

ORDINANCE NO. 2015-50

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A WAIVER OF PLAT, TO ALLOW A REAR SETBACK OF 15 FEET, WHERE 20 FEET ARE REQUIRED, AND TO ALLOW SIDE SETBACKS OF 5 FEET, WHERE 5.04 FEET ARE REQUIRED, PURSUANT TO HIALEAH CODE §98-831; **PROPERTY LOCATED AT 6588 WEST 22 LANE, 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 August 12, 2015 recommended approval of this ordinance;

WHEREAS, pursuant to Hialeah Ordinance 87-66 (September 22, 1987), the plat of Third Addition to Baracoa, encompassing property located between West 64th Street and West 67th Street, in the vicinity of West 20nd Court and West 22nd Lane, indicating the limits of building envelope for each lot to include a 20 feet rear setback and 5.04 feet side setbacks, was accepted and approved;

WHEREAS, the existing rear and side setbacks of property located at 6588 West 22 Lane, Hialeah, Florida extend beyond the limits of the building envelope indicated in said plat; and

WHEREAS, the property located at 6588 West 22 Lane, Hialeah, Florida satisfies all other requirements of the R-Z residential zero lot line district.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The foregoing facts and recitations contained in the preamble to this ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2: The below-described property is hereby granted a variance permit to allow a waiver of plat, to allow a rear setback of 15 feet, where 20 feet are required, and to allow side setbacks of 5 feet, where 5.04 feet are required, pursuant to Hialeah Code §98-831, which provides in pertinent part: “In the R-Z residential zero lot line district, each dwelling shall be located on its own individually platted lot. If areas for common use of occupants of the development are shown on the plat, satisfactory arrangements shall be made for the maintenance of the common open space. The plat shall indicate the building envelope for each lot and the easements appurtenant thereto. If a proposed or existing addition to a residence extends beyond the limits of the building envelope, a property owner may apply for a waiver of plat, provided that the building, if approved, satisfies all other requirements of the R-Z residential zero lot line district, by administrative variance or in the manner of a zoning variance.” Property located at 6588 West 22 Lane, Hialeah, Florida, zoned R-3-5 (Multiple Family District), and legally described as follows:

LOT 8, BLOCK 7, OF THIRD ADDITION TO BARACOA,
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT
BOOK 132, AT PAGE 78, OF THE PUBLIC RECORDS OF MIAMI-
DADE COUNTY, FLORIDA.

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by 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 5: Severability Clause.

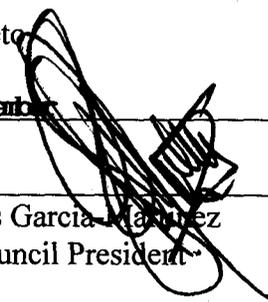
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

Section 6: 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 8th day of September, 2015.

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



Isis Garcia-Martinez
Council President

Attest: Approved on this 11 day of September, 2015.

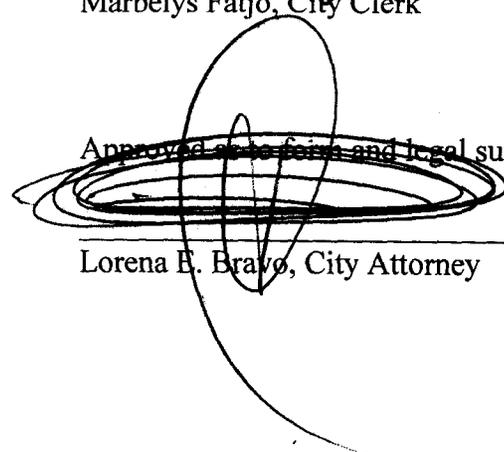


Marbelys Fatjo, City Clerk



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, Casals-Munoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes"