

ORDINANCE NO. 2017-006

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL GRANTING A VARIANCE PERMIT TO ALLOW 55 PARKING SPACES (101 PARKING SPACES REQUIRED); CONTRA TO HIALEAH CODE OF ORDINANCES § 98-2189(16)A., B., AND C., TO CONSTRUCT A 41-UNIT MIXED USE BUILDING; LOCATED IN THE NBD (NEIGHBORHOOD BUSINESS DISTRICT), AREA 5, ZONED C-2 (LIBERAL RETAIL COMMERCIAL). **PROPERTY LOCATED AT 467-489 EAST 9 STREET, 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 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 granted a variance to permit to allow fifty-five (55) parking spaces, where one hundred-one (101) parking spaces are required, contra to Hialeah Code of Ordinances § 98-2189(16) a., b., and c., which provide in pertinent part “*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.” to construct a mixed use building with forty-one (41) residential units. The Property is located in the NBD (Neighborhood Business District) at **467-489 EAST 9, Street Hialeah**, Florida, zoned C-2 (Liberal Retail District), and legally described as follows:

Lots 16 through 23, Block 8E, Eight Addition to Hialeah, according to the Plat thereof, as recorded in Plat Book 9, at Page 11, 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

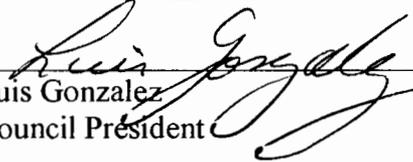
phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

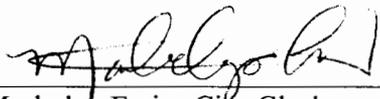
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

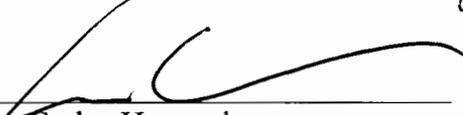
PASSED and ADOPTED this 14 day of February, 2017.

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


Luis Gonzalez
Council President

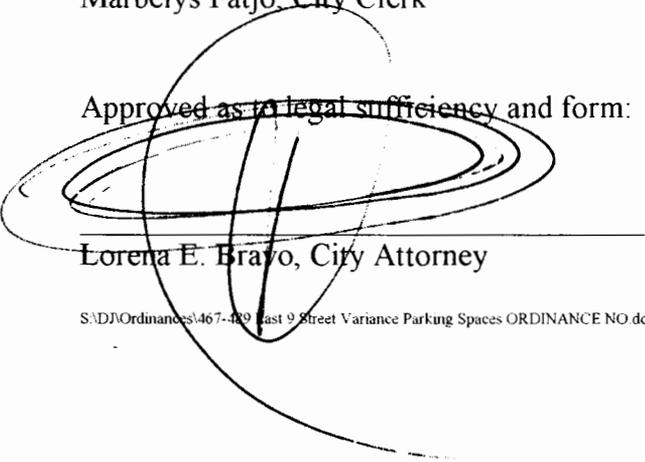
Approved on this 22 day of February, 2017.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

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.


Lorena E. Bravo, City Attorney