

ORDINANCE NO. 2020-026

ORDINANCE REZONING PROPERTY FROM GU (INTERIM DISTRICT MIAMI-DADE COUNTY ZONING DESIGNATION) TO MH (INDUSTRIAL DISTRICT); AND GRANTING A VARIANCE PERMIT TO ALLOW BLOCK WIDTH OF 371 FEET, WHERE 330 FEET IS THE MAXIMUM BLOCK WIDTH ALLOWED; CONTRA TO HIALEAH CODE OF ORDINANCES § 98-1601(b). **PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF NW 138 STREET AND SOUTH SIDE OF NW 142 STREET BETWEEN NW 102 AVENUE AND NW 107 AVENUE IN HIALEAH HEIGHTS, WITH FOLIO NUMBERS 04-2020-001-0130 AND 04-2020-001-0110.** 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 June 24, 2020 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 below described property is hereby rezoned from GU (Interim District Miami-Dade County Zoning Designation) to MH (Industrial District).

Section 2: The below described property is granted a variance to allow block width of 371 feet, where 330 feet is the maximum block width allowed, contra to Hialeah Code of Ordinances § 98-1601(b) that as relevant provides: "*Minimum frontage and lot size and maximum block size ...The maximum block size, separated by abutting rights-of-way, shall not exceed 330 feet in width...*". Property generally located on the north side of NW 138 Street and

south side of NW 142 Street between NW 102 Avenue and NW 107 Avenue in Hialeah Heights, with folio numbers 04-2020-001-0130 and 04-2020-001-0110, and legally described as:

Tract 23, LESS AND EXCEPT the West 247.50 feet and the South 50.0 feet thereof for right-of-way, OF CHAMBERS LAND COMPANY SUBDIVISION, according to the Plat thereof recorded in Plat Book 2, Page 68, of the Public Records of Miami-Dade County, Florida

TOGETHER WITH

The West 288.75 feet of Tract 24, LESS AND EXCEPT the South 50.0 feet thereof for right-of-way, of CHAMBERS LAND COMPANY SUBDIVISION, according to the Plat thereof recorded in Plat Book 2, Page 68, of the Public Records of Miami-Dade County, Florida.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

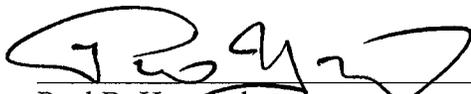
Section 5: Severability Clause.

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.

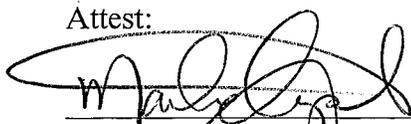
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 27 day of July, 2020.



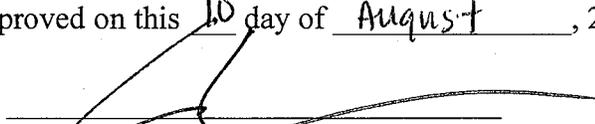
Paul B. Hernandez
Council President

Attest:



Marbelys Fatjo, City Clerk

Approved on this 10 day of August, 2020.



Mayor Carlos Hernandez

Approved as to legal sufficiency and form:



Lorena E. Bravo, City Attorney

Ordinance was adopted by 6-0-1 vote with Councilmembers, Cue-Fuente, De la Rosa, Hernandez, Garcia-Roves, Perez, and Zogby, voting "Yes" and with Council Member Tundidor absent.