

ORDINANCE NO. 2021-017

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A DUPLEX ON A SUBSTANDARD LOT HAVING A FRONTAGE OF 50 FEET AND TOTAL LOT AREA OF 6,000 SQUARE FEET, WHERE 75 FEET FRONTAGE AND 7,500 SQUARE FEET ARE REQUIRED; ALLOW NORTH AND SOUTH SIDE SETBACKS OF 5 FEET, WHERE 7.5 FEET IS THE MINIMUM REQUIRED; ALLOW REAR SETBACK OF 20 FEET, WHERE 25 FEET IS THE MINIMUM REQUIRED; AND ALLOW 41% LOT COVERAGE, WHERE 30% IS THE MAXIMUM ALLOWED. ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-544, 98-546, 98-547 AND 98-2056(b)(2). **PROPERTY LOCATED AT 2455 WEST 5 COURT, HIALEAH ZONED R-2 (ONE-AND TWO-FAMILY RESIDENTIAL 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 recommended approval of this ordinance at its meeting of January 13, 2021.

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 duplex on a substandard lot having a frontage of 50 feet and total lot area of 6,000 square feet, where 75 feet frontage and 7,500 square feet are required, contra to Hialeah Code of Ordinance § 98-544 that as relevant provides: “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 north and south side setbacks of 5 feet, where 7.5 feet is the minimum

required, contra to Hialeah Code of Ordinances § 98-546 that as relevant 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.”; allow rear setback of 20 feet, where 25 feet is the minimum required, contra to Hialeah Code of Ordinances § 98-547 that as relevant provides: “In the R-2 one- and two-family residential district, every principal residential building shall provide a rear yard of a minimum depth of 25 feet to a rear lot line or front of an accessory building...”; allow 41% lot coverage, where 30% is the maximum allowed, contra to Hialeah Code of Ordinances § 98-2056(b)(2) that as relevant 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 2455 West 5 Court, Hialeah, zoned R-2 (One-and Two-Family Residential District) and legally described as follows:

Lot 18, Block 20, SEMINOLA CITY SECTION TWO, according to the Plat thereof as recorded in Plat Book 9 at Page 154 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.

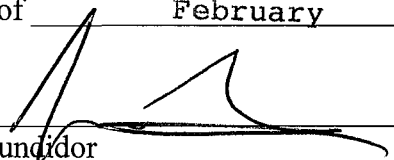
Section 4: Severability Clause.

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.

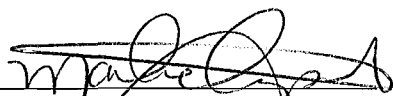
PASSED and ADOPTED this 23 day of February, 2021.



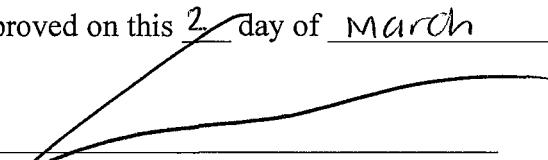
Jesus Tundidor
Council President

Attest:

Approved on this 2 day of March, 2021.



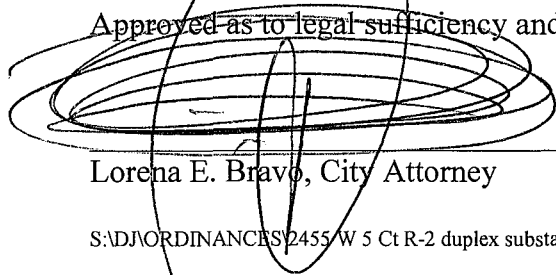
Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

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



Lorena E. Bravo, City Attorney

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**THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 186.041
PRIOR TO FINAL READING.**