

ORDINANCE NO. 2022-061

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH GRANTING A VARIANCE PERMIT TO ALLOW THE PROPERTY TO BE DEVELOPED AS THE CORPORATE HEADQUARTERS OF LA COLONIA MEDICAL CENTER; AN INTERIOR EAST SIDE SETBACK OF 2.83 FEET AND AN INTERIOR WEST SIDE SETBACK OF 5.2 FEET, WHERE 10 FEET ARE REQUIRED; ALLOW A FRONT SIDE SETBACK OF 3.66 FEET FOR A BUILDING THAT IS 35 FEET IN HEIGHT AND HIGHER, WHERE 12 FEET ARE REQUIRED ALONG EAST 3 STREET; AND ALLOW PERVIOUS AREA OF 10.40%, WHERE 20% PERVIOUS AREA IS THE MINIMUM REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-976(1) AND 98-976(2)(a) AND CONTRA TO THE LATEST EDITION OF THE CITY OF HIALEAH LANDSCAPE MANUAL DATED JULY 9, 2015, PARAGRAPH (E), TABLE A. **PROPERTY LOCATED AT 158 EAST 3 STREET, HIALEAH, ZONED CBD (CENTRAL BUSINESS 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 May 25, 2022, recommended approval of this ordinance; and

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 an interior east side setback of 2.83 feet and an interior west side setback of 5.2 feet, where 10 feet are required, contra to Hialeah Code of Ordinances § 98-976(2)(a) that provides: “There shall be no required setback for nonresidential uses or mixed uses. However, if any open space

is provided along an interior side or rear lot line, the setback shall be at least ten feet in width for that portion of the open space.”; allow a front side setback of 3.66 feet for a building that is 35 feet in height or higher, where 12 feet are required along East 3 Street, contra to Hialeah Code of Ordinances § 98-976(1) that as relevant provides: “A front and side street setback of 12 feet shall be provided at 35 feet in height and higher.”; and allow 10.40% pervious area, where 20% is required, contra to the latest edition of the City of Hialeah Landscape Manual dated July 9, 2015, Paragraph (E), Table A that provides that the minimum pervious area in the CBD district be 20%. Property located at 158 East 3 Street, Hialeah, zoned CBD (Central Business District), and legally described as follows:

Lots 4, 5, 6, 7, 8, 18, 19, 20, 21 and 22 of Block 5, 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 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.

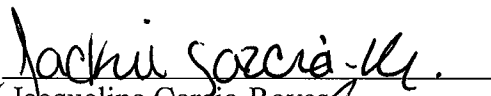
Section 4: Severability Clause.

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.

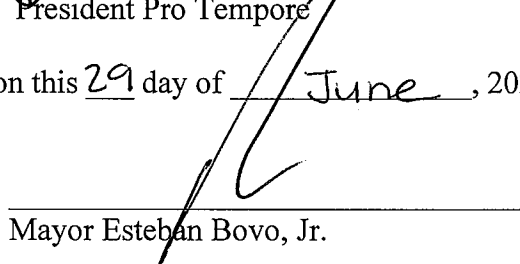
PASSED and ADOPTED this 28 day of June, 2022.


Jacqueline Garcia-Roves
President Pro Tempore

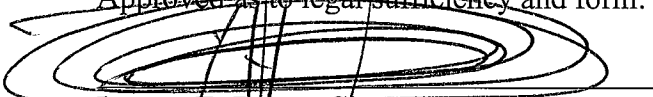
Attest:

Approved on this 29 day of June, 2022.

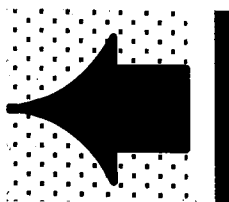

Marbelys Fatjo, City Clerk


Mayor Esteban Bovo, Jr.

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

S:\AJM\ORDINANCES\158 E 3 St CBD (p&z 5.25.22).docx



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

Ordinance was adopted by 5-0-2 vote with Councilmembers Calvo, Garcia-Roves, Casals-Munoz, Rodriguez, and Tundidor voting "Yes" and with Council President Zogby and Council Vice President Perez absent.