

ORDINANCE NO. 2018-111

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW CONSTRUCTION OF A SINGLE FAMILY RESIDENCE ON SUBSTANDARD LOTS (LOTS 12 AND 13) HAVING A WIDTH OF 40 FEET, WHERE 75 FEET ARE REQUIRED; A FRONT SETBACK OF 20 FEET FOR LOT 12 AND 20.4 FEET FOR LOT 13, WHERE 30 FEET IS THE MINIMUM REQUIRED; AND AN AREA OF 5,480 SQUARE FEET, WHERE 7,500 SQUARE FEET ARE REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-499 AND 98-348(a). PROPERTY ZONED R-1 (ONE FAMILY DISTRICT). **PROPERTY LOCATED AT 680 EAST 36 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 recommended approval of this ordinance at its meeting of September 12, 2018; and

WHEREAS, the developer has proffered that the development shall be built in substantial compliance with the plans submitted by Dulce and Primitivo Conde Architects, dated June 27, 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 a variance permit to allow construction of a single family residence on substandard lots (lots 12 and 13) having a width of 40 feet, where 75 feet are required, and an area of 5,480 square feet, where 7,500 square 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 containing at least 7,500 square feet of area for each one-family residence. Such parcels or lots shall have an average width of at least 75 feet.”; and allow a front setback of 20 feet for lot 12 and 20.4 feet for lot 13, where 30 feet is the minimum required, contra to Hialeah Code of Ordinances § 98-348(a) that provides in relevant part: “Minimum size of lots and blocks; platting of lands. ...structures are to maintain a 30-foot front yard setback...” Property located at 80 West 39 Place, Hialeah, Florida, and legally described as follows:

Lot 12 and 13, of Block 11-F, according to the Amended Plat of FOURTEENTH ADDTION TO HIALEAH, recorded in Plat Book 29, at Page 46, of the Public Records of Miami-Dade County, Florida.

Lot 12 and 13, of Block 11-F, of Amended Plat of Blocks 1-F, 2-F, 3-F, 6-F and 11-F, of FOURTEENTH ADDTION TO HIALEAH, recorded in Plat Book 29, at Page 46, of the Public Records of Miami-Dade County, Florida.

Also known as:

Lot 12 and 13, of Block 1-F, 2-F, 3-F, 6-F and 11-F, of FOURTEENTH ADDTION TO HIALEAH, recorded in Plat Book 10, at Page 54, 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.

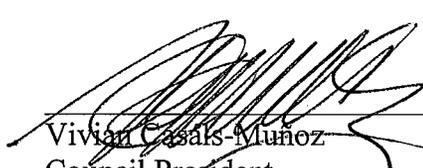
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

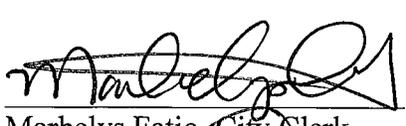
PASSED and ADOPTED this 9 day of October, 2018.

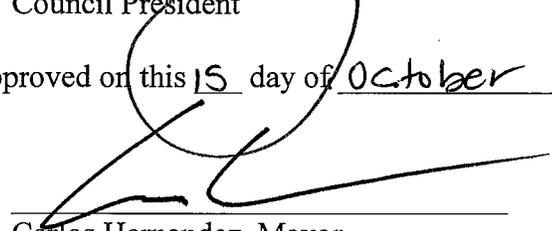
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 165.041
PRIOR TO FINAL HEARING


Vivian Casals-Munoz
Council President

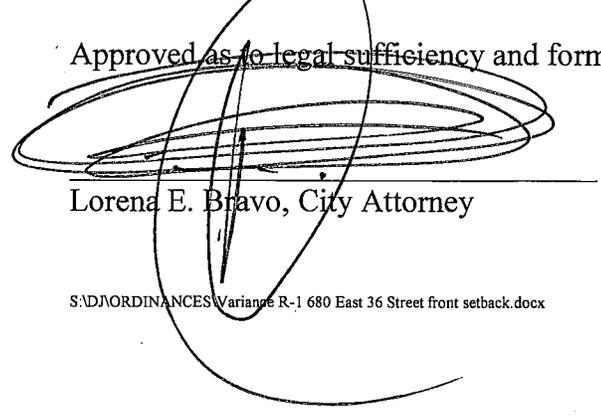
Attest:

Approved on this 15 day of October, 2018.


Marbelys Fatjo, City Clerk


Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

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