

**ORDINANCE NO. 2022-057**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA REZONING PROPERTY FROM R-1 (ONE-FAMILY DISTRICT) AND RO (RESIDENTIAL OFFICE) TO B-1 (HIGHLY RESTRICTED RETAIL DISTRICT); GRANTING A VARIANCE PERMIT TO ALLOW FRONT SETBACK OF 10 FEET, WHERE 20 FEET ARE REQUIRED; CONTRA TO HIALEAH CODE OF ORDINANCES §98-929. **PROPERTY LOCATED AT 4915 EAST PALM COURT, 4935 EAST PALM COURT, 4910 EAST 1 AVENUE AND 4930 EAST 1 AVENUE, HIALEAH, ZONED R-1 (ONE-FAMILY DISTRICT) AND 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 May 11, 2022 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 properties are hereby rezoned from R-1 (One-Family District) and RO (Residential Office) to B-1 (Highly Restrictive Retail District).

**Section 2:** The below-described property is hereby granted a variance permit to allow a front setback of 10 feet, where 20 feet are required, contra to Hialeah Code of Ordinances § 98-929 that provides: “In the B-1 highly restricted retail district, the front yard shall be 20 feet.” Properties located at 4915 East Palm Court, 4935 East Palm Court, 4910 East 1 Avenue and 4930 East 1 Avenue, Hialeah, zoned R-1 (One-Family District) and RO (Residential Office), and legally described as follows:

Lots 6, 7, 8 and 9, Block 3 of BRADLEY MANOR THIRD ADDITION, according to the Plat thereof, as recorded in Plat Book 56, at Page 97 of the Public Records of Miami-Dade County, Florida, less 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.

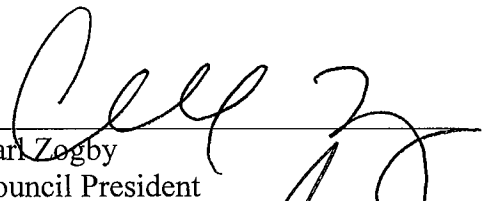
**Section 5: Severability Clause.**

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.

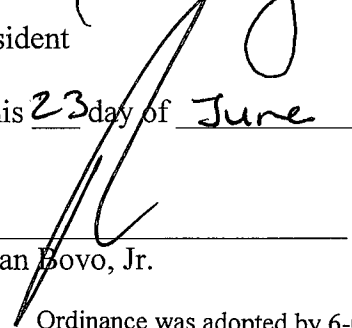
PASSED and ADOPTED this 14 day of June, 2022.

  
\_\_\_\_\_  
Carl Zogby  
Council President

Attest:

Approved on this 23 day of June, 2022.

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

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

Approved as to legal sufficiency and form:

  
\_\_\_\_\_  
Lorena E. Bravo, City Attorney

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

**THE FOREGOING ORDINANCE OF THE CITY OF HIALEAH WAS PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF FLORIDA STATUTE 189.0-1 PRIOR TO FINAL READING.**