

RESOLUTION NO. R2016-

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL TO CONSTRUCT A NEW 11,152 SQUARE FOOT ONE-STORY, MODULAR BUILDING ON A 68,935 SQUARE FOOT LOT, AS PROPOSED; AND GRANTING A VARIANCE FROM SECTION 24-55 (D)(3) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE EIGHTEEN FEET (18') OF THE MINIMUM REQUIRED SIDE (CORNER) YARD SETBACK OF TWENTY-FIVE FEET (25'); IN THE CF DISTRICT, LOCATED AT 16415 NE 11 AVE, NORTH MIAMI BEACH, FLORIDA.

WHEREAS, the property described herein is zoned CF, Community Facility District; and

WHEREAS, the applicant requests site plan approval and approval for one variance in order to construct a 11,152 square foot, one (1) story, modular building on a 68,935 foot lot located at 16415 NE 11 Avenue; and

WHEREAS, after a public hearing on _____, the Planning and Zoning Board, by a ___ to ___ vote, recommends approval of the site plan and the variance, subject to the conditions set forth and included in Section 1 below.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of North Miami Beach, Florida.

Section 1. Site plan approval and approval for one variance in order to construct a new 11,152 square foot, one (1) story, modular building on a 68,935 foot lot, on property legally described as:

LOTS 8 THRU 16 BLK 9, OF "MONTICELLO PARK UNIT 1" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 40, PAGE 65, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

A/K/A
16415 NE 11 Avenue
North Miami Beach, Florida

is **HEREBY GRANTED** SUBJECT TO THE FOLLOWING CONDITIONS:

1. Unless otherwise provided, all of the below conditions shall be completed/complied with prior to the issuance of the building permit.
2. The conditions of approval for this site plan and variance are binding on the applicant, property owners, operators, and all successors in interest and assigns.
3. Construction of the proposed project shall be in conformance with the following:

- a. Sketch of Survey prepared by Pablo J. Alfonso P.S.M., Royal Point Land Surveyors, Inc.
 - b. Plans prepared by Michael W. Hanlon, HNM Architecture. including the following:
 - Sheet A-0.1, Site Plan and Floor Plan
 - Sheet A-1.0, Building Elevations
 - Sheet LP1, Conceptual Landscape Plan
 - Sheet LP2, Landscape Plan-Plant List, Details, & Specifications
 - Sheet G-4, Lot Coverage and Open Space Diagrams
4. All representations proffered by the Applicant's representatives as a part of the application review at the public hearings.
5. Prior to issuance of any Master Building Permit, the Applicant shall provide the City Manager or designee with a draft schedule for the construction of the Project, (the "Construction Schedule").
6. Substantial modifications to the plans submitted and approved as part of the application may require the applicant to return to the Planning and Zoning Board and Mayor and City Council for approval. Insubstantial changes shall include proportionate reductions in residential units and parking spaces by less than 5% of the total proposed project, changes that do not alter the project more than 5% of lot coverage, setbacks, height, density and intensity calculations so long as the proposed amendment does not cause an increase in the number of average daily trips; does not alter the location of any points of ingress, egress, access and vehicular and pedestrian patterns to the site; and does not violate any condition placed upon the site plan as originally approved. Insubstantial changes may be administratively approved by the City Manager or designee. Any de minimis amendments to the plans or site plans which cannot be resolved administratively shall be returned to the Mayor and City Council for a formal review. However, under no circumstances, may any plans, site plans, building, structure, or project be administratively altered by more than 5% lot coverage, setbacks, height limitations, as well as density or intensity calculations set forth in a previously approved site plan.
7. Prior to the issuance of a Master Building Permit, the City Manager or designee and the City Attorney, may refer any application for review by engineering, planning, legal, technical, environmental, or professional consultant(s) as deemed necessary. The City shall be reimbursed by Applicant for reasonable fees and charges made by such consultant(s) or professional(s) within thirty (30) days of submission of a City voucher. These fees and charges are in addition to any and all other fees required by the City.
8. Construction workers are prohibited from parking on residential streets or public parking lots. Prior to application for the Master Building Permit, the Applicant shall submit a construction parking plan providing off-street parking for construction workers during the period of construction to the City Manager or designee for review and approval. The construction parking plan shall provide: (a) Applicant's general contractor shall direct all workers to park at off street sites; (b) no workers shall park their vehicles in residential neighborhoods; and (c) Applicant shall provide reports as needed to the City Manager or designee detailing any problems and complaints regarding the parking.
9. Prior to issuance of any Master Building Permit, Applicant shall execute a covenant running with the land, binding upon its heirs, successors and assigns, subject to the approval of the City Attorney, which shall be recorded in the public records of Miami-Dade County, Florida at Applicant's sole expense, containing all of the conditions and

