

**ORDINANCE NO. 2017-068**

ORDINANCE REZONING PROPERTY FROM R-3 (MULTIPLE FAMILY DISTRICT) TO R-3-3 (MULTIPLE FAMILY DISTRICT); AND GRANTING A VARIANCE PERMIT TO ALLOW THE DEVELOPMENT OF A FOUR UNIT APARTMENT BUILDING ON A SUBSTANDARD LOT WITH A FRONTAGE OF 65 FEET, WHERE 75 FEET ARE REQUIRED; ALLOW A EAST SIDE SETBACK OF 8 FEET, WHERE 10 FEET ARE REQUIRED; AND REAR SETBACK OF 15 FEET, WHERE 20 FEET ARE REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-348, 98-590, AND 98-591; **PROPERTY LOCATED AT 170 EAST 34th STREET, HIALEAH, FLORIDA.** PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board at its meeting of September 27, 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 from R-3 (Multiple Family District) to R-3-3 (Multiple Family District); and is granted a variance permit to allow a frontage of 65 feet, where 75 feet are required, contra to Hialeah Code of Ordinances § 98-348 that provides: “ ... building sites and lots in residential districts shall have a minimum average width of 75 feet ... ” ; an east side setback of 8 feet, where 10 feet are required, contra to § 98-590 that provides: “...there shall be side yards, and the width of each shall not be less than ten feet.” ; and a rear setback of 15 feet, where 20 feet are required, contra to § 98-591 that provides: “...there

shall be a 20-foot rear yard setback.” Property located at 170 East 34th Street, Hialeah, Florida, and legally described as follows:

Lot 4, Block 1 “RONNIE SUE SUBDIVISION,” according to the Plat thereof, as recorded in Plat Book 55, at Page 67 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 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 24 day of October, 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

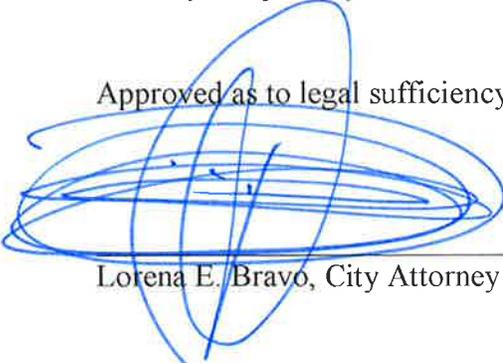
Attest:

Approved on this 7 day of November, 2017.

  
Marbelys Fatjo, City Clerk

  
Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:

  
Lorena E. Bravo, City Attorney

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