ORDINANCE NO. 2013-74

ORDINANCE REZONING PROPERTY FROM R-1 (ONE FAMILY DISTRICT) TO M-1 (INDUSTRIAL DISTRICT). **PROPERTY LOCATED AT 900 EAST 56 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, the Planning and Zoning Board at its meeting of August 28, 2013 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-1 (One Family District) to M-1 (Industrial District). Property located at 900 East 56 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

A PORTION OF THE SE ¼ OF SECTION 32, TOWNSHIP 52 SOUTH, RANGE 41 EAST, SITUATED IN MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTER OF SAID SECTION 32; THENCE SOUTH 02°3'45" EAST ALONG THE WEST LINE OF THE SE ¼ OF SAID SECTION 32 FOR 410.05 FEET; THENCE NORTH 86°2'40" EAST PARALLEL TO THE NORTH LINE OF THE NE ¼ OF SAID SECTION 32 FOR 50.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF EAST 8TH AVENUE (LE JEUNE ROAD), SAID POINT BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREINAFTER BEING DESCRIBED; THENCE CONTINUE NORTH 86°2'40" EAST PARALLEL TO THE NORTH OF THE NE ¼ OF SAID SECTION 32 FOR 2,118.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF SEABOARD AIRLINE RAILROAD; THENCE SOUTH 02°8'40" EAST ALONG THE WEST RIGHT-OF-WAY LINE OF SEABAORD AIRLINE RAILROAD FOR 1,044.34 FEET TO APOINT WHICH IS MORE OR LESS LYING ON THE NORTH TOP OF BANK OF

LITTLE RIVER CANAL (CANAL C-7_; THENCE SOUTH 87°2'54" WEST FOR 2,707.34 FEET TO THE EAST RIGHT-OF-WAY LINE OF EAST 8TH AVENUE (LE JEUNE ROAD); THENCE NORTH 02°3'43" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF EAST 8TH AVENUE FOR 1,037.97 FEET TO THE POINT OF BEGINNING. SAID LAND BEING SITUATED, LYING AND BEING IN THE CITY OF HIALEHA, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 24 day of September, 2013.

Isis Garcia-Martinez
Council President

Attest:

Approved on this 26 day of September, 2013.

Marbelys Fatjo, Acting City Clerk

Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes