

**ORDINANCE NO.** 2017-030

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL GRANTING A VARIANCE PERMIT TO ALLOW A FRONTAGE OF 50 FEET, WHERE 75 FEET ARE REQUIRED; AND TO ALLOW A TOTAL LOT AREA OF 6,750 SQUARE FEET, WHERE 7,500 FEET ARE REQUIRED; CONTRA TO HIALEAH CODE OF ORDINANCES § 98-348(a); PROPERTY ZONED R-3-D (MULTI FAMILY DISTRICT) TO CONSTRUCT TWO DUPLEX BUILDINGS (FOUR UNITS) ON A SUBSTANDARD LOT; **PROPERTY LOCATED AT 312 EAST 6<sup>TH</sup> 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 meeting of April 26, 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 a frontage of 50 feet where 75 feet are required, and to allow a total lot area of 6,750 square feet where 7,500 feet are required, to construct two duplex buildings (four units) on a substandard lot, contra to Hialeah Code of Ordinances § 98-348(a) that as pertinent provides: “*Size of lots.* According to ... section 98-2056, ... all building sites and lots in residential districts shall have a minimum average width of 75 feet.... All lots in ... one- and two-family residential districts shall have at least 7,500 square feet in area.” Property located at **312 East 6<sup>th</sup> Street, Hialeah, Florida**, and legally described as follows:

Lot 2, Block 99, Hialeah 4<sup>th</sup> Addition, according to the Plat thereof, as recorded in plat Book 7, at Page 83, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to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.**

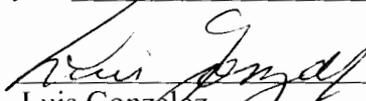
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or 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 23 day of May, 2017.

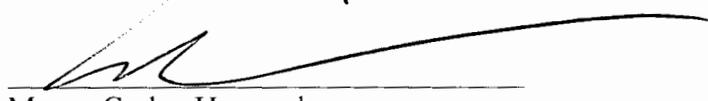
THE FOREGOING ORDINANCE OF THE CITY OF HIALEAH WAS PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF FLORIDA STATUTE 166.041 PRIOR TO FINAL READING.

  
Luis Gonzalez  
Council President

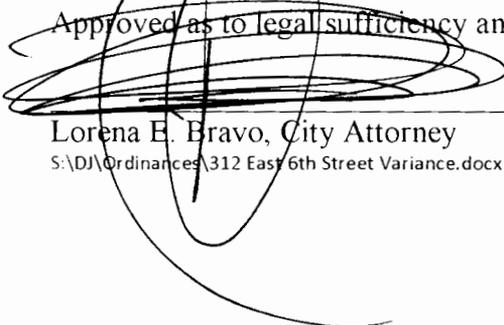
Attest:

Approved on this 30 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 (6-0-1) vote with Councilmembers, Caragol, Gonzalez, Hernandez, Cue-Fuente, Garcia-Martinez and Lozano voting "Yes". Councilwoman Casáls-Muñoz not present during roll call.