

ORDINANCE NO. 2018-123

ORDINANCE REZONING PROPERTY FROM R-1 (ONE FAMILY DISTRICT) TO C-1 (LIBERAL RETAIL COMMERCIAL DISTRICT) AND TO P (PARKING DISTRICT); AND GRANTING A VARIANCE PERMIT TO ALLOW A FRONT SETBACK OF 4 FEET, WHERE 20 FEET IS THE MINIMUM REQUIRED; AND ALLOW 22 PARKING SPACES WHERE, 37 PARKING SPACES ARE REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-1115, 98-1069(a), AND 98-2189(7). **PROPERTY ZONED R-1 (ONE FAMILY DISTRICT) LOCATED AT 802 AND 814 EAST 24 STREET, HIALEAH, FLORIDA.** 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 September 26, 2018 recommended approval of this ordinance; and

WHEREAS, the developer has proffered a declaration of restrictions limiting the use of the businesses sited to those with low parking demands, which uses shall not be medical or dental offices, nor restaurants, to which the City accepts.

WHEREAS, the developer shall provide a unity or title to provide that the properties shall be considered as one plot and parcel of land and that no portion of said plot and parcel of land shall be sold, transferred, devised or assigned separately, except in its entirety as one plot or parcel of land pursuant to Hialeah Code of Ordinances § 98-1618.

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 (Liberal Retail Commercial District) and to P (Parking District), and is granted a variance permit to allow a front setback of 4 feet, where 20 feet is the minimum required, contra to § 98-1069(a) that respectively provides: “In the C-1 restricted retail commercial district,

setbacks on all retail commercial property shall be 20 feet...”; and allow 22 parking spaces where, 37 parking spaces are required, contra to § 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 **802 and 814 East 24th Street, Hialeah, Florida**, and legally described respectively as:

Lots 1 and 2, in Block 104-B, of AMENDED PLAT OF THE AMENDED PLAT OF THE THIRTEENTH ADDITION TO HIALEAH, according to the Plat thereof, as recorded in Plat Book 34, Page 26, of the Public Records of Miami-Dade County, Florida, and 6 foot alley lying South and adjacent, closed per R-94-104, less the West 10.00 feet of said Lot 1 for right of way and less the area bounded by the North line of said Lot 1, and bounded by a line that is 10.00 feet East of an parallel to the West line of said Lot 1 and bounded by a 25.00 foot radius are concave to the Southeast, said are being tangent to both the last described lines.

AND

Lot 3 and the West ½ of Lot 4, Block 104-B, Amended Plat of Thirteenth Addition to Hialeah, according to the map or plat thereof, as recorded in Plat Book 34, Page(s) 26, of the Public Records of Miami-Dade County, Florida.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: 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 4: 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 5: 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 13 day of November, 2018.


THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.

Attest:




Marbelys Fatjo, City Clerk

Approved as to form and legal sufficiency:

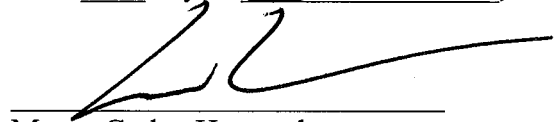


Lorena E. Brayo, City Attorney



Vivian Casals-Muñoz
Council President

Approved on this 20 day of November, 2018.



Mayor Carlos Hernandez

Ordinance was adopted by a 6-0-1 vote with Councilmembers, Zogby, Lozano, Casals-Munoz, Hernandez, Garcia Martinez and Cue-Fuente voting "Yes" and with Councilmember Caragol absent.