

ORDINANCE NO. 2021-055

ORDINANCE REZONING PROPERTY FROM C-1 (RESTRICTED RETAIL COMMERCIAL DISTRICT) TO C-2 (LIBERAL RETAIL COMMERCIAL DISTRICT). **PROPERTY LOCATED AT 3060 WEST 12 AVENUE, HIALEAH, ZONED C-1 (RESTRICTED 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 April 28, 2021 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 hereby rezoned from C-1 (Restricted Retail Commercial District) to C-2 (Liberal Retail Commercial District). Property located at 3060 West 12 Avenue, Hialeah, zoned C-1 (Restricted Retail Commercial District) and legally described as follows:

The South 100 feet of the North 215 feet of Tract 7 less the West 1159 feet and less the East 35 feet of FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1, in Section 11, Township 53 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida.

Section 2: Uses are limited to C-2 uses permitted, excluding the following uses the developer proffered shall not be permitted at the property:

- (a) Automotive glass/window tinting and replacement.
- (b) Automotive alarm systems, security systems, stereos, radios and similar equipment and devices; sales, installation and repair.
- (c) Automotive diagnostic testing services, without repair.
- (d) Automotive emissions testing services.
- (e) Automotive batteries; sales and installation.
- (f) Automotive mufflers; sales and installation.
- (g) Automotive oil change and lubrication shops and services.
- (h) Automotive tires (new and used). Sales, installation and ancillary services.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

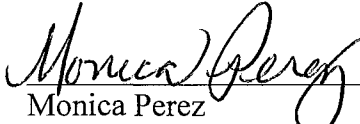
Section 5: Severability Clause.

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.

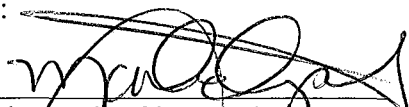
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 25 day of May, 2021.



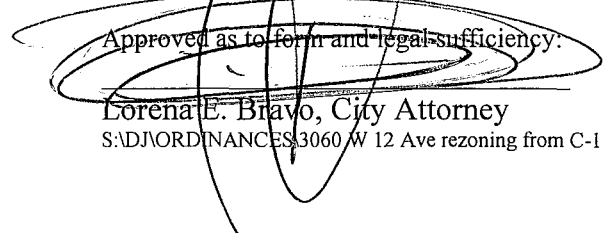
Monica Perez
Council Vice President

Attest:



Marbelys Fatjo, City Clerk

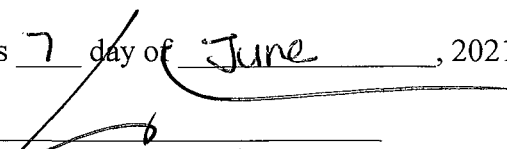
Approved as to form and legal sufficiency:



Lorena E. Bravo, City Attorney

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Approved on this 7 day of June, 2021.



Mayor Carlos Hernandez

Ordinance was adopted by 4-0-3 vote with Councilmembers, Garcia-Roves, Hernandez, Perez and Zogby voting "Yes" and with Council President Tundidor, Council Member De la Rosa and Council Member Cue-Fuente absent.