

**ORDINANCE NO. 2020-070**

ORDINANCE REPEALING AND RESCINDING CITY OF HIALEAH, FLA., ORDINANCE 87-39 (MAY 12, 1987); GRANTING A CONDITIONAL USE PERMIT (CUP) PURSUANT TO HIALEAH CODE OF ORDINANCES § 98-181 TO ALLOW A PET GROOMING SCHOOL; GRANTING A VARIANCE PERMIT TO ALLOW 18 PARKING SPACES, WHERE 36 PARKING SPACES ARE REQUIRED; ALLOW 7.8% PERVIOUS AREA, WHERE 18% PERVIOUS AREA IS THE MINIMUM REQUIRED; AND ALLOW A 3 FOOT LANDSCAPE BUFFER IN THE FRONT FOR A DISTANCE OF 30 FEET, WHERE 7 FEET IS THE MINIMUM REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES § 98-2189(7), AND THE LATEST EDITION OF THE HIALEAH LANDSCAPE MANUAL DATED JULY 9, 2015 PARAGRAPH (D)(7) PARKING LOT BUFFERS AND PARAGRAPH (E) TREE AND LAWN REQUIREMENTS BY ZONING CLASSIFICATION, TABLE A. **PROPERTY LOCATED AT 1415 WEST 49 STREET, HIALEAH, ZONED C-2 (LIBERAL RETAIL COMMERCIAL DISTRICT)**. 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 August 26, 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:** Hialeah, Fla. Ordinance 87-39 (May 12, 1987), attached hereto as Exhibit "A," is hereby repealed and rescinded in its entirety.

**Section 2:** The below-described property is hereby granted a Conditional Use Permit (CUP) pursuant to Hialeah Code of Ordinances § 98-181 to allow a pet grooming school.

**Section 3:** The below-described property is hereby granted a variance permit to allow 18 parking spaces, where 36 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.” ; allow 7.8% pervious area, where 18% pervious area is the minimum required, contra to the Latest Edition of the Hialeah Landscape Manual Dated July 9, 2015 Paragraph (E) that as relevant provides: “Tree and lawn requirements by zoning classification, Table A Land Use or Zoning District...Minimum Pervious Area C-2 Percent of Net Lot area 18%.”; and allow a 3 feet landscape buffer in the front for a distance of 30 feet, where 7 feet is the minimum required, contra to the Latest Edition of The Hialeah Landscape Manual Dated July 9, 2015 Paragraph (D)(7) that as relevant provides: “Parking lot buffers. All parking lots adjacent to a right-of-way or private street shall be screened by a continuous planting and/or three (3)-foot high wall within a seven (7)-foot landscaped strip...”.

**Section 4:** Property located at 1415 West 49 Street, Hialeah, zoned C-2 (Liberal Retail Commercial District) and legally described as follows:

Begin 1285.07 feet West of the East line of Section 2, Township 53 South, Range 40 East and 1107.23 feet South of the North line of said Section 2, thence run West parallel with the North line of said Section 2 for a distance of 75.0 feet to a point, thence run North 1°21'35" West parallel with the East line of said Section 2 for a distance of 208.6 feet to a point, thence run South 70°13'06" East for a distance of 78.81 feet to a point of curvature of a circular curve, concave to the Northeast and having for its element a radius of 75.0 feet, and a central angle of 1°11'58" thence run Southeasterly along the arc of said curve for a distance of 1.33 feet to a point, thence run South 1°21'35" East parallel with the East line of said Section 2 for a distance of 181.4 feet to a point of beginning, lying and being situated in the City of Hialeah, Miami-Dade County, Florida.

**Section 5: Repeal of Ordinances in Conflict.**

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

**Section 6: 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 7: 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 8: Effective Date.**

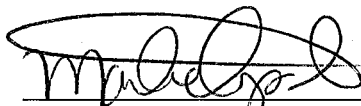
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

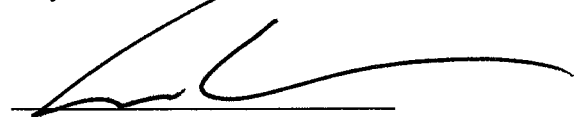
PASSED and ADOPTED this 10 day of November, 2020.

  
\_\_\_\_\_  
Jesus Tundidor  
Council President

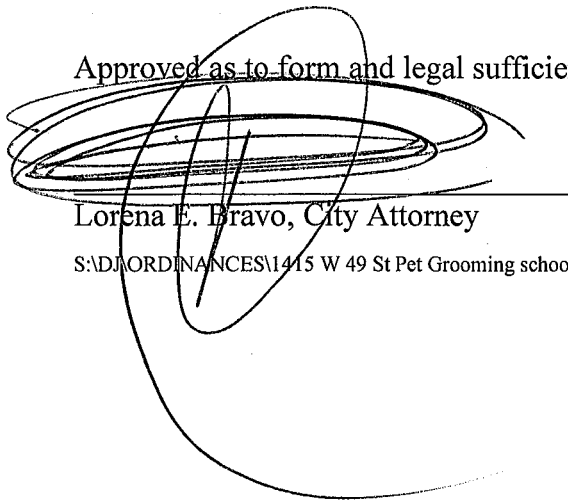
Attest:

Approved on this 17 day of November, 2020.

