

ORDINANCE NO. 2019-017

ORDINANCE REZONING PROPERTY FROM R-3 (MULTIPLE-FAMILY DISTRICT) TO R-3-5 (MULTIPLE FAMILY DISTRICT); AND GRANTING A VARIANCE PERMIT FOR **PROPERTIES 1130, 1140 AND 1170 WEST 26 STREET** TO ALLOW LOT COVERAGE OF 33.2%, WHERE 30% IS REQUIRED; ALLOW 30 PARKING SPACES, WHERE 60 PARKING SPACES ARE REQUIRED; ALLOW A REAR SETBACK OF 8 FEET, WHERE 20 FEET IS REQUIRED; AND ALLOW A FRONT SETBACK OF 20 FEET, WHERE 25 FEET IS REQUIRED; AND FOR **PROPERTIES 2505, 2595 WEST 12 AVENUE** GRANTING A VARIANCE PERMIT TO ALLOW A REAR SETBACK OF 6 FEET, WHERE 20 FEET IS REQUIRED; AND ALLOW A STREET SIDE SETBACK OF 10 FEET, WHERE 15 FEET IS REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-2056(b)(1), 98-589, 98-590 AND 98-591. **PROPERTIES LOCATED AT 1130, 1140 AND 1170 WEST 26 STREET, AND 2505, 2595 WEST 12 AVENUE, HIALEAH, FLORIDA.** 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 February 13, 2019 recommended approval of this ordinance; and

WHEREAS, the developer has proffered a Declaration of Restrictive Covenants, to which the City accepts.

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-3 (Multiple-Family District) to R-3-5 (Multiple Family District). Properties located at 1130, 1140 and 1170 West 26 Street, and 2505, 2595 West 12 Avenue Hialeah, Florida, and legally described in the attached Exhibit "A".

Section 2. A variance permit is granted for properties located at 1130, 1140 and 1170 West 26 Street to allow lot coverage of 33.2 percent where, where 30 percent is required, contra to Hialeah Code of Ordinances § 98-2056(b)(1) that provides: “A minimum of 30 percent of the net residential land area shall be maintained in landscaped open space...”; allow 30 parking spaces, where 60 parking spaces are required contra to Hialeah Code of Ordinances § Ordinances 98-2189(19)b. that provides: “Medium and high density. Two parking spaces for one or two bedrooms, and one-half parking space for each additional bedroom.”; allow a rear setback of 8 feet, where 20 feet is required, contra to Hialeah Code of Ordinances § 98-591 that provides: “In the R-3 multiple-family district, there shall be a 20-foot rear yard setback.”; and allow a front setback of 20 feet, where 25 feet is required, contra to Hialeah Code of Ordinances § 98-589 that as relevant provides: “In the R-3 multiple-family district, there shall be a 25-foot front yard required,...”; and granting a variance permit for properties located at 2505, 2595 West 12 Avenue to allow a rear setback of 6 feet, where 20 feet is required, contra to Hialeah Code of Ordinances § 98-591 that provides: “In the R-3 multiple-family district, there shall be a 20-foot rear yard setback.”; and allow a street side setback of 10 feet, where 15 feet is required, contra to Hialeah Code of Ordinances § 98-590 that as relevant provides: “In the R-3 multiple-family district,... For a corner lot, the side yard parallel abutting the street shall be not less than 15 feet.”

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 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 12 day of March, 2019.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.

Attest:

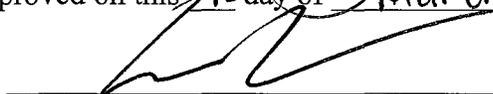

Marbelys Fatjo, City Clerk

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney


Vivian Casals-Munoz
Council President

Approved on this 18 day of March, 2019.


Carlos Hernandez, Mayor

Ordinance was adopted by a 7-0 vote with Councilmembers,
Zogby, Lozano, Casals-Munoz, Garcia-Martinez, Hernandez,
Caragol and Cue-Fuente voting "Yes".