

ORDINANCE NO. 2020-066

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW FOR THE CONSTRUCTION OF A DUPLEX ON A SUBSTANDARD LOT WITH FRONTAGE OF 50 FEET, WHERE 75 FEET IS THE MINIMUM REQUIRED AND A TOTAL NET LOT AREA OF 6,550 SQUARE FEET, WHERE 7,500 FEET ARE REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-544, 98-547(a) AND 98-2056(b)(2). **PROPERTY LOCATED AT 2474 WEST 4 COURT, HIALEAH, ZONED R-2 (ONE-AND TWO-FAMILY RESIDENTIAL DISTRICT)**; 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 September 23, 2020 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 for construction of a duplex on a substandard lot with frontage of 50 feet, where 75 feet is the minimum required, and a total net lot area of 6,550 square feet, where 7,500 feet are required; contra to Hialeah Code of Ordinances § 98-544 that provides in relevant part provides: “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...”. Property located at 2474 West 4 Court, Hialeah, Florida, zoned R-2 (One-And Two-Family Residential District), and legally described as:

Lot 3, in Block 21 of SEMINOLA CITY SECTION NO. 2, according to the Plat thereof, as recorded in Plat Book 9, at Page 154, of the Public Records of Miami-Dade County, Florida. Together with, the East ½ of the 12 foot alley lying West and adjacent thereto.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 27 day of October, 2020.



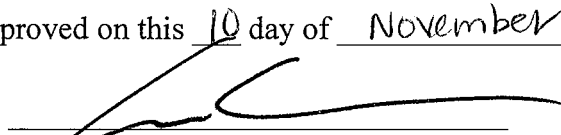
Paul B. Hernandez
Council President

Attest:



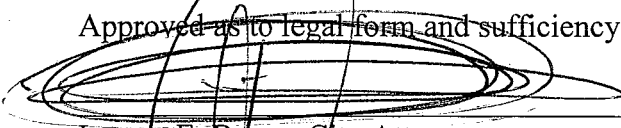
Marbelys Fajó, City Clerk

Approved on this 10 day of November, 2020.



Mayor Carlos Hernandez

Approved as to legal form and sufficiency:



Lorena E. Bravo, City Attorney

Ordinance was adopted by 6-0-1 vote with Councilmembers, Cue-Fuente, Garcia-Roves, Hernandez, Perez, Tundidor and Zogby voting "Yes" and with Council Vice President De la Rosa absent.