

ORDINANCE NO. 2017-026

ORDINANCE REZONING PROPERTY FROM R-3 (MULTIPLE FAMILY DISTRICT) TO R-3-3 (MULTIPLE FAMILY DISTRICT) PURSUANT TO § 98-595; AND GRANTING A VARIANCE PERMIT TO ALLOW A FRONT SETBACK OF 20 FEET WHERE 25 FEET ARE REQUIRED; CONTRA TO HIALEAH CODE OF ORDINANCES § 98-589. **PROPERTY LOCATED AT 2601 WEST 12TH AVENUE, 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 April 12th, 2017 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 rezoned property from R-3 (multiple family district) to R-3-3 (multiple family district) pursuant to Hialeah Code of Ordinances § 98-595.

Section 2: The below-described property is hereby granted a variance permit to allow a front yard setback of 20 feet where 25 feet are required contra to Hialeah Code of Ordinances § 98-589 that provides: “Front yard required. In the R-3 multiple-family district, there shall be a 25-foot front yard required, unless a lesser distance is established by the existence of two or more structures, at a lesser distance, but in no case shall the front yard be less than 15 feet.” Property located at 2601 West 12th Avenue, Hialeah Florida 33010 and legally described as:

The South 76 feet of the West 109 feet of Tract 5, TROJAN PARK, according to the Plat thereof as recorded in Plat Book 28, Page 46, of the Public Records of Miami-Dade County, Florida.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

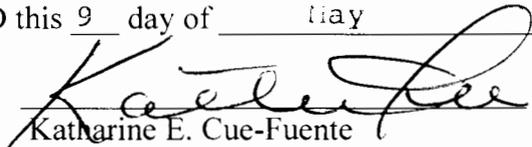
Section 5: Severability Clause.

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 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.

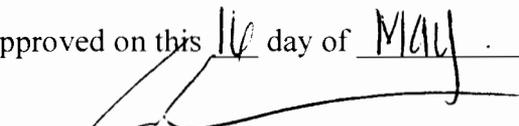
THE FOREGOING ORDINANCE PASSED and ADOPTED this 9 day of May, 2017.
CITY CLERK MARBELYS FATJO WAS
PRESENT AT THE MEETING AND
WITNESSED THE SIGNATURE OF
FLORIAN GARCIA-MARTINEZ
PRIOR TO FINAL READING


Katharine E. Cue-Fuente
Council Vice President

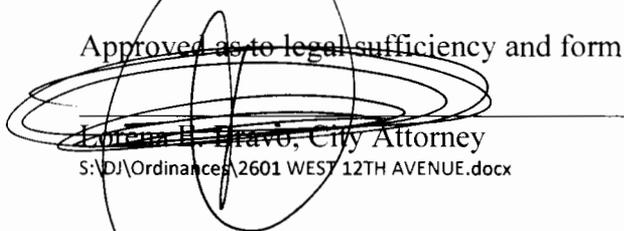
Attest:


Marbelys Fatjo, City Clerk

Approved on this 16 day of MAY, 2017.


Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney
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Ordinance was adopted by a (5-0-2) vote with Councilmembers, Caragol, Hernandez, Cue-Fuente, Lozano and Casáls-Muñoz voting "Yes". Council President Gonzalez and Councilmember Garcia-Martinez absent.