

**ORDINANCE NO. 2017-066**

ORDINANCE GRANTING A SPECIAL USE PERMIT (SUP) TO ALLOW THE EXPANSION OF THE NEIGHBORHOOD BUSINESS DISTRICT REGULATIONS PURSUANT TO HIALEAH CODE OF ORDINANCES § 98-1630.8; GRANTING A VARIANCE PERMIT TO ALLOW SURFACE PARKING ON THE FRONT SET BACK; ALLOW 83 PARKING SPACES, WHERE 100 PARKING SPACES ARE REQUIRED; ALLOW A 22% BUILDING FRONTAGE, WHERE 100% IS REQUIRED; ALLOW 15 FEET FRONT SETBACK, WHERE 10 FEET BUILT-TO-LINE IS REQUIRED; AND WAIVE THE SEGMENTED BUILDING MASS, CONTRA TO HIALEAH CODE §§ 98-2189(7) AND (16), AND § 98-1630.3(e)(4). PROPERTY ZONED M-1 (INDUSTRIAL DISTRICT). **PROPERTY LOCATED AT 8250 WEST 21 LANE, HIALEAH, FLORIDA.** REPEALING ALL 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 August 23, 2017, recommended approval of this ordinance; and

**WHEREAS**, the applicant has proffered a Declaration of Restrictions which provides, among other things, no more than two motor vehicles for each of the 39 living units, with one parking space not specifically assigned to be shared by both the living and commercial units, 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 District Overlay regulations.

**Section 2:** The below-described property is hereby granted a variance to permit to allow surface parking on the front setback, contra to Hialeah Code of Ordinances § 98-1630.3(e)(4) that 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. Where surface parking is unavoidable, as in the example of retrofitting an existing site, the parking pavement shall be improved with stamped asphalt, brick pavers or similar distinct pavement.”; allow 83 parking spaces, where 100 parking spaces are required, contra to Hialeah Code § 98-2189(16)a, b, and c, which respectively provide: “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. 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. c. Work/Live units. Parking for work/live units shall be one parking space for every 200 square feet of the gross floor area of the work portion of the unit.”; allow a 22% building frontage, where 100% is required, contra to Hialeah Code of Ordinances § 98-1630.3(d) that provides: “*Building frontage.* Any building that fronts an existing or proposed street shall provide building frontage of 100 percent...”; and allow 15 feet front setback, where 10 feet built-to-line is required, contra to § 98-1630.3(e)(1) that provides: “Front setback and street side setback. For the pedestal or base of a building, a minimum setback of ten feet, built-to-line...”; and waive the segmented building mass requirement, contra to Hialeah Code of Ordinances § 98-



1630.3(c) that provides: "Building mass. A building shall be defined a delineated base or pedestal, middle or tower and cap or penthouse. The building mass shall provide a segmented, reduced mass as the building reaches its full height, from a greater mass at the base to a lesser mass in the middle to smaller mass at the cap or penthouse.". Property is located at 8250 West 21 Lane, Hialeah, Florida, zoned M-1 (Industrial District), and legally described as follows:

Lots 2, 3 and 4, Block 2, AUSTIN SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 155, Page 2, of the Public Records of Miami-Dade County, Florida.

**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.**

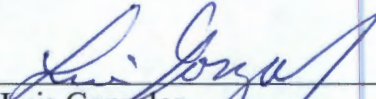
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or 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.

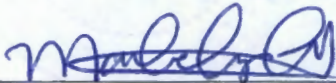
PASSED and ADOPTED this 10 day of October, 2017.

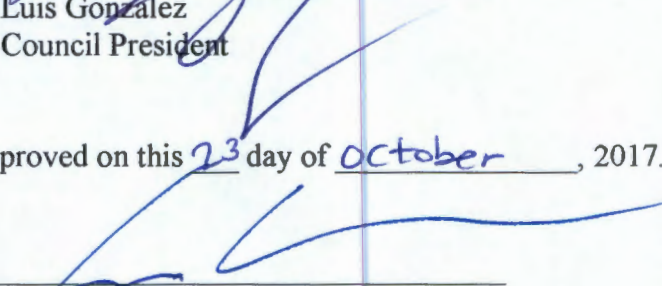
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
\_\_\_\_\_  
Luis Gonzalez  
Council President

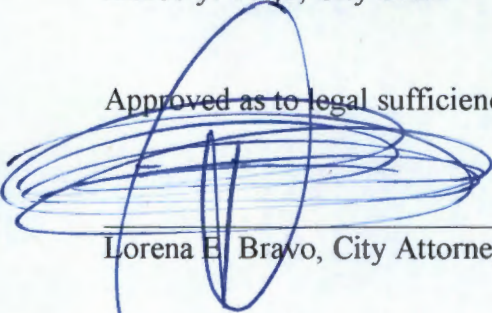
Attest:

Approved on this 23 day of October, 2017.

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

  
\_\_\_\_\_  
Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

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

Ordinance was adopted by a (7-0) unanimous vote with Councilmembers, Caragol, Cue-Fuente, Garcia-Martinez, Hernandez, Gonzalez, Lozano and Casáls-Muñoz voting "Yes".