

ORDINANCE NO. 2017-002

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL GRANTING A VARIANCE PERMIT TO ALLOW A LANDSCAPE BUFFER OF 5.7 FEET, WHERE 7 FEET ARE REQUIRED; TO ALLOW 8 PARKING SPACES, WHERE 9 SPACES ARE REQUIRED; A REAR SETBACK OF 13.7 FEET, WHERE 20 FEET ARE REQUIRED; A WEST SIDE YARD SETBACK OF 6.3 FEET, WHERE 10 FEET ARE REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-2189(19)(b), 98-590, 98-591; AND §D(7) OF THE LATEST EDITION OF THE CITY OF HIALEAH LANDSCAPE MANUAL TO CONSTRUCT A 4-UNIT BUILDING. **PROPERTY LOCATED AT 486 EAST 30 STREET, HIALEAH, FLORIDA.** 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 December 28, 2016, 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 allowed a variance to permit a landscape buffer of 5.7 feet where 7 feet are required contra to the latest edition of the City of Hialeah Landscape Manual § D (7) that provides: [] “The seven (7)-foot landscape buffer may be reduced subject to inclusion of improved design features on the site upon approval of the Planning and Zoning Official.”; to allow 8 parking spaces, where 9 spaces are required contra to § 98-2189(19)(b) of the Hialeah Code of Ordinances that provides: “Medium and high density.

Two parking spaces for one or two bedrooms, and one-half parking space for each additional bedroom.”; to allow a rear setback 13.7 feet, where 20 feet are required contra to Hialeah Code of Ordinances § 98-591 that provides: “In the R-3 multiple-family district, there shall be a 20-foot rear yard setback.”; to allow a west side yard setback 6.3 feet, where 10 feet are required contra to Hialeah Code of Ordinances § 98-590 that provides: “In the R-3 multiple-family district, there shall be side yards, and the width of each shall not be less than ten feet.”; to construct a 4-unit building.

The Property located at **486 EAST 30**, Street Hialeah, Miami-Dade County, Florida, zoned R-3 (Multi-Family District) and legally described as follows:

Lot 17 and the East ½ of Lot 16, Block 52B, “AMENDED PLAT OF THE AMENDED PLAT OF THE THIRTEENTH ADDITION TO HIALEAH”, according to the Plat thereof, as recorded in Plat Book 34, at Page 26, 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 convicted of a violation of 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.**

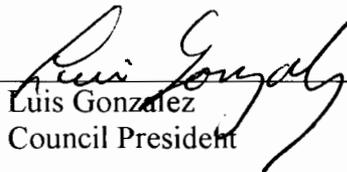
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

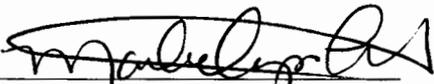
PASSED and ADOPTED this 24 day of January, 2017.

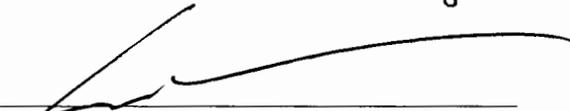
THE FOREGOING ORDINANCE OF THE CITY OF HIALEAH WAS PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF FLORIDA STATUTE 166.041 PRIOR TO FINAL READING.

  
Luis Gonzalez  
Council President

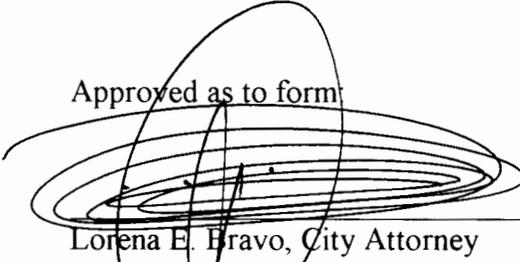
Attest:

Approved on this 6 day of February, 2017.

  
Marbelys Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to form:

  
Lorena E. Bravo, City Attorney

Ordinance was adopted by a (6-0-1) vote with Councilmembers, Caragol, Cue-Fuente, Hernandez, Lozano, Gonzalez and Casals-Muñoz voting "Yes". Council member Garcia-Martinez absent.

Strikethrough indicates deletion. Underline indicates addition.

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