

ORDINANCE NO. 2019-110

ORDINANCE REZONING PROPERTY FROM R-1 (ONE-FAMILY DISTRICT) TO R-2 (ONE-AND TWO-FAMILY RESIDENTIAL DISTRICT) FOR THE LEGALIZATION OF AN EXISTING LIVING UNIT ON THE SECOND FLOOR; AND GRANTING A VARIANCE PERMIT TO ALLOW A DUPLEX ON A SUBSTANDARD LOT WITH FRONTAGE OF 60 FEET, WHERE 75 FEET ARE REQUIRED AND AREA OF 7,320 SQUARE FEET, WHERE 7,500 SQUARE FEET ARE REQUIRED; ALLOW 6.13 FEET NORTH SIDE SETBACK, WHERE 7.5 FEET IS REQUIRED; AND ALLOW 6.83 FEET REAR SETBACK FOR EXISTING ACCESSORY BUILDING, WHERE 7.5 FEET ARE REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-544, 98-546, AND 98-547(a). **PROPERTY LOCATED AT 1765 EAST 9 AVENUE, 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 23, 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 rezoned from R-1 (One-Family District) to R-2 (One-and Two-Family Residential District). Property located at 1765 East 9 Avenue, Hialeah, Florida, and legally described as:

The South 60 feet of Lot 1 and the South 60 feet of Lot 2, Block 3 of "SUN DECK VILLAGE", according to the Plat thereof, as recorded in Plat Book 45, at Page 93, of the Public Records of Miami-Dade County, Florida, less the East 30 feet thereof for right-of-way.

Section 2: The below described property is hereby granted a variance permit to allow for the legalization of an existing living unit on the second floor; and granting a variance permit

to allow a duplex on a substandard lot with frontage of 60 feet, where 75 feet are required and area of 7,320 square feet, where 7,500 square feet are required; contra to Hialeah Code of Ordinances § 98-544 that provides in relevant part: “The minimum building site in the R-2 one- and two-family residential 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...”; allow 6.13 feet north side setback, where 7.5 feet is required, contra to Hialeah Code of Ordinances § 98-546 that provides in relevant part: “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 7½ feet in width.”; and allow 6.83 feet rear setback for existing accessory building, where 7.5 feet are required, contra to Hialeah Code of Ordinances § 98-547(a) that provides in relevant part: “every accessory building shall provide a rear yard with a minimum depth of 7½ feet.”

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.

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 5: Severability Clause.

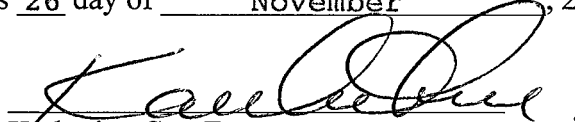
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or 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 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 26 day of November, 2019.

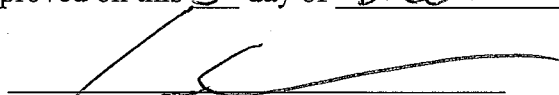
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
CHAPTER 166.041
AT THE REGULAR READING.


Katharine Cue-Fuente
Council President Pro Tem

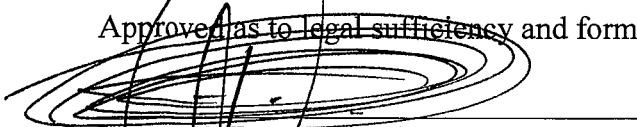
Attest:

Approved on this 5 day of December, 2019.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

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