

**ORDINANCE NO. 2021-026**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, GRANTING A VARIANCE PERMIT TO ALLOW THE EXPANSION OF A LEGAL NONCONFORMING USE AND TO ALLOW A REAR SETBACK OF 1.08 FEET, WHERE 20 FEET ARE REQUIRED FOR A PROPOSED STORAGE ADDITION; ALLOW INTERIOR WEST SIDE SETBACK OF 9.79 FEET, WHERE 10 FEET ARE REQUIRED FOR AN EXISTING STORAGE BUILDING; CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-501 AND 98-502. **PROPERTY LOCATED AT 815 WEST 75 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 March 3, 2021 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 granted a variance permit to allow the expansion of a legal nonconforming use and to allow a rear setback of 1.08 feet, where 20 feet are required for a proposed storage addition, contra to Hialeah Code of Ordinances § 98-502, that as relevant provides: “In the R-1 one-family district, every principal residential building shall provide a rear yard of a minimum depth of 20 feet to a rear lot line or front of accessory building, and every accessory building shall provide a rear yard with a minimum depth of 7 ½ feet”; allow interior west side setback of 9.79 feet, where 10 feet are required for an existing storage building, contra

to Hialeah Code of Ordinances § 98-501, that as relevant provides: “In the R-1 one-family district, there shall be side yards, the width of each to be not less than ten percent of the average width of the lot...”. Property located at 815 West 75 Street, Hialeah, zoned R-1 (One-Family District) and legally described as follows:

Lot 2 of Block 1 of LOS MANGOS SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 98, at Page 60, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.**

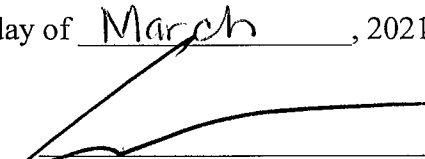
This ordinance shall become effective when passed by the City Council of the City of Hialeah, Florida, upon signature of the Mayor of the City of Hialeah or at the next regularly scheduled City Council meeting if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 23 day of March, 2021.


  
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Jesus Tundidor  
Council President

Attest: Approved on this 29 day of March, 2021.

  
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Marbelys Fatjo, City Clerk

  
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Mayor Carlos Hernandez

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

  
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Lorena E. Bravo, City Attorney

Ordinance was adopted by 7-0 vote with Councilmembers, Cue-Fuente, De la Rosa, Garcia-Roves, Hernandez, Perez, Tundidor, and Zogby voting "Yes".

S:\DJORDINANCES\815 W 75 St allow expansion of legal nonconforming use and allow variances for storage building R-1.docx

THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE SECTION 218.31  
PRIOR TO FINAL READING.