MIAMIBEACH

PLANNING DEPARTMENT
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: June 4, 2024

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB24-1014
4-6 Star Island

An application has been filed requesting Design Review Approval for the construction of a new two-story residence with an understory, including a variance to exceed the maximum height allowed for an elevator bulkhead, a variance from the understory requirements, a variance to exceed the maximum width for a driveway, a variance to exceed the maximum height of a one-story accessory structure, a setback variance to exceed the maximum height of a fence and gate, a variance from the existing structure second floor side elevation open space requirement, a variance to reduce the front and side setbacks for the existing structures, and a variance of the requirement for front yard driveways not set in sand, and including one or more waivers, to replace an existing residence.

RECOMMENDATION:
Approval of the design.
Approval of Variances #1-7, #9-12.
Denial of Variance #8.

LEGAL DESCRIPTION:
LOTS 4, 5 & 6, CORRECTED PLAT OF STAR ISLAND, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 31, AT PAGE 60, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, CONTAINING 120,000 (40,000 PER LOT) SQUARE FEET/2.75 ACRES.

BACKGROUND:
On October 4, 2022, the Board approved the construction of a new 2-story home with an understory on the subject site. Since that time the applicant has changed the design of the home and is requesting approval for a completely new home.

SITE DATA:

Zoning:	RS-1
Future Land Use:	RS
Lot Size:	120,000 SF
Lot Coverage:	
Proposed:	35,929.21 SF / 29.9%
Maximum:	36,000 SF / 30%
Unit size:	
Proposed:	46,451 SF / 34.2%
Maximum:	60,000 SF / 50%
Height:	
Proposed:	31’-0” Flat Roof*
Maximum:	31’-0” Flat roof**
From 1st habitable level:	28’-6”

*as measured from BFE+5’
** subject to DRB review

Grade: +4.85’ NGVD
Base Flood Elevation: +10.00' NGVD
Adjusted Grade: +7.43’ NGVD
First Floor Elevation: +17.5' NGVD (BFE+ 7’-6" fb)

.

EXISTING PROPERTY:

Year:	4 Star Island-1947 5 Star Island-1923 6 Star Island: -Unknown
Architect:	4 Star Island-Carlos B. Schoeppl 5 Star Island-Harry La Pointe 6 Star Island: Unknown
Vacant:	No
Demolition:	Partial

Surrounding Properties:

East:	2-story 1959 home
South:	1-story 1938 home
West:	Biscayne Bay
North:	Two-story 1971 residence

THE PROJECT:

The applicant has submitted plans entitled "4, 5, & 6 Star Island Drive" as designed by **Domo Architecture + Design,** dated 4/7/2024.

The applicant is requesting review for an understory area and a waiver from the open space requirements for two-story side elevations:

1. Understory area shall be subject to the review and approval of the Design Review Board in accordance with Section 7.2.2.3(b)(vi).

2. A two-story side (north) elevation in excess of 60'-0" in length in accordance with Section 7.2.2.3(b)(ii) to retain the existing structure.

3. A two-story side (north) elevation in excess of 60'-0" in length in accordance with Section 7.2.2.3(b)(ii) for the new residence.

4. A two-story side (south) elevation in excess of 60'-0" in length in accordance with Section 7.2.2.3(b)(ii) for the new residence.

5. A waiver to reduce the additional 5'-0" setback required for the second-floor front façade when the lot coverage is 25% or greater as per sec. 7.2.2.3.b.2.b of the city code.

6. A waiver to allow parking or vehicle storage within a required yard as per sec. 7.2.2.3.b.6.E.

The applicant is requesting the following variance(s):

1. A variance from Sec. 7.2.2.3.b.6.A. to allow the understory to be substantially enclosed on the east and west side when 50% is required to be open.

2. Elevator bulkheads shall be located as close to center of the roof as possible and be visually recessive in accordance with Section 7.2.2.3.b.6.C.

3. A variance from Sec. 7.2.2.3.b.6.H. to reduce the required 5'-0" setback from each side of the underneath of the slab of the first habitable floor above for all decking, gravel, pavers, non-supporting breakaway walls, open-wood lattice work, louvers or similar architectural treatments to a 0' 0" setback on each side.

4. A variance to allow concrete slab within the front yard where concrete, asphalt or similar materials is prohibited as per sec. 7.2.2.3.b.1.

5. A variance from Sec. 7.2.2.3.b.9**.** to exceed by 3'-0" the maximum height allowed of 10'-0" feet above the roofline in order to construct an elevator bulkhead up to 13'-0" above the roofline.

6. A variance from Sec. 7.2.2.3.b.12.G**.** to exceed by 16'-0" the maximum allowable width of 18' to construct two driveways with a combined width of 34'.

7. A variance from Sec. 7.2.2.3.b.12.B. to exceed by 5'-9" the maximum height allowed of 12'-0" in order to construct a one-story accessory structure up to 17'-9" high.

8. A variance from Sec. 7.2.2.3.b.12.H**.** to exceed by 5'-6" the maximum allowed height of 7'-0" for a fence to construct a fence along the interior side yard up to 12'-6" above grade elevation of 5.75' NGVD.

