

RESOLUTION NO. 2023-R-66

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT, IN SUBSTANTIALLY THE ATTACHED FORM, FOR A PROPOSED 3-STORY, 9-UNIT APARTMENT BUILDING, WITH AN INTEGRATED PARKING STRUCTURE CONTAINING FIFTEEN (15) PARKING SPACES ON PARCEL OF REAL PROPERTY, LOCATED AT 12116 NE 5TH AVENUE, IDENTIFIED WITH MIAMI-DADE COUNTY FOLIO NO. 06-2230-031-0290, AND TOTALING APPROXIMATELY .34 ACRES, IN ACCORDANCE WITH ARTICLE 3, DIVISION 4, SECTIONS 3-402 THROUGH 3-407, ARTICLE 4, DIVISION 2, SECTIONS 4-202, SECTION 4-203(A), AND SECTION 4-205, OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, CHAPTER 29, ENTITLED “LAND DEVELOPMENT REGULATIONS”; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

WHEREAS, the Subject Property consists of one (1) parcel of land that is located at 12116 NE 5th Avenue; 15,000 square feet (.34 acres) in size; and designated as Medium Density on the City’s 2036 Future Land Use Map (“FLUM”) and R-5, Residential on the Official Zoning Map, which allows multifamily residential development up to 16.3 dwelling units per acre (“du/ac) and a permitted height of seventy-five (75) feet; and

WHEREAS, Section 4-205 of the City of North Miami’s Land Development Regulations (“LDRs”) allows up to an additional twenty-five (25) du/ac from the floating bonus unit pool, through a Conditional Use Permit (“CUP”); Article 3, Division 4, section 3-405 of the LDRs establishes criteria for the approval of a CUP; and

WHEREAS, The Palms at North Miami, LLC (“Applicant”) is the owner of the Subject Property, and has filed a CUP application with the Community Planning and Development Department requesting three (3) floating bonus units to construct a 3-story, 9-unit apartment building with a tot lot, and an integrated parking garage containing fifteen (15) parking spaces on the Subject Property; and

WHEREAS, the City has reviewed the proposed request and found that it is consistent with Objective 1.22 of the Comprehensive Plan, and satisfies the requirements of Section 3-405 of the LDRs; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on March 7, 2023, reviewed the proposed request and found it to be consistent with the Comprehensive Plan

and in keeping with the intent of the LDRs, and, thereby, recommended approval of the CUP to Mayor and City Council; and

WHEREAS, Mayor and City Council have determined that the proposed request is in the best interest of the City, does not adversely affect the health, safety and welfare of residents, and thereby, approves the CUP.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. **Approval of Conditional Use Permit.** The Mayor and City Council of the City of North Miami, Florida, hereby, approve the CUP, in substantially the attached form, for a 3-story, 9-unit apartment building with a tot lot, and an integrated parking garage containing fifteen (15) parking spaces located at 12116 NE 5th Avenue, in accordance with Article 3, Division 4, Section 3-407 of Chapter 29 of the City of North Miami Code of Ordinances, Land Development Regulations.

Section 2. **Effective Date.** This Resolution shall be effective upon adoption.

NOW, THEREFORE, Mayor and City Council approves this CUP along with the following findings and conditions:

- 1. Density Bonus:** That the City allocates three (3) residential units from the residential pool of nine hundred ninety-four (994) available units, subject to the following:
- 2. Development Review Committee Approval:** After approval of the CUP, the Applicant shall submit a site plan application to the Development Review Committee (“DRC”) for City Council. Failure to file said precise plan within one (1) year of the City Council approval shall result in the revocation of the CUP. Site Plan approval must be granted by City Council before Applicant can apply for a building permit;
- 3. Site Plan and Architectural Compliance:** That the Applicant must develop the property in accordance with the architectural design approved by the DRC, and the final site plan approved by the City Council;
- 4. Sidewalk:** That the Applicant shall construct and maintain a six-foot (6’) sidewalk along the NE 5th Avenue frontage of the Subject Property, and shall execute and record an Installation and Maintenance Agreement as approved by the City’s Public Works

Department prior to the issuance of a certificate of occupancy, or its functional equivalent;


5. **Building Permits:** That the Applicant apply for a building permit within eighteen (18) months of approval of the precise site plan by the City Council. Failure to do so will result in the expiration of the precise site plan;
6. **Miscellaneous:** That the CUP comply with all applicable requirements of the City's Public Works Department, Police Department, and all other County and State agencies;
7. **Certificate of Occupancy:** That a Certificate of Occupancy ("CO") from the Building Department be only issued to the applicant upon complying with all the terms and conditions of this CUP approval; the same subject to cancellation upon violation of any of the conditions herein listed;
8. **Certificate of Use:** That a CU from the Community Planning and Development Department and Business Tax Receipt ("BTR") be only issued to the Applicant upon compliance with all terms and conditions of this CUP approval; the same subject to cancellation upon violation of any of the conditions herein listed; and
9. **Leadership in Energy and Environmental Design ("LEED") Certification:** Proof of LEED or equivalent National Green Building Certification is required prior to obtaining final Certificate of Occupancy.
10. **Sustainable Building Program:** The Applicant shall integrate and maintain their proposed sustainable building commitments, e.g., ten percent (10%) increased stormwater retention over the minimum required.

PASSED AND ADOPTED by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, this 11th day of April, 2023.



ALIX DESULME, Ed.D.
MAYOR

ATTEST:



VANESSA JOSEPH, ESQ.

CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Estimé-Irvin

Seconded by: Galvin

Vote:

Mayor Alix Desulme, Ed.D.	<u>X</u>	(Yes)	_____	(No)
Vice-Mayor Mary Estimé-Irvin	<u>X</u>	(Yes)	_____	(No)
Councilman Scott Galvin	<u>X</u>	(Yes)	_____	(No)
Councilwoman Kassandra Timothe, MPA	<u>X</u>	(Yes)	_____	(No)
Councilman Pierre Frantz Charles	<u>X</u>	(Yes)	_____	(No)

THIS ORDINANCE WAS TRANSMITTED TO THE CLERK OF THE CITY OF NORTH MIAMI
CITY COUNCIL ON THIS 19th DAY OF April, 2023.