

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Design Review Board

TO: DRB Chairperson and Members

DATE: March 07, 2017

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: DRB06-0102  
**5712 North Bay Road – Single Family Home**

The applicant, 5712 North Bay Road LLLP, is requesting Design Review approval for the construction of a new two-story single-family home to replace an existing pre-1942 architecturally significant two-story single family home, including variances to reduce the minimum required side and sum of the side setbacks.

#### **RECOMMENDATION:**

Approval with conditions

Denial of the variances

#### **LEGAL DESCRIPTION:**

Lot 42 of Block 1A 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 Dade County, Florida.

#### **SITE DATA:**

Zoning: RS-3  
Future Land Use: RS  
Lot Size: 14,895 SF  
Lot Coverage:  
Existing: ±2,869 SF / 19.3%  
Proposed: 3,722 SF / 24.9%  
Maximum: 4,469 SF / 30  
Unit size:  
Existing: ±5,032 SF / 33.8%  
Proposed: 7,329 SF / 49.2%  
Maximum: 7,448 SF / 50%  
2<sup>nd</sup> Floor Volume to 1<sup>st</sup>: NA  
Height:  
Proposed: **28'-0" flat roof \***  
Maximum: 24'-0" flat roof

**\*DRB WAIVER**

Grade: +3.43' NGVD  
Future Grade: +5.25' NGVD  
Flood: +8.00' NGVD  
Difference: 2.75'  
Adjusted Grade: +5.715' NGVD  
30" (+2.5') Above Grade: +5.93' NGVD  
First Floor Elevation: +9.00' NGVD

#### **EXISTING STRUCTURE:**

Year Constructed: 1928  
Architect: Robert Taylor  
Vacant: No  
Demolition Proposed: Full

#### **SURROUNDING PROPERTIES:**

East: Two-story 1935 residence  
North: Two-story 1928 residence  
South: Two-story 1965 residence  
West: Biscayne Waterway

#### **THE PROJECT:**

The applicant has submitted plans entitled "North Bay Road Residence" as prepared by **Kobi Karp Architecture**, dated 01/17/2017.

The applicant is proposing to construct a new two-story residence on a waterfront parcel.

The applicant is requesting the following two design waiver(s):

1. The height of the proposed structure is **28'-0"** in accordance with Section 142-105(b).
2. A two-story side elevation in excess of 60'-0" in length in accordance with Section 142-106(2)(d).

The applicant is requesting the following two variance(s):

1. A variance to waive 2'-6" of the minimum required 10'-0" interior side (south) setback in order to construct the new single family residence at 7'-6" from the property line.

- Variance requested from:

**Sec. 142-106. Setback requirements for a single-family detached dwelling.**

*The setback requirements for a single-family detached dwelling in the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:*

*(2)Side yards:*

*c. Interior sides. For lots greater than 60'-0" in width any one interior side yard shall have a minimum of 10% of the lot width or 10'-0", whichever is greater. For lots 60'-0" in width or less, any one interior side yard shall have a minimum of 7'-6".*

The minimum required setback on both sides is 10'-0". The applicant is proposing a 7'-6" south side yard setback, as if the property were 60'-0". The north side setback is 10'-0". This proposal is due to the applicant's design choice and staff does not recommend in favor of this design solution and the variance request.

2. A variance to waive 2'-6" of the minimum required sum of the side yards of 20'-0" in order to provide a sum of the side yards of 17'-6".

- Variance requested from:

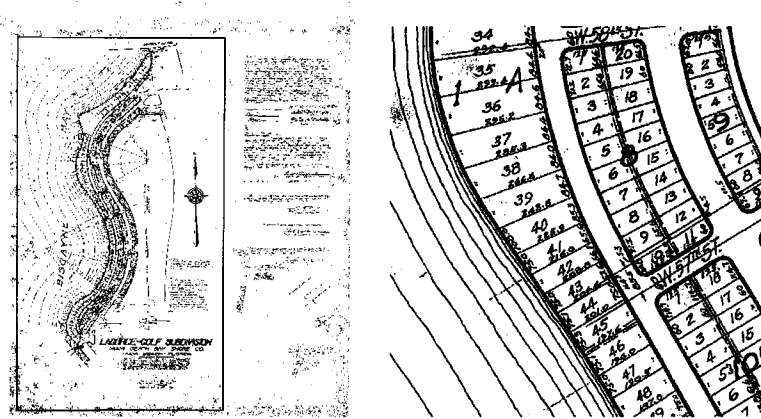
**Sec. 142-106. Setback requirements for a single-family detached dwelling.**

*The setback requirements for a single-family detached dwelling in the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:*

*(2)Side yards:*

*a. The sum of the required side yards shall be at least 25% of the lot width.*

These two (2) variances are related to the same zoning regulation. The subject property is an interior lot on a block within the Amended Plat of Sunset Lake Subdivision, which was historically platted on April 08, 1925 as a series of two and half blocks west of the La Gorce Golf Course and ending at Biscayne Bay, of which the subject property is part and parcel of. Lot 42, the subject property, was platted with a frontage of 66.1'-0" and a water frontage of 75'-0". The recent changes to Section 142-106 pertaining to side setback requirements require that lots with over 60'-0" in width have an increased setback of a minimum of 10'-0" along both side yards. Lots with 60'-0" or less of frontage have a minimum of 7'-6" required side setback.



Portion of the 1925 Amended Plat of La Gorce Golf Subdivision (subject property Lot 42)

This would require the subject property, with 6.1' (or 73") of additional frontage, to offset the building envelope an additional 5'-0" (2'-6" for each side). Since this is new construction, and no hardship can be identified, staff is not supportive of the variance request. Should the Board find that the request is 'de minimus' and that without the granting of this variance, the construction of the building on the lot would be more restrictive than its immediate neighbors and the site could not be developed as other lots in the same district and same platted subdivision the variance could be granted. The proposed setback of 7'-6" on one side is consistent with the existing setback conditions for the other surrounding properties. Therefore, the applicant's request would not create a negative impact upon the neighboring properties. The size of the property and its current parallelogram shape are the same original parcel geometric configuration.

#### **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, may be inconsistent with the following sections of the City Code, in addition to the requested variance(s):

1. The maximum building height is 24'-0" for flat roofed structures and 27'-0" for sloped roofs. In the RS-3 zoning district, the DRB may approve a building height of up to 28'-0" for flat roofs and 31'-0" for sloped roofs, and exception from this provision may be granted **through DRB approval** in accordance with the applicable design review criteria. **The applicant is requesting a height of 28'-0" for portions of the second floor roofline which will require a waiver from the DRB.**
2. Two-story side elevations located parallel to a side property line shall not exceed 50 percent of the lot depth, or 60'-0", whichever is less, without incorporating additional open space, in excess of the minimum required side yard, directly adjacent to the required side yard. 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. The square footage of the additional open space shall not be less than 1% of the lot area. The intent of this regulation shall be to break up long expanses of uninterrupted two-story volume at or near the required side yard setback line and exception from this provision may be granted **through DRB approval** in accordance with the applicable design review criteria.

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.  
**Not Satisfied; the lot does not comply with the minimum lot area.**
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 several design waivers and the lot does not comply with the minimum lot area.**

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 several design waivers and the lot does not comply with the minimum lot area.**

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 several design waivers and the lot does not comply with the minimum lot area.**

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.

**Not Satisfied; the proposed design requires several design waivers and the lot does not comply with the minimum lot area.**

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.

**Not Satisfied; the proposed design requires several design waivers.**

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).  
**Not Satisfied; the proposed design requires several design waivers and the lot does not comply with the minimum lot area.**
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.  
**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.  
**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.  
**Satisfied**
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**

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

The applicant is proposing to construct a new two-story residence on a waterfront parcel that will replace an existing pre-1942 architecturally significant two-story home. The home has been designed under the maximum zoning thresholds for lot coverage and unit size but requires two design waivers and two variances as part of this application.

The maximum building height in the RS-3 zoning district is 24'-0" for flat roofs. However, in the RS-3 zoning district, the DRB may approve a building height of up to 28'-0" for flat roofs. The architect is seeking 28'-0" for the new two-story residence. The intent of the waiver was for lots in the RS-3 districts that closely resemble lot sizes in the RS-1 and RS-2 zoning districts. The subject site contains a lot area that is nearly 50% greater than the minimum lot area required for RS-3 lots (10,000 SF). Staff is supportive of this requested height increase since the applicant is not raising the height of the finished first floor to the maximum amount of freeboard, 5'-0"; if raised to BFE + 5'-0" it would result in the same height of the volume. The applicant is setting the first floor at 9'-0" NGVD, which is BFE + freeboard of only 1'-0". Further, the architect has respected the street scale through an increased front setback for the two-story portion of the home and has concentrated the mass towards the center of the site. Additionally, the architect has provided sufficient movement along the highly articulated side façades that stagger and setback along the pie-shaped parcel. It should be noted that staff's support of the height waiver is contingent on the denial of the requested setback variances.

The applicant is also requesting a waiver of the open space requirement for two-story elevations that exceed 60'-0" in length. Specifically, the applicant is requesting that the height of the open space along the south side of the proposed home be raised to approximately 8.5' where the Code restricts the space to be no greater than required side yard. The elevation has been designed with an opening recess in order to break up the façade and the open space recess is proposed to be landscaped. The design succeeds with the intent of the ordinance with is to break up the two-story massing and the design has a lot of movement and architectural interest. Further, the neighboring property to the south contains a tennis court that would be impacted, if at all, by the open space waiver. As such, staff is supportive of this requested waiver.

Staff recommends that the design of the new contemporary home be approved including the requested two design waivers with the modifications suggested herein.

**VARIANCE REVIEW**

As previously mentioned under 'Project' section of the report, this block of North Bay Road is within the Amended Plat of La Gorce Golf Subdivision which was originally platted in the early 1920s along the existing property lines. Staff is not supportive of the variance requests.

**RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the design of the home be approved, along with the two design waivers and the variances number 1 and 2 be **DENIED**, subject to the following conditions, which address the inconsistencies with the aforementioned Design Review criteria and Practical Difficulty and Hardship criteria, as applicable:

TRM/JGM

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

MEETING DATE: March 07, 2017

FILE NO: DRB16-0102

PROPERTY: **5712 North Bay Road**

APPLICANT: 5712 North Bay Road LLLP

LEGAL: Lot 42 of Block 1A 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 Dade County, Florida

IN RE: The Application for Design Review approval for the construction of a new two-story single-family home to replace an existing pre-1942 architecturally significant two-story single family home, including variances to reduce the minimum required side and sum of the side setbacks.

**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 1, 2, 3, 5, 6, 7, 9, and 12 in Section 118-251 of the Miami Beach Code.
- C. The project would remain consistent with the criteria and requirements of Section 118-251 if the following conditions are met:
  - 1. Revised elevation, site plan, and floor plan drawings for the proposed new home at 5712 North Bay Road shall be submitted, at a minimum, such drawings shall incorporate the following:
    - a. The structure shall comply with all setback regulations.
    - b. The side open space requirement shall be waived as proposed.



- c. The proposed increase in height shall be permitted as proposed; the maximum height for the structure shall be 28'-0" when measured **from BFE + freeboard**.
  - d. The stone cladding proposed along the façades of the residence shall consist of a natural keystone or other natural stone, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. The color and texture to match what is depicted in the submitted renderings and elevations.
  - e. The proposed active habitable roof deck shall not exceed a combined deck area of **25%** of the enclosed floor area immediately one floor below.
  - f. The proposed glass railing shall be restricted to areas that abut the active habitable roof deck.
  - g. If a secondary means of roof access is required, the location of any future exterior stair or elevator shall be reviewed and approved by staff.
  - h. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan. All mechanical fixtures shall be located as close to the center of the roof as possible and screened on all sides from view, in a manner to be approved by staff.
  - i. The final Design details and color selection of the Ipe wood finish 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 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.
  - k. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
  - l. Prior to the 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, 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/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- j. If technically feasible, all overhead utility lines adjacent to the subject property shall be placed underground.

- k. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventers and all other related devices and fixtures. The location of backflow preventers, 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.
- l. 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 wall shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- m. 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):
  - 1. ~~A variance to reduce by 2' 6" the minimum required 10' 0" interior side (south) setback in order to construct the new single family residence at 7' 6" from the property line. (Variance denied).~~
  - 2. ~~A variance to reduce by 2' 6" the minimum required sum of the side yards of 20' 0" in order to provide a sum of the side yards of 17' 6". (Variance denied).~~
- B. The applicant has submitted plans and documents with the application that the Board has concluded do not satisfy Article 1, Section 2 of the Related Special Acts.

The applicant has submitted plans and documents with the application that the Board has concluded do not 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 **Denies** the Variance request(s), 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.
2. The structure shall comply with all setback regulations.

**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. 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 Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.

- B. During Construction of the new home, the Applicant will maintain gravel at the front of the construction site within the first 15'-0" of the required front yard to mitigate disturbance of soil and mud by related personal vehicles existing and entering the site and with an eight foot (8'-0") high fence with a wind resistant green mesh material along the front of the 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.
- C. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- D. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- F. 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.
- G. 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.
- H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- I. 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 "North Bay Road Residence" as prepared by **Kobi Karp Architecture**, dated 01/17/2017, 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: \_\_\_\_\_  
JAMES G. MURPHY  
CHIEF OF URBAN DESIGN  
FOR THE CHAIR

STATE OF FLORIDA                    )  
  )SS

COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of  
\_\_\_\_\_ 20\_\_\_\_ by James G. Murphy, Chief of Urban Design, Planning  
Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the  
Corporation. He is personally known to me.

\_\_\_\_\_  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires:\_\_\_\_\_

Approved As To Form:

City Attorney's Office: \_\_\_\_\_ ( )

Filed with the Clerk of the Design Review Board on \_\_\_\_\_ ( )

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