

ORDINANCE NO. 2018-059

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, AMENDING HIA.,FLA. ORDINANCE 2018-046 (MAY 22, 2018) THAT GRANTED A VARIANCE PERMIT PURSUANT TO HIALEAH CODE OF ORDINANCES § 98-2233 PARTIALLY WAIVING THE MINIMUM LANDSCAPE REQUIREMENTS TO AMEND THE NUMBER OF VIABLE TREES, SHRUBS AND LANDSCAPING ACCEPTABLE TO THE CITY TO BE PROVIDED ON THE ADJACENT 30 ACRES OF LAND AND DEDICATED AS A PUBLIC 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**, Hialeah, Fla. Ordinance 2018-046 (May 22, 2018) approved a specific number of trees and shrubs to be located on the 30-acre parkland to be dedicated by FDG Countyline, LLC which exceeds and is inconsistent with the approved park improvement plans, including acceptable landscaping, provided in Exhibit 1, pursuant to the Development Agreement between FDG Countyline, LLC and the City, approved by Hialeah, Fla. Ordinance 2014-18 (March 25, 2018) (the “Development Agreement”), as amended;

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

**Section 1:** Hialeah, Fla. Ordinance 2018-046 (May 22, 2018) is hereby amended to amend the number of viable trees, shrubs and landscaping acceptable to the City to be provided

on the adjacent 30 acres of land and dedicated as a public park, as provided for in the plan attached as Exhibit 1, as such plan may be amended from time to time, pursuant to the Development Agreement, on condition that any amendment does not reduce the number of trees or shrubs and landscaping provided in the attached Exhibit 1. 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 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.**

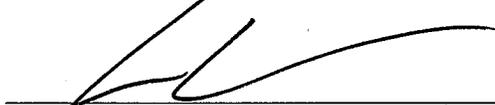
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 26 day of June, 2018.

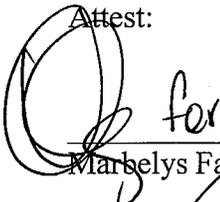
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 186.041  
PRIOR TO FINAL READING.

  
Vivian Casals-Munoz  
Council President

Approved on this 18 day of June, 2018.

  
Carlos Hernandez, Mayor

Attest:

  
Marbelys Fatjo, City Clerk

Approved as to legal sufficiency and form:

  
Lorena E. Bravo, City Attorney

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