

**ORDINANCE NO. 2018-047**

ORDINANCE REZONING LOT 6 FROM R-1 (ONE FAMILY DISTRICT) TO R-2 (ONE-AND TWO-FAMILY RESIDENTIAL DISTRICT); PERMIT TO ALLOW A DUPLEX ON LOT 6, A SUBSTANDARD LOT, WITH WIDTH OF 50 FEET AND AREA OF 5,000 SQUARE FEET, WHERE 75 FEET AND 7,500 SQUARE FEET ARE REQUIRED; ALLOW A 5.1 FOOT SIDE SETBACK, WHERE 7.5 FEET ARE REQUIRED; ALLOW 39.9% LOT COVERAGE, WHERE 30% IS THE MAXIMUM ALLOWED; AND GRANTING A VARIANCE PERMIT TO ALLOW FOR AN EXISTING SINGLE FAMILY TO REMAIN ON SUBSTANDARD LOT 7, WITH A WIDTH OF 50 FEET AND AREA OF 5,000 SQUARE FEET, WHERE 75 FEET AND 7,500 SQUARE FEET ARE REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-499, 544, 546, AND 98-2056(b)(2) **PROPERTY LOCATED AT 4811 EAST 9<sup>TH</sup> LANE, HIALEAH. ZONED R-1 (ONE-FAMILY DISTRICT).**

**WHEREAS,** the Planning and Zoning Board at its meeting of March 14, 2018 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) and a variance permit granted to allow a duplex on a substandard lot measuring 50 feet in width and area of 5,000 square feet, where 75 feet and 7,500 square feet are the minimum width and area required, contra to Hialeah Code of Ordinances § 98-544 that provides "...lots shall have an average width of at least 75 feet...", and Hialeah Code of Ordinances § 98-544 that provides: "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"; allowing a north side setback

of 5.1 feet, where 7.5 feet is the minimum required on each side, contra to Hialeah Code of Ordinances § 98-546 that provides: "...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."; and allowing 39.9% lot coverage, where 30% is the maximum allowed, contra to Hialeah Code of Ordinances § 98-2056(b)(2) that provides: "Residential density and open space requirements. A maximum of 30 percent of the net residential land area may be covered with or occupied by the principal residential structure."; Property located at 4811 East 9<sup>th</sup> Lane Hialeah, Florida, and legally described as follows:

Lot 6 of Block 5, 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 2:** The below described property is hereby granted a variance permit to allow for an existing single family to remain on a substandard with a width of 50 feet and area of 5,000 square feet, where 75 feet and 7,500 square feet are the minimum width and area required, contra to Hialeah Code of Ordinances § 98-499 that provides: "The minimum building site in the R-1 one-family district shall be one lot or parcel of land containing at least 7,500 square feet of area for each one-family residence. Such parcels or lots shall have an average width of at least 75 feet...". Property located at 4811 East 9<sup>th</sup> Lane Hialeah, Florida, and legally described as follows:

Lot 7 of Block 5, 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: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4: 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 5: Severability Clause.**

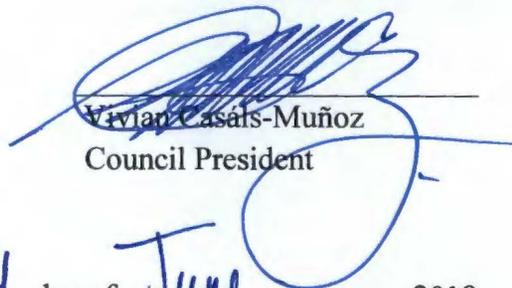
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 6: Effective Date.**

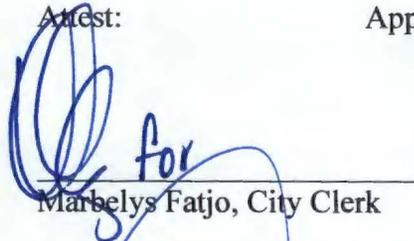
This ordinance shall become effective when passed by the City Council of the City of Hialeah, Florida, upon signature of the Mayor of the City of Hialeah or at the next regularly scheduled City Council meeting if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

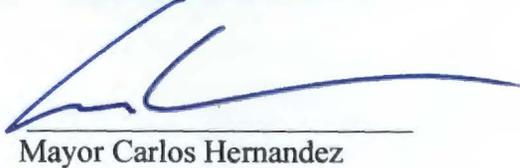
PASSED and ADOPTED this 12 day of June, 2018.

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

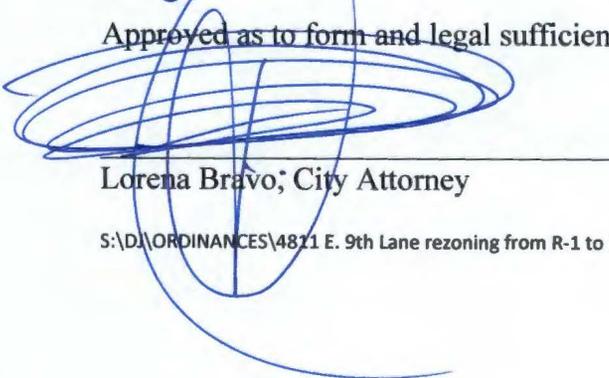
  
Vivian Casals-Muñoz  
Council President

Attest: Approved on this 14 day of June, 2018.

  
Marbelys Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
Lorena Bravo, City Attorney

Ordinance was adopted by a 5-0-2 vote with Councilmembers, Zogby, Lozano, Casals-Munoz, Hernandez. and Cue-Fuente voting "Yes" and with Councilmembers Caragol and Garcia-Martinez absent.