

ORDINANCE NO. 2022-007

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA GRANTING A VARIANCE PERMIT TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON THE EAST SIDE OF THE PROPERTY (LOT 29), A SUBSTANDARD LOT, HAVING A FRONTAGE OF 40 FEET AND A TOTAL LOT AREA OF 5,440 SQUARE FEET, WHERE 75 FEET AND 7,500 SQUARE FEET ARE REQUIRED; CONTRA TO HIALEAH CODE OF ORDINANCES § 98-499. **PROPERTY LOCATED AT 707 EAST 32 STREET, LOT 29, 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, at its meeting of January 12, 2022, 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 the construction of a single-family home on the west side of the property (Lot 29), a substandard lot, having a frontage of 40 feet and total lot area of 5,440 square feet, where 75 feet 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 707 East 32 Street, Lot 29, Hialeah, zoned R-1 (One-Family District) and legally described as follows:

Lot 29, Block 64B of AMENDED PLAT OF THE AMENDED PLAT OF THIRTEENTH ADDITION TO HIALEAH, 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 S ½ of the 12-foot alley lying North 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.

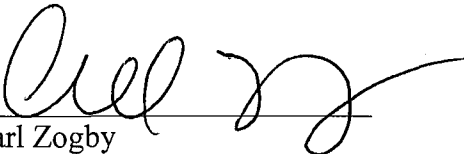
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council 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.

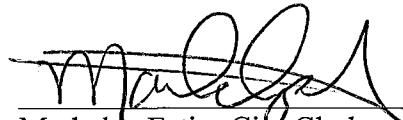
PASSED and ADOPTED this 8 day of February, 2022.



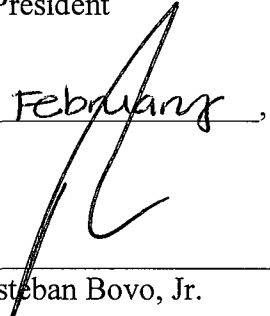
Carl Zogby
Council President

Attest:

Approved on this 22 day of February, 2022.

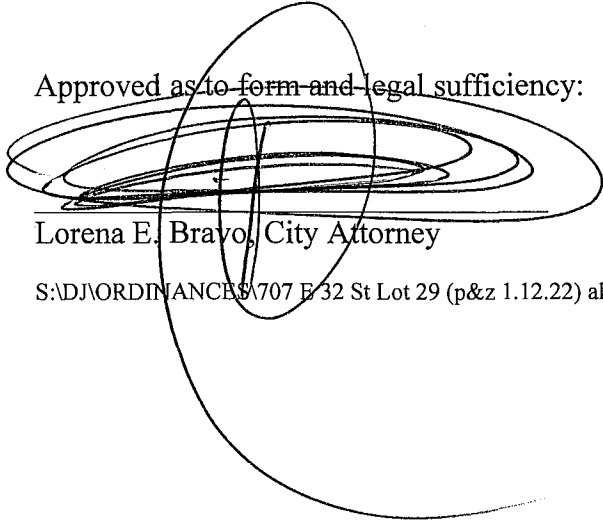


Marbelys Fatjo, City Clerk



Mayor Esteban Bovo, Jr.

Approved as to form and legal sufficiency:



Lorena E. Bravo, City Attorney

Ordinance was adopted by 7-0 with Councilmembers Calvo, Casáls-Muñoz, Garcia-Roves, Perez, Rodriguez, Tundidor, and Zogby voting "Yes."

S:\DJ\ORDINANCES\707 E 32 St Lot 29 (p&z 1.12.22) allow construction of single-family home on substandard lot.docx

THE FOREGOING ORDINANCE
OF THE CITY OF MIAMI BEACH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE SECTION
PRIOR TO FINAL RESOLUTION.