

CITY OF HOMESTEAD, FLORIDA

ORDINANCE NO. 2021-06-08

AN ORDINANCE OF THE CITY OF HOMESTEAD, FLORIDA, **AMENDING THE CITY CODE OF ORDINANCES BY AMENDING CHAPTER 30 “ZONING” “ARTICLE III, “DISTRICT REGULATIONS,” DIVISION 23, “PLANNED URBAN NEIGHBORHOOD DISTRICT,” SECTION 30-396.40 “MAXIMUM DENSITY,” SECTION 30-396.44 “MAXIMUM DENSITY,” AND SECTION 30-396.62 “SUBAREAS” TO PERMIT AN INCREASE IN RESIDENTIAL NET DENSITY WITHIN THE SOUTHWEST PLANNED URBAN NEIGHBORHOOD (SWPUN) - TRADITIONAL MULTI-FAMILY NEIGHBORHOOD SUBAREA FROM A MAXIMUM TWENTY (20) DWELLING UNITS PER ACRE TO THIRTY-ONE (31) DWELLING UNITS PER ACRE FOR A MIXED-USE MULTIFAMILY SENIOR RESIDENTIAL COMMUNITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Homestead, Florida (the “City Council”) finds it periodically necessary to amend its Code of Ordinances (the “City Code”) in order to update regulations and procedures to implement municipal goals and objectives; and

WHEREAS, the City Council desires to amend the City Code to permit an increase in residential net density within the Southwest Planned Urban Neighborhood (SWPUN) - traditional multi-family neighborhood subarea zoning district from a maximum twenty (20) dwelling units per acre to thirty-one (31) dwelling units per acre necessary to permit the future development of mixed-use affordable multifamily senior and elderly residential communities; and

WHEREAS, the City Council desires to amend the zoning district regulations and standards for the SWPUN-traditional multi-family neighborhood subarea in order to promote better quality design, accessibility, and compatibility for affordable senior and elderly housing; and

WHEREAS, staff recommended approval of this proposed Ordinance in its report dated April 21, 2021; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed this Ordinance at a duly noticed hearing on May 12, 2021, and recommended its approval and adoption; and

WHEREAS, the City Council has reviewed this Ordinance at a duly noticed public hearing in accordance with law and determined that it is consistent with the City's Code and Comprehensive Plan; and

WHEREAS, the City Council finds that this proposed Ordinance serves to further enhance the protection of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOMESTEAD, FLORIDA:

Section 1. Recitals Adopted. The preceding "Whereas" clauses are ratified and incorporated as the legislative intent of this Ordinance.

Section 2. City Code Amended. That Chapter 30 “Zoning” “Article III, “District Regulations,” Division 23, “Planned Urban Neighborhood District,” is hereby amended to read as follows:

Chapter 30 - ZONING

ARTICLE III. - DISTRICT REGULATIONS

DIVISION 23. - PLANNED URBAN NEIGHBORHOOD DISTRICT

Sec. 30-396.40. - Maximum density.

The maximum gross net residential density for a PUN shall not exceed twenty (20) dwelling units per acre for a single residential parcel, and fifteen (15) dwelling units per acre as the average residential density for all subareas or districts that permit residential uses as identified within the neighborhood master plan. Notwithstanding the foregoing density restrictions, a single residential parcel designated PUN Subarea: Traditional Multifamily Neighborhood, may be developed utilizing a maximum net residential density of thirty-one (31) dwelling units per acre for a mixed-use multifamily senior residential community, provided that all residential units shall be reserved, dedicated and restricted exclusively for use as senior and/or elderly housing.

Sec. 30-396.44. - Maximum density.

The maximum gross net residential density for the SWPUN shall not exceed twenty (20) dwelling units per acre for a single residential parcel, and fifteen (15) dwelling units per acre as the average residential density for all subareas or districts that permit residential uses as identified within the neighborhood master plan. However, density may be further restricted within each of the individual subareas. Notwithstanding the foregoing density restrictions, a single residential parcel designated PUN Subarea: Traditional Multifamily Neighborhood, may be developed utilizing a maximum net residential density of thirty-one (31) dwelling units per acre for a mixed-use multifamily senior residential community, provided that all residential units shall be reserved, dedicated and restricted exclusively for use as senior and/or elderly housing.

Sec. 30-396.62. - Subareas.

The southwest planned urban neighborhood consists of eight (8) subareas, each with their own set of development standards. The development standards for each subarea are designed to promote a consistent development pattern throughout each subarea and throughout the entire southwest neighborhood.

The subareas are listed as follows:

Traditional Multifamily Neighborhood.

Subareas:

Traditional Multifamily Neighborhood

Purpose: The multifamily neighborhood is located predominately at the edges of the single family neighborhoods. This subarea should fit seamlessly with the single family neighborhood in design and physical connections. The goal of this subarea is to provide a variety of housing types to serve a wide range of households. The only major difference between the traditional single-family neighborhood and this subarea is the relative density of the blocks and the general heights of the buildings. The buildings will still address the street within a pedestrian-friendly environment.

Permitted uses:

- Residential.
- Ancillary retail is restricted to not more than five thousand (5,000) square feet.

Density: Twenty (20) units per acre, except a single residential parcel may be developed utilizing a maximum net residential density of thirty-one (31) dwelling units per acre for a mixed-use multifamily senior residential community, provided that all residential units shall be reserved, dedicated and restricted exclusively for use as senior and/or elderly housing.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any

reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the City Code. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of the City of Homestead; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 7. Effective date. This Ordinance shall become effective immediately upon adoption on second reading.

PASSED on first reading this 21st day of April, 2021.

PASSED AND ADOPTED on second reading this 16th day of June, 2021.

STEVEN D. LOSNER,
Mayor

ATTEST:

ELIZABETH SEWELL, MPA, MMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND BENEFIT OF THE CITY ONLY:

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
City Attorney

Motion to adopt by Councilwoman Bailey, seconded by Councilman Roth.

FINAL VOTE AT ADOPTION

<i>Mayor Steven D. Losner</i>	<u>YES</u>
<i>Vice Mayor Patricia D. Fairclough- Staggars</i>	<u>YES</u>
<i>Councilwoman Erica G. Ávila</i>	<u>YES</u>
<i>Councilwoman Jenifer N. Bailey</i>	<u>YES</u>
<i>Councilman Sean L. Fletcher</i>	<u>ABSENT</u>
<i>Councilman Larry Roth</i>	<u>YES</u>
<i>Councilman Stephen R. Shelley</i>	<u>NO</u>