

**ORDINANCE NO. 2017-011**

ORDINANCE REZONING PROPERTY FROM C-1 (RESTRICTED RETAIL COMMERCIAL) TO P (PARKING DISTRICT). **PROPERTY LOCATED AT 775 EAST 49 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 February 8, 2017 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 C-1 (Restricted Retail Commercial) to P (Parking District). Property located at 775 East 49 Street, Hialeah, Florida, and legally described as follows:

Lot 13, less the South 5 feet thereof, in Block 6 of "Le Jeune Park" according to the Plat thereof, as recorded in Plat Book 45, at Page 63 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

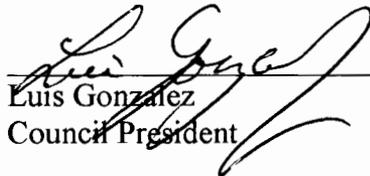
invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**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 28 day of February, 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.

  
Luis Gonzalez  
Council President

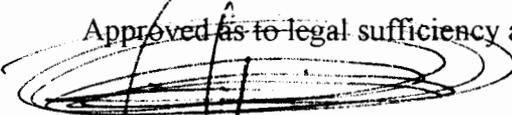
Attest:

Approved on this 8<sup>th</sup> day of March, 2017.

  
Marbelys Fatjo, City Clerk

  
Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:

  
Lorena E. Bravo, City Attorney

Ordinance was adopted by a (4-1-2) vote with Councilmembers, Caragol, Hernandez, Cue-Fuente, and Casáls-Muñoz voting "Yes". Councilmember Garcia-Martinez voting "No", Councilmember Lozano absent, and Council President Gonzalez not present during roll call.