

ORDINANCE NO. 2021- 132

ORDINANCE REZONING FROM R-1 (ONE-FAMILY DISTRICT) TO R-2 (ONE-AND TWO-FAMILY RESIDENTIAL DISTRICT); GRANTING A VARIANCE PERMIT TO ALLOW REAR SETBACK OF 15.22 FEET, WHERE 25 FEET ARE REQUIRED FOR THE LEGALIZATION OF IMPROVEMENTS AND CONVERSION OF AN EXISTING ACCESSORY BUILDING INTO A SECOND UNIT FOR THE PROPOSED DUPLEX; ALLOW 24.6 FEET REAR YARD DEPTH FROM THE REAR SIDE OF THE MAIN HOUSE TO THE FRONT OF AN EXISTING ACCESSORY BUILDING PROPOSED AS A SECOND UNIT, WHERE 25 FEET ARE REQUIRED. ALL CONTRA TO HIALEAH CODE OF ORDINANCES § 98-547. **PROPERTY LOCATED AT 495 EAST 45 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 October 13, 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 rezoned from R-1 (One-Family District to R-2 (One-and Two-Family Residential District).

Section 2. The below-described property is hereby granted a variance permit to allow rear setback of 15.22 feet, where 25 feet are required for the legalization of improvements and conversion of an existing accessory building into a second unit for the proposed duplex and allow 24.6 feet rear yard depth from the rear side of the main house to the front of an existing accessory building proposed as second unit, where 25 feet are required, contra to Hialeah Code of Ordinances § 98-547 that as relevant provides: "Rear yard required. 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, and every accessory building shall provide a rear yard with a minimum depth of 7½ feet.” Property located at 495 East 45 Street, Hialeah, zoned R-1 (One-Family District) and legally described as follows:

Lots 18, 19 and the South ½ of that portion of the 12-foot alley lying North and adjacent thereto, closed per Ordinance no. 95-07 (Jan 25, 1994), Block 49F, “SIXTEENTH ADDITION TO THE TOWN OF HIALEAH”, according to the Plat thereof, as recorded in Plat Book 10, at Page 53, of the Public Records of Miami-Dade County, Florida.

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: 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.

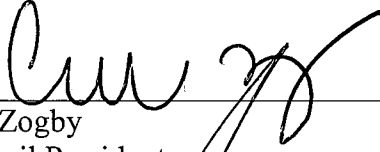
Section 5: Severability Clause.

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 6: 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.

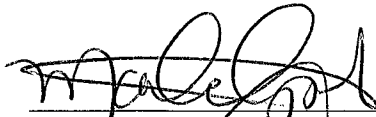
PASSED and ADOPTED this 9 day of November, 2021.



Carl Zogby
Council President

Attest:

Approved on this 23 day of November, 2021.

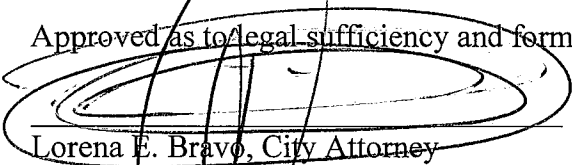


Marbelys Fatio, City Clerk

Mayor Esteban Bovo, Jr.

Approved as to legal sufficiency and form:

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



Lorena E. Bravo, City Attorney