

**ORDINANCE NO. 2020-048**

ORDINANCE REPEALING AND RESCINDING HIALEAH, FLA., ORDINANCE 2014-02 (JANUARY 14, 2014); REZONING PROPERTY AT 601 E. OKEECHOBEE ROAD TO C-2 (LIBERAL RETAIL COMMERCIAL DISTRICT); GRANTING A SPECIAL USE PERMIT (SUP) TO ALLOW THE EXPANSION OF THE NBD (NEIGHBORHOOD BUSINESS DISTRICT) OVERLAY PURSUANT TO HIALEAH CODE OF ORDINANCES § 98-1630.8; GRANTING A VARIANCE PERMIT TO ALLOW ONLY RESIDENTIAL USES, WHERE RESIDENTIAL AND COMMERCIAL USES ARE REQUIRED; ALLOW RESIDENTIAL USE ON THE GROUND FLOOR, WHERE RESIDENTIAL USES ARE ALLOWED ABOVE THE GROUND LEVEL ONLY; ALLOW 30 UNITS WITH AREA OF 600 SQUARE FEET, WHERE AREA OF 850 SQUARE FEET IS THE MINIMUM REQUIRED FOR 90% OF THE UNITS; ALLOW 8" SETBACK FOR BUILDING AND 1'8" FEET FRONT SETBACK FOR BALCONIES ABOVE THE GROUND FLOOR FRONTING SE 6 AVENUE; ALLOW 5 FOOT FRONT SETBACK ON E. OKEECHOBEE ROAD, ALLOW 5 FOOT SECONDARY FRONT SETBACK ABUTTING RESIDENTIAL USES ON SE PARK DRIVE, AND ALLOW NO FRONT SETBACK FOR PRIVACY PARAPETS ON E. OKEECHOBEE ROAD, WHERE 10 FEET BUILT-TO-LINE SETBACKS ARE REQUIRED; ALLOW 32 PARKING SPACES, WHERE 68 PARKING SPACES ARE REQUIRED; ALLOW 23.4% PERVIOUS AREA (5,800 SQUARE FEET), WHERE 30% (7,407 SQUARE FEET) IS THE MINIMUM REQUIRED; ALLOW 26.4% (6,520 SQUARE FEET) OF OPEN SPACE, WHERE 30% (7,407 SQUARE FEET) IS THE MINIMUM REQUIRED; ALLOW 1'8" LANDSCAPE BUFFER AT SE PARK DRIVE, WHERE 7 FEET LANDSCAPE BUFFER IS REQUIRED; AND ALLOW A METAL FENCE WHERE A CONCRETE WALL IS REQUIRED BETWEEN DISSIMILAR LAND USES. **PROPERTY LOCATED AT 601 EAST OKEECHOBEE ROAD, 604 AND 610 PARK DRIVE, HIALEAH, ZONED P (PARKING) AND R-3 (MULTIPLE-FAMILY DISTRICT).** ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-1630.1, 98-1630.2, 98-1630.3(e)(1), 98-2056(b)(1), 98-2189(16)a., AND CONTRA TO THE LATEST EDITION OF THE HIALEAH LANDSCAPE MANUAL DATED JULY 9, 2015 PARAGRAPH (D)(7) PARKING LOT BUFFERS AND PARAGRAPH (D)(6) BUFFERS BETWEEN DISSIMILAR LAND USES. 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 August 26, 2020 recommended approval of this ordinance; and

**WHEREAS**, the developer has proffered a Declaration of Restrictions, to which the City accepts.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** Hialeah, Fla. Ordinance 2014-02 (January 14, 2014), attached hereto as Exhibit “A,” is hereby repealed and rescinded in its entirety.

**Section 2:** The below-described property is hereby granted a Special Use Permit (SUP) pursuant to Hialeah code of ordinances § 98-1630.8 to allow the expansion of the NBD (Neighborhood Business District) regulations.

