

**ORDINANCE NO. 2021-071**

ORDINANCE REZONING PROPERTY FROM AU AND GU (MIAMI-DADE COUNTY ZONING DESIGNATIONS) TO RH-CD (MIXED USE MULTIPLE FAMILY DISTRICT); AND CONDITIONAL USE PERMIT (CUP) PURSUANT TO HIALEAH CODE OF ORDINANCES § 98-181 TO ALLOW A MULTIFAMILY DEVELOPMENT, INCLUDING 614 UNITS ON PROPERTY LOCATED WITHIN A QUARTER MILE RADIUS OF THE HIALEAH HEIGHTS COMMERCIAL DEVELOPMENT DISTRICT. **PROPERTY LOCATED AT 4030 WEST 88 STREET AND 10350 NW 142 STREET (FOLIO NUMBERS 04-2020-001-0050, 04-2020-001-0061 AND 04-2020-001-0060).** 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 26, 2021 recommended approval of this ordinance; and

**WHEREAS**, the Developer has proffered a Declaration of Restrictions 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 AU and GU (Miami-Dade County Zoning Designations) to RH-CD (Mixed Use Multiple Family District). Property located at 4030 West 88 Street and 10350 NW 142 Street (folio numbers 04-2020-001-0050, 04-2020-001-0061 and 04-2020-001-0060). and legally described in Exhibit "A" attached.

**Section 2:** The below described property is granted a Conditional (CUP) pursuant to Hialeah Code of Ordinances § 98-181 to allow a multifamily development including 614 units on property located within a quarter mile radius of the Hialeah Heights Commercial Development District.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

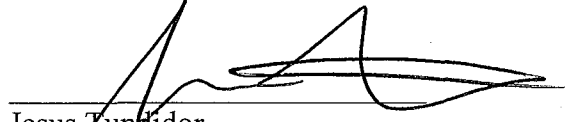
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 6: Effective Date.**

This ordinance shall become effective: (1) 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; (2) subject to approval of the Florida Department of Economic Opportunity, the state planning agency, pursuant to Chapter 163, Part II, Florida Statutes of a text amendment to the Industrial Land Use Classification in the Future Element of the City Comprehensive Plan allowing multi-family residential uses; and (3) subject to the adoption of the Ordinance pertaining to a text amendment to the City's Future Land Use Element of its Comprehensive Plan to expand the scope of the uses with the Industrial Land Use

Classification located within a quarter mile of properties with Mixed Use Hialeah Heights Land Use Classification.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2021.

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

Attest:

Approved on this 10 day of August, 2021.

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

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

Approved as to form and legal sufficiency:

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

EXHIBIT "A"

**LEGAL DESCRIPTION**

PARCEL "A"

THE EAST ½ OF LOTS 5, 6, 7 AND 8 IN THE SW. ¼ OF THE SECTION 20 TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 68 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA ASLO KNOWN AS (A/K/A) THE EAST ½ OF TRACTS 5, 6, 7 AND 8, CHAMBER LAND COMPANY SUBDIVISION OF THE SW ¼ SECTION 20, TOWNSHIP 52 SOUTH, RANGE 40 EAST, AS RECORDED IN PLAT BOOK 2, AT PAGE 68 OF THE PUBLIC RECORD OF DADE COUNTY, FLORIDA.

FOLIO NO. 04-2020-001-0050

PARCEL "B"

THE WEST ONE HALF OF LOTS 5 THROUGH 8 INCLUSIVE, IN THE SOUTHWEST ONE-QUARTER OF SECTION 20, TOWNSHIP 52 SOUTH, RANGE 40 EAST, PLUS THE EAST 41.25 FEET OF TRACT 24, IN THE SOUTHWEST ONE-QUARTER OF SECTION 20, TOWNSHIP 52 SOUTH, RANGE 40 EAST, CHAMBER LAND COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 68 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LESS THE WEST 130.00 FEET OF THE NORTH 679.40 FEET THEREOF, AND THE SOUTH 50.00 FEET FOR CANAL RIGHT-OF-WAY AND SUBJECT TO AN EASEMENT FOR CANAL MAINTENANCE OVER THE NORTH 20 FEET OF THE SOUTH 70 FEET THEREOF.

FOLIO NO. 04-2020-001-0061

PARCEL "C"

THE WEST 88.75 FEET OF THE NORTH 678.46 FEET OF THE WEST ½ OF LOTS 5 AND 6, AND EAST 41.25 FEET NORTH 678.46 FEET OF TRACT 24 IN THE SOUTHWEST ONE-QUARTER OF SECTION 20, TOWNSHIP 52 SOUTH, RANGE 40 EAST, CHAMBER LAND COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 68 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

FOLIO NO. 04-2020-001-0060