

# MIAMI BEACH PLANNING DEPARTMENT


## Staff Report & Recommendation

## PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: July 30, 2024

FROM: Thomas R. Mooney, AICP  
Planning Director

 for TRM

SUBJECT: **PB24-0669. 18 La Gorce Circle – Single Family Home Lot Split/Subdivision of Land.**

An application has been filed requesting a division of land/lot split to divide the one existing site which is comprised of five (5+) platted lots, into two (2) individual buildable parcels, pursuant to Chapter 2, Article V, Section 2.5.4 of the Miami Beach Resiliency Code.

### **RECOMMENDATION:**

Approval with conditions.

### **EXISTING STRUCTURES/SITE:**

Pursuant to the survey and LOI submitted by the applicant the subject site consists of a single parcel that is approximately 124,852 square feet and contains approximately six (6) platted lots (lots 8, 9, 10, 11, 12, 12A and part of 14). The site also has multiple, existing single-family homes and related structures.

### **ZONING / SITE DATA:**

Legal Description: *SEE EXHIBIT "A".*

Zoning: *RS-2 Single-Family Residential District*

Future Land Use: *Single Family Residential Category (RS)*

Current Lot Size: *124,852.68 SF*

Proposed Lot Sizes: *Lot 8 (16 La Gorce Circle) – 20,275 SF*

*Lots 9, 10, 11, 12, 12A and Lot 14 less the West ½ thereof within Block 1 of the La Gorce Island Plat – (18, 22 and 24 La Gorce Circle) – 104,513 SF*

### **REVIEW CRITERIA:**

Pursuant to Section 2.5.4.2 of the Resiliency Code, in reviewing an application for the division of lot and lot split, the Planning Board shall apply the following criteria:

- Whether the lots that would be created are divided in such a manner that they are in compliance with the regulations of these land development regulations.**

**Consistent** – The minimum lot size for the RS-2 district is 18,000 SF and the minimum lot width is 75 feet. The proposed lots exceed these requirements.

- 2. Whether the building site that would be created would be equal to or larger than the majority of the existing building sites, or the most common existing lot size, and of the same character as the surrounding area.**

**Consistent** – The most common lot size is 20,300 S, and the average lot size is 36,103 SF. There are a wide range of lot sizes from a low of 18,000 to a high of 125,161 SF

- 3. Whether the scale of any proposed new construction is compatible with the as-built character of the surrounding area, or creates adverse impacts on the surrounding area; and if so, how the adverse impacts will be mitigated. To determine whether this criterion is satisfied, the applicant shall submit massing and scale studies reflecting structures and uses that would be permitted under the land development regulations as a result of the proposed lot split, even if the applicant presently has no specific plans for construction.**

**Consistent** – Staff has analyzed the average unit sizes and provided a recommendation to ensure compatibility with the surrounding neighborhood.

- 4. Whether the building site that would be created would result in existing structures becoming nonconforming as they relate to setbacks and other applicable regulations of these land development regulations, and how the resulting nonconformities will be mitigated.**

**Consistent** – Any new structures will comply with current regulations.

- 5. Whether the building site that would be created would be free of encroachments from abutting buildable sites.**

**Consistent** – Any existing encroachments, such as walkways, would be removed.

- 6. Whether the proposed lot split adversely affects architecturally significant or historic homes, and if so, how the adverse effects will be mitigated. The board shall have the authority to require the full or partial retention of structures constructed prior to 1942 and determined by the planning director or designee to be architecturally significant under subsection 7.2.7.4.a.**

**Consistent** – There is a pre-1942 home on the site (constructed in 1936) that would qualify as an architecturally significant home.

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

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

understory, seeks a design waiver or variance, or is the subject of a lot split.

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

See below.

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

Section 7.1.2.4 of the Resiliency Code establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

1. **A recycling or salvage plan for partial or total demolition shall be provided.**

**Not Applicable –**

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

**Satisfied** – This will be required at time of building permit

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

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

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

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

5. **Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.**

**Satisfied**

6. **The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.**

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

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

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

permit.

