

ORDINANCE NO. 2018-006

ORDINANCE GRANTING A VARIANCE PERMIT ON A SUBSTANDARD LOT TO ALLOW CONSTRUCTION OF A SINGLE FAMILY RESIDENCE HAVING A LOT AREA OF 5,400 SQUARE FEET, WHERE 7,500 FEET ARE REQUIRED; A FRONTAGE OF 40 FEET, WHERE 75 FEET ARE REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-499, AND 98-502.; PROPERTY ZONED R-1 (ONE FAMILY DISTRICT). **PROPERTY LOCATED AT 51 EAST 60 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 at its meeting of December 13, 2017 recommended approval of this ordinance; and

WHEREAS, the developer has proffered a Declaration of Restrictive Covenants to, among other things, ensure the completion of the home within 18 months following the date of approval of the final site plan, to which the City accepts.

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: on lot 1 to allow construction of a single family residence having a lot area of 5,400 square feet, where 7,500 feet are required, contra to Hialeah Code of Ordinances § 98-499 that 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.”; and allow a frontage of 40 feet, where 75 feet are required, contra to Hialeah Code of Ordinances § 98-499 that provides: “Building site area required. The minimum building site in the R-1 one-family district shall be

one lot or parcel of land ... Such parcels or lots shall have an average width of at least 75 feet;

Property located at 51 East 60 Street, Hialeah, Florida, and legally described as follows:

Lot 29, in Block 1, of PALM AVENUE HIGHLANDS, according to the Plat thereof as recorded in Plat Book 15, at Page 35, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 23 day of January, 2018.

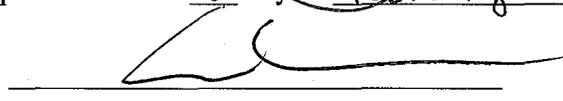
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE NO. 041
PRIOR TO FINAL READING.


Vivian Casals-Munoz
Council President

Attest:

Approved on this 8 day of February, 2018.


Marbelys Fatjo, City Clerk


Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:

Ordinance was adopted by a (7-0) vote with Councilmembers, Caragol, Zogby, Casals-Munoz, Cue-Fuente, Garcia-Martinez, Lozano and Hernandez voting "Yes".


Lorena E. Bravo, City Attorney