ORDINANCE NO. 2015-42

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 DUPLEX ON A SUBSTANDARD-SIZED LOT HAVING AN AVERAGE WIDTH OF 60 FEET, WHERE AT LEAST 75 FEET ARE REQUIRED, TO ALLOW A LOT COVERAGE OF 33%, WHERE A MAXIMUM OF 30% IS REQUIRED, AND TO ALLOW A PROPOSED WEST SIDE SETBACK OF 5.82 FEET, WHERE 7.5 FEET ARE REQUIRED FOR ACCESSORY BUILDING, CONTRA TO HIALEAH CODE §§ 98-544, 98-2056(b)(2) AND 98-546. **PROPERTY LOCATED AT 841 EAST 14 PLACE, 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 June 10, 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 below-described property is hereby rezoned R-1 (One Family District) to R-2 (One And Two Family Residential District) and granting a variance permit to allow a duplex on a substandard-sized lot having an average width of 60 feet, where at least 75 feet are required, to allow a lot coverage of 33%, where a maximum of 30% is required, and to allow a proposed west side setback of 5.82 feet, where 7.5 feet are required for accessory building, contra to Hialeah Code §§ 98-544, 98-2056(b)(2) and 98-546, which provide in pertinent part: "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.", "A maximum of 30 percent of the net residential land area shall be covered with or occupied by the principal residential structure", and "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.", respectively. Property located at 841 East 14 Place, Hialeah, Miami-Dade County, Florida and legally described as follows:

> LOT 22, IN BLOCK 11, OF SECTION TWO, SUN-TAN VILLAGE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 50, AT PAGE 6, OF THE PUBLIC RECORDS OF 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 25 day of August, 2015.

Isis Garcia-Martinez
Council President

Attest:

Approved on this 28 day of August, 2015.

Marbelys Fatjo, City Clerk

Mayor Carlos Hernandez

Approved as to form:

Lorena E. Bravo, City Attorney

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

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