

ORDINANCE NO. 2021-139

ORDINANCE REZONING PROPERTY FROM R-1 (ONE-FAMILY DISTRICT) TO R-3-3 (MULTIPLE-FAMILY DISTRICT); GRANTING A VARIANCE PERMIT TO ALLOW TWO RESIDENTIAL (40%) UNITS WITH FLOOR AREA OF 709 SQUARE FEET AND TWO RESIDENTIAL UNITS (40%) WITH FLOOR AREA OF 680 SQUARE FEET, WHERE 850 SQUARE FEET IS THE MINIMUM REQUIRED AND ONLY 10% OF THE UNITS MAY HAVE AN AREA OF 600 SQUARE FEET; CONTRA TO HIALEAH CODE OF ORDINANCES § 98-1630.2. **PROPERTY LOCATED AT 410 EAST 47 STREET AND 4655 EAST 4 AVENUE, HIALEAH, ZONED R-1 (ONE-FAMILY DISTRICT), WITHIN AREA 2 OF THE NEIGHBORHOOD BUSINESS DISTRICT OVERLAY.** 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 October 27, 2021 recommended approval of this ordinance; and

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). Property located at 410 East 47 Street and 4655 East 4 Avenue, Hialeah, zoned R-1 (One-Family District), within area 2 of the Neighborhood Business District Overlay and legally described in Exhibit "A" attached.

Section 2: The below-described property is hereby granted a variance permit to allow two residential (40%) units with floor area of 709 square feet and two residential units (40%) with floor area of 680 square feet, where 850 square feet is the minimum required and only 10% of the units may have an area of 600 square feet, contra to Hialeah Code of Ordinances § 98.1630.2 that as relevant provides: "Each residential unit shall have minimum of 850 square feet, except that ten percent of residential units may have a minimum of 600 feet for studios on one bedroom units."

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.

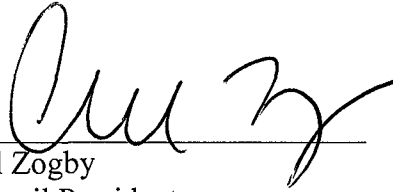
Section 5: Severability Clause.

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 November, 2021.



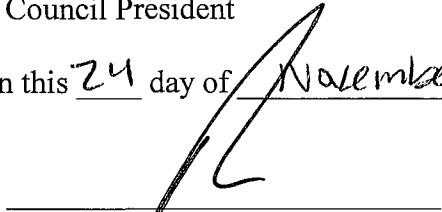
Carl Zogby
Council President

Attest:



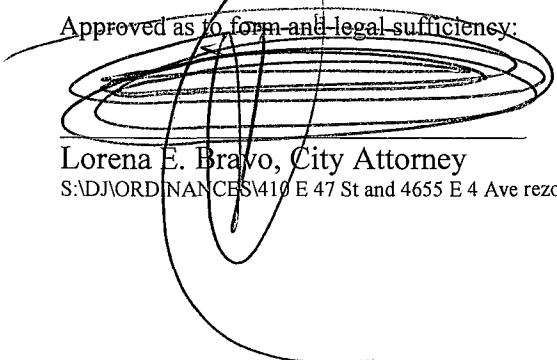
Marbelys Fatjo, City Clerk

Approved on this 24 day of November, 2021.



Mayor Esteban Bovo, Jr.

Approved as to form and legal sufficiency:



Lorena E. Bravo, City Attorney

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