ORDINANCE NO. 2015-12

ORDINANCE REZONING PROPERTY FROM CR (COMMERCIAL-RESIDENTIAL DISTRICT) TO CBD (CENTRAL BUSINESS DISTRICT) AND GRANTING A VARIANCE PERMIT TO ALLOW 2 PARKING SPACES, WHERE 9 ARE REQUIRED, TO ALLOW A PROPOSED FRONT SETBACK OF 21.5 FEET, WHERE 0 FEET IS REQUIRED, AND TO ALLOW A BUILDING FRONTAGE OF 0%, WHERE 100% IS REQUIRED, CONTRA TO HIALEAH CODE §§ 98-2189(19)(c), 98-976(1), AND 98-976 (4). **PROPERTY LOCATED AT 306 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, 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 CR (Commercial-Residential District) to CBD (Central Business District) and is hereby granted a variance permit to allow 2 parking spaces, where 9 are required, to allow a proposed front setback of 21.5 feet, where 0 feet is required, and to allow a building frontage of 0%, where 100% is required, contra to Hialeah Code §§ 98-2189 (19)(c), 98-976(1), and 98-976 (4), which provide in pertinent part: "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...", "*(4) (j) Mixed commercial-residential use.* The parking spaces required for the residential component shall be governed by the requirements of the R-3-8 multifamily zoning district, and the parking spaces for the commercial component shall be governed by one-half of the CBD central business district zoning district requirements for the applicable commercial uses", "In the CBD central business district, yards and minimum spacing between buildings shall be as follows: *(1) Front and side street setbacks:* There shall be no front and side street setbacks at ground level...", and "*(4) Building frontage:* A building frontage of 100 percent is required along the lot front. Carmenes, patios and urban plazas may be constructed within the lots. Covered walkways may interconnect carmenes, patios and urban plazas with other pedestrian spaces", respectively. Property located at 306 East 9 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

> LOT 2 IN BLOCK 96, OF "HIALEAH 4TH ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, AT PAGE 83 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 24 day of March, 2015.

Isis Garcia-Martinez
Council President

Attest:

Approved on this 01 day of April, 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".

S: DDP LEGISLATURE ORDINANCES 2015 306E9STRezoning-FSB-parking-buildingfrontage.PZfeb25.doc

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