

**ORDINANCE NO. 2017-088**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA GRANTING A VARIANCE PERMIT TO ALLOW A FRONT SETBACK OF 22 FEET, WHERE 25 FEET ARE REQUIRED; A REAR SETBACK OF 10 FEET, WHERE 20 FEET ARE REQUIRED; AND ALLOW A LANDSCAPE BUFFER OF 4.5 FEET, WHERE 7 FEET ARE REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§98-589, 98-591, AND THE LATEST EDITION OF THE CITY OF HIALEAH LANDSCAPE MANUAL DATED JULY 9, 2015 § D(7) PROPERTY ZONED R-3 (MULTIPLE FAMILY DISTRICT); **PROPERTY LOCATED AT 80 WEST 27<sup>TH</sup> 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 October 25, 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 granted a variance permit to allow a front setback of 22 feet, where 25 feet are required, contra to Hialeah Code of Ordinances § 98-589 that provides: “...there shall be a 25-foot front yard...”; a rear setback of 10 feet, where 20 feet are required; contra to Hialeah Code of ordinances contra to § 98-591 that provides: “...there shall be a 20-foot rear yard setback.”; and allow a landscape buffer of 4.5 feet, where 7 feet are required, contra to the latest edition of the City of Hialeah Landscape Manual dated July 9, 2015,

§ D (7) that provides in pertinent part: “Parking lot buffers. All parking lots adjacent to a right-of-way or private street shall be screened by a continuous planting and/or three (3)-foot high wall within a seven (7)-foot landscaped strip...”. Property located at **80 WEST 27<sup>TH</sup> STREET**, Hialeah, Florida, and legally described as follows:

Lots 2 and 3, Block 167, ELEVENTH ADDITION  
TO TOWN OF HIALEAH, according to the Plat  
thereof, as recorded in Plat Book 9, page 76, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.

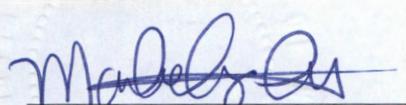
PASSED and ADOPTED this 28 day of November, 2017.

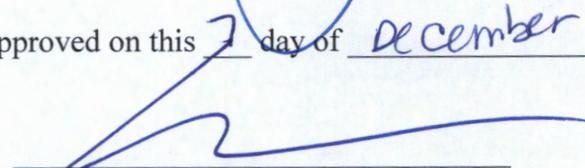
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
\_\_\_\_\_  
Vivian Casals-Muñoz  
Council President

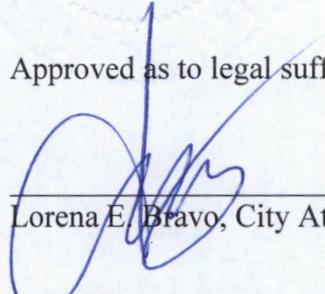
Attest:

Approved on this 7 day of December, 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 (5-0-2) vote with Councilmembers, Caragol, Zogby, Cue-Fuente and Casáls-Muñoz voting "Yes". Councilmember Hernandez and Garcia-Martinez absent.