

ORDINANCE NO. 2019-018

ORDINANCE REZONING THE NORTHERN 11.29 ACRES OF THE BELOW DESCRIBED PROPERTY (LOT 3) FROM CDH TO RH-CD AND GRANTING A VARIANCE PERMIT TO ALLOW 455 PARKING SPACES, WHERE 495 ARE REQUIRED PURSUANT TO THE HIALEAH CODE OF ORDINANCES § 98-1607.3(1), PROVIDED THAT A SHARED PARKING AGREEMENT WITH THE ADJACENT COMMERCIAL PARCEL (LOT 4 AND LOT 16) THAT INCLUDES APPROXIMATELY 175 EXTRA PARKING SPACES IS RECORDED IN THE PUBLIC RECORDS PRIOR TO SITE PLAN APPROVAL; ALLOW APARTMENTS WHEREIN NINETY PERCENT OF THE UNITS SHALL HAVE A MINIMUM FLOOR AREA OF 700 SQUARE FEET AND TEN PERCENT OF THE UNITS MAY HAVE A MINIMUM FLOOR AREA OF 500 SQUARE FEET PURSUANT TO THE HIALEAH CODE OF ORDINANCES § 98.1607.3(3)(i); AND ALLOW AN INTERIOR EDGE LANDSCAPE BUFFER OF 10 FEET WHERE 20 FEET ARE REQUIRED PURSUANT TO THE HIALEAH CODE OF ORDINANCES §98-1607.3 (k)(2); ON THE REMAINDER OF THE PROPERTY ZONED CDH (LOTS 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16) ALLOW SUBSTITUTING THE SITE DEVELOPMENT REQUIREMENTS PROVIDED IN THE HIALEAH CODE OF ORDINANCES § 98-1607.2(d)(1)(a) AND (c) BY APPROVING THE SITE PLAN SIGNED AND SEALED BY GREGORY D. WILFONG, P.E. DATED DECEMBER 26, 2018 AND PATTERN BOOK PREPARED BY KIMLEY-HORN AND FUGELBERG KOCH, DATED DECEMBER 26, 2018; **PROPERTY LOCATED AT THE NORTHWESTERN INTERSECTION OF NW 97 AVENUE AND NW 138 STREET, HIALEAH, FLORIDA, ZONED CDH HIALEAH HEIGHTS - COMMERCIAL DEVELOPMENT DISTRICT.** REPEALING ALL 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 February 13, 2019 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 northern comprising 11.29 acres of the below described property (lot 3) is hereby rezoned from CDH to RH-CD; and granted a variance permit to allow 455 parking spaces, where 495 are required pursuant to Hialeah Code of Ordinances § 98-1607.3(l), provided that a shared parking agreement with the adjacent commercial parcels (Lot 4 and Lot 16) that includes approximately 175 extra parking spaces is recorded in the public records prior to site plan approval; allow apartments wherein ninety percent of the units shall have a minimum floor area of 700 square feet and ten percent of the units may have a minimum floor area of 500 square feet pursuant to Hialeah Code of Ordinances § 98.1607.3(3)(i); and allow an interior edge landscape buffer of 10 feet where 20 feet are required pursuant to Hialeah Code of Ordinances §98-1607.3 (k)(2), identified in the sketch attached as Exhibit “A.”

Section 2. On the remainder of the below described property zoned CDH (lots 1, 2, 4, 5, 6, 7, 8, 9, 10,11, 12,13, 14, 15, 16) allow substituting the site development requirements provided in Hialeah Code of Ordinances § 98-1607.2(d)(1)(a) and (c) by approving the site plan signed and sealed by Gregory D. Wilfong, P.E. dated December 26, 2018 and pattern book prepared by Kimley-Horn and Fugelberg Koch, dated December 26, 2018; property located at the northwestern intersection of NW 97 avenue and NW 138 street, Hialeah, Florida, zoned CDH Hialeah Heights - Commercial Development District, identified in the sketch attached as Exhibit “A.”

Section 3: Repeal of Ordinances in Conflict.

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

Section 4: 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 5: 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 6: 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.

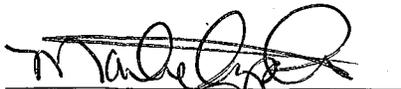
PASSED and ADOPTED this 12 day of March, 2019.

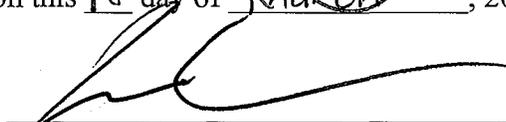
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Viviana Casals-Muñoz
Council President

Attest:

Approved on this 18 day of March, 2019.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form:


Lorena E. Bravo, City Attorney

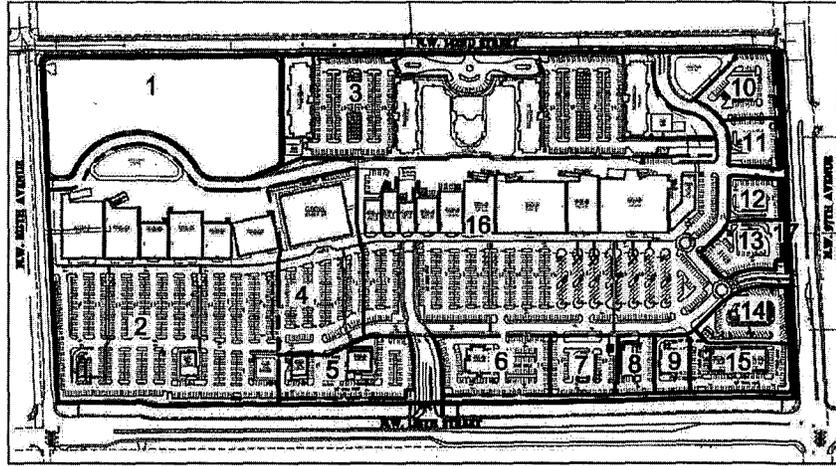
S:\DJ\ORDINANCES\Third Updated Rezoning variances and approving a site plan and pattern book for RH-CD and CDH property located at THE NORTHWESTERN INTERSECTION OF NW.docx

Ordinance was adopted by a 7-0 vote with Councilmembers, Zogby, Lozano, Casals-Munoz, Garcia-Martinez, Hernandez, Caragol and Cue-Fuente voting "Yes".

Exhibit "A"

Exhibit "A"

LOT TABLE		
LOT #	AREA ACRES	AREA SF
1	6.73	292,982.42
2	14.07	612936.36
3	11.26	481827.84
4	4.01	174470.91
5	1.89	82255.10
6	1.77	77165.74
7	1.07	46814.59
8	0.59	25520.93
9	0.55	24141.61
10	1.05	45642.82
11	0.64	27778.86
12	0.60	26007.87
13	0.94	40876.98
14	1.09	47428.68
15	1.33	57847.20
16	21.74	948061.88
17	0.55	23790.23
TOTAL	69.91	3045460.02



PROPOSED LOT PLAN