

**ORDINANCE NO. 2021-051**

ORDINANCE GRANTING A CONDITIONAL USE PERMIT PURSUANT TO HIALEAH CODE OF ORDINANCES § 98-181 TO ALLOW THE EXPANSION OF AN EXISTING NON-CONFORMING CHURCH INCLUDING A PATRONAGE BUILDING; AND GRANTING A VARIANCE PERMIT TO ALLOW A 25 FOOT FRONT SETBACK FOR THE PATRONAGE BUILDING, WHERE 5 FEET ARE REQUIRED; ALLOW FOR 3 BACK OUT PARKING SPACES ON THE FRONT SETBACK, WHERE PARKING IN THE FRONT SETBACK AND BACK OUT PARKING IS NOT ALLOWED; ALLOW A 14 FOOT FRONT SETBACK FOR THE CHURCH, WHERE 10 FEET ARE REQUIRED; ALLOW 0 FEET INTERIOR SIDE SETBACK, WHERE 5 FEET ARE REQUIRED; ALLOW 9 PARKING SPACES, WHERE 77 PARKING SPACES ARE REQUIRED; AND ALLOW 8.5% PERVIOUS AREA, WHERE 30% PERVIOUS AREA IS REQUIRED. ALL CONTRA TO §§ 98-881(1)a., 98-881(1)a.2., 98-2186, 98-641(a) AND (b), AND 98-2189(17) AND CONTRA TO THE LATEST EDITION OF THE CITY OF HIALEAH LANDSCAPE MANUAL DATED JULY 9, 2015, PARAGRAPH (E), TABLE A. **PROPERTY LOCATED AT 16-26 EAST 7 STREET, HIALEAH, FLORIDA.** PROPERTY ZONED R-3-D (MULTIFAMILY DISTRICT) AND CR (COMMERCIAL RESIDENTIAL). 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 December 11, 2019 recommended approval of this ordinance.

**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 use permit (CUP) to allow the expansion of an existing non-conforming church including a patronage building pursuant to Hialeah Code of Ordinances § 98-181.

**Section 2.** The below described property is granted a variance permit to allow a 25 foot front setback for the patronage building, where 5 feet are required, contra to Hialeah Code of Ordinances § 98-881(1)a. that in relevant part provides: “Front and street side setbacks: Required front and street side setbacks are five feet.”; allow for 3 parking spaces to back out into the front setback, where parking in the front setback and back out parking is not allowed, contra to Hialeah Code of Ordinances § 98-881(1)a.2. that in relevant part provides: “No parking in front setbacks is allowed”; and as provided in Hialeah Code of Ordinances § 98-2186 in the definitions as follows: “Backout parking means a parking space so located that a vehicle occupying the space must reenter the public right-of-way in a reverse direction. Backout parking shall be allowed in low density residential districts or areas.”; allow a 14 foot front setback for the church, where 10 feet are required; contra to Hialeah code of ordinances § 98-641(a) that in relevant part provides: “*Front yard required.* Residential structures shall have a required front yard of ten feet.”; allow 0 feet interior side setback, where 5 feet are required, contra to Hialeah Code of ordinances § 98-641(b) that provides: “*Interior side yard required.* There shall be a required side setback of five feet.”; allow 9 parking spaces, where 77 parking spaces are required, contra to Hialeah code of ordinances § 98-2189(17) that provides: “*Places of worship.* One parking space for each 40 square feet of gross floor area of the main auditorium (sanctuary), chapels and other rooms used for general assembly and recreation, and classrooms.”; and allow 8.5% pervious area, where 30% pervious area is required, contra to the latest edition of the City of Hialeah Landscape manual dated July 9, 2015, paragraph (E), Table A that provides: “Multi-Family Residential R-3-D, percent of Required Net Lot Area 30%.” Property located at **16-26 East 7 Street, Hialeah, Florida**, and legally described as follows:

Lots 3 and 4, in Block 24, of TOWN OF HIALEAH, according to the Plat thereof, as recorded in Plat Book 5, Page 77, 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.

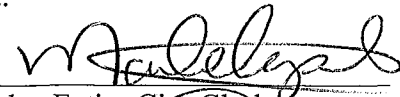
**Section 6: Effective Date.**

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 11 day of May, 2021.

  
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Jesus Tundidor  
Council President

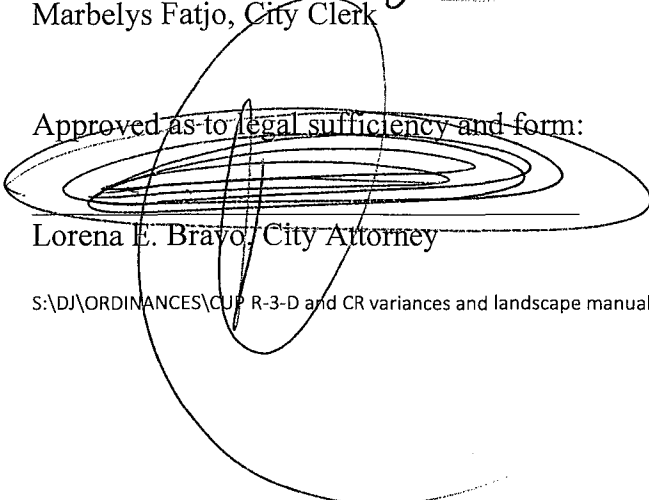
Attest:

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

Approved on this 21 day of May, 2021.

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

Approved as to legal sufficiency and form:

  
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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.