

**ORDINANCE NO. 2015-73**

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A SIDE SETBACK OF 1.40 FEET, WHERE 5.1 FEET ARE REQUIRED, CONTRA TO HIALEAH CODE § 98-1372. **PROPERTY LOCATED AT 4798 EAST 10 LANE, 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 side setback of 1.40 feet, where 5.1 feet are required, contra to Hialeah Code § 98-1372, which provides in pertinent part: “In the M-1 industrial district, there shall be no minimum front yard requirement. There shall be required a minimum side yard and rear yard setback of from two feet seven inches to five feet one inch as set forth elsewhere in this chapter.” Property located at 4798 East 10 Lane, Hialeah, Miami-Dade County, Florida and legally described as follows:

THE SOUTH 100 FEET OF THE NORTH 350 FEET OF TRACT 7, REVISED PLAT OF INGLESIDE PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28, PAGE 81 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.**

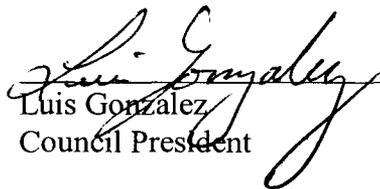
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

**Section 5: Effective Date.**

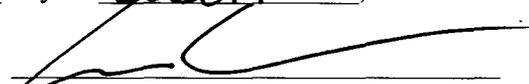
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

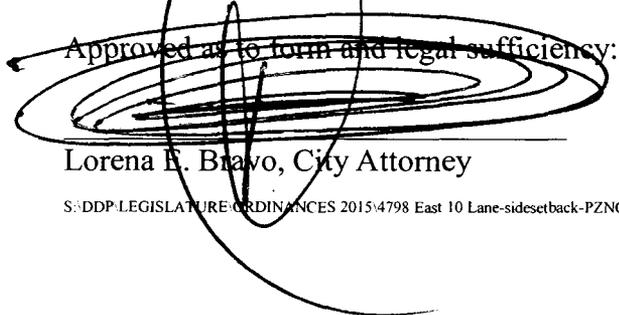
PASSED and ADOPTED this 8 day of December, 2015.

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:   
Marbelys Fatjo, City Clerk

Approved on this 14 day of December, 2015.  
  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:  
  
Lorena B. 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.