

ORDINANCE NO. 2022-029

ORDINANCE GRANTING A SPECIAL USE PERMIT (SUP) PURSUANT TO HIALEAH CODE OF ORDINANCES §98-161 TO ALLOW HARBORING OF LIVE LOBSTERS WITHIN A PROPERTY ZONED M-1 (INDUSTRIAL DISTRICT) WHERE THIS TYPE OF USE IS NOT SPECIFIED AS A PERMITTED USE IN THE M-1 (INDUSTRIAL DISTRICT) ZONING DISTRICT. **PROPERTY LOCATED AT 3171 EAST 10 AVENUE, 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 December 8, 2021 recommended approval of this ordinance; and

WHEREAS, the developer has proffered a 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: The below-described property is hereby granted a Special Use Permit (SUP) pursuant to Hialeah Code of Ordinances § 98-161 to allow harboring of live lobsters within a property zoned M-1 (Industrial District) where this type of use is not specified as a permitted use in the M-1 (Industrial District) zoning district. Property located at 3171 East 10 Avenue, Hialeah, zoned M-1 (Industrial District) and legally described as follows:

Lots 1, 2, 3 and 4, in Block 2 of BING'S TERMINALS, according to the Plat thereof, as recorded in Plat Book 61, at Page 1, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 or declaration of restrictions, 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.

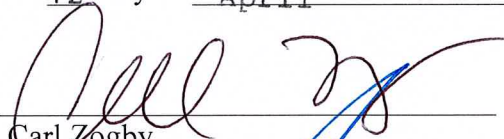
Section 4: Severability Clause.

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 April, 2021.



Carl Zogby
Council President

Attest:

Approved on this 29 day of April, 2021.



Marbelys Fatjo, City Clerk



Mayor Esteban Bovo, Jr.

Approved as to legal sufficiency and form:

Ordinance was adopted by 7-0 with Councilmembers Calvo, Casáls-Muñoz, Garcia-Roves, Perez, Rodriguez, Tundidor, and Zogby voting "Yes."



Lorena E. Bravo, City Attorney

S:\DJ\ORDINANCES\171 E 10 Ave zoned M-1 Special Use Permit (SUP).docx

THE FOREGOING ORDINANCE OF THE CITY OF DALEAH WAS PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF FLORIDA STATUTE 168.041 PRIOR TO FINAL READING.