

ORDINANCE NO. 2017-094

ORDINANCE REZONING PROPERTY FROM R-1 (ONE FAMILY DISTRICT) TO P (PARKING) TO ALLOW THE CONSTRUCTION OF A SURFACE PARKING LOT TO SERVE THE PROPERTIES LOCATED AT 802 AND 828 EAST 25 STREET, 801 EAST 24 STREET, AND 2401 EAST 8 AVENUE TO BE DEVELOPED AS ONE SITE; **PROPERTY LOCATED AT 839 EAST 24 STREET, 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 November 15, 2017 recommended approval of this ordinance; and

WHEREAS, pursuant to § 98-1618 Hialeah Code of Ordinances, the developer has proffered a Declaration of Use and Unity of Title joining the six properties to, among other things, ensure adequate parking, and to ameliorate the impacts to the surrounding properties, 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 rezoned from R-1 (One Family District) to P (Parking). Property located at **839 East 24 Street**, Hialeah, Florida, and legally described as follows:

See 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.

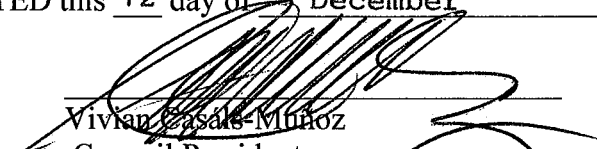
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or 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 12 day of December, 2017.

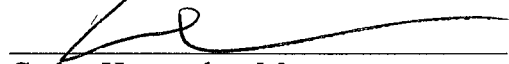
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Vivian Casals-Munoz
Council President

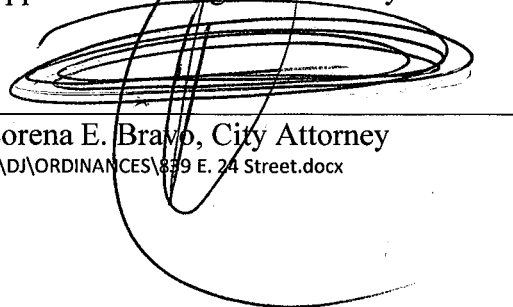
Attest:


Marbelys Fatjo, City Clerk

Approved on this 18 day of December, 2017.


Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a (7-0) vote with Councilmembers, Caragol, Zogby, Cue-Fuente, Casals-Munoz, Hernandez, Garcia, and Lozano voting "Yes".

EXHIBIT "A"

839 East 24 Street, Hialeah, Florida:

Lot 25, Block 97-B of the AMENDED PLAT OF 13TH ADDITION TO HIALEAH, according to the Plat thereof as recorded in Plat Book 34, Page 26, of the Public Records of Miami-Dade County, Florida.

Together with

The south 6 feet of that 12 foot alley in Block 97-B bounded on the west by the west line of lot 25 prolonged and bounded on the east by the east line of lot 25 prolonged, as shown on the recorded plat of "Amended Plat of the Amended Plat of the Thirteenth Addition to Hialeah", according to the plat thereof, as recorded in Plat Book 34 page 26 of the Public Records of Miami-Dade County, Florida, closed, vacated and abandoned for public use by that certain Ordinance No. 2018-003 of the City of Hialeah, Florida dated and approved February 8, 2018, recorded February 20, 2018 in Official Records Book 30867, Page 2628, of the Public Records of Miami-Dade County, Florida.