

ORDINANCE NO. 2019-047

ORDINANCE REZONING R-1 (ONE-FAMILY DISTRICT) TO R-2 (ONE-AND TWO-FAMILY RESIDENTIAL DISTRICT); TO ALLOW THE CONSTRUCTION OF A DUPLEX ON AN IRREGULAR SUBSTANDARD LOT, HAVING A FRONT WIDTH OF 52.98 FEET AND A REAR WIDTH OF 48.47 FEET, WHERE 75 FEET IS THE MINIMUM REQUIRED AND HAVING A LENGTH OF 92.18 FEET, WHERE 100 FEET IS THE MINIMUM REQUIRED; ALLOW AN INTERIOR SOUTH SIDE SETBACK OF 6 FEET, WHERE 7.5 FEET IS THE MINIMUM REQUIRED; ALLOW FRONT AND REAR SETBACKS OF 20 FEET, WHERE 25 FEET IS THE MINIMUM REQUIRED RESPECTIVELY; ALLOW A LOT AREA OF 4,676 SQUARE FEET, WHERE 7,500 SQUARE FEET IS THE MINIMUM REQUIRED; ALLOW 38% LOT COVERAGE, WHERE 30% IS THE MAXIMUM ALLOWED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-544, 98-545, 98-546, 98-547(a) AND 98-2056(b)(2). **PROPERTY LOCATED AT 2629 EAST 7 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 April 24, 2019 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 an irregular substandard lot, having a front width of 52.98 feet and a rear width of 48.47 feet, where 75 feet is the minimum required, a lot area of 4,676 square feet, where 7,500 square feet is the minimum required, and having a length of 92.18 feet, where 100 feet is the minimum required contra to Hialeah Code of Ordinances § 98-544 that 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 and shall also have a minimum average depth of 100 feet.”; allow an interior south side setback of 6 feet, where 7.5 feet is the minimum required, contra to Hialeah Code of Ordinances § 98-546 that 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 front and rear setbacks of 20 feet, where 25 feet is the minimum required respectively, contra to Hialeah Code of Ordinances §§ 98-545 and 547(a) that provide respectively: “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...”; and “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 allow 38% lot coverage, where 30% is the maximum allowed, contra to Hialeah Code of Ordinances § 98-2056(b)(2) that provides: “Residential density and open space requirements. 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 2629 East 7 Avenue Hialeah, Florida, and legally described as follows:

Lot 3, Block 1, “CAPDEVILA SUBDIVISION’ according to the plat thereof, as recorded in Plat Book 168 at Page 34, 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 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 of the City of Hialeah, Florida, upon signature of the Mayor of the City of Hialeah 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 11 day of June, 2019.

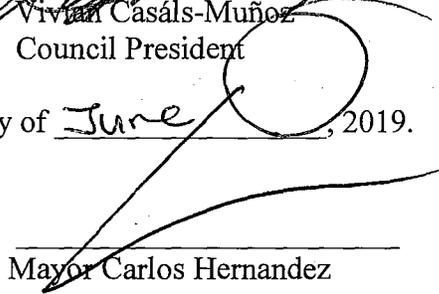
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Vivian Casáls-Muñoz
Council President

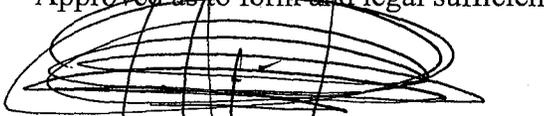
Attest:

Approved on this 18 day of June, 2019.


Marbelys Fatjó, City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


Lorena Bravo, City Attorney

Ordinance was adopted by a 4-0-3 vote with Councilmembers, Zogby, Casáls-Munoz, Garcia-Martinez, and Hernandez, voting "Yes" and with Councilmembers Caragol, Cue-Fuente, Lozano absent.

S:\DJ\ORDINANCES\2029 East 7 Avenue rezoning from R-1 to R-2 front and rear width, length, side, front and rear setbacks, lot coverage, and lot area.docx