

ORDINANCE NO. 2015-72

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A REAR SETBACK OF 10.7 FEET, WHERE 15 FEET ARE REQUIRED, CONTRA TO HIALEAH CODE § 98-1071. **PROPERTY LOCATED AT 445 EAST 25 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF 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 November 18, 2015 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 permit to allow a rear setback of 10.7 feet, where 15 feet are required, contra to Hialeah Code § 98-1071, which provides in pertinent part: “In the C-1 restricted retail commercial district, there shall be a rear yard of not less than 15 feet in depth, except as a use of an R-3 district where rear yard requirements shall be the same as required under that use district.” Property located at 445 East 25 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

PARCEL A:

LOTS 1 THROUGH 18, BLOCK 36-B, AMENDED PLAT OF THE 13TH ADDITION TO HIALEAH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL B:

LOTS 19 THROUGH 26 AND LOTS 28, 29 AND 30, LESS THE SOUTH 15 FEET THEREOF, AND LOT 27, LESS THE SOUTH 10 FEET THEREOF, ALL IN BLOCK 36-B, AMENDED PLAT OF THE 13TH ADDITION TO HIALEAH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL C:

ALL OF LOTS 31, 32, 33, 34 AND 25, AND LOT 36, LESS THE SOUTH 10 FEET THEREOF, BLOCK 36-B, AMENDED PLAT OF THE 13TH ADDITION TO HIALEAH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

LESS THAT PORTION OF LOTS 35 AND 36, BLOCK 36-B, OF THE AMENDED PLAT OF THE 13TH ADDITION TO HIALEAH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, WHICH LIES WITHIN THE EXTERNAL AREA FORMED BY A 25.00 FEET RADIUS ARC CONCAVE TO THE NORTHEAST, TANGENT TO THE NORTH LINE OF THE SOUTH 10.00 FEET OF SAID LOT 36, AND TANGENT TO THE WEST LINE OF SAID LOT 35.

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.

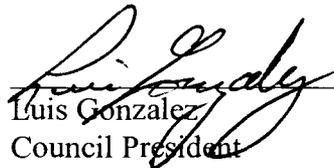
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or 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 8 day of December, 2015.

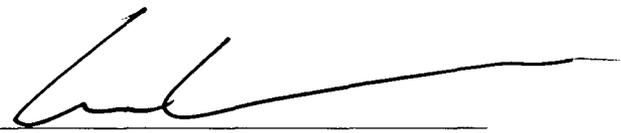
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.

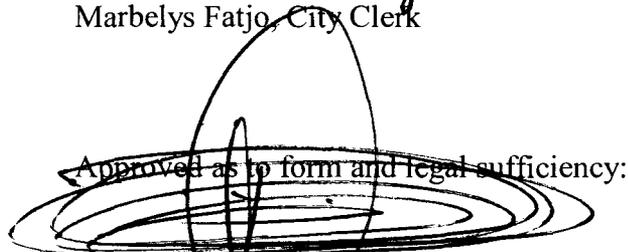

Luis Gonzalez
Council President

Attest:

Approved on this 14 day of December, 2015.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez


Approved as to form and legal sufficiency:
Lorena E. Bravo, City Attorney

Ordinance was adopted by a (6-0-1) unanimous vote with Councilmembers, Caragol, Cue-Fuente, Garcia-Martinez, Gonzalez, Lozano and Casáls-Muñoz voting "Yes". Councilman Hernandez not present.