

ORDINANCE NO. 2021-097

ORDINANCE REZONING PROPERTY FROM R-1 (ONE-FAMILY DISTRICT) TO B-1 (HIGHLY RESTRICTED RETAIL DISTRICT); GRANTING A VARIANCE PERMIT TO ALLOW A TOTAL BUILDING SITE AREA OF 1,430 SQUARE FEET, WHERE 1,500 SQUARE FEET IS THE MINIMUM REQUIRED; AND ALLOW FRONT SETBACK OF 10 FEET, WHERE 20 FEET ARE REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-928 AND 98-929. **PROPERTY LOCATED AT 740 EAST 49 STREET, HIALEAH, ZONED R-1 (ONE-FAMILY DISTRICT).** 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 August 25, 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 B-1 (Highly Restricted Retail District). Property located at 740 East 49 Street, Hialeah, zoned R-1 (One-Family District) and legally described as follows:

The East 60 feet of the West 120 feet, less the North 10 feet for Right-of-Way of Tract 61-F, of REVISED PLAT OF THE REVISED PLAT OF THE PLAT OF THE SIXTEENTH ADDITION TO CITY OF HIALEAH, according to the Plat thereof, as recorded in Plat Book 31, Page 32, of the Public Records of Miami-Dade County, Florida, formerly known as Lot 5, except the West 20 feet thereof, and all of Lot 6, in Block 61-F of SIXTEENTH ADDITION TO HIALEAH, according to the Plat thereof, as recorded in Plat Book 10, Page 53, of the Public Records of Miami-Dade County, Florida.

Section 2: The below-described property is hereby granted a variance permit to allow a total building site area of 1, 430 square feet, where 1, 500 square feet if the minimum required, contra to Hialeah Code of Ordinances §98-928 that provides: “Building site area required. In the B-1 highly restricted retail district, there are no minimum building site area requirements, except that no building shall contain less than 1,500 square feet outside dimensions”; allow front setback of 10 feet, where 20 feet are required, contra to Hialeah Code of Ordinances §98-929 that provides: “Front yard required. In the B-1 highly restricted retail district, the front yard shall be 20 feet”; provided no medical offices shall be permitted.

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.

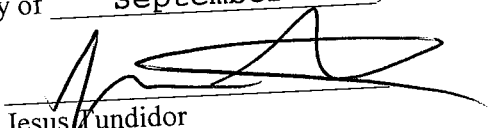
Section 5: Severability Clause.

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.

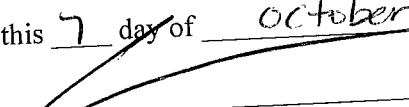
Section 6: Effective Date.

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.

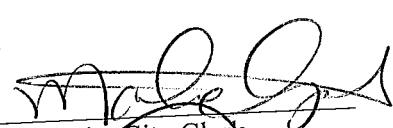
PASSED AND ADOPTED this 28 day of September, 2021.


Jesus Tundidor
Council President

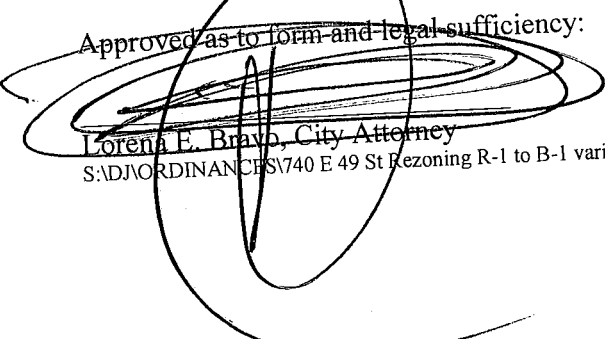
Approved on this 7 day of October, 2021.


Mayor Carlos Hernandez

Attest:


Marbelys Fatjo, City Clerk

Approved as to form and legal sufficiency:


Lorena E. Bravo, City Attorney

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Ordinance was adopted by 6-0-1 vote with Councilmembers, Cue-Fuente, De la Rosa, Garcia-Roves, Perez, Tundidor, and Zogby voting "Yes" and Council Member Hernandez absent.