ORDINANCE NO. 2015-43

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 EACH SUBSTANDARD-SIZED LOT, EACH LOT HAVING AN AVERAGE WIDTH OF 40 FEET EACH, WHERE AT LEAST 75 FEET ARE REQUIRED, TO ALLOW A TOTAL AREA OF 5,160 SQUARE FEET, MORE OR LESS, WHERE A TOTAL AREA OF AT LEAST 7,500, IS REQUIRED, AND TO ALLOW A PROPOSED REAR SETBACK OF 20 FEET, WHERE 25 FEET ARE REQUIRED FOR ACCESSORY BUILDING, CONTRA TO HIALEAH CODE §§ 98-544 AND 98-547(A). **PROPERTY LOCATED AT 925 EAST 24 STREET, HIALEAH, FLORIDA.** 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 24, 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).

Section 2: The below-described property is hereby granted variance permit to allow a duplex on each substandard-sized lot, each lot having an average width of 40 feet each, where at least 75 feet are required, to allow a total area of 5,160 square feet, more or less, where a total area of at least 7,500 are required, and to allow a proposed rear setback of 20 feet, where 25 feet are required for accessory building, contra to Hialeah Code §§ 98-544 and 98-547(a), 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.", "Rear yard required. (a) In the R-2 one- and two-family residential district, every principal residential building shall provide a rear yard of a minimum depth of 25 feet to a rear lot line or front of an accessory building, and every accessory building shall provide a rear yard with a minimum depth of 7½ feet. Utility sheds shall not be considered accessory buildings, and accordingly the provisions of section 98-1670 shall apply.", respectively. Property located at 925 East 24 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

> LOT 26 AND 27, IN BLOCK 98 B, HIALEAH 13TH ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, AT PAGE 26, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

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:

Marbelys Fatjo, City Clerk

Approved on this 28 day of August, 2015.

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.