

ORDINANCE NO. 2018-156

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING THE FUTURE LAND USE MAP FROM TRANSIT ORIENTED DEVELOPMENT DISTRICT (TOD) TO INDUSTRIAL DISTRICT. **PROPERTY LOCATED AT 725 SE 9 COURT, 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 on August 22, 2018 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 2018-086 that was submitted to the Department and other regulatory agencies for approval; and

WHEREAS, the Department reviewed the proposed amendment (Department reference number: “18-02ESR”) dated October 17, 2018 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 Transit Oriented Development District (TOD) to Industrial District located at 725 SE 9 COURT, Hialeah, Miami-Dade, Florida, zoned M-1 (Industrial District), and legally described as follows:

Portion of the Northeast 1/4 of Section 20, Township 3 South, Range 41 East, more particularly described as follows:

Begin at the Southeast corner of Lot 3, Block 6, "ROSE SUBDIVISION" according to the plat thereof, as recorded in Plat Book 47, at Page 38 of the Public Records of Dade County, Florida; thence North 0 degrees 01 minutes 50 seconds West along the Easterly boundary of said plat of "ROSE SUBDIVISION" for 638.22 feet to the Northeast corner of said "ROSE SUBDIVISION"; thence South 89 degrees 49 minutes 15 seconds East along the South line of the Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 20 for 162.39 feet to a Point on a Curve; (said last mentioned course also being coincident with the South line of that certain plat of "HIALEAH HOMES" according to the plat thereof, as recorded in Plat Book 59 at Page 76 of the Public Records of Dade County, Florida) said point bearing North 89 degrees 58 minutes 10 seconds East from the radius point of the next described curve; thence Northwesterly along a circular curve to the left having a radius of 476.00 feet and a central angle of 16 degrees 04 minutes 29 seconds, from an arc distance of 133.55 feet to a Point of Reverse Curvature; thence Northwesterly along a circular curve to the, right having a radius of 225.00 feet and a central angle of 16 degrees 04 minutes 29 seconds for an arc distance of 63.13 feet to a Point of Tangency; thence North 0 degrees 01 minutes 50 seconds West for 104.45 feet; (said last mentioned three courses being coincident with the Easterly Right of Way line of S.E. 9th Court as shown on the aforesaid plat of "HIALEAH HOMES"; thence South 89 degrees 49 minutes 19 seconds East along the Southerly Right of Way line of S. E. 5th Street as dedicated by Deed Book 475, Page 608 of the Public Records of Dade County; Florida for 773.63 feet; thence South 0 degrees 35 minutes 19 seconds West for 178.48 feet; thence South 89 degrees 49 minutes 15 seconds East along a line parallel with and 120.00 feet North of, as measured at right angles to the South line of the North 1/2 of the South 1/2 of the Northeast 1/4 of said Section 20 for 208.71 feet; thence South 0 degrees 35 minutes 32 seconds West for 457.18 feet; thence South 89 degrees 47 minutes 29 seconds East for 1.00 feet thence South 0 degrees 35 minutes 32 seconds West for 307.18 feet; (said last mentioned three courses being coincident with the Westerly Right-of-Way line of Seaboard All Florida Railway); thence North 89 degrees 45 minutes 43 seconds West along a line 30.00 feet North of and parallel with the South line of the Northeast 1/4 of said Section 20 for 604.79 feet; thence North 0 degrees 00 minutes 43 seconds West along the East line of the Southeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 20, for 5.00 feet;

