

**ORDINANCE NO. 2015-06**

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A SINGLE FAMILY HOME ON A SUBSTANDARD-SIZED LOT HAVING A FRONTAGE OF 40 FEET, WHERE AT LEAST 75 FEET ARE REQUIRED, AND A TOTAL AREA OF 5,400 SQUARE FEET, MORE OR LESS, WHERE A TOTAL AREA OF AT LEAST 7,500 SQUARE FEET IS REQUIRED, AND TO ALLOW A PROPOSED REAR SETBACK OF 19 FEET, WHERE A 25 FEET ARE REQUIRED, CONTRA TO HIALEAH CODE §§ 98-499 AND 98-348(A). **A VACANT LOT LOCATED AT 758 EAST 30 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF 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 January 28, 2015, 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 to allow a single-family home on a substandard-sized lot having a frontage of 40 feet, where at least 75 feet are required, and a total area of 5,400 square feet, more or less, where a total area of at least 7,500 square feet is required, and to allow a proposed rear setback of 19 feet, where a 25 feet are required, contra to Hialeah Code §§ 98-499 and 98-348(a), which provides in pertinent part: “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. Such parcels or lots shall have an average width of at least 75

feet and shall also have a minimum average depth of 100 feet. ” and “(a) *Size of Lots*...Further, building permits may be issued for the erection of future structures on existing legally divided parcels of unimproved land in R-1 zones if such lots are at least an average of 40 feet in width and are an average of at least 125 feet in depth, and provided, further, that such future structures are to maintain a 30-foot front yard setback, a 25-foot rear yard setback, and five-foot one-inch side setbacks...”, respectively. A vacant lot located at 758 East 30 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

LOT 9, BLOCK 49-B, OF THIRTEENTH ADDITION TO HIALEAH, A SUBDIVISION ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 20, PAGE 37, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, TOGETHER WITH THE 6 FEET ALLY LYING SOUTH AND ADJACENT AS CLOSED PER RESOLUTION R-94-104.

**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.

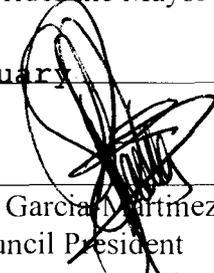
**Section 4: Severability Clause.**

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.**

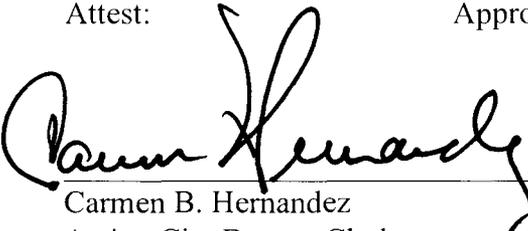
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

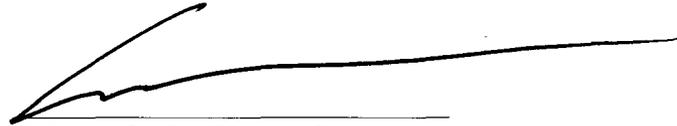
PASSED and ADOPTED this 24 day of February, 2015.

  
\_\_\_\_\_  
Isis Garcia Martinez  
Council President

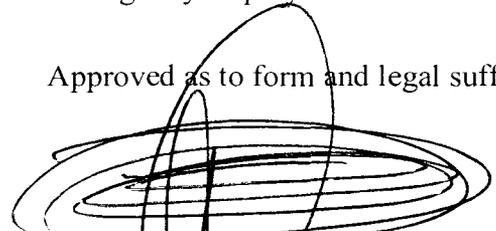
Attest:

Approved on this 6 day of March, 2015.

  
\_\_\_\_\_  
Carmen B. Hernandez  
Acting City Deputy Clerk

  
\_\_\_\_\_  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
Lorena E. Bravo, City Attorney

Ordinance was adopted by a (7-0) unanimous vote with Councilmembers, Caragol, Casáls-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".