

ORDINANCE NO. 2019-058

ORDINANCE GRANTING A SPECIAL USE PERMIT (SUP) TO ALLOW A TEMPORARY TRAILER AND A SHELTER FOR AN ATM MACHINE UTILIZED BY REGIONS BANK WHILE THE PROPERTY IS DEMOLISHED AND REDEVELOPED, FOR A TIME NOT EXCEEDING 24 MONTHS FROM THE EFFECTIVE DATE OF THIS ORDINANCE PURSUANT TO HIALEAH CODE OF ORDINANCES § 98-161, ET. AL.; PROPERTY ZONED M-3 (INDUSTRIAL DISTRICT). **PROPERTY LOCATED AT 2899 WEST 4 AVENUE, HIALEAH, FLORIDA.** REPEALING ALL 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 June 12, 2019, recommended approval of this ordinance; and

WHEREAS, the property where Regions Bank is located will be demolished and a new commercial development constructed to include the bank.

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, et. al., to allow a temporary trailer and a shelter for an ATM machine utilized by Regions Bank while the property is demolished and redeveloped for a time not exceeding 24 months from the effective date of this ordinance. Property is located at 2899 West 4 Avenue, Hialeah, Florida, zoned M-3 (Industrial 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.

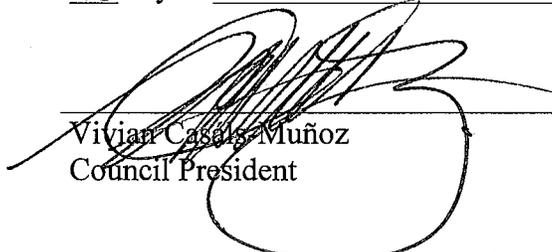
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or 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 13 day of August, 2019.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



Vivian Casals-Muñoz
Council President

Attest:

Approved on this 21 day of August, 2019.

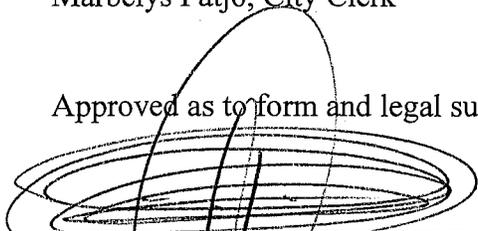


Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



Lorena E. Bravo, City Attorney

Ordinance was adopted by a 5-0-2 vote with Councilmembers, Casals-Muñoz, Garcia-Martinez, Caragol, Hernandez and Zogby voting "Yes" and with Councilmembers Cue-Fuente and Lozano absent.