

ORDINANCE NO. 2020-061

ORDINANCE GRANTING A SPECIAL USE PERMIT (SUP) TO ALLOW THE EXPANSION OF THE NBD (NEIGHBORHOOD BUSINESS DISTRICT) OVERLAY FOR THE ADAPTIVE RE-USE OF AN EXISTING HOTEL; PURSUANT TO HIALEAH CODE OF ORDINANCES § 98-1630.8; GRANTING A VARIANCE PERMIT TO ALLOW 100% OF THE RESIDENTIAL UNITS WITH AREAS RANGING FROM 340 TO 599 SQUARE FEET, WHERE 850 SQUARE FEET IS THE MINIMUM REQUIRED FOR 90% OF THE UNITS AND 600 SQUARE FEET IS THE MINIMUM ALLOWED FOR 10% OF THE UNITS; ALLOW FRONT AND STREET SIDE SETBACKS RANGING FROM 17 FEET TO 72 FEET, WHERE 10 FEET BUILT-TO-LINE IS REQUIRED; ALLOW SURFACE PARKING ON THE FRONT AND SIDE SETBACKS, WHERE SURFACE PARKING IS NOT ALLOWED ON FRONT AND SIDE SETBACKS; ALLOW PEDESTAL HEIGHT OF 41 FEET, WHERE 40 FEET IS THE MAXIMUM ALLOWED; ALLOW 500 PARKING SPACES, WHERE 603 PARKING SPACES ARE REQUIRED; AND ALLOW 7% PERVIOUS AREA, WHERE 30% IS THE MINIMUM REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-2189(16)a.; 98-1630.2, 98-1630.3, 98-1630.3(e)(1), 98-1630.3(2) AND 98-1630.3(4) AND CITY OF HIALEAH, FLA. ORDINANCES 2373 (APRIL 14, 1970) ALLOWING ALL USES IN THE R-3 (MULTI-FAMILY DISTRICT) ON C-3 ZONED PROPERTY AND 2373 (OCTOBER 13, 1970) GRANTING A VARIANCE TO ALLOW A MOTEL WITH 1 PARKING SPACE PER MOTEL UNIT AND 1/1200 SQUARE FEET OF COMMERCIAL, WITH A TOTAL OF NO LESS THAN 242 PARKING SPACES, WHICH PERTAIN TO THE NORTHERN PORTION OF THE PROPERTY; AND REPEALING CITY OF HIALEAH, FLA. ORDINANCES: 2327 (APRIL 14, 1970) ALLOWING ALL USES IN THE R-3 (MULTI-FAMILY DISTRICT) ON C-3 ZONED PROPERTY ATTACHED AS EXHIBIT "1"; AND 2373 (OCTOBER 13, 1970) GRANTING A

VARIANCE TO ALLOW A MOTEL WITH 1 PARKING SPACE PER MOTEL UNIT AND 1/1200 SQUARE FEET OF COMMERCIAL, WITH A TOTAL OF NO LESS THAN 242 PARKING SPACES, WHICH PERTAIN TO THE NORTHERN PORTION OF THE PROPERTY ATTACHED AS EXHIBIT "2", AND 2780 (JULY 24, 1973) GRANTING A VARIANCE TO ALLOW 1 PARKING SPACE PER LIVING UNIT INSTEAD OF 1.5 PER UNIT PERTAINING TO THE SOUTHERN PORTION OF THE PROPERTY ATTACHED AS EXHIBIT "3". **PROPERTY LOCATED AT 1950 WEST 49 STREET, HIALEAH, FLORIDA, ZONED C-2 (LIBERAL RETAIL COMMERCIAL DISTRICT) AND C-3 (EXTENDED LIBERAL COMMERCIAL DISTRICT).** 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 September 9, 2020, 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 NBD (Neighborhood Business District) overlay for the adaptive re-use of an existing hotel.

Section 2: The below-described property is hereby granted a variance permit to allow 100% of the residential units with areas ranging from 340 to 599 square feet, where 850 square feet is the minimum required for 90% of the units and 600 square feet is the minimum allowed for 10% of the units, 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 front and street side setbacks ranging from 17 feet to 72 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 the front and side setbacks, where surface parking is not allowed on front and side setbacks, contra to Hialeah Code of Ordinances § 98-1630.3(4) that as relevant provides: “Surface parking. To the extent that it is reasonably practical, no surface parking or loading areas shall be allowed on either a front setback or a side setback.”; allow pedestal height of 41 feet, where 40 feet is the maximum allowed, contra to Hialeah Code of Ordinances § 98-1630.3 that as relevant provides: “The maximum height of the base or pedestal is 40 feet...”; allow 7% pervious area, where 30% is the minimum required, contra to City of Hialeah Landscape Manual Requirements updated July 9, 2015, Section E, Tree and Lawn requirements by zoning classification, Table A, Multi-Family Residential, Minimum Pervious Area that as relevant provides: “30%.”; and allow 500 parking spaces, where 603 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.”; and repealing city of Hialeah, Fla. Ordinances: 2327 (April 14, 1970) allowing all uses in the r-3 (multi-family district) on C-3 zoned property attached as exhibit “1”; and 2373 (October 13, 1970) granting a variance to allow a motel with 1 parking space per motel unit and 1/1200 square feet of commercial, with a total of no less than 242 parking spaces, which pertain to the northern portion of the property attached as exhibit “2”, and 2780 (July 24, 1973) granting a variance to allow 1 parking space per living unit instead of 1.5 per unit pertaining to the southern portion of the property attached as exhibit “3”. Property located at 1950 West 49 Street, Hialeah, Florida, zoned C-2 (Liberal Retail Commercial District) and C-3 (Extended Liberal Commercial District) and legally described in attached Exhibit “A”.

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.

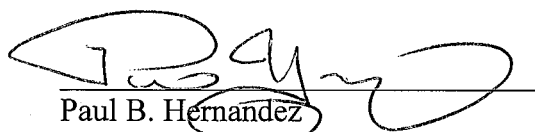
Section 5: Severability Clause.

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.

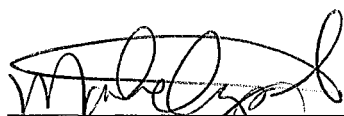
Section 6: Effective Date.


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 13 day of October, 2020.

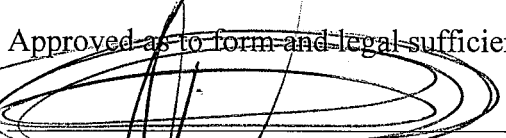

Paul B. Hernandez
Council President

Attest: Approved on this 2 day of November, 2020.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


Lorena E. Bravo, City Attorney

Ordinance was adopted by 7-0 vote with Councilmembers, Cue- Fuente, De la Rosa, Garcia-Roves, Hernandez, Perez, Tundidor and Zogby voting "Yes."