

Proposed Lot Width: Lot 9: 54'-9"
Lot 10: 54'-9"
Lot 11: 54'-9"

REVIEW CRITERIA:
Pursuant to Section 2.5.4.2 of the Resiliency Code, in reviewing an application for the division of lot and lot split, the Planning Board shall apply the following criteria:

1. **Whether the lots that would be created are divided in such a manner that they are in compliance with the regulations of these land development regulations.**

   Consistent – The minimum lot size for the RS-4 district is 6,000 SF and the minimum lot width is 50 feet. The three proposed lots exceed these standards.

2. **Whether the building site that would be created would be equal to or larger than the majority of the existing building sites, or the most common existing lot size, and of the same character as the surrounding area.**

   Consistent – The average lot size is 13,494 and the most common lot size is 14,450 SF. The proposed lots are 8,904 SF, which are consistent with the existing development pattern of the area.

3. **Whether the scale of any proposed new construction is compatible with the as-built character of the surrounding area, or creates adverse impacts on the surrounding area; and if so, how the adverse impacts will be mitigated. To determine whether this criterion is satisfied, the applicant shall submit massing and scale studies reflecting structures and uses that would be permitted under the land development regulations as a result of the proposed lot split, even if the applicant presently has no specific plans for construction.**

   Partially Consistent – Staff has analyzed the average unit sizes and the proposed unit sizes. The proposed homes on the three resulting lots could be out of scale with the existing development pattern in the surrounding neighborhood. As a result, staff has recommended a 40% unit size limit on the new homes.

4. **Whether the building site that would be created would result in existing structures becoming nonconforming as they relate to setbacks and other applicable regulations of these land development regulations, and how the resulting nonconformities will be mitigated.**

   Consistent – The applicant is proposing to demolish the existing home on 1120 Bay Drive and develop a new home. As a result, no existing structures would be made nonconforming.

5. **Whether the building site that would be created would be free of encroachments from abutting buildable sites.**

   Consistent – There are no encroachments from abutting sites and the new sites will be free from encroachments.

6. Whether the proposed lot split adversely affects architecturally significant or historic homes, and if so, how the adverse effects will be mitigated. The board shall have the authority to require the full or partial retention of structures constructed prior to 1942 and determined by the planning director or designee to be architecturally significant under subsection 7.2.7.4.a.

Partially consistent – The proposed lot split would result in the demolition of a home developed prior to 1942; however, it has not been determined to be architecturally significant.

7. The structure and site comply with the sea level rise and resiliency review criteria in Chapter 7, Article I, as applicable.

Consistent – The new homes will fully comply with the sea level and resiliency review criteria.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4 of the Resiliency Code 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.

Satisfied – The applicant has indicated that a recycling or salvage plan will be provided at the building permit phase.

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

Satisfied – The applicant has indicated that all windows will be hurricane proof impact windows.

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

Partially Satisfied – The applicant has indicated that where feasible, passive cooling systems will be provided. Any new homes require the approval of the Design Review Board (DRB) at which point the resiliency criteria will be addressed in greater detail.

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.

Satisfied – The applicant has indicated that where resilient, Florida-friendly landscaping will be provided. Any new homes require the approval of the DRB at which point the resiliency criteria will be addressed in greater detail.

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 – The applicant indicated that the adopted sea level rise projections and land elevations of the subject and surrounding properties were taken into account.

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.**

   Satisfied – The applicant indicated that proposed designs will be adaptable to the raising of the public right-of-way and adjacent land.

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 elevation.**

   Satisfied – The applicant indicated that all critical mechanical and electrical systems will be located above the base flood elevation.

8. **Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to the base flood elevation, plus City of Miami Beach Freeboard.**

   Not Applicable – All existing structures will be demolished.

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 the General Ordinances.**

   Satisfied – There will be no habitable space below the design flood elevation.

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

    Partially Satisfied – The applicant indicated that stormwater retention systems will be provided where feasible.

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

    Satisfied – The applicant indicated that cool and porous pavements will be utilized. Any new homes require the approval of the DRB at which point the resiliency criteria will be addressed in greater detail.

