

ORDINANCE NO. 2019-066

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A REAR SETBACK OF 11.3 FEET, WHERE 20 FEET ARE REQUIRED; ALLOW AN INTERIOR EAST SIDE SETBACK OF 6.6 FEET AND AN INTERIOR WEST SIDE SETBACK OF 5 FEET, WHERE 10 FEET ARE REQUIRED RESPECTIVELY, AND ALLOW A SIDE SETBACK OF 1.7 FEET, WHERE 10 FEET ARE REQUIRED FOR AN EXISTING CARPORT AND ALLOW LOT COVERAGE OF 34 PERCENT, WHERE A MAXIMUM OF 30 PERCENT IS ALLOWED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-590, 98-591, AND 98-2056(b)(2); **PROPERTY LOCATED AT 75 WEST 14 STREET, HIALEAH, FLORIDA.** PROPERTY ZONED R-3 (MULTI-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 June 26, 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 granted a variance permit to allow a rear setback of 11.3 feet, where 20 feet are required, contra to § 98-591 that provides: "...there shall be a 20-foot rear yard setback."; allow an interior east side setback of 6.6 feet and an interior west side setback of 5 feet, where 10 feet are required respectively, and allow a side setback of 1.7 feet, where 10 feet are required for an existing carport; contra to Hialeah Code of Ordinances § 98-590 that provides: "...there shall be side yards, and the width of each shall not be less than ten feet." ; and allow lot coverage of 34 percent, where a maximum of 30 percent is allowed, contra to Hialeah code §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 75 West 14 Street, Hialeah, Florida, and legally described as follows:

Lot 22, Block 73, of the SEVENTH ADDITION TO THE TOWN OF HIALEAH, according to the Plat thereof, as recorded in Plat Book 9, at Page 6, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.

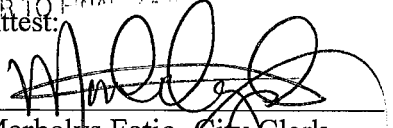
Section 5: Effective Date.

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.

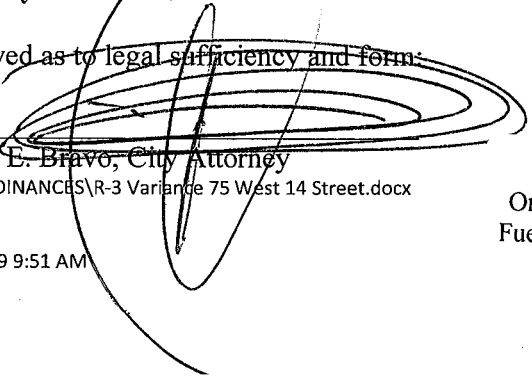
PASSED and ADOPTED this 27 day of August, 2019.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL PUBLICATION

Attest:


Marbelys Fatjo, City Clerk

Approved as to legal sufficiency and form:

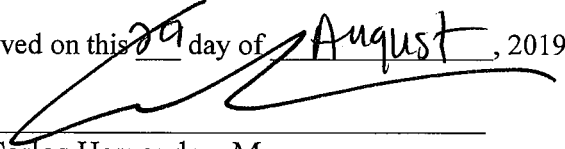

Lorena E. Bravo, City Attorney

S:\D\ORDINANCES\R-3 Variance 75 West 14 Street.docx

8/28/2019 9:51 AM


Katharine E. Cue-Fuente
Council Vice President

Approved on this 29 day of August, 2019.


Carlos Hernandez, Mayor

Ordinance was adopted by a 5-0-2 vote with Councilmembers, Cue-Fuente, Lozano, Caragol, Hernandez and Zogby voting "Yes" and with Councilmembers Casáls-Muñoz and Garcia-Martinez absent.