

ORDINANCE NO. 2017-067

ORDINANCE REZONING PROPERTY FROM R-1 (ONE FAMILY DISTRICT) TO RO (RESIDENTIAL OFFICE DISTRICT) TO ALLOW THE DEVELOPMENT OF A RETAIL BUILDING ACCORDING TO THE SITE PLAN PREPARED BY AVELINO R. LEONCIO, JR. A.I.A., ARCHITECT, DATED AUGUST 14, 2017; AND GRANTING A VARIANCE PERMIT TO ALLOW A TOTAL LOT AREA OF 7,060 SQUARE, WHERE 7,500 SQUARE FEET ARE REQUIRED; ALLOW A FRONTAGE OF 50 FEET, WHERE 75 FEET ARE REQUIRED; ALLOW A FRONT SETBACK OF 13 FEET, WHERE FIFTEEN FEET ARE REQUIRED; AND ALLOW A 10 FOOT TWO-WAY DRIVEWAY, WHERE 20' ARE REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-779, 98-781(1) AND 98-2188(a)b.; **PROPERTY LOCATED AT 227 EAST 49TH STREET, 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 August 9, 2017 recommended approval of this ordinance; and

WHEREAS, the developer has proffered a Declaration of Restrictive covenants to, among other things, limit the business in the property to the insurance business, and ensure adequate parking by limiting the number of employees to three per shift, to ameliorate the impacts to the surrounding residential properties, 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 hereby rezoned from R-1 (one family district) to RO (residential office district) to allow the development of a retail building according to the site plan prepared by Avelino R. Leoncio, Jr. A.I.A., Architect, dated August 14, 2017; and granted a variance permit to allow a total lot area of 7,060 square, where 7,500 square feet are required; and allow a frontage of 50 feet, where 75 feet are required, contra to Hialeah Code of Ordinances § 98-779 that provides: "Minimum lot area. In the *RO* residential office district, the minimum lot area shall be 7,500 square feet... an average minimum width of 75 feet."; allow a front setback of 13 feet, where 15 feet are required, contra to Hialeah Code of Ordinances § 98-781(1) that provides: "*Front setback*. There shall be a minimum front setback of 15 feet from the property line."; and allow a 10 foot two-way driveway, where 20 feet are required, contra to Hialeah Code of Ordinances § 98-2188(a)b. that provides: "*Accessibility*. Minimum width of driveways or accesses shall be as follows: Accessways to: Two-way direction Width (feet) 20." Property located at **227 EAST 49TH STREET**, Hialeah, Florida, and legally described as follows:

Lot 5, Block 6, of COBOS FRONTON SUBDIVISION #1,
according to the plat thereof, as recorded in Plat Book 18, Page(s)
20, 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.

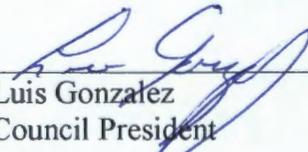
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

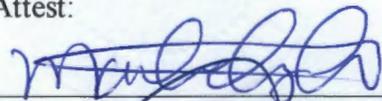
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 10 day of October, 2017.

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


Luis Gonzalez
Council President

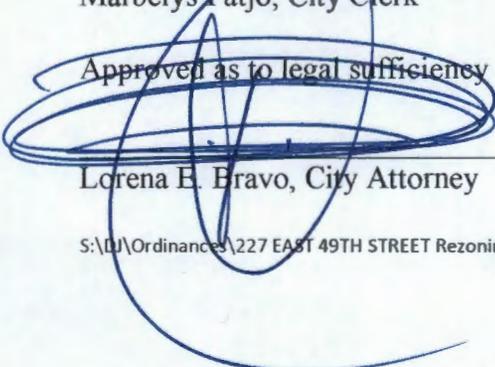
Attest:


Marbelys Patjo, City Clerk

Approved on this 23 day of October, 2017.


Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a (7-0) unanimous vote with Councilmembers, Caragol, Cue-Fuente, Garcia-Martinez, Hernandez, Gonzalez, Lozano and Casáls-Muñoz voting "Yes".