

ORDINANCE NO. 2021-086

ORDINANCE REZONING PROPERTY FROM R-1 (ONE FAMILY DISTRICT) TO P (PARKING DISTRICT); AND GRANTING A VARIANCE PERMIT TO ALLOW 70 PARKING SPACES, WHERE 136 PARKING SPACES ARE REQUIRED FOR AN EXISTING CHURCH AND SCHOOL; ALLOW 7% PERVIOUS AREA, WHERE 30% IS REQUIRED; AND VARIANCE PERMIT TO PARTIALLY WAIVE LANDSCAPE MANUAL REQUIREMENT OF PROVIDING THE LANDSCAPE ISLAND EVERY 10 PARKING SPACES; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-2189 (4)i, 98-2056(b)(1) AND CITY OF HIALEAH LANDSCAPE MANUAL DATED JULY 9, 2015 ¶(D)(8) AND AS PROVIDED IN § 98-2233. **PROPERTY LOCATED AT 660 EAST 41 STREET, HIALEAH, ZONED R-1 (ONE-FAMILY DISTRICT).** 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 August 11, 2021 recommended approval of this ordinance;

WHEREAS, pursuant to Hialeah Code of Ordinances § 98-1618, the applicant has proffered a declaration of use and unity of title, 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 rezoned from R-1 (One Family District) to P (Parking District). Property located at 660 East 41 Street, Hialeah, zoned R-1 (One-Family District) and legally described in attached Exhibit "A".

Section 2: The below-described property is hereby granted a variance permit to allow 70 parking spaces, where 136 are required for an existing church and school, contra to Hialeah Code of ordinances § 98-2189 (4)i. that provides: "*Places of worship*. One parking space for each 40 square feet of gross floor area of the main auditorium (sanctuary), chapels and other rooms used for general assembly and recreation, and classrooms"; allow 7% pervious area, where 30% is the minimum required, contra to Hialeah Code of Ordinances § 98-2056(b)(1) that

provides: “A minimum of 30 percent of the net residential land area shall be maintained in landscaped open space, which space may include recreation areas, swimming pools, and setback areas.”; allow a variance permit to partially waive landscape manual requirements of providing a landscape island every 10 parking spaces, contra to City of Hialeah Landscape Manual, dated July 9, 2015 ¶(D)(8) that as relevant provides: “A landscaping island is required at a minimum of ten (10) parking spaces for shade distribution”; and as provided in § 98-2233 that provides: “The city council, by ordinance, may waive the minimum landscaping requirements of the Miami-Dade County Landscape Manual, and Hialeah Landscape Manual, latest edition dated July 9, 2015, as may be amended”.

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: 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 5: Severability Clause.

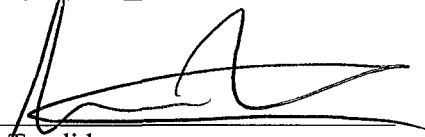
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such

invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: 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.

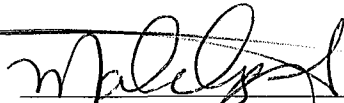
PASSED and ADOPTED this 14 day of September, 2021.




Jesus Tundidor
Council President

Attest:


Approved on this 21 day of September, 2021.



Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

Ordinance was adopted by 7-0 vote with Councilmembers, Cue-Fuente, De la Rosa, Garcia-Roves, Hernandez, Perez, Tundidor, and Zogby voting "Yes".