

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Design Review Board

TO: DRB Chairperson and Members  
FROM: Thomas R. Mooney, AICP  
Planning Director

DATE: February 06, 2018

SUBJECT: DRB17-0202  
**6300 North Bay Road – Single Family Home**

The applicant, NBR7 LLLC, is requesting Design Review Approval for the construction of a new two-story single family residence to replace an existing two-story architecturally significant pre-1942 single family residence, including a variance to exceed the maximum lot coverage allowed.

#### **RECOMMENDATION:**

Approval with conditions

Approval of the variance(s)

#### **LEGAL DESCRIPTION:**

Lot 9 less NE 25 feet more or less and North 50 feet of Lot 10 of Block 1 of La Gorce Golf Subdivision according to the Plat thereof filed for record and recorded in Plat Book 14 at Page 43 of the Public Records of Miami-Dade County, Florida.

#### **SITE DATA:**

Zoning: RS-1  
Future Land Use: RS  
Lot Size: 25,662.8 SF  
Lot Coverage:  
Existing: 7,761 SF / 30.3%  
Proposed: 13,588 / **53%\***  
**\* VARIANCE REQUIRED**  
Maximum: 7,698.84 SF / 30%  
Unit size:  
Existing: 8,715 SF / 34%  
Proposed: 9,206 SF / 35.87%  
Maximum: 12,831.4 SF / 50%  
2<sup>nd</sup> Floor Volume to 1<sup>st</sup> **2,926/6,280 46.6%**  
Height:  
Proposed: 21'-10 1/2" flat roof  
Maximum: 28'-0" flat roof

Grade: +4.04' NGVD

Flood: +8.00' NGVD  
Difference: 3.96' NGVD  
Adjusted Grade: +6.02' NGVD  
30" (+2.5') Above Grade: +8.72' NGVD  
First Floor Elevation: +10.3' NGVD (BFE +2'- 3 1/2")

#### **EXISTING STRUCTURE**

Year Constructed: 1939  
Architect: Russell Pancoast  
Vacant: No  
Demolition Proposed: Full

#### **SURROUNDING PROPERTIES:**

East: Two-story 1939 residence  
North: Two-story 1937 residence  
South: Two-story 2002 residence  
West: Biscayne Bay

#### **THE PROJECT:**

The applicant has submitted plans entitled "6300 N Bay Road Residence" as prepared by **studio\* mk27**, dated signed and sealed 12/08/2017.

The applicant is proposing to construct a new two-story residence that will replace an existing architecturally significant pre-1942 two-story home.

The applicant is requesting the following variance(s):

1. A variance to exceed by 23% the maximum allowed lot coverage of 30% for a two-story single family home property in order to construct a new two-story residence with a lot coverage of 53%.
  - Variance requested from:

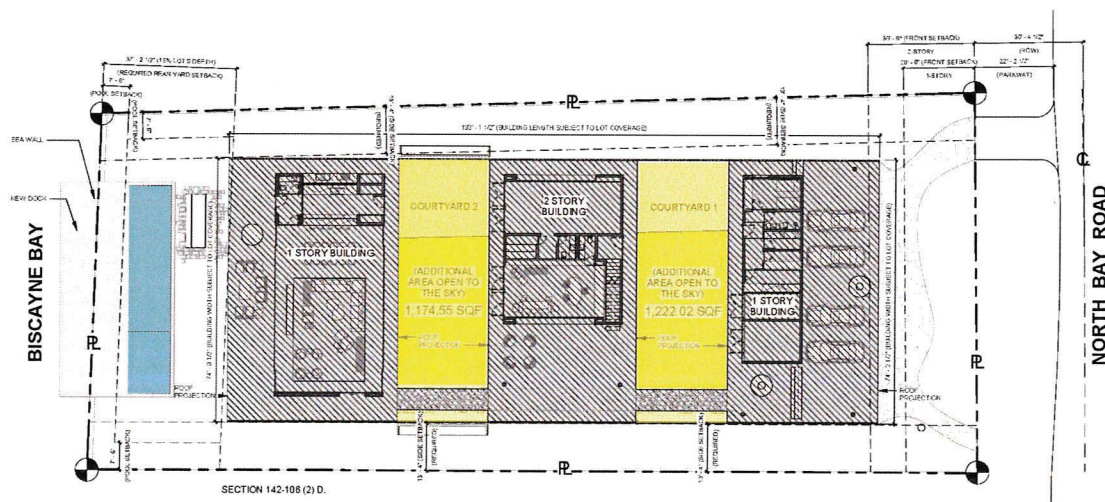
**Sec. 142-105. - Development regulations and area requirements.**

