

**ORDINANCE NO. 2021-058**

ORDINANCE REZONING PROPERTY FROM R-1 (ONE-FAMILY DISTRICT) TO B-1 (HIGHLY RESTRICTED RETAIL DISTRICT). **PROPERTY LOCATED AT 183 WEST 49 STREET, HIALEAH, ZONED R-1 (ONE-FAMILY 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 12, 2021 recommended approval of this ordinance; and

**WHEREAS**, the site shall substantially be developed as depicted in the site plan prepared by Many Reus, dated April 7, 2021.

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 R-1 (One-Family District) to B-1 (Highly Restricted Retail District). Property located at 183 West 49 Street, Hialeah, zoned R-1 (One-Family District) and legally described as follows:

The West 150 feet of Tract 14-A, less the North 135 feet, and less the South 7 feet thereof, in Block 14, of REVISED PLAT OF U-LE-LAH SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 34, Page 43, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.

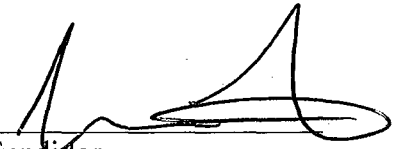
**Section 4: Severability Clause.**

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.

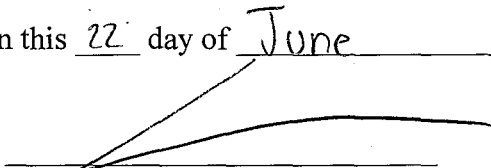
PASSED AND ADOPTED this 8 day of June, 2021.

  
\_\_\_\_\_  
Jesus Tundidor  
Council President

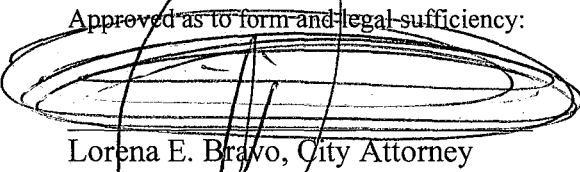
Attest:

Approved on this 22 day of June, 2021.

*for:*   
\_\_\_\_\_  
Marbelys Patjo, City Clerk

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

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
Lorena E. Bravo, City Attorney

Ordinance was adopted by 5-0-2 vote with Councilmembers, Cue-Fuente, Hernandez, Perez, Tundidor, and Zogby voting "Yes" and with Council Member De la Rosa not present during roll call for a vote Council Member Garcia-Roves absent.