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MIAMI BEACH
PLANNING DEPARTMENT

Staff Report & Recommendation — PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: May 28, 2024

FROM: Thomas R. Mooney, AICP
Planning Director

DS for TRM

SUBJECT: **PB21-0420. 1415 Marseille Drive – Single Family Home Lot Split/Subdivision of Land.**

An application has been filed requesting modifications to a previously approved 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.

BACKGROUND
On October 26, 2021, the Planning Board approved the lot split with certain conditions. The applicant is proposing to modify the conditions related to the maximum unit size and lot coverage for each lot.

EXISTING STRUCTURES/SITE:
The subject application includes one existing parcel of approximately 24,176 square feet (Per Survey and Letter of Intent submitted by the applicant). The parcel consists of three (3) platted lots (lots 9, 10, and 11). There was an approximately 2,334 SF two-story home on lot 10 that was constructed in 1941, and recently demolished.

ZONING / SITE DATA:

Legal Description: *LOTS 9, 10, 11, BLOCK 19, NORMANDY WATERWAY SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 40, PAGE(S) 60, OF THE 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: *24,176.17 SF*

Proposed Lot Sizes: *Lot 9 – 8,390 SF*
Lot 10 – 7,974 SF
Lot 11 – 7,811 SF

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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 an area of 6,000 SF and a width of 50.

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.**

   Partially Consistent – The most common lot size is 9,349 SF. However, the majority of the lots located between Rue de Notre Dame and Trouville Esplanade are irregularly shaped and range from 6,370 SF and 11,025 SF. The proposed lot sizes fall within this range lots analyzed. Additionally, the proposed lots are larger than the first quartile of lots. Additionally, the current lot size of 24,176 SF is more than double the size of the next largest lot in the study 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 provided a recommendation to ensure compatibility with the surrounding neighborhood.

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 new structures will comply with current regulations.

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.

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.**

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Consistent – There was a pre-1942 home on the site that would have qualified as an architecturally significant home. The applicant submitted an engineering report with the original application which indicated that the structure was deteriorated and required significant rehabilitation. Additionally, the first floor of the home was set three (3) feet below the minimum design flood elevation of nine (9) feet NGVD, negatively affecting the long-term longevity of the structure.

A new State Law (HB 423) went into effect on July 1, 2022. This new law pre-empts local jurisdictions from regulating the demolition of single-family homes with a lowest finished floor below BFE plus 1 foot. The only exception to this are homes designated historic prior to January 1, 2022.

If the lowest finished floor of the subject home is below Base Flood Elevation (BFE) plus one (1') foot, Design Review Board (DRB) review of a replacement home is no longer mandatory. DRB review would still be required for any new structure that includes an understory, seeks a design waiver or variance, or is the subject of a lot split.

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

See below.

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.**

Not Applicable – The prior home has been demolished

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

Satisfied –This will be required at time of building permit

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

Satisfied – This will be reviewed as part of the DRB application and at time of building permit.

4. **Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.**

Satisfied – This will be reviewed as part of the DRB application and at time of building permit.

5. **Whether adopted sea level rise projections in the Southeast Florida Regional**

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Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.

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.**

   Satisfied – This will be reviewed as part of the DRB application and at time of building permit.

7. **Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.**

   Satisfied – This will be reviewed as part of the DRB application and at time of building permit.

8. **Existing buildings shall be, where reasonably feasible and appropriate, elevated to the 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 of the City Code.**

   Satisfied – This will be reviewed as part of the DRB application and at time of building permit.

10. **Where feasible and appropriate, water retention systems shall be provided.**

    Satisfied – This will be reviewed as part of the DRB application and at time of building permit.

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

    Satisfied – This will be reviewed as part of the DRB application and at time of building permit.

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

    Satisfied – This will be reviewed as part of the DRB application and at time of building permit.

ANALYSIS:

The subject property consists of a single owner (the applicant) who received approval from the Board on October 26, 2021 to divide the subject property, which consists of three (3) platted lots, into three (3) separate parcels.

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When the application was first reviewed and approved by the Planning Board, the single-family regulations at the time required that, when the lots being divided contain an architecturally significant, pre-1942 home that is proposed to be demolished, the maximum lot coverage shall not exceed 25 percent and the maximum unit size shall not exceed 40 percent. Since the application included the demolition of an architecturally significant home, these noted limits were placed on each new home on the three lots.

A new State Law (HB 423) went into effect on July 1, 2022 which pre-empts local jurisdictions from regulating the demolition of single-family homes with a lowest finished floor below BFE plus 1 foot. The only exception to this are homes designated historic prior to January 1, 2022. When the new Resiliency Code was adopted last year, the reduced lot coverage and unit size penalties were removed from the code, in part due to this state legislation. The applicant is now requesting that the Board modify the conditions of approval in order to allow a maximum lot coverage of 30% and maximum unit size of 50%.