9. A variance from Sec. 7.2.2.3.b to reduce by 10'-0" the minimum required 30'-0" front setback to retain an existing two-story structure with a 20'-0" setback.

10. A variance from Sec. 7.2.2.3.b to reduce by 31'-8 ½" the minimum required 40'-6" side (north) setback to retain an existing two-story structure with a 8'-9 1/2" setback.

11. A variance from Sec. 7.2.2.3.b to reduce by 14'-2" the minimum required 34'-6" side (south) setback to retain an existing two-story structure with a 20'-4" setback.

12. A variance from Sec. 7.2.2.3.b to reduce by 45'-10 1/2" the minimum required sum of the side yard of 75" in order to retain existing two-story structures with a sum of 29'-1 1/2".

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, staff has concluded that the plans and documents submitted with the application comply with the following hardship criteria, as they relate to the requirements of Section 2.8.3 Miami Beach City Code.

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

- That the special conditions and circumstances do not result from the action of the applicant;

- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

- That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship

on the applicant;

- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

- That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

- That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

- The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

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 7.2.2.3(b)(vi). Subject to the review and approval of the Design Review Board the following may apply to the understory area(s): Understory area(s) shall be used only for open air activities, parking, building access, mechanical equipment, non-enclosed restrooms and storage.

- 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:

  a. 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.
  b. The square footage of the additional open space shall not be less than one percent of the lot area.
  c. The elevation (height) of the open space provided shall not exceed the maximum permitted elevation height of the required side yard, and
  d. At least 50 percent of the required interior open space area shall be sodded or landscaped with pervious open space.

  The intent of this regulation shall be to break up long expanses of unint errupted 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.

- Additional information is required to demonstrate compliance with the minimum and maximum yard elevations.

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, SECTION 2.5.3.1:

Design review encompasses the examination of architectural drawings for consistency with the criteria stated below, with regard to the aesthetics, appearance, safety, and function of any new or existing structure and physical attributes of the project in relation to the site, adjacent structures and surrounding community. The design review board and the planning department shall review plans based upon the below stated criteria, criteria listed in neighborhood plans, if applicable, and applicable design guidelines. Recommendations of the planning department may include, but not be limited to, comments from the building department and the public works department.

a. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Satisfied

b. 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 several variances.

c. 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 several variances.

d. 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 2.5.3.2.
Satisfied.

e. 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 article and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the design review board and historic preservation board and all pertinent master plans.
Satisfied; however, the applicant is proposing several variances in relation to the existing non-conforming structures.

f. The proposed structure, 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.
Satisfied.

g. 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.

h. 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 safety and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the site from adjacent roads shall be designed 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.

i. 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 for building permit.

j. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.
Satisfied.

k. 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.

l. 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).
Satisfied.

m. 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.
Not Applicable.

n. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs, and elevator towers.
Satisfied.

o. 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.

p. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level to achieve pedestrian compatibility and adequate visual interest.

Not Applicable.

q. 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 to have a minimal impact on adjacent properties.
Not Applicable.

r. In addition to the foregoing criteria, subsection 118-104-6(t) of the General Ordinances 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.

s. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.
Not Satisfied; see below.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4(a)(i) of the Land Development Regulations 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 or salvage plan will be submitted for building permit.

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 4 of the Land Development Regulations.
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.
   Not Applicable

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; additional information will be required at the time of building permit in order to demonstrate compliance.

11. Cool pavement materials or porous pavement materials shall be utilized.
    Not Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.

12. The project design shall minimize the potential for a project causing a heat island effect on site.
    Not Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.

STAFF ANALYSIS:

DESIGN REVIEW

The applicant is proposing to construct a new two-story residential home, consisting of multiple detached structures, including existing buildings, on the western side of Star Island that will replace one existing residences. The applicant is requesting review of the understory, one design waiver and several variances.

The proposed home features an understory with the first fully enclosed, habitable floor of the residence designed at an elevation of +17'-6" NGVD, or BFE plus 7'-6" of freeboard. The vision for the design of the home is to develop patterns that would typically be found in nature by creating an organic shape. In this design, the project architect has incorporated an understory that features vehicle storage and guest parking, boat storage, koi ponds and koi pond equipment, waterfront pool equipment, as well as storage, a guest entry vestibule, stairs, and an elevator. The residence includes three existing, two-story structures located towards the front of the 2.75 acres site that include additional housing and services supportive to the main residence, such as a gym, staff bedrooms, security gate, as well as mechanical and electrical facilities. With the main residence set back nearly 160' from the front property line, the compilation of structures is connected by an elevated court with drives and walkways set within lush landscaping.

The new two-story residence is designed in a modern architectural style with curving volumes highlighted by projecting, lime stucco eaves. The exterior of the wall planes consist of lime stucco, stone cladding, clear glazing, and wood-like aluminum cladding. The exterior facades

of the existing structures have been renovated to match the style of the new residence with flat roofs, slim horizontal emphasis of slabs and roofline, and wood-like louvers.

