

ORDINANCE NO. 2017-072

ORDINANCE GRANTING A VARIANCE PERMIT ON LOT 1 TO ALLOW CONSTRUCTION OF A SINGLE FAMILY RESIDENCE HAVING A LOT AREA OF 5,389 SQUARE FEET, WHERE 7,500 FEET ARE REQUIRED; ON LOT 2 TO ALLOW A SINGLE FAMILY RESIDENCE HAVING A LOT AREA OF 5,400 SQUARE FEET, WHERE 7,500 FEET ARE REQUIRED; ON LOT 1 A FRONTAGE WIDTH OF 39.92 FEET, WHERE 75 FEET ARE REQUIRED; ON LOT 2, A FRONTAGE OF 40 FEET, WHERE 75 FEET ARE REQUIRED; AND ON LOT 1: A SIDE YARD SETBACK OF 5 FEET, WHERE 7.5 FEET ARE REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-499, AND 98-501; PROPERTY ZONED R-1 (ONE FAMILY DISTRICT). **PROPERTY LOCATED AT 292 WEST 18TH 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 City Council at its meeting of October 10th, 2017 overrode the denial of the Planning and Zoning Board's denial 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 construction of a single family residence having a lot area of 5,389 square feet, where 7,500 feet are required; on lot 2 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."; on lot 1 a frontage width of 39.92 feet, where 75 feet are required, and on lot 2, 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; on lot 1 a side yard setback of 5 feet, where 7.5 feet are required, contra to Hialeah Code of Ordinances § 98-98-501 that provides: "Side yards required. In the R-1 one-family district, there shall be side yards, the width of each to be not less than ten percent of the average width of the lot, but in no case shall each such side yard be less than five feet one inch or more than 7½ feet in width." Property located at 292 West 18TH STREET, Hialeah, Florida, and legally described as follows:

Lots 1 and 2, Block 132, Ninth Addition to Hialeah, according to the plat thereof as recorded in Plat Book 9, Page(s) 44, 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.

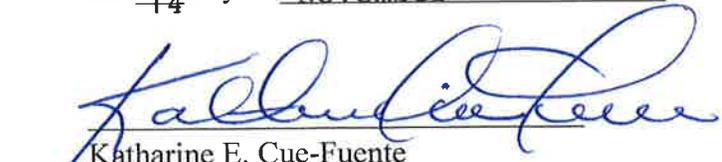
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or 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 November, 2017.

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 E. Cue-Fuente
Council Vice President

Attest:

Approved on this 28 day of November, 2017.



Marbelys Fatjo, City Clerk



Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:



Lorena E. Bravo, City Attorney

Ordinance was adopted by a (4-0-3) vote with Councilmembers, Zogby, Cue-Fuente, Lozano, Garcia-Martinez and voting "Yes". Councilmember Hernandez and Caragol absent and Council President Casáls-Muñoz not present during roll call