

ORDINANCE NO. 2020-009

ORDINANCE REZONING PROPERTY FROM R-1 (ONE-FAMILY DISTRICT) TO R-3-3 (MULTIPLE-FAMILY DISTRICT); AND GRANTING A VARIANCE PERMIT TO ALLOW A FRONT SETBACK OF 17.66 FEET, WHERE 25 FEET ARE REQUIRED; ALLOW A REAR SETBACK OF 10.5 FEET, WHERE 20 FEET ARE REQUIRED; ALLOW A STREET SIDE SETBACK OF 5 FEET, WHERE 15 FEET ARE REQUIRED, ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-589, 98-590 AND 98-591. **PROPERTY LOCATED AT 811 EAST 52 STREET, HIALEAH, FLORIDA.** PROPERTY R-1 (ONE-FAMILY DISTRICT). 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 January 15, 2020 recommended approval of this ordinance; and

WHEREAS, the property shall be developed in accordance with the plans prepared by Oscar J. Gonzalez, Architect; and

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-3-3 (Multiple-Family District); and is granted a variance permit to allow a front setback of 17.66 feet, where 25 feet are required, contra to Hialeah Code of Ordinances § 98-589 that provides: “ there shall be a 25-foot front yard...”; allow a rear setback of 10.5 Feet, Where 20 feet are required; contra to § 98-591 that provides: “...there shall be a 20-foot rear yard setback.”; allow a street side setback of 5 feet, where 15 feet are required, contra to Hialeah Code of Ordinances § 98-590 that provides in relevant part: “For a corner lot, the side yard parallel abutting the street shall be not less than 15 feet.” Property located at 811 East 52 Street, Hialeah, Florida, and legally described as follows:

Lot 30, Block 50, of FIRST ADDITION TO INGLESIDE, according to the Plat thereof, as recorded in Plat Book 46, at Page 11, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 11 day of February, 2020.

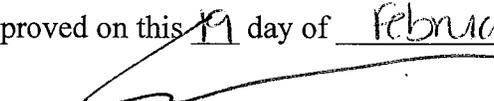


Paul B. Hernandez
Council President

Attest:


Marbelys Fatjo, City Clerk

Approved on this 11 day of February, 2020.


Mayor Carlos Hernandez

~~Approved as to form and legal sufficiency:~~

~~Lorena L. Bravo, City Attorney~~

~~S:\DJ\ORDINANCES\rezoning R-1 to R-3-3 and variance 811 East 52:~~

Ordinance was adopted by a 7-0 vote with Councilmembers, Cue-
Fuente, De La Rosa, Garcia-Roves, Hernandez, Perez, Tundidor and
Zogby, voting "Yes".