

ORDINANCE NO. 2014-07

ORDINANCE GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW A HOUSE OF WORSHIP PURSUANT TO HIALEAH CODE §98-181(2)f AND GRANTING A VARIANCE PERMIT TO ALLOW 40 PARKING SPACES, WHERE 60 SPACES ARE REQUIRED, CONTRA TO HIALEAH CODE §98- 2189(17) ON PROPERTY ZONED C-3 (EXTENDED LIBERAL COMMERCIAL DISTRICT). **PROPERTY LOCATED AT 1475 WEST OKEECHOBEE ROAD, 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 January 8, 2014, recommended approval of this ordinance in substantial form; and

WHEREAS, the Petitioner proffered a declaration of restrictive covenants, 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: The below-described property is hereby granted a conditional use permit (CUP) to allow a house of worship pursuant to Hialeah Code §98-181(2)f. and is hereby granted a variance permit to allow 40 parking spaces, where 60 spaces are required, contra to Hialeah Code §98-2189(17), which provides in part: "Off-street

parking shall be provided in accordance with the following minimum standards...(17)

Places of worship. One parking space for each 40 square feet of gross floor area of the main auditorium (sanctuary), chapels and other rooms used for general assembly and recreation, and classrooms.”, on property zoned C-3 (Extended Liberal Commercial District). The property is located at 1475 West Okeechobee Road, Hialeah, Miami-Dade County, Florida and legally described as follows:

A PORTION OF TRACT 2, A RESUBDIVISION OF GARDENS HOMES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 32 AT PAGE 7 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 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 5: Additional Penalties upon Violation of Conditions of Use.

Any change of the terms and conditions of the use identified in this ordinance and as provided in the Declaration of Restrictive Covenants, if submitted, will cause a revocation of the city occupational license if issued in connection herewith and the

property shall revert to the zoning classification without the benefit of the conditional use and associated variances.

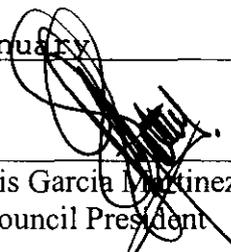
Section 6: Severability Clause.

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 7: 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.

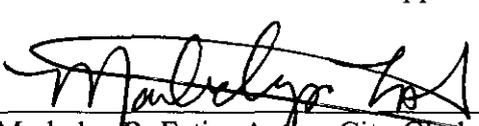
PASSED and ADOPTED this 28 day of January, 2014.



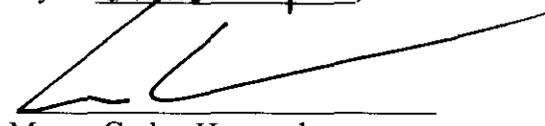
Isis Garcia Martinez
Council President

Attest:

Approved on this 30 day of JANUARY, 2014.



Marbelys R. Fatjo, Acting City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

Ordinance was adopted by a (7-0) unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".