

**ORDINANCE NO. 98-70**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 32 (ZONING), ARTICLE II. REGULATIONS, OF THE CODE OF ORDINANCES BY ADDING A NEW SECTION, HIALEAH, FLA., CODE § 32-19.5 ENTITLED "ASD AUTOMOTIVE SALES DISTRICT" TO PROVIDE A GEOGRAPHIC AREA FOR AUTOMOBILE, MOTOR TRUCK, AND MOTORCYCLE SALES AND RENTAL; TO PROVIDE A MINIMUM LOT SIZE OF 8,500 SQUARE FEET AND MINIMUM FRONTAGE OF 85 FEET; TO PROVIDE MINIMUM BUILDING SIZE OF 1,000 SQUARE FEET; TO ALLOW USE WITHIN GEOGRAPHIC BOUNDARIES OF ASD DISTRICT IN C-2 (LIBERAL RETAIL COMMERCIAL), C-3 (EXTENDED LIBERAL COMMERCIAL) AND M-1 (INDUSTRIAL DISTRICT); TO PROVIDE MINIMUM LANDSCAPE REQUIREMENTS, TO PROVIDE FOR MINIMUM SETBACK REQUIREMENTS, 6-FOOT HIGH MASONRY WALL IF AUTOMOTIVE USE WITHIN THE DISTRICT IS ADJACENT OR ABUTTING RESIDENTIAL ZONED AREAS OR USES, SITE PLAN REVIEW AND APPROVAL; TO PROHIBIT REPAIRS ON THE PREMISES; AND PROVIDE OTHER REGULATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board at its meeting of May 13, 1998 approved this ordinance; and

**WHEREAS**, the purpose and intent of this ordinance is to provide reasonable zoning regulations for automobile, motor truck and motorcycle sales and rental businesses and dealerships, to allow for minimum lot size and frontage, building size, and landscape requirements, to provide adequate space for the proper display of vehicles and customer and employee parking and to provide a geographic area that would be compatible for such uses; and

**WHEREAS**, the creation of the ASD Automotive Sales District as an overlay zoning district is to structure the growth and proliferation of automobile dealerships and to discourage the practice of conducting business on undersized lots causing parking problems, overcrowding of vehicles and contributing to deteriorating aesthetics within the community.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** Chapter 32 (Zoning), Article II. Regulations, of the Code of Ordinances of the City of Hialeah, Florida, is hereby amended by adding HIALEAH, FLA., CODE § 32-19-5 entitled "ASD Automotive Sales District" to read as follows:

Chapter 32

ZONING

\* \* \*

ARTICLE II. REGULATIONS

\* \* \*

**Sec. 32-19-5. ASD Automotive Sales District.**

**(a) Uses permitted.**

**(1) Automobile sales and rental.**

**(2) Motorcycle sales and rental.**

**(3) Motor truck sales and rental.**

**(b) Geographic area. The boundaries of the Automobile Sales District comprise four areas:**

**(1) Area 1. All properties abutting the north side of West Okeechobee Road, between West 16 Avenue and West 20 Avenue (Frontage Road).**

**(2) Area 2. All properties abutting the north side and south side of East 9 Street, between East 4 Avenue and East 6 Avenue; and all properties abutting the north side and south side of East 9 Street, between East 10 Avenue and East 12 Avenue (NW 37 Avenue).**

**(3) Area 3. All properties abutting the north side of East 49 Street, between East 8 Avenue and East 10 Avenue; and all properties abutting the north side of East 49 Street, extending north to the north**

side of East 52 Street, between East 10 Avenue and the territorial limits of the city, east of East 11 Avenue.

(4) Area 4. All properties abutting the south side of 49 Street, between East 8 Avenue and East 10 Avenue and all properties from the north side of East 43 Street, extending north to the south side of East 49 Street, between East 10 Avenue and the territorial limits of the city, east of East 11 Avenue.

(c) Limitations. All sales and rental of automobiles, motorcycles and motor trucks shall be located within the Automotive Sales District, subject to the following limitations.

(1) The minimum lot size shall be eight thousand five hundred (8,500) square feet.

(2) The minimum frontage shall be eighty-five (85) feet.

(3) The minimum building size shall be one thousand (1,000) square feet in total area.

(4) Minimum setback to any building or display area from residential zoned properties or uses shall be ten (10) feet. All permitted automotive uses within this district shall be enclosed by a six (6)-foot high masonry wall where such use is adjacent or abutting residential properties or uses.

(5) Lot coverage. No more than forty percent (40%) of the lot, if one (1) acre or less in size, shall be used for outdoor display of automobiles, trucks or motorcycles ("display area") and no more than ten percent (10%) of the display area shall be used to display automobiles, trucks or motorcycles under roof within a building. If the size of the lot is more than one (1) acre, no more than sixty percent (60%) of the lot shall be used for outdoor display of automobiles, trucks or motorcycles and no more than ten percent (10%) of the display area shall be used to display automobiles, trucks or motorcycles under roof within a building.

