

**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 RESIDENTIAL DEVELOPMENT CONSISTING OF A FOUR (4) STORY BUILDING WITH FORTY-EIGHT (48) UNITS WITH SIXTY-FOUR (64) SURFACE PARKING SPACES ON THREE (3) PARCELS OF REAL PROPERTY LOCATED AT 12290 NE 6<sup>TH</sup> AVE, 540 NE 123 STREET, AND 12280 NE 6<sup>TH</sup> AVE, AND IDENTIFIED WITH MIAMI-DADE COUNTY FOLIO NUMBERS: 06-2230-031-0020, 06-2230-031-0010, AND 06-2230-031-0030, TOTALING APPROXIMATELY 0.68 ACRES, IN ACCORDANCE WITH ARTICLE 3, DIVISION 4, SECTIONS 3-402 THROUGH 3-407, ARTICLE 4, DIVISION 2, SECTIONS 4-202, SECTION 4-203 AND SECTION 4-205, AND ARTICLE 4, DIVISION 3, SECTION 4-306 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 three (3) parcels of land totaling 0.68 acres (29,708 sq. ft), with the physical location of 12290 NE 6<sup>th</sup> Avenue, 540 NE 123<sup>rd</sup> Street, and 12280 NE 6<sup>th</sup> Avenue, and specifically identified with Miami-Dade County ("County") folio numbers 06-2230-031-0020, and 06-2230-031-0010, and 06-2230-031-0030 (referred to herein as "Subject Property") that are designated as Medium Density Residential on the City's 2045 Future Land Use Map ("FLUM"), and R-5, Residential on the Official Zoning Map; and

**WHEREAS**, the R-5 district allows up to sixteen point three (16.3) dwelling units per acre ("du/ac") in density, 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 eleven (11) units as of right;

**WHEREAS**, the Subject Property is also located in the NE 6<sup>th</sup> Avenue Planned Corridor Development Overlay ("PCD"), which allows a maximum building height of one hundred ten (110) feet, and up to one hundred (100) dwelling units per acre, through a Conditional Use Permit ("CUP"); and

**WHEREAS**, Article 3, Division 4, section 3-405 of the LDRs establishes criteria for the approval of a CUP; and

**WHEREAS**, Botanik Venture, LLC (the "Applicant") is the owner of the Subject Property

and has, through their Representative, Federico Zapata, filed a CUP application with the Development Services Department requesting approval to construct a 4-story 48-unit residential building on the Subject Property; and

**WHEREAS**, the City has reviewed the proposed request and found that it is consistent with Objective 1.21 of the Comprehensive Plan, and satisfies the requirements of Sections 3-405, 4-203, and 4-306 of the LDRs; and

**WHEREAS**, the Planning Commission, after a duly noticed public hearing held on July 2, 2024, 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**, the 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 4-story forty-eight (48) unit residential building located on the Subject Property, 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, the Mayor and City Council approve this CUP along with the following findings and conditions:**

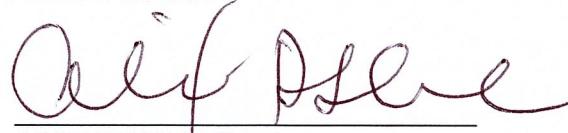
- 1. Density Bonus:** That the City allocates thirty-seven (37) floating bonus units from the city-wide residential pool of seven thousand one hundred sixty-seven (7,167) available units, subject to the following:
- 2. Development Review Committee Approval:** After approval of the CUP, the Applicant 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 the Applicant can apply for a building permit. The final approved precise plan and the CUP shall

be recorded in the records of the Miami Dade County Clerk and provided to the City Planner prior to submission of 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. **Sidewalks:** That the Applicant shall construct and maintain a ten-foot (10') sidewalk along the NE 6<sup>th</sup> Avenue frontage and a six-foot (6') sidewalk along the NE123<sup>rd</sup> Avenue 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. **Unification of Parcels:** Prior to site plan approval by City Council, the Applicant shall unify the individual lots under one folio number.
9. **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.
10. **Building Permits:** That 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.
11. **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.
12. **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.
13. **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.
14. **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.

**15. 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 25th day of February, 2025.



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: Burns

Seconded by: Charles

**Vote:**

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

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE CITY OF NORTH MIAMI CITY COUNCIL ON THIS 9th DAY OF MARCH, 2025.