

ORDINANCE NO. 2021-020

ORDINANCE REZONING PROPERTY FROM R-1 (ONE-FAMILY DISTRICT) TO C-1 (RESTRICTED RETAIL COMMERCIAL DISTRICT); AND GRANTING A VARIANCE PERMIT TO ALLOW LANDSCAPE BUFFER OF 2.8 FEET ALONG EAST 36 STREET FOR A LENGTH OF 20 FEET, WHERE 7 FEET LANDSCAPE BUFFER IS REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES § 98-1069(a). **PROPERTY LOCATED AT 3581 EAST 4 AVENUE, HIALEAH, ZONED R-1 (ONE FAMILY DISTRICT).** 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 January 27, 2021 recommended approval of this ordinance.

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 C-1 (Restricted Retail Commercial District).

Section 2: The below-described property is hereby granted a variance permit to allow landscape buffer of 2.8 feet along East 36 Street, where 7 feet landscape buffer is required for a length of 20 feet, contra to § 98-1069(a) that provides: “In the C-1 restricted retail commercial district, setbacks on all retail commercial property shall be 20 feet...”. Property located at **3581 East 4 Avenue, Hialeah, zoned R-1 (One-Family District)**, and legally described as follows:

Lot 1, in Block 3, of SUNLAND HOMES, FIRST ADDITION, according to the Plat thereof, as recorded in Plat Book 51, Page 10, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.

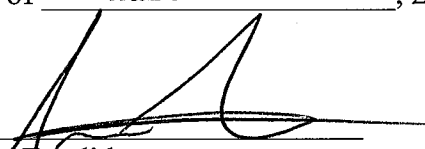
Section 5: Severability Clause.

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.

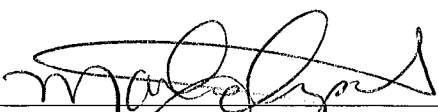
PASSED AND ADOPTED this 9 day of March, 2021.



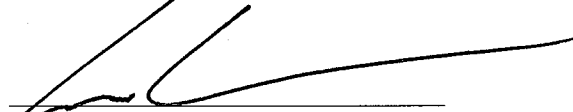
Jesus Tundidor
Council President

Attest:


Approved on this 16 day of March, 2021.



Marbelys Fatjo, City Clerk
D



Mayor Carlos Hernandez
Ordinance was adopted by 7-0 vote with Councilmembers, Cue-Fuente, De la Rosa, Garcia-Roves, Hernandez, Perez, Tundidor, and Zogby voting "Yes."

Approved ~~as to form and legal sufficiency:~~


Lorena E. Bravo, City Attorney