

ORDINANCE NO. 2018-155

ORDINANCE GRANTING A SPECIAL USE PERMIT (SUP) TO ALLOW THE EXPANSION OF THE NEIGHBORHOOD BUSINESS DISTRICT REGULATIONS PURSUANT TO HIALEAH CODE OF ORDINANCES § 98-1630.8; AND GRANTING A VARIANCE PERMIT TO ALLOW 140 PARKING SPACES, WHERE 217 PARKING SPACES ARE REQUIRED; ALLOW A 10.5% PERVIOUS AREA, WHERE 30% IS REQUIRED; ALLOW ALL UNITS TO HAVE 605 SQUARE FEET, WHERE 850 SQUARE FEET IS THE MINIMUM REQUIRED; ALLOW SURFACE PARKING ON FRONT AND SIDE SETBACKS, WHERE PARKING IS NOT ALLOWED; ALLOW A BUILDING FRONTAGE OF 37%, WHERE 100 % IS REQUIRED; AND ALLOW A PARTIAL WAIVER OF LANDSCAPING REQUIREMENTS TO ALLOW FOR 30 TREES, WHERE 47 TREES ARE REQUIRED. ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-2189(16)a., 98-2056(b)(1), 98-1630.2, 98-2189(16)(a), 98-1603.3(d) AND 98-1603.3(e)(4) AND THE LATEST EDITION OF THE HIALEAH LANDSCAPE MANUAL DATED JULY 9, 2015, PARAGRAPH (E) TABLE A. PROPERTY ZONED M-1 (INDUSTRIAL DISTRICT). **PROPERTY LOCATED AT 640 WEST 18 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 November 14, 2018, recommended approval of this ordinance; and

WHEREAS, the applicant has proffered a Declaration of Restrictions to which the City accepts that provides.

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 District Overlay regulations.

Section 2: The below-described property is hereby granted a variance to allow 140 parking spaces, where 217 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.”; allow 10.5% 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.”; allow all units to have 605 square feet, where 850 square feet is the minimum required, contra to Hialeah Code of Ordinances § 98-1630.2 that as relevant provides: “Each residential unit shall have minimum of 850 square feet,...”; allow surface parking on front and side setbacks, where parking is not allowed, contra to Hialeah Code of Ordinances § 98-1603.3(e)(4) that provides: “Surface parking. To the extent that is it is reasonably practical, no surface parking or loading areas shall be allowed on either a front setback or a side setback. Where surface parking is

unavoidable, as in the example of retrofitting an existing site, the parking pavement shall be improved with stamped asphalt, brick pavers or similar distinct pavement.”; allow a building frontage of 37%, where 100 % is required, contra to Hialeah Code of Ordinances § 98-1603.3(d) that as relevant provides: “Building frontage. Any building that fronts an existing or proposed street shall provide building frontage of 100 percent,...”; and allow a partial waiver of landscaping requirements to allow for 30 trees, where 47 trees are required, contra to the latest edition of the Hialeah Landscape Manual dated July 9, 2015 Paragraph (E) Table A that requires 15 trees per acre of net lot area in the M-1 zoning district. Property located at 640 West 18 Street, Hialeah, Florida, zoned M-1 (Industrial District), and legally described as follows:

The West 270 feet of the East 1,575 feet of Block 3 of BING’S RED ROAD TERMINAL, according to the Plat thereof, as recorded in Plat Book 65, at Page 13, 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.

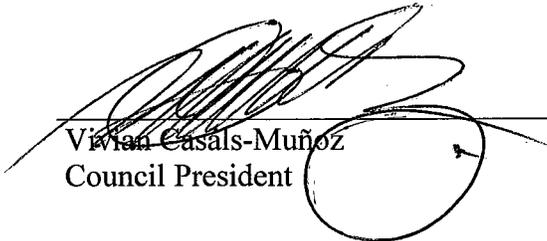
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

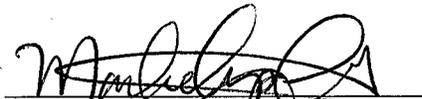
PASSED and ADOPTED this 11 day of December, 2018.

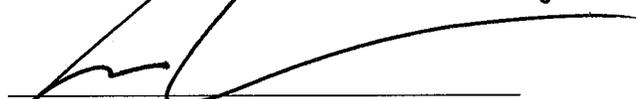
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Vivian Casals-Muñoz
Council President

Attest:

Approved on this 3 day of January, 2018. 


Marbelys Fatjó, City Clerk


Mayor Carlos Hernandez

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

S:\DJ\ORDINANCES\640 West 18 Street SUP NBD trees number of, frontage, unit area, surface parking, pervious area,.docx

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