

**ORDINANCE NO. 2018-117**

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A WAIVER OF THE MINIMUM LANDSCAPE REQUIREMENTS FOR TREES; CONTRA TO THE LATEST EDITION OF THE HIALEAH LANDSCAPE MANUAL DATED JULY 9, 2015 PARAGRAPH (C) TREES. **PROPERTY LOCATED AT 1000 SE 8 STREET, HIALEAH, FLORIDA ZONED M-1 (INDUSTRIAL DISTRICT);** REPEALING ALL 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 September 26, 2018, 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 waiver for the requirements for trees, where 66 trees are required along the street or one tree every 35 feet, contra to the latest edition of the Hialeah Landscape Manual Dated July 9, 2015 Paragraph (C) that provides in relevant part: "Street trees... shall be provided along all roadways at a maximum average spacing of thirty-five (35) feet on center..." Property located at **1000 SE 8 Street, Hialeah, Florida**, and legally described on Exhibit "A" attached hereto.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

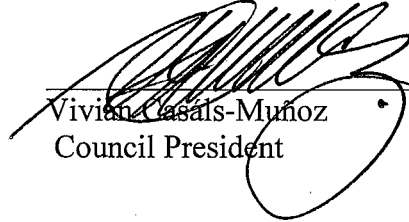
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

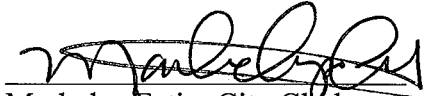
PASSED and ADOPTED this 23 day of October, 2018.

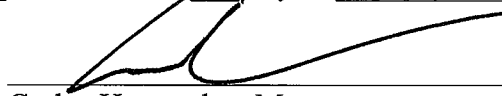
THE FOREGOING ORDINANCE OF THE CITY OF HIALEAH WAS PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF FLORIDA STATUTE 166.041 PRIOR TO FINAL READING.

  
Viviana Casals-Munoz  
Council President

Attest:

Approved on this 24 day of October, 2018.

  
Marbelys Fatjo, City Clerk

  
Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:

Ordinance was adopted by a 5-0-2 vote with Councilmembers, Zogby, Lozano, Casals-Munoz, Garcia-Martinez, Hernandez, voting "Yes" and with Councilmembers Caragol and Cue-Fuente absent.

  
Lorena E. Brayo, City Attorney

1000 SE 8 Street Landscape Manual waving street trees required of 35 feet along a street

9.28.18 - 1:21 p.m.

## EXHIBIT "A"

### Parcel 1:

Tract A of the FAMILY LINES INDUSTRIAL PARK, according to the Plat thereof, as recorded in Plat Book 102 at Page 51, of the Public Records of Miami-Dade County, Florida.

### Parcel 2:

Being a portion of Section 20, township 53 South, Range 41 East, Miami-Dade County, Florida more particularly described as follows:

Begin at the Northeast corner of Tract A of the Family Lines Industrial Park, according to the Plat thereof as recorded in plat book 102 at Page 51, of the Public Records of Miami-Dade County, Florida, thence run North along the Easterly Extension of said Tract A for 15.00 feet to a point; thence run South 89 degrees 51'08 East along a line 35.00 feet Southerly of the North line of the SE  $\frac{1}{4}$  of said Section 20 for 20.00 feet; thence run South along a line parallel with the 20.00 feet Easterly of the East line of Said Tract A for a distance of 340.00 feet to a point; thence run S 33 degrees 13'46"W for a distance of 96.69 feet to a point; thence run North 19 degrees 15'38 E for a distance of 100.00 feet to a point; thence run North along said Easterly line of Tract A for a distance of 311.53 feet to a point of beginning.

### Parcel 3:

Being a portion of Section 20, Township 53 South, Range 41 East, Miami-Dade County, Florida more particularly described as follows:

Begin at the Southeast corner of Tract A of the Family Lines Industrial Park, according to the Plat thereof as recorded in Plat Book 102 at Page 51, of the Public Records of Miami-Dade County, Florida; thence run North 19 degrees 15'38'East, along the Easterly line of said Tract A, for a distance of 203.16 feet to a point; thence run North 33 degrees 13'46" East for a distance of 96.69 feet to a point; thence run South 16 degrees 20'42" West for a distance of 284.27 feet to a point; thence run North 89 degrees 50'04" West for a distance of 40.00 feet to a point of beginning.