

**ORDINANCE NO. 2019-087**

ORDINANCE REZONING PROPERTY FROM R-1 (ONE FAMILY DISTRICT) TO CBD (CENTRAL BUSINESS DISTRICT); AND GRANTING A VARIANCE PERMIT TO ALLOW A COMMERCIAL DEVELOPMENT ON THE WEST SIDE OF THE PROPERTY WITH NO RESIDENTIAL USES, WHERE RESIDENTIAL USES ARE REQUIRED; ALLOW FRONT SETBACKS OF 41.72 FEET, 57.3 FEET AND A 147 FEET, WHERE A 0 FOOT SETBACK IS REQUIRED; AND ALLOW 0% BUILDING FRONTAGE, WHERE 100% IS REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-972, 98-976(1), AND 98-976(4). **PROPERTY LOCATED ON THE WEST SIDE OF TWO ADJACENT PARCELS LOCATED ON THE SOUTH SIDE OF EAST 21 STREET, BETWEEN EAST 1 AVENUE AND EAST 2 AVENUE HIALEAH, FLORIDA.** PROPERTY ZONED R-1 (ONE FAMILY DISTRICT). 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 14, 2019, recommended approval of this ordinance, subject to elimination of balconies on the second floor, and window openings minimized where not essential for functionality.

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 from R-1 (One Family District) TO CBD (Central Business District). Property located on the west side of two adjacent parcels located on the south side of East 21 Street, between East 1 Avenue and East 2 Avenue, and legally described as follows:

Lots 21, 22 and 23, Block 129, HIALEAH 3<sup>RD</sup> ADDITION according to the Plat thereof as recorded in Plat Book 7, Page 86, of the Public Records of Miami-Dade County, Florida.

Lots 11 through 20, inclusive, in Block 129, Hialeah Third Addition, as recorded in Plat Book 7, Page 86, of the Public Records of Miami-Dade County, Florida.

Folio Nos.: 04-3107-018-2630 and 2660.

**Section 2:** The above-described property is hereby granted a variance to permit to allow a commercial development on the west side of the property with no residential uses, where residential uses are required, contra to Hialeah Code of Ordinances § 98-972 that provides in relevant part: “In the CBD central business district, no building or land shall be used and no building shall be hereafter erected, constructed, reconstructed or structurally altered which is designed, arranged or intended to be used or occupied for any purpose, unless it provides residential uses...”; allow front setbacks of 41.72 feet, 57.3 feet and a 147 feet, where a 0 foot setback is required, contra to Hialeah Code of Ordinances § 98-976(1) that provides: “Front and side street setbacks: There shall be no front and side street setbacks at ground level.”; and allow 0% building frontage, where 100% is required, contra to Hialeah Code of Ordinances § 98-976(4) that provides: “Building frontage: A building frontage of 100 percent is required along the lot front.”

**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 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.

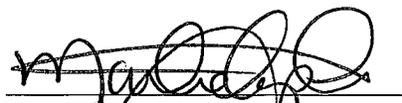
PASSED and ADOPTED this 24 day of September, 2019.

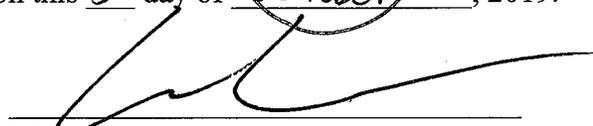
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
Viviana Casals-Muñoz  
Council President

Attest:

Approved on this 3 day of October, 2019.

  
Marbelys Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

  
Lorena E. Bravo, City Attorney

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