

ORDINANCE NO. 2020-047

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A SINGLE-FAMILY HOME ON A SUBSTANDARD LOT HAVING A FRONTAGE OF 25 FEET AND TOTAL LOT AREA OF 3,125 SQUARE FEET, WHERE 75 FEET AND 7,500 SQUARE FEET ARE REQUIRED; ALLOW INTERIOR NORTH AND SOUTH SIDE SETBACKS OF 5 FEET, WHERE 5 FEET 1 INCH IS THE MINIMUM REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-499 AND 98-501. **PROPERTY LOCATED AT 2190 WEST 4 COURT, HIALEAH, ZONED R-3 (MULTIPLE-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 August 26, 2020 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: A variance permit is hereby granted to allow a single-family home, as provided in Division 5. R-3 Multiple-Family District, Article V, Chapter 98 of the Hialeah Code of Ordinances allowing R-2 and R-1 uses in R-3, on a substandard lot having a frontage of 25 feet and total lot area of 3,125 square feet, where 75 feet and 7,500 square feet are required, contra to Hialeah Code of Ordinances § 98-499 that as relevant provides: “ The minimum building site in the R-1 one-family district shall be one lot or parcel of land containing at least 7,500 square feet of area for each one-family residence. Such parcels or lots shall have an average width of at least 75 feet and shall also have a minimum average depth of 100 feet.”; allow interior north and south side setbacks of 5 feet, where 5 feet 1 inch is the minimum required, contra to Hialeah Code of

Ordinances § 98-501 that provides: “In the R-1 one-family 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 five feet one inch or more than 7½ feet in width.” Property located at 2190 West 4 Court, Hialeah, zoned R-3 (Multiple-Family District) and legally described as follows:

Lot 13, Block 4 of SEMINOLA, according to the Plat thereof, as recorded in Plat Book 9, at Page 75, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.

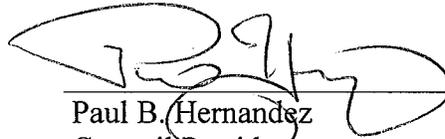
Section 4: Severability Clause.

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.

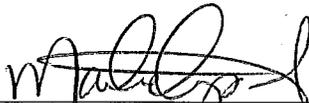
PASSED and ADOPTED this 22 day of September, 2020.



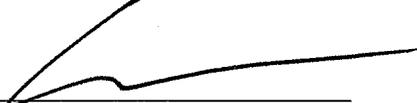
Paul B. Hernandez
Council President

Attest:

Approved on this 6 day of October, 2020.

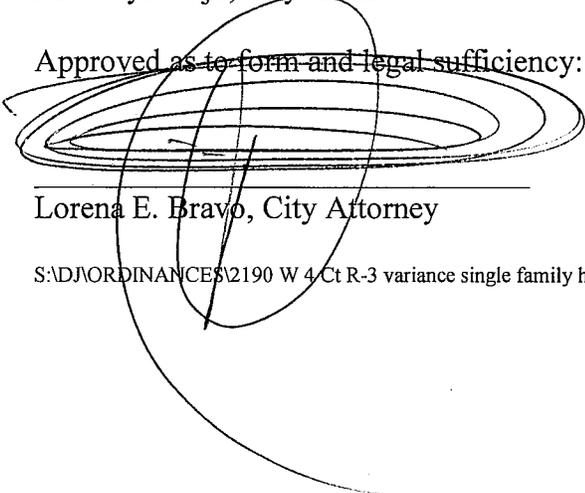


Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



Lorena E. Bravo, City Attorney

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