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

    Satisfied – The applicant indicated that the potential for the heat island effect will be

minimized with high albedo roofing materials, landscaping, and open spaces.

ANALYSIS:

The subject property is owned by Bay Drive Realty, LLC (the applicant), which consists of a single parcel containing three (3) platted lots (lots 9, 10, and 11). The applicant is proposing to divide the parcel into three separate parcels that are consistent with the three (3) platted lots. An Opinion of Title was submitted in conformance with the requirements of the Miami Beach Resiliency Code.

The RS-4 residential single-family zoning district requires a minimum lot area of 6,000 square feet and a minimum lot width of 50 feet. Each of the proposed new parcels would comply with the minimum lot area and lot width.

The tables in the section below summarize the statistical data of similar properties in the surrounding area (see also analysis parcels aerial). The source of the data is the Miami Dade County Property Appraiser's Office.

As a point of information, the Property Appraiser's Office adjusts the size of structures by increasing or adjusting the stated square footage for outdoor covered areas such as loggias, covered patios, etc. and for non-air-conditioned garages. As per the City's definitions, these items are generally excluded from unit size calculations. In the Data Analysis below, the adjusted unit size percentage is the percentage unit size of the existing home using the adjusted square footage from the Property Appraiser's office. Staff has included a "20% allowance" column, to take into consideration a reasonable accommodation for future renovations and additions for existing homes.

The applicant is proposing to demolish the existing home, which was built in 1939. The home has not been determined to be architecturally significant. Section 7.2.2.3 (xi) of the Resiliency Code provides that new homes on lots resulting from a lot split application are subject to the review and approval of the DRB. Since the proposed lots will follow the original platted lot lines, the proposed homes are not subject to the additional lot coverage and unit size limitations in this section.

Area Analysis Data:

Subject Site:

Address	Lot Size	Year Built	Unit Size	Unit Size %
1120 BAY DR	26,775	1939	4,148	15%

Surrounding Sites Summary:

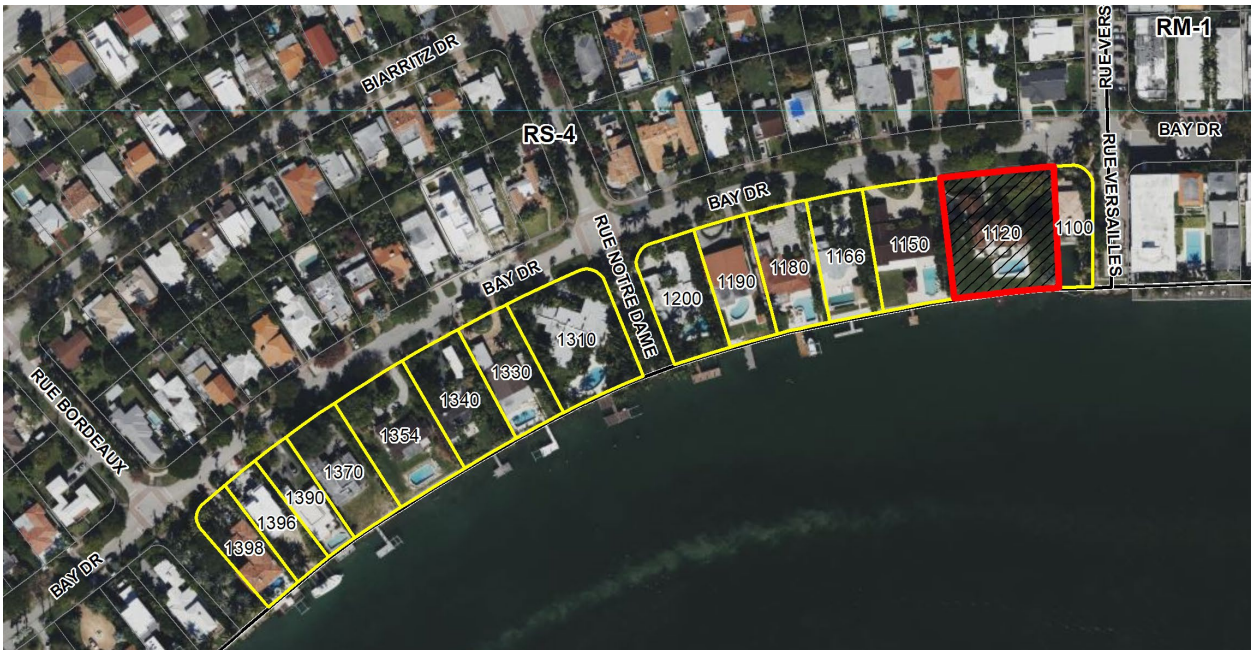
Statistic	Lot Size	Year Built	Unit Size	Unit Size %	Unit Size +20% Allowance (SF)*	Unit Size +20% Allowance %	Floors
Average	13,494	1952	3,464	26%	4,061	30%	1
Median	12,767	1952	3,088	24%	3,706	29%	1
Max	21,845	1959	6,174	57%	6,174	57%	2
Min	8,840	1939	2,376	13%	2,851	16%	1
First Quartile	11,135	1950	2,808	22%	3,370	26%	1
Third Quartile	14,450	1956	3,463	27%	4,156	32%	1
Mode	14,450	1950	N/A	N/A	N/A	N/A	1