provisions required by this Resolution. This recorded covenant may be amended from time to time and shall be re-recorded after each amendment at the Applicant's sole expense, subject to the approval of the City Attorney.

10. Prior to the issuance of the Master Building Permit, a bond or equivalent amount of cash shall be posted with the City to replace public property damaged during the construction of the Project pursuant to the terms of Sections 14-1.10 and 14-1.11 of the City's Code of Ordinances in the amount of \$750.00. The final determination regarding property to be replaced shall be made by the City Manager or designee.
11. Prior to the issuance of the Master Building Permit, the Applicant shall provide a bond not to exceed a one-half percent (.05%) of the construction cost, as required by the Building Official. These funds shall be used to secure property and the construction site for the Project in the event construction is abandoned, or ceases prior to completion, or to repair public infrastructure damaged by construction, and to maintain the site during abandonment.
12. Applicant shall furnish payment and performance bonds, cash, or letter(s) of credit issued in a form and by a bank reasonably acceptable to the City to ensure Applicant's performance and/or payment of the public improvements; The payment and performance bond(s) required by this Resolution shall be issued by a surety having a minimum rating of A-1 in the Best's Key Rating Guide, Property/Casualty edition, shall be subject to the approval of the City and shall include this legend: "This bond (these bonds) may not be cancelled or allowed to lapse until thirty (30) days after receipt by the City of North Miami Beach, by certified mail, returned receipt requested, addressed to: CITY MANAGER with a copy to: CITY ATTORNEY, both addressed to: 17011 NE 19 Avenue, North Miami Beach, FL 33162-3111 of written notice from the issuer of the bond of its intent to cancel or to not renew." As improvements and payments are made in accordance with the terms of this Resolution, the City, in its sole discretion, may reduce or eliminate the bond amount. These rights reserved by the City with respect to any construction bond or other performance or payment bond established pursuant to this section are in addition to all other rights and remedies the City may have under this Resolution, in law or in equity.
13. No building permits shall be issued (except for signage, demolition, foundation, temporary power, construction trailers and sales center) unless the Applicant has submitted all documents required under this approval as of that date, subject to the approval of the City Attorney and the City Manager or designee, and shall have paid all professional reimbursements and other payments required by the Code of Ordinances of the City of North Miami Beach.
14. Prior to the issuance of the Master Building Permit, the Applicant shall submit plans for the construction of an appropriate barrier between the construction site and adjoining properties in order to minimize blowing of dust and construction debris. Applicant shall comply with the regulations of the Code of Ordinances the City of North Miami Beach relating to construction site operations, including but not limited to the installation of a chain link construction fence with a windscreen displaying a rendering of the Project. Applicant shall use its good faith efforts to minimize vibration noise and pollution during construction of the Project.
15. The applicant shall submit an MOT (Maintenance of Traffic) to Public Works Department staff for review and approval prior to the issuance of a master building permit. The MOT shall address any traffic flow disruption due to construction activity on the site.

