

**ORDINANCE NO. 2017-020**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, REZONING FROM GU (INTERIM DISTRICT) TO (MH INDUSTRIAL DISTRICT); **PROPERTY LOCATED IN HIALEAH HEIGHTS GENERALLY LOCATED EAST OF NW 107 AVENUE AND BETWEEN THEORETICAL NW 144 STREET AND NW 146 STREET, PROPERTY ADDRESS OF 9201 W 44 AVE, HIALEAH FLORIDA 33018 AND MORE SPECIFICALLY IDENTIFIED BY FOLIO NUMBER 04-2020-001-0072.** 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 February 22, 2017 recommended approval of this ordinance; and

**WHEREAS**, the applicant has proffered to dedicate 0.51 acres of land, more or less, on the northwest corner (abutting the lake and NW 107<sup>th</sup> avenue) to the City of Hialeah for use as a city park.

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 GU (Interim District) to (MH Industrial District). Property located in Hialeah Heights generally Located East of NW 107 Avenue and between theoretical NW 144 Street and NW 146 Street, Property Address of 9201 W 44 AVE, Hialeah FL 33018 and more specifically identified by Folio Number 04-2020-001-0072 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.

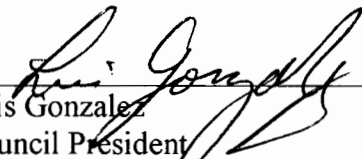
**Section 4: Severability Clause.**

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.**

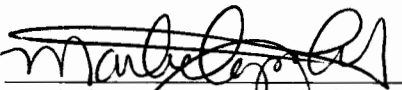
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

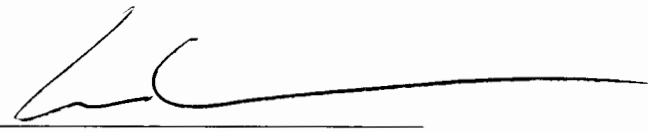
THE FOREGOING ORDINANCE PASSED and ADOPTED this 14 day of March, 2017.  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
Luis Gonzalez  
Council President

Attest:

Approved on this 20 day of March, 2017.

  
Marbelys Patjo, City Clerk

  
Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:

  
Lorena E. Bravo, City Attorney

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