Analysis Parcels Data:

Address	Lot Size	Year Built	Unit Size	Unit Size %	Unit Size +20% Allowance (SF)*	Unit Size +20% Allowance %	Floors
1200 BAY DR	14,450	1956	3,407	24%	4,088	28%	1
1190 BAY DR	12,385	1955	3,463	28%	4,156	34%	1
1180 BAY DR	13,950	1956	3,365	24%	4,038	29%	1
1166 BAY DR	13,150	1949	2,590	20%	3,108	24%	2
1150 BAY DR	17,799	1958	4,587	26%	5,504	31%	1
1100 BAY DR	9,801	1947	2,812	29%	3,374	34%	2
1398 BAY DR	10,880	1939	6,174	57%	6,174	57%	2
1390 BAY DR	8,840	1952	2,376	27%	2,851	32%	1
1370 BAY DR	12,021	1952	2,808	23%	3,370	28%	1
1354 BAY DR	18,601	1950	2,470	13%	2,964	16%	1
1340 BAY DR	14,450	1950	3,066	21%	3,679	25%	1
1330 BAY DR	11,900	1959	3,088	26%	3,706	31%	1
1310 BAY DR	21,845	1950	4,820	22%	5,784	26%	1
1396 BAY DR	8,840	U/C	U/C				

*The 20% allowance was added to the adjusted square footage only if the increase remained within permissible limits pursuant to the Land Development Regulations.

Analysis Parcels (aerial)



Summary of Data Analysis:

- The analysis area consists of RS-4 lots to the east and west of the subject parcels located on the southern part of Normandy Isle fronting Bay Drive to the north, Rue Versailles to the east, Rue Bordeaux to the west, and Biscayne Bay to the south.
- There are 14 parcels in the analysis area, excluding the applicant's parcels.
- All parcels range in size from 8,840 to 21,845 square feet. The proposed parcels will be sized within this range.
- The average lot size is 13,494 square feet.
- The median lot size is 12,767 square feet.
- The resulting parcels will be 4,590 SF smaller than the average square footage and 3,863 SF smaller than the median square footage.
- The average adjusted unit size is 3,464 square feet (26% of lot area) and the median unit size is 3,088 square feet (24% of lot area).
- There is one (1) home that exceeds the current maximum unit size of 50%.
- Current homes range from a unit size of 2,376 SF (13% of lot area) to 6,174 SF (57% of lot area).
- Factoring a reasonable assumption of future additions to existing homes of 20% of the current adjusted size, the average home unit size increases to 4,061 SF (30% of lot area) and a median size of 3,706 (29% of lot area).
- The applicant is proposing a unit size of 50% for the three parcels, which amounts to 4,452 SF.
- There is one (1) lots with a home under construction.

