

ORDINANCE NO. 2018-046

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, GRANTING A VARIANCE PERMIT PURSUANT TO HIALEAH CODE OF ORDINANCES § 98-2233 PARTIALLY WAIVING THE MINIMUM LANDSCAPE REQUIREMENTS FOR PROPOSED INDUSTRIAL WAREHOUSE USES ON CONDITION THAT 1,918 TREES, AND 19,800 SHRUBS ARE PROVIDED ON THE ADJACENT 30 ACRES OF LAND MAINTAINED AS A CITY PARK; **PROPERTY LOCATED WITHIN THE HIALEAH HEIGHTS ANNEXATION AREA BOUNDED ON THE WEST BY NW 107 AVENUE, ON THE NORTH BY NW 170 STREET, ON THE EAST BY NW 97 AVENUE, AND ON THE SOUTH BY NW 154 STREET;** 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 at its meeting of April 25, 2018 recommended approval of this ordinance; and

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

Section 1: The City hereby waives the minimum landscape requirements for the proposed industrial warehouse uses located on the below-described property pursuant to Hialeah Code § 98-2233 on condition that 1,918 trees, and 19,800 shrubs are provided on the adjacent 30 acres of land maintained as a city park.

Section 2: Property located in the Hialeah Heights annexation area bounded on the West by NW 107 Avenue, on the North by NW 170 Street, on the East by NW 97 Avenue, and on the South by NW 154 Street, and legally described as follows:

All of Section 17, Township 52 South, Range 42 East, lying and being in the City of Hialeah, Miami-Dade County, Florida.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 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 5: Severability Clause.

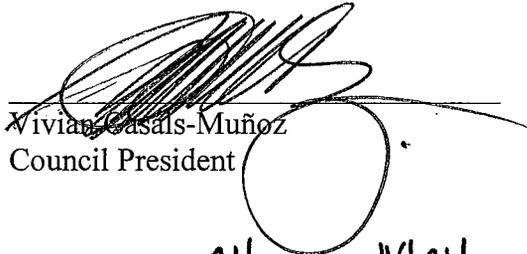
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

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.

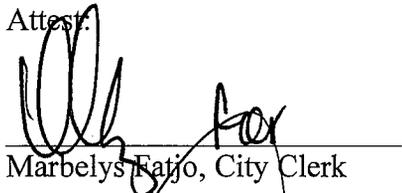
PASSED and ADOPTED this 22 day of May, 2018.

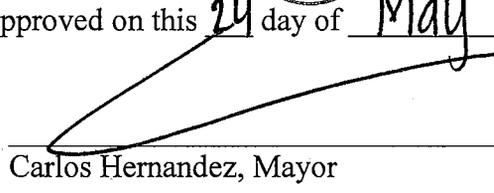
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Vivian Casals-Muñoz
Council President

Attest:

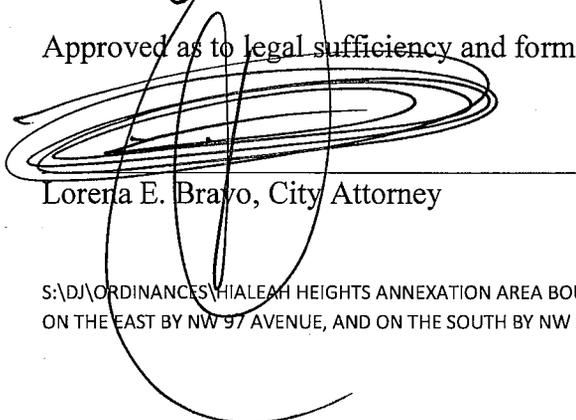
Approved on this 24 day of May, 2018.


Marbelys Fajó, City Clerk


Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:

Ordinance was adopted by a 6-0-1 vote with Councilmembers,
Caragol, Zogby, Lozano, Casáls-Munoz, Hernandez and Cue-
Fuente voting "Yes" and Garcia-Martinez absent.


Lorena E. Bravo, City Attorney