

ORDINANCE NO. 2017-021

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, GRANTING A VARIANCE PERMIT TO ALLOW PARKING AREAS WITHIN 60 FEET ADJACENT TO THE PROPERTY LINE THAT ABUT STREET FRONTAGES TO BE PAVED WITH ASPHALT (WHERE PAVERS, STAMPED CONCRETE OR STAMPED ASPHALT ARE REQUIRED); TO ALLOW BLOCK SIZES LARGER THAN THE REQUIRED 660 FEET BY 330 FEET; BUILDING HEIGHTS OF 50 FEET (45 FEET MAXIMUM ALLOWED); TO ALLOW PARKING AREAS TO BE LOCATED WITHIN 10 FEET OF THE FRONT PROPERTY LINE (20 FEET REQUIRED); WAIVING DIRECT PEDESTRIAN ACCESS FROM THE STREET SIDEWALK AND FROM PARKING AREAS; TO ALLOW REDUCED PARKING REQUIREMENTS FOR WAREHOUSE DISTRIBUTION USE AT THE RATIO OF 1 PARKING SPACE FOR EACH 1000 SQUARE FEET OF GROSS FLOOR AREA (WHERE THE MINIMUM OF 750 FEET IS REQUIRED); AND WAIVING MINIMUM LANDSCAPE REQUIREMENTS PURSUANT TO § 98-2233 HIALEAH CODE OF ORDINANCES; CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-1597(b) 98-1601(b),(d),(f)(5), AND (m); 98-2189(6); **PROPERTY LOCATED IN HIALEAH HEIGHTS AT 9100 WEST 40 AVENUE HIALEAH, FLORIDA, IDENTIFIED BY FOLIO NO. 04-2020-001-0072 AND FOLIO NO. 04-2020-001-0030, COLLECTIVELY CONSISTING OF APPROXIMATELY 72 GROSS ACRES OF VACANT LAND LOCATED NORTH OF NW 142 STREET BETWEEN NW 107 AVENUE AND NW 102 AVENUE. 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 February 22, 2017 recommended approval of this ordinance; and

WHEREAS, the applicant has proffered to dedicate 0.51 acres of land, more or less, on the northwest corner of the property (abutting the lake and NW 107th avenue) for use as a city park; and

WHEREAS, the property shall be platted and a unity of title provided.

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

Section 1: The City hereby waives the minimum landscape requirements pursuant to Hialeah Code § 98-2233.

Section 2: The below-described property is hereby granted a variance permit (i) to allow parking areas within 60 feet adjacent to the property line that abut street frontages to be paved with asphalt, where pavers, stamped concrete or stamped asphalt are required, contra to Hialeah Code § 98-1597 that provides: “Site development. (b) Pavers, stamped concrete or stamped asphalt or other similar materials shall be used for off-street parking areas located within 60 feet from the property line that abuts a street. Plain asphalt is prohibited.”; (ii) to allow block sizes larger than the required 660 feet by 330 feet; (iii) to allow building heights of 50 feet, where a maximum of 45 feet are allowed; (iv) to allow parking areas to be located within 10 feet of the front property line, where 20 feet required; and (v) waiving direct pedestrian access from the street sidewalk and from parking areas all contra to Hialeah Code § 98-1601 that provides: “98-1601. - MH industrial district... (b) *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 and 660 feet in length. ... (d) *Building height limitations.* The maximum building height shall not exceed 45 feet or four stories. ... (f) *Minimum setbacks and distance separations.* (5) Off-street parking setbacks. Parking areas shall not be located within 20 feet from the front

property line. ... (m) *Commercial uses*. All commercial uses... shall further provide direct pedestrian access from the street sidewalk and from parking areas.”; and (iv) to allow reduced parking requirements for warehouse distribution use at the ration of 1 parking space for each 1,000 square feet of gross floor area, where a minimum of 1 parking space for each 750 square feet required, contra to Hialeah Code § 98-2189 that provides: “ Minimum required off-street parking spaces. (6) *Combined industrial and office uses contained in buildings with storefront facades and overhead doors—Annexation area*. ... one parking space for each 750 square feet, or fractional part thereof.” Property located in Hialeah Heights at 9100 West 40 Avenue, identified by Folio No. 04-2020-001-0072 and Folio No. 04-2020-001-0030, collectively consisting of approximately 72 gross acres of vacant land located north of N.W. 142 Street between N.W. 107 Avenue and N.W. 102 Avenue, Hialeah, Miami-Dade County, Florida and with a legal description as provided for in “Exhibit A” attached hereto.

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.

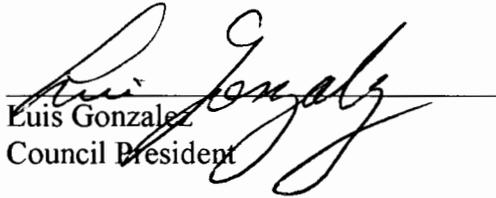
Section 5: Severability Clause.

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.

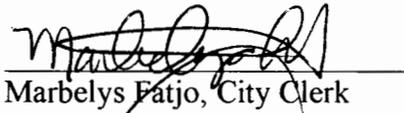
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

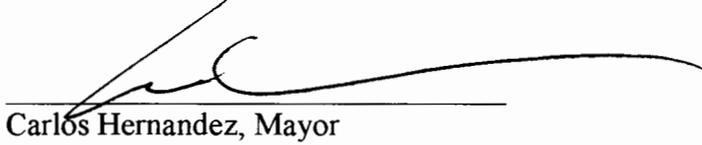
THE FOREGOING ORDINANCE PASSED and ADOPTED this 14 day of March, 2017.
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Luis Gonzalez
Council President

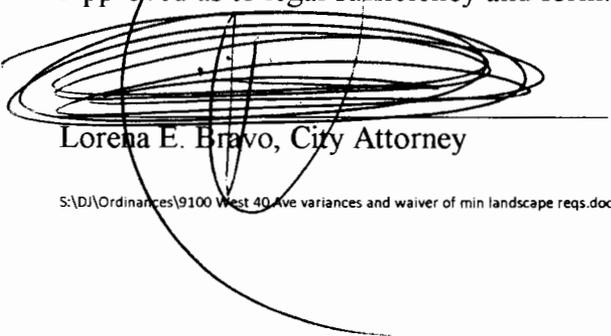
Attest:

Approved on this 20 day of March, 2017.


Marbelys Fatjo, City Clerk


Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a (6-0-1) vote with Councilmembers, Caragol, Gonzalez, Hernandez, Cue-Fuente, Lozano and Casáls-Muñoz voting "Yes". Councilmember Garcia-Martinez absent.