ORDINANCE NO. 2014-39

ORDINANCE REZONING 151.85 ACRES OF LAND FROM GU (INTERIM DISTRICT) TO RESIDENTIAL DEVELOPMENT DISTRICT, HAVING A MINIMUM OF 25% DEVELOPED AS RH-1 (ONE FAMILY DISTRICT), A MINIMUM OF 20% AND A MAXIMUM OF 30% DEVELOPED AS R-4 (TOWNHOUSE), A MAXIMUM OF 20% DEVELOPED AS RH-3M (MULTIPLE FAMILY DISTRICT, 8 TO 14 UNITS PER NET ACRE), AND A MAXIMUM OF 10% DEVELOPED AS RH-3-MM (MULTIPLE FAMILY DISTRICT, 15 TO 24 UNITS PER NET ACRE); SUBSTITUTING THE REQUIREMENTS OF THE RESIDENTIAL DEVELOPMENT DISTRICT BY APPROVING THE SITE PLAN DATED MAY 13, 2014 AND PATTERN BOOK, AS AMENDED, PREPARED BY PASCUAL PEREZ KILIDDJIAN & ASSOCIATES, ARCHITECTS AND PLANNERS, AND BY APPROVING THE LANDSCAPE PLAN DATED MARCH 24, 2014, AS AMENDED, PREPARED BY MICHAEL J. PETROW AND ASSOCIATES, INC.; GRANTING A VARIANCE TO ALLOW A TEMPORARY WAIVER OF PLAT, PROVIDED THAT THE PROPERTY IS REPLATTED WITHIN 18 MONTHS FROM THE GRANT OF THE WAIVER; REAFFIRMING THE OBLIGATION TO PAY THE CITY THE SUM OF $994,614 TO BE USED FOR ROADWAY IMPROVEMENTS; AND REPEALING AND RESCINDING HIALEAH, FLA., ORDINANCE 06-52 (SEPTEMBER 12, 2006); **PROPERTY LOCATED ON A VACANT PARCEL OF LAND SOUTH OF NORTHWEST 154 STREET, NORTH OF NORTHWEST 146 STREET, EAST OF NW 97 AVENUE AND WEST OF THE 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, the Planning and Zoning Board at its meeting of May 28, 2014 recommended approval of this ordinance; and

WHEREAS, the petitioner has proffered community standards that are acceptable to the City, which will be provided to all prospective purchasers of residential units and which future purchasers shall agreed to be bound thereby; and

WHEREAS, the petitioner has proffered a declaration of covenants running with the land, to be recorded in the county land records, setting forth restrictions that limit the number of units that may provide for extended family living quarters such that there is no additional increase to density, increase demands on parking and protect neighborhood stability, property values and the single-family residential appearance of the neighborhood, to which the City accepts;

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

Section 1: The City of Hialeah, Florida hereby accepts the proffered community standards and restrictions on units providing for extended family living quarters for the Residential Development District described herein and hereby incorporated by reference within this ordinance. Any future amendments to the proffered community standards, which are accepted and approved by the City, shall not require an amendment to this ordinance.

Section 2: The City of Hialeah, Florida hereby rezones 151.85 acres of land from GU (Interim District) to Residential Development District, having a minimum of 25% developed as RH-1 (One Family District), a minimum of 20% and a maximum of 30% developed as R-4 (Townhouse), maximum of 20% developed as RH-3-M (Multiple Family District, 8 to 14 units per net acre) and a maximum of 10% developed as R-3-MM (Multiple Family District, 15 to 24 units per net acre); hereby substitutes the requirements of the Residential Development District by approving the Site Plan dated May 13, 2014 and Pattern Book, as amended, prepared by Pascal Perez Kiliddjian & Associates, Architects and Planners, and by approving the Landscape Plan dated March 24, 2014, as amended, prepared by Michael J. Petrow & Associates, Inc.; hereby grant a variance

permit to allow the temporary waiver of plat, provided that the property will be replatted within 18 months from the grant of the waiver; hereby reaffirms the obligation to pay the City the sum of $994,614 to be used for roadway improvements. Property located on vacant parcel of land, to the south of NW 154 Street, to the north of NW 146 Street, east of N.W. 97 Avenue and west of the I-75 Expressway, Hialeah, Miami-Dade County, Florida and legally described as follows:

> Tracts 17 through 25 inclusive and Tracts 26 through 32, inclusive, in Section 21, Township 52 South, Range 40 East, of **"Florida Fruit Lands Company's Subdivision No.1"**, according to the Plat thereof, as recorded in Plat Book 2, at Page 17of the Public Records of Miami-Dade County, Florida. More particularly described as follows:
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> **See Attached "Exhibit A"**

Section 3: Hialeah, Fla., Ordinance 06-52 (September 12, 2006) is hereby repealed and rescinded in its entirety.

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 24 day of June, 2014.

