

**ORDINANCE NO. 2015-71**

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW 17 PARKING SPACES, CONSISTING OF 13 OFF-STREET PARKING SPACES AND 4 ON-STREET PARKING SPACES, WHERE A TOTAL OF 20 PARKING SPACES ARE REQUIRED, CONTRA TO HIALEAH CODE § 98-2189 (7). **PROPERTY LOCATED AT 802 EAST 25 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 28, 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 17 parking spaces, consisting of 13 off-street parking spaces and 4 on-street parking spaces, where a total of 20 parking spaces are required, contra to Hialeah Code § 98-2189 (7), which provides in pertinent part: “*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.” Property located at 802 East 25 Street Hialeah, Florida, zoned C-3 (Extended Liberal Commercial District), and legally described as follows:

LOTS 1, 2, 3, AND 4, IN BLOCK 97B, OF THE AMENDED PLAT OF THIRTEENTH ADDITION TO HIALEAH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, AT PAGE 26 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE WEST 10.0 FEET OF SAID LOT 1 FOR RIGHT-OF-WAY AND LESS THE NORTH 15.00 FEET OF SAID LOTS 1,2,3 AND 4 AND LESS THE AREA BOUNDED BY A LINE THAT IS 10.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID LOT 1 AND BOUNDED BY A LINE THAT IS 15.00 FEET SOUTH OF AND PARALLEL TO THE NORTH OF SAID LOT 1 AND BOUNDED BY A 25.00 FOOT RADIUS ARE CONCAVE TO THE SOUTHEAST, SAID ARE BEEN TANGENT TO BOTH THE LAST DESCRIBED ITEMS.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

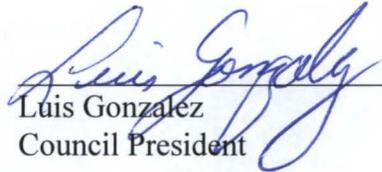
**Section 5: Severability Clause.**

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.**

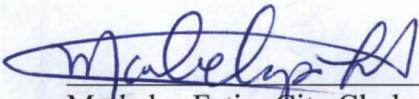
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

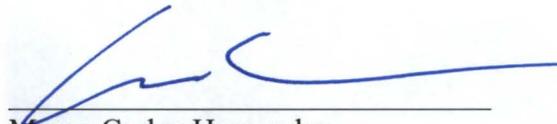
PASSED and ADOPTED this 24 day of November, 2015.

  
Luis Gonzalez  
Council President

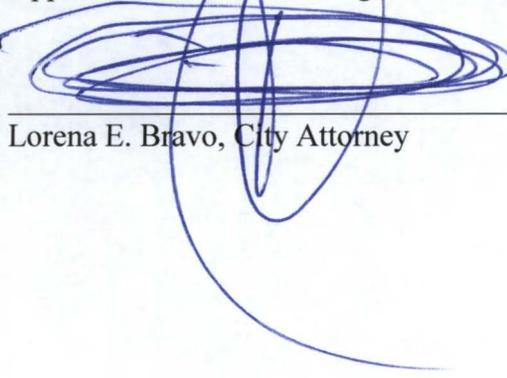
Attest:

Approved on this 2 day of December, 2015.

  
Marbelys Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
Lorena E. Bravo, City Attorney

Ordinance was adopted by a (6-0-1) unanimous vote with Councilmembers, Caragol, Cue-Fuente, Garcia-Martinez, Lozano, Gonzalez, Casals-Muñoz voting "Yes". Councilman Hernandez absent.