

ORDINANCE NO. 2016-28

ORDINANCE REZONING PROPERTY FROM R-3-3 (MULTIPLE FAMILY DISTRICT) TO C-2 (LIBERAL RETAIL COMMERCIAL DISTRICT), GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW A MEDICAL FACILITY PURSUANT TO HIALEAH CODE §98-181(2) e, AND GRANTING A VARIANCE PERMIT TO ALLOW A LED READER BOARD DISPLAY PYLON SIGN OUTSIDE THE GEOGRAPHIC AREA WHERE LED SIGNS ARE PERMITTED, CONTRA TO HIALEAH CODE § 74-149 (b). **PROPERTY LOCATED AT 6050 WEST 20 AVENUE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF 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 13, 2016 recommended approval of this ordinance; and

WHEREAS, the Petitioner proffered a declaration of restrictive covenants, 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-3-3 (Multiple Family District) to C-2 (Liberal Retail Commercial District).

Section 2: The below-described property is hereby granted a conditional use permit (CUP) to allow a medical facility pursuant to Hialeah Code §98-181(2)e, on property zoned C-2 (Liberal Retail Commercial District).

Section 3: The below-described property is hereby granted a variance permit to allow a LED reader board display pylon sign on property zoned C-2 (Liberal Retail Commercial District) outside the geographic area where LED signs are allowed, contra to Hialeah Code § 74-149 (b), which provides in pertinent part: "*Geographic area.* The LED regulations are limited to a geographic area comprising of three distinct areas: (1)

properties fronting West 49 Street, from the west side of West 4 Avenue to West 20 Avenue; (2) properties fronting West 16 Avenue, from Okeechobee Road to West 49 Street; and (3) properties fronting Okeechobee Road, on the northern side, from West 16 Avenue to West 20 Avenue.” Property located at 6050 West 20 Avenue, Hialeah, Miami-Dade County, Florida and legally described as follows:

TRACT 8 IN THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 52 SOUTH, RANGE 40 EAST, CHAMBERS LAND COMPANY’S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT 2, AT PAGE 68 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE EAST 190 FEET THEREOF.

Section 4: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: 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 6: Additional Penalties upon Violation of Conditions of Use.

Any change of the terms and conditions of the use identified in this ordinance and as provided in the Declaration of Restrictive Covenants will cause a revocation of the city

occupational license if issued in connection herewith and the property shall revert to the zoning classification without the benefit of the conditional use and associated variances.

Section 7: Severability Clause.

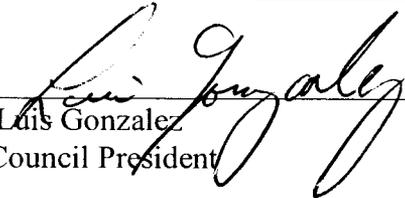
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

Section 8: 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.

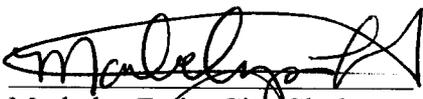
PASSED and ADOPTED this 24 day of May, 2016.

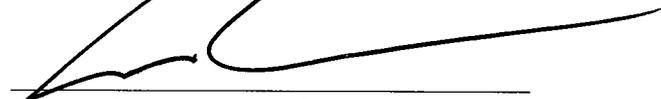
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Luis Gonzalez
Council President

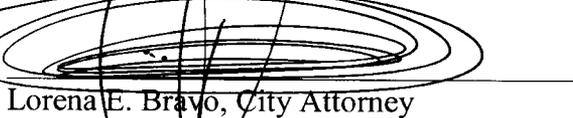
Attest:

Approved on this 27 day of May, 2016.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a (4-1-0) vote with Councilmembers, Caragol, Hernandez, Lozano, and Casáls- Muñoz voting "Yes", Councilwoman Garcia-Martinez voting "No", and Council President Gonzalez and Vice President Cuenca Fuente abstained from voting.