

ORDINANCE NO. 2019-068

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL GRANTING A VARIANCE PERMIT TO ALLOW A DUPLEX ON EACH SUBSTANDARD LOTS (LOTS 6 AND 7) HAVING A FRONTAGE OF 40 FEET AND LOT AREA OF 5,160 SQUARE FEET, WHERE 75 FEET AND 7,500 SQUARE FEET ARE REQUIRED RESPECTIVELY; ON LOT 6 ALLOW AN INTERIOR WEST SIDE SETBACK OF 0 FEET AND AN INTERIOR EAST SIDE SETBACK OF 5 FEET, WHERE 7.5 FEET IS THE MINIMUM REQUIRED; AND ALLOW A REAR SETBACK OF 13 FEET, WHERE 25 FEET IS THE MINIMUM REQUIRED; AND ON LOT 7 ALLOW AN INTERIOR EAST SIDE SETBACK OF 0 FEET AND AN INTERIOR WEST SIDE SETBACK OF 5 FEET, WHERE 7.5 FEET IS THE MINIMUM REQUIRED; AND ALLOW A REAR SETBACK OF 13.58 FEET, WHERE 25 FEET IS THE MINIMUM REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-544, 98-546 AND 98-547(a), **PROPERTY LOCATED AT 436 EAST 16 STREET, HIALEAH, FLORIDA.** PROPERTY ZONED R-2 (ONE AND TWO FAMILY RESIDENTIAL DISTRICT). 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, 2019 recommended approval of this ordinance.

WHEREAS, the developer proffered and the City agreed that a 6 foot CBS wall be constructed to ensure the privacy of adjacent properties to the east and west.

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 duplex on a substandard lot having a frontage of 40 feet and area of 5,160 square feet, where 75

feet and 7,500 square feet are required respectively, contra to Hialeah Code of Ordinances § 98-544 that provides: “The minimum building site in the R-2 one- and two-family residential district shall be one lot or parcel of land containing at least 7,500 square feet of area for each one-family or two-family residence. Such parcels or lots shall have an average width of at least 75 feet...”; and allow on Lot 6 an interior west side setback of 0 feet and an interior east side setback of 5 feet, where 7.5 feet are required, contra to Hialeah Code of Ordinances § 98-546 that provides: “In the R-2 one- and two-family residential district, there shall be side yards, the width of each to be not less than ten percent of the average width of the lot, but in no case shall each such side yard be less than 7½ feet in width.”, and allow a rear setback of 13 feet, where 25 feet is the minimum required, contra to § 98-547(a) that provides: “In the R-2 one- and two-family residential district, every principal residential building shall provide a rear yard of a minimum depth of 25 feet to a rear lot line or front of an accessory building...”; and on Lot 7 allow an interior east side setback of 0 feet and an interior west side setback of 5 feet, where 7.5 feet is the minimum required, contra to Hialeah Code of Ordinances § 98-546 that provides: “In the R-2 one- and two-family residential district, there shall be side yards, the width of each to be not less than ten percent of the average width of the lot, but in no case shall each such side yard be less than 7½ feet in width.”, and allow a rear setback of 13.58 feet, where 25 feet is the minimum required, contra to § 98-547(a) that provides: “In the R-2 one- and two-family residential district, every principal residential building shall provide a rear yard of a minimum depth of 25 feet to a rear lot line or front of an accessory building...” Property located at 436 East 16 Street Hialeah, Florida, and legally described as follows:

Tract “B”, Block 2-E, in EIGHTH ADDITION TO THE TOWN OF HIALEAH A SUBDIVISION, according to the Revised Plat thereof, as recorded in Plat Book 38, at Page 54, of the Public Records of Miami-Dade County, Florida. Formerly known as Lot 6, in Block 2-e, in EIGHTH ADDITION TO TOWN OF HIALEAH A SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 9, at page 11, of the Public Records of Miami-Dade County, Florida, and, Lot 7, Block 2-E, in EIGHTH ADDITION TO TOWN OF HIALEAH A SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 9, at Page 11, of the Public Records of Miami-Dade County, Florida. Commonly known as 436 E. 16 Street, Hialeah, FL 33010.

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.

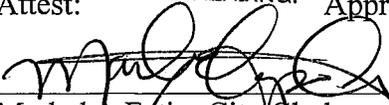
Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council of the City of Hialeah, Florida, upon signature of the Mayor of the City of Hialeah 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.

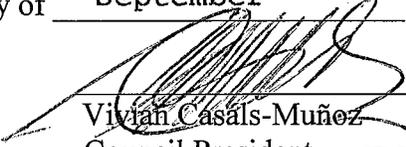
PASSED and ADOPTED this 10 day of September, 2019.

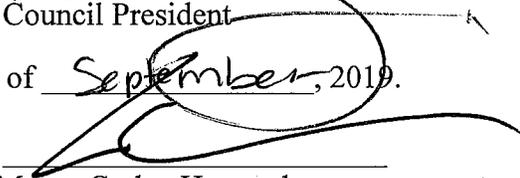
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.

Attest:


Marbelys Fatjo, City Clerk

Approved on this 13 day of September, 2019.


Vivian Casals-Muñoz
Council President


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


Lorena Bravo, City Attorney

Ordinance was adopted by a 6-0-1 vote with Councilmembers, Cue-
Fuente, Caragol, Hernandez Zogby, Casals-Muñoz and Garcia-
Martinez voting "Yes" and with Councilmember Lozano absent.