

ORDINANCE NO. 2016-71

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA REZONING PROPERTY FROM R-2 (ONE AND TWO FAMILY RESIDENTIAL DISTRICT), C-1 (RESTRICTED RETAIL COMMERCIAL) AND C-2 (LIBERAL RETAIL COMMERCIAL) TO R-3-3 (MULTIPLE FAMILY DISTRICT); GRANTING A SPECIAL USE PERMIT TO ALLOW THE EXPANSION OF THE NEIGHBORHOOD BUSINESS DISTRICT OVERLAY REGULATIONS AND GRANTING A VARIANCE PERMIT TO ALLOW THE CONSTRUCTION OF AN ELDERLY RESIDENTIAL COMMUNITY, CONSISTING OF 77 UNITS, WITH A FLOOR AREA OF LESS THAN 850 SQUARE FEET FOR ALL UNITS; WHERE NO MORE THAN 10% OR 8 UNITS MAY HAVE A MINIMUM FLOOR AREA OF 600 SQUARE FEET, TO ALLOW 76 PARKING SPACES; WHERE 174 SPACES ARE REQUIRED AND TO ALLOW SURFACE PARKING ON FRONT AND SIDE SETBACKS, WHERE NO PARKING IS ALLOWED ON THE FRONT OR SIDE SETBACKS, CONTRA TO HIALEAH, FLA. CODE §§ 98.1630.2, 98.1630.3(e)(4), AND 98.1630.3(f) RELATING BACK TO 98.2189(16). **PROPERTY CONSISTS OF 17 VACANT LOTS LOCATED ON THE EAST SIDE OF WEST 5TH AVENUE AND 4 VACANT LOTS ON THE WEST SIDE OF 4TH COURT, BETWEEN WEST 23 STREET AND WEST 25 STREET, 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 October 12, 2016 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 rezoned from R-2 (One and Two Family Residential District), C-1 (Restricted Retail Commercial) and C-2 (Liberal Retail Commercial) to R-3-3 (Multiple Family District) and granted a special use permit pursuant to Hialeah, Fla. Code §98.1630.8 to allow the expansion of the Neighborhood Business District overlay regulations.

Section 2: The below-described property is hereby granted a variance permit to allow the construction of an Elderly Residential Community, consisting of 77 units, all with a floor area of less than 850 square feet, where no more than 10% or 8 units may have a minimum of 600 square feet of floor area, to allow 76 parking spaces, where 174 are required, and to allow surface parking on front and side setbacks, where no parking is allowed on front or side setbacks, contra to Hialeah, Fla. Code §§ 98.1630.2, 98.1630.3(e)(4), and 98.1630.(f) relating back to 98.2189(16)a., which provide in pertinent part: “Each residential unit shall have minimum of 850 square feet, except that ten percent of residential units may have a minimum of 600 feet for studios or one bedroom units.”, “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.”, and “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.” Property consists of 17 vacant lots located on the east side of West 5th Avenue and four vacant lots on the West side of

4th Court, between West 23 Street and West 25 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

LOTS 4, 5, 6 AND 15 THROUGH AND INCLUDING 31, IN BLOCK 21 OF "SEMINOLA CITY-SECTION NO.2", TOGETHER WITH THE WEST ½ OF THE 12 FOOT ALLEY LYING EAST OF SAID LOTS 15 THROUGH 31, AND THE EAST ½ OF THE 12 FOOT ALLEY LYING WEST OF LOTS 4 AND 5, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, AT PAGE 154, 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

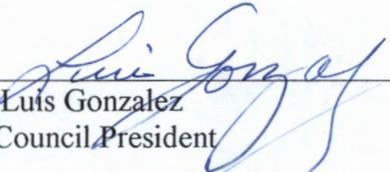
jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

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.

PASSED and ADOPTED this 8 day of November, 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 ___ day of _____, 2016.

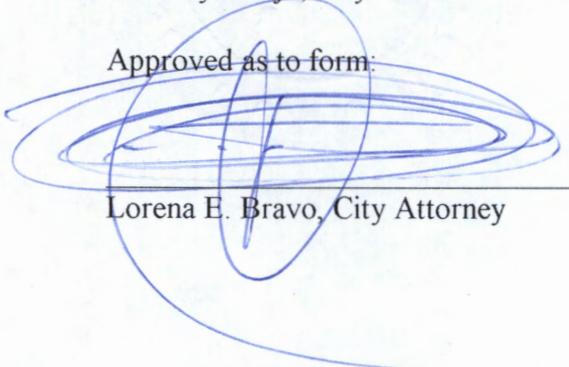


Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to form:



Lorena E. Bravo, City Attorney

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