

ORDINANCE NO. 2020-038

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW AN EXISTING OVERSIZED ACCESSORY BUILDING WITH A TOTAL AREA OF 708 SQUARE FEET, WHERE 500 FEET IS THE MAXIMUM ALLOWED, AND ALLOW A DISTANCE SEPARATION OF 5 FEET BETWEEN THE CARPORT AND METAL ROOF, WHERE 10 FEET IS THE MINIMUM DISTANCE SEPARATION REQUIRED. ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-1666 AND HIALEAH ORDINANCE NO. 2019-046. PROPERTY ZONED R-1 (ONE FAMILY DISTRICT). **PROPERTY LOCATED AT 368 EAST 64 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 recommended approval of this ordinance at its meeting of February 26, 2020.

WHEREAS, the covered terrace, enclosed screened porch at the rear of the house and a carport located on the northwest side of the lot need also needs to be legalized.

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 an existing oversized accessory building with a total area of 708 square feet, where 500 feet is the maximum allowed, contra to Hialeah Code of Ordinances § 98-1666 that in relevant part provides: “No accessory structure or building shall exceed 35 percent of the size of the main structure or building; provided, however, that in no event shall the accessory structure or building exceed 500 square feet in floor area.”; and allow a distance separation of 5 feet between the carport and metal roof, where 10 feet is the minimum distance separation required, contra to Hialeah Ordinance No. 2019-046 that in relevant part provides: “In the R-1 one-family district, every principal residential building shall provide a rear yard of a minimum depth of 10 feet to the front of an accessory building...”. Property legally described as follows:

Lots 12 and 13, in Block 3 of SARATOGA HEIGHTS, according to the Plat thereof, as recorded in Plat Book 11, at Page 27, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.

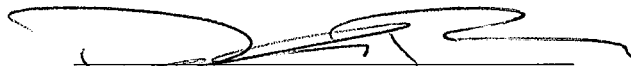
Section 4: Severability Clause.

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.

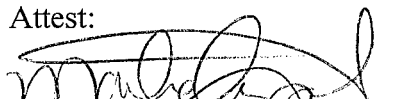
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 11 day of August, 2020.




Oscar De la Rosa
Council Vice-President

Attest:



Marbelys Fatjo, City Clerk

Approved on this 25 day of August, 2020.



Mayor Carlos Hernandez

Approved as to legal sufficiency and form:



Lorena E. Bravo, City Attorney

S:\DJ\ORDINANCES\Variance R-1 accessory building 368 East 64

Ordinance was adopted by 4-0-3 vote with Councilmembers, Garcia-Roves, Perez, Tundidor and Zogby, voting "Yes" and with Council Vice President De la Rosa and Council Member Cue-Fuente not present during roll call and Council President Hernandez absent.