The requested design waiver relates to the open space requirements for two-story elevations that exceed 60'-0" in length. In this instance, the waiver pertains to an existing structure with a two-story side (north) elevation that is 87'-8" long. For such interior elevations, the code includes open space requirements to break up long expanses of side elevations. The non-conforming existing building exceeds the two-story elevation length by 27'-8". The lots on Star Island are some of the largest in the City of Miami Beach. With a lot depth of 400', staff finds that the length of the two-story elevation is commensurate with the property size and will not negatively impact the neighboring property.

The application also includes a design waiver from the additional 5'-0" setback that is required for the second-floor front elevation when the lot coverage is 25% or greater. Based on the final submitted set of plans, the second floor consists of a linear footage of 70.1' on the south building, 72.6' from the detached structure at the center of the site, and 39.5' along the northeast building at the second-floor façade. The current regulations require that 35% of the second-floor elevation be setback an additional 5' from the required front yard setback. As proposed, the three existing structures will remain at the 20' front setback line so that it is consistent with the first-floor level. The intent of the code is to safeguard second floor volumes from imposing on the pedestrian/street realm. Staff finds that the proposed second floor elevation meets that intent of the code as significant landscaping and mature trees that conceals the existing structures.

Pursuant to section 7.2.2.3(b)(6)(E) of the LDR's, all parking, including required parking, shall be provided within the understory area, and shall be clearly delineated by a different surface finish or bollards. No parking or vehicle storage shall be permitted within a required yard, unless approved by the DRB or HPB, in accordance with the applicable design review or certificate of appropriateness criteria. The applicant is proposing to park all vehicles within the understory area. However, the three (3) existing structures contain parking garages and spaces for maintenance vehicles. While these existing structures will be modified to ensure architectural congruity with the design of the new residence, they will not be demolished and thus the garages will remain as previously approved and constructed. As it results in the maintenance of existing structures, staff has no objections to this request.

Staff is supportive of the design portion of the application subject to the recommendations and conditions noted in the draft order.

VARIANCE REVIEW

The applicant is requesting the following variances:

1. A variance from Section 7.2.2.3.b.6.A. to allow the understory to be substantially enclosed on the east and west side when 50% is required to be open.

2. Elevator bulkheads shall be located as close to center of the roof as possible and be visually recessive in accordance with Section 7.2.2.3.b.6.C.

3. A variance from Section 7.2.2.3.b.6.H. to reduce the required 5'-0" setback from each side of the underneath of the slab of the first habitable floor above for all decking, gravel, pavers, non-supporting breakaway walls, open-wood lattice work, louvers or

similar architectural treatments to a 0’ 0” setback on each side.

- Variances requested from:

7.2.2.3 Development Regulations (RS)
(b) The development regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

6. Understory Level Standards

Non-airconditioned Understory space located below minimum flood elevation, plus freeboard, shall require Design Review Board (DRB) or Historic Preservation Board (HPB) approval, as applicable. The following regulations shall also apply to the understory area(s):

A. Understory area(s) shall be used only for open air activities, parking, building access, mechanical equipment, non-enclosed restrooms, and storage. Such areas shall be designed and maintained to be free of obstructions and shall not be enclosed and/or air-conditioned at any time, apart from limited access areas to the first habitable floor. However, understory area(s) below the lowest habitable floor can utilize non-supporting breakaway walls, open-wood lattice work, louvers, or similar architectural treatments, provided they are open a minimum of 50 percent (50%) on each side.

B. Understory building access. Enclosed, air-conditioned elevator and stair vestibules, for access to the first habitable level of the home, shall be permitted under the first habitable floor and shall be located as close to the center of the floor plan as possible and be visually recessive such that they do not become vertical extensions of exterior building elevations. The total area of enclosed and airconditioned building access shall be limited to no greater than 5 percent (5%) of the lot area. All airconditioned floor space located directly below the first habitable floor shall count in the total unit size calculations.

H. *Understory edge. All allowable decking, gravel, pavers, non-supporting breakaway walls, open-wood lattice work, louvers or similar architectural treatments located in the understory area shall be set back a minimum of 5 feet from each side of the underneath of the walls of the first habitable floor above, with the exception of driveways and walkways leading to the property, and access walkways and/or steps or ramps for the front and side area. The front and side understory edge shall be designed to accommodate on-site water capture from adjacent surfaces and expanded landscaping opportunities from the side yards.*

Section 7.2.2.3.b.6 of the Resiliency Code requires that understory areas be designed and maintained to be free of obstructions and shall not be enclosed and/or air-conditioned at any time, except for limited access areas to the first habitable floor. However, understory area can utilize non-supporting breakaway walls, open-wood lattice work, louvers, or similar architectural treatments, provided they are open a minimum of 50 percent on each side. The

applicant is proposing landscaping and other features that rise, thereby concealing the understory from the east and west sides of the home. The north and south elevations do comply with the requirement. The linear sides of the west and east elevations are approximately 188'-6" each. Staff is supportive of this variance request, as it will allow for the construction of landscaped gardens, large lagoon pools, and a koi pond which can further beautify the site while enhancing the resiliency of the construction. Based on the large size of the property and the expansive size of the pool, staff finds that the variance request satisfies the practical difficulties criteria for approval. Additionally, the elevated central yard will not have any impact on the neighboring properties.

