

ORDINANCE NO. 2018-116

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA GRANTING A VARIANCE PERMIT TO ALLOW 654 PARKING SPACES WHERE 863 SPACES ARE REQUIRED CONTRA TO HIALEAH CODE OF ORDINANCES § 98-2189(16)b.; PROPERTY ZONED CR (COMMERCIAL RESIDENTIAL DISTRICT). **PROPERTY LOCATED AT 435 HIALEAH DRIVE, HIALEAH, FLORIDA** PREVIOUSLY GRANTED A SPECIAL USE PERMIT PURSUANT TO HIALEAH FLA., ORDINANCE NO. 2015-47 THAT ALLOWED A MIXED USE DEVELOPMENT; 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 September 26, 2018, recommended approval of this ordinance;

WHEREAS, the developer has proffered a parking management plan, to 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 granted a variance permit to allow 654 parking spaces where 863 parking spaces are required, contra to Hialeah Code of Ordinances § 98-2189(16)b. that provides in pertinent part: “NBD neighborhood business district. b. Commercial uses. The parking requirements for commercial uses as designated in this section shall apply except that vocational schools and post-secondary schools shall provide one parking space for every 150 square feet of gross floor area.” Property located at **435 Hialeah Drive, Hialeah, Florida**, and legally described as follows:

Tract “B”, Block 34, “FOURTH ADDITION TO ESSEX VILLAGE”, according to the plat thereof as recorded in Plat Book 46, Page 63, Public Records of Miami-Dade County, Florida.

AND

All of “DACO TRACT, A RESUBDIVISION OF A PORTION OF TRACT “B” FOURTH ADDITION TO ESSEX VILLAGE”, according to the plat thereof as recorded in Plat Book 91, Page 93, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 of the City of Hialeah, Florida, upon signature of the Mayor of the City of Hialeah 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 23 day of October, 2018.

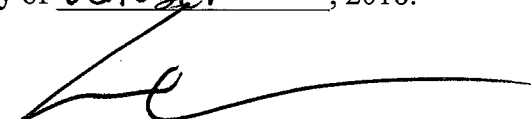
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Vivian Casals-Munoz
Council President

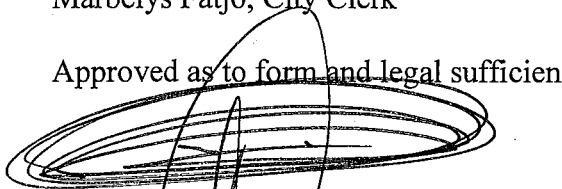
Attest:

Approved on this 24 day of October, 2018.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


Lorena Bravo, City Attorney

Ordinance was adopted by a 5-0-2 vote with Councilmembers, Zogby, Lozano, Casals-Munoz, Garcia-Martinez, Hernandez, voting "Yes" and with Councilmembers Caragol and Cue-Fuente absent.