

**ORDINANCE NO. 2019-016**

ORDINANCE GRANTING A SPECIAL USE PERMIT (SUP) PURSUANT TO HIALEAH CODE OF ORDINANCES § 98-161 TO ALLOW THE DEVELOPMENT OF A RESEARCH CENTER; AND GRANTING A VARIANCE PERMIT TO ALLOW 16 PARKING SPACES, WHERE 47 PARKING SPACES ARE REQUIRED; ALLOW A REAR SETBACK OF 6 FEET, WHERE 15 FEET IS THE MINIMUM REQUIRED; ALLOW A HEIGHT OF 50 FEET, WHERE 40 FEET IS THE MAXIMUM ALLOWED; AND ALLOW A 6% PERVIOUS AREA, WHERE 18% IS THE MINIMUM REQUIRED. PROPERTY ZONED C-1 (RESTRICTED RETAIL COMMERCIAL DISTRICT). ALL CONTRA TO §§ 98-1071, 98-1074(a), 98-2189(7), AND THE CITY OF HIALEAH LANDSCAPE MANUAL, LATEST EDITION DATED JULY 9, 2015, PARAGRAPH (E) TREE AND LAWN REQUIREMENTS BY ZONING CLASSIFICATION, TABLE A. **PROPERTY LOCATED AT 425 WEST 51 PLACE, 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 January 23, 2019, 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 granted a special use permit (SUP) pursuant to Hialeah code of ordinances § 98-161, et. al., to allow for the development of a research center.

**Section 2:** The below-described property is hereby granted a variance permit to allow 16 parking spaces, where 47 parking spaces are required, contra to § 98-2189(7) that as relevant

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.” ; allow a rear setback of 6 feet, where 15 feet is the minimum required, contra to § 98-1071 that as relevant provides: “In the C-1 restricted retail commercial district, there shall be a rear yard of not less than 15 feet in depth,...”; allow a height of 50 feet, where 40 feet is the maximum allowed, contra to § 98-1074(a) that provides: “In general. In the C-1 restricted retail commercial district, the maximum height shall be three stories or 40 feet to the cornice line or top of parapet except that if a building frontage faces a frontage road, then the maximum height shall be six stories or 70 feet to the cornice line or top of parapet.”; and allow a 6% pervious area, where 18% is the minimum required, contra to the City of Hialeah Landscape manual, latest edition dated July 9, 2015, Paragraph (E) Tree and lawn requirements by zoning classification, Table A that provides: “Land Use or Zoning District...Minimum Pervious Area C-1 Percent of Net Lot area 18%.” Property legally described as follows:

Lot 66, less the Northeasterly 20 feet thereof, Block 103, A REPLAT OF A PORTION OF BLOCK 103, FIFTH ADDITION TO PALM SPRINGS SUBDIVISION, SECTION THREE, according to the Plat thereof, as recorded in Plat Book 66, at Page 48, of the Public Records of Miami-Dade County, Florida.

**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.

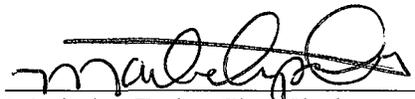
PASSED and ADOPTED this 12 day of March, 2019.

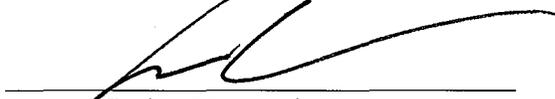
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
\_\_\_\_\_  
Vivian Casals-Munoz  
Council President

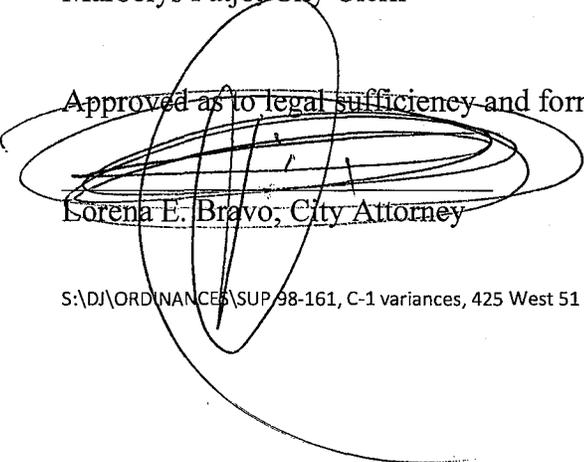
Attest:

Approved on this 18 day of March, 2019.

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

  
\_\_\_\_\_  
Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

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

Ordinance was adopted by a 7-0 vote with Councilmembers, Zogby, Lozano, Casals-Munoz, Garcia-Martinez, Hernandez, Caragol and Cue-Fuente voting "Yes".