Section 7.2.2.3.b.6.C of the Resiliency Code requires that elevator bulkheads that are enclosed and air-conditioned for access to the first habitable level of the home be centrally located within the roof to not become vertical extensions of exterior building elevations. The subject elevator is located along the northern portion of the understory with its bulkhead continuing above the roof. The façade primarily consists of aluminum and stone cladding however, the elevator bulkhead appears as a vertical extension along the side elevations and as such does not meet Code requirement. However, the wall plane that the elevator and bulkhead are setback nearly 43'-6" feet from the foremost wall of the front façade; when coupled with the main two-story building's setback of nearly 153'-6" from the front property line and significant landscaping, the impact of the bulkhead is minimal. Given the size of the property, location of the parking access and parking areas, landscaping, and water features, there is a practical difficulty with locating the elevator bulkhead at the exact center of the home. As such, staff is supportive of the proposed variance.

The applicant is also proposing a variance to reduce the required 5'-0" setback from each side of the underneath of the slab of the first habitable floor above for all decking, gravel, pavers, non-supporting breakaway walls, open-wood lattice work, louvers or similar architectural treatments to a 0' 0" setback on each side. As per Sec. 7.2.2.3.6.H, the intent of this regulation is for the front and side understory edge to accommodate on-site water capture from adjacent surfaces and expanded landscaping opportunities from the side yards. In this instance, the proposed home includes a very large arrangement of pervious landscape. Due to the practical difficulty associated with setting back the pavement 5' from where the storage and amenities will be placed, staff is supportive of the variance request.

4. A variance to allow concrete slab within the front yard where concrete, asphalt or similar materials shall be prohibited as per sec. 7.2.2.3.b.1.

    - Variance requested from:

    7.2.2.3 Development Regulations (RS)
    (b) The development regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:
    (1) The FAR, density, lot area, lot width, lot coverage, unit size, setbacks, and building height requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:
    (6) If an Understory is provided, at least 70 percent of the required front yard and street side yard areas shall consist of sodded or landscaped pervious open space. For purposes of this section, the required front yard shall be the same as the required front setback of the principal structure. All allowable exterior walkways and driveways within the front and street side yards shall

consist of pavers set in sand or other semi-pervious material. The use of concrete, asphalt or similar material within the required front or street side yards shall be prohibited.

The Applicant is requesting a variance for the driveway paving located within the front yard, to consist of large format coral stone paving set on concrete slab. Pursuant to Code regulations, exterior walkways and driveways within the front yard shall only consist of pavers set in sand or other similar pervious material. The purpose of this regulation is to provide pervious materials that capture on-site water retention from adjacent surfaces and expanded landscaping features from the side yards. However, the concrete slab base will provide the necessary support to the spans of the large format pavers proposed for the driveway. The coral stone pavers would be offset by the proposed raised planter walls and shallow retention areas that preserve the on-site green infrastructure. Furthermore, the coral stone pavers are an indigenous, natural material that aligns with the exterior stone cladding design of the main residence. Staff finds that the granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in Chapter 7.

5. A variance from Sec. 7.2.2.3.b.9**.** to exceed by 3'-0" the maximum height allowed of 10'-0" feet above the roofline in order to construct an elevator bulkhead up to 13'-0" above the roofline.

    - Variance requested from:

7.2.2.3 Development Regulations (RS)

(b) The development regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

***9. H*eight exceptions**. *The height regulation exceptions contained in section 7.5.2 shall not apply to the RS-1, RS-2, RS-3 and RS-4 zoning districts. The following exceptions shall apply, and unless otherwise specified in terms of height and location, shall not exceed 10 feet above the highest point of the proposed roof. In general, height exceptions that have not been developed integral to the design intent of a structure shall be in a manner to have a minimal visual impact on predominant neighborhood view corridors as viewed from public rights-of-way and waterways.*

9. Elevator bulkheads shall be located as close to the center of the roof as possible and be visually recessive such that they do not become vertical extensions of exterior building elevations.

The applicant is proposing a variance to exceed by 3'-0" of the maximum allowable height of 10'-0" from the main roof line so that the elevator can be at a maximum height of 13'-0". The property has a total unit size of approximately 46,451.56 SF and the elevator is located as close to the center of the roof as possible so that it is visually recessive and does not become vertical extensions of exterior building elevations.

Given the expansive nature of the site, which is typical for estate lots on Star Island, the proposed modest increase in height for the elevator is not expected to be detrimental to the surrounding properties. In summary, staff has no objection to the variance request and finds that there are practical difficulties related to the height of the elevator serving homes of this size, which are typically best serviced with a commercial type of elevator.

6. A variance from Sec. 7.2.2.3.b.12.G**.** to exceed by 16'-0" the maximum allowable width of 18' to construct two driveways with a combined width of 34'.

