

ORDINANCE NO. 2022-109

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, REZONING PROPERTY FROM RO (RESIDENTIAL OFFICE) TO B-1 (HIGHLY RESTRICTED RETAIL DISTRICT); GRANTING A SPECIAL USE PERMIT (SUP) PURSUANT TO HIALEAH CODE OF ORDINANCES § 98-161 TO ALLOW A PHARMACEUTICAL RESEARCH CENTER; GRANTING A VARIANCE PERMIT TO ALLOW FRONT SETBACK OF 5 FEET, WHERE 20 FEET ARE REQUIRED; AND ALLOW 17 PARKING SPACES, WHERE 19 PARKING SPACES ARE REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-929 AND 98-2189(20). **PROPERTY LOCATED AT 355 WEST 49 STREET, HIALEAH, ZONED RO (RESIDENTIAL OFFICE)**; 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 October 12, 2022, recommended approval of this ordinance; and

WHEREAS, the developer has proffered a Declaration of Restrictive Covenants 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 rezoned from RO (Residential Office) to B-1 (Highly Restricted Retail District).

Section 2: The below-described property is hereby granted a Special Use Permit (SUP) pursuant to Hialeah Code of Ordinances § 98-161 to allow a pharmaceutical research center.

Section 3: The below-described property is hereby granted a variance permit to allow front setback of 5 feet, where 20 feet are required, contra to Hialeah Code of Ordinances § 98-929 that provides: “In the B-1 highly restricted retail district, the front yard shall be 20 feet”; and allow 17 parking spaces, where 19 parking spaces are required, contra to Hialeah Code of

Ordinances § 98-2189(20). that provides: “*Residential-office*. One parking space for each 200 square feet of gross floor area.”, with the condition that the number of staff and patients is limited as proffered and that the scheduling of patients is managed so that the parking demand is fulfilled within the site. Property located at 355 West 49 Street, Hialeah, zoned RO (Residential Office) and legally described as follows:

The West 100 feet of the East 350 feet of Tract 16-A less the North 135 feet thereof, Block 16, REVISED PLAT OF A PORTION OF U-LE-LAH, according to the Plat thereof, as recorded in Plat Book 34, at Page 43 of the Public Records of Miami-Dade County, Florida. Less portions dedicated for right-of-way.

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.

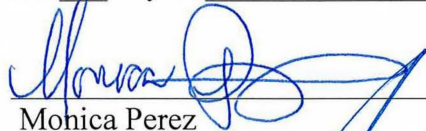
Section 6: Severability Clause.

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 8 day of November, 2022.



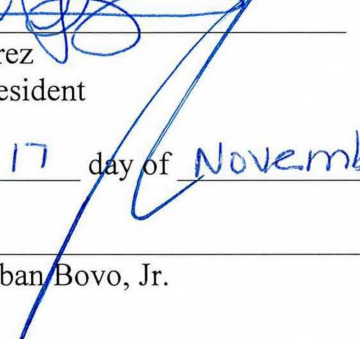
Monica Perez
Council President

Attest:



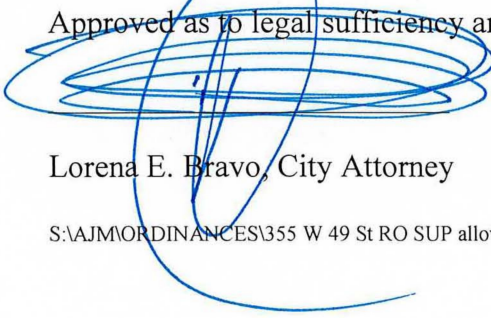
Marbelys Fatjo, City Clerk

Approved on this 17 day of November, 2022.



Mayor Esteban Bovo, Jr.

Approved as to legal sufficiency and form:



Lorena E. Bravo, City Attorney

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Ordinance was adopted by 6-0-1 vote with Councilmembers Calvo, Garcia-Roves, Perez, Rodriguez, Tundidor, and Zogby voting "Yes" and with Councilmember Casáls-Muñoz absent.