ORDINANCE NO. 08-27

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW 12 PARKING SPACES, WHERE 14 SPACES ARE REQUIRED, AND WAIVE A PORTION OF THE MIAMI-DADE COUNTY LANDSCAPE MANUAL REQUIREMENTS FOR OFF-STREET PARKING AS ADOPTED BY THE CITY, TO WIT: A 7-FOOT LANDSCAPED BUFFER BETWEEN OFF-STREET PARKING AND THE RIGHT-OF-WAY AND A LANDSCAPING ISLAND FOR EVERY TEN (10) PARKING SPACES, CONTRA TO HIALEAH CODE §§ 98-2189(1) AND 98-2197(a). **PROPERTY LOCATED AT 2692 PALM AVENUE, 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 March 12, 2008 recommended approval of this ordinance; and

WHEREAS the petitioner proffers to remove the existing pylon structure and legalize all other non-conforming signs, 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 below-described property is hereby granted a variance permit to waive a portion of the Miami-Dade Landscape Manual Requirements for off-street parking, as adopted by the City, to wit: 7-foot landscape buffer between the off-street parking and right-of-way and a landscaping island for every ten (10) parking spaces; and allow 12 parking spaces, where 14 spaces are required, contra to Hialeah Code §§ 98-2189(1) and 98-2197(a), which provide in pertinent part: "*Automotive uses in districts or areas zoned commercial.* One (1) parking space for each two hundred (200) square feet of gross floor area or one (1) parking space for each two thousand (2,000) square feet of total lot area, whichever is greater." and "Off-street parking areas shall be landscaped

according to the latest edition of the Miami-Dade County Landscape Manual for off-street parking and other vehicular use areas, as modified and supplemented by the city landscape manual". Property located at 2692 Palm Avenue, Hialeah, Miami-Dade County, Florida, zoned C-2 (Liberal Retail Commercial District) and legally described as follows:

> LOTS 10, 11, AND 12, BLOCK 167, OF THE ELEVENTH ADDITION TO THE TOWN OF HIALEAH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 76, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 of the City of Hialeah, Florida, upon signature of the Mayor of the City of Hialeah 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 8th day of April, 2008.

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

Esteban Bovo, Council President

Attest:

Approved on this 10 day of April, 2008.

Rafael E. Granado, City Clerk

Mayor Julio Robaina

Approved as to form and legal sufficiency:

William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".