

ORDINANCE NO. 2020-028

ORDINANCE REZONING PROPERTY FROM R-1 (ONE-FAMILY DISTRICT) TO R-2 (ONE-AND TWO-FAMILY RESIDENTIAL DISTRICT); AND GRANTING A VARIANCE PERMIT TO ALLOW THE CONSTRUCTION OF A DUPLEX ON EACH SUBSTANDARD LOT (LOTS 16 & 17), HAVING FRONTAGE OF 40 FEET AND TOTAL NET LOT AREA OF 4,920 SQUARE FEET EACH, WHERE FRONTAGE OF 75 FEET AND AREA 7,500 SQUARE FEET ARE REQUIRED; ALLOW 0 FEET INTERIOR WEST SIDE SETBACK FOR LOT 16 AND 0 FEET INTERIOR EAST SIDE SETBACK FOR LOT 17, WHERE 7.5 FEET IS THE MINIMUM REQUIRED; ALLOW 12 FEET STREET SIDE SETBACK FOR LOT 16 FOR BALCONIES ENCROACHING INTO EAST STREET SIDE SETBACK, WHERE 15 FEET ARE REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-544 AND 98-546. **PROPERTY LOCATED AT 991 EAST 20 STREET, HIALEAH, ZONED R-1 (ONE-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 June 24, 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: The below described property is hereby rezoned from R-1 (One-Family District) to R-2 (One-and Two-Family Residential District).

Section 2: The below described property is hereby granted a variance permit to allow the construction of a duplex on each substandard lot (Lots 16 & 17), having frontage of 40 feet and total net lot area of 4,920 square feet each, where frontage of 75 feet and area 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 0 feet interior west side setback for Lot 16 and 0 feet interior east side setback for Lot 17, where 7.5 feet is the minimum

required and allow 12 feet street side setback for Lot 16, for balconies encroaching into east street side setback, where 15 feet are required; contra to Hialeah Code of Ordinances § 98-546 that provides: "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. However, for additions to the principal buildings existing on the property as of February 26, 1974, the width of any such side yard shall be not less than ten percent of the average width of the lot, but in no case shall any such side yard be less than five feet in width. For a corner lot, the side yard parallel to the abutting street shall be not less than 15 feet." Property located at 991 East 20 Street, Hialeah, Florida, and legally described as:

Lots 16 and 17, Block 119B of AMENDED PLAT OF THE AMENDED PLAT OF THIRTEENTH ADDITION TO HIALEAH, according to the Plat thereof, as recorded in Plat Book 34, at Page 26, of the Public Records of Miami-Dade County, Florida, being the same as Lots 16 and 17, Block 119-B, THE AMENDED PLAT OF THE THIRTEENTH ADDITION TO HIALEAH, according to the Plat thereof, as recorded in Plat Book 20, at Page 37, of the Public Records of Miami-Dade County, Florida.

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.

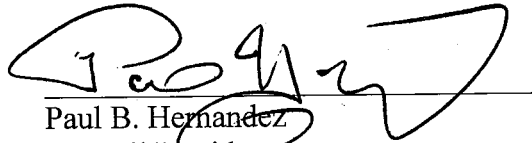
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such

invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

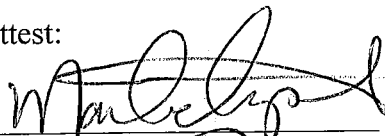
Section 6: Effective Date.

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.

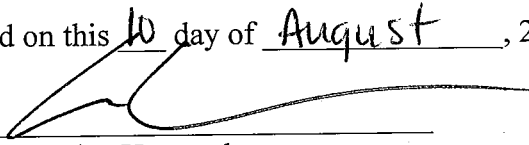
PASSED and ADOPTED this 27 day of July, 2020.


Paul B. Hernandez
Council President

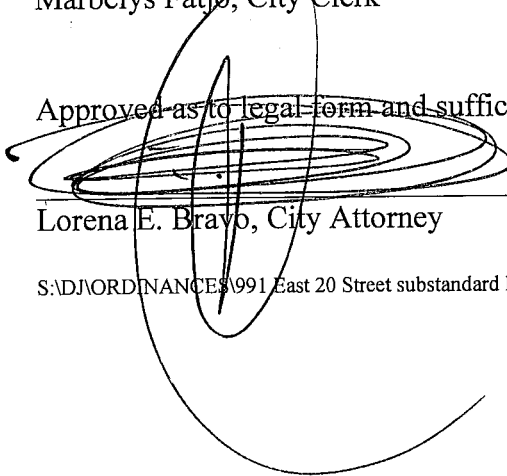
Attest:


Marbelys Fatjo, City Clerk

Approved on this 10 day of August, 2020.


Mayor Carlos Hernandez

~~Approved as to legal form and sufficiency:~~


Lorena E. Bravo, City Attorney

Ordinance was adopted by 6-0-1 vote with Councilmembers, Cue-Fuente, De la Rosa, Hernandez, Garcia-Roves, Perez, and Zogby, voting "Yes" and with Council Member Tundidor absent.