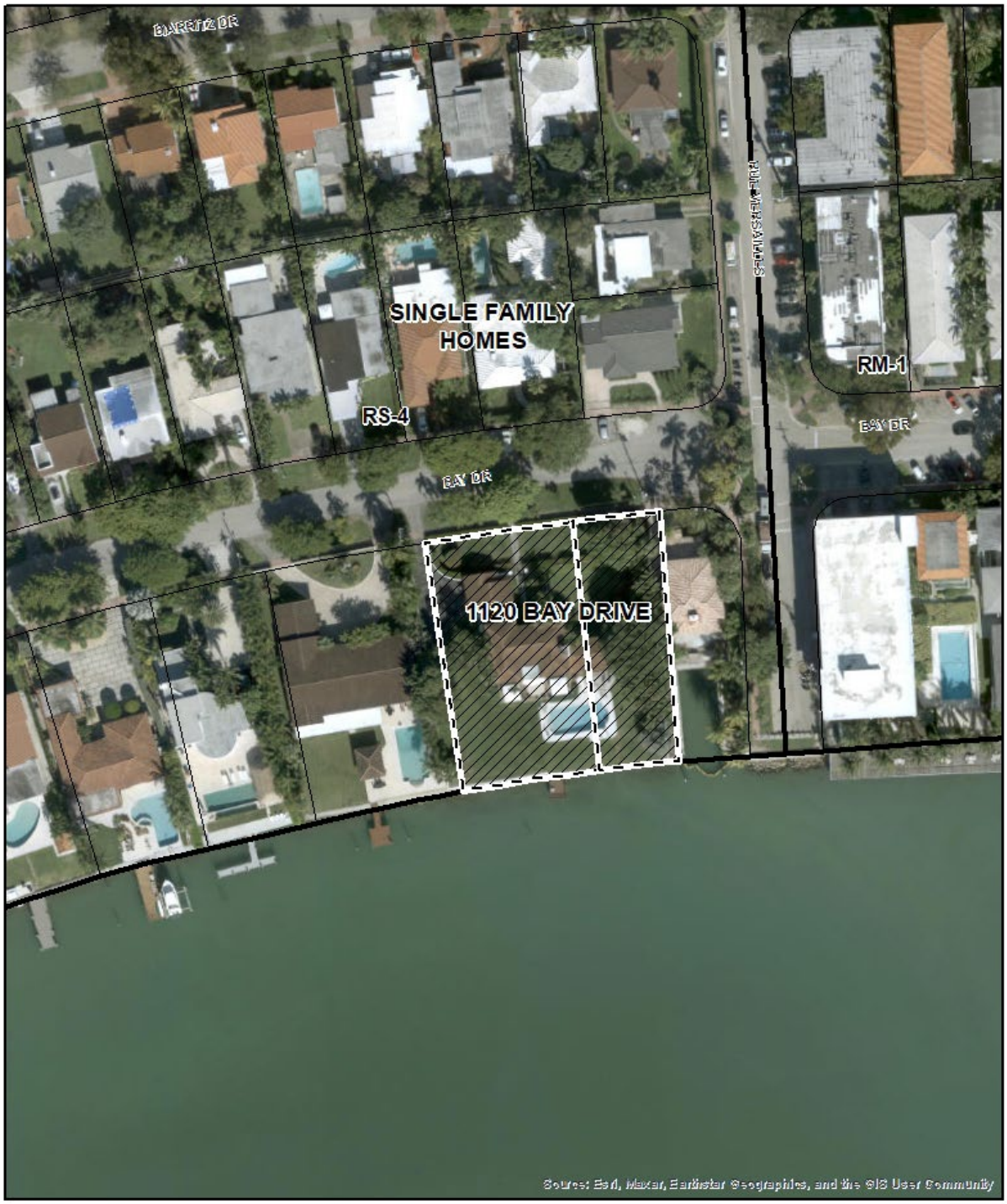
Staff would note that the existing homes in the study area with a reasonable allowance for additions would have an average unit size of 30% and a median of unit size of 29%. The applicant has indicated that they will be seeking to develop homes at the maximum unit size of 50%, as permitted by the Resiliency Code.

