

ORDINANCE NO. 2021-142

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW 2.83 FEET REAR SETBACK, WHERE 15 FEET ARE REQUIRED FOR THE LEGALIZATION OF AN EXISTING ADDITION; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-1117 AND 98-1071. **PROPERTY LOCATED AT 5999 WEST 16 AVENUE, HIALEAH, ZONED C-2 (LIBERAL RETAIL COMMERCIAL 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 November 10, 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 granted a variance permit to allow 2.83 feet rear setback, where 15 feet are required for the legalization of an existing addition, contra to Hialeah Code of Ordinances § 98-1117 that provides: “Rear yard required. In the C-2 liberal retail commercial district, the rear yard shall be the same as in the C-1 district.”; § 98-1071 that provides: “In the C-1 restricted retail commercial district, there shall be a rear yard of not less than 15 feet in depth, except as a use of an R-3 district where rear yard requirements shall be the same as required under that use district.” Property located at 5999 West 16 Avenue, Hialeah, zoned C-2 (Liberal Retail Commercial District) and legally described as follows:

The South 144 feet of the North 179 feet of the West ½ of Tract 64, of FLORIDA FRUIT LANDS COMPANY’S SUBDIVISION NO. 1, in the SE ¼ of Section 35, Township 52 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida; less the East 420 feet and less the West 35 feet thereof.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

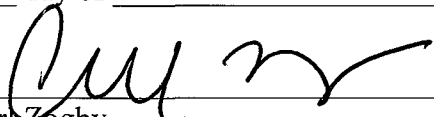
Section 4: Severability Clause.

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 December, 2021.



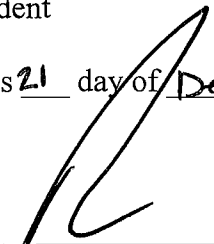
Carl Zogby
Council President

Attest:

Approved on this 21 day of December, 2021



Marbelys Fatjo, City Clerk



Mayor Esteban Bovo, Jr.

Approved as to form and legal sufficiency:



Lorena E. Bravo, City Attorney

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