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DATE:12/12/2023 10:07:52 AM
JUAN FERNANDEZ-BARQUIN
CLERK OF THE COURT & COMPTROLLER
MIAMI-DADE COUNTY, FL

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.

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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 50%.

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. The applicant shall include landscaping and design buffers to better shield the new homes from the immediately adjacent properties, in a manner to be reviewed and approved by staff.

j. The applicant shall endeavor to minimize impacts to neighbors throughout the construction process.

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.

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

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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.

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Dated 12/1/2023 | 5:56 PM EST

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

DocuSigned by:
BY: Rogelio Madan
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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 4 day of December, 2023, 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.

[NOTARIAL SEAL]

MIRIAM TERESA HERRERA
Notary Public - State of Florida
Commission # GG 940469
My Comm. Expires Dec 16, 2023
Bonded through National Notary Assn.

Notary: Miriam Herrera
Print Name: Miriam Herrera
Notary Public, State of Florida
My Commission Expires: 12-16-23
Commission Number: GG940469

Approved As To Form:
Legal Department DocuSigned by: Dick Kalber 8D8CB88CCAB8460... (12/1/2023 | 5:55 PM EST)

Filed with the Clerk of the Planning Board on DocuSigned by: Jessica Gonzalez 10FC3F3E9D654A5... 12/4/2023 | 8:12 AM EST

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RM