

**ORDINANCE NO. 2019-085**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL GRANTING A VARIANCE PERMIT TO ALLOW AN EXISTING LOT COVERAGE OF 57%, WHERE 50% IS THE MAXIMUM ALLOWED AND ALLOW A REAR SETBACK OF 12.6 FEET, WHERE 20 FEET IS THE MINIMUM REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-690 AND 98-689; **PROPERTY LOCATED AT 862 WEST 79 STREET, HIALEAH, FLORIDA.** PROPERTY ZONED R-4 (TOWNHOUSES). 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 August 28, 2019 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 an existing lot coverage of 57%, where 50% is the maximum allowed, contra to Hialeah Code § 98-690 that provides: “The maximum lot coverage for each individual lot is 50 percent”; and allow a rear setback of 12.6 feet, where 20 feet is the minimum required, contra to Hialeah Code § 98-689 that provides: “The minimum front setback shall be five feet on corner lots; and ten feet in the interior of the block. The rear setback shall be a minimum of 20 feet...”. Property located at 862 West 79 Street Hialeah, Florida, and legally described as follows:

The West 28 feet of the East 379 feet of the South 135 feet of the North 160 feet of Tract 22, in Section 25, Township 52 South, Range 40 East, of “FLORIDA FRUIT LAND COMPANY’S SUBDIVISION NO. 1”, according to the to the Plat thereof, as recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida a/k/a Lot 88, LAKE OCEANA, unrecorded plat.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

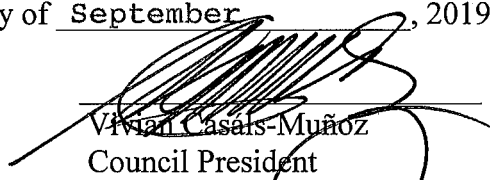
This ordinance shall become effective when passed by the City Council of the City of Hialeah, Florida, upon signature of the Mayor of the City of Hialeah or at the next regularly scheduled City Council meeting if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 24 day of September, 2019.

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:

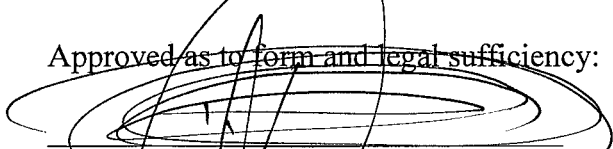
Approved on this 3 day of October, 2019.

  
Vivian Casals-Munoz  
Council President

  
Marbelys Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
Lorena Bravo, City Attorney

Ordinance was adopted by a 5-0-2 vote with Councilmembers, Caragol, Zogby, Hernandez, Casals-Munoz, Garcia-Martinez voting "Yes", and with Councilmembers Cue-Fuente and Lozano absent.