

**ORDINANCE NO. 2021-027**

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW FOR THE TEMPORARY WAIVER OF PLAT PROVIDED THAT THE PROPERTY WILL BE PLATTED WITHIN 18 MONTHS OF THE APPROVAL OF THIS ORDINANCE; CONTRA TO HIALEAH LAND DEVELOPMENT § 10-4(c). **PROPERTY LOCATED AT 9715 NW 138 STREET, HIALEAH, ZONED RH-CD (MIXED USE MULTIPLE FAMILY DISTRICT) AND CDH (COMMERCIAL 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 March 3, 2021 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 hereby granted a variance permit to allow a temporary waiver of plat provided that the property will be platted within 18 months of the approval of this ordinance; contra to Hialeah Land Development § 10-4 (c). Property located at 9715 NW 138 Street, Hialeah, zoned RH-CD (Mixed Use Multiple Family District) and CDH (Commercial Development District) and legally described in the attached “Exhibit “A”.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

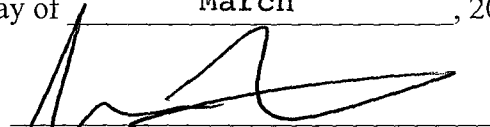
**Section 4: Severability Clause.**

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.

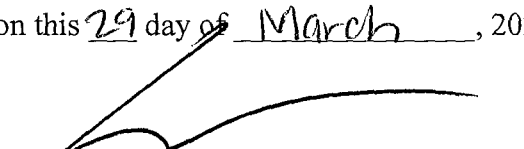
PASSED and ADOPTED this 23 day of March, 2021.

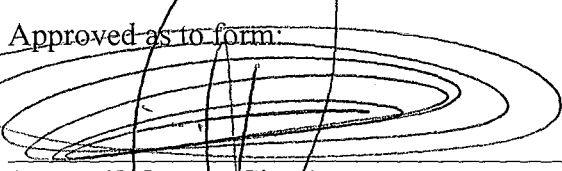
  
\_\_\_\_\_  
Jesus Tundidor  
Council President

Attest:

Approved on this 29 day of March, 2021.

  
\_\_\_\_\_  
Marbelys Fatjo, City Clerk

  
\_\_\_\_\_  
Mayor Carlos Hernandez  
Ordinance was adopted by 7-0 vote with Councilmembers, Cue-Fuente, De la Rosa, Garcia-Roves, Hernandez, Perez, Tundidor, and Zogby voting "Yes".

Approved as to form:  
  
\_\_\_\_\_  
Lorena E. Bravo, City Attorney

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THE FOREGOING ORDINANCE  
OF THE CITY OF TAMPA WAS  
PUBLISHED IN ACCORDANCE  
WITH THE CONSTITUTION OF  
FLORIDA, ARTICLE X, SECTION 1  
PRIOR TO FINAL READING.

EXHIBIT A

LEGAL DESCRIPTION

Lots 5 to 8 and Lots 17 to 24 in the SE ¼ of Section 20, Township 52 South, Range 40 East, of Chambers Land Company Subdivision, according to the Plat thereof, as recorded in Plat Book 2, Page 68, of the Public Records of Miami-Dade County, Florida.

LESS:

North 35 feet of West ½ of Tract 17 and less Ext area of curve in NW corner for right of way, and less West 43 feet of the South ½ of SE ¼ of Section; and less East 40 feet of South ½ of SE ¼ of Section 20, Township 52 South, Range 40 East, Miami-Dade County, Florida.

LESS:

That portion of Tracts 17, 18, 19 and 20 in Section 20, Township 52 South, Range 40 East, of Chambers Land Company Subdivision, according to the Plat thereof, recorded in Plat Book 2, Page 68, of the Public Records of Miami-Dade County, Florida, that lies within the West 43 feet of the SE ¼ of said Section 20.

LESS:

The East 30 feet of Lots 5, 6, 7 and 8, in the SE ¼ of Section 20, Township 52 South, Range 40 East, of Chambers Land Company Subdivision, according to the Plat thereof, recorded in Plat Book 2, Page 68, of the Public Records of Miami-Dade County, Florida.

More particularly described as follows:

Commence at the SW corner of SE ¼ of Section 20, Township 52 South, Range 40 East, of Miami-Dade County, Florida; thence North 89 degrees 40 minutes 13 seconds East along the South line of said Section 20, a distance of 43.03 feet; thence North 02 degrees 36 minutes 37 seconds West along a line 43.00 feet East and parallel to the West line SE ¼ of said Section 20, a distance of 10.01 feet to the Point of Beginning; thence North 89 degrees 40 minutes 13 seconds East along a line 10.00 feet North, and parallel to the South line of said Section 20, a distance of 2,557.97 feet to a point 40.00 feet West of the East line of said Section 20, thence North 02 degrees 37 minutes 55 seconds West along a line 40.00 feet West of the East line of said Section 20, a distance of 1,320.50 feet to a point on the North line of SE ¼ of said Section 20; thence South 89 degrees 40 minutes 10 seconds West along the North line of SE ¼ of said Section 20, a distance of 2,270.43 feet; thence South 00 degrees 21 minutes 01 seconds East, a distance of 35.03 feet; thence South 89 degrees 40 minutes 10 seconds West along a line 35.00 feet South and parallel to the North line of the SE ¼ of said Section 20, a distance of 261.02 feet to the point of curvature of a circular curve concave to the Southeast; thence Southwesterly along the arc of said curve having for its elements a radius of 25.00 feet, a central angle of 92 degrees 16 minutes 47 seconds, and an arc distance of 40.26 feet to the Point of Tangency; thence South 02 degrees 36 minutes 37 seconds East along a line 43.00 feet East and parallel to the West line of SE ¼ of said Section 20, a distance of 1,259.39 feet to the Point of Beginning.

AND LESS AND EXCEPT the lands conveyed by Right-of-Way Deed to City of Hialeah, Florida for Public Right-of-Way recorded in Official Records Book 26644, Page 4450; and Right-of-Way Deed to Miami-Dade County Conveys the Title for Highway and/or Canal Purposes recorded in Official Records Book 26946, Page 505, and re-recorded in Official Records Book 26998, Page 3946, and as described in Partial Release of Mortgage to Miami-Dade County recorded in Official Records Book 26946, Page 516, all of the Public Records of Miami-Dade County, Florida.