ORDINANCE NO. 08-22

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A TEMPORARY WAIVER OF PLAT, PROVIDED THAT THE PROPERTY WILL BE REPLATTED WITHIN 18 MONTHS FROM THE GRANT OF THE WAIVER. **PROPERTY LOCATED AT 301 EAST 35 STREET, HIALEAH, FLORIDA.** 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 February 27, 2008 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 below-described property is hereby granted a variance permit to allow a temporary waiver of plat, provided that the property will be replatted within 18 months from the grant of the waiver. Property located at 301 East 35 Street, Hialeah, Miami-Dade County, Florida, zoned R-1 (One Family District), and legally described as follows:

PARENT TRACT

LOT 20, BLOCK 2, OF SUNLAND HOMES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 49, PAGE 28, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

TRACT "A"

LOT 1, BLOCK 1, OF "ADRIAN AT SUNLAND", A PLAT IN PROGRESS

TRACT "B"

LOT 2, BLOCK 1, OF "ADRIAN AT SUNLAND", A PLAT IN PROGRESSs

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 punished by 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 25th day of March, 2008.

Ordinance was passed and adopted by the Hialeah City Council on March 25, 2008 and became effective April 8, 2008 without Mayor's signature.

Esteban Bovo, Council President

Attest:

Approved on this ___ day of _____, 2008.

MAYOR'S SIGNATURE WITHHELD

Rafael E. Granado, City Clerk

Mayor Julio Robaina

Approved as to form and legal sufficiency:

William M. Grodnick, City Attorney

Ordinance was adopted by a 5-0-2 vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Hernandez, and Yedra voting "Yes", and Councilmembers Garcia-Martinez and Gonzalez absent.

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This is corrected Ordinance 08-22. A scrivener's error was reported at the City Council meeting of May 13, 2008.