

ORDINANCE NO. 2016-35

ORDINANCE AMENDING HIALEAH, FLA., ORDINANCE 2015-02 (FEBRUARY 10, 2015) THAT REZONED PROPERTY FROM B-1 (HIGHLY RESTRICTED RETAIL DISTRICT) TO R-3-5 (MULTIPLE FAMILY DISTRICT) AND GRANTED A VARIANCE PERMIT TO ALLOW 34 PARKING SPACES, WHERE 39 ARE REQUIRED, TO FURTHER REDUCE THE NUMBER OF PARKING SPACES FROM 34 PARKING SPACES TO 18 PARKING SPACES. **PROPERTY LOCATED AT 1190 SOUTHEAST 8 AVENUE, HIALEAH, FLORIDA.** 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, pursuant to Hialeah, Florida Ord. 2015-02 (February 10, 2015), the Mayor and the City Council rezoned the below-described property from B-1 (Highly Restricted Retail District) to R-3-5 (Multiple Family District) and granted a variance permit to allow a lot coverage of 71%, where a maximum of 30% was allowed, and to allow 34 parking spaces, where 39 were required, contra to Hialeah Code §§ 98-2056(b)(2) and 98-2189(19)(b) to build a 19-unit, 4-story, affordable, barrier free, rental apartment building;

WHEREAS, the development has been downsized to 18 units, which will be built in three stories with parking in the ground floor;

WHEREAS, the Planning and Zoning Board at its meeting of May 11, 2016 recommended approval of this ordinance; and

WHEREAS, the Petitioner proffered a declaration of restrictive covenants, 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 City of Hialeah, Florida hereby amends Hialeah, Fla., Ordinance 2015-02 (February 10, 2015) that rezoned property from B-1 (Highly Restricted Retail District) to R-3-5 (Multiple Family District) and granted a variance

permit to allow 34 parking spaces, where 39 are required, to further reduce the number of parking spaces from 34 parking spaces to 18 parking spaces. Property located at 1190 Southeast 8 Avenue, Hialeah, Miami-Dade County, Florida and legally described as follows:

LOTS 1 THRU 13, LESS THE EAST 15 FEET OF LOTS 1 THRU 8, RIGHT OF WAY, PURPOSE, BLOCK 4, OF HIALEAH PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, AT PAGE 22, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND

LESS THE EXTERNAL AREA FORMED FROM A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 25.00 FEET AND BEING TANGENT TO THE NORTHERLY LINE OF SAID LOT 8, BLOCK 4 AND LINE PARALLEL AND 15 FEET WESTERLY OF THE EASTERLY LINE OF SAID LOT 8.

AND

LESS THE EXTERNAL AREA FORMED FROM A CIRCULAR CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 7.00 FEET AND BEING TANGENT TO THE SOUTHWESTERLY LINE OF SAID LOT 1, BLOCK 4 AND A LINE PARALLEL AND 5 FEET WESTERLY OF THE EASTERLY LINE OF SAID LOT 1.

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: Additional Penalties upon Violation of Conditions of Use.

Any change of the terms and conditions of the use identified in this ordinance and as provided in the Declaration of Restrictive Covenants will cause a revocation of the city occupational license if issued in connection herewith and the property shall revert to the zoning classification without the benefit of the conditional use and associated variances.

Section 5: Severability Clause.

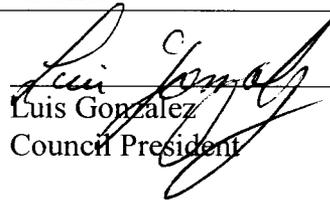
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

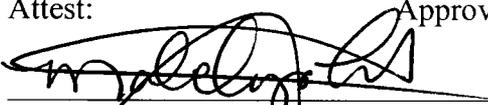
Section 6: Effective Date.

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 14 day of June, 2016.

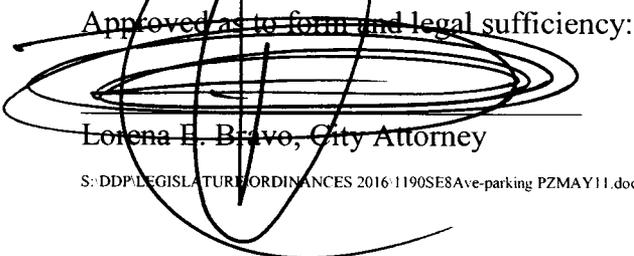
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Luis Gonzalez
Council President

Attest:

Marbelys Fatjo, City Clerk

Approved on this 20 day of June, 2016.

Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

Lorena E. Bravo, City Attorney

Ordinance was adopted by a 6-0-1 vote with Councilmembers, Casals-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, Caragol, and Lozano voting "Yes". Council Vice-President Cue-Fuente absent.