

ORDINANCE NO. 2017-052

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW A NINE BEDROOM SEMINARY PURSUANT TO HIALEAH CODE OF ORDINANCES § 98-181; AND GRANTING A VARIANCE PERMIT TO ALLOW A FRONT SETBACK OF 15 FEET 10 INCHES, WHERE 25 FEET ARE REQUIRED; ALLOW A STREET SIDE SETBACK OF 10 FEET 6 INCHES, WHERE 15 FEET ARE REQUIRED; ALLOW AN INTERIOR SIDE SETBACK OF 4 FEET 8 INCHES, WHERE 10 FEET ARE REQUIRED; ALLOW 6 PARKING SPACES, WHERE 11 ARE REQUIRED; ALLOW 36.10% LOT COVERAGE, WHERE A 30% MAXIMUM IS ALLOWED; ALLOW 26.32% LANDSCAPED OPEN SPACE, WHERE 30% IS THE MINIMUM REQUIRED; AND WAIVE THE REQUIREMENT OF A 6 FOOT CBS WALL BETWEEN DISSIMILAR USES ON THE NORTH SIDE OF THE PROPERTY; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§98-589, 98-590, 98-2189(13), 98-2056(b)(1) AND (2), THE LATEST EDITION OF THE CITY OF HIALEAH LANDSCAPE MANUAL DATED JULY 9, 2015 § D(6) PROPERTY ZONED R-3 (MULTIPLE FAMILY DISTRICT); **PROPERTY LOCATED AT 1001 WEST 28TH STREET, HIALEAH, FLORIDA;** REPEALING ALL 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 9, 2017, 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 granted a conditional use permit (CUP) to allow a nine bedroom seminary pursuant to Hialeah Code of Ordinances § 98-181.

Section 2: The below described property is granted a variance permit to allow a front setback of 15 feet 10 inches, where 25 feet are required, contra to Hialeah Code of Ordinances § 98-589 that provides: "...there shall be a 25-foot front yard..."; allow a street side setback of 10 feet 6 inches, where 15 feet are required, contra to Hialeah Code of Ordinances § 98-590 that provides: "For a corner lot, the side yard parallel abutting the street shall be not less than 15 feet."; allow an interior side setback of 4 feet 8 inches, where 10 feet are required, contra to Hialeah Code of Ordinances § 98-590 that provides: "In the R-3 multiple-family district, there shall be side yards, and the width of each shall not be less than ten feet."; allow 6 parking spaces, where 11 are required, contra to Hialeah Code of Ordinances § 98-2189(13) that provides: "Hotels, motels, roominghouses, tourist courts and transient accommodations. One and one-fifth parking spaces for each living unit."; allow 36.10% lot coverage, where a 30% maximum is allowed, contra to Hialeah Code of Ordinances § 98-2056(b)(2) that provides: "A maximum of 30 percent of the net residential land area may be covered with or occupied by the principal residential structure"; allow a 26.32% landscaped open space, 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..."; and waive the requirement of a 6 foot CBS wall between the dissimilar uses on the north side of the property, contra to the latest edition of the City of Hialeah Landscape Manual dated July 9, 2015,

§ D(6) that provides in pertinent part: "Buffers between dissimilar land uses. Where dissimilar land uses exist on adjacent properties, and where such areas will not be entirely visually screened by an intervening building or structure from abutting property, the unscreened portion of such area shall be provided with a buffer consisting of a six (6)-foot CBS or prefabricated concrete wall...". Property located at **1001 WEST 28TH STREET**, Hialeah, Florida, and legally described as follows:

The South ½ of the East 70 feet of Tract 2, Amended Plat of Trojan Park, according to the plat thereof as recorded in Plat Book 28, Page 46, Public Records of Miami-Dade County, Florida.

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

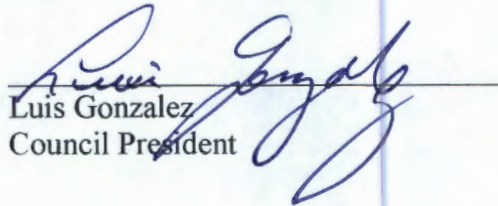
jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

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.

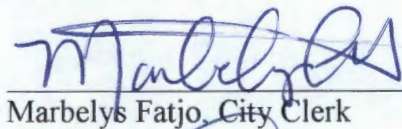
PASSED and ADOPTED this 18 day of September, 2017.

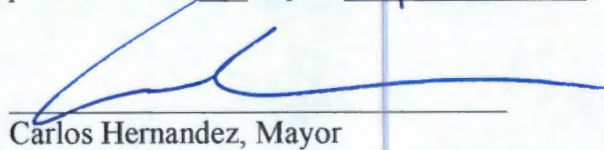
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Luis Gonzalez
Council President

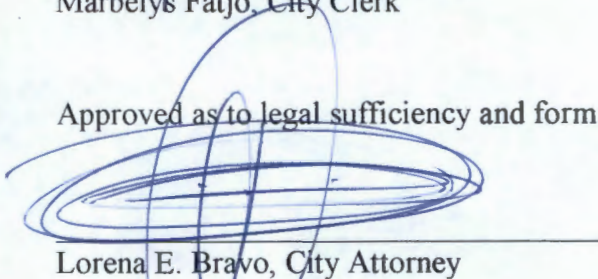
Attest:

Approved on this 21 day of September, 2017.


Marbelys Fatjo, City Clerk


Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

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