

ORDINANCE NO. 2022-048

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA REZONING PROPERTY FROM R-1 (ONE-FAMILY DISTRICT) TO R-3-3 (MULTIPLE-FAMILY DISTRICT); GRANTING A VARIANCE PERMIT TO ALLOW FRONT SETBACK OF 21.8 FEET, WHERE 25 FEET ARE REQUIRED; ALLOW STREET SIDE SETBACK OF 6 FEET, WHERE 15 ARE REQUIRED; ALLOW REAR SETBACK OF 11.6 FEET, WHERE 20 FEET ARE REQUIRED; ALLOW TOTAL LOT COVERAGE OF 31%, WHERE 30% IS THE MAXIMUM ALLOWED; AND ALLOW 23% PERVIOUS AREA, WHERE 30% IS THE MINIMUM REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-589, 98-590, 98-591, 98-2056(b)(1) AND 98-2056(b)(2); **PROPERTY LOCATED AT 782 EAST 37 STREET, HIALEAH, FLORIDA, 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 27, 2022, 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).

Section 2: The below-described property is hereby granted a variance permit to allow front setback of 21.8 feet, where 25 feet are required, contra to Hialeah Code of Ordinances § 98-589 that provides: “In the R-3 multiple-family district, there shall be a 25-foot front yard required, unless a lesser distance is established by the existence of two or more structures, at a lesser distance, but in no case shall the front yard be less than 15 feet”; allow street side setback of 6 feet, where 15 feet are required, contra to 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 rear setback of 11.6 feet, where 20 feet are required, contra to Hialeah Code of Ordinances § 98-591 that provides: “In the R-3 multiple-family district, there shall be a 20-foot rear yard setback.”; allow pervious area of 23%, where 30% is the minimum required, contra to Hialeah Code of Ordinances § 98-2056(b)(1) that provides: “A minimum of 30 percent of the net residential land area shall be maintained in landscaped open space, which space may include recreation areas, swimming pools, and setback areas.”; and allow total lot coverage of 31%, 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 our occupied by the principal residential structure”; Property located at 782 East 37 Street, Hialeah, Florida, zoned R-1 (One-Family District) and legally described as follows:

Tract 13FA less the East 20.00 feet thereof, and the North ½ of that portion of the 12-foot alley, lying South and adjacent thereto, cloed per Ordinance No. 94-07 (Jan 25, 1994), of REVISED PLAT OF THE REVISED PLAT OF THE FOURTEENTH ADDITION TO THE CITY OF HIALEAH, according to the Plat thereof, as recorded in Plat Book 31, at Page 29, 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.

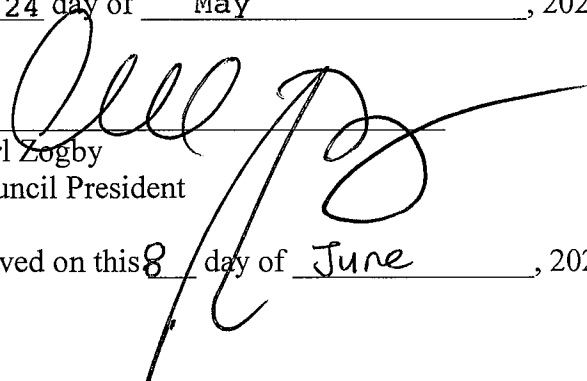
Section 5: Severability Clause.

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 24 day of May, 2022.



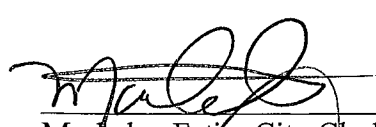
Carl Zogby
Council President

Approved on this 8 day of June, 2022.

Mayor Esteban Bovo, Jr.

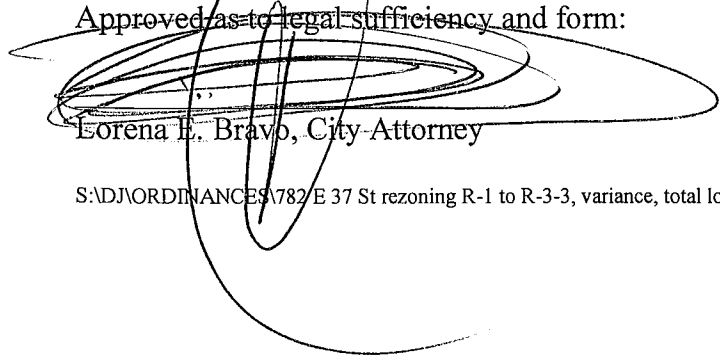
Ordinance was adopted by 7-0 vote with Councilmembers Calvo, Casáls-Muñoz, García-Roves, Perez, Rodriguez, Tundidor, and Zogby voting "Yes".

Attest:



Marbelys Fajjo, City Clerk

Approved as to legal sufficiency and form:



Lorena E. Bravo, City Attorney

THE FOREGOING ORDINANCE OF THE CITY OF HIALEAH WAS PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF FLORIDA STATUTE 186.041 PRIOR TO FINAL READING