

ORDINANCE NO. 2020-044

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW 85% LOT COVERAGE, WHERE 80% IS THE MAXIMUM ALLOWED, PROVIDED THAT PUBLIC OPEN SPACE GREATER THAN 1,300 SQUARE FEET WILL BE DEVELOPED AS REQUIRED; ALLOW 10 FEET FRONT SETBACK TO BE DEVELOPED AS A WIDENED SIDEWALK ALONG THE STOREFRONT AREA AND LANDSCAPE AREA ALONG THE PARKING GARAGE FRONTAGE, WHERE 0 FEET BUILT TO LINE IS REQUIRED; ALLOW HEIGHT OF 12 STORIES, WHERE 8 STORIES IS THE MAXIMUM ALLOWED, PROVIDED THAT ART WORK WILL BE INCORPORATED INTO THE BUILDING; ALLOW 16 PARKING STALLS TO BE PROVIDED OFF-SITE WITHIN THE 36.66 FEET WIDE PORTION OF THE RAILROAD EASEMENT ADJACENT TO THE REAR OF THE PROPERTY AND CURRENTLY LEASED BY THE APPLICANT; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-1544(b)(1) AND (b)(2)ii, 98-1544(b)(3)i, 98-1544(c)(2) AND (d), AND 98-1545(c). **PROPERTY LOCATED AT 2701 EAST 11 AVENUE AND 2765 EAST 11 AVENUE, HIALEAH, ZONED TOD (TRANSIT ORIENTED 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 July 29, 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 granted a variance permit, provided that public open space greater than 1,300 square feet will be developed in accordance with the conceptual site plan prepared by Design Tech Incorporated dated 1-10-2020, to allow 85% lot

coverage, where 80% is the maximum allowed by Hialeah Code of Ordinances § 98-1544(b)(1) and § 98-1544(b)(2)ii., that provide: §1544(b)(1) “*Lot coverage*. Maximum lot coverage for low-rise buildings is 60 percent. Lot coverage for mid-rise or high-rise buildings shall not exceed 80 percent of net lot area. Additional lot coverage for mid-rise and high-rise buildings may be obtained up to 90 percent subject to the flexible lot coverage program by waiver.”, and §1544(b)(2) ii “*Flexible Lot Coverage Program*. ii. Open space may be provided off site, at an amount equal to the square footage from increased lot coverage. The open space may be provided as a developed public open space.”; allow 10 feet front setback to be developed as a widened sidewalk along the storefront area and landscape area along the parking garage frontage, where 0 feet built to line is required, contra to § 98-1544(b)(3)i., that provides: “East 11th Avenue: 0 feet built to line.”; allow height of 12 stories, where 8 stories is the maximum allowed, provided that art work will be incorporated into the building, contra to Hialeah Code of Ordinances § 98-1544(c)(2) and (d) that as relevant respectively provide: § (c)(2) “Building height. High rise minimum height is two stories and high rise maximum height is six stories;...” § (d) “Bonus height rights of up to two stories for medium rise and high rise buildings may be obtained in exchange for the developer's contributions for specified purposes as identified in the masterplan...”; allow 16 parking stalls to be provided off-site within the 36.66 feet wide portion of the railroad easement adjacent to the rear of the property and currently leased by the applicant as allowed by Hialeah Code of Ordinances § 98-1545(c) that as relevant provides: “Parking provided off-site. Parking requirements may be satisfied off-site within a parking structure that shall be located within 1,000 feet of the proposed development site.” **Property located at 2701 East 11 Avenue and 2765 East 11 Avenue, Hialeah, Florida**, and legally described as follows:

Lots 1, 2, 29 and 30, and the 12 foot alley lying between said lots, closed per Ordinance No. 82-142, in Block 85B of AMENDED PLAT OF THE AMENDED PLAT OF THIRTEENTH ADDITION TO HIALEAH, according to the Plat thereof, as recorded in Plat Book 34, at Page 26, of the Public Records of Miami-Dade County, Florida.

Section 2: 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 3: 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 4: 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.

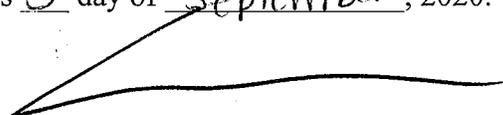
PASSED and ADOPTED this 25 day of August, 2020.


Paul B Hernandez
Council President

Attest:

Approved on this 3 day of September, 2020.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form:


Lorena E. Bravo, City Attorney

Ordinance was adopted by 4-0-3 vote with Councilmembers, Cue-Fuente, Garcia-Roves, Hernandez, and Tundidor, voting "Yes" and with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.