

ORDINANCE NO. 2016-61

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 A DUPLEX ON EACH SUBSTANDARD-SIZED LOT WITH EACH LOT HAVING A WIDTH OF 50 FEET, WHERE AT LEAST 75 FEET ARE REQUIRED, TO ALLOW A TOTAL AREA OF 6,750 SQUARE FEET, MORE OR LESS, WHERE A TOTAL AREA OF AT LEAST 7,500, IS REQUIRED, TO ALLOW A LOT COVERAGE OF 34.1%, WHERE A MAXIMUM OF 30% IS REQUIRED, TO ALLOW A FRONT SETBACK OF 10 FEET, WHERE 25 FEET ARE REQUIRED, AND TO ALLOW A CORNER SIDE SETBACK OF 10 FEET, WHERE 15 FEET ARE REQUIRED, CONTRA TO HIALEAH CODE §§ 98-544, 98-2056(b)(2), 98-545 AND 98-546. **PROPERTY LOCATED AT 2070 EAST 6 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 August 24, 2016 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 R-1 (One Family District) to R-2 (One and Two Family Residential District) and granted a variance permit to allow a duplex on each substandard-sized lot with each lot having a width of 50 feet, where at least 75 feet are required, to allow a total area of 6,750 square feet, more or less, where a total area of at least 7,500, is required, to allow a lot coverage of 34.1%, where a maximum of 30% is required, to allow a front setback of 10 feet, where 25 feet are required, and to allow a corner side setback of 10 feet, where 15 feet are required, contra to Hialeah Code §§ 98-544, 98-2056(b)(2), 98-545 and 98-546, 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 and shall also have a minimum average depth of 100 feet.”, “A maximum of 30 percent of the net residential land area shall 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 “For a corner lot, the side yard parallel to the abutting street shall be not less than 15 feet.”, respectively. Property located at 2070 East 6 Avenue, Hialeah, Miami-Dade County, Florida and legally described as follows:

LOTS 11 AND 12, BLOCK 12B OF “SIXTH ADDITION TO THE TOWN OF HIALEAH”, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, AT PAGE 54, 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.

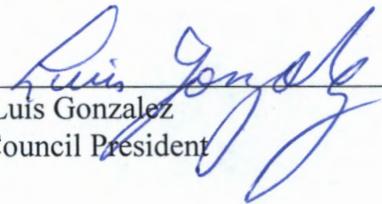
Section 4: Severability Clause.

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 27 day of September, 2016.

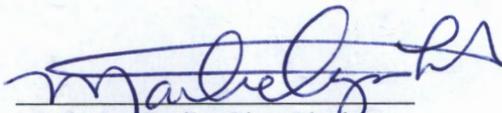


Luis Gonzalez
Council President

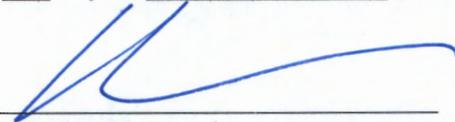
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.

Attest:

Approved on this 4 day of October, 2016.

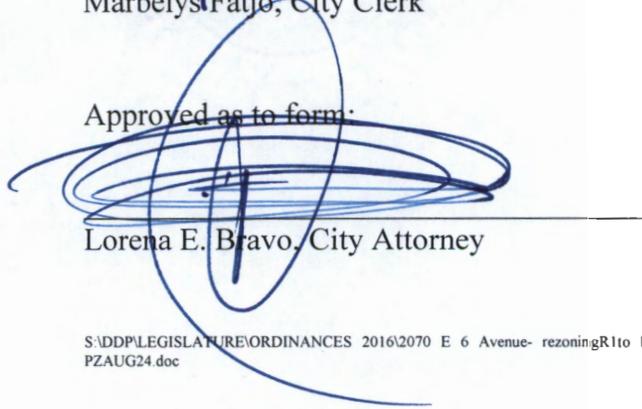


Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to form:



Lorena E. Bravo, City Attorney

Ordinance was adopted by a 6-0-1 vote with Councilmembers, Casals-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, Caragol, and Lozano voting "Yes". Council Vice-President Cue-Fuente absent.