ORDINANCE NO. 2019-005

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, AMENDING THE FUTURE LAND USE MAP FROM RESIDENTIAL OFFICE TO COMMERCIAL. **PROPERTY LOCATED AT 385 WEST 49 STREET, HIALEAH, FLORIDA,** ZONED RO (RESIDENTIAL OFFICE); 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 November 28, 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; and

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 Residential Office to Commercial. Property located at **385 West 49 Street, Hialeah, Florida**, Zoned RO (Residential Office), and legally described in the attached Exhibit "A".

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 22 day of January, 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 Casáls-Muñoz
Council President

Attest:

Approved on this 25 day of January, 2019.

Marbelys Fatjo, City Clerk

Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

Lorena E. Bravo, City Attorney

Ordinance was adopted by a 6-0-1 vote with Councilmembers, Caragol, Zogby, Lozano, Casáls-Munoz, Garcia-Martinez and Cue-Fuente voting "Yes", and with Councilmember Hernandez absent.