ORDINANCE NO. 2014-32

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A REPLAT OF TWO SUBSTANDARD LOTS THE FIRST LOT HAVING A WIDTH OF 48 FEET, MORE OR LESS, WHERE A MINIMUM AVERAGE WIDTH OF 75 FEET IS REQUIRED, A TOTAL AREA OF 6,507 SQUARE FEET, MORE OR LESS, WHERE A TOTAL AREA OF AT LEAST 7,500 SQUARE FEET IS REQUIRED AND A CORNER SIDE SETBACK OF 12.5 FEET, WHERE 15 FEET ARE REQUIRED, AND THE SECOND LOT HAVING A WIDTH OF 40 FEET, MORE OR LESS, WHERE A MINIMUM AVERAGE WIDTH OF 75 FEET IS REQUIRED, AND A TOTAL AREA OF 5,539 SQUARE FEET, MORE OR LESS, WHERE A TOTAL AREA OF AT LEAST 7,500 SQUARE FEET IS REQUIRED, CONTRA TO HIALEAH CODE §§ 98-347(4), 98-499, AND 98-501. **PROPERTY LOCATED AT 385 WEST 42 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 February 12, 2014, 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 replat of two substandard lots, the first lot having a width of 48 feet, more or less, where an average width of 75 feet is required, a total area of 6,507 square feet, more or less, where a total area of at least 7,500 square feet is required, and a corner side setback of 12.5 feet, where 15 feet are required, and the second lot having a width of 40 feet, more or less, where an average width of 75 feet is required, and a total area of 5,539 square feet, more or less, where a total area of at least 7,500 square feet is required, contra

to Hialeah Code §§ 98-348(a), 98-499, and 98-501, which provide in pertinent part: "No plat or replat required by this subdivision shall be approved until the following requirements have been met:..(4) *Lot sizes.* All building sites and lots in residential districts shall have a minimum width of 75 feet and a minimum depth of 100 feet", "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 "For a corner lot, the side yard parallel abutting the street shall be not less than 15 feet.". Property located at 385 West 42 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

> LOTS 26, 27, AND 28, IN BLOCK 1, OF MIAMI-LE-AH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, AT PAGE 44, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE EAST 38 FEET THEREOF, AND LESS THAT PORTION OF SAID LOTS 26, 27, AND 28, WHICH LIES WITHIN THE RIGHT-OF-WAY OF RED ROAD (WEST 4 AVENUE) AS SHOWN ON RIGHT-OF-WAY MAP RECORDED ON DECEMBER 13, 1957 IN PLAT BOOK 65, AT PAGE 70, 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 June, 2014.

Isis Garcia-Martinez
Council President

Attest:

Marbelys L. Fatjo, Acting City Clerk

Approved on this 11 day of June, 2014

Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

William M. Grodnick, City Attorney

Ordinance was adopted by a (6-0-1) vote with Council Members, Caragol, Casáls-Muñoz, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes", and Council Member Cue-Fuente abstained from voting.

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