

ORDINANCE NO. 2016-26

ORDINANCE REZONING 130.14 ACRES MORE OR LESS OF LAND FROM GU (INTERIM DISTRICT) TO RESIDENTIAL DEVELOPMENT DISTRICT AND GRANTING A VARIANCE PERMIT TO ALLOW A MINIMUM OF 19% OF THE UNITS DEVELOPED AS RH-1 (ONE FAMILY DISTRICT), WHERE A MINIMUM OF 25% IS REQUIRED; A MAXIMUM OF 45% OF THE UNITS DEVELOPED AS R-4 (TOWNHOUSES), WHERE A MAXIMUM OF 30% IS ALLOWED; A MAXIMUM OF 36% OF THE UNITS TO BE DEVELOPED AS RH-3-M (MULTIPLE FAMILY DISTRICT), WHERE A MAXIMUM OF 20% IS ALLOWED, CONTRA TO HIALEAH CODE § 98-1605(b)(1)b; AND GRANTING A VARIANCE OF THE REQUIREMENTS OF THE RESIDENTIAL DEVELOPMENT DISTRICT AS PROVIDED BY HIALEAH CODE §§ 98-1604(b), 98-1604(c), 98-1604(d), 98-1604(e), 98-1604(g), 98-1604(i), 98-1604(j), 98-1604(k), 98-1604(l), 98-1604(m), 98-1604(n), 98-1604(o), 98-1605(b)(1)b, 98-1605(b)(3), 98-1605(c), 98-1605(d), AND 98-1606 TO THE EXTENT PROVIDED IN THE SITE PLAN DATED MARCH 1, 2016 AND PATTERN BOOK PREPARED BY PASCUAL, PEREZ, KILIDDJIAN AND ASSOCIATES, ARCHITECTURE AND PLANNING AND THE LANDSCAPE PLANS DATED MARCH 1, 2016 PREPARED BY WITKIN HULTS DESIGN GROUP. **PROPERTY LOCATED ON A VACANT PARCEL OF LAND NORTH OF NW 154 STREET AND THEORETICAL NW 166 STREET, WEST OF I-75 EXPRESSWAY, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on or about April 30, 2009, the City and F71-2, LLC and F78-1, LLC (hereinafter “Developers”), then owners of the certain three (3) parcels of land located at the northeast corner of NW 97 Avenue and theoretical NW 154 Street within the boundaries of the City and identified by Miami-Dade County tax Folio Numbers 04-2016-000-0110, 04-2016-000-0060 and 04-2016-000-0100 (hereinafter the “Property”), entered into a Development Agreement (hereinafter the “Developer Agreement”) whereby the Developers and the City mutually agreed to establish certain terms and

conditions relating to the proposed development of the Property as well as identifying parameters for the future development of the Property;

WHEREAS, the City wishes to reaffirm the Developer Agreement;

WHEREAS, the City and the applicant mutually desire that the Property be developed within the parameters set forth by the Developer Agreement and this ordinance; and

WHEREAS, the Planning and Zoning Board at its meeting of April 13, 2016 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby rezoned from GU (Interim District) to Residential Development District.

Section 2: The below-described property is hereby granted a variance permit to allow a minimum of 19% of the units developed as RH-1 (One Family District), where a minimum of 25% is required; a maximum of 45% of the units developed as R-4 (Townhouses), where a maximum of 30% is allowed; a maximum of 36% of the units to be developed as RH-3-M (Multiple Family District), where a maximum of 20% is allowed, contra to Hialeah Code § 98-1605(b)(1)b, which provides in pertinent part: “For development that is 50 acres or more, minimum 25 percent RH-1 zoned property, minimum 20 percent and maximum 30 percent R-4 zoned townhouses, maximum 20 percent R-3-M multiple family zoned property and maximum ten percent R-3-MM multiple family district (15 to 24 units per net acre) zoned property.”

Section 3: The below-described property is hereby granted a variance of the requirements of the Residential Development District as provided by Hialeah Code §§ 98-1604(b), 98-1604(c), 98-1604(d), 98-1604(e), 98-1604(g), 98-1604(i), 98-1604(j), 98-

1604(k), 98-1604(l), 98-1604(m), 98-1604(n), 98-1604(o), 98-1605(b)(1)b, 98-1605(b)(3), 98-1605(c), 98-1605(d), and 98-1606 to the extent provided in the site plan dated March 1, 2016 and pattern book prepared by Pascual, Perez, Kiliddjian and Associates, Architecture and Planning, and the Landscape Plans dated March 1, 2016 prepared by Witkin Hults Design Group. Property located on a vacant parcel of land North of NW 154 Street and theoretical NW 166 Street, West of I-75 Expressway, Hialeah, Florida and legally described as follows:

THE E 1/4 OF THE S 1/2 OF THE NW 1/4, LESS THE EAST 471 FEET THEREOF; AND THE N 1/2 OF THE SW 1/4, LESS THE WEST 50 FEET FOR RIGHT-OF-WAY; AND THE SOUTH 1/2 OF THE SW 1/4 LESS THE WEST 50 FEET FOR RIGHT-OF-WAY, IN SECTION 16, TOWNSHIP 52 SOUTH, RANGE 40 EAST. SAID LANDS LAYING, BEING AND SITUATED IN THE CITY OF HIALEAH, MIAMI-DADE COUNTY, FLORIDA.

Section 4: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: Penalties. Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 6: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

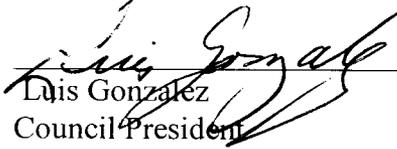
Section 7: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 10 day of May, 2016.

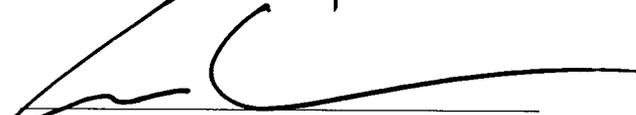
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.

Attest:

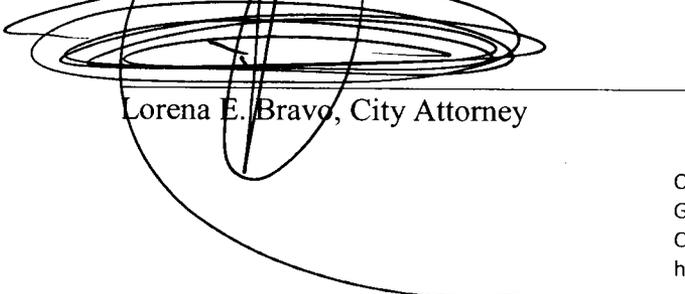

Luis Gonzalez
Council President

Approved on this 23 day of May, 2016.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a 5-0-2 vote with Councilmembers, Caragol, Garcia-Martinez, Gonzalez, Cue-Fuente, and Lozano voting "Yes". Councilmember Hernandez absent and Councilwoman Casás-Muñoz having not been present during the vote.