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

*(1) Lot area, lot width, lot coverage, unit size, and building height requirements. The lot area, lot width, lot coverage, and building height requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:*

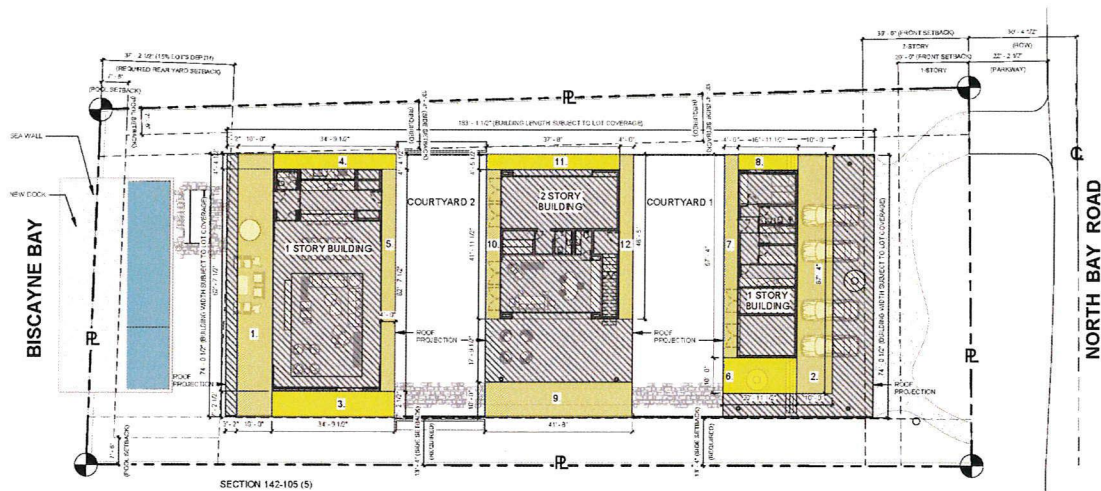
Zoning District: RS-1, Maximum Lot Coverage for a 2-story Home (% of lot area): 30%.

The proposed two-story, single family residence is unconventionally distributed on the site as three, separate structures that are evenly arrayed within the developable envelope of the site. The proposed design creates two expansive outdoor recreational courtyards between the main massings of the residence. The design envisions indoor-outdoor living to the extreme. The yard areas are predominantly open to the sky and provide ample private recreational areas for the residents. A variety of outdoor spaces are dispersed throughout the property. For purposes of calculating lot coverage, internal courtyards that are open to the sky yet, but which are substantially enclosed by the structure on three or more sides, must be included towards the lot coverage calculation. The areas highlighted below illustrate about 3,480SF of outdoor unroofed area that has been included in the excessive lot coverage calculation of 53%.



Further analysis of the lot coverage calculation also takes into account outdoor covered areas that are open on at least two sides. The Code exempts those covered areas that area attached to main building and project 10 feet or less from being included in the overall lot coverage calculations The areas highlighted below illustrate the nearly 3,520 SF of covered open areas that, in addition to uncovered outdoor area, constitute the excessive lot coverage of 53%.





If the total outdoor area of nearly 7,000 SF were to be subtracted out of the lot coverage for anyalsis purposes, the design proposal would be requesting a lot coverage of 25.7%--nearly 5% below the zoning allowance for two-story structures.

#### **PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA**

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

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), 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.

