

ORDINANCE NO. 2023-004

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, REZONING PROPERTY LOCATED AT 1261 SE 8 COURT FROM R-1 (ONE-FAMILY DISTRICT) TO R-3-2 (MULTIPLE-FAMILY DISTRICT); GRANTING A VARIANCE PERMIT TO ALLOW TWO (2) RESIDENTIAL UNITS ON THE GROUND FLOOR, WHERE RESIDENTIAL UNITS ARE ALLOWED ABOVE THE GROUND FLOOR; ALLOW 12 RESIDENTIAL UNITS WITH AN AREA OF 720 SQUARE FEET, WHERE 850 SQUARE FEET IS THE MINIMUM REQUIRED AND ONLY 10% OF THE UNITS (2 UNITS) MAY HAVE AN AREA OF 600 SQUARE FEET; ALLOW AN 11 FOOT FRONT SETBACK, WHERE 10 FEET BUILT-TO-LINE ARE REQUIRED; ALLOW 8% PERVIOUS AREA, WHERE 30% PERVIOUS AREA IS THE MINIMUM REQUIRED; AND ALLOW 50 PARKING SPACES, WHERE 71 PARKING SPACES ARE REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES §§ 98-1630.2, 98-1630.3(e)(1), 98-2056(b)(1) AND 98-2189(16)a. **PROPERTIES LOCATED AT 1251 SE 8 COURT AND 1261 SE 8 COURT, FOLIO NO. 04-3120-011-0280, HIALEAH, ZONED R-1 (ONE-FAMILY DISTRICT) AND R-3-2 (MULTIPLE-FAMILY DISTRICT).** 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 16, 2022 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 1261 SE 8 Court is hereby rezoned from R-1 (One-Family District) to R-3-2 (Multiple-Family District).

Section 2: The below described properties are hereby granted a variance permit to allow 2 residential units on the ground floor, where residential units are allowed above the ground floor, contra to Hialeah Code of Ordinances 98-1630.2 that as relevant provides: “Residential uses shall

be allowed above the ground level only.”; allow 12 residential units with an area of 720 square feet, where 850 square feet is the minimum required and only 10% of the units (2 units) may have an area of 600 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 on one bedroom units.”; allow an 11 foot front setback, where 10 feet built-to-line are required, contra to Hialeah Code of Ordinances § 98-1630.3(e)(1) that provides in relevant part: “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 8% pervious area, where 30% pervious area 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”; and allow 50 parking spaces, where 71 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.”. properties located at 1251 SE 8 Court and 1261 SE 8 Court, folio no. 04-3120-011-0280, Hialeah, zoned R-1 (One-Family District) and R-3-2 (Multiple-Family District).

Lots 10 and 11, Block 3, of WEST BUENA VISTA, according to the Plat thereof, as recorded in Plat Book 7, at Page 6, of the Public Records of Miami-Dade County, Florida and the South 100 feet of Tract 3-A, Block 3, of REVISED PLAT OF WEST BUENA VISTA, according to the Plat thereof, as recorded in Plat Book 33, at Page 69 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.

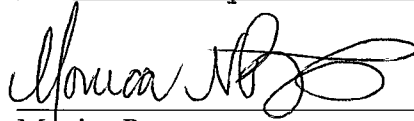
Section 5: Severability Clause.

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 10 day of January, 2023.



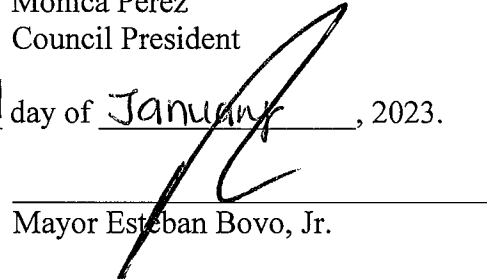
Monica Perez
Council President

Attest:

Approved on this 24 day of January, 2023.



Marbelys Fatjo, City Clerk



Mayor Esteban Bovo, Jr.

Approved as to form and legal sufficiency:



Lorena E. Bravo, City Attorney

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Ordinance was adopted by 6-0-1 vote with Councilmembers Calvo, Casáls-Muñoz, Garcia-Roves, Perez, Rodriguez, and Tundidor voting "Yes" and with Council Member Zogby absent.