

ORDINANCE NO. 2018-062

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW CONSTRUCTION OF A SINGLE FAMILY RESIDENCE ON A SUBSTANDARD LOT HAVING A WIDTH OF 65 FEET, WHERE 75 FEET ARE REQUIRED; AND ALLOW A TEMPORARY WAIVER OF PLAT PROVIDED THAT THE PROPERTY WILL BE PLATTED WITHIN 18 MONTHS OF APPROVAL OF THIS ORDINANCE, ALL CONTRA TO HIALEAH CODE OF ORDINANCES § 98-499; AND HIALEAH LAND DEVELOPMENT CODE § 10-4(c). PROPERTY ZONED R-1 (ONE FAMILY DISTRICT). **PROPERTY LOCATED AT 715 EAST 56TH 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's recommended approval of this ordinance at its meeting of June 13, 2018.

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 an eighteen month temporary waiver of plat, pursuant to Land Development Code § 10-4(c) that provides: "Waiver of Plat. *Temporary waiver of plat.* A temporary waiver of plat is of limited time duration and may be granted only conditioned on obtaining an approved plat within a reasonable time agreed to by the city."

Section 2: The below-described property, is hereby granted a variance permit to allow construction of a single family residence on a substandard lot having a width of 65 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."

Section 3: Property located at 715 East 56th Street, Hialeah, Florida, and legally described as follows:

The East 65 feet of the West 130 feet of the South 140 feet of Tract A, Block 10, 2nd Revised Plat of Portion of Saratoga Heights Additions No. 1 and 2, according to the map or plat thereof, as recorded in Plat Book 44, Page(s) 31, of the Public Records of Miami-Dade County, Florida.

Section 4: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: 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 6: Severability Clause.

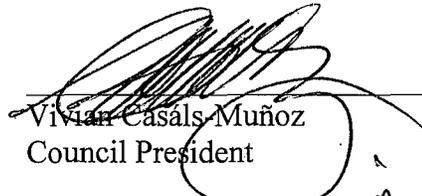
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such

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

Section 7: Effective Date.

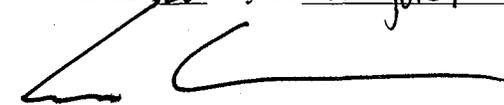
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 14 day of August, 2018.



Vivian Casals Muñoz
Council President

Approved on this 20 day of August, 2018.



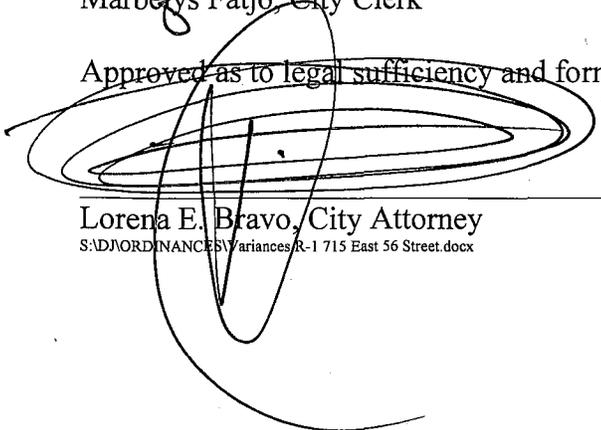
Carlos Hernandez, Mayor

Attest:



Marbelys Fatjo, City Clerk

Approved as to legal sufficiency and form:



Lorena E. Bravo, City Attorney

Ordinance was adopted by a 5-0-2 vote with Councilmembers, Zogby, Lozano, Casals-Munoz, Hernandez, and Cue-Fuente voting "Yes" and with Councilmembers Caragol and Garcia-Martinez absent.