

ORDINANCE NO. 2022-034

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA REZONING PROPERTY FROM RO (RESIDENTIAL OFFICE) TO B-1 (HIGHLY RESTRICTED RETAIL DISTRICT); AND GRANTING A VARIANCE PERMIT TO ALLOW 19 PARKING SPACES, WHERE 22 PARKING SPACES ARE REQUIRED; CONTRA TO HIALEAH CODE OF ORDINANCES § 98-2189(7); **PROPERTY LOCATED AT 301 EAST 49 STREET, 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 March 23, 2022, recommended approval of this ordinance; and

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 RO (Residential Office) to B-1 (Highly Restricted Retail District).

Section 2: The below-described property is hereby granted a variance permit to allow 19 parking spaces, where 22 parking spaces are required, contra to Hialeah Code of Ordinances § 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.” Property located at 301 East 49 Street, Hialeah, zoned RO (Residential Office) and legally described as follows:

Lot 24 of BRADLEY MANOR 4TH ADDITION, according to the Plat thereof, as recorded in Plat Book 58, at Page 26 of the Public Records of Miami-Dade County, Florida, less the South 5 feet thereof.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 26 day of April, 2022.



Carl Zogby
Council President

Attest:

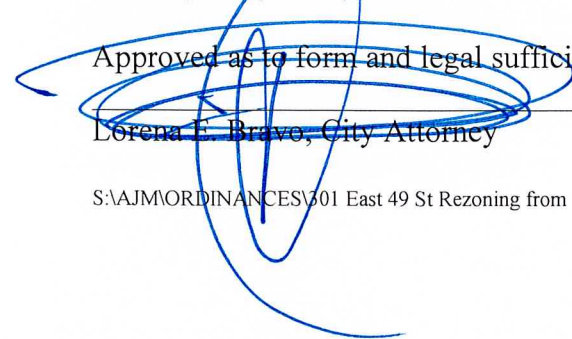


Marbelys Fatjo, City Clerk

Approved on this 5 day of May, 2022.



Mayor Esteban Bovo, Jr.



Approved as to form and legal sufficiency:

Lorena E. Bravo, City Attorney

Ordinance was adopted by 6-0-1 vote with Councilmembers, Calvo, Casals-Munoz, Garcia-Roves, Perez, Rodriguez, Tundidor, and Zogby voting "Yes" with Council Vice President Perez absent.