

ORDINANCE NO. 2018-153

ORDINANCE REZONING PROPERTY FROM P (PARKING) TO B-1 (HIGHLY RESTRICTED RETAIL) AND GRANTING A VARIANCE PERMIT TO ALLOW 13 PARKING SPACES, WHERE 23 PARKING SPACES ARE REQUIRED, CONTRA TO §98-2189(7) HIALEAH CODE OF ORDINANCES. **PROPERTY LOCATED AT 402 EAST 41 STREET, 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 November 14, 2018 recommended approval of this ordinance; and

WHEREAS, the developer has proffered a declaration of restrictions and unity of title, 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 P (Parking) to B-1 (Highly Restricted Retail) and granted a variance permit to allow 13 parking spaces, where 23 parking spaces are required, contra to § 98-2189(7) Hialeah Code of Ordinances that provides: “Commercial uses, not found elsewhere in this section. One parking space for each 200 square feet of gross floor area of the floor with the greatest floor area within the building, and one parking space for each 500 square feet of the remaining floor area. Parking spaces under the building shall not be considered in the calculation of floor areas.” Property Located at 402 East 41 Street, and legally described as:

Lot 6, and the North ½ of that portion of the 12-foot alley lying South and adjacent, closed per Ordinance No. 94-07 (Jan. 25, 1994), in Block 32F of FOURTEENTH ADDITION TO HIALEAH, according to the Plat thereof, as recorded in Plat Book 10, at Page 54, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.

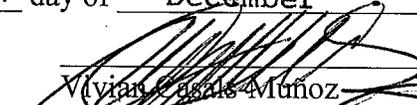
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

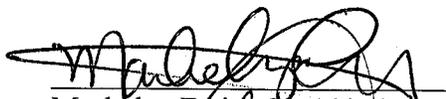
PASSED and ADOPTED this 11 day of December, 2018.

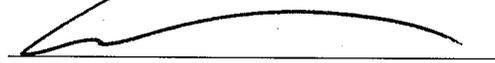
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.

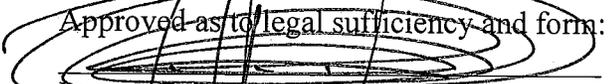

Vivian Casals-Munoz
Council President

Approved on this 3 day of January, 2018.

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Marbelys Fatjo, City Clerk


Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:

Lorena E. Bravo, City Attorney

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Ordinance was adopted by a 6-0-1 vote with Councilmembers, Zogby, Lozano, Casals-Munoz, Caragol, Cue-Fuente, Hernandez, voting "Yes and Councilmember Garcia-Martinez not present during roll call, which later recorded her vote as "Yes"