

ORDINANCE NO. 2018-112

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A PERVIOUS AREA OF 9%, WHERE 18% IS REQUIRED; AND WAIVING THE REQUIREMENTS FOR TREES AND FOR LANDSCAPE ISLANDS EVERY TEN PARKING SPACES DUE TO PHYSICAL CONSTRAINTS; CONTRA TO THE LATEST EDITION OF THE HIALEAH LANDSCAPE MANUAL DATED JULY 9, 2015 PARAGRAPH (D)(8) LANDSCAPED AREAS IN PARKING LOTS AND PARAGRAPH (E) TREE AND LAWN REQUIREMENTS BY ZONING CLASSIFICATION, TABLE A. **PROPERTY LOCATED AT 1625 WEST 49 STREET, HIALEAH, FLORIDA ZONED C-2 (LIBERAL RETAIL COMMERCIAL DISTRICT);** REPEALING ALL 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 September 12, 2018, 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 pervious area of 9%, where 18% is required, contra to Paragraph (E) Tree and lawn requirements by zoning classification, Table A that provides: "Land Use or Zoning District...Minimum Pervious Area C-2 Percent of Net Lot area 18%."; and waiving the requirements for trees and for landscape islands every ten parking spaces and due to physical constraints; contra to the latest edition of the Hialeah Landscape Manual Dated July 9, 2015 Paragraph (D)(8) that provides in relevant part: "In order to maximize the distribution of shade,

trees shall be planted throughout the interior of the parking lot at a minimum density of one (1) tree eighty (80) square feet of landscaped area, exclusive of parking lot buffers. A landscaping island is required at a minimum of ten (10) parking spaces for shade distribution.” Property located at **1625 West 49 Street, Hialeah, Florida**, and legally described as follows:

Parcel 4 of “WESTLAND MALL”, according to the Plat thereof, as recorded in Plat Book 91, at Page 1 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.

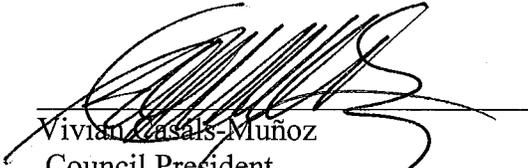
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

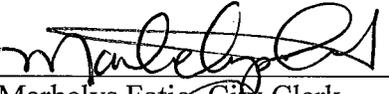
PASSED and ADOPTED this 9 day of October, 2018.

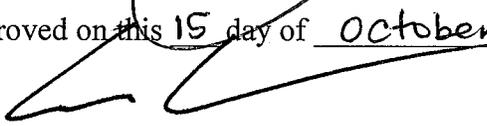
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Vivian Casals-Muñoz
Council President

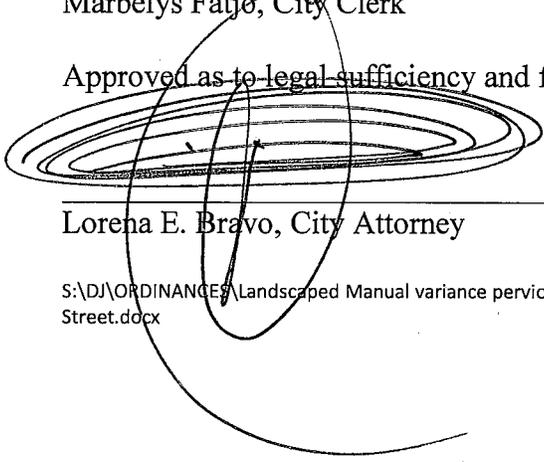
Attest:

Approved on this 15 day of October, 2018.


Marbelys Fatjo, City Clerk


Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a 5-0-2 vote with Councilmembers, Zogby, Casals-Munoz, Caragol, Hernandez, and Garcia-Martinez voting "Yes" and with Councilmembers Cue-Fuente and Lozano absent.