ORDINANCE NO. 2015-62

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA ADOPTING THE EVALUATION AND APPRAISAL REPORT-BASED TEXT AMENDMENTS TO THE HIALEAH, FLA., COMPREHENSIVE PLAN 2003-2015 AND IN PARTICULAR, REVISING THE TEXT OF THE FUTURE LAND USE ELEMENT, TRANSPORTATION ELEMENT, HOUSING ELEMENT, SANITARY SEWER ELEMENT, POTABLE WATER ELEMENT, SOLID WASTE ELEMENT, AQUIFER ELEMENT, CONSERVATION ELEMENT, RECREATION AND OPEN SPACE ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, AND CAPITAL IMPROVEMENTS ELEMENT; 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, on June 9, 2015, the City of Hialeah, pursuant to Hialeah, Fla., Resolution 15-92 (June 9, 2015), approved the transmittal of the Evaluation and Appraisal Report-based text amendments to the Hialeah, Fla., Comprehensive Plan 2003-2015 to the Florida Department of Economic Opportunity ("Department") for its review as provided in section 163.3184, Florida Statutes; and

WHEREAS, the City submitted the proposed text amendment and supporting data and analyses to the Department for review and comment; and

WHEREAS, the Department reviewed the City of Hialeah's proposed Evaluation and Appraisal Report-based text amendments (Department reference number "Hialeah - #15-3ER") in accordance with the State of Florida coordinated review process set for in section 163.3184, Florida Statutes for consistency with Chapter 163, Part II, Florida Statutes; and

WHEREAS, on August 21, 2015, the Department issued its Objections, Recommendations and Comments Report, containing comments and objections based upon which the City revised its EAR-based text amendments;

WHEREAS, it is the City's intent to adopt the Evaluation and Appraisal Report-based text amendments to the Hialeah, Fla., Comprehensive Plan 2003-2015 and in particular, revising the Future Land Use Element, Transportation Element, Housing Element, Sanitary Sewer Element, Potable Water Element, Solid Waste Element, Aquifer Element, Conservation Element, Recreation and Open Space Element, Intergovernmental

Coordination Element, and Capital Improvements Element, submitted to the Department, as amended and attached as Exhibit "1" to this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The foregoing facts and recitations contained in the preamble to this ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2: The Mayor and the City Council of the City of Hialeah, Florida hereby approve and adopt the Evaluation and Appraisal Report-based text amendments to the Hialeah, Fla., Comprehensive Plan 2003-2015 and in particular, amend the text of the Future Land Use Element, Transportation Element, Housing Element, Sanitary Sewer Element, Potable Water Element, Solid Waste Element, Aquifer Element, Conservation Element, Recreation and Open Space Element, Intergovernmental Coordination Element, and Capital Improvements Element. These text amendments (Exhibit "1"), which are made a part hereof for all purposes, shall be on file in the Office of the City Clerk.

Section 3: **Repeal of Ordinances in Conflict.**

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

Section 4: **Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by 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 described above, the

City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5: **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 6: **Effective Date.**

Pursuant to Florida Statutes §163.3184(3)(c)4 the effective date of this plan amendment shall be thirty-one (31) days after the state land planning agency notifies the City that the plan amendment package is complete or if timely challenged, the date a final order is issued by the land planning agency or Administration Commission finding the amendment in compliance in accordance with section 163.3184, Florida Statutes, whichever occurs earlier.

PASSED and ADOPTED this 13th day of October, 2015.

Isis Garcia-Martinez
Council President

Attest:

Approved on this 16 day of October, 2015.

Marbelys Fatjo, City Clerk

Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

Lorena E. Bravo, City Attorney

S: DDP LEGISLATURE ORDINANCES 2015 EARtextamendmentadoption2015.doc

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

Ordinance was adopted by a 6-0 vote with Council Members, Casals-Munoz, Caragol, Gonzalez, Hernandez, Cue-Fuente, and Lozano voting "Yes", and Council President Garcia-Martinez not present in Council Chambers during roll call.