

2016-92  
**ORDINANCE NO.** \_\_\_\_\_

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL GRANTING A VARIANCE PERMIT TO ALLOW A FRONT SETBACK OF 8.9' (25') REQUIRED CONTRA TO § 98-589, HIALEAH CODE OF ORDINANCES AND REAR SETBACK OF 10' (20' REQUIRED) CONTRA TO § 98-591, HIALEAH CODE OF ORDINANCES; **PROPERTY LOCATED AT 1295 WEST 69 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 regular meeting of November 9, 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 permit to allow a front setback of 8.9' (25') required contra to § 98-589, Hialeah Code of Ordinances, that provides: "In the R-3 multiple-family district, there shall be a 25-foot front yard required...", and rear setback of 10' (20' required) contra to § 98-591, Hialeah Code of Ordinances, that provides: "In the R-3 multiple-family district, there shall be a 20-foot rear yard setback." Property located at 1295 West 69 Street, Hialeah, Florida, zoned R-3-5 (Multiple-Family District) and legally described as follows:

The East 138 feet of Tract "A", of LAKE ORLEANS EAST, according to the plat thereof, recorded in Plat Book 87, Page 17, of the Public Records of Miami-Dade County, Florida, as measured perpendicular to the East Line of said Tract "A".

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

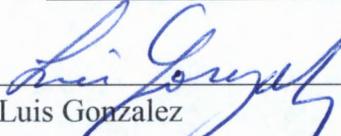
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

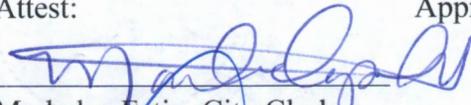
PASSED and ADOPTED this 13 day of December, 2016.

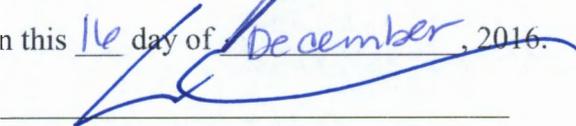
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
\_\_\_\_\_  
Luis Gonzalez  
Council President

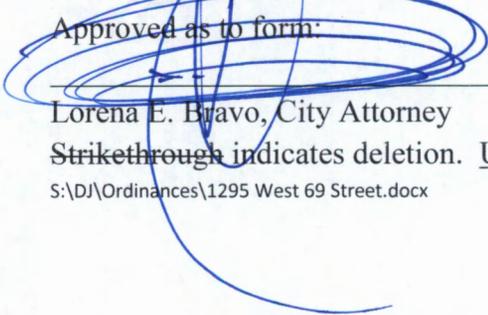
Attest:

Approved on this 16 day of December, 2016.

  
\_\_\_\_\_  
Marbelys Fatjo, City Clerk

  
\_\_\_\_\_  
Mayor Carlos Hernandez

Approved as to form:

  
\_\_\_\_\_  
Lorena E. Bravo, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

Ordinance was adopted by a (5-0-2) vote with Councilmembers, Caragol, Gonzalez, Hernandez, Lozano, and Cue-Fuente voting "Yes". Councilwoman Casals-Muñoz not present and Councilwoman Garcia-Martinez absent.