

**ORDINANCE NO. 2021-085**

ORDINANCE REZONING PROPERTIES LOCATED AT 821 AND 831 SE 8 AVENUE FROM R-1 (ONE-FAMILY DISTRICT) TO B-1 (HIGHLY RESTRICTED RETAIL DISTRICT) AND PROPERTY LOCATED AT 820 SE 8 COURT FROM R-1 (ONE-FAMILY DISTRICT) TO P (PARKING); GRANTING A VARIANCE PERMIT TO ALLOW A MIXED DEVELOPMENT WITH 100% OF THE UNITS HAVING AN AREA OF APPROXIMATELY 650 SQUARE FEET, WHERE ONLY 10% OF THE UNITS MAY HAVE AN AREA OF LESS THAN 850 SQUARE FEET; ALLOW INTERIOR SOUTH SIDE SETBACK OF 0 FEET AND 5 FEET INTERIOR REAR SETBACK, WHERE 15 FEET SETBACK IS REQUIRED ON PROPERTY LINES ABUTTING LOW DENSITY RESIDENTIAL; ALLOW 40 PARKING SPACES, WHERE 70 ARE REQUIRED AND ALLOW 15% PERVIOUS AREA, WHERE 30% IS REQUIRED. PROPERTIES LOCATED AT 821 AND 831 SE 8 AVENUE AND 820 SE 8 COURT, HIALEAH, ZONED R-1 (ONE-FAMILY DISTRICT).; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-1630.2, 98-1630.3(e)(2), 98-2189(16)a. AND 98-2056(b)(1). 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 June 23, 2021 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:** The below-described property located at 821 and 831 SE 8 Avenue is hereby rezoned from R-1 (One-Family District) to B-1 (Highly Restricted Retail District) and the property located at 820 SE 8 Court is hereby rezoned from R-1 (One-Family District) to P (Parking).

**Section 2:** The below-described property is hereby granted a variance permit to allow a mixed development with 100% of the units having an area of approximately 650 square feet, where only 10% of the units may have an area of less than 850 square feet, contra to Hialeah Code of Ordinances § 98-1630.2 that as relevant provides: “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 interior south side setback of 0 feet and 5 feet interior rear setback, where 15 feet setback is required on property lines butting low density residential, contra to Hialeah Code of Ordinances § 98-1630.3(e)(2) that as relevant provides: “Interior side setback and interior rear setback. For the pedestal or base of a building, there is no minimum setback requirement, except that all property lines abutting low density and medium density residential districts shall provide a minimum setback of 15 feet”; allow 40 parking spaces where 70 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 15% 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, which space may include recreation areas, swimming pools, and setback areas.” Properties located at 821 and 831 SE 8 Avenue and 820 SE 8 Court, Hialeah, zoned R-1 (One-Family District) and legally described as follows:

Lots 7, 8 and 20, of BLOOM GARDENS, according to the Plat thereof, as recorded in Plat Book 47, at Page 23, of the Public Records of Miami-Dade County, Florida, less portions dedicated for public right-of-way.

**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.

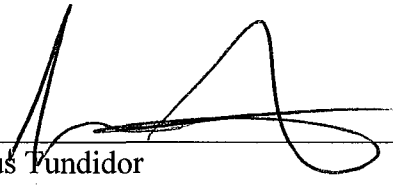
**Section 5: Severability Clause.**

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.

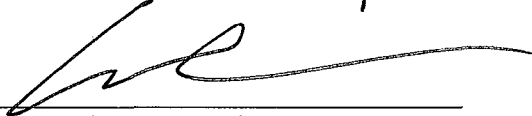
PASSED and ADOPTED this 14 day of September, 2021.

  
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Jesus Tundidor  
Council President

Attest:

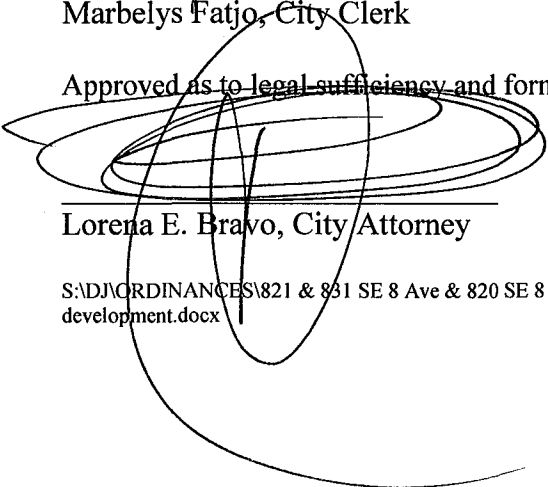
Approved on this 21 day of September, 2021.

  
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Marbelys Fatjo, City Clerk

  
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Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

Ordinance was adopted by 5-2-0 vote with Councilmembers, Cue-Fuente, De la Rosa, Garcia-Roves, Tundidor, and Zogby voting "Yes" and with Council Vice President Perez and Council Member Hernandez voting "No".

  
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Lorena E. Bravo, City Attorney