    - Variance requested from:

    7.2.2.3 <u>Development Regulations (RS)</u>
    (b) The development regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:
    12. Allowable encroachments within required yards.
    G. Driveways. Driveways and parking spaces leading into a property are subject to the following requirements:
    iii. T<u>he maximum width of all driveways at the front or side facing a street property line including access driveways from the Right of Way shall not exceed 30 percent (30%) of the lot width, and in no instance shall be less than 9 feet in width and greater than 18 feet in width.</u>

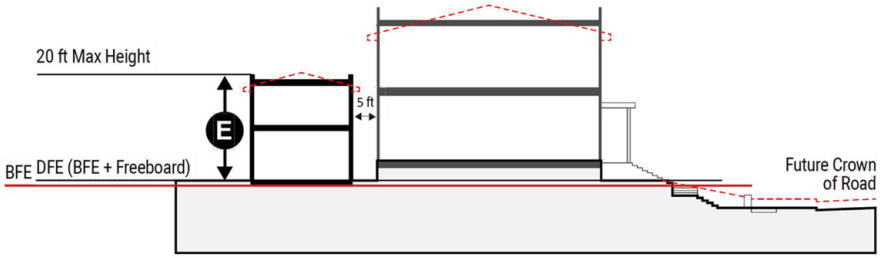
The applicant is proposing two driveways that contain access to the understory level and main entrance to the residence. The driveway located in the southeastern portion of the site consist of a width of 14' whereas the driveway north of the existing two-story garage contains a width of 20'. In accordance with the Resiliency Code, the maximum width of a driveway shall not exceed 30% of the lot width and be no less than 9' feet in width and greater than 18'. The Property consist of three lots which has a total width of 300'. The intent of the regulation is to limit expansive driveways when an understory level is provided to store vehicles. Staff believes that while the combined width of the driveway exceeds 18', the applicant is proposing a total width of 12% which is less than the maximum width of 30%. Moreover, the front yard is complying with the required 70% of pervious open space requirement and the variance granted is the minimum variance that will make possible the reasonable use of the land. As such, staff has no objections to the proposed variance.

7. A variance from Sec. 7.2.2.3.b.12.B. to exceed by 5'-9" the maximum height allowed of 12'-0" in order to construct a one-story accessory structure up to 17'-9" high.

    - Variance requested from:

    <u>7.2.2.3 Development Regulations (RS)</u>
    (b) The development regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:
    12. Allowable encroachments within required yards.
    B. Accessory buildings Standards Table.

ACCESSORY BUILDING HEIGHT	
Maximum Height (stories)	2 stories
Maximum Height (feet)	
1 story structure	12 feet (2) (3)
2 story structure	20 feet (2) (3)



(1). Accessory buildinng s that are not part of the main building, shall be included in the overall lot coverage calculations for the site and may be constructed in a rear yard, provided such accessory building (or accessory buildings) does not occupy more than 25 percent 25% of the area of the required rear yard. Areas enclosed by screen shall be included in the computation of area occupied in a required rear yard lot, but an open uncovered swimming pool shall not be included.

(2). Height for accessory buildings shall be measured from the Base Flood Elevation (BFE) plus freeboard of 1 foot.

(3). The allowable height exceptions set forth in section 7.5.2 shall not apply to accessory buildings in single-family districts.

The Applicant is requesting a five (5) foot height variance for the one-story cabana accessory structure at the rear yard. The cabana is proposed at a height of 17 feet and 9" which exceeds the maximum height of 12' for a one-story accessory structure. It is important to note that for accessory structures, the height is measured from base flood elevation plus one foot of freeboard. When facing a waterway, the minimum setback for a one-story accessory structure is one half of the required rear setback. In contrast, the minimum required setback for a two-story accessory structure along an interior side yard is 10 feet or the required side yard setback. The rear setback for a two-story accessory structure consists of one half of the required rear setback or 15', whichever is greater.

Staff is supportive of the height variance due to the proposed accessory structure complying with the greater setback requirements of a two-story structure. The lush landscaping along the side yard is set partially on a lower terrace than the pool and therefore minimizing the height in relation to the pool. Consequently, the granting of the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district. While staff has no objection to the granting of the proposed variance, pursuant to Article I, Section 2 of the Related Special Acts, the maximum height variance that can be approved by the board is three (3) feet. As such, staff recommends that the variance be approved, not to exceed 3 feet.

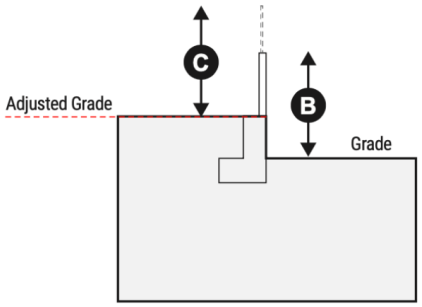
8. A variance from Sec. 7.2.2.3.b.12.G**.** to exceed by 16'-0" the maximum allowable width of 18' to construct two driveways with a combined width of 34'.

