

**ORDINANCE NO. 2018-102**

ORDINANCE REZONING PROPERTY FROM C-1 (RESTRICTED RETAIL COMMERCIAL DISTRICT) TO R-3-4 (MULTI-FAMILY DISTRICT); AND GRANTING A VARIANCE PERMIT TO ALLOW THE CONSTRUCTION OF A 4-UNIT MULTIFAMILY BUILDING IN A SUBSTANDARD LOT WITH A LENGTH OF 87.50 FEET, WHERE 100 FEET IS THE MINIMUM REQUIRED; AN AREA OF 7,040 SQUARE FEET, WHERE 7,500 SQUARE FEET IS THE MINIMUM REQUIRED; ALLOW A 15 FOOT FRONT SETBACK, WHERE 25 FEET ARE REQUIRED; ALLOW A 26% PERVIOUS AREA, WHERE 30% IS THE MINIMUM REQUIRED; AND ALLOW A 3 FOOT LANDSCAPE BUFFER, WHERE 7 FEET ARE REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-348(a), 98-589 AND 98-2056(b)(1); AND THE CITY OF HIALEAH LANDSCAPE MANUAL, UPDATED JULY 9, 2015, § (C)(3). PROPERTY ZONED C-1 (RESTRICTED RETAIL COMMERCIAL DISTRICT); **LOCATED AT 545 WEST 24 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 August 22, 2018 recommended approval of this ordinance; and

**WHEREAS**, the developer has proffered to develop the property in substantial conformity with the architectural plans prepared by Oscar J. Gonzalez, dated March 14, 2018.

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 C-1 (Restricted Retail Commercial District) to R-3-4 (Multi-Family District); and is granted a variance permit to allow

the construction of a 4-unit multifamily building in a substandard lot with a length of 87.50 feet, where 100 feet is the minimum required, and an area of 7,040 square feet, where 7,500 square feet is the minimum required, contra to Hialeah Code of Ordinances § 98-348(a) that provides: "...building sites and lots in residential districts shall have a minimum average width of 75 feet and a minimum average depth of 100 feet,... All lots in R-1 one-family districts and R-2 one- and two-family residential districts shall have at least 7,500 square feet in area."; allow a 15 foot front setback, 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..." ; allow a 26% pervious area, 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..."; and allow a 3 foot landscape buffer, where 7 feet are required, contra to the City Of Hialeah Landscape Manual, updated July 9, 2015, § (C)(3) that provides "Trees...Street trees planted along private roadways shall be placed within seven (7) feet of the edge of roadway pavement and/or where present within seven (7) feet of the sidewalk." Property located at 545 West 24 Street, Hialeah, Florida, and legally described as follows:

LOTS 4, 5, 6, 7 AND 8, BLOCK 19, SEMINOLA CITY-SECTION NO. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, AT PAGE 154 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.**

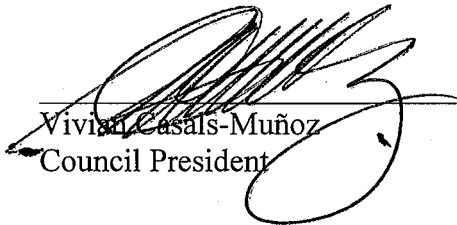
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or 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 25 day of September, 2018.

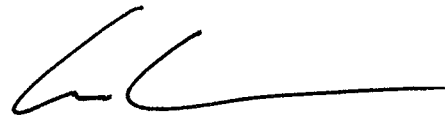
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
Vivian Casals-Muñoz  
Council President

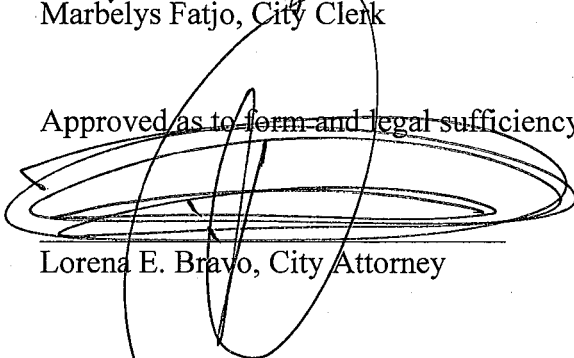
Attest:

Approved on this 1 day of October, 2018.

  
Marbelys Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
Lorena E. Bravo, City Attorney

Ordinance was adopted by a 6-0-1 vote with Councilmembers, Zogby, Lozano, Casals-Munoz, Hernandez, Caragol, and Cueva-Fuente voting "Yes" and Garcia-Martinez absent.