

**RESOLUTION NO. 2024-R-50**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE SITE PLAN FOR A NINE (9) UNIT, 3-STORY APARTMENT BUILDING, WITH AN INTEGRATED COVERED PARKING CONTAINING FIFTEEN (15) PARKING SPACES ON ONE (1) PARCEL OF REAL PROPERTY LOCATED AT 12116 NE 5 AVENUE, IDENTIFIED WITH MIAMI-DADE COUNTY FOLIO NUMBER 06-2230-031-0290, AND TOTALING APPROXIMATELY 0.34 ACRES, 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**, The Palms at North Miami, LLC ( the “Applicant”) is the owner of the Subject Property, which consists of one (1) parcel of real property located at 12116 NE 5<sup>th</sup> Avenue; totaling approximately 15,000 square feet (0.34 acres) in size; identified with Miami Dade County Folio Numbers 06-2230-031-0290; and designated Medium Density Residential on the City’s 2036 Future Land Use Map (“FLUM”), and R-5, Multifamily on the Official Zoning Map; and

**WHEREAS**, the R-5 district allows up to sixteen-point 3 (16.3) dwelling units per acre (“du/ac”), and a maximum building height of seventy-five (75) feet; therefore, based upon the size of the Subject Property, the Applicant may develop up to six (6) units as of right; and

**WHEREAS**, the Applicant was granted a conditional use permit (“CUP”) that allotted three (3) floating bonus units to construct a 3-story, 9-unit apartment building with a tot lot, and an integrated covered parking containing fifteen (15) parking spaces on the Subject Property; and

**WHEREAS**, the Applicant submitted a DRC Site Plan application to the Development Services Department, requesting site plan approval for nine (9) unit, 3-story apartment building, with a tot lot, and integrated covered parking containing fifteen (15) parking spaces on the Subject Property; and

**WHEREAS**, the DRC reviewed the Site Plan, and on January 31, 2024, determined that it conforms to the requirements of LDRs and the City’s Comprehensive Plan, and thereby recommends the application for approval to the Mayor and City Council, 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 find that the proposed site plan application is consistent with the City’s adopted LDRs and the goals, policies, and objectives of the City’s Comprehensive Plan.

**WHEREAS**, 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 as recommended by the DRC.

**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 “The Palms at North Miami” for The Palms at North Miami, LLC, to develop a nine (9) unit, 3-story apartment building, with integrated covered parking containing fifteen (15) parking spaces, on the Subject Property located at 12116 NE 5<sup>th</sup> Street - Miami-Dade County folio numbers 06-2230-031-0290, 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 26th day of March, 2024.



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: Galvin

Seconded by: Charles

**Vote:**

Mayor Alix Desulme, Ed.D.	<input checked="" type="checkbox"/> (Yes) _____ (No) _____
Vice-Mayor Mary Estimé-Irvin	<input checked="" type="checkbox"/> (Yes) _____ (No) _____
Councilman Scott Galvin	<input checked="" type="checkbox"/> (Yes) _____ (No) _____
Councilwoman Kassandra Timothe, MPA	<input checked="" type="checkbox"/> (Yes) _____ (No) _____
Councilman Pierre Frantz Charles, M.Ed.	<input checked="" type="checkbox"/> (Yes) _____ (No) _____

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE CITY OF NORTH MIAMI CITY COUNCIL ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.