

**ORDINANCE NO. 2021-1143**

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW REAR SETBACK OF 13.5 FEET, WHERE 45 FEET ARE REQUIRED; ALLOW STREET SIDE SETBACK OF 9.99 FEET, WHERE 10 FEET ARE REQUIRED; ALLOW 7.95 FEET SETBACK FOR THE DUMPSTER ENCLOSURE, WHERE 10 FEET ARE REQUIRED; ALLOW 5 PARKING SPACES, WHERE 7 PARKING SPACES ARE REQUIRED; ALLOW THE PARKING LOT ON THE SOUTH SIDE OF THE BUILDING AND ALLOW AN ACCESSIBLE PARKING SPACE TO BE LOCATED AT THE FRONT OF THE BUILDING WHERE PARKING SHALL BE LOCATED IN THE REAR OF THE PROPERTY; AND INCORPORATE INTO THE APPLICATION A SITE PLAN PREPARED BY CARLOS PIZARRO, REGISTERED ARCHITECT; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-781(2) AND (4), 78-108(c)(1), 98-782 AND 98-2189(7). **PROPERTY LOCATED AT 4890 WEST 2 LANE, HIALEAH, ZONED RO (RESIDENTIAL OFFICE).** 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 10, 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 granted a variance permit to allow rear setback of 13.5 feet, where 45 feet are required, contra to Hialeah Code of Ordinances § 98-781(2) that provides: “There shall be a minimum rear setback of 45 feet from the property line”; allow street side setback of 9.99 feet, where 10 feet are required, contra to Hialeah Code of Ordinances § 98-781(4) that provides: “There shall be a minimum corner side setback of ten feet from the property line”; allow 7.95 feet setback for the dumpster enclosure, where 10 feet are required, contra to Hialeah Code of Ordinances § 78.108(c)(1) that provides: “Enclosures shall be located no less than ten feet from any street right-of-way and shall be located as to facilitate safe

vehicular movement and to be convenient for users and accessible to collectors.”; allow 5 parking spaces, where 7 parking spaces are required and allow the parking lot to be located on the south side of the building and an accessible parking space to be located at the front of the building where parking shall be located in the rear of the property, contra to Hialeah Code of Ordinances § 98-782 that as relevant provides: “All parking shall be located in the rear of the property” and § 98-2189(7) 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.”; and incorporate into the application a site plan prepared by Carlos Pizarro, Registered Architect, dated May 17, 2021. Property located at 4890 West 2 Lane, Hialeah, zoned RO (Residential Office) and legally described as follows:

Lot 1, Block 2, of ‘IDEAL HOMES SUBDIVISION NO. 4, according to the Plat thereof, as recorded in Plat Book 52, at Page 75, of the Public Records of Miami-Dade County, Florida, less portion dedicated for Public Right-of-Way.

**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.

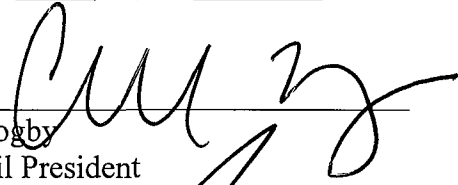
**Section 5: Severability Clause.**

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.

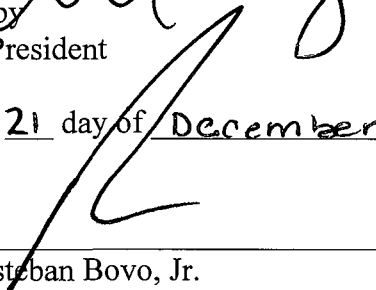
PASSED and ADOPTED this 14 day of December, 2021.

  
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Carl Zogby  
Council President

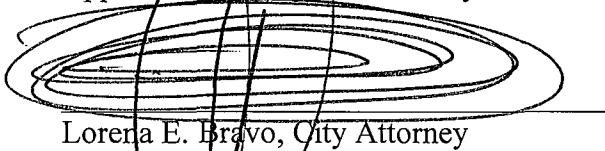
Attest:

Approved on this 21 day of December, 2021.

  
\_\_\_\_\_  
Marbelys Fatjo, City Clerk

  
\_\_\_\_\_  
Mayor Esteban Bovo, Jr.

Approved as to legal sufficiency and form:

  
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Lorena E. Bravo, City Attorney

Ordinance was adopted by 4-0-3 vote with Councilmembers, Calvo, Garcia-Roves, Rodriguez and Zogby voting "Yes" and with Council Vice President Perez, Council Member De la Rosa and Council Member Tundidor absent.