

ORDINANCE NO. 2022-054

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, GRANTING A VARIANCE PERMIT TO ALLOW THE REPLATTING OF THE PROPERTY INTO TWO SUBSTANDARD LOTS: LOT 1 HAVING A FRONTAGE OF 40.01 FEET AND TOTAL LOT AREA OF 5,399.87 SQUARE FEET, WHERE 75 FEET FRONTAGE AND 7,500 SQUARE FEET ARE REQUIRED AND LOT 2, HAVING A FRONTAGE OF 40.01 AND TOTAL LOT AREA OF 5,399.91 SQUARE FEET, WHERE 75 FEET FRONTAGE AND 7,500 SQUARE FEET ARE REQUIRED; AND ONCE PLATTED ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOUSE ON EACH PLATTED SUBTANDARD LOT. ALL CONTRA TO HIALEAH CODE OF ORDINANCES § 98-499; **PROPERTY LOCATED AT 1140 WEST 32 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 at its meeting of April 13, 2022, recommended denial of this ordinance; and

WHEREAS, having taking into consideration the testimony from the Applicant, on May 10, 2022, the Hialeah City Council voted to override the Planning and Zoning Board's recommendation of denial.

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 replatting of the property into two substandard lots: Lot 1, having a frontage of 40.01 feet and total lot area of 5,399.87 square feet, where 75 feet and 7,500 square feet are required; and Lot 2, having a frontage of 40.01 feet and total lot area of 5,399.91 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 and shall also have a minimum average depth of 100 feet."; and once platted allow the construction of a single-family house on each platted substandard lot. Property located at 1140 West 32 Street, Hialeah, zoned R-1 (One-Family District) and legally described as follows:

The West 80 feet of East 320 feet of the North ½ of Tract 8, of AMENDED PLAT OF BLOCKS 1 TO 12 INCLUSIVE OF WEST HIALEAH HEIGHTS, according to the Plat thereof, as recorded in Plat

Book 28, at Page 39, of the Public Records of Miami-Dade County, Florida.

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.

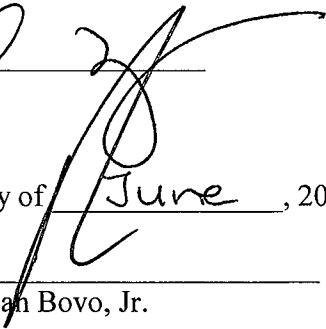
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 14 day of June, 2022.



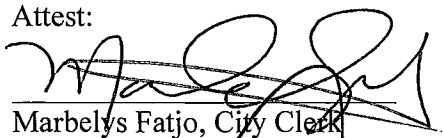
Carl Zogby
Council President

Approved on this 23 day of June, 2022.



Mayor Esteban Bovo, Jr.

Attest:



Marbelys Fatjo, City Clerk

Approved as to legal sufficiency and form:



Lorena E. Bravo, City Attorney

Y:\ADJ\ORDINANCES\1140 W 32 St R-1 replatting into two residential lots allow construction of single-family house (p&z 4.13.22).docx

THE FOREGOING ORDINANCE
OF THE CITY OF MIAMI
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.

Ordinance was adopted by 5-0-2 with Councilmembers Calvo, Garcia-Roves, Casáls-Muñoz, Rodriguez, Tundidor, and voting "Yes" Council President Zogby not present during roll call and Council Vice President Perez absent