

ORDINANCE NO. 2017-010

ORDINANCE REZONING PROPERTY FROM R-1 (ONE-FAMILY DISTRICT) TO R-2 (ONE AND TWO FAMILY RESIDENTIAL DISTRICT); AND GRANTING A VARIANCE PERMIT TO ALLOW CONSTRUCTION OF A DUPLEX ON EACH OF FIVE SUBSTANDARD LOTS, EACH HAVING A FRONTAGE OF 40 FEET, WHERE A MINIMUM OF 75 FEET ARE REQUIRED, A TOTAL LOT AREA OF 4000 SQUARE FEET, WHERE A MINIMUM OF 7,500 ARE REQUIRED, A LOT COVERAGE OF 38 PERCENT, WHERE A MAXIMUM OF 30 PERCENT IS ALLOWED; FRONT SETBACKS OF 21.5 FEET AND REAR SETBACKS OF 20 FEET, WHERE 25 FEET ARE REQUIRED FOR EACH; AND SIDE SETBACKS OF 5 FEET, WHERE 7.5 FEET IS REQUIRED, ALL CONTRA TO HIALEAH CODE §§ 98-545, 98-546, 98-547, 98-2056(b)(1) AND (2). **PROPERTY LOCATED AT 44XX EAST 10 AVENUE HIALEAH, FLORIDA.** 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 8, 2017 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-describe property is hereby granted a variance permit to allow the construction of a duplex on each of five substandard lots, each having a frontage of 40 feet, where a minimum of 75 feet are required, a total lot area of 4,000 square feet, where a minimum of 7,500 are required, to allow a lot coverage of 38 percent, where a maximum of 30 percent is required, to allow front setback of 21.5 feet and rear setbacks of 20 feet, where 25 feet are

required for each, and allow side setbacks of 5 feet, where 7.5 feet are required, all contra to Hialeah Code §§ 98-545, 98-546, 98-547, 98-2056(b)(1) and (2), which provide in pertinent part: “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...”, “A minimum of 30 percent of the net residential land area shall be maintained in landscaped open space...” and “[a] maximum of 30 percent of the net residential land area may be covered with or occupied by the principal residential structure.”, “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 “[i]n 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...”, and “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.” Property located at 44XX East 10th Avenue Hialeah, Florida, and legally described as follows:

Lots 21 through 25, of Block 25 of Ingleside Park, according to the Plat thereof, as recorded in Plat Book 10, at Page 31 of the Public Records of Miami-Dade County, Florida.

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.

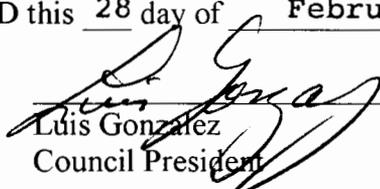
Section 4: Severability Clause.

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 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.

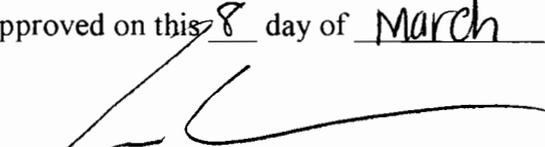
THE FOREGOING ORDINANCE OF THE CITY OF HIALEAH WAS PASSED and ADOPTED this 28 day of February, 2017. PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF FLORIDA STATUTE 166.041 PRIOR TO FINAL READING.


Luis Gonzalez
Council President

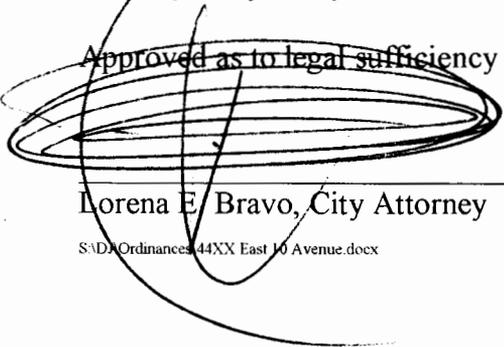
Attest:

Approved on this 8 day of March, 2017.


Marbelys Fatjo, City Clerk


Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a (5-0-2) vote with Councilmembers, Caragol, Hernandez, Cue-Fuente, Garcia-Martinez and Casals-Muñoz voting "Yes". Councilmember Lozano absent and Council President Gonzalez not present during roll call.