

**ORDINANCE NO. 2018-037**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, AMENDING THE FUTURE LAND USE MAP FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL; **PROPERTY LOCATED AT 402 EAST 41<sup>ST</sup> STREET, HIALEAH, FLORIDA, ZONED P (PARKING);** 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 recommend approval of the proposed small-scale amendment to the Future Land Use Map of the Hialeah, Fla., Comprehensive Plan to the Hialeah City Council, at its meeting of April 11, 2018; and

**WHEREAS**, pursuant to Florida Statute §163.3187 (2017), small-scale development amendments require only one public hearing before the City Council, which shall be an adoption hearing.

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

**Section 1:** The Future Land Use Map is hereby amended from Low Density Residential to Commercial. Property located at 402 East 41<sup>st</sup> Street, Hialeah, Miami-Dade, Florida, zoned P (Parking), and legally described as follows:

Commence at the West corner of Section 5, Township 53 South, Range 41 East, said point also being the intersection of the centerline of East 4<sup>th</sup> Avenue and East 41<sup>st</sup> Street; thence N 90 degrees 00' 00" E for a distance of 148.67 feet along the said centerline of East 41<sup>st</sup> Street, then S 00 degrees 57' 01" W for a distance of 30.00 feet to the Point of Beginning; said Point being the Northwest corner of Tract 32-F, REVISED PLAT AND REVISED PLAT OF THE AMENDED PLAT OF BLOCKS 1-F-2-F-3-F-6-F-11-F AND 13-F to 20-F INCLUSIVE OF FOURTEENTH ADDITION TO THE CITY OF HIALEAH,

according to the plat thereof, as recorded in Plat Book 28, Page 64, of the Public Records of Miami-Dade County, Florida; thence S 00 degrees 57' 01" W for a distance of 138.25 feet, along the westerly line of Tract 32 F and its prolongation, to the intersection of the centerline of a 12' feet right-of-way alley closed as per Resolution R94-104; thence N 90 degrees 00'00"E for a distance of 40.00' feet, along the centerline of said closed Alley; thence N00 degrees 57'01" E for a distance of 138.25 feet, to the intersection of the South Right-of-Way line of East 41th Street also being the North line of TRACT 32-F; THENCE N 90 degrees 00' 00" W for a distance of 40.00 feet, along the said Right-of-Way line, to the Point of Beginning (previously known as and being Lot 6, Block 32F TOGETHER WITH the 6 foot alley lying south of an adjacent to Lot 6 (per R-94-104), FOURTEENTH ADDITION TO HIALEAH, according to the Plat thereof, as recorded in Plat Book 10, at page 4 of the Public Record of Miami-Dade County, Florida.

**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.**

Any person, business, association, corporation, partnership or other legal entity who violates any of the provisions of this ordinance shall be assessed a civil penalty, up to a maximum of \$500.00, within the discretion of the court or administrative tribunal having jurisdiction. Each day that a violation continues shall constitute a separate violation.

**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.**

Pursuant to Florida Statutes §163.3187(2017), this ordinance shall become effective 31 days after adoption. The date of adoption of this plan amendment shall be the date of signature by the Mayor of the City of Hialeah, Florida or the date of the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. Anyone seeking to challenge the compliance of this small-scale plan amendment shall file a petition with the Division of Administrative Hearings within 30 days following the local government's adoption of the amendment. If challenged within 30 days after adoption, this small scale plan amendment shall not be effective until the state land planning agency of the Administration Commission, respectively, issues a final order determining that the adopted small scale development amendment is in compliance. No development orders, development permits or land uses dependent on this amendment may be issued or commenced before it has become effective.

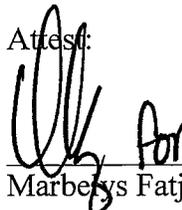
PASSED and ADOPTED this 8 day of May, 2018.

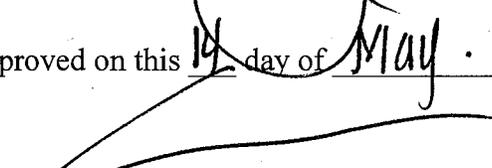
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
Vivian Casals Muñoz  
Council President

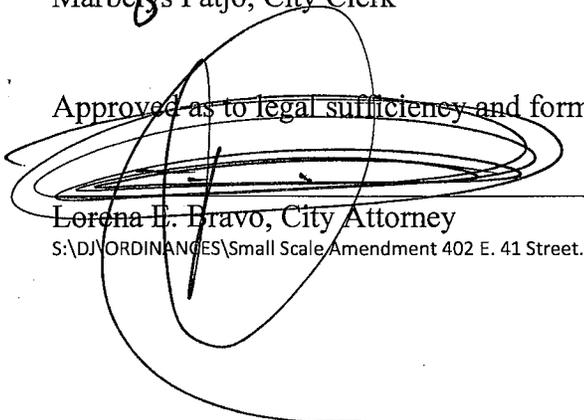
Approved on this 14 day of May, 2018.

Attest:

  
Marbelys Fatjo, City Clerk

  
Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:

  
Lorena E. Bravo, City Attorney

S:\DJ\ORDINANCES\Small Scale Amendment 402 E. 41 Street.docx

Ordinance was adopted by a 5-0-2 vote with Councilmembers, Caragol, Zogby, Lozano, Casals-Munoz, Garcia-Martinez voting "Yes", Cue-Fuente not present and Hernandez absent.