

RESOLUTION NO. 2024-R-192

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 THE DEVELOPMENT OF A 4-STORY, 25-UNIT APARTMENT BUILDING, WITH FORTY-ONE (41) GROUND LEVEL PARKING SPACES ON ONE (1) PARCEL OF REAL PROPERTY GENERALLY LOCATED ON NE 136TH STREET AT NE 4TH AVENUE AND SPECIFICALLY IDENTIFIED WITH MIAMI-DADE COUNTY - FOLIO NO. 06-2219-000-1772; AND TOTALING APPROXIMATELY 0.60 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, AND ARTICLE 4, DIVISION 3, SECTION 4-305, 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 generally located on NE 136th Street at NE 4th Avenue with Miami-Dade folio number 06-2219-000-1772; 25,740 square feet (0.60 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, AH North Homes, LLC ("Applicant") is the owner of the Subject Property, and has filed a CUP application with the Community Planning and Development Department requesting fifteen (15) floating bonus units to construct a 4-story, 25-unit apartment building with a paved parking lot in the back of the lot containing forty-one (41) 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 May 7, 2024, reviewed the proposed request and recommended denial of the CUP to Mayor and City Council; and

WHEREAS, the Mayor and City Council have determined that the proposed request is in the City's best interest, 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 4-story, 25-unit apartment building with a paved parking lot containing forty-one (41) parking spaces located generally on NE 136th Street and NE 4th Avenue with Miami-Dade folio number 06-2219-000-1772, 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.

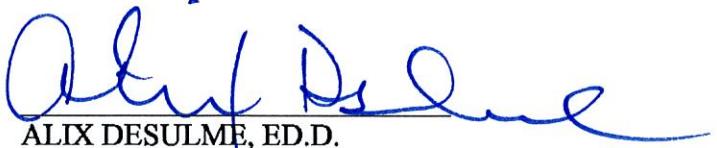
NOW, THEREFORE, Mayor and City Council approves this CUP along with the following findings and conditions:

- 1. Density Bonus:** That the City allocates fifteen (15) floating bonus units from the city-wide residential pool of five hundred twenty-five (525) 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. City Council must grant Site Plan approval 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. Operation and Maintenance:** That the owners or successors or assigns in title is bound by the CUP and shall continue operation and maintenance of all areas, functions, and facilities as depicted on the approved precise site plan, unless otherwise released by the Mayor and City Council.
- 5. Easements:** That the Applicant shall provide suitable areas for easements for dedication and/or improved for the installation of public utilities and purposes which include, but shall not be limited to water, gas, telephone, electric power, sewer, drainage, public access,

ingress, egress, and other public purposes.

6. **Installation of Utilities:** That all utilities within the Subject Property including, but not limited to, telephone, electrical systems, and television cables, shall be installed underground.
7. **Sidewalk:** That the Applicant shall construct and maintain a six-foot (6') sidewalk within the NE 136th Street frontage of the Subject Property, and shall execute and record an Installation and Maintenance Agreement approved by the City's Public Works Department prior to the issuance of a certificate of occupancy or its functional equivalent;
8. **Public Art:** That the Applicant shall, prior to the submittal of an application for building permits, complete the Arts in Public and Private Spaces approval process, and prior to the Certificate of Occupancy, the approved public art must be installed or completed.
9. **Building Permits:** That the Applicant applies 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;
10. **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;
11. **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 is subject to cancellation upon violation of any of the conditions herein listed;
12. **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
13. **Leadership in Energy and Environmental Design ("LEED") Certification:** Proof of LEED or equivalent National Green Building Certification is required prior to obtaining the final Certificate of Occupancy; and
14. **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 and the bioswales, rainwater collection, and rain gardens.

PASSED AND ADOPTED by a 4 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, this 26th day of November, 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: Charles

Seconded by: Estime-Irvin

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 type="checkbox"/> (Yes) _____ (No) _____ Absent
Councilman Pierre Frantz Charles, M.Ed.	<input checked="" type="checkbox"/> (Yes) _____ (No) _____

THIS ORDINANCE WAS TRANSMITTED TO THE CLERK OF THE CITY OF NORTH MIAMI
CITY COUNCIL ON THIS 10th DAY OF December, 2024.