

ORDINANCE NO. 2018-058

ORDINANCE AMENDING HIALEAH, FLA ORDINANCE 2018-008 (JANUARY 23, 2018) THAT GRANTED A VARIANCE PERMIT PERTAINING TO PERVIOUS AREA LOCATION OF A DUMPSTER ENCLOSURE, AND WAIVED A PORTION OF THE CITY OF HIALEAH LANDSCAPE MANUAL REQUIREMENTS UPDATED JULY 9, 2015 TO PROVIDE FOR CORRECTION OF THE OMISSION OF THE PARKING SETBACK OF 5 FEET, WHERE 55 FEET IS THE MINIMUM REQUIRED; CONTRA TO HIALEAH CODE OF ORDINANCES §§98-641(g); **PROPERTY LOCATED AT 336 EAST 6th STREET, HIALEAH, FLORIDA;** PROPERTY ZONED R-3-D (MULTIFAMILY DISTRICT). PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of May 9, 2018 recommended approval of this ordinance; and

WHEREAS, the Planning and Zoning Board advertised, and approved the variance for the setback for parking of 5 feet, where 55 feet is the minimum required, but due to a scrivener error this was omitted from Ordinance No. 2018-008; and

WHEREAS, the City Council approved Ordinance No. 2018-008 with the omission; and

WHEREAS, to correct the scrivener error the variance for the parking setback should be granted; and

WHEREAS, the developer proffered to improve the access driveway by paving with stamped asphalt or brick pavers, 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. Hialeah, Fla. Ordinance 2018-008 (January 23, 2018) is hereby amended to grant a variance permit and allow a setback for parking of 5 feet, where 55 feet is the minimum required, contra to Hialeah Code of Ordinances § 98-641(g) that provides: “The minimum parking setback shall be 75 feet if the property is for commercial development and 55 feet if the property is for residential development.” Property located at **336 East 6th Street, Hialeah, Florida**, and legally described as follows:

Lot 5, Block 99, and the East 5.00 feet of the South 63.00 feet of Lot 4, in Block 99, of HIALEAH Fourth Addition, according to the Plat thereof, as recorded in Plat Book 7, at Page 83, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 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 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 26 day of June, 2018.


Vivian Casals-Munoz
Council President

Approved on this 26 day of June, 2018.


Carlos Hernandez, Mayor

Attest:


for
Marbelys Fatjo, City Clerk

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a 7-0 vote with Councilmembers, Caragol, Zogby, Lozano, Casals-Munoz, Garcia-Martinez, Hernandez and Cue-Fuente voting "Yes".