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

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

Approved as to form and legal sufficiency:

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

Ordinance was adopted by 5-0-2 vote with Councilmembers, Garcia-Roves, Hernandez, Perez, Tundidor and Zogby voting "Yes" and with Council Member De la Rosa not present during roll call and Council Member Cue-Fuente absent.

ORDINANCE GRANTING A VARIANCE TO WAIVE THE REQUIRED OFF-STREET PARKING TO ALLOW 18 PARKING SPACES WHERE 36 PARKING SPACES WOULD BE REQUIRED, TO ALLOW AN ADDITION TO PROPERTY LOCATED AT 1415 WEST 49TH STREET, HIALEAH, FLORIDA, ZONED C-2 (LIBERAL RETAIL COMMERCIAL), CONTRA TO SEC. 32-7(14)(c)(7) AND (10), OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, WHICH PROVIDES "BUSINESS AND COMMERCIAL ZONES. IN ALL AREAS ZONED FOR BUSINESS OR COMMERCIAL USES, THE BUILDING OF ANY BUILDING, SHALL PROVIDE ONE SPACE FOR EACH 200 SQUARE FEET OR PART THEREOF, AS CONTAINED IN THE FLOOR WITH THE GREATEST AREA, OUTSIDE DIMENSIONS, INCLUDING ELEVATOR SHAFTS, STAIRWELLS, AND BALCONIES, AND ONE CAR SPACE FOR EACH 1,000 SQUARE FEET OR PART THEREOF, OF THE REMAINING FLOOR AREA, OUTSIDE DIMENSIONS, INCLUDING ELEVATOR SHAFTS, STAIRWELLS, AND BALCONIES AT EACH FLOOR LEVEL."; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTY FOR THE VIOLATION HEREOF.

WHEREAS, the Planning and Zoning Board, at their regular meeting of April 22, 1987, recommended the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, that:

Section 1. The property located at 1415 West 49th Street, Hialeah, Florida, zoned C-2 (liberal retail commercial), is hereby granted a variance to waive the required off-street parking to allow 18 parking spaces where 36 parking spaces would be required, to allow an addition to said property, contra to Section 32-7(14)(c)(7) of the Code of Ordinances of the City of Hialeah, Florida, which provides "Business and Commercial Zones. In all areas zoned for business or commercial uses, the building of any building, shall provide one space for each 200 square feet or part thereof, as contained in the floor with the greatest area, outside dimensions, including elevator shafts, stairwells, and balconies, and one car space for each 1,000 square feet or part thereof, of the remaining floor area, outside dimensions, including elevator shafts, stairwells, and balconies at each floor level.", property more particularly described as follows:

BEGIN 1285.07 FEET WEST OF THE EAST LINE OF SECTION 2, TOWNSHIP 53 SOUTH, RANGE 40 EAST, AND 1107.23 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 2, THENCE RUN WEST PARALLEL WITH THE NORTH LINE OF SAID SECTION 2 FOR A DISTANCE OF 75.00 FEET TO A POINT, THENCE RUN NORTH 1°21'35" WEST, PARALLEL WITH THE EAST LINE OF SAID SECTION 2 FOR A DISTANCE OF 208.60 FEET TO A POINT, THENCE RUN SOUTH 70°13'06" EAST FOR A DISTANCE OF 78.81 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE TO THE NORTHEAST AND HAVING FOR ITS ELEMENTS A RADIUS OF 75.00 FEET, AND A CENTRAL ANGLE OF 1°11'58", THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 1.33 FEET TO A POINT, THENCE RUN SOUTH 1°21'35" EAST PARALLEL WITH THE EAST LINE OF SAID SECTION 2 FOR A DISTANCE OF 181.40 FEET TO THE POINT OF BEGINNING.

EXHIBIT

"A"

tabbles

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.

Any person, firm or corporation convicted of violating the provisions of this ordinance shall be punished by a fine, not exceeding \$500.00, or by a jail sentence, not exceeding sixty (60) days, or both, in the discretion of the Court.

PASSED and ADOPTED this 12th day of May, 1987.

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

  
\_\_\_\_\_  
President of Council

ATTEST: \_\_\_\_\_  
Acting City Clerk

APPROVED: MAYOR'S SIGNATURE WITHHELD  
Mayor

APPROVED AS TO LEGAL  
SUFFICIENCY AND AS TO FORM  
(ORDS/057-1415/VAR)

  
\_\_\_\_\_  
Law Department

ORDINANCE was adopted by a 5-1-1 vote with Councilmen Cardoso, D'Angelo, J. Martinez, Mejides and Nunez voting "Yes", Councilman Robinson voting "No" and Councilman Echevarria absent.

ORDINANCE No. 87-39 was passed and adopted by the Hialeah City Council on May 12, 1987 and became law on June 9, 1987 without the Mayor's signature.