

ORDINANCE NO. 2018-103

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW 509 PARKING SPACES, WHERE 568 ARE REQUIRED; PROPERTY ZONED RDD (RESIDENTIAL DEVELOPMENT DISTRICT); CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-2189(19)b. AND 98-2203(a). **PROPERTY LOCATED AT 11055 WEST 36 AVENUE, 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 22, 2018 recommended approval of this ordinance; and

WHEREAS, the developer has proffered a Declaration of Restrictive Covenants that provides for a parking management plan, 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 granted a variance permit to allow 509 parking spaces, where 568 are required, contra to Hialeah Code of Ordinances § 98-2189(19)b. that provides: “Residential developments. Minimum required off-street parking spaces... b. Medium and high density. Two parking spaces for one or two bedrooms, and one-half parking space for each additional bedroom.”; and § 98-2203(a) that provides: “Additional spaces; discontinuance of facilities; use of areas; location in CBD districts. (a) In residential developments where there are no dedicated rights-of-way for internal circulation, an additional one-quarter parking space for each dwelling unit shall be provided for guest parking.” Property located at 11055 West 36 Avenue, Hialeah, Florida, and legally described as follows:

A parcel of land lying in the Northwest 1/4 of Section 16, Township 52 South, Range 40 East, Miami-Dade County, Florida, being more particularly described

as follows:

Commence at the Northwest corner of said Section 16 Township 52 South Range 40 East; thence run South 02°39'53" East (bearings shown on the Florida State System or Plane Grid Coordinates) along the West line of the Northwest 1/4 of said Section 16 for 80.06 feet to a point of intersection with a line that is 80.00 feet Southerly of and parallel with the North line of the Northwest 1/4 of said Section 16; thence run North 89°28'12" East along the last described parallel line for 868.96 feet (868.99 feet by Deed); thence: South 00°31'48" East for 140.00 feet; thence North 89°28'12" East for 1306.27 feet (1306.33 feet by Deed); thence South 02°36'35" East for 1100.01 feet (South 02°38'01" East for 1100.29 feet by Deed) to an intersection with the South line of the North 1/2 of the Northwest 1/4 of said Section 16; thence South 89°29'20" West along the last described South line for 188.98 feet (South 89°29'29" West for 189.11 feet by Deed) to the Northeast corner of the West 3/4 of the South 1/2 of the Northwest 1/4 of said Section: 16 thence South 02°37'22" East along the East line of the West 3/4 of the South 1/2 of the Northwest 1/4 of aid Section 16, for 1320.11 feet (South 02°38'26" West, for 1320.37 feet by Deed) to an intersection with the South line of the Northwest 1/4 of said Section 16; thence South 89°30'28" West along the last described South line for 1929.03 feet to an intersection with a line 50.00 feet East of and parallel to the West Line of the said Northwest 1/4 of Section 16; thence North 02°39'53" West along the last described East line for 1035.23 feet to the POINT OF BEGINNING to the hereinafter described parcel; thence continue North 02°39'53" West for a distance of 778.80 feet to a point of curvature of a circular curve to the right concave to the Southeast; thence Northeasterly along the arc of said curve, having for its elements a radius of 25.00 feet through a central angel of 90°02'43" for an arc distance of 39.29 feet to a point of tangency; thence North 87°22'50" East for a distance of 493.31 feet to a point of curvature of a circular curve to the right, concave to the Southwest; thence Southeasterly along the arc of said curve, having for its elements a radius of 25.00 feet, through a central angle of 53°33'16" for an arc distance of 23.37 feet to a point of reverse curvature of a circular curve to the left, concave to the' Northeast; thence Southeasterly along the arc of said curve, having for its elements a radius of 76.00 feet, through a central angle of 46°20'36" for an arc distance of 61.47 feet to a point of non-tangency; thence South 02°39'53" East for a distance of 762.95 feet; thence South 87°20'07"W for a distance of 590.00 feet to the POINT OF BEGINNING.

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.

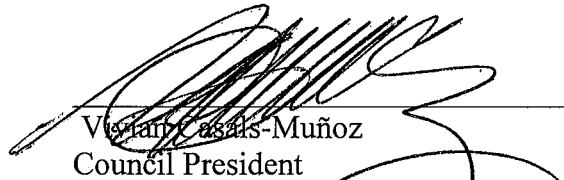
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or 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 25 day of September, 2018.

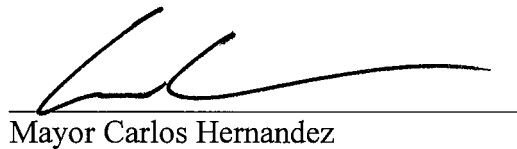
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Vian Casals-Munoz
Council President

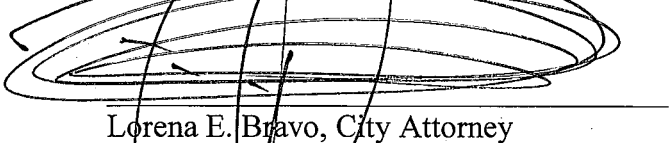
Attest:

Approved on this 1 day of October, 2018.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a 6-0-1 vote with Councilmembers, Zogby, Lozano, Casals-Munoz, Hernandez, Caragol, and Cuenca-Fuente voting "Yes" and Garcia-Martinez absent.