

ORDINANCE NO. 2019-072

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING THE FUTURE LAND USE MAP FROM INDUSTRIAL AND OFFICE TO INDUSTRIAL. **PROPERTY LOCATED AT THE NORTHEAST CORNER OF NW 102 AVENUE AND WEST 108 STREET, HIALEAH, FLORIDA.** ZONED BDH (BUSINESS DEVELOPMENT 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 on May 29, 2019 recommended the adoption of the amendment to the Future Land Use Map of the Hialeah, Fla., Comprehensive Plan, subject to final approval by the Florida Department of Economic Opportunity (“Department”) and other regulatory agencies under the expedited state review process; and

WHEREAS, the City Council established its intent to amend the Future Land Use Map, adopting the recommendation of the Planning and Zoning Board, though Hialeah, Fla. Resolution 2019-086 (July 2, 2019) that was submitted to the Department and other regulatory agencies for approval; and

WHEREAS, the Department reviewed the proposed amendment (Department reference number: “19-01ESR”) dated August 14, 2019 in accordance with the State of Florida expedited review process set for in section 163.3184 for consistency with the Hialeah, Fla., Comprehensive Plan, and Chapter 163, Part II, Florida Statutes, and the Department issued no objections, recommendations nor comments; and

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 Mayor and the City Council of the City of Hialeah, Florida hereby approve and adopt the amendment to the Future Land Use Map from Industrial and Office to Industrial. **Property located at the Northeast corner of NW 102 Avenue and West 108**

Street, Hialeah, Florida. and legally described as follows:

The West ½ of Tract 9, less the West 35 feet and less the South 35 feet and less the external area of curve in the Southwest corner for Right of Way; and the West ½ of Tract 10, less the West 35 feet for Right of Way; and the West ½ of Tract 11, less the West 35 feet for Right of Way, Florida Fruit lands co Subdivision, in Section 17, Township 52 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida

and

Tract 12, less the North 100 feet and the West 35 feet for Right of Way, Florida fruit lands Co. Subdivision, in Section 17, Township 52 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida.

Section 3: Repeal of Ordinances in Conflict.

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

Section 4: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by 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 described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5: 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.

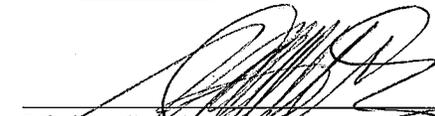
Section 6: Effective Date.

Pursuant to Florida Statutes §163.3184(3)(c)4 the effective date of this plan amendment shall be thirty-one (31) days after the state land planning agency notifies the City that the plan amendment package is complete or if timely challenged, the date a final order is issued by the

land planning agency or Administration Commission finding the amendment in compliance in accordance with section 163.3184, Florida Statutes, whichever occurs earlier.

PASSED and ADOPTED this ___ day of _____, 2019.

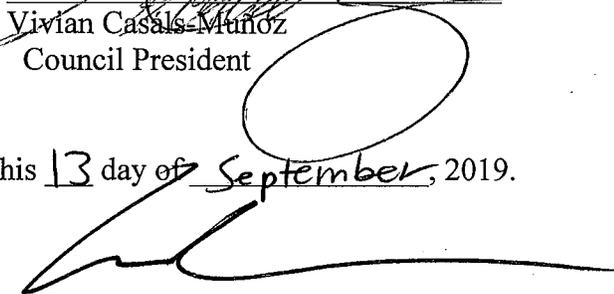
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Vivian Casals-Muñoz
Council President

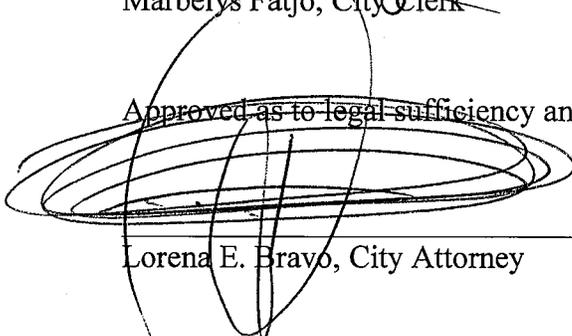
Attest:

Approved on this 13 day of September, 2019.


Marbelys Fatjo, City Clerk


Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

S:\D\ORDINANCES\LARGE SCALE AMENDING THE FUTURE LAND USE MAP NE corner of NW 102 Ave & W 108 St.docx

Ordinance was adopted by a 5-0-2 vote with Councilmembers, Caragol, Hernandez Zogby, Casáls-Muñoz and Garcia-Martinez voting "Yes" and with Councilmembers Cue-Fuente and Lozano absent.