

ORDINANCE NO. 2016-13

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A DUPLEX ON A SUBSTANDARD-SIZED LOT HAVING A FRONTAGE OF 50 FEET, WHERE AT LEAST 75 FEET ARE REQUIRED, AND A TOTAL AREA OF 5,550 SQUARE FEET, MORE OR LESS, WHERE A TOTAL AREA OF AT LEAST 7,500 SQUARE FEET IS REQUIRED, CONTRA TO HIALEAH CODE § 98-544. **A VACANT LOT LOCATED AT 2210 WEST 5 WAY, 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 January 13, 2016, 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 duplex on a substandard-sized lot having a frontage of 50 feet, where at least 75 feet are required, and a total area of 5,550 square feet, more or less, where a total area of at least 7,500 square feet is required, contra to Hialeah Code § 98-544, which provides in pertinent part: “The minimum building site in the R-2 one- and two-family residential district shall be one lot or parcel of land containing at least 7,500 square feet of area for each one-family or two-family residence. Such parcels or lots shall have an average width of at least 75 feet and shall also have a minimum average depth of 100 feet.” A vacant lot

located at 2210 West 5 Way, Hialeah, Miami-Dade County, Florida and legally described as follows:

LOT(S) 9 AND 10, IN BLOCK 12, SEMINOLA CITY SECTION NO. 1, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE(S) 75, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. TOGETHER WITH PORTION OF THE CLOSED ALLEY WAY LYING WEST OF SAID LOTS, AS DESCRIBED IN ORDINANCE IN BOOK 18608, PAGE 2231.

**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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.**

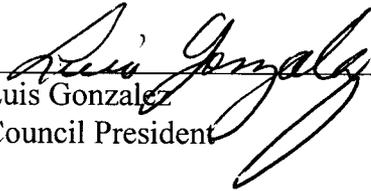
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

**Section 5: Effective Date.**

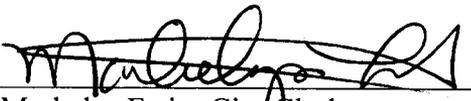
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 9 day of February, 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.

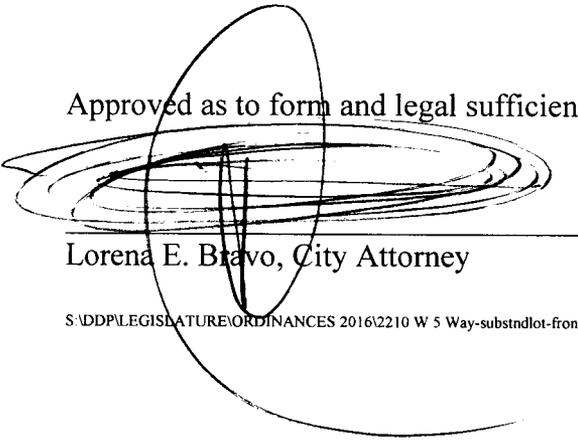
  
Luis Gonzalez  
Council President

Attest: Approved on this 18 day of February, 2016.

  
Marbelys Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
Lorena E. Bravo, City Attorney

Ordinance was adopted by a (4-0-3) vote with Councilmembers, Cue-Fuente, Hernandez, Gonzalez, and Lozano voting "Yes" & Councilmembers, Caragol, Garcia-Martinez and Casáls-Muñoz absent.