

**ORDINANCE NO. 2022-006**

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW THE CONSTRUCTION OF A DUPLEX ON A SUBSTANDARD LOT WITH FRONTAGE OF 50 FEET AND LOT AREA OF 6,750 SQUARE FEET, WHERE 75 FEET AND 7,500 SQUARE FEET ARE REQUIRED; ALLOW EAST SIDE SETBACK OF 4 FEET AND WEST SIDE SETBACK OF 3 FEET FOR THE MAIN HOUSE, WHERE 7.5 IS THE MINIMUM REQUIRED; ALLOW 5.50 FEET EAST SIDE SETBACK AND 6.10 FEET WEST SIDE SETBACK FOR A 438 SQUARE FOOT ACCESSORY BUILDING, WHERE 7.5 FEET IS THE MINIMUM REQUIRED; AND ALLOW 38% LOT COVERAGE, WHERE 30% IS THE MAXIMUM ALLOWED. ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-544, 98-546, 98-547(a) AND 98-2056(b)(2). **PROPERTY LOCATED AT 359-361 EAST 13 STREET, 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 at its meeting of January 12, 2022 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 construction of a duplex on a substandard lot having a frontage of 50 feet and lot area of 6,750 square feet, where 75 feet and 7,500 square feet frontage are required, contra to Hialeah Code of Ordinances § 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 east side setback of 4 feet and west side setback of 3 feet for the

main house, where 7.5 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 5.50 feet east side setback and 6.10 feet west side setback for a 438 square foot accessory building, where 7.5 feet is the minimum required, contra to Hialeah Code of Ordinances §98-547(a) that as relevant provides: “In the R-2 one- and two-family residential district... every accessory building shall provide a rear yard with a minimum depth of 7½ feet.”; and allow 38% lot coverage, where 30% is the maximum allowed, contra to Hialeah Code of Ordinances § 98-2056(b)(2) that 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 359-361 East 13 Street, Hialeah, zoned R-2 (One- and Two-Family Residential District) and legally described as follows:

Lot 17, Block 91, of AMENDED PLAT OF FIRST ADDITION TO TOWN OF HIALEAH, according to the Plat thereof, as recorded in Plat Book 5, Page 22, 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 e adjudication and revocation of licenses or permits.

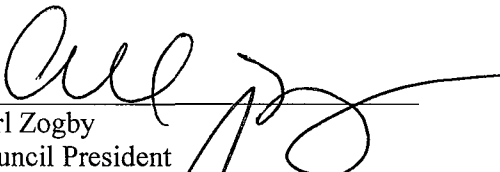
**Section 4: Severability Clause.**

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.

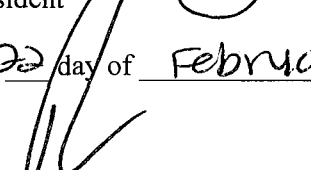
**Section 5: Effective Date.**

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 8 day of February, 2022.

  
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Carl Zogby  
Council President

Approved on this 22 day of February, 2022.

  
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Mayor Esteban Bovo, Jr.

Attest:

  
\_\_\_\_\_  
Marbelys Fatjo, City Clerk

Approved as to legal sufficiency and form:

  
\_\_\_\_\_  
Lorena E. Bravo, City Attorney

Ordinance was adopted by 7-0 with Councilmembers Calvo, Casáls-Muñoz, Garcia-Roves, Perez, Rodriguez, Tundidor, and Zogby voting "Yes.

S:\DJ\ORDINANCES\359-361 E 13 St variance permit duplex substandard lot (p&z 1.12.22) frontage 50 feet lot area 6,750 sf.docx

THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 168.041  
PRIOR TO FINAL READING.