- 8. Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.**

**Not Applicable**

- 9. When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.**

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

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

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

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

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

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

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

**ANALYSIS:**

The subject site is the largest property on La Gorce Island and includes approximately six (6) platted lots (lots 8, 9, 10, 11, 12, 12A and part of lot 14). The applicant is proposing to subdivide the current single parcel into two separate lots, in accordance with the platted lot lines. An Opinion of Title was submitted in conformance with the requirements of the Miami Beach City Code. All of the primary buildings span more than one platted lot, with the exception of lot 8, which contains one 2-story building within the platted lot lines.

Only Lot 8 is proposed to be split from the remaining assemblage of lots at this time. There are currently no plans to construct a new home on lot 8, which currently contains a home that was originally constructed in 1936.

The RS-2 residential single-family zoning district requires a minimum lot area of 18,000 square feet and a minimum lot width of 75 feet. The proposed parcels comply with these minimum lot area and lot width requirements.

The tables in the section below summarize the statistical data of similar waterfront properties in the surrounding area, (see also analysis parcels aerial). The source of the data is the Miami Dade County Property Appraiser's Office.

As a point of information, the Property Appraiser’s Office adjusts the size of structures by increasing or adjusting the stated square footage for outdoor covered areas such as loggias, covered patios, etc. and for non-air-conditioned garages. As per the City’s definitions, these items are generally excluded from unit size calculations.

In the Data Analysis below, the adjusted unit size percentage is the percentage unit size of the existing home using the adjusted square footage from the Property Appraiser’s office. Staff has included a “20% allowance” column, to take into consideration a reasonable accommodation for future renovations and additions for existing homes. It should be noted that because the property appraiser does include a certain percentage of covered areas and garage area as unit size, the numbers are typically inflated when compared to the city’s permit records. This is especially true for new homes, which generally tend to have more covered outdoor areas.

**Area Analysis Data:**

Subject Site:

Proposed Lot Sizes: **Lot 8 (16 La Gorce Circle) – 20,275 SF**

*Lots 9, 10, 11, 12, 12A and Lot 14 less the West ½ thereof within Block 1 of the La Gorce Island Plat – (18, 22 and 24 La Gorce Circle) – 104,513 SF*

Surrounding Sites Summary:

Statistic	Year Built	Unit Size (SF)	Lot Size (SF)	Unit Size %	Unit Size + 20% Allowance (SF)*	Unit Size + 20% Allowance %
Average	1978	11,993	36,103	37%	13,460	41%
Median	1961	10,580	29,011	40%	10,314	48%
Max	2023	29,748	125,161	54%	35,698	50%
Min	1937	5,274	18,000	13%	6,329	16%
First Quartile	1951	7,945	20,325	26%	9,358	31%
Third Quartile	2010	13,254	42,212	48%	14,817	50%
Mode	1951	N/A	20,300	N/A	N/A	0%



Analysis Parcels Data

ADDRESS	YEAR BUILT	UNIT SIZE (SF)	LOT SIZE (SF)	Unit Size %	Unit Size + 20% Allowance (SF)*	Unit Size + 20% Allowance %
2 LA GORCE CIR	1951	13,846	39,853	35%	16,615	42%
6 LA GORCE CIR	2013	9,978	20,400	49%	10,200	50%
10 LA GORCE CIR	1953	7,510	40,600	18%	9,012	22%
12 LA GORCE CIR	1937	5,274	20,300	26%	6,329	31%
14 LA GORCE CIR	2015	11,034	20,300	54%	10,150	50%
18 LA GORCE CIR	1951	21,893	125,161	17%	26,272	21%
30 LA GORCE CIR	2015	24,350	53,374	46%	26,687	50%
34 LA GORCE CIR	2018	11,456	22,912	50%	11,456	50%
36 LA GORCE CIR	1937	6,266	46,874	13%	7,519	16%
40 LA GORCE CIR	1937	10,910	23,145	47%	11,572	50%
42 LA GORCE CIR	1998	29,748	70,914	42%	35,698	50%
50 LA GORCE CIR	1951	6,134	28,514	22%	7,361	26%
68 LA GORCE CIR	1961	7,761	19,095	41%	9,313	49%
70 LA GORCE CIR	1951	7,911	25,125	31%	9,493	38%
76 LA GORCE CIR	1948	6,559	19,709	33%	7,871	40%
78 LA GORCE CIR	2007	14,628	30,330	48%	15,165	50%
54 LA GORCE CIR	1950	11,477	56,330	20%	13,772	24%
58 LA GORCE CIR	2023	9,000	18,000	50%	9,000	50%
60 LA GORCE CIR	2010	10,537	27,988	38%	12,644	45%
64 LA GORCE CIR	1953	11,460	29,508	39%	13,752	47%
82 LA GORCE CIR	2004	8,046	30,330	27%	9,655	32%
84 LA GORCE CIR	1960	8,179	20,000	41%	9,815	49%
86 LA GORCE CIR	2008	21,053	48,027	44%	24,013	50%
92 LA GORCE CIR	1939	9,719	42,750	23%	9,719	23%
94 LA GORCE DRIVE CIR	2004	10,623	20,858	51%	10,429	50%
98 LA GORCE CIR	2023	16,476	32,953	50%	16,456	50%
100 LA GORCE DRIVE CIR		-	77,748	0%	-	0%
6595 PINE TREE LN		-	18,915	0%	-	0%
66 LA GORCE CIR		-	19,190	0%	-	0%
72 LA GORCE CIR		-	33,900	0%	-	0%

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

Note: Highlighted data was adjusted downward to reflect the maximum permitted unit size for these recently constructed homes. The original data from the County is provided below for reference:

34 LA GORCE CIR	2018	12,787	22,912	56%	11,456	50%
58 LA GORCE CIR	2023	11,461	18,000	64%	9,000	50%
98 LA GORCE CIR	2023	18,165	32,953	55%	16,477	50%

**Summary of Data Analysis:**

- The analysis area consists of RS-2 waterfront lots on La Gorce Island
- There are 30 parcels in the analysis area, excluding the applicant's site.
- All parcels range in size from 18,000 to 125,161 square feet. The subject parcel is the largest parcel on La Gorce Island.
- The average lot size is 36,103 square feet. The median lot size is 29,011 square feet.
- The average adjusted unit size is 11,993 square feet (37% of lot area), the median unit size is 10,580 square feet (40% of lot area).
- Current homes range from a unit size of 5,274 SF to 29,748 SF.
- Factoring a reasonable assumption of future additions to existing homes of 20% of the current adjusted size, the average home unit size increases to 13,460 SF (41% of lot area) and a median size of 10,314 (48% of lot area).
- The applicant is proposing a unit size of 50% for the new split lot, which amounts to 10,137 SF

Staff would note that the existing homes in the study area currently have an average unit size of 37% and with a reasonable allowance for additions would have an average unit size of 41%. The applicant is requesting a maximum unit size of 50%.

As the existing average unit size of 37% is higher than the citywide standard, and the proposed unit size of 50% (10,137), is consistent with the average unit size of waterfront parcels, staff has no objections to the proposed 50% unit size.

**STAFF RECOMMENDATION:**

In view of the foregoing analysis, staff recommends that the application be approved subject to the conditions enumerated in the attached Draft Order.

EXHIBIT "A"

**Parcel 1:**

Lot 8, in Block 1, of LA GORCE ISLAND, according to the map or plat thereof, as recorded in Plat Book 34, Page(s) 83, of the Public Records of Miami-Dade County, Florida.

