

ORDINANCE NO. 2016-94

ORDINANCE REZONING PROPERTY FROM M-1 (INDUSTRIAL DISTRICT) TO TOD (TRANSIT ORIENTED DEVELOPMENT DISTRICT); **PROPERTY CONSISTS OF VACANT LAND LYING NORTH OF SE 12 STREET, BETWEEN SE 9 COURT AND SE 9 TERRACE, 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 November 16, 2016 recommended approval of this ordinance;

WHEREAS, the approval excludes the right-of-way improvements to be reviewed once a streetscape plan is adopted by the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1. The foregoing facts and recitations contained in the preamble to this ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2. The below-described property is hereby rezoned from M-1 (Industrial District) to TOD (Transit Oriented Development District). Property consists of vacant land lying north of SE 12 Street, between SE 9 court and SE 9 Terrace, Hialeah, Florida, and legally described as follows:

Tract B of Batchelor Grand Subdivision, according to the Plat thereof, as recorded in Plat Book 161 at Page 8 of the Public Records of Miami-Dade County, Florida.

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.

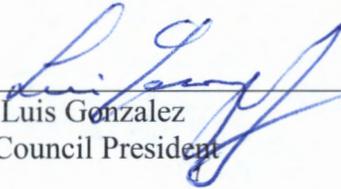
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or 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 13 day of December, 2016.

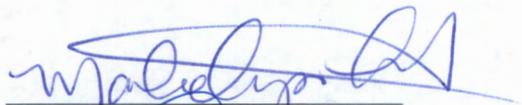
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



Luis Gonzalez
Council President

Attest:

Approved on this 16 day of December, 2016.

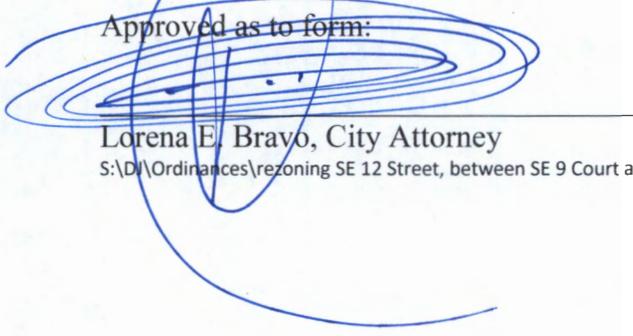


Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to form:



Lorena E. Bravo, City Attorney

Ordinance was adopted by a (5-0-2) vote with Councilmembers, Caragol, Gonzalez, Hernandez, Lozano, and Cue-Fuente voting "Yes". Councilwoman Casáls-Muñoz not present and Councilwoman Garcia-Martinez absent.