

ORDINANCE NO. ~~2016-02~~

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA ADOPTING AMENDMENTS TO ITS COMPREHENSIVE PLAN LAND USE MAP TO DESIGNATE THE BOUNDARIES OF A NEW TRANSIT ORIENTED 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 27, 2015 recommended the adoption of the amendments to the City of Hialeah Comprehensive Plan Land Use Map to designate the boundaries of the new Transit Oriented Development District, subject to comments through the expedited state review process by the Florida Department of Economic Opportunity ("Department") or as otherwise provided in section 163.3184, Florida Statutes; and

**WHEREAS**, the City Council established its intent to adopt the amendments to the City of Hialeah Comprehensive Plan Land Use Map to designate the boundaries of the new Transit Oriented Development District, adopting the recommendation of the Planning and Zoning Board, through Hialeah, Fla., Resolution 2015-91 (June 9, 2015) that was submitted to the Department for approval; and

**WHEREAS**, on July 31, 2015 the Department reviewed the proposed amendments for consistency with the Hialeah, Fla., Comprehensive Plan, Chapter 163, Part II, Florida Statutes, and issued its recommendations and comments, which the City incorporated into the revised amendments to its Comprehensive Plan Land Use Map.

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 adopts the amendments to the Comprehensive Plan Land Use Map, setting the boundaries for a new Transit Oriented Development District as delineated in Exhibit "1". The proposed amendment (Exhibit "1"), which is made a part hereof for all purposes, shall be on file in the Office of the City Clerk.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

Any person, business, association, corporation, partnership or other legal entity who violates any of the provisions of this ordinance shall receive 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 5: Severability Clause.**

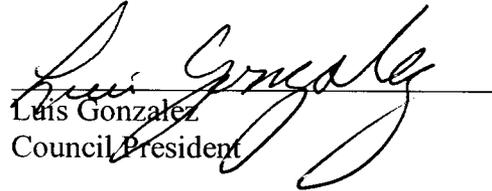
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

**Section 6: Effective Date.**

Pursuant to Florida Statutes §163.3184(3)(c)4 the effective date of this 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 with section 163.3184, Florida Statutes, whichever occurs earlier.

PASSED and ADOPTED this 12 day of January, 2016. (12)

  
Luis Gonzalez  
Council President

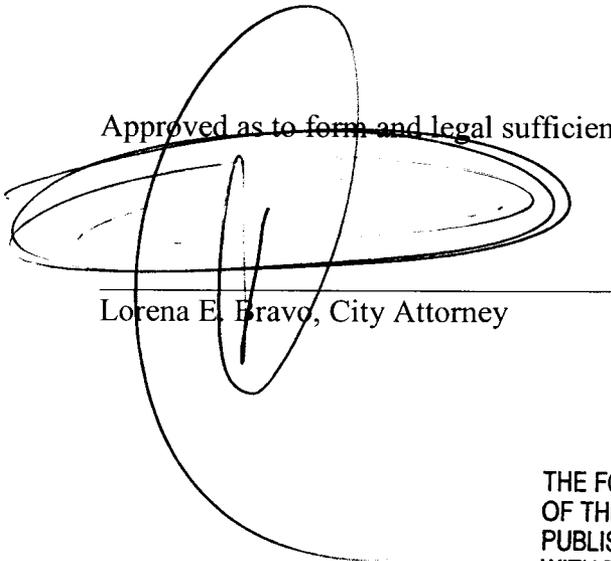
Attest:

Approved on this 25 day of January, 2016. (25)

  
Marbelys Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
Lorena E. Bravo, City Attorney

Ordinance was adopted by a (7-0) unanimous vote with Councilmembers, Caragol, Cue-Fuente, Garcia-Martinez, Hernandez, Gonzalez, Lozano and Casáls-Muñoz voting "Yes".

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