ORDINANCE NO. 2014-46

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, AMENDING THE FUTURE LAND USE MAP FROM MEDIUM AND HIGH DENSITY RESIDENTIAL TO COMMERCIAL; **PROPERTY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF EAST 25 STREET AND EAST 5 AVENUE BOUNDED TO THE NORTH BY EAST 26 STREET AND TO THE WEST BY EAST 4 AVENUE, HIALEAH, FLORIDA;** 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 to the Hialeah City Council, at its meeting of August 13, 2014; and

WHEREAS, pursuant to Florida Statute §163.3187 (2013), small-scale development amendments require only one public hearing before the City Council, which shall be an adoption hearing;

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 and High Density Residential to Commercial. Property located at the northwest corner of the intersection of East 25 Street and East 5 Avenue bounded to the north by East 26 Street and to the west by East 4 Avenue and comprising the entire Block 36-B, of the Amended Plat of the Amended Plat of Thirteenth Addition to Hialeah, Hialeah, Miami-Dade, Florida, and legally described as follows:

PARCEL A

LOTS 1 THROUGH AND INCLUDING LOT 18, IN BLOCK 36-B, OF AMENDED PLAT OF THE AMENDED PLAT OF THIRTEENTH ADDITION TO HIALEAH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, AT PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL B

ALL OF LOTS 31, 32, 33, 34 AND 35, TOGETHER WITH LOT 36, LESS THE SOUTH 10 FEET THEREOF, ALL IN BLOCK 36-B, OF AMENDED PLAT OF THE AMENDED PLAT OF THIRTEENTH ADDITION TO HIALEAH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, AT PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL C

LESS THAT PORTION OF LOTS 25 AND 36, IN BLOCK 36-B, OF AMENDED PLAT OF THE AMENDED PLAT OF THIRTEENTH ADDITION TO HIALEAH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, AT PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, WHICH LIES WITHIN THE EXTERNAL AREA FORMED BY A 25 FOOT RADIUS ARC CONCAVE TO THE NORTHEAST, TANGENT TO THE NORTH LINE OF THE SOUTH 10 FEET OF SAID LOT 36, AND TANGENT TO THE WEST LINE OF SAID LOT 35.

[END OF LEGAL DESCRIPTION]

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(2013), 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 09 day of September, 2014.

Isis Garcia-Martinez
Council President

Attest:

Approved on this 11 day of September, 2014.

Marbelys Fatjo, City Clerk

Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

Lorena E. Bravo, Acting City Attorney

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Ordinance was adopted by a 5-0-2 vote with Council Members Casáls-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, & Lozano voting "Yes", & Councilmembers Caragol and Cue-Fuente absent.