

**RESOLUTION NO. 2023-R-91**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE SITE PLAN FOR A 53-UNIT LUXURY RESIDENTIAL DEVELOPMENT, COMPRISED OF A 10-STORY BUILDING, WITH BASEMENT PARKING WITH 110 PARKING SPACES AND 4 SURFACE PARKING SPACES ON APPROXIMATELY 1.13 ACRES OF REAL PROPERTY LOCATED AT 2305 NE 123RD STREET, AND SPECIFICALLY IDENTIFIED WITH MIAMI-DADE FOLIO NUMBER 06-2228-022-0010, AND BOUNDED BY NE 123RD STREET TO THE SOUTH, N. BAYSHORE DRIVE TO THE WEST AND BISCAYNE BAY TO THE NORTH AND EAST, IN ACCORDANCE WITH ARTICLE 2, DIVISION 7, SECTION 2-701 AND ARTICLE 3, DIVISION 2, SECTION 3-204 THROUGH SECTION 3-206, AND ARTICLE 3, DIVISION 3, SECTION 3-302 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**, on July 11, 2017, the Mayor and City Council of the City of North Miami adopted the Land Development Regulations (“LDRs”) under Chapter 29 of the City’s Code of Ordinances, to implement the adopted Evaluation and Appraisal Review (“EAR”) Based Amendments to the Comprehensive Plan, consistent with the requirements of section 163.3184 of the Florida Statutes; and

**WHEREAS**, Article 3, Division 2, Section 3-204 through 3-206 of the LDRs establish criteria for Site Plan review by the Development Review Committee (“DRC”); and

**WHEREAS**, Article 2, Division 7, Section 2-701 of the LDRs provide that the Mayor and Council review and approve of Site Plan application for developments over twenty thousand (20,000) square feet; and

**WHEREAS**, Biscayne Harbour Property Owner, LLC (“Applicant”) is the owner of the Subject Property, which consists of one (1) parcel of real property located at 2305 NE 123rd Street; totaling approximately 49,042 square feet (1.13 acres) in size; and identified with Miami Dade County Folio Number 06-2228-022-0010; and

**WHEREAS**, on September 27, 2022, via Ordinance No. 1488 and Ordinance No. 1489, Mayor and City Council approved the redesignation of the Subject Property to Bayshore Zone on the North Miami 2036 Future Land Use Map, and BZ, Multifamily District on the Official Zoning

Map, which allows multifamily uses at up to one hundred (100) dwelling units per acre (“du/ac”) and a height of up to one hundred fifteen (115) feet; and

**WHEREAS**, the Applicant freely proffered a Declaration of Restrictions which set forth certain limitations and conditions covering and running with the Subject Property, including, but not limited to, a density of fifty-four (54) dwelling units, and a maximum building height of one hundred ten (110) feet, and further detailed in **Exhibit “A”**; and

**WHEREAS**, development on the Subject Property is also subject to review by the Miami-Dade County Shoreline Review Committee (“Committee”); and

**WHEREAS**, on April 27, 2023, the project received approval with conditions from the Committee in accordance with Resolution 23-SDRC-001, which is attached as **Exhibit “B”**; and

**WHEREAS**, the Applicant submitted a Site Plan application to the Community Planning and Development Department, requesting site plan approval for a 10-story, 53-unit residential condominium building with four (4) surface parking spaces and one hundred ten (110) below-grade parking spaces on the Subject Property; and

**WHEREAS**, the DRC reviewed the Site Plan, and on May 12, 2023, determined that, due to its location in the Coastal High Hazard Area, the design for the development does not meet the requirements for flood approval per CFR 44 60.3(4); and

**WHEREAS**, additionally, while it conforms to the requirements of LDRs, due to its location in the Coastal High Hazard Area, as designed, it does not meet the requirements of Policy 5A.1.1, which requires that all plans for construction within the floodplain area must be, “...consistent with, or more stringent than the minimal requirements addressed in the Florida Building Code set forth in Chapter 8.5 of the City’s Code of Ordinances”; and

**WHEREAS**, the Building Official has granted conditional flood approval based on the applicant complying with one of the two (2) conditions noted in the corresponding Staff Report; and

**WHEREAS**, City staff thereby recommends that Mayor and City Council, consider the DRC findings, and public comments, if any, and determine approval or denial of the site plan; and that approval of the site plan be subject to the conditions indicated in the corresponding Staff Report; and



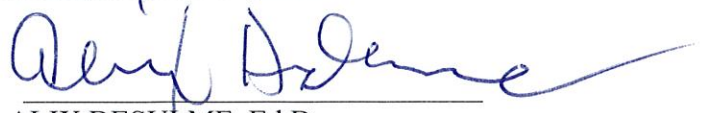
**WHEREAS**, in accordance with Article 2, Division 7, Section 2-701, and Article 3, Division 2, Section 3-204 through 3-206 of the LDRs, the Mayor and City Council have determined that the proposed site plan furthers the best interest of the City, will not adversely affect the public health, safety, and welfare, and thereby approve the Site Plan application.

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


**Section 1.**     **Mayor and City Council Approval.** The Mayor and City Council of the City of North Miami, Florida, hereby approve the site plan application, subject to the conditions indicated in the corresponding Staff Report for “Icon Residences” for Biscayne Harbour Property Owner, LLC, to develop a 10-story, 53-unit residential condominium building with four (4) surface parking spaces and one hundred ten (110) below-grade parking spaces, on the Subject Property located at 2305 NE 123rd Street - Miami-Dade County folio number 06-2228-022-0010, in accordance with Article 3, Division 2, Section 3-204 through 3-206 of the City of North Miami Code of Ordinances, Land Development Regulations.

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

**PASSED AND ADOPTED** by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, this 23rd day of May, 2023.

  
ALIX DESULME, Ed.D.  
MAYOR

ATTEST :

  
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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: Charles

Seconded by: Estimé-Irvin

**Vote:**

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

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE CITY OF NORTH MIAMI CITY COUNCIL ON THIS 5th DAY OF June, 2023.