

ORDINANCE NO. 2023-008

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 7551 WEST 4 AVENUE, HIALEAH, ZONED M-1 (ONE-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 recommended approval of the proposed small-scale amendment to the Future Land Use Map of the Hialeah, Fla., Comprehensive Plan at its meeting of November 16, 2022; and

WHEREAS, pursuant to Florida Statute §163.3187 (2022), 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 Industrial to Commercial. Property located at 7551 West 4 Avenue, Hialeah, zoned M-1 (Industrial District); and legally described in Exhibit “A” attached.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

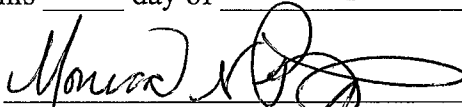
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such

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 Statute §163.3187(2022), 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 10 day of January, 2023.



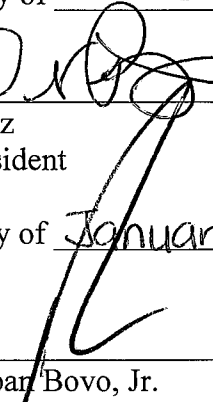
Monica Perez
Council President

Attest:

Approved on this 24 day of January, 2023.

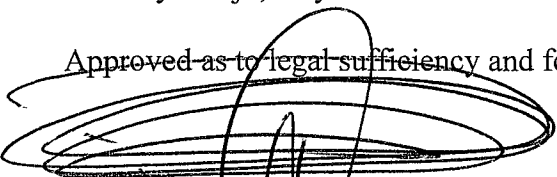


Marbelys Fatjo, City Clerk



Mayor Esteban Bovo, Jr.

Approved as to legal sufficiency and form:



Lorena E. Bravo, City Attorney

Exhibit "A"
Legal Description

LEGAL DESCRIPTION

Commence at the Northwest corner of Section 30, Township 52 South, Range 41 East; thence run S03°44'17"E along the West line of said Section 30 for a distance of 1325.51 feet; thence N87°02'55"E along a line parallel to the South line of said Section 30 for 100.01 feet; thence S03°44'17"E along a line parallel to the West line of said Section 30 for 211.97 feet to the Point of Beginning of the hereinafter described parcel of land:

thence N87°00'43"E for 47.55 feet to the exterior face of a one (1) story C.B.S. building:

The following three (3) courses being along the centerline of a common interior wall of said C.B.S. building: (1) thence N87°00'43"E for 49.37 feet; (2) thence N02°59'17"W for 35.53 feet; (3) thence N87°00'43"E for 97.82 feet to the face of the rear wall of said C.B.S. building; thence continue N87°00'43"E for 4.60 feet; thence S03°44'17"E along a line parallel to said West line of Section 30 for 195.69 feet; thence S87°02'55"W for 175.34 feet to a point of curvature of a 25.00 foot radius curve leading to the right; thence Northwesterly along said curve through a central angle of 89°12'48" for an arc distance of 38.93 feet to a point of tangency; thence N03°44'17"W along a line parallel to said West line of Section 30 for 135.37 feet to the Point of Beginning.

Ordinance was adopted by 6-0-1 vote with Councilmembers Calvo, Casáls-Muñoz, Garcia-Roves, Perez, Rodriguez, and Tundidor voting "Yes" and with Council Member Zogby absent..