ORDINANCE NO. 2014-30

ORDINANCE GRANTING A SPECIAL USE PERMIT (SUP) TO ALLOW THE OPERATION OF A USED COOKING OIL STORAGE FACILITY ON PROPERTY ZONED M-1 (INDUSTRIAL DISTRICT) AND GRANTING A VARIANCE PERMIT TO ALLOW 15 PARKING SPACES, WHERE 20 ARE REQUIRED, AND TO ALLOW ALL PARKING SPACES TO BACK OUT ON TO THE STREET, WHERE BACKOUT PARKING IS ONLY ALLOWED IN LOW DENSITY RESIDENTIAL DISTRICTS, CONTRA TO HIALEAH CODE §§ 98-2189(15) AND 98-2190. **PROPERTY LOCATED AT 720 WEST 26 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 regular meeting of February 12, 2014, recommended approval of this ordinance; and

WHEREAS, the applicant proffered a declaration of restrictive covenants limiting, among other things, the nature of the business operation to the storage of used cooking oil only, limiting the hours of operation, and prohibiting the processing of the oil of any kind, to 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) to allow the operation of a used cooking oil storage facility on property zoned M-1 (Industrial District).

Section 2: The below-described property is hereby granted a variance permit to allow the to allow 5 parking spaces, where 13 parking spaces are required, to allow all parking spaces to back-out on to the street, where backout parking is only allowed in low-density residential districts, contra to Hialeah Code §§ 98-2189(15) and 98-2190, which

provide in pertinent part: "Off-street parking shall be provided in accordance with the following minimum standards...(15) *Manufacturing and industrial use.* One parking space for each 1,000 square feet, or fractional part thereof, of gross floor area." and "In all zoning districts, the parking area shall be so arranged that there is no backout in to an adjacent private or public street or right-of-way, except for those lots in low density residential districts or developments.", Property located at 720 West 26 Street, Hialeah, Miami-Dade County, Florida, with land use classification of Industrial, zoned M-1 (Industrial District) and legally described as follows:

> THE WEST 211 FEET OF THE EAST 951 FEET OF THE NORTH 135 FEET OF THE SOUTH 270 FEET OF TRACT A, OF HIALEAH INDUSTRIAL DISTRICT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 62, AT PAGE 75, 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: Additional Penalties upon Violation of the Conditions of Use and/or Declaration of Restrictive Covenants.

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 Special Use Permit and of the city occupational license issued in connection herewith and the property shall revert to the zoning classification without the benefit of the special use and associated variances.

Section 6: 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 7: 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 27 day of May, 2014.

Isis Garcia-Martinez
Council President

Attest:

Marbelys L. Fatjo, Acting City Clerk

Approved on this 30 day of May, 2014.

Mayor Carlos Hernandez

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

Approved as to form and legal sufficiency:

William M. Grodnick, City Attorney

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