The 20% difference between the current median unit size with a 20% allowance and the unit size of 50% requested by the applicant could result in homes that are out of scale with the surrounding community. As a result, staff recommends that the unit size be limited to 40% or 3,561 SF for each new lot. While the resulting homes would be larger than the average unit size, it would be closer in scale to the existing built environment. The 3,561 SF unit size is consistent with the third quartile of homes, meaning that it would be larger than 75% of the homes in the study area.

STAFF RECOMMENDATION:

In view of the foregoing analysis, staff recommends that the application be approved subject to the conditions enumerated in the attached Draft Order.

ZONING/SITE MAP



MIAMIBEACH
PLANNING DEPARTMENT
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0 20 40 80 120 160 200 Feet

PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA

PROPERTY: 1120 Bay Drive

FILE NO. PB23-0599

IN RE: An application has been filed requesting a division of land/lot split to divide the existing site comprised of three platted lots, into three individual buildable parcels pursuant to Chapter 2, Article V, Section 2.5.4 of the Miami Beach Resiliency Code.

LEGAL DESCRIPTION: 1120 Bay Drive: Lots 9, 10, and 11, Block 13, of the Ocean Side Section of the Isle of Normandy Subdivision, according to the map or plat thereof, as recorded in Plat Book 25, Page 60 of the Official Public Records of Miami-Dade County, Florida.

MEETING DATE: September 26, 2023

DIVISION OF LAND/LOT SPLIT
FINAL ORDER

The applicant, Bay Drive Realty, LLC, requested a Division of Land/Lot Split, pursuant to Chapter 2, Article V, Section 2.5.4 of the Miami Beach Resiliency Code, to modify the existing property lines of the site comprised of three individual lots.

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 Chapter 2, Article V, Section 2.5.4 of the Miami Beach Resiliency Code.

B. The project would remain consistent with the criteria and requirements of Chapter 2, Article V, Section 2.5.4 of the Miami Beach Resiliency Code, subject to the following conditions, to which the Applicant has agreed:

1. The modifications authorized to the three (3) lots at 1120 Bay Drive, by this lot split application, shall comply with the following:

    a. The subject lots shall not be subdivided any further.

    b. Design Review Board review and approval shall be required for the proposed home at 1120 Bay Drive.

c. The building parcels created by this lot split shall be as depicted on the signed and sealed surveys by COLLIERS Engineering and Design, dated August 10, 2022.

d. Individual underground utility, water, sewer, electric, telephone and cable connections, as well as the payment of any applicable impact and mobility 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. Any proposed new home on each lot shall fully adhere to the review criteria and development regulations identified in Chapter 7, Article II Section 7.2.2.3 of the Miami Beach Resiliency Code.

g. The new homes shall not exceed a unit size of 40%.

h. 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 a 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.

i. 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.

2. The applicant shall maintain the land clean and free from debris.

3. 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.

4. 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 Chapter 2, Article V, Section 2.5.4 of the Miami Beach Resiliency Code.

5. 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.

6. 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.

7. 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.

8. The Lot Split approval approved herein shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Miami Beach Resiliency Code, and shall be subject to enforcement procedures set forth in Chapter 1, Article III, Section 1.3.8 of the Miami Beach Resiliency 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.

9. Nothing in this order authorizes a violation of the Miami Beach Resiliency Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the Miami Beach Resiliency 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. 1-9, inclusive) hereof, to which the applicant has agreed.

Dated _____

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: _____
Rogelio A. Madan, AICP
Development and Resiliency Officer
for Chairman

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by Rogelio A. Madan, Development and Resiliency Officer for the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

_____
Notary:
Print Name:
[NOTARIAL SEAL] Notary Public, State of Florida
My Commission Expires:
Commission Number:

Approved As To Form:
Legal Department _____ ( )

Filed with the Clerk of the Planning Board on _____( )