**Parcel 2:**

Lot 9 and the East 37.5 feet of Lot 10, in Block 1, LESS the West 12.5 feet of said East 37.5 feet of Lot 10, of LA GORCE ISLAND, according to the Plat thereof, recorded in Plat Book 34, at Page 83 of the Public Records of Miami-Dade County, Florida, the said 12.5 feet herein excepted being more particularly described as:

Commencing at a point where the dividing line between Lots 10 and 11, Block 1, LA GORCE ISLAND, Intersects the Southerly line of LA GORCE CIRCLE, as shown on a plat entitled "LA GORCE ISLAND", recorded in Plat Book 34, at Page 83, of the Public Records of Miami-Dade County, Florida, run in an Easterly direction along the Southerly line of said La Gorce Circle, a distance of 62.5 feet to a point, said point being 37.5 feet West of the N.E. corner of said Lot 10 and the Point of Beginning of the parcel of land herein described; thence run Southerly parallel to and 37.5 feet Westerly from the Easterly boundary of said Lot 10 a distance of 202 feet more or less to the outside face of the concrete bulkhead also being the Southerly boundary of said Lot 10; thence run Easterly meandering the outside face of said concrete bulkhead a distance of 12.5 feet more or less to a point, said point being 25 feet West of the Southeast corner of said Lot 10; thence run Northerly parallel to the Easterly line of said Lot 10 a distance of 202 feet more or less to a point on the Southerly line of said La Gorce Circle, said point being 25 feet West of the N.E. corner of said Lot 10; thence run Westerly along the Southerly line of said La Gorce Circle a distance of 12.5 feet to the point of beginning.

**Parcel 3:**

The West 75 feet of Lot 10 and all of Lot 11, in Block 1, of LA GORCE ISLAND, according to the map or plat thereof, as recorded in Plat Book 34, Page(s) 83, of the Public Records of Miami-Dade County, Florida.

**Parcel 4:**

Lots 12, 12-A and 14, LESS the West 1/2 of Lot 14, in Block 1, of LA GORCE ISLAND, according to the map or plat thereof, as recorded in Plat Book 34, Page(s) 83, of the Public Records of Miami-Dade County, Florida.

THE ABOVE FOUR (4) PARCELS ALSO COLLECTIVELY DESCRIBED AS FOLLOWS:

All of Lots 8, 9, 10, 11, 12 and 12A; and Lot 14 Less the West 1/2 thereof, all in Block 1, of LA GORCE ISLAND, according to the map or plat thereof, as recorded in Plat Book 34, Page 83, of the Public Records of Miami-Dade County, Florida.

**PLANNING BOARD  
CITY OF MIAMI BEACH, FLORIDA**

**PROPERTY:** 18 La Gorce Circle

**FILE NO.** PB24-0669

**IN RE:** An application for a division of land/lot split to divide the one existing site which is comprised of five (5+) platted lots, into two (2) individual buildable parcels, pursuant to Chapter 2, Article V, Section 2.5.4 of the Miami Beach Resiliency Code.

**LEGAL DESCRIPTION:** SEE EXHIBIT "A".

**MEETING DATE:** July 30, 2024

**DIVISION OF LAND/LOT SPLIT  
FINAL ORDER**

The applicant, M. Lee Pearce Living Trust dated December 22, 2000, as amended, requested a Division of Land/Lot Split, pursuant to Chapter 2, Article V, Section 2.5.4 of the Miami Beach Resiliency Code, to modify the existing property lines of the site comprised of two individual lots.

The City of Miami Beach Planning Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

- A. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with Planning Board "Division of Land/Division of Land/Lot Split" criteria in Chapter 2, Article V, Section 2.5.4 of the Miami Beach Resiliency Code.
- B. The project would remain consistent with the criteria and requirements of Chapter 2, Article V, Section 2.5.4 of the Miami Beach City Resiliency Code, subject to the subject to the following conditions, to which the Applicant has agreed:
  - 1. The two (2) lots created pursuant to this lot split application at 18 La Gorce Circle, shall comply with the following:
    - a. The subject lots shall not be subdivided any further.
    - b. Design Review Board review and approval shall be required for any proposed new home on each lot.
    - c. The building parcels created by this lot split shall be as depicted on the signed and sealed surveys by J. Bonfill & Associates, Inc., dated April 29, 2024.