(6) Landscaping shall conform to the requirements of the Miami-Dade County Landscape Manual for off-street parking and other vehicular use areas.

(7) No vehicular or automotive repairs of any nature shall be permitted on the premises.

(8) Permitted within C-2 (Liberal Retail Commercial), C-3 (Extended Liberal Commercial) and M-1 (Industrial District) zoning districts only; subject to compliance with all regulations and restrictions of the respective zoning districts, except as provided herein.

(9) Prior to issuing a city occupational license, the Planning and Zoning Division shall review and approve the site plan.

**Section 2: Repeal of Ordinances in Conflict.**

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

**Section 3: Penalties.**

Any person, firm or corporation convicted of violating the provisions of this ordinance shall be punished by a fine, not exceeding \$500.00, or by a jail sentence, not exceeding sixty (60) days, or both, in the discretion of the Court.

**Section 4: Inclusion in Code.**

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

**Section 5: Severability Clause.**

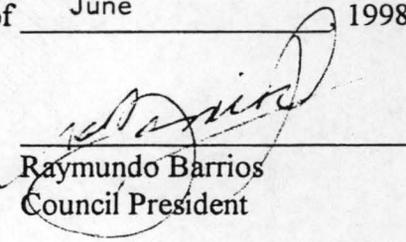
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent

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 of the City of Hialeah, Florida and signed by the Mayor of the City of Hialeah, Florida.

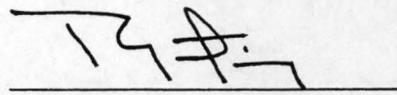
PASSED AND ADOPTED this 9<sup>th</sup> day of June, 1998.

  
\_\_\_\_\_  
Raymundo Barrios  
Council President

Attest:

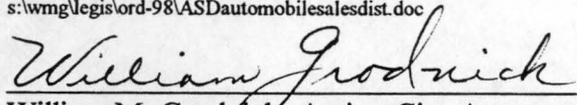
Approved on this 12<sup>th</sup> day of JUNE, 1998.

  
\_\_\_\_\_  
Daniel F. DeLoach, City Clerk

  
\_\_\_\_\_  
Mayor Raul L. Martinez

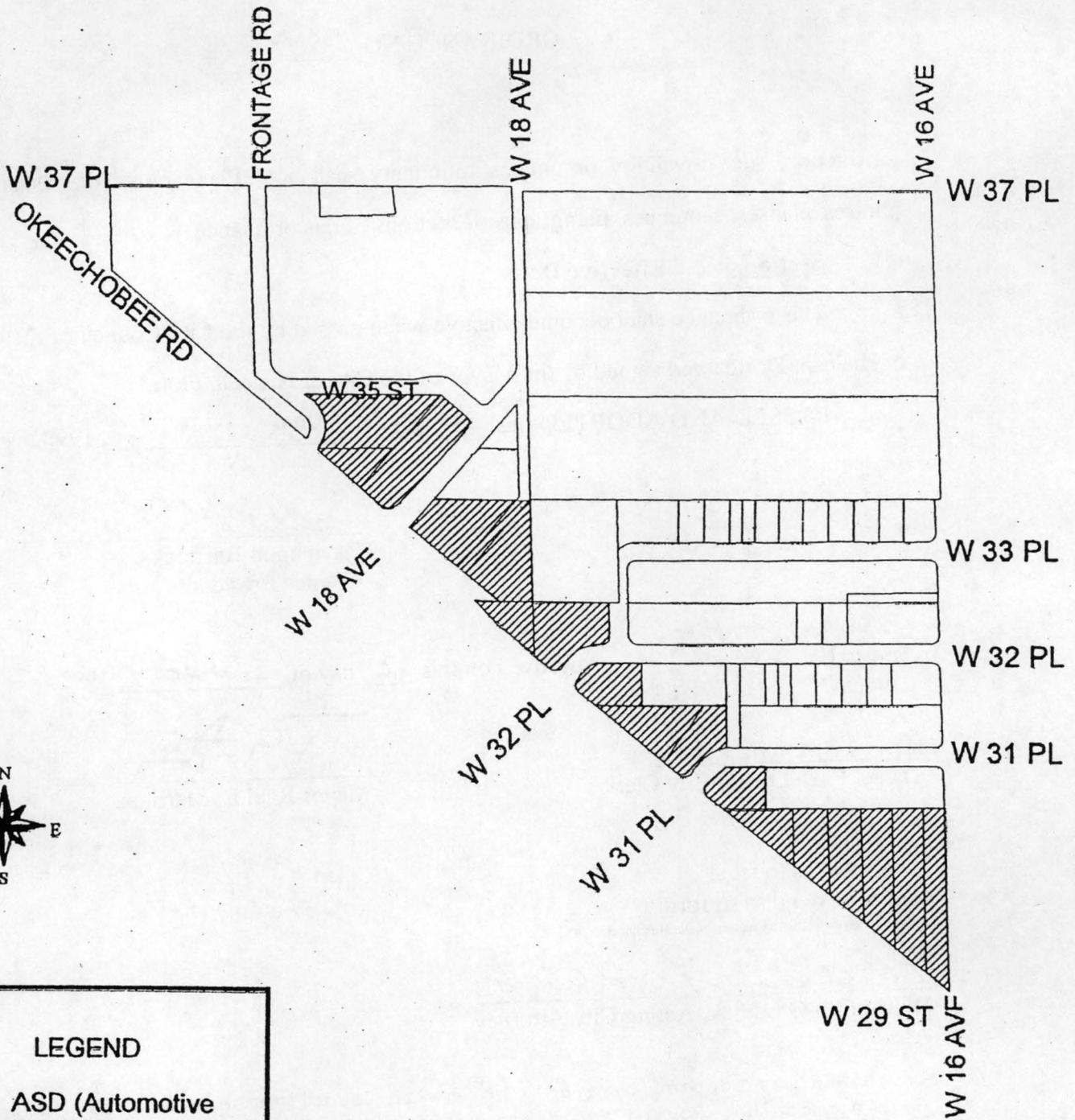
Approved as to legal  
sufficiency and as to form:

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\_\_\_\_\_  
William M. Grodnick, Acting City Attorney

ORDINANCE was adopted by a 6-1 vote with Councilmembers Barrios, Caldwell, Garcia, Robaina, Royira and Yedra voting "Yes" and Councilman Morales voting "No".

Strikethrough indicates deletion. Underline indicates addition.



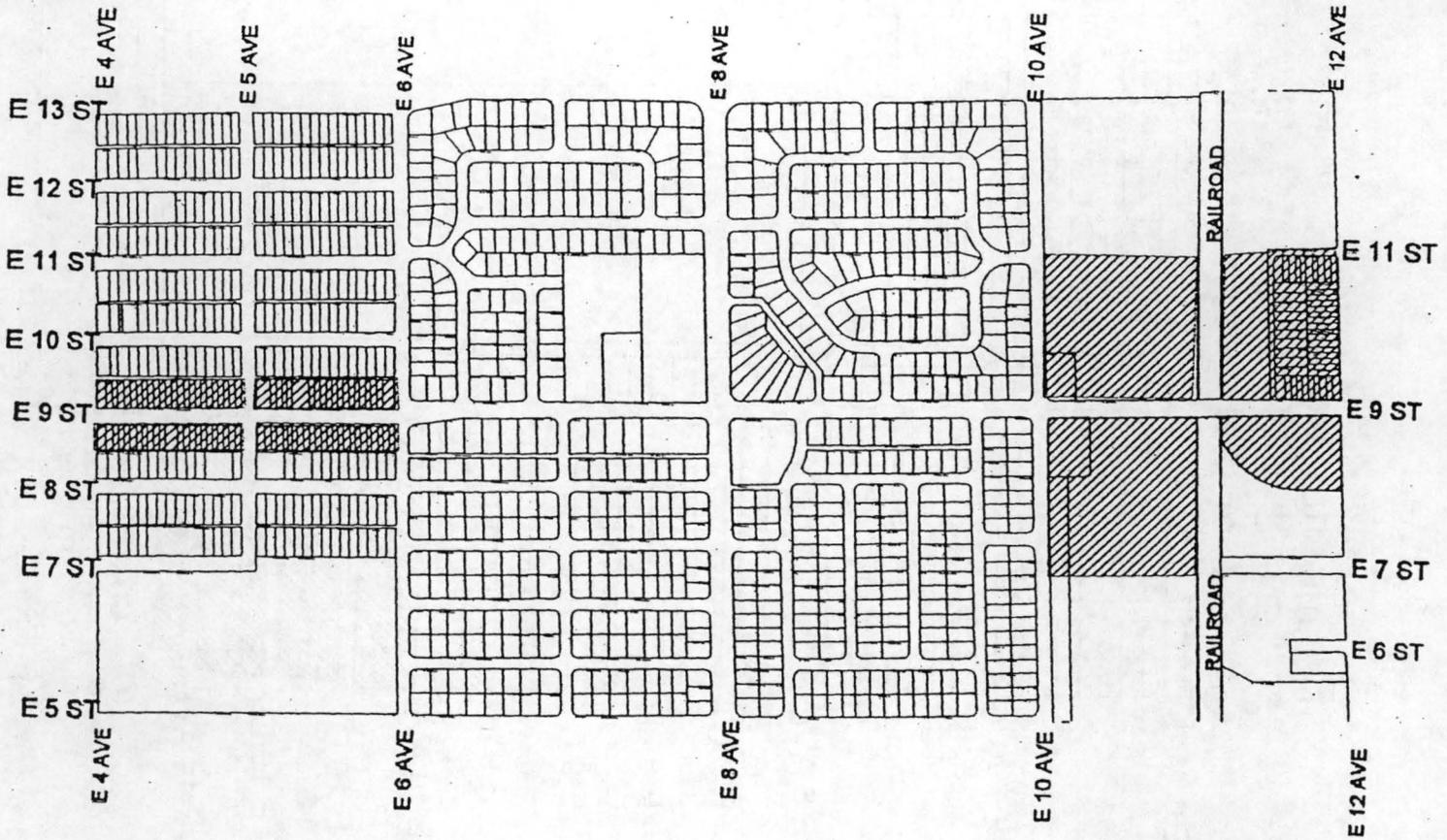
**LEGEND**

 ASD (Automotive Sales District Areas)

# AREA 1 AUTOMOTIVE SALES DISTRICT CITY OF HIALEAH

Source: Hialeah Planning Division  
 Prepared by: I.B. Date: September 2001





**LEGEND**

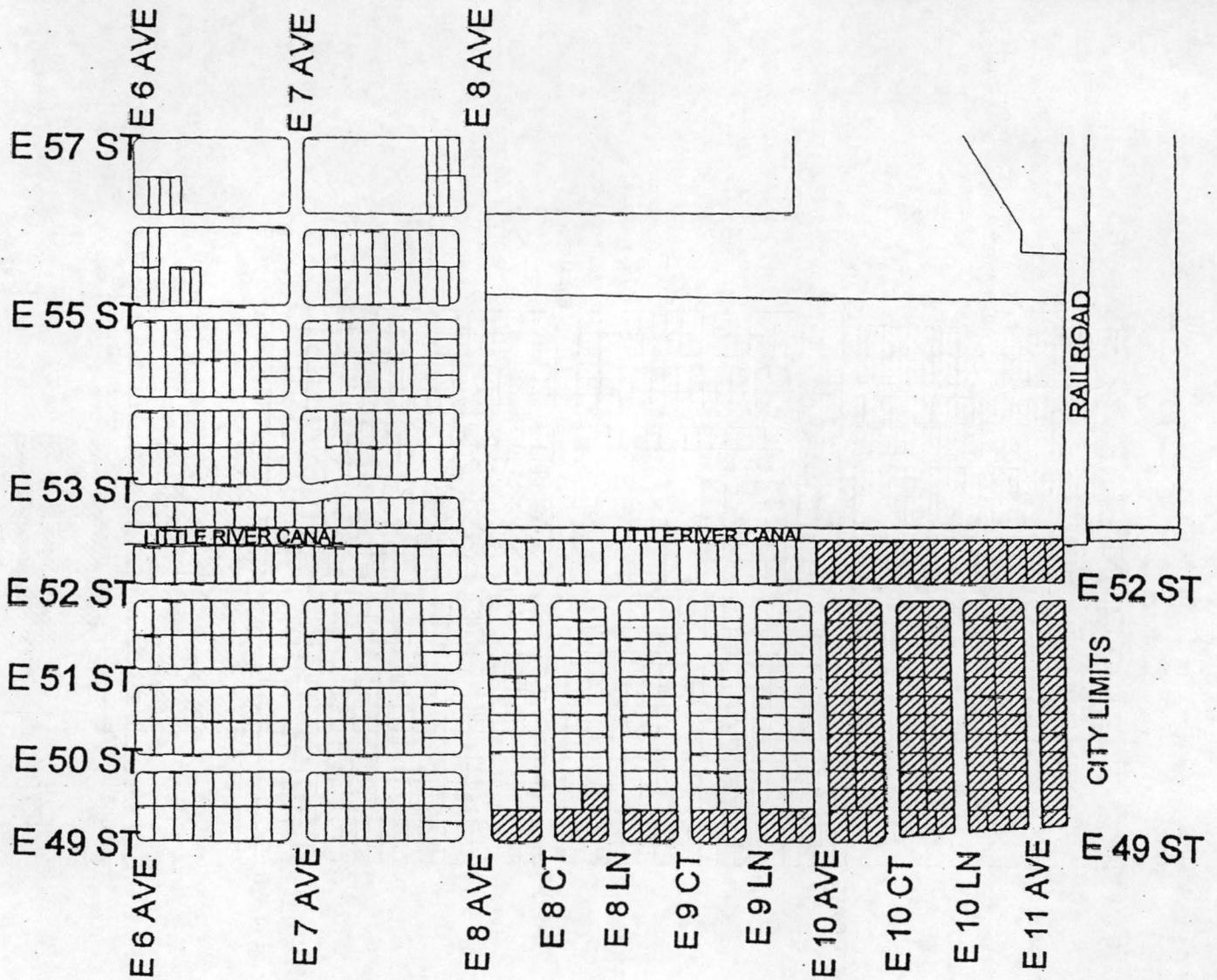
 ASD (Automotive Sales District Areas)



# AREA 2 AUTOMOTIVE SALES DISTRICT CITY OF HIALEAH



Source: Hialeah Planning Division  
 Prepared by: I.B. Date: September 2001



**LEGEND**

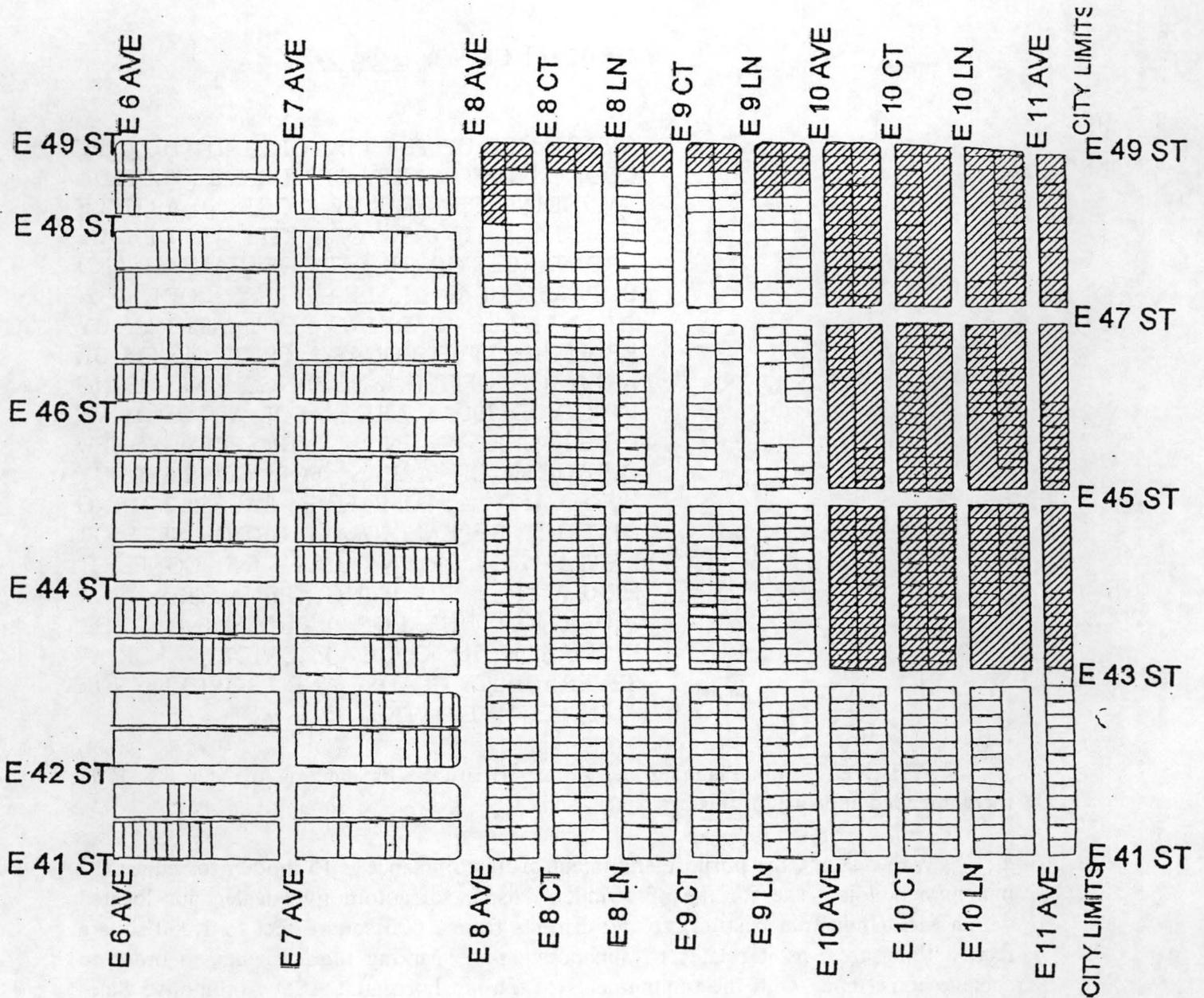
 ASD (Automotive Sales District Areas)



# AREA 3 AUTOMOTIVE SALES DISTRICT CITY OF HIALEAH

Source: Hialeah Planning Division  
Prepared by: I.B. Date: September 2001





**LEGEND**

 ASD (Automotive Sales District Areas)



# AREA 4 AUTOMOTIVE SALES DISTRICT CITY OF HIALEAH



ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 32 (ZONING), ARTICLE II. REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, AND IN PARTICULAR, HIALEAH, FLA., CODE § 32-7.1 ENTITLED "PARKING REGULATIONS" BY REDUCING THE SQUARE FEET OF FLOOR AREA OF OFFICE BUILDINGS, INCLUDING INDOOR DISPLAY AREAS, FOR AUTOMOTIVE DEALERSHIPS IN INDUSTRIAL-ZONED DISTRICTS OR AREAS; FOR CONSISTENCY WITH ASD AUTOMOTIVE SALES ZONING DISTRICT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board, at its meeting of May 13, 1998 recommended approval of this ordinance; and

**WHEREAS**, the purpose and intent of this ordinance is to modify to reduce the minimum building size for the office/indoor display of automotive dealerships located within M-1 (Industrial District) zoning districts from 2,000 square feet to 1,000 square feet in floor area, as it relates to minimum on-site parking requirements, in order to achieve consistency with the requirements of the newly-created ASD Automotive Sales district; and

**WHEREAS**, it is in the best interest of the health, safety, welfare, convenience, order and aesthetics of the City of Hialeah and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** Chapter 32 (Zoning), Article II. Regulations, of the Code of Ordinances of the City of Hialeah, Florida, particularly HIALEAH, FLA., CODE § 32-7.1 entitled "Parking regulations", is hereby amended to read as follows:

Chapter 32

Zoning

\* \* \*

ARTICLE II. REGULATIONS

\* \* \*

Sec. 32-7.1 Parking regulations.

\* \* \*

(d) Minimum required off-street parking spaces. Off-street parking shall be provided in accordance with the following minimum standards. If a calculation of minimum parking spaces results in a number with a fraction, then the next higher whole number shall be considered the proper calculation. Garages shall not be included in any calculation of minimum required parking spaces.

(1) *Automotive uses in districts or areas zoned commercial.* One (1) parking spaces for each two hundred (200) square feet of gross floor area or one (1) parking space for each two thousand (2,000) square feet of total lot area, whichever is greater.

(2) *Automotive uses in districts or areas zoned industrial.* All automotive uses must be equal to or exceed three thousand (3,000) square feet of floor area and shall provide one (1) parking space for each five hundred (500) square feet of gross floor area, except as provided herein. Office buildings, including indoor display area, for Aautomotive dealerships (no repairs on premises) must be equal to or exceed ~~two~~ one thousand (~~2,000~~ 1,000) square feet of floor area and shall provide parking according to the requirements for commercial uses pursuant to subsection (d)(4) below.

**Section 2: Repeal of Ordinances in Conflict.**

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

**Section 3: Penalties.**

Any person, firm or corporation convicted of violating the provisions of this ordinance shall be punished by a fine, not exceeding \$500.00, or by a jail sentence, not exceeding sixty (60) days, or both, in the discretion of the Court.

**Section 4: Inclusion in Code.**

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

**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.

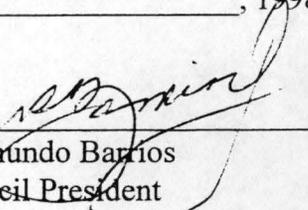
**Section 6: Effective Date.**

This ordinance shall become effective when passed by the City Council of the

(THIS SPACE IS LEFT INTENTIONALLY BLANK.)

City of Hialeah, Florida and signed by the Mayor of the City of Hialeah, Florida.

PASSED AND ADOPTED this 9<sup>th</sup> day of June, 1998.

  
\_\_\_\_\_  
Raymundo Barrios  
Council President

Attest:

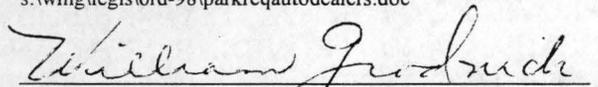
Approved on this 12<sup>th</sup> day of JUNE, 1998.

  
\_\_\_\_\_  
Daniel F. DeLoach, City Clerk

  
\_\_\_\_\_  
Mayor Raul L. Martinez

Approved as to legal  
sufficiency and as to form:

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\_\_\_\_\_  
William M. Grodnick, Acting City Attorney

ORDINANCE was adopted by a 6-1 vote with Councilmembers Barrios, Caldwell, Garcia, Robaina, Rovira and Yedra voting "Yes" and Councilman Morales voting "No".

~~Strikethrough indicates deletion.~~ Underline indicates addition.

ORDINANCE NO. 2001-68

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED "ZONING", ARTICLE V. ZONING DISTRICT REGULATIONS, DIVISION 20. AUTOMOTIVE SALES DISTRICT, OF THE CODE OF ORDINANCES BY REVISING SECTION 98-1292 ENTITLED "GEOGRAPHIC AREA" TO INCLUDE TWO ADDITIONAL GEOGRAPHIC AREAS WITHIN THE ASD AUTOMOTIVE SALES DISTRICT AND BY REVISING SECTION 98-1293 ENTITLED "LIMITATIONS" TO CLARIFY INTENT THAT NO VARIANCES WILL BE PERMITTED FROM THE BOUNDARIES OF THE ASD DISTRICT FOR PERMITTED USES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of August 22, 2001 recommended approval of this ordinance; and

WHEREAS, the general purpose and intent of this ordinance is to provide proper zoning regulations in the best interest of the health, safety, welfare and aesthetics of the community and the proper administration of its government; and

WHEREAS, the specific purpose and intent of this ordinance is to provide additional areas for the ASD automotive sales zoning district to include a defined area west of the Palmetto Expressway and an area that includes existing uses along West 49 Street.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 98 entitled "Zoning", Article V. Zoning District Regulations, Division 20. Automotive Sales District, of the Code of Ordinances of the City of Hialeah, Florida, particularly HIALEAH, FLA., CODE §§ 98-1292 entitled

"Geographic area" and 98-1293 entitled "Limitations" respectively, is hereby amended to read as follows:

Chapter 98

ZONING

\* \* \*

ARTICLE V. ZONING DISTRICT REGULATIONS

DIVISION 20. ASD AUTOMOTIVE SALES DISTRICT.

\* \* \*

Sec. 98-1292. Geographic area.

The boundaries of the ASD automotive sales district comprise ~~four~~six areas as follows:

\* \* \*

(5) Area 5. All properties directly abutting the north side and south side of 49 Street, between West 12 Avenue and the powerline easement that is located parallel and east of West 16 Avenue and properties abutting West 50 Place, between West 12 Avenue and West 12 Court.

(6) Area 6. All properties within the boundaries of West 84 Street (I-75) and West 80 Street, between West 22 Avenue and West 26 Avenue.

Sec. 98-1293. Limitations.

All sales and rental of automobiles, motorcycles and motor trucks shall be located within the ASD automotive sales district, subject to the following limitations:

\* \* \*

(10) No variances shall be granted to allow sales and rental of automobiles, motorcycles and motor trucks outside the boundaries of the ASD automotive sales district.

**Section 2: Repeal of Ordinances in Conflict.**

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

**Section 3: Penalties.**

Every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by 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 4: Inclusion in Code.**

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered, as appropriate, to conform to the uniform numbering system of the Code.

**Section 5: Severability Clause.**

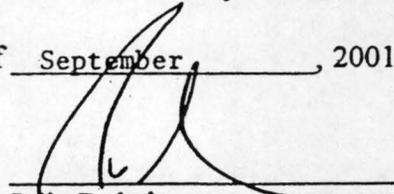
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or 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.

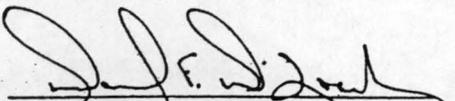
PASSED AND ADOPTED this 11<sup>th</sup> day of September, 2001.

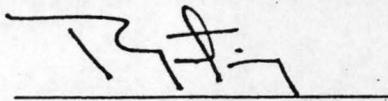
THE FOREGOING ORDINANCE OF THE  
CITY OF HIALEAH WAS PUBLISHED  
IN ACCORDANCE WITH THE PROVISIONS  
OF FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
Julio Robaina  
Council President

Attest:

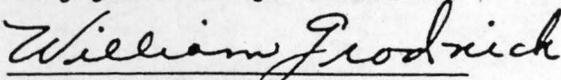
Approved on this 17<sup>th</sup> day of SEPTEMBER, 2001.

  
Daniel F. DeLoach, City Clerk

  
Mayor Raul L. Martinez

Approved as to form and legal sufficiency:

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William M. Grodnick, City Attorney

ORDINANCE 2001- 68 was adopted by a unanimous vote with Councilmembers Bovo, Casas, Gonzalez, Ponce, Robaina, Yedra and Zuniga voting "Yes".

Strikethrough indicates deletion. Underline indicates addition.

W 49 ST

W 44 PL

W 41 ST

POWER LINE EASEMENT

W 50 PL

W 49 ST

W 47 PL



W 16 AVE

W 14 AVE

W 12 AVE

LEGEND



ASD (Automotive Sales District Areas)

# PROPOSED AREA 5 AUTOMOTIVE SALES DISTRICT CITY OF HIALEAH

Source: Hialeah Planning Division  
Prepared by: I.B. Date: September 2001





W 84 ST

W 80 ST

W 76 ST

W 68 ST

W 28 AVE

W 26 AVE

W 24 AVE

W 22 AVE

W 20 AVE  
(PALMETTO EXP)



LEGEND

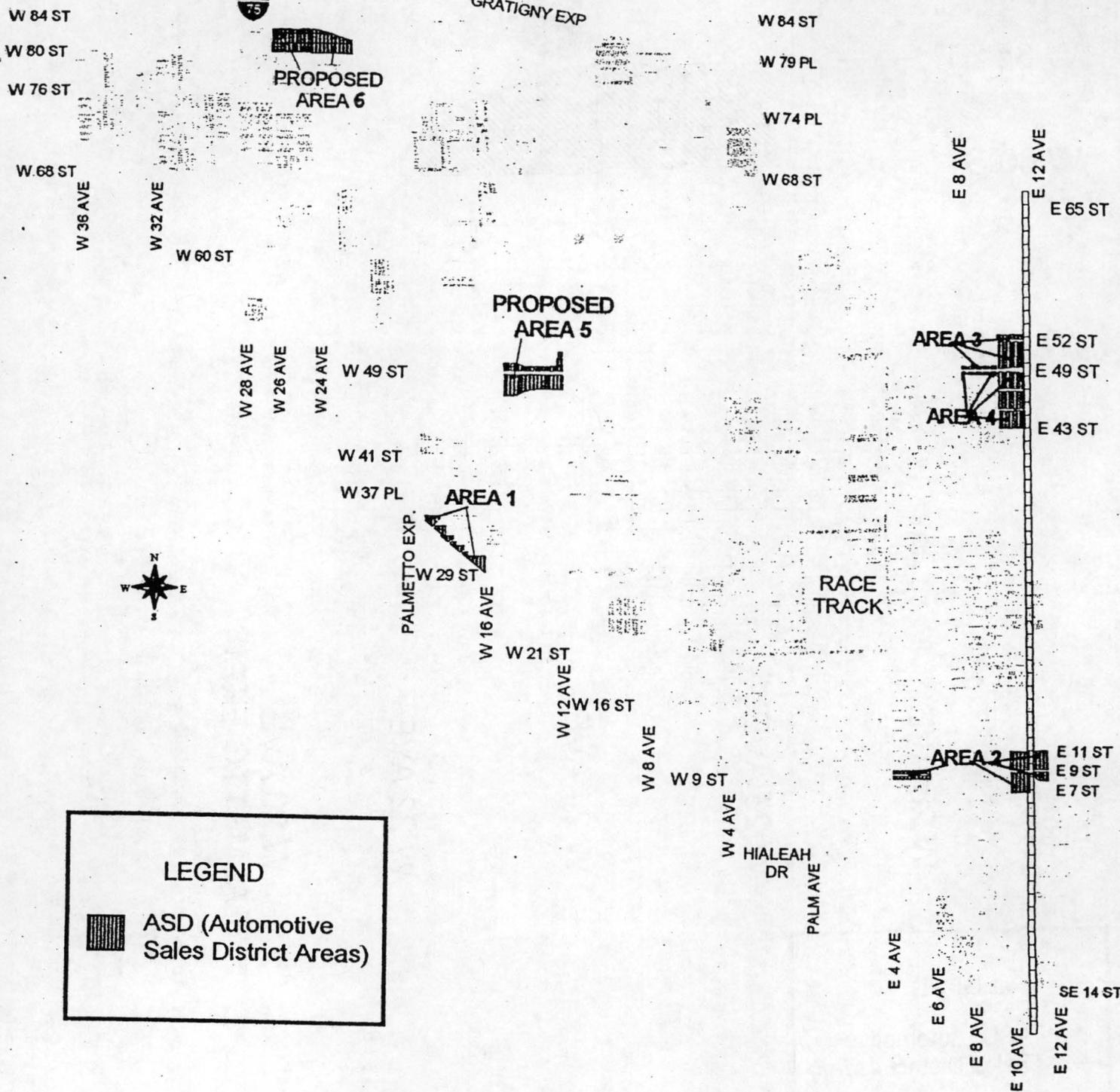


ASD (Automotive Sales District Areas)

# PROPOSED AREA 6 AUTOMOTIVE SALES DISTRICT CITY OF HIALEAH

Source: Hialeah Planning Division  
Prepared by: I.B. Date: September 2001





**LEGEND**

 ASD (Automotive Sales District Areas)

# ASD AUTOMOTIVE SALES DISTRICT CITY OF HIALEAH



Source: Hialeah Planning Division  
Prepared by: I.B. Date: October 2001