

ORDINANCE NO. 2019-049

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA GRANTING A SPECIAL USE PERMIT TO ALLOW A NEW GAS STATION, CONVENIENCE STORE, A MECHANICAL CARWASH, AND A PYLON SIGN IN THE CR (COMMERCIAL RESIDENTIAL ZONING DISTRICT); AND GRANTING A VARIANCE PERMIT TO ALLOW 125 FEET AND 34 FEET FRONT SETBACKS, WHERE 5 FEET IS REQUIRED; ALLOW PARKING ON THE FRONT WHERE NO PARKING IS ALLOWED; ALLOW 6 FEET 10 INCH AND 9 FEET 11 INCH SETBACKS FOR THE PYLON SIGN FROM THE RIGHT-OF-WAY LINE, WHERE 10 FEET IS THE MINIMUM REQUIRED; AND ALLOW 0% FRONTAGE, WHERE 50% IS REQUIRED; ALL CONTRA TO THE HIALEAH CODE OF ORDINANCES § 74-918(1)e. AND §§ 98-881(1)a., (1)a.2 AND (1)a.3; PROPERTY ZONED CR (COMMERCIAL RESIDENTIAL DISTRICT). **PROPERTY LOCATED AT 898 PALM 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 April 24, 2019, 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 granted a special use permit to allow a new gas station, convenience store, a mechanical carwash, and a pylon sign in the CR (Commercial Residential Zoning District).

Section 2. The below-described property is hereby granted a variance permit to allow 125 feet and 34 feet front setbacks, where 5 feet is required; contra to Hialeah Code of Ordinances

§ 98-881(1)a. that provides: “Front and street side setbacks: Required front and street side setbacks are five feet.”; allow parking on the front setback where no parking is allowed, contra to Hialeah Code of Ordinances § 98-881(1)a.2. that provides: “No parking in front setbacks is allowed.”; allow 0% frontage, where 50% is required, contra to Hialeah Code of Ordinances § 98-881(1)a.3. that provides: “Building frontage: A maximum building frontage of 50 percent is required along the lot front.”; and allow 6 feet 10 inch and 9 feet 11 inch setbacks for the right-of-way line, where 10 feet is the minimum required for the pylon sign, contra to Hialeah Code of Ordinances § 74-918(1)e. that provides: “(1) Monument and pylon signs. e.; Minimum setback. The minimum setback shall be ten feet from the right-of-way line and 20 feet from the side property line.”; Property located at **898 Palm Avenue, Hialeah, Florida**, and legally described as follows:

Lots 11 and 12, in Block 37 of Hialeah, according to the Plat thereof, as recorded in Plat Book 5, at Page 77, of the 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.

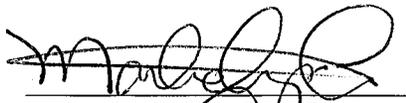
This ordinance shall become effective when passed by the City Council of the City of Hialeah, Florida, upon signature of the Mayor of the City of Hialeah or at the next regularly scheduled City Council meeting if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

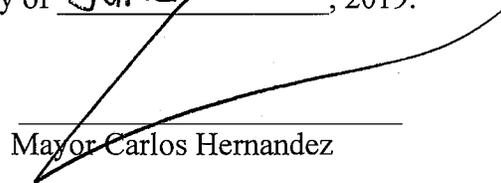
PASSED and ADOPTED this 11 day of June, 2019.

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

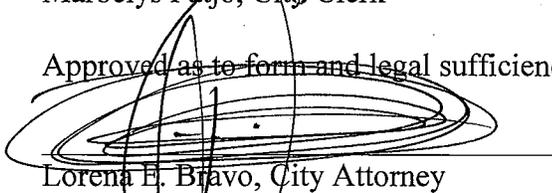

Vivian Casals-Munoz
Council President

Attest: Approved on this 18 day of June, 2019.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a 4-0-3 vote with Councilmembers, Zogby, Casals-Munoz, Garcia-Martinez, and Hernandez, voting "Yes" and with Councilmembers Caragol, Cue-Fuente, Lozano absent.

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