

ORDINANCE NO. 2017-029

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW LOT COVERAGE OF 40% WHERE A MAXIMUM OF 30% IS REQUIRED; CONTRA TO HIALEAH CODE OF ORDINANCES § 98-2056(b)(2); PROPERTY ZONED R-2 (ONE AND TWO FAMILY RESIDENTIAL DISTRICT). **PROPERTY LOCATED AT 2210 WEST 5<sup>TH</sup> WAY, 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 meeting of April 12, 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 to permit to allow lot coverage of 40% where a maximum of 30% is allowed contra to Hialeah Code of Ordinances § 98-2056(b)(2) that provides: “Residential density and open space requirements. A maximum of 30 percent of the net residential land area may be covered with or occupied by the principal residential structure.” Property located at **2210 West 5 Way, Hialeah, Florida**, and legally described as follows:

Lots 9 and 10, in Block 12, of “Seminola City Section No. 1”, according to the Plat thereof, as recorded in Plat Book 9, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.

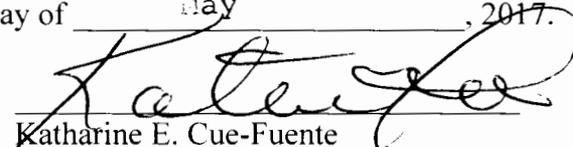
**Section 5: Effective Date.**

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 9 day of May, 2017.

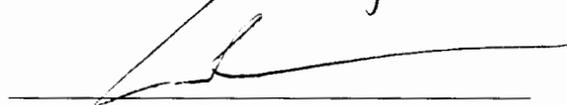
THE FOREGOING ORDINANCE OF THE CITY OF HIALEAH WAS PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF FLORIDA STATUTE 166.041 PRIOR TO FINAL READING.

Attest:

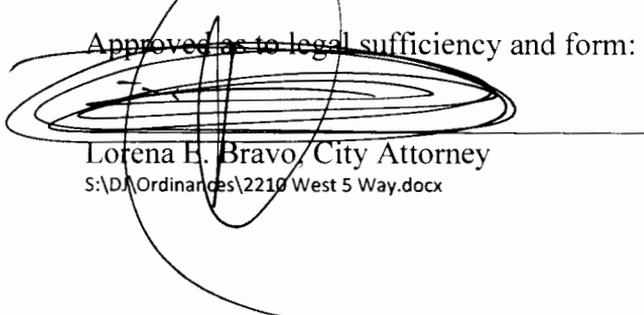
  
Katharine E. Cue-Fuente  
Council Vice President

Approved on this 10 day of May, 2017.

  
Marbelys Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

  
Lorena E. Bravo, City Attorney

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Ordinance was adopted by a (5-0-2) vote with Councilmembers, Caragol, Hernandez, Cue-Fuente, Lozano and Casáls-Muñoz voting "Yes". Council President Gonzalez and Councilmember Garcia-Martinez absent.