

ORDINANCE NO. 2016-01

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A TEMPORARY WAIVER OF PLAT PURSUANT TO HIALEAH LAND DEVELOPMENT CODE §10-4(C), PROVIDED THAT THE PROPERTY WILL BE RE-PLATTED WITHIN EIGHTEEN (18) MONTHS; GRANTING A VARIANCE PERMIT TO ALLOW 62 PARKING SPACES, CONSISTING OF 59 OFF-STREET PARKING SPACES AND 3 ON-STREET PARKING SPACES, WHERE A TOTAL OF 80 PARKING SPACES ARE REQUIRED; TO ALLOW A PERVIOUS AREA OF 14.6%, WHERE A MINIMUM OF 20% IS REQUIRED; TO ALLOW A REAR SETBACK OF 4 FEET, WHERE 15 FEET ARE REQUIRED; AND TO ALLOW A WEST SIDE SETBACK OF 4 FEET, WHERE 10 FEET ARE REQUIRED, CONTRA TO HIALEAH CODE §§ 98-2189 (7), 98-2189(16)(a), 98-1630.3(e)(1), 98-1630.3(e)(2), AND CITY OF HIALEAH LANDSCAPE MANUAL (JULY 9, 2015) SECTION (E) TABLE A. **PROPERTY LOCATED AT 710 EAST 9 STREET, 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, the Planning and Zoning Board at its meeting of October 14, 2015 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 permit to allow a temporary waiver of plat, provided that the property will be re-platted within 18 months, pursuant to Hialeah Land Development Code §10-4 (c), which provides in pertinent part: “*Temporary waiver of plat.* A temporary waiver of plat is of limited time duration and may be granted only conditioned on obtaining an approved plat within a reasonable time agreed to by the city.”; and granted a variance permit to allow 62 parking spaces, consisting of 59 off-street parking spaces and 3 on-street parking spaces, where a total of 80 parking spaces are required; to allow a pervious area of 14.6%, where a minimum of 20% is required; to allow a rear setback of

4 feet, where 15 feet are required; and to allow a west side setback of 4 feet, where 10 feet are required, contra to Hialeah Code §§ 98-1630.3(e)(1), 98-1630.3(e)(2), 98-2189 (7), 98-2189(16)(a), and City of Hialeah Landscape Manual (July 9, 2015) Section (E) Table A, which provide in pertinent part: “*Front setback and street side setback.* For the pedestal or base of a building, a minimum setback of ten feet, built-to-line, or as provided in the urban design plan.”, “*Interior side setback and interior rear setback.*” For the pedestal or base of a building, there is no minimum setback requirement, except that all property lines abutting low density and medium density residential districts shall provide a minimum setback of 15 feet.”, “*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.”, “*Commercial uses, not found elsewhere in this section.* One parking space for each 200 square feet of gross floor area of the floor with the greatest floor area within the building, and one parking space for each 500 square feet of the remaining floor area.”, and “*Tree and lawn requirements by zoning classification.* CR...20%”, respectively. Property located at 710 East 9 Street, Hialeah, Florida, zoned C-2 (Liberal Retail Commercial District), and legally described as follows:

THE WEST 55 FEET OF LOT 6 AND ALL OF LOTS 7 AND 8 IN BLOCK 2 OF “MARJOHN PARK”, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 47, AT PAGE 97 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 punished by 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.

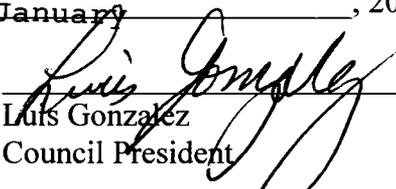
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

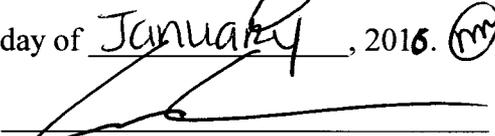
PASSED and ADOPTED this 12 day of January, 2016. (mm)

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 168.041
PRIOR TO FINAL READING.

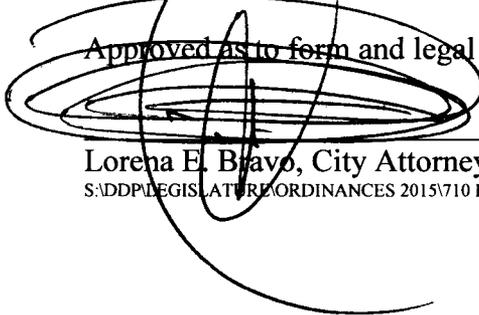

Luis Gonzalez
Council President

Approved on this 25 day of January, 2016. (mm)


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


Lorena El Bravo, City Attorney

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