

**ORDINANCE NO. 2015-48**

ORDINANCE REPEALING AND RESCINDING HIALEAH, FLA., ORDINANCE 94-22 (MARCH 22, 1994), GRANTING A VARIANCE PERMIT TO ALLOW FOURTEEN PARKING SPACES, WHERE 20 PARKING SPACES ARE REQUIRED AND GRANTING A VARIANCE PERMIT TO ALLOW EIGHT PARKING SPACES TO BACK-OUT INTO THE STREET PROVIDED THAT THE EIGHT BACK-OUT PARKING SPACES ARE USED EXCLUSIVELY BY EMPLOYEES, WHERE BACK-OUT INTO THE STREET PARKING IS ONLY ALLOWED IN LOW DENSITY RESIDENTIAL DISTRICTS, CONTRA TO HIALEAH CODE § 2190. **PROPERTY LOCATED AT 145 EAST 49 STREET.** 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 June 24, 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:** Hialeah Fla. Ordinance 94-22 (March 22, 1994) granting a variance permit to allow 14 parking spaces, where 20 parking spaces are required is hereby repealed and rescinded.

**Section 2:** The below-described property is hereby granted a variance permit to allow one of eight parking spaces to back-out into the street provided that the eight back-out parking spaces are used exclusively by employees, where back-out parking into the street parking is only allowed in Low Density Residential Districts, contra to Hialeah Code § 98-2190, which provides in pertinent part: "In all zoning districts, the parking area shall be so arranged that there is no backout into an adjacent private or public street

or right-of-way, except for those lots in low density residential districts or developments. All parking spaces shall be reached or entered by traveling along assigned access ways without interfering with landscaped areas, structures, or other parking spaces. Every parking space shall be reached or entered by a continuous forward movement, without reversing direction, except for parallel parking, and shall be vacated by returning to the right-of-way with not more than one reversal of direction. The planning director shall determine whether a parking space is accessible under the requirements of this section.” Property located at 145 East 49 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

LOTS 6, 7, BLOCK 2, BRADLEY MANOR, THIRD ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN THE PLAT BOOK 56 AT PAGE 97, OF THE PUBLIC RECORDS OF 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

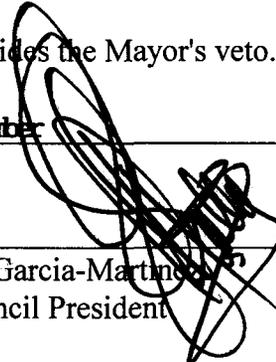
jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**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.

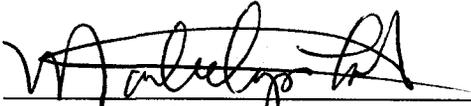
PASSED and ADOPTED this 8th day of September, 2015.

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

  
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Isis Garcia-Martinez  
Council President

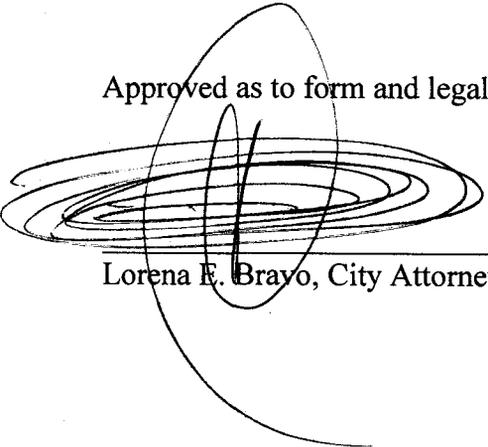
Attest:

Approved on this 11 day of September, 2015.

  
\_\_\_\_\_  
Marbelys Fatjo, City Clerk

  
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Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
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Lorena E. Bravo, City Attorney