While the single family regulation no longer include lot coverage and unit size penalties when an architecturally significant home is demolished, the Planning Board may still may place limits on unit size and lot coverage for subdivided lots, in order to ensure that the new homes are not out of scale with the neighborhood. Accordingly, and based upon the data provided below, staff recommends that the maximum unit size for each new home on the three (3) subdivided lots, not exceed 45%.

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.

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Area Analysis Data:

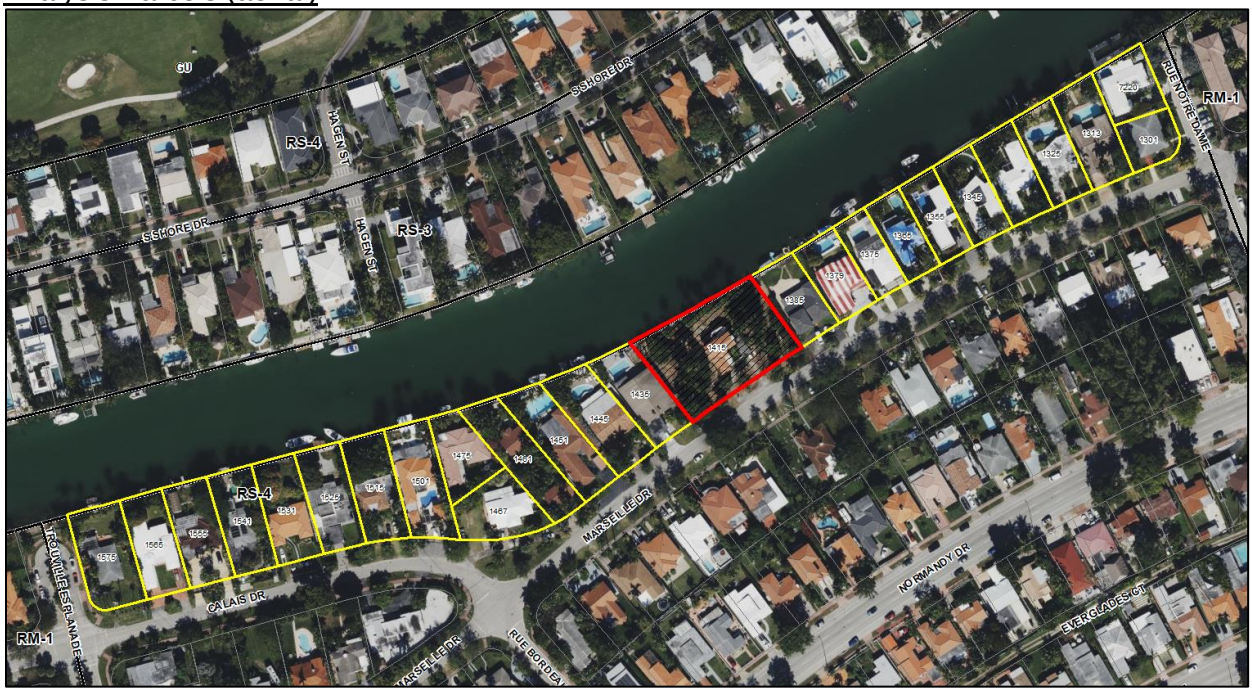
Subject Site:

Site	Year Built	Lot Size (SF)	Unit Size (SF)	Unit Size %	Floors
Existing Lot	*1941*	*24,188*	*2,692*	*11%*	*2*
Proposed Lot 9	N/A	8,390	3,356	40%	TBD
Proposed Lot 10	N/A	7,975	3,190	40%	TBD
Proposed Lot 11	N/A	7,812	3,125	40%	TBD

Surrounding Sites Summary:

Statistic	Year Built	Lot Size (SF)	Unit Size (SF)	Unit Size %	Unit Size +20% Allowance (SF)*	Unit Size +20% Allowance %	Floors
Average	1953	8,884	2,599	30%	3,091	35%	1
Median	1949	9,302	2,361	32%	2,833	39%	1
Max	2011	11,025	3,972	48%	4,766	50%	2
Min	1940	6,370	1,964	18%	2,357	21%	1
First Quartile	1946	7,830	2,115	23%	2,538	27%	1
Third Quartile	1955	9,667	3,023	36%	3,628	43%	1
Mode	1949	9,349	N/A	N/A	N/A	N/A	1

Analysis Parcels (aerial)



