

ORDINANCE NO. 2022-115

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, GRANTING A VARIANCE PERMIT TO ALLOW THE CONSTRUCTION OF A DUPLEX ON A SUBSTANDARD LOT WITH A FRONTAGE OF 50 FEET AND A LOT AREA OF 6,750 SQUARE FEET, WHERE A FRONTAGE OF 75 FEET AND A LOT AREA OF 7,500 SQUARE FEET ARE REQUIRED; ALLOW A 21.25 FOOT FRONT SETBACK, WHERE 25 FEET ARE REQUIRED; ALLOW A 4.79 FOOT REAR SETBACK, WHERE 25 FEET ARE REQUIRED AND A 5.95 FOOT EAST SIDE SETBACK, WHERE 7.5 FEET ARE REQUIRED FOR A GARAGE TO BE CONVERTED INTO A SECOND LIVING UNIT; ALLOW A 3 FOOT WEST SIDE SETBACK FOR TERRACE IN THE BACK YARD TO BE LEGALIZED AND ALLOW WEST SIDE SETBACK OF 2.35 FEET, WHERE 3 FEET ARE REQUIRED FOR A 96 SQUARE FOOT SHED TO BE LEGALIZED. ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-544, 98-545, 98-547(a) AND 98-1670(a). **PROPERTY LOCATED AT 317 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 October 26, 2022 recommended approval of this ordinance; and

WHEREAS, the applicant has proffered to keep the terrace in the back yard open on three sides.

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 a lot area of 6,750 square feet, where 75 feet and 7,500 square feet 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 a 21.25 foot front setback, where 25 feet are required, contra to Hialeah Code of Ordinances § 98-545 that as relevant provides: “In the R-2 one- and two-family residential district, there shall be a front yard depth not less than 25 feet in distance from the

front line unless the front or street building line is already established in the block at a lesser distance by two or more residences already built;”; allow a 4.79 foot rear setback, where 25 feet are required and a 5.95 foot east side setback, where 7.5 feet are required for a garage to be converted into a second living unit, contra to Hialeah Code of Ordinances § 98-547(a) 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, and every accessory building shall provide a rear yard with a minimum depth of 7½ feet;”; allow a 3 foot west side setback for terrace in the back yard to be legalized and allow west side setback of 2.35 feet, where 3 feet are required for a 96 square foot shed to be legalized, contra to Hialeah Code of Ordinances § 98-1670(a) that as relevant provides: “All utility sheds shall be permitted only in rear yards subject to a three-foot perimeter setback, provided that no utility shed is located within an easement reserved for public utilities, drainage or wall maintenance.” Property located at 317 East 13 Street, Hialeah, zoned R-2 (One-and Two-Family Residential District) and legally described as follows:

Lot 22, Block 91 of AMENDED PLAT OF FIRST ADDITION TO TOWN OF HIALEAH, according to the Plat thereof, as recorded in Plat Book 5, at Page 122, 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.

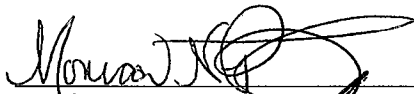
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such

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 13 day of December, 2022.



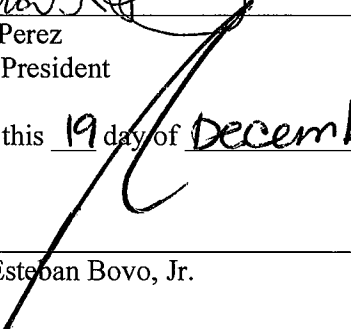
Monica Perez
Council President

Attest:

Approved on this 19 day of December, 2022.

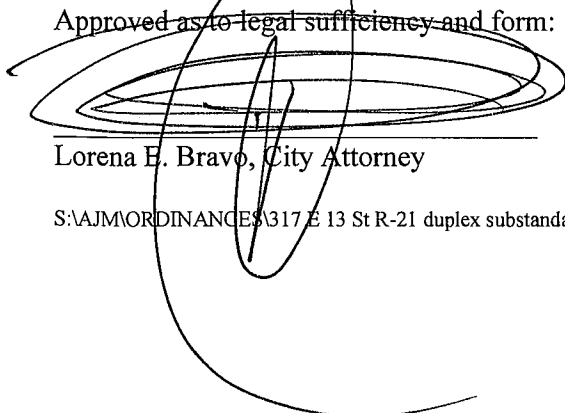


Marbelys Fatjo, City Clerk



Mayor Esteban Bovo, Jr.

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



Lorena E. Bravo, City Attorney

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Ordinance was adopted by 6-0-1 vote with Councilmembers Casáls-Muñoz, Garcia-Roves, Perez, Rodriguez, Tundidor, and Zogby voting "Yes" and with Councilmember Calvo absent.