

ORDINANCE NO. 2017-005

ORDINANCE REZONING PROPERTY FROM R-1 (ONE FAMILY DISTRICT) TO RO (RESIDENTIAL OFFICE DISTRICT) ACCORDING TO THE SITE PLAN DATED OCTOBER 17, 2016; AND GRANTING A VARIANCE PERMIT TO ALLOW A LOT AREA OF 6,391 SQUARE FEET (7,500 SQUARE FEET REQUIRED); A LOT WIDTH OF 50 FEET (75 FEET REQUIRED); ALLOW A HANDICAPPED PARKING SPACE IN THE FRONT SETBACK (PARKING ALLOWED IN REAR ONLY); ALLOW A 10 FOOT WIDE TWO-WAY DRIVEWAY (20 FEET REQUIRED); ALLOW A 5 FOOT LANDSCAPE BUFFER AT THE FRONT PROPERTY LINE (7 FOOT REQUIRED); ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-779, 98-782, 98-2188(A)B.; AND § D(7) OF THE LATEST EDITION OF THE CITY OF HIALEAH LANDSCAPE MANUAL TO CONSTRUCT A 1,307 SQUARE FOOT OFFICE; **PROPERTY LOCATED AT 540 E 49th COURT HIALEAH, FLORIDA.** 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 January 11, 2017 recommended approval of this ordinance;

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 rezoned from R-1 (one family district) to RO (residential office district) according to the site plan dated October 17, 2016 and prepared by Albert O. Gonzalez, Architect.

Section 2: A variance permit is granted to allow the construction of a 1,307 square foot office on a substandard lot having a frontage of 50 feet, where 75 feet are required and a total lot area of 6,250 square feet, where 7,500 square feet required, contra to § 98-779 that provides in pertinent part: "In the RO residential office district, the minimum lot area shall be 7,500 square feet with an average minimum depth of 100 feet and an average minimum width

of 75 feet.”; to allow a handicapped parking space in the front setback, where parking is only allowed in the rear of the property, contra to § 98-782 that provides in pertinent part: “In the RO residential office district, the minimum parking requirements shall be the same as commercial districts. All parking shall be located in the rear of the property. Parking located in the front of the property shall only be provided by the grant of a variance permit.”; to allow a 10 foot wide two-way driveway where 20 feet are required contra to § 98-2188(a) b., that provides in pertinent part: “(a) *Accessibility*. Minimum width of driveways...shall be as follows: b. Driveways...Two-way direction 20 feet.”; and to allow a 5 foot landscape buffer at the front property line, where 7 feet are required, contra to § D (7) of the latest edition of the City of Hialeah Landscape Manual that provides in pertinent part: “Parking lot buffers. ... The seven (7)-foot landscape buffer may be reduced subject to inclusion of improved design features on the site upon approval of the Planning and Zoning Official.” Property located at 540 East 49th Court, Hialeah, Florida, and legally described as follows:

The East 50.0 feet of the West 200.0 feet, less the North 10.0 feet of Tract 63-F, Revised Plat Revised Plat of the Sixteenth Addition to the City of Hialeah, according to the Plat thereof, as recorded in Plat Book 31, at Page 32 of the Public Records of Miami-Dade County, Florida.

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.

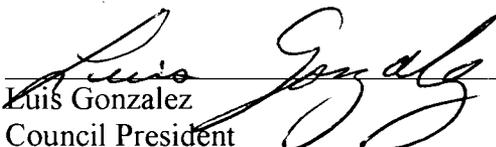
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

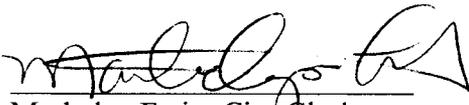
PASSED and ADOPTED this 14 day of February, 2017.

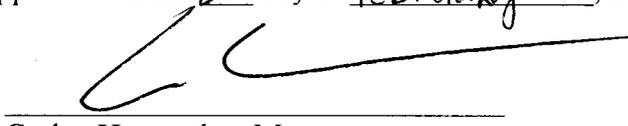
THE FOREGOING ORDINANCE
OF THE CITY OF WEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE SECTION
PRIOR TO BEING READING.


Luis Gonzalez
Council President

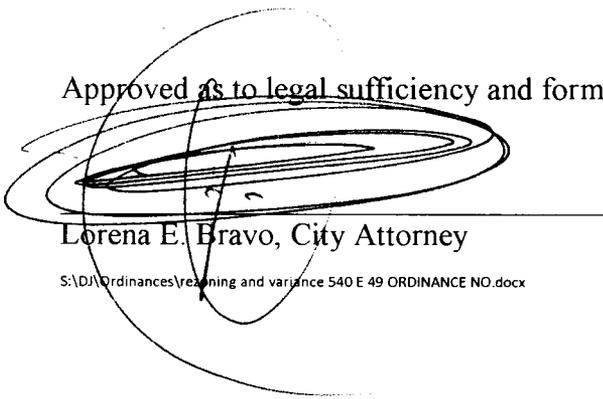
Attest:

Approved on this 22 day of February, 2017.


Marbelys Fatjo, City Clerk


Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a (6-0-1) vote with Councilmembers, Caragol, Cue-Fuente, Hernandez, Lozano, Gonzalez and Casáls-Muñoz voting "Yes". Councilmember Garcia-Martinez absent.