

**ORDINANCE NO. 2020-040**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA REZONING FROM R-1 (ONE-FAMILY DISTRICT) TO R-3-5 (MULTIPLE-FAMILY DISTRICT); GRANTING A VARIANCE PERMIT TO ALLOW 23 FEET FRONT SETBACK FOR STAIRCASE, WHERE 25 FEET ARE REQUIRED; INTERIOR EAST SIDE SETBACK OF 5.16 FEET FOR BUILDING CORRIDOR ON THE SECOND FLOOR AND INTERIOR WEST SIDE SETBACK OF 6 FEET FOR STAIRCASE, WHERE 10 FEET INTERIOR SIDE SETBACK IS REQUIRED AND ALLOW 39.7% LOT COVERAGE, WHERE 30% IS THE MAXIMUM ALLOWED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-589, 98-590 AND 98-2056(b)(2). **PROPERTY LOCATED AT 381 EAST 50 STREET, 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 July 29, 2020 recommended approval of this ordinance; 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-3-5 (Multiple-Family District);

**Section 2:** The below-described property is hereby granted a variance permit to allow 23 feet front setback for staircase, where 25 feet are required, contra to Hialeah Code of Ordinances § 98-589 that as relevant provides: “In the R-3 Multiple-Family District, there shall be a 25-foot front yard required,...”; interior east side setback of 5.16 feet for building corridor on the second floor and interior west side setback of 6 feet for staircase, where 10 feet interior side setback is required, contra to Hialeah Code of Ordinances § 98-590 that as relevant provides: “In the R-3 multiple-family district, there shall be side yards, and the width of each shall not be less than ten feet”; and allow 39.7% lot coverage, where 30% is the maximum allowed, contra to Hialeah Code of Ordinances § 98-2056(b)(2) that provides: “A maximum of 30 percent of the net residential land area may be covered with or occupied by the principal residential structure.” Property located at **381 East 50 Street, Hialeah, Florida**, and legally described as follows:

Lots 26, 27 and 28, Block 2, BOUGAINVILLE HEIGHTS, according to the Plat thereof, as recorded in Plat Book 15, at Page 71, 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.**

Any person, business, association, corporation, partnership or other legal entity who violates any of the provisions of this ordinance shall be assessed a civil penalty, up to a maximum of \$500.00, within the discretion of the court or administrative tribunal having jurisdiction. Each day that a violation continues shall constitute a separate violation.

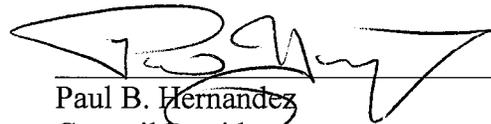
**Section 5: Severability Clause.**

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.

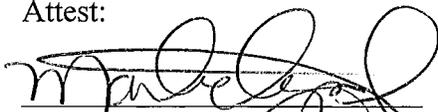
**Section 6: Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

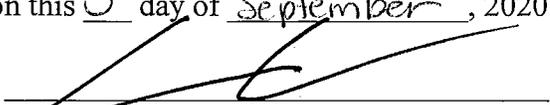
PASSED and ADOPTED this 25 day of August, 2020.

  
Paul B. Hernandez  
Council President

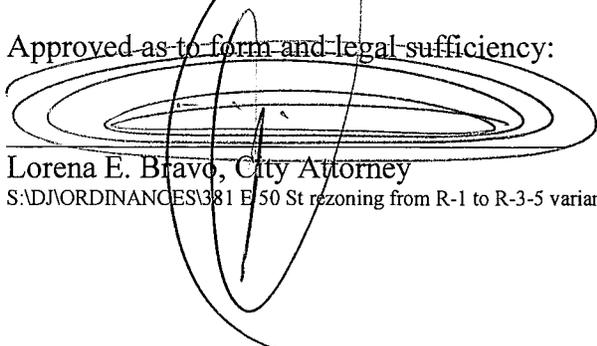
Attest:

  
Marbelys Fatjo, City Clerk

Approved on this 3 day of September, 2020.

  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
Lorena E. Bravo, City Attorney

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Ordinance was adopted by 4-0-3 vote with Councilmembers, Cue-Fuente, Garcia-Roves, Hernandez, and Tundidor, voting "Yes" and with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.