

ORDINANCE NO. 2021-024

ORDINANCE REZONING FROM R-1 (ONE-FAMILY DISTRICT) TO R-2 (ONE-AND TWO-FAMILY RESIDENTIAL DISTRICT); GRANTING A VARIANCE PERMIT TO ALLOW A DUPLEX ON A SUBSTANDARD LOT HAVING A FRONTAGE OF 50 FEET AND TOTAL LOT AREA OF 6,700 SQUARE FEET, WHERE 75 FEET FRONTAGE AND 7,500 SQUARE FEET ARE REQUIRED; ALLOW INTERIOR EAST SIDE SETBACK OF 4.33 FEET, WHERE 7.5 IS THE MINIMUM REQUIRED; ALLOW REAR SETBACK OF 20 FEET, WHERE 25 IS THE MINIMUM REQUIRED; AND ALLOW LOT COVERAGE OF 35.7%, WHERE 30% IS THE MAXIMUM ALLOWED. ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-544, 98-546, 98-547(a) AND 98-2056(b)(2). **PROPERTY LOCATED AT 301 EAST 51 STREET, HIALEAH ZONED R-1 (ONE-FAMILY DISTRICT).** 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 recommended approval of this ordinance at its meeting of January 13, 2021.

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-2 (One-and Two-Family Residential District).

Section 2. The below-described property is hereby granted a variance permit to allow a duplex on a substandard lot having a frontage of 50 feet and total lot area of 6,700 square feet, where 75 feet frontage and 7,500 square feet are required, 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 lot coverage of 35.7%, where 30% is the maximum allowed, contra to Hialeah Code of Ordinances § 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.”; allow interior east side setback of 4.33 feet, where 7.5 is the minimum required respectively, contra to Hialeah Code of Ordinances § 98-546 that as relevant 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.”; and allow rear setback of 20 feet, where 25 is the minimum required, contra to Hialeah Code of Ordinances § 98-547(a) that as relevant provides: “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...”. Property located at 301 East 51 Street, Hialeah, zoned R-1 (One-Family District) and legally described as follows:

Lot 30, Block 6, of JAIALAI HEIGHTS NO. 2, according to the Plat thereof, as recorded in Plat Book 15, at Page 27, 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.

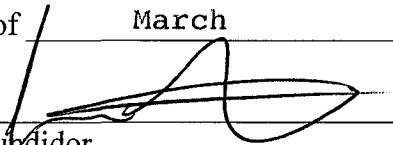
Section 5: Severability Clause.

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 March, 2021.



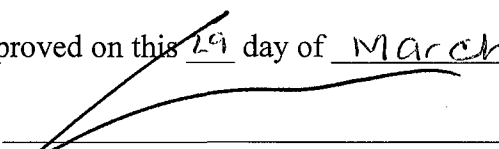
Jesus Tundidor
Council President

Attest:




Marbelys Patjo, City Clerk

Approved on this 29 day of March, 2021.



Mayor Carlos Hernandez

Approved as to legal sufficiency and form:



Lorena E. Bravo, City Attorney

Ordinance was adopted by 4-3-0 vote with Councilmembers, Cue-Fuente, De la Rosa, Garcia-Roves, and Zogby voting "Yes" and with Council President Tundidor, Council Vice President Perez and Council Member Hernandez voting "No".

S:\D\ORDINANCES\301 E 51 ST R-1 to R-2 variance permit allow duplex substandand lot.docx

THE FOREGOING ORDINANCE
OF THE CITY OF GULF BAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 100.041
PRIOR TO FINAL READING.