

ORDINANCE NO. 2018-013

ORDINANCE GRANTING A VARIANCE PERMIT ON A SUBSTANDARD LOT TO ALLOW AN EXISTING SINGLE FAMILY RESIDENCE HAVING A LOT AREA OF 5,392 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; PROPERTY ZONED R-1 (ONE FAMILY DISTRICT). **PROPERTY LOCATED AT 53 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.

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 the existing single family residence having a lot area of 5,392 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 53 East 60 Street, Hialeah, Florida, and legally described as follows:

Lot 28, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 13 day of February, 2018.

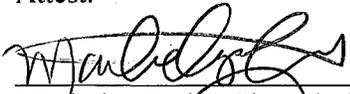
THE FOREGOING ORDINANCE OF THE CITY OF HIALEAH WAS PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF FLORIDA STATUTE 166.041 PRIOR TO FINAL READING.



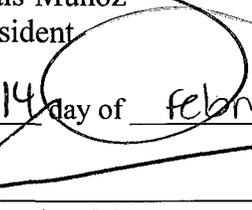
Vivian Casals-Munoz
Council President

Attest:

Approved on this 14 day of February, 2018.

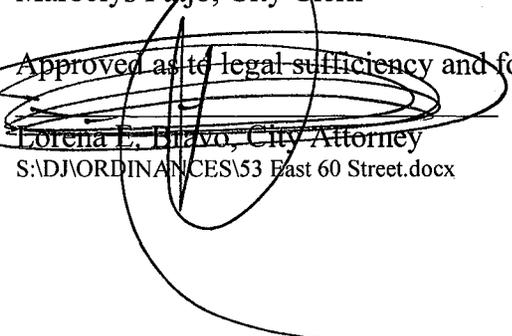


Marbelys Fatjo, City Clerk



Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:



Lorena E. Bravo, City Attorney
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Ordinance was adopted by a 7-0 vote with Councilmembers, Caragol, Zogby, Casals-Munoz, Cue-Fuente, Garcia-Martinez, Lozano and Hernandez voting "Yes"