

ORDINANCE NO. _____ 2016-11

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, AMENDING THE FUTURE LAND USE MAP FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL; **PROPERTY LOCATED AT 40 EAST 10 AVENUE, HIALEAH, FLORIDA, ZONED R-2 (ONE AND TWO FAMILY RESIDENTIAL 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 recommend approval of the proposed small-scale amendment to the Future Land Use Map of the Hialeah, Fla., Comprehensive Plan at its meeting of December 9, 2015; and

WHEREAS, pursuant to Florida Statute §163.3187 (2015), 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 Low Density Residential to Commercial. Property located at 40 East 10 Avenue, Hialeah, Miami-Dade, Florida, zoned R-2 (One and Two Family Residential District), and legally described as follows:

A PARCEL IN THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 17, TOWNSHIP 53 SOUTH, RANGE 41 EAST, MOST PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 17; THENCE GO WEST ALONG THE SOUTH LINE OF SAID SECTION 17, FOR A DISTANCE OF 60 FEET, TO A POINT; THENCE GO N 00° 27' 04" W, ALONG THE WEST LINE OF

EAST 10TH AVENUE, HIALEAH, FLORIDA FOR A DISTANCE OF 160 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 00° 27' 04" W FOR A DISTANCE OF 151.43 FEET, TO A POINT; THENCE GO N 89° 58' 20" W ALONG THE SOUTH LINE OF EAST 1ST STREET, HIALEAH, FLORIDA FOR A DISTANCE OF 154.53 FEET, TO A POINT; THENCE GO S 00° 24' 04" E FOR A DISTANCE OF 151.50 FEET, TO A POINT; THENCE GO EAST FOR A DISTANCE OF 154.53 FEET TO THE POINT OF BEGINNING; LYING AND BEING IN THE CITY OF HIALEAH, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 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.

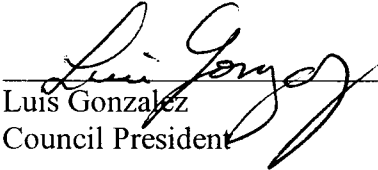
Section 5: Effective Date.

Pursuant to Florida Statutes §163.3187(2015), 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 26 day of January, 2016.


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


Luis Gonzalez
Council President

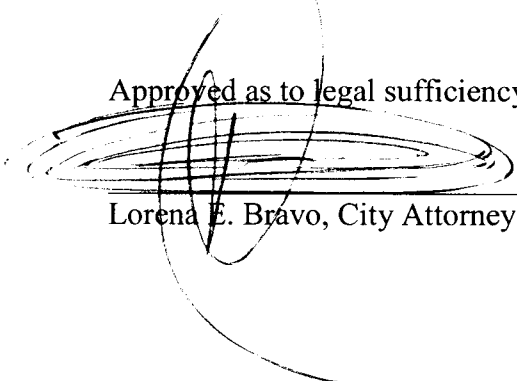
Attest:

Approved on this 1 day of February, 2016.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a (7-0) unanimous vote with Councilmembers, Caragol, Cue-Fuente, Garcia-Martinez, Hernandez, Gonzalez, Lozano and Casáls-Muñoz voting "Yes".