

**ORDINANCE NO. 2021-003**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, GRANTING A VARIANCE PERMIT TO ALLOW THREE FLAGPOLES OF 37 FEET IN HEIGHT, WHERE 30 FEET IS THE MAXIMUM ALLOWED; CONTRA TO HIALEAH CODE OF ORDINANCES § 74-146(4). **PROPERTY LOCATED AT 3990 WEST 108 STREET, HIALEAH, ZONED BDH (BUSINESS DEVELOPMENT 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 at its meeting of November 18, 2020 recommended approval of this ordinance.

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 granted a variance permit to allow three flagpoles of 37 feet in height, where 30 feet is the maximum allowed, contra to Hialeah code of ordinances § 74-146(4) that provides: “Flagpoles exceeding 30 feet in height; two poles shall be permitted for each building. For buildings that exceed 25,000 square feet in floor area, a maximum of four poles may be permitted.”

**Section 2:** Property located at 3990 West 108 Street, Hialeah, Florida, Zoned BDH (Business Development District), and legally described as follows:

A portion of land lying and being in Tract “A” of “COUNTYLINE CORPORATE PARK”, according to the Plat thereof, as recorded in Plat Book 172, at Page 77, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Northeast corner of Tract A as previously described of "COUNTYLINE CORPORATE PARK", according to the Plat thereof, as recorded in Plat Book 172, at Page 77, of the Public Records of Miami-Dade County, Florida, thence S89°40'26"W for 1631.26 feet to the Point of Beginning, thence S 00°03'54"W for 1,236.05 feet; thence N84°37'29"W for 74.41 feet; thence S89°39'53"W for 225.32 feet; to a point of curvature with a curve concave to the Northeast, thence along said curve to the right with an arc length of 84.14 feet, a radius of 55.00 feet, with a chord bearing of N46°30'39"W a chord length of 76.17 feet, and a curve angle of 87°38'57"; thence N02°41'11"W for 802.53 feet; thence N 03°01'28"E for 100.50 feet; thence N02°41'11"W for 216.68 feet; to a point of curvature with a curve concave to the Southeast, thence along said curve to the right with an arc length of 88.66 feet, a radius of 55.00 feet, with a chord bearing of N43°29'37"E a chord length of 79.37 feet, and a curve angle of 92°21'36"; thence N89° 40'26"E for 343.90 feet; to the Point of Beginning.

**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.**

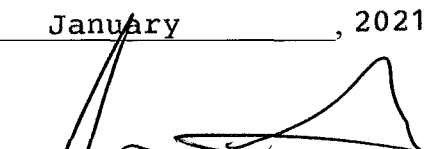
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such

invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

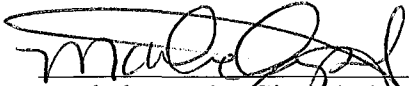
**Section 6: Effective Date.**

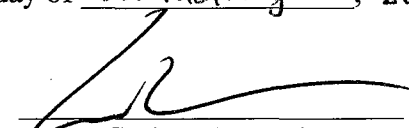
This ordinance shall become effective when passed by the City Council of the City of Hialeah, Florida, upon signature of the Mayor of the City of Hialeah or at the next regularly scheduled City Council meeting if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 12 day of January, 2021

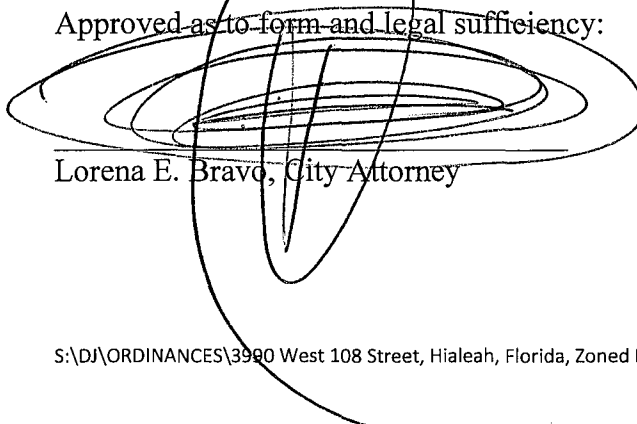
  
Jesus Tundidor  
Council President

Attest: Approved on this 20 day of January, 2021

  
Marbelys Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
Lorena E. Bravo, City Attorney

Ordinance was adopted by 4-0-3 vote with Councilmembers, De la Rosa, Garcia-Roves, Tundidor, and Zogby voting "Yes" and with Council Member Cue-Fuente and Council Member Hernandez absent and Council Vice President Perez recording her vote as "Yes".

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THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE SECTION 218.041  
PRIOR TO FINAL READING.