

ORDINANCE NO. 2016-49

ORDINANCE REPEALING AND RESCINDING HIALEAH, FLA., ORDINANCE 2014-34 (JUNE 10, 2014) THAT REZONED THE PROPERTY FROM GU (INTERIM DISTRICT) TO MH (INDUSTRIAL DISTRICT) AND GRANTED A VARIANCE PERMIT TO ALLOW A TEMPORARY WAIVER OF PLAT, PROVIDED THAT THE PROPERTY WAS REPLATTED WITHIN 18 MONTHS FROM THE GRANT OF THE WAIVER; REZONING FROM GU (INTERIM DISTRICT) TO MH (INDUSTRIAL DISTRICT); GRANTING A VARIANCE PERMIT TO WAIVE BLOCK SIZE REQUIREMENTS, TO ALLOW OFF-STREET PARKING AREAS TO BE LOCATED WITHIN 10 FEET FROM THE PROPERTY LINE, WHERE OFF-STREET PARKING AREAS SHALL NOT BE LOCATED WITHIN 20 FEET FROM THE PROPERTY LINE, TO ALLOW 425 PARKING SPACES, WHERE 702 PARKING SPACES ARE REQUIRED, AND TO ALLOW A WAIVER OF PLAT, PROVIDED THAT THE PROPERTY WILL BE REPLATTED WITHIN 18 MONTHS FROM THE APPROVAL OF THIS ORDINANCE, CONTRA TO HIALEAH CODE §§ 98-1601(b), 98-1601(f)(5) AND 98-2189(6). **PROPERTY LOCATED ON A VACANT PARCEL OF LAND LYING NORTH OF NORTHWEST 138 STREET BETWEEN NORTHWEST 105 AVENUE AND NORTHWEST 107 AVENUE, HIALEAH, FLORIDA.** 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 August 10, 2016 recommended approval of this ordinance; and

WHEREAS, the petitioner proffered a Declaration of Restrictive Covenants, 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 City of Hialeah, Florida hereby repeals and rescinds Hialeah, Fla., Ordinance 2014-34 (June 10, 2014) that rezoned the property from GU (Interim District) to MH (Industrial District) and granted a variance permit to allow a temporary waiver of plat, provided that the property was replatted within 18 months from the grant of the waiver, in its entirety.

Section 2: The below-described property is hereby rezoned from GU (Interim District) to MH (Industrial District).

Section 3: The below-described property is hereby granted a variance permit to waive block size requirements, to allow off-street parking areas to be located within 10 feet from the property line, where off-street parking areas shall not be located within 20 feet from the front property line, to allow 425 parking spaces, where 702 parking spaces are required, and to allow a waiver of plat, provided that the property will be replatted within 18 months from the approval of this ordinance, contra to Hialeah Code §§ 98-1601(b), 98-1601(f)(5) and 98-2189(6), which provide in pertinent part: “*Minimum frontage and lot size and maximum block size.* There shall be a minimum lot size of 7,500 square feet in total area, with a minimum frontage or width of 75 feet. The maximum block size, separated by abutting rights-of-way, shall not exceed 330 feet in width and 660 feet in length.”, “*Minimum setbacks and distance separations.* Off-street parking setbacks. Parking areas shall not be located within 20 feet from the front property line.”, and “*Combined industrial and office uses contained in buildings with storefront facades and overhead doors—Annexation area.* For the gross floor area that is used as offices or other commercial uses, one parking space for each 200 square feet of gross floor area of the floor with the greatest floor area within the building, and one parking space for each

500 square feet of the remaining floor area. For the gross floor area that is used for manufacturing and industrial uses, one parking space for each 750 square feet, or fractional part thereof. Parking spaces under the building shall not be considered in the calculation of floor areas. The property owner of a proposed development shall sign a declaration of restrictive covenants and such declaration shall be filed in the county public records in a form acceptable to the city identifying the percentages of designated office space or other commercial uses and the industrial uses that would be permitted according to the available parking spaces. Such declaration shall be filed prior to issuing any building permits if minimum parking spaces are calculated according to this paragraph. If the property owner increases office space or intensifies the commercial use requiring additional parking spaces that deviates from the declaration without the consent of the city council, then the property owner must satisfy the minimum parking requirements for the entire property or development as if it were utilized for office space or commercial uses. Under such circumstances, if a parking variance were granted based on the declaration of restrictive covenants, then the property owner consents to the repeal and rescission of the parking variance.”, respectively. Property located on a vacant parcel of land lying North of Northwest 138 Street between Northwest 105 Avenue and Northwest 107 Avenue, Hialeah, Florida, and legally described as follows:

ALL OF TRACTS 18, 19, 20 AND PORTION OF TRACT 21 OF “CHAMBERS LAND COMPANY SUBDIVISION”, IN THE SW 1/4 OF SECTION 20, TOWNSHIP 52 SOUTH, RANGE 40 EAST, AS RECORDED IN PLAT BOOK 2, AT PAGE 68 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS RIGHT-OF-WAY.

Section 4: Repeal of Ordinances in Conflict.

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

Section 5: 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 6: Additional Penalties upon Violation of Conditions of Use.

Any change of the terms and conditions of the use identified in this ordinance and as provided in the Declaration of Restrictive Covenants will cause a revocation of the city occupational license if issued in connection herewith and the property shall revert to the zoning classification without the benefit of the variances. The City is authorized to withhold any future permits, refuse to make any inspections or grant any approval, until such time as there is compliance with this ordinance and the Declaration of Restrictive Covenants.

Section 7: Severability Clause.

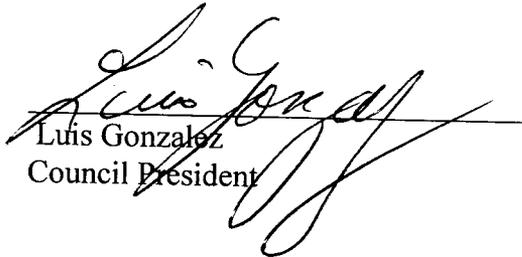
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

Section 8: 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.

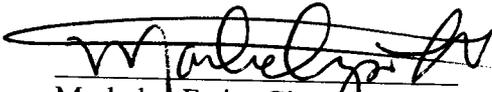
PASSED and ADOPTED this 13 day of September, 2016.

THE FOREGOING ORDINANCE
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

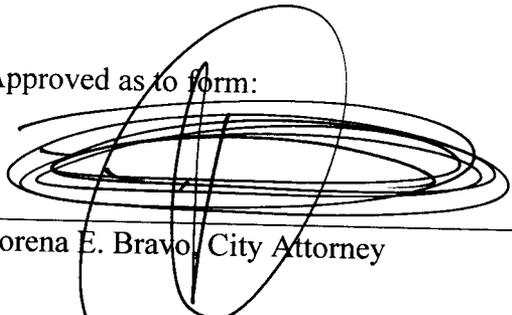
Attest:

Approved on this 20 day of September, 2016.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a (7-0) unanimous vote with Councilmembers, Caragol, Cue-Fuente, Garcia-Martinez, Hernandez, Gonzalez, Lozano and Casáls-Muñoz voting "Yes".