

ORDINANCE NO. 2018-009

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A TEMPORARY WAIVER OF PLAT PROVIDED FINAL PLAT APPROVAL IS OBTAINED IN 18 MONTHS, PURSUANT TO HIALEAH LAND DEVELOPMENT CODE § 10-4(C); PROPERTY ZONED BDH (BUSINESS DEVELOPMENT DISTRICT). **PROPERTY LOCATED AT 3651 WEST 108 STREET, HIALEAH FLORIDA.** REPEALING ALL 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 at its meeting of December 13, 2017 recommended approval of this ordinance; and

WHEREAS, a conditional use permit (CUP) was previously approved for construction of a new charter school on the property; and

WHEREAS, a building permit and plat have been applied for, and the applicant is requesting a temporary waiver of plat for 18 months, to which the City agrees.

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

Section 1. The below-described property is hereby granted an eighteen month temporary waiver of plat, pursuant to Hialeah Land Development Code § 10-4(c) that provides: “Waiver of Plat. *Temporary waiver of plat.* A temporary waiver of plat is of limited time duration and may be granted only conditioned on obtaining an approved plat within a reasonable time agreed to by the city.” Property located at **3651 West 108 Street, Hialeah, Florida**, and legally described as follows:

The West 660 feet of Tract 8 of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, of Section 17, 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.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed 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 prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

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.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

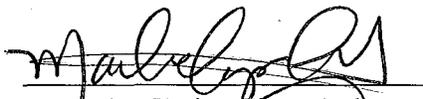
PASSED and ADOPTED this 23 day of January, 2018.

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


Vivian Casals-Muñoz
Council President

Attest:

Approved on this 8 day of February, 2018.


Marbelys Fatjo, City Clerk


Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

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