

ORDINANCE NO. 2016-23

ORDINANCE REZONING PROPERTY FROM R-1 (ONE FAMILY DISTRICT) TO P (PARKING DISTRICT). **PROPERTY LOCATED AT 991 WEST 48 STREET, HIALEAH, FLORIDA.** 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 January 27, 2016 recommended denial of this ordinance;

WHEREAS, having taking into consideration written objections, and the testimony from interested residents and the applicant, on March 8, 2016, the Hialeah City Council voted to override the Planning and Zoning Board's recommendation of denial; and

WHEREAS, based on all substantial competent evidence presented and incorporated into the record, which included, without limitation, the petition or application for rezoning, radius maps, site plans, surveys, sketches, charts, drawings, photographs and landscaping plans submitted with or in connection with the petition or application, together with the principal planner's report.

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 rezoned from R-1 (One Family District) to P (Parking District). Property located at 991 West 48 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

LOT 1, IN BLOCK 123 OF "PAM SPRINGS SUBDIVISION SECTION 4 FIFTH ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 65, AT PAGE 60 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Section 2: **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 3: Severability Clause.

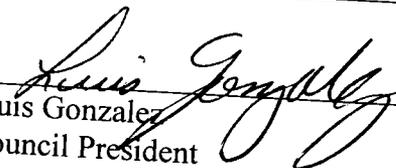
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

Section 4: 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 26 day of April, 2016.

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


Luis Gonzalez
Council President

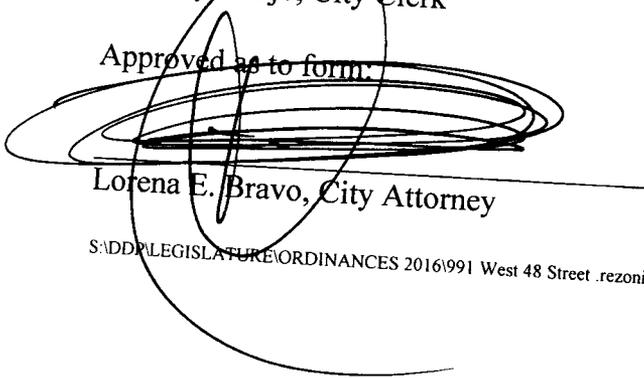
Attest:


Marbelys Fatjo, City Clerk

Approved on this 10 day of may, 2016.


Mayor Carlos Hernandez

Approved as to form:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a (5-2) vote with Councilmembers, Caragol, Lozano, Hernandez, Cue-Fuente, Casáls- Muñoz, voting "Yes". Council President Gonzalez and Councilmember Garcia-Martinez voting "No".