

ORDINANCE NO. 2021-021

ORDINANCE REZONING PROPERTY FROM R-1 (ONE FAMILY DISTRICT) TO R-3-3 (MULTIPLE FAMILY DISTRICT); AND GRANTING A VARIANCE PERMIT TO ALLOW A FRONTAGE OF 50 FEET, WHERE 75 FEET ARE REQUIRED; ALLOW A STREET SIDE SETBACK OF 12 FEET, WHERE 15 FEET ARE REQUIRED; ALLOW LOT COVERAGE OF 37%, WHERE 30% IS REQUIRED; AND ALLOW 6 PARKING SPACES, WHERE 9 PARKING SPACES ARE REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-348(a), 98-590, 98-2056(b)(2) AND 98-2189 (19)b. **PROPERTY LOCATED AT 902 SE 8 STREET, HIALEAH, FLORIDA.** PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of February 9, 2021 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-3-3 (Multiple Family District).

Section 2: The below-described property is hereby granted a variance permit to allow a frontage of 50 feet, where 75 feet are required, contra to Hialeah Code of Ordinances § 98-348(a) that as relevant provides: "...no new plat shall be approved unless all building sites and lots in residential districts shall have a minimum average width of 75 feet..."; allow a street side setback of 12 feet, where 15 feet are required, Hialeah Code of Ordinances § 98-590 that provides: "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.”; allow lot coverage of 37%, where 30% is required, contra to Hialeah Code § 98-2056(b)(2) that provides: “A maximum of 30 percent of the net residential land area may be covered with or occupied by the principal residential structure.”; and allow 6 parking spaces, where 9 parking spaces are required, contra to § 98-2189 (19)b., that provides: “Medium and high density. Two parking spaces for one or two bedrooms, and one-half parking space for each additional bedroom.” Property located at 902 SE 8 Street, Hialeah, Florida, and legally described as:

Lot 14, Block 8, WEST BUENA VISTA, according to the Plat thereof, as recorded in Plat Book 7 at Page 6 of the Public Records of Miami-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.

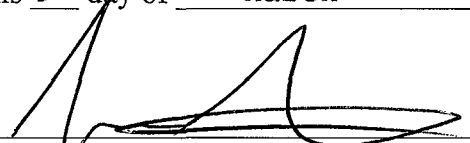
Section 4: Severability Clause.

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.

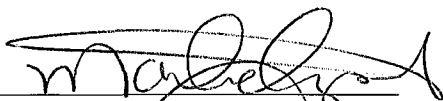
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 9 day of March, 2021.



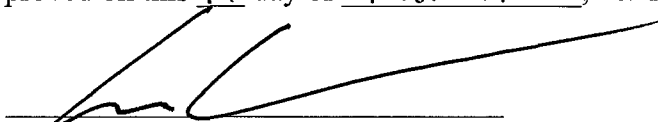
Jesus Tundidor
Council President

Attest:




Marbelys Fatjo, City Clerk

Approved on this 16 day of March, 2021.



Mayor Carlos Hernandez

Approved as to legal sufficiency and form:



Lorena E. Bravo, City Attorney

Ordinance was adopted by 7-0 vote with Councilmembers, Cue-Fuente, De la Rosa, Garcia-Roves, Hernandez, Perez, Tundidor, and Zogby voting "Yes."

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THE FOREGOING ORDINANCE
OF THE CITY OF NALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE CONSTITUTION OF
FLORIDA CHAPTER 218.041
PRIOR TO FINAL READING.