

**ORDINANCE NO. 2020-062**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING THE FUTURE LAND USE MAP FROM KENNELS TO MEDIUM DENSITY RESIDENTIAL. **PROPERTY LOCATED AT 7218 WEST 4 AVENUE, HIALEAH, FLORIDA.** ZONED K (KENNEL 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 sitting as the local land planning agency held a public meeting on January 15, 2020 and recommended adoption of an amendment to the Future Land Use Map from Kennels to Low Density Residential for the property located at 7218 W 4 Avenue (the “Property”) in the City of Hialeah (the “City”); and

**WHEREAS**, the City Council held a public meeting on March 10, 2020 and voted to overturn the Planning and Zoning Board’s recommendation of Low Density Residential; and

**WHEREAS**, on July 13, 2020 the City Council established its intent to amend the Future Land Use Map to Medium Density Residential through City Resolution No. 2020-081 (July 13, 2020), which was submitted to the Florida Department of Economic Opportunity (“Department”) and other regulatory agencies for review and approval on July 24, 2020; and

**WHEREAS**, the Department reviewed the proposed amendment (Department reference number: “20-01ESR”) dated September 3, 2020 in accordance with the State of Florida expedited review process set for in section 163.3184 for consistency with the City’s Comprehensive Plan, and Chapter 163, Part II, Florida Statutes, and the Department issued no objections, recommendations nor comments.

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 amendment to the Future Land Use Map of a parcel of land having approximately a total of 28.31 acres from K (Kennel District) to Medium Density Residential. **Property located at 7218 West 4 Avenue, Hialeah, Florida**, and legally described in Exhibits “A” and “B”.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

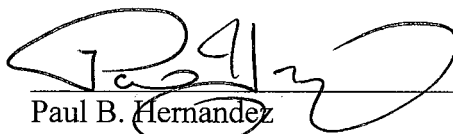
**Section 5: Severability Clause.**

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.**

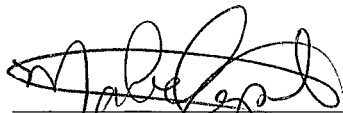
Pursuant to Florida Statutes §163.3184(3)(c)4 the effective date of this plan amendment shall be thirty-one (31) days after the state land planning agency notifies the City that the plan amendment package is complete or if timely challenged, the date a final order is issued by the land planning agency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

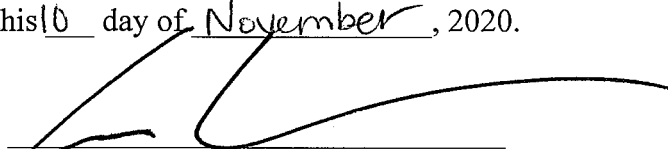
PASSED and ADOPTED this 27 day of October, 2020.

  
Paul B. Hernandez  
Council President

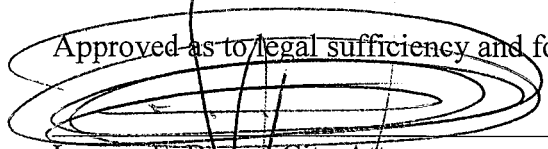
Attest:

Approved on this 10 day of November, 2020.

  
Marbelys Fajó, City Clerk

  
Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

  
Lorena E. Bravo, City Attorney

Ordinance was adopted by 6-0-1 vote with Councilmembers, Cue-Fuente, Garcia-Roves, Hernandez, Perez, Tundidor and Zogby voting "Yes" and with Council Vice President De la Rosa absent.

## Exhibit "A"

For Parcel I  
FLS ON 20191247 – A

## LEGAL DESCRIPTION: TRACT "A"

A portion of TRACTS 50, 51, 52 and 53, 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 at Page 17, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said TRACT 53; thence North  $89^{\circ}34'37''$  East along the South line of said TRACT 53 for 25.02 feet to a point on the East Right-of-Way line of West 6th Avenue, as recorded in Official Records Book 7293 at Page 481, of said Public Records of Miami-Dade County, Florida; thence North  $02^{\circ}39'34''$  West along said East Right-of-Way line of West 6th Avenue for 1,085.94 feet to the Point of Beginning of the hereinafter described parcel of land; thence continue North  $02^{\circ}39'34''$  West along said East Right-of-Way line for 68.72 feet to a point on the North line of the South half of said TRACT 50; thence North  $89^{\circ}36'02''$  East along said North line of the South half of TRACT 50 for 1,247.03 feet to a point on the West line of the 50 foot wide Canal Right of Way as recorded in Official Records Book 3604 at Page 258, of said Public Records of Miami-Dade County, Florida, also being along a line 50.00 feet West of and parallel with the East line of the Southeast 1/4 of said Section 25; thence South  $02^{\circ}40'59''$  East along said West line of the 50 foot wide Canal Right of Way and parallel line for 712.01 feet; thence South  $89^{\circ}35'11''$  West along a line being 112.50 feet North of and parallel with the North line of said TRACT 53 for 653.07 feet to a point on a line being 702.55 feet West of and parallel with said East line of the Southeast 1/4 of Section 25; thence South  $02^{\circ}40'59''$  East along said parallel line for 304.07 feet to a point on a line being 138.09 feet North of and parallel with said South line of TRACT 53; thence South  $89^{\circ}34'37''$  West along said parallel line for 504.30 feet; thence North  $02^{\circ}39'34''$  West along a line being 90.00 feet East of and parallel with said East right-of-Way line of West 6th Avenue for 947.71 feet; thence South  $89^{\circ}36'02''$  West along a line parallel with said North line of the South half of TRACT 50 for 90.07 feet to the Point of Beginning.

## Exhibit "B"

For Parcel II  
FLS ON 20191247 – B

## LEGAL DESCRIPTION: TRACT "B"

A portion of TRACTS 50, 51, 52 and 53, 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 at Page 17, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said TRACT 53; thence North  $89^{\circ}34'37''$  East along the South line of said TRACT 53 for 25.02 feet to a point on the East Right-of-Way line of West 6th Avenue, as recorded in Official Records Book 7293 at Page 481, of said Public Records of Miami-Dade County, Florida; thence North  $02^{\circ}39'34''$  West along said East Right-of-Way line of West 6th Avenue for 1,085.94 feet to the Point of Beginning of the hereinafter described parcel of land; thence North  $89^{\circ}36'02''$  East along a line being South of and parallel with the North line of the South half of said TRACT 50 for 90.07 feet; thence South  $02^{\circ}39'34''$  East on a line being 90.00 feet East of and parallel with said East Right-of-Way line of West 6th Avenue for 947.71 feet; thence North  $89^{\circ}34'37''$  East along a line being 138.09 feet North of and parallel with said South line of TRACT 53 for 504.30 feet; thence North  $02^{\circ}40'59''$  West along a line being 702.55 feet West of and parallel with the East line of the Southeast 1/4 of said Section 25 for 304.07 feet; thence North  $89^{\circ}35'11''$  East along a line being 112.50 feet North of and parallel with the North line of said TRACT 53 for 653.07 feet to a point on the West line of the 50 foot wide Canal Right of Way as recorded in Official Records Book 3604 at Page 258, of said Public Records of Miami-Dade County, Florida, also being a line 50.00 feet West of and parallel with said East line of the Southeast 1/4 of Section 25; thence South  $02^{\circ}40'59''$  East along said West line of the 50 foot wide Canal Right of Way and parallel line for 112.59 feet to a point on said North line of TRACT 53; thence South  $89^{\circ}35'11''$  West along said North line of TRACT 53 for 100.00 feet; thence North  $02^{\circ}40'59''$  West along a line parallel with said West line of the 50 foot wide Canal Right of Way and East line of the Southeast 1/4 for 25.02 feet; thence South  $89^{\circ}35'11''$  West along a line 25.00 feet North of and parallel with said North line of TRACT 53 for 467.67 feet; thence South  $02^{\circ}40'59''$  East along a line being 702.55 feet West of and parallel with said East line of the Southeast 1/4 of Section 25 for 276.55 feet to a point of curvature; thence Southwesterly along a 25.00 foot radius curve, leading to the right, through a central angle of  $92^{\circ}15'37''$  for an arc distance of 40.26 feet to a point of tangency; thence South  $89^{\circ}34'37''$  West along a line being 52.09 feet North of and parallel with said South line of TRACT 53 for 629.76 feet to a point of curvature; thence Northwesterly along a 25.00 foot radius curve, leading to the right, through a central angle of  $87^{\circ}45'49''$  for an arc distance of 38.29 feet to a point of tangency, said point being on said East right-of-Way line of West 6th Avenue; thence North  $02^{\circ}39'34''$  West along said East Right-of-Way line for 1,009.77 feet to the Point of Beginning.