

ORDINANCE NO. 2021-091

ORDINANCE GRANTING A CONDITIONAL USE PERMIT PURSUANT TO HIALEAH CODE OF ORDINANCES § 98-181 TO ALLOW THE SALE AND CONSUMPTION OF ALCOHOL WITHIN THE FACILITY LOCATED IN THE ALWOD ARTIST LIVE/WORK OVERLAY DISTRICT, "LEAH ART DISTRICT". **PROPERTY LOCATED AT 901 EAST 10 AVENUE, BAY # 24, CONSISTING OF 4,300 SQUARE FEET, HIALEAH, ZONED M-1 (INDUSTRIAL 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 November 18, 2020, recommended approval of this ordinance; and

WHEREAS, the applicant has proffered a Declaration of Restrictions, to which the City accepts; and

WHEREAS, approval is with the condition that alcohol for consumption on premises will only be sold with full meals; and

WHEREAS, improvements will be made to the façade of the subject bay to reflect consistency with the ALWOD district, prior to applying for the alcoholic beverages license.

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 granted a conditional use permit (CUP) to allow the sale and consumption of alcohol within the facility located on the Alwod Artist Live/Work Overlay District, "Leah Art District", pursuant to Hialeah Code of Ordinances § 98-181. Property located at **901 East 10 Avenue, Bay # 24, consisting of 4,300 square feet, Hialeah, Florida**, and legally described in attached Exhibit "A".

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

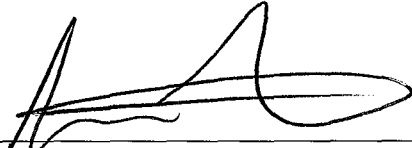
Section 4: Severability Clause.

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.

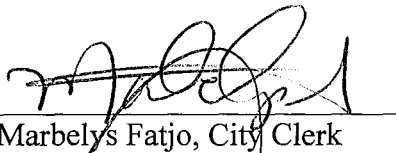
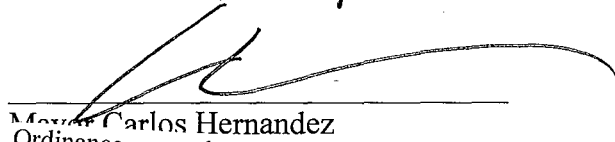
PASSED and ADOPTED this 14 day of September, 2020.



Jesus Tundidor
Council President

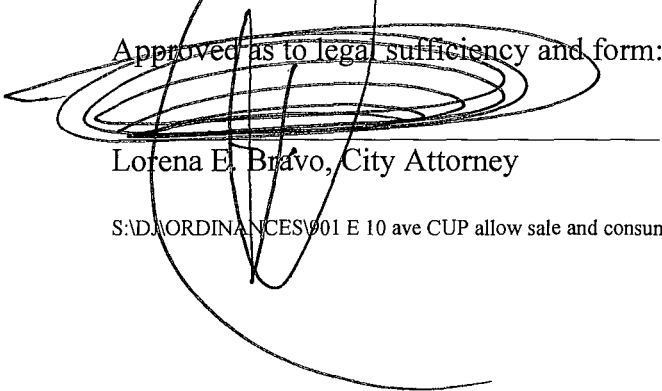
Attest:

Approved on this 21 day of September, 2020.


Marbelys Fatjo, City Clerk
Mayor Carlos Hernandez

Ordinance was adopted by 6-0-1 vote with Councilmembers, Cue-Fuente, Garcia-Roves, Hernandez, Perez, Tundidor, and Zogby voting "Yes" and Council Member De la Rosa away during the roll call for vote.

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney