ORDINANCE NO. 2014-27

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A 15-FOOT TWO-WAY DIRECTION DRIVEWAY ON PROPERTY ZONED CR (COMMERCIAL-RESIDENTIAL DISTRICT), CONTRA TO HIALEAH CODE §98-2188(a)b. **PROPERTY LOCATED AT 275 EAST 9 STREET, 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 February 25, 2014, 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 15-foot two-way driveway on Property zoned CR (Commercial-residential District) contra to Hialeah Code §98-2188(a)b., which provides in pertinent part: "(a) *Accessibility.* Minimum width of driveways or accesses shall be as follows:...b. Driveways: One-direction 10 (feet in width) Two-way direction 20 (feet in width)". Property located at 275 East 9 Street, Hialeah, Miami-Dade County, Florida, and legally described as follows:

> LOT 15, BLOCK 45, OF TOWN OF HIALEAH FIRST ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, AT PAGE 122, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 22 day of April, ~~2013.~~ 2014

Isis Garcia-Martinez
Council President

Attest:

Approved on this 24 day of April, ~~2013.~~ 2014

Marbelys Fatjo, Acting 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 5-0-2 vote with Council Members Casals-Munoz , Cue-Fuente, Hernandez, Lozano & Council Vice President Gonzalez voting "Yes", and Councilwoman President Garcia-Martinez & Councilman Caragol absent.

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