

**ORDINANCE NO. 2019-046**

ORDINANCE AMENDING CHAPTER 98 ZONING; ARTICLE V ZONING DISTRICT REGULATIONS; DIVISION 3. R-1 ONE FAMILY DISTRICT; SECTION 98-502 REAR YARD REQUIRED; REDUCING THE DISTANCE SEPARATION BETWEEN A PRINCIPAL RESIDENTIAL BUILDING AND AN ACCESSORY BUILDING FROM 20 FEET TO 10 FEET; 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 May 15, 2019 recommended approval this ordinance; and

**WHEREAS**, the reduction on the distance separation between a principal residential building and an accessory building will avoid countless final decisions without impacting the privacy of adjacent neighbors.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** Chapter 98, entitled “Zoning”, Article V “Zoning District Regulations”; Division 3. “R-1 One Family District”; Section 98-502 “Rear Yard Required”, of the code of ordinances is amended as follows:

**CHAPTER 98**

**ZONING**

\* \* \*

**ARTICLE V. ZONING DISTRICT REGULATIONS**

\* \* \*

**DIVISION 3 R-1 ONE-FAMILY DISTRICT**

\* \* \*

### **SEC. 98-502 REAR YARD REQUIRED**

In the R-1 one-family district, every principal residential building shall provide a rear yard of a minimum depth of 20 feet to a rear lot line and 10 feet to the front of an accessory building, and every accessory building shall provide a rear yard with a minimum depth of 7½ feet. Utility or storage sheds shall not be considered as accessory buildings; the perimeter setbacks and other requirements provided in section 98-1670 shall apply.

#### **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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 11 day of June, 2019.

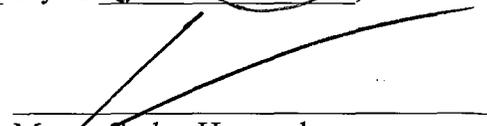
THE FOREGOING ORDINANCE OF THE CITY OF HIALEAH WAS PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF FLORIDA STATUTE 166.041 PRIOR TO FINAL READING.

  
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Vlyian Casals-Muñoz  
Council President

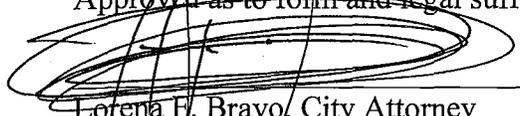
Attest:

Approved on this 18 day of June, 2019.

  
\_\_\_\_\_  
Marbelys Fatjo, City Clerk

  
\_\_\_\_\_  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
Lorena E. Bravo, City Attorney

Ordinance was adopted by a 4-0-3 vote with Councilmembers, Zogby, Casals-Munoz, Garcia-Martinez, and Hernandez, voting "Yes" and with Councilmembers Caragol, Cue-Fuente, Lozano absent.

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