

ORDINANCE NO. 2021-140

ORDINANCE GRANTING A SPECIAL USE PERMIT (SUP) TO ALLOW THE EXPANSION OF THE NEIGHBORHOOD BUSINESS DISTRICT (NBD) OVERLAY PURSUANT TO HIALEAH CODE OF ORDINANCES § 98-1630.8; AND GRANTING A VARIANCE PERMIT TO ALLOW 24 UNITS (86%) WITH FLOOR AREAS RANGING FROM 695 SQUARE FEET TO 729 SQUARE FEET, WHERE 850 SQUARE FEET IS THE MINIMUM REQUIRED AND ONLY 10% OF THE UNITS MAY HAVE AN AREA OF 600 SQUARE FEET; ALLOW 46 PARKING SPACES, WHERE 67 PARKING SPACES ARE REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 1630.2 AND 98-2189(16)a. AND b. **PROPERTY LOCATED AT 167 WEST 23 STREET AND 187 WEST 24 STREET, HIALEAH, FLORIDA, ZONED M-1 (INDUSTRIAL 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 October 27, 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 granted a Special Use Permit (SUP) pursuant to Hialeah code of ordinances § 98-1630.8 to allow the expansion of the Neighborhood Business District (NBD) Overlay.

Section 2: The below-described property is hereby granted a variance to allow 24 units (86%) with floor areas ranging from 695 square feet to 729 square feet, where 850 square feet is the minimum required and only 10% of the units may have an area 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 on one bedroom units.”; allow 46 parking spaces, where 67 parking spaces are required, contra to Hialeah Code of Ordinances § 98-2189(16)a. and b. that

provide: 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 every 150 square feet of gross floor area.” Property located at 167 West 23 Street and 187 West 23 Street, Hialeah, zoned M-1 (Industrial District) and legally described as follows:

Lots 17, 18, 19, 20, and 21, Block 153, TWELFTH ADDITION TO HIALEAH, according to the Plat thereof, as recorded in Plat Book 8, Page 127, of the Public Records of Miami-Dade County, Florida.
167 West 23 Street, Hialeah, Florida - Folio No: 04-3107-006-0970

AND

Lot 22, Block 153, TWELFPH ADDITION TO HIALEAH, according to the Plat thereof as recorded in Plat Book 8, Page 127, of the Public Records of Miami-Dade County, Florida.
187 West 23 Street, Hialeah, Florida - Folio No: 04-3107-006-0980

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.

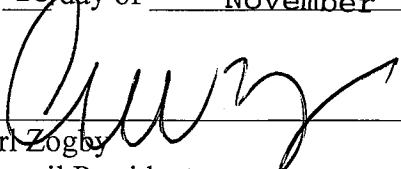
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such

invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

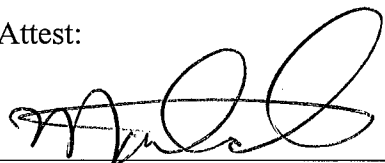
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 23 day of November, 2021.



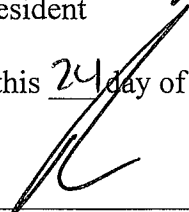
Carl Zogby
Council President

Attest:




Marbelys Fatjo, City Clerk

Approved on this 24 day of November, 2021.



Mayor Esteban Bovo, Jr.

Approved as to legal sufficiency and form:



Lorena E. Bravo, City Attorney

Ordinance was adopted by 6-1 vote with Councilmembers, Calvo, De la Rosa, Garcia-Roves, Perez, Rodriguez, Tundidor, and Zogby voting "Yes" and Council Member Calvo voting "No."

S:\DJ\ORDINANCES\167 W 23 St and 187 W 23 St M-1 NBD expansion, variances, parking.docx

Report of Scrivener's Error – On November 23, 2021, the City Council approved Ordinance No. 2021-129 (Item PZ 4), approving a Special Use Permit (SUP) to allow the expansion of the Neighborhood Business District (NBD) Overlay pursuant to Hialeah Code of Ordinances §98-1630.8; and granting a variance permit to allow 24 units (86%) with floor areas ranging from

695 square feet to 729 square feet, where 850 square feet is the minimum required and only 10% of the units may have an area of 600 square feet; allow 46 parking spaces, where 67 parking spaces are required; all contra to Hialeah Code of Ordinances §§98-1630.2 and 98-2189(16)a. and b. Property located at 167 West 23 Street

and 187 West 24 Street, Hialeah, Florida, zoned M-1 An amendment to the approved ordinance is necessary as follows: In the title of the approved ordinance, the street address, number 187 West 24 Street should be deleted and replaced as 187 West 23 Street.
(LAW DEPARTMENT)