

ORDINANCE NO. 2021-050

ORDINANCE REZONING PROPERTY FROM M-1 (INDUSTRIAL DISTRICT) TO C-1 (RESTRICTED RETAIL COMMERCIAL DISTRICT); GRANTING A CONDITIONAL USE PERMIT (CUP) PURSUANT TO HIALEAH CODE OF ORDINANCES §§ 98-181 TO ALLOW A PRESCRIBED PEDIATRIC EXTENDED CARE (PPEC) WITH A MAXIMUM OF 30 PATIENTS AND 8 STAFF EMPLOYEES; VARIANCE PERMIT TO ALLOW 33 PARKING SPACES, WHERE 98 PARKING SPACES ARE REQUIRED; CONTRA TO HIALEAH CODE OF ORDINANCES § 98-2189(7). **PROPERTY LOCATED AT 700 WEST 29 STREET, HIALEAH, FLORIDA, ZONED M-1 (INDUSTRIAL 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 March 3, 2021 recommended approval of this ordinance; and

WHEREAS, the Developer has proffered a Declaration of Restrictions, 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 granted a Conditional (CUP) pursuant to Hialeah Code of Ordinances § 98-181 to allow a Prescribed Pediatric Extended Care (PPEC) with a maximum of 30 patients and 8 staff employees,

Section 2: The below-described property is hereby rezoned from M-1 (Industrial District) to C-1 (Restricted Retail Commercial District).

Section 3: The below-described property is hereby granted a variance permit to allow 33 parking spaces, where 98 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". Property located at 700 West 29 Street, Hialeah, Florida and legally described as follows:

Lots 1 through 6, inclusive, HARRY'S ADDITION, according to the Plat thereof, as recorded in Plat Book 81 at Page 65, of the Public Records of Miami-Dade County, Florida.

Section 4: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: 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.

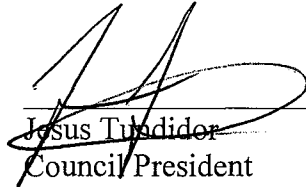
Section 6: Severability Clause.

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 7: 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 11 day of May, 2021.



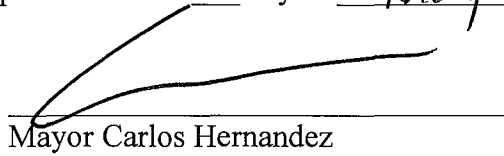
Jesus Tundidor
Council President

Attest:

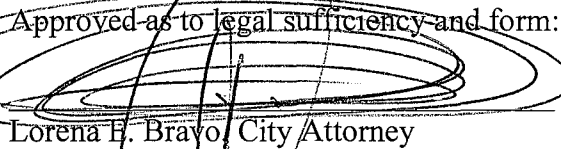
Approved on this 21 day of May, 2021.



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, De la Rosa, Garcia-Roves, Hernandez, Perez, Tundidor, and Zogby voting "Yes" and with Council Member Cue-Fuente absent.