

ORDINANCE NO. 2021-117

ORDINANCE REZONING PROPERTY FROM R-1 (ONE FAMILY DISTRICT) TO P (PARKING DISTRICT). **PROPERTY LOCATED AT 490 EAST 10 STREET, HIALEAH, ZONED R-1 (ONE-FAMILY DISTRICT)** TO ALLOW FOR 26 PARKING SPACES; 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 September 22, 2021 recommended approval of this ordinance; and

WHEREAS, the developer is currently building out 467-489 East 9 Street pursuant to Ordinance 2017-006 that granted a variance to allow 55 parking spaces required for a 41-unit apartment building; and is requesting rezoning from R-1 to P in order to build a parking lot on the adjacent property, 490 East 10 Street, with 26 parking spaces to complement the 55 parking for a total of 81 spaces; and

WHEREAS, the developer has proffered a declaration of restriction, to which the city accepts providing that the 490 East 10 Street site, to be improved with 26 parking spaces and related improvements such as paving, drainage, lighting and landscaping shall be used only for off-street required parking serving 467-489 East 9th Street.

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 located at 490 East 10 Street is hereby rezoned from R-1 (One Family District) to P (Parking District and is legally described as follows:

Lots 14 and 15, Block 8-E of EIGHTH ADDITION TO THE TOWN OF HIALEAH, according to the Plat thereof, as recorded in Plat Book 9, at Page 11, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.

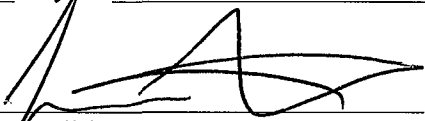
Section 4: Severability Clause.

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 12 day of October, 2021.



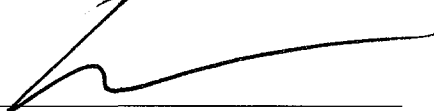
Jesus Tundidor
Council President

Attest:

Approved on this 21 day of October, 2021.

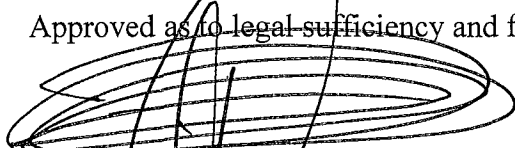


Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to legal sufficiency and form:



Lorena E. Bravo, City Attorney

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