

**ORDINANCE NO. 2018-080**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, AMENDING THE FUTURE LAND USE MAP FROM INDUSTRIAL TO TRANSIT ORIENTED DEVELOPMENT DISTRICT (TOD); **PROPERTY LOCATED AT 4800 NW 37<sup>TH</sup> AVENUE, HIALEAH, FLORIDA**, ZONED M-1 (INDUSTRIAL 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 recommend approval of the proposed small-scale amendment to the Future Land Use Map of the Hialeah, Fla., Comprehensive Plan at its meeting of August 8, 2018; and

**WHEREAS**, pursuant to Florida Statute §163.3187 (2018), 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 Industrial to Transit Oriented Development District (TOD). **Property located at 4800 NW 37<sup>th</sup> Avenue, Hialeah, Florida**, and as legally described in Exhibit "A" attached hereto:

**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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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(2018), 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 11 day of September, 2018.

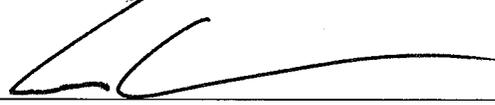
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
Vivian Casals-Muñoz  
Council President

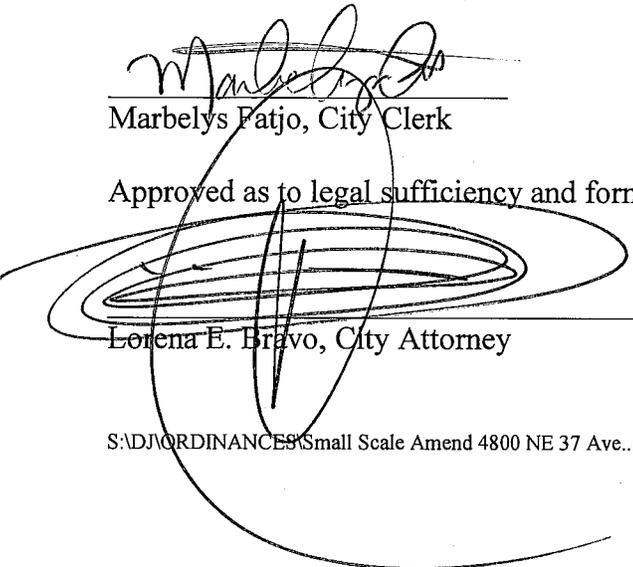
Attest:

Approved on this 17 day of September, 2018.

  
Marbelys Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

  
Lorena E. Bravo, City Attorney

Ordinance was adopted by a 7-0 vote with Councilmembers,  
Zogby, Lozano, Casals-Munoz, Hernandez, Cue-Fuente, Caragol  
and Garcia-Martinez voting "Yes".

## EXHIBIT "A"

That portion of the South 1/2 of the Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 20, Township 53 South, Range 41 East, lying East of the right of Way line of the Seaboard Airline Railroad, less the East 35 feet for right of way; and that portion of the North 1/2 of the Southeast 1/4 of the Southeast of the Northeast 1/4 of Section 20, Township 53 South, Range 41 East, lying East of the East Right of Way line of the Seaboard Airline Railroad except the East 35 feet for Douglas Road and except the East 235 feet of the South 112 feet of said North 1/2 of the Southeast 1/4 of the Southeast 1/4 of the Northeast 1/4 lying and being in Dade County, Florida, less the following described parcel from the Southeast corner of the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of Northeast of Section 20, Township 53 South, Range 41 East, Dade County, Florida; thence run South along the East line of the Northeast 1/4 of said Section 20, for a distance of 211.43 feet, thence run North 89 degrees, 51 minutes 20 seconds West a distance of 35 feet to the point of beginning of the parcel of land hereinafter described; thence run North 89 degrees 51 minutes 20 seconds West a distance of 71.77 feet thence run South 0 degrees 8 minutes 40 seconds West a distances of 28.00 feet thence run North 89 degrees 51 minutes 20 seconds West a distance of 63.89 feet thence run North 0 degrees 8 minutes 40 seconds East a distance of 17.04 feet, thence run North 89 degrees 51 minutes 20 seconds West a distance of 89.29 feet thence run North 0 degrees in 8 minutes 40 seconds East a distance of 28.22 feet, thence run North 31 degrees 36 minutes 9 seconds West a distance of 38.85 feet, thence run South 89 degrees 54 minutes 40 seconds West a distance of 138.38 feet, thence run North 40 degrees 52 minutes 16 seconds West a distance of 63.05 feet thence run North 89 degrees 55 minutes 30 seconds West a distance of 171.89 feet, thence run North 0 degrees 34 minutes 55 seconds East a distance of 114.34 feet, thence run South 89 degrees 51 minutes 20 seconds East a distance of 586.63 feet, thence run South and parallel to the East line of the Northeast 1/4 of that said Section 20 for a distance of 211.43 feet to the Point of Beginning.