

ORDINANCE NO. 2016-33

ORDINANCE REZONING PROPERTY FROM R-2 (ONE AND TWO FAMILY RESIDENTIAL DISTRICT) TO C-2 (LIBERAL RETAIL COMMERCIAL). **PROPERTY LOCATED AT 40 EAST 10 AVENUE, 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 May 11, 2016 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 C-2 (Liberal Retail Commercial). Property located at 40 East 10 Avenue, Hialeah, Miami-Dade County, Florida and legally described as follows:

A PARCEL IN THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 17, TOWNSHIP 53 SOUTH, RANGE 41 EAST, MOST PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 17; THENCE GO WEST ALONG THE SOUTH LINE OF SAID SECTION 17, FOR A DISTANCE OF 60 FEET, TO A POINT; THENCE GO N 00° 27' 04" W, ALONG THE WEST LINE OF EAST 10TH AVENUE, HIALEAH, FLORIDA FOR A DISTANCE OF 160 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 00° 27' 04" W FOR A DISTANCE OF 151.43 FEET, TO A POINT; THENCE GO N 89° 58' 20" W ALONG THE SOUTH LINE OF EAST 1ST STREET, HIALEAH, FLORIDA FOR A DISTANCE OF 154.53 FEET, TO A POINT; THENCE GO S 00° 24' 04" E FOR A DISTANCE OF 151.50 FEET, TO A POINT; THENCE GO EAST FOR A DISTANCE OF 154.53 FEET TO THE POINT OF BEGINNING; LYING AND BEING IN THE CITY OF HIALEAH, 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.

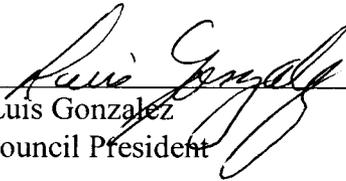
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

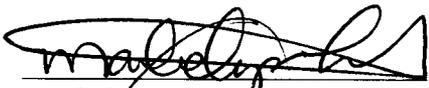
PASSED and ADOPTED this 14 day of June, 2016.

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

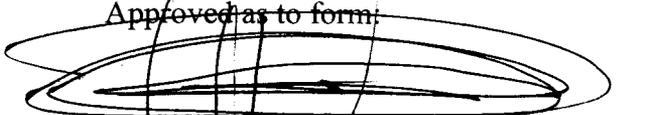
Attest:

Approved on this 20 day of June, 2016.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a 6-0-1 vote with Councilmembers, Casals-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, Caragol, and Lozano voting "Yes". Council Vice-President Cue-Fuente absent.