

ORDINANCE NO. 2015-75

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A TOTAL OF 35 PARKING SPACES, WHERE 52 PARKING SPACES ARE REQUIRED, TO WAIVE A PORTION OF THE LANDSCAPE MANUAL REQUIRING A SEVEN FOOT LANDSCAPED AREA BETWEEN THE OFF-STREET PARKING AND THE RIGHT-OF-WAY, AND TO ALLOW THE LANDSCAPED AREA OF 8.8%, WHERE A MINIMUM OF 18% IS REQUIRED, TO ALLOW A FRONT SETBACK OF 19.5 FEET, WHERE 20 FEET ARE REQUIRED, TO ALLOW A CORNER SIDE SETBACK 0 FEET, WHERE 10 FEET ARE REQUIRED, CONTRA TO HIALEAH CODE §§98-2189(7), 98-2233, AND 98-2088 (b). **PROPERTY LOCATED AT 3368 PALM 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, the Planning and Zoning Board at its meeting of November 18, 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 total of 35 parking spaces, where 52 parking spaces are required, to waive a portion of the landscape manual requiring a seven foot landscaped area between the off-street parking and the right-of-way, and to allow the landscaped area of 8.8%, where a minimum of 18% is required, to allow a front setback of 19.5 feet, where 20 feet are required, and to allow a corner side setback 0 feet, where 10 feet are required, contra to Hialeah Code §§98-2189(7), 98-2233, and 98-2088 (b), which provide 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 area with the greatest floor area within the building, and one parking space for each 500 square feet of the remaining floor area.", "*Waiver of minimum landscaping*

requirements; landscape mitigation. The City Council, by ordinance, may waive the minimum landscaping requirements of the Miami-Dade County Landscape Manual” as modified and supplemented by the city landscape manual which provides at E “Tree and lawn requirements by zoning classification.” and “*Corner lots...*(b) Minimum setback requirements for commercial buildings on corner lots shall be 20 feet from the front lot line, no setback requirement from the interior side lot line, ten feet from the side street lot line and 15 feet from the rear lot line.”, respectively. Property located at 3368 Palm Avenue, Hialeah, Miami-Dade County, Florida, zoned C-1 (Restricted Retail District), and legally described as follows:

TRACT 1 LESS THE WEST 420.00 FEET THEREOF OF
“RESUBDIVISION OF SUNSET MANOR NUMBER 4”,
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN
PLAT BOOK 32, AT PAGE22, OF THE PUBLIC RECORDS OF
MIAMI-DADE COUNTY, FLORIDA.

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 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 4: Severability Clause.

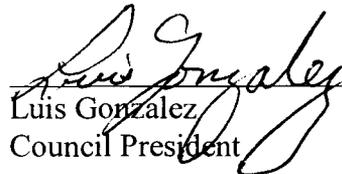
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

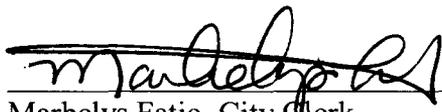
THE FOREGOING ORDINANCE OF THE CITY OF HIALEAH WAS PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF FLORIDA STATUTE 166.041 PRIOR TO FINAL READING.

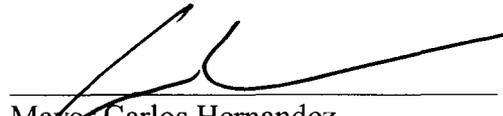
PASSED and ADOPTED this 8 day of December, 2015.


Luis Gonzalez
Council President

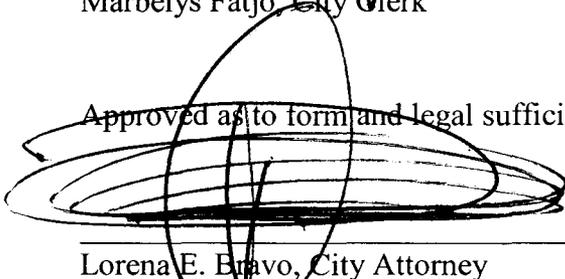
Attest:

Approved on this 14 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, Gonzalez, Lozano and Casáls-Muñoz voting "Yes". Councilman Hernandez not present.