ORDINANCE NO. 2014-02

REZONING FROM C-2 (LIBERAL RETAIL COMMERCIAL) TO P (PARKING DISTRICT) AND GRANTING A VARIANCE PERMIT TO ALLOW 32 PARKING SPACES, WHERE 36 ARE REQUIRED, TO ALLOW A FRONT SETBACK OF 20.8 FEET, WHERE 25 FEET ARE REQUIRED, AND TO ALLOW A CORNER SIDE SETBACK OF 7 FEET, WHERE 15 FEET ARE REQUIRED, CONTRA TO HIALEAH CODE §§98-589, 98-590 AND 98-2189(19)b., ON PROPERTY ZONED R-3 (MULTIPLE-FAMILY DISTRICT). **PROPERTY IS COMPOSED OF CONTIGUOUS VACANT LOTS LOCATED AT 601 EAST OKEECHOBEE ROAD, 610 PARK DRIVE AND VACANT LOT LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTHEAST 6 AVENUE AND 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 November 13, 2013, 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 rezoned from C-2 (Liberal Retail Commercial District) to P (Parking District).

Section 2: The below-described property is hereby granted a variance permit to allow 32 parking spaces, where 36 are required, to allow a front setback of 20.8 feet, where 25 feet are required, and to allow a corner side setback of 7 feet, where 15 feet are required, contra to Hialeah Code §§98-589, 98-590 and 98-2189(19)b., which provide in pertinent part: "In the R-3 multiple-family district, there shall be a 25-foot front yard required, unless a lesser distance is established by the existence of two or more structures,

at a lesser distance, but in no case shall the front yard be less than 15 feet.", "In the R-3 multiple-family district, there shall be side yards, and the width of each shall not be less than 10 feet. For a corner lot, the side yard parallel abutting the street shall be no less than 15 feet." and "Off-street parking shall be provided in accordance with the following minimum standards...(19) *Residential developments...b. Medium density.* Two parking spaces for one or two bedrooms, and one-half parking space for each additional bedroom.", on property zoned R-3 (Multiple-Family District). The property is composed of contiguous vacant lots located at 601 East Okeechobee Road, 610 Park Drive and a vacant lot located at the northeast corner of the intersection of Southeast 6 Avenue and Okeechobee Road, Hialeah, Miami-Dade County, Florida and legally described as follows:

> LOTS 28 THROUGH AND INCLUDING 38, IN BLOCK 2, OF HIALEAH PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 22, 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 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 14 day of January, 2014

Isis Garcia-Martinez
Council President

Attest:

Approved on this 15 day of JANUARY, 2014

Marbelys Fatjo, City Clerk

Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

William M. Grodnick, City Attorney

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