thence North 89 degrees 45 minutes 43 seconds West along a line 35.00 feet North of and parallel with the South line of the Northeast 1/4 of said Section 20, for 326.03 feet to a Point on a Curve; (said point bearing South 53 degrees 06 minutes 20 seconds West from the radius point of the next described curve); thence Northwesterly along a circular curve to the right, having a radius of 25.00 feet and a central angle of 36 degrees 52 minutes 15 seconds, for an arc distance of 16.09 feet to a Point of Tangency; thence North 0 degrees 01 minutes 28 seconds West along the East line of the West 70.00 feet of the East 3/5 of the Southeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 20, for 40.00 feet; thence North 89 degrees 45 minutes 43 seconds West along a line 90.00 feet North of and parallel with the South line of the Northeast 1/4 of said Section 20 for 70.00 feet; thence South 0 degrees 01 minutes 28 seconds East along the West line of the East 3/5 of the Southeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 20 for 55.00 feet; said last mentioned four courses being coincident with the boundary of that certain Right-of-Way Deed to Dade County, as recorded in Official Records Book 10745, a Page 329 of the Public Records of Dade County Florida; thence North 89 degrees 45 minutes 43 seconds West along a line 35.00 feet North of and parallel with the aforesaid South line of the Northeast 1/4 of Section 20, for 102.32 feet to the Point of Beginning, lying and being in the City of Hialeah, Dade County Florida.

LESS

The West 2/5 of the Southeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 20, Township 53 South, Range 41 East Dade County, Florida, LESS the South 35 feet thereof for road purposes, and ALSO LESS the West 165 feet thereof, as said 165 feet is measured along the North and South lines of the Southeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 20.

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.

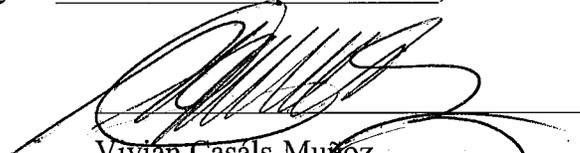
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or 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 11 day of December, 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-Munoz
Council President

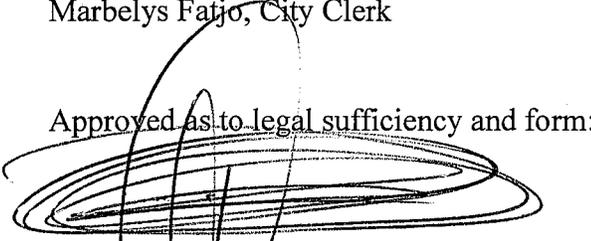
Attest:

Approved on this 19 day of December, 2018.

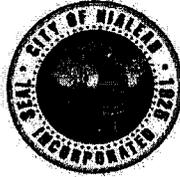

Marbelys Fatjo, City Clerk


Carlos Hernandez, Mayor

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, Garcia-Martinez, Caragol, Cue-Fuente, Hernandez, voting "Yes."



**NOTICE OF COMPREHENSIVE PLAN
FUTURE LAND USE MAP AMENDMENT – INDUSTRIAL DISTRICT
PUBLIC HEARING
NOVEMBER 27, 2018 7:00 P.M.**

Hialeah City Hall-3rd Floor

501 Palm Avenue, Hialeah, Florida

The City of Hialeah is considering amending the following proposed ordinance to amend its Future Land Use Map to include a new Industrial Future Land Use District. The proposed amendment will be heard at a Public Hearing conducted by the City Council on November 27, 2018, and on December 11, 2018 or as may be continued pursuant to Sections 163.3184(3)(c)1., and 163.3184(11)(b)2., Florida Statutes. The proposed map amendment shall be adopted by ordinance by an affirmative vote of no less than a majority of the Councilmembers present at the hearing. All interested parties are invited to participate. The meeting will begin at 7:00 p.m. at the City Council Chambers located at 501 Palm Avenue, 3rd Floor, Hialeah, FL.

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Information on the proposed comprehensive plan future land use map amendment can be obtained at the Office of the City Clerk-3rd Floor, Hialeah City Hall, 501 Palm Avenue, Hialeah, Florida 33010 or by calling at (305) 883-5823 between the hours of 8:30 A.M. to 5:00 P.M. Monday to Friday.

In accordance with the American Disabilities Act of 1990, persons needing a special accommodation to participate in this proceeding should contact the Office of the City Clerk no later than seven days prior to the proceeding. Telephone (305) 883-5820 or (305) 883-5823 for assistance. If hearing impaired, telephone the Florida Relay Service Numbers, (800) 955-8771 (TOD) or (800)955-8770 (VOIUCE), for assistance.

OFFICE OF THE CITY CLERK

