

**RESOLUTION NO. 2018-R-53**

**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, ALLOCATING SIXTY-TWO (62) RESIDENTIAL UNITS FROM THE PRIMARY POOL OF TWO THOUSAND FIVE HUNDRED (2,500) OF FLOATING RESIDENTIAL UNITS RESERVED FOR THE NEIGHBORHOOD REDEVELOPMENT OVERLAY (NRO) DISTRICT, FOR A PROPOSED 6-STORY, 67-UNIT, MULTIFAMILY RESIDENTIAL DEVELOPMENT ON THE 1.1 ACRE REAL PROPERTY, GENERALLY LOCATED AT 840 N.E. 130 STREET AND SPECIFICALLY IDENTIFIED WITH MIAMI-DADE COUNTY FOLIO NUMBER: 06-2230-013-0110, IN ACCORDANCE WITH ARTICLE 4, DIVISION 4, SECTION 4-205(B) & SECTION 4-305, AND ARTICLE 3, DIVISION 4, SECTIONS 3-402 THROUGH 3-407 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, CHAPTER 29, ENTITLED “LAND DEVELOPMENT REGULATIONS”; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

**WHEREAS**, on April 26, 2016, the Mayor and City Council of the City of North Miami (“City”), adopted the EAR-based Amendments to the City’s Comprehensive Plan (“Comprehensive Plan”), consistent with the requirements of Chapter 163, Florida Statutes; and

**WHEREAS**, Policy 1.15.1 of the Comprehensive Plan established a pool of five thousand (5,000) floating residential units for development, as follows: two thousand five hundred (2,500) floating residential units for use within the Neighborhood Redevelopment Overlay (“NRO”) District (“Primary Pool”); and a secondary pool of two thousand five hundred (2,500) floating residential units for development outside the NRO District; and

**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, in order to implement the adopted EAR-Based Amendments to the Comprehensive Plan, consistent with the requirements of section 163.3184 of the Florida Statutes; and

**WHEREAS**, Article 4, Section 4-205(B) of the LDRs provides that requests for residential density bonuses may be granted through a Conditional Use Permit (CUP) approved

by the Mayor and City Council, in accordance with Section 3-401 and Section 4-305 of the LDRs; and

**WHEREAS**, OZ & BF, LLC. (“Applicant”), is the owner of a 1.10-acre site generally located at 840 N.E. 130<sup>th</sup> Street, as specifically identified by Miami-Dade County folio number: 06-2230-013-0110 (“Subject Property”); and

**WHEREAS**, the Subject Property is located within the NRO District and has an R-2 zoning designation, permitting a density of five point one (5.1) dwelling units per acre, with a maximum height of thirty five feet (35), allowing for up to 5.61 residential units as of right, for development on the Subject Property; and

**WHEREAS**, at 1.10 acres in size, the Subject Property qualifies for a maximum density bonus of 62 dwelling units per acre (du/ac), which could yield 68.2 residential units, and therefore a total of 74 residential units on the Subject Property, when adding the 5.61 units permitted by right; and

**WHEREAS**, the Applicant filed a CUP application with the Community Planning and Development Department, requesting that the City allocates sixty-two (62) additional bonus residential units from the NRO primary residential pool of two thousand five hundred (2,500) available units, in order to construct a total of sixty-seven (67) residential units on the Subject Property; and

**WHEREAS**, with the approval and transfer of sixty (62) units from the NRO primary residential pool of two thousand five hundred (2,500), the amount of available units will be reduced to two thousand four hundred and thirty-eight (2,438) available residential units; and

**WHEREAS**, the City has reviewed the proposed request and found that it is consistent with Policy 1.15.1 of the Comprehensive Plan and satisfies the requirements of Section 4-205 and 4-305 of the LDRs; and

**WHEREAS**, the Planning Commission, after a duly noticed public hearing held on March 14, 2018, reviewed the proposed request and found that it is in harmony with the goals, objectives and policies of the Comprehensive Plan, and, thereby, recommended approval of the CUP to the 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, approve the CUP allocating the requested number of units from the NRO primary residential pool.

**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 Conditional Use Permit, in substantially the attached form, transferring sixty two (62) bonus units from the Neighborhood Redevelopment Overlay (NRO) District primary residential pool of two thousand five hundred (2,500) floating residential units for a proposed development generally located on the northwest corner located on the Northwest corner of the intersection of Northeast 130<sup>th</sup> Street and Northeast 6<sup>th</sup> Avenue, situated within the NRO District, in accordance with Article 4, Section 4-205 and 4-305 of the City of North Miami Code of Ordinances, Land Development Regulations.

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

**PASSED AND ADOPTED** by a 3-2 vote of the Mayor and City Council of the City of North Miami, Florida, this 24th day of April, 2018.

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DR. SMITH JOSEPH  
MAYOR

ATTEST:

  
\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
JEFF P. H. CAZEAU, ESQ.  
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Joseph

Seconded by: Desulme

**Vote:**

Mayor Smith Joseph, D.O., Pharm. D.  
Vice Mayor Carol Keys, Esq.  
Councilman Scott Galvin  
Councilman Philippe Bien-Aimé  
Councilman Alix Desulme

<u>  X  </u>	(Yes)	<u>      </u>	(No)
<u>      </u>	(Yes)	<u>  X  </u>	(No)
<u>      </u>	(Yes)	<u>  X  </u>	(No)
<u>  X  </u>	(Yes)	<u>      </u>	(No)
<u>  X  </u>	(Yes)	<u>      </u>	(No)