**ORDINANCE NO.** 2014-60

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW ONE DUPLEX ON EACH OF TWO SUBSTANDARD LOTS, THE FIRST LOT HAVING A FRONTAGE OF 42.50 FEET, WHERE AT LEAST 75 FEET ARE REQUIRED, AND AN AREA OF 5,197 SQUARE FEET, WHERE AT LEAST 7,500 SQUARE FEET ARE REQUIRED, A FRONT AND REAR SETBACK OF 20 FEET, WHERE 25 FEET ARE REQUIRED, AN INTERIOR SIDE SETBACK OF 5.1 FEET, WHERE 7.5 FEET ARE REQUIRED, A CORNER SIDE SETBACK OF 5.1 FEET, WHERE 15 FEET ARE REQUIRED, AND A LOT COVERAGE OF 40%, WHERE A MAXIMUM OF 30% IS ALLOWED, AND THE SECOND LOT HAVING A FRONTAGE OF 50 FEET, WHERE AT LEAST 75 FEET ARE REQUIRED, AND AN AREA OF 6,115 SQUARE FEET, WHERE AT LEAST 7,500 SQUARE FEET ARE REQUIRED, A REAR SETBACK OF 20 FEET, WHERE 25 FEET ARE REQUIRED, AND EAST SIDE SETBACK OF 5.1 FEET, WHERE 7.5 FEET ARE REQUIRED, AND A LOT COVERAGE OF 39.2%, WHERE A MAXIMUM OF 30% IS ALLOWED, CONTRA TO HIALEAH CODE §§ 98-544, 98-545, 98-546, 98-547 AND 98-2056(b). **PROPERTY LOCATED AT 568 WEST 22 STREET, HIALEAH, FLORIDA.** 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 October 8, 2014, 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 granted a variance permit to allow one duplex on each of two substandard lots, the first lot having a frontage of 42.50 feet, where at least 75 feet are required, and an area of 5,197 square feet, where at

least 7,500 square feet are required, a front and rear setback of 20 feet, where 25 feet are required, an interior side setback of 5.1 feet, where 7.5 feet are required, a corner side setback of 5.1 feet, where 15 feet are required, and a lot coverage of 40%, where a maximum of 30% is allowed, and the second lot having a frontage of 50 feet, where at least 75 feet are required, and an area of 6,115 square feet, where at least 7,500 square feet are required, a rear setback of 20 feet, where 25 feet are required, and east side setback of 5.1 feet, where 7.5 feet are required, and a lot coverage of 39.2%, where a maximum of 30% is allowed, contra to Hialeah Code §§ 98-544, 98-545, 98-546, 98-547 and 98-2056(b), which provide in pertinent part: "The minimum building site in the R-2 two-family 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 shall also have a minimum average depth of 100 feet. " and "In the R-2 one- and two-family residential district, there shall be a front yard depth not less than 25 feet in distance from the front line...", "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 7 ½ feet in width...For a corner lot, the side yard parallel to the abutting street shall be not less than 15 feet.", "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...", and "The net area of a parcel shall be that area expressed in acres or fraction of an acre, of land zoned for residential use less rights-of-way for street and thoroughfares. In addition, every residential development except R-1 and R-4 and R-3 when developed as R-4 shall

comply with the following open space and lot coverage requirements: (2) 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 568 West 22 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

> LOTS 1, 2, 3 AND 4, IN BLOCK 9, AND THE NORTH 5 FEET OF THE ALLEY LYING SOUTH AND ADJACENT THERETO, CLOSED PURSUANT TO HIALEAH, FLA. ORDINANCE 94-104 (NOVEMBER 7, 1994), OF SEMINOLA CITY SECTION ONE, 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 28 day of October, 2014

Luis Gonzalez-Council Vice President
For Isis Garcia-Martinez-Council President

Isis Garcia-Martinez
Council President

Attest:

Approved on this 7 day of November, 2014

Marbelys L. Fatjo, Acting City Clerk

Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

for Lorena E. Bravo, Acting City Attorney

Ordinance was adopted by a 5-0-2 vote with Council Members Caragol, Casáls-Muñoz, Gonzalez, Hernandez, & Lozano voting "Yes", & Councilmember Garcia-Martinez & Councilwoman Cue-Fuente absent.