

ORDINANCE NO. 2018-121

ORDINANCE REZONING FROM C-2 (LIBERAL RETAIL COMMERCIAL DISTRICT) TO R-3-4 (MULTIPLE FAMILY DISTRICT); AND GRANTING A VARIANCE PERMIT TO ALLOW THE CONSTRUCTION OF A MULTIFAMILY BUILDING ON A SUBSTANDARD LOT WITH A FRONTAGE OF 50 FEET, WHERE 75 FEET ARE REQUIRED AND A TOTAL LOT AREA OF 6,628 SQUARE FEET, WHERE 7,500 SQUARE FEET IS THE MINIMUM REQUIRED; ALLOW A FRONT SETBACK OF 10 FEET, WHERE 25 FEET IS THE MINIMUM REQUIRED; ALLOW 5 FEET EAST SIDE SETBACK, WHERE 10 FEET IS THE MINIMUM REQUIRED; ALLOW 54% LOT COVERAGE, WHERE 30% IS THE MAXIMUM ALLOWED; AND 26% PERVIOUS AREA, WHERE 30% IS THE MINIMUM REQUIRED; ALL CONTRA TO §§ 98-348(a), 98-589, 98-590, 2056(b)(1) AND (b)(2). **PROPERTY LOCATED AT 620 WEST 29 STREET, HIALEAH, FLORIDA;** 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 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 C-2 (Liberal Commercial District) to R-3-4 (Multiple Family District).

Section 2: The below described property is hereby granted a variance permit to allow an the construction of a multifamily building on a substandard lot with a frontage of 50 feet, where 75 feet are required, and a total lot area of 6,628 square feet, where 7,500 square feet is the minimum required, contra to Hialeah Code of Ordinances § 98-348(a), that as relevant provides: “Size of lots... no new plat shall be approved unless all building sites and lots in residential districts shall have a minimum average width of 75 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 front setback of 10 feet, where 25 feet is the minimum required, contra to Hialeah Code of Ordinances § 98-589 that as relevant provides: “In the R-3 multiple-family district, there shall be a 25-foot front yard required,...”; allow 5 feet east side setback, where 10 feet is the minimum required, contra to Hialeah Code of Ordinances § 98-590 that provides: “Side yard required. In the R-3 multiple-family district, there shall be side yards, and the width of each shall not be less than ten feet.”; allow a pervious area of 26 %, where 30% is 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 54% lot coverage, where 30% is required, 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 or occupied by the principal residential structure.” Property located at 620 West 29 Street, Hialeah, Florida, and legally described as:

Lot 3, Block 1, of PHILLIPON’S ADDITION TO HIALEAH,
according to the Plat thereof, as recorded in Plat Book 45, at Page
19, 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

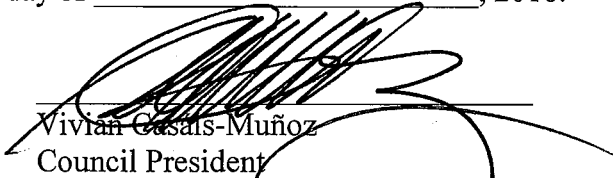
invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

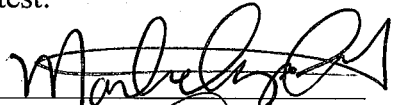
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 13 day of November, 2018.

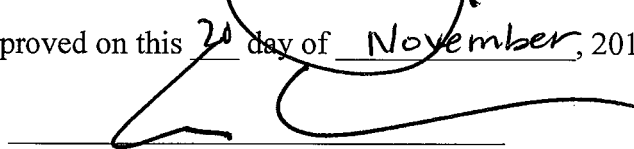
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Vivian Casals-Muñoz
Council President

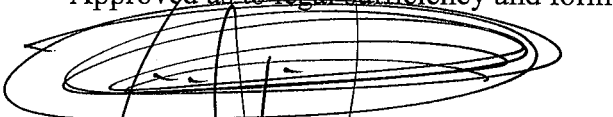
Attest:


Marbelys Fatjo, City Clerk

Approved on this 20 day of November, 2018.


Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

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