    - Variance requested from:

7.2.2.3 Development Regulations (RS)

(b) The development regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:
12. Allowable encroachments within required yards.
H. Fences, walls, and gates. Regulations pertaining to materials and heights for fences, walls and gates are as follows:

FENCES, WALLS AND GATES STANDARDS TABLE (RS)	
Maximum Height at the Side Interior and Rear Yards	
Side Interior Yard	7 feet, as measured from grade Ⓑ 7 feet, as measured from future adjusted grade Ⓒ (1) (2)
Rear Yard	



(1). In the event that a property has approval to be improved at future adjusted grade, the overall height of fences, walls and gates may be measured from future adjusted grade, provided that the portion of such fences, walls or gates above 4 feet in height consists of open pickets with a minimum spacing of 3 inches, unless otherwise approved by the Design Review Board (DRB) or Historic Preservation Board (HPB), as applicable.

(2). Pre-1966 exemption. Notwithstanding the above., for properties containing a pre-1966 architecturally significant home, where a substantial portion of the existing rear yard and/or side yard is located at least 12 inches above grade, the overall height of fences, walls and gates may be measured from the elevation of the existing yard, provided that the portion of such fences, walls or gates above 4 feet in height consists of open pickets with a minimum spacing of 3 inches, unless otherwise approved by the design review board or historic preservation board, as applicable.

Variance #8 is related to a fence along the interior south side yard proposed at 12'-6" from the grade elevation of 5'-6" NGVD where the maximum height allowed is 7'-0". In the past, the height of the fence, measured from grade elevation has been associated with variances when the grade of the property is very low. The Code has been modified to allow the interior side fence to be measured from future adjusted grade, which is a higher elevation than grade, provided that the portion of such fences, walls or gates above 4 feet in height consists of open pickets with a minimum spacing of 3 inches. Additionally, landscaping can be utilized to screen the property more fully. Based on this analysis, staff recommends denial of variance #8. However, if the Board decides to approve the variance, staff recommends limiting the variance to a height of 10' from grade elevation so that it is consistent with Article I, Section 2 of the Related Special Acts of the City Charter, which states that height variances of greater than 3 feet cannot be granted.

9. A variance from Sec. 7.2.2.3.b to reduce by 10'-0" the minimum required 30'-0" front setback to retain an existing two-story structure with a 20'-0" setback.

10. A variance from Sec. 7.2.2.3.b to reduce by 31'-8 ½" the minimum required 40'-6" side (north) setback to retain an existing two-story structure with a 8'-9 1/2" setback.

11. A variance from Sec. 7.2.2.3.b to reduce by 14'-2" the minimum required 34'-6" side (south) setback to retain an existing two-story structure with a 20'-4" setback.

12. A variance from Sec. 7.2.2.3.b to reduce by 45'-10 1/2" the minimum required sum of the side yard of 75" in order to retain existing two-story structures with a sum of 29'-1 1/2".
    - Variance requested from:

7.2.2.3 Development Regulations (RS)
(b) The development regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:
1. The FAR, density, lot area, lot width, lot coverage, unit size, setbacks, and building height requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

BUILDING SETBACKS	RS-1	RS-2	RS-3	RS-4
Front Setback Ⓐ	20 feet -1 Story Structure (5)(6) - provided that any future addition of a two-story attached structure shall be setback a minimum of 40 feet 30 feet - 2 Story Structures - (5)(6)			
Side, facing a street Setback Ⓑ	10% of the lot width or 15 feet, whichever is greater (5)(6) and the sum of the required side yards shall be at least 25% of the lot width			
Side, Interior Setback Ⓒ Lots 65 feet in width or less	7.5 feet and the sum of the required side yards shall be at least 25% of the lot width			
Side, Interior Setback Ⓒ Lots greater than 65 feet in width	10% of the lot width or 10 feet, whichever is greater and the sum of the required side yards shall be at least 25% of the lot width			
Rear Setback Ⓓ	15 % of the lot depth (7) 20 feet minimum 50 feet maximum			

Variance #9 pertains to the minimum setback for the required front yard which is 30' for two-story structures. Additionally, any structure on the property is required to provide side setbacks of ten percent (10%) of the lot width and the sum of the required side yards must be at least 25% of the lot width (variance #10-12). The applicant is proposing to retain three detached structures along the required front and side yard. Along the northernmost portion of the lot is an existing two-story structure that contains a kitchen, office, garage, transformer, and laundry room. At the center of the site is an existing two-story structure that consist of the property maintenance, engineer's office, and generator room. The existing two-story garage and security room is located along the southeastern portion of the property. The intent of the variances is to retain the three detached structures at a 20' front setback and maintain the legal nonconforming side setbacks of 8'-9 ½" and 20'-4", respectively. The purpose of Variance #12 is to reduce the minimum required sum of the side yard of 75' by 45'-10 1/2" in order to retain the existing two-story structures with a sum of 29'-1 1/2". It is worth mentioning that the property is 300 feet wide which is three times wider than the minimum lot width of the RS-1 district. The interior sides and sum of the yard setback requirements are dictated by the lot width. As a result, the interior side setback and sum of the side yards would result in very large setbacks.

