

ORDINANCE NO. 2015-76

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A TOTAL OF 83 PARKING SPACES, WHERE 86 PARKING SPACES ARE REQUIRED, CONSISTING OF 22 OFF-STREET PARKING SPACES, OF WHICH 17 PARKING SPACES BACK OUT INTO THE STREET, WHERE BACK OUT PARKING IS ONLY ALLOWED IN LOW DENSITY RESIDENTIAL DISTRICTS, AND 61 OFF-SITE PARKING SPACES, OF WHICH 44 PARKING SPACES ARE ON-STREET, AND TO WAIVE A PORTION OF THE LANDSCAPE MANUAL CONTRA TO HIALEAH CODE §§ 98-2189(5), 98-2190, AND 98-2233. **PROPERTY LOCATED AT 7345 WEST 19 COURT, 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 83 parking spaces, where 86 parking spaces are required, consisting of 22 off-street parking spaces, of which 17 parking spaces back out into the street, where back out parking is only allowed in low density residential districts, and 61 off-site parking spaces, of which 44 parking spaces are on-street, and to waive a portion of the landscape manual, contra to Hialeah Code §§ 98-2189(5), 98-2190 and 98-2233 which provide in pertinent part: “*Combined industrial and office uses contained in buildings with storefront facades and overhead doors.* One parking space for each 200 square feet of gross floor area counted for 50 percent of the building. One parking space for each 500 square feet of gross floor area counted for the remaining 50 percent of the building. For

second floor office space: One parking space for each 250 square feet of gross floor area. For second floor storage space with finished ceilings less than seven feet six inches in height or no less than six feet eight inches in height, if there is any projection from the ceiling: One parking space for each 2,000 square feet of gross floor area. If office space is less than ten percent of the total square footage of the building, then minimum parking spaces will be calculated as a manufacturing and industrial use.”, “*Accessibility*. 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.”, and “The City Council, by ordinance, may waive the minimum landscaping requirements of the Miami-Dade County Landscape Manual.”, respectively. Property located at 7345 West 19 Court Avenue, Hialeah, Miami-Dade County, Florida, zoned M-1 (Industrial District), and legally described as follows:

THE WEST 130 FEET OF THE EAST 160 FEET OF THE NORTH 205 FEET OF TRACT 15 AND THE WEST 130 FEET OF THE EAST 160 FEET OF THE SOUTH 35 FEET OF TRACT 14, IN THE SW 1/4 OF SECTION 26, TOWNSHIP 52 SOUTH, RANGE 40 EAST OF “CHAMBERS LAND COMPANY SUBDIVISION”, AS RECORDED IN PLAT BOOK 2, AT PAGE 68 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.

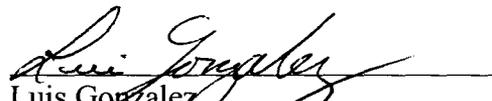
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 8 day of December, 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.

Attest:

Approved on this 14 day of December, 2015.

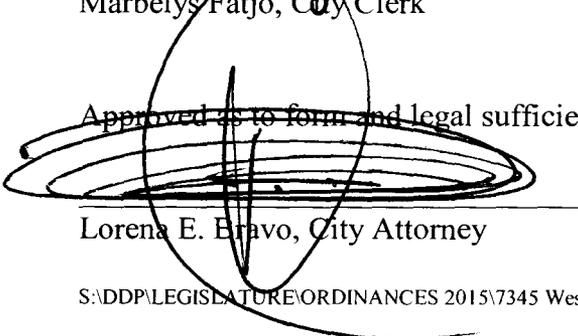

Luis Gonzalez
Council President


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

Ordinance was adopted by a (6-0-1) unanimous vote with Councilmembers, Caragol, Cue-Fuente, Garcia-Martinez, Gonzalez, Lozano and Casals-Muñoz voting "Yes". Councilman Hernandez not present.


Lorena E. Bravo, City Attorney