

ORDINANCE NO. 2017-009

ORDINANCE GRANTING A SPECIAL USE PERMIT (SUP) TO ALLOW THE EXTENSION OF THE NEIGHBORHOOD BUSINESS DISTRICT OVERLAY REGULATIONS; AND GRANTING A VARIANCE PERMIT TO ALLOW 66 PARKING SPACES, WHERE 82 PARKING SPACES ARE REQUIRED, OF WHICH 23 WILL BE SURFACE PARKING SPACES IN FRONT AND 21 PARKING SPACES WILL BE ON THE SIDE SETBACKS, WHERE SURFACE PARKING IS NOT ALLOWED; CONTRA TO HIALEAH CODE §§ 98-2189(16)a., 98-2189(16)c., AND 98-1630.3(e)(4) TO CONSTRUCT TWO THREE-STORY LIVE/WORK BUILDINGS ON PROPERTY ZONED M-1 (INDUSTRIAL DISTRICT). **PROPERTY LOCATED AT 8250 WEST 21 LANE, HIALEAH, FLORIDA.** 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 8, 2017, recommended approval of this ordinance; and

WHEREAS, the applicant has proffered a Declaration of Restrictions which provides, among other things, unified rental of live-work units, permitted uses, workhours, and a parking management plan, and which otherwise meets the requirements of Hialeah Code §98-165, to which the City accepts.

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 special use permit (SUP) to allow the extension of the Neighborhood Business District Overlay regulations to construct two three-story live/work buildings.

Section 2: The below-described property is hereby granted a variance to permit to allow 66 parking spaces, where 82 parking spaces are required, of which 23 parking spaces will be surface parking in the front and 21 parking spaces will be surface parking on the side

setbacks, where surface parking is not allowed, all contra to Hialeah Code §§ 98-2189(16) a., 98-2189(16) c., and 98-1630.3(e)(4), which provide in pertinent part: “*NBD neighborhood business district. a. residential uses.* Parking for residential uses shall be two parking spaces for one or two bedrooms and one-half parking spaces for each additional bedroom. An additional one-quarter parking space for each dwelling unit shall be provided for guest parking. The guest parking requirement may be satisfied, in whole or in part, by the operation of valet parking services for residential guests, approved by the city....c. *Work/Live units.* Parking for work/live units shall be one parking space for every 200 square feet of the gross floor area of the work portion of the unit.”, and “*Surface parking.* To the extent that it is reasonably practical, no surface parking or loading areas shall be allowed on either a front setback or a side setback. Where surface parking is unavoidable, as in the example of retrofitting an existing site, the parking pavement shall be improved with stamped asphalt, brick pavers or similar distinct pavement.” Property is located at 8250 West 21 Lane, Hialeah, Florida, zoned M-1 (Industrial District), and legally described as follows:

Lots 2, 3 and 4, Block 2, of “Austin Subdivision”, according to the Plat thereof, as recorded in Plat Book 155, at Page 2, 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.

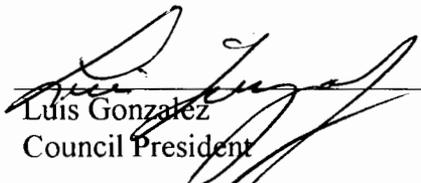
Section 5: Severability Clause.

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.

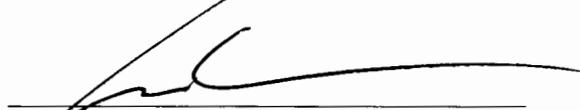
THE FOREGOING ORDINANCE PASSED and ADOPTED this 28 day of February, 2017.
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Luis Gonzalez
Council President

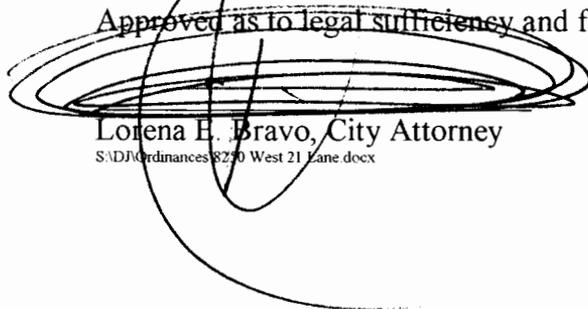
Attest:

Approved on this 8 day of March, 2017.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney
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Ordinance was adopted by a (5-0-2) vote with Councilmembers, Caragol, Hernandez, Cue-Fuente, Garcia-Martinez and Casáls-Muñoz voting "Yes". Councilmember Lozano absent and Council President Gonzalez not present during roll call.