

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

PROPERTY: 5350, 5370 and 5380 North Bay Road

FILE NO. 2326

IN RE: The applicants, Rex and Carolyn Runzheimer requested a Division of Land/Lot Split, pursuant to Chapter 118, Article VII of the City Code, to divide the existing site comprised of two platted lots (5370 and 5380 North Bay Road), into two individual buildable parcels and unify parcels 5350 and 5370 North Bay Road into one site.

LEGAL DESCRIPTION: 5380 and 5370 North Bay Road:
Lot 8 and 9, Block 14, La Gorce Golf Subdivision, according to the Plat thereof as recorded in Plat Book 14, page 43, of the Public Record of Miami-Dade County, Florida.

5350 North Bay Road:
Lot 10, Block 14, La Gorce Golf Subdivision, according to the Plat thereof as recorded in Plat Book 14, page 43, of the Public Record of Miami-Dade County, Florida.

MEETING DATE: May 24, 2016

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

The applicants, Rex and Carolyn Runzheimer requested a Division of Land/Lot Split, pursuant to Chapter 118, Article VII of the City Code, to divide the existing site comprised of two platted lots (5370 and 5380 North Bay Road), into two individual buildable parcels and unify parcels 5350 and 5370 North Bay Road into one site.

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 Section 118-321.B of the Miami Beach Code.
- B. The project would remain consistent with the criteria and requirements of Section 118-321.B subject to the subject to the following conditions, to which the Applicant has agreed:

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1. The two (2) lots created pursuant to this lot split application at 5380 North Bay Road, shall comply with the following:
 - a. The existing home located at 5380 North Bay Road shall be substantially retained and preserved. Demolition exceeding 50% of the original footprint shall require the review and approval of the Planning Board as a modification to this Lot Split Approval.
 - b. A unity of title shall be required for 5350 and 5370 North Bay Road, prior to the issuance of any building permits for new construction on these parcels.
 - c. The subject lots shall not be subdivided any further.
 - d. Design Review Board review and approval shall be required for the proposed home(s) on lots 9 and 10.
 - e. The building parcels created by this lot split shall be as depicted on the signed and sealed surveys by Abraham Hadad, PSM, dated 03-18-2016 and Raul Izquierdo PSM dated 11-23-2015.
 - f. Individual underground utility, water, sewer, electric, telephone and cable connections, as well as the payment of any applicable impact fees, shall be the responsibility of the owners of each respective lot.
 - g. 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.
2. 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.
3. 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 City Code Sec. 118-323.

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4. 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.
5. 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.
6. 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 and returned to the Planning Department. A building permit, certificate of occupancy, or certificate of completion shall not be issued until this requirement has been satisfied.
7. The Lot Split approval approved herein shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the City Code, and shall be subject to enforcement procedures set forth in Section 114-8 of the 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.
8. 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 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. 1-8, inclusive) hereof, to which the applicant has agreed.

Dated this 26th day of August, 2016.

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PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY:

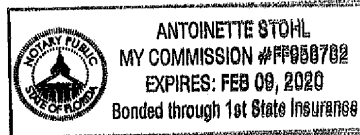
Michael Belush

Michael Belush,
Planning and Zoning Manager
For Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 26th day of AUGUST, 2016, by Michael Belush, Planning and Zoning Manager of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

[NOTARIAL SEAL]



Antoinette Stohl

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

Approved As To Form:
Legal Department

[Signature] 8/26/16

Filed with the Clerk of the Planning Board on

8/29/16 *[Signature]*

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