

ORDINANCE NO. 2016-65

ORDINANCE ALLOWING A VARIANCE PERMIT TO ALLOW A PERVIOUS AREA OF 24.2% (MINIMUM OF 30% REQUIRED), PARKING SETBACK OF 51'2" (MINIMUM OF 55' REQUIRED FOR RESIDENTIAL DEVELOPMENTS); FRONT SETBACK OF 5.2' (MINIMUM OF 10' REQUIRED); AND WEST SIDE OF 2" (5' REQUIRED); PROPERTY LOCATED AT 226 EAST 7 STREET, HIALEAH; ZONED R-3-D; CONTRA TO SECTION §§ 98-641(a), 98-641(b), § 98-641(g), § 98-2056(b)(1); HIALEAH CODE OF ORDINANCES; 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 September 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: Maintain a pervious area of 24.2% (minimum of 30% required); parking setback of 51'2" (minimum of 55' required for residential developments); front setback of 5.2' (minimum of 10' required); and west side of 2" (5' required). Property located at 226 East 7 Street, Hialeah, and zoned R-3-D.

Section 2: **Repeal of Ordinances in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

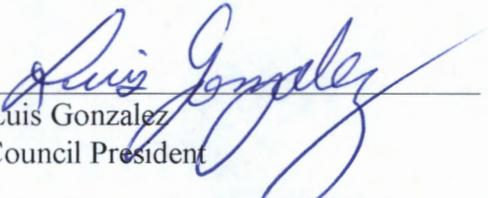
penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

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.

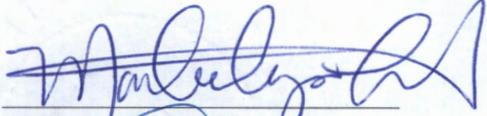
PASSED and ADOPTED this 25 day of October, 2016.

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

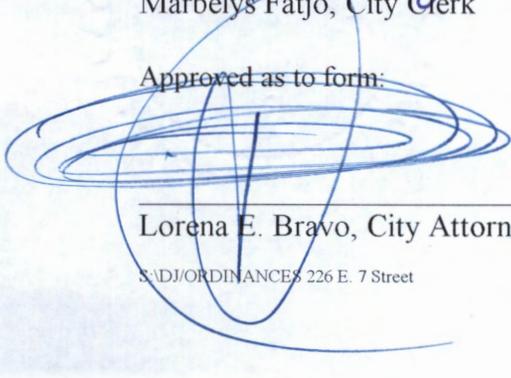
Attest:

Approved on this 7 day of November, 2016.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form:


Lorena E. Bravo, City Attorney
SADJ/ORDINANCES 226 E. 7 Street

This ordinance was adopted by a (6-4) vote of the City Council members, Caragol, Cuevas, Hernandez, Lozano and Casals-Muñoz voting "Yes". Councilwoman Garcia-Martinez absent.