

**ORDINANCE NO. 2021-145**

ORDINANCE GRANTING A SPECIAL USE PERMIT (SUP) PURSUANT TO HIALEAH CODE OF ORDINANCES § 98-161 TO ALLOW A PRIVATE GAS AND DIESEL DISPENSING STATION TO SERVE THE FLEET OF A GENERAL CONTRACTOR'S FACILITY, WHERE GAS DISPENSING FACILITIES ARE NOT AN ALLOWED USE IN THE MH (INDUSTRIAL DISTRICT) ZONING DISTRICT. PROPERTIES LOCATED AT **14450 NW 102 AVENUE AND 8870 W 40 STREET, HIALEAH, ZONED MH (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 November 10, 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 § 98-161 to allow a private gas and diesel dispensing station to serve the fleet of a General Contractor's facility, where gas dispensing facilities are not an allowed use in the MH (Industrial District) zoning district.

**Section 2:** Properties located at 14450 NW 102 Avenue and 8870 W 40 Street, Hialeah, zoned MH (Industrial District) and legally described in attached Exhibits "A" and "B".

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

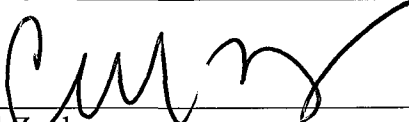
**Section 5: Severability Clause.**

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.

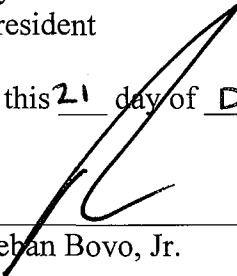
PASSED and ADOPTED this 14 day of December, 2021.

  
\_\_\_\_\_  
Carl Zogby  
Council President


Attest:

Approved on this 21 day of December, 2021.

  
\_\_\_\_\_  
Marbelys Fatjo, City Clerk

  
\_\_\_\_\_  
Mayor Esteban Bovo, Jr.

Approved as to legal sufficiency and form:

  
\_\_\_\_\_  
Lorena H. Bravo, City Attorney

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

S:\DJORDINANCES\14450 NW 102 Ave and 8870 W 40 St MH SUP allow private gas and diesel dispensing station (p&z 11.10.21).docx

Report of Scrivener's Error – On December 14, 2021, the City Council approved Ordinance numbered 2021-133 and Ordinance numbered 2021-134, granting certain variances from the zoning code on property located at 14450 Northwest 102nd Avenue and the parcel adjacent to that property identified under Folio No. 04-2020-001-0042. The address provided for the parcel identified under Folio No. 04-2020-001-0042 was 8870 West 40th Street in the title and Section 1 of each of the ordinances. The address was incorrect and should have been 40th Avenue, not 40th Street. Accordingly, the title, Section 1 and any other reference to this parcel in Ordinances Numbered 2021-133 and 2021-134

should be corrected as follows: Title: PROPERTY LOCATED AT 14450 NW 102 AVENUE AND 8870 WEST 40 AVENUE, HIALEAH, ZONED MH (INDUSTRIAL DISTRICT). Section 1: Property located at 14450 N.W. 102 Avenue and 8870 West 40 Avenue, Hialeah, zoned MH (Industrial District) and legally described in attached Exhibits "A" and "B" (LAW DEPARTMENT) (ZONING)

# EXHIBIT "A"

That portion of Tracts 2 and 3 in the Southwest 1/4 of Section 20, Township 52 South, Range 40 East, "CHAMBERS LAND COMPANY SUBDIVISION", according to the Plat thereof, recorded in Plat Book 2, at Page 68, of the Public Records of Miami-Dade County, Florida; the same being a portion of area "LAKE "A" as shown on an unrecorded layout entitled "PENNSUCO4 LAKES", described as follows:

Commence 567.53 feet South of the Center of said Section 20 (same as the Northeast corner of Tract 1, Plat Book 2, Page 68) measured along the centerline of said Section 20; thence go South 89 degrees 50 minutes 15 seconds West, for a distance of 60.05 feet, to the POINT OF BEGINNING; thence continue South 89 degrees 50 minutes 15 seconds West, for a distance of 440.36 feet, to the East line of said Lake "A"; thence go South 02 degrees 29 minutes 48.5 seconds East, along the East line of said Lake "A" for a distance of 296.80 feet, to a point; thence go North 89 degrees 50 minutes 15 seconds East, for a distance of 440.36 feet, to a point; thence go North 02 degrees 29 minutes 48.5 seconds West, 60 feet West of and parallel with the centerline of said Section 20, for a distance of 296.80 feet, to the POINT OF BEGINNING .

THE ABOVE DESCRIBED REAL PROPERTY IS ALSO KNOWN BY THE FOLLOWING LEGAL DESCRIPTION.

That portion of Tracts 2 and 3 in the Southwest 1/4 of Section 20, Township 52 South, Range 40 East, CHAMBERS LAND COMPANY SUBDIVISION, according to the Plat thereof, recorded in Plat Book 2, at Page 68, of the Public Records of Miami-Dade County, Florida, described as follows: Commence at the Southeast corner of Tract 4 of said CHAMBERS LAND COMPANY, SUBDIVISION, thence run N. 02°29' 48" W., along the East line of said Tract 4, for a distance of 455.73 feet, to a point; thence run S. 89° 50' 15" W., parallel to the South line of said Tract 4, for a distance of 60.05 feet, to the POINT OF BEGINNING of the following described property; thence continue along the same bearing, for a distance of 440.36 feet, to a point on the water's edge of a lake as shown on the Plat of RINKER LAKE, according to the Plat thereof, recorded in Plat Book 82, at page 47, of the Public Records of Miami-Dade County, Florida; thence run N.2° 29' 48 W., along the water 's edge of the said lake, for a distance of 296.80 feet, to a point; thence run N. 89° 50' 15" E., along the water 's edge of said lake, for a distance of 440.36 feet, to a point on the West right of way line of NW 102nd Avenue, as platted and shown on the said Plat of RINKER LAKE; thence run S.2° 29' 48" E, along the West right of way line of said N.W. 102nd Avenue, for a distance of 296.80 feet, to the POINT OF BEGINNING, lying and being in Miami-Dade County, Florida.

EXHIBIT <sup>1</sup>B<sup>4</sup>

That portion of Tracts 2 and 3 in the Southwest 1/4 of Section 20, Township 52 South, Range 40 East, "CHAMBERS LAND COMPANY SUBDIVISION", according to the Plat thereof, recorded in Plat Book 2, at Page 68, of the Public Records of Miami-Dade County, Florida; the same being a portion of area "LAKE "A" as shown on an unrecorded layout entitled "PENNSUCO 4 LAKES", described as follows:

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THE ABOVE DESCRIBED REAL PROPERTY IS ALSO KNOWN BY THE FOLLOWING LEGAL DESCRIPTION.

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Parcel Identification Number: 04-2020-001-0043