

**ORDINANCE NO. 2019-086**

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW LOT COVERAGE OF 34.5 PERCENT, WHERE A MAXIMUM OF 30 PERCENT IS ALLOWED; AND ALLOW A FRONT SETBACK OF 24.70 FEET, WHERE 25 FEET IS THE MINIMUM REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-589 AND 98-2056(b)(2); **PROPERTY LOCATED AT 51 WEST 28 STREET, HIALEAH, FLORIDA.** PROPERTY ZONED R-3 (MULTI-FAMILY DISTRICT). 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 August 28, 2019 recommended approval of this ordinance; and

**WHEREAS**, the applicant has proffered that a sidedoor to the playroom shall be eliminated, to which the city accepts.

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 lot coverage of 34.5 percent, where a maximum of 30 percent is allowed, contra to Hialeah code § 98-2056(b)(2) that provides: “a maximum of 30 percent of the net residential land area may be covered with or occupied by the principal residential structure”; and allow a front setback of 24.70 feet, where 25 feet is the minimum required, contra to Hialeah code § 98-589 that provides as relevant: “In the R-3 multiple-family district, there shall be a 25-foot front yard required...”; subject to the condition that the proposed door at the rear of the playroom be eliminated. Property located at 51 West 28 Street, Hialeah, Florida, and legally described as follows:

Lot 24, Block 175, ELEVENTH ADDITION TO THE TOWN OF HIALEAH, according to the Plat thereof, as recorded in Plat Book 9, at Page 76, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.**

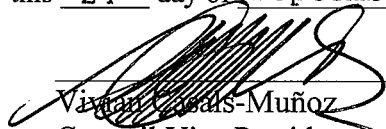
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or 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 24 day of September, 2019.

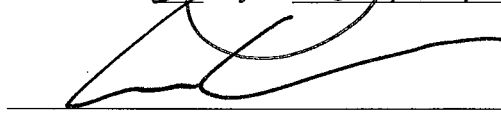
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
\_\_\_\_\_  
Vivian Casals-Muñoz  
Council Vice President


Attest:

Approved on this 3 day of October, 2019.

  
\_\_\_\_\_  
Marbelys Fatjo, City Clerk

  
\_\_\_\_\_  
Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:

  
\_\_\_\_\_  
Lorena E. Bravo, City Attorney

S:\DJ\ORDINANCES\R-3 Variance 51 West 28 Street.docx

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.