

ORDINANCE NO. 2021-088

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW TOTAL LOT COVERAGE OF 37.1%, WHERE 30% IS THE MAXIMUM ALLOWED; CONTRA TO HIALEAH CODE OF ORDINANCES § 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 August 11, 2021 recommended approval of this ordinance; and

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 37.1%, where 30% is the maximum allowed, contra to Hialeah Code of Ordinances § 98.2056(b)(2) that provides: “A maximum of 30 percent of the net residential land area may be covered with our occupied by the principal residential structure”. Property located at 2474 West 4 Court, Hialeah, zoned R-2 (One-and Two-Family Residential District) and legally described as follows:

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

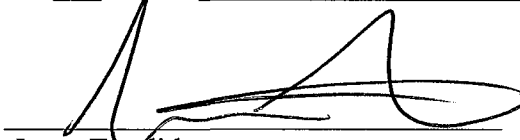
Section 4: Severability Clause.

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 14 day of September, 2021.



Jesus Tundidor
Council President

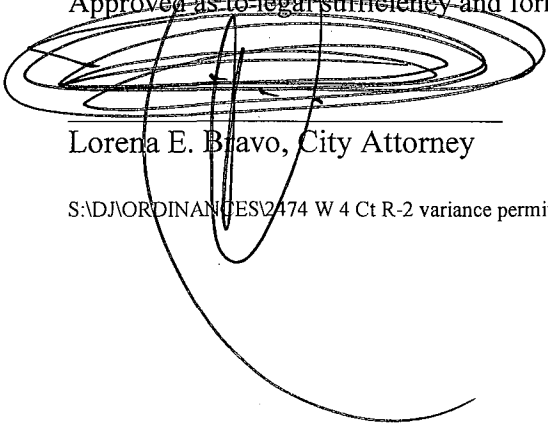
Attest:

Approved on this 21 day of September, 2021.


Marbelys Fatjo, City Clerk
Mayor Carlos Hernandez

~~Approved as to legal sufficiency and form:~~

Ordinance was adopted by 7-0 vote with Councilmembers, Cue-Fuente, De la Rosa, Garcia-Roves, Hernandez, Perez, Tundidor, and Zogby voting "Yes".


Lorena E. Bravo, City Attorney