ORDINANCE NO. 2013-72

ORDINANCE GRANTING A SPECIAL USE PERMIT (SUP) TO ALLOW STORAGE, REPAIR AND SALES OF VENDING MACHINES ON PROPERTY ZONED C-1 (RESTRICTED RETAIL COMMERCIAL DISTRICT). **PROPERTY LOCATED AT 925-955 HIALEAH DRIVE, 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 regular meeting of August 28, 2013, recommended approval of a Special Use Permit; and

WHEREAS, in support of the application, the applicant submitted a site plan proposing enhancements and improvements to the site and further proffered to enhance the building's façade; and

WHEREAS, the Special Use Permit is subject to completion of all enhancements and improvements prior to the approval and issuance of a business tax operation for the proposed business operation.

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 granted a special use permit (SUP) to allow the storage, repair and sales of vending machines on property zoned C-1 (Restricted Retail Commercial District). Property located at 925-955 Hialeah Drive, Hialeah, Miami-Dade County, Florida, and legally described as follows:

See "Exhibit A"

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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: Additional Penalties upon Violation of the Conditions of Use and/or Declaration of Restrictive Covenants.

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 Special Use Permit and of the city occupational license issued in connection herewith and the property shall revert to the zoning classification without the benefit of the special use and associated variances.

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, 2013.

Isis Garcia-Martinez
Council President

Attest:

Approved on this 26 day of September, 2013.

Marbelys L. Fatjo, Acting City Clerk

Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

William M. Grodnick, City Attorney

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

Exhibit A

A parcel in the SW ¼ OF Sectin 17, township 53 South, Range 41 East, described as follows:

Commence at the SE corner of the SW ¼ of the SE ¼ of said Section 17; thence go N 00 27' 04" W, along the East line of the SW ¼ of the SE ¼ of said Section 17, for a distance of 35 feet, to the North line of Hialeah Drive, Hialeah, Florida (NW 54 Street, Miami); thence go West 35 feet North of an parallel with the South line of the said Section 17, along the North line of said Hialeah Drive, for a distance of 264.53 feet, to the Point of Beginning; thence continue West along the last described line for a distance of 104.53 feet, to the East line of East 9th Court, Hialeah, Florida; thence go N 00 29' 23" W, along the East line of said East 9th Court for a distance of 276.58 feet, to the South line of East 1st Street, Hialeah, Florida; thence go S 89 58' 20" E, along the south line of said East 1st Street for a distance of 144.72 feet to a point; thence go S 00 27' 04" E, 224.53 feet West of an parallel with the East line of the SW ¼ of the SE ¼ of said Section 17, for a distance of 100 feet to a point; thence go N 89 58' 20" W, 100 feet South of and parallel with the South line of said East 1st Street, for a distance of 40 feet to a point; thence go S 00 27' 04" E, 264.53 feet West of an parallel with the East line of the SW ¼ of the SE ¼ of said Section 17 for a distance of 176.53 feet, to the Point of Beginning. Lying and being in the City of Hialeah, Miami-Dade County, Florida.