

ORDINANCE NO. 2016-62

ORDINANCE REZONING PROPERTY FROM R-3-2 (MULTIPLE FAMILY DISTRICT) TO R-3-3 (MULTIPLE FAMILY DISTRICT) AND GRANTING A VARIANCE PERMIT TO ALLOW 13 PARKING SPACES, WHERE 15 PARKING SPACES ARE REQUIRED, TO ALLOW A FRONT SETBACK OF 7 FEET, WHERE 25 FEET ARE REQUIRED, TO ALLOW A GREEN AREA OF 28.8 %, WHERE A MINIMUM OF 30% IS REQUIRED, AND TO ALLOW A 5-FEET LANDSCAPED BUFFER, WHERE 7 FEET ARE REQUIRED, CONTRA TO HIALEAH CODE §§ 98-2189(19) b, 98-589, 98-2056(b)(1), AND THE CITY OF HIALEAH LANDSCAPE MANUAL (JULY 9, 2015) SECTION (D) SUBSECTION (7). **PROPERTY LOCATED AT 20 WEST 40 PLACE, HIALEAH, FLORIDA.** 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 September 14, 2016 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 R-3-2 (Multiple Family District) to R-3-3 (Multiple Family District).

Section 2: The below-described property is hereby granted variance permit to allow 13 parking spaces, where 15 parking spaces are required, to allow a front setback of 7 feet, where 25 feet are required, to allow a green area of 28.8 %, where a minimum of 30% is required, and to allow a 5-foot landscaped buffer, where 7 feet are required, contra to Hialeah Code §§ 98-2189(19) b, 98-589, 98-2056(b)(1), and the City Of Hialeah Landscape Manual (July 9, 2015) section (D) subsection (7), which provide in pertinent part: “*Residential developments... b. Medium and high density. Two parking spaces for one or two bedrooms, and one-half parking space for each additional bedroom.*”, “In the

R-3 multiple-family district, there shall be a 25-foot front yard required, unless a lesser distance is established by the existence of two or more structures, at a lesser distance, but in no case shall the front yard be less than 15 feet.”, “Residential density and open space requirements...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.”, and “ (D) Shrubs, vines, ground covers, mulch, buffers, plant quality, stormwater retention and detention areas, native species... (7) Parking lot buffers. All parking lots adjacent to a right-of-way or private street shall be screened by a continuous planting and/or three (3)-foot high wall within a seven (7)-foot landscaped strip incorporating said planting and/or wall on private property. The seven (7)-foot landscape buffer may be reduced subject to the inclusion of improved design features on the site upon approval of the Planning and Zoning Official.”, respectively. Property located at 20 West 40 Place, Hialeah, Miami-Dade County, Florida and legally described as follows:

THE WEST 92.47 FEET OF THE EAST 192.7 FEET
OF TRACT 3 OF AMENDED PLAT OF ANDREWS
PARK SECOND SECTION, ACCORDING TO THE
PLAT THEREOF, AS RECORDED IN PLAT BOOK
32, AT PAGE 60 OF THE PUBLIC RECORDS OF
MIAMI-DADE COUNTY, FLORIDA.

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.

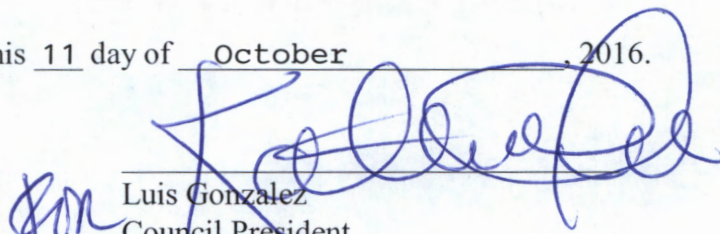
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or 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.

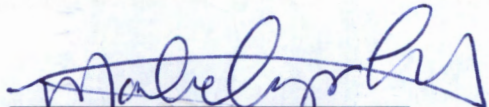
PASSED and ADOPTED this 11 day of October, 2016.


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

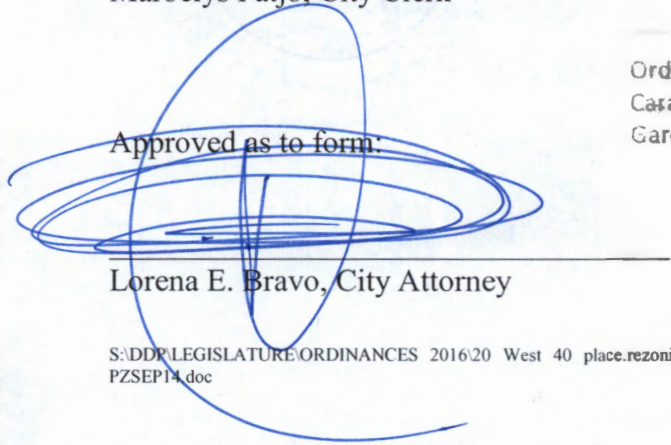
Attest:

Approved on this 18 day of October, 2016.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a 6-0-1 vote with Council members, Caragol, Lozano, Que-Fuente, Hernandez, Escobedo and Garcia-Martinez voting "Yes". Council President [unclear] abstained.