

ORDINANCE NO. 2017-065

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW REPLATTING OF REAL PROPERTY INTO TWO LOTS AND TO ALLOW A HOME ON EACH LOT: LOT 1 HAVING A FRONTAGE OF 54.57 SQUARE FEET, WHERE 75 FEET ARE REQUIRED; LOT AREA OF 6,548 SQUARE FEET, WHERE 7,500 SQUARE FEET ARE REQUIRED; AND LOT 2, A COMPLIANT LOT WHERE A PORTION OF THE EXISTING HOUSE WILL REMAIN IN COMPLIANCE WITH THE R-1 REGULATIONS; AND ALLOW A TEMPORARY WAIVER OF PLAT PROVIDED THE PLATTING PROCESS IS COMPLETED WITHIN 18 MONTHS; CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-347(4), 98-348(a), AND PURSUANT TO HIALEAH LAND DEVELOPMENT CODE § 10-4(c); PROPERTY ZONED R-1 (ONE FAMILY DISTRICT). **PROPERTY LOCATED AT 3120 WEST 11TH AVENUE, 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, at its meeting of August 23, 2017, 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 replatting of real property into two lots, and to allow a home on each lot: lot 1 having a frontage of 54.57 square feet, where 75 feet are required; lot area of 6,548 square feet, where 7,500 square feet are required, contra to Hialeah code of ordinances § 98-347(4) that provides: "Lot sizes. All building sites and lots in residential districts shall have a minimum width of 75 feet..."; and contra to Hialeah code of ordinances § 98-348(a) that provides: "All lots in R-1 one-

family districts and R-2 one- and two-family residential districts shall have at least 7,500 square feet in area.”; and with lot 2, a compliant lot where the existing house will remain in compliance with the R-1 regulations; and allow a temporary waiver of plat provided the platting process is completed within 18 months pursuant to Hialeah Land Development Code § 10-4(c) that provides: “waiver of plat. temporary waiver of plat. A temporary waiver of plat is of a limited time duration and may be granted only conditioned on obtaining an approved plat within a reasonable time agreed to by the city.”; Property located at **3120 West 11TH Avenue, Hialeah, Florida**, and legally described as follows:

The East 120 Feet of the South Half of Tract 8, Amended Plat of Blocks 1 to 12 inclusive of West Hialeah Heights, according to the plat thereof as recorded in Plat Book 28, Page 39, 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.

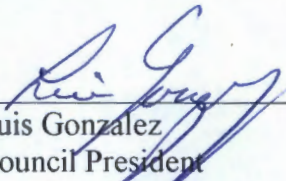
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or 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 October, 2017.

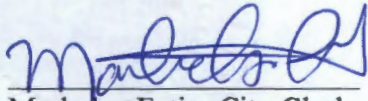
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 168.041
PRIOR TO FINAL PASSAGE.



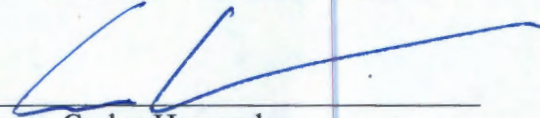
Luis Gonzalez
Council President

Attest:

Approved on this 23 day of October, 2017.

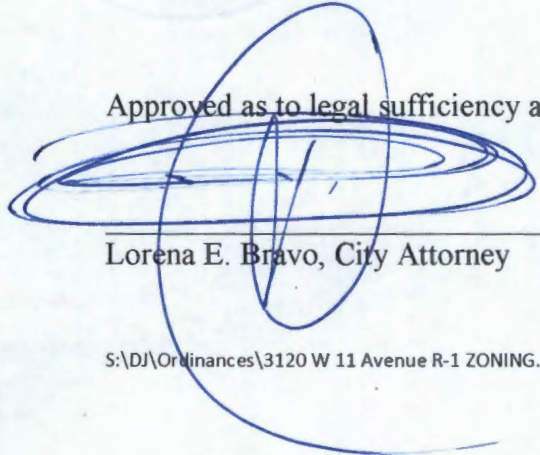


Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to legal sufficiency and form:



Lorena E. Bravo, City Attorney

Ordinance was adopted by a (7-0) unanimous vote with Councilmembers, Caragol, Cue-Fuente, Garcia-Martinez, Hernandez, Gonzalez, Lozano and Casáls-Muñoz voting "Yes".