16. All engineering (paving and drainage) plans at time of permitting must be signed and sealed by a State of Florida Certified Engineer and must be stamped approved by Miami-Dade County DRER and FDOT.
17. All City impact fees shall be paid prior to issuance of a master building permit, for each phase of the project.
18. The Applicant shall comply with all applicable conditions and permit requirements of the Miami-Dade County Fire Department, the Water and Sewer Department, Department of Regulatory and Economic Resources, Miami-Dade County Public Health Department, the Florida Department of Environmental Protection (FDEP), the Florida Department of Transportation (FDOT) and any other applicable regulatory agency.
19. Prior to the issuance of the Master Building Permit, the Applicant shall meet all requirements of the Department of Public Works Solid Waste Division for trash containers.
20. If applicable, prior to the issuance of any Master Building Permit for any phase (building) of the Project, any driveway permit along any State Right-of-Way must be approved and permitted by Florida Department of Transportation ("FDOT"), and proof of an FDOT permit shall be required prior to any work being performed within any State right of way.
21. The Applicant shall post a sign on-site providing contact information in case of any complaint or concern during construction. The sign shall be removed upon the earlier of the City's issuance of a temporary or full certificate of occupancy.
22. The site plan and any variance approvals shall remain valid for a period of 12-months from the date of adoption of the Resolution by the City Council. If the first master building permit is not applied for within the 12-month time period, the approvals shall be considered null and void and of no force and effect unless extensions of time are obtained pursuant to applicable law.
23. The Applicant, its successors and assigns shall comply with all City ordinances applicable to development and permit approvals at the time of adoption of the Resolution and in the event the Master Building Permit expires, all approvals and prior fees paid, shall be subject to be forfeited. This shall not applied to City of North Miami Beach impact fees paid, which would not be refunded but would be credited to the property for any subsequent development.
24. Applicant must provide the NMBPD with access to the property at all times.
25. Applicant must provide the NMBPD with a safety plan.
26. Applicant must join the NMBPD *Trespass After Warning* Program.
27. The Applicant shall obtain a certificate of occupancy and certificate of use from the City upon compliance with all terms and conditions. The certificate of use shall be subject to review upon violation of any of the conditions, in accordance with the law.

Section 2. The City Council makes the following FINDINGS OF FACT based upon the substantial competent evidence provided:

The requested variance maintains the basic intent and purpose of the applicable zoning and land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and the variance is otherwise compatible with the surrounding land uses and is not be detrimental to the community;

Section 3. Pursuant to Section 24-172(I) of the Code of Ordinances of the City of North Miami Beach, the Applicant must apply for a master building permit from the City within twelve (12) months of the date of this Resolution or the site plan and variance approval granted shall be deemed null and void and the applicant shall be required to reinstate the site plan and variance review process unless the term is extended by the City Council prior to its expiration.

Section 4. Pursuant to Section 24-175(C) of the Code of Ordinances of the City of North Miami Beach, the applicant must obtain a Business Tax Receipt within one year of the issuance of a Certificate of Occupancy or within one year of site plan and variance approval, whichever is longer. This may be extended administratively for good cause for one six-month period by the City Manager or designee. This period may be extended by the Mayor and City Council for good cause.

APPROVED AND ADOPTED by the City Council of the City of North Miami Beach, Florida at regular meeting assembled this ____ **day of** _____, **2016.**

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

GEORGE VALLEJO
MAYOR

(CITY SEAL)

APPROVED AS TO FORM &
LANGUAGE & FOR EXECUTION

JOSE SMITH
CITY ATTORNEY

COUNCILPERSON	YES	NO	ABSTAIN	ABSENT
Mayor George Vallejo				
Vice-Mayor Phyllis Smith				
Councilwoman Barbara Kramer				
Councilwoman Marlen Martell				
Councilman Frantz Pierre				
Councilman Anthony DeFillipo				
Councilwoman Beth Spiegel				

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