

ORDINANCE NO. 2022-049

ORDINANCE REZONING FROM R-1 (ONE-FAMILY DISTRICT) TO GUD (GOVERNMENTAL USE DISTRICT) OF PROPERTY LOCATED AT 815 WEST 75 STREET AND 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; GRANTING A VARIANCE PERMIT TO ALLOW RESIDENTIAL USE ON THE GROUND FLOOR, WHERE RESIDENTIAL USE IS ALLOWED ABOVE GROUND FLOOR LEVEL ONLY; ALLOW 1,049 PARKING SPACES, WHERE 1,487 PARKING SPACES ARE REQUIRED; AND ALLOW 19.8% PERVIOUS AREA, WHERE 30% IS THE MINIMUM REQUIRED; CONTRA TO HIALEAH CODE OF ORDINANCES §98-1630.2, and §§ 98-2189(16)a. AND b. **PROPERTY LOCATED AT 7605 WEST 10 AVENUE AND 815 WEST 75 STREET, HIALEAH, FLORIDA ZONED GUD (GOVERNMENTAL USE DISTRICT) AND 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 April 27, 2022 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 property located at 815 West 75 Street, Hialeah, Florida, and legally described as follows is hereby rezoned from R-1 (One-Family District) to GUD (Governmental Use District).

Section 2: The property located at 815 West 75 Street, Hialeah, Florida 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.

Section 3: The below-described property is hereby granted a variance permit to allow residential use on the ground floor, where residential use is allowed above ground floor level, contra to Hialeah Code of Ordinances § 98-1630.2 that as relevant provides: "... Residential uses

shall be allowed above the ground level only...”; allow 1,049 parking spaces, where 1,487 parking spaces are required, 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. and 98-2189(7) that provide: “*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” and “*Commercial uses, not found elsewhere in this section.* One parking space for each 200 square feet of gross floor area of the floor with the greatest floor area within the building, and one parking space for each 500 square feet of the remaining floor area. Parking spaces under the building shall not be considered in the calculation of floor areas” respectively; and allow 19.8% pervious area, where 30% is the minimum required. Property located at 7605 West 10 Avenue and 815 West 75 Street, Hialeah, zoned GUD (Governmental Use District) and R-1 (One-Family District) and legally described in Exhibit “A” attached.

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 24 day of May, 2022.



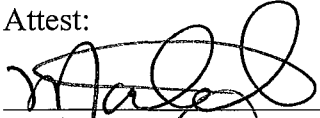
Carl Zogby
Council President

Approved on this 8 day of June, 2022.

Mayor Esteban Bovo, Jr.

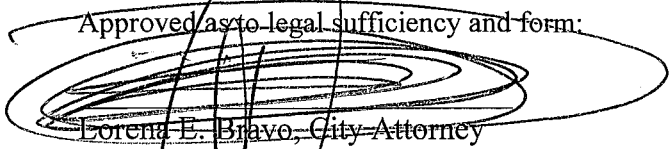
Ordinance was adopted by 6-0-1 vote with Councilmembers Calvo, Casáls-Muñoz, Garcia-Roves, Rodriguez, Tundidor, and Zogby voting "Yes", and with Council Vice President Perez not present during roll call.

Attest:



Marbelys Fatjo, City Clerk

Approved as to legal sufficiency and form:



Lorena E. Bravo, City Attorney

S:\DJ\ORDINANCES\7605 W 10 Ave and 815 W 75 St rezoning R-1 to GUD, SUP expansion NBD, variances, parking, pervious area (p&z 4.27.22).docx

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.

Exhibit "A"

Legal Description

PORTIONS OF TRACTS 24 AND 33 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, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND LOT 2, BLOCK 1, LOS MANGOS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 08, PAGE 08, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SECTION 25, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ALSO BEING THE SOUTHEAST CORNER OF SAID TRACT 24; THENCE SOUTH 89°30'15" WEST, ALONG THE SOUTH LINE OF SAID TRACT 24, A DISTANCE OF 35.03 FEET TO THE POINT OF BEGINNING AND THE NORTHEAST CORNER OF SAID LOT 2, BLOCK 1, LOS MANGOS; THENCE SOUTH 02°38'08" EAST, ALONG THE EAST LINE OF SAID LOT 2, BLOCK 1 AND THE WEST RIGHT OF WAY LINE OF WEST 8TH AVENUE, A DISTANCE OF 274.08 FEET TO THE BEGINNING OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 02°14'25" FOR A DISTANCE OF 40.25 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 89°30'15" WEST, ALONG THE SOUTH LINE OF SAID LOT 2, BLOCK 1 AND THE NORTH RIGHT OF WAY LINE OF WEST 75TH STREET, A DISTANCE OF 181.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2, BLOCK 1; THENCE NORTH 02°38'08" WEST, ALONG THE WEST LINE OF SAID LOT 2, BLOCK 1, A DISTANCE OF 305.06 FEET TO THE NORTHWEST CORNER OF SAID LOT 2, BLOCK 1; THENCE SOUTH 89°30'15" WEST, ALONG THE NORTH LINE OF BLOCK 1 OF SAID LOS MANGOS, A DISTANCE OF 174.88 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 1; THENCE SOUTH 02°38'08" EAST ALONG THE WEST LINE OF SAID BLOCK 1, A DISTANCE OF 305.08 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 1; THENCE SOUTH 89°30'15" WEST ALONG A LINE PARALLEL WITH AND 25.00 FEET NORTH OF THE SOUTH LINE OF TRACT 33 OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID LINE ALSO BEING THE NORTH RIGHT OF WAY LINE OF WEST 75TH STREET, A DISTANCE OF 855.07 FEET TO THE BEGINNING OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 25.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 87°45'47", A DISTANCE OF 38.28 FEET TO THE POINT OF TANGENCY; THENCE NORTH 02°37'58" WEST, ALONG A LINE PARALLEL WITH AND 25.00 FEET EAST OF THE WEST LINE OF SAID TRACTS 33 AND 24, SAID LINE ALSO BEING THE EAST RIGHT OF WAY LINE OF WEST 10TH AVENUE, A DISTANCE OF 500.00 FEET TO THE BEGINNING OF A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 25.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 02°14'04", A DISTANCE OF 40.24 FEET TO THE POINT OF TANGENCY; THENCE NORTH 89°38'08" EAST, ALONG A LINE PARALLEL WITH AND 25.00 FEET SOUTH OF THE NORTH LINE OF SAID TRACT 24, SAID LINE ALSO BEING THE SOUTH RIGHT OF WAY LINE OF WEST 77TH STREET, A DISTANCE OF 1234.97 FEET TO A POINT OF INTERSECTION WITH A LINE PARALLEL WITH AND 35.00 FEET WEST OF THE EAST LINE OF SAID TRACT 24, SAID LINE ALSO BEING THE WEST RIGHT OF WAY LINE OF WEST 8TH AVENUE; THENCE SOUTH 02°38'08" EAST ALONG SAID LINE, A DISTANCE OF 305.02 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN THE CITY OF HIALEAH, MIAMI-DADE COUNTY, FLORIDA, AND CONTAINING 714800 SQUARE FEET (16.41 ACRES) MORE OR LESS.