

MIAMI BEACH

PLANNING DEPARTMENT
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: September 11, 2025

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB25-1105 a.k.a DRB22-0859
4-6 Star Island Drive

An application has been filed requesting modifications to a previously approved De-sign Review Approval for the construction of a new two-story residence with an understory including previously approved variances. Specifically, the applicant is requesting some modifications including additional height as of right per recently approved amendment to the Resiliency Code and three new variances. A variance to exceed the maximum height for a one-story accessory structure, a variance for the driveway material within the required front yard and a variance to the understory material for the non-air-conditioned areas, including one or more waivers, to replace an existing pre-1942 residence.

RECOMMENDATION:

Approval of modified design.
Approval of variances with modifications.

LEGAL DESCRIPTION:

LOTS 4, 5 & 6, CORRECTED PLAT OF STAR ISLAND, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 31, AT PAGE 60, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, CONTAINING 121,500 (40, 500 PER LOT) SQUARE FEET/2.78 ACRES.

BACKGROUND:

On November 2, 2021, the Board approved the construction of a new 2-story home with an understory on the subject site; this approval was subsequently abandoned. On October 4, 2022, the Board approved the construction of a new 2-story home with an understory, including variances.

SITE DATA:

Zoning: RS-1
Future Land Use: RS-1
Lot Size: 120,000 SF
Lot Coverage:
Proposed: 35,745 SF / 29.8%
Maximum: 36,000 SF / 30.0%

Height:
Proposed: 34'-0" flat roof (DRB Waiver)
Maximum: 31'-0" flat roof

Grade: +5.75' NGVD
Base Flood Elevation: +10.00' NGVD
Adjusted Grade: +7.88' NGVD

Unit size:
Proposed: 39,800 SF / 33%
Maximum: 60,000 SF / 50%

EXISTING PROPERTY:

Year:	4 Star Island-1947	5 Star Island-Harry LaPointe
	5 Star Island-1923	6 Star Island: Unknown
	6 Star Island: -Unknown	Vacant: No
Architect:	4 Star Island-Carlos B. Schoepl	Demolition: Full

Surrounding Properties:

East:	Two-story single-family home
South:	Two-story single-family home
West:	Biscayne Bay
North:	Two-story single-family home

THE PROJECT:

The applicant has submitted plans entitled "4, 5, 6 Star Island Drive, Miami Beach, Florida", as designed by KODA Domo Architecture + Design, dated July 12, 2025. The applicant is requesting modifications to the design of the home, three (3) new variances. And one design waiver.

The subject home, including the understory area was approved by the Board on October 4, 2022. This approval included the following variances:

1. A variance from Sec. 7.2.2.3.b.6.A to allow the understory to be substantially enclosed on the east side when 50% is required to be open.
2. A variance from Sec. 7.2.2.3.b.6.H to reduce the required 5'-0" setback from each side of the underneath of the slab of the first habitable floor above for all decking, gravel, pavers, non-supporting breakaway walls, open-wood lattice work, louvers or similar architectural treatments to a 0' 0" setback on each side.
3. A variance to exceed by 3'-0" the maximum height allowed of 10'-0" feet above the roofline in order to construct an elevator bulkhead up to 13'-0" above the roofline.

The applicant is now requesting a waiver from Section 7.2.2.3.b.1.(4) of the LDRs. to allow an additional three (3) feet in overall height above the maximum permitted height of 31 feet for flat roof homes. The applicant is also requesting the following additional variances:

1. A variance from Section 7.2.2.3.b.12.B. to exceed by 5'-0" the one-story accessory structure maximum height allowed of 12'-0" within the required rear yard.

NOTE: Pursuant to Article I, Section 2 of the Related Special Acts of the City Charter, the granting of a height variance cannot exceed three (3) feet.

2. A variance from Section 7.2.2.3.b.6.G. to allow understory pavers not set in sand in non-air-conditioned areas within the non-air-conditioned portions of the understory area.
3. A variance from Section 7.2.2.3.b.6.J. to allow pavers not set in sand in the required front yard.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

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

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

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- That the special conditions and circumstances do not result from the action of the applicant;
- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;
- That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;
- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
- That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.
- The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the following sections of the City Code, excluding any requests for variance(s).

The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

COMPLIANCE WITH DESIGN REVIEW CRITERIA, SECTION 2.5.3.1:

Design review encompasses the examination of architectural drawings for consistency with the criteria stated below, with regard to the aesthetics, appearance, safety, and function of any new or existing structure and physical attributes of the project in relation to the site, adjacent structures and surrounding community. The design review board and the planning

department shall review plans based upon the below stated criteria, criteria listed in neighborhood plans, if applicable, and applicable design guidelines. Recommendations of the planning department may include, but not be limited to, comments from the building department and the public works department.

- a. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Satisfied; however, the applicant is requesting variances
- b. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Satisfied; however, the applicant is requesting variances
- c. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Not Satisfied; the applicant is requesting variances
- d. The color, design, selection of landscape materials and architectural elements of exterior building surfaces and primary public interior areas for developments requiring a building permit in areas of the city identified in section 2.5.3.2.
Satisfied.
- e. The proposed site plan, and the location, appearance and design of new and existing buildings and structures are in conformity with the standards of this article and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the design review board and historic preservation board and all pertinent master plans.
Satisfied; however, the applicant is requesting variances
- f. The proposed structure, or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties.
Satisfied.
- g. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.
Satisfied.
- h. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safety and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the site from adjacent roads shall be designed 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.

- i. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.
Not Satisfied; a lighting plan has not been submitted.
- j. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.
Satisfied.
- k. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.
Satisfied.
- l. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).
Satisfied.
- m. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.
Not Applicable.
- n. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Satisfied.
- o. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Not Applicable.
- p. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.
Not Applicable.
- q. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Not Applicable.

- r. In addition to the foregoing criteria, subsection 118-104-6(t) of the General Ordinances shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights- of-way.
Not Applicable.
- s. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.
Satisfied

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4(a)(i) of the Land Development Regulations establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders.

The following is an analysis of the request based upon these criteria:

1. A recycling or salvage plan for partial or total demolition shall be provided.
Not Satisfied; a recycling or salvage plan will be submitted for building permit.
2. Windows that are proposed to be replaced shall be hurricane proof impact windows.
Satisfied.
3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied.
4. Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 4 of the Land Development Regulations.
Satisfied.
5. The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.
Satisfied.
6. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.
Satisfied
7. In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.
Satisfied

8. Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.
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. In all new projects, water retention systems shall be provided.
Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.
11. Cool pavement materials or porous pavement materials shall be utilized.
Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.
12. The project design shall minimize the potential for a project causing a heat island effect on site.
Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.

STAFF ANALYSIS:
DESIGN REVIEW

The applicant has received previous approval to construct a new two-story residential home, consisting of multiple, detached structures, on the western side of Star Island that will replace a existing residence. The applicant is proposing to modify the residence, including a design waiver and additional variance requests.

The subject home features an understory with the first fully enclosed, habitable floor of the residence designed at an elevation of +15'-0" NGVD, or BFE plus 5'-0" of freeboard. The vision for the design of the home is to develop lustrous lines that would typically be found in nature by creating an organic shape. In this design, the project architect has incorporated an understory that features parking, a koi pond and related mechanical equipment, waterfront pool equipment, as well as storage, an entry vestibule, stairs and an elevator. The main residence is connected to the gym pavilion, staff bedrooms, security gate, as well as the guest house pavilion. The structure is united by a green roof with a central open courtyard.

The residence is designed in a modern architectural styl, with exterior wall planes consisting of lime stucco, stone cladding, clear glazing, and aluminum cladding details along portions of the covered terraces, and dark metal railings. Changes are proposed to the layout of each level of the house that alter the building form and planes. As a result, the proposed unit size has been reduced from 41,124 SF (34.2%) to 39,800 SF (33%), and the proposed lot coverage has been reduced from 35,884 (29%) 35,745 (29.8%). Despite this changes, the overall design concept remains consistent with the original approval.

Recent amendments to the LDRs increased the height limit for understory homes in the RS-1 district from 28 feet to 31 feet. Section 7.2.2.3 (b)(1)(4) of the LDRs allows the DRB to increase the maximum height limit up to 34 feet, as a design waiver, and the applicant is seeking this waiver to increase the maximum allowable height to 34 feet. Given the size and location of the parcel, and taking into consideration the scale and design of the home, negative

impacts are not expected from this height increase and staff is supportive of the granting of the waiver.

Overall staff is supportive of the proposed design changes as they do not significantly affect the aesthetics of the home and will not be perceivable from public rights of way.

VARIANCE REVIEW

The applicant is requesting the following variance(s):

1. A variance from Section 7.2.2.3.b.12.B. to exceed by 5'-0" the one-story accessory structure maximum height allowed of 12'-0" within the required rear yard.

- Variances requested from:

Section 7.2.2.3.b.12.B.

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

The applicant is requesting a five (5) foot height variance for the one-story accessory structure with a height of 17'-11". However, pursuant to Article I, Section 2 of the Related Special Acts of the City Charter, the DRB cannot granting a height variance that is greater than three (3) feet.

Under the LDRs, a two-story accessory building could be built in the same location at a maximum height of 20 feet. Given the size of the lot and the scale of the proposed home, the applicant contends that the lower height required for a one-story accessory building presents a hardship and practical difficulty. While staff has no objection to this variance request, if granted, the variance cannot exceed three (3) feet.

2. A variance from Section 7.2.2.3.b.6.J. to allow pavers not set in sand in the required front yard.

- Variances requested from:

Section 7.2.2.3.b.6.J. At least 70 percent of the required front yard and street side yard areas shall consist of sodded or landscaped pervious open space. For purposes of this section, the required front yard shall be the same as the required front setback of the principal structure. All allowable exterior walkways and driveways within the front and street side yards shall consist of pavers set in sand or other semi-pervious material. The use of concrete, asphalt or similar material within the required front or street side yards shall be prohibited.

3. A variance from Section 7.2.2.3.b.6.G. to allow understory pavers not set in sand in non-air-conditioned areas within the non-air-conditioned portions of the understory area.
 - Variances requested from:

Section 7.2.2.3.b.6.G. Understory ground elevation and minimum height. The minimum elevation of the understory ground shall be constructed no lower than future crown of road as defined in chapter 54, of the city Code. Additionally, a minimum height of nine (9) feet to the bottom of the first habitable floor of the home shall be required. All portions of the understory area that are not air-conditioned shall consist of pervious or semi-pervious material, such as wood deck, gravel or pavers set in sand. Concrete, asphalt and similar material shall be prohibited within the non-air-conditioned portions of the understory area.

The applicant is proposing to utilize a voided concrete grid system to provide support of the coral stone paving set on concrete and to address the semi-pervious intent of the requirements for the understory area to allow for water to percolate into the ground. The applicant contends that the special foundational support required for the large format coral pavers present a practical difficulty given the size of the lot and the scale of the home, and justify the granting of variance 2 and 3. Staff does not have an objection to the granting of variances 2 and 3.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **approved**, including the requested waiver and variances, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review, Sea Level Rise criteria and Hardship and Practical Difficulties criteria, as applicable.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: September 11, 2025

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

FILE NO: DRB25-1105 a.k.a DRB22-0859

IN RE: An application has been filed requesting modifications to a previously approved De-sign Review Approval for the construction of a new two-story residence with an understory including previously approved variances. Specifically, the applicant is requesting some modifications including additional height as of right per recently approved amendment to the Resiliency Code and three new variances. A variance to exceed the maximum height for a one-story accessory structure, a variance for the driveway material within the required front yard and a variance to the understory material for the non-air-conditioned areas, including one or more waivers, to replace an existing pre-1942 residence.

LEGAL: LOTS 4, 5 & 6, CORRECTED PLAT OF STAR ISLAND, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 31, AT PAGE 60, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, CONTAINING 121,500 (40, 500 PER LOT) SQUARE FEET/2.78 ACRES.

APPLICANT: Brian L. Bilzin as Trustee

S U P P L E M E N T A L O R D E R

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

I. Design Review

- A. The Board has jurisdiction pursuant to Section 2.1.3.1 of the Land Development Regulations. The property is not located within a designated local historic district and is not an individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria i. & s. in Section 2.5.3.1 of the Land Development Regulations.
- C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Sea Level Rise Criteria 1 and 10 in Section 7.1.2.4(a)(i) of the Land Development Regulations.

- D. All of the original conditions of approval by this Board, as reflected in the Final Order dated October 2, 2022, pursuant to DRB22-0859, shall remain in effect except as modified and approved herein.
- E. The project would be consistent with the criteria and requirements 2.5.3.1 and/ or Section 7.1.2.4(a)(i) if the following conditions are met:
 - 1. The waiver to increase the maximum allowable height of the home by 3 feet, from 31 feet to 34 feet, pursuant to section 7.2.2.3 (b)(1)(4) is hereby approved.
 - 2. Revised elevation, site plan, and floor plan drawings for the proposed new home at 4-6 Star Island Drive shall be submitted, at a minimum, such drawings shall incorporate the following:
 - a. The revised residence design including the additional height requested 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
 - b. The revised one-story accessory structure including the additional height requested 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. The revised non-air-conditioned understory areas and driveway material 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.
 - d. 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.

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

II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s):
 - 1. A variance from Section 7.2.2.3.b.12.B. to exceed by 3'-0" the one-story accessory structure maximum height allowed of 12'-0" within the required rear yard.
 - 2. A variance from Section 7.2.2.3.b.6.G. to allow understory pavers not set in sand in non-air-conditioned areas within the non-air-conditioned portions of the understory

area.

3. A variance from Section 7.2.2.3.b.6.J. to allow pavers not set in sand in the required front yard.

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

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

- i. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
 - ii. The special conditions and circumstances do not result from the action of the applicant;
 - iii. Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;
 - iv. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;
 - v. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
 - vi. The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;
 - vii. The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan; and
 - viii. The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.
- C. The Board hereby **Approves** the variance requests and imposes the following conditions based on its authority in Section 2.8.4 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. 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 or post a bond, pursuant to Section 7.1.3.2 of the Land Development Regulations. This fee is set as a percentage of the cost of construction.
- B. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.
- C. During construction work, the applicant shall maintain gravel at the front of the construction site within the first 15'-0" of the required front yard and including the swale (subject to the review and approval of Public Works), to mitigate disturbance of soil and mud by related personal vehicles exiting and entering the site. All construction materials, including dumpsters and portable toilets, shall be located behind the construction fence and not visible from the right-of-way.
- D. During the course of construction, all vehicles, including, but not limited to all personal vehicles, shall park within the confines of the private property, the swale directly abutting the construction site, or at alternate overflow parking sites that are not on-street metered spaces and not zoned RS. Additionally, parking of any vehicles shall be prohibited in the travel lanes of all streets.
- E. All allowable construction signage shall be attached to or situated behind the construction fence and shall be limited to one (1) sign, not to exceed four (4) square feet, in accordance with Section 6.3.2 of the Land Development Regulations.
- F. The building and parking departments shall approve a construction parking plan prior to the issuance of any building permit, including applicable demolition permits for the project.
- G. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.
- H. The contractor(s) shall ensure that the street and the swale directly abutting the construction site remains free of debris and refuse at all times; at a minimum, the

- contractor(s) shall inspect and clear the street and swale areas before leaving at the end of each day.
- I. This order shall be enforced by the Building, Planning, Parking and Code Compliance Departments.
 - J. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, in a manner to be reviewed and approved by staff.
 - K. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit and shall be located immediately after the front cover page of the permit plans.
 - L. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
 - M. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
 - N. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
 - O. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
 - P. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the **application** is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Finding of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "94 Palm Residence" as designed by **KODA Domo Architecture + Design** dated July 12, 2025, and as approved by the Design Review Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board approved plans, this approval does not mean that such handicapped access is not required. When requesting Building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Section 2.2.4.6 of the Land Development Regulations; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project shall expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 2 of the Land Development Regulations, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 2 of the Land Development Regulations, for revocation or modification of the application.

Dated _____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

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

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

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

{NOTARIAL SEAL}

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

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

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