

ORDINANCE NO. 2021-049

ORDINANCE REZONING FROM R-1 (ONE-FAMILY DISTRICT) TO R-2 (ONE-AND TWO-FAMILY RESIDENTIAL DISTRICT); GRANTING A VARIANCE PERMIT TO ALLOW THE CONSTRUCTION OF TWO ATTACHED DUPLEXES, ONE DUPLEX ON EACH SUBSTANDARD LOT; AND ALLOW THE REPLATTING OF THE PROPERTY INTO TWO SUBSTANDARD LOTS HAVING A FRONTAGE OF 40 FEET AND TOTAL LOT AREA OF 5,400 SQUARE FEET, WHERE 75 FEET FRONTAGE AND 7,500 SQUARE FEET ARE REQUIRED; ALLOW INTERIOR LOT 0 FEET WEST SIDE SETBACK, WHERE 7.5 IS THE MINIMUM REQUIRED; ON CORNER LOT ALLOW 0 FEET EAST SIDE SETBACK, WHERE 7.5 FEET ARE REQUIRED; AND ALLOW 13 FEET STREET SIDE SETBACK, WHERE 15 FEET ARE REQUIRED. ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-544 AND 98-546. **PROPERTY LOCATED AT 302 EAST 11 STREET, HIALEAH ZONED R-1 (ONE-FAMILY DISTRICT).** 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 April 14, 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-2 (One-and Two-Family Residential District).

Section 2. The below-described property is hereby granted a variance permit to allow the construction of two attached duplexes on each substandard lot and allow the replatting of the

property into two substandard lots with frontage of 40 feet and area of 5,400 square feet, where 75 feet frontage and 7,500 square feet is the minimum 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 the construction of a duplex on each substandard lot: interior lot 0 feet west side setback, where 7.5 feet are required and on corner lot allow 0 feet east side setback, where 7.5 feet are required; and allow 13 feet street side setback, where 15 feet are required, all 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.”. Property located at 301 East 51 Street, Hialeah, zoned R-1 (One-Family District) and legally described as follows:

Lot 1, and West 30 feet of Lot 2, Block 94, 1ST ADDITION TO TOWN OF HIALEAH AMENDED, according to the Plat thereof, as recorded in Plat Book 5, at Page 122, 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.

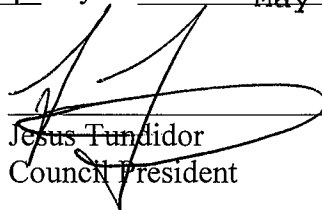
Section 5: Severability Clause.

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.

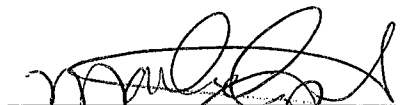
PASSED and ADOPTED this 11 day of May, 2021.



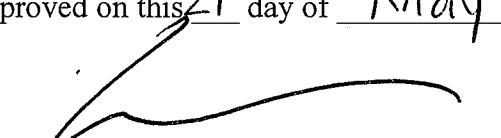
Jesus Tundidor
Council President

Attest:

Approved on this 21 day of May, 2021.



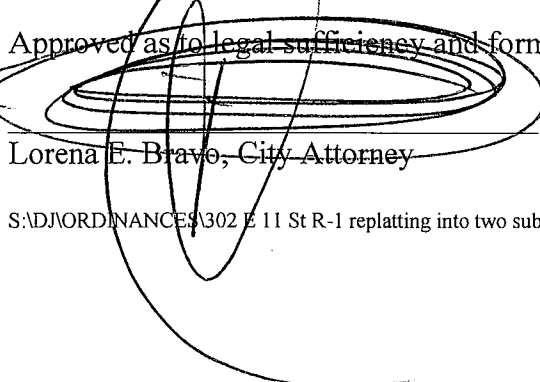
Marbelys Fajó, City Clerk



Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

Ordinance was adopted by 6-0-1 vote with Councilmembers, De la Rosa, Garcia-Roves, Hernandez, Perez, Tundidor, and Zogby voting "Yes" and with Council Member Cue-Fuente absent.



Lorena E. Bravo, City Attorney