

ORDINANCE NO. 2017-047

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 A SUBSTANDARD LOT; LOT WIDTH OF 60 FEET, WHERE 75 FEET ARE REQUIRED; A 17 FOOT REAR YARD FOR THE EXISTING FRONT UNIT, WHERE 25 FEET ARE REQUIRED; FOR THE PLANNED NEW UNIT IN THE REAR OF THE LOT A 20 FOOT REAR YARD, WHERE 25 FEET ARE REQUIRED; A LIVING AREA OF 66%, WHERE 60% IS THE MAXIMUM ALLOWED FOR THE TOTAL LIVING AREA OF THE TWO UNITS; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-544, 98-546, 98-547(a), AND 98-548; **PROPERTY LOCATED AT 967 WEST 30th STREET HIALEAH, FLORIDA.** REPEALING ALL 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 June 28, 2017 recommended approval of this ordinance; and

WHEREAS, the developer has proffered a Declaration of Restrictive Covenants to, among other things, ensure the development of the project will not be in phases, and provide for: 1) a concurrency and site plan review within six (6) months; 2) a building permit application within three (3) months of the site plan approval; 3) completion of the new house and improvements within twelve (12) months from building permit issuance, 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-1 (one family district) to R-2 (one and two family residential district); and is granted a variance permit to allow construction of a duplex on a substandard lot with a lot width of 60 feet, where 75 feet are required, contra to Hialeah Code of Ordinances § 98-544 that provides: "...lots shall have an average width of at least 75 feet..."; a 17 foot rear yard for the existing front unit, where 25 feet are required; a 20 foot rear yard for the new unit, where 25 feet are required; and allow a living area in a unit of 66%, where 60% is the maximum allowed for the total living area of a two-family residence, contra to Hialeah Code of Ordinances § 98-548 that provides: "...the total living area of one unit to be not greater than 60 percent of the total living area of the two-family residence. Property located at 967 West 30th Street, Hialeah, Florida, and legally described as follows:

The West 1/2 of Lot 26 and Lot 27, Block 11, and the South 6' of the Alley lying North and adjacent to said Lots 26 and 27 of the West Hialeah Heights Subdivision according to the Plat thereof, as recorded in Book 22 at Page 14 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 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.

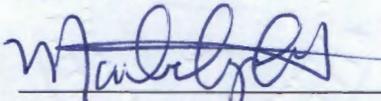
PASSED and ADOPTED this 22 day of August, 2017.

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

Luis Gonzalez
Council President

Attest:

Approved on this 25 day of August, 2017.

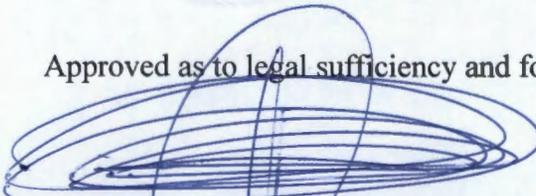


Marbelys Fatjo, City Clerk



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, Lozano, Gonzalez, Hernandez, Cue-Fuente and Garcia-Martine voting "Yes". Councilmember Casáls-Muñoz not present and Councilmember Caragol absent.