

ORDINANCE NO. 2017-028

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A 10 FOOT CONCRETE BLOCK-WALL ALONG THE REAR LOT LINE WHERE A MAXIMUM OF 6 FEET ARE REQUIRED AT AN EXISTING GRATIGNY FPL SUBSTATION; CONTRA TO HIALEAH CODE OF ORDINANCES § 98-2121(b)(3). **PROPERTY LOCATED AT 1545 WEST 68TH 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 April 12, 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 granted a variance to permit to allow a 10 foot concrete block-wall along the rear lot line where a maximum of 6 feet are allowed contra to Hialeah Code of Ordinances § 98-2121(b)(3) that provides: “(b) No fence, wall or hedge within a residentially zoned district shall exceed the following heights: ... (3) Along the rear lot line, six feet.” Property located at **1545 West 68 Street, Hialeah, Florida**, and legally described as follows:

Tract 20 of the SouthEast ¼ of Section 26, Township 52 South, Range 40 East, Less the South 50 feet thereof for Canal Right of-way lying and situate within the City of Hialeah, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 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.

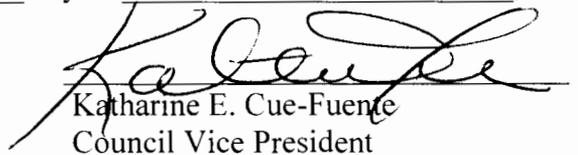
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

Section 5: Effective Date.

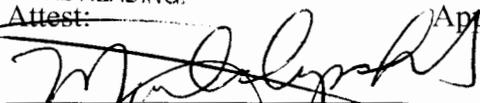
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 9 day of May, 2017.

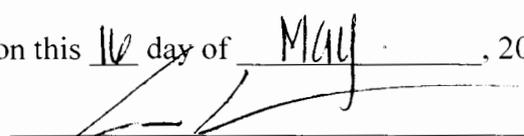
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Katharine E. Cue-Fuente
Council Vice President

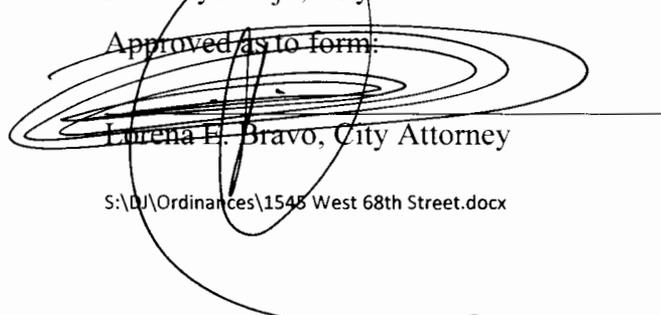
Attest:


Marbelys Fatjo, City Clerk

Approved on this 10 day of May, 2017.


Mayor Carlos Hernandez

Approved as to form:


Lorena E. Bravo, City Attorney

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.