#### **COMPLIANCE WITH ZONING CODE**

A preliminary review of the project indicates that the application, as proposed, is consistent with the following sections of the City Code, aside for the requested variance. 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:**

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria are found to be satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.  
**Satisfied**
2. 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 proposed design requires a variance**
3. 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 proposed design requires a variance**
4. 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 118-252.  
**Satisfied**
5. 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 Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.  
**Not Satisfied; the proposed design requires a variance**
6. The proposed Structure, and/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**

7. 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**
8. 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 safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as 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**
9. 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**
10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.  
**Satisfied**
11. 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**
12. 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**
13. 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 Satisfied**
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.  
**Satisfied**
15. 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**

16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.  
**Not Satisfied**
17. 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 so as to have a minimal impact on adjacent properties.  
**Not Applicable**
18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the City Code 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**
19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.  
**Not Satisfied**

**COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 133-50(a) of the Land Development 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 plan will be provided for permitting**
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. Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.  
**Satisfied**
5. Whether 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, 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**

7. Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.  
**Satisfied**
8. Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.  
**Satisfied**
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. Where feasible and appropriate, water retention systems shall be provided.  
**Satisfied**

**STAFF ANALYSIS:**  
**DESIGN REVIEW**

The applicant is proposing to construct a new two-story home designed in a contemporary style on a waterfront lot that will replace an existing pre-1942 architecturally significant single-family home, built in 1939 and designed by Russell Pancoast. There are no design waivers being sought as part of this application, but one variance is being requested. The new contemporary residence is designed by Studio mk27, a Brazilian architecture firm with an international residential portfolio. The proposed design unconventionally distributes residential living spaces among three, separate building containers that are arrayed along the developable footprint of the nearly 250' deep site, creating large gardens, open to the sky, between the trintiy of buildings.

The residence is comprised of a central two-story building configured in the apprxoximate midpoint of the reectangular lot, flanked on either side by a single-story building and outdoor gardens. The residential complex is delimited by an eight foot tall brick lattice screen walls, which run along the side setback lines of the site on both the north and south side elevations. The three buildings are unified by a covered walkway. Programmatically, the front, single-story building houses a guest room and some utilitarian rooms, such as laundry and storage; and with a large roof overhang extending towards the street, it also contains the main entrance to the residence and covered parking. The central, two-story volume houses the intimate familial spaces. The ground floor is comprised of a gym, family room and a covered outdoor terrace; and its second floor contains the sleeping quarters. The structure facing the bay contains the communal/entertainment rooms, as well as a long covered terrace that overlooks the rear yard, pool and Biscayne Bay.

The residence is finsihed with board-formed concrete walls on the second floor contrasted by the vertical slatted wood panels adordned on the ground level. The design successfully integrates indoor and outdoor living spaces with covered terraces and open gardens, as well as incorporates the existing landscape into the new design with lyrical architectural expressions, such as openings in the concrete roof overhang that allow existing canapy trees to pierce above the roof line.

The design and site planning are generally well received by staff, aside from a sole concern with the covered parking area that dominates the front façade and presents to the street and

pedestrians vehicle rear-ends. The landscape design endeavors to mitigate the effects of the expansive, covered parking that fronts the street with understory planting and canopy trees along the front property line, as well as with a narrow driveway entrance pushed to the northern edge of the property. However, staff recommends that the architect further investigate architectural buffers to lessen the impact of parked vehicles that, as a result of the design, face the street.

#### **VARIANCE REVIEW**

As identified under the 'Project' description of the analysis, the lot coverage variance being requested pertain primarily to the added square footages that the uncovered outdoor areas between the tree buildings constitute. The design's unconventional distribution of enclosed residential space and outdoor recreation areas within the site's developable area yields an excessive lot coverage. The configuration of the residence as three separate bar buildings with large gardens between each, renders the outdoor areas to be interpreted as internal courtyards, and in turn counted towards lot coverage. Staff is supportive of the variance request since nearly 27% of the 53% calculated lot coverage consists of outdoor open and covered areas. The design unites indoor and outdoor living spaces that, in this case, penalizes the calculation of the lot coverage. Moreover, the design is also sensitive to its surroundings by keeping the majority of the massings at a one-story height, with only a two-story central building that is 6'-0" below the maximum building height allowed by the Code. Based on the supplemental analysis of the design and its impact on lot coverage and context, staff recommends that the variance be approved.

