ORDINANCE NO. 07-103

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, AMENDING THE FUTURE LAND USE MAP FROM MEDIUM DENSITY RESIDENTIAL TO MAJOR INSTITUTIONS; **PROPERTY LOCATED AT 7605 WEST 10 AVENUE, HIALEAH, FLORIDA, TRACTS, A, B AND E,** ZONED R-3 (MULTIPLE FAMILY 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 4, 2007 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 Community Affairs ("Department"); 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 07-49 (May 2, 2007) that was submitted to the Department for approval; 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 June 6, 2007, a copy of the amendment review is on file in the office of the City Clerk; 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, did not find any objections, and accordingly, approved the comprehensive plan amendment by letter dated July 20, 2007 without the necessity of filing an Objections, Recommendations and Comments (ORC).

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 Medium Density Residential to Major Institutions. Property located at 7605 West 10 Avenue,

Hialeah, Miami-Dade, Florida, Tracts A, B and E, zoned R-3 (Multiple Family District), and legally described as follows:

> TRACTS A, B AND E, HOFFMAN GARDENS SUBDIVISION, A PLAT IN PROGRESS.
>
> LYING WITHIN THE FOLLOWING LEGALLY DESCRIBED PARCEL OF LAND:
>
> TRACT 33, LESS THE EAST 416.56 FEET, LESS THE SOUTH 25.00 FEET AND LESS THE WEST 25.00 FEET THEREOF; AND TRACT 24, LESS THE NORTH 25.00 FEET, LESS THE EAST 35.00; AND LESS THE WEST 25.00 FEET THEREOF; IN SECTION 25, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, 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 the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits or land uses dependent on this amendment may be issued or commenced before it has become effective. If the Administration Commission issues an order of noncompliance, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

PASSED and ADOPTED this 27th day of November, 2007.

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

Carlos Hernandez
Council Vice President

Attest:

Approved on this 28 day of November, 2007.

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 6-0-1 vote with Councilmembers Caragol, Casals-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes" and Councilmember Bovo absent.