

ORDINANCE NO. 2016-21

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 LOT COVERAGE OF 47.6%, WHERE A MAXIMUM OF 30% IS REQUIRED, TO ALLOW A DUPLEX ON A SUBSTANDARD-SIZED LOT WITH A FRONTAGE OF 50 FEET, WHERE AT LEAST 75 FEET ARE REQUIRED, AND TO ALLOW A TOTAL AREA OF 6,750 SQUARE FEET, MORE OR LESS, WHERE A TOTAL AREA OF AT LEAST 7,500, IS REQUIRED, CONTRA TO HIALEAH CODE §§ 98-2056(b)(2) AND 98-544. **PROPERTY LOCATED AT 358 EAST 11 STREET, 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 February 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) to allow a lot coverage of 47.6%, where a maximum of 30% is required, to allow a duplex on a substandard-sized lot with a frontage of 50 feet, where at least 75 feet are required, and to allow a total area of 6,750 square feet, more or less, where a total area of at least 7,500, is required, contra to Hialeah Code §§ 98-2056(b)(2) and 98-544, which provide in pertinent part: “A maximum of 30 percent of the net residential land area shall be covered with or occupied by the principal residential structure”, and “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.” respectively. Property located at 358 East 11 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

LOT 8, BLOCK 94, AMENDED PLAT OF FIRST ADDITION TO TOWN OF HIALEAH, ACCORDING TO MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 122, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

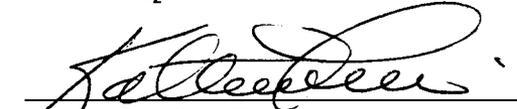
jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

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.

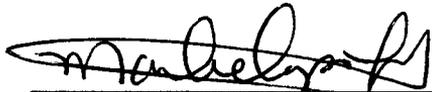
PASSED and ADOPTED this 12 day of April, 2016.

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

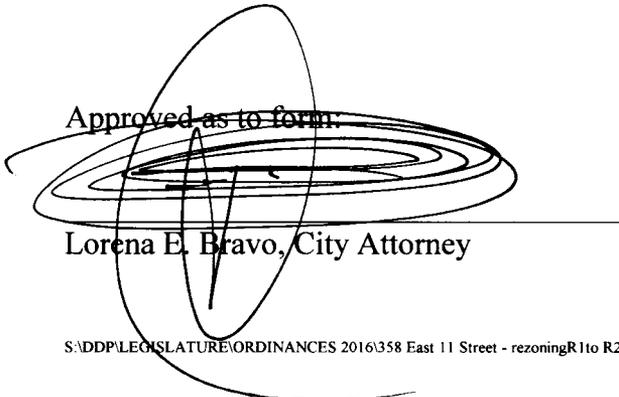

Katharine Cue-Fuente
Council Vice President

Attest:

Approved on this 15 day of April, 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, Caragol, Cue-Fuente, Hernandez, Lozano, Garcia-Martinez and Casáls-Muñoz voting "Yes". Council President Gonzalez absent.