

ORDINANCE NO. 2015-36

ORDINANCE REZONING PROPERTY FROM R-2 (ONE AND TWO FAMILY RESIDENTIAL DISTRICT) TO R-3 (MULTIPLE FAMILY DISTRICT) AND GRANTING A VARIANCE PERMIT TO ALLOW ONE OF SIX PARKING SPACES TO BACK-OUT INTO THE STREET, WHERE BACK-OUT INTO THE STREET PARKING IS ONLY ALLOWED IN LOW DENSITY RESIDENTIAL DISTRICTS, TO ALLOW A LOT COVERAGE OF 30.6%, WHERE A MAXIMUM OF 30% IS REQUIRED, TO ALLOW A PERVIOUS AREA OF 21%, WHERE A MINIMUM OF 30% IS REQUIRED, AND TO ALLOW A FRONT SETBACK OF 14.54 FEET, WHERE 25 FEET ARE REQUIRED, A SIDE SETBACK OF 5 FEET, WHERE 10 FEET ARE REQUIRED, A CORNER SIDE SETBACK OF 5 FEET, WHERE 15 FEET ARE REQUIRED AND A REAR SETBACK OF 19.5 FEET, WHERE 20 FEET ARE REQUIRED, CONTRA TO HIALEAH CODE §§ 98-2190, 98-2056(b)(2), 98-2056(b)(1), 98-589, 98-590, AND 98-591. **PROPERTY LOCATED AT 130 WEST 20 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 May 27, 2015 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 foregoing facts and recitations contained in the preamble to this ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2: The below-described property is hereby rezoned from R-2 (One and Two Family Residential District) to R-3 (Multiple Family District) and granted a

variance permit to allow one of six parking spaces to back-out into the street, where back-out parking into the street parking is only allowed in Low Density Residential Districts, to allow a lot coverage of 30.6%, where a maximum of 30% is required, to allow a pervious area of 21%, where a minimum of 30% is required, and to allow a front setback of 14.54 feet, where 25 feet are required, a side setback of 5 feet, where 10 feet are required, a corner side setback of 5 feet, where 15 feet are required and a rear setback of 19.5 feet, where 20 feet are required, contra to Hialeah Code §§ 98-2190, 98-2056(b)(2), 98-2056(b)(1), 98-589, 98-590, and 98-591, which provide in pertinent part: “In all zoning districts, the parking area shall be so arranged that there is no backout into an adjacent private or public street or right-of-way, except for those lots in low density residential districts or developments. All parking spaces shall be reached or entered by traveling along assigned accessways without interfering with landscaped areas, structures, or other parking spaces. Every parking space shall be reached or entered by a continuous forward movement, without reversing direction, except for parallel parking, and shall be vacated by returning to the right-of-way with not more than one reversal of direction. The planning director shall determine whether a parking space is accessible under the requirements of this section.”, “*Residential density and open space requirements... (b)* The net area of a parcel shall be that area, expressed in acres or fractions of an acre, of land zoned for residential use less rights-of-way for streets and thoroughfares. In addition, every residential development except R-1 and R-4 and R-3 when developed as R-4 shall comply with the following open space and lot coverage requirements: (1) A minimum of 30 percent of the net residential land area shall be maintained in landscaped open space, which space may include recreation areas, swimming pools, and setback areas. (2) A

maximum of 30 percent of the net residential land area may be covered with or occupied by the principal residential structure...”, “In the R-3 multiple-family district, there shall be a 25-foot front yard required, unless a lesser distance is established by the existence of two or more structures, at a lesser distance, but in no case shall the front yard be less than 15 feet.”, “In the R-3 multiple-family district, there shall be side yards, and the width of each shall not be less than ten feet. For a corner lot, the side yard parallel abutting the street shall be not less than 15 feet.”, and “In the R-3 multiple-family district, there shall be a 20-foot rear yard setback.” respectively. Property located at 130 West 20 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

LOTS 26 AND 27, BLOCK 123 OF HIALEAH 17TH
ADDITION AMENDED, ACCORDING TO THE PLAT
THEREOF, AS RECORDED IN PLAT BOOK 23, PAGE
9 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.

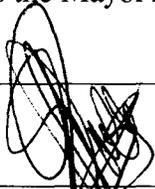
Section 5: Severability Clause.

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.

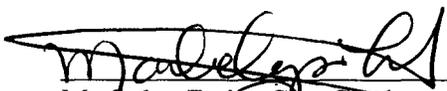
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 23 day of June, 2015.



Isis Garcia-Martinez
Council President

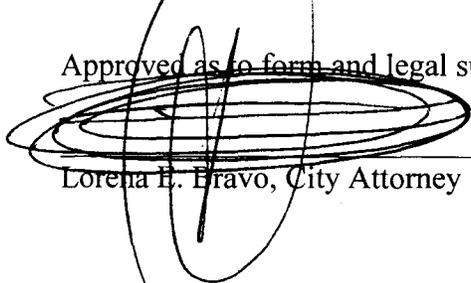
Attest: Approved on this 30 day of June, 2015.



Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


Lorena E. Bravo, City Attorney

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

Ordinance was adopted by a (6-1-0) vote with Council Members,
Caragol, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez
and Lozano voting "Yes", Council Member Casáls-Muñoz and
voting "No".