Isis Garcia-Martinez
Council President

Attest:

Approved on this 02 day of July, 2014.

Marbelys Rubio, Acting City Clerk

Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

Lorena E. Bravo, Acting City Attorney

Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Cásals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".

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

Exhibit A

Tract 17: Tract 17, In Section 21, Township 52 South, Range 40 East, of FLORIDA FRUIT LAND COMPANY'S PLAT, according to the Plot thereof, as recorded in Plot Book 2, Page 17, of the Public Records of Miami-Dade County, Florida.

LESS
A portion of Tract 17, In Section 21, Township 52 South, Range 40 East, of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, according to the Plat thereof, as recorded in Plat Book 2. Page 17, of the Public Records of Miami-Dade County, Florida being more particularly described as follows:

Commence at the Northwest corner of said Section 21, Township 52 South, Range 40 East: thence run North 89' 34' 46' East, along the North line of the Northwest Quarter of said Section 21 for 675.83 feet to the Northeast corner of sold Northwest Quarter; thence run South 02' 39' 05' East, along the East line of the sold Northwest Quarter for 330.34 feet to an interaction with the South line of sold Tract 17; thence run South 89' 35' 03' West along the South line of said Tract 17 for 470.64 feet; thence run North 02' 37'10' West for 190.19 feet; thence run South 89' 34' 46' West for 210.75 feet; thence run North 00' 25' 14' West for 140.00 feet to the Point of Beginning

TOGETHER WITH all rights of Ingress, egress, light, air, and view between the remaining portion of Tract 17 and any facility constructed on the above described property.

AND LESS
A portion of Tract 17 In Section 21, Township 52 South, Range 40 East, of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1. according to the Plat thereof, as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida being more particularly described as follows:

Commence at the Northwest corner of said Section 21, Township 52 South, Range 40 East,; thence run North 89' 34' 46' East, along the North line of the Northwest Quarter of said Section 21 for 1319.22 feet to a point of intersection with the West line of said Tract 17, said point being the Point of Beginning of the herein described parcel of land; thence continue North 89' 34' 46' East, along the North line of the Northwest Quarter of said Section 21 for 643.39 feet: thence run South 00' 25' 14' East for 140.00 feet; thence run South 89' 34' 46' West for 637.95 feet to an Intersection with the aforementioned West line of said Tract 17; thence run North 02' 38' 44' West along the last described West line for 140.11 feet to the Point of Beginning.

Tracts 18, 19, 20, 21, 22, 23, 24, less I-75 Right – of - way, AND Tracts 26, 27, 28, 29, 30, 31 and 32, FLORIDA FRUITLAND'S COMPANY SUBVISION, according to the Plat thereof as recorded on Plat Book 2, Page 17, of the Public Records of Miami – Dade County, Florida; Lying in Section 21, Township 52 South, Range 40 East.

Commence at the Northwest corner os said Section 21, thence run North 89' 34' 43' East, along the North line of said Section 21, for 15.01 feet, to the Point of Beginning; thence continue North 89' 34' 43' East for 955.15 feet; thence run South 00' 25' 14' East 140.00 feet; thence run North 89' 34' 43' East for 354.40 feet; thence run South 02' 37' 47' Eeast for 190.11 feet; thence run North 89' 34' 58' East for 848.62 feet to a point in the West right of way of said I-75; thence run Soutyh 02' 35' 30' East along the West line of said I-75, for 2,311.83 feet to the South line of Tract 24; thence run South 89' 36' 40' West along the South line of said Tract 24, for 847.10 feet, to the Southwest cornor of said Tract 24; thence run North 02' 37' 47' West, along the West line of said Tract 24, for 330.22 feet to the Southeast cornor of Tract 26; thence run South 89' 36' 25' West along the South line of said Tract 26, for 1,304.09 feet to a point, this point is 15.00

feet East of the West line of said Section 21; thence run North 02' 37' 55' West along a line 15.00 feet East and parallel to the West line of said Section 21, for 2,310.87 feet, to the Point of Beginning.

Less Right of Way of Record for West 100th Street, West 36th Avenue and West 92nd Street.

Tract 25

All of Tract 25, In Section 21, Township 53 South, Range 40 East, a subdivision of Florida Fruit Lands Company's Subdivion No.1, according to the Plat thereof, as recorded in Plat Book 2, Page 17, of the Public records of Miami-Dade County, Florida; Less and Except that portion of Tract 25, In the Northwest one-quarter (N.W. ¼) of Section 21, Townership 52 South, Range 40 East, Florida Fruit Lands Company's Subdivision No.1, according to Plat 2, Page 17, of the Public Records of Miami-Dade County, Florida, lying within the West 50.00 feet of the Northwest one – quarter (N.W. ¼) of said Section 21, Township 52 South, Range 40 East, as conveyard to Miami-Dade County, Florida for public right - of – way in Official Records Book 26042, Page 1650.