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Analysis Parcels Data

Address	Year Built	Lot Size (SF)	Unit Size (SF)	Unit Size %	Unit Size +20% Allowance (SF)*	Unit Size +20% Allowance %	Floors
7220 RUE NOTRE DAME	1946	7,647	2,467	32%	2,960	39%	1
1301 MARSEILLE DR	1971	6,400	2,160	34%	2,592	41%	1
1313 MARSEILLE DR	1949	9,818	2,110	21%	2,532	26%	1
1325 MARSEILLE DR	1949	9,302	2,228	24%	2,674	29%	1
1335 MARSEILLE DR	1945	8,790	2,200	25%	2,640	30%	1
1345 MARSEILLE DR	1949	8,406	2,152	26%	2,582	31%	1
1355 MARSEILLE DR	2011	7,788	3,775	48%	3,894	50%	2
1365 MARSEILLE DR	1940	6,813	2,883	42%	3,407	50%	2
1375 MARSEILLE DR	1950	6,370	2,574	40%	3,089	48%	1
1379 MARSEILLE DR	1955	7,830	2,650	34%	3,180	41%	1
1385 MARSEILLE DR	1955	7,828	2,581	33%	3,097	40%	1
1435 MARSEILLE DR	1959	8,938	3,492	39%	4,190	47%	1
1445 MARSEILLE DR	1957	9,813	3,150	32%	3,780	39%	1
1451 MARSEILLE DR	1957	11,000	3,972	36%	4,766	43%	1
1461 MARSEILLE DR	1940	9,700	2,361	24%	2,833	29%	1
1467 MARSEILLE DR	1955	9,187	2,115	23%	2,538	28%	1
1475 MARSEILLE DR	1949	8,322	3,174	38%	3,809	46%	1
1501 CALAIS DR	1940	10,717	3,875	36%	4,650	43%	1
1515 CALAIS DR	1947	9,667	2,201	23%	2,641	27%	1
1525 CALAIS DR	1949	9,349	3,023	32%	3,628	39%	1
1531 CALAIS DR	1950	9,349	1,964	21%	2,357	25%	1
1541 CALAIS DR	1945	9,349	1,964	21%	2,357	25%	1
1555 CALAIS DR	1948	9,349	1,964	21%	2,357	25%	1
1565 CALAIS DR	1945	9,349	1,964	21%	2,357	25%	1
1575 CALAIS DR	1955	11,025	1,964	18%	2,357	21%	1

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

Summary of Data Analysis:

- The analysis area consists of RS-4 lots to the east and west of the subject parcel located on Normandy Isle between Trouville Esplanade and Rue Notre Dame and fronting the Normandy Waterway.
- There are 25 parcels in the analysis area, excluding the applicant's site.
- All parcels range in size from 6,370 to 11,025 square feet. The subject parcel is more than double the size of the next largest lot in the study area.
- The average lot size is 8,884 square feet. The median lot size is 9,302 square feet.

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- The average adjusted unit size is 2,599 square feet (30% of lot area), the median unit size is 2,361 square feet (32% of lot area). There are no homes that exceed the current maximum unit size of 50%.
- Current homes range from a unit size of 1,964 SF (18% of lot area) to 3,972 SF (48% 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 3,091 SF (35% of lot area) and a median size of 2,833 (39% of lot area).
- The applicant is proposing a unit size of 40% for all lots, which amounts to 3,356 SF for lot 9; 3,190 SF for lot 10; and 3,125 SF for lot 11.

Staff would note that the existing homes in the study area currently have an average unit size of 30% and with a reasonable allowance for additions would have an average unit size of 35%. The applicant is requesting a maximum unit size of 50%.