**Section 3:** The below-described property is hereby granted a variance permit to allow only residential uses, where residential and commercial uses are required, contra to Hialeah Code of Ordinances § 98-1630.1 that as relevant provides: “No building or land shall be used and no building shall be hereinafter erected, constructed, reconstructed or structurally altered that is designed, arranged or intended to be used or occupied for any purpose, unless it provides residential use and one or more of the principal commercial uses...”; allow residential use on the ground floor, where residential uses are allowed above the ground level only, and allow 30 units with area of 600 square feet, where area of 850 square feet is the minimum required for 90% of the units, contra to Hialeah Code of Ordinances § 98-1630.2 that as relevant provides: “Residential uses shall be allowed above the ground level only. 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 or one bedroom units.”; allow 8” setback for building and 1’8” feet front setback for balconies above the ground floor fronting SE 6<sup>th</sup> Avenue, allow 5 foot front setback on E. Okeechobee Road, allow 5 foot secondary front setback abutting residential uses on SE Park Drive, and allow no front setback for privacy parapets on E. Okeechobee Road, where 10 feet built-to-line setbacks are required, contra to Hialeah Code of Ordinances § 98-1630.3(e)(1) that as relevant provides: “Front setback and street side setback. For the pedestal or base of a building, a minimum setback of ten feet, built-to-line, or as provided in the urban design plan.”; allow 32 parking spaces, where 68 parking spaces are required, contra to Hialeah Code of Ordinances § 98-2189(16)a. that provides: “*Residential uses*. Parking for residential uses shall be two parking spaces for one or two bedrooms and one-half parking spaces for each additional bedroom. An additional one-quarter

parking space for each dwelling unit shall be provided for guest parking. The guest parking requirement may be satisfied, in whole or in part, by the operation of valet parking services for residential guests, approved by the city.”; allow 1’8” landscape buffer at SE Park Drive, where 7 feet landscape buffer is required, contra to the Latest Edition of The Hialeah Landscape Manual Dated July 9, 2015 Paragraph (D)(7) that as relevant provides: “Parking lot buffers. All parking lots adjacent to a right-of-way or private street shall be screened by a continuous planting and/or three (3)-foot high wall within a seven (7)-foot landscaped strip...”; allow a metal fence where a concrete wall is required between dissimilar land uses, contra to the Latest Edition of The Hialeah Landscape Manual Dated July 9, 2015 Paragraph (D)(6) that as relevant provides: “Buffers between dissimilar land uses. Where dissimilar land uses exist on adjacent properties, and where such areas will not be entirely visually screened by an intervening building or structure from abutting property, the unscreened portion of such area shall be provided with a buffer consisting of a six (6)-foot CBS or prefabricated wall or fence.”; allow 23.4% pervious area (5,800 square feet), where 30% (7,407 square feet) is the minimum required, and allow 26.4% (6,520 square feet) of open space, where 30% (7,407 square feet) 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.”.

**Section 4:** Property located at 601 E. Okeechobee Road, 604 and 610 Park Drive, Hialeah, zoned P (Parking) and R-3 (Multiple-Family District) and legally described in the attached Exhibit “B”.

**Section 5: Repeal of Ordinances in Conflict.**

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

**Section 6: Penalties.**

Every person violating any provision of the Code or any ordinance or declaration of restrictions, rule or regulation adopted or issued in pursuance hereof 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 7: 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 8: Effective Date.**

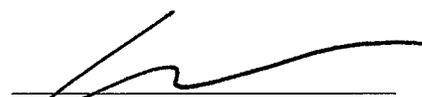
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

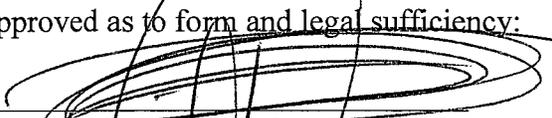
PASSED and ADOPTED this 22 day of September, 2020.

  
Paul B. Hernandez  
Council President

Attest: Approved on this 6 day of October, 2020.

  
Marbelys Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:  
  
Lorena E. Bravo, City Attorney

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

EXHIBIT "A"

**ORDINANCE NO. 2014-02**

REZONING FROM C-2 (LIBERAL RETAIL COMMERCIAL) TO P (PARKING DISTRICT) AND GRANTING A VARIANCE PERMIT TO ALLOW 32 PARKING SPACES, WHERE 36 ARE REQUIRED, TO ALLOW A FRONT SETBACK OF 20.8 FEET, WHERE 25 FEET ARE REQUIRED, AND TO ALLOW A CORNER SIDE SETBACK OF 7 FEET, WHERE 15 FEET ARE REQUIRED, CONTRA TO HIALEAH CODE §§98-589, 98-590 AND 98-2189(19)b., ON PROPERTY ZONED R-3 (MULTIPLE-FAMILY DISTRICT). **PROPERTY IS COMPOSED OF CONTIGUOUS VACANT LOTS LOCATED AT 601 EAST OKEECHOBEE ROAD, 610 PARK DRIVE AND VACANT LOT LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTHEAST 6 AVENUE AND OKEECHOBEE ROAD, 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 November 13, 2013, recommended approval of this ordinance.

