

**ORDINANCE NO. 2020-060**

ORDINANCE GRANTING A SPECIAL USE PERMIT (SUP) PURSUANT TO HIALEAH CODE OF ORDINANCES §98-161 TO ALLOW A RESEARCH FACILITY; AND GRANTING A VARIANCE PERMIT TO ALLOW 17 PARKING SPACES, WHERE 24 PARKING SPACES ARE REQUIRED; CONTRA TO HIALEAH CODE OF ORDINANCES § 98-2189(7). **PROPERTY LOCATED AT 490 WEST 84 STREET, HIALEAH, ZONED M-1 (INDUSTRIAL DISTRICT).** 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 9, 2020 recommended approval of this ordinance; and

**WHEREAS**, the developer has proffered a Declaration of Restrictions, to which the City accepts.

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) to allow a research facility, pursuant to Hialeah Code of Ordinances § 98-161. Property located at 490 West 84 Street, Hialeah, zoned M-1 (Industrial District) and legally described as follows:

The West 100 feet of the East 550 feet of Tract "A" of Palm Lakes Industrial Park, according to the Plat thereof as recorded in Plat Book 76 at Page 16, of the Public Records of Miami-Dade County, Florida.

**Section 2:** The above-described property is hereby granted a variance permit to allow 17 parking spaces, where 24 parking spaces are required, contra to Hialeah Code of Ordinances § 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. Parking spaces under the building shall not be considered in the calculation of floor areas.*"

**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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the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 or declaration of restrictions, 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.**

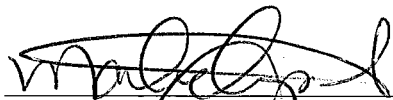
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.


PASSED and ADOPTED this 13 day of October, 2020.

  
Paul B. Hernandez  
Council President

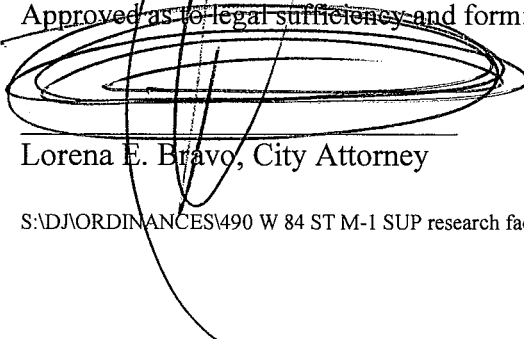
Attest:

Approved on this 2 day of November, 2020.

  
Marbelys Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

  
Lorena E. Bravo, City Attorney

Ordinance was adopted by 6-0-1 vote with Councilmembers, Cue-Fuente, De la Rosa, Garcia-Roves, Perez, Tundidor and Zogby voting "Yes" and with Council President not present during roll call. Council President Hernandez recorded his vote as "Yes" after the item was approved.