ORDINANCE NO. 10-34

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, AMENDING THE FUTURE LAND USE MAP FROM INDUSTRIAL TO COMMERCIAL. **PROPERTY LOCATED AT 642 WEST 83 STREET, 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 April 7, 2010 recommended approval of the proposed amendment to the Future Land Use Map of the Hialeah, Fla., Comprehensive Plan to the Hialeah City Council; and

WHEREAS, the application qualifies as small scale development pursuant to section 163.3187(1)(c), Florida Statutes since the proposed amendment involves a use of 10 acres or fewer and is within the annual acreage allotted in a local government comprising either a maximum total of 80 acres or 120 acres in an area for downtown revitalization or urban infill.

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 Commercial on property located at 642 West 83 Street, Hialeah, Miami-Dade, Florida, zoned M-1 (Industrial District), and legally described as follows:

> THE WEST 366.45 FEET OF THE EAST 731.45 FEET OF TRACT 16, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, OF SECTION 25, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE NORTH 90 FEET THEREOF AND LESS THE SOUTH 25 FEET THEREOF.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed 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 prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

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.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. 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 25th day of May, 2010.

Carlos Hernandez
Council President

Attest:

Approved on this 27th day of May, 2010.

Rafael E. Granado, City Clerk

Mayor Julio Robaina

Approved as to legal sufficiency and form:

William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes.