

**ORDINANCE NO. 2014-65**

ORDINANCE REZONING PROPERTY FROM R-2 (ONE- AND TWO-FAMILY RESIDENTIAL DISTRICT) TO P (PARKING DISTRICT) TO BE USED FOR OVERFLOW PARKING. **PROPERTY LOCATED AT 402 EAST 41 STREET, HIALEAH, FLORIDA.** 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**, use of the overflow parking is to be made only in connection with the uses permitted on property located at 402 East 41 Street, directly east of the subject property and zoned C-2 (Liberal Retail Commercial District); and

**WHEREAS**, the Planning and Zoning Board, at its meeting of November 12, 2014, recommended approval of this ordinance.

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-2 (One- and Two-Family Residential District) to P (Parking):

LOT 6, IN BLOCK 32-F, TOGETHER WITH THE 6-FOOT ALLEY LYING SOUTH AND ADJACENT THERETO, CLOSED PURSUANT TO HIALEAH ORD. 94-104 (November 7, 1994), OF FOURTEENTH ADDITION TO HIALEAH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, AT PAGE 54, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

The property is located at 402 East 41 Street, Hialeah, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.

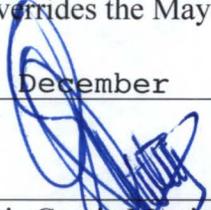
**Section 4: Severability Clause.**

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.**

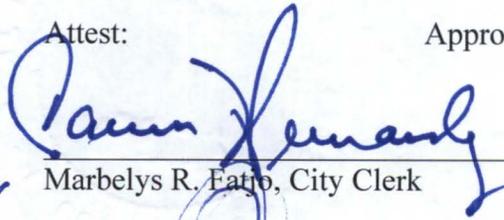
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 9 day of December, 2014.

  
\_\_\_\_\_  
Isis Garcia Martinez  
Council President

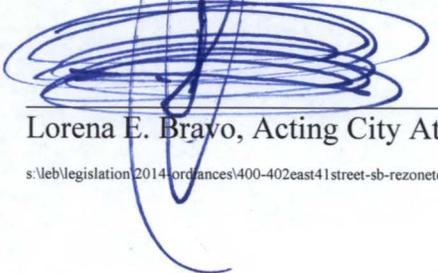
Attest:

Approved on this 15 day of December, 2014.

  
\_\_\_\_\_  
Marbelys R. Fajó, City Clerk

  
\_\_\_\_\_  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
Lorena E. Bravo, Acting City Attorney

Ordinance was adopted by a (7-0) unanimous vote with Councilmembers, Caragol, Casáls-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".