

**ORDINANCE NO. 2020-005**

ORDINANCE REZONING R-1 (ONE-FAMILY DISTRICT) TO R-2 (ONE-AND TWO-FAMILY RESIDENTIAL DISTRICT) TO ALLOW THE CONSTRUCTION OF A DUPLEX ON A SUBSTANDARD LOT; AND GRANTING A VARIANCE PERMIT TO ALLOW A FRONTAGE OF 60 FEET, WHERE 75 FEET IS THE MINIMUM REQUIRED; AND ALLOW A 2.10 FOOT INTERIOR WEST SIDE SETBACK FOR AN EXISTING 104 SQUARE FOOT ACCESSORY BUILDING, WHERE 6 FEET IS REQUIRED; CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-544 AND 98-546. **PROPERTY LOCATED AT 851 EAST 14 PLACE, HIALEAH, FLORIDA, ZONED R-1 (ONE-FAMILY 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 December 11, 2019 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 rezoned from R-1 (One-Family District) to R-2 (One-and Two-Family Residential District).

**Section 2:** The below-described property is hereby granted a variance permit to allow the construction of a duplex on a substandard lot; allow a frontage of 60 feet, where 75 feet is the minimum required, contra to Hialeah Code of Ordinances § 98-544 that provides in relevant part: “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 a

2.10 foot interior west side setback for an existing 104 square foot accessory building, where 6 feet is required; contra to Hialeah Code of Ordinances § 98-546 that as relevant provides: "...[f]or additions to the principal buildings existing on the property as of February 26, 1974, the width of any ... side yard shall be not less than ten percent of the average width of the lot, but in no case shall any such side yard be less than five feet in width." Property located at 851 East 14 Place, Hialeah, Florida, and legally described as follows:

Lot 21, Block 11 of SUN-TAN VILLAGE SECTION 2, according to the plat thereof, as recorded in Plat Book 50, Page 6, of the Public Records of Miami-Dade County, Florida.

**Section 3: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4: 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 5: 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 6: 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.

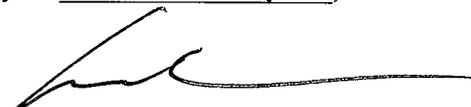
PASSED and ADOPTED this 28 day of January, 2020.

  
Paul B. Hernandez  
Council President

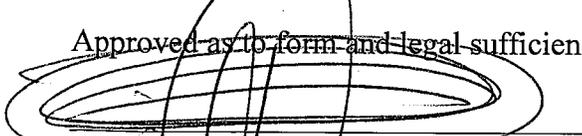
Attest:

Approved on this 3 day of February, 2020.

  
Marbellys Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
Lorena Bravo, City Attorney

S:\DJ\ORDINANCES\851 East 14 Place rezoning from R-1 to R-2 variance to allow a duplex on a substandard lot.docx

Ordinance was adopted by a 6-0-1 vote with Councilmembers, Tundidor, Zogby, Garcia-Roves, De La Rosa, Perez and Cue-Fuente voting "Yes" and with Councilmember Hernandez not present during roll call.