

ORDINANCE NO. 2018-056

ORDINANCE GRANTING A SPECIAL USE PERMIT (SUP) TO ALLOW THE EXPANSION OF THE NEIGHBORHOOD BUSINESS OVERLAY DISTRICT PURSUANT TO HIALEAH CODE OF ORDINANCES § 98-1630.8 TO ALLOW THE DEVELOPMENT OF A NEW 212-UNIT MULTIFAMILY RESIDENTIAL DEVELOPMENT; AND GRANTING A VARIANCE PERMIT TO ALLOW 330 PARKING SPACES, WHERE 494 PARKING SPACES ARE REQUIRED; ALLOW A FRONT SETBACK OF 3.4 FEET, WHERE 10 FEET ARE REQUIRED FOR THE BALCONIES ENCROACHING INTO THE FRONT SETBACK OF PROPOSED BUILDING 11; AND ALLOW 26.5% PERVIOUS AREA, WHERE 30% IS REQUIRED; CONTRA TO HIALEAH CODE §§ 98-2056(b)(1), 98-2189(16)a., 98-1630.3(e)(1). PROPERTY ZONED M-1 (INDUSTRIAL DISTRICT). **PROPERTY LOCATED AT 7755 WEST 4TH AVENUE, 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 May 23, 2018, recommended approval of this ordinance; and

WHEREAS, the developer has proffered a declaration of restrictive covenants: (1) providing for a management plan addressing parking allocation and controls for on-site internal parking, as well as, providing for the mitigation of parking impacts within the neighboring residential properties; and (2) to provide for a time certain for site-plan approval, and for completion of construction, 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) pursuant to Hialeah code of ordinances § 98-1630.8 to allow the expansion of the Neighborhood Business Overlay District.

Section 2: The below-described property is hereby granted a variance permit to allow 330 parking spaces, where 494 parking spaces are required, contra to Hialeah Code of ordinances § 98-2189(16) a. that provides: “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.”; to allow a front setback of 3.4 feet, where 10 feet are required for the balconies encroaching into the front setback of proposed building 11, contra to Hialeah Code of ordinances § 98-1630.3(e)(1) that provides: “Front setback and street side setback. For the pedestal or base of a building, a minimum setback of ten feet, built-to-line...”; and to allow 26.5% pervious area, where 30% is required; contra to Hialeah Code of ordinances §§ 98-2056(b)(1) that provides: “ (b)The net area of a parcel shall be that area, expressed in acres or fractions of an acre, of land zoned for residential use less rights-of-way for streets and thoroughfares. In addition, every residential development except R-1 and R-4 and R-3 when developed as R-4 shall comply with the following open space and lot coverage requirements: (1) A minimum of 30 percent of the net residential land area shall be maintained in landscaped open space, which space may include recreation areas, swimming pools, and setback areas.” Property is located at 7755 West 4th Avenue, Hialeah, Florida, zoned M-1 (Industrial District), and legally described as follows:

The West 995.50 feet of the North 372.00 feet of the South 4328.00 feet, of Section 30, Township 52 South, Range 41 East, Miami-Dade County, Florida less the West 100 feet thereof.

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 26 day of June, 2018.



Vivian Casals-Muñoz
Council President

Approved on this 28 day of June, 2018.



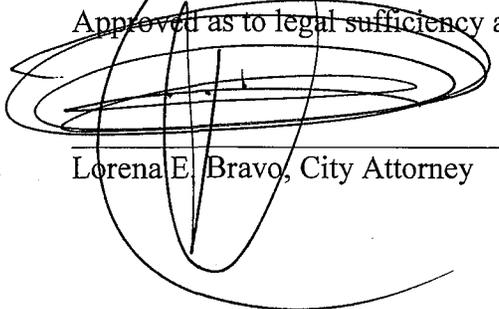
Mayor Carlos Hernandez

Attest:



Marbelys Fatjo, City Clerk

Approved as to legal sufficiency and form:



Lorena E. Bravo, City Attorney

Ordinance was adopted by a 7-0 vote with Councilmembers, Caragol, Zogby, Lozano, Casals-Munoz, Garcia-Martinez, Hernandez and Cue-Fuente voting "Yes".