ORDINANCE NO. 2026-___

AN ORDINANCE OF THE CITY OF HOMESTEAD, FLORIDA, APPROVING THE REZONING, AS REQUESTED BY ELITE CONSTRUCTION & DEVELOPMENT, INC., OF AN APPROXIMATELY 2.69 ACRE PARCEL OF LAND FROM GENERAL USE (G) ZONING DISTRICT TO ONE FAMILY (R-1) ZONING DISTRICT FOR THE PROPERTY GENERALLY LOCATED NORTH OF SE 8TH STREET, EAST OF C-103 CANAL AND SOUTH OF SW 307 STREET AND LEGALLY DESCRIBED IN EXHIBIT "A;" PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 30 "Zoning," Article II "Administration," Division 2 "Procedure for Zoning Amendments, Special Exception Permits, Planned Unit Development Submittals, And Variances," Section 30-41 "Changes and amendments to Zoning Chapter, Zoning Map, or the Comprehensive Plan" of the City Code of Ordinances ("City Code"), Elite Construction & Development, Inc. (the "Applicant") has applied to the City of Homestead, Florida (the "City"), for approval of a Rezoning from General Use (G) zoning district to One-Family (R-1) zoning district, for property legally described in Exhibit "A" (the "Property") (Application 2026-04); and

WHEREAS, Staff recommended approval of the requested Rezoning in its report dated, October 28, 2026; and

WHEREAS, public notice was provided in accordance with law, and a public hearing was held on this application; and

WHEREAS, the City Council, sitting as the Local Planning Agency, reviewed this request at its October 28, 2026, meeting and voted to recommend approval; and

WHEREAS, the City Council finds that the proposed Rezoning is consistent with the City's Code and Comprehensive Plan.

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

Section 1. Findings. The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Approval of Rezoning. Pursuant to Chapter 30 "Zoning," Article II "Administration," Division 2 "Procedure for Zoning Amendments, Special Exception Permits, Planned Unit Development Submittals, And Variances," Section 30-41 "Changes and amendments to Zoning Chapter, Zoning Map, or the Comprehensive Plan" of the City Code, the Rezoning from General Use (G) zoning district to One-Family (R-1) zoning district, for the Property legally described in Exhibit "A," is hereby approved.

Section 3. Violation. Failure to adhere to the terms and conditions of approval above shall be considered a violation of the City Code and persons found violating the conditions shall be subject to the penalties prescribed by the City Code, including but not limited to, the revocation of the approvals granted by this Ordinance. The Applicant understand and acknowledge that they must comply with all other applicable requirements of the City prior to commencement of construction or operation, and this Ordinance may be revoked by the City Council at any time upon a determination that Applicant is not in compliance with the City Code.

Section 4. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 5. Severability. That 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 6. Recording. The Applicant shall record this Ordinance at the Applicant's sole expense in the Public Records of Miami-Dade County, Florida.

Section 7. Effective Date. This Ordinance shall be effective immediately at adoption on second reading.

PASSED on first reading this ____day of _____, 2026.

PASSED AND ADOPTED on second reading this ___ day of _____ 2026.

_____
STEVEN D. LOSNER
Mayor

_____
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 _____seconded by _____.

FINAL VOTE AT ADOPTION

Mayor Steven D. Losner	_____
Vice Mayor Jenifer N. Bailey	_____
Councilwoman Erica G. Ávila	_____
Councilwoman Kimberly Konsky	_____
Councilman Clemente Canabal	_____
Councilman Sean L. Fletcher	_____
Councilman Larry Roth	_____

Exhibit "A"

LEGAL DESCRIPTION

The Northwest 1/4 of the Southeast 1/4 of the Southeast 1/4, lying easterly of the C-103-01 Canal right-of-way, in Section 8, Township 57 South, Range 39 East, Miami-Dade County, Florida.

Folio No.: 10-7908-000-0643

Property Address: Unassigned; generally located south of SW 307th Street and SW 157th Avenue (Newton Road)