

ORDINANCE NO. 2015-61

ORDINANCE REPEALING AND
RESCINDING HIALEAH, FLA.,
ORDINANCE 08-68 (AUGUST 25, 2008)
WHICH GRANTED A SPECIAL USE
PERMIT (SUP) TO EXTEND THE
NEIGHBORHOOD BUSINESS DISTRICT
OVERLAY (NBD) REGULATIONS; AND
GRANTING A VARIANCE PERMIT TO
ALLOW 15 PARKING SPACES,
CONSISTING OF 10 OFF-STREET
PARKING SPACES AND 5 ON-STREET
PARKING SPACES, WHERE A TOTAL OF
25 PARKING SPACES ARE REQUIRED,
CONTRA TO HIALEAH CODE § 98-2189
(22) ON **PROPERTY LOCATED AT 157
WEST 5 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 September 9, 2015 recommended approval of this ordinance; and

WHEREAS, the petitioner proffered a Declaration of Restrictive Covenants restricting the use of the parking lot and proposed 15 parking spaces for the temporary parking of vehicles only, and not for storage, staging and maintenance of motor vehicles, vessels or campers such that it creates an adverse impact on traffic on or off site as a result of the reduced number of parking spaces, 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 foregoing facts and recitations contained in the preamble to this ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2: **Repeal of Hialeah, Fla., Ordinance 2008-68.** Hialeah, Fla., Ordinance 2008-68 (August 26, 2008) is hereby repealed and rescinded in its entirety.

Section 3: The below-described property is hereby granted a variance permit to allow 15 parking spaces, consisting of 10 off-street parking spaces and 5 on-street parking spaces, where a total of 25 parking spaces are required, contra to Hialeah Code § 98-2189 (22), which provide in pertinent part: "*Self-storage facilities*. One parking space for each 4,000 square feet of gross floor area, with a minimum of five parking spaces, regardless of the size of the self-storage facilities. The minimum distance separation between facades of different buildings used as self-storage facilities or structures, separated by parking areas, shall be 30 feet." Property located at 157 West 5 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

LOTS 1, 2, 3, 4, 21, 22, 23 AND 24, IN BLOCK 17 OF "TOWN OF HIALEAH", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5 AT PAGE 77, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE SOUTH 85 FEET OF SAID LOT 21 AND LESS THAT PORTION OF SAID LOT 24 DESCRIBED IN THAT CERTAIN ORDER OF TAKING KNOWN AS PARCEL 137, IN SECTION 87-090-2503 (ITEM SEGMENT: 249839 1), AS RECORDED IN OFFICIAL RECORDS BOOK 18590, AT PAGE 1342 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SW CORNER OF SAID LOT 24; THENCE N 02° 15' 46" W ALONG THE WEST LINE OF SAID LOT 24, FOR 12.65 FEET; THENCE S 33° 37' 01" E FOR 31.99 FEET TO A POINT OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF S.R. 25 (OKEECHOBEE ROAD); THENCE N 50° 52' 12" W ALONG SAID RIGHT OF WAY LINE FOR 22.19 FEET TO THE POINT OF BEGINNING.

Section 4: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: 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 6: Additional Penalties upon Violation of the Conditions of Use and/or Declaration of Restrictive Covenants.

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 parking variance and the petitioner shall become subject to the parking regulations then in effect in the City of Hialeah and the City is authorized to withhold any future permits, refuse to make any inspections or grant any approval, until such time as there is compliance with this ordinance and the Declaration of Restrictive Covenants.

Section 7: Severability Clause.

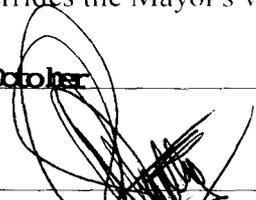
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent

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

Section 8: 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 13th day of October, 2015.

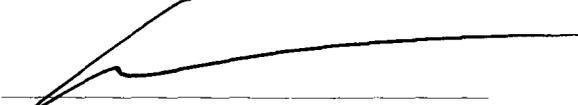


Isis Garcia-Martinez
Council President

Attest: Approved on this 16 day of October, 2015.

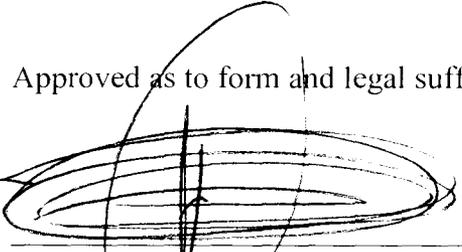


Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



Lorena E. Bravo, City Attorney DDP

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

S: DDP LEGISLATURE ORDINANCES 2015 157W5Street rescindord--parkingvariance-PZSEP9.doc

Ordinance was adopted by a 6-0 vote with Council Members, Casals-Munoz, Caragol, Gonzalez, Hernandez, Cue-Fuente, and Lozano voting "Yes", and Council President Garcia-Martinez not present in Council Chambers during roll call.