

ORDINANCE NO. 2018-110

ORDINANCE TO ALLOW THE DEVELOPMENT OF AN ADULT DAY CARE CENTER AND PHARMACY IN AN EXISTING INDUSTRIAL BUILDING; AND GRANTING A VARIANCE PERMIT TO ALLOW 45 PARKING SPACES, WHERE 121 PARKING SPACES ARE REQUIRED; ALLOW A REAR SETBACK OF 0 FEET, WHERE 2.7 FEET ARE REQUIRED; AND ALLOW 9% PERVIOUS AREA, WHERE 18% IS REQUIRED; CONTRA TO THE LATEST EDITION OF THE HIALEAH LANDSCAPE MANUAL DATED JULY 9, 2015 PARAGRAPH (E) TABLE A, COMMERCIAL; AND CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-2189(7), AND 98-1372. PROPERTY ZONED M-1 (INDUSTRIAL DISTRICT). **PROPERTY LOCATED AT 75, 91 AND 95 WEST 21 STREETS, 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 12, 2018, recommended approval of this ordinance; and

WHEREAS, the developer has proffered a Declaration of Restrictive Covenants, to which the City accepts; and

WHEREAS, the property may be developed commercial under M-1 zoning.

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 45 parking spaces, where 121 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.”; allow a rear setback of 0 feet where 2.7 feet are required, contra to Hialeah Code of Ordinances § 98-1372 that as relevant provides: “In the M-1 industrial district, ... There shall be required a minimum side yard and rear yard setback of from two feet seven inches to five feet one inch ...”; and allow 9% pervious area, where 18% is required, contra to the latest edition of the Hialeah Landscape Manual dated July 9, 2015 paragraph (E) Table A, Commercial. Property is located at 75, 91 and 95 West 21 Streets, Hialeah Florida, and legally described as follows:

Lots 9 thru 12, Block 139, of Hialeah Tenth Addition, according to the Plat thereof, as recorded in Plat Book 8, Page 100, of the Public Records of Miami-Dade County, Florida.

Lots 5 thru 8, Block 139, of Hialeah Tenth Addition, according to the Plat thereof, as recorded in Plat Book 8, Page 100, of the Public Records of Miami-Dade County, Florida.

Lots 1 thru 4, Block 139, of Hialeah Tenth Addition, according to the Plat thereof, as recorded in Plat Book 8, Page 100, 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.

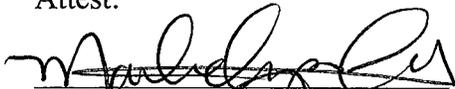
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 9 day of October, 2018.

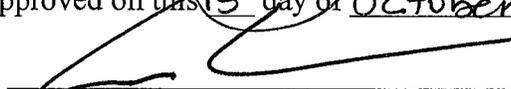
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Vivian Casals Muñoz
Council President

Attest:


Marbelys Fatjó, City Clerk

Approved on this 15 day of October, 2018.


Mayor Carlos Hernandez

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a 5-0-2 vote with Councilmembers, Zogby, Casáls-Munoz, Caragol, Hernandez, and Garcia-Martinez voting "Yes" and with Councilmembers Cue-Fuente and Lozano absent.