

**ORDINANCE NO. 2018-138**

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW 4 ON-SITE PARKING SPACES, WHERE 12 PARKING SPACES ARE REQUIRED, CONTRA TO HIALEAH CODE OF ORDINANCES § 98-2189 (15) AND (7); AND WAIVING THE MINIMUM LANDSCAPE REQUIREMENTS OF THE LATEST EDITION OF THE HIALEAH LANDSCAPE MANUAL DATED JULY 9, 2015, PARAGRAPHS (E) TABLE A AND SECTION G. PROPERTY ZONED M-2 (INDUSTRIAL DISTRICT). **PROPERTY LOCATED AT 2205 WEST 9 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 October 24, 2018, recommended approval of this ordinance; and

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 4 on-site parking spaces, where 12 parking spaces are required; contra to Hialeah Code of Ordinances § 98-2189 (15) and (7) that respectively provide: “*Manufacturing and industrial use.* One parking space for each 1,000 square feet, or fractional part thereof, of gross floor area.”; and “*Commercial uses, not found elsewhere in this section.* One parking space for each 200 square feet of gross floor area of the floor with the greatest floor area within the building, and one parking space for each 500 square feet of the remaining floor area.”; and waiving the minimum landscape requirements, to latest edition of the Hialeah Landscape Manual paragraphs (E) Table A and Section G that require M-2 properties to provide 15 trees per acre of net lot area,

and 10 shrubs for every tree. Property is located at 2205 West 9 Avenue, Hialeah Florida, and legally described as follows:

The South 62 feet of the West 119 feet of Tract 19, "TROJAN PARK AMENDED PLAT", according to the Plat thereof, as recorded in Plat Book 28, Page 46, of the 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.

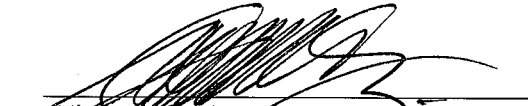
**Section 5: Effective Date.**

This ordinance shall become effective when passed by the City Council 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 27 day of November, 2018.

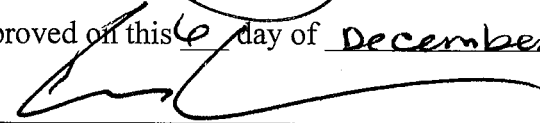
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
\_\_\_\_\_  
Vivian Casals-Muñoz  
Council President

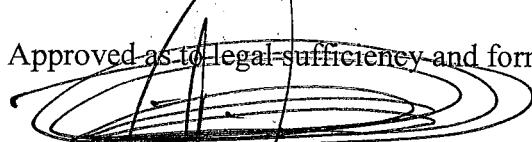
Attest:

Approved on this 6 day of December 2018.

  
\_\_\_\_\_  
Marbelys Fatjo, City Clerk

  
\_\_\_\_\_  
Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

  
\_\_\_\_\_  
Lorena E. Bravo, City Attorney

S:\DJ\ORDINANCES\2207 West 9 Avenue M-2 on street parking waiver of landscape manual.docx

10/26/2018 11:41 AM

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