

ORDINANCE NO. 2017-024

ORDINANCE GRANTING A VARIANCE PERMIT TO CONSTRUCT A SINGLE FAMILY RESIDENCE ON A SUBSTANDARD LOT HAVING A FRONTAGE OF 50', WHERE 75' ARE REQUIRED. AND TOTAL LOT AREA OF 6,250 SQUARE FEET, WHERE 7,500 SQUARE FEET ARE REQUIRED, CONTRA TO HIALEAH CODE § 98-499. **PROPERTY LOCATED ON THE EAST SIDE OF WEST 6TH COURT SOUTH OF WEST 23 STREET AND NORTH OF THE F.E.C. RAILWAY AND HIALEAH EXPRESSWAY, HIALEAH, FLORIDA.** (ZONED R-1). 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 March 22, 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 hereby granted a variance permit to allow construction of a single family residence on a substandard lot having a frontage of 50', where 75' feet are required, and a total lot area of 6,250 square feet, where 7,500 square feet are required, contra to Hialeah Code § 98-499 that as pertinent provides: "The minimum building site in the R-1 one-family residential district shall be one lot or parcel of land containing at least 7,500 square feet of area for each one-family residence. Such parcels or lots shall have an average width of at least 75 feet....". Property located on the east side of West 6th Court, south of West

23 Street and North of the F.E.C. railway and Hialeah Expressway, Hialeah, Miami-Dade County, Florida, and is legally described as follows:

Lot 9, Block 13 of "SEMINOLA CITY-SECTION NO. 1", according to the Plat thereof, as recorded in Plat Book 9, at Page 75 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.

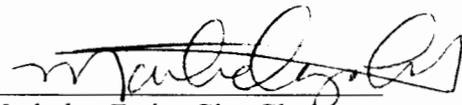
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

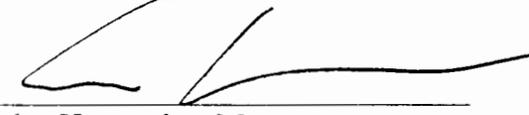
PASSED AND ADOPTED this 11 day of April, 2017.


Katharine E. Cue-Fuente
Council Vice President

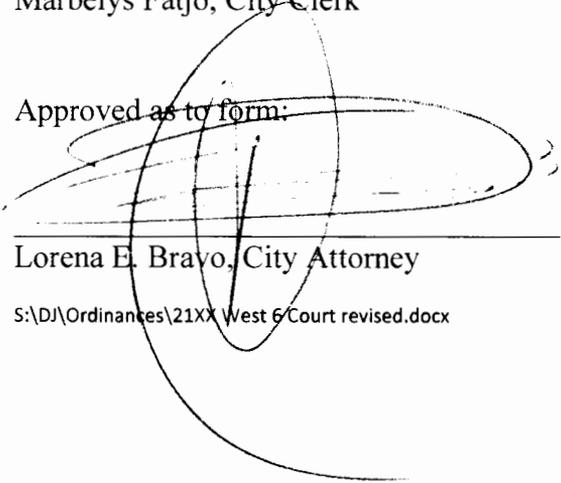
Attest:

Approved on this 24 day of April, 2017.


Marbelys Fatjo, City Clerk


Carlos Hernandez, Mayor

Approved as to form:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a (6-0-1) vote with Councilmembers, Caragol, Lozano, Hernandez, Cue-Fuente, Garcia-Martinez and Casals-Muñoz voting "Yes". Council President Gonzalez absent