

**ORDINANCE NO. 2020-025**

ORDINANCE AMENDING HIALEAH, FLA., ORDINANCE 2017-095 (DECEMBER 18, 2017) THAT GRANTED A VARIANCE PERMIT TO ALLOW THE RE-PLATTING OF PROPERTY INTO TWO SUBSTANDARD LOTS AS THE LOTS AS PLATTED WERE ADJUSTED ALLOWING ON LOT 1 NOW LOT 2 THE EXISTING SINGLE FAMILY RESIDENCE HAVING A LOT AREA OF 6,375 NOW 6,099 SQUARE FEET, WHERE 7,500 FEET ARE REQUIRED; ON LOT 2 NOW LOT 1 TO CONSTRUCT A SINGLE FAMILY RESIDENCE HAVING A LOT AREA OF 3,825 NOW 3,852 SQUARE FEET, WHERE 7,500 FEET ARE REQUIRED; ON LOT 1 NOW LOT 2 A DEPTH OF 80.83 NOW 79.67 FEET, WHERE 100 FEET ARE REQUIRED; ON LOT 2 NOW LOT 1, A FRONTAGE OF 45.92 FEET NOW 46.92, WHERE 75 FEET ARE REQUIRED; A DEPTH OF 75 FEET NOW 74.88, WHERE 100 FEET ARE REQUIRED; AND ON LOT 1 NOW LOT 2, A 15 FOOT NOW 13.88 FOOT REAR SETBACK, WHERE 20 FEET ARE REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-499, AND 98-502; PROPERTY ZONED R-1 (ONE FAMILY DISTRICT). **PROPERTY LOCATED AT 705 EAST 18 STREET, HIALEAH FLORIDA.** 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 November 15, 2017 recommended approval of this ordinance; and

**WHEREAS**, the developer proffered to reform the site-plan to provide for a single family design agreeable to the City, and provide for only one central air conditioning unit on the buildings to be constructed, to which the City accepts; and

**WHEREAS**, the properties as platted were adjusted.

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 was granted a variance permit to allow the replatting of property now platted into two substandard lots: on lot 1 now lot 2 to the existing house having a lot area of 6,375 now 6,099 square feet, where 7,500 feet are required; on lot 2 now lot 1 to construct a single family residence having a lot area of 3,825 now 3,852 square feet, where 7,500 feet are required, contra to Hialeah Code of Ordinances § 98-499 that 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.”; on lot 2 now lot 1, a frontage of 45.92 feet now 46.92 feet, where 75 feet are required, contra to § 98-499 that provides: “Building site area required. The minimum building site in the R-1 one-family district shall be one lot or parcel of land ... Such parcels or lots shall have an average width of at least 75 feet.”; on lot 1 now lot 2 a depth of 80.83 feet now 79.67 feet, where 100 feet are required, and on lot 2 now lot 1, a depth of 75 feet now 74.88 feet, where 100 feet are required, contra to § 98-499 that provides: “Such parcels or lots shall have a minimum average depth of 100 feet.”; and on lot 1 now lot 2, a 15 foot now 13.88 foot rear setback, where 20 feet are required, contra to § 98-502 that provides: Rear yard required. In the R-1 one-family district, every principal residential building shall provide a rear yard of a minimum depth of 20 feet...”

Lots 29 and 30, and the West 10.55 Feet of Lot 28, Block 26-B, AMENDED PLAT OF THE AMENDED PLAT OF THIRTEENTH ADDITION TO HIALEAH, according to the plat thereof, as recorded in Plat Book 34, Page(s) 26, 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.

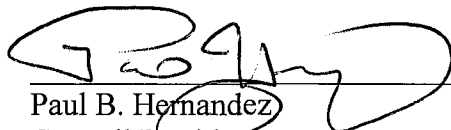
**Section 4: Severability Clause.**

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.

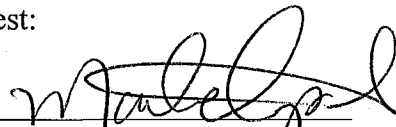
**Section 5: Effective Date.**

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 14 day of July, 2020.

  
\_\_\_\_\_  
Paul B. Hernandez  
Council President

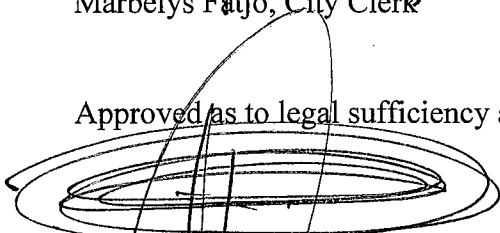
Attest:

  
\_\_\_\_\_  
Marbelys Fatjo, City Clerk

Approved on this 21 day of July, 2020.

  
\_\_\_\_\_  
Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

  
\_\_\_\_\_  
Lorena E. Bravo, City Attorney

Ordinance was adopted by a 6-0-1 vote with Councilmembers, Cue-Fuente, Hernandez, Garcia-Roves, Perez, Tundidor and Zogby, voting "Yes" and with Council Vice President having abstained from voting.