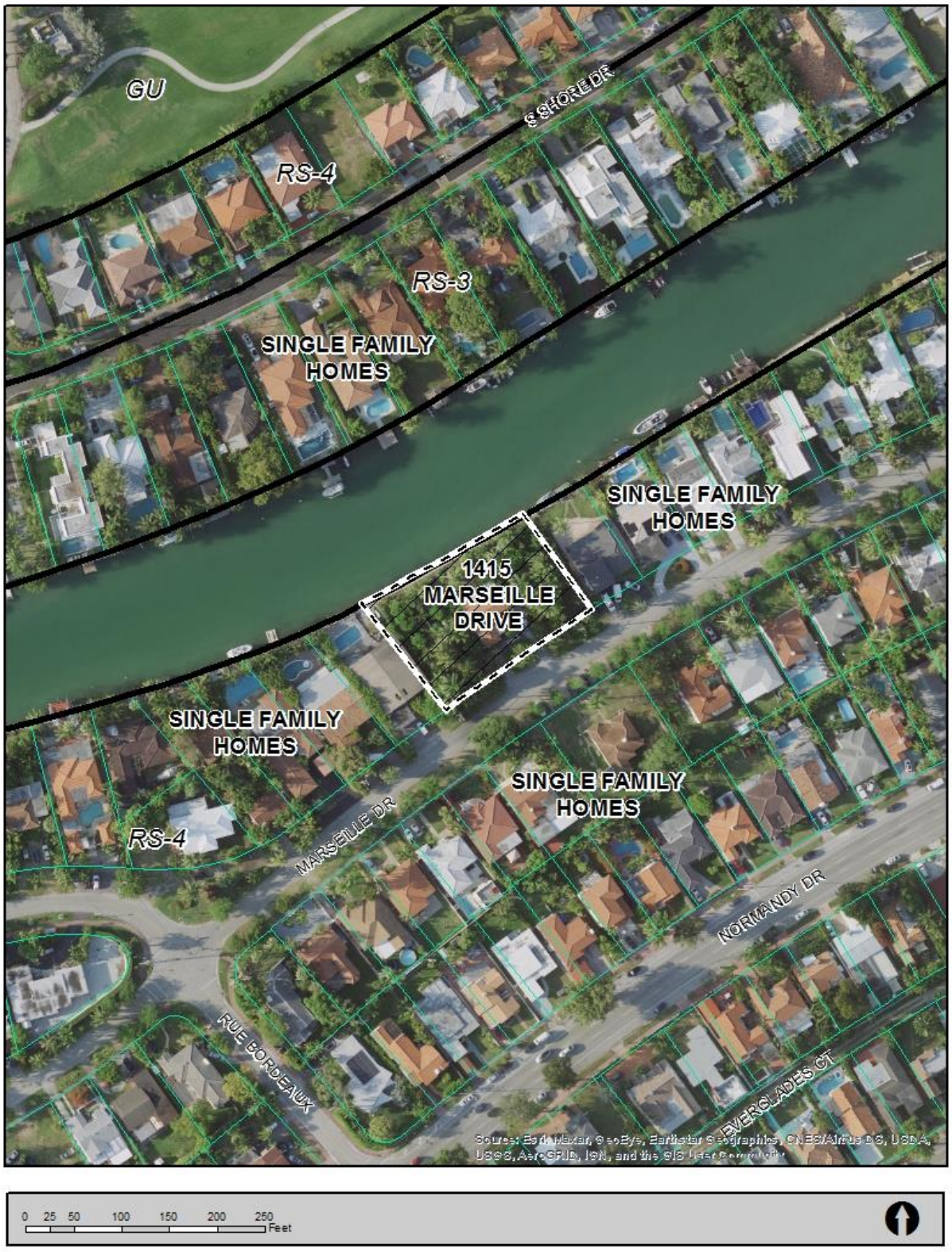
In order to ensure that the three (3) news homes that are developed on the subject parcels are compatible with context of the immediate neighborhood, staff would recommend that the unit size for each lot be capped at 45% of the lot area.

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.

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ZONING/SITE MAP



PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA

PROPERTY: 1415 Marseille Drive

FILE NO. PB21-0420

IN RE: An application for a Division of Land/Lot Split, pursuant to Chapter 118, Article VII of the City Code, to divide the existing site comprised of three platted lots, into three individual buildable parcels.

LEGAL DESCRIPTION: LOTS 9, 10, 11, BLOCK 19, NORMANDY WATERWAY SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 40, PAGE(S) 60, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

MEETING DATE: October 26, 2021; May 28, 2024

DIVISION OF LAND/LOT SPLIT
FINAL ORDER

The applicant, Maria Caiola, requested a Division of Land/Lot Split, pursuant to Chapter 118, Article VII of the City Code, to divide the existing site into three individual 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 City Code.

B. The project would remain consistent with the criteria and requirements of Section 118-321.B of the City Code, subject to the subject to the following conditions, to which the Applicant has agreed:

1. The three (3) lots created pursuant to this lot split application at 1415 Marseille Drive, 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(s) on each lot.

    c. The building parcels created by this lot split shall be as depicted on the signed and sealed surveys by Blanco Surveyors Inc., dated March 16, 2021.

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. The maximum unit size for each lot shall be limited to the lesser of ~~40%~~ 45% or the maximum permitted at the administrative level at the time of building permit, as per Section 142-105(b)(9) of the City Code, as may be revised from time to time.

g. The maximum lot coverage for each lot shall be limited to the lesser of ~~25%~~ 30% or the maximum permitted at the administrative level at the time of building permit, as per Section 142-105 (b) of the City Code, as may be revised from time to time.

h. Any proposed new home on each lot shall fully adhere to the review criteria and development regulations identified in Sections 142-105 and 142-106 of the City Code, as may be revised from time to time.

i. The request and/or approval of any variances shall be prohibited.

j. 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.

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.

l. Prior to the submittal of a Design Review Board application, the applicant will submit an application for determination of architectural significance for the existing pre-1942 home on Lot 10.

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 Section 118-323 of the City 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 City Code, and shall be subject to enforcement procedures set forth in Section 114-8 of the City 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 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.

Dated _____

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: _____
Michael Belush, AICP
Planning and Design Officer
for the Chairman

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by Michael Belush, Planning and Design 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 _____( )