ORDINANCE NO. 2013-56

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A WAIVER OF PLAT PURSUANT TO HIALEAH CODE §98-831; GRANTING A VARIANCE PERMIT TO ALLOW A LOT COVERAGE OF 45.9%, WHERE A MAXIMUM OF 43% IS ALLOWED; AND TO ALLOW A REAR SETBACK OF 6 FEET, WHERE A MINIMUM OF 15 FEET ARE REQUIRED, CONTRA TO HIALEAH CODE §§ 98-828(3), AND § 98-830. **PROPERTY LOCATED AT 3133 WEST 70 TERRACE, 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 14, 2013 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 waiver of plat pursuant to Hialeah Code §98-831, allow a lot coverage of 45.9%, where a maximum of 43% is allowed, and allow a rear setback of 6 feet, where a minimum of 15 feet are required, contra to Hialeah Code §§ 98-828(3) and 98-830, which provide in pertinent part: "In the R-Z residential zero lot line district, dwelling unit setbacks shall be as follows: (3) *Rear setback.* There shall be a minimum rear setback of 15 feet from the property line." and " In the R-Z residential zero lot line district, the total lot coverage permitted for all buildings on each lot shall not exceed 43 percent of the lot

area.", respectively. Property located at 3133 West 70 Terrace, Hialeah, Miami-Dade County, Florida, zoned R-1 (One Family District), and legally described as follows:

> LOT 25, IN BLOCK 2, OF CANNON SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 139, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 10 day of September, 2013.

Isis Garcia-Martinez
Council President

Attest:

Approved on this 13 day of September, 2013.

Marbelys Fatjo, Acting City Clerk

Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

William M. Grodnick, City Attorney

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