

ORDINANCE NO. 2022-001

ORDINANCE REZONING FROM R-1 (ONE-FAMILY DISTRICT) TO R-3-3 (MULTIPLE-FAMILY DISTRICT); GRANTING A SPECIAL USE PERMIT (SUP) PURSUANT TO HIALEAH CODE OF ORDINANCES § 98-1630.8, TO ALLOW THE EXPANSION OF THE NEIGHBORHOOD BUSINESS DISTRICT OVERLAY, ON THE 0.63-ACRE EASTERNMOST PORTION OF THE SITE TO ALLOW THE DEVELOPMENT OF A THREE-STORY MIXED USE BUILDING INCLUDING 5,000 SQUARE FEET OF RETAIL AND 12 MULTIFAMILY UNITS; GRANTING A VARIANCE PERMIT TO ALLOW 5 FEET SOUTH SIDE SETBACK, WHERE 10 FEET ARE REQUIRED FOR THE DEVELOPMENT OF A TWO-STORY/100-UNIT MULTIFAMILY DEVELOPMENT ON THE 4.27-ACRE WESTERNMOST PORTION OF THE SITE; ALLOW 10 FEET NORTH SIDE SETBACK, WHERE 15 FEET ARE REQUIRED ON THE 0.63-ACRE EASTERNMOST PORTION OF THE SITE; AND ALLOW 50 PARKING SPACES, WHERE 52 PARKING SPACES ARE REQUIRED ON THE MIXED USE PORTION OF THE SITE. ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-590, § 98-1630.3 (e)(2), AND 98-2189(16)a. AND b. **PROPERTY LOCATED AT 7450 WEST 4 AVENUE, HIALEAH, ZONED R-1 (ONE-FAMILY 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 December 8, 2021 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 R-1 (One-Family District) to R-3-3 (Multiple-family District).

Section 2: 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 Business District Overlay, on the 0.63-acre easternmost portion of the site to allow the development of a three-story mixed-use building including 5,000 square feet of retail and 12 multifamily units.

Section 3: The below-described property is hereby granted a variance permit to allow 5 feet south side setback, where 10 feet are required for the development of a two-story/100-unit multifamily development on the 4.27-acre westernmost portion of the site, contra to Hialeah Code of Ordinances § 98-590 that as relevant provides: “In the R-3 multiple-family district, there shall be side yards, and the width of each shall not be less than ten feet.”; allow 10 feet north side setback, where 15 feet are required on the 0.63-acre easternmost portion of the site, contra to Hialeah Code of Ordinance § 98-1630.3 (e)(2) that as relevant provides: “Interior side setback and rear setback. For the pedestal or base of a building, there is no minimum setback requirement, except that all property lines abutting low density and medium density residential districts shall provide a minimum setback of 15 feet”; and allow 50 parking spaces, where 52 parking spaces are required on the 0.63-acre easternmost portion of the site contra to Hialeah Code of Ordinances §§ 98-2189(16)a. that provides: “*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 98-2189(16)b. that provides: “*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 every 150 square feet of gross floor area. Property located at 7450 West 4 Avenue, Hialeah, zoned R-1 (One-Family District) and legally described as follows:

The North half of Tract 50, of FLORIDA FRUIT LANDS COMPANY’S SUBDIVISION NO. 1, in Section 25, Township 52 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida; Less the West 25 feet for right of way.

Section 4: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: 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 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.

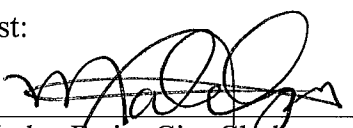
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 11 day of January, 2021.



Carl Zogby
Council President

Attest:



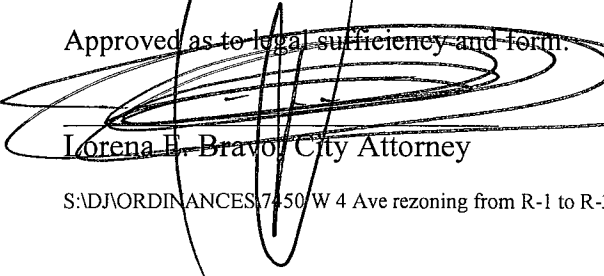
Marbelys Fatjo, City Clerk

Approved on this 21 day of January, 2021.



Mayor Esteban Bovo, Jr.

Approved as to legal sufficiency and form.



Lorena E. Bravo, City Attorney

Ordinance was adopted by 4-0-3 vote with Councilmembers, Calvo, Rodriguez, Tundidor, and Zogby voting "Yes" and with Council Vice President Perez and Council Members De la Rosa and Garcia-Roves absent.