

ORDINANCE NO. 2020-027

ORDINANCE REZONING PROPERTY FROM GU (INTERIM DISTRICT MIAMI-DADE COUNTY ZONING DESIGNATION) TO MH (INDUSTRIAL DISTRICT); GRANTING A SPECIAL USE PERMIT (SUP) TO ALLOW A GAS STATION, WHERE GAS STATIONS ARE NOT PERMITTED IN THE MH DISTRICT; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-1601(a)(1) AND 98-1156(a)(11). **PROPERTY LOCATED AT 10300 NW 142 STREET (EASTERN 79,000 SQUARE FEET PORTION OF THE PARCEL), HIALEAH, ZONED GU (INTERIM DISTRICT-MIAMI-DADE COUNTY ZONING DESIGNATION).** 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 meeting of June 24, 2020 recommended approval of this ordinance; and

WHEREAS, the developer has proffered a Declaration of Restrictions, 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 rezoned from GU (Interim District Miami-Dade County Zoning Designation) to MH (Industrial District).

Section 2: The below described property is granted a Special Use Permit (SUP) to allow a gas station, where gas stations are not permitted in the MH district, contra to Hialeah Code of Ordinances § 98-1601(a)(1) that as relevant provides: “(a) *Permitted uses...*(1) All uses permitted in M-1 and M-2 zoning districts, excluding uses permitted in subsection 98-1156...(a)(11)... [that as relevant provides]: ...gasoline facilities in conjunction with a convenience food store or minimarket.” **Property located at 10300 NW 142 Street, Hialeah (eastern 79,000 square feet portion of the parcel), Hialeah**, zoned GU (Interim District-Miami-Dade County Zoning Designation and legally described as follows:

A portion of Tract F, of RINKER LAKE, according to the Plat thereof, as recorded in Plat Book 82, at Page 47, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Beginning at the southeast corner of Tract "F", of RINKER LAKE, according to the Plat thereof as recorded in Plat Book 82, at Page 47, of the Public Records of Miami-Dade County, Florida; thence S89°40'07"W along the south line of said Tract "F" for a distance of 455.83 feet to a point; thence N00°19'53"W for a distance of 175.00 feet to a point on the north line of Tract "F"; thence N89°40'07"E along said north line of Tract "F" for a distance of 448.74 feet to a point on the east line of Tract "F"; thence S02°39'08"E along the east line of said Tract "F" for a distance of 175.14 feet to the point of beginning; less the outside area of a curve located at the southeast corner of Tract "F" and concave to the northwest; containing an area of 79,000 square feet more or less by calculation.

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.

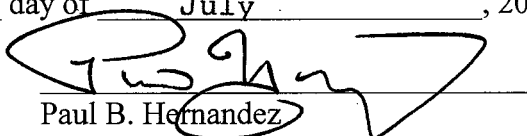
Section 5: Severability Clause.

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.

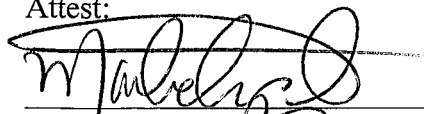
Section 6: Effective Date.

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.

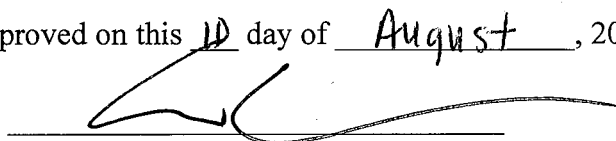
PASSED and ADOPTED this 27 day of July, 2020.


Paul B. Hernandez
Council President

Attest:


Marbelys Fatjo, City Clerk

Approved on this 10 day of August, 2020.


Mayor Carlos Hernandez

~~Approved as to legal sufficiency and form.~~


Lorena E. Bravo, City Attorney

Ordinance was adopted by 5-0-2 vote with Councilmembers, Cue-Fuente, Hernandez, Garcia-Roves, Perez, and Zogby, voting "Yes" and with Council Vice President abstaining from voting and Council Member Tundidor absent.