ORDINANCE NO. 2015-02

ORDINANCE REZONING PROPERTY FROM B-1 (HIGHLY RESTRICTED RETAIL DISTRICT) TO R-3-5 (MULTIPLE FAMILY DISTRICT) AND GRANTING A VARIANCE PERMIT TO ALLOW A LOT COVERAGE OF 71%, WHERE A MAXIMUM OF 30% IS ALLOWED, AND TO ALLOW 34 PARKING SPACES, WHERE 39 ARE REQUIRED, CONTRA TO HIALEAH CODE §§ 98-2056(b)(2) AND 98-2189(19)(b). **PROPERTY LOCATED AT 1190 SOUTHEAST 8 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 January 14, 2015 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 B-1 (Highly Restricted Retail District) to R-3-5 (Multiple Family District) and is hereby granted a variance permit to allow a lot coverage of 71%, where a maximum of 30% is allowed, and to allow 34 parking spaces, where 39 are required, contra to Hialeah Code §§ 98-2056(b)(2) and 98-2189(19)(b), which provide in pertinent part: "A maximum of 30 percent of the net residential land area shall be covered with or occupied by the principal residential structure", and "Off-street parking shall be provided in accordance with the following minimum standards. If a calculation of minimum parking spaces results in a number with a fraction, then the next higher whole number shall be considered the proper calculation…Medium and high density. Two parking spaces for one or two bedrooms and

one-half parking space for each additional bedroom", respectively. Property located at 1190 Southeast 8 Avenue, Hialeah, Miami-Dade County, Florida and legally described as follows:

> LOTS 1 THRU 13, LESS THE EAST 15 FEET OF LOTS 1 THRU 8, RIGHT OF WAY, PURPOSE, BLOCK 4, OF HIALEAH PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, AT PAGE 22, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.
> AND
> LESS THE EXTERNAL AREA FORMED FROM A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 25.00 FEET AND BEING TANGENT TO THE NORTHERLY LINE OF SAID LOT 8, BLOCK 4 AND LINE PARALLEL AND 15 FEET WESTERLY OF TH EASTERLY LINE OF SAID LOT 8.
> AND
> LESS THE EXTERNAL AREA FORMED FROM A CIRCULAR CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 7.00 FEET AND BEING TANGENT TO THE SOUTHWESTERLY LINE OF SAID LOT 1, BLOCK 4 AND A LINE PARALLEL AND 5 FEET WESTERLY OF THE EASTERLY LINE OF SAID LOT 1.

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 10 day of February, 2015.

Isis Garcia Martinez
Council President

Attest:

Approved on this 17 day of February, 2015.

Carmen B. Hernandez
Acting Deputy City Clerk

Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

Lorena E. Bravo, City Attorney

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

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