

ORDINANCE NO. 2015-17

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED "ZONING", ARTICLE V. ZONING DISTRICT REGULATIONS, DIVISION 3. R-1 ONE-FAMILY DISTRICT, OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, AND IN PARTICULAR, REVISING HIALEAH CODE § 98-496 ENTITLED "PRIMARY USE", INCREASING THE INSPECTION FEE TO \$200.00 AND THE RE-INSPECTION FEES TO \$100.00 FOR SECOND LIVING QUARTERS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of February 25, 2015 recommended approval of this ordinance; and

WHEREAS, the general purpose and intent of this ordinance is to assess fees to properly administer the City's zoning regulations in the best interest of the health, safety, welfare and aesthetics of the community and the proper administration of its government.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 98 entitled "Zoning", Article V. Zoning District Regulations, Division 3. R-1 One-Family District, of the Code of Ordinances of the City of Hialeah, Florida is hereby amended to read, by revising Hialeah Code § 98-496 entitled "Primary Use", as follows:

Chapter 98

ZONING

* * *

ARTICLE V. ZONING DISTRICT REGULATIONS

* * *

DIVISION 3. R-1 ONE-FAMILY DISTRICT

Sec. 98-496. Primary use.

* * *

(b) *Exception.*

* * *

(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~~ \$200.00 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
\$100.00 reinspection fee.

* * *

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 convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by 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: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

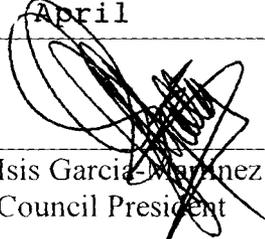
Section 5: Severability Clause.

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 6: Effective Date.

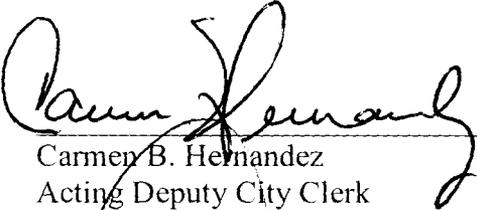
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

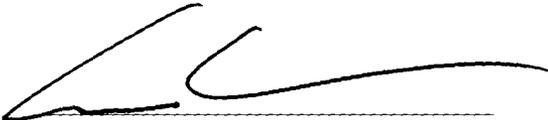
PASSED AND ADOPTED this 28 day of April, 2015.


Isis Garcia-Martinez
Council President

Attest:

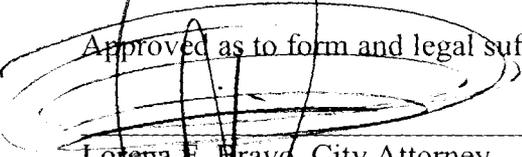
Approved on this 06 day of may, 2015.


Carmen B. Hernandez
Acting Deputy City Clerk


Mayor Carlos Hernandez

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

Approved as to form and legal sufficiency:


Lorena E. Bravo, City Attorney

Strikethrough indicates deletion. Underline indicates addition.

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Ordinance was adopted by a (7-0) unanimous vote with Councilmembers, Caragol, Casáls-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".