

**ORDINANCE NO. 2022-100**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, REZONING PROPERTY FROM C-1 (RESTRICTED RETAIL COMMERCIAL DISTRICT) TO C-3 (EXTENDED LIBERAL COMMERCIAL DISTRICT); TO ALLOW A PROPOSED EXPANSION OF THE ADJACENT GAS STATION AND CONVENIENCE STORE; **PROPERTY LOCATED AT 336 WEST 9 STREET, HIALEAH, ZONED C-1 (RESTRICTED RETAIL COMMERCIAL DISTRICT)**; 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 September 7, 2022, recommended approval of this ordinance; and

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 District) to C-3 (Extended Liberal Commercial District) to allow a proposed expansion of the adjacent gas station and convenience store. Property located at 336 West 9 Street, Hialeah, zoned C-1 (Restricted Retail Commercial District) and is legally described as follows:

Lots 1, 2, 3, 4, 5, 6, 19 and 20, in Block 39, of HIALEAH FIFTH ADDITION, according to the Plat thereof, as recorded in Plat Book 7, at Page 93 of the Public Records of Miami-Dade County, Florida, less portions dedicated for right-of-way.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

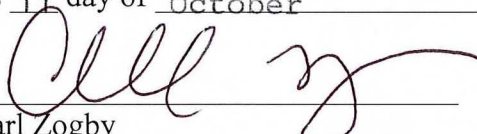
**Section 4: Severability Clause.**

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.

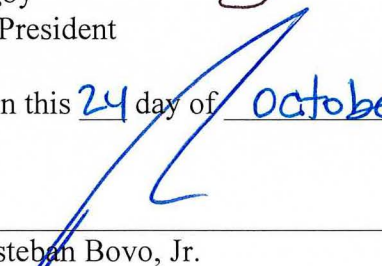
PASSED and ADOPTED this 11 day of October, 2022.

  
\_\_\_\_\_  
Carl Zogby  
Council President


Attest:

Approved on this 24 day of October, 2022.

  
\_\_\_\_\_  
Marbelys Fatjo, City Clerk

  
\_\_\_\_\_  
Mayor Esteban Bovo, Jr.

Approved as to legal sufficiency and form:

  
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Lorena E. Bravo, City Attorney