ORDINANCE NO. 13-16

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, AMENDING THE FUTURE LAND USE MAP FROM INDUSTRIAL TO HIGH DENSITY RESIDENTIAL; **PROPERTY LOCATED NORTH OF WEST 78 STREET, BETWEEN WEST 24 AVENUE AND WEST 25 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 on October 24, 2012 recommended the proposed amendment to the Future Land Use Map of the Hialeah, Fla., Comprehensive Plan to the Hialeah City Council, 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, through Hialeah, Fla., Resolution 12-130 (Nov. 15, 2012) that was submitted to the Department and other regulatory agencies for approval; and

WHEREAS, the Department reviewed the proposed amendment for consistency with the Hialeah, Fla., Comprehensive Plan, Chapter 163, Part II, Florida Statutes, and Rule 9J-5, Florida Administrative Code, and offered no comments relation to important state resources and facilities that would be adversely impacted by this amendment on January 3, 2013, a copy of this review letter is on file in the Office of the City Clerk; and

WHEREAS, the South Florida Regional Planning Council reviewed the proposed amendment to the Future Land Use Map and made a determination of consistency with the Regional Plan of South Florida on January 7, 2013, a copy of the amendment review is on file in the Office of the City Clerk; and

WHEREAS, the South Florida Water Management District reviewed the proposed amendment and on December 18, 2012 offered no comments since the amendment poses no significant water resource issues, a copy of this review letter is on file in the Office of the City Clerk; and

WHEREAS, Miami-Dade County, through its Department of Regulatory and Economic Resources, Planning Division, reviewed the proposed amendment and on January 2, 2013 found that the proposed amendment has no impacts to County public facilities and services, a copy of the review letter is on file in the Office of the City Clerk; and

WHEREAS, the Florida Department of Transportation reviewed the proposed amendment and on December 20, 2012 found the proposed amendment does not have the potential to adversely impact transportation resources and facilities of state importance, a copy of this review letter is on file in the Office of the City Clerk; and

WHEREAS, the Florida Department of Environmental Protection reviewed the proposed amendment and on December 14, 2012 provided no comment because the amendment does not fall within its jurisdiction, a copy of this review letter is on file in the Office of the City Clerk; and

WHEREAS, the Florida Department of Education reviewed the proposed amendment and on December 20, 2012 offered no comment, a copy of the letter is on file in the Office of the City Clerk.

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 High Density Residential. Property located north of West 78 Street, between West 24 Avenue and West 25 Avenue, Hialeah, Miami-Dade, Florida, zoned M-1 (Industrial District), and legally described as follows:

> ALL OF VIVO FONTE BUSINESS PARK I, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 167, PAGE 21, OF THE PUBLIC RECORDS 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 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 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.

The effective date of this plan amendment shall be not become effective until 31 days after the Florida Department of Economic Opportunity notifies the City of Hialeah that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the Florida Department of Economic Opportunity or the Administrative Commission enters a final order determining the adopted amendment to be in compliance.

PASSED and ADOPTED this 26th day of February, 2013.

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

Isis Garcia-Martinez
Council President

Attest:

Approved on this 27 day of February, 2013.

Marbelys ~~Rubio~~ Fatjo, Acting City Clerk

Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

William M. Grodnick, City Attorney

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Ordinance was adopted by a 6-1 vote, with Councilmembers Caragol, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez, Yedra voting "Yes", Councilmember Casals-Muñoz voting "No".