

ORDINANCE NO. 2021-025

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW THE RE-PLATTING OF TWO PROPERTIES INTO THREE SUBSTANDARD LOTS AND TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON EACH SUBSTANDARD LOT HAVING APPROXIMATELY A FRONTAGE OF 40 FEET AND TOTAL LOT AREA OF 5,475 SQUARE FEET, WHERE 75 FEET AND 7,500 SQUARE FEET ARE REQUIRED RESPECTIVELY; AND ALLOW INTERIOR SIDE SETBACKS OF 5 FEET, WHERE 5 FEET 1 INCH ARE REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-499 AND 98-501. **PROPERTIES LOCATED AT 728 EAST 23 STREET, 736 EAST 23 STREET AND 7XX EAST 23 STREET, FLORIDA, ZONED R-1 (ONE-FAMILY DISTRICT).** 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 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 hereby granted a variance permit to allow the re-platting of two properties into three substandard lots and to allow the construction of a single family home on each substandard lot having approximately a frontage of 40 feet and total lot area of 5,475 square feet, where 75 feet and 7,500 square feet are required respectively, contra to Hialeah Code of Ordinances § 98-499 that as relevant 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. Such parcels or lots shall have an average width of at least

75 feet and shall also have a minimum average depth of 100 feet.”; allow interior side setbacks of 5 feet, where 5 feet 1 inch are required, contra to Hialeah Code of Ordinances § 98-501 that 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, but in no case shall each side yard be less than five feet one inch or more than 7½ feet in width. For a corner lot, the side yard parallel abutting the street shall be not less than 15 feet”. Property located at 728 East 23 Street, 736 East 23 Street and 7xx East 23 Street, Hialeah, zoned R-1 (One-Family District) and legally described as follows:

East ½ of Lot 4, all of Lots 5 and 6 and the West ½ of Lot 7, in Block 30B 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, together with the North ½ of that portion of the 12-foot alley lying South and adjacent thereto, closed per Ordinance No. 94-07.

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.

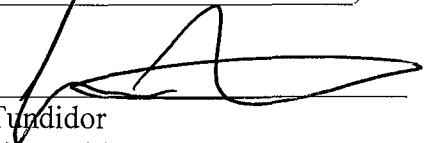
Section 4: Severability Clause.

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 March, 2021.




Jesus Tundidor
Council President

Attest:

Approved on this 29 day of March, 2021.



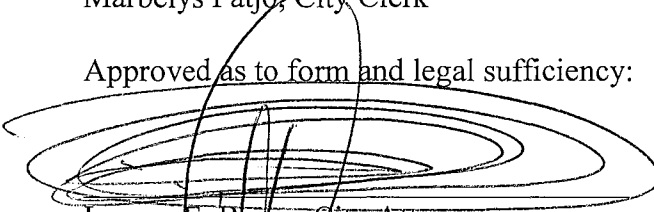
Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

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



Lorena E. Bravo, City Attorney

S:\DJ\ORDINANCES\728 E 23 St, 736 E 23 St, 7xx E 23 St allow replatting of two properties into three substandard lots R-1.docx

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED BY ORDINANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE §30.041
PRIOR TO FINAL READING.