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 Retail Commercial District) to P (Parking District).

**Section 2:** The below-described property is hereby granted a variance permit to allow 32 parking spaces, where 36 are required, to allow a front setback of 20.8 feet, where 25 feet are required, and to allow a corner side setback of 7 feet, where 15 feet are required, contra to Hialeah Code §§98-589, 98-590 and 98-2189(19)b., which provide in pertinent part: "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.”, “In the R-3 multiple-family district, there shall be side yards, and the width of each shall not be less than 10 feet. For a corner lot, the side yard parallel abutting the street shall be no less than 15 feet.” and “Off-street parking shall be provided in accordance with the following minimum standards...(19) *Residential developments...b. Medium density.* Two parking spaces for one or two bedrooms, and one-half parking space for each additional bedroom.”, on property zoned R-3 (Multiple-Family District). The property is composed of contiguous vacant lots located at 601 East Okeechobee Road, 610 Park Drive and a vacant lot located at the northeast corner of the intersection of Southeast 6 Avenue and Okeechobee Road, Hialeah, Miami-Dade County, Florida and legally described as follows:

LOTS 28 THROUGH AND INCLUDING 38, IN BLOCK 2, OF HIALEAH PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 22, 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 by 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.

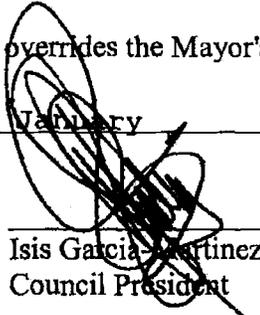
**Section 4: Severability Clause.**

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.

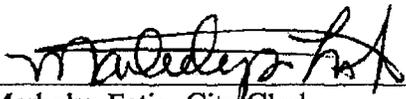
PASSED and ADOPTED this 14 day of January, 2014



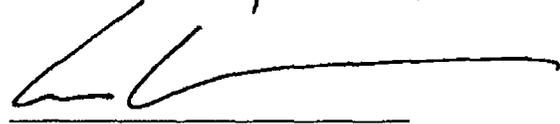
Isis Garcia-Martinez  
Council President

Attest:

Approved on this 15 day of JANUARY, 2014

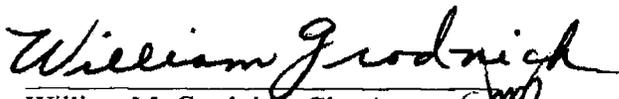


Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

Ordinance was adopted by a (7-0) unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".

# Exhibit "B"

All of Lots 28, 29 and 30 in Block 2 of HIALEAH PARK, according to the Plat thereof, recorded in Plat Book 10, Page 22, of the Public Records of Miami-Dade County, Florida, and also that part of Lots 31 and 32 in Block 2 of HIALEAH PARK, according to the Plat thereof, recorded in Plat Book 10, Page 22, of the Public Records of Miami-Dade County, Florida, described as follows:

Beginning on the Southwesterly boundary of Park Drive at the Northwest corner of said Lot 32, thence run South  $41^{\circ}$  and 26' West along the Southeasterly boundary of Lot 33 for a distance of 40 feet; thence run South  $48^{\circ}$  and 4' East parallel to the Southwest boundary of Park Drive 46 feet to a point; thence run South  $37^{\circ}$  and 37' West 60.096 feet to the Southwest corner of Lot 30; thence run Northeasterly along the Southeasterly boundary line of Lot 31 to the Southwesterly boundary of Park Drive; thence run Northwesterly along the Southwesterly boundary of Park Drive 50 feet to the Point of Beginning.