#### **RECOMMENDATION:**

In view of the foregoing analysis, staff recommends **approval** of the design and the variance subject to the following conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria, Sea Level Rise criteria, and Practical Difficulty and Hardship criteria, as applicable.

TRM/JGM/FSC

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**DESIGN REVIEW BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: February 06, 2018

FILE NO: DRB17-0202

PROPERTY: **6300 North Bay Road**

APPLICANT: NBR7 LLLC

LEGAL: Lot 9 less NE 25 feet more or less and North 50 feet of Lor 10 of Block 1 of La Gorce Golf Subdivision according to the Plat thereof filed for record and recorded in Plat Book 14 at Page 43 of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Review Approval for the construction of a new two-story single family residence to replace an existing two-story architecturally significant pre-1942 single family residence, including a variance to exceed the maximum lot coverage allowed.

**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 118-252(a) of the Miami Beach Code. 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 2, 3, 5, 9, 13, 16, and 19 in Section 118-251 of the Miami Beach Code.
- 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 in Section 133-50(a) of the Miami Beach Code.
- D. The project would be consistent with the criteria and requirements of Section 118-251 and/ or Section 133-50(a) if the following conditions are met:

1. If required, a recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department, in a manner to be reviewed and approved by staff.
2. Revised elevation, site plan, and floor plan drawings for the proposed new home at 6300 North Bay Road shall be submitted, at a minimum, such drawings shall incorporate the following:
  - a. The covered parking shall be redesigned with architectural treatments that further screen vehicles that dominate the front façade, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - b. The final design and details of the slatted wooden panels and brick lattice proposed along the façades of the residence 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.
  - c. Any fence or gate at the front of the property shall be designed in a manner consistent with the architecture of the new structure, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - d. 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.
  - e. 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.
3. A revised landscape plan, and corresponding site plan, 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 plan shall incorporate the following:
  - a. 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.
  - b. 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.
  - c. 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. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.

- d. 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.
- e. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.
- f. 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.
- g. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- h. 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.
- i. The utilization of root barriers and Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- j. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, Siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans, and shall be subject to the review and approval of staff.
- k. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers and how they are screened with landscape material from the right of way shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- 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 118-262, the applicant, or the city manager on behalf of the City Administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying a request for rehearing shall not be reviewed by the Commission.**

## **II. Variance(s)**

A. The applicant filed an application with the Planning Department for the following variance(s) which were **approved** by the Board:

1. A variance to exceed by 23% the maximum allowed lot coverage of 30% for a two-story single family home property in order to construct a new two-story residence with a lot coverage of 53%.

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

The applicant has submitted plans and documents with the application that the Board has concluded comply with the following hardship criteria, as they relate to the requirements of Section 118-353(d), 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.

- C. The Board hereby **Approves** the Variance request(s) as noted 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.**

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

- A. During construction work, the applicant will maintain gravel at the front of the construction site within the first 15'-0" of the required front yard and 10' of the required street side yard to mitigate disturbance of soil and mud by related personal vehicles exiting and entering the site, and with an 8'-0" high fence with a wind resistant green mesh material along the front property line. All construction materials, including dumpsters and portable toilets, shall be located behind the construction fence and not visible from the right-of-way. All construction vehicles shall either park on the private property or at alternate overflow parking sites with a shuttle service to and from the property. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.
- B. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- C. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- D. 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.
- E. 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.
- F. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.



- G. Nothing in this order authorizes a violation of 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 "6300 N Bay Road Residence", as prepared by **studio\* mk27**, signed, sealed and dated 12/08/2017, 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 Chapter 118 of the City Code, 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 118 of the City Code, 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 118 of the City Code, for revocation or modification of the application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_

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