

ORDINANCE NO. 2019-038

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW ONE SINGLE FAMILY HOME ON EACH SUBSTANDARD LOT (LOTS 16 AND 17) HAVING A FRONTAGE OF 40 FEET, WHERE 75 FEET ARE REQUIRED AND A LOT AREA OF 4,905.6 SQUARE FEET, WHERE 7,500 SQUARE FEET ARE REQUIRED; ALLOW A STREET SIDE SETBACK OF 6.1 FEET, WHERE 15 IS THE MINIMUM REQUIRED FOR LOT 16; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-347(4), 98-348(a), AND 98-501. PROPERTY ZONED R-1 (ONE FAMILY DISTRICT). **PROPERTY LOCATED AT 897 EAST 20 STREET, HIALEAH FLORIDA.** REPEALING ALL 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 recommended approval of this ordinance at its meeting of March 13, 2019.

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 one single family home on each substandard lot (lots 16 and 17) having a frontage of 40 feet, where 75 feet are required and an area of 4,905.6 square feet, where 7,500 square feet are required, contra to Hialeah code of ordinances § 98-347(4) that provides: “Lot sizes. All building sites and lots in residential districts shall have a minimum width of 75 feet...”; and contra to Hialeah code of ordinances § 98-348(a) that provides: “All lots in R-1 one-family districts and R-2 one- and two-family residential districts shall have at least 7,500 square feet in area.”; on (lot 16) allow a street side setback of 6.1 feet, where 15 is the minimum required, contra to Hialeah

Code of Ordinances § Sec. 98-501 that provides: “In the R-1 one-family district..... For a corner lot, the side yard parallel abutting the street shall be not less than 15 feet.” Property located at 897 East 20 Street, Hialeah, Florida, and legally described as follows:

Lot 16 and 17, in Block 120-B, OF AMENDED PLAT OF THE 13TH 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

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

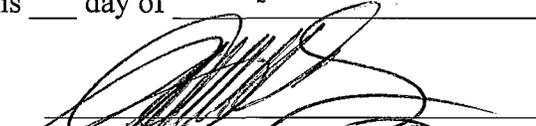
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or 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 9 day of April, 2019.

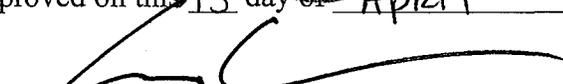
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Vivian Casals-Munoz
Council President

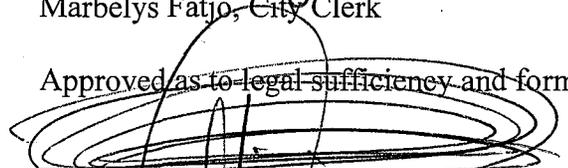
Attest:


Marbelys Fatjo, City Clerk

Approved on this 15 day of April, 2019.


Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a 6-0-1 vote with Councilmembers, Caragol, Zogby, Lozano, Casals-Munoz, Garcia-Martinez Lozano voting "Yes"; and with Councilmember Cue-Fuente absent.