Folio: 04-3120-019-0440

Address: 610 PARK DR

Lots 31 and 32, described beginning at a point 40 feet Southwesterly of Northeast corner of Lot 33, thence Southeasterly 46 feet to a point, thence Southwesterly 60 feet to the Southwest corner of Lot 30, thence Northwesterly 34.70 feet to the East Right of Way line of S. E. 6th Avenue, thence Northerly to the Southeast corner of Lot 33, thence Northeasterly to Point of Beginning and all of Lots 33 and 34 and the North 20 feet of Lot 35, all in Block 2, HIALEAH PARK, according to the Plat thereof, recorded in Plat Book 10, Page 22, of the Public Records of Miami-Dade County, Florida.

Folio: 04-3120-019-0450

Address: Unassigned

Lot 35 less the North 20 feet thereof and all of Lots 36, 37 and 38 of Block 2, of HIALEAH PARK, according to the Plat thereof, as recorded in Plat Book 10, Page 22, of the Public Records of Miami-Dade County, Florida.

Folio: 04-3120-019-0470

Address: 601 E OKEECHOBEE RD

## Fatjo, Marbelys

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**From:** Lucia Iglesia <lualpo627@att.net>  
**Sent:** Tuesday, July 28, 2020 4:46 AM  
**To:** Rodriguez, Yiselis  
**Cc:** Fatjo, Marbelys; Bravo, Lorena  
**Subject:** Re-zoning 601 E Okeechobee

**WARNING:** This email originated outside of the City of Hialeah. Do not click on any links or attachments unless you recognize the sender and know the content is safe.

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Hello everyone, the purpose of this email is to let you all know that I am totally against the proposal of re-zoning the above address and build LeJeune Airport Suites, also known as 2 hours for \$0.00. As you are all aware we have too many of those places in Hialeah and particularly very close to the above address. This places carries a lot of "girls" walking around to see if anyone needs help, not mentioning that the police is always there because instead of a good time the patrons like to cause trouble. This particular site is too small for any commercial business, there is no space for parking and that will carry cars using our spaces.

Once again I am totally against the re-zoning of above site and build another Love Suites.

Thanks for your help, keep Hialeah safe.

Lucia R. Iglesias

627 SE 8th Place, Hialeah FL 33010

## Leal, Brigette

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**From:** Leal, Brigette  
**Sent:** Thursday, September 03, 2020 3:45 PM  
**To:** 'lualpo627@att.net'  
**Subject:** Re-zoning 601 E Okee

Good afternoon Ms. Lucia.

On Tuesday, July 28, 2020 at 4:46 a.m. you sent an email to Yiselis Rodriguez in opposition to this item and it was sent to our office. We would like to know if you would like your email read into the record or just be made part of the backup documentation that the City Council receives, please advise.

Thank you.

*Brigette Leal*  
City of Hialeah  
Office of the City Clerk  
(305)883-5820

**Fatjo, Marbelys**

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**From:** Lina Del Mazo <linadelmazo@gmail.com>  
**Sent:** Monday, July 27, 2020 7:08 PM  
**To:** Rodriguez, Yiselis  
**Cc:** Fatjo, Marbelys  
**Subject:** PROPERTY - 601 E Okeechobee

**WARNING:** This email originated outside of the City of Hialeah. Do not click on any links or attachments unless you recognize the sender and know the content is safe.

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Hi Yiselis,

I am a resident of the City of Hialeah for the past 38 years. My family has owned my home for 53 years. I live very close to the property in question. I heard that this property at 601 E Okeechobee is being considered for construction of another Hotel. This type of business brings prostitution and crime to our neighborhood of which we have seen an increase in the past few years. We have seen our neighborhood deteriorate due to these hotels. We have kids in the neighborhood and in the evenings prostitutes with their pimps walk our streets from the hotels to the gas station on Lejuene. I am totally against this project. Please don't allow this type of business to increase in this area. It will only continue to ruin our neighborhood and increase crime.

Thank you for your time,

--

Margarit and Lina Del Mazo  
728 SE Park Drive

## Leal, Brigette

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**From:** Leal, Brigette  
**Sent:** Thursday, September 03, 2020 3:48 PM  
**To:** 'linadelmazo@gmail.com'  
**Subject:** Re-zoning 601 E Okee

Good afternoon Del Mazo

On Tuesday, July 27, 2020 at 7:08 p.m. you sent an email to Yiselis Rodriguez in opposition to this item and it was sent to our office. We would like to know if you would like your email read into the record or just be made part of the backup documentation that the City Council receives, please advise.

Thank you.

*Brigette Leal*

City of Hialeah  
Office of the City Clerk  
(305)883-5820