

**ORDINANCE NO. 2016-91**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL REZONING 287.70 ACRES OF LAND FROM GU (INTERIM DISTRICT) TO RDD (RESIDENTIAL DEVELOPMENT DISTRICT), REQUIRING A MINIMUM OF 25% DEVELOPED AS RH-1 (ONE FAMILY DISTRICT), MINIMUM OF 20% AND MAXIMUM OF 30% DEVELOPED AS R-4 (TOWNHOUSE), MAXIMUM OF 20% DEVELOPED AS RH-3-M (MULTIPLE FAMILY DISTRICT) AND MAXIMUM OF 10% DEVELOPED AS RH-3-MM (MULTIPLE FAMILY DISTRICT, 15 TO 24 UNITS PER ACRE); SUBSTITUTING THE REQUIREMENTS OF THE RESIDENTIAL DEVELOPMENT DISTRICT BY APPROVING THE SITE PLAN DATED 10-5-16 AND PATTERN BOOK, PREPARED BY PASCUAL PEREZ KILIDDJIAN & ASSOCIATES ARCHITECTS AND APPROVING THE LANDSCAPE PLAN DATED 10-5-16, PREPARED BY WITKIN HUTS DESIGN GROUP; GRANTING A VARIANCE PERMIT TO ALLOW THE FOLLOWING VARIANCES FOR THE RESPECTIVE RESIDENTIAL COMPONENTS OF THE PROJECT: (A) MINIMUM BUILDING SITE WITH (R-4), TO ALLOW BUILDING SITE 23' WIDE (25' REQUIRED) CONTRA TO § 98-687, HIALEAH CODE OF ORDINANCES; (B) MINIMUM LOT WIDTH TO ALLOW RH-1 LOT WIDTHS OF 32' (40' REQUIRED) CONTRA TO § 98-1604(C), HIALEAH CODE OF ORDINANCES AND RH-3-M LOT WIDTHS OF 18'4" AND 21' 4" (75' REQUIRED) CONTRA TO § 98-1606(D) HIALEAH CODE OF ORDINANCES; (C) MAXIMUM LOT

COVERAGE (RH-1 AND R-4) TO ALLOW LOT WIDTHS IN EXCESS OF 50% FOR A NUMBER OF THE RH-1 AND R-4 UNITS CONTRA TO § 98-1604(I), HIALEAH CODE OF ORDINANCES; (D) OPEN SPACE PER UNIT (R-4), TO ALLOW LESS OPEN SPACE THAN THE REQUIRED 400 SQUARE FEET PER UNIT CONTRA TO § 98-694 HIALEAH CODE OF ORDINANCES; AND FRONT YARD (RH-1, RH-3-M, AND R-4), CONTRA TO §§ 98-1604(E)(1), 98-1606(D) AND 98-687, HIALEAH CODE OF ORDINANCES, SIDE STREET (RH-3-M) CONTRA TO § 98-1606(F)(2), HIALEAH CODE OF ORDINANCES, CORNER LOT (R-4) CONTRA TO § 98-689, HIALEAH CODE OF ORDINANCES, AND REAR YARD (RH-1 AND R-4) SETBACKS CONTRA TO §§ 98-1604(E) (4) AND 98-689 HIALEAH CODE OF ORDINANCES; **PROPERTIES LOCATED ON THE SE CORNER OF NW 170 STREET AND NW 97 AVENUE, HIALEAH, FLORIDA;** REPEALING 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 regular meeting of November 9, 2016, recommended approval of this ordinance;

**WHEREAS,** under Section 98-1608 of the Hialeah City Code, the proposed development is a covenant community to be maintained, improved or changed under a Declaration of Restrictions acceptable to the City, including a future amendment to Ordinance number 2016-26.

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

**Section 1:** The foregoing facts and recitations contained in the preamble to this ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

**Section 2:** The below-described property comprised of 287.70 acres of land is hereby rezoned from GU (interim district) to RDD (residential development district) requiring a minimum of 25% developed as RH-1 (one family district), minimum of 20% and maximum of 30% developed as R-4 (townhouse), maximum of 20% developed as RH-3-M (multiple family district) and maximum of 10% developed as RH-3-MM (multiple family district, 15 to 24 units per acre); substituting the requirements of the residential development district by approving the site plan dated 10-5-16 and pattern book, prepared by Pascual Perez Kiliddjian & Associates Architects and approving the landscape plan dated 10-5-16, prepared by Witkin Huts Design Group.

**Section 3.** The below described property is hereby granted a variance permit to allow the following variances for the respective residential components of the project: (a) minimum building site with (R-4), to allow building site 23' wide (25' required) contra to § 98-687, Hialeah Code of Ordinances that provides: "All townhouse building sites will be a minimum of 25 feet..."; (b) minimum lot width to allow RH-1 lot widths of 32' (40' required) contra to § 98-1604(c), Hialeah Code of Ordinances that provides: "Lot sizes. The minimum ... lot frontages or widths shall be 40 feet", and RH-3-M lot widths of 18'4" and 21' 4" (75' required) contra to § 98-1606(d), Hialeah Code of Ordinances that provides: "Lot sizes. The minimum ... lot frontages or widths shall be 75 feet or 100 feet."; (c) maximum lot coverage (RH-1 and R-4) to allow lot widths in excess of 50% for a number of the RH-1 and R-4 units contra to § 98-1604(i), Hialeah Code of Ordinances that provides "Maximum lot coverage. The maximum lot coverage

is 50 percent.”; (d) open space per unit (R-4), to allow less open space than the required 400 square feet per unit contra to § 98-694 Hialeah Code of Ordinances that provides: “Each townhouse shall contain at least 400 square feet of open space, exclusive of parking areas and driveways.”; and front yard (RH-1, RH-3-M, and R-4, contra to §§ 98-1604(e)(1), 98-1606(d) and 98-687, Hialeah Code of Ordinances that respectively provide: “Minimum setbacks. (1) Front yard required. All dwelling units shall have a minimum setback 20 feet from the property line and ten feet from the property line for corner lots.”, “Lot sizes. The minimum ... required lot frontages or widths shall be 75 feet or 100 feet.”, “... each unit a minimum of 25 feet frontage. The minimum street frontage for any R-4 zoned subdivision shall not be less than 200 lineal feet.”, side street (RH-3-M) contra to § 98-1606(f)(2), Hialeah Code of Ordinances that provides: “Minimum street side yard setback is five feet.”, corner lot (R-4) contra to § 98-689, Hialeah code of Ordinances that provides: “The minimum front setback shall be five feet on corner lots”, and rear yard (RH-1 and R-4) setbacks contra to §§ 98-1604(e) (4) and 98-689, Hialeah Code of Ordinances that provide: “Rear yard required. All dwelling units shall be setback a minimum of 20 feet from the property line.” and “The rear setback shall be a minimum of 20 feet.”; and legally described as follows:

See Exhibit “A”

**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 convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by 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.

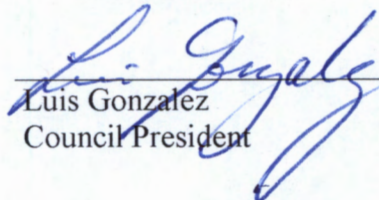
**Section 6: Severability Clause.**

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.**

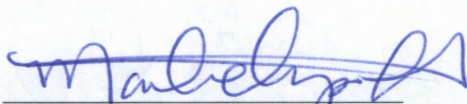
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

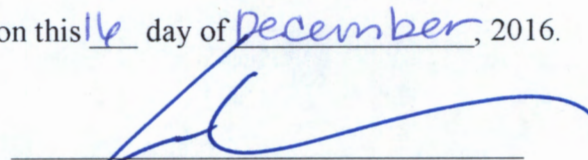
PASSED and ADOPTED this 13 day of December, 2016.

  
Luis Gonzalez  
Council President

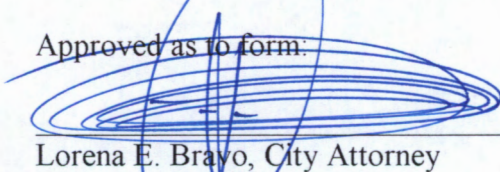
Attest:

Approved on this 16 day of December, 2016.

  
Marbelys Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to form:

  
Lorena E. Bravo, City Attorney

Strikethrough indicates deletion. Underline indicates addition.  
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Ordinance was adopted by a (5-0-2) vote with Councilmembers, Caragol, Gorzalez, Hernandez, Lczano, and Cue-Fuente voting: "Yes". Councilwoman Casáls-Muñoz not present and Councilwoman Garcia-Martinez absent.