

ORDINANCE NO. 2018-014

ORDINANCE REZONING PROPERTY FROM R-1 (ONE FAMILY DISTRICT) TO R-2 (ONE AND TWO FAMILY RESIDENTIAL DISTRICT); AND GRANTING A VARIANCE PERMIT TO ALLOW CONSTRUCTION OF A DUPLEX ON TWO SUBSTANDARD LOTS: EACH HAVING A FRONTAGE OF 50 FEET, WHERE 75 FEET ARE REQUIRED; A TOTAL AREA OF APPROXIMATELY 6,750 SQUARE FEET, WHERE 7,500 SQUARE FEET ARE REQUIRED, AND ON THE CORNER LOT ALLOW AN INTERIOR WEST SIDE SETBACK OF 5 FEET, WHERE 7.5 FEET IS THE MINIMUM REQUIRED; CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-544, 98-546, AND 98-2056(b)(2). **PROPERTY LOCATED AT 183 EAST 16 STREET, HIALEAH FLORIDA.** 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 at its meeting of January 10, 2018 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-2 (one and two family residential district); and is granted a variance permit on two substandard lots to allow construction of a duplex on two substandard lots: each having a frontage of 50 feet, where 75 feet are required, contra to Hialeah Code of Ordinances § 98-544 that provides "...lots shall have an average width of at least 75 feet..."; a total area of approximately 6,750 square feet, where 7,500 square feet are required, contra to Hialeah Code of Ordinances § 98-544 that 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”; and on the corner lot allow an interior west side setback of 5 feet, where 7.5 feet is the minimum required for a corner lot, contra to Hialeah Code of Ordinances § 98-546 that 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 **183 East 16 Street, Hialeah, Florida**, and legally described as follows:

Lots 13 to 15, Block 83, of AMENDED PLAT OF FIRST ADDITION TO TOWN OF HIALEAH, according to the Plat thereof as recorded in Plat Book 5, Page(s) 122, 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

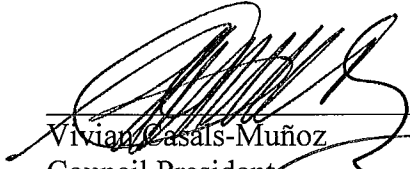
invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

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 13 day of February, 2018.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING



Vivian Casals-Muñoz
Council President

Attest:

Approved on this 14 day of February, 2018.



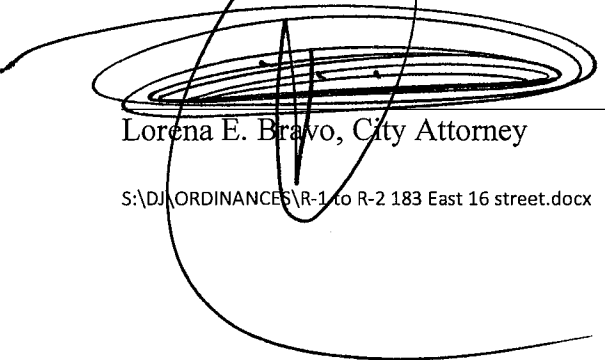
Marbelys Fatjo, City Clerk



Carlos Hernandez, Mayor

Approved as to legal sufficiency and form

Ordinance was adopted by a 7-0 vote with Councilmembers,
Caragol, Zogby, Casáls-Munoz, Cue-Fuente, Garcia-
Martinez, Lozano and Hernandez voting "Yes"



Lorena E. Bravo, City Attorney