

ORDINANCE NO. 2018-045

ORDINANCE REZONING PROPERTY FROM M-1 (INDUSTRIAL DISTRICT) TO C-2 (LIBERAL RETAIL COMMERCIAL DISTRICT); AND GRANTING A VARIANCE PERMIT TO ALLOW A STREET SIDE SETBACK OF 9.3 FEET, WHERE 10 FEET ARE REQUIRED; AND ALLOW A PERVIOUS AREA OF 12.9%, WHERE 18% IS REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES § 98-2088 AND THE LATEST EDITION OF THE HIALEAH LANDSCAPE MANUAL DATED JULY 9, 2015 PARAGRAPH (E) TREE AND LAWN REQUIREMENTS BY ZONING CLASSIFICATION, TABLE A; **PROPERTY LOCATED AT 3665 WEST 18 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 25, 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 rezoned from M-1 (Industrial District) to C-2 (Liberal Retail Commercial District), and granting a variance permit to allow a street side setback of 9.3 feet, where 10 feet are required, contra to Hialeah Code of Ordinances § 98-2088 that provides: “Minimum setback requirements for commercial buildings on corner lots shall beten feet from the street side lot line...”; and allow a pervious area of 12.9%, where 18% is required; contra to the latest edition of the Hialeah Landscape Manual Dated July 9, 2015 Paragraph (E) Tree and lawn requirements by zoning classification, Table A that provides: “Land Use or Zoning District...Minimum Pervious Area C-2 Percent of Net Lot area 18%.”

Section 2: Property located at **3665 West 18 Avenue, Hialeah, Florida**, and legally described as follows:

Portion of Tract 17 in Section 11, Township 53 South, Range 40 East, of "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1", according to the Plat thereof, as recorded in Plat Book 2, at Page 17 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.

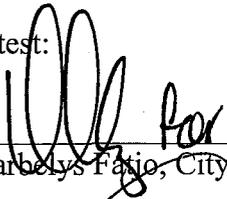
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 22 day of May, 2018.

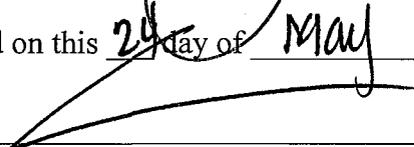
THE FOREGOING ORDINANCE OF THE CITY OF HIALEAH WAS PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF FLORIDA STATUTE 166.041 PRIOR TO FINAL READING.


Vivian Casals-Muñoz
Council President

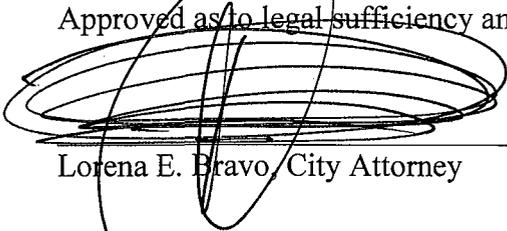
Attest:


Marbelys Fajó, City Clerk

Approved on this 24 day of May, 2018.


Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

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