

ORDINANCE NO. 2016-83

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL GRANTING A VARIANCE PERMIT TO ALLOW REPLATTING OF PROPERTY INTO TWO SUBSTANDARD LOTS TO ALLOW THE CONSTRUCTION OF A SINGLE FAMILY RESIDENCE ON EACH LOT WITH LOT 1 HAVING A FRONTAGE OF 51.3 FEET, MORE OR LESS, AND TOTAL AREA OF 5,130 SQUARE FEET AND LOT 2 HAVING A FRONTAGE OF 47 FEET, MORE OR LESS, AND TOTAL AREA OF 4,700 SQUARE FEET, WHERE 75 FEET OF FRONTAGE AND A TOTAL AREA OF 7,500 SQUARE FEET ARE REQUIRED FOR EACH, CONTRA TO HIALEAH CODE § 98-348(a). **PROPERTY LOCATED AT 1421 EAST 6 COURT, 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 regular meeting of September 28, 2016, recommended denial of this ordinance; and

**WHEREAS,** pursuant to Hialeah Charter §4.07(a)(3)b., the City Council rejected the recommendation of denial by the Planning and Zoning Board on October 25, 2016.

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 allowed a variance to replat into two substandard lots for the construction of a single family residence on each lot with Lot 1 having a frontage of 51.3 feet, more or less, and a total area of 5, 130 square feet and Lot 2 having a frontage of 47 feet, more or less, and a total area of 4,700 square feet, where a minimum frontage of 75 feet and a total area of 7,500 square feet is required, contra to

Hialeah Code §98- 98-348(a), which provides in pertinent part: "Size of lots. According to subsection 98-347(4) and section 98-2056, no new plat shall be approved unless all building sites and lots in residential districts shall have a minimum average width of 75 feet and a minimum average depth of 100 feet... All lots in R-1 one-family districts...shall have at least 7,500 square feet in area." The Property located at 1421 east 6 court, Hialeah, Miami-Dade County, Florida, zoned R-1 (One-Family District) and legally described as follows:

LOT 22, BLOCK 5 OF SECTION ONE SUN-TAN VILLAGE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 50, PAGE 3, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by 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.**

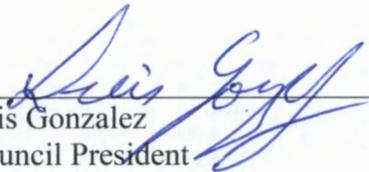
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

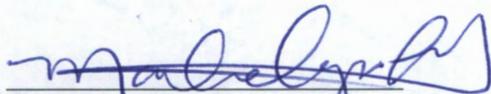
PASSED and ADOPTED this 22 day of November, 2016.

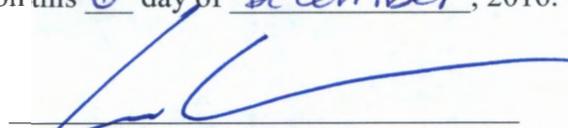
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
Luis Gonzalez  
Council President

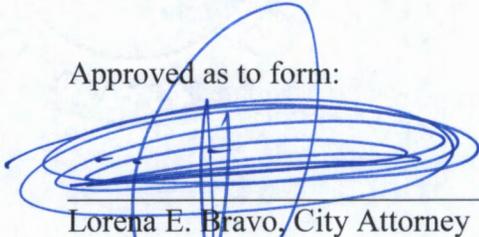
Attest:

Approved on this 6 day of December, 2016.

  
Marbelys Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to form:

  
Lorena E. Bravo, City Attorney

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

~~Strikethrough~~ indicates deletion. Underline indicates addition.