

ORDINANCE NO. 2018-008

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A PERVIOUS AREA OF 24 PERCENT, WHERE 30 PERCENT IS REQUIRED; ALLOW A DUMPSTER ENCLOSURE TO BE LOCATED 5 FEET FROM THE STREET'S RIGHT-OF-WAY, WHERE 10 FEET IS REQUIRED, AND WAIVE A PORTION OF THE CITY OF HIALEAH LANDSCAPE MANUAL REQUIREMENTS UPDATED JULY 9, 2015 TO ALLOW A LANDSCAPE BUFFER OF 5 FEET, WHERE 7 FEET ARE REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§98-2056(b)(1) AND 78-104(c)(1); **PROPERTY LOCATED AT 336 EAST 6th STREET, HIALEAH, FLORIDA;** PROPERTY ZONED R-3-D (MULTIFAMILY DISTRICT). PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of December 13, 2017 recommended approval of this ordinance; and

WHEREAS, the developer has agreed that the access driveway shall be paved with stamped asphalt or brick pavers.

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 granted a variance permit to allow a pervious area of 24 percent, where 30 percent is required, contra to Hialeah Code § 98-2056(b)(1) that provides: "A minimum of 30 percent of the net residential land area shall be maintained in landscaped open space..."; allow a dumpster enclosure to be located 5 feet from

the street's right-of-way, where 10 feet is required, contra to Hialeah Code § 78-104(c)(1) that provides: "Enclosures shall be located no less than ten feet from any street right-of-way..."; and allow a landscape buffer of 5 feet, where 7 feet are required, contra to the City Of Hialeah Landscape Manual, updated July 9, 2015, § (C)(3) that provides "Trees...Street trees planted along private roadways shall be placed within seven (7) feet of the edge of roadway pavement and/or where present within seven (7) feet of the sidewalk." Property located at **336 East 6th Street, Hialeah, Florida**, and legally described as follows:

Lot 5, Block 99, and the East 5.00 feet of the South 63.00 feet of Lot 4, in Block 99, of HIALEAH Fourth Addition, according to the Plat thereof, as recorded in Plat Book 7, at Page 83, of the Public Records of Miami-Dade County, Florida.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: 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 4: Severability Clause.

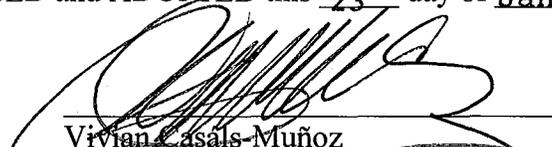
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

Section 5: 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.

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

PASSED and ADOPTED this 23 day of January 2018.



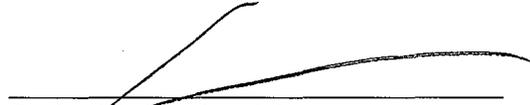
Vivian Casals-Munoz
Council President

Attest:

Approved on this 8 day of February, 2018.

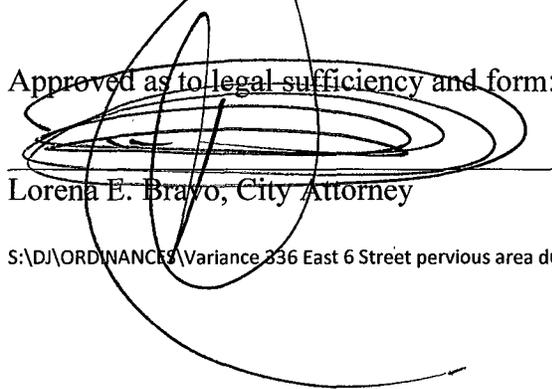


Marbelys Fatjo, City Clerk



Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:



Lorena E. Bravo, City Attorney

Ordinance was adopted by a (7-0) vote with Councilmembers, Caragol, Zogby, Casals-Munoz, Cue-Fuente, Garcia-Martinez, Lozano and Hernandez voting "Yes".