While the new single family home complies with all required setbacks, the applicant is requesting variances from the above referenced side and front setbacks for the existing structures on site. Rather than demolish the existing structures on the property, the applicant is seeking to utilize them for guest and staff quarters and enhancing the existing structures to be consistent with the architectural character of the new single-family home. In order to do so, variances are being requested, as these existing structures were constructed within the

currently required side and front setbacks, and are lnon-conforming. The applicant is proposing significant landscaping to help screen these structures from the roadway despite their intrusion into the required setback. Staff finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district. Likewise, the granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **approved** with conditions, including variances #1, #2, #3, #4, #5, #6, #7, #9, #10, #11, #12 and that variance #8 be **denied** subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review, Sea Level Rise criteria and Hardship and Practical Difficulties criteria, as applicable.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: June 4, 2024

PROPERTY: **4-6 Star Island Drive** **02-4204-001-0040**
02-4204-001-0050
02-4204-001-0060

FILE NO: DRB24-1014

IN RE: An application has been filed requesting Design Review Approval for the construction of a new two-story residence with an understory, including a variance to exceed the maximum height allowed for an elevator bulkhead, a variance from the understory requirements, a variance to exceed the maximum width for a driveway, a variance to exceed the maximum height of a one-story accessory structure, a setback variance to exceed the maximum height of a fence and gate, a variance from the existing structure second floor side elevation open space requirement, a variance to reduce the front and side setbacks for the existing structures, and a variance of the requirement for front yard driveways not set in sand, and including one or more waivers, to replace an existing residence

LEGAL: Lot 4, CORRECTED PLAT OF STAR ISLAND, according to the Plat thereof, as recorded in Plat Book 31, at Page 60, of the Public Records of Miami-Dade County, Florida, And Lot 5, CORRECTED PLAT OF STAR ISLAND, according to the Plat thereof, as recorded in Plat Book 31, at Page 60, of the Public Records of Miami-Dade County, Florida, And Lot 6, CORRECTED PLAT OF STAR ISLAND, according to the Plat thereof, as recorded in Plat Book 31, at Page 60, of the Public Records of Miami-Dade County

APPLICANT: Brian L. Bilzin as Trustee under Trust No. 2401-3302-00 (4- & 5-Star Island)

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 2.1.3.1 of the Land Development Regulations. 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 9 & 19 in Section 2.5.3.1 of the Land Development Regulations.

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 and 10 in Section 7.1.2.4(a)(i) of the Land Development Regulations.

D. The project would be consistent with the criteria and requirements 2.5.3.1 and/ or Section 7.1.2.4(a)(i) if the following conditions are met:

1. Revised elevation, site plan, and floor plan drawings for the proposed new home at 4-6 Star Island shall be submitted, at a minimum, such drawings shall incorporate the following:

    a. The understory **shall be** approved as proposed.

    b. The side (north) open space requirement for the existing building **shall be** waived as proposed.

    c. The side (north) open space requirement for the new building **shall be** waived as proposed.

    d. The side (south) open space requirement for the new building **shall be** waived as proposed.

    e. The design waiver from the additional required second floor setback on the front elevation, per Section 7.2.2.3(b)(ii) **shall be** granted.

    f. The design waiver to allow parking or vehicle storage within a required yard shall be granted.

    g. The final design details and color selection of the lime plaster stucco 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.

    h. The final design details and color selection of the stone cladding 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.

    i. The final design details and color selection of the aluminum, wood-like cladding 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 and color selection of the exterior aluminum screen proposed on the existing buildings 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. 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.

l. URBAN HEAT ISLAND ORDINANCE Section 7.5.3.2(g)(iv) 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 1.2.1 of this Code, and (v) Driveways and parking areas composed of asphalt that does not have a high albedo surface, as defined in Section 1.2.1, shall be prohibited.

m. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.

2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding plans shall be submitted to and approved by staff. The species, type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plans shall comply with Chapter 4-Landscape Requirements of the Miami Beach Code and shall incorporate the following:

a. Shrubs and groundcover shall not be planted in the public Right-of-Way. The plans shall be revised to indicate that sod is to be used.

b. The plans shall be revised to comply with the line-of-sight visibility triangle requirements, subject to the review and approval of staff.

c. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.

d. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.

e. Any tree identified to be in good overall condition shall be retained and protected in their current location if they are not in conflict with the proposed home, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff.

f. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.

g. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.

h. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department. Any new street trees shall be of a consistent canopy tree species as similar to the neighboring trees along the street.

i. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.

j. 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.

k. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.

l. 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 2.2.4.8 of the Land Development Regulations, the applicant, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal a decision of the design review board for design review approval only to the city commission, except that orders granting or denying a request for rehearing shall not be reviewed by the commission.

I. Variance(s)

A. The applicant filed an application with the Planning Department for the following variance(s):

1. A variance from Sec. 7.2.2.3.b.6.A. to allow the understory to be substantially enclosed on the east and west side when 50% is required to be open.

2. Elevator bulkheads shall be located as close to center of the roof as possible and be visually recessive in accordance with Section 7.2.2.3.b.6.C.

3. A variance from Sec. 7.2.2.3.b.6.H. to reduce the required 5’-0” setback from each side of the underneath of the slab of the first habitable floor above for all decking, gravel, pavers, non-supporting breakaway walls, open-wood lattice work, louvers or similar architectural treatments to a 0’ 0” setback on each side.

4. A variance to allow concrete slab within the front yard where concrete, asphalt or similar materials is prohibited as per sec. 7.2.2.3.b.1.

5. A variance from Sec. 7.2.2.3.b.9**.** to exceed by 3'-0" the maximum height allowed of 10'-0" feet above the roofline in order to construct an elevator bulkhead up to 13'-0" above the roofline.

6. A variance from Sec. 7.2.2.3.b.12.G**.** to exceed by 16'-0" the maximum allowable width of 18' to construct two driveways with a combined width of 34'.

7. A variance from Sec. 7.2.2.3.b.12.B. to exceed by 5'-9" the maximum height allowed of 12'-0" in order to construct a one-story accessory structure up to 17'-9" high.

8. A variance from Sec. 7.2.2.3.b.12.H**.** to exceed by 5'-6" the maximum allowed height of 7'-0" for a fence to construct a fence along the interior side yard up to 12'-6" above grade elevation of 5.75' NGVD.

9. A variance from Sec. 7.2.2.3.b to reduce by 10'-0" the minimum required 30'-0" front setback to retain an existing two-story structure with a 20'-0" setback.

10. A variance from Sec. 7.2.2.3.b to reduce by 31'-8 ½" the minimum required 40'-6" side (north) setback to retain an existing two-story structure with a 8'-9 1/2" setback.

11. A variance from Sec. 7.2.2.3.b to reduce by 14'-2" the minimum required 34'-6" side (south) setback to retain an existing two-story structure with a 20'-4" setback.

12. A variance from Sec. 7.2.2.3.b to reduce by 45'-10 1/2" the minimum required sum of the side yard of 75" in order to retain existing two-story structures with a sum of 29'-1 1/2".

B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, as noted above allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

   Additionally, the Board has concluded that the plans and documents submitted with the application comply with the following hardship criteria, as they relate to the requirements of Section 2.8.3 of the Land Development Regulations:

   i. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

   ii. The special conditions and circumstances do not result from the action of the applicant;

   iii. Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;

iv. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;

v. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

vi. The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;

vii. The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan; and

viii. The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

C. The Board hereby **Approves** Variance requests #1, #2, #3, #4, #5, #6, #7, #9, #10, #11, and #12 and **Denies** Variance #8 and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

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

A. All new construction over 7,000 square feet shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Section 7.1.3.2 of the Land Development Regulations. This fee is set as a percentage of the cost of construction.

B. 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.

C. During construction work, the applicant shall maintain gravel at the front of the construction site within the first 15'-0" of the required front yard and including the swale

(subject to the review and approval of Public Works), to mitigate disturbance of soil and mud by related personal vehicles exiting and entering the site. All construction materials, including dumpsters and portable toilets, shall be located behind the construction fence and not visible from the right-of-way.

D. During the course of construction, all vehicles, including, but not limited to all personal vehicles, shall park within the confines of the private property, the swale directly abutting the construction site, or at alternate overflow parking sites that are not on-street metered spaces and not zoned RS. Additionally, parking of any vehicles shall be prohibited in the travel lanes of all streets.

E. All allowable construction signage shall be attached to or situated behind the construction fence and shall be limited to one (1) sign, not to exceed four (4) square feet, in accordance with Section 6.3.2 of the Land Development Regulations.

F. The building and parking departments shall approve a construction parking plan prior to the issuance of any building permit, including applicable demolition permits for the project.

G. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.

H. The contractor(s) shall ensure that the street and the swale directly abutting the construction site remains free of debris and refuse at all times; at a minimum, the contractor(s) shall inspect and clear the street and swale areas before leaving at the end of each day.

I. This order shall be enforced by the Building, Planning, Parking and Code Compliance Departments.

J. 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.

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. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

M. 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.

N. 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.

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

P. 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 "4, 5 & 6 Star Island Drive" as designed by **Domo Architecture + Design,** dated 4/7/2024, 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 Section 2.2.4.6 of the Land Development Regulations; 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 2 of the Land Development Regulations, 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 2 of the Land Development Regulations, for revocation or modification of the application.

Dated _____.

DESIGN REVIEW BOARD

THE CITY OF MIAMI BEACH, FLORIDA

BY:_____
Rogelio A. Madan, AICP
Development & Resiliency Officer
For the Chair

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____ 20___ by Rogelio A. Madan, AICP, Development & Resiliency Officer of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

Notary:
Print Name
Notary Public, State of Florida
My Commission Expires:
Commission Number:

{NOTARIAL SEAL]

Approved As To Form:
City Attorney's Office: _____ ( )

Filed with the Clerk of the
Design Review Board on _____ ( )