

ORDINANCE NO. 2018-154

ORDINANCE REZONING FROM R-1 (ONE FAMILY DISTRICT) TO R-2 (ONE AND TWO FAMILY RESIDENTIAL DISTRICT); AND GRANTING A VARIANCE PERMIT TO ALLOW THE REPLATTING OF THE PROPERTY INTO TWO SUBSTANDARD LOTS TO ALLOW THE CONSTRUCTION OF A DUPLEX ON EACH LOT WITH AN APPROXIMATE FRONTAGE OF 43.75 FEET AND AN AREA OF 5,753 SQUARE FEET, WHERE 75 FEET IS THE MINIMUM FRONTAGE ALLOWED AND 7,500 SQUARE FEET IS THE MINIMUM AREA ALLOWED; ALLOW NO INTERIOR EAST SIDE SETBACK, WHERE 7.5 FEET ARE REQUIRED FOR THE CORNER LOT; AND ALLOW NO INTERIOR WEST SIDE SETBACK, WHERE 7.5 FEET ARE REQUIRED FOR THE EASTERN MOST LOT. ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-544 AND 98-546. **PROPERTY LOCATED AT 801 EAST 28 STREET, HIALEAH FLORIDA.** REPEALING ALL 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 November 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 District) to R-2 (One and Two Family Residential District); and is granted a variance permit to allow the replatting of the property into two substandard lots to allow the construction of a duplex on each lot with an approximate frontage of 43.75 feet and an area of 5,753 square feet, where 75 feet is the minimum frontage allowed and 7,500 square feet is the minimum area allowed, allow no interior east side setback, where 7.5 feet are required for the corner lot; and allow no interior west side setback, where 7.5 feet are required for the eastern most lot, all contra to Hialeah Code of Ordinances § 98-544 that as relevant 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. Such parcels or lots shall have an average width of at least 75 feet... ”; allow for an interior east side setback of 0 feet, where 7.5 feet are required for the corner lot, and allow an interior west side setback of 0 feet, where 7.5 feet are required for the easternmost lot, 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.” Property located at 801 East 28 Street, Hialeah, Florida, and legally described as follows:

The West ½ of Lot 28, all of Lot 29 and Lot 30 less the West 20 feet, in Block 81B of AMENDED PLAT OF THE AMENDED PLAT OF THIRTEENTH ADDITION TO HIALEAH, according to the Plat thereof, as recorded in Plat Book 34, Page 26, of the Public Records of Miami-Dade county, Florida and 6 foot alley lying North and adjacent thereto.

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.

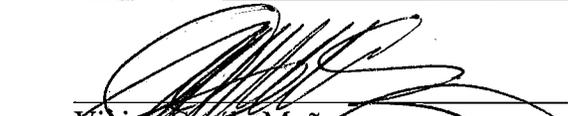
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or 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 11 day of December, 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

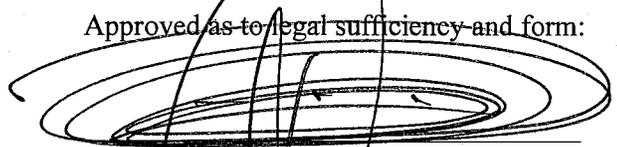
Approved on this 3 day of January, 2018. 

Attest:


Marbelys Fatjo, City Clerk


Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

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11/16/2018 10:34 AM

Ordinance was adopted by a 7-0 vote with Councilmembers, Zogby, Lozano, Casáls-Munoz, Garcia-Martinez, Caragol, Cue-Fuente, Hernandez, voting "Yes."