



City of Hialeah

Extended Family Living Quarters Requirement Check List

City of Hialeah – Extended Family Living Quarters Application
(According to Ordinance No. 2003-12, effective February 14, 2003)

Applicant must bring all information to the Planning Division with a \$200.00 application fee and must fill out the “Application Form for Extended Family Living Quarters”. (See attached form)

Minimum documentation required for submittal:

- ___ Application Form for Extended Family Living Quarters (completed)
- ___ \$200.00 Application fee (Note: Building permit fees are separate)
- ___ Up-to-date survey of the property applying
- ___ Proof of homestead exemption
- ___ Birth Certificate or other proof of relationship to owner of the residence
- ___ Floor plan or interior layout of the house
- ___ Sketch or plan that shows parking for the vehicles

Upon receipt of the completed application, a file number will be assigned (e.g. File No. 2003-001LQ).

Attachment: Copy of Ordinance No. 2003-12, effective February 14, 2003.

File No. _____



City of Hialeah

Application Form for Extended Family Living quarters

Address: _____ Folio No. _____

Person(s) to contact for inspection: _____

Home Phone No. _____ Cell: _____

Owner(s) Name: _____ (Print Clearly)

Application Fee: \$200.00

Paid By:

Check No. _____ Cash _____ Credit Card _____

The following are limitations on Extended Family Living Quarters:

- It may include a stove, microwave, hot plate, refrigerator, and air conditioning unit and floor and wall kitchen cabinets.
- Building permits will be required for an additional bathroom, plumbing pipes, valves, electrical alterations and exterior doors.
- Utility rooms and wet bars cannot be used as bathrooms or second kitchens.
- All residents must park personal motor vehicles on paved areas within the physical boundaries of the property, or if approved by the city, on paved swale areas.
- Accessory buildings and detached structures. Unless a guesthouse properly permitted at the time of construction for use as guesthouse, may not be used for additional living quarters.
- When the property is sold and the transaction requires a certificate of re-occupancy, then the second living quarters with the additional fixtures and appliances and second kitchen facilities must be removed.

DIVISION 3. - R-1 ONE-FAMILY DISTRICT

Sec. 98-496. - Primary use.

(a) *In general.* In the R-1 one-family district, no building or land shall be used and no building shall be erected, constructed, reconstructed or structurally altered which is designed, arranged, or intended to be used or occupied for any purpose, unless otherwise provided for, excepting for every use as a one-family residence, including every customary or accessory use, not inconsistent therewith. The presence or appearance of a second or additional one-family residence as indicated by the installation and/or use of additional fixtures or appliances or as indicated by the inaccessibility of habitable rooms to each other shall constitute a rebuttable presumption that this section has been violated. Existing guesthouses, formerly referred to as "servants' quarters", properly permitted, are allowed to continue as a legal nonconforming use.

(b) *Exception.*

(1) *Applicability.* A second living quarters may be allowed only if the residence is located in an R-1 (one-family district) and if all of the habitable rooms are accessible to each other, but only for one additional family unit for immediate family members of the property owner comprising of one grandparent or set of grandparents; one parent or one set of parents; one child and/or the child's spouse and/or dependent children; one grandchild and/or the grandchild's spouse and/or dependent children. Moreover, the property owner must reside on the premises as the property owner's homestead and has claimed, or is eligible to claim, the property as homestead exemption from real estate taxes as reflected in the county tax rolls.

(2) *Application.* The property owner shall apply to the planning division to obtain permission for second living quarters. The property owner shall complete an application, together with a \$25.00 inspection fee, with a copy of a current homestead exemption receipt, floor plan of the layout of the interior of the residence and a site plan sketch of the property including the location where personal motor vehicles will be parked on the paved areas within the property, and sufficient documentary proof, such as a passport or birth certificate, to demonstrate the required family relationship between the property owner and the occupants of the second living quarters. If the property owner does not possess a current homestead exemption receipt, the city shall confirm the status of the homestead exemption from a review of the county tax rolls. If the city approves the second living quarters, then the city shall charge a waste collection fee of 1½ times the single household residential rate.

(3) *Renewal.* Each year after the city approves the second living quarters, on or before the anniversary date of the first approval, the property owner shall renew the approved second living quarters for an additional year, upon reinspection of the premises and payment of a \$25.00 reinspection fee.

(4) *Limitations.*

a. The second family living quarters may include a stove, microwave, hot plate, refrigerator, air conditioning unit and floor and wall cabinets.

b. Building permits will be required for an additional bathroom, plumbing pipes, valves, electrical alterations and exterior doors.

c. Utility rooms and wet bars cannot be used as bathrooms or second kitchens.

d. All residents must park personal motor vehicles on paved areas within the physical

boundaries of the property or if approved by the city, on paved swale areas.

e. Accessory buildings and detached structures, unless a guesthouse properly permitted at the time of construction for use as a guesthouse, may not be used for additional living quarters.

f. When the property is sold and the transaction requires a certificate of re-occupancy, then the second living quarters with the additional fixtures and appliances and second kitchen facilities must be removed.

(Ord. No. 771, § 7, 1-26-1954; Ord. No. 788, § XIII, 5-25-1954; Code 1960, § 32-14(a); Ord. No. 1592, § 1, 7-9-1963; Ord. No. 1787, § 1, 7-13-1965; Ord. No. 3084, § 2, 7-13-1976; Ord. No. 3127, § 2, 9-28-1976; Ord. No. 78-32, § 1, 3-28-1978; Ord. No. 78-36, § 2, 3-28-1978; Ord. No. 81-158, § 1, 12-8-1981; Ord. No. 83-51, § 1, 5-10-1983; Ord. No. 84-168, § 1, 11-29-1984; Ord. No. 94-32, § 4, 4-12-1994; Ord. No. 2003-12, § 1, 2-11-2003)

Sec. 98-497. - Additional uses.

The following additional uses shall be permitted in the R-1 one-family district, subject to setback, yard, height and other restrictions as set out in this division or as specifically set out for each use:

- (1) One single-family residence.
- (2) Accessory buildings and uses incidental to each single-family residence when placed on the same lot or parcel of land and not used or operated commercially or for industry.
- (3) Public schools owned by federal, state, county or city governments and church schools; provided, however, that this subsection shall not be construed to permit the construction or operation of church buildings or other places of worship.
- (4) Playgrounds, parks or reservations owned and operated by the city.
- (5) Flower and vegetable gardens and groves, provided no signs, displays or stands are used in conjunction therewith and they not operated commercially.
- (6) Buildings used exclusively and owned by the federal, state, county or city government for public purposes.
- (7) State-licensed or state-registered family day care homes as defined by F.S. § 402.302(7).

(Ord. No. 771, § 7, 1-26-1954; Ord. No. 788, § XIII, 5-25-1954; Code 1960, § 32-14(b); Ord. No. 1592, § 1, 7-9-1963; Ord. No. 1787, § 1, 7-13-1965; Ord. No. 3084, § 2, 7-13-1976; Ord. No. 3127, § 2, 9-28-1976; Ord. No. 78-32, § 1, 3-28-1978; Ord. No. 78-36, § 2, 3-28-1978; Ord. No. 81-158, § 1, 12-8-1981; Ord. No. 83-51, § 1, 5-10-1983; Ord. No. 84-168, § 1, 11-29-1984; Ord. No. 94-32, § 4, 4-12-1994; Ord. No. 2005-24, § 2, 2-22-2005; Ord. No. 2012-36, § 1, 6-26-2012)

Sec. 98-498. - Building height limit.

The maximum building height in the R-1 one-family district shall be 2½ stories or 35 feet.

(Ord. No. 771, § 7, 1-26-1954; Ord. No. 788, § XIII, 5-25-1954; Code 1960, § 32-14(c); Ord. No. 1592, § 1, 7-9-1963; Ord. No. 1787, § 1, 7-13-1965; Ord. No. 3084, § 2, 7-13-1976; Ord. No. 3127, § 2, 9-28-1976; Ord. No. 78-32, § 1, 3-28-1978; Ord. No. 78-36, § 2, 3-28-1978; Ord. No. 81-158, § 1, 12-8-1981; Ord. No. 83-51, § 1, 5-10-1983; Ord. No. 84-168, § 1, 11-29-1984; Ord. No. 94-32, § 4, 4-12-1994)

Sec. 98-499. - Building site area required.

The minimum building site in the R-1 one-family district shall be one lot or parcel of land containing at least 7,500 square feet of area for each one-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. Where a lot or parcel of land does not meet the requirements of this section and was a legally divided parcel of land at the time of passage of such requirements, said lot or parcel may be occupied by a one-family residence; provided, however, that the minimum front, rear and side yard requirements as set out in this division are complied with and the conditions of section 98-348 are met.

(Ord. No. 771, § 7, 1-26-1954; Ord. No. 788, § XIII, 5-25-1954; Code 1960, § 32-14(d); Ord. No. 1592, § 1, 7-9-1963; Ord. No. 1787, § 1, 7-13-1965; Ord. No. 3084, § 2, 7-13-1976; Ord. No. 3127, § 2, 9-28-1976; Ord. No. 78-32, § 1, 3-28-1978; Ord. No. 78-36, § 2, 3-28-1978; Ord. No. 81-158, § 1, 12-8-1981; Ord. No. 83-51, § 1, 5-10-1983; Ord. No. 84-168, § 1, 11-29-1984; Ord. No. 94-32, § 4, 4-12-1994)

Sec. 98-500. - Front yard required.

In the R-1 one-family district, there shall be a front yard depth not less than 20 feet in distance from the front lot line. A porte cochere may encroach with the front setback up to a maximum of 15 feet, provided, however, that the roof of the porte cochere is integrated architecturally and structurally with the roof of the residential building and that the driveway is improved with pavers, stamped concrete or other city-approved materials that differ from plain asphalt.

(Ord. No. 771, § 7, 1-26-1954; Ord. No. 788, § XIII, 5-25-1954; Code 1960, § 32-14(e); Ord. No. 1592, § 1, 7-9-1963; Ord. No. 1787, § 1, 7-13-1965; Ord. No. 3084, § 2, 7-13-1976; Ord. No. 3127, § 2, 9-28-1976; Ord. No. 78-32, § 1, 3-28-1978; Ord. No. 78-36, § 2, 3-28-1978; Ord. No. 81-158, § 1, 12-8-1981; Ord. No. 83-51, § 1, 5-10-1983; Ord. No. 84-168, § 1, 11-29-1984; Ord. No. 94-32, § 4, 4-12-1994; Ord. No. 2006-72, § 1, 10-24-2006)

Sec. 98-501. - Side yards required.

In the R-1 one-family 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 five feet one inch or more than 7½ feet in width. For a corner lot, the side yard parallel abutting the street shall be not less than 15 feet.

(Ord. No. 771, § 7, 1-26-1954; Ord. No. 788, § XIII, 5-25-1954; Code 1960, § 32-14(f); Ord. No. 1592, § 1, 7-9-1963; Ord. No. 1787, § 1, 7-13-1965; Ord. No. 3084, § 2, 7-13-1976; Ord. No. 3127, § 2, 9-28-1976; Ord. No. 78-32, § 1, 3-28-1978; Ord. No. 78-36, § 2, 3-28-1978; Ord. No. 81-158, § 1, 12-8-1981; Ord. No. 83-51, § 1, 5-10-1983; Ord. No. 84-168, § 1, 11-29-1984; Ord. No. 94-32, § 4, 4-12-1994)

Sec. 98-502. - Rear yard required.

In the R-1 one-family district, every principal residential building shall provide a rear yard of a minimum depth of 20 feet to a rear lot line or front of accessory building, and every accessory building shall provide a rear yard with a minimum depth of 7½ feet. Utility or storage sheds shall not be considered as accessory buildings; the perimeter setbacks and other requirements provided in section 98-1670 shall apply.

(Ord. No. 771, § 7, 1-26-1954; Ord. No. 788, § XIII, 5-25-1954; Code 1960, § 32-14(g); Ord. No. 1592, § 1, 7-9-1963; Ord. No. 1787, § 1, 7-13-1965; Ord. No. 3084, § 2, 7-13-1976; Ord. No. 3127, § 2, 9-28-1976; Ord. No. 78-32, § 1, 3-28-1978; Ord. No. 78-36, § 2, 3-28-1978; Ord. No. 81-158, § 1, 12-8-1981; Ord. No. 83-51, § 1, 5-10-1983; Ord. No. 84-168, § 1, 11-29-1984; Ord. No. 94-32, § 4, 4-12-1994)

Sec. 98-503. - Floor area required.

In the R-1 one-family district, the minimum ground floor area of single-family residences exclusive of porte cocheres, attached garages and porches shall be 1,000 square feet.

(Ord. No. 771, § 7, 1-26-1954; Ord. No. 788, § XIII, 5-25-1954; Code 1960, § 32-14(h); Ord. No. 1592, § 1, 7-9-1963; Ord. No. 1787, § 1, 7-13-1965; Ord. No. 3084, § 2, 7-13-1976; Ord. No. 3127, § 2, 9-28-1976; Ord. No. 78-32, § 1, 3-28-1978; Ord. No. 78-36, § 2, 3-28-1978; Ord. No. 81-158, § 1, 12-8-1981; Ord. No. 83-51, § 1, 5-10-1983; Ord. No. 84-168, § 1, 11-29-1984; Ord. No. 94-32, § 4, 4-12-1994)

Sec. 98-504. - Type of construction.

Any structure erected in an R-1 one-family district shall conform to the requirements of the South Florida Building Code.

(Ord. No. 771, § 7, 1-26-1954; Ord. No. 788, § XIII, 5-25-1954; Code 1960, § 32-14(i); Ord. No. 1592, § 1, 7-9-1963; Ord. No. 1787, § 1, 7-13-1965; Ord. No. 3084, § 2, 7-13-1976; Ord. No. 3127, § 2, 9-28-1976; Ord. No. 78-32, § 1, 3-28-1978; Ord. No. 78-36, § 2, 3-28-1978; Ord. No. 81-158, § 1, 12-8-1981; Ord. No. 83-51, § 1, 5-10-1983; Ord. No. 84-168, § 1, 11-29-1984; Ord. No. 94-32, § 4, 4-12-1994; Ord. No. 99-71, § 2(32-14), 5-25-1999)

Sec. 98-505. - Corner lots.

(a) For the purpose of interpreting this division, it shall be assumed that the long dimension of a residential lot may be recognized as the front.

(b) A residential building may be constructed on a corner lot facing the long dimension of the lot if the setbacks remain the same as if the structure had faced the short dimension of the lot.

(c) A residential building on a square lot may front either direction if the setbacks remain the same as if the building faced the direction which would ordinarily be considered as the front of the lot.

(Ord. No. 771, § 7, 1-26-1954; Ord. No. 788, § XIII, 5-25-1954; Code 1960, § 32-14(j); Ord. No. 1592, § 1, 7-9-1963; Ord. No. 1787, § 1, 7-13-1965; Ord. No. 3084, § 2, 7-13-1976; Ord. No. 3127, § 2, 9-28-1976; Ord. No. 78-32, § 1, 3-28-1978; Ord. No. 78-36, § 2, 3-28-1978; Ord. No. 81-158, § 1, 12-8-1981; Ord. No. 83-51, § 1, 5-10-1983; Ord. No. 84-168, § 1, 11-29-1984; Ord. No. 94-32, § 4, 4-12-1994)

Secs. 98-506-98-540. Reserved.