

ORDINANCE NO. 2021-096

ORDINANCE AMENDING ORDINANCE NO. 2019-113 (DECEMBER 10, 2019) REPLACING THE PROPOSED SITE PLAN AND DECLARATION OF RESTRICTIVE COVENANTS PREVIOUSLY PROFFERED TO PROVIDE FOR AN 8-STORY/110 UNIT MULTIFAMILY BUILDING, WHERE A PARKING GARAGE AND GROUND FLOOR WITH RETAIL USES WAS ORIGINALLY APPROVED. **PROPERTY LOCATED AT 962, 972 AND 980 EAST 26 STREET, HIALEAH, ZONED TOD (TRANSIT ORIENTED DEVELOPMENT 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 August 25, 2021, recommended approval of this ordinance; and

WHEREAS, the developer has proffered an Amended Declaration of Restrictions, 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: Ordinance No. 2019-113 (December 10, 2019) is hereby amended replacing the previously proffered Site Plan in the Declaration of Restrictive Covenants recorded January 14, 2020 in Official Records Book 31780, Page 635 with an Amended Declaration of Restrictive Covenants, and extending the time to obtain build-out to provide for an 8-story/110 unit multifamily building, where a parking garage and ground floor retail uses was originally approved. Property located at 962, 972 and 980 East 26 Street, Hialeah, zoned TOD (Transit Oriented Development District) 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.

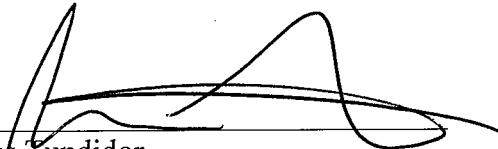
Section 4: Severability Clause.

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 28 day of September, 2021.



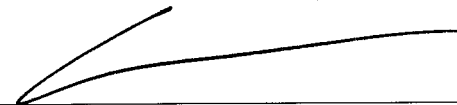
Jesus Tundidor
Council President

Attest:

Approved on this 7 day of October, 2021.

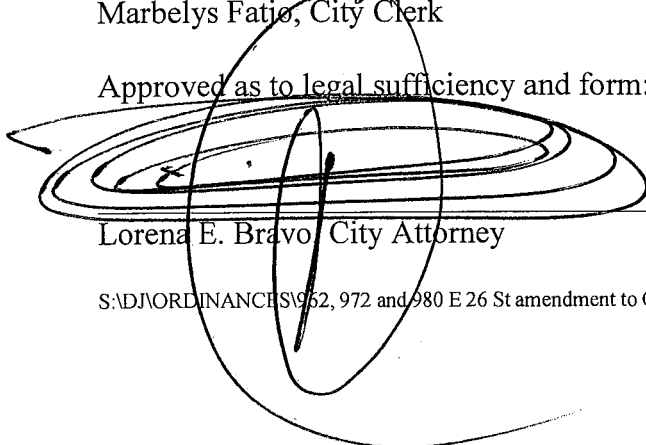


Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to legal sufficiency and form:



Lorena E. Bravo, City Attorney

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

Exhibit "A"
Legal Description

The East 20 feet of Lot 10, all of Lots 11, 12, 13 14 and 15, in Block 95B, of "AMENDED PLAT OF THE AMENDED PLAT OF THIRTEENTH ADDITION TO HIALEAH", according to the Plat thereof, as recorded in Plat Book 34, Page 26, of the Public Records of Miami-Dade County, Florida.

AND

Lots 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30, LESS the South 15 feet of all Lots, Block 95B, of "AMENDED PLAT OF THE AMENDED PLAT OF THIRTEENTH ADDITION TO HIALEAH", according to the Plat thereof as recorded in Plat Book 34 Page 26, of the Public Records of Miami-Dade County, Florida

AND

Lots 1, 2 and 3, Block 95B, "AMENDED PLAT OF THE AMENDED PLAT OF THIRTEENTH ADDITION TO HIALEAH", according as recorded in Plat Book 34 Page 26, of the Public Records of Miami-Dade County, Florida.