

ORDINANCE NO. 2021-004

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A SINGLE-FAMILY HOME ON A SUBSTANDARD LOT HAVING A FRONTAGE OF 40 FEET AND TOTAL LOT AREA OF 5,442.8 SQUARE FEET, WHERE 75 FEET FRONTAGE AND 7,500 SQUARE FEET ARE REQUIRED; CONTRA TO HIALEAH CODE OF ORDINANCES § 98-499. **PROPERTY LOCATED AT 740 EAST 33 STREET, HIALEAH, ZONED R-1 (ONE-FAMILY 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 recommended approval of this ordinance at its meeting of November 18, 2020.

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 single family home on a substandard lot having a frontage of 40 feet and total lot area of 5,442.8 square feet, where 75 feet frontage and 7,500 square feet are required, contra to Hialeah Code of Ordinances § 98-499 that as relevant provides: “The minimum building site in the R-1 one-family district shall be one lot or parcel of land containing at least 7,500 square feet of area for each one-family residence. Such parcels or lots shall have an average width of at least 75 feet...”; property located at 740 East 33 Street, Hialeah, zoned R-1 (One-Family District) and legally described as follows:

Lot 8, Block 64-B of AMENDED PLAT OF THE AMENDED PLAT OF THIRTEENTH ADDITION TO HILAEAH, according to the Plat thereof, as recorded in Plat Book 34, at Page 26, of the Public Records of Miami-Dade County, Florida, AND THE N ½ of the 12-foot alley lying South 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.

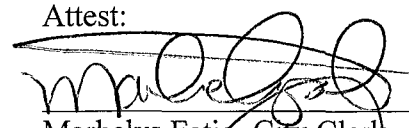
Section 5: Effective Date.

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.

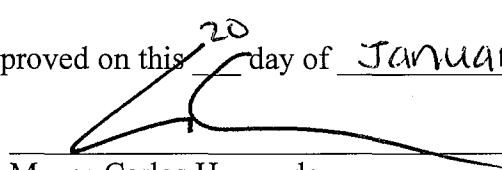
PASSED and ADOPTED this 12 day of January, 2021


Jesus Tundidor
Council President

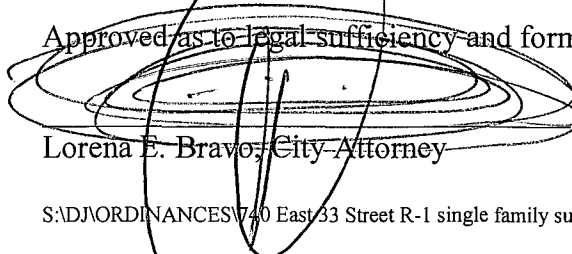
Attest:


Marbelys Fatjo, City Clerk

Approved on this 20 day of January, 2021


Mayor Carlos Hernandez

Approved as to legal sufficiency and form


Lorena E. Bravo, City Attorney

Ordinance was adopted by 4-0-3 vote with Councilmembers, De la Rosa, Garcia-Roves, Tundidor, and Zogby voting "Yes" and with Council Member Cue-Fuente, Council Vice President Perez and Council Member Hernandez absent.

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THE FOREGOING ORDINANCE
OF THE CITY OF TAMPAH WAS
PUBLISHED IN THE OFFICIAL GAZETTE
WITH THE CITY CLERK'S OFFICE
FLORIDA STATUTE SECTION 218.41
PRIOR TO FINAL HEADING.