- d. Individual underground utility, water, sewer, electric, telephone and cable connections, as well as the payment of any applicable impact and mobility fees, shall be the responsibility of the owners of each respective lot.
  - e. If required, the removal and replacement of all or portions of the sidewalk curb and gutter along all portions of each lot shall be the responsibility of the applicant.
  - f. Any proposed new home on each lot shall fully adhere to the review criteria and development regulations identified in Section 7.2.2.3 of the Miami Beach Resiliency Code. Enhancements of the applicable development regulations through Design Review Board review and approval shall not be permitted.
  - g. The maximum lot coverage for a new home on each lot shall be limited to the lesser of 45% or the maximum permitted at the administrative level at the time of building permit, as per Section 7.2.2.3 of the Resiliency Code, as may be revised from time to time.
  - h. The request and/or approval of any variances shall be prohibited.
  - i. Prior to the issuance of a Building Permit, a tree report prepared by a certified arborist for all of the existing trees on site shall be submitted for the review and evaluation of the CMB Urban Forester. Any trees identified to be in good health shall be retained or relocated if determined to be feasible by the CMB Urban Forester.
  - j. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit and shall be located immediately after the front cover page of the permit plans.
2. The applicant shall maintain the land clean and free from debris.
  3. The applicant and/or owner, for each lot created herein, both now and in the future, shall abide by all the documents and statements submitted with this application for Division of Land/Lot Split, as well as all conditions of this Order. The conditions of approval for this Lot Split are binding on the applicant, the property owners, and all successors in interest and assigns.
  4. The Planning Board shall maintain jurisdiction of this Lot Split approval. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board. The Board reserves the right to modify the Lot Split approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address problems and to determine the timing and need for future progress reports. This Lot Split is also subject to modification or revocation under Chapter 2, Article V, Section 2.5.4 of the Miami Beach Resiliency Code.

5. The applicant and/or owner of each property shall resolve all outstanding violations and fines on each respective property, if any, prior to the issuance of a building permit for any home proposed.
6. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
7. The executed Order for the Division of Land/Lot Split shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant.
8. The Lot Split approval approved herein shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Miami Beach Resiliency Code and shall be subject to enforcement procedures set forth in Chapter 1, Article III, Section 1.3.8 of the Miami Beach Resiliency Code and such other enforcement procedures as are permitted by law. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this approval.
9. Nothing in this order authorizes a violation of the Miami Beach Resiliency Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the Miami Beach Resiliency Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including staff recommendations, as modified by the Planning Board that the Division of Land/Lot Split as requested and set forth above be GRANTED, subject to those certain conditions specified in Paragraph B of the Findings of Fact (Condition Nos. 1-9, inclusive) hereof, to which the applicant has agreed.

Dated \_\_\_\_\_

PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

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

July 30, 2024

PB24-0669. 18 La Gorce Circle

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STATE OF FLORIDA )

COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by Michael Belush, Planning and Design Officer for the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

[NOTARIAL SEAL]

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

Approved As To Form:  
Legal Department \_\_\_\_\_ ( )

Filed with the Clerk of the  
Planning Board on \_\_\_\_\_ ( )

EXHIBIT "A"

**Parcel 1:**

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**Parcel 3:**

The West 75 feet of Lot 10 and all of Lot 11, in Block 1, of LA GORCE ISLAND, according to the map or plat thereof, as recorded in Plat Book 34, Page(s) 83, of the Public Records of Miami-Dade County, Florida.

**Parcel 4:**

Lots 12, 12-A and 14, LESS the West 1/2 of Lot 14, in Block 1, of LA GORCE ISLAND, according to the map or plat thereof, as recorded in Plat Book 34, Page(s) 83, of the Public Records of Miami-Dade County, Florida.

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