

ORDINANCE NO. 2018-057

ORDINANCE GRANTING A SPECIAL USE PERMIT (SUP) TO ALLOW THE EXPANSION OF THE NEIGHBORHOOD BUSINESS DISTRICT OVERLAY PURSUANT TO HIALEAH CODE OF ORDINANCES § 98-1630.8 TO ALLOW THE DEVELOPMENT OF A NEW 28-UNIT MULTIFAMILY RESIDENTIAL BUILDING; AND GRANTING A VARIANCE PERMIT TO ALLOW 23 PARKING SPACES, WHERE 67 PARKING SPACES ARE REQUIRED; ALLOW AN AREA OF 18,649 SQUARE FEET, WHERE 20,000 SQUARE FEET IS THE MINIMUM SITE AREA REQUIRED; AND ALLOW ALL UNITS TO HAVE LESS THAN 850 SQUARE FEET, WHERE ONLY 10% OF THE UNITS MAY HAVE LESS THAN 850 SQUARE FEET; CONTRA TO HIALEAH CODE §§ 98-1630.8, 98-2189(16)a., AND 98.1630.2. PROPERTY ZONED C-2 (LIBERAL RETAIL COMMERCIAL DISTRICT). **PROPERTY LOCATED AT 497 AND 499 WEST 23 STREET, 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 23 parking spaces, where 67 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 expansion of the NBD Overlay District on a site with an area of 18,649 square feet, where 20,000 square feet is the minimum site area allowed, contra to Hialeah Code of Ordinances § 98-1630.8 that provides in relevant part: “Limited expansion of NBD overlay district regulations subject to special use permit... a minimum site area of 20,000 square feet..”; and to allow all units to have less than 850 square feet, where only 10% of the units may have less than 850 square feet, Contra to Hialeah Code of Ordinances § 98.1630.2 that provides in relevant part: “Building uses. Residential uses shall be allowed above the ground level only. 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.” Property is located at 497 and 499 West 23 Street, Hialeah, Florida, zoned M-1 (Industrial District), and legally described as follows:

Lots 11 and 12, Block 21, of PLAT OF SEMINOLA CITY SECTION NO. 2, according to the Plat thereof, as recorded in Plat Book 9, at Page 154, of the Public Records of Miami-Dade County, Florida.

AND

Lots 13 and 14, Block 21, of PLAT OF SEMINOLA CITY SECTION NO. 2, 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 26 day of June, 2018.

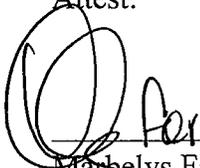
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



Vivian Casáls-Muñoz
Council President

Attest:

Approved on this 26 day of June, 2018.

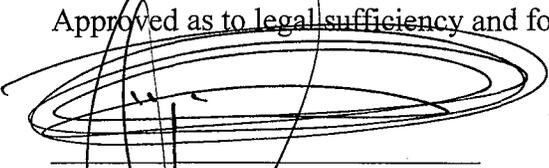


Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

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, Casáls-Munoz, Garcia-Martinez, Hernandez and Cue-Fuente voting "Yes".