

ORDINANCE NO. 2015-49

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A TEMPORARY WAIVER OF PLAT PURSUANT TO HIALEAH LAND DEVELOPMENT CODE §10-4(C); **PROPERTY LOCATED AT 385 WEST 42 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 August 12, 2015 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 pursuant to Hialeah Land Development Code §10-4 (c), which provides in pertinent part: "*Temporary waiver of plat.* A temporary waiver of plat is of limited time duration and may be granted only conditioned on obtaining an approved plat within a reasonable time agreed to by the city." Property located at 385 West 42 Street, Hialeah, Florida, zoned R-1 (Single Family District District), and legally described as follows:

LOT 26, 27 AND 28, IN BLOCK 1, OF MIAMI-LE-AH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 15, AT PAGE 44, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE EAST 38 FEET THEREOF, AND LESS THAT PORTION OF SAID LOTS 26, 27, AND 28, WHICH LIES WITHIN THE RIGHT-OF-WAY OF RED ROAD (WEST 4 AVENUE) AS SHOWN ON RIGHT-OF-WAY MAP RECORDED ON DECEMBER 13, 1957 IN PLAT BOOK 65, AT PAGE 70, OF THE PUBLIC RECORDS OF 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 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.

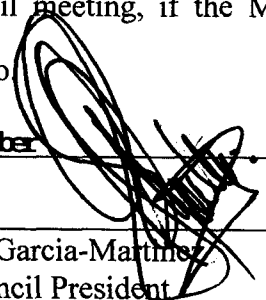
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or 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 8th day of September, 2015.

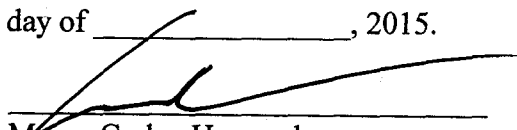
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



Isis Garcia-Martinez
Council President

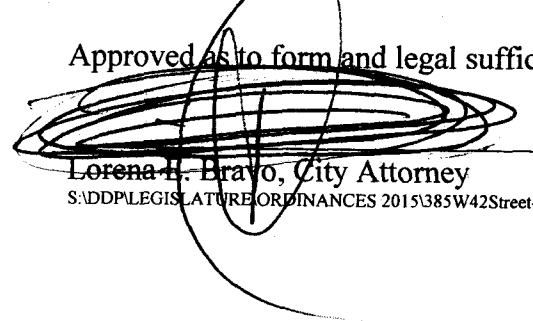
Attest: Approved on this _____ day of _____, 2015.

Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



Lorena H. Bravo, City Attorney

Ordinance was adopted by a 6-0-1 vote with Council Members Caragol, Casals-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, & Lozano voting "Yes", & Councilmember Cue-Fuente abstained.