

ORDINANCE NO. 2019-107

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 ALL UNITS TO HAVE 650 SQUARE FEET, WHERE 850 SQUARE FEET IS THE MINIMUM REQUIRED AND WHERE ONLY 10% MAY HAVE A MINIMUM OF 600 SQUARE FEET; ALLOW 25% BUILDING FRONTAGE, WHERE 100% IS REQUIRED; ALLOW A FRONT SETBACK OF 70.66 FEET, WHERE 10 FEET BUILT-TO-LINE IS REQUIRED; ALLOW 5.16 FEET REAR SETBACK, WHERE 15 FEET ARE REQUIRED; ALLOW SURFACE PARKING ON FRONT SETBACK, WHERE NO SURFACE PARKING IS ALLOWED; ALLOW 14% PERVIOUS AREA, WHERE 20% IS REQUIRED; AND ALLOW 92 PARKING SPACES, WHERE 153 PARKING SPACES ARE REQUIRED; ALL CONTRA TO HIALEAH CODE §§ 98-2189(16)a. and b., 98-1630.2 98-1630.3(d), 98-1630.3(e)(1), 98-1630.3(2), 98-1630.3(4); AND CONTRA TO CITY OF HIALEAH LANDSCAPE MANUAL REQUIREMENTS UPDATED JULY 9, 2015, ¶ (E), TABLE A, INDUSTRIAL M-1, PERCENT OF REQUIRED SURFACE PARKING. 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 October 2, 2019, 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 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 all units to have 650 square feet, where 850 square feet is the minimum required and where only

10% may have a minimum of 600 square feet, contra to Hialeah Code of ordinances § 98-1630.2 that as relevant provides: “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.”; allow 25% building frontage, where 100% is required, contra to Hialeah Code of Ordinances § 98-1630.3(d) that provides as relevant: “...any building that fronts an existing or proposed street shall provide building frontage of 100 percent, at the base;...”; allow a front setback of 70.66 feet, where 10 feet built-to-line is required, contra to Hialeah Code of ordinances § 98-1630.3(e)(1) that as relevant provides: “Front setback and street side setback... a building, a minimum setback of ten feet, built-to-line...”; allow 5.16 feet rear setback, where 15 feet are required, contra to Hialeah Code of Ordinances § 98-1630.3(2) that as relevant provides: “Interior side setback and interior rear setback. ... all property lines abutting low density and medium density residential districts shall provide a minimum setback of 15 feet.”; allow surface parking on front setback, where no surface parking is allowed, contra to Hialeah Code of Ordinances § 98-1630.3(4) that as relevant 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.”; allow 14% pervious area, where 20% is required, contra to City of Hialeah Landscape Manual Requirements updated July 9, 2015, ¶ (E), Table A, Industrial M-1, Percent of Required Surface Parking Open Space 20%; and allow 92 parking spaces, where 153 parking spaces are required, contra to Hialeah Code of ordinances § 98-2189(16)a. and b. that provide: “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; and b. *Commercial uses*. The parking requirements for commercial uses as designated in this section shall apply except that vocational schools and post-secondary schools shall provide one parking space for 150 square feet of gross floor area.” Property is located at 7755 West 4 Avenue, Hialeah, Florida, zoned M-1 (Industrial District), and legally described as follows:

Tract C, less the South 162.18 feet, AMELIA MIXED USE DEVELOPMENT, according to the Plat thereof, as recorded in Plat Book 173, Page 79, 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.

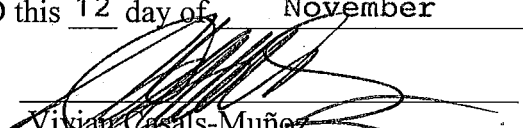
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

Section 6: Effective Date.

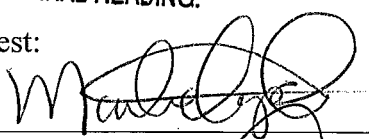
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 12 day of November, 2019.

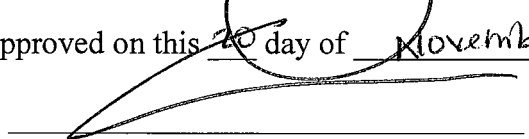
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Vivian Casals-Munoz
Council President


Attest:


Marbelys Fatjo, City Clerk

Approved on this 20 day of November, 2019.


Mayor Carlos Hernandez

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

S:\DJ\ORDINANCES\7755 West 4th Ave SUP NBD M-1 parking pervious and front set back variances no surface parking (2).docx