

ORDINANCE NO. 2016-22

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A DUPLEX WITH A TOTAL FLOOR AREA OF 1,380 SQUARE FEET, WHERE A MINIMUM OF 1,500 SQUARE FEET ARE REQUIRED, CONTRA TO HIALEAH CODE § 98-548. **PROPERTY LOCATED AT 310 EAST 17 STREET, HIALEAH, FLORIDA.** 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 March 9, 2016 recommended approval of this ordinance on condition that the existing second unit that was built without the benefit of a building permit be legalized within 180 days.

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 duplex with a total floor area of 1,380 square feet, where a minimum of 1,500 square feet are required, contra to Hialeah Code § 98-548, which provide in pertinent part: “In the R-2 one- and two-family residential district, the total minimum floor area of two-family residences shall be 1,500 square feet...” Property located at 310 East 17 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

LOT 2, AND THE WEST 25 FEET OF LOT 3, BLOCK 88, OF AMENDED PLAT OF FIRST ADDITION TO TOWN OF HIALEAH, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 122, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.

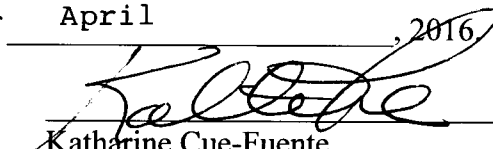
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

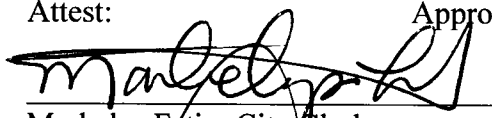
PASSED and ADOPTED this 12 day of April, 2016

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


Katharine Cue-Fuente
Council Vice President


Attest:

Approved on this 15 day of April, 2016.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

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


Lorena E. Bravo, City Attorney

Ordinance was adopted by a (6-0-1) vote with Councilmembers, Caragol, Cue-Fuente, Garcia-Martinez, Hernandez, Lozano and Casáls-Muñoz voting "Yes". Council President Gonzalez absent.