

ORDINANCE NO. 2017-095

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW THE RE-PLATTING OF PROPERTY INTO TWO SUBSTANDARD LOTS ALLOWING ON LOT 1 THE EXISTING SINGLE FAMILY RESIDENCE HAVING A LOT AREA OF 6,375 SQUARE FEET, WHERE 7,500 FEET ARE REQUIRED; ON LOT 2 TO CONSTRUCT A SINGLE FAMILY RESIDENCE HAVING A LOT AREA OF 3,825 SQUARE FEET, WHERE 7,500 FEET ARE REQUIRED; ON LOT 1 A DEPTH OF 80.83 FEET, WHERE 100 FEET ARE REQUIRED; ON LOT 2, A FRONTAGE OF 45.92 FEET, WHERE 75 FEET ARE REQUIRED; A DEPTH OF 75 FEET, WHERE 100 FEET ARE REQUIRED; AND ON LOT 1, A 15 FOOT REAR SETBACK, WHERE 20 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 705 EAST 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 Planning and Zoning Board at its meeting of November 15, 2017 recommended approval of this ordinance.

WHEREAS, the developer proffered to reform the site-plan to provide for a single family design agreeable to the City, and provide for only one central air conditioning unit on the buildings to be constructed, 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 to allow the re-platting of property into two substandard lots: on lot 1 to the existing house having a lot area of 6,375 square feet, where 7,500 feet are required; on lot 2 to construct a single family

residence having a lot area of 3,825 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 2, a frontage of 45.92 feet, where 75 feet are required, contra to § 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 lot 1 a depth of 80.83 feet, where 100 feet are required, and on lot 2 a depth of 75 feet, where 100 feet are required, contra to § 98-499 that provides: “Such parcels or lots shall have a minimum average depth of 100 feet.”; and on lot 1: a 15 foot rear setback, where 20 feet are required, contra to § 98-502 that provides: Rear yard required. In the R-1 one-family district, every principal residential building shall provide a rear yard of a minimum depth of 20 feet...”

Lots 29 and 30, and the West 10.55 Feet of Lot 28, Block 26-B,
AMENDED PLAT OF THE AMENDED PLAT OF
THIRTEENTH ADDITION TO HIALEAH, according to the plat
thereof, as recorded in Plat Book 34, Page(s) 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

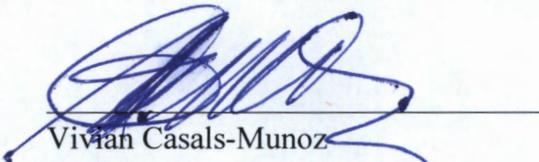
invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

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 12 day of December, 2017.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 168.041
PRIOR TO FINAL READING.

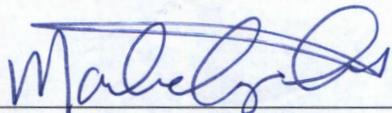


Vivian Casals-Munoz

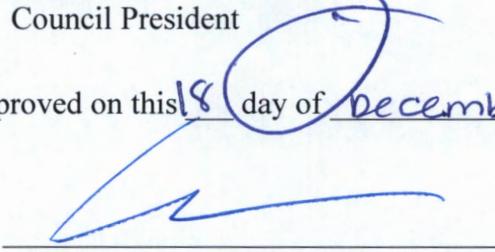
Council President

Attest:

Approved on this 18 day of December, 2017.

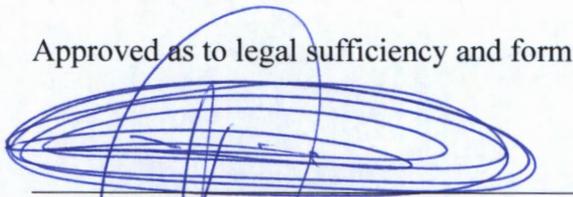


Marbelys Fatjo, City Clerk